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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, June 13, 2002*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, guide your people by the spirit of understanding which will lead them ultimately to eternal wisdom. Since Your servants live in a world of human failure and broken promises, may they be tolerant of the faults of others because they are so aware of their own unfaithfulness. All of us are yet to realize our own full potential as being truly the free children of God.

In this information age, hindsight may give us better sight, but we still live only on fragments of what You would have us judge as truth.

Bless all with a quiet respect for the diversity for opinions. Through honest dialogue and contemplative listening, may Your servants in government search all the avenues open to them to meet today's challenges of integrity and justice.

Through the formulation of law and the formation of public opinion, may this House foster the restoration of credibility in the institutional life of this Nation and this Government by the people and for the people now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McGOVERN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Massachusetts (Mr. McGOVERN) come forward and lead the House in the Pledge of Allegiance.

Mr. McGOVERN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain one-minute speeches today at the end of legislative business.

PROVIDING FOR CONSIDERATION OF H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 440

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4019) to provide that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LaHOOD). The gentleman from Washington (Mr. HASTINGS) is recognized for one hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. McGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 440 is a modified, closed rule providing for the consideration of H.R. 4019, a bill to provide that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent.

The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule further provides for consideration of the amendment in the nature of a substitute printed in the Committee on Rules' report accompanying the resolution if offered by the gentleman from New York (Mr. RANGEL) or his designee.

The substitute shall be considered as read and shall be separately debatable for one hour, equally divided and controlled by the proponent and an opponent.

Finally, the rule waives all points of order against the amendment printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, as with the death tax repeal provisions passed by the House last week, it is necessary for this body to act again today because when Congress enacted the Marriage Penalty Relief of 2001, an arcane procedural rule in the other body required that much-needed relief for married taxpayers be terminated on July 1, 2011. This clearly contradicts the original will of the House as our bill had no sunset provision. We passed marriage penalty relief in the first place because it is unfair and even morally wrong for the Federal

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Government to tax working men and women at a higher rate if they are married than if they instead choose to remain single while living together. We corrected that inequity because simple fairness demands it. And fundamental fairness also demands that we make that change permanent because to do otherwise means that on January 1, 2011, every married couple in America, every married couple in America, will face a significant tax increase. No one else, just married couples. In fact, failure to act on H.R. 4019 will result in a tax increase of $42 billion in 2010 and 2011 for low and middle income taxpayers alone.

That is not what this House intended and it is up to us to do something about it. For that reason I am pleased that the Committee on Ways and Means has reported legislation removing the "sunset" provisions of the marriage penalty relief we passed last year. This bill, H.R. 4019, will make the following provisions from last year's law permanent. It will increase the standard deduction for married couples to twice the deduction for single taxpayers. It will increase the width of the 15 percent tax bracket for married couples so that it is twice as wide as the bracket for single taxpayers. It will increase the phaseout range of the earned income tax credit by $3,000 for married couples and simplifies the earned income tax credit to reduce tax complexity for low income taxpayers.

Mr. Speaker, as I said a moment ago, we are only taking up this legislation because of an obscure procedural obstacle in the other body. We have an opportunity today to correct that injustice, and I urge my colleagues to do so by adopting both this rule and the underlying bill H.R. 4019.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself as much time as I may consume. I thank the gentleman from Washington for yielding me the customary 30 minutes.

Mr. Speaker, although this rule makes a Democratic substitute in order and I have no problem with the rule, I believe that this is not the right time to be considering the underlying legislation. Our Nation's fiscal house is not in order, but instead of working to return this country back to the budget surpluses of 3 years ago, the Republican majority continues to dig us further into a deeper fiscal hole. Instead of working together for the good of all Americans, the majority continues to bring legislation to this floor that is politically designed for the November campaign. This body, Mr. Speaker, is sound bite central. Listen to the debate today and get used to the sound bites because the arguments we hear today will sound a lot like tomorrow's campaign ads. There is a time and place for politics but not here and not now.

There is a strong desire for tax relief in both the Democratic and Republican parties, but we have serious disagreements about who should benefit from that relief. Democrats believe tax relief should go to working families trying to make ends meet, not billionaire CEOs and multinational corporations. We all agree that families who are unfairly penalized by the marriage penalty tax deserve relief. We could provide that relief right now, but, Mr. Speaker, the devil is always in the details and the details show that this bill is bad news for the people's budget.

Consider the facts. The marriage penalty tax provisions included in last year's tax cuts don't begin to take effect until 2005 and they don't expire until 2010 and primarily benefit wealthier Americans, not lower and middle income families who should benefit the most from this relief. If the majority is so concerned about tax relief for married couples, why did they not make this relief effective immediately instead of forcing families to wait until 2005? Why is there such a rush to extend these tax cuts beyond any reasonable budget projections? As a result of last year's tax cut, the recession, and the economic consequences of September 11, this country now has a $200 billion budget deficit. Of course, this deficit comes on the heels of record budget surpluses created during the Clinton administration.

But does the Republican majority do anything to help dig this country out of the fiscal hole we are in? No. Last week this House approved legislation repealing the sunset of the estate tax. This repeal would cost almost three quarters of a trillion dollars. The repeal of the sunset of the marriage penalty will cost another quarter of a trillion dollars over the next 2 decades. Where is this money coming from? How are we going to pay for it? Where are the offsets?

The real answer is disturbingly clear. These repeals will be paid for by dipping into the Social Security Trust fund.

□ 1015

The American people deserve to know that the Republican majority is spending from the Social Security trust fund until the well is dry. The baby boomers will begin to retire in 2011, and we must prepare for their arrival into the Social Security system. Squandering the Social Security surplus is unacceptable, but that is what is happening here.

Of course, if we were in the mood to be responsible, there are always ways to pay for this bill. We have one very reasonable offset staring us in the face. Certain corporations are fleeing the United States for tax havens overseas, skipping out on their responsibilities. This House has the power to close this tax loophole by approving legislation introduced by our colleagues, the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Connecticut (Mr. MALONEY). This legislation would save a minimum of $4 billion over the next decade.

During the debate on the tax limitation amendment yesterday, the gentleman from Indiana (Mr. PENCE) said, "If you owe tax, pay taxes," and I agree. Corporations must pay the taxes that they owe. Congress should not allow these corporations to set up tax shelters overseas while continuing to operate in this country just to avoid paying taxes. Working families have to pay their taxes. The married couples we are discussing today have to pay their taxes. Why do these corporations not pay their taxes?

But no, every time the Democrats try to offer reasonable ways to pay for these bills, the majority leadership refuses to allow our amendments to even be considered. So what are they afraid of, Mr. Speaker?

The gentleman from California (Mr. MATSUI) will offer a Democratic substitute that will protect Social Security for the next generation. This substitute still permanently extends marriage penalty relief, but it adds a trigger requiring the Office of Management and Budget to certify that this permanent repeal will not raid the Social Security trust fund, and let me repeat that. All this does is require the Office of Management and Budget to certify that this permanent repeal will not raid the Social Security trust fund.

I think almost every Member of this body has voted not to spend Social Security funds on anything but Social Security. We have had votes on lockboxes and everything else, and people have centered all their press releases about how they want to protect Social Security. Here is a way to show it.

Our substitute would protect Social Security for future generations. We owe it to the American people to maintain the solvency of the system, and I urge my colleagues, both Republican and Democrat, to support our substitute.

Mr. Speaker, this debate is not about marriage. All of us support the institution of marriage. All of us believe that married couples should not be unfairly penalized. Rather, this debate is about responsibilities. Are we going to be responsible and pay for the bills we pass, or are we going to steal from the baby boomers by taking funds from Social Security, one of the most important social programs in the history of the United States?

We are witnessing an incredibly disturbing trend on the part of the majority. A few weeks ago, the Republican leadership buried a huge increase in the debt ceiling in a rule so Members could avoid taking responsibility for their votes, so that no one has to go home and say they voted to increase the debt ceiling, when, in fact, that is what we are doing.

Mr. Speaker, Members of this House cannot hide forever. The American people know what is going on here. They know that the surplus is gone. They know that to pay for some of these tax measures that we have no offsets for, that we are going to dip into the Social Security trust fund; and they are very much against that. I believe they deserve a heck of a lot better.

We must be fiscally responsible. We must live up to our promises; and in the end, we should defeat this bill and support the Democratic substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from Illinois (Mr. WELLER), who has been a champion of this issue since he first came to Congress.

Mr. WELLER. Mr. Speaker, I stand in support of this rule. I stand in strong support of the basic bill that will come before this House. I urge bipartisan opposition to the substitute and motion to recommit that will be offered today and ask bipartisan support for permanent elimination of the marriage tax penalty.

We are already hearing in the debate that has begun basically the excuses. We have to remember as we look back over the previous times we debated eliminating the marriage tax penalty there were always those on the other side of the aisle who used every procedural trick they could come up with or argument to oppose eliminating the marriage tax penalty because that is what it is all about here in Washington. It is who controls those dollars and whether they are going be spent here in Washington or spent back home.

That is part of the fundamental debate we have today in this issue of the marriage tax penalty. Unfortunately, because of an arcane rule in the Senate, marriage tax penalty relief, which was included in the Bush tax cut, was provided for on a temporary basis; and unfortunately when it expires, it will amount to a $42 billion tax increase on 36 million married working couples who suffer what we call the marriage tax penalty.

Let me explain what the marriage tax penalty is. That is when there is a husband and wife who are both in the workforce, and because when they marry they jointly combine their income, and that is what their taxes are based on, that historically has pushed them into a higher tax bracket, forcing married working couples to pay higher taxes. And that is a pretty important question: Do we believe it is right, do we believe it is fair that married couples, married working couples, a man and woman, both in the workforce, should pay higher taxes just because they are married? Is it right that under our Tax Code, that our Tax Code punishes society's most basic institution? I think not.

I have been proud that this House has led the fight in eliminating the marriage tax penalty. Every House Republican has voted to eliminate the marriage tax penalty, even 60-some Democrats joined with us because they recognize that it is wrong to impose taxes on marriage; and today, we are going to hear from those who fought every step of the way our efforts to eliminate the marriage tax penalty, and they are going to say just about anything, even saying Social Security is somehow in jeopardy, if we eliminate the marriage tax penalty.

I would note that, by law, the assets in the Social Security trust fund cannot be spent on anything but Social Security, regardless of what the rest of the budget looks like for that given year.

Let me give my colleagues an example of a couple back in my district that I represent who benefit from what we call the Bush tax cut, who benefit from our efforts to eliminate the marriage tax penalty.

I have here before us Jose and Magdalena Castillo and their children Eduardo and Carolina. Jose and Magdalena are a working couple from Joliet, Illinois. Jose has an income of about $57,000. Magdalena has an income of $25,000. Because they are married, they file jointly. Their marriage tax penalty was $1,125 before the Bush tax cut was signed into law a year ago, and if we fail to make permanent marriage tax relief once again, the Castillo family will suffer the marriage tax penalty, and in their case, that is $1,125.

Think about it. Here in Washington, $1,125 is pocket change, when we are talking in millions and billions and trillions, the big numbers we talk about; but for a working couple, the 36 million married couples who suffer the marriage tax penalty, it is real money. That $1,125 is several months of day care for little Carolina and Eduardo. It is a couple of months' worth of car payments. It is a down payment on a home or a new car. It is money that can be set aside in education savings accounts for Eduardo and Carolina and for their future plans and their future years, but it is real money for real people.

We worked to eliminate the marriage tax penalty in several ways, and President Bush signed into law our legislation last year which helped those who do not itemize their taxes, which are 20 million married couples suffering the marriage tax penalty, by doubling the standard deduction to twice that for single filers. That benefits 20 million couples who do not itemize their taxes. For those who do, middle-class couples suffering the marriage tax penalty who happen to be homeowners or give to their church, their charity or synagogue or institution or organizations of faith, homeowners that itemize, we widen the 15 percent tax bracket so they can earn twice as much income as a joint filer as a single person could make and still pay in the 15 percent tax bracket. That benefits 21 million married working couples in the middle class.

Also, we help the working poor. There are 4 million working-poor married couples who now qualify for the earned income tax credit, the EIC, because of the marriage tax relief that we provide. As a result of that, we benefit 36 million married working couples. Think about that. What would happen to these 36 million working couples if we failed to make marriage tax penalty relief permanent? They are going to pay a $42 billion tax increase in the first 2 years.

There are those in Washington who we are going to hear from today who are going to say we should let it expire; we need that money to spend here in Washington. Well, I believe a majority of this House will side with the Castillo family today. I believe that a majority of the House, in a bipartisan way, is going to side with hardworking, middle-class families, like the Castillos, and say, let us protect that marriage tax relief.

Let us make it permanent to ensure that couples like Jose and Magdalena are able to use that money for their own needs back at home and take care of little Carolina and Eduardo, because that is what this is all about. We want to make our Tax Code more fair; and of course, we were successful last year in eliminating the marriage tax penalty.

Unfortunately, because of an arcane rule in the Senate, it was temporary. And it is funny: here in Washington it is so easy to pass a permanent tax increase. It is so easy to pass a permanent spending increase, but there are people here in Washington that will fight tooth and nail every effort to help working families like the Castillos by providing permanent marriage tax relief.

Let us work in a bipartisan way. Let us work to help good hardworking people like the Castillos keep their own hard-earned dollars. Why should they pay higher taxes just because they are married? Often, it is asked in this debate who most benefits from tax relief. Well, if we look at the statistics, those who earn between $20,000 and $75,000, middle-class families are those who are hardest hit by the marriage tax penalty.

So if we all claim to be friends of the middle class, we should want to make permanent marriage tax relief, and I know we are going to hear from the excuses caucus who are going to come up with every excuse to oppose this legislation. Let us move in a bipartisan way. Let us have bipartisan support for this rule. Let us move for permanent marriage tax relief.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to say that I agree with the gentleman from Illinois that families like the ones he mentioned, Jose and Magdalena, deserve relief, and we all want to work to provide them that relief; but what we are simply saying here is we need to make sure we properly pay for that relief. I am sure that that family would not appreciate knowing that we are paying for some of these tax cut bills by dipping into the Social Security trust fund.

Every time that we pass an education measure here, we have to find an offset. Every time we pass a bill to protect a park or to improve our environment, we need an offset. Every time we have a health care measure on the floor, we need an offset; and yet what we are asking for here is where are the offsets to pay for all of this.

The American people do not want to go further into debt. The American people do not want to jeopardize the Social Security trust fund. They want us to be responsible, and I think working in a bipartisan way we could provide marriage tax relief and at the same time pay for it; but for whatever reason, the other side does not want to do that.

Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. This 15-minute vote on agreeing to the resolution will be, followed by a 5-minute vote, if ordered, on approving the Journal.

The vote was taken by electronic device, and there were—yeas 385, nays 22, not voting 27, as follows:

[Roll No. 226]

AYES—385

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—22

Abercrombie
Cardin
Conyers
Cummings
DeFazio
Filner
Hilliard
Hinchey
Jackson (IL)
Kleczka
Kucinich
Lee
Nadler
Pastor
Sabo
Sanders
Schakowsky
Sherman
Stark
Tierney
Waters
Watt (NC)

NOT VOTING—27

Blagojevich
Bono
Burton
Clayton
Combest
Crane
Deutsch
Ehrlich
English
Forbes
Hall (OH)
Hilleary
Houghton
Johnson, E. B.
Jones (OH)
Kennedy (RI)
McDermott
McInnis
Nussle
Owens
Peterson (MN)
Price (NC)
Quinn
Smith (TX)
Towns
Traficant
Young (AK)

☐ 1054

Messrs. WATT of North Carolina, STARK, SHERMAN, CONYERS, KUCINICH, Ms. LEE and Mr. SANDERS changed their vote from "yea" to "nay."

Ms. KILPATRICK, Mr. DOGGETT, Ms. CARSON of Indiana and Mr. HOLT changed their vote from "nay" to "yea."

Mr. TANCREDO changed his vote from "present" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NUSSLE. Mr. Speaker, on Thursday, June 13, 2002, my vote was not recorded on rollcall vote No. 226. Had my vote been recorded, it would have been in the following manner: Rollcall vote No. 226—H. Res. 440 providing for the consideration of H.R. 4019—"aye."

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 344, noes 56, answered "present" 1, not voting 33, as follows:

[Roll No. 227]

AYES—344

Abercrombie
Ackerman
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Boswell
Boucher
Boyd
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Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
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Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
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Everett
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Fattah
Ferguson
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Hall (TX)
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Hastings (WA)
Hayes
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Hill
Hinojosa
Hobson
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Hooley
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Hoyer
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Hyde
Inslee
Isakson
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Issa
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Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
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Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
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Kind (WI)
King (NY)
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Knollenberg
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Larson (CT)
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Lewis (CA)
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Lipinski
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Lowey
Lucas (KY)
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Maloney (CT)
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Mascara
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McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
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Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
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Solis
Souder
Spratt
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Sullivan
Sununu
Tauscher
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Taylor (NC)
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Turner
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Vitter
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Wamp
Watkins (OK)
Watson (CA)
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Watts (OK)
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Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NOES—56

Aderholt
Baird
Baldwin
Borski
Brady (PA)
Brown (OH)
Capuano
Costello
Crane
DeFazio
Filner
Fletcher
Green (TX)
Gutknecht
Hart
Hastings (FL)
Hefley
Hilliard
Hinchey
Hulshof
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
Lewis (GA)
LoBiondo
Manzullo
Markey
McGovern
McNulty
Menendez
Miller, George
Moran (KS)
Oberstar
Olver
Pallone
Payne
Ramstad
Sabo
Schaffer
Schakowsky
Scott
Strickland
Stupak
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—33

Armey
Blagojevich
Bono
Burton
Clayton
Combest
DeLay
Deutsch
English
Forbes
Ford
Green (WI)
Hall (OH)
Hilleary
Houghton
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
McDermott
McInnis
Owens
Peterson (MN)
Pitts
Price (NC)
Quinn
Smith (TX)
Stark
Stenholm
Stump
Towns
Traficant
Young (AK)

□ 1102

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, on June 13, 2002, I was unavoidably detained at the Martin Luther King Jr. National Memorial Project Board of Directors Meeting. Consequently I missed two votes.

Had I been here I would have voted: "yea" on rollcall No. 226; "aye" on rollcall No. 227.

PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 440, I call up the bill (H.R. 4019) to provide that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LaHOOD). Pursuant to House Resolution 440, the bill is considered read for amendment.

The text of H.R. 4019 is as follows:

H.R. 4019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARRIAGE PENALTY RELIEF PROVISIONS MADE PERMANENT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title III of such Act (relating to marriage penalty relief).

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider an amendment printed in House Report 107–504, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. MATSUI) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yesterday the House was privileged in a joint session to hear from the Prime Minister of Australia. It was, I hope, for most Members a rather refreshing presentation of the closeness of the two countries, because he provided us with a speech which pointed with pride and viewed with alarm.

He talked about areas in which we have common purpose, and areas where the Australians, through the Prime Minister as the head of the government, had some concern about legislation that we might be passing.

But I want to focus on one small statement that he made which I think has profound significance and which I had not quite heard it put the way the Prime Minister put it. He said that the best structure for social welfare is the family. And although we have discussed in many different ways the value and virtues of the family, the idea that from a societal point of view the ability to nurture the family structure as the best social welfare unit is, I think, what we are about today.

In this system, or in any system, if you do not want something, if you want to discourage it, you put up barriers. One of the cleanest barriers that you can put up to stop activity is to tax something. If it costs you more to do a particular behavior, you tend to do less of it. If we want to encourage a particular kind of behavior, we should reward it or create incentives for it, or, at the very least, make sure that in the way we engage in governmental interactivity in that area is to remain neutral.

We are here today to take the tax structure, which historically has penalized marriage, which is the foundation for that family unit, and we have penalized it by virtue of the way in which the tax structure is arranged. Indeed, today we are half enlightened. That is, we have decided to suspend the penalty through the tax structure on marriage for a period of time.

It is through no fault of the House that this has occurred, because the House passed permanent marriage relief reform. It is because of the constitutional necessity to have the House and the Senate agree on a structure to be sent to the President to become law. Under the arcane rules of the Senate, at the time that this was moved, it could only be done for 10 years.

Notwithstanding the fact that 10 years seems a long way off, one of the things we ought to do at the first opportunity and at every opportunity is to correct that fundamental flaw, that if in fact we have decided that we ought not to penalize marriage, then we ought to make it permanent. And that is the sum and substance of the legislation that is before us today, to take a provision that is currently temporary in the law and make it permanent. If you are not going to incentivize marriage, at the very least make sure you do not punish it. That is what this vote and debate is all about.

Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. WELLER), and ask unanimous consent that he control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, last night I had a chance to meet with members of the medical community in a new part of my district and with senior advocates, and they asked me what Congress was going to do about prescription medicine because of the dire need in our community. They wanted to know what was going to happen with hospital and physician reimbursement rates, because there is a real critical need in that community. They wanted to know whether seniors were going to have greater choice in their options under Medicare. But they wanted to know whether the funds would be available in Congress to deal with these issues.

I explained to them the budget problems that we are currently confronting, and they certainly understand the fact that we do not want to use Social Security funds in order to deal with these pressing needs. They understand the dilemma we are in, primarily because of the tax bill that we passed last year.

I know that there are Members on both sides of the aisle that share our concern about acting this year on prescription medicines for seniors and protecting the Social Security system. So, quite frankly, Mr. Speaker, I do not understand why we are considering this bill at this time.

The bill takes effect 10 years from now. If we learned anything during the debate last year, it is that we cannot even predict 1 year in the future, let alone 10 years in the future.

Last year we thought we had a $5.6 trillion surplus. We are now told that under the unified budget that the deficit this year, not surplus, deficit, will be between $150 billion to $200 billion. We cannot predict 1 year into the future. How can we predict 10 years in the future?

We do know that this legislation, when implemented, will cost another $25 billion a year and add to our deficits. We do know that at the time this legislation takes effect, the baby boomers will becoming eligible for Social Security and Medicare, putting greater stress on both Social Security and Medicare.

Mr. Speaker, one thing is clear and that is that if you are going to go back this weekend and talk to your medical communities and your senior advocates and you are going to tell them how much you are in favor of prescription medicine coverage under Medicare and dealing with the other issues and that you are for fiscal responsibility, if you are going to do that, you cannot do that with a straight face and still vote for the legislation that is before us.

I urge my colleagues to reject the legislation.

Mr. WELLER. Mr. Speaker, I yield myself as much time as I might consume.

Before I begin my remarks, I would just like to note that my good friend, the gentleman from Maryland (Mr. CARDIN), has consistently voted "no" on efforts to eliminate the marriage tax penalty, and of course his justification for voting "no" again today, even though 66,851 married couples benefit from elimination of the marriage tax penalty in his district in Maryland, is consistent. So I commend him on his consistency for opposition to eliminating the marriage tax penalty, and his excuse that we need to spend more money here in Washington is something we will hear from all the others in opposition to this bill.

Mr. Speaker, I appreciate the opportunity before this House today to bring H.R. 4019, the Permanent Marriage Tax Relief Act of 2002, before this House of Representatives. This is legislation which makes the marriage tax penalty relief provisions of the Economic Growth and Tax Relief Act of 2001 permanent. We have often known that legislation as the Bush tax cut.

There are 36 million working married couples who are impacted by the marriage tax penalty and who will benefit from the permanency that is before us today. During the last several years as we have debated eliminating the marriage tax penalty, we have often asked a very fundamental question, and that is, is it right, is it fair that under our Tax Code if one is married that one pays higher taxes than one would if he were single? Is it right that under our Tax Code that our society's most basic institution should suffer higher taxes just because a couple is married? And I am proud to say this House has addressed this issue, and last year we passed legislation to provide temporary relief eliminating the marriage tax penalty for a temporary period of time.

Let us remember that the marriage tax penalty is a middle-class issue. Almost every Member of this House often gets up and talks about how they are an advocate for the middle class because that is the majority of Americans, and I would note it is the middle class that suffers the marriage tax penalty disproportionately more than others; and those who suffer the most are in the income levels between $20,000 and $70,000. Again, the marriage tax penalty is a middle-class issue.

Mr. Speaker, I would note that 2 years ago we passed legislation providing for permanent marriage tax penalty relief. It passed with 282 to 144 votes, and even 64 Democrats joined with every House Republican to provide marriage tax relief benefiting 36 million married working couples; and unfortunately because of an arcane Senate rule, it forced our efforts to provide temporary relief, and that is why we are here today, to make it permanent.

Last year's tax law, which President Bush signed on June 6, 2001, eliminated the marriage tax penalty for 36 million couples in three different ways. There are different types of taxpayers out there. There are those who do not itemize, and those who do not itemize, they use something called the standard deduction; and what we did last year in legislation that became law under a temporary basis was double the standard deduction to twice that for joint filers to twice that for singles. That benefits 20 million American couples.

Second, for those who do itemize, and those are middle-class couples who own a home or give money to their church or institution of faith, their synagogue, their temple, their mosque, charity as well as probably own a home, they itemize. And they benefit from the widening of the 15 percent tax bracket so they can earn twice as much income in the 15 percent bracket as a joint filer as a single filer; 20 million couples benefit from the widening of the 15 percent tax bracket.

And, third, and we all care and are concerned about the working poor, we expanded the eligibility for the earned income credit for the working poor by eliminating the marriage penalty and the earned income credit, what some call the earned income tax credit.

□ 1115

That benefits 4 million married working couples who we consider working poor.

Mr. Speaker, 36 million married working couples benefit from the marriage tax relief that is before us today. It should be made permanent.

Since 1969, our tax laws have punished married couples when both spouses work, and there is no other reason. It is right and it is fair to eliminate the marriage tax penalty. We believe the Tax Code should be marriage-neutral, and a couple living together as two singles should pay no more than a married couple, and vice versa. Unfortunately, the marriage tax penalty has been proven to exact a disproportionate toll on working women and lower income couples with children.

Many times before this House I have introduced citizens of mine, couples from back home who suffer the marriage tax penalty. Recently I have introduced a couple from my district, Jose and Magdelene Castillo of Joliet, Illinois. They have a combined income of $82,000 a year. Jose makes $57,000, Magdelene makes $25,000. They have 2 children, Eduardo and Carolina. As a result of the legislation we passed, their marriage tax penalty of $1125 is eliminated with the temporary measure that we passed and was signed into law last year. That represented a 12 percent reduction in taxes for the Castillo family.

Now, $1125 is pennies, pocket change in Washington, D.C., but for real people, real Americans, real working married couples back home in Joliet, Illinois, $1125 is a lot of money. It is a sizeable amount of money to set aside each year in an education savings account for little Eduardo and Carolina. It is several months' worth of car payments; it is several months' worth of day care for Eduardo and Carolina while mom and dad are at work. The bottom line is, it is real money for real people.

In Illinois, 1,149,196 married working couples benefit from the $2.9 billion of marriage tax relief they will receive because of the Bush tax cut enacted into law last year.

Congress needs to work together to ensure that this tax relief, this elimination of the marriage tax penalty, is permanent. It is a fairness issue. We must ensure that 36 million couples who benefit from the marriage tax penalty relief do not suffer a tax increase when this temporary provision expires. Again, $1125 in marriage tax penalty relief is real money for Jose and Magdelene Castillo, and I would note for the 36 million married working couples, the $42 billion tax increase that would occur when this provision expires is real money for those families as well.

Let me make it very clear. A vote against making permanent the marriage tax penalty relief legislation, a vote "no" on the legislation before us today is a vote for a $42 billion tax increase on 36 million married working couples.

Let us do the right thing. Let us be fair. Let us do the just thing for these married working couples. We are going to hear excuses from the same people who have voted consistently against providing marriage tax relief that they would rather find a way to spend this money here in Washington rather than allowing good couples like Jose and Magdelene Castillo to keep their hard-earned dollars to take care of their family's needs by eliminating the marriage tax penalty.

I ask for bipartisan support today, and I look forward to participating in the debate.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

I really do not understand why the gentleman is so concerned about the marriage penalty tax expiring. Most of the provisions have not even come into effect yet. The doubling of the standard deduction for couples will not take effect until 2005. The doubling of the 15 percent back for couples will not take effect until 2005. In fact, the only provision in the whole area that has taken effect is the earned income tax credit. So I do not know why we are spending so much time on the whole issue of extending it when it has not even taken effect yet.

Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from the State of Texas (Mr. DOGGETT), a member of the House Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to say at the outset that the gentleman from Illinois's (Mr. WELLER) attack on our colleague, the gentleman from Maryland (Mr. CARDIN) with the suggestion that he has never supported correction of the marriage penalty is totally unjustified, and it is factually inaccurate. Indeed, in 1995, when the Republicans under Newt Gingrich had their much-ballyhooed "Contract With America," the Democrats on the Committee on Ways and Means, including the gentleman from Maryland (Mr. CARDIN), proposed to include marriage penalty tax relief and implement all of the provisions of the Contract With America on this subject in the tax bill before the committee.

It was the Republicans, on a party-line vote, because they had so many special interest provisions they loaded into that tax bill, who chose to reject marriage penalty tax relief. At every opportunity since then, Democrats have proposed more marriage penalty tax relief sooner than the Republicans have. So statements suggesting that there is some kind of party-line difference over marriage penalty tax relief are absolutely inaccurate.

Indeed, there has been, generally, broad, bipartisan support for correcting the marriage penalty. What we have today has little to do with that. Indeed, some people have suggested that the Republican tactic of having a tax cut vote every week, more or less, is just a contrived, election year ploy. Others have suggested that no, it is really just the only subject, cutting taxes, that the Republican caucus can come to agreement on among themselves. And while both of those statements are probably true, I think that the real intention here in offering this proposal today as one element of a $4 trillion tax cut relates to the basic opposition to the preservation of Social Security and Medicare by the Republican Party here in the House.

Mr. Speaker, the Members of the House Republican leadership have never really believed in Social Security and Medicare. To use their language, they want to "privatize" Social Security. They have a plan to privatize Medicare and encourage people to get out of the traditional Medicare system. There is no way that we can maintain the long-term dependability of Social Security and Medicare so long as we add another $4 trillion of tax breaks, at the same time we are letting corporations flee America and escaping their responsibility to fund national security. There is no way we can have it all. I believe that the disinterest in having Medicare and Social Security as a publicly financed, publicly supported system in which every American can participate, that that lies at the heart of bills like the one we have here today.

Now, I have had the good fortune to be married to a great woman for a little over 32 years. My parents have been married for over 56 years. Marriage is a great institution. But I recognize that not every family in America has been as fortunate as I have. Indeed, the reason that this current problem in the Tax Code exists is because a widow from World War II came to the Congress decades ago and said that the law discriminates against me. I am having to pay more than my married friends, and my husband sacrificed his life in defense of this country. The bill that is before us today to make it permanent the way they have written it can just as easily be called the "Widow Penalty Act." It can be called the "Battered Woman Penalty Act." It can be called the "Single Person's Penalty Act," because it proposes to erect penalties in favor of marriage and against those who happen to be widows, who happen to be battered women who have left their husband and, for one reason or another, happen to be single.

I believe that our tax laws should be neutral. This is not a neutral law. It tends to give more of its benefits to those who are married.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, the previous speaker, the gentleman from Illinois (Mr. WELLER) indicated to the House that a couple in his district, the Castillos, would stand to lose $1,125. When, if ever, would that occur if we do not repeal the sunset?

Mr. DOGGETT. Mr. Speaker, they do not even propose to actually implement the marriage penalty under their proposal for several additional years. Now, if we had taken the Democratic alternative that we advanced last year, that would have been more benefical to that family sooner than under their proposal.

Mr. KLECZKA. But is it not true that they would stand to lose money in 2010 if we do not repeal the sunset?

Mr. DOGGETT. Mr. Speaker, that is correct. There is nothing in today's bill that really helps them at all over the next several years.

Mr. KLECZKA. So this is 2002. So we are talking about something that might happen and might not happen in 8 years from now?

Mr. DOGGETT. Mr. Speaker, it is the specter. It is the ghost of relief. It is great for an election year, though. I think they have done a good job of having a good election year ploy.

But my concern is that with this basic underlying proposal, there is some discrimination against single parents, against widows; that is what led to this inequity to the code now. We ought not to disfavor them any more than we would disfavor married people.

Finally, it is a matter that the children of people—whether family, married, single parent, whatever—we are going to place a penalty on them, and it is a national debt that, if they can implement every one of these permanent proposals, will be $4 trillion higher than if we reject them, as we should.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding to the gentlewoman from Washington (Ms. DUNN), I would like to comment that this legislation actually makes the Tax Code marriage-neutral so that single people, widows, single people pay no more in taxes than a joint filer does under their obligation, and vice versa. That was the goal of this legislation when it passed and still is the goal of the legislation.

I would also note that the gentleman from Indiana (Mr. DOGGETT) is being consistent. He voted "no" on providing marriage tax relief, even though there are 58,612 working married couples who suffer from the marriage tax penalty.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN), one of the House's leading advocates for widows and working women in the Congress and who has been a proven leader in the effort to ensure that family businesses stay in the family and in business when the founder passes on with her efforts in eliminating the death tax.

Ms. DUNN. Mr. Speaker, the Tax Code has many unfair and inexplicable provisions, but none is more harmful to young people wishing to marry and young families than the marriage penalty, the bill we are debating today.

To increase the tax burden on a couple simply because they choose to marry is unjust. We ask for neutrality, to get in there and give extra credit to married people, or support single people ahead of married people, and this is the bill we are debating today.

Last year we passed the bill that alleviates the marriage penalty, but the problem is that it returns in 2011. So now we need to make it permanent.

I find it amusing, if not unexplainable, that the opponents of this bill are talking on the one hand about how we are impacting the deficit situation in the United States by the passage of the bill we are debating today and, on the other hand, being truthful by saying that this bill does not take effect until 2011. So you cannot have it both ways. We do not impact the financial situation of the United States by which we are all very concerned, but by the time this bill would go into effect, in fact, it would be January 1, 2011. Every number that we have puts us in the surplus position, whether it is in the Social Security Trust Fund or the national budget by that year.

So double-counting the dollars that would provide for the extension permanently of the marriage penalty is political. It is not fair.

The marriage penalty is discriminatory to working women. Right now, the Tax Code creates a disincentive for women to earn above a very low threshold. Women who make a salary that is on a par with their husbands are taxed in an extraordinary way, and the reason is that their additional salary upon marriage moves in to combine and thrust the young couple into a higher marginal rate. It is not a problem if there is a single wage earner, but in today's society we see 70 percent of young women, women with young children, in the workforce, so it has become increasingly a more and more common problem for all young people.

According to conservative estimates, 36 million American couples right now are paying, on average, $1,700 more per year in taxes because they are married. In my district alone in the State of Washington, about 73,000 couples are adversely affected by the marriage penalty. This is wrong and we need to change it.

□ 1130

As newlyweds start out in their new life together, they should not face a punishing tax bill. I urge my colleagues to help young couples to put them on the road to success, to establish in their lives full usage of the American dream, to support the Permanent Marriage Penalty Relief Act that takes place in 2011, takes away all that discrimination against the marriage of two young people, both of whom are in the working world.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), a distinguished member of the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, I am glad to see my amendment from 1995 suddenly appeared out here. When Newt Gingrich took over this place, there was a Contract on America. This was in it then, 1995. I proposed it in the Committee on Ways and Means, and every single Republican voted against it.

Now we have a new day, and now we have all this money, or we did have all this money. We thought we had all this money. We set up a straw man. Last year we passed a bill that said, people are going to get this benefit, but then we get this and it is not permanent, so they voted last year for it; and now they come out here and they say, oh, oh, it is not permanent. Let us make it permanent, in the midst of fiscal chaos.

Republicans ought to be ashamed of themselves. All the times I heard people standing out here telling me about those liberals just spend and spend and spend, well, I am watching the Republicans just spend and spend and spend, but not on things people care about.

The drug benefit is gone. There is not going to be any drug benefit worth anything at all. On Medicare, people in my district cannot get a doctor to accept a Medicare patient. But no, no, we have to add this marriage tax penalty out here. That is what is going to save America.

This election is going to be a test of whether Americans can be fooled all the time by the folks that say, we are cutting your taxes and it will not hurt, and you are not going to notice it. They may get a couple of bucks back, but if one's mother has to pay for her drugs and she is living on a Social Security benefit like mine is, 92 years old, $8,000 a year, who do Members think pays for her drugs? Do Members think she can pay for it? Of course she cannot, so her sons and her daughter are going to pay for it.

They have, of course, this tax benefit, now that they are married. Let us see, there are two of us that are married and two are not. Two are paying the penalty and two are not. We are going to use our penalty that we get back, and we are going to go down and pay for my mother's drugs.

The old people in this country would rather have the security of knowing they had a pharmaceutical benefit under Social Security. They would also like to know, and the children would like to know, that there is going to be a Social Security out there in 20 years. But they gave it all away. They gave it all away.

Last week it was estate tax, and this week they have a new one: this is the marriage tax day. Next week, it will be retirement benefits. Do Members want me to predict every week? Because we are about to go home. In about 3 hours we will all be on planes, and everybody has to get their press release out before they get back to the district. So they send out, today I voted for removing the tax penalty on marriage. They then go home and bask in the warmth of that kind of baloney.

When are they going to be honest with people that they have to pay for stuff? When are they going to be honest with them? Vote "no."

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note the gentleman from Washington (Mr. MCDERMOTT) has been consistent in voting in opposition to eliminating the marriage tax penalty on this House floor, even though there are 53,387 working couples who suffer the marriage tax penalty in his Washington district.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a leader in the effort to eliminate the marriage tax penalty.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from Illinois, for yielding time to me.

I thank my friend, the gentleman from Washington (Mr. MCDERMOTT) for a very curious revisionist history policy. I am always happy to hear differences of opinion that, indeed, do exist.

Indeed, when I was in private life, I noted with interest Congresses long before I got here that had no compulsion whatsoever about dipping into Social Security and spending money that was not here, and spending and spending and spending. My friend chooses to lampoon that, but that, in essence, was the fact. As our second President, John Adams, told us, facts are stubborn things.

The fact about this bill on the floor today is that we are acting prospectively, within the rules of the House, within the rules of revenue as they exist today. Would that we could change those rules. Would that we could point out to the American people an economic fact, which is when people have more of their own money to save, spend, and invest, revenues to the government actually increase.

Would that our friends on the left would take that into account. But instead, they would rather talk about so many subjects under the sun, and electioneering, rather than the fact that if we fail to act today, if we fail to make this relief permanent, due not to a situation of our own making but another body in close proximity with an arcane rule that failed to allow us to make this permanent, we will be, in essence, putting a tax back on the backs of the American people in the year 2011.

I listened with interest as my friend, the gentleman from Washington (Mr. MCDERMOTT), readily dismissed the value of $1,000. I believe the average, once this is fully implemented, the average will be about $1,400 per married couple. Again, I guess this reflects a difference in our philosophy. I know it is easily lampooned, or perhaps, from time to time, we get jaundiced about the fact, and we talk about trillions and billions of dollars. But in a very real way, $1,400 is real money to a married couple with a family.

As for the other subjects addressed, I would encourage my friends to stay tuned. We are going to work to bring forth a prescription drug benefit as part of Medicare in the days ahead. We welcome the chance to work together, but perhaps it is just a difference in opinion on the whole notion of taxation. For some in this Chamber, there is no higher and better use of people's money than in the coffers of the Federal Government. That is an opinion that Members will defend by a multitude of different methods.

For others of us, there is a notion that if people hang onto their own money and save, spend, and invest it, revenues to the Federal Government will increase and we will be able to take care of that, but we will be truer to the American people from this sense: the money that is spent here does not belong to Washington; it belongs to the American people.

With this legislation today, setting up permanency and neutrality in the Tax Code so that married couples are not penalized, the American people will be better off; American families will be better off. I ask my colleagues to join us in support of this measure.

Mr. MATSUI. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I might just point out that when Ronald Reagan was President from 1981 to 1988, and George Bush, the first George Bush, was President from 1988 to 1992, they dipped into the Social Security trust fund; but it was not anywhere near what we are talking about now.

What we are really talking about now is, on the 10-year projections under current spending and tax policy, we are going to dip into Social Security by the sum of $1.7 trillion. If we do the estate tax, which the Republicans want to extend, defense authorization, the farm bill, which has been completed, it will add $3.2 trillion in terms of dipping into the Social Security trust fund.

We are going to break the bank for our senior citizens when it comes to the retirement benefits that they expect to get. The police officers, the firefighters that are paying payroll taxes right into that trust fund right now, they do not realize that it is going out in the form of estate tax payments, in the form of farm support payments, in the form of so-called marriage penalty.

I have to say that I find it inexplicable today that we are spending 3 hours today on this issue. I have to say that here at a time when Stanley Works in Connecticut, Ohio, is attempting to move offshore into Bermuda to save $30 million in taxes, when Neighbors Industries is talking about voting to go offshore into Bermuda to save millions of dollars in taxes, we are messing around with something that will not take effect until 2011.

Does this not say something about the priorities and the values that we have here? I think the reason that is the case, if I might just say, is an article that was written on May 26 in The Washington Post, it was a Sunday Washington Post story by Kevin Phillips, who devised the Republican plan, the southern Republican plan for President Nixon back in 1967, he says in this article, and it really is interesting:

> The Republican House Ways and Means Committee has become a virtual arm of the Washington lobbying community, routinely arranging legislative favors that would make a madame blush.
>
> The President and his family have dynastically involved themselves with the rise of Enron Corporation as an inconvenient symbol of the recent excesses.

That is what is going on. We should be dealing with tax shelters, some of these things that Americans really care about. Instead, we are talking about some tax law that may or may not come into effect in 2011, and tap into the Social Security trust fund. This is an absolutely outrageous act we are committing today.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

I would note that the gentleman from California (Mr. MATSUI) has been a consistent "no" vote on eliminating the marriage tax penalty. I respect his arguments in respect to opposition to the marriage tax penalty.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, just so everyone here understands that this is probably one of the grossest forms of politics that is being engaged in, the gentleman from California just took to his feet and indicated that we should be spending our time on other factors. He mentioned, for example, the question of inversions.

I just want all of the Members here to know that 1 week ago today, the Committee on Ways and Means held a hearing on inversions. Is it not ironic that it was the gentleman from California (Mr. MATSUI) who moved that the committee adjourn before the panel of experts was heard, before the Members had a chance to respond to questions?

So here he is, complaining that we are not looking at inversions, when he was the one that moved to adjourn the committee. Now, that is politics.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute.

I just wanted to respond to the chairman of the Committee on Ways and Means. I have to say the reason we asked that the meeting be adjourned, but the chairman did grant us, is because the drafter of the legislation that would have dealt with the problem of Stanley Works in Connecticut was the gentleman from Connecticut (Mr. MALONEY). He was not allowed to testify. He was not allowed to testify on his own bill with his own level of expertise.

We just thought that it was discourteous for the other side of the aisle, particularly the chairman, not to allow the gentleman who drafted the bill, who could testify with the level of expertise on this issue, to testify. That was the issue itself.

If the gentleman could explain why he did not allow the gentleman from Connecticut (Mr. MALONEY) to testify, we would like to know it. He never did explain why the gentleman from Connecticut (Mr. MALONEY), a member of the House of Representatives, was denied the opportunity to testify.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, let me thank the gentleman for yielding time to me.

I would also respond to the chairman. I happen to be a member of the Committee on Ways and Means. One of the reasons we had to adjourn last week is because at the same time we had this hearing in one of the buildings across the street, the House was debating a very important piece of legislation from the same committee. That was a permanent repeal of the inheritance tax.

Members remember the inheritance tax. That is where 2 percent of the public pays something when their estates are probated. It is for the very, very wealthy. Well, as I indicated to the chairman at the committee, and he is pretty powerful, but even though he has all his power, he cannot be in two places at once. So the committee chose to come to the House floor and debate that policy. That is what the debate was all about.

But let us talk about the bill that is before us today. Through the miracle of C–SPAN, hundreds of thousands of people are watching their House of Representatives. We have hundreds of people in the gallery, Mr. Chairman, watching what we are doing.

They are going to go home and the neighbors are going to say, Wow, you went to Washington. What did you see? Oh, I saw the Smithsonian, I saw the Vietnam Veterans Memorial, and we had the honor of going to the House floor and listening to the debate.

And the neighbors are going to say, what did you hear? Well, they were debating a bill that would address a problem that might or might not occur in 2011. The neighbors will say, hot damn, really? 2011?

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Well, that is 9 years from now. Yes, they took it up today. Had to be done right away. Well, the question is why? I will tell you why. There is one big event between today and January 2011, and you know what it is. It is November 2002 elections. It is the elections. So we are gathered here today to promote our elections. And how about addressing the work and the needs of the people?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will suspend.

Members are reminded to not address their comments to the viewing audience or the gallery.

Mr. KLECZKA. Mr. Speaker, I am addressing them through you.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. KLECZKA. Mr. Speaker, what I was trying to say, and I am assuming what this neighbor will also say is, well, what did you hear about the deficit? Because last year I recall reading a newspaper. We are going to have surpluses for as far as the eye can see. What did they say about the $300 billion deficit of this year? And you are going to have to say back to them, nothing. They did not bring it up.

Well, how about a drug program that our seniors are in dire need of, where in my State hundreds and thousands of seniors want Congress to act? No, they did not address that. They are talking about this bill that might be a problem in 2011.

Mr. Speaker, let us separate the wheat from the chaff. What we are doing today is nothing but politics to benefit some of the Members of this House in November of 2002. Clear and simple, that is what it is all about. And the gentleman will say, well, the gentleman from Wisconsin (Mr. KLECZKA) voted against a marriage penalty consistently and 200,000 of his constituents will not get the relief.

The fact of the matter is, and you heard the gentleman from the State of Washington (Mr. MCDERMOTT), he and I have been on this program to eliminate the marriage penalty since 1995, so I am glad the Republicans are joining us.

But nevertheless, the fact of the matter is there are hundreds of thousands of people in my district who want a drug benefit today, who want us to address the war on terrorism and provide money for that. And they also want us to address the $300 billion deficit. So I encourage my colleagues to talk about those issues today so when your neighbors ask you what they did, they did not think about some problem that might occur in 2011.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before recognizing the chairman for an additional minute, I will note that the gentleman from Wisconsin (Mr. KLECZKA) is right. He has consistently voted no on the House floor in opposition to eliminating the marriage tax penalty even though there are 133,000 constituents who suffer the marriage tax penalty in his district.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I do not know about separating the wheat from the chaff, but I do think we ought to separate the bull from the waste.

Notice that when we come to the floor to argue the issue in front of us, they always want to argue a different issue. One week ago today the elimination of the estate tax was on the floor. They did not like us voting on it. The RECORD shows it passed. Today the marriage penalty will pass. Next week we will be introducing legislation to deal with prescription drugs. But about this Maloney baloney, understand this, we have had 17 full committee hearings and only once did we have a member panel. It is not the ordinary and customary thing that we do. That is baloney. We have had subcommittee hearings. We have had 68 subcommittee hearings and we have had 60 members testify at those subcommittee hearings. We are having a subcommittee hearing on inversions. We have invited the gentleman from Connecticut (Mr. MALONEY). Let us see if he comes, as all the other Members have come to the subcommittee.

The reason they wanted to disrupt the hearing was because they want to try to make a political point. The Maloney business is baloney.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, we continue on what I call the fiscal irresponsibility rampage that the majority party is on. I want to say at the outset to my friend, the gentleman from Illinois (Mr. WELLER), I do not know what the exact numbers are, but let me tell the gentleman something, 100 percent of the people who live in my district will be adversely affected by the interest rates that he will drive up by his race towards deeper and deeper and deeper deficits. That is what will happen to everybody in his fiscal irresponsibility rampage that this committee is on and the Congress is pursuing.

It is popular, of course, to get up here week after week and vote for tax cuts. Of course. It is easy. It is also irresponsible. As we have $314 billion in debt this year facing us and trillions of dollars in the years ahead, is it responsible fiscal leadership? It is absolutely not. Not with the record surpluses turning into deficits in less than one year of this administration. Not with the Federal Government expected to run a budget deficit of more than $300 billion spending 100 percent of the Social Security surpluses; not with a House majority violating its repeated pledge not to raid the Social Security surpluses; and not with the Treasury Department's practically begging Congress to raise the debt limit before June 28, which they have refused to do.

Do Democrats support marriage penalty relief? Of course we do. It is the fair and right thing to do. But why this bill and why now? There is only 2 weeks left before the 4th of July break and we have not considered one of the 13 must-pass appropriations bills.

Furthermore, fully 70 percent of the marriage penalty provisions of this GOP bill will not take effect until 2006 and most till 2011, as the previous speaker said.

Is this legislation more important than defense? Is it more important than homeland security? Is it more important than prescription drugs and a host of other pressing issues so we can affect 2011? I think any commonsense response to that is, of course it is not.

The truth is this bill will cost more than $63 billion over the next decade. And every last cent, every last cent of that $63 billion comes out of the Social Security surplus. Worse yet, in the second decade of this century, when the baby boomers begin to retire in full force, the cost of this bill is estimated to be $330 billion out of Social Security revenues. The bill is nothing but an exercise in demagoguery. I urge the Members to vote no, to vote yes on the substitute, vote no on the bill.

PARLIAMENTARY INQUIRY

Mr. MATSUI. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MATSUI. Mr. Speaker, regrettably I would prefer not to do this, but, on the other hand, I think it is very critical in terms of our decorum in this institution. The speaker before the gentleman from Maryland (Mr. HOYER) made reference to a colleague of ours in what I believe to be a derogatory fashion, particularly right at the end of his remarks. I wonder if the remarks were an inappropriate violation of any rules in the House. I realize this may not be a timely request, but I think it is important we do put on the record the ruling of the Speaker, had it been a timely request.

The SPEAKER pro tempore. The Chair would affirm that remarks in debate should not descend to personalities.

Mr. WELLER. Mr. Speaker, as we debate whether or not to impose a $42 billion tax increase on 36 million couples, I was wondering how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. WELLER) has 9 minutes remaining. The gentleman from California (Mr. THOMAS) has 8½ minutes remaining.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I cannot believe some of the things being said here today. The other side keeps saying they support marriage penalty relief and yet they do not vote for it.

I rise today in support of marriage. Marriage is a cornerstone of a strong family. There are many influences in today's culture that undermine marriages and there are a lot of those influences we cannot do anything about. But one thing we can keep trying to do is fix the Tax Code, and with the Senate's help, we can do that.

The tax cuts we have passed last year remove many of the worst parts of the marriage penalty. We have doubled the standards deductions for marriage couples; we expanded the 15 percent tax bracket to twice the income of single people; but this marriage penalty relief is only temporary. Why? Because of an arcane Senate rule that prevented permanent tax cuts. That is not, is not it. Should we not help make marriages permanent, not temporary? Instead of this tax relief lasting through the diamond anniversaries of weddings, marriage penalty relief will sunset on the aluminum anniversary of this bill.

In 2011, when the sunset of tax relief takes place, countless couples will face higher tax bills simply because they said I do. And you know what, that is just plain wrong. We need to fix that in this Congress.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, now I have really heard it all, that there is an intricate relationship between marriage repeal and keeping marriage permanent. You are darn right. There is a question of values. You are darn right.

Last week I got up here and urged my colleagues to vote against the ill-thought-out repeal of the sunset on the estate tax. Here we are again. Besides being a colossal waste of time, these piecemeal votes to reveal bits and pieces of tax cuts that you have proposed reveal the deceit behind the administration's initial cost estimate.

According to the official estimate from the Joint Committee on Taxation, certainly no left-leaning group, no agency from the far left, no Democratic agency, today's bill would cost about $25 billion in 2012. If that does sound ridiculous, it really is. It really is ridiculous, that we even put a budget together 10 years is ridiculous, and the American people know it is ridiculous. We cannot even project what is going to happen 10 months from now, let alone 10 years from now.

Nearly two-thirds of the result of the provision of this bill, an expansion of the 15 percent rate bracket, that only benefits higher income couples. In the 10-year period, this is going to cost $330 billion. If the cost of increased interest payments is added, it is going to rise to $460 billion.

That is why I support the substitute. I think it is a critical substitute. I think it is an important substitute. What it does is it triggers, it triggers, if we cannot protect Social Security when it will not go into effect. You have made this card again a credit card for the Federal Government. And I say you are wrong in doing it and you need to put everything on the table. You cannot look at this in bits and pieces. This is wrong-sided legislation; and you are taking away the very foundation of our society, Social Security.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before recognizing our next distinguished speaker here, I would note that the gentleman from New Jersey (Mr. PASCRELL) consistently voted no on eliminating the marriage tax penalty and what he considers a cost to Uncle Sam, to the Treasury, is actually higher taxes on working married couples. That is what this is all about, making permanent eliminating the marriage penalty.

Mr. PASCRELL. Mr. Speaker, would the gentleman yield?

Mr. WELLER. On your time.

Mr. PASCRELL. I voted for the substitute, so it is not a clear record.

The SPEAKER pro tempore. The gentleman is not recognized and I would appreciate it if the Members in the Chamber are recognized by the Chair before they take the microphone.

PARLIAMENTARY INQUIRY

Mr. MATSUI. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MATSUI. Mr. Speaker, I would have to imagine there must be some rules in mischaracterizing a colleague's voting record or a colleague's vote; and clearly there was because the Democratic substitute which the previous speaker voted for did have a marriage penalty tax relief package in it. It just had a pay-for in it. I would have to believe there is some rule in mischaracterizing a Member's position or vote, and I would like a ruling from the Chair on that.

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The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise the Member that if a Member feels his record is not being reflected accurately, he may debate that on the floor, and the Chair would also appreciate it if Members would not grab the microphone and speak when they are not recognized.

Mr. MATSUI. Mr. Speaker, I think that is understandable.

Mr. Speaker, further parliamentary inquiry, but I have to say, Members need to protect themselves when distortions are given.

The SPEAKER pro tempore. The Chair would advise that Members may engage in debate to correct the record.

The gentleman from Illinois (Mr. WELLER) is recognized.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, it is tough to come down here in the caldron of the Ways and Means. I have good friends on both sides and I appreciate their diligence, but we have been lobbied on this legislation, and we have been lobbied by married families that have been asking for a simple solution, some legal certainty.

One of the things that frustrates me the most about this place as an institution is we do things sporadically every year, and we do not provide any certainty or we do not finish the job on legislation. The perfect example is the tax cut bill, because of the rules of the other body, having to sunset key components of the Tax Code.

The death tax is one of them. I do not personally believe that government ought to redistribute wealth, and I think that is supported by the folks in my district. I think other people disagree, but that is what that does, is a redistribution of wealth; and it hurts people who want to get ahead. It destroys family farms and small businesses. This penalizes people for being married, and there is no certainty that this bill will maintain after 10 years.

I just want to boil it down to the simple aspects, and I know there are other issues that we are all involved in, and I appreciate those, but I want to be able to go home and tell married couples that Uncle Sam does not take more money out of their check just because they are married. That is all I want to do, and I want to provide families some certainty that if they get married now or they get married 5 years from now or they get married 11 years from now or get married 12 years from now, Uncle Sam will not take more tax from them because they are married, and that is the simple premise.

A person should not get penalized for saying, "I do," and the chart states it. It may not be involved in all the other issues, but I ask support of the Republican bill.

Mr. MATSUI. Mr. Speaker, I yield 3½ minutes to the distinguish gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I appreciate the gentleman yielding me the time, and I thank him for his leadership, and I kind of want to go on some of what I have heard here this morning from the gentleman from Wisconsin, because I do think that this is about politics.

I went home last week, and the first thing I was called upon to talk about was the repeal of the death tax. Somebody sent out a press release saying that I voted against the repeal of the death tax, and I did. What they failed to mention is that I did vote and offer the substitute to reform the death tax, that little thing that said 3 million per person, 6 million per couple, taking care of 99.7 percent of the public and of those that would have to pay the estate tax.

So my guess is, and I will correct the record so when the gentleman from Illinois (Mr. WELLER) gets up and says whatever he is going to say, whether I voted or did not vote, I am sure that today when I go home, that there will probably be another press release, and that press release will say, KAREN THURMAN voted against the permanent repeal of the marriage tax penalty. I will get the phone call from the press, and I will have to say to them, well, yes, I did, but the fact of the matter is, we did have an alternative last year and again this year, and I was only trying to follow the rules that were put into place in Congress before I got here, because of the problems of deficits, when we did tax cuts, when we did spend the dollars and raise the deficits in this country, and that was something called pay-as-you-go.

I think the American people remember pay-as-you-go. Guess what? In the substitute, we would have been given an opportunity to pay for this marriage tax penalty, but instead, we are going to go into Social Security.

Is it not interesting that last night on this floor, in instructions to the conferees on the energy bill, what was the instruction? That we would not dip into Social Security. It passed. It passed. Yet, today, we come to the floor, with a marriage tax penalty, a $300 billion deficit and guess what we find. We know that this will go into the Social Security/Medicare trust funds at the time that we will have the largest retirement happen.

I went back to my office, and I got the statistics in my district. There are 158,000 seniors 65 years and older that depend on Medicare, that depend on Social Security. They want a prescription drug benefit and guess what? My parents, those people that the gentleman is talking about, they want reduced classroom sizes. In my colleagues' budget, they knock it out. They want books for their children so they can help them with their homework. They want responsible tax relief.

I think that if we were being honest with the American public, we could have had responsible tax relief for this country; but we are not doing that, and last night the Senate did not even give my colleagues the tax relief for their small businesses.

Mr. WELLER. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. WELLER) has 5 minutes remaining. The gentleman from California (Mr. MATSUI) has 3 minutes remaining.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

The gentlewoman from Florida is correct. I am not going to draw attention to her past opposition to eliminating the marriage tax penalty, but I would note that there are almost 84,000 married individual taxpayers in her district that do suffer the marriage tax penalty.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Nevada (Mr. GIBBONS), the distinguished leader in the fight to eliminate the marriage tax penalty.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding me the time.

I have heard these arguments on the floor, and let me say to my colleagues in the room, that is absolutely not a waste of time. When my fellow Nevadans elected me to come to Congress, they entrusted me with a great responsibility of keeping their families safe, their economy strong, and their taxes low, and by supporting this bill, by passing the Permanent Marriage Penalty Relief Act, we are going to fulfill those obligations.

In making the elimination of the marriage penalty tax permanent, we will provide married couples across the Nation peace of mind to plan for their financial security for years to come. After all, why would we want our hardworking families to begin receiving additional financial security through this important tax relief only to turn around and strip them, as the Democrats would like to do, 10 years from the date and add to their tax burden.

Mr. Speaker, the House of Representatives will once again show the American people that we are caring about the American family and that we are here taking care of the business that we were elected to do, and last year when the President signed the historic tax cut package into law, the people of Nevada knew that they would finally begin to be keeping more of their own money after having paid into the government more than it needed to operate; and by passing last year's tax relief package, Congress put hard-earned dollars back into the pockets of 76,304 deserving married couples in Nevada's Second Congressional District alone, and Statewide nearly 150,000 Nevada couples sought relief from the onerous marriage penalty tax.

If we fail to pass this bill today, we will be increasing their taxes.

Mr. MATSUI. Mr. Speaker, may I inquire of the gentleman how many other speakers he might have.

Mr. WELLER. Mr. Speaker, we have one, maybe two more.

Mr. MATSUI. Mr. Speaker, I reserve the balance of my time.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), who has been a distinguished leader in the effort to eliminate the marriage tax penalty.

Mr. HERGER. Mr. Speaker, failure to pass this bill will raise taxes on low- and middle-income taxpayers by $42 billion by 2007.

Mr. Speaker, when a couple stands at the altar and says "I do," they are not agreeing to higher taxes; yet without relief from the marriage penalty, 36 million American couples will pay higher taxes simply because they are married.

Let us be clear. It is just plain wrong to tax marriage. Unfortunately, the marriage penalty relief passed last year will expire at the end of 2010 due to arcane Senate budget rules. The legislation before us today makes this relief permanent. If we fail to enact this legislation, married couples will face a massive tax increase of $42 billion just in the year 2011 and 2012. We simply cannot allow this to happen.

Under the leadership of President Bush, last year's tax bill provided married couples with significant tax relief by making sure that the standard deduction for a couple is twice that of a single taxpayer. And by allowing married couples to earn more of their income in the lower 15 percent tax bracket, making sure that our Tax Code does not discourage marriage is not just good tax policy for the next few years, it is good tax policy, period. Now is the time to make tax relief for hard-working married couples permanent. I urge my colleagues to support this very important legislation.

The SPEAKER pro tempore. The gentleman from California (Mr. MATSUI) has 3 minutes remaining, and the gentleman from Illinois (Mr. WELLER) has the right to close.

Mr. MATSUI. I would imagine there are no other speakers except the gentleman from Illinois.

The SPEAKER pro tempore. The gentleman from Illinois has 1½ minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to say I really do not understand why we are here today debating this issue. We should be taking up prescription drugs. We should perhaps even take up the President's three proposals that his Social Security Commission has come up with, because obviously we want to debate the whole issue of whether or not Social Security should be privatized or partially privatized.

The gentleman from Texas (Mr. ARMEY) has a piece of legislation on Social Security that privatizes the entire Social Security system over a period of years. We should be debating that issue now. The gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security of the Committee on Ways and Means, has a privatization of Social Security bill. We should be discussing that.

If not those things, which are very important to the American public, at least we should be discussing why at a time of war we are allowing U.S. corporations like Stanley Corporation to go offshore and save $30 million in taxes because now they have become not a U.S. corporation but a foreign corporation in Bermuda; and we all know that all they are going to do is just open up a post office box, a mailbox perhaps, and then be able to save $30 million in taxes. And this is not going to help their employees. This is going to go into the pockets of the owners.

So why not debate these issues? Unfortunately, Mr. Speaker, what is happening here is the fact that my colleagues want a political issue, I think as the gentlewoman from Florida (Mrs. THURMAN) mentioned, I think as the gentleman from Wisconsin (Mr. KLECZKA) mentioned, as a number of Members on our side of the aisle mentioned; and I have to say that this is really a strange debate because I hear my colleagues on the other side of the aisle talk about all of the savings for the American public, and there are three components, and perhaps people do not know this, of the marriage penalty relief.

One is doubling the standard deductions for couples; doubling the 15 percent bracket for couples; and then the other is the earned income tax credit, which is not really a marriage penalty issue. The only one that is currently in effect is the earned income tax credit. The doubling of the 15 percent tax bracket does not take effect until the year 2005, and of course the doubling of the standard deduction for couples does not take effect until 2005, 3 years from now.

So we are worried about extending these credits, and they have not even taken effect yet. So the irony of this is that we are debating something that is really not real. It is an illusion. It is a falsehood. It does not make any sense. And the real tragedy, however, is in spite of all these games, if in fact it did take effect, if in fact it did take effect in the year 2011, you would have a drain on the Social Security trust fund of $457 billion. Essentially, Mr. Speaker, this is a bill that should be defeated. We have a substitute we are going to offer that addresses these issues to preserve the Social Security trust fund. I urge a "no" on final passage.

The SPEAKER pro tempore. The gentleman from Illinois has 1½ minutes remaining.

Mr. WELLER. Mr. Speaker, I yield myself the remaining time.

Ladies and gentlemen, let us get back to why we are here. We have heard a lot of rhetoric from the other side, basically all the excuses that have been previously used on why we should not eliminate the marriage tax penalty previously.

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It has always been let us do it another time. There is something in Washington that we need to spend it on. Let us get back to why we need to make permanent the elimination of the marriage tax penalty.

Let me give an example of a couple in Joliet, Illinois, who suffered the marriage tax penalty. A working couple from Joliet, Jose and Magdalene Castillo. They are both in the workforce, a son Eduardo, a daughter, Carolina. They have a combined income of $82,000; and prior to the Bush tax cut being signed into law last year, which included our efforts to eliminate the marriage tax penalty, the Castillo family in Joliet, Illinois suffered a $1,125 marriage tax penalty.

As we can see from the rhetoric today, there are those on the other side of the aisle who would much rather spend the Castillos' hard-earned income, their $1,125 marriage penalty, here in Washington.

What we are asking the House to do today is to make permanent the elimination of the marriage tax penalty because if we fail to make permanent the elimination of the marriage tax penalty, couples such as Jose and Magdalene Castillo will see a $1,125 increase in taxes because their marriage tax penalty will be restored. If we add that together with the other 36 million married working couples who have suffered the marriage tax penalty, it is a $42 billion tax increase. That is the question today. Do we increase taxes by $42 billion on 36 million married working couples, or do we make permanent our efforts to eliminate the marriage tax penalty. Let us vote in a bipartisan way, and make elimination of the marriage tax penalty permanent.

Ms. KILPATRICK. Mr. Speaker, I rise today in opposition to H.R. 4019. I am not against repealing the marriage tax, but I am strongly opposed to H.R. 4019 for two reasons: the funding source of the bill and the timing of its floor consideration.

First and foremost, the surplus that was promised to the American people last year by President bush is gone, only to be substituted by the serious and foreseeable signs of a budget deficit in the near future. Currently, there is an estimated budget deficit of about $200 billion—a drastic change from the surplus that was promised last year. Consequently, the safety net that was to guarantee Social Security and Medicare funding for our baby boomers in the next decade is becoming more of a wavering hope, instead of a secured promise.

The estimated revenue cost of H.R. 4019 will be over $25 billion per year after 2011, essentially, costing over $330 billion in the next decade. Coupled with the approximate $200 billion budget deficit this year, the future saving for our Social Security is looking dim. Repealing the marriage tax is a good gesture, but it definitely should not supersede the future of Social Security for our baby boomers.

Second, the timing of the floor consideration for this tax penalty is unreasonable and unnecessary considering that none of the marriage penalty tax breaks will fully phase-in until 2011. Why are we considering such an issue that will cost so much in the future but has no affect on Americans today, tomorrow or four years from now? We are not sure of what the fiscal situation of the federal government will be in the next decade, but we are cognizant of the responsibilities we have towards the American people and their retirement benefits. This is true fiscal irresponsibility to bring this bill to the floor today and reeks of election year policy-making for Republican back patting. For those reasons, Mr. Speaker, I am opposed to the passage of H.R. 4019.

I am in favor of the Democratic substitute, which is offered by my esteemed colleague, Rep. MATSUI. The substitute offers a permanent repeal of the marriage tax. However, the repeal will be initiated in 2011 only if there will be another source of funding besides the Social Security surplus. That essentially means that we should be out of budget deficit before the marriage tax is repealed.

The substitute and H.R. 4019 are very similar in that they both repeal the marriage tax in 2011. The only difference is that the substitute takes into consideration the baby boomers that will be in need of Social Security and Medicare in the next decade. Those individuals should not lose out on their benefits because of a political gesture by the House leadership during the election year of 2002. This is not just fiscal irresponsibility; it is fiscal insincerity as we have told baby boomers that they will have their retirement needs met when the time arrives. Democrats are committed to keeping our word to the American people, so I cannot vote on a bill that will void the promise of surplus for these working Americans. Therefore, I am opposed to H.R. 4019 and in favor of the substitute.

Ms. BALDWIN. Mr. Speaker, it was one year ago that this House was considering the merits of President Bush's $1.6 trillion tax cut proposal. The House Leadership claimed that the sky was the limit for our budget surplus and that the ten-year projections would just continue to grow, and grow, and grow. At the time of the debate, I too, offered support for tax relief, but with the caveat that it should go to those who need it most—hardworking American familes—and that it should not curtail our ability to fund our nation's priorities or hinder our ability to address unforeseen events. I believed Congress had a duty to be fiscally responsible and move slow on tax cutting measures to make certain the projections came true. After all, it is virtually impossible to tell what our federal budget will look like one year from now—let alone ten.

Sadly, the concerns I raised a year ago were warranted. Our $5.6 trillion surplus has virtually vanished, and once again, we face large federal budget deficits. While the events on September 11 and the sluggish economy played a role in slicing the surplus, there is no doubt that the large Republican tax cut was the main culprit. It is evident that the priorities I talked about at the time will be much more difficult to address: it will be hard to shore up Social Security for the soon-to-be retiring baby boomers; it will be very difficult to pay down our national debt; it will be an enormous challenge to provide a prescription drug benefit under Medicare; it will be a real struggle to fund the growing needs of our educational system.

With the new budget concerns and all of the problems that Congress has failed to fix, I found it irresponsible of the House to devote more time and energy considering H.R. 4019, or the Marriage Penalty Relief Act. This bill would permanently extend marriage penalty relief past the 2010 sunset date. Moreover, the cost of this bill would total about $330 billion in the ten-year period from 2013–2022—at a time when the nation's budgetary demands will increase because of the retirement of the baby boomers.

I support the Matsui Substitute on Marriage Penalty Relief. This bill would permanently extend marriage penalty relief, but goes a necessary step further that adds a much-needed trigger mechanism to impose financial discipline: the repeal will only go forward if the Director of the Office of Management and Budget (OMB) certifies that permanent repeal will not result in a raid on the Social Security trust fund over the following ten year period. If, on the other hand, OMB determines the repeal will require a raid on the trust fund, the repeal would be put on hold.

In the past, I have supported legislation that would fix the marriage penalty; it's a serious problem for thousands of married couples in Wisconsin and throughout America. However, I find myself hearing the same arguments the House Leadership made last year: that permanently extending marriage penalty relief will not take money away from the Social Security Trust Fund, will not debilitate our ability to meet our priorities, and will not limit our ability to meet unforeseen challenges head on. I respectfully disagree with this argument—again—and believe that we should address the permanent extension of the Marriage Penalty Relief Act years from now when we have a clearer picture of what our budgetary challenges and what national challenges are.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in support of H.R. 4019, to make the good work we did in bringing relief from the Marriage Penalty Tax to 21 million married Americans last year, permanent.

As I travel across New Jersey's 11th Congressional District, I am constantly reminded of the need for prompt tax relief. I hear it when I get my coffee and paper in the morning, at my local barbershop, at any one of my weekend town meetings, and at the pancake breakfasts I attend on Sunday mornings. Americans scored a major victory last year when Congress and President Bush addressed one of the most unjust provisions of the tax code by reducing the Marriage Penalty Tax. We increased the basic deduction from $7,350 to $8,800 for married couples, and nearly one million married couples across New Jersey, and closer to home, 72,000 married couples in my Congressional District, have benefited from our good work to provide relief from the Marriage Penalty Tax.

Unfortunately, these provisions are scheduled to expire at the end of 2010, because of a "sunset" provision that was included in the Economic Growth and Tax Relief Reconciliation Act. If H.R. 4019 is not enacted, then beginning in 2011, the standard deduction for married couples will be reduced, forcing 21 million married couples to pay more taxes. The Marriage Penalty Tax is inherently unfair. The Federal Government should not force working couples, through an unfair, archaic Tax Code, to pay higher taxes simply because they choose to be married. The Marriage Penalty Tax weakens the foundation of one of society's most sacred institutions: marriage. We cannot turn back the clock after making such great strides in providing this sensible, meaningful tax relief, and in the year 2011, force working couples to pay higher taxes simply because they choose to be married.

So today, I urge my colleagues to build on our ongoing efforts to provide tax relief for all hard working Americans. Let's pass Marriage Penalty Tax relief for the millions of working couples who should not be penalized by the IRS just because they are married.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 4019, a bill to permanently repeal the marriage tax penalty.

Last year, the President promised we could have it all. He argued that the projected $5.6 trillion surplus was enough for a large tax cut, an increase in education spending, and a decent Medicare prescription drug benefit. It's no surprise to those of us who voted against his tax plan that such grandiose promises have proven wrong. Now, one year later, instead of large projected surpluses, our budget is in deficit. Republicans now say that we don't have the funds to implement last year's No Child Left Behind education bill. Republicans refuse to propose a Medicare prescription drug benefit worthy of America's seniors. But, they are perfectly willing to continue spending trillions of dollars on new tax cuts for the wealthy. When is the Republican leadership going to stop playing games with our priorities?

The bill before us today will not take effect until 2011. At that point, it will cost over $25 billion per year. Over the following decade, it will cost over a quarter of a trillion dollars. This is at the same time when the retirement of the baby boom generation will begin putting enormous strains on Social Security and Medicare.

The Republicans have already shown they're content to lead us into fiscal crisis today. This bill continues to make clear that they want us in financial crisis in the next decade as well. This doesn't have to be the case. I support the responsible and fiscally sound approach to marriage penalty relief being offered by my fellow Democrats. Our bill makes the marriage tax penalty fix permanent. But, our bill simply adds a protection for Social Security. It says if we don't have the money in future budgets to enact responsible tax cuts, we have the option to put them on hold. The Republicans' bill leaves the door open for future invasions of the Social Security Trust Fund to pay for forced tax cuts.

We ought to be debating a prescription drug benefit and saving Social Security for future generations. Instead, we are forced week after week to vote on yet another Republican tax bill that favors their wealthy contributors.

I urge my colleagues to vote no on the fiscally-flawed Republican Marriage Penalty Relief Act and support the fiscally-sound Democratic alternative.

Mr. KNOLLENBERG. Mr. Speaker, our tax code should be designed fairly and it shouldn't pick winners and losers. But under the current system, married taxpayers are unfairly singled out.

Over 65,000 couples in my district are affected by the marriage penalty each year. Marriage should be a time of happiness and joy, not punishment from the federal government. Couples should not be targeted for entering into the sacred vows of wedlock. Since last year's tax relief package, this House has taken several steps to ensure tax relief will not be pulled out from under hardworking Americans. Every person paying taxes deserves to know that a sudden and harsh tax increase isn't looming down the road.

I am proud of the work this House has accomplished so far this year, especially to effort to provide continuing tax relief. We should continue our support for the American people by passing permanent repeal of the marriage penalty.

Mr. SANDLIN. Mr. Speaker, I rise today in support of this legislation.

The elimination of the Marriage Penalty Tax has been a priority of mine since I first got elected to Congress. In 1997, as a Freshman Congressman, one of the first pieces of legislation I cosponsored was a bill to eliminate the marriage penalty tax.

When the Federal Government first levied income tax in 1913, all taxpayers filed individual tax returns and the rate schedules did not differentiate between singles and married couples. By basing a married couple's federal income tax entirely on the separate income of each spouse, the original tax code resulted in married couples with the same collective income paying different level of taxes.

In 1969, Congress enacted legislation establishing a tax framework for married couples, similar to current law, that produced a "marriage penalty" and a "marriage bonus." The "marriage penalty" results in some married couples paying more in taxes than they would as unmarried individuals filing separately. The "marriage penalty" is an archaic tax that punishes working families. While the tax code actually gives a "marriage bonus" to couples with only one working partner, the "marriage penalty" is applied to couples where both partners work. The average penalty is over $1100. That translates into mortgage payments, car payments or child care for East Texas families.

Last year, on March 29, 2001, I voted for the Marriage Penalty and Family Tax Relief Act, which increased the standard deducation for married couples filing jointly to twice the basic standard deduction of single filers over a four-year period, beginning in 2005. However, as we all know, the version that was signed into law, as part of the overall tax cut package, re-establishes the marriage penalty in 2011. This is simply not acceptable to me or to the millions of couples who are hurt by the marriage penalty tax. I believe that passage of last year's tax bill was a good step toward eliminating the burden of the marriage penalty tax. However, the sunset is a setback for true, long-term relief.

Today, I am pleased that we have the opportunity to vote once again on permanent repeal—making sure that the marriage penalty tax will not rear its ugly head again in 2011. I believe that, no matter what, we must make the marriage penalty tax repeal permanent. Doing so is good for working families—those where both parents are working to make ends meet.

I urge my colleagues to support this important legislation and I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, here we are: another day, another tax cut, another political maneuver by my Republican colleagues.

I would be remiss if I failed to mention that we have already done this. Recall, if you will, April 18, when this body voted to make the last year's tax cut permanent. Though I voted against it, it passed by a vote of 229–198. Why are we taking a piecemeal approach and voting on it again? Do we not have anything better to do with our time? Yes, we have plenty to do, like providing a prescription drug benefit for our seniors, increasing the minimum wage so people can earn more than a measly $5.15 an hour and making sure patients are protected from insurance company bureaucrats.

Let's discuss the substance of this bill, something my Republican colleagues obviously have not done. Last year, the President promised we would be able to maintain a balanced budget, shore-up Social Security and Medicare, provide a prescription drug benefit to seniors, and give a huge tax cut to the wealthiest Americans. Well, as some of us in this body predicted, that has not materialized. That irresponsible tax cut was based on ten-year projections. The numbers used by the Republicans were grossly unrealistic. So, here we are, experiencing deficits instead of surpluses and the Republicans are telling us there are not sufficient resources for a decent prescription drug benefit.

Don't get me wrong, I support, and Democrats support, responsible tax relief, including marriage penalty relief—as long as it is not funded out of the Medicare and Social Security Trust Funds. So, I would ask my colleagues to do the responsible thing. Let us support the Rangel-Matsui substitute. This substitute will permanently extend the marriage penalty relief, as long as there is a determination by the Office of Management and Budget that the Social Security Trust Fund will not be raided to do so.

Ms. JACKSON-LEE of Texas. Mr. Speaker, since 1969, our tax laws have punished married couples when both spouses work. Each year more than 21 million are penalized for no reason other than the decision to be joined in holy matrimony. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue. I believe this penalty should be fixed but in a responsible way.

A married couple generally is treated as one tax unit that must pay tax on the couple's total taxable income. Defining the married couple as a single tax unit under the Federal individual income tax tends to violate the goal of marriage neutrality. Marriage neutrality means that the tax system should not influence the choice of individuals with regard to their marital status. However, under the current Federal income tax system, some married couples pay more income tax than they would as two unmarried singles—a marriage tax pealty—while other married couples pay less income tax than they would as two unmarried singles—a marriage tax bonus.

A "marriage penalty" exists when the combined tax liability of a married couple filing a joint return is greater than the sum of the tax liabilities of each individual computed as if they were not married.

Last year, the President promised that we could have it all. He argued that the projected $5/6 trillion in surplus within 10 years was enough for a large tax cut, a decent Medicare prescription drug benefit, increases in education spending, and increases in defense spending. Now, instead of large projected surpluses, we are experiencing deficits for the foreseeable future. The current estimates for this year's unified budget deficit are between $150 and $200 billion. It is a remarkable change from the $250 billion surplus that occurred in fiscal year 2000.

The Republican bill will not have any impact until 2011. At that point, it will have a revenue cost of over $25 billion per year. It will cost over a quarter of a trillion dollars in the 10 years following the budget window, the time during which the baby boom generation will retire and strain our Social Security and Medicare resources. Democrats do support marriage penalty relief if it is not funded out of Social Security surpluses. However, this not the case. We are being told that there are not sufficient resources for a decent Medicare drug benefit or education spending. I do support the substitute offered by Democrats which affirms marriage and protects Social Security and Medicare.

There is no need, other than politics, to bring this bill up now, especially when we have so much important work that needs to be completed. The marriage penalty relief promised by last year's tax cut will not even arrive for several years. Additionally, fully 70 percent of the marriage penalty provisions does not take effect until after 2006. Reducing the marriage penalty is the right thing to do, but it must be part of a responsible budget framework that ensures sufficient resources for vital programs. Before we pass legislation that drains Federal revenue in future years, we must look at the need to address the serious problems facing the country now, such as Social Security and Medicare.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4019 the Permanent Marriage Penalty Relief Act of 2002. I urge my colleagues to support this legislation.

This bill provides that the various provisions pertaining to marriage penalty relief in last year's comprehensive tax reduction legislation be made permanent. At the time of passage, these provisions were set to "sunset" after a period of 10 years in order to comply with procedural rules in the Senate.

The marriage penalty statute punished married couples where both partners work by driving them into a higher tax bracket. It taxed the income of the second wage earner at a much higher rate than if they were taxed as an individual. Since this second earner was usually the wife, the marriage penalty was unfairly biased against female taxpayers.

The Congressional Budget Office estimated that 42 percent of married couples incurred a marriage penalty in 1996, and that more than 21 million couples paid an average of $1,400 in additional taxes. The CBO further found that those most severely affected by the penalty were those couples with near equal salaries and those receiving the earned income tax credit.

This aspect of the Tax Code never made sense. It discouraged marriage, was unfair to female taxpayers, and disproportionately affected the working and middle-class populations who are struggling to make ends meet. For these reasons, it needed to be repealed, and today that repeal should be made permanent.

Mr. KIND. Mr. Speaker, I rise today in support of making permanent the marriage penalty tax relief bill passed last year. I strongly believe that we should eliminate the tax penalty that some married couples incur because it is simply the right thing to do. Yet, it must be done in a fiscally responsible way that will not put our country further into the red.

That is why I support the alternative legislation being offered by Representative MATSUI, which will allow the marriage penalty tax relief bill passed last year to become permanent in 2010 as long as the extension does not raid the Social Security trust fund. In 2010, the Director of the Office of Management and Budget will determine if permanent repeal of the marriage tax will not result in a raid on the Social Security. If, on the other hand, OMB determines the repeal will raid the trust fund, the repeal will be put on hold. This alternative bill to H.R. 4019 is a fiscally responsible approach to eliminating the marriage penalty because of the inclusion of the Social Security trigger mechanism.

Moreover, the alternative offers permanent relief from the marriage tax penalty while also providing the Federal Government added flexibility. As we have seen all too clearly in these past 9 months, the Government needs the ability to revisit economic forecasts before moving forward with policies that may seriously cripple our ability to respond to new problems. Lastly, the alternative bill before the House today sends the right message to the American people: that we are serious about returning to the practice of fiscal responsibility and protecting Social Security.

In comparison, H.R. 4019, sends the wrong message because it is so clearly fiscally irresponsible. It will cost nearly a half a trillion dollars over 10 years and will not have an impact until 2011, the same time that the baby boom generation will retire, and strain our Social Security and Medicare resources. Even Chairman of the Federal Reserve Board, Alan Greenspan, testified before the Senate Budget Committee in January 2002, warning Congress "the fiscal pressures that will almost surely arise after 2010 will be formidable."

Last year we passed a budget that boasted a 10-year unified surplus totaling $5.6 trillion. The administration and House leadership claimed that an expensive tax cut plan and other costly initiatives were eminently affordable and there would be enough of the budget surplus to eliminate most or all of the national debt. Thus, Congress passed a tax cut costing over $1.3 trillion. Unfortunately, the budget situation has changed dramatically since last year; large budget surpluses have been replaced by large and growing budget deficits due to the war on terrorism, increased homeland security, and the large tax cut. This year's deficit will be nearly $314 billion and over the next 10 years, the non-Social Security deficit will total $2.6 trillion.

Mr. Speaker, tax relief is a bipartisan issue. My colleagues on both sides of the aisle recognize the need for providing tax relief to the hundreds and thousands of struggling families across our country. But making this tax cut permanent is not the result of bipartisanship. The large tax cut passed last year has already derailed the opportunity we had to reduce our large national debt and prepare for our future obligations—for aging population and children's futures.

After decades of deficit spending, it is our responsibility to reduce the debt future generations will inherit. We must not keep digging a deeper hole for our children to climb out of in the future, rather, we must give them the capability and flexibility to meet whatever problems or needs they face. I cannot, in good faith, support legislation that will put our country further into deficit spending and pass a legacy of debt onto my two little boys.

Mr. Speaker, I urge my colleagues to oppose this fiscally irresponsible tax cut. Making the tax cut permanent without consideration for our Nation's fiscal situation will only further exacerbate our country's poor fiscal health. We must shore up Social Security and Medicare and reduce the national debt before passing such an expensive tax cut that we cannot afford. I did not come to Congress to saddle my two boys with a debt burden they did not create.

Mr. BLUMENAUER. Mr. Speaker, last year the administration and Republican leadership brought forth a tax cut and budget proposal. I opposed that proposal for its unrealistic assumptions and potential for leading us down a fiscally dangerous path. A year later we are witnessing the deficits and raiding of Social Security and Medicare that were all but inevitable.

Now, with the reality of deficits staring us in the face, the Republican leadership brings to the floor another in a series of bills that repeal the sunset provision of a part of their tax cut package. Reducing the marriage penalty is the right thing to do, but it must be part of a responsible budget framework.

H.R. 4019 will cost nearly half a trillion dollars over the next two decades. The Republican leadership offers no plan to take these funds from anywhere but the Social Security and Medicare trust funds.

I support the Democratic substitute amendment, which would permanently extend marriage penalty relief if the Office of Management and Budget certifies that the repeal will not result in funds being taken from Social Security.

Congress must adhere to budget policies that will return fiscal responsibility to the Federal Government. The American people expect us to produce a responsible budget and honor our commitments—a task that only becomes more unlikely with the bill before us today.

Mr. BARCIA. Mr. Speaker, I rise in strong support of H.R. 4019, the Permanent Marriage Penalty Relief Act. This important measure will permanently repeal the marriage penalty which effects millions of married couples across our Nation.

I would like to recognize the leadership of Congressman WELLER, and I want to thank him for giving me the opportunity to do my part to ensure that the marriage penalty is permanently removed from the Tax Code. It has truly been an honor to work with him.

Let me begin by saying that, fundamentally, the marriage penalty is an issue of tax fairness. Married couples on average pay $1,400 more in taxes simply because they are married. This is an unfair burden on our Nation's married couples and an unfair burden on the American family.

Marriage is a sacred institution and our Tax Code should not discourage it by making married couples pay more. We need to change the Tax Code so it no longer discriminates against those who are wed.

As most of you know, the marriage penalty occurs when a couple filing a joint return experiences a greater tax liability than would occur if each of the two people were to file as single individuals.

The Congressional Budget Office estimates that more than 25 million married couples suffer under this burden.

The legislation that is before us will erase this grave injustice from our current Tax Code. It is important that these 25 million American families know that this relief is permanent so they may use their hard earned money to build better futures.

For me, this bill strikes to the heart of middle-income tax relief. In my district in Michigan, there are over 53,000 families who would benefit from this relief. These are the people who are the backbone of our communities, these are the people who need tax relief the most and we must make sure America knows this much deserved tax relief will not be lost because of a sunset date.

This bipartisan bill achieves that goal—and I know that all of us present here today who support the measure will not stop working until this legislation is signed into law. My constituents have spoken to me on this issue—and the time has arrived to act decisively to permanently eliminate the marriage penalty.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 4019, the Permanent Marriage Penalty Relief Act, of which he is a cosponsor. This legislation would make permanent the various provisions in the tax cut law enacted last year that reduced the so-called "marriage penalty." Without the passage of H.R. 4019, the marriage penalty relief provisions, which are currently set to be implemented beginning in 2005, will expire at the end of 2010.

At the outset, this Member would like to thank both the main sponsor of H.R. 4019, the distinguished gentleman from Illinois (Mr. WELLER), and the chairman of the House Ways and Means Committee, the distinguished gentleman fro California (Mr. THOMAS) for their instrumental role in bringing H.R. 4019 to the House floor today.

This member supports the passage of H.R. 4019 because this legislation will at long last permanently reduce the current marriage penalty inherent in the provisions of the Internal Revenue Code. Thus H.R. 4019 will make a major step toward meeting the principle that the Federal income Tax Code should be marriage neutral. It would be a sad situation if the Internal Revenue Code is a factor for consideration when individuals discuss their future marital status.

Therefore, for these reasons, and many others, this Member urges his colleagues to support the Permanent Marriage Penalty Relief Act.

Mr. ROEMER. Mr. Speaker, I rise in strong support of H.R. 4019, a bill to make the marriage tax cut permanent. This is prudent and fair legislation that strengthens our most basic institution, the institution of marriage, which we should encourage rather than discourage under the United States Tax Code.

I have always cosponsored and voted to repeal the marriage penalty. I have also voted to override the former President's veto. It simply did not make sense that our tax laws made it more expensive to be married than single. For more than 30 years, our tax laws punished married couples when both spouses worked. In my district alone, more than 60,000 families have been adversely affected by the marriage penalty. More than 600,000 families have been punished by the marriage tax in my State of Indiana as a whole.

With my strong support, Congress finally enacted legislation to gradually reduce the tax penalty until fully repealed in the year 2009. Unfortunately, however, the effect of last year's tax cuts results in sunsetting marriage penalty relief and returning to the full tax rate in 2010 and beyond. This would clearly present a shocking and unwelcome burden to married couples, forcing significant changes in planning how family income is spent on their children's college education and student loans, mortgage payments for their home, and retirement savings.

I support this legislation not only because it provides fairness to married couples, but also because it strengthens the institution of marriage from an IRS standpoint. This bill encourages stable two-parent, marriage-bound households. Whether it is in a church or in a courtroom, couples usually have to pay some kind of fee for the marriage ceremony. But while it may cost money to get married, is should not cost money to stay married.

Rather, we need to support policies that encourage strong and healthy families that are so absolutely critical for vibrant societies. The pressures on working families are significant enough without this disincentive on the tax books. Therefore, I strongly encourage my colleagues to support this legislation repealing the marriage tax sunset and making it permanent for every current and future married couple in America.

Mr. WELLER. Mr. Speaker, I yield back the balance of my time.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MATSUI

Mr. MATSUI. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MATSUI:

Strike all after the enacting clause and insert the following:

SECTION 1. MARRIAGE PENALTY RELIEF PROVISIONS MADE PERMANENT.

Except as provided in section 2, title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of Act) shall not apply to title III of such Act (relating to marriage penalty relief).

SEC. 2. TAX REDUCTIONS CONTINGENT ON NOT RAIDING SOCIAL SECURITY TRUST FUNDS.

Section 1 shall not take effect unless, during calendar year 2010, the Director of the Office of Management and Budget certifies that there will be sufficient non-social security surpluses during the 10-fiscal year period beginning with fiscal year 2011 so that, during such 10-fiscal year period, the provisions of section 1 would not result in a raid on the social security trust funds (or increase the size of a raid on such funds). For purposes of the preceding sentence, such funds shall be treated as raided during any year for which there is a deficit in the non-social security portion of the Federal budget.

The SPEAKER pro tempore. Pursuant to House Resolution 440, the gentleman from California (Mr. MATSUI) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to say we will concede for the moment the fact if the other side wants to extend this legislation, we will extend it with them. We will take the bill from the other side of the aisle, their legislation, and say we will extend it. However, we would just put a provision in there that they should accept because last night when we had the motion to instruct, they did the same thing when it came to energy taxes, and that is 1 year before the proposal is to be extended, that is 2010, a full 8 years from now, we are talking about some 8 years from now, in 2010, the director of the Office of Management and Budget would have to certify that over the next 10 years, none of the funds to pay for marriage penalty relief would come out of the Social Security trust fund.

Mr. Speaker, that way my colleagues on the other side of the aisle could have it both ways. They could say that they have extended the marriage penalty relief for all Americans, and take care of all those people that the gentleman from Illinois (Mr. WELLER) showed the picture of, and at the same time they will protect the Social Security trust fund. Seven times in the last 3 years my colleagues on the other side of the aisle voted for a so-called lockbox to preserve the Social Security surplus so it could not be used for tax cuts or spending.

And so it is a very simple amendment, something that I believe that they support, something that certainly we support because we think one of the most important aspects senior citizens have is a guaranteed benefit at the end of the day, a Social Security benefit that frankly is actually only worth about $860 a month for the average senior citizen; but for many, it is the only thing they have.

If my colleagues on the other side of the aisle vote against my substitute, then they are basically the police officer who is defending us, the firefighter who is protecting us, the teacher who is teaching our children, as they pay their payroll taxes into the Social Security trust fund, that that money is not necessarily going to go to them when they retire. We all know this.

Right now there are 60 million Americans that are receiving Social Security benefits. In the next 15 years, we are going to add 40 million more to a total of 100 million people because the baby boom population in the year 2012 will begin to retire. We need to protect those funds for our senior population. We should not be using them for estate tax relief, spending programs, or anything else.

My amendment will make Members really fess up. Do they really want to protect Social Security, or are they just kidding people? Do they want to make sure that senior citizens are protected in their old age, or are they just doing a bait-and-switch? That is what this issue is all about, Mr. Speaker.

Our bill will let them have their relief in 2011. We will continue the marriage penalty relief, but only if it does not come out of the Social Security trust fund to do damage to the retirement benefits of our senior citizens.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, golly, if any Members listened to the first hour, they would think our friends on the other side of the aisle were in opposition to what we wanted to do. That it was a sham, a farce.

And then, lo and behold, their substitute takes the majority's bill. Now at this point I am running through my knowledge of quotes that might perhaps put this in perspective, and the only one that comes to mind is the Yogi Berra quote, "When you come to a fork in the road, take it."

Mr. Speaker, what we have here is an hour of debate about how horrible this side of the aisle and those who really do want to eliminate the marriage tax penalty on the other side of the aisle are in trying to offer permanent repeal.

If I understand what the gentleman from California (Mr. MATSUI) is offering is permanent repeal. He is offering the underlying bill. So if the gentleman from California did not understand the context in which I referred to his argument about the fact that the gentleman from Connecticut was not allowed to appear in front of the full committee, in which I said there had been 17 full committee hearings, and only one had Members in front of it, is baloney. I said it was the * * * baloney; and if the gentleman does not understand the use of that phrase, let me explain it. Apparently the argument that the Democrats have been making for the last hour is baloney.

PARLIAMENTARY INQUIRY

Mr. MATSUI. Mr. Speaker, parliamentary inquiry. I demand that the words of the gentleman from California (Mr. THOMAS) be taken down. I think the gentleman has used a Member's name in a way that is diminishing to the Member, and is putting the colleague up to contempt and ridicule. If I may have a ruling, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from California (Mr. MATSUI) in his parliamentary inquiry demand that the gentleman's words be taken down?

Mr. MATSUI. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. Members will suspend. The Clerk will transcribe and report the words.

☐ 1230

Mr. THOMAS. Mr. Speaker, rather than delay the process, since a number of Members really want to go home and rather than trying to get the Parliamentarians to attempt to divine sentence structure, the gentleman from California would ask unanimous consent to remove the statement and put in its place that the argument from the gentleman from California about the way in which the gentleman from Connecticut (Mr. MALONEY) was treated is phony baloney.

PARLIAMENTARY INQUIRY

Mr. MATSUI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. MATSUI. Mr. Speaker, I would appreciate a ruling from the Chair.

The SPEAKER pro tempore. The gentleman will suspend.

Is there objection to the gentleman's unanimous-consent request?

Mr. MATSUI. I object, Mr. Speaker. I would like a ruling from the Chair, Mr. Speaker.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to withdraw the words so that we can go forward.

Mr. MATSUI. I object, Mr. Speaker. I would like a ruling from the Chair, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to transcribe the words.

Mr. THOMAS. Mr. Speaker, in a further attempt to expedite the process, the gentleman from California asks unanimous consent to strike the words.

Mr. MATSUI. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. THOMAS. Mr. Speaker, in a further attempt to expedite the process in which the gentleman from California's comments about the committee's failure to allow a Member to offer testimony at full committee when that is the extreme exception to the rule rather than the general rule and the argument that we denied it because of the gentleman, that that argument that the gentleman was making was in fact not accurate or factual, which is in a colloquial way sometimes referred to as baloney, the gentleman from California is willing to strike that structure which has been presented if it offends the gentleman because I want to move on with the debate. The gentleman's argument, notwithstanding that, is still phony; but if he is so upset with that reference that we continue to delay the proceedings of the floor, the gentleman from California would ask unanimous consent that that be struck.

Mr. MATSUI. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read the gentleman's words.

The Clerk read as follows:

> So if the gentleman from California did not understand the context in which I referred to his argument about the fact that the gentleman from Connecticut was not allowed to appear in front of the full committee, in which I said there had been 17 full committee hearings, and only one had Members in front of it, is baloney. I said it was the "Maloney Baloney"; and if the gentleman does not understand the use of that phrase let me explain it. Apparently the argument that the Democrats have been making for the last hour is baloney.

The SPEAKER pro tempore. The Chair is aware that the gentleman from California was using the word "baloney" to characterize only the rationale offered by his opposition, but the Chair nevertheless finds that the use of another Member's surname as though an adjective for a word of ridicule is not in order.

Without objection, the offending word is stricken.

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. THOMAS) may proceed in order.

There was no objection.

Mr. THOMAS. Mr. Speaker, clearly, based upon the Chair's ruling, the fact that the argument had been made about the denial of a Member to appear before the committee is without substance. Perhaps if someone has a thesaurus and they look up synonyms for "without substance," they may find a word referring to a particular lunch meat.

The fundamental point we are making here is we spent an hour with their bemoaning the fact that we want to make the marriage penalty permanent, they now want to take an hour on their substitute which makes the marriage penalty permanent. One would think that if they were in opposition with all those vehement phrases in the first hour to making the marriage penalty permanent, they would have a substitute that would do something other than making the marriage penalty permanent.

But I have to let my colleagues realize here that what we are engaging in on the floor with the offering of the Democrat substitute could probably generally be referred to as political baloney.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

PARLIAMENTARY INQUIRY

Mr. STENHOLM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STENHOLM. Mr. Speaker, it is my understanding that a previous ruling the Chair made today concerning the question that was asked as to whether a Member on either side might mischaracterize the other Member's voting record on this floor should be settled in debate.

The SPEAKER pro tempore. The gentleman is correct.

Mr. STENHOLM. Mr. Speaker, I want to say at the outset that particularly my colleague from Illinois and others who might wish to engage me in debate on what I am about to say, I will gladly yield for purposes of debate and would hope that they would be generous with some time if they take most of my time, because I rise in strong support of providing marriage penalty relief and protecting the Social Security surplus. The only way you do both today is you vote for the Matsui amendment. If you are for marriage tax penalty relief, and I am, it is the same bill you have got. But if you are also concerned about the future of Social Security, the only way you do that is to vote for the substitute. It is kind of like last week I was for eliminating the estate tax on every estate up to $6 million effective immediately. But you said no, and you won and you lost and none of the small businesses get anything and again you are going to win on political points today if you prevail with 218 votes. In the end, nobody is going to get anything except our young people.

I want to provide relief to the 57,000 couples in the 17th district who pay a marriage penalty. I am for it. But I also care about the 67,000 households in my district who depend upon Social Security and the 253,000 workers paying into the Social Security system now who are counting on us to make sure we can afford to meet our promises to them when they retire. I also am very concerned and care about the 250,000 children under the age of 18 who will face a crushing debt burden and higher taxes if we do not take action now to deal with Social Security and Medicare. I wish my colleague from California had brought that up last year instead of what got us into the debt position that we are in today.

I do not know of any parent who would want us to give them a benefit today at the expense of leaving their children to pay the bill for a massive national debt and a legacy of deficit spending. I do not understand the philosophy of folks who do not have a problem with leaving our children and grandchildren with a large debt just so we can have a tax cut or more spending today.

The government is on the verge of a financial crisis. The Treasury Department has told us that if we do not increase the debt limit in the next 2 weeks, the government may be forced to default on our debt. The Senate has acted. The House refuses to pay for that which you insist on coming to the floor and arguing again today for. Reducing the amount of revenue so that we default on our obligations, that is what you are for. Instead of figuring out how we are going to stop the tide of rocky red ink and stop spending Social Security surplus dollars, the majority leadership continues to bring to the floor legislation that will continue to add more debt and increased borrowing from the Social Security surplus. And let me say since somebody will stand up here and say spending, for the record, in the 12 years I was here with Republicans in the White House, the Reagan-Bush years, only 1 year did the Congress, the big-spending, liberal Democratic Congress we hear so much about, ever spend more than the President asked us to spend.

□ 1245

In the 8 years of the Clinton administration, with majority Republican leadership in this body, you will find we spent, Congress, notice I say "we," I am part of you, we spent more. It is time for you, us, to get honest with our debate and stop this politicizing and sending out the press releases that you send in to my district.

Let me repeat, if you really want to do away with the marriage tax penalty and protect Social Security today, there is only one honest vote you can cast, and that is to vote for the Matsui substitute. It is the only one that says we can only do these things that feel good, sound good, make good press releases if you pay for it.

Yesterday we voted on the energy bill, an energy bill that is a great bill. I commend the chairman of the Committee on Energy and Commerce. The gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Louisiana (Mr. TAUZIN) did a great job. Yesterday we voted unanimously to pay for it. We voted to pay for it. Some were saying, well, we really did not mean it. Some of us meant it.

I would like to get the tone of the debate back now. As I said in the beginning, I am willing to engage in debate. I wish somebody would stand up on this side and say what is it that I have said that is not true, what is it about the fact when I state very clearly if you want to do away with the marriage tax penalty, exactly like everybody on this side, all of my friends, it is the same bill.

It is the same marriage tax penalty bill. But what it does not do, it does not increase the deficit on the Social Security system in the second 10 years that your amendment, pure like you want it voted on, does. That is the issue.

I wish you had the same courage now to stand up and say we are going to borrow the $750 billion in order to give you that tax cut, and we are going to send the bill to your grandchildren. That is what you are doing. That is exactly what you are doing.

Why are we doing this? What is it that makes this such a great political issue? I do not understand.

Vote for the Matsui amendment, vote down the base bill; and then let us get civility back in the House and start working together, before we undo a lot of good things for our grandchildren.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman's desire to let us get back together, to let us lower the political rhetoric. We are doing some kind of game here, and what they are engaged in is serious legislative business.

I ask anyone to read the substitute. First of all, their bill has no effect until 2010, calendar year 2010. That is 8 budget years from now. We do not have to worry about what kind of obligation our children are going to have if we make prudent spending decisions, if we stimulate this economy to allow entrepreneurship to prevail so the economy can grow.

We have eight budget seasons to create an environment to bootstrap ourselves out of the situation that the tragic events of September 11 of last year put us in, the position we are in. So to say that now we have to shut off all possibility for 8 or 10 years down the road, basically tells me they have no faith in the American people and they have no intention to engage in prudent fiscal policy over those 8 years.

Now, let us talk about taking rhetoric out of the debate. If you find out what it is that the structure of the substitute does is, it takes the congressional control over the purse strings, jealously guarded by the Congress over the years, and blithely says the Director of the Office of Management and Budget would certify, would take the decision out of the people's House and take it down to the executive branch. I think that is fundamentally wrong. It undermines a key provision of the Constitution.

But what is that the Director of the Office of Management and the Budget is supposed to determine? This is where the politics comes in. I know sometimes we use jargon, and especially budgetary jargon, and it gets confusing about what we really mean.

Let me read. It says that "during such 10-year fiscal period, the provisions of section 1 would not result in a raid on Social Security trust funds or increase the size of a raid on such funds."

Now, I would say that the fundamental political motivation of this substitute is to focus on how they describe the decision that the Director in the Office of Management and Budget would make. He or she would decide whether or not there was a, quote-unquote, "raid" on the Social Security trust fund.

If you believe that is technical jargon that is used to determine a budgetary consequence, okay. If you believe "raid" carries pretty heavy political power and that the determination of a raid does not create an attitude, does not get you into a negative frame of mind, then I guess you do not understand how much this is a political exercise.

I appreciate the gentleman from Texas, my friend, and his fundamental concern about our resources. I believe he is absolutely honest in his attempts to make sure that we live within our budget. I agree with him. I am willing to join hands with him. But what I want to do is unleash entrepreneurship, to hold the fiscal discipline in place. We can work our way out of this problem. But I just have a little trouble with the technical term to determine whether or not his substitute has validity, and it is the term "raid." I think the term "raid" in and of itself is a political statement.

Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois (Mr. WELLER) and ask unanimous consent that he be allowed to control the time as he sees fit.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM), so he may be able to characterize his own comments, rather than have someone else do it for him.

Mr. STENHOLM. Mr. Speaker, I am sorry that the chairman of the Committee on Ways and Means is leaving the floor, but I see he is coming back now.

I would just ask the chairman respectfully if the criticism that you just made of the Matsui amendment would not be equally applied to your bill on the floor, because it is the same language?

Now, as far as the word "raid" is concerned, I would be perfectly willing to change that. We could say "steal," we could say anything; but that does not help.

But I want to yield to the gentleman. Is not the criticism that you made of the Matsui amendment equally applied to the bill that you are touting on the floor today?

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

I will tell the gentleman it does not, because what we do is simply put in place the current tax structure on a permanent basis. If I might very briefly continue, and I will try to get time on this side if the gentleman does not have it, if you have indicated you agree you want to make the tax permanent, and I want to make the tax permanent, if we make the tax permanent, is it not incumbent on us to make sure we follow fiscal discipline over the next 8 budget years and make sure we move tax measures that can empower the business sector and individuals so that we can grow the economy so that we do not have to worry about the consequences that the gentleman is concerned about?

I think it is the idea of fiscal conservatism and the idea of trying to grow the economy that some of my friend from Texas' friends are worried about actually having to do. You would rather create a false crisis than to grow ourselves out of it. That is my opinion.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, I thank the gentleman for that comment. It is interesting how you can stand here on the floor and look me in the eye and say that the criticism of the exact language is not the same.

Now, you make an argument on a separate issue, and this is the one that I take to the floor to oppose, because I think making tax cuts or spending increases permanent is not fiscally responsible.

Mr. WELLER. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. THOMAS).

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think making tax cuts or spending increases permanent in the climate which we are now under, in which we have seen a $5.6 trillion surplus evaporate and we are now into a $300 billion deficit, I do not believe it is fiscally responsible on our grandchildren to have votes like this day after day after day. I do not. I respectfully differ.

And on the spending, one thing that really grates on me, when we attempted to have a vote on a substitute budget this year that would have made this argument in the budget, you on the majority side denied us the opportunity to have that debate on the floor of the House during the budget. That is what grates on me.

Mr. THOMAS. Mr. Speaker, reclaiming my time, I understand the gentleman chafes under the rules of the House because he is now a minority. I understand that. I was 16 years in the minority, and we are operating under far more liberal rules of the House. I understand how it grates on him.

But I will tell the gentleman that the structure that the gentleman had when he was in the majority was far less liberal than ours. If the gentleman will carefully review what I said, which is good practice for everyone, my complaint was about the use of the term "raid" and the fact that the structure that triggered the review was the Office of Management and Budget. That does not appear in the underlying bill.

As far as I know, one of the best motivations to make sure people do the right thing is to have a goal; and if we make marriage tax relief permanent, we have a goal to make sure that the responsibility of not pushing this off on to our children is one that we would match by fiscal conservatism and stimulation of the economy.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I am so pleased to follow the gentleman from Texas (Mr. STENHOLM). We have a lot in common. I think what gripes him and what gripes me is not simply being in the minority, but your fiscal irresponsibility.

For the chairman of the Committee on Ways and Means to rise and call himself a fiscal conservative, when under this majority we have seen the surplus essentially evaporate, other than Social Security, and the Social Security surplus threatened, to call that fiscal conservatism? You essentially are the fiscal radicals.

I favor marriage tax relief and have voted for it, so I would say to the gentleman from Illinois (Mr. WELLER), do not get up here and say otherwise. And so have most Democrats. The issue is whether we can combine that relief with fiscal responsibility. We say we can do both, and essentially what you do is to throw away the future. You go through the roof and, then you say "if Congress," "if Congress," "if."

We have seen your record of fiscal irresponsibility. You do not want to vote on the debt ceiling separately. You are doing everything you can to avoid it, and at the same time you are passing bills that make the debt worse, worse, worse. So this is not a question of marriage tax relief. Indeed, the bill that originally passed here, half of the money had nothing to do with marriage tax relief, while our bill focused in on this, as it did with the estate tax.

What your bill does is in the second 10 years essentially costs $330 billion, plus debt service, which raises it to $460 billion. It used to be said around here that millions matter. What Democrats are saying is that billions and tens of billions matter. You are simply being reckless with the future of our children and our grandchildren, and we are emphatic in saying let us take another look before that happens. That is fiscal integrity, that is fiscal responsibility; and I am proud to rise in support of the amendment of the gentleman from California (Mr. MATSUI).

The fact there has been some histrionics on the other side, I would say to the gentleman from California (Mr. MATSUI), I think shows the value of your amendment.

Mr. WELLER. Mr. Speaker, as we return to the basics of this debate of whether or not we eliminate the marriage tax penalty or do we impose a $42 billion tax increase on 36 million married working couples, I would yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished deputy majority whip.

(Mr. BLUNT asked and was given permission to revise and extend his remarks.)

□ 1300

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Illinois for yielding me time.

I am here to talk about what happens to working families in 2011 if we do not go ahead and act now, act in a way that responsibly assures that we do the right thing for the children of those families.

My good friend from Texas talked a couple of times about what we are doing for our grandchildren. What do we do for these grandchildren if we accept the figures that we are hearing on the floor today? Mr. Speaker, $460 billion of tax increases for families where moms and dads are both working over 10 years, $460 billion taken away from those families where 2 people every day get up, go to work, do their very best to provide for their families, and we decide that we want to reinstate a marriage penalty on January 1, 2011. That is not acceptable; it is not something this Congress should be considering. What we have a chance to do today is to really be sure that this relief becomes permanent.

The fact is that when you get married, you should not have to have a penalty in the Tax Code. If anything, there should be a bonus in the Tax Code. You get more of what you encourage, you get less of what you discourage. A marriage penalty works against the very things that we want to encourage: families working together, people going to jobs every day to try to create a better life for their families. We do not want to have a $42 billion annual tax increase that goes into effect January 1, 2011 because people are married.

If we are going to think about penalties in the Tax Code, it should be somewhere besides here. We need to move forward with this legislation today and we need to make it certain that one of the biggest tax increases in history for working married couples will not be January 1, 2011. The way to do that is to make the marriage penalty relief permanent, to do it now, to let couples begin to plan what they can do with their financial resources in the future for the advantage of children and grandchildren.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, it is not that I necessarily disagree with what my Republican colleagues want to do in 2011 and for the decade after that, but let me remind my colleagues, we are in the year 2002. We do not need to fight this battle now. Why do we not wait until 2009 or 2010 so we can see what is happening with our budget then? But what we are seeing is that they would rather fight a battle today for something that may happen 10 years from now instead of dealing with the problems we have today.

We are in a war on terrorism. Our budget deficits are exploding for the next 8 years, as we would expect. Yet, they want to take time on the floor to say we want to make sure you can tax-plan for 10 years from now. I wish I could tax-plan for next year or the year after.

The battle should be on how we are going to deal with the deficit right now; how we are going to deal with the tax cut that was passed last year before September 11; how September 11 and the increase that all of us support to fight the war on terrorism, how we are going to deal with an economy that did not come back or has not come back like some of us wanted it to or hoped it would do, or whatever we could do, maybe some other tax cuts, but they need to be more immediate, than to argue today over something that is going to happen 10 years from now. That is why I think it is so ludicrous to be up here saying we are going to take care of you in 2011 but, by the way, for the next 9 years, we are going to have deficits out of the gazoo.

The Democratic substitute, all it says, it has the same things that the Republicans do for 10 years from now, again, which is somewhat silly, but it says, okay, we will do this 10 years from now, but we are going to make sure that Social Security and Medicare are safeguarded. That is all it says. That is why it seems we ought to as a House agree we want to take care of our seniors. There are those of us who 10 years from now may be eligible for Social Security, but I know a lot of my constituents will be, and I want to make sure that they have Social Security and Medicare there instead of having the trust fund continue to be drained away by excessive deficits that we expect.

Now, I hope it does not happen in the next 3 or 4 years, but unless we address today and not fight battles that are 9 years away, we will not address it and we will have the budget deficits as far as the eye can see, and that is for the next 9 years, Mr. Speaker.

That is why the Democratic substitute is very simple. We will give you the tax cut. You can tax-plan for 10 years from now if you can, but we are going to make sure that if it impacts Social Security and Medicare, that it does not touch it, that the trust funds will be there.

That is why I think it is so strange that we are having a battle for 10 years from now. Even if we are doing it in 2013 to 2022, if the baby boomers are aging into Medicare and Social Security, this legislation could cost $330 billion. Where are we going to get that if we have a $250 billion deficit for this year and for as far as the eye can see?

I just think, again, we are fighting a battle for political purposes and not really dealing with the reality at hand, with the war on terrorism or an economy that is not in good shape. We need to do something today instead of 10 years from now.

Mr. WELLER. Mr. Speaker, as we return to the real issue here of whether or not to impose a $42 billion tax increase on 36 million married working couples, I am happy to yield 3 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding me this time.

The House, once again, is revisiting that long debate about whether working families pay too little in taxes or they pay too much. Only the Democrats see cutting taxes as a spending program. Deficits are caused by spending too much money, not by raising too little taxes.

So before I explain why this awful substitute must be defeated, we ought to tell the people where we stand and what this debate is really about.

Over the last few weeks, Republicans have voted to lower the tax burden on American families. We extended the adoption tax credit to help more vulnerable children in our society find homes where they are safe and loved. The House permanently eliminated the hated death tax, which destroys so many small businesses and farms. In the weeks to come, we will strengthen retirement security by allowing workers to expand their retirement savings through 401(k)s and IRAs, and we will raise the child tax credit to $1,000 so parents can keep more of the money that they earn to support their families.

All of these measures passed the House with strong bipartisan majorities, but the Democrat leadership's continuing devotion to big government causes them to reflexively oppose anything that lets people keep more of the money that they earn. That is why they are demonizing the President's tax cut.

I have seen a lot of Democrat substitutes, and this one is so true to form, it raises taxes $42 billion on over 30 million families. There is rarely a week that passes around here in which the Democrat leadership does not attempt to raise taxes in one way or another. Last week, they even voted to revive the death tax. But the remarkable thing is that my friends are also proposing to weaken the Constitution.

Our Constitution clearly states that tax increases such as this one that they propose in their substitute must begin in the House of Representatives. Our Founding Fathers rightly structured our system this way so that voters could hold the people who raise their taxes accountable. The Democrat substitute would empower unelected government bureaucrats to raise taxes on married couples based upon their predictions about the government's balance sheet or the needs of the government. Their substitute tries to pull an end run around our Constitution. Their substitute erodes the ability of voters to hold accountable those seeking to grab more of their hard-earned wages.

Members should defend the Constitution and reject higher taxes by defeating this substitute. Vote "no" on the substitute and vote "yes" to support marriage penalty relief.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

What are we doing today? As is often the case, I think most people watching this are probably pretty confused. What are we doing today? Well, we have a bill from the majority today before us that would cost, during its first 10 years in effect, about $460 billion. But, it will not take effect for the next 7 years, so none of the benefits that are claimed under this marriage penalty protection take effect until 2011. So nothing goes to anybody today. But we are planning today to commit $460 billion starting in 2011, even when today we know we have a $100 billion deficit in today's, this year's, budget, and we know that every single dime out of the Social Security trust fund and the Medicare trust fund today, this year, is being used to pay for things that we do not have money to pay for yet because we have a $100 billion deficit.

What else are we doing today? Well, Democrats today stood up and introduced their prescription drug plan for seniors under Medicare, one that would provide seniors, every senior, not just certain seniors, every senior, a prescription drug policy under Medicare. Where are our priorities? What should we be doing?

The American people want us to take care of the fear of terrorism. Let us invest money there. The American people say it is about time that seniors did not have to choose between their rent and their medicine, between their food and their medicine. Let us give them this prescription drug program that they need. It would cost less than this particular bill. Let us give seniors security, knowing that we are going to protect and strengthen Social Security into the future, which we could do if we did not pass this bill. But no, we are not doing that. We are committing monies into the future knowing that right now, today, we are already in deficit spending.

Where is the accountability? A year ago the President said, I can pass a tax cut bill and not touch a dime out of Social Security or Medicare trust fund money. Today, we are using every single cent of it, and now we want to commit even more of it. Where are we going? Where are our priorities? How do we explain this to the American people? We must be accountable. We must have fiscal discipline. We cannot continue to say that we will let the national debt, which is close to $6 trillion, grow.

We had a plan 3 years ago that would actually have eliminated that debt. Today, under the President's budget, it grows. And now, with this it grows even further. How can we talk about families and the marriage penalty relief when, in fact, what we are doing with this bill is actually causing family penalty, not relief. Why? Because we take out one of these things, one of these things that too often Americans use and use unwisely. With the government credit card you can say, I can give you marriage penalty relief, not today, in about 7 years, and it is going to cost us half a trillion dollars, but that is okay, I have this. Who pays? We are mortgaging our children's future, because they will have to pay for it. We are mortgaging our seniors' lives, because we can give them prescription drugs, and we are mortgaging seniors today because they can say, I have Social Security, but I want to make sure my children have it as well.

Mr. Speaker, let us get our priorities straight and support this bill and vote for the substitute.

Mr. WELLER. Mr. Speaker, as we return to the basic issue here of whether or not we have a $42 billion tax increase on 36 million married working couples, I am happy to yield 2 minutes to the distinguished gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Returning to the debate on the floor today, it is very interesting to listen to the gentleman from California, my friend, because he seems to be of two minds. He stood here on the floor bemoaning making permanent marriage penalty relief, alleging all sorts of fiscal problems, and yet he said to support the substitute offered by the other gentleman from California. So there is an inherent disconnection right there.

Mr. BECERRA. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. No, not right now. I want to make my point.

Mr. BECERRA. Mr. Speaker, I want to explain the disconnect.

Mr. HAYWORTH. Mr. Speaker, on the gentleman's own time he can get the time to explain the disconnect.

Here is the point I would like to make today, and this is the point that I think we all need to keep in mind. If, in fact, they are offering marriage relief, we say welcome. But there is a problem here in what they have done.

Article I, section 7 of the Constitution reads, "All bills for raising revenue shall originate in the House of Representatives." What the substitute does is empower the director of the Office of Management and Budget to make a determination.

So let us get this straight. We are going to take and ignore the powers given to this House to make the czar of revenue the director of the Office of Management and Budget, and that person will decide when and if tax relief will be enacted or put into practice. It defies the Constitution.

Mr. Speaker, we are talking about a couple of major issues here today that involve the notion of trust and what is sacred. The marriage vow is sacred, and I believe that, and writings in the Constitution are likewise. We dare not mortgage the rights of elected people in a free society, elected representatives, described in this document of limited and enumerated powers, for a gimmick empowering a bureaucrat in the executive branch to decide on taxation. Yes, on marriage penalty relief; no on a clever, but flawed, substitute.

□ 1315

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am sure the previous speaker, by the way, in employing the logic he did as he pulled out the copy of the Constitution, I would bet Members anything he voted for the line-item veto. So where Congress is in charge of spending by the Constitution, I will bet he voted to give that power to the President of the United States. I would be willing to bet anything he voted for that.

Mr. Speaker, today we vote on whether or not to repeal the sunset provision of the Marriage Penalty Tax Relief Act. Now, marriage penalty tax relief is important; but just as important is, how do we pay for it? Time and again, the House has been prohibited from voting on ways to pay for tax relief provisions that do not steal from Social Security and Medicare trust funds. The Matsui substitute is a responsible approach to providing marriage penalty relief by guaranteeing certification that the Social Security trust fund is not to be raided for this purpose.

Mr. Speaker, the Democrats simply want to pay for this tax relief act by implementing provisions of the Corporate Patriot Enforcement Act, sponsored by myself and that old meatgrinder, the gentleman from Connecticut (Mr. MALONEY). Taxpayers around the country want Congress to act swiftly to stop these corporations from shelving their patriotism to save a few bucks.

That is what we should be debating on this floor, these companies that are moving to Bermuda. But constituent calls have fallen on deaf ears because we cannot readily get that piece of legislation to the floor. The Neal-Maloney Corporate Patriot Enforcement Act would immediately and permanently shut down the exodus of American corporations who are moving to Bermuda, in this time where we are all feeling good about patriotism in this Nation, so they can avoid paying U.S. corporate income taxes.

Hardworking American families are, yes, entitled to tax relief; but I am sure these families do not want to burden their children by placing our trust funds and budget at risk. Let us pay for the Marriage Penalty Relief Act. Let us stop the procedural games. Let us get a vote in this institution on the Neal-Maloney Corporate Patriot Enforcement Act that would stop corporate expatriates.

I will hold Members to the same offer and opportunity I provided a couple of weeks ago in my assessment of that vote: put that legislation on this floor and it will get 300 votes. We deserve a vote on that bill.

Mr. WELLER. Mr. Speaker, as we return to the debate on the issue before us on whether or not to impose a $42 billion tax increase on 36 million married working couples, I am happy to yield 3 minutes to the gentleman from Florida (Mr. SHAW), a distinguished member of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to just review exactly where we are, where we are going, and why we are here.

If I understand the way the thing is arranged right now on the substitute, to begin with, I think it is a truism, and I have not heard anybody in this House defend the marriage penalty. It is a tax that taxes people that are married, where there are two wage-earners in a household, more than they would be taxed if they were single. Everyone in this House agrees that that is wrong, and we corrected the situation.

But because of a peculiarity in the rules of the Senate, we were only able to do it for 10 years, so we did it for 10 years. Ten years is better than nothing. Now we want to make it permanent. I would say that many Democrats are going to vote with the Republicans in making it permanent. They are not going to turn this over to the Office of Management and Budget.

The previous speaker, I think, made a very interesting observation. I am surprised it has not been made many times, at least from this side. Yes, a lot of us did vote for the line-item veto, but the court said that the line-item veto given to the President is unconstitutional because it is giving legislative authority to the executive branch.

Whoa, wait a minute. Is that not what we are doing here? Are we not giving the Office of Management and Budget the opportunity to give a huge tax increase simply by a guess that it will make in the year 2010 that the Congress may be spending a little bit of the surplus, or that the surplus may be called into play in order to bring fairness to the Tax Code?

I think it is also important to realize that we will not have a surplus after 2017, so we need to get together in a bipartisan way and solve the problems of Social Security so that it will be there after 2017, and we will not have to be too concerned about what the question of the surplus is, because that is going to go away.

But returning to the issue here, we are trying to erase a scheduled tax increase in 2010 that the Congress can enact simply by increasing spending and not having to vote to increase taxes. Vote against the substitute; vote for the underlying bill.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad people are concerned about the Constitution of the United States. I wish we were concerned about it in a lot of other cases, as well.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I rise today to support repeal of the sunset provision of the Marriage Penalty Relief Act. Mr. Speaker, a recent study found that over 728,000 married couples in Georgia, 52,000 in the district I represent, are adversely affected by the marriage penalty. Today we have the ability to remove this burden and repeal one of the most unfair provisions of our Tax Code. The family is the basic unit of society. As the family goes, so does our society go.

The Bible says, he who finds a wife finds a good thing and obtains favor from the Lord. Marriage is a good thing. It is awful that our current laws encourage cohabitation without marriage. Untold numbers of men and women should not be encouraged to make this choice. At best, our laws should support marriage and the family; at the least, our laws should be neutral.

Today I ask my colleagues to embrace marriage, embrace the family unit, and create another reason for everyone to find their good thing. Remove the financial hassle associated with matrimony, permanently repeal the marriage penalty, and fully encourage the institution of marriage and the strengthening of our family units.

Mr. WELLER. Mr. Speaker, as we return to the basic debate we have before us of whether or not to impose a $42 billion tax increase on 36 million married working couples, I am happy to yield 1½ minutes to the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I rise to speak against the Democrats' substitute.

Mr. Speaker, I would say that anybody who is going to acknowledge the need for some level of fiscal responsibility, that is something that I think we all respect and know that we have some need for that. The question is, does this, the Democrat substitute, really give us any fiscal responsibility, or is it, rather, a fig leaf or an excuse? I am afraid it is more of a fig leaf and an excuse.

The substitute stipulates that the marriage penalty is going to be reimposed, this unfair prejudice against married people will be reimposed, unless there is a non-Social Security surplus.

Now, there are a couple of problems with that. The first problem is, who is it who is going to make that determination? Who is going to guess whether there are going to be non-Social Security surpluses, particularly for a period of 10 years? That is going to be the Office of Management and Budget. Let us see, that is the executive branch, or at least it is a bureaucrat, as opposed to the Congress. That is flatly unconstitutional.

So the first problem on the face of this is that it is an amendment that is going to be putting into place some particular procedure which just flat out is inconsistent with the Constitution. But, unfortunately, the inconsistencies go even further and the problems go further, because we are asking some bureaucrat to be able to say to Congress that, I am going to guarantee you that for 10 years, not just 1 year but 10 years, that there will be no budgets; that you will not go on a tax-and-spend spree. I think that is asking an awful lot. That is like asking somebody to roll a seven on a single dice.

Mr. WELLER. Mr. Speaker, as we continue our debate on whether or not to raise taxes by $42 million on 36 million working couples, I am pleased to yield 2½ minutes to the distinguished gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, the previous speaker, the gentleman from California, asked, what are our priorities, and asked us to focus on fiscal discipline and fiscal responsibility.

Yes, our priorities include making sure that Social Security is secure for all generations and that we preserve Medicare and add prescription drug coverage. In so doing, I would remind the gentleman that we are the only people who have put forth in the past a budget to keep that fiscal responsibility.

But my responsibilities also include, and my priorities include, families and keeping them strong as the bulwark of America. When we do that, the big fear that I have is that my children, when they come to me later on and they decide that they have found someone they want to spend the rest of their life with, because I have taught them about fiscal responsibility, they will say to me, dad, I can save $1,400 if we just live together and do not get married, and we can use this $1,400 a year on all kinds of good and wonderful things, because I have taught them to be fiscally responsible.

That is not a question I want to have. We have to take care of Social Security and Medicare. We should not be doing that on the backs of American families. This is not about whether we are spending Social Security; this is about whether we value and put a priority on families as the basis of our American life. I would encourage Members to oppose the substitute and support eliminating permanently the marriage penalty on American families.

Mr. MATSUI. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, again, I just want to reiterate some numbers here before the last speaker closes, if I may.

At this time, we have tapped into the Social Security trust fund, in other words, money that is payroll tax, money that people think is going into a trust account to pay for their retirement benefits, by $1.7 trillion. That includes debt service, and it includes spending programs that we will have over the next 2 or 3 months.

If we extend the tax cut, if we pay for the defense bill, the farm bill, the President's Medicare proposal in terms of his prescription drug proposal, we could add to that another $1.5 trillion, and make a total of $3.2 trillion.

If in fact we do those things, and I think most people will agree we are going to have to do many of these things, we are going to make it impossible to solve the Social Security problem in America. We are going to make it impossible to make sure that we continue benefits for our senior citizens.

It is my hope that good judgment and common sense will finally come to us in this institution. If in fact we are going to deal with something 8 years down the road, at least we ought to have the common sense, Mr. Speaker, to make sure that it does not further invade and raid the Medicare and Social Security trust fund.

The only way we are going to be able to do that on this bill, Mr. Speaker, is if in fact we support my substitute, which basically says that we will let this marriage penalty relief go into effect in 2011; however, the Director of the Office of Management and Budget must certify that no funds over that 10-year period will invade the Social Security trust fund, as we are doing now.

It is my hope, Mr. Speaker, that we vote for this substitute and turn down final passage of the bill if my substitute fails.

Mr. Speaker, I yield the balance of my time, which I believe is 5 minutes, to the distinguished gentleman from Texas (Mr. TURNER).

□ 1330

Mr. TURNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is time for this Congress to start being honest with the American people. Last June I was among a majority of this House that voted for the largest tax cut in the history of this country. The official estimate at that time of the surplus were that we could anticipate over $5 trillion in surpluses over the decade. We spent half of that on the tax cut. Here we are just one year later and the balance of that surplus is gone. In fact, the projections are that we have deficits as far as the eye can see. The question that we should be debating on this floor today is not how many additional tax cuts can we give, but the issue we should be debating is who is going to pay the bills.

We all have stood united with our President, Democrats and Republicans alike, in a commitment to fund whatever is necessary to win this war on terrorism and to protect the security of the homeland. But my Republican colleagues refuse to acknowledge that we should not only vote to spend the money for the war, but that we should be willing to pay the bills for this war. Instead, they bring a new tax cut on the floor every week. You would think that September 11 has never happened. We have called to the young men and women in uniform serving in far-off places to be willing to make the ultimate sacrifice for our freedom, but we, we in this Congress have refused to tell the American people that they too must be ready to share in the sacrifice by at least being willing to pay the bills.

Instead, the Republican majority has said to America's younger generations, we will leave the bills to you.

We should not ask the young men and women in uniform to go fight this war and then come home in their income-earning years and to have to be stuck paying the bill for the war they fought. Nor should we be telling the next generations of seniors that we are going to use their retirement funds, the Social Security trust funds, to pay for this war.

Never in the history of our Nation have we cut taxes in the midst of war. The way we are headed, this Republican administration will have the largest increase in spending of any administration in our history and will have the largest increase in debt. And somebody owes it to the American people to tell them why and to tell them that sacrifice goes beyond the duties of those young men and women in uniform to the American people.

If we really believe in protecting those young men and women fighting in far-off places, if we really believe in supporting the FBI and the CIA and the law enforcement community that is fighting this war on terrorism, we should be willing to pay the bill.

I will be happy to give additional tax relief to any American family just as soon as we can tell those American families that it will not be done with money borrowed from your seniors' retirement funds and it will not be done with money borrowed from the public, because today that is exactly what our Republican friends propose.

If we really believe in the great cause to which we are now engaged, let us be honest with the American people and tell them that the surplus is gone, that the bill collector is at the door, and this generation must be willing to make the same sacrifices made by the greatest generation during the Second World War.

The bill I am voting for today will give tax cuts whenever the official estimate of our Congressional Budget Office says that we can do it without borrowing money on the credit card of the next generation. A vote for the Democratic substitute is the only honest vote and it is the only way to really stand with the troops fighting for this Nation in far-off places today.

Mr. WELLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me state that to begin with, I rise in opposition to the Democratic substitute and I would note, as the previous speaker noted, that the right to raise taxes is being handed off to an unelected bureaucrat by the Democratic substitute. And under our Constitution, under the Constitution, all revenue and spending initiatives must originate right here in this House of Representatives. And previously when the line-item veto was passed by this Congress and proposed and then passed into law by the Congress, the Supreme Court ruled that at that time the Congress was handing off legislative power to the executive branch and overturned that initiative by the Congress. That is very similar to what our Democratic friends are doing.

Today they are actually giving an unelected public servant or bureaucrat the right to raise taxes. What that would entail would be a $42 billion tax increase. And what could trigger that tax increase on 36 million married working couples is an uncontrollable urge by Congress to spend. There are some in this House who like to spend. They are usually the ones who argue against eliminating the marriage tax penalty. And if they could force a spending increase without even having to vote on it under this measure, they would also cause an automatic tax increase on 36 million married working couples. That alone is primary reason to vote no on the Democrat substitute.

Let me give you an example of a couple here who really illustrate why we need to make permanent our effort to eliminate the marriage tax penalty. When we worked to eliminate the marriage tax penalty over the last several years, we asked a very basic question, that is, is it right, is it fair, that under our Tax Code that a married working couple, husband and wife, both in the workforce, who are married, pay higher taxes than an identical couple who live together outside of a marriage? We have decided that is wrong, and I think we agree it is wrong for our Tax Code to punish our society's most basic institution, which is marriage.

The example I have is a young couple from Joliet, Illinois, Jose and Magdalene Castillo. They have a young son, Eduardo, a young daughter, Carolina. He makes about $57,000. She makes about $25,000. They have a combined income of $82,000. And prior to the Bush tax cut being signed into law last year, which included our effort to eliminate the marriage tax penalty, the Castillo family paid $1,125 more in higher taxes just because they are married. In Joliet, Illinois, in the area I represent, $1,125 is a lot of money. To some here in Congress it is chump change. We are talking millions and billions and trillions most of the time here. But for couples and families like the Castillos, $1,125 is several months' worth of car payments. It is several months' worth of daycare for Eduardo and Carolina when mom and dad are at work. It is money that can be set aside for their college education. That is the choice we have to make today. Because if we fail to make the marriage tax penalty elimination permanent, Jose and Magdalene Castillo will once again have to pay $1,125 more in higher taxes. And for them, that was 12 percent of their tax bill. So just the marriage tax penalty elimination in the Bush tax cut alone lowers the Castillo family's tax burden by 12 percent. That is money they can spend to take care of their own family's needs, rather than spending here in Washington.

Every time we brought this effort to eliminate this marriage tax penalty on the floor, there have been those on the other side of the aisle who come up with excuse after excuse of why we should wait, why we should delay, and why we should eliminate the marriage tax penalty right now. They are always for it but let us do it later.

Well, today we will have the opportunity to make permanent the elimination of the marriage tax penalty. That is the question. Do we impose a $42 billion tax increase on 36 million married working couples.

Mr. WATTS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. WELLER. I yield to the gentleman from Oklahoma.

Mr. WATTS of Oklahoma. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I have been listening to this debate for some time. Again, I find it so fascinating that so many would be opposed to giving the American people some of their money back to buy their kids school clothes or help put food on the table or help pay the car insurance. All of these things are very important to people and I think it should be important to Members of Congress.

It is interesting, just some facts behind the eliminating the marriage tax. A vote against this bill is a vote to raise taxes on over 20 million married couples. A vote against this bill is a vote to raise taxes on over 3.9 million married Americans of African descent, African American couples. And the marriage penalty, this penalty that you have worked very hard to eliminate, this penalty hits middle income married couples the hardest. I think it is important that we eliminate this.

As we know, we get taxed every time we turn around. We get taxed when we turn on our lights. We get taxed when we put gas in our cars. We get taxed when we eat lunch. We get taxed when we eat brunch. Moms are taxed when they are taking their kids to Little League ballgames, when they get in their car and they stop at the local 7-Eleven to get fuel or to get oil. Dads are taxed when they try to save a few bucks for retirement in order to provide for the families. And grandma and grandpa are taxed for having the audacity to die. They get taxed. So we get taxed from the time we get up in the morning, late at night when we go to bed and we kiss our wife good night, and we think that is free, but it is not, because of this unfair, arcane marriage tax.

I commend the gentleman from Illinois (Mr. WELLER) for fighting to eliminate this tax. Love and marriage goes together like a horse and a carriage. Marriage and taxes go together like a mosquito at a picnic. So we need to eliminate this tax. Again, I commend the gentleman.

My wife thinks it is taxing enough to be married to me, and she says she thinks it is unfair that there is such a thing as a marriage tax. And I appreciate very much the gentleman working hard to eliminate this tax. It is the right thing to do. And I hope that Members of Congress will give married couples in America a break and allow them to keep another $1,400, $1,500 per year to do what they need to do with it, not what their Member of Congress in Washington, DC thinks needs to be done with it.

Mr. WELLER. Reclaiming my time from the distinguished gentleman from Oklahoma (Mr. WATTS), I think he summarized it very well. That is what this vote is all about.

A vote for the Democratic substitute is a vote for an automatic tax increase that Congress has hands off of. We spend too much. We trigger a tax increase without having to vote on it is what the Democrats are proposing. That would be a $42 billion tax increase on 36 million married working couples. Hard-working couples like Jose and Magdalene Castillo who it would cost at least $1,125 more in higher taxes if we allow the marriage tax penalty to come back.

That is the debate today. Do we make permanent our efforts to eliminate the marriage tax penalty or do we raise taxes on the married couples. What the Democrats are proposing is an automatic tax increase on 36 million married working couples. So I urge a no vote on the Democrat substitute. I also urge a no vote if the Democrats offer a motion to recommit, and I ask for a bipartisan aye vote in favor of permanently eliminating the marriage tax penalty on final passage.

Mr. TERRY. Mr. Speaker, I rise in opposition to the Democrat substitute and in strong support of the underlying bill.

Last May 26th, I voted with 239 of my colleagues to scrap the marriage penalty once and for all. We didn't vote to phase it out over 10 years and then bring it back; we voted to get rid of it. Why? Because, above all, our tax code must be fair.

Is it fair to tax marriage? Is it fair for me to tell my communications director that when he gets married next weekend, aside from paying for the invitations, caterer, photographer, music, and reception hall, he's going to have to pay an additional $1400 in taxes if we do not make this tax cut permanent? What kind of message are we sending to the American people when we can afford pork barrel projects like tattoo removal programs, but are not willing to invest in marriage? Well, how's this for bringing home pork: if we strike down this substitute and vote for the underlying bill, $81.2 million will return home to the 58,000 couples in the Second District of Nebraska. That way, they can spend their money the way they want.

I keep hearing from the other side of the aisle that tax cuts cost money. Who does it cost? It certainly costs 175,000 couples in my state of Nebraska, who every year pay the marriage penalty. But it doesn't cost the Federal Government anything, because for something to cost you money, you actually have to have it first. What the Democrat substitute is really saying is, "Without the marriage penalty, tax and spenders in Washington will have less money to spend."

If we do not continue to work to make provisions of President Bush's tax cut permanent—like we did last week with the death tax, like we're doing now with the marriage penalty, like we'll do next week with retirement benefits—the American taxpayers will experience the single greatest tax increase in U.S. history: more than $380 billion from 2011 to 2012. How can Democrats possibly justify that?

Mr. Speaker, this tax is unfair, unnecessary, and irresponsible. It defies American morals, it defies logic, and it flies in the face of family values. It is everything that is wrong with government. Vote against this substitute and make a pro-family, pro-marriage, and pro-common sense vote for the underlying bill.

Mr. WELLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 440, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MATSUI).

The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MATSUI).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 198, nays 213, answered "present" 1, not voting 22, as follows:

[Roll No. 228]

YEAS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Filner

NOT VOTING—22

Blagojevich
Bonilla
Bono
Burton
Clayton
Combest
Cox
Deutsch
Forbes
Hall (OH)
Herger
Hilleary
Houghton
Jones (OH)
Kaptur
McInnis
Owens
Pence
Peterson (MN)
Quinn
Smith (TX)
Traficant

☐ 1407

Mrs. JO ANN DAVIS of Virginia changed her vote from "yea" to "nay."

Ms. WATERS changed her vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized.

Mr. THOMAS. Mr. Speaker, under the rules of the House, does the minority have the right to offer a motion to recommit?

The SPEAKER pro tempore. Yes, prior to the final passage of the bill.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MATSUI: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 271, noes 142, not voting 21, as follows:

[Roll No. 229]

AYES—271

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Boswell
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)

Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
McKinney
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Snyder
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—142

Ackerman
Allen
Andrews
Baldacci
Baldwin
Becerra
Bentsen
Berman
Berry
Blumenauer
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Eshoo
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill
Hinchey
Hoeffel
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Maloney (NY)
Markey
Matsui
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—21

Blagojevich
Bono
Burton
Clayton
Combest
Deutsch
English
Forbes
Hall (OH)
Hilleary
Houghton
Jones (OH)
Lowey
McCarthy (MO)
McInnis
Owens
Pence
Peterson (MN)
Quinn
Smith (TX)
Traficant

☐ 1425

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to a commitment to participate as a delegate at the Indiana Republican State Convention, I was unable to be in Washington, DC during rollcall votes 226–229. Had I been here I would have voted "yea" on rollcall votes 226 and 227, "no" on rollcall vote 228 and "yea" on rollcall vote 229.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall vote No. 226, No. 227, No. 228 and No. 229. Had I been present, I would have voted "yea" on rollcall vote No. 226, "yea" on rollcall vote No. 227, "yea" on rollcall vote No. 228 and "yea" on rollcall vote No. 229.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I yield to the distinguished gentleman from Texas for the purpose of inquiring about the schedule for next week.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Monday, June 17, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. I will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. Recorded votes on Monday will be postponed until 6:30 p.m.

On Tuesday and the balance of the week, I have scheduled the following measures for consideration in the House:

H.R. 327, the Small Business Paperwork Relief Act;

H.R. 2114, the National Monument Fairness Act of 2002;

H.R. 3389, the National Sea Grant College Program Act Amendments of 2002;

H.R. 1979, the Airport Safety, Security and Air Service Improvement Act; and

The Retirement Savings Security Act of 2002.

Mr. Speaker, the Speaker also advises me that he expects to be ready to name conferees for an omnibus trade bill, which I would expect to schedule next week as well; and the Speaker further advises me that, in consultation with the minority leader, he expects to bring a resolution to the floor related to the establishment of a select committee on homeland security.

I thank the gentlewoman for yielding.

Ms. PELOSI. I thank the distinguished majority leader. I have some further questions.

On what days will the following be scheduled: the appointment of the fast track conferees? trade promotion authority conferees?

Mr. ARMEY. I expect that would probably happen on Tuesday.

Ms. PELOSI. And then the Monument Fairness Act, Mr. Leader?

Mr. ARMEY. Wednesday.

Ms. PELOSI. And airport towers legislation?

Mr. ARMEY. That would be Wednesday as well.

Ms. PELOSI. And pension reform?

Mr. ARMEY. That would be Thursday.

Ms. PELOSI. Mr. Leader, are there definitely going to be votes next Friday?

Mr. ARMEY. I appreciate the gentlewoman's inquiry. As the week is shaping up, the kind of work we see coming available to us, I think we should have to expect to be here for votes on Friday of next week.

Ms. PELOSI. I appreciate that. I do have one other question. I unfortunately do not see on the schedule a date for the prescription drug legislation to be scheduled. I have been hearing over and over that it is coming up soon, it is coming up soon. As you know, Mr. Leader, the need is great. We have been hearing that the majority is going to schedule this legislation for months. We need a real Medicare benefit that protects our seniors from the huge cost of prescription drugs. Every day is important to them. I would like to ask the majority leader what the plan is for bringing a prescription drug benefit under Medicare to the floor.

Mr. ARMEY. Again I want to thank the gentlewoman for her inquiry.

The gentlewoman from California, Mr. Speaker, is exactly right. This is indeed very important to so many citizens in America, and we have two committees that are working on it and working with one another, the Committee on Ways and Means and the Committee on Energy and Commerce. I am told that the Committee on Energy and Commerce has already scheduled a markup for next week and have every reason to expect the bill to be on the floor before we retire to our districts for the July 4th work period.

Ms. PELOSI. Mr. Speaker, I appreciate the gentleman's information.

□ 1430

ADJOURNMENT TO MONDAY, JUNE 17, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, JUNE 18, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 17, 2002, it adjourn to meet at 10:30 a.m. on Tuesday, June 18, 2002, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HAPPY FATHER'S DAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be the unanimous will of this body that every father in America have a glorious Father's Day.

The SPEAKER pro tempore. The Chair thanks the majority leader.

EXPRESSING SUPPORT FOR U.S. WITHDRAWAL FROM ANTI-BALLISTIC MISSILE TREATY

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. YOUNG of Alaska. Mr. Speaker, today I rise to introduce a resolution that would express support for President George W. Bush's withdrawal of the United States from the 1972 Antiballistic Missile Treaty. Today marks the conclusion of the 6-month notification of the withdrawal from the ABM Treaty by the United States.

My legislation reaffirms that the United States' national security has fundamentally changed since 1972. Not only do the Russians and Chinese have ballistic missile arsenals that are capable of reaching the United States, but so do a growing number of countries that are hostile to the United States' interests, such as North Korea, Iran and Iraq.

This resolution simply says that the Congress supports the decision by the President to withdraw the United States from the ABM Treaty in accordance with article 15 of the treaty. It also states that Congress supports efforts to provide for the establishment of a robust layered missile defense system to protect the United States and its allies.

Very frankly, the United States faces new and complex threats. September 11, 2001, showed the new threats to our national security and the potential threats we face by more than 32 countries that are working on ballistic missile development. The new threats involve states with considerably fewer missiles with less accuracy, yield, reliability and range. However, emerging ballistic missile systems can potentially kill tens of thousands, or even millions, of Americans, depending on the warhead and intended target.

I believe we cannot allow these countries to use ballistic missiles as instruments of blackmail against the United States and its allies. The way we can and must defend our homeland is through the development of a layered missile defense system, a layered system that would violate the terms of the ABM Treaty.

Clearly, the day has come to withdraw from this dated and ineffective document that was created more than 30 years ago during a different time and under different conditions than those that face our national security today.

I would also like to submit the following sponsors: The gentleman from California (Mr. HUNTER), the gentleman from Florida (Mr. JEFF MILLER), the gentleman from Indiana (Mr. HOSTETTLER), the gentleman from Alabama (Mr. ADERHOLT), the gentleman from North Carolina (Mr. JONES), the gentleman from Pennsylvania (Mr. WELDON), the gentleman from North Carolina (Mr. HAYES), the gentleman from Illinois (Mr. HYDE), and the gentleman from Oklahoma (Mr. WATTS).

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2114, NATIONAL MONUMENT FAIRNESS ACT

Mr. DREIER. Mr. Speaker, today a Dear Colleague was sent to all Members informing them that the Committee on Rules is planning to meet the week of June 17 to grant a rule which may limit the amendment process on H.R. 2114, the National Monument Fairness Act. The bill was ordered reported by the Committee on Resources on March 20 and the committee report was filed on April 15.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 in the Capitol no later than 12 noon this coming Tuesday, June 18. Amendments should be drafted to the text of H.R. 2114 as ordered reported by the Committee on Resources.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

CELEBRATING THE 227TH BIRTHDAY OF THE U.S. ARMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow will mark the 227th birthday of the United States Army, the most powerful ground force the world has ever known. Since June 14, 1775, the Army has always been prepared for defense of freedom and democracy. Today, our brave soldiers are on the front lines defending the American people in the war on terrorism.

As we recognize and celebrate the Army's birthday and reflect on this great institution, a simple truth arises: one of the world's greatest professions is the Profession of Arms, and one of the greatest callings is theirs, serving our Nation. Thanks to American soldiers, freedom's light shines as a beacon throughout the world.

Just yesterday, we were reminded of the dangers these men and women have volunteered to accept, as we learned of three American military that died in a plane crash. These are not only soldiers fighting on some distant soil, they are sons and daughters, sisters and brothers, mothers and fathers. The courage and dedication of those who serve so honorably in the United States Army, Active, Guard and Reserve, is an inspiration to us all.

SECURING OUR HOMELAND

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as my colleague from South Carolina has just chosen to recognize the 227th anniversary of the United States Army, I think it is important for us to note that President Bush has come forward with a very important proposal.

We saw, as the gentleman from South Carolina (Mr. WILSON) mentioned, the tragic loss of life in this war on terrorism that has just taken place, and we continue to see this struggle move forward. Just yesterday the President made it very clear in his statement, we are in the midst of a war on terrorism, and that war has been brought to our homeland.

The President has, I believe, come forward with an extraordinarily bold proposal. That proposal is designed to ensure that the Federal Government, working in concert with State and local governments, is in a position to secure our homeland. For the first time, we have seen men and women in uniform now fighting international conflicts, not simply as men and women wearing military uniforms. We have seen firefighters and law enforcement officers on the front line in this struggle.

The President's proposal for homeland security and establishing a new Department is a right one, and I hope very much that we are going to do the right thing, be careful about it, but do it just as expeditiously as possible.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. ROGER F. WICKER, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. KELLER) laid before the House the following communication from Harold "Bubba" Lollar, District Director of the Honorable ROGER F. WICKER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 2002.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have been served with a subpoena for testimony issued by the Lee County Youth Court, Tupelo, Mississippi.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

With best wishes, I am

Sincerely,

HAROLD "BUBBA" LOLLAR,
District Director.

COMMUNICATION FROM CHIEF OF STAFF OF HON. GARY A. CONDIT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Mike Lynch, Chief of Staff of the Honorable GARY A. CONDIT, Member of Congress:

GARY A. CONDIT,
CONGRESS OF THE UNITED STATES,
House of Representatives, June 11, 2002.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have been served with a subpoena for testimony issued by the U.S. District Court for the District of Columbia.

I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

MIKE LYNCH,
Chief of Staff.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEDAL OF HONOR FOR SERGEANT GARY McKIDDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, as our Nation fights a war overseas, we once again see firsthand how the loss of a loved one to war affects family members and friends and those who are left behind.

Over 30 years ago, too many families went through the experience of losing a loved one to the Vietnam War. One such family was that of Gary McKiddy. Sergeant McKiddy was a helicopter crew chief and gunner with the 1st Cavalry Division of the Army during the Vietnam War. He volunteered for the Army when he was just 19 years of age and specifically requested that he join his country's soldiers in Vietnam.

Gary quickly earned the deepest respect of his fellow crewmen for the patriotism that he showed as he went into battle and the courage with which he fought. Gary won his first medal on his first mission, and he continued to serve in this courageous and honorable way until his death. Gary McKiddy had a reputation among his fellow men for rising to any challenge and putting loyalty and honor at the heart of his service. One man who served alongside Gary once called him a credit to his country and one of the finest men he had ever met and served with in the Army.

Prior to his death he was awarded the Air Medal, the Army Commendation Medal with Oak Leaf Cluster for heroism, the National Defense Service Medal, the Vietnam Service Medal, the Aircraft Crewman Badge, and the Marksman Badge for his many heroic actions.

Yet his most courageous act came in Cambodia on May 6, 1970, when his helicopter came under intense enemy fire, receiving several damaging hits that ultimately caused the helicopter to crash. Gary McKiddy was thrown from the aircraft, but he immediately returned to rescue a co-pilot, Specialist Four James R. Skaggs, taking him to safety and saving his life.

Despite intense heat and flames and tremendous risk to his life, Gary then returned to the helicopter a second time and attempted to save the pilot. Tragically, the helicopter's fuel tank then exploded and both the pilot and Gary were killed. Sergeant Gary McKiddy was posthumously awarded the Silver Star, the Bronze Star Medal, the Air Medal, the Purple Heart, and the Good Conduct Medal for his actions that fateful day. There is no doubt that his bravery and self-sacrifice earned him this recognition; yet he was denied the Medal of Honor.

I feel very strongly, Mr. Speaker, that Sergeant McKiddy should receive the Medal of Honor for all his heroic actions and particularly for his selfless rescue of Specialist Skaggs and his courageous attempt to rescue his pilot. I have no doubt that his actions qualify him for this award. After all, if saving someone's life does not earn one the Medal of Honor, then what does? Sergeant McKiddy made the ultimate sacrifice to fight for his country and protect his fellow man. His distinguished service deserves the highest honor. I know Sergeant McKiddy's family, and I know how much this honor would mean to them. After more than 30 years, they are as committed as ever to receiving the appropriate recognition of Gary's service. I too am committed to doing all that I can to ensure that Sergeant McKiddy receives the Medal of Honor. As a Vietnam-era veteran and the son of a World War II veteran, I know in my heart the honor in answering a nation's call to serve and the value of this service.

I have heard from Gary's relatives, his close friends, and the man he saved, Specialist Skaggs. They too know in their hearts the ultimate gift that Gary and our other lost soldiers gave to us. I believe the Army should reverse its decision and award Sergeant Gary McKiddy the Medal of Honor that he deserves, and I pledge to Gary's family and friends that I will continue to fight alongside them to see that Gary receives this honor. The Congressman from Dayton, Ohio (Mr. HALL), has been very active in this effort for many, many years, and we pledge together to work to make this happen.

May we all keep in our prayers those men and women who are serving our Nation overseas today. Like Gary, they show us through their courage and strength what it means to be an American.

HUNTINGTON'S DISEASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. WILSON) is recognized for 5 minutes.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to draw attention to Huntington's Disease which affects approximately 30,000 people in the United States. Each child of a parent with Huntington's Disease has a 50 percent risk of inheriting the illness, meaning that there are 200,000 individuals who are at risk today. Huntington's Disease results from a genetically programmed degeneration of nerve cells in certain parts of the brain.

□ 1445

While medication is available to help control the symptoms of Huntington's Disease, sadly, there is no treatment to stop or reverse the course of the disease.

According to the Huntington's Disease Society of America, this disease is named for Dr. George Huntington who first described this hereditary disorder in 1872. Huntington's Disease is now recognized as one of the more common genetic disorders in America. Huntington's Disease affects as many people as hemophilia, cystic fibrosis and muscular dystrophy.

Early symptoms of Huntington's Disease may affect cognitive ability or mobility and include depression, mood swings, forgetfulness, clumsiness, involuntary twitching, and lack of coordination. As the disease progresses, concentration and short-term memory diminish and involuntary movements of the head, trunk and limbs increase. Walking, speaking, and swallowing abilities deteriorate. Eventually the person is unable to care for himself or herself. Death follows from complications such as choking, infection, or heart failure.

Huntington's Disease typically begins in mid-life between the ages of 30 and 45, though onset may occur as early as the age of 2. Children who develop the juvenile form of the disease rarely live to adulthood. Huntington's Disease affects men and women equally and crosses all ethnic and racial boundaries. Everyone who carries the gene will develop the disease. In 1993, the Huntington's Disease gene was isolated and a direct genetic test developed which can accurately determine whether a person carries the Huntington's Disease gene.

I would like to commend Dr. Ruth Abramson of Columbia, South Carolina for her leadership and dedication for conducting ongoing research to find a cure for Huntington's Disease at both the University of South Carolina School of Medicine and the South Carolina Department of Mental Health. I also want to commend my chief of staff, Eric Dell, and his courageous mother, Ouida Dell, for their efforts in fighting Huntington's Disease within their family.

I encourage the American people to be aware of their own family histories, to be aware of the issues in genetic testing, and to advocate for families with Huntington's Disease in their communities. I also call on my colleagues in the House to join in this effort to find a cure for those suffering from this disease.

To that extent, I would like to read this concurrent resolution about Huntington's Disease which I have introduced in the House of Representatives.

"Concurrent resolution. Whereas about 30,000 people in the United States suffer from Huntington's Disease; whereas each child of a parent with Huntington's Disease has a 50 percent risk of inheriting the illness; around 200,000 individuals are at risk; whereas Huntington's Disease results from a genetically programmed degeneration of nerve cells in certain parts of the brain; whereas this degeneration causes uncontrolled movements, loss of intellectual faculties, and emotional disturbances; whereas presymptomatic testing is available for those with a family history of Huntington's Disease, and medication is available to help control the symptoms, yet there is no treatment to stop or reverse the course of the disease; whereas Congress as an institution and Members of Congress as individuals are in unique positions to help raise public awareness about the need for increased funding for research, detection, and treatment of Huntington's Disease and to support the fight against this disease:

"Now, therefore, be it resolved by the House of Representatives (the Senate concurring), that it is the sense of the Congress that subsection 1, all Americans should take an active role in the fight against Huntington's Disease by any means available to them, including being aware of their own family history, being aware of the issues in genetic testing, and advocating for families with Huntington's Disease in their communities and their States;

"Section 2, the role played by national community organizations and health care providers in promoting awareness should be recognized and applauded;

"And section 3, the Federal Government has a responsibility to, A, endeavor to raise awareness about the detection and treatment of Huntington's Disease; and B, increase funding for research so that a cure might be found."

Mr. Speaker, as May marked Huntington's Disease Awareness Month, we must do everything possible to ensure we search out hope for thousands of Americans by finding a cure for this disease.

GEPHARDT SPEECH TO WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS AND THE COUNCIL ON FOREIGN RELATIONS DESERVES CAREFUL STUDY BY HOUSE MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

Mr. LANTOS. Mr. Speaker, today I rise to bring to the attention of my colleagues a speech made last week by the gentleman from Missouri (Mr. GEPHARDT), the House of Representatives Democratic leader. He offered ideas for constructing a strong, bipartisan, long-term approach to the war on terrorism in a speech to the Woodrow Wilson International Center for Scholars and to the Council on Foreign Relations. As we have come to know and expect, our distinguished leader offered outstanding insights and thoughtful proposals for dealing with the urgent issues of our Nation's foreign policy.

Leader GEPHARDT outlined proposals to build consensus for military transformation so we can win the war on terrorism. He offered a 21st Century foreign policy to promote prosperity, democracy and universal education for stability and opportunity in the developing world. He proposed greater citizen involvement in all aspects of our public diplomacy. Leader GEPHARDT urged the administration to do more to strengthen international alliances that will help fight terrorism, and he called for the much faster development of a tough new homeland defense strategy.

Mr. Speaker, Leader GEPHARDT wisely stated in his speech that the goal of America's foreign policy in the 21st century should be "to promote the universal values of freedom, fairness and opportunity, which has never been more in America's self-interest. We should seek to lead a community of nations that are law-abiding, prosperous and democratic. Such a world would leave fewer places for terrorists to hide and more places for citizens across the globe to pursue life, liberty, and happiness."

The three qualities of this foreign policy, as Leader GEPHARDT points out, should be economic development, democracy, and universal education. These qualities are not only intimately interconnected and self-reinforcing, but they are critical to the achievement of long-term American security and prosperity and, more importantly, they are pragmatic, achievable, and cost-effective.

Mr. Speaker, I wish to point out an additional observation that Leader GEPHARDT made in his speech. He could not have been more correct when he said that "America must lead" and that "leadership is not a synonym for unilateralism." The recent U.S. foreign policy moves towards international agreements, multilateral institutions, and transnational issues such as the environment pose a threat to our ability to prosecute the war on terrorism effectively by putting at risk the assistance and cooperation of other nations, including some of our closest allies. America must remain engaged and America must lead.

Leader GEPHARDT's ideas deserve the thoughtful consideration of all of us as we grapple with America's course in foreign policy. I am proud to enter a copy of the gentleman from Missouri (Mr. GEPHARDT)'s speech into the RECORD, and I urge all of my colleagues to give it the thorough reading and study it deserves.

BUILDING A NEW LONG-TERM STRATEGY FOR AMERICAN LEADERSHIP AND SECURITY

Today, we are gathering almost nine months after enemies of America killed more than 3,000 of our fellow citizens.

It has been eight months since America sent troops into battle in Afghanistan and five months since dialogue in the Middle East broke down and that region sank into destructive waves of suicide bombings.

Today, events continue to move swiftly, with momentous consequences for our nation and for the people of the world.

I believe now is the appropriate time to reflect on how we have gotten here, but much more importantly, where we must go.

Too often, issues of national security are considered separately—they are seen as fragmented, distinct disputes, such as: Must we prepare for two major simultaneous wars? What should be our diplomatic approach to the Middle East? Or will Americans back peacekeeping in some foreign land?

But it is also evident, when we take a step back, that these issues are profoundly interwinded, and that we must approach them from the single perspective of ensuring America's security.

The world in which we live is very different from the Cold War era, when a bipartisan group of "wise men" shaped our thinking. I do not need to talk very much about the trends that have remade our times—we live with them every day.

Globalization has made events in faraway places more relevant to use that ever before.

Information technology and the latest scientific revolution have changed the way we live and produced astonishing gains in productivity and knowledge.

And, of course, the crumbling of the Soviet empire has fundamentally changed the strategic face of the globe.

With the advent of each of these trends, the world has become closer, moved faster, and grown more interconnected.

Great wars have been followed by uneasy peace as America has struggled to create international arrangements to preserve harmony. After each war, America has debated how engaged it should be in world affairs; and when the peace has been broken, America has chosen to engage the world ever more closely.

I urge this Administration to build on this tradition of engagement, not turn away from it. Now is the time to take the long view of this challenge. We are often too focused on issues at the margins of the status quo. This is not going to be a short struggle or an easy one. In addition to all we are doing now, we will need to do more. We will need to make our military stronger, our homeland safer, and build alliances abroad to serve American interests.

We are engaged in a global conflict. We face a competition between governance and terror, between the great majority who benefit from order, and the small few who thrive on chaos.

The question today is whether a collection of nation states—committed to human values of democracy and freedom, the rule of law and tolerance—can succeed in a struggle against the ideology of fanaticism and extremism, an ideology that holds us to be the political, economic, and cultural enemy and states its desire to destroy America.

While we now have terrorist organizations on the run, we must acknowledge that in some ways they are succeeding in creating division. Enemies of America still flourish, sowing seeds of hatred for this country and reaping violence. Some terrorist groups are small in number, limited in visibility and short on supplies. Others find harbor in failed states or enjoy support from sympathetic regimes, utilizing sophisticated technology to hatch their murderous plots. This is a tough, complicated foe, one that should not be oversimplified or underestimated.

Over the past half-century, America's bipartisan policy of containment served to hem in and deter a singular, comparable adversary. Today, with smaller, less discernible enemies, we need a strategy that seeks not to wall off threatening parts of the world, but to engage potentially hostile regions.

We need to be prepared to deliver the most forceful military responses to provocation, but also to expand opportunities for peace and prosperity. With deference to George Kennan, the seminal work he did at the Council on Foreign Relations, and the institute here that bears his name, I believe such a policy could be called one of commitment. With determination as our guide, we must move forward with a unified approach:

A commitment to constantly updating the most effective military ever;

A commitment to being engaged diplomatically all over the world;

A commitment to making our homeland secure and involving our citizens and our leaders in the issues of the world.

President Bush was right Saturday to say we are fighting a new war and will have to be ready to strike when necessary, not just deter. But on the home front, we are moving too slowly to develop a homeland defense plan that is tough enough for this new war.

Let us be clear about the stakes in this struggle. As in all wars, the question is not just who shall govern, but also one of life itself. More than 3,000 people died on Sept. 11th. And American lives remain at risk so long as we are in this conflict.

MODERNIZATION OF THE MILITARY

Of course, no one makes a greater sacrifice, or a more important contribution to our security, than our nation's military. The first challenge of a new policy is to strengthen our Armed Forces for the future.

We know our military must go through a transformation—and we need our legislative branch to be working on this transformation along with the executive and uniformed services.

Each of the branches is already reaching for the goal of modernization. In the future, our Army will be lighter and faster; our Navy will deploy smaller, stealthier ships; the Marines will move faster and with more firepower; and the Air Force will revolutionize its planes and weapons systems.

The results will be positive. As Bill Owens, the former Vice Chairman of the Joint Chiefs, has suggested, electronics and computers should dramatically improve our forces without huge cost increases.

But to set goals and achieve them are two different things. While some experts foresee transformations that could take up to 30 years, much of what we must accomplish has to happen in 15 or less. So we need to focus our energies and our resources.

My suggestions for military reform come with two qualifiers.

First, I am deeply committed to not politicizing our military and strategic decision-making. We achieve nothing if a good idea for our Department of Defense becomes a Republican or Democratic idea and gets bogged down in politics.

Good ideas are too crucial to our nation to let them founder on partisanship. We need to change the way we think—not just update our weapons systems—and we need to look for good ideas everywhere.

Second, I hope that the suggestions I make today form the basis for further discussions. A comprehensive plan will come from the contributions of many. While I have a broad view of the direction I hope we will take, the complete picture can only be sketched out here.

I believe we can strengthen our military through bipartisan efforts in three key areas: supporting the people who make up our Armed Forces; improving our technology and weaponry; and modernizing our systems for logistics and supply.

First, we must work together to make sure we have a sufficient number of troops, and that they receive better compensation, and get the superb training they need.

Under President Reagan, the Armed Forces reached a peak of about 2.2 million. Much has changed since that time: we currently have 1.4 million soldiers, sailors, airmen and marines who are severely strained as they bravely carry out a growing number of missions. General Ralston, our commander of NATO and U.S. troops in Europe, recently told Congress that he does not have the forces to accomplish what we are asking of him.

Rep. IKE SKELTON has been a strong leader on this issue in the House Armed Services Committee, and I will work with him to add troops in 2003.

I recently read a disturbing article in the New York Times that described the situation of a young Sergeant, Eric Vega, who is with the 459th Airlift Wing at Andrews Air Force Base. Since he was activated on Sept. 22nd, Sergeant Vega has been on leave from his job with the Virginia State Troopers.

Because of his service this year, he has lost about $25,000 in overtime pay, is working 14 to 18 hour days, and can't see very much of his 11 month old twins.

I was heartened to read that he still planned to re-enlist. But it is wrong that we are putting men and women like him through that. It is enough of a sacrifice to risk your life for your country; you should not have to also sacrifice your financial future.

Sens. MCCAIN and BAYH, Reps. FORD and OSBORNE have introduced bills to let young Americans sign an "18-18-18 plan," which is one smart option for bringing more people into the service. Under this plan, which builds on work already begun in the Armed Services Committees, a person could serve 18 months in active duty, 18 months in the reserves and receive an $18,000 bonus, which can be used for educational purposes at the end of his or her service.

We need to keep investigating more innovative ways to help people serve.

We also need to work together to reform our training system.

When I was in the Air National Guard, back in my younger days, I enjoyed the fierce rivalry my Air Force buddies felt towards the Army. But we had little contact with the Army. You trained and worked with those from your own branch. When a mission was called for, you were supposed to be ready. When it was an Army job, then it was their turn.

Wars, of course, don't work like that anymore. And in recent years, our service branches have worked well together to develop joint operational capabilities. But we can do better.

I suggest we create and expand military academies that would train field officers from all the services in new forms of strategies and tactics. Such schools could teach joint operations more comprehensively—intermingling air, land, seas and space for the battles ahead.

It would be a useful step in breaking down barriers between the services, and in creating integrated tactical units.

If President Bush is interested, I think this is one area where we could easily work together and make quick progress. And I would be willing to go much further and support programs to recruit and retain even more of the best students to prepare our military for the tasks ahead.

The second challenge in military modernization is the acquisition of smart weapons and technologies that provide better knowledge of the battlefield.

Under the President's current budget proposal, we will be spending $470 billion a year on defense by 2007, making it seem that we will be able to buy every weapon imaginable.

But even at that huge amount, we need to spend wisely.

One of the best things we can do is transform our military by linking new technologies with existing ones.

I have been heartened, for example, to hear about the success of the GPS guidance kits that can be attached to so-called "dumb bombs" dropped by pilot-less aircraft or B-52's.

This relatively simple innovation makes bombs more accurate and is less expensive than designing whole new weapons systems.

And where we can design entirely new weapons that revolutionize our capabilities on the battlefield, we must move ahead at full pace. One of the great successes in Afghanistan has been our ability to integrate data, an area where we must continue to invest.

Pilot-less surveillance aircraft, like the Air Force's Predator, helped us get real time data on the enemy's movements, saving pilots and allowing commanders to respond immediately.

The acquisition of these planes may seem costly—the 2003 budget calls for $150 million dollars more—but pilot-less planes will cost much less than an F-22. The quicker we can move to a dominating position with them worldwide, the better off we will be.

The third area where we could obtain improved performance, and make our budgets more efficient, is logistics and procurement.

Experts generally refer to the amount of resources devoted to support functions as opposed to war fighting capability as the 'tail to tooth' ratio—and while the ratio was once 50/50 it is now 70% tail and only 30% tooth. The financial planning process at the Pentagon has not been overhauled since it was implemented almost 40 years ago by Robert McNamara. And a 1997 DOD report found that of the US military's $64 billion inventory of supplies, over $20 billion was obsolete.

We need to update our logistics and supply systems.

I want to thank the Business Executives for National Security—in particular the Chairman of its Executive Committee, Dr. Sidney Harman—for the insightful and nonpartisan work they have done to highlight these issues. Dr. Harman and his group found that by adopting the best business practices for the military, the Pentagon could save $20-$30 billion annually without sacrificing quality.

In 2000, it took an average of 30 days to receive a part through the defense logistics system. In contrast, the Caterpillar company can ship a part anywhere in the world within 48 hours, and usually in less than a day. We also know that the buying process takes too long. I was struck to read that development of the Crusader artillery system has already taken over ten years, while Boeing developed the 777 in just five.

These delays cost money and results in time lost on the battlefield. Congress has been guilty of its own share of micromanaging and politics. I hope that we can work together better in this era where a weapon may be "smart" for only so long, and prolonged congressional fights—and procurement delays—may mean technology is stale by the time it is fully deployed.

Throughout the military and Congress, there will be opportunities to work together to make sure transformation happens quickly. We have a chance in this new era to break down some old left/right obstacles and build consensus for moving forward.

I would like to make another offer to President Bush and Secretary Rumsfeld. I am ready to work with them and Speaker HASTERT to appoint members to a bipartisan advisory commission to help build consensus for updating and modernizing the Armed Forces. The commission could work with experts and the Congress to make sure—just as we did during the Cold War—that we create bipartisan support for modernization and succeed at the new type of fighting already upon us.

In World War II, Churchill said, "Let us learn our lessons. Never, never, never believe any war will be smooth or easy." We would be foolish to forget that. If we learn our lessons together, we can make our military more effective, and make the world safer for all people.

21ST CENTURY FOREIGN POLICY

But meeting the terrorist threat means rethinking more than simply the way we fight wars. We also need to reexamine the way in which we conduct our foreign policy. Our enemies are no longer just hostile governments, but foreign demagogues who seek support from the most impoverished citizens of the developing world.

On the diplomatic front, a policy of commitment helps us prevent war and promote stability. This is especially true in the area of foreign assistance.

A central goal of our foreign aid during the Cold War was to preserve alliances and prevent Soviet influence. Whether a recipient government was authoritarian or democratic was not the primary consideration, and promoting economic development was not always a goal. On the one hand, the Marshall Plan rebuilt Western Europe and ultimately locked in democracy from Germany to Greece. On the other hand, American aid to Zaire did little to improve living standards in that country. But it did make President Mobutu one of the richest men in the world.

Today; promoting the universal values of freedom, fairness and opportunity has never been more in America's self-interest. We should seek to lead a community of nations that are law-abiding, prosperous, and democratic. Such a world would leave fewer places for terrorists to hide, and more places for citizens across the globe to pursue life, liberty and happiness.

Afghanistan offers an excellent example of the strategic rationale for such a shift. America was generous to that country during much of the Cold War, and American military aid following the Soviet invasion was successful in its limited goal. In terms of a Cold War calculation, we had won and the rationale for American aid to Afghanistan disappeared.

But into the vacuum left by the Soviet departure and the reduction in American interest, came an era of lawlessness and then the repressive theocracy of the Taliban. While some may have argued before September 11th that what happened in nations like Afghanistan didn't matter to Americans, we now know that tragically, it does. Today, nations in trouble or chaos anywhere in the world have real consequences for the United States.

Some people have suggested that we stop using the term "foreign aid." I agree. We should remake and rename it. Traditional foreign aid may have worked as a Cold War construct, but our goal now should be what I call American Partnerships. We should work closely with countries that want to improve bilateral relations and benefit their people, and insist that these relationships are true partnerships based on shared values.

If we can help create a world with more economic growth, better health care, stronger education, and more human rights, particularly for women, we will be fulfilling an essential part of our foreign policy.

Let me outline three qualities that should comprise this strategy.

Economic development, democracy, and universal education.

First, economic development.

People without access to jobs and the hope for a better life face a bleak and desperate future. In the last several decades, as the rest of the world opened up—as trade and freedom of movement have become more a fact of life for most—many parts of the Middle East and Central Asia have remained closed. Regional barriers have discouraged trade, populations have skyrocketed, and too many economies have grown dependent on a single commodity—oil.

We know that when nations open themselves up economically, they will ultimately enjoy greater prosperity and moderation. Trade is one important part of lifting up poor nations.

In a speech I gave in January to the Democratic Leadership Council, I said that it is time we crafted a "new consensus" on trade. Everyone knows that trade should be an engine of growth for all nations, and that we can move beyond simple left vs. right debates to craft agreements that both promote trade and protect the environment and labor.

I suggested then that the US-Jordan trade agreement was a model that serves American economic interests. Today, I also want to point out that it profoundly serves our national security and strategic interests as well.

There are promising signs that we can build on this new consensus. We are currently negotiating trade agreements with Chile and Singapore, two nations that are ready to use Jordan as a model.

If we are to open the Middle East and other regions to the hope of peace and prosperity, we will need more agreements like the one we reached with Jordan that meet these goals.

But trade alone for many countries will not be enough. We need a generation of development partnerships that promote free markets and democratic governments and are leveraged to spur growth.

Luckily, we have an opportunity for progress with the Millennium Fund that the President recently proposed in Monterrey, Mexico. I support its goal of fighting poverty and hunger, encouraging universal education, enhancing women's rights and health, reducing child mortality and promoting sustainable development. But we need to make sure this fund is not a shell game, diverting resources from other worthy development efforts, and I hope the President will work with Congress to provide increases for effective programs in the 2003 budget.

Some of these new partnerships should also come in the form of micro-loans: support to individuals or small businesses who need access to capital and opportunity.

In almost two-dozen Moroccan cities, small indigenous NGOs supported by the United States are dispensing $50 to $700 loans to individuals seeking to establish and expand businesses of their own. Such programs have generated tens of thousands of jobs around the world, and they build a foundation for future macroeconomic growth.

Other support must help to defeat the scourge of HIV/AIDS. To achieve economic development, we must work together to improve prevention, treatment and care for people with this disease. I have been to Africa and seen the devastating pandemic on that continent, from Zimbabwe's villages to South Africa's maternity wards. It is a humanitarian crisis. It is a development crisis. And its ability to spread rapidly and destabilize nations in Africa and elsewhere makes it a national security crisis, too.

Updating our foreign policy also requires renewing our commitment to democracy.

In my career, I've been fortunate to spend a good deal of time abroad meeting with foreign leaders and their citizens. You can't learn everything out of a briefing book, and I've learned a great deal from these travels. But nothing prepared me for the suspicions towards America I found on my recent trip to the Middle East.

Many students I met in relatively moderate nations such as Morocco asked questions about American plots against their land that seemed outlandish. The questioners often cited regular news broadcasts—media that in too many countries are filled with calls for hatred and violence. Just weeks ago, an outrageous Saudi broadcast called for the enslavement of Israeli women.

We know in America that the antidote to these voices is more freedom. The censorship of legitimate criticism by some governments too often leads to popular anger and a search for scapegoats. We need to help moderate voices be heard in these counties because they will offer a better way for the future.

And we can help. Radio Free Europe, Radio Liberty and Radio Free Asia should be marketed as models for the delivery of compelling, objective broadcasting cross the globe. In a world within terrorism, our security is enhanced when accurate information about our policies can reach every household.

We need to nurture civil society in these regions, work with governments and nascent legislatures, and encourage free expression and the broadening of rights for all people. The National Endowment for Democracy and its affiliates, NDI and IRI, deserve more support to expand the good work they're already doing in this area.

We also must fight corruption and take measures to advance the rule of law. Of particular importance at this moment, we must demand that the Palestinian Authority take steps to formulate a truly operational, accountable and democratic governing entity. To date, Chairman Arafat has failed in each of these areas. Real progress toward peace will only be possible when the Palestinian Authority begins to adopt the rule of law and accountability as guiding principles.

The third value that I think is stressed too little in our current foreign policy is education.

The Pakistani government spends 90% of its budget on debt service and the military, and practically nothing on education. Governments in other developing countries have similar difficulties in meeting the demands of a rapidly growing population. In some Middle Eastern nations, almost half the people are under the age of 15, and the total population is expected to double in the next two decades. The majority of children in the Arab and Muslim world do not have access to a public education. Worldwide, more then 130 million children are not in school and do not receive a regular meal each day.

Beyond the intrinsic merits of education, we know that in countries where education is universal, economies expand and population growth is held in check.

We should work with developing nations to help them create universal education systems. I am happy that the Farm Bill includes the bipartisan George McGovern-Bob Dole initiative to provide school meals to hungry children if their parents allow them to go to school, and if the host country agrees to a program of education development.

It is a good start and one we should expand.

We must also encourage and help nations develop objective curricula that will advance their place in a global society. In Arab nations in particular, we must work, with governments to force blatant and ugly anti-Semitic and anti-American rhetoric out of textbooks and out of the classroom. If we don't make this a high priority, our hope of achieving a lasting peace in that region will never be realized. And our hope of building long-term partnerships will be dashed.

I've touched on a few ways in which a refocused diplomatic agenda can promote long-term change in the Middle East. But let me be more direct. Depending on the choices we make in the weeks and months ahead, the Middle East will either continue to be a tinderbox for international instability, or a land of new alliances and hope for the future.

Having witnessed the downward spiral of events in the region over the past year, I believe our first choice is clear—America must lead. We cannot expect that the parties to this conflict will resole it without the active support of the United States. We must be steadfast in our support for Israel, in words and deeds. The United States must speak frankly: there is no moral equivalence between suicide bombings and defending against them.

We need strong measures to replace violence with dialogue, and despair with hope. And we must seek a lasting peace that provides real security for Israel and opportunity for all people in the region.

The other regional challenge that requires American leadership is Iraq. Saddam Hussein survives by repressing his people and feeding on a cult of victimization. He is clearly not a victim, and I share President Bush's resolve to confront this menace head-on. We should use diplomatic tools where we can, but military means when we must to eliminate the threat he poses to the region and our own security. New foreign policy initiatives can help remove one of the legs of Saddam's survival by reducing the desperation of many in the Arab world who see him as a defiant ray of hope. At the same time, we should be prepared to remove the other leg with the use of force. I stand ready to work with this Administration to build an effective policy to terminate the threat posed by this regime.

STRENGTHENING ALLIANCES

As we reform our military and update our foreign policy, we must recognize that America cannot and should not do this alone. Leadership is not a synonym for unilateralism. When we lead a coalition, we advance not just universal values, but mutual security as well.

After World War II, the United States created institutions that promoted economic growth and forged the military alliances that stood against communism. President Clinton wisely built on that tradition, creating new alliances that strengthened America's security. I hope the Administration will consider a new generation of international partnerships, regional security alliances, more flexible financial institutions, and treaties to help manage increasing economic, political, and military complexity.

Over the past year, despite the unifying force of the war on terrorism, an undercurrent of unilateralism has strained our relations with allies in Europe, Asia and Latin America. Instead, we need to redouble efforts to strengthen NATO and reinvigorate bilateral pacts with South Korea and Japan. In this hemisphere, we should take advantage of the recently invoked Rio Pact to harmonize security arrangements and pursue democratic and economic objectives. And we must leverage all of these ties to forge wider regional alliances.

I commend the Bush Administration for its work to construct a stronger partnership between NATO and Russia. This new arrangement should ultimately break down lingering suspicions and allow us to maximize strengths to confront shared threats.

At the same time, we must intensify our bilateral work with Russia on a range of issues, especially the need to destroy unneeded nuclear weapons and keep others out of the hands of terrorists and rogue nations. Former Sen. Sam Nunn has identified this threat as the new nuclear arms race, and I join him in calling for immediate steps to avert what is no longer the unthinkable—the use of a weapon of mass destruction by an unknown enemy. Our government must allocate additional funds to secure these weapons and their components, and accept no more excuses for the proliferation of dangerous materials from Russia to Iran and elsewhere.

The severe consequences of proliferation are on vivid display in the current tensions between India and Pakistan. We must do everything possible—on our own and with our allies—to diffuse this stand off, because the terrorists who have fueled it will be the sole beneficiaries of an all-out war. This is the new world in which we live. Disputes once considered remote can have deadly consequences if met with American apathy.

We must also continue to encourage China's participation in bilateral and regional endeavors, provided that it agrees to the price of admission—adherence to international standards including human rights, trade practices and nonproliferation rules. As former Defense Secretary Bill Perry proved a few years ago in helping to develop a visionary policy toward North Korea, the United States and China can make great progress if we recognize the common, long-term interests that our people share.

We should also look to new regional structures for projecting strength and stability, especially in places where our government is not willing to commit U.S. forces. A case in point is Africa, which some have claimed is not a national security priority for the United States. I disagree, and I was disappointed when the Bush administration cut funding for the Africa Crisis Responsive Initiative. This program was designed to build indigenous capability within Africa that could respond when needed, and help regional leaders like Nigeria calm trouble spots so the United States would not have to.

We must be prepared to build alliances in regions that flare up unexpectedly. Afghanistan is the best example of this today. The Administration deserves credit for the military victory there. However, it will be shortsighted if we stop now and withhold support for expanding the international security presence beyond Kabul, as Interim President Karzai has urgently requested. Instead, we must take steps to make that nation a prime example of the coalition's unbending commitment to democracy and development.

CHALLENGE TO AMERICANS

The last challenge I'd like to discuss today is to instill all these initiatives with a new energy of civic involvement at home and abroad.

In a new, more interconnected world, individuals or small groups can pose a serious threat to America's heartland. Nineteen hijackers did what Germany and Japan failed to achieve in the entire Second World War. This is a new front involving our firefighter and police, our EMS, the INS, the Customs Agency, the Coast Guard and all other organizations responsible for protecting the United States.

This is a completely new threat to our home front, and I am deeply concerned that the appropriate sense of urgency is absent from our civil defense efforts.

After Pearl Harbor, we moved with speed to mobilize our nation in defense of democracy. Almost nine months after Sept. 11th, America has still not crafted a strategy to significantly strengthen our nation's security, despite a series of recent warnings from our government.

We need to reorganize our homeland defense agencies in order to maximize the safety of all Americans. Not only does the Homeland Security Director need to be a cabinet officer—he needs budgetary authority. He needs operational authority. And he must provide a comprehensive plan to the Congress on our national strategy for homeland security. Such a plan should involve all Americans in our civil defense effort.

As the Intelligence Committees begin their hearings today, we all know that our ability to coordinate information gathered at home and abroad needs to be improved. A task force led by former National Security Advisor Brent Scowcroft has developed proposals to better integrate the work of our intelligence agencies. Given the urgency of collecting and utilizing intelligence effectively, I hope the Administration will act upon these ideas.

Finally, we must harness the spirit that defined people's response to the Sept. 11th attacks. American citizens who have enjoyed the rich benefits of democracy and free markets possess a unique capacity to energize these values across the world.

Let's be clear: Americans face a special challenge in this conflict: to educate ourselves as never before, to participate in decisions that affect all out lives, and to make connections with people across the globe. We need to encourage citizens of all ages to get involved in the Peace Corps, the diplomatic corps, Americorps, the CIA and the FBI.

One of the efforts I am most enthusiastic about helps experienced Americans go overseas and share their skills with people in developing countries.

I met a retired businessman from Chicago on my most recent trip to the Middle East. He had volunteered to run a start-up microloan program in Morocco. With his project nearing completion, I asked him what he was planning to do next.

"I thought about going home to play golf," he said. "But I have decided to stay in the Middle East. I've seen what can be achieved here in Morocco, and I am going to another country and do it all over again."

For every American like him, we counteract a book of lies. For every business he helps succeed and every person who finds a job, we diminish the pool from which the haters recruit.

At home, government, industry, and individuals must also participate in this effort to expand knowledge of other peoples, and foster interaction between nations.

In 1994, Newt Gingrich and I sponsored a pilot exchange program devised by the San-Francisco-based Center for Citizen Initiatives. Individual families in St. Louis and Atlanta hosted a handful of Russian entrepreneurs who came here to learn skills from American business people. Today, hundreds of Russians are coming to the U.S. each year to get hands-on training and Americans in more than 40 states are participating in the program.

The challenge for every American is to convince the world that it is better to live together than at war, looking toward the promise of the future rather than the grievances of the past.

Updating our public diplomacy requires updating our politics. In the 1990s, with the Cold War over, it seemed like the parties could play politics with any issue. But today we need a new politics based on an open exchange of approaches. We must be free to propose ideas and work together to implement the best ones. This may well be the most important public policy question of our lifetimes. We must be doing our very best, thinking our very best, working together at our very best.

If we do, I think there is every reason for optimism.

Extremist leaders who advocate violence against America must constantly worry that their own rhetoric will consume themselves and their cause. To quote Churchill once more, "dictators ride on tigers which they dare not dismount." In contrast, we have the luxury of trusting in democracy and the good sense of our fellow citizens.

Just as we battled the Soviets through 50 years of the Cold War as a united America, so will we battle terrorists and their supporters for as long as it takes. Today, we enjoy a new and productive relationship with Russia; one day, we will hopefully enjoy a new and productive relationship with those who distrust us now.

We know that civilization requires protection, and that freedom demands commitment and sacrifice. But it also requires imagination and clear thinking.

In 1947, in an address to a joint session of Congress, Harry Truman spoke about the communist threat in Europe, and the struggle for freedom and democracy in Greece and Turkey. He ended his speech with the reminder: "Great responsibilities have been placed upon us by the swift movement of events."

Twice in the last century, and now again, our nation is being asked to measure itself. If we fail, the consequences are severe. For ourselves, and for the world, let us succeed.

SUPER NAFTA MEANS SUPER TORNADO FOR U.S.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this week the House was scheduled to take up a measure relating to fast track trade authority but, for some reason, it got pulled from the schedule and we were not told why. We know President Bush has called fast track one of his top legislative priorities, even though it will lead to more lost jobs and even higher trade deficits for our country. So it is a bit of a mystery why we did not take up this important measure.

Mr. Speaker, the President wants fast track to pave the way for the so-called Free Trade Agreement of the Americas, a kind of super NAFTA. This super NAFTA would extend NAFTA provisions to all of the countries in our hemisphere except Cuba. But why would we want a super NAFTA, considering the damage that NAFTA has caused in the past 8 years? NAFTA has been like a tornado, ripping up jobs and tearing apart communities from the textile areas of the Carolinas to the agricultural valleys in California and Florida, to the automobile industry in the Great Lakes region.

Now, according to the Los Angeles Times, the latest of our exports are high-wage jobs. Before NAFTA, we had a trade surplus with Mexico. We sent them more than they sent us. In 1993, in fact, before NAFTA, America held a surplus of over $6 billion with Mexico. Yes, that was a surplus. Where are we today post-NAFTA? Well, we had a trade deficit, a record deficit of nearly $30 billion with Mexico in one year; that is billion, translated into over 600,000 more lost jobs in our country.

Do we think the balance of accounts was any better with Canada? Wrong. Our trade deficit with Canada for the year 2001 was over $50 billion. That translates into 1 million less jobs in our country.

Who can call this kind of policy a success? Most estimates indicate that more than 3 million jobs, direct and related, have been lost post-NAFTA. Analysis shows State-by-State job loss figures range from a low of 6,838 in North Dakota to a high of over 364,000 in California. Other hard-hit States include my own of Ohio, but add Texas, New York, California, Michigan, Pennsylvania, North Carolina, Illinois, Tennessee, Florida, Indiana, Georgia, New Jersey, each with a loss of over 100,000 good jobs. Those may sound like numbers to the White House or some of my colleagues on the other side of the aisle, but each one of those numbers is a family fighting to put food on the table, to pay for college and medical costs, and is a strong indicator as well of America's waning manufacturing and agricultural strength. If that is the wave of the future, I sure do not want any part of it.

Under the Free Trade Agreement of the Americas, the "Super NAFTA," instead of just covering Mexico and Canada, now we are going to add 31 more countries into the mix, like Argentina, Brazil, Colombia, and Venezuela. In the first 3 months of this year alone, we already had a trade deficit with those countries of $6 billion. So why would anyone want to exacerbate a situation which is already working against the interests of our people?

This appears to be what the administration is fighting for: more lost jobs, more trade deficits. When will this job hemorrhage end? When we have no manufacturing base to speak of? When our markets are flooded with agricultural products from every place else in the world?

Mr. Speaker, many of our working families are suffering. In fact, millions of them are. America is becoming a bazaar to the world's goods and, at the same time, we are hollowing out our own productive strength here at home. It is no surprise to us here to tell the American people that 75 cents of every farm dollar today is Federal subsidy.

□ 1500

Farmers are farming the government, not the market. Our agricultural policies are only working to hold the farm credit system together so we do not have a depression in rural America, and in manufacturing America we have had a depression. I do not know why it is not on the front pages of every newspaper in the country. We have lost over 2 million jobs, more in the last 2 years. Talk to anybody in the integrated steel industry. Talk to anybody in the machine tool industry. Talk to the electronics industry.

It seems to me we ought to have trade policies that work for America again. We should not be trading away our good jobs, and fast track is not a responsible plan for a secure economic future. Why should we have a fast track for more lost jobs and higher trade deficits?

Someone ought to pay attention, and we ought to reject any fast track proposal that is brought to this floor.

PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. KELLER). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. This afternoon, Mr. Speaker, I just wanted to address this whole issue of prescription drugs. It is an issue that is on the forefront of the minds of just about every senior in my district.

Over the past year, I have visited at least 25 senior centers, and the stories that we are told over and over again would bring tears to almost anyone's eyes. Just the other day, we had a young lady, I say young, 70 years young, who in a meeting of seniors said to me, Mr. CUMMINGS, I worked all my life. I worked very hard. Now that I am older, I find myself unable to afford my prescriptions. I go from drugstore to drugstore trying to collect samples, because I simply cannot afford the cost of prescription drugs. I wish that the Congress would be in tune with me and give me back my dignity.

Then there was the gentleman at the Jewish senior citizen home in my district who stood up and said, You know, I cannot afford my prescription drugs anymore. What I am doing is cutting them in half and taking half of the prescribed dosage. I am 77 years old, and I am getting older and sicker every day. I want you to do something about it. Then he said something that is embedded in the DNA of every part of my memory bank. He said, Mr. CUMMINGS, if the Congress does not do something fairly soon, I will be dead.

We have other people in our districts throughout the country who are purchasing half of a prescription because they simply cannot afford the entire prescription. So I was very pleased today to hear and participate as the Democrats proposed a prescription drug plan. I know the Republicans have done the same thing.

The issue now is that this Congress, Mr. Speaker, must act. There are many people who are depending upon us to come up with a reasonable plan so that they can live. While we are about the business of protecting our country against outside forces, we have to make sure that we do not deteriorate from the inside. These are people who have given their blood, sweat, and tears to lift up this great country; and they are in their senior years. It is a time when they should be resting and relaxing and feeling comfortable about their lives, but they are coming to a point where they are not only losing their dignity, but slowly but surely losing their lives.

So I am hoping, Mr. Speaker, that we will take the words of those seniors who are not only in the Seventh Congressional District of Maryland, but those seniors who are throughout our entire country waiting and praying that we will take action.

Last but not least, I have often said, Mr. Speaker, that we have one life to live, and that this is no dress rehearsal. This so happens to be that life. I think it should be our goal to bring the very best life to our very, very valued citizens, the very best life that we can.

After all, this is one of the greatest countries in this world, and we should treat our seniors in a way that reflects the greatness of our country.

SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. FOLEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. FOLEY. Mr. Speaker, let me first indicate Florida's pride in the gentleman's being in the chair today. We are delighted to see the gentleman from Florida (Mr. KELLER) as Chair of the House and Speaker pro tempore.

We are also delighted to have a conversation today in calm and measured tones about an issue that is vitally, vitally important, to every American. That topic is Social Security. Typically, when we mention Social Security, people 65 and older are all ears and stay tuned to the debate. What we hope to do today is spend some time on this very valuable program, this important program, this safety net, if you will, for all Americans 65 and above and those yet to reach that wonderful age.

We would also like to put to rest some of the demagoguery relative to this issue. We find so often that people, particularly the minority party, regrettably, have sought to use Social Security as a political issue to try and divide people and suggest that they had better vote for their side if they want to see Social Security preserved.

Let me start with a personal anecdote, if you will. My grandmother came from Poland. She came to the United States of America. Her husband died, and she raised my mother and her sister on her own. She was a maid in the Travelodge Motel, and she cleaned 28 rooms a day. It was a job she was proud of, and a job she did well.

But in her later years, the one thing was certain, she depended desperately on that Social Security check, and she depended on Medicare. She died with but $10,000 in the bank, her life's savings, all a woman of her means could afford to save in her lifetime while she cared for her two dependent children, paid her taxes, contributed to the church, did volunteer work, and helped the community in many ways.

I remember her waiting anxiously for that check every month. She could have counted on us, but she wanted to be self-sufficient, and Social Security provided that self-sufficiency. So it is in her memory that I stand today as a proud Member of the Republican Party talking about ways to correct and strengthen and improve Social Security.

Now, they use tag lines on the other side of the aisle like "privatize" and "take away" and "diminish" and "raid" and "abscond"; and it is amazing, rather than constructive rhetoric, like, let us see if we can work together to fix a problem, they simply say, let us be in charge, and we will make certain Social Security is fully protected.

Well, we have had that experiment. In fact, since 1935, when Social Security was created, they ran this place for 40 years. They ran this place into looming and growing deficits. So if we look at the facts of the matter, we will see that our stewardship of Social Security has actually been more on the point of making certain that it not only is fundamentally and financially secure, but that it also has long-term potential for future generations.

We have to think more than just the current voting age population of 65 and above. We have to think of those born today in this country. We have to think of those who are just entering the workforce at 17, whether they are in Orlando or Palm Beach or Fort Lauderdale. The three Members here on Florida Day right now are Floridians. I am from the district with the largest population of seniors in all 435 districts in America. Seniors matter to me. Social Security matters to me. My legacy that I hope that I can leave in this process to my grandmother's memory matters to me.

I do not want to try and convince people to vote for our party by scaring people. I would like them to have a chance to look at the record and say, this group of individuals, hopefully including some fair-minded Democrats, came to this great city in this great Nation and endeavored to fix a growing problem.

Now, I am joined, fortunately, today, by the chairman of the Subcommittee on Social Security who happens to adjoin me in the neighboring congressional district in Florida, a person who knows not only full well of Social Security's importance, but some of the remedies that we have prescribed to make it financially secure.

He represents an equally large number of senior citizens; and every day he comes to work he considers and reflects on that same awesome responsibility, that it is not just about getting elected and reelected, it is about doing something while we are here to earn the confidence of the voters. He has been here since 1980, I might add, in a largely Democratic district; so I think he has proven to Members of all political stripes that he has the best interests of seniors, not Democratic seniors or Republican seniors or Independent seniors or nonaffiliated seniors, but of all seniors, at heart.

Mr. Speaker, I yield to the gentleman from Fort Lauderdale, Florida (Mr. SHAW), chairman of the Subcommittee on Social Security.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding to me. I would like to congratulate him for reserving this time, because what we do need is some time for some quiet reflection so that we can examine the problem, look at it in a very rational way, no yelling and screaming, no talking about scare tactics about privatizing, which is ridiculous, no talking about cutting benefits and all of these things. But it is time that this Congress and the American people really reflect upon exactly what the problem is and why are we trying to do something about it.

I am going to refer to four charts during the few moments that I will be here. I think they certainly graphically show what the problem is.

Social Security is one of the greatest anti-poverty programs that we have ever had in this country. It is not a welfare program; it is a program in which we pay in all of our working years, and then if we become disabled or retire, it is there for us. It is exactly the right thing to do.

Now, it has been a pay-as-you-go system ever since it has been put in place. In 1945, there were 42 workers for every retiree. As we can see from this graph, it is a great system as a pay-as-you-go system. There was no need to forward-fund on Social Security. The system was working beautifully.

Now we are at 2002. We find that there are only three workers for every retiree. We still have a pay-as-you-go system; and as we know by listening to many of the speeches on the floor of this House and reading in the news media, we see that we still have a surplus in Social Security, so it is still working as a pay-as-you-go system.

But then we also look ahead, and we know that by 2035 there will only be two workers per retiree. Now, every working American or most working Americans pay in 1½ months of wages per year to take care of the Social Security program. That is a lot of money, particularly to our low- and middle-income people; and probably for many of our low-wage workers, it is the biggest tax and maybe in some instances the only tax they pay; but 1½ months working for this retirement system is a lot. It is up to this Congress to look ahead and see what can we do for today's workers to be sure that the system is going to be there for them.

There is no reason to change it for the older workers, people in retirement. There is no reason to invade the trust fund. There is no reason to sidetrack any of those taxes. Those taxes are there and that program is there for them. They have paid into it their whole working life, and I do not know any Member of Congress that would take anything away from them.

But let us see where we are going to go and what is going to happen. By the way, all of the figures that I am using here this afternoon are from the Social Security Administration. This is the same under both the Bush, as well as the Clinton, administration, so there are no partisan figures that are being used here. These are factual figures which no Member of Congress or no person in the government or elsewhere can refute.

What happens if we do nothing? If we do nothing, we find that in 2041 there could be as much as a 27 percent reduction in benefits. Now, those of us who know or have talked to or worked with people that are at the lower-income level, we know this would be devastating. It is really unthinkable. But then when we look ahead to 2076, we see a 33 percent reduction in benefits if Congress does nothing.

□ 1515

But Congress can, as we know, and as Congress sometimes does, they could raise the taxes. And if they were to raise the taxes, we see right now where 12.4 percent of the wages go into the Social Security system. To keep the benefits the way they are, Congress would have to raise the taxes in 2041 to an amount equal to almost 17 percent of the workers' wages, and in 2076 you are getting over 18, almost 19 percent increase in the taxes. Now, this is something that is totally unacceptable.

We cannot go to American workers and say we are going to give you this tremendous increase in your taxes. We will literally be taking food out of the mouths of the children. We will be taking rent money. This is unacceptable. Likewise, this is an unacceptable, the cut in benefits. But we do not have to do it. But if Congress does nothing, which is the only plan that I have heard from Members, many of the Members on the other side of the aisle when they say we do not have to do anything, we are looking at a $25 trillion deficit in the Social Security trust fund.

We see here that we are going to have surpluses up to about 2017, and then beginning in 2017, we are going into a shortfall and we are going to have a $25 trillion deficit. This would be shattering to the economy of the United States. The biggest economy in the world cannot sustain that.

This is not only a problem in the United States, it is all over the industrialized world. People are living longer and they are having fewer kids and this is the problem that we have. So we have got a workforce as it applies to the amount of seniors, the workforce is decreasing, the numbers of seniors is increasing, and the system is definitely stressed. And the Congress needs to do something.

Mr. FOLEY. Mr. Speaker, if the gentleman would go back to the chart, I think it is very telling about the tax increases, but I think it is more telling about the time required for a person to work in a given 12-month period in order to pay those taxes. Can the gentleman illuminate that for us?

Mr. SHAW. Mr. Speaker, I was speaking to a reporter the other day. I could tell from her voice that she was certainly a lot younger than I am. We were talking about the Social Security and what was happening to it. And I said, Would you go to work for this newspaper if during the interview they said you are going to work about one and a half months a year to pay into the retirement funds but yet it is not going to be there for you? And she said no.

Then I asked her the question, Do you think Social Security is going to be there for you? She said no. That does not have to be the answer.

The problem that we have today is that the young people are just not focusing. I am looking at some of the pages sitting here on the floor this afternoon. Retirement is the furthest thing from their minds. But when you start explaining to them that you are going to work a month and a half a year to pay for my retirement, then they say, well, wait a minute, what about mine? And this is what we have to think about. If we care about our kids, if we care about our grandkids, if we care about the legacy that this Congress is going to leave to the United States, it is time that we start focusing on this problem. And the idea of doing nothing and bringing up these terrible deficits, this is unthinkable because this is an economy that cannot sustain itself with this type of a, with a deficit. But this is the answer for doing nothing.

Now, I am not suggesting, I have got on here under the Democrats Do Nothing Plan, cash flow deficit starts in 2017, and this chart would indicate that their plan would build up to $25 trillion deficit. I do not believe what they say, when they simply say, oh, we will do nothing and the money that we are going to save from the interest that we are not going to have to pay on the borrowed revenue will take care of the problem.

I beg your pardon? Going to take care of a $25 trillion problem? Come on. Even the newest math cannot get you there. I mean, we always talked about voodoo economics, but this is beyond this. This is post-post graduate voodoo economics.

This is what the facts are and these facts are reported by the Social Security Administration.

Mr. FOLEY. Mr. Speaker, if the gentleman would also explain the Social Security trust fund because that is a misnomer. There has been a lot of debate today, in fact, about raiding the fund, borrowing the fund, stealing from the fund, which we know is false, patent rhetoric. But if the gentleman would explain the fundamentals of the trust fund for us.

Mr. SHAW. Mr. Speaker, I am glad the gentleman suggested that.

The way the Social Security trust fund works, the way Social Security works, your FICA and payroll taxes are paid into the Social Security Administration. The money is paid out of the trust funds in order to pay the benefits, the survey benefits, disability benefits, pension benefits. The benefits that come out of Social Security are paid out of the trust fund. The monies that are left then go into the general fund. That is what we call the surplus. This is money that is over and above what is necessary to pay the benefits under Social Security.

Surpluses by law are replaced by Treasury bills. These treasury bills are nonnegotiable Treasury bills which are IOUs by the government to the government.

Mr. Greenspan testified before the Committee on Ways and Means and said these are really not economic assets. And you can compare them to writing yourself an IOU and declaring that as an asset. It is not an asset. It is simply an IOU by the government to the government.

So we will continue to have surpluses, according to the Social Security Administration, until the year 2017. But beginning in 2017, the Congress is going to have to find the money to pay the benefits, whether it increases taxes, whether it cuts benefits, or whether it just simply goes into the red and produces this type of shortfall for the next 60 years. This is what we are facing and this is what future Congresses are facing.

Now there is a number of plans that are out there that do address this dilemma that we find ourselves in, and there are some very good plans. The plan that I have developed adds something to Social Security without touching the trust fund, without touching any of the FICA taxes that are going into the Social Security trust fund. And I believe that this is the best way to go. And I have demonstrated through the Social Security Administration that if we were to enact this Social Security Plus Plan that we would not only be able to avoid all of this red ink, we would keep benefits every bit, if not better, than they are today; we could add to it a retirement bonus which would be paid out of these added funds that are being put into the Social Security Administration. It assumes that every dime that goes into this would have to be borrowed and paid back, and not only would they be paid back over the between now and 2075, but it would create a surplus of $1 trillion.

Now, this is what we need to leave to our kids; and this is what we need to be able to try to do.

Now, you have heard a lot on this floor, they are saying the Bush administration or the Republicans have a secret plan to privatize Social Security. How are you going to privatize something that is looking down the barrel of a $25 trillion deficit? The private sector would not take this unfunded liability over, so that is absolutely ridiculous.

The Social Security Administration needs to stay in place exactly as it is today. The American seniors, when they were young workers, they paid into this system their whole working life, and it is not up to this Congress or any Congress to dismantle the Social Security trust fund. It needs to be kept in place exactly as it is today. But we need to add to it, add to it as an add-on, as an addition. And my particular plan, which we have looked at and which I know you have carefully examined, it would take money actually out of the Treasury. No more taxes. But it would take it out of the Treasury under monies that could be borrowed as a bridge and put into individual retirement accounts, not all in one stock as you would hear. As soon as you start talking about individual accounts, everyone starts yelling Enron.

Well, if you had one Enron in your portfolio, that would be a danger but this would not allow that. They would be widespread like index funds. And it would only be 60 percent in corporate stocks and it would be 40 percent in corporate bonds.

Now, what the Social Security Administration, they did a lookback over the last 75 years which encompasses a depression, a Great Depression, and they said these individual retirement accounts would grow at a rate that would create over 75 years, which would create a $1 trillion surplus.

Now, we do not have to adopt this plan. There are other plans out there. But it is time that the Congress quit talking about doing nothing. They say the sky is falling and then they think that is some kind of a joke. This is no joke. This is 2017 which is right around the corner. And we need to start planning for it, whether we use the plan that I have developed or whether they have come forward with another plan. I would be delighted to hear their plan. But this is the only plan that they have put forward among their leadership.

Now, I will quickly say that there are a few Members on the other side of the aisle that have developed plans. One of the Members has developed a plan, one of the Democrat Members has joined with a Republican Member in developing a plan which I think you may hear about yet within the next few minutes, and I congratulate him for doing that. But Social Security, and I am thinking of what the gentleman from Florida (Mr. FOLEY) was talking about with his grandmother, and in there cleaning all of those rooms every day and paying into a Social Security fund that kept her out of poverty.

I am reminded of a statement that was made here on the floor that life was to be enjoyed, not endured. And that is what we need to work with. And all of us know that today's seniors are going to be just fine. Nobody is even thinking about cutting the benefits. But I am also saying we do not have to cut the benefits of tomorrow's seniors either if we start planning ahead today. If you start building on top of the existing plan, not substituting, not taking anything away from it.

Mr. FOLEY. Mr. Speaker, if the gentleman would tell us about his vested interest in this program. How many grandchildren and children does the gentleman have?

Mr. SHAW. Mr. Speaker, I am doing my part to increase the number of workers per retiree with 4 children and 13 grandchildren. But those are the kids I am worried about because I know, particularly when these grandchildren retire, they are going to be in deep trouble. They will be up to their eyebrows in this red ink. And we can avoid it, and we must avoid it, and we must work together and quit all of this junk about raiding the trust fund. I have just explained there is no money in the trust fund. How can you raid the trust fund? The trust fund has nothing but Treasury bills. But beginning in 2017, there is no surplus. You cannot send the seniors Treasury bills. You have got to send them cash. So the Social Security Administration is going to have to be looking towards the Treasury of the United States to get the money because there will not be enough FICA taxes coming in beginning in 2017 in order to pay the benefits.

We must not get in a situation where we are thinking about reducing the benefits. That would be grossly unfair. People paying into this system, relying on it, and then just before they come into retirement, the Congress decides to decrease the benefits. The next generations of workers, they get in under the workforce, Congress talks about raising their taxes. That is not fair, particularly when you do not have to do it. But the problem is getting the politics out of this.

I will be so glad when this next election gets behind us because I have a feeling that the Democrats will no longer say this is what they support, because this makes absolutely no sense. It makes no sense. And I am sure that once we get the politics out of this that we will be able to work with the minority party and reform the Social Security system.

To do otherwise, I will tell you tomorrow's generation will turn our pictures to the wall and that is where they should be put if we do not step forward and do something for future generations.

This is not only important for today's seniors, it is not only important for those who are about to go into retirement, but it is our kids and our grandkids, too. This is tremendously important. It would be absolutely sinful and pitiful for this Congress to do less than to save Social Security for this generation and the next generation.

Mr. Speaker, I thank the gentleman and, again, I compliment him for taking this time. I think that the more we can get this word out, the more the American people will demand that their Congress, that their representatives, the people who work for them, come here to Washington and not play politics with this great retirement system, but to fix it and be sure that it is going to be at least as good for the next generation as it is for this generation. We can do it, but we need to do it on a bipartisan basis.

□ 1530

We need to do it by everybody down on the playing field and not having half the team or the opponents up in the bleachers throwing rocks at us that are down there on the field that are trying to do something. That is grossly unfair. So when people start talking about people wanting to privatize Social Security, we should laugh at them. There is no one in this House that has ever talked about privatizing Social Security; and when they start talking about raiding the trust fund, we should laugh then because we know that there is no money in the trust fund. There is only nonnegotiable Treasury bills.

Now is the time to really move forward, lay the groundwork, so that we can, within hopefully next year, come together in a bipartisan way and solve this problem. That is what the American people sent us here for, and I compliment my colleague again, and I know that he and I both have a tremendous number of wonderful seniors in our shared districts, and I know that is what they want us to do.

Mr. FOLEY. Mr. Speaker, let me compliment the chairman of the Subcommittee on Social Security again, and let me also emphasize that the gentleman from Florida (Mr. SHAW) took his plan, the plan that I have cosponsored, down to the editorial boards of our newspapers in Florida, and let me mention one in particular, the Palm Beach Post, that is known for a rather liberal look, for the agenda of America; and they looked at the gentleman from Florida's (Mr. SHAW) plan very thoroughly, in fact, complimented the gentleman on the authorship of the plan and willing to take the debate forward to the American public on the importance of saving this valuable program. Sun Sentinel, as well part of a large chain of newspapers throughout the country, also opined that they felt it was not only a very good plan but an excellent starting point to begin the bipartisan debate on this valuable program.

This is not just two Members of Congress talking to ourselves, wanting to hear our own voices. We have actually taken these ideas, as the gentleman from Arizona (Mr. KOLBE) is going to share with us soon his, he has been working with the gentleman from Texas (Mr. STENHOLM), a noted Democrat, who has been very engaged in this constructive, bipartisan debate; but this is not just our voices in an echo chamber. People have actually reviewed the fine points of this document and suggested it was a great opportunity to not only enhance Social Security for today's recipients but for generations to come.

I want to thank the gentleman for spending time. Now it is indeed my pleasure and privilege to introduce the gentleman from Arizona (Mr. KOLBE), another State that shares a large population of seniors, but also who has a tremendous amount of young, innovative working families trying to earn a living and go to college and working to make a better economy for the great State of Arizona; and the gentleman has been long endeavoring on Social Security, not just timely this week or this month, but my colleague has been working on it for a significant length of time, another true patriot in the effort to preserve and protect Social Security. I yield to the gentleman.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding to me, and I really want to commend both my colleagues from south Florida for their efforts today to talk to the American people about an issue that I think is so vitally important. In fact, I do not think there is anything long run, long term that is more important for us to be talking about than how we are going to preserve and protect and save Social Security, which I think is undeniably the most important, the most successful anti poverty program we have ever had for senior citizens in this country.

The gentleman from Florida, the chairman of the subcommittee, has pointed out very well exactly the problems that we face; and we see them on these charts that are here. Several of us in this body have recognized this problem for several years now and have been working to try to make sure that we can find solutions to the problem.

Since 1995 when I formed the Public Pension Reform Caucus here in Congress with my colleague, the gentleman from Texas (Mr. STENHOLM), we then began the process of slowly working through different options. Since 1999 we have had two bills that we have proposed in the Congress of the United States that I believe go a long way towards dealing in a very rational, sensible way with the problems that Social Security faces.

So I think it is clear that there are Members of Congress that understand the fiscal and demographic pressures that are facing Social Security and that want to engage in a constructive dialogue on reform.

Again, some of the charts that we saw here from the gentleman from Florida (Mr. SHAW) show very clearly what the demographics show us and the problem that we have, the fiscal shortfall that we are going to have with Social Security. Unfortunately, there are some Members who want to use Social Security for their own partisan political advantage in an election year.

Scaring seniors about Social Security might do wonders in the polls for some Members, but I do not think the politics of fear should be acceptable to the American people; and frankly, I do not think it is acceptable. I think instinctively the American people do sense, do understand that Social Security is in trouble today. If we ask young people, and by overwhelming majorities, younger people know that Social Security, as it is currently constituted, cannot be there for them when they get ready to retire; and so simply doing nothing is really not an option.

There are legitimate differences of opinion on how best to tackle the looming financial deficit in Social Security. There are a number of different ways that we might fix Social Security, and I think we need to honestly debate all of the different approaches that are out there. We heard one of them described by the gentleman from Florida (Mr. SHAW). There is the Kolbe-Stenholm plan. But one thing for certain is not an option and that is complete inaction.

Let me just review again a little bit of what the gentleman from Florida (Mr. SHAW) laid out for us here today, and that is, some of the financial problems that the Social Security trust fund faces in the coming years.

The trust fund, as my colleague correctly pointed out, it is a trust fund in name only. It has in it only the IOUs of the government, that is, the IOUs for the trust fund, nonnegotiable government instruments. That trust fund faces an enormous unfunded liability under current law. It is not because of anybody robbing the trust fund. It is not because of anybody taking the money and doing anything with it. It is the very simple fact that the demographics of people living longer, growing older, a larger older population and a smaller working population, people starting their families later, having fewer children, the demographics of those who pay the taxes for Social Security to support those who receive the Social Security benefits simply do not work in the long run.

The result is that we have promised to pay, as this shows, $25 trillion more in benefits than we have promised to collect right now in payroll taxes. I will repeat that number. We are looking at a $25 trillion, trillion, not million, not millions, trillion, shortfall in the Social Security trust fund in the gap between what we are going to collect in taxes and what we have promised to pay out in benefits over the next generation or two.

It is just 15 years from now that Social Security will for the first time begin to run annual cash deficits, and as the gentleman from Florida (Mr. SHAW) pointed out, since seniors expect not a piece of paper but a check that is negotiable, we have to convert these IOUs into cash. That means the government has to start to borrow money or we raise taxes. We raise taxes or we borrow money in order to pay those benefits.

That is when the deficit, in just 15 short years, becomes a very serious problem. Now, 15 years is not that far from now; 15 years before was not that long ago. Fifteen years ago we were just at the end of Ronald Reagan's administration. I was here in the House of Representatives. Fifteen years from now, most of the people that are listening to this or here on the floor will still be either retired or the young people that we see here on the floor will be in the middle of the early part of their working years. They will be paying these taxes and wondering what has happened to the Social Security system, why am I paying these taxes when it is clear there is not going to be anything there to pay the tax for me.

By the year 2030, the annual deficit in Social Security in one single program alone will reach $630 billion; and in that one single program, we will be running an annual deficit in Social Security of $630 billion. That means the government is going to have to borrow $630 billion in addition to the payroll taxes it is collecting just to pay the benefits that it has promised to pay for retirees at that point.

Between years 2017 and 2041, the Federal Government will need to raise almost $4 trillion in new money to redeem the Treasury bills held in the Social Security trust fund. Just to give my colleagues an idea of the magnitude of what this means, how could we make up that deficit, how could we make up that shortfall? Well, we could do so by cutting some government programs. If we cut out all the spending, all the spending that the Federal Government does on Head Start, the WIC program which supports women and infant children; all the money we spend in education programs at the Federal level; all the money we spend in the Interior Department to support our public lands and parks, national parks and monuments here in Washington, D.C.; all the money we spend for veterans programs, including health care for veterans; and all the money that we spend in commerce, to support NOAA and trade promotion, everything else that the Commerce Department does; all the money we spend for environmental protection, EPA; and all the money we spend on space in NASA, if we cut out all of that, all of that, we still would not be making up the shortfall that we would experience each year by the time we get to the year 2040 of the deficit that we will be experiencing in Social Security.

So the options are pretty bleak unless we do something now, unless we begin to face up to the realities of this problem now. The government is going to be forced to increase taxes on American workers or businesses, or they are going to have to make deep cutbacks in other programs to free up funds to meet our Social Security obligation; or of course, there is the option which none of us believe is an option at all, and that would be to cut Social Security benefits for the people when we have already promised it to them.

So the choices we can make are some tough ones. We can either make the tough choices today to deal honestly with the challenges that the Social Security system poses to us, or we can leave a fiscal time bomb for future generations and truly put the benefits at risk. That is why, Mr. Speaker, bipartisanship and candor have to be at the heart of what we are going to do about Social Security.

This debate, as we have just heard from the previous speaker, is often characterized as an either/or choice between two ideological poles. Either we have the status quo or we have privatization. Defenders, of course, of the status quo argue that any reform that includes a market-based component is going to undermine the current safety net features and expose workers to dangerous risks; and the other side, the advocates of full privatization, suggest that creation of a privately managed personal account is painlessly going to solve the challenges, but forget that Social Security provides more than just retirement income. It provides for disability insurance for the needs of other special populations.

So if we take those two extremes of do absolutely nothing and just privatize the whole system, I think we are looking at two extremes that really do not solve the problem at all. They may make for good, albeit myopic, rhetoric. They may help at election time, but they do not acknowledge the virtues that we have of something that is in the middle.

The real solution to Social Security has to be to fuse the best of the traditional program with some market-based options, because it is possible, it is possible, Mr. Speaker, to establish personal accounts for younger Americans, not for people who are already retired, not for people like me who are nearing retirement, but for younger people who will have time to invest in those personal accounts, who will have time to see those accounts grow.

It is possible to establish those personal accounts, personal accounts of which they have individual ownership, of which they have control of the retirement income, of which they have flexibility to decide how to invest that and to change it as they get closer to retirement. That can strengthen and improve the vital safety net protections that the Social Security system has to provide.

So none of the reform plans that I know about are anything that approaches privatization. It is simply the wrong word. It is used as a scare word, and when we hear that, just remember that it is being used as a scare word. Privatization is the wrong description. It is the wrong word; but we ought to frankly stop bickering about the label of privatization.

We are suggesting that workers be given a degree of flex. That is what we are really talking about, flexibility with how they invest a small portion of their Social Security payroll taxes, giving workers some flexibility to make some choices about their investments. We are not talking about dismantling Social Security. We are talking about investment flexibility. We are talking about ownership. We are talking about individuals having some control over their retirement options.

The directors of the Congressional Budget Office, the General Accounting Office, Federal Reserve Chairman Alan Greenspan and many other policy experts have all testified in front of various committees of Congress and the President that we must make some tough choices to return Social Security to solid financial footing.

So, Mr. Speaker, what needs to happen if we are going to have this debate, which is so important to the survival of this program, we need to acknowledge there is no magic bullet.

□ 1545

There is no free lunch, no free lunch solution that is going to allow us to provide 100 percent of promised benefits without trade-offs somewhere else. But I do say that personal accounts can help make the task a lot easier for policymakers, and it can limit the impact that the deficit that we are talking about and the problems we see will have on future beneficiaries. It would give them some hope by giving them an investment that they are going to have some return in their Social Security retirement that right now they cannot look forward to seeing as we look down the road to the year 2070, to 2050, when people today just starting out in the workforce will be retiring.

Including individual accounts, personal accounts in the reform plan does not require deeper benefit reductions than would otherwise be required. Let me repeat that. Does not require deeper benefit reductions than would otherwise be required. But neither does it mean that no changes, no reductions for future beneficiaries is going to be unnecessary. The gentleman from Texas (Mr. STENHOLM) and I have never claimed that the reform plan that we have put on the table is perfect. Members can go through the plan that I have introduced with the gentleman from Texas (Mr. STENHOLM) and select items that they want to criticize. We went too far here, not far enough there. However, we need to examine plans in their entirety. How would the plans affect the future retirement income, the Federal budget, and the health of the American economy.

If Members determine that the acceptability of reform based on adherence to simplistic pledges, a pledge of no personal accounts or a pledge of no changes to benefit levels, or a pledge of no increase in taxes, then we are never going to reach bipartisan consensus on how we fix Social Security and how we pass legislation that will actually accomplish that.

Keeping Social Security intact for those who depend on it today, and for those young people who are just starting out in life today and have some expectation that they should have something from this system, it is a commitment that none of us should ignore, and we need to find a way to bridge the gap between these generations. But the fact is the Social Security system that we have today is vastly underfunded, and it will impose staggering financial burdens on younger workers and future generations of workers if we leave it completely unchanged.

Mr. Speaker, it is time to move past the demagoguery which has overwhelmed the Social Security debate in the past, and work together to provide a secure retirement for all Americans. I believe the discussion we are having today that the gentleman from Florida (Mr. FOLEY) has initiated is a good discussion. I believe it is important that we begin this discussion today, and I commend the gentleman for having this Special Order and giving us an opportunity to talk about Social Security, the importance of Social Security, that we attach to Social Security for people who are retired today, and the importance of Social Security for young people who will depend on this system in the future. Both the current retirees and those who are working but will retire in the future, need to know that the system holds promise for them.

I hope that this debate, this discussion today, will begin the process that we need to have in this country of having a national debate on how we fix it; but let us leave no doubt about one thing: Social Security does require fixing. Doing nothing is not the option.

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Arizona (Mr. KOLBE), and of course the gentleman from Florida (Mr. SHAW) who spoke earlier, on what is a vital, important and outstanding program for seniors. The gentleman has worked a long time on this proposal. I personally commend the gentleman. We do not call the plans between Members competing, we call them complementary for a reason. We are looking for solutions to real problems, and I salute the gentleman for taking time for this discussion today.

Mr. Speaker, we have been joined by the gentleman from Ohio (Mr. PORTMAN) who has worked tirelessly on pension accounts, which are of interest to all Americans who have actually had a chance to build up their own portfolios through IRAs and 401(k)s. The gentleman has been an important architect in not only emboldening those plans to give more financial security, but actually doing something even more meaningful for some of the younger generations who may not have been able to afford to contribute the $2,000 per year to their IRA by giving a catch-up provision that kicks in in later years so they are able to actually add to their Social Security account through their IRA plan so their retirement plan is more insured and more secure.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for that introduction, and for having this Special Order tonight. Nothing is more important to the future of this country than addressing the retirement security needs of all Americans.

We have spent a lot of time in this Congress over the past 2 or 3 years working on ways to increase two of the three legs of the retirement security stool. Those two legs are the employer-based system, which is expanding 401(k)s and expanding defined benefit plans; and we have done a lot in that regard. Next week on this floor we will be taking up legislation to ensure that those changes are permanent.

We have also helped with regard to the second leg of that stool, which is private savings. We have expanded from $2,000 to $5,000 the amount that someone can put aside in an individual retirement account. We have been sure through this process to also focus on the third leg of the retirement security stool, and that is the public pension side or the Social Security side.

There we have had less luck in passing legislation because, frankly, it has become, unfortunately, a very partisan issue. The reason I commend the gentleman from Florida (Mr. FOLEY) tonight for having this Special Order, and commend the President of the United States, and my colleagues who spoke earlier, they are talking about this very critical third leg. People around this country depend on Social Security. Twenty percent of the seniors in my district depend exclusively on it, and that roughly $900 a month is critical to their being able to live their life with a little dignity after years and years of hard work.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield, it is the security of seniors we are here protecting. We are here protecting that valuable program. We are not changing their benefits; is that correct?

Mr. PORTMAN. Mr. Speaker, the gentleman is correct. What we are doing through these other two means, one, increasing what can be saved for retirement through a 401(k) or defined benefit plan; and, second, improving what you can save individually through your personal savings. We are helping everyone to have a more secure retirement. We are going to continue to work on that.

With regard to the third leg, Social Security, we are suggesting that the program needs to be strengthened and improved. Here are the alternatives. We can raise payroll taxes dramatically, and already payroll taxes are the most regressive tax out there, already too high. Most people around America pay more in payroll taxes than they do in Federal income taxes. Or, we can reduce benefits. We do not think that benefits ought to be reduced or payroll taxes ought to be increased to the substantial level that they would have to be in order to sustain the program. Instead, we think we ought to look at more creative ways to be absolutely sure that every senior has retirement security.

The President's principles that he has laid out are ones that most of us on the Republican side support, that any plan that changes Social Security be voluntary, that it not affect any senior who is retired or near retirement in any way at all. Any benefits they get now, they would get; but that we come up with creative ways to ensure that this program is there in the future.

I just saw a couple of charts as I was walking up that make this point very, very clearly. First, what is the problem. The problem is the way Social Security was set up. It was a pay-as-you-go system. When FDR started this program in 1945, we had 42 working Americans paying for the benefits of every one retiree. Most people did not live until age 65. Now the good news is that people are living longer, more productive lives. Also, we have this baby boom generation that is beginning to retire. That means today there are only three workers for every retiree. By the year 2035, which is not too long from now, there will only be two people working. This is the demographic problem that Social Security faces.

Again, the other two options that the other side of the aisle wants to rely on is to reduce benefits, which would be, for seniors in my district and around the country, would be a terrible result. We would have to reduce benefits by 27 percent by the year 2041, and this is based on data from the trustees of Social Security, a nonpartisan group. This is not somebody who has an ax to grind. These are the actuaries who do the analysis and look at it from an objective basis.

By 2076, a 33 percent reduction in benefits. Is that a good result? No.

You could increase payroll taxes. Again, payroll taxes are already too high. We would have to have a substantial increase in taxes. By the year 2041, 16.9 percent increase, a 37 percent increase over today. There would have to be a 16.9 percent payroll tax, which is a 37 percent increase in payroll taxes by the year 2041.

By the year 2076, there would be a 52 percent increase in payroll taxes. Again, to me these are not solutions that we want to have to fall back on. Rather, we want to be proactive and address the program so we can be sure that our seniors have peace of mind in retirement that they so much deserve.

Here is the big picture on this chart. Right now we are here, and we have a short-term surplus in Social Security, but soon the lines will cross. The benefits going out will be greater than the amount of taxes coming in. Why? Again, because Americans are living longer. It is a good problem, but a problem that we need to deal with; and second, we have this large baby boom generation, my generation. Baby boomers ought to know that we are beginning to retire, and we are creating a huge problem for future generations to be able to fund this problem. That is why there is a $25 trillion shortfall over time.

This is what the President is talking about. It is the right thing to do to talk about this issue. It is the wrong thing to do to make this political and partisan, to scare seniors. Do not scare my grandmother. She is 97, and has worked hard during her life. She deserves to know that check is continuing to come. She is one of those people who is living longer, and deserves to know that she is going to have security in her retirement.

The opportunity we have is to come together on a bipartisan basis and make a huge difference for the future of our country and our seniors. If we allow this to become a political football and just toss it back and forth across the aisle, or put our head in the sand and say there is no problem, we will be doing a great disservice to our future, to our seniors and to this great country. This is a challenge that this Congress must take on. It is one that I believe we can take on again. The leadership of President Bush is very important in this, and I commend him for making it one of the primary issues that he took up not only in the Presidential campaign, but since being elected has talked about increasingly. I hope that we can join hands and come together and create a better future for all Americans.

Mr. FOLEY. Mr. Speaker, as we conclude today, I thank the gentleman from Texas (Mr. ARMEY) for providing this time so Members can discuss at great length this important, valuable and vital program for American seniors.

I talked about my grandmother when I opened, and I would like to talk about my parents, Ed and Fran Foley of Lake Worth, Florida. My father is 81, and I will just leave it at the fact that my mother is younger than my dad, and I will not mention her age. I want to go home and eat over the weekend, and if I mention her age on the House floor, she may be a bit upset.

I suggest that they are both recipients of Social Security. We want to underscore to every senior like my parents, and much like my grandparent, we are not changing the benefits of Social Security recipients. We are not reducing them. We are not replacing them. We are not privatizing them. We are ensuring them. We are ensuring that seniors across America can count on that check, whether it is direct-deposited or comes to a mailbox near their home. We are ensuring that every senior who has worked hard building this economy, the greatest generation that served us in World War II, are given the confidence by this Republican leadership that we stand behind the pledge and promise that Social Security would be there in their golden years. That is a gold-plated guarantee by this body.

We are not investing their funds in the stock market. To the contrary, we are ensuring their success and survival. I reject the claims of the minority and suggest we are working productively to ensure the continuation of this valuable program.

For those who are disabled or survivors, children of people who have passed, who count on Social Security, our commitment is stronger than ever, and it is a bond we make with those who are frail in our community that need Social Security. So if you are disabled or a survivor, you can count on the continuation of this valuable program.

□ 1600

We are also telling current workers that we are not going to tax them further in order to ensure a political success formula for us. We are going to make certain it works without burdening hard-working young men and women who are earning their way and supporting their families.

Today has been about speaking about a greater point of view of protecting a generation who served us in a phenomenal way, many who led us out of the Depression and through World War II, through Korea, some through Desert Storm, who because of disability are now on Social Security. This is a generation that has brought this Nation to the greatest place and the greatest time on Earth. This is a generation that we should celebrate and support and applaud. Let us not demean the debate with the silly rhetoric of scare tactics.

Again, I mentioned I come from Florida, and each political season I get ready for the attacks that run against myself or Mr. SHAW suggesting somehow we are going to take away this valuable program. Fortunately, the voters are smart enough to reject those election lies. They are election lies. I do not like to use the word "lie" on the floor, but I cannot characterize it any other way because there is no factual basis to them. They try to scare seniors. The last candidate for President tried to scare seniors in my State of Florida, tried to win the election by scaring vulnerable seniors. To have a conversation about Social Security should not be about fright or frightening people. It should be about uplifting them in this great hall of debate.

I choose the high road in this debate as does the majority leader and the Speaker and the majority whip and every member of our conference. We have heard from several today who enunciated our plans for continuing and securing America's future. Over the next several weeks we will continue to engage in debate and respond to the charges by the other side of the aisle. We are not going to sit back and take it anymore. I made that comment last week and I make it again. Bring your charges to this floor and we are ready. We will answer your rhetoric with fact; and we will provide the information so that seniors, as they sit in their living rooms, know the truth. The truth is Social Security is a vitally important program, and we are here prepared to do our duties to ensure the continuation of this great program.

I want to thank you, Mr. Speaker, today for indulging and for all those who participated and again my thanks to the majority leader, the gentleman from Texas (Mr. ARMEY), who recognizes, as he concludes his career in the Congress as we adjourn this session, the value of this program, the value of seniors, and our commitment to continue on leading this Nation in a financially prudent and positive manner.

COLORADO FIRES

The SPEAKER pro tempore (Mr. KELLER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, as we stand here tonight on the floor of the House, fires are raging in my State of Colorado, fires so devastating, fires so great in proportion. Historically, they are great in proportion, and they are so big that they can be seen, as we are told now, from the Space Shuttle. The smoke and ash from the fires in Colorado can be seen by the people on the Space Shuttle.

These are in every sense of the word catastrophic fires. The one burning closest to my home, the Hayman fire, is over 100,000 acres, I understand, and will probably be burning all summer long. Hard for people to understand that, hard for anybody to get a handle on that concept; but it will probably be burning all summer long we are told, and that is just one fire. There are several others going. There are several starting also, and this one started last Friday. Many of these are being started by arsonists. It is incredible, but that is what is happening in and around Colorado. Of course, in other States they are experiencing similar types of situations.

Now, every ounce of our effort at the present time should be and is directed to trying to fight these fires, and that is certainly appropriate. There will be plenty of time for recriminations as to how and what would be the best way to deal with these things, what would be some of the things we can do to make sure that fires of this nature do not start again, at least to the extent we are able to prevent them.

This was started by a careless camper. He had a fire, illegally. We were at a time that there were no fires allowed in the national forest, no campfires whatsoever. But the law was disregarded by some selfish and unenlightened soul. The fire got out of control, and within just really a very short period of time it had already consumed a good part of the forest around it, and is now, of course, as I say, approaching 100,000 acres, if it is not over that already, 100,000 acres.

Putting that in perspective, we are probably reaching the point when it would be about three times the size of the District of Columbia, just for people to understand what a 100,000 acre fire is. Combined, of course, with all of the other fires going on right now in Colorado, I am sure we are approaching that total.

Now, as I say, this fire was started by an illegal campfire that got away, that was left essentially unattended and got away from its confined area. There will always be fires in the forest. That is part of the natural order of things. There is no two ways about that. We cannot and should not prevent all fires.

So the issue here is not the extent to which the fire that we are witnessing right now could have been prevented. Of course, it could have been prevented, if someone had not carelessly ignited a fire at a campground. But, beyond that, it could not have been prevented even if we had done a lot of work in that forest, because right now, of course, we are in the midst of a horrendous drought. It goes all the way, frankly, from the Canadian to the Mexican border.

The middle part of the United States is facing a drought, is facing drought conditions that are unprecedented in recent history. Certainly in the last 100 years we have not seen anything like this. The snow pack is very low. I was amazed on Monday when I had the opportunity to fly into the fire area and observe the fire, to observe the damage, I was amazed as I looked at Pike's Peak, which is not too far from the site of this fire, and saw just a few ribbons of snow still there. Usually, you can see snow on Pike's Peak in July, sometimes August.

I have lived in Colorado all of my life, and I can remember many, many summer days getting up in the morning, going out to get the paper, looking up at the mountains, and seeing a snow-capped mountain range in front of me in June or July. There is nothing. There was nothing last Monday when I went through this area. There was no snow. There has been no rain, and there are no prospects for rain that we can see on the horizon. So that is why we are going to have massive forest fires, drought, hot weather and densely forested areas.

Now, here is where we can do something about it, and this is what is important for us to try and tackle, because we do have some ability to deal with this situation. We cannot, as I say, nor should we even try, to stop natural fires from occurring. We simply should make sure, to the extent possible, that they occur in areas that have been managed, that is to say, thinned; where the undergrowth of the past 100 years of fire suppression efforts, the result of fire suppression efforts, has accumulated to the extent that we have now this tinderbox called the national forest.

It really has been man's ineptness, man's inability to manage the forest properly over the last 100 years, that has helped cause this situation, our fire suppression efforts, which has been the main thing everybody has been focused on for 100 years.

This is as seen from the space shuttle. This is the fire in Colorado. You can see the smoke plume and the fire down here.

The fact is that there are fires all over the United States, of course. There are fires burning down there. There are fires in several other locations. But this is the one that is incredible. Here is the Glenwood Springs fire. This is the one I was referring to as the Hayman fire. This is my home right here. Down by Durango we have another fire, near Trinidad, Glenwood Springs, and over here by the Utah border, just inside the Utah border. These are the fires in Colorado at the present time.

Mr. Speaker, the fact that for 100 years we have attempted to follow a policy to suppress all fires has created a devastating situation, a very, very dangerous situation in our forests. Suppression has meant that we have allowed old timber to fall, to fall to the ground, to decay and to dry out, and that becomes part, of course, of the fuel. We have allowed a tremendous amount of small saplings to grow, and that has become part of the fuel, because they stay relatively small. The forest canopy does not allow for them to grow quickly. It becomes part of the undergrowth.

When it gets like this, when it gets as dry as it is now, that is what we could certainly call a tinderbox, and it takes very little to set it off. Of course, lightning will do it. Time and time again, that is the natural way of fires to start in the forests.

However, when a forest has been thinned by our efforts, by the efforts of the Forest Service or anyone else, when the forest has been thinned, it is simply a logical situation where you will have less opportunity for these catastrophic fires to burn as quickly as they do and as hot as they do.

These fires that are burning now are so hot that they scorch the Earth below them. Three or four inches down there will be nothing. When this fire passes, there will be nothing there but what we cannot really call Earth, because there is no organic material in it. It has been scorched to 3 or 4, sometimes 6 inches deep. Nature lays down a hyperbolic blanket below that through which nothing can permeate, so regardless of how much rain you get, it does not let it go farther down, because nature is trying to actually save the soil below that layer of impermeable matter.

But what happens above that, of course, is the next time it does rain, all of that will wash away. It will wash down the sides of the slopes into the tributaries; and, in this case, it will run into the Denver water supply, the reservoirs that form the water supply for the Denver metropolitan area.

So once this fire is put out, whether it is in 90 days from now or not, whether it is all summer long, whenever it is put out, that is only the beginning of the problem. Erosion then begins to occur, and the next time it does rain or snow all of this will move, all of the material will move, the ground cover will slide down and end up as silt in these reservoirs.

□ 1615

It will cost millions of dollars. We have already spent, I think, approaching $40 million for this fire. It was $20 million the last I looked; it is probably double that now because it has been twice as long since I heard that figure; $40 million for the fire, but that will be dwarfed by the amount of money that we have to spend in order to try to repair, to the extent we can, the ground itself, and also to filter out the Denver water supply.

Now, there are ways in which man can positively affect the forest environment. There are ways that we can now deal with the land that can reduce the severity of the fires. We are never going to, as I say, nor should we try, to stop all fires. That is really what has gotten us into the situation we have now. We know that is wrong. But we also know that to the extent that we do go in and thin out a forest area, we actually accomplish some very positive goals. Fire will not burn as quickly, it will not burn as hot, it will not burn through the forest if, in fact, it comes to an area that has been treated.

Now, this is very difficult to see and probably impossible, but I will try, nonetheless, to explain what we have here, a couple of pictures of where there was treated area and where there was not. The fire burned right up to it, burned every single thing in its path in the area that was untreated. This is called the Bucktail fire in Colorado. It came up to and stopped, essentially stopped at the treated areas. The fire comes down out of the trees, goes on to the ground and eventually burns itself out in these treated areas.

It is amazing to see. I have seen it with my own eyes. I saw it 2 weeks ago when we were in Colorado and went back to the district and were looking at the effects of other fires, earlier fires, High Meadows and the Snaking fire, they were called. And we could stand on a line and look straight down that line and on the right-hand side where the area had been treated, the fire had stopped. All the way on the left-hand side for as far as one could see, everything was destroyed; just these black spindles sticking up out of a lunar landscape. Everything was destroyed and, as I say, even the ground was seared. We got to that line, and it dropped down out of the trees just like it is supposed to and burned some cover on the ground and burned itself out.

Now, this fire, I do not know how much less severe it would have been had we been able to get in there and do some of the things that the Forest Service had planned on. There was only one area, a roadless area, that was in the middle of this Hayman fire area which had been identified by the Forest Service as the place in which they were going to do thinning. About a year and a half ago when they were ready to start the job of thinning that area, a group of environmental organizations filed an appeal to stop them, stop the Forest Service. This is modus operandi; it happens all the time. The Forest Service goes into negotiation with the environmental groups to try and solve the problems that are presented to them, try to meet the needs of the environmental community in their plan to remove these trees, in the Forest Service plan to remove these trees and underbrush. It goes on negotiating for about a year and a half. We come to the end of that period of time when we think there is an agreement with the environmental community on exactly how the efforts to thin that area of the forest should go on, and the next thing we know, they file another appeal, stopping the whole thing.

We were unable to get in there, therefore. The Forest Service was unable to do any thinning in this particular part of the forest, and I am referring to this roadless area.

Well, there is nothing to really worry about now. There is no reason for the environmental groups to file any other appeals, because the forest that they were concerned about is gone. It is all ash. And as I say, it looks like a lunar landscape. It is devastating beyond anybody's ability to describe it accurately, I guess; but one has to see it to believe it. Twenty-one homes so far, probably more than that, but that is what we know so far that are gone; at least 5,000 people evacuated, 40,000 people getting ready to evacuate.

The impact, as I say, on the environment as a result of the fire will be enormous. It will be much greater than we can possibly imagine, because this is a bigger fire than we can possibly imagine. So all of the things that happen as a result of a catastrophic fire like this are just waiting for us to try and deal with as time goes by. There are hundreds and hundreds of firefighters on the line, but there is little that they can do. The breadth of the fire is so wide, the intensity so great that there is really little they can do. They are dropping, of course, retardant, they are dropping water; but a lot of the water I am told that is dropping out of the buckets that are being carried in there is actually evaporating before it hits the fire, it is so hot, the air is so dry. This is a horrendous fire.

I want to emphasize that I do not blame environmental groups for starting this fire. Of course not. They had nothing to do with the cause of the fire. It is just that we could have had perhaps a much less severe fire had we been able to get in there and thin this land.

Now, I am proposing a piece of legislation that we started on 2 or 3 weeks ago; it was before this most recent fire started. It was after we went up and looked at the results of the Buffalo Creek and High Meadows and Snaking fires in Colorado. There were two things that I was confronted with when I got up there and when we were talking about it. One was that the fine for people starting illegal fires in the forest, illegal camp fires in a Federal area, anyway, is ridiculously small. It was like $25 in that part of the forest where I visited, the Pike National Forest that I visited a couple of weeks ago; and I think it is about $50 in the part of the forest that is presently on fire. A $50 fine or a $25 fine for starting something that could lead to this kind of enormous devastation. That has to be dealt with. That cannot be allowed to continue.

We actually had instances. I was told by the fire people, by the fire rangers up there 2 weeks ago that we had people who would chip in. When a fire ranger got there and told them they had started a fire illegally and the fine was $25, the people just reached into their pockets and everybody chipped in 5 bucks and they handed him the money. So what? For 25 bucks. The other day when I was up there, when I was up there on Monday at the new fire, a forest ranger told me that she had talked to somebody on the phone, I do not remember if it was a day or so before, who wanted to know if they could pay the fine in advance, like a fee, for instance. In this case it was 50 bucks, and they wanted to just send them the "fee" or the fine to pay in advance to go up and start a fire in the national forest when it is in the middle of the most horrible drought we have had in 100 years. No one is ever going to lose money in trying to underestimate the stupidity of people like this. It is amazing.

So I have proposed legislation to increase that to a $1,000 fine and the possibility of a year in jail if you end up doing something like this fire, or causing something like this fire. That is for starters.

Then we tried to deal with the issue of, again, what were the reasons, what were the problems that prevented the Forest Service from being able to get in there and clear the land. They really revolved around two things: internal inertia within the Forest Service, internal bureaucratic problems, process problems; it is called analysis paralysis. That is the phrase they use to describe it. Because they spend days, months, years in the analysis of minutia because there might possibly be a challenge, there might possibly be a court challenge, there might possibly be an appeal, so everybody spends 40 or 50 percent of the time they have, instead of actually managing the forest, writing reports that are designed as sort of CYAs, if you will, in case somebody has an objection to what you want to do, and nothing ever happens. That is internally.

Externally, we have groups, organizations that are dedicated to stopping any sort of activity in the forest carried on by mankind. There are the extremists on the one side that say there is absolutely no forest that really man should be in. Forests are nature's preserves and man does not have a place there. And they want to stop any activity whatsoever: no road building, no logging, no recreation. Just stay out. Forests are not for people. That is their motto. Forests are for animals and other forest denizens. And their continued legal battle with the Forest Service always spills into courtrooms or through the bureaucratic process of appeals.

So what we have is between the Forest Service's inability to act just, as I say, internally, and the lawsuits filed by groups like the Wilderness Society that filed the appeals on the thinning proposals for the Pike National Forest. The two things combined are deadly. They lead to this. This is the result. Again, not fires that they start, simply fires that grow faster and are more serious and more severe than they otherwise would have been.

What we are hoping to do is actually return parts of the forest, as much as we can, to a more natural state by thinning. It is imperative that we do this and do it as quickly as possible, or this is going to be the way in which our forests will be consumed in the next year or so. We have already burned more acres in Colorado this summer, and it is not even mid June, than we did all of last year, and I am sure that we are at historical levels. I do not think we have ever had as much land on fire in Colorado. I believe that that is what is going to happen all over the West as this drought continues, and as we keep putting obstacles in the path of the Forest Service to try and deal with this.

There is another bill, therefore, that we introduced that tries to accommodate the needs of everyone involved here. It is called the charter forest idea, the charter forest plan. It was originally proposed by the President. The concept was proposed by the President. We have taken it, I guess this is the first such attempt in the Nation to actually write a Forest Service plan placed on a charter forest. The idea is this: that the local community and the Forest Service will get together on a management plan. Everybody will be at the table during the discussion: environmental groups, business groups, local authorities, county, State, and municipal officials, and, of course, the Forest Service. Everyone will have the opportunity to develop a forest plan, and it will be managed at the local level, for the most part; and it will be freed of many of the bureaucratic obstacles that presently stop other forest management plans from being implemented. And we will be able to then accomplish some of our goals in terms of positive, healthy forest management.

I stress that everybody will have a role to play; everyone will have the ability to discuss the concerns they have about the forest plan; but once it is adopted, then that is the way in which that forest will be operated for at least 10 years. Then we will review it, we will review it actually midpoint at 5 years and again in 10 years to see how well that plan has worked and whether or not the whole concept of charter forest is viable.

It is built really on the charter school concept. That is where it gets its name. Because we have seen for years and years and years that public schools are unable to actually accomplish their tasks many times because of the bureaucratic problems they confront, that people taking the responsibility into their own hands for their children's education will start charter schools. They write a charter and they say, here is the kind of curriculum we want, here is the kind of teachers we want, here is the length of school day we are going to have, here is the number of school days, here is where the setting is going to be; and they write their own school charter and run it themselves at the local level, and we free up and take away many of the regulations and give them a much broader hand in actually running this school.

Well, that is exactly what we are talking about with a charter forest. We are going to reduce the regulatory burden, and we are going to add responsibility to the people at the local level to manage the forest.

So I hope that these concepts will move forward. And I hope that we will be able to quickly get into the forests all around this Nation. If we started tomorrow, of course, it would take us many years to really reduce the fuel loads throughout the forest. But we have to start somewhere. We cannot let fires like this do it for us because, of course, it will be 100 years before this forest will return to anything that looks like a forest. We will all be long gone, and our children will have very little opportunity to enjoy the wonders of this magnificent natural wonderland. So I hope that we can do that quickly.

Now, there is one other area, and this leads me to the next part of my discussion, which will surprise no one; it has to do a little bit with immigration reform. There is another forest that has suffered severe fire damage in the last several months. It is the Coronado Forest in Arizona. I had gone down there a little bit before I went to visit the forest in Colorado; actually, I am sorry, it was about a month before, and we went down there because I am a member of the Committee on Resources and we had heard about the incredible environmental damage that was being done in that area and to the Coronado Forest.

□ 1630

Now, this damage was many-faceted. It was actually the result of literally hundreds of thousands of people coming through this illegally, coming from Mexico into the United States and using the rough terrain and the heavy brush to stay undetected while they came through, either individually seeking whatever they were seeking in America, most of them I am sure looking for jobs, and/or bringing in narcotics, illegal drugs.

The area has now become the most heavily trafficked area along the border for people coming in illegally and bringing in illegal drugs. What we saw were the folks on the border doing yeoman's work, the Border Patrol, in trying to interdict this flow of both people and drugs.

I think something like 90,000 pounds of marijuana and I have forgotten how much of cocaine and heroin have been confiscated already this year, but it still is coming; and it comes as a result of people carrying about 60 pounds of the narcotics on their backs in these homemade backpacks. They come through the forest.

They come by so many numbers, in such large numbers, that of course they begin to wear footpaths throughout the forest. This is a very delicate ecosystem. It does not take much, it does not take many feet on the ground to actually wear a path into the ground in a very short time; and it does not go away for a long, long, long, long time. It is almost like the tundra in that respect.

And just then, you will see that after they follow that path for a while, they will move off because they think that there are sensors that have been placed, and sometimes there are sensors that have been placed by our Border Patrol people to try to catch them, so they move over a little and create another path. When we fly over that forest, we look down and what we see is a spider web of paths, paths through the forest. They are also bringing both mules and horses through loaded with narcotics.

Then they will get to a certain place in the forest sometimes 5, 10, 15 miles up, and they will unload their goods. Another truck will come in on a road that is not a forest road, it will just be a road that was created by so many trucks coming in, pick-up trucks, Suburbans, large vans, SUVs, and they will come in and load the drugs on these trucks and take them out of there.

Of course, all that activity causes damage. There are roads all over the Coronado which are not Forest Service roads. They are simply drug dealer roads, but there are more of them than there are Forest Service roads. There is more activity in that forest with drug dealers than there is of any other thing; more than the campers, more than the hikers, more than the bikers. There are far more people coming through that place with guns protecting drug loads than there are people coming through to enjoy the scenery of a national forest; one of the oldest national forests in the United States, I should add. It was created, I think, in 1903.

That is not all that they have done to the forest. This packing material where they carry these backpacks made of this nylon fiber, where they unload, they just stack up these homemade backpacks that are nothing but, just like I say, these kinds of nylon rope things, but they will be coming in with huge stacks of them. The birds come and take it, build their nests out of it, and sometimes of course they get entangled in it. There are all kinds of environmental problems. The trash is incredible.

As we ride through the forest, as I was able to do on horseback the first day, then we flew over by helicopter the next day, but the first day everywhere we looked along these paths were empty bottles from water, plastic water bottles everywhere, clothes everywhere, tin cans where they made campfires and just cooked something over a fire in tin cans, and they were strewn all over the place. This was not a national forest; it was a national dump.

Now, the other thing that was happening, of course, was that these fires that they were setting at night, these campfires illegally set by people coming in illegally, were catching fire the next day. These people would walk away from it and not pay much attention to it; and of course it would catch fire. This area is also a place of incredible drought. It is a desert anyway, but right now it is even more dangerous in terms of fire.

The day we left there a month ago Sunday, a fire broke out that by the time we got back here had already consumed 35,000 acres. There was another one just a couple of weeks ago that started the same way with people coming through there illegally, people coming into the United States illegally, carelessly starting these fires, walking on and destroying part of the forest.

Now here is an intriguing aspect of it. We were told by the forest manager there that for many of the fires that they fight they cannot even use the typical firefighter methods. They cannot fly in slurry and drop it because there are so many people in the forest, so many illegals coming through the forest, that it actually would harm them. It would get on them. This retardant material might get on them, and we would get sued because we were trying to put out a fire; we dropped the fire retardant, but we have illegals coming through.

I am sure Members are aware of the fact that not too long ago a family of 11 people who died coming into the United States, coming in illegally, they died of thirst and dehydration, or in some way of the elements coming across the desert; and we are being sued by $3.75 million for each one of them, as if it was our fault; we have a burden, and this is our responsibility.

Well, we cannot even fight the fires because there are so many people. We do not even put people up there at night to fight the fires because there are so many people coming through with guns protecting drug traffickers.

And about a little over 3 weeks ago, we had an incident that was very peculiar, and unfortunately, not all that unusual. I thought it was, when I first heard about it; but come to find out it is not all that odd. Here is what happened.

It is a Friday, as I say, maybe 3 weeks ago. Just south of Ajo, Arizona, on the Tohono O'odham Indian reservation, the Indian police came across a Mexican humvee with Mexican military markings on it, and Mexican military inside of it. This was inside the United States of America. This was on the Indian reservation, the Tohono O'odham Indian reservation.

There was a confrontation, and finally the humvee turned around and went away and went back to Mexico. The Indian police called the Border Patrol and the INS, and we sent the cavalry and got down there, and the Mexican military vehicle had turned around. What in the world were they doing there? What is going on?

A little bit later in the day it turns out we interdict a drug shipment. We seize it, it is 1,200 pounds of narcotics, probably marijuana, I am not sure, that were coming through in that same area. Hmmm. Coincidence? It could be. We have a Mexican military vehicle in the United States; we have this shipment of drugs coming through a little bit later that we interdict.

Later on that night, the United States Border Patrol was going along the border, and it comes across that same or another humvee of a similar type, we do not know which because they all look alike, but there is Mexican military inside and Mexican military markings on it.

They are ordered to turn around and go back. The Border Patrol agent is under orders to turn around and go back when he confronts this kind of situation. For one thing, they are outgunned.

One of the peculiar things we have done in order to satisfy some of the concerns expressed by the Mexican Government is that we have taken many of the M-16s away from our Border Patrol people, taken them away and changed them into single-shot as opposed to automatic weapons, so we are outgunned at the border, quite frankly, and certainly outmanned.

He turned around to leave, and a shot rings out and goes through the back window of his vehicle, this is the Border Patrol vehicle, goes through the back window, hits a wire cage that separates the front seat from the back and ricochets off and goes out the right rear window, certainly coming close to killing this agent, this Border Patrol agent and officer.

Now, no one had heard about this. This had happened on a Friday. It was not until Tuesday that I got an e-mail message from a Border Patrol officer in the area telling us about this. I, of course, think that this is incredible. I think it is almost enormously challenging to the United States how this could happen, and how we do not say a thing about it in the United States.

No news program covered this; no newspaper in Arizona covered this. I mean, do Members not think it is newsworthy, Mr. Speaker? I certainly do. I cannot imagine this happening. Let us turn everything around. Let us say armed military of the United States went into some other country and started shooting at their federal police. What do we think would happen? Do we think we would be hearing about that from the state department of the country where this incursion occurred? I think so.

It turns out we have had 118 incursions of a similar nature. Luckily, most of them did not involve firearms, or they did not involve the discharge of firearms. About 90 percent of these incidents were with people carrying guns, but only a small percentage of these things actually ended up in firearms being discharged.

However, 118 times since 1997 we have had incursions into the United States by Mexican military troops or members of the Mexican federal police, 118 times. These are confirmed, by the way. I am told by the Border Patrol that there are far more times than that that this has happened, but the status of "confirmed" is difficult to get, so 118 is what we have confirmed.

I kept saying, what are you talking about, 118 times people have come into the United States from a foreign country? Why, I said? Were they lost? And, of course, there were chuckles around the table. Everybody thought that was pretty humorous that I would ask the question.

But I said, I do not understand it. Were they lost? What were they doing in the United States? The answer given to me every single time by the people down there was, it is drug related. It is the opinion of almost every single one, no, not almost, but of every single person that we asked on the border as to what was the nature of these incursions, why would we have Mexican military, Mexican federal police in the United States, and they said it is because they were either protecting or creating a diversion for, the same thing, protecting a large drug shipment that was going through.

They are not there all the time because most of the drug shipments are relatively small. It is a few people carrying these 60-pound backpacks, and there maybe 20 of them. They are usually preceded by a guy with an M-16 and followed up by a guy with an M-16 as they go through.

Imagine Mom and Dad camper at the forest there at the campsite, and all of a sudden going across the parking lot were 20 people, going across with narcotics in their backpacks, and followed by somebody with an M-16. It would be an interesting sight to behold, but I think a little more than they were bargaining for when they bought their parks pass.

☐ 1645

But that is what is happening in the forest and it is actually being abetted by the Mexican government. This is incredible and yet we do nothing about it. The forest is ablaze down there just like ours, not to the same extent, but it is ablaze. But why will we not say anything about that forest?

It is also, by the way, closed. They have closed the Coronado to anybody coming through. No more tourists coming through. But of course, they cannot close Coronado to the illegal traffic coming through. They can only close the Coronado to the people who want to just recreate there. But it is too dangerous. The fire danger is too great. The danger also of confronting somebody that is armed is too great.

The forest manager of that area told me that his greatest nightmare is that one of these days there is going to be a shootout, there is going to be some sort of event that occurs that confronts tourists and/or some of his own people with people taking narcotics through there and somebody is going to get killed. It almost happened, like I say, about 3 weeks ago on a Friday when the Federal border patrol agent was almost killed. But we hear nothing about it.

The reason we hear nothing about it is because it is a very sensitive topic. When I called the State Department and asked them about it, they said, Congressman, we are taking this up at the highest levels of government. I said, How long have you been taking this up? This has been happening since 1997. When do you think we are going to get an answer?

I wrote a letter to the Mexican President Vicente Fox and said, I would like to know what you know about these events. I would like to know what you are doing to stop these events. He did not write me back. I got a letter back from the ambassador from Mexico that said we do not like the tone of your letter and these incidents are being dealt with.

I am amazed that I have to sort of talk about this on the floor of the House to let people know what has happened. It should be a matter that is on every single news program in the United States. It should be something we talk about in the newspaper, something we talk about in our committees, in the Committee on Armed Services, in the Committee on International Relations. We should be discussing these things. We are not because we know that this is a very dangerous situation, very touchy situation, very sensitive.

Why is it sensitive? It is sensitive because if the American public knew about these things, the extent to which they exist, combined with what the American public already knows about the porous nature of our borders and the ability for people to come across them at will and maybe to do us great harm, that the American public would rise up and demand from their representatives that they do something to secure this border, our borders. And I do not mean just the border between the United States and Mexico. I am talking about the border all the way around this country, north, south, east and west.

We have to do far more than we have done to secure those borders. We have sent troops thousands of miles away to defend the borders of other countries, but we refuse to put troops on our own border to defend our own country. Does this make sense to anyone? The defense of this Nation, as I said a hundred times, begins at the defense of border. And if you do not think that we have a problem just because people are coming here illegally and they are just benign, they are just looking for jobs and why try to stop them, well, you are right. Most people coming into the country illegally are just looking for jobs and why try to stop them? But a lot of people are coming in with dangerous stuff on their backs, in this case, dangerous narcotics on their back.

What is to say the next person who wants to do something to the United States like a terrorist attack will not bring in something a heck of a lot worse on their back? And what is to stop them?

I guarantee you if you look at the border you will find there is nothing to stop them. It is 5,500 miles, some delineated or demarcated by barbed wire fence and periodic ports of entry. As if anybody coming into the United States illegally is going to go through the ports of entry and say can I come in. I just do not have a pass right now. Of course not.

Why do you not walk a mile down the road and walk across the line into the United States? You can do it. There is no problem. Why? Because we cannot possibly defend our borders, can we? We cannot possibly defend 5,500 miles of border. You know what? We can. We choose not to. Can we make so it is impossible for anybody coming into the United States and do us harm? No. I know we cannot seal the border. It is impossible. It is impossible. We would not want to. There are trade issues and all the rest of that stuff. But can we do more than we are today to protect our borders? Yes, we can.

The President made a good first step when he announced last week when he is asking for the Congress to take action and create the Homeland Defense Agency that includes all of the disparate parts of border security. I am all for it. I commend him for doing that. I will do everything I can to support that effort. I hope that the Congress of the United States will act quickly to implement it. That will not be easy.

We all know here that one of the major obstacles to surrendering a little part of your turf is there are egos involved, and God forbid that anybody think that there are people around here with big egos. But let us face it, turf battles here are the deadliest and nastiest thing you will ever see.

This will be a massive turf battle because we will take agencies away from a committee of reference and put them over here, and every chairman will be very upset about the fact that they are losing their little bit of power. It will not happen easily, but it is our responsibility to do it. We are not at the end of the road there. There are other things that can be done.

Certainly the military can be implemented in a much better way than we have used them so far in the protection of borders. We will have more to say about this issue next week. But for the time being, it behooves us, it seems to me, to do everything we can to protect and defend these borders. And although there are plenty of people who do not like it, plenty of people here in this body, even in the administration, plenty of people in Mexico, maybe in Canada, who want to see open borders, the elimination of borders, it is such a nice idealistic concept, no borders, it is kumbaya time, everybody grabs hands and sings, and why can't we all just get along, as the old saying was.

Well, you know what, there are reasons for borders. There are reasons. And the idealism of libertarian concept of open borders just does not fit with the real world. September 11 of last year should teach us the importance of borders and well-defended borders. It should teach us the importance of trying to identify who comes into the United States and why and for how long and what are they doing here once they get here, and do they leave when they are supposed to?

Other countries are able to handle that. You would think a country the size of the United States with the resources of the United States would figure out a way to actually identify the people coming in, determine how long they are going to be able to stay here, and determine when they leave. And if they do not leave, find them, deport them.

You would think we would be able to do that. It is a big country. It would be hard, but it is not impossible. We can do it, Mr. Speaker, and we must do it. That is the thing. We have no options, really, because frankly our responsibility as a Congress and as a Federal Government is primarily to defend the lives and properties of the people in this country. That is number one. All of the other stuff we do around here is not as important. The hundreds of millions of dollars, the hundreds of billions of dollars we have appropriated to the Department of Health and Human Services and the Department of Education and the Department of Transportation, all of that money, really and truly, although some of it may be well spent, the fact is it has nothing to do with the primary goal of this country and the Federal government, I should say, the responsibility of the Federal Government. Nothing to do with that. But it has everything to do with our responsibility to establish border security.

I have talked on this issue many times and at great length, and I can only hope that we have moved the process along a little bit and that we are going to take steps soon to actually do something to secure those borders. And as I say, I am very happy with the President's proposal for consolidation of activities inside the Homeland Defense Agency.

These are difficult times and we are challenged as perhaps we have never been challenged before. Because even in wars of the past we have been able to know exactly where the enemy was, confront them wherever they are, have the battle. We know who wins. We know who loses, and at the end of a period of time, thank God, the enemy surrendered and we know victory has been achieved and we can come home and begin our lives anew. But this is a different kind of war. We will never know perhaps when the battle is over with. We are challenged in a way we have never been challenged before as Americans.

It now behooves all of us in this body to take the important steps that have to be taken to secure those borders. Even then, as I have said a hundred times, it will not assure us that someone does not get through; but you can do at least this. You can say to yourself, I did everything I could as a Member of this Congress, as the President of the United States, I have done everything I could possibly do to secure our borders and to make sure something like this never happens again. It could; but on the other hand, we need to do everything that we can do.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORBES (at the request of Mr. ARMEY) for today on account of his daughter's high school graduation.

Mr. MCINNIS (at the request of Mr. ARMEY) for today on account of traveling to inspect ongoing fire damage in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. LANTOS, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at the request of Mr. WILSON of South Carolina) to revise and extend his remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, June 17.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following titles:

S. 2431. To amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until Monday, June 17, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7366. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Reduction in Production Cap for 2002 Diversion Program [Docket No. FV02-989-2 FIR] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7367. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Quarantined Areas [Docket No. 02-029-1] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7368. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Used Farm Equipment From Regions Affected with Foot-and-Mouth Disease [Docket No. 01-037-1] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7369. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Addition to Quarantined Areas [Docket No. 01–081–2] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7370. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Removal of Quarantined Areas [Docket No. 01–080–2] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7371. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Slovakia and Slovenia Because of BSE [Docket No. 01–122–2] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7372. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's FY 2001 Chief Information Officer Annual Information Assurance Report, pursuant to 10 U.S.C. 131 Public Law 106—65, section 1043; to the Committee on Armed Services.

7373. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a Report on Activities and Programs for Countering Proliferation and NBC Terrorism; to the Committee on Armed Services.

7374. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7375. A letter from the Director, Office of Integrated Analysis and Forecasting, EIA, Department of Energy, transmitting notification that the Energy Information Administration's (EIA's), "Performance Profiles of Major Energy Producers 2000" is being released electronically on the World Wide Web; to the Committee on Energy and Commerce.

7376. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Resources, transmitting the Department's final rule—Over-the-Counter Human Drugs; Labeling Requirements; Partial Delay of Compliance Dates [Docket Nos. 98N–0337, 96N–0420, 95N–0259, and 90P–0201] (RIN: 0910–AA79) received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7377. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicaid Program; Medicaid Managed Care: New Provisions [CMS–2104–F] (RIN: 0938–AK96) received June 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7378. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule—Children's Online Privacy Protection Rule—received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7379. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Switzerland for defense articles and services (Transmittal No. 02–22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7380. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting a report on the audit of the American Red Cross for the year ending June 30, 2001, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

7381. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the texts of the International Labor Organization Convention No. 184 and Recommendation No. 192 concerning Safety and Health in Agriculture, pursuant to Art. 19 of the Constitution of the International Labor Organization; to the Committee on International Relations.

7382. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for the waiver of loan default sanctions under section 620(Q)of the Foreign Assistance Act and Section 512 of the Kenneth M. Ludden Foreign Operations, Export Financing and Related Programs Appropriations Act, 2002 and a Drawdown under section 506 of the Foreign Assistance Act to support the Government of Afghanistan; to the Committee on International Relations.

7383. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

7384. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Micrographic Records Management (RIN: 3095–AB06) received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7385. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Records Disposition (RIN: 3095–AB02) received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7386. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 2001 through March 31, 2002 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7387. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Change in the Survey Cycle for the Portland, Oregon, Appropriated Fund Wage Area (RIN: 3206–AJ60) received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7388. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Premium Pay Limitations (RIN: 3206–AJ56) received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7389. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans' Affairs, transmitting the Department's final rule— Increased Allowances for the Educational Assistance Test Program (RIN: 2900–AL02) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7390. A letter from the Secretary, Department of Veterans' Affairs, transmitting a draft bill entitled, "Veterans' Employment, Business Opportunity, and Training Act of 2002"; to the Committee on Veterans' Affairs.

7391. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "2001 Findings on the Worst Forms of Child Labor"; to the Committee on Ways and Means.

7392. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit—received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7393. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Technical Revisions to Medical Criteria for Determinations of Disability [Regulations No. 4 and 16] (RIN: 0960–AE99) received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3429. A bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes; with an amendment (Rept. 107–507). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARCIA:

H.R. 4929. A bill to recognize the American Boxing and Athletic Association as the official sanctioning body for amateur elimination boxing contests; to the Committee on Energy and Commerce.

By Mrs. CAPITO:

H.R. 4930. A bill to amend title XVIII of the Social Security Act to establish a Medicare prescription drug discount card endorsement program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself and Mr. CARDIN):

H.R. 4931. A bill to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 4932. A bill to amend the Social Security Act to establish an Office of Administrative Law Judges in the Social Security Administration; to the Committee on Ways and Means.

By Mr. GEPHARDT:

H.R. 4933. A bill to promote State historic tax credits; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself and Mr. HANSEN):

H.R. 4934. A bill to establish the Great Basin National Heritage Route, Nevada and Utah; to the Committee on Resources.

By Mr. GILLMOR (for himself and Mr. Goodlatte) (both by request):

H.R. 4935. A bill to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H.R. 4936. A bill to amend title 37, United States Code, to provide a dislocation allowance under section 407 of such title to retired members of the uniformed services and members on the temporary disability retired list moving from their last duty station to their designated home; to the Committee on Armed Services.

By Mr. LEWIS of Georgia (for himself, Mr. Isakson, Mr. Serrano, Mr. Jackson of Illinois, Mrs. Jones of Ohio, Ms. McKinney, and Mr. Payne):

H.R. 4937. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that a portion or all of their income tax refunds be used jointly by the Office of Minority Health of the Department of Health and Human Services and the Office on Women's Health of such Department to improve the health of minorities and women; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSBORNE:

H.R. 4938. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the Santee Sioux Tribe of Nebraska, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. Evans, and Mr. Filner):

H.R. 4939. A bill to amend title XVIII of the Social Security Act to provide for a transfer of payment to the Department of Veterans Affairs for outpatient care furnished to Medicare-eligible veterans by the Department; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself, Mr. Smith of New Jersey, Mr. Evans, Mr. Simpson, and Mr. Reyes):

H.R. 4940. A bill to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TOOMEY:

H.R. 4941. A bill to provide that the individual income tax rate reductions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself and Mr. Greenwood):

H.R. 4942. A bill to improve patient access to health care services, extend the solvency of the Medicare Trust Fund, and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself and Mr. Scott):

H.R. 4943. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; to the Committee on the Judiciary.

By Mr. WOLF (for himself and Mr. Goodlatte):

H.R. 4944. A bill to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. DAVIS of Illinois (for himself, Mr. Bilirakis, Mr. Capuano, Mr. Bonilla, Mr. McNulty, Mr. Hall of Texas, Mr. Waxman, Ms. Ros-Lehtinen, Mr. Dooley of California, Mr. Hilliard, Mr. Conyers, Mrs. Christensen, Mr. Filner, Mr. Ross, Mr. Doyle, Mr. Andrews, Mr. Udall of New Mexico, Mr. Rangel, Mr. Rodriguez, Mr. Thompson of California, Mr. Jefferson, Ms. Baldwin, Mrs. Jones of Ohio, Mr. Brown of Ohio, Mrs. Maloney of New York, Mr. Towns, Mr. Shimkus, Mr. Serrano, Mr. Price of North Carolina, and Mr. Watts of Oklahoma):

H. Con. Res. 418. Concurrent resolution expressing the sense of the Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes; to the Committee on Government Reform.

By Mr. YOUNG of Alaska (for himself and Mr. Dingell):

H. Con. Res. 419. Concurrent resolution requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. Hunter, Mr. Jeff Miller of Florida, Mr. Hostettler, Mr. Aderholt, Mr. Jones of North Carolina, Mr. Weldon of Pennsylvania, Mr. Hayes, Mr. Hyde, and Mr. Watts of Oklahoma):

H. Con. Res. 420. Concurrent resolution expressing support for withdrawal of the United States from the Anti-Ballistic Missile (ABM) Treaty; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. McHugh, and Mr. Maloney of Connecticut):

H. Res. 443. A resolution expressing the support of the House of Representatives for programs and activities to prevent perpetrators of fraud from victimizing senior citizens; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

290. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 21 memorializing the United States Congress urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001; to the Committee on Energy and Commerce.

291. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 27 memorializing the United States Congress and the Department of Justice to complete its inquiry into the mistreatment of Italian-Americans during World War II with all due speed and release the results of such inquiry to the public; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. McCarthy of Missouri.

H.R. 190: Mr. Brown of South Carolina.

H.R. 432: Mr. Kildee.

H.R. 433: Mr. Kildee.

H.R. 595: Mr. Ackerman and Mr. Owens.

H.R. 690: Mrs. Morella.

H.R. 699: Mr. Ross.

H.R. 805: Mr. Carson of Oklahoma.

H.R. 822: Mr. Leach, Mr. Roemer, and Mr. Larsen of Washington.

H.R. 840: Ms. Ros-Lehtinen, Mr. Wynn, Mr. Rogers of Michigan, Ms. Kilpatrick, Mr. Israel, Mr. Barcia, Mr. LaHood, Mr. Paul, Mr. McNulty, Mr. Conyers, Mr. Jackson of Illinois, Mr. Hoyer, Mr. Crane, Mrs. Davis of California, Mr. Watkins, and Mr. Davis of Illinois.

H.R. 854: Mr. Deutsch, Mr. Wolf, Mr. Edwards, and Mr. Leach.

H.R. 945: Ms. Carson of Indiana.

H.R. 951: Mr. Hoyer, Mr. Hunter, Mrs. Napolitano, Mr. Nadler, Mr. Linder, and Ms. Millender-McDonald.

H.R. 1011: Mr. Wamp and Mr. Thompson of Mississippi.

H.R. 1021: Mr. Bilirakis.

H.R. 1108: Mr. McHugh.

H.R. 1143: Ms. Velázquez.

H.R. 1265: Mr. Udall of New Mexico.

H.R. 1452: Ms. Solis and Mr. Nadler.

H.R. 1541: Mr. Duncan.

H.R. 1596: Mr. Istook and Mr. LoBiondo.

H.R. 1598: Mr. Platts and Mr. Sabo.

H.R. 1671: Mr. Thompson of Mississippi.

H.R. 1859: Mr. Rush, Mr. Pascrell, Mr. Bonior, and Mr. Gonzalez.

H.R. 1904: Mr. Baird.

H.R. 1935: Mr. Ford, Mr. Hayes, Mrs. McCarthy of New York, Mr. Mollohan, Mr. Crane, Mr. Ackerman, Mr. Lipinski, and Mr. Lucas of Kentucky.

H.R. 2014: Mr. Wilson of South Carolina and Mr. Simmons.

H.R. 2059: Ms. McKinney.

H.R. 2071: Mr. Davis of Illinois and Mr. Maloney of Connecticut.

H.R. 2094: Mr. Peterson of Pennsylvania.

H.R. 2098: Mr. Israel, Mr. Waxman, Mr. Pence, Mr. McNulty, and Mr. LoBiondo.

H.R. 2148: Mr. Thompson of Mississippi.

H.R. 2207: Mr. Baldacci.

H.R. 2284: Mr. Conyers, Mrs. Christensen, Mr. Israel, Mr. Filner, Mrs. Mink of Hawaii, and Mrs. Jones of Ohio.

H.R. 2290: Mr. Brown of Ohio and Mr. English.

H.R. 2364: Mr. Schiff.

H.R. 2420: Mr. Meeks of New York and Ms. Lee.

H.R. 2442: Mr. Frank.

H.R. 2484: Mr. Reyes.

H.R. 2571: Ms. DeLauro.

H.R. 2638: Mr. Larsen of Washington, Mr. Blunt, and Mr. Gilman.

H.R. 2837: Mr. Stark.

H.R. 2863: Ms. McKinney.

H.R. 2874: Mr. Holt, Mr. Holden, Mr. Sandlin, and Mr. Wilson of South Carolina.

H.R. 2908: Mr. Leach.

H.R. 3058: Mr. Wu.

H.R. 3324: Mr. Sessions and Mr. Bereuter.

H.R. 3335: Ms. McKinney and Mr. Kildee.

H.R. 3337: Mr. Menendez, Mr. Reyes, and Mrs. Kelly.

H.R. 3397: Mr. Crowley.

H.R. 3424: Mr. Goodlatte.

H.R. 3443: Mr. Maloney of Connecticut.

H.R. 3464: Mr. Pascrell.

H.R. 3496: Mr. McGovern.

H.R. 3524: Mr. Davis of Illinois.

H.R. 3533: Mrs. Maloney of New York.

H.R. 3543: Mr. Conyers.

H.R. 3595: Mr. Stupak, Ms. Millender-McDonald, Mr. Kildee, Mr. Abercrombie, and Ms. Norton.

H.R. 3624: Mr. LoBiondo.

H.R. 3626: Ms. DeLauro and Mr. Reyes.

H.R. 3673: Mr. Owens.

H.R. 3703: Mr. Crowley.

H.R. 3794: Mr. Rahall and Mr. Pastor.

H.R. 3831: Mr. Hilliard, Mr. Fletcher, Ms. Pryce of Ohio, Mr. Barr of Georgia, Mr. Greenwood, Mr. Crenshaw, Mr. Sandlin, Mr. Bryant, and Mr. Sanders.

H.R. 3884: Mr. Rahall, Mr. Mollohan, Mr. Pastor, and Mr. Turner.

H.R. 3897: Mr. Riley and Mr. Hall of Ohio.

H.R. 3940: Mr. Bishop.

H.R. 3974: Mr. Conyers.

H.R. 4018: Ms. Schakowsky.

H.R. 4033: Ms. Brown of Florida.

H.R. 4058: Mr. Kucinich and Ms. McCollum.

H.R. 4066: Mr. Graham.

H.R. 4089: Mr. Davis of Illinois, Mr. Faleomavaega, Mr. Udall of Colorado, Mr. Hilliard, and Mrs. Maloney of New York.

H.R. 4091: Mr. Faleomavaega, Mr. Udall of Colorado, Mr. Hilliard, and Mrs. Maloney of New York.

H.R. 4119: Mr. Underwood.

H.R. 4169: Mr. Vitter.

H.R. 4187: Ms. Lofgren.

H.R. 4194: Ms. Kilpatrick.

H.R. 4483: Mr. Ferguson, Ms. DeLauro, Ms. Woolsey, Mr. Burton of Indiana, Mr. Rodriguez, and Mr. Owens.

H.R. 4515: Mr. Kennedy of Minnesota and Mr. Stenholm:

H.R. 4582: Mr. Peterson of Minnesota.

H.R. 4600: Mr. Simpson, Ms. Dunn, Mr. Schrock, Mr. Boehlert, Mr. Osborne, and Mr. Goode.

H.R. 4634: Mr. Weldon of Florida.

H.R. 4635: Mr. Cannon and Mr. Chambliss.

H.R. 4642: Mr. Duncan.

H.R. 4645: Mr. Lynch.

H.R. 4675: Mr. Pomeroy.

H.R. 4683: Ms. Eshoo and Mr. Inslee.

H.R. 4685: Mr. Bachus.

H.R. 4693: Mr. English, Mr. Shimkus, Mr. Holden, Mr. Ramstad, Mr. Cantor, Mr. Holt, Mr. Pence, Mr. Owens, Mr. Sullivan, Mr. Saxton, Mr. Waxman, Mrs. Kelly, Mr. Nadler, Mr. Berman, Mr. Ferguson, Mr. LoBiondo, Mr. Ross, Mr. Clement, Mr. Wexler, Mr. Linder, and Mr. Sherman.

H.R. 4707: Mrs. Thurman, and Mrs. Mink of Hawaii.

H.R. 4716: Mr. Barcia, and Mr. Taylor of Mississippi.

H.R. 4738: Mr. Gillmor.

H.R. 4742: Mr. Weldon of Pennsylvania, Mr. Owens, and Mr. English.

H.R. 4754: Mr. Ortiz, and Mr. Owens.

H.R. 4767: Mr. Duncan.

H.R. 4768: Mr. Kucinich.

H.R. 4777: Mr. Cramer.

H.R. 4793: Mrs. Roukema, Mrs. Mink of Hawaii, Mrs. Maloney of New York, Ms. Brown of Florida, Mr. Israel, Mr. Baker, Mrs. Thurman, and Mr. Vitter.

H.R. 4798: Mr. Strickland, Mr. Rohrabacher, Ms. McKinney, Mr. Frost, Mr. Kildee, Mr. English, Mr. Frank, Mr. Green of Texas, Ms. Brown of Florida, Mr. McGovern, Mr. Acevedo-Vilá, and Mrs. Mink of Hawaii.

H.R. 4803: Mr. Fattah, Mr. McGovern, Mr. Neal of Massachusetts, Mr. Hall of Ohio, Mrs. Clayton, Mr. Frost, Mr. Owens, Mr. McDermott, Ms. Millender-McDonald, Mr. Clement, Mr. Baldacci, Mr. Jackson of Illinois, Mr. Clay, and Mr. Kucinich.

H.R. 4804: Mr. Burr of North Carolina, Mr. Hastings of Washington, Mr. Tancredo, and Mr. Terry.

H.R. 4839: Ms. Hart, and Mr. Duncan.

H.R. 4851: Mr. Watts of Oklahoma, Mr. Lucas of Oklahoma, Mr. Watkins, and Mr. Carson of Oklahoma.

H.R. 4852: Mrs. Meek of Florida.

H.R. 4854: Mr. Kildee, Mr. McGovern, Ms. Hooley of Oregon, Mr. Schiff, Mr. Frost, Mr. Tierney, Mrs. Mink of Hawaii, Ms. DeLauro, Mr. Hall of Ohio, Mr. Davis of Florida, Ms. Millender-McDonald, and Mr. Ehlers.

H.R. 4858: Mr. Costello.

H.R. 4888: Mr. Larsen of Washington, Ms. Norton, Mr. Sawyer, Mr. Bentsen, and Mr. Hall of Texas.

H.R. 4896: Mr. Gordon and Ms. McCarthy of Missouri.

H.R. 4918: Mr. Kucinich.

H.J. Res. 40: Mr. Simmons.

H.J. Res. 92: Mr. Capuano, Mr. Berman, Mr. Frost, Mr. Crowley, Mr. Sabo, Ms. Woolsey, Mr. Ackerman, Mr. Pascrell, and Ms. Solis.

H. Con. Res. 60: Mr. Conyers.

H. Con. Res. 197: Mr. Bonior.

H. Con. Res. 291: Mr. Whitfield.

H. Con. Res. 382: Mr. Kucinich and Mr. Hoeffel.

H. Con. Res. 401: Mr. Pascrell.

H. Con. Res. 402: Mr. Filner.

H. Con. Res. 406: Mr. Delahunt.

H. Con. Res. 417: Mr. Owens, Mr. Wexler, and Mr. Nadler.

H. Res. 313: Mr. Oberstar, Mr. Conyers, Ms. Norton, and Ms. Eddie Bernice Johnson of Texas.

H. Res. 393: Mr. Saxton and Mr. Jefferson.

H. Res. 416: Mr. Bonilla.

H. Res. 434: Ms. Berkley.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

57. The SPEAKER presented a petition of the LaSalle County Board, Illinois, relative to Resolution No. 02-48 petitioning the United States Congress that the LaSalle County Board opposes any changes to the 800 MHz Band, and is in opposition to the Federal Communications Commission Notice of Proposed Rule Making (FCC 02-81) WT Docket No. 02-55; to the Committee on Energy and Commerce.

58. Also, a petition of the LaSalle County Board, Illinois, relative to Resolution No. 02-47 petitioning the United States Congress that LaSalle County endorses a federal subsidy for passenger rail service and a high speed passenger rail line through LaSalle County and Northern Illinois; to the Committee on Transportation and Infrastructure.

SENATE—*Thursday, June 13, 2002*

The Senate met at 9 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God is good all the time; all the time God is good! We say with the psalmist, "I would have lost heart, unless I had believed that I would see the goodness of the Lord in the land of the living."—Psalm 27:13.

What do we mean when we affirm that You are good? You have taught us, dear God, that Your goodness is Your impeccable consistency. We always can depend on You to be the same yesterday, today, and tomorrow. You do not play favorites; You treat all Your children the same. It is only humankind that withholds Your blessings of justice, mercy, and plenty from some of Your people. Or we tolerate customs, laws, or social prejudices that block Your goodness being offered to all.

If we say with the psalmist, "Blessed be the Lord, who daily loads us with benefits, the God of our salvation!"—Psalm 68:19, then help us, generous Lord, to be to others as kind, caring, and forgiving, just as you have been to us. May it be said of us, "He/she is good all the time!" Amen.

PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER. The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 13, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. The Chair will shortly announce that the first hour of the Senate today will be morning business, until 10 a.m. The first half of that time is under the control of the majority leader. It is my understanding that Senator STABENOW will be here to talk about pharmaceutical products. The second half of the time will be under the control of the Republican leader.

At 10, we will begin consideration of the terrorism insurance bill. We have waited a long time to be able to have this measure on the floor. Industries all over America, for months, have been telling us this is necessary. I hope those people who don't want this legislation passed—and there are some—will offer their amendments and take whatever verdict the Senate renders and not try to stall and kill this legislation. If that is the case, I think the majority leader would have no alternative but to file a cloture motion.

There is ample time to amend this legislation. I think both leaders acknowledge the importance of this legislation and the need to move on. So if there is an effort to stall, after a period of time the majority leader will again have to make a determination as to whether a cloture motion will be filed. I hope that is not the case and that it moves forward. We almost passed it by unanimous consent before the Christmas break. Since that time, things have gotten worse instead of better. We have construction projects that are coming to a halt because they cannot obtain terrorism insurance. It has become extremely important that we do something about this. I hope we as a Senate can move forward.

Mr. President, the chair has some business to conduct.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Chair recognizes the Senator from Michigan.

THE HIGH COST OF PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, it is a pleasure to be here again this morning speaking about one of the most important topics to touch American families, seniors, and businesses. The entire economy, right now, is struggling with the explosion of health care costs. Most of those relate to the crisis of prescription drugs.

First, I thank the Senator from Georgia for his leadership, for bringing forward and fighting for Medicare and prescription drug coverage for seniors. I was pleased yesterday to join with the occupant of the chair, Senator BOB GRAHAM from Florida, Senator TED KENNEDY from Massachusetts, Senator HARRY REID, our distinguished assistant majority leader, and many others who have come together to put forward a voluntary, comprehensive Medicare prescription drug benefit for our seniors, one we can be proud of, one that people can choose to sign up for if they need it; and if they choose not to because of other coverage, that is good as well. But it will be there for everyone. It will finally keep the promise of Medicare by truly covering the way health care is provided today. We know that is long overdue.

As we all know, in 1965, when Medicare was constructed, it covered the way health care was provided. When you went in the hospital and had an operation, you might need penicillin or something else connected with your stay in the hospital. But today is different. Most people don't go to the hospital. Most people are able fortunately to receive some kind of assistance, such as medications that prevent problems. Some have high blood pressure or high cholesterol and many other things that they need to take medication to control. You also may be able to take a pill that stops open-heart surgery. A gentleman in Michigan tells me he takes one pill a month, and it stops him from having to have open-heart surgery. He said that is great, but the pill costs $400 a month.

This is a gentleman who, fortunately, is a UAW retiree and is able to receive some assistance from an excellent benefit plan. But he said: What if I didn't have that? What if I was just on Medicare and didn't have that extra help that came from my job? That $400 a month that stops open-heart surgery is a wonderful benefit.

We celebrate the fact that that drug was created. But too many people would either not be able to afford that, would be sitting at the kitchen table, like a lot of people today, saying: Do I eat today? Do I pay the utility bill? Am I able to pay the other things that will allow me to live independently or do I get my medicine?

So I am very pleased to be a part of the effort that is building in the Senate to pass a real Medicare prescription drug benefit, which we intend to do.

I thank our leader, TOM DASCHLE, for making a commitment that we are going to bring this issue before the Senate for a vote in a matter of a few weeks.

There are those around the country who are listening today and saying, Sure, we have heard this before, but is it really going to happen? Are we really going to be able to move the ball forward?

The answer is, with the help of people who are watching and listening today, we will. The reason this has been so difficult an issue is that, unfortunately, we see an industry doing very well by diverting a lot of the current rules, by getting around a lot of the rules. The current system works well for the drug industry. There are six drug company lobbyists for every Member of the Senate. So their voice is heard here every day.

I was pleased yesterday to join with about 30 different health care consumer groups to launch an effort to get the people's voice into this debate. Not only are we asking people to write their Senators, their House Member, and the President and say, now is the time to act—it is past the time to act—but we are also asking people to join us in an effort called fairdrugprices.org. Fairdrugprices.org is a new action center. We are asking people to log on—maybe this is your first time on a computer; if you do not have a computer, ask a family member, ask somebody else, and if, like so many of us, you are learning all this, just type in "fairdrugprices.org" and go to this site.

You can sign a petition to send two messages to Congress: Pass a real Medicare prescription drug benefit and lower prices for everybody. We have a plan on how to do both. If you go to fairdrugprices.org, you can sign up to be a part of this process. You can also communicate with your Member of Congress through this site, as well as directly going to their site.

Also, we are asking you to share your story. If you are a small business, the senior premium for health care went up 30 percent last year, and insurance companies said most of that was the explosion in prescription drug prices. Or if you are an 85-year-old woman with breast cancer struggling to buy tamoxifen or a 65-year-old man who is struggling with high blood pressure and other ailments and struggling to get the medicine you need, sign up, share that story, and we will bring that story to the floor of the Senate. We will make the people's voice a part of this process in a very real way because when the people are engaged—and, Mr. President, you know this—the right things happen.

When people are involved in telling what is real—they are not making this up; this is not a made-up problem; they are not just trying to talk the talk—they want action. They want action from Senators. They want this to be bipartisan. They want the President to embrace this. They want us to solve the problem.

There are a lot of other issues we can talk about around here, but we want to get this done. This effort is beginning to really get up steam. We want to invite everybody to go to fairdrugprices.org and engage in this issue.

We also ask for some help to take a serious look at other proposals that are coming forward from other places that do not do the job. There are a lot of proposals that are being called Medicare prescription drug coverage. There are those who provide coverage that is affordable. We are pleased that our plan would be a $25-per-month premium and would provide comprehensive coverage with no gaps. It would not cut home health care to do it. It would not cut our hospitals or nursing homes to do it.

We have a real plan. I regret to say that our colleagues on the other side of the aisle, on the other side of the Capitol, through the Speaker and the Republicans in the House, have not yet put forward a real Medicare plan. Unfortunately, what they put forward covers very little of the prescription drug bill, and they are talking continually about including cuts to hospitals and other providers to pay for it and setting up new costs for home health care.

I know in my own family and friends' families, often when you are struggling with that prescription drug bill, you also need some home health care help. Those frequently go together.

Today we are very proud of the home health care industry, our visiting nurses, and our other small businesses that set up shop to help people live in dignity at home. We know it is good from a quality-of-life standpoint. We know it saves money. It is good on all accounts. Home health care makes sense.

My fear is that what is being talked about by our House Republican colleagues is charging copays. One will have to pay on the front end for visits. On the one hand, while saying we want to help with prescription drug coverage, on the other, we are going to create new costs for you, we will save a little money in this pocket and take a little more out of this pocket. In the end, that will not be helpful to people.

I call upon my colleagues on the other side of the aisle and the other side of the Capitol, in the House of Representatives, to join with us in a real effort. Do not add costs to home health care. Do not cut our providers who have already been cut enough. Join with us in something that is real and makes sense.

One of my other concerns about what the House is talking about is that it would not be a benefit under Medicare. They are saying let private insurance cover prescription drugs with prescription-only policies. I suggest that if the insurance companies wanted to do that, they would have already done that. The reason they do not is that it is very expensive to provide a prescription-only insurance policy, outside of Medicare or outside of a standard policy.

Ironically, if you go back and look at the debate prior to 1965 when Medicare came into being, it came into being because the only thing that older adults had at that time was to try to find insurance in the private sector, and about half of them could not find any or it was not affordable because it is less profitable to cover older adults or to cover the disabled or to cover people who are likely to begin to have more health ailments. So those policies were not there.

Medicare came into being to make sure that everybody had access to health care; that our older citizens, our disabled citizens would be able to get the same care that other citizens received. That was a promise we made in 1965.

Now, instead of making sure that promise is real by covering prescription drugs, which is the way health care is provided today, we have our colleagues on the Republican side of the aisle saying: Let's go back to what did not work before 1965. Let's go back to the system that does not work.

We are saying that is not good enough. More importantly, the people of the country are saying that is not good enough. I believe people are watching and are holding us accountable. They are holding us accountable as to whether or not we are going to get past the talk and start walking the walk.

Are we going to make this happen or continue to set up straw men that sound good, get people through an election, but, in the end, do not create the ability for one senior to buy one pill? That is the challenge we face, and we have an opportunity because of the leadership in the Senate by our Senate majority leader, Senator DASCHLE, and Senator HARRY REID, and others who have said this is so important, we are going to make this a priority now, that this summer we are going to act on this issue; we are going to bring this up.

It is so important we now engage people and invite people to join us to make sure we are successful. This is not just about getting a vote or bringing up a bill, this is about fixing the problem. It is about creating a Medicare prescription drug benefit for everyone who needs it and making sure they then have the ability to get the health care they need.

Frankly, I am excited about what is ahead in the next few weeks and want to invite people to join us to be a part of this effort—again, fairdrugprices.org.

I want to also invite people from Michigan, if those from Michigan are listening, to visit my own Web site. We are asking people as well to come and join us and check out what is happening through my Senate Web site: Stabenow.Senate.gov. At this Web site, we are asking people to take a look at what we are doing and share the stories through our Web site as well.

I also mention this morning the important efforts to cut prices for everyone. As I said in the beginning, we have two goals. We have the goal of updating Medicare so it really provides health care and meets the promise that was made in 1965, but we also know that this issue affects everyone. As I said before, if one is a business owner, a farmer trying to get health care coverage for their family, a young working family, or an older working family, right now we have a very unfortunate situation in our country. In fact, in some cases we are paying for all of the initial research on these new lifesaving drugs into the billions, over $23 billion.

We have been increasing the research through the National Institutes of Health every year. As of this year, I believe, we have doubled in the last 5 years the funding for NIH, a very important thing to do. It is something we have had support for on both sides of the aisle. It is very important that we be able to move forward on this funding. That is good.

We then have a situation in our country where we allow companies to take that information that you and I pay for, and begin to develop these new drugs. As they do that, as a further incentive, we allow them to take deductions on their taxes for the research. We give them a new 20-percent tax credit on new research. We also allow them to write off their advertising, marketing, and sales costs. We give them up to a 20-year patent. We say it is so expensive to create these new drugs that we are going to make sure their name brand cannot be challenged and they cannot have competition for that formula for up to 20 years. So we protect that for them through a patent.

When all is said and done, after all this investment and all of this effort to support creating these new drugs, what do we have? Unfortunately, we have, as Americans, the highest prices in the world. That makes absolutely no sense.

What I fear is that we are seeing more and more an industry that is less focused on new breakthrough drugs and more focused on how to create more profit by slightly changing the drug to keep the patent going, making it a purple pill instead of a red pill, changing the box, promoting it, changing the name, keeping the patent going so there is no competition, and keep raising those prices right through the roof.

I was very interested in watching a program that Peter Jennings put forward on ABC a couple of weeks ago. I commend ABC and Peter Jennings for coming forward with something that was very comprehensive but, unfortunately, extremely disturbing. It indicated that about 80 percent of the new patents, the new drugs that are going on the market, the new patents approved by FDA on what is called standard drugs—that is a category that means there is very little difference between the drug that was already there and the new drug—80 percent are not drugs that have changed the formulas in a way that would improve health care.

What we see happening instead is this movement of sales and marketing and advertising, and now, unfortunately, in the last 5 years—in fact, since 1996—the FDA has changed the rules so that drug consumer advertising is allowed. They have loosened the rules, and we have seen an explosion in the amount of direct consumer advertising.

Anyone listening today, anyone listening in the Chamber, all we have to do is turn on our television set, and if not every ad, every other ad is a beautiful picture, a beautiful ad, for a prescription drug. That is great if they want to do that, but unfortunately we now see two and a half times more being spent on advertising than on research. The latest numbers show there was more spent on advertising Vioxx than Pepsi, Coke, or Budweiser.

As I have said so many times before, someone can decide not to have a Coke today, although I am pretty addicted to Diet Coke, but if someone is a breast cancer patient, they cannot decide not to take Tamoxifen without very serious consequences. So this is not the same and should not be treated the same.

So one of the bills that we put forward—and I appreciate the Presiding Officer's support and cosponsorship with me—is something called the FAIR Act, the Fair Advertising and Increased Research Act. It is a bill that would simply say we will allow the companies to write off advertising and marketing and sales from their taxes. In other words, we will subsidize that as taxpayers but only to the level we subsidize research. It makes sense to me. We will allow advertising, and certainly they can do as much as they want, but we just do not want to pay for it. So we are saying we will pay for as much or help subsidize as much on advertising as we do on research; beyond that, they are on their own.

I hope we will get a vote on that bill, that we will be able to cap those excessive advertising costs, because it is overdue and we know it is part of the explosion. It is not only the advertising costs, it is that increased utilization that comes from promoting medications and the top name brand rather than one that may be exactly the same that is not advertised.

That leads me to another very important issue, and that is the question of unadvertised brands. We know that at least half of the medications out today have another drug that is exactly the same or extremely close, that is just not advertised. It is called a generic. We know that if someone uses that unadvertised brand, they can cut their costs 35, 50, 75 percent. I have seen quotes of savings up to 90 percent. So there is a major effort now happening. I commend Blue Cross/Blue Shield of Michigan, which is working with our Chamber of Commerce and others, in a coalition, and I know it is happening across the country, to close the loopholes in the law.

Senator JOHN McCAIN and Senator CHUCK SCHUMER have a bill, which I am pleased to be cosponsoring, that would close the loopholes which right now allow the drug companies to stop these unadvertised brands from going on the market. So we want to address that as well.

We want to have the opportunity to do away with excessive advertising, use more of the unadvertised brands and drop the prices for people. We also want to open the border to Canada where right now one can buy prescriptions at half the price.

The final thing on our agenda is to support those States that are creatively looking for ways and acting to lower prescription drug prices for their citizens. About 30 different States, including my home State of Michigan, are developing ways to lower prices, some very creatively.

In Maine, for example, they have developed a policy where if someone is doing business and they have a Medicaid contract for prescription drugs, then they are requiring that same discounted price be provided that is provided to the State through Medicaid to those who do not have insurance but are not on Medicaid. So they are using their clout as purchasers to be able to lower prices, and they are being sued. Not surprisingly, a drug company lobby is suing all of the States that are doing that.

The final bill I have introduced is called the RX Flexibility for States bill, which would make it clear that States have a right to develop innovative programs to lower prices for their citizens and to use the Medicaid purchasing power as a part of that.

In conclusion, let me say we have a plan. As the Presiding Officer knows, because he is one of the key leaders on our Medicare plan, we have a Medicare plan. We have proposals to lower prices. We have a plan that will make sure our seniors and our disabled have what they need in lifesaving medicine. We will make sure small businesses can count on us to do something to lower prices for our farmers, our families.

I call upon colleagues to join as quickly as possible to put this plan in action. Again, I invite all citizens listening today to join www.fairdrugprices.org. Get involved. Put the people's voice in this debate. I know we will be able to get something done.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent I be allowed to use the remainder of the time in morning business. I see no one here from the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING DR. BARNETT SLEPIAN AND CONDEMNING ANTI-ABORTION VIOLENCE

Mr. REID. Mr. President, after the attacks against our country on September 11th and with ongoing violence in the Middle East, we have taken steps to remind Americans that not all Arabs and not all Muslims are terrorists. And it is important to remember that not all terrorists are Arabs or Muslims.

Terrorism is not an ideology linked to any particular religion, race, or nationality; rather it is a tactic, a method deliberately chosen by those who reject peaceful means of promoting their cause and instead turn to violence. Obviously not all terrorists share the same goals—indeed, there are many cases where terrorists with diametrically opposed views are fighting against one another.

But terrorists seem to hold in common a belief that they are above the law and a common disregard for human life.

Unfortunately, we have homegrown terrorists right here in America: People like Timothy McVeigh who bombed the Federal building in Oklahoma City and whoever is responsible for the anthrax attacks of last year.

America has also been plagued by numerous acts of violence by extremists in the anti-abortion movement. One of their victims was Barnett Slepian, a husband and a father of four. He was killed in his family's home in Buffalo, New York 3½ years ago shortly after returning from synagogue where he had gone to mourn his father's death.

Barnett Slepian was a gynecologist and obstetrician. He provided health care to women and delivered babies. And he also performed abortions at a downtown clinic, because he wanted to make sure that even poor women had access to safe, legal procedures. Because of this he was killed.

I didn't know Dr. Slepian, but I learned after his death that he was the uncle of a woman from Reno, Nevada who worked for me here in Washington.

Dr. Slepian's killer is not only a cold-blooded murderer, but should also be seen as a terrorist. The man police have identified as responsible for killing Dr. Slepian was recently extradited from France where he had fled. His name is James Kopp.

Kopp has been indicted for the shooting of a doctor in Canada and is a suspect in 3 other shootings of doctors who provided abortions. While Kopp alone might have pulled the trigger and fired the shot that killed Dr. Slepian, we have learned that he was part of an organized network of violent extremists, including a group that calls itself the Army of God. (Imagine that a group would invoke the Lord's name and believe that God sanctions their lawless violence. And this group of murderers professes a respect for life!)

This group and others similar to it have engaged in a long campaign of harassment, intimidation, and violence. Their crimes include kidnaping, bombing, arson, assault and murder. They have targeted health clinic employees, judges and other officials. And not only have they attacked and killed doctors, but they have also threatened the doctors' children. These groups have hosted Web sites that post the names, addresses, license plate numbers of doctors and others on hit lists and even put up pictures of their targets' family members and identify where their children catch the school bus.

Fortunately, the 9th Circuit Court of Appeals ruled just last month that targeting specific doctors in this way constitutes an illegal threat, and found those responsible for the Web sites in violation of the Freedom of Access to Clinic Entrances Act. I applaud the court's ruling, and I am pleased that the FACE legislation we passed has helped protect Americans. But we must remain vigilant and continue to take appropriate action to prevent extremist groups from terrorizing victims. Their intention is to intimidate and threaten, and sometimes they succeed as some doctors have given up their practice due to the emotional stress and constant fear they faced.

Dr. Slepian courageously endured threats for over a decade before he was murdered. We must have the courage to condemn the violent extremists in the anti-choice movement. Those who kill and commit other heinous acts to express their opposition to abortion do so with the support of many others people who fund their crimes, aid and abet them, harbor fugitives. Others help create a climate that encourages this violence through their hateful speech or by remaining silent.

We cannot remain silent. We must say loudly and unequivocally that murder is wrong.

America is a nation of laws. I believe in following the law. You might not always agree with the law or how it is interpreted. But that does not entitle you to willfully violate it without consequences. America instead offers you an opportunity to seek to change the law through peaceful means.

We express policy differences civilly through discourse and resolve them through the political process, not through violence. Here in the Senate we debate passionately, but in a manner of respect and civility, and attempt to persuade others of the merits of our positions.

Those who resort to violence are violating not only our laws but our American principles and values.

We in the Senate must identify them as terrorists. The American people must recognize them as terrorists. And law enforcement officials must treat them as terrorists—for that is what they are.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the role.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Chair.

Mr. FEINGOLD. Mr. President, I rise today to voice my concerns about the concentration of ownership in the radio and concert industry and its effect on consumers, artists, local businesses, and ticket prices.

I will be introducing legislation to address these concerns in the coming weeks, but wanted to make my colleagues aware of the seismic changes that have taken place in the radio and concert industries following the passage of the Telecommunications Act of 1996.

During the debate of the 1996 Telecommunications Act, I joined a number of my colleagues in opposing the deregulation of radio ownership rules because of concerns about the impact on consumers, artists, and local radio stations.

Passage of this act was an unfortunate example of the influence of soft money in the political process. As my colleagues will recall, I have consistently said that this act was really in many ways bought and paid for by soft money. Everyone was at the table, except for the consumers.

In November, we will finally have rid the system of this loophole, but we must repair its damage.

In just 5 years since its passage, the effects of the Telecommunications Act have been far worse than we imagined. While I opposed this act because of its anticonsumer bias, I did not predict that one provision would have caused so much harm to a diverse range of interests.

The provision I am referring to is the elimination of the national radio ownership caps and relaxation of local ownership caps, which has triggered a wave of consolidation and caused harm to consumers, artists, concert goers, local radio station owners, and promoters.

To put the changes of the 1996 act in perspective, it is helpful to compare them to other moves towards deregulation of radio ownership that began in 1984.

In 1984, there were limitations on the total number of radio stations that one company could own nationally and locally, and how long a company had to hold a station before being allowed to sell. That year, the ownership regulations were changed to allow one entity to own 12 AM stations, 12 FM stations and 12 television stations—an increase from 7 to each type a year earlier.

The Federal Communications Commission again loosened the ownership requirements in 1992 by allowing one company to own up to two AM and two FM stations in a specific market, so long as they did not account for more than 25 percent of the total listening audience. The national ownership limits were also raised to 18 AM and 18 FM stations.

This change brings us to the seismic shift that shook up the radio and live concert industries across the country—the passage of the 1996 Telecommunications Act.

This legislation did not simply raise the national ownership limits on radio stations—it eliminated them altogether. It also dramatically altered the local radio station ownership limits through the implementation of a tiered ownership system which allowed a company to own more radio stations in the larger markets.

The highest range was in the largest markets, those with 45 stations or more. In those markets, one group could own up to eight stations, with no more than five in either AM or FM. The strictest limit was in the smallest markets with less than 15 stations, where one entity could own five stations, but only three in any one service.

This change was not beneficial to consumers or local radio station owners or broadcasters. It simply led to a number of national super radio station corporations that now dominate the marketplace, and allegedly engage in anticompetitive business practices.

The concentration levels of radio station ownership, both across the United States and in most local markets, is staggering.

In 1996, prior to the passage of the Telecommunications Act, there were 5133 owners of radio stations. Today, for the contemporary hit radio/top 40 formats, four radio station groups—Chancellor, Clear Channel, Infinity, and Capstar—just four control access to 63 percent of the format's 41 million listeners nationwide. For the country music format, the same four groups control access to 56 percent of the format's 28 million listeners.

The concentration of ownership is even more startling when we look at radio station ownership in local markets.

Four radio station companies control nearly 80 percent of the New York Market. Three of these same four companies own nearly 60 percent of the market share in Chicago. In my home State of Wisconsin, four companies own 86 percent of the market share in the Milwaukee radio market.

Let me repeat, four companies control 86 percent.

The list continues in almost every market across the United States. The concentration of radio station ownership by a few companies is mind boggling, and its effect on consumers, artists and others in the music industry is cause for great concern.

Many of the same corporations that own multiple radio stations in a given market wield their power through their ownership of a number of businesses related to the music industry. For example, the Clear Channel Corporation owns over 1200 radio companies, more than 700,000 billboards, various promotion companies, and venues across the United States. Also, just three years ago, in 1999, Clear Channel bought SFX productions, the Nation's largest promotion company.

A national group of organizations, recently joined together to voice many of the same concerns that I have heard from my constituents in Wisconsin—that the high levels of concentration are hurting the entire industry.

This coalition of artists, labor groups, small businesses, and radio companies recently released a joint statement that expressed a number of concerns about the levels of concentration and the anticompetitive practices.

These concerns included that a corporation that owns radio stations, promotion companies and venues has a conflict of interest in terms of promoting its own concerts and tours on its radio stations over those of any competition.

They are also concerned about a corporation's interest in limiting the promotional support of bands and artists that are performing for other companies, performing at other venues or sponsored by other stations.

Mr. President, I ask unanimous consent that a joint statement by this group be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. FEINGOLD. After I began looking into the consolidation trends, I was taken aback by the diverse range of people that expressed concerns about the effects of concentration and consolidation. Concert goers talk all the time about higher ticket prices.

Broadcasters, artists, and others in Wisconsin and across the country have told me about reduced diversity and local input in the music industry. And local businesses have spoken about anticompetitive behaviors that have put them on an unfair playing field.

Following the passage of the Telecommunications Act, and the resulting vertical concentration, a number of trends have emerged. Ticket prices have gone through the roof, during the same period in which a few companies consolidated ownership of radio stations, promotion companies, venues, and advertising.

This chart compares ticket prices during the period of consolidation following the 1996 act with the preceding 5 year blocks of time. Before the passage of the 1996 act, ticket prices rose slightly faster than the Consumer Price Index.

For example, from 1991 to 1996, concert ticket prices grew by about 21 percent, compared to the consumer price index increase of about 15 percent. Following the Telecommunications Act of 1996, however, ticket prices have increased almost 50-50—percentage points more than the Consumer Price Index. From 1996 to 2001, concert ticket prices grew by more than 61 percent, while the Consumer Price Index increased by only 13 percent.

Ticket prices have gone up by nearly 50 percentage points more than consumer prices since passage of the Telecommunications Act, and that doesn't even include the facility fees, parking charges, box office charges, or food and beverage increases.

I think we have to look into allegations that consolidation in the radio industry has triggered anticompetitive practices and raised ticket prices.

A broad coalition, including the American Federal of Television and Radio Artists, has also expressed concerns that consolidation in the radio industry has led to reduced diversity and competition in local markets.

As corporations buy stations in the same market, they combine newsrooms and reporters and share playlists and radio personalities—all with the same effect: less choice in music and less information for consumers.

Radio airwaves are public property. Unlike other business ventures, radio stations have acquired their distribution mechanisms—the airways—without any expenditure of capital. They were given access to the broadcast spectrum by the Government for free.

Since 1943, Congress and the Federal Communications Commission have tried to ensure that this medium serves the public good, but limiting access to information and diversity on the radio does not achieve this.

I have also heard concerns from artists and radio stations about how the vertically concentrated radio corporations leverage their market-power to shake down the music industry in exchange for playing their music.

As my colleagues are aware, payola—the practice of paying money to get music played—has been prohibited under Federal law since the 1960s. I have heard a number of concerns, however, about the alleged tendency of some owners of multiple radio stations to shake down the music industry.

Mr. REID. Will the Senator yield for a question?

Mr. FEINGOLD. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I will ask a question.

Mr. President, I ask unanimous consent morning business be extended until the Senator from Wisconsin finishes his statement, which should be a couple, 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I have a question for my friend.

I have been listening to the Senator from Wisconsin. I think maybe there is one thing these people who own all this stuff have missed, and that is the parking lots. They own about everything else.

Mr. FEINGOLD. I am not certain they missed that.

Mr. REID. You have not mentioned that.

Mr. FEINGOLD. I am still checking into all the different aspects.

Mr. REID. To go to a concert, you need a place to park, right?

Mr. FEINGOLD. I am sure they will get to it if they haven't.

They are able to achieve this shakedown, it is said, by establishing exclusive agreements with independent promoters that collect a fee in exchange for access to the airwaves.

I am very troubled by these allegations. If true, they mean that artists that can't, or don't, pay these independent promoters will not be able to get access to the airwaves. Artists should not be required to pay for access to the airwaves. I am continuing to investigate these allegations of a new shakedown, but if they are true, this practice should be prohibited.

Finally, I am deeply disturbed about concerns that have been voiced by individuals and local businesses—promoters, radio station owners, and artists—that have been forced out of the business or have been put on an unfair playing field as a result of the concentration of market power caused by the deregulation of the 1996 act.

These are local promoters and businesses who have succeeded through economic downturns, recessions and many other challenging times. But when placed on an unfair playing field, they are being pushed out of the market.

Radio is a public medium and we must ensure that it serves the public good. The concentration of ownership, both in radio and the other facets of the concert industry, has caused great harm to people and businesses that have been involved and concerned about the radio and concert industry for generations.

It also harms the flow of creativity and ideas that artists seek to contribute to our society. This concentration does a disservice to our society at every level of the industry, and it must be addressed.

This is about the very freedom of radio as a medium. Radio is one of the most important media we have for exchanging ideas and expressing our creativity. But that free exchange of ideas often isn't free anymore—if you want to get played, often it's going to cost you. And if you can't afford it, then you might not get heard at all.

Being able to hear a variety of voices is fundamental to a free society. Concentration in the radio industry is diminishing the number of voices that get heard. And that risks diminishing our freedom.

It isn't just about who is talented, and who deserves to be played. It is about a shakedown, and that is just unacceptable for the industry, for the artist, and for all of us who listen.

While we took a step forward in reforming the campaign finance system earlier this year, we must fix the problems that the soft money loophole caused—including the gaping flaws of the Telecommunications Act that have hurt competition in the radio and concert industries.

In the coming weeks, I will be introducing legislation to address the concerns about concentration and anticompetitive practices that have resulted from the Telecommunications Act. I hope my colleagues will join me in this effort.

Mr. President, I just want to alert my colleagues to this trend, and we will introduce legislation to deal with it. I am convinced the complaints I have heard from such a wide variety of Wisconsinites are the same concerns being raised in all the States in this country, and I look forward to submitting a proposal and a bill to my colleagues.

I yield the floor.

Exhibit No. 1

Joint Statement on Current Issues in Radio, May 24, 2002

We are a diverse coalition representing performing artist groups, labor, record labels, merchandisers, songwriters, community broadcasters, consumers and citizens advocates. We urge the government to revise the payola laws to cover independent promotion to radio, to investigate the impact of radio consolidation on the music community and citizens and to work to protect non-commercial space on both the terrestrial radio bandwidth and the emerging webcasting models.

Radio is a public asset, not private property. Since 1934, the federal government, through the Federal Communications Commission, has overseen the regulation and protection of this public asset to create a communications medium that serves the public interest. Unlike other businesses, radio stations have acquired their distribution mechanism—the airwaves—without any expenditure of capital. The public owns the airwaves. Owners of broadcast stations were given access to the broadcast spectrum by the government for free. The quid pro quo for free use of the public bandwidth requires that broadcast stations serve the public interest in their local communities.

However, it has become clear that both recording artists and citizens are negatively impacted by legislation, regulatory interpretations and by a number of standardized industry practices that fail to serve the public interest. We call on the Federal Communications Commission (FCC) to undertake a comprehensive review of the following aspects of the radio industry that are anti-artist, anti-competition and anti-consumer. Further, we call on Congress to be vigilant in their oversight of the FCC to ensure the public interest is being upheld in regards to radio.

Specifically:

1. We request that payments made to radio stations which are designed to influence playlists (other than legitimate and reasonable promotional expenses) be prohibited, unless such payments are announced over the air, even when such intent is subtle and disguised. This includes payments made through independent radio promoters.
2. We request an investigation of the impact of recent unprecedented increases in radio ownership consolidation on citizens and the music community.
3. We request an examination of the way vertical integration of ownership in broadcasting, concert promotion companies and venues decreases fair market competition for artists, clubs and promotion companies.
4. We request that policies that protect non-commercial space in the radio bandwidth and in the emerging webcasting models be enacted, securing the benefits of programming diversity for the music community and citizens.

BACKGROUND

Pay for Play and Independent Radio Promotion

Payola—the practice of paying money to people in exchange for playing a particular piece of music—has a long history in the music industry. The practice didn't garner much public attention until the late 1950s and 1960s when rock and roll disc jockeys became powerful gatekeepers who determined what music the public heard. Federal laws were passed starting in the 1960s that forbid the direct payment or compensation of disc jockeys or other radio staff in exchange for the playing of certain records unless such payments were announced over the air.

The various laws and hearings from the 1960s–1970s muted the prominence of payola for a while. However, payola-like practices eventually resurfaced, but in a more indirect form. Standardized business practices now employed by many broadcasters and independent radio promoters result in what we consider a de facto form of payola. Often, in an effort to stay within the law, the payment is characterized as, for example, payment to receive first notice of the station's playlist "adds."

The new payola-like practices take two primary forms. Radio consolidation has created the first type. Radio station group owners establish exclusive arrangements with "independent promoters," who then guarantee a fixed annual or monthly sum of money to the radio station group or individual station. In exchange for this payment, the radio station group agrees to give the independent promoter first notice of new songs added to its playlists each week. Stations in the group also tend to play mostly records that have been suggested by the independent promoter. As a result of the standardization of this practice, record companies and artists generally must pay the radio stations' independent promoters if they want to be considered for airplay on those stations.

The second payola-like practice occurs after the music labels hire an "independent radio promoter" to legitimately promote their records to specific stations for a fee. Reportedly, certain indie promoters use the labels' money to pay the stations for playing songs on the air.

These practices result in "bottom line" programming decisions where questions of artistic merit and community responsiveness take a back seat to the desire of broadcasters to gain additional revenue. As a result, many new and independent artists, as well as many established artists, are denied valuable radio airplay they would receive if programming decisions were more objective. Furthermore, whatever form the pay-for-play takes, these "promotion" costs are often shared by the artists and adversely impact the ability of recording artists to succeed financially.

To protect the public interest, we request the payola prohibition be revised by the FCC so that it cannot be circumvented by any entity via the use of independent promoters. If the music played on the radio has less to do with the quality of the song than the economics of the business arrangement, how does this serve the needs of citizens? Also, when payments are not announced, isn't the public misled into thinking that the station chooses which songs to broadcast based on merit?

Impact of Widespread Industry Consolidation

The federal government must also examine the impact of loosened ownership caps on the listening public. Until 1996, the Federal Communications Commission regulated ownership of broadcast stations so any company could own no more than two radio stations in any one market and no more than 40 nationwide. When Congress passed the Telecommunications Act of 1996, the restrictions government ownership of radio stations evaporated. Now, radio groups own numerous stations around the country and exercise unreasonable control over the airwaves. For example, in 1996, there were 5133 owners of radio stations. Today, for the Contemporary Hit Radio/Top 40 formats, only four radio station groups—Chancellor, Clear Channel, Infinity and Capstar—control access to 63 percent of the format's 41 million listeners nationwide. For the country format, the same four groups control access to 56 percent of the format's 28 million listeners.

This consolidation has led to a new dynamic in the music industry. Radio station groups have centralized their decision-making about playlists and which new songs to add to the playlist. These centralized playlists have reduced the local flavor and limited the diversity of music played on radio. Due to their sheer market power, radio station groups now have the ability to make or break a hit song.

With the increased leverage resulting from ownership consolidation, at least one group owner is considering charging labels for merely identifying the name of the artist and song played. The CEO of Clear Channel told the Los Angeles Times that it might sell song identification as a form of advertising. This miserly practice would harm the music community and citizens, as it would make it difficult for radio listeners to identify new artists and purchase music. Once again, this practice would impact the ability of new and independent artists to succeed.

We request that the FCC investigate consolidation of radio ownership focusing on the public interest which radio stations are supposed to serve. This investigation should look at the difficulties small independent broadcasters face when going up against large and powerful radio station groups in a specific market. It should study the role that national playlist decisions have had on the skyrocketing cost of radio promotion. It should also take into account the impact of reduced staffing levels on members of local stations and the reduction of classical, jazz, bluegrass and other formats from the airwaves.

Vertical Integration of Radio Owners

Many radio groups are also vertically integrated companies increasing their already substantial leverage and control. For example, Clear Channel, a company that owns over 1200 radio stations, also owns tens of thousands of billboards, and various promotion companies and venues. In 1999 Clear Channel purchased SFX Entertainment, the nation's most powerful concert promoter. This gave Clear Channel control of the concert promotion industry in most of the key regions of the US virtually overnight. Clear Channel therefore has a direct economic interest in promoting its own concerts and tours on its numerous radio stations over those of the competition. It also has an interest in limiting the promotional support of bands and artists who are performing for other companies, at other venues or who are sponsored by other stations.

Some of the remaining independent concert promoters have alleged that Clear Channel is engaging in anti-competitive behavior by using this leverage to force smaller companies out of business. In particular, the mid-size promoter NIPP in Denver brought suit against Clear Channel in 2001, alleging that Clear Channel—which owns all three rock stations in the Denver area—was not running the ads that NIPP paid for on its stations to promote last year's NIPP-promoted Warped Tour. There have been other allegations from bands and performers—mostly off-the-record for fear of retaliation—who have stated that radio station groups have pressured them into playing shows for free in exchange for airplay, or who have had their songs removed from playlists for playing non-exclusive venues.

We would like to see the FCC investigate whether an artist's choice to play or not to play in Clear Channel venues or to use or not to use Clear Channel's promotion company impacts the artist's positions on or removal from Clear Channel playlists.

Community Radio

Rampant consolidation of commercial radio and increased budgetary pressures felt by non-commercial stations have led to a reduction in radio play for musical genres like classical, jazz, opera and bluegrass. Congress needs to reevaluate the current status of non-commercial radio, including exploring new strategies for sustaining existing community radio stations and moving forward with full implementation of community-based Low Power FM radio. After an intense lobbying campaign by the National Association of Broadcasters and NPR, the FCC's Low Power FM plan was scaled back significantly via an Appropriations rider in 2000. The FCC is currently following Congress' request for additional testing of the impact of these tiny stations on existing broadcasters. Once the FCC report is submitted to Congress, Congress must move forward by passing legislation to authorize the FCC to license these stations in urban areas. If consolidation in the radio environment has stifled competition and reduced diversity of programming, low power radio can begin to address the lack of community-based programming.

CONCLUSION

We are deeply concerned about payola and payola-like practices, as well as the problems caused by radio station ownership consolidation, and the vertical integration of station ownership with venue ownership and concert promoters. New rules must be written by the FCC to prohibit payments to radio stations from "independent promoters" unless such payments are announced. The FCC must seriously evaluate whether a radio station is even satisfying the current license requirement that sponsorship identification or disclosure must accompany any material that is broadcast in exchange for money, service, or anything else of value paid to a station, either directly or indirectly. The FCC should also consider whether radio stations are serving the public interest by contributing to localism, and independence in broadcasting. Finally, Congress must be vigilant in ensuring that the FCC is upholding the public interest in all of these matters.

Respectfully submitted by the following organizations:

American Federation of Musicians (AFM), American Federation of Television and Radio Artists (AFTRA), Association for Independent Music (AFIM), Future of Music Coalition (FMC), Just Plain Folks, Nashville Songwriters Association International (NSAI), National Association of Recording Merchandisers (NARM), National Federation of Community Broadcasters (NFCB), Recording Academy, Recording Industry Association of America (RIAA).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

TERRORISM RISK INSURANCE ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 2600, which the clerk will report.

The senior assistant bill clerk read as follows:

> A bill (S. 2600) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I want to shortly yield to my colleague, the chairman of the Banking Committee, for an opening statement he may wish to make on this bill.

Mr. President, just for the order of business, we will probably take a few minutes with some opening statements this morning on the bill, although I think over the months there has been a lot of knowledge about what is involved. I know the Presiding Officer has an amendment and is interested in the subject matter. I think Senator KYL may have an amendment he wants to offer fairly soon. Senator GRAMM from Texas, obviously, is very familiar with the bill.

My hope is that colleagues who have amendments would, first of all, let us know what their amendments are. That would be helpful. I do know what many of them are already. There may be others. So I would ask staffs of Members of both parties if they would get to the ranking member or the manager of the bill the amendments from both sides so everyone has an idea what we are looking at over today and possibly tomorrow and/or however long it takes to get this done.

My hope is they would be relevant amendments, that we would stick with the subject matter at hand rather than using this vehicle to bring up extraneous matters.

With that said, let me turn to the chairman of the full committee. I thank him. I will make a longer statement in a few minutes myself. But I certainly thank the majority leader, Senator DASCHLE. I want to thank the minority leader. Senator GRAMM has been deeply involved.

Certainly the chairman of the committee, Senator SARBANES, has been involved in this issue from the very beginning. Going back to last fall, when we tried to sort this out, he made a Herculean effort to bring it together. When we do these things, it becomes difficult because we get 97 other people, as I mentioned yesterday, who all have something they want to add to the discussion and debate. As a result of that, a good effort did not work out as well as we wanted initially, but I think a better effort may prevail as a result of more people being involved.

So while we have lost some time, I think the product we are putting before the Senate today is actually a stronger proposal.

With that, I will turn to my colleague from Maryland.

Mr. REID. Will the Senator from Maryland yield to the Senator from Nevada to make a brief statement?

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I yield to the Senator from Nevada.

Mr. REID. Mr. President, I, on behalf of Senator DASCHLE, alert everyone, as Senator DODD has done, that we want to have ample opportunity for everyone to offer any relevant amendments. We think it is very important that if people believe this bill isn't what it should be, they have an opportunity to make it better. But I hope that everyone understands we are not going to wait forever to move on cloture if it appears people are stalling, trying to kill the bill, through amendment or otherwise.

There will be ample time for amendments, I repeat. But we are not going to stand around here for hours at a time in wasteful time. We have so much to do.

The last week before the July recess we have to spend on the Defense authorization bill. We have to do that. And that leaves next week to complete everything else that needs to be done.

So I say to everyone, if they have amendments, come over and offer them. Senator SARBANES and Senator DODD have worked on this legislation for months. We almost had it done before Christmas of last year. Senator DODD and I have offered numerous unanimous consent requests so we could move forward on this more quickly.

So I repeat, for the third time, as I did when the Senate opened this morning, we want to have a bill that comes out of the Senate, and we are going to get one, one way or the other. We hope it would be done with people cooperating, trying to improve the legislation; when they offer an amendment, and it does not pass, or it is tabled, that they do not start crying and say: Well, I am going to kill the bill then.

This legislative process is what it is. This legislation is important. We are going to do everything we can to move it expeditiously.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I commend my colleague, Senator DODD, for his leadership on this very important issue. I have joined with him in cosponsoring the legislation he has introduced, S. 2600, which is now before the body. I thank Senator DASCHLE and Senator REID for moving the Senate to this issue, and we appreciate the willingness of the other side of the aisle to cooperate in that endeavor.

This bill is now open to amendment, and we hope as we move forward today, in short order, that those who have amendments will be offering them and that we will be able to consider them as we address the important issue contained in the legislation.

This legislation is designed to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism. It obviously stems from the attacks of September 11 which raised a very large question about the future availability of property and casualty insurance for terrorism risk.

Shortly after those attacks, the administration, interacting with the Congress, put forward certain ideas for addressing this issue, and there has been an effort to try to deal with this issue over the intervening months. It is a difficult and complex question. A number of questions have been raised with respect to it. Hearings have been held by more than one committee in the Congress on both the House and the Senate side. The Banking Committee held hearings in late October in which the witnesses who appeared acknowledged the need for legislation and agreed that the future availability and affordability of terrorism insurance would be placed in jeopardy absent congressional action.

Many have outlined the potential negative consequences for the U.S. economy from the financial instability which would arise if terrorism insurance were not available.

That view is reflected in the congressional findings on which the Terrorism Insurance Act rests. Let me quote briefly from those findings. It is very important to lay the basis as to why we are trying to move this legislation. I quote:

> Widespread financial market uncertainties have arisen following the terrorist attacks of September 11, 2001, including the absence of information from which financial institutions can make statistically valid estimates of the probability and the cost of future terrorist events and, therefore, the size, funding, and allocation of the risk of loss caused by such acts of terrorism.
>
> A decision by property and casualty insurers to deal with such uncertainties, either by terminating property and casualty coverage for losses arising from terrorist events or by radically escalating premium coverage to compensate for risks of loss that are not readily predictable, could seriously hamper ongoing and planned construction, property acquisition, and other business projects, and generate a dramatic increase in rents and otherwise suppress economic activity.

The findings go on to say:

> The United States Government should provide temporary financial compensation to insured parties, contributing to the stabilization of the U.S. economy in a time of

> national crisis, while the financial services industry develops the systems, mechanisms, products, and programs necessary to create a viable financial services market for private terrorism risk insurance.

That basically sets out the problem we are trying to address with this legislation.

There is recent evidence that property and casualty insurers are excluding terrorism coverage from the policies they write. The U.S. General Accounting Office recently analyzed the terrorism insurance market and found that, and I quote:

> . . . some sectors of the economy—notably real estate and commercial lending—are beginning to experience difficulties because some properties and businesses are unable to find sufficient terrorism coverage, at any price.

Furthermore, where terrorism insurance is available, it is often expensive and significantly limited in both the amount and the scope of the coverage.

The consequence of all of this is that you have a number of properties currently either uninsured or underinsured. And the potential consequences of this situation, if left unaddressed, are cause for serious concern. That is why we are here today.

In the event of another attack, a widespread lack of insurance coverage could hinder recovery efforts as property owners struggle to meet the costs of rebuilding without the support of insurance. As the GAO noted, property owners "lack the ability to spread such risks among themselves the way insurers do," and, as a result, I am quoting the GAO:

> . . . another terrorist attack similar to that experienced on September 11th could have significant economic effects on the marketplace and the public at large. These effects could include bankruptcies, layoffs, and loan defaults.

The GAO also found that even in the absence of further terrorist activity, even in the absence of it, inadequate insurance coverage could have an adverse effect on the willingness of lenders to finance new construction projects as well as the sale of existing property. Already the GAO found:

> [s]ome examples of large projects canceling or experiencing delays have surfaced with a lack of terrorism coverage being cited as a principal contributing factor.

The GAO concluded that "the resulting economic drag could slow economic recovery and growth," even if the terrorist attack does not materialize.

So we have a problem either way. If the terrorist attack should materialize, the lack of coverage would markedly hinder recovery efforts. But even if it doesn't, you have an economic drag taking place because of the unwillingness of lenders to finance new construction projects as well as the sale of existing projects.

Most people seem to believe that in time, the insurance industry will be able to underwrite the terrorist risk. But they don't now, at this point, have the experience and the factual basis on which to make those calculations. In the meantime, a short-term Federal backstop for terrorism insurance would help to stabilize the marketplace and forestall the potential negative consequences which I have just quoted, identified by the GAO.

The legislation we have before us, which Senator DODD has brought to the body, works off of the proposals that were developed by the administration late last year. This Terrorism Risk Insurance Act establishes a shared compensation program that will split the cost of property and casualty claims from any acts of terrorism during the next year between the Federal Government and the insurance industry.

The act would terminate at the end of the year, unless the Treasury Secretary determines that the program should be in place for an additional year. So it is, by its very definition, short term. The premise of it is that over that period of time the insurance industry will be able to develop the knowledge, the expertise, and the capability to underwrite the terrorist risk. Under this legislation, the definition of an act of terrorism will be uniform across the country. Insurance companies providing commercial property and casualty insurance are required to participate in the program; voluntary participation is allowed with respect to personal lines of property and casualty insurance. Participating insurance companies must offer terrorism insurance coverage in all of their property and casualty policies for all participating lines. Each participating insurance company will be responsible for paying a deductible before Federal assistance becomes available. So the first dollar will come from the insurance industry.

In the first year of the program, the amount of the deductible is determined by dividing $10 billion among participating insurance companies based on their market share. If the Secretary calls for a second year, the deductible will be determined by dividing $15 billion among participating insurance companies based on their market share.

For losses above the companies' deductibles, but not exceeding $10 billion, the Federal Government will pay 80 percent, and the companies will pay 20 percent. For any portion of total losses that exceeds $10 billion, the Government will cover 90 percent and the companies will cover 10 percent.

Losses covered by the program will be capped at $100 billion. Above this amount, it will be up to Congress to determine the procedures for and the source of any payments.

This framework provides to the insurance industry the ability to calculate at the top level what they may have to cover in damage. Therefore, it gives them the ability to calculate what the premiums ought to be and to structure a properly arranged financial system. We do that, of course, by providing that above certain levels the Federal Government will assume 80 or 90 percent—depending on the figure—of the losses.

I think this is a fairly simple program. We have had a lot of complex suggestions made to us—some extremely complex, I may say. I think this is pretty straightforward on its face. It is limited in its duration.

One of the guiding principles in the bill that I think is important is that, to the extent possible, State insurance law should not be overridden. We seek to respect the role of the State insurance commissioners as the appropriate regulators of policy terms and rates. We are anxious to try to keep the State insurance commissioners in the picture. That is where the responsibility has heretofore been. There is not an effort in this bill to make any radical change in that existing arrangement.

In conclusion, I think the Congress needs to act on this issue. We run the risk of serious damage to our economy. I know there are many steps between now and final enactment of the legislation. We look forward to continuing to consult with the administration over this matter, as we have been doing. But, again, I commend Senator DODD for his extraordinary work in crafting the bill that is before us and getting it before the Senate.

Yesterday some reference was made to some of the procedural problems that we encountered on the way to the floor. But through the actions of Senator DASCHLE and the concurrence of Senator LOTT, we are here now with the legislation before us, and the Senate now has an opportunity to address this very important issue. I hope we will now be able to consider amendments on their merits, dispose of them, and then move to final action on this legislation.

Again, I underscore the fine work that Senator DODD has done on this legislation from the very beginning and, certainly, in bringing us to this point today.

I yield the floor.

Mr. DODD. Mr. President, I thank my colleague from Maryland very much. As I said a few moments ago, but for his involvement as chairman of the Banking Committee, we would not have been able to produce this product. He is an original sponsor, along with Senator SCHUMER and Senator CORZINE, of S. 2600. I would like to do this.

BILL NELSON, my colleague from Florida, wants to be heard on the bill. Senator SCHUMER is here as well. I gather some others are ready to come over to offer the lead amendment. That will be the manner in which we will probably proceed. I know Senator SCHUMER has an ongoing Judiciary

Committee meeting. I want to accommodate Members.

I will yield to my colleague from New York, with the indulgence of my colleague from Florida, to allow him to make opening comments, and then I will turn to Senator NELSON. I will make comments myself later so other Members can go back to the hearings, and then we will deal with the amendment process.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank my colleague from Connecticut. I will have more to say in a general nature, and I will probably do that during the amendatory process.

First, I thank our chairman of the Banking Committee, Senator SARBANES, as well as Senator DODD, and he, in particular, for his leadership on this issue; it has been second to none.

We desperately need this bill. I also thank the White House for their involvement. They have recognized the problem and have stepped to the plate. I recognize Senator LOTT, as well as many of my colleagues on the other side who see this as a problem. I will make a couple of brief points.

First, this is vitally needed—desperately in my city. We have example after example of projects not being prefinanced, several defaulting, and projects delayed or not undertaken because of the inability of people to get terrorism insurance. Lenders will not yield, will not give loans to projects of large economic agglomeration, whether they be in large cities or places such as Disneyland, Disney World, and Hoover Dam, unless we solve this problem. It has already begun to slow down the economy.

As the chairman said, construction workers are being laid off and construction jobs are declining. This is a sore on the economy. It is an open cut. Every day that we don't solve it, more blood comes out of the wound.

In my city and in my State, this is essential. Obviously, we were the nexus of the terrorist attack on 9-11. Insurance rates are going through the roof. Some of that is not caused by the lack of terrorism insurance, but some of it is. It is vital that we solve this problem. Just the other day we got a call from a developer refinancing an average office tower on Third Avenue, with a $3 million increase in insurance. Another friend owns smaller properties. A third of his cashflow will be eaten up by insurance. He will not build or rehabilitate another building. So this is an issue of jobs. It is vital—vital to America, vital particularly to our large cities, including New York.

I will make one final point, and I will make the balance of my points later. Each of us has other things that we would like to do. Each of us may have our own proposal—a different type of proposal. We could probably come up with a hundred solutions to this problem. I had a proposal supported by Secretary O'Neill that would have gone much further. It would be easy to stand here and say this solution is not the whole solution.

If each of us pushes in our own direction, we will get no bill. The same is true for those who wish to make this a test of tort reform. Please, please, I plead with my colleagues, do not have this proposal wrecked on the shoals of tort reform as so many other proposals. The Patients' Bill of Rights comes to mind. Yes, we can have a fight on tort reform. There are strongly held views. It ought not be on this bill. It will sink this bill.

I argue to my friends, anyone who tries to put the burden of tort reform on this proposal, this proposal's shoulders are not broad enough to carry that. If you do, you will sink the bill. You will hurt our economy.

In conclusion, Mr. President, this is a test in our post 9-11 world: Can this body deal in a bipartisan way with complicated issues that are vital to our future even if the immediate impact is not seen? That relates to a whole lot of other issues as well. We have to be in a new frame of mind. We have to come together. This is crucial legislation, even though it is not on the lips of the average American citizen, and I urge my colleagues to support it.

I once again thank my colleague from Connecticut for his graciousness in yielding me a couple of moments. I will speak at length under the amendatory process. I thank him for his leadership, as well as our chairman and Senator DASCHLE for bringing this bill to the floor. It is at the 11th hour. It is not too late yet. It will be if we do not get this bill done in the next few days.

Mr. DODD. Mr. President, I thank the Senator from New York.

How much time does the Senator from Florida request for general comment on the bill?

Mr. NELSON of Florida. Yes, I would like to make an opening statement and have 10, 15 minutes.

Mr. DODD. Why don't I say 10 minutes? The Senator from New Jersey wants to be heard. I need to be heard. We have other Members who want to be heard. This will keep the process moving. If the Senator gets to 10 minutes and there is something that has to be said, I will add a few more minutes.

Mr. NELSON of Florida. Would the Senator like me to defer and let the Senator from New Jersey proceed? Once I get on a roll, I do not want to stop.

Mr. DODD. We do not want you to stop. We do not want you on too long a roll. We want a 10-minute roll.

Mr. NELSON of Florida. I understand the Senator wants to limit my roll, and I do not want you to limit my roll.

Mr. DODD. That is R-O-L-L, not R-O-L-E.

I yield 10 minutes to the Senator from Florida.

Mr. NELSON of Florida. Mr. President, something this important should not have a limit of 10 minutes. I accept the good nature of the prime sponsor of the bill. Basically, we are here talking about making insurance available and affordable. After September 11, we ended up having something that was neither: not available nor affordable. As a matter of fact, one only has to look to the front page of the Washington Post today. This is chronicling what has happened:

> Insurance rates rise in DC. They soar downtown. Coverage more limited since September 11.

That is the headline from today's Washington Post. It points out that in the downtown area, there is a hiking of rates. One example given by the Washington Post is 160 percent. I can give innumerable examples—and I will in the course of this debate—of multiple hundreds of percent in rate hikes, and thus that brings us to this point of considering this legislation.

I want the sponsor of the bill, Senator DODD, to listen. I want to direct something to him so that he knows my good faith.

I was sitting in the chair presiding last evening when this matter was brought up. A unanimous consent request was presented. Even though I was seated in the chair, in my capacity as a Senator from Florida I could have objected. I did not object because of the good faith he and I both have over the issue, that this is an issue that ought to be hashed out, it ought to be discussed, it ought to be thoroughly debated, and then the amendatory process can work its will in the Senate. It is in that atmosphere of good faith that I go forward.

I think the bill offered by the Senator from Connecticut is significantly flawed, although I think it is a good-faith attempt. It is trying to address a problem, and the problem is what we all know of September 11. But several things have happened since September 11 in the insurance marketplace. The marketplace has responded. Capital is flowing big time into the reinsurance companies, reinsurance being an insurance for insurance companies against catastrophe; in this case, the terrorism risk.

In the aftermath of September 11, when we thought this was going to be a problem endemic to the whole country on any kind of commercial building or large structure that might be a target of terrorists, what we have found in the 8 or 9 months since is that the marketplace has responded. Reinsurance companies have provided the coverage, and the cost of that reinsurance for this kind of catastrophe has been coming down and down as more money has flowed into the reinsurance marketplace. As a result, we do not have to kill a bumble bee with a big stinger with a sledgehammer. Instead of us having a bill that applies across the board, what we ought to be doing is rifleshooting where the problems are.

The Senator from New York just stated several examples. Certainly his constituency of Manhattan is a place where they are having difficulty getting insurance for tall buildings. So, too, would be large structures such as a football stadium, a baseball stadium. So, too, would be in my home State major identifiable high-visibility targets, such as the crowds that go to Disney World, major tourist attractions. Airports would clearly be another one, and I can go down the line.

That does not mean that every little commercial building, every medium-sized commercial building, every strip mall, every air-conditioned mall, in fact, cannot get terrorism insurance, because they can. The marketplace has responded.

We are coming to the floor with a bill that is fatally flawed because it is overreaching the problem, and the problem is certain types of buildings that need coverage from terrorism. Let's examine that.

What kind of terrorism? Most insurance policies already have an exclusion for chemical, biological, and nuclear devastation. So if those insurance policies are not covering chemical, biological, and nuclear terrorism, what kinds of terrorism are we talking about that an insurance company would cover? We are talking about the use of conventional weapons; what we so horribly learned on September 11, which is the use of an airplane or the use of explosives as they tried to do in the early nineties at the basement of the World Trade Center. Those are the things about which we are talking.

When one takes the application of conventional explosives and applies it to commercial buildings, does the insurance marketplace today respond with the coverage? My contention is, yes, it does. The insurance marketplace is not going to respond to chemical terrorism, biological terrorism, or nuclear terrorism because that is already exempted in most policies, with the result that the bill is overreaching because of it trying to apply to the whole country when, in fact, we have certain structures that are indeed threatened and the marketplace cannot respond to that. That is the first flaw of this bill.

The second flaw of this bill is that it contains no provision to protect consumers from rate gouging. It is not there. I am going to offer an amendment later on in the process that will limit the rate increases, that will have the Secretary of the Treasury, after consultation with the insurance commissioners of the 50 States, through their organization, the National Association of Insurance Commissioners, set a range of where the rates should be. That, by the way, is very similar to what the insurance commissioners do in the 50 States on commercial policies. They set a range or a band of where that insurance rate premium ought to be.

The problem with terrorism insurance is, the insurance commissioners have difficulty figuring out what ought to be the rates, because the traditional way of determining if a rate is actuarially sound is by experience and by data, and we do not have hardly any experience except for what happened on September 11. Therefore, that is why I am going to offer an amendment later on that is going to point out that the best way of determining what the rise in rates ought to be to cover the terrorism risk would be through the advice to the Secretary of the Treasury who is prominent in Senator DODD's bill as being the place of limiting the rate hikes. The fatal flaw is this bill overreaches and this bill does not have any provision to protect consumers for rate gouging.

I see the Presiding Officer is starting to twist in the seat as if my 10-minute time limit is up, which is exactly what I thought was going to happen, but I am just getting into my speech.

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. I am going to need to stop——

Mr. DODD. I say to the Senator, there are other Members who want to be heard.

Mr. NELSON of Florida. I do not want to hold up the Senator from New Jersey. Why don't I stop and I will come back after he finishes his statement.

Mr. DODD. Fine. Any Senator can speak for as long as they want. There are no limits under this bill. If the Senator wants to talk, go ahead and talk. I am trying to move the process along. I know the Senator has an amendment he wants to offer on the subject matter itself, so I will be glad to yield to him a few more minutes now if he would like to finish up rather than break the flow of his remarks. I am trying to see to it that we do not delay the process any longer than we have to, so we can get to amendments and vote on them and then go on to other business.

Mr. NELSON of Florida. I assure the Senator, as he knows, I am going to be heard on this subject. I have not even started to talk about the amendment. I will hold that until I actually offer the amendment, but I do not want to hold up the Senator from New Jersey if he needs to go back to committee. Why don't I sit down and I will seek recognition right after he finishes.

Mr. DODD. I must say to my colleague, I am going to be heard on the bill itself after he gets finished. Then I presume someone may show up on the other side. We have not heard from anybody on the other side. We have been dominating the debate, so I caution my colleague that he may find himself waiting a little bit.

Mr. NELSON of Florida. I ask unanimous consent that I have another 10 minutes.

Mr. DODD. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Senator from Connecticut.

So where are we? Why do we need a bill such as this? I think there is a legitimate question that the risk of terrorism is something that heretofore among insurance companies was not covered. Basically, we never anticipated what happened. Now we have this threat facing us.

The Senator's bill, in fact, says that because terrorism is such, as we would say in the South, an odoriferous act or one that is so repugnant, akin to an act of war, that the Federal Government has a basis for stepping in and insuring part of the risk. Thus, the Senator's bill, through a process of either an 80/20 split or a 90/10 split with the higher figure of 80 or 90 percent being picked up by the Federal Government of the terrorism risk, thus that is then a protection for insurance companies or it is another means of insuring against the terrorism risk.

I think that is reasonable. I think when we deal with this mass of losses it is very difficult to insure against in certain areas. But if we look at how this vast but strong economy, this free marketplace that provides insurance, and insurance against catastrophe, has responded, it has responded for most cases except the ones we have enumerated.

Any responsible legislation should explicitly require assurances of reasonable premium rates, as we respond to this new kind of risk. That is lacking in this bill, and the evidence continues to mount that insurers are unjustifiably increasing the premium prices, and they are going to continue to do so even with a substantial Government backstop that is being provided in this bill.

I, again, call attention to a story in this morning's Washington Post where it talks about how the insurance rates have gone up in downtown Washington. Again, it is not because of the chemical, biological, or nuclear threat. The article talks about the "dirty" nuclear bomb. That is not going to be covered under these insurance policies. These insurance policies have increased rates presumably to cover the terrorism risk only from the conventional kinds of explosives.

I have received a note that Senator CORZINE has to leave now, so I yield to the Senator so he can make his remarks.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Let me say to my colleague from New Jersey, I thank him for cosponsoring the bill. He has been an invaluable asset in putting this proposal together. Senator CORZINE is a new Member of this body but, as all of us in this Chamber know, and his constituents know, he spent a very distinguished career in the area of finance and was the leader of one of our great leading investment banks in the world and brings a wealth of experience and knowledge into any subject matter but particularly ones involving a subject matter as complicated as the issue of this bill, terrorism insurance. So I wanted to express publicly to him my sincere sense of gratitude for his tireless efforts, going back many months now, in dealing with this issue. He has very valuable suggestions and input that has contributed to this product. We would not have put together, I think, as good a bill as I think we have without his input and his involvement. So I wanted to express my gratitude to him and I look forward to working with him.

Mr. NELSON of Florida. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator has the floor.

Mr. NELSON of Florida. I would propose that to accommodate the Senator, since he has to leave, we yield some time to him with me still retaining the floor so I can finish my remarks. I am trying to be accommodating, but I still have not completed my remarks.

Mr. DODD. That is fine.

Mr. NELSON of Florida. With that understanding, I yield to the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, I rise today to join my colleagues in support of S. 2600.

Let me begin, by applauding the majority leader and Senator DODD for exerting the necessary leadership, and doing what needed to be done to bring this bill to the floor. Now, it is time for all Members of the Senate to recognize the urgent need before us, and move to act on this bill.

The tragic events of September 11 highlighted the enormous exposure that insurance companies would face in the event of future terrorist attacks.

In this time, when we receive different terrorist alerts almost weekly, and we are faced with the uncertain nature of future attacks, many insurers and reinsurance firms have concluded that terrorism is no longer an insurable risk.

As a result, late last year, many insurers announced that they would no longer provide coverage for terrorism-related losses. Without access to reinsurance coverage, primary insurance companies now find themselves subject to the full exposure of terrorism risk.

This issue is not new. Many of us first learned about them in October of last year. And it left many concerned. While we all knew that it would be impossible to predict the true impact of the lack of terrorism insurance on our Nation's economy, there was overwhelming agreement among scholars, economists, and participants in our economy—that this issue had the potential to pose real problems in some economic sectors.

The threat that loomed led to hearings in the Senate Banking Committee, and it fueled discussion among Members in the Senate about how to best craft a solution before the end of last year when 70 percent of reinsurance contracts were up for renewal.

There was considerable debate about how, and what, that response should be. We debated the proper role of the Federal Government in ensuring that commercial insurers could provide terrorism insurance, knowing that their ability to cede some of that risk to reinsurers had all but vanished.

Many Members of this body, people like Senator DODD, Senator SARBANES, Senator GRAMM of Texas, Senator HOLLINGS, Senator SCHUMER, Senator ENZI, Senator NELSON of Florida and myself put forth ideas on how to accomplish that.

And let's be clear, there was a great deal of difference in the ways members thought we should approach this problem. But behind those differences, there was a singular purpose to solve the problem.

I think we all were determined not to engage in partisan politics or to undermine a possible solution by promoting pet policy priorities. Everyone I just mentioned didn't agree on every aspect of the product that was eventually produced. I certainly didn't.

But, ultimately, everyone agreed that we should act to bring a proposal to the floor, with an expectation that amendments would be offered, including amendments that dealt with tort and liability issues.

The proposal that was presented late last year—late last year was not simply the result of a bunch of Democrats getting in a room and saying "Voila." It was the result of serious discussion and negotiations between Democrats and Republicans and there was considerable input from the State insurance commissioners, this administration and the Treasury Department.

In fact, the Federal backstop provisions of this bill had more than input of these folks it had their support. The bill we are debating today is that same proposal.

Now we have an opportunity to respond to this growing emergency.

If we fail to act, or if this bill becomes stalled by those seeking to pile their pet policy priorities onto a measure that at its core seeks to provide relief to American businesses, then our economy will be harmed.

Every day that passes without our action, leaves American businesses, development projects, workers and vital infrastructure exposed to potentially devastating losses, and that's a real threat to our economic recovery.

In fact, the lack of terrorism insurance coverage has already begun to create a drag on commercial lending and business activity. In April, the Federal Reserve Board surveyed commercial loan officers regarding their recent lending activity and terrorism insurance. The responses are troubling to say the least.

The report indicated that 55 percent of banks had not received applications to finance "high profile or heavy traffic commercial real estate properties." In fact, two national lenders have completely stopped making loans to these types of properties—GMAC Commercial Holding and Mutual of Omaha—altogether.

The report also states that 20 percent of banks reported weaker demand for new commercial real estate financing. And while not referenced specifically in the Fed report, we know that some existing commercial borrowers may be in technical default on loan covenants because they lack terrorism coverage.

Each of these elements reflects the economic threats that are posed by the lack of affordable, comprehensive terror insurance coverage. The threat that accompanies the decrease in commercial lending and subsequently to development translates to one thing the loss of jobs.

But there is more. The lack of terrorism insurance coverage is also affecting our securities and our bond markets.

According to the Bond Market Association, to date, $7 billion worth of commercial real-estate loan activity has already been suspended or cancelled due to problems related to terrorism insurance, that is 10 percent of the commercial-mortgage-backed-securities (CMBS) market.

And overall, CMBS activity is down a staggering 26 percent in the first quarter of this year. That level of decline in commercial investment activity is disturbing to think of when you consider that that sector was one of the ones that remained strong throughout last years' recession.

And there is even more to illustrate the there is an economic consequence that accompanies our failure to act on this issue.

Last month, Moody's Investors Service issued an opinion indicating that it is preparing to downgrade billions of dollars of debt of large loan transactions, commercial mortgage-backed securities, particularly on high-risk and "trophy" properties in the near future if we fail to pass this legislation.

The American Academy of Actuaries reports that "there is a reluctance to finance [development] projects of $100 million or more, and some investors are reluctant to buy bonds tied to individual office towers, apartment building and shopping malls."

And a report issued last month by the Joint Economic Committee offers data illustrating the economic drag that higher insurance costs, for terrorism and non-terrorism related coverage, is having on American business. The report calls these factors "a one-two punch" that is proving harmful to America's economy.

That report cites data from the Commercial Insurance Market Index, which indicates that premiums for commercial insurance policies have increased by 30 percent in first quarter of this year. And those increased costs are in addition to the increased costs of obtaining terrorism insurance, a real cost burden to our businesses.

The report cites the example of a building in my state, New Jersey, which prior to 9/11 had an $80 million insurance policy that included terrorism coverage at a cost of $60,000. The new policy for that building has a premium of $400,000 for property-casualty insurance and another $400,000 just for terrorism insurance.

That's a dramatic increase for the same coverage. And that building's lucky at least they got fairly comprehensive coverage. Many others find themselves facing similar cost increases for half the coverage.

In either case, these costs undermine productivity and any growth or investment opportunities that the owners could possibly take on. And it is nationwide trend.

I want to reiterate that point. Because this is more than a Northeast, an urban, or a "big city" issue. The inability of business and organizations to obtain terrorism insurance coverage is truly a national problem.

Consider this:

In Cleveland, the insurer for the Cleveland Municipal School District has notified the district that its new policy will exclude losses due to terrorism.

In Seattle, the Seattle Mariners baseball team had difficulty securing $1 million in terrorism insurance coverage for their $517 million stadium.

The St. Louis Art Museum's insurer informed that museum that it would no longer be covered for terrorism losses. That could well prevent touring shows, and undermine tourism in that city.

And a collection of Midwestern airports reported that their aviation liability premium increased close to 300 percent post 9/11 and those policies excluded terrorism losses.

Last year, when this issue first surfaced, we tried to move a bill forward, but that process didn't take hold. Many members believed this issue wasn't a problem for them that it wasn't in their back yards.

We know better than that now. At least I hope we all do.

The impact of the lack of terrorism insurance is being felt in cities and towns all throughout America. And so I say to all my colleagues this is an issue that affects your state and your constituents.

If there's a port in your state, you're affected. If there's a bridge or a tunnel in your state, you are affected. If you have an airport or railway system in your state, you are affected. If you've got an NFL, NBA, NHL or Major League Baseball stadium or arena in your State, you're affected. If you've got a college football stadium in your State, where tens of thousands of people gather on Saturdays to root for their team and sing their alma mater, you're affected.

It is time to stop the stalling, stop the games and time for us to pass an interim federal backstop to ensure against future acts of terrorism.

It is time for us to pass this bill, and I strongly urge my colleagues to support it.

I thank the Senator from Connecticut for his efforts and persistence in this endeavor. I look forward to helping him as this process goes forward.

Again, I thank my colleague from Florida for being generous and respectful, giving me the opportunity to present my remarks.

Mr. NELSON of Florida. Of course, the Senator from New Jersey is one of the great new bright lights of this body. What a privilege it is for me to serve with him. What a privilege it is to have the value of his opinion.

I agree with everything he said. Now the question is, how do we get from here to there, to protect everybody and protect the consumer as well from being gouged with the price hikes, because even though the people who pay these premiums in fact are the owners of these large commercial structures, guess what happens when they have to pay the increase of a premium hike. That is passed on to the consumers.

That is the case I am making, that we have to have this insurance available—and we are in large part doing that by the mechanism of this bill, so the Federal Government provides the insurance for the risk to the tune of 80 percent or 90 percent. But in the process of what we are going to charge for the portion that is covered by the insurance company, that is going to be passed on to the consumers.

Ultimately, I will offer an amendment that will call for a range, as determined by the Secretary of the Treasury, as to what can be charged, where that premium, going into an insurance company, will be separated for accounting purposes, it will be segregated, so it will not be mixed up with all the other premiums for a slip and fall and dog bites and all kinds of liabilities. It will be separate, so it will be under the glare of the full light of day as to how much premium is there, and therefore the Secretary of the Treasury, with the advice of the National Association of Insurance Commissioners, can determine what is a range—not a specific amount, but what is a range that is fair and affordable. That is the place I am going.

The only effective way to guarantee that the rates will be stabilized under this circumstance is to federally regulate the premium rate for the risk of terrorism. Why Federal? Because the 50 insurance commissioners do not have the data to do this. And the Federal Government is picking up the biggest part of the risk under this bill. Remember, it is only the risk, basically, from conventional kinds of terrorism because chemical, biological, and nuclear terrorism is exempt from most commercial insurance policies. So that is not a risk we are going to be protecting.

The Secretary of the Treasury is in the best position to consult with the actuaries and to determine the actual financial risk insurers would assume under the bill. If the Congress commits billions of taxpayer dollars and mandates no real rate protection, we will have shirked our responsibility to the taxpayers and to the consumers.

We gnash our teeth around here on politically charged issues such as raising taxes. Let me tell you, as an insurance commissioner for 6 years, there is an issue that is more explosive to the consuming public than the raising of taxes, and that is the raising of their insurance premiums.

So I call to the attention of the Senate that as you consider a bill such as this that has no mechanism by which to stop those rate hikes, you had better think twice, and hopefully you will think very favorably about the amendment I will be offering later on.

We can only rely on the States to monitor rates. State insurance commissioners traditionally do that. That has been carved out under Federal law as a regulation of insurance reserved to the States. State insurance commissioners in fact, however, do not have the data nor do they have the experience of the data with which to be able to judge these rates. On the contrary, in some States they do not regulate the rates of commercial policies at all. In other States, such as my State of Florida, the State of Florida Department of Insurance sets a range of the commercial policies' rates, as to what they may be, without the approval of the Department of Insurance.

The PRESIDING OFFICER (Mr. JOHNSON). The time of the Senator has expired.

Mr. NELSON of Florida. I will conclude my opening remarks. I look forward to the debate. I thank the Senator from Connecticut for bringing this important legislation to the floor. I thank the Senate for this opportunity to be heard on a most important issue, important not only to the businesses of this country but to the consumers of this country as well.

Mrs. CARNAHAN. Mr. President, I strongly support the Terrorism Risk Insurance Act.

The September 11 tragedy has affected our Nation in innumerable ways. One of the economic impacts has been that the availability and affordability of terrorism insurance has been severely limited.

Uncertainty in the market is freezing commercial lending, preventing real estate transactions from going forward, and slowing various construction projects. Therefore I believe that we should move quickly to enact a federal terrorism insurance backstop.

I have heard from businesses throughout Missouri—from various sectors of our economy—that are being adversely impacted by current market conditions. But the lack of terrorism insurance is hurting working families as well.

As President Bush pointed out, "If people can't get terrorism insurance on a construction project, they're not going to build a project, and if they're not going to build a project, then someone's not working."

This legislation will promote investment and provide the certainty necessary to reinvigorate commercial lending activities.

I have supported each of the unanimous consent requests that have been offered since December to bring a terrorism insurance bill before the Senate.

I am pleased that we have finally been able to take up this bill. This meaningful Federal backstop is long overdue, and I hope that we can enact it expeditiously.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I see my friend from Kentucky. I will take a few minutes to make an opening statement. I see he is here. I do not want to delay him any longer. I will truncate my remarks and then my anticipation is we will turn to the Senator from Kentucky to offer an amendment to get the process going.

Let me take a few minutes, if I may. We have now heard from a number of my colleagues. I appreciate the comments of my colleagues, particularly those of Senators SARBANES, CORZINE, and SCHUMER.

I ask unanimous consent the junior Senator from New York, Mrs. CLINTON, be added as a cosponsor of this bill as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the leadership for their efforts on this bill. This is a complicated area of law. This is a thankless task. When you get involved in something such as terrorism insurance, there are other matters that may attract and galvanize the attention of the American public, but this is a subject matter that can glaze over the eyes of even the most determined listener, when you get into the arcane world of insurance, particularly of terrorism insurance, the reinsurance industry dealing with commercial loans and lending practices, and how it affects the market at large.

I beg the indulgence of our colleagues when we go through this, to understand what we have tried to do here in as much a bipartisan fashion as possible, with the advice and consultation of organizations, from the AFL/CIO to major banks and lending institutions, insurance companies, the Department of the Treasury, and others in crafting something that will get us out of this particular situation.

Let me just preface my remarks by saying this is a problem. I know there may be some who will argue this is not an issue. It is a massive issue and a growing one. I wish it were otherwise. I wish this were not the case. But the data that is coming in indicates that we have a major blockage, if you will, in the normal flow of commerce, and that is the inability to acquire terrorism insurance, which has a very negative impact when it comes to lending institutions putting their resources on the table, where the exposure could be significant.

Just to put it in some perspective for people, the calculation of the casualty and property loss—I am obviously not going to talk about the loss that goes beyond that we can put a dollar sign on. But for the loss to which you can put a dollar sign in the property and casualty area on September 11, the estimates run no less than $50 billion, just in property and casualty.

If you start adding others, obviously the numbers go up. To give you some idea, if you had a September 11-like event somewhere in the United States and an accumulation of events like September 11, the availability of resources today to pay the property and casualty losses is about 20 percent of that number. That is the situation we are in.

You can understand, while people may wish that it somehow were done by just the Federal Government writing a check and the people providing this kind of coverage, that in a free market you have to encourage or induce people to stay involved. There is no requirement under law that they provide this kind of coverage.

The idea of how we can keep commerce moving, and major construction programs underway—by the way, based on the accumulated evidence we have, most every State can demonstrate some serious problem they have in a major commercial or real estate development.

This morning's newspaper headlines in the Washington Post that my colleague from Florida has raised, I think, point out the problem we are facing. I will talk about properties in the District of Columbia. Obviously, the attack on the Pentagon on September 11, and the news the other day about so-called "dirty" bombs that might have been used—and I gather this was somewhat shaky information, but put that aside for a second—the Nation's Capital certainly is a target of opportunity.

We see rates already going up for properties located in the District of Columbia. That is the subject matter of the Washington Post article this morning. In fact, the Washington Post itself is having a difficult time getting coverage for workman's compensation, and the National Geographic building has a similar problem, and there are similar problems around the city.

I will not go into all of the details in the article, suffice it to say that this is a significant story and my colleagues ought to take a look at it. It highlights some of the difficulties we are facing.

This is not a perfect piece of legislation. Obviously, many of us might have written this somewhat differently than proposed. But, obviously, in a body like this with 100 Members, with a lot of different ideas and thoughts, you try to come together with what you can to make some sense and move the product forward.

There are differences of opinion on the substance of this legislation. We are going to hear some of them raised with the amendments that will be brought up and debated. My hope is that the substance of this legislation will prevail.

The provisions that deal with the creation of a temporary Federal backstop for terrorism insurance represent a very hardcore compromise negotiated with Senator GRAMM of Texas, Senator SARBANES, Senator SCHUMER, myself, Senator ENZI, as well as the State insurance regulators, White House, and the Treasury Department. This is a modified version of what we agreed to last fall. Senator GRAMM is not a sponsor of the bill which I introduced for the reason I am sure he will explain himself when he comes to the floor.

There is a lot in this bill that is very similar to what we worked out last fall, but it would not move along at that time for reasons I will not bother to go into again.

Who is supporting what we are trying to do?

I am troubled by our delay in enacting this legislation because of the tremendous demand that we act and act precipitously. There is a bipartisan letter from 18 Governors from across the country representing every region of the country, which I ask unanimous consent to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 15, 2002.

Hon. TOM DASCHLE,
Senate Majority Leader, Capitol Building, Washington, DC.
Hon. TRENT LOTT,
Senate Republican Leader, Capitol Building, Washington, DC.
Hon. DENNIS HASTERT,
Speaker of the House of Representatives, Capitol Building, Washington, DC.
Hon. RICHARD GEPHARDT,
House Democrat Leader, Capitol Building, Washington, DC.

DEAR CONGRESSIONAL LEADERS: As a result of the events of September 11th, the nation's property and casually insurance companies have or will pay out losses that will exceed $35 billion dollars. Since the first of January, many insurance companies, self-insurers and states have been faced with a situation where they are unable to spread the risk that they insure because of the unavailability of reinsurance protection. In the event of another major attack, some companies or perhaps a segment of the industry would face insolvency. While most states have approved a limited exclusion for terrorism with a $25 million deductible, exclusions for workers' compensation coverage are not permitted by statute in any state. The present situation poses a grave risk to the solvency of the insurance industry, state insurance facilities, economic development initiatives, and the ability of our states to recover from impacts of the September 11th attacks.

In the months after the attack on our nation, legislation passed in the House and was introduced in the Senate to create a backstop for the Insurance industry so they could continue to provide protection to their customers. The Administration has also supported this concept. Currently, there is broad bi-partisan agreement for providing an Insurance backstep. Governors believe this is an important goal that should be inhibited by other issues.

Since late December, the lack of a financial backstop has started to ripple through the economy and will continue to do so. This will further impact the ability of the economy to recover from the current recession.

As Governors, we are facing many critical issues resulting from the September 11th crisis. The emerging problem in insurance coverage only serves to exacerbate our recovery efforts. In view of this, we, the undersigned Governors, respectfully urge the Congress to quickly complete its work on the terrorism reinsurance legislation in order to return stability to U.S. insurance markets.

Sincerely.

Jim Hodges, Governor, South Caroline; Mike Johanns, Governor, Nebraska; Paul E. Patton, Governor, Kentucky; Judy Martz, Governor, Montana; Don Siegelman, Governor, Alabama; Bob Holden, Governor, Missouri; Mark R. Warner, Governor, Virginia; John G. Rowland, Governor, Connecticut; Angus S. King, Jr., Governor, Maine; Mike Huckabee, Governor, Arkansas; Jim Geringer, Governor, Wyoming; George H. Ryan, Governor, Illinois; Bill Owens, Governor, Colorado; Scott McCallum, Governor, Wisconsin; Jeb Bush, Governor, Florida; Frank O'Bannon, Governor, Indiana; Jane Swift, Governor, Massachusetts; Bob Taft, Governor, Ohio.

Mr. DODD. Mr. President, they lay out their concerns about what is going on in their own States.

We have letters from 30 of our Senate colleagues representing a broad array of the political spectrum. I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, April 22, 2002.

Hon. TOM DASCHLE,
Majority Leader, Senate.
Hon. TRENT LOTT,
Minority Leader, Senate.

DEAR MAJORITY LEADER DASCHLE AND MINORITY LEADER LOTT: We are writing to urge prompt Senate passage of short-term, terrorism insurance backstop legislation that would stabilize the insurance market for policyholders and provide financial security in the event of future terrorist acts. As you both know, members of this body quickly responded with a legislative package in the wake of September 11 to ensure the continued availability of insurance for terrorist-related acts. The proposal provided a short term, financial backstop so that private markets for terrorism coverage could be reestablished.

While the House passed H.R. 3210, the "Terrorism Risk Protection Act" late last year, the Senate was unable to bring a legislative package to the floor before our adjournment in December. Since that time, we have heard from the financial services industry, the building and construction sectors, the labor community, small businesses, and other impacted parties that there is currently either no insurance against acts of terrorism or inadequate levels of insurance. This problem is having a delirious impact on our economy, including with respect to the financing and construction of new real estate projects. A host of additional parties, including hotels, convention centers, hospitals, local municipalities, and professional sports teams are also pressing for needed action. Particularly troubling is the evidence that insurers cannot provide needed workers compensation coverage where there are large aggregations of individuals. As you know, these claims are bolstered by a recently released study by the General Accounting Office and by testimony provided recently to the House Financial Services Subcommittee on Oversight.

The Senate should be proud of its work following the tragic events of September 11. We passed numerous pieces of legislation to address the security of our country and the viability of key sectors of our economy. We should also try to prevent severe economic dislocation and should certainly not fall short in helping to ensure that employers and their workers have adequate levels of insurance in the event of additional terrorist acts.

We urge you to bring a terrorism insurance bill to the Senate floor expeditiously.

Sincerely,

Judd Gregg; Jim Bunning; John Breaux; E. Benjamin Nelson; Dick Lugar; Jesse Helms; Wayne Allard; Mike DeWine; Susan Collins; Mike Enzi; Jack Reed; George V. Voinovich; Debbie Stabenow; Mary L. Landrieu; Zell Miller; Max Cleland; Dianne Feinstein; Lincoln Chafee; Chuck Hagel; John Ensign; Olympia Snowe; John F. Kerry; Ted Kennedy; Orrin Hatch; Daniel K. Inouye; Evan Bayh; Joe Lieberman; Jon Corzine.

Mr. DODD. Mr. President, we have had repeated letters from the President, Secretary O'Neill, and others in the administration which certainly point out the difficulty.

I will quote the President's comments during the White House gathering back in April. He said:

> If people can't get terrorism insurance on a construction project, they are not going to build the project. If they are not going to build the project, then someone is not working. We in Washington must deal with it, and deal with it in a hurry.

Secretary O'Neill commented:

> There is a real and immediate need for Congress to act on terrorism insurance legislation. The terrorist attacks on September 11th have caused many insurance companies to limit or drop terrorists risk coverage from their property and casualty coverage, a move that leaves the majority of American businesses extremely vulnerable. The dynamic, in turn, threatens America's jobs, and will wreak havoc on America's economy.

Just this week, Secretary of Treasury O'Neill, Larry Lindsey, Director of the National Economic Council, Mitch Daniels, Director of the Office of Management and Budget, and R. Glenn Hubbard, Director of the Council of Economic Advisors, wrote Senate leadership outlining again the significance of moving forward with this bill.

The labor unions as well have called for action here—a rare occurrence when you get this kind of symmetry between both labor and management.

I quote from Ed Sullivan, president of the Building Construction Trades Department of the AFL–CIO. He says:

> President Bush, like all of us, realize that as long as terrorism is a threat, new job-creating projects are being delayed or canceled because we do not have adequate insurance coverage, or workman's compensation coverage available.

The Union Building Trades:

> Our members join in urging the U.S. Senate to pass terrorism risk insurance legislation without delay.

The National Association of Insurance Commissioners from across the country, which is made up of State insurance regulators, which continues to strongly urge the creation of a Federal backstop for terrorism insurance, has to its displeasure begun the process of excluding terrorism insurance from standard casualty property policies.

> On behalf of the national insurance regulators, I strongly urge the Senate to quickly pass legislation that will make insurance affordable and available to all American consumers and businesses. Only the Federal Government has sufficient resources at this time to help restore adequate levels of risk measurement and financial certainty to our markets.

Finally, a broad coalition of small and large businesses and consumers of terrorism insurance have called for Senate action as well. There are some who believe there is no reason for the Federal Government to act. They cite a few press articles which suggest terrorism insurance is available in some areas and wonder why the Congress should step in with legislation such as we are proposing.

Terrorism insurance is available, it is true, in limited areas. However, it is not available in many buildings, powerplants, shopping centers, and transportation systems that are perceived as high risk for terrorism acts—hence, the article this morning in the Washington Post about our Nation's Capital. In those cases where terrorism insurance is available, it is often unaffordable and very limited in its scope and amount of coverage.

There are plenty of examples. Also, again, the Washington Post story this morning is the one that comes to mind immediately. I mentioned the National Geographic headquarters in town dropped its workman's compensation because it received threats to large concentrations of employees and joined with the District of Columbia government's insurer as a last resort.

The Washington Post is trying with inability to secure its own workman's compensation insurance. Workplaces around the Nation's Capital have either been denied coverage or have offered reduced coverage.

Why is this going on? When you have a $50 billion event, you can understand.

If I could wave a magic wand and say, whether you like it or not, you have to be there, you have to have premiums—the law requires them to collect premiums so they can provide the kind of resources they need to pay out if an event occurs. The law requires it.

The question is how do you know how big an event is going to be. We had a $50 billion one. That is at least a floor of what we know it costs. That is without including workman's compensation, life insurance and others. Just in property and casualty, that is the number.

If you are going to have the industry be out and the private sector do this, they have to cost it out. I wish it could be for nothing. I wish it wouldn't cost anything at all. That is a mythical world. The reality is that banks don't lend money unless they can have some coverage to protect their exposure. If you are not going to give the coverage to protect the exposure, they don't lend the money.

It is not complicated. If you look at the commercial mortgage-backed security business, which covers all but about $1 billion of all commercial lending that goes on, already in the first quarter it is down $7 billion—10 percent. You are already finding a stall going on in that area.

Most of my colleagues understand that it is like residential mortgage-backed securities. Security in the commercial area is where they go out and bundle them together and have a secondary market to cover it. Right now, 10 percent in the first quarter is already down in that area.

I am not making the numbers up to highlight the significance of what we are talking about. George Washington University's downtown campus three blocks west of the White House has cut the school's former $1 billion property and casualty policy in half, and its premiums have been raised 160 percent, and advise that renewing terrorism coverage would cost 15 times more. That is what we are up against here.

I can rail against it. Obviously, there is no great wisdom here to attack the insurance industry. That is a pretty safe bet out there politically.

But the fact is, when you end up with institutions like George Washington University, the National Geographic, private sector people here in the Nation's Capital, it would be difficult to say we are going to go out and cover this after we had a $50 billion loss, to just jump back in somehow; and for people to say, by the way, don't raise your premiums to do it, and you better have the resources to pay for it. I do not know where people acquired their math knowledge, but this does not work out, unfortunately.

So what we are trying to do is get this industry back in because we cannot require them to do it. So we have come up with a backstop idea that says: Look, the first $10 billion of losses you are on the hook for. When it gets beyond that, we are going to work out a system that allows us to help in that kind of cost, for 2 years, by the way, with a sunset provision.

Some would like it longer. I think we could make a good case for it being longer because it is awfully difficult, with some major real estate development going on that has more than a 2-year lifespan. But I am not sure how much this institution will tolerate in terms of time, so it has to be abbreviated to some extent. Then, hopefully, as the market develops, the costing out can be calculated, and we can get the Federal Government out of this altogether.

I know of no one who wants to turn the Secretary of the Treasury into an insurance regulator. I am afraid that is what some of my colleagues are suggesting. That is not what this is about. That is a separate debate. Maybe someday we are going to have a debate around here that says the Federal Government ought to become an insurance company. That is a debate, but I don't think that is the debate we want to have here today.

The debate here today is whether or not we are going to set up a program that is going to cause the flow of commerce to get reignited in areas where we have a significant stall.

Let me stay to my colleagues—and my colleague from Florida raises the issue—our bill does require that there be an accounting here separating out the premiums collected for terrorism insurance from the normal course of business. We do not go as far as my colleague from Florida would like, but in our bill that we have proposed there is an accounting requirement that says you must at least have a separate accounting for the premiums collected for terrorism insurance.

So there is a long list here of projects that I could talk about that go all across the country that highlight everything from the Golden Gate Bridge to the Dolphin Stadium in Florida that are having problems—the United Jewish Appeal, the Hyatt Corporation, the Steve Wynn's operation in Las Vegas our colleague from Nevada has already talked about, Amtrak, the Cleveland Municipal School District, Baylor University. The list goes on and on and on.

Again, we are not making these stories up. This is the evidence we are receiving from across the country, that there is a problem, and it is a growing one. We probably should have acted earlier, but I don't think it is too late for us to be moving forward.

So that is the background of it. Every perspective homeowner, of course, needs insurance to obtain a mortgage from a bank. Similarly, industry as diverse as commercial real estate, shipping, construction, manufacturing, and retailers require insurance to obtain credit loans and investments necessary for their business operations. Additionally, the creation of new construction projects require business loans. I think most people understand that.

If you ever bought a home, you know you don't get the mortgage unless you have insurance. That is what the law requires. That is just as true in the commercial areas. So if there isn't insurance available, the banks are not going to lend you money to buy a house. Maybe some people can buy a house by just writing out a check. Most Americans need a mortgage. And most Americans understand that the banks want to have some insurance on that property to cover their potential loss. So that is why you have to be able to get that.

That is true in commercial areas as well. If you can't get the insurance, then the banks don't lend you the money to build the projects, and people lose jobs. Those are the dots you connect, and that is what is going on all across the country as one of the effects of 9-11. It is a more complicated subject matter, but it is a serious one that the President, the Secretary of the Treasury, organized labor, and others have highlighted.

Some critics will argue, Why should we do anything to help the insurance industry? Quickly, let me add, this is not about the financial health of the insurance industry at all. It is about the financial well-being of nearly every individual and company in America that requires this industry to be healthy enough to be in business.

If you end up being put out of business because you don't have the resources, your solvency gets wiped out, as it would be today with a 9-11-like event. As I mentioned earlier, there are only about 20 percent of the resources to cover a similar kind of event that occurred 9 months ago on the 11th of September. So this is not so much about their health and well-being as it is those who rely on this industry for their own health and well-being.

As I said, the industry is paying off losses from the September 11 attacks estimated to be roughly $50 billion. The industry has made clear that despite this unprecedented loss, it remains very strong and solvent.

The question that many will ask is why we need to help an industry that is financially sound? And I think I have laid that out. The answer is we are not protecting insurance companies, we are protecting policy owners and businesses and workers.

This legislation makes sense because it is based on three principles that must be included in any bill that reaches the President's desk.

First, it makes the American taxpayer the insurer of last resort. We could do what we did in World War II. In World War II, the Federal Government insured everything. We just paid all the claims. I don't need to tell you what could happen if that happened today. But that is a point of view: Just let the Federal Government pick up the claims of this stuff, and don't worry about having a private sector insurance industry being involved at all.

But I don't think most Americans think that is a wise solution necessarily given the potential exposure we have. So I think it makes sense to have the industry be the ones that are going to be on the front lines responsible to do what is best, to calculate the risk, to assess premiums, to pay claims. I don't necessarily believe we want to set up another agency of Government, maybe under homeland security. Now that we are reorganizing Government, maybe someone would like to add a branch to become an insurance company. I don't think so.

Secondly, the legislation should promote competition in the current insurance marketplace. Competition is the best way to ensure that the private marketplace assumes the entire responsibility for insuring against the risk of terrorism without any direct Government role as soon as possible. That is why this bill has the very short lifespan we are talking about. This is not setting up something in perpetuity. It is setting up a very short lifespan.

Right now it is 24 months in the bill. And I think there will be suggestions to extend that, which may have some merit, by the way, I suggest, to those who may be offering them. But it is going to be limited, in any case.

Thirdly, the legislation ensures that all consumers and businesses can continue to purchase affordable coverage for terrorist acts.

Without action, consumers would be unable to get insurance, or insurance that is available would be totally unaffordable for them.

Very simply, and lastly, I will just explain briefly—Senator SARBANES has done this already—but let me just take another minute or so for those who may not have heard his comments to briefly describe how S. 2600 actually works.

It will provide Federal terrorism insurance in the event of another significant terrorist attack. This legislation is designed to maximize private sector involvement and minimize the Federal role. The bill does not create a new Federal insurance regulator; rather, it promotes the authority of existing private sector mechanisms.

The Federal backstop is temporary, lasting only 1 year unless extended for an additional year by the Secretary of the Treasury.

The bill envisions that the private sector alone would respond to small-scale attacks, such as car bombs, arson fires, and the like.

The Government intervention only occurs in insured losses in excess of a specific trigger. The amount each insurance company must pay before the Federal participation begins is determined by a statutory formula based on each company's market share. Larger companies pay more through the resulting individual company retentions.

Individual company retentions are calculated based on each company's market share of $10 billion in the first year, and $15 billion in the second year if the program is extended, meaning that large companies would sustain hundreds of millions of dollars in losses before the backstop is triggered.

In addition, once the backstop is triggered, each insurance company remains responsible for 10 to 20 percent of every claim dollar paid.

Lastly, I would say as well, regarding the States, we require that these actions be brought in Federal court, that there be a venue that is closer to where the action may have occurred.

But let me quickly point out, we have tried very strongly to retain the role of the State insurance commissions. There are 40 States right now that allow for rates to go into effect, and then the State commissioners can determine whether or not those rates are excessive or not. And 10 States require that rates be approved before they go into effect. That is in commercial property.

In this bill, we say the rates could go into effect, but we do not deny, as exists in 40 States, the State insurance commissioners to then rule on those rate increases. So we are not setting a Federal regulator in that regard. We are still keeping that in the States, and the State insurance commissioners do not lose that power.

The State insurance commissioners have the responsibility, obviously, to keep an eye on the rates, but they also have an obligation to see that the insurers are solvent so they can pay claims, if, God forbid, some event occurs. So the responsibility is dual, both to the insurer to make sure they have the assets and, of course, to the policyholder to make sure their rates are not too high and coverage will be there, if needed. We make it very clear in this bill that we want to keep the role of the State insurance commissioner viable.

We don't want to get in the business of setting up some massive new government program with a new regulator with a whole bunch of new rules established at the Federal level to start regulating this industry. That is a debate that will occur to some degree down the road, but today is not the day. This is not the place or time for that debate. This is an emergency. It should have been dealt with a long time ago.

My hope is that my colleagues will offer their amendments, we will get through this, and vote it up or down. Maybe our colleagues will decide this bill is not necessary; they don't want to be a part of it. Then we ought to say so. Then end the debate entirely and go about our business. I suspect that a majority of our colleagues think this has value and is important. My hope is we can get it done sooner rather than later.

I turn to my colleague from Kentucky who, I know, has a very important amendment. We will try to deal with that and move the process along.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 3836

Mr. McCONNELL. I thank my friend from Connecticut. I certainly agree with him that this is legislation we should have passed quite some time ago. The principle sticking point with which I am concerned is the liability issue.

Under the underlying bill, punitive damages are available against victims of terrorism. Let me repeat that. Having just been attacked by the terrorists, the victims of that terrorist act are subject to punitive damages under the underlying bill.

The only concession that those advocates of this kind of litigation have made is to take the taxpayers off the hook for punitive damages. But the way the thresholds are allocated under the balance of the bill, it is highly likely that the taxpayers will be liable under any attack, and all other kinds of damages other than punitive damages will be available against the taxpayer.

We are talking about a bill that while certainly in concept is desirable, it has a number of significant flaws, one of which I would like to begin to try to fix this morning by laying down the amendment I will lay down shortly.

While many of my colleagues on the other side of the aisle have been talking about the need for a terrorism insurance bill, my Republican colleagues and I have been busily preparing for action. Two weeks ago, Senator GRAMM and I broke a month-long logjam by informally offering a proposal for a base text that establishes a responsible program for Federal assistance and assures that we don't punish the victims of terrorism for the criminal acts of the terrorists.

For months now, the Senate has been locked in a debate about whether an American victim of a terrorist attack, whether it is Walt Disney World, the Mall of America, Giants Stadium, or the Las Vegas MGM Grand, should be held liable for punitive damages.

Remember, punitive damages are intended to punish bad actors. That is what punitive damages are about. In all other ways, defendants are compensated. Punitive damages are designed to punish the defendant. They are not designed to compensate victims.

Nothing in the Republican proposal for a base bill has sought to limit damages to compensate victims. There are no efforts on our part in the Senate to limit damages to compensate victims. What we are talking about is punitive damages which are designed to punish defendants.

We are talking solely about whether American victims of a terrorist attack should be punished not once but twice, attacked first by the terrorists, attacked second by the lawyers.

In pondering this question our colleagues who disagree and their allies have raised an interesting point—that there are some victims of terrorism whose conduct may be so flagrant, indeed so criminal, that as a matter of public policy, we should not let it go unpunished. So to address that concern head on, Senator GRAMM and I offered a new compromise for a base bill that I fully expected my Democratic colleagues would embrace, at least I had hoped they would. Our proposal would permit punitive damages against any defendant who has been convicted of a crime in State or Federal court. Using our criminal justice system to determine what conduct is worthy of punishment is a simple, commonsense solution to ensure that no criminals avoid punitive damages in civil cases.

Let me state that again: In an ideal world, we would not have any punitive damages available against a victim of a terrorist attack. But to help address the concerns of those on the other side that punitive damages might lie in some extraordinary circumstance, the amendment I am about to offer provides a punitive damage opportunity against victims of terrorism who themselves have been convicted of a criminal act. That makes sense because if you have been convicted of a criminal act, punitive damages ought to lie because of the nature of the conduct.

Although Senator GRAMM and I informally offered this proposal before the Memorial Day recess, we did not formally offer it on the floor because we wanted to give the other side plenty of time to consider this approach as a compromise for a base bill.

Actually our proposal was the second compromise supported by many on this side of the aisle. The first compromise from the House-passed bill included a stripped down liability section agreed upon by Senators GRAMM, SARBANES, DODD, and ENZI. But that compromise was later undone in December by others on the other side of the aisle.

After months of inaction, Senator GRAMM and I came back to propose this second compromise in the hopes that our colleagues on the other side would agree to these protections.

Sadly, the opposite appears to have taken place. Our colleagues on the other side rejected our idea by proceeding to a bill that would allow American victims of a terrorist attack to be held liable for punitive damages. Under this underlying bill, American victims of a terrorist attack could be held liable for punitive damages.

This approach to punitive damages does not compensate plaintiffs, does not prevent the double punishment of American companies who are victims of a terrorist attack, and does nothing to prevent insurance money intended to rebuild homes and reopen American business from being diverted to pay lottery-sized litigation awards.

The message this sends to the American people is that some of our colleagues are not truly concerned with guarding against criminal conduct. Instead, they appear more concerned with guarding the rights of personal injury lawyers to seek punitive damages against American victims of terrorism, protecting the opportunity for American lawyers to seek punitive damages against American victims of terrorism.

On Saturday, the New York Times, certainly a publication I am not frequently allied with on any matter, asked Senate Democrats to move toward our liability proposal. This is the New York Times talking:

> Senate Democratic leaders eager to pass their own bill must compromise, even if it means offending trial lawyer groups.

This is the New York Times.

> Senate Republicans appear willing to accept far more modest curbs on terrorism-related litigation than their House brethren. Their proposals provide the basis for an eventual reconciliation of House and Senate efforts.

This is in the New York Times, the liberal New York Times, in an editorial entitled "Insuring Against Terrorism," June 8, 2002, just a few days ago.

The home office of the New York Times, of course, is in New York City where this problem is the most apparent. They would like to see some action, and they think having some reasonable limits on punitive damages makes sense in the context of moving this legislation along.

On Monday, four top administration officials, including Treasury Secretary O'Neill, National Economic Council Director Larry Lindsey, Office of Management and Budget Director Mitch Daniels, Council of Economic Advisors Director Glenn Hubbard, announced they would recommend that the President veto legislation that "leaves the American economy and victims of terrorist acts subject to predatory lawsuits and punitive damages." They sent a letter to Senator LOTT, dated June 10. Let me say it again. All four of these top officials in the Bush administration say they would recommend the President veto legislation that "leaves the American economy and victims of terrorist acts subject to predatory lawsuits and punitive damages."

That gives us some parameters or outlines here if we are serious about making a law and not simply playing legislative games. We ought to pass a bill that has a chance of being signed. I think it is pretty clear that the President's top advisers in this area would recommend that he veto legislation similar to the underlying bill. So we have an opportunity, if we are serious about this legislation, to fix it up and get rid of this outrageous punitive damage provision that subjects victims of terrorism to these awards, unless they themselves have engaged in criminal conduct, in which case I must say I think they deserve punitive damages in that unlikely eventuality.

Interestingly, for those who say liability protections are not an important part of terrorism insurance, let me share with you a quote from a recent report by the Joint Economic Committee:

> Liability costs are estimated to constitute the largest single cost of the 9-11 attacks and could easily exceed the property damage, life insurance, and workers compensation payments combined.

That is from the "Economic Perspectives on Terrorism Insurance," prepared by the Joint Economic Committee in May of this year.

With this backdrop, I send the amendment to the desk on behalf of myself, Senator GRAMM, and Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. GRAMM, and Mr. LOTT, proposes an amendment numbered 3836.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for procedures for civil actions, and for other purposes)

On page 29, strike line 1 and all that follows through page 30, line 17, and insert the following:

SEC. 10. PROCEDURES FOR CIVIL ACTIONS.

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for claims arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for such claims, except as provided in subsection (f).

(2) PREEMPTION OF STATE ACTIONS.—All State causes of action of any kind for claims arising out of or resulting from an act of terrorism that are otherwise available under State law, are hereby preempted, except as provided in subsection (f).

(b) GOVERNING LAW.—The substantive law for decision in an action described in subsection (a)(1) shall be derived from the law, including applicable choice of law principles, of the State in which the act of terrorism giving rise to the action occurred, except to the extent that—

(1) the law, including choice of law principles, of another State is determined to be applicable to the action by the district court hearing the action; or

(2) otherwise applicable State law (including that determined under paragraph (1), is inconsistent with or otherwise preempted by Federal law.

(c) FEDERAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the date of the occurrence of an act of terrorism, the Judicial Panel on Multidistrict Litigation shall assign a single Federal district court to conduct pretrial and trial proceedings in all pending and future civil actions for claims arising out of or resulting from that act of terrorism.

(2) SELECTION CRITERIA.—The Judicial Panel on Multidistrict Litigation shall select and assign the district court under paragraph (1) based on the convenience of the parties and the just and efficient conduct of the proceedings.

(3) JURISDICTION.—The district court assigned by the Judicial Panel on Multidistrict Litigation shall have original and exclusive jurisdiction over all actions under paragraph (1). For purposes of personal jurisdiction, the district court assigned by the Judicial Panel on Multidistrict Litigation shall be deemed to sit in all judicial districts in the United States.

(4) TRANSFER OF CASES FILED IN OTHER FEDERAL COURTS.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(5) REMOVAL OF CASES FILED IN STATE COURTS.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a State court shall be removable to the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1).

(d) APPROVAL OF SETTLEMENTS.—Any settlement between the parties of a civil action described in this section for claims arising out of or resulting from an act of terrorism shall be subject to prior approval by the Secretary after consultation by the Secretary with the Attorney General.

(e) LIMITATION ON DAMAGES.—

(1) IN GENERAL.—Punitive or exemplary damages shall not be available for any losses in any action described in subsection (a)(1), including any settlement described in subsection (d), except where—

(A) punitive or exemplary damages are permitted by applicable State law; and

(B) the harm to the plaintiff was caused by a criminal act or course of conduct for which the defendant was convicted under Federal or State criminal law, including a conviction based on a guilty pea or plea of nolo contendere.

(2) PROTECTION OF TAXPAYER FUNDS.—Any amounts awarded in, or granted in settlement of, an action described in subsection (a)(1) that are attributable to punitive or exemplary damages allowable under paragraph (1) of this subsection shall not count as insured losses for purposes of this Act.

(f) CLAIMS AGAINST TERRORISTS.—Nothing in this section shall in any way be construed to limit the ability of any plaintiff to seek any form of recovery from any person, government, or other entity that was a participant in, or aider and abettor of, any act of terrorism.

(g) EFFECTIVE PERIOD.—This section shall apply only to actions described in subsection (a)(1) arising out of or resulting from acts of terrorism that occur during the effective period of the Program, including any applicable extension period.

Mr. McCONNELL. Mr. President, this amendment replaces the liability section of the underlying bill with the liability section proposed in the compromise bill sponsored by Senator GRAMM and myself.

The compromise has three principal elements. First, consolidation of all claims in a single Federal district court; second, approval of settlements by the Secretary of the Treasury; third, a ban on punitive damages, unless the defendant has been convicted of a criminal offense that is related to the plaintiff's injury.

The first two provisions should not spark any controversy. The proponents of the underlying bill themselves have agreed to Federal jurisdiction over these claims, and the approval of settlements by the Secretary of the Treasury simply protects the taxpayer dollars that will be exposed to potentially enormous lawsuits under this program. And since the underlying bill now—unlike an earlier version—prudently bans punitive damages against the Federal Treasury, this approval process ensures that a party does not attempt to casually circumvent that ban through a settlement.

So, again, this is a debate about whether we should expose American victims of terrorism to punitive damages—damages that heap additional punishment on American victims, even after the plaintiff has been fully compensated for his or her injuries.

Let me make a very important point to those of my colleagues who are traditionally wary of liability protections. Lawsuits arising out of terrorist attacks will be a wholly different animal. They will not feature the traditional small, sympathetic plaintiffs against the crotchety, arrogant big business that makes for such effective television movies and plaintiffs' lawyers' tales. No, these lawsuits will pit victim against victim—victim against victim—both of whom have been devastated by a coldblooded terrorist attack, and both of whom will be faced with traumatic physical, emotional, and financial recovery.

While it is important to ensure that an injured plaintiff be compensated for his or her injuries—and this amendment does just that—it is absurd, immoral, and it is un-American to impose additional punishment on an American victim of terrorism.

For those who remain concerned about punishing egregious conduct, my amendment does not extend the punitive ban to any defendant who is engaged in criminal conduct. History reminds us that punitive damages have always been about punishing bad actors, not about compensating victims. Punishment has long been a hallmark of our criminal justice system. Indeed, punitive damages draw their origins from the English common law cases of assault and battery, where the criminal law provided an inadequate remedy. So it only makes sense that we should rely on our criminal justice system to determine whether additional punishment is warranted against American victims of terrorism.

If American defendants have engaged in criminal activity, maybe punitive damages are appropriate in those limited circumstances. But what we cannot and must not do is take the punishment reserved for the terrorists who seek to destroy our buildings, our transportation systems, our fire and rescue personnel, and our way of life and transfer that punishment to American victims of terrorism who bear no relation to the hijackers and suicide bombers, or the terror that they unleash on America.

To be perfectly candid, my amendment does not do enough to protect liability costs from skyrocketing out of control and to protect against runaway lawsuits against terrorist victims. Indeed, this amendment moves a long way off the litigation management provisions in the House-passed bill. If I had my own way, I would be offering something a good deal more comprehensive than what I have offered a few moments ago. Indeed, I think it is important for everybody to remember what kind of awards are still possible, even if my amendment is adopted, as I hope it will be. There is no limit to the amount of damages an American plaintiff can receive as compensation for physical or economic loss. Let me say that again. I am not proposing any kind of limitation on the amount of damages an American plaintiff can receive as compensation for physical or economic loss.

No. 2, I am not proposing to limit the amount of damages an American plaintiff can receive as compensation for noneconomic damages—pain and suffering losses. There is no limitation under my amendment on recovery for pain and suffering.

In addition, there is nothing to prevent American defendants and victims of a terrorist attack from having to pay for the pain and suffering caused by terrorists. I could have gone a lot further, but there is no limitation under this amendment on recovery for pain and suffering against the victims of terrorism or the taxpayers of the United States. And there is no limit on the amount of money an attorney can take from the plaintiff's award. I must say, I hated not putting that in.

This is very similar to the Federal Tort Claims Act which has been on the books since the late forties. If you sue the United States under the Federal Tort Claims Act, all the cases are in Federal court. There are no punitive damages, and there is a 25-percent limit on lawyer's fees, which seems to me is entirely appropriate. A limitation on lawyer's fees puts more money in the hands of the victim.

I know what a sensitive subject that is for many in this body, so that is not in this amendment. I did not even limit the lawyer's fees which would have been a very provictim provision. I did not do that. Yet remarkably, this is not enough for some people. Even after a plaintiff has been fully compensated for all his or her fiscal, economic, and noneconomic damages, the underlying bill demands the right to seek additional punitive damages to punish American property owners, American shopkeepers, and American air carriers who are also victims of terrorism.

Under this amendment, no victim is going to be denied the right to fully recover under every other provision. The only thing that is being denied is to get punished for the second time. First, you have been attacked by the terrorists, and then you are going to be attacked by the lawyers if we do not pass this amendment.

Just yesterday this body voted, regrettably, to impose double taxation on American families afflicted by the death tax—double taxation. You get taxed once during your life, and then you get taxed again when you die. Almost immediately afterwards, our colleagues moved to proceed to a terrorism insurance bill that would impose double punishment. Yesterday they voted in favor of double taxation, and today they are advocating double punishment on American victims of terrorism. First, you get attacked by the terrorist, and then you get attacked by the lawyers for punitive damages.

I hope our colleagues will join me in curing the latter error by supporting this amendment. If not, they should be prepared to explain to the American people why—why—in the aftermath of a terrorist attack it is somehow permissible in this country to punish American victims of terrorism for the harm caused by the terrorists. That is what this amendment is about.

Let me reiterate before relinquishing the floor that all other kinds of damages are available to victims of terrorism, to the plaintiffs—pain and suffering, economic compensation—but the only thing that would be denied would be the opportunity to get punitive damages which are, in effect, damages allowed for criminal-type behavior from the victim of a terrorist attack. I have even modified that to allow punitive damages against a victim of terrorism if that victim has been convicted of a crime. That is the category of behavior which historically has made available punitive damages.

This is a very modest amendment. I would have loved to have gone a lot further. I find it outrageous that it is possible for any lawyer in America in any one of these lawsuits to get more than a fourth. I think the Federal Tort Claims Act would have been a perfect way to limit the lawyer's compensation and provide more assistance for the victim, but I have not offered that because I know there is substantial reluctance in this body, as we have seen time and time again, to impact the compensation of the plaintiff's bar. So I have not done that in an effort to make this more attractive.

This is a very modest step in the direction of protecting the victims of terrorism from being attacked twice. I hope it is something we can pass overwhelmingly in the Senate whenever we get around to having a vote.

Mr. President, I yield the floor and hope that whenever this is voted upon, it will be adopted overwhelmingly.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me talk just a moment about the bill and where we are, and then talk about this amendment. This is the third bill now where we have not written a bill in committee, where we have brought a bill to the floor, basically a partisan bill, for no purpose. I do not think I am saying anything others will not agree with in saying Senator DODD and I have pretty consistently been the two most committed people toward passing a bill. But rather than sitting down and trying to work out the provisions of this bill on a bipartisan basis, we have a bill that has been brought to the floor of the Senate which has never been passed by a committee, much less the committee of jurisdiction. We basically are converting this into a partisan issue which I think makes no sense whatsoever.

Let me give a little bit of history so my colleagues understand how we got to be where we are and what the two overriding issues are. There will be many other issues raised, I am sure, but I want people to know what the two overriding issues are.

Way back last fall, Senator SARBANES, Senator DODD, Senator ENZI, and I met with the Secretary of the Treasury in the wake of 9-11 to try to put together a bipartisan bill. In fact, we agreed to a bill. The Secretary of the Treasury endorsed the bill on behalf of the administration. All four of us had a press conference and announced the bill. That bill worked as follows:

It was a 2-year bill with a possible extension to the third year. The first year there was an industry retention, and I want to define this term because we are going to be hearing it now for an extended debate. There was an industry retention whereby the industry had to pay $10 billion in the case of a terrorist attack before the Federal Government would begin to pay the bills, the idea being that the insurance companies are selling insurance, they are collecting premiums, and they should have a stake in the process and the Federal Government should come in in those events that are so large and so costly that the insurance industry could not sustain it, and that the market for insurance and reinsurance potentially would not develop with the risk as large as it might without the Federal backing.

Our bipartisan bill had a retention of $10 billion the first year, $10 billion the second year, and if the Secretary of the Treasury concluded that a third year was required, he could extend the bill for a third year with a retention of $20 billion. Above these retention levels where the private insurance company would pay, the taxpayer pays 90 cents out of every dollar of the claim.

Why did we have an industry retention rather than an individual company retention? We had an industry retention because our purpose is not to get the Government into the insurance business permanently, but to build a bridge to transition from where we are today in the wake of 9-11 to a period when, hopefully, we will do a better job of managing these risks at the national level in terms of our antiterrorist policy and, secondly, over time, we can develop the insurance structure to build the risk that remained into the term structure of insurance rates.

If we do not have an industry retention, the incentive for companies to spread the risk is reduced.

If my risk as the Gramm Insurance Company is only some portion of $10 billion based on my size in the industry, then once I am above that level of exposure, the Federal Government is picking up 90 percent of the cost.

What we are trying to do is to get insurance companies to syndicate so that no insurance company insures the Empire State Building. They might join 10, 20, or 30 other insurance companies in doing it and, in doing so, spread the risk. We want to develop reinsurance so that these risks can be disseminated.

Having an industry cap or an industry retention, rather than an individual company retention, puts pressure on companies to enter into reinsurance. It provides an incentive and in fact a profitability for reinsurance to emerge. The purpose of the bill is to develop reinsurance and syndication.

Having reached that agreement, we also agreed on a set of provisions related to lawsuits in the wake of terrorist attacks. We agreed that all lawsuits had to be brought in Federal court because this was a Federal program. We agreed that the cases could be consolidated. We agreed to require that the Treasury would have to sign off on any out-of-court settlement in these cases. And we agreed there would be no punitive damages in the case of a terrorist attack. This was a compromise.

Treasury wanted a lot more in the way of protection. The House had passed far more comprehensive protections, but this was a compromise we worked out. As we all know, there was an objection to the liability parts of the bill and the bill died.

Then we got into December. In December, in trying to write a bill, we were literally faced with a situation where the bill was going to go into effect within 3 weeks of the day we were writing it, when we tried to put together a compromise. With 3 weeks before supposedly the vast majority of insurance policies were expiring, we believed there was not time for a reinsurance market to emerge, that there was not time for companies to be able to lay off this risk by syndication. So the proposal was made that we have individual company retention levels.

Might I say that the day we announced a bipartisan compromise with an industry retention level of $10 billion, virtually every insurance company in America supported that bill.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. GRAMM. Yes, I would be happy to yield.

Mr. LEAHY. I ask this with some trepidation because I know that every day I hear my good friend from Texas speaking, it is one less day I am going to have the opportunity to hear him. And I mean that sincerely. I really do enjoy his statements. I wonder if he has some idea how much time he needs?

Mr. GRAMM. I think I should be through within, say, 10 minutes.

Mr. LEAHY. I thank the distinguished Senator.

Mr. GRAMM. So the day we introduced the bill with a $10 billion industry retention, based on the logic that we wanted to encourage reinsurance, that we wanted to encourage syndication, there was broad support in the insurance industry and in American business for that compromise.

We got to December, 3 weeks away from—at least as we are told, and as I believe actually did happen—tremendous numbers of insurance policies expiring on January 1. So recognizing we were writing a bill where the industry would have only 3 weeks to try to respond to it, the bill that was put together had not an industry retention but an individual company retention that would produce a situation where, with as little as $50 million of cost, the Federal taxpayer could be pulled into the process, a far cry from the $10 billion retention we had had in the original compromise. The logic of it, as of December 10, was that we were 3 weeks away from the beginning of the year and there was not time for this syndication to occur, there was not time for reinsurance to occur.

Now it is 7 months later. Insurance companies have sold terrorism insurance, not at the price we might have chosen, not to the people we might have chosen they sell it to, but the point is at inflated rates, because things changed, the market changed, and we expected rates would go up. It was, in fact, required that they go up economically. Now insurance companies have sold all these policies based, at that point, on no Government backstop. To come back in now with an individual company retention that could put the taxpayer at risk, when the costs are as small as $50 million or $100 million, makes absolutely no sense.

What has happened, as we might expect it to happen, is that if I were running an insurance company and I had a choice between having Government backup begin at $100 million versus $10 billion, I would not be running an insurance company long if I did not decide that $100 million was better than $10 billion. So now we are having this debate driven by insurance companies that want the low retentions.

In December, when we were writing a bill to go into effect in 3 weeks, there was not any other choice, but once that marker got out there and people saw it as a possibility, then they decided this deal they were willing to sign on in October, which protected the taxpayer by having insurance companies pay the first $10 billion, that that was no longer acceptable. Seven months later, premiums collected, risks taken to come in with an individual company retention level at the level that is being discussed now in this bill, would grant a huge windfall. I think it is not justified and not good public policy, and that is an issue that has to be dealt with. We have to decide, are we representing the taxpayer or are we representing some other interest? It seems to me to put the taxpayer at risk, to back up policies that have already been sold, with no Government backup, where premiums have already been collected on the basis that there would be no Government backup, to now come up with a backup that is in the tens of millions rather than $10 billion, is to basically have the taxpayer enter into a situation where the initial risk is borne largely by the taxpayer and not by the insurance company.

Let me say to my colleagues that if this were World War II instead of a new kind of war, we could have had a Government insurance program. We had one in World War II. We had two kinds. We had one for international shipping and we had one for domestic assets. Both companies made money. Both companies, when we signed the peace treaty on the *Missouri*, faded out. The problem now is this war will not end with a peace treaty on the *Missouri*. It will end with the scream of some terrorist. But there will not be a signed agreement that it is over, nor will we know that is the last terrorist in the world.

We have to decide if this is a transition bill that is trying to build these risks into the structure of insurance rates, or are we getting the Government permanently in the insurance business in America. That is a fundamental question. When we decided in October, we answered the question. When this bill was written in December, we were forced into this low deduction by having only 3 weeks. Seven months later, that makes no sense.

This is the issue that needs to be dealt with. I hope it can be compromised on a bipartisan basis. As I said earlier, from the beginning I have believed we needed a terrorism insurance bill.

Finally, I turn to the liability question, and I will be brief. We have before the Senate the most modest proposal related to punitive damages that has been discussed thus far in this bill. We had a bipartisan agreement that banned punitive damages outright, a complete ban. The House adopted a bill that had extensive protections from predatory lawsuits in a terrorist attack. In my mind, to unleash predatory lawsuits after a terrorist attack is like piracy on a hospital ship. It is outrageous and unacceptable.

Now, the Senator from Kentucky has given a very watered down compromise and, I think, a reasonable one, and to me acceptable—though I like the House provisions better; I like the proposal of the President better. What his compromise says is that you cannot sue victims of terrorism for punitive damages. You can sue the terrorists, but you cannot sue the victims, the people who were in the attack, the people whose buildings and lives were destroyed, unless they have been convicted of a felony related to the attack. In other words, they had some measure of criminal culpability.

I don't know how anyone can be against this proposal. If you are against this proposal, you are basically willing to unleash predatory lawsuits on anyone—in this case, including victims of terrorism.

Let me conclude and yield the floor by urging my colleagues to vote for the McConnell amendment. The President has said in a letter, through four spokesmen, including the Secretary of the Treasury, that he will not sign a bill that does not protect people from predatory lawsuits that arise from a terrorist act. I hope my colleagues will vote for the McConnell amendment.

Second, I hope we can work out a compromise on this retention issue. We should be able to work out a compromise. I commend to my colleagues that we do it. If we do it, we can immediately transform this bill into a bipartisan bill. We can get an overwhelming vote for it. We could end the debate on it. If not today, certainly early next week.

There is work that has yet to be done. I hope we can do it together. There is no reason we cannot.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I will not be long. I rise in support of the McConnell amendment. I pick up on where the Senator from Texas left off: This should be a bipartisan bill. There is no reason why in dealing with such a serious issue as this that we should not be able to work in a bipartisan way with our colleagues in the Senate. That applies also to the House of Representatives and the President.

Everyone realizes this is a piece of legislation that must be done. We are hearing from folks back home in the business and insurance community as to the impact of not having any kind of terrorism insurance fallback for these coverages, and the Federal Government does have a role to play.

I serve on the Banking Committee, and I have expressed to my ranking member some of my concerns for us being involved at all. However, I am convinced there is some action we need to take in the short run to address this crisis of businesses not being covered by terrorism insurance, projects not moving forward because of the lack of terrorism insurance. Obviously, there is a need to do this.

There are some areas that, frankly, that I do not believe belong in a bill dealing with this issue. The one that I believe is the most egregious is a concept that is remarkable; that is, that victims of terrorism, who have been either physically or financially and certainly emotionally hurt by terrorists, will be liable to be sued.

Senator MCCONNELL takes a very small part of this liability. I have a problem with any victim being sued for anything. Think back to the days we were at war. Can anyone imagine in previous years if someone in America had been killed as a result of World War II, the Germans or the Japanese bombing someplace in America, that people in America would have rushed to the lawyers and then to the courtroom to sue the restaurant they worked in that was hit by the bomb? Can anyone imagine the Senate, in 1941–42, passing a bill saying people who worked in a restaurant in Hawaii when a bomb was dropped, that the waitress who worked in the restaurant could sue the restauranteur whose place was destroyed for damages? On top of that, this bill says not just for any damages but for punitive damages. In other words, damages having to do with any kind of pain, suffering, injury, or loss of wages, but simply to punish the victim.

We will allow people who were injured economically, emotionally, physically, as a result of an act of war—and this terrorist act was an act of war—to be sued under this bill.

Look back in history. I do not know that there is a precedent for allowing this during a time when we are at war. This was an act against America. This is a very bad and dangerous step we are taking in the Senate.

What Senator MCCONNELL is trying to do is a very small piece of the overall structure of this bill that allows, if the McConnell amendment passes, the restaurant owner of the World Trade Center, whose business was destroyed—he may have escaped; maybe he was not there that day; his business was destroyed, his employees were killed, maybe even family members were killed—will now be in court. Under this bill, he will be in court defending himself from lawsuits. After going through what he has gone through, he now has to defend himself from lawsuits. But worse, he has to defend himself from lawsuits that will seek to punish him because he was a victim. Imagine that.

One can make an argument—and I would not agree—he would have to pay compensation for pain and suffering or wages, but now we will say he will be liable to be sued, to be punished, and he was a victim of terrorism.

Victims of terrorism should not be punished. Victims of terrorists should not be punished by the Senate. It should not be permitted. It is an outrage to every victim who suffered on September 11; if every victim who suffered in September 11 owned anything that was destroyed, and had anyone working for them, they are now going to be on the firing line, again. It is not bad enough that they were hurt physically, emotionally, and economically as a result of terrorist acts. We are now going to put them through another act of destruction in the courtroom.

Even if this amendment is agreed to, that is going to occur. All we are saying is, Members of the Senate, don't allow lawyers—who certainly will do so and certainly have done so already with past terrorist acts—come into court and attempt to punish victims. That is over the top. It is over the top. It is not necessary. It is inhumane.

Mr. MCCONNELL. Will the Senator yield for an observation?

Mr. SANTORUM. I am happy to yield to the Senator from Kentucky.

Mr. MCCONNELL. After making this argument a week or so ago, the American Trial Lawyers Association said there could be some circumstances under which the defendant himself engaged in criminal behavior. So I modified this amendment to include, if the victim of terrorism himself were convicted of a crime in connection with that event, then punitive damages would lie because that would warrant punishment.

Mr. SANTORUM. Absolutely.

Mr. MCCONNELL. But there are no other circumstances—I agree with my friend from Pennsylvania—under which punitive damages ought to lie against the victim of terrorism. I thank the Senator for his observations. I think he is right on the mark.

Mr. SANTORUM. I thank the Senator from Kentucky for further clarifying his own amendment. I think it is important to say if someone is, maybe, in complicity with a terrorist or did something with respect to his business that was, as the Senator from Kentucky said, criminal in nature, that would be prosecuted. Then I think it is a reasonable recourse for some sort of civil damages to be awarded.

But to have a blanket provision that says every victim is a potential defendant in a lawsuit, where the lawyer is saying you should be punished because you were a victim in a terrorist act, I find that to be almost something that is so absurd; it is remarkable to me that we are even debating the existence of this provision.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. SANTORUM. I am happy to yield to the Senator from Kentucky for a question.

Mr. MCCONNELL. Will the Senator agree that if punitive damages were available, they would be sought in every instance?

Mr. SANTORUM. I am a lawyer. I did practice law before I came here, but not as much as many here. But I do know, one of the things that happens when you file lawsuits is, you do not leave anything out. If you have damages available to you, you file for them and you let those who are responsible for making the decision as to what your plaintiff should receive—whether it is the jury or judge—you let them decide what the plaintiff is permitted to receive.

There is no question in my mind. Imagine, that victims of terrorism——

Mr. LEAHY. Will the Senator yield for a question?

Mr. SANTORUM. Let me finish my statement, and then I will be happy to.

There is no question in my mind that there will be hundreds, if not thousands, of lawsuits where victims of terrorism will be sued for punitive damages in order to punish them because they were victims.

I will be happy to yield for a question.

Mr. LEAHY. Madam President, the Senator has the floor and of course can speak as long as he wishes. I do not mean to suggest otherwise.

Mr. SANTORUM. I was just about to finish.

Mr. LEAHY. We had an informal understanding that originally I was going to follow the Senator from Texas. If not, I will pass it on to the Chair. I just wondered how much longer he might be.

Mr. SANTORUM. I was about to finish. I am happy to do so.

I encourage my colleagues, No. 1, as I said before, to see if we can work out some sort of bipartisan agreement. This should not be a partisan bill. This should be a bill on which we work together in the Senate.

No. 2, I encourage, as a good starting point for that bipartisan arrangement, to support this very minimalist amendment, with all due respect to my colleague from Kentucky. It is a minimalist amendment to eliminate the most egregious aspects of lawsuits available to plaintiffs who want to sue victims of terrorism; that they at least should not be punished, pay compensation as a punishment, unless there was some sort of criminal behavior attached to the victim.

I yield.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I must oppose this amendment by my good friend from Kentucky, Senator McCONNELL, to add controversial so-called "tort reform" measures to the terrorism insurance bill. This amendment would limit the legal rights of future terrorism victims and their families. That is not fair or just.

I have worked with the distinguished majority leader, Senator DODD, Senator SARBANES and others to craft a balanced compromise in the substitute amendment on legal procedures for civil actions involving future acts of terrorism.

The underlying Dodd bill protects the rights of future terrorism victims and their families while providing Federal court jurisdiction of civil disputes involving acts of terrorism and excluding punitive damages from Government-backed insurance coverage under the bill. These provisions do not limit the accountability of a private party for its actions in any way.

Further, the underlying Dodd bill fully protects Federal taxpayers from paying for punitive damages awards. Under the Dodd bill only corporate wrongdoers pay punitive damages, not U.S. taxpayers as some have incorrectly claimed on the Senate floor.

But the McConnell amendment would prohibit punitive damages in almost all civil actions covered by the bill. This latest offer excuses wanton, reckless, and even malicious conduct by a corporate wrongdoer. The amendment provides that a corporate wrongdoer must have engaged in criminal conduct and must have already been convicted under State or Federal law before it can be held liable for punitive damages.

This is a ridiculously high standard that excuses and immunizes all sorts of bad acts that should be punished and deterred.

The McConnell amendment, for all practical purposes, eliminates punitive damages, which in turn, completely undermines the civil justice system. There is no effective punishment, and consequently no real deterrent, for misconduct. Right now, the threat of punitive damages makes would-be wrongdoers think twice.

Without the threat of punitive damages, callous corporations can decide it is more cost-effective to continue cutting corners despite the risk to American lives. This would let private parties avoid accountability in cases of wanton, willful, reckless or malicious conduct. That is outrageous and irresponsible.

Punitive damages are monetary damages awarded to plaintiffs in civil actions when a defendant's conduct has been found to flagrantly violate a plaintiff's rights. Under this amendment, those plaintiffs will be victims of terrorism and their families.

The standard for awarding punitive damages is set at the State level, but is generally allowed only in cases of wanton, willful, reckless or malicious conduct. These damages are used to deter and punish particularly egregious conduct. Eliminating punitive damages totally undermines the deterrent and punishment function of the tort law.

The threat of punitive damages is a major deterrent to wrongdoing. Eliminating punitive damages would severely undercut this deterrent and permit reckless or malicious defendants to find it more cost effective to continue their callous behavior without the risk of paying punitive damage awards.

For example, this amendment would permit a security firm to be protected from punitive damages if the private firm hired incompetent employees or deliberately failed to check for weapons and a terrorist act resulted. This amendment fails to protect the interests of victims of terrorism and their families.

I helped author the September 11th Victims Compensation Fund to take care of any terrorism victim suffering physical injury or death. As a result, I was open to public interest retroactive liability limits up to insurance coverage for the September 11th attacks, such as limits for the airlines industry to keep them out of bankruptcy and limits for the owners of the World Trade Center to rebuild.

But liability limits for future terrorist attacks are irresponsible because they may restrict the legal rights of victims and their families and discourage private industry from taking appropriate precautions.

Restricting damages against the wrongdoer in civil actions involving personal injury or death, for example, could discourage corporations from taking the necessary precautions to prevent loss of life or limb in a future terrorist attack.

There is no need to enact these special legal protections and take away the rights of victims of terrorism and their families.

At a time when the American people are looking for Congress to take measured actions to protect them from acts of terror, these "tort reform" proposals are unprecedented, inappropriate and irresponsible. At the very moment that the President is calling on all Americans to be especially vigilant, this amendment is calling on all American businesses to avoid their responsibility for vigilance under existing law.

I am disappointed that some may be taking advantage of the situation to push "tort reform" proposals that have been rejected by Congress for years. This smacks of political opportunism.

I cannot support rewriting the tort law of each of the 50 states for the benefit of private industry and at the expense of future terrorist victims and their families. I urge my colleagues to defeat this amendment.

Madam President, the distinguished Presiding Officer has been as involved in getting compensation to victims of terrorism as anybody here.

I raise these points on the floor that we all want to help victims of terror, and we will, but we don't want to give a wish list to anyone.

Medical laboratories specializing in nuclear medicine might know that their security system is broken. They say: Well, you know, it will take a few hundred dollars to fix it, and we are not going to bother. So it stays broken for months. At the same time, even though they might put high-security locks on the room that houses its vault, they don't put security locks on the storage room that houses nuclear materials.

Say during this period when it is operated without a functioning security system a lab discovers various containers of nuclear matter, including dozens of vials containing radioactive iodine, are missing, and it fails to report that fact to local, State, or Federal authorities and doesn't take any action to repair its security system. This is not a far-fetched example.

Let us say that nuclear material is traced back to the laboratory and it is later used to fuel a "dirty" bomb that exposes American cities. Under this amendment, you can't go back and prosecute that corporation. They have no criminal prosecution. You can't go back. Come on. What is going to be the incentive for that corporation that failed to fix their security system and to fix the locks on their doors? It is just another example.

I see the distinguished acting majority leader.

I yield the floor.

Mr. REID. Madam President, I have spoken to my friend, the distinguished senior Senator from Kentucky, Mr. MCCONNELL, indicating we will move to table. I have been told that the Republican leader may speak before we do that. That being the case, I certainly don't want to move to table if the Republican leader wishes to speak.

I ask unanimous consent that when the quorum call is called off, I be recognized. I alert everyone that I will move to table. As everyone knows, the Republicans have their policy luncheons on Wednesdays, and we have ours on Thursdays. I would really like to get the vote out of the way before that time, if we could. We are going to go into a quorum call awaiting the Republican leader.

I ask unanimous consent that I be recognized following the calling off of the quorum.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Madam President, I thank Senator REID for making sure I have this opportunity to express myself before we go to a vote on this important issue.

I do think we need to move this legislation forward. I have met with individuals, insurance companies, the construction industry, hotels, and others. As Senator REID has pointed out, they are concerned about the growing problem in this area in terms of coverage. I wish we could have moved it earlier. There have been a lot of efforts on both sides to make it happen. We were not successful.

Now we do have it on the floor. Obviously, there are going to be some important amendments that will be offered to change some of the provisions in the legislation. But I think this is one of the most important ones. The liability provisions in this legislation, or lack thereof, is a critical point. I am very much concerned about jurisdiction and venue, where these actions might occur arising out of terrorism. I would be very concerned about the preemption of State causes of action provisions that would be included.

But the most important point is, how would you deal with the punitive damages issue? I have real concerns and problems with punitive damages coming out of the U.S. Treasury as a result of an action involving a terrorist attack. So I hope we can find a way to resolve the problem.

Senator MCCONNELL has been very diligent in staying behind this and working to find an appropriate solution. I think he has come up with one, and this is the key part of it. It says that to the extent punitive damages are permitted by applicable State law, punitive damages may be recovered against a defendant in a civil action involving an act of terrorism only if "the harm to the plaintiff was caused by a criminal act or course of conduct for which the defendant was convicted under Federal or State criminal law, including a conviction based on a guilty plea or plea of nolo contendere."

This is the right solution. This is a fair solution. It does not set a precedent saying that there can be no punitive damages; it just says it can only occur under these conditions that were outlined where there was a criminal act or course of conduct that led to the situation where a terrorist could make this kind of attack or hit.

The President has made it clear that if we do not deal with this appropriately, he will not sign this legislation. So rather than trying to find a time to deal with it later, or to deal with it in conference, or, in effect, try to call either side's bluff, this is the right solution. It does not set the precedent; it does provide for damages under these certain circumstances where there has been neglect or egregious action that led to the terrorist attack.

So I urge my colleagues to support the McConnell proposal that I have cosponsored, and oppose the motion to table this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. CRAPO), and the Senator from Rhode Island (Mr. CHAFEE) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER (Mr. EDWARDS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—46

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Craig
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—4

Chafee
Crapo
Helms
Jeffords

The motion was agreed to.

AMENDMENT NO. 3834

Mr. NELSON of Florida. Mr. President, I send to the desk an amendment. It is my understanding the amendment number is 3834.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3834.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restrict insurance rate increases for terrorism risks)

At the appropriate place, insert the following:

SEC. . INSURANCE RATE INCREASES FOR TERRORISM RISKS.

(a) CALCULATIONS OF TERRORISM INSURANCE PREMIUMS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the

Secretary shall promulgate regulations establishing parameters for insurance rate increases for terrorism risk.

(2) CONSULTATION.—In developing the regulations under paragraph (1), the Secretary shall consult with the NAIC and appropriate Federal agencies.

(3) MODIFICATIONS.—The Secretary may periodically modify the regulations promulgated under paragraph (1), as necessary to account for changes in the marketplace.

(4) EXCLUSIONS.—Under exceptional circumstances, the Secretary may exclude a participating insurance company from coverage under any of the regulations promulgated under paragraph (1).

(b) SEPARATE ACCOUNT REQUIRED.—If a participating insurance company increases annual premium rates on covered risks under subsection (a), the company—

(1) shall deposit the amount of the increase in premium in a separate, segregated account;

(2) shall identify the portion of the premium insuring against terrorism risk on a separate line item on the policy; and

(3) may not disburse any funds from amounts in that separate, segregated account for any purpose other than the payment of losses from acts of terrorism.

(c) LIMITATION ON RATE INCREASES FOR COVERED RISKS.—

(1) EXISTING POLICIES.—Any rate increase by a participating insurance company on covered risks during any period within the Program may not exceed the amount established by the Secretary under subsection (a).

(2) NEW POLICIES.—Property and casualty insurance policies issued after the date of enactment of this Act shall conform with the regulations issued by the Secretary under subsection (a).

(d) REFUNDS ON EXISTING POLICIES.—Not later than 90 days after the date of enactment of this Act, a participating insurance company shall—

(1) review the premiums charged under property and casualty insurance policies of the company that are in force on the date of enactment of this Act;

(2) calculate the portion of the premium paid by the policy holder that is attributable to terrorism risk during the period in which the company is participating in the Program; and

(3) refund the amount calculated under paragraph (2) to the policy holder, with an explanation of how the refund was calculated.

Mr. DODD. Mr. President, will my colleague yield? I inquire, it is a quarter after 1, so we can give our colleagues an indication of time, how much time would my colleague like?

Mr. NELSON of Florida. About 3 hours.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, while some Members are still in the Chamber, I want them to understand an essential truth that a public which is averse to raising taxes is all the more averse to hiking insurance premiums. Let me repeat that.

We all know that the consuming public is averse to raising taxes, and we are sensitive to that fact, but equally or more sensitive is the issue of passing legislation that hikes insurance premiums, and that is what we are facing.

We have an underlying bill that is trying to solve a problem. The problem is that terrorism has now become an insurance risk. In large part, this bill takes that risk off individual insurance companies and has the Federal Government assume a large part of that risk, so much so in one computation, it is 80 percent of the risk; in another computation it is 90 percent of the risk.

In the very complicated formula of the bill, it has the responsibility of each insurance company with a de minimis amount that it would pay out in the case of a terrorism incident and, mind you, this is only a terrorism incident which is using conventional explosives. It does not include—because they are exempt from almost all insurance policies—the terrorism risk when the terrorist uses chemical, biological, or nuclear weapons.

As a result, we are talking about a risk, as we learned on September 11, in the totality of the picture of the risk, to the whole country and risk to individuals, businesses, owners of high-rises and large businesses, medium-size businesses and small businesses. We are talking about a risk that, albeit still a substantial risk, it is a risk that in large part is being picked up by the Federal Government.

I do not object to that, and I will restate what I said this morning to my good friend and colleague and the sponsor of this legislation, Senator DODD. If I had objected to that, we would not be on this legislation because I was in the Chamber when the unanimous consent request was propounded last night, and I could have easily entered an objection. I did not, and that is why we are on the bill.

I do not object to the Federal Government picking up a major part of the terrorism risk, albeit only the conventional risk; it is not chemical, nuclear, or biological. What I do vigorously object to is that in the underlying bill of the Senator from Connecticut, there is no process in place that can limit the rate hikes of the insurance companies with regard to the terrorism risk.

Mr. DODD. Will my colleague yield on that point?

Mr. NELSON of Florida. Certainly.

Mr. DODD. I say to my colleague, what we do is leave all the State insurance commissioners—and under the present scheme, and my colleague is a former commissioner and knows this better than I do, there are 40 States that allow for rate increases to go into effect, and then the commissioners can overturn those rate increases. In 10 States, the rates have to be approved before they go into effect.

In this bill we apply the standard used in the 40 States, but the State insurance commissioners do not lose their power to turn down that rate increase. We do not have anyone in the Federal Government doing that, but we leave it at the State level for those rate determinations to be made at the local level. That is what the bill requires.

Mr. NELSON of Florida. I was glad to yield to my colleague, and I hope he will interject these comments so we can have an honest and fair debate about this issue because the very point that the Senator from Connecticut has made is the flaw of this bill. The 50 insurance commissioners of this country usually do not set the rates on commercial policies, and the ones who do, such as the State of Florida, set a range for rates, but that is with regard to all the conventional types of risk—theft, dog bite, slip and fall, and so forth.

The fact is that the 50 insurance commissioners, if they were to do what the Senator from Connecticut says, do not have any actuarial data on which to make a judgment about whether or not a rate hike is actuarially sound for the de minimis terrorism risk that the insurance company is now assuming.

Wait, wait. Let me finish.

Mr. DODD. Will the Senator yield so I may comment further?

Mr. NELSON of Florida. I will not yield. I will finish the answer and then I will yield to the Senator.

My amendment sets a process in place. We have the Secretary of the Treasury. Now why would we go to the Secretary of the Treasury? Because the insurance commissioners of the 50 States determine if rates are actuarially sound on the basis of an experience or on the basis of data coming from an experience, and the fact is that the insurance commissioners of the 50 States do not have that data and experience.

So in the Nelson amendment what we do is put into place a process by which actuarially sound judgments can be made on whether or not the rate hike is just right or whether the rate hike is too high or whether the rate hike is not high enough. You mean it could not be high enough? In fact, that is something we ought to know. We ought to know what is the appropriate hike to cover the insurance risk that is being assumed by the insurance company since most of the terrorism risk is being assumed by the Federal Government.

For example, under the Nelson amendment, the Secretary of the Treasury shall promulgate regulations establishing parameters for insurance rates for terrorism risk. That says "parameters." It does not say he sets the rate. It says he sets the parameters.

Then what does it say? It says the Secretary of the Treasury is going to consult in developing the regulations of setting those parameters. The Secretary shall consult with the National Association of Insurance Commissioners and appropriate Federal agencies. Then we go on to give an escape valve, a safety valve. The Secretary may periodically modify the regulations promulgated, as necessary, to account for the changes in the marketplace.

What do we give further on a safety valve? Then we say, under exceptional circumstances the Secretary may exclude a participating insurance company from coverage under any of the regulations promulgated. So we give all kinds of leeway and exceptions, and yet we set up a process by which we can determine if rates are actuarially sound.

Now, why is this important? It happens to be important because guess who is going to pay? If there is not an actuarially sound rate, guess who is going to pay. The consuming public. You say, oh, no, this is just on tall buildings. So it is going to be the owner of a tall building, a big business. Not so. That is a cost of doing business that is passed on to the consuming public.

So whether it is a football stadium, a shopping mall, a tall building, a short building, wherever it is, a small business, a large business, that cost, that rate hike that so many in the real estate industry have decried because, in fact, they have experienced those rate hikes, as chronicled by this morning's Washington Post, in downtown DC, rate hikes of 160 percent and above since last September, where do we think that is going and who do we think is going to pay it? It is going to be the consuming public.

Because of that is why the Consumer Federation of America has endorsed this legislation. This is dated today. They say it would require the Secretary of the Treasury to set parameters for terror insurance rates. This is the Consumer Federation of America. It would require insurers to issue rebates for terror insurance premiums already, and I will explain that in a minute. It would require insurers to separately itemize terrorism rates on the insurance bill.

Let's talk about those two provisions. Why would we want to separately itemize terrorism rates on an insurance bill? So the consumer will know how much of their premium they are paying is going to pay for the terrorism risk. It is all a matter of mathematics. It is all a matter of calculations. It is all a matter of what is supposed to be a determination to know if a rate is actuarially sound. If it is, as I hope it will be under the process that we are putting in place in this amendment, then the consumer ought to know how much it is they are paying.

If one has a bank statement and they have an extra charge by the bank, certainly they want the consumer to know how much extra that bank is charging and for what. And so, too, with this. We set up a process which says they shall identify the portion of the premium insuring against the terrorism risk on a separate line item on the policy.

What we do also, as an accounting mechanism, is we cause the insurance company to deposit the amount of the terrorism rate increase in a separate, segregated account so it does not get mixed in with all the other premiums, so we can keep it highlighted, so we know what it is. Then when funds are disbursed to pay if a terrorist strikes and there is an obligation on the part of the insurance company to pay, then those funds would be distributed from that separate account. The consumer would know how much of their premium they, in fact, are paying.

The other thing the Consumer Federation of America pointed out is that this Nelson amendment would require insurers to issue rebates for terror insurance premiums already collected. What do we do there? This is a little complicated, but the essence of it is, if there is a policy in existence and we know that rates have been jacked up already, as has been indicated by this morning's Washington Post story, under the Nelson amendment, if law, the Secretary of the Treasury would say that the rate hike should not be this, which has already been imposed, but instead should be this high. What about the difference over the remaining life of that policy—it may be only a few months left because policies are issued on an annual basis, 1-year policies—that that difference is going to be rebated to the consumer. What does that mean? That means if the insurance company, as so many' have already, hiked the rates, as indicated by this morning's newspaper story, up here, but the Secretary of the Treasury comes along and says after evaluating and consulting that the rate hike ought to be here, not here, that for the remainder of the months of that policy the difference is going to have to be rebated to the consumer or to the policyholder, in this case mostly commercial policyholders.

So what we have is a commonsense amendment. It is an amendment that not only will help the big real estate properties that have been putting the pressure on the majority leader to bring this to the floor because they are feeling the heat of all these increased rates. I don't blame them. I sympathize with them.

They need to understand what we are trying to do. Instead of letting it operate in the sphere of the insurance company determining what the rate should be, the real way to regulate what those rates would be is to collect data through the Secretary of the Treasury that determines if the rate is accurate.

This affects the big properties, but it affects little properties as well. This underlying bill applies to commercial property and casualty. Many of these policies are held by small businesses whose insurance premiums have increased exorbitantly, significantly raising the cost of running their business. Commercial policyholders will ultimately pass their premium cost on to consumers in the form of higher prices for products and services. Offering rate protection will allow businesses, large and small, to obtain reasonably priced insurance, eliminating the need to pass their cost on to consumers.

Discussing the question of whether or not insurance companies have hiked rates since September 11, we saw in this morning's paper:

> Property insurance for the firm that manages the office building at 1700 Pennsylvania Avenue will cost twice as much as last year's $2 million premium.

That is the first paragraph of the story in the newspaper.

The second paragraph:

> At George Washington University, insurers have cut the school's former $1 billion property and casualty policy in half.

They cut the coverage in half, and they raised the premium at the same time 160 percent. That is the second paragraph.

The third paragraph:

> The National Geographic has been dropped by its workers' compensation provider because of the perceived threats to large concentrations of employees that are in the D.C. area.

This story, as well as many others, can give example after example of how insurance rates have been hiked, which in large part has caused a number of real estate trade associations to start sounding the alarm that the rates have gone up so much, they need some relief.

What has been said about this in the insurance industry? I am sad to say what has been said is quite revealing. At the end of November, in a statement quoting a Lloyd's of London investor newsletter quoted in the Washington Post, they said, when talking of the effects of September 11 on the insurance industry premiums:

> [There is a] historic opportunity [to make profits off of 9/11. Disaster insurance premiums have shot up to a level where very large profits are possible.]

Doesn't that make your blood boil, that there would be people in the boardrooms of insurance companies who are considering the tragedy of September 11 as an excuse to hike insurance premiums big time? Doesn't that make your blood boil?

Another quote from the CEO of Zurich Financial Services from a Reuters story at the end of November as well:

> As respects to the terrorist attack of September 11, the industry "needed it to operate efficiently. The players who are strong, in a responsible manner, and are aggressive, will be the winners of the next 15 years." In other words, the industry will profit from the price hikes they are now trying to put in place.

Does that concern Members?

I come to the floor to offer an amendment on a bill that I question the need for but I did not block because I thought it ought to be aired and discussed and voted on. I come to offer an improvement to that bill on its fatal flaw. The fatal flaw is that it does not have a provision to protect consumers from rate hikes and rate gouging.

When dealing with insurance, consumers have to have two provisos: Insurance has to be available, and it has to be affordable. Part of the reason for the bill coming to the floor is that the perception is out there, particularly among large real estate properties, that it is neither available nor affordable. What this amendment tries to do is, in making it available as the underlying bill does, in a huge Federal subsidy—in other words, the Federal Government taking over most of the insurance risk for terrorism risk—we are making it affordable by not letting the hikes go through the roof and all the way to the Moon.

Organizations such as the Consumer Federation of America, which point out they endorse this amendment to protect businesses and consumers from being gouged with unjustifiable rates, have endorsed this legislation.

The underlying legislation I did not block because I thought it ought to come here, but I question whether this is the way we ought to approach it. It is using a sledgehammer in what otherwise ought to be a much more delicate procedure to solve the problem. What is the problem? The problem is, some 8 or 9 months after September 11 certain properties are still having difficulty getting insurance. Where are those properties? They are generally in highly identifiable trophy properties such as tall buildings, such as highly visited facilities like stadiums, such as tourist attractions, such as ports that have cruise traffic. But there is a large part of America that is not like that. Most of America does not have high-rise buildings. Most of America is not highly, densely urbanized. Most of America is not the financial district of the country; namely, Manhattan in New York City. Most of America is not the seat of Government of the United States, Washington DC. Most of America has found its commercial properties to be insured. Why? Because in the last 6, 7, 8 months, the marketplace has responded.

In the last half year, money, capital, investments are flowing into the reinsurance industry. Reinsurance is insurance for insurance companies to insure against catastrophe, such as the terrorism risk.

As a result of there being more supply of this money going into the reinsurance marketplace, the price of reinsurance has started to come down. As a result of the price coming down, because there is more capital available, it has started to ease the price that is being charged to most of America.

So here we are, coming along with an underlying bill that says basically we are going to hold the insurance company on any future conventional weapons terrorism risk only a little bit responsible. Instead, we are going to shift most of that terrorism risk over to the Federal Government of the United States.

For certain properties, I agree there is a legitimate need for the Federal Government to backstop insurance companies. Those are primarily your trophy properties. But because the insurance marketplace has responded over the last half year, we do not need to respond with this kind of legislation, and we surely do not need to respond with this kind of legislation which, in fact, has no ability to limit the rate hikes that will occur.

Thus, I offer my amendment as a means of process.

Let me close by saying this: Let's get it to its bottom line. Let's get it to its political raw. I am afraid if you vote for this without the Nelson amendment, you or any Senator vote for this without the Nelson amendment, a legitimate charge can be made that the Federal Government took over the biggest portion of the insurance terrorism risk without a limitation on the insurance premium hikes.

I do not think any Senator wants to be accused of that. I say again, the American public does not like you to vote for tax increases, but let me tell you there is something they do not like even more. They do not like people to vote on jacking up their insurance rates. You can make this a much better bill by adopting the Nelson amendment, which will put in place a process whereby the Secretary of the Treasury will determine if the rate is actuarially sound or if it is not. The Secretary of Treasury could be determining maybe it is not enough. But, then again, he could be determining that maybe it is way too much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague from Florida for this amendment. Let me start out speaking for a moment about the underlying legislation. Then I want to speak about the Nelson amendment.

I am glad the Senate is finally acting on the whole question of affordable terrorism insurance. Over the past 6 to 8 months, I have heard from developers, lenders, and retailers in my State who are saying this is getting very expensive. Basically a lot of construction projects have been stalled or have fallen through the cracks. Some of the major landmarks in Minnesota, such as The Mall of America, have had trouble with their lenders. So I want to be honest with my colleagues, to me this is really about jobs. If the insurance is not there or it is too expensive, then the projects do not get built and planned development may not happen; jobs are lost. Therefore, I think the underlying bill is important.

That is why I support the Nelson amendment. What the Nelson amendment says is if the Federal Government is basically going to assume the financial risk of a terrorist act, then we should ensure that the insurance industry is passing on this reduced risk in the form of lower insurance premiums to businesses.

The background of my colleague from Florida is in this very area, and he can speak about this with more expertise, but he is saying we do not want to end up giving private insurance companies a blank check to gouge businesses. That is the real danger.

In other words, if the problem the Senate is trying to address is the skyrocketing costs of terrorism insurance, and we address it by reducing the liability of the insurance industry to acts of terrorism, then we should make sure the loop is closed and businesses are not charged exorbitant rates for insurance the United States taxpayers are actually providing. I believe that is what the Nelson amendment says. Therefore, I think it is common sense. I think it will make terrorism insurance more available. I think it will prevent the gouging of businesses. I think it will prevent us from giving just a blank check to this insurance industry. That is why I support the amendment.

I think this amendment is good for our businesses. I also think this amendment is in the spirit of the underlying bill. I think it does not in any way, shape, or form—I say to my colleague from Florida—negate or undercut this legislation. I just think it strengthens it. I think it closes a loophole and provides the additional protection we need to have, to make sure that we, the taxpayers, are not underwriting the insurance business which then gouges business. I believe that is what this is about—strong probusiness and strong proconsumer.

If I could just take another minute or two, I ask unanimous consent that I may take 5 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 2617 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me first say that I believe the Senator from Florida is to some degree correct about his concern. I think his remedy is wrong, and I am not going to support it. But I believe there is a problem. I wish to try to set out what I think the problem is and why I don't think this is the remedy.

The problem is that, beginning in January of this year, huge numbers of insurance policies expired. We tried last year without success to pass a bill. That effort went into mid-December. I am familiar with it because I was involved in it. Insurance companies sold policies beginning in January, and we are in June. Policies have been sold. Rates have gone up, as they had to go up because risks have gone up.

But if we come in now with a bill that has a very low retention, where the taxpayer is going to become the net payer before there is a substantial or mega loss—I remind my colleagues that when we first started debating this no one proposed that we go into business with the insurance companies. No one has proposed—I don't think anybody proposed. Maybe I had better be careful because for every bad idea there is a constituency. But I don't think anybody has proposed that we set up a Government insurance program.

The proposal has been that, once there is a cataclysmic loss, the Federal Government be the backup for insurance companies. The word that has been used throughout the debate is the Federal Government would be the "backup." In October, when we were putting together a bill that had a retention rate of $10 billion, which meant that private insurers had to lose $10 billion before we stepped in and started to pay 90 percent of the costs, $10 billion is a cataclysmic loss.

What happened as the bill evolved in December, and when we were only weeks away from the bill going into effect, that $10 billion retention got changed to individual company retentions. So the level at which the taxpayer starts paying has gone down and down. Now we find ourselves in a position where various interests that would have been delighted in October to have gotten the $10 billion retention now oppose it, wanting individual company retentions.

The Senator from Florida is simply pointing out that to come in now where the Federal Government is going to pay out money before there is a mega loss is going to create a situation where people have charged premiums and sold policies based on one set of circumstances.

We are about to change those circumstances. In doing so, you are going to have a net wealth effect. There is no question about it.

I think the solution is to change the bill before us and require a higher level of loss—a higher level of "retention," as it is called in the industry—so we simply move back to insure the kind of loss that no one was able to insure against in any case.

But I wanted to make it clear that there is some validity to the Senator's argument and concern about equity.

Having said that, I am very loathe to getting the Federal Government in the business of setting insurance rates. We have never done it before. It is something that has been done by the States. Those State regulations are still in place.

I know our distinguished colleague from Florida has been a State insurance commissioner, and he understands how difficult it is to set these rates. As difficult as it is for Florida and Texas, it would be more difficult for the Federal Government because we have never done it.

I simply, again, make the point that I made earlier; that is, I think there are two problems with this bill as it exists now. One is we are leaving victims of terrorism unprotected against predatory lawsuits. On a straight party-line vote a minute ago, we decided to do that.

The second problem is that we have a retention level in this bill now that is so low that it doesn't take into account the fact we have had 7 months where insurance has been sold with no Federal backup. Also, the most critical point is that, if we want a reinsurance market to emerge, if we want to encourage syndication, you don't do that with individual company retention. I am afraid we are creating a hothouse plant here which will never get out of subsidization. We will never get out of this business if we leave the bill the way it is now.

I am not saying that the $10 billion retention solves every problem in the bill. It doesn't. But at least it forces companies to syndicate, and it forces companies to be willing to purchase reinsurance. That creates the profits to bring it into existence.

I intend to vote against the amendment of the Senator from Florida, but I wanted to make it clear that he has raised an issue that the current bill does not deal with. If this amendment is not successful, I hope we will find a way for dealing with it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the Senator from Florida, the sponsor of this legislation. At approximately 3:15—he thinks that would give everyone enough time to say what they have to say, and we have a presentation to be made by Governor Ridge at 2:15—I alert everyone that we probably will have a vote at about 3:15 this afternoon on this matter.

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. REID. Yes.

Mr. NELSON of Florida. Does that mean we will continue in session even while Governor Ridge is speaking?

Mr. REID. That is right.

Mr. NELSON of Florida. I ask unanimous consent that Senator CLINTON be a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

AMENDMENT NO. 3839

Mr. HATCH. Mr. President, on December 5, 2001, the Senate ratified two extremely important international treaties, the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism, both of which further our efforts in the worldwide war on terrorism.

Under the terms of these treaties, which were negotiated under the auspices of the United Nations, the United States and the other countries who are signatories to the treaties, have obligated themselves to prohibit acts of terrorism, or in support of terrorism, within their national borders. The signatories to these treaties are committed to fighting the global war against terrorism.

I rise today to offer an amendment that would implement the terms of these treaties by creating new criminal offenses for terrorists who detonate bombs in public places, and for those individuals who aid terrorists by providing or collecting funds for use in terrorist activities. I had hoped that there would be no need for such an amendment today. There is bipartisan support for passing implementing legislation.

I commend Senator LEAHY for supporting almost identical legislation that I am presenting and attempting to pass such legislation just last night. The bill was cleared on the Republican side. However, I understand that the Democrats refused to pass it. That is most unfortunate, and I am disappointed in the Senate's failure to act.

This is critical legislation that we must enact promptly. As I have already stated, the Senate already ratified these treaties on December 5, 2001. the House of Representatives acted soon thereafter, on December 19, 2001, to pass a bill, H.R. 3275, which is identical to the amendment I am offering today. There has been overwhelming, bipartisan support for this legislation. H.R. 3275 was passed by a vote of 381–36. For one reason or another, however, the bill has been stalled in the Senate.

I urge my colleagues to give their unanimous support to this amendment. The President of the United States, as well as Treasury Secretary Paul O'Neill, Secretary of State Colin Powell, and Attorney General John Ashcroft, have all voiced support for this implementing legislation. Indeed, we have an obligation under the treaties we ratified to enact this legislation.

Here is what my amendment would do. It would meet our obligations under the two treaties by prohibiting certain acts within our borders. With respect to the Terrorist Bombings Convention, the legislation would prohibit delivering or detonating an explosive or other lethal device in a public place, a transportation system, or a State or government facility. With respect to the Terrorist Financing Convention, the legislation would prohibit providing or collecting funds with the knowledge or intent that such funds be used, in full or in part, to finance an act of terrorism.

Mr. President, it is essential—now more than ever—that the United Sates maintain its position at the forefront of nations in opposition to terrorism. This legislation fulfills our obligations under the treaties we already have ratified. Identical legislation has already passed the House of Representatives. So I sincerely hope that we will adopt this amendment here today, and on its own, so that we can deliver it to the President to sign and thereby continue to lead the world in the fight against terrorism.

Now, could I ask the Parliamentarian, is it possible for me to offer this amendment as a second-degree amendment to the Nelson amendment?

The PRESIDING OFFICER (Mr. CARPER). The Nelson amendment is subject to a second degree.

Mr. HATCH. Then I will call up the amendment and offer it as a second-degree amendment.

Mr. GRAMM. Why don't you just ask it be set aside and offer yours as a first degree?

Mr. HATCH. Mr. President, instead of doing that, I ask unanimous consent that we set aside the pending amendment, and I will offer this as a first degree.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object and suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah retains the floor during the unanimous consent request.

The Senator from Utah.

Mr. HATCH. Mr. President, I renew my request to set aside the Nelson amendment, and send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

Mr. REID. Will the Senator from Utah yield for a unanimous consent request?

Mr. HATCH. Excuse me?

Mr. REID. Will the Senator from Utah yield for a unanimous consent request?

Mr. HATCH. I am happy to yield for such purpose.

Mr. REID. Mr. President, it is my understanding the Senator from Utah has asked—and everyone has agreed—that the Nelson amendment be set aside, and his amendment would stand separate from that.

Therefore, I ask unanimous consent that at 3:15 today Senator DODD or his designee be recognized to offer a motion regarding the Nelson amendment.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I would ask that you amend that unanimous consent request so that I have 5 minutes to close before the vote on my amendment.

Mr. REID. That would be fine that you would have 5 minutes and also that the minority would have 5 minutes. So we would begin that at 5 after 3 p.m.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 3839.

Mr. HATCH. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak on S. 2600, the Terrorism Risk Insurance Act of 2002. Naturally, I supported the amendment of the distinguished Senator from Kentucky, Mr. MCCONNELL. I am very disappointed I was unable to speak on the McConnell amendment before the premature motion to table. I think most of us agree that something needs to be done in this area. What we need to agree on is how to resolve the issue in a prudent and responsible manner that provides the appropriate stability to our economy without exposing our taxpayers to an unreasonable financial burden. Let me begin by stressing the importance of this issue. Insurance plays a vital role in this country, not just in helping in the recovery after a tragedy, but in the day to day operation of our national economy. We all know the devastating impact the events of September 11th had on our Nation—the human cost alone. What some do not realize is the economic impact that has resulted and which will continue to have a negative effect on business, the normal flow of commerce, and especially the jobs of everyday Americans if we do not act and if we do not act responsibly. Insurance is necessary to the operation and financing of property and the construction of new property. Without insurance, our economic growth is in jeopardy, businesses will fail, and jobs will be lost. My constituents have come to me on multiple occasions, imploring that the Senate act on this issue. They are genuinely concerned about the negative impact lack of coverage will have on their businesses and on their employees.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated June 10, 2000, from the Treasury Department and signed by not only the Secretary of the Treasury but the Director of the Office of Management and Budget, the Director of the National Economic Council and the Director of Economic Advisors—all urging that the Congress act to address this issue, but, most importantly, all noting that it must be addressed in a reasonable and responsible manner.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, June 10, 2002.

Hon. TRENT LOTT,
Senate Republican Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: The War on Terrorism must be fought on many fronts. From an economic perspective, we must minimize the risks and consequences associated with potential acts of terror. No measure is more important to mitigating the economic effects of terrorist events than the passage of terrorism insurance legislation.

Last November 1, the Administration publicly agreed to bipartisan legislation negotiated with Chairman Sarbanes, Chairman Dodd, Senator Gramm and Senator Enzi. While the House of Representatives quickly responded to this urgent need by passing appropriate legislation, the Senate did not act and has not passed any form of terrorism legislation in the intervening seven months.

The absence of federal legislation is having a palpable and severe effect on our economy and is costing America's workers their jobs. In the first quarter of this year, commercial real estate construction was down 20 percent. The disruption of terrorism coverage makes it more difficult to operate, acquire, or refinance property, leading to diminished bank lending for new construction projects and lower asset values for existing properties. The Bond Market Association has said that more than $7 billion worth of commercial real estate activity has been suspended or cancelled due to the lack of such insurance. Last week, Moody's Investors Service announced that 14 commercial mortgage-backed transactions could be downgraded due to a lack of such insurance.

Without such insurance, the economic impact of another terrorist attack would be much larger, including major bankruptcies, layoffs and loan defaults. While we are doing everything we can to stop another attack, we should minimize the widespread economic damage to our economy should such an event occur.

One important issue for the availability of terrorism insurance is the risk of unfair or excessive litigation against American companies following an attack. Many for-profit and charitable entities have been unable to obtain affordable and adequate insurance, in part because of the risk that they will be unfairly sued for the acts of international terrorists.

To address this risk at least two important provisions are essential. First, provisions for an exclusive federal cause of action and consolidation of all cases arising out of terrorist attack like those included in the Air Transportation Safety and System Stabilization

> Act, are necessary to provide for reasonable and expeditious litigation.
>
> Second, the victims of terrorism should not have to pay punitive damages. Punitive damages are designed to punish criminal or near-criminal wrongdoing. Of course such sanctions are appropriate for terrorists. But American companies that are attacked by terrorists should not be subject to predatory lawsuits. The availability of punitive damages in terrorism cases would result in inequitable relief for injured parties, threaten bankruptcies for American companies and a loss of jobs for American workers.
>
> It is also clear that the potential for massive damages imposed on companies that suffer from acts of terror would endanger our economic recovery from a terrorist attack. Indeed, the added risks and legal uncertainty hanging over the economy as a result of last September 11th are major factors inhibiting a business willingness to invest and to create jobs. It makes little economic sense to pass a terrorism insurance bill that leaves our economy exposed to such inappropriate and needless legal uncertainty.
>
> The bipartisan public agreement reached between the Administration and Chairman Sarbanes, Chairman Dodd, Senator Gramm and Senator Enzi last fall provided these minimum safeguards. We would recommend that the President not sign any legislation that leaves the American economy and victims of terrorist acts subject to predatory lawsuits and punitive damages.
>
> The American people and our economy have waited seven months since our public agreement on legislation. The process must move forward. Prompt action by the Senate on this vitally important legislation is needed now.
>
> Sincerely,
>
> PAUL H. O'NEILL,
> *Secretary of the Treasury.*
> MITCHELL E. DANIELS,
> *Director, Office of Management and Budget.*
> LAWRENCE LINDSEY,
> *Director, National Economic Council.*
> R. GLENN HUBBARD,
> *Director, Council of Economic Advisors.*

Mr. HATCH. My colleagues from Kentucky and Connecticut have already referred to this letter, but I would like to highlight a few of the specific points conveyed in that letter.

Quoting the letter:

> In the first quarter of this year, commercial real estate construction was down 20 percent. The disruption of terrorism coverage makes it more difficult to operate, acquire, or refinance property, leading to diminished bank lending for new construction projects and lower asset values for existing properties. The Bond Market Association has said that more than $7 billion worth of commercial real estate activity has been suspended or cancelled due to the lack of such insurance.
>
> Without such insurance, the economic impact of another terrorist attack would be much larger, including major bankruptcies, layoffs and loan defaults.

This letter really underscores the serious ramifications to our economy that have resulted from a lack of coverage for terrorist acts and supports congressional action in this area. However, it seems to me we ought to do it in a responsible manner. The letter goes on to state:

> One important issue for the availability of terrorism insurance is the risk of unfair or excessive litigation against American companies following an attack. Many for-profit and charitable companies have been unable to obtain affordable and adequate insurance, in part because of the risk that they will be unfairly sued for the acts of international terrorists . . . It makes little economic sense to pass a terrorism insurance bill that leaves our economy exposed to such inappropriate and needless legal uncertainty.

In the event of a terrorist attack it is contrary to commonsense to place unlimited exposure on companies—who are themselves victims of that attack—for the criminal acts of third parties, the terrorists. I do not suggest that we should limit the recovery of economic damages of an injured victim if there is culpability on the part of a business. However, we must provide some stability in the litigation process by streamlining a Federal cause of action and not allowing punitive damages unless criminal conduct is proven, as the distinguished Senator so aptly argued in the prior amendment. Punitive damages are designed to punish the defendant, not compensate the victim. I ask my colleagues, is it fair to punish a defendant business for the criminal acts of a third party?

The President may well veto any measure that unreasonably exposes taxpayers and fails to provide stability to our economy. We need to act in this area, but if we fail to do so in a responsible manner, legislation may never be enacted and we will have failed in our responsibility.

My colleague from Kentucky, Senator MCCONNELL, has offered an amendment that I think is both reasonable and necessary to ensure that we address this issue in the proper and most effective manner. His amendment provides for a Federal cause of action and consolidation of multiple actions relating to the same event by the panel on multidistrict litigation. When we are dealing with a catastrophic event, it makes sense to have a process in place that avoids inconsistent judgments in multiple courts which could result in disparate treatment of victims.

This amendment of the distinguished Senator from Kentucky does not ban punitive damages. Let me restate, it does not ban punitive damages. It ensures that punitive damages are not counted as an insured loss covered by the Government backstop, as does S. 2600. Senator MCCONNELL's amendment goes on to provide that punitive damages will be available to a claimant, if State law so provides, but only if criminal conduct by the defendant is proven. This is reasonable and just. Without this limitation, then we are in effect punishing victims of terrorism and lining the pockets of the trial lawyers, not the victims. My colleagues on the other side of the aisle seem to think that if they merely provide that the Government will not cover punitive damages that is all that is necessary. I submit that the provision regarding punitive damages in S. 2600 actually compounds the problem. Insurance companies do not generally cover punitive damages, so those that are really at risk of bearing the brunt of the terrorist attacks are the insured businesses, businesses that provide jobs. Do we really want to undercut the real purpose of enacting Federal terrorism insurance legislation?

Senator MCCONNELL's amendment has another important aspect—settlement approval by the Secretary of the Treasury. If the Government is going to act as a backstop for insurance, then we must ensure that the Government's generosity is not abused. An approval mechanism such as that proposed by Senator MCCONNELL will work to ensure that any settlement of a claim is justified and supportable by the underlying facts and not a rush to the courthouse so that the trial lawyers can cash in and the defendants can reach their, what is in essence a deductible limit, resulting in the Government responsibility kicking in prematurely.

We are seeking to provide stability to our economy, but S. 2600, as currently written, will actually hurt those we are trying to help. If given the opportunity I would have urged my colleagues to support this amendment so that we can provide the necessary stability to our economy in an appropriate manner.

I hope before this debate is over we can return to this issue and resolve it. It is hard for me to support a bill such as this if we don't resolve this type of problem, because we are creating problems, not resolving them. Frankly, it is about time that we do what is right around here rather than what is politically important to one side or the other.

This is a very important bill. I want to vote for it. I want to support it. I want to see that our businesses are protected. I want the Federal Government to step to the plate. But I want them to do it under the right circumstances with well-written laws that will make a difference in the fight against terrorism but will not destroy companies or businesses or jobs, which is what I think this current bill will do.

I appreciate the leadership of those who are trying to resolve this problem and who have brought this bill to the floor. I want to support them, but we have to start worrying about what works economically, what works legally, what is fair legally, what really should be done. We have to punish the perpetrators and not punish those who are the victims.

In many cases, the bill as written does not solve those problems. I think we should spend a little more time in trying to find some common ground to help resolve these problems.

Good trial lawyers don't need punitive damages. If they are really good, they can still get tremendous judgments and awards against those who are negligent, those who haven't done what is right. But when you allow punitive damages, that can lead to runaway juries and other problems. As an example, States such as Nevada have had so many medical liability cases brought now that they are losing their obstetrician-gynecologists, neurosurgeons, and other surgeons. Physicians are going to other States or they are just getting out of the business. That is starting to happen all over America because we are not approaching these problems in ways that really make sense. On this bill, we ought to approach it in a way that makes sense.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I believe Senator LEAHY from Vermont will talk with the Senator from Utah about his amendment which, except for the word "terrorism," is unrelated to the substance of the underlying bill. I think the effort was to make that a freestanding proposal to deal with implementation of a convention dealing with terrorism. My hope is that the members of the Judiciary Committee will work on this to see if they can't resolve that matter to have it be dealt with as a freestanding proposal rather than as an amendment.

The reason I say that to my friend and colleague from Utah is that if we begin to open up this bill to matters unrelated to the subject matter, we will delay enactment of this bill. It may die here on the floor. If Members are interested in seeing us get something done on terrorism insurance, we need to stick with amendments related to the subject matter.

My friend from Florida has offered an amendment related to the subject matter. I may disagree with him on the amendment, but I appreciate the fact that we are offering language that relates directly to what is before us.

I know Senator LEAHY, the chairman of the Judiciary Committee, is working his way over here to talk with the Senator from Utah. Maybe they can resolve this matter and there can be a way to deal with this rather than having us necessarily get caught up in extensive debate on the implementation of a convention in the midst of the terrorism insurance bill, which is of concern to me, that we would end up off on a tangent and not get the matter before us considered properly.

I see my colleague standing.

Mr. HATCH. Mr. President, I will be happy to work with the distinguished Senator and listen to any suggestions that are made.

I think it is very pertinent to this bill. I would like to work with him. I am open and will be happy to get our two staffs together.

Mr. DODD. I appreciate the comments of the Senator from Utah. I hope my other colleagues on the Judiciary Committee have heard his statement. That seems to leave the door open for some possible resolution of the matter.

Let me address the Nelson amendment. My colleague from Florida has offered an amendment that comes in several parts. I will emphasize to him that the first parts of it deal with basically having the Secretary of the Treasury, as I read it, becoming an insurance regulator, a Federal insurance regulator.

I will hold some hearings, as the chairman of the Securities Subcommittee, with the permission and approval of the chairman of the committee, Senator SARBANES. But we want to hold hearings at some point on the whole issue of a Federal regulator of insurance. That is a very important debate and discussion.

I know the Senator from New York, Mr. SCHUMER, has a significant interest in that subject, as does my colleague from New Jersey. It is a very divided constituency within the insurance constituency as to whether there ought to be a Federal regulator or not. That is going to require a number of hearings as to whether or not we want to make that step and move forward.

I do not have an opinion on that issue one way or the other.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. NELSON of Florida. Mr. President, the Senator raised a very legitimate question. I think that ought to be hashed out. However, the Senator's bill does self-destruct at the end of year 2002, unless it is extended by the Secretary for 1 more year.

Mr. DODD. That would be 1 year. The bill before us is only a 2-year bill. So it is 1 year and a second year if the Secretary of the Treasury agrees to it.

Mr. NELSON of Florida. That is correct. Therefore, we are not talking about this Senator's amendment having any kind of permanent regulation of rates at the Federal level. Rather, we are looking at a process to affect this specific bill having to do with terrorism rates of which the Federal Government is picking up 80 or 90 percent.

Mr. DODD. Mr. President, I will concede that point because this is a 2-year bill that sunsets. Obviously, we are talking about if all of a sudden the Department of the Treasury—is going to set rates and engage in all of the activities that a normal insurance commissioner would, on a Federal level it is going to require a rather significant step forward.

Let me address this. The one point the Senator from Florida has raised with which I agree—the language is different, but I think the point is the same. In the underlying bill, on page 12, lines 7 through 12, paragraph 2, under conditions for Federal payments:

> No payment may be made by the Secretary under subsection (e) unless . . . (2) the participating insurance company provides clear and conspicuous disclosure to the policyholder of the premium charged for insured losses covered by the Program and the Federal share of compensation for insured losses under the program.

In effect, it is separate accounting so that we have a very clear accounting procedure which allows that whatever premiums are collected for terrorism insurance would be accounted for separately from other premiums collected. The language the Senator from Florida has is even more explicit. It requires segregation of the funds and the like. I don't disagree with him on that part of his amendment, that we ought to have separate accounting.

Secondly, in response to some comments made by my colleague from Florida, there are significant reporting requirements. Let me remind my colleagues again, what we have done with the underlying bill is maintain the important role of State insurance commissioners. Rates will be set by insurance commissioners at the State level. Now they are done differently.

I will repeat the point. Under existing law in the 50 States, 40 States presently allow rates on property and casualty in the commercial field to go forward, and then the commissioner can rule that the rate is too high. In 10 States, the State law prohibits any rate increase prior to approval by the State commissioner's office.

Under this bill, we do a number of things. One of the things we do here is follow what 40 States do. In other words, under this, we will allow for rate increases to occur, but we in no way undercut the historic role of State commissioners then to oppose a rate increase. So we maintain a very strong role for the insurance commissioners.

Why? Because, obviously, the expertise is there. They have the shops and the personnel to do it. To all of a sudden allow one Federal regulator, the Department of the Treasury, to do that would be asking too much, and it would be very difficult for the apparatus to be set up.

Mr. NELSON of Florida. Will the Senator yield for a series of questions?

Mr. DODD. At some point I will, but let me get through my statement. Let me tell you some of the reporting requirements we have here and why this would be.

The Senator's amendment does set up the Secretary of the Treasury to be the regulator. There may be Members who believe that is a progressive step. I think it is dangerous.

Secondly, it would have the effect of a price control, trapping capital for many issues that do not experience a loss attributable to acts of terrorism. I don't think we want to do that. We are not trying to facilitate a clogging up of the commercial process that is ongoing.

Thirdly, with regard to the reports, the Secretary must report to Congress 9 months after date of enactment on the availability and affordability of the insurance for terrorism and a reflection on the impact on the U.S. economy.

The Secretary must report to Congress 9 months after the date of enactment on the availability of life insurance and other lines of insurance coverage. We only deal with property and casualty. There is a legitimate issue being raised about other forms of insurance that we do not cover in this bill.

Also, participating insurance companies must report their terrorism premium rates to the National Association of Insurance Commissioners every 6 months. These reports will be forwarded from the NAIC to the Treasury Department, the Commerce Department, the Federal Trade Commission, and the General Accounting Office. These agencies would submit a joint report to Congress summarizing and evaluating the data they receive from the NAIC. The GAO will report to Congress on its evaluation of the agency reports. We are trying to get as much internal information as we can coming through here so we can provide additional data when it comes to rate increases.

There is a very important point to make about insurance commissioners. Insurance commissioners not only set rates, what premiums can be charged, but in every State they bear the responsibility of seeing to it that insurance companies that do business in their States are solvent. That is a critical issue for consumers. In fact, if they hold policies under an insurance company and that company lacks solvency, then obviously those consumers are in jeopardy of not having their claims paid if some event occurs. I am not just talking about terrorism insurance here. So the dual responsibility of insurance commissioners is to not only set rates, but also to make sure that the companies themselves are solvent.

Again, this is not terribly complicated when it comes to the political questions. It doesn't take a lot to attack an insurance company. That is a safe bet politically. People don't like rate increases, and they know the difficulties they can have when claims are filed.

The problem is, if you are opposed to the idea of insurance companies, vote against the bill. I guess that is a simple answer; it is probably a safe bet if that is your concern. If you are worried at all, as you ought to be, about the fact that banks are not providing the loans to major commercial enterprises because of the absence of terrorism insurance, and you hear, as we have, from the AFL-CIO, as well as others, that there is a growing job loss over this, it is causing a problem economically, and when you already have 10 percent of the commercial mortgage markets and the secondary-market-backed securities already in the first quarter not forthcoming in the bond market, these are signals that we have a problem economically.

If you want the Federal Government to be an insurance company, you ought to vote for the amendment of the Senator from Florida. That is what we did in World War II. If you believe it makes sense in the longer term to have the private sector involved in insurance and not the Federal Government, then it seems to me you ought to vote against this amendment and vote for the underlying bill. That is a choice you have to make. In a few hours, you can make that choice.

The amendment of the Senator from Florida runs the risk of providing a program that I don't think is workable, except for the point I mentioned earlier. I don't disagree with my colleague about having an accounting process that makes it possible for us to distinguish between premiums collected for terrorism insurance and for nonterrorism insurance.

I hope that when this amendment comes up for a vote in about an hour, or less than that, my colleagues will do what I think is the responsible thing to do here, and that is reject this amendment. I have told my colleague from Florida I am happy to work with him on the provision dealing with the accounting question because I agree with him on that. I think we want to have clear accounting so we know what is going on.

With all due respect—and he is a good friend, and I have great respect for him, and I admire the work he did as insurance commissioner of the State of Florida—providing the Secretary of the Treasury the ability to become an insurance regulator goes too far, in my view. To require segregation of these accounts entirely would run the risk of insurance commissioners at the local level being able to guarantee the solvency of these companies to do business in their States, which you know, as a former insurance commissioner, is a critical part of the function of an insurance commissioner at the State level.

For those reasons, I strongly urge that my colleagues reject this amendment.

I see my friend from Massachusetts. I am wondering what is on his mind. Let me suspend for 1 minute, Mr. President.

Our colleague from Massachusetts informs me there is a markup of a bill that may require the presence of both the Senator from Connecticut and the Senator from Florida.

Mr. NELSON of Florida. I will be happy to run downstairs with the Senator from Connecticut to make a quorum if we can come back and resume and I can ask the Senator a series of questions.

Mr. DODD. I am always glad to do it. I will be happy to hear the questions. I do not know how well I can respond to them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I have completed my remarks in response to the amendment of my friend from Florida. He has a series of questions, so I will be happy to yield to my colleague for the purpose of asking some questions.

Mr. NELSON of Florida. Mr. President, I thank my colleague. Again, this was another experience where we had to temporarily suspend the debate in order to go downstairs to the Foreign Relations Committee to provide a quorum so we could vote out a very important piece of legislation.

First, I wish to ask a couple of questions about which we agree.

The Senator from Connecticut has a provision in his bill that says:

> The participating insurance company provides clear and conspicuous disclosure to the policyholder of the premium charged for insured loss covered by the program.

"Provide clear and conspicuous disclosure." Listen to the language in my amendment with regard to the same issue, and see if the distinguished senior Senator from Connecticut does not think that the language I have would not be something of an improvement by making it a little more specific. I am referring to page 2 of my amendment, line 18. The lead into it is:

> If a participating insurance company increases annual premium rates on covered risks under subsection (a), the company—
>
> (2) shall identify the portion of the premium insuring against terrorism risk on a separate line item on the policy . . .

The reason we put that there is it is my experience that if you do not nail down general language and be very specific, it will not end up on the policy on a separate line so that the consumer can see how much they are being charged for the insured risk, in this case the terrorism risk.

I ask the distinguished senior Senator from Connecticut if he would consider that later on as a perfecting amendment to his language on page 12, the paragraph starting at line 7?

Mr. DODD. Mr. President, as a procedural matter, obviously we are not in a position to do that. I told my colleague in conversations we have had about his amendment that I will be happy to work with him to tighten up, if he believes it is necessary, the language in the underlying bill. Obviously, what is before us is a much larger amendment that covers a lot of other subject matters other than just the issue of separation of accounting.

I will state for the record as well, he may prevail with his amendment. If he does, then obviously all of his language gets included. If his amendment fails when voted upon, then I will be happy to work with him to see if we cannot tighten up the language to such a degree that will satisfy him and satisfy our concerns as well.

At this point, for me, in the midst of a floor action, to work on language is not the most appropriate setting for doing that, and procedurally it is awkward, obviously, with an amendment pending. We have to set that aside and take language, and I prefer we do it in the way I suggested.

If the amendment of the Senator from Florida prevails, the issue becomes moot. If he does not prevail, he has my commitment to work on language to tighten up and do what he wants to do and what we are interested in doing as well, and that is getting a very clear accounting, have a very clear understanding of the difference between premiums collected for terrorism insurance and premiums collected for nonterrorism insurance, so we can have a better understanding over the next 2 years or 3 years, depending on how long this program is going to go if other amendments are adopted.

The Senator already made note of the fact that we are dealing with a 24-month bill, and that is only the second 12 months if the Secretary of the Treasury decides to extend the program for an additional year.

As it is presently worded, this will expire, assuming it is enacted over the next week or two and signed into law, let's say, sometime around the middle of July. Twelve months from now this whole program will be over.

Our fervent hope is that by that time, the costing of this product and the other issues we talked about today will kick in and get the Federal Government out of this entirely and let the private sector deal with this issue as they have historically. But for the events on 9-11, we would not be here. The fact that there was a $50 billion event, which vastly exceeded what the reinsurance industry could calculate would be the cost, has understandably caused the industry to back up in terms of its willingness to provide insurance coverage for events they no longer can cost out, at least effectively in their minds, absent, of course, a series of other events which no one knows will be the case.

That is how costing out occurs with natural disasters. After a number of years when you have certain hurricanes, as my friend from Florida knows, it is easier for them to cost events when there are a series of events they can judge over a series of years.

Because this is such a unique event, what happened here—and we hope this is the last time it ever occurs—but in the absence of having a series of events, it is very difficult for them actuarially to determine what costs are in order to set premiums.

I will be happy to work with my colleague from Florida under the circumstances that I have described.

Mr. NELSON of Florida. Will the distinguished Senator from Connecticut yield for a further series of questions?

Mr. DODD. Absolutely.

Mr. NELSON of Florida. Does the Senator's bill require terrorism premiums to be held in a separate account?

Mr. DODD. No, it does not.

Mr. NELSON of Florida. Would the Senator want to propound why it should not be in a separate account?

Mr. DODD. If we look at the accounting and start setting up separate accounts, then in a sense capital is being trapped, and I do not think we want to do that. At least I do not want to do that; others may want to do it. That is one of the issues, solvency.

As a former insurance commissioner, the Senator from Florida knows that no company can do business in his State unless they are solvent, unless they have in reserve adequate enough resources to respond to the claims that can occur from a natural disaster or other types of insurance that may be provided. So solvency is critically important.

If we start segregating accounts, we get into the issue of capital adequacy. So I think I would be unwilling to require segregation of accounts. I think if we have an accounting of them, we would achieve the same result.

Mr. NELSON of Florida. I will merely respond before I ask my next question by saying that we have clearly a separate matter because all the other premiums with regard to all the other risks—be it wind, hail, dog bite, slip and fall, construction malfunction, whatever the risk is—is not subsidized by the Federal Government as we are doing with this bill where the Federal Government is taking a part of the risk.

It seems to me that it makes common sense that since the Federal Government is getting into the business of terrorism insurance in such a big-time way, that we ought to separate out the premiums in a separate account, purely from an accounting function, so there is no question that those terrorism premiums get commingled with all the other premiums and suddenly we do not know how much that is.

I further ask the distinguished Senator, does the Senator's bill require that premiums collected for terrorism risk be used for terrorism losses only?

Mr. DODD. Responding to my colleague, first, we are dealing with a 2-year bill. This is not in perpetuity. It is over 24 months. To all of a sudden require a whole bunch more segregation of accounts and setting up apparatuses to do it, seems to me, an overreaction. If we were talking about a permanent program, then my colleague's case may have more validity.

If we look back at the language of the bill in our accounting, it requires in the language, as he read, a very clear and conspicuous disclosure to the policyholder of the premium charged for insured losses covered by the terrorism insurance program. Now, clear and conspicuous seems to be about as clear and conspicuous as language could be.

For a 24-month bill, my point would be that we are overreacting by requiring the separate accounting. And not getting into the business of segregating accounts and all of the costs associated with that seems to me to satisfy and should satisfy a majority of us. I think people have looked at this and have the same kind of concerns that our colleague from Florida has raised.

Mr. NELSON of Florida. If the Senator will allow me to continue with another couple of questions, I would merely respond to the distinguished Senator's comments, that here is an example today on the front page of the Washington Post, that we are talking about rates being hiked using the terrorism risk as an excuse. Therefore, I clearly implore the Senate that it makes common sense, if rates are going to be hiked for terrorism risk, make sure it is those rate premiums that are paying the terrorism losses, and not going into the general fund and suddenly all of the premiums get jacked up. If we are going to jack rates higher than the Moon, then let us at least segregate them so they are there for what they are purported to be there for, and that is to pay for a terrorism loss. That is what I would propound to the Senator.

Mr. DODD. In response, I think the story in the Washington Post this morning, in fact, makes the case of why we are here. Those rates are going up on the National Geographic building and on the Washington Post itself. There were several other enterprises. George Washington University, for instance, is mentioned in the article. That is done in the absence of this bill.

As I described apparently not very well a few minutes ago, costing this kind of an event, 9-11, is very difficult. So the insurance industry is out there and it is going to protect itself. We believe with this bill being a backstop for a couple of years we could help put the brakes on exactly the kind of story the Senator is reading from the Washington Post.

If my colleague is worried about premium rate increases, it seems to me that while our bill is not perfect, there is a greater likelihood we are going to be able to protect consumers more against rate increases having passed this bill, making the case that now there is a backstop so that the kind of exposure that they would be subjected to in the absence of this bill would be less.

If we do not pass this bill, if it is voted against, or a Federal regulator is created and there is a lot of other unnecessary bureaucracy, then we run the risk of not only what happened in Washington happening elsewhere—in fact, it is happening. We already know that terrorism insurance is not available in a lot of places, and where it is, it is very costly. We want to do what we can to stop the tremendous increase in that cost. That is what brings us here. That is why, as well—I made the point earlier and I make it again—we require on page 12 of our bill that there be a very clear disclosure of what premiums are being charged. We put that right in the bill, clear and conspicuous to policyholders, what the premiums are and what the distinction is between premiums collected for that and premiums collected for other forms of insurance.

We do not go as far as my colleague from Florida does by requiring segregation of accounts, but we think that provision for 24 months is a good consumer protection provision, and it will give us the kind of information we need to have.

The three reports I have mentioned are rather extensive involving the National Association of Insurance Commissioners, the GAO, the Commerce Department, the Treasury Department, the Federal Trade Commission, all requiring information be gathered so we can get, within 6 months, some clear indication of how this is working.

In conclusion, I say to my colleague from Florida, I will be the first to admit I cannot tell him that the Senator from New Jersey; the Senator from Maryland; the two Senators from New York, Mrs. CLINTON and Mr. SCHUMER; and I have written a perfect bill. If the Senator is asking me to say that, I cannot say that because we are in uncharted waters in many ways. So we are trying to respond to a problem that exists.

We know for a fact that there is a major slowdown in our economy because major projects have either been cancelled or stalled because they cannot get the financing necessary to go forward. The reason they cannot get the financing is because they cannot get the insurance. Every homeowner in America knows what I am talking about. If they cannot get insurance, then their banker is not going to lend them the money for the mortgage. That is a fact of life. That is just as true in commercial enterprises as it is in residential.

With the absence of insurance, the banks do not lend the money. The projects do not go forward and there is higher unemployment and a slowdown of the economy.

If my colleague is looking for perfection, I cannot give it to him. All I can tell him is we are trying our best to frame something for 24 months that will reduce the spike in premium costs and have as a backstop the Federal Government, but let the private sector try to solve these crises or problems in the interim, with us getting out of the business as soon as we can.

Mr. NELSON of Florida. Would the distinguished Senator from Connecticut yield for a further question?

Mr. DODD. I am happy to yield.

Mr. NELSON of Florida. The Senator has made much of the fact that this would suddenly be the Federal Government getting into ratemaking. Of course, the Senator would concede, would he not, that this is the first time the Federal Government would be getting into big time insuring an insurance risk?

Mr. DODD. I disagree. Facts will show after World War II we were the insurance company for acts of war. Acts of war occurred in World War II. The Federal Government was the party that paid the claims.

Mr. NELSON of Florida. And acts of war are exempt on every insurance policy that I know of as a covered risk. It is exempt.

I say to the distinguished——

Mr. DODD. I get nervous when he keeps calling me "distinguished."

Mr. NELSON of Florida. You not only are distinguished, you look distinguished.

Mr. DODD. You have a looking point, as well.

Mr. NELSON of Florida. You sound very distinguished, too, but I want you to answer my questions.

Mr. DODD. Yes.

Mr. NELSON of Florida. The question is, since we have the Federal Government involved big time under your bill, 80, 90 percent of the risk is going to be borne by the Federal Government——

Mr. DODD. My colleague has not read the bill. We are talking about $10 billion as the deductible level.

Mr. NELSON of Florida. Would the Senator concede under that complicated mathematical formula, often it is a fraction of a percentage of the total annual premium of a company that they will actually pay in an individual company in any one year?

Mr. DODD. My colleague is getting away from the amendment. That is not part of the amendment. Are we are talking the amendment or the underlying bill?

Mr. NELSON of Florida. Underlying bill.

Mr. DODD. It is a formula, a debate. Senator GRAMM may offer an amendment on how you prefer to do it. On most cases, you have a consolidation. You do not have one insurance company covering one building.

Let me finish. You asked a question and I will respond.

Under the bill, you cannot have all of a sudden some fictitious insurance company getting set up. It is only the companies in existence as of September 11. The rate structures have to be what they were at the time. You cannot have someone taking advantage of this bill to create the phony entities allowing them to take advantage of the situation.

In the State of Florida, talking about something such as Disney World, start talking about the stadiums in Miami, for instance, there is not one insurer that covers those events. There is usually a collection that do. The idea of maintaining solvency which laws require in each State—you could have a smaller company, obviously as part of that. If you get levels where their percentage of the overall amounts are exceeded and the solvency of the company goes under, we have defeated the purpose of the legislation.

There is that distinction between industry-wide and company caps. That is why we drew that distinction.

Mr. NELSON of Florida. Maybe I can ask a question of the distinguished Senator to which he could give a yes or no.

First, I merely point out the fact with the Federal Government being so involved in assuming the terrorism risk, what will be charged for that risk is clearly a legitimate issue for the Secretary of the Treasury with the consultation of the States to determine what you ought to charge for that risk. Particularly given the fact that since this is only a 1-year bill and maybe a 2-year bill by the time you get to the end of that time, the 50 insurance commissioners of the country would not have even had a chance to determine if a rate was actuarially sound. Usually that is done only when the insurance companies file those rates, when, in fact, these rates are already in effect as indicated by this morning's newspaper.

Mr. DODD. Let me say to my colleague, we are doing here what is done in 40 States. My colleague is right; in 10 States they do it differently. We tried to set up a system that made some sense. That is, you are right, the rates go into effect but we still retain the strong involvement of your State insurance commissioners to go forward.

I ask unanimous consent a letter be printed in the RECORD that I received from the National Association of Insurance Commissioners on this amendment and their concerns about the amendment of distinguished Senator from Florida.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
INSURANCE COMMISSIONERS,
Kansas City, MO, June 13, 2002.
Hon CHRIS DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: I am writing to respond to your request regarding the amendment offered by Senator Nelson of Florida regarding terrorism insurance rates.

While the National Association of Insurance Commissioners (NAIC) has not taken a formal position on the Nelson proposal, I do believe state regulators would have the following concerns:

To our knowledge, the Treasury Department does not have the infrastructure needed to monitor insurance rates as the amendment proposes. Putting such a monitoring mechanism in place could be cost prohibitive particularly when the underlying federal legislation is short-term in nature;

The provisions on refunds of premiums would be very difficult to enforce. Given the uncertainty of risk and the lack of pricing experience, the revised rates could be attributable to a host of other factors related to past or prospective loss cost (the cost of reinsurance, or poor return on investments in recent months), not the potential or historical acts of terrorism, but rather to past and prospective loss costs;

The separate accounting could cause reporting difficulties and added expense for insurers, insurance regulators, and presumably the Treasury Department. The marginal benefits and costs associated with collecting the information could outweigh the benefits that could be derived from the information. For instance, Section (b) requires a separate account for the "premium increases" and it cannot be used for anything but to pay for terrorism losses.

There is no discussion about what happens to the funds after the law sunsets.

At this time, state regulators already have the ability to address this issue, making additional federal oversight unnecessary.

I hope this responds to your concerns.

Sincerely,

TERRI VAUGHAN,
Commissioner of Insurance, Iowa,
President, NAIC.

Mr. DODD. The key paragraphs deal with the underlying issue; that is, the Treasury Department does not have the infrastructure needed to monitor insurance rates as the amendment proposes. Putting such a monitor mechanism in place could be cost prohibitive, particularly when the underlying Federal legislation is short term in nature.

These are the State commissioners. They say:

> The separate accounting could cause reporting difficulties and added expenses for insurers, insurance regulators and presumably the Treasury Department. The marginal benefits and costs associated with collecting the information could outweigh the benefits that could be derived from the information.

Lastly they say:

> At this time, state regulators already have the ability to address this issue, making additional Federal oversight unnecessary.

Mr. President, does my colleague have additional questions?

Mr. NELSON of Florida. Yes, I do. Is the Senator aware as a matter of practice insurance commissioners of the States basically do not set rates for commercial policies?

Mr. DODD. I understand how it works in different States. My point is, without getting into the minutiae of it, 40 States, as I understand it, allow in the commercial property and casualty area for rates to go forward if a rate request is made. They then retain the right to decide whether or not that rate is one they will accept. In 10 States, as I understand it—and my colleague is a former insurance commissioner so he may have more detail on this—and Florida could be one—do not allow the rate increase to go forward without there being permission by the insurance commissioner ahead of time. That is a general breakdown. Within some States they have ranges of rates, but the point being, the State insurance commissioner is the one that ultimately, one way or the other, decides rates. How each State does it may vary a little bit here and there, but we do nothing in this bill to undermine the ability of the State insurance commissioner to ultimately set the rates if they do it differently. We defer to the States on this issue historically, and we did so again in this bill.

Mr. NELSON of Florida. If I may respond, the NAIC, National Association of Insurance Commissioners, has formally adopted a new version of the property and casualty energy rate and policy form model law which essentially encourages the optional use and file system, which is a system where the companies file what they want without the insurance commissioner having to approve that rate ahead of time.

That is what I am trying to get across to the distinguished Senator from Connecticut. That, in fact, there is not this closely held tight reign out there in the 50 States by the insurance commissioners over what are the rates on commercial policies. When you use that as an excuse to justify not having some kind of mechanism by which we control the rate hikes on terrorism insurance under a bill that the Federal Government is basically going to support, the terrorism risk, it has the potential of taking the rates to the Moon.

Mr. DODD. I defer in some ways because my distinguished friend and colleague from Florida served as an insurance commissioner for the State of Florida. We asked the National Association of Insurance Commissioners to respond to the proposal. All I can tell you is that in this letter from the NAIC, the last line of their letter to me says:

> At this time—

Again, they are working on the issue. My colleague has conceded that point—

> the State regulators already have the ability to address this issue, making additional Federal oversight unnecessary.

I don't know what else you do. I do not always agree with them on every point. But it seems to me if the State insurance commissioners are satisfied that they are in a strong enough position to deal with this, whether or not they do in each State, I don't know what else you do. I know my colleague knows there may be some who are less strong than others on this point. But the choice is either relying on the existing structure to set rates or set up a new operation of the Department of the Treasury, for maybe 12 months—and we all know how long that could take—even if you wanted to defer to the Department of the Treasury. We could spend months with them putting together an apparatus to do so.

Again, if the intention here is perfection, I am not the guy. This is not the right bill. If you are asking those of us who sat down to try to work and fashion something that we think would be the right step forward, then I think we have done it here. If we have not, we are going to have to come back to this issue.

All I can say to my colleagues in good faith is we think we have done the right job. It is not all inclusive. We don't deal with workers' compensation in this bill. That is a huge issue. My colleague from Nebraska, the other Senator NELSON, has an amendment requiring some studies on life and other issues we do not cover in this bill that, frankly, are major gaps. But we just did not believe we could take on all of that under these circumstances. We tried to keep as focused as we could, knowing that the cost was, on September 11, a minimum of $50 billion. We know today that reserves could only accommodate about 20 percent of that event. That is a fact. And we know there are projects and jobs being lost every day in the absence of some kind of a backup, which is what we tried to craft.

I hope my colleagues will understand we have put together what we think is the best proposal. We urge them to be supportive of it.

I have great respect for my colleague from Florida and his passionate concern. He rightly points out the sense of people's anger, frustration, and anxiety over rate increases that go on all the time. It is terribly frustrating.

Certainly for people in Washington, DC, already we know the costs are going up. I wish I could wave a magic wand and make it go away. I think the best we can do, as I said, is to pass this bill, and then the justification for those cost increases, at least of the magnitude we may be seeing, is certainly going to be minimized by providing some backup to this issue.

For those reasons, I urge the rejection of this amendment at the time the vote occurs.

I see my colleagues from Nebraska and New Jersey. I do not know if they have any comments they want to make on this bill. If not, I can note the absence of a quorum. But if they want to be heard, I will be happy to yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank my colleague from Connecticut for putting together, with the assistance of a lot of folks, a bill that I think can help take off some of the pressure.

Mr. DODD. I made a mistake. We do deal with workers' compensation here. I am sorry. We do not deal with life.

Mr. NELSON of Nebraska. I thank my colleague for a very able job, putting together a bill with the assistance of a lot of individuals who have had a lot of experience dealing with these issues.

S. 2600 is a bill that I think can help bring some balance to the whole area that we today recognize as being imbalanced because of the events of September 11. The effects on our economy, our society, and our national psyche can never be overstated. They have adversely impacted the Nation's sense of security and stability, and our lives have been permanently changed in so many different ways that we could not have anticipated.

One cannot overstate the effects upon the families who lost their loved ones or those affected in other ways by the actions of the small number of terrorists, terrorists sworn to the destruction of the American way of life and for all that we stand.

There is not any way to return to the days before September 11, nor can we return the stability of our lives simply on the basis of economic decisions we make today. But I think we can begin the process of slowing down the impact, the adverse impact on our economy.

Congress can now act to help stimulate the weak economy and further avoid the negative consequences with this Federal backup, this "backstop" for catastrophic losses resulting from acts of terrorism in the future. By enacting this legislation, I think we can in fact see a turnaround in our commercial real estate market, mortgage lenders, the construction industry, and other segments of our economy.

This is a jobs bill, pure and simple, to make certain that our economy will in fact respond appropriately and positively rather than be adversely affected by the continuing lack of availability and a growing lack of availability of the property and casualty and workers' compensation coverages that are so important to the future of our economy. We must in fact respond to that.

I have learned firsthand the necessity of insurance in the commercial world. As a former insurance regulator, as someone who has been involved in the insurance business, or the field of insurance regulation, virtually all of my working life, with the exception of my public service as Governor and here in the Senate, this is not so much about——

The PRESIDING OFFICER. Under the previous order, the vote is to occur at 3:15 on the amendment, with 10 minutes equally divided prior to that vote. We are at that point now.

Mr. DODD. Mr, President, I will yield my 5 minutes to the distinguished Senator from Nebraska in opposition to the Nelson amendment. I have already spoken about it. Then Senator NELSON will have 5 minutes in support of his amendment.

I yield my time to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for an additional 5 minutes.

Mr. NELSON of Nebraska. Mr. President, what I am concerned about is if we adopt the current amendment to the underlying bill, while there is a temptation to try to control rates, it is absolutely antithetical to try to control rates at a time when we are not going to control the issuance of the coverage. We get the odd effect of not saying you must write it—and I hope we never get to the point of saying you must write this insurance, this line of coverage, that we never get to the point where that has to be required—but at the same time, if we say the rates are controlled, this market I do not think will continue to respond or have the opportunity to respond as if we passed the underlying bill without this amendment.

I respect a great deal my colleague from Florida, my namesake, who has had similar experience to mine. But my experience has been different. That is, if we try to control the rates, if we try to create a quasi-Federal rate control structure for a very short period of time, or for a long period of time, we will not enhance the availability of insurance, we will get just the opposite result.

Therefore, I hope as we look at this amendment today—and it pains me to take issue with my friend from Florida, but I must in fact say this—it will not enhance the availability of insurance, in my opinion and from my experience, but it will in fact deter the growth of the market. It will help reduce the availability of the coverage and not enhance it, as does the underlying bill as it is right now.

Whereas it may be amended by other amendments, and I intend to offer one that in fact will enhance the availability of more terrorist coverage in the commercial lines in those areas that are currently being so adversely affected and impacted by the absence of this backstop, it is about jobs, it is about the economy, less so about insurance.

Mr. President, I yield the remainder of my time to the distinguished Senator from Connecticut.

Mr. DODD. Madam President, in the interest of time, I yield my time and leave the remaining time to the proponent of the amendment.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Florida.

Mr. NELSON of Florida. Madam President, I would like to close on my amendment.

This has been a good debate. Again, although I have serious reservations about this legislation, I did not prevent it from coming to the floor, which I could have done last night.

I appreciate the distinguished Senator from Connecticut engaging in the colloquy, the series of questions and answers. I hope it is better understood. Now I would like to make a couple of points before we vote on the amendment, and I will ask for the yeas and nays.

First of all, I want to correct something the distinguished Senator from Nebraska said.

In fact, terrorism insurance under this bill is mandatory. That is the whole point of setting the system up whereby the Federal Government is coming in and backstopping insurance companies. It is mandatory for all commercial property and casualty insurance. The insurance is there. The Federal Government is picking up most of the tab. If the loss occurs, who is paying? The consumer is paying through the premiums that have already been hiked as chronicled daily over the last 6 months, including this one in today's paper talking about a 300-percent increase in the last 6 months. That, in fact, is what has happened.

What should we do about it? We have to make insurance available. That is part of the reason for the underlying bill. But we also have to make it affordable.

When rates get hiked 300 percent, you are getting to the precipice of whether it is affordable.

Don't just think it is the big real estate conglomerates that are having trouble getting this insurance. This affects small businesses as well. Whatever the size of the business, these rate hikes are going to be passed on to the consumers as a cost of doing business. The huge rate hikes are going directly to the consumers.

I reiterate that consumers and taxpayers do not like to have their Senators voting to increase their taxes. Let me tell you what they do not like even more: They do not want their Senators approving legislation that causes rate hikes to be etched into law.

I come forth humbly and respectfully with an amendment that says we are going to put a process in place—that we are going to put this process in place that says the Secretary of Treasury is going to consult with the NAIC and other Federal agencies as to what ought to be the range of a rate hike or rate decrease, whatever is warranted; and, furthermore, where there has been the huge increase already, but then the Secretary says the rate increase ought to be there or not there for the remainder of that policy, that difference has to be rebated to the policyholder.

Naturally, this is stepping on some toes because it not only puts a process of logic in the handling of rates, but it causes rebates to go back where the rates have been determined to be excessive.

Senators, hear me. This is a dangerous vote. Watch out what you are voting on as you vote on the Nelson amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. REID. Madam President, I move to table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote "no."

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. CRAPO), and the Senator from Virginia (Mr. ALLEN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—70

Allard
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cochran
Collins
Conrad
Corzine
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Kerry
Kyl
Lieberman
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Reed
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NAYS—24

Akaka
Baucus
Biden
Bingaman
Cleland
Clinton
Dayton
Durbin
Feingold
Graham
Hollings
Johnson
Kennedy
Kohl
Landrieu
Leahy
Levin
Lincoln
Mikulski
Nelson (FL)
Rockefeller
Stabenow
Torricelli
Wellstone

NOT VOTING—6

Allen
Boxer
Crapo
Helms
Inouye
Jeffords

The motion was agreed to.

Mr. DODD. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Madam President, I know my colleague from Nevada wants to be heard for a few minutes as in morning business. I will make an appeal here, as I see the leader on the floor. I only know of a couple more amendments at this point. Maybe there are more. If there are, I would like to know about them so I can have some idea and let the leader know, or give the leader an idea as to how we are going to be proceeding.

I know Senator GRAMM may have an amendment. I gather that Senator HATCH's may be withdrawn. I know there is an amendment by Senator LEAHY. There will be a colloquy between Senator COLLINS and Senator BEN NELSON. My colleague from Oregon, Senator WYDEN, has an interest in an amendment as well. Senator NELSON of Florida also has an amendment we may try to take up.

Those are the parameters at this point. There may be other amendments. If there are, let's get some sense of it so the leader can set a schedule.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, if it is possible to go to third reading tonight or tomorrow morning, I would like to entertain that. The sooner we can do that, the better. Colleagues are interested in taking up the Defense authorization bill. That is something we hope we can take up very quickly. There are other issues out there that have to be addressed. So if it is possible to go to third reading tonight, I would like to be able to do that very much. If there are additional amendments, this is the time to offer them, or we will move to third reading shortly.

I urge my colleagues to come to the floor and dispose of their amendments so we can bring this bill to closure and move on to other matters of great priority before we leave for the Fourth of July recess.

I yield the floor.

Mrs. CLINTON. Madam President, I am here to express very strong support for S. 2600, the Terrorism Risk Insurance Act of 2002. I know we have had debate and a couple of votes, but I want to underscore how important this legislation is to the State of New York and to the ongoing economic challenges we confront because of September 11.

This legislation provides a temporary Government-industry program for sharing property and casualty insurance losses; in short, what is called a Government backstop. The loss sharing program would run for just 1 year, although it could be extended for an additional year.

We are only talking about a temporary fix until the marketplace gets back on its feet and we get a reinsurance industry that is willing to backstop the insured and their losses. I hope all of my colleagues understand how significant this legislation is to so many industries and particularly in the State of New York.

Under the legislation, if there were a terrorist attack that results in more than $5 million in insured losses, insurance companies would collectively cover total losses of up to $10 billion. Companies would contribute to that $10 billion amount based upon their individual market shares.

If the losses exceeded $10 billion, but were less than $20 billion, then the Federal Government would pay 80 percent of the losses and the insurance industry would cover 20 percent. If the losses were more than $20 billion but less than $100 billion, the Federal Government would pick up 90 percent and the industry would cover 10 percent. And if there were more than $100 billion in losses, the Secretary of the Treasury would notify the Congress, and we would then determine how losses over that huge amount would be covered.

All property and casualty insurance, except crop and mortgage insurance, would be covered. The bill would also cover not just insurance companies, but also those which self-insure, which includes many businesses in New York and across the country.

I have heard so many concerns expressed by businesses in New York. I have heard it from the real estate industry, from the Association for a Better New York, which is the equivalent in many ways of the Chamber of Commerce in New York City, from New York City Partnership, which also acts to bring businesses, large and small, from all different sectors of the economy together to speak with one voice. But throughout New York City and throughout New York State, throughout certainly the larger New York area, which includes New Jersey and Connecticut, the problems associated with obtaining terrorism insurance have become a matter of great immediacy and urgency.

In fact, the department of insurance superintendent, Gregory Serio, has recently met with me to confirm that it is not just individual companies that are running into problems, it is a systemwide challenge to the fundamental concept of being able to provide insurance for our businesses.

Mr. HATCH. Will the Senator yield for a unanimous consent request?

Mrs. CLINTON. Certainly.

AMENDMENT NO. 3839 WITHDRAWN

Mr. HATCH. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New York.

Mrs. CLINTON. I want to give one example. I could literally give so many examples in this Chamber because they have flooded into my office and come to my attention and to my counsel's attention for weeks now. Francis Greenberger of Time Equities, Inc., a real estate investment firm, has confirmed to me that the insurer they had before September 11 required their company to buy terrorism insurance for four properties: three in New York and one in Madison, WI, an apartment building.

They were required to insure the property in Madison, WI, against terrorism, despite the fact that it is clearly not near New York City. It is not an area where there have been a lot of threats, but, nevertheless, in order to get the terrorism insurance where it was needed in New York, the four properties were lumped together.

The cost of the insurance premiums for these properties rose from $191,500 pre-September 11 to $664,300, an increase of 347 percent. Even with these exorbitant premiums, the amount of terrorism insurance coverage that the company received for these much higher premiums was actually 50 percent less than the amount of coverage it had previously received.

In addition, the new policy excluded bioterrorism and nuclear attacks and had a deductibility of more than $1 million. By any standard, that is a terrible burden to try to absorb, especially during an economic downturn in the wake of the terrorist attack on New York.

That is not by any means a unique story. I have heard many like it from not only real estate holders but construction contractors, stadium owners, sports teams, amusement park owners, banks, and not just in New York but people who do business, literally, all over the country.

The lack of insurance has affected the ability of many developers to close real estate deals, to complete old ones and to start new ones. So at least in our part of the world new offices, residential buildings, new hotels, and new entertainment centers are either on hold or being forced to expend much more money than any reasonable assessment of the risk should call for.

In addition, we know the reinsurance market ends on July 1, so there is urgency for us to act. I appreciate my colleagues on both sides of the aisle who are working to get this legislation passed. It is not only the private sector; it has also been a real challenge for hospitals. Again, the New York insurance superintendent has reported that hospitals were the first New York business to experience significant difficulties in obtaining adequate and affordable property coverage for their facilities.

We also have problems with our major philanthropic organizations. They operate hospitals. They operate museums. We have an across-the-board problem in getting the kind of insurance that is required, and, in many instances, what has been offered is far from adequate. Many, as I said, exclude certain kinds of terrorism. They tighten up the definition of occurrence. Then they jack up the prices so that it is not affordable anyway, even though it is not very good coverage. In many cases, the insured has no choice.

I do hope we are not only going to pass this and pass it as soon as possible, but that we will recognize another area of difficulty, and that is with respect to workers' compensation coverage. Under New York law, primary insurers providing workers' compensation coverage cannot exclude terrorism coverage. Therefore, many primary insurers are dropping their insureds and refusing to offer workers' compensation anymore at all.

I understand it was the intention of Senator DODD that workers' compensation insurance would be covered by this bill under the general rubric of commercial lines of insurance. I have some concern, however, because a number of types of insurance are specifically defined, but workers' comp is not. I understand, though, that Senator DODD will address this issue and will make it explicitly clear that workers' compensation coverage is also covered by this legislation. I wish to thank Senator DODD and his staff for recognizing this potential oversight and moving to remedy it.

In conclusion, I am delighted that this bill is finally being debated. Many of us have been urging that it arrive as soon as it could. We are now right in the crunch period because reinsurance in most instances disappears in just a few weeks on July 1. Workers' compensation is not even being written right now in New York in many instances, so we must move.

I have said from this floor many times in the last months that when New York was attacked, it was an attack on America. The economy of New York is absolutely crucial to the full recovery of America, and there is no more important legislation than the one we are considering now to ensure that economic activity resume at the highest possible level and that we not only put New Yorkers back to work but that, because of the dynamism of the New York economy, we send out that energy that will get our national economy moving in the right direction as well.

So I thank the sponsors. I look forward to the vote on this, and I appreciate support for this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the majority leader is on the floor, I want to certainly recognize the fact that this is an important piece of legislation. We have been told that people have wanted this for months, going back to last December. Here it is, Thursday afternoon and there is no one else on the Senate floor.

As the majority leader said and as I have tried to say in representing what the majority leader has said to me, really we have to move this legislation along. There is so much left to do without our being here doing nothing.

I would say as the leader said this morning, if there are no amendments, maybe we should move to third reading, if people do not have amendments to offer. The majority leader has been very generous saying people should have the opportunity to offer all the amendments they want. There will certainly be no rush to filing a motion for cloture.

But I just say to the majority leader, I hope everyone heard what the majority leader said earlier today, that we have to move ahead. Here it is Thursday afternoon and nothing is moving.

Mr. DASCHLE. Mr. President, if I could respond to the distinguished assistant Democratic leader.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. He is absolutely right. I have indicated to the distinguished Republican leader it was not my intention to file cloture today, even though obviously that is the prerogative of the majority leader. We have no designs to do that. But we also recognize that we have a lot of work to do. It is not my intention to file cloture today. I hope colleagues who have amendments will offer them and we can have votes on them. If there are no amendments, we will move to third reading sometime very soon.

If there are objections to moving to third reading, our colleagues are going to have to come over and physically object. We cannot waste what is valuable time on the Senate floor waiting for Senators to offer amendments if there are none. So we will make our best effort to determine the degree to which there are Senators who still wish to offer amendments. Time is running out. We will move to third reading shortly if no amendments are offered.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRANDPA DASCHLE

Mr. BYRD. Mr. President, with great pleasure, I call attention to a new Democrat having been brought forth in this Congressional election year. With even greater pleasure, I point out that our distinguished majority leader has become a grandfather for the first time.

This new Democrat, Henry Thomas Daschle, arrived with the angels last Friday. Being a Democrat, I always welcome a new member to our party. Being a grandfather, I know the joy and pleasure that a grandchild brings.

There is nothing so wonderful as cradling in your arms a swaddled baby. It awakens in one so many emotions. It is a one-of-a-kind experience. A newborn fairy glows with freshness and the promise of the life to come.

But a grandchild is beyond special, and the birth of one's first grandchild is an experience nearly beyond verbal description.

The birth of one's own child is tempered by a certain apprehension. With this fragile baby, there also comes the responsibility of protecting and molding a tiny, dependant creature until adult status arrives. Parenthood is truly a delicate balance of bounteous love and serious responsibility.

But to become a grandparent and to see oneself being projected on, on into the eons in the future, one has really reached his first plateau of immortality. It is a higher plateau. It is a completely different kind of experience. It is pure joy. As a grandparent, the diapers that one changes will be because one volunteers to change them. Won't have to do it. Somebody else can do it. But one volunteers to do it.

Shameless spoiling can be the order of the day without guilt. You can spoil those grandchildren and then let the parents take them home. Elder wisdom can be meted out with the sure, certain knowledge that admonishments will follow to "listen to Grandpa. He is wise."

The first grandchild, so delicate, and yet so determined to join this turbulent but wonderful world, stirs the heart and vividly demonstrates man's enduring link to the eternal. A grandchild is the sweetest, most profound measure of time's passage. In innocence and promise, that tiny being links generation to generation and embodies mankind's persistent, stubborn hope for a brighter future in spite of the difficult lessons of the past. As Carl Sandburg said: "A baby is God's opinion that life should go on."

A grandchild is living, breathing proof that significant components of the fortunate grandparents' DNA will still be in evidence hundreds of years hence. Grandpa's dimples or Grandma's curly hair will most certainly be remarked upon by future family members as they compare their own likenesses with treasured old photos in the family album.

Grand babies and great grand babies are part of the long continuum of mankind's collective experience on this lovely sun-washed planet. They are the reason we occupants of planet earth strive to make life better and commit our resources to alleviate suffering and disease. The entire rationale for every effort to improve our world, and the millions and tens of millions of good works toward that end performed by homo sapiens across the whole panoply of history, can be understood in an instant when one hears the tenuous first cry of a newborn child. It is a wonder beyond wonders; an affirmation of God's love; and a tangible demonstration that hope is not a futile emotion. And so today, I would like to dedicate these few beautiful lines by William Wordsworth to Henry Thomas Daschle and to Grandpa DASCHLE:

Our birth is but a sleep and a forgetting:
The soul that rises with us, our life's star,
Hath had elsewhere its setting,
And cometh from afar;
Not in entire forgetfulness,
And not in utter nakedness,
But trailing clouds of glory do we come
From God, who is our home:
Heaven lies about us in our infancy!

I extend my heartiest congratulations to Senator DASCHLE on his first grandchild, and I wish the best to his son, Nathan and wife Jill, who also had an important role in last Friday's grand happening.

The PRESIDING OFFICER (Mr. REED). The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from West Virginia, the distinguished senior Senator, how much I personally appreciate these kind remarks about Senator DASCHLE being a grandfather.

On the floor is my friend from Vermont. We have spent so many pleasant months, spending hours, I am sure, talking about our own children and how we look forward to being able to visit with our grandchildren. Senator DASCHLE will be a great grandfather. It takes those who are grandparents to really tell Senator DASCHLE, it will take a little while before he really appreciates what it means to be a grandfather, to see those beautiful children. No matter how calculated you try to be, you see those children as you.

I also congratulate my friend, Senator DASCHLE, on the birth of Henry Thomas Daschle. I have seen a picture of him, and as Senator DASCHLE told me, as far as I am concerned, he looks just like him.

Mr. LEAHY. Mr. President if I might add, I saw the same picture. Actually, Henry Thomas Daschle is better looking than our distinguished majority leader.

We have so often rancorous debate, we are always so busy, it seems our dear friend, the senior Senator from West Virginia, knows best when to come to the floor and bring us back to the human side of the Senate. He, knowing the Senate better than all of us, brings us back to the human side with poetry. My late mother used to read the CONGRESSIONAL RECORD every day looking for poems by ROBERT CARLYLE BYRD.

And today to have those who are grandparents, as Senator REID, the distinguished senior Senator from Nevada said, to pass on this wisdom to our majority leader. He is going to get this wisdom from us about being grandparents whether he wants it or not, but we will pass it on. It is the most wonderful time of your life. This will be the first of two this year, and that makes it even better.

I might say to my dear friend, the majority leader, this is a very fortunate grandchild to have him as the grandfather, just as the parents are very fortunate to have Tom and Linda Daschle to love and help this child.

The Leader will find there will come a time as the child gets a little bit older and is able to come to you with unreserved love, wanting to be with grandfather, as busy and as peripatetic a life as have the busiest people, with the greatest responsibilities of anyone in this country, all of that will come to a screeching halt when that child—my dear friend from West Virginia and dear friend from Nevada know—climbs on to your lap and says, grandpa, can you read me this book or read me this story. It has probably been read a dozen times before. I don't care whether your hotline is ringing, I don't care whether 99 Senators are calling, I don't care whether the President of the United States is calling, I don't care who it is, you will find, of course, that book that you read 10 times already naturally, to get it right, you have to read it again. Your whole universe will go around that.

I congratulate you. Those who have been there know it truly is the best part of life. It goes beyond all the things you have accomplished, which are so great. And it was your children who did the accomplishment for you. It is the best of all possible worlds.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I am humbled and extraordinarily grateful for the generous words of my colleagues. Senator BYRD has honored me once several years ago when he was gracious enough to nominate me for the position of majority leader. Oftentimes his words are repeated in introductions all over the country, and I have not forgotten that special moment. I will be forever grateful to him for those words on that day.

But I must say I am equally honored this afternoon that Senator BYRD would come to the floor and honor my grandchild as he has. This is a very joyous occasion for my family. I must say, I believe that the words just spoken will probably be read and spoken and reiterated and kept and treasured longer than the words spoken about my nomination as majority leader. They will probably terminate when I pass, but the words spoken to my grandchild will go on for generations. So his willingness to come to the floor and speak as he has means so much to me.

I would also say, as much as I have learned from him as a Senator, that may pale in comparison to what I think I may learn from him as a grandfather. So I thank him for his kindness and for his willingness to make this moment in our lives even richer.

I do not have two dearer colleagues in the Senate than I do in Senator REID and Senator LEAHY. They are like family to us—to my wife and my children. For them to join Senator BYRD on this glorious day means so much to me. I am grateful to them for their generous words and for their willingness to join in this colloquy.

I had a special day today that I shared with Senator BYRD. Just this morning my daughter called very excitedly to say our second grandchild will be a daughter. She will be born sometime in late October or early November. So we will have one grandson and one granddaughter this year. I cannot be more blessed. I cannot feel more hopeful and happy than I do today—first, to have the recognition for our grandchild and, second, to know that this joyous occasion will be extended by yet another grandchild, who will be a granddaughter, later this year.

One of my friends once said that our children and grandchildren are messages to a future we will not see. I thought a lot about what that means, the kind of message we are sending. I can only imagine the message the Byrd grandchildren and the Reid grandchildren and the Leahy grandchildren will be sending to that generation, that future we will not see. They will send a message of love, a message of stability, and hope, a message that they have taken from their grandfathers and grandmothers with such abundance.

It is a message about this country that is embraced in these three Senators and passed on to their children and grandchildren, a message that I think makes this such a special country. It is a country that for so many reasons gives hope and new faith to future generations through our children and our grandchildren.

I hope we can send a strong message to those future generations through our grandchildren—by reading them books, by loving them, by giving them the attention they deserve, by changing their diapers—when we want to, and by recognizing what a glorious miracle life is, in the eyes and faces of those tiny grandbabies who grow up to be the leaders of a wonderful nation.

I, again, thank my colleagues for their generous words and for making this such a special moment for me as a Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I be so bold as to close this pleasant interlude with these words to Henry Thomas Daschle:

First in thy grandfather's arms, a new-born child,
Thou didst weep while those around thee smiled;
So live that in thy lasting sleep,
Thou mayest smile, while those around thee weep.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM RISK INSURANCE ACT OF 2002—Continued

Mr. SCHUMER. Mr. President, I ask to address the House—I mean the Senate. I am still used to the House, I am sorry. I had 18 years there. I ask to address the Senate on this issue.

The PRESIDING OFFICER. The Senator has that right.

The Senator from New York is recognized.

Mr. SCHUMER. Thank you, Mr. President.

Mr. President, I spoke briefly a bit earlier on this legislation, but now that we are getting pretty close to try to tie the final knot and get the bill done, I do want to address it once again.

First, again, I thank my colleague from Connecticut, Senator DODD, who has worked so long and hard on this legislation. I also thank the chairman of the Banking Committee, Senator SARBANES, who has been a good, careful guider, and JON CORZINE, my colleague, as well.

The four of us have been laboring on this proposal for a very long time. I hope we can actually pass legislation tonight.

This is extremely important legislation. But it is deceptive. We are not getting many calls. When you walk into your local townhall meeting—or if I go into one of my favorite places, McGillicuddy's Pub, on Quentin Road, they don't say: Hey, CHARLIE, what's doing on terrorism insurance? It is not an issue on the lips of the average citizen. But it affects the average citizen, and greatly.

The reason is very simple: Without terrorism insurance, large numbers of construction projects will not go forward. Banks will not lend unless they can have terrorism insurance. And insurance companies, while they are offering terrorism insurance in many cases, are offering that insurance at such a high rate that many projects are simply not going forward.

What does this mean for the national economy? It is a slowly bleeding cut on the arm of our economy. But every day, when a new project is not refinanced, when a new proposal to build something large and grand does not go forward, is a day our economy is hurt.

The reason is very simple. Since 9-11, we fear terrorist attacks, and we fear them on large concentrations of economic power, of economic wealth. They could be in cities—my city, of course, has many of these—but they could also be not in cities, Disney World or Disneyland in Florida and California. The Hoover Dam, every stadium, no matter where it is in the country, is suffering effects. We have heard from the owners of baseball and football about how their costs are dramatically rising. And it will continue to occur. In fact, it will spread. The dramatic increases in costs, the failure to do new projects will continue unless we do something.

I know there are some who believe: Well, the Government should not be involved. I strongly disagree.

The Government has always been involved in cases of war. We have always been under the rule that in cases of war the Federal Government will step in.

Well, since 9-11, the rules of war have been redefined. Terrorism is war. So if I had my druthers, I would have a one-page bill, something similar to what I worked out with Secretary O'Neill, that would say: Should, God forbid, the next terrorist incident occur, the Federal Government will step in.

That is what we would do in the case of war. If, during World War II, the Germans or the Japanese had hurt the American homeland, that is what would have happened; the same thing with Korea, and the same thing when we faced the cold war with Russia. I don't know why it is any different now, but some have had objections. They don't want to see the Federal Government's role expand, even though if there was ever a place that role should be needed, and make sense, it is here. They have opposed that.

So we came up with a compromise. The Senator from Connecticut, actually, the Senator from Texas, Mr. GRAMM, and myself had a compromise that was put on the floor in late December. We tried to have a balance between those of us who believed the Government should be fully involved and those of us who felt—on the other side, mainly—the Government should not be involved at all. We came up with a proposal.

Unfortunately, it did not come forward, not because of objections to the proposal but, rather, it ran up against the age-old whirlpool, if you will, of tort reform.

It ran up on the shoals of tort reform, as many other proposals have in this body in recent years, and nothing got done. I was delighted to see the McConnell amendment defeated for the main reason that had it passed, we would not have had a bill. It seems we have stepped past probably the greatest impediment to the proposal, and now we have other issues. I want to talk about one of those.

Before I do, I want to make a few points. First, I want to talk about my city of New York and give people some examples. Examples could occur in their cities as well. I have talked to my friend from Illinois, Senator DURBIN. The same thing is happening in Chicago. I have talked to real estate leaders in Dallas and Houston and San Francisco and Los Angeles. In all of our large cities, the same thing is occurring.

Let me cite some examples: 4 Times Square, one of our newest, most beautiful buildings known as the Conde Nast building, is in litigation with its lender due to the absence of terrorism insurance coverage. The lender, La Salle Bank and CIGNA, had threatened to invade the lockbox into which rents are deposited in order to buy $430 million in terrorism insurance, the amount of the mortgage. The insurer for the portfolio held by the owners of 4 Times Square has refused to write coverage for this building claiming it is high profile. Even if the $430 million of coverage was available, it wouldn't cover any of the environmental risks, nor would the owner's equity of $450 million on this $880 million be covered.

In downtown New York, a 1 million-square-foot office building could not obtain refinancing for the underlying mortgage of approximately $200 million because terrorism insurance was unavailable. Finally, a lender agreed to go forward if the owner committed to pay $1 per square foot for stand-alone terrorism insurance coverage. At the same time that the owner faced that additional $1 million drain on cashflow, he had to absorb an increase in his regular insurance from $110,000 to $550,000. That additional cost did not cover mold or biological or nuclear or chemical events whether terrorist-generated or otherwise. The owner now has a $1,440,000 additional expense.

A major REIT with properties in central business districts from New York to California can get only $250 million of insurance for the entire portfolio. And if there is one more terrorist incident—God forbid—it is likely that even this limited terrorism coverage will be lost given its not uncommon 30-day cancellation clause.

A major residential and mixed use owner-builder renewed their all-risk insurance a few months earlier than the expiration date for that carrier and was about to lose its treaty agreement for reinsurance and could only write $5 million. The list can go on and on and on of buildings that couldn't get terrorism insurance, that had to pay so much that it virtually made them noneconomic, of new projects not started.

To simply and blithely say the market will come in and cover this is not true. Just last Friday, another drain on the body economy of my city, but this is happening in other cities as well, Moodys put 12 buildings in New York City on watch for possible downgrading of their bonds, the whole cost of financing, because of terrorism insurance. These include some of the premier properties in New York, including the Exxon building, the Bankers Trust building, Celanese building, the Conde Nast building, Rockefeller Center, the Marriot Marquis Hotel—the list goes on.

So anyone who thinks this is not a problem, anyone who thinks the market is solving this problem on its own is simply not understanding what is occurring.

I am not the only one who thinks this. I ask unanimous consent to print quotes from others in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMIC DISLOCATION RESULTING FROM THE TERRORISM INSURANCE MARKET TURMOIL

President Bush Calls For Action:

"If people can't get terrorism insurance on a construction project, they're not going to build a project, and if they're not going to build a project, then someone's not working. We in Washington must deal with it and deal with it in a hurry." (Source: President Bush during a White House gathering on terrorism insurance 4/8/2002)

New Congressional Study Finds Lack of Terrorism Insurance Risky to Economy; among the study's principal findings:

"The market for terrorism insurance remains limited.

"Only a small number of insurers are actively providing stand-alone terrorism insurance policies.

"When available, coverage for terrorism losses is expensive, terms of coverage are restrictive and policy limits are often insufficient.

"The problems associated with terrorism insurance pose a significant threat to sustained economic growth.

"The lack of terrorism insurance is stopping some business deals, such as real estate and construction projects where terrorism insurance may be necessary to obtain financing.

"The high cost of terrorism insurance (when available) diverts resources from other more productive uses, negatively affecting investment and jobs.

"Low coverage limits in terrorism insurance policies mean that businesses are bearing a huge amount of risk themselves. In the event of another attack similar to that of September 11th, insurance payments will not be available to the same degree to rebuild." (Source: Joint Economic Committee, United States Congress, "Economic Perspectives on Terrorism Insurance" 5/23/02)

Top Officials Warn of Continued Terrorist Risk:

"I think we will see that in the future, I think it's inevitable." (Source: Quote from FBI Director Robert Mueller when asked of the possibility the U.S. could expect walk-in suicide bombers, Wall Street Journal Online 5/20/02)

"Terrorism is an evil, pernicious thing, and it is one of the biggest challenges we've ever faced as a nation." (Source: Vice President Dick Cheney as quoted in the Wall Street Journal Online 5/20/02)

"Senate Majority Whip Harry Reid (D–Nev.) said June 4 on the Senate floor that action on the legislation is needed to maintain stability of the country's economic infrastructure. 'One issue we must seek to work on quickly, expeditiously, is getting a bill out of this body to address the growing problem of a lack of insurance coverage due to the threat of terrorist attacks,' Reid said. Pointing to a similar move by Moodys Investors Service May 31, Reid urged a compromise on the legislation and called on the White House to assist in moving the legislation. 'Significant building projects, if not already on hold, could be placed on hold until the terrorism insurance issue is resolved,' Reid said." (Source: Banking Daily 6/6/02)

"In just facing the facts, we have to recognize that terrorist networks have relationships with terrorist states that have weapons of mass destruction, and that they inevitably are going to get their hands on them, and they would not hesitate one minute in using them," Rumsfeld said. "That's the world we live in." (Source: Defense Secretary Donald Rumsfeld as quoted in the Washington Post 5/22/02)

"The FBI also heightened anxiety levels in New York by advising officials that landmarks there could be terrorist targets. Officials said the advisory was based on the same kind of uncorroborated information that has led to other notices to law enforcement in recent weeks about threats to banks, nuclear power plants, water systems, shopping malls, supermarkets and apartment buildings." (Source: The Washington Post 5/22/02)

"We believe the Congress should enact a federal terrorism risk insurance backstop in a timely fashion for four primary reasons. First, lack of coverage and high premium rates imply a drag upon our economy and a burden to the nascent recovery, including the potential for a loss of even more jobs. Second, the cost of lost and postponed investment opportunity is potentially large for future economic growth. Third, inaction paralyzes the private sector. Finally, the economic impact of another terror attack could be even greater than the September 11 attacks."(Source: Lawrence B. Lindsay, Assistant to the President for Economic Policy in a letter to Steve Bartlett and Edward C. Sullivan—3/18/02)

Federal Officials Sound the Alarm:

"I think there is still great urgency to pass the [terrorism insurance] bill. I think there is a very important level of exposure here that needs to be addressed." (Source: Senate Majority Leader Tom Daschle remarking on the issue at the National Press Club 5/22/02)

"[Insurance] is a crucial aspect of a fairly large segment of the economy. In this case, it is impossible for insurance to [determine the risk for terrorism insurance] The problem is really the types of real estate activity being held up, whether delays in construction and building and that sort of thing are having a significant impact on the economy." (Source: Federal Reserve Chairman Alan Greenspan, to the House Financial Services Committee 2/27/2002)

"There is a real and immediate need for Congress to act on terrorism insurance legislation. The terrorist attacks on September 11 have caused many insurance companies to limit or drop terrorist risk coverage from their property and casualty coverage a move that leaves the majority of American businesses extremely vulnerable. This dynamic in turn threatens American jobs and will wreak havoc on the entire economy in the case of future attacks." (Source: Treasury Secretary Paul O'Neill in a statement issued on 4/8/2002)

"The disruption of terrorism coverage makes it more difficult to operate, acquire or refinance property, leading to diminished bank lending for new construction projects and lower asset values for existing projects." (Source: letter to Congress from Treasury Secretary Paul O'Neill, National Economic Council Director Lawrence Lindsey, Office of Management and Budget Director Mitch Daniels, and Council of Economic Advisors Director Glenn Hubbard on 6/10/02)

"A fundamental necessity for a strong economy is confidence. The lack of confidence lingers in some parts of our economy, because of a lack of terrorism insurance. [Congressional failure to pass terrorism insurance legislation is hurting the economy.] People are delaying, postponing, canceling major construction projects because they can't get terrorism insurance." (Source: Treasury Secretary Paul O'Neill, as quoted by Bloomberg News 2/21/2002)

Construction Industry Hemorrhaging Jobs, AFL–CIO Calls For Action:

"Employment in construction fell by 79,000, after seasonal adjustment. Much of April's job loss was in special trades (−61,000), though general building contractors and heavy construction lost 12,000 and 6,000 jobs, respectively. Following the turn of the business cycle in March 2001, construction employment was relatively flat through the end of the year. So far in 2002, however, the industry has lost 155,000 jobs." (Source: Bureau of Labor Statistics News Release, May 2002)

"President Bush, like all of us here today, realizes that as long as terrorism is a threat, new job-creating projects are being delayed or canceled because we do not have adequate insurance coverage or workers compensation coverage available. The unions of the building trades and our members join with him in urging the Senate to pass terrorism risk insurance legislation without delay. The unavailability of terrorism risk insurance is hurting the construction industry by making the cost and risk of undertaking new building projects prohibitive. Building projects are being delayed or canceled for fear that they may be future terrorist targets. Lenders are refusing to go forward with previously planned projects where terrorism insurance coverage is no longer available. As a result, construction workers are losing job opportunities. In addition, workers compensation premiums have increased because state laws do not allow companies to exclude terrorism risk from workers compensation insurance." (Source: Speech by Edward C. Sullivan, President, Building and Construction Trades Department, AFL–CIO 4/8/02)

"According to new figures compiled by the Census Bureau, compared to March 2001, nonresidential construction was off by 19 percent, while office building construction suffered a 32 percent drop over the last year." (Source: U.S. Census Bureau)

Difficulty Obtaining Adequate Terrorism Coverage, Moodys May Downgrade:

"Moodys Investors Service has placed the ratings of classes from 14 commercial mortgage backed transactions on watch for possible downgrade due to concerns about terrorism insurance coverage. Moodys stated that the lack of, insufficiency of, or near term expiration of terrorism insurance coverage is the cause for these reviews for downgrade." (Source: Moodys Investor Service Press Release 5/31/02)

"Billions of dollars in commercial mortgage-backed securities, or CMBS, may face ratings downgrades by the end of this month if terrorism insurance legislation continues to stall in the Senate. 'If Congress doesn't pass something soon we will have to start downgrading bonds by Memorial Day,' said Sally Gordon, vice-president and senior credit officer at Moodys Investors Service in New York, which monitors about $350 billion CMBS." (Source: Dow Jones Newswires 5/3/02)

"The National Football League and individual teams and stadiums have experienced difficulty acquiring terrorism coverage. The Miami Dolphins and New York Giants have joined the ranks of other teams around the country that have lost terrorism coverage in the wake of the Sept. 11 attacks." (Source: Bureau of National Affairs 4/9/2002)

"Today, terrorism insurance can be purchased; although it has a higher premium, higher deductible and lower limit of coverage. High-risk assets the ones that serve the most people face such steep cost increases and diminished coverage, that it often makes sense to purchase only a fraction of the original coverage or no coverage at all. And that's if terrorism insurance can even be purchased.

"The federal government warns another terrorist attack is possible, and insurance policies have 30-day cancellation clauses. Thus, after another major attack, availability is expected to disappear. Separately, capacity and concentration issues for insurance companies are expected to arise, even in the absence of another terrorist attack. There are only a few companies providing terrorism coverage for high-risk assets and at least one has announced it is reaching its threshold for tolerance." (Source: Merrill Lynch Research Report, Mortgage Backed Research, 5/17/02)

"While acknowledging the insurance market and risk of terrorism is an evolving situation, rating agencies would gain comfort from a federal terrorism insurance program or an improvement in the insurance market. We have heard that the insurance market is more likely to evolve into a capacity-constrained market than it is to satisfy insurance neene is relying on the amount and the quality of insurance to counter balance the increased risk of terrorist attacks then one must also recognize that insurance policies covering terrorist acts have exclusions for losses due to atomic, biological or chemical terrorism." (Source: Merrill Lynch Research Report, 6/5/02)

"Premiums on standard property and casualty insurance have jumped by as little as 10 percent and by as much to 300 percent for owners of large urban commercial properties. They are scrambling to find coverage from a single insurer for properties worth more than $25 million, bond rating service Standard & Poor's said in a recent report. The rift between lenders and owners will likely deepen, investors and analysts say, until more affordable terrorism policies are available—or the government steps in." (Source: Reuters 5/27/02)

Wells Fargo Forced to Place Nearly $1 Billion Worth of Construction Loans on Hold:

"Wells Fargo & Company, one of the largest real estate lenders in the country, currently has three real estate projects that are ready to be funded. The only obstacle to moving these projects forward is the unavailability of terrorism insurance. They are: A $600 million commercial real estate project in Manhattan. A $260 million retail project in Queens, NY. A $120 million commercial project in Oakland, CA. (Information supplied by Wells Fargo & Company 4/8/2002)

Bond Markets Stall on $7 billion in Commercial Loans:

"The Bond Market Association announced April 18 that according to a survey of its members who deal in commercial mortgage-backed securities, due to the high cost or unavailability of terrorism insurance for property owners, this year large lenders have placed on hold or canceled more than $7 billion in commercial mortgage loans." (Source: Bureau of National Affairs 4/22/2002)

Hyatt Puts 2,500 Jobs On Hold, Seeks Terrorism Insurance:

"The Hyatt Corporation has purchased a site for a new office building in downtown Chicago at a cost of roughly $400 million. The company is now trying to obtain financing for this project but is being told that nobody will make loans without insurance for terrorism, yet adequate terrorism insurance is unavailable. As a result, construction on the project has not been able to begin. The project will lead to the creation of 2,500 jobs if the Hyatt Corporation can get insurance and proceed with the project." (Source: Bureau of National Affairs 4/9/2002)

The Problem of the Underinsured:

"Officials in Georgia's Gwinnett County, an Atlanta suburb, have been able to find only $50 million of terrorism insurance coverage for a $300 million portfolio of properties that includes the county jail and sewage treatment facility." (Source: Washington Post, 4/8/2002)

"The New York Metropolitan Transit Authority has $150 million of terrorism insurance to cover its bridges and tunnels, assets worth $1.5 billion." (Source: Washington Post, 4/8/2002)

"Some property owners are opting to go without [terrorism insurance] coverage. In the long-term, [the] limited or complete lack of terrorism insurance coverage threatens a property owner's ability to get financing for new projects or to refinance existing properties." (Source: summary of remarks by Tony Edwards, general counsel of the National Association of Real Estate Investment Trusts, Dow Jones 1/15/02)

Building Projects Placed on Hold:

"In downtown Chicago, Pritzker Realty Group LP cannot get financing to build an office building because the project does not have terrorism insurance." (Source: Washington Post, 4/8/2002)

"Casino developer Steve Wynn has halted plans to build a $2 billion development in Las Vegas that would create 16,000 new jobs because he cannot buy enough terrorism insurance to satisfy his lenders." (Source: Washington Post, 4/8/2002)

Many Insurers Not Willing to Write Commercial Property Insurance:

"Wells Fargo is threatening to throw a $275 million securitized mortgage into default unless terrorism insurance is arranged for the collateral property the Opryland Hotel and Convention Center in Nashville." (Source: Commercial Mortgage Alert 5/31/02)

"The result of 9/11 was a sizable reduction in the number of available insurers willing to write commercial property insurance." (Source: Christopher Ewers, vice president of March Risk & Insurance Services, the brokerage for the Golden Gate Bridge 3/23/2002)

"However, the limited capacity that Lloyd's and other commercial insurers have available to write this business will not be sufficient in the near-term to satisfy the growing coverage gap in the United states economy." (Source: Saxon Riley, Chairman, Lloyds of London 4/18/02)

Difficulty in Assessing Terrorist Risk:

To date, terrorists have not behaved predictably, and no study we have seen suggests they will do so. We do not believe insurers have a reasonable basis for underwriting the risk at this time. At best, they can limit the amount of capital they expose to risk. (Source: Alice D. Schroeder, senior U.S. non-life equity insurance analyst for Morgan Stanley Dean Witter & Co., testifying before the House Financial Services Committee 2/27/2002)

"Due to the changes in insurance coverage since issuance, the risks related to potential terrorist actions have been or in the near term may be transferred to the Certificateholders. While acknowledging that these risks are very difficult to quantify, a spokesman for the rating agency said, 'we believe that ignoring the risks would be inappropriate given the events of September 11th and continued government warnings of the likelihood of future terrorist attacks. While the probability of a major downgrade or default because of a terrorist attack remains fairly remote, the overall risk in these transactions has clearly increased.'" (Source: Moodys Investor Service Press Release 5/31/02)

Lack of Terrorism Coverage Constricts Lending:

"I have to assume that nobody in their right mind is going to lend $300 million, $400 million, $500 million if there's no terrorism coverage." (Source: GMAC Commercial Holding Corp. Chairman and CEO David E. Creamer, as quoted in the Philadelphia Business Journal 2/27/2002)

"Last year at any point in time we had a large number of single high-profile transactions to work on, and now we don't." (Source: Tad Phillipp, managing director of Moodys Investors Service, referring to lenders becoming wary about financing real estate deals, as quoted in the Wall Street Journal 1/11/02)

Transportation in Crisis:

"Considering the fact that trucking moves the majority of the freight in America, a crisis like this is a real problem for the national economy." (Source: American Trucking Association President and CEO William J. Canary, as quoted on ATA's website)

"Amtrak was unable to obtain terrorism coverage when its $500 million property insurance policy came up for renewal on Dec. 1. Amtrak believes that only limited amounts of terrorism coverage are available today, and that limited coverage is at extremely high rates." (Source: Bureau of National Affairs 4/9/2002)

A Growing Chorus Calls For Action:

"The story is only half-told right now. Over the year it will grow in magnitude." (Source: Marty DePoy, speaking on behalf of the Coalition to Insure Against Terrorism, which includes the National Association of Real Estate Investment Trusts, the U.S. Chamber, the National Football League, the National Retail Federation, and the Association of American Railroads, among several other diverse organizations 2/13/02)

"The entire market that provided workers compensation catastrophe reinsurance has dried up." (Source: Timothy P. Brady, managing director, Marsh, Inc., as quoted in the Wall Street Journal 1/9/02)

"[Higher insurance costs, higher deductibles and fewer insurance choices are] going to affect the cost of doing business for all companies. It might take a while to hit the bottom line, but its something that affects the total company." (Source: James Shelton, regional risk manager at Manpower Inc., in Glendale, WI, as quoted by CNNMoney 12/31/01)

"The situation that we're in at the moment is analogous to getting into your car without seat belts or the steel frame. If you're not in an accident, nothing's going to be affected. If you're in an accident, the results are going to be disastrous because you don't have the infrastructure in place to protect you." (Source: David Mair, risk manager for the U.S. Olympic Committee, quoted by Dow Jones 2/7/02)

"The real damage likely will come in the secured lending market. Depending on the size of the building, it's going to be hard to get mortgage and [commercial mortgage-backed securities] done." (Source: Richard Kincaid, chief operating officer of Equity Office Properties Trust, quoted by Dow Jones 1/16/02)

"This is a national problem. Everybody needs shoes to walk. Suddenly, shoes are not available. Its as simple as that." (Source: Deborah B. Beck, executive vice president of the Real Estate Board of New York, discussing the lack of coverage for real estate owners, as quoted by the Washington Post 1/15/02)

"It's little strange. You could understand [higher insurance costs] at signature buildings like Liberty Place and Mellon Bank Center. But the new building being built in Plymouth Meeting is facing the same soaring [insurance rates as the high-rises]. Its going to have a pretty dramatic effect on tenants. I had a lender in here today who said they have had to postpone a couple of settlements because the escrow required for first-year payments are prohibitive". (Source: Walt D'Alessio, chief executive of Legg Mason Capital Markets, a national real estate finance company, as quoted in the Philadelphia Inquirer 1/14/02)

"Ultimately, [increased insurance costs for terrorism for coverage] all passes down to you and I when we go shopping. Most of those costs will be passed down to our tenants in their operating costs and then to the products, whether it is a pair of jeans or a pound of coffee." (Source: Steven Sachs, insurance risk manager for The Rouse Co., which has 47 shopping malls and over 100 office buildings, as quoted by Dow Jones 12/21/01)

"The issue has nothing to do with the size of the property. It could be a manufacturing plant of 20,000 square feet or an office building of 2 million square feet. They're all affected." (Source: Jerry I. Speyer, president and chief executive of Tishman Speyer Properties, a prominent New York developer, as quoted in the Washington Post 01/15/02)

"One of the lessons learned from Sept. 11 is that many insurers have concentrations of risk that they had not previously factored into their underwriting decisions. Employee groups of 1,000 or more lives are common across Corporate America and even globally. Terror attacks on large corporate sites could easily bankrupt insurers with workers' compensation claims averaging $1 million or more." (Source: Standard & Poor's 1/9/02)

"Our inability to obtain insurance on our properties could cause us to be in default under covenants on our debt instruments or other contractual commitments we have which require us to maintain adequate insurance on our properties to protect against the risk of loss. If this were to occur, or if we were unable to obtain insurance and our properties experienced damages which otherwise have been covered by insurance, it could materially adversely affect our business and the conditions of our properties." (Source: Host Marriott, L.P., in an S-4 filing dated 1/10/02)

"Washington's decision to postpone any action on apportioning the burden for terrorism coverage could have long-term negative economic consequences for business and the pace of recovery." (Source: New York City Partnership and Chamber of Commerce 2/11/02)

"Executives at the companies that service the hundreds of billion of dollars in commercial-mortgage-backed securities have already begun to question whether they are going to have to declare property owners in technical default if they lose terrorism coverage. These mortgage-servicing companies may have little choice. If they don't declare a default and the property is attacked by terrorists, they could face a lawsuit from bondholders." (Source: Wall Street Journal 2/13/02)

"Sales and refinancing of high-profile office buildings and other trophy properties are slowing, as the real estate industry grapples with the lower availability and higher cost of terrorism insurance. Owners of properties that can't get terrorism insurance are reluctant to speak out for fear of scaring tenants and drawing attention to themselves." (Source: Wall Street Journal 1/11/02)

"Some companies may have experienced troubles already but are unwilling to talk about them, especially publicly traded companies worried about the impact on their stock prices or builders concerned about their overall market." (Source: Hartford Courant 1/10/02)

"One developer in the New York area is close to finishing an office building for a solid tenant. [Its a company that has been around for decades and signed a long-term lease.] That sort of tenant is precisely what real estate lenders like. But the developers bank is no longer willing to finance the building because the owner cannot get adequate terrorism coverage. If the developer has to sink its own money into the effort, it will tie up capital the firm could use to start new projects." (Source: Washington Post 1/15/02)

Mr. SCHUMER. I have quotes from President Bush who stated last month how important this was; from the Joint Economic Committee of the Congress, ably chaired by our Presiding Officer, from May 23; from FBI Director Robert Mueller; from Vice President CHENEY; from Secretary Donald Rumsfeld; from Larry Lindsay; from Secretary Paul O'Neill; from Reserve Chairman Greenspan. All of these people are not known as people who believe the Government ought to come in and solve the problem at the drop of a hat. In fact, philosophically most of them are of the opposite view. They all felt the need to talk about terrorism insurance.

We have to move this legislation. We have to move forward. Again, each of us could have our own idea on how to make it better, how to change it. We know things will fall apart. My guess is, if we don't solve this problem now, we are not going to solve it until a crisis is truly upon us, until this slow drain on the economy, which the lack of terrorist insurance is causing, becomes not a flow but a cascade. Then, of course, the damage will have been done, and it will be almost too late.

Finally, I want to talk a little bit about the per-company cap which I know is an issue that Senator GRAMM and I are debating. As you know, I fought hard to have this cap put in. The Senator from Connecticut, whom I mentioned while he was out of the room, has done a great job. He understood the position and put it in. It was at that point supported by the Senator from Texas in the final proposal that was made. This did not stand in the way. It was tort reform that stood in the way.

Let me explain why this is so needed and why so many people are for this on both sides of the aisle. In the bill, as you know, there is a $10 billion industry-wide benchmark for triggering individual company retentions in the first year. It goes to $15 billion in year 2, if the program is extended by the Treasury Secretary. That benchmark would result in substantial private insurer losses before the Federal backstop is triggered.

We didn't want the Federal Government in the compromise that came about—this was not to my liking—but it was intended to have the private sector step in first until they were so limited because of the extent of the damage, God forbid, that they couldn't do it anymore. Well, if we didn't have this cap for a number of companies, the larger companies, the companies that concentrated, again, on the big economic properties, the losses that they would incur before the Federal Government's involvement was triggered would equal those losses. They would be comparable to the losses incurred on September 11. And for almost every insurer, they would exceed the losses sustained in any previous natural disaster.

In order for insurers to sustain such significant losses without risking insolvency, each company must be able to determine with some degree of certainty the outer bounds of terrorism exposure in actuarial terms, its probable maximum loss. And since January, the Coalition to Insure Against Terrorism, which is a broad-based business group, has stressed the need for this kind of insurance that will bring the insurers back into high-risk property insurance. Per-company retentions are the way to do so. They are the best way to assure that the company is temporary because they will facilitate a quick transition to the private sector as insurers and reinsurers begin to develop underwriting relationships with even the highest risk policyholders.

This experience will make it easier to develop actuarial models for use after the Federal program expires because, as you know, unlike the wishes of many of us, this expires in a few years, depending on whether the Treasury Secretary does an extension.

The per-company retentions will also minimize Federal involvement since there is no need for Treasury to develop a formalized allocation procedure for determining each company's share of the aggregate industry retention or the quota share payment. Because the insurance industry comprises more than 3,000 competing firms, private insurers cannot otherwise get together and agree on a loss-sharing formula that would bind the industry as a whole. So inclusion of the per company retention in the legislation provides some certainty as to when the backstop is triggered for each insurer, without an elaborate Federal bureaucracy to allocate the losses.

The bottom line is that we need this bill. We need the per company cap to make it work—particularly for large properties, particularly for areas of high economic risk. I urge the Senate to pass S. 2600, including these retentions. It is the right solution to an ongoing problem that threatens insurers, policyholders, and the economy at large.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to speak on the pending legislation concerning terrorism reinsurance. Last December—December 13, I believe—I spoke here urging the leadership to bring up bipartisan legislation that was at the time being negotiated between the White House and the Senate Banking Committee. Unfortunately, the legislation before us today does not reflect those discussions. At that point, I thought we had a good start on a bipartisan terrorism reinsurance effort.

The availability and affordability of insurance is vital to the stability of our Nation's economy. Now that we know terrorists can and have struck in the United States, and have struck against major buildings, insurance is going to have to change because the insurance is going to have to cover risks that were never before recognized as being legitimate in this country.

We hear reports from all over that many insurance and reinsurance companies are no longer able to provide the insurance coverage that is necessary for builders of buildings, for those owning buildings, to get the kind of financing they need or to have the protection they need for the resources they put into those buildings.

At this moment, affordable terrorism risk insurance is not attainable by many businesses, both small and large—apartment and condominium buildings, shopping centers, as well as many cultural institutions. Recently, the St. Louis Art Museum was identified by the Joint Economic Committee as not being able to afford terrorism insurance. As a result, the museum is not covered. I am positive there are many entities across the country facing the same situation as the museum. I know major sports facilities, including ones in my State, are in a position where they cannot get the terrorism risk insurance they would need to add new construction, or even to continue their operations. The fact that terrorism has struck our country has a double impact now that we are in a position where insurance companies are not able to write and insure against and to ascertain the level of insurance risk that might be brought about by terrorist acts. It is unacceptable that we hold large segments of our economy hostage to the acts of terrorists.

Right now, many small business and small property owners are at disadvantages. They face the prospect of doubling and tripling insurance premiums. They are not only faced with increased property insurance costs, but they are facing workers' compensation insurance costs, health insurance costs; and without affordable insurance, many small businesses and property owners are simply forgoing insurance. That is bad business. Those that have elected to pay much higher insurance costs are finding they have to pass this cost along to their customers, renters, leaseholders, and others. This could have a tremendous impact on our economy.

We are hearing about major construction projects coming to a halt across the country as lenders and major financing institutions are seeking, but unable to get, terrorism risk insurance. The Bond Market Association has stated that more than $7 billion worth of construction projects are on hold or have been canceled due to the lack of affordable terrorism risk insurance.

Rating organizations have issued warnings in the past 2 weeks that large securitizations are in jeopardy of being downgraded. We are trying to get out of a recession. The economic recovery that we expect and that we need is in grave danger if we do not provide a means of reinsuring the risk that has now become a reality in this country with possible terrorist acts. This is an unknown at this point, and this is the time, and this is something in which the Federal Government could play a very significant role. That is why good terrorism risk reinsurance legislation must be provided.

I also agree with my colleague from Kentucky that businesses that are victimized by terrorist attacks should not be subject to punitive damages. Now, unfortunately, on a party line vote, we rejected the standard my colleague proposed. I hope we can find other means of compromise to ensure that a business owner or a business that is struck by a terrorist act is not also struck by a punitive damage action that could be economically as devastating as a terrorist act.

We cannot and should not hold our major economic engines hostage to the threat of punitive damages on top of a terrorist act. I hope we can agree on a means of avoiding this kind of risk to those who have businesses or property that might be subject to a terrorist attack. As I said back in December, this is a potential problem. I believe now it is a problem. I think our recovery from the economic downturn, the recession, has been slowed because the business community—especially small businesses from which I hear—are really in a position where they cannot go forward and, in many instances, they cannot get financing without terrorism insurance, and most insurance companies are not in a position to offer that.

So I hope we can move with a good piece of legislation that will provide the temporary reinsurance by the Federal Government to allow us to get back to the normal business of building facilities, building shopping centers, operating cultural facilities, and conducting business.

Mr. President, I look forward to working with my colleagues. I hope we can get a good product, and I hope we can do it very quickly so we can get our economy moving again.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3842

(Purpose: To implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes)

Mr. SANTORUM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 3842.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SANTORUM. Mr. President, a clarification for Members. This is the same amendment that Senator HATCH proposed earlier today. I understand Senator HATCH engaged in some conversation with Senator LEAHY about withdrawing his amendment. I think it is vitally important for the Senate to vote on this amendment. It is an important amendment. It is an amendment that is relevant to this bill because it deals with terrorism.

We had the same agreement yesterday, I understand, to vote on this amendment. We had consent to do so, and there was an objection filed at the last minute. We are now going out of session and will not be back until next week, and I think it is important we have a record vote.

Mr. REID. Will my friend yield for a question?

Mr. SANTORUM. I will be happy to yield.

Mr. REID. I have just been informed—and this may be something of which the Senator is not aware—Senator HATCH and others have been working on this in the last few minutes, and we have something we believe can be completed in wrapup this evening that takes care of the matter.

I suggest my friend take a look at this. I do not know the subject matter very well, but I assume Senator HATCH and Senator LEAHY have worked it out.

Mr. SANTORUM. I will be happy to deal with this as a separate matter as long as we get a vote on it. I am just looking for a vote. This is an important piece of legislation that deals with terrorism, the implementation of a treaty on terrorist bombing. It is an important vote. It is the implementation act of a treaty that we passed last year. There are criminal code sections dealing with terrorist bombings, as well as people who are financing terrorism. It is important legislation. I think it is something on which we should vote.

I am not being critical of what Senator LEAHY and Senator HATCH did. I just think it is important legislation that should be voted on in the Senate.

Mr. REID. Will the Senator yield for one more question?

Mr. SANTORUM. I will be happy to yield.

Mr. REID. If the Senator wants a vote, we can and should have a vote. It is my understanding Senator HATCH and Senator LEAHY have worked out a substitute. It will be passage of S. 1770, the Terrorist Bombing Convention Implementation Act of 2001.

Mr. SANTORUM. Right.

Mr. REID. We were going to do this by unanimous consent this evening in wrapup. I assume it will be easy to work out a vote.

Mr. SANTORUM. If we can work out a vote on this legislation, that will be amenable to me. I will be happy to put us back in a quorum call and see if we can arrange that.

Mr. REID. What I suggest—and I will be happy for the Senator to continue his statement—maybe in the near future he can look at this and see that Senators HATCH and LEAHY agree to have a vote on this issue.

Mr. SANTORUM. My concern is to have a vote. I would be comfortable to have a vote on that legislation which, while I understand it is not identical to the amendment I offered, is legislation that accomplishes the same purpose.

Why don't I suggest the absence of a quorum, and we can see if we can work this out.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. REID. Will the Senator withhold his request?

Mr. SANTORUM. I will be happy to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the Senator is in the Chamber, and we can certainly talk about this, there is no reason not to do this. I think the chairman and ranking member would like to do this separate and apart from this bill. This way, we can send a freestanding bill to the House so they can work on this issue, and it will not be tied up in this legislation.

Mr. SANTORUM. Again, I am fine with that. My concern is we get a vote on it. I am happy to do it that way, but my concern is we vote on this legislation.

Mr. REID. I say to my friend from Pennsylvania, we will try our very best to work with him. We have Senator LEAHY's staff here. Senator HATCH's staff is not here, but they will be here shortly. We will work on trying to do this separate and apart from this legislation.

Mr. SANTORUM. I thank the assistant majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, it is now after 5 p.m. We are hoping to get this done. It could go into the end of next week. I know the majority leader is trying to bring up the Defense authorization bill. I am more than happy to consider other amendments. If people have them, bring them up and see if we cannot finish this legislation. It is possible we can get it done this evening. The majority leader has indicated if we can complete this bill this evening, there will be no votes tomorrow. We will then complete the process and next week, I guess, move—I do not want to speak for the leadership—but I gather there is a strong indication we will move to the Defense authorization bill. We will move to other legislation, if not Defense authorization.

I was hoping in the next hour or so we could get some time agreements on amendments. Otherwise, my fear is we will end up into next week, and if that is the case, then people will be slow-walking this bill.

I appreciate the comments of the Senator from Missouri. He made a fine speech about the importance of this legislation. There is a consensus that we need to do something on terrorism insurance. It is causing economic problems for our country, for all the reasons I identified.

Certainly I am happy to entertain and debate relevant amendments that deal directly with this bill and move on them, either accepting them or defeating them. Let's see if we cannot get this bill done. We started it early this morning. We have already dealt with a couple major amendments. We have accepted some colloquies that have been offered as an alternative.

We are going to end up in a conference with the other body. There are substantial differences between both of these bills. It is going to require continued work and labor. Those who are concerned about getting something done, let it be known I am fully prepared to entertain amendments. I will offer time agreements to try to wrap them up early, but if this goes on much longer, I presume the leader will consider having to file cloture, and then we will have to limit amendments, at least limit them to relevant amendments.

It is now almost 5:30, and I hope we might get a couple more amendments done, particularly some of those that are outstanding that I know need to be debated and considered. The quicker that is done, the more rapidly we can conclude work on this bill and vote it either up or down, but we will have dealt with terrorism insurance.

Mr. REID. Will the Senator yield for a question?

Mr. DODD. I will be happy to yield to my colleague.

Mr. REID. The distinguished Senator from Connecticut with whom I have been on this floor when considering major pieces of legislation—we do not have a better manager in the Senate than Senator DODD. He does a wonderful, outstanding, exemplary job. He is here ready to work.

Yesterday afternoon, we finished the estate tax debate. The majority leader at that time wanted to move to this legislation, but Members who were interested in this legislation said: We have had a hard couple days; why don't you wait until tomorrow?

I say to my friend from Connecticut, it appears to me that this is an effort to slow down this legislation. We wanted to move to it last night, allow Members to make opening statements and offer amendments, but the majority leader said: No, they say they do not want to; go ahead and agree with that.

Now here we are today, not much happening all afternoon, and if the majority leader did decide to file cloture today people would yell and scream saying this is the first day.

It is not really the first day. We wanted to do it yesterday. Tomorrow is Friday. Monday is already a scheduled no-vote day, but that does not mean it is a no-amendment day. Tomorrow we may not work a full day as we normally do with votes all day, but this body will stay in as late as anyone wants to offer amendments.

So the Senator is absolutely right. We are going to finish this legislation. I say to my friend, and I think he is aware of this, all of the industry groups all over America that are interested in this have sent letters and e-mails to anyone who will pick them up, saying they support cloture on this.

Everybody is tired of this. We have danced since late last year on this legislation. We are going to complete this legislation. It is only a question of whether we do it tonight or whether we do it next week sometime. Will the Senator agree?

Mr. DODD. I agree with that.

Obviously, it helps the work of the Senate if we can complete it this evening, but tomorrow morning would make more sense. We still have a lot of work to do in conference to get this done. I know the administration is interested, as well as the Secretary of the Treasury, the President, and many others. My colleague from Nevada mentioned the various business groups that are interested. I should also note that the building trades, the AFL-CIO, have sent a strong letter in support of this legislation. It is one of those rare occasions when groups that sometimes are antagonistic to each other on a legislative effort have come together and have, for months now, asked that we respond to this. So we are hopeful to get this done.

Again, I will stay here as late as anyone wants. I will make time tomorrow. I will make time next week. We are going to get the bill done one way or the other. It serves everyone's interest to try to complete this work sooner rather than later.

I merely wanted to make those points to our colleagues who are wondering what the schedule will be. Obviously, the leadership will make up its own mind about how to proceed, but it certainly would be in our interest—we have been here a couple of hours with really no amendments. I know there are some. If people have them, come over and offer them. We will happily consider them. I do not include in that group the Presiding Officer, who offered a very strong amendment, who is now working with us and is working on another amendment trying to work things out, but it is relevant to the subject matter of the bill.

I hope those who have amendments will offer them, withdraw them, or offer some alternative we can consider as we go into the conference, if the bill is passed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, the Senator from Virginia, Mr. ALLEN, will be here momentarily and will ask to set aside the pending amendment in order to offer an amendment on terrorism to obtain judgments from frozen assets of terrorists, terrorist organizations, and state-sponsored terrorism, and others.

I thought since we had a moment I would address this issue. As I understand it, the majority leader will be coming out shortly to make announcements, and I will be happy to yield the floor at that time.

I am hopeful we can take up this issue on the floor and that it can be considered before the body, allowing people to be able to consider this. There are a number of people who have been harmed greatly, and family members have been killed by terrorist organizations. We need to provide a means for satisfaction. This is one way that it could be taken care of.

If I may reply to those who say this particular bill is not the appropriate vehicle, we have a limited number of vehicles left in front of this body. This is the appropriate point in time for us to be able to bring this forward.

I understand the Senator from Virginia will be bringing it forward so it can be worked out, and the administration and Congress is coming forward with other ways and means of dealing with it. Yet I am still hopeful that we can get this taken care of on this particular bill.

I note there has been a lot of pressure to get this bill wrapped up.

I understand the Senator from Virginia has been caught in traffic and is trying to get here to offer his amendment. I would like to see us take up this amendment and have it considered and moved forward.

He asked me, through his staff, if I would bring up this amendment. If we could consider this important piece of legislation in front of this body, I think this would be very valuable. If we could allow this to take place, I think it would be a positive note.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. ALLEN. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 3838

Mr. ALLEN. Mr. President, I call up amendment No. 3838.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself, Mr. BURNS, Mrs. HUTCHISON, Mr. SMITH of New Hampshire and Mr. WARNER, proposes an amendment numbered 3838.

Mr. ALLEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for satisfaction of judgments from frozen assets of terrorists, terrorist organizations, and State sponsors of terrorism, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. SATISFACTION OF JUDGMENTS FROM FROZEN ASSETS OF TERRORISTS, TERRORIST ORGANIZATIONS, AND STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), in every case in which a person has obtained a judgment against a terrorist party on a claim based upon an act of terrorism or for which a terrorist party is not immune under section 1605(a)(7) of title 28, United States Code, the blocked assets of that terrorist party (including the blocked assets of any agency or instrumentality of that terrorist party) shall be subject to execution or attachment in aid of execution in order to satisfy such judgment to the extent of any compensatory damages for which such terrorist party has been adjudged liable.

(b) PRESIDENTIAL WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive the requirements of subsection (a) in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(2) EXCEPTION.—A waiver under this subsection shall not apply to—

(A) property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations that has been used by the United States for any nondiplomatic purpose (including use as rental property), or the proceeds of such use; or

(B) the proceeds of any sale or transfer for value to a third party of any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(c) SPECIAL RULE FOR CASES AGAINST IRAN.—Section 2002 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386; 114 Stat. 1542) is amended—

(1) in subsection (a)(2)(A)(ii), by inserting after "July 27, 2000" the following: "or before October 28, 2000,";

(2) in subsection (b)(2)(B), by inserting after "the date of enactment of this Act" the following: "(less amounts therein as to which the United States has an interest in subrogation pursuant to subsection (c) arising prior to the date of entry of the judgment or judgments to be satisfied in whole or in part hereunder).";

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (c) the following new subsection (d):

"(d) DISTRIBUTION OF FOREIGN MILITARY SALES FUNDS INADEQUATE TO SATISFY FULL AMOUNT OF COMPENSATORY AWARDS AGAINST IRAN.—

"(1)(A) In the event that the Secretary determines that the amounts available to be paid under subsection (b)(2) are inadequate to pay the entire amount of compensatory damages awarded in judgments issued as of the date of the enactment of this subsection in cases identified in subsection (a)(2)(A), the Secretary shall, not later than 60 days after such date, make payment from the account specified in subsection (b)(2) to each party to which such judgment has been issued a share of the amounts in that account which are not subject to subrogation to the United States under this Act.

"(B) The amount so paid to each such person shall be calculated by the proportion that the amount of compensatory damages awarded in a judgment issued to that particular person bears to the total amount of all compensatory damages awarded to all persons to whom judgments have been issued in cases identified in subsection (a)(2)(A) as of the date referred to in subparagraph (A).

"(2) Nothing herein shall bar, or require delay in, enforcement of any judgment to which this subsection applies under any procedure or against assets otherwise available under this section or under any other provision of law.

"(3) Any person receiving less than the full amount of compensatory damages awarded to that party in judgments to which this subsection applies shall not be required to make the election set forth in subsection (a)(2)(C) in order to qualify for payment hereunder.".

(d) DEFINITIONS.—In this section:

(1) The term "terrorist party" means a terrorist, a terrorist organization, or a foreign state designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

(2) The term "blocked asset" means any asset seized or frozen by the United States in accordance with law, or otherwise held by the United States without claim of ownership by the United States.

(3) The term "property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations" and the term "asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations" mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

Mr. ALLEN. Mr. President, I rise to present this amendment, No. 3838, which is a measure that has to do with allowing those who are victims of terrorist acts in the past who have judgments, to collect those judgments against the assets of the terrorist states or the state-sponsored terrorist states involved in these acts. I thank the cosponsors of the basic bill that has been introduced, which is the basis for this amendment.

The cosponsors include Senator WARNER; the lead of this on the Democrat side, Senator HARKIN of Iowa, CONRAD BURNS of Montana, Senator BAYH, Senator CLELAND, Senator COLLINS, Senator FEINSTEIN, Senator JOHNSON, Senator MILLER, Senator SCHUMER, Senator TORRICELLI, Senator BAUCUS, Senator BURNS, Senator CLINTON, Senator CRAIG, Senator HOLLINGS, Senator MIKULSKI, Senator NICKLES, and Senator BOB SMITH.

I particularly want to thank Mr. HARKIN for the leadership he has shown on this issue. He has stood strong for making terrorists responsible for their actions and for justice. I'm grateful for Sen. HARKIN's tireless efforts in making this proposal a reality. Now, this amendment would permit the blocked assets of terrorists, terrorist organizations, and state sponsors of international terrorism, to be used to compensate American victims of terrorism.

A little history: In 1996, Congress passed the Antiterrorism and Effective Death Penalty Act, which, in section 221, expressly amended the Foreign Sovereign Immunities Act to allow American victims of terrorism to seek justice through the courts against foreign terrorist governments. In 1998, Congress again amended the Foreign Sovereign Immunities Act, stating explicitly that any property of a terrorist state that was frozen by the U.S. Treasury Department was subject to execution or attachment to satisfy the victim's court judgments.

However, in response to bureaucratic interference, Congress again, in 2000, as part of the Victims of Trafficking and Violence Protection Act, endorsed the policy of using blocked assets to impose a cost on terrorism and provide justice to victims.

Currently, there are at least $3.7 billion in blocked or frozen assets of seven state sponsors of terrorism. However, the executive branch bureaucracy is once again preventing these funds from being used to compensate American victims who have brought lawsuits in our Federal courts, won their cases, and secured court-ordered judgments—victims such as Edwina Hegna of Virginia.

In the 1980s, Mrs. Hegna's husband, Charles Hegna, was an employee of the U.S. Agency for International Development. In 1984, his flight from Kuwait City to Karachi, Pakistan, was hijacked by Hizbollah, an Iranian-backed organization. The terrorists demanded that all Americans reveal themselves. Mr. Hegna stepped forward. The terrorists then beat and tortured him. Upon landing, they forced him to kneel. Witnesses heard Mr. Hegna praying for his life. He was then shot in the stomach and thrown 20 feet to the tarmac below while still alive, breaking nearly every bone in his lower body. He didn't die. He laid in agony for about an hour. As an ambulance arrived, the terrorists leaned out of the airplane door and shot him repeatedly. He died in the ambulance at the age of 50, survived by his wife and their 4 children.

Mrs. Hegna currently has a multimillion dollar judgment, but is unable to receive any compensation.

In another equally brutal case in which I prefer not to mention the name of the family, but nevertheless it was a case in Kuwait. A pastor who now lives in Richmond, VA, was held captive while he and his children were forced to watch—and his children at the time were 10 and 13 years old—the terrorists sexually assault his wife. He currently holds a $1 million court judgment but is unable to satisfy that judgment.

The United States must say today to the executive bureaucracy that Mrs. Hegna and this pastor from Richmond and all the victims—and they are not all from Virginia; they are from Iowa, New York, New Hampshire; they are from States across our Nation—for all these victims who have suffered at the hands of these ruthless terrorists we ought to say they can be compensated from the blocked assets of these terrorists and their sponsors.

Indeed, this measure talks about terrorism reinsurance and who ought to be sued, the obligations of insurance companies and how should we back up those insurance companies. In these cases where someone has a judgment and where there are assets that have been seized, it is the terrorists and their state sponsors, not the American taxpayers, who should be held accountable for these heinous crimes.

This amendment will accomplish three salient principles: Responsibility, justice, and punishment and deterrence.

Responsibility: At least financial responsibility for the injuries and damages from those who are culpable for the terrorist criminal acts.

Justice: Justice for the victims and the victims' families.

Punishment and deterrence: Those who sponsor these terrorist acts should be punished and deterred.

Therefore, I ask that my colleagues stand with the victims, stand with their families, and allow them to get some satisfaction, albeit only financial satisfaction.

I request that we move forward with this terrorism reinsurance bill, but also add to it this opportunity for the Senate to take a stand and allow those folks who have had these injuries and these damages and loss of life, in some cases, to have those judgments satisfied, maybe satisfied in part, but satisfied against the assets that have been seized from primarily two countries that have been involved—Iran and Iraq.

Some say we should be worried about what Iraq and Iran might do about all this. But sitting back and worrying about what they might do is not going to help these families and is not going to help this country. I am going to stand with these families, these victims, and our judicial system. Let these victims get after these assets. Let them try to rebuild their lives in some part.

I ask for the yeas and nays on this amendment and yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAMM. What are we seconding? Mr. President, I suggest the absence of a quorum.

Mr. ALLEN. Mr. President, I am asking for the yeas and nays.

The PRESIDING OFFICER. The Senator from Virginia is requesting the yeas and nays on his amendment. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. Mr. President, I rise today to support Senator ALLEN's amendment to provide justice to American victims of international terrorism.

It is appropriate that today we are debating legislation to provide a Federal backstop to existing and future insurance policies covering terrorist acts. That legislation provides economic protection for the U.S. economy for acts of terrorism. I believe that this legislation should be amended to address the issue of Americans held hostage and tortured by terrorists to specifically hold liable nations that provide financial and other support for terrorist that target the symbols and citizens of America. I am proud to be an original cosponsor of the The Terrorism Victim's Access to Compensation Act of 2002 that Senator GEORGE ALLEN and Senator TOM HARKIN have introduced.

That bill provides redress for victims of terrorism to receive compensation from nations that sponsor terrorism. I appeared with Senators HARKIN and ALLEN at a press conference with Americans who have experienced first hand the despicable and evil use of terrorism that every American can understand as a result of the tragic events of September 11.2001.

What right does a citizen have to fight back against a terrorist nation? The only power that individual has is to sue that terrorist nation in court to gain access to seized assets from terrorist nations. Our Nation is in a war against terrorism and this amendment provides another tool in the war against nations that sponsor terrorism. This amendment requires that compensation be paid from the blocked assets of terrorist nations provided that the American victims of terrorism secure a final judgment in our Federal courts.

Victims of terrorism have many sad stories, and I want to bring to you attention the sad plight of a man who had a residence in New Hampshire during the toughest time of his life.

In November of 1989, William Van Dorp was sent by his employer from his home in Kingston, NH to Kuwait City to teach the Kuwaiti Air Force English. On August 2, 1990, Kuwait was invaded by the forces of Saddam Hussein.

Let me use William Van Dorp's own words to describe what happened:

> On August 4, I heard loud rumblings coming from the road and, when I looked out my window, I saw seventeen trucks, filled with Iraqi troops, and three tanks driving toward the beach. It became apparent to me that I was still in the middle of a combat zone and in immediate danger of encountering enemy fire.

William Van Dorp attempted to escape the Iraqis who were rounding up American hostages. Mr. Van Dorp was attempting to leave the Intercontinental Hotel in Kuwait City. Mr. Van Dorp describes the event as follows:

> When I reached the lobby, I saw a U.S. Embassy official yelling at an Iraqi colonel and trying to convince him not to take the Westerners away. I was being taken into custody by heavily armed Iraqi soldiers. Later that evening I was packed into a military truck with roughly 23 American citizens and transported to an army camp about an hour from Kuwait City.

William Van Dorp was held hostage by the Iraqi government for months. During the Persian Gulf war Iraqi used American hostages to be imprisoned at sites where the Iraqis thought the United States would target during the Persian Gulf war.

The nations of Iran and Iraq have committed unspeakable acts against American and against citizens of my state of New Hampshire. Those nations deserve to be punished. Recently, Iraqi President Saddam Hussien pledged increased Iraq's payments to the families of Palestinian suicide bombers from $10,000 to $25,000.

The press has reported in the past that Iran may be harboring terrorists from the al-Qaida network and Taliban. I don't know that to be true, but it has been reported by the press that Iran and Iraq have not been allies in the war against terrorism. Our diplomatic efforts to change these countries has fallen on deaf ears and these countries are supporting terrorism throughout the globe. Iran, Iraq, and North Korea are the "Axis of Evil."

I am sure that every Member of this body remembers the Iran hostage crisis. Americans who worked in the U.S. Embassy of Iran were held hostage by the Iranian government more than 20 years ago. Those hostages sued the government of Iran. The Iranian Government did not make an appearance in the U.S. court to defend themselves, but as irony would have it, lawyers, not from Iran, were in the U.S. courtroom to defend the interests of government of Iran.

Does anybody in this Chamber know what lawyers were in court defending the interests of the Iranian government? It was our own Justice Department and the U.S. State Department. How do you think the U.S. hostage felt about the U.S. Government, using tax dollars from these same U.S. hostages, defending the interests of the Iran government.

The Washington Post, on October 16, 2001 reported that:

> U.S. Government lawyers went to Federal court yesterday seeking to vacate a judgment against Iran in a lawsuit filed by 52 Americans have were held captive in that country more than 20 years ago. The timing of the government motion, nearly a year after the lawsuit was filed and two months after the judgment was entered, drew sharp criticism from some of the former hostages, who accused the Bush administration of trying to mute their claims because of the current conflict in Afghanistan. "The State Department and the Justice Department are doing this only to curry favor with Iran at this juncture of history," said Barry M. Rosen, a former hostage who is now director of public affairs at Columbia University's Teachers College. "I was outraged."

Another former hostage retired Army Col. Charles W. Scott who had three teeth knocked out during brutal interrogations, said, "In combat, you have a weapon and can fight back. Here, we were defenseless and brutalized. For the first time I understood what the people of the Holocaust went through." Americans who are the victims of terrorist acts sponsored by nations that are deemed by the State Department to be state sponsors of terrorism should be punished.

I urge the Senate to support the Allen amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I have an amendment.

The PRESIDING OFFICER. The Chair is in error. The majority leader.

Mr. DASCHLE. Mr. President, we will work to attempt to vote on the Allen amendment tomorrow as well, but we have been working over the course of the last several hours—and I thank those of our colleagues who have been involved—to accommodate a unanimous consent request that I understand has now been cleared on both sides. In order to ensure we can inform our colleagues of the schedule for the remainder of the evening and tomorrow, I propound this unanimous consent request so that at least this can be scheduled.

I ask unanimous consent that when the Senate resumes consideration of the terrorism insurance bill on Friday, June 14, at 9:35 a.m., the Santorum amendment No. 3842 be withdrawn; that the Judiciary Committee be discharged from further consideration of H.R. 3275 and that the Senate proceed to its immediate consideration; that Senator LEAHY, or his designee, be recognized to call up the Leahy-Hatch substitute amendment at the desk; that upon reporting by the clerk, the Senate vote on the adoption of the amendment; that following adoption of the amendment, the bill, as amended, be read a third time and the Senate vote on passage of the bill, with no intervening action or debate; further, that upon the disposition of H.R. 3275, the Judiciary Committee be discharged from further consideration of S. 1770; that the Senate proceed to its consideration; that the Senate consider the Leahy-Hatch amendment at the desk; and that upon reporting the amendment, the Senate vote on the adoption of the amendment; that following the vote, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table, all without intervening action or debate; further, that any statements relating to these items be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I have an amendment I would like to have considered at some point. I would like to see it considered. It is a very narrow issue, and I would like to see if we can get this in the queue of items. It is not under consideration. If my colleague, the majority leader, can consider it, I would like to be able to put it forward. If not, I believe I will need to object to proceeding under this unanimous consent request.

Mr. DASCHLE. I ask unanimous consent that the Senator from Kansas be recognized to offer his amendment following the disposition of the amendment offered by the Senator from Virginia.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, may I inquire of the substance of the amendment of the Senator from Kansas?

Mr. BROWNBACK. It is an issue on patenting, and it is an issue that I think is a very important one for us to consider. I want to bring it up and press it. It is a narrow one. I think we ought to consider it. I would like to offer it.

Mr. DODD. Further reserving the right to object, is this the cloning amendment?

Mr. BROWNBACK. It is patenting of human beings. It is the issue of patenting of humans which I would like to put forward at this time.

Mr. DODD. Mr. President, with all due respect, as someone trying to manage a bill, I regretfully object to consideration of that amendment at this point. I am trying to deal with the subject matter at hand. It is going to be impossible——

Mr. BROWNBACK. I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, while the majority leader is in the Chamber, we have worked now for several hours to get a vote for Senator SANTORUM. I cannot understand why the Senator from Kansas would prevent us from having this vote. He has an opportunity on this legislation at a subsequent time to offer an amendment. No one can stop him from offering an amendment.

I think the majority leader will announce shortly that there will be ample opportunity tomorrow and Monday to offer amendments. So I do not know why the Senator from Kansas would hold up a vote that the Senator from Pennsylvania has been trying to get for several hours.

I also say to the leader that while he was proffering his unanimous consent request, the Senator from Virginia said he would have no problem voting on his amendment tomorrow morning. That will give anyone who has any objection to the amendment of the Senator from Virginia the chance to speak tonight for as long as they want. We can set this up following the vote on the Santorum amendment, whatever we want to call it, the one on which we asked unanimous consent.

I ask the Senator from Kansas to kindly reconsider allowing us to vote on the Santorum amendment and, following that, vote on the amendment of the Senator from Virginia, and then the floor is open and anybody can offer an amendment. The Senator from Kansas or the Senator from Pennsylvania can offer another amendment, or the Senator from anyplace can offer any amendment they want.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I will renew my request in a moment. I do not know that any Senator can be denied the right to offer an amendment as long as cloture has not been filed and achieved. It is not my desire now to file cloture. At some point, if we cannot bring this debate to a conclusion, I will be forced to do so. Until that time, of course, the Senator has every right to come to the floor to offer an amendment.

We are going to be in session tomorrow and on Monday, even though there are no votes on Monday. So I hope Senators will use that time to come to the floor to offer what I would hope will be relevant amendments.

We certainly cannot prohibit the Senator from offering other legislation. So I would renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I would like to make sure I do get an opportunity to bring this issue forward, so I ask unanimous consent that before the conclusion of this bill I have the opportunity to put forward and have this amendment considered.

The PRESIDING OFFICER. Will the majority leader so modify his request?

The Senator from Nevada.

Mr. REID. Could the Senator do this tomorrow morning or Monday?

Mr. BROWNBACK. All I am doing is asking unanimous consent that I be allowed to offer this amendment sometime during the pendency of this bill.

Mr. REID. Reclaiming my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. That seems somewhat unfair. We have all day Friday, all day Monday. Anytime before the end of the bill could be a long time from now.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DASCHLE. Mr. President, the Senator does not need that consent. He can offer that amendment, as the Senator from Nevada has noted, tomorrow, Monday, or any day. That does not require a unanimous consent. I have no objection to his request, but it does not take a unanimous consent. He is entitled to that until cloture is obtained. If cloture were invoked, he would probably be denied the right. We are not anticipating a cloture vote, at least in the foreseeable future. So the Senator is certainly entitled to his right to offer this amendment whenever he chooses.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I have had difficulty at times being able to get the floor, as people maybe would say, well, we do not want to consider this at this particular time. I want to make sure we can.

Unfortunately for me, I will not be present tomorrow. As many of my colleagues know, we have had in the Philippines the death of a Kansan who is being buried tomorrow, Mr. Burnham, and I will be at that funeral tomorrow morning. But I want to make sure this issue can come up and can be heard before the end of this bill. I do not think that is an inappropriate request.

I renew the request that I be allowed to bring up this amendment sometime during the pendency of this bill. I ask unanimous consent that I be allowed to do so.

The PRESIDING OFFICER. Does the majority leader so modify his request?

Mr. DASCHLE. I did not understand the request. I have not modified my request.

The PRESIDING OFFICER. The majority leader made a unanimous consent request to which the objection was heard from the Senator from Kansas. So the question is, Will the majority leader modify his unanimous consent request to include the unanimous consent request of the Senator from Kansas?

Mr. DASCHLE. Mr. President, as I said, that does not require a unanimous consent request, but I would not object to the request made by the Senator from Kansas.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. My concern is we are providing the Senator from Kansas something that has been provided to no one else. We could have every Member demand a unanimous consent on totally irrelevant amendments to this bill. If we go down that road and if the Senator wants to kill this bill, that is fine, filibuster the bill, but to bring up totally extraneous amendments, it seems to me, is unwarranted.

I have talked a number of our colleagues out of offering amendments that had nothing to do with this bill, no matter how meritorious their proposals. Certainly, the majority leader has indicated the Senator has the right precloture to bring up an amendment. Cloture has not been invoked. If we can move this bill along, there is no reason for it to be invoked, but to cut out one exception for one Member to make a unanimous consent request, after I have talked other people out of it, I do not think is terribly fair.

I urge my colleague from Kansas to withdraw the request. If we can agree to move this bill along, we are dealing, then, with the Santorum amendment tomorrow. We have tomorrow, next Monday, next Tuesday. We can spend all next week on this bill if Members are so inclined.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, let me reiterate something I think everybody understands. Obviously, the consideration of an amendment does not mean the disposal or the resolution of the issue. The Senator is only asking for consideration of the amendment. It could be second-degreed. It could be debated. I do not know that he has asked that it be brought to some final conclusion.

I will say this: If cloture is invoked, if the amendment has not been disposed of and it is not a germane amendment, then it would fall, but that certainly would not disallow the consideration of an amendment. So, again, I would pursue my request.

Mr. DODD. Will the majority leader yield for 1 minute?

Mr. BROWNBACK. If the Senator will yield, I think I have perhaps a solution.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I ask the amendment I have be considered after the Allen amendment tonight. I am prepared to put it forward this evening, if it would be acceptable to the leader to do that.

Mr. GRAMM. Will the distinguished majority leader yield?

Mr. DASCHLE. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I am hopeful that at some point we are going to work out a compromise and move this bill forward. It seems to me the position we are in is we want to set this vote up for tomorrow. The Senator has the right to object to doing that, pending getting the opportunity guaranteed that he can offer his amendment. If he is here—and he has this problem with this funeral apparently—no one can prevent him from doing it. I am hopeful if we work out a compromise that we might talk him out of offering the amendment. So I think we should accept the amended unanimous consent request of the majority leader. I do not see that we are giving him anything that he would not have if we were not here. It seems to me, pending trying to work out a compromise, that we would be better off not having it offered tonight. He could offer it as a second-degree amendment tonight—it is perfectly within the rules—by objecting to setting up the vote for tomorrow. So I think the logical thing to do is to take the majority leader's proposal.

Mr. DODD. Will the majority leader yield for one question?

Mr. DASCHLE. Yes.

Mr. DODD. I would make a parliamentary inquiry. If there is a unanimous consent request which is agreed to, for the consideration of an amendment that would otherwise fail in a postcloture environment, does that amendment still prevail if cloture is invoked? Or at least will that amendment be considered without being violative of the rules of cloture?

The PRESIDING OFFICER. If that is the intent of the unanimous consent request, then it would be in order.

The Senator from Virginia.

Mr. ALLEN. Mr. President, if I may ask the distinguished majority leader a question, so I understand the procedure as he originally outlined it. May I inquire as to when the vote on my amendment would occur? As far as I am concerned, the amendment having to do with getting after terrorist assets for those who obtain judgments in this country has broad bipartisan support. Is there any reason why we could not vote on that tonight or, in accommodation to a lot of people who will be gone, vote on it on Tuesday?

Mr. DASCHLE. Mr. President, I was entertaining the possibility of voting on the Allen amendment, as well as on the Santorum amendment, tomorrow morning. If the discussion of the amendment has been completed, we could lay it aside temporarily to allow the Brownback amendment to be laid down and then return to the Allen amendment tomorrow morning. That would be fine with me. I will say that this will generate other amendments. The Brownback amendment will not be the only amendment offered.

Mr. ALLEN. All right.

Mr. BROWNBACK. We will then be able to dispose of the Allen amendment tomorrow morning. So I have no reservations or objections to doing that if our colleagues would be interested in taking that approach.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. A further inquiry of our leader. The point is, as I understand it, at some point tomorrow morning the earliest vote would be a vote on the Santorum amendment. Let us assume the vote on the Santorum amendment is at 9 or 9:30. Thereafter, say 10 minutes later, there would be a vote on my amendment tomorrow morning?

Mr. DASCHLE. Mr. President, we have not propounded the request, but it would be my intention to vote on it immediately after the disposition of the Santorum amendment.

Mr. ALLEN. I have no objection.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. If there is no disagreement, I would then again amend my request in the following manner: In addition to the request as it was originally propounded, I ask that we vote on the Allen amendment immediately following the disposition of the Santorum amendment tomorrow morning. I would further ask that the Allen amendment be set aside to accommodate the amendment to be offered by the Senator from Kansas, and that amendment be the pending business this evening; that we return to the Santorum amendment tomorrow morning, to be followed then by the Allen amendment, after its disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, just for clarification, when I refer to the Santorum amendment, I refer to the legislation as it was referred to in the unanimous consent request. It is more than an amendment. It is now a freestanding bill under the request. I think all of my colleagues understood that, but I want to ensure that people know that would be the order of business tomorrow morning.

With this request, there will be no further rollcall votes tonight.

Mr. President, I ask further unanimous consent that no amendments be in order to the Allen amendment prior to the vote on the Allen amendment tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, if there are no Senators wishing to be recognized, I have a statement to make, for which I will use leader time, with regard to the Middle East.

The PRESIDING OFFICER. The Senator is recognized.

THE MIDDLE EAST

Mr. DASCHLE. Mr. President, too often, the crush of daily business here in the Senate leaves us little time to discuss important issues that are not directly and immediately before us.

Among the many issues that deserve greater attention, none is more important than the need for peace in the Middle East, and the security of our friend and ally, Israel. The urgency and importance of this issue couldn't be more stark. In this past week alone, a suicide bomber—the 68th in the last 21 months—blew up a fast food restaurant in Israel, killing a 15-year-old girl. Another bomb, placed near a road near Hebron, injured three Israeli teenagers. A third bomb, detonated next to a bus outside Tel Aviv, killed 17 Israelis. A fourth attack—this one with guns, not bombs—killed a pregnant mother. Less than a week: three bombs; several attacks. The targets in each—civilians: fathers, mothers, teenagers, young children.

Given the steady stream of terrorist acts, the historic enmity between the parties, and the stakes involved, the situation could hardly be more difficult. But we cannot turn our backs or allow the specter of violence to diminish our commitment. Our unique relationship with Israel, and the strategic importance of the Middle East, demand that the United States play a leading role in helping to end the current crisis.

The President recognizes this dynamic, and has spoken out forcefully on the importance of the leaders in the region taking steps to end the violence. There can be no mistaking the indignation he feels about what is happening in Israel or his appreciation for the strategic importance of the entire region to our national security. In fact, he and his team have undertaken an effort to sound out leaders in the region in order to fashion a new way forward. I understand that as early as next week he will outline the results of those efforts. Like all Americans, I am eager to hear the President's plan.

If there is one message in our success so far in the global war on terrorism it is this: When we stand together, terrorism cannot win. Right now, at this very moment, Afghanistan's new leaders are meeting in Kabul to choose a new government, a government that will represent Afghans of all ethnic backgrounds. They are sending a message of hope that the Taliban and al-Qaida never could: Terrorists can only destroy, democracies build. We want the Palestinian people to know that if their leaders will take the necessary steps to end the violence in their region, we are ready to build in the West Bank and Gaza too.

This afternoon I want to talk briefly about three principles that I believe should guide our efforts to help bring security, stability, and, ultimately, peace to this troubled region.

First, after 68 homicide bombings, the debate over whether Chairman Arafat is unable or unwilling to stop terrorism is unproductive and irrelevant. It is no longer important. What matters is that Chairman Arafat has clearly and consistently failed the test of leadership. If Chairman Arafat would take consistent, decisive actions against terrorist violence, circumstances would be different. But he has been unwilling to exercise this basic authority that is required of his office and required by the agreements he has signed and the commitments he has made on behalf of the Palestinian people. He has undermined his own credibility as the leader of the Palestinian people.

The second principle that should guide our efforts is this: Words alone are not enough. Reform demands results. Saudi Arabia, Egypt, and Jordan are all pushing for reforms of the Palestinian Authority. Their efforts are commendable. Unfortunately, their demands—and the demands of the Palestinian people—seem to be falling on deaf ears. Chairman Arafat has put a figurehead in control of the security services, leaving the power in his own hands. He signed the Basic Law but has done nothing to implement it. He added five new faces to his Cabinet, none of whom has the power to affect real change. And he announced new elections but set no date for them.

It is time to demand results, beginning with a democratic Palestinian leadership that confronts corruption and provides security for the Palestinian people and their neighbors. We want the Palestinian people to know: Such changes will garner support—in this country and in this Congress. America's people and political institutions will help rebuild the West Bank and repair the infrastructure of Palestinian society when the Palestinian leadership rejects violence and moves toward real, democratic reform. Such leadership, I am convinced, will also find a willing partner in Israel, which has time and again taken risks for peace. Rabin did it at Oslo, Netanyahu at Wye, and Barak at Camp David. And earlier this week, in this very building, Prime Minister Sharon made it clear he would be willing to make the sacrifices necessary to add his name to this distinguished list of warriors who fought for peace, if he is convinced there is a committed partner on the other side of the peace table.

The third and final principle is this: America's commitment to peace in the Middle East must be clear and consistent. It must never wane. President Harry Truman recognized Israel as a valued ally 6 minutes after Israel was created. Every American President since Harry Truman has known that the best hope for peace and positive reform in the region lies in sustained and decisive American engagement.

Every President since Harry Truman has made such engagement a cornerstone of American foreign policy. The current violence in the Middle East does not diminish the importance of U.S. engagement, it increases it. If there is to be any lasting peace, any chance for regional stability, Israel must be secure enough to make peace and strong enough to enforce it. That is a commitment the United States has made—and will keep. But there is another commitment we must honor as well, and that is our commitment to stand by Israel when she takes risks for peace, and stand with all parties who embrace peace as their goal—Israelis and Palestinians.

The United States is, and will remain, Israel's best friend. We are also the best hope for bringing all of the parties in the region together at the peace table. No other country in the world is in a better position to facilitate a dialog. We must remain actively and consistently engaged in the search for peace. We do not, for one minute, underestimate the difficulty of this task. The challenges, and the risks, are enormous. But the probable cost of doing nothing or vacillating from our historic course is far greater. It is too great a price to even consider.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM RISK INSURANCE ACT OF 2002—Continued

Mr. BROWNBACK. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3843

(Purpose: To prohibit the patentability of human organisms, and for other purposes)

Mr. BROWNBACK. Under the previous unanimous consent agreement, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3843:

At the appropriate place add the following:

SEC. ___. UNPATENTABILITY OF HUMAN ORGANISMS.

Section 101 of title 35, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Whoever"; and

(2) by adding at the end the following:

"(b) UNPATENTABILITY OF HUMAN ORGANISMS.—

"(1) DEFINITION.—In this subsection, the term 'human cloning' means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

"(2) UNPATENTABILITY.—A patent may not be obtained for—

"(A) an organism of the human species at any stage of development produced by any method, whether in vitro or in vivo, including the zygote, embryo, fetus, child or adult;

"(B) a living organism made by human cloning; or

"(C) a process of human cloning.".

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Kansas.

Mr. BROWNBACK. Madam President, we are going to open a debate in the U.S. Senate on the future of humanity. I asked the clerk to read the entirety of the amendment because I wanted people to know what is pending now. The issue is a very narrow and a very clear one. It is about whether or not we allow the patenting of people.

This is an issue that is pending. There are at least three different patents in front of the Patent Office. The issue of whether you can patent human life or the process of creating human life is a question that is a live one in front of our Government, in front of our people. As I mentioned, there are three pending today. There are likely to be many more.

This is a narrow subsection of the overall issue on human cloning. This is not the issue about a moratorium on cloning. It is not the issue about a ban on human cloning. It is not the issue about therapeutic cloning. This is about whether or not we as a government will allow a person, a human in any stage or age of its development and growth, to be patented.

Currently, the Patent Office is rejecting these patents, saying they have that authority under the 13th amendment to the Constitution. That is the amendment that bans slavery. I happen to think the Patent Office is on good ground to be able to say that they cannot allow these patents because this would be slavery.

There are others who are contending that the young human at various stages—an embryo—is not a person, therefore is patentable; that a person can be patented because it is a piece of property. It is, in essence, livestock.

It is alive, we know that. But they would contend or say that it is not a person, so therefore we are putting this forward to make it clear to the Patent Office, for the people of America, the people around the world, that you can't patent a person at any stage or age of its development and growth. That is the entirety of the amendment. The clerk read the entire amendment.

Ultimately, the question that will be put before this Senate and this country, indeed the world, will be this: Shall we use human life for research purposes? Shall we use human life for commercial purposes? We are taking this as a narrow issue now on the issue of patentability.

In this debate we will have to answer whether or not the young human at his or her earliest moments of life is a person or is a piece of property. That is the narrow and the focused issue that is in front of us.

Cloning proponents will argue that the young human is a piece of property that can be created or destroyed at the whims of society for the benefit of others. I will argue that the young human is a person; that it is wrong to treat another person as a piece of property that can be bought and sold, created and destroyed, all at the will of those in power.

I think we all understand that human cloning is an issue of vast importance to our society and for humanity. This issue, unlike others, reveals the value we hold and the worth we place on human life. It is a decision that one generation of mankind will be making for all future generations of mankind.

I would also argue it is an issue that will determine what kind of future we will give to our children and grandchildren and their children and their children's children. The essential question is whether or not we will allow human beings to produce, to preordained specifications for eventual implantation or destruction, dependent upon the intentions of the technicians who create them; whether or not we will allow life to be created just to be destroyed and researched upon.

The question and its corollary must be addressed before the technology overtakes our public discourse. Indeed, today we have many of these capacities to do this to us now. We are doing it to animals and mammals. We can do this in humans. The question is, Should we do this? Is it right for us to do this? Is it the point in time that we want to make this decision to do this? Do we want to make this decision for all future mankind or do we want to pause? Do we want to stop here for just a moment and say, Wait? We should really think about such a monumental step and such a monumental move.

I would like to begin by making a few observations.

First, as we debate the issue, we need to debate the science along with the biological reality of the human embryo from his or her earliest moments of life. We all know that the human embryo is a life. But some question whether it is a life or a person.

Clearly, the human embryo—whether brought into being in a woman, whether artificially created in a test tube by fertilization, or by cloning—is seen by observation to be a new being of human genetic constitution and a unified life principle that in all normal circumstances of implementation and development will grow into an adult who will one day die. Because we call the adult a human person and because there is an essential, unified, biological continuity between him or her—by that I mean once you are alive you grow along that continuum until you die—and the initial one-celled embryo, it is clear that the one-celled embryo is an inviolable human person.

If you allow it to survive and to grow, it becomes a full-scale human being under anybody's definition. As some have attempted to discount this clear understanding of the biological continuity of the human person in order to justify some human experimentation in some circumstances, I note that the people who support this are supporting it for reasons that are very good, true, altruistic, to try to find cures for others' debilitating, terrible diseases, for which I want to find a cure. But I don't want to find that cure at the cost of somebody else's life. I don't want to find that cure at the cost of my life or Senator SPECTER's life or Senator REID's life or at the cost of anybody else—or young people yet to come and to be born. That is why I believe we should start with some basic definitions.

Human cloning is human asexual reproduction. It is accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a human living being—at any stage of development—that is genetically virtually identical to an existing or previously existing human being—the human being from whom the nuclear material was taken.

In essence, if we take nuclear material from the Presiding Officer or from myself and put it inside an egg and start the egg growing, there is a human of identical genetic material to me, to the Presiding Officer, and to anybody else in this room.

Roughly, the debate over human cloning has fallen into two categories, misleading as those categories may be: reproductive cloning and so-called research or therapeutic cloning.

Two-thirds of the American public, the President of the United States, a large majority of the House of Representatives, Senator LANDRIEU, and myself hold the position that all human cloning should be banned. It is a position based in large part on the principle that you should not create human life as a means of something else, especially purposely to destroy it, the point being—and the President put it very well—we should not be creating life just to destroy it or do research on it.

Some in the Senate don't want a full ban. They want a limited ban—what they refer to as "preproductive cloning," but not on so-called research or therapeutic cloning.

All cloning is, of course, reproductive; that is, all human cloning produces new human life. That is the very nature of it. If you produce a human clone, it is a young human something. It is a human person; it is a human life. If you allow it to grow, it is not going to grow into an elephant or a tomato. It is going to grow into a human, if you allow it to grow.

I think the notion that human cloning can be therapeutic is both misleading and disingenuous. "Therapeutic" cloning, as some proponents of cloning refer to it, is really the process by which an embryo is specially created for the directly intended purpose of subsequently killing it for its parts. Some proponents of human cloning claim an embryo created in this manner will have cells for a genetic match to the patient being cloned and thus would not be subjected to the patient's immune system. I will address this issue of transplantation rejection later. Let me say that this particular claim is not scientifically true.

To describe the process of destructive human cloning as "therapeutic" when the intent is to create a new human life destined to its virtual destruction is misleading. However, one would like to describe the process of destructive cloning, it is certainly not therapeutic for the clone that has been created and them disemboweled for the purported benefit of its twin.

All human cloning is reproductive, regardless of the intention of the researchers and the technicians who have created that life or copied it.

I do not believe we should create human life to be used by others and, in the process, destroy it. Yet that is exactly what is being proposed by those who support cloning in limited circumstances. And however they might name the procedure—whether they call it nuclear transplantation, therapeutic cloning, therapeutic cellular transfer, DNA regenerative therapy, or some other euphemism—it is simply destruction.

The cloning of a human embryo is wrong in all circumstances, whatever it is called. Human cloning is wrong. Yet proponents of so-called therapeutic cloning claim that with the use of this controversial technique we will be able to cure a whole host of dread diseases that plague humanity—diseases that I want to cure, diseases that I helped double the funding for at the National Institutes. I am cochairman of the cancer caucus in the Senate. I want to see these cured. Cancer runs in my family. I want to see these things cured, but not at the cost of other people's lives.

I wish to take a minute to explain why some of the claims of those who support cloning are overhyped.

First, the argument that so-called therapeutic cloning will solve the immuno-response rejection problem is questionable.

Second, the reliance on this type of cloning as a treatment for those who are suffering will ultimately only be realized by heavily relying on the exploitation of women.

We should also not forget that this practice would be available only to the rich.

First, the myth of therapeutic cloning: It is becoming increasingly obvious that the so-called therapeutic purposes lack the evidence to back up their claims for the purpose of their technique of supposedly a "regenerative" type of medicine.

The promise that some have held out that the use of cloning technologies produce rejection-proof cells is starting to crumble under closer scrutiny.

This is the argument. If we just clone a person, they will have cells that are genetic matches and you will be able to put those back into your body and the body itself will not reject them because it is saying these are my cells. It would get around this immune-repressive problem we have with heart transfers or other organs or tissue transfers that have immuno-repressive problems. The problem is that under closer scrutiny, cloning does not work that well.

We know that cells derived from clonal embryos created for the purpose of stem cell transplantation contain mitochondrial DNA—that DNA passed through the maternal contribution to the zygote.

In other words, this is from outside the genetic material. To say the Presiding Officer provided it encased in mitochondrial material that is from a different person, it is a different person. Therefore, it is not genetically identical to the donor/recipient. This nonidentity can trigger an immune-response rejection.

If you take an outside egg, take your genetic material, put it in this egg and grow the cells up to a certain age, and kill this embryo for those cells, then you put it back in you, the problem is the egg isn't your matching genetic material. Some of that carries over to the characteristic of this genetic material of test cells that you are putting into your body. It still triggers the immune-response problem. That is one problem.

Further, there is not one animal model that shows this is not the case. In other words, we don't have an animal model that says if you just clone a person you can inject it right back into the person. We don't have a single animal model that says we get around this problem—none. Yet we are going to move forward on this theory that this works when we don't even have a single model that that works?

In fact, Dr. Rudolph Jaenisch, one of the leading vocal proponents of cloning admits that his study into the therapeutic value of cloning in animal models "raise[s] the provocative possibility that even genetically matched cells derived by therapeutic cloning may still face barriers to effective transplantation."

This is one of the leading advocates who is saying, early on, we don't get around immuno-suppressant problems, one of the leading claims of the cloning advocates.

In addition, it is now known that there are problems with gene expression and gene imprinting that can cause cell deterioration as well as other abnormalities in the clonal embryos.

Also, there are practical considerations, considerations that have led many of the advocates of cloning to concede the impracticality of efforts to custom make stem cells. That is what cloning is really about: Custom making stem cells for me, the Senator from Nevada, the Senator from Washington, and others. It is saying: OK, we are going to make some cells just for me. These are going to be custom made to fit what I need.

In an article by Peter Aldhous, entitled "Can They Rebuild Us?", published in Nature Magazine, the author notes that:

> [I]t may come as a surprise that many experts do not now expect therapeutic cloning to have a large clinical impact—many researchers have come to doubt whether therapeutic cloning will ever be efficient enough to be commercially viable. It would be astronomically expensive, says James Thomson of the University of Wisconsin in Madison, who led the team that first isolated E[mbryonic] S[tem] cells from human blastocysts.

For the advantage of my colleagues, I yield the floor so that colleagues can take advantage of some of their time.

I yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3844

Mr. ENSIGN. Madam President, I rise to speak on behalf of the amendment of the Senator from Kansas.

We deal with issues around this body often. We deal with issues that, frankly, sometimes don't seem very important. But this issue is an issue of critical importance. This issue is really what the human species is all about.

I am a veterinarian by profession. I have studied embryology, as all veterinary students do, as all medical students do. We study it in detail. As a matter of fact, we study it in species after species.

I have studied the cloning of the famous Dolly clone that we are all familiar with, Dolly the sheep. When that first happened, there was something very disturbing that went off in my brain. It was not because of the cloning of an animal, it was because cloning put people in the future.

When Dolly was first announced, everybody said: No, we cannot clone people. We will never go there.

Last year, during the whole issue dealing with embryos that people were talking about, they were saying: No. You know what. We will not have cloning. We will ban cloning.

Everybody agreed, at that time, it seemed, that we were going to ban cloning. But now, as some of the research has gone forward, people are starting to say: You know what. Now we are just going to do therapeutic cloning. We are not going to do reproductive cloning.

Well, as the Senator from Kansas has pointed out, we are not dealing with just therapeutic cloning. It is all reproductive cloning. Dolly was produced by the same technology that therapeutic cloning will be produced from. It is the same, exact technology. It is cloning.

You can call it by any name you want to call it, but it is cloning.

I know there are other Senators who want to talk tonight, so I will not talk too much more on this.

But, Madam President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 3844 to amendment No. 3843.

Mr. ENSIGN. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the patentability of human organisms, and for other purposes)

Strike all after the first word and insert the following:

UNPATENTABILITY OF HUMAN ORGANISMS.

Section 101 of title 35, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Whoever"; and

(2) by adding at the end the following:

"(b) UNPATENTABILITY OF HUMAN ORGANISMS.—

"(1) DEFINITION.—In this subsection, the term 'human cloning' means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

"(2) UNPATENTABILITY.—A patent may not be obtained for—

"(A) an organism of the human species at any stage of development produced by any method, whether in vitro or in vivo, including the zygote, embryo, fetus, child or adult;

"(B) a living organism made by human cloning; or

"(C) a process of human cloning.".

"(3) EFFECTIVE DATE.—This section shall become effective 30 days after the date of enactment."

Mr. ENSIGN. Madam President, the issue of human patenting in this whole issue of cloning. And the whole cloning debate is really an egregious one because the idea of being able to patent a human being or the making of a human being is probably one of the most egregious parts of this whole issue.

This really is a time when we are confronting a brave new world. The prospect of people in corporate America owning people and trading and buying and selling people as if they were property is something that should give us all a chill.

So, Madam President, I think all of us should support the Senator's amendment, and the second-degree amendment as well.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 3843

Mr. BROWNBACK. Madam President, I want to proceed to the discussion of this issue on the overall patenting because that is the narrow issue on which we are focused and it ties in, very closely, with this issue of cloning.

I was mentioning the Nature Magazine article about whether this will work because the issue of patents will be that people are seeking to create these humans, and then own them through the patenting process; that people will research and invest commercially in them. It should really send a chill through all of us.

I think the question one should be asking, even ahead of that, is: Will this even work? If we are going to allow this to take place, one might advocate, well, OK, this is going to work and create all these cures for diseases; therefore, maybe we ought to risk this to humanity.

I say, even on the science of this, the very basic science of this, the science says this isn't going to work either, so that we would be subjecting humanity to the notion that you can patent people, when it does not even work. And it is not going to proceed.

Here is the quote I was talking about by Peter Aldhous, entitled "Can They Rebuild Us?" in Nature Magazine, dated April 5, 2001:

> It may come as a surprise that many experts do not now expect therapeutic cloning to have a large clinical impact—many researchers have come to doubt whether therapeutic cloning will ever be efficient enough to be commercially viable. It would be astronomically expensive, says James Thomson of the University of Wisconsin in Madison, who led the team that first isolated E[mbryonic] S[tem] cells from human blastocysts.

The article continues:

> [M]ammalian cloning is inefficient, even in the hands of the most skilled scientists. Of the 277 cells from Dolly's mother that were fused with donor egg cells—

This is 277 eggs. And then because you had to make 277 of these, 277 eggs—

> less than 30 developed to the blastocyst stage.

That is the early stages of development.

> At the time experts believed efficiency would improve. But despite feverish efforts by groups worldwide, progress has been disappointing. We don't at the moment have any real handle on how to greatly increase the efficiency, admits Alan Coleman of PPL Therapeutics near Edinburgh, the company involved in the Dolly experiments.

So 277 eggs, to get to 30 developed to the blastocyst stage, to eventually get to one Dolly. So 277 to one, that is how many eggs we are going to have to have from women to be able to start these, to be able to get some sort of development moving along. You are talking about a very inefficient process, and one where you have to have a lot of women superovulating, collecting these eggs so we can get more of these clones going. At what price to women? At what price to humanity?

Also, in a recent LA Times interview—this is from May 10, 2002, about a month ago—Thomas Okarma of Geron Corporation said that cloning for customized stem cell treatments would take, "thousands of [human] eggs on an assembly line" to produce a custom therapy for a single person. He says, "This proceeds as a non-starter commercially." The odds favoring success "are vanishingly small." He said this. He is one of the lead researchers from Geron Corporation. The possibilities of success "are vanishingly small." Yet we want to take this step for humanity on the science where the science says the opportunities, the possibilities "are vanishingly small"? We want to go ahead and step forward and say: Yes, we should do research, we should patent people on an opportunity that is "vanishingly small"?

That is not a wise step to take on the science of it, let alone how you view the human person, whether or not you should allow patenting of people on the science of it. It argues we should not.

This leads me to my second point which is, in order to be effective, therapeutic cloning must rely on the exploitation of women and the practice will be available only to the rich. This practice will have to rely upon the exploitation of women and will be available only to the rich. Aside from being highly impractical, the claim that therapeutic cloning will lead to cures is one that can ultimately only be realized with the blatant exploitation of women.

In order to conduct so-called therapeutic or research cloning on a scale that would yield just a portion of the benefits cloning advocates promise, one would need to harvest a vast number of human eggs. The only place you get those is from women.

As noted by Dr. David Prentice, a stem cell researcher at the University of Indiana:

> More than 100 million people in the United States suffer from medical conditions for which embryonic stem cell therapies are being promoted as promising—Parkinson's disease, stroke, multiple sclerosis, spinal cord injuries, juvenile diabetes, ALS, and more. If 20 percent of cloning attempts succeeded in reaching the blastocyst stage of development—the success rate in animal cloning—and stem cells are derived from 10 percent of these clon[al] embryos—a rate consistent with such success rates in deriving embryonic stem cell lines from non-cloned embryos—how many eggs will we need?

Based on these assumptions, just his assumptions, saying OK, let's take our animal models on cloning, that we are going to say we can be just as successful with human cloning as we can in our animal models, and we will try to derive stem cells for just 10 percent of the people who suffer from one of these diseases, based on these assumptions it would take 800 million human eggs to treat just 16 percent of the Americans who suffer from conditions for which these therapies involving embryonic stem cells have been promised, to be able to address the treatments needed for just 16 percent of Americans suffering.

I am just saying, only the rich can afford this. It is going to be very expensive. Let's just say the top 16 percent of those who suffer can afford to do this. We will be able to treat those. With current knowledge and our ability, and even including a factor of favorability, saying we will be able to get this done efficiently from being a human egg to being a clone, because you to have make that transition, you will need 800 million eggs from women. Where are you going to get those? If 10 eggs are harvested per woman, then 80 million women of child-bearing age would have to submit to the risk of drugs and hyperovulation and surgical extraction procedures, providing the eggs that would be needed to develop therapies for just a fraction, 16 percent of those who are suffering from these conditions.

The egg dearth is a mathematical certainty and is one reason researchers say therapeutic cloning will not be generally available for medical treatment.

For example, a year ago biotech researchers Jon Odorico, Dan Kaufman, and James Thompson admitted the following in the research journal Stem Cells. They said: The poor availability of human eggs, the low efficiency of the nuclear cell procedure, and the long population-doubling time of human embryonic stem cells make it difficult to envision this, therapeutic cloning to obtain stem cells, becoming a routine clinical procedure, even if ethical considerations were not a significant point of contention.

James Thompson is the person who developed the embryonic stem cell, first found those in humans. He is saying that even if you didn't have ethical considerations, you will not be able to do this on a regular basis. That is aside from the overall issue. That is just the science of it. That is not questioning whether a human person should be patented or not. That is the question of whether you could do it, whether you have sound science based upon being able to do it.

Concerns such as these as well as others have led a group of progressive scientists, virtually all of whom support abortion rights, to state in their letter of support for a ban on all human cloning that:

> Although we may differ in our views regarding reproductive issues, we agree that a human embryo should not be cloned for the specific intention of using it as a resource for medical experimentation or for producing a baby. Moreover, we believe that the market for women's eggs that would be created by this research will provide unethical incentives for women to undergo health-threatening hormone treatment and surgery. We are also concerned about the increased bio-industrialization of life by the scientific community and life science companies, and shocked and dismayed that clonal human embryos have been patented and declared to be human "inventions."

This is a very real concern. As I am sure many of you are aware, the typical in vitro fertilization procedure involves a collection of eggs from women who seek to become pregnant in this manner. The superovulatory drugs typically used in this procedure will result in anywhere from 10 to 40 eggs. The use of superovulatory drugs has already been linked to ovarian cancer and other health risks. Some people choose to go ahead with that risk because of other concerns and desires they have.

The market for women's eggs is not just a fiction. In fact, the market for women's eggs has already developed. For example, the company Advanced Cell Technology of Massachusetts paid women up to $4,000 per egg donation. This is the group that claimed already to have cloned human beings in the United States. They paid women up to $4,000 per egg donation. There is another issue we should consider: Whether or not we are going to allow companies to pay for women's eggs, to create this marketplace, to allow this marketplace to take place.

Such a market for women's eggs will be a true threat to the health of many women. Women undergoing the health risks associated with egg donation for the purpose of having children is certainly one thing in that they choose and the life comes forward. That they would be induced by some to undergo these health risks for money is another issue.

It is striking, as I watch this debate unfold, that corporate interests in the biotech community want us to countenance the idea that society will be able to solve the health care problems of the world on the backs of poor women. Asking us to do so is an assault not only on the dignity of the human embryo created and destroyed in this process but also on the dignity of the woman who sells her body parts to accomplish it.

The commodification of women and their eggs is a very real concern that we all share and is yet another reason on a long list for why we must outlaw all human cloning and why we must do so now.

That is not the issue in front of us today. The issue today is whether we should allow patenting of human embryos, patenting of people. There are alternatives, however, that do not use controversial and unproven techniques to improve health. Many of you who follow this issue already know the advances being made, and the adult nonembryonic stem cell research continues to show great promise. Not only are we beginning to treat the myriad diseases which plague humanity, but we are continuing to find we can do so without the use of controversial techniques or research which relies on the death of another human being.

As to the adult stem cell area, I want to spend some time on this because I want to solve these diseases as well. I think we have an avenue that is being proven in science today that we should pursue aggressively, fund aggressively, fund at the Federal level, and get these cures to the people.

In fact, to date there is no clinical application of embryonic stem cells in people, much less those derived from cloned embryos, that are used with humans, whereas there are many diseases already being treated in humans with adult nonembryonic stem cells. We already have human clinical trials with adult stem cells.

I would like to list just a few of these recent advances. I am comparing clones, cloned embryonic stem cells, no human trials or applications. It is fully legal today to clone humans in the United States, fully legal. It has been going on; companies are claiming to have done it. There are no human applications, none. Adult stem cells are these repair cells in each of our bodies—Senator SPECTER's body, my body, right now. We have them in all parts of our body, these repair cells that go to a particular area and help it build back up and build more cells where they are needed. It is the maintenance crew in the body. These adult stem cells go places and help where there are needs.

What we are finding is that we can pull those out, grow them outside the body, put them back in with amazing results in cures in some of these terrible, debilitating areas.

There was one reported in the paper just today about liver stem cells being converted into pancreatic stem cells that were insulin secreting to be able to cure diabetes. That was just reported in the paper today.

Adult bone marrow stem cells: These are in us now, grow extensively, transformed into functional liver cells.

Dr. Catherine Verfaillie's group in Minnesota continues to show more and more uses for the multi-potent adult progenitor cells from bone marrow. These are adult bone marrow stem cells. The team has now shown that these can transform into functional liver cells. The adult stem cells also were grown in culture for over 100 generations of the cells, twice the length of time previously thought possible with adult cells.

This was in a recent journal, May 2002—adult liver stem cells from pancreatic cells.

Researchers at the University of Florida have transformed highly purified adult liver stem cells into pancreatic stem cells. Now they are taking liver stem cells and making them into pancreatic cells. The cells self-assemble in a culture and form three-dimensional islet structures—that is where you get the secretion of insulin—express pancreatic genes, produce pancreatic hormones and, best of all, secrete insulin—to be able to cure diabetes. When you implant it into diabetic mice, the transformed cells reverse their hyperglycemia in 10 days.

Ammon Peck, one of the team leaders, said:

> Adult stem cells appear to offer great promise for the production of an almost unlimited supply of insulin-producing cells and islets of Langerhans . . .

A particular type of cell that produces insulin.

> The ability to grow insulin-producing cells from liver stem cells shows the remarkable potential of adult stem cells for future cell therapy.

This was in a June 4, 2002, online edition of Proceedings of the National Academy of Sciences.

Adult stem cells successfully treat Parkinson's. Think about that—successful treatment for Parkinson's. Has the Chair even heard of this? On April 8, Dr. Mike Levesque at the Cedars-Sinai Medical Center in Los Angeles reported a total reversal of symptoms in the first patient treated, a 57-year-old former fighter pilot. The patient is still without symptoms 3 years after adult neural stem cells were removed from his brain, coaxed into becoming dopamine-producing cells, and then reimplanted. So here they took this 57-year-old former fighter pilot, took these adult neural stem cells, nerve stem cells, removed them from his brain, coaxed them into becoming dopamine-producing cells, and reimplanted them. This was in a human trial, not animal.

"I think transplantation of the patient's own neural stem cells and differentiated dopaminergic neurons is more biologically and physiologically compatible—more efficacious and more elegant," said Levesque. The results show that adult stem cells from a patient's own brain can aid in treatment of Parkinson's. This was all accomplished without the requirement for immuno-suppression since the patient's own adult stem cells were used. Again, it is your own stem cells. There is no immuno-suppression problem since the patient's own adult stem cells were used. In addition to its use for Parkinson's, the technique is under study for juvenile diabetes, stroke, brain tumors, spinal cord injury, and other conditions. The results were presented at the meeting of the American Association of Neurological Surgeons.

Think about that. Three years after these were taken, were coaxed into becoming dopamine-producing cells and were reimplanted, they are showing a total reversal of symptoms in the patient. Incredible.

Adult stem cells can form potentially all tissues. Injection of a single adult bone marrow stem cell can reform the entire bone marrow of a mouse, forming functional marrow and blood cells and saving the life of the mouse. The transplanted bone marrow also could form functional cells of liver, lung, gastrointestinal tract—esophagus, stomach, intestine, colon—and skin, as well as other cells in heart and skeletal muscle. The experiments also provided evidence that adult stem cells "home in" to sites of tissue damage. This was from Dr. D.S. Krause on May 4, 2001, in the publication "Cell."

Fifth, adult stem cells repair heart damage. I am talking, again, about human clinical trials. Heart damage. Listen to this:

> Researchers at NIH and the New York Medical College-Valhalla used mice to show that injecting adult bone marrow stem cells damaged hearts could rebuild heart tissue and help restore heart function. Newly formed heart tissue occupied over two-thirds of the damaged portion of the heart 9 days after the transplant. In other experiments, significant repair of heart damage was achieved by simply stimulating the production and release of stem cells from bone marrow, with the cells migrating to the heart and repairing damage. The studies indicate that adult stem cells can generate new heart tissue, decreasing the damage of coronary artery disease.

That was in a magazine called Nature on April 5, 2001. This was a mouse trial, not human.

The notion that we have to kill one person in order to find cures for others is a false trade-off that has been presented to the American public in what seems to be a total disregard of the advances made in the promising fields of alternative nonembryonic sources of stem cells. If we want to talk about regenerative medicine, this is where we should focus; this is the area of regenerative medicine. We are doing it today in human clinical trials.

Mr. SPECTER. Will the Senator yield for a question?

Mr. BROWNBACK. If I may complete this point, then I will yield for a question. Why would we contemplate going to the point of creating a human life and patenting this human life in an area where we are showing no results taking place, and it has all these ethical questions, and you have one generation of humanity saying, okay, we think there are some possibilities here to research in this cloning area? Therefore, we are going to allow the creation of human clones, which we allow freely in the United States to take place today; it is going on right now. We are going to allow them to be patented so that you can own this creation of a human being. We don't have to go there. I would say, at a minimum, we ought to contemplate at least pausing on this until we see how all of this would grow and develop before we contemplate creating humans just to research them. We have a better alternative that is working today.

I am happy to yield for a question.

Mr. SPECTER. Madam President, the Senator from Kansas, in his introductory comments, announced what his amendment was not about, and then he proceeded to talk extensively about nuclear transplantation, otherwise referred to as therapeutic cloning, and about embryonic stem cells, and about adult stem cells.

But coming back to the core issue on what the Senator from Kansas is offering on nonpatentability, my question is whether the Senator from Kansas is aware of a release by the Patent Office on April 1, 1998, which reads, in pertinent part:

> The Patent and Trademark Office is required by law to keep all patent applications in confidence until such time as a patent may be granted. However, the existence of a patent application directed to human/nonhuman chimera has recently been discussed in the news media. It is the position of the PTO that inventions directed to human/nonhuman chimera could, under certain circumstances, not be patentable because, among other things, they would fail to meet the public policy and morality aspects of the utility requirement.

Now, this position by the Patent Office obviously, on its face, renders totally unnecessary the amendment that is being offered. My question to the Senator from Kansas is, Was he aware of this position taken by the Patent Office?

Mr. BROWNBACK. Yes, I am very familiar with that. The Patent Office has continued to articulate that position. That is why I stated that there is a question on this, because the Patent Office is stating that issue based upon the 13th amendment of the Constitution, which is against slavery. But they are being challenged by attorneys, and they have been challenged in the court often about whether they can deny a patent.

What I am providing by this amendment is clarity by the legislative body acting and saying that we will not allow the patentability of this issue. I ask my colleague if he agrees with that and maybe with my amendment and would agree to support this amendment. It is just a clarification of what the Patent Office has currently stated.

Mr. SPECTER. I would be glad to expound, Madam President. The amendment which the Senator from Kansas has offered was offered without any notice to this Senator, which came as a surprise, since the Senator from Kansas and I have been debating this subject very broadly for the past year or two.

Having seen this amendment for the first time this evening, I was surprised that when I walked out for a telephone call, that opportunity was used by the Senator from Nevada to offer a second-degree amendment to foreclose this Senator from offering a second-degree amendment, although that may still be possible under certain procedural approaches.

The arguments which I have heard the Senator from Kansas offer tonight, almost his entire presentation has not been about the patent issue but has been about therapeutic cloning, and embryonic stem cells. The Appropriations Subcommittee on Labor, Health and Human Services had some 14 hearings on the issues relating to stem cells and nuclear transplantation. There has been no hearing at all on this subject.

Again, it is a little surprising to find it come up on a very important bill regarding Federal guarantees on insurance. The commercial world has been waiting for action on this bill and, to find this amendment here, again I say, is surprising.

The core question which is raised by the Senator from Kansas has been answered by the Patent Office. I took from his comment that he had mentioned that I did not hear him refer to that at all, but I think his amendment is totally unnecessary in light of what the Patent Office has had to say.

If the Senator from Kansas wanted to have hearings on his amendment in the regular course of business, he is a member of the Judiciary Committee—the Senator from Kansas is a member of the Judiciary Committee, as is this Senator—that would be an appropriate place to hear it.

When the Senator from Kansas talks about the future of humanity, I agree with him about that. Nuclear transplantation offers an opportunity to save lives, to find a cure for Parkinson's, Alzheimer's, and heart disease, so that we really are on the threshold of some remarkable scientific achievements.

Mr. BROWNBACK. Madam President, if I may reclaim my time, if we are going to go into the speech of the Senator from Pennsylvania, I would like to answer his comments and finish up my comments, unless he has another question to ask. Again, I would like to go ahead and finish my statement.

Mr. SPECTER. I had not finished answering the question of the Senator from Kansas. I have been sitting here patiently listening to him at some length and again express a little surprise at having the Senator from Nevada take the floor when I step out for a minute and then ask unanimous consent not to have the amendment read, which is customary, but then the Senator always explains it.

While I was up at the desk getting a copy of the amendment, the Senator from Kansas took the floor again. I do not think there has been any shortage of time for the Senator from Kansas.

Mr. BROWNBACK. I do have the floor, I say to the Senator from Pennsylvania, and I am willing to yield for a question on this issue.

Mr. SPECTER. Madam President, the Senator from Kansas has asked me a question, and I am in the process of responding to the question.

The last comment I will make and will give the floor back—

The PRESIDING OFFICER. The Senator from Kansas does have the floor and can reclaim the floor when he wishes.

Mr. BROWNBACK. I am happy to have the Senator from Pennsylvania respond, but if it is his speech, I would like to finish up my comments and then yield the floor.

Mr. SPECTER. The last part of my response, Madam President, would be to take strenuous issue with the statement by the Senator from Kansas that those who have talked about therapeutic cloning, really nuclear transplantation, are misleading and disingenuous. There has never been any challenge by this Senator to the Senator from Kansas about his being misleading or disingenuous.

As strenuously as I may disagree with what he has had to say, there has never been any challenge to his being forthright and his integrity on the point which is strongly suggested by the characterization of "misleading and disingenuous."

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, reclaiming the floor, I would like to put forward a couple of issues in response to the Senator from Pennsylvania. No. 1, this issue on the patenting of humans has been out there about a month now since a group discovered several applications of patents for the patenting of a process to create a human embryo. It has been out there, and a number of us stated we wanted to ban this procedure of patenting.

No. 2, as we were going forward in this negotiation process to get the competing cloning bills forward, we were required to exchange a bill, and in our base bill was the issue of banning the patenting of people. That was exchanged this week. It has been out in the hands of Senator SPECTER's staff or others during this week. We have had this issue of patenting banned. Whether the Senator knew about it or not, it was in the base bill we put forward.

On the issue of questioning his integrity, I did not, and I do not here. I stated earlier in my comments that those who are putting this forward do so, when they put forward the issue of cloning people, under laudable purposes: to cure debilitating diseases, the same diseases that I seek to cure. What I call disingenuous is the term "therapeutic cloning." It is certainly not therapeutic to the clone, and as I have been going through the science, it is not going to work for the people who are trying to do it. If it did work for the people who were trying to do this, they are going to have to harvest a lot of eggs from women. It is not going to be therapeutic to the women from whom the eggs are harvested, and as far as I know, it is not going to be therapeutic to the clone, and, I might also add, it is not therapeutic to mankind to do this, to start at some point in the life chain, in the life cycle, creating life as livestock and be able to do research on them.

Moving forward with this, and the reason this patent is a central issue, as I noted at the very outset, the whole issue in front of the Patent Office—they are claiming one way and others are claiming another—is the status of the clone. Is the clone a person, thus subject to protections under the 13th amendment against slavery or is it property, is it livestock to be owned and dealt with as its master chooses? That is the central question that is involved at the Patent Office.

That is what I was saying at the outset of the speech, and that is why the issue is in front of us, because we need to resolve the issue: Is this a person protected under the 13th amendment against slavery? Is it livestock; go ahead and patent it, a new type of livestock.

I am saying that what we should do is move forward with clarity for the Patent Office. They are claiming this is a person. It is subject to protection under the 13th amendment against slavery, and I am saying we should clarify that.

I hope many of the Senators in this body will join me and say: Yes, that is right, we should clarify that. Even if it is a questionable issue, we should weigh on the side of, yes, this is probably life and we should not enslave it to a patent. I hope most of the Members of this body will agree and say: Yes, we are going to deny these patents. These are not going to be allowed to go forward.

The notion that we have to kill one person in order to find cures for others is a false tradeoff. It has been presented to the American public in what seems to be disregard for the advances being made in this promising field of alternative nonembryonic stem cells. This is true regenerative medicine.

As our national bioethics debate progresses, we must continue to closely monitor the advances being made in the field of adult stem cell research, and we need to fund it and fund it aggressively.

It is important to remember that we do not have unlimited resources in our battle to prolong and improve the quality of life. Throwing money at unproven, controversial, and novel treatment regimes is foolhardly. It is better to invest where progress is being shown and progress charted.

I wish to address a final point, and that is on the issue of people saying this is about your view of religion, your view of science. The point I wish to make is some have charged religion is attempting to, once again, block important scientific discoveries. This is not true.

What I have argued in the past, and I will argue today, as well as what I will continue to argue in the future, is based directly on biological data, statements by those in the field of biology, the data of common observations, an objective, logical, reflective thinking about the data available. I have not once mentioned an argument based upon religion.

Certainly many traditional religions, dependent on their respective positions, coincide with many of the points that have been made in the past. The Christian tradition, in particular the Catholic and much of the Evangelical, says everything relevant to this debate depends on the humanly accessible data and the logical conclusions that can be drawn from it, not on theology. Authentic religion hands this over to authentic science.

The difference of view, in my judgment, depends on knowing the biological and human truth or not knowing it. It is not about a difference of religious view or the difference between religion and science. Every argument I have put forward has been based upon science, biology, and reason. To me, the present debate is about good or bad science and good or bad reasoning. Many, however, seem to be wanting to make this a debate about religion when it is not.

What makes this argument so strange is that I cannot think of one Senator who does not believe in God. Indeed, we have printed above the main door when we come in, "In God We Trust."

The question for my colleagues to ponder may be put the other way: Does God trust us? Does he love us? And if so, when did his love start for us? I would suggest it starts very early.

In closing, I think it is important that as we continue to engage this national dialogue, we strive to do so in a way that shows the profound mystery and inviolable worth of every human being from the moment of conception until natural death. It is a debate well worth having, and as a brave new world draws ever near, it becomes clearer that our own humanity in fact may depend upon it.

As a final thought, I think it is unlikely that Senators today will ultimately be remembered by history for their votes on tax bills or even on bills that are pending right now—budget, trade—all of which will be important. They are important, but I think when we look back 50 years to this period of time, that may not be what history remembers.

There is something truly unique about the debate on this issue, on whether you treat a person as patentable or not. The action we take today, tomorrow, and next week on this issue will have far-reaching implications and will be of great historical consequence. It is what history will ultimately remember us for during this time. I think that is why we clearly have to address this issue. That is why we have narrowly addressed the point that is in front of us.

I hope that in the end we get unanimous consent in this body that we should not allow patenting of human life in any stage of its development, whether it is asexual reproduction or human reproduction.

Today, yes, indeed, we in the Senate open a debate on the future of humanity and whether we shall use human life for research purposes. Let us pause and do something most of us agree on and not allow human life, whether created by a clone, in a clone, by a biotechnician or in the womb, to be patented.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Utah.

Mr. HATCH. Madam President, I have a lot of respect for the distinguished Senator from Kansas. He is a good man. He is very sincere, and he believes in what he is doing. He fights for what he believes in. I have a lot of respect for him, and I have a lot of respect for his attitude.

Up until this point, the debate on cloning has been considered in an orderly and responsible fashion. I am greatly concerned that in filing this particular amendment, our opponents in this debate are resorting to tactics that will not result in the careful consideration that this important issue merits. We all know that the great issue in this debate is whether an unfertilized blastocyst, or an unfertilized egg that is used in the somatic cell nuclear transfer process and becomes a blastocyst in 5 or 6 days, is a person? We will have that debate in this body, I presume. I think it would be a worthwhile debate.

The amendment being offered tonight is something of a red herring. True, there are issues that should be examined in addition with patents which may be issued on living cells. In fact, Chairman LEAHY and I are pursuing that matter in the Judiciary Committee with the Patent and Trademark Office and other interested parties. We are trying to learn more about patent No. 6,211,429, issued to University of Missouri researcher, Dr. Randall Prather. We are trying to learn if the issuance of this patent is consistent with the 1987 PTO policy statement with respect to the non-patentability of human beings.

However, let's be fair, the crux of the issue in this debate has little to do with patents. It has to do with whether or not we will allow important research to proceed, research that holds the promise of improving upwards of 100 million-plus lives in our society in America alone. That does not even mention the millions of others throughout the world who might benefit from what I refer to as regenerative medicine.

This body can look at issues around the margin—and trust me, there are literally hundreds of them that we could consider—and patenting is certainly a concern but it does not go to the heart of the issue.

The Patent and Trademark Office, the PTO, has already made abundantly clear in its 1987 policy statement that human beings are not patentable, as the distinguished Senator from Pennsylvania has aptly pointed out. This policy states, in part, "A claim directed to or including within its scope a human being will not be considered to be patentable subject matter."

It seems to me that it might prove beneficial for PTO to reexamine the claims of the University of Missouri patent in light of prior art.

In any event, human beings are not patentble. That has been the law of the land, as it should be. To get into a somewhat arcane, complicated debate about intellectual property on a totally unrelated bill merely sidesteps the real debate and confuses the issue. The patent issue is an issue that most appropriately should be examined, but I believe should be examined by the Judiciary Committee, of which Senator BROWNBACK is a member. So the distinguished Senator from Kansas will have every right to have his thoughts considered.

We need to know how far the Brownback Amendment reaches. Does it extend to cell lines derives from unfertilized blastocysts? Does the amendment destroy the patentability of any process that could be used in nuclear transplantation involving human cells? We need to know what, if any, tensions, exist between the Brownback Amendment and the Supreme Court's holding in the famous Chakrabarty decision?

The 1987 PTO policy cited Chakrabarty "as controlling authority that Congress intended statutory subject matter to 'include anything under the sun that is made by man.'" The PTO went on to say that it "now considers nonnaturally occurring nonhuman multicelluar living organisms, including animals, to be patentable subject matter within the scope of 35 U.S.C. 101."

We need to think how the Brownback Amendment squares with the position taken in the memo written by then-HHS General Counsel Harriet Raab with respect to the relationship embryos and pluripotent cell lines.

But I want to emphasize that what we really have to resolve in this debate is the legal and moral status of an unfertilized blastocyst that will not be implanted into a mother's womb and can never develop into a human baby. That is a key issue. Let's be honest, there is little interest in patenting a unfertilized blastocyst because the promise is not in the unfertilized blasotcyst but in the stem cell lines that may be derived from this artificially created cells.

I have been following the recent debate on the patenting of human life very closely. My interest is twofold. As a policy matter and of course as ranking member of the Judiciary Committee, I have a special responsibility for considering any policy issues that touch on intellectual property laws. In addition, my longstanding interest in biomedical research and ethics compels me to understand ramifications of intellectual property policy which have such far-ranging public health consequences. So I am very concerned about both of those issues. They are important issues and should not be helter-skelter considered on the floor without hearings, without appropriate consideration. These are complex and difficult issues.

Throughout my career, I have always taken a strong pro-family and pro-life stance, especially on issues relating to biomedical research. I have also spent considerable efforts to see that the United States remains the world's leader in biomedical research so that our citizens may continue to benefit from revolutionary breakthroughs in science.

Patenting human life involves novel and difficult issues. I believe there is widespread agreement that patenting human life, per se, is undesirable. Moreover, it may have serious constitutional implications under the 13th and 14th amendments as well. However, in approaching these issues, we must take care not to rush to judgment and unnecessarily make unwise policy decisions that would hinder, and perhaps halt, important biomedical research.

Having said that, I jotted down a few notes put forth by the accomplished patent attorney, Al Engelberg. I agree with Al and other experts who do not believe that changing the patent law is the appropriate vehicle for exercising governmental control over the multitude of issues relating to cloning. Patents do not create an affirmative right to make, use, or sell the patented subject matter. They only give the owner the right to exclude others from doing so. For example, a patent on a new drug does not create any right to manufacture, use, or sell. An approval from the FDA is an absolute prerequisite.

Similarly, a patent on a slot machine does not give the owner the right to use or sell it in a State where gambling is illegal. It would be a big mistake to leave the important broad societal moral, ethical, and public health issues to PTO experts applying technical patent laws. That would be a terrific mistake to make, and I believe that the ambiguities in the Senator's amendment will thrust PTO into an improper role.

Do we really want to get involved in parsing patent claims in order to decide what is ethically permissible in the real world of cutting edge biomedical research? I think not. Let us settle the policy issue through a direct, frontal debate rather than approaching the matter through the back door of patentability.

I do not think springing, unannounced, this type of amendment on this bill in this fashion is the most constructive manner in which to hold an informed debate.

But on the substance of the amendment, we should take the view that the existence of the patent is not determinative of what is legal or illegal to make, use, sell, or permit within commerce. The value of the patent should rise or fall on the basis of independent legislative determinations regarding the legality or illegality of certain activities.

That is what Senators SPECTER, FEINSTEIN, KENNEDY and I have done in our legislation by making the independent legislative determination that clearly outlaws the cloning of human babies by criminalizing the implantation of unfertilized blastocysts.

The right to engage in such activities should be divorced from the issuance of patents.

Now, as Mr. Engelberg argues, one advantage of proceeding in that fashion is that it maximizes the incentives for those who make new and potentially new discoveries to disclose them in the hope that over the 20-year life of the patent, the definition of "legally permissible" activities may be altered, thereby breathing economic value into a discovery that cannot be commercially exploited at the time of the recovery. If research in a particular area is eliminated, no patent applications can be filed without effectively admitting to a crime. Therefore, legislation regarding the scope of patents is not a good way to get at the underlying questions that are being debated.

I hope the Senator would withdraw his amendment. I believe it is grossly premature. It is very dangerous for us to adopt such a measure without appropriate hearings and a complete review of this matter.

In the end, it does not help us decide, what seems to me the central issue of the debate: whether or not we should go forward with this very important research?

In the weeks ahead, the Senate is going to debate these issues of extreme importance to many Utahans and many Americans. There are upwards of 128 million people in our society who are suffering from various difficulties and diseases that may benefit from regenerative medicine research. I am talking about heart disease, cancer, ALS, diabetes and many others.

I, personally, believe we ought to do everything in our power to help consistent with sound ethics. I, personally, believe—because experts tell me this is the case—that regenerative medicine holds great promise of curing many diseases.

I acknowledge the distinguished Senator has quoted some scientists, but I am going to stand with the 40 Nobel laureates who have said this research should go forward because it holds great promise in expanding biomedical research to find treatments or cures. This science may also be used to examine disease so we can get to the bottom of the causes of disease and hopefully find treatments and cures for the millions and millions of Americans and people all over the world who need our help.

Regenerative medicine has the great potential to save lives and to alleviate pain and suffering. I have come to this position after many months of study, contemplation, talking with all kinds of scientists and others on both sides of this issue, including some of the leading authorities in science, religion, and ethics. I have spent a lot of time on biomedical research issues during my entire Senate career. I have analyzed this from a pro-life, pro-family perspective, with the view that being pro-life means helping the living.

A 4-year-old boy, Cody Anderson, from West Jordan, UT, came to visit me this last June. Cody Anderson's mother almost fell apart when she discovered at the age of 2 Cody Anderson got the very same diabetes that his grandfather had. His grandfather lived until he was 47 years of age but lived through 28 different operations, the loss of his left leg below the knee, the loss of his right toes, a colonoscopy, all kinds of other travails, difficulties and problems, and ultimately was on dialysis for the loss of his kidneys for the last 10 years of his life before he died, in a miserable, painful condition, at 47 years of age.

When Cody's mother discovered that her son, at the age of 2, had exactly the same disease that killed her father at age 47, after all that miserable, wretched existence, she almost fell apart. She came to me and said: You have to do something about it.

Not only did the grandfather go blind, he had pressure behind one of the eyes, and it had to be removed.

Now, why wouldn't we do everything in our power to help Cody and others suffering from life-debilitating diseases? It seems to me we should.

Let me state my total agreement with my dear friend and colleague from Kansas that we should ban absolutely reproductive cloning of human beings. There is no question that ban would pass 100 to 0 in this body, and I think 435 to 0 in the House. There are only a few people in our society today who believe we ought to follow through and try to experiment with and reach a position of cloning human beings. Those people would be shut off automatically. They basically would be outcasts if they tried to do something like that. By banning that totally, we would solve most every problem with which most people are concerned.

It does not solve the problem that my dear colleague is concerned with because he considers the unfertilized egg, once a nuclear transfer takes out the 23 mother's chromosomes, and insert the DNA of a skin cell or other somatic cell through the nuclear transplantation process. This process inserts the 46 chromosomes into the unfertilized egg that will remain unfertilized.

Some believe that the product of nuclear transplantation is a human being. I don't agree with that. It is a living, human cell, but it certainly is not a human being, nor does it have a chance in the world of becoming a human being unless it is implanted in a human womb, and even then probably will not become a human being because it is theoretically possible but nobody is absolutely sure if that can happen.

During this period of time, the unfertilized egg can be grown to a blastocyst stage in a lab and develop to the point where special cells, called embryonic stem cells, can be extracted and replicate themselves. The stem cells are undifferentiated but, scientists believe, they can be differentiated into as many as 200 different forms of human tissue which might save lives, which might treat disease, which might bring cures, which certainly will help study disease and the origins of disease.

I don't mean to go into all of the details this evening. But I am very concerned in the end that if we do not continue this research, the rest of the world is going to leave us behind. They will do so under moral and ethical standards that will not be good—at least in some parts of the world. If we help set the moral and ethical standards, it seems to me, we can benefit everybody around the world, first and foremost U.S. citizens. It will mean they will conduct this research on a highly ethical and morally upright manner.

If we do not do that, this research is going to go on through the rest of the world, and it will not be with our influence.

Second, it seems to me, if we do not go ahead with this research under very stringent moral and ethical standards, it will be gone ahead with no matter what happens because many of our leading scientists today may leave our country and go where they can pursue this research. And I say again—according to at least 40 Nobel laureates and almost everyone else I know, except a few—this is very promising research.

This is important. I am totally in favor of adult stem cell research, and almost every scientist I have talked to is also supportive of this line of research. But almost every scientist I have talked to, and I have talked to a lot of them, will tell me that it is very difficult to get enough adult stem cells, and when you do they are not as able to maintain and differentiate into the various forms of human tissue as embryonic stem cells are. That is why many in the scientific world, except for a few, believe this research, this positive, very important research, should go forward.

I understand the sincerity of those who believe that somatic cell nuclear transfer results in the creation of a human being but I do not see it that way. If you have an unfertilized egg that is never implanted into a mother's womb, I do not think we have a human life. It is a living human cell. It is something that should be given respect, certainly, but we should give it respect by studying, learning, and helping alleviate human pain and suffering if we can. At least that is my viewpoint.

I respect those with viewpoints that are different from mine but I think they are in the minority and as this debate unfolds I think that more and more Americans will agree with us that this important research should go forward. But I do not agree with it.

There are a lot of very fine people who feel the same way the distinguished Senator from Kansas feels. But there are a lot of fine people, who are very religious and very decent, and who are pro-life, who believe that regenerative medicine is moral and that we ought to do all we can to help the living, too.

From where are these eggs going to come? First, that egg is unfertilized. It remains unfertilized right up through this blastocyst stage. Those eggs are probably going to come from in vitro clinics themselves, in many cases. Under our proposal they are going to be voluntarily given. Nobody is going to profiteer on these eggs. There will be eggs that you cannot freeze readily because they are not fertilized. So they will have to be used in a relatively short-term fashion, to create these embryonic stem cells, generally in 4 to 6 days or so.

The fact is, they are going to be eggs that are voluntarily given.

Some of my friends on the right and left of me say every one of those eggs ought to be used and implanted in a woman so they can have babies. That is not reality. It can be, to a limited number of people who choose to do that, but some will volunteer eggs for this research.

During the Olympics I had a woman come up to me and she said: Senator, I appreciate your stand on stem cell research. She said: My husband and I have twins from in vitro fertilization. We are so grateful for that process.

I remember when that process came forward, many of the arguments that are being used today were used against that process.

And she said: Senator, we are grateful for those twins. But I don't want any more children and I don't want my eggs implanted in somebody else. I want them used for research.

She ought to have the right to do that, and women like her. If you are a mother and your child has just gotten a very virulent form of diabetes, or your parents are drifting into Alzheimer's or Parkinson's, what woman, who is really concerned about her parents, would not be willing to do what she could to help them, if in fact this research can prove efficacious? And if adult stem cell research has a chance of being efficacious, can you imagine what the undifferentiated state of stem cells, which can be so easily differentiated, in the eyes at least of these scientists, can you imagine what good that will do?

I believe these 41 Nobel laureates, the leading scientists in our society, ought to be listened to in this debate. To a person, they do not believe this is a human being at this stage. There is good reason for that.

I ask unanimous consent the letter from these Nobel laureates, with their names, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN SOCIETY
FOR CELL BIOLOGY,
Bethesda, MD.

Two National Academy of Sciences expert committees, as well as noted national and international organizations, have evaluated current scientific and medical information and have concluded that cloning a human being using the method of nuclear transplantation cannot be achieved safely. Such attempts in other mammals often have catastrophic outcomes. Furthermore, virtually nothing is known about the potential safety of such procedures in humans. Consequently, there is widespread and strong agreement that an attempt to clone a human being would constitute unwarranted experimentation on human subjects and should be prohibited by legislation that imposes criminal and civil penalties on those who would implant the product of nuclear transplantation into a woman's uterus.

Unfortunately, some legislation, such as that introduced by Senator Brownback (R-KS) would foreclose the legitimate use of nuclear transplantation technology for research and therapeutic purposes. This would impede progress against some of the most debilitating diseases known to man. For example, it may be possible to use nuclear transplantation technology to produce patient-specific embryonic stem cells that could overcome the rejection normally associated with tissue and organ transplantation. Nuclear transplantation technology might also permit the creation of embryonic stem cells with defined genetic constitution, permitting a new and powerful approach to understanding how inherited predispositions lead to a variety of cancers and neurological diseases such as Parkinson's and Alzheimer's diseases.

A critical element of the Brownback bill would prevent the importation into the United States of medical treatments developed in other parts of the world using nuclear transplantation. It seems unbelievable that the United States Senate would deny advanced medical treatment to hundreds of millions of suffering Americans because of an aversion to a technology that was used in its development.

By declaring scientifically valuable biomedical research illegal, Senator Brownback's legislation, if it becomes law, would have a chilling effect on all scientific research in the United States. Such legal restrictions on scientific investigation would also send a strong signal to the next generation of researchers that unfettered and irresponsible scientific investigation is not welcome in the United States.

We, the undersigned, urge that legislation to impose criminal and civil sanctions against attempts to create a cloned human being be enacted. We also oppose strongly any legislation that would prohibit or impede the scientifically legitimate, responsible use of nuclear transplantation technology for research and therapeutic purposes. Similarly, any attempt to prohibit the use of therapies in the United States that were developed with the aid of nuclear transplantation technology overseas denies hope for those seeking new therapies for the most debilitating dieases known to man.

Sidney Altman, Sterling Professor of Biology, Yale University, Nobel Prize in Chemistry, 1989.

Kenneth J. Arrow, Professor of Economics and Professor of Operations Research, Emeritus, Stanford University, Nobel Prize in Economics, 1972.

Julius Axelrod, Scientist Emeritus, National Institutes of Health, Nobel Prize in Physiology or Medicine, 1970.

David Baltimore, President and Professor of Biology, California Institute of Technology, Nobel Prize in Physiology or Medicine, 1975.

Paul Berg, Cahill Professor of Cancer Research and Biochemistry, Emeritus, Director, Beckman Center for Molecular & Genetic Medicine, Emeritus, Stanford University School of Medicine, Nobel Prize in Chemistry, 1980.

J. Michael Bishop, University Professor and Chancellor, University of California, San Francisco, Nobel Prize in Physiology or Medicine, 1989.

Thomas R. Cech, Distinguished Professor, University of Colorado, Boulder, Nobel Prize in Chemistry, 1989.

Stanley Cohen, Distinguished Professor of Biochemistry, Emeritus, Vanderbilt University, Nobel Prize in Physiology or Medicine, 1986.

Elias James Corey, Sheldon Emery Research Professor of Chemistry, Harvard University, Nobel Prize in Chemistry, 1990.

Johann Deisenhofer, Virginia and Edward Linthicum Distinguished Chair in Biomolecular Science, Regental Professor, University of Texas Southwestern Medical Center at Dallas, Nobel Prize in Chemistry, 1988.

Renato Dulbecco, Distinguished Research Professor, President Emeritus, The Salk Institute, Nobel Prize in Physiology or Medicine, 1975.

Edmond H. Fischer, Professor Emeritus of Biochemistry, University of Washington, Nobel Prize in Physiology or Medicine, 1992.

Jerome I. Friedman, Institute Professor, Massachusetts Institute of Technology, Nobel Prize in Physics, 1990.

Walter Gilbert, Carl M. Loeb University Professor, The Biological Laboratories, Harvard University, Nobel Prize in Chemistry, 1980.

Alfred G. Gilman, Regental Professor and Chairman, Raymond and Ellen Willie Distinguished Chair in Molecular Neuropharmacology, Director, Alliance for Cellular Signaling, Chairman, Department of Pharmacology, University of Texas Southwestern Medical Center, Nobel Prize in Physiology or Medicine, 1994.

Donald A. Glaser, Professor of Physics and Neurobiology, University of California, Berkeley, Nobel Prize in Physics, 1960.

Joseph L. Goldstein, Regental Professor, Department of Molecular Genetics, University of Texas Southwestern Medical Center, Nobel Prize in Physiology or Medicine, 1985.

Paul Greengard, Vincent Astor Professor, Laboratory of Molecular and Cellular Neuroscience, The Rockefeller University, Nobel Prize in Physiology or Medicine, 2000.

Lee Hartwell, President and Director, Fred Hutchinson Cancer Research Center, Professor, Department of Genome Sciences, University of Washington School of Medicine, Nobel Prize in Physiology or Medicine, 2001.

Dudley Herschbach, Baird Professor of Science, Department of Chemistry and Chemical Biology, Harvard University, Nobel Prize in Chemistry, 1986.

Tim Hunt, Principal Scientist, Cancer Research UK, Nobel Prize in Physiology or Medicine, 2001.

Jerome Karle, Chief Scientist, Laboratory for the Structure of Matter, Naval Research Laboratory, Nobel Prize in Chemistry, 1985.

Arthur Kornberg, Emma Pfeiffer Merner Professor, Emeritus Professor of Biochemistry, Stanford University School of Medicine, Nobel Prize in Physiology or Medicine, 1959.

Edwin G. Krebs, Professor Emeritus, Senior Investigator Emeritus, Department of

Pharmacology, Howard Hughes Medical Institute, University of Washington School of Medicine, Nobel Prize in Physiology or Medicine, 1992.

Leon M. Lederman, Pritzker Professor of Science, Illinois Institute of Technology, Nobel Prize in Physics, 1988.

Edward B. Lewis, Thomas Hunt Morgan Professor of Biology, Emeritus, California Institute of Technology, Nobel Prize in Physiology or Medicine, 1995.

William N. Lipscomb, Abbot and James Lawrence Professor, Emeritus, Department of Chemistry and Chemical Biology, Harvard University, Nobel Prize in Chemistry, 1976.

Ferid Murad, Professor and Chairman, Department of Integrative Biology, Pharmacology and Physiology, University of Texas at Houston, Nobel Prize in Physiology or Medicine, 1998.

Marshall Nirenberg, Chief, Laboratory of Biochemical Genetics, National Heart, Lung & Blood Institute, National Institutes of Health, Nobel Prize in Physiology or Medicine, 1968.

Sir Paul Nurse, Director-General (Science), Cancer Research UK, Nobel Prize in Physiology or Medicine, 2001.

Burton Richter, Paul Piggot Professor in the Physical Sciences, Director, Stanford Linear Accelerator Center, Emeritus, Nobel Prize in Physics, 1976.

Richard J. Roberts, Research Director, New England Biolabs, Nobel Prize in Physiology or Medicine, 1993.

Phillip A. Sharp, Institute Professor, Director, McGovern Institute, Massachusetts Institute of Technology, Nobel Prize in Physiology or Medicine, 1993.

Hamilton O. Smith, Senior Director of DNA Resources, Celera Genomics, Nobel Prize in Physiology or Medicine, 1978.

Robert M. Solow, Institute Professor Emeritus, Massachusetts Institute of Technology, Nobel Prize in Economics, 1987.

E. Donnall Thomas, Professor of Medicine, Emeritus, University of Washington, Member, Fred Hutchinson Cancer Research Center, Nobel Prize in Physiology or Medicine, 1990.

Harold Varmus, President, Memorial Sloan Kettering Cancer Center, Former Director, National Institutes of Health, Nobel Prize in Physiology or Medicine, 1989.

James D. Watson, President, Cold Spring Harbor Laboratory, Director, National Center for Human Genome Research, NIH, 1989–1992, Nobel Prize in Physiology or Medicine, 1962.

Torsten Nils Wiesel, The Rockefeller University, President Emeritus Nobel Prize in Physiology of Medicine, 1981.

Robert W. Wilson, Senior Scientist, Harvard-Smithsonian Center for Astrophysics, Nobel Prize in Physics, 1978.

Mr. HATCH. There is so much more to be said about this. We can debate all night about it. I am sure there will come a time for this debate, where we can discuss all these matters.

But, you know, I am concerned that we not lose this opportunity to help mankind. I remember in the early 1970s, mid-1970s, when recombinant DNA was so heavily lobbied against, the research, and it was another type of cloning research. It was not the same as this, it is not cloning a living mother's egg, but nevertheless, it involved cloning. Similar arguments were made against recombinant DNA research.

I have to tell you that we went ahead anyway, the research was done, and today we have over 60 mainline drugs that came from recombinant DNA—cloning—research, not the least of which is human insulin which is saving millions of lives today in this world.

In fact, virtually every major scientific breakthrough through history has had those who have argued against it. And there have been some which have not proven efficacious, such as fetal tissue research.

I made the arguments on the floor against fetal tissue research at the time. So far, I believe that science has not been able to derive the projected benefits from fetal tissue research. I am not saying I was right; I am just saying the fact is, it did not prove as efficacious as originally thought.

But the scientists, one of the latest ones I chatted with at the University of Utah, Mario Capecchi, one of the leading experts in the world on mice stem cell research—it was an absolutely fascinating hour and a half I spent with him. You can't believe how very deeply he believes that embryonic stem cell research, of the type I have been talking about, is absolutely crucial for the well-being and care of humankind and that, really, this research has to go forward.

We have already lost one of the truly great scientists in this country, Dr. Peterson, I believe, who just threw his hands in the air and gave up because he believes this research is going to be ultimately hurt in this country—although I do not think he is right. He has already left and gone to England. Can you imagine how many more would leave if we, the most free country in the world, the most scientifically oriented country in the world, the country where most biomedical research progress has been made, the country that has the best Food and Drug Administration in the world, the country that has a caring nature about living human beings—not meaning to demean other countries, but I think this country cannot be beat in biomedical research. Can you imagine what a demoralizing thing it would be if we banned this highly promising research that can help alleviate the pains of mankind?

I have talked enough about it. I am just saying I hope my dear colleague will withdraw his amendment because it is premature. We will be happy to debate tomorrow, if he is unwilling to withdraw it, or whenever—but it is premature. I think it is dangerous to do it this way. We should study this because it is a complex, very difficult area. There are so many things about this whole debate that are very complex and very difficult.

I am sure I cannot convince my colleague of my point of view, and I do not believe he is going to convince me of his. But the fact is, I believe we ought to do everything in our power, within moral and ethical constraints and standards, to try to come up with treatments and cures that might alleviate the pain, suffering, and yes, even premature death of our fellow human beings on this planet.

I hope before this year is out that we will be able to resolve this issue because I think it needs to be resolved. I will certainly work with my dear colleague to try to find ways we can resolve this. But I believe it has to be resolved, and I hope we can have that full-time debate at a later date and that we will be able, at that time, to let the Senate vote and let the Senate make the determination, as well as the House, and go from there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I would like to respond to a few issues raised by my friend and colleague from Utah. I have great admiration and respect for him. He is a senior Member of this body. He has done excellent work over the years. We have a disagreement on this one, although I don't know that we actually have a disagreement on the bill that is pending.

I continue to note the bill that is pending is about a patenting issue. It is about banning patents, and it is not about banning patents on unfertilized eggs. The bill is on the zygote, embryo, fetus, child or adult; a living organism made by human cloning or a process of human cloning. That is the operative part.

The zygote is the very young, fertilized egg. I agree that the unfertilized egg is not a person, to maybe clarify that in the debate. I don't think the unfertilized egg is a person and it is not protected under what we are proposing on this issue about patenting. The issue in front of us is patenting.

I also respond to my dear colleague from Utah that what we are proposing does not ban research on human cloning, that he would like to proceed. I disagree with that, but the pending issue is not about banning human cloning. It says that what we should do is not allow patenting of human clones or of young people. It is a narrow issue.

I want to make sure that it is clear to the body overall that the pending issue before this body is not about banning human cloning, it is not about a moratorium on human cloning; it is an issue that we should not patent the young human at any stage in the life continuum, when it is a young human.

That is when you have an entity. Whether it is a clone or a natural human, if you nurture it and it grows into a person, you should not be allowing patenting of this person. That is the pending issue.

I don't believe a number of scientists and Nobel laureates speak to the issue of patenting. They speak to the issue of human cloning, which is going on in America and which continues to go on this day in America. I don't think it should. That is not the pending issue, and that is not the issue the scientists address.

The issue that we are bringing up is about patenting. The good Senator from Utah knows this is the time and the right place. I brought these issues up in the past year. If not now, when? This is the time. These issues are pending. Some say it is not a real issue because the Patent Office has already declared that you can't patent a person.

I want to draw the attention of the Members of the body to when this debate broke open. Here is a May 17, 2002, piece in the New York Times, "Debate on Human Cloning Turns to Patents"—just this past month.

> The University of Missouri has received a patent that some lawyers say could cover human cloning, potentially violating a long-standing taboo against patenting of humans.
>
> The patent covers a way of turning unfertilized eggs into embryos.

That is covered by the amendment we have put forward.

> . . . the production of cloned mammals using that technique.

And it could be used on humans. That is the issue.

I ask unanimous consent that this article from the New York Times, and a similar one covering it from the Washington Post, and the Washington Times, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 17, 2002]

DEBATE ON HUMAN CLONING TURNS TO PATENTS

(By Andrew Pollack)

The University of Missouri has received a patent that some lawyers say could cover human cloning, potentially violating a long-standing taboo against the patenting of humans.

The patent covers a way of turning unfertilized eggs into embryos, and the production of cloned mammals using that technique. But unlike some other patents on animal cloning, this one does not specifically exclude human from the definition of mammals; indeed, it specifically mentions the use of human eggs.

Those opposed to cloning and to patenting of living things say the patent is a further sign that human life is being turned into a commodity.

"It is horrendous that we would define all of human life as biological machines that can be cloned, manufactured and patented," said Andrew Kimbrell, executive director of the International Center for Technology Assessment, a Washington group that has long opposed patenting of living things and also wants to ban all human cloning.

The patent was issued in April 2001, but attracted no attention until Mr. Kimbrell's group ran across it recently.

Senator Sam Brownback, the Kansas Republican who has been a leading opponent of human cloning, said he intended to introduce a bill to prohibit patents on human beings and human embryos, which he said were "akin to slavery."

"I think the patent office will appreciate having that clarity, given the applications that are coming into the patent office," Mr. Brownback said.

That bill would be separate from a bill the senator is already sponsoring that would prohibit all human cloning. The Senate is debating how extensively to ban human cloning, but none of the bills it is considering deal with the patent issues.

The patent also illustrates the tricky legal and ethical issues the United States Patent and Trademark Office is confronting as scientists race to develop cloning and to grow human tissues to treat disease. Mr. Kimbrell said he had found a few other patents that had been applied for but not granted that might cover human cloning.

The United States has been more liberal than most other countries in granting patents on living things, ever since a Supreme Court decision in 1980 that allowed the patenting of a microbe genetically engineered to consume oil spills. There are patents on complete animals, like a mouse genetically engineered to be prone to cancer. There are patents on human genes and human cells. The University of Wisconsin has a patent on human embryonic stem cells, which are cells taken from human embryos that have the ability to turn into any other type of tissue.

But the patent office has drawn the line on patenting of humans or human embryos themselves, saying it would not be constitutional. Many experts say this is because such patents would violate the 13th Amendment ban on slavery. Brigid Quinn, a spokeswoman for the patent office, said the agency was not using the 13th Amendment argument anymore but was not granting patents on humans because it had not received any guidance from Congress or the courts saying it should do so.

The result has been that many patents that conceivably could cover humans—like on cloning animals or on genetically engineering animals to produce drugs in their milk—specifically exclude humans.

A spokesman for the University of Missouri, Christian Basi, said that it believed its patent covered human cloning because it applied to all mammals. The university has licensed the patent to BioTransplant, a Massachusetts biotechnology company that is working on creating pigs that can be used as human organ donors. But the license, Mr. Basi said, covers only the use in pigs.

"We have absolutely no interest in using this to research humans and we will not license this technology to anyone for use in humans," Mr. Basi said, suggesting that the patent could actually help stop human cloning. "This gives us control of this particular technology so we will know that this technology will not be used in humans."

Ms. Quinn said the patent office did not comment on individual patents but had not changed its policy of not issuing patents "drawn to humans."

Randall S. Prather, a professor of reproductive technology at Missouri whose work was the basis for the patent, said the mention of human eggs "was put there by the attorneys and they wanted to cover all mammals."

Charles Cohen, who wrote the patent when he was a lawyer at a St. Louis law firm, declined to comment.

Some lawyers who have looked at the patent, No. 6,211,429, say it is not clear that it covers human cloning and that interpreting patents requires careful analysis of the patent's history, that the patent office did not appear to have problems with it could be a sign that the agency believes that the patent does not cover humans.

"You'd have to go through line by line, word by word," said Gerald P. Dodson, a lawyer with Morrison & Foerster in Palo Alto, Calif., who read the patent and said he could not reach an immediate conclusion.

Mr. Dodson and others noted that the specifications and examples of how the patent could be used dealt with pigs and cows.

Even if the patent does cover human cloning, some lawyers say, it would be a stretch to say it covers humans themselves, although the abstract of the patent says it covers the "cloned products."

But even a patent on the process of cloning humans could give the patent holder some rights over people, some lawyers said. Conceivably, for instance, the university could bar people created overseas by its cloning process from entering the country.

"It definitely is a patent for cloning a human, and under the laws we have right now, it might actually cover the human," said Richard Warburg, a patent lawyer at Foley & Lardner in San Diego who represents Infigen, an animal cloning company.

Dr. Rochelle Seide, a New York patent lawyer who heads the biotechnology practice at the law firm of Baker & Botts, said the lack of the nonhuman disclaimer in the Missouri patent was surprising.

"Looking at it," Ms. Seide said, "I can see where people who are against cloning would have a big problem with it."

Advanced Cell Technology, a company that wants to clone human embryos to obtain stem cells for disease treatments, licensed a patent from the University of Massachusetts on its method of cloning. But the patent is on only nonhuman embryos produced by the process, though it does seem to cover human cells.

It might be difficult to draw the line on what constitutes a human. George J. Annas, professor of health law at Boston University School of Public Health, said it was unclear whether the anti-slavery amendment would be a basis for denying patents on human embryos, because courts, in cases like those involving custody of frozen embryos, have said an embryo is not a person.

[From the Washington Times, May 21, 2002]

UNIVERSITY'S CLONING PATENT RAISES A "MAMMAL" ISSUE

(By Amy Fagan)

Adding another layer to the contentious debate over cloning in Congress, a patent watchdog group said last week that the University of Missouri at Columbia has received a patent for technology that can be used to clone human beings.

The patent covers laboratory procedures for creating cloned mammals, but it extends to the direct products of those cloning processes, including humans, said Peter DiMauro, director of Patent Watch.

"It says 'mammals' and it doesn't have a disclaimer for humans," said Mr. DiMauro, whose project tracks patents for the International Center for Technology Assessment.

University officials said the patent, issued last year, was never intended to apply to human beings. It was issued to a university researcher and applied to technology that allows the cloning of swine.

"The intent of the patent was to allow for research on swine," said Missouri spokeswoman Mary Joe Banken, who said school officials are meeting today to discuss narrowing the patent's language to exclude humans. "It was never the intent of the university to use the technology on humans."

Mr. DiMauro said he respects that, "but the flaw is in the law."

The Senate is awaiting a debate on the human-cloning issue. Sen. Sam Brownback, Kansas Republican, has a bill to outlaw the cloning of human embryos for any purpose, including for medical research. The House has passed an identical bill and the president is pushing for it.

Mr. DiMauro said his group has found three pending patents similar to that in Missouri. He called on Congress to clarify in law that patents cannot apply to human beings—including human embryos or fetuses.

Mr. Brownback said he will introduce legislation this week to do so.

"The central point in the debate over human cloning revolves around our view of the human embryo and whether or not the human embryo is a person or a piece of property," Mr. Brownback said. "If we allow the patenting of human embryos, we will be sending the message that humans are property and that they can be exploited and destroyed for profit."

A bill competing with Mr. Brownback's cloning ban, by Sens. Arlen Specter, Pennsylvania Republican, Dianne Feinstein, California Democrat, and others, would outlaw the implantation of a cloned human embryo in a uterus but would allow the human-cloning procedure to be done for medical research, including the extraction of stem cells. Advocates of this approach say the cloning procedure does not produce a human embryo, since no sperm is involved.

Patent Watch's DiMauro said the Specter-Feinstein cloning bill contains "nothing to address the large scale commercialization of human embryos created through cloning."

He said it "seems to permit the status quo of the law, which is to allow the patenting of human embryos."

When asked whether scientists would be able to obtain patents on their human-cloning research under her bill, Mrs. Feinstein said she did not know because her bill does not deal with the patent issue.

"I do not know, I cannot answer that," she said.

[From the Washington Post]

A New Call for Cloning Policy

(By Justin Gillis)

An advocacy group said yesterday it had uncovered a year-old patent that it interprets as applying to cloned human beings, and the group called on Congress to clarify the law to specify that no patents can be issued on human life.

The patent holder, the University of Missouri at Columbia, said it is still studying issues raised by the group but had no intention of asserting ownership of human beings or of cloned human embryos. The patent was obtained by a Missouri researcher working to develop pigs whose organs could be transplanted to save human patients. Cloning might be a way of creating many such pigs.

What the patent, No. 6,211,429, actually covers is somewhat unclear. It is mostly a description of specific laboratory techniques for making cloned mammals, but a subordinate clause in a section of the patent also lays claim to "the cloned products produced by these methods."

Other recent patents of this type have included explicit language saying the mammals in question do not include human beings, but this patent, issued April 3, 2001, to Missouri researcher Randall S. Prather and an associate, includes no such language.

Read in conjunction with relevant law, that means Prather has staked a claim on cloned humans whether he meant to or not, said Andrew Kimbrell, executive director of the International Center for Technology Assessment, the Washington activist group whose "PatentWatch" project raised the issue.

Some details of the patent appeared yesterday in the Wall Street Journal.

No one has ever made a cloned person, but many scientists believe it has become possible, raising profound ethical questions, including what rights of ownership the creators of a clone might have in their creation.

"I would say that the patent office should rescind this patent as grossly unethical and contrary to any kind of public policy," Kimbrell said. "I also feel that in order to clarify this, Congress needs to come in."

His group also raised concerns about three pending patents that it said could also be read as covering human life.

The University of Missouri disclaimed any pernicious intent. Prather "has absolutely no interest in doing research on humans," said Mary Jo Banken, a spokeswoman for the school. "I would say it would be impossible that we would attempt human reproductive cloning. It would never be approved" by the university.

Brigid Quinn, a spokeswoman for the U.S. Patent and Trademark Office, said she could not discuss any individual patent and could not comment on Kimbrell's interpretation of the Missouri patent. But she said the patent office had made no change in its long-standing policy that human life cannot be patented.

"Our policy has not changed," Quinn said. "It is not changing. We do not patent claims drawn to humans."

However the Missouri patent is ultimately interpreted, the case does point up what some experts see as a gap in U.S. law. The policy to which Quinn referred is just that—a statement of intent issued by the patent office 15 years ago. It is subject to change, to court challenge and to simple oversight by patent examiners.

There is no specific law that excludes clones or other genetically modified human beings from being covered by patents. Some legal experts feel that constitutional law, particularly the 13th Amendment's prohibition of slavery, would rule out human patents. But others are doubtful and they argue that Congress should make the prohibition explicit.

Sen. Sam Brownback (R–Kan.), who has led a contested effort in Congress to ban all types of human cloning, said yesterday he would introduce separate legislation to clarify the patent laws. "If we allow for the patenting of human embryos we will be sending the message that humans are property and that they can be exploited and destroyed for profit," Brownback said.

Mr. BROWNBACK. Madam President, I wanted to note to the Members of this body that this is the current issue. Indeed, one group that is looking and studying this issue believes that there are three patents either pending or already granted that could or are being used by the patent people or the process to create a human clone already.

Madam President, my point is that it is a live issue, and what we are doing here does not ban human cloning. It simply says you can't patent the human clone because there is a person; that if you allow this person to grow it is going to become a full-scale human being. It appears as if we are not going to be able to take this up in front of this body—the overall issue of cloning. Negotiations on that have broken down. Yet here is one to which I was hopeful we could get actually 100 percent of the Members of the body to agree.

I want to point to a couple of other issues that the Senator from Utah mentioned.

One is the unfertilized egg. We continue to speak about the unfertilized egg, which I believe is not a person. I want to state that clearly. The unfertilized egg he spoke about is not covered by the amendment. We do not cover the unfertilized egg.

He notes the position of a number of scientists on the issue of cloning. I would agree that there are differences in the scientific community on the issue of cloning. I also note that there are differences in the public. Two-thirds of the American public is opposed to human cloning.

I want to give you some examples of people who are opposed to human cloning and some of the reasons they are opposed to human cloning, and show you some pictures.

Two-thirds of the American public is uncomfortable about the issue of cloning. It kind of makes their skin crawl. It is that natural law within us that causes us to bristle when we think about creating life just for the purpose of destruction.

Here is a gentleman who wrote to me. He is from Granbury, TX. His name is James Kelly. He is in a wheelchair.

He said:

> For the past five years I've lived in a self-imposed cocoon that includes a computer, a phone, and the world of medical research. In 1997 I fell asleep while driving interstate and a resulting spinal cord injury left me paralyzed below the chest. Because of what I've learned through reading medical journals and speaking to leading scientists, and because my life's focus is to support the safe, efficient development of cures for many medical conditions (including my own), I recently left my cocoon and journeyed to Washington to support your proposed ban on all forms of human cloning.
>
> My reasons for supporting this ban are simple. Huge obstacles stand in the way of cloned embryonic stem cells ever leading to cures for any condition. To overcome these obstacles crucial funds, resources, and research careers will need to be diverted from more promising avenues for many years to come. These obstacles include tumor formation, short and long-term genetic mutations, tissue rejection, prohibitive costs, and the need for eggs from literally hundreds of millions of women to treat a single major condition (such as stroke, heart disease, or diabetes). However, every condition that cloned embryonic stem cells someday may address is already being addressed in animals or humans more safely, effectively, and cheaply by adult stem cells and other avenues. And since money spent on impressive-sounding, but hugely problematic research such as cloning cannot also be spent on research that really offers cures, I'm in favor of a total ban on human cloning.

> I knew all this before I went to Washington. That's why I went there. Please allow me to share with you what I learned while I was there.

He goes ahead and talks about his discussion.

I want to show another person who has written to me who has studied and looked into this issue.

This is Julie Durler from Wright, KS. That is a nice-sounding community name.

> I am writing this letter in support of legislation that would ban the creation of all cloned embryos. I understand the cloning of human embryos is being proposed for research purposed to help in finding a cure for different diseases including diabetes.
>
> I am an insulin-dependent diabetic having been diagnosed with type I diabetes 17 years ago. I know personally the financial costs of having diabetes and also the health risks involved. As I have worked hard to keep my diabetes under control, I have been blessed in that I do not currently have any major complications as a result of having diabetes. However, I am also aware that in the future such complications may very well develop. Along with many others in our nation, I, too, would like to see a cure found for diabetes and know that research is necessary to accomplish that goal. However, the proposed use of cloning of human embryos for research or other purposes concerns me, especially since this creation of the cloned embryos for research purpose would result in their deaths.
>
> I do not believe it is necessary to destroy life at any stage of development for research purposes. I believe their are other avenues of research that should be explored, most specifically the use of adult stem cells which has already produced some promising developments.

These are a few of many letters that we received from people who are suffering from some of these diseases who say there is a better way to go, as I have noted earlier.

I want to make another point on this RECORD.

The Senator from Utah, who has worked with me on many issues, says these are just a few cells. They are just a few cells. They are just a few cells.

I want to show you Hannah when she was just a few cells. This is Hannah. She is age 28 months, on April 1.

This is Hannah earlier. This is Hannah in the womb at 21 weeks. It is a fairly good picture of her. This is Hannah transferred to mom on April 11, 1998. Hannah was conceived. She was frozen. She was adopted as a frozen embryo.

That is interesting.

On March 5, 1998, she arrived at a clinic. On April 10, Hannah was thawed. Here she grows outside the womb. And, on April 11, she is transferred to mom. And then she goes on down the process.

If you destroy Hannah here, you have destroyed Hannah there. It is the same person. Looks different. When she gets older, she is going to look different.

Madam President, myself, I was once one of these. You were one of these. The Senator from Nevada was one of these. If we had been destroyed at this stage, we would never have gotten to this stage.

It is a life continuum that exists. If you destroy me here, I never get there. That is a biological fact. There is no theory involved. There is no theology involved. This is a biological fact.

Hannah was a few cells. We all were a few cells at some point in time. If you destroy us here, you destroy us there. If you destroy a caterpillar, you never get the butterfly, as much as we may want it.

My point in continuing this description for people is because this is just a few cells, it is true—it is just a few cells—but if you destroy those few cells, Hannah is destroyed.

At what point in time do you put any value to this life? Do we put value to Hannah when she is 28 months? I would say everybody in this body would agree. What do you put as Hannah's worth on December 31, 1998, when she came out of the womb? Everybody in this body agrees you put value to her at that point. Do you put value to her at 21 weeks in the womb? Some people in this body would question that, whether you would put worth to her at that point. How about April 11, when she is outside the womb? Some people would raise questions about that.

My point is, if you value her here, you have destroyed her here in the process that we are talking about.

That is not the issue in front of us. What I am talking about is the patenting. What I am saying here is, what is this? Is it a person or a piece of property at this point in time? Patentwise, what is this? Is it a person or a piece of property? The argument that is being presented to the Patent Office by some lawyers is that it is property and can be patented. But others are saying, it is life; it cannot be patented. That is the position of the Patent Office.

This body needs to decide that issue. And we are going to have to decide, then, if it is property at this point, at what point in time does it become a person that it cannot be patented?

My submission to you is, you should start at the moment of inception or that creation of the clone and say, you cannot patent the person. It is against the 13th amendment abolishing slavery. That is the only clean spot you can go in here and declare this is the spot we should start.

This should be a relatively easy and straightforward issue. It does not stop cloning research from taking place. It does not stop the funding of cloning research from taking place. It does not stop our scientists from working on the issue. It simply says, you cannot patent a person. It clarifies that issue for people who desire and seek to do that.

For those reasons, I think we should be able to vote on this, bring it up. And I am hopeful all my colleagues will join me in voting for the amendment.

Madam President, I yield the floor.

Mr. WARNER. Madam President, following the tragic events of September 11, 2001, the insurance industry faced an unprecedented situation. The final costs and impact on the insurance industry and its consumers have yet to be determined.

Although secondary insurers will help to cover some of the expenses associated with the September 11 attacks, it is critical for the Senate to consider and pass legislation to address the risks of future terrorists attacks.

The administration, the insurance industry, and policy holders throughout the various and diverse sectors of the economy, state the critical importance of passing legislation in a timely manner.

The attacks in September dealt a detrimental blow to an already sluggish economy leaving the health and stability of the economy very uncertain. Although the economic outlook is improving, further delay in passage of a terrorism insurance measure will adversely affect economic progress and growth.

Since September we have passed the September 11 Victims Compensation Fund, the Air Transportation Safety and Stabilization Act, and the Bioterrorism Preparedness Act.

The insurance industry is also facing a potential crisis. It is now June 13, 2002, and we still have not passed a bill. Every day that we fail to do so, the growing uncertainty in the market threatens the ability of businesses to obtain adequate and affordable insurance.

NEED TO ADDRESS GROUP LIFE INSURANCE

Ms. COLLINS. Madam President, the bill that we are debating today takes critical steps to address the problems arising from the September 11 tragedy that are being experienced by the commercial property and casualty insurance industry. I understand however, that the group life business has also been impacted by the tragic events of September 11. Group life insurance covers nearly 160 million Americans and represents 40 percent of all life insurance in force in the United States, or, $6 trillion of protection to Americans—most of whom are average working Americans. Group life insurance is a highly efficient and inexpensive way to deliver much needed security to people who might otherwise have little or no coverage. This product is inexpensive because it is sold as a single contract between an insurance company and a corporate buyer, the employer, and covering a great number of lives. This greatly simplifies and reduces costs of marketing and administering of the product. It is typically a staple of the employee benefits package provided by employers to their employees.

While I support the terrorism insurance bill that we consider today, I am concerned that it fails to address issues that threaten the continued vitality of group life insurance providers. And so I am pleased to have the opportunity to engage in a colloquy on this issue with the Senator from Nebraska, a true expert on insurance matters, the senior Senator from Maine, and three key members of the Senate Banking Committee.

I understand that the primary problem, both for the property and casualty insurers, as well as the group life insurers, is the difficulty in obtaining reinsurance after the disaster. Am I correct?

Mr. DODD. The Senator's understanding is correct. Reinsurance is important to the property and casualty insurers as well as to the group life insurance industry.

Mr. NELSON of Nebraska. I thank the Senator from Connecticut, who has played such a key role in bringing this important bill to the floor. I also thank the Senator from Maine for raising the profile of this issue in the Senate.

It is my understanding as well that the group life industry is experiencing difficulties in obtaining reinsurance. I understand, for example, that one group life insurer covered four corporate groups in the World Trade Center, with over $150 million in losses. All but $6 million was paid by reinsurance. Had that insurer not had reinsurance, its financial security would have been severely compromised. It is not unusual for group life insurance losses to be 96 percent covered by reinsurers. Now, however, the catastrophic reinsurance market has changed. For those companies that use reinsurance, I understand that premiums have skyrocketed with 10- to 13-fold increases and, in many instances, reinsurance may not be available at all. Much of the reinsurance that is being written excludes acts of terrorism and biological, nuclear and chemical claims. And, while reinsurers are either declining to pay for certain claims or simply not offering reinsurance for certain occurrences, the group life insurers are not allowed by their State insurance commissioners to have the same exclusions. And so I ask the distinguished ranking member of the Senate Banking Committee, does the bill that we are currently debating address the problems being faced by group life insurers?

Mr. GRAMM. I thank the Senator from Nebraska for raising this important question. I believe that this bill does not speak individually to the issues now confronting the group life insurance industry. I would note that the bill does contain a provision that requires the Secretary of the Treasury, after consultation with the National Association of Insurance Commissioners and representatives of the insurance industry and other experts, to study the potential effects of acts of terrorism on the availability of life insurance and other lines of insurance coverage.

Ms. SNOWE. I thank the senior Senator from Texas for his remarks. I am concerned that the study may not be completed in sufficient time to help the group life insurers avail themselves of the help that the property and casualty companies are getting in this bill. I would therefore ask the Senator from South Dakota, a senior member of the Senate Banking Committee, if he believes the needs of group life insurers are adequately addressed in this bill or its companion measure, passed by the House last November?

Mr. JOHNSON. I thank the senior Senator from Maine for her question. I believe that the needs of group life insurers are not adequately met by this bill. I find this problematic because of the role that group life insurance plays for the majority of American families. I am particularly concerned about the families of firefighters and other first responders. We ask firefighters and other first responders to risk their lives for us in the event of a terrorist attack. We have to make sure that basic group life insurance is there for them. I am also concerned about families whose wage earners are at the lower end of the pay scale. These families often find that they are able to secure more life insurance than they could otherwise afford because their employer is subsidizing it.

Finally, I am concerned about those families with a spouse who has had a serious medical problem. These families often find that the only life insurance they can afford or even find is group life.

We need to make sure that this industry remains highly competitive and able to pay all of the claims that might be made in the event of a future terrorist attack.

Ms. COLLINS. I thank my colleagues for participating in this colloquy, which has added measurably to the debate on the underlying bill. I thank particularly the distinguished senior Senators from Texas and Connecticut, without whom this bill would not be before us today, and I would like to ask them if they would commit to doing all they could to ensure that the legitimate needs of group life insurers are addressed in the conference on this legislation.

Mr. GRAMM. I would say to the gentlelady from Maine that this is an important issue that was brought to our attention only after the basic legislation was drafted. For that reason, I have every intention of making sure that, in conference, we give full consideration to the problems faced by the group life industry.

Mr. DODD. I concur with the senior Senator from Texas and will do all I can to address the legitimate needs of group life insurers in conference. To that end, I would invite the group life industry to continue to work with us so that we can better understand the problems that it now faces.

Mr. GREGG. I share the concerns of my colleagues regarding this issue and would add that we should facilitate insurance coverage for buildings subject to terrorist attacks, as well as for the people who work inside them. I look forward to addressing these issues in conference.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

YUCCA MOUNTAIN LEGISLATION

Mr. ENSIGN. Madam President, I rise today to respond to remarks by the senior Senator from Idaho on the Senate floor procedures outlined in the Nuclear Waste Policy Act regarding Yucca Mountain. And I come to the floor today out of great respect for the traditions of the U.S. Senate. I am a freshman Senator. I have only been here a year. But one of the first things I did when I arrived was to seek the advice of the senior Senator from West Virginia, Senator BYRD, our very own Senate historian. I asked him for a copy of his history of the Senate which I have turned to often. I haven't had the opportunity to speak to him directly on this matter, but I turned to his books for guidance.

Madam President, when you have the chance, turn to Volume II page 191, and see what Senator BYRD says about the powers of the majority leader. He says the majority leader . . . "determines what matters or measures will be scheduled for floor action and when." The Senator from Idaho is planning to change that by asserting that it would be alright for any member to determine when the Yucca Mountain resolution comes to floor. he said that, "the Nuclear Waste Policy Act provides a special statutory authority to make exception to contemporary practice." That is not the case. I have the act right here.

The Nuclear Waste Policy Act of 1982 does state that it shall be in order "for any Member of the Senate to move to proceed to the consideration of such resolution." But the act also states that the procedures outlined in the Nuclear Waste Policy Act "supersede other rules of the Senate only to the extent that they are inconsistent with such other rules."

The Nuclear Waste Policy Act provision permitting any Member to move to proceed to the consideration of the Yucca Mountain resolution is consistent with Senate rules, therefore it does not supersede the rules of the Senate. In the modern history of the Senate, no Member, other than the majority leader (or a designee), has successfully made a motion to proceed to a matter or measure.

Here are the facts:

CRS indicates there are six statutory expedited procedures in current law which explicitly state that "any Member of the Senate" may offer the motion to proceed: Executive Reorganization Act; Atomic Energy Act; Defense Base Closure and Realignment Act of 1990; Balanced Budget and Emergency Deficit Control Act; Balanced Budget Emergency Deficit Control Act; Nuclear Waste Policy Act of 1982.

According to a March 28, 2002 CRS memorandum, the language in these six statutes which states that "any Member of the Senate" may offer the motion to proceed is "consistent with the Standing Rules of the Senate, which permit any Senator to make a motion to proceed, but also with the general Senate practice under which Senators routinely concede to the majority leader the function of taking actions to determine the floor agenda.

So the Nuclear Waste Policy Act is not, as the senior Senator from Idaho stated, "a special procedure."

Next, a June 11 CRS memorandum indicates that since the 100th Congress, consideration of five measures was governed by some statutory procedure explicitly permitting any Senator to offer a motion to proceed to consider. In three of these cases, action to call up the measure for consideration was taken by the Senate majority leader. However, in two of those cases, no Senator took action to call up the other two measures. The majority leader secured their indefinite postponement. That means no Senators offered a motion to proceed, even when explicitly permitted to do so by statute. The majority leader kept control of the Senate.

The Senate is a body which, quite rightly, reveres tradition. We must, as we have so few rules. As a new Member, I relied on the guidance from the Parliamentarian, the Congressional Research Service, and my senior colleagues. I am certain that if anyone, other than the majority leader, successfully offers a motion to proceed to the Yucca Mountain resolution, it will break with Senate tradition, undermine the goal of the majority leader, and allow other Senators to control the floor. I hope the Members of this body will think before they move forward on the resolution.

In closing, I thank the majority leader. He is keeping his word that he gave to the people of the State of Nevada, and the people of the State of Nevada say thank you to the majority leader.

RECOGNIZING MRS. KATHY IRELAND

Mr. LOTT. Madam President, since age 17 Mrs. Kathy Ireland has been blessed to have assembled an illustrious career as an actress, supermodel, and vocalist. Her numerous talents have afforded her the opportunity to be regularly featured on the covers of such prestigious magazines as Cosmopolitan, People, Glamour, McCalls, and Redbook. Likewise, her inherent capabilities have provided her with the good fortune to appear as a special guest on nationally renowned television programs such as The Tonight Show with Jay Leno, The Today Show, Oprah, Entertainment Tonight, and Access Hollywood. This abundance of accolades has established Mrs. Ireland as a public figure of world-wide fame and recognition.

My purpose here today is not to recognize Mrs. Ireland for her extreme number of personal achievements, impressive as they are, but rather to expand on the manner in which she uses the fame and recognition gained from such accomplishments as a medium by which to make charitable contributions to our local and national communities. As I will bring to your attention in the next few minutes, Mrs. Ireland's personal accomplishments pale in comparison to the number of ways in which she gives back to our communities, both local and Nation wide.

I was made aware of Mrs. Ireland's benevolent character just recently, as it was brought to my attention that she was responsible for sending an eighteen wheeler filled with enough food to feed 1600 needy families for two weeks to Monroe County in my home State of Mississippi. This is the second consecutive year Mrs. Ireland has sent the Holiday Food Truck to aid Mississippians in need. In 2000, the truck was dispersed to the northwest region of Mississippi, also known as the Mississippi Delta. A philanthropic concert entitled "Stars Over Mississippi" is held biannually for the purpose of raising funds to be allocated towards increasing the educational opportunities available to the children of Mississippi. Mrs. Ireland has further benefitted my State by selflessly devoting her time to perform in many of these concerts. Mrs. Ireland has also asserted herself as a benevolent benefactress of the state of Mississippi, by donating many thousands of dollars worth of children's furniture, on behalf of Mary and Sam Haskell, to Sela Ward's Hope Village Orphanage located in Meridian, MS.

It should be duly noted that Mrs. Ireland's generosity, patronage, and charity is not limited to benefitting communities located in my home State of Mississippi. Examples of Mrs. Ireland's commitment to community service on a national scale include currently serving as Ambassador of both Women's Health Issues and the National Women's Cancer Research Alliance on behalf of the Entertainment Industry Foundation. Mrs. Ireland also holds the title of National Chair of Family Services and Parenting for the Athletes and Entertainers For Kids non-profit organization. As chairperson she personally sees to it that AEFK's mission of empowering our youth through mentoring partnerships and positive experiences is achieved. Mrs. Ireland also joins with an organization called Feed The Children each holiday season, in supervising the dissemination of over 170,000 pounds of clothing, food, and toys to needy children nationwide. Mrs. Ireland is a long-standing supporter of the Special Olympics, and has played an integral role in the establishment and continued development and success of the Dream Foundation, which provides terminally ill adults with the resources necessary to fulfill a special dream or be granted a final wish.

Despite her responsibilities associated with being a loving wife, devoted mother of two, Sunday school teacher, clothes designer, supermodel, actress, and vocalist, Mrs. Ireland expresses and executes an unequivocal desire to champion the causes of others. I take great personal pride and gain tremendous fulfillment in recognizing Mrs. Kathy Ireland before you on the Senate floor this day, and encourage all Americans possessing the will, desire, and resources to do so, to live according to her example.

TRIBUTE TO STEVEN NALLEY

Mr. LOTT. Madam President, today I rise to salute Stephen Matthew Nalley from Starkville, MS, for his outstanding achievement in this year's national spelling bee. Stephen finished in second place after spelling words such as "altricial," "muliebral" and "sericeous." He endured ten rounds, defeating 248 other spellers between the ages of 9 through 15.

The Louisville Courier-Journal started the national spelling bee in 1925 with only 9 contestants. Scripps Howard News Service assumed sponsorship in 1941. This year Steven and 249 other participants helped celebrate the 75th Annual Scripps Howard National Spelling Bee held here in Washington, D.C.

Steven was born with a particular type of autism that impairs social interaction and contributes to repetitive behavior patterns. Fortunately, he has been able to work with his disability and use it to his advantage. Quoting his mother, Barbara Nalley, "He's mildly autistic, but he's channeled that into his spelling."

Steven's accomplishment serves as a reminder to us all that we can accomplish astonishing things when we are willing to put in great time and effort for them. Steven's approach to adversity is to not back down, but rather to fight until he has conquered all obstacles and achieved his objective. I find this attribute of his remarkably inspiring.

Not only am I highly impressed with Steven's workmanship as an outstanding speller, but he also is a straight A student and a member of his school's honor society. He exemplifies a hard working young man and is a great asset for Mississippi.

I know my colleagues will join me in congratulating Steven on his tremendous accomplishment and wishing him the best in all of his future endeavors. Congratulations, Steven.

FLAG DAY

Mr. LEAHY. Madam President, as we approach Flag Day tomorrow, I thought it worthwhile to reflect on the innate patriotism of so many Americans. Justice Brennan wrote, "We can imagine no more appropriate response to burning a flag than waving one's own." That is exactly how the American people respond.

Immediately following September 11, Americans all around the country began to fly flags outside their homes and businesses, to wear flag pins on their lapels, and to place flag stickers on their automobiles. This surge in patriotism over the past 9 months has made American flags such a hot commodity that several major flag manufacturers cannot keep flags stocked on store shelves. Within one week of the attacks, demand for American flags was 20 times higher than is typical for that time of year, according to the National Flag Foundation in Pittsburgh, Pennsylvania. During that same week, Wal-Mart sold 450,000 flags. Within days of the bombing, K-mart sold 200,000 flags.

This expression of national pride was spontaneous, and consisted of individual Americans taking conscious acts of patriotism. No one in the government decreed that Americans must purchase and fly flags. There was no official direction stating that Americans should wear clothing and accessories with flag designs, but these have been wildly popular as well.

Supporters of S.J. Res. 7, a constitutional amendment to prohibit flag desecration, believe that Americans need a lesson in how to respect the flag. I disagree, and I believe that the American people have proven these Senators wrong.

At the height of World War II, in the case of West Virginia State Board of Education v. Barnette, Justice Jackson wrote, "To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine, is to make an unflattering estimate of the appeal of our institutions to free minds." Patriotism is flourishing in ways that no one could have predicted. Americans are rallying around the flag in a voluntary show of strength that demonstrates America's commitment to freedom and liberty.

Respect cannot be coerced or compelled. It can only be given voluntarily. Some may find it more comfortable to silence dissenting voices, but coerced silence can only create resentment, disrespect, and disunity. You don't stamp out a bad idea by repressing it; you stamp it out with a better idea.

My better idea is to fly the flag, not because the law tells me to; not because there is something that says this is what I have to do to show respect; I do it because, as an American, I want to. That is why the American flag has always flown at the Leahy home. The extraordinary display of patriotism we have witnessed over the past 9 months is evidence that the American public agrees.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 6, 2000 in Placer County, CA. A 37-year-old African American woman was attacked at a roadside rest stop. The perpetrators, two men, were hiding in a restroom stall when they attacked, bound and gagged the victim with duct tape, sexually assaulted her, and wrote racial slurs all over her body. Police investigated the assault as a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MISSED OPPORTUNITIES IN BURMA?

Mr. McCONNELL. Madam President, leave it to the repressive generals in Rangoon to miss an opportunity to secure peace and reconciliation in Burma. I am referring to today's BBC article entitled "Burma Renews Suu Kyi Isolation."

I want to be very clear to the repressive State Peace and Development Council (SPDC), the Administration, and the international community—particularly Japan—that the level of engagement with the hard liners in Rangoon should be conditioned on concrete, political progress following Daw Aung San Suu Kyi's release. Intimidating and punishing any Burmese who meets with democracy leader Suu Kyi—as has already occurred—or continuing to restrict her movements is wholly unacceptable and must not be tolerated.

The State Department made a grave mistake in allowing a Burmese colonel to visit Washington last month. The regime exploited this mistake when it touted in a press statement: "This was our first conversation at this level with American authorities since 1988." We should not allow an illegal military junta to spin our intentions—or our policy.

It is my expectation that the junta will allow Suu Kyi and the National League for Democracy to conclude its assessment of Burma's humanitarian needs before moving forward on any new programs or initiatives. Restricting Suu Kyi's access to U.N. offices in Rangoon serves no logical purpose.

Those of us who have long championed freedom and democracy for the people of Burma must be vigilant in the days, weeks, and months ahead. It is premature for the Washington—or any other foreign capital—to be considering "rewards" for the SPDC: 1,500 political prisoners have yet to be released; forced labor continues unabated; ethnic nationalities suffer horrific human rights abuses; and, dialogue between the NLD and the regime has not resumed.

The State Department would be wise to withhold requests to Congress for expanding narcotics cooperation with the Burmese—including the use of training facilities in Thailand—lest they be guilty of premature jubilation in Burma.

As I wrote to President Bush last month, the SPDC should be judged not by what they say, but rather by what they do. It does not look like the tiger in Burma has changed its stripes.

THE DEATH OF S.SGT. ANISSA A. SHERO IN AFGHANISTAN

Mr. ROCKEFELLER. Madam President, for many generations, the people of West Virginia have distinguished themselves by their willingness to serve their country in the armed forces. West Virginians understand the cost of freedom and have always been willing to pay for it when called. Today, we are reminded again just how great that cost can be, as we mourn the loss of Air Force Staff Sgt. Anissa A. Shero, of Grafton, WV, who died in a tragic airplane crash near the town of Gardez, Afghanistan.

Sgt. Shero was a volunteer, who chose to serve her country in the face of grave danger. When terrorists struck, she left behind the mountains of West Virginia for the mountains of

Afghanistan, to risk her life so that we might live ours in freedom and safety. She was part of an extraordinarily successful effort to crush the Taliban, disrupt and demoralize al-Qaida, and free the people of Afghanistan from two decades of war and despotism. Men and women in both nations are safer now because of her work, and all of us who value freedom owe Sgt. Shero a profound debt of gratitude and honor. I know that the thoughts and prayers of many people are, like mine, with her family and her friends tonight.

Like the two service members who died with her, and the 37 others killed in Afghanistan during this war, including West Virginian Sgt. Gene Vance, Jr., Sgt. Shero bravely did her duty as an American. Now, let us pledge to do ours in her honor. Let us remember always, including on the floor of this Senate Chamber, that wars are about people, and freedom, and lives. Let us make certain that our armed forces have the tools they need to meet any foe, any where, any time. And let us treasure the freedoms we enjoy as Americans and give thanks for the service members who fight to protect them.

Sgt. Shero represented the best of West Virginia and the best of America. She was strong, courageous, and dedicated. She will forever serve as a role model for West Virginians, men and women alike, who loved their country and who, like her, know our ideals are worth fighting for.

THE ABM TREATY

Mr. REED. Madam President, I rise to acknowledge the fact that today, 6 months after President Bush announced the U.S. intention to withdraw from the ABM Treaty, the Treaty lapses. The 30-year old treaty, which most consider to be the cornerstone of arms control, now no longer exists.

The significance of today has gone largely unnoticed. Press coverage has been minimal so most American will likely not realize what happens today. The objections of Russia and China to the withdrawal have been muted. Our European allies have reluctantly accepted the withdrawal. Some would say that this lack of fanfare proves that the ABM Treaty was a relic of the cold war and needed to be renounced. I would argue that while today's withdrawal seems insignificant at this moment, it has profound implications for the future.

When President Bush announced his intention to withdraw from the treaty, he stated: "I have conclude the ABM Treaty hinders our government's ability to develop ways to protect our people from future terrorist or rogue-state missile attacks." I would argue that this statement is incorrect. First, the greatest threat from terrorists is not from a long range missile but from methods we have witnessed and watched for since September 11 conventional transportation like planes and cargo ships, used as weapons.

Secondly, any testing of missile defenses that could be planned for the next several years would not violate the ABM Treaty. We simply do not have the technology yet to test a system in violation of the treaty. An article in today's New York Times states that on Saturday, ground will be broken for a missile test site in Fort Greely, Alaska. The article states that this test site would violate the treaty. That is not correct. Under Article IV of the ABM treaty and paragraph 5 of a 1978 agreed statement, the U.S. simply has to notify Russia of U.S. intent to build another test range. As a matter of fact, the fiscal year 2002 Defense authorization act authorized the funding for the Alaska test bed prior to the President's announcement to withdraw from the treaty. As a supporter of the ABM Treaty and a member of the Senate Armed Services Committee, I can assure you that Congress clearly had no intent to authorize an action that would violate the treaty. The technologies which would indeed violate the ABM Treaty, sea-based and space-based systems, are mere concepts that are years away from constituting an action that would violate the treaty. In sum, despite the claims of the President, there was no compelling reason to withdraw at this time.

In addition, today, the United States becomes the first nation since World War II to withdraw from a major international security agreement. In the past 50 years only one other nation has attempted such an action. In 1993 North Korea announced its intention to withdraw from the Nuclear Nonproliferation Treaty which caused an international crisis until North Korea reconsidered. The U.S. withdrawal has not caused an international crisis, but it does send a subtle signal. If the U.S. can withdraw from a treaty at any time without compelling reasons, what is to stop Russia or China from withdrawing from an agreement? Furthermore, what basis would the U.S. have for objecting to such a withdrawal since our nation began the trend? This administration must keep in mind that other nations can also take unilateral actions, but we might not be as comfortable with those decisions. Indeed, as we seek to eliminate the threat of weapons of mass destruction, this withdrawal sends the opposite signal.

As I mentioned before, the ABM treaty was the cornerstone of arms control. With the cornerstone gone, there are worries about an increase in nuclear proliferation. As Joseph Cirincione said, "No matter what some people may tell you, each side's nuclear force is based primarily on the calculation of the other side's force." If China believes its force could be defeated by a U.S. missile shield, China may decide it is in its best interest to increase the number of weapons in its arsenal to overwhelm the shield. If China increases its nuclear missile production, neighboring rival India may find it necessary to recalculate the size of its force. Of course, Pakistan would then increase its inventory to match India. So, while there seems to be little consequence to cessation of the ABM Treaty today, if we are not careful it could be the spark of a new arms race.

As of today, the ABM Treaty no longer exists. But our work has just begun. Withdrawing from this treaty dictates that we redouble our efforts on other nonproliferation and arms control agreements. Since September 11, every American has become acutely aware of the need to eliminate and secure nuclear materials so that they do not become the weapon of a terrorist. The only way we will not regret today's action is to prove by future actions that the U.S. is truly committed to arms control and nonproliferation. The United States should robustly fund Cooperative Threat Reduction programs. The United States should pursue further negotiations with the Russians and agree to actually dismantle some weapons rather than simply place them in storage. The United States should also ratify the Comprehensive Test Ban Treaty.

In his withdrawal announcement last December 13, President Bush said, "This is not a day for looking back, but a day for looking forward . . . " I agree. We cannot look back to a treaty that no longer exists, but we must work diligently from this day forward to ensure that the United States is taking the steps necessary to maintain the peace and security once sustained by the ABM Treaty.

ADDITIONAL STATEMENTS

APPRECIATION FOR LENEICE WU

• Mr. BIDEN. Madam President, I would like to take this opportunity to extend the appreciation of the Senate to a devoted public servant at the Congressional Research Service. Leneice Wu is retiring from CRS after 34 years of service to the United States Congress, a period spanning 17 Congresses and the tenures of eight Presidents. Only five sitting members of the Senate and three Members of the House of Representatives have longer terms of service to the Nation. This length of service is not only a credit to Ms. Wu, but also a demonstration of the dedication that the staff of the Congressional Research Service bring in their support of our work in Congress.

After graduating from Mary Washington College in 1968, Ms. Wu began her career with the Library of Congress as a research assistant, and is now concluding it as the CRS Deputy Assistant

Director of the Foreign Affairs, Defense and Trade Division. During her decades of service, Ms. Wu has provided research and analytical support to Members of Congress on a broad range of international relations issues, with a particular focus upon the difficult challenges of arms control. The Strategic Arms Limitation Talks, START, the Nuclear Test Ban Treaty, nuclear non-proliferation, and chemical-biological arms control are but a few of the areas in which she has assisted Congress. A list of her reports and analytical memoranda to Congress would run several pages, but a brief survey finds: Congress and the Termination of the Vietnam War, Nuclear Proliferation: Future U.S. Foreign Policy Implications, Congress and Arms Control Policy, and U.S. Foreign Military Sales Legislation. Ms. Wu also coordinated and contributed to the eight-part Fundamentals of Nuclear Arms Control, issued as a Committee Print by the House Committee on Foreign Affairs. On two occasions, Ms. Wu was detailed to the Arms Control and Disarmament Agency to advise in the preparation of Arms Control Impact Statements, ensuring attention to congressional intent and interests.

In addition to her research responsibilities, Ms. Wu has undertaken numerous administrative responsibilities. Prior to her present position, within the Foreign Affairs Division she has served as head of the Central Research Unit, the International Organizations, Development, and Security Section, and the Defense Policy and Arms Control Section. Following these assignments she moved on to become the Foreign Affairs Division's Program Coordinator and later Research Coordinator. Ms. Wu has also overseen a unique and vital resource to the Congress, CRS's Language Services, which provides foreign language translations for both Members and Committees. For the Library of Congress as whole, Ms. Wu has served as a member of the Women's Program Advisory Committee, and as both Equal Employment Opportunity Counselor and Officer.

Ms. Wu is a fine example of those many staff in this institution who work in virtual anonymity to support the important work of the Congress. On behalf of my colleagues, I extend our deep appreciation to Ms. Wu for her service, and wish her the very best in her future endeavors.•

WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION 2002 NATIONAL COMPETITION

• Mr. LUGAR. Madam President, I am pleased to rise today to recognize the signal accomplishments of students from Castle High School, of Newburgh, IN, who were the Central States Regional Award winners in the 2002 "We the People: The Citizen and the Constitution" national competition.

The "We the People: The Citizen and the Constitution" program, administered by the Center for Civic Education, promotes an understanding of the rights and responsibilities of United States citizens. Students in the elementary, middle, and high school levels learn about the values and principles embodied in the Bill of Rights and the United States Constitution. The Castle High School team competed against fifty classes from throughout the country and testified before a mock Congressional hearing as experts on Constitutional law. This kind of practical application of constitutional principles helps students in addressing modern public policy concerns.

These award-winning students demonstrated an extensive understanding of the ideology of our governmental framework. Their commitment to excellence and thorough preparation is reflected in their achievement. They have truly brought pride to the State of Indiana.

The names of these young Hoosiers are: Carrie Baum, Michael Carter, Marc Chapman, Allison Craney, Robert Dagit, Kelly Daniels, Karen De Neve, Phillip Exline, George Ferguson, Jr., Bryan Hart, Kimberly Hedge, Melanie Hiatt, Rachel Hopper, Brett Howard, Eric Jenkins, Andy Jobe, Yvonne Laaper, Christine Lowe, Maureen Martin, Steven Melfi, Amanda Merold, Peter Murphy, Allan Patterson, Lynn Perry, Mina Pirkle, Sarah Relyea, Rachel Roper, Michael Schmidt, Kellen Scott, Jeffrey Seibert, Kelly Smith, Matthew Suter, Prashant Tatineni, Stephanie Wurmnest.

I would also like to commend their teacher, Stan Harris, who did a remarkable job preparing the team for this achievement. He is a talented educator who has provided tremendous leadership for students in the Newburgh area.

Again, congratulations to Castle High School on a remarkable performance in the "We the People: The Citizen and the Constitution" national competition.•

88TH BIRTHDAY OF MILWAUKEE NATIVE LARRY LEDERMAN

• Mr. KOHL. Madam President, I rise here today to congratulate Milwaukee native Larry Lederman, who National Racquetball Magazine calls the "founding father of modern racquetball" and who recently celebrated his 88th birthday last month.

Larry is a prominent figure not only in Wisconsin sports history, but in American sports history. In 1939 he was the best wrestler in America in his weight class and arguably the best wrestler in the world. Larry was named to six Hall or Wall of Fames, including the Wisconsin AAU Hall of Fame in 1995, and most recently was elected to the International Wrestling Hall of Fame in Stillwater, Oklahoma.

Five years ago, the AAU selected Larry to give back the medals to the world's greatest athlete, Jim Thorpe, taken from him in 1918, at a special ceremony in Wisconsin.

For 88 years Larry Lederman has provided us with many great memories and touched many lives, and it is my honor here today to celebrate his many achievements.•

TRIBUTE TO NANZ AND KRAFT FLORISTS

• Mr. BUNNING. Madam President, I rise today to pay a proper tribute to Nanz & Kraft Florists of Louisville, KY. For over 150 years, Nanz & Kraft has served Kentuckians, providing them with beautiful and memorable floral arrangements for birthdays, anniversaries, funerals, hospital visits and various other occasions. Nanz & Kraft is the single largest florist shop in the Commonwealth of Kentucky, and one of the biggest in the entire United States.

In 1850, the year Zachary Taylor died and Millard Fillmore became president of the United States, Henry Nanz decided to open a quaint little flower shop on Fourth Street in downtown Louisville. He cultivated his flowers on a one-acre suburban plot and in a 12′ x 20′ green house. In 1870, with business thriving, Henry Nanz packed his bags and moved the company to 30 acres of land in the St. Matthews area owned by a Mr. Charles Neuner. In 1872, Mr. Neuner made the decision to join the profitable company. For the next 82 years, the business was known as Nanz & Neuner.

When in 1900 Nanz & Neuner celebrated their 50th anniversary, the St. Matthews site contained an astounding 60 greenhouses, a 15-acre nursery, and ten acres devoted to roses and other flowers, including Field Grown Roses, the company's specialty. In 1954, Nanz & Neuner officially became Nanz & Kraft, changing names but retaining the same formula for success. Today, Nanz & Kraft's main store is a 20,000 square foot building. There are three branch stores, and the business has about 125 employees, half full-time and the rest part-time. They are open every day of the year except Christmas and make more than 200 deliveries a day. Whether it be a birthday or a first date, Kentuckians can count on Nanz & Kraft to brighten up the occasion.

I ask that my fellow colleagues join me in thanking all the men and women who have worked so hard over the last 152 years to make Nanz & Kraft one of the most profitable and well-respected floral businesses in the United States. Nanz & Kraft truly is a tribute to the American capitalist spirit. They have served the Commonwealth in three different centuries now, through a Civil and two World Wars, and through 21 different presidents, and I would just like to pass along my thanks and admiration.●

THE 2002 NATIONAL MEDAL OF TECHNOLOGY TO PROFESSOR JERRY M. WOODALL OF YALE UNIVERSITY

● Mr. LIEBERMAN. Madam President, I rise today to express my heartfelt congratulations to a Connecticut resident, Professor Jerry M. Woodall of Yale University, for being awarded the 2002 National Medal of Technology, our country's highest honor celebrating America's leading innovators. This represents the first time that a professor from Yale has ever achieved this extraordinary recognition, and it serves to underscore Yale's deep and renewed commitment to establishing itself as one of the world's premier engineering institutions.

I cannot imagine another person for whom this prestigious award is more richly deserved. Professor Woodall, who holds the position of C. Baldwin Sawyer Professor of Electrical Engineering at Yale, has conducted pioneering research in compound semiconductor materials and devices over a career spanning four decades. Fully half of the entire world's annual sales of compound semiconductor components are made possible by his research legacy. He invented electronic and optoelectronic devices seen ubiquitously in modern life, including the red LEDs used in indicators and stoplights, the infrared LED used in CD players, TV remote controls and computer networks, the high speed transistors used in cell phones and satellites, and the weight-efficient solar cell.

Professor Woodall spent most of the early and mid parts of his career at the IBM Thomas J. Watson Research Center, where he rose to the coveted rank of IBM Fellow. He built the first high purity single crystals of gallium arsenide there, enabling the first definitive measurements of carrier velocity versus electric field relationships, as well as GaAs crystals used for the first non-supercooled injection laser. He and Hans Ruprecht pioneered the liquid-phase epitaxial growth of both Si doped GaAs used for high efficiency IR LEDs, and gallium aluminum arsenide (GaAlAs), which led to his most important research contribution so far the first working heterojunction. They built it from gallium aluminum arsenide mated to gallium arsenide (GaAlAs/GaAs), and it remains the world's most important compound semiconductor heterojunction.

He then invented and patented many important commercial high-speed electronic and photonic devices which depend on the heterojunction, including bright red LEDs and the two classes of ultra-fast transistors, called the heterojunction bipolar transistor (HBT) and pseudomorphic high-electron-mobility transistor (pHEMT). Many new areas of solid-state physics have evolved and been realized as a result of his work, including the semiconductor superlattice, low-dimensional systems, mesoscopics, and resonant tunneling.

Professor Woodall was elected to the National Academy of Engineering in 1989 and is a fellow of the American Physical Society (APS), the Institute of Electrical and Electronics Engineers (IEEE), the Electrochemical Society (ECS), and AVS. He has served as president of the ECS and AVS, and on the board and executive committee of the American Institute of Physics (AIP). He has published 315 publications in the open literature and been issued 67 U.S. patents. He received five major IBM Research Division Awards, 30 IBM Invention Achievement Awards, and an IBM Corporate Award in 1992 for the invention of the GaAlAs/GaAs heterojunction. Other recognition includes a 1975 Industrial Research 100 Award; the 1980 Electronics Division Award of the Electrochemical Society (ECS); the 1984 IEEE Jack A. Morton Award; the 1985 ECS Solid State Science and Technology Award; the 1988 Heinrich Welker Gold Medal and International GaAs Symposium Award; the 1990 American Vacuum Society's (AVS) Medard Welch Award, its highest honor; the 1997 Eta Kappa Nu Vladimir Karapetoff Eminent Members' Award; the 1998 American Society for Engineering Education's General Electric Senior Research Award; and the 1998 ECS Edward Goodrich Acheson Award, its highest honor.

Woodall co-founded LightSpin Technologies, Inc., a high technology start-up company, and serves as its Chief Science Officer. From 1993 through 1999, he held the Charles William Harrison Distinguished Professorship of Microelectronics at Purdue University. He earned a Ph.D. in electrical engineering from Cornell University and a B.S. in metallurgy from MIT.

I speak with utmost sincerity in expressing my gratitude to Professor Woodall for the lifetime of contributions or, more accurately, several lifetimes' worth of contributions that he has rendered in service to our nation in enabling it to become the world leader in technology and research. Our lives and our society would be dramatically different today had we not benefitted from Professor Woodall's drive and genius, and it fills me with exceptional pride to see him recognized for his efforts. Outstanding technologists such as he create to the tools to fully realize human and societal potential, and by having someone as accomplished as Professor Woodall on its faculty, both Connecticut and Yale University will be well-situated to produce the next generation of engineering lights. On behalf of your state and your country, Professor Woodall, please accept my deepest congratulations and thanks.●

THE COMMUNITY ACTION PROGRAM EAST CENTRAL OREGON (CAPECO)

● Mr. SMITH of Oregon. Madam President, I rise today to commend my friends at the Community Action Program East Central Oregon, CAPECO. CAPECO was formed in October 1987 to support the economic development efforts of Morrow, Umatilla, Gilliam, and Wheeler Counties through its worker training services.

Located in my home town of Pendleton, OR, CAPECO works with the Oregon Workforce Alliance to offer employment and training services to employers and citizens of Morrow and Umatilla counties. CAPECO is an active Work-Links partner, offering services to help job seekers, workers, and employers. The Program has been active since the inception of the Workforce Investment Act and has been a tremendous help to hundreds of displaced workers trying to get back on their feet.

This important program not only provides up to fifty percent of displaced workers' wages, but it offers skill assessments and retraining, and help with job applications, interviewing techniques, and stress management.

I have heard from many constituents about how important this service has been in getting back to work or gaining skills for a new job. Ms. Mary Paige Rose recently contacted me to tell me how CAPECO changed her career. Ms. Rose writes: "I was classified as a displaced worker by Oregon's Employment Department. They directed me to go to CAPECO and attend their classes called Choices and Options. This class was instructed by Mary Kinsch who became my work force counselor and confident. In less than a year, I have opened my own business due to the services I received from CAPECO . . . When I was fired from my account executive sales position . . . it devastated me. I had never been fired before and never had needed to use these types of social services. I am forever grateful for CAPECO and for the Oregon Employment Department for assisting me. I would not be where I am today without the aid. . . . With the help of programs like CAPECO, I am not a liability to Umatilla County or the State of Oregon, I am an asset. I appreciate all the help that Mary Kinsch and CAPECO were able to give me through the Workforce Investment Act. Please know that programs like CAPECO are very needed especially in such a distressed area as Umatilla County."

Madam President, I am proud of CAPECO's important contribution to the Oregon economy and proud of constituents like Ms. Rose who have taken advantage of these services and also contributed to job growth in the state. They are a credit to my state of Oregon and to this country.●

GRANT CHAPEL

• Mr. BINGAMAN. Madam President, on June 14, the church family of Grant Chapel in Albuquerque celebrates what its pastor describes as "one hundred twenty years of God's faithfulness to Grant and to the community of Albuquerque."

Organized in 1882 as the "Colored Methodist Mission," it was founded to serve as a place of worship for African American people in New Mexico. A year later, it was one of five churches awarded a plot of land by New Mexico Township, Inc., to promote development in Albuquerque. In 1892, it became known as the Coal Avenue Methodist Church and in 1905 it was renamed Grant Chapel to honor Bishop Abram Grant of the 5th Episcopal District which included the states and territories in the West.

Building and growing are very much part of Grant Chapel's history. The congregation has chosen to change sites over the years, and with each move, a new vitality has been infused into the church. Over the course of its history, some fifty ministers have served here, each building on one another's success, and contributing to its importance in the community.

I am proud to add my voice in praise of the good people—past, present and future—of Grant chapel, and to wish them at least another hundred twenty years of prayerful service.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2431. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD)

At 12:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. ROGERS of Kentucky, Mr. SKEEN, Mr. WOLF, Mr. KOLBE, Mr. CALLAHAN, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. ISTOOK, Mr. BONILLA, Mr. KNOLLENBERG, Mr. OBEY, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. HOYER, Mr. MOLLOHAN, Ms. KAPTUR, Mr. VISCLOSKY, Mrs. LOWEY, Mr. SERRANO, and Mr. OLVER.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. BILIRAKIS, Mr. BARTON of Texas, Mr. UPTON, Mr. STEARNS, Mr. GILLMOR, Mr. BURR of North Carolina, Mr. DINGELL, Mr. WAXMAN, Mr. MARKEY, Mr. BOUCHER, Mr. GORDON, and Mr. RUSH.

From the Committee on Agriculture, for consideration of section 401 of the House bill and sections 265, 301, 604, 941–948, 950, 1103, 1221, 1311–1313, and 2008 of Senate amendment, and modifications committed to conference: Mr. COMBEST, Mr. LUCAS of Oklahoma, and Mr. STENHOLM.

From the Committee on Armed Services, for consideration of sections 401 and 6305 of the House bill and sections 301, 501–507, 509, 513, 809, 821, 914, 920, 1401, 1407–1409, 1411, 1801 and 1803, of the Senate amendment, and modification committed to conference: Mr. STUMP, Mr. WELDON of Pennsylvania, and Mr. SKELTON.

From the Committee on the Budget, for consideration of section 1013 of the Senate amendment, and modifications committed to conference: Mr. NUSSLE, Mr. GUTKNECHT, and Mr. MOORE.

From the Committee on Education and the Workforce, for consideration of section 134 of the House bill and sections 715, 774901, 903, 1505 and 1507 of the Senate amendment, and modifications committed to conference: Mr. MCKEON, Mr. NORWOOD, and Mr. GEORGE MILLER of California.

From the Commmittee on Financial Services, for consideration of division D of the House bill and sections 931–940 and 950 of the Senate amendment, and modifications committed to conference: Mr. OXLEY, Mrs. ROUKEMA, and Mr. LAFALCE.

From the Committee on the Judiciary, for consideration of sections 206, 209, 253, 531–532, 708, 767, 783, and 1109 of the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. CONYERS.

From the Committee on Resources, for consideration of sections 401, 2441–2451, 6001–6234, and 6301–6801 of the House bill and sections 201, 265, 272, 301, 401–407, 602–606, 609, 612, 705, 707, 712, 721, 1234, 1351–1352, 1704, and 1811 of the Senate amendment, and modifications committed to conference: Mr. HANSEN, Mrs. CUBIN, and Mr. RAHALL:

That Mr. GEORGE MILLER of California is appointed in lieu of Mr. RAHALL for consideration of sections 6501–6512 of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of sections 125, 152, 305–6, 801, division B, division E, and section 6512 of the House bill and sections 501–507, 509, 513–516, 770–772, 807–809, 814–816, 824, 832, 1001–1022, title XI, title XII, title XIII, title XIV, sections 1502, 1504–1505, title XVI, and sections 1801–1805 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mr. BARTLETT of Maryland, and Mr. HALL of Texas:

That Mr. COSTELLO is appointed in lieu of Mr. HALL of Texas for consideration of division E of the House bill, and modifications committed to conference:

That Ms. WOOLSEY is appointed in lieu of Mr. HALL of Texas for consideration of sections 2001–2178 and 2201–2261 of division B of the House bill, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 121–126, 151, 152, 401, 701, 2101–2105, 2141–2144, 6104, 6507, and 6509 of the House bill and sections 102, 201, 205, 301, 701–783, 812, 814, 816, 823, 911–916, 918–920, 949, 1214, 1261–1262 and 1351–1352, of the Senate amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. PETRI, and Mr. OBERSTAR:

That Mr. COSTELLO is appointed in lieu of Mr. OBERSTAR for consideration of sections 121–126 of the House bill and sections 911–916 and 918–919 of the Senate amendment, and modifications committed to conference:

That Mr. BORSKI is appointed in lieu of Mr. OBERSTAR for consideration of sections 151, 2101–2105, and 2141–2144 of the House bill and sections 812, 814, and

816 of the Senate amendment, and modifications committed to conference:

That Mr. DEFAZIO is appointed in lieu of Mr. OBERSTAR for consideration of section 401 of the House bill and sections 201, 205, 301, 1262, and 1351–1352 of the Senate amendment, and modifications committed to conference.

From the Committee on Ways and Means, for consideration of division C of the House bill and divisions H and I of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. MCCRERY, and Mr. RANGEL.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

At 3:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4019. An act to provide that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4019. An act to provide that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent; to the Committee on Finance.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 13, 2002, she had presented to the President of the United States the following enrolled bill.

S. 2431. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 633: A bill to provide for the review and management of airport congestion, and for other purposes. (Rept. No. 107-162).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

H. Con. Res. 387: A concurrent resolution recognizing the American Society of Civil Engineers for reaching its 150th Anniversary and for the many vital contributions of civil engineers to the quality of life of our Nation's people including the research and development projects that have led to the physical infrastructure of modern America.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 283: A resolution recognizing the successful completion of democratic elections in the Republic of Colombia.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1956: A bill to combat terrorism and defend the Nation against terrorist attacks, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 104: A concurrent resolution recognizing the American Society of Civil Engineers on the occasion of the 150th anniversary of its founding and for the many vital contributions of civil engineers to the quality of life of the people of the United States, including the research and development projects that have led to the physical infrastructure of modern America.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 114: A concurrent resolution expressing the sense of Congress regarding North Korean refugees who are detained in china and returned to North Korea where they face torture, imprisonment, and execution.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Henry E. Autrey, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Richard E. Dorr, of Missouri, to be United States District Judge for the Western District of Missouri.

David C. Godbey, of Texas, to be United States District Judge for the Northern District of Texas.

Henry E. Hudson, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Timothy J. Savage, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Amy J. St. Eve, of Illinois, to be United States District Judge for the Northern District of Illinois.

Gregory Robert Miller, of Florida, to be United States Attorney for the Northern District of Florida for the term of four years.

Kevin Vincent Ryan, of California, to be United States Attorney for the Northern District of California, for the term of four years.

Randall Dean Anderson, of Utah, to be United States Marshal for the District of Utah for the term of four years.

Ray Elmer Carnahan, of Arkansas, to be United States Marshal for the Eastern District of Arkansas for the term of four years.

David Scott Carpenter, of North Dakota, to be United States Marshal for the District of North Dakota for the term of four years.

Theresa A. Merrow, of Kentucky, to be United States Marshal for the Middle District of Georgia for the term of four years.

Ruben Monzon, of Texas, to be United States Marshal for the Southern District of Texas for the term of four years.

James Michael Wahlrab, of Ohio, to be United States Marshal for the Southern District of Ohio for the term of four years.

By Mr. BIDEN for the Committee on Foreign Relations.

*Tony P. Hall, of Ohio, for the rank of Ambassador during his tenure of service as United States Representative to the United Nations Agencies for Food and Agriculture.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 2617. A bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 2618. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself and Mr. SESSIONS):

S. 2619. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; to the Committee on the Judiciary; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. BROWNBACK):

S. 2620. A bill to provide that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. BIDEN):

S. 2621. A bill to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 2622. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 2623. A bill to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself and Mr. SPECTER):

S. Res. 284. A resolution expressing support for "National Night Out" and requesting that the President make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. Res. 285. A resolution expressing the sense of the Senate condemning the failure of the International Whaling Commission to recognize the needs of Alaskan Eskimos; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 286. A resolution commending and congratulating the Los Angeles Lakers for their outstanding drive, discipline, and mastery in winning the 2002 National Basketball Association Championship; considered and agreed to.

By Mr. HUTCHINSON (for himself, Mr. DURBIN, Mr. BOND, and Mr. HOLLINGS):

S. Con. Res. 121. A concurrent resolution expressing the sense of Congress that there should be established a National Health Center Week for the week beginning on August 18, 2002, to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 839

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 840

At the request of Mr. BIDEN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 840, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 913

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 917

At the request of Ms. COLLINS, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2051

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2086

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2086, a bill to provide emergency agricultural assistance.

S. 2116

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2116, a bill to reform the program of block grants to States for temporary assistance for needy families to help States address the importance of adequate, affordable housing in promoting family progress towards self-sufficiency, and for other purposes.

S. 2119

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2134

At the request of Mr. ALLEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2134, a bill to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2233

At the request of Mr. THOMAS, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2233, a bill to amend title XVIII of the Social Security Act to establish a medicare subvention demonstration project for veterans.

S. 2246

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2428

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2484

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2484, a bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes.

S. 2496

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2496, a bill to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life, and for other purposes.

S. 2560

At the request of Mr. ALLARD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2560, a bill to provide for a multiagency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support

State efforts to control the disease, and for other purposes.

S. 2600

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2600, a bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

S. RES. 242

At the request of Mr. THURMOND, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 242, a resolution designating August 16, 2002, as "National Airborne Day."

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the names of the Senator from Arizona (Mr. KYL), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

AMENDMENT NO. 3834

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3834 proposed to S. 2600, a bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 2617. A bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WELLSTONE. Madam President, I rise today to introduce the Motor Vehicle Owners' Right to Repair Act of 2002. This legislation would protect the viability of independent service station and repair shops and ensure that consumers will continue to have a choice of automotive service providers.

The 1990 Clean Air Act mandated that vehicle manufacturers install computer systems to monitor emissions in 1994 model year cars and beyond. Today, many vehicle systems are integrated into the car's computer system, making auto repair an increasingly "high tech" business and making access to the computer and the information it contains vital to the ability to perform repairs.

Increasingly, however, independent repair shops are being barred access to the codes and diagnostic tools necessary to repair newer model cars. The effect is to reduce consumer choice for auto repair services, and to endanger the livelihood thousands of small, family owned repair shops across the country.

On April 10, I met with a group of repair shop owners from Minnesota. The explained that new practices by some auto manufactures were preventing them from competing on an even playing field. One thing we don't need is another industry where all the little guys, the small, independent businesses, are driven out. This is terrible for our communities. And reduced competition means higher prices for consumers

Specifically, the Motor Vehicle Owners' Right to Repair Act would simply require a manufacturer of a motor vehicle sold in the United States to disclose to the vehicle owner, a repair facility, and the Federal Trade Commission, FTC, the information necessary to diagnose, service, or repair the vehicle. The bill bars the FTC from requiring disclosure of any information entitled to protection as a manufacturer's trade secret.

This legislation is an example of what is good for small business is good for the consumer. The bill is endorsed by the 44 million member American Automobile Association, AAA, as well as the Automotive Service Association, the trade association of automotive service professionals.

To reiterate, I want to introduce a bill and tell colleagues about it. I have sent out a "Dear Colleague" letter. This is very much a pro-consumer bill as well. It is called the Motor Vehicle and Owners Right to Repair Act. There has to be a better title.

Basically, this is the issue. The automotive industry, for 100 years, has always shared information with mechanics. But post-1994, you have cars with very computerized systems. All of a sudden, the automotive industry is now saying to independent mechanics, we will not share with you the information about the computer system so you can get into the computer system, do the diagnosis and the repair, in which case I think it is a blatant anticompetitive practice.

It puts the independent mechanics, the small guys, out of business. In addition, it says to the consumers: Listen, you might want to take your car back to the dealership for repair, but now that is your only choice because you may want to go to the neighborhood mechanic you have worked with for years and he might want your business, but we are going to make it impossible for him to get your business. We are going to make it impossible for you to go there.

I like this piece of legislation because it is little guy versus big guy. It feels right to me. At 5 feet, 5 inches, I like the little guys.

In April, some mechanics came by our office and talked with Perry Lang, who works with me, and they said this is happening to us and asked for some help.

I say on the floor of the Senate two things: No. 1, I am circulating a "Dear Colleague" letter. I hope to get a lot of support. I think there will be a lot of support.

This is going on in the House with a lot of Republicans as well as Democrats.

The second thing that I am saying to the industry today on the floor of the Senate—and I think they are watching this carefully—is we are going to get a good head of steam on this. If you want to sit down and negotiate an agreement with the mechanics that is fair to these independent mechanics, go ahead. Then we won't have to pass the legislation. But I could not believe when I heard the report of what they are dealing with.

Again, you have a blatant anticompetitive practice of the industry basically saying we will not share with you any information about our computerized systems. If the industry wants to say there is some kind of a trade patent secret which they can't share, they can go to the FTC and get approval for that. Otherwise, for 100 years, this has not happened. Now we get into a blatant collusion, anticompetitive practice that is unfair to the independent mechanics who a lot of Senators know as friends and as small businesspeople. I am aiming to stop it.

By Mr. KENNEDY (for himself and Mr. SESSIONS):

S. 2619. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; to the Committee on the Judiciary.

Mr. KENNEDY. Madam President, as the Supreme Court has made clear, "being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society." Government officials have a duty under the Constitution to prevent prison violence.

Too often, however, officials fail to take obvious steps to protect vulnerable inmates. Prison rape is a serious problem in our Nation's prisons, jails, and detention facilities. Of the two million prisoners in the United States, it is conservatively estimated that one in ten has been raped. According to a 1996 study, 22 percent of prisoners in Nebraska had been pressured or forced to have sex against their will while incarcerated. Human Rights Watch recently reported, "shockingly high rates of sexual abuse" in U.S. prisons.

Prison rape causes severe physical and psychological pain to its victims. It also leads to the increased transmission of HIV, hepatitis, and other diseases. The brutalization in prison also makes it more likely that prisoners will commit crimes after they are released, as 600,000 prisoners are each year.

To deal with this serious problem, Senator SESSIONS and I are today introducing the Prison Rape Reduction Act of 2002. This bipartisan legislation is intended to address the prison-rape epidemic in an effective and comprehensive manner, while still respecting the primary role of States and local governments in administering prisons and jails.

Our bill directs the Department of Justice to conduct an annual statistical review and analysis of the frequency and effects of prison rape. It establishes a special panel to conduct hearings on prison systems, prisons, and jails where the incidence of rape is high. It directs the Attorney General to collect complaints of rape from inmates, transmit them to the appropriate authorities, and review how the authorities respond. It also directs the Attorney General to provide information, assistance, and training to Federal, State, and local authorities on the prevention, investigation, and punishment of prison rape.

Our bill also authorizes $40 million in grants to enhance the prevention, investigation, and punishment of prison rape. These grants will strengthen the ability of state and local officials to prevent these abuses.

Finally, our bill establishes a commission that will conduct hearings over two years and recommend national correctional standards on a wide range of issues, including inmate classification, investigation of rape complaints, trauma case for rape victims, disease prevention, and staff training. These standards should apply as soon as possible to the Federal Bureau of Prisons. Prison accreditation organizations that receive Federal funding should also adopt the standards. States should adopt the standards too. If they "opt out" by passing a statute, they will suffer no penalty, but States that fail to act at all will lose 20 percent of their prison-related federal funding.

Our bill is supported by a broad coalition of religious, civil rights, and human rights organizations, including the Salvation Army, the Southern Baptist Convention, the National Association of Evangelicals, Prison Fellowship, Focus on the Family, the Presbyterian Church, the Justice Policy Institute, the Sentencing Project, Youth Law Center, Human Rights Watch, the National Association for the Advancement of Colored People, and the National Council of La Raza. Together, these diverse groups have demonstrated impressive moral leadership on this issue.

It is a privilege to work on this legislation with Congressmen FRANK WOLF and BOBBY SCOTT in the House and Senator SESSIONS in the Senate. While we may disagree on other issues relating to criminal justice, we all recognize that rape is unacceptable, and it is long past time to end it.

Mr. SESSIONS. Madam President, I want to commend Senator KENNEDY for his leadership on the important issue of reducing prison rape. I have enjoyed working with him to craft and refine the legislation that we are introducing today, the Prison Rape Reduction Act of 2002. Though Senator KENNEDY and I come from different backgrounds and have different political philosophies, we both agree that Congress should act to reduce prison rape.

I would also like to thank Congressman FRANK WOLF and BOBBY SCOTT for their important leadership on this bill in the House of Representatives. Congressman WOLF is a recognized champion for human dignity across the globe and this legislation to reduce prison rape is consistent with his philosophy. Congressman SCOTT is very knowledgeable on criminal law issues. While he and I have agreed and disagreed on many issues over the years, we agree on the need to reduce prison rape.

As a Federal prosecutor for 15 years and as Attorney General of Alabama, I sent many guilty criminals to prison where they belong. I believed that they should be treated fairly in court, and I treated them fairly. I also believe that they should be treated fairly in prison. Most prison wardens and sheriffs are outstanding public servants that do an excellent job of supervising inmates, and I commend my friends in the law enforcement community for their hard work in this area.

However, knowingly subjecting a prisoner to rape is cruel and unusual punishment under the Eighth Amendment to the Constitution of the United States. Some studies have estimated that over 10 percent of the inmates in certain prisons are subject to rape. I hope that this statistic is an exaggeration. Nonetheless, it is the duty of Government officials to ensure that criminals who are convicted and sentenced to prison serve the sentence imposed by the judge and rape is not a part of any lawful sentence.

This bill responds to the problem of rape of prison inmates in three principal ways. First, the bill establishes a bipartisan National Commission that will study prison rape at the federal, state, and local levels. Within 2 years, the commission will publish the results of its study and make recommendations on how to reduce prison rape.

Second, the bill directs the Attorney General to issue a rule for the reduction of prison rape in Federal prisons. To avoid a 20 percent reduction in certain Federal funds, each State will have to pass a statute that either adopts or rejects the standards for State prisons. This bill contains no unfunded mandate to order States how to deal with prison rape. It does, however, require that they address the issue.

Third, the bill will require the Department of Justice to conduct statistical surveys on prison rape for Federal, State, and local prisons and jails. Further, the Department of Justice will select officials in charge of certain prisons with an incidence of prison rape exceeding the national average by 30 percent to come to Washington and testify to the Department about the prison rape problem in their institution. If they refuse to testify, the prison will lose 20 percent of certain Federal funds.

In addition, the bill provides for $40 million in grants to States for prevention, investigation, and prosecution of prison rape. This will help the States to reduce repeat offenses by inmates.

A broad and bipartisan array of organizations and individuals have added their support to this bill. The list includes: American Psychological Association; American Values; Biblical Witness Fellowship, UCC; Camp Fire USA; Center for Religious Freedom, Freedom House; Christian Rescue Committee; Citizens United for Rehabilitation of Errants—Virginia, Inc. (Virginia CURE); Disciple Renewal; Focus on the Family; Mary Ann Glendon, Learned Hand Professor of Law, Harvard Law School; Good News, UMC; Human Rights Watch; Human Rights and the Drug War; Institute on Religion and Democracy; Justice Policy Institute; Lutheran Office for Governmental Affairs; National Association for the Advancement of Colored People; National Association of Evangelicals; National Association of School Psychologists; National Center on Institutions and Alternatives; National Council for La Raza; National Network for Youth; National Mental Health Association; Marvin Olasky, Editor—World Magazine; Partnership for Responsible Drug Information; Presbyterian Church (U.S.A.); Prison Fellowship; Religious Action Center of Reform Judaism; Renew Network; Research and Policy Reform, Inc.; Salvation Army; The Sentencing Project; Southern Baptist Convention; Stop Prison Rape; Unitarian Universalists for Juvenile Justice; Volunteers of America; and Youth Law Center.

I am especially proud of the evangelical Christian groups for their work in gathering support for the bill. They have worked tirelessly for ethics and compassion in government, and this legislation reflects those values.

I would also like to thank Linda Chavez and Mike Horowitz for the ideas that started this legislative initiative. Well-conceived, carefully crafted ideas drive many legislative and political initiatives that become law after people work together to form a bipartisan, moral position.

I also want to commend the hard work of Bill Pryor, the attorney general of Alabama, who will end up dealing with the effects of this legislation at the state level. Bill has worked with Prison Fellowship, has talked with Alabama prison officials, and has worked with me on this legislation. In addition to being an outstanding legal scholar and leader among all the States' attorneys general, Bill cares about people and demands fairness in how the State treats both victims and prisoners. I was very pleased that Attorney General Pryor joined us at the press conference to express his support of the bill.

This bill will address prison rape, not through unfunded mandates and lawsuits, but through examining the problem and allowing sunshine to expose deficiencies that need to be addressed. This bill is a necessary step to reform and a bipartisan step toward justice.

By Mr. LEAHY (for himself and Mr. BIDEN);

S. 2621. A bill to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems; to the Committee on the Judiciary.

Mr. LEAHY. Madam President, I rise to introduce legislation today with Senator BIDEN to clarify that an airplane is a vehicle for purposes of terrorist and other violent acts against mass transportation systems. A significant question about this point has been raised in an important criminal case and deserves our prompt attention.

Earlier this week, on June 11, 2002, a U.S. District Judge in Boston dismissed one of the nine charges against Richard Reid stemming from his alleged attempt to detonate an explosive device in his shoe while onboard an international flight from Paris to Miami on December 22, 2001. The dismissed count charged defendant Reid with violating section 1993 of title 18, United States Code, by attempting to "wreck, set fire to, and disable a mass transportation vehicle."

Section 1993 is a new criminal law that was added, as section 801, to the USA PATRIOT Act to punish terrorist attacks and other acts of violence against, inter alia, a "mass transportation" vehicle or ferry, or against a passenger or employee of a mass transportation provider. I had urged that this provision be included in the final anti-terrorism law considered by the Congress. A similar provision was originally part of S. 2783, the "21st Century Law Enforcement and Public Safety Act," that I introduced in the last Congress in June, 2000 on the request of the Clinton Administration.

The district court rejected defendant Reid's arguments to dismiss the section 1993 charge on grounds that 1. the penalty provision does not apply to an "attempt" and 2. an airplane is not engaged in "mass transportation." "Mass transportation" is defined in section 1993 by reference to the "the meaning given to that term in section 5302(a)(7) of title 49, U.S.C., except that the term shall include schoolbus, charter and sightseeing transportation." Section 5302(a)(7), in turn, provides the following definition: "mass transportation" means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter or sightseeing transportation." The court explained that "commercial aircraft transport large numbers of people every day" and that the definition of "mass transportation" "when read in an ordinary or natural way, encompasses aircraft of the kind at issue here." *U.S.* v. *Reid*, CR No. 02–10013, at p. 10, 12 (D. MA, June 11, 2002).

Defendant Reid also argued that the section 1993 charge should be dismissed because an airplane is not a "vehicle." The court agreed, citing the fact that the term "vehicle" is not defined in section 1993 and that the Dictionary Act, 1 U.S.C. §4, narrowly defines "vehicle" to include "every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation *on land*." Emphasis in original opinion. Notwithstanding common parlance and other court decisions that have interpreted this Dictionary Act definition to encompass aircraft, the district court relied on the narrow definition to conclude that an aircraft is not a "vehicle" within the meaning of section 1993.

The new section 1993 was intended to provide broad federal criminal jurisdiction over terrorist and violent acts against all mass transportation systems, not only bus services but also commercial airplanes, cruise ships, railroads and other forms of transportation available for public carriage. The bill I introduce today would add a definition of "vehicle" to section 1993 and clarify that an airplane is a "vehicle" both in common parlance and under this new criminal law to protect mass transportation systems. Specifically, the bill would define this term to mean "any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water or through the air."

I urge the Senate to act promptly and pass this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION.

Section 1993(c) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water, or through the air.".

By Mr. HOLLINGS:

S. 2622. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HOLLINGS. Madam President, I rise today to introduce legislation to present Reverend Joseph A. De Laine the Congressional Gold Medal in honor of his heroic sacrifices to desegregate our public schools. His crusade to break down barriers in education forever scarred his own life, but led to the landmark Brown v. Board of Education case in 1954.

Eight years before Rosa Parks refused to move to the back of the bus, Rev. De Laine, a minister and principal, organized African-American parents to petition the Summerton, SC, school board for a bus and gasoline so their children would not have to walk 10 miles to attend a segregated school. A year later, in Briggs v. Elliott, the parents sued to end segregation. It was a case that as a young lawyer I watched Thurgood Marshall argue before the Supreme Court as one of the five cases collectively known as Brown v. Board of Education. For this Senator, their arguments helped to shape my view on racial matters.

For his efforts, Rev. De Laine was subjected to a reign of domestic terrorism. He lost his job. He watched his church and home burn. He was charged with assault and battery with intent to kill after shots were fired at his home and he fired back to mark the car. He had to leave South Carolina forever; relocate to New York, where he started an AME Church, and he eventually retired in North Carolina. Not until the year 2000, 26 years after his death and 45 years after the incident in his home was Rev. De Laine cleared of all charges.

Last month, I spoke to the 100 descendants of Briggs v. Elliott, and I ask unanimous consent that my remarks be printed in the RECORD, which show the bravery of Rev. De Laine during a troubled time in our Nation's past, and which point to the immeasurable benefits he has given our Nation.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

BRIGGS V. ELLIOTT DESCENDANTS RE-UNION BANQUET, SUMMERTON, SOUTH CAROLINA, MAY 11, 2002

I want to give you an insight into exactly what happened to your parents 50 years ago in Summerton, SC, that led to the desegregation of our Nation's schools by the Supreme Court of the United States.

I speak with some trepidation, because right now I can see Harry Briggs' son walking down that dirt road all the way here to Scotts Branch School, and that school bus passing, all for the white children. Yet all your families were asking for was a bus. But they were told: "you don't pay any taxes, so how can you ask for a bus?" What they didn't say is you didn't have a job, whereby you could make a living and be able to pay the taxes. They didn't say that.

I think of the threats, the burnings, the shooting up of Reverend John De Laine's home. I think about how they turned him into a fugitive. He had to leave his home in South Carolina, never to return. Harry Briggs had to leave his home and go to Florida to earn a living. It's not for me to tell the descendants of the Briggs v. Elliott case how they have suffered.

I didn't try this case, don't misunderstand me. My beginnings with Briggs v. Elliott started in 1948 when I was elected to the House of Representatives in Columbia.

The previous year James Hinton, the head of the NAACP in the State gave a speech in Columbia. He talked about the need to get separate but equal facilities. He got Rev. De Laine from Summerton in the audience all fired up. Rev. De Laine, who was the principal here, put together a petition signed by 20 parents, of 46 children, the Summerton 66.

I'll never forget the day after I was sworn into the Legislature the superintendent of schools in Charleston County took me across the Cooper River Bridge, down the Mathis Ferry Road, to the Freedom School, the black school. He said I want to show you what we really do, he used the word at that time, "for a Negro education."

This was a cold November Day, and we went into a big one-room building. That's all they had, one room, with a pot belly stove in the middle. They had a class in this corner, a class in that back corner, a class up front in this corner, and a class here. Of course, they didn't have any desks, and very few books, and one teacher teaching the four classes.

When I went to Columbia I was with a bunch of rebels. I introduced an anti-lynching bill. I had never heard of lynchings down in Charleston, but then they had one. As we debated the bill, a fellow who was the grand dragon of the Klan got up with all these Klansmen in the Gallery, and he mumbled and raised cane. Speaker Blott got some order. But several House members walked out. They said they wouldn't be seated in the Legislature with a fellow like that. We passed the anti-lynching bill.

I'm trying to give you this background, so you'll understand the significance of what your parents did. We had just had the case, whereby blacks could participate in the Democratic primary. And we had just given women the right to vote.

And in 1949 and 1950, I struggled because there was no money in the state for separate but equal schools, or anything else. I said we ought to put in a 3 percent sales tax to pay for things. Governor Thurmond opposed it, and the senators particularly opposed it. But I made the motion for a one-cent tax on cigarettes; a one-cent tax on gasoline; and a one-cent tax on beer. Beer, cigarettes, and gasoline.

We formed a House Committee with six of us to work on it. We worked all summer. It's a long story, but let me cut it and say by December we had it all written. I knew the incoming governor, Governor Byrnes. I felt it would be good to ask him to see if he could help me with this measure.

The second week in January, before he was sworn in, he called me and said: "You've got to come to Columbia, I'm going to include this in my Inaugural address." Over time, I made 79 talks on the proposal, until we finally passed the sales tax, which provided some money for separate but equal schools.

When the Briggs v. Elliott case came up, before Judge Waring in Charleston, he questioned separate but equal. Then in December 1952, the case went to the Supreme Court. Governor Byrnes had served on the State Supreme Court, and he wanted to make sure we won the case. In my mind, he was absolutely sure that under Chief Justice Vinson the State would win it.

But to make sure, he set aside Mr. Bob McC. Figg, who had done all the work, and selected John W. Davis, as the attorney for South Carolina against Thurgood Marshall, who was representing Briggs and the NAACP. Mr. Davis had been the Solicitor General of the United States. He had been the Democratic nominee for president in 1924. He was considered the greatest constitutional mind in the country.

The second thing the Governor did was to call me up and say: "I'm appointing you to go to Washington, because you know intimately this law here that built the schools. You have to go to Washington in case any questions of fact come up."

So we took a train to Washington. We came in at 6 o'clock that morning at Union Station, and we sat down for breakfast. I'll never forget it, because Thurgood Marshall walked in. He and Bob McC. Figg had become real close friends. So he sat down and was eating breakfast with us, and we began swapping stories.

Mr. Marshall said "Bob, you know that black family that moved into that white neighborhood in Cicero, IL. They have so much trouble. There are riots, and everything else going on." And he said: "Don't tell anybody, but I got hold of Governor Adlai Stevenson." Stevenson was the governor of Illinois at the time. And he said: "I sent that family back to Mississippi for safe keeping." And Thurgood added, "for God's sake, don't tell anybody that or it will ruin me." I said: "for God's sake, don't tell anybody I'm eating breakfast with you, or I will never get elected again."

I tell you that story so you can get a feel for 1952, for what it was like 50 years ago.

We had wanted Briggs to be the lead case before the Supreme Court. It was one of five cases that they would hear collectively. But soon after our breakfast, we found out that Roy Wilkens from the NAACP had gotten together with the Solicitor General and moved the Kansas case in front of the South Carolina case. Some reports said the reason was because they wanted a northern case. That was not it. There was another case from the State of Delaware, which was just as north as the State of Kansas.

Kansas was selected because up until the sixth grade, yes, it was segregated. But thereafter it was a local option, and the schools were mostly integrated.

Before the court John W. Davis obviously made a very impassioned, constitutional argument. But Thurgood Marshall made the real argument, there wasn't any question about it. He had been with this case. He had the feel, and everything else of that kind.

I can still hear and see Justice Frankfurter on the Court leaning over and saying, "Mr. Marshall, Mr. Marshall, you've won your case, you've won your case. What happens next"? And Thurgood Marshall said, well, if he prevails, then the state imposed policy of separation by race would be removed. The little children can go to the school of their choice. They play together before they go to school. They come back and play together after school. Now they can be together at school. The State imposed policy of separation by race in South Carolina would be gone.

Another lawyer arguing the case was George E. C. Hayes, and when I heard him that was my epiphany. Mr. Hayes got everyone because he used a jury argument before the Supreme Court. He said: as black soldiers we went to the war to fight on the front lines in Europe, and when we come home we have to sit on the back of the bus.

I had been with the 9th Anti-Artillery Aircraft unit in Tunisia in Africa for a month. And then I was in Italy and Germany and crossed over to what is now Kosovo. So I served. I knew exactly what he was talking about. And I said this is wrong.

The next year Chief Justice Vinson died. It was reported at that time that Justice Frankfurter said for the first time that he believed there was a God in Heaven when Vison passed away. They appointed Mr. Earl Warren as Chief Justice, who dragged everybody back to the Court to re-argue the case in December of 1953. He didn't want to hear about separate but equal. He wanted the case re-argued on the constitutionality of segregation itself.

Then on May 17, 1953 the decision came down, it was unanimous, segregation was over in this country. So the lawyers immediately got together to discuss how to implement the decision. Since the decision said to integrate schools with all deliberate speed, there was arguments back and forth on how we could comply with this order with all deliberate speed and not start chaos all over the land.

Some school authority down in Charleston came up with the idea that with all deliberate speed meant we would integrate the first grade the first year; we would integrate the first and second grades the second year; the third year would be the first, second, and third grades. Over a 12-year period, we would then have the 12 grades integrated. When the head of the NAACP in New York heard that he said: "Noooo Way. We are not going to be given our constitutional rights on the installment plan." And that ended that. But nothing was done for about 10 years, until Martin Luther King came along.

When I became Governor, I started working on other areas that needed to be integrated, beginning with law enforcement. I'll never forget all the white sheriffs who were against all the blacks. We only had 34 black sheriffs. We have about 500 today.

And we literally broke up and locked up the Ku Klux Klan. I remember on the day I was sworn in as Governor, waiting for me was a green and gold embossed envelope, with a lifetime membership into the Ku Klux Klan. I never heard of such a thing. I asked the head of law enforcement, do we have the Ku Klux Klan in South Carolina? He said, "Ohhh yes. We have 1,727 members." I asked, you have an actual count? And he said: "Ohhh yes, we keep a count of them." He said he could get rid of them, but no Governor had helped him in the past. I said, I'll help you. What do we do? He said: "I need a little money."

So we infiltrated the Klan, and the members began to know, or their bosses at businesses knew because they would say to these people: "You know on Friday night, your man, so and so, has been going to these rallies." The next thing you know, they quit going to the rallies. So by the time we integrated Clemson with Harvey Gantt, it went very, very peacefully. And there were less than 300 Klansmen.

Then, of course, as Senator I took my hunger trips. This is the effect those arguments before the court had on me. I took those trips with the NAACP to 16 different counties. As a result, we embellished the food stamp program, we instituted the women infants and children's feeding program, and the school lunch program. The attendance in schools went way up when we started that.

As your Senator I had the privilege of employing Ralph Everett. He was the first black staff director of any committee in the United States Senate.

We have both Andy Chishom and Israel Brooks as the first black Marshalls of South Carolina. Matthew Perry, the first black district judge of a Federal court ever appointed, I appointed. The first black woman judge to the Federal district court, Margaret Seymour, I appointed her. So we have made a lot of progress along that line.

But to give you a feel for how things have changed, I remember speaking at the C.A. Johnson High School in Columbia, the largest black high school in the entire state, the day after Martin Luther King was assassinated.

At the event, there was a mid-shipman, a senior at the Naval Academy, who stood up and made one of the finest talks I ever heard. I turned to the principal, because it was his son, and I asked: who appointed your son to the Naval Academy? He didn't answer. We walked down the row, and I can see me now, asking him again. He still didn't answer. When I got to my car, I said evidently you don't understand my accent from Charleston. Who appointed your son to the U.S. Naval Academy? He said, "Senator, I didn't want to have to answer that question. We couldn't get a member of the South Carolina delegation to appoint him. Hubert Humphrey appointed him."

What goes around, comes around. Today, I have more minority appointments to West Point, Annapolis, and the Air Force Academies than anybody. Recently I had Chuck Bolden, who is a major general in the marine corps and a former astronaut, ready to return to NASA as the number two person there. But the Pentagon raised the question about taking such a talent during a time of war and moving him to the civilian space program. So we said the heck with it, he's too needed in the military.

That is the effect Briggs v. Elliott had on this public servant. There isn't any question that without the courage of your parents, our society would be a lot worse off today.

I was there a few years back when the Congress of the United gave the Congressional Gold Medal to Rosa Parks. She deserved it, and we wouldn't take anything from her for not moving her seat. But in the 1950s the worst they could have done to her was to pull her off the bus. These descendants lost their homes. They lost their livelihoods. They almost lost their lives. As far as continuing their life in the State of South Carolina, they could not do it.

Without their courage, without their stamina, without their example in starting the Briggs v. Elliott case, we never would have had a civil rights act. We never would have had a voting rights act. We never would have had all the progress we've made over the many, many years.

So I wanted particularly to come back and to publicly thank each of you descendants. And I want to announce that I am putting forward a bill that would honor posthumously Rev. De Laine with a Congressional Gold Medal.

I need 66 co-sponsors in the Senate. We have to have similar support on the House side. But Cong. Clyburn, he can get way more votes than I can. I don't think he'll have any trouble. We'll try to work it out so that in '04, the 50th anniversary of when the decision came down, we'll be able to make that presentation.

I just want to end by saying because of the courage of your parents, we made far more progress in the United States of America. Our country is a far stronger country. We are more than ever the land of the free and the home of the brave because of Briggs v. Elliott. And I thank you all very, very much.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 2623. A bill to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes, to the Committee on Energy and Natural Resources.

Mr. WARNER. Madam President I am pleased to introduce legislation, along with my colleague, Senator ALLEN, to create the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park.

This legislation builds on an effort that I have been involved with for over a decade. In 1991, the Congress authorized the National Park Service to conduct an assessment of the historical integrity of significant Civil War battlefields in the Shenandoah Valley of Virginia. That examination identified 10 Civil War battlefields in eight counties in the Valley that remained significantly as they were during the war.

The Valley itself was a location of constant engagements throughout the War with more than 325 armed conflicts. The 10 battlefields that are today preserved under the Shenandoah Valley National Battlefields Management Plan include the places of Stonewall Jackson's 1862 campaign, and later Union General Philip Sheridan's 1864 campaign which left the Valley in ruins.

This legislation is the product of many months of discussions with affected individual property owners with the battlefield boundary, our partner non-profit organizations who today preserve Belle Grove Plantation and surrounding lands within the battlefield, local governments and many interested citizens. I am pleased to present to the Senate their strong support for this legislation. I know that with retaining the private sector ownership of buildings and their direct participation in preserving and interpreting the story of Cedar Creek, we will have a truly unique partnership.

The compelling story of the events that unfolded at Cedar Creek surely earns recognition within our National Park system. In October of 1864, the Federal Army of the Shenandoah, having soundly defeated the Confederate Army of the Valley at Winchester on September 19 and then again at Fisher's Hill on September 22, ran the Confederate forces out of the Shenandoah Valley. In the process of this Union advance, Federal forces either burned or took all of the Confederate food reserves and livestock between Staunton and Strasburg. Thinking he had finally deprived the Valley as the Confederate's food source and as an invasion route North, Major General Philip Sheridan left his army camped along Cedar Creek at Middletown and went to Washington to have meetings with his supporters.

Refusing to give up the Valley to the Federals, General Jubal Early moved his very hungry, tired, and ill-equipped army of about 17,000 to Fisher's Hill on October 13. Facing down Sheridan's well dug-in army of over 30,000 men, Early had to make a decision to attack or retreat. He chose to attack. On the night of October 18, he sent three of his divisions under the command of Major General John Gordon across the Shenandoah River and along the flank of Massanutten Mountain to hit the Federal position from the east, behind its entrenchments along Cedar Creek.

After marching and maneuvering all night, Gordon's divisions struck at dawn in a thick fog. The Federals were clearly surprised. Early pushed the Federals all the way out of their camps, past Belle Grove plantation and all the way through Middleton. At midday, Gordon ordered a halt to the advance so that he could regroup his forces.

Being informed that there was a battle going on, Sheridan rushed to Middletown from Winchester. Once he arrived there in the afternoon, he found his army posted along a ridge north of Middletown. There he was able to rally his men, and from the position he ordered a massive counterattack. The counterattack completely swept the Confederates from the field.

The battle of Cedar Creek was significant for many reasons. The battle dealt the crushing blow to the Confederacy in the Shenandoah Valley, thus ending the career of Jubal Early in the process. Most importantly, however, coupled with the successes of General William T. Sherman in the Atlanta campaign, the battle boosted the morale of the war-weary North and guaranteed the re-election of President Abraham Lincoln.

The untouched landscape of this battlefield and the historic structure of Belle Grove plantation still today evoke the stories of the war. This site will serve to tell the whole story of the campaigns of the Valley and visitors will experience the full impact of the War of these surrounding rural communities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cedar Creek Battlefield and Belle Grove Plantation National Historical Park Act".

SEC. 2. PURPOSE.

The purpose of this Act is to establish the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park in order to—

(1) help preserve, protect, and interpret a nationally significant Civil War landscape and antebellum plantation for the education, inspiration, and benefit of present and future generations;

(2) serve as a focal point to recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) tell the rich story of the Battle of Cedar Creek and its significance in the conduct of the war in the Shenandoah Valley; and

(4) preserve the significant historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas through partnerships with local landowners and the community.

SEC. 3. FINDINGS.

Congress finds the following:

(1) The Battle of Cedar Creek, also known as the battle of Belle Grove, was a major event of the Civil War and the history of this country. It represented the end of the Civil War's Shenandoah Valley campaign of 1864 and contributed to the reelection of President Abraham Lincoln and the eventual outcome of the war.

(2) 2,500 acres of the Cedar Creek Battlefield and Belle Grove Plantation were designated a national historic landmark in 1969 because of their ability to illustrate and interpret important eras and events in the history of the United States. The Cedar Creek Battlefield, Belle Grove Manor House, the Heater House, and Harmony Hall (a National Historic Landmark) are also listed on the Virginia Landmarks Register.

(3) The Secretary of the Interior has approved the Shenandoah Valley Battlefields National Historic District Management Plan, September 2000, which preserves the District's historic character, and protects and interprets 10 significant Civil War battlefields within the District, including the Cedar Creek battlefield.

(4) The Shenandoah Valley Battlefields National Historic District Management Plan and the National Park Service Special Resource Study recognize the Cedar Creek battlefield as the most significant Civil War resource within the Historic District.

(5) The Shenandoah Valley Battlefields National Historic District Management Plan, which was developed with extensive public participation over a 3-year period and is administered by the Shenandoah Valley Battlefields Foundation, recommends that Cedar Creek Battlefield be established as a new unit of the National Park System to provide permanent protection for the battlefield and to serve as the central site to increase the public's education and awareness of the War's legacy throughout the Historic District.

(6) The Cedar Creek Battlefield Foundation, organized in 1988 to preserve and interpret the Cedar Creek Battlefield and the 1864 Valley Campaign, has acquired 308 acres of land within the boundaries of the National Historic Landmark. The foundation annually hosts a major reenactment and living history event on the Cedar Creek Battlefield.

(7) Belle Grove Plantation is a Historic Site of the National Trust for Historic Preservation that occupies 383 acres within the National Historic Landmark. The Belle Grove Manor House was built by Isaac Hite, a Revolutionary War patriot married to the sister of President James Madison, who was a frequent visitor at Belle Grove. President Thomas Jefferson assisted with the design of the house. During the Civil War Belle Grove was at the center of the decisive battle of Cedar Creek. Belle Grove is managed locally by Belle Grove, Incorporated, and has been open to the public since 1967. The house has remained virtually unchanged since it was built in 1797, offering visitors an experience of the life and times of the people who lived there in the 18th and 19th centuries.

(8) The panoramic views of the mountains, natural areas, and waterways provide visitors with an inspiring setting of great natural beauty. The historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas are nationally and regionally significant.

(9) The existing, independent, not-for-profit organizations dedicated to the protection and interpretation of the resources described above provide the foundation for public-private partnerships to further the success of protecting, preserving, and interpreting these resources.

(10) None of these resources, sites, or stories of the Shenandoah Valley are protected by or interpreted within the National Park System.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park Advisory Commission established by section 9.

(2) MAP.—The term "Map" means the map entitled "Cedar Creek Battlefield and Belle Grove Plantation National Historic Park", numbered CECR–80,000, and dated June 12, 2002.

(3) PARK.—The term "Park" means the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park established under section 5 and depicted on the Map.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. ESTABLISHMENT OF CEDAR CREEK BATTLEFIELD AND BELLE GROVE PLANTATION NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park, consisting of approximately 3,000 acres, as generally depicted on the Map.

(b) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior.

SEC. 6. ACQUISITION OF PROPERTY.

(a) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary map of the Park to include newly acquired land within the boundary; and

(2) administer newly acquired land subject to applicable laws (including regulations).

(c) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Park.

(d) CONSERVATION EASEMENTS AND COVENANTS.—The Secretary is authorized to acquire conservation easements and enter into covenants regarding lands in or adjacent to the Park for willing sellers only. Such conservation easements and covenants shall have the effect of protecting the scenic, natural, and historic resources on adjacent lands and preserving the natural or historic setting of the Park when viewed from within or outside the Park.

(e) SUPPORT FACILITIES.—The National Park Service is authorized to acquire from willing sellers up to 50 acres of land outside the park boundary, but in close proximity to the park, to develop facilities for one or more of the following:

(1) Visitors.

(2) Administrative functions.

(3) Museums.

(4) Curatorial functions.

(5) Maintenance.

SEC. 7. ADMINISTRATION.

The Secretary shall administer the Park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 8. MANAGEMENT OF PARK.

(a) MANAGEMENT PLAN.—The Secretary, in consultation with the Commission, shall prepare a management plan for the Park. In particular, the management plan shall contain provisions to address the needs of owners of non-Federal land, including independent nonprofit organizations within the boundaries of the Park.

(b) SUBMISSION OF PLAN TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit the management plan for the Park to Congress.

SEC. 9. CEDAR CREEK BATTLEFIELD AND BELLE GROVE PLANTATION NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established the Cedar Creek Battlefield and Belle Grove Planation National Historical Park Advisory Commission.

(b) DUTIES.—The Commission shall—

(1) advise the Secretary in the preparation and implementation of a general management plan described in section 8; and

(2) advise the Secretary with respect to the identification of sites of significance outside the Park boundary deemed necessary to fulfill the purposes of this Act.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 15 members appointed by the Secretary so as to include the following:

(A) 1 representative from the Commonwealth of Virginia.

(B) 1 representative each from the local governments of Strasburg, Middletown, Frederick County, Shenandoah County, and Warren County.

(C) 2 representatives of private landowners within the Park.

(D) 1 representative from a citizen interest group.

(E) 1 representative from the Cedar Creek Battlefield Foundation.

(F) 1 representative from Belle Grove, Incorporated.

(G) 1 representative from the National Trust for Historic Preservation.

(H) 1 representative from the Shenandoah Valley Battlefields Foundation.

(I) 1 ex officio representative from the National Park Service.

(J) 1 ex officio representative from the United States Forest Service.

(2) Chairperson.—The Chairperson of the Commission shall be elected by the members to serve a term of one year renewable for one additional year.

(3) Vacancies.—A vacancy on the Commission shall be filed in the same manner in which the original appointment was made.

(4) Terms of service.—

(A) In General.—Each member shall be appointed for a term of 3 years and may be reappointed for not more than 2 successive terms.

(B) Initial members.—Of the members first appointed under paragraph (1), the Secretary shall appoint—

(i) 4 members for a term of 1 year;

(ii) 5 members for a term of 2 years; and

(iii) 6 members for a term of 3 years.

(5) Extended service.—A member may serve after the expiration of that member's term until a successor has taken office.

(6) Majority rule.—The Commission shall act and advise by affirmative vote of a majority of its members.

(7) Meetings.—The Commission shall meet at least quarterly at the call of the chairperson or a majority of the members of the Commission.

(8) Quorum.—8 members shall constitute a quorum.

(d) Compensation.—Members shall serve without pay. Members who are full-time officers or employees of the United States, the Commonwealth of Virginia, or any political subdivision thereof shall receive no additional pay on account of their service on the Commission.

(e) Hearings; Public Involvement.—The Commission may, for purposes of carrying out this Act, hold such hearings, sit and act at such times and places, take such public testimony, and receive such evidence, as the Commission considers appropriate. The Commission may not issue subpoenas or exercise any subpoena authority.

(f) FACA Nonapplicability.—The Federal Advisory Committee Act shall not apply to the Commission.

SEC. 10. CONSERVATION OF CEDAR CREEK BATTLEFIELD AND BELLE GROVE PLANTATION NATIONAL HISTORICAL PARK.

(a) Encouragement of Conservation.—The Secretary and the Commission shall encourage conservation of the historic and natural resources within and in proximity of the Park by landowners, local governments, organizations, and businesses.

(b) Provision of Technical Assistance.—The Secretary may provide technical assistance to local governments, in cooperative efforts which complement the values of the Park.

(c) Cooperation by Federal Agencies.—Any Federal entity conducting or supporting activities directly affecting the Park shall consult, cooperate, and, to the maximum extent practicable, coordinate its activities with the Secretary in a manner that—

(1) is consistent with the purposes of this Act and the standards and criteria established pursuant to the general management plan developed pursuant to section 8;

(2) is not likely to have an adverse effect on the resources of the Park; and

(3) is likely to provide for full public participation in order to consider the views of all interested parties.

SEC. 11. ENDOWMENT.

(a) In General.—In accordance with the provisions of subsection (b), the Secretary is authorized to receive and expend funds from an endowment to be established with the National Park Foundation, or its successors and assigns.

(b) Conditions.—Funds from the endowment referred to in subsection (a) shall be expended exclusively as the Secretary, in consultation with the Commission, may designate for the interpretation, preservation, and maintenance of the Park resources and public access areas. No expenditure shall be made pursuant to this section unless the Secretary determines that such an expenditure is consistent with the purposes of this Act.

SEC. 12. COOPERATIVE AGREEMENTS

(a) In General.—In order to further the purposes of this Act, the Secretary is authorized to enter into cooperative agreements with interested public and private entities and individuals (including the National Trust for Historic Preservation, Belle Grove, Inc., the Cedar Creek Battlefield Foundation, the Shenandoah Valley Battlefields Foundation, and the Counties of Frederick, Shenandoah, and Warren), through technical and financial assistance, including encouraging the conservation of historic and natural resources within and near the Park.

(b) Technical and Financial Assistance.—The Secretary may provide to any person, organization, or governmental entity technical and financial assistance for the purposes of this Act, including the following:

(1) Preserving historic structures within the Park.

(2) Maintaining the natural or cultural landscape of the Park.

(3) Local preservation planning, interpretation, and management of public visitation for the Park.

(4) Furthering the goals of the Shenandoah Valley Battlefields Foundation and National Historic District Management Plan.

SEC. 13. ROLES OF KEY PARTNER ORGANIZATIONS.

(a) In General.—In recognition that central portions of the Park are presently owned and operated for the benefit of the public by key partner organizations, the Secretary shall acknowledge and support the continued participation of these partner organizations in the management of the Park.

(b) Park Partners.—Roles of the current key partners include the following:

(1) Cedar Creek Battlefield Foundation.—The Cedar Creek Battlefield Foundation may—

(A) continue to own, operate, and manage the lands acquired by the Foundation within the Park;

(B) continue to conduct reenactments and other events within the Park; and

(C) transfer ownership interest in portions of their land to the National Park Service by donation, sale, or other means that meet the legal requirements of National Park Service land acquisitions.

(2) National Trust for Historic Preservation and Belle Grove Incorporated.—The National Trust for Historic Preservation and Belle Grove Incorporated may continue to own, operate, and manage Belle Grove Plantation and its structures and grounds within the Park boundary. Belle Grove Incorporated may continue to own the house and grounds known as Bowman's Fort or Harmony Hall for the purpose of permanent preservation, with a long-term goal of opening the property to the public.

(3) Shenandoah County.—Shenandoah County may continue to own, operate, and manage the Keister park site within the Park for the benefit of the public.

(4) Gateway communities.—The adjacent historic towns of Strasburg and Middletown shall be acknowledged at Gateway Communities to the Park.

(5) Shenandoah Valley Battlefields Foundation.—The Shenandoah Valley Battlefields Foundation may continue to administer and manage the Shenandoah Valley Battlefields National Historic District in partnership with the National Park Service and in accordance with the Management Plan for the District in which the Park is located.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 284—EXPRESSING THE SUPPORT FOR "NATIONAL NIGHT OUT" AND REQUESTING THAT THE PRESIDENT MAKE NEIGHBORHOOD CRIME PREVENTION COMMUNITY POLICING AND REDUCTION OF SCHOOL CRIME IMPORTANT PRIORITIES OF THE ADMINISTRATION.

Mr. BIDEN (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. Res. 284

Whereas neighborhood crime is a continuing concern of the American people;

Whereas the fight against neighborhood crime and terrorism requires the cooperation of community residents, neighborhood crime watch organizations, schools, community policing groups, and other law enforcement officials;

Whereas neighborhood crime watch organizations are effective in promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas the vigilance of neighborhood crime watch organizations creates safer communities and discourages drug dealers from operating in the communities monitored by those organizations;

Whereas the American people are concerned about violence and crime in schools, especially about incidents that result in fatalities at school, and are seeking methods to prevent such violence and crime;

Whereas community-based programs involving law enforcement personnel, school administrators, teachers, parents, and local communities are effective in reducing violence and crime in schools;

Whereas the Federal Government has made efforts to prevent neighborhood crime, including supporting community policing programs;

Whereas the Attorney General has called Federal efforts to support community policing a "miraculous sort of success";

Whereas the Administration has supported neighborhood watch programs through the establishment of the Citizen Corps;

Whereas on August 6, 2002, people across America will take part in National Night Out, an event that highlights the importance of community participation in crime prevention efforts;

Whereas on National Night Out participants will light up their homes and neighborhoods between 7:00 p.m. and 10:00 p.m. on that date, and spend that time outside with their neighbors; and

Whereas schools that turn their lights on from 7:00 p.m. to 10:00 p.m. on August 6, 2002, send a positive message to the participants of National Night Out and show their commitment to reducing crime and violence in schools: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of National Night Out;

(2) recognizes that the fight against neighborhood crime and terrorism requires individuals, neighborhood crime watch organizations, schools, and community policing groups and other law enforcement officials to work together;

(3) encourages neighborhood residents, crime watch organizations, and schools to participate in National Night Out activities on August 6, 2002, between 7:00 p.m. and 10:00 p.m.; and

(4) requests that the President—

(A) issue a proclamation calling on the people of the United States to participate in National Night Out with appropriate activities; and

(B) make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration.

Mr. BIDEN. Madam President, today I rise to submit a resolution, along with Senator SPECTER, supporting "National Night Out," a program at the forefront of the Nation's effort to combat crime and terrorism. On August 6 of this year, over 33 million people in 9,700 communities from all 50 States will participate in the 19th Annual National Night Out. These volunteers greet their neighbors, meet with local police, and participate in block parties and parades, all to encourage citizens to become active caretakers of their communities. This resolution would salute and encourage those efforts.

This past year has seen our nation both horrified by unthinkable tragedy, and driven to ensure that nothing so terrible ever happens again. Unfortunately, we can't have a police officer protecting us on every block, during every minute, of everyday. And while many of us in the Congress have worked for years to enhance the tools and resources available to law enforcement, few things are more valuable in our ongoing war against terrorism and crime than the eyes and ears of conscientious citizens. A 1995 study by the National Institute of Justice shows that crime rates are 40 percent lower, on average, in communities with high mutual trust among neighbors. By encouraging members of each community to get to know one another, be familiar with their block, and work with local law enforcement officials to spot and address suspicious situations, National Night Out helps all of us sleep more soundly.

Today, with terrorists seeking to strike our homeland, our efforts to keep America's streets safe are more crucial than ever. Working side by side with local law enforcement, neighborhood crime watch groups have been, and will continue to be an invaluable resource. In fact, a Justice Department survey indicates that 90 percent of law enforcement officers believe National Night Out enhances their policing programs. Every year, National Night Out provides Americans with a great opportunity to meet their neighbors, show their patriotism, and keep their streets safe. I hope my colleagues will join Senator SPECTER and me in thanking them for making a difference, one doorstep at a time.

SENATE RESOLUTION 285—EXPRESSING THE SENSE OF THE SENATE CONDEMNING THE FAILURE OF THE INTERNATIONAL WHALING COMMISSION TO RECOGNIZE THE NEEDS OF ALASKAN ESKIMOS

Mr. MURKOWSKI (for himself and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 285

Whereas the International Whaling Commission was founded in 1946 under the International Convention for the Regulation of Whaling, with the purpose of providing for the proper conservation of whale stocks in order to make possible the orderly development of the whaling industry;

Whereas the Commission has explicitly recognized aboriginal subsistence whaling as separate from commercial whaling and has in the past provided quotas for aboriginal subsistence whaling participants from Denmark, the Russian Federation, St. Vincent and The Grenadines and the United States;

Whereas the Commission has failed to renew the aboriginal subsistence whaling which previously was designated for Alaska Eskimo whalers;

Whereas the Commission's failure to reauthorize quotas for aboriginal subsistence whaling was orchestrated by nations disgruntled by the United States position in opposition to the resumption of commercial whaling and determined to retaliate against legitimate United States interests in aboriginal subsistence whaling;

Whereas aboriginal subsistence whaling has been a mainstay of the culture and livelihood of the Inuit people of Alaska for thousands of years;

Whereas whaling by the Inupiat people of northern Alaska brings significant benefits to every member of the successful villages, where whale meat is shared among all residents;

Whereas the Inupiat people of Alaska have consistently followed responsible management practices in carrying out their whaling activities;

Whereas the Inupiat people of Alaska have embraced the goal of whale conservation and participated heavily in whale research and monitoring that demonstrates that their subsistence whaling has no adverse effect on the population of bowhead whales, their preferred species: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the failure of the Commission to renew aboriginal whaling quotas is inconsistent with the understandings on which the Commission is based, and jeopardizes the continued existence of the Commission as a meaningful international body; and

(2) regardless of any current or subsequent action of the Commission, the United States government should take all steps necessary to ensure the continuance of scientifically sound aboriginal subsistence whaling by the Inupiat people of Alaska.

Mr. MURKOWSKI. Madam President, I rise to offer a sense of the Senate resolution condemning the International Whaling Commission's recent vote against renewing quotas for aboriginal subsistence whaling by Alaska's Inuit people.

I have always respected both the goals and the processes of the International Whaling Commission, but my support has been badly eroded by recent events.

The Inupiat people of northern Alaska have engaged in environmentally responsible whaling practices for thousands of years, with no international supervision. They were forced to stand and watch as the great whales were decimated.

Alaska's Inupiat people responded positively to the conservation goals of the International Commission, forming their own organization, the Alaska Eskimo Whaling Commission, which has participated wholeheartedly in International Commission meetings. The Alaska Commission has also put significant assets and effort toward research and monitoring that has proven conclusively that current Alaskan whaling poses no danger to the stocks of bowhead whales that are its target species.

Whaling is more important to the communities of northern Alaska than most can possibly understand. It provides a critical element of their diet, a major staple for their survival. But beyond that, it is a custom that is deeply ingrained in the culture of the Inupiat people.

Becoming a whaling captain is one of the greatest honors possible, and carries with it great responsibility. Whaling captains provide gear and supplies for their crews at significant cost, yet when a whale is taken, they receive no compensation other than the knowledge of a job well done, for which they are not even allowed to deduct their costs as charitable contributions. It is a job that is important not only to the whalers themselves, but to every resident of the whaling communities, where their catch is shared between young and old alike.

But that long history and honorable practice suffered a serious blow at the recent International Whaling Commission meeting in Shimoneseki, Japan. Nations promoting the resumption of commercial whaling, led by Japan itself, engineered a vote to reject the proposed renewal of quotas for Eskimo whaling.

It is clear from a statement released by the Japanese Fisheries Agency on May 24 that this action was taken solely to retaliate against the United States for our opposition to the resumption of commercial whaling, specifically our rejection of a small quota of Minke whales for four coastal villages. There is a word for such an action, and that word is "spiteful."

This is not the way international negotiations should be conducted.

Alaska's aboriginal whaling has nothing to do with commercial whaling, and everything to do with honoring a way of life that has come to be synonymous with survival for Alaska's Inupiat people.

It is not that I lack sympathy for the Japanese people, or the long history of whaling that is part of the culture of those four Japanese coastal villages. I happen to believe that history also should be honored, and I hope that an agreeable solution to the current dilemma will be developed in the near future.

Nor can I suggest that this development was a complete surprise. Japan has long sought the resumption of commercial whaling, which is, in fact, the stated purpose of the International Whaling Commission. It has long warned that some form of retaliation might result from our continued opposition in the face of scientific evidence that some whale populations, such as the Minke whales sought by the coastal villages, have fully recovered and could support the resumption of whaling.

Japan complains that the U.S. is being "unfair." How could anything be more unfair than the action Japan has orchestrated against Alaska's Inupiat people?

I repeat, that this is not how international negotiations should be conducted. Targeting Alaska's Inupiat whaling is not justified and can only serve to further alienate even those who might be sympathetic to the Japanese villages.

The resolution I am introducing today condemns this unwarranted development, and calls on U.S. authorities to do everything in their power to ensure that aboriginal subsistence whaling in Alaska is allowed to continue under the same carefully crafted and scientifically justified system that currently guides it. I understand the various executive branch agencies with an interest in this issue are already engaged in doing just that, and they deserve our enthusiastic support.

SENATE RESOLUTION 286—COMMENDING AND CONGRATULATING THE LOS ANGELES LAKERS FOR THEIR OUTSTANDING DRIVE, DISCIPLINE, AND MASTERY IN WINNING THE 2002 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 286

Whereas the Los Angeles Lakers are 1 of the greatest sports franchises in history;

Whereas the Laker organization has won 14 National Basketball Association Championships;

Whereas the Los Angeles Lakers are only the fifth team to win 3 consecutive National Basketball Association Championships and the seventh team to sweep the finals 4 games to none;

Whereas the Laker organization has fielded such legendary superstars as George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, Earvin "Magic" Johnson, and now, Shaquille O'Neal and Kobe Bryant;

Whereas Shaquille O'Neal won his third straight National Basketball Association Finals Most Valuable Player award, joining Michael Jordan as the only player to win 3 consecutive awards;

Whereas Shaquille O'Neal scored a record 145 points in the 2002 4-game finals series;

Whereas Shaquille O'Neal's 59.5 percent career field goal percentage in National Basketball Association Finals games is number 1 all-time and his 34.2 point scoring average ranks second;

Whereas Kobe Bryant was named to the 2001–2002 All-National Basketball Association First Team after averaging 25.5 points per game, 5.5 rebounds per game, and 5.5 assists per game during the regular season;

Whereas Kobe Bryant averaged 26.8 points, 5.8 rebounds, and 5.3 assists during the 2002 National Basketball Association Finals;

Whereas Coach Phil Jackson won his ninth National Basketball Association title, tying the record of legendary Boston Celtics coach, Red Auerbach;

Whereas Coach Phil Jackson won his 156th postseason game, surpassing former Lakers Coach Pat Riley to become the winningest playoff coach in National Basketball Association history;

Whereas the Los Angeles Lakers epitomize the spirit of their hometown with their determination, heart, stamina, and amazing comeback ability;

Whereas the support of all the Los Angeles fans and the people of California propelled the Los Angeles Lakers to another National Basketball Association Championship; and

Whereas the Los Angeles Lakers are poised to win a fourth straight National Basketball Association Championship next season: Now, therefore, be it

Resolved, That the Senate commends and congratulates the Los Angeles Lakers on winning the 2002 National Basketball Association Championship Title.

SENATE CONCURRENT RESOLUTION 121—EXPRESSING THE SENSE OF CONGRESS THAT THERE SHOULD BE ESTABLISHED A NATIONAL HEALTH CENTER WEEK FOR THE WEEK BEGINNING ON AUGUST 18, 2002, TO RAISE AWARENESS OF HEALTH SERVICES PROVIDED BY COMMUNITY, MIGRANT, PUBLIC HOUSING, AND HOMELESS HEALTH CENTERS

Mr. HUTCHINSON (for himself, Mr. DURBIN, Mr. BOND, and Mr. HOLLINGS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 121

Whereas community, migrant, public housing, and homeless health centers (referred to in this concurrent resolution as "health centers") are nonprofit, community-owned and community-operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 health centers serving 12,000,000 people at more than 4,000 health delivery sites, spanning urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas health centers have provided cost-effective, quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, meeting escalating health needs, and reducing health disparities;

Whereas health centers provide care to 1 of every 9 uninsured Americans, 1 of every 8 low-income Americans, and 1 of every 10 rural Americans, and without health centers these Americans would otherwise lack access to health care;

Whereas health centers and other innovative programs in primary and preventive care reach out to 650,000 homeless persons and 700,000 farm workers;

Whereas health centers make health care responsive and cost-effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by health centers, infant mortality rates have been reduced by between 10 and 40 percent;

Whereas health centers are built by community initiative;

Whereas Federal grants provide seed money to empower communities to find partners and resources and to recruit doctors and needed health professionals;

Whereas Federal grants, on average, contribute 22 percent of a health center's budget, with the remainder provided by State and local governments, medicare, medicaid, private contributions, private insurance, and patient fees;

Whereas health centers are community-oriented and patient-focused;

Whereas health centers tailor their services to fit the special needs and priorities of communities by working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas health centers engage citizen participation and provide jobs for 50,000 community residents; and

Whereas the establishment of a National Community Health Center Week for the week beginning on August 18, 2002, would raise awareness of the health services provided by health centers: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) there should be established a National Community Health Center Week for the week beginning on August 18, 2002, to raise awareness of health services provided by health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

Mr. HUTCHINSON. Madam President, I rise today to submit a concurrent resolution, along with my colleagues, Senators DURBIN, BOND, and HOLLINGS, that would establish the week of August 18, 2002, as National Community Health Center Week.

Community, migrant, public housing, and homeless health centers are nonprofit providers of health care for our Nation's medically underserved. An essential element of our Nation's safety net, health centers provide care to 1 of every 9 uninsured Americans, 1 of every 8 low-income Americans and 1 of every 10 rural Americans. In rural and small communities, health centers are often the only health care providers, and in many cases can be the difference between life and death. Communities served by these health care centers have experienced reduced infant mortality rates by as much as 10 and 40 percent. Not only are health centers contributing to the physical well-being of communities, they are also contributing to the economic well-being of the communities where they are located, by employing over 50,000 community residents nationwide.

I commend President Bush for recognizing the valuable role of community health centers. The President has wisely called for the establishment of 1,200 new and expanded health center sites by 2006 that will enable health centers to serve more than 16 million patients annually.

Congress should also pay tribute to the role of these centers in improving the health and well-being of our Nation's poor and medically underserved by establishing the week of August 18, 2002, as National Community Health Center Week.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3835. Mr. LEAHY (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table.

SA 3836. Mr. MCCONNELL (for himself, Mr. GRAMM, Mr. LOTT, and Mr. SANTORUM) proposed an amendment to the bill S. 2600, supra.

SA 3837. Mr. NELSON, of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3838. Mr. HARKIN (for himself, Mr. ALLEN, Mr. BURNS, Mr. WARNER, Mr. SMITH, of New Hampshire, and Mrs. HUTCHISON,) submitted an amendment intended to be proposed by him to the bill S. 2600, supra.

SA 3839. Mr. HATCH proposed an amendment to the bill S. 2600, supra.

SA 3840. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3841. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3842. Mr. SANTORUM proposed an amendment to the bill S. 2600, supra.

SA 3843. Mr. BROWNBACK proposed an amendment to the bill S. 2600, supra.

SA 3844. Mr. ENSIGN proposed an amendment to amendment SA 3843 proposed by Mr. BROWNBACK to the bill (S. 2600) supra.

SA 3845. Mr. REID (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 672, to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes.

SA 3846. Mr. REID (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 1209, to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

TEXT OF AMENDMENTS

SA 3835. Mr. LEAHY (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 14, line 9, insert before "but" the following: "or that could have operated through such self insurance arrangements under applicable State law in effect on September 11, 2001,".

SA 3836. Mr. MCCONNELL (for himself, Mr. GRAMM, Mr. LOTT, and Mr. SANTORUM) proposed an amendment to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; as follows:

On page 29, strike line 1 and all that follows through page 30, line 17, and insert the following:

SEC. 10. PROCEDURES FOR CIVIL ACTIONS.

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for claims arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for such claims, except as provided in subsection (f).

(2) PREEMPTION OF STATE ACTIONS.—All State causes of action of any kind for claims arising out of or resulting from an act of terrorism that are otherwise available under State law, are hereby preempted, except as provided in subsection (f).

(b) GOVERNING LAW.—The substantive law for decision in an action described in subsection (a)(1) shall be derived from the law, including applicable choice of law principles, of the State in which the act of terrorism giving rise to the action occurred, except to the extent that—

(1) the law, including choice of law principles, of another State is determined to be applicable to the action by the district court hearing the action; or

(2) otherwise applicable State law (including that determined under paragraph (1), is inconsistent with or otherwise preempted by Federal law.

(c) FEDERAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the date of the occurrence of an act of terrorism, the Judicial Panel on Multidistrict Litigation shall assign a single Federal district court to conduct pretrial and trial proceedings in all pending and future civil actions for claims arising out of or resulting from that act of terrorism.

(2) SELECTION CRITERIA.—The Judicial Panel on Multidistrict Litigation shall select and assign the district court under paragraph (1) based on the convenience of the parties and the just and efficient conduct of the proceedings.

(3) JURISDICTION.—The district court assigned by the Judicial Panel on Multidistrict Litigation shall have original and exclusive jurisdiction over all actions under paragraph (1). For purposes of personal jurisdiction, the district court assigned by the Judicial Panel on Multidistrict Litigation shall be deemed to sit in all judicial districts in the United States.

(4) TRANSFER OF CASES FILED IN OTHER FEDERAL COURTS.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(5) REMOVAL OF CASES FILED IN STATE COURTS.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a State court shall be removable to the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1).

(d) APPROVAL OF SETTLEMENTS.—Any settlement between the parties of a civil action described in this section for claims arising out of or resulting from an act of terrorism shall be subject to prior approval by the Secretary after consultation by the Secretary with the Attorney General.

(e) LIMITATION ON DAMAGES.—

(1) IN GENERAL.—Punitive or exemplary damages shall not be available for any losses in any action described in subsection (a)(1), including any settlement described in subsection (d), except where—

(A) punitive or exemplary damages are permitted by applicable State law; and

(B) the harm to the plaintiff was caused by a criminal act or course of conduct for which the defendant was convicted under Federal or State criminal law, including a conviction based on a guilty pea or plea of nolo contendere.

(2) Protection of taxpayer funds.—Any amounts awarded in, or granted in settlement of, an action described in subsection (a)(1) that are attributable to punitive or exemplary damages allowable under paragraph (1) of this subsection shall not count as insured losses for purposes of this Act.

(f) Claims Against Terrorists.—Nothing in this section shall in any way be construed to limit the ability of any plaintiff to seek any form of recovery from any person, government, or other entity that was a participant in, or aider and abettor of, any act of terrorism.

(g) Effective Period.—This section shall apply only to actions described in subsection (a)(1) arising out of or resulting from acts of terrorism that occur during the effective period of the Program, including any applicable extension period.

SA 3837. Mr. NELSON of Nebraska (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Act of 2002".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) insurance firms that provide property and casualty insurance are important financial institutions, the products of which allow mutualization of risk and the efficient use of financial resources and enhance the ability of the economy to maintain stability, while responding to a variety of economic, political, environmental, and other risks with a minimum of disruption;

(2) insurance firms that provide group term life and accidental death insurance are important financial institutions, the products of which allow employers, labor unions, and other groups to protect their employees and members against the financial impact of untimely death and allow their employees and members to make financial provisions for their families and other beneficiaries at reasonable cost;

(3) the ability of businesses and individuals to obtain property and casualty insurance at reasonable and predictable prices, in order to spread the risk of both routine and catastrophic loss, is critical to economic growth, urban development, and the construction and maintenance of public and private housing, as well as to the promotion of United States exports and foreign trade in an increasingly interconnected world;

(4) the ability of employers, labor unions, and other groups to obtain group life and accidental death insurance is critical to the ability of such groups to attract employees and members, which is vital to sustained high levels of employment and economic growth;

(5) insurance firms that provide property and casualty insurance and insurance firms that provide group life and accidental death insurance face similar concentrations of financial risk;

(6) the ability of the insurance industry to cover the unprecedented financial risks presented by potential acts of terrorism in the United States can be a major factor in the recovery from terrorist attacks, while maintaining the stability of the economy;

(7) widespread financial market uncertainties have arisen following the terrorist attacks of September 11, 2001, including the absence of information from which financial institutions can make statistically valid estimates of the probability and cost of future terrorist events, and therefore the size, funding, and allocation of the risk of loss caused by such acts of terrorism;

(8) a decision by insurers to deal with such uncertainties, either by terminating or excluding coverage for losses arising from terrorist events, or by radically escalating premium coverage to compensate for risks of loss that are not readily predictable, could seriously hamper ongoing and planned construction, property acquisition, and other business projects, generate a dramatic increase in rents, otherwise suppress economic activity and deprive the beneficiaries of group life insureds the financial security and benefits of such coverage; and

(9) the United States Government should provide temporary financial compensation to insured parties, contributing to the stabilization of the United States economy in a time of national crisis, while the financial services industry develops the systems, mechanisms, products, and programs necessary to create a viable financial services market for private terrorism risk insurance.

(b) Purpose.—The purpose of this Act is to establish a temporary Federal program that provides for a transparent system of shared public and private compensation for insured losses resulting from acts of terrorism, in order to—

(1) protect consumers by addressing market disruptions and ensure the continued widespread availability and affordability of property and casualty insurance and group life and accidental death insurance for terrorism risk; and

(2) allow for a transitional period for the private markets to stabilize, resume pricing of such insurance, and build capacity to absorb any future losses, while preserving State insurance regulation and consumer protections.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) Act of terrorism.—

(A) Certification.—The term "act of terrorism" means any act that is certified by the Secretary, in concurrence with the Secretary of State, and the Attorney General of the United States—

(i) to be a violent act or an act that is dangerous to—

(I) human life;

(II) property; or

(III) infrastructure;

(ii) to have resulted in damage or loss of life within the United States, or outside the United States in the case of an air carrier described in paragraph (3)(A)(ii); and

(iii) to have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

(B) Limitation.—No act or event shall be certified by the Secretary as an act of terrorism if—

(i) the act or event is committed in the course of a war declared by the Congress; or

(ii) losses resulting from the act or event, in the aggregate, do not exceed $5,000,000.

(C) Determinations final.—Any certification of, or determination not to certify, an act or event as an act of terrorism under this paragraph shall be final, and shall not be subject to judicial review.

(2) Business interruption coverage.—The term "business interruption coverage" means—

(A) coverage of losses for temporary relocation expenses and ongoing expenses, including ordinary wages, where—

(i) there is physical damage to the business premises of such magnitude that the business cannot open for business;

(ii) there is physical damage to other property that totally prevents customers or employees from gaining access to the business premises; or

(iii) the Federal, State, or local government shuts down an area due to physical or environmental damage, thereby preventing customers or employees from gaining access to the business premises; and

(B) does not include lost profits, other than in the case of a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632) and applicable regulations thereunder) in any case described in clause (i), (ii), or (iii) of subparagraph (A).

(3) Insured loss.—The term "insured loss"—

(A) means any loss resulting from an act of terrorism that is covered by primary property and casualty insurance, including business interruption coverage, or group life insurance, including accidental death insurance, issued by a participating insurance company, if such loss—

(i) occurs within the United States; or

(ii) occurs to or aboard an air carrier (as defined in section 40102 of title 49, United States Code) or to a United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), regardless of where the loss occurs; and

(B) excludes coverage under any health insurance or individual life insurance policy.

(4) Market share.—

(A) In general.—The "market share" of a participating insurance company shall be calculated using the total amount of direct written property and casualty insurance premiums or group life insurance premiums, including premiums for accidental death insurance for the participating insurance company during the 2-year period preceding the year in which the subject act of terrorism occurred (or during such other period for which adequate data are available, as determined by the Secretary), as a percentage of the aggregate of all such property and casualty insurance or group life insurance, including accidental death insurance premiums industry-wide during that period.

(B) Adjustments.—The Secretary may adjust the market share of a participating insurance company under subparagraph (A), as necessary to reflect current market participation of that participating insurance company.

(5) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners.

(6) Participating insurance company.—The term "participating insurance company" means any insurance company, including any subsidiary or affiliate thereof—

(A) that—

(i) is licensed or admitted to engage in the business of providing primary insurance in any State, and was so licensed or admitted on September 11, 2001; or

(ii) is not licensed or admitted as described in clause (i), if it is an eligible surplus line carrier listed on the Quarterly Listing of Alien Insurers of the NAIC, or any successor thereto;

(B) receives direct premiums for any type of commercial property and casualty insurance coverage or that, not later than 21 days after the date of enactment of this Act, submits written notification to the Secretary of its intent to participate in the Program with regard to personal lines of property and casualty insurance;

(C) that receives direct premiums for group life insurance coverage, including accidental death insurance coverage and, not later than 21 days after the date of enactment of this Act, submits written notification to the Secretary of its intent to participate in the Program; and

(D) that meets any other criteria that the Secretary may reasonably prescribe.

(7) PARTICIPATING PROPERTY AND CASUALTY INSURANCE COMPANY DEDUCTIBLE.—The term "participating property and casualty insurance company deductible" means—

(A) a participating property and casualty insurance company's market share, multiplied by $10,000,000,000, with respect to insured losses resulting from an act of terrorism occurring during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002; and

(B) a participating property and casualty insurance company's market share, multiplied by $15,000,000,000, with respect to insured losses resulting from an act of terrorism occurring during the period beginning on January 1, 2003, and ending at midnight on December 31, 2003, if the Program is extended in accordance with section 6.

(8) PARTICIPATING GROUP LIFE INSURANCE COMPANY DEDUCTIBLE.—The term "participating group life insurance company deductible" means—

(A) a participating group life insurance company's market share, multiplied by $2,000,000,000, with respect to insured losses resulting from an act of terrorism occurring during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002; and

(B) a participating group life insurance company's market share, multiplied by $3,000,000,000, with respect to insured losses resulting from an act of terrorism occurring during the period beginning on January 1, 2003, and ending at midnight on December 31, 2003, if the program is extended in accordance with section 6.

(9) PERSON.—The term "person" means any individual, business, or nonprofit entity (including those organized in the form of a partnership, limited liability company, corporation, or association), trust or estate, or a State or political subdivision of a State or other governmental unit.

(10) PROGRAM.—The term "Program" means the Terrorism Insured Loss Shared Compensation Program established by this Act.

(11) PROPERTY AND CASUALTY INSURANCE.—The term "property and casualty insurance"—

(A) means commercial lines of property and casualty insurance;

(B) includes personal lines of property and casualty insurance, if a notification is made in accordance with paragraph (6)(B); and

(C) does not include—

(i) Federal crop insurance issued or reinsured under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) private mortgage insurance, as that term is defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901).

(12) GROUP LIFE INSURANCE.—The term "group life insurance" means an insurance contract that provides life insurance coverage for a number of persons under a single contract and that provides such coverage on the basis of a group selection of risks.

(13) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(14) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and each of the United States Virgin Islands.

(15) UNITED STATES.—The term "United States" means all States of the United States.

SEC. 4. TERRORISM INSURED LOSS SHARED COMPENSATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—There is established in the Department of the Treasury the Terrorism Insured Loss Shared Compensation Program.

(2) AUTHORITY OF THE SECRETARY.—Notwithstanding any other provision of Federal or State law, the Secretary shall administer the Program, and shall pay the Federal share of compensation for insured losses in accordance with subsection (e).

(b) CONDITIONS FOR FEDERAL PAYMENTS.—No payment may be made by the Secretary under subsection (e), unless—

(1) a person that suffers an insured loss, or a person acting on behalf of that person, files a claim with a participating insurance company;

(2) the participating insurance company provides clear and conspicuous disclosure to the policyholder of the premium charged for insured losses covered by the Program and the Federal share of compensation for insured losses under the Program—

(A) in the case of any policy covering an insured loss that is issued on or after the date of enactment of this Act, in the policy, at the time of offer, purchase, and renewal of the policy; and

(B) in the case of any policy that is issued before the date of enactment of this Act, not later than 90 days after that date of enactment;

(3) the participating insurance company processes the claim for the insured loss in accordance with its standard business practices, and any reasonable procedures that the Secretary may prescribe; and

(4) the participating insurance company submits to the Secretary, in accordance with such reasonable procedures as the Secretary may establish—

(A) a claim for payment of the Federal share of compensation for insured losses under the Program;

(B) written verification and certification—

(i) of the underlying claim; and

(ii) of all payments made for insured losses; and

(C) certification of its compliance with the provisions of this subsection.

(c) MANDATORY PARTICIPATION; MANDATORY AVAILABILITY.—Each insurance company that meets the definition of a participating insurance company under section 3—

(1) shall participate in the Program;

(2) shall make available in all of its property and casualty insurance policies (in all of its participating lines) and all of its group life and accidental death policies, coverage for insured losses; and

(3) shall make available property and casualty insurance and group life and accidental death coverage for insured losses that does not differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than acts of terrorism.

(d) PARTICIPATION BY SELF INSURED ENTITIES.—

(1) DETERMINATION BY THE SECRETARY.—The Secretary may, in consultation with the NAIC, establish procedures to allow participation in the Program by municipalities and other governmental or quasi-governmental entities (and by any other entity, as the Secretary deems appropriate) operating through self insurance arrangements that were in existence on September 11, 2001, but only if the Secretary makes a determination with regard to participation by any such entity before the occurrence of an act of terrorism in which the entity incurs an insured loss.

(2) PARTICIPATION.—If the Secretary makes a determination to allow an entity described in paragraph (1) to participate in the Program, all reports, conditions, requirements, and standards established by this Act for participating insurance companies shall apply to any such entity, as determined to be appropriate by the Secretary.

(e) SHARED INSURANCE LOSS COVERAGE.—

(1) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to the cap on liability under paragraph (2) and the limitation under paragraph (6), the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002—

(i) shall be equal to 80 percent of that portion of the amount of aggregate insured losses that—

(I) exceeds the participating insurance company deductibles required to be paid for those insured losses; and

(II) does not exceed $10,000,000,000; and

(ii) shall be equal to 90 percent of that portion of the amount of aggregate insured losses that—

(I) exceeds the participating insurance company deductibles required to be paid for those insured losses; and

(II) exceeds $10,000,000,000.

(B) EXTENSION PERIOD.—If the Program is extended in accordance with section 6, the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on January 1, 2003, and ending at midnight on December 31, 2003, shall be calculated in accordance with clauses (i) and (ii) of subparagraph (A), subject to the cap on liability in paragraph (2) and the limitation under paragraph (6).

(C) PRO RATA SHARE.—If, during the period described in subparagraph (A) (or during the period described in subparagraph (B), if the Program is extended in accordance with section 6), the aggregate insured losses for that period exceed $10,000,000,000, the Secretary shall determine the pro rata share for each participating insurance company of the Federal share of compensation for insured losses calculated under subparagraph (A).

(2) CAP ON ANNUAL LIABILITY.—Notwithstanding paragraph (1), or any other provision of Federal or State law, if the aggregate insured losses exceed $100,000,000,000 during any period referred to in subparagraph (A) or (B) of paragraph (1)—

(A) the Secretary shall not make any payment under this Act for any portion of the amount of such losses that exceeds $100,000,000,000; and

(B) participating insurance companies shall not be liable for the payment of any portion of the amount that exceeds $100,000,000,000.

(3) NOTICE TO CONGRESS.—The Secretary shall notify the Congress if estimated or actual aggregate insured losses exceed $100,000,000,000 in any period described in paragraph (1), and the Congress shall determine the procedures for and the source of any such excess payments.

(4) FINAL NETTING.—The Secretary shall have sole discretion to determine the time at which claims relating to any insured loss or act of terrorism shall become final.

(5) DETERMINATIONS FINAL.—Any determination of the Secretary under this subsection shall be final, and shall not be subject to judicial review.

(6) IN-FORCE REINSURANCE AGREEMENTS.—For policies covered by reinsurance contracts in force on the date of enactment of this Act, until the in-force reinsurance contract is renewed, amended, or has reached its 1-year anniversary date, any Federal share of compensation due to a participating insurance company for insured losses during the effective period of the Program shall be shared—

(A) with all reinsurance companies to which the participating insurance company has ceded some share of the insured loss pursuant to an in-force reinsurance contract; and

(B) in a manner that distributes the Federal share of compensation for insured losses between the participating insurance company and the reinsurance company or companies in the same proportion as the insured losses would have been distributed if the Program did not exist.

SEC. 5. GENERAL AUTHORITY AND ADMINISTRATION OF CLAIMS.

(a) GENERAL AUTHORITY.—The Secretary shall have the powers and authorities necessary to carry out the Program, including authority—

(1) to investigate and audit all claims under the Program; and

(2) to prescribe regulations and procedures to implement the Program.

(b) INTERIM RULES AND PROCEDURES.—The Secretary shall issue interim final rules or procedures specifying the manner in which—

(1) participating insurance companies may file, verify, and certify claims under the Program;

(2) the Secretary shall publish or otherwise publicly announce the applicable percentage of insured losses that is the responsibility of participating insurance companies and the percentage that is the responsibility of the Federal Government under the Program;

(3) the Federal share of compensation for insured losses will be paid under the Program, including payments based on estimates of or actual aggregate insured losses;

(4) the Secretary may, at any time, seek repayment from or reimburse any participating insurance company, based on estimates of insured losses under the Program, to effectuate the insured loss sharing provisions contained in section 4;

(5) each participating insurance company that incurs insured losses shall pay its pro rata share of insured losses, in accordance with section 4; and

(6) the Secretary will determine any final netting of payments for actual insured losses under the Program, including payments owed to the Federal Government from any participating insurance company and any Federal share of compensation for insured losses owed to any participating insurance company, to effectuate the insured loss sharing provisions contained in section 4.

(c) SUBROGATION RIGHTS.—The United States shall have the right of subrogation with respect to any payment made by the United States under the Program.

(d) CONTRACTS FOR SERVICES.—The Secretary may employ persons or contract for services as may be necessary to implement the Program.

(e) CIVIL PENALTIES.—The Secretary may assess civil money penalties for violations of this Act or any rule, regulation, or order issued by the Secretary under this Act relating to the submission of false or misleading information for purposes of the Program, or any failure to repay any amount required to be reimbursed under regulations or procedures described in section 5(b). The authority granted under this subsection shall continue during any period in which the Secretary's authority under section 6(d) is in effect.

SEC. 6. TERMINATION OF PROGRAM; DISCRETIONARY EXTENSION.

(a) TERMINATION OF PROGRAM.—

(1) IN GENERAL.—The Program shall terminate at midnight on December 31, 2002, unless the Secretary—

(A) determines, after considering the report and finding required by this section, that the Program should be extended for 1 additional year, until midnight on December 31, 2003; and

(B) promptly notifies the Congress of such determination and the reasons therefor.

(2) DETERMINATION FINAL.—The determination of the Secretary under paragraph (1) shall be final, and shall not be subject to judicial review.

(3) TERMINATION AFTER EXTENSION.—If the Program is extended under paragraph (1), the Program shall terminate at midnight on December 31, 2003.

(b) REPORT TO CONGRESS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit a report to Congress—

(1) regarding—

(A) the availability of insurance coverage for acts of terrorism;

(B) the affordability of such coverage, including the effect of such coverage on premiums; and

(C) the capacity of the insurance industry to absorb future losses resulting from acts of terrorism, taking into account the profitability of the insurance industry; and

(2) that considers—

(A) the impact of the Program on each of the factors described in paragraph (1); and

(B) the probable impact on such factors and on the United States economy if the Program terminates at midnight on December 31, 2002.

(c) FINDING REQUIRED.—A determination under subsection (a) to extend the Program shall be based on a finding by the Secretary that—

(1) widespread market uncertainties continue to disrupt the ability of insurance companies to price insurance coverage for losses resulting from acts of terrorism, thereby resulting in the continuing unavailability of affordable insurance for consumers; and

(2) extending the Program for an additional year would likely encourage economic stabilization and facilitate a transition to a viable market for private terrorism risk insurance.

(d) CONTINUING AUTHORITY TO PAY OR ADJUST COMPENSATION.—Following the termination of the Program under subsection (a), the Secretary may take such actions as may be necessary to ensure payment, reimbursement, or adjustment of compensation for insured losses arising out of any act of terrorism occurring during the period in which the Program was in effect under this Act, in accordance with the provisions of section 4 and regulations promulgated thereunder.

(e) REPEAL; SAVINGS CLAUSE.—This Act is repealed at midnight on the final termination date of the Program under subsection (a), except that such repeal shall not be construed—

(1) to prevent the Secretary from taking, or causing to be taken, such actions under subsection (d) of this section and sections 4(e)(4), 4(e)(5), 5(a)(1), 5(c), 5(d), and 5(e) (as in effect on the day before the date of such repeal), and applicable regulations promulgated thereunder, during any period in which the authority of the Secretary under subsection (d) of this section is in effect; or

(2) to prevent the availability of funding under section 10(b) during any period in which the authority of the Secretary under subsection (d) of this section is in effect.

(f) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary should make any determination under subsection (a) in sufficient time to enable participating insurance companies to include coverage for acts of terrorism in their policies for 2003.

(g) STUDY AND REPORT ON SCOPE OF THE PROGRAM.—

(1) STUDY.—The Secretary, after consultation with the NAIC, representatives of the insurance industry, and other experts in the insurance field, shall conduct a study of the potential effects of acts of terrorism on the availability of individual life insurance and other lines of insurance coverage.

(2) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(h) REPORTS REGARDING TERRORISM RISK INSURANCE PREMIUMS.—

(1) REPORT TO THE NAIC.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, each participating insurance company shall submit a report to the NAIC that states the premium rates charged by that participating insurance company during the preceding 6-month period for insured losses covered by the Program, and includes an explanation of and justification for those rates.

(2) REPORTS FORWARDED.—The NAIC shall promptly forward copies of each report submitted under paragraph (1) to the Secretary, the Secretary of Commerce, the Chairman of the Federal Trade Commission, and the Comptroller General of the United States.

(3) AGENCY REPORTS TO CONGRESS.—

(A) IN GENERAL.—The Secretary, the Secretary of Commerce, and the Chairman of the Federal Trade Commission shall submit joint reports to Congress and the Comptroller General of the United States summarizing and evaluating the reports forwarded under paragraph (2).

(B) TIMING.—The reports required under subparagraph (A) shall be submitted—

(i) 9 months after the date of enactment of this Act; and

(ii) 12 months after the date of submission of the first report under clause (i).

(4) GAO EVALUATION AND REPORT.—

(A) EVALUATION.—The Comptroller General of the United States shall evaluate each report submitted under paragraph (3), and upon request, the Secretary, the Secretary of Commerce, the Chairman of the Federal Trade Commission, and the NAIC shall provide to the Comptroller all documents, records, and any other information that the Comptroller deems necessary to carry out such evaluation.

(B) REPORT TO CONGRESS.—Not later than 90 days after receipt of each report submitted under paragraph (3), the Comptroller General of the United States shall submit to Congress a report of the evaluation required by subparagraph (A).

SEC. 7. PRESERVATION OF STATE LAW.

Nothing in this Act shall affect the jurisdiction or regulatory authority of the insurance commissioner (or any agency or office performing like functions) of any State over any participating insurance company or other person—

(1) except as specifically provided in this Act; and

(2) except that—

(A) the definition of the term "act of terrorism" in section 3 shall be the exclusive definition of that term for purposes of compensation for insured losses under this Act, and shall preempt any provision of State law that is inconsistent with that definition, to the extent that such provision of law would otherwise apply to any type of insurance covered by this Act;

(B) during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002, rates for terrorism risk insurance covered by this Act and filed with any State shall not be subject to prior approval or a waiting period, under any law of a State that would otherwise be applicable, except that nothing in this Act affects the ability of any State to invalidate a rate as excessive, inadequate, or unfairly discriminatory; and

(C) during the period beginning on the date of enactment of this Act and for so long as the Program is in effect, as provided in section 6 (including any period during which the authority of the Secretary under section 6(d) is in effect), books and records of any participating insurance company that are relevant to the Program shall be provided, or caused to be provided, to the Secretary or the designee of the Secretary, upon request by the Secretary or such designee, notwithstanding any provision of the laws of any State prohibiting or limiting such access.

SEC. 8. SENSE OF THE CONGRESS REGARDING CAPACITY BUILDING.

It is the sense of the Congress that the insurance industry should build capacity and aggregate risk to provide affordable property and casualty insurance coverage and group life insurance coverage, including accidental death coverage, for terrorism risk.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS; PAYMENT AUTHORITY.

(a) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary for administrative expenses of the Program, to remain available until expended.

(b) PAYMENT AUTHORITY.—This Act constitutes payment authority in advance of appropriation Acts, and represents the obligation of the Federal Government to provide for the Federal share of compensation for insured losses under the Program.

SEC. 10. PROCEDURES FOR CIVIL ACTIONS.

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for property damage, personal injury, or death arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for claims for such property damage, personal injury, or death, except as provided in subsection (d).

(2) PREEMPTION OF STATE ACTIONS.—All State causes of action of any kind for property damage, personal injury, or death arising out of or resulting from an act of terrorism that are otherwise available under State law, are hereby preempted, except as provided in subsection (d).

(b) GOVERNING LAW.—The substantive law for decision in an action described in subsection (a)(1) shall be derived from the law, including applicable choice of law principles, of the State in which the act of terrorism giving rise to the action occurred, except to the extent that—

(1) the law, including choice of law principles, of another State is determined to be applicable to the action by the district court hearing the action; or

(2) otherwise applicable State law (including that determined pursuant to paragraph (1)), is in consistent with or otherwise preempted by Federal law.

(c) PUNITIVE DAMAGES.—Any amounts awarded in a civil action described in subsection (a)(1) that are attributable to punitive damages shall not count as insured losses for purposes of this Act.

(d) CLAIMS AGAINST TERRORISTS.—Nothing in this section shall in any way be construed to limit the ability of any plaintiff to seek any form of recovery from any person, government, or other entity that was a participant in, or aider and abettor of, any act of terrorism.

(e) EFFECTIVE PERIOD.—This section shall apply only to actions described in subsection (a)(1) arising out of or resulting from acts of terrorism that occur during the effective period of the Program, including, if applicable, any extension period provided for under section 6.

SA 3838. Mr. HARKIN (for himself, Mr. ALLEN, Mr. BURNS, Mr. WARNER, Mr. SMITH of New Hampshire, and Mrs. HUTCHISON,) submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; as follows:

At the appropriate place, insert the following:

SEC.   . SATISFACTION OF JUDGMENTS FROM FROZEN ASSETS OF TERRORISTS, TERRORIST ORGANIZATIONS, AND STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), in every case in which a person has obtained a judgment against a terrorist party on a claim based upon an act of terrorism or for which a terrorist party is not immune under section 1605(a)(7) of title 28, United States Code, the blocked assets of that terrorist party (including the blocked assets of any agency or instrumentality of that terrorist party) shall be subject to execution or attachment in aid of execution in order to satisfy such judgment to the extent of any compensatory damages for which such terrorist party has been adjudged liable.

(b) PRESIDENTIAL WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive the requirements of subsection (a) in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(2) EXCEPTION.—A waiver under this subsection shall not apply to—

(A) property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations that has been used by the United States for any nondiplomatic purpose (including use as rental property), or the proceeds of such use; or

(B) the proceeds of any sale or transfer for value to a third party of any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(c) SPECIAL RULE FOR CASES AGAINST IRAN.—Section 2002 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386; 114 Stat. 1542) is amended—

(1) in subsection (a)(2)(A)(ii), by inserting after "July 27, 2000" the following: "or before October 28, 2000,";

(2) in subsection (b)(2)(B), by inserting after "the date of enactment of this Act" the following: "(less amounts therein as to which the United States has an interest in subrogation pursuant to subsection (c) arising prior to the date of entry of the judgment or judgments to be satisfied in whole or in part hereunder).";

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (c) the following new subsection (d):

"(d) DISTRIBUTION OF FOREIGN MILITARY SALES FUNDS INADEQUATE TO SATISFY FULL AMOUNT OF COMPENSATORY AWARDS AGAINST IRAN.—

"(1)(A) In the event that the Secretary determines that the amounts available to be paid under subsection (b)(2) are inadequate to pay the entire amount of compensatory damages awarded in judgments issued as of the date of the enactment of this subsection in cases identified in subsection (a)(2)(A), the Secretary shall, not later than 60 days after such date, make payment from the account specified in subsection (b)(2) to each party to which such judgment has been issued a share of the amounts in that account which are not subject to subrogation to the United States under this Act.

"(B) The amount so paid to each such person shall be calculated by the proportion that the amount of compensatory damages awarded in a judgment issued to that particular person bears to the total amount of all compensatory damages awarded to all persons to whom judgments have been issued in cases identified in subsection (a)(2)(A) as of the date referred to in subparagraph (A).

"(2) Nothing herein shall bar, or require delay in, enforcement of any judgment to which this subsection applies under any procedure or against assets otherwise available under this section or under any other provision of law.

"(3) Any person receiving less than the full amount of compensatory damages awarded to that party in judgments to which this subsection applies shall not be required to make the election set forth in subsection (a)(2)(C) in order to qualify for payment hereunder.".

(d) DEFINITIONS.—In this section:

(1) The term "terrorist party" means a terrorist, a terrorist organization, or a foreign state designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

(2) The term "blocked asset" means any asset seized or frozen by the United States in

accordance with law, or otherwise held by the United States without claim of ownership by the United States.

(3) The term "property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations" and the term "asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations" mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

SA 3839. Mr. HATCH proposed an amendment to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; as follows:

At the end, add the following:

TITLE II—ANTITERRORISM PROVISIONS

Subtitle A—Suppression of Terrorist Bombings

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Terrorist Bombings Convention Implementation Act of 2002".

SEC. 202. BOMBING STATUTE.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332e the following:

"§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

"(A) with the intent to cause death or serious bodily injury, or

"(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss,

shall be punished as prescribed in subsection (c).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

"(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

"(1) the offense takes place in the United States and—

"(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

"(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

"(C) at the time the offense is committed, it is committed—

"(i) on board a vessel flying the flag of another state;

"(ii) on board an aircraft which is registered under the laws of another state; or

"(iii) on board an aircraft which is operated by the government of another state;

"(D) a perpetrator is found outside the United States;

"(E) a perpetrator is a national of another state or a stateless person; or

"(F) a victim is a national of another state or a stateless person;

"(2) the offense takes place outside the United States and—

"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a victim is a national of the United States;

"(C) a perpetrator is found in the United States;

"(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

"(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

"(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

"(G) the offense is committed on board an aircraft which is operated by the United States.

"(c) PENALTIES.—Whoever violates this section shall be imprisoned for any term of years or for life, and if death results from the violation, shall be punished by death or imprisoned for any term of years or for life.

"(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

"(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

"(2) activities undertaken by military forces of a state in the exercise of their official duties; or

"(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

"(e) DEFINITIONS.—As used in this section, the term—

"(1) 'serious bodily injury' has the meaning given that term in section 1365(g)(3) of this title;

"(2) 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(3) 'state or government facility' includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

"(4) 'intergovernmental organization' includes international organization (as defined in section 1116(b)(5) of this title);

"(5) 'infrastructure facility' means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

"(6) 'place of public use' means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

"(7) 'public transportation system' means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

"(8) 'explosive' has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

"(9) 'other lethal device' means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents or toxins (as those terms are defined in section 178 of this title), or radiation or radioactive material;

"(10) 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

"(11) 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

"(12) 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding after the item relating to section 2332e the following:

"2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.".

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

SEC. 203. EFFECTIVE DATE.

Section 202 shall become effective on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

Subtitle B—Suppression of the Financing of Terrorism

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Suppression of the Financing of Terrorism Convention Implementation Act of 2002".

SEC. 212. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339C. Prohibitions against the financing of terrorism

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

"(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

"(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an

international organization to do or to abstain from doing any act,
shall be punished as prescribed in subsection (d)(1).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

“(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

“(b) CONCEALMENT.—

“(1) IN GENERAL.—Whoever, in the United States, or outside the United States and a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions), knowingly conceals or disguises the nature, the location, the source, or the ownership or control of any material support or resources provided in violation of section 2339B of this chapter, or of any funds provided or collected in violation of subsection (a) or any proceeds of such funds, shall be punished as prescribed in subsection (d)(2).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(2).

“(c) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

“(1) the offense takes place in the United States and—

“(A) a perpetrator was a national of another state or a stateless person;

“(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

“(C) on board an aircraft which is operated by the government of another state;

“(D) a perpetrator is found outside the United States;

“(E) was directed toward or resulted in the carrying out of a predicate act against—

“(i) a national of another state; or

“(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

“(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

“(G) was directed toward or resulted in the carrying out of a predicate act—

“(i) outside the United States; or

“(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

“(2) the offense takes place outside the United States and—

“(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

“(B) a perpetrator is found in the United States; or

“(C) was directed toward or resulted in the carrying out of a predicate act against—

“(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

“(ii) any person or property within the United States;

“(iii) any national of the United States or the property of such national; or

“(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

“(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

“(4) the offense is committed on board an aircraft which is operated by the United States; or

“(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

“(d) PENALTIES.—

“(1) Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

“(2) Whoever violates subsection (b) shall be fined under this title, imprisoned for not more than 10 years, or both.

“(e) DEFINITIONS.—As used in this section—

“(1) the term ‘funds’ means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

“(2) the term ‘government facility’ means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

“(3) the term ‘proceeds’ means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

“(4) the term ‘provides’ includes giving, donating, and transmitting;

“(5) the term ‘collects’ includes raising and receiving;

“(6) the term ‘predicate act’ means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

“(7) the term ‘treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

“(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

“(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

“(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

“(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

“(8) the term ‘intergovernmental organization’ includes international organizations;

“(9) the term ‘international organization’ has the same meaning as in section 1116(b)(5) of this title;

“(10) the term ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

“(11) the term ‘serious bodily injury’ has the same meaning as in section 1365(g)(3) of this title;

“(12) the term ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

“(13) the term ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof.

“(f) CIVIL PENALTY.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least $10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“2339C. Prohibitions against the financing of terrorism.”.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law.

SEC. 213. EFFECTIVE DATE.

Except for sections 2339C(c)(1)(D) and (2)(B) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States, section 212 of this subtitle shall take effect upon the date of enactment of this Act.

Subtitle C—Ancillary Measures

SEC. 221. ANCILLARY MEASURES.

(a) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting “2332f,” after “2332d,”; and

(2) striking “or 2339B” and inserting “2339B, or 2339C”.

(b) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting “2332f (relating to bombing of public places and facilities),” after “2332b (relating to acts of terrorism transcending national boundaries),”; and

(2) inserting “2339C (relating to financing of terrorism),” before “or 2340A (relating to torture)”.

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A of title 18, United States Code, is amended by inserting "2332f," before "or 2340A".

(d) FORFEITURE OF FUNDS, PROCEEDS, AND INSTRUMENTALITIES.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.".

SA 3840 Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SEPARATE ACCOUNT REQUIRED.

If a participating insurance company increases annual premium rates on covered risks, the company—

(1) shall deposit the amount of the increase in premium in a separate, segregated account;

(2) shall identify the portion of the premium insuring against terrorism risk on a separate line item on the policy; and

(3) may not disburse any funds from amounts in that separate, segregated account for any purpose other than the payment of losses from acts of terrorism.

SA 3841. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "National Terrorism Reinsurance Fund Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. National terrorism reinsurance program.
Sec. 5. Fund operations.
Sec. 6. Coverage provided.
Sec. 7. Secretary to determine if loss is attributable to terrorism.
Sec. 8. Mandatory coverage by property and casualty insurers for acts of terrorism.
Sec. 9. Pass-throughs and other rate increases.
Sec. 10. Credit for reinsurance.
Sec. 11. Administrative provisions.
Sec. 12. Inapplicability of certain laws.
Sec. 13. Sunset provision.
Sec. 14. Definitions.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The terrorist attacks on the World Trade Center and Pentagon on September 11, 2001, have inflicted possibly the largest loss ever incurred by insurers and reinsurers.

(2) The magnitude of the loss, and its impact on the current capacity of the reinsurance market, threaten the ability of the property and casualty insurance market to provide coverage to building owners, businesses, and American citizens.

(3) It is necessary to create a temporary reinsurance mechanism to augment the capacity of private insurers to provide insurance for terrorism related risks.

SEC. 3. PURPOSE.

The purpose of this Act is to facilitate the coverage by property and casualty insurers of the peril for losses due to acts of terrorism by providing additional reinsurance capacity for loss or damage due to acts of terrorism occurring within the United States, its territories, and possessions.

SEC. 4. NATIONAL TERRORISM REINSURANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall establish and administer a program to provide reinsurance to participating insurers for losses due to acts of terrorism.

(b) ADVISORY COMMITTEE; MEMBERSHIP.—There is established an advisory committee to provide advice and counsel to the Secretary in carrying out the program of reinsurance established by the Secretary. The advisory committee shall consist of 10 members, as follows:

(1) 3 representatives of the property and casualty insurance industry, appointed by the Secretary.

(2) A representative of property and casualty insurance agents, appointed by the Secretary.

(3) A representative of consumers of property casualty insurance, appointed by the Secretary.

(4) A representative of a recognized national credit rating agency, appointed by the Secretary.

(5) A representative of the banking or real estate industry, appointed by the Secretary.

(6) 2 representatives of the National Association of Insurance Commissioners, designated by that organization.

(7) A representative of the Department of the Treasury, designated by the Secretary of the Treasury.

(c) NATIONAL TERRORISM REINSURANCE FUND.—

(1) ESTABLISHMENT.—To carry out the reinsurance program, the Secretary shall establish a National Terrorism Reinsurance Fund which shall be available, without fiscal year limitations—

(A) to make such payments as may, from time to time, be required under reinsurance contracts under this Act;

(B) to pay such administrative expenses as may be necessary or appropriate to carry out the purposes of this Act, but such expenses may not exceed $5,000,000 for each of fiscal years 2002, 2003, and 2004; and

(C) to repay to the Secretary of the Treasury such sums, including interest thereon, as may be borrowed from the Treasury for purposes of this Act.

(2) CREDITS TO FUND.—The Fund shall be credited with—

(A) reinsurance premiums, fees, and other charges which may be paid or collected in connection with reinsurance provided under this Act;

(B) interest which may be earned on investments of the Fund;

(C) receipts from any other source which may, from time to time, be credited to the Fund; and

(D) Funds borrowed by the Secretary from the Treasury.

(3) INVESTMENT IN OBLIGATIONS ISSUED OR GUARANTEED BY UNITED STATES.—If the Secretary determines that the moneys of the Fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

(4) LOANS TO FUND.—The Secretary of the Treasury shall grant loans to the Fund in the manner and to the extent provided in this Act.

(d) UNDERWRITING STANDARDS.—In order to carry out the responsibilities of the Secretary under this Act and protect the Fund, the Secretary shall establish minimum underwriting standards for participating insurers.

(e) MONITORING OF TERRORISM INSURANCE RATES.—

(1) SECRETARY TO ESTABLISH SPECIAL COMMITTEE ON RATES.—The Secretary shall establish a special committee on rates, the size and membership of which shall be determined by the Secretary, except that the committee shall, at a minimum, include—

(A) representatives of providers of insurance for losses due to acts of terrorism;

(B) representatives of purchases of such insurance;

(C) at least 2 representatives of NAIC; and

(D) at least 2 independent insurance actuaries.

(2) DUTIES.—The special committee on rates shall meet at the call of the Secretary and shall—

(A) review reports filed with the Secretary by State insurance regulatory authorities;

(B) collect data on rate disclosure practices of participating insurers for insurance for covered lines and for losses due to acts of terrorism; and

(C) provide such advice and counsel to the Secretary as the Secretary may require.

SEC. 5. FUND OPERATIONS.

(a) FUNDING BY PREMIUM.—

(1) IN GENERAL.—For the year beginning January 1, 2002, and each subsequent year of operation, participating insurers shall pay into the Fund an annual reinsurance contract premium of not less than 3 percent of their respective gross direct written premiums for covered lines for the calendar year. The annual premium shall be paid in installments at the end of each calendar quarter. The reinsurance contract premium and any annual assessment may be recovered by a participating insurer from its covered lines policyholders as a direct surcharge calculated as a uniform percentage of premium.

(2) ADDITIONAL CREDIT RISK PREMIUM.—If the Secretary determines that a participating insurer has a credit rating that is lower than the second from highest credit rating awarded by nationally recognized credit rating agencies, the Secretary may charge an additional credit risk premium, of up to 0.5 percent of gross direct written premiums for covered lines received by that insurer, to compensate the Fund for credit risk associated with providing reinsurance to that insurer.

(b) INITIAL CAPITAL.—

(1) LOAN.—The Fund shall have an initial capital of $2,000,000,000, which the Secretary shall borrow from the Treasury of the United States. Upon application by the Secretary, the Secretary of the Treasury shall transfer that amount to the Fund, out of amounts in the Treasury not otherwise appropriated, at standard market rates.

(2) REPAYMENT OF START-UP LOAN.—The Secretary shall use premiums received from assessments in calendar year 2002 to repay the loan provided to the Fund under paragraph (1).

(c) SHORTFALL LOANS.—

(1) IN GENERAL.—If the Secretary determines that the balance in the accounts of

the Fund is insufficient to cover anticipated claims, administrative expenses, and maintain adequate reserves for any other reason, after taking into account premiums assessed under subsection (a) and any other amounts receivable, the Secretary shall borrow from the Treasury an amount sufficient to satisfy the obligations of the Fund and to maintain a positive balance of $2,000,000,000 in the accounts of the Fund. Upon application by the Secretary, the Secretary of the Treasury shall transfer to the Fund, out of amounts in the Treasury not otherwise appropriated, the requested amount as an interest-bearing loan.

(2) INTEREST RATE.—The rate of interest on any loan made to the Fund under paragraph (1) shall be established by the Secretary of the Treasury and based on the weighted average credit rating of the Fund before the loss that made the loan necessary.

(3) $50 BILLION LOAN LIMIT.—Notwithstanding any other provision of this Act, the total amount of loans outstanding at any time from the Treasury to the Fund may not exceed the amount by which $50,000,000,000 exceeds the Fund's assets.

(4) REPAYMENT OF LOANS BY ASSESSMENT.—Any loan under paragraph (1) shall be repaid from reserves of the Fund, assessments of participating insurers, or a combination thereof. If an assessment is necessary, the maximum annual assessment under this subsection shall be not more than 3 percent of the direct written premium for covered lines. The reinsurance contract premium and any annual assessment may be recovered by a participating insurer from its covered lines policyholders as a direct surcharge calculated as a uniform percentage of premium.

SEC. 6. COVERAGE PROVIDED.

(a) IN GENERAL.—The Fund shall provide reinsurance for losses resulting from acts of terrorism covered by reinsurance contracts entered into between the Fund and participating insurers that write covered lines of insurance within the meaning of section 14(5)(A) or that have elected, under section 14(5)(C), to voluntarily include another line of insurance.

(b) RETENTION.—The Fund shall reimburse participating insurers for losses resulting from acts of terrorism on direct losses in any calendar year in excess of 10 percent of a participating insurer's average gross direct written premiums and policyholders' surplus for covered lines for the most recently ended calendar year for which data are available, based on each participating insurer's annual statement for that calendar year as reported to NAIC.

(c) REIMBURSEMENT AMOUNT.—If a participating insurer demonstrates to the satisfaction of the Secretary that it is has paid claims for losses resulting from acts of terrorism equal to or in excess of the amount of retention required by subsection (b), then the Fund shall reimburse the participating insurer for—

(1) 90 percent of its covered losses in calendar year 2002; and

(2) a percentage of its covered losses in calendar years beginning after calendar year 2002 equal to—

(A) 90 percent if the insurer pays an assessment equal to 4 percent of the insurer's average gross direct written premiums and policy-holders' surplus for the most recently ended calendar year;

(B) 80 percent if the insurer pays as assessment equal to 3 percent of the insurer's average gross direct written premiums and policyholders' surplus for the most recently calendar year; and

(C) 70 percent if the insurer pays an assessment equal to 2 percent of the insurer's average gross direct written premiums and policyholders' surplus for the most recently ended calendar year.

(d) $50,000,000,000 LIMIT.—Except as provided in subsection (e), the Fund may not reimburse participating insurers for covered losses in excess of a total Fund reimbursement amount for all participating insurers of $50,000,000,000.

(e) LOSSES EXCEEDING $50,000,000,000 LIMIT.—If the Secretary determines that reimbursable losses in a calendar year from an event exceed $50,000,000,000, the Secretary—

(1) shall pay, out of amounts in the Treasury not otherwise appropriated.

(A) 90 percent of the covered losses occurring in calendar year 2002 in excess, in the aggregate, of $50,000,000,000 but not in excess of $100,000,000; and

(B) 80 percent of the covered losses occurring in calendar year 2003 or 2004 in excess, in the aggregate, of $50,000,000,000 but not in excess of $100,000,000; and

(2) shall notify the Congress of that determination and transmit to the Congress recommendations for responding to the insufficiency of available amounts to cover reimbursable losses.

(f) REPORTS TO STATE REGULATOR; CERTIFICATION.—

(1) REPORTING TERRORISM COVERAGE.—A participating insurer shall—

(A) report the amount of its terrorism insurance coverage to the insurance regulatory authority for each State in which it does business; and

(B) obtain a certification from the State that it is not providing terrorism insurance coverage in excess of its capacity under State solvency requirements.

(2) REPORTS TO SECRETARY.—The State regulator shall furnish a copy of the certification received under paragraph (1) to the Secretary.

SEC. 7. SECRETARY TO DETERMINE IF LOSS IS ATTRIBUTABLE TO TERRORISM.

(a) INITIAL DETERMINATION.—If a participating insurer files a claim for reimbursement from the Fund, the Secretary shall make an initial determination as to whether the losses or expected losses were caused by an act of terrorism.

(b) NOTICE AND HEARING.—The Secretary shall give public notice of the initial determination and afford all interested parties an opportunity to be heard on the question of whether the losses or expected losses were caused by an act of terrorism.

(c) FINAL DETERMINATION.—Within 30 days after the Secretary's initial determination, the Secretary shall make a final determination as to whether the losses or expected losses were caused by an act of terrorism.

(d) STANDARD OF REVIEW.—The Secretary's determination shall be upheld upon judicial review if based upon substantial evidence.

SEC. 8. MANDATORY COVERAGE BY PROPERTY AND CASUALTY INSURERS FOR ACTS OF TERRORISM.

(a) IN GENERAL.—An insurer that provides lines of coverage described in section 14(5)(A) or 14(5)(B) may not—

(1) exclude or limit coverage in those lines for losses from acts of terrorism in the United States, its territories, and possessions in property and casualty insurance policy forms; or

(2) deny or cancel coverage solely due to the risk of losses from acts of terrorism in the United States.

(b) TERMS AND CONDITIONS.—Insurance against losses from acts of terrorism in the United States shall be covered with the same deductibles, limits, terms, and conditions as the standard provisions of the policy for noncatastrophic perils.

SEC. 9. PASS-THROUGHS AND OTHER RATE INCREASES.

(a) LIMITATION ON RATE INCREASES FOR COVERED RISKS.—Except as provided in subsection (b), a participating insurer that provides lines of coverage described in section 14(5)(A) or 14(5)(B) may not increase annual rates on covered risks during any period in which the insurer participates in the Fund by a percent in excess of the sum of—

(1) the percent used to determine the insurer's assessment under section 5(a)(1); and

(2) if there is an assessment against the insurer under section 5(c)(4), a percent equivalent to the percent assessment of the insurer's gross direct written premium for covered lines.

(b) TERRORISM-RELATED INCREASES IN EXCESS OF PASS-THROUGHS.—

(1) REPORTS BY INSURERS.—Not less than 30 days before the date on which a participating insurer increases the premium rate for insurance on any covered line of insurance described in section 14(5) based, in whole or in part, on risk associated with insurance against losses due to acts of terrorism, the insurer shall file a report with the State insurance regulatory authority for the State in which the premium increase is effective that—

(A) explains the need for the increased premium;

(B) identifies the portion of the increase properly attributable to risk associated with insurance offered by that insurer against losses due to acts of terrorism; and

(C) demonstrates, by substantial evidence, why that portion of the increase is warranted.

(2) REPORTS BY STATE REGULATORS.—Within 15 days after a State insurance regulatory authority receives a report from an insurer required by paragraph (1), the authority—

(A) shall transmit a copy of the report to the Secretary;

(B) may include a determination with respect to whether an insurer has met the requirement of paragraph (1)(C); and

(C) may include with the report any commentary or analysis it deems appropriate.

SEC. 10. CREDIT FOR REINSURANCE.

Each State shall afford an insurer obtaining reinsurance from the Fund credit for such reinsurance on the same basis and to the same extent that credit for reinsurance would be available to that insurer under applicable State law when reinsurance is obtained from an assuming insurer licensed or accredited in that State.

SEC. 11. ADMINISTRATIVE PROVISIONS; REPORTS AND ANALYSIS.

(a) IN GENERAL.—In carrying out this Act, the Secretary may—

(1) issue such rules and regulations as may be necessary to administer this Act;

(2) enter into reinsurance contracts, adjust and pay claims as provided in this Act, and carry out the activities necessary to implement this Act;

(3) set forth the coverage provided by the Fund to accomplish the purposes of this Act;

(4) provide for an audit of the books and records of the Fund by the General Accounting Office;

(5) take appropriate action to collect premiums or assessments under this Act; and

(6) audit the reports, claims, books, and records of participating insurers.

(b) REPORTS FROM INSURERS.—Participaitng insurers shall submit reports on a quarterly or other basis (as required by the Secretary) to the Secretary, the Federal Trade Commission, and the General Accounting Office setting forth rates, premiums, risk analysis, coverage, reserves, claims made for reimbursement from the Fund, and such additional financial and actuarial information as the Secretary may require regarding lines of coverage described in section 14(5)(A) or 14(5)(B).

(c) FTC ANALYSIS AND ENFORCEMENT.—The Federal Trade Commission shall review the reports submitted under subsection (b), treating the information contained in the reports as privileged and confidential, for the purpose of determining whether any insurer is engaged in unfair methods of competition or unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45)).

(d) GAO REVIEW.—The Comptroller General shall provide for review and analysis of the reports submitted under subsection (b), and, if necessary, provide of audit of reimbursement claims filed by insurers with the Fund.

(e) REPORTS BY SECRETARY.—No later than march 31st of each calendar year, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Technology and the House of Representatives Committee on Commerce an annual report on insurance rate increases for the preceding calendar year in the United States based upon the reports received by the Secretary under this Act. The Secretary may include in the report a recommendation for legislation to impose Federal regulation of insurance rates on covered lines of insurance if the Secretary determines that premium rates for insurance on covered lines of insurance are—

(1) unreasonable; and

(2) attributable to insurance for losses from acts of terrorism.

SEC. 12. INAPPLICABILITY OF CERTAIN LAWS.

(a) IN GENERAL.—State laws relating to insurance rates, insurance policy forms, insurance rates on any covered lines of insurance described in section 14(5)(A) or 14(5)(B), insurer financial requirements, and insurer licensing do not apply to contracts entered into by the Fund. The Fund is not subject to State tax and is exempt from Federal income tax. The reinsurance contract premium paid and assessments collected by insurers shall not be subject to local, State, or Federal tax. The reinsurance contract premium and assessments recovered from policyholders shall not be subject to local, State, or Federal tax.

(b) EXCEPTION FOR UNFAIR TRADE PRACTICE LAWS.—Notwithstanding subsection (a), nothing in this Act supersedes or preempts a State law that prohibits unfair methods of competition in commerce, unfair or deceptive acts or practices in commerce, or unfair insurance claims practices.

SEC. 13. SUNSET PROVISION.

(a) ASSESSMENT AND COLLECTION OF PREMIUMS.—The Secretary shall continue the premium assessment and collection operations of the Fund under this Act as long as loans due from the Fund to the United States Treasury are outstanding.

(b) PROVISION OF REINSURANCE.—The Secretary shall suspend other operations of the Fund for new contract years on the close of business on December 31, 2004, and may suspend the offering of reinsurance contracts for new contract years at any time before that date if the Secretary determines that the reinsurance provided by the Fund is no longer needed for covered lines due to market conditions.

(c) REVIEW OF PRIVATE REINSURANCE AVAILABILITY.—The Secretary shall review the cost and availability of private reinsurance for acts of terrorism at least annually and shall report the findings and any recommendations to Congress by June 1 of each year the Fund is in operation.

(d) DISSOLUTION OF FUND.—

(1) DISTRIBUTION FOR RESERVES.—When the Secretary determines that all Fund operations have been terminated, the Secretary shall dissolve the Fund. Any unencumbered Fund assets remaining after the satisfaction of all outstanding claims, loans from the Treasury, and other liabilities of the fund shall be distributed, on a pro rata basis based on premiums paid, to any insurer that—

(A) participated in the Fund during its operation; and

(B) demonstrates, to the satisfaction of the Secretary, that any amount received as a distribution from the Fund will be permanently credited to a reserve account maintained by that insurer against claims for industrywide aggregate losses of $2,000,000,000 from—

(i) acts of terrorism in the United States; or

(ii) the effects of earthquakes, volcanic eruptions, tsunamis, or hurricanes.

(2) RETENTION REQUIREMENT FOR TAPPING RESERVE.—Amounts credited to a reserve under paragraph (a) may not be used by an insurer to pay claims until the insurer has paid claims for losses resulting from acts or events described in paragraph (1)(B) in excess of 10 percent of that insurer's average gross direct written premiums and policyholders' surplus for covered lines for the most recently ended calendar year for which data are available.

(3) OFFICER AND DIRECTOR PENALTIES FOR MISUSE OF RESERVES.—Any officer or director of an insurer who knowingly authorizes or directs the use of any amount received from the Fund under paragraph (1) for any purpose other than an appropriate use of amounts in the reserve to which the amount is credited shall be guilty of a Class E felony and sentenced in accordance with the provisions of section 3551 of title 18, United States Code.

(4) RESIDUAL DISTRIBUTION TO TREASURY.—Any unencumbered Fund assets remaining after the distribution under paragraph (1) shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 14. DEFINITIONS.

In this Act:

(1) SECRETARY.—Except where otherwise specifically provided, the term "Secretary" means the Secretary of Commerce.

(2) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners.

(3) FUND.—The term "Fund" means the National Terrorism Reinsurance Fund established under section 4.

(4)` PARTICIPATING INSURER.—The term "participating insurer" means every property and casualty insurer writing on a direct basis a covered line or lines of insurance in any jurisdiction of the United States, its territories, or possessions, including residual market insurers.

(5) COVERED LINE.—

(A) IN GENERAL.—The term "covered line" means any one or a combination of the following, written on a direct basis, as reported by property and casualty insurers in required financial reports on Statutory Page 14 of the NAIC Annual Statement Blank:

(i) Fire.

(ii) Allied lines.

(iii) Commercial multiple peril.

(iv) Ocean marine.

(v) Inland marine.

(vi) Workers compensation.

(vii) Products liability.

(viii) Commercial auto no-fault (personal injury protection), other commercial auto liability, or commercial auto physical damage.

(ix) Aircraft (all peril).

(x) Fidelity and surety.

(xi) Burglary and theft.

(xii) Boiler and machinery.

(xiii) Any other line of insurance that is reported by property and casualty insurers in required financial reports on Statutory Page 14 of the NAIC Annual Statement Blank which is voluntarily elected by a participating insurer to be included in its reinsurance contract with the Fund.

(B) OTHER LINES.—For purposes of clause (xiii), the lines of business that may be voluntarily selected are the following:

(i) Farmowners multiple peril.

(ii) Homeowners multiple peril.

(iii) Mortgage guaranty.

(iv) Financial guaranty.

(v) Private passenger automobile insurance.

(C) ELECTION.—The election to voluntarily include another line of insurance, if made, must apply to all affiliated insurers that are members of an insurer group. Any voluntary election is on a one-time basis and is irrevocable.

(6) LOSSES.—The term "losses" means direct incurred losses from an act of terrorism for covered lines, plus defense and cost containment expenses. Notwithstanding the preceding sentence, a loss shall not be recognized as a loss for the purpose of determining the amount of an insurer's retention or reimbursement under this Act unless the claim for the loss has been paid within 12 months after the terrorism event occurs and other loss adjustments.

(7) COVERED LOSSES.—The term "covered losses" means direct losses in excess of the participating insurer's retention.

(8) TERRORISM; ACT OF TERRORISM.—

(A) IN GENERAL.—The terms "terrorism" and "act of terrorism" means any act, certified by the Secretary in concurrence with the Secretary of State and the Attorney General, as a violent act or act dangerous to human life, property or infrastructure, within the United States, its territories and possessions, that is committed by an individual or individuals acting on behalf of foreign agents or foreign interests (other than a foreign government) as part of an effort to coerce or intimidate the civilian population of the United States or to influence the policy or affect the conduct of the United States government.

(B) ACTS OF WAR.—No act shall be certified as an act of terrorism if the act is committed in the course of a war declared by the Congress of the United States or by a foreign government.

(C) FINALITY OF CERTIFICATION.—Any certification, or determination not to certify, by the Secretary under subparagraph (A) is final and not subject to judicial review.

(9) INSURER.—

(A) IN GENERAL.—The term "insurer" means an entity writing covered lines on a direct basis and licensed as a property and casualty insurer, risk retention group, or other entity authorized by law as a residual market mechanism providing property or casualty coverage in at least one jurisdiction of the United States, its territories, or possessions.

(B) VOLUNTARY PARTICIPATION.—A State workers' compensation, auto, or property insurance Fund may voluntarily participate as an insurer.

(10) CONTRACT YEAR.—The term “contract year” means the period of time that obligations exist between a participating insurer and the Fund for a given annual reinsurance contract.

(11) RETENTION.—The term “retention” means the level of direct losses retained by a participating insurer for which the insurer is not entitled to reimbursement by the Fund.

SA 3842. Mr. SANTORUM proposed an amendment to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; as follows:

At the end, add the following:

TITLE II—ANTITERRORISM PROVISIONS

Subtitle A—Suppression of Terrorist Bombings

SEC. 201. SHORT TITLE.

This subtitle may be cited as the “Terrorist Bombings Convention Implementation Act of 2002”.

SEC. 202. BOMBING STATUTE.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332e the following:

“§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

“(A) with the intent to cause death or serious bodily injury, or

“(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss,

shall be punished as prescribed in subsection (c).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

“(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

“(1) the offense takes place in the United States and—

“(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

“(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

“(C) at the time the offense is committed, it is committed—

“(i) on board a vessel flying the flag of another state;

“(ii) on board an aircraft which is registered under the laws of another state; or

“(iii) on board an aircraft which is operated by the government of another state;

“(D) a perpetrator is found outside the United States;

“(E) a perpetrator is a national of another state or a stateless person; or

“(F) a victim is a national of another state or a stateless person;

“(2) the offense takes place outside the United States and—

“(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

“(B) a victim is a national of the United States;

“(C) a perpetrator is found in the United States;

“(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

“(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

“(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

“(G) the offense is committed on board an aircraft which is operated by the United States.

“(c) PENALTIES.—Whoever violates this section shall be imprisoned for any term of years or for life, and if death results from the violation, shall be punished by death or imprisoned for any term of years or for life.

“(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

“(2) activities undertaken by military forces of a state in the exercise of their official duties; or

“(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

“(e) DEFINITIONS.—As used in this section, the term—

“(1) ‘serious bodily injury’ has the meaning given that term in section 1365(g)(3) of this title;

“(2) ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(3) ‘state or government facility’ includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

“(4) ‘intergovernmental organization’ includes international organization (as defined in section 1116(b)(5) of this title);

“(5) ‘infrastructure facility’ means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

“(6) ‘place of public use’ means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

“(7) ‘public transportation system’ means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

“(8) ‘explosive’ has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

“(9) ‘other lethal device’ means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents or toxins (as those terms are defined in section 178 of this title), or radiation or radioactive material;

“(10) ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

“(11) ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

“(12) ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding after the item relating to section 2332e the following:

“2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.”.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

SEC. 203. EFFECTIVE DATE.

Section 202 shall become effective on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

Subtitle B—Suppression of the Financing of Terrorism

SEC. 211. SHORT TITLE.

This subtitle may be cited as the “Suppression of the Financing of Terrorism Convention Implementation Act of 2002”.

SEC. 212. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“§ 2339C. Prohibitions against the financing of terrorism

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

“(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

“(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

"(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

"(b) CONCEALMENT.—

"(1) IN GENERAL.—Whoever, in the United States, or outside the United States and a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions), knowingly conceals or disguises the nature, the location, the source, or the ownership or control of any material support or resources provided in violation of section 2339B of this chapter, or of any funds provided or collected in violation of subsection (a) or any proceeds of such funds, shall be punished as prescribed in subsection (d)(2).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(2).

"(c) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

"(1) the offense takes place in the United States and—

"(A) a perpetrator was a national of another state or a stateless person;

"(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

"(C) on board an aircraft which is operated by the government of another state;

"(D) a perpetrator is found outside the United States;

"(E) was directed toward or resulted in the carrying out of a predicate act against—

"(i) a national of another state; or

"(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

"(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

"(G) was directed toward or resulted in the carrying out of a predicate act—

"(i) outside the United States; or

"(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

"(2) the offense takes place outside the United States and—

"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a perpetrator is found in the United States; or

"(C) was directed toward or resulted in the carrying out of a predicate act against—

"(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

"(ii) any person or property within the United States;

"(iii) any national of the United States or the property of such national; or

"(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

"(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

"(4) the offense is committed on board an aircraft which is operated by the United States; or

"(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) PENALTIES.—

"(1) Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

"(2) Whoever violates subsection (b) shall be fined under this title, imprisoned for not more than 10 years, or both.

"(e) DEFINITIONS.—As used in this section—

"(1) the term 'funds' means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

"(2) the term 'government facility' means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

"(3) the term 'proceeds' means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

"(4) the term 'provides' includes giving, donating, and transmitting;

"(5) the term 'collects' includes raising and receiving;

"(6) the term 'predicate act' means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

"(7) the term 'treaty' means—

"(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

"(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

"(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

"(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

"(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

"(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

"(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

"(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

"(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

"(8) the term 'intergovernmental organization' includes international organizations;

"(9) the term 'international organization' has the same meaning as in section 1116(b)(5) of this title;

"(10) the term 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

"(11) the term 'serious bodily injury' has the same meaning as in section 1365(g)(3) of this title;

"(12) the term 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(13) the term 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.

"(f) CIVIL PENALTY.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least $10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2339C. Prohibitions against the financing of terrorism.".

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law.

SEC. 213. EFFECTIVE DATE.

Except for sections 2339C(c)(1)(D) and (2)(B) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States, section 212 of this subtitle shall take effect upon the date of enactment of this Act.

Subtitle C—Ancillary Measures

SEC. 221. ANCILLARY MEASURES.

(a) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting "2332f," after "2332d,"; and

(2) striking "or 2339B" and inserting "2339B, or 2339C".

(b) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting "2332f (relating to bombing of public places and facilities)," after "2332b (relating to acts of terrorism transcending national boundaries),"; and

(2) inserting "2339C (relating to financing of terrorism)," before "or 2340A (relating to torture)".

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A of title 18, United States Code, is amended by inserting "2332f," before "or 2340A".

(d) FORFEITURE OF FUNDS, PROCEEDS, AND INSTRUMENTALITIES.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

“(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.”.

SA 3843. Mr. BROWNBACK proposed an amendment to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; as follows:

At the appropriate place add the following:

SEC. . UNPATENTABILITY OF HUMAN ORGANISMS.

Section 101 of title 35, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “Whoever”; and

(2) by adding at the end the following:

“(b) UNPATENTABILITY OF HUMAN ORGANISMS.—

“(1) DEFINITION.—In this subsection, the term ‘human cloning’ means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

“(2) UNPATENTABILITY.—A patent may not be obtained for—

“(A) an organism of the human species at any stage of development produced by any method, whether in vitro or in vivo, including the zygote, embryo, fetus, child or adult;

“(B) a living organism made by human cloning; or

“(C) a process of human cloning.”.

SA 3844. Mr. ENSIGN proposed an amendment to amendment SA 3843 proposed by Mr. BROWNBACK to the bill (S. 2600) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; as follows:

Strike all after the first word and insert the following:

UNPATENTABILITY OF HUMAN ORGANISMS.

Section 101 of title 35, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “Whoever”; and

(2) by adding at the end the following:

“(b) UNPATENTABILITY OF HUMAN ORGANISMS.—

“(1) DEFINITION.—In this subsection, the term ‘human cloning’ means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

“(2) UNPATENTABILITY.—A patent may not be obtained for—

“(A) an organism of the human species at any stage of development produced by any method, whether in vitro or in vivo, including the zygote, embryo, fetus, child or adult;

“(B) a living organism made by human cloning; or

“(C) a process of human cloning.”.

“(3) EFFECTIVE DATE.—This section shall become effective 30 days after the date of enactment.”

SA 3845. Mr. REID (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 672, to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens “age-out” while awaiting immigration processing, and for other purposes; as follows:

On page 9, line 9, strike “(a)(4)” and insert “(a)(2)(A)”.

On page 10, line 9, strike “209(b)(2)” and insert “209(b)(3)”.

SA 3846. Mr. REID (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 1209, to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes; as follows:

On page 7, line 9, strike “(a)(4)” and insert “(a)(2)(A)”.

On page 8, line 9, strike “209(b)(2)” and insert “209(b)(3)”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. DODD. Madam President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session of the Senate on Thursday, June 13, 2002, at 10 a.m.

Agenda:

H.R. 7: Community Solutions Act.

S. 2498: Tax Shelter Transparency Act.

S. 2119: Reversing the Expatriation of Profits Offshore Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 13, 2002 at 10:00 a.m. to hold a hearing on the CEDAW Treaty.

Agenda

Witnesses

Panel 1: The Honorable Carolyn B. Maloney (D–NY), U.S. House of Representatives, Washington, DC; the Honorable Juanita Millender-McDonald (D–CA), U.S. House of Representatives, Washington, DC; the Honorable Constance A. Morella (R–MD), U.S. House of Representatives, Washington, DC; and the Honorable Lynn C. Woolsey (D–CA), U.S. House of Representatives, Washington, DC.

Panel 2: The Honorable Harold Hongju Koh, Prefessor, Yale Law School, Former Assistant Secretary of State for Human Rights, New Haven, CT; the Honorable Juliette C. McLennan, Former U.S. Representative to the UN Commission on the Status of Women, Easton, MD; Ms. Jane E. Smith, Chief Executive Officer, Business and Professional Women/USA, Washington, DC; Ms. Kathryn Ogden Balmforth, Member, Firm of Wood Crapo, L.L.C., Salt Lake City, Utah, Former Director, World Family Policy Center, Brigham Young University, Provo, Utah; Ms. Jeane Kirkpatrick, Senior Fellow & Director of Foreign and Defense Policy Studies, American Enterprise Institute, Former Permanent Representative to the United Nations, Washington, DC; and Dr. Christina Hoff Sommers, Resident Scholar, American Enterprise Institute, Chevy Chase, MD.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 13, 2002 at 2:15 p.m. to hold a business meeting to consider and vote on S. 2525, a bill to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV-AIDS, tuberculosis, and malaria, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Madam President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Implementation of Reading First and Reading Programs and Strategies during the session of the Senate on Thursday, June 13, 2002 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DODD. Madam President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Judicial Nominations on Thursday, June 13, 2002, in Dirksen Room 226 at 2 p.m.

Agenda

Witnesses

Panel I: The Honorable Arlen Specter, United States Senator (R–PA); the Honorable Mitch McConnell, United States Senator (R–KY); the Honorable Dianne Feinstein, United States Senator (D–CA); the Honorable Rick Santorum, United States Senator (R–PA); the Honorable Jim Bunning, United States Senator (R–KY); the Honorable Bill Nelson, United States

Senator (D-FL); and the Honorable Roscoe Bartlett, United States Representative (Republican, 6th District of Maryland).

Panel II: John Rogers to the U.S. Court of Appeals for the Sixth Circuit.

Panel III: David Cercone to be U.S. District Court Judge for the Western District of Pennsylvania; Morrison Cohen England Jr. to be U.S. District Court Judge for the Eastern District of California; and Kenneth Marra to be U.S. District Court Judge for the Southern District of Florida.

Panel IV: Lawrence Greenfeld to be Director, Bureau of Justice Statistics.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DODD. Madam President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 13, 2002, at 10:00 a.m. in Dirksen Room 226.

TENTATIVE AGENDA

I. NOMINATIONS

Henry E. Autrey to be a U.S. District Court Judge for the Eastern District of Missouri; Richard E. Dorr to be a U.S. District Court Judge for the Western District of Missouri; David Godbey to be a U.S. District Court Judge for the Northern District of Texas; Henry Hudson to be a U.S. District Court Judge for the Eastern District of Virginia; Timothy Savage to be a U.S. District Court Judge for the Eastern District of Pennsylvania; and Amy J. St. Eve to be a U.S. District Court Judge for the Northern District of Illinois.

To be a United States Attorney: Gregory Robert Miller for the Northern District of Florida, and Kevin Vincent Ryan for the Northern District of California.

To be a United States Marshal: Ray Elmer Carnahan for the Eastern District of Arkansas, David Scott Carpenter for the District of North Dakota, Theresa Merrow for the Eastern District of Georgia, Ruben Monzon for the Southern District of Texas, and James Michael Wahlrab for the Southern District of Ohio.

II. BILLS

S. 1956, The Safe Explosives Act [Kohl/Hatch/Schumer/Cantwell]

S. 1291, Development, Relief, and Education for Alien Minors Act [Hatch]

S. 2134, Terrorism Victim's Access to Compensation Act of 2002 [Harkin/Allen]

H.R. 3375, Embassy Employee Compensation Act [Blunt]

III. RESOLUTIONS

S. Con. Res. 104, A concurrent resolution recognizing the American Society of Civil Engineers on the occasion of the 150th anniversary of its founding and for the many vital contributions of civil engineers to the quality of life of the people of the United States, including the research and development projects that have led to the physical infrastructure of modern America. [Jeffords/Smith]

H. Con. Res. 387, Recognizing the American Society of Civil Engineers for reaching its 150th Anniversary and for the many vital contributions of civil engineers to the quality of life of our Nation's people including the research and development projects that have led to the physcial infrastructure of modern America [Barton/Moore]

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Madam President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 13, 2002 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. DODD. Madam President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 13, 2002, at 10:00 a.m. to conduct an oversight hearing on "TEA-21: A National Partnership."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DODD. Madam President, I ask unanimous consent that Jessica Byrnes be granted floor privileges for the duration of the debate on S. 2600.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I ask unanimous consent that Amy Hertel be allowed to be on the floor of the Senate for the duration of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent that privilege of the floor be granted to Bruce Artim for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD STATUS PROTECTION ACT

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to Calendar No. 374, S. 672.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 672) to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment.

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Status Protection Act".

SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT'S NATURALIZATION DATE, OR MARRIAGE TERMINATION DATE, IN DETERMINING STATUS AS IMMEDIATE RELATIVE.

Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

"(f) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—

"(1) AGE ON PETITION FILING DATE.—Except as provided in paragraphs (2) and (3), for purposes of subsection (b)(2)(A)(i), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 to classify the alien as an immediate relative under subsection (b)(2)(A)(i).

"(2) AGE ON PARENT'S NATURALIZATION DATE.—In the case of a petition under section 204 initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the age of the alien on the date of the parent's naturalization.

"(3) AGE ON MARRIAGE TERMINATION DATE.—In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3), based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i) or as an unmarried son or daughter of a citizen under section 203(a)(1), the determination described in paragraph (1) shall be made using the age of the alien on the date of the termination of the marriage.".

SEC. 3. TREATMENT OF CERTAIN UNMARRIED SONS AND DAUGHTERS SEEKING STATUS AS FAMILY-SPONSORED, EMPLOYMENT-BASED, AND DIVERSITY IMMIGRANTS.

Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

"(h) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE CHILDREN.—

"(1) IN GENERAL.—For purposes of subsections (a)(2)(A) and (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using—

"(A) the age of the alien on the date on which an immigrant visa number becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent), but only if the alien has sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability; reduced by

"(B) the number of days in the period during which the applicable petition described in paragraph (2) was pending.

"(2) PETITIONS DESCRIBED.—The petition described in this paragraph is—

"(A) with respect to a relationship described in subsection (a)(2)(A), a petition filed under section 204 for classification of an alien child under subsection (a)(2)(A); or

"(B) with respect to an alien child who is a derivative beneficiary under subsection (d), a petition filed under section 204 for classification of the alien's parent under subsection (a), (b), or (c).

"(3) RETENTION OF PRIORITY DATE.—If the age of an alien is determined under paragraph (1) to be 21 years of age or older for the purposes of subsections (a)(4) and (d), the alien's petition shall automatically be converted to the appropriate category and the alien shall retain the original priority date issued upon receipt of the original petition.".

SEC. 4. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ASYLUM.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) is amended to read as follows:

"(3) TREATMENT OF SPOUSE AND CHILDREN.—

"(A) IN GENERAL.—A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under this subsection may, if not otherwise eligible for asylum under this section, be granted the same status as the alien if accompanying, or following to join, such alien.

"(B) CONTINUED CLASSIFICATION OF CERTAIN ALIENS AS CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted asylum under this subsection, and who was under 21 years of age on the date on which such parent applied for asylum under this section, shall continue to be classified as a child for purposes of this paragraph and section 209(b)(2), if the alien attained 21 years of age after such application was filed but while it was pending.".

SEC. 5. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ADMISSION AS REFUGEE.

Section 207(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)"; and

(2) by adding at the end the following:

"(B) An unmarried alien who seeks to accompany, or follow to join, a parent granted admission as a refugee under this subsection, and who was under 21 years of age on the date on which such parent applied for refugee status under this section, shall continue to be classified as a child for purposes of this paragraph, if the alien attained 21 years of age after such application was filed but while it was pending.".

SEC. 6. TREATMENT OF CLASSIFICATION PETITIONS FOR UNMARRIED SONS AND DAUGHTERS OF NATURALIZED CITIZENS.

Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(k) PROCEDURES FOR UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in the case of a petition under this section initially filed for an alien unmarried son or daughter's classification as a family-sponsored immigrant under section 203(a)(2)(B), based on a parent of the son or daughter being an alien lawfully admitted for permanent residence, if such parent subsequently becomes a naturalized citizen of the United States, such petition shall be converted to a petition to classify the unmarried son or daughter as a family-sponsored immigrant under section 203(a)(1).

"(2) EXCEPTION.—Paragraph (1) does not apply if the son or daughter files with the Attorney General a written statement that he or she elects not to have such conversion occur (or if it has occurred, to have such conversion revoked). Where such an election has been made, any determination with respect to the son or daughter's eligibility for admission as a family-sponsored immigrant shall be made as if such naturalization had not taken place.

"(3) PRIORITY DATE.—Regardless of whether a petition is converted under this subsection or not, if an unmarried son or daughter described in this subsection was assigned a priority date with respect to such petition before such naturalization, he or she may maintain that priority date.

"(4) CLARIFICATION.—This subsection shall apply to a petition if it is properly filed, regardless of whether it was approved or not before such naturalization.".

SEC. 7. IMMIGRATION BENEFITS FOR CERTAIN ALIEN CHILDREN NOT AFFECTED.

Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended by adding at the end the following new clause:

"(iii) Nothing in the amendments made by the Child Status Protection Act shall be construed to limit or deny any right or benefit provided under this subparagraph.".

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to any alien who is a derivative beneficiary or any other beneficiary of—

(1) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) approved before such date but only if a final determination has not been made on the beneficiary's application for an immigrant visa or adjustment of status to lawful permanent residence pursuant to such approved petition;

(2) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending on or after such date; or

(3) an application pending before the Department of Justice or the Department of State on or after such date.

Mr. REID. Madam President, Senator FEINSTEIN has a technical amendment at the desk, and I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid upon the table, that the committee substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3845) was agreed to, as follows:

On page 9, line 9, strike "(a)(4)" and insert "(a)(2)(A)".

On page 10, line 9, strike "209(b)(2)" and insert "209(b)(3)".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 672), as amended, was read the third time and passed, as follows:

S. 672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Status Protection Act".

SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT'S NATURALIZATION DATE, OR MARRIAGE TERMINATION DATE, IN DETERMINING STATUS AS IMMEDIATE RELATIVE.

Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

"(f) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—

"(1) AGE ON PETITION FILING DATE.—Except as provided in paragraphs (2) and (3), for purposes of subsection (b)(2)(A)(i), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 to classify the alien as an immediate relative under subsection (b)(2)(A)(i).

"(2) AGE ON PARENT'S NATURALIZATION DATE.—In the case of a petition under section 204 initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the age of the alien on the date of the parent's naturalization.

"(3) AGE ON MARRIAGE TERMINATION DATE.—In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3), based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i) or as an unmarried son or daughter of a citizen under section 203(a)(1), the determination described in paragraph (1) shall be made using the age of the alien on the date of the termination of the marriage.".

SEC. 3. TREATMENT OF CERTAIN UNMARRIED SONS AND DAUGHTERS SEEKING STATUS AS FAMILY-SPONSORED, EMPLOYMENT-BASED, AND DIVERSITY IMMIGRANTS.

Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

"(h) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE CHILDREN.—

"(1) IN GENERAL.—For purposes of subsections (a)(2)(A) and (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using—

"(A) the age of the alien on the date on which an immigrant visa number becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent), but only if the alien has sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability; reduced by

"(B) the number of days in the period during which the applicable petition described in paragraph (2) was pending.

"(2) PETITIONS DESCRIBED.—The petition described in this paragraph is—

"(A) with respect to a relationship described in subsection (a)(2)(A), a petition filed under section 204 for classification of an alien child under subsection (a)(2)(A); or

"(B) with respect to an alien child who is a derivative beneficiary under subsection (d), a petition filed under section 204 for classification of the alien's parent under subsection (a), (b), or (c).

"(3) RETENTION OF PRIORITY DATE.—If the age of an alien is determined under paragraph (1) to be 21 years of age or older for the purposes of subsections (a)(4) and (d), the alien's petition shall automatically be converted to the appropriate category and the alien shall retain the original priority date issued upon receipt of the original petition.".

SEC. 4. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ASYLUM.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) is amended to read as follows:

"(3) TREATMENT OF SPOUSE AND CHILDREN.—

"(A) IN GENERAL.—A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under this subsection may, if not otherwise eligible for asylum under this section, be granted the same status as the alien if accompanying, or following to join, such alien.

"(B) CONTINUED CLASSIFICATION OF CERTAIN ALIENS AS CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted asylum under this subsection, and who was under 21 years of age on the date on which such parent applied for asylum under this section, shall continue to be classified as a child for purposes of this paragraph and section 209(b)(2), if the alien attained 21 years of age after such application was filed but while it was pending.".

SEC. 5. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ADMISSION AS REFUGEE.

Section 207(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)"; and

(2) by adding at the end the following:

"(B) An unmarried alien who seeks to accompany, or follow to join, a parent granted admission as a refugee under this subsection, and who was under 21 years of age on the date on which such parent applied for refugee status under this section, shall continue to be classified as a child for purposes of this paragraph, if the alien attained 21 years of age after such application was filed but while it was pending.".

SEC. 6. TREATMENT OF CLASSIFICATION PETITIONS FOR UNMARRIED SONS AND DAUGHTERS OF NATURALIZED CITIZENS.

Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(k) PROCEDURES FOR UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in the case of a petition under this section initially filed for an alien unmarried son or daughter's classification as a family-sponsored immigrant under section 203(a)(2)(B), based on a parent of the son or daughter being an alien lawfully admitted for permanent residence, if such parent subsequently becomes a naturalized citizen of the United States, such petition shall be converted to a petition to classify the unmarried son or daughter as a family-sponsored immigrant under section 203(a)(1).

"(2) EXCEPTION.—Paragraph (1) does not apply if the son or daughter files with the Attorney General a written statement that he or she elects not to have such conversion occur (or if it has occurred, to have such conversion revoked). Where such an election has been made, any determination with respect to the son or daughter's eligibility for admission as a family-sponsored immigrant shall be made as if such naturalization had not taken place.

"(3) PRIORITY DATE.—Regardless of whether a petition is converted under this subsection or not, if an unmarried son or daughter described in this subsection was assigned a priority date with respect to such petition before such naturalization, he or she may maintain that priority date.

"(4) CLARIFICATION.—This subsection shall apply to a petition if it is properly filed, regardless of whether it was approved or not before such naturalization.".

SEC. 7. IMMIGRATION BENEFITS FOR CERTAIN ALIEN CHILDREN NOT AFFECTED.

Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended by adding at the end the following new clause:

"(iii) Nothing in the amendments made by the Child Status Protection Act shall be construed to limit or deny any right or benefit provided under this subparagraph.".

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to any alien who is a derivative beneficiary or any other beneficiary of—

(1) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) approved before such date but only if a final determination has not been made on the beneficiary's application for an immigrant visa or adjustment of status to lawful permanent residence pursuant to such approved petition;

(2) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending on or after such date; or

(3) an application pending before the Department of Justice or the Department of State on or after such date.

CHILD STATUS PROTECTION ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to Calendar No. 377, H.R. 1209.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1209) to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on the Judiciary, with an amendment.

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Status Protection Act".

SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT'S NATURALIZATION DATE, OR MARRIAGE TERMINATION DATE, IN DETERMINING STATUS AS IMMEDIATE RELATIVE.

Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

"(f) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—

"(1) AGE ON PETITION FILING DATE.—Except as provided in paragraphs (2) and (3), for purposes of subsection (b)(2)(A)(i), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 to classify the alien as an immediate relative under subsection (b)(2)(A)(i).

"(2) AGE ON PARENT'S NATURALIZATION DATE.—In the case of a petition under section 204 initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the age of the alien on the date of the parent's naturalization.

"(3) AGE ON MARRIAGE TERMINATION DATE.—In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3), based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i) or as an unmarried son or daughter of a citizen under section 203(a)(1), the determination described in paragraph (1) shall be made using the age of the alien on the date of the termination of the marriage.".

SEC. 3. TREATMENT OF CERTAIN UNMARRIED SONS AND DAUGHTERS SEEKING STATUS AS FAMILY-SPONSORED, EMPLOYMENT-BASED, AND DIVERSITY IMMIGRANTS.

Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

"(h) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE CHILDREN.—

"(1) IN GENERAL.—For purposes of subsections (a)(2)(A) and (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using—

"(A) the age of the alien on the date on which an immigrant visa number becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent), but only if the alien has sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability; reduced by

"(B) the number of days in the period during which the applicable petition described in paragraph (2) was pending.

"(2) PETITIONS DESCRIBED.—The petition described in this paragraph is—

"(A) with respect to a relationship described in subsection (a)(2)(A), a petition filed under section 204 for classification of an alien child under subsection (a)(2)(A); or

"(B) with respect to an alien child who is a derivative beneficiary under subsection (d), a petition filed under section 204 for classification of the alien's parent under subsection (a), (b), or (c).

"(3) RETENTION OF PRIORITY DATE.—If the age of an alien is determined under paragraph (1) to be 21 years of age or older for the purposes of subsections (a)(4) and (d), the alien's petition shall automatically be converted to the appropriate category and the alien shall retain the original priority date issued upon receipt of the original petition.".

SEC. 4. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ASYLUM.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) is amended to read as follows:

"(3) TREATMENT OF SPOUSE AND CHILDREN.—

"(A) IN GENERAL.—A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under this subsection may, if not otherwise eligible for asylum under this section, be granted the same status as the alien if accompanying, or following to join, such alien.

"(B) CONTINUED CLASSIFICATION OF CERTAIN ALIENS AS CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted asylum under this subsection, and who was under 21 years of age on the date on which such parent applied for asylum under this section, shall continue to be classified as a child for purposes of this paragraph and section 209(b)(2), if the alien attained 21 years of age after such application was filed but while it was pending.".

SEC. 5. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ADMISSION AS REFUGEE.

Section 207(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)"; and

(2) by adding at the end the following:

"(B) An unmarried alien who seeks to accompany, or follow to join, a parent granted admission as a refugee under this subsection, and who was under 21 years of age on the date on which such parent applied for refugee status under this section, shall continue to be classified as a child for purposes of this paragraph, if the alien attained 21 years of age after such application was filed but while it was pending.".

SEC. 6. TREATMENT OF CLASSIFICATION PETITIONS FOR UNMARRIED SONS AND DAUGHTERS OF NATURALIZED CITIZENS.

Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(k) PROCEDURES FOR UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in the case of a petition under this section initially filed for an alien unmarried son or daughter's classification as a family-sponsored immigrant under section 203(a)(2)(B), based on a parent of the son or daughter being an alien lawfully admitted for permanent residence, if such parent subsequently becomes a naturalized citizen of the United States, such petition shall be converted to a petition to classify the unmarried son or daughter as a family-sponsored immigrant under section 203(a)(1).

"(2) EXCEPTION.—Paragraph (1) does not apply if the son or daughter files with the Attorney General a written statement that he or she elects not to have such conversion occur (or if it has occurred, to have such conversion revoked). Where such an election has been made, any determination with respect to the son or daughter's eligibility for admission as a family-sponsored immigrant shall be made as if such naturalization had not taken place.

"(3) PRIORITY DATE.—Regardless of whether a petition is converted under this subsection or not, if an unmarried son or daughter described in this subsection was assigned a priority date with respect to such petition before such naturalization, he or she may maintain that priority date.

"(4) CLARIFICATION.—This subsection shall apply to a petition if it is properly filed, regardless of whether it was approved or not before such naturalization.".

SEC. 7. IMMIGRATION BENEFITS FOR CERTAIN ALIEN CHILDREN NOT AFFECTED.

Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended by adding at the end the following new clause:

"(iii) Nothing in the amendments made by the Child Status Protection Act shall be construed to limit or deny any right or benefit provided under this subparagraph.".

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to any alien who is a derivative beneficiary or any other beneficiary of—

(1) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) approved before such date but only if a final determination has not been made on the beneficiary's application for an immigrant visa or adjustment of status to lawful permanent residence pursuant to such approved petition;

(2) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending on or after such date; or

(3) an application pending before the Department of Justice or the Department of State on or after such date.

Mr. REID. Madam President, Senator FEINSTEIN has a technical amendment at the desk, and I ask that the amendment be considered and agreed to, the motion to reconsider be laid upon the table, that the committee substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3846) was agreed to, as follows:

On page 7, line 9, strike "(a)(4)" and insert "(a)(2)(A)".

On page 8, line 9, strike "209(b)(2)" and insert "209(b)(3)".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 1209), as amended, was read the third time and passed.

CONGRATULATING THE LOS ANGELES LAKERS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 286 submitted earlier today by Senators FEINSTEIN and BOXER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 286) commending and congratulating the Los Angeles Lakers for their outstanding drive, discipline, and mastery in winning the 2002 National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Madam President, I rise today with my friend and colleague from California, Senator BARBARA BOXER, to commend and congratulate the Los Angeles Lakers for winning the 2002 National Basketball Association Championship last night.

Clearly, the Lakers are one of the most distinguished franchises in the history of professional sports. In sweeping a talented and game New Jersey Nets team, the Lakers won their third straight championship and their fourteenth overall.

Led by coach Phil Jackson, Shaquille O'Neal, and Kobe Bryant, the Lakers could not be denied. Shaquille O'Neal dominated the Finals and won his third straight National Basketball Association Finals Most Valuable Player award after scoring a record 145 points in a four game series.

Another superstar, Kobe Bryant, averaged 26.8 points, 5.3 assists, and 5.8 rebounds during the Finals series after being named to the 2001–2002 All-National Basketball Association First Team. In addition, he delighted fans with his usual collection of highlight material plays.

Coach Phil Jackson also had a record breaking night. He won his ninth National Basketball Association title, tying the record of the legendary Boston Celtics coach, Red Auerbach. In addition, he won his 156th post-season game, surpassing former Lakers coach Pat Riley to become the winningest playoff coach in National Basketball Association history.

But it should be pointed out that the Lakers could not have won the championship without the hard work and dedication of the entire team: Rick Fox, Derrick Fisher, Robert Horry, Brian Shaw, Devean George, Lindsey Hunter, Samaki Walker, Mark Madsen, Slava Medvedenko, and Mitch Richmond.

I also want to congratulate team owner Dr. Jerry Buss, General Manager Mitch Kupchak and all the others who put in the time and effort to bring another championship to the City of Angels. And, most importantly, I would like to thank the Laker fans in Los Angeles and throughout the state for being there for the team every step of the way.

The 2001–2002 Los Angeles Lakers have written another chapter in the history of one of the National Basketball Association's storied franchises and will certainly go down as one of the greatest teams of all time.

They have made the City of Los Angeles and the State of California proud.

The Los Angeles Lakers are a team with a tremendous amount of heart, stamina, determination and a clear will to win. I have no doubt that this team stands ready to make a run at a fourth straight championship and add yet another banner to the rafters of the Staples Center.

Mr. REID. Madam President, I was pulling for the Sacramento team. I have to say, as much as I dislike the Lakers, they sure came through in the clutch. They really know how to win. You have to admire them for that.

I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 286) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 286

Whereas the Los Angeles Lakers are 1 of the greatest sports franchises in history;

Whereas the Laker organization has won 14 National Basketball Association Championships;

Whereas the Los Angeles Lakers are only the fifth team to win 3 consecutive National Basketball Association Championships and the seventh team to sweep the finals 4 games to none;

Whereas the Laker organization has fielded such legendary superstars as George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, Earvin "Magic" Johnson, and now, Shaquille O'Neal and Kobe Bryant;

Whereas Shaquille O'Neal won his third straight National Basketball Association Finals Most Valuable Player award, joining Michael Jordan as the only player to win 3 consecutive awards;

Whereas Shaquille O'Neal scored a record 145 points in the 2002 4-game finals series;

Whereas Shaquille O'Neal's 59.5 percent career field goal percentage in National Basketball Association Finals games is number 1 all-time and his 34.2 point scoring average ranks second;

Whereas Kobe Bryant was named to the 2001–2002 All-National Basketball Association First Team after averaging 25.5 points per game, 5.5 rebounds per game, and 5.5 assists per game during the regular season;

Whereas Kobe Bryant averaged 26.8 points, 5.8 rebounds, and 5.3 assists during the 2002 National Basketball Association Finals;

Whereas Coach Phil Jackson won his ninth National Basketball Association title, tying the record of legendary Boston Celtics coach, Red Auerbach;

Whereas Coach Phil Jackson won his 156th postseason game, surpassing former Lakers Coach Pat Riley to become the winningest playoff coach in National Basketball Association history;

Whereas the Los Angeles Lakers epitomize the spirit of their hometown with their determination, heart, stamina, and amazing comeback ability;

Whereas the support of all the Los Angeles fans and the people of California propelled the Los Angeles Lakers to another National Basketball Association Championship; and

Whereas the Los Angeles Lakers are poised to win a fourth straight National Basketball Association Championship next season: Now, therefore, be it

Resolved, That the Senate commends and congratulates the Los Angeles Lakers on winning the 2002 National Basketball Association Championship Title.

ORDERS FOR FRIDAY, JUNE 14, 2002

Mr. REID. Madam President, I ask unanimous consent when the Senate completes its business today, it adjourn until 9 a.m. Friday, June 14; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 9:35 a.m., with 20 minutes under the control of Senator MURRAY, and the remaining time under the control of the Republican leader or his designee; further that at 9:35 a.m., the Senate resume consideration of the terrorism insurance bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, the Senate will conduct two rollcall votes beginning at approximately 9:35 a.m., first on passage of H.R. 3275, the Suppression of Terrorism Convention, and the second on the Allen amendment to the terrorism insurance bill regarding frozen assets.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:50 p.m., adjourned until Friday, June 14, 2002, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 2002:

FEDERAL MARITIME COMMISSION

REBECCA DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2005, VICE JOHN A. MORAN, TERM EXPIRED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

WILLIAM A. SCHAMBRA, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2006, VICE CAROL W. KINSLEY, TERM EXPIRED.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2006, VICE ROBERT B. ROGERS, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EARL A. POWELL III, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE TOWNSEND D. WOLFE III, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

ROBERT J. BATTISTA, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2006, VICE PETER J. HURTGEN.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PHILLIP M. BALISLE, 3385

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ROBERT F. WILLARD, 1564

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE 12TH ANNUAL TEACHERS ON AN AGRISCIENCE BUS PROGRAM

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. HASTERT. Mr. Speaker, I rise today to recognize the 12th Annual Teachers on an Agriscience Bus Program as well as the invaluable contributions it has made in expanding the understanding of agriculture and agriscience.

First launched as a pilot program in June 1991, the Teachers on an Agriscience Bus Program was developed to include tours and seminars at a variety of agriscience industries in Chicago and the Western Suburbs. Tour hosts explain the multitude of career opportunities in agriscience and provide tours of their facilities, demonstrating the high-tech nature of the industry.

In 1991, the program included 26 staff members from Naperville School District 203. However, it became evident to those involved that the wealth of information provided by the Program could serve a greater purpose by opening up the experience to neighboring school districts. To date, 504 participants from 30 school districts, many of which are located in my Congressional District, have taken part in the program.

The agriculture industry in the State of Illinois is of primary importance to the economy, not only to the state, but as one of the largest employers in the U.S. The youth of America, and particularly those in Illinois, need current, up-to-date, technological backgrounds in the importance of agriculture in their everyday lives and of the career opportunities available to them in the industry.

As a former high school teacher, I can attest to the importance of continued innovative programs needed to reach our youth. The Teachers on an Agriscience Bus Program enables educators to share an awareness and appreciation for agriculture and agriscience career opportunities with their students. Participants in the Program have introduced approximately 60,000 students to the fact that agriscience and its related industries constitute more than just farming; today it is a highly technical, viable and sophisticated industry.

Finally, I would like to point out that the continued success of the Teachers on an Agriscience Bus Program is due to the overwhelming support of the sponsoring organizations, including: the Midwest Dairy Association of Illinois, DuPage County Fair Association, DuPage County Farm Bureau, DuPage County Regional Office of Education, Illinois Landscape Contractors Association, Naperville Community Unit School District 203, Wheatland Plowing Match Association, DuPage Education to Careers System, 1st Farm Credit Services of Northern Illinois, Illinois Pork Producers and Illinois Agricultural Association Foundation.

I commend everyone involved in the Teachers on an Agriscience Bus Program for their commitment to educate our children on the importance of agriculture and am hopeful they will continue to make a positive impact in the lives of students and staff for years to come.

TRIBUTE TO DR. WILLIAM O. CASON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dear friend and fellow South Carolinian, Dr. William O. Cason. On June 30, 2002, "Bill," as he is commonly referred, will retire from Sumter County School District 17, where he served as Superintendent for three challenging but rewarding years. After 34 years in public education, it is a retirement well deserved and he will be sorely missed.

Dr. Cason began his educational career in Georgia public schools in 1968 as a math and history teacher at Clinch County High School. He also served as an assistant football and basketball coach, an assistant principal and guidance counselor, and as principal for high schools, where he served for over fourteen years. Prior to coming to Sumter School District 17, he was the Superintendent of Schools in the Colleton County School District in Walterboro, South Carolina from 1993–1999.

When Dr. Cason accepted the position of Superintendent of Sumter School District 17, he came to a district in the throes of scandal and quickly turned the school system to solid fiscal and educational footing. During his tenure, he made several needed changes to the personnel division of the school district which included: increasing the number of insurance options available to employees, supporting the development of a comprehensive salary schedule to ensure equity for non-teaching positions, instituted signing bonuses to attract quality teachers, added personal leave days for employees who were not eligible for annual leave.

Dr. Cason received a bachelor's degree in secondary education, a master's degree in history, a master's degree in education administration supervision all from Valdosta State College, and a doctorate degree in education administration supervision from Georgia State University. He is a member of numerous national, state and local organizations, and will be retiring to a family of five wonderful children and a loving wife.

Samuel Johnson said, "What we hope to do with ease, we must learn to do with diligence." Dr. Cason is an exemplar of what Johnson referred. He was diligent in his strides to make Sumter School District 17 all that it can be. Mr. Speaker, I ask you and my colleagues to join me today in honoring Dr. Bill Cason. The contributions he made to his community and to the educational system will leave lasting impressions on the lives he touched. I wish him continue success and Godspeed!

200TH ANNIVERSARY OF THE TOWN OF OWASCO

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 200th Anniversary of the Town of Owasco. This bicentennial will include town historical events beginning in June and continuing through the year long celebration.

Settlers began arriving in this scenic area in 1792 and built their homes along the beautiful shores of Owasco Lake. The town of Owasco was officially founded in 1802. During the town's early history, dignitaries such as Martin Van Buren and Washington Irving were entertained in this beautiful Cayuga County setting.

The jewel of Owasco, perched on the North end of the lake, is what is now known as Emerson Park. While many facets of life in Owasco have changed over the past two hundred years, the park has remained a staple of the community. It opened on July 1, 1889, boasting a family orientated atmosphere with a merry-go-round and a 350-foot miniature train ride. By the 1890's the park had a hotel, dance hall, and even began to serve ice cream cones. The park became the centerpiece of entertainment in Cayuga County and the gem of the Town of Owasco.

The rich history of Owasco and Emerson Park provides the backdrop for this bicentennial celebration. It is my honor to recognize the Town of Owasco and to extend best wishes for many more years that will continue to contribute to the distinguished history of Cayuga County.

RECOGNIZING VACAVILLE CITY ATTORNEY CHARLES O. LAMOREE ON THE OCCASION OF HIS RETIREMENT

HON. MIKE THOMPSON

OF CALIFORNIA

HON. DOUG OSE

OF CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. THOMPSON of California. Mr. Speaker, we rise today to recognize Vacaville, California

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

City Attorney Charles O. Lamoree, a dedicated public servant who is retiring June 30, 2002 after twenty-five years of tremendous service to his community.

Mr. Lamoree has been the City Attorney in Vacaville since 1989. During his tenure, he wrote the city's Planned Growth Ordinance managing development within the city, represented the city in federal litigation concerning the Fair Labor Standards Act, negotiated and wrote development agreements for major city projects, negotiated acquisition agreements for new city water supplies, rewrote the city's development impact fee ordinance, reduced dependence on outside counsel in tort litigation to less than 5% of all claims and created and implemented a long range computerization plan.

In addition to his duties with the municipality, he has served as President of the Solano County Bar Association, President of the County Counsels' Association of California, Committee Member of the County Counsels' Benchbook, Member of the League of California Cities Legal Advocacy Committee, Member of the League of California Cities Municipal Law Handbook Editorial Board and Delegate to the State Bar Association Conference Delegates.

Mr. Lamoree received special recognition when he was named the 1993–94 "Boss of the Year" by the Solano County Legal Secretaries Association.

Prior to becoming the City Attorney in Vacaville, he served for seven-and-a-half years as Solano County Counsel, as Assistant City Attorney in Vallejo and Deputy County Counsel in both Solano and Fresno Counties.

Mr. Lamoree completed his undergraduate work at Sonoma State University and received his law degree from the University of California, Davis. He was admitted to the State Bar of California in 1972 and is also admitted to practice before the U.S. District Court of Appeal and the U.S. District Courts for the Eastern and Northern Districts of California.

Mr. Speaker, Charles Lamoree has had a long and distinguished career and has had a lasting impact on his community. It is therefore fitting that we honor him today for his many accomplishments and contributions.

COMMEMORATING THE 125TH ANNIVERSARY OF THE TIBBITS CADETS OF TROY, NEW YORK

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. SWEENEY. Mr. Speaker, the Tibbits Cadets of Troy, New York, were founded on August 18, 1876. With strong ideals and a fervent belief in community service, the Tibbits Cadets have consistently acted with dignity and honor in their quest to preserve and share the rich history of Troy, New York.

The Tibbits Cadets by name and deed have perpetuated and honored the memory of Major General William Badger Tibbits for the past one hundred and twenty-five years. And it may be through the courageous life story of Major General Tibbits that we most clearly discover the strength, dignity and pride with which the Tibbits Cadets act—as well as the noble ideals they encompass and uphold.

William Badger Tibbits was born on March 31, 1837 in Hoosac, New York. As a young man, William strove for excellence in all of his endeavors. With a strong work ethic, fervent dedication and a robust thirst for knowledge, William Tibbits earned a reputation as a true and honest man, cultivated a brilliant capacity for motivation and participatory leadership, and received a bachelor's degree from the prestigious Union College in 1859. At the outbreak of the Civil War, driven by an ardent belief in the Union, strong ideological passion, and a devotion to state and nation, William Tibbits raised a company of the Second Regiment, New York Volunteers. In 1863, he recruited the Griswold Cavalry, and with overwhelming popularity and support became its Colonel. With faith and valor, Tibbits distinguished himself in various battles and was brevetted Brigadier General in 1864. Although wounded to the point of eventual incapacitation from military duties later in life, his brilliant leadership, grit, determination and bravery won him the rank of Major General at the age of twenty-seven.

Established in part by Major General Tibbits, the Tibbits Cadets have stood for one hundred and twenty-five years as a constant reminder of so much more than local history or the life of one great man. Since their inception, the Tibbits Cadets have exemplified the greatest of American values—diligence, compassion, volunteerism, dedication of purpose, loyalty, passion, and courage. The Tibbits Cadets of Troy, New York have wholeheartedly advanced that spirit of united purpose and shared concern that so uniquely defines our glorious American experience; and it is in that spirit that I wish to commend the Tibbits Cadets at the conclusion of the year-long celebration of the one hundred and twenty-fifth anniversary of their founding.

HONORING DAVID WAYNE COOPER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. HUNTER. Mr. Speaker, I rise today to congratulate David Wayne Cooper of my district in San Diego for achieving his masters degree in business administration (MBA) from National University. David has fared some long and arduous tasks in life, but did not allow these challenges to stop his determination to overcome adversity and fulfill his life ambitions.

David was born with cerebral palsy, which resulted in orthopedic and speech disabilities. These disabilities would affect many aspects of David's life, however, he persevered and graduated Clairemont High School at the age of 19. In 1998, David built upon this achievement by earning a bachelors degree in science with a concentration in Information Systems from San Diego State University (SDSU).

During his academic pursuits, David worked as a computer programmer at the Science Applications International Corporation (SAIC) in San Diego. At SAIC, David's duties included working on the County of San Diego information systems updates and maintenance contract.

While working at SAIC, David was able to take advantage of their tuition reimbursement program, earning a graduate degree from National University in his spare time. On May 12, 2002, David walked across the state at the Convention Center in San Diego and received his MBA, the culmination of a solid work ethic, dedication, and triumph over adversity.

David lives in his own home, drives his own car, and goes to work every day. He has worked tremendously hard and overcome great obstacles to reach his goals. Please join me in applauding the remarkable spirit, dedication, and work ethic of David Wayne Cooper. His efforts are a reminder of the power of the human spirit.

TRIBUTE TO DR. LEROY DAVIS, SR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dear friend and fellow South Carolinian, Dr. Leroy Davis, Sr. On June 30th Dr. Davis will retire as president of our alma mater, South Carolina State University (SCSU) in Orangeburg, South Carolina.

Dr. Davis is only the second alumnus and the first Orangeburg native to be inaugurated as president of South Carolina State University in its 125-year history.

Dr. Leroy Davis, Sr. received a bachelor of science degree in biology and a master of science degree in microbiology at SCSU. He matriculated at Purdue University and received his doctoral degree in molecular biology in 1979. Most of Dr. Davis' professional career has been spent serving his alma mater at South Carolina State University, where he quickly advanced and became a tenured professor of biology. He also worked at Brookhaven National Laboratory as a research assistant and the National Institutes of Health where he was an extramural associate. However, his love for his home State and S.C. State brought him back to South Carolina.

Dr. Davis has served as director of the Office of Institutional Self-Studies, Provost for Academic Admissions, vice president of Student Services, and interim president. On April 10, 1996, Dr. Davis became the eighth president of this exceptional institution.

While serving as president of South Carolina State University, Dr. Davis has shown tremendous leadership and innovation. The University established its first staff senate, increased scholarship support in order to recruit more academically talented freshmen, the first Emeritus awards to professors have been presented, and community service programs in the fields of health care and economic development have been put into action. In addition to his many accomplishments at South Carolina State University, Dr. Davis has spread his talents to other Universities in the region by being active in the Southern Association of Colleges and Schools (SACS). In this organization, he serves as Commissioner on the Commission on Colleges and presents workshops and symposiums, Dr. Davis also holds memberships in many professional and service organizations including the American Council on Education, The American Association for the Advancement of Science, and Rotary International.

Dr. Davis is husband to the former Christine McGill of Kingstree, South Carolina and the father of two children Tonya and Leroy, Jr. Throughout his life, Dr. Davis has shown an unrelenting pursuit and love for education. Through his example of diligence and perseverance in his studies and as an educator, Dr. Leroy Davis has touched many lives, and has inspired students as well as peers.

Mr. Speaker, I ask you and my colleagues to join me in recognizing my good friend and a man that I greatly admire and deeply respect. Dr. Leroy Davis, Sr. has served his community and State well and has provided outstanding leadership to South Carolina State University over the years. I wish him good luck and Godspeed in what I know will be a very active retirement.

RECOGNIZING WEST GROUP

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. LUTHER. Mr. Speaker, I would like to take this opportunity to recognize an employer in my district that has gone above and beyond its duty in showing support for military reservists called to action.

West Group has been extremely generous to the men and women who have been called to duty in this time of conflict.

When Petty Officer Theodore Cabbage was activated, for example, West Group immediately put into place a package of benefits to support his family until his return. In addition, West Group agreed to meet the difference between Petty Officer Cabbage's civilian and military pay for a period of 5 years.

The outstanding patriotism shown by West Group helps to ease the financial worry most military reservists feel when they are away from home. In turn, individuals like Petty Officer Cabbage are better able to focus on the tasks before them, ensuring that our country is safe and secure. It is an honor and privilege to represent West Group in the U.S. Congress. I ask everyone to join me in commending their generous actions.

CONGRATULATIONS MRS. ANNE SPECTOR

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate and recognize Mrs. Anne Spector of Cheltenham, Pennsylvania. For over 30 years, Mrs. Spector has taught at every level in the Philadelphia area from kindergarten to third year law students. I recognize her today specifically for her endless dedication to the children of the Cheltenham School District.

Anne embarked on her remarkable teaching career in 1967 at Bartlett Junior High School in South Philadelphia. In 1972, Anne took her only sabbatical from teaching to give birth to Caralyn, her daughter, and Michael, her son. While at home, caring for her children, Anne attained her Reading Specialist Certification and a variety of master's degrees. She also served as co-president of the Wyncote Parent Teacher Organization.

Anne returned to full time teaching at Norwood-Fontbonne as the head of a program for gifted children. There Anne demonstrated dedication to fostering the talents of special children. She subsequently took on a long-term position with Cheltenham School District. Here she worked diligently to implement programs that she felt would cultivate the gifts of every student. Most recently, Anne has contributed tremendously to Cheltenham by taking on the duties of District Grant Development Specialist. In this capacity she has affected all grade levels by writing million-dollar grant proposals.

Throughout her teaching career Anne touched the minds and hearts of countless students and parents. I would like to thank Anne for her unmatched dedication to the education of our leaders of tomorrow. We are grateful to have such a distinguished citizen in our community.

TRIBUTE TO KATIE MARBURGER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. TRAFICANT. Mr. Speaker, as Representative to the citizens of the 17th Congressional District of Ohio, it brings me great pleasure to pay tribute to Katie Marburger, on this date, June 12, 2002, as she is recognized for her scholastic achievements in History, on National History Day.

Katie Marburger, a student at Edison Junior High School in Niles, Ohio, was one of seventeen students chosen out of a half million across America, to display and present her history project at the Smithsonian Institution's National Museum of American History. Katie's project is titled ". . . And Justice for All? The Imprisoning of the Japanese Americans: a Revolution of Discrimination." The National History Day Program allows students to create exhibits, documentaries and performances, by using their critical thinking and research skills in the subject of history.

I congratulate Katie as she is honored for her presentation, and commend her for her dedication and commitment. I join with the citizens of this district in wishing Katie well in all her future endeavors, and may God bless her in the years to come.

175TH ANNIVERSARY OF THE TOWN OF CLAY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. WALSH. Mr. Speaker, I rise today in honor of the 175th anniversary of the town of Clay. The first settler arrived in the township of Clay in 1793, and the town was the scene of much of Central New York's notable early history. Clay became its own entity on April 16, 1827.

The town was named in honor of Henry Clay, the great statesman from Kentucky, and is surrounded by three beautiful Central New York rivers—the Oneida, Seneca and Oswego. This location was the site of numerous Indian Councils and served as the center of the Iroquois Confederacy. It was here that early French and English explorers, traders and military officers met with the Indians and matched eloquence with that of the Indian orators.

The town flourished in its early days and continues to grow at a rapid pace. In the 175th year history of Clay the town population has grown from 700 to over 58,000, and Clay continues to expand. It remains Onondaga County's most populated town today. It is my honor to recognize the town of Clay and extend best wishes for many more years of distinguished history in Onondaga County.

TRIBUTE TO DR. NORMAN SAMUELS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. PAYNE. Mr. Speaker, I rise today to recognize one of our country's great educators, Dr. Norman Samuels. A native of Montreal, Quebec, Dr. Samuels has been an integral part of the Newark, New Jersey community for the past 35 years. As of June 30, 2002, Dr. Samuels will resign as provost of the Newark Campus of Rutgers, leaving behind him a campus that will be forever changed because of his presence.

Upon his arrival in Newark in 1967, Dr. Samuels began his career at Rutgers as an assistant professor of political science. From there, he rose to associate dean and visiting fellow at the Woodrow Wilson School of Princeton University, being appointed as acting provost in 1982. Upon his resignation, Dr. Samuels will return to the classroom.

In 1967, Rutgers was not the place that it is today. Much like the rest of the country, Newark was erupting in race riots and Rutgers was a predominantly white university. When Dr. Samuels arrived he became a catalyst for change at the university from lending support to the school's African-American students to seeing that diversity flourished at Rutgers. The notion of a segregated society was foreign to Dr. Samuels and he made it his mission to see that disadvantaged students, students of color, and students of foreign nationalities were all given the same high-quality education. His goal was to create a unified campus life. As a result of his efforts Rutgers-Newark is recognized as one of the country's most diverse universities.

Dr. Samuels not only has the drive to educate our country's young people but also to instill in them the necessary values for the future. He has sought to equip them with the tools necessary to become the future leaders, thinkers, and doers of the next generation. He has inspired greatness through his greatness. Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me in recognizing the work of Dr. Samuels and wish him the best for a healthy and happy future.

MYCHAL JUDGE POLICE AND FIRE CHAPLAINS PUBLIC SAFETY OFFICERS' BENEFIT ACT OF 2002

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. CROWLEY. Mr. Speaker, I rise in strong support for the Mychal Judge Police & Fire Chaplains Public Safety Officers' Benefit Act.

This legislation would ensure that those brave public safety officers who leave behind no spouses, children or parents will still be eligible for the Public Safety Officers' Benefit. This legislation would effect several of the victims of the tragedy of September 11 including Father Mychal Judge.

Appointed in 1992 as the Catholic Chaplain of the New York City Fire Department at the strong urging of the uniformed members of the Fire Department, Father Judge dedicated himself to helping others and counseling to the members and families of members of the New York City Fire Department—a Department that has seen a tragically high number of casualties this year, previous to the events of 9–11.

Taking on this role was characteristic of Father Judges lifetime of service that began when he entered the seminary at age 14. During his 41 years as a priest, Father Judge tirelessly served the sick, homeless, poor, and disabled. He diligently cared for people living with AIDS, worked for peace in Northern Ireland, and tended to the families of the victims of TWA Flight 800, which exploded over Long Island in July of 1996 as well as provided for New York Firefighter families during both times of joy and sorrow.

On September 11, Father Judge died as he lived—serving others. He was among the first units responding at the World Trade Center and, while advised to move to a safer location, he like so many of his comrades in the Fire Department, refused to leave his compatriots. When the firefighters entered the building, Father Judge was at their side, where he remained offering comfort and absolution until the end. We all remember the haunting picture of Father Judge being carried out of the wreckage of the World Trade Center.

In addition to the New York Fire department, many of us here in Congress recognize and acknowledge his good works and have been working with the White House for the posthumous awarding of the presidential Medal of Freedom to Father Judge.

That is why I am so pleased that such a compassionate and vital piece of legislation is named after such a compassionate and vital human being.

Therefore, I urge my colleagues to pass this legislation that serves as a small token of appreciation to those who perish in the line of duty from a grateful nation.

TRIBUTE TO BANDA ESCOLAR DE GUAYANILLA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. SERRANO. Mr. Speaker, it is with great pride that I rise today to pay tribute to the Banda Escolar De Guayanilla, a specular band of young people from Guayanilla, Puerto Rico who will play in the 44th annual National Puerto Rican Parade. The legendary parade, to be held on June 9th in New York City, is the largest celebration of Puerto Rican culture in the United States.

This year, I have the distinct honor of being the parade's Grand Marshall. I can not express how much I appreciate this honor. I am especially proud to be Grand Marshall of the parade this year, because it will be the Banda Escolar De Guayanilla's fifth year participating. This exceptional band marched in the parade in 1987, 1988, 1990, and 1992.

Mr. Speaker, the Banda Escolar De Guayanilla is made up of about 200 students from Guayanilla who spend nearly all of their spare time in rigorous practice, doing drills to improve their performance. These young people are exceptionally talented and have been recognized throughout the country for their precise marching, discipline, and excellent presentation. Not only must these young people hone such difficult skills and travel all over the country to march, they must maintain their schoolwork as well. As a result, they develop unmatched time-management skills and self-discipline at a young age. Only the best march in this band and that is why they have been singled out so many times.

In 1998, the Banda Escolar De Guayanilla became the first Latin American band to march in the Macy's Thanksgiving Day Parade, perhaps the most famous parade in the world. They also participated in the well-known Tournament of Roses Parade in 2001. Along with these major accomplishments, the Banda Escolar De Guayanilla has marched in the Walt Disney World Parade in Orlando, the Thanksgiving Parade in Philadelphia, and dozens of parades throughout Latin America.

Mr. Speaker, I ask my colleagues to please join me in honoring the Banda Escolar De Guayanilla, a marching band of dedicated youth who will grace this year's Puerto Rican Day Parade.

TRIBUTE TO WALTER JOHNSON ON BEING HONORED BY THE SAN MATEO CENTRAL LABOR COUNCIL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Walter Johnson, a respected citizen of San Mateo County, California, who is being honored by the San Mateo Central Labor Council at its 23rd Annual COPE Benefit Dinner on July 18, 2002.

Walter Johnson has been a visionary leader within the labor movement for more than 40 years. His efforts began more than a half century ago when he joined the Department Store Employees Union Local 1100 after securing a job at Sears Roebuck as an appliance salesperson. By 1957, Walter had become the business agent of the union and was elected president the following year. In 1964, Walter Johnson was elected to the union's top position of secretary-treasurer and was subsequently reelected to the position 11 times. It should come as no surprise that Walter was elected as the top labor leader in San Francisco in 1984 and has remained so since then. As secretary-treasurer of the San Francisco Labor Council since 1985, he currently represents 75,000 workers and 125 different unions.

Since his early years as a member of the Department Store Employees Union, Walter Johnson has dedicated his time and talents to improving the lives of his fellow workers. In 1958, Walter Johnson played an integral role in helping the first African-American woman to secure a position behind the counter at Woolworth's.

Today, Walter Johnson continues to ensure that workers have the quality of life they deserve with secure jobs, equitable wages and quality benefits. Walter regularly works with community groups, elected officials and religious leaders to advocate for workers' rights both locally and globally, including in such countries as China and South Korea. Walter Johnson also serves as a member of the Economic Forum Board of Directors where he works to enhance the quality of life for all residents of the Bay Area.

Walter Johnson's commitment to his fellow human beings goes far beyond his work within the labor movement. A heroic and courageous cancer survivor, Walter Johnson has added his personal testimony to the fight against breast cancer, helping to lead rallies on behalf of the Breast Cancer Fund. Walter also serves on the boards of various local organizations including the United Way of the Bay area, the Bay Area Sports Organizing Committee and Our Redeemers Lutheran Church.

Mr. Speaker, Walter Johnson is an outstanding individual and a respected labor and community leader. I ask my colleagues to join me in honoring this distinguished man for all he has done and continues to do. We are a better county, a better people because of him.

IN HONOR OF BARBARA JOHNSON

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Barbara Johnson for her 40 years as an educator and leader at Washington School. Her retirement will be celebrated on June 14, 2002, at Washington School, the very place where generation after generation of students benefited from her guidance.

Barbara Johnson dedicated herself to a life of teaching, greatly influencing the lives of Union City residents. She started her career as a fourth grade teacher at Washington School in 1962. In 1971, she became a helping teacher/curriculum resource teacher, was eventually promoted to assistant principal in 1992, and will retire as Washington School's esteemed principal.

Barbara Johnson has left a lasting legacy at Washington School, having introduced the following outstanding programs: violin program, marching band, multicultural extravaganza, parent dinners, field day picnics, and peer mediation.

Over the past four decades, Barbara Johnson has devoted her life to the students of Washington School. She advocated on their behalf, served as an educational leader, developed the curriculum, and maintained an open door policy for her staff, students, and parents. Her willingness to be an active part of the lives of the students, parents, and staff, her innovative new programs, and her years of commitment will never be forgotten.

Today, I ask my colleagues to join me in honoring Barbara Johnson for 40 years of service to Washington School. She will be missed, and remembered for her commitment and hard work on behalf of Washington School's students and staff. At Washington School, her legacy will live on forever.

RECOGNIZING MS. VIRGINIA W. IMPROTA

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize Ms. Virginia W. Improta, an exceptional history teacher and role model from Johnston, RI. Ms. Improta has been named one of eight national finalists for the Richard T. Farrell Teacher of Merit Award. This national award is presented every year to an educator who develops and uses innovative and creative teaching methods to enhance students' interest in history. As a teacher at Nicholas A. Ferri Middle School in Johnston, RI, she has shown exemplary commitment to making history education engaging and exciting, while involving her students in the National History Day Program.

National History Day is a yearlong program in which students explore historical topics related to an annual theme. Participants qualify for national competition after competing in several local and state competitions. In preparing her students for the program, Ms. Improta's work ethic and research skills provided students with the tools necessary to be successful in competition.

Mr. Speaker, I find it heartening that there are educators in this country who devote so much time and effort to shaping the minds of our young people. I hope you and our colleagues will join me in recognizing Ms. Virginia Improta for her dedication to educating the potential leaders of tomorrow.

ANOKA, MINNESOTA: HALLOWEEN CAPITAL OF THE WORLD

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. LUTHER. Mr. Speaker, I would like to recognize the city of Anoka, MN, for their longstanding tradition of community oriented Halloween festivities. On May 20, 2002, the city council of Anoka, MN, reaffirmed their proclamation of Anoka as "Halloween Capital of the World." Celebrating Halloween as a community for over 80 years, the people of Anoka are proud of their unique tradition. Anoka is thought to be the first to put on a citywide celebration and parade to provide families with alternative activities and fun on Halloween.

Local historians have traced the Anoka Halloween tradition back to its initial celebration in 1920. That year, local civic organizations, businessmen, teachers, city workers, and the National Guard joined together and planned the first Halloween celebration. This celebration provided a fun and safe environment in which to enjoy Halloween and has been a major community event ever since. Due to the celebration's size and community significance, Anoka first proclaimed itself the "Halloween Capital of the World" in 1937.

The community's ongoing commitment to the celebration is clearly reflected in year-round planning that includes citizens of all ages. In this way, the Halloween celebration is a unique civic asset and Anoka certainly lives up to its title as "Halloween Capital of the World."

PERMANENT DEATH TAX REPEAL ACT OF 2002

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Ms. McCOLLUM. Mr. Speaker, before Congress passes legislation placing an enormous drain on the federal budget in future years, we first need to address the serious problems with funding homeland defense, protecting education, the environment, Social Security and Medicare.

While the Republican bill permanently repeals the estate tax, it provides no immediate relief for small, family-owned estates which are the ones most in need. Make no mistake—repealing the estate tax in 2011 will not stimulate the economy in 2002.

I support more immediate estate tax relief and voted for the substitute that freezes the existing maximum estate tax at the current rate of 40 percent and increases the estate tax credit to $3 million, $6 million for couples, beginning in 2003, up from $1 million under current law.

I stand today in opposition to H.R. 2143, to make repeal of the estate tax permanent. Under last year's Republican tax bill, repeal of the estate tax is slowly phased in until 2010. However, because Republicans put a sunset on all of their tax-cut provisions to hide their true costs, the estate tax will return to the 2001 levels of taxation in 2010.

This permanent repeal of the estate tax benefits only the very wealthiest in our society while endangering our long-term economic stability and the solvency of Social Security and Medicare. Once again, the House Republican Leadership has shown its true priorities by helping 22,000 families at the very top of the income scale while letting 35 million seniors wait for help with their prescription drug bills.

Currently, the estate tax applies to fewer than 2 percent of all estates—less than 50,000 each year. In addition, family-owned businesses and farms are already eligible for special tax treatment under current law.

Families in Minnesota's Fourth District want sound investments in our future, protecting Social Security and Medicare, and responsible tax cuts that provide relief now. For example, the average Minnesota gross estate for tax purposes of $5 million or more in 1999 was approximately $586,000. I supported a $5 million exemption that would have eliminated the estate tax on all but 36 Minnesota estates that owned estate tax.

I found it embarrassing to open the Washington Post today to see that based on the personal assets of the Bush administration Cabinet, a full repeal of the estate tax will save the Bush Cabinet $98–$332 million in estate tax. The President has taken his full repeal message to family farmers in the Midwest telling them he's fighting for them. Yet family farmers rarely pay estate tax. In fact, last year the American Farm Bureau Federation could not cite a single example of a farm lost because of estate taxes when pressed.

So far, the Republicans' fiscal plan has meant that we have gone from projected surpluses of $5.6 trillion to deficits as far as the eye can see—not to mention the fact that unless Congress takes action to balance the budget, we will have to raise the federal debt limit to ensure that the government does not default on its current debts.

This year alone, the budget deficit, excluding the Social Security trust fund, is estimated to be $314 billion. Over the next 10 years, the non-Social Security deficit will total $2.6 trillion. If these projections are correct, the budget is on course to deplete the entire Social Security surplus and the entire Medicare surplus between now and 2012.

NATIONAL HISTORY DAY NATIONAL CONTEST

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. STRICKLAND. Mr. Speaker, I want to commend and congratulate two students from Ohio who have been chosen to present projects at the National History Day national contest, which is taking place this year from June 9 through the 13. Alexandria West, who is from Gallipolis, OH, will present her project, "Amistad: From Freedom and Back," and Katie Marburger, who is from Niles, OH, will present an exhibit called ". . . And Justice for All? The Imprisoning of the Japanese Americans: A Revolution in Discrimination." These projects reflect this year's National History Day theme of "Revolution, Reaction, Reform in History" and were selected from more than half a million students across America.

The National History Day program seeks to give students the critical thinking and research skills that are essential for excellence in all subject areas. Students research history topics of their choice related to an annual theme and create exhibits, performances, documentaries, and papers, which they may enter into competitions at the district, state, and national levels. The program annually engages more than half a million participants in grades 6 through 12 in 49 States and the District of Columbia.

CONGRATULATING DR. ARUN N. NETRAVALI

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. FERGUSON. Mr. Speaker, I rise today to congratulate Dr. Arun N. Netravali on being named a 2001 National Medal of Technology Laureate.

Given each year by the President, the National Medal of Technology is the highest honor that our country can bestow upon America's innovators. Enacted by Congress in 1980, the National Medal of Technology was first awarded in 1985 to honor those scientists who through their work push the bounds of technology with the goal of benefiting humanity.

Dr. Netravali's career achievements are certainly deserving of the highest acclaim. He is a pioneer in the field of digital technology. Serving from 1999 to 2001 as the ninth president to Bell Labs' history, Dr. Netravali is currently the company's chief scientist and has been the head of the research and development team working on Bell Labs' high definition television (HDTV) effort. He has authored more than 170 technical papers and co-authored three books. He holds more than 70 patents in the areas of computer networks, human interfaces to machines, picture processing and digital television.

With great minds like Dr. Netravali working along the frontier of technology, we can only expect to be amazed by what will be achieved in the near future. I commend Dr. Netravali for his lifelong dedication to science and his unrelenting pursuit of the unimaginable.

IN MEMORY OF INDIA'S ATTACK ON A RELIGIOUS SHRINE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. BURTON of Indiana. Mr. Speaker, as you may know, this week marked the anniversary of India's June 1984 attack on the Golden Temple in Amritsar, the seat of the Sikh religion. This is the equivalent of attacking the Vatican of Mecca.

In the attack, which also included attacks on 38 other Sikh temples (known as Gurdwaras), more than 20,000 Sikhs were killed, including Sant Jarnail Singh Bhindranwale, a Sikh political leader. The Indian government hoped that by murdering Bhindranwale, it would end the Sikh Nation's aspirations for freedom, but as Bhindranwale himself said, the attack "laid the foundation of Khalistan," the independent Sikh homeland.

I would like to extend my sympathies to all Sikhs on this occasion and I would like to let them know that many of us grieve with them at this brutal atrocity committed against them.

The Council of Khalistan recently led a commemoration of the Golden Temple attack. I would like to place the report of that commemoration into the RECORD for the information of my colleagues.

SIKHS OBSERVE KHALISTAN MARTYRS DAY—SIKHS NEVER FORGIVE OR FORGET ATTACK ON GOLDEN TEMPLE

GOLDEN TEMPLE ATTACK LAID FOUNDATION OF KHALISTAN

WASHINGTON, D.C., June 1, 2002.—It is a Sikh tradition and Sikh history that Sikhs never forgive or forget the attack on the Golden Temple, the Sikh Nation's holiest shrine. In that spirit, Sikhs from all over the East Coast gathered in Washington, D.C. today to observe Khalistan Martyrs Day. This is the anniversary of the Indian government's brutal military attack on the Golden Temple and 38 other Sikh temples through Punjab, from June 3–6, 1984. More than 20,000 Sikhs were killed in those attacks, known as Operation Bluestar. These martyrs laid down their lives to lay the foundation for Khalistan. On October 7, 1987, the Sikh Nation declared its homeland, Khalistan, independent.

"We thank all the demonstrators who came to this important protest," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "These martyrs gave their lives so that the Sikh Nation could live in freedom," Dr. Aulakh said. "We salute them on Khalistan Martyrs' Day," he said. "As Sant Bhindranwale said, the Golden Temple attack laid the foundation of Khalistan."

Sikhs ruled Punjab until 1849 when the British conquered the subcontinent. Sikhs were equal partners during the transfer of power from the British. The Muslim leader Jinnah got Pakistan for his people, the Hindu leaders got India, but the Sikh leadership was fooled by the Hindu leadership promising the Sikhs would have "the glow of freedom" in Northwest India and the Sikhs took their share with India on that promise. No Sikh representative has ever signed the Indian constitution.

Recently, former Senate Majority Leader George Mitchell (D–Me.) said, "The essence of democracy is the right to self-determination." The minority nations of South Asia need freedom. "Without political power nations perish. We must always remember these martyrs for their sacrifice," Dr. Aulakh said. "The best tribute to these martyrs would be the liberation of the Sikh homeland, Punjab, Khalistan, from the occupying forces," he said. "That must be the only objective," he said. "We should use the opportunity presented by the situation in South Asia to liberate our homeland."

The Golden Temple attack launched a campaign of genocide against the Sikhs that belies India's claims that it is a democracy. The Golden Temple attack made it clear that there is no place for Sikhs in India. Since 1984, India has engaged in a campaign of ethnic cleansing in which tens of thousands of Sikhs were murdered by the Indian police and security forces and secretly cremated after declaring them "unidentified." The Indian Supreme Court described this campaign as "worse than a genocide." General Narinder Singh has said, "Punjab is a police state." U.S. Congressman Dana Rohrabacher (R–Cal.) has said that for Sikhs, Kashmiri Muslims, and other minorities "India might as well be Nazi Germany."

According to a report last year by the Movement Against State Repression, India admitted that 52,268 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. In February, 42 Members of the U.S. Congress wrote to President Bush to get these Sikh prisoners released. MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]"

Indian security forces have murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. These figures were published in The Politics of Genocide by Inderjit Singh Jaijee. India has also killed over 200,000 Christians in Nagaland since 1947, over 80,000 Kashmiris since 1988, and tens of thousands of Tamils, Bodos, Dalits (the aboriginal people of the subcontinent labelled "Untouchables") as well as indigenous tribal peoples in Manipur, Assam and elsewhere. In March 2000, while former President Clinton was visiting India, the Indian government murdered 35 Sikhs in the village of Chithisinghpora, Kashmir and tried to blame the massacre on alleged militants. The Indian media reported that the police in Gujarat were ordered by the government to stand by and not to interfere with the massacre of Muslims there.

"Guru gave sovereignty to the Sikh Nation," Dr. Aulakh said. "The Golden Temple massacre reminded us that if Sikhs are going to live with honor and dignity, we must have a free, sovereign, independent Khalistan," he said.

PASSING OF W. BAIN PROCTOR, JR.

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. COLLINS. Mr. Speaker, on June 5th, Spalding County and the City of Griffin, Georgia lost a dear friend and public servant. W. Bain Proctor, Jr. tirelessly worked for the betterment of the people of Griffin, serving as a City Commissioner, County Commissioner, and on the boards of the Griffin-Spalding County Recreational Board and the Georgia State Recreational Board.

Mr. Proctor was a servant of the people in the true sense of the word. He never regarded praise for his actions or sought credit, often working behind the scenes to get things done. Bain was a consistent force for positive government action. Often he would call or write to me to let me know how people in his area felt about a particular issue. Nothing in that is unusual. As Members of Congress, we hear from hundreds of constituents on a regular basis. What made Bain's contacts memorable and effective was that he seldom tried to influence your decision on legislation in a particular way, based on any bias he may have had. He was simply satisfied to make sure that I knew how the people of Griffin felt. As such, whenever he did have a position to advocate, I made sure to listen.

In addition to his steady influence on local public policy, Bain was involved in the more charitable side of his community, serving on the boards of the Salvation Army and the American Cancer Society, he was a member of the Rotary Club, and a Navy veteran of the Vietnam War who helped to build a memorial to the brave men and women who laid down their lives in that conflict.

Not only did Bain lead by example, he did a great job of instilling his love of community and service to those close to him. During Bain's funeral, his daughter Heather implored the filled-to-capacity room to pick up the torch her father had passed. "On behalf of Dad and the rest of the family, I ask you to be a part of this community. Get involved and remain involved. He would not have gone on if he did not have faith in us," Heather urged.

Bain Proctor lived a life of silent leadership. He was a steady force in a turbulent world. He will be missed by his community, his family, and those of us who were close to him. I thank him and commend him for his efforts on behalf of the people of Griffin and I thank him for his insights and advice to me as a lawmaker. I ask God's blessing on Bain's family during their time of grief, and urge everyone who hears this to follow Heather's urging and pick up Bain's torch of community service.

MEMORIAL TRIBUTE AND EXTOLMENT TO THE CITY OF LYNWOOD, CALIFORNIA

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Ms. MILLENDER-McDONALD. Mr. Speaker, whereas, the city of Lynwood, California, was incorporated in 1921, when new residents flocked to the area because of its great land and plentiful water; and

Whereas, since Lynwood's inception, the city has shown tremendous strength in community involvement and has overcome many obstacles that challenged the young city; and

Whereas, in the 1930s, Lynwood faced a devastating earthquake and severe economic hardship during the Great Depression, yet the community was rebuilt, supplying construction jobs for unemployed local citizens; and

Whereas, Lynwood grew rapidly through the economic boom of the 1940s and served as a settling place for returning World War II veterans; and

Whereas, in 1961, Lynwood won the National All-American City Contest and 22 Lynwood schools captured Freedom Foundation Awards; and

Whereas, through the years, Lynwood has grown into a multi-racial, multi-ethnic, and multi-lingual community representative of a diverse United States; and

Whereas, Lynwood was invigorated during the 1990s with many new community developments, including a new state-of-the-art high school, a youth center, and the Rosa Parks Transit Center.

Now therefore, be it recognized that Congresswoman JUANITA MILLENDER-McDONALD proudly recognizes the city of Lynwood, California for the 80th Anniversary of its incorporation and as a flourishing, multi-cultural community that is representative of an increasingly diverse United States.

A TRIBUTE TO COL. ABRAHAM J. TURNER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. GILMAN. Mr. Speaker, today, I am pleased to recognize the outstanding service to our Nation of Col. Abraham J. Turner, who will be leaving his position with us as Chief of the Army House Liaison Division on June 13, 2002 for assignment as the Assistant Division Commander of the 82d Airborne Division, Fort Bragg, North Carolina. During his tenure here, Abe has distinguished himself as a friend, trusted resource, and an officer who epitomizes the modern American professional soldier.

Abe Turner's illustrious career as an infantry officer embodies all of the Army's values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage.

Colonel Turner has demonstrated his outstanding tactical and operational expertise in numerous command and staff positions overseas and in the continental United States. Continually serving in positions of ever-increasing responsibility, the highlights of his career include serving as a company and Battalion Commander with the 82d Airborne Division, regimental tactical officer at West Point, commander of the Infantry Training Brigade, and special assistant to the Chairman of the Joint Chiefs of Staff.

Indicative of the quality of Colonel Turner's leadership, management, and interpersonal skills, was the fact that he was specially selected to serve as the Chief of the Army's Congressional Liaison Office in the U.S. House of Representatives. As such, he has been responsible for maintaining liaison with 435 Members of Congress, their personal staffs, and 20 permanent or select legislative committees. Over the past year, Abe devoted himself to getting to know over 180 members personally. His dedication, candor and professionalism while serving in this capacity has earned him the reputation of being the best source on Capitol Hill to resolve issues pertaining to the Army.

Upon leaving us, Colonel Turner, already selected and confirmed for promotion to Brigadier General, will return home to the 82d Airborne Division, where he will continue to serve our nation as Assistant Division Commander. That great All-American Division could not hope for the stewardship of a better leader than Abe Turner.

Accordingly, I invite my colleagues to join in offering our heartfelt thanks to Col. Abraham J. Turner for his selfless service. He represents the very best that our great Nation has to offer. We wish Abe and his wife, Linda, continued success and happiness in all of their future endeavors.

HONORING LUTHER KHACHIGIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Luther Khachigian for his many years of service as a board member of the California Grape Rootstock Commission and the California Grape Rootstock Research Foundation. In January, Mr. Khachigian retired from his service on these boards, but remains an active member of the organizations and the agriculture community.

Luther graduated from the University of California, Davis, with a degree in pomology and a minor in viticulture. In 1962, he founded Cal-Western with a one acre nursery and has expanded to a farming and nursery operation, which is now known throughout California's Great Central Valley. Cal-Western specializes in table grapes, wine grapes, walnuts, and the production of grape rootstock.

Mr. Khachigian has dedicated his time, efforts, and finances to the improvement of more than just the agriculture industry in California. In addition to the Commission and the Foundation, Luther is a member of the College of Sequoias Board of Trustees, the University of California Ag Issues Center, and the University of California, Davis, Foundation.

Mr. Speaker, I rise today to thank Luther Khachigian for his many years of devoted service to agriculture and his participation on the Boards of the California Grape Rootstock Improvement Commission and the California Grape Rootstock Research Foundation. I invite my colleagues to join me in wishing Luther many years of continued success.

IN MEMORY OF MEDAL OF HONOR RECIPIENT GINO MERLI

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. SHERWOOD. Mr. Speaker, I rise to honor and remember an American hero . . . World War II Medal of Honor recipient Gino Merli. Mr. Merli passed away yesterday at his home in Peckville, Pennsylvania, at the age of 78. The son of a coal miner, Gino Merli lived a life defined by the words "service" and "sacrifice".

At a time when America was at war, much like today, Mr. Merli answered his internal call to service and enlisted in the Army, even before graduating from high school. He was a teenage machine gunner in September of 1944, when, in the vicinity of Sars la Bruyere, Belgium, his company was overrun by the superior firepower and numbers of an attacking German force. Private First Class Merli and his assistant gunner resolutely held their position covering the withdrawal of his fellow soldiers and blunting the attack of the enemy.

During the night, the Germans assaulted Pfc. Merli's position killing his assistant gunner and capturing the position. Pfc. Merli feigned death by slumping down aside his assistant gunner and endured many bayonet thrusts to determine if he and his gun crew were out of action. When the Germans moved on, he would jump back to his machine gun and engage the enemy with fire. Throughout the night, Pfc. Merli remained with his weapon and repeated this process several times until daybreak. As morning dawned, the Germans had suffered such heavy losses that 700 surrendered. Pfc. Merli's commanding officer found him still at his weapon, covered in his assistant gunner's blood, with 52 enemy dead around his position.

When informed by his commanding officer that he would be recommended to receive the Congressional Medal of Honor, Pfc. Merli stated that his assistant gunner who had made the ultimate sacrifice should be the recipient. He said that his gunner was the "true" hero. Pfc. Merli's only request was to attend church.

This moment defined the courage, integrity and conviction of young Merli. He demonstrated the ability to think under tremendous pressure to fulfill his duty. At its core, courage is the ability to think and act under pressure while realizing the potential costs of your actions. He demonstrated his integrity as he recommended his assistant gunner for our nation's highest military honor, for the gunner had given his last full measure of life in the execution of his duty. And he manifested his selfless religious convictions as he walked to church to pray for his fellow fallen soldiers and those German soldiers whose lives he had taken.

Last Saturday, the History Channel aired a special on Mr. Merli's First Infantry Division known as the Big Red One. I recommend that all in this House take the time to view it. As Mr. Merli recounts the events of that night in Belgium to Roger Mudd, the emotional loss of his assistant gunner, whom Mr. Merli views throughout time as the real hero that night, tears welled up in his eyes. Selfless as always, Mr. Merli states that the true heroes are the American soldiers who did not come back and gave their lives in the service of their nation.

Upon returning from the war, Gino Merli served our nation's veterans for thirty-four years as an adjudication officer at the Veterans Administration Center in Plains Township, Pennsylvania. Service and sacrifice were the foundations upon which he lived his life. This nation has been truly blessed by men such as Mr. Merli who have sustained us in times of war and healed the veteran in times of peace.

In a letter to an appreciative citizen, Mr. Merli wrote:

> Not everyone can be a Medal of Honor recipient. But everyone can take pride in himself—have pride in his heritage. We must always keep trying to better ourselves and our surrounding and we must never quit. Always remember America is you and me.

I want to assure the many military men and women from Northeastern Pennsylvania and throughout the country who are serving in harm's way, that this nation will never break the sacred promise between the veterans and the people for whom they have sacrificed.

Mr. Merli fought the good fight in peacetime and war. He will be sorely missed, but his actions and sacrifice and service to his country will never be forgotten. From a grateful American people and nation we extend our condolences to Mr. Merli's family. Godspeed Pfc Merli, we know that you will hold the high ground until relieved.

Mr. Speaker, I request that Mr. Merli's Medal of Honor Citation be included as part of the permanent CONGRESSIONAL RECORD for future generations to honor and read.

> The President of the United States in the name of The Congress takes pleasure in presenting the Medal of Honor to:
>
> MERLI, GINO J.—Rank and organization: Private First Class, U.S. Army, 18th Infantry, 1st Infantry Division. Place and date: Near Sars la Bruyere, Belgium, 4–5 September 1944. Entered service at: Peckville, Pa. Birth: Scranton, Pa. G.O. No.: 64, 4 August 1945.
>
> Citation: He was serving as a machine gunner in the vicinity of Sars la Bruyere, Belgium, on the night of 4—5 September 1944, when his company was attacked by a superior German force. Its position was overrun and he was surrounded when our troops were driven back by overwhelming numbers and firepower. Disregarding the fury of the enemy fire concentrated on him he maintained his position, covering the withdrawal of our riflemen and breaking the force of the enemy pressure. His assistant machine gunner was killed and the position captured; the other 8 members of the section were forced to surrender. Pfc. Merli slumped down beside the dead assistant gunner and feigned death. No sooner had the enemy group withdrawn than he was up and firing in all directions. Once more his position was taken and the captors found 2 apparently lifeless bodies. Throughout the night Pfc. Merli stayed at his weapon. By daybreak the enemy had suffered heavy losses, and as our troops launched an assault, asked for a truce. Our negotiating party, who accepted the German surrender, found Pfc. Merli still at his gun. On the battlefield lay 52 enemy dead, 19 of whom were directly in front of the gun. Pfc. Merli's gallantry and courage, and the losses and confusion that he caused the enemy, contributed materially to our victory.

A RESOLUTION REGARDING THE 55TH ANNIVERSARY OF THE LYNWOOD CHAMBER OF COMMERCE, CA, AND ITS OUTSTANDING LEADERSHIP FOR LYNWOOD BUSINESS OWNERS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Ms. MILLENDER-McDONALD. Mr. Speaker, whereas, the Lynwood Chamber of Commerce, California, was founded in 1946, and W.W. Jones, principal of the high school, was elected the first president of the chamber, and Jack Weaver was elected the first secretary;

Whereas, 2001 marks the 55th anniversary of the Lynwood Chamber of Commerce, California, an organization that has provided outstanding assistance to its members, helping their businesses flourish;

Whereas, the Lynwood Chamber of Commerce, California represents over 1,500 home-based, commercial, industrial, and manufacturing businesses in Lynwood;

Whereas, the Lynwood Chamber of Commerce, California continues to promote area businesses through functions such as the Annual Business and Economic Development Expo;

Whereas, the Lynwood Chamber of Commerce, California hosts important events for business owners, including forums for minority and women business owners and the Annual Legislative Conference, which allows businesses to meet with their elected officials from the local to Federal level; and

Whereas, the Lynwood Chamber of Commerce, California provides youth scholarships, including the Mr. and Miss Lynwood Scholarship Competition and the Annual Educational Golf Classic, which have generated over $150,000 in the past years.

Now therefore, be it recognized that Congresswoman JUANITA MILLENDER-MCDONALD proudly recognizes that the Lynwood Chamber of Commerce, California serves the businesses of Lynwood with distinction; and provides important scholarships for children and assists business owners, including minorities and women, to promote their businesses.

FATHERS ARE IMPORTANT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. PITTS. Mr. Speaker, I rise today in support of America's fathers.

Mr. Speaker, fathers are important. They're important to our communities, our civic institutions and most of all they are important to their families, especially their children. Tonight, 40 percent of American children will go to sleep in a home without their father. Forty million children will see another day come and go without hearing the sound of their father's voice or playing catch with their Dad in the backyard or having their father tuck them into bed. And what's even more sad is that it's not because their fathers went on a business trip or had to work the late shift. It's because their fathers are gone. And for these children tonight is going to be a lot like last night and may be a lot like tomorrow night. Forty million American children have not seen their fathers in over a year.

Mr. Speaker, being a father has been one of the greatest privileges of my life. Watching my children grow and teaching them right from wrong has given me more joy than I ever thought possible. Just this last year, I became a grandfather for the first time. Watching my son be a father to his son has reconfirmed for me the importance and joys of fatherhood. I salute the many single mothers who work hard to support and care for their children. But, fathers are important. They can't be replaced.

RECOGNITION OF CARL "BRONKO" STANKOVIC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. VISCLOSKY. Mr. Speaker, it is with great pride that I recognize Mr. Carl "Bronko" Stankovic, a proud World War II veteran and dear friend of mine. Bronko has recently brought to my attention an inspirational poem written by his friend Bev Freeman, of Morgan Hill, California, during the Second World War. Bev passed away last year leaving behind not only loved ones but strong friendships forged during the war. After the funeral, Bronko and Bev's daughter, Carolyn Turner, came across a poem written by Bev and two members of his Tank Battalion that embodied the war experience not only for Bronko, but many other veterans.

This poem speaks powerfully to the uncertainty and fear faced by World War II combatants. The emotions it represents rings true with Bronko, and the hundreds of veterans he has shared this poem with. Bev's poem has been copied and given out at reunions since its discovery, and now I would like to share it with the Congress of the United States.

Mr. Speaker, it is with great pride that I submit this untitled poem as a tribute to Bev's tank crew and to the memory of all our lost World War II veterans:

Look, God I have never spoken to you.
But now, I want to say, "How do you do?"
You see, God, they told me you didn't exist.
And, like a fool, I believed all this.

Last night from my turret I saw your sky.
I figured then they told me a lie.
Had I taken time to see things you made,
I'd have known they weren't calling a spade a spade.

I wonder, God, if you'd shake my hand?
Somehow I feel that you will understand.
Funny I had to come to this Hellish place
Before I had time to see your face!

Well, I guess there isn't much more to say.
But I'm sure glad God that I met you today.
I guess the hour will soon be here.
I'm not afraid since I know you're near.

There's the signal; Well, God, I've got to go.
I like you a lot—this I want you to know.
Look now, this will be a kind of a rough fight.

Who knows, I may come to your house tonight.

Though I wasn't friendly to you before,
I wonder, God, if you'd wait at the door?
Look, I'm crying, Oh, me shedding tears;
I wish I had known you these many years.

Well, I have to go now, God, so good-bye.
Strange, since I met you, I'm not afraid to die.

Mr. Speaker, I hope this poem inspires my distinguished colleagues as it has inspired me. The Greatest Generation has given so much to younger generations that I am happy to give something back by submitting this poem to the House of Representatives. I would ask my colleagues to join me in honoring World War II veterans with a moment of silence.

PERMANENT DEATH TAX REPEAL ACT OF 2002

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2143, the Permanent Death Tax Repeal Act and I urge my colleagues to lend this measure their support.

This measure would repeal the sunset provision pertaining to the death tax that was included in the comprehensive tax relief legislation passed by Congress in the spring of 2001.

Without passage of today's bill, the death tax provisions, which are gradually phased out over the next 8 years, will revert to 2001 levels in 2011.

The estate tax is an outmoded policy that has long outlived its usefulness. Alternatively known as the death tax, this tax was instituted in 1916 to prevent too much wealth from congregating with the wealthy capitalist families in early 20th century America. The law failed in its original purpose, as the truly wealthy are always able to shelter their income with the help of tax attorneys that the middle-class cannot afford.

Instead, as incomes have risen in the past 30 years, the death tax, like so much of the Tax Code, has begun to impact the middle class, especially those with cash poor estates, like small businesses or family farms.

The Congress addressed this problem last year, by providing for a 10-year phase-out of the death tax. However, this structure makes advanced estate planning difficult, especially for those planning for after 2011.

Given this, it makes sense to simply repeal the sunset provisions affecting the death tax after 2010. This measure accomplishes this goal, and I urge my colleagues to join in support.

A STATEMENT ON THE PASSING OF HOLOCAUST SURVIVOR ALEX STEINER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. FARR of California. Mr. Speaker, Alex Steiner, Holocaust survivor and longtime resident of Highland Park, New Jersey, died May 23, 2002 in Oregon. Alex ("Sanyi," to his intimates) was born in Budapest, Hungary, in 1920. He was a young man when World War Two came to his native land. Like many able-bodied Jewish male citizens, he was confined to a Hungarian labor camp for most of the War. After the War, Alex, his mother and older sister (their father, an older brother and many other extended family members did not survive), were displaced persons in Germany. They immigrated to the United States in 1949 to New Brunswick, New Jersey, where Alex's uncle sponsor and his family lived.

Alex embraced American patriotism and bought into the American dream. He was hardworking and ambitious for himself and for his family. Among his occupations he owned a shoe store in New Brunswick and sold commercial real estate. He and his wife Julie ("Joli"), a concentration camp survivor, extended themselves to provide a comfortable home in a good neighborhood for the family. Alex was always openly grateful to the United States for providing him a chance for the good life. He often insisted that few understood how unparalleled in goodness and opportunity our country is.

After his retirement and his wife's death, Alex moved with his son to Portland where his lawyer daughter and her family lived. He was a loving, attentive grandparent to his two grandsons and an active optimistic person to the moment of his final illness.

Alex Steiner was a lively, fun-loving, voluble, energetic social man. He was a talented musician who played several instruments and could readily pick up any piece of music. In Germany he led an orchestra that performed for American service personnel. When he came to America, he brought as an appreciative present for his young American cousin a full-sized accordion.

He was a loving relative, whose closeness to his uncle and others was especially touching. Survived by his son, daughter and two grandsons, he will be missed as a bright spot in life by those who knew him well.

TRIBUTE TO CLINTON, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate the city of Clinton, Missouri, for being recognized as the first recipient of the "Random Acts of Service" award sponsored by Hilton Hotels Corporation. In response to a national re-commitment to the service of our neighborhoods and our nation, Hilton Hotels launched a nationwide community effort aimed at committing one million random acts of service in 2002.

The community of Clinton, Missouri, in conjunction with the program "Random Acts of Service" will be involved in many volunteer efforts during the months of May and June. Volunteers from Hilton Hotels and citizens of Clinton, Missouri, will be restoring the Historic Missouri Artesian Park in Clinton, among other projects.

Mr. Speaker, I applaud the city of Clinton for helping to make their community and our great country a better place to live. I know that Members of the House will join me in wishing them all the best in the days ahead.

TRIBUTE TO HENNINGER HIGH SCHOOL BASKETBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. WALSH. Mr. Speaker, I rise to congratulate the Henninger High School Boys Basketball Team for winning the Class A State Championship. The win was a great testament to the hard work and dedication of this team and its staff.

The Black Knights of Henninger made history when they won the Class A championship title by defeating McQuaid Jesuit High School of Rochester, 71 to 56. They were the first team in their section to bring home a Class A championship. On top of this great victory the Black Knights had a close to perfect season winning 25 of their 27 games played.

Henninger player Chris Turner was deserving of special recognition by breaking the Class A single-game record, scoring 38 points to aid in the teams victory. He and fellow teammate Jerice Crouch were also players on the New York All-State Team and helped to carry the Black Knights to their victory.

I would also like to give a special recognition to Joe Mazella for his dedicated service as Head Coach to the Black Knights. He is going to be stepping down from his position at the end of this season. Mazella finished his career with an impressive record of 245 wins and 78 losses. Under his direction, the team won nine Onondaga League championships and five sectional crowns. Personally he has won the All-Central New York coach of the year twice, once in 1995 and then again in 2002.

On behalf of the people of the 25th district of New York, it is my honor to congratulate the Henninger High School Basketball Team and its coaching staff on their Class A Championship. With these remarks I would like to recognize the following players and staff: Chris Turner, Chase Frazer, Jerice Crouch, Quincy Fulmer, Markese Brown, Jason Nelson, Justin Wright, Terrance Evans, Roger Robinson, Erris Robinson, Dan Rogers, Lawrence Graser, Lenell Graham, Sedric Hawkins, and Head Coach: Joe Mazella.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. DEMINT. Mr. Speaker, on June 11, 2002 I was unavoidably detained and was not present for three rollcall votes. Had I been present, I would have voted "aye" on rollcall votes Nos. 220, 221, and 222.

A RESOLUTION PRESENTING A MEMORIAL TRIBUTE TO THE LIFE AND LEGACY OF GERTRUDE SCHWAB

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Ms. MILLENDER-McDONALD. Mr. Speaker, Gertrude Schwab was born in Wilmington, California on November 6, in the year 1926, to Henry and Anna Viereck; she was the fourth of nine children; and

Whereas, Gertrude Schwab received her early education at Avalon Elementary and Phineas Banning High School in her hometown of Wilmington, California; and

Whereas, Gertrude Schwab married Bill Schwab on March 28, in the year 1945, and from this union were born three sons: Michael, Frank, and David, seven grandchildren, and one great-grandchild; and

Whereas, Gertrude Schwab raised her three sons, taking a strong participatory role in their upbringing through PTA, Cub Scouts and numerous other family oriented activities; and

Whereas, Gertrude Schwab attended Harbor College in Wilmington, earning her License of Vocational Nursing graduating on the Dean's list in 1973 enabling her to do the work she loved, caring for those in need at Kaiser Hospital in Harbor City and Harbor General Hospital; and

Whereas, Gertrude Schwab dedicated her life to community activism as a volunteer involved in political and social issues and activities essential to the advancement of the community of Wilmington; and

Whereas, Gertrude Schwab was appointed by the Mayor of Los Angeles in 1993 to a seat on the Harbor Commission, where she served with dignity and thoughtfulness for the citizens of Wilmington, who are most affected by Port issues; and

Whereas, Gertrude Schwab, through her advocacy, made Wilmington a better place to live, touching the lives of countless people, including myself.

Now therefore, be it resolved that Congresswoman JUANITA MILLENDER-MCDONALD proudly recognizes this woman of dedication, courage, persistence and wisdom and her distinguished service to her community.

MYCHAL JUDGE POLICE AND FIRE CHAPLAINS PUBLIC SAFETY OFFICERS' BENEFIT ACT OF 2002

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of this legislation.

Our nation's police and fire chaplains serve their communities each day, often putting their own lives in danger.

Tragically, on September 11, 2001, some public safety officers lost their lives responding to the terrorist attack in New York City.

One brave man, Father Mychal Judge, died as he was helping victims escape from the chaos. Unfortunately, his family and the families of nine other public safety officers are not eligible for federal death benefits.

This legislation would change that policy. While no amount of money will ever replace what these families have lost, we owe it to them to do whatever we can to ease any financial hardship.

I urge my colleagues to support this legislation and to recognize the bravery of all public safety officers.

IN HONOR OF RESCUE HOOK & LADDER CO. NO. 1

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate the officers and members of Rescue Hook & Ladder Co. No. 1 of Roslyn. This year, Rescue Hook & Ladder Co. No. 1 will celebrate its 150th anniversary, making it one of the oldest fire companies in the State of New York.

Rescue Hook & Ladder Co. No. 1, since the introduction of its Charter by the Assembly of the State of New York in 1866, has shown heroic dedication to the Roslyn community. It is this untiring commitment at the moment of utmost danger that has forever unified Rescue Hook & Ladder Co. No. 1 with the families it so ably protects.

Moreover, the officers and members of Rescue Hook & Ladder Co. No. 1 are proud of their legacy and achievement within the Roslyn community. They are committed to maintaining their reputation for only the highest standards long into the future.

To the officers and members of Rescue Hook & Ladder Co. No. 1 and to the memory of all the fallen firefighters, who sacrificed their lives to preserve our freedom during the terrorist attacks of September 11, I ask my colleagues to join me in commemorating this historic anniversary.

PARTICIPATING IN BLUE STAR SERVICE PROGRAM

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. SIMMONS. Mr. Speaker, I rise today in support of the U.S. Armed Forces and the recognition of their services by emphasizing the importance of an American tradition, known as the Blue Star Banner Program. I would also like to take a moment to praise the American Legion for their tireless role in promoting traditions such as this and their endless support of veterans throughout the years.

The service banner has had a long history in the United States dating back to World War I. These banners were displayed in communities across the nation in homes, businesses, churches and schools as an indication that a member of a family or organization was serving in the U.S. Armed Forces. The blue stars of these banners were replaced with gold stars as service-members were killed or died as a result of war-time injuries.

These banners saw their popularity peak during World War I and World War II, but have also been seen during the Korean War, Beirut, Grenada, Panama, Persian Gulf, Somalia, Bosnia and Saudi Arabia conflicts.

It is time again, to show our support for the U.S. Armed Forces. America has found herself at a time of war due to the events of 9/11. As a result, our nation has been called once again to defend and uphold the moral obligations of freedom and democracy. The need for patriotism, a shared national unity and purpose directed at our common enemy, has never been clearer.

I have been given the opportunity to honor several constituents who are serving in the Armed Forces. These men are Jason Tinelle, who currently serves in Bosnia as an infantry Platoon Sergeant, and TM1 Richard Messick, who currently serves aboard the USS *Hartford.* On behalf of the American Legion and a grateful nation, I presented the Blue Star Banner to their families and children as a symbol of their loved ones' endless dedication and sacrifice for patriotism and freedom.

I strongly encourage all Members of Congress to honor their constituents by participating in the Blue Star Service Banner Program. Contact your local American Legion Office and encourage your media to promote this program and let the public know that this program is still strong.

Let's do everything we can to stand behind the men and women who are fighting for America.

LEGISLATION RESTORING FIRST AMENDMENT PROTECTIONS OF RELIGION AND RELIGIOUS SPEECH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce legislation restoring First amendment protections of religion and religious speech. For fifty years, the personal religious freedom of this nation's citizens has been infringed upon by courts that misread and distort the First amendment. The framers of the Constitution never in their worst nightmares imagined that the words, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech . . ." would be used to ban children from praying in school, prohibit courthouses from displaying the Ten Commandments, or prevent citizens from praying before football games. The original meaning of the First amendment was clear on these two points: The federal government cannot enact laws establishing one religious denomination over another, and the federal government cannot forbid mention of religion, including the Ten Commandments and references to God.

In case after case, the Supreme Court has used the infamous "Separation of Church and State" metaphor to uphold court decisions that allow the federal government to intrude upon and deprive citizens of their religious liberty. This "separation" doctrine is based upon a phrase taken out of context from a letter written by Thomas Jefferson to the Danbury Baptists on January 1, 1802. In the letter, Jefferson simply reassures the Baptists that the First amendment would preclude an intrusion by the federal government into religious matters between denominations. It is ironic and sad that a letter defending the principle that the federal government must stay out of religious affairs. should be used two hundred years later to justify the Supreme Court telling a child that he cannot pray in school!

The Court completely disregards the original meaning and intent of the First amendment. It has interpreted the establishment clause to preclude prayer and other religious speech in a public place, thereby violating the free exercise clause of the very same First amendment. Therefore, it is incumbent upon Congress to correct this error, and to perform its duty to support and defend the Constitution. My legislation would restore First amendment protections of religion and speech by removing all religious freedom-related cases from federal district court jurisdiction, as well as from federal claims court jurisdiction. The federal government has no constitutional authority to reach its hands in the religious affairs of its citizens or of the several states.

As James Madison said, "There are more instances of the abridgement of the freedom of the people by the gradual and silent encroachment of those in power, than by violent and sudden usurpation." I sincerely hope that my colleagues will fight against the "gradual and silent encroachment" of the courts upon our nation's religious liberties by supporting this bill.

IN PRAISE OF SPECIAL AGENT GERARD B. ALEXANDER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. UPTON. Mr. Speaker, Special Agent Gerard B. "Jerry" Alexander recently retired after 26 years of service to the communities of Southwest Michigan. An employee of the Federal Bureau of Investigation (FBI) and assigned to the Kalamazoo field office, Jerry was an asset to the community that will sorely be missed.

A graduate of American University, Jerry boasts an impressive law enforcement record both in the United States as well as the world at large. Dedicated, intelligent, and responsible, Jerry is a well-rounded law enforcement official with experience working on numerous case genres. Jerry specialized in white-collar crime, an area of law enforcement that he found especially challenging and prevalent in our corner of the state of Michigan. His impressive talents and exemplary work ethic are just two of the qualities that come to mind when recalling Jerry's work with the Bureau.

A strong communitarian, Jerry spent much of his free time as a volunteer in the Kalamazoo area. His service as a coach and manager for the West Portage Little League will not be forgotten by the countless youngsters who enjoyed a rewarding athletic experience. Jerry's love for children also led him to take an active role in the Portage Central High School Band, which he supported in numerous fundraisers.

I would like to take this opportunity to echo the respect and admiration Jerry Alexander has gained within the communities of Southwest Michigan. His personal qualities and numerous skills are certain to facilitate success in all of his future endeavors.

HONORING FRANCES BACA ON LAND DONATION TO SANTA FE NATIONAL FOREST

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to announce the Santa Fe National Forest has received a donation of approximately 154 acres of private land from Ms. Frances Baca, of Circleville, Ohio. This undeveloped forested land has been in the Baca family for over 50 years. The Baca property was the last remaining private parcel of land in Santa Fe Canyon located within the boundaries of the Santa Fe Municipal watershed, just east of the City of Santa Fe.

Ms. Baca inherited the parcel from her mother, Antoinette Hanna Baca—the first woman commissioned Officer in the National Guard and later appointed Assistant Adjutant General—who owned a larger parcel in the watershed but sold part of it to the renowned artist Randall Davey. Eventually, Randall Davey left his property and houses to the Audubon Society—which uses the facility as a conference and education center.

After this donation, either the City of Santa Fe or the United States of America own all of the lands within the watershed. With the recent release of the Santa Fe Municipal Watershed Management Plan to improve forest conditions through thinning and burning portions of the municipal watershed, having access to this property is considered key to the successful implementation of the project.

Among the most valuable assets in northern New Mexico are its deep-rooted culture and pristine beauty. Together, they are a large part of why generation after generation has chosen to live here and why new neighbors arrive every day. This new land will only add to those treasures.

I know how grateful the Santa Fe National Forest Supervisor Leonard Atencio is for this generous donation. I, too, want to thank Ms. Baca for this unprecedented gift on behalf of all New Mexicans and visitors to the Land of Enchantment. This land will forever serve as a testament to the legacy of your family and symbolizes the special connection that our citizens feel to the land.

TRIBUTE TO VICTOR WAHBY, MD, DIRECTOR OF THE VA-MEDICAL MUSICAL GROUP

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. LANTOS. Mr. Speaker, I rise to pay tribute to a distinguished and unique individual—Victor S. Wahby, M.D., Ph.D., founder and director of the VA-National Medical Musical Group, the largest medical chorale and symphony orchestra in America. The musicians of this award-winning group are healers and medical clinicians, scientists or medical administrators by profession, but they are all also extremely talented and well-trained musicians. They embrace Dr. Wahby's vision of "music that heals."

A renaissance man, Dr. Wahby is a physician, scientist, musician, poet, and a leading medical practitioner and administrator at the Veterans' Health Administration in Washington, DC. Dr. Wahby has had an extraordinary career. In his younger years at the Mayo Clinic, he provided critical medical care to such notables as the Rev. Billy Graham, Dr. Charles Malik and Corrie Ten Boom. Subsequently, while on faculty of Yale University, he published research on the hormonal correlates of depression and appetite. In his current position as a leading VA physician-executive, he has received many national recognitions. Just this year he and his team won the prestigious Government Executive Technology Award, the e-gov Pioneer Award, the Knowledge Management World Award, as well as numerous others.

Mr. Speaker, in 1996 Dr. Wahby and the VA-National Medical Musical Group initiated a unique patriotic event that has become an annual tradition here on Capitol Hill—the Congressional Flag Day Concert. This program of word and music is sponsored by the prayer breakfast organizations of the House of Representatives and the Senate. It is held on or around Flag Day (June 14) for the past six years. The seventh in this annual concert series will take place tomorrow, Thursday, June 13, at 1:00 p.m. in the Cannon Caucus Room.

The Congressional Flag Day Concerts have been embraced by members of both houses of the Congress and their staff, and it has enjoyed wide public support and strong media interest. Many leaders from different fields and varied backgrounds have endorsed and participated in this program, which emphasizes national healing and unity. I have personally had the honor of participating in several of these concerts, and I always come away entertained, refreshed and inspired.

The 2002 Concert Honorary Committee is chaired by First Lady Laura Bush, and the vice chairs are my wife, Annette, and Mrs. Patricia Lott, the wife of Senate Minority Leader Trent Lott. Others who serve on the committee include Lynne Cheney, former President Bill Clinton, former Senator Bob Dole, Dr. Henry Kissinger and other distinguished Americans.

Mr. Speaker, these Flag Day Concerts have emphasized the honoring of America's veterans and the men and women serving in our nation's armed forces. This year, the choir and orchestra will perform the "Veterans Hymn"—composed by Dr. Wahby.

It is a tribute to the energy, enthusiasm, patriotism, and showmanship of Dr. Wahby that the VA-National Medical Musical Group has been awarded the 2002 Congressional Medal of Honor Society's Bob Hope Award.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Dr. Victor Wahby for his service to our nation and for his outstanding leadership and dedication to healing through medicine and through music. And, Mr. Speaker, I invite my colleagues and their staff to join me tomorrow afternoon in the Cannon Caucus Room for the 2002 Annual Flag Day Concert.

HONORING THE RETIREMENT OF REVEREND ROBERT SOUDERS OF ST. MATTHEW UNITED METHODIST CHURCH IN BELLEVILLE, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the retirement of the Reverend Robert Souders of St. Matthew United Methodist Church in Belleville, Illinois.

Reverend Robert Souders, Senior Pastor, came to serve the congregation of St. Matthew United Methodist Church in Belleville, Illinois in August, 1965, completing almost 37 years at his retirement in June of 2002. Reverend Souders began his 46 years of service as a pastor of Zion, Marlow and Liberty Methodist Churches (1955–1956); Browns Chapel and McHenry United Methodist Churches (1956–1958); Ransom and Blackstone (1958–1961); Steeleville and Percy (1961–1965); and then St. Matthew United Methodist Church. Reverend Souders is a graduate of McKendree College and received his seminary degree from Garrett-Evangelical Theological Seminar. He was ordained as an Elder in the United Methodist Church in 1961.

St. Matthew UMC has grown physically and spiritually under the leadership of Reverend Souders. For many years the church has had one of the finest youth ministries in the area. The bus and senior citizen's ministry has been exemplary and many churches have sought ideas and information from Reverend Souders to enhance their own programs. The music ministry continues to be one of the most well known in southern Illinois. Since his actual coming, many souls have been won. He began in 1965 with 99 members with the represent church exceeding 1300 members. Reverend Souders has been a leaders in the evangelism work of the United Methodist Church and in June 1990, was a recipient of the prestigious "Harry Denman Evangelism Award".

The New Life Club began in 1972 as an outreach to senior adults in the area. They have traveled many miles from Southern Illinois to Canada, Nova Scotia and Europe. The St. Matthew Day Care was formally established on August 27, 1972 and continues to provide a needed ministry in the community to provide a place of safety where children are cared for and grow in body, mind and spirit. A Thrift Shop was established in 1976 and continues to serve the needs of many through the generous donations of the congregation. In October 1978 and in March 1979, two apartment complexes, each with 17 units, were opened for senior citizens.

The Mission Society for the United Methodist Church was established in 1984 with Reverend Souders as one of the organizers. Over 125 fully funded missionaries now serve on the mission field in various parts of the world.

Reverend Souders has served on the Belleville Memorial Hospital Board of Directors since December 20, 1983. During this time, he also served on the following committees; Buildings and Grounds, Hospital Human Resources, Planning and Convalescent Home Care.

Reverend Souders and his wife, Beverly will be married 47 years on December 17, 2002. They have three children; Michelle, Gregory and Shauna. Michelle and Jerry Haynes live in Tennessee with their four children; Joshua, Courtney, Jonathan and Tucker. Greg and Brenda Souders reside in Belleville, Illinois with their three daughters; Cara, Kimberly and Jessica. Shauna and Tony call Arizona home with their sons, Nicholas and Jared and daughters Renae, Lauren and Neaville.

Mr. Speaker, I ask my colleagues to join me in honoring the service of Reverend Robert Souders to the community and to congratulate him upon the occasion of his retirement and to wish him and his family the very best for the future.

IN THE FOOTSTEPS OF LEWIS & CLARK: A STUDENT EXPLORATION OF ECOLOGY, HISTORY & GEOGRAPHY OF THE EXPEDITION

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. LAHOOD. Mr. Speaker, on Sunday, June 16, 2002, a group of nineteen students and five teachers from Jacksonville High School in Jacksonville, Illinois are embarking on a journey that will follow the footsteps of

Lewis & Clark. The students will be focusing on environmental ethics, ecology, geography and historical issues. Throughout their seventeen-day journey through the Dakotas and Montana, the students will meet with historians and biologists to discuss the impact of humans on this land since the early 1800's. Following their trip, the students and teachers will be presenting their historic environmental journey to schools and community groups. The group plans on presenting their findings during the following year leading up to the bicentennial commemoration. These young people are to be commended for embarking on this educational venture that will help them immeasurably in their understanding of the scientific and geographic research done by Lewis and Clark, as well as challenging them to use the skills they have acquired during their studies. I am proud to name these young adventurers among my constituents: Michael Meyer, Kelsey Mason, James Million, David Mosley, LeAnn Shearbum, Sam Dimmick, Aaron Evans, Jaclyn Verticchio, Cailean Bailey, Thomas Baulos, Toni Brooks, Jamey Davidsmeyer, Andrew Massey, Bridgett Hubbartt, Adam Phillips, James Rice, Janet Clayton, Erica Kemple, and Jonathan Fox. The teachers accompanying these fine students are as follows: Jim Herget, Jim Chelsvig, Heather Beavers, Travis Brockschmidt, and John Lawless.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 220, H. Res. 438, expressing the sense of the House of Representatives that improving men's health through fitness and the reduction of obesity should be a priority. Had I been present I would have voted yea.

I was also unavoidably detained for Rollcall No. 221, H. Con. Res. 394, expressing the Sense of the Congress Concerning the 2002 World Cup and Co-Hosts Republic of Korea and Japan. Had I been present I would have voted yea.

I was also unavoidably detained for Rollcall No. 222, H. Con. Res. 213, expressing the Sense of Congress Regarding North Korea Refugees who are Detained in China and Returned to North Korea Where they Face Torture, Imprisonment, and Execution. Had I been present I would have voted yea.

TANF REAUTHORIZATION 2002

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. DEFAZIO. Mr. Speaker, well before the Republican majority forced passage of the 1996 "Personal Responsibility and Work Opportunity Reconciliation Act" (PRWORA)—the so-called welfare reform package—Oregon pioneered several welfare and poverty alleviation initiatives and landmark education and training programs. The 1996 welfare bill allowed states, like Oregon, a waiver to continue their successful social assistance programs with minimal federal interference.

Oregon was able to offer such programs as the JOBS welfare-to-work program and the JOBS Plus program that assists in job placements in fields with opportunities for real career advancement and makes an impact not just in the caseloads, but in poverty alleviation. Oregon was also one of the first states to include innovations like incentives for employers to train and hire welfare recipients.

There are a number of proposed changes to the Temporary Assistance to Need Families (TANF) reauthorization that will end up costing Oregon more and reduce its flexibility in delivering innovative, individualized programs.

Under current law, adults have two years to find a job before losing their welfare benefits. One of the most important factors in finding a stable job at a living wage is education. That's why I've advocated that any reforms allow recipients to enroll in two-year college or four-year university programs, job training or professional development programs, or rehabilitation programs for mental health, substance abuse, or domestic violence, without hurting their eligibility for benefits. Over 50 percent of the poor in Oregon have, for one reason or another, not completed high school. Over 35 percent of the poor in Oregon have only an eighth-grade education or less. According to the Bureau of Labor Statistics, of the 30 fastest growing, well-compensated occupations, only five can be accomplished with short-term training.

With Oregon suffering from the highest unemployment rate in the nation at nearly 8 percent, and many Oregon counties at double-digit unemployment, education becomes even more important during these tough economic times to ensure living wage jobs. The facts are shocking. A single mom with two children will only earn $13,520 a year before taxes working a full-time minimum wage job and not receive TANF benefits because the minimum wage—$6.50/hour in Oregon—is too high to qualify. This is nowhere near the federal estimate of a living wage for a family of three of $34,429 (or $16.55/h). The Republican proposal doesn't even address how Oregon can resolve this disparity. Instead, they leave it to each state to address. Oregon is drastically cutting social service programs in order to deal with a near billion dollar deficit. I can't imagine the state will find resources to deal with this issue.

Equally important is the amount of time TANF recipients spend at work activities and the quality of these activities. I'm concerned about proposals advocating 40 work hours per week, either implicitly or explicitly stated, that will push recipients into "workfare" programs that fail to increase earnings or opportunity. Forty hours of direct work is unrealistic for most TANF recipients because of the other support programs—like training, job search assistance, counseling—that recipients need to participate in.

Education, training and ensuring a living wage are only part of a successful plan to allow recipients to become more self-sufficient. Many working mothers depend on child care. I've always supported significantly increasing funding for the Child Care Development Block Grant (CCDBG). The CCDBG is currently funded at $2.21 billion nationally, which means $2.5 million for Oregon. This funding doesn't come close to meeting demand. A 2000 Radcliffe Public Policy Center study found that for families under 200 percent of the poverty level, the most likely reason parents lose jobs is because of a lack of child care. The Republicans claim that the TANF bill commits $6 billion towards child care but looking at the fine print, the Republicans have made mandatory only $2.9 billion and merely authorized another $3.1 billion. A good press hit in an election year, but given the disastrous federal budget situation, it's unlikely that child care funding will ever reach its full authorized level.

Like many of my colleagues, I want make sure states have some degree of flexibility in implementing TANF and allow a measure of program coordination with other social assistance initiatives. But I'm also concerned that the Republicans have included a completely unnecessary provision in this legislation that would override, at a governor's request, Congressional authorization and appropriations laws related to a range of social assistance programs. This so-called "superwaiver," would allow the diversion of funds from some programs to others and trump Congressional funding decisions. The superwaiver allows states to circumvent the legislative intent and programmatic standards in the name of state flexibility. Significant amounts of money are involved, too. Programs—like TANF, food stamps, job training under the Workforce Investment Act—slated for superwaiver authority are going to receive $65 billion in FY2002 and, according to Congressional Budget Office estimates, will receive nearly $669 billion over the next ten years. This puts an enormous amount of money outside normal Congressional oversight.

Finally, I'm concerned that the TANF block grant of $16.5 billion to states has not even increased with the rate of inflation since it was instituted in 1997. By 2007, the block grant will lose nearly 22 percent of its value. This needs to change.

I urge my colleagues—especially those across the aisle—to pursue responsible reforms that offer a hand up, rather than a hand out; that offer a real chance of reducing poverty, not just caseloads.

HONORING THE EXCHANGE CLUB OF ALTON, ILLINOIS AND THEIR 75TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the Seventy-Fifth Anniversary of the Alton Exchange Club.

Exchange is known to millions as America's service club. From their earliest days, the Exchange Club has been usefully serving the Alton area and improving the quality of life for the Alton community. The diverse array of Exchange-sponsored programs and projects has made a considerable impact on both the Alton area and America as a whole, thus enhancing the lives of countless men, women and children across the country. In a very real sense, Exchange exists for the simple purpose of serving others.

The Exchange Club philosophy of service addresses Americanism, Community Service and Youth and Child Abuse Prevention as national programs. America's young people are its most precious natural resource. That is why for many years, Exchange has sponsored an impressive selection of activities designed to benefit and encourage area youth. In Alton, the Exchange Club promotes the Basketball Player of the Year program.

In addition to developing youth activities and programs, promoting pride in country, respect for the flag and appreciation of our freedoms are primary purposes of Exchange's Americanism programs. The Alton Exchange provides flags for children during parades and other patriotic activities for young people in the community. The club promotes patriotism by donating 8,000 to 10,000 flags annually for children and bystanders in the annual Memorial Day parade.

The Exchange Club is also responsible for the installation and placement of the Freedom Shrines many of us see in our public places. The Shrine is an impressive, permanently mounted collection of 28 of the most important and historic American documents including the Declaration of Independence, the Constitution of the United States and the Gettysburg Address. These remarkable documents serve as windows to the world of America's proud past. They show our nation's youth the strength and courage of their forefathers by allowing them to read, with their own eyes, the immortal words of inspired Americans who so decisively changed the course of history. Alton's Club installed a Freedom Shrine at Gordon Moore Park in Alton.

The Alton Exchange also follows the tradition of providing community service through many crime prevention programs. The club provides assistance to the Alton police department by providing bulletproof vests and supporting other crime prevention and awareness programs. In fact, through their fundraising efforts, the Alton Exchange Club purchased the first body armor for the Alton Police Department.

The following year, again through fundraising efforts, the club purchased Defibrillator equipment for the Alton Fire Department. The Exchange Club of Alton has also raised funds and donated them to the Child Abuse Prevention Project of Alton.

In furtherance of it's goals to provide community service, the club has provided much needed manual labor in support of the Women's Oasis Center Building and actively works with and supports the Boys and Girls Club of Alton and hosts a special annual event for the children.

Finally, the club also periodically recognizes an outstanding community member or volunteer who otherwise may have been overlooked through their "Book of Golden Deeds" award. The Alton Exchange Club is truly a part of the fabric of the Alton community. Exchange, America's Service Club, is a group of men and women working together to make our communities a better place to live through programs of service.

Mr. Speaker, I ask my colleagues to join me in honoring the service of the Exchange Club of Alton and to congratulate all of their past and present members on the occasion of their 75th Anniversary.

JAMES WILLIAM SMITH-BETSILL

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. COYNE. Mr. Speaker, I rise today to note the passing of a distinguished public servant and an important player in the civil rights struggle. Mr. James William Smith-Betsill died in Harrisburg recently at the age of 67 after a period of illness. He was a remarkable individual.

Mr. Smith-Betsill was an outstanding athlete, who earned a college basketball scholarship, was twice named a small college All-American—averaging more than 20 rebounds per game—and was drafted to play for the Boston Celtics in 1958. Unfortunately, his professional basketball career was derailed by the development of knee problems during his service in the U.S. Army from 1958 to 1960. But his athletic achievements pale in comparison to his other accomplishments.

Mr. Smith-Betsill pursued a career in public service that lasted for more than 30 years. In the 1960s, he trained volunteers and managed redevelopment projects in the Hazelwood neighborhood. He also trained people to take and pass union apprenticeship tests. Finally, as the western regional director of the Pennsylvania Bureau of Corrections Education, he worked for many years to provide inmates with better educational opportunities.

In addition, Mr. Smith-Betsill has a long, proud record as a community activist in Wilkinsburg and Hazelwood. He worked hard for many years, at significant personal risk, to desegregate local unions. Mr. Smith-Betsill also was credited with keeping the peace in Hazelwood when riots raged in Pittsburgh in 1969. Mr. Smith-Betsill's many contributions to his community are widely recognized and appreciated.

Mr. Smith-Betsill will be fondly remembered and sorely missed. I want to extend my condolences to his family and friends.

JAMES WILLIAM SMITH-BETSILL, SCHOOL BASKETBALL STAR, ACTIVIST AND PUBLIC SERVANT

(By Paul Zeise)

James William Smith-Betsill, a high school and college basketball standout at Franciscan University who later became a community leader and civil rights activist in Wilkinsburg and Hazelwood, has died.

Mr. Smith-Betsill, 67, was diagnosed with leukemia in February and died May 5 at Harrisburg Hospital of a viral infection.

Mr. Smith-Betsill was born James Betsill in 1935, and lived in Hazelwood until he was a sophomore in high school. He was 6 feet 6 inches tall, athletic and strong, but as a young black man playing in the City League of Allderdice High School, his opportunities to earn a college scholarship were limited.

The summer before his junior year, however, he was recruited to play at Homestead High School by the school's coach, Charles "Chick" Davies, so he moved in with a family in Homestead and had his name legally changed to James Smith.

Mr. Smith-Betsill's brother, Lawrence Betsill of Doylestown, Bucks County, said changing his name and moving across the Glenwood Bridge was one of the most important moves his brother ever made.

"At that time, blacks needed to do whatever it was they could do in order to get into college sports," said Betsill.

"The adoption was purely for basketball reasons. Jim still had a bed at our house and came home to sleep most nights." The coach at Allderdice tried to file a suit to stop it, but at the time the WPIAL couldn't do anything about it and neither could the courts because the Smiths were his legal guardians.

"Had he not made the move, he probably wouldn't have gotten a chance to go to college."

After earning all-state honors twice at Homestead and graduating in 1954, Mr. Smith earned a scholarship to play basketball for the College of Steubenville, now Franciscan University.

Mr. Smith-Betsill played for coach Hank Huzma at Steubenville and became a two-time small college All-American. He averaged more than 20 rebounds per game throughout his career and his 2,427 career rebounds is believed to be an NAIA record.

He was drafted in the second round of the 1958 NBA draft by the Boston Celtics. But he never got a chance to play for the Celtics because he also got drafted into the Army.

He continued is basketball career in the Army and toured Europe and the United States as a member of the All-Army team. But he developed knee problems and after he was discharged in 1960, he failed tryouts with the Celtics and also with the Pittsburgh Rens of the ABL.

"Jimmy is the best player to ever come out of the University of Steubenville. He put this school on the map the same way that Maurice Stokes did for St. Francis," said Kuzma. "But when he came out of the Army, he wasn't the same player because of his knees. It is a shame, because had he played right out of college, he'd have probably had a nice NBA career and be remembered like the Chuck Coopers and Maurice Stokes."

Mr. Smith-Betsill moved to Wilkinsburg in the early 1960s, was hired by Action Housing and began a career of public service that lasted until he retied in 1997.

His first job was with the U.S. Office of Economic Opportunity program as a community organizer. A big part of his job was training short-term volunteers to become community servants and be directed a number of redevelopment projects in Hazelwood.

He also trained men to take and pass apprenticeship tests in order to develop trades. But unions were segregated at the time and blacks weren't given opportunities to join them.

Mr. Smith-Betsill organized many protests and pickets, which eventually helped to break the color barrier in several powerful unions.

"During those days I was like his bail bondsman," said his widow, Mary Harris-Betsill. "He was constantly getting arrested because he was picketing at the headquarters of unions and at various construction jobs. And the fact that he was leading protests wasn't popular. We received countless death threats, bomb threats and burning house threats. Jim was a hero of sorts to the people in the community."

He also was a calming influence in Hazelwood when riots broke out in Pittsburgh in 1969.

"Every day during those riots, Jim would get up early and walk the streets and encourage people to stay calm," said Harris-Betsill. "Some days, he'd have a lot of people walk with him; others he'd be by himself. It was tense at that point, but he was determined to make sure that the neighborhood stayed intact."

Mr. Smith-Betsill's willingness to step in and help anyone who needed assistance had an impact on thousands of people, but it nearly cost him his life in the fall of 1976. He was at a Howard Johnson's restaurant in Oakland watching the Steelers play when another patron became drunk, got loud and began harassing other customers. Mr. Smith-Betsill stepped in and tried to calm the man down, but the man pulled a gun and shot him in the face.

"That was the first time I fully realized how many people's lives he touched," said Harris-Betsill, "because so many people came to visit him at the hospital that they moved him to a bigger room and there was still a number of people who couldn't get in to see him."

Mr. Smith-Betsill moved to Harrisburg in 1972 and took a job with the Pennsylvania Department of Education as the western regional director of the Bureau of Corrections Education. He developed and implemented curriculum programming guidelines that provided inmates with educational opportunities.

Mr. Smith-Betsill remained active in a variety of different community service projects throughout his life and even after he retired. He also was an active member of the Macedonia Missionary Baptist Church in Harrisburg.

In addition to his wife, survivors include two daughters, Tracey R. Betsill of Harrisburg and Michelle Heggs of Pikesville, Md.; two sons, James P. Betsill and Michael E. Betsill, both of Harrisburg, seven sisters; three brothers; and five grandchildren.

He was buried Friday in Harrisburg.

A SPECIAL TRIBUTE TO AEROQUIP-INOAC ON THEIR OSHA VPP RECOGNITION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding corporation based in Ohio's Fifth Congressional District. I am happy to announce that the employees of Aeroquip-inoac in Fremont, Ohio, have recently achieved an extraordinary level of success. The Aeroquip-inoac Corporation will receive OSHA's highest level of Voluntary Protection Programs (VPP) safety and health management certification, that of Star Participant, on Friday, June 14, 2002.

Mr. Speaker, the people of Aeroquip-Inoac took it upon themselves to participate in the VPP by establishing a cooperative relationship between management, labor, and OSHA officials. Management established an effective program that meets the set OSHA requirements, and labor employees agreed to participate in an effort to assure a safe and healthful workplace. OSHA has verified that the program meets the established criteria and is recognizing the Aeroquip-Inoac Corporation for attaining the highest level of success.

Aeroquip-Inoac has joined the ranks of .01% of the six million companies in the U.S. to be recognized by OSHA under their Voluntary Protection Programs by achieving that status of Star Participant. As a company that produces Class A painted exterior trim products for the automotive industry I applaud them on their cooperative effort, which involved all of the 500 employees. This program not only increased employee motivation to work safely, but also increased productivity by reducing the number of lost workdays due to injury.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to the Aeroquip-Inoac Corporation. Businesses in the U.S. are served well through participation in these types of voluntary programs, and like Aeroquip-Inoac, show what the American spirit of cooperation can accomplish. I am confident that the Aeroquip-Inoac Corporation will continue to improve their safety and health programs and I wish them well in their future endeavors.

REMEMBERING DR. WILLIAM NATHAN DANSBY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Ms. MEEK of Florida. Mr. Speaker, I rise today in remembrance of the late Dr. William Nathan Dansby, a remarkable man whose personal achievement and community service are an example to us all.

Dr. William Nathan Dansby, 84, was born in Mobile, Alabama. He was educated in private elementary and secondary schools, including Stillman College (then Stillman Institute). He received the bachelor of science degree from Johnson C. Smith University in Charlotte, North Carolina, a master's degree in chemistry from Fisk University in Nashville, Tennessee, and a doctorate in dental surgery from Meharry Medical College, also, in Nashville. A proud Fraternity man, he was elected to Beta Kappa Chi and a member of Alpha Phi Alpha Fraternity.

A decorated veteran of World War II, Dr. Dansby served with distinction in the U.S. Army. He was appointed by the Tuscaloosa City Council to the City Board of Education in 1970 and was elected chairman of the board in 1985. He served on boards of directors of the Black Warrior Council of the Boy Scouts, the Martin Luther King, Jr. School National Network, the Benjamin Barnes YMCA, and the Maude L. Whatley Health Center. He was, also, a member of the Kiwanis and Tuscaloosa Reunion Clubs.

As a devoted servant at Brown Memorial Presbyterian Church, he was installed an elder and very active in work of the Men of the Church, the Endowment Committee, and the Trustee Board.

In his last years of life, Dr. Dansby served his community by providing free dental services to those who could not afford to pay and helped in anyway he could to serve his various schools of matriculation and local organizations.

Dr. William Nathan Dansby passed away on Thursday, June 6, 2002 and will be laid to rest today in Tuscaloosa, Alabama. He was preceded in death by his parents, William L. Dansby and Portia Dorcette Canty Dansby, and his sister, Sarah Dansby Pinkney. He is survived by cousins, Theodora Dansby Johnson of Florida, Sondra Brown Julien of Florida, George F. Knox of Florida and their families. He leaves to cherish his memory a devoted family whom he adopted as his own, William and Elizabeth Rice of Aliceville and their three daughters: Mechelle, Benidia, and Portia.

As he is grieved, his family and friends know that his spirit has returned to God and that he is smiling down upon the world. Mr. Speaker, I ask all Members to join me in paying tribute to him this remarkable man.

HONORING PROFESSOR JERRY WOODALL ON HIS RECEIPT OF THE NATIONAL MEDAL OF TECHNOLOGY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Dr. Jerry Woodall of Yale University in my hometown of New Haven, Connecticut. Dr. Woodall was recently honored with the National Medal of Technology in recognition of his outstanding work in semiconductor materials and devices.

The National Medal of Technology was created to recognize those who embody the spirit of American innovation and have advanced the nation's global competitiveness. As one of only 120 individuals bestowed with this distinction, Dr. Woodall most-deservedly belongs among Connecticut's long legacy of innovators, like Eli Whitney and Igor Sikorsky.

It is no overstatement to say that, in a remarkable career that has spanned four decades, Dr. Woodall has truly expanded America's horizons through his groundbreaking advances in electrical engineering and physics. Half of the entire world's annual sales of compound semiconductor components would simply not be possible without his legacy of research. Technology used in CD players, TV remote controls, computer networks, cell phones, and satellites can be credited to Dr. Woodall as well as advances in the use of lasers and ultra-fast transistors and solar cells. What's more, Dr. Woodall's work will provide the basis for technological innovations for decades to come. Few can claim such a legacy.

Dr. Woodall's dedication and commitment to excellence have made a real difference in the quality of life of all Americans. I am honored to rise today to pay tribute to Dr. Jerry Woodall and to join with our nation in congratulating him as he is honored as a 2001 Medal of Technology laureate.

ON THE CREATION OF THE DEPARTMENT OF HOMELAND SECURITY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of the creation of a new cabinet-level federal Department of Homeland Security. This long-overdue initiative, designed to streamline current government activities, is an important first step in our nation's war on terrorism.

In October of last year, I introduced H.R. 3078, to establish the National Office for Combating Terrorism. It included an initiative to develop policies and goals for the prevention of and response to terrorism, and for the consolidation of federal, state, and local government programs. I am pleased to see that the Administration is incorporating my ideas, along with those of my colleagues, into a comprehensive plan to streamline the workings of the Executive Branch.

The new Department will have four separate divisions to deal with threats to our nation. Within each division, the missions and functions that are currently spread out amongst a dizzying array of federal agencies will be consolidated to avoid duplication and redundancy and ensure that the Executive Branch of government actually supports the tax payers who support it.

The concept of consolidating the efforts of federal, state, and local agencies is not a new one. I recently introduced H.R. 4754, the National Drought Preparedness Act. My legislation will bring together representatives from federal and state agencies to create planning models and preparedness plans, in much the same way that the new Department of Homeland Security would operate. I applaud this important initiative and urge my colleagues to work towards quick passage of legislation for the creation of this new Department.

EDWARD A. MOHLER: A CHAMPION FOR WORKING MEN AND WOMEN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. HOYER. Mr. Speaker, today I want to pay tribute to a trusted, long-time friend who, for nearly half a century, has been a true champion for working men and women and the cause of organized labor throughout the State of Maryland and our great country.

For 12 years, from 1989 until his retirement in 2001, Edward A. Mohler served with distinction and effectiveness as the President of the Maryland State and District of Columbia AFL–CIO).

Ed not only was re-elected to that post three times, but also was one of the longest-serving executive officers of a state federation in the entire AFL–CIO. Before being elected president by his fellow trade unionists, he was elected as Secretary-Treasurer of the state federation, serving in that position from 1977 to 1989.

It's clear to anyone who has observed Ed Mohler over the years that the legacy he leaves as a lifelong, dedicated trade unionist is one of concrete accomplishment that will endure for years to come.

In the State Capitol in Annapolis, where I worked with him while serving as the President of the Maryland Senate, Ed was instrumental in helping organized labor achieve legislative gains in the areas of workers' compensation benefits, unemployment insurance benefits, and collective bargaining rights.

Ed also played an important role in passage of the Maryland Occupational Safety and Health Act, prevailing wage legislation, pension and salary increases, protections for health care workers, and right-to-know protections for public safety workers.

In more recent years, Ed has helped lead the fight to defeat anti-worker initiatives such as right-to-work legislation and so-called "paycheck protection."

During his 24-year tenure as an executive officer of the state federation, Ed not only helped drive organized labor's policy agenda but also strengthened its administration. For example, Ed believed that the interests of working men and women would be much better served if the state federation maintained a permanent presence in Annapolis. As a result, the state federation moved from rental space in Baltimore to its current headquarters at the House of Labor on School Street in Annapolis, providing Maryland workers with both convenience to the State Capitol and prestige.

But, then, Ed always understood that the cause of organized labor—ensuring workplace fairness and social justice—could best be advanced through our political system.

After being hired as a cable splicer in 1957, Ed joined the Communications Workers of America, Local 2336, and immediately plunged into union activism and political campaigning. He has worked in political campaigns on behalf of Democrats at the local, state and federal levels, including the presidential campaigns of John Kennedy, Lyndon Johnson, Robert Kennedy and Hubert Humphrey.

More recently, Ed was elected to serve as a delegate at the Democratic National Conventions in 1992, 1996 and 2000.

Throughout the 1960s and 1970s, Ed was immersed in union activities and political campaigns that advanced the interests of working men and women. He was elected as chair of political activity for CWA, Local 2108, and then served as chair of the Committee on Political Education (COPE) for the Washington Metropolitan Central Labor Council.

Between 1968 and 1977, the year in which he was elected Secretary-Treasurer of the state federation, Ed worked as an organizer, legislative agent and staff representative for AFSCME International and Council 67. In that capacity, he conducted numerous organizing campaigns and was a strong advocate for public employees, beginning the fight for collective bargaining rights for state and higher education employees in 1974.

While working men and women have been the subject of many harsh, unthinking attacks over the years, Ed Mohler has always recognized that the immutable truths that lie at the core of the American labor movement—fairness, justice, dignity and morality—never go out of fashion.

And that's a tremendous professional legacy to leave for this and future generations of workers.

As Samuel Gompers, the first president of the American Federation of Labor, said more than 100 years ago:

"To protect the workers in their inalienable rights to a higher and better life; to protect them, not only as equals before the law, but also in their health, their homes, their firesides, their liberties as men [and women], as workers, and as citizens; to overcome and conquer prejudices and antagonism; to secure to them the right to life, and the opportunity to maintain that life; the right to be full sharers in the abundance which is the result of their brain and brawn, and the civilization of which they are the founders and the mainstay. . . . The attainment of these is the glorious mission of the trade unions."

Ed Mohler has helped keep that "glorious mission" on course for nearly half a century, bettering the lives of working men and women. For that, we offer our heartfelt thanks, and wish him and his family—his wife Barbara, and his sons and their families—the very best in the years to come.

HONORING THE VILLAGE OF MAEYSTOWN ON THEIR 150TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 150th Anniversary of the Village of Maeystown, Illinois.

The Village of Maeystown, Illinois is located just eight miles south of Waterloo in Monroe County, Illinois and is celebrating its 150th Anniversary as a Village this year.

The town, founded in 1852, was placed on the National Register of Historic Places in 1978 for significance in architecture and engineering. Since that time the small community of approximately 150 residents has become a popular site for visitors to the area. Its historic distinction, as well as a progressive organization called the Maeystown Preservation Society, has brought new life to the once-dying community.

The village has a periodic newspaper called the Maeystown Volksblatt. Maeystown has its own water system and is governed by a village board and mayor. Maeystown has a growing business community, including The Corner George Bed and Breakfast, Corner George Inn Sweet Shoppe, Eschy's Village Inn, Maeystown General Store, Raccoon Hollow Handcrafts, KW Outdoor Wear, T. Walster of Maeystown (custom doors and windows). The Maeystown Nature Walk is operated year round for donations.

Although Maeystown's population continues to be small, people from throughout the area support Maeystown's many activities. These events include: Fastnacht, a German pancake and sausage dinner Tuesday before Ash Wednesday; Fruhlingfest, a spring craft festival, first Sunday in May; Oktoberfest, an art and crafts fair, second Sunday in October and a German Christmas, on the first Sunday in December.

(The following is taken from "The Significance of the Village of Maeystown, Illinois" by Gloria Bundy.)

"The picturesque village of Maeystown, nestled in the hills and among the spring-fed streams in one small spot of Southern Illinois was founded in 1852 by Jacob Maeys, who was born in Oggersheim, Bavaria, in 1828.

Although the village was founded in 1852 and settled entirely by German immigrants of the Forty-Eighter movement, its historical significance begins in 1782, at the time of the Moore settlement at La Belle Fontaine, at what is now Waterloo, Illinois.

Captain James Moore, a native of Maryland, was a soldier under George Rogers Clark and was with him at Kaskaskia when he captured the Illinois Country for Governor Patrick Henry, making it a county of Virginia. Having seen the advantages of the Illinois Country, he returned with his family and four other pioneers and their families and spent the winter of 1781 in Kaskaskia. In 1782, Moore and his party moved northward on the Kaskaskia Trail and settled at a place the French called La Belle Fontaine because of the beautiful spring there. This was the first permanent American settlement made in the Illinois Territory.

Other pioneers subsequently followed, stopping briefly at the Moore settlement until they staked claims for themselves elsewhere. One such young pioneer was James McRoberts, a Revolutionary War Soldier, who joined the Moore party and then staked a claim of 100 acres (Survey 704; Claim 316), which he received for an improvement right. He left his claim, went to Tennessee, where he married Mary Fletcher-Harris and came back to Monroe County in 1797, receiving, another 100 acres, presently owned by Mr. and Mrs. Halbert Mueller (Survey 703; Claim 315), from the government as a militia donation. This claim was about one mile north of the first one. It was on the second claim that he built his dwelling out of cedar logs. Here his ten children were born. Samuel, the eldest, "was the first native-born Illinoisan elevated to the United States Senate."

Following the elder McRobert's death in 1844, his Survey 704; Claim 316, now known as the McRoberts' Meadow, was sold and resold in rapid succession. It was a hilly, wooded tract of land, not suitable for cultivation. It contained three streams and a large spring, with limestone deposits protruding out of the hillsides and along the creek banks.

In 1848, Jacob Maeys purchased the Meadow from James 0. Hall because of the large spring upon it. Young Maeys intended to use the waterpower from the spring to run a sawmill. Here he built his log house to which he brought his bride, Barbara Fischer, also a native of Germany.

Purchasing these 100 acres was very timely, as it was just when the Forty-Eighters were coming up the Mississippi River from the port of New Orleans, stopping briefly at St. Louis and then spreading by the thousands into the surrounding areas of Missouri and Illinois."

The people of Maeystown are extremely proud of their German heritage and love to talk of the history of the stone structures that dot the community. The German ancestry of the town originally existed because of the craftspeople that came to settle in the area. There was a cobbler, a shoemaker, blacksmith, tailor and an undertaker. The stone structures that dot the community were built by the German immigrants along the bluffs in a manner similar to Bavarian Stone houses in their native Germany. About 60 significant buildings still exist; including Maey's log house, the original church, the mill and the various limestone buildings.

Maeystown today continues as a vibrant, historic community hosting thousands of visitors each year to walk among its historic areas and enjoy the hospitality of its people.

Mr. Speaker, I ask my colleagues to join me in honoring the 150th Anniversary of the Village of Maeystown, Illinois and to congratulate all of their past, present and future residents with the historic achievement.

A SPECIAL TRIBUTE TO MIRIAM H. FETTERS ON HER FORTIETH ANNIVERSARY WITH THE SOCIAL SECURITY ADMINISTRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding public servant. Miriam H. Fetters will celebrate forty years of public service with the Social Security Administration on Tuesday, June 18, 2002.

Mr. Speaker, Miriam began her tenure of exemplary service with the Social Security Administration on June 18, 1962 in Cincinnati, Ohio serving as a Claims Representative. Miriam was then transferred to the Lima, Ohio office where she served as a Field Representative, Operations Analyst, Operations Supervisor, and finally Assistant District Manager. Throughout her career, Miriam has continually provided the highest level of assistance to the Lima service area and to the team of staff members with whom she works.

Miriam continues to lead a distinguished career as a public servant, which is made evident through the numerous awards she has received for meritorious service. In October, 1973, Miriam received the Commissioner's Citation from then Acting Commissioner of Social Security Arthur E. Hess for "sustained excellence in processing an exceptional quantity of claims with a high degree of accuracy." Additionally, in January, 1987, Miriam also received the Chicago Region Supervisory Excellence Award for "outstanding supervisory skills resulting in improved efficiency and enhanced employee morale." These awards demonstrate not only that Miriam is a dedicated employee, but also a loyal public servant.

Mr. Speaker, I would ask my colleagues to join me in paying special tribute to Miriam H. Fetters. Our federal service agencies and the American people are better served through the diligence and determination of public servants, like Miriam, who dedicate their lives to serving the needs of others. I am confident that Miriam will continue to serve her community as a model federal employee well into the future. We wish her the very best on this special occasion.

A PROCLAMATION HONORING ARMAND W. COSENZA, JR.

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. NEY. Mr. Speaker, whereas, Armand W. Cosenza, Jr. has been elected President of the National Association of Mortgage Brokers (NAMB); and,

Whereas, NAMB provides invaluable services for the mortgage broker industry which originates more than half of all home loans in the country; and,

Whereas, home ownership is at an all time record rate largely due to the contributions of mortgage brokers; and,

Whereas, through his involvement in NAMB, Mr. Cosenza has been instrumental in shaping housing policy in this country; and,

Whereas, Armand Cosenza was a founding father of the Ohio Association of Mortgage Brokers, for which he was president in 1995 and 1996 and still serves on the board as North Chapter President; and,

Whereas, Armand Cosenza must be commended for his contributions to his profession and involvement in his community and dedication to his wife Judy and daughters, Denise and Vicki;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in applauding Armand W. Cosenza, Jr. for his election as President of NAMB and in wishing him continued success.

HONORING THE 70TH ANNIVERSARY OF YPSILANTI VFW POST 2408; REDEDICATION OF CARL ROBERT ARVIN POST 2408

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. DINGELL. Mr. Speaker, as a veteran of World War II and a proud member of the Veterans of Foreign Wars, it is my honor to speak to you today in honor of the 70th anniversary of VFW Post 2408 in Ypsilanti, Michigan. On June 15, Post 2408 will commemorate this event by rededicating its post in honor of the late Carl Robert Arvin, a veteran who served his nation with distinction and gave his life in battle during the Vietnam War.

Throughout our history, 11 major wars and many smaller conflicts have required the services of over 40 million Americans to stand and defend the sovereignty and principles we, as a Nation, cherish most. There is no more noble cause for an American than to actively participate in that defense. The valor displayed by American troops in World War II, Korea, Vietnam, the Persian Gulf, and today in Afghanistan must not be forgotten.

For over a century, the VFW has served our nation well. It has not only lobbied effectively for the rights of veterans, but has worked to better communities across our nation. Members of the VFW did not stop serving their nation when they left the armed forces. Rather, they rededicated themselves to helping others, veteran and non-veteran alike. For 70 years, the members of Post 2408 have served their city, state, and nation with distinction. I would ask my colleagues to join me in recognizing their service.

It Is only proper and appropriate that Post 2408 is being rededicated in honor of an American who fought for our country and gave his life so that we may all enjoy the fruits of freedom. Carl Robert Arvin was a man of great worth and an inspiration to all in his presence. His life was taken while serving his country in Vietnam on October 8, 1967. Though Bob was only 24 years old when he died his life achievement outranked men twice his age. His legacy must not be forgotten, and his life must forever serve the men and women of Michigan, both now and in the future, as a lasting testimony to the sacrifice others have made for our nation.

Bob's natural born leadership was exhibited early in his high school career. At Ypsilanti High School, Bob demonstrated the intellect, athletic ability, and leadership qualities, which were the foundation of his subsequent achievements. He participated in numerous high school activities ranging from debating to quarterbacking the football team. An outstanding wrestler, he was team captain and captured the 154 pound state title. Bob capped his brilliant high school career as valedictorian of his graduating class. His high school achievements led to several college scholarship offers, including an appointment to West Point, which was the fulfillment of a boyhood ambition and his ultimate choice.

Bob quickly established himself as a class leader when he entered West Point in July 1961 as a member of the Class of 1965. He continued his extracurricular activities and represented West Point at numerous conferences and functions across the country. Bob was a Rhodes Scholarship finalist and was among a group of college students selected to discuss public affairs with President Lyndon Johnson at the White House.

In August 1965, after graduating from West Point, Bob reported to Fort Benning, Georgia, for Airborne and Ranger training. In the brief span of 23 months in the 82nd Airborne Division, Bob demonstrated outstanding professional competence and leadership. After a brief stint as a platoon leader and executive officer, he became the youngest company commander in the Division. During this tour Bob was able to return home to Ypsilanti and marry Merry Lynn Montoyne in 1966.

Bob received orders for Vietnam in early 1967; he was assigned as an advisor in the Military Assistance Command Vietnam (MACV). He reported to his advisory detachment, the 7th Vietnamese Airborne Battalion, in May 1967. Bob was quickly thrust into combat with the pace and intensity of the war quickening. For combat action on September 5, 1967, he was awarded the Silver Star and Purple Heart. Following a brief hospital stay Bob returned to his battalion, which was preparing for combat operations to clear enemy forces from an area threatening a vital air base at Hue-Phu Bai. Bob was mortally wounded in battle on October 8, 1967; he was posthumously awarded a second Silver Star. Bob was buried at West Point on October 17, 1967, with full military honors.

Mr. Speaker, I would ask all my colleagues to rise and join me in honoring the service of a true American hero, Bob Arvin, and to honor the 70th anniversary of Ypsilanti Post 2408.

PERSONAL EXPLANATION

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. BALDACCI. Mr. Speaker, last night I was unavoidably detained in my district due to Maine's Primary Election. If I had been present, I would have voted:

"Aye" on rollcall vote number 220; "Aye" on rollcall vote number 221; "Aye" on rollcall vote number 222.

MARGARETA CRAMPTON: A FRIEND, ALLY AND SUPPORTER DEDICATED TO WORKING MEN AND WOMEN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. HOYER. Mr. Speaker, today, on behalf of working men and women in the State of Maryland and throughout the entire country, I want to thank a stalwart trade unionist who has dedicated her life to improving the lives of others.

But before I recount the many accomplishments and long service of Margareta A. Crampton, the director of the Committee on Political Education (COPE) for the Maryland State and District of Columbia AFL–CIO for more than 20 years, I want to add a personal note.

Margareta is far more than a political ally. She is a trusted friend and staunch supporter who has been by my side since I first decided to run for Congress in 1981. In fact, when my predecessor in Congress, the late Gladys Noon Spellman, suffered a heart attack that left her unable to complete her term, Margareta was one of the first people to come to my law office to encourage me to run in a special election to fill that seat.

I can only hope that I've served my constituents in the Fifth Congressional District as well as Margareta has tended to the needs of working men and women in Maryland and the American labor movement over the last 40 years.

Margareta began her union career in 1960 with the Bakery, Confectionary and Tobacco International Union, serving as chief steward and shop representative. Recall that what today is rightly natural and commonplace—women working in positions in virtually every sector of our economy—was not the norm 40 years ago. Women faced many barriers in the workplace. Discrimination was often open and too often tolerated.

But Margareta, and the women of her generation, through force of character and the will to succeed, overcame the many hurdles placed in their paths. They proved that women could perform any job well. And it's because of their hard work that women in the labor movement, as well as other types of employment, have made such tremendous strides in our society—and continue the fight for the equality, justice and fairness that they deserve.

After 19 years at the Bakery, Confectionary and Tobacco Workers International Union, Margareta moved in 1979 to the Graphic Arts International Union, serving as the financial recording secretary and membership reviewer.

During the 1960s and 1970s, she was an active member of the Office of Professional Employees International Union (OPEIU), Local 2, and became the first woman to be elected First Vice-President of her local in 1974.

She served as chair or co-chair of numerous committees in her local, including the educational committee, the COPE committee, and the organizing committee. She also served as the chair of the Young Trade Unionists No. 2 from 1969 to 1984, and as the recording secretary of the Young Trade Unionists No. I from 1970 to 1973.

In 1980, Margareta was appointed as the Director of COPE for the Maryland State and District of Columbia AFL–CIO, and earned a well-deserved reputation through the years as a determined advocate for all workers and a gritty political organizer.

She has worked on numerous political campaigns at the local, state and national levels, and it's more than fair to say that her unrelenting work across the state on behalf of working families built enduring relationships between the labor community and elected officials at all levels of government.

Margareta's boundless energy helped her balance her dedication to improving the lives of working men and women, with her love and devotion to her children, Brenda and Philip, and her grandchildren.

And as she enjoys semi-retirement, she should do so with the knowledge that her efforts over the last 40 years have changed and improved people's lives, and that her labor continues the activism, stretching all the way back to notables as Susan B. Anthony, Sojourner Truth and Mary Harris "Mother" Jones—who understood that labor fairness was rooted in morality and inspired by the American quest for equality, justice and fairness.

As Mother Jones said many years ago: "The cause of the worker continues onward. . . . The future is in labor's strong, rough hands."

That future, today, is much brighter for working men and women, in large part due to the hard work of trade unionists like Margareta Crampton. To her, we owe a deep gratitude and offer our thanks and deep appreciation.

WHITESIDE SCHOOL NAMED AS NATIONAL SERVICE-LEARNING LEADER SCHOOL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the Whiteside School District in Belleville, Illinois which is one of 16 schools in the United States to serve as a 2002 National Service-Learning Leader School. This honor demonstrates the school's strong commitment to service-learning in its curriculum.

Whiteside has undertaken many projects which demonstrate its exceptional efforts in service. Students at the school have created a garden area, an outdoor science lab and a pond, including a fountain and fish. Also, sixth-grade students at the school have converted a courtyard into an outdoor classroom and put new landscaping in the area.

The children have restored the Whiteside Cemetery, which had been abandoned and vandalized. In addition, they have done genealogical research on the people who are buried in the cemetery and have published an extensive Whiteside family history. They are taking photographs of other Civil War gravesites in St. Clair County, and they are in the process of putting together a web site that will include the genealogical information and other Civil War information. The students have assembled a CD–ROM that will be sent to the Library of Congress.

The teachers and administrators at Whiteside have been a great asset for these children, as they have combined service and education in a way that is fun and creative. There are 412 students in 5th through 8th grade at the school, and they have all been involved with service-learning projects. The children have not only found a new enthusiasm for their education, but they have performed valuable work for the community as well.

Whiteside continues to make a significant contribution to Southwestern Illinois and the entire nation, Mr. Speaker, I urge my colleagues to join me in expressing appreciation to the Whiteside School District for its dedication to service.

A SPECIAL TRIBUTE TO JIM STREACKER ON HIS SEVENTIETH BIRTHDAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding gentleman from Ohio's Fifth Congressional District. Jim Streacker of Tiffin, Ohio, will celebrate a milestone seventieth birthday on June 15, 2002,

Mr. Speaker, Jim will be celebrating this monumental occasion with family and friends, all who have known of his selfless contributions to the local community. Serving the community was not only Jim's duty but also his honor. These chances to give back to the community have brought him a lifetime of both personal and professional achievement Jim truly is a valued asset to the City of Tiffin.

Jim has served Tiffin well throughout his years both, professionally and philanthropically. In his state of semi-retirement from Streacker Tractor Sales, he continues to serve the agricultural community as Secretary of the Tractor Sales Association. He also holds a seat on the Seneca Industrial Environmental Development Commission, and is a member of the local chamber of commerce, the local business boosters, and the Key Bank Advisory Board.

Jim serves charitable interests of the Saint Francis Foundation, and the Betty Jane Advisory Board. Through Jim's work in the Calvert Foundation, he has helped manage the investments of the local school system in an effort to keep the schools properly financed and maintain a high standard of education for the community's children. He is also active in the local VFW, American Legion, and AMVETS since serving his country in the U.S. Air Force in the Korean War.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Jim Streacker. Our communities are served well by having such honorable and giving citizens, like Jim, who care about the well being and stability of their communities. We wish him the very best on this special occasion.

CONGRATULATIONS TO LINCOLN HIGH SCHOOL IN DALLAS, TEXAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, whereas on March 9, 2002, the Lincoln High School Tigers boys varsity basketball team in Dallas, Texas completed its 2001–2002 season undefeated, with 40 wins, 0 losses;

Whereas the Lincoln High School Tigers won the 2002 Texas State Championship;

Whereas the Lincoln High School Tigers were ranked number one by USA Today national high school ranking poll;

Whereas the coach of the Lincoln High School Tigers, Mr. Leonard Bishop, has also been awarded the national Coach Awards by USA Today and the Black Coaches Association, as well as the Dallas All Sports Awards area Coach of the Year;

Whereas the Lincoln High School Lady Tigers girls' team won the, District 12–4A Championship in Dallas, Texas, having completed the 2001–2002 season undefeated with 12 wins, 0 losses;

Whereas the Lincoln High School Lady Tigers continued to win their regional championship and were also state finalists;

Whereas the Lincoln High School Football team won their district championship, finishing the season undefeated with 6 wins, 0 losses; and

Whereas the Lincoln High School National Society of Black Engineers (NSBE) Jr. Club won the 2001 Dallas Boosting Engineers, Science & Technology (BEST) award, including the Most Elegant Robot award;

Be It Proclaimed, That I—

(1) congratulate—The Lincoln High School Tigers boys varsity basketball team for winning the 2002 Texas State Championship;

The Lincoln High School Lady Tigers girls basketball team for winning their 2002 district and regional championships;

The Lincoln High School Football team for winning the 2001 district championship; and

The Lincoln High School NSBE Jr. Club for winning the BEST award;

(2) commend the Lincoln High School Tigers boys varsity basketball team, the Lady Tigers girls basketball team, the football team and the NSBE Jr. Club for their outstanding performance during the entire 2001–2002 season and for their commitment to high standards of character, perseverance, and teamwork; and

(3) recognize the achievements of the players, coaches, and support staff who were instrumental in helping the athletic teams and clubs win their respective championships and awards.

INTRODUCTION OF H.R. 4914, THE CENTER FOR COMMERCIAL DEPLOYMENT OF TRANSPORTATION TECHNOLOGY DEVELOPMENT AUTHORIZATION ACT OF 2002

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. HORN. Mr. Speaker, I rise today to introduce the Center for Commercial Deployment of Transportation Technology Development Authorization Act of 2002. The Center for the Commercial Deployment of Transportation Technologies (CCDoTT) is a chartered university center at California State University Long Beach (CSULB) functioning as a partnership of academic institutions, government, and commercial corporations.

The CCDoTT project is operated by the CSULB Foundation in conjunction with the Department of Defense, the United States Transportation Command (USTRANSCOM), and the Department of Transportation, through the Maritime Administration (MARAD).

CCDoTT was organized to pursue a broad range of defense and commercial technologies, to analyze transportation problems and environmental impacts, and to develop technological, procedural, computer, or equipment solutions. CCDoTT and its associates are well versed in transportation technologies, computer simulation and modeling, defense, electronic commerce, economic and cost modeling, state-of-the-art training and educational solutions, and advanced manufacturing technologies.

Recent developments with respect to national security issues and more specifically maritime related security issues, have introduced a new dimension to a number of CCDoTT program undertakings. These initiatives seek to advance the technology, procedures and equipment associated with improved surveillance and security of cargo movement to and from domestic and foreign marine ports and terminals.

Working with its partners, CCDoTT will continue to help our Armed Forces meet their rapid deployment needs for the new millennium while concurrently advancing the competitive capability of U.S. based shipping interests and maritime security related efforts currently under consideration.

Mr. Speaker, it is my hope that my colleagues will join me in supporting H.R. 4914, The Center for Commercial Deployment of Transportation Technologies Authorization Act of 2002.

H.R. 4914 is printed below:

H.R. 4914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Center for Commercial Deployment of Transportation Technology Development Authorization Act of 2002".

SEC. 2. JOINT DEPARTMENT OF TRANSPORTATION/DEPARTMENT OF DEFENSE PROGRAM TO DEVELOP TRANSPORTATION TECHNOLOGIES FOR COMMERCIAL AND MILITARY APPLICATIONS.

Section 8 of the Merchant Marine Act, 1920 (46 U.S.C. App. 867) is amended—

(1) by designating the text as subsection (a); and

(2) by adding at the end the following new subsection:

(b)(1) Notwithstanding any other provision of law, from amounts made available to carry out this subsection, the Secretary of Defense, in cooperation with the Secretary of Transportation, shall carry out a program under this subsection to develop and deploy dual use transportation technologies for commercial and military applications, including but not limited to the following:

(A) Agile port.

(B) High-speed sealift.

(C) Advanced cargo and passenger vessel hull design, propulsion systems, and construction employing national defense features.

(D) Rapid deployment.

(E) Command and control, and decision support.

(F) Maritime, port, and cargo security.

(2) The Secretary of Defense shall carry out such program in cooperation with the Secretary of Transportation under section 2358(b)(4) of title 10, United States Code.

(3) The program required by paragraph (1) shall be carried out pursuant to a cooperative agreement to be entered into by the Secretary of Defense, the Secretary of Transportation, and the Center for Commercial Deployment of Transportation Technology of California State University, Long Beach.

(4) Of amounts appropriated or otherwise made available for the use of the Department of Defense for research, development, test, and evaluation, Defense-wide, the following amounts shall be available for a task and delivery order contract under section 2304(c) of title 10, United States Code, to carry out this subsection, to remain available until expended:

(A) $10,000,000 for fiscal year 2003.

(B) $15,000,000 for each of fiscal years 2004 and 2005.

(C) $20,000,000 for each of fiscal years 2006 and 2007.

Below is a letter of June 11, 2002, from five Presidents of the marine unions who want to see the dedicated ship-building in high-speed passenger and cargo vessels.

JUNE 11, 2002.

Hon. STEVE HORN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HORN: On behalf of the undersigned maritime or organizations, we are writing to express our support for your legislation, H.R. 4914, the "Center for Commercial Deployment of Transportation Technology Development Authorization Act of 2002." We are especially pleased your legislation would specifically authorize the development and deployment of dual use transportation technologies for commercial and military applications in the area of high-speed passenger vessels.

As you may be aware, our organizations have been working with Voyager Holdings, a U.S.-owned venture that has contracted to build two very high-speed trimaran passenger vessels at Baltimore Marine Industries. These vessels will incorporate a new, highly stable hull design developed by Kvaemer Masa Marine with technology support from Science Applications International Corporation (SAIC), David Taylor Research Center, and Band Lavis & Associates. In addition, these vessels will be capable of conversion for national emergency support due to their innovative militarily useful features designs. Significantly, these design enhancements are based on the cooperative development between the California State University at Long Beach and the Center for the Commercial Development of Transportation Technologies (CCDoTT).

The CCDoTT program enables the Department of Defense, through the United States Transportation Command, and the Department of Transportation, through the Maritime Administration, to leverage advanced transportation technologies to address defense and commercial transportation requirements. Voyager's proposed trimaran high speed. cruise vessels, in addition to representing the next step in the evolution of cruise vessel design, offer distinct advantages for both commercial and defense sealift missions. In fact, a representative of the Department of the Navy has told Voyager Holdings that they ire "particularly pleased that [this] design includes a number of features that will greatly enhance the defense related value of your vessel . . . These high-speed long range vessels . . . will significantly enhance our nation's United States-flag commercial sealift capability."

We believe CCDoTT's mission to pursue dual use defense and commercial technologies will, as in the case of the high-speed trimaran cruise vessels, help the United States gain worldwide leadership in the advanced high-speed ocean transportation market. Your legislation, by providing CCDoTT with a multi-year authorization, will enable CCDoTT to continue to pursue its mandates over the long term with the knowledge that its work can proceed in an uninterrupted fashion.

We again express our support for your legislation and look forward to working with you and your colleagues for its enactment this year.

Sincerely,

Captain Timothy Brown, Masters, Mates & Pilots; Ron Davis, Marine Engineers' Beneficial Association; Henry Disley, Marine Fireman's Union; Gunnar Lundeberg, Sailors' Union of the Pacific; Michael Sacco, Seafarers International Union.

THE BRACERO JUSTICE ACT OF 2002

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. GUTIERREZ. Mr. Speaker, I rise today to announce the introduction of my bill, the Bracero Justice Act of 2002. I am joined by Representatives FARR, FILNER, PASTOR, NAPOLITANO, SOLIS, BACA, ROYBAL-ALLARD, SERRANO, MCGOVERN, RODRIGUEZ, FRANK, MENENDEZ, MILLENDER-MCDONALD, SCHAKOWSKY, GONZALEZ, ORTIZ, VELÁZQUEZ, ACEVEDO-VILÁ, REYES, LIPINSKI, BECERRA, MCKINNEY, DAVIS (IL), and BERMAN.

I am very pleased to introduce legislation that offers relief to people who have long sought help. My bill would allow people to seek recourse in a venue that so often has protected the most vulnerable in our society: the federal judicial system. In short, my bill would give a deserving group of people their day in court and to have their case heard on the merits.

Bracero workers have been waiting for their day in court for nearly six decades. Sixty years ago, in 1942, the U.S. Government entered into a program that was designed to help America get through the economic challenges that accompanied World War II. Under the program, nearly 5 million workers came to the United States from Mexico, to carry out the back-breaking labor that kept our Nation going. They filled in where labor was in short supply—especially in agriculture. Their work allowed America to carry out its war effort and to feed the country and its troops.

After the war, during the late 1940s and into the 1960s, Braceros helped keep America growing and expanding. Some worked on farms, others in railroad construction or other jobs. Unfortunately, despite working a full day in the fields, despite being fully exposed to the elements and a full range of other challenges, Braceros did not receive compensation in full. As many as 400,000 workers saw their paychecks reduced by as much as $70 million.

During the first 7 years of the program, it was an overt, explicit policy that each worker would sacrifice 10 percent of his or her salary, with the promise that it would be available to them upon their return to Mexico. It was a policy which very well may have continued long after that period, and affected far more workers. And, yet, the money disappeared. It went unaccounted for. At least $70 million of it—which, with interest, may be worth as much as $500 million to a billion dollars today—was gone.

Today, Members of both parties speculate about the possibility that American workers will not get the full Social Security payout to which they are entitled upon their retirement. Here is a real-life example of exactly that scenario. In this case, it was tens (perhaps hundreds) of millions of dollars that rightfully belonged to people who had little resources then—who had little resources in the years since. And, in many cases, few resources today. Without this legislation, these people will lack the most basic resource of all: the ability to have their complaint heard.

Do we know where the money went? No. However, we do know this: Under the Bracero program, the U.S. Government acted as the employer. Workers were contracted out to various businesses—farms, for example. The U.S. Government withheld 10 percent of their wages. The funds were then to be transferred to Wells-Fargo Bank and this bank was to transfer it to the Banco de Mexico which would then (supposedly) transfer it to regional banks.

Somewhere along the way—sometime during a process which we know began on U.S. soil and may, for all we know, ended on U.S. soil, too—the money was lost. Or taken away. All we know is, the money is still owed. To discover where the money went, to get some accounting of what went wrong, is one of the primary goals of a lawsuit filed last year in federal court. But, even that basic step is blocked until certain legal matters are resolved. These matters are addressed in this bill, the Bracero Justice Act of 2002.

For example, my bill addresses the issue of the statute of limitations. We must eliminate any time limits on legal action. Just as we have seen with Holocaust survivors who were robbed of their assets or the Japanese citizens interned in our country for years—waiving the statute of limitations is a necessary step in seeking justice that is decades overdue. My bill also addresses jurisdictional questions, allowing suits to be filed in any district court, so the full universe of workers can gain relief.

The Bracero Justice Act also seeks a waiver of sovereign immunity, so that action can be taken against a government—whether the United States or Mexican Government—if it is found that their actions contributed to this fiasco. Eligibility of class members matters, so that the full category of workers who may have been harmed, which may have included braceros working into the late 1960s, may have legal standing. In short, what we are asking is that such cases be heard and decided on their merits so that justice cannot be dismissed on a technicality, so that we can discover—first and foremost—the truth.

I am confident that my colleagues will agree that the American legislative and judicial system can be put to work to help people who were put to work to build and grow and feed our country. Please join me in cosponsoring my bill, the Bracero Justice Act of 2002.

RECOGNITION OF JUNE L. MCNEELY

HON. HENRY E. BROWN JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. BROWN of South Carolina. Mr. Speaker, I would like to submit the following poem, "First Place in the Heart", by a fellow South Carolinian, June L. McNeely.

This poem expresses my feelings toward patriotism, family, and faith. by: June L. McNeely

"FIRST PLACE IN THE HEART"

(By June L. McNeely)

Let's put GOD back in America, let HIM have first place in our heart.
Let's put GOD back in America and right now is the time to start.
Let us all stand together as a family hand in hand and pray for GOD's mercy and for the healing of our land.

HE has given us a country that is special to us all.
Let's not bow to the enemy, but keep standing very tall.
Let's put GOD back in America. This beautiful country we call home.
Put HIM in our homes and schools and all of our gathering places.
Then everyone in this world will see GOD's love in all our faces.

Put all of your trust in your HEAVENLY FATHER. He will all of your burdens bear.
HE will never leave you nor forsake you.
HE has promised to always be there.
HE will help you through each moment so all of your fears will cease.
Let's put GOD back in America and with HIS help live with others in peace.

SENATE—*Friday, June 14, 2002*

The Senate met at 9 a.m. and was called to order by the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation and Lord of our lives, we thank You for the outward symbols of inner meaning that remind us of Your blessings. The sight of our flag stirs patriotism and dedication. It reminds us of Your providential care through the years, of our blessed history as a people, of our role in the unfolding of Your American dream, and of the privilege we share living in this land.

Today, as we celebrate Flag Day, we repledge allegiance to our flag and recommit ourselves to the awesome responsibilities that You have entrusted to us. May the flag that waves above this Capitol remind us that this is Your land.

Thank You, Lord, that our flag also gives us a bracing affirmation of the unique role of the Senate in our democracy. In each age, You have called truly great men and women to serve as leaders. May these contemporary patriots experience fresh strength and vision, as You renew the drumbeat of Your Spirit, calling them to march to the cadence of Your righteousness. In the Name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BLANCHE L. LINCOLN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. LINCOLN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business until 9:35 a.m. Senator MURRAY has the first 20 minutes. The remaining time will be under the control of the Republican leader or his designee. At 9:35, we are going to have two votes. Following that, the main reason for me appearing this morning is to tell Members S. 2600 will be open for amendment. We hope people will come over today. There will only be two votes.

We didn't have a good day yesterday. We had a couple of amendments, but the rest was not very serious business related to the extremely important antiterrorism insurance legislation.

We hope people will begin to move forward on this legislation. The majority leader indicated we are going to pass this legislation. It is just a question of whether we are going to do it with or without cloture.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:35, with 20 minutes being under the control of the Senator from Washington.

The Senator from Washington is recognized.

HEALTH CARE CHALLENGES IN THE STATE OF WASHINGTON

Mrs. MURRAY. Madam President, seniors in Washington State cannot get the medical care they need, and I have come to the floor today to explain the problem and to offer a solution that has the support of doctors, nurses, hospitals, and patients throughout Washington State.

While many States are facing challenges in health care, the problems are especially severe in my home State, where providers are struggling to care for patients in a system that is falling down around them. There are many reasons for this crisis, but one of the most fundamental is the unfair way in which Medicare reimburses doctors and providers.

Just look at what happens to the seniors I represent. They have spent their lives working hard, raising their families, and paying into the Medicare system. In fact, they have paid the same percentage of their income into Medicare as Americans from every State. But when they retire, they find that their access to health care depends upon where they happen to live. If they live in Washington State, they can expect far less access and far fewer benefits than seniors in other States. That is because Medicare reimbursement rates vary State by State.

Today, those reimbursement rates don't reflect the true cost of providing care, and they are penalizing patients and providers throughout Washington.

Madam President, in recent years, we have lost many physicians and clinics, especially in our rural areas. These unfair Medicare rates are making the problem even worse by encouraging doctors to retire early, to move, or to stop seeing Medicare patients altogether.

At the same time, these rates make it even harder for us to attract the new doctors, nurses, and health care professionals that we need to fill the growing void. As a result, seniors have to spend all day long on the phone trying to find a doctor who will see them. More often than not, they are told the doctor is not accepting any new Medicare patients.

Today, I want to explain the problem, show the impact it is having on the people of my State, and talk about a legislative proposal that Senator CANTWELL and I have introduced to give Medicare patients the equity they deserve.

For years, the health care challenges of Washington State have been getting worse, just like in the Presiding Officer's State. More and more patients don't have insurance and families don't have enough insurance. There is a shortage of health care professionals. That is causing problems, especially in our rural areas. There are many reasons for these difficulties, including our growing retired population, the rising cost of medical care and prescription drugs, as we all know, and paperwork and insurance.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In January, Medicare payments to doctors were slashed by 5.4 percent nationwide. Because many private insurers base their rates on Medicare payments, providers cannot shift the costs as they could in the past. In addition, Washington State is facing a budget shortfall and that has affected funding for Medicaid.

As we in Washington State try to address those national challenges, we are starting out several steps behind. That is because Washington State receives far below the national average in Medicare payments per patient. As this chart behind me shows, Medicare rates vary by State. Shown here are the average Medicare payments per beneficiary. These figures come from the Federal agency that manages the program—the Centers for Medicare and Medicaid Services, known as CMS. These figures are for fiscal year 2000. I would love to show more recent numbers, but I understand CMS has decided they are no longer going to calculate or distribute these figures.

Looking at this chart, you can see that these figures vary dramatically between States. At the top is Louisiana. They get, on average, $7,336 per Medicare patient. At the bottom is Iowa, which receives less than half that, just $3,053. When you include the District of Columbia, Washington State, my State, ranks 42nd in the Nation in Medicare reimbursement beneficiary. The Presiding Officer's State of Arkansas ranks right here at about 28th in the Nation. It is well below the average of what most States get. The national average is $5,490. Washington State, my State, receives $3,921 per patient.

In fact, in New York, a doctor can be reimbursed at twice the rate as Washington State for some procedures. That affects the stability of our doctors, hospitals, clinics, and home health care providers. Over the lifetime of a Medicare beneficiary, it can mean thousands of dollars less spent on their care in Washington.

These regional inequities have resulted in vastly different levels of care and access to care. For example, in Florida, up here at the top of the chart, a lot of Medicare beneficiaries have access to prescription drugs and prescription eyeglasses in their Medicare Plus Choice program.

In Washington State, while there may be some willing providers, there are no open plans available that offer prescription drug coverage, much less eyeglasses, because of our low reimbursements.

Overall, this is about fairness and access to health care. So I want to point out four reasons this morning why this system is unfair to patients in my State and the other States that rank at the bottom in reimbursements.

First, Washington State seniors pay the same rate into Medicare as everyone else. During their working years, every American pays the same percent of their income into the Medicare system, no matter where they live.

During retirement, every American pays the exact same dollar amount in part B premiums, no matter which State they live in. Washington seniors pay the same, but they do not get the same access to care, and that is not fair.

Second, the reimbursement rates do not reflect the true costs of providing care. The cost of treating a patient does not magically drop when you cross the border into my home State of Washington. The health care pressures we are facing do not stop at the State line, but payments do, and that is forcing doctors to choose between helping patients and staying in business. That is not fair.

Third, health care today is affected by national trends that require more equal reimbursement rates throughout the country. Two of those trends are the shrinking pool of available doctors and the growing need for expensive medical equipment.

There are a limited number of medical professionals, and every State is now competing to attract them. Because Medicare rates are so much lower in my State, we cannot offer the same salaries or the same recruitment incentives.

Hospitals face this challenge when it comes to medical technology. Today, health care relies increasingly on sophisticated expensive technology. An MRI machine costs the same amount for a hospital in Florida as a hospital in Washington State, but the only difference is the hospital in Washington State receives far less money from Medicare to pay for it. Overall, that means our State cannot attract the providers or buy the equipment that other States can, and that is not fair.

I recently heard from doctors with Olympia Radiation Oncology in Olympia, WA, and they said:

> While the cost of state-of-the-art equipment and personnel remains the same from state to state, the reimbursement is allowing appropriately reimbursed states to maintain a higher quality of care, while Washington State is struggling to deliver basic care. . . . If this problem is not addressed in a timely manner, we will continue to have a migration of young people and businesses out of our state, and we will be left with an aging population with suboptimal care.

My State is being penalized for doing the right things in health care, and that is not fair. Washington State has a long tradition of providing high-quality, low-cost health care, but today that innovative tradition is being used against us by the Medicare system. Other States spend more than twice what we spend and end up with less healthy outcomes while we are being punished for providing excellent care at low costs, and that is not fair.

This is an issue of fairness. Our seniors pay the same into the system and pay the same Part B premiums, but we do not get the same access or benefits. Our doctors have to choose between staying in business or accepting Medicare patients because Medicare payments do not reflect the true costs.

Our State is competing with every other State to attract doctors and to buy medical equipment, but we do not have the same resources as Medicare provides to other States.

Finally, our State is being penalized for providing highly efficient, high-quality health care at low costs. Any way we look at it, the system is not fair to the people I represent.

This difference in reimbursement rates would not be a big deal if it were just a bureaucratic formula on a piece of paper, but we are talking about whether or not people can see a doctor, and I can tell you, unfair Medicare rates are hurting patients in Washington State in several ways. Many doctors are leaving our State, retiring early, or even refusing to accept Medicare patients. Nationwide a study by the American Academy of Family Physicians found that 17 percent of family doctors are not accepting new Medicare patients. The problem is even more severe in my State. The Washington State Medical Association conducted a survey last November and found that 57 percent of physicians who responded said they are either limiting their Medicare patients or dropping all Medicare patients from their practice.

Many experts believe that study does not even show the full extent of the problem. Other doctors are just leaving our State altogether. Since 1998, the number of Washington State Medical Association members leaving our State has increased by 31 percent.

To illustrate this problem, the Washington State Medical Association took out print advertisements in Washington State newspapers. And they say: Eastern Washington, my State, has a thriving medical community. You will find them in places like Boise, ID and Eugene, OR.

> It's getting to the point where Washington doctors can't afford to stay in Washington. Administrative costs are out of control, reimbursement rates don't cover services, medical practices are shutting down. The fact is Medicaid and Medicare are grossly underfunded and private payers are setting their rates according to public programs. Now what does this mean to the patient? It means that even if you have great health insurance, the underfunding of public programs puts your personal physician's practice in jeopardy. So in other words, all the insurance in the world isn't going to help when your family doctor packs up and leaves the State.

This is a pretty good description of what is happening in my State. When doctors leave our State or retire early, their patients have to look for a new doctor who will accept Medicare, and according to my State's medical association, each time one physician leaves the Medicare Program, 2,000 patients have to find a new caregiver.

Across Washington State, seniors are experiencing the frustration of spending all day on the phone and still not being able to find a doctor who will accept them just because they are on Medicare.

Many articles have been published in my State detailing the trouble our seniors are having finding a doctor, and I have included many of these articles on my Web site. But I want to share one example with my colleagues.

A few months ago in Sequim, WA, a small, rural community, an older woman came up to me in a parking lot with a cast on her arm. She told me when she broke her arm, she went to the doctor. He put her cast on and told her to come back in 4 weeks. In the interim, her doctor determined he could no longer take Medicare patients. So when she went back 4 weeks later, she found out her doctor would not see her because he was not accepting Medicare patients.

There she was in this parking lot, standing there asking me how she was supposed to get her cast off. That is how bad it has gotten.

These terrible examples are becoming more common every day in my State because unfair Medicare rates are encouraging doctors to leave my State or close their practices to Medicare patients. But it is not just a problem for people on Medicare. It ends up having an impact on everyone.

When a patient cannot find a doctor, a patient ends up in the emergency room. The ER is really the only place where a patient cannot be turned away. Unfortunately, by the time they make it to the ER, their symptoms, which could have been addressed easily, have now developed into more serious medical problems.

James Newman is an emergency room doctor in Kennewick, WA. He is the chairman of education for the Benton-Franklin County Medical Society. Dr. Newman has seen patients go into cardiac arrest in the emergency room because they did not get care early enough. Often those patients had symptoms for weeks, but they could not find a primary care doctor, so they end up going into cardiac arrest in the emergency room, and that is outrageous.

Dr. Newman says that once a patient is ready to leave the ER, he cannot find a doctor who will continue to care for them. So Dr. Newman, who is board certified in emergency medicine and has been practicing for 10 years, spends much of his time trying to find doctors for his patients, sometimes begging and borrowing favors just to get his patients the care they need, and he ends up having to practice beyond the normal scope of his job.

For example, he might give a patient an 8-month prescription for hypertension medicine because he knows that patient will not be able to find a primary care doctor to refill a shorter prescription. Even worse, Dr. Newman ends up seeing the same patients again and again in his emergency room because they cannot find a doctor to care for them. That is how bad things have gotten in my State.

Remember, the cost of providing care in emergency rooms is much higher than preventing those problems in the first place. This problem impacts everyone who needs emergency care. Our emergency rooms are overcrowded. According to a recent study by the Washington chapter of the American College of Emergency Room Physicians, 91 percent of small hospitals and 100 percent of large hospitals reported overcrowding.

In addition, 76 percent of large hospitals reported overcrowding 2 to 3 times a week or more often.

In addition to problems in the emergency room, these unfair rates also make it hard for us to recruit the new physicians we need to replace those who are moving and retiring early.

I want to share with the Senate what Mike Glenn, the CEO of Olympic Medical Center in Port Angles, WA had to say on recruitment.

As he tries to attract doctors, he is finding that hospitals in other States are offering twice the salaries he can offer.

He says:

> Doctors in nearly every field are either fleeing our state to earn higher salaries, or staying but with growing levels of dissatisfaction and resentment.
>
> Physician headhunter firms have targeted our state as fertile ground to find doctors willing to pack up and leave for positions in states benefitting from more Medicare dollars.
>
> If this situation is not quickly remedied, many Washington communities will face critical shortages of physicians.
>
> Imagine a trip to a hospital Emergency Room without qualified ER doctors to provide life saving treatment, or without anesthesiologists to staff the Operating Room.
>
> This is not a doomsday scenario, but a logical consequence of the current Medicare reimbursement system.

There is no denying that unfair Medicare rates are hurting patients and providers in Washington State.

Doctors are leaving our State or refusing to see new Medicare patients.

As a result, seniors cannot find doctors who will accept them.

Too often, those seniors end up in the emergency room in much worse condition.

We cannot even dig ourselves out of this hole because the low reimbursement rates make it hard for us to recruit new doctors to Washington State

It is going to get worse.

As I mentioned earlier, in January, Medicare payments to doctors were cut by more than 5 percent.

They are expected to continue to decline in the next 3 years for a total decrease of 17 percent by 2005.

That is untenable. We need to do something about it.

Unfortunately, the Bush Administration does not acknowledge the severity of the problem.

In April, Tom Scully, the administrator of CMS, told Washington seniors that "access was not yet a serious problem."

On Wednesday, I asked him about it at a hearing, and he said basically the same thing: That it will be a problem, but it is not a serious problem today.

They do not get it.

CMS is not going to fix this.

The White House is not going to fix this.

The Office of Management and Budget is not going to fix this.

If we are going to fix this problem, we are going to have to do it right in the Senate.

That is why Senator CANTWELL and I have introduced S. 2568, the MediFair Act.

The MediFair Act is designed to restore access and fairness to Medicare, and—in the process—help seniors, the disabled and all of our citizens.

This proposal is based on what I have heard from doctors, nurses, hospitals and patients over the past year.

Our bill has been endorsed by the Washington State Medical Association, the Washington State Hospital Association, and the Washington Nurses Association.

On the House side, companion legislation has been introduced.

It has the support of lead sponsor ADAM SMITH along with Representatives DICKS, MCDERMOTT, BAIRD, INSLEE, and LARSEN.

The MediFair Act is a starting point for eliminating the regional inequities in Medicare.

The bill will make the system more fair.

It will ensure that seniors are not penalized when they choose to retire in the State of Washington.

It will encourage more doctors to accept Medicare patients.

It will make it easier for us to recruit new doctors to our State.

And it will help our hospitals and home health agencies get the resources they need to care for our patients.

Let me explain my bill. The MediFair Act works to bring States up from the bottom of the reimbursement list.

The legislation would ensure that every State receives at least the national average of per-patient spending.

The bill does not affect States that currently receive the national average or just above the national average.

Further, our bill promotes efficient health care and healthy outcomes.

This is an area where we really need to correct the incentives.

Here is how Mike Glenn of the Olympic Medical Center put it:

> The concern is not over 42 states receiving better Medicare reimbursement than Washington, but over what is rewarded and what is not.

Washington hospitals and physicians are proud of our record of pioneering high quality, cost effective medicine. And we do so by focusing on treatments that can help, while avoiding overuse of treatments that cannot.

This style of medicine yields equal if not better patient outcomes. Our reward for this is to be paid a fraction of our actual costs.

To make matters worse, states who do not embrace our style of cost effective care continue to demand and receive twice as much funding from Medicare for no discernable difference in patient outcomes.

The gap between the "haves" and the "have-not States" is growing.

If Medicare does not change this—through action like the MediFair bill—Washington hospitals in Medicare dependent areas will enter into a death spiral until they are forced to close their doors.

So our bill promotes the right things: efficient healthcare and healthy outcomes. It will force States that receive inordinately high payments to improve the quality of their healthcare.

Payments would be reduced to those States, which do not realize healthy outcomes—such as extending life expectancy or reducing rates of diabetes or heart disease.

Simply put, our bill finally holds states accountable for the health care they provide with Medicare dollars.

Before I close, I want to answer just a few questions about my bill.

Some are concerned about the possible cost of fixing the inequities in Medicare.

I am, too.

But I also know that there is a high cost to doing nothing as seniors lose their doctors and their access to healthcare.

There is a cost to the community when seniors end up in-and-out of the emergency room on a regular basis.

And of course, there is a human cost to the patients and their families.

Another question I have heard is:

How will this bill attract support from Senators from high reimbursement states?

First, States that are using Medicare dollars efficiently and effectively don't need to be concerned.

Either way, I recognize that not everyone will embrace this specific legislative proposal.

I want to find a solution that will help seniors get the care they need, and I recognize that there may be different ways to approach the problem.

This MediFair bill is a starting point. It's a way to draw attention to the problem and get folks to look at various solutions.

What matters is fixing the problem, so I welcome ideas and suggestions from anyone who wants to help us solve this problem.

Finally, some of my colleagues may wonder how this bill fits into our efforts to provide a Medicare prescription drug benefit, which is something I have worked to pass for several years.

We have introduced the "Medicare Outpatient Prescription Drug Act of 2002," of which I am a cosponsor.

Our work on prescription drugs should not keep us from fixing this fundamental problem.

After all, a prescription drug benefit isn't worth anything if there aren't any doctors to write out a prescription. So both issues are critical, and we need to move forward on both of them.

We need to fix these problems now—before another senior in my State loses her doctor—before another patient goes into cardiac arrest in the emergency room because he could not find a doctor when his symptoms first appeared.

The system is unfair, and as Dr. Sam Cullison said, "Sadly, it is the Medicare patients themselves who are paying the price for this inequity."

We can restore fairness to Medicare.

We can help patients get the medical access they need, and the MediFair Act is part of that process.

I invite my colleagues to talk with Senator CANTWELL and me about how we can move this or any other proposal forward.

I conclude by saying that this is a matter of critical national attention, and I am going to work every single day to educate our fellow Senators, who are also impacted. We have to do something about this.

I ask unanimous consent that several articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Everett Herald, June 4, 2002]

MURRAY'S MEDICARE PLAN A STEP IN RIGHT DIRECTION

Sen. Patty Murray has the right intention. She wants to make Medicare work better for patients and health care providers alike in this state.

Murray and the rest of the state's congressional Democrats have united around a plan that would raise Medicare reimbursements to health care providers in states where payments are below the national average. Washington is among the 10 lowest states in reimbursement rates, which actually punish areas with relatively efficient health care systems.

Murray's Medi-Fair Act would remedy the inequity by raising all payment rates to at least the national average and over time, forcing improvements elsewhere. It's a good plan, but one that is more likely to raise much-needed discussions rather than solve the problem immediately.

The short-term political reality is that the potential solutions run into a double-whammy. On one side, the Bush administration appears determined to avoid domestic spending increases—unless there is a high enough political gain, such as with the farm bill. On the other side, major states—including California, New York and Florida—aren't about to help others address the equity issue unless their higher Medicare reimbursements can be protected.

The best hope is that Murray and potential allies in both parties, including Republican Sen. Charles Grassley of Iowa (where reimbursement rates are the lowest of all), can raise the level of discussion to the point that a solution becomes politically necessary.

Certainly, for Medicare patients and aging baby-boomers who will soon use the system, the need for action is becoming increasingly serious. The inequities have been around for years, but their effects have become more severe. In this state, many doctors are now refusing to take new Medicare patients because the reimbursements don't cover physicians' costs. The problems extend beyond doctors, though, to other providers.

For the entire health care system, the paper work accompanying Medicare is also a serious issue. It aggravates the low reimbursements here by running up the expenses in medical offices. There is a need for a system that simplifies administration, just as there is a need for a health care system that provides broader access for all people, regardless of age and income.

Action on reforming Medicare's inequities should not be made to wait for such larger solutions. Medicare is America's most significant achievement in assuring health care access. Its erosion cannot be tolerated. Whatever the politics obstacles to immediate action, the Murray initiative helps bring forward the issue of massive inequities in reimbursements. That's a step in the right direction.

[From the Bellingham Herald, June 12, 2002]

"MEDIFAIR" IS WORKABLE ANSWER

Our nation's Medicare system is so fraught with problems that there is no single cure for what ails it. Recovery will require multiple remedies over time. Still, U.S. Sen. Patty Murray, D-Wash., took a healthy step toward a solution in announcing her "Medifair" legislation last month.

Much lip service has been paid to addressing Medicare issues, but Murray's bill, still in draft form, advances the fight.

It's no secret that Washington state is at the low end of the scale for reimbursements. That's more than evident in Whatcom County, where the Family Care Network and Madrona Medical groups have had to stop taking new Medicare patients because they can't afford to treat them.

Despite the fact that everyone pays into the system at equal rates, the doctors who treat them are not reimbursed at the same rates. States like California and Florida receive far higher payments than Washington, which is being penalized for trying to contain medical costs. The current formula is unfair to both the patients who pay into it and to the health-care providers who treat them.

Murray's bill would require that every state receive at least the national average for per-patient spending, which was $5,490 in 2000. Washington received about $3,900 per beneficiary in 2000, making it 42nd among the states in per capita spending.

Under Murray's proposal, states that receive 105 percent of the average could see cuts.

In reality, the bill will face very strong opposition and will be difficult to pass. Big states will fight hard not to have their reimbursements cut, and the formula could require new revenue that won't be readily available.

The important thing is that Murray is getting the system on the table for examination.

While Washington ranks near the bottom in reimbursements, it ranks closer to the top in numbers of Medicare clients. The federal plan covers about 750,000 seniors and disabled people in this state, making it 18th in the nation in client base, according to 1999 figures.

U.S. Rep. Rick Larsen, D-Arlington, has already announced he's behind Murray's idea.

It's time for Washington's other members of Congress, on both sides of the aisle, to join this fight and help Washington be a leader in Medicare reform.

[From the Spokesman-Review, June 5, 2002]

MURRAY'S BILL RIGHTS MEDICARE INEQUITY

(By John Webster)

Unveiling a Medicare-enhancement bill the other day, U.S. Sen. Patty Murray told an unsettling story: An elderly constituent wearing a cast on her arm came up to Murray and said that when the time came to get her cast removed, her physician refused to see her because he recently had stopped accepting Medicare patients.

Why would any member of the healing profession want to shun Medicare, a major source of patients? Because, in Washington state, Medicare's reimbursement rates are lousy and getting worse.

That's why Murray introduced S. 2568, the MediFair Act of 2002. The bill would compel Medicare officials to correct a reimbursement inequity.

The state medical association says this inequity has created such financial difficulty that a growing number of older physicians are throwing in the towel and retiring; young physicians are moving to states other than Washington; and, some Washington state physicians are deciding to stop taking Medicare patients.

These are alarming trends for the residents of our state. The problem is particularly troubling for Spokane. Here, there is a sizable population of low-income and elderly people who depend on Medicare. In addition, Spokane is a regional center for advanced medical services—one of the strongest sectors in our economy. Medicare is a leading source of the health care industry's income; if it fails to cover costs, that's a serious problem.

The reimbursement inequity has existed for years, but it is getting progressively worse. When Medicare set its reimbursement rates years ago, it built them on the status quo, state by state. Medical care was more cost-efficient here than in some states, so reimbursement rates here were set at a lower level.

But as years went by, physicians have faced a accelerating need to invest in high-tech equipment, which costs the same everywhere. Medicare's rates left Washington's clinics with less money to buy that technology, than doctors had in other states.

On top of that, in 1997 Congress approved a series of cuts in Medicare, to balance the federal budget. Ever since, Medicare has been cutting physicians' reimbursement rates. Doctors in less-efficient states with higher reimbursement rates had leeway to adopt efficiencies and adjust. Not so, in Washington, where rates are lower. By 2005, that 1997 budget deal is scheduled to have cut reimbursement rates by 17 percent.

As of 2000, Sen. Murray says, Medicare spent an average of $3,921 on each Medicare beneficiary in Washington state. In New York it spent $6,924. The national average was $5,490. Washington's rate ranked 42nd in the nation.

This makes it tough for Washington to keep or recruit physicians.

According to a survey by the Washington State Medical Association, 57 percent of physicians are limiting or dropping Medicare patients from their practice.

Murray's bill would require Social Security to correct the inequity; in states such as Washington, Medicare would have to raise reimbursement rates to the national average.

The proposal has the support of associations representing the state's doctors, hospitals and nurses. Good for Sen. Murray, for seeking a solution. The elderly depend on Medicare, and they are counting on Congress to fix Medicare's many ailments—including this one, which threatens the stability of medical clinics as well as access to the physicians that elderly people need.

Mrs. MURRAY. I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the remaining time shall be under the control of the Republican leader or his designee. The Senator from Virginia.

UNANIMOUS CONSENT AGREEMENT—S. 2600

Mr. ALLEN. Madam President, I ask unanimous consent that amendment 3838, which will be the second vote today, be referred to as the Harkin-Allen amendment in recognition of the tireless efforts and leadership of our colleague from Iowa on this important issue.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TERRORISM RISK INSURANCE

Mr. ALLEN. In support of the Harkin-Allen amendment No. 3838, I do want to say that our friend and colleague from Iowa, Senator HARKIN, and I, introduced the measure to allow victims of terrorist acts to seek judgments in our Federal courts with due process and, if accorded a judgment, be able to try to get that judgment satisfied from assets of those terrorist organizations or terrorist assets which have been seized or frozen by the Federal Government.

This measure allows those people from all across the country, including Iowa, Virginia, and other States, to get satisfaction for compensatory damages that they have been awarded. I want to again thank our colleague from Iowa, Senator HARKIN, for his great leadership and his great efforts in this regard.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

ENERGY POLICY

Mr. THOMAS. Madam President, I will make a few remarks this morning in our remaining time regarding one of the issues before us. We, of course, have spent a good deal of time on emergencies over the last number of months, and properly so. We have had emergencies. Obviously, the most compelling one has been terrorism and homeland defense.

In addition to that, we have talked about a number of other things. We have had fires; agriculture, which we felt is something of an emergency; as well as health care, which the Senator from Washington talked about. Indeed, most legislation that comes up is sort of deemed an emergency, at least in the view of the sponsor.

There is one thing which I think pretty clearly should be one of the most important, something that will affect us over time and one that we can avoid, which is the energy problem in our country. Probably nothing touches more Americans than energy, whether it be electric energy or gasoline for one's automobile.

Finally, after a considerable amount of effort in both Houses, we do have an energy bill that has passed both Houses. It is designed to give us an energy policy which we have not had for a very long time. Obviously, there are differences between the House-passed bill and the Senate-passed bill. Both of them have many of the components that were put forth by the President and the Vice President early last year in terms of an energy policy. Yesterday, we had the appointment of a conference committee named by the House, and I am pleased with that because we will be able now to go forward in putting together these two bills and coming out with an energy policy for the United States.

I want to emphasize how important that is. We have seen some problems recently in California, of course, and problems can occur in other places. We will likely see some this summer if we continue to have the heat we have had, and the demand for electric power. There will be some problems, I suppose, relative to that.

We are seeking a policy that does several things. No. 1, it avoids having an energy crisis. There is no real need for that. We know what is needed. It is very simple to set forth what we have to have in the future. We are also seeking to try to do whatever we can. It is very possible to avoid overdependency on imported oil and fuel. We are now 60 percent dependent on overseas countries for our oil supplies. These are our challenges.

In addition, an energy policy that looks forward to cleaner air and protecting our environment is one everyone is committed to. There will be great debate over ANWR and whether or not a small footprint on 19 million acres of a wildlife refuge in Alaska would be detrimental. That is yet to be decided.

However that turns out, there are things we have to do. One opportunity we have is to continue to make coal a cleaner resource. Regarding electric generation, 50 percent is generated by coal. That will continue to grow, I suspect, and be a larger percentage over time. We need to make sure we can make the coal-generated electricity as clean as possible. Our bill will provide for additional help with respect to that. It is important we do that. Coal is probably the largest energy resource we have available in the United States.

Regarding gas and oil, again, we have become very dependent on imports. We have great opportunities in this area in the continental United States, in Alaska and the West. We need to do that and be balanced with the environment and production. We need access to public lands to do that. We will work on that.

We have an opportunity now to deal with one of the issues that impacts, probably more than anything else in this country, our policy on energy. We are ready to move with that. It needs to be balanced between renewables, production, environment, and usage. We can do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

TERRORISM INSURANCE

Mr. DODD. Madam President, we are going to start voting at 9:35. We need a roadmap to follow as to what we are going to do in the next 45 minutes with a variety of votes on matters that are related in some degree, but mostly unrelated, to S. 2600, the terrorism insurance bill, the subject of debate all day yesterday. We will be continuing with matters that have to be dealt with before we get back to that bill. I take a minute or so to express my sincere hope we will get back to that bill. I regret it is taking this long. We have been at this an awfully long time.

We only dealt with two amendments yesterday that were relevant to the bill despite all the talk about this. There are people from the AFL–CIO, to business groups, developers, commercial interests, who would like to see the bill adopted soon because of the inability of major projects to move forward due to the unavailability of terrorism insurance.

We have come a long way while waiting to get here. This is an important issue. The President indicated this, and the Secretary of the Treasury, and every organization I know of, with the exception of one or two, believe this is something we must do and should have done earlier. We will deal with some of the other matters, and I don't minimize the importance of them, but we are getting off track from the underlying bill. The leader feels strongly about this, as do many Members on both sides. We had some very fine speeches yesterday by Members on both sides of the aisle in support of this underlying legislation.

My hope is sooner, rather than later, we can adopt S. 2600. We will deal with some other matters, but I hope to get back to the bill and complete it. I am prepared to stay here as long as we have to and listen to Senators all day today and all day Monday. There will be no votes until Tuesday, but we can dispense with debate today and Monday and bring us to final closure on this bill on Tuesday. The leader has to make some decisions on proceeding, but he is determined the legislation move forward.

I yield the floor.

Mr. LEAHY. What is the parliamentary situation?

The ACTING PRESIDENT pro tempore. At 9:30, morning business is to be closed.

The Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent that I be allowed to speak for 4 minutes and delay the vote from 9:35 to 9:39.

Mr. LEAHY. Reserving the right to object, and I shall not, has there been reserved time already on this vote?

The ACTING PRESIDENT pro tempore. There is no time reserved for debate on matters.

Mr. LEAHY. Madam President, I understood the Senator from Vermont had time reserved on the Leahy-Hatch amendment. Am I incorrect on that?

The ACTING PRESIDENT pro tempore. There was an order for the Senator to be recognized to offer the amendment but no specific time for debate.

Mr. LEAHY. I thank the Chair.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Iowa will be recognized for 4 minutes.

HARKIN-ALLEN AMENDMENT ON TERRORISM VICTIM'S ACCESS TO COMPENSATION

Mr. HARKIN. Madam President, first, I thank the Senator from Virginia, Senator ALLEN, for bringing this matter to the floor. I was unavoidably detained yesterday. I had a lot of constituents from the Greater Des Moines Chamber of Commerce, about 140 Iowans, with whom I was meeting as we concluded a very busy day to cap off their annual work trip to Washington, D.C. Unfortunately, I was unable to be here in the Chamber to assist and help my good friend from Virginia in offering this amendment.

I personally thank the Senator from Virginia for filling in the gap yesterday and getting this amendment up on this bill. This is an issue that needs to be addressed and I could not ask for a more dedicated and steadfast ally than Senator ALLEN in helping pursue justice for all of the innocent American victims of state-sponsored terrorism. This is an issue that must be addressed by this Congress.

That is why the bipartisan legislation Senator ALLEN and I introduced in April—the Terrorism Victim's Access to Compensation Act (S. 2134) and the amendment that Senator ALLEN joins me in offering here take two very important steps. First, this amendment would require that compensation be paid first and foremost from the blocked and frozen assets of the state sponsors of terrorism and their agents, not U.S. taxpayers, in cases where American victims of terrorism secure a final judgment in our federal courts and are awarded compensation accordingly.

Second, this amendment provides a level playing field for all American victims of state-sponsored terrorism who are pursuing redress in our federal courts and compensation from the blocked assets of state sponsors of terrorism, including their agencies and instrumentalities.

Madam President, we are united as Americans to meet the threat of international terrorism. This fight is being waged on many fronts, from the mountains of Afghanistan to the borders and streets of America.

Even as we track down the terrorists and defend America, we must never forget that terrorist acts are ultimately stories of human tragedy. We must never forget the victims.

I am talking about American victims like the dedicated, professional woman from Waverly, IA, Kathryn Koob, who sought to build cross-cultural ties between the Iranian people and the American people only to be taken hostage in the U.S. Embassy in Tehran and held captive for 444 nightmarish days in Iran.

I am talking about American victims like Taleb Subh from LeClaire, IA, who, as a teenager, was visiting relatives in Kuwait and terrorized by Saddam Hussein and his troops at the outbreak of the Persian Gulf War.

These are two examples, but Americans in all 50 states have suffered. That is why Senator ALLEN and I have joined together with 17 co-sponsors on both sides of the aisle to advance this legislation to ensure that American victims of state-sponsored terrorism are justly compensated for their pain, suffering, and losses.

Current law allows American citizens to sue terrorists for compensation for their losses. Many Americans have won verdicts and judgments in our federal courts, yet have been unable to collect even though the U.S. Treasury lawfully controls at least $3.7 billion in blocked or frozen assets of the seven foreign governments known to sponsor terrorism. Our own government has worked to prevent these families from collecting. In fact, our own State Department and Justice Department have gone into federal court to single out and block the 52 Americans held hostage in Iran and their families from even being able to pursue justice in our federal courts, let alone collect compensation.

To be clear, current law only applies to terrorist states. At present, seven foreign governments are officially designated by the U.S. State Department as state sponsors of terrorism. They are Iran, Iraq, Libya, Syria, Sudan, North Korea, and Cuba. It is those state sponsors of international terrorism, not the American taxpayer, who must be compelled to pay these costs first and foremost.

The Harkin-Allen Amendment sends a clear message to foreign governments that sponsor international terrorism: If you sponsor terrorism, if you attack innocent Americans, we will pursue you, we will bring you to justice, and America will literally make you pay.

American victims of state-sponsored terrorism deserve to be compensated for their pain, suffering, and losses by those terrorists who sponsor and commit these terrible acts. The Congress should clear the way for those with court-ordered judgments to be paid from blocked terrorist assets and, in so doing, deter future acts of state-sponsored terrorism against innocent Americans.

Again, I appreciate the Senator from Virginia taking the initiative on this and getting this amendment up when I was unavoidably detained yesterday. I hope we have a resounding vote in favor of its passage.

Mr. ALLEN. Will the Senator yield?

Mr. HARKIN. I yield.

Mr. ALLEN. I say to my good friend from Iowa, Senator HARKIN, this is referred to as the Harkin-Allen amendment. I thank you for your great leadership. All of us have a lot of busy times around here, but we are teamed together for the victims who ought to get just compensation from these terrorists.

Mr. HARKIN. I thank the Senator from Virginia for his kindness and generosity and for propounding that unanimous consent request. He is a gentleman.

Several Senators addressed the Chair.

Mr. HARKIN. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. I ask for the yeas and nays on both amendments—I withdraw that.

Madam President, I ask unanimous consent I be allowed to proceed for no more than 3 minutes on the Leahy-Hatch amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TERRORIST BOMBINGS CONVENTION

Mr. LEAHY. Madam President, the Senator from Iowa has left the floor. I note he and the Senator from Virginia—we had attempted to move the Harkin-Allen amendment through the Judiciary Committee yesterday. There was an objection to moving it, on the Republican side; otherwise, I would think we could have had it on the floor as a freestanding matter.

We are considering the Leahy-Hatch substitute for the Terrorist Bombing Convention. This bill brings the United States into immediate compliance with two international conventions signed by the United States. Both conventions were entered into after the terrorist bombings at the U.S. embassies in Kenya and Tanzania. If anybody wants to know why these treaties are important, look at the news today, the horrific car bombing outside the U.S. consulate in Karachi, Pakistan.

We grieve for the victims; we mourn with the families of the dead; and we pray for the speedy recovery of the injured. And, Mr. President, we act. Not tomorrow—not next month—but today. We act to protect future victims. We act to punish future evil doers. We act to show that the United States will lead the international community in the fight to end such terrorist bombings. That is precisely what my bill, S. 1770, and the Leahy-Hatch substitute does. Although I introduced this bill over six months ago, today's events should serve as a jolt to us all. The time for delay and obstructionism and partisan bickering is over. It is time to pass this bill.

I am pleased the Senate is considering the Leahy-Hatch substitute amendment to S. 1770, the "Terrorist Bombing Convention and Suppression of the Financing of Terrorism Convention Implementation Acts of 2001." This bill will bring the United States into immediate compliance with two important international conventions, which were signed by the United States and transmitted to the United States Senate for ratification by President Clinton. Both Conventions were entered into after the terrorist bombings at the United States embassies in Kenya and Tanzania.

Consideration of these important treaties was inexcusably delayed when the Senate was under Republican control, and passage of this implementation legislation has been likewise blocked by an anonymous Republican hold. As I urged in a statement on the floor of the Senate on June 7, Republican obstructionism on this anti-terrorism legislation should stop, the anonymous Republican hold on this bill should be lifted and this bill should pass.

The International Convention for the Suppression of Terrorist Bombings—"Bombing Convention"—was adopted by the United Nations General Assembly in December 1997 and signed by the United States in January 1998. In September 1999, it was transmitted to the Senate by President Clinton for ratification, but no action was taken on this treaty while the Senate remained under Republican control.

The International Convention for the Suppression of Financing Terrorism—"Financing Convention"—was adopted by the United Nations General Assembly in December 1999 and signed by the United States in January 2000. In October 2000, it was transmitted to the Senate by President Clinton for ratification, but, again, no action was taken on this treaty while the Senate remained under Republican control.

When the Senate reorganized under a Democratic majority last summer, the Foreign Relations Committee under the leadership of Chairman BIDEN moved expeditiously to report these conventions to the full Senate. The antibombing treaty, in particular, sat in the Foreign Relations Committee for approximately 2 years without action during the Clinton administration when the Senate was under Republican control. Senator BIDEN deserves credit for acting quickly to report these treaties shortly after he assumed chairmanship of the Foreign Relations Committee. Under the leadership of Majority Leader DASCHLE, the two treaties were considered by the Senate, which gave its consent to ratification by unanimous consent on December 5, 2001.

Yet even as Senator BIDEN and Majority Leader DASCHLE were pushing to move the treaties themselves through the Senate, the Bush administration did not transmit proposed implementing legislation to the Judiciary Committee before or during the time that we were working together day and night to write the USA PATRIOT Act, the bipartisan antiterrorism legislation responding to the events of September 11. I remain puzzled why the administration felt that this measure should be separated from that effort.

Both treaties require the signatory nations to enact certain, precisely worded criminal provisions in their laws in order to be in compliance. That is what S. 1770, the Leahy bill, does. I introduced S. 1770, on December 5, 2001, shortly after passage of the USA Patriot Act, as a separate bill. This was the same day that the Senate agreed to ratify both treaties. I then tried to move the bill quickly through the Senate, but an anonymous Republican hold blocked passage.

Again this year I tried to move the bill through the Senate, but again there was an anonymous hold from the Republican side of the aisle which blocked its passage. Had there not been a hold placed on the bill last year, I am quite sure that we could have resolved any remaining issues in conference, as the Republican-controlled House was simultaneously passing its own version of my bill.

After the anonymous hold was placed on S. 1770 at the end of the last session, we received a letter from the Department of Justice on January 29, 2002, about the bill. The letter stated that the Department "support[ed] the legislation but recommend[ed] several modifications." None of the modifications which the Department recommended dealt with issues that were necessary for compliance with the treaties, the basic purpose of the bill. The legislation I originally introduced would bring this country into full compliance with those important obligations and take away an excuse from nations that are hesitant to cooperate in the war against terrorism.

The recent spate of horrible suicide bombings around the world and the fact that the convention prohibiting terrorist financing entered into force on April 10, 2002, demonstrate the pressing need for this legislation. As if that was not enough, only last month the FBI Director warned that he believes that suicide bombings in the United States are "inevitable," bringing home the point that this legislation is required both to fight terrorism at home and abroad. Nevertheless, S. 1770 has been subjected to an anonymous Republican hold since December of last year.

In the post-September 11 environment it is almost beyond my understanding why any Member of this body would secretly obstruct passage of an important piece of antiterrorism legislation—yet here we are in June, blocked from compliance with two international terrorism treaties by a secret Republican hold. As the Administration has made clear, both Conventions are:

> important to insure that all nations have in place laws to enable full and effective international cooperation against terrorism. By enacting this legislation, the United States will be in a position to lead the cooperative effort against terrorist bombings and terrorist finances.

See Statement of Administration Policy, December 19, 2001.

The legislation meets our obligations under the treaties in the following ways. Both conventions require signatory nations to adopt criminal laws prohibiting specified terrorist activities in order to create a regime of universal jurisdiction over certain crimes. Articles 2 and 4 of the Bombing Convention require signatory countries to criminalize the delivery, placement, discharge or detonation of explosives and other lethal devices "in, into, or against" various defined public places with the intent to kill, cause serious bodily injury, or extensively damage such public places. The Bombing Convention also requires that signatories criminalize aiding and abetting, attempting, or conspiring to commit such crimes.

Articles 2 and 4 of the Financing Convention require signatory countries to criminalize willfully "providing or collecting" funds, directly or indirectly, with knowledge that they are to be used to carry out acts which either (1) violate nine enumerated existing treaties, or (2) are aimed at killing or injuring civilians with the purpose of intimidating a population or compelling a government to do any act. The Financing Convention also requires that signatories criminalize aiding and abetting, attempting, or conspiring to commit such crimes. Signatories must criminalize such acts under Article 2 whether or not "the funds were actually used to carry out" such an offense.

Both conventions require that signatory nations exercise limited extraterritorial jurisdiction and extradite or prosecute those who commit such crimes when found inside their borders. The conventions also require that signatories ensure that, under their domestic laws, political, religious, ideological, racial or other similar considerations are not a justification for committing the enumerated crimes. Thus, signatory nations will not be able to assert such bases to deny an extradition request for a covered crime. Finally, Article 4 of each convention requires that signatory states make the covered offenses "punishable by appropriate penalties which take into account the grave nature of [the] offenses."

S. 1770 and the substitute amendment, consistent with the House version of this bill, H.R. 3275, create two new crimes (one for bombings and another for financing terrorist acts) that track precisely the language in the treaties, and bring the United States into compliance. The legislation also provides extraterritorial jurisdiction as required by the conventions. Furthermore the bill creates domestic jurisdiction for these crimes in limited situations where a national interest is implicated, while excluding jurisdiction over acts where the conventions do not require such jurisdiction and there is no distinct federal interest served.

The bill, again consistent with the H.R. 3275, also contains "ancillary provisions" that would make the two new crimes predicates for money laundering and RICO charges, and for wiretaps. The two provisions would also be subject to an 8-year statute of limitations and included as a "federal crime of terrorism." Finally, civil asset forfeiture would be available for the new terrorism financing crime. Existing anti-terrorism crimes are predicates for each of these tools, and providing law enforcement with these ancillary provisions is both consistent and appropriate.

Neither international convention requires a death penalty provision for any covered crime. Indeed, the Department of Justice, in a memorandum dated November 14, 2001 to the Subcommittee on Crime of the House Judiciary Committee, made amply clear that "the death penalty is not required by the Convention" and would not be required to bring the United States into compliance. This should come as no surprise, given international sentiment opposing the United States' use of the death penalty in other contexts.

The inclusion of a death penalty provision in the implementing legislation for these conventions could lead to complications in extraditing individuals to the United States from countries that do not employ the death penalty. Therefore, unlike the House version of the implementing legislation, the original Senate version of S. 1770 contained no new death penalty provision.

The Administration's insistence on adding yet another death penalty to our federal criminal laws is especially inexplicable given the context of this implementing legislation. The chief purpose of the Terrorist Bombing Convention is to foster international cooperation and decrease hurdles to extradition in terrorism cases. The United States, understandably, wants those who victimize its citizens around the world to be subject to trial and punishment in our own courts. Beyond that purpose, the legislation is largely duplicative of existing state and federal laws.

Even in the recent terrorism context, however, where the desire to assist the United States is at its peak, our closest allies have balked or obstructed our prosecution efforts when the death penalty has been implicated, wasting valuable time in our proactive efforts to prevent future attacks. For instance, according to press reports France offered legal assistance to Zacarrias Moussaoui, the so-called "20th Hijacker," in part due to the decision to seek the death penalty in his case. Spain also refused to extradite a highly dangerous group of terrorists to the United States based upon concerns about the death penalty, and a European Union raises similar concerns. This week the Washington Post reported that Germany also is refusing to fully cooperate in the prosecution of Moussaoui because the United States is seeking the death penalty in that case. In short, the primary purpose of this implementing legislation, fostering international cooperation, may be defeated by the White House's insistence on the inclusion of a death penalty provision in this bill.

Nevertheless, at the insistence of the White House, the substitute amendment would allow the government to seek the death penalty in bombing cases where death results, by reference to the existing death penalty provision found in 18 U.S.C. §2332a, prohibiting the use of weapons of mass destruction.

Unlike H.R. 3275, the original Senate version of S. 1770 also did not contain a third new crime for "concealment" of material support for terrorists. The Department of Justice conceded in the November, 2001, memorandum that this provision was not necessary to bring the United States into compliance with the conventions, stating, "the concealment offense set forth in proposed 18 U.S.C. §2339(c)(b) does not directly implement the Convention." Indeed, in the wake of the passage of new money laundering provisions in the USA PATRIOT Act, P.L. No. 107-56, and due to the existence of a concealment crime under 18 U.S.C. §2339A, with which the Department of Justice recently charged several people in New York, including a criminal defense attorney, such legislation is largely duplicative of existing law. More problematic, however, is the fact that the House bill provided a lower mens rea requirement than §2339A, an important change that was not highlighted or explained in the Administration's accompanying materials.

The substitute amendment contains a new crime of concealment that tracks the existing mens rea requirements of §2339A, so that a large class of non terrorist related activity is not inadvertently covered. This new crime would be punishable by ten years imprisonment.

Finally, the original Senate bill contained an important new tool for international cooperation between law enforcement which is not included in H.R. 3275 and has been deleted from the substitute amendment. Currently, there is no clear statutory authority allowing domestic law enforcement agents to share Title III wiretap information with foreign law enforcement counterparts. This may create problems when, for example, the DEA seeks to alert Colombian authorities that a cocaine shipment is about to leave a Colombian port but the information is derived from a Title III wiretap.

The original bill would have clarified the authority for sharing wiretap derived information, specifically in the Title III context. The bill provided a clear mechanism through which law enforcement could share wiretap information with foreign law enforcement, while at the same time ensuring that there are appropriate safeguards to protect this sensitive information against misuse. It added a subsection to 18 U.S.C. §2517, permitting disclosure of wiretap information to foreign officials (1) with judicial approval, (2) in such a manner and under such conditions as a court may direct, and (3) consistent with Attorney General guidelines on how the information may be used to protect confidentiality. Unfortunately, due to the White House's objection, the substitute removes it from the bill.

I am pleased that obstructing has stopped on this important implementing legislation for two anti-terrorism treaties that are intended to increase protections for our national security by enhancing international cooperation in the fight against terrorism.

I ask unanimous consent for the substitute to be printed in its entirety the record at the conclusion of my remarks along with the sectional analysis including a summary of the changes made by the substitute to the original bill.

ANTI-TERRORISM CONVENTIONS IMPLEMENTATION—SECTION-BY-SECTION ANALYSIS

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

Title I of this bill implements the International Convention for the Suppression of Terrorist Bombings, which was signed by the United States on January 12, 1998, and was transmitted to the Senate for its advice and consent to ratification on September 8, 1999. Twenty-eight States are currently party to the Convention, which entered into force internationally on May 23, 2001. The Convention requires State Parties to combat terrorism by criminalizing certain attacks on public places committed with explosives or other lethal devices, including biological, chemical and radiological devices. The Convention also requires that State Parties criminalize aiding and abetting, conspiring and attempting to undertake such terrorist attacks.

Section 101. Short Title

Section 101 provides that title I may be cited as "The Terrorist Bombings Convention Implementation Act of 2001."

Section 102. Bombing Statute

Section 102 adds a new section to the Federal criminal code, to be codified at 18 U.S.C. §2332f and entitled "Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities," which makes terrorist acts covered by the Convention a crime. New section 2332f supplements and does not supplant existing Federal and State laws, and contains five subsections, which are described below.

Subsection (a) makes it a crime to unlawfully place or detonate an explosive in certain public places and facilities with the intent to cause death or serious bodily injury, or with the intent to cause extensive destruction, where such destruction results in, or is likely to result in, major economic loss. Conspiracies and attempts to commit such crimes are also criminalized. This provision implements Article 2, paragraphs 1, 2 and 3 of the Convention.

Inclusion of the term "unlawfully" in subsection (a), which is mirrored in Article 2 of the Convention defining the offenses, is intended to allow what would be considered under U.S. law as common law defenses. For purposes of subsection (a), whether a person acts "unlawfully" will depend on whether he is acting within the scope of authority recognized under and consistent with existing U.S. law, which reflects international law principles, such as self defense or lawful use of force by police authorities. This language is not to be construed as permitting the assertion, as a defense to prosecution under new section 2332f, that a person purportedly acted under authority conveyed by any particular foreign government or official. Such a construction, which would exempt State-sponsored terrorism, would be clearly at odds with the purpose of the Convention and this implementing legislation.

With respect to the mens rea provision of subsection (a), it is sufficient if the intent is to significantly damage the targeted public place or facility. Further, for the purpose of subsection (a), when determining whether the act resulted in, or was likely to result in, major economic loss, the physical damage to the targeted place or facility may be considered, as well as other types of economic loss including, but not limited to, the monetary loss or other adverse effects resulting from the interruption of its activities. The adverse effects on non- targeted entities and individuals, the economy and the government may also be considered in this determination insofar as they are due to the destruction caused by the unlawful act.

Subsection (b) establishes the jurisdictional bases for the covered offenses and includes jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. This provision implements a crucial element of the Convention (Article 8(1)), which requires all State Parties to either extradite or prosecute perpetrators of offenses covered by the Convention who are found within the jurisdiction of a State Party. While current Federal or State criminal laws encompass all the activity prohibited by the Convention that occurs within the United States, subsection (b)(1) ensures Federal jurisdiction where there is a unique Federal interest, e.g., a foreign government is the victim of the crime or the offense is committed in an attempt to compel the United States to do or abstain from doing any act.

Subsection (c) establishes the penalties for committing the covered crimes at any term of years or life. This provision differs from the Administration proposal, which sought to add a new death penalty provision for this crime, despite the fact that such a provision is not required for compliance under the Convention and may create hurdles in seeking extradition to the United States under this statute.

Subsection (d) sets forth certain exemptions to jurisdiction as provided by the Convention. Specifically, the subsection exempts from jurisdiction activities of armed forces during an armed conflict and activities undertaken by military forces of a State in the exercise of their official duties.

Subsection (e) contains definitions of twelve terms that are used in the new law. Six of those definitions ("State or government facility," "infrastructure facility," "place of public use," "public transportation system," "other lethal device," and "military forces of a State") are the same definitions used in the Convention. Four additional definitions ("serious bodily injury," "explosive," "national of the United States," and "intergovernmental organization") are definitions that already exist in other U.S. statutes. One of those definitions ("armed conflict") is defined consistent with an international instrument relating to the law of war, and a U.S. Understanding to the Convention that is recommended to be made at the time of U.S. ratification. The final term ("State") has the same meaning as that term has under international law.

Section 103. Effective Date

Since the purpose of Title I is to implement the Convention, section 103 provides that the new criminal offense created in Section 102 will not become effective until the date that the Convention enters into force in the United States. This will ensure immediate compliance of the United States with its obligations under the Convention.

TITLE II—SUPPRESSION OF THE FINANCING OF TERRORISM

Title II implements the International Convention for the Suppression of the Financing of Terrorism, which was signed by the United States on January 10, 2000, and was transmitted to the Senate for its advice and consent to ratification on October 12, 2000. The Convention is not yet in force internationally, but will enter into force 30 days after the deposit of the 22nd instrument of ratification with the U.N. Secretary-General.

Once in force, the Convention requires State Parties to combat terrorism by criminalizing certain financial transactions made in furtherance of various terrorist activities. The Convention also requires that State Parties criminalize conspiracies and attempts to undertake such financing.

Section 201. Short Title

Section 201 provides that title II may be cited as "The Suppression of Financing of Terrorism Convention Implementation Act of 2001."

Section 202. Terrorism Financing Statute

Section 202(a) adds a new section to the Federal criminal code, to be codified at 18 U.S.C. §2339C and entitled "Prohibitions against the financing of terrorism," which makes financial acts covered by the Convention a crime. New section 2339C supplements and does not supplant existing Federal and State laws, and contains five subsections, which are described below.

Subsection (a) makes it a crime to provide or collect funds with the intention or knowledge that such funds are to be used to carry out certain terrorist acts. Conspiracies and attempts to commit these crimes are also criminalized. This subsection implements Article 2, paragraphs 1, 3, 4 and 5 of the Convention.

Subsection (b) establishes the jurisdictional bases for the covered offenses under section 2339C(a) and includes jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. This provision implements a crucial element of the Convention (Article 10), which requires all State Parties to either extradite or prosecute perpetrators of offenses covered by the Convention who are found within the territory of a State Party. The structure of this provision is designed to accommodate the structure of the Convention, which sets forth both mandatory and permissive bases of jurisdiction, and excludes certain offenses that lack an international nexus. Some portions of this provision go beyond the jurisdictional bases required or expressly permitted under the Convention, however, where expanded jurisdiction is desirable from a policy perspective because a unique Federal interest is implicated and is consistent with the Constitution.

Subsection (c) establishes the penalties for committing the covered crimes at imprisonment for not more than 20 years, a fine under title 18, United States Code, or both. This penalty is consistent with the current penalties for money laundering offenses. See 18 U.S.C. §1956.

Subsection (d) contains 13 definitions of terms that are used in the new law. Two of those definitions ("government facility," and "proceeds") are the same definitions used in the Convention. The definition for "funds" is identical to that contained in the Convention with the exception that coins and currency are expressly mentioned as money. The definitions for "provides" and "collects" reflect the broad scope of the Convention. The definition for "predicate acts" specifies the activity for which the funds were being provided or collected. These are the acts referred to in subparagraphs (A) and (B) of section 2339C(a)(1). The definition of "treaty" sets forth the nine international conventions dealing with counter-terrorism found in the Annex to the Convention. The term "intergovernmental organization," which is used in the Convention, is specifically defined to make clear that it contains within its ambit existing international organizations. The definitions for "international organization," "serious bodily injury," and "national of the United States" incorporate definitions for those terms that already exist in other U.S. statutes. One of the definitions ("armed conflict") is defined consistent with international instruments relating to the law of war. The final term ("State") has the same meaning as that term has under international law.

Subsection (e) creates a civil penalty of at least $10,000 payable to the United States, against any legal entity in the United States, if any person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a) of the new section 2339C. This civil penalty may be imposed regardless of whether there is a conviction of such person under subsection (a), and is in addition to any other criminal, civil, or administrative liability or penalty allowable under United States law. Subsection (e) fulfills Article 5 of the Convention.

Section 203. Effective Date

Section 203 provides that those provisions of the Act that may be implemented immediately shall become effective upon enactment. However, two jurisdictional provisions will not become effective until the Financing Convention enters into force for the United States. Those provisions are the new 18 U.S.C. §§2339C(b)(1)(D) and (2)(B). In addition, new 18 U.S.C. §2339C(d)(7)(I), which is a definitional section specifically linked to the Bombing Convention, will not become effective until that Convention enters into effect.

TITLE III—ANCILLARY MEASURES

Title III, which is not required by the International Conventions but will assist in federal enforcement, adds the new 18 U.S.C. §§2332f and 2339C to several existing provisions of law.

Section 301. Ancillary Measures

Sections 2332f and 2339C are made predicates under the wiretap statute (18 U.S.C. §2516(1)(q)) and under the statute relating to the provision of material support to terrorists (18 U.S.C. §2339A). Sections 2332f and 2339C are also added to those offenses defined as a "Federal crime of terrorism" under 18 U.S.C. §2332b(g)(5)(B), as amended by the USA PATRIOT Act. P.L. No. 107–56. In addition, a provision is added to the civil asset forfeiture statute that makes this tool available in the case of a violation of 18 U.S.C. §2339C. These provisions are consistent with the treatment of similar Federal crimes already in existence.

TITLE IV—FOREIGN DISCLOSURE OF WIRETAP INTERCEPTS

This provision, which is not required by the International Conventions, clarifies that Federal law enforcement authorities may disclose otherwise confidential wiretap information to their foreign counterparts with appropriate judicial approval. This provision is intended to ensure effective cooperation between domestic and foreign law enforcement in the investigation and prosecution of international criminal organizations.

Section 401. Short Title

Section 401 provides that title IV may be cited as "The Foreign Law Enforcement Cooperation Act of 2001."

Section 402. Amendment to Wiretap Statute

Section 402 adds a new subsection to 18 U.S.C. §2517 that governs the disclosure of otherwise confidential information gathered pursuant to a Title III wiretap. This provision clarifies the authority of domestic law enforcement officers to disclose such information as may show a violation of either domestic or foreign criminal law to foreign law enforcement officials. The provision requires a court order prior to making such a disclosure and sets the standards for the issuance of such an order. It is intended to allow foreign disclosure only to enforce the criminal laws of either the United States or the foreign nation. It also requires that an attorney for the government certify that the foreign officials who are to receive the wiretap information have been informed of the Attorney General's guidelines protecting confidentiality. This provision is intended to enhance the ability of domestic law enforcement to work with their foreign counterparts to investigate international criminal activity at the same time as protecting against improper use of such wiretap information.

Mr. LEAHY. Madam President, we must act. The United States must lead the international community in the fight to end such terrorist bombings. This is precisely what the Leahy-Hatch substitute does. We have been trying to pass this legislation for 6 months. We have been trying to clear it. We have been involved with the White House to reach a consensus.

I thank Senator HATCH for his work, and the White House. We have worked out the whole matter with the White House and with Senators. I urge its passage. I urge its passage with as large a vote as possible.

I yield the remainder of our time.

Mr. ENZI. Madam President, I rise in support of H.R. 3275. I am very pleased that the Senate is considering this valuable legislation which would make the United States compliant with two very important treaties.

I believe one of our most significant duties, as the United States Senate, is the consideration of treaties for ratification. We alone have the responsibility to give advice and consent to international understandings and agreements made by the executive branch of our Government.

The two treaties this legislation addresses are part of a nearly four-decade process of conventions considering acts of terrorism. As we debate this legislation, we are examining long-term global means to address the threat of terrorism. The Convention on the Suppression of Terrorist Bombings and the Convention for the Suppression of the Financing of Terrorism require the United States and any country adopting the treaties to criminalize terrorist bombings and to criminalize direct or indirect financing of terrorist acts.

The Financing Convention addresses some of the issues we worked on last year. The Senate has already approved antiterrorism legislation that included provisions dealing with money laundering issues which help deter and punish terrorist acts and would enhance law enforcement investigatory tools. The legislation established rule-making procedures for the U.S. Treasury, clarified guidelines for international banking, and maintained accountability considerations for individuals and financial institutions. I believe it is imperative that we continue to address terrorist financing domestically as well as internationally. In response to requests by the United States, countries throughout the world began the search for terrorists' financial assets. The freezing of these assets is a first step to the eradication of global terrorist organizations.

On September 28 of last year, the United Nations Security Council adopted Resolution 1373 which established a set of legally binding obligations for each member nation. Now, this is quite significant because there are not a lot of legally binding resolutions considered by the Security Council. Resolution 1373 requires each nation to prevent the financing of terrorism, deny safe haven to terrorists, and increase cooperation and information sharing in these efforts. Resolution 1373, which passed with our support, also directs nations to ratify all outstanding terrorism related conventions.

Nations, both allies and former adversaries, overwhelmingly acted to sign, ratify, and become compliant with a number of terrorism conventions. It has taken the United States nearly 9 months to do so. The Senate Foreign Relations Committee held a hearing on these treaties last October and approved them in November. The full Senate ratified the treaties in December.

Now, most people might think that once the Senate gives its advice and consent to a treaty, it is ratified and the United States is full party to the agreement. This could only be seen as a "virtual" ratification. It is not, however, until the United States is fully compliant with the treaty that the President can deposit our articles of ratification and we become full treaty members.

It is this last step where the Senate faltered. We had the House approved implementing legislation last December. We are only now, in June, contemplating its passage. We cannot drag our feet any longer.

Today we are considering implementing language. We are ready to vote. We are ready to make the United States compliant with important treaties that can help us fight against terrorism. The amendment language is identical to the version passed by the House in December. It is the right language, the appropriate language and should pass the Senate today.

I encourage my colleagues to support this amendment, support the fight against terrorism, and support making the United States compliant to these two valuable international agreements.

Mr. FEINGOLD. Madam President, I rise today to oppose a provision in H.R. 3275, the Terrorist Bombings Convention Implementation Act, and the proposed Leahy-Hatch amendment to S. 1770, the Senate version of this implementing legislation, which would authorize the use of the death penalty by the Federal Government.

This bill seeks to implement into Federal law the obligations of the United States under the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. The U.S. signed these conventions, which were later ratified by the Senate on December 5, 2001. These two conventions are vital to our efforts to fight terrorism. These conventions will fill an important gap in international law by expanding the legal framework for international cooperation in the investigation, prosecution, and extradition of persons who engage in bombings and financially support terrorist organizations. Both conventions require participating countries to pass specific criminal laws to implement those nations' obligations under the conventions.

But while these conventions do not require a death penalty, the House bill and the proposed amendment to the Senate bill would authorize the use of the death penalty by the United States. Not only do I oppose the expansion of the Federal death penalty at a time when Americans are questioning the fairness of the administration of this punishment, but I also fear that expanding the Federal death penalty through this implementing legislation will undermine our fight against terrorism.

I fear that the inclusion of a death penalty could actually thwart the purpose of these conventions. Instead of encouraging international cooperation in the fight against terrorism, this implementing legislation threatens to hamper international cooperation to prevent and punish terrorist bombings and financing of terrorist organizations. Many nations, including our closest allies in the fight against terrorism, may refuse to extradite suspects to nations where those suspects will face the death penalty. Already our allies like France and Germany have expressed their concerns about extraditing individuals or sharing information concerning al-Qaeda suspects out of concern that the United States will seek the death penalty against suspected terrorists. As this experience obviously shows, it doesn't serve the cause of justice, peace, or freedom to include a death penalty provision in this important bill.

Moreover, this is not the time to expand the Federal death penalty. Americans are increasingly recognizing that the current death penalty system is broken, and risks executing the innocent or applying the ultimate punishment disproportionately to those who may live in the "wrong" part of the country, have the "wrong" color skin, or just not have the money to pay for a "dream team" defense.

These problems plague the integrity of the justice system at the state and federal levels. A report released by the Justice Department in September 2000 showed troubling racial and geographic disparities in the administration of the federal death penalty. The color of a defendant's skin or the federal district in which the prosecution takes place can affect whether a defendant lives or dies in the federal system. Former Attorney General Janet Reno ordered a further analysis of why these disparities exist. And Attorney General Ashcroft has agreed to continue this study.

We have not yet seen the results of this study, nor have we had the opportunity to review and understand what the results might mean for the fairness and integrity of our federal justice system. While this important study is underway, Congress should not create even more death-eligible crimes.

As Governor George Ryan of Illinois said at a hearing I held on June 12th in the Senate Judiciary Subcommittee on the Constitution on the report of the Illinois Governor's Commission on Capital Punishment, "especially after September 11, . . . the United States must be a model for the rest of the world. And that means our justice system should be the glowing example for the pursuit of truth and justice. It must be fair and compassionate."

There is no question that we should prosecute and punish severely those responsible for the horrific attacks on our nation on September 11th or those who may plan or perpetrate acts of terror in the future. But I am very concerned that the bill's provision for the death penalty against suspected terrorists could undermine the purpose of the conventions and our ability to seek vital information and cooperation from other nations. I fear that the death penalty provision will weaken, not strengthen, our hand in pursuing terrorists, especially our global efforts to bring alleged terrorists to justice and to prevent future acts of terror.

For these reasons, I cannot in good conscience support H.R. 3275, the proposed Leahy substitute amendment to H.R. 3275, the proposed Leahy-Hatch amendment to S. 1770, or S. 1770, if the amendment should be adopted.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TERRORISM RISK INSURANCE ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2600, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2600) to ensure the continued financial capacity of the insurers to provide coverage for risks from terrorism.

Pending:

Santorum amendment No. 3842, to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts.

Allen amendment No. 3838, to provide for satisfaction of judgments from frozen assets of terrorists, terrorist organizations, and state sponsors of terrorism.

Brownback amendment No. 3843, to prohibit the patentability of human organisms.

Ensign amendment No. 3844 (to amendment No. 3843), to prohibit the patentability of human organisms.

AMENDMENT NO. 3842 WITHDRAWN

The ACTING PRESIDENT pro tempore. Under the previous order, the amendment numbered 3842 is withdrawn.

TERRORIST BOMBINGS CONVENTION IMPLEMENTATION ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Judiciary Committee is discharged from further consideration of H.R. 3275 and the Senate will now proceed to its consideration.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3275) to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

AMENDMENT NO. 3847

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont, Mr. LEAHY, or his designee, is to be recognized now to offer an amendment.

Mr. LEAHY. Madam President, I call up my amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY), for himself and Mr. HATCH, proposes an amendment numbered 3847.

(The amendment is printed in today's RECORD under "Text Of Amendments.")

The ACTING PRESIDENT pro tempore. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3847) was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that if present and voting, the Senator from North Dakota (Mr. CONRAD) and the Senator from New Jersey (Mr. TORRICELLI) would each vote "aye."

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) and the Senator from Kentucky (Mr. BUNNING) would each vote "yea."

The PRESIDING OFFICER (Mr. CORZINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 1, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—83

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Corzine
Craig
Daschle
Dayton
DeWine
Dodd
Domenici
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Feingold

NOT VOTING—16

Allard
Bennett
Boxer
Brownback
Bunning
Burns
Conrad
Crapo
Dorgan
Hatch
Helms
Inouye
Jeffords
Murkowski
Roberts
Torricelli

The bill (H.R. 3275), as amended, was passed.

UNANIMOUS CONSENT REQUEST

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, we are about to vote on the Allen amendment——

Mr. ALLEN. The Harkin-Allen amendment.

Mr. DASCHLE. I am sorry, the Harkin-Allen amendment. Once the Harkin-Allen amendment is disposed of, the pending business is the Ensign and Brownback amendments. I know Senator BROWNBACK could not be here today. So I ask unanimous consent that the Brownback amendment be set aside so that we can entertain other amendments.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Could you repeat the unanimous consent request?

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Ensign and Brownback amendments be set aside so we can entertain other amendments today and on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. I would have to object at this time until we can have a discussion about that.

The PRESIDING OFFICER. Objection is heard.

TERRORIST BOMBINGS CONVENTION IMPLEMENTATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Judiciary Committee is discharged from further consideration of S. 1770, and the Senate will now proceed to its consideration.

The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (S. 1770) to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont, Mr. LEAHY, or his designee, is to be recognized to offer an amendment.

AMENDMENT NO. 3848

(Purpose: To propose a substitute)

Mr. LEAHY. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

> The Senator from Vermont [Mr. LEAHY], for himself and Mr. HATCH, proposes an amendment numbered 3848.

Mr. LEAHY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3848) was agreed to.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1770), as amended, was passed.

Mr. LEAHY. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TERRORISM RISK INSURANCE ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now continue consideration of S. 2600, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2600) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

VOTE ON AMENDMENT NO. 3838

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3838. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD) and the Senator from New Jersey (Mr. TORRICELLI) would each vote "aye."

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 3, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—81

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Cleland
Clinton
Cochran
Collins
Corzine
Craig
Daschle
Dayton
DeWine
Dodd
Domenici
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Harkin
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—3

Chafee
Hagel
Lugar

NOT VOTING—16

Allard
Bennett
Boxer
Brownback
Bunning
Burns
Conrad
Crapo
Dorgan
Hatch
Helms
Inouye
Jeffords
Murkowski
Roberts
Torricelli

The amendment (No. 3838) was agreed to.

Mr. DASCHLE. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, a few minutes ago, prior to the vote we have just now taken, I asked unanimous consent to set aside the Brownback and Ensign amendments, and that was not agreed to. It is now my intention to file a cloture motion on the bill, and I ask that the cloture motion be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 410, S. 2600, the terrorism insurance bill:
>
> Harry Reid, Hillary Rodham Clinton, Jean Carnahan, Charles Schumer, Kent Conrad, Tom Daschle, Richard Durbin, Jack Reed, Byron L. Dorgan, Christopher J. Dodd, Debbie Stabenow, Jay Rockefeller, Maria Cantwell, Jeff Bingaman, Daniel K. Akaka, Evan Bayh, Joseph Lieberman.

Mr. DASCHLE. Mr. President, we will announce the time of the cloture vote which will, of course, occur on Tuesday morning, but I do hope Senators who are interested in the bill at the very least will express themselves today and on Monday. We will be in session on Monday.

I hope we can achieve cloture on the terrorism bill. Of course, that is still accommodating Senators who wish to offer amendments for a 30-hour period following the cloture vote should it be successful.

Senator LOTT and I have just been discussing the schedule for the remainder of the week. Once we have completed our work on the terrorism insurance bill, it will be my intention to move to the Defense authorization bill. I do not think that will take a motion to proceed, but certainly one will be offered if it is required. We will be on that for the remainder of the week and for whatever length of time it will take in the following week.

Senators should be reminded that we only have 2 weeks to go in this work period. We are hopeful we can accommodate a number of nominations and a lot of other work besides the Defense authorization bill and the terrorism insurance bill. At the very least, we are going to finish those two pieces of legislation prior to the time we leave.

I will announce later today the time for the vote on cloture, but it will be Tuesday morning. I urge my colleagues to be present for that vote. I yield the floor.

Mr. LOTT. Mr. President, will the distinguished majority leader yield? I want to clarify again that the majority leader does not anticipate recorded votes on Monday, even though we will be in session for debate and for, I guess, amendments to be offered; is that correct?

Mr. DASCHLE. The distinguished Republican leader is correct. Earlier he may recall that we announced some no-vote Mondays. This particular Monday is one of the no-vote Mondays, so-called, so I am going to respect that commitment. Senators have made scheduling decisions. Certainly we will be in session. As I say, it will be an opportunity for people to come to the floor to speak to the bill.

It is unfortunate we have not been able to get agreement to set the amendments aside because I think it would offer other Senators the chance to offer additional amendments. Barring that UC, we will expect to be in session without the additional consideration of other amendments.

Mr. LOTT. Mr. President, if I can continue, I certainly understand and support the decision to identify certain dates for a variety of reasons when Senators are aware there will not be votes, but I emphasize again, as the majority leader has, it does not mean we cannot be in session and get a lot of work done.

Also, I understand why Senator DASCHLE feels a necessity to file cloture. Obviously, we discourage each other from doing that, but in order to move forward after a reasonable period of time—I have done it many times on this terrorism insurance issue, while there are some other amendments, hopefully germane amendments, that will and can be offered and debated and considered, in order to get to the Defense authorization bill and complete our work before the Fourth of July recess, we need to complete this bill in a reasonable period of time—Tuesday or Wednesday—and then go right to Defense authorization.

I commend the Senator for making that decision. There are a lot of other bills Senators on both sides are pushing the majority leader to do, meritorious or otherwise. This is very important.

I encourage Senators on both sides of the aisle, when we get to the Defense authorization bill, let's not use this as a grab bag. We have lots we need to do in this area. We are talking about a pay raise for our military men and women. We are talking about quality-of-life issues. We are talking about basic decisions about the future of our defense for our country. There will be plenty other opportunities to offer unrelated, nongermane amendments.

I believe Senator WARNER and Senator LEVIN will be ready to go. There will be disagreements and heated debate on some of the amendments. Some will take time. I believe the managers are ready to go and will make good progress on it and be assured we can get it done without it being very messy.

I appreciate the decision Senator DASCHLE has made. I think it is the right thing for the Senate, for the military, and for our country.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I thank the Senator as always for his cooperation. This is an important schedule. We know we have to finish the work on terrorism insurance. We know we have to deal with the Defense authorization bill. The Senator from Virginia and the Senator from Michigan have been ready to go for a couple of weeks. It should be a good debate.

I also agree with the distinguished Republican leader that this should not be the grab bag, this should not be the vehicle that attracts extraneous legislation. Let's get it done and done cleanly and move on to other matters that are important as well.

Mr. LOTT. Mr. President, I wish to make one other point, if I can be recognized in my own right, before Senator WARNER leaves. Senator DASCHLE and I have also been talking about ways to move forward on nominations. Hopefully, we are coming up with a process that will allow us to make good progress across the board on nominations in the next couple of weeks. I am looking forward to continuing work on that also.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of the members of the Armed Services Committee, I thank both of our leaders for recognizing the need to move to the Defense authorization bill. That hopefully will then set the stage for the Defense appropriations bill to follow in an orderly manner.

Just moments ago, the chairman of our committee, the Senator from Michigan, Mr. LEVIN, and I conferred with the leadership. I think I can speak on behalf of the chairman that we are both ready to go, and we will be prepared to bring up some of the more, should we say, controversial amendments early on so that those issues can be addressed and hopefully thereafter we can move quickly through the other provisions of the bill.

I thank the Chair, and I thank the leadership.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I am a strong supporter of this legislation and wish to praise my Connecticut colleague, Senator DODD, for his diligence in crafting a workable solution to the terror insurance issue. As we all know, this has been a frustrating process and Senator DODD has proven to be tenacious in the quest to enact this legislation into law. He is performing a valuable and mostly unsung public service.

Let me explain why I believe this issue is so important and why Senator DODD's work is so important.

As part of their property and casualty insurance, many businesses have insurance against the costs that arise if their business is interrupted. If we don't pass an effective terror insurance bill, there will be a massive interruption in the business community. We can avoid this result by passing this legislation.

Property and casualty insurance is not optional for most businesses. Not every business owner buy life insurance, but nearly every business buys property and casualty insurance—to protect its property, to protect it against liability, and to protect its employees under the State workers compensation laws. Property and casualty insurance is required by investors and shareholders. It is required by banks that lend for construction and other projects.

We all know that home mortgage companies require the homeowners to maintain homeowners property insurance, and it's the same with business lending.

Maintaining property and casualty insurance is mandated as part of the fiduciary obligation to the business. And if property and casualty insurance for major causes of loss is not available, or it is prohibitively expensive, businesses face a difficult choice about going forward with construction projects, and other ventures. If no insurance is available, banks won't lend and the business activity that is depending on the loans will stop. The impact on the real estate, energy, construction, and transportation sectors will be severe.

For their part, insurance companies must be able to "underwrite" their policies. This means that they need to be able to assess their exposure or risk of a claim. They need to know if their exposure to claims is acceptable, excessive, or indeterminate. In the case of claims for damages caused by terror attacks, there is not way to assess their risk and no way to underwrite the policy. There are too many uncertainties.

One thing that is certain, as it was not before September 11, is that losses from terrorist acts can cost tens of billions of dollars. In fact, under the worst-case scenarios, losses could easily reach hundreds of billions of dollars.

There are hundreds of insurers in any given market. It is a highly competitive industry. But these insurers are dependent on reinsurers who help insurance companies spread their risk. When reinsurers will not renew their contracts unless they contain terrorism exclusions or limitations, many if not most of the insurance companies will not be able to provide terrorism coverage—at any cost.

Insurance companies need reinsurance because their own capital to cover losses is finite.

Even a good sized company—one that would be in the top half dozen or so commercial insurers in the U.S.—with perhaps 5 percent of the commercial lines market and capital of $7 or $8 billion—would have to ask, do we want to roll the dice on our very survival by writing terrorism coverage and covering it with our own reserves?

That is not a risk that an insurance company will take. If we do not pass this legislation, therefore, insurers will take whatever steps they consider necessary to ensure they do not drive themselves into bankruptcy.

The insurance industry can protect itself by reducing its exposure to terrorism claims. There is nothing we can do in the Congress—within the limits of our Constitution—to require insurance companies to write policies. They don't have to write policies. If they don't write policies, or write them only with extraordinary premiums for terror coverage, the companies may not be as profitable in the short run, but they will at least be protecting themselves against involvency.

State regulators are already considering terrorism exclusions—as they should do, consistent with their responsibilities to oversee the solvency of the insurance industry. Absent exclusions, in states where they might not be approved for one reason or another, the insurers will have no choice but to limit their business.

If insurance companies are permitted to write policies with no coverage for claims connected to terrorism, then businesses will have to decide if they will self-insure against these losses. Many of them will conclude that they cannot accept this exposure.

Therefore, if we fail to pass this legislation, it will be everyone that the insurance companies they insure that loses. Insurance companies can protect themselves by not writing policies, or writing only policies without any coverage for acts of terror, or writing policies with extraordinary premiums. But companies that need insurance coverage may have even harsher options.

So, the issue is how we enable enough insurance companies to determine that the risk of terrorist claims is a risk that they can assume.

That is what this legislation is all about—defining the risk so that insurers can assess and put a price on it. This legislation is about facilitating insurance companies' ability to continue to write property and casualty insurance policies. It is about providing business owners with the opportunity to buy insurance against terror claims and doing so in the private market to the extent that is possible.

This is, of course, not the first time we have faced this kind of an issue. The Federal Government has a history of partnering with the insurance industry to provide coverages for risks that are too big—too uninsurable—for the industry alone.

Current examples are the flood, crop, and nuclear liability programs, and in the past we've seen partnerships on vaccine liability and riot reinsurance. From an insurability standpoint, these risks are probably more insurable than terrorism.

Some might debate whether we should have passed the existing programs, or whether they are operated efficiency. But there should be no debate about the need for a terrorism program, and Senator DODD has structured this one the right way—with retentions and loss sharing by the industry, so the incentives are there for efficient operations.

Again, I congratulate my Connecticut colleague, Senator DODD, for his diligence in working through these complicated issues and bringing this bill to the floor. We need to defeat the amendments and enact this legislation into law as soon as possible.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to address the Senate as in morning business for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR FORCE STAFF SERGEANT ANISSA SHERO

Mr. ROCKEFELLER. Mr. President, I have the sad duty to report another death of a West Virginian in Afghanistan. For many generations, the people of West Virginia have answered the call and many have paid with their lives. West Virginians understand the cost of freedom and have always been willing to pay that cost when called for duty.

Today we are reminded again how much that cost is because we now know of the death of Anissa A. Shero in Gardez, Afghanistan. She is from Grafton, WV. This was a tragic death in an airplane crash. She is the first woman Air Force casualty in the war in Afghanistan. She was married to SSgt Nathan Shero this past September, 2001. She had just been married. He is also deployed.

Her father was a disabled Vietnam war veteran who lost both of his legs as a result of a casualty, and her grandfather fought in the Battle of the Bulge in the Second World War. She was a volunteer who chose to serve her country in the face of grave danger. When terrorists struck, she was there. She left behind the mountains of West Virginia, in a sense, to go to the mountains of Afghanistan, to risk her life so our lives would be freer and safer.

She was part of an extraordinarily successful effort to eradicate the Taliban and to make tremendous disruption to and demoralize the Al-Qaeda forces, and again to give us more freedom and hope. Men and women in both nations are safer now because of her work, and unfortunately because of her death.

All of us who value freedom owe Sergeant Shero a profound debt of gratitude and honor, and I know the thoughts and prayers of many people in this Chamber, the other body, and all over America, certainly all over West Virginia, are like mine, with her family and her friends. She represented the very best of West Virginia and the very best of America. She was strong, courageous, and dedicated. She will forever serve as a role model for West Virginians, for men and women alike, who love their country and who, like her, know that our ideals are worth fighting for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent that I be allowed to address the Senate as in morning business.

Mr. SARBANES. Mr. President, may I inquire how long the Senator is asking for?

Mr. HAGEL. I would need no more than 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for up to 15 minutes.

PEACE IN THE MIDDLE EAST

Mr. HAGEL. Mr. President, I rise today to address an issue of urgent concern for American foreign policy: the situation in the Middle East and its implications for our war on terrorism.

Yesterday the majority leader offered three principles to guide our policy in the Middle East. I share his concern about the gravity of the situation we face and his affirmation of American support for Israel, and the imperative of American leadership in helping bring about a lasting peace in the region.

Time is not on our side. In April, I spoke before this body in support of President Bush's leadership in bringing a diplomatic resolution to this conflict. I applaud the President and his team for their progress so far in assembling the pieces of a potentially historic agreement and coalition for peace. But we are still only at the beginning of a long and difficult process.

What happens in the Middle East cannot be separated from our interests in the war on terrorism. If we fail in peace-making between Israel and her neighbors, there will be grave consequences for the United States, Israel, and the world. We will further empower the terrorists and extremists, those who thrive, find refuge, and recruit in conditions of poverty, violence, and despair. We must help secure a vision of hope for the people of the Middle East in order to reclaim the peace initiative.

It is time to put the endgame up front in the Israeli-Palestinian conflict. The Palestinians must have a state, with contiguous and secure borders, and Israel must have a state without terrorism and with secure borders. President Bush endorsed the concept of a Palestinian state in a historic speech to the United Nations last year. If we do not address this, the core political issue of this conflict, we will allow the extremists on both sides to win. And then we will all lose: Palestinians, Israelis, Arabs, Americans, the world.

Strong, engaged, steady, and visionary American leadership is a predicate for the future of the Middle East. The Arab League peace proposal, at the initiative of Crown Prince Abdullah of Saudi Arabia, calls for normal relations between Israel and the Arab world and presents a unique and historic opportunity for peace. The Bush administration may be considering recognizing a transitional or provisional Palestinian state, with the specific details to be worked out over time, an idea similar to the Peres-Abu Ala agreement of last year. The so-called "Quartet"—US, Russia, the EU, and the UN—provides an international context for this possibility and a revived diplomatic track.

The pieces may be in place, the image of an idea for peace forming on the horizon, although the work ahead will be difficult. There are no easy answers or risk-free options. We can no longer defer the tough decisions on Israeli settlements, Palestinian refugees, borders, and the status of Jerusalem. The time for a step-by-step sequential process has come and gone. We are close to reaching a line of demarcation, where only bold and courageous leadership on all sides can show the way to a resolution.

Israel must make some hard choices for peace. It knows that military means alone will not end terrorism. Settlements in the occupied West Bank and Gaza must end. Israel should withdraw its military from the Palestinian towns it has re-occupied, as soon as the security situation allows. The emphasis for Israel must be on developing a coalition of common interests including our Arab allies and the United States to form the core of a peace coalition. Israel should move closer to this coalition and away from isolation and reliance on only the military option to ending the crisis.

The Israeli people have suffered too much and too long from terrorism. It must end. America will continue to stand by our friend and do what we must to help secure a peace and Israel's survival. But America's support of Israel should not be at the expense or exclusion of our relationships with our Arab friends and the Palestinian people. It need not be. America is against terrorists, America is not against Arabs or Palestinians. We are and can be a friend and supporter of all sides. We must be, or there will be no hope and no peace.

This also means that we will not retreat from our support of democratic principles, values, and expectations. We will not trade friendship and freedom for expediency and peace.

The other Arab leaders of the region must play a major role in this revived peace process. They have serious responsibilities and significant self-interests in helping end terrorism and resolving this conflict. There is no longer room for ambiguity or criticism from the sidelines. Abdication of responsibility or subtlety is no longer an option.

Crown Prince Abdullah, King Abdullah of Jordan, and President Mubarak of Egypt and other Arab leaders clearly understand the high stakes and are willing to take risks for peace. The prospects for getting a peace process back on track is best served when the risks are shared.

The Palestinian leadership must respond to the challenge and opportunity before it. Terrorism does an injustice to the Palestinian struggle for self-determination. A Palestinian state cannot be born from and committed to terrorism and hostility toward its neighbor.

It is a tragedy that the Palestinian people have been linked in the minds of many people—many Americans, to the methods of terrorists and extremists who represent only darkness and hatred, not the aspirations of most Palestinians for statehood and a life of hope and peace.

Real reform and change within the Palestinian Authority has become a condition of any peace agreement. This must happen—and happen now. The present Palestinian government must stand up and show a leadership that has been lacking for too long. The current Palestinian leaders must be accountable and take responsibility for the future of the Palestinian people. Terrorism and violence are not the means to statehood and legitimacy.

American and Israeli pressure and intervention, however, can not be the final determinants of a new Palestinian leadership. An alternative Palestinian leadership, as Foreign Minister Shimon Peres told me a couple of months ago, may be either too weak to make peace or too radical to even consider it. This will certainly be the case if alternative leadership is perceived as primarily the result of American or Israeli collaboration.

There are those in the Palestinian movement that have been speaking out for democracy and against corruption in the Palestinian Authority for some time. Hanan Ashrawi and Mustafa Barghouti, as well as many others, have been taking risks for democracy for Palestinians and transparency in Palestinian governance long before it became a condition for a renewed peace process.

Leaders of the Arab world must take more responsibility for Palestinian leadership. They cannot look away. It is now far too dangerous for them to allow further drift in the Middle East.

In considering the difficult road ahead, I understand the political constraints and risks that Israel and our Arab friends face in moving forward with peace. But it is better to share the risk than leave the field to the terrorists and extremists who will fill the leadership vacuum.

The problems in the Middle East affect and influence all aspects of our foreign policy, including our leadership in the war on terrorism. The Arab-Israeli conflict cannot be separated from America's foreign policy. Actions in the Middle East have immense consequences for our other policies and interests in the world. We are limited in dealing with other conflicts until this conflict is on a path to resolution.

America's policy and role in the Middle East, and the perception of our policies and role across the globe, affects our policies and interests in Afghanistan, South Asia, Indonesia, and all parts of the world. We cannot defeat terrorism without the active support of our friends and allies around the world. This will require an enhancement of our relationships, not an enhancement of our power. It will require America's reaching out to other nations. It will require a wider lens in our foreign policy with a new emphasis on humanitarian, economic, and trade issues as well as military and intelligence relationships.

We need the active support and involvement of Egypt, Saudi Arabia, Jordan, and the other states of the Middle East to defeat terrorism. The potential for isolating them on one side, with the United States and Israel on the other, is the wrong path. The alternative to developing coalitions of common interest in the Middle East and our war on terrorism is a region afire with radicalism and rage directed at Israel and the United States. We cannot wait. We cannot defer the peace timetable to the perfect time for peace. There is no perfect time for peace or perfect set of dynamics for peace. It will happen because we make it happen. We must seize the time we have, with all its imperfections.

The perception of American power becomes the reality of American power. If we fail in our diplomatic efforts to help bring peace to Israel and her neighbors, and isolate ourselves and Israel in the process, our security and Israel's security will become more vulnerable and the world more dangerous.

We need to keep our eye on the objectives: peace between Israel and its neighbors and victory in our war on terrorism. I close by joining my colleague, the majority leader, in encouraging President Bush not to risk unraveling the progress we have made so far in the Middle East by allowing a period of inattention and inaction to drag us all back into a dark abyss of despair and danger. A conference or some tangible relevant framework for peace must be announced and organized soon. The stakes have rarely been so high, the opportunities so great, and the margins for error so small.

CLONING

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the matter before the Senate at the present time is an amendment offered by my friend, Senator BROWNBACK. I will address the issues raised by that amendment.

We are considering a question that is of vital importance for every American affected by diabetes, cancer, Parkinson's disease, or other serious disorders. That question is whether we will permit a type of life-saving medical research to achieve its full potential to heal illnesses and cure disease—or whether we will stop this promising research dead in its tracks and deny its benefits to millions of Americans.

We all know where Senator BROWNBACK stands on the issue of medical research using the breakthrough new technique of nuclear transplantation. My friend from Kansas wants to ban this research forever. That's the position he has stated time and again in this Chamber and in forums across the country. And that is what the amendment that he offers today will accomplish.

Members of this body have spent long, serious hours grappling with the complex scientific and ethical issues raised by the issue of human cloning. Senators know the difference between human cloning and medical research. Human cloning produces a human being. Medical research is done in a laboratory dish and produces cells. But these cells can be used by doctors to develop astonishing transplants that will never be rejected by a patient's own body.

A majority of the Senate opposes any legislation to ban, even temporarily, the lifesaving research on nuclear transplantation that brings such hope to so many of our constituents. In the innocuous guise of an amendment to suspend certain aspects of the patent law, my friend from Kansas is trying to accomplish the goal he has long sought—banning medical research that uses nuclear transplantation.

The Brownsack amendment does many things. First, it bans patents on any cloned human being. It seems to me that if we want to ban human cloning, then we should ban it—pure and simple. I introduced legislation with Senator ARLEN SPECTER, Senator FEINSTEIN, and Senator HATCH to ban human cloning in a straightforward way. Our legislation makes human cloning a crime punishable by 10 years in prison and substantial fines. That's the way to prohibit cloning.

Using cloning to reproduce a child is improper and immoral—and it ought to be illegal. I think that every Member of the Senator would agree on this point.

Some want to use our opposition to human cloning to advance a more sweeping agenda. In the name of banning cloning, they would place unwarranted restrictions on medical research that could improve and extend countless lives. In a letter to the Congress, 40 Nobel Laureates wrote that these restrictions would "impede progress against some of the most debilitating diseases known to man."

Of course we should reject the offensive idea that human beings could be patented, as the Patent Office already rightly does. But the Brownback amendment goes far belong this commonsense proposal. It is so broadly written as to ban patents on single cells derived from medical laboratory research using cloning techniques. It even bans patents on the processes used to conduct this important medical research.

Why would my friend from Kansas propose such sweeping bans on patents? He offers this proposal precisely because he knows that if it is enacted, it will eviscerate this research.

The extraordinary progress in medical research that we have seen in recent years relies on two great motors of innovation: NIH funding and a dynamic private biotechnology sector.

But when it comes to vital research using nuclear transplantation techniques, one of those motors has already been broken. There are no research grants being given by NIH or any other Federal agency for this research. There never have been, and under this administration, there never will be.

If we had allowed our Nation's great research universities to conduct extensive nuclear transplanation research, there's no telling what medical miracles we might have seen by now. Perhaps scientists using NIH funds could have already developed replacement cells for little children with diabetes that would never run the risk of tissue rejection. Perhaps those same NIH-funded scientists could have developed new cures for those whose minds and memories slowly ebb away on the tide of Alzheimer's disease.

Fortunately, we have a robust and dynamic biotechnology industry where new cures are developed and new discoveries made. Because NIH will not fund nuclear transplantation research, every major discovery in this field has come from funds provided by biotechnology companies.

But the biotechnology industry runs on patents. Abraham Lincoln said that the patent system "added the fuel of interest to the fire of genius."

The Brownback amendment would permanently shut off the supply of that fuel. It would accomplish Senator BROWNBACK's long-held goal of banning this medical research entirely. NIH already can't fund it and the Brownback amendment would make sure no biotechnology company would touch it.

Instead of debating peripheral issues like patents, we should be debating the question that's at the core of this debate, whether we should allow or prohibit a type of medical research that bring hope to millions of Americans simply because it seems new or strange to some people.

We offered our opponents on this issue the opportunity for a debate, but they declined that offer. I am saddened by this decision, because I believe that these issues deserve to be debated thoroughly on their own merits, not hastily considered as part of legislation on insurance. I hope that we will have the opportunity for a full debate on the issue of cloning, as I know it is of profound interest to many of our colleagues. It has been my privilege to take part in some of the other great debates we have had over the years on issues raised by the progress of science.

In the 1970s we debated whether to ban the basic techniques of biotechnology. Some of the very same arguments that are raised against nuclear transplantation research today were raised against biotechnology back then. Some said that it would lead to ecological catastrophe or genetic monsters. Critics told us that the new science of recombinant DNA research was unproven and untested. They said that it might never yield new cures and that its benefits would never materialize.

We could not know in the 1970s all the incredible advances that recombinant DNA research would bring, not only in medical breakthroughs, but in so many different aspects of our lives. We didn't know then that DNA fingerprinting would one day ensure that criminals are punished and the wrongly imprisoned are released. But that is what is happening today. We did not know then that scientists would learn to put thousands of genes on a tiny chip, so that medicines can be customized for the genetic signature of an individual patient. But that is what is happening today. We did not know any of this in the 1970s. But we did know that recombinant DNA research offered extraordinary promise and that it should not be banned.

Because Congress rejected those arguments then, patients across America today can benefit from breakthrough new biotechnology products that help dissolve clots in the arteries of stroke victims, fight leukemia, and help those with crippling arthritis lead productive lives.

When in vitro fertilization was first developed in the 1980s, it too was bitterly denounced. And once again, there were calls to make this medical breakthrough illegal. Because Congress rejected those arguments then, thousands of Americans today can experience the joys of parenthood through the very techniques that were once so strongly opposed.

Even heart transplants once seemed new or strange. Some denounced the idea of taking a beating heart from the chest of one person and placing it in the body of another.

But this debate is not about abstract ideas or complex medical terms. It is about real people who could be helped by this research. Dr. Douglas Melton is one of the nation's foremost researchers on diabetes. For Dr. Melton, the stakes involved in this research could not be higher. His young son, Sam, has juvenile diabetes, and Dr. Melton works tirelessly to find a cure for his son's condition.

One of the most promising areas of research on diabetes involves using stem cells to provide the insulin that Sam, and thousands of children like him, need to live healthy, active lives.

But a shadow looms over this research. A patient's body may reject the very cells intended to provide a cure. To unlock the potential of stem cell research, doctors are trying to reprogram stem cells with a patient's own genetic material. Using the breakthrough technique of nuclear transplantation, each one of us could receive transplants or new cells perfectly matched to our own bodies. Can we really tell Sam Melton, and the millions of Americans suffering from diabetes, or Parkinson's disease, or spinal injuries that we won't pursue every opportunity to find a cure for their disorders?

Some who support the Brownback proposal say that the science is still uncertain, that we should delay this research because we can not predict what avenue of scientific inquiry will be the quickest pathway to a breakthrough.

The Brownback amendment makes certain that breakthrough cures will never see the light of day. If Congress adopts that proposal, we can be certain that doctors will never use this medical research to develop new pancreas cells for diabetics that are perfectly matched to the patient's own body. We can be certain that doctors will never use these techniques for important new insights into the basic mechanisms of Parkinson disease or Alzheimer's disease. We can be certain that patients in every community in every State in the Nation will be denied the hope and the benefits that this research brings.

That is the kind of certainty the Brownback amendment brings. If you want to accept this false and dangerous certainty, then you should vote for his amendment.

But if you want to promote life saving medical research, if you want to side with patients, if you want to take a chance on hope, then I urge you to vote for patients, for medicine, for hope and for the bipartisan proposal that I have introduced with Senator SPECTER, Senator FEINSTEIN, Senator HATCH, and many other colleagues.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Ohio.

Mr. DEWINE. I thank the Chair.

(The remarks of Mr. DEWINE and Mr. KENNEDY pertaining to the introduction of S. 2626 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

CLONING

Mrs. FEINSTEIN. Mr. President, I listened to the distinguished senior Senator from Massachusetts speak on the cloning issue. I thought it might be a good opportunity to offer a few thoughts on that issue.

When one says cloning, most people automatically think of human cloning. They don't know that there is an aspect of it which is called nuclear transplantation or stem cell research. The two issues become somewhat blurred. In fact, if you ask people, do they think stem cell research should proceed, the answer you get invariably, once they understand it, is yes.

I deeply believe that stem cell research today in America is one of the brightest scientific fields we know of and offers unparalleled hope and opportunity for so many victims of a myriad of chronic, debilitating, and often fatal diseases. It is the bright rainbow out there in medical research.

I understand last night the Senator from Kansas placed an amendment before the body. I rise to indicate my strong opposition for that amendment. As I understand it, it would prevent stem cell research from going ahead. I also know there is discussion in the Halls of this distinguished body about presenting legislation for a 2-year moratorium on both human cloning and stem cell research. I would oppose that as well.

What would that say to an ALS victim who maybe has 5 years to live with the understanding that all research which could be of help to that victim will be stopped for 2 years? It is a mistake. It is throwing the baby out with the bathwater. It should not happen.

A number of us, including the Presiding Officer, have put together a bill on a bipartisan basis which satisfies the overwhelming majority of the people in America as well as a substantial majority of this body. It says: We recognize the fact that the cloning of a human being is unacceptable. It is immoral, and it should not be done. Therefore, our legislation would make it a crime punishable by up to 10 years in prison to clone or attempt to clone a human being, without exception. It would establish a fine of $1 million or three times any profits made, whichever is greater, on any person who clones or attempts to clone a human being. The financial penalty is in addition to the 10-year prison term.

It is very strong. It is definitive on making the cloning of a human being illegal and subject to a 10-year prison sentence and strong fines.

The beauty of our legislation is that it would also allow this most promising form of stem cell research, somatic cell nuclear transplantation, to be conducted on a human egg for up to 14 days only, under strict standards and Federal regulation. This 14-day requirement is consistent with the standard established in the United Kingdom and recommended by the California Advisory Committee on Human Cloning. There is precedent for it.

The reason for 14 days is to limit any research before the so-called primitive streak can take over that egg.

This stem cell research can only take place on an unfertilized egg. This is important because many of the opponents of stem cell research say: Aha, this is an organism capable of being a living being.

It is no different than a clump of blood cells. They are alive. Those blood cells are not capable of becoming a human being.

Skin cells are alive. They are not capable of becoming a human being, nor are any cells in the human body capable of that. An unfertilized egg is not capable of becoming a human being. Therefore, we limit stem cell research to unfertilized eggs.

We would ban profiteering and coercion by requiring that all egg donations for this stem cell research be voluntary, and that women who donate eggs can only be compensated minimally—large payments to induce donation would be prohibited.

We would prohibit the purchase or sale of unfertilized eggs, something called oocytes or blastocysts. We would require that nuclear transplantation occur in laboratories, completely separate from labs that engage in invitro fertilization, to prevent a "blurring of the lines," to avoid the risk that eggs used in legitimate and important nuclear transplantation research would then be implanted in a woman.

We would prohibit the export of eggs that have undergone nuclear transplantation to any foreign country that does not ban human cloning. This prohibition is designed to avoid the risk that valuable research in the United States will result in a human clone anywhere in the world.

We include strong ethics requirements that mandate informed consent by egg donors, review of any nuclear transplantation research by an ethics board, and safety and privacy protection. And we have applied to this the strict Federal regulations that are appropriate in this area.

Any researcher who violates the bill's ethics requirements—even without attempting to clone a human being and becoming subject to the 10-year prison term and $1 million fine—will face civil penalties of up to $250,000 per violation.

So the legislation that you, Senator HATCH, Senator SPECTER, Senator HARKIN, Senator THURMOND, and myself, in a bipartisan way, have put together, we believe, offers this body the soundest approach to make human cloning illegal and, yet, to permit stem cell research to go ahead only on an unfertilized egg, only up to 14 days with strict ethical and Federal regulatory standards; to prohibit export to any country that permits human cloning; to separate it from in vitro fertilization, so there can be no blurring of the lines.

I think it is a bill that is well thought out, a bill that will stand the test of time and, most importantly, it is a bill that, while prohibiting the cloning of the human, will permit this bright rainbow of research to go forward.

Mr. President, you and I know that today there are 90,000 people awaiting organs or tissue replacement. We know that 4,000 people a year die because they didn't get it or because their body rejects that organ. Let's talk about what stem cell research is.

You have a human egg. That egg is unfertilized. Before it exists for 14 days, its nucleus is withdrawn. Into that space of the nucleus in this egg is injected the DNA from a sick person—a person who may have cancer, or ALS, or a brittle child who may be subject to amputation, blindness or death; it could be a Parkinson's patient or a burn patient. That egg is then forced to differentiate. As it goes through that period, it then can be encouraged to grow into tissues, or an organ, which then, when given to the sick person, there will be no rejection of that tissue or that organ. It also can be used with blood. It also can be used for cancer patients.

I cannot stress too much, when we get to the actual debate, there is anecdote after anecdote of individuals who have lost hope, for whom stem cell research gives back that hope. We have 40 Nobel laureates supporting us. We have hundreds of patient advocacy groups all across this Nation supporting us. We have the hopes and dreams of hundreds of thousands of people who are otherwise condemned to a life of disability.

Mr. President, you and I stood at a press conference with Christopher Reeve, one of America's great and talented human beings. We listened to him plead to be able to go ahead because this is the first time that, if you have had your spine severed, there is an opportunity to regenerate, to do something that has never been done in history—to give a paraplegic or a quadriplegic the opportunity to walk again.

In the Judiciary Committee, we heard testimony from a young woman by the name of Chris Golden. She was an Arlington, VA, police officer and a marathon runner. She was out running and she was hit by a car and her spine was severed. All of her dreams and hopes of continuing in the Arlington Police Department and of running once again were severed. She says she now hopes and dreams that one day she will wake up and they will have found a treatment that can regenerate her spinal system. Instead, today she wakes up to a wheelchair, and she even has a problem being able to brush her teeth.

There is story after story of people who have lost hope and, because of this new scientific frontier, they can have hope again.

Life is for the living. It is important to improve that life. I cannot understand how people want to resist this. I cannot understand how they would prevent stem cell research. I cannot understand how they would say an unfertilized egg is something we have to protect, when women lose hundreds of these every month. It makes no sense. It is arbitrary; it is capricious; it is unscientific; it is wrong. And, yes, if we know of hundreds of thousands of suffering Americans who might be helped, it is also immoral.

So those of us who have put together this legislation believe it will stand the test of time. We are very close today to that 60-vote necessity to move ahead with it. So I am hopeful that sometime during next week we will be able to say, yes, in fact we have the 60 votes and, yes, in fact the Senate of the United States of America is going to stand tall to cross this frontier of stem cell research and be able to offer the hope and the dream of a good life to literally hundreds of thousands of people.

I thank the Chair and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SMALL CITIES DAY

Mr. DASCHLE. Madam President, today is National Flag Day, and it is appropriate that we all pause to honor this important symbol of American Freedom. The National League of Cities has designated this day, June 14, 2002 as second annual National Small Cities Day to call attention to the role of small cities and towns in American life.

The vast majority of cities throughout our Nation have populations of fewer than 50,000 people. These communities play an essential role in nurturing families, cultivating values, and building a strong sense of commitment and connection. In fact, the theme for National Small Cities Day is building quality communities by making decisions by choice and not by chance.

Millions of Americans live better lives because small cities provide services and programs that meet the needs of their citizens. In the wake of the September 11 terrorist attacks, millions of Americans have looked to the leaders of their small communities to help ensure their safety and security by working in partnership with other levels of government.

Businesses, civic organizations, and citizens across the nation are partners in building quality communities and must be encouraged to continue to support efforts that make these cities and towns better places in which to live. The Federal government, too, must continue to be a good partner by supporting important efforts that help strengthen communities, such as the Community Oriented Policing Program, the Community Development Block Grant program, and funds for local terrorism preparedness programs.

We must continue to work together and look for ways to further strengthen our small cities and towns through creativity, innovation, and collaboration.

I join the National League of Cities and the Small Cities Council in encouraging President Bush, my Congressional colleagues, state governments, community organizations, businesses, and citizens to honor the efforts of "small town America" today and renew our commitment to work together on this day and in the future to build quality communities that improve the lives of citizens throughout the nation.

COMMEMORATION OF FLAG DAY

Mr. THURMOND. Madam President, two hundred and twenty-five years ago today, the United States was engaged in its War for Independence. I note that the American Continental Army, now the United States Army, was established by the Continental Congress, just 2 years earlier on June 14, 1775. I express my congratulations to the United States Army on its 227th birthday.

At the start of that War, American colonists fought under a variety of local flags. The Continental Colors, or Grand Union Flag, was the unofficial national flag from 1775–1777. This flag had thirteen alternating red and white stripes, with the English flag in the upper left corner.

Following the publication of the Declaration of Independence, it was no longer appropriate to fly a banner containing the British flag. Accordingly, on June 14, 1777, the Continental Congress passed a resolution that "the Flag of the United States be 13 stripes alternate red and white, and the Union be 13 stars white in a blue field representing a new constellation."

No record exists as to why the Continental Congress adopted the now-familiar red, white and blue. A later action by the Congress, convened under the Articles of Confederation, may provide an appropriate interpretation on the use of these colors. Five years after adopting the flag resolution, in 1782, a resolution regarding the Great Seal of the United States contained a statement on the meanings of the colors: Red: For hardiness and courage; White: For purity and innocence; and Blue: For vigilance, perseverance, and justice.

The stripes, symbolic of the 13 original colonies, were similar to the five red and four white stripes on the flag of the Sons of Liberty, an early colonial flag. The stars of the first national flag after 1777 were arranged in a variety of patterns. The most popular design placed the stars in alternating rows of three or two stars. Another flag placed twelve stars in a circle with the thirteenth star in the center. A now popular image of a flag of that day, although it was rarely used at the time, placed the thirteen stars in a circle.

As our country has grown, the Stars and Stripes have undergone necessary modifications. Alterations include the addition, then deletion, of stripes; and the addition and rearrangement of the field of stars.

While our Star-Spangled Banner has seen changes, the message it represents is constant. That message is one of patriotism and respect, wherever the flag is found flying. Henry Ward Beecher, a prominent 19th century clergyman and lecturer stated:

> A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, and the history which belong to the nation that sets it forth.

Old Glory represents the land, the people, the government and the ideals of the United States, no matter when or where it is displayed throughout the world. The flag has proudly represented our Republic beyond the Earth and into the heavens. The stirring images of Neil Armstrong and Edwin Aldrin saluting the flag on the moon, on July 20, 1969 moved the Nation to new heights of patriotism and national pride.

Today we pause to commemorate our Nation's most clear symbol, our flag. President Woodrow Wilson signed a Presidential Proclamation designating June 14, 1916 as Flag Day. On a prior occasion President Wilson noted:

> Things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag.

Flag day was officially designated a National observance by a Joint Resolution approved by Congress and the President in 1949, and first celebrated the following year. This year, then, marks the 52nd anniversary of a Congressionally designated Flag Day.

It is appropriate that we pause today, on this Flag Day, to render our respect and honor to the symbol of our Nation, and to review our commitment to the underlying principles it represents. Today, let us reflect on the deeds and sacrifices of those who have gone before and the legacy they left to us. Let us ponder our own endeavors and the inheritance we will leave to future generations. Since the tragic events of last September 11, the display of the flag has taken on a renewed emphasis. It is a visual representation of our commitment to freedom, peace and liberty. Today, the flag is a banner which proudly proclaims, "United We Stand."

Finally, as we commemorate the heritage our flag represents, may we as a nation pledge not only our allegiance, but also our efforts to furthering the standards represented by its colors, courage, virtue, perseverance, and justice. Through these universal concepts, We the People can ensure better lives for ourselves and our children, for these are the characteristics of greatness. In doing so, we can move closer to the goal so well stated by Daniel Webster at the laying of the cornerstone of the Bunker Hill Monument on June 17, 1825. On that occasion he said:

> Let our object be our country, our whole country, and nothing but our country. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of Wisdom, of Peace, and of Liberty, upon which the world may gaze with admiration forever.

I have long supported legislation which imposes penalties on anyone who knowingly mutilates, defaces, burns, tramples upon, or physically defiles any U.S. flag. I have also supported a constitutional amendment to grant Congress and the States the power to prohibit the physical desecration of the U.S. flag. I regret that the Senate has yet to adopt a Resolution for a flag protection Constitutional amendment.

I am pleased that each day the Senate is in session, a designated Senator leads the Senate in reciting the Pledge of Allegiance to the Flag of the United States. This has added greatly to the opening of the Senate each day.

Today I encourage my colleagues and all Americans to take note of the history and meaning of this 14th day of June. We celebrate our Flag, observing its 225th birthday, and the 227-year-old Army which has so proudly and valiantly defended it and our great Nation.

COMMEMORATING THE 227TH BIRTHDAY OF THE UNITED STATES ARMY

Mr. THURMOND. Madam President, I rise today to commemorate the 227th Birthday of the United States Army. On June 14, 1775, as our Republic was struggling to emerge, the Second Continental Congress enacted legislation creating the American Continental Army. The founding fathers knew if the citizens of this Nation were to be secure in their liberty, the Nation would require the ability to defend and protect itself. Fortunately, this Congress also selected George Washington to command this new force. His sense of purpose, integrity, and leadership were an inspiration to the troops he led to secure the independence of the Nation. His vision of the citizen soldier defending his home, family, and country were critical to founding of the Republic.

From humble beginnings, at Lexington and in the forge of battles such as Charleston, Cowpens, and Kings Mountain and from the winter encampment at Valley Forge, the Army secured victory at Yorktown. From Chippewa, New Orleans, Palo Alto, Buena Vista, to the numerous skirmishes on the frontier known as the Indian Wars, the Army proudly defended this Nation. The entry of the United States into World War I with the Army leading the way, sealed the allied victory. During World War II, the Army fought worldwide with troops in the Americas, Europe, Africa, Asia, and the Pacific. The defense of our freedoms continued with the Korean War, the Viet Nam War, and Desert Storm. Today our soldiers are found throughout the world, Bosnia, Kosovo, Afghanistan and elsewhere, courageously defending our Nation and the ideals it represents.

Our Army reflects the values of our Nation's citizens. Our citizen soldiers serve to protect our freedoms today just as they did to gain our freedoms over 200 years ago. I am proud of our soldiers and appreciate their selfless service. I was proud to wear the uniform of the United States Army. Happy Birthday to the United States Army.

Mr. HAGEL. Madam President, I rise today to wish the United States Army happy birthday. It was 227 years ago today, in 1775, that the Continental Army of the United States was formed. The United States Army has had a monumental impact on our country.

Millions of men and women over the past 227 years have served in the senior branch of our military forces. The Army is interwoven into the culture of America. Those who have had the great privilege of serving our country in the U.S. Army understand that.

This year is an especially important anniversary. The United States Military Academy at West Point this year celebrated their bicentennial anniversary. The newly commissioned class of Lieutenants from the West Point Class of 2002 will face a future much like those faced by their predecessors in the Class of 1942, a world where the United States finds itself in a struggle to protect our precious values of liberty, freedom, and democracy.

This struggle will not be easy. As of today, we have soldiers stationed or deployed in 125 nations. Today we are at war with the scourge of our time, terrorism. We must go at the root and strike at the heart of terrorist organizations and those nations granting them safe harbor. And to do so we depend on our United States Army.

This mission is not easy. Our soldiers will spend holidays in far away countries, miss anniversaries with their spouses and birthdays with their children. They do this out of love for our nation and a sense of the greater good. But we must remember that these are the lucky ones. Since military operations started in Afghanistan, the following Army soldiers have given their lives in service to our great nation during Operation Enduring Freedom: Pfc. Kristofer Stonesifer; Spc. John J. Edmunds; Pvt. Giovany Maria; Staff Sgt. Brian "Cody" Prosser; Master Sgt. Jefferson Donald Davis; Sgt. 1st Class Daniel Petithory; Sgt. 1st Class Nathan R. Chapman; Spc. Jason A. Disney; Spc. Thomas F. Allison; Staff Sgt. James P. Dorrity; Chief Warrant Officer Jody L. Egnor; Sgt. Jeremy D. Forshee; Staff Sgt. Kerry W. Frith; Major Curtis D. Feisner; Captain Bartt D. Owens; Staff Sgt. Bruce A. Rushforth, Jr.; Sgt. Bradley S. Crose; Spc. Marc A. Anderson; Pfc. Matthew A. Commons; Sgt. Philip J. Svitak; Chief Warrant Officer Stanley L. Harriman; Staff Sgt. Brian T. Craig; Staff Sgt. Justin J. Galewski; Sgt. Jamie O. Maugans; Sgt. 1st Class Daniel A. Romero; Sgt. Gene Vance, Jr.; and Sgt. 1st Class Peter P. Tycz II.

"Duty, honor, country" is the motto of the U.S. Army. It is America. Every generation of Americans who have served in the U.S. Army, from the Continental Army to today's fighting men and women, have been shaped by this motto. It has molded lives in ways that are hard to explain, just as the Army has touched our national life and history and made the world more secure, prosperous, and a better place for all mankind.

On this 227th birthday of the U.S. Army, as a proud U.S. Army veteran, I say happy birthday to the Army veterans of our country. We recognize and thank those who served and whose examples inspired those of us who have had the opportunity to serve in the U.S. Army.

It is the Army that has laid the foundation for all of this nation's distinguished branches of service and helped build a greater, stronger America.

On this, the 227th birthday of the Army, I say Happy Birthday and, in the great rich tradition of the U.S. Army, I proclaim my annual Senate floor "Hooah!"

DOMESTIC VIOLENCE GROUPS SUPPORT CLOSING THE GUN SHOW LOOPHOLE

Mr. LEVIN. Madam President, since 1968 it has been illegal for convicted felons, illegal aliens, individuals involuntarily committed to a mental health facility, individuals who have renounced their citizenship, drug addicts, those dishonorably discharged from the military, and fugitives who possess or purchase a firearm. In 1996, Congress passed legislation to extend the prohibition on firearms to individuals who were under a domestic violence restraining order or convicted of a domestic violence misdemeanor. I supported that legislation because of growing evidence that people who had committed acts of domestic violence were buying guns and using them.

According to the Department of Justice, Office of Justice Programs, 40 percent of women killed with firearms are murdered by an intimate partner. According to a Violence Policy Center analysis, a woman is 14 times more likely to be murdered by a spouse, intimate acquaintance or close relative if there has been a history of domestic violence. And, having one or more guns in the home makes a woman more than seven times more likely to be the victim of homicide.

The threat posed by some domestic abusers was highlighted by a Federal court case, Emerson v. United States. Timothy Joe Emerson was subject to a domestic violence restraining order that required him to stay away from his wife and her young daughter. Because of the restraining order, he was prohibited from possessing a firearm. Emerson was indicted for violating that provision after an incident in which he threatened his wife with a Beretta pistol and pointed it at her child. This is not an isolated case, and we need to prevent these people from possessing and purchasing firearms.

On Wednesday morning my staff met with Kathy Hagenian of the Michigan Coalition Against Domestic and Sexual Violence. Kathy is in Washington this week as part of the National Network to End Domestic Violence Annual Meeting and Legislative Day. The Coalition's mission is to combat all domestic and sexual violence by supporting prevention and intervention programs in communities throughout the State of Michigan. One of the issues she raised was her organization's support of Senator REED's Gun Show Background Check Act. I, too, support this common sense gun safety legislation. This bill would simply apply the background checks that are mandatory for guns purchased in stores to gun shows.

In 1996, the Congress closed the domestic violence loophole. Now it is time to close the gun show loophole. The lack of background checks at gun shows leaves battered women and their children vulnerable to violence. I urge my colleagues to support this important gun safety legislation.

THE MADRID PROTOCOL IMPLEMENTATION ACT

Mr. LEAHY. Madam President, I have come to the floor today to talk about an important piece of legislation, S. 407, the Madrid Protocol Implementation Act, which continues to be blocked from Senate consideration. As I said in an earlier statement on June 7, 2002, there are important bills that have cleared the Democratic side of the aisle and that have bipartisan support, but are being blocked by holds placed by anonymous Republican Senators. Last week, I spoke about legislation concerning national security and law enforcement, including S. 1770, implementing legislation for two anti-terrorism treaties. Fortunately, today, the Senate overwhelmingly passed the Leahy-Hatch substitute amendment to S. 1770 to help ensure that the United States continues to lead the world in the global fight against terrorism. I rise today to speak about protecting the intellectual property of American business.

I introduced S. 407, the Madrid Protocol Implementation Act, with Senator HATCH last year to provide implementing legislation for an important treaty, the Madrid Protocol. This bill promises to help American businesses better protect their intellectual property in the international marketplace.

The Clinton administration transmitted the Madrid Protocol to the Senate for ratification in 2000, but no action was taken while the Senate was under majority control by the Republicans. Under the leadership of Chairman BIDEN, the Senate Foreign Relations Committee, in November, 2001, reported the Madrid Protocol to the Senate with the recommendation that the Senate give its advice and consent to accession to the Madrid Protocol.

S. 407 would implement this new treaty. The legislation would make no substantive change in American trademark law. The bill would set up new procedures for trademark applicants to file a single trademark application with the Patent and Trademark Office.

This single filing would give the applicant "one stop" international trademark registration—a process only available to signatory countries to the Protocol. This would benefit American businesses and companies who need to protect their trademarks as they sell their goods and services in international markets, including over the Internet.

The House version of this bill, H.R. 741, has already passed the Republican House of Representatives, as it has for the past three Congresses. The Senate Judiciary Committee unanimously reported this bill favorably to the full Senate in July, 2001, and we have been trying unsuccessfully to get it passed by unanimous consent ever since.

This bill is critical in keeping our trademark laws up-to-date. It represents a significant step in our efforts to ensure that American trademark law adequately serves and promotes American interests. It is time for the anonymous, secret Republican holds on S. 407 to be lifted so that the Senate can pass this important legislation to protect the private intellectual property of Americans in the global economy.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator Kennedy in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 9, 2002 in Riverside, CA. An attack outside a popular gay bar left one gay man dead and another wounded. Jeffery Owens, 40, died of multiple stab wounds while coming to the aid of Michael Bussee, 48, who was being beaten and stabbed in the bar parking lot. Before stabbing Owens, one attacker was heard to yell "You want some trouble . . . fag, here it is!" Police are currently looking for the assailants, four men with shaved heads, and are investigating the incident as a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO RAYMOND D. EVANS

• Mr. BOND. Mr. President, I rise to pay tribute to the staple of the Missouri conservation community, Mr. Raymond D. Evans. Mr. Evans is retiring after 35 years of service with the Missouri Department of Conservation and he is a major contributor to the development of conservation provisions for the State of Missouri. Mr. Evan's fundamental efforts have played a role in developing provisions that helped land owners implement management practices to improve profitability and wildlife values by helping to protect the soil and water resources that are the foundation of agriculture and wildlife productivity. He has maintained the highest standard of excellence in his service to conservation and received several awards from his peers and associates as a result. These awards include the management Award from the Southeast Section of The Wildlife Society, and Award of Merit from the ASCS for helping write and pass the Farm Bill. Mr. Evans has also received the American Motors Conservation Award for his many contributions to the success of the Missouri Conservation Department's coordinated forest habitat management program, and the E. Sydney Stephens Award for his career contributions to Missouri's wildlife resources. I wish to honor and thank him for his hard work and dedication to the preservation of wildlife and the environment.

To people in Missouri, Mr. Evans has always been known as "Ray". His trademark ribbon tie, warm smile and commitment to his neighbors and the land they live on will remain his legacy. On the national scene, Ray has been a tireless advocate of Federal assistance to promote local initiatives. Ray has always understood that conservation is a "public good" and, consequently, the public should help landowners provide that public good. As a practicing farmer, Ray also understands and helps our urban friends understand that farmers are the most committed practitioners of conservation because it is good business and because they want to leave more value to their children and future generations. In other words, they want to leave it better than they found it. It is that understanding that won him the trust of landowners which is a key element to the success with which Ray is associated.

Ray's advocacy has been tireless, both for him and those of us he pursued constantly. With Ray, the "to-do" list is never complete and every success is followed by a new initiative. Recently, after Ray witnessed President Bush signing the 4th consecutive Farm Bill Ray worked on, Ray innocently succeeded in lifting the President's speech and convincing the President to sign it for him. While Ray was a good enough salesman to pull that off, he couldn't get past the staff who have obligations to the National Archives but if anyone deserves a high-level souvenir for his work in conservation, it would be Ray. Nevertheless, I am pleased that Ray got some face time with the Commander-in-Chief out of the deal.

On behalf of many citizens who benefited from his friendship, work, and guidance, I thank Ray and I thank his wife Carole for lending him to us. While I trust he will continue sharing his presence at many conservation-related events, I am pleased that he and Carole will have more time to enjoy time together. I recommend that he take her for long walks in the countryside so they can both appreciate what they have done for the landscape.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 2624. A bill to amend part A of title IV of the Social Security Act to require a comprehensive strategic plan for the State temporary assistance to needy families program; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. Miller, Mr. Kennedy, Mr. Rockefeller, Mr. Daschle, Mr. Cleland, Mr. Inouye, Mr. Reid, Ms. Mikulski, Mr. Johnson, Mr. Leahy, Mrs. Clinton, Mr. Nelson of Florida, Mr. Sarbanes, Mr. Bingaman, Ms. Stabenow, Mr. Wellstone, Mr. Hollings, Mrs. Murray, Mr. Schumer, Mr. Akaka, Mrs. Boxer, Mr. Reed, Mr. Dodd, Mr. Levin, Mrs. Carnahan, Ms. Cantwell, Mr. Durbin, and Mr. Dayton):

S. 2625. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DeWine, Mr. Harkin, Mr. McCain, Mr. Durbin, Mr. Graham, Mr. Wellstone, Ms. Collins, Mrs. Feinstein, and Mr. Reed):

S. 2626. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND:

S. 2627. A bill to protect marine species off the coast of Georgia; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 839

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 1339

At the request of Mr. CAMPBELL, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1678

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1785

At the request of Mr. CLELAND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 2051

At the request of Mr. REID, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2059

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2059, a bill to amend the Public Health Service Act to provide for Alzheimer's disease research and demonstration grants.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. RES. 283

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 283, a resolution recognizing the successful completion of democratic elections in the Republic of Colombia.

AMENDMENT NO. 3838

At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3838 proposed to S. 2600, a bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

At the request of Mr. TORRICELLI, his name was added as a cosponsor of amendment No. 3838 proposed to S. 2600, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. MILLER, Mr. KENNEDY, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. CLELAND, Mr. INOUYE, Mr. REID, Ms. MIKULSKI, Mr. JOHNSON, Mr. LEAHY, Mrs. CLINTON, Mr. NELSON of Florida, Mr. SARBANES, Mr. BINGAMAN, Ms. STABENOW, Mr. WELLSTONE, Mr. HOLLINGS, Mrs. MURRAY, Mr. SCHUMER, Mr. AKAKA, Mrs. BOXER, Mr. REED, Mr. DODD, Mr. LEVIN, Mrs. CARNAHAN, Ms. CANTWELL, Mr. DURBIN, and Mr. DAYTON):

S. 2625. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare Program; to the Committee on Finance.

Mr. GRAHAM. Madam President, along with my colleagues, Senators, MILLER and KENNEDY, I am very pleased to announce the introduction of the Medicare Outpatient Prescription Drug Act of 2002.

A prescription drug benefit is the most fundamental shift we can make in the health care of older Americans. Adding a prescription drug benefit to Medicare will represent a 180 degree turn, a change in the focus of how we deliver health care to our Nation's seniors.

Quite simply, including prescription drugs will transform Medicare from a sickness program to a wellness program. Failure to provide a prescription drug benefit will continue to confine millions of elderly Americans to a system that is antiquated, one that only looks backward, not forward.

The sponsors of this legislation do not buy the conventional wisdom that nothing significant can be enacted in an election year. We are committed to meeting our goal this year: passage of a universal, comprehensive, and affordable prescription drug benefit.

To be sure, there are questions in this debate which still remain. But, the most important question, "will our drug benefit meet seniors' needs?", can be answered with a resounding "YES."

The voluntary benefit we are offering to all seniors is very simple, no gimmicks, gotchas or "gaps" to fall into. With our benefit, "what you see is what you get." Seniors will know exactly what they will pay, and exactly what they will get: the monthly premium is $25, no matter where a person lives; all beneficiaries get assistance from the very first prescription of the year.

For the first two years, seniors will pay $10 for each generic prescription, and no more than $40 for all medically-necessary brand-name medicines. All other drugs would cost no more than $60. After two years, the co-pay will be indexed to the increase in prescription drug prices.

Seniors who either pay $4,000 out of their own pocket or have a third party contribute towards this $4,000 spending level would pay no more.

Seniors with very low incomes, below 135 percent of poverty, would pay no premiums. Seniors with incomes between 135 and 150 percent of the poverty level would pay reduced premiums.

And no senior will be faced with a burdensome "asset test" that could deny them the very drugs they need.

This kind of certainty, and this kind of help, is what beneficiaries need. Take, for example a 68-year-old man with two conditions very common among the elderly, congestive heart failure and diabetes, and no drug coverage. He would have to spend over $5,100 annually for a typical medication regimen. Under our plan, this gentleman would get the medicines he needs to stay healthy, and would save nearly $3,300.

In addition to being affordable, comprehensive, and universally available to all of America's seniors, we need a drug benefit that will be attractive to beneficiaries. Why? Because voluntary participation of all seniors will ensure that we will have a program that is sustainable for the long run. A program that attracts only the sickest beneficiaries is doomed to fail.

The Congressional Budget Office has evaluated our plan and has stated that it does not leave a single Medicare beneficiary without access to drug coverage.

How does this bill achieve this goal? By following the principle that the drug benefit should track the prescription drug benefits that seniors have been accustomed to in their working years. We have an attractive benefit with an affordable premium and a catastrophic provision that is an insurance policy for all elderly, in particular, for those seniors who are healthy right now, but who may face health problems later in life. We have modeled our bill after what works for most Americans right now. Our benefit includes tiered copayments, and we use as our delivery system the private sector model in place today in every part of the country.

Addition of a prescription drug benefit will be the largest expansion of the Medicare program since it was initiated in 1965. This fact challenges Congress to be sure that we get it right. In light of the scope of the changes we are making, we are suggesting that, after seven years, Congress should examine how well the benefit is working and to make whatever modifications are necessary and appropriate. Not only will we learn about how our delivery system has worked, but we can discover that access to prescription drugs will save Medicare money. How? By doctors prescribing medications instead of performing costly medical procedures. A physician on my staff recently told me that his students had never seen an ulcer operation. Why? Because prescription drugs have ended the need for this surgery.

Improving Medicare by including a prescription drug benefit is a serious and critical undertaking, and deserves our most serious efforts. We all know that our seniors cannot afford to wait out another election cycle.

I am pleased to announce that the American Association of Retired Persons, America Federation of State and County Municipal Employees, the National Council on the Aging, Families USA, the AFL–CIO, the Alliance for Retired Americans, the National Committee to Preserve Social Security and Medicare, and the Generic Pharmaceutical Association support our legislation. I ask unanimous consent that their letters of support be printed in the RECORD. With their help, we can get this done this year.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AARP,
Washington, DC, June 12, 2002.

Hon. BOB GRAHAM and Hon. ZELL MILLER,
U.S. Senate,
Washington, DC.

DEAR SENATORS: We are pleased to restate our position on your revised Medicare prescription drug proposal. Action on a bipartisan prescription drug benefit is a top priority for AARP, our members and the nation.

Medicare beneficiaries have waited long enough for access to meaningful, affordable prescription drug coverage. We know from our membership that in order for a Medicare prescription drug benefit to provide comprehensive coverage it must include:

An affordable premium and coinsurance;

Meaningful catastrophic stop-loss that limits out-of-pocket costs;

A benefit that does not expose beneficiaries to a gap in insurance coverage;

Additional assistance for low-income beneficiaries; and

Quality and safety features to curb unnecessary costs and prevent dangerous drug interactions.

AARP supports your initiative in incorporate these goals. We commend you for including key elements in your proposal that Medicare beneficiaries and our members have indicated they find valuable. For instance, your proposal includes a premium that many Medicare beneficiaries view as affordable and a benefit design that does not include a gap in insurance coverage. Your proposal also now includes co-payments specified as dollar amounts, an approach that our research shows our members prefer to coinsurance. In our view, this plan could provide real value to beneficiaries in protecting them against the high costs of prescription drugs.

It is important that any prescription drug benefit be made a permanent and stable part of Medicare, and we want to work with you to achieve this before enactment.

Thank you for your leadership on this issue. We look forward to working with you and your colleagues as the legislation moves forward. AARP will continue to urge Congress to work in a bipartisan manner to enact affordable, meaningful Medicare prescription drug coverage.

Sincerely,

WILLIAM D. NOVELLI,
Executive Director and CEO.

THE NATIONAL COUNCIL ON THE AGING,
Washington, DC, June 11, 2002.

Hon. BOB GRAHAM,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the National Council on the Aging (NCOA)—the nation's first organization formed to represent America's seniors and those who serve them—I write to commend and thank you for your proposal to provide meaningful Medicare prescription drug coverage to America's seniors. The Medicare Outpatient Prescription Drug Act of 2002 is consistent with the principles supported by the vast majority of organizations representing Medicare beneficiaries. It provides the foundation for a vehicle that we hope can achieve bipartisan consensus on this issue this year.

NCOA is particularly pleased that your legislation would provide prescription drug coverage that is universal, voluntary, reliable, and continuous. Other proposals being offered include significant coverage gaps and would fail to solve the problem. Under such bills, a significant number of beneficiaries would not want to participate in the program, and many of those who do participate would continue to be forced to choose between buying food and essential medicines.

We commend many of the modifications you have made to your Medicare bill from last year. These improvements include a significantly lower premium, the option to provide a flat copayment, an earlier effective date, and assistance with the very first prescription. We believe these changes will make the coverage affordable and attractive to the vast majority of beneficiaries, which is so critical to making a voluntary prescription drug program work. While we have concerns about the need to reauthorize the program after 2010, we understand the budget trade-offs needed to provide meaningful and attractive coverage, and fully expect that the Congress would reauthorize the program.

NCOA is also pleased that your proposal does not include price controls and that the program would promote stability and efficiency through administration by multiple, competing Pharmacy Benefit Managers (PBMs), using management tools available in the private sector in which PBMs would be at risk of their performance, including effective cost containment.

NCOA deeply appreciates your efforts to move this critical debate in a direction that guarantees access to meaningful coverage—even in rural and frontier areas of the country—and responds in a constructive manner to many of the specific concerns that have been raised regarding other Medicare prescription drug proposals.

It is impossible to have real health security without coverage for prescription drugs. Prescription drug coverage is the number one legislative priority for America's seniors. Virtually every member of Congress has made campaign promises to try to pass a good prescription drug bill. The time has come to get serious and to work together to achieve consensus on the issues in controversy. Your proposal provides us with an excellent starting point.

NCOA looks forward to working on a bipartisan basis with you and other members of Congress to pass legislation this year that provides meaningful, continuous, affordable prescription drug coverage to all Medicare beneficiaries.

Sincerely,

JAMES FIRMAN,
President and CEO.

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, June 12, 2002.

Sen. BOB GRAHAM,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and Medicare, I write in support of your Medicare prescription drug legislation that will provide much needed relief to seniors. Your bill contains all of the elements that seniors need in a comprehensive drug benefit under Medicare, such as universal, voluntary, affordable, not means tested and most importantly, with a defined benefit, so that seniors can plan accordingly. Prescription drug prices are increasing over 17% per year (faster than inflation) and seniors are spending more on out-of-pocket drug expenditures than ever. The time is now to enact a drug benefit that will provide the Medicare beneficiary with some assistance.

We are pleased that your plan would be available for seniors, no matter where they live. Our members have expressed to us that a prescription drug benefit must be affordable. We believe that a plan such as yours, with no annual deductible and a $4,000 cap on out of pocket expenditures, is reasonable and one that most seniors would be able to afford.

We applaud you for your leadership in this area. Please let me know how we can further support your efforts.

Sincerely,

BARBARA KENNELLY,
President.

FAMILIES USA,
Washington, DC, June 13, 2002.

Sen. BOB GRAHAM,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: We congratulate you and Senators Miller, Kennedy and Rockefeller on the introduction of your bill, "The Medicare Outpatient Prescription Drug Act," which provides a prescription drug benefit for Medicare beneficiaries.

This is an issue of utmost importance to all Americans who need prescription drugs, especially to seniors and people with disabilities. As you well know, seniors' ability to afford prescription drugs is a particularly difficult problem today. In our 2001 report entitled, "Enough to Make You Sick: Prescription Drug Prices for the Elderly," we concluded that the 50 top drugs used by seniors rose 2.3 times the rate of inflation between 2000 and 2001. We are in the process of updating this report for last year, and our preliminary data shows that this devastating rate of price increases continues. Millions of seniors have limited income and no, or limited, drug coverage and will find themselves deciding whether to buy drugs or to pay for other essentials.

Your bill addresses many important design issues that we care about in a Medicare prescription drug benefit. The benefit is universal, comprehensive, and is delivered through the Medicare program, ensuring that seniors know it will be available to them when it is needed. Low-income people get extra assistance. Also, there are provisions to assure that costs will be contained and quality maintained.

Please let us know how we can assist you to move this bill toward enactment so that all Medicare beneficiaries can have access to the prescription drugs they need.

Sincerely,

RONALD F. POLLACK,
Executive Director.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, June 12, 2002.
Senators EDWARD KENNEDY, BOB GRAHAM, and ZELL MILLER,
U.S. Senate,
Washington, DC.

DEAR SENATORS: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to express our support for the Medicare prescription drug benefit proposal you unveiled today.

AFSCME has long supported the creation of a Medicare prescription drug benefit that is comprehensive in coverage, affordable and voluntary for all Medicare beneficiaries. We believe that your proposal is a solid step forward in meeting these standards.

In particular, we applaud your proposal's provisions for continuous coverage. We believe that it is one of the most critical components of a meaningful prescription drug benefit. Beneficiaries must have coverage they can count on, with no gaps in coverage. Doing anything less would force our seniors to pay all prescription costs out of their own pocket when they will need the coverage the most.

Since Medicare was started over 35 years ago, many illnesses that were once only treatable in a hospital can now be effectively treated with prescription drugs. Adding a drug benefit to the program is the most urgently needed Medicare reform. We applaud you for not holding the prescription drug benefit hostage to force radical privatization proposals that would cut benefits and increase costs for retirees.

We look forward to working with you and the other sponsors of this important legislation. A Medicare prescription drug benefit is long overdue, and our nation's seniors deserve no less.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, June 12, 2002.
Hon. BOB GRAHAM,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the 13 million members of the AFL–CIO, I am writing to commend you for your efforts to provide much-needed relief to Medicare beneficiaries. Your proposal to create a voluntary drug benefit within the Medicare program represents an encouraging and solid step toward enacting the one reform most urgently needed for Medicare.

Seniors need a real benefit that provides comprehensive, continuous and certain coverage. The Graham-Miller-Kennedy bill provides that benefit, giving seniors coverage they can count on. A Medicare drug benefit must also be affordable for beneficiaries. The $25 monthly premium and zero deductible in your proposal means seniors need only pay an affordable premium to begin getting coverage immediately. And no senior will have to pay more than $40 for the drugs they need and often will pay less.

In addition, your proposal would not put at risk those retirees who currently have some prescription drug coverage through an employer. Retiree health care is the primary source of prescription drug coverage for seniors, and your proposal rightly provides some relief for employers that choose to continue that coverage.

A proposal widely reported under consideration by House Republican leaders offers only unreliable, expensive and unworkable coverage through private plans, with an enormous gap in coverage that leaves seniors without any coverage at all for drug costs between $2000 and $4500. And the only relief for employers is if they drop the coverage they now offer. Such a proposal will not move us any closer to a real benefit.

As this debate moves forward, we want to work with you and your co-sponsors to enact the best possible Medicare drug benefit. We appreciate your role in advancing that process.

Sincerely,

WILLIAM SAMUEL,
Director of Legislation.

ALLIANCE FOR RETIRED AMERICANS,
Washington, DC, June 12, 2002.
Sen. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the over 2.7 million members of the Alliance for Retired Americans, I want to thank you for your tireless work on behalf of older and disabled Americans to create a Medicare prescription drug benefit program. I also want to express our views on the Medicare prescription drug legislation proposed by you and Senators Graham and Miller. The Alliance supports this proposal as a positive step forward in the effort to create a Medicare prescription drug benefit program.

The Alliance for Retired Americans believes that all older and disabled Americans need an affordable, comprehensive, and voluntary Medicare prescription drug benefit now. Such a benefit program should have low monthly premiums, annual deductibles, and be administered as part of the Medicare program. Your proposed legislation meets these Alliance principles. Unlike other proposals that would begin in 2005, your plan would start in 2004, which gives beneficiaries the coverage they need a full year earlier.

The Alliance will work to enact your legislation. During legislative deliberations, the Alliance will seek to improve benefits because we believe that an 80/20 co-insurance payment system, like the rest of Medicare, will provide the best benefits for older and disabled Americans. The Alliance also supports a $2,000 annual catastrophic cap. We will continue to work to improve any legislation that moves through Congress in order to reach these goals.

Older Americans will spend $1.8 trillion on prescription drugs during the next decade. The inflation rate for prescription drugs will continue at an annual double digit pace as well. Our members and indeed all Americans simply cannot afford these costs. We look forward to working with you and Senators Graham and Miller to enact a comprehensive Medicare prescription drug benefit as soon as possible.

Sincerely yours,

EDWARD F. COYLE,
Executive Director.

GENERIC PHARMACEUTICAL ASSOCIATION,
Washington, DC, June 12, 2002.
Hon. BOB GRAHAM,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the Generic Pharmaceutical Association (GPhA), we would like to commend you and Senators Miller and Kennedy for your leadership introducing legislation to create a Medicare prescription drug benefit for our nation's seniors. We agree with you that the passage and enactment of a voluntary Medicare prescription drug benefit is long overdue. We are strongly supportive of your innovative tiered co-pay structure, as well as the other provisions advocated by you and your colleagues, that are designed to increase the utilization of high-quality, affordable generic medicines.

Generic pharmaceuticals have a proven track record of substantially lowering drug costs. Studies have shown that for every 1 percent increase in generic drug utilization, consumer, business, and health plan purchasers save over $1 billion. The increased use of generics can play an invaluable role in helping Medicare, Medicaid, the Federal Employees Health Benefit Plan (FEHBP) and other Federal and private plans assure that beneficiaries have access to quality, affordable medications. A tiered co-pay system with a significant differential between brand and generic pharmaceuticals will ensure an appropriate incentive is in place for seniors to consider more cost-effective options when making choices about pharmaceutical therapies. We believe an explicit dollar co-pay will also provide seniors with the comfort of knowing they will pay a fixed cost to have their prescriptions filled.

With your leadership, the Graham/Miller/Kennedy bill employs a number of private sector best practices that are now widely used to assure access to cost-effective, quality affordable medications. These provisions not only encourage the appropriate and beneficial use of these products, but provide unbiased and greatly needed educational information to the public about the benefits of these medicines.

The Graham/Miller/Kennedy bill adheres to GPhA's principles for creating a Medicare prescription drug benefit and steers the Medicare reform debate down a prudent public policy path. We look forward to working with you, your cosponsors and with other Members of the House and Senate of both parties to further our common objective of providing our nation's nearly 40 million Medicare beneficiaries and the taxpayers who help support them with the most affordable and highest quality prescription drug benefit possible. If the rest of the Congress and the Administration follow your lead in recognizing the role generics must play in reaching this objective, we are confident we will achieve this goal.

Thank you again for your efforts. If we can be of any assistance to you, please do not hesitate to call.

Sincerely,

KATHLEEN JAEGER,
President and CEO.

Mr. GRAHAM. I want to thank Senators MILLER and KENNEDY for their leadership and commitment to this issue, and urge all of our colleagues to join us in ensuring passage of this critical legislation this year.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Outpatient Prescription Drug Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Medicare outpatient prescription drug benefit program.

"PART D—OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

"Sec. 1860. Definitions.
"Sec. 1860A. Establishment of outpatient prescription drug benefit program.
"Sec. 1860B. Enrollment under program.
"Sec. 1860C. Enrollment in a plan.
"Sec. 1860D. Providing information to beneficiaries.
"Sec. 1860E. Premiums.
"Sec. 1860F. Outpatient prescription drug benefits.
"Sec. 1860G. Entities eligible to provide outpatient drug benefit.
"Sec. 1860H. Minimum standards for eligible entities.
"Sec. 1860I. Payments.
"Sec. 1860J. Employer incentive program for employment-based retiree drug coverage.
"Sec. 1860K. Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund.
"Sec. 1860L. Medicare Prescription Drug Advisory Committee.".
Sec. 3. Part D benefits under Medicare+Choice plans.
Sec. 4. Additional assistance for low-income beneficiaries.
Sec. 5. Medigap revisions.
Sec. 6. HHS studies and report on uniform pharmacy benefit cards and systems for transferring prescriptions electronically.
Sec. 7. GAO study and biennial reports on competition and savings.
Sec. 8. Expansion of membership and duties of Medicare Payment Advisory Commission (MedPAC).

SEC. 2. MEDICARE OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM.

(a) ESTABLISHMENT.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by redesignating part D as part E and by inserting after part C the following new part:

"PART D—OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

"DEFINITIONS

"SEC. 1860. In this part:

"(1) COVERED OUTPATIENT DRUG.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'covered outpatient drug' means any of the following products:

"(i) A drug which may be dispensed only upon prescription, and—

"(I) which is approved for safety and effectiveness as a prescription drug under section 505 of the Federal Food, Drug, and Cosmetic Act;

"(II)(aa) which was commercially used or sold in the United States before the date of enactment of the Drug Amendments of 1962 or which is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) which has not been the subject of a final determination by the Secretary that it is a 'new drug' (within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act) or an action brought by the Secretary under section 301, 302(a), or 304(a) of such Act to enforce section 502(f) or 505(a) of such Act; or

"(III)(aa) which is described in section 107(c)(3) of the Drug Amendments of 1962 and for which the Secretary has determined there is a compelling justification for its medical need, or is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) for which the Secretary has not issued a notice of an opportunity for a hearing under section 505(e) of the Federal Food, Drug, and Cosmetic Act on a proposed order of the Secretary to withdraw approval of an application for such drug under such section because the Secretary has determined that the drug is less than effective for all conditions of use prescribed, recommended, or suggested in its labeling.

"(ii) A biological product which—

"(I) may only be dispensed upon prescription;

"(II) is licensed under section 351 of the Public Health Service Act; and

"(III) is produced at an establishment licensed under such section to produce such product.

"(iii) Insulin approved under appropriate Federal law, including needles, syringes, and disposable pumps for the administration of such insulin.

"(iv) A prescribed drug or biological product that would meet the requirements of clause (i) or (ii) except that it is available over-the-counter in addition to being available upon prescription.

"(B) EXCLUSION.—The term 'covered outpatient drug' does not include any product—

"(i) except as provided in subparagraph (A)(iv), which may be distributed to individuals without a prescription;

"(ii) for which payment is available under part A or B or would be available under part B but for the application of a deductible under such part (unless payment for such product is not available because benefits under part A or B have been exhausted), determined, except as provided in subparagraph (C), without regard to whether the beneficiary involved is entitled to benefits under part A or enrolled under part B; or

"(iii) except for agents used to promote smoking cessation and agents used for the treatment of obesity, for which coverage may be excluded or restricted under section 1927(d)(2).

"(C) CLARIFICATION REGARDING IMMUNOSUPPRESSIVE DRUGS.—In the case of a beneficiary who is not eligible for any coverage under part B of drugs described in section 1861(s)(2)(J) because of the requirements under such section (and would not be so eligible if the individual were enrolled under such part), the term 'covered outpatient drug' shall include such drugs if the drugs would otherwise be described in subparagraph (A).

"(2) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual that is entitled to benefits under part A or enrolled under part B.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that the Secretary determines to be appropriate to provide eligible beneficiaries with covered outpatient drugs under a plan under this part, including—

"(A) a pharmacy benefit management company;

"(B) a retail pharmacy delivery system;

"(C) a health plan or insurer;

"(D) a State (through mechanisms established under a State plan under title XIX);

"(E) any other entity approved by the Secretary; or

"(F) any combination of the entities described in subparagraphs (A) through (E) if the Secretary determines that such combination—

"(i) increases the scope or efficiency of the provision of benefits under this part; and

"(ii) is not anticompetitive.

"(4) MEDICARE+CHOICE ORGANIZATION; MEDICARE+CHOICE PLAN.—The terms 'Medicare+Choice organization' and 'Medicare+Choice plan' have the meanings given such terms in subsections (a)(1) and (b)(1), respectively, of section 1859 (relating to definitions relating to Medicare+Choice organizations).

"(5) PRESCRIPTION DRUG ACCOUNT.—The term 'Prescription Drug Account' means the Prescription Drug Account (as established under section 1860K) in the Federal Supplementary Medical Insurance Trust Fund under section 1841.

"ESTABLISHMENT OF OUTPATIENT PRESCRIPTION DRUG BENEFIT PROGRAM

"SEC. 1860A. (a) PROVISION OF BENEFIT.—

"(1) IN GENERAL.—Beginning in 2004, the Secretary shall provide for and administer an outpatient prescription drug benefit program under which each eligible beneficiary enrolled under this part shall be provided with coverage of covered outpatient drugs as follows:

"(A) MEDICARE+CHOICE PLAN.—If the eligible beneficiary is eligible to enroll in a Medicare+Choice plan, the beneficiary—

"(i) may enroll in such a plan; and

"(ii) if so enrolled, shall obtain coverage of covered outpatient drugs through such plan.

"(B) MEDICARE PRESCRIPTION DRUG PLAN.—If the eligible beneficiary is not enrolled in a Medicare+Choice plan, the beneficiary shall obtain coverage of covered outpatient drugs through enrollment in a plan offered by an eligible entity with a contract under this part.

"(2) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program established under this part.

"(3) SCOPE OF BENEFITS.—The program established under this part shall provide for coverage of all therapeutic classes of covered outpatient drugs.

"(b) ACCESS TO ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—In the case of an eligible beneficiary who has creditable prescription drug coverage (as defined in section 1860B(b)(1)(F)), such beneficiary—

"(1) may continue to receive such coverage and not enroll under this part; and

"(2) pursuant to section 1860B(b)(1)(C), is permitted to subsequently enroll under this part without any penalty and obtain coverage of covered outpatient drugs in the manner described in subsection (a) if the beneficiary involuntarily loses such coverage.

"(c) FINANCING.—The costs of providing benefits under this part shall be payable from the Prescription Drug Account.

"ENROLLMENT UNDER PROGRAM

"SEC. 1860B. (a) ESTABLISHMENT OF PROCESS.—

"(1) PROCESS SIMILAR TO ENROLLMENT UNDER PART B.—The Secretary shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization) may make an election to enroll under this part. Such process shall be similar to the process for enrollment in part B under section 1837, including the deeming provisions of such section.

"(2) REQUIREMENT OF ENROLLMENT.—An eligible beneficiary must enroll under this part in order to be eligible to receive covered outpatient drugs under this title.

"(b) SPECIAL ENROLLMENT PROCEDURES.—

"(1) LATE ENROLLMENT PENALTY.—

"(A) INCREASE IN PREMIUM.—Subject to the succeeding provisions of this paragraph, in the case of an eligible beneficiary whose coverage period under this part began pursuant to an enrollment after the beneficiary's initial enrollment period under part B (determined pursuant to section 1837(d)) and not pursuant to the open enrollment period described in paragraph (2), the Secretary shall establish procedures for increasing the amount of the monthly part D premium under section 1860E(a) applicable to such beneficiary—

"(i) by an amount that is equal to 10 percent of such premium for each full 12-month period (in the same continuous period of eligibility) in which the eligible beneficiary could have been enrolled under this part but was not so enrolled; or

"(ii) if determined appropriate by the Secretary, by an amount that the Secretary determines is actuarily sound for each such period.

"(B) PERIODS TAKEN INTO ACCOUNT.—For purposes of calculating any 12-month period under subparagraph (A), there shall be taken into account—

"(i) the months which elapsed between the close of the eligible beneficiary's initial enrollment period and the close of the enrollment period in which the beneficiary enrolled; and

"(ii) in the case of an eligible beneficiary who reenrolls under this part, the months which elapsed between the date of termination of a previous coverage period and the close of the enrollment period in which the beneficiary reenrolled.

"(C) PERIODS NOT TAKEN INTO ACCOUNT.—

"(i) IN GENERAL.—For purposes of calculating any 12-month period under subparagraph (A), subject to clause (ii), there shall not be taken into account months for which the eligible beneficiary can demonstrate that the beneficiary had creditable prescription drug coverage (as defined in subparagraph (F)).

"(ii) APPLICATION.—This subparagraph shall only apply with respect to a coverage period the enrollment for which occurs before the end of the 60-day period that begins on the first day of the month which includes—

"(I) in the case of a beneficiary with coverage described in clause (ii) of subparagraph (F), the date on which the plan terminates, ceases to provide, or reduces the value of the prescription drug coverage under such plan to below the actuarial value of the coverage provided under the program under this part; or

"(II) in the case of a beneficiary with coverage described in clause (i), (iii), or (iv) of subparagraph (F), the date on which the beneficiary loses eligibility for such coverage.

"(D) PERIODS TREATED SEPARATELY.—Any increase in an eligible beneficiary's monthly part D premium under subparagraph (A) with respect to a particular continuous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which the beneficiary may have.

"(E) CONTINUOUS PERIOD OF ELIGIBILITY.—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, an eligible beneficiary's 'continuous period of eligibility' is the period that begins with the first day on which the beneficiary is eligible to enroll under section 1836 and ends with the beneficiary's death.

"(ii) SEPARATE PERIOD.—Any period during all of which an eligible beneficiary satisfied paragraph (1) of section 1836 and which terminated in or before the month preceding the month in which the beneficiary attained age 65 shall be a separate 'continuous period of eligibility' with respect to the beneficiary (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this paragraph).

"(F) CREDITABLE PRESCRIPTION DRUG COVERAGE DEFINED.—For purposes of this part, the term 'creditable prescription drug coverage' means any of the following:

"(i) MEDICAID PRESCRIPTION DRUG COVERAGE.—Prescription drug coverage under a medicaid plan under title XIX, including through the Program of All-inclusive Care for the Elderly (PACE) under section 1934 and through a social health maintenance organization (referred to in section 4104(c) of the Balanced Budget Act of 1997).

"(ii) PRESCRIPTION DRUG COVERAGE UNDER A GROUP HEALTH PLAN.—Prescription drug coverage under a group health plan, including a health benefits plan under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code, and a qualified retiree prescription drug plan (as defined in section 1860J(e)(3)), that provides coverage of the cost of prescription drugs the actuarial value of which (as defined by the Secretary) to the beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the outpatient prescription drug benefit program under this part.

"(iii) STATE PHARMACEUTICAL ASSISTANCE PROGRAM.—Coverage of prescription drugs under a State pharmaceutical assistance program.

"(iv) VETERANS' COVERAGE OF PRESCRIPTION DRUGS.—Coverage of prescription drugs for veterans, and survivors and dependents of veterans, under chapter 17 of title 38, United States Code.

"(2) OPEN ENROLLMENT PERIOD FOR CURRENT BENEFICIARIES IN WHICH LATE ENROLLMENT PROCEDURES DO NOT APPLY.—

"(A) IN GENERAL.—The Secretary shall establish an applicable period, which shall begin on the date on which the Secretary first begins to accept elections for enrollment under this part, during which any eligible beneficiary may enroll under this part without the application of the late enrollment procedures established under paragraph (1)(A).

"(B) OPEN ENROLLMENT PERIOD TO BEGIN PRIOR TO JANUARY 1, 2004.—The Secretary shall ensure that eligible beneficiaries are permitted to enroll under this part prior to January 1, 2004, in order to ensure that coverage under this part is effective as of such date.

"(3) SPECIAL ENROLLMENT PERIOD FOR BENEFICIARIES WHO INVOLUNTARILY LOSE CREDITABLE PRESCRIPTION DRUG COVERAGE.—The Secretary shall establish a special open enrollment period for an eligible beneficiary that loses creditable prescription drug coverage.

"(c) PERIOD OF COVERAGE.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

"(2) OPEN AND SPECIAL ENROLLMENT.—Subject to paragraph (3), an eligible beneficiary who enrolls under the program under this part pursuant to paragraph (2) or (3) of subsection (b) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

"(3) LIMITATION.—Coverage under this part shall not begin prior to January 1, 2004.

"(d) TERMINATION.—

"(1) IN GENERAL.—The causes of termination specified in section 1838 shall apply to this part in the same manner as such causes apply to part B.

"(2) COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B.—

"(A) IN GENERAL.—In addition to the causes of termination specified in paragraph (1), the Secretary shall terminate an individual's coverage under this part if the individual is no longer enrolled in either part A or B.

"(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of termination of coverage under part A or (if later) under part B.

"(3) PROCEDURES REGARDING TERMINATION OF A BENEFICIARY UNDER A PLAN.—The Secretary shall establish procedures for determining the status of an eligible beneficiary's enrollment under this part if the beneficiary's enrollment in a plan offered by an eligible entity under this part is terminated by the entity for cause (pursuant to procedures established by the Secretary under section 1860C(a)(1)).

"ENROLLMENT IN A PLAN

"SEC. 1860C. (a) PROCESS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary who is enrolled under this part but not enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization shall make an annual election to enroll in any plan offered by an eligible entity that has been awarded a contract under this part and serves the geographic area in which the beneficiary resides. Such process shall include for the default enrollment in such a plan in the case of an eligible beneficiary who is enrolled under this part but who has failed to make an election of such a plan.

"(B) RULES.—In establishing the process under subparagraph (A), the Secretary shall—

"(i) use rules similar to the rules for enrollment, disenrollment, and termination of enrollment with a Medicare+Choice plan under section 1851, including—

"(I) the establishment of special election periods under subsection (e)(4) of such section; and

"(II) the application of the guaranteed issue and renewal provisions of subsection (g) of such section (other than paragraph (3)(C)(i), relating to default enrollment); and

"(ii)
coordinate enrollments, disenrollments, and terminations of enrollment under part C with enrollments, disenrollments, and terminations of enrollment under this part.

"(2) First enrollment period for plan enrollment.—The process developed under paragraph (1) shall—

"(A) ensure that eligible beneficiaries who choose to enroll under this part are permitted to enroll with an eligible entity prior to January 1, 2004, in order to ensure that coverage under this part is effective as of such date; and

"(B) be coordinated with the open enrollment period under section 1860B(b)(2)(A).

"(b) Medicare+Choice Enrollees.—

"(1) In general.—An eligible beneficiary who is enrolled under this part and enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization shall receive coverage of covered outpatient drugs under this part through such plan.

"(2) Rules.—Enrollment in a Medicare+Choice plan is subject to the rules for enrollment in such a plan under section 1851.

"PROVIDING INFORMATION TO BENEFICIARIES

"Sec. 1860D. (a) Activities.—

"(1) In general.—The Secretary shall conduct activities that are designed to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) regarding the coverage provided under this part.

"(2) Special rule for first enrollment under the program.—To the extent practicable, the activities described in paragraph (1) shall ensure that eligible beneficiaries are provided with such information at least 30 days prior to the open enrollment period described in section 1860B(b)(2)(A).

"(b) Requirements.—

"(1) In general.—The activities described in subsection (a) shall—

"(A) be similar to the activities performed by the Secretary under section 1851(d);

"(B) be coordinated with the activities performed by the Secretary under such section and under section 1804; and

"(C) provide for the dissemination of information comparing the plans offered by eligible entities under this part that are available to eligible beneficiaries residing in an area.

"(2) Comparative information.—The comparative information described in paragraph (1)(C) shall include a comparison of the following:

"(A) Benefits.—The benefits provided under the plan, including the prices beneficiaries will be charged for covered outpatient drugs, any preferred pharmacy networks used by the eligible entity under the plan, and the formularies and appeals processes under the plan.

"(B) Quality and performance.—To the extent available, the quality and performance of the eligible entity offering the plan.

"(C) Beneficiary cost-sharing.—The cost-sharing required of eligible beneficiaries under the plan.

"(D) Consumer satisfaction surveys.—To the extent available, the results of consumer satisfaction surveys regarding the plan and the eligible entity offering such plan.

"(E) Additional information.—Such additional information as the Secretary may prescribe.

"(3) Information standards.—The Secretary shall develop standards to ensure that the information provided to eligible beneficiaries under this part is complete, accurate, and uniform.

"(c) Use of Medicare Consumer Coalitions To Provide Information.—

"(1) In general.—The Secretary may contract with Medicare Consumer Coalitions to conduct the informational activities under—

"(A) this section;

"(B) section 1851(d); and

"(C) section 1804.

"(2) Selection of coalitions.—If the Secretary determines the use of Medicare Consumer Coalitions to be appropriate, the Secretary shall—

"(A) develop and disseminate, in such areas as the Secretary determines appropriate, a request for proposals for Medicare Consumer Coalitions to contract with the Secretary in order to conduct any of the informational activities described in paragraph (1); and

"(B) select a proposal of a Medicare Consumer Coalition to conduct the informational activities in each such area, with a preference for broad participation by organizations with experience in providing information to beneficiaries under this title.

"(3) Payment to medicare consumer coalitions.—The Secretary shall make payments to Medicare Consumer Coalitions contracting under this subsection in such amounts and in such manner as the Secretary determines appropriate.

"(4) Authorization of appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to contract with Medicare Consumer Coalitions under this section.

"(5) Medicare consumer coalition defined.—In this subsection, the term 'Medicare Consumer Coalition' means an entity that is a nonprofit organization operated under the direction of a board of directors that is primarily composed of beneficiaries under this title.

"PREMIUMS

"Sec. 1860E. (a) Annual Establishment of Monthly Part D Premium Rates.—

"(1) In general.—The Secretary shall, during September of each year (beginning in 2003), determine and promulgate a monthly part D premium rate for the succeeding year.

"(2) Amount.—The Secretary shall determine the monthly part D premium rate for the succeeding year as follows:

"(A) Premium for 2004.—The monthly part D premium rate for 2004 shall be $25.

"(B) Inflation adjustment of premium for 2005 and subsequent years.—

"(i) In general.—Subject to clause (ii), in the case of any calendar year beginning after 2004, the monthly part D premium rate for the year shall be the amount described in subparagraph (A) increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the percentage (if any) by which the amount of the average annual per capita aggregate expenditures payable from the Prescription Drug Account for the year (as estimated under section 1860J(c)(2)(C)) exceeds the amount of such expenditures in 2004.

"(ii) Rounding.—If the monthly part D premium rate determined under clause (i) is not a multiple of $1, such rate shall be rounded to the nearest multiple of $1.

"(b) Collection of Part D Premium.—The monthly part D premium applicable to an eligible beneficiary under this part (after application of any increase under section 1860B(b)(1)) shall be collected and credited to the Prescription Drug Account in the same manner as the monthly premium determined under section 1839 is collected and credited to the Federal Supplementary Medical Insurance Trust Fund under section 1840.

"OUTPATIENT PRESCRIPTION DRUG BENEFITS

"Sec. 1860F. (a) Requirement.—A plan offered by an eligible entity under this part shall provide eligible beneficiaries enrolled in such plan with—

"(1) coverage of covered outpatient drugs—

"(A) without the application of any deductible; and

"(B) with the cost-sharing described in subsection (b); and

"(2) access to negotiated prices for such drugs under subsection (c).

"(b) Cost-Sharing.—

"(1) Three-tiered copayment structure for drugs included in the formulary.—

"(A) In general.—Subject to the succeeding provisions of this subsection, in the case of a covered outpatient drug that is dispensed in a year to an eligible beneficiary and that is included in the formulary established by the eligible entity (pursuant to section 1860H(c)) for the plan, the beneficiary shall be responsible for a copayment for the drug in an amount equal to the following:

"(i) Generic drugs.—In the case of a generic covered outpatient drug, $10 for each prescription (as defined by the Secretary in consultation with the Medicare Prescription Drug Advisory Committee established under section 1860L) of such drug.

"(ii) Preferred brand name drugs.—In the case of a preferred brand name covered outpatient drug (including a drug treated as a preferred brand name drug under subparagraph (C)), $40 for each prescription (as so defined) of such drug.

"(iii) Nonpreferred brand name drug.—In the case of a nonpreferred brand name covered outpatient drug (that is not treated as a preferred brand name drug under subparagraph (C)), $60 for each prescription (as so defined) of such drug.

"(B) Reduction by eligible entity.—An eligible entity offering a plan under this part may reduce the applicable copayment amount that an eligible beneficiary enrolled in the plan is subject to under subparagraph (A) if the Secretary determines that such reduction—

"(i) is tied to the performance requirements described in section 1860I(b)(1)(C); and

"(ii) will not result in an increase in the expenditures made from the Prescription Drug Account.

"(C) Treatment of medically necessary nonpreferred and nonformulary drugs.—The eligible entity shall treat a nonpreferred brand name drug and a nonformulary drug as a preferred brand name drug under subparagraph (A)(ii) if such nonpreferred or nonformulary drug, as the case may be, is determined (pursuant to subparagraph (D) or (E) of section 1860H(a)(3)) to be medically necessary.

"(2) Authority for increased cost-sharing for nonformulary drugs.—Pursuant to section 1860H(c)(3)(A), an eligible entity offering a plan under this part may require cost-sharing for a nonformulary drug that is higher than the copayment amount described in paragraph (1)(A)(iii).

"(3) Cost-sharing may not exceed negotiated price.—

"(A) In general.—If the amount of cost-sharing for a covered outpatient drug that would otherwise be required under this subsection (but for this paragraph) is greater than the applicable amount, then the amount of such cost-sharing shall be reduced to an amount equal to such applicable amount.

"(B) APPLICABLE AMOUNT DEFINED.—For purposes of subparagraph (A), the term 'applicable amount' means an amount equal to—

"(i) in the case of generic drugs and preferred brand name drugs, the negotiated price for the drug (as reported to the Secretary pursuant to section 1860H(a)(5)(A)) less $5; and

"(ii) in the case of nonpreferred brand name drugs and nonformulary drugs, the negotiated price for the drug (as so reported).

"(4) NO COST-SHARING ONCE EXPENSES EQUAL ANNUAL OUT-OF-POCKET LIMIT.—

"(A) IN GENERAL.—An eligible entity offering a plan under this part shall provide coverage of covered outpatient drugs without any cost-sharing if the individual has incurred costs (as described in subparagraph (C)) for covered outpatient drugs in a year equal to the annual out-of-pocket limit specified in subparagraph (B).

"(B) ANNUAL OUT-OF-POCKET LIMIT.—Subject to paragraph (5), for purposes of this part, the 'annual out-of-pocket limit' specified in this subparagraph is equal to $4,000.

"(C) APPLICATION.—In applying subparagraph (A)—

"(i) incurred costs shall only include costs incurred for the cost-sharing described in this subsection; but

"(ii) such costs shall be treated as incurred without regard to whether the individual or another person, including a State program or other third-party coverage, has paid for such costs.

"(5) INFLATION ADJUSTMENT FOR COPAYMENT AMOUNTS AND ANNUAL OUT-OF-POCKET LIMIT.—

"(A) IN GENERAL.—For any year after 2005—

"(i) the copayment amounts described in clauses (i), (ii), and (iii) of paragraph (1)(A) are equal to the copayment amounts determined under such paragraph (or this paragraph) for the previous year increased by the annual percentage increase described in subparagraph (B); and

"(ii) the annual out-of-pocket limit specified in paragraph (4)(B) is equal to the annual out-of-pocket limit determined under such paragraph (or this paragraph) for the previous year increased by the annual percentage increase described in subparagraph (B).

"(B) ANNUAL PERCENTAGE INCREASE.—The annual percentage increase specified in this subparagraph for a year is equal to the annual percentage increase in the prices of covered outpatient drugs (including both price inflation and price changes due to changes in therapeutic mix), as determined by the Secretary for the 12-month period ending in July of the previous year.

"(C) ROUNDING.—If any amount determined under subparagraph (A) is not a multiple of $1, such amount shall be rounded to the nearest multiple of $1.

"(c) ACCESS TO NEGOTIATED PRICES.—Under a plan offered by an eligible entity with a contract under this part, the eligible entity offering such plan shall provide eligible beneficiaries enrolled in such plan with access to negotiated prices (including applicable discounts) used for payment for covered outpatient drugs, regardless of the fact that only partial benefits may be payable under the coverage with respect to such drugs because of the application of the cost-sharing under subsection (b).

"ENTITIES ELIGIBLE TO PROVIDE OUTPATIENT DRUG BENEFIT

"SEC. 1860G. (a) ESTABLISHMENT OF PANELS OF PLANS AVAILABLE IN AN AREA.—

"(1) IN GENERAL.—The Secretary shall establish procedures under which the Secretary—

"(A) accepts bids submitted by eligible entities for the plans which such entities intend to offer in an area established under subsection (b); and

"(B) awards contracts to such entities to provide such plans to eligible beneficiaries in the area.

"(2) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))) shall be used to enter into contracts under this part.

"(b) AREA FOR CONTRACTS.—

"(1) REGIONAL BASIS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to paragraph (2), the contract entered into between the Secretary and an eligible entity with respect to a plan shall require the eligible entity to provide coverage of covered outpatient drugs under the plan in a region determined by the Secretary under paragraph (2).

"(B) PARTIAL REGIONAL BASIS.—

"(i) IN GENERAL.—If determined appropriate by the Secretary, the Secretary may permit the coverage described in subparagraph (A) to be provided in a partial region determined appropriate by the Secretary.

"(ii) REQUIREMENTS.—If the Secretary permits coverage pursuant to clause (i), the Secretary shall ensure that the partial region in which coverage is provided is—

"(I) at least the size of the commercial service area of the eligible entity for that area; and

"(II) not smaller than a State.

"(2) DETERMINATION.—

"(A) IN GENERAL.—In determining regions for contracts under this part, the Secretary shall—

"(i) take into account the number of eligible beneficiaries in an area in order to encourage participation by eligible entities; and

"(ii) ensure that there are at least 10 different regions in the United States.

"(B) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of coverage areas under this part shall not be subject to administrative or judicial review.

"(c) SUBMISSION OF BIDS.—

"(1) SUBMISSION.—

"(A) IN GENERAL.—Subject to subparagraph (B), each eligible entity desiring to offer a plan under this part in an area shall submit a bid with respect to such plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(B) BID THAT COVERS MULTIPLE AREAS.—The Secretary shall permit an eligible entity to submit a single bid for multiple areas if the bid is applicable to all such areas.

"(2) REQUIRED INFORMATION.—The bids described in paragraph (1) shall include—

"(A) a proposal for the estimated prices of covered outpatient drugs and the projected annual increases in such prices, including differentials between formulary and nonformulary prices, if applicable;

"(B) a statement regarding the amount that the entity will charge the Secretary for managing, administering, and delivering the benefits under the contract;

"(C) a statement regarding whether the entity will reduce the applicable cost-sharing amount pursuant to section 1860F(b)(1)(B) and if so, the amount of such reduction and how such reduction is tied to the performance requirements described in section 1860I(b)(1)(C);

"(D) a detailed description of the performance requirements for which the payments to the entity will be subject to risk pursuant to section 1860I(b)(1)(C);

"(E) a detailed description of access to pharmacy services provided under the plan, including information regarding—

"(i) whether the entity will use a preferred pharmacy network under the plan; and

"(ii) if a preferred pharmacy network is used, whether the entity will offer access to pharmacies that are outside such network and if such access is provided, rules for accessing such pharmacies;

"(F) with respect to the formulary used by the entity, a detailed description of the procedures and standards the entity will use for—

"(i) adding new drugs to a therapeutic class within the formulary; and

"(ii) determining when and how often the formulary should be modified;

"(G) a detailed description of any ownership or shared financial interests with other entities involved in the delivery of the benefit as proposed under the plan;

"(H) a detailed description of the entity's estimated marketing and advertising expenditures related to enrolling eligible beneficiaries under the plan and retaining such enrollment; and

"(I) such other information that the Secretary determines is necessary in order to carry out this part, including information relating to the bidding process under this part.

"(d) ACCESS TO BENEFITS IN CERTAIN AREAS.—

"(1) AREAS NOT COVERED BY CONTRACTS.—The Secretary shall develop procedures for the provision of covered outpatient drugs under this part to each eligible beneficiary enrolled under this part that resides in an area that is not covered by any contract under this part.

"(2) BENEFICIARIES RESIDING IN DIFFERENT LOCATIONS.—The Secretary shall develop procedures to ensure that each eligible beneficiary enrolled under this part that resides in different areas in a year is provided the benefits under this part throughout the entire year.

"(e) AWARDING OF CONTRACTS.—

"(1) NUMBER OF CONTRACTS.—The Secretary shall, consistent with the requirements of this part and the goal of containing costs under this title, award in a competitive manner at least 2 contracts to offer a plan in an area, unless only 1 bidding entity (and the plan offered by the entity) meets the minimum standards specified under this part and by the Secretary.

"(2) DETERMINATION.—In determining which of the eligible entities that submitted bids that meet the minimum standards specified under this part and by the Secretary to award a contract, the Secretary shall consider the comparative merits of each bid, as determined on the basis of the past performance of the entity and other relevant factors, with respect to—

"(A) how well the entity (and the plan offered by the entity) meet such minimum standards;

"(B) the amount that the entity will charge the Secretary for managing, administering, and delivering the benefits under the contract;

"(C) the performance requirements for which the payments to the entity will be subject to risk pursuant to section 1860I(b)(1)(C);

"(D) the proposed negotiated prices of covered outpatient drugs and annual increases in such prices;

“(E) the factors described in section 1860D(b)(2);

“(F) prior experience of the entity in managing, administering, and delivering a prescription drug benefit program;

“(G) effectiveness of the entity and plan in containing costs through pricing incentives and utilization management; and

“(H) such other factors as the Secretary deems necessary to evaluate the merits of each bid.

“(3) EXCEPTION TO CONFLICT OF INTEREST RULES.—In awarding contracts under this part, the Secretary may waive conflict of interest laws generally applicable to Federal acquisitions (subject to such safeguards as the Secretary may find necessary to impose) in circumstances where the Secretary finds that such waiver—

“(A) is not inconsistent with the—

“(i) purposes of the programs under this title; or

“(ii) best interests of beneficiaries enrolled under this part; and

“(B) permits a sufficient level of competition for such contracts, promotes efficiency of benefits administration, or otherwise serves the objectives of the program under this part.

“(4) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of the Secretary to award or not award a contract to an eligible entity with respect to a plan under this part shall not be subject to administrative or judicial review.

“(f) APPROVAL OF MARKETING MATERIAL AND APPLICATION FORMS.—The provisions of section 1851(h) shall apply to marketing material and application forms under this part in the same manner as such provisions apply to marketing material and application forms under part C.

“(g) DURATION OF CONTRACTS.—Each contract awarded under this part shall be for a term of at least 2 years but not more than 5 years, as determined by the Secretary.

“MINIMUM STANDARDS FOR ELIGIBLE ENTITIES

“SEC. 1860H. (a) IN GENERAL.—The Secretary shall not award a contract to an eligible entity under this part unless the Secretary finds that the eligible entity agrees to comply with such terms and conditions as the Secretary shall specify, including the following:

“(1) QUALITY AND FINANCIAL STANDARDS.—The eligible entity meets the quality and financial standards specified by the Secretary.

“(2) PROCEDURES TO ENSURE PROPER UTILIZATION, COMPLIANCE, AND AVOIDANCE OF ADVERSE DRUG REACTIONS.—

“(A) IN GENERAL.—The eligible entity has in place drug utilization review procedures to ensure—

“(i) the appropriate utilization by eligible beneficiaries enrolled in the plan covered by the contract of the benefits to be provided under the plan;

“(ii) the avoidance of adverse drug reactions among such beneficiaries, including problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse and misuse; and

“(iii) the reasonable application of peer-reviewed medical literature pertaining to improvements in pharmaceutical safety and appropriate use of drugs.

“(B) AUTHORITY TO USE CERTAIN COMPENDIA AND LITERATURE.—The eligible entity may use the compendia and literature referred to in clauses (i) and (ii), respectively, of section 1927(g)(1)(B) as a source for the utilization review under subparagraph (A).

“(3) PATIENT PROTECTIONS.—

“(A) ACCESS.—

“(i) IN GENERAL.—The eligible entity ensures that the covered outpatient drugs are accessible and convenient to eligible beneficiaries enrolled in the plan covered by the contract, including by offering the services 24 hours a day and 7 days a week for emergencies.

“(ii) AGREEMENTS WITH PHARMACIES.—The eligible entity shall enter into a participation agreement with any pharmacy that meets the requirements of subsection (d) to furnish covered prescription drugs to eligible beneficiaries under this part. Such agreements shall include the payment of a reasonable dispensing fee for covered outpatient drugs dispensed to a beneficiary under the agreement.

“(iii) PREFERRED PHARMACY NETWORKS.—If the eligible entity utilizes a preferred pharmacy network, the network complies with the standards under subsection (e).

“(B) ENSURING THAT BENEFICIARIES ARE NOT OVERCHARGED.—The eligible entity has procedures in place to ensure that each pharmacy with a participation agreement under this part with the entity complies with the requirements under subsection (d)(1)(C) (relating to adherence to negotiated prices).

“(C) CONTINUITY OF CARE.—

“(i) IN GENERAL.—The eligible entity ensures that, in the case of an eligible beneficiary who loses coverage under this part with such entity under circumstances that would permit a special election period (as established by the Secretary under section 1860C(a)(1)), the entity will continue to provide coverage under this part to such beneficiary until the beneficiary enrolls and receives such coverage with another eligible entity under this part or, if eligible, with a Medicare+Choice organization.

“(ii) LIMITED PERIOD.—In no event shall an eligible entity be required to provide the extended coverage required under clause (i) beyond the date which is 30 days after the coverage with such entity would have terminated but for this subparagraph.

“(D) PROCEDURES REGARDING THE DETERMINATION OF DRUGS THAT ARE MEDICALLY NECESSARY.—

“(i) IN GENERAL.—The eligible entity has in place procedures on a case-by-case basis to treat a nonpreferred brand name drug as a preferred brand name drug and a nonformulary drug as a preferred brand name drug under this part if the nonpreferred brand name drug or the nonformulary drug, as the case may be, is determined—

“(I) to be not as effective for the enrollee in preventing or slowing the deterioration of, or improving or maintaining, the health of the enrollee; or

“(II) to have a significant adverse effect on the enrollee.

“(ii) REQUIREMENT.—The procedures under clause (i) shall require that determinations under such clause are based on professional medical judgment, the medical condition of the enrollee, and other medical evidence.

“(E) PROCEDURES REGARDING APPEAL RIGHTS WITH RESPECT TO DENIALS OF CARE.—The eligible entity has in place procedures to ensure—

“(i) a timely internal review for resolution of denials of coverage (in whole or in part and including those regarding the coverage of nonpreferred brand name drugs and nonformulary drugs as preferred brand name drugs) in accordance with the medical exigencies of the case and a timely resolution of complaints, by enrollees in the plan, or by providers, pharmacists, and other individuals acting on behalf of each such enrollee (with the enrollee's consent) in accordance with requirements (as established by the Secretary) that are comparable to such requirements for Medicare+Choice organizations under part C (and are not less favorable to the enrollee than such requirements under such part as in effect on the date of enactment of the Medicare Outpatient Prescription Drug Act of 2002);

“(ii) that the entity complies in a timely manner with requirements established by the Secretary that (I) provide for an external review by an independent entity selected by the Secretary of denials of coverage described in clause (i) not resolved in the favor of the beneficiary (or other complainant) under the process described in such clause, and (II) are comparable to the external review requirements established for Medicare+Choice organizations under part C (and are not less favorable to the enrollee than such requirements under such part as in effect on the date of enactment of the Medicare Outpatient Prescription Drug Act of 2002); and

“(iii) that enrollees are provided with information regarding the appeals procedures under this part at the time of enrollment with the entity and upon request thereafter.

“(F) PROCEDURES REGARDING PATIENT CONFIDENTIALITY.—Insofar as an eligible entity maintains individually identifiable medical records or other health information regarding eligible beneficiaries enrolled in the plan that is covered by the contract, the entity has in place procedures to—

“(i) safeguard the privacy of any individually identifiable beneficiary information;

“(ii) maintain such records and information in a manner that is accurate and timely;

“(iii) ensure timely access by such beneficiaries to such records and information; and

“(iv) otherwise comply with applicable laws relating to patient confidentiality.

“(G) PROCEDURES REGARDING TRANSFER OF MEDICAL RECORDS.—

“(i) IN GENERAL.—The eligible entity has in place procedures for the timely transfer of records and information described in subparagraph (F) (with respect to a beneficiary who loses coverage under this part with the entity and enrolls with another entity (including a Medicare+Choice organization) under this part) to such other entity.

“(ii) PATIENT CONFIDENTIALITY.—The procedures described in clause (i) shall comply with the patient confidentiality procedures described in subparagraph (F).

“(H) PROCEDURES REGARDING MEDICAL ERRORS.—The eligible entity has in place procedures for—

“(i) working with the Secretary to deter medical errors related to the provision of covered outpatient drugs; and

“(ii) ensuring that pharmacies with a contract with the entity have in place procedures to deter medical errors related to the provision of covered outpatient drugs.

“(4) PROCEDURES TO CONTROL FRAUD, ABUSE, AND WASTE.—The eligible entity has in place procedures to control fraud, abuse, and waste.

“(5) REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—The eligible entity provides the Secretary with reports containing information regarding the following:

“(i) The negotiated prices that the eligible entity is paying for covered outpatient drugs.

"(ii) The prices that eligible beneficiaries enrolled in the plan that is covered by the contract will be charged for covered outpatient drugs.

"(iii) The management costs of providing such benefits.

"(iv) Utilization of such benefits.

"(v) Marketing and advertising expenditures related to enrolling and retaining eligible beneficiaries.

"(B) TIMEFRAME FOR SUBMITTING REPORTS.—

"(i) IN GENERAL.—The eligible entity shall submit a report described in subparagraph (A) to the Secretary within 3 months after the end of each 12-month period in which the eligible entity has a contract under this part. Such report shall contain information concerning the benefits provided during such 12-month period.

"(ii) LAST YEAR OF CONTRACT.—In the case of the last year of a contract under this part, the Secretary may require that a report described in subparagraph (A) be submitted 3 months prior to the end of the contract. Such report shall contain information concerning the benefits provided between the period covered by the most recent report under this subparagraph and the date that a report is submitted under this clause.

"(C) CONFIDENTIALITY OF INFORMATION.—

"(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), information disclosed by an eligible entity pursuant to subparagraph (A) (except for information described in clause (ii) of such subparagraph) is confidential and shall only be used by the Secretary for the purposes of, and to the extent necessary, to carry out this part.

"(ii) UTILIZATION DATA.—Subject to patient confidentiality laws, the Secretary shall make information disclosed by an eligible entity pursuant to subparagraph (A)(iv) (regarding utilization data) available for research purposes. The Secretary may charge a reasonable fee for making such information available.

"(6) APPROVAL OF MARKETING MATERIAL AND APPLICATION FORMS.—The eligible entity complies with the requirements described in section 1860G(f).

"(7) RECORDS AND AUDITS.—The eligible entity maintains adequate records related to the administration of the benefits under this part and affords the Secretary access to such records for auditing purposes.

"(b) SPECIAL RULES REGARDING COST-EFFECTIVE PROVISION OF BENEFITS.—In providing the benefits under a contract under this part, an eligible entity shall—

"(1) employ mechanisms to provide the benefits economically, such as through the use of—

"(A) alternative methods of distribution;

"(B) preferred pharmacy networks (pursuant to subsection (e)); and

"(C) generic drug substitution;

"(2) use mechanisms to encourage eligible beneficiaries to select cost-effective drugs or less costly means of receiving drugs, such as through the use of—

"(A) pharmacy incentive programs;

"(B) therapeutic interchange programs; and

"(C) disease management programs;

"(3) encourage pharmacy providers to—

"(A) inform beneficiaries of the differentials in price between generic and brand name drug equivalents; and

"(B) provide medication therapy management programs in order to enhance beneficiaries' understanding of the appropriate use of medications and to reduce the risk of potential adverse events associated with medications; and

"(4) develop and implement a formulary in accordance with subsection (c).

"(c) REQUIREMENTS FOR FORMULARIES.—

"(1) IN GENERAL.—The formulary developed and implemented by the eligible entity shall comply with standards established by the Secretary in consultation with the Medicare Prescription Drug Advisory Committee established under section 1860L.

"(2) REQUIREMENTS FOR STANDARDS.—The standards established under paragraph (1) shall require that the eligible entity—

"(A) use a pharmacy and therapeutic committee (that meets the standards for a pharmacy and therapeutic committee established by the Secretary in consultation with such Medicare Prescription Drug Advisory Committee) to develop and implement the formulary;

"(B) assign all brand name drugs included in the formulary to either the preferred category or nonpreferred category of drugs;

"(C) include—

"(i) all generic covered outpatient drugs in the formulary;

"(ii) at least 1 brand name covered outpatient drug from each therapeutic class (as defined by the Secretary in consultation with such Medicare Prescription Drug Advisory Committee) as a preferred brand name drug in the formulary; and

"(iii) if there is more than 1 brand name covered outpatient drug available in a therapeutic class, at least 1 such drug as a preferred brand name drug in the formulary and at least 1 such drug as a nonpreferred brand name drug in the formulary;

"(D) develop procedures for the modification of the formulary, including for the addition of new drugs to an existing therapeutic class;

"(E) pursuant to section 1860F(b)(1)(C), provide for coverage of nonpreferred brand name drugs and nonformulary drugs at the preferred rate when determined under subparagraph (D) or (E) of subsection (a)(3) to be medically necessary;

"(F) disclose to current and prospective beneficiaries and to providers in the service area the nature of the formulary restrictions, including information regarding the drugs included in the formulary and any difference in the cost-sharing for—

"(i) drugs included in the formulary; and

"(ii) for drugs not included in the formulary; and

"(G) provide a reasonable amount of notice to beneficiaries enrolled in the plan that is covered by the contract under this part of any change in the formulary.

"(3) CONSTRUCTION.—Nothing in this part shall be construed as precluding an eligible entity from—

"(A) except as provided in section 1860F(b)(1)(C) (relating to the coverage of medically necessary drugs at the preferred rate), requiring cost-sharing for nonformulary drugs that is higher than the copayment amount established in section 1860F(b)(1)(A)(iii);

"(B) educating prescribing providers, pharmacists, and beneficiaries about the medical and cost benefits of drugs included in the formulary (including generic drugs); or

"(C) requesting prescribing providers to consider a drug included in the formulary prior to dispensing of a drug not so included or a preferred brand name drug prior to dispensing of a nonpreferred brand name drug, as long as such a request does not unduly delay the provision of the drug.

"(d) TERMS OF PARTICIPATION AGREEMENT WITH PHARMACIES.—

"(1) IN GENERAL.—A participation agreement between an eligible entity and a pharmacy under this part (pursuant to subsection (a)(3)(A)(ii)) shall include the following terms and conditions:

"(A) APPLICABLE REQUIREMENTS.—The pharmacy shall meet (and throughout the contract period continue to meet) all applicable Federal requirements and State and local licensing requirements.

"(B) ACCESS AND QUALITY STANDARDS.—The pharmacy shall comply with such standards as the Secretary (and the eligible entity) shall establish concerning the quality of, and enrolled beneficiaries' access to, pharmacy services under this part. Such standards shall require the pharmacy—

"(i) not to refuse to dispense covered outpatient drugs to any eligible beneficiary enrolled under this part;

"(ii) to keep patient records (including records on expenses) for all covered outpatient drugs dispensed to such enrolled beneficiaries;

"(iii) to submit information (in a manner specified by the Secretary to be necessary to administer this part) on all purchases of such drugs dispensed to such enrolled beneficiaries; and

"(iv) to comply with periodic audits to assure compliance with the requirements of this part and the accuracy of information submitted.

"(C) ENSURING THAT BENEFICIARIES ARE NOT OVERCHARGED.—

"(i) ADHERENCE TO NEGOTIATED PRICES.—The total charge for each covered outpatient drug dispensed by the pharmacy to a beneficiary enrolled in the plan, without regard to whether the individual is financially responsible for any or all of such charge, shall not exceed the negotiated price for the drug (as reported to the Secretary pursuant to subsection (a)(5)(A)).

"(ii) ADHERENCE TO BENEFICIARY OBLIGATION.—The pharmacy may not charge (or collect from) such beneficiary an amount that exceed's the cost-sharing that the beneficiary is responsible for under this part (as determined under section 1860F(b) using the negotiated price of the drug).

"(D) ADDITIONAL REQUIREMENTS.—The pharmacy shall meet such additional contract requirements as the eligible entity specifies under this section.

"(2) APPLICABILITY OF FRAUD AND ABUSE PROVISIONS.—The provisions of section 1128 through 1128C (relating to fraud and abuse) apply to pharmacies participating in the program under this part.

"(e) PREFERRED PHARMACY NETWORKS.—

"(1) IN GENERAL.—If an eligible entity uses a preferred pharmacy network to deliver benefits under this part, such network shall meet minimum access standards established by the Secretary.

"(2) STANDARDS.—In establishing standards under paragraph (1), the Secretary shall take into account reasonable distances to pharmacy services in both urban and rural areas.

"PAYMENTS

"SEC. 1860I. (a) PROCEDURES FOR PAYMENTS TO ELIGIBLE ENTITIES.—The Secretary shall establish procedures for making payments to each eligible entity with a contract under this part for the management, administration, and delivery of the benefits under this part.

"(b) REQUIREMENTS FOR PROCEDURES.—

"(1) IN GENERAL.—The procedures established under subsection (a) shall provide for the following:

“(A) MANAGEMENT PAYMENT.—Payment for the management, administration, and delivery of the benefits under this part.

“(B) REIMBURSEMENT FOR NEGOTIATED COSTS OF DRUGS PROVIDED.—Payments for the negotiated costs of covered outpatient drugs provided to eligible beneficiaries enrolled under this part and in a plan offered by the eligible entity, reduced by any applicable cost-sharing under section 1860F(b).

“(C) RISK REQUIREMENT TO ENSURE PURSUIT OF PERFORMANCE REQUIREMENTS.—An adjustment of a percentage (as determined under paragraph (2)) of the payments made to an entity under subparagraph (A) to ensure that the entity, in managing, administering, and delivering the benefits under this part, pursues performance requirements established by the Secretary, including the following:

“(i) CONTROL OF MEDICARE AND BENEFICIARY COSTS.—The entity contains costs to the Prescription Drug Account and to eligible beneficiaries enrolled under this part and in the plan offered by the entity, as measured by generic substitution rates, price discounts, and other factors determined appropriate by the Secretary that do not reduce the access of such beneficiaries to medically necessary covered outpatient drugs.

“(ii) QUALITY CLINICAL CARE.—The entity provides such beneficiaries with quality clinical care, as measured by such factors as—

“(I) the level of adverse drug reactions and medical errors among such beneficiaries; and

“(II) providing specific clinical suggestions to improve health and patient and prescriber education as appropriate.

“(iii) QUALITY SERVICE.—The entity provides such beneficiaries with quality services, as measured by such factors as sustained pharmacy network access, timeliness and accuracy of service delivery in claims processing and card production, pharmacy and member service support access, response time in mail delivery service, and timely action with regard to appeals and current beneficiary service surveys.

“(2) PERCENTAGE OF PAYMENT TIED TO RISK.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the percentage (which may be up to 100 percent) of the payments made to an entity under subparagraph (A) that will be tied to the performance requirements described in paragraph (1)(C).

“(B) LIMITATION ON RISK TO ENSURE PROGRAM STABILITY.—In order to provide for program stability, the Secretary may not establish a percentage to be adjusted under this subsection at a level that jeopardizes the ability of an eligible entity to administer and deliver the benefits under this part or administer and deliver such benefits in a quality manner.

“(3) RISK ADJUSTMENT OF PAYMENTS BASED ON ENROLLEES IN PLAN.—To the extent that an eligible entity is at risk under this subsection, the procedures established under subsection (a) may include a methodology for risk adjusting the payments made to such entity based on the differences in actuarial risk of different enrollees being served if the Secretary determines such adjustments to be necessary and appropriate.

“(4) PASS-THROUGH OF REBATES AND PRICE CONCESSIONS OBTAINED BY THE ELIGIBLE ENTITY.—The Secretary, if determined by the Secretary to be in the best interests of the medicare program or eligible beneficiaries, may establish procedures for reducing the amount of payments to an eligible entity under subsection (a) to take into account any rebates or price concessions obtained by the entity from manufacturers of covered outpatient drugs.

“(c) PAYMENTS TO MEDICARE+CHOICE ORGANIZATIONS.—For provisions related to payments to Medicare+Choice organizations for the administration and delivery of benefits under this part to eligible beneficiaries enrolled in a Medicare+Choice plan offered by the organization, see section 1853(c)(8).

“(d) SECONDARY PAYER PROVISIONS.—The provisions of section 1862(b) shall apply to the benefits provided under this part.

“EMPLOYER INCENTIVE PROGRAM FOR EMPLOYMENT-BASED RETIREE DRUG COVERAGE

“SEC. 1860J. (a) PROGRAM AUTHORITY.—The Secretary is authorized to develop and implement a program under this section to be known as the ‘Employer Incentive Program’ that encourages employers and other sponsors of employment-based health care coverage to provide adequate prescription drug benefits to retired individuals by subsidizing, in part, the sponsor's cost of providing coverage under qualifying plans.

“(b) SPONSOR REQUIREMENTS.—In order to be eligible to receive an incentive payment under this section with respect to coverage of an individual under a qualified retiree prescription drug plan (as defined in subsection (e)(3)), a sponsor shall meet the following requirements:

“(1) ASSURANCES.—The sponsor shall—

“(A) annually attest, and provide such assurances as the Secretary may require, that the coverage offered by the sponsor is a qualified retiree prescription drug plan, and will remain such a plan for the duration of the sponsor's participation in the program under this section; and

“(B) guarantee that it will give notice to the Secretary and covered retirees—

“(i) at least 120 days before terminating its plan; and

“(ii) immediately upon determining that the actuarial value of the prescription drug benefit under the plan falls below the actuarial value of the outpatient prescription drug benefit under this part.

“(2) BENEFICIARY INFORMATION.—The sponsor shall report to the Secretary, for each calendar quarter for which it seeks an incentive payment under this section, the names and social security numbers of all retirees (and their spouses and dependents) covered under such plan during such quarter and the dates (if less than the full quarter) during which each such individual was covered.

“(3) AUDITS.—The sponsor and the employment-based retiree health coverage plan seeking incentive payments under this section shall agree to maintain, and to afford the Secretary access to, such records as the Secretary may require for purposes of audits and other oversight activities necessary to ensure the adequacy of prescription drug coverage, the accuracy of incentive payments made, and such other matters as may be appropriate.

“(4) OTHER REQUIREMENTS.—The sponsor shall provide such other information, and comply with such other requirements, as the Secretary may find necessary to administer the program under this section.

“(c) INCENTIVE PAYMENTS.—

“(1) IN GENERAL.—A sponsor that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall be entitled to have payment made by the Secretary on a quarterly basis (to the sponsor or, at the sponsor's direction, to the appropriate employment-based health plan) of an incentive payment, in the amount determined in paragraph (2), for each retired individual (or spouse or dependent) who—

“(A) was covered under the sponsor's qualified retiree prescription drug plan during such quarter; and

“(B) was eligible for, but was not enrolled in, the outpatient prescription drug benefit program under this part.

“(2) AMOUNT OF PAYMENT.—

“(A) IN GENERAL.—The amount of the payment for a quarter shall be, for each individual described in paragraph (1), ⅔ of the sum of the monthly Government contribution amounts (computed under subparagraph (B)) for each of the 3 months in the quarter.

“(B) COMPUTATION OF MONTHLY GOVERNMENT CONTRIBUTION AMOUNT.—For purposes of subparagraph (A), the monthly Government contribution amount for a month in a year is equal to the amount by which—

“(i) 1/12 of the amount estimated under subparagraph (C) for the year involved; exceeds

“(ii) the monthly Part D premium under section 1860E(a) (determined without regard to any increase under section 1860B(b)(1)) for the month involved.

“(C) ESTIMATE OF AVERAGE ANNUAL PER CAPITA AGGREGATE EXPENDITURES.—

“(i) IN GENERAL.—The Secretary shall for each year after 2003 estimate for that year an amount equal to average annual per capita aggregate expenditures payable from the Prescription Drug Account for that year.

“(ii) TIMEFRAME FOR ESTIMATION.—The Secretary shall make the estimate described in clause (i) for a year before the beginning of that year.

“(3) PAYMENT DATE.—The payment under this section with respect to a calendar quarter shall be payable as of the end of the next succeeding calendar quarter.

“(d) CIVIL MONEY PENALTIES.—A sponsor, health plan, or other entity that the Secretary determines has, directly or through its agent, provided information in connection with a request for an incentive payment under this section that the entity knew or should have known to be false shall be subject to a civil monetary penalty in an amount up to 3 times the total incentive amounts under subsection (c) that were paid (or would have been payable) on the basis of such information.

“(e) DEFINITIONS.—In this section:

“(1) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term ‘employment-based retiree health coverage’ means health insurance or other coverage, whether provided by voluntary insurance coverage or pursuant to statutory or contractual obligation, of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

“(2) EMPLOYER.—The term ‘employer’ has the meaning given the term in section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of 2 or more employees).

“(3) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term ‘qualified retiree prescription drug plan’ means health insurance coverage included in employment-based retiree health coverage that—

“(A) provides coverage of the cost of prescription drugs with an actuarial value (as defined by the Secretary) to each retired beneficiary that equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the outpatient prescription drug benefit program under this part; and

“(B) does not deny, limit, or condition the coverage or provision of prescription drug benefits for retired individuals based on age or any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

"(4) SPONSOR.—The term 'sponsor' has the meaning given the term 'plan sponsor' in section 3(16)(B) of the Employer Retirement Income Security Act of 1974.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the program under this section.

"PRESCRIPTION DRUG ACCOUNT IN THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

"SEC. 1860K. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is created within the Federal Supplementary Medical Insurance Trust Fund established by section 1841 an account to be known as the 'Prescription Drug Account' (in this section referred to as the 'Account').

"(2) FUNDS.—The Account shall consist of such gifts and bequests as may be made as provided in section 201(i)(1), and such amounts as may be deposited in, or appropriated to, the account as provided in this part.

"(3) SEPARATE FROM REST OF TRUST FUND.—Funds provided under this part to the Account shall be kept separate from all other funds within the Federal Supplementary Medical Insurance Trust Fund.

"(b) PAYMENTS FROM ACCOUNT.—

"(1) IN GENERAL.—The Managing Trustee shall pay from time to time from the Account such amounts as the Secretary certifies are necessary to make payments to operate the program under this part, including payments to eligible entities under section 1860I, payments to Medicare+Choice organizations under section 1853(c)(8), and payments with respect to administrative expenses under this part in accordance with section 201(g).

"(2) TREATMENT IN RELATION TO PART B PREMIUM.—Amounts payable from the Account shall not be taken into account in computing actuarial rates or premium amounts under section 1839.

"(c) APPROPRIATIONS TO COVER BENEFITS AND ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—Subject to paragraph (2), there are appropriated to the Account in a fiscal year, out of any moneys in the Treasury not otherwise appropriated, an amount equal to the amount by which the benefits and administrative costs of providing the benefits under this part in the year exceed the premiums collected under section 1860E(b) for the year.

"(2) LIMITATION.—No amounts shall be appropriated, and no amounts expended, for expenses incurred for providing coverage of covered outpatient drugs after January 1, 2011. The Secretary may make payments on or after such date for expenses incurred to the extent such expenses were incurred for providing coverage of covered outpatient drugs prior to such date.

"MEDICARE PRESCRIPTION DRUG ADVISORY COMMITTEE

"SEC. 1860L. (a) ESTABLISHMENT OF COMMITTEE.—There is established a Medicare Prescription Drug Advisory Committee (in this section referred to as the 'Committee').

"(b) FUNCTIONS OF COMMITTEE.—On and after March 1, 2003, the Committee shall advise the Secretary on policies related to—

"(1) the development of guidelines for the implementation and administration of the outpatient prescription drug benefit program under this part; and

"(2) the development of—

"(A) standards for a pharmacy and therapeutics committee required of eligible entities under section 1860H(c)(2)(A);

"(B) standards required under subparagraphs (D) and (E) of section 1860H(a)(3) for determining if a drug is medically necessary;

"(C) standards for—

"(i) establishing therapeutic classes;

"(ii) adding new therapeutic classes to a formulary; and

"(iii) defining a prescription of covered outpatient drugs for purposes of applying cost-sharing under section 1860F(b);

"(D) procedures to evaluate the bids submitted by eligible entities under this part; and

"(E) procedures to ensure that eligible entities with a contract under this part are in compliance with the requirements under this part.

"(c) STRUCTURE AND MEMBERSHIP OF THE COMMITTEE.—

"(1) STRUCTURE.—The Committee shall be composed of 19 members who shall be appointed by the Secretary.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The members of the Committee shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, attainments, and understanding of pharmaceutical cost control and quality enhancement, exceptionally qualified to perform the duties of members of the Committee.

"(B) SPECIFIC MEMBERS.—Of the members appointed under paragraph (1)—

"(i) five shall be chosen to represent physicians, 2 of whom shall be geriatricians;

"(ii) two shall be chosen to represent nurse practitioners;

"(iii) four shall be chosen to represent pharmacists;

"(iv) one shall be chosen to represent the Centers for Medicare & Medicaid Services;

"(v) four shall be chosen to represent actuaries, pharmacoeconomists, researchers, and other appropriate experts;

"(vi) one shall be chosen to represent emerging drug technologies;

"(vii) one shall be closed to represent the Food and Drug Administration; and

"(viii) one shall be chosen to represent individuals enrolled under this part.

"(d) TERMS OF APPOINTMENT.—Each member of the Committee shall serve for a term determined appropriate by the Secretary. The terms of service of the members initially appointed shall begin on January 1, 2003.

"(e) CHAIRPERSON.—The Secretary shall designate a member of the Committee as Chairperson. The term as Chairperson shall be for a 1-year period.

"(f) COMMITTEE PERSONNEL MATTERS.—

"(1) MEMBERS.—

"(A) COMPENSATION.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee. All members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(B) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(2) STAFF.—The Committee may appoint such personnel as the Committee considers appropriate.

"(g) OPERATION OF THE COMMITTEE.—

"(1) MEETINGS.—The Committee shall meet at the call of the Chairperson (after consultation with the other members of the Committee) not less often than quarterly to consider a specific agenda of issues, as determined by the Chairperson after such consultation.

"(2) QUORUM.—Ten members of the Committee shall constitute a quorum for purposes of conducting business.

"(h) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

"(i) TRANSFER OF PERSONNEL, RESOURCES, AND ASSETS.—For purposes of carrying out its duties, the Secretary and the Committee may provide for the transfer to the Committee of such civil service personnel in the employ of the Department of Health and Human Services (including the Centers for Medicare & Medicaid Services), and such resources and assets of the Department used in carrying out this title, as the Committee requires.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.".

(b) EXCLUSIONS FROM COVERAGE.—

(1) APPLICATION TO PART D.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended in the matter preceding paragraph (1) by striking "part A or part B" and inserting "part A, B, or D".

(2) PRESCRIPTION DRUGS NOT EXCLUDED FROM COVERAGE IF REASONABLE AND NECESSARY.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (H), by striking "and" at the end;

(B) in subparagraph (I), by striking the semicolon at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(J) in the case of prescription drugs covered under part D, which are not reasonable and necessary to prevent or slow the deterioration of, or improve or maintain, the health of eligible beneficiaries;".

(c) CONFORMING AMENDMENTS TO FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—Section 1841 of the Social Security Act (42 U.S.C. 1395t) is amended—

(1) in the last sentence of subsection (a)—

(A) by striking "and" before "such amounts"; and

(B) by inserting before the period the following: ", and such amounts as may be deposited in, or appropriated to, the Prescription Drug Account established by section 1860K";

(2) in subsection (g), by inserting after "by this part," the following: "the payments provided for under part D (in which case the payments shall be made from the Prescription Drug Account in the Trust Fund),";

(3) in subsection (h), by inserting after "1840(d)" the following: "and section 1860E(b) (in which case the payments shall be made from the Prescription Drug Account in the Trust Fund)"; and

(4) in subsection (i), by inserting after "section 1840(b)(1)" the following: ", section 1860E(b) (in which case the payments shall be made from the Prescription Drug Account in the Trust Fund).".

(d) CONFORMING REFERENCES TO PREVIOUS PART D.—

(1) IN GENERAL.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this Act.

SEC. 3. PART D BENEFITS UNDER MEDICARE+CHOICE PLANS.

(a) ELIGIBILITY, ELECTION, AND ENROLLMENT.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended—

(1) in subsection (a)(1)(A), by striking "parts A and B" and inserting "parts A, B, and D"; and

(2) in subsection (i)(1), by striking "parts A and B" and inserting "parts A, B, and D".

(b) VOLUNTARY BENEFICIARY ENROLLMENT FOR DRUG COVERAGE.—Section 1852(a)(1)(A) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(A)) is amended by inserting "(and under part D to individuals also enrolled under that part)" after "parts A and B".

(c) ACCESS TO SERVICES.—Section 1852(d)(1) of the Social Security Act (42 U.S.C. 1395w–22(d)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) in the case of covered outpatient drugs (as defined in section 1860(1)) provided to individuals enrolled under part D, the organization complies with the access requirements applicable under part D.".

(d) PAYMENTS TO ORGANIZATIONS FOR PART D BENEFITS.—

(1) IN GENERAL.—Section 1853(a)(1)(A) of the Social Security Act (42 U.S.C. 1395w–23(a)(1)(A)) is amended—

(A) by inserting "determined separately for the benefits under parts A and B and under part D (for individuals enrolled under that part)" after "as calculated under subsection (c)";

(B) by striking "that area, adjusted for such risk factors" and inserting "that area. In the case of payment for the benefits under parts A and B, such payment shall be adjusted for such risk factors as"; and

(C) by inserting before the last sentence the following: "In the case of the payments under subsection (c)(8) for the provision of coverage of covered outpatient drugs to individuals enrolled under part D, such payment shall be adjusted for the risk factors of each enrollee as the Secretary determines to be feasible and appropriate to ensure actuarial equivalence.".

(2) AMOUNT.—Section 1853(c) of the Social Security Act (42 U.S.C. 1395w–23(c)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting "for benefits under parts A and B" after "capitation rate"; and

(B) by adding at the end the following new paragraph:

"(8) CAPITATION RATE FOR PART D BENEFITS.—

"(A) IN GENERAL.—In the case of a Medicare+Choice plan that provides coverage of covered outpatient drugs to an individual enrolled under part D, the capitation rate for such coverage shall be the amount described in subparagraph (B). Such payments shall be made in the same manner and at the same time as the payments to the Medicare+Choice organization offering the plan for benefits under parts A and B are otherwise made, but such payments shall be payable from the Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund under section 1841.

"(B) AMOUNT.—The amount described in this paragraph is an amount equal to 1/12 of the average annual per capita aggregate expenditures payable from the Prescription Drug Account for the year (as estimated under section 1860J(c)(2)(C)).".

(e) LIMITATION ON ENROLLEE LIABILITY.—Section 1854(e) of the Social Security Act (42 U.S.C. 1395w–24(e)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR PART D BENEFITS.—With respect to outpatient prescription drug benefits under part D, a Medicare+Choice organization may not require that an enrollee pay any deductible or pay a cost-sharing amount that exceeds the amount of cost-sharing applicable for such benefits for an eligible beneficiary under part D.".

(f) REQUIREMENT FOR ADDITIONAL BENEFITS.—Section 1854(f)(1) of the Social Security Act (42 U.S.C. 1395w–24(f)(1)) is amended by adding at the end the following new sentence: "Such determination shall be made separately for the benefits under parts A and B and for prescription drug benefits under part D.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services provided under a Medicare+Choice plan on or after January 1, 2004.

SEC. 4. ADDITIONAL ASSISTANCE FOR LOW-INCOME BENEFICIARIES.

(a) INCLUSION IN MEDICARE COST-SHARING.—Section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by inserting "and" at the end; and

(C) by adding at the end the following new clause:

"(iii) premiums under section 1860E(a)."; and

(2) in subparagraph (B), by inserting "and cost-sharing described in section 1860F(b)" after "section 1813".

(b) EXPANSION OF MEDICAL ASSISTANCE.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(1) in clause (iii)—

(A) by striking "section 1905(p)(3)(A)(ii)" and inserting "clauses (ii) and (iii) of section 1905(p)(3)(A) and for medicare cost-sharing described in section 1905(p)(3)(B) (but only insofar as it relates to benefits provided under part D of title XVIII),"; and

(B) by striking "and" at the end;

(2) by redesignating clause (iv) as clause (vi); and

(3) by inserting after clause (iii) the following new clauses:

"(iv) for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(iii) and for medicare cost-sharing described in section 1905(p)(3)(B) (but only insofar as it relates to benefits provided under part D of title XVIII) for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds 120 percent but does not exceed 135 percent of such official poverty line for a family of the size involved;

"(v) for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(iii) on a linear sliding scale based on the income of such individuals for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds 135 percent but does not exceed 150 percent of such official poverty line for a family of the size involved; and".

(c) NONAPPLICABILITY OF RESOURCE REQUIREMENTS TO MEDICARE PART D COST-SHARING.—Section 1905(p)(1) of the Social Security Act (42 U.S.C. 1396d(p)(1)) is amended by adding at the end the following flush sentence:

"In determining if an individual is a qualified medicare beneficiary under this paragraph, subparagraph (C) shall not be applied for purposes of providing the individual with medicare cost-sharing described in section 1905(p)(3)(A)(iii) or for medicare cost-sharing described in section 1905(p)(3)(B) (but only insofar as it relates to benefits provided under part D of title XVIII).".

(d) NONAPPLICABILITY OF PAYMENT DIFFERENTIAL REQUIREMENTS TO MEDICARE PART D COST-SHARING.—Section 1902(n)(2) of the Social Security Act (42 U.S.C. 1396a(n)(2)) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to the cost-sharing described in section 1860F(b).".

(e) 100 PERCENT FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking "and" before "(4)"; and

(2) by inserting before the period at the end the following: ", and (5) the Federal medical assistance percentage shall be 100 percent with respect to medical assistance provided under clauses (iv) and (v) of section 1902(a)(10)(E)".

(f) TREATMENT OF TERRITORIES.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

"(3) Notwithstanding the preceding provisions of this subsection, with respect to fiscal year 2004 and any fiscal year thereafter, the amount otherwise determined under this subsection (and subsection (f)) for the fiscal year for a Commonwealth or territory shall be increased by the ratio (as estimated by the Secretary) of—

"(A) the aggregate amount of payments made to the 50 States and the District of Columbia for the fiscal year under title XIX that are attributable to making medical assistance available for individuals described in clauses (i), (iii), (iv), and (v) of section 1902(a)(10)(E) for payment of medicare cost-sharing described in section 1905(p)(3)(A)(iii) and for medicare cost-sharing described in section 1905(p)(3)(B) (but only insofar as it relates to benefits provided under part D of title XVIII); to

"(B) the aggregate amount of total payments made to such States and District for the fiscal year under such title.".

(g) CONFORMING AMENDMENTS.—Section 1933 of the Social Security Act (42 U.S.C. 1396u–3) is amended—

(1) in subsection (a), by striking "section 1902(a)(10)(E)(iv)" and inserting "section 1902(a)(10)(E)(vi)";

(2) in subsection (c)(2)(A)—

(A) in clause (i), by striking "section 1902(a)(10)(E)(iv)(I)" and inserting "section 1902(a)(10)(E)(vi)(I)"; and

(B) in clause (ii), by striking "section 1902(a)(10)(E)(iv)(II)" and inserting "section 1902(a)(10)(E)(vi)(II)";

(3) in subsection (d), by striking "section 1902(a)(10)(E)(iv)" and inserting "section 1902(a)(10)(E)(vi)"; and

(4) in subsection (e), by striking "section 1902(a)(10)(E)(iv)" and inserting "section 1902(a)(10)(E)(vi)".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply for medical assistance provided under section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) on and after January 1, 2004.

SEC. 5. MEDIGAP REVISIONS.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

"(v) MODERNIZED BENEFIT PACKAGES FOR MEDICARE SUPPLEMENTAL POLICIES.—

"(1) REVISION OF BENEFIT PACKAGES.—

"(A) IN GENERAL.—Notwithstanding subsection (p), the benefit packages classified as 'H', 'I', and 'J' under the standards established by subsection (p)(2) (including the benefit package classified as 'J' with a high deductible feature, as described in subsection (p)(11)) shall be revised so that—

"(i) the coverage of outpatient prescription drugs available under such benefit packages is replaced with coverage of outpatient prescription drugs that complements but does not duplicate the coverage of outpatient prescription drugs that is otherwise available under this title;

"(ii) the revised benefit packages provide a range of coverage options for outpatient prescription drugs for beneficiaries, but do not provide coverage for more than 90 percent of the cost-sharing amount applicable to an individual under section 1860F(b);

"(iii) uniform language and definitions are used with respect to such revised benefits;

"(iv) uniform format is used in the policy with respect to such revised benefits;

"(v) such revised standards meet any additional requirements imposed by the amendments made by the Medicare Outpatient Prescription Drug Act of 2002; and

"(vi) except as revised under the preceding clauses or as provided under subsection (p)(1)(E), the benefit packages are identical to the benefit packages that were available on the date of enactment of the Medicare Outpatient Prescription Drug Act of 2002.

"(B) MANNER OF REVISION.—The benefit packages revised under this section shall be revised in the manner described in subparagraph (E) of subsection (p)(1), except that for purposes of subparagraph (C) of such subsection, the standards established under this subsection shall take effect not later than January 1, 2004.

"(2) CONSTRUCTION OF BENEFITS IN OTHER MEDICARE SUPPLEMENTAL POLICIES.—Nothing in the benefit packages classified as 'A' through 'G' under the standards established by subsection (p)(2) (including the benefit package classified as 'F' with a high deductible feature, as described in subsection (p)(11)) shall be construed as providing coverage for benefits for which payment may be made under part D.

"(3) GUARANTEED ISSUANCE AND RENEWAL OF REVISED POLICIES.—The provisions of subsections (q) and (s), including provisions of subsection (s)(3) (relating to special enrollment periods in cases of termination or disenrollment), shall apply to medicare supplemental policies revised under this subsection in the same manner as such provisions apply to medicare supplemental policies issued under the standards established under subsection (p).

"(4) OPPORTUNITY OF CURRENT POLICYHOLDERS TO PURCHASE REVISED POLICIES.—

"(A) IN GENERAL.—No medicare supplemental policy of an issuer with a benefit package that is revised under paragraph (1) shall be deemed to meet the standards in subsection (c) unless the issuer—

"(i) provides written notice during the 60-day period immediately preceding the period established for the open enrollment period established under section 1860B(b)(2)(A), to each individual who is a policyholder or certificate holder of a medicare supplemental policy issued by that issuer (at the most recent available address of that individual) of the offer described in clause (ii) and of the fact that such individual will no longer be covered under such policy as of January 1, 2004; and

"(ii) offers the policyholder or certificate holder under the terms described in subparagraph (B), during at least the period established under section 1860B(b)(2)(A), a medicare supplemental policy with the benefit package that the Secretary determines is most comparable to the policy in which the individual is enrolled with coverage effective as of the date on which the individual is first entitled to benefits under part D.

"(B) TERMS OF OFFER DESCRIBED.—The terms described in this subparagraph are terms which do not—

"(i) deny or condition the issuance or effectiveness of a medicare supplemental policy described in subparagraph (A)(ii) that is offered and is available for issuance to new enrollees by such issuer;

"(ii) discriminate in the pricing of such policy because of health status, claims experience, receipt of health care, or medical condition; or

"(iii) impose an exclusion of benefits based on a preexisting condition under such policy.

"(5) ELIMINATION OF OBSOLETE POLICIES WITH NO GRANDFATHERING.—No person may sell, issue, or renew a medicare supplemental policy with a benefit package that is classified as 'H', 'I', or 'J' (or with a benefit package classified as 'J' with a high deductible feature) that has not been revised under this subsection on or after January 1, 2004.

"(6) PENALTIES.—Each penalty under this section shall apply with respect to policies revised under this subsection as if such policies were issued under the standards established under subsection (p), including the penalties under subsections (a), (d), (p)(8), (p)(9), (q)(5), (r)(6)(A), (s)(4), and (t)(2)(D).".

SEC. 6. HHS STUDIES AND REPORT ON UNIFORM PHARMACY BENEFIT CARDS AND SYSTEMS FOR TRANSFERRING PRESCRIPTIONS ELECTRONICALLY.

(a) STUDIES.—The Secretary of Health and Human Services shall conduct a study to determine the feasibility and advisability of—

(1) establishing a uniform format for pharmacy benefit cards provided to beneficiaries by eligible entities under the outpatient prescription drug benefit program under part D of title XVIII of the Social Security Act (as added by section 2); and

(2) developing systems to electronically transfer prescriptions under such program from the prescriber to the pharmacist.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the results of the studies conducted under subsection (a) together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such studies.

SEC. 7. GAO STUDY AND BIENNIAL REPORTS ON COMPETITION AND SAVINGS.

(a) ONGOING STUDY.—The Comptroller General of the United States shall conduct an ongoing study and analysis of the outpatient prescription drug benefit program under part D of title XVIII of the Social Security Act (as added by section 2), including an analysis of—

(1) the extent to which the competitive bidding process under such program fosters maximum competition and efficiency; and

(2) the savings to the medicare program resulting from such outpatient prescription drug benefit program, including the reduction in the number or length of hospital visits.

(b) INITIAL REPORT ON COMPETITIVE BIDDING PROCESS.—Not later than 9 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the results of the portion of the study conducted pursuant to subsection (a)(1).

(c) BIENNIAL REPORTS.—Not later than January 1, 2005, and biennially thereafter, the Comptroller General of the United States shall submit to Congress a report on the results of the study conducted under subsection (a) together with such recommendations for legislation and administrative action as the Comptroller General determines appropriate.

SEC. 8. EXPANSION OF MEMBERSHIP AND DUTIES OF MEDICARE PAYMENT ADVISORY COMMISSION (MEDPAC).

(a) EXPANSION OF MEMBERSHIP.—

(1) IN GENERAL.—Section 1805(c) of the Social Security Act (42 U.S.C. 1395b–6(c)) is amended—

(A) in paragraph (1), by striking "17" and inserting "19"; and

(B) in paragraph (2)(B), by inserting "experts in the area of pharmacology and prescription drug benefit programs," after "other health professionals,".

(2) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(A) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under paragraph (1)(A) are as follows:

(i) One member shall be appointed for 1 year.

(ii) One member shall be appointed for 2 years.

(B) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2003.

(b) EXPANSION OF DUTIES.—Section 1805(b)(2) of the Social Security Act (42 U.S.C. 1395b–6(b)(2)) is amended by adding at the end the following new subparagraph:

"(D) PRESCRIPTION MEDICINE BENEFIT PROGRAM.—Specifically, the Commission shall review, with respect to the outpatient prescription drug benefit program under part D, the impact of such program on—

"(i) the pharmaceutical market, including costs and pricing of pharmaceuticals, beneficiary access to such pharmaceuticals, and trends in research and development;

"(ii) franchise, independent, and rural pharmacies; and

"(iii) beneficiary access to outpatient prescription drugs, including an assessment of out-of-pocket spending, generic and brand name drug utilization, and pharmacists' services.".

Mr. MILLER. Madam President, I am proud to tell America's seniors who have been waiting in line for a long time that, finally, they have reached the front of the line. Their time has come. This Senate is ready to take action on prescription drugs.

Our action cannot come soon enough. Most of our elderly in this country are not wealthy. Many live on fixed incomes. They are the ones who are hurt first and hurt most by rising health care costs.

Our elderly have been waiting a long time. Waiting for Congress to do something. Waiting for Congress to help them with the skyrocketing costs of their prescription drugs.

Our bill provides an affordable prescription drug benefit under Medicare for all seniors for the first time. Coverage begins with the first prescription filled because there is no deductible.

For the roughly 12 million seniors in this country who earn less than $11,900 a year, there is no premium and no copayment. For our neediest seniors, our bill gives them their medicine for free.

For those who earn more, our plan has an affordable a $25 monthly premium and a copayment of $10 for generic drugs and $40 for brand-name drugs. Also, our bill has no gap in coverage and an out-of-pocket maximum of $4,000 a year.

We realize it is a huge, complex and complicated undertaking. And that is why this bill provides that in 2011, we will come back and re-evaluate this program, just like we do with other complicated legislation.

We believe that is the wise and judicious thing to do. In fact, if the original Medicare program had required such a reauthorization, we probably would have had a prescription drug benefit added to it long ago.

But since Medicare was permanently authorized from the beginning, there was no requirement for Congress to re-evaluate and therefore modernize the program as circumstances changed over the years.

And, reauthorization is not anything new or different. We re-evaluate many programs on a regular basis: We just did it with the Farm Bill. Welfare Reform, the Elementary and Secondary Education program, Head Start, all of them are re-evaluated at regular intervals.

I hope that all members of the Senate will come together and pass this bill in the next few weeks so that our elderly across this land of plenty, those folks who have played by the rules and worked hard, can have some hope and some dignity in the last few years they are on this earth.

Mr. KENNEDY. Madam President, Medicare is a solemn promise between government and its citizens and between the generations. It says, "Contribute to the system during your working years and we will assure you health security in your retirement years." But that promise is broken every day, because Medicare does not cover prescription drugs. The Graham-Miller-Kennedy Medicare Prescription Drug Act of 2002 sends the message loud and clear: it is time to mend Medicare's broken promise.

There is no domestic issue that is more important to the American people than assuring that senior citizens can afford the prescription drugs they need. Senior citizens have an average income of $15,000, and they spend an average of $2,000 of that limited income on prescription drugs. Too many of our elderly citizens must choose between food on the table and the medicine their doctors prescribe. Too many of the elderly are taking half the drugs their doctor prescribes, or none at all, because they simply can't afford them.

Every day we delay, the problem becomes worse. Prescription drugs costs are escalating at double-digit rates. One-third of all senior citizens don't have a dime of prescription drug coverage, and those who do have coverage are in danger of losing it. The sad fact is that the only senior citizens who have reliable, affordable, adequate coverage are the very poor on Medicaid. That is not good enough, and we are here today to say that America owes it to its senior citizens to do better.

Every politician understands that senior citizens, and their children, and their grandchildren want action. Every politician understands that opposition to a prescription drug benefit is not a sustainable position. The question is not whether Congress will pass a bill; the question is whether we will pass a bill that truly provides the protection senior citizens need. The elderly do not need a prescription drug benefit that cannot pass the truth in advertising test. They don't need a benefit that pays pennies on the dollar for the medicines the elderly need to survive. They do not need a benefit that offers the pretence of relief but not the performance.

The bill we are offering today mends the broken promise of Medicare. It offers real benefits at a price the elderly can afford. It is a lifeline for every senior citizen who needs prescription drugs. It is a priority for the American people.

It is time to pass a Medicare prescription drug benefit. It is time for Congress to listen to the American people instead of the powerful special interests.

By Mr. CLELAND:

S. 2627. A bill to protect marine species off the coast of Georgia; to the Committee on Commerce, Science, and Transportation.

Mr. CLELAND. Madam President, I rise today to introduce legislation to help protect marine species in the exclusive economic zone off the coast of Georgia. Shark gillnetting causes bycatch of many marine species, including valuable gamefish such as tarpon, red drum, king mackerel, and cobia and leatherback sea turtles, a protected species. Gillnets are already prohibited in Georgia's State waters, and my legislation would also prohibit this gear from being used in the Federal waters off the coast of Georgia. This legislation is supported by the Georgia Department of Natural Resources, which has jurisdiction over the State's coastal resources.

My proposal does not prohibit shark fishing but rather affects the means of fishing. Shark fishers can use other methods for fishing such as long-lines or hook and line as alternatives. Additionally, this bill only affects the waters off the coast of Georgia. The neighboring States are still allowed to handle the bycatch, enforcement, and other issues as they believe is appropriate.

The waters affected by the legislation are home to many types of marine life that are vitally important to Georgia's traditional and expanding charter fishery, as well as the state's coastal communities and tourism industry. These businesses are negatively impacted by the shark gillnetting bycatch rates and its impacts on gamefish populations, including some already overfished stocks. In August 2000, I was contacted by some of these Georgia business people who are concerned over what they see as a dramatic decrease in the fish population and about the future viability of their businesses. These citizens work to create a delicate balance between the environment and their livelihood by limiting their catches and releasing fish to help insure the sustained health of local fish stocks and their habitats. Shark gillnetting has disrupted this balance. My legislation is the first step to bringing this balance back in line.

As the Commerce Committee, of which I am a member, begins the reauthorization of the Magnuson-Stevens Fishery Conservation Management Act, I will work with Chairman HOLLINGS to address this issue. It is at once an environmental issue, a small business issue, a state sovereignty issue, and it is the right thing to do.

By Mr. KENNEDY (for himself, Mr. DEWINE, Mr. HARKIN, Mr. MCCAIN, Mr. DURBIN, Mr. GRAHAM, Mr. WELLSTONE, Ms. COLLINS, Mrs. FEINSTEIN, and Mr. REED):

S. 2626. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Madam President, today Senator KENNEDY, my colleague from Massachusetts, and I, Senator

DURBIN, and others are introducing a bill designed to help protect children from the dangers of tobacco. Quite simply, our bill would finally give the Food and Drug Administration the authority it needs to effectively regulate both the manufacture and the sale of tobacco products.

My colleagues will all remember that we visited this issue a few years ago, in 1998, when our colleague from Arizona, Senator MCCAIN, and others introduced the Universal Tobacco Settlement Act, which included a major section that provided the FDA with the authority to regulate tobacco products. Also, of course, during 1998, 46 States entered into an agreement known as the Master Settlement Agreement, MSA. They entered into that agreement with the major tobacco companies to settle all State lawsuits seeking to recover the Medicaid costs of treating smokers.

Fast forward from 1998 until today. Tobacco proponents would have you believe this master settlement resolved the issue of tobacco use by imposing all these restrictions. But the truth is, it did not. Smoking among young people remains a huge national problem.

Every day in this country, nearly 5,000 young people under the age of 18 try their first cigarette. In my own home State of Ohio, 33 percent—one-third—of children 18 and under smoke. These kids in Ohio, by themselves, go through 45 million packs of cigarettes each year.

If that is not bad enough, look at it another way: 90 percent of smokers start smoking before the age of 19. More than 6.4 million children across this country will die prematurely because of a decision they will make as children, as adolescents—a decision to start smoking cigarettes.

In my home State of Ohio, as I indicated, one-third of the children smoke. We know the statistics are that one-third of people who smoke in this country will die prematurely because of an alcohol-related illness. One-third of the one-third, therefore, in the State of Ohio will die prematurely.

While States have limited options available for tobacco advertising under this 1998 Master Settlement Agreement, the reality is that the tobacco companies still are able to choose the contents of their advertisements. They are still able to get around this settlement. They are still able to run ads like this: "Skol, A Pinch Better." Guess where that ad ran? In Sports Illustrated.

How many young people in this country every week wait for that Sports Illustrated to come in the mail, or buy it when it comes to the store?

The companies are savvy. They have really changed their marketing strategies. They have concentrated more money into different advertising markets. As a result, more than 3 years after the major tobacco companies agreed to stop marketing to children as part of this tobacco settlement, children are still twice as likely as adults to be exposed to tobacco advertising.

Let me repeat that. Children are still twice as likely as adults to be exposed to tobacco advertising.

This chart shows and represents a poll which was done. The question asked was: Have you seen any advertising for cigarettes or tobacco in the last 2 weeks? Among teens, 64 percent said yes; adults, only 27 percent.

In spite of the claim that tobacco companies are not targeting children, for whatever reason that is the market that is hearing it; that is who is seeing the message; that is who is hearing the message; that is whom the message is affecting.

According to the Federal Trade Commission's annual report on cigarette sales and advertising, the year 2000 represented the largest increase ever in tobacco companies' spending on "promotional allowances"; that is, the money tobacco companies pay retailers to promote their products in prominent locations in stores, or for high visible shelf space. We know that is one of the greatest marketing techniques—put it somewhere I can see it when I walk in the store. It is right at eye level for kids near the cash register, in an aisle where the customer must walk by to pay the cashier.

That same year—the year 2000—cigarette manufacturers spent a record $9.5 billion on advertising and promotion. That is an increase of 16 percent from the year 1999.

Tobacco companies also spend billions of dollars advertising through enticing promotional items—lighters, hats, and other products—they give away for free at the "point of sale," or, in other words, at the cash register or the place of checkout in the grocery store or the convenience store.

In fact, spending on such promotional or value-added items increased by 37 percent between 1999 and the year 2000.

Let us not fool ourselves. These promotional strategies and advertisements reach our children. Statistics show that 75 percent of our children visit a convenience store at least once a week.

I ask my colleagues. The next time you walk into a convenience store, look at how many different times you see an advertisement for tobacco products. They are everywhere. You walk in the store, and it may be on the clock—a little promotional clock that says when the store is open and when the store is closed. They will be at eye level. They will be by the cashier when you check out. They will be everywhere—image after image after image. It is calculated, and it works. Convenience stores are a place—right or wrong—where kids go. Seventy-five percent of kids visit convenience stores, as I said, at least once a week. That is a target area.

This isn't just about advertising and marketing schemes. It is also about to be manufacturers' failure to disclose the specific ingredients in their products.

I realize full well that tobacco users and nonusers alike recognize and understand that tobacco products are hazardous to their health. Everybody knows that. That is not what I am talking about. I am talking about requiring the tobacco companies to list the ingredients in their products. They do not have to do that today. Tobacco is an unregulated product. I believe it makes common sense that tobacco companies should be required to list when they put arsenic—and they do—or put formaldehyde or ammonia in the cigarettes. They should have to at least list it. It just makes common sense. Yet the law today does not require them to do that.

While simply listing the ingredients, toxic as they may be, might not seem like much, think about it this way. Current law makes sure that we know what is in products designed to help people quit smoking—products such as the patch or the Nicorette gum, which are regulated, but not the very product that gets people addicted in the first place, the cigarettes. Doesn't that seem absurd?

Think about it this way: Right now, the Food and Drug Administration requires Philip Morris to print the ingredients in its Kraft Macaroni and Cheese. They have to print all of the ingredients. Pick up a box. Every single ingredient that is in there they have to print but not the ingredients in cigarettes, a product, by the way, that contributes to the deaths of more than 440,000 people a year.

Right now the FDA requires Philip Morris, which owns Nabisco, to print the ingredients contained in Oreo cookies and Ritz crackers but not the ingredients in Camel or Winston cigarettes, even though cigarettes cause one-third of all cancer deaths and 90 percent of lung cancer deaths. It is unfathomable to me—and I think it is unfathomable to everybody—that we would require the listing of ingredients on these products. We even require the listing of the ingredients on bottled water. Yet we do not require the listing of ingredients for one of the leading causes of death and disease in this country.

Right now, the FDA requires printed ingredients for chewing gum, lipstick, bottled water, and ice cream, but not for cigarettes—a product that causes 20 percent of all heart disease deaths, 90 percent of lung cancer, which is the leading cause of cancer deaths among women, and the leading cause of preventable death in the United States.

Another way to look at it is if a company wants to market a food product as "fat-free" or "reduced-fat" or "lite," that company is required to meet certain standards regarding the number of calories or the amount of fat grams in that product. You can look right on that package and find it. Yet cigarette companies can call a cigarette a "Camel Light" or a "Marlboro Light" and not reveal a thing about the amount of tar or nicotine or arsenic in that supposedly "light" cigarette.

Not having access to all of the information about this deadly product just makes no sense. It is something we need to change. With the bill we are introducing, we can change it.

It is time we finally give the FDA the authority it needs to fix these problems. The legislation that Senator KENNEDY and Senator DURBIN and I are introducing will do just that.

First, the bill would make changes regarding tobacco advertising. It would give the FDA authority to restrict tobacco industry marketing—consistent with the first amendment—that targets our children.

Additionally, our bill would require advertisements to be in black and white text only, unless they are in adult publications, and would define adult publications in terms of readership.

Next, our legislation would give consumers more information about the ingredients in tobacco products. Specifically, the bill would provide the FDA with the ability to publish the ingredients of tobacco products.

It would require a listing of all ingredients, substances, and compounds added by the manufacturer to the tobacco, to the paper, or to the filter.

It would require a description of the content, delivery, and form of nicotine in each tobacco product.

It would require information on the health, behavioral, or physiologic effects of the tobacco products.

Further, it would require tobacco companies to provide information on the reduction of risk to health available through technology.

And finally, it would establish an approval process for all new tobacco products entering the market—new products such as Advance with its "trionic filter", which claims to have—and I quote—"all of the taste . . . less of the toxins" of other cigarettes.

Obviously, we already know that smoking is a health risk. We all know that. But, what we don't know about is the harm caused by or what adverse health effects are created by the other ingredients in tobacco products or by how the tobacco is burned. We do not know all the details about that. Tobacco companies should share that. There are tobacco products on the market that are not conventional cigarettes. They have carbon filters running down the center of them. They are sophisticated products that burn tobacco differently, that affect the body differently, and that may cause people to smoke them differently. These are all things that should be examined, they should be reviewed, and they should be commented on by the Food and Drug Administration, so the public knows what they are choosing to consume.

Here we have a pack of Eclipse cigarettes, which claims it will—and I quote—"Change the way you smoke." It also claims that it—and again I quote—"may present less risk of cancer, bronchitis, and possibly emphysema." This is what they say in the bold print. I don't know who "they" are, and I don't know where they got their information, but the public should know.

Below the bold print in this same pack is the following, smaller print:

> Evidence suggests that smokers who already have cardiovascular disease and who switch to Eclipse may further increase their health risk.

So in the bold print we have a statement that is not cited and not supported, and then in the fine print we have a statement that is supported by numerous studies. Which claim are you more likely to believe? And which statement should be broadcast in bold lettering to the consumer?

By introducing this bill, we are finally saying we are not going to let tobacco manufacturers have free rein over markets and consumers anymore.

Today, we are taking a step towards making sure the public gets adequate information about whether to continue to smoke or even to start smoking in the first place. We all know it is dangerous. But the tobacco companies no longer should be able to hide all the facts.

With this bill, we are not just saying, "Buyer beware"—we all know there are dangers—but what we are saying is, "Tobacco companies, be honest." We are saying, "Tobacco companies, stop marketing to our kids." We are saying, "Tobacco companies, tell consumers about what they are really buying."

Madam President, it is time we hold these companies to the same standards we expect from other producers. It is time to give kids a fighting chance when it comes to resisting cigarettes. It is time to finally just do the right thing.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I join my friend and colleague from Ohio, Senator DEWINE, in expressing our appreciation to all of our cosponsors for this legislation that we have introduced. And I commend him for the excellent presentation and description of the legislation that he has just given to the Senate this morning.

We indicate to our friends and colleagues that this legislation is very similar to the legislation that was included in the larger tobacco legislation the Senate considered several years ago. It was not really subject to any amendments that I remember during that period of time. That overall legislation, I believe, gained 58 votes on the floor of the Senate. So we had broad support for the legislation. In many respects, I think there is even broader support for this particular legislation.

So we are very hopeful we will be able to make progress in considering this legislation favorably in the Senate, and in the House, and have it become law. We have every intention of holding hearings and, hopefully a markup in July. I believe we will have very broad support from our colleagues for the reasons Senator DEWINE has outlined.

This legislation is focused on children and what we can do to discourage children from becoming addicted to tobacco in this country. I will just take a very few moments to review the highlights.

Just very quickly, every day, 5,000 children try their first cigarette. More than 2,000 become new daily smokers. A third will die prematurely.

If the current trend continues, 6.4 million children, who are under 18 years of age, will die prematurely from smoking related illness. 400,000 people a year die from smoke related illness. We are telling the youth of America their lives are going to be greatly shortened as a result of this kind of addiction.

As I mentioned, 400,000 Americans die each year from smoke-caused disease, and tobacco costs $75 billion in annual health care costs. These are costs that are spent by Medicare, Medicaid, veterans hospitals, and expended privately.

Again, to give the focus of where the advertising is going, this chart shows the number of teens between 12 and 17 who were reached five or more times by tobacco advertising in the year 1999.

A March 2002 study asked teenagers and adults, "have you seen any advertising for cigarettes or spit tobacco in the last 2 weeks?" For the teenagers, 64 percent had seen advertising; while for adults, just 27 percent.

What we are maintaining is that the industry is targeting children. These are commercial surveys, and they substantiate our point.

The money that is being expended for these extraordinary advertising budgets is targeted to teenagers, to effectively hook them and addict them.

This chart shows the very substantial increase in promotional expenditures from 1997 to the year 2000. As the chart showed, expenditures totaled $5.660 billion in 1997 and increased to $9.5 billion in the year 2000.

Over the last 5 years, it has virtually doubled. Where is it being targeted? The children. Are the children seeing it? Yes. Are they becoming more addicted? Yes. Is this really a national problem? Yes. Can we do something about it? Yes. Will this legislation do something about it? Yes, because it incorporates many of the recommendations made by former heads of the FDA as well as from the many experts we have heard from at a range of hearings we have held.

The bottom line: If smoking rates do not decline, over 6 million children who are alive today under the age of 18 will suffer premature death.

This is a matter of enormous importance. It is of importance to families, to parents, to children, and to our country. We have targeted, responsible legislation to deal with this issue. We are serious about presenting it to the Senate, which we will do. We are looking for broad support from the American people.

We are grateful for all of the public health agencies that support it: cancer, heart, lung, all of the various health-related agencies that support this legislation. They are going to be strong allies.

Mr. Myers, who is with Tobacco Free Children, has done such an extraordinary job and has made this a high priority. We are serious about it, and we hope to be able to help the families in this country by doing something about children being addicted to cigarettes.

This bill will give the Food and Drug Administration broad authority to regulate tobacco products for the protection of the public health. We cannot in good conscience allow the federal agency most responsible for protecting the public health to remain powerless to deal with the enormous risks of tobacco, the most deadly of all consumer products.

The provisions in this bill closely track those in the bipartisan compromise reached during Senate consideration of comprehensive tobacco control legislation in 1998. Fifty-eight Senators supported it at that time. That legislation was never enacted because of disputes over tobacco taxation and litigation, not over FDA authority.

This FDA provision is a fair and balanced approach to FDA regulation. It creates a new section in FDA jurisdiction for the regulation of tobacco products, with standards that allow for consideration of the unique issues raised by tobacco use. It is sensitive to the concerns of tobacco farmers, small businesses, and nicotine-dependent smokers. But, it clearly gives FDA the authority it needs in order to prevent youth smoking and to reduce addiction to this highly lethal product.

I believe that any attempt to weaken the 1998 language would undermine the FDA's ability to deal effectively with the enormous health risks posed by smoking. This concern is shared by a number of independent public health experts. The bipartisan compromise agreed to in 1998 is still the best opportunity for Senators to come together and grant FDA the regulatory authority it needs to substantially reduce the number of children who start smoking and to help addicted smokers quit. Nothing less will do the job.

The stakes are vast. Five thousand children have their first cigarette every day, and two thousand of them become daily smokers. Nearly a thousand of them will die prematurely from tobacco-induced diseases. Smoking is the number one preventable cause of death in the nation today. Cigarettes kill well over four hundred thousand Americans each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs, AIDS, murder, suicide, and fires combined. Our response to a public health problem of this magnitude must consist of more than half-way measures.

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends over nine billion dollars a year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. The industry knows that more than 90 percent of smokers begin as children and are addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies' own words, the magnitude of the industry's efforts to trap children into dependency on their deadly product. Recent studies by the Institute of Medicine and the Centers for Disease Control show the substantial role of industry advertising in decisions by young people to use tobacco products. If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will be seen by children. This legislation will give FDA the ability to stop tobacco advertising which glamorizes smoking from appearing where it will be seen by significant numbers of children.

FDA authority must also extend to the sale of tobacco products. Nearly every state makes it illegal to sell cigarettes to children under 18, but surveys show that those laws are rarely enforced and frequently violated. FDA must have the power to limit the sale of cigarettes to face-to-face transactions in which the age of the purchaser can be verified by identification. This means an end to self-service displays and vending machine sales. There must also be serious enforcement efforts with real penalties for those caught selling tobacco products to children. This is the only way to ensure that children under 18 are not able to buy cigarettes.

The FDA conducted the longest rulemaking proceeding in its history, studying which regulations would most effectively reduce the number of children who smoke. Seven hundred thousand public comments were received in the course of that rulemaking. At the conclusion of its proceeding, the Agency promulgated rules on the manner in which cigarettes are advertised and sold. Due to litigation, most of those regulations were never implemented. If we are serious about curbing youth smoking as much as possible, as soon as possible; it makes no sense to require FDA to reinvent the wheel by conducting a new multi-year rulemaking process on the same issues. This legislation will give the youth access and advertising restrictions already developed by FDA the immediate force of law, as if they had been issued under the new statute.

The legislation also provides for stronger warnings on all cigarette and smokeless tobacco packages, and in all print advertisements. These warnings will be more explicit in their description of the medical problems which can result from tobacco use. The FDA is given the authority to change the text of these warning labels periodically, to keep their impact strong.

Nicotine in cigarettes is highly addictive. Medical experts say that it is as addictive as heroin or cocaine. Yet for decades, tobacco companies have vehemently denied the addictiveness of their products. No one can forget the parade of tobacco executives who testified under oath before Congress as recently as 1994 that smoking cigarettes is not addictive. Overwhelming evidence in industry documents obtained through the discovery process proves that the companies not only knew of this addictiveness for decades, but actually relied on it as the basis for their marketing strategy. As we now know, cigarette manufacturers chemically manipulated the nicotine in their products to make it even more addictive.

The tobacco industry has a long, dishonorable history of providing misleading information about the health consequences of smoking. These companies have repeatedly sought to characterize their products as far less hazardous than they are. They made minor innovations in product design seem far more significant for the health of the user than they actually were. It is essential that FDA have clear and unambiguous authority to prevent such misrepresentations in the future. The largest disinformation campaign in the history of the corporate world must end.

Given the addictiveness of tobacco products, it is essential that the FDA regulate them for the protection of the public health. Over forty million Americans are currently addicted to cigarettes. No responsible public health official believes that cigarettes should be banned. A ban would leave forty million people without a way to satisfy their drug dependency. FDA should be able to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop. To do so, FDA must have the authority to reduce or remove hazardous ingredients from cigarettes, to the extent that it becomes scientifically feasible. The inherent risk in smoking should not be unnecessarily compounded.

Recent statements by several tobacco companies make clear that they plan to develop what they characterize as "reduced risk" cigarettes. This legislation will require manufacturers to submit such "reduced risk" products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA's satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could lull the public into a false sense of health safety.

Smoking is the number one preventable cause of death in America. Congress must vest FDA not only with the responsibility for regulating tobacco products, but with full authority to do the job effectively.

This legislation will give the FDA the legal authority it needs: To reduce youth smoking by preventing tobacco advertising which targets children; to prevent the sale of tobacco products to minors; to help smokers overcome their addiction; to make tobacco products less toxic for those who continue to use them; and to prevent the tobacco industry from misleading the public about the dangers of smoking.

We cannot allow the tobacco industry to stop us from doing what we know is right for America's children. I intend to do all I can to see that Congress enacts this legislation this year. The public health demands it.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators KENNEDY and DEWINE in support of legislation to empower the Food and Drug Administration, FDA, to regulate tobacco products.

During my time in the Senate, I have become very involved with cancer. I am the Co-Chair of the Senate Cancer Caucus and the Vice-Chair of the National Dialogue on Cancer, which is Chaired by former President and Barbara Bush.

The cancer community is united in the belief that the single most important preventive measure is to place tobacco products under the regulatory control of the FDA. I stand behind the cancer community and express the same belief.

Smoking causes one-third of all cancers, and is the cause of approximately 165,000 deaths annually.

I firmly believe that cancer cannot be conquered without addressing smoking and the use of tobacco products.

Smoking results in death or disability for over half of tobacco users, according to the Centers for Disease Control, CDC. Smoking costs the health care system over $70 billion annually.

Over the past two decades, we have learned that tobacco companies have manipulated the level of nicotine in cigarettes to increase the number of people addicted to their product.

There are more than 40 chemicals in tobacco smoke that cause cancer in humans and animals, according to the CDC. Tobacco smoke has toxic components, as well as tar, carbon monoxide and other dangerous additives.

It is long past time to reduce the addictive nature of cigarettes and curtail the marketing of these products to young people. I believe that empowering the FDA to regulate tobacco will help do that.

The U.S. Surgeon General and the Centers for Disease Control and Prevention have unequivocally demonstrated that, for example, anti-smoking campaigns can reduce smoking, a major cause of cancer.

California is a good example: My state started an aggressive tobacco control program in 1989 and throughout the 1990s, tobacco use dropped at two to three times faster than the rest of the country.

Ninety percent of adult smokers begin before age 18 and every day, 3,000 young people become smokers.

This bill will provide meaningful regulation by the Food and Drug Administration of the content and marketing of tobacco products, especially the addicting and carcinogenic components.

Dr. C. Everett Koop, former US Surgeon General, and Dr. David Kessler, former Commissioner of the Food and Drug Administration, in 1997 report, cited FDA and other studies and said:

> Nicotine in cigarettes and smokeless tobacco has the same pharmacological effects as other drugs that FDA has traditionally regulated . . . nicotine is extremely addictive . . . and the vast majority of people who use nicotine-containing cigarettes and smokeless tobacco do so to satisfy their craving for the pharmacological effects of nicotine; that is, to satisfy their drug-dependence or addiction.

They go to recommend that the "FDA should continue to have authority to regulate all areas of nicotine, as well as other constituents and ingredients, and that authority should be made completely explicit."

I am pleased that to note that even the Philip Morris Companies has acknowledged the need for FDA to regulate tobacco. On their website, they say:

> We believe federal legislation that includes granting FDA authority to regulate tobacco products could effectively address many of the complex tobacco issues that concern the public, the public health community and us.

It is long past time to reduce the addictive nature of cigarettes and curtail the marketing of these products to young people. This bill gives FDA the power to regulate tobacco products' content, design, sale, and marketing.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Youth Smoking Prevention and Public Health Protection Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Scope and effect.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

Sec. 101. Amendment of Federal Food, Drug, and Cosmetic Act.

"CHAPTER IX—TOBACCO PRODUCTS

"Sec. 900. Definitions.
"Sec. 901. FDA authority over tobacco products
"Sec. 902. Adulterated tobacco products.
"Sec. 903. Misbranded tobacco products.
"Sec. 904. Submission of health information to the Secretary.
"Sec. 905. Annual registration.
"Sec. 906. General provisions respecting control of tobacco products.
"Sec. 907. Performance standards.
"Sec. 908. Notification and other remedies
"Sec. 909. Records and reports on tobacco products.
"Sec. 910. Premarket review of certain tobacco products.
"Sec. 911. Judicial review.
"Sec. 912. Postmarket surveillance
"Sec. 913. Reduced risk tobacco products.
"Sec. 914. Equal treatment of retail outlets.
"Sec. 915. Jurisdiction of and coordination with the Federal Trade Commission.
"Sec. 916. Congressional review provisions.
"Sec. 917. Regulation requirement.
"Sec. 918. Preservation of State and local authority.
"Sec. 919. Tobacco Products Scientific Advisory Committee.

Sec. 102. Construction of current regulations.
Sec. 103. Conforming and other amendments to general provisions.

TITLE II—TOBACCO PRODUCT WARNINGS AND SMOKE CONSTITUENT DISCLOSURE

Sec. 201. Cigarette label and advertising warnings.
Sec. 202. Authority to revise cigarette warning label Statements.
Sec. 203. Smokeless tobacco labels and advertising warnings.
Sec. 204. Authority to revise smokeless tobacco product warning label Statements.

Sec. 205. Tar, nicotine, and other smoke constituent disclosure to the public.
Sec. 206. Unlawful advertisements.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of epic and worsening proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under Article I, Section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco induced disease. Such a reduction in youth smoking would also result in approximately $110,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 1999, the tobacco industry spent close to $8,240,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco advertising than adults, they smoke the most advertised brands, and children as young as 3 to 6 years old can recognize a character associated with smoking at the same rate as they recognize cartoons and fast food characters.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text-only requirements, while not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (62 Fed. Reg. 44615-44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the standards set forth in the amendments made by this Act for the regulation of tobacco products by the Food and Drug Administration and the restriction on the sale and distribution, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this Act.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those product before reaching the age of 18. Tobacco advertising and promotion plays a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop and introduce less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that adults are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers; and

(8) to impose appropriate regulatory controls on the tobacco industry

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in State, Tribal, or Federal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(kk) The term 'tobacco product' means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).".

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 907 as sections 1001 through 1007; and

(3) by inserting after section 803 the following:

"CHAPTER IX—TOBACCO PRODUCTS

"SEC. 900. DEFINITIONS.

"In this chapter:

"(1) BRAND.—The term 'brand' means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, or packaging, logo, registered trademark or brand name, identifiable pattern of colors, or any combination of such attributes.

"(2) CIGARETTE.—The term 'cigarette' has the meaning given that term by section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(1)), but also includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

"(3) CIGARETTE TOBACCO.—The term 'cigarette tobacco' means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements for cigarettes shall also apply to cigarette tobacco.

"(4) COMMERCE.—The term 'commerce' has the meaning given that term by section 3(2) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(2)).

"(5) DISTRIBUTOR.—The term 'distributor' as regards a tobacco product means any person who furthers the distribution of cigarette or smokeless tobacco, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

"(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 4(e) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b(e)).

"(7) LITTLE CIGAR.—The term 'little cigar' has the meaning given that term by section 3(7) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(7)).

"(8) NICOTINE.—The term 'nicotine' means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

"(9) PACKAGE.—The term 'package' means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which cigarettes or smokeless tobacco are offered for sale, sold, or otherwise distributed to consumers.

"(10) RETAILER.—The term 'retailer' means any person who sells cigarettes or smokeless tobacco to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

"(11) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

"(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

"(13) STATE.—The term 'State' means any State of the United States and, for purposes of this chapter, includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

"(14) TOBACCO PRODUCT MANUFACTURER.—Term 'tobacco product manufacturer' means any person, including any repacker or relabeler, who—

"(A) manufactures, fabricates, assembles, processes, or labels a finished cigarette or smokeless tobacco product; or

"(B) imports a finished cigarette or smokeless tobacco product for sale or distribution in the United States.

"(15) UNITED STATES.—The term 'United States' means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

"SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

"(a) IN GENERAL.—Tobacco products shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V, unless—

"(1) such products are intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease (within the meaning of section 201(g)(1)(B) or section 201(h)(2)); or

"(2) a health claim is made for such products under section 201(g)(1)(C) or 201(h)(3).

"(b) APPLICABILITY.—This chapter shall apply to all tobacco products subject to the regulations referred to in section 102 of the Youth Smoking Prevention and Public Health Protection Act, and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

"(c) SCOPE.—

"(1) IN GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or the Youth Smoking Prevention and Public Health Protection Act, shall be construed to affect the Secretary's authority over, or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

"(2) TOBACCO LEAF.—

"(A) IN GENERAL.—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of the manufacturer, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

"(B) EXCEPTION.—Notwithstanding any other provision of this subparagraph, if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer's capacity as a manufacturer.

"(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production. For purposes of the preceding sentence, the term 'controlled by' means a member of the same controlled group of corporations as that term is used in section 52(a) of the Internal Revenue Code of 1986, or under common control within the meaning of the regulations promulgated under section 52(b) of such Code.

"SEC. 902. ADULTERATED TOBACCO PRODUCTS.

"A tobacco product shall be deemed to be adulterated if—

"(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any poisonous or deleterious substance that may render the product injurious to health;

"(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

"(3) its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

"(4) it is, or purports to be or is represented as, a tobacco product which is subject to a performance standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

"(5) it is required by section 910(a) to have premarket approval, is not exempt under section 906(f), and does not have an approved application in effect;

"(6) the methods used in, or the facilities or controls used for, its manufacture, packing or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

"(7) it is a tobacco product for which an exemption has been granted under section 906(f) for investigational use and the person who was granted such exemption or any investigator who uses such tobacco product under such exemption fails to comply with a requirement prescribed by or under such section.

"SEC. 903. MISBRANDED TOBACCO PRODUCTS.

"(a) IN GENERAL.—A tobacco product shall be deemed to be misbranded—

"(1) if its labeling is false or misleading in any particular;

"(2) if in package form unless it bears a label containing—

"(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

"(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and

"(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco,

except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

"(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

"(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

"(6) if it was manufactured, prepared, propagated, compounded, or processed in any State in an establishment not duly registered under section 905(b), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

"(7) if, in the case of any tobacco product distributed or offered for sale in any State—

"(A) its advertising is false or misleading in any particular; or

"(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

"(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that tobacco product—

"(A) a true statement of the tobacco product's established name as defined in paragraph (4), printed prominently; and

"(B) a brief statement of—

"(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

"(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is necessary to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing;

"(9) if it is a tobacco product subject to a performance standard established under section 907, unless it bears such labeling as may be prescribed in such performance standard; or

"(10) if there was a failure or refusal—

"(A) to comply with any requirement prescribed under section 904 or 908;

"(B) to furnish any material or information required by or under section 909; or

"(C) to comply with a requirement under section 912.

"(b) PRIOR APPROVAL OF LABEL STATEMENTS.—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product. No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement. No advertisement of a tobacco product, published after the date of enactment of the Youth Smoking Prevention and Public Health Protection Act shall, with respect to the language of label statements as prescribed under section 4 of the Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act (15 U.S.C. 52 through 55).

"SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

"(a) REQUIREMENT.—Not later than 6 months after the date of enactment of the Youth Smoking Prevention and Public Health Protection Act, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit to the Secretary the following information:

"(1) A listing of all tobacco ingredients, substances and compounds that are, on such date, added by the manufacturer to the tobacco, paper, filter, or other component of each tobacco product by brand and by quantity in each brand and subbrand.

"(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine.

"(3) All documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, behavioral, or physiologic effects of tobacco products, their constituents, ingredients, and components, and tobacco additives, described in paragraph (1).

"(4) All documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

"(5) All documents (including underlying scientific information) relating to marketing research involving the use of tobacco products.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

"(b) ANNUAL SUBMISSION.—A tobacco product manufacturer or importer that is required to submit information under subsection (a) shall update such information on an annual basis under a schedule determined by the Secretary.

"(c) TIME FOR SUBMISSION.—

"(1) NEW PRODUCTS.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Youth Smoking Prevention and Public Health Protection Act, the manufacturer of such product shall provide the information required under subsection (a) and such product shall be subject to the annual submission under subsection (b).

"(2) MODIFICATION OF EXISTING PRODUCTS.—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive, increases or decreases the quantity of an existing tobacco additive or the nicotine content, delivery, or form, or eliminates a tobacco additive from any tobacco product, the manufacturer shall within 60 days of such action so advise the Secretary in writing and reference such modification in submissions made under subsection (b).

"SEC. 905. ANNUAL REGISTRATION.

"(a) DEFINITIONS.—In this section:

"(1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term 'manufacture, preparation, compounding, or processing' shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

"(2) NAME.—The term 'name' shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

"(b) REGISTRATION BY OWNERS AND OPERATORS.—On or before December 31 of each year every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person.

"(c) REGISTRATION OF NEW OWNERS AND OPERATORS.—Every person upon first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person's name, place of business, and such establishment.

"(d) REGISTRATION OF ADDED ESTABLISHMENTS.—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

"(e) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

"(f) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

"(g) BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.—Every establishment in any State registered with the Secretary under this section shall be subject to inspection under section 704, and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by one or more officers or employees duly designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

"(h) Foreign Establishments May Register.—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, may register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) of this section and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

"(i) Registration Information.—

"(1) Product list.—Every person who registers with the Secretary under subsection (b), (c), or (d) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which has not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

"(A) in the case of a tobacco product contained in the applicable list with respect to which a performance standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

"(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

"(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a performance standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

"(2) Biannual report of any change in product list.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

"(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

"(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

"(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

"(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

"(j) Report Preceding Introduction of Certain Substantially-equivalent Products Into Interstate Commerce.—

"(1) In general.—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of June 1, 2002, as defined by the Secretary by regulation shall, at least 90 days before making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall by regulation prescribe)—

"(A) the basis for such person's determination that the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of June 1, 2002, that is in compliance with the requirements of this Act; and

"(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

"(2) Application to certain post-June 1, 2002 products.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after June 1, 2002, and before the date of enactment of the Youth Smoking Prevention and Public Health Protection Act shall be submitted to the Secretary within 6 months after the date of enactment of that Act.

"SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.

"(a) In General.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, or subsection (d) of this section, and any requirement established by or under section 902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, or subsection (d) of this section shall not apply to such tobacco product.

"(b) Information on Public Access and Comment.—Each notice of proposed rulemaking under section 907, 908, 909, or 910, or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

"(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

"(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

"(c) Limited Confidentiality of Information.—Any information reported to or otherwise obtained by the Secretary or the Secretary's representative under section 904, 907, 908, 909, or 910 or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

"(d) Restrictions.—

"(1) In general.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of tobacco products consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account—

"(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

"(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

"(2) Label statements.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

"(3) Limitation.—No restriction under paragraph (1) may prohibit the sale of any tobacco product in face-to face transactions by a specific category of retail outlets.

"(e) Good Manufacturing Practice Requirements.—

"(1) Methods, facilities, and controls to conform.—

"(A) In general.—The Secretary may, in accordance with subparagraph (B), prescribe regulations requiring that the methods used in, and the facilities and controls used for, the manufacture, pre-production design validation (including a process to assess the performance of a tobacco product), packing and storage of a tobacco product, conform to current good manufacturing practice, as prescribed in such regulations, to assure that the public health is protected and that the tobacco product is in compliance with this chapter.

“(B) REQUIREMENTS.—The Secretary shall—

“(i) before promulgating any regulation under subparagraph (A), afford an advisory committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

“(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

“(iii) provide the advisory committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A); and

“(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices.

“(2) EXEMPTIONS; VARIANCES.—

“(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall—

“(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

“(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

“(iii) contain such other information as the Secretary shall prescribe.

“(B) REFERRAL TO ADVISORY COMMITTEE.—The Secretary may refer to an advisory committee any petition submitted under subparagraph (A). The advisory committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

“(i) the date the petition was submitted to the Secretary under subparagraph (A); or

“(ii) the day after the petition was referred to an advisory committee,

whichever occurs later, the Secretary shall by order either deny the petition or approve it.

“(C) APPROVAL.—The Secretary may approve—

“(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

“(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, controls, and facilities prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

“(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

“(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

“(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the period ending 3 years after the date of enactment of the Youth Smoking Prevention and Public Health Protection Act.

“(f) EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from this chapter under such conditions as the Secretary may prescribe by regulation.

“(g) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes without regard to section 3324(a) and (b) of title 31, United States Code, and section 5 of title 41, United States Code.

“SEC. 907. PERFORMANCE STANDARDS.

“(a) IN GENERAL.—

“(1) FINDING REQUIRED.—The Secretary may adopt performance standards for a tobacco product if the Secretary finds that a performance standard is appropriate for the protection of the public health. This finding shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account—

“(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

“(2) CONTENT OF PERFORMANCE STANDARDS.—A performance standard established under this section for a tobacco product—

“(A) shall include provisions to provide performance that is appropriate for the protection of the public health, including provisions, where appropriate—

“(i) for the reduction or elimination of nicotine yields of the product;

“(ii) for the reduction or elimination of other constituents or harmful components of the product; or

“(iii) relating to any other requirement under (B);

“(B) shall, where necessary to be appropriate for the protection of the public health, include—

“(i) provisions respecting the construction, components, ingredients, and properties of the tobacco product;

“(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

“(iii) provisions for the measurement of the performance characteristics of the tobacco product;

“(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

“(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d); and

“(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product.

“(3) PERIODIC RE-EVALUATION OF PERFORMANCE STANDARDS.—The Secretary shall provide for periodic evaluation of performance standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (2) by any person.

“(4) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall, to the maximum extent practicable—

“(A) use personnel, facilities, and other technical support available in other Federal agencies;

“(B) consult with other Federal agencies concerned with standard-setting and other nationally or internationally recognized standard-setting entities; and

“(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, or consumer organizations who in the Secretary's judgment can make a significant contribution.

“(b) ESTABLISHMENT OF STANDARDS.—

“(1) NOTICE.—

“(A) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any performance standard for a tobacco product.

“(B) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a performance standard for a tobacco product shall—

“(i) set forth a finding with supporting justification that the performance standard is appropriate for the protection of the public health;

“(ii) set forth proposed findings with respect to the risk of illness or injury that the performance standard is intended to reduce or eliminate; and

“(iii) invite interested persons to submit an existing performance standard for the tobacco product, including a draft or proposed performance standard, for consideration by the Secretary.

“(C) FINDING.—A notice of proposed rulemaking for the revocation of a performance standard shall set forth a finding with supporting justification that the performance standard is no longer necessary to be appropriate for the protection of the public health.

“(D) CONSIDERATION BY SECRETARY.—The Secretary shall consider all information submitted in connection with a proposed standard, including information concerning the countervailing effects of the performance standard on the health of adolescent tobacco users, adult tobacco users, or non-tobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand, and shall issue the standard if the Secretary determines that the standard would be appropriate for the protection of the public health.

“(E) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

“(2) PROMULGATION.—

“(A) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under paragraph (1) respecting a performance standard and after consideration of such comments and any report from an advisory committee, the Secretary shall—

“(i) promulgate a regulation establishing a performance standard and publish in the Federal Register findings on the matters referred to in paragraph (1); or

“(ii) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

“(B) EFFECTIVE DATE.—A regulation establishing a performance standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before one year after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade.

“(3) SPECIAL RULE FOR STANDARD BANNING CLASS OF PRODUCT OR ELIMINATING NICOTINE CONTENT.—Because of the importance of a decision of the Secretary to issue a regulation establishing a performance standard—

“(A) eliminating all cigarettes, all smokeless tobacco products, or any similar class of tobacco products, or

“(B) requiring the reduction of nicotine yields of a tobacco product to zero,

it is appropriate for the Congress to have the opportunity to review such a decision. Therefore, any such standard may not take effect before a date that is 2 years after the President notifies the Congress that a final regulation imposing the restriction has been issued.

“(4) AMENDMENT; REVOCATION.—

“(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person may by a regulation, promulgated in accordance with the requirements of paragraphs (1) and (2)(B), amend or revoke a performance standard.

“(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a performance standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

“(5) REFERENCE TO ADVISORY COMMITTEE.—The Secretary—

“(A) may, on the Secretary's own initiative, refer a proposed regulation for the establishment, amendment, or revocation of a performance standard; or

“(B) shall, upon the request of an interested person which demonstrates good cause for referral and which is made before the expiration of the period for submission of comments on such proposed regulation,

refer such proposed regulation to an advisory committee, for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment. If a proposed regulation is referred under this paragraph to the advisory committee, the Secretary shall provide the advisory committee with the data and information on which such proposed regulation is based. The advisory committee shall, within 60 days after the referral of a proposed regulation and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation. A copy of such report and recommendation shall be made public by the Secretary.

“SEC. 908. NOTIFICATION AND OTHER REMEDIES.

“(a) NOTIFICATION.—If the Secretary determines that—

“(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

“(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk,

the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

“(b) NO EXEMPTION FROM OTHER LIABILITY.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

“(c) RECALL AUTHORITY.—

“(1) IN GENERAL.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

“(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

“(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

“(B) NOTICE.—An amended order under subparagraph (A)—

“(i) shall not include recall of a tobacco product from individuals; and

“(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b).

“(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a) of this section.

“SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

“(a) IN GENERAL.—Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

“(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

“(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

“(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

“(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

“(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

“(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

"(b) REPORTS OF REMOVALS AND CORRECTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

"(A) to reduce a risk to health posed by the tobacco product; or

"(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be reported under this subsection shall keep a record of such correction or removal.

"(2) EXCEPTION.—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

"SEC. 910. PREMARKET REVIEW OF CERTAIN TOBACCO PRODUCTS.

"(a) IN GENERAL.—

"(1) PREMARKET APPROVAL REQUIRED.—

"(A) NEW PRODUCTS.—Approval under this section of an application for premarket approval for any tobacco product that is not commercially marketed (other than for test marketing) in the United States as of June 1, 2002, is required unless the manufacturer has submitted a report under section 905(j), and the Secretary has issued an order that the tobacco product is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of June 1, 2002, that is in compliance with the requirements of this Act.

"(B) PRODUCTS INTRODUCED BETWEEN JUNE 1, 2002, AND ENACTMENT OF THIS CHAPTER.—Subparagraph (A) does not apply to a tobacco product that—

"(i) was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after June 1, 2002, and before the date of enactment of the Youth Smoking Prevention and Public Health Protection Act; and

"(ii) for which a report was submitted under section 905(j) within 6 months after such date,

until the Secretary issues an order that the tobacco product is substantially equivalent for purposes of this section or requires premarket approval.

"(2) SUBSTANTIALLY EQUIVALENT DEFINED.—

"(A) IN GENERAL.—For purposes of this section and section 905(j), the terms 'substantially equivalent' or 'substantial equivalence' mean, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

"(i) has the same characteristics as the predicate tobacco product; or

"(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

"(B) CHARACTERISTICS.—For purposes of subparagraph (A), the term 'characteristics' means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

"(C) LIMITATION.—A tobacco product may not be found to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

"(3) HEALTH INFORMATION.—

"(A) SUMMARY.—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

"(B) REQUIRED INFORMATION.—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

"(b) APPLICATION.—

"(1) CONTENTS.—An application for premarket approval shall contain—

"(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

"(B) a full statement of the components, ingredients, and properties, and of the principle or principles of operation, of such tobacco product;

"(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

"(D) an identifying reference to any performance standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such performance standard or adequate information to justify any deviation from such standard;

"(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

"(F) specimens of the labeling proposed to be used for such tobacco product; and

"(G) such other information relevant to the subject matter of the application as the Secretary may require.

"(2) REFERENCE TO ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

"(A) may, on the Secretary's own initiative; or

"(B) shall, upon the request of an applicant,

refer such application to an advisory committee and for submission (within such period as the Secretary may establish) of a report and recommendation respecting approval of the application, together with all underlying data and the reasons or basis for the recommendation.

"(c) ACTION ON APPLICATION.—

"(1) DEADLINE.—

"(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under paragraph (2) of such subsection, shall—

"(i) issue an order approving the application if the Secretary finds that none of the grounds for denying approval specified in paragraph (2) of this subsection applies; or

"(ii) deny approval of the application if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that one or more grounds for denial specified in paragraph (2) of this subsection apply.

"(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order approving an application for a tobacco product may require as a condition to such approval that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

"(2) DENIAL OF APPROVAL.—The Secretary shall deny approval of an application for a tobacco product if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

"(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

"(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

"(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

"(D) such tobacco product is not shown to conform in all respects to a performance standard in effect under section 907, compliance with which is a condition to approval of the application, and there is a lack of adequate information to justify the deviation from such standard.

"(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to place such application in approvable form (which measures may include further research by the applicant in accordance with one or more protocols prescribed by the Secretary).

"(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether approval of a tobacco product is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account—

"(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

"(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

"(5) BASIS FOR ACTION.—

"(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include one or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

"(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

“(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

“(1) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from an advisory committee, and after due notice and opportunity for informal hearing to the holder of an approved application for a tobacco product, issue an order withdrawing approval of the application if the Secretary finds—

“(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

“(B) that the application contained or was accompanied by an untrue statement of a material fact;

“(C) that the applicant—

“(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

“(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

“(iii) has not complied with the requirements of section 905;

“(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was approved, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

“(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was approved, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

“(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was approved, that such tobacco product is not shown to conform in all respects to a performance standard which is in effect under section 907, compliance with which was a condition to approval of the application, and that there is a lack of adequate information to justify the deviation from such standard.

“(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing approval of the application may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with subsection (e).

“(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an approved application would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the approval of the application approved under this section. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application.

“(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

“(1) in person by any officer or employee of the department designated by the Secretary; or

“(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Secretary.

“SEC. 911. JUDICIAL REVIEW.

“(a) RIGHT TO REVIEW.—

“(1) IN GENERAL.—Not later than 30 days after—

“(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a performance standard for a tobacco product; or

“(B) a denial of an application for approval under section 910(c),

any person adversely affected by such regulation or order may file a petition with the United States Court of Appeals for the District of Columbia or for the circuit wherein such person resides or has his or her principal place of business for judicial review of such regulation or order.

“(2) REQUIREMENTS.—

“(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court to the Secretary or other officer designated by the Secretary for that purpose.

“(B) RECORD OF PROCEEDINGS.—With respect to an action under paragraph (1), the Secretary shall file in the court the record of the proceedings on which the Secretary based the Secretary's regulation or order and each record or order shall contain a statement of the reasons for its issuance and the basis, on the record, for its issuance.

“(C) DEFINITION.—For purposes of this section, the term ‘record’ means all notices and other matter published in the Federal Register with respect to the regulation or order reviewed, all information submitted to the Secretary with respect to such regulation or order, proceedings of any panel or advisory committee with respect to such regulation or order, any hearing held with respect to such regulation or order, and any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

“(b) COURT MAY ORDER SECRETARY TO MAKE ADDITIONAL FINDINGS.—

“(1) IN GENERAL.—If the petitioner in an action under subsection (a)(1) applies to the court for leave to adduce additional data, views, or arguments respecting the regulation or order being reviewed and shows to the satisfaction of the court that such additional data, views, or arguments are material and that there were reasonable grounds for the petitioner's failure to adduce such data, views, or arguments in the proceedings before the Secretary, the court may order the Secretary to provide additional opportunity for the oral presentation of data, views, or arguments and for written submissions.

“(2) MODIFICATION OF OR ADDITIONAL FINDINGS.—The Secretary may modify the Secretary's findings, or make new findings by reason of the additional data, views, or arguments under paragraph (1) and shall file with the court such modified or new findings, and the Secretary's recommendation, if any, for the modification or setting aside of the regulation or order being reviewed, with the return of such additional data, views, or arguments.

“(c) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided in such chapter. A regulation or order described in paragraph (1) or (2) of subsection (a) shall not be affirmed if it is found to be unsupported by substantial evidence on the record taken as a whole.

“(d) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

“(e) OTHER REMEDIES.—The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

“(f) REGULATIONS AND ORDERS MUST RECITE BASIS IN RECORD.—To facilitate judicial review under this section or under any other provision of law or a regulation or order issued under section 906, 907, 908, 909, 910, or 914, each such regulation or order shall contain a statement of the reasons for its issuance and the basis, in the record of the proceedings held in connection with its issuance, for its issuance.

“SEC. 912. POSTMARKET SURVEILLANCE.

“(a) DISCRETIONARY SURVEILLANCE.—The Secretary may require a tobacco product manufacturer to conduct postmarket surveillance for a tobacco product of the manufacturer if the Secretary determines that postmarket surveillance of the tobacco product is necessary to protect the public health or is necessary to provide information regarding the health risks and other safety issues involving the tobacco product.

“(b) SURVEILLANCE APPROVAL.—Each tobacco product manufacturer required to conduct a surveillance of a tobacco product under subsection (a) shall, within 30 days after receiving notice that the manufacturer is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of useful data or other information necessary to protect the public health. The Secretary may not approve such a protocol until it has been reviewed by an appropriately qualified scientific and technical review committee established by the Secretary.

“SEC. 913. REDUCED RISK TOBACCO PRODUCTS.

“(a) REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of this section, the term ‘reduced risk tobacco product’ means a tobacco product designated by the Secretary under paragraph (2).

“(2) DESIGNATION.—

“(A) IN GENERAL.—A product may be designated by the Secretary as a reduced risk tobacco product if the Secretary finds that the product will significantly reduce harm to individuals caused by a tobacco product and is otherwise appropriate to protect public health, based on an application submitted by the manufacturer of the product (or other responsible person) that—

"(i) demonstrates through testing on animals and short-term human testing that use of such product results in ingestion or inhalation of a substantially lower yield of toxic substances than use of conventional tobacco products; and

"(ii) if required by the Secretary, includes studies of the long-term health effects of the product.

If such studies are required, the manufacturer may consult with the Secretary regarding protocols for conducting the studies.

"(B) BASIS FOR FINDING.—In making the finding under subparagraph (A), the Secretary shall take into account—

"(i) the risks and benefits to the population as a whole, including both users of tobacco products and non-users of tobacco products;

"(ii) the increased or decreased likelihood that existing users of tobacco products will stop using such products including reduced risk tobacco products;

"(iii) the increased or decreased likelihood that those who do not use tobacco products will start to use such products, including reduced risk tobacco products; and

"(iv) the risks and benefits to consumers from the use of a reduced risk tobacco product as compared to the use of products approved under chapter V to reduce exposure to tobacco.

"(3) MARKETING REQUIREMENTS.—A tobacco product may be marketed and labeled as a reduced risk tobacco product if it—

"(A) has been designated as a reduced risk tobacco product by the Secretary under paragraph (2);

"(B) bears a label prescribed by the Secretary concerning the product's contribution to reducing harm to health; and

"(C) complies with requirements prescribed by the Secretary relating to marketing and advertising of the product, and other provisions of this chapter as prescribed by the Secretary.

"(b) REVOCATION OF DESIGNATION.—At any time after the date on which a tobacco product is designated as a reduced risk tobacco product under this section the Secretary may, after providing an opportunity for an informal hearing, revoke such designation if the Secretary determines, based on information not available at the time of the designation, that—

"(1) the finding made under subsection (a)(2) is no longer valid; or

"(2) the product is being marketed in violation of subsection (a)(3).

"(c) LIMITATION.—A tobacco product that is designated as a reduced risk tobacco product that is in compliance with subsection (a) shall not be regulated as a drug or device.

"(d) DEVELOPMENT OF REDUCED RISK TOBACCO PRODUCT TECHNOLOGY.—A tobacco product manufacturer shall provide written notice to the Secretary upon the development or acquisition by the manufacturer of any technology that would reduce the risk of a tobacco product to the health of the user for which the manufacturer is not seeking designation as a 'reduced risk tobacco product' under subsection (a).

"SEC. 914. EQUAL TREATMENT OF RETAIL OUTLETS.

"The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

"SEC. 915. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.

"(a) JURISDICTION.—

"(1) IN GENERAL.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

"(2) ENFORCEMENT.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Youth Smoking Prevention and Public Health Protection Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) and shall be considered a violation of a rule promulgated under section 18 of that Act (15 U.S.C. 57a).

"(b) COORDINATION.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402)—

"(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

"(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

"SEC. 916. CONGRESSIONAL REVIEW PROVISIONS.

"In accordance with section 801 of title 5, United States Code, the Congress shall review, and may disapprove, any rule under this chapter that is subject to section 801. This section does not apply to the regulations referred to in section 102 of the Youth Smoking Prevention and Public Health Protection Act.

"SEC. 917. REGULATION REQUIREMENT.

"(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 24 months after the date of enactment of the Youth Smoking Prevention and Public Health Protection Act, the Secretary, acting through the Commissioner of the Food and Drug Administration, shall promulgate regulations under this Act that meet the requirements of subsection (b).

"(b) CONTENTS OF RULES.—The regulations promulgated under subsection (a) shall require the testing, reporting, and disclosure of tobacco product smoke constituents and ingredients that the Secretary determines should be disclosed to the public in order to protect the public health. Such constituents shall include tar, nicotine, carbon monoxide, and such other smoke constituents or ingredients as the Secretary may determine to be appropriate. The regulations may require that tobacco product manufacturers, packagers, or importers make such disclosures relating to tar and nicotine through labels or advertising, and make such disclosures regarding other smoke constituents or ingredients as the Secretary determines are necessary to protect the public health.

"(c) AUTHORITY.—The Food and Drug Administration shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product smoke constituents.

"SEC. 918. PRESERVATION OF STATE AND LOCAL AUTHORITY.

"(a) ADDITIONAL REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products, including laws, rules, regulations, or other measures relating to or prohibiting the sale, distribution, possession, exposure to, or use of tobacco products by individuals of any age that are in addition to, or more stringent than, requirements established under this chapter. No provision of this chapter shall limit or otherwise affect any State, Tribal, or local taxation of tobacco products.

"(2) PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement applicable under the provisions of this chapter relating to performance standards, premarket approval, adulteration, misbranding, registration, reporting, good manufacturing standards, or reduced risk products.

"(B) EXCEPTION.—Subparagraph (A) does not apply to requirements relating to the sale, use, or distribution of a tobacco product including requirements related to the access to, and the advertising and promotion of, a tobacco product.

"(b) ADDITIONAL RESTRICTIONS ON UNDERAGE USAGE.—Nothing in this chapter shall be construed to prevent a Federal agency (including the Armed Forces), a State or a political subdivision of a State, or the government of an Indian tribe from adopting and enforcing additional measures that further restrict or prohibit tobacco product sale to, use by, and accessibility to individuals under the legal age of purchase established by such agency, State, subdivision, or government of an Indian tribe.

"(c) NO LESS STRINGENT.—Nothing in this chapter is intended to supersede any State, local, or Tribal law that is not less stringent than this chapter.

"(d) RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(e) WAIVERS.—Upon the application of a State or political subdivision thereof, the Secretary may, by regulation promulgated after notice and an opportunity for an oral hearing, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a requirement of such State or political subdivision applicable to a tobacco product if—

"(1) the requirement is more stringent than a requirement applicable under the provisions described in subsection (a)(1) which would be applicable to the tobacco product if an exemption were not in effect under this subsection; or

"(2) the requirement—

"(A) is required by compelling local conditions; and

"(B) compliance with the requirement would not cause the tobacco product to be in violation of any applicable requirement of this chapter.

"SEC. 919. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the

Youth Smoking Prevention and Public Health Protection Act, the Secretary shall establish a 9-member advisory committee, to be known as the 'Tobacco Products Scientific Advisory Committee'.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in the medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

"(A) 3 individuals who are officers or employees of a State or local government, or of the Federal government;

"(B) 2 individuals as representatives of interests of the tobacco manufacturing industry;

"(C) 2 individuals as representatives of interests of physicians and other health care professionals; and

"(D) 2 individuals as representatives of the general public.

"(2) LIMITATION.—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex-officio members.

"(3) CHAIRPERSON.—The Secretary shall designate 1 of the members of the Advisory Committee to serve as chairperson.

"(c) DUTIES.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

"(1) as provided in this chapter;

"(2) on the effects of the alteration of the nicotine yields from tobacco products;

"(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

"(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

"(d) COMPENSATION; SUPPORT; FACA.—

"(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect for level 4 of the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

"(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Advisory Committee.

"(e) PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.".

SEC. 102. CONSTRUCTION OF CURRENT REGULATIONS.

(a) IN GENERAL.—The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (62 Fed. Reg. 44615-44618 beginning at "part 897") are hereby deemed to be lawful and shall have the same legal force and effect as if such regulations had been lawfully promulgated by the Secretary under chapter IX and section 701 of the Federal Food, Drug, and Cosmetic Act (as amended by this Act). Not later than 30 days after the date of enactment of this Act, the Secretary shall republish such regulations in the Federal Register. Such regulations shall take effect on the date that is 12 months after such date of enactment, except that the Secretary may designate an earlier effective date. The Secretary shall amend the designation of authority in such regulations in accordance with this subsection.

(b) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document entitled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents" (60 Fed. Reg. 41314–41372 (August 11, 1995)).

(2) The document entitled "Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act" (60 Fed. Reg. 41453–41787 (August 11, 1995)).

(3) The preamble to the final rule in the document entitled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (61 Fed. Reg. 44396–44615 (August 28, 1996)).

(4) The document entitled "Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination" (61 Fed. Reg. 44619–45318 (August 28, 1996)).

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.

(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting "tobacco product," after "device,";

(2) in subsection (b), by inserting "tobacco product," after "device,";

(3) in subsection (c), by inserting "tobacco product," after "device,";

(4) in subsection (e), by striking "515(f), or 519" and inserting "515(f), 519, or 909";

(5) in subsection (g), by inserting "tobacco product," after "device,";

(6) in subsection (h), by inserting "tobacco product," after "device,";

(7) in subsection (j), by striking "708, or 721" and inserting "708, 721, 904, 905, 906, 907, 908, or 909";

(8) in subsection (k), by inserting "tobacco product," after "device,";

(9) by striking subsection (p) and inserting the following:

"(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j), 510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(j)(2) or 905(j)(2).";

(10) by striking subsection (q)(1) and inserting the following:

"(q)(1) The failure or refusal—

"(A) to comply with any requirement prescribed under section 518, 520(g), 906(f), or 908;

"(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 906(f), or 909; or

"(C) to comply with a requirement under section 522 or 912.";

(11) in subsection (q)(2), by striking "device," and inserting "device or tobacco product,";

(12) in subsection (r), by inserting "or tobacco product" after "device" each time that it appears; and

(13) by adding at the end the following:

"(aa) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).".

(c) SECTION 303.—Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) by striking the subsection heading and inserting the following:

"(f) CIVIL PENALTIES; NO-TOBACCO-SALE ORDERS.—";

(2) in paragraph (1)(A), by inserting "or tobacco products" after "devices";

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), and inserting after paragraph (2) the following:

"(3) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1).";

(4) in paragraph (4) as so redesignated—

(A) in subparagraph (A)—

(i) by striking "assessed" the first time it appears and inserting "assessed, or a no-tobacco-sale order may be imposed,"; and

(ii) by striking "penalty" and inserting "penalty, or upon whom a no-tobacco-order is to be imposed,";

(B) in subparagraph (B)—

(i) by inserting after "penalty," the following: "or the period to be covered by a no-tobacco-sale order,"; and

(ii) by adding at the end the following: "A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order."; and

(C) by adding at the end, the following:

"(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.";

(5) in paragraph (5) as so redesignated—

(A) by striking "(3)(A)" as redesignated, and inserting "(4)(A)";

(B) by inserting "or the imposition of a no-tobacco-sale order" after "penalty" the first 2 places it appears; and

(C) by striking "issued." and inserting "issued, or on which the no-tobacco-sale order was imposed, as the case may be."; and

(6) in paragraph (6), as so redesignated, by striking "paragraph (4)" each place it appears and inserting "paragraph (5)".

(d) Section 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking "and" before "(D)"; and

(B) by striking "device." and inserting the following: ", (E) Any adulterated or misbranded tobacco product.";

(2) in subsection (d)(1), by inserting "tobacco product," after "device,";

(3) in subsection (g)(1), by inserting "or tobacco product" after "device" each place it appears; and

(4) in subsection (g)(2)(A), by inserting "or tobacco product" after "device" each place it appears.

(e) Section 702.—Section 702(a) (21 U.S.C. 372(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following:

"(2) For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with paragraph (1) to carry out inspections of retailers in connection with the enforcement of this Act.".

(f) Section 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting "tobacco product," after "device," each place it appears; and

(2) by inserting "tobacco products," after "devices," each place it appears.

(g) Section 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)(A), by inserting "tobacco products," after "devices," each place it appears;

(2) in subsection (a)(1)(B), by inserting "or tobacco product" after "restricted devices" each place it appears; and

(3) in subsection (b), by inserting "tobacco product," after "device,".

(h) Section 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting "tobacco products," after "devices,".

(i) Section 709.—Section 709 (21 U.S.C. 379) is amended by inserting "or tobacco product" after "device".

(j) Section 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting "tobacco products," after "devices," the first time it appears;

(B) by inserting "or subsection (j) of section 905" after "section 510"; and

(C) by striking "drugs or devices" each time it appears and inserting "drugs, devices, or tobacco products";

(2) in subsection (e)—

(A) in paragraph (1), by inserting "tobacco product," after "device,"; and

(B) by redesignating paragraph (4) as paragraph (5) and inserting after paragraph (3), the following:

"(4) Paragraph (1) does not apply to any tobacco product—

"(A) which does not comply with an applicable requirement of section 907 or 910; or

"(B) which under section 906(f) is exempt from either such section.

This paragraph does not apply if the Secretary has determined that the exportation of the tobacco product is not contrary to the public health and safety and has the approval of the country to which it is intended for export or the tobacco product is eligible for export under section 802.".

(k) Section 802.—Section 802 (21 U.S.C. 382) is amended—

(1) in subsection (a), by striking "device—" and inserting "device or tobacco product—";

(2) in subsection (a)(1)(C), by striking "and" after the semicolon;

(3) in subsection (a)(2), by striking subparagraph (C) and all that follows in that subsection and inserting the following:

"(C) is a banned device under section 516; or

"(3) which, in the case of a tobacco product—

"(A) does not comply with an applicable requirement of section 907 or 910; or

"(B) under section 906(f) is exempt from either such section,

is adulterated, misbranded, and in violation of such sections or Act unless the export of the drug, device, or tobacco product is, except as provided in subsection (f), authorized under subsection (b), (c), (d), or (e) of this section or section 801(e)(2) or 801(e)(4). If a drug, device, or tobacco product described in paragraph (1), (2), or (3) may be exported under subsection (b) and if an application for such drug or device under section 505, 515, or 910 of this Act or section 351 of the Public Health Service Act (42 U.S.C. 262) was disapproved, the Secretary shall notify the appropriate public health official of the country to which such drug, device, or tobacco product will be exported of such disapproval.";

(4) in subsection (b)(1)(A), by inserting "or tobacco product" after "device" each time it appears;

(5) in subsection (c), by inserting "or tobacco product" after "device" and inserting "or section 906(f)" after "520(g).";

(6) in subsection (f), by inserting "or tobacco product" after "device" each time it appears; and

(7) in subsection (g), by inserting "or tobacco product" after "device" each time it appears.

(l) Section 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(a)) is amended—

(1) by striking "and" after "cosmetics,"; and

(2) inserting a comma and "and tobacco products" after "devices".

(m) Effective Date for No-Tobacco-Sale Order Amendments.—The amendments made by subsection (c), other than the amendment made by paragraph (2) of such subsection, shall take effect only upon the promulgation of final regulations by the Secretary of Health and Human Services—

(1) defining the term "repeated violation", as used in section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) as amended by subsection (c), by identifying the number of violations of particular requirements over a specified period of time that constitute a repeated violation;

(2) providing for notice to the retailer of each violation at a particular retail outlet;

(3) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(4) establishing a period of time during which, if there are no violations by a particular retail outlet, that outlet will not considered to have been the site of repeated violations when the next violation occurs; and

(5) providing that good faith reliance on false identification does not constitute a violation of any minimum age requirement for the sale of tobacco products.

TITLE II—TOBACCO PRODUCT WARNINGS AND SMOKE CONSTITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

(a) In General.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

"SEC. 4. LABELING.

"(a) Label Requirements.—

"(1) In general.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

"WARNING: Cigarettes are addictive"
"WARNING: Tobacco smoke can harm your children"
"WARNING: Cigarettes cause fatal lung disease"
"WARNING: Cigarettes cause cancer"
"WARNING: Cigarettes cause strokes and heart disease"
"WARNING: Smoking during pregnancy can harm your baby"
"WARNING: Smoking can kill you"
"WARNING: Tobacco smoke causes fatal lung disease in non-smokers"
"WARNING: Quitting smoking now greatly reduces serious risks to your health"

"(2) Placement; typography; etc.—

"(A) In general.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Except as provided in subparagraph (B), each label statement shall comprise at least the top 25 percent of the front and rear panels of the package. The word "WARNING" shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(4).

"(B) Flip-top boxes.—For any cigarette brand package manufactured or distributed before January 1, 2000, which employs a flip-top style (if such packaging was used for that brand in commerce prior to June 21, 1997), the label statement required by paragraph (1) shall be located on the flip-top area of the package, even if such area is less than 25 percent of the area of the front panel. Except as provided in this paragraph, the provisions of this subsection shall apply to such packages.

"(3) Does not apply to foreign distribution.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

"(b) Advertising Requirements.—

"(1) In general.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a) of this section.

"(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) of this section in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word "WARNING" shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under paragraph (4) of this subsection. The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital "W" of the word "WARNING" in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that in the case of—

"(A) an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

"(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

"(3) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section or the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures, or to establish the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et. seq.). The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2) of this subsection. The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

"(4) MARKETING REQUIREMENTS.—

"(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

"(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

"(C) The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

"(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

"(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.".

(b) REPEAL OF PROHIBITION ON STATE RESTRICTION.—Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended—

(1) by striking "(a) ADDITIONAL STATEMENTS.—" in subsection (a); and

(2) by striking subsection (b).

SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 301 of this title, is further amended by adding at the end the following:

"(c) CHANGE IN REQUIRED STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the warning label statements required by subsection (a) of this section, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.".

SEC. 203. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

"SEC. 3. SMOKELESS TOBACCO WARNING.

"(a) GENERAL RULE.—

"(1) It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

"WARNING: This product can cause mouth cancer"

"WARNING: This product can cause gum disease and tooth loss"

"WARNING: This product is not a safe alternative to cigarettes"

"WARNING: Smokeless tobacco is addictive"

"(2) Each label statement required by paragraph (1) shall be—

"(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 25 percent of each such display panel; and

"(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

"(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

"(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

"(b) REQUIRED LABELS.—

"(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

"(2) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall—

"(A) comprise at least 20 percent of the area of the advertisement, and the warning area shall be delineated by a dividing line of contrasting color from the advertisement; and

"(B) the word "WARNING" shall appear in capital letters and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

"(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

"(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

"(C) The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

"(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

"(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

"(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.".

SEC. 204. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

Section 3 of, as amended by section 303 of this title, is further amended by adding at the end the following:

"(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the warning label statements required by subsection (a) of this section, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.".

SEC. 205. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(a)), as amended by section 301 of this title, is further amended by adding at the end the following:

"(4)(A) The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary's sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

"(B) Any differences between the requirements established by the Secretary under subparagraph (A) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

"(C) In addition to the disclosures.required by subparagraph (A) of this paragraph, the Secretary may, under a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product smoke constituent. Any such disclosure may be required if the Secretary determines that disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

AMENDMENTS SUBMITTED AND PROPOSED

SA 3847. Mr. LEAHY (for himself and Mr. HATCH) proposed an amendment to the bill H.R. 3275, to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

SA 3848. Mr. LEAHY (for himself and Mr. HATCH) proposed an amendment to the bill S. 1770, supra.

SA 3849. Mr. REID (for Mr. WELLSTONE (for himself and Mr. GRAHAM)) proposed an amendment to the bill S. Res. 283, recognizing the successful completion of democratic elections in the Republic of Colombia.

TEXT OF AMENDMENTS

SA 3847. Mr. LEAHY (for himself and Mr. HATCH) proposed an amendment to the bill H.R. 3275, to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

SEC. 101. SHORT TITLE.

This title may be cited as the "Terrorist Bombings Convention Implementation Act of 2001".

SEC. 102. BOMBING STATUTE.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332e the following:

"§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

"(A) with the intent to cause death or serious bodily injury, or

"(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss,

shall be punished as prescribed in subsection (c).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

"(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

"(1) the offense takes place in the United States and—

"(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

"(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

"(C) at the time the offense is committed, it is committed—

"(i) on board a vessel flying the flag of another state;

"(ii) on board an aircraft which is registered under the laws of another state: or

"(iii) on board an aircraft which is operated by the government of another state;

"(D) a perpetrator is found outside the United States;

"(E) a perpetrator is a national of another state or a stateless person; or

"(F) a victim is a national of another state or a stateless person;

"(2) the offense takes place outside the United States and—

"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a victim is a national of the United States;

"(C) a perpetrator is found in the United States;

"(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

"(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

"(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

"(G) the offense is committed on board an aircraft which is operated by the United States.

"(c) PENALTIES.—Whoever violates this section shall be punished as provided under section 2332a(a) of this title.

"(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

"(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

"(2) activities undertaken by military forces of a state in the exercise of their official duties; or

"(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

"(e) DEFINITIONS.—As used in this section, the term—

"(1) 'serious bodily injury' has the meaning given that term in section 1365(g)(3) of this title;

"(2) 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(3) 'state or government facility' includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

"(4) 'intergovernmental organization' includes international organization (as defined in section 1116(b)(5) of this title);

"(5) 'infrastructure facility' means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

"(6) 'place of public use' means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

"(7) 'public transportation system' means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

"(8) 'explosive' has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

"(9) 'other lethal device' means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents, or toxins (as those terms are defined in section 178 of this title) or radiation or radioactive material;

"(10) 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

"(11) 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

"(12) 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332e the following:

"2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.".

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

SEC. 103. EFFECTIVE DATE.

Section 102 shall take effect on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

TITLE II—SUPPRESSION OF THE FINANCING OF TERRORISM

SEC. 201. SHORT TITLE.

This title may be cited as the "Suppression of the Financing of Terrorism Convention Implementation Act of 2001".

SEC. 202. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

"§2339C. Prohibitions against the financing of terrorism

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

"(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

"(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

"(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

"(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

"(1) the offense takes place in the United States and—

"(A) a perpetrator was a national of another state or a stateless person;

"(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

"(C) on board an aircraft which is operated by the government of another state;

"(D) a perpetrator is found outside the United States;

"(E) was directed toward or resulted in the carrying out of a predicate act against—

"(i) a national of another state; or

"(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

"(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

"(G) was directed toward or resulted in the carrying out of a predicate act—

"(i) outside the United States; or

"(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

"(2) the offense takes place outside the United States and—

"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a perpetrator is found in the United States; or

"(C) was directed toward or resulted in the carrying out of a predicate act against—

"(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

"(ii) any person or property within the United States;

"(iii) any national of the United States or the property of such national; or

"(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

"(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

"(4) the offense is committed on board an aircraft which is operated by the United States; or

"(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

"(c) CONCEALMENT.—Whoever—

"(1)(A) is in the United States; or

"(B) is outside the United States and is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); and

"(2) knowingly conceals or disguises the nature, location, source, ownership, or control of any material support, resources, or funds—

"(A) knowing or intending that the support or resources were provided in violation of section 2339B of this title; or

"(B) knowing or intending that any such funds or any proceeds of such funds were provided or collected in violation of subsection (a);

shall be punished as prescribed in subsection (d)(2).

"(d) PENALTIES.—

"(1) SUBSECTION (A).—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

"(2) SUBSECTION (C).—Whoever violates subsection (c) shall be fined under this title, imprisoned for not more than 10 years, or both.

"(e) DEFINITIONS.—In this section—

"(1) the term 'funds' means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

"(2) the term 'government facility' means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

"(3) the term 'proceeds' means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

"(4) the term 'provides' includes giving, donating, and transmitting;

"(5) the term 'collects' includes raising and receiving;

"(6) the term 'predicate act' means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

"(7) the term 'treaty' means—

"(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

"(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

"(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

"(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

"(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

"(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

"(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

"(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

"(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

"(8) the term 'intergovernmental organization' includes international organizations;

"(9) the term 'international organization' has the same meaning as in section 1116(b)(5) of this title;

"(10) the term 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

"(11) the term 'serious bodily injury' has the same meaning as in section 1365(g)(3) of this title;

"(12) the term 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(13) the term 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.

"(f) CIVIL PENALTY.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least $10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

"2339C. Prohibitions against the financing of terrorism.".

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law.

SEC. 203. EFFECTIVE DATE.

Except for paragraphs (1)(D) and (2)(B) of section 2339C(b) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States, section 202 shall take effect on the date of enactment of this Act.

TITLE III—ANCILLARY MEASURES

SEC. 301. ANCILLARY MEASURES.

(a) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting "2332f," after "2332d,"; and

(2) striking "or 2339B" and inserting "2339B, or 2339C".

(b) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting "2332f (relating to bombing of public places and facilities)," after "2332b (relating to acts of terrorism transcending national boundaries),"; and

(2) inserting "2339C (relating to financing of terrorism," before "or 2340A (relating to torture)".

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A of title 18, United States Code, is amended by inserting "2332f," before "or 2340A".

(d) FORFEITURE OF FUNDS, PROCEEDS, AND INSTRUMENTALITIES.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.".

SA 3848. Mr. LEAHY (for himself and Mr. HATCH) proposed an amendment to the bill S. 1770, to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

SEC. 101. SHORT TITLE.

This title may be cited as the "Terrorist Bombings Convention Implementation Act of 2001".

SEC. 102. BOMBING STATUTE.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332e the following:

"§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

"(A) with the intent to cause death or serious bodily injury, or

"(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss,

shall be punished as prescribed in subsection (c).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

"(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

"(1) the offense takes place in the United States and—

"(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

"(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

"(C) at the time the offense is committed, it is committed—

"(i) on board a vessel flying the flag of another state;

"(ii) on board an aircraft which is registered under the laws of another state; or

"(iii) on board an aircraft which is operated by the government of another state;

"(D) a perpetrator is found outside the United States;

"(E) a perpetrator is a national of another state or a stateless person; or

"(F) a victim is a national of another state or a stateless person;

"(2) the offense takes place outside the United States and—

"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a victim is a national of the United States;

"(C) a perpetrator is found in the United States;

"(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

"(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

"(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

"(G) the offense is committed on board an aircraft which is operated by the United States.

"(c) PENALTIES.—Whoever violates this section shall be punished as provided under section 2332a(a) of this title.

"(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

"(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

"(2) activities undertaken by military forces of a state in the exercise of their official duties; or

"(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

"(e) DEFINITIONS.—As used in this section, the term—

"(1) 'serious bodily injury' has the meaning given that term in section 1365(g)(3) of this title;

"(2) 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(3) 'state or government facility' includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

"(4) 'intergovernmental organization' includes international organization (as defined in section 1116(b)(5) of this title);

“(5) ‘infrastructure facility’ means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

“(6) ‘place of public use’ means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

“(7) ‘public transportation system’ means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

“(8) ‘explosive’ has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

“(9) ‘other lethal device’ means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents, or toxins (as those terms are defined in section 178 of this title) or radiation or radioactive material;

“(10) ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

“(11) ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

“(12) ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332e the following:

“2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.”.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

SEC. 103. EFFECTIVE DATE.

Section 102 shall take effect on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

TITLE II—SUPPRESSION OF THE FINANCING OF TERRORISM

SEC. 201. SHORT TITLE.

This title may be cited as the “Suppression of the Financing of Terrorism Convention Implementation Act of 2001”.

SEC. 202. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

“§ 2339C. Prohibitions against the financing of terrorism

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

“(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

“(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

“(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

“(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

“(1) the offense takes place in the United States and—

“(A) a perpetrator was a national of another state or a stateless person;

“(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

“(C) on board an aircraft which is operated by the government of another state;

“(D) a perpetrator is found outside the United States;

“(E) was directed toward or resulted in the carrying out of a predicate act against—

“(i) a national of another state; or

“(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

“(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

“(G) was directed toward or resulted in the carrying out of a predicate act—

“(i) outside the United States; or

“(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

“(2) the offense takes place outside the United States and—

“(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

“(B) a perpetrator is found in the United States; or

“(C) was directed toward or resulted in the carrying out of a predicate act against—

“(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

“(ii) any person or property within the United States;

“(iii) any national of the United States or the property of such national; or

“(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

“(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

“(4) the offense is committed on board an aircraft which is operated by the United States; or

“(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

“(c) CONCEALMENT.—Whoever—

“(1)(A) is in the United States; or

“(B) is outside the United States and is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); and

“(2) knowingly conceals or disguises the nature, location, source, ownership, or control of any material support, resources, or funds—

“(A) knowing or intending that the support or resources were provided in violation of section 2339B of this title; or

“(B) knowing or intending that any such funds or any proceeds of such funds were provided or collected in violation of subsection (a);

shall be punished as prescribed in subsection (d)(2).

“(d) PENALTIES.—

“(1) SUBSECTION (A).—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

“(2) SUBSECTION (C).—Whoever violates subsection (c) shall be fined under this title, imprisoned for not more than 10 years, or both.

“(e) DEFINITIONS.—In this section—

“(1) the term ‘funds’ means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

“(2) the term ‘government facility’ means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

“(3) the term ‘proceeds’ means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

“(4) the term ‘provides’ includes giving, donating, and transmitting;

“(5) the term ‘collects’ includes raising and receiving;

“(6) the term ‘predicate act’ means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

“(7) the term ‘treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

"(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

"(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

"(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

"(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

"(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

"(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

"(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

"(8) the term 'intergovernmental organization' includes international organizations;

"(9) the term 'international organization' has the same meaning as in section 1116(b)(5) of this title;

"(10) the term 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

"(11) the term 'serious bodily injury' has the same meaning as in section 1365(g)(3) of this title;

"(12) the term 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(13) the term 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.

"(f) Civil Penalty.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least $10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

"2339C. Prohibitions against the financing of terrorism.".

(c) Disclaimer.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law.

SEC. 203. EFFECTIVE DATE.

Except for paragraphs (1)(D) and (2)(B) of section 2339C(b) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States, section 202 shall take effect on the date of enactment of this Act.

TITLE III—ANCILLARY MEASURES

SEC. 301. ANCILLARY MEASURES.

(a) Wiretap Predicates.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting "2332f," after "2332d,"; and

(2) striking "or 2339B" and inserting "2339B, or 2339C".

(b) Federal Crime of Terrorism.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting "2332f (relating to bombing of public places and facilities)," after "2332b (relating to acts of terrorism transcending national boundaries),"; and

(2) inserting "2339C (relating to financing of terrorism," before "or 2340A (relating to torture)".

(c) Providing Material Support to Terrorists Predicate.—Section 2339A of title 18, United States Code, is amended by inserting "2332f," before "or 2340A".

(d) Forfeiture of Funds, Proceeds, and Instrumentalities.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.".

SA 3849. Mr. REID (for Mr. Wellstone (for himself and Mr. Graham)) proposed an amendment to the bill S. Res. 283, recognizing the successful completion of democratic elections in the Republic of Colombia; as follows:

On page 2, line 8, strike "their continuing" and insert "encourages their".

On page 3, line 18, strike "to continue".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet for a hearing on "Newborn Screening: Increasing Options and Awareness," during the session of the Senate on Friday, June 14, 2002, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Madam President, I ask unanimous consent that Steven Dettelbach, a detailee to the Judiciary Committee, be granted the privilege of the floor during consideration of the pending matter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNIZING SUCCESSFUL COMPLETION OF DEMOCRATIC ELECTIONS IN THE REPUBLIC OF COLOMBIA

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 420, S. Res. 283.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 283) recognizing the successful completion of democratic elections in the Republic of Colombia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the Wellstone amendment, which is at the desk, be agreed to; that the resolution, as amended, be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3849) was agreed to, as follows:

On page 2, line 8, strike "their continuing" and insert "encourages their".

On page 3, line 18, strike "to continue".

The resolution (S. Res. 283), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 283

Whereas on May 26, 2002, the Republic of Colombia successfully completed democratic multiparty elections for President and Vice President;

Whereas these elections were deemed by international and domestic observers, including the United Nations and the Organization of American States, to be free, fair, and a legitimate nonviolent expression of the will of the people of the Republic of Colombia;

Whereas the United States has consistently supported the efforts of the people of the Republic of Colombia to strengthen and continue their democracy;

Whereas the Senate notes the courage of the millions of citizens of the Republic of Colombia that turned out to vote in order to freely and directly express their opinion; and

Whereas these open, fair, and democratic elections of the new President and Vice President of the Republic of Colombia, and the speedy posting of election results, should be broadly commended: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the government and the people of the Republic of Colombia for the successful completion of democratic elections held on May 26, 2002, for President and Vice President;

(2) congratulates President-elect Alvaro Uribe Velez and Vice President-elect Francisco Santos Calderon on their recent victory and encourages their strong commitment to democracy, national reconciliation, and reconstruction;

(3) congratulates Colombian President Andres Pastrana, who has been a strong ally of the United States, a long-standing supporter of peace process negotiations, and a builder of national unity in the Republic of Colombia, for his personal commitment to democracy;

(4) commends all Colombian citizens and political parties for their efforts to work together to take risks for democracy and to willfully pursue national reconciliation in order to cement a lasting peace and to strengthen democratic traditions in the Republic of Colombia;

(5) supports Colombian attempts to—

(A) ensure democracy, national reconciliation, and economic prosperity;

(B) support human rights and rule of law; and

(C) abide by all the essential elements of representative democracy as enshrined in the Inter-American Democratic Charter, Organization of American States, and United Nations principles;

(6) encourages the government and people of the Republic of Colombia to continue their struggle against the evils of narcotics and all forms of terrorism;

(7) encourages the government of the Republic of Colombia to promote—

(A) the professionalism of the Colombian Armed Forces and Colombian National Police; and

(B) judicial and legal reforms; and

(8) reaffirms that the United States is unequivocally committed to encouraging and supporting democracy, human rights, rule of law, and peaceful development in the Republic of Colombia and throughout the Americas.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 1:30 P.M.

Mr. REID. Madam President, I ask unanimous consent that the RECORD remain open today until 1:30 p.m., notwithstanding the adjournment of the Senate, for the submission of statements and the introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 17, AND TUESDAY, JUNE 18, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 2 p.m. on Monday, June 17; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the terrorism insurance bill; that when the Senate completes its business on Monday, it stand in adjournment until Tuesday, June 18, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the terrorism insurance bill, with the time until 9:45 a.m. equally divided between the two managers of the bill for debate only, prior to the cloture vote on the terrorism insurance bill; furtner, that the live quorum with respect to the cloture motion be waived; that Senators have until 3 p.m. on Monday to file first-degree amendments and until 9:40 a.m. on Tuesday to file second-degree amendments; and that the Senate stand in recess on Tuesday, June 18, from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the statements of Senator BYRD of West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

NATIONAL FLAG DAY

Mr. BYRD. Madam President, the first national observance of Flag Day occurred on June 14, 1877, when Congress ordered that the flag be flown over public buildings every June 14. June 14 officially became National Flag Day when President Truman signed an act of Congress on August 3, 1949. This year marks the 225th anniversary of the signing of the Flag Act resolution on June 14, 1777. What a historic day this is, June 14. The resolution was a model of simplicity in just 32 words:

> Resolved that the flag of the United States be made of 13 stripes, alternative red and white; that the Union be 13 stars, white in a blue field, representing a new constellation.

Thus, was our national flag established. The last phrase "representing a new constellation" carries tremendous weight in just four words. The new United States of America was truly a new constellation in the firmament of nation states, and it blazes just as brightly today, 225 years later.

The poet, Joseph Rodman Drake, said it best, in the "American Flag."

> When freedom from her mountain height
> Unfurled her standard to the air,
> She tore the azure robe of night,
> And set the stars of glory there.
> She mingled with its gorgeous dyes
> The milky baldric of the skies.
> Then from his mansion in the sun
> She called her eagle bearer down,
> And gave into his mighty hand
> The symbol of her chosen land.

So our flag, our standard, is known throughout the world and beyond. No other flag flies on the face of the Moon. Our flag is instantly recognizable in every capital and in the emptiest quarters of the world. Even those who revile that flag, even those who would attack that flag in our Nation, recognize America's dominant, even preeminent, role in world affairs, symbolized by that flag.

There it stands. For over 200 years, the American flag has led the way. It took us west to California, a great State—one of whose Senators at this moment presides over the Senate with a degree of decorum, aplomb and dignity that is so rare as a day in June.

Yes, it took us west to California, north to Alaska. It led brave men to the North and South Poles. It has flown atop Mount Everest. It has been emblazoned in the sides of deep-diving submarines. It has led charges. It has held fast against terrible odds, and it has risen from the ashes to soar over Iwo Jima and the World Trade Towers. In every bleak hour, the snap and the crack of that mighty banner has rallied our courage and given us hope.

Without words, the American flag instantly sums up all that is best about our Nation: Our courage, our leadership, our generosity, our determination, our freedom.

That first Flag Act forever shaped our flag, but in the early years of the Nation, several variations existed for the Flag Act was not precise about the exact arrangement of the stars. As new States joined the Union, additional stripes, as well as additional stars, were added to the flag.

An act passed in 1794, for example, provided for 15 stripes and 15 stars after May 1795. By 1818, the flag was growing unwieldy, and a subsequent act of April 4, 1818, signed by President Monroe, provided for 13 stripes for the original 13 colonies and one star for each State to be added to the flag on the 4th of July following admission of each new State to the Union.

Almost a century later on June 24, 1912, which is the year the great Titanic went down—1,570 people lost their lives that year on April 15, 1912—an Executive Order of President Taft established the proportion of the flag and set the arrangement of the stars in six horizontal rows of eight each, a single point of each star to be upward.

The continued expansion of the United States required further modification to the flag, and an Executive Order of President Eisenhower, dated January 3, 1959—I was here at that time—provided for the arrangement of the stars in seven rows of seven stars each staggered horizontally and vertically.

A quick schoolchild who knows his or her multiplication table, sometimes referred to as the times table, knows that 7 times 7 is 49.

With the addition of Hawaii to the Union in 1959, a further Executive Order on August 21, 1959, was required to establish the flag as we know it today with the stars in nine rows staggered horizontally, and 11 rows staggered vertically.

Will the flag change again as it has in the past? I do not know. But some things will never change. The love and respect that patriotic Americans have for this chosen symbol of our native land will never die, so long as the Government remains true to the spirit and the words of this Constitution, which I hold in my hand.

Equally immutable is the power of our flag to lift our hopes and our morale. The blossoming of flags across the Nation on and after September 11 has proved that Old Glory, Old Glory, Old Glory, the Stars and Stripes, by any name, is our own beloved flag. And there it stands in all its glory, beside the Presiding Officer of the Senate.

Madam President, hats off to the flag! That is the appropriate response to the sight of an American flag passing by. To my mind, no one has ever said it better than Henry Holcomb Bennett, in his stirring poem "The Flag Goes By." Let it be my salute and birthday salutation to the American flag. Long my she wave!

THE FLAG GOES BY

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land-fights, grim and great,
Fought to make and save the State:
Weary marches and sinking ships;
Cheers of victory on dying lips;

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right, and law,
Stately honor and reverend awe;

Sign of a nation, great and strong
To ward her people from foreign wrong:
Pride and glory and honor,—all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high:
Hats off!
The flag is passing by!

FATHER'S DAY

Mr. BYRD. Madam President, the Bible commands us to "honor thy father and thy mother." Last month, we honored mothers. It was mother's day. This month, this Sunday, it is the fathers' turn. On that day, we honor men in their role as fathers, not as any of the many other titles they may wear: not for their accomplishments at work, though that is how many men define themselves; not for their accomplishments at home that are not family related, such as in their role as gardeners or home builders or mechanics; but as fathers.

Fatherhood requires no special training, no advanced degree, but it does require a long commitment and a considerable level of effort. It is not always easy. It requires a certain warmth. It is not for the faint-hearted or the self-centered. Though it has its hero moments, it is not a popularity contest. As a father, a man will hunt buggers, as they used to say; buggers or monsters in closets on dark nights, investigate all strange sounds, and kill a lot of bugs and spiders. Just ask any father. He will be expected to know how to make volcanoes out of plaster of Paris and 2-liter soda bottles. He will become the instant authority in all manner of arcane subjects like sports rules. He will become the ultimate authority in all matters of discipline. Father will set, and enforce, limits and intimidate all prospective suitors of his daughters. He becomes the man by whom all other men are judged. It is difficult to over-estimate the importance of a father figure.

If you ask a child what he or she likes best about their father, they likely will not mention the father's job. They won't comment on how nicely he mows the lawn, or how the car gleams, the chromium shines, those fenders which mirror themselves. It is more likely to be that dad makes funny faces—yes, that is what they will comment on, dad makes funny faces—plays catch, makes waffles on Saturday mornings, or gives pony rides on his shoulders. Maybe dad does a great cannonball jump into the pool, maybe he cooks the best hamburgers on the grill, or maybe he takes his kids fishing. It is those times that a father is most engaged with his children that makes a moment special to a child. As we grow older, we can appreciate the effort that fathers put into their jobs, so that they might provide for their families, but that appreciation only sweetens the treasured times when dad plays with his kids.

I have spoken many times about my dad. He was not my biological father. But he was my biological father's sister's husband. He and my aunt raised me as my mother died when I was a year old, a little less than a year old, in the great influenza epidemic of 1918.

I was just reading last night a Senate hearing by the Appropriations Committee on a resolution appropriating $1 million to fight influenza in 1918. That hearing was conducted in September of 1918. Less than 2 months later, my mother died of that influenza.

So she asked, per her wish, that my father's sister—he had eight or nine sisters, two or three brothers; there were large families in those days—my mother's wish was that one of my father's sisters who had married Titus Dalton Byrd take me, the baby. I had three older brothers and a sister, but take me, the baby, and rear that baby. And so because of a mother's wish, my uncle, Titus Dalton Byrd, and his wife, my aunt, Vlurma Byrd, took me to West Virginia from North Carolina, and there in the coal fields of West Virginia they reared me. They took care of me. They loved me. My memories are of that tall man, with a red mustache and the black hair, who went to the mines every day and worked hard for me and for his wife, my aunt—the only mother I ever knew. And he was the only father I ever knew.

As a matter of fact, I didn't know that he wasn't my father until I was a high school senior. In that year, 1934, this man whom I called my dad took me and sat me down and told me the story of how the influenza had taken away my angel mother and how he and his wife, whom I knew as my mom, had taken me as an infant, just a few days under 1 year old, and raised me.

And I can remember him, that old coal miner, honest as the day is long. He had no enemies. When he died, he didn't owe any man a penny. He was honest, as I say, as the day is long. He worked hard in the bowels of the Earth.

I never heard him use God's name in vain in all the years that I was with him—never. I never heard him talk about his neighbor. I never saw him sit down at the table and grumble at whatever was on the table, whatever it was—never, ever a grumble.

As I say, I didn't know for a long time that Titus Dalton Byrd was not my father. I called him Pap. He was my dad.

He was a quiet, hard-working man, worn down by the strenuous life of a coal miner in the days before the mechanized and much safer practices of modern mining. He would come home—I see the coal dust sometimes in his eyes. I see him coming down the railroad tracks. I see him coming home from a hard day's work in the mines.

Many times in those mines the roof was so low that the miners had to walk on their knees. They had knee pads and they would walk on their knees, sometimes working in waterholes, lifting that slate and lifting the shovels of coal and heaving them into the coal car. They worked hard.

There was little hope for them, not much to look forward to in that coal miner's life. Day after day, day after day, the same old grind, lifting that coal, shoveling that coal into the coal car.

I would see him coming down the railroad tracks from afar. I would run to meet him. As I came to him, I could see that tall man with the red mustache and the black hair set down his dinner pail on a crosstie. As I came near, he would lift off the lid from that dinner pail. And when I came up to him, he would reach into that dinner pail and bring out a cake that my mom had bought, a 5-cent cake—a 5-cent cake from the company store. He had taken it to work. He had taken it to eat for himself, but he didn't eat it. He always saved the cake for me. He always saved the cake for me.

What a man that was. I have met Presidents and Governors and Senators, Members of Congress and Kings and Shahs and Ambassadors—all the great people of the Earth. In my time as majority leader, I met with the Shah of Iran, the old Biblical country of Persia, just a few weeks before he left Iran forever. I met with him in his palace, just he and I and his wife and my wife.

I met with the King of Saudi Arabia, the great royal family of Saudi Arabia. I met with President Sadat, one on one. I met with Prime Minister Begin of Israel; President Assad of Syria; the King of Jordan. I knew the King's father. I met with Vice Premiere Deng, the real leader in Communist China. I met with President Brezhnev, down in the Crimea, just he and I sitting across the table, he with one person who was an interpreter, I with an interpreter and one assistant, that was all, sitting down, in the Crimea. Brezhnev, he reminded me of an old county commissioner back in West Virginia. I bet there are some of those county commissioners in Missouri, just oldtimers, people of the soil, people of the Earth.

So I met with these people: Margaret Thatcher, the King of Spain, I met with all this great array of world leaders.

Who was I? I was a country boy from southern West Virginia, a coal miner's son. But the greatest of all these people that I have met on Earth, one of the greatest—I knew he was great because I lived with him—the greatest was my old coal miner dad, coal miner dad.

Well, I would walk along with him, kind of feeling grown up, you see. Here I was, a little old boy. He saved me a cake and then I would walk on down to the house with him. I felt pretty grown up, walking with my dad.

So he always saved the cake for me. He never forgot to save me something. He would always give it to me with one of his quiet smiles. Those short walks were a special time just for us, and the memory of them gives me a warm feeling to this day.

I have no doubt that there is a Heaven. I have no doubt that in that Heaven right today is that mother who died on the evening before November 11, 1918. And because of her wish, I am here today. If it hadn't been for her wish, that I be taken by Titus Dalton Byrd and his wife, I probably would have grown up in North Carolina. It is hard to tell what I might have amounted to but because of a mother's wish.

My dad was the one who gave me pencils and paper, drawing books and watercolors at Christmas. He didn't give me a cowboy suit or a cap buster. He gave me drawing tablets and watercolors, urged me to learn how to draw and how to write and how to read. He was the one who bought a violin for me and encouraged me to play.

The fiddle was a big gift in a day and place where there wasn't much money for frills. I got a lot of enjoyment out of that fiddle playing. And because of that fiddle, I really had a political advantage, and I was advised by a Republican—as I told some of these fine pages here, earlier today—a Republican lawyer advised me to take that fiddle. He said: You take that fiddle, Bob, and everywhere you go you make that fiddle your briefcase. You play a tune or two and then you put that fiddle down and you give them a straight story on why you want to go to the West Virginia Legislature. And quote a little poem or two, but they will remember you because of that fiddle. Nobody else who is running can play a fiddle. They will remember you not because of the fiddle but because it got their attention and caused them to remember you. But it is what you say that really counts.

I ran my first campaign for elected office. I was an underdog. I was very young. I was unknown. I was untested. But my fiddle playing at campaign stops got people's attention and left them with a memory associated with my name. They were willing to listen to me talk as the price for getting to hear me play.

So in that way you could say that my dad helped me to win an election—my first election. He did, because he bought that fiddle for me. Without that fiddle, I wouldn't have won that first campaign, and probably wouldn't have been reelected when I ran for the West Virginia Senate. I had to go into additional counties, and I took the fiddle there. When I ran for the House of Representatives, there were additional counties. I took the fiddle around.

So that was what my dad gave me—that fiddle. It was because of his and my mother's wish, you see, that I am here today. It is how far I was influenced.

My dad also encouraged me in school. He did not want me to follow him into the mines. He knew the dangers too well. He had seen those dangers up close. He had seen too many of his fellow coal miners killed. He had seen the men on the floor of the house with a piece of canvass stretched over them who had been run over by a motor, or executed by a fallen cable, or killed by falling slate. He had seen those dangers up close. So he pushed me to do well in school. He wanted me to do well in school. He encouraged me. He always wanted to see that report card. And there was one category on the report card entitled "deportment." He always looked at that deportment. How well did Robert do in school? How well does he mind the teacher? Does he do what the teacher says? Is he a rowdy or is he not? He always watched that.

From him and from my aunt, I developed a love of learning that has lasted my whole life.

I was the first in all of my family—going back many generations to William Sayle who settled in Virginia in 1657 on the banks of the Rappahannock River. He was the ancient forbear of my father, my real father, my biological father—I was the first in my family, going all the way back to England, to go to college.

I am proud to say that my children and my children's children have excelled in challenging academic fields. My grandson, Frederick, is a physicist, following in his father's footsteps. I may be biased, but at the rate my family is going I wouldn't be surprised if one of my great-granddaughters won a Nobel Prize, thanks to the academic legacy inspired by my dad who himself had practically little or no schooling whatsoever.

I know he must look down and be proud of all of us, just as we strive to make him proud.

I have another grandson who is a physicist also, Darius. I have a grandson who is on one of the appropriations committees as a staff person. I have a granddaughter who works in the Senate. I have a granddaughter who lives in Leesburg. She is a wonderful granddaughter. These daughters of mine and the grandchildren and now three great-grandchildren—three are great-granddaughters—I have no doubt that they will win some Nobel Prize or something even more worthy.

I know that I am not alone today in cherishing the memories of my dad—the man who raised me. Nor am I alone in seeing the reach that a father's encouragement can have through many generations who cannot feel the warm touch of that long-gone father's smile. History books are replete with the stories of famous men and women who owed their start to some early encouragement from their fathers or their mothers.

Benjamin West, an early American painter, said, as I understand it, that he owed his becoming a great painter to his mother—his angel mother—who, when he was a little infant, a little child, came to her with his child's drawings of flowers and birds and showed his mother. She would take him upon her knee and say, Benjamin, you will grow up to be a great painter. And Benjamin West grew up to be a great painter. He said he was made a great painter by a mother's kiss. That is the way it is.

It is what we celebrate on Father's Day. It is not the work, it is not the accomplishments, it is not the titles, it isn't the bank account that bring children home to visit with their father and share a meal with him or send him a funny yet sentimental card. The moments of a father's love made manifest—these are the pieces of gold in memory's treasure chest. Those moments of joy, of laughter, of mutual pride at being in the same family make the labors of the week drop away like a heavy winter coat in the warm rays of the summer sun.

For myself, of course, and also for all fathers, I hope that this Sunday is filled with family and with laughter and with warm feelings. Let us all look upon, think upon, and remember our fathers and our father's father, and glory in their greatest and most lasting achievement—happy families.

Let us not forget that Biblical admonition, honor thy father and thy mother. We only have one of each. That is it. That is the sum total—only one.

I close with the words of an unknown who wrote the "Little Chap Who Follows Me."

I am sure that my dad, although he never had the luxury of sitting in a schoolroom reading that poem, the "Little Chap Who Follows Me," certainly in his life typified that poet's thought as a father who thinks of the "Little Chap Who Follows Me."

Many of the poems, like these simple little poems, have a message:

A careful man I ought to be;
A little fellow follows me;
I do not dare to go astray
For fear he'll go the self-same way.
I must not madly step aside,
Where pleasure's paths are smooth and wide,
And join in wine's red revelry
A little fellow follows me.

I cannot once escape his eyes;
Whate'er he sees me do, he tries—
Like me, he says, he's going to be;
The little chap who follows me.

He thinks that I am good and fine,
Believes in every word of mine;
The base in me he must not see,
The little chap who follows me.

I must remember as I go,
Through summer's sun and winter's snow,
I'm building for the years to be,
A little fellow follows me.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JUNE 17, 2002, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 o'clock p.m., Monday, June 17, 2002.

Thereupon, the Senate, at 12:47 p.m., adjourned until Monday, June 17, 2002, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 2002:

FARM CREDIT ADMINISTRATION

NANCY C. PELLETT, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 31, 2006, VICE ANN JORGENSEN, TERM EXPIRED.

CORPORATION FOR PUBLIC BROADCASTING

CHERYL FELDMAN HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE HEIDI H. SCHULMAN, TERM EXPIRED.

DEPARTMENT OF STATE

J. ANTHONY HOLMES, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

AURELIA E. BRAZEAL, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

W. SCOTT RAILTON, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2007, VICE GARY L. VISSCHER, TERM EXPIRED.

WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON JUNE 14, 2002, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

CHERYL FELDMAN HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 31, 2004, WHICH WAS SENT TO THE SENATE ON NOVEMBER 9, 2001.

EXTENSIONS OF REMARKS

IN HONOR OF PETER RINALDI AND THE ENGINEERS OF THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. NADLER. Mr. Speaker, there were many heroes on September 11th, and many more in the months that have followed. I rise today to pay tribute to the engineers of the Port Authority of New York and New Jersey, each of whom could tell you a different story about the difficult days and arduous work following September 11th. I would like to tell you a little about one Port Authority engineer, Peter Rinaldi, who joined his fellow New Yorkers in the tremendous rescue and recovery effort at Ground Zero. The following excerpt is from "American Ground: Unbuilding the World Trade Center," by William Langewiesche, published in the July/August 2002 edition of Atlantic Monthly.

> At age fifty-two, Rinaldi was an inconspicuous olive-skinned man with graying hair and a moustache, who observed the world through oversized glasses and had a quirky way of suddenly raising his eyebrows, not in surprise but as a prompt or in suggestion. He had grown up in the Bronx as the son of a New York cop, had gone to college there, and had married a girl he had met in high school. Though he and his wife had moved to the suburbs of Westchester County to raise their three sons, he had never cut his connection to the city, or quite shed his native accent. For twenty-eight years he had commuted to the World Trade Center, to offices in the North Tower, where he worked for the Port Authority of New York and New Jersey, deep within its paternal embrace and completely secure in his existence. There was an early warning in the terrorist bombing of 1993, which caught him in an elevator. Nonetheless, he was wholly unprepared for the destruction that followed in 2001. During the days after the attack, when to New York City officials the Port Authority seemed to have disappeared, it was hunkered down across the river in its New Jersey offices, suffering through a collective emptiness so severe that people themselves felt hollowed out. Peter Rinaldi felt it too, though he was far away at the time of the attack, vacationing with his wife, Audrey, on the Outer Banks of North Carolina.
>
> Back in New York . . . Rinaldi was assigned to New York City's recovery team . . . [and] given the job of supervising the consultants who had been brought in for the specialized belowground engineering. The underground, beneath the pile, was a wilderness of ruins, a short walk from the city but as far removed from life there as any place could be. It burned until January, and because it contained voids and weakened structures, it collapsed progressively until the spring. The job of mapping the chaos fell to a small team of about six engineers who did some of the riskiest work at the site, climbing through the crevices of a strange and unstable netherworld, calmly charting its conditions, and returning without complaint after major collapses had occurred.
>
> By mid-November only one important underground area remained to be explored—a place people called "the final frontier," located deep under the center of the ruins, at the foot of the former North Tower. It was the main chiller plant, one of the world's largest air-conditioning facilities—a two-acre chamber three stories high that contained seven interconnected refrigeration units, each the size of a locomotive and capable of holding up to 24,000 pounds of dangerous Freon gas.
>
> With the huge quantities potentially involved here, a sudden leak would fill the voids underground and spread across the surface of the pile, suffocating perhaps hundreds of workers caught out on the rough terrain and unable to move fast. To make matters worse, if the Freon cloud came into contact with open flames, of which there were plenty here, it would turn into airborne forms of hydrochloric and hydrofluoric acids and also phosgene gas, related to the mustard gas used during World War 1. Then it would go drifting. People accepted the danger. The standard advice, "Just run like hell," was delivered with a little shrug. Everyone knew that if the Freon came hunting for you at the center of the pile, you would succumb.
>
> Of all the people setting out now for the chiller plant, twenty men redefined by these ruins, the one who would have the greatest influence on the unfolding story was an obscure engineer, a lifelong New Yorker named Peter Rinaldi.

For twenty-eight years the World Trade Center was a second home to Peter Rinaldi. After its destruction, he and his fellow Port Authority employees worked "seven days a week, often fifteen hours a day" to make sure that those involved in the recovery effort would be safe, and to restore needed services, such as subway and commuter train service, to those returning to live and work in lower Manhattan. His leadership in the days following September 11th took him, on that day in November, into the debris of the World Trade Center, where it was determined that the Freon had vented and the recovery work could continue in relative safety.

Today, nine months after that horrible day, as we celebrate the lives of those we have lost and commemorate their heroism and bravery, we thank those who have given so much of themselves to the recovery of our great city. I would like to extend my thanks to the employees of the Port Authority of New York and New Jersey, each of whom has come to embody the spirit of public service to the city they have served so admirably.

U.S.-RUSSIA RELATIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. SMITH of New Jersey. Mr. Speaker, President Bush has returned from a successful summit in Moscow. As the Cold War recedes more and more into memory, our relations with Russia continue to improve, as they should. Russia has made a significant contribution to the struggle against terrorism since the attacks on the United States last September. While there remain serious differences in the area of human rights, foreign policy, and economics, we should welcome President Putin's "turn to the West" and encourage Russia to further integrate into an international community of mutual security, free trade, and democratic structures.

Nevertheless, over this summit banquet of warm words about the "new strategic relationship" looms a "Banquo's Ghost" of tragic and monumental proportions.

I refer to the war in Chechnya—the subject of a recent hearing of the Commission on Security and Cooperation in Europe, which I cochair—which continues to wreak havoc and death on combatants and non-combatants alike. The brutality of the so-called "anti-terrorist operation" of the Russian military has been amply documented by reputable Russian and international organizations. Bloody military "sweeps" of civilian areas, bestial "filtration camps" and "holding pits" have become hallmarks of what passes for Moscow's military strategy.

One month ago, the Helsinki Commission heard chilling testimony from Ms. Aset Chadaeva, a nurse from Chechnya who resided in a community near Grozny, Chechnya's capital. Ms. Chadaeva described an event in February 2000, when the Russian military carried out one of its most notorious "anti-terrorists" operations:

> Young Chechen men living in Chechnya today have two choices: to wage war or to wait for Russian soldiers to arrest or kill them. All three of my brothers were illegally detained by Russian servicemen. One of my brothers—officially classified as disabled because of his poor eyesight—was severely beaten by Russian soldiers in my presence. When I asked the soldiers why they were arresting him, they told me: "He's a Chechen! That's reason enough!" I treated women who had been raped by Russian soldiers, and I've also seen the bodies of women who had been killed after being raped. During both wars, I buried many dead. Bodies were left lying in the streets. I, my brothers, and my neighbors collected them so they wouldn't be eaten by dogs.

In February 2001, the remains of over fifty persons were found in a mass grave in a village located less than a mile from the Russian

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

military headquarters in Chechnya. Russian authorities attribute their deaths to Chechen partisans.

In 2000 and 2001, the UN Commission on Human Rights in Geneva condemned the widespread violence against civilians and alleged violations of human rights and humanitarian law" by Russian forces. I would note that even Chechen officials who have sided with Moscow in the conflict with the secessionist movement have criticized the reign of terror created by the Russian military in Chechnya. Unfortunately, efforts to have a resolution passed this year at the Human Rights Commission failed with allies and friends casting the swing votes either in opposition to the resolution offered by the European Union or abstaining. The United States does not currently have a seat on the Commission and thus was not voting.

A Human Rights Watch report of February 2002 entitled "Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations in Chechnya" describes the "sweeps" conducted by the Russian military in the summer of 2001:

> Troops rounded up several thousand Chechens, mostly without any form of due process, and took them to temporary military bases in or near the villages. According to eyewitnesses, soldiers extrajudicially executed at least eleven detainees, and at least two detainees "disappeared" in detention. . . . Twelve former detainees [gave] detailed testimony of torture and ill-treatment, including electric shocks, severe beatings, and being forced to remain in "stress position." Eyewitnesses also gave testimony about widespread extortion, looting, and destruction of civilian property.

Eventually, Russia's top military officer admitted that the troops had committed "widespread crimes." International revulsion against the conduct of these "sweeps" was so great that in March of this year, the Russian military introduced "Order No. 80," according to which "sweeps" are to be conducted "only in the presence of procurators but also of the local authorities and the organs of internal affairs," and local authorities are to be provided with a list of detainees. However, reports by human rights groups indicate that even these minimal requirements are not being observed on the ground. In a rare admission, the military commander in Chechnya has acknowledged that innocent people have disappeared during the "sweeps."

In October 2000, Human Rights Watch issued "Welcome to Hell," a vivid and horrifying description of arbitrary detention, torture and extortion in Chechnya. As described in the report, groups of Chechen non-combatants, usually men of military age, are detained on suspicion of participation or collaboration with Chechen guerrillas, and subjected to brutal and humiliating interrogations. This is the description of the procedure followed at the infamous Chernokozovo prison:

> Detainees at Chernokozovo were beaten both during interrogation and during nighttime sessions when guards utterly ran amok. During interrogation, detainees were forced to crawl on the ground and were beaten so severely that some sustained broken ribs and injuries to their kidneys, liver, testicles, and feet. Some were also tortured with electric shocks.

In many cases, a detainee was released only after relatives or a loved one paid a bribe to his captors. In other cases, the detainee simply disappeared. Chechnya is filled today with desperate souls seeking word of their missing loved ones who are presumed dead.

Even if the Russian Government manages to create a graveyard in Chechnya and call it peace, it will be a Pyrrhic victory, sowing the seeds of social disintegration in Russia. The prominent Russian journalist and military analyst Pavel Felgenhauer has written, "The complete impunity of the military leaders is leading to the moral decay of their subordinates." He concludes that "the war in Chechnya is serving to destroy both the armed forces and the [Russian] state."

Mr. Speaker, these comments should not be seen as an endorsement of Chechen separatism, and we must frankly admit that some Chechen partisans have been linked with international terrorist organizations who see Chechnya as a staging ground for "jihad" against Moscow. I am fully aware of the depredations visited upon the people of the North Caucasus by marauding kidnappers, highjackers and terrorists. According to press reports, some Chechen guerrillas have executed "traitors" who work for the pro-Moscow administration in Chechnya.

But this does not absolve the Government of Russia from having to live up to basic standards of conduct such as the Geneva Conventions and the Code of Conduct of the Organization for Security and Cooperation in Europe. "Anti-terrorist operations" and "territorial integrity" are not synonymous with waging total and barbaric war against one's own citizens.

How many more bodies will show up in mass graves? How many young Russian soldiers' bodies will be sent homes to grieving parents in Russia? How many more displaced persons will spend another winter in tents?

The Administration has called upon Chechnya's leadership to "immediately and unconditionally cut all contacts with international terrorist groups, while calling for "accountability for [human rights] violations on all sides," and a political solution to the conflict. I urge the Administration to continue to use every appropriate opportunity to condemn human rights violations in Chechnya, and impress upon Moscow the need for a just political solution. I trust that the return of the United States to the UN Human Rights Committee in Geneva will afford one more such opportunity.

The last leader of the Soviet Union, Mikhail Gorbachev, once called Afghanistan a "bleeding wound." Chechnya is now the "bleeding wound" for the Russian Federation. I say this as someone who wishes Russia and the people of Russia to prosper. The time for a cease-fire and serious negoitiations is at hand.

HONORING THE MEMORY OF FALLEN HEROES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. KIRK. Mr. Speaker, on Dec. 16, 1944, on a snowy battlefield known as "Hill 88" near the Belgian border with Germany, the Battle of the Bulge began. As the German army advanced, heavy casualties were sustained by the U.S. Army's 99th Division, Company C, forcing surviving G.I.'s to leave fallen comrades behind in shallow graves with only dog tags, sticks, and weapons to mark them. These soldiers were lost, but not forgotten, and after 57 years, six of the more than thirty soldiers designated as Missing in Action after the battle will be given the honor they deserve after sacrificing their lives for their country.

I want to recognize the extraordinary effort by veterans from the battle and a group of Belgian nationals, who worked together to find the remains of six MIA's. This search has spanned across several generations. In September of 1988, two young Belgians, Jean-Louis Seel and Philippe Speder, were digging in the Ardennes Forest when they discovered the remains of Private First Class Alphonse Sito of Baltimore, Maryland. This prompted William Warnock to compile a list of the 33 missing soldiers, which was published in the 99th Division Association news letter by Dick Byers, a seminal member of the 99th Division. Based on mail and data they received, Byers and Warnock prepared a map pinpointing the location where they believed the remains of Second Lieutenant L.O. Holloway could be found. After a two-day search in November 1990, Seel and Speder were successful in recovering Holloway's remains. His remains were returned to Texas at the Fort Sam Houston National Cemetery in September 1991.

The Holloway case convinced Vernon Swanson of Deerfield, Illinois, that the remains of his "foxhole buddy," Jack Beckwith, could be found. Swanson enlisted the cooperation of a wartime cohort, Byron Witmarsh, and set about the task of recovering the remains of their fallen comrades. Hoping to find Beckwith's remains, Swanson and Witmarsh joined forces with Byers, Seel, Speder, and Warnock in 1991. The group pored over records in the National Archives, the National Personnel Records Center, and the U.S. Army History Institute. An old map of the grave sites was found in Beckwith's Army file, however, an aerial photograph discovered in the National Archives proved to be the critical piece of information. It showed "88 Hill" in December 1944, from which Bill Warnock identified a grouping of trees where the grave sites were. Warnock then transferred the locations of the graves to modern topographic maps and the Belgians were on the hunt again for the remains. In April 2001, Seel decided to search an area that, to his amazement, turned up a dog tag which marked the grave site of Private David A. Read. Seel returned with Speder and two other members of the Belgian search team, Marc Marique and Luc Menestrey. On April 17, the remains of Jack Beckwith, Saul Kokotovich, and David Read were found. Over the next two days the Belgian search team labored to exhume the remains. Each of the dead was found with a single dog tag around his neck, rotted clothing, and boots. David Roth of the U.S. Army Mortuary Affairs activity was contacted and took possession of the remains to complete the official identification process.

Vernon Swanson vowed to someday return to recover the remains of his friend, Private

Jack Beckwith. Over the years he made many inquiries to fellow veterans of the battle, organized an international search team, and succeeded in finding lost soldiers in a forgotten corner of a vast woodland in Belgium. During the months of June and July the remains of all six comrades will find their final resting place in a cemetery of their families' choice. On June 8, 2002, burial ceremonies were held in Ada, Oklahoma for Private First Class Ewing Fidler. On Saturday, June 22, 2002 the remains of Private First Class Jack Beckwith, Private First Class Saul Kokotovich, and Sergeant Frederick Zimmerman will be laid to rest in the American Military Cemetery in Henri Chapelle, Belgium. Private First Class David Read will be buried in Arlington National Cemetery on July 18. Private First Class Stanley Larson will be returned to Rochelle, Illinois on July 22. I want to offer my thanks to the Department of Casualty and Mortuary Affairs and the American Battle Monuments Commission for their efforts, without which none of this would have been possible. I also want to honor the search team of the U.S. Army's 99th Infantry Division and the Belgian "Diggers" for their dedication and hard work in honoring the memory of these brave soldiers who made the ultimate sacrifice in the defense of the freedoms we enjoy. Above all, I want to thank Vernon Swanson for his determination not to leave his brothers-in-arms behind on the battlefield. His service and that of his comrades are the reason why we live in a free society today.

A TRIBUTE TO MR. WILLIAM F. GREEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Mr. William F. Green for his commitment to health care.

Mr. William F. Green has spent almost 35 years of creating, implementing and enhancing medical programs and services for the underserved. After a distinguished tour of duty in the United States Marine Corps, Mr. Green pursued an undergraduate degree in sociology. Recognizing the need to strengthen and integrate health care and business systems, he later obtained Masters Degrees in both business and social work.

He has also held many Executive Health Care Administrator positions in various hospitals including St. Mary's Hospital, St. John's Hospital, and the Interfaith Medical Center. He was named Vice-President of Ambulatory Services at Wyckoff Heights Medical Center and later took the position of Vice-President of External Affairs and Government Relations.

Mr. Green is a member of many professional associations such as the American College of Hospital Administrators, National Association of Black Health Executives, and the Royal College of Health Administrators.

Mr. Speaker, Mr. William F. Green is devoted to improving community health and advancing the health profession. I hope that all my colleagues will join me in honoring this remarkable person.

TRIBUTE TO DAVID MARCH

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. McKEON. Mr. Speaker, I rise in support of a resolution to honor the remarkable life of David March, a Los Angeles County Deputy Sheriff killed in the line of duty.

On May 1, 2002, during a seemingly routine traffic stop, Deputy March, a 33-year-old husband and stepfather was shot and killed.

Deputy March's life is that of a true American Hero. Even as a high school football and baseball star, his life long dream was to serve his fellow man through a career in law enforcement.

During his seven years of service, Deputy March garnered the admiration and respect of his superiors and subordinates.

A week before he was shot, Deputy March wrote these words to a friend in the Department.

I feel I give a full days work when I'm here. My contacts with the public are positive. Most of all, I have learned to enjoy what I am doing. My goals are simple. I will always be painfully honest, work as hard as I can, learn as much as I can and hopefully make a difference in people's lives.

May the tragedy of David March's death never overshadow the glory of his life.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. MENENDEZ. Mr. Speaker, because of duties I was required to perform, pursuant to State statute, as Democratic county chairman in my district, I was unable to be present for votes after 1:30 p.m. on June 12, 2002.

On rollcall No. 223, had I been present, I would have voted "yes."

On rollcall No. 224, had I been present, I would have voted "yes."

On rollcall No. 225, had I been present, I would have voted "no."

REFUGEES FIRST

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I recently read an op-ed in the Israeli paper, Ha'aretz, entitled Refugees First written by Dr. Avi Becker, the Secretary-General of the World Jewish Congress. In the article, Dr. Becker discusses the role of the United Nations Relief and Works Agency, UNRWA, for Palestinian refugees. The article brings to light how these refugee camps are coming under control of the Palestinian Liberation Organization and being converted to "military bastions", a strict violation of U.N. policy. The Palestinian refugees of the UNRWA refugee camps are suffering and have not been offered a rehabilitation program to rebuild their communities outside these camps. The United Nations and the international community must reform their current policies on these camps and formulate a new humanitarian vision that will benefit the Palestinians within these camps and elsewhere. I strongly recommend that my colleagues read the following article.

REFUGEES FIRST

It is revealing that only after the Arab/UN abortive attempt to send a fact-finding committee to Jenin, questions have been raised in the international media about the role of the UN Relief and Works Agency for Palestinian Refugees (UNRWA). Several articles in the American media have asked bluntly: "What exactly is the UN doing in its refugee camps (with our money)?" The United States today finances more than one-fourth of UNRWA's operations, about $90 million, annually. Some Arab oil countries give together less than $5 million annually, while Iraq and Libya pledge nothing.

Since the current mandate of UNRWA runs through June 30, 2002, it is essential to review and reassess the role of this UN agency. UNRWA, according to its self-proclaimed mission described in its Web site, does not aim to solve the problem of the refugees. While all of the world's refugees are dealt with by the UN High Commissioner of Refugees (UNHCR) who is charged with working for their ultimate rehabilitation, UNRWA, which had existed for more than 50 years, was never meant to actually solve the problem of the Palestinian refugees but rather to perpetuate it.

Under the auspices of UNRWA, some major principles of international law are violated. In 1998, the UN Security Council affirmed the "unacceptability of using refugee camps and other persons in refugee camps . . . to achieve military purposes," a commitment which was immediately confirmed by UN Secretary General Kofi Annan in a 1998 report to the Security Council, in which he urged that "[r]efugee camps. . . be kept free of any military presence or equipment, . . . and that the neutrality of the camps . . . [be] scrupulously maintained." It is therefore important to apply the same principles in the case of the UNRWA camps.

In 1976, the Lebanese ambassador to the UN Edward Ghorra warned the international community of the fact that UNRWA camps in Lebanon had been taken over by terrorist organizations. In his letter to the then UN secretary-general, Kurt Waldheim, the ambassador said that "the Palestinians acted as if they were a state within the State of Lebanon . . . . They transformed most, if not all, of the refugee camps into military bastions . . . in the heart of our commercial and industrial centers, and in the vicinity of large civilian conglomerations." (The letter was published as an official UN document.)

In reality, UNRWA camps, with 17,000 employees, had come under PLO control, and under the UN flag they were functioning, for all intents and purposes, as military camps. In October of 1982, UNRWA released a most comprehensive report, which related in great detail that its educational institute at Sibleen, near Beirut, was in reality a military training base for PLO fighters, with extensive military installations and arms warehouses.

The forthcoming renewal of UNRWA's mandate must be used to put pressure on the UN agency to begin a reform plan which will prepare the ground for its future integration with the UN High Commission on Refugees. Thus, in preparation for the decision on the mandate renewal, UNRWA must be asked to develop reliable and viable policies on two fronts: to enforce the ban, required under both international law and UN policy, against using their camps for military and terrorist purposes, and to draft a rehabilitation program which will build new neighborhoods for refugees outside the camps, wherever they are located.

The tragedy of the Palestinians cannot be addressed by existing UN policies and practices. Any comprehensive peace plan dealing with Israeli withdrawal and new borders with a Palestinian state must include as a major component a thorough political and humanitarian solution for the Palestinian refugees. While the borders and security arrangements are obviously issues that need to be concluded, the refugees' situation must be addressed first, and a realistic practical solution must be developed which is based on dealing with the real conditions of their daily lives. The issue of the Palestinian "right of return" cannot be left in limbo, looming over every peace initiative, including the most recent Saudi one, which did not address the refugee issue clearly.

Polls taken in Israel in recent days show that a significant majority of the Israeli public is prepared to accept the establishment of a Palestinian state, the dismantling of settlements and the making of far-reaching compromises for a sincere peace. As stated by President Bill Clinton on July 28, 2000, the refugee problem in the Middle East is two-sided, and includes the Jews from Arab lands "who came to Israel because they were made refugees in their own land." The Jewish post-1948 refugees, whose number was about the same as that of the Palestinian refugees from the same period, were resettled and rehabilitated in their new home—Israel. The Palestinians of the UNRWA refugee camps have not been offered any form of rehabilitation anywhere, and this is precisely the reason that the camps have become the incubators for so many suicide bombers. Thus, a peaceful resolution of the conflict continues to be stymied by the violent consequences of a decades-old policy of deliberately neglecting the Palestinian refugee problem and of deferring its resolution until some far-off future date. Today, for the sake of peace, the UN and the international community must reverse their long-standing and destructive Palestinian refugee policies and offer a dramatic and new humanitarian vision to the Palestinian refugees in the UNRWA camps and elsewhere.

A TRIBUTE TO COLONEL JAMES W. DELONY OF THE UNITED STATES ARMY CORPS OF ENGINEERS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I rise today and honor Colonel James W. DeLony of the United States Army Corps of Engineers. On June 13, 2002, Colonel DeLony retired after serving the people of this great nation for over twenty-eight years.

James DeLony was a decorated officer, who spent his career ensuring that the freedoms the United States holds dear are protected. Throughout his illustrious career, Colonel DeLony was honored with the Legion of Merit Award, Bronze Star Medal, five Meritorious Service Medals, two Army Commendation Medals, two National Defense Service Medals, Joint Meritorious Unit Award, Saudi Arabia/Kuwait Liberation Medal, two Humanitarian Service Awards, Senior Parachutist Badge, Air Assault Badge, and the Ranger Tab.

As Commander of the Wilmington District United States Army Corps of Engineers, Colonel DeLony continued to serve the people by managing many civil works projects in southeastern North Carolina. Without the dedication and determination of Colonel DeLony, many of these projects would not have been possible. From the Wilmington Port to the Brunswick, New Hanover, and Pender County beaches, his commitment has been unwavering and steadfast.

We owe Colonel James W. DeLony our sincere appreciation for his twenty-eight years of committed service to our nation. His devotion to the people of the United States should serve as an example to us all.

May God bless him and his family, and may God bless this great nation.

PERMANENT DEATH TAX REPEAL ACT OF 2002

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. TIAHRT. Mr. Speaker, all across this country moms and dads are striving to provide a bright future for their children. Parents who own small businesses or family farms put years of sweat and blood into making them prosper so they will have something to leave behind for their children. Here in America, dreams really do come true as individuals work hard to achieve great success. But here in America, we are also cursed by an offensive tax penalty that often forces families to lose these small businesses and family farms.

Last year when President Bush signed the Economic Growth and Tax Relief Reconciliation Act of 2001 into law, Americans were pleased to know that this curse, commonly called the death tax, would finally be terminated by 2010. What many did not realize is that this tax is scheduled to come back from the dead to haunt us January 1, 2011.

If a farmer or small business owner dies on December 31, 2010, no death tax will be charged. But if that person dies just one day later, the government will once again be there to offer its condolences by charging up to a 60 percent tax on the value of the farm or business. Instead of the final wishes of the deceased family member being honored with respect, the government just wants more money to waste in Washington.

After 2010, Americans who pay taxes their entire life will be taxed one final time when they die. No taxpaying citizen deserves to have the fruit of their labor taxed twice.

Just two months ago the House passed a bill that would make last year's tax cut permanent. Unfortunately, some politicians don't want to see this money leave Washington and have made every effort possible to obstruct doing away with this tax. That is why we are once again discussing this matter.

Any vote in opposition to permanently eliminating the death tax is a vote in favor of higher taxes for millions of Americans. Whether we make last year's tax cuts permanent with one vote or a dozen votes, I will continue fighting against raising taxes for my constituents in Kansas. I urge my friends and colleagues to join me today in voting to permanently kill this disgraceful tax burden imposed on families during their time of grief.

The death tax issue is not about how many rich or poor people have to pay a certain tax. It is about the inherent impropriety of taxing death. Whether a person is rich, middle-class, or poor, it is wrong to tax the dead.

I was proud to cosponsor the Permanent Death Tax Repeal Act of 2001 last year, and I look forward to its passage today. When I talk to Kansas farmers, agriculture producers, business owners and others who have invested wisely, I consistently get the same message: don't tax us when we die.

The American people are tired of Washington taxing and spending their money, and one of the most egregious actions this Congress can do is allow the death tax to come back to haunt us again.

Mr. Speaker, let's bury the death tax for good.

CEDAR CREEK BATTLEFIELD AND BELLE GROVE PLANTATION NATIONAL HISTORICAL PARK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. WOLF. Mr. Speaker, after more than 11 years of study, effort, and public comment, I am proud to announce that today Senator JOHN WARNER and Congressman BOB GOODLATTE and I are introducing legislation to create the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park. The concept for the establishment of a new national park in the Shenandoah Valley was one of the key recommendations within the Management Plan for the Shenandoah Valley Battlefields National Historic District.

This legislation is the result of work from a broad range of interest groups including the National Park Service, local partner organizations, locally elected officials, local landowners and others. I want to recognize their efforts to produce this legislation. I believe the strength of this legislation lies with this widespread public interest.

Legislation for the new park is an outgrowth of a bill sponsored by Senator WARNER and the late Congressman French Slaughter in 1988 and the law passed in 1996 which established the Shenandoah Valley Battlefields National Historic District sponsored by Senator WARNER and myself. The local citizen-based commission established for the Battlefields District recommended that Cedar Creek Battlefield be established as a new national park. The accompanying Park Service study found in fact only Cedar Creek met the criteria to be designated a national park.

Originally conceived as purely a battlefield park, the local stakeholders expanded the vision to include a broader scope of history. The new park will preserve and interpret the rich story of Shenandoah Valley history from early settlement through the Civil War and beyond and protect the historic landscape which features panoramic views of the mountains, natural areas, and waterways in the northern Shenandoah Valley.

Importantly too, the other nine Civil War battlefield sites within the Shenandoah Valley will benefit from the national park designation in the valley and increase in tourism at the new park, but each will continue to be protected and managed locally.

The proposed park boundary includes approximately 3,000 acres at the intersection of Frederick, Shenandoah and Warren counties and is based on the 1969 boundary establish for the Cedar Creek and Belle Grove National Historic Landmark. Today, of the 3,000 acres, Shenandoah County and three private preservation groups, including Belle Grove Plantation, collectively protect nearly 900 acres within the park boundary.

For years it has been the burden of local organizations to protect, honor, and interpret these nationally significant lands. Given increased development pressure, federal involvement is needed to help support the local efforts, to preserve historic lands for future generations, and to ensure continued high quality interpretation of the area.

This park is a model for a new type of national park for the future. A key provision allows all landowners to continue their right to sell their land whenever and to whomever they choose. The keys to this model are:

A national park based on partnerships and local community involvement.

A park where private organizations, families, and individuals will continue to live, work, and play within the boundary,

A park that shares with visitors the full range of its cultural and natural history.

A park created by the local community for the benefit of this and future generations.

The park also will work with the community as land use and zoning decisions will continue to be administered by local authorities at the county or municipal levels.

There are several landowners who will become key partners to the park by operating independent anchor sites within the 3,000-acre park boundary that serve to collectively benefit the visiting public. For example, the Cedar Creek Battlefield Foundation will continue to host the annual Battle of Cedar Creek Reenactment Weekend and other events and the Belle Grove Plantation will continue to be open to the public as a private museum holding living history, education, and charity events within the new park. In addition, Shenandoah County has plans to develop a light recreation county park with hiking trails and scenic overlooks on nearly 150 acres along the North Fork of the Shenandoah River within the national park boundary.

Local involvement has played a key role in the crafting of the park legislation. The adjacent towns of Middletown and Strasburg enthusiastically endorsed the creation of the new national park. Private landowners within the proposed boundary shared thoughts and ideas on ways to ensure private property rights and quality of life and these important themes have been included within the legislation. The concept Is for this to be a local park first and foremost—park that is part of and benefits the local Shenandoah Valley community.

HONORING THE METROPOLITAN CHORUS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the accomplishments of The Metropolitan Chorus (TMC), a community symphonic chorus located in Arlington, Virginia. This season marks the 35th anniversary of the organization's founding.

As the only community symphonic chorus based in Arlington County, TMC remains a visible force in Virginia's 8th Congressional District and plays a leading role in the cultural life of the region. This 90-member chorus offers residents the opportunity to perform a wide range of music, with pieces spanning the Renaissance period through the 21st century.

In the wake of the tragic events of September 11th, the TMC provided assistance to grieving citizens by organizing and conducting the Chorus and the Arlington Symphony Orchestra in Arlington's Day of Remembrance and Appreciation. Featuring many local and state dignitaries, the tribute honored the victims and emergency rescue personnel of the Pentagon attack. This rousing event lifted the spirits of all who were in attendance.

Under 26 years of outstanding direction by Artistic Director Barry Hemphill, the TMC has performed in a colorful array of venues from the Kennedy Center to Constitution Hall and in various locations throughout the world. A number of these shows were performed for free and given at special early times specifically for the elderly. Through actions such as these, TMC has proven its dedication to the development and promotion of the performing arts in Northern Virginia.

I applaud TMC's many contributions and wish them all the best at their season ending performance on June 24, 2002 at Lubber Run Amphitheater in Arlington Virginia capping off a highly successful 35th Anniversary season.

A TRIBUTE TO DR. WINSTON PRICE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. Winston Price for his commitment to helping others.

After completing his training at Cornell Medical College and New York Hospital, Dr. Price began practicing pediatrics in Brooklyn in 1978. He also served as a Medical Director for Aetna US Healthcare and for the Pediatric Ambulatory Department at SUNY Health Science Center in Brooklyn. Dr. Price is currently an Assistant Professor of Clinical Pediatrics at the SUNY Health Science Center in Brooklyn as well as the Chief Medical Consultant for V CAST II International, a medical information systems and technology company. He has also been a medical advisor and lecturer with the Cornell Cooperative Extension and New York Department of Social Services.

Dr. Price sits on many committees including the Board of Trustees of the National Medical Association and he chairs the Informatics Subcommittee. He serves on a committee of the American Academy of Pediatrics as well as a committee of the National Committee for Quality Assurance. Dr. Winston Price was also appointed to the Administrative Review Board of the New York State Department of Health and served on that 5-member appellate board.

Dr. Price has also taken a special interest in serving the needs of abused women and children. He has remained an active advisor to the parenting program of Brooklyn and serves on the Board of the National Committee to Prevent Child Abuse and Neglect in New York State. He also serves on the Committee on Proactive and Ambulatory Medicine (COPAM) of the American Academy of Pediatrics as well as the PPAC Committee of the National Committee for Quality Assurance (NCQA). He coauthored the American Medical Association Guide on the Treatment and Prevention of Sexual Assault.

Even with all of these commitments, Dr. Price is an active member of several other organizations including the Office of Professional Medical Conduct and the Medical Society of the State of New York.

Mr. Speaker, Dr. Winston Price is dedicated to improving health care in the community. I hope that all my colleagues will join me in honoring this remarkable person.

TRIBUTE TO MS. JOANNE CARTER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Ms. LEE. Mr. Speaker, I rise today to pay tribute to and express my high regard of Ms. Joanne Carter, the Legislative Director of RESULTS.

Since 1992, Joanne Carter has been the Legislative Director of RESULTS, an international grassroots citizen's lobby whose purpose is to create the political will to end hunger and the worst aspects of poverty, and to empower individuals as advocates with their governments, the media and in their communities.

RESULTS has active chapters in over 100 U.S. cities and in the UK, Canada, Japan, Australia and Germany. RESULTS works on a range of international and domestic issues—including expanding basic health programs to combat TB, AIDS and other major infectious killers, access to microcredit loans to allow very poor women to start their own businesses, reform of World Bank, health policy, and expanded access to Head Start preschool programs and quality early child care in the U.S.

Prior to joining RESULTS' staff in 1992, Joanne Carter coordinated RESULTS grassroots activity for New York and the northeast region of the U.S., and was a practicing veterinarian. She holds a DVM (Doctor of Veterinary Medicine) degree from Cornell University and has done graduate research in reproductive physiology. She has served as a VISTA volunteer and as a recruiter for the Peace Corps.

As many know, I have worked diligently on the global AIDS, TB and malaria crisis. As I have worked with my colleagues in the Congress and with health experts, people living with AIDS, TB or malaria, and the activist community, Joanne has been a key figure in helping me get people organized and sounding the clarion call. She understands so well the moral obligation and responsibility of wealthy governments and all of us, as individuals, to do all that we can to make a difference in stopping these horrific diseases.

Tonight it gives me great pleasure to honor Joanne. Please know that I stand with you in this fight and look forward to our continued work on these important priorities.

90TH ANNIVERSARY OF THE GIRL SCOUTS

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to offer my congratulations to the Girl Scouts who are celebrating their 90th anniversary this year. Just this past weekend thousands of Girl Scouts converged upon the National Mall to celebrate this anniversary and to pay respect to the values and ideas that the Girl Scouts has infused within them.

Today there are 2.7 million Girl Scouts across the United States. Through the Girl Scouts these young women are provided the opportunity to serve others while at the same time discovering their own full potential. This organization infuses young women with core values and sound decisionmaking.

The Girl Scouts is also an educational experience for young women. They engage in activities that teach them about technology, science, money management, as well as health and fitness. All of this is accomplished while these young women build friendships and bonds that will last a lifetime.

The results are there as well. Over two-thirds of Girl Scout alumni are doctors, lawyers, educators and community leaders. They are out in our communities making a difference and using the values they learned from their days as Girl Scouts to positively influence our world.

I doubt that Juliette Gordon Low had any idea how successful the Girl Scouts would be when she held that first meeting in her living room back in 1912. Mrs. Low formed the organization in an attempt to provide young women with the opportunity to develop physically, mentally and spiritually. All one has to do is to look back over the Girls Scouts' long and illustrious history to see how successful Mrs. Low has been.

COMMENDING RADIO FREE EUROPE/RADIO LIBERTY ON RECEIVING FREEDOM OF SPEECH MEDAL

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. LANTOS. Mr. Speaker, although freedom and democracy are integral elements in the political systems of many countries, basic freedoms are still denied in many others and are not fully institutionalized in still others. Radio Free Europe/Radio Liberty targets these areas, including Eastern Europe, the Middle East, Central Asia, Russia, and other former communist states, in order to promote free speech and political dialogue.

For more than fifty years, the organization has tirelessly supported free-thinking, freedom of expression, and democracy. Recently, the broadcasts have even been expanded to include and specifically target areas with large Muslim populations. In recognition of this history of work, the Franklin and Eleanor Roosevelt Institute awarded the "Freedom of Speech Medal" to Radio Free Europe/Radio Liberty on June 8.

Mr. Speaker, I wish to congratulate Radio Free Europe/Radio Liberty on receiving this award and recognize its outstanding work in promoting freedom. I earnestly commend the following acceptance speech given by my dear friend Thomas A. Dine, the President of RFE/RL, Inc., and request that the speech be placed in the RECORD.

ACCEPTING THE FREEDOM OF SPEECH MEDAL, ROOSEVELT STUDY CENTER MIDDELBURG, THE NETHERLANDS

Thank you for this wonderful, deeply meaningful award. It is a great, great honor to receive the Roosevelt Foundation's 2002 Freedom of Speech medal. No name better animates and exemplifies the work of Radio Free Europe/Radio Liberty and its daily commitment to freedom and democracy than Roosevelt.

As President of Radio Free Europe/Radio Liberty, I accept this award not only on behalf of the organization as it exists today, but also on behalf of its achievements during the Cold War and its importance as a fighting force in promoting freedom and democracy in the future, applying the highest journalistic standards of accuracy, balance, and objectivity.

Radio Free Europe/Radio Liberty has been battling for the cause of free speech and expression for over 50 years.

My colleagues and I will continue to fight as long as this most fundamental of freedoms is being controlled or suppressed in the countries to which we actively communicate via radio, Internet, and television.

Heading an entity called "Radio Free Europe," I am often asked, "But isn't Europe free?" It is true that the collapse of communism and of the Soviet Union has brought freedom to many parts of Europe that had been deprived of it for too long. However, suppression of speech, press, and assembly, sadly remains very much the rule on the European continent.

In Russia, for example, the Kremlin seems increasingly determined to control as much of the media as possible. Most recently, the government has coercively placed under its control several prominent independent media outlets, from television to radio to print, cloaking these power grabs as business transactions. More ominously, over the course of the last two years in Russia, 36 journalists have been killed or have disappeared. And last week Russia's Minister of the Press Lesin, in response to our daily news broadcasts in the Chechen language, warned us to stop interfering in Russia's domestic affairs.

The President of Ukraine is no friend of the first freedom. He is a likely suspect in the death of at least two reporters who dared criticize his administration for corruption and criminality. He is certainly responsible for a culture of fear that pervades the Ukrainian media environment.

The nation of Belarus is now under the thumb of the dictator Alexander Lukashenka, a man who openly expresses admiration for Stalin. Lukashenka ceaselessly harasses the press; deaths and disappearances of journalists have taken place in Belarus as well.

And a final contemporary example of the dismal condition of freedom of expression inside today's Europe exists in the Balkans, where Serbia, Croatia, Macedonia, and Bosnia are still not out from under the intimidation and controlling state grip of the Milosevic era.

In response to the specific challenges we face in this young century, Radio Free Europe/Radio Liberty has expanded the scope of its broadcasting across Europe and Asia. These broadcasts address the most difficult, but perhaps the most thrilling, battle yet for free speech: in areas populated by Muslims in Southeast Europe, Russia, the northern and southern Caucasus, Central Asia and Southwest Asia.

The terrorist attacks of September 11th highlighted for all of us the importance of the Muslim world in today's geopolitical landscape. Accordingly, a majority of Radio Free Europe/Radio Liberty's current 33 languages are targeted to peoples that practice the Islamic religion.

Our broadcasts now include Albanian and Bosnian to the former Yugoslavia; Tatar and Bashkir to Russia's Volga River region; Crimean Tatar to Ukraine; Avar, Chechen, and Circassian to Russia's North Caucasus; Azeri to Azerbaijan and Northern Iran; the languages of Kazakh, Kyrgyz, Turkmen, Tajik, and Uzbek to Central Asia; Farsi throughout Iran; Arabic to Iraq; and now Dari and Pashtu to Afghanistan.

I am particularly proud of the latter two, Dari and Pashtu, in which we are now broadcasting 10 1/2 hours a day to Afghanistan in response to that crisis. Next week, we will broadcast the Loya Jirga's deliberations live! Just as importantly, we have also established a program to train Afghan journalists in Kabul and Prague to help ensure that the new Afghanistan will be graced with a robust free press practicing the highest of professional standards.

In closing, it is a particular honor, both for me personally and for the organization I represent, to receive this award from an organization bearing the Roosevelt name. As President, Franklin Roosevelt instilled human rights in our collective consciousness and injected human rights into the center of our foreign policies.

So did Eleanor Roosevelt through her tireless work helping to create the Universal Declaration of Human Rights. It is no coincidence that a 1950's photograph of the former First Lady of the United States sitting in front of a Radio Liberty microphone adorns my office wall in Prague.

And it is Article 19 of the Universal Declaration that is the motto of Radio Free Europe/Radio Liberty, indeed all of United States international broadcasting.

It is a simple, but compelling and timeless pronouncement—"Everyone has the right . . . to seek, receive, and impart information and ideas through any media and regardless of frontiers."

This motto appears on our stationery, in all of our literature, on prominently placed hall plaques. It symbolizes everything we strive to achieve.

The more than 2,000 worldwide staffers of Radio Free Europe/Radio Liberty are eternally grateful for receiving one of this year's Four Freedom awards. I promise this Foundation and this distinguished audience that we shall energetically continue our mission of promoting freedom and democracy today—in order to expand freedom and democracy tomorrow.

Thank you very much.

THOMAS A. DINE,
President, RFE/RL, Inc.

RECOGNITION OF CHIEF DEPUTY DANNY CHANDLER

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is an honor to bring to the attention of my colleagues a True Texas Hero, Chief Deputy Danny Chandler.

On behalf of the people of the Third District of Texas, I want to congratulate him on his promotion to be the first-ever Director of the Office of Security and Emergency Management in Dallas.

America is a whole different country since September 11. This is a different kind of war with a different kind of enemy. That is why Dallas has taken the lead to win the war for freedom, both at home and abroad. I know he will do a fine job heading that effort.

The Commissioners Court of Dallas County could not have picked a better leader. Starting as a Deputy Sheriff in 1973, Chief Chandler dedicated 29 years of his life to the Dallas County Sheriff's Department.

A highly decorated officer, he has put the lives and safety of others before his own. It's no wonder that Dallas Morning News named him a "Special Angel."

Mr. Speaker, it is my privilege today to recognize the courage and service of Chief Chandler. His selfless sacrifice, hard work and dedication to his community are an example to us all. The people of Dallas and the surrounding communities are blessed to have his leadership and commitment to our neighborhoods.

Chief, you have my admiration and support as you protect our Great State in the fight for freedom.

God bless you and God bless America.

THE MILITARY RETIREE DISLOCATION ASSISTANCE ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce a common sense piece of legislation to help our military retirees. As my colleagues know, service members and their families will move many times in a typical military career. These permanent changes of station or PCS often involve considerable additional expense, including the loss of rental deposits, connecting and disconnecting utilities, and wear and tear on household goods.

To help defray these additional costs, Congress in 1955 adopted the payment of a special allowance—a dislocation allowance. This was done to recognize that duty station changes and resultant household relocations are due to the personnel management decisions of the armed forces and not the individual service members. This amount was increased in 1986 and again in recent years. This is an important benefit for our military members.

However, as important as this benefit is, there is a category of service members who are not eligible to receive the dislocation allowance—the military retiree. This is despite the fact a vast number are subject to the same expenses as their active duty counterpart. In August 2000, the Marine Corps Sergeant Major Symposium recommended the payment of dislocation allowances to retiring members, who in the opinion of the Sergeants Major, bear the same financial consequences on relocating as those still on active service.

Military retirees must often seek employment not knowing what opportunities exist in the civilian world, where those opportunities are located, what the pay will be, or what possibilities are available for spousal employment. Retirees are sometimes faced with the prospective employers who offer less wages knowing they are in receipt of retirement pay, and falsely believing that retirees don't need the same salary as civilians for the same position. Additionally, the military retiree will have to meet the same financial demands for mortgages, insurance, taxes, and food on a smaller income.

For those reasons, I am introducing the Military Retiree Dislocation Assistance Act. This legislation would help ease the transition into retirement by amending 37 USC §407 to authorize the payment of a dislocation allowance to all members of the armed forces retiring or transferring to an inactive duty status such as the Fleet Reserve or Fleet Marine Reserve. The vast majority of these retirees have given our Nation over 20 years of dedicated service. They have helped protect the very freedoms we all hold dear. Rather than simply pushing them out the door upon retirement, we should reward their service by providing modest assistance for their final change of station move. That is exactly what Military Retiree Dislocation Assistance Act does.

A TRIBUTE TO FLORUS WILLIAMS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. FARR of California. Mr. Speaker, I rise today to honor Mr. Florus Williams who passed away in April. Mr. Williams, a highly decorated community member for many years, is survived by his wife of 63 years, Frances, four children, 20 grandchildren, and 17 great-grandchildren.

Mr. Williams was born in Fresno, CA, on January 2, 1916, but he lived in Pacific Grove, in my district, for 79 years. He served on the Pacific Grove City Council from 1971 to 1986 and served as mayor of Pacific Grove from 1976 to 1986. Mr. Williams also served as foreman of the Monterey County Grand Jury from 1987 to 1988 and was a member of Masonic Lodge 331 in Pacific Grove. He was also a recipient of the Masons's Hiram Award for his excellent service to the community.

Mr. Williams was known for his firm convictions. He truly believed in his work, and worked to improve the quality of life on the Central Coast. His admirable career of public service was dedicated to the citizens of Pacific Grove, and his contributions have made a significant impact. I, along with the Central Coast community, would like to honor the life of Mr. Florus Williams, whose dedication and contributions will be greatly missed.

REMEMBERING WORLD WAR II HERO GINO MERLI, MEDAL OF HONOR WINNER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to honor the memory of a great American, Gino J. Merli of Peckville, PA. Mr. Merli passed away Tuesday at the age of 78, and with his passing, we have lost a true American hero.

I would like to insert here the two articles which appeared in the Scranton Times and Tribune on Wednesday about Mr. Merli, who exemplified the best of America's "Greatest Generation."

WWII HERO GINO MERLI DIES

(By David Falchek)

Gino Merli didn't embrace fame or his role of war hero.

Yet he accepted them as he lived his life, with a sense of duty.

So the man who rarely talked about the event that earned him the Medal of Honor responded to every letter praising him for his heroic deeds.

Mr. Merli died Tuesday at his Peckville home. He was 78.

On the night of Sept. 4, 1944, Army Pvt. Merli was manning a machine gun when German forces attacked near Sars la Bruyere, Belgium. The outnumbered U.S. forces began their retreat, but Pvt. Merli held his position, providing cover fire. Under attack with his fellow soldiers dying around him, he played possum.

When the Germans turned their attention to the retreating men, Pvt. Merli rose from the ground and fired, repeating the ploy again and again.

When he returned from World War II, his duty became serving other veterans. For 34 years, he was an adjudication officer at the VA Medical Center in Plains Township.

When veterans, unaware of Mr. Merli's record, talked about their war experiences, he never mentioned his own.

"He never put himself or his experiences against anyone else's," explained friend and Marine veteran Ike Refice. "You never saw him point to himself or say 'Look at me. I have this medal.'"

Not much changed in the time since he received a hero's welcome in Scranton in 1945 or walked the beaches of Normandy with Tom Brokaw in 1984.

In 1945, he told a cheering crowd of 500 people at the Hotel Casey that he'd "rather be on the battlefield any day than make a speech."

Yet, in a letter he sent to admirers, he wrote that he may have been motivated by "my dead buddies or my hatred of war."

NBC News anchor and author Tom Brokaw remembers Mr. Merli always talking of other soldiers, rather than himself.

"He was a reluctant warrior, full of modesty and humility," Mr. Brokaw said. "The fact that he went to a church and prayed for men he had killed through the night was typical of him."

Mr. Merli was an inspiration for Mr. Brokaw's book "The Greatest Generation." The two met often. When Mr. Brokaw began writing his book about ordinary people doing extraordinary things, he said he was thinking about Gino Merli.

"I came to love him," Mr. Brokaw said.

Mr. Merli helped change how local people defined "American."

During World War II, Italy's alignment with Axis countries stoked anti-Italian and antiimmigrant sentiments. Italian Americans often found their patriotism questioned.

Gino Merli's heroics helped many in Lackawanna County see beyond ethnicity, said his son, Gino Merli Jr.

"When people saw my father come home and heard what he did, it changed their perception about what it means to be American," he said. "People saw the first- and second-generation immigrants sacrificing life and limb for the United States and for freedom."

In 1994, Mr. Refice and Mr. Merli visited Europe to retrace their steps through Europe. Oddly, the rural area where Mr. Merli held back Nazi troops was unchanged.

They met a Belgian man who, at the age of 16, watched Mr. Merli confound the Nazis again and again. During their visit, the town put a monument in the village common thanking Mr. Merli.

In his final days, he still shied away from speeches. But he did like to stand before a crowd for one purpose, Mr. Refice said. He enjoyed leading a crowd in the Pledge of Allegiance.

Lately, Parkinson's disease and a heart ailment held him back.

As a final encore last Saturday, the History Channel showed Roger Mudd's special on the Big Red One, the first infantry division, which featured Mr. Merli.

In letters he sent to admirers, Mr. Merli wrote:

"Not everyone can be a Medal of Honor recipient. But everyone can take pride in himself—have pride in his heritage. We must always keep trying to better ourselves and our surrounding and we must never quit. Always remember America is you and me."

MERLI HELD POSITION SO HIS UNIT COULD ESCAPE

(By David Falchek)

At age of 18, Gino Merli was barely an adult and hadn't even graduated from high school.

Yet he became a hero.

Before he faced his greatest challenge as a gunner with the 1st Infantry Division, he had survived landing on Normandy and two subsequent battle injuries.

Pvt. Merli was a machine gunner near Sars la Bruyere, Belgium, on the night of Sept. 4, 1944, when German forces attacked.

As the outnumbered and outgunned GIs started retreating, Pvt. Merli held his position to provide cover fire as a tightening circle of German troops closed in on him. Tracer bullets and grenades blew up before him. His assistant gunner was killed, the cooling system of his gun was destroyed and death appeared certain. He slumped next to his dead colleagues, feigning mortal injury. German soldiers poked the bodies and turned them over with bayonets. Pvt. Merli didn't budge.

When the Germans advanced to pursue U.S. troops, Pvt. Merli sprang up, shooting in all directions. As new waves of Germans approached, he repeated the shot/play dead sequence.

In a speech in Scranton in 1945, Sgt. Milton V. Kokoszka recalled that horrible night.

"I saw (Pvt. Merli) had not been taken prisoner and after we moved some distance I would hear our machine gun open fire again," he said. "I saw different enemy groups move into the emplacement and each time the gun would stop, and then start firing again as soon as they left. He had pretended to be dead."

During the night, he watched a silhouette of a German soldier in the moonlight. The German knew his routine, Pvt. Merli thought, and was waiting for him to move. Although technically the enemy, Pvt. Merli felt a connection to the soldier he referred to as "that German boy" for the rest of his life.

The Germans sustained heavy losses at the nearby front, and 700 surrendered. The allies found Pvt. Merli the next day. He was covered in the assistant gunner's blood and his clothing was in tatters from bayonet jabs.

Around him were 52 dead Germans, 19 directly in front of his gun.

Pvt. Merli's only request was to visit a church.

He prayed for the men he had killed and for the safety of the German soldier he had watched through the night.

Mr. Speaker, we see the bravery and dedication of Gino Merli being carried on today in the men and women who are fighting our new war on terrorism. All of us in Northeastern Pennsylvania are proud to claim Mr. Merli as one of our own, and I join my fellow residents of Northeastern Pennsylvania in sending best wishes and condolences to his family.

IMPLEMENTING LEGISLATION FOR THE STOCKHOLM CONVENTION, THE ROTTERDAM CONVENTION, AND THE PROTOCOL TO THE 1979 CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION ON PERSISTENT ORGANIC POLLUTANTS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. GILLMOR. I am pleased to join my colleague, Mr. GOODLATTE, in introducing today by request the Administration's implementing legislation for the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Protocol to the 1979 Convention on Long-Range Trans-boundary Air Pollution on Persistent Organic Pollutants.

The Stockholm Convention was adopted on May 22, 2001, after many years of international negotiation under the auspices of the United Nations Environment Programme, UNEP, and it establishes an international framework for regulating the production, use, and disposal of persistent organic pollutants, including polychlorinated biphenyls, PCBs, and dioxin. The United States signed the Stockholm Convention over 1 year ago, along with over 110 other countries, but the United States cannot ratify the treaty until the Senate provides its advice and consent, and until sufficient authority has been granted through Federal legislation to ensure that the mandates of the agreement can be enforced.

On April 11, 2002, the Secretary of State and the Administrator of the Environmental Protection Agency, EPA, submitted to the Congress legislation to implement the Stockholm Convention, the Rotterdam Convention, and the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants. This legislation amends the Toxic Substances Control Act, TSCA, as well as the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) by providing the EPA with the authority to eliminate or restrict the production, use and release of 12 chemicals that can adversely affect human health because they are toxic; they persist in the environment for long periods of time; they circulate globally; and they biomagnify and accumulate in foods consumed by humans.

Specifically, the bill amends TSCA to prohibit or severely restrict the use of Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Hexachlorobenzene, Mirex, Toxaphene, PCBs and DDT, while providing specific limited exemptions for their continued use. In the event that these chemicals continue to be used in accordance with an exemption, this legislation requires a certificate to accompany the chemicals providing detailed information. The legislation also provides EPA with the authority to collect additional information from manufacturers to assist in evaluating additional chemicals for potential addition to the restricted list in the future, and to prohibit the exportation from the

United States of these banned or severely restricted products, unless the exportation complies with specific conditions and restrictions established by the EPA. The bill also requires exporters of listed substances to provide prior notice to EPA of all exports and to include additional labeling, and the bill similarly amends FIFRA to prohibit the use, sale and exportation of the prohibited or restricted chemicals that are pesticide active ingredients.

Today, I am pleased to introduce by request the Administration's legislative package that, once enacted, will allow the United States to ratify the underlying treaties. As the chairman of the Environment and Hazardous Materials Subcommittee of the Committee on Energy and Commerce, I look forward to working with the administration, my colleagues in the House and other body, and all interested parties, in putting a package together that we can send to the White House soon. As we proceed, I will keep an open mind on the need to make improvements to the bill I'm introducing today. This can and should be bipartisan legislation that will demonstrate the United States' leadership in the international environmental arena.

A TRIBUTE TO STEVEN KAPLANSKY: A TRUE NEW YORKER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Steven Kaplansky in recognition of his long time commitment to his community.

Steve was born in Manhattan and he grew up in Queens, amidst the historic Bowie House and Quaker Meeting Hall. Here, Steve learned important lessons of cultural diversity and love of community, which he took with him throughout his life. He went on to receive his college education at Long Island University, where he majored in sociology and history. He earned his masters degree from the Hunter School of Social Work, and became a New York State certified social worker.

Aside from two years which he spent building community centers in Florida, Steven Kaplansky has spent his entire professional career in New York City. As an assistant director of the Flushing YHMA, he developed programs with the Lexington School for the Deaf and the Association For Help To Retarded Children, as well as an interracial youth council with Baptist churches. In 1976, he became the youngest executive director of a YHMA, and developed nontraditional programs, such as enriched and senior housing for the elderly, the only kosher Battered Women's Shelter in America, community services programs for those being discharged from mental institutions, interracial councils, neighborhood preservation projects and one of the first local development corporations in New York City.

Steven's nonprofit work has been equally impressive. He was instrumental in establishing the Sam Levenson Cultural Arts Foundation and helped to establish One World One Heart, a nonprofit organization, which provides cultural, educational and neighborhood enrichment programs through music for communities-at-large. A one-time board member of the Local Development Corporation of East New York and a current board member of the Brooklyn Bureau of Community Services, Steven was recently a part of a Department of Employment study for job retention in the food industry in New York City. He is also a trustee for Local 348S Food and Commercial Workers Union and the Director of the Koni Arts Foundation. In addition, he has worked on environmental issues, including water, power, and food waste, with both the city and the state.

From the 1980's until recently, Steven has worked for Blue Ridge Farms as the Government Community and Public Relations Director, as well as the Personnel Director. He was instrumental in providing donations to the community, including aiding at Ground Zero. Furthermore, he helped the company save over 500 jobs. He has also worked in food banks, homeless shelters, block associations, local police councils, youth groups, and senior centers. He currently is working with Aviation Systems of New York to develop technology to prevent explosions in airplanes, and is a consultant to World Vision, Inc. a music management and entertainment corporation.

Mr. Speaker, Steven Kaplansky has spent his life working tirelessly on behalf of his community. As such, I urge my colleagues to join me in honoring this truly remarkable man.

HONORING NATIONAL SMALL CITIES DAY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. BARR of Georgia. Mr. Speaker, Friday, June 14, 2002, marks the first "National Small Cities Day" in honor of smaller communities of our country. I would like to help make our colleagues aware of this event and the significant role that small cities play in making up our great Nation.

An overwhelming majority of Americans live in cities with populations under 25,000. These small cities form the backbone of our Nation and contribute enormously to the character of all Americans. It is in these cities that we find the spirit of America in which we take so much pride and give so much to protect.

Living in a small city affords Americans the ability to involve themselves in the building of a community through involvement with local schools, government, and the daily activities which go into raising their community's children to be responsible, virtuous citizens.

Small cities across America will be joining each other today to recognize the contributions to our way of life made by their communities and those who live in them and help them thrive. We should all join them in recognizing and thanking our citizens who comprise these communities for all that they have done and continue to do every day.

RECOGNITION OF KEEPING THE PROMISE

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to express my sincere appreciation for those men and women currently serving in our armed forces, in particular those who are engaged in the war against terrorism.

My home state of Oregon welcomed ships from the U.S. Navy, U.S. Coast Guard and the Canadian Fleet during our annual Rose Festival held this past week. I would like to thank Captain Terry Bragg, Commodore Destroyer Squadron One, his staff and crew aboard the USS *Paul F. Foster*. The *Paul F. Foster* and crew will soon be deployed in support of Enduring Freedom.

Also I would like to thank Rear Admiral Erroll M. Brown, District Commander of the 13th Coast Guard District, the Men and Women aboard the U.S. Coast Guard Cutter *Hamilton* for their appearance at this event.

I can assure you that the leadership, morale, and dedication of all the officers aboard these ships were of the highest caliber as well as those men and women who serve aboard these ships. I can truly, say, the defense of our nation is in good hands when we have such professionals as those aboard the ships that visited Oregon this past weekend. All serve our country with pride and all Americans should be proud of them.

When we ask people to put their lives on the line to protect our country, we have a profound obligation to honor our promises to those whose service has kept our nation free. The men and women who have served our country so honorably know best that freedom is never free, that it is only won and defended with great sacrifices.

Once again I want to extend my gratitude and pride to all the men and women who serve our country, in the armed forces.

You make us all proud.

CONDEMNING THE PRIVATIZATION AND COMMERCIALIZATION OF OUR AIR TRAFFIC CONTROL SYSTEM

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. ABERCROMBIE. Mr. Speaker, I join with my colleague, Mr. BLUMENAUER and the others, in condemning the executive order issued late last week which will allow our air traffic control system to be commercialized and privatized.

We in Congress passed legislation strengthening our public transportation systems to help insure greater safety and the prevention of terrorism. We have recently federalized airport security and baggage inspection. Are we, at the same time, turning over absolutely essential air traffic control to the private sector, which utterly failed in airport security? How is this going to increase public confidence in air travel ?

It is outrageous to propose actually privatizing a government service as essential as assuring the safe and orderly operation of the thousands of airline flights daily. When the private sector cannot perform an important and vital service adequately, it becomes essential that the government assure that it is performed to public expectations. That has become the case with air travel. It flies in the face of logic that any steps be taken toward dismantling the air traffic control system and turning functions over to the private sector.

I have been working with and debating officials in the Administration on the merits of privatizing government functions. As a member of the House Armed Services Committee, I have been deeply concerned about the outsourcing of military jobs for many months. Clearly, this is another attempt to bring the private sector in to perform duties carried out by the civil service and other professionals.

Mr. Speaker, I am not against the private sector nor making a profit. But there are instances where making profits should be a totally secondary consideration. Profit must not be the bottom line in assuring public air travel safety.

Perhaps privatizing OMB would be a good next step. It might bring some level of common sense to the Administration.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Ms. McCOLLUM. Mr. Speaker, I would like to officially state for the record that I incorrectly recorded my vote on rollcall No. 225 as a "yea" vote. I intended to vote "no" against passage of the Tax Limitation Amendment to the Constitution, H. J. Res. 96.

WEST GENESEE WILDCATS, 2002 NEW YORK STATE LACROSSE CHAMPIONS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. WALSH. Mr. Speaker, I rise to celebrate a victorious day for West Genesee High School as both the men's and women's lacrosse teams captured the New York State Lacrosse Division 1, Class A Championship titles. It was a memorable day that will go down in history for the Wildcats, as both teams soared triumphantly to the top.

The day began as the women's team traveled to Cortland, New York to defend their state title, and this is exactly what they accomplished. The team ended their undefeated season with a 15–11 win. Later that afternoon at Hofstra University, the men's lacrosse team regained the State title with an exciting 10–9 victory. As Coach Mike Messere stated "It was one of the most exciting games I've seen."

West Genesee Lacrosse has always had the reputation for a stellar program, and as displayed this past weekend, the program continues to generate gifted athletes. These students work year-round to master the sport, and because of their relentless hard work, dedication, and passion for the game, they came out true champions.

I am proud of these devoted athletes, and I commend the coaching staff, parents, and entourage of supporters who traveled this long road with them. This type of outcome does not happen overnight, nor is it a result of just one season. It takes years of dedication to get such results, and this entire team should be proud of their accomplishments.

I would like to acknowledge the athletes and coaching staff who brilliantly represented their school, county, and state this past weekend:

For the women: Chrissy Zaika, Eileen Gagnon, Vanessa Bain, Shannon Burke, Meghan Burgoon, Katie Donovon, Lindsey Moore, Jackie Griffin, Kendall Tupper, Lindsey Shirtz, Kelly Fitzgerald, Colleen O'Hara, Nicole Motondo, Katherine Kenneally, Juilie Fabrizio, Kelly Kuss, Katherine DelPrato, Beth Elmer, Lindsey Hamann, Meghan O'Connell, Katie Kozloski, Keelin Hollenbeck, Eileen Flynn, Head Coach Bob Elmer, and Assistant Coach Erica Gerber.

And for the men: Mike Malfitano, Dean Mancini, Jake Bebee, Zack Forward, Jeff Murphy, Jed Bebee, Alex Cost, Kevin Hennigan, Matt O'Connell, Andrew Hanover, Rob Lemos, Mike Conklin, Cheney Raymond, Mark Conklin, Pat McCormack, Chad Clark, Drew Dabrowski, Devin Burgoon, Kiel Moore, Mike Solamon, Jim Mullaley, Andrew Sugar, Bill Gleason, Casey Rotelia, Chris Bulawa, Brian Cummings, Matt Woolsbiager, Brian Calabrese, Bob Toms, Mike Malone, Andy Zysk, Matt Cassalia, P.J. Burns, Head Coach Mike Messere, Assistant Coach Bob Deegan, and Scorekeepers Melissa McCarthy, Shadia Nesheiwat, Monica Macro, Kim Fischmann, Danielle Wood, and Jessica Lebduska.

TRIBUTE TO REVEREND SOLOMON YOUNG-MIN KIM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in recognition of Reverend Solomon Young-Min Kim, a well-respected leader in both the Brooklyn and Queens communities.

Rev. Kim was born in Pusan, Korea. He received a Bachelor of Science degree in Metallurgy from Korea University and has studied at the New York Theological Seminary, the Korea New Church Seminary, and the Swedenborg School of Religion.

Rev. Kim is the pastor of The Mirral Church in the Bensonhurst section of Brooklyn. He has helped solve ethnic issues between the Korean businessmen and the Black community, by getting the Korean businessmen to employ more residents from the Black community. He has also fostered relationships between the Korean community and the Caribbean-American, Haitian, and Italian communities. Rev. Kim's work with Brookdale University Hospital and Medical Center, as well as with the Brookdale Hospital Schulman Institute Nursing Home, has allowed him to spend time visiting the sick and the shut-in. He has also worked with the New York City Department of Correction by providing spiritual guidance and hope for a renewed life after prison to the population. Additionally, Rev. Kim helped organize the Census 2000 effort in the Korean communities of Bensonhurst, Bayridge, Flatbush, East Flatbush, Flushing and Queens, as well as in New Jersey.

Rev. Kim's activism is also evident in his attitude towards education. He formally supports an after-school program for Korean students in Bayridge and Bensonhurst who are having a tough time academically. But Rev. Kim's commitment to education extends to people of all ages. In addition to the Korean Youth Festival, he has established senior/youth intergenerational programs, aimed at initiating ongoing dialogue, participation and education, as a team in the Korean community.

Rev. Kim's efforts have earned him numerous accolades and awards, such as the Asian American Heritage Award from the Borough President of Brooklyn, the Distinguished Ecumenical Award from the Wesley McDonald Holder Regular Democratic Club Women's Caucus, and the Community Service Award from Assemblyman Clarence Norman Jr.

In closing, I would like to personally thank Rev. Solomon Young-Min Kim for his steadfast devotion to Brooklyn's Korean community and I urge my colleagues to join me in honoring this truly dedicated spiritual leader.

INTRODUCTION OF ADMINISTRATIVE LAW ENHANCEMENT ACT OF 2002

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. GEKAS. Mr. Speaker, today I introduced an important bill, the "Administrative Law Process Enhancement Act of 2002," that reforms the organization of the administrative judiciary within the Social Security Administration ("SSA") by establishing an Office of Administrative Law Judges (the "Office") within SSA that is administered by a Chief Administrative Law Judge ("Chief Judge") who reports directly to the SSA Commissioner.

The national ALJ hearings function and hearings field operation that presently is within the SSA Office of Hearings and Appeals ("OHA") would be transferred to the office by the proposed legislation. The Chief Judge would be in charge of the office, be appointed by the Commissioner for a term of six years that is renewable once, and be subject to removal only upon a showing of an enumerated cause. The Associate Commissioner of OHA would continue to administer the Appeals Council. The changes proposed in the bill provide for a reorganization of the SSA that will not result in any additional costs to SSA or the government.

Currently, the SSA is without a functioning Office of the Chief Administrative Law Judge.

The functions for both the adjudication of administrative claims by SSA administrative law judges ("ALJs") and the appellate process for the review of ALJ decisions by the Appeals Council are located within the OHA. The ALJ portion of the OHA is under the dual leadership of a Chief Judge and an Associate Commissioner of OHA. The position description of the Chief Judge places the Chief Judge in charge of the national ALJ hearings function and hearings field operation of OHA. The Associate Commissioner of OHA is placed in charge of the national ALJ hearing function and the Appeals Council, and has major policy-making and policy-implementation responsibilities for OHA. The Chief Judge reports to the Associate Commissioner of OHA, who in turn reports to the Deputy Commissioner for the office of Disability and Income Security Programs ("ODISP"), who in turn reports to the SSA Commissioner.

In the current organization of SSA, the OHA and the ALJ function are submerged in the bureaucracy and are far removed from the Commissioner. The Social Security Advisory Board recently prepared a report on the Social Security disability system that expresses concern about the OHA functions being buried too low in the agency, the need to elevate these functions to direct oversight by the agency leadership, and the need for greater ALJ function independence. Charting the Future of Social Security's Disability Programs: The Need for Fundamental Change, January 2001, p. 19. The current structure prevents the Commissioner from having effective oversight of the ALJ hearing process. The ALJ adjudication function should not be treated as a staff responsibility in SSA. The ALJ adjudication function is a major program of the agency with every individual in this Nation being a potential claimant within the SSA system. The SSA ALJ hearing system protects a constitutional right of our citizens and provides a constitutionally protected due process hearing to members of the American public. This vital process should have direct oversight from the Commissioner and the Chief Judge should have direct interaction with the Commissioner.

Another major defect in the current OHA is created by the dual leadership responsibilities of the Chief Judge and the Associate Commissioner. Frequently, these two leaders are competing for power to control the administrative and/or policy decisions for the ALJ hearing component of SSA that has deprived OHA of strong, effective leadership. Several years ago, the Associate Commissioner attempted to reorganize the responsibilities of the Chief Judge and divest the Chief Judge of most of the powers of that office, leaving the Chief Judge with some minor duties relating to judicial education and staff support for the Associate Commissioner. The Associate Commissioner and the Deputy Commissioner of ODISP also tried to compel the Chief Judge to resign because he resisted the inappropriate diminution of his duties. This scheme was thwarted by the efforts of interested individuals and organizations together with the oversight action of the Congress.

The lack of effective leadership and direction of the OHA and reduction of the Chief Judge function also has resulted in an organization that has been deteriorating in its efficiency. For over 10 years, several reforms have been imposed on the SSA hearing process. Each attempt has resulted in failure. Subsequent to the latest reform, the HPI reorganization in the hearing office process that was implemented in January 2000, the number of case depositions have dropped while the case processing time and the case backlog have increased. The result has been poorer service for the American public.

Better service for the American public by increasing case dispositions, reducing processing times, reducing case backlogs, and improving decision quality will result from the proposed legislation, which will ensure effective leadership of the ALJ hearings component of SSA. The ALJ hearings component of SSA will be treated as an organization that is responsible for administering a major agency program. It no longer will be organized as a staff function within SSA. The Commissioner will have direct oversight of the ALJ hearings component of SSA, which is necessary to effectively administer this important program that provides constitutional due process hearings for the American public. The ALJ hearing component of SSA will have one individual responsible for administrative operations and policy making: a Chief Judge who reports directly to the Commissioner. The bill will improve leadership, efficiency and quality in the ALJ hearings component of SSA by eliminating the possibility of detrimental political struggles between the Chief Judge and other subordinate leaders within SSA, which will prevent changes in the ALJ hearing process that are motivated by the negative force of intra-agency infighting and ensure that the American public receives fair constitutional due process hearings.

Establishment of the office of Administrative Law Judges within SSA significantly would increase the speed and quality of the disposition of Social Security Act claims for the American public and increase public trust and confidence in the integrity and independence of decisionmaking by SSA ALJS. This effort should be a bipartisan activity of the Congress in the interest of good government, and to that end, I invite my fellow colleagues on both sides of the aisle to join me in sponsoring this bill and in making the office of Administrative Law Judges within SSA a reality this year.

REFLECTIONS ON 9/11

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize a student in my district, Craig Holbrooks, who is the grandson of Judge Larry Craig, a great friend and respected judge in Smith County. Judge Craig brought to my attention his grandson's poem, which reflects on September 11. This poem—written by a 14-year-old—captures the sentiments of many Americans and many of our youth regarding that terrible day in our nation's history, and I would like to share it with this body:

On September 11, 2001 the United States was struck with an act of terror
With the Afghanistan leaders responsible, soon there would be nothing there.
Why would some do such a thing?
Take their lives to destroy another's, what could they be thinking?
Nearly four months later, the tears still flow and emotions run high
Why did these people have to hurt so many lives?
As we board planes, subways, and even a bus
We wonder just exactly who we can trust.
It matters little whether Christian, Muslim or Jew
We wonder what each is capable to do.
We look around us on the ground and in the sky
Wondering who will be the next to die.
Will it be a child, family or friend?
When will this scary stuff end?
I'm so glad that we have a President who
Strives to protect even me and you.

IN MEMORY OF AUBREY LEE McALISTER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today to honor the memory of Aubrey Lee McAlister, who passed away around this time last year—May 15th, 2001. I still think of him often. He was 89. Audrey was a distinguished reporter, war veteran, caring community leader and beloved husband and father. He and his wife, Aubrey, were dear personal friends—ones we visited with often.

Aubrey was born on October 5, 1911 in Walters, Oklahoma. Even as a young teenager he showed his eagerness to work in journalism spending his after-school afternoons learning to operate printing equipment and type setting as a printer's devil in the local paper's office.

After High School, Aubrey went to Cameron College and transferred to Oklahoma State University, where he received his degree in journalism. At the outbreak of World War II, Aubrey enlisted in the US Navy, even though he was exempt from the draft. As a Navy enlisted correspondent he served in the Pacific theater aboard the USS *Colorado*, a vessel that participated in the battle for Okinawa.

Aubrey moved to Bonham in 1955 when he bought the Bonham Daily Favorite, a local newspaper, with a partner. He served as its publisher until 1976. Across the state he was active as a member of the board of the Texas Press Association. He served as the President of the TPA in 1964.

Within the community, he served as an elder and a deacon of his church, the First Presbyterian Church, and was a long-time and active member of Rotary International. He was a Paul Harris Fellow and had served as president of two different clubs. In 1964, he was named East Texas Chamber of Commerce Man of the Month and the Bonham Chamber of Commerce named him the town's Outstanding Citizen. He also served as the chairman of the Bonham Water Authority, which oversaw building a community water reservoir. He helped organize the city's first planning and zoning commission and was chairman of the Fannin County Fair.

Most of all, Aubrey was a loving father and husband who always showed his kindness to others. He was survived by his wife, Audrey; one son, Don McAlister; a granddaughter, Sara Delao; and his brother, Ray McAlister. Mr. Speaker, we will miss him but always remember him as a beloved community leader and kind man who gave a lot to East Texas—Aubrey Lee McAlister.

A TRIBUTE IN MEMORY OF REVEREND S. AMOS BRACKEEN 2D

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the memory of Rev. S. Amos Brackeen 2d, 83, a social activist, and founder of the Philippian Baptist Church, who recently died after providing more than four decades of spiritual and civic leadership in Philadelphia.

From the time Rev. Brackeen arrived in our city in 1959 to become pastor of Jones Memorial Baptist Church, he was recognized as a theological activist.

In the early 60's he stood on street corners with civil rights leaders and demanded accountability from the Philadelphia Police Department when a white officer shot and killed an African American man suspected of shoplifting. He was appointed by the Mayor to a committee helped to expose racial disparities in the payment of city workers.

As a member of the Baptist Ministers Conference of Philadelphia and Vicinity, Rev. Brackeen fought discriminatory practices by city labor unions. He also led the North Philadelphia Human Relations Committee, which sought to improve relations between police and the residents of North Philadelphia.

While continuing the fight for equality for African Americans, he also focused on the importance of economic equity. In that regard he became part of an effort that established an African American owned bank in Philadelphia.

In 1965, he founded Philippian Baptist Church in the First Congressional District with less than a hundred members. Today, there are 1,500 congregants.

However, his theology went beyond America's shores. As treasurer of the Baptist Foreign Missions Bureau, he gathered support from his congregation to help build a church in Nigeria, West Africa and a church and school in Haiti. He also sponsored the establishment of the Philippian Baptist Home Mission for Haitians newly migrated to Philadelphia.

While Rev. Brackeen was born in Port Arthur, Texas, the son of the town's first African American physician, his adopted City of Philadelphia has been enriched and spiritually fed by this progressive and dynamic child of God and leader of the faithful. I know my colleagues will join me in expressing my condolences to his loving family and congregation.

ON THE DEATH OF DR. MAXIE C. SPROTT

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. LAMPSON. Mr. Speaker, today I rise to recognize the outstanding career of Dr. Maxie C. Sprott, who unfortunately passed away this week. During a tenure of forty-five years, Dr. Sprott dedicated his time to make sure that those members of his community unable to afford health care, received the proper medical treatment they deserved.

Dr. Sprott, with the help of his brothers, opened Sprott Hospital in 1955 to give black residents a place to receive medical care and black doctors a place to practice. He also was heavily involved with the "I have a Dream" program, providing mentoring and educational service to young people. Despite these great achievements, he was a humble man, accepting such items as poultry and fish as pay from patients when they could not afford office visits.

Mr. Speaker, Dr. Maxie Sprott's career was seasoned with numerous examples of selfless hard work and extraordinary achievement in service to our great Nation. His contributions to Southeast Texas are immeasurable. I ask my colleagues to join me in remembering Dr. Sprott for his enduring service in the field of medicine and the generations of families that he took care of.

Thank you for your service, Dr. Sprott, your work was part of the fiber of Southeast Texas, and with your passing a great loss will be felt in the spirit and the heart of our community.

A TRIBUTE TO MAURICE A. REID

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Maurice A. Reid, the President and CEO of the Brownsville Community Development Corporation (BCDC), and his many years of dedicated service to the community.

Maurice Reid has a Masters Degree in Public Administration from the Executive M.P.A. program of Baruch College, CUNY, and a Bachelor's Degree from the School of Business, Manhattan College. In 1995, he completed a two-year fellowship from the Southern Regional Council as a Voting Rights Expert-in-Training.

He joined the BCDC after nine years as the Deputy Director for the Center for Law and Social Justice at Medgar Evers College, CUNY. Prior to assuming his post at the CLSJ, Maurice served as Administrative Assistant and District Director to newly elected Congressman MAJOR R. OWENS.

Maurice's management career began when he became the first director of the Brownsville Community Council's Head Start Program. He also helped found the Brownsville Child Development Center, and served as the first Executive Director/CEO for twelve years. Maurice has also held positions as the President of the Central Brooklyn Mobilization Democratic Club, the Chairperson of the Committee for An Effective School Board # 23, and as the Chairperson and Secretary/Treasurer for United Housekeeping Service, Inc. and United Homecare, Inc. Additionally, he has been a member of the Coalition for Community Empowerment and the Board of Directors of the American Reading Council. Maurice is currently a member of the Board of Directors of the Community Health Care Association of New York State.

After nearly 17 years of involvement with the BCDC, as a board member and Chairperson, he became President and CEO. His hard work and dedication have clearly paid off.

Mr. Speaker, Maurice A. Reid is committed to serving and improving his community. As such, he is more than worthy of receiving this recognition and I urge my colleagues to join me in honoring this remarkable man.

PERMANENT DEATH TAX REPEAL ACT OF 2002

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. SOUDER. Mr. Speaker, I rise today in support of the permanent repeal of the death tax. The repeal of this particular tax is especially important in ensuring that small and minority-owned businesses as well as family farms are not destroyed due to the inability to pay this archaic tax.

A family death is already a difficult burden to bear. The death tax furthers the family's pain by presenting the survivors with the choice of either paying a large death tax or, if unable to secure the funds to pay the tax, selling their family's farm or business. Not only do survivors lose their jobs when forced to sell a family business, but countless employees of the business often find themselves on the streets as well, losing their job, health insurance, and benefits. We cannot continue to watch as children who have worked their entire lives in a family business lose what is rightfully theirs simply because selling their business is the only way they can raise the necessary funds to pay the estate tax.

Additionally, numerous surveys of small business owners have indicated that the estate tax is a primary threat to the expansion of their businesses because they spend more money on estate planning than expansions. Lack of business expansions translates to a lack of new jobs being created at that business.

Finally, I want to clarify that under the law enacted in 2001, the death tax is to be repealed in 2010 ensuring that all assets transferred from one generation to the next would not be subject to the estate tax, but would instead be subject to the capital gains tax. Appropriately, the families of the decedent would have a choice to either continue the family business or sell it and then pay a capital gains tax. Families should make the decisions regarding the sale of their farms and businesses rather than be forced to sell in order to pay an exorbitant death tax.

PERMANENT DEATH TAX REPEAL ACT OF 2002

SPEECH OF

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 2002

Mr. CRAMER. Mr. Speaker, I rise today as Co-chairman of the End the Death Tax Caucus in support of this bill and in opposition to the death tax. Eliminating this unfair provision in our tax code has been a priority of mine since becoming a Member of this body.

Today's death tax places a tremendous burden on America's small businesses and family-owned farms, which are at the heart of the economic vitality of our communities. Small businesses and farms can quickly reach the current low exemption levels for the death tax.

For example, urban convenience stores invest an average of $1.24 million per store for land, building and equipment, and rural stores invest almost $900,000 per store. Construction companies often need to purchase expensive heavy equipment to build our buildings, roads, and bridges. Our farmers, machine shops, and many other businesses often invest in equipment that involve high capital outlays. The Alabama Farmers Federation tells me that much of family farm estates is usually locked up in their farmland, which often must be sold to pay the estate tax. Too often, this tax has forced American families to liquidate a business or farm that was built on years of hard work and sacrifice.

The tax relief package enacted last year provided temporary relief from the death tax. This law provides for a slow drop in death-tax rates from 50 percent to 45 percent and then an abrupt drop to zero in 2010. For some of us—like myself—this reduction does not occur fast enough. Over the same time period, the exemption increases from $1 million to $3.5 million. Regretfully, current law resurrects the death tax in 2011, with tax rates as high as 55 percent and an exemption at the low level of $675,000.

This temporary repeal does little to alleviate the estate-planning burden on our families. It forces them to play expensive, cumbersome games of tax strategy instead of allowing these entrepreneurs to reinvest their money and time into building their business. In fact, the temporary nature of the current law has made an already-complex tax code more complicated, and estate planning more difficult. Estate planning for farms is further complicated by the uncertain nature of the future net worth of farm operations. This money spent on estate planning—both attorney's fees and insurance premiums—would be better spent invested back into the business and providing job growth for our nation.

Family businesses spend nearly $14.2 billion a year on estate planning and insurance costs. This capital that is used for estate planning is an economic drag on family businesses at a time when they must deal with other economic burdens beyond their control.

The sunset provision simply prevents small business owners and farmers from taking advantage of the repeal. Unless they know for a fact that they will pass on by the year 2010, they must continue to pay tax advisors to help them secure their family's welfare in the future.

According to the IRS, just in the tax year 1999 alone, $227 million was collected from the estate tax in my state of Alabama. One study shows that permanent repeal would increase our GDP a total of $150 billion over 10 years, and it could provide an additional 165,000 jobs per year. The anti-growth death tax causes small businesses—who are undercapitalized in the first place—to cut back on labor, re-investment, and risk-taking. Studies have also shown that the death tax encourages small business owners to sell out or merge with larger companies.

Furthermore, the death tax can encourage the rich to spend down their savings on lavish consumption. A Joint Economic Committee study estimated that the death tax existence has reduced the nation's pool of savings by $497 billion.

Mr. Speaker, this tax is an unfair tax. It double-taxes income that was already taxed when it was earned, It is collected at a time of deep grief for our families. And it penalizes those who have worked hard over a lifetime to provide for the future security of their family.

In closing, Mr. Speaker, the time has come to finish the job and get rid of this unfair, burdensome tax once and for all. The death tax reduces wages, it reduces job creation, it discourages savings, and it is a leading cause of the liquidation of small businesses. Permanent relief from this death tax is critically important for America's family-owned small businesses and farms.

Finally, let me thank my colleague from Washington and Co-Chairwoman of the End the Death Tax Caucus—Congresswoman DUNN—for working with me in a bipartisan manner to remove this unfair provision from our tax code.

I urge Members to support this legislation.

HONORING LOUISE BELKIN, FRANK JOSLYN, AND TERRY WERDEN FOR THEIR OUTSTANDING SERVICE AND DEDICATION TO TEACHING AT THE WEST DISTRICT SCHOOL IN FARMINGTON, CONNECTICUT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to acknowledge the achievements of three excellent teachers from West District School in Farmington, Connecticut. They are Mrs. Louise Belkin, Mr. Frank Joslyn, and Mrs. Terry Werden. All three will leave West District at the end of the 2001–2002 school year.

Mrs. Belkin has been an elementary school teacher in the Farmington School System for 33 years, teaching at West District for 27 years. She has been a leader in the field of mathematics and served as the school's math resource teacher for 14 years. During this time, she created and composed math curriculum and assessments for the district as well as organized and taught the district's math summer school program. She has served as an elementary-level representative to the ATOMIC Executive Board and a PIMMS Fellow. In 2001, she co-authored a geometry book to be used by teachers published by the National Council of Teachers of Mathematics. Mrs. Belkin has actively served in the Farmington Education Association, serving as the building representative for ten years, treasurer for fourteen years and a member of the negotiations committee through five contracts.

Over the past 20 years, Mrs. Belkin has arranged for me to hold annual press conferences for West District School's fifth grade. I have looked forward to this every year and regret that Mrs. Belkin's retirement and the change in the grade structure in the Farmington School system mean the end of these events at West District School.

Mr. Frank Joslyn was recognized as Farmington's Teacher of the Year for 1993–94. He served with the Farmington Education Association as a building representative, a Council member and an officer. He developed and implemented a "Homes of America" program for both parents and children, teaching them history through architecture. He also co-planned and produced the annual Veteran's Day Program at West District School. And he served as West District's "lead teacher" for more than 8 weeks during the prolonged illness of the principal. Mr. Joslyn's influence on the school body and fellow members of the faculty has been tremendous. He has shared his artistic skills to enhance the school building, designing a display case, memorial benches, banners as well as the school's letterhead and note cards and a memorial sculpture. While everyone at West District School will miss Mr. Joslyn's leadership and artistic insight, we take comfort in the knowledge that the students at Farmington's new 5–6 school will benefit from his talents and abilities.

Mrs. Terry Werden has been with West District School for 34 years, serving as the Science Resource Teacher for 13 years. She served as an outdoor educator, organized the "Kids and Chemistry" nights for several years and introduced the "Invention Convention" the West District School's Grade 5. She also has given her time as an active member of the Farmington Education Association, and as a member of curriculum teams for writing, science and social studies. She currently has three students whose parents she also taught in the Farmington School system. Mrs. Werden is a dedicated public servant and her influence has been strongly felt throughout West District School and the families it serves. Her presence within our walls will be greatly missed, as she moves on to teach at Farmington's new 5–6 school.

These three educators have served on the same team for a quarter of a century. Combined, their efforts have amounted to 93 years of service at the West District School. The children, parents and families whose lives have been touched by their expertise and dedication can never forget the example of public service these three outstanding educators have set. I wish them well in all their future endeavors.

THE RECOGNITION OF DR. SIDNEY PESTKA, 2001 NATIONAL MEDAL OF TECHNOLOGY LAUREATE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. PALLONE. Mr. Speaker, I'd like to take this opportunity to congratulate Dr. Sidney Pestka who was named the 2001 National Medal of Technology Laureate for his pioneering achievements in the field of biotechnology. Dr. Pestka is from my district and joins us from the Robert Wood Johnson Medical School at the University of Medicine & Dentistry of New Jersey in Piscataway, New Jersey.

Mr. Chairman, in 1969, Dr. Sidney Pestka began a project to determine what interferon was—a substance that held the possibility of curing viral diseases, diseases that defied treatments, diseases that challenged the ingenuity of medicine for centuries, diseases including hepatitis, influenza, Ebola, Dengue, Yellow Fever, West Nile, and even the common cold. The possibility that a single medicine could treat all or at least many viral diseases was alluring. After a few months evaluating the scientific basis and potential of interferon, Dr. Pestka began to translate this dream into reality.

For the next seventeen years, Dr. Pestka made a remarkable series of discoveries and developments, often bucking prevailing beliefs and designing innovative solutions to problems along the way to success. His achievements carried out at the Roche Institute led to numerous medical applications including cloning of the human genes, development of immunological assays with monoclonal antibodies and medical application of interferon for viral diseases, to name only a few. In 1986, Dr. Pestka's dreams became reality when the Food and Drug Administration (FDA) approved the interferon that he developed.

The approval of interferon by the FDA was significant, not only because it allowed Dr. Pestka's development to be applied to treat viral diseases but also because it prepared the pathway for many other biotherapeutic agents now used in the clinic and stimulated the creation and development of today's extensive biotechnology industry. Dr. Pestka's achievements are the basis of several U.S. and foreign patents and interferon is now a major product of several U.S. and foreign companies. The market for interferon is expected to exceed $7 billion by 2003.

In addition to interferon's commercial impact, there was no general antiviral therapy available before Dr. Pestka began his work on interferon; today, interferon is the first and only general antiviral therapy. Interferon is used to treat hepatitis B and C, diseases that afflict 300 million people worldwide. Today, interferon is used for the treatment of cancers such as metastatic malignant melanoma, kidney and bladder cell carcinoma, some leukemias, AIDS-related Kaposi's sarcoma, and multiple sclerosis. Mr. Chairman, many individuals are now alive and well after treatment with interferon as a result of Dr. Pestka's achievements.

Finally, Mr. Chairman, I'd like to point out that the potential of interferon has caught the imagination of the public with many newspaper, magazine and journal articles about interferon over the past twenty years. Most scientists in academia do not bring achievements in research directly into commercial products with special considerations for scale up, environmental impact, economy, efficiency and efficacy. Dr. Pestka has bridged this gap by making seminal achievements in all these avenues from concept, to basic research and to practical application. He has fostered new industries in multiple areas, developed new medicines for previously untreatable diseases, and brought new hope to those afflicted. These pioneering achievements were prefaced and followed by many other basic scientific discoveries in chemistry, biochemistry, genetic engineering and molecular biology from the genetic code and protein biosynthesis to interferons, cytokines, receptors and cell signaling.

In closing, Dr. Pestka's achievements in innovation and translation provide a role model for this and future generations.

TRIBUTE TO MARATHON GIRLS FIELD HOCKEY TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Marathon High School Girls Field Hockey Team for winning their fourth consecutive Class D New York State Championship. The MHS Girls Field Hockey team, coached by three-time New York State Championship Coach Karen Funk, finished the year with an unprecedented (24–0) season while also receiving the New York State Scholar/Athlete Team Award by maintaining a team average of 94.5.

The Lady Olympians scored a total of 127 goals this season while only allowing 6 goals against them which contributed to 18 total shutouts this season. In addition to their outstanding season, MHS had two National All American players and two All State Players. With a combination of hard work and determination the MHS Girls Field Hockey Team has established a dynasty within the realms of Girls Field Hockey.

On behalf of the residents of the 25th Congressional District, it is my honor to congratulate the Marathon High School Girls Field Hockey team and their coach Karen Funk on their Class D New York State Girls Field Hockey Championship. With these remarks, I would like to recognize the following players and staff: Coach—Karen Funk, Scorekeeper—Jenelle Dayton, Alexandra Askew, Brooke Atwood, Nikki Billings, Amanda Bliss, Danielle Braman, Lauren Brooks, Nicole Dann, Danielle Dayton, Danielle Diaz, Heather Doran, Alissa French, Lisa Gilbert, Jamie Gofgosky, Jessica Gofgosky, Eileen Hoyt, Maranda Kinsman, Tiffany Marsh, Jolene Phillips, Allison Robertson, Jacki Rose, Shira Thomas, and Kaitlin Veninsky.

Congratulations to all.

A TRIBUTE TO LENFORD L. ROBINS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOWNS. Mr. Speaker, I rise today in honor of Lenford L. Robins, a leasing representative and a fine individual.

Currently the Founder and Chairman of Bridgeport Capital Resources Inc. Mr. Robins attended St. George College in the West Indies and subsequently worked as a law clerk in the Criminal Justice System, Sutton Street Court Division, Kingston, Jamaica, and immigrated to the United States in 1969 to further his studies. In the United States, he attended New York School of Dentistry and Brooklyn Community College, where he received his degree in Orthodontic Dentistry. He went on to invent the "Tooth Aligner," commonly known as the "Spring Retainer," which is used in all dental practices globally.

In 1973, Mr. Robins changed his career path and pursued corporate financing. He became a member of the "Elite Clout Club" of First Investor Investment Corporation, and joined Ford Motor Credit from 1976 to 1979, where he was trained as a representative. He has worked as a Leasing and Credit manager for Toyota Motor Credit, Honda, Volkswagen, and BMW, and has received several awards for his outstanding performance and contributions in the leasing industry.

Mr. Robins has also served as the Director of Leasing for Emar International and Reserve Lease Systems, as the President of Leasing Research International, and as the Director of International Markets for Blockwell Funding Corporation. He has also headed the International Division for GFI Business Capital. In each of these capacities, he has used his expertise to train others, and has been recognized and respected by his peers. As proof of his prominence, Mr. Robins has been interviewed on the Bill McCreary Report on Fox Channel 5 Television and CNBC Television, and has been written about in several newspapers and magazines. He is also the author of "The Advantages of Leasing."

I would like to commend to my colleagues' attention the many achievements of Mr. Lenford L. Robins, a true expert in equipment leasing.

ARTICLE BY GEOFF D. PORTER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. KLECZKA. Mr. Speaker, I submit for the record a June 1 New York Times op-ed by Geoff D. Porter, a professor of Middle Eastern studies who expresses frustration at what he says is a slow and ineffective means by which the Federal Bureau of Investigation has been trying to recruit those proficient in Arabic. Since his insight as to the need for experts in the various dialects makes a compelling argument, I've also forwarded a copy of the article to FBI Director Robert Mueller.

I thank my friend, Professor David Randall Luce of the University of Wisconsin-Milwaukee for bringing this article to my attention.

[From the New York Times, June 1, 2002]

LOST IN TRANSLATION AT THE F.B.I.

(By Geoff D. Porter)

In announcing his restructuring of the Federal Bureau of Investigation, Robert S. Mueller III, its director, stressed the importance of upgrading the F.B.I.'s intelligence capabilities by recruiting "the right people with the right experience." If my own experience with the agency is any guide, that should include an urgent recruiting drive for people with the right Arabic language skills.

Less than a week after the attacks on the World Trade Center and the Pentagon, I responded to the F.B.I.'s calls for Arabic translators. I know of a half-dozen other Middle Eastern studies graduates who also applied—Ph.D.s who, like me, are proficient in one or more Arabic dialects, as well as in Modern Standard Arabic. Ultimately—dismayed by what seemed to us the agency's flawed understanding of what proficiency in Arabic means—none of us pursued our candidacies.

I applied less than a week after Sept. 11 but wasn't called for the four-and-a-half hour translation test until January. It wasn't until February that I sat for a four-hour interview and polygraph test. The F.B.I. was then to begin a six- to eight-month background check. At the earliest, I might have started translating more than a year after I applied.

The slow pace, however, wasn't the most unsettling characteristic of the process. There was something more worrisome: The F.B.I.'s Arabic translation test simply does not measure all the language skills needed for intelligence gathering focused on Arabic speakers.

The Arabic-language test—copyrighted in 1994 by the Defense Language Institute, according to the back of my exam booklet—was solely in Modern Standard Arabic, the Arabic most frequently studied at American universities. This is the form used for official speeches and in the news media in Arab countries—but almost never in conversation. It differs substantially from the spoken varieties of Arabic in vocabulary, syntax and idioms—enough so that a non-native speaker who learned only Modern Standard Arabic would not be able to understand Arabic speakers talking to one another.

The regional dialects also differ from one another—varying considerably from one end of the Arabic-speaking world (in Morocco) to the other (in Oman). The dialects are, for some Arabic speakers, mutually unintelligible. (Once, I mistakenly gave a Cairo taxi driver directions in Moroccan Arabic, and he responded: "Ich spreche kein Deutsch.")

These varieties of Arabic are the language of the market, the home and the street for the world's 200 million Arabic speakers. Yet no colloquial Arabic, in any dialect, appeared anywhere on the F.B.I.'s Arabic translation test, which included a listening-comprehension section.

During my post-exam interview, I tried to offer some feedback about the test's failure to measure skills in everyday spoken Arabic, but the interviewer brusquely moved on to his next question. Nor was there a chance for me to name the two Arabic dialects in which I am proficient. The interview is scripted; there is no room for unscripted interaction. All the other Middle East studies applicants with whom I spoke said they, too, noticed the test's shortcoming but couldn't find an opening to comment on it.

As the F.B.I. reorganizes, it should improve its recruitment of Arabic translators by adding tests that measure fluency in one or more of these numerous Arabic dialects. Otherwise, its translators may be limited to reading Arabic newspapers or listening to Al Jazeera broadcasts. They may misunderstand wiretapped phone conversations or be unable to identify crucial information. Until the F.B.I. shows more willingness to listen to the experts it is trying to attract, it will not get the expertise it needs.

CONTINUATION OF RACIAL DISCRIMINATION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. THOMPSON. Mr. Speaker, I rise today to bring attention to racial discrimination which continues to be a problem in America. Recently, in my home state of Mississippi, more specifically, Brandon, Mississippi, a couple was discriminated against while trying to buy a home. Mr. and Mrs. Michael Keys, an African-American couple, were attempting to purchase a home in Brandon when they were harassed verbally by a neighborhood resident, Chris Hope. Hope threatened the safety of the Keys' children after asking them why did they want to stay in a white neighborhood.

Mr. Hope was later subpoenaed when the Department of Housing and Urban Development filed charges on behalf of the Keys, who filed a housing discrimination complaint. Mr. Hope was later ordered to pay $146,000. Hope is to pay $126,000 to the Keys for damages and $8,140 to their real estate agent. He has to also pay $11,000 in civil penalties.

Mr. Speaker, HUD released a statement saying that, "racial discrimination will not be tolerated". I strongly support that statement. Discrimination is too often overlooked because it is thought of as a topic of the past. This story reinforces my belief that racial discrimination still exist. We must respond accordingly to discrimination cases.

A familiar document that we know as The Declaration of Independence states that "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." Racial discrimination is not only a moral injustice but it is also a legal injustice.

PROPOSING A TAX LIMITATION AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise to make a speech that I should not have to make. I rise to discuss a constitutional amendment that should not have made it to this floor. In short, this debate is a waste of my time, your time, and the American taxpayer's money.

Let me be more specific. H.J. Res. 96, the Tax Limitation Constitutional Amendment, has been brought to the House floor for a vote seven times in the past seven years. Each time, year after year, it has failed to gain the ⅔ majority needed to pass. I expect that this year will be no different.

But let's suppose that this year is different. Let us imagine that some of us decide to give in to political expediency and decide to vote for a constitutional amendment that will impair our legislative duty to determine the proper tax rate for the American people and for our government. Would it pass the other body? Undoubtedly, no. Would it pass the state legislatures? Doubtful.

Why then do the Republicans continue to bring this legislation to the floor? Do my colleagues on the other side of the aisle believe that we do not have more important things to talk about? That homeland security and the reorganization of our intelligence community can wait another day or even another hour for us to waste our time on this worthless amendment? That the hundreds of thousands of Americans who are out of work right now and about to run out of temporary unemployment relief can hang on a few more days while we entertain the pigheaded decision to reintroduce this legislation for the seventh time in so many years?

Maybe some of my colleagues suppose that in defiance of precedent and simple math that this amendment will miraculously pass this year? I guarantee you it will not. That said, I call on my colleagues on both sides of the aisle to vote against this amendment and to refrain from wasting our time and the time of the American people with this legislation in the future.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mrs. MALONEY of New York. Mr. Speaker, on July 12, 2002, I missed rollcall votes No. 223, No. 224, and No. 225. Had I been present I would have voted "Yea" on rollcall vote No. 223, "Yea" on rollcall vote No. 224 and "Nay" on rollcall vote No. 225.

TRIBUTE TO SYRACUSE UNIVERSITY LACROSSE, 2002 DIVISION I NCAA MEN'S LACROSSE CHAMPIONS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. WALSH. Mr. Speaker, I rise today to recognize the accomplishments of the Syracuse University Lacrosse team, the 2002 Division I NCAA Men's Lacrosse champions. On May 27th, the Orangeman won their second national title in three years. I am proud to represent this entire team of fine young men led by Head Coach John Desko and Assistant Coaches Roy Simmons III, Kevin Donahue, and John Zulberti.

Lacrosse is one of the oldest American sports, and the members of this team—have taken the game to an incredibly high level. It is no wonder that lacrosse is growing at such a rapid pace with young athletes looking up to role models such as these students, who have dedicated almost their entire lives toward mastering this sport. They have truly made their University, the city of Syracuse, and lacrosse fans nationwide, proud of their accomplishments.

It is my honor to acknowledge the following members of this team who have joined together to achieve the ultimate goal of becoming Division I National Champions: Chris Bickel, Solomon Bliss, Matt Bontaites, Andrew Boyle, Travis Bryan, Drew Bucktooth, John Burns, Josh Coffman, Nick Donatelli, John Glatzel, Kevin Gowin, Tom Hardy, Brian Herloski, Pat Hogan, Ryan Hogan, Joel Howard, Sean Lindsay, Steve Lykudis, Alex Mummolo, Brooks Neal, Brian Nee, Mike Nockunas, Kyle Olson, Jarett Park, Bill Perritt, Jay Pfeifer, Jake Plunket, Michael Powell, Dave Puccia, Joe Sabasteanski, Mike Smith, Brian Solliday, Michael Springer, Billy St. George, Andrew Starr, Steve Vallone, Donn Vidosh, Zack Wallace, Brett Walther, Spencer Wright, Alex Zink.

A TRIBUTE TO NEZAM KELVIN AND CYNTHIA HOSEIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOWNS. Mr. Speaker, I rise today in honor of Nezam Kelvin and Cynthia Hosein, for their outstanding volunteer work with the 500 Block Association Community Garden and Food Pantry.

Kelvin, as he is known, and his wife Cynthia were born and raised in Trinidad, West Indies. In 1989, they moved to East New York in Brooklyn. They have two children, Princess (18) and Kelvin Jr. (13), and attend the Shepherd Home Open Bible Church.

Mr. Hosein is the President of the Euclid 500 Block Association Community Garden and Food Pantry, where both Kelvin and Cynthia volunteer. This picturesque garden is located on Euclid Avenue between Belmont and Sutter Avenue. In the spring of 2000, the Association built a basketball court behind the garden to provide neighborhood kids a recreational alternative to "hanging out" in the street. In addition to basketball, the site is used for regular cookouts for the kids and volunteers. In November 2000, the Association, together with Food For Survival and Green Guerillas, opened their food pantry. The number of people served, already at 440 families, increased dramatically after September 11, 2001. The line is so long, police assistance is now necessary to maintain an orderly process. Needless to say, the food pantry has had a tremendous effect on the community.

I would like to congratulate Nezam Kelvin and Cynthia Hosein, and the Euclid 500 Block Association Community Garden for their dedicated efforts in support of our Brooklyn community and I urge my colleagues to join me in honoring these dedicated community servants.

NOT IN MY NAME

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Ms. McKINNEY. Mr. Speaker, Rita Lazar is a remarkable woman. She lost a child, a son, in the horrible attacks on the World Trade Center on September 11, 2001. But Rita Lazar remains a pacifist, dedicating her life to eradicating war all over the world. And she is brave. She wrote a letter to the New York Times, that in essence said that although she knew this country's response to 911 would be war, she and many others feel that the answer is peace. She asked, as many have asked, that this country not go to war, not in the name of her son. Not in the name of her child.

All over the world, there is a movement afloat. People are coming together to say please, please, please, do not go to war—not in my name, and not in the name of my child.

Not in My Name. Not in the Name of My Child. People are saying to governments . . . War? No, not in my name. Destruction? . . . No, not in my name. Weapons of Mass Destruction? No, not in my name. Pollution? No, not in my name.

People from every walk of life—young and old, rich and poor, gay and straight, are saying: Not In My Name.

There is an entire coalition of people who, though horribly saddened by the events at the World Trade Center, send out a mighty call for peace. The September 11 Families for A Peaceful Tomorrow have given us a powerful message—they want a world in which no one, no child, no son, no father, no husband, no wife, no mother, no loved one has to suffer the horror of losing a family member in the name of war. Their bravery is a reminder of our duty towards making the world in which we live one of peace. If you go to their website at peacefultomorrows.org, you will see a quote from Martin Luther King Jr., that says, "Wars are poor chisels for carving out peaceful tomorrows." These people, these brave and suffering souls, have lost sons and daughters and husbands and fathers and wives and mothers to the 911 attack, and yet, miraculously, they are saying, don't go to war, not in the name of our loved ones, Not in the Name of My Child.

Among them are Phyllis and Orlando Rodriguez, who lost their only son Greg at the World Trade Center. The Rodriguez' also sent a letter to the media with the headline, "Not in Our Son's Name." They pleaded for a peaceful solution to this conflict, and they are joined by thousands upon thousands of people all over the world, as witnessed by the huge rally in Washington, DC on April 20 2002, where an estimated two hundred thousand people called out for an end to war.

And this cry is deepening, from a cry against war to a cry against injustice everywhere.

People all over America are saying that they don't want American corporations stealing the resources of other countries and destroying the forested lands and waters of this country—not in their name.

Israeli settlers have a peace group called Not in My Name. They are saying to the Israeli government, yes, we want a home, yes, we want a safe place to be, but not through violence and destruction and terror. They are saying to the Israeli government—don't take land from Palestinians, don't destroy their infrastructure, don't take their homes, don't destroy their family structures and their communities and their neighborhoods. Not in My Name, Not in the Name of My Child.

Why is this Not in My Name movement growing? Because when all is said and done, people all over the world, rich and poor, old and young, want to do what is right. Americans want to do what is right. People know it is wrong for destruction to occur in their name. Not in My Name. Not in the name of my child. It's like saying to a murderer—"Don't kill for me," It's saying to those who pollute our waters, Not in my Name. It's saying to those who destroy the economy of other countries—Not in my name, not in the name of my child.

Americans are gathering the courage to just say no. We are saying no to addictive lifestyles, addictive consumerism. We are saying no to wars and corporate takeover and the IMF loans that gobble up people and their resources.

And all over the world, people are saying, if you are committing these acts in my name, then don't. If you are committing these acts—waging war on the innocent, destroying the environment, buying bombs when babies need bottles . . . then don't do it for me. Not in My Name, Not in the Name of My Child.

Americans want peace, and justice and to live up to the conscience of its forbears. So we are joining people of good will around the world who say, Not in My Name, Not in the Name of My Child. Not in My Name, Not in the Name of My Child. Not in My Name, Not in the Name of My Child. Not in My Name, Not in the Name of My Child. Not in My Name, Not in the Name of My Child. Not in My Name, Not in the Name of My Child. Not in My Name, Not in the Name of My Child.

TRIBUTE TO THE BOROUGH OF ESSEX FELLS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Borough of Essex Fells and its residents on the occasion of its Centennial celebration.

Essex Fells, which was incorporated as a municipality by the New Jersey State Legislature on March 21, 1902, is the smallest municipality in Essex County, measuring a mere 1.6 square miles. Despite its size, the borough is home to some of the friendliest people, the loveliest homes, and gardens in New Jersey.

In the 18th and 19th centuries, the wooded hills and valleys that now comprise the municipality were sparsely settled, with only seven or eight farms located along what is now known as Roseland Avenue.

The expansion of the railroad system and improvements in other forms of transportation brought about the development of real estate in areas surrounding large cities. This resulted in the development of a community that would come to be known as Essex Fells.

Anthony Drexel, a prominent developer and planner from Philadelphia, had a vision and dream to build a unique community with beautiful homes situated in a rustic area of New Jersey. In 1888 he sent his representative, Charles W. Leavitt, to survey the situation around the extension of the railroad service in the Caldwells.

Following a report that the location seemed ideal for use as a high-level residential community, Mr. Drexel formed the New York Suburban Land Company in 1889 and purchased one thousand acres of land south of Caldwell. Included in part of the purchase were the land and the historic home of General William Gould, which became the home of the land company's new president, Mr. Leavitt. The majority shareholder in the corporation was John R. Fell, Mr. Drexel's son-in-law.

The hilly and rocky terrain made an imaginative and skilled approach to the planning necessary. To lay out an over-all community concept, Mr. Drexel hired well-known landscape architect Ernest W. Bowditch.

As this new area began to be developed and built, it was fortunate enough to be able to install such technological advances as electricity, in-door plumbing, and telephones, conveniences that are commonplace one hundred years later—but were true innovations then!

Essex Fells was given its name in honor of the county in which it was developed, Essex, and because the word "fell" suggests a rolling, hilly area, although Mr. Fell must have had some input into the name Essex Fells!

Throughout the past one hundred years not much about the character of Essex Fells has changed from the original concept of a residential rustic community. Today, the municipality is home to over 2,100 residents, a very small number by New Jersey standards, the Essex Fells Water Company, a public elementary school, a post office, and a park.

Mr. Speaker, this weekend the fine neighbors of Essex Fells will be joining together for a parade and community picnic to celebrate this auspicious occasion. I urge you and all of my colleagues to join Mayor Edward Abbot, Borough Council members James N. Blake, Rupert Hauser III, James W. Irwin, Julianne H. Rose, Thomas St. John, and, Lynda Youngworth, and the Citizens of Essex Fells in wishing them well during this special anniversary year.

HONORING THE 50TH ANNIVERSARY CELEBRATION OF ST. ANTHONY OF PADUA PARISH

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the 50th anniversary of the establishment of St. Anthony of Padua Parish in Falls Church, Virginia.

Since holding its first Mass on Easter Sunday, 1952, St. Anthony's has profoundly impacted its congregation, students, and the community at large. Today the multi-ethnic parish continues to flourish while upholding a strong tradition of excellence in both the Catholic Christian ministry and community service. The accomplished past of the church has been characterized by generous contributions to local worship, education, and medical care. St. Anthony's sizeable and multifaceted endeavors have been remarkably effective.

In 1954, the church established St. Anthony's School, which now enrolls 620 students in grades pre-kindergarten through eighth. This notable commitment to education is further reflected in the valuable resources the church has made available to its community. These range from a religious education program for public school students to a computer-training course for adults. A partnership with Fairfax County and the Hispanic Committee of Virginia in a Day Laborers' Program highlights the church's dedication to improving education.

St. Anthony's has undertaken substantial initiatives in improving local health care by providing a mobile mammogram van, running Alcoholics Anonymous groups, and offering 24-session parenting classes. Additionally, the church co-sponsors quarterly health fairs with organizations such as the National Institutes of Health, whom they further assist in conducting bone-marrow screenings.

The Parish also has made strides in emergency assistance. St. Anthony's has relieved many people facing hardships by helping with medical costs and utility payments. The establishment of "Mary's House" enabled the church to aid single homeless mothers by providing them a caring environment. Moreover, St. Anthony's offers services such as counseling, tax assistance, Thanksgiving dinner, and the collection of Christmas gifts to those in need.

With all of these accomplishments, there is great reason for St. Anthony's and its community to celebrate. Accordingly, Mr. Speaker, I extend my warmest congratulations on their 50th Anniversary. The Parish most certainly has distinguished itself through its devotion to community service, and I call upon my colleagues to join me in applauding 50 years of excellence.

PROPOSING A TAX LIMITATION AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose H.J. Res. 96, Tax Limitation Constitutional Amendment. There are three key points that are relevant to this constitutional amendment:

This Constitutional Amendment states that any bill changing the internal revenue laws will require approval by two-thirds of the Members of both the House and Senate.

A Constitutional Amendment must pass both houses of Congress by a ⅔ vote before it is passed onto the states for ratification.

Adoption of the 16th amendment in 1913 first allowed direct taxation of the American people by the federal government.

The underlying legislation of H.J. Res. 96, is an attempt to help the most well to do Americans through a constitutional amendment that limits the ability of Congress to raise taxes and cut deficits. It is no secret that this legislation is designed to disproportionately help the richest people in this country.

H.J. Res. 96 could make it difficult to maintain a balanced budget or to develop a responsible plan to restore Medicare or Social Security to long-term solvency. H.J. Res. 96 is a resolution proposing an amendment to the Constitution of the United States of America with respect to tax limitations, that would require any bill, resolution, or other legislative measure changing the internal revenue laws require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless the bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount.

By requiring a two-thirds supermajority to adopt certain legislation, H.J. Res. 96 diminishes the vote of every Member of the House and Senate, denying the seminal concept of "one person one vote". This fundamental democratic principle insures that a small minority may not prevent passage of important legislation. This legislation presents a real danger to future balanced budgets and Medicare and Social Security.

Under H.J. Res. 96, it would be incredibly difficult obtaining the requisite two-thirds supermajority required to pass important, fiscally responsible deficit-reducing packages. And at a time in our history when the Baby Boomers are now retiring, H.J. Res. 96 could make it more difficult to increase Medicare premiums for those most able to pay their fair share of the bill, and could make it difficult balancing both Medicare and Social Security payroll taxes in the long term.

H.J. Res. 96 would make it nearly impossible to plug tax loopholes and eliminate corporate tax welfare, or even to increase tax enforcement against foreign corporations. H.J. Res. 96 would also make it nearly impossible to balance the budget, or develop a responsible plan to restore Medicare or Social Security to long-term financial solvency.

I am deeply troubled by the concept of divesting a Member of the full import of his or her vote. As Professor Samuel Thompson, one of this Nation's leading tax law authorities, observed at a 1997 House Judiciary Subcommittee hearing on the same proposal: "the core problem with this proposed Constitutional amendment is that it would give special interest groups the upper hand in the tax legislative process."

By requiring a supermajority to do something as basic as getting the money to run government, H.J. Res. 96 diminishes the power of a member's vote. It is a diminution. It is a disparagement. It is inappropriate, and the fact that this particular amendment has failed seven times in a row suggests that Congress knows it.

H.J. Res. 96 will also make it nearly impossible to eliminate tax loopholes, thereby locking in the current tax system at the time of ratification. The core problem with this proposed constitutional amendment is that it would give special interest groups the upper hand in the tax legislative process.. Once a group of taxpayers receives either a planned or unplanned tax benefit with a simple majority vote of both Houses of Congress, the group will then be able to preserve the tax benefit with just a 34 percent vote of one House of Congress.

In addition, H.J. Res. 96 would make it inordinately difficult to make foreign corporations pay their fair share of taxes on income earned in this country. Congress would even be limited from changing the law to increase penalties against foreign multinationals that avoid U.S. taxes by claiming that profits earned in the U.S. were realized in offshore tax havens. Estimates of the costs of such tax dodges are also significant. An Internal Revenue Service study estimated that foreign corporations cheated on their tax returns to the tune of $30 billion per year.

Another definitional problem arises from the fact that it is unclear how and when the so-called "de minimis" increase is to be measured, particularly in the context of a roughly $2 trillion annual budget. What if a bill resulted in increased revenues in years 1 and 2, but lower revenues thereafter? It is also unclear when the revenue impact is to be assessed, based on estimates prior to the bill's effective date, or subsequent determinations calculated many years out. Further, if a tax bill was retroactively found to be unconstitutional, the tax refund issues could present insurmountable logistical and budget problems.

I hope that my colleagues take seriously the path H.J. Res. 96 would lead us down were it to be adopted as is, therefore, I urge my colleagues to oppose H.J. Res. 96.

PROPOSING A TAX LIMITATION AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. UDALL of Colorado. Mr. Speaker, already this year is nearly half gone. But more than half our year's work remains undone—including consideration of the President's proposal to establish a new Department of Homeland Security. If we are to complete the year's work on time, we need to put every day to good use. But that's not what we are doing today.

Instead, today the House is again considering a proposed constitutional amendment that was debated, and that failed of approval, just last year. I think that is a waste of time, especially since the proposal does not deserve to pass.

I'm not a lawyer, but it's clear that the language of the proposal is an invitation to litigation—in other words, to getting the courts involved even further in the law-making process. To say that Congress can define when a constitutional requirement would apply, provided that the Congressional decision is "reasonable," is to ask for lawsuits challenging whatever definition might be adopted. Aren't there enough lawsuits already over the tax laws? Do we need to invite more?

But more important than the technical aspects of this proposal, I think it is bad because it moves away from the basic principle of democracy—majority rule.

Under this proposal, there would be another category of bills that would require a two-thirds vote of both the House and the Senate.

That's bad enough as it applies here in the House, but consider what that means in the Senate. There, if any 34 Senators are opposed to something that take a two-thirds vote, it cannot be passed. And, of course, each state has the same representation regardless of population.

Consider what that means if the Senators in opposition are those from the 17 States with the fewest residents.

Looking at the results of the most recent census, the total population of the 17 least-populous states is about 21 million people.

That's a respectable number, but remember that the population of the country is more than 280 million.

So, what this resolution would do would be to give Senators representing about 7 percent of the American people the power to block some kinds of legislation—even if that legislation has sweeping support in the rest of the country, even if it had passed the House by an overwhelming margin, and even if it was responding to an urgent national need.

Right now, that kind of supermajority is needed under the constitution to ratify treaties, propose Constitutional amendments, and to do a few other things.

But this resolution does not deal with things of that kind. It deals only with certain tax bills—bills that under the constitution have to originate here, in the House. Those are the bills that would be covered by this increase in the power of Senators who could represent such a very small minority of the American people.

Why would we want to do that? Are the proponents of this constitutional amendment so afraid of majority rule? Why else would they be so eager to reduce the stature of this body, the House of Representatives, as compared with our colleagues in the Senate?

Remember, that's what this is all about—"internal revenue," however that term might be defined by Congress or by the courts. When Congress debates taxes, it is deciding what funds are to be raised under Congress's Constitutional authority to "pay the debts and provide for the common defense and general welfare of the United States." Those are serious and important decisions, to be sure, but what is wrong with continuing to have them made under the principle of majority rule—meaning by the members of Congress who represent the majority of the American people?

So, Mr. Speaker, I cannot support this proposed change in the Constitution. Our country has gotten along well without it for two centuries. It is not needed. It would not solve any problem—in fact, it probably would create new ones—and it would weaken the basic principle of democratic government, majority rule.. It should not be approved.

IN HONOR OF YONG SOO JUN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOWNS. Mr. Speaker, I rise today to recognize Yong Soo Jun, who has actively promoted the interests of Korean-American entertainers.

Mr. Jun, who currently lives in Fresh Meadow, New York, moved to New York from Chicago in 1980, and immediately became affiliated with the Korean American Entertainers Association, which at the time, had about thirty members. Over the next six years, Mr. Jun participated in and helped organize many charitable events and performances for the Korean community throughout New York and New Jersey.

In 1986, for business purposes, Mr. Jun moved to Virginia, and spent the next ten years traveling from state to state. During this time, Mr. Jun constantly organized and participated in numerous events, bringing smiles to the faces of virtually everyone with whom he came into contact.

Upon his return to New York in 1996, Mr. Jun picked up where he left off. He immediately resumed his activity with the Korean American Entertainers Association, which by then had increased its membership to about 100, and became President of the organization in 2001. As President, Mr. Jun met Reverend Solomon Y. Kim, the pastor of the Mirral Church, in the Bensonhurst section of Brooklyn. Their collaboration has produced many special events, including a performance at Brookdale Hospital's Shulman Institute Nursing Home, and charity events for children with leukemia. A devoted husband and father, Mr. Jun used to view receiving an applause after one of his performances as his ultimate goal, but has found another calling in life in helping others in need.

Therefore, I would like to acknowledge Mr. Yong Soo Jun for his accomplishments and volunteer work for the communities of New York.

TRIBUTE TO CITY OF WESTMINSTER FOR DISTINGUISHED LOCAL GOVERNMENT AWARD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to the city of Westminster, Colorado. This outstanding community was recently recognized at the 40th Annual Excellence in Government Awards Program hosted by the Denver Federal Executive Board as the recipient of the Distinguished Local Government Award.

Westminster, in the Congressional District I am proud to represent, has used the concept of "Improvement through Cooperation" as it strives to improve local services through a series of innovative intergovernmental cooperative agreements with local, state and federal government partners.

The City has taken a leadership role in providing strong, representative management on complex issues that affect citizens living in Westminster and surrounding communities. Westminster led the way in 1980, bringing the cities of Thornton and Northglenn and other stakeholders to set up a water-monitoring program that led to The Clear Creek Watershed Management Agreement in 1994. Over a period of 20 years the original agreement has been expanded to more than 23 entities that benefit from this successful watershed-monitoring program. Water quality has been improved and enhanced and many ancillary groups help in the sampling efforts, sample collection and quality assurance.

In 1986 Westminster negotiated a first of its kind Intergovernmental agreement with the city of Thornton to address the development of the Interstate 25 corridor to make a commitment to study and plan for orderly growth and development. The goal was to simplify governmental structure and reduce and avoid friction between the two cities. This groundbreaking agreement crafted a joint land use plan, established annexation and service areas and revenue sharing.

In 1997, Westminster led the way again by taking the leadership on a second intergovernmental agreement with the cities of Broomfield and Thornton to study additional highway interchanges on Interstate 25 as the traffic impacts continued to grow. New intergovernmental agreements were signed, original agreements were amended to meet current needs and the citizens of these communities have highway corridors that are designed to address traffic demands.

Water rights and water quality are concerns for every western city. In a state with limited supplies and an expanding population, carefully negotiated water agreements are critical to limiting legal disputes and preserving financial resources. Fourteen years ago, Westminster provided regional leadership when it signed the Clear Creek Water Quality Agreement with three neighboring cities and the Coors Brewing Company. Citizens have cleaner, more abundant supplies of water and can be proud of the sophisticated legal agreement that has served the partnership for more than a decade.

Regional parks, libraries and recreation facilities have all been enhanced by cooperative agreements with neighboring cities and educational institutions. Strong intergovernmental agreements expand services for local residents in several communities. New golf courses, fitness centers, ice skating arenas and parks with campsites, hiking trails, campgrounds and water recreation all provide exceptional leisure time activities.

On a personal note, I have, on my own, "adopted" a section of the Dry Creek open space in Westminster as a way to help maintain the quality of life and the environment of this community. Through these efforts, along with many volunteers, I have witnessed firsthand the pride that the citizens of this city have for their community and its environment. This dedication has also been manifest in the City's extensive oversight of the cleanup of the Rocky Flats facility, a former nuclear weapons production facility that exists just west of Westminster. The City was one of the first to suggest that this site be converted into a national wildlife refuge once it is cleaned and closed.

Westminster continues to find innovative ways to partner with private corporations, sister communities, public officials and local citizens to bring a superior quality of life to its residents. I applaud Westminster for the outstanding examples of cooperative agreements that have been instituted and look forward to their continued success on behalf of the Coloradans they serve.

COMMEMORATING HARRIS COUNTY SHERIFF'S DEPUTY SHANE BENNETT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise this evening to honor the memory of a brave law enforcement officer, Harris County Sheriff's Deputy Shane Bennett. Deputy Bennett was killed early Wednesday morning, as he and two other deputies charged into a home and stopped a robbery and assault on an innocent family.

He and his fellow officers were summoned by a 911 call from a teenaged girl. Five gang members had broken into their house, and were in threatening the ten people inside with guns. Tragically, it appears that they had made a mistake, since they were demanding jewelry, money, and drugs, none of which these innocent people possessed.

While only two members of the family were shot, a woman of 22 and her 3 month old son, the outcome could have been much worse if the officers had not arrived and come to the family's rescue.

These assailants were all members of the Latin Kings street gang, and two of them had criminal records, including weapons possession charges. Two of them were killed by the officers, and the rest were tracked down and captured by an intensive manhunt through the nearby woods and homes by officers from a half-dozen local police agencies.

After hearing of the shooting, law-enforcement officers from all over the Houston area gathered at Memorial Hermann Hospital, prepared to roll up their sleeves and give the gift of life for their brother in arms.

Sadly, as they arrived, they were met with the news of Deputy Bennett's death, and could do nothing but comfort his family, and each other.

Shane Bennett, 29 years old, was a member of the class of 1990 at Spring High School, in north Harris County. He had been patrolling the second patrol district, which covers 300 square miles of unincorporated Harris County, since 1997.

His colleagues remember him as a dedicated officer, who loved his job. He was known for his eagerness to combat the drug trade in this area, and was often involved in breaking up meth labs, a dangerous job due to the volatility of the chemicals used in the process.

Ed Christensen, president of the Harris County Deputies' Association, remembered him as a tireless and hardworking officer. He also said, "Shane died a hero. What would have happened if he hadn't been there? He laid down his life and gave the ultimate sacrifice. He absolutely laid down his life for his fellow man."

Deputy Bennett is survived by his wife, Teresa, and his 20 month old daughter, Alyssa. According to reports, as he lay mortally wounded, the name of the young girl who will never know her father was the last words he was able to speak.

We are indebted to Shane Bennett for his courage, and we share the grief of his family and offer kind words, knowing that it is a poor substitute for their loss.

Every day, ordinary men and women make an extraordinary commitment when they put on the badge that symbolizes the oath they took to protect and serve, the badge that also makes them a target. Every day, they leave their families behind, not knowing if they will come home that night.

Congress should continue to make sure that we keep our commitment to the law enforcement by providing funding for more officers, better equipment, and advanced training. It not only saves the lives of officers, but it makes our families, our homes, and our neighborhoods a safer place to live.

HONORING SUFFOLK COUNTY OFFICERS AND LOIS APRILE AND DENISE BRENNAN

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. GRUCCI. Mr. Speaker, today I rise to honor Suffolk County Officers Lois Aprile and Denise Brennan who have been selected as the recipients of the Rotary Club of Smithtown's 32nd Annual Peter J. Biegon Award.

Police Officers Aprile and Brennan were appointed to the Suffolk County Police Department on January 25, 1988. After graduating from the Police Academy they were assigned to the Fourth Precinct, assuming the duty of patrol officers. Their professional association and friendship go back many years.

It wasn't long after being assigned to the Fourth Precinct that it became evident that these two energetic officers were committed to establishing programs to benefit a wide range of community interests. In recognition of these efforts, they were both assigned to the Fourth Precinct COPE Unit in 1995.

Police Officer Aprile is certified as a crime prevention officer, a school—resource officer and a DARE instructor. She is currently working toward the completion of a master's degree in counseling at C.W. Post, L.I.U. She is a member of several committees, including the Sachem Committee on Drugs, Hauppauge School District Drug Task Force and is a board member of the Smithtown Veterans Youth Program. She is also a member of the Long Island Association of Crime Prevention Officers.

She acts as a volunteer for the Boy Scouts/Cub Scouts and serves as a religion education instructor for St. Philip and James Church. She gives freely of her time to the Special Olympics, Toys for Tots and various community outreach groups.

As one of the precinct's school liaison officers she helped create a program at the Smithtown Middle School to decrease problems among students relating to theft, fighting and other misconduct.

She has been recognized as cop of the month and has received several awards from public officials for her work with the Smithtown Veteran's Youth Program.

Police Officer Brennan has received certifications as a school resource officer and crime prevention officer. She is a member of the NYS Juvenile Officers Association.

She also serves as one of our school liaison officers and sits on several committees addressing youth development and delinquency prevention programs. She is a member of the S.A.F.E. Schools Committee, Kings Park Compass, Sachem Teen Driving Committee and the Raynor Park Youth Program.

HONORING THE LIFE AND ACHIEVEMENTS OF 19TH CENTURY ITALIAN-AMERICAN INVENTOR ANTONIO MEUCCI

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. HOLT. Mr. Speaker, I rise in support of legislation considered by the House this week which calls attention to an under recognized historical figure, Antonio Meucci, and his work on an invention that we today know as the telephone. Mr. Meucci is a testament to the hard work and innovation that made America great.

Most Americans know the story of Alexander Graham Bell, the man given sole credit for the invention of the telephone. This resolution makes clear, though, that another man made enormous strides in laying the groundwork for the invention, an Italian immigrant by the name of Antonio Meucci.

Antonio Meucci was born near Florence, Italy, in 1808. He studied mechanical engineering at Florence's Academy of Fine Arts and then worked in the Teatro della Pergola and various other theaters as a stage technician until 1835, when he accepted a job as a scenic designer and stage technician in Havana, Cuba.

Fascinated by research, Meucci read every scientific tract he could get his hands on, and spent all his spare time in Havana on research, inventing a new method of galvanizing metals that he applied to military equipment for the Cuban government. At the same time, he continued his work in the theater and pursued his experiments.

As a result of his research, Meucci had developed a method of using electric shocks to treat various illnesses. One day, while preparing to administer such a treatment, Meucci heard his friend's voice over the piece of copper wire running between them. He realized he had stumbled onto something much more important than any other discovery he had ever made, and he spent the next ten years bringing the principle to a practical stage. The following decade was to be spent perfecting the original device.

Antonio Meucci called his work on this project, "teletrofono." Meucci was unable to commercialize his invention because he did not speak enough English to navigate the American business community, and, having spent most of his life savings on his work, he was unable to raise sufficient funds to pay his way through the patent process. Instead, he had to settle for a caveat, a one-year renewable notice of an impending patent, which Meucci first filed in 1871.

While a brilliant inventor, Meucci was victim of a series of financial and personal misfortunes. A Western Union affiliate laboratory—where Meucci was keeping his models to demonstrate his work—reportedly lost his working models, and as Meucci—was subsiding off public assistance, he could not afford the $10 necessary to renew the caveat in 1874. In 1876, Alexander Graham Bell, who conducted experiments in the same laboratory where Meucci's materials had been stored, was granted a patent, and thereafter credited with inventing the telephone. Nine months later, the government moved to annul Bell's patent on the grounds of fraud and misrepresentation, which the Supreme Court remanded for trial.

Meucci died in 1889, the Bell patent expired in 1893 and the case was discounted as moot without ever uncovering the true inventor of the telephone. If Meucci were able to renew his caveat, a patent to Bell could have never been issued.

The world of science and invention is a highly competitive one, where inventors compete to make and market their discoveries. It is only right that we call attention to the work of one brilliant inventor who history has not given his proper due, and who made enormous contributions toward the invention of this device. I urge support for the bill.

RECOGNIZING WILBERFORCE UNIVERSITY PRESIDENT DR. JOHN L. HENDERSON

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. HOBSON. Mr. Speaker, I rise today to recognize the achievements of Dr. John L. Henderson, who, for the past 14 years, has served as the president of Wilberforce University, which is located in Greene County, Ohio in the 7th Congressional District.

On June 30th, Dr. Henderson will be retiring after a distinguished career in which he served at Wilberforce and in leadership positions at Xavier University, the University of Cincinnati, Sinclair Community College and Cincinnati Technical College. He also has taught education, counseling and psychology courses since 1966.

Dr. Henderson's tenure at Wilberforce has been marked by many accomplishments, not the least of which is the institution's physical growth. Some of the major facilities constructed during his tenure include: a health and wellness center, a gymnasium/student activities center, new dormitories, a communications center and a new administration building.

As a former member of the Wilberforce Board of Trustees, I have always found Dr. Henderson to be a dedicated educator and administrator, and a true advocate for the students and faculty at Wilberforce. His professional demeanor and extensive experience in Ohio's outstanding system of higher education have always made it a pleasure to work with Dr. Henderson and I have been privileged to have been able to work on the school's behalf in the Ohio State Senate and in Congress.

Dr. Henderson's comprehensive knowledge of higher education has been recognized with his selection to leadership positions in numerous educational organizations. He is a member of: the Board of Directors of the National Association of Independent Colleges and Universities, the Council of Independent Colleges and Universities, the National Commission of Cooperative Education, the Council of Presidents of The College Fund/United Negro College Fund, Minorities in Mathematics, Science and Engineering and the Givat Haviva Educational Foundation that oversees the education of college students in Israel.

Most recently, President George W. Bush appointed Dr. Henderson to serve on the President's Advisory Council on Historically Black Colleges and Universities.

Dr. Henderson received his bachelor's degree from the Hampton Institute in 1955, and his Master's degree in Education in Counseling and Guidance from the University of Cincinnati. Dr. Henderson continued his studies at the University of Cincinnati and received his Doctorate of Education in Counselor Education.

As Ohio's Seventh District Representative to the Congress of the United States, I take this opportunity to publicly recognize Dr. Henderson and his achievements on behalf of Wilberforce University. His many contributions to the educational growth of the nation's oldest privately funded historically black co-educational institution of higher learning are noteworthy and I thank him for his service.

A TRIBUTE TO HOWARD PITSCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Howard Pitsch in recognition of his long-term dedication to his community.

Howard is a twenty-year resident of Fort Greene who has assisted in promoting the progressive revitalization of the community. He is the chair of the Fort Greene Association, a not-for-profit organization dedicated to historic preservation, strengthening community relations and improving the quality of life and parks. In this position, he has used his professional expertise as a marketing manager for Newsweek to enhance the profile of this vital community organization.

He builds relationships with social and cultural organizations to improve the Fort Greene and Downtown Brooklyn areas. The Fort Greene Association sponsors a scholarship for a student to attend the Brooklyn Music School. The Association also works to restore Fort Greene Park and contributes to the creation of a Brooklyn Bridge Park.

As Fort Greene Association Chair, he serves as the liaison between the Association and elected officials, Community Board Two, the 88th Precinct Council and the Brooklyn Borough President's office. His ability to juggle and maintain these various relationships is a true talent.

Mr. Speaker, Howard Pitsch has dedicated himself to serving his Brooklyn community. As such, I urge my colleagues to join me in honoring this truly remarkable person.

IN TRIBUTE TO SERGEANT FIRST CLASS DANIEL ROMERO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to an American hero. Sergeant First Class Daniel Romero was killed while diffusing ordinance in Afghanistan on April 15, 2002. A member of the Colorado National Guard from Lafayette, Colorado, Daniel was called to active duty following the September 11 attacks against our country.

A ten-year veteran of the National Guard, Daniel was a communications specialist in the Special Forces. He also attended jump school, language school, and paramedic school. Daniel received the highest praise from his fellow soldiers including his Master Sergeant, who said, "I always rode him hard and every time he stepped up to the plate." He was sent with his unit to Afghanistan as a paramedic coordinator and ended up mastering a new communications system that had confused the rest of the unit. Daniel's versatility was just one of the traits that made him a model soldier.

Like so many of our brave men and women, Daniel left his home to defend his country. He left behind his parents Michael and Geralyn, his two sisters Stephanie and Gabrielle, and his new wife Stephanie Wendorf. To them, our humble nation thanks them and praises them, for they have paid the ultimate price in the name of freedom.

Mr. Speaker, as we are engaged in this battle to free the world from terror, I am sure that every one of my colleagues will join me in saluting Sergeant First Class Daniel Romero. His dedication and devotion to his family, his unit, and his country can serve as an example to all Americans. He is a symbol of the values that makes America great and is a testament to the spirit that will see this country through even these troubled times.

CONGRATULATING NASA AND DR. FRANKLIN CHANG-DÍAZ FOR A SHUTTLE MISSION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to congratulate NASA on the successful launch of the Space Shuttle Endeavour on June 6. This important mission has delivered the Expedition Five crew, and continues to install the Leonardo Multi-Purpose Logistics Module and the Mobile Remote Servicer Base System on the International Space Station.

This launch marks Endeavour's 18th flight and also marks the 14th shuttle flight to the space station. This launch is also historically significant because Astronaut Franklin Chang-Díaz makes a record-tying seventh flight into space. He now shares the record with Astronaut Jerry Ross.

During this mission, Astronaut Franklin Chang-Díaz, along with French Space Agency Astronaut Philippe Perrin have also preformed three scheduled spacewalks that continue the assembly of the International Space Station. These extravehicular activities mark the first time that Chang-Díaz and Perrin have been the first spacewalks for both astronauts.

Four years ago, I had the privilege of meeting and getting to know Dr. Franklin Chang-Díaz, an outstanding scientist and an accomplished astronaut. During this four year period, Dr. Chang-Díaz has accompanied me to nine middle schools in my district to talk about the importance of our national space program and to encourage students to take more math and science classes. I have also had the opportunity to visit his plasma propulsion laboratory at the Lyndon B. Johnson Space Center in Houston.

Dr. Chang-Díaz is a man of many talents. Not only is he the second human to make seven space flights, he is also currently developing the new Variable Specific Impulse Magnetoplasma Rocket (VASIMR) concept. The VASIMR prototype rocket engine is designed to shorten the trip to Mars and provide a safer environment for the crew.

Dr. Chang-Díaz has been working with scientists at NASA and the Department of Energy to develolp this project. To date, he has been able to secure just enough funding to keep the project operating. However, this project is too important to allow it to just survive. I am hopeful that NASA will quickly realize the need to have a dedicated stream of funding for the VASIMR project.

Our nation is fortunate to have such outstanding individuals, like Dr. Chang-Díaz and the other crew members, as part of our national space program. Our NASA astronauts are scheduled to arrive back to earth on Monday, June 17. At that time, I look forward to welcoming back our heros.

Mr. Speaker, I ask that my colleagues join me in congratulating Astronaut Franklin Chang-Díaz, the Johnson Space Center in Houston and everyone at NASA for a successful launch and a successful mission.

HONORING NADINE CIOFFI AND THE WILLIAM FLOYD ELEMENTARY SCHOOL

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. GRUCCI. Mr. Speaker, today I rise to honor Ms. Nadine Cioffi and the William Floyd Elementary School in Mastic Beach, New York, upon their receipt of The New York State Health Facilities Association's "Group Volunteer of the Year" award for 2002.

Ms. Cioffi is honored today for her unwavering commitment to the students of William Floyd Elementary School by establishing a pen-pal club 13 years ago for her 1st, 2nd, and 3rd graders.

Every September the students of Ms. Cioffi's classes send letters to the residents of Cedar Lodge Nursing Home in Center Moriches, New York and have the opportunity to meet with their pen pals later in the year. This program has served to enrich the lives of both students and seniors alike.

The value of bringing lives together has been rich and fulfilling. Students have the opportunity to speak and listen to seniors who have much to give of themselves. Students provide company and friendship to the residents of Cedar Lodge, friendship they might not otherwise have received in their day to day lives.

Ms. Cioffi has shown a commitment to excellence and a spirit of ingenuity that has fostered a thriving relationship between her students and residents of Cedar Lodge Nursing Home. She has planted and nurtured the seeds of friendship and virtue within the budding minds of her students. I am truly touched by her devotion, and wish her success in all of her future endeavors.

CENTRAL NEW JERSEY HONORS MR. ALLEN M. SILK, ESQ.

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize, honor and thank Mr. Allen Silk, a dedicated advocate for abused and neglected children and their families in the Trenton/Mercer County area since 1976.

Over four separate decades, Mr. Silk has been active in helping children and families through the Mill Hill Child and Family Development Corporation. Established in 1971 as a child care center and safe haven for babies ages 2–12 months, Allen has helped to expand the center's reach tremendously. Specifically, Allen Silk has helped to expand the services of the Mill Hill Center from just sixty children to over one hundred and forty children at any given time.

Mr. Silk has also played an integral role in forming the Mill Hill Foundation, and in doing so he has aided in raising awareness and funds for the abused and neglected children at the Mill Hill Center. By increasing awareness, Mr. Silk has helped many Americans to come to terms with the reality of child abuse and neglect.

I commend Mr. Silk on the work he has done to help children and families. Mr. Silk has helped those children who do not have a chance to defend themselves from the ravages of abuse and neglect, and I am sure that Mr. Silk has helped to improve the lives of thousands of children.

Allen Silk has truly been a champion for those children and families served by Mill Hill. I am very pleased to be able to recognize his passion and devotion to helping so many people.

Therefore, Mr. Speaker, again, I rise to celebrate and honor this true New Jersey treasure. I ask my colleagues to join me in recognizing Mr. Allen M. Silk, Esq. of the Mill Hill Child and Family Development Corporation.

HONORING THE CENTENNIAL OF THE OHIO BURGEE

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. HOBSON. Mr. Speaker, I rise today to celebrate the 100th anniversary of the adoption of the Ohio state flag, which is officially and affectionately known as the Ohio burgee because of its unique swallowtail design. The Buckeye State is the only state in the union to have a flag that isn't rectangular, which is fitting, since Ohio is unlike any other state.

Cuyahoga County resident John Eisenmann designed the burgee and then transferred his rights and interests in the flag to the State of Ohio. He received a U.S. patent for his design in 1901 and the Ohio Legislature officially adopted it on May 9, 1902. Mr. Eisenmann, an accomplished architect, may have been inspired by the shapes of the guidons carried by the U.S. cavalry. The flag was intended to be first flown from the Ohio building at the Pan-American Exposition of 1901, a circumstance which also may also have contributed to its unusual shape. Mr. Eisenmann also designed the Cleveland Arcade; was instrumental in the effort to construct the Perry Victory and International Peace Memorial at Put-In-Bay, and authored Cleveland's first comprehensive building code.

The flag's large blue triangle represents Ohio's hills and valleys, and the stripes represent roads and waterways. The 13 stars grouped about the circle represent the original states of the union; the 4 stars added to the peak of the triangle symbolize that Ohio was the 17th state admitted to the union. The white circle with its red center not only represents the "O" in Ohio, but also suggests Ohio's famous nickname of "The Buckeye State."

For 100 years, the Ohio burgee has been one of the most instantly recognizable symbols of the State of Ohio. It has flown beside Old Glory on thousands of flagpoles and been carried in parades celebrating our independence, noteworthy events in state history, even at the head of columns of Ohio troops returning from conflicts overseas.

As we look forward to the upcoming Centennial of Flight celebration in Dayton and the state Bicentennial in 2003, I encourage all Ohioans to proudly display their Ohio burgee on its 100th anniversary.

A TRIBUTE TO REVEREND CRAIG B. CADDY SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TOWNS. Mr. Speaker, I rise today in honor of Rev. Craig B. Caddy Sr. and his spiritual service in the community.

Born to Lucille Atkins, Rev. Caddy began his ministry 19 years ago under the leadership and teachings of the late Rev. Dr. D.W. Batts in his native home of Bedford-Stuyvesant. He realized the needs of his community and saw the vital role that the church played in meeting those needs. In 1999, he was called to serve as the Pastor of the Friendship Baptist Church. Since then, he has built the Friendship Baptist Church into a community centered institution that provides GED preparation and testing, computer literacy, computerized bookkeeping, computer technology, introductory Spanish courses, as well as a partnership with Phoenix House of America.

Rev. Caddy is currently a board member of the NAACP, the Bedford Stuyvesant Legal Services, the State University of New York (BEOC), the Neighborhood Advisory Board, and the Community Action Board. In addition, he serves on the Chaplain Staff of the New York City Police Department and the Metropolitan Transportation Authority.

Rev. Caddy is not only a spiritual father to his community, but also the father of two children of his own, Nyesha Joy and Craig Jr.

The Bedford Stuyvesant community is blessed to have Rev. Caddy serving them. May God continue to bless him and the work that he does. I urge my colleagues to join me in honoring Rev. Craig B. Caddy Sr.

A BILL TO AMEND THE TOXIC SUBSTANCES CONTROL ACT AND THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. GOODLATTE. Mr. Speaker, today I join my colleague Representative PAUL GILLMOR in introducing legislation submitted by the Administration which would implement three very important international agreements involving the distribution and sale of chemicals and pesticides in international commerce.

This legislation will amend the Federal Insecticide, Fungicide, and Rodenticide Act, and the Toxic Substances Control Act in order to comply with our obligations under the Stockholm Convention on Persistent Organic Pollutants (POPs Convention), the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants (LRTAP POPs Protocol), and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC Convention).

Due to their unique characteristics, POPS, which include substances such as DDT, PCBs and dioxins, are chemicals of both local and global concern. POPs are toxic, persist in the environment for long periods of time, and accumulate as they move up the food chain. The United States, among the very first to call for a global POPs Convention, provided strong leadership throughout the negotiations to bring this important environmental treaty to a successful conclusion.

Likewise, the PIC procedure is designed to give participating countries in the developing world information about the risks posed by banned or severely restricted chemicals, as well as certain severely hazardous pesticide formulations.

Each of these conventions represent a well thought out and balanced approach at gaining international agreement on procedures to protect human health and the environment. I commend all of the negotiators from the present and past administrations that worked on these agreements.

Mr. Speaker, the legislation we introduce today represents a starting point from which Chairman GILLMOR, working through his Subcommittee on Energy and Commerce, and I through mine on Agriculture, will build bipartisan legislation under which the United States would be in full compliance with our international obligations under these conventions.

I look forward to working with my colleagues, the Administration, and interested constituencies to develop this legislation and ensure that the United States continues to hold our position of leadership in developing effective, achievable and balanced international environmental policy.

SENATE—*Monday, June 17, 2002*

The Senate met at 2 p.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, help us see the invisible movement of Your spirit in people and in events. Beyond our everyday world of ongoing responsibilities and the march of secular history, with its sinister and frightening possibilities, You call us to another world of suprasensible reality which is the mainspring of the universe, the environment of our everyday existence, and our very life and strength at this moment. Help us to know that You are present, working out Your purposes, and have plans for us. Give us eyes to see Your invisible presence working through people, arranging details, solving complexities, and bringing good out of whatever difficulties we entrust to You.

We begin this new week affirming our loyalty to You, dear God, and to our great Nation. Grant the Senators eyes to see You as the unseen but ever-present Sovereign. Then help them to claim Your promise: "Call to me, and I will answer you, and show you great and mighty things, which you do not know." Through Christ our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, today we have the opportunity to file amendments on the antiterrorism legislation. The last 2 weeks have been very productive in the Senate. We completed the very big, important, supplemental appropriations bill providing for many important things, not the least of which is, because of September 11, homeland security.

The work done—I have said this on the floor on a number of occasions—by the Appropriations Committee, led by the President pro tempore and Senator STEVENS, is a hallmark piece of legislation. I certainly hope we can get this out of conference in basically the same form that it left the Senate. It is very important legislation, important for the country. Not only does it take care, as I have indicated, of the homeland defense measures, but it also gives additional support to our troops. And there is money there for some of the other things we are doing in international relations. We ran out of money for disabled veterans. There are many things there that need to be done.

In addition to that, we were able to get up the hate crimes legislation. We on this side are terribly disappointed the minority would not allow us to go forward on that. We thought we were threatened. I guess they, the minority, followed through on their threat that they were going to basically kill this bill by offering all kinds of amendments. They were unable to do that, but they did prevent cloture from being invoked.

The debt limit is now out. It is important. I am disappointed that the country has turned on its head basically. Last year at this time, we had a $4.7 trillion surplus. We now are basically spending in the red. That is too bad. But we had to extend the debt limit. We did that. It was the responsible action. I hope the House will follow suit without games being played there.

We were able to dispose of the estate tax. I was interested. I listened on public radio Saturday to Bill Gates's father, Mr. Gates, talking about why he believed the estate tax was an important part of America. Remember, this is Bill Gates's father. He basically said he wanted his children well taken care of, and he wanted his grandchildren well taken care of, but it wasn't right to have no tax on an $85 billion estate. That is basically what his son has. We were able to get rid of that.

Finally, we were able to have a good debate on the terrorism legislation dealing with the insurance aspect of it. Now, in the morning at 9:45, I feel confident we will invoke cloture on that very important legislation. We have been trying to move forward since last year in December.

We have had a productive time. After this week, we have 1 week prior to going out for the Fourth of July recess. The leader announced on Friday that as soon as we complete the antiterrorism insurance legislation, we are going to go to the Defense authorization bill. That is also extremely important. Senators LEVIN and WARNER have worked very hard on that legislation. It is always a bill where there are lots of amendments. I think this year will be no different. But it is something we will finish prior to the July 4 recess.

We have our work cut out for us. I hope those people who have amendments to offer on this legislation will do so.

As I have indicated, there will be no votes today. The vote will occur tomorrow morning on cloture. All first-degree amendments must be filed before 4 p.m. today. All second-degree amendments must be filed before 9:40 a.m. tomorrow.

TERRORISM RISK INSURANCE ACT OF 2002

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2600, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2600) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

Pending:

> Brownback amendment No. 3843, to prohibit the patentability of human organisms.
>
> Ensign amendment No. 3844 (to amendment No. 3843), to prohibit the patentability of human organisms.

The PRESIDENT pro tempore. What is the will of the Senate?

The Senator from Kansas, Mr. BROWNBACK.

AMENDMENT NO. 3843

Mr. BROWNBACK. Mr. President, I thank the Senator from Nevada for bringing up the issues. They are important ones before the country.

We are on the terrorism reinsurance bill, an amendment I have pending on this bill. The amendment I have pending has to deal with the issue of whether you can patent a human embryo, patent a person, whether you can patent a clone. I regret we are considering this amendment in this way. It was my hope that we would be able to have a set amount of time on the floor to be able to openly debate the overall issue of human cloning. I was hopeful we would be able to have that debate in February or March of this year, but things came up, apparently, and we were not able to take this debate forward.

I am left with the only recourse I have as a Member of this body, and that is presenting amendments to the body to consider the issue of whether or not we should proceed forward with the issue of human cloning, which is proceeding forward in America today. I think the wise course of action at this time is for us, overall, to have a moratorium on human cloning of all types for a 2-year time period. This will enable us to sort out what people really think and where this science would take us. I would favor a ban on human cloning, in order that we would not create human beings just for research purposes or for spare parts. But those issues will be left, perhaps, to address later this year.

For now, we have a narrow issue before the body, and that is whether or not human clones should be allowed to be patented. The Patent Office has issued a statement that it believes they should not grant patents on human clones, that this is a violation of the 13th amendment to the Constitution on slavery.

The Patent and Trademark Office has a longstanding policy of not permitting patents on people. Within the past year, they have awarded a patent to the University of Missouri on the process of human cloning, as well as what is referred to as the products of that process.

It is clear that while the Patent and Trademark Office has an announced policy and, in view of recent patents that have been issued, as well as the fate of some of the patents that are currently pending, that the Congress should codify the view of the PTO in order to remove any ambiguity. We need to make it clear to the Patent Office that a human embryo created by a cloning process is a person, not a piece of property, not livestock that can be owned, and therefore should not be allowed to be patented. But there is a rub here because the Patent Office is being asked to issue these patents on people. They are saying, no, we should not grant these. A number of lawyers are challenging that and saying: What is a human clone? What is the young human embryo. They are stating: It is not a person, it is a piece of property; therefore, we can patent this. That is why we want to have clarity coming out of the Congress—a clear determination that you cannot patent a person. That should be illegal and should back up the position of the Patent and Trademarks Office.

We all know this debate is really about the future of humanity. It is moving at a very rapid rate. Just a few years ago, the debate was over whether or not the Federal Government should subsidize the destruction of embryos for the purpose of harvesting their inner-cell mass. That debate was over the disposition of human embryos already in existence.

Then the debate moved to whether or not embryos can be specifically created for their destruction. Human cloning—and whether or not we should utilize some of the most recent developments in the field of science—to create embryos for research purposes has been one of the latest debates. The next debate will be the issue of whether or not we can take outside genetic material and put it into the human species to the point where it can be reproduced in future generations of humans—where one generation of humans would decide the future of following generations. That is called germ line manipulation, and that will be up next.

This involves the issue of slavery again. It is a debate about whether or not individuals, and whether or not corporate America, can in fact patent and therefore control the destiny of a group of humans.

It is clear, as several have already commented, that the patenting of people could very well lead to a commercial eugenics movement—where people and traits are bought and sold by those in a position of power and authority.

The time will come—if this is allowed to continue—where human attributes are determined by a parents' pocketbook perhaps, rather than nature.

Human cloning tampers with nature in a very significant way. Now what some in the corporate world want to do is start trafficking in human embryos—creating human embryo farms where embryos are mass produced on assembly lines by specific specifications and harvested for parts.

These corporate interests are now trying to begin patenting the people they produce. As my colleagues are well aware, the University of Missouri has already been granted a patent on the human cloning process.

The time for clarity is now. This disturbing bioindustrialization of life is continuing as I speak on the Senate floor. This debate is no longer about yet another step down the path toward a brave new world; it is, as the commentator Charles Krauthammer put it, "downhill skiing." It is not just a step, it is downhill skiing. We need to stop it now.

By denying private companies the ability to patent a human person, and barring them from patenting the process of human cloning, we will be sending a very clear message that it is unacceptable to turn people into property and then buy and sell them as if they were commodities.

We should not allow corporate America to traffic in human embryos. By preventing the patenting of people, we will be stopping this practice.

My amendment makes clear that it is not acceptable to patent people and not acceptable to patent the process of human cloning for the purpose and process of making people.

This is a very important issue—one that demands our immediate attention. I urge my colleagues to vote against cloture on the terrorism reinsurance bill so that we can have our debate on the emerging biotech sector that I have mentioned.

I want to address a couple of other issues. I have a letter I want to put forward for Members of the body to consider. It is from the President of the Biotechnology Industry Organization on the issue of patenting people and of embryos, Carl Feldbaum. He was writing to an individual and stated their organization's opposition to the patenting of human embryos.

He states this:

> Thank you for your thoughtful letter, which posed reasonable, provocative questions. With regard to the primary question you raised, BIO opposes patents on cloned human embryos. Many issues surrounding the research remain to be resolved, but on that matter our position is decided.

That is from Carl Feldbaum, President of Biotechnology Industry Organization, the lead organization for biotechnology, which is opposed to the patenting of people.

I ask unanimous consent that this letter be printed in the RECORD at the end of my statement.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. Mr. President, I urge Members to look at this. Here is the lead organization in the country that one might think is probably most in favor of patenting clones; yet they state they are opposed to it.

By passing this amendment to ban the patenting of human clones, it does not ban, does not stop, does not even slow down the issue of human cloning. That will proceed. The research is allowed. I don't think it should be. I think we should join the House and the President in calling for an end to human cloning. This body has not done that. But this amendment does not address that issue. The only issue in front of the body in this amendment is whether or not the Patent Office will be allowed to patent human embryos and human clones. That is the only issue involved in this amendment—whether or not that patenting will occur.

If my amendment passes, we will say: Patent Office, do not allow patents of human clones or embryos, but if people want to continue research on human clones, they can do so. If they want to continue to develop human clones, they can do so. I don't think it is wise or the right thing. I think it should stop, but that is not involved in this amendment. This is strictly about the issue of whether patents can be issued on a human clone. In that sense, it is a very clear issue of the division of what do you think a clone is? A person or property? In our jurisprudence system, it is one or the other—a person or a piece of property. If it is a piece of property, it can be patented. If it is a person, it cannot. That is against the 13th amendment to the Constitution on antislavery. If it is property, it can be patented.

So it really goes to your fundamental view of how you view young life, the human embryo. Is it a person on the continuum of life, or is it a piece of property to be disposed of as its master chooses? Which is it? That is the issue in front of this body—whether this young human at this stage, if it were nurtured to grow into a full birth, full human, by anybody's definition, is considered a person or property.

Now, some arguments were put forward last week on what this would do in the field of human cloning. Again, I state to my colleagues that it is not going to ban human cloning. This would simply limit the patenting process of human clones, and this is something that the Patent Office seeks clarifying authority on as well.

For those reasons, I urge my colleagues to support this amendment, to not support the cloture motion on terrorism reinsurance. This is the only vehicle we have open to us to be able to get these important and vital issues in front of the body.

We would like to get a clear up-or-down vote on this issue, and this is what we need to do to get that vote before the body. I hope my colleagues will study this carefully and realize what they are and are not voting on with this particular motion.

CLOTURE MOTION

Mr. BROWNBACK. Mr. President, I send a cloture motion to the desk.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Brownback amendment No. 3843:

Jon Kyl, Jeff Sessions, Don Nickles, Jim Inhofe, John Ensign, Rick Santorum, Michael B. Enzi, Bob Smith, Chuck Hagel, Mitch McConnell, Tim Hutchinson, George Allen, Peter Fitzgerald, Trent Lott, Sam Brownback, Larry E. Craig.

The PRESIDENT pro tempore. The Senator from Kansas, Mr. BROWNBACK.

Mr. BROWNBACK. Mr. President, I admit filing a cloture motion is a very strong statement to make. However, I believe I have been very patient. The Senate has a responsibility to begin addressing this very important issue. It started last fall. We thought we were going to get it addressed in the February-March timeframe, and now we are in June.

My cloture motion is meant to ensure that if the majority leader fails to invoke cloture on the underlying bill, we will then get a vote on this amendment of patenting people. The Senate needs to begin voting on these issues, and I am going to begin trying to get votes on my amendment as we go along the process.

I was a little surprised last week to see that the Senate majority leader filed a cloture motion on the terrorism insurance bill so quickly—another parliamentary move to close debate on this very important issue of human patenting. I had hoped we could have had a fair debate and vote on my amendment. Unfortunately, the leadership is trying to prevent my amendment coming to a vote. Therefore, in the event the majority leader fails to invoke cloture on the underlying bill tomorrow, I am going to get a vote on my amendment, and that is what I seek.

This should be a clear issue for people to decide where they stand on the issue of patenting of human clones and human embryos. That is why I filed this cloture motion.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. What is the will of the Senate?

The Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, there has been some discussion as to why the majority leader filed a motion to invoke cloture. Remember, last week we finished work on a bill and were asked by those who said they favored a discussion and favored the antiterrorism legislation to go to it on Wednesday, and they said: Give us an extra day. Of course, the extra day did not mean anything. Basically, there were no amendments filed. One amendment was filed, and we waited and waited. Then Friday was the same.

We have a lot of work to do. As the President pro tempore knows, we have all the appropriations bills to do. They are going to have to be done in a very condensed period of time. As soon as we get some numbers, all the subcommittee chairs in the Senate will be anxious to proceed.

Again, as the Presiding Officer knows, we tried very hard when we were doing the supplemental appropriations bill to get some numbers, complete it, have it a part of that legislation, but people objected. That is too bad because we could this week be marking up some appropriations bills.

In the Senate, we have a finite amount of time to do an infinite number of items. I certainly support the majority leader filing a motion to invoke cloture, and in the future, when people are not serious about offering amendments to legislation, then he should do so again.

We have been very patient waiting for people to file amendments on legislation. We just cannot stand around in quorum calls all day and then deal with amendments that have nothing to do with the basic legislation that the whole country says is important.

I understand the seriousness of the Senator from Kansas. He believes very deeply in what he is trying to do. I admire his conviction. But others have different convictions and feel just as strongly. The Senator will have other opportunities to move this issue. Also, the majority leader lived up to his commitment to the Senator from Kansas. He said he would make sure there was an opportunity to bring this up.

A unanimous consent request was offered. The only thing wrong with it was who got to vote last. The Senator from Kansas, for reasons he believes are important, would not agree to the unanimous consent request because he did not get the last vote. As a result of that, we are in the posture of these issues being brought up on unrelated legislation.

I think the best thing to do is to bring up a freestanding bill and deal with the issues he believes are important. It can be debated on both sides. It would be a clean way to do it. Everyone realizes—the Banking Committee is dealing with terrorism insurance legislation—no matter what happens, something dealing with cloning is not going to stay in conference. It is a banking bill. We would be better off with a freestanding bill.

I personally do not understand why my friend, the distinguished senior Senator from Kansas, would not accept the unanimous consent request, but that is a decision he made. I still underscore the fact that he has a right to do what he is doing, and the majority leader has a right to do what he is doing to terminate debate on this bill which I am confident and hopeful will happen in the morning.

Mr. BROWNBACK. Mr. President, I would like to respond to the Senator from Nevada. I have a great deal of respect for Senator REID and for what he is doing. There was a unanimous consent request propounded before, and I agreed not to amend the basic bill on cloning. We had it agreed to with no amendments. I have a series of four or five amendments. This was not going to be an open debate about the issue. This was going to be two cloture motion votes at the end. There were to be no amendments, which I thought was a relinquishing of my rights, and we would just do two cloture motion votes. The order of the cloture motions became very important.

If we are going to have two votes on a very big issue, the last one is going to be the one that would have the most possibility. Most Members of the body believe we should be doing something on cloning. If the first one does not get 60, it is highly likely the second one will be in a better position because a number of Members of the body may say, I am with you on this because something needs to be done on cloning, and would peel over and vote for the second cloture motion.

I gave up a lot of ground and rights by agreeing to a tight timeframe and only two votes on arguably one of the biggest bioethical issues of our era. When we were not given a better position in the vote, it looked to me that the process was set to come up with a certain outcome. I cannot agree to that, not after this much effort has been put into the overall issue. That is why I disagreed to the unanimous consent request, and that is why I am bringing this issue up now. We need to get it considered. This is a vehicle on which we can consider it.

We have a limited number of legislative days. The body needs to speak on these important issues. I think it is better if we just pull this issue up for a vote even before the cloture motion vote so it is a clean issue and people can decide. It does not remove the issue of cloning. Cloning can continue to take place in America and will, whether this amendment passes or not. This is strictly about whether the process of creating human beings or the human person itself can be patented. I think that this vote should be relatively easy for most Members of this body to take. That is why I bring it forward and continue to ask that the cloture petition of the majority leader not be agreed to at this time so we can consider this important legislation.

I thank the floor manager for being willing to work with us. He has been very gracious and thoughtful, but I wanted to express my reasons for wanting to take the stance that I did.

EXHIBIT 1

BIOTECHNOLOGY INDUSTRY ORGANIZATION,
Washington, DC, April 26, 2002.

Mr. WILLIAM KRISTOL,
Chairman, Stop Human Cloning, Washington, DC.

DEAR MR. KRISTOL: Thank you for your thoughtful letter, which posed reasonable, provocative questions. With regard to the primary question you raised, BIO opposes patents on cloned human embryos. Many issues surrounding the research remain to be resolved, but on that matter our position is decided.

I would like very much to discuss in person and at length your other concerns about our industry, and stem cell research in particular. Perhaps we can arrange something after the Brownback vote. Although I wish we had begun this conversation before the issues became so polarized, I welcome the opportunity you've opened for a dialogue.

Sincerely,

CARL B. FELDBAUM,
President.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that, notwithstanding the recess of the Senate, Members may still file amendments until 3 p.m. today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, I rise to address the pending legislation, S. 2600 which is designed to provide financial assistance to the insurance industry concerning coverages and losses due to acts of terrorism—for the purpose of ensuring the continued availability of terrorism insurance coverage. I must say from the outset that I disagree with this legislation, not based on its aims, but the manner in which the legislation is structured and the way it seeks to accomplish its stated goals.

This is an issue that the Senate sought to address last fall, during the height of the national market and security crises that were precipitated by the September 11 terrorist attacks. In light of the fact that our commercial markets had never experienced a terrorist attack and losses in the magnitude that occurred on September 11, a great deal of uncertainty was stirred in the marketplace. Claiming that they had no experience in pricing such events, insurance companies threatened wholesale cancellations of terrorism coverage by the end of the year of 2001. Given these circumstances—and the severe threat that was posed to the stability of key industries and markets—clearly Congress was compelled to act.

Consequently, I, along with Senator MCCAIN, decided it was necessary for the Commerce Committee to take action. We made this decision in light of the Commerce Committee's longstanding jurisdiction over the business of insurance, and given that the committee had been working on legislation to address the availability of property and casualty insurance in areas prone to natural disasters, which involved issues similar to those relating to terrorism insurance. I would like to emphasize that the Commerce Committee has exercised jurisdiction over the business of insurance for the past 50 years. We have considered legislation relating to: the creation of risk pools and special insurance funds for insuring against natural disasters; the repeal of McCarran-Ferguson Act and the Federal regulation of insurance; Federal oversight of the solvency of insurance companies; the prohibition of discrimination in the sale of insurance; insurance redlining; Federal regulation of automobile insurance; and the availability of liability and property and casualty insurance, which are the very issues this legislation seeks to address.

The committee convened a hearing, which included testimony from Treasury Secretary O'Neill, as well as state insurance officials, academics, the Consumer Federation of America, CFA, the National Taxpayers Union, NTU, and the insurance industry. I should note that the main point that was emphasized by the independent witnesses is that a program could and should be designed to ensure the insurance companies used their own resources to provide the necessary backstop to stabilize the market. As they, and state officials advised, the best way to do this was through the creation of a risk pool.

Following the hearing, along with Senator MCCAIN and other members of the committee, I began to work with state regulators, CFA and NTU to craft legislation along these lines. Senator MCCAIN and I came to an agreement except for on the matter of punitive damages. Consequently, we introduced two separate bills—S. 1743, my bill, and S. 1744, his bill—both of which would have required a payback by the companies.

I will briefly describe my legislation. As I noted, the legislation was constructed from risk pool proposals submitted by the insurance industry, state insurance commissioners, the Consumer Federation of America, CFA, and the National Taxpayers Union. It has been endorsed by 13 current state insurance commissioners—Republican and Democrat.

The legislation would establish a risk pool through the creation of a national fund—known as the National Terrorism Fund hereinafter referred to as "the fund". The fund will be created within the U.S. Department of Commerce, in conjunction with a 10-member Advisory Committee, which would include the Secretary of Treasury, State insurance regulators, and insurance industry representatives.

The fund will be capitalized through an annual assessment of 3 percent of an insurer's previous calendar year direct written gross premiums. The companies writing coverages for the major property and casualty lines would be required to participate.

All commercial insurance companies will be required to participate in the fund. Providers of personal insurance coverage will have the option of participating if they believe they need additional reinsurance.

Companies will be authorized to pass through the 3 percent assessment to their policyholders. Companies seeking to raise rates beyond these levels will be required to report and justify, with substantial evidence, such actions to State insurance regulators. This is designed to deter companies from using terrorism as an excuse to raise rates overall. Additionally, the bill will maintain enforcement of states' fair trade practices and fair claims practices and laws.

Each participating insurer would have a 10 percent retention level based on its previous year's direct written premiums. Once a company suffers losses due to terrorism that exceeds its retention level, the company would be permitted to receive payments from the fund. For example, if a company has direct written premiums of $100 million, its retention would be $10 million. Some have advised that the retention level should be as high as 20 percent. The bill originally contained a 20 percent retention, but it was lowered to 10 percent in response to concerns by the industry.

Once a company has met its retention levels, the fund will cover its remaining losses as follows: 90 percent during the first year (90/10). For the second and third years, a company will be permitted to select the amount of coverage from the following options: 90 percent coverage of losses for a premium of 5 percent of its direct written premiums and surplus; 80 percent coverage for a 4 percent premium; and 70 percent coverage for 3 percent premium.

If at any time during the 3 years of the program, the losses from the participating companies exceed the fund's capacity, the fund will be authorized to borrow, from the Federal Treasury, moneys to cover the losses up to $100 billion. The fund, through assessments on all participating companies, would be required to repay the loan. The fund and the companies would be given as long as 20 years, if necessary, to repay the loans at standard market interest. If there are outstanding loans due after the expiration of the fund on December 31, 2004, the companies will continue to be assessed until the loans are repaid.

If at the end of the program the fund has a positive balance, the participating companies would be allowed to recoup the funds—based on the proportion of each company's contribution—contingent upon a guarantee that the money will be placed in a special catastrophic reserve account. That account could be used only to pay for losses related to terrorism, and major catastrophes, earthquakes, hurricanes, and tsunamis. Any company seeking to use the money for other purposes would be subject to criminal penalties.

I should also note that as time began to run out last year, I received a call from Secretary O'Neill offering to work together to ensure the passage of a measure to deal with the crisis. I accepted the invitation and had my staff and the administration officials working together the next morning on a compromise bill. We agreed to work upon the outlines of a 1-year stopgap measure. Unfortunately, the Secretary met strong objections from the Republican side of the Chamber.

I still believe that any legislation that is passed at this point should require a payback. This is especially the case given reports that the market has stabilized and insurance coverage is available for most businesses. The bill before us essentially provides for 2 years of potential unnecessary payments to insurance companies, who could reap a windfall at the expense of the taxpayers.

I also believe that this legislation should not be used as a vehicle for Federal tort reform. This issue killed the bill last year, and may very well derail it this year.

RECESS

Mr. REID. I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

There being no objection, the Senate, at 2:42 p.m., recessed until 3 p.m. and reassembled when called to order by the Presiding Officer (Mr. AKAKA).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Hawaii, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REESTABLISHMENT OF THE SENATE NATO OBSERVER GROUP

Mr. DASCHLE. Mr. President, today the Senate Republican Leader and I are pleased to reestablish the bipartisan Senate NATO Observer Group, or SNOG. We originally established the SNOG in April 1997 to advise the full Senate on the historic first round of enlargement of the North Atlantic Treaty Organization, NATO. It served as an important line of communication between the Senate and NATO and the Senate and candidate countries in the months prior to the July 1997 NATO summit in Madrid at which Poland, the Czech Republic, and Hungary were admitted to the alliance. The SNOG and the information it generated was central to the Senate's ratification of the protocols of accession in April 1998.

The Senate debate in 1998 foreshadowed further enlargement of NATO, and in June 2001, the North Atlantic Council determined that NATO would admit at least one candidate country at the November 2002 summit in Prague. In reestablishing the SNOG, we are asking this bipartisan group of our colleagues to closely monitor the enlargement process and to keep the rest of the Senate fully informed as we move to another historic decision at Prague. The SNOG will work with the Administration, our NATO allies, and the NATO candidate countries, of which there are nine. The fact that nine countries have been designated as candidates only highlights the importance of the SNOG in assessing each country's progress in meeting the qualifications for accession and reporting to the Senate on that progress.

The Senate takes its constitutional role of advise and consent on treaties very seriously. The protocols of accession signed by new NATO members are considered amendments to the North Atlantic Treaty and will require the advice and consent of the Senate. The inclusion of new member countries into NATO involves a commitment, under Article V of the Treaty, to defend those countries in case of attack—a solemn commitment and one we will not undertake lightly. It is in the security interests of the United States to see NATO expanded, to create a Europe that is whole and free. But it is also the solemn responsibility of the U.S. Senate to look carefully at any new commitments to which American troops might be subject.

The SNOG will be chaired by the Chairman of the Senate Foreign Relations Committee, Senator JOSEPH BIDEN of Delaware, and co-chaired by Senator HELMS. The Senate Majority Leader and Republican Leader will be members, ex officio. The other Democratic Senators on the SNOG will be Senators ROBERT BYRD of West Virginia, JEAN CARNAHAN of Missouri, MAX CLELAND of Georgia, BYRON DORGAN of North Dakota, RICHARD DURBIN of Illinois, TOM HARKIN of Iowa, DANIEL INOUYE of Hawaii, TIM JOHNSON of South Dakota, MARY LANDRIEU of Louisiana, PATRICK LEAHY of Vermont, CARL LEVIN of Michigan, JOSEPH LIEBERMAN of Connecticut, BARBARA MIKULSKI of Maryland, PAUL SARBANES of Maryland, ROBERT TORRICELLI of New Jersey, and PAUL WELLSTONE of Minnesota.

Mr. LOTT. Mr. President, I am pleased to join Senator DASCHLE in reestablishing the Senate NATO Observer Group. When we first established the SNOG in April 1997, I emphasized that the Senate be in on the ground floor of the NATO enlargement process. Because it was bipartisan, the SNOG cut across party lines as well as committee jurisdictions, and ensured that the Senate would be heard both during the NATO enlargement process and after the decisions were taken in Madrid. Today, by reestablishing the SNOG, we are ensuring that the Senate will be fully informed prior to the next round of enlargement this November in Prague and in its consideration of ratification.

On June 15, 2001, President Bush gave an historic speech in Warsaw, Poland at which he said that "all of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom, and the same chance to join the institutions of Europe, as Europe's old democracies." His audience, the Poles, understood what he was talking about. Less than two decades ago, they suffered under the oppressive weight of the Soviet Union. Today, they enjoy freedom, protected by their membership in NATO. As the Senate considers the expansion of NATO to include other Eastern European countries, we should remember the words of the President. We must also act deliberately, examining the qualifications of each candidate country and the commitments that their accession to NATO entails. It is for that purpose that we are reestablishing the SNOG.

The other Republican Senators on the SNOG will be WAYNE ALLARD of Colorado, SAM BROWNBACK of Kansas, BEN NIGHTHORSE CAMPBELL of Colorado, THAD COCHRAN of Mississippi, MIKE DEWINE of Ohio, MIKE ENZI of Wyoming, CHUCK HAGEL of Nebraska, MITCH MCCONNELL of Kentucky, DON NICKLES of Oklahoma, PAT ROBERTS of Kansas, RICK SANTORUM of Pennsylvania, JEFF SESSIONS of Alabama, GORDON SMITH of Oregon, TED STEVENS of Alaska, GEORGE VOINOVICH of Ohio, and JOHN WARNER of Virginia.

IN HONOR OF BECKY MILLS

Mr. REID. Mr. President, I rise today to honor a fine public servant, great Nevadan, and friend, Ms. Becky Mills. On May 3, 2002, after nearly 25 years of employment with the National Park Service, Becky retired from her position as Superintendent of Great Basin National Park.

Becky Mills learned to love the great outdoors as a young child. Her grandfather took her on camping and fishing trips to Yosemite, where she interacted with Park Rangers around the campfire, and her participation in the Girl Scouts allowed her to explore more national parks: Yellowstone, Sequoia/Kings Canyon, Grand Canyon, Zion, Bryce, Lake Mead, and others.

Her lifelong interest in nature contributed to her decision to dedicate her life to protecting the environment. While hiking to the Mount Everest Base Camp in the Himalayas in the fall of 1976, Becky decided to change careers so her professional life would match her personal commitment to the environment. Becky joined the National Park Service in May of 1978 as Regional Chief of Youth Programs for the Pacific West Region. Her decision proved to be beneficial for the Park Service and, ultimately, for Nevada.

In 1995 Becky was appointed Superintendent of Great Basin National Park in Nevada. In this capacity, she worked to protect and enhance the natural and cultural resources of the park and the surrounding lands and community. To help preserve the park's history, Becky has been instrumental in planning and designing a new Great Basin National Park Visitor Learning Center. Her dedication to the Park Service, and particularly to the people of east-central Nevada is both inspirational and much appreciated.

I extend to her my most sincere congratulations and appreciation for her commitment to Great Basin National Park, the environment, and public service.

POEMS ON SEPTEMBER 11

Mr. REID. Mr. President, I received two poems written by a constituent of mine, Ira Somers from Nevada, about the terrorist attacks of September 11. Reading these poems, I was reminded of the country's great sorrow following that tragic day and the ensuing strength and compassion that Americans demonstrated afterwards as they came to the aid of those in need, made donations, cleaned up, and put their lives back together. But what struck me most was the poet's reminder to reaffirm and continue this spirit, to seek out ways every day to lend a helping hand and to promote peace and goodwill.

I would like to share these two poems written by Ira Somers. I ask unanimous consent that the poems be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

THE DAY OF NINE-ONE-ONE

(Written the day of the memorial service for this event)

It began as a quiet day
Lives were normal in every way.
The sun arose with fullest light
And moved the shadows of the night.
But this was not to last for long,
Two big giants tall and strong
Which seemed to stand for what is good
Were struck by evil where they stood.

'Twas on the day of nine-one-one
That they were lost to everyone.
There they were, and now they're not,
And where they stood's a gruesome spot.
How could these giants of our day
Be brought to naught in such as way
To leave this mass of jumbled parts
And bring such grief to all our hearts?

We sensed the feelings of despair
In those who walked most everywhere
To find the ones that they had lost
And bring them back at any cost.
Souls were touched by the kindly deeds
Of those who toiled for other's needs,
And how they struggled day and night
Against this wrong that had no right.

A vicious crash at the Pentagon
Tore at the souls of every one,
And word of heroes in the air
Brought tears to eyes most everywhere.
We all can learn from such great loss
To look at need before the cost
When giving help to anyone
And not say quit 'til peace has won.

POST NINE-ONE-ONE

(Written the day the recovery and cleanup operations were concluded by a ceremony at the World Trade Center site)

There where those giants stood so tall
They've cleared away and moved it all,
And nothing's left for one to see
But empty space with memories.

Thinking back to pre-nine-one-one
And the kinds of things we'd have done.
No red flag would have caused a stir
We were so vain and so cocksure.

But hearts were changed by nine-one-one
Which touched the souls of everyone.
There was oneness not seen before
With firm resolve there'd be no more.

Now, time can take a ho-hum toll
So let's not slack on our real goal.
To these vile men this was no game
And there are more who'd do the same.

In all we do let us never cease
To be a force in the cause of peace,
And let the acts of that sad day
Change our lives in permanent ways.

Let us avoid all selfish goals
And lift our sites and pledge our souls
To always stand and work as one,
And keep it up 'til peace has won.

GAO REPORT ON CAMBODIA

Mr. MCCONNELL. Mr. President, the conclusion of the General Accounting Office's, GAO, recently released report on Cambodia is deeply troubling—but comes as no surprise to those of us who have long followed developments in that country.

While GAO has noted some progress by the Royal Government of Cambodia, RGC, to implement public finance, military, and land management reforms, the lack of headway in other areas—including legal and judicial, public administration, anticorruption, and forestry management—is glaringly absent.

Until the RGC fully implements legal reforms and embraces the rule of law, the international community has no choice but to consider any and all progress in Cambodia as limited and impermanent.

The obstacles to good governance in Cambodia are many, but the lack of political will by the ruling Cambodian People's Party, CPP, to implement much needed reforms poses the single greatest challenge to meaningful democratic, economic and social development.

The abuses of Prime Minister Hun Sen and the CPP are legion, and it is past time that the international community holds them accountable for their repressive actions. This Senator has not forgotten the many innocent Cambodians killed and injured in the March 1997 grenade attack in Phnom Penh, or the Prey Veng farmers who continue to gather in the capital following massive floods caused by the Cambodian military's rampant illegal logging.

The international community would be wise to hold the RGC accountable not for what it says, but for what it does. In this respect, donors should aggressively and relentlessly push for credible parliamentary elections next year, through which the Cambodian people can freely choose new leadership.

In the post-September 11 world, America can no longer afford to turn a blind eye to authoritarian and lawless regimes. Just as Cambodia has become a haven for the Asian underworld, America should be concerned that terrorists and their finances will seek refuge in that lawless country.

COMMENDATION OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS' 10TH ANNUAL "STAMP OUT HUNGER" FOOD DRIVE

Mr. AKAKA. Mr. President, I rise with pleasure today to commend the National Association of Letter Carriers, NALC for their unprecedented commitment to answering the call of reducing hunger in the United States. Over 30 million Americans go hungry everyday. In the summer months, the problem is particularly acute because the demand for emergency food is high and donations are at their lowest yearly point. However, on May 11, almost 62.7 million pounds of food was collected in the 10th Annual "Stamp Out Hunger" food drive as a result of the dedication of NALC members.

Through a combined effort by the Priority Mail division of the U.S. Postal Service and the Campbell Soup Company, postcards promoting the food drive were delivered to over 100 million postal customers in all 50 States, the District of Columbia, Guam, and Puerto Rico. Then, on May 11, in addition to their daily postal duties, letter carriers volunteered to pick up donations, sort through them, and deliver the contributions to local community food banks. About 1,500 local NALC branches throughout the U.S. were involved in the drive.

Others involved in the success of the nation's largest one-day effort to combat hunger were Saturn-UAW Union partnership Initiative, local United Ways, the AFL–CIO, and Family Circle creator and cartoonist Bill Keane. The Campbell Soup Company donated one million pounds of canned goods.

The National Association of Letter Carriers is the union of city delivery carriers employed by the U.S. Postal Service which has a long tradition of participating in community service. The NALC "Stamp Out Hunger" food drive is just one example of the members' generosity and commitment to the communities that they serve.

It is fitting that we applaud the sense of community displayed by the members of the NALC, who like their fellow postal workers, have demonstrated their dedication and pride in carrying out their daily jobs. I urge my colleagues to join me in commending the National Association of Letter Carriers, their sponsors, and the millions of Americans who donated food on May 11. Their geneorsity will help ease the plight of hunger for millions for men, women, and children in the United States.

ADDITIONAL STATEMENTS

TRIBUTE TO MATTHEW EVANS

• Mr. WARNER. Mr. President, I rise to recognize a valued member of our Senate family, Matthew Evans, the Senior Landscape Architect here at the United States Capitol, who was recently honored by the National Arbor Day Foundation with their 2002 Good Steward Award.

Through the years, Matthew has earned numerous awards including the American Society of Landscape Architects' once-in-a-century Centennial Medallion in recognition of the Capitol Grounds as a national landmark for outstanding landscape architecture. Gardens designed by him have been featured in films and magazines. These awards recognize him for his outstanding professional abilities and his invaluable contributions to our U.S. Capitol Building and Grounds.

We are fortunate to have Matthew's practiced eye and professional skill at work for us here at the Capitol. He and his staff are meticulous in the care they provide a preserve and enhance the grounds of this treasured national landmark. Matthew also collaborates with countless groups and representatives from other government agencies, civic organizational and community groups to ensure that the many important ceremonial and special events held on these historic grounds occur in a way that protects and preserves our invaluable greenery.

Each day of the year, thousands of Americans as well as foreign dignitaries and guests tour our Capitol and grounds. Many of them linger to snap photos and to view the magnificent old trees and beautiful plantings here on our Capitol grounds. These landscape treasures add immeasurably to the memories our visitors carry away from their visits here. Matthew Evans now faces perhaps the greatest challenge of his career. He must protect, to the greatest extent possible, the trees and grounds of the Capitol during the construction of the new Visitors Center and then restore this historic property to its beautiful state. We all wish him well in this important endeavor.

I congratulate Matthew on receiving the prestigious Good Steward Award and I thank him for his dedicated service. I am glad to know he will be continuing his skillful and wise stewardship of the invaluable architectural landscape legacy we enjoy here at the U.S. Capitol.●

NATIONAL HISTORY DAY

• Mrs. FEINSTEIN. Mr. President, today I stand to honor three outstanding California students: Michael Crowe, Jennifer McWilliams, and Heather Scott.

These students are finalists in the National History Day Contest. They are also among 15 students who have been selected from a national pool of 700,000 to display their work at the White House Visitors Center this week.

National History Day is a year-long event in which students prepare exhibits, papers, documentaries, and performances to explain not only the "who" and the "what" of history but also the "why."

In his performance "Castro, Cuba, and the Revolution the World Will Never Forget," Michael Crowe, a seventh grader at Fruitvale Junior High School in Bakersfield, explores the relations between the United States, Cuba, and Russia during the Cold War.

As part of his research, Michael spoke to former Secretary of Defense Robert McNamara and to CBS anchorman Walter Cronkite.

He also gained a unique perspective on the era by interviewing the children of Fidel Castro and Nikita Khrushchev.

Working together, eighth graders Jennifer McWilliams and Heather Scott, who also attend Fruitvale Junior High, created an exhibit entitled "On the Trail to Revolution: Ho Chi Minh and the Vietnam War."

In addition to speaking with Robert McNamara and Walter Cronkite, the girls interviewed veterans, refugees, and a Vietnamese expatriate who lived in Vietnam during the war to understand the conflict and its effects on our Nation.

Like other National History Day participants, Michael, Jennifer, and Heather chose their topics last fall. They spent a year conducting extensive research and analyzing past events.

Michael, Jennifer, and Heather then joined over half a million other students and entered their National History Day projects in local competitions.

From these local competitions, approximately 2,000 participants are chosen to proceed to the national finals. There, they compete for cash and scholarships.

Michael, Jennifer, and Heather are among this year's finalists, an accomplishment remarkable in itself. However, these students also demonstrated great enthusiasm and superior effort while completing their projects.

This earned them the privilege of exhibiting their work at the White House Visitors Center.

Michael, Jennifer, and Heather performed truly first-rate research and demonstrated initiative and dedication beyond their years. Their projects are of exceptional quality.

These young people have earned my sincere admiration, and I congratulate them on their achievements.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 27, 2001 at Kent State University in Ohio. Mikell Nagy, an openly gay university student, was eating breakfast with friends when he heard someone make an anti-gay comment toward another friend across the room. When Mr. Nagy went to see if his friend was okay, a man walked up behind him, called him "faggot" and punched him in the face. According to witnesses, blood was pouring from cuts above his left eye and his two front teeth were chipped during the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

HONORING CAPTAIN STEPHEN A. PRINCE

● Mr. HOLLINGS. Mr. President, I want to pay tribute to a native of Greenville, SC, Captain Stephen A. Price. He will soon be retiring after a distinguished 26-year career in the Navy, most recently as the division chief at the Defense Logistics Agency's Business Development and Supply Chain Integration, Fort Belvoir, VA.

Captain Price has served in a number of challenging positions. At sea, he participated in the highly successful maiden deployment of the USS *John C. Stennis* to the Arabian Gulf. He also served as an officer on the USS *Ashtabula* and the USS *John L. Hall.* His shore assignments, in the Area of Supply, have taken him to four States and to Iceland. His personal awards include three Meritorious Service Medals; and from the Navy and Marine Corps, two Commendation and two Achievement Medals.

We all appreciate Captain Prince's service to our Nation. I wish him, his wife Linda, and their two daughters, the very best; and I hope they have more opportunities to return home to South Carolina to visit Captain Prince's family currently residing in Myrtle Beach.●

25TH ANNIVERSARY OF SUNLINE TRANSIT AGENCY

● Mrs. BOXER. Mr. President, I am proud to take this moment to salute the incredible 25-year record of SunLine Transit Agency, which provides service to the Coachella Valley. SunLine Transit Agency is a leader in clean fuels technology, operating all its transit buses and other vehicles on alternate fuels.

SunLine is clearly ahead of its time. It was the first public transit agency in the nation to convert its fleet to cleaner burning natural gas, the first to codevelop, with private and public sector partners, renewable hydrogen generation and education facilities, and the lead agency in the Coachella Valley's award-winning U.S. Department of Energy Clean Cities program.

SunLine's clean fuel buses have driven 25 million clean air miles, and have carried 4 million passengers per year in 1999, 2000 and 2001. SunLine has hosted visitors from near and far, including foreign ministers, ambassadors, energy officials, automakers and energy providers. It has also helped other transit properties and fleet operators around the world convert to clean fuels.

I had the great pleasure to tour SunLine's state-of-art ·facilities and meet its wonderful staff. Last February, I presented the agency with my Conservation Champion Award and took a ride in its hydrogen powered SunBug. As I stood under the brillant blue sky of the Coachella Valley, I felt proud knowing that California's SunLine Transit Agency is leading the way for the nation with innovative approaches to provide renewable energy.

I would like to extend my sincere congratulations to Richard Cromwell, III, General Manager and CEO of SunLine, and all of SunLine's staff. They have successfully made it a leader for California and the Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7463. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Clean Fuels Formula Grant Program" (RIN2132–AA64) received on June 7, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7464. A communication from the Senior Attorney, Federal Register Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Indorsement and Payment of Checks Drawn on the United States Treasury" (RIN1510–AA45) received on May 23, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7465. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; Texas" (Doc. No. 02–021–1) received on June 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7466. A communication from the Chairperson, National Council on Disability, transmitting, pursuant to law, the report of a Anti-deficiency Act violation totaled $183,500; to the Committee on Appropriations.

EC–7467. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Injurious Wildlife Species; Brushtail Possum (Trichosurus vulpecula)" (RIN1018–AE34) received on June 6, 2002; to the Committee on Environment and Public Works.

EC–7468. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation entitled "National Aeronautics and Space Administration Authorization Act, 2003"; to the Committee on Commerce, Science, and Transportation.

EC–7469. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "The Department of Labor's 2001 Findings on the Worst Forms of Child Labor"; to the Committee on Finance.

EC–7470. A message from the President of the United States, transmitting, pursuant to law, Presidential Determination Number 2002–20, relative to Vietnam; to the Committee on Finance.

EC–7471. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Veteran's Programs Amendments Act of 2002"; to the Committee on Veterans' Affairs.

EC–7472. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to section 402(a) of the USA–PATRIOT Act (P.L. 107–56), the report of final regulations "to implement procedures for the taking of fingerprints" and "to establish the conditions for the use of the information received from the Federal Bureau of Investigation" in order to protect security and confidentiality of that information; to the Committee on Foreign Relations.

EC–7473. A communication from the Assistant Administrator for Human Resources and

Education, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Inspector General; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–250. A joint resolution adopted by the Legislature of the State of Wyoming relative to judicial taxation; to the Committee on the Judiciary.

JOINT RESOLUTION NO. 2

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes in violation of the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government, to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America which was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes: Now, therefore, be it

Resolved by the Members of the Legislature of the State of Wyoming:

1. That the Congress of the United States expeditiously propose and submit to the Legislatures of the several States for ratification an amendment to the Constitution of the United States to add a new article providing as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes."

2. That this resolution constitutes a continuing application in accordance with Article V of the Constitution of the United States.

3. That the Legislatures of each of the several states comprising the United States are urged to apply to the United States Congress requesting that the referenced amendment to the United States Constitution be submitted to the states for ratification.

4. That the Secretary of State transmit copies of this resolution to the President of the United State Senate, the Speaker of the House of Representatives of the United States, each Member of the Wyoming Congressional Delegation, and the Secretary of State and the presiding officers of both Houses of the Legislatures of each of the other States in the Union.

POM–251. A joint resolution adopted by the Legislature of the State of Wyoming relative to a health care pilot program for the Arapahoe and Shoshone Tribes on the Wind River Reservation; to the Committee on Appropriations.

JOINT RESOLUTION NO. 1

Whereas, the United States government has historically, by treaty, accepted responsibility for the health care services of the Arapahoe and Shoshone tribal members;

Whereas, there exists a growing health care disparity between tribal members and other groups in Wyoming;

Whereas, inflation has eroded the purchasing power of the Indian Health Service appropriation and Indian health care service costs have increased substantially in the last ten (10) years but federal funding for that care has remained essentially the same;

Whereas, Indian health contract care has financially impacted the quality of medical care and services provided, the quality of health facilities available and provided an economic boost to communities surrounding the Wind River Reservation and this impact needs to be studied: Now, therefore, be it

Resolved by the members of the Legislature of the State of Wyoming:

Section 1. That the Wyoming State Legislature endorses the establishment of a tribal health care services pilot program to study these areas of concern.

Section 2. That the Wyoming State Legislature strongly encourages the United States to appropriate monies for the establishment of a tribal health care services pilot program on the Wind River Reservation.

Section 3. That the Wyoming State Legislature strongly encourages the United States to appropriate monies to adequately pay for the increased costs of tribal health care because it affects the level and quality of health care available to, and provided for, all citizens in Fremont, Hot Springs and Natrona Counties.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress.

POM–252. A joint resolution adopted by the Legislature of the State of Maine relative to restore equitable distribution of federal highway funding to states and municipalities; to the Committee on Appropriations.

JOINT RESOLUTION

Whereas, states and municipalities depend heavily upon federal money to supplement transportation projects; and

Whereas, Maine's highway fund is already facing a $40,000,000 structural gap; and

Whereas, Maine is a rural state and depends heavily on its roads, bridges and highways for transporting consumer goods to the marketplace; and

Whereas, states and municipalities are set to lose 11% of anticipated transportation funding; and

Whereas, maintaining vital state and national infrastructure should take priority over alternative pet projects: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge the President of the United States and the Congress of the United States to restore the federal highway funding commitment to states and municipalities and to pursue equitable and fair distribution of federal dollars for transportation ventures; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Maine Congressional Delegation.

POM–253. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the rights of women in Afghanistan; to the Committee on Foreign Relations.

SENATE RESOLUTION

Whereas, During the past four years, the Taliban had gained military control over virtually all of Afghanistan; and

Whereas, The Taliban's earliest action upon establishing rule in Kabul was to impose strict segregation of clinics and hospitals by gender and to prohibit access by women and girls; and

Whereas, The Taliban had prohibited most women from working, required the wearing of an enveloping burqa on pain of punishment, denies girls access to schooling, prohibited women from leaving their homes without a close male family member for escort and imposed other draconian restrictions on women's mobility and access to humanitarian aid, health care and education; and

Whereas, A full-length study of the effects of the Taliban's policies on women's health and human rights, conducted by the human rights organization Physicians for Human Rights (PHR), was published in the August 1998 edition of the Journal of the American Medical Association; and

Whereas, The study, which has been revisited and updated in 1999 and 2000, showed that 81% of respondents reported a decline in their mental health, 42% met the criteria for post-traumatic stress disorder, 97% met the criteria for major depression and 86% demonstrated significant symptoms of anxiety; and

Whereas, The women interviewed by PHR overwhelmingly rejected the Taliban's interpretation of Islam and of Afghan history and culture and expressed their strong support for women's equality and immediate access to health care and education; and

Whereas, In July 1998, the Taliban ordered all humanitarian nongovernmental organizations out of Afghanistan for refusing to move their living quarters into a facility on the outskirts of Kabul which lacked water and electricity; and

Whereas, The vicious and unprecedented attack on the United States on September 11, 2001, that resulted in thousands upon thousands of deaths of American citizens, has been linked to the Taliban; and

Whereas, Subsequent attacks on Afghanistan by the United States Armed Forces as well as civil unrest between Afghan factions have led to the fall of the Taliban in some Afghan cities, including Kabul; and

Whereas, The new Afghan government has made efforts to restore the voice of Afghan women by naming two women to cabinet-level positions, including Health Minister and the Minister of Women's Affairs; and

Whereas, While these very recent developments in Afghanistan seem to indicate a movement toward establishing women's rights and restoring their civil liberties, a great deal of time and money needs to be invested to elevate the status of women and to allow them full participation in society: Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania condemn the Taliban's discrimination against women; and be it further

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and the Congress of the United States to publicly disapprove of these atrocities, take whatever steps necessary to end the discrimination and violence against women and urge the full restoration of their rights; and be it further

Resolved, That the Senate of Pennsylvania urge the United States Government, as well as the United Nation's humanitarian organizations, to provide whatever assistance may be necessary to the new government of Afghanistan for the purpose of restoring the rights of Afghan women; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-254. A concurrent resolution adopted by the Senate of the Legislature of the State of Michigan relative to the addition of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

SENATE CONCURRENT RESOLUTION NO. 6

Whereas, For more than fifty years, the North Atlantic Treaty Organization (NATO) has played a pivotal role in promoting stability and peace in Europe. This highly successful venture is predicated on the commitment of its member nations to ideals that closely parallel the precepts of democracy, internationally recognized human rights, and civilian control of the military that are fundamental to the United States; and

Whereas, Since its establishment, NATO has gradually expanded its membership to reflect the changing face of Europe. Countries that have joined this alliance have shared the same commitment to the long-term strength and stability of the region that is vital to our nation and the world. The most recent additions have in common the peaceful transition to a free-market economy after long years under the yoke of Communism; and

Whereas, The Baltic nations of Latvia, Estonia, and Lithuania have clearly demonstrated the principles of NATO. These three countries, each with strong dedication to peace and exemplary records of resisting oppression, have a great deal to contribute to the alliance. Latvia, Estonia, and Lithuania have set examples of the ideals of freedom through their institutions and cultures. The addition of these nations to NATO will only make more secure the bonds of peace and democracy: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That we memorialize the President and the Congress of the United States to support the addition of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-255. A resolution adopted by the Senate of the Legislature of the State of Virginia relative to women in Afghanistan; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 603

Whereas, The Taliban regime has not recognized international human rights treaties agreed to by previous governments and the international community, citing irrelevance to its culture and Islamic law; and

Whereas, Under Taliban rule, Afghan women have been subjected to a brutal system of gender apartheid and extreme repression, including being banned from schools, prohibited from working, forbidden from leaving their homes and being forced to wear head-to-toe burka shrouds; and

Whereas, Afghan women have been subjected to harsh punishments in the form of public beatings in the name of "religion and culture" upon violation of Taliban decrees; and

Whereas, These decrees have caused a virtual collapse of the educational system, a complete disregard of human and civil rights and have had a disastrous impact on health care systems in Afghanistan; and

Whereas, These decrees represent a striking departure from past religious and cultural practices in Afghanistan; and

Whereas, The United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979; and

Whereas, The United States became a party to CEDAW but never ratified the convention; and

Whereas, There have been 16 ratifications and accessions of CEDAW including Iraq, Egypt, Saudi Arabia, Germany, Great Britain and Canada, with the most recent country, Mauritania, ratifying CEDAW on May 10, 2001; and

Whereas, Notable exceptions of countries not yet ratifying CEDAW besides the United States include Iran and Afghanistan; and

Whereas, The United States has joined with the United Nations in attempting to include women in all aspects of the humanitarian, reconstruction and redevelopment efforts in Afghanistan as well as in the reestablishment of a constitutional democracy in Afghanistan; and

Whereas, After years of being subjected and brutally repressed by the Taliban regime, Afghan women should enjoy full and equal participation in every level of Afghan society without discrimination: Therefore, be it

Resolved by the Senate, That the Senate hereby urges the government of the United States ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; and be it further

Resolved, That the senate hereby urges the government of the United States accelerate and strengthen efforts to ensure that Afghan women have a full and equal role in every aspect of the reconstruction process and the reestablishment of a constitutional democracy in post-Taliban Afghanistan in which women have full and equal civil and human rights and social justice; and be it further

Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives and the President of the United States Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1917: A bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century. (Rept. No. 107–163).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment and an amendment to the title:

S. 2024: A bill to amend title 23, United States Code, to authorize use of electric personal assistive mobility device on trails and pedestrian walkways constructed or maintained with Federal-aid highway funds. (Rept. No. 107–164).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE (for himself, Mr. TORRICELLI, and Mr. KENNEDY):

S. 2628. A bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the temporary assistance to needy families program and to allow financial education to count as a work activity under that program; to the Committee on Finance.

By Mr. DASCHLE (for Mr. TORRICELLI):

S. 2629. A bill to provide for an agency assessment, independent review, and Inspector General report on privacy and data protection policies of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 2630. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II and surviving spouses of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. CRAIG, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 198, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 1114

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1114, a bill to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill.

S. 1785

At the request of Mr. CLELAND, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 2025

At the request of Mr. HUTCHINSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2025, a bill to amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the Medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor.

S. 2053

At the request of Mr. FRIST, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2053, a bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes.

S. 2070

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2070, a bill to amend part A of title IV to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

S. 2210

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2210, a bill to amend the International Financial Institutions Act to provide for modification of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2239

At the request of Mr. SARBANES, the names of the Senator from Georgia (Mr. MILLER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2239, a bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

S. 2246

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2250

At the request of Mr. CORZINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2250, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 2428

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2471

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2471, a bill to provide for the independent investigation of Federal wildland firefighter fatalities.

S. 2482

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2482, a bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.

S. 2490

At the request of Mr. TORRICELLI, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2577, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S. 2591

At the request of Ms. MIKULSKI, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2591, a bill to reauthorize the Mammography Quality Standards Act, and for other purposes.

S. 2611

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2626

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2626, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself, Mr. TORRICELLI, and Mr. KENNEDY):

S. 2628. A bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the temporary assistance to needy families program and to allow financial education to count as a work activity under that program; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today with my colleagues Senators TORRICELLI and KENNEDY to introduce the Financial Literacy for Self-Sufficiency Act.

Our bill would require states to promote financial education through their TANF, Temporary Assistance to Needy Families, programs. Financial education, education that promotes an understanding of consumer, and personal finance concepts, is extremely important for all families, and is especially important for low-income families who are moving from welfare to work.

While TANF focuses on moving families off cash assistance and into work, it fails to provide recipients with the tools they need to maximize their earnings and manage their expenses in order to achieve financial stability once they are employed. If we truly expect to move these families to achieve financial independence, we must give them the tools they will need to make that transition.

One of these tools is a bank account. Millions of low-income families remain outside of the formal banking system, with many of them spending too much of their hard-earned dollars at costly check cashing operations. In fact, more than eight million families earning under $25,000 a year lack a checking or savings account. A study conducted by the United States Department of the Treasury in 2000 found that a worker earning $12,000 a year would pay approximately $250 a year just to cash their payroll checks at such an outlet. And, nearly 16 percent of the checks cashed at check cashing outlets are government benefits checks, including welfare benefit checks.

In addition to expanding the number of banks that do business in low-income communities, educating low-income unbanked families about the benefits of formal checking and savings accounts can significantly improve access to financial services.

But, financial education isn't just about bank accounts and savings. It is also about protecting low-income families from predatory lending and devastating credit arrangements. Financial education that addresses abusive lending practices can help prevent unaffordable loan payments, equity stripping, and foreclosure. I strongly support legislative efforts to end predatory lending practices in our country, but until we do, ensuring that consumers are aware of unfair and abusive loan terms is a measure that will provide them some protection from these tactics.

Finally, families leaving welfare for work face many challenges, including securing child care and transportation. One challenge that often is not mentioned, however, is the challenge of transitioning from a benefits-based income to a wage income. Financial literacy programs that educate families transitioning from welfare to work about taxes and tax benefits that they may be eligible for, such as the Department Care Tax Credit and the Earned Income Tax Credit, will ensure that they have access to these important work benefits.

The Financial Literacy for Self-Sufficiency Act will allow states to use their TANF funds to collaborate with community-based organizations, banks, and community colleges to create financial education programs for low-income families receiving welfare and for those transitioning from welfare to work. As Federal Reserve Chairman Alan Greenspan has noted, "Educational and training programs may be the most critical service offered by community-based organizations to enhance the ability of lower-income households to accumulate assets."

I hope members of the Senate Finance Committee will join my colleagues Senator TORRICELLI and Senator KENNEDY and me in promoting financial education for our nation's TANF recipients when they act to create a reauthorization framework for our Nation's welfare program.

I ask unanimous consent that the text of the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "TANF Financial Education Promotion Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Most recipients of assistance under the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and individuals moving toward self-sufficiency operate outside the financial mainstream, paying high costs to handle their finances and saving little for emergencies or the future.

(2) Currently, personal debt levels and bankruptcy filing rates are high and savings rates are at their lowest levels in 70 years. The inability of many households to budget, save, and invest prevents them from laying the foundation for a secure financial future.

(3) Financial planning can help families meet near-term obligations and maximize their longer-term well being, especially valuable for populations that have traditionally been underserved by our financial system.

(4) Financial education can give individuals the necessary financial tools to create household budgets, initiate savings plans, and acquire assets.

(5) Financial education can prevent vulnerable customers from becoming entangled in financially devastating credit arrangements.

(6) Financial education that addresses abusive lending practices targeted at specific neighborhoods or vulnerable segments of the population can prevent unaffordable payments, equity stripping, and foreclosure.

(7) Financial education speaks to the broader purpose of the temporary assistance to needy families program to equip individuals with the tools to succeed and support themselves and their families in self-sufficiency.

SEC. 3. REQUIREMENT TO PROMOTE FINANCIAL EDUCATION UNDER TANF.

(a) State Plan.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Establish goals and take action to promote financial education, as defined in section 407(j), among parents and caretakers receiving assistance under the program through collaboration with community-based organizations, financial institutions, and the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.".

(b) Inclusion of Financial Education as a Work Activity.—Section 407 of the Social Security Act (42 U.S.C 607) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A), by striking "or (12)" and inserting "(12), or (13)"; and

(B) in subparagraph (B), by striking "or (12)" and inserting "(12), or (13)";

(2) in subsection (d)—

(A) in paragraph (11), by striking "and" at the end;

(B) in paragraph (12), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(13) financial education, as defined in subsection (j)."; and

(3) by adding at the end the following:

"(j) Definition of Financial Education.—In this part, the term 'financial education' means education that promotes an understanding of consumer, economic, and personal finance concepts, including the basic principles involved with earning, budgeting, spending, saving, investing, and taxation.".

(c) Effective Date.—The amendments made by this section take effect on October 1, 2002.

By Mr. INOUYE.

S. 2630. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II and surviving spouses of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I rise to introduce legislation that would amend Title 38 of the United States Code to provide health care and burial benefits to all Filipino veterans of World War II and their spouses who reside in the United States.

Many of you are aware of my continued advocacy on the importance of addressing the plight of Filipino World War II veterans. As an American, I believe the treatment of Filipino World War II veterans is bleak and shameful. The Philippines became a United States possession in 1898, when it was ceded from Spain following the Spanish-American War. In 1934, the Congress enacted the Philippine Independence Act, Public Law 73–127, which provided a 10-year time frame for the independence of the Philippines. Between 1934 and final independence in 1946, the United States retained certain powers over the Philippines, including the right to call all military forces organized by the newly-formed Commonwealth government into the service of the United States Armed Forces.

The Commonwealth Army of the Philippines was called to serve with the United States Armed Forces in the Far East during World War II under President Roosevelt's July 26, 1941 military order. The Filipinos who served were entitled to full veterans' benefits by reason of their active service with our armed forces. Hundreds were wounded in battle and many hundreds died in battle. Shortly after Japan's surrender, the Congress also enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending Filipino troops to occupy enemy lands, and to oversee military installations at various overseas locations. These troops were authorized to receive pay and allowances for services performed throughout the Western Pacific. Although hostilities had ceased, wartime service of these troops continued as a matter of law until the end of 1946.

Despite all of their sacrifices, on February 18, 1946, the Congress enacted the Rescission Act of 1946, now codified as Section 107 of Title 38 of the United States Code. The 1946 Act deemed that the service performed by these Filipino veterans would not be recognized as "active service" for the purpose of any U.S. law conferring "rights, privileges, or benefits." Accordingly, Section 107 denied Filipino veterans access to health care, particularly for non-service-connected disabilities, and pension benefits. Section 107 also limited service-connected disability and death compensation to 50 percent of what is received by their American counterparts.

On May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriations Rescission Act, which duplicated the language that had eliminated Filipino veterans' benefits under the First Rescission Act. Thus, Filipino veterans who fought in the service of the United States during World War

II have been precluded from receiving most of the veterans' benefits that had been available to them before 1946, and that are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

The Health Care for Filipino World War II Veterans Act includes four provisions: health care and nursing home care access for Filipino veterans residing in the United States; dependency and indemnity compensation for surviving spouses of certain Filipino veterans, provided the surviving spouse lives in the United States; an increase in the payment amount from 50 to 100 percent for service-connected disability compensation for new Philippine Scout veterans residing in the United States and burial benefits for new Philippine Scout veterans. All these measures will assist Filipino veterans in their twilight years, and the bill is fully supported by the Department of Veterans Affairs.

Throughout the years, I have sponsored several measures to rectify the lack of appreciation America has shown to those gallant men and women who stood in harm's way with our American soldiers and fought the common enemy during World War II. It is time that we, as a Nation, recognize our long-standing history and friendship with the Philippines. The legislation I introduce today will remove the burden of health care and burial costs for a very deserving group of highly decorated individuals: members of the Filipino Commonwealth Army and new Philippine Scouts who valiantly fought with the Allied forces in the Second World War. These groups have been neglected by the United States Congress.

Heroes should never be forgotten or ignored; let us not turn our backs on those who sacrificed so much. Let us now work to repay all of these brave men and women for their sacrifices by providing them the veterans' benefits they deserve. I urge my colleagues to support this measure.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care for Filipino World War II Veterans Act".

SEC. 2. ELIGIBILITY FOR HEALTH CARE OF CERTAIN ADDITIONAL FILIPINO WORLD WAR II VETERANS RESIDING IN THE UNITED STATES.

The text of section 1734 of title 38, United States Code, is amended to read as follows:

"(a) The Secretary shall furnish hospital and nursing home care and medical services to any individual described in subsection (b) in the same manner, and subject to the same terms and conditions, as apply to the furnishing of such care and services to individuals who are veterans as defined in section 101(2) of this title. Any disability of an individual described in subsection (b) that is a service-connected disability for purposes of this subchapter (as provided for under section 1735(2) of this title) shall be considered to be a service-connected disability for purposes of furnishing care and services under the preceding sentence.

"(b) Subsection (a) applies to any individual who is a Commonwealth Army veteran or new Philippine Scout and who—

"(1) is residing in the United States; and

"(2) is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.".

SEC. 3. RATE OF PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF CERTAIN FILIPINO VETERANS.

(a) Rate of Payment.—Subsection (c) of section 107 of title 38, United States Code, is amended by inserting ", and under chapter 13 of this title," after "chapter 11 of this title".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

SEC. 4. RATE OF PAYMENT OF COMPENSATION BENEFITS FOR NEW PHILIPPINE SCOUTS RESIDING IN THE UNITED STATES.

(a) Rate of Payment.—Section 107 of title 38, United States Code, as amended by section 3(a), is further amended—

(1) in the second sentence of subsection (b), by striking "Payments" and inserting "Except as provided in subsection (c) or (d), payments"; and

(2) in subsection (c)—

(A) by inserting "or (b)" after "subsection (a)" the first place it appears; and

(B) by striking "subsection (a)" the second place it appears and inserting "the applicable subsection".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

SEC. 5. BURIAL BENEFITS FOR NEW PHILIPPINE SCOUTS.

(a) Benefit Eligibility.—Subsection (b)(2) of section 107 of title 38, United States Code, is amended—

(1) by striking "and"; and

(2) by inserting ", 23, and 24 (to the extent provided for in section 2402(8) of this title)" after "1312(a))".

(b) Benefit Rate for Certain Persons in the United States.—Subsection (d) of such section is amended—

(1) in paragraph (1), by inserting "or subsection (b), as the case may be," after "subsection (a)"; and

(2) in paragraph (2), by inserting ", or whose service is described in subsection (b) and who dies on or after the date of the enactment of the Health Care for Filipino World War II Veterans Act" in the matter preceding subparagraph (A) after "this subsection".

(c) Conforming Amendment.—Section 2402(8) of such title is amended by inserting "or 107(b)" after "107(a)".

(d) Effective Date.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after the date of enactment of this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3850. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table.

SA 3851. Mr. LEAHY (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3852. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3853. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3854. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3855. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3856. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3857. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3858. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3859. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3860. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3861. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3862. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3863. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3864. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3865. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3866. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3867. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3868. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3869. Mr. HATCH (for himself and Mr. McCONNELL) submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3870. Mr. DODD submitted an amendment intended to be proposed by him to the

bill S. 2600, supra; which was ordered to lie on the table.

SA 3871. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3872. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3873. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3874. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3875. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3876. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3877. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3878. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3879. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3880. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3881. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3882. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3883. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3884. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3885. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3886. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3887. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3888. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3889. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

SA 3890. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3850. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 30, after line 17, insert the following:

(f) LIMITATIONS ON DAMAGES AND ATTORNEYS' FEES.—In any action brought under subsection (a), reasonable attorneys' fees for work performed shall be subject to the discretion of the court, but in no event shall any attorney charge, demand, receive, or collect for services rendered, fees or compensation in an amount in excess of 25 percent of the damages ordered by the court to be paid under this section, or in excess of 20 percent of any court-approved settlement made of any claim cognizable under this section, and any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be fined not more than $2,000 or imprisoned not more than 1 year, or both.

SA 3851. Mr. LEAHY (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follow:

On page 14, line 9, insert before "but" the following: "or that had an application pending under applicable State law on September 11, 2001,".

SA 3852. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 30, after line 17, add the following:

TITLE —HOLOCAUST VICTIMS INSURANCE RELIEF

SEC. 01. SHORT TITLE.

This title may be cited as the "Holocaust Victims Insurance Relief Act of 2002".

SEC. 02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Holocaust, including the murder of 6,000,000 European Jews, the systematic destruction of families and communities, and the wholesale theft of their assets, was one of the most tragic crimes in modern history.

(2) When Holocaust survivors or heirs of Holocaust victims presented claims to insurance companies after World War II, many were rejected because the claimants did not have death certificates or physical possession of policy documents that had been confiscated by the Nazis.

(3) In many instances, insurance company records are the only proof of the existence of insurance policies belonging to Holocaust victims.

(4) Holocaust survivors and their descendants have been fighting for decades to persuade insurance companies to settle unpaid insurance claims.

(5) In 1998, the International Commission on Holocaust Era Insurance Claims (in this section referred to as the "ICHEIC") was established by the National Association of Insurance Commissioners in cooperation with several European insurance companies, European regulators, representatives of international Jewish organizations, and the State of Israel, to expeditiously address the issue of unpaid insurance policies issued to Holocaust victims.

(6) On July 17, 2000, the United States and Germany signed an Executive Agreement in support of the German Foundation "Remembrance, Responsibility, and the Future", which designated the ICHEIC to resolve all insurance claims that were not paid or were nationalized during the Nazi era.

(7) The ICHEIC will not accept claims applications received after September 30, 2002.

(8) Three years into the process of addressing the issue of unpaid insurance policies, companies continue to withhold thousands of names on dormant accounts.

(9) As of June 15, 2001, more than 84 percent of the 72,675 claims applications filed with the ICHEIC remained idle because the claimants could not identify the company holding the policy.

(10) Insurance companies doing business in the United States have a responsibility to ensure the disclosure of insurance policies of Holocaust victims that they or their related companies may have issued, to facilitate the rapid resolution of questions concerning these policies, and to eliminate the further victimization of policyholders and their families.

(11) State legislatures in California, Florida, New York, Minnesota, Washington, and elsewhere have been challenged in efforts to implement laws that restrict the ability of insurers to engage in business transactions in those States until the insurers publish the names of Holocaust-era policyholders.

(b) PURPOSE.—The purpose of this title is to provide information about Holocaust-era insurance policies to Holocaust victims and their heirs and beneficiaries to enable them to expeditiously file their rightful claims under the policies.

SEC. 03. HOLOCAUST INSURANCE REGISTRY.

(a) ESTABLISHMENT AND MAINTENANCE.—Chapter 21 of title 44, United States Code, is amended by adding at the end the following:

"§ 2119. Holocaust Insurance Registry

"(a) ESTABLISHMENT.—The Archivist shall establish and maintain a collection of records that shall—

"(1) be known as the Holocaust Insurance Registry; and

"(2) consist of the information provided to the Archivist under section 05 of the Holocaust Victims Insurance Relief Act of 2002.

"(b) PUBLIC ACCESSIBILITY.—The Archivist shall make all such information publicly accessible and searchable by means of the Internet and by any other means the Archivist deems appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 44, United States Code, is amended by adding at the end the following:

"2119. Holocaust Insurance Registry.".

SEC. 04. FULL DISCLOSURE OF HOLOCAUST-ERA POLICIES BY INSURERS.

(a) REQUIREMENT.—In accordance with subsection (b), an insurer shall file a report with the Secretary of the Treasury and the Secretary of State that contains the following information:

(1) The first name, last name, date of birth, and domicile of the policyholder of each covered policy issued by the insurer or a related company of the insurer.

(2) The name of the entity that issued the covered policy.

(3) The name of the entity that is responsible for the liabilities of the entity that issued the covered policy.

(4) The extent to which claims made under each covered policy have been paid.

(b) PROPER FILING.—A filing under subsection (a) shall be made not later than the earlier of 30 days after the date of the enactment of this Act or September 1, 2002, in an electronic format approved jointly by the Archivist of the United States and the Secretary of the Treasury.

SEC. 05. PROVISION OF INFORMATION TO ARCHIVIST.

The Secretary of the Treasury shall provide to the Archivist of the United States any information filed with the Secretary under section 04(a) promptly after the filing of such information.

SEC. 06. PENALTY.

The Secretary of the Treasury shall assess a civil penalty of not less than $5,000 for each day that an insurer fails to comply with the requirements of section 04, as determined by the Secretary.

SEC. 07. USE OF AMOUNTS RECEIVED AS CIVIL PENALTIES.

To the extent or in the amounts provided in advance in appropriation Acts, the Archivist of the United States may use amounts received by the Government as civil penalties under section 06 to maintain the Holocaust Insurance Registry.

SEC. 08. NOTIFICATION.

(a) INITIAL NOTIFICATION.—Not later than 60 days after the date of enactment of this Act and periodically thereafter, the Secretary of the Treasury shall notify the commissioner of insurance of each State of the identity of each insurer that has failed to comply with the requirements of section 04 or has not satisfied any civil penalty for which the insurer is liable under section 06.

(b) REQUESTS BY STATES.—On request by the commissioner of insurance of a State concerning an insurer operating in that State, the Secretary of the Treasury shall inform the commissioner of insurance whether the insurer has failed to comply with the requirements of section 04 or has not satisfied any civil penalty for which the insurer is liable under section 06.

SEC. 09. STATE HOLOCAUST CLAIMS REPORTING STATUTES.

(a) PREEMPTION.—Nothing in this Act preempts the right of any State to adopt or enforce any State law requiring an insurer to disclose information regarding insurance policies that may have been confiscated or stolen from victims of Nazi persecution.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) if any litigation challenging any State law described in subsection (a) is dismissed because the commissioner of insurance of the State chooses to rely on this Act and no longer seeks to enforce the State law, each party should bear its own legal fees and costs; and

(2) ICHEIC should extend its deadline for accepting applications to resolve unpaid claims against covered policies until January 1, 2003.

SEC. 10. DEFINITIONS.

In this Act:

(1) COMMISSIONER OF INSURANCE.—The term "commissioner of insurance" means the highest ranking officer of a State responsible for regulating insurance.

(2) COVERED POLICY.—The term "covered policy" means any life, dowry, education, or property insurance policy that was—

(A) in effect at any time after January 30, 1933, and before December 31, 1945; and

(B) issued to a policyholder domiciled in any area of the European Continent that was occupied or controlled by Nazi Germany or by any ally or sympathizer of Nazi Germany at any time during the period described in subparagraph (A).

(3) INSURER.—The term "insurer" means any person engaged in the business of insurance in United States interstate or foreign commerce, if the person or a related company of the person issued a covered policy, regardless of when the related company became a related company of the insurer.

(4) RELATED COMPANY.—The term "related company" means an affiliate, as that term is defined in section 104(g) of the Gramm-Leach-Bliley Act.

SA 3853. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 9, line 5, strike "21" and insert "28".

SA 3854. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 9, line 5, strike "21" and insert "25".

SA 3855. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 9, line 5, strike "21" and insert "29".

SA 3856. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 9, line 5, strike "21" and insert "30".

SA 3857. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 9, line 5, strike "21" and insert "27".

SA 3858. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 27, strike lines 9 through 20 and insert the following:

"Act; and

"(B) during the period beginning on the".

SA 3859. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 27, lines 14 and 15, strike "prior approval or".

SA 3860. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 27, lines 14 and 15, strike "to prior approval or a waiting period" and insert "to a waiting period greater than 60 days".

SA 3861. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 27, lines 14 and 15, strike "to prior approval or a waiting period" and insert "to a waiting period of excessive duration".

SA 3862. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 29, strike line 1 and all that follows through page 30, line 17, and insert the following:

SEC. 10. PROCEDURES FOR CIVIL ACTIONS.

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for claims arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for such claims, except as provided in subsection (f).

(2) PREEMPTION OF STATE ACTIONS.—All State causes of action of any kind for claims arising out of or resulting from an act of terrorism that are otherwise available under State law, are hereby preempted, except as provided in subsection (f).

(b) GOVERNING LAW.—The substantive law for decision in an action described in subsection (a)(1) shall be derived from the law, including applicable choice of law principles, of the State in which the act of terrorism giving rise to the action occurred, except to the extent that—

(1) the law, including choice of law principles, of another State is determined to be applicable to the action by the district court hearing the action; or

(2) otherwise applicable State law (including that determined under paragraph (1), is inconsistent with or otherwise preempted by Federal law.

(c) FEDERAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the date of the occurrence of an act of terrorism, the Judicial Panel on Multidistrict Litigation shall assign a single Federal district court to conduct pretrial and trial proceedings in all pending and future civil actions for claims arising out of or resulting from that act of terrorism.

(2) Selection criteria.—The Judicial Panel on Multidistrict Litigation shall select and assign the district court under paragraph (1) based on the convenience of the parties and the just and efficient conduct of the proceedings.

(3) Jurisdiction.—The district court assigned by the Judicial Panel on Multidistrict Litigation shall have original and exclusive jurisdiction over all actions under paragraph (1). For purposes of personal jurisdiction, the district court assigned by the Judicial Panel on Multidistrict Litigation shall be deemed to sit in all judicial districts in the United States.

(4) Transfer of cases filed in other federal courts.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(5) Removal of cases filed in state courts.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a State court shall be removable to the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1).

(d) Approval of Settlements.—Any settlement between the parties of a civil action described in this section for claims arising out of or resulting from an act of terrorism shall be subject to prior approval by the Secretary after consultation by the Secretary with the Attorney General.

(e) Limitation on Damages.—

(1) In general.—Punitive or exemplary damages shall not be available for any losses in any action described in subsection (a)(1), including any settlement described in subsection (d), except where—

(A) punitive or exemplary damages are permitted by applicable State law; and

(B) the harm to the plaintiff was caused by a criminal act or course of conduct for which the defendant was convicted under Federal or State criminal law, including a conviction based on a guilty pea or plea of nolo contendere.

Conviction under subparagraph (B) shall establish liability for punitive or exemplary damages resulting from the harm referred to in subparagraph (B) and the assessment of such damages shall be determined in a civil lawsuit.

(2) Protection of taxpayer funds.—Any amounts awarded in, or granted in settlement of, an action described in subsection (a)(1) that are attributable to punitive or exemplary damages allowable under paragraph (1) of this subsection shall not count as insured losses for purposes of this Act.

(f) Claims Against Terrorists.—Nothing in this section shall in any way be construed to limit the ability of any plaintiff to seek any form of recovery from any person, government, or other entity that was a participant in, or aider and abettor of, any act of terrorism.

(g) Effective Period.—This section shall apply only to actions described in subsection (a)(1) arising out of or resulting from acts of terrorism that occur during the effective period of the Program, including any applicable extension period.

SEC. 11. CRIMINAL OFFENSE FOR AIDING OR FACILITATING A TERRORIST INCIDENT.

(a) In General.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§2339C. Aiding and facilitating a terrorist incident

"(a) Offense.—Whoever, acting with willful and malicious disregard for the life or safety of others, by such action leads to, aggravates, or is a cause of property damage, personal injury, or death resulting from an act of terrorism as defined in section 3 of the Terrorism Risk Insurance Act of 2002 shall be subject to a fine not more than $10,000,000 or imprisoned not more than 15 years, or both.

"(b) Private Right of Action.—Any person may request the Attorney General to initiate a criminal prosecution pursuant to subsection (a). In the event the Attorney General refuses, or fails to initiate such a criminal prosecution within 90 days after receiving a request, upon petition by any person, the appropriate United States District Court shall appoint an Assistant United States attorney pro tempore to prosecute an offense described in subsection (a) if the court finds that the Attorney General abused his or her discretion by failing to prosecute.".

(b) Chapter Analysis.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2399C. Aiding and facilitating a terrorist incident.".

SA 3863. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

Beginning on page 9, line 13, strike all through page 16, line 9, and insert in lieu thereof the following:

(7) Person.—The term "person" means any individual, business or nonprofit entity (including those organized in the form of a partnership, limited liability company, corporation, or association), trust or estate, or a State or political subdivision of a State or other governmental unit.

(8) Program.—The term "Program" means the Terrorism Insured Loss Shared Compensation Program established by this Act.

(9) Property and casualty insurance.—The term "property and casualty insurance"—

(A) means commercial lines of property and casualty insurance;

(B) includes personal lines of property and casualty insurance, if a notification is made in accordance with paragraph (6)(B); and

(C) does not include—

(i) Federal crop insurance issued or reinsured under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) private mortgage insurance, as that term is defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901).

(10) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(11) State.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and each of the United States Virgin Islands.

(12) United states.—The term "United States" means all States of the United States.

SEC. 4. TERRORISM INSURED LOSS SHARED COMPENSATION PROGRAM.

(a) Establishment of Program.—

(1) In general.—There is established in the Department of the Treasury the Terrorism Insured Loss Shared Compensation Program.

(2) Authority of the secretary.—Notwithstanding any other provision of State or Federal law, the Secretary shall administer the Program, and shall pay the Federal share of compensation for insured losses in accordance with subsection (e).

(b) Conditions for Federal Payments.—No payment may be made by the Secretary under subsection (e), unless—

(1) a person that suffers an insured loss, or a person acting on behalf of that person, files a claim with a participating insurance company;

(2) the participating insurance company provides clear and conspicuous disclosure to the policyholder of the premium charged for insured losses covered by the Program and the Federal share of compensation for insured losses under the Program—

(A) in the case of any policy covering an insured loss that is issued on or after the date of enactment of this Act, in the policy, at the time of offer, purchase, and renewal of the policy; and

(B) in the case of any policy that is issued before the date of enactment of this Act, not later than 90 days after that date of enactment;

(3) the participating insurance company processes the claim for the insured loss in accordance with its standard business practices, and any reasonable procedures that the Secretary may prescribe; and

(4) the participating insurance company submits to the Secretary, in accordance with such reasonable procedures as the Secretary may establish—

(A) a claim for payment of the Federal share of compensation for insured losses under the Program;

(B) written verification and certification—

(i) of the underlying claim; and

(ii) of all payments made for insured losses; and

(C) certification of its compliance with the provisions of this subsection.

(c) Mandatory Participation; Mandatory Availability.—Each insurance company that meets the definition of a participating insurance company under section 3—

(1) shall participate in the Program;

(2) shall make available in all of its property and casualty insurance policies (in all of its participating lines), coverage for insured losses; and

(3) shall make available property and casualty insurance coverage for insured losses that does not differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than acts of terrorism.

(d) Participation by Self Insured Entities.—

(1) Determination by the secretary.—The Secretary may, in consultation with the NAIC, establish procedures to allow participation in the Program by municipalities and other governmental or quasi-governmental entities (and by any other entity, as the Secretary deems appropriate) operating through self insurance arrangements that were in existence on September 11, 2001, but only if the Secretary makes a determination with regard to participation by any such entity before the occurrence of an act of terrorism in which the entity incurs an insured loss.

(2) Participation.—If the Secretary makes a determination to allow an entity described in paragraph (1) to participate in the Program, all reports, conditions, requirements, and standards established by this Act for participating insurance companies shall apply to any such entity, as determined to be appropriate by the Secretary.

(e) Shared Insurance Loss Coverage.—

(1) Federal share.—

(A) In general.—Subject to the cap on liability under paragraph (2) and the limitation under paragraph (6), the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002, shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $10,000,000,000.

(B) Extension period.—If the Program is extended in accordance with section 6, the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on January 1, 2003 and ending at midnight on December 31, 2003, shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $20,000,000,000, subject to the cap on liability in paragraph (2) and the limitation under paragraph (6).

SA 3864. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

Beginning on page 9, line 13, strike all line 9 on page 16, and insert in lieu thereof the following:

(7) Person.—The term "person" means any individual, business or nonprofit entity (including those organized in the form of a partnership, limited liability company, corporation, or association), trust or estate, or a State or political subdivision of a State or other governmental unit.

(8) Program.—The term "Program" means the Terrorism Insured Loss Shared Compensation Program established by this Act.

(9) Property and casualty insurance.—The term "property and casualty insurance"—

(A) means commercial lines of property and casualty insurance;

(B) includes personal lines of property and casualty insurance, if a notification is made in accordance with paragraph (6)(B); and

(C) does not include—

(i) Federal crop insurance issued or reinsured under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) private mortgage insurance, as that term is defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901).

(10) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(11) State.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and each of the United States Virgin Islands.

(12) United states.—The term "United States" means all States of the United States.

SEC. 4. TERRORISM INSURED LOSS SHARED COMPENSATION PROGRAM.

(a) Establishment of Program.—

(1) In general.—There is established in the Department of the Treasury the Terrorism Insured Loss Shared Compensation Program.

(2) Authority of the secretary.—Notwithstanding any other provision of State or Federal law, the Secretary shall administer the Program, and shall pay the Federal share of compensation for insured losses in accordance with subsection (e).

(b) Conditions for Federal Payments.—No payment may be made by the Secretary under subsection (e), unless—

(1) a person that suffers an insured loss, or a person acting on behalf of that person, files a claim with a participating insurance company;

(2) the participating insurance company provides clear and conspicuous disclosure to the policyholder of the premium charged for insured losses covered by the Program and the Federal share of compensation for insured losses under the Program—

(A) in the case of any policy covering an insured loss that is issued on or after the date of enactment of this Act, in the policy, at the time of offer, purchase, and renewal of the policy; and

(B) in the case of any policy that is issued before the date of enactment of this Act, not later than 90 days after that date of enactment;

(3) the participating insurance company processes the claim for the insured loss in accordance with its standard business practices, and any reasonable procedures that the Secretary may prescribe; and

(4) the participating insurance company submits to the Secretary, in accordance with such reasonable procedures as the Secretary may establish—

(A) a claim for payment of the Federal share of compensation for insured losses under the Program;

(B) written verification and certification—

(i) of the underlying claim; and

(ii) of all payments made for insured losses; and

(C) certification of its compliance with the provisions of this subsection.

(c) Mandatory Participation; Mandatory Availability.—Each insurance company that meets the definition of a participating insurance company under section 3—

(1) shall participate in the Program;

(2) shall make available in all of its property and casualty insurance policies (in all of its participating lines), coverage for insured losses; and

(3) shall make available property and casualty insurance coverage for insured losses that does not differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than acts of terrorism.

(d) Participation by Self Insured Entities.—

(1) Determination by the secretary.—The Secretary may, in consultation with the NAIC, establish procedures to allow participation in the Program by municipalities and other governmental or quasi-governmental entities (and by any other entity, as the Secretary deems appropriate) operating through self insurance arrangements that were in existence on September 11, 2001, but only if the Secretary makes a determination with regard to participation by any such entity before the occurrence of an act of terrorism in which the entity incurs an insured loss.

(2) Participation.—If the Secretary makes a determination to allow an entity described in paragraph (1) to participate in the Program, all reports, conditions, requirements, and standards established by this Act for participating insurance companies shall apply to any such entity, as determined to be appropriate by the Secretary.

(e) Shared Insurance Loss Coverage.—

(1) Federal share.—

(A) In general.—Subject to the cap on liability under paragraph (2) and the limitation under paragraph (6), the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002, shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $10,000,000,000.

(B) Extension period.—If the Program is extended in accordance with section 6, the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on January 1, 2003 and ending at midnight on December 31, 2003, shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $10,000,000,000, subject to the cap on liability in paragraph (2) and the limitation under paragraph (6).

SA 3865. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 8, strike lines 13 though line 4 on page 10, and re-number the paragraphs accordingly.

On page 15, strike lines 5 though line 9 on page 16, and insert in lieu thereof the following:

"2002, shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $10,000,000,000.

"(B) Extension period.—If the Program is extended in accordance with section 6, the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on January 1, 2003 and ending at midnight on December 31, 2003, shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $10,000,000,000, subject to the cap on liability in paragraph (2) and the limitation under paragraph (6).".

SA 3866. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 9, strike lines 13 through line 4 on page 10, and insert in lieu thereof the following:

"(7) Participating insurance company deductible.—The term "participating insurance company deductible" means a participating insurance company's market share, multiplied by $10,000,000,000, with respect to insured losses resulting from an act of terrorism occurring during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002.".

On page 16, strike lines 6 though 9, and insert in lieu thereof the following:

"2003, shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $10,000,000,000, subject to the cap on liability in paragraph (2) and the limitation under paragraph (6).".

SA 3867. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

Beginning on page 9, line 13, strike all through page 16, line 9, and insert in lieu thereof the following:

(7) PARTICIPATING INSURANCE COMPANY DEDUCTIBLE.—The term "participating insurance company deductible" means a participating insurance company's market share, multiplied by $10,000,000,000, with respect to insured losses resulting from an act of terrorism occurring during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002.

(8) PERSON.—The term "person" means any individual, business or nonprofit entity (including those organized in the form of a partnership, limited liability company, corporation, or association), trust or estate, or a State or political subdivision of a State or other governmental unit.

(9) PROGRAM.—The term "Program" means the Terrorism Insured Loss Shared Compensation Program established by this Act.

(10) PROPERTY AND CASUALTY INSURANCE.—The term "property and casualty insurance"—

(A) means commercial lines of property and casualty insurance;

(B) includes personal lines of property and casualty insurance, if a notification is made in accordance with paragraph (6)(B); and

(C) does not include—

(i) Federal crop insurance issued or reinsured under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) private mortgage insurance, as that term is defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901).

(11) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(12) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and each of the United States Virgin Islands.

(13) UNITED STATES.—The term "United States" means all States of the United States.

SEC. 4. TERRORISM INSURED LOSS SHARED COMPENSATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—There is established in the Department of the Treasury the Terrorism Insured Loss Shared Compensation Program.

(2) AUTHORITY OF THE SECRETARY.—Notwithstanding any other provision of State or Federal law, the Secretary shall administer the Program, and shall pay the Federal share of compensation for insured losses in accordance with subsection (e).

(b) CONDITIONS FOR FEDERAL PAYMENTS.—No payment may be made by the Secretary under subsection (e), unless—

(1) a person that suffers an insured loss, or a person acting on behalf of that person, files a claim with a participating insurance company;

(2) the participating insurance company provides clear and conspicuous disclosure to the policyholder of the premium charged for insured losses covered by the Program and the Federal share of compensation for insured losses under the Program—

(A) in the case of any policy covering an insured loss that is issued on or after the date of enactment of this Act, in the policy, at the time of offer, purchase, and renewal of the policy; and

(B) in the case of any policy that is issued before the date of enactment of this Act, not later than 90 days after that date of enactment;

(3) the participating insurance company processes the claim for the insured loss in accordance with its standard business practices, and any reasonable procedures that the Secretary may prescribe; and

(4) the participating insurance company submits to the Secretary, in accordance with such reasonable procedures as the Secretary may establish—

(A) a claim for payment of the Federal share of compensation for insured losses under the Program;

(B) written verification and certification—

(i) of the underlying claim; and

(ii) of all payments made for insured losses; and

(C) certification of its compliance with the provisions of this subsection.

(c) MANDATORY PARTICIPATION; MANDATORY AVAILABILITY.—Each insurance company that meets the definition of a participating insurance company under section 3—

(1) shall participate in the Program;

(2) shall make available in all of its property and casualty insurance policies (in all of its participating lines), coverage for insured losses; and

(3) shall make available property and casualty insurance coverage for insured losses that does not differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than acts of terrorism.

(d) PARTICIPATION BY SELF INSURED ENTITIES.—

(1) DETERMINATION BY THE SECRETARY.—The Secretary may, in consultation with the NAIC, establish procedures to allow participation in the Program by municipalities and other governmental or quasi-governmental entities (and by any other entity, as the Secretary deems appropriate) operating through self insurance arrangements that were in existence on September 11, 2001, but only if the Secretary makes a determination with regard to participation by any such entity before the occurrence of an act of terrorism in which the entity incurs an insured loss.

(2) PARTICIPATION.—If the Secretary makes a determination to allow an entity described in paragraph (1) to participate in the Program, all reports, conditions, requirements, and standards established by this Act for participating insurance companies shall apply to any such entity, as determined to be appropriate by the Secretary.

(e) SHARED INSURANCE LOSS COVERAGE.—

(1) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to the cap on liability under paragraph (2) and the limitation under paragraph (6), the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002—

(i) shall be equal to 80 percent of that portion of the amount of aggregate insured losses that—

(I) exceeds the participating insurance company deductibles required to be paid for those insured losses; and

(II) does not exceed $10,000,000,000; and

(ii) shall be equal to 90 percent of that portion of the amount of aggregate insured losses that—

(I) exceeds the participating insurance company deductibles required to be paid for those insured losses; and

(II) exceeds $10,000,000,000.

(B) EXTENSION PERIOD.—If the Program is extended in accordance with section 6, the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on January 1, 2003 and ending at midnight on December 31, 2003, shall be equal to 90 percent of that portion of the amount of aggregate losses that exceeds $10,000,000,000, subject to the cap on liability in paragraph (2) and the limitation under paragraph (6).

SA 3868. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 9, strike lines 13 through line 4 on page 10, and re-number the paragraphs accordingly.

On page 15, strike lines 6 through line 9 on page 16 and insert in lieu thereof the following:

"2002, shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $10,000,000,000.

"(B) EXTENSION PERIOD.—If the Program is extended in accordance with section 6, the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the period beginning on January 1, 2003 and ending at midnight on December 31, 2003, shall be equal to 90 percent of that portion of the amount of aggregate insured losses that exceeds $20,000,000,000, subject to the cap on liability in paragraph (2) and the limitation under paragraph (6).".

SA 3869. Mr. HATCH (for himself and Mr. McCONNELL) submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 29, strike line 1 and all that follows through page 30, line 17, and insert the following:

SEC. 10. PROCEDURES FOR CIVIL ACTIONS.

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for claims arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for such claims, except as provided in subsection (f).

(2) PREEMPTION OF STATE ACTIONS.—All State causes of action of any kind for claims arising out of or resulting from an act of terrorism that are otherwise available under State law, are hereby preempted, except as provided in subsection (f).

(b) GOVERNING LAW.—The substantive law for decision in an action described in subsection (a)(1) shall be derived from the law, including applicable choice of law principles, of the State in which the act of terrorism giving rise to the action occurred, except to the extent that—

(1) the law, including choice of law principles, of another State is determined to be applicable to the action by the district court hearing the action; or

(2) otherwise applicable State law (including that determined under paragraph (1), is

inconsistent with or otherwise preempted by Federal law.

(c) FEDERAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the date of the occurrence of an act of terrorism, the Judicial Panel on Multidistrict Litigation shall assign a single Federal district court to conduct pretrial and trial proceedings in all pending and future civil actions for claims arising out of or resulting from that act of terrorism.

(2) SELECTION CRITERIA.—The Judicial Panel on Multidistrict Litigation shall select and assign the district court under paragraph (1) based on the convenience of the parties and the just and efficient conduct of the proceedings.

(3) JURISDICTION.—The district court assigned by the Judicial Panel on Multidistrict Litigation shall have original and exclusive jurisdiction over all actions under paragraph (1). For purposes of personal jurisdiction, the district court assigned by the Judicial Panel on Multidistrict Litigation shall be deemed to sit in all judicial districts in the United States.

(4) TRANSFER OF CASES FILED IN OTHER FEDERAL COURTS.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(5) REMOVAL OF CASES FILED IN STATE COURTS.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a State court shall be removable to the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1).

(d) APPROVAL OF SETTLEMENTS.—Any settlement between the parties of a civil action described in this section for claims arising out of or resulting from an act of terrorism shall be subject to prior approval by the Secretary after consultation by the Secretary with the Attorney General.

(e) LIMITATION ON DAMAGES.—

(1) IN GENERAL.—Punitive or exemplary damages shall not be available for any losses in any action described in subsection (a)(1), including any settlement described in subsection (d), except where—

(A) punitive or exemplary damages are permitted by applicable State law; and

(B) it is proven beyond a reasonable doubt that the harm to the plaintiff was caused by the defendant's malicious conduct.

(2) PROTECTION OF TAXPAYER FUNDS.—Any amounts awarded in, or granted in settlement of, an action described in subsection (a)(1) that are attributable to punitive or exemplary damages allowable under paragraph (1) of this subsection shall not count as insured losses for purposes of this Act.

(f) CLAIMS AGAINST TERRORISTS.—Nothing in this section shall in any way be construed to limit the ability of any plaintiff to seek any form of recovery from any person, government, or other entity that was a participant in, or aider and abettor of, any act of terrorism.

(g) EFFECTIVE PERIOD.—This section shall apply only to actions described in subsection (a)(1) arising out of or resulting from acts of terrorism that occur during the effective period of the Program, including any applicable extension period.

SA 3870. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 4, line 14, insert "(a) IN GENERAL.—" before "In".

On page 5, line 3, insert "or vessel" after "air carrier".

On page 8, line 21, insert before the semicolon ", or had pending on that date an application for such license or admission".

On page 9, line 19, strike "the period" and all that follows through line 22 and insert the following: "the 1-year period beginning on the date of enactment of this Act; and".

On page 10, beginning on line 2, strike "the period" and all that follows through "2003" on line 3, and insert "the 1-year period beginning on the day after the date of expiration of the period described in subparagraph (A)".

On page 10, line 17, insert before the semicolon ", including workers' compensation insurance".

On page 10, line 24, strike "or".

On page 11, line 4, strike the period and insert the following: "; or

"(iii) financial guaranty insurance.".

On page 11, line 14, strike "all States" and insert "the several States, and includes the territorial sea".

On page 11, between lines 14 and 15, insert the following:

(b) RULE OF CONSTRUCTION FOR DATES.—With respect to any reference to a date in this Act, such day shall be construed—

(1) to begin at 12:01 a.m. on that date; and

(2) to end at midnight on that date.

On page 12, line 15, insert "on a separate line item" after "Act,".

On page 12, line 19, insert "as a line item described in subparagraph (A)," before "not".

On page 15, line 3, strike "the period" and all that follows through line 6, and insert "the 1-year period beginning on the date of enactment of this Act— ".

On page 16, beginning on line 4, strike "the period" and all that follows through "2003" on line 6, and insert the following: "the 1-year period beginning on the day after the date of expiration of the period described in subparagraph (A)".

On page 16, between lines 19 and 20, insert the following:

(D) PROHIBITION ON DUPLICATIVE COMPENSATION.—The Federal share of compensation for insured losses under the Program shall be reduced by the amount of compensation provided by the Federal Government for those insured losses under any other Federal insurance or reinsurance program.

On page 21, line 2, strike "at midnight on December 31, 2002" and insert "1 year after the date of enactment of this Act".

On page 21, beginning on line 7, strike "until midnight on December 31, 2003" and insert "beginning on the day after the date of expiration of the initial 1-year period of the Program".

On page 21, beginning on line 16, strike "at midnight on December 31, 2003" and insert "1 year after the date of commencement of such extension period".

On page 22, beginning on line 13, strike "at midnight on December 31, 2002" and insert "1 year after the date of enactment of this Act".

On page 23, line 19, insert "5(d)," before "and".

On page 23, line 25, strike "10(b)" and insert "9(b)".

On page 24, line 7, strike "2003" and insert "the second year of the Program, if the Program is extended in accordance with this section".

On page 24, line 15, insert before the period ", including long-term care".

On page 26, between lines 16 and 17, insert the following:

(i) STUDY OF RESERVES FOR CERTAIN TYPES OF INSURANCE FOR TERRORIST OR OTHER CATASTROPHIC EVENTS.—

(1) IN GENERAL.—The Secretary shall conduct a study of issues relating to permitting insurance companies that provide property and casualty insurance, life insurance, and other lines of insurance coverage to establish deductible reserves against losses for future acts of terrorism, including—

(A) whether such tax-favored reserves would promote—

(i) insurance coverage of risks of terrorism; and

(ii) the accumulation of additional resources needed to satisfy potential claims resulting from such risks;

(B) the lines of business for which such reserves would be appropriate, including whether such reserves for property and casualty insurance should be applied to personal or commercial lines of business;

(C) how the amount of such reserves would be determined;

(D) how such reserves would be administered;

(E) a comparison of the Federal tax treatment of such reserves with other insurance reserves permitted under Federal tax laws;

(F) an analysis of the use of tax-favored reserves for catastrophic events, including acts of terrorism, under the tax laws of foreign countries; and

(G) whether it would be appropriate to permit similar reserves for other future catastrophic events, such as natural disasters, taking into account the factors under the preceding paragraphs.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study under paragraph (1), together with recommendations for amending the Internal Revenue Code of 1986, or other appropriate action.

SA 3871. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 30, strike lines 4 through 7 and insert the following:

(c) BAN ON PUNITIVE DAMAGES.—Punitive damages are not permitted in any action under this Act.

SA 3872. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 5, line 3, insert "or vessel" after "air carrier".

SA 3873. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table, as follows:

On page 8, line 21, insert before the semicolon ", or had pending on that date an application for such license or admission".

SA 3874. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table, as follows:

On page 9, line 19, strike "the period" and all that follows through line 22 and insert the following: "the 1-year period beginning on the date of enactment of this Act; and".

SA 3875. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table, as follows:

On page 10, beginning on line 2, strike "the period" and all that follows through "2003" on line 3, and insert "the 1-year period beginning on the day after the date of expiration of the period described in subparagraph (A)".

SA 3876. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 10, line 17, insert before the semicolon ", including workers' compensation insurance".

SA 3877. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 11, line 4, strike the period and insert the following: "; or

"(iii) financial guaranty insurance.".

SA 3878. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 11, line 14, strike "all States" and insert "the several States, and includes the territorial sea".

SA 3879. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 11, between lines 14 and 15, insert the following:

(14) RULE OF CONSTRUCTION FOR DATES.—With respect to any reference to a date in this Act, such day shall be construed—

(A) to begin at 12:01 a.m. on that date; and

(B) to end at midnight on that date.

SA 3880. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 26, between lines 16 and 17, insert the following:

(l) STUDY OF RESERVES FOR CERTAIN TYPES OF INSURANCE FOR TERRORIST OR OTHER CATASTROPHIC EVENTS.—

(1) IN GENERAL.—The Secretary shall conduct a study of issues relating to permitting insurance companies that provide property and casualty insurance, life insurance, and other lines of insurance coverage to establish deductible reserves against losses for future acts of terrorism, including—

(A) whether such tax-favored reserves would promote—

(i) insurance coverage of risks of terrorism; and

(ii) the accumulation of additional resources needed to satisfy potential claims resulting from such risks;

(B) the lines of business for which such reserves would be appropriate, including whether such reserves for property and casualty insurance should be applied to personal or commercial lines of business;

(C) how the amount of such reserves would be determined;

(D) how such reserves would be administered;

(E) a comparison of the Federal tax treatment of such reserves with other insurance reserves permitted under Federal tax laws;

(F) an analysis of the use of tax-favored reserves for catastrophic events, including acts of terrorism, under the tax laws of foreign countries; and

(G) whether it would be appropriate to permit similar reserves for other future catastrophic events, such as natural disasters, taking into account the factors under the preceding paragraphs.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study under paragraph (1), together with recommendations for amending the Internal Revenue Code of 1986, or other appropriate action.

SA 3881. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On Page 24, line 7, strike "2003" and insert "the second year of the Program, if the Program is extended in accordance with this section".

SA 3882. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 24, line 15, insert before the period ", including long-term care".

SA 3883. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 21, strike lines 1 through page 22, line 14 and insert the following:

(1) IN GENERAL.—The Program shall terminate 1 year after the date of enactment of this Act, unless the Secretary—

(A) determines, after considering the report and finding required by this section, that the Program should be extended for one additional year, beginning on the day after the date of expiration of the initial 1-year period of the Program; and

(B) promptly notifies the Congress of such determination and the reasons therefor.

(2) DETERMINATION FINAL.—The determination of the Secretary under paragraph (1) shall be final, and shall not be subject to judicial review.

(3) TERMINATION AFTER EXTENSION.—If the Program is extended under paragraph (1), the Program shall terminate 1 year after the date of commencement of such extension period.

(b) REPORT TO CONGRESS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit a report to Congress—

(1) regarding—

(A) the availability of insurance coverage for acts of terrorism;

(B) the affordability of such coverage, including the effect of such coverage on premiums; and

(C) the capacity of the insurance industry to absorb future losses resulting from acts of terrorism, taking into account the profitability of the insurance industry; and

(2) that considers—

(A) the impact of the Program on each of the factors described in paragraph (1); and

(B) the probable impact on such factors and on the United States economy if the Program terminates 1 year after the date of enactment of this Act.

SA 3884. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 12, strike lines 15 through 19 and insert the following: "of enactment of this Act, on a separate line item in the policy, at the time of offer, purchase, and renewal of the policy; and

"(B) in the case of any policy that is issued before the date of enactment of this Act, as a line item described in subparagraph (A) not".

SA 3885. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 15, line 3, strike "the period" and all that follows through line 6, and insert "the 1-year period beginning on the date of enactment of this Act—".

SA 3886. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 16, beginning on line 4, strike "the period" and all that follows through "2003" on line 6, and insert the following: "the 1-year period beginning on the day after the date of expiration of the period described in subparagraph (A)".

SA 3887. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 16, between lines 19 and 20, insert the following:

(D) PROHIBITION ON DUPLICATIVE COMPENSATION.—The Federal share of compensation for insured losses under the Program shall be reduced by the amount of compensation provided by the Federal Government for those insured losses under any other Federal insurance or reinsurance program.

SA 3888. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 21, line 2, strike "at midnight on December 31, 2002" and insert "1 year after the date of enactment of this Act".

SA 3889. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 23, line 19, insert "5(d)," before "and".

SA 3890. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 23, line 25, strike "10(b)" and insert "9(b)".

ORDER FOR RECORD TO REMAIN OPEN UNTIL 4 P.M.

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 4 p.m., for the introduction of legislation and the submission of statements, notwithstanding the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, for the information of all Senators, as I announced earlier today and I state again, the Senate will convene tomorrow at 9:30 and will vote on cloture on the terrorism insurance bill at 9:45.

Senators have until 9:40 tomorrow morning to file second-degree amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:27 p.m., adjourned until Tuesday, June 18, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 17, 2002:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

JOHN S. BRESLAND, OF NEW JERSEY, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE DEVRA LEE DAVIS.

NUCLEAR REGULATORY COMMISSION

JEFFREY S. MERRIFIELD, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2007. (REAPPOINTMENT)

BROADCASTING BOARD OF GOVERNORS

NORMAN J. PATTIZ, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2004. (REAPPOINTMENT)

DEPARTMENT OF STATE

ELLEN R. SAUERBREY, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COMMISSION ON THE STATUS OF WOMEN OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. FREDERICK F. ROGGERO, 8985

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEVEN J. HASHEM, 9921

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10 U.S.C., SECTIONS 624 AND 3064:

To be major

NANETTE S. PATTON, 5773

HOUSE OF REPRESENTATIVES—*Monday, June 17, 2002*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC
June 17, 2002.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

STATUS OF ANTHRAX INVESTIGATION

Mr. PENCE. Mr. Speaker, press accounts beginning in The Washington Post yesterday and on cable television networks over the past 24 hours have been resplendent with discussions about possible covert operations, the authorization of Special Forces by the President of the United States to confront the regime of Saddam Hussein in Iraq. While it might not surprise some Americans that Iraq may in some way have been involved in the events of 9–11, Mr. Speaker, as I would like to elaborate, as I did so in a letter to the Attorney General last week, there is a growing list of facts that suggest Iraqi involvement not just in the events of 9–11, but perhaps, Mr. Speaker, even in the events and circumstances that led to the anthrax bacillus finding its way to Capitol Hill, costing the lives of five Americans, grinding much of the institutions of our Federal Government to a halt.

As Members may recall, Mr. Speaker, my office was one of three offices on the House of Representatives side of the Capitol building that tested positive for the anthrax bacillus in October. In addition to myself and my family and my staff and many constituent visitors to our office having to take a 3-month regimen of doxycycline and ciprofloxacin, also, as was the case in Senator DASCHLE's office and the Senate Hart Office Building, we were expelled from our offices for decontamination for a period of 4 months. It was, in addition to the loss of human life, an extraordinary disruption of our Federal Government as well as an occasion that truly terrorized the American people.

Since the time of the attacks, virtually within a week, the Federal Bureau of Investigation offered a theory of the case, Mr. Speaker, that could be described loosely as an American mad scientist, a version of the Unibomber, who had simply preyed upon this season of uncertainty following the 9–11 attacks and used anthrax materials that had been absconded from a U.S. weapons facility to further terrorize Americans. It seemed like a very plausible case, to say the least; but there is a growing list of facts that seem to suggest the possibility of an international connection to the anthrax attacks and even possibly, Mr. Speaker, to a connection to Bagdad.

Let me give some of those facts, which are uncontroverted allegations that have appeared in various arms of the national press. These are 10 different facts that I articulated in a letter to Attorney General John Ashcroft asking, as I did last week, for some explanation as to why the FBI seems to have ruled out an international source for the terrorist attacks.

First and foremost, the letter to Senate Majority Leader TOM DASCHLE was actually dated September 11 and mailed, we believe, around that time, included phrases like "Death to America," "Death to Israel," and "Allah is great."

The evidence also suggests in media reports that one or more of the 9–11 terrorists visited physicians to be treated for skin lesions and infections that would be consistent with cutaneous exposure to anthrax.

Also the material found in my office and elsewhere on Capitol Hill was a finely milled weapons grade anthrax that had been genetically modified to increase its virulence. These are highly technical methods that can be employed by governments with the resources to do them.

This anthrax was also so powerful that not only had five people been killed, including two postal workers and two elderly women, but these deaths we believe occurred just through cross-contamination. This was a virulent strain developed to kill human beings.

Now, DNA evidence, which has been reported in the press, suggests that the anthrax that was found here in the Capitol was part of the Ames strain of anthrax, which we had developed at Fort Detrick, Maryland. But what you may not be aware of, Mr. Speaker, was that the Ames strain was actually sent to England's Porton Down research facility, and in that facility in 1988, according to many intelligence agency reports, Iraqi germ warfare scientists sought to obtain that very same Ames virus, and many believe that they did obtain the Ames virus.

So the anthrax bacillus with the genetic coding of the Ames strain could have been and may well have been obtained by Iraqi germ warfare scientists.

We also know that European government and CIA officials reported meetings between al Qaeda members and Iraqi intelligence officials before September 11, and the 9–11 terrorists also we know from confirmed accounts in the press, attempted to rent crop dusters, presumably as delivery vehicles, for chemical weapons.

Lastly, according to U.N. weapons inspector Richard Spertzel, Iraq has conducted military exercises to explore the possibility of disbursing anthrax using crop dusters.

These are all facts that suggest an international connection, perhaps even an Iraqi connection. This week I will urge the Justice Department and the administration to follow the facts wherever they lead.

PROVIDING ADEQUATE PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, earlier this month Congress made a choice. Republicans in this body passed legislation giving literally hundreds of billions in tax breaks, hundreds of billions of dollars, to the richest one-half of one percent of Americans, to decamillionaires and to billionaires. The choice that Congress made was between a tax cut for the richest, most privileged Americans, and an adequate, legitimate real prescription drug benefit for America's seniors.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This week, unfortunately, America's seniors will begin to pay the price for that choice that Congress made, that choice that Republican leadership pushed through Congress of tax cuts for the wealthiest Americans over a prescription drug benefit for America's seniors.

Now, Republicans will say, as we will find in the Committee on Energy and Commerce this week as we mark up the prescription drug bill, Republicans will say that they in fact have a prescription drug bill that they are offering in committee. What they will not say is that prescription drug bill is very inadequate for seniors' needs.

Their bill serves three purposes. Number one, it is the launching pad for Medicare privatization. If their prescription drug plan becomes law, it will be the beginning of full scale, turn-it-over-to-the-insurance-companies privatization of Medicare, something clearly seniors in this country and the rest of us in this country do not want.

The second purpose that their legislation will serve, their so-called prescription drug bill offered in committee this week, is it will shift Federal resources away from seniors and into tax cuts. We simply cannot give hundreds of billions of dollars in tax cuts to the most privileged people in society and still afford to do an adequate prescription drug benefit for seniors.

The third purpose that the Republican bill serves that will be offered in committee this week on prescription drugs is it is what the drug industry wants. The drug industry wrote their legislation.

Congressional Republicans couched these three motives in choice rhetoric. They will argue that seniors should not be forced into a one-size-fits-all prescription drug program, that they deserve, quote-unquote, a "choice" of private plans.

Think about that. What kind of choice is actually desirable when it comes to drug coverage? A drug plan either covers the prescription drugs, or it does not cover the prescription drugs. Disbursing seniors into multiple complicated private plans serves the best interests of the drug industry, to be sure, the best interests of the drug industry, something that my friends on the other side of the aisle are always intent on doing; but it would undercut seniors' collective purchasing power, enabling the drug industry to continue charging their outrageously high prices.

The Republican prescription drug plan, unlike the Democratic plan, the Republican plan does nothing about bringing down drug prices. Why? Because the prescription drug industry wrote their plan.

Their approach chips away at the value of traditional Medicare, setting the stage for Medicare privatization. Both the Bush administration and congressional Republicans have argued that adding a real prescription drug benefit to Medicare is too expensive. That is why their proposal would still leave seniors liable for up to $3,000 of prescription drug expenses. It is hardly a real prescription drug plan if the senior still could be on the hook for $3,000.

Retirees contributed to Medicare during their working years; and our current prosperity reflects their hard work over the last 2, 3, 4, 5 decades. Adding real prescription drug coverage to Medicare is an unfulfilled responsibility that this institution, that this Congress, the Members of both parties, must fulfill. Seniors have earned, and they richly deserve, comprehensive health coverage, including modernizing Medicare by including a meaningful prescription drug benefit.

The President and the Congress have a choice when it comes to drug coverage for seniors: we can stand up to the drug industry, devote the necessary resources to a drug benefit, bring prices down for prescription drugs and add a real drug benefit to Medicare; or, or we can cut taxes on the richest, most privileged 1 percent of the people in this country and pass a drug bill that only the prescription drug companies and their friends, their Republican friends in Congress, really want. The answer, Mr. Speaker, is pretty obvious.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

We bless You and praise You, Lord God, source of all authority on heaven and earth. This weekend in worship service and at family meals, we gathered to thank You and pray for our fathers. As You guide and protect this Nation through the governance of the President and Congress, so You strengthen and direct family life in this great country through parental authority. Shape the men of this House to be models of leadership, but most of all to reflect Your presence in being good fathers. Surround them with love so that they may manifest understanding and seek every opportunity to strengthen character in their children.

Last Wednesday evening members of this Chamber expressed sorrow over the fact that the United States is the world leader in fatherless families. They prayed for responsible fatherhood in themselves and throughout this Nation, encouraging greater involvement of fathers in the lives of their children.

Lord, through deeper love and faithfulness in family relationships, renew lasting values in this society. Deepen belief in Your power, in commitments made, and relationships given us. Provide and protect children always. Free them from fear and all forms of abuse and manipulation now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HANSEN. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HANSEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Utah (Mr. HANSEN) come forward and lead the House in the Pledge of Allegiance.

Mr. HANSEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1209. An act to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

H.R. 3275. An act to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 672. An act to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes.

S. 1770. An act to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record vote on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

MARTIN'S COVE LAND TRANSFER ACT

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4103) to direct the Secretary of the Interior to transfer certain public lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Martin's Cove Land Transfer Act".

SEC. 2. CONVEYANCE TO THE CORPORATION OF THE PRESIDING BISHOP.

(a) CONVEYANCE REQUIRED.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary of the Interior (hereafter in this section referred to as the "Secretary") shall offer to convey to the Corporation of the Presiding Bishop, all right, title, and interest of the United States in and to the public lands identified for disposition on the map entitled "Martin's Cove Land Transfer Act" numbered MC/0002, and dated May 17, 2002, for the purpose of public education, historic preservation, and the enhanced recreational enjoyment of the public. Such map shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Lander District of the Bureau of Land Management.

(b) CONSIDERATION.—

(1) IN GENERAL.—The Corporation of the Presiding Bishop shall pay to the United States an amount equal to the historic fair market value of the property conveyed under this section, including any improvements to that property.

(2) DETERMINATION OF FAIR MARKET VALUE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall determine the historic fair market value of the property conveyed under this section, including any improvements to the property.

(c) ACCESS AGREEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Corporation of the Presiding Bishop shall enter into an agreement, binding on any successor or assignee, that ensures that the property conveyed shall, consistent with the historic purposes of the site—

(1) be available in perpetuity for public education and historic preservation; and

(2) provide to the public, in perpetuity and without charge, access to the property conveyed.

(d) RIGHT OF FIRST REFUSAL.—As a condition of any conveyance under this section, the Secretary shall require that the Church of Jesus Christ of Latter Day Saints and its current or future affiliated corporations grant the United States a right of first refusal to acquire all right, title, and interest in and to the property conveyed under this section, at historic fair market value, if the Church of Jesus Christ of Latter Day Saints or any of its current or future affiliated corporations seeks to dispose of any right, title, or interest in or to the property.

(e) DISPOSITION OF PROCEEDS.—Proceeds of this conveyance shall be used exclusively by the National Historic Trails Interpretive Center Foundation, Inc., a nonprofit corporation located in Casper, Wyoming, for the sole purpose of advancing the public understanding and enjoyment of the National Historic Trails System in accordance with subsection (f).

(f) USE OF PROCEEDS.—Funds shall be used by the Foundation only for the following purposes and according to the following priority:

(1) To complete the construction of the exhibits connected with the opening of the National Historic Trails Center scheduled for August 2002.

(2) To maintain, acquire, and further enhance the exhibits, artistic representations, historic artifacts, and grounds of the Center.

(g) NO PRECEDENT SET.—This Act does not set a precedent for the resolution of land sales between or among private entities and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4103, which I introduced, would direct the Secretary of the Interior to offer to sell 940 acres of BLM land in Natrona County, Wyoming, to the LDS Church for the purpose of historic preservation, public education, and the enjoyment of the public. Funds from the sale would be directed for the sole purpose of public understanding and enjoyment of the national historic trail system at the National Historic Trails Interpretive Center in Casper, Wyoming.

These 940 acres, known as Martin's Cove, were the site of a truly remarkable and inspiring story of Mormon pioneers. In 1847, a mass migration of Mormon pioneers began to move west to Utah due to some of the most intense religious persecution in our Nation's history. This migration continued into the next decade, when, in 1856, a group of Mormon handcart pioneers, known as the Martin Handcart Company, departed Iowa late in the year and found themselves along the trail stranded with almost no food in freezing temperatures and deep snow. As they fought against intense weather conditions, between 135 and 150 of their party would perish, many of them at the site known today as Martin's Cove.

When Church President Brigham Young was notified by other pioneers just arriving in the Salt Lake Valley that there was still a company out in the trail, he immediately organized a team to go out and rescue them. While many still perished, many were rescued, and their families remember them and honor them to this day.

Unfortunately, despite the significance of what took place in Martin's Cove, the site has remained in relative obscurity as the Federal Government has simply not had the resources to serve the public or to care for the site. Prior to the involvement of the LDS Church, also known as the Mormon Church, the BLM was unable to do anything at the site. They did not have the resources to construct trails, to protect the resource, to provide interpretation, or even simply to provide a sign by the side of the road informing the public of what took place at Martin's Cove.

In fact, because the access to the site was controlled by the privately held Sun Ranch, when access was available, visitors were often charged as much as $30 a head to visit the site. However, in 1996, the LDS Church stepped forward and purchased the Sun Ranch and opened it up to the public free of charge. They then proceeded to spend 31,000 volunteer man-hours to develop the site for the enjoyment of the public. They built trails, they established a visitor center, and they provided dozens of full-time volunteers at the site for interpretation. They built restrooms and campgrounds. In short, they provided and proved their commitment to the site and to serving the public.

As everybody in this body knows, it has become increasingly difficult to find adequate funding to care for the hundreds of millions of acres of lands held by the Federal Government. I do not know why it would be in the Federal Government's best interest to retain the financial stewardship responsibility for Martin's Cove when the LDS

Church is not only willing to tell their story on their own dime but to provide an ironclad guarantee in this legislation of free public access to the site. Instead, we should make the wise choice to be good stewards of the land by devoting the limited financial resources of the Federal Government to priorities that are of very broad national significance, such as our national park system. This is a wise policy choice and the public will be better served as a result. Moreover, the funds from the sale will be directed where they are greatly needed, in the National Historic Trails Interpretive Center in Casper, Wyoming.

I believe that Congress must increasingly recognize that if we are ever going to find the Federal resources necessary to adequately care for the national treasures of our parks and public lands, then we must increasingly look to non-Federal entities to serve the public in areas of a more limited interest and significance, such as this cove. This is a concept that Congress has recognized before, such as with the National Historic Lighthouse Preservation Act and the Recreation and Public Purpose Act. They both allow non-Federal entities to purchase or simply take title to historic sites of lesser significance if the public interest can be better served in that manner.

As a result of this policy, there are more tangible recreational and environmental benefits enjoyed today by the American people that the Federal Government simply would not have been able to provide on its own. I believe it is a concept that Congress must increasingly consider if we are going to meet the important stewardship responsibilities that the American people expect from us.

I appreciate the support we are receiving from many Members on both sides of the aisle, including the ranking member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL). I also appreciate the support of the administration, and I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4103, introduced by the chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), would direct the Secretary of the Interior to transfer public land in Natrona County, Wyoming, to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints.

It was on a part of this land, a site known as Martin's Cove, that a group of Mormon immigrants in 1856 took shelter from an early winter storm. Many died there in what is considered the single greatest loss of life as part of the western migration. Martin's Cove was listed on the National Register of Historic Places in 1977. It is located in close proximity to four national historic trails.

The sale of this land, as proposed by H.R. 4103, has generated considerable public interest and concern. The Subcommittee on National Parks, Recreation and Public Lands held hearings here in Washington, DC, and in Casper, Wyoming, to ensure public input on this matter. As a result of those hearings and other input that the Committee on Resources received, a number of changes were made to the bill to address legitimate concerns with the legislation.

The changes made by the amendment adopted by the Committee on Resources involved altering the size of the parcel to be transferred, providing for an agreement that requires perpetual public access and historic preservation. The amendment also directs use of the proceeds of the sale. The form of these changes, Madam Speaker, go a long way in addressing the concerns that have been raised by some individuals and organizations.

Madam Speaker, H.R. 4103 has the strong support of the ranking member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL). I know the gentleman from West Virginia (Mr. RAHALL) joins me in looking forward to working with the chairman, the gentleman from Utah (Mr. HANSEN), on sacred-sites legislation to also protect the cultural and spiritual aspects of lands important to Native Americans.

Madam Speaker, I support this legislation; and I appreciate the efforts of the chairman and his staff on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is interesting that some have stated that H.R. 4103 would establish precedent by selling religiously significant land and that Native Americans will want to do the same thing. Opponents who have raised this really have not looked into it very hard, because claims that this will lead to Native Americans wanting to purchase lands that are of national significance are unfounded, and we feel this is a poor comparison.

It is interesting to know that Martin's Cove is not of national significance. Ninety-seven percent of those who visit are those who are LDS themselves or who had families there and want to see it.

The lands that have been conveyed to Native Americans in the past are also lands that are not of national significance. The pattern is consistent with what we are doing at Martin's Cove.

I do not think some people realize that religiously significant lands have already been obtained by American Indian tribes through Federal legislation. For example, Public Law 98-408, Public Law 104-303, Public Law 98-620, and Public Law 91-550 were all conveyed to American Indian tribes.

So I do not think this issue that has been brought up by some has much significance to it. I feel this legislation we are working on is very significant. Prior to the time of this going through, a lot of people wanted to preserve this history. In America we have done so much on trails, we have done trails all over America, we have done them through the home State of the Speaker pro tempore and others, where people and religious organizations have taken very good care of them.

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Madam Speaker, this would open up something that would be beneficial to the people of that faith, and should also be very beneficial to the economy of the area. I can speak with personal knowledge of the excellent job that the LDS Church does as they preserve historic places. All through the West, from New York, Ohio, Missouri, Illinois, Iowa, all of those areas now have a significant stamp of approval as they have seen the good work that these Mormon folks have done. I think it is part and parcel of the history of this great country. I feel this is a good piece of legislation. I appreciate comments of the gentleman from Michigan (Mr. KILDEE), and I would urge support for this bill.

Madam Speaker, I yield back the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend the gentleman from Utah (Mr. HANSEN) for his continued and strong support of the preservation of Native American historic sites.

Mrs. CUBIN. Madam Speaker, I rise today in opposition to H.R. 4103, the Martin's Cove Land Transfer Act.

Although Chairman HANSEN and I stand on opposite sides of this issue, he was very generous to grant my request for a field hearing in Wyoming regarding the Martin's Cove Land Transfer Act. To say there has been a great deal of interest in this legislation in my home State, both of support and opposition, is an understatement. Martin's Cove represents a part of Wyoming's heritage, and a very tragic chapter in the history of the Church of Jesus Christ of Latter-day Saints.

As anyone who has been involved in this issue is well aware, Martin's Cove is an issue where emotions run unusually high. This bill has posed a very difficult decision for myself in representing the people of Wyoming. I have always believed in the concept of trading, swapping, or selling Federal lands in my State, but only if the result makes good sense for the people of Wyoming.

After a great deal of deliberation and fact finding, at the end of the day it is my duty to represent the preponderance of opinions in the state. I believe that the majority of my constituents do not support this legislation over concerns of access and policy, and therefore I cannot support this bill.

My vote against passage of Chairman HANSEN's bill at the Resources Committee markup was not a vote about the LDS Church, which I greatly admire. Rather, it was a vote to maintain the status quo in the management and maintenance at Martin's Cove for future generations to visit. Management which has proven very successful and fruitful for the site and to visitors of the site.

During committee consideration of the bill I felt it necessary to amend the legislation with regards to several points, recognizing the bill may become law. I was successful in amending the bill to secure free and open access to the area for the public and require that the proceeds of the sale are kept within the State of Wyoming to benefit and educate the public on our historic trails in the form of the National Historic Trails Center in Casper, Wyoming. Even with these improvements to the bill, I must continue to oppose its passage because the majority of my constituents oppose the bill. Many believe the bill sets a bad precedent, and continue to question why the legislation is necessary.

Madam Speaker, I'm a fervent advocate of the old adage: "If it isn't broken, why fix it?" H.R. 4103 is a solution without a problem.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in support of H.R. 4103, a bill which would direct the Secretary of the Interior to transfer certain lands in Natrona County, Wyoming to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints.

At the request of Congresswoman BARBARA CUBIN, our Subcommittee on National Parks and Public Lands held a field hearing in Casper, Wyoming on May 4, 2002 to ensure that the residents of Wyoming were given an opportunity to be heard on this matter. I attended this field hearing and I believe it is fair to say that the majority of those in attendance voiced their support for this initiative.

Although the media has tried to project otherwise, I believe the record should also reflect that this is not a Utah initiative. The people of Wyoming, mostly members of the Church of Jesus Christ of Latter-day Saints, initiated this effort out of respect for the unique events which figure prominently and singularly in the faith of the LDS Church. It is my understanding that more than 6,000 residents of Wyoming have signed a petition supporting this bill and members of the Wyoming State Legislature have also expressed their support.

During the May 4 field hearing, Kit Kimball of the U.S. Department of the Interior testified that the Department supports the goals of H.R. 4103. The Interior Department also made some constructive suggestions on how to improve the provisions of the bill and these matters have been seriously considered.

Madam Speaker, I am an original cosponsor of H.R. 4103 and I also want the record to reflect that I am a member of the Church of Jesus Christ of Latter-day Saints. As you may be aware, the leaders of the LDS Church have expressed an interest to purchase Federal land known as Martin's Cove because of a tragedy that took place some 146 years ago. My understanding is that two handcart companies—the Willie and Martin companies—were composed of almost a thousand members of the LDS Church who immigrated from England and Holland. These people were not familiar with the harsh winters of the Midwest and were attempting to reach Salt Lake City, Utah by means of pulling specially made handcarts across the plains because most were poor and could not afford to purchase covered wagons and teams of oxen.

In October of 1856, these immigrants were caught in an early winter storm without sufficient food and clothing. Despite heroic efforts by LSD Church members and leaders who sent teams from Salt Lake City to locate and assist the two companies, over 200 men, women and children died as a result of freezing temperatures and starvation. Many of those who perished near Martin's Cove were wrapped in blankets, placed in piles, and covered in snow because the ground was so frozen graves could not be dug.

History now marks this event as one of the most tragic of 19th century westward expansion. From the perspective of any thoughtful person, Martin's Cove is sacred ground, or a burial place of historical and religious significance. Despite its recognized historical significance, the Federal Government has done little to facilitate public access to the site. It is my understanding that no access, highway notification, or facilities were available to the public until the LDS Church, in cooperation with the Sun family, purchased fee simple lands adjoining Martin's Cove in 1996. Since 1996, the investment, construction and operation of facilities necessary and essential to accommodate the public on fee simple lands near Martin's Cove has been provided by the LDS Church with trail development at the Cove provided by the BLM with the assistance of volunteers from the Church.

It is unfortunate that some in the media have purposely chosen to malign the LDS Church because of its efforts to acquire Martin's Cove. I take issue with those who consistently refer to Martin's Cove as a National Historic Site. I believe those who continue to use this terminology are either misinformed or intentionally desire to mislead the public by suggesting that this bill would circumvent national policy or set historical precedent if the LDS Church acquired this land. The fact of the matter is there are only 118 National Historic Sites in the United States of America and Martin's Cove is not one of them. Martin's Cove is listed on the National Register of Historic Places. In contrast to National Historic Sites, there are more than 74,000 places listed on the National Register of Historic Places. Time and time again the Federal Government has conveyed lands listed on the National Register of Historic Places to private entities. The LDS Church is simply asking for fair and equitable consideration.

A question has also been raised about setting a precedent for American Indians to purchase Federal lands for religious purposes. The fact is Congress already has passed several pieces of legislation which transferred Federal lands to certain Native American Indian tribes because of the significant and religious significance of those lands to the tribes. Congress has also previously authorized the sale of public land to the Wesleyan church in 1985. A similar sale of Federal land to the Catholic church was authorized in 1988. I might also add that Federal dollars were used to establish the Holocaust Museum in Washington, DC, and rightfully so. This museum is a beautiful memorial to a people who have suffered cruelties beyond all comparison.

I submit, Madam Speaker, it is not unprecedented for the LDS Church to seek to honor and give special recognition to those of its membership who suffered and died at Martin's Cove. Martin's Cove holds special meaning to the LDS Church and its members because of those who lost their lives as they sought to escape religious persecution, bigotry and intolerance.

Despite good-faith efforts by both the BLM and the LDS Church to reach agreement on this matter through the transfer or exchange of lands, these options have apparently not been possible under the circumstances. We are now deliberating a third possible option, and that is a fee simple purchase of this land. I believe it is only appropriate that Congress support the sale of this land to the LDS Church and I urge my colleagues to support this bill.

Mr. LANTOS. Madam Speaker, I rise today top express my strong support for H.R. 4103, the Martin's Cove Land Transfer Act. This legislation was introduced in this House by our distinguished colleague from Utah, Mr. HANSEN, the Chair of the Committee on Resources. I also want to acknowledge the important role of our colleague from West Virginia, Mr. RAHALL, the Ranking Democratic Member of the Committee. I also thank my colleague, Mr. KILDEE of Michigan, who is managing time for the minority today. As my colleagues have noted, Madam Speaker, the legislation provides for the Church of Jesus Christ of Latter-day Saints to acquire Federal lands in the state of Wyoming known as Martin's Cove.

Generally, Madam Speaker, I have strongly supported the acquisition of lands by the Federal Government in order to provide protection for important natural areas. During the time I have served in this body, I have introduced and supported a number of bills which have provided for the addition of new lands to the Golden Gate National Recreation Area in California and the acquisition of other lands for preservation and protection by the Federal Government. In fact, I currently have before the Committee on Resources H.R. 1953, legislation to revise the boundaries of Golden Gate National Recreation Area in the San Francisco Bay Area.

It may appear to be unusual that I am supporting H.R. 4103, which provides for the sale of Federal lands. The land at Martin's Cove, however, is unique. Clearly the transfer of this parcel of land from the Federal Government to the Mormon Church makes good sense for all concerned.

Madam Speaker, this site is a particularly important historical site for Latter-day Saints. At or near Martin's Cove in 1856, some 150 emigrants of the Willies and Martin handcart companies lost their lives in an early fall snowstorm. Those who perished were buried where they died, and many were placed in common graves because of the tremendously difficult and trying conditions.

Many members of these two handcart companies began their trek to Salt Lake City in Europe, and others joined them in the eastern

United States. They sought a new life in the American West and the freedom to practice their religion. This loss of life was one of the most tragic events in the entire westward migration on the California, Oregon and Mormon trails and mid-nineteenth century America.

It is obvious that this site holds a special significance for the many descendants of those who survived this ordeal, many of whom are Latter-day Saints. But it is also a holy place as well for other members of the church who give special honors to their pioneer heritage.

Madam Speaker, the church's interest in acquiring this site is consistent with the Federal Government's interest in public access and preservation of this important site. The church has an interest in preserving this place as an authentic historic site. It has an interest in maintaining relics and evidences of the Mormon, Oregon, California, and Pony Express trails that pass through the area. The church also has an interest in making the area accessible to visitors in a way that will preserve the historic significance of the place. Furthermore, I believe that the church's commitment to this site is likely to be much greater than that of the Federal Government, and as a result the area will be better preserved and better cared for under Latter-day Saint stewardship than under Federal control.

Finally, Madam Speaker, I do not see this legislation for the transfer of this particular piece of land to be establishing any precedent for the sale or transfer of other Federal lands. Clearly this is a unique situation. The Church of Jesus Christ of Latter-day Saints has an interest that is very similar to the Federal interest to preserve, protect and provide public access to the site. This land transfer makes eminent sense, but it clearly does not change any Federal policies or practices regarding the protection and preservation of public lands.

Madam Speaker, I commend my colleague from Utah, Mr. HANSEN, for introducing this legislation, and I urge my colleagues to join me in supporting it.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4103, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SHOSHONE NATIONAL RECREATION TRAIL MANAGEMENT ACT

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3936) to designate and provide for the management of the Shoshone National Recreation Trail, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHOSHONE NATIONAL TRAIL.

(a) Definitions.—For the purposes of this section, the following definitions shall apply:

(1) Appropriate secretary.—The term "appropriate Secretary" means—

(A) the Secretary of Agriculture when referring to land under the jurisdiction of that Secretary; and

(B) the Secretary of the Interior when referring to any land except that under the jurisdiction of the Secretary of Agriculture.

(2) Map.—The term "Map" means the map entitled "James V. Hansen Shoshone National Trail" and dated April 5, 2002.

(3) Trail.—The term "Trail" means the system of trails designated in subsection (b) as the James V. Hansen Shoshone National Trail.

(b) Designation.—The trails that are open to motorized use pursuant to applicable Federal and State law and are depicted on the Map as the Shoshone National Trail are hereby designated as the "James V. Hansen Shoshone National Trail".

(c) Management.—

(1) In general.—Except as otherwise provided in this Act, the appropriate Secretary shall manage the Trail consistent with the requirements of a national recreation trail in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) other applicable laws and regulations for trails on Federal lands.

(2) Cooperation; agreements.—The Secretary of the Interior and the Secretary of Agriculture shall cooperate with the State of Utah Department of Natural Resources and appropriate county governments in managing the Trail. The appropriate Secretary shall make every reasonable effort to enter into cooperative agreements with the State of Utah Department of Natural Resources and appropriate county governments (separately, collectively, or in an any combination, as agreed by the parties) for management of the Trail.

(3) Primary purpose.—The primary purpose of this Act is to provide recreational trail opportunities for motorized vehicle use on the Trail. The Trail shall be managed in a manner that is consistent with this purpose, ensures user safety, and minimizes user conflicts.

(4) Addition of trails.—

(A) In general.—The appropriate Secretary may add trails to the Trail in accordance with the National Trails System Act and this Act. The Secretary shall consider the Trail a national recreation trail for the purpose of making such additions.

(B) Requirement for addition of trails on non-federal land.—If a trail to be added to the Trail is located on non-Federal land, the appropriate Secretary may add the trail only if the owner of the land upon which the trail is located has—

(i) consented to the addition of the trail to the Trail; and

(ii) entered into an agreement with the appropriate Secretary for management of the additional trail in a manner that is consistent with this Act.

(5) Notice of open routes.—The Secretary of the Interior and the Secretary of Agriculture shall ensure that the public is adequately informed regarding the routes open for the Trail, including by appropriate signage along the Trail.

(d) No Effect on Non-Federal Land and Interests in Land.—Nothing in this section shall be construed to affect ownership, management, or other rights related to any non-Federal land or interests in land, except as provided in an agreement related to that land entered into by the landowner under subsection (c)(4)(B)(ii).

(e) Acquisition of Land and Interests in Land.—The appropriate Secretary may acquire land and interests in land for the purposes of the Trail only from willing owners.

(f) Map on File; Updated.—The Map shall be—

(1) kept on file at the appropriate offices of the Secretary of the Interior and the Secretary of Agriculture; and

(2) updated by the appropriate Secretary whenever trails are added to the Trail.

(g) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3936, which I introduced, would designate and provide for the management of approximately 337 miles of existing trails, already open to OHV use in northern Utah on the Wasatch-Cache National Forest and adjacent BLM lands.

It would also allow that, consistent with the National Trails System Act, additional segments might be added administratively on Federal land at a later point, and that trails on non-Federal lands might be added once local communities have identified the most appropriate access points and local trails. Once these additional segments are added, it is expected that there will be approximately 500 miles of trails in the system. In addition, the bill I bring to the floor today also contains an amendment to insert the proper map title and to clarify how the agencies may add additional segments under the National Trails System Act.

In recent years Utah has seen a dramatic increase in the number of registered off-highway vehicles. This growth has presented Federal and State land managers with the difficult challenge of finding and identifying appropriate places to ride for this growing group of recreationalists. Experience has shown when an organized system of trails has been identified, it becomes easier to direct these recreational activities to appropriate places and to protect the areas where OHV riding would not be appropriate.

This bill is a proactive attempt to handle this growing recreational activity. In fact, as meetings were held with local community leaders, it was interesting to note that the concept was supported not only by locally elected officials, but also by some local conservationists who, while not generally supportive of OHV recreation, expressed their support because of its ability to channel these recreational activities to appropriate places.

For years the more extreme environmental voices have claimed that they are not opposed to OHV use if it is on designated trails. However, I believe their true agenda is on display by the fact that while this bill does everything they claim to want, including designating only those trails that are already open to OHV use and directing that funding be used for informing the public of open routes through mails and trail signage, some of the more extreme environmental voices in the State of Utah remain opposed. While they continue to claim that these are the solutions that they really favor, they have never stepped forward with any realistic leadership to wisely and responsibly provide for how to help mitigate the increasing demand for OHV opportunities.

While extreme voices have shown they have no solutions to match their complaints, I am proud of this bill and proud of the fact that while some have offered mere rhetoric as their contribution to our public lands, we are providing real leadership and proactive solutions.

I would like to state, Madam Speaker, that a lot of people are of the opinion that I wrote this on the back of an envelope while I was traveling on an airplane. That is far from the truth. This bill was brought about by a group of folks in the State of Utah. The director of the Public Lands Area of Parks, Courtland Nelson, and his deputy, Dave Morrow, the national resource people, Federal people, State people, OHV riders, they got together and determined how this would work.

In southern Utah there is a trail called the Paiute Trail, and there are 2,500 miles of marked areas where people can ride OHVs and have a good experience doing it. In fact, a couple of weeks ago, because I wanted to see how it is done, I spent 2 days on that trail; a very interesting experience. I would urge others to do it. It is well taken care of. The public takes good care of it. People have adopted the trail. There is a lady close to 80 years old that gets on their Polaris ATV and rides along with one of those sticks to pick up papers and cans, and then she has a basket in the front of her ATV, and she puts debris in there. Then she brings it down. If anyone makes a mess on her trail, Barbara runs out and lectures them, and they never do it again.

It is kind of encouraging to see people take this upon themselves, and I would expect the same thing to happen with this trail. I am amazed how many of these OHVs there are in America. There are literally thousands. People pay from $4,000 to $8,000 for these, and they want a place to ride. It behooves our committee to help provide a place for Americans to enjoy these vehicles. They are used on farms. A rancher told me the other day that they do not use quarter horses and pickup trucks anymore, we use OHVs. They are a lot of fun to ride, and they open up areas for America.

Of course, we do not want to spoil the pristine areas of America, we do not want them in wilderness areas, but we do have to create a place for them to ride. If my home State of Utah did anything right, it did the Paiute Trail. That is what brought all of these people together to do the Shoshone Trail, which we are talking about today, which is in northern Utah.

Madam Speaker, as much as I would like to take credit for being the one who wrote this, I did not. Contrary to what has been in all of our local papers that I wrote it on the back of an envelope when I was bored riding an airplane, that is not the truth. It was done by people with much more knowledge and understanding about public lands than I have, and I compliment them.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3936, which was introduced by the gentleman from Utah (Mr. HANSEN), would designate a series of off-road vehicle trails on Federal, State and private land in north central Utah as a national trail.

The Committee on Resources held a hearing on H.R. 3936 in April. While it was obvious from the hearing there was a measure of support for a trail designation in this area, there were also a number of issues and concerns that had been raised with the legislation regarding use and access.

Madam Speaker, I want to compliment the gentleman from Utah (Mr. HANSEN) and his staff for their willingness to work with the minority to address the concerns and issues raised with the bill. The amendment in the nature of a substitute that the Committee on Resources adopted contains language worked out with the minority. The amendment slightly alters the name of the trail, designates only routes that are currently open and eligible for ORV use, minimizes user conflicts, and eliminates conflicts with other trail laws and policies.

I would note the change in the name of the trail to the James V. Hansen Shoshone National Trail. I am very pleased with the change in the name. The gentleman from Utah (Mr. HANSEN) is one of the finest Members of this body. The gentleman is a Member of great civility, a Member of great integrity, a gentleman whom I am proud to number among my personal friends. If we had more James Hansens in this House, we could get more done rather than sitting around shouting at each other. I am very pleased, as I say, to have him among my personal friends.

The name change was the result of an amendment offered by the ranking member, the gentleman from West Virginia (Mr. RAHALL), who wanted to recognize the chairman for the work he has done on this and many other pieces of legislation.

Madam Speaker, I believe that with the changes made by the Committee on Resources, we have a bill that everyone can support. I am pleased that the House will proceed to pass this legislation today.

Madam Speaker, I reserve the balance of my time.

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the very kind words from the gentleman from Michigan (Mr. KILDEE).

Madam Speaker, I yield back the balance of my time.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3936, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate and provide for the management of the James V. Hansen Shoshone National Trail, and for other purposes.".

A motion to reconsider was laid on the table.

PU'UHONUA O HONAUNAU NATIONAL HISTORICAL PARK ADDITION ACT OF 2002

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1906) to amend the Act that established the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of that park, as amended.

The Clerk read as follows:

H.R. 1906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pu'uhonua o Hōnaunau National Historical Park Addition Act of 2002".

SEC. 2. ADDITIONS TO PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.

The first section of the Act of July 26, 1955 (69 Stat. 376, ch. 385; 16 U.S.C. 397), is amended—

(1) by striking "That, when" and inserting the following:

"SECTION 1. (a) When"; and

(2) by adding at the end thereof the following new subsections:

"(b) The boundaries of Pu'uhonua o Hōnaunau National Historical Park are hereby modified to include approximately 238 acres of lands and interests therein within the area identified as 'Parcel A' on the map entitled 'Pu'uhonua o Hōnaunau National Historical Park Proposed Boundary Additions, Ki'ilae Village', numbered PUHO–P 415/82,013 and dated May, 2001.

"(c) The Secretary of the Interior is authorized to acquire approximately 159 acres of lands and interests therein within the area identified as 'Parcel B' on the map referenced in subsection (b). Upon the acquisition of such lands or interests therein, the Secretary shall modify the boundaries of Pu‘uhonua o Hōnaunau National Historical Park to include such lands or interests therein.".

SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1906, introduced by the gentlewoman from Hawaii (Mrs. MINK), would amend the act that establishes the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of the park by up to 397 acres. The expansion would add part of the historical village of Ki'ilae, several significant burial caves, and the upper end of the prehistorical royal sledding trek, which all should have been included in the original park boundary in 1955.

Madam Speaker, the Pu'uhonua O Honaunau National Historical Park has become a legacy of Hawaiian culture, housing some of the most significant artifacts of the island's early village life. In fact, the park preserves the site where Hawaiians who broke "kapu," one of the ancient laws used to balance and protect the laws of nature, could avoid certain death by fleeing to a place of refuge, or Pu'uhonua.

Madam Speaker, although not part of the legislation, I would encourage the National Park Service to perform a reconnaissance study of the Kauleoi area, which is adjacent to the lands included in the boundary expansion, for its historical archaeological resources.

Madam Speaker, H.R. 1906 is supported by the administration and the majority and minority of the Committee on Resources. I urge my colleagues to support H.R. 1906, as amended.

Madam Speaker, I yield back the balance of my time.

□ 1430

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1906 was introduced by the gentlewoman from Hawaii (Mrs. MINK) and cosponsored by my colleague on the Committee on Resources, the gentleman from Hawaii (Mr. ABERCROMBIE). The bill would amend the act that established the Pu'uhonua O Honaunau National Historical Park in Hawaii to provide for the addition of important archaeological lands to the park.

The park preserves an ancient sacred refuge or sanctuary site and includes numerous archaeological and historical resources dating back to 1100 A.D. It contains spectacular shore scenery as well. However, significant archaeological sites associated with the park remain outside the park boundary.

H.R. 1906, as amended, is identical to S. 1057, which passed the Senate last year and has been referred to the Committee on Resources. H.R. 1906, as amended, adds 238 acres of land in the park and authorizes the future addition of another 159 acres upon acquisition. The lands added by H.R. 1906 would provide for the inclusion of an ancient coastal village within the park, an addition recommended by a 1992 boundary study.

Madam Speaker, the language of H.R. 1906, as amended, is supported by the administration and members of the Hawaiian delegation. I also support the amended bill and urge its adoption by the House today.

Madam Speaker, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me this time. I really appreciate this opportunity to ask this House to pass H.R. 1906, which authorizes the expansion of Pu'uhonua O Honaunau National Historical Park. It is an enormously important national treasure which is located in South Kona. I want to especially take this opportunity to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from Michigan (Mr. KILDEE) for reporting this bill up today on suspension and certainly the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the subcommittee chairman and the ranking member, for the committee hearing and for reporting this bill out to the full committee. The support of the gentleman from Hawaii (Mr. ABERCROMBIE), who is a member of the Committee on Resources, also has made this event possible today.

The citizens of the Big Island, and really the whole State, are enormously grateful to the Committee on Resources and their leadership for reporting out this bill. They have been lobbying for years to have this done and the park boundaries extended, because so many of the valuable attributes of the park are located currently outside the park boundaries.

The Pu'uhonua O Honaunau National Historical Park, formerly known as the City of Refuge National Historical Park, was authorized on July 26, 1955. It formally was established in 1961. It is a very, very valuable natural, national and native Hawaiian resource. The park had a tradition where the kings and the monarchs of the Republic would allow citizens who had broken a law, a kapu, to escape to this city of refuge; and if they succeeded in arriving there, no harm could come to them until such time as they were released. That is the name, Pu'uhonua O Honaunau, City of Refuge.

There are enormous values that will be added to this park by the passage of this bill. The proposed addition of 397 acres, which includes the Ki'ilae Ahupua'a which is a land designation of the mountain to the sea, contains many, many important cultural and historic resources. It has some 800 cultural sites; some 25 caves; a minimum of 10 heiaus, which are the native worshipping temples; 25 or more closures which are part of this concept of their religious worships; and over 40 burial sites, including many trails. This addition is going to add some very, very important aspects to an already well-visited park.

The bill, H.R. 1906, has been revised from the original version, which I offered, which would have added some 800 acres. The bill actually parallels identically the bill which was passed by the Senate offered by my colleague in the Senate, Senator AKAKA. Hopefully if this bill passes today and is transferred over to the Senate, it will be very quickly adopted and passed on to the White House for signature.

I am very grateful to hear the words of Chairman HANSEN, who is asking the National Park Service to do a reconnaissance study of the remaining 400 acres which are part of the bill which I introduced which I believe are essential additions to the park. This may take a while for the reconnaissance study to be completed, but I am confident that once it is done that the Park Service will recommend this addition as well to this historic park.

I thank the committee again for taking up this bill. It is enormously important. Our county officials have passed resolutions in support of the addition to Pu'uhonua O Honaunau, and today's action will really come as a great tribute and celebration for the people of Hawaii, particularly the native population that lived in this area since the 12th century.

Mr. HANSEN. Madam Speaker, I compliment the gentlewoman from Hawaii. I think her legislation is very meritorious and should be passed.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 1906, which will authorize the expansion of one of the most beautiful and historically important parks in Hawaii.

The site was a place of refugee for the early Hawaiians up into the 19th century. As a national historical park, it is still an important refuge for people today. Several areas neighboring the park have been found to be rich with archaeological artifacts and remains of the Hawaiian culture. The Trust for Public Land has done its part by acquiring and protecting these neighboring lands, but now it is time to make these historical treasures a part of our National Parks System. This will help the National Park continue to be a place where people can get away and learn more about the history and culture of Hawaii.

Hawaii is well known for its fabulous hotels and prestigious resorts, but I am pleased to see that the Gentlelady from Hawaii continues to fight for Hawaii's national parks too—places that are accessible to all Hawaiians and visitors from the continent as well. I support that endeavor, and H.R. 1906.

Mr. ABERCROMBIE. Madam Speaker, I rise today in strong support of H.R. 1906.

The Pu'uhonua o Honaunau National Historical Park was authorized by Congress nearly 50 years ago to preserve a truly unique relic of Hawaiian history and culture. Up until the early 19th century, Hawaiians who broke the ancient code of law could avoid an otherwise certain death by fleeting to this place of refuge, or pu'uhonua, for absolution and clemency. Defeated warriors and non-combatants could also seek refuge here during times of battle. It is this function that gave this park its name, City of Refuge, which was later changed to Pu'uhonua o Honaunau.

In addition to the refuge, which is enclosed by a great wall, the surrounding land also housed several generations of powerful Hawaiian chiefs, adding to the area's great historical value. The pu'uhonua and royal grounds are still considered sacred by native Hawaiians and the sites draw a half million visitors each year who come in search of the vast cultural, spiritual, educational, and recreational opportunities the park has to offer. Visitors can attend cultural demonstrations of traditional Hawaiian arts and crafts, hike along the historic 1871 Trail to several archaeological sites, observe wildlife such as the endangered green sea turtles in Keone Ele cove, or snorkel in the clear waters of Honaunau Bay.

When the National Historic Park was established in 1955, nearly two-thirds of the ancient village of Ki'ilae remained undiscovered and outside of the park in a single private ownership. Recently, the approximately 238-acre Honaunau tract, which contains the balance of the Ki'ilae Village site and a human habitation record stretching back nearly a thousand years, became available for acquisition. This property is extremely rich in pre-history, and provides important clues about ancient Hawaiian life. Agricultural structures, stone piles, and walls are interspersed among recreational sites and the burial sites of the villagers. Acquisition of this area is crucial to protect extraordinary early Hawaiian cultural sites and expand the public understanding and interpretation of cultural traditions and Hawaiian subsistence patterns. This public acquisition will safeguard this important glimpse into early Hawaiian village life and social dynamics.

It is important to note that the acquisition and expansion of Pu'uhonua o Honaunau is overwhelmingly supported by the National Park Service, the County of Hawaii, and the local community. In addition, an identical version of H.R. 1906 has already passed the Senate in the form of S. 1057. All that remains is the passage of H.R. 1906 in the House of Representatives.

I urge my colleagues to protect these ancient Hawaiian cultural sites and support this legislation.

Mr. HANSEN. Madam Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1906, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on the three bills just considered, H.R. 4103, H.R. 3936, and H.R. 1906.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

Mr. GARY G. MILLER of California. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 415) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read as follows:

H. CON. RES. 415

Whereas the President has issued a proclamation proclaiming June 2002 as National Homeownership Month;

Whereas owning a home represents the American dream for our Nation's families;

Whereas the national homeownership rate has increased to 67.8 percent, higher than at any other time in history for all demographic groups, and homeownership rates among minority families are increasing faster than such rates for the population as a whole;

Whereas the purchase of a home is oftentimes a family's largest personal investment;

Whereas homeownership provides economic stability and security for homeowners and their communities by allowing homeowners to build wealth over the life of the home and have a greater stake in local schools, civic organizations, and churches;

Whereas improving homeownership opportunities requires the commitment and cooperation of private, nonprofit, and public sectors, including the Federal Government and State and local governments; and

Whereas the current policies of the United States Government and the Congress encourage homeownership and should continue to do so in the future: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GARY G. MILLER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GARY G. MILLER).

GENERAL LEAVE

Mr. GARY G. MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GARY G. MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Con. Res. 415 recognizes National Homeownership Month. First, I would like to thank the gentleman from Ohio (Mr. OXLEY), chairman of the Committee on Financial Services, for his interest in this issue. The chairman looks for ways to get involved in housing issues. His willingness to look at new ideas and focus on long-term solutions is really encouraging to the rest of the members of this committee. The gentleman from Massachusetts (Mr. FRANK), the ranking member on the Democratic side, has been very encouraging and also forthright in looking to issues and ways to resolve the housing crisis in this country.

Homeownership is the American dream. I introduced this resolution because I feel so strongly about homeownership. This country is home to people of many different origins; but everyone seems to have the same dream, to own their own home. This dream means many things to many people, independence, financial security, geographic stability, the ability to accumulate personal wealth, a place to raise a family, a prized possession to decorate and improve, or simply a place to go after a long day of work and find peace.

As a homebuilder for over 30 years, I enjoyed watching many people achieve this dream. You could always see the excitement and anticipation in the face of a new homebuyer. I believe very strongly in the dream of homeownership, and I was pleased to see President Bush recognize it by proclaiming June 2002 National Homeownership Month. I look forward to working with him and HUD Secretary Mel Martinez to further the goal of this proclamation.

The role of the Federal Government in homeownership: when I first started my business, I had an old van that used more oil than gas and every tool I had was in a cardboard box in the back of it. It was a small company and I grew that company over the years. But with each passing year, I saw the impact of government on the housing industry and with each year came more government laws and regulations making it harder to build a home. The red tape kept increasing costs, which in business you have to pass on to the consumer. Homes kept getting more expensive.

During National Homeownership Month, I think it is very important that we talk about how the government is impacting home prices. Last month, a 27 percent tariff was placed on Canadian softwood lumber, which will be used to frame homes. This will increase the cost of a new home by at least $1,500. Although we have a very similar species of wood that is native to the Pacific Northwest, Federal logging restrictions have reduced the supply below demand, so builders need to import it. The Endangered Species Act is often interpreted to give rats, frogs and plants more rights than people.

In some parts of the country, in my district, specifically, in southern California, the heavy burden of Federal, State and local mandates is creating a generation of people who cannot afford to live in the community where they work and grew up. I call these people the new homeless. Exactly who are the new homeless? In my district it might be a couple whose husband might be a firefighter and the wife is a teacher. They have a good job and they make a good living, but their combined income does not qualify them to buy a median-priced home in Southern California. This is a national problem also occurring in New Jersey, New York, Massachusetts, Colorado and Oregon, among other places. The new homeless either end up renting, postponing the American dream of homeownership, or they commute, sometimes hours, until they find a community they can afford to live in. Although they may be homeowners, the only time they really spend in their home is the 8 hours they spend in bed. Most of the other 16 hours of the day are spent working and commuting to and from work.

I would encourage my colleagues to talk to their D.C. staff to see if you have any of the new homeless individuals in your offices. One of my legislative assistants has been looking for a condo since January. In that time, she has been outbid by $40,000 on an 854 square-foot condo that is $40,000 above the asking price and lost out on another opportunity to bid because she got to the property on a Sunday morning the day after it had gone on the market, and it was already under contract. She is almost priced out of the marketplace in the area and about ready to move to a cheaper part of the country. My legislative director and his wife bought a home in Sperryville, Virginia, which is about 2 hours from here. In both cases, the dream of homeownership is becoming a question of affordability and quality of life.

Although nationally homeownership is at an all-time high of 67.8 percent, there are pockets in this country where that statistic is significantly lower, and H. Con. Res. 415 states that improving opportunities for homeownership requires the commitment and the cooperation of all levels of government, Federal, State and local. I hope that National Homeownership Month will encourage that.

The Federal Commitment to Improving Homeownership: I feel strongly about this issue because homeownership is the key to personal wealth in our country. When someone buys a home, they purchase an asset which will grow over time; and as equity accumulates, so does personal wealth. The role of the Federal Government should be to help individuals and families move into homeownership so they would have the ability to achieve personal wealth.

I am so pleased that President Bush has announced his aggressive agenda to expand homeownership opportunities to at least 5.5 million families before the end of the decade. The Federal Government has a long history of supporting housing programs. FHA allows people to become homeowners with as little as 3 percent for a down payment. The Federal Home Loan Bank of San Francisco is working on a program that will help some of the new homeless achieve the dream of homeownership. They have teamed up with the San Francisco Chamber of Commerce and other organizations to offer loans to about 300 middle-income families. What is unique is how they define middle income, because in San Francisco that includes families making about $100,000 a year.

While there are also great programs helping specific groups of people, I agree with President Bush, we can and must do more to expand homeownership opportunity to all people in this country.

Long-term solutions: when most people talk about housing, they tend to focus on the low-income end of the spectrum. While I agree that assisting this group is important, I firmly believe that until we address the new homeless and begin creating a move-up market for the low-income individuals, we will not resolve our affordability entry level housing crisis.

□ 1445

The Federal Government supports a lot of great programs such as section 8 rental vouchers, which target low- and moderate-income families. But now these programs are starting to experience inefficiencies because there is no move-up market for the people in the section 8 housing to move out to.

Programs like section 8 rental vouchers are crucial to moving families off welfare and can meet the needs of families who experience an emergency such as a job loss or death of a spouse. However, they should not be considered long-term solutions. Because we do not have a move-up market for a section 8 voucher family, they get stuck relying on government. If they make too much money and no longer qualify for the voucher, they cannot afford to move into their current community; and because they continue to tie up the voucher, other families who need assistance are stuck on waiting lists.

In some areas such as Los Angeles, families are waiting years to get a voucher. This problem is compounded by the lack of housing supply because landlords can charge much higher rents, usually to the new homeless families who can pay the rent, but then cannot save for the down payment.

There is no real incentive to be part of the section 8 voucher program. Fifty-nine percent of Los Angeles section 8 voucher recipients cannot find a place where they can use the voucher. To truly address the housing problem in our country, we need a real solution, not a Band-aid. We need policies which encourage the private sector to provide the housing that is needed; and this is something that the Federal, State, and local governments must really take on, and take on in a serious manner.

I am pleased with President Bush that he has recognized this problem and has a plan to expand home ownership opportunities by working with the private sector to overcome the obstacles facing the new homeless as well as low- and moderate-income families. I am anxious to learn more about his proposal and do everything I can to produce a bill that will implement it.

In conclusion, National Home Ownership Month is exciting. It has created a forum for us to start addressing issues that impact homeownership. I encourage my colleagues to support H. Con. Res. 415 and take time this month to talk to the public housing authorities, Realtors, lenders, and especially perspective homebuyers in their districts to learn about the issues affecting homeownership.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK. Madam Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentleman from Massachusetts for yielding me time.

Homeownership Month should be a time to study and take note of both the successes and the problems our country faces in homeownership. The President is in Atlanta speaking today about homeownership for minority Americans, and I applaud him for doing so.

The reason one focuses on minority Americans, people of color, is because of a success story. During the New Deal, one of Roosevelt's aims was for every American to own their own home. Today, we can say that almost every American does own their own home. The average American has obtained homeownership; and if we look at who has not, who has not are, of course, those who have had other disadvantages in society, and particularly people of color.

In the 1990s we had an extraordinary housing boom and people of color forged ahead in homebuying as never before. But with the housing boom came economic boom that has very much subsided. Indeed, unemployment continues to go up every month, even given all of the prognostications about the recession being over. Even so, the housing boom brought a housing bust for many families.

If you live in the District of Columbia or any suburb of any great city in the United States, finding affordable housing is like looking for a needle in a haystack. It has gone to the top of the list of American problems, receiving, however, almost no attention in our country and certainly no attention from this body. It is a great problem of our time.

I do want to focus on a great success story here in the Nation's Capital, however. I was able in 1997 to get a $5,000 homebuyer credit for people who buy homes in the District of Columbia if you have not owned a house previously in the District and if you have an income of up to $90,000 for single people and up to $130,000 for married people. It goes up to that degree because the need in the District was for middle-income people. We have got more poor people than most other parts of the region.

A $5,000 homebuyer credit, of course, can be the down payment on a $100,000 House; and Fannie Mae has monetized the homebuying credit, meaning it is in fact the down payment for many people.

An independent study has looked at the $5,000 homebuyer credit and what it has done for this city and what a similar credit given by States could do for other large cities. The Greater Washington Research Center in one study found that over half of those who bought homes said the credit caused them to buy at this time. In 2000, 50 percent of those who bought homes in the District of Columbia bought homes because of the credit.

I have a provision before the House that would make the $5,000 homebuyer credit, perhaps the most successful economic stimulus in the city's history, permanent. It is chiefly responsible for stemming the flight that almost destroyed the city's tax base during the 1980s and during the financial crisis of the 1990s. The credit offers significant evidence that a tightly targeted tax incentive can have a major turnaround effect on a central problem confronting a city. The credit has been so successful that we have recommended that States do the same for many large cities that are rapidly losing taxpayers.

70 percent of the D.C. homeowners who purchased homes the year after the credit was passed did so because of the credit. The $5,000 homebuyer credit has proved itself so quickly and well that I have been able to get it repeatedly extended by Congress. It is minimally necessary if the city is to have any chance of increasing its still small and depleted tax base, which is an urgent necessity in this city at this time.

I am grateful that the gentleman from Illinois (Speaker HASTERT) has been working with me to extend the credit. Most such credits go up to 9 years. I have had to go every 3 years to get this credit extended. It expires at the end of the next fiscal year, the end of 2003.

The city, your Nation's Capital, needs 100,000 more residents for the capital city to be stable. This credit has proved its worth, using market forces and a tiny tax base, this tax credit provided by the Federal Government. States can do that for cities like Boston and Chicago. Only the Federal Government can do this for the capital of the United States. It has been an extraordinary success. It has helped us to get a diverse tax base once again.

Mr. GARY G. MILLER of California. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, this resolution and what the President is trying to do is an attempt to help people. The best thing you can do to help people in this country is enable them to help themselves.

I remember when I was a boy, I moved to California when I was a year old from Arkansas, and at that point in time I lived in South Whittier, which was the district of my good friend from the Democrat side, the gentlewoman from California (Mrs. NAPOLITANO).

At that time it was a bunch of immigrants. It was "Arkies" and "Okies"; and we had one thing in common, we were poor. My dad left my mother when I was 6 months old and I was raised by my grandparents. We lived in a poor community, but it was our home; and in that home we established pride, and with that pride grew equity.

Today that community is still a community of poor people, but now they are from Mexico and Latin America; but they still have the same thing in common that I did with my neighbors at that time: we were poor.

Homeownership means a lot. What can we do? We need to make sure that the States understand how important it is that we provide opportunity for people through homeownership. I applaud the gentleman from Massachusetts (Mr. FRANK). The gentleman from Massachusetts (Mr. FRANK) looks at this issue, and he understands that section 8 vouchers are great because they help people that need help; but we have never found a unit that has been built with a section 8 voucher.

In order to make sure that people have a place to live, we have to make sure that there is an affordable housing stock that is a level above a section 8 voucher, and that is for people to move out of section 8 homes into affordable homes. With that comes equity, and with that comes a future, and with that comes prosperity for their children and their future.

We need to do everything we can in this country to focus the light on what the problem is. In many cases the problem is government. We need to focus on that issue fervently. The President and the chairman of HUD, Secretary Martinez, are doing what they need to to look at issues and say how can we fast track the process where people can get permits to build houses. How do we eliminate a lot of the restrictions and red tape and regulations? How do we tackle the Endangered Species Act?

I have seen projects in my district that took 5 years to process, where they finally got entitled through the county, only to find because of a lawsuit that the Federal Government placed a mandate over that they now own rat habitat. After 5 years, the project ended up having a designation of "habitat for a rat."

I really believe that people are more important than rats. Yes, we need to be concerned about the environment, but there was a time in this country when we used to swat flies and poison rats. Now we set aside habitat for those little critters. The problem is, it is not a federally owned habitat; the habitat is owned by private property owners, and that is wrong.

We need to resolve the problems in this country, we need to provide opportunity for people to buy homes, and we need to deal with the new homes properly.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK. Madam Speaker, I yield myself such time as I may consume.

Madam speaker, I would like to note that I am glad to be here endorsing the importance of homeownership; but as the gentleman from California indicated, homeownership is very important for a significant segment of the population, indeed, we hope for a very large majority. But there will always be people among us who, for economic reasons in particular, will not be able to afford homes, and a rounded housing policy, we will do everything we can to help with homebuilding. It will also help with rental, including the production of rental housing.

I hope that we will continue to support a balanced program, indeed, with more resources than we have done previously.

Mrs. JONES of Ohio. Madam Speaker, giving every family and individual the tools they need to buy a home is good for the homebuyer, the community, and the Nation. We must never lose sight of our goal and National Homeownership Month is the perfect time to rededicate ourselves to this goal.

The housing industry is in a unique position to lead the Nation out of recession in 2002. A new report issued by the National Association of Home Builders, "Housing—The Key to Economic Recovery," shows that housing accounts for about 14 percent of the Nation's Gross Domestic Product, or about one out of every seven dollars spent in the U.S. each year.

The same report shows that the construction of 1,000 single-family homes generates 2,448 jobs in construction and construction-related industries, approximately $79.4 million in wages and more than $42.5 million in Federal, State and local tax and revenue fees. Construction of 1,000 multifamily homes generates 1,030 jobs in construction and related industries, approximately $33.5 million in wages, and more than $17.8 million in Federal, State, and local tax revenue and fees.

Minority purchase power is rising. Hispanics homeownership increased 39 percent between 1994 and 2000. African-American homeownership increased 24 percent in that same period. However, minority homeownership rates are almost 30 percent lower than the overall national rate.

Homeownership is a wise investment for long-term financial security, and an investment in America.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H. Con. Res. 415. As we commemorate National Home Ownership Month throughout the month of June, it is the perfect time to remember that nothing sustains the American dream like owning a home. Home ownership is an essential tool for strengthening our communities and allowing more Americans to accumulate wealth. Homes are where our Nation's families grow, where lives are shaped and where decisions are made.

It is essential that we work to increase the ranks of homeowners in every community across this country, and in particular among members of the African-American community, whose home ownership rates have traditionally lagged far behind other groups.

According to the 2000 census, African-Americans recorded a $27,910 median household income—the highest ever recorded—while recording record-low poverty rates. In 2001, it was estimated that the total income for African-Americans exceeded $565 billion, and more than half of African-American married couples had incomes of at least $50,000.

Yet, according to the U.S. Department of Housing and Urban Development, only 48 percent of African-Americans own homes, compared to 74 percent of white families. And, in a recent study, 36 percent of African-Americans believed that access to capital was their greatest barrier to owning a home.

These statistics show that many families of color are unable to capitalize on the benefits that home ownership provides. For far too long minority communities have been left out of the home ownership process. Though the number of African-American homeowners has increased by more than 20 percent in the last decade, too many people of color are missing out on the power of home ownership because they've fallen prey to decades of unfair lending practices, lack of savings or lack of affordable housing. As we all know, without proprietorship we have no power. This is whey we must take responsibility to ensure that our families can prosper through the benefits of owning a home.

That is why the Congressional Black Caucus Foundation created the "With Ownership, Wealth" initiative to promote access to lending and home ownership education and resources for people of color. This initiative is one way that the CBCF is letting people know the importance of home ownership and connecting those people with the funding sources that can make that dream a reality. Since its inception, the Congressional Black Caucus has championed equality for all, and the WOW initiative is merely an extension of our fight to ensure that all Americans will have the opportunity to experience the prosperity that is felt by too few.

Combined with the CBC's agenda to increase the Nation's home ownership rates, this program will serve to develop the all-inclusive America of which we have only dreamt for far too long.

I applaud the Congressional Black Caucus Foundation, under first the extraordinary leadership of Congresswoman EVA CLAYTON and now the groundbreaking leadership of Congressman JEFFERSON, for helping us forge ahead with this incredibly important initiative which will help all Americans realize the American dream.

We still have much work to do to educate consumers about the value—and the responsibility—of owning a home, but I am pleased that more resources are available than ever before to assist potential homebuyers in making this first step toward acquiring wealth. When we give people the right tools to purchase a home, we put them on a road to financial success.

America is only as strong as it communities, and communities are only as strong as the families that live within. Home ownership is part of the foundation of a stable family. It provides a base for marriages to grow, a safe environment for children to learn, and the center through which families bond. Just as importantly, home ownership is the first step to wealth acquisition, and a primary mechanism for building a family asset base.

Ms. JACKSON-LEE of Texas. Madam Speaker, today I rise to voice my support for H. Con. Res. 415, Recognizing National Homeownership Month. Today, there are 73 million Americans, who own a home. As our economy slowed down, housing is the glue that holds the Nation's economy together. This fact alone offers a compelling argument in support of homeownership. Owner-occupied property made up 21 percent of all household wealth in 1998. Moreover, the Federal Reserve says that this was more than 71 percent of all tangible wealth. Housing generates more than 22 percent of the Nation's Gross Domestic Product. Housing accounts for 32 to 40 cents of every dollar consumers spent.

We are ignoring the fact that less than half of America's minority families are homeowners. So, while strides have been made, the gap in homeownership rates is unacceptable until everyone in America has the same opportunity for homeownership. Because where homeownership flourishes, neighborhoods are more stable, and residents are more civic-minded. In addition, schools are better, and crime rates decline. We are marking this month with events across the country. This is our opportunity to spread the word about homeownership—especially to minority families, who own far fewer homes of their own than non-minority families do.

H. Con. Res. 415 helps to recognize homeownership, thus more Americans become homeowners. This is the central mission at HUD. Congress has a long-standing commitment to homeownership. The American housing finance system is the best in the world. Moreover, I support President Bush's initiative to increase minority homeownership as once I did our past President William Jefferson Clinton's efforts as well. Therefore, I strongly support H. Con. Res. 415.

Mr. FRANK. Madam Speaker, I yield back the balance of my time.

Mr. GARY G. MILLER of California. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. GARY G. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 415.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GARY G. MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING GOALS AND IDEALS OF MENINGITIS AWARENESS MONTH

Mr. MICA. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 340) supporting the goals and ideals of Meningitis Awareness Month.

The Clerk read as follows:

H. CON. RES. 340

Whereas meningitis is usually caused by a viral or bacterial infection;

Whereas viral meningitis is generally less severe than bacterial meningitis;

Whereas bacterial meningitis caused by the meningococcus, Neisseria meningitidis, is one of the most deadly and least understood infections in the United States;

Whereas in 2000 more than 2,900 people in the United States developed meningococcal disease;

Whereas the 2 most common types of meningococcal disease are meningitis, an infection of the fluid that surrounds the spinal cord and the brain, the symptoms of which include high fever, headache, stiff neck, confusion, lethargy, vomiting, and seizures, and meningococcemia, an infection of the blood stream, the symptoms of which include a red-brown rash or purple blotches;

Whereas although meningococcal disease can be treated with a number of effective antibiotics, such treatment must begin early in the course of the disease, because the disease can be fatal within hours after the first symptoms appear;

Whereas individuals who survive meningococcal meningitis can suffer from debilitating effects such as hearing and vision loss, learning difficulties or mental retardation, loss of arms and legs, and paralysis;

Whereas between 20 percent and 25 percent of all people carry the bacterium that causes meningococcal disease in the back of their noses and throats without developing the disease, but can pass the bacterium to others;

Whereas the bacterium that causes meningococcal disease can be passed by close contact that involves the exchange of respiratory or throat secretions with someone who is infected or is carrying the bacterium, including coughing, kissing, and sharing items such as cigarettes, lipsticks, foods, drinks, toothbrushes, and mouth guards;

Whereas meningococcal disease cannot be spread merely by being in the same room with an infected person or by breathing the air where an infected person has been;

Whereas meningococcal disease usually develops within 1 to 14 days after exposure;

Whereas although the occurrence of meningococcal disease was once highest among children between the ages of 6 months and 36 months, the occurrence of the disease among older children and adolescents has been increasing in recent years, with a number of outbreaks occurring at schools and universities;

Whereas although a vaccine is currently available which provides protection against 4 of the 5 common strains of meningococcal disease in the United States, vaccinations are rarely administered until after an outbreak occurs;

Whereas the medical community should be encouraged to make a routine practice of informing adolescent patients and their parents about the option of being vaccinated against this debilitating and often deadly disease; and

Whereas the Meningitis Awareness Key to prevention (MAK) organization has requested that Congress designate April as Meningitis Awareness Month in order to raise public awareness about meningitis and the availability of effective vaccines against meningococcal disease: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of Meningitis Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have the House consider House Concurrent Resolution 340. I want to take this opportunity to commend my distinguished colleague, the gentleman from California (Mr. DOOLITTLE), for introducing this important measure and also for working so hard to bring this resolution before the floor.

This resolution, which I am pleased to present today on behalf of the Subcommittee on Civil Service and Agency Organization and its chair, the gentleman from Florida (Mr. WELDON), expresses the support of the House for the goals and ideals of Meningitis Awareness Month.

Meningitis is a potentially fatal disease and not a lot is known about it. In the year 2000, nearly 3,000 Americans contracted meningitis, and many of those were newborn. The Meningitis Awareness Key to Prevention Organization has asked that April be recognized as Meningitis Awareness Month. The purpose of this particular recognition is to raise public awareness about meningitis and the availability of effective vaccines against the disease.

□ 1500

Meningitis is an infection of the fluid that surrounds the spinal cord and the brain. The most common forms of meningitis are bacterial meningitis and viral meningitis. Bacterial meningitis is, as the resolution points out, one of the most deadly and least understood infections in the United States. It is highly contagious and can be spread through close contact with others. However, if diagnosed quickly and treated promptly, most people make a full recovery. However, without proper treatment, bacterial meningitis can be fatal, sometimes within hours, or lead to permanent handicaps such as deafness, paralysis, or brain damage.

Historically, most cases of bacterial meningitis occurred among children under 3 years of age. In recent years, however, there have been a number of meningitis outbreaks at both our schools and universities.

Everyone should be aware of the symptoms of bacterial meningitis, particularly in newborns, children, and also in adults. The symptoms are fever, a stiff neck, an aching back, and sometimes nausea. Viral meningitis is the more common type of meningitis. Although rarely life-threatening, it can severely weaken a person. Since the symptoms of viral meningitis are the same as bacterial meningitis, it is most important that individuals seek medical attention quickly, especially when symptoms appear.

Aside from vaccines, there is no way to protect against contracting meningitis. There are effective vaccines against certain strains of meningitis, but vaccines are rarely administered until after an outbreak has occurred. The medical community should be encouraged to inform adolescents and parents, particularly those of young people, about the option of being vaccinated against this debilitating and potentially deadly disease.

Madam Speaker, I ask all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, approximately 3,000 cases of meningitis occur each year in the United States. Ten to thirteen percent of patients die, despite receiving antibiotics early in the illness. Of those who survive, an additional 10 percent have severe after-effects of the disease, including mental retardation, hearing loss, and loss of limbs.

On September 30, 1997, the American College Health Association, which represents about half of the colleges with student health services in the United States, released a statement recommending that "college health services take a more proactive role in alerting students and their parents about the dangers of meningococcal disease."

Studies undertaken by the Centers for Disease Control and Prevention indicate that freshman college students, particularly those who live in dormitories, constitute a group that are at a modestly increased rate for meningococcal disease.

Meningitis is an infection of the fluid of a person's spinal cord and the fluid that surrounds the brain. The disease is usually caused by a viral or bacterial infection. The bacteria are very common and live naturally in the back of the nose and throat.

They normally spread between people in close and prolonged contact by coughing, sneezing and intimate kissing. Children under 5, teenagers, young adults, and the elderly are most at risk of contracting the disease. However, college students are a key at-risk group because of their lifestyle, which includes the close togetherness of student accommodations.

This resolution supporting Meningitis Awareness Month will alert college students and those most susceptible to the disease to vaccines and immunization efforts that help combat the disease. I urge all Members to give this bill their support.

Madam Speaker, I reserve the balance of my time.

Mr. MICA. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. DOOLITTLE), who is the author of this resolution.

Mr. DOOLITTLE. Madam Speaker, I very much appreciate the gentleman from Florida (Mr. MICA), our chairman, supporting this resolution and advocating its passage on the floor today. I think he outlined very clearly what the threats are, as did the gentlewoman from the District of Columbia (Ms. NORTON) as well.

I became really intimately aware of the ravages of this disease when a meningitis outbreak hit the Sacramento region in 2000, and then again in 2001, killing five high school students, three of whom were my constituents. Peter and Rose Kwett, personal friends of mine from Carmichael, California, saw their 15-year-old daughter, Mary Jo, taken from them as a result of this dreaded disease.

This year, there have been seven cases reported in my region, including the fatality of a sixth-grade girl from Greer Elementary School in Sacramento.

I introduced this resolution really to heighten the awareness of this terrible disease which afflicts approximately 2,500 individuals in the United States each year. As the gentleman from Florida (Mr. MICA) indicated, people can do certain things to protect themselves, generally involving what we think of as good hygiene habits. Also, there is a vaccine available.

Last year in my home State of California, the legislature passed a resolution designating the month of April as Meningitis Awareness Month. The Meningitis Awareness Key to Prevention Organization supports this resolution, and I urge my colleagues to do the same.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

Mr. MICA. Madam Speaker, I yield myself the balance of the time.

I would like to close by saying it is the goal of this resolution to raise public awareness about meningitis, and also the availability of the effective vaccines against this potentially debilitating or often fatal disease. I want to take this opportunity to thank the Meningitis Awareness Key to Prevention Organization for its efforts to educate all Americans to recognize the symptoms of this disease and also to urge that individuals seek prompt medical attention.

I also want to thank the gentleman from California (Mr. DOOLITTLE) for his leadership on this issue and for bringing this resolution, because it is important to bring this debilitating disease and information about it before the American public. So I thank him again for his work on this resolution.

Madam Speaker, I urge all Members to support this resolution seeking the goals of Meningitis Awareness Month.

Ms. JACKSON-LEE of Texas. Madam Speaker, approximately 3,000 cases of meningococcal disease occur each year in the United States. Of those infected, 10–13 percent die despite receiving early treatments of antibiotics for the illness. Those who survive the illness, about 10 percent, have severe aftereffects of the disease, such as mental retardation, hearing loss or loss of limbs.

Meningitis is one of the least understood infectious diseases existing in the United States today. Two forms of meningitis, bacterial and viral meningitis, quietly threaten children, and increasingly, adolescents. Bacterial meningitis, the deadlier of the two varieties, causes an inflammation of the lining that surrounds the brain. Approximately 20 percent of the population carries the bacteria in the back of the nose or throat without contracting the disease. If, however, the bacteria move into the bloodstream, the carrier quickly become endangered. Data suggests certain social behaviors such as, exposure to passive and active smoking, bar patronage and excessive alcohol consumption may increase students' risk for contracting the disease. In addition, data also shows that students living in dormitories, particularly freshman, are at increased risk.

Early diagnosis is the key to successful treatment and public awareness is crucial in order to expedite an accurate and timely diagnosis. The vaccines that are available are effective, but are rarely administered before there is an outbreak. The recent outbreaks in Northern California, and nation-wide, have increasingly occurred on high school, college, and university campuses as opposed to occurring in infants, which once had the highest occurrence rate.

As we go on to promote Meningitis Awareness month, we must keep in mind that many of the people who suffer from meningitis are seniors. The most deadly form of meningitis is caused by bacteria, which must be treated immediately with prescription antibiotics. Unfortunately, we still have no prescription drug benefit for our medicare population. It is ironic, and must be addressed.

Therefore, I urge my colleagues to support H. Con. Res. 340 and let us become more aware of meningitis.

Mr. MICA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 340.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MICA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MICA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 340.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 8 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the Speaker's approval of the Journal and motions to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

The Speaker's approval of the Journal, de novo;.

House Concurrent Resolution 415, by the yeas and nays; and

House Concurrent Resolution 340, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NORWOOD. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 307, nays 45, not voting 82, as follows:

[Roll No. 230]

YEAS—307

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Baird
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Castle

Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Cox
Coyne
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Flake
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Price (NC)
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Upton
Walden
Walsh
Wamp
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—45

Aderholt
Baldwin
Capuano
Condit
Costello
Crane
DeFazio
English
Filner
Fletcher
Gillmor
Gutknecht
Hastings (FL)
Hefley
Hulshof
Johnson, E.B.
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
McNulty
Menendez
Miller, George
Moran (KS)
Oberstar
Olver
Peterson (MN)
Pombo
Ramstad
Sabo
Sánchez
Schaffer
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

NOT VOTING—82

Bachus
Baker
Barton
Becerra
Berman
Blagojevich
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Callahan
Cannon
Carson (OK)
Clement
Collins
Conyers
Cooksey
Crowley
DeLauro
Dooley
Fattah
Ferguson
Ford
Gallegly
Gephardt
Gilman
Gutierrez
Herger
Hilleary
Hilliard
Hinchey
Honda
Israel
Jenkins
Johnson (CT)
Jones (OH)
Kaptur
Kilpatrick
King (NY)
Kingston
LaFalce
Lantos
Larson (CT)
Lewis (GA)
Lipinski
Lynch
Matsui
McInnis
McKeon
Millender-McDonald
Nadler
Neal
Payne
Pelosi
Phelps
Portman
Pryce (OH)
Putnam
Quinn
Rangel
Riley
Rothman
Roukema
Rush
Ryun (KS)
Sanders
Sandlin
Serrano
Sessions
Shadegg
Shays
Stenholm
Taylor (NC)
Towns
Traficant
Velázquez
Vitter
Watkins (OK)
Wexler
Wilson (NM)

□ 1856

Mr. FILNER changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 415.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARY G. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 415, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 0, not voting 76, as follows:

[Roll No. 231]

YEAS—358

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Sabo
Sánchez
Sawyer
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shaw
Sherman
Sherwood
Shimkus

Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—76

Bachus
Baker
Barton
Becerra
Berman
Blagojevich
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Callahan
Cannon
Carson (OK)
Clement
Collins
Conyers
Cooksey
Crowley
DeLauro
Dooley
Fattah
Ferguson
Ford
Gallegly
Gilman
Gutierrez
Hart
Herger
Hilleary
Hilliard
Hinchey
Honda
Israel
Jenkins
Johnson (CT)
Jones (OH)
Kaptur
Kilpatrick
King (NY)
Kingston
Lantos
Lipinski
Matsui
McInnis
McKeon
Millender-McDonald
Nadler
Payne
Phelps
Portman
Pryce (OH)
Putnam
Quinn
Rangel
Riley
Rothman
Roukema
Rush
Ryun (KS)
Sanders
Sandlin
Saxton
Serrano
Sessions
Shadegg
Shays
Stenholm
Taylor (NC)
Towns
Traficant
Velázquez
Vitter
Watkins (OK)
Wexler
Wilson (NM)

☐ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING GOALS AND IDEALS OF MENINGITIS AWARENESS MONTH

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 340.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 340, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 360, nays 0, not voting 74, as follows:

[Roll No. 232]

YEAS—360

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubín
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Sabo
Sánchez
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—74

Bachus
Baker
Barton
Becerra
Berman
Blagojevich
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Callahan
Cannon
Carson (OK)
Clement
Collins
Conyers
Cooksey
Crowley
DeLauro
Dooley
Fattah
Ferguson
Ford
Gallegly
Gilman
Gutierrez
Herger
Hilleary
Hilliard
Hinchey
Honda
Horn
Israel
Jenkins
Jones (OH)
Kaptur
Kilpatrick
King (NY)
Kingston
Lantos
Lipinski
Matsui
McInnis
McKeon
Millender-McDonald
Nadler
Payne
Phelps
Portman
Pryce (OH)
Putnam
Quinn
Rangel
Riley
Rothman
Roukema
Rush
Ryun (KS)
Sanders
Sandlin
Serrano
Sessions
Shadegg
Shays
Stenholm
Taylor (NC)
Towns
Traficant
Velázquez
Vitter
Watkins (OK)
Wexler
Wilson (NM)

☐ 1912

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to official business in my District, I was unable to record my votes scheduled for June 17, 2002. Had I been present, I would have voted "yea" on the following rollcall votes: On Approving the Journal (rollcall No. 230); H. Con. Res. 415, Recognizing National Homeownership Month (rollcall No. 231); and H. Con. Res. 340, Supporting the Goals and Ideals of Meningitis Awareness Month (rollcall No. 232).

WAIVING REQUIREMENT OF CLAUSE 2(c)(1) OF RULE XII ON A BILL INCLUDING A PROPOSAL TO PROVIDE A PRESCRIPTION DRUG BENEFIT PLAN

Mrs. MYRICK. Madam Speaker, I ask unanimous consent that the requirement of clause 2(c)(1) of rule XII not apply to a bill that includes a proposal to provide a prescription drug benefit plan.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3686

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3686.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

2002 WORLD CUP

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Madam Speaker, at the 2002 World Cup in Korea, what began as a singular and stunning event, the U.S. Men's team victory over Portugal, has become prologue for its current run into the quarter finals. No American men's national team has ever reached this point nor achieved such success.

Last night, our guys convincingly defeated their arch rival and fellow North Americans, Mexico, 2–0. Mexico also had a remarkable run through group play, emerging undefeated, that is until last night.

Coach Arena, once again, put a team on the field that played with conviction and with class. While Mexico dominated possession, our team was opportunistic scoring on all its best chances. Goalkeeper Brad Friedel was once again outstanding, as was overall team defense.

Next up, Friday morning, 7:30 a.m. Eastern Standard Time, mighty Germany, a team that is, again, one of the favorites. France, Argentina, Portugal, and now Mexico have gone home and our team is still playing. Can Germany be next? Join a billion other people for breakfast in Korea. Support our guys Friday morning.

□ 1915

CONGRATULATIONS TO U.S. SOCCER TEAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, as a less-than-proficient soccer player, and probably a less-than-proficient soccer fan, let me also add my accolades to the United States soccer team. There are millions of soccer players in the United States, Little Leaguers, and large soccer clubs. Let us applaud our U.S. soccer team for its good sportsmanship and its outstanding accomplishment of reaching the quarter finals.

I hope all Members recognize that sometimes it is lonely to play far, far away from the United States; but those young men have done an outstanding job. Congratulations, and we wish them the best as they go forward to the next level. I believe we may just be the winners.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I rise tonight to talk about an issue that the House is going to be addressing in the next several weeks. We are going to start having hearings, I understand, later this week or early next week on the issue of prescription drugs. What I want to talk about tonight is the difference between what Americans pay for prescription drugs and what consumers in the rest of the world pay.

I have on my Website a chart which is absolutely eye-opening when one looks at the differences for the 15 most commonly prescribed drugs, what we pay in the United States versus what they pay in Europe, and let me give one example. My father is 83 years old. He takes a drug called Coumadin, which is a blood thinner, and one of the most commonly prescribed drugs in the United States.

In the United States, the average price for a 30-day supply of Coumadin is $64.80. That exact same drug made in the same plant under the same FDA approval sells in Europe for $15.80. It is four times more expensive in the United States. That pattern repeats itself with drug after drug after drug. A few years ago when we first started doing this research, the price for a 30-day supply of Coumadin in the United States was not $68, it was $38. It has gone up by approximately $30 in a little over 2.5 years. That is being repeated.

Last year the amount that Americans spent on prescription drugs went up almost 19 percent. That is at a time when the average Social Security recipient received an increase of only 3.5 percent.

It is outrageous. And I am not here to blame the pharmaceutical industry. I am not here to say, shame on the pharmaceutical industry. They have really done some marvelous things, and we all enjoy better health today thanks to the pharmaceutical industry.

I think we need to pay for the research, but what we are finding out more and more is not only do we pay for the research, we pay for the advertising, the marketing. We are paying for a tremendous amount of overhead, and they still are the most profitable industry listed on the New York Stock Exchange. Almost any way it is measured, they are the most profitable.

The American consumer is subsidizing the pharmaceutical industry essentially in three ways: First of all, we subsidize them in the amount that we spend on basic research through the NIH, the Science Foundation, other groups that are doing research. We are subsidizing basic research in the United States by over $20 billion a year. That is through the taxpayers.

Then we subsidize them in the Tax Code. When they talk about how much they spend on research, that is not exactly the whole story, because when they spend that money on research, at least they can write it off on the bottom line. Most of these companies are extremely profitable, in the 50 percent tax bracket. Half of their research costs, at least, are written off. In some cases they qualify for investment tax credits, and so they get dollar for dollar. In other words, they write off all of the expense on the Tax Code.

The third way we subsidize the pharmaceutical industry is in the prices we pay. Conservatively, we could save American consumers 35 percent if we simply do what we do with virtually every other product, and that is open up the American market so Americans would have access to drugs at world market prices. My vision is that the average consumer should be able to go to their local pharmacy, deal with their local pharmacist, and have this option. If their drug has to come from the American inventory, then they would have to pay the American price, whatever that is, and we will let the pharmaceutical industry decide that.

But if the pharmaceutical industry is willing to sell drugs like Cipro, for example, for half the price in Germany, and that is made by a German company, Bayer. Bayer makes it in Germany, and they will sell it in Germany for half the price that they sell it for here in the United States. If that is the case, at least allow that consumer to say to their pharmacist, is there a way we can place this order over the Internet and save some money? Then the pharmacist could say, I can order this out of a pharmaceutical supply operation out of Paris, France; Geneva, Switzerland, and you can save 50 percent, whatever the number is.

The reason this becomes important is our own Congressional Budget Office is estimating that American seniors over the next 10 years will spend $1.8 trillion.

Madam Speaker, if we are correct, by allowing open markets, free markets, we believe in NAFTA, GATT, free trade, except where American consumers could save the most, if we would just simply open our markets and allow that kind of competition, we could save American consumers $630 billion over the next 10 years.

H.R. 3250, CODE TALKERS RECOGNITION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Madam Speaker, my State of South Dakota has had a long history that extends back before the founding of our country by western explorers, back to a time when buffalo roamed the land and Native American culture was the way of life. Regrettably, the important and revered culture of these great people was nearly erased from American history.

However, at a time when Sioux Indians were discouraged from practicing their native culture, a few brave men used their language to help change the course of our Nation's history. These men are known as the Sioux code talkers. They served our country with distinction in both the Pacific and European theaters of World War II. These code talkers used their Lakota, Dakota and Nakota dialects to send coded communications that the enemy was unable to crack.

They were often sent out on their own to communicate with headquarters regarding enemy location and strength without protection from the enemy. Sometimes they spent over 24 hours in headphones without sleep or food, in terrible conditions.

Today, military commanders credit the code talkers with saving the lives of countless American soldiers and being instrumental to the success of the United States military during World War II.

Two of these Sioux code talkers are still alive today: Clarence Wolf Guts of the Oglala Sioux Tribe and Charles Whitepipe, Sr., of the Rosebud Sioux Tribe.

Unfortunately, the nine other known Sioux code talkers, John Bear King of the Standing Rock Sioux Tribe, Simon Broken Leg and Iver Crow Eagle, Sr., of the Rosebud Sioux Tribe, Eddie Eagle Boy and Philip LaBlanc of the Cheyenne River Sioux Tribe, Baptiste Pumpkinseed of the Oglala Sioux Tribe, Edmund St. John of the Crow Creek Sioux Tribe, and Walter C. John of the Sioux Tribe of Nebraska, have passed away.

In a time in which we fully understand the meaning of the word "hero," I believe we can all agree that these 11 men are truly heroes of our country.

Clarence Wolf Guts and Charles Whitepipe can tell us the stories of the trials and tribulations that they faced as they served our country. Families of the other Sioux code talkers can pass on the stories told them by their husband, father or uncle. These code talkers provided safety to fellow Americans who were fighting so hard for our Nation. They did so by using their culture and their native language which had been passed down to them through the generations.

Last year we rightly honored and recognized the Navajo code talkers for the important role that they played and their heroism during World War II. It is now time to honor and to recognize the Sioux code talkers for their contributions.

Madam Speaker, I was proud to introduce H.R. 3250, The Code Talkers Recognition Act, to honor the men who had risked their lives to save others. Congress should recognize these courageous men for their bravery and heroism in the face of adversity. Tomorrow we will consider this important bill and finally recognize these men for their heroic efforts. I encourage Members to support this legislation to give honor to these brave men.

Madam Speaker, I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Madam Speaker, I heard the gentleman's discussion on the floor about the code talkers and their value to the U.S. military efforts, and I just wanted to add my voice in support for the gentleman's bill.

We knew one of the great code talkers, Carl Gorman, who was a Navajo who fought in major campaigns in the South Pacific. Later while he was recovering from wounds in the war, he became an artist. Part of the rehab was to learn art at the rehab center in Los Angeles, and he became one of the Native American leaders in art, and his son, R.C. Gorman, is now one of the leading artists in the world. Carl was a wonderful guy. He told many great stories, which I know is now reflected in a film that is now playing across America.

I think it is long overdue that all of the code talkers, Navajos and the gentleman's constituents, be given the recognition that they are due. I am happy to offer my full support for the gentleman's efforts.

Mr. THUNE. Madam Speaker, I thank the gentleman from California, who has been a strong advocate for America's military and recognizing the heroes, those in our veteran community who have fought and served.

I would simply add that as we look at the contributions that have been made by the Native American culture to our success in a lot of different conflicts throughout our Nation's history, that these particular men made an enormous contribution in helping America through very turbulent times in succeeding and winning a war that literally liberated the world from Nazism.

As we consider this legislation tomorrow, I hope Members will support it and pay the tribute and recognition that is long overdue to the code talkers. I thank the gentleman from California (Mr. HUNTER) for being here.

□ 1930

AERONAUTICS RESEARCH AND DEVELOPMENT REVITALIZATION ACT

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Madam Speaker, I come to the floor this evening to discuss a very important issue for our Nation. I am most proud to introduce in a bipartisan fashion legislation entitled the Aeronautics Research and Development Revitalization Act, H.R. 4653, to which we are also continuing to seek cosponsors.

Since the historic flight of Mr. Lindbergh more than 75 years ago this past May, the United States has risen to commercial air dominance, so much so that in this fast-growing industry in 1985 we dominated the market, controlling more than 73 percent of the commercial aircraft industry. Since 1985, however, the United States has been on a perilous slip, so much so that today we control under 50 percent of the global market. The reason I have such great concern about this is because it impacts us not only from a commercial standpoint but also from a military standpoint.

I would draw my colleagues' attention to this first projected chart that we have here. This was a report issued that said "Buy European." Basically, it is saying that the Europeans have set out on a vision, a vision that they call Aeronautical Vision 2020, to capture the market by the year 2020. And so what we see going on in Europe these days is direct subsidization of their industry, direct subsidization by Air Bus, direct subsidization that leads both to the creation of jobs and the ability to take control of this market away from the Americans.

The depth of this concern and the strategy behind it is well thought out and well planned. Here in this country, and rightfully so, we are driven by quarterly returns, driven by the fact that our shareholders of our respective industries expect a good return on their dollar. In order to compete with us long term, what the European Union has recognized is the need to directly subsidize their industry. In the process, Americans continue to shed jobs. We only have to look at the reports of what has happened to Boeing, Lockheed, General Electric, and Pratt & Whitney and understand the concern of a number of Members in this House of ours about the loss of jobs that has occurred, while the European Union would suggest that they are more than willing to spend the kind of money that is necessitated to keep jobs in Europe, recognizing that as we continue our efforts here in this country adhering to quarterly returns that they will be able to augment their industry and make sure that they continue to employ people as we continue to shed jobs here in the United States.

This has long-term ramifications militarily for exactly that reason. Because if we continue to shed jobs here in the United States, we lose the critical mass of highly trained, highly skilled employees who have been the backbone of the aerospace industry here in our great Nation. They have also been the backbone of making sure that we have an unparalleled military and command of the airspace. But if we continue on this precipitous slide, we will soon find ourselves in the position where American-made when it comes to aerospace will no longer be the case.

If you look at these charts, what we have found is that the United States' share of aerospace markets has fallen dramatically. There is a direct correlation between what has happened since 1985 in terms of our share of the market and our willingness to invest in research and development. What we have witnessed is a precipitous dropoff, again where we have gone to more than 70 percent share of the market down to under 50 percent of the market. By the same token, we have seen our investment rise from greater than $30 billion in research and development to under 15.

I thank the Speaker for the opportunity to point this out. I hope that Members will sign on to H.R. 4653. I look forward to further discussions.

JUNE 10, 2002.

Hon. JOHN B. LARSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LARSON: The Aviation Coalition endorses H.R. 4653, the "Aeronautics Research and Development Revitalization Act of 2002." The Aviation Coalition is comprised of professional societies and trade groups representing more than 1 million engineers, scientists and researchers.

In recent years, our Coalition has expressed concerns that reducing federal funding for aviation research and technology will jeopardize the nation's leadership in providing the technologies needed to develop the next generation aircraft, improve aviation safety and security, and attract the next generation of aerospace scientists and engineers. Assuring the nation's ability to develop innovative technologies to inhibit future terrorist usurpation of the nation's air transportation system, as well as to develop advanced technologies for our air defense network is of paramount importance.

Over the last decade, funding for the National Aeronautics and Space Administration's (NASA's) aeronautics research and development (R&D) program has fallen by approximately 50 percent, and unfortunately this trend is continuing. The Administration's Fiscal Year 2003 (FY03) budget request of $541.4M for aeronautics is a reduction of $58M from FY02 appropriated funding. We strongly support your efforts to counter the dramatic decline in U.S. research and development spending in aeronautics.

The "Aeronautics Research and Development Revitalization Act of 2002" will provide a funding basis for NASA to plan and implement a program to achieve the objectives of their "Aeronautics Blueprint-Toward a Bold New Era of Aviation," which we strongly support. We believe such a program is vital to U.S. Aviation and a necessary response to accelerated research and development by the European Union and other global competitors. By introducing this legislation, you have also taken the first step to address a recommendation of the President's Commission on the Future of the U.S. Aerospace Industry for "the Administration and Congress to work together to fund a new R&D initiative to develop a new 21st Century air transportation system for the nation."

We commend you for leadership in introducing this important legislation, and we look forward to working with you and other Members of Congress, in re-establishing the investment in aeronautics research and development as a national priority.

If you have any questions, please contact Kathryn Holmes at holmesk@asme.org or 202/785–3756, Ext. 390.

[From Defense News, June 10–16, 2002]

BUY EUROPEAN, SAYS REPORT

(By Martin Agüera)

European Union governments should rethink pledges to buy American arms—starting with the Joint Strike Fighter (JSF), Western European Union (WEU) officials say.

Picking the U.S.-led JSF over home-grown alternatives like the Eurofighter would hurt the European aerospace industry and the ability of EU member militaries to work together, they said at a June 5 meeting in Paris.

The countries should "reconsider their participation in the JSF [Joint Strike Fighter] program, bearing in mind European solutions now available and the fact that the effect on the future of the European aeronautics industry of any choice in favor of JSF might be detrimental to strengthening European military capabilities," said the WEU report, "Equipping our forces for Europe's security and defense—priorities and shortcomings."

The only all-European self-defense organization, the WEU has traditionally been subordinate to the trans-Atlantic NATO, to which its 10 members all belong.

A London-based analyst defended the WEU's stance.

"Europe has excellent programs under way, such as the A400M, the Eurofighter, the Gripen or the Meteor medium-range [missile] program, that justify a widespread cooperation. However, Europe has not been able to get its act together," said Paul Beaver, a defense analyst with Ashbourne Beaver Associates.

Beaver noted that countries such as Norway and the Netherlands were supportive of U.S. products for industrial reasons.

"These countries don't have large defense industries and they are acting pragmatically. They have been introduced to the F–16 and the plane has served them well. Also, those countries have taken a close look at what Europe can offer them, and what they see is a European cooperation that is very much hampered by different national problems. Just take the A400M or Meteor, and Germany's parliamentary delays," he said. Germany has yet to formally sign on to either program.

But a member of the WEU's Technological and Aerospace Committee argued that continually seeking American solutions to requirements would starve Europe's industrial base and dull its technological edge.

"We have to be more aware of Europe and what our industry can do and is able to achieve. Otherwise, our stated goal of creating a consolidated defense effort can simply not be met," José Manuel Pedregosa said June 3.

JSF CONCERNS

JSF lead contractor Lockheed Martin Corp., Bethesda, Md., has been gaining ground in attracting development partners—and likely future buyers—in Europe. Several countries have recently signed up to join the United States, Great Britain, Canada, and Denmark to develop the JSF, which will be built in three versions: conventional, aircraft carrier, and short takeoff and vertical landing.

Norway joined the development effort on June 3, pledging 1.06 billion kroner ($134 million) over a decade, a Norwegian defense, official in Washington said. And Italy is poised to sign up as well. Its parliament's defense committee's recommendation to join the program as a second-tier partner now awaits approval by the full legislature, said Filippo Berseli, Italy's secretary of defense. And the Netherlands' new, conservative government signed a memorandum of understanding June 5 pledging about $800 million toward the development phase of the $200 billion next-generation fighter program. The Dutch plan to buy some 85 JSFs around 2017 to replace its 137 F–16 fighter aircraft at a cost of up to 7 billion euros ($6.6 billion).

But not everyone thinks signing up for the JSF is the right move. Franz Timmermanns, Dutch parliamentarian and member of the defense committee for the Social Democratic Party, said the financial risk of participation is very high.

"We have committed ourselves to this program now in such a way that we can only benefit from it if we later on also buy the aircraft. If new priorities in European defense come up now, we will not be able to adjust to that," Timmermanns said in a telephone interview from The Hague on June 5. "This decision now had little to do with defense, but was based on industrial politics and satisfied the Air Force's needs for the next 50 years."

Timmermanns said there is a danger that Europeans may not be able to influence any decisions on JSF. "You have to see that the JSF is still under discussion in the U.S. itself. There may be less [U.S.] F–22s in the end, which could require more roles and missions for the JSF, which in turn could make the JSF costlier. Whatever decision the U.S. will take then, we are stuck with it."

But Lockheed Martin officials called JSF "an ideal example" of a program that promotes interoperability and trans-Atlantic industrial cooperation.

"We are promoting all ways with this program politically, and in industrial business links, to achieve the best interoperability possible between the U.S. and Europe," Ivor Evans, JSF business development manager at Lockheed Martin's London office, said June 5.

JSF COMMITMENTS

All participants are involved in the system development and demonstration phase. Aircraft purchase decisions must be made in the 2012 time frame. International funding commitments:

United Kingdom: $2 billion.
Netherlands: $800 million.
Canada: $150 million.
Denmark: $125 million.
Norway: $134 million.
Italy: Plan awaits legislative approval.
Turkey: In negotiation.
Sources: Lockheed Martin Corp. and Defense News research.

[From Aviation Week & Space Technology, Feb. 5, 2001]

EUROPE SEEKS GLOBAL LEADERSHIP IN AERONAUTICS

(By John D. Morrocco and Jens Flottau)

The European Commission and aerospace industry executives have unveiled "A Vision For 2020" report which outlines the ambitious goals of attaining "global leadership" in aeronautics and creating a "world class air transport system" for Europe.

The report was assembled by European aerospace industry leaders, including EADS Co-Chairmen Jean-Luc Lagardere and Manfred Bischoff and BAE Systems Chairman Sir Richard Evans, at the request of Philippe Busquin, EC commissioner for research. It outlines some lofty ideas for research and development activities and puts the spotlight on the need for increased public funding to turn the vision into a reality.

Implementing the Vision 2020 plan is expected to require more than 100 billion euros ($93 billion) in the next 20 years, the report said. This takes into account continued public, as well as private funding for the industry. Roughly 30% of civil aeronautics research is now funded by the European Union.

However, German Economics Minister Werner Mueller stressed that there will not be "a competition of subsidies" with the U.S. Repayable state loans to industry for development of the Airbus A380 have already heightened simmering frictions between the U.S. and Europe on this score.

Busquin said the sector faces "stark challenges" in the coming 20 years, including a tripling of the volume of air traffic and increasing public concerns over environmental and safety issues. "The days of higher, further, faster" are definitely numbered and must be replaced by "more affordable, safer, cleaner and quieter."

Specific targets set in the report, which was unveiled at an aeronautics conference in Hamburg last week, include:

"A fivefold reduction in the average accident rate" for aircraft operators worldwide.

A 50% reduction in perceived aircraft noise.

A 50% cut in CO_2 emissions from aircraft per passenger km. and an 80% reduction in oxides of nitrogen emissions.

An air traffic control system capable of handling 16 million flights per year with round-the-clock airport operations.

The report was purposely intended to provide the industry with goals that in some cases will be difficult, if not impossible, to reach, said Busquin. He admitted that while some of the goals proposed were very optimistic, it was important to set ambitious guidelines to serve as incentives for industry.

Better coordination of Europe's research and development activities was highlighted as a key requirement. The report said aeronautics research in Europe is "substantially behind that of the U.S. and scattered in various national programs and centers." It recommended adopting different forms of cooperation between various programs and transnational partnerships.

Busquin said the EC would set up an Advisory Council for Aeronautics Research in Europe by mid-year to help coordinate activities. The EC will also look for ways to reinforce cooperation and deal with problems which can neither be solved on the national nor on the community level.

Walter Kroll, Chairman of the German aerospace research center DLR, said research in Europe is too fragmented and rife with unnecessary duplication and is also burdened with too much intro-European competition. More synergies would have to be found. Public funding was "the key to success" and should be consistently sustained in the years to come, he said.

The report acknowledged that despite current restructuring efforts European industry still "lagged behind" the U.S. in terms of consolidation. Nevertheless, consolidation is viewed as a "platform for maintaining and enhancing Europe's competitiveness during the next two decades."

European aeronautic experts believe that improved competitiveness will allow the industry to capture a majority of the world market in aircraft, engines and equipment. The industry maintains that this can be achieved through a high degree of innovation and a shorter time-to-market for its products. The goal is to cut development lead times in half.

Evans warned, however, that the process of constant innovation and technological improvement could not be sustained as readily as it would have been in the past due to decreasing defense spending in Europe. He stressed that "virtually all of aerospace technology" initially derived from research for military projects. "We took things out of the basket, but we didn't put back in enough."

Furthermore, the European aerospace industry is in a completely different position from several years ago, as virtually every major company has gone through privatization. He noted that the industry is now dependent on capital markets, good financial returns and investor confidence. As a result, European governments had to recognize that they were competing against other world regions in order to retain manufacturing sites within their own countries.

The European aerospace industry, in Evans' view, will have to focus on high-end products. "Metal fabrication will be in serious decline." In order to keep European businesses competitive and prevent companies from moving to other countries, the tax and regulatory environment would have to be improved, Evans said. "European governments will have to decide if they want a vibrant industry."

Vision 2020 places a strong focus on the environmental impact of air travel. Not only does it plan to dramatically cut exhaust emissions, but also to employ more recyclable materials. Another goal is to eliminate aircraft noise as a "political and social issue." To do so means that noise levels will have to be reduced to 50% of current average levels through new engines, better operational procedures and sensible land planning around airports.

The report noted that industry is exploring concepts for more competitive aircraft designs, including a "next generation of superliners" capable of carrying up to 1,200 passengers. Vision 2020 also includes a readiness to develop "niche markets for supersonic aircraft and freight-carrying airships." Flying wing designs, as well as vertical take-off and landing vehicles, could also emerge in the commercial world.

OPPOSING SOCIAL SECURITY PRIVATIZATION

The SPEAKER pro tempore (Mr. KIRK). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise tonight to highlight the importance of Social Security to millions of individuals and their families. Social Security is the Nation's most successful anti-poverty program. It has lifted over 11 million seniors out of poverty. The program has been especially important for women. Sixty percent of all Social Security recipients are women. Nearly two-thirds of all women 65 and older get half or more of their income from Social Security. Nearly one-third of those receive 90 percent or more of their income from Social Security.

Without Social Security, the poverty rate for elderly women would be more than 50 percent. It is currently about 12 percent. While this statistic is still too high, it shows how important the program is. But the President and some Members of Congress want to fundamentally change Social Security, preventing Social Security from carrying out its important role. The President and other supporters of privatization are using the program's long-term financial problems to advance their political agenda. The President suggests that by allowing individuals to divert part of their payroll taxes into private accounts, Social Security will return to firm financial footing and will still be able to continue helping recipients. However, this simply is not true. Privatization will harm Social Security, leaving the well-being of millions of people uncertain. Privatization will likely result in benefit cuts and increase the retirement age for individuals.

In early 2001, the President announced the formation of a commission to develop a plan to strengthen Social Security. The commission's report advocated three plans, all of which would allow for some level of private accounts. What the report fails to mention, though, is that all three plans have significant drawbacks. For example, accounts would likely lose 20 to 40 percent of their value due to administrative charges and management fees. Therefore, senior citizens would have less money at retirement. I am also concerned that individuals would be exposed to significant risk under privatization. Under current law, an individual's benefits are determined by their earnings and payroll tax contributions. He or she is guaranteed a monthly benefit, adjusted for inflation, for life.

Under the President's plan, individuals would be required to play the stock market, exposing themselves to the whims of the market. A person would then have to pick the right time to retire. No matter how skilled an individual is in reading the market, he or she should not have to gamble with retirement savings. This is unfair. It leaves too much up to chance.

We are not trying to scare our senior citizens. Rather, we want to provide them with both sides of the argument. While Social Security's financial outlook needs to be made more certain, we should not rush to embrace a particular solution that may end up being worse than the current system. As Congress proceeds with this very important debate, we should be providing our seniors with facts, not lofty promises about reforms. Our seniors deserve no less.

SOCIAL SECURITY AND WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I rise today in strong support of Social Security, the preservation of it for future generations, particularly with regard to women. As we know, there are more women in the United States than there are men; so it would be appropriate, then, to underscore the needs for women.

Women represent a majority of Social Security recipients in the United States. According to the Social Security Administration, women make up almost 60 percent of all Social Security beneficiaries and approximately 71 percent of beneficiaries 85 years of age and older.

Women rely heavily on Social Security because most do not receive private pensions; therefore, Social Security provides the foundation for most women's retirement security. Recent surveys indicate, Mr. Speaker, that over half of nonmarried women 65 and older receive 80 percent or more of their income from Social Security.

Although Social Security is helpful for women, it still has many inequalities. Social Security tends to protect families consisting of a lifelong paid worker, who is typically the husband. However, women who often leave the workforce temporarily to have children do not receive the same benefits. Estimated predictions state that the Social Security benefits currently received would be 36.6 percent higher if women were paid as much as men.

However, inequalities within the Social Security system are not only to blame for women receiving less benefits than men. The wage gap continues to hinder equality among recipients based on gender. Although the Equal Pay Act became public in 1963, making it illegal to pay women lower rates for the same job strictly on the basis of sex, almost 4 decades later the wage gap among women and men persists and this has a direct impact on Social Security. At the end of 2001, women's average monthly retirement benefit was, on average, $229 less than men's. Our retirement system is employment based, and women are unfairly penalized as they reach retirement age.

However, Social Security was designed to be a guaranteed source of income for retired persons. Although both genders can sometimes find their benefits exhausted, women are particularly at risk. In my State of Indiana, not only is Social Security a necessity among women. It is crucial to many retirees, families, and disabled workers. In Indiana, benefits were paid to close to 1 million persons during the month of December, 2000. This number included over 600,000 retired workers, over 100,000 widows and widowers, over 100,000 disabled workers, almost 60,000 wives and husbands, and over 80,000 children. Social Security beneficiaries represent 16 percent of the total population of the State of Indiana, 95 percent of Indiana's population age 65 and older.

Social Security is the heart of our Nation's insurance. When it was inspired and inaugurated under President Roosevelt in 1935, it was an excellent idea. It was a good idea then; it is a good idea now. It is both our fiscal and moral responsibility to provide our Nation's seniors, especially women, with the benefits that they so rightfully deserve. We cannot abandon our senior citizens and future generations. It would be a grave injustice to deprive them of Social Security benefits. Today's beneficiaries have worked long and hard, paid their taxes, earned their right to a happy and long retirement. It is the responsibility of Congress to make sure that this promise is kept.

In Indiana, over 700,000 people receive Social Security benefits. Of that 700,000, Mr. Speaker, 60 percent of those beneficiaries are women, many of whom live in borderline poverty. We must not privatize Social Security. We must secure Social Security, Mr. Speaker.

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EXPANDING THE TRADE ADJUSTMENT ASSISTANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, there is little arguing about the macroeconomic benefits of free and open trade. International trade agreements lower prices, they encourage higher productivity; and ultimately, they improve consumer choice. But these gains, no matter how significant to our economy, are net gains, because increases in imports usually contribute to a plant closing and worker layoffs. That is because the gains from international trade tend to be very large and are widely distributed throughout our economy. The U.S. economy's ability to create jobs is virtually unmatched by any other Nation.

Unfortunately, that is a simplistic view. The cost of imports are heavily concentrated by industry, location, and worker demographics. And while our economy has demonstrated an ability to create jobs, job creation does not always take place at the same location where jobs are lost. One need look no further than our last census for proof.

New jobs are in different industries than jobs lost. The vast majority of trade-related job losses are in the manufacturing sector. Between 1979 and 1999, 17 million American workers lost their jobs from manufacturing industries. However, during that same period of time, the United States added 39 million jobs. So essentially, for every job lost in the manufacturing sector, more than two jobs were created in the economy.

Almost all the net new jobs created have been in the service sector, which require new skills and, in many cases, do not provide the same wages or benefits which existed at a previous job.

So, yes, the fact remains that the macroeconomic gains from international trade almost always outweigh the cost. However, these costs are significant for individual workers and their families and to the towns and communities in which they live.

As we have seen in the past several years, the costs can undermine efforts to further liberalize trade, which is the position we find ourselves in tonight. Ours is a Nation built on commerce, and I support giving the executive branch the authority to negotiate with foreign nations to lower trade barriers.

We do not need 535 trade ambassadors. What we do need is a mechanism which allows the executive branch to negotiate on behalf of Congress and to ensure the will of Congress is respected in those negotiations.

So far, the legislation granting the President fast track trade negotiating authority has not lived up to this requirement; and as such, I have not supported it. One of the reasons the administration has not been able to rally support for fast track is because of the lousy job we have done in remedying the casualties of trade.

Now, by the way, this has gone on for a long time, for 40 years. Forty years ago, President Kennedy spoke of the need to ensure American workers who lose their jobs to imports are retrained for other careers. Quoting President Kennedy, he said: "Those injured by trade competition should not be required to bear the full brunt of the impact. Rather, the burden of economic adjustment should be borne in part by the Federal Government. There is an obligation to render assistance to those who suffer as a result of national trade policy."

Those remarks culminated in the enactment of the Trade Adjustment Assistance program, or TAA, in 1962. At the time, the United States had an enormous trade surplus, imports only comprised 5 percent of the gross domestic product and manufacturing comprised 30 percent of total employment.

Fast forward to today, 40 years later. The share of imports of GDP has tripled, trade surplus has turned into a huge trade deficit and the manufacturing share of total employment has fallen to 13 percent. Despite our strong economic growth, it appears President Kennedy's comment is more relevant today than it was 40 years ago.

While TAA may not erase all the economic pain caused by dislocation, it has made the adjustment to a new job a little easier, and represents small compensation for the losses they and their families have experienced. However, there is a lot of room for improvement in the TAA program. We need to expand the program and ensure that it will offer financial support, retraining and relocation benefits as Americans work to upgrade their skills and transition into more complex jobs that offer them the best opportunity of reclaiming old earning levels.

The other body has made substantial inroads into improving the program in its consideration of fast track legislation, especially in the area that concerns most of us, and that is affordable health care.

Mr. Speaker, as millions of Americans have discovered, losing a good-paying job is bad enough; but losing health insurance is a straw that can break the camel's back. Health insurance is very expensive, which is why nearly one in seven Americans, or 39 million people, do not have health insurance. Currently, workers who lose their jobs are eligible for extended health care insurance which enables them to retain the health insurance they had at their jobs, but at four to six times the amount they formerly paid while employed.

The other body's proposal would remedy that situation by ensuring that TAA eligible workers would have a tax credit of 70 percent of their health insurance premiums. Workers would actually be able to afford health insurance as they seek retraining assistance, a key to ensuring that they finish their retraining. The other body's TAA tax credit provision guarantees that workers will have access to the coverage they need at a price they can afford. Forty years after the creation of the TAA program, it is high time Congress gave it the resources it needs to be better prepared to better prepare the American workforce for the challenges and opportunities of a global economy. I hope we can all approve of an expanded TAA program that includes health care.

NOT ALL LAWMAKERS BACK PLAN ON IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as many in this Nation and many around the world, I do not like Saddam Hussein. I do not like him for what he does to the children of his nation, the women of his nation, and the people who are in need in his nation. I do not like what he does with the humanitarian aid, holding it hostage, so those who need medicine and health care, nutrition, those who go hungry, are not served well by his leadership. There is no doubt that he has the capacity and has been engaged in manufacturing weapons of terror and also the kind of chemical warfare that all the world abhors. He is not the kind of leader that any of us would advocate for.

But I raise my voice out of concern for the recent announcements over the past weekend, now finding out that these are somewhat old in their pronouncements, that there are those who previously in months past were aware of the thinking of the administration dealing with covert action in Iraq. In fact, there are articles in our newspapers across the Nation suggesting lawmakers back action against Iraq.

Let me step aside, Mr. Speaker, and stand outside of that circle and speak for what I believe to be many of those in the United States who will ask the question, are we prepared, and what is the basis of that action? I have already stated that the leader of this nation, the leader of the Iraq nation, that is, is not a person who advocates the values that we believe in. I have already indicated that I believe that the country needs a change in leadership.

But in respect to the approach, the question has to be, What is the involvement in oversight of the United States Congress? What are the decisions that will be made with respect to these actions?

We well know that, tragically, Saddam Hussein tried to assassinate one of our Presidents, and we cannot tolerate that; and I would not stand for that kind of action or advocate it or allow it to go unpunished. But we also know that there is no indication that he had anything to do with the horrible act of September 11. We also know that his activities can be classified as bumbling.

We also realize that if we are to engage in a covert action that may include the killing of this leader out of self-defense, that we may also put this Nation's military personnel in the position of a ground war. It has been suggested that 200,000 men and women would be needed for a ground war in Iraq. We realize that Korea was not successful to the point we wanted. The DMZ still exists between North and South Korea, and there is the tragedy of terrible hunger and devastation going on in North Korea. Though we pay tribute to the men who fought in the Korean War, and we thank them, we still have North and South Korea.

We also realize that though we pay tribute to the thousands of young men who lost their lives and those who served in the Vietnam War, we know that Vietnam was not successful to the point we wanted.

We also recognize that out of the turmoil of the Cold War, that the Berlin Wall did fall, and it fell because those in Berlin desired it to fall and the people brought it down.

I believe we need more oversight and insight into decisions to be made regarding Iraq. I oppose these pronouncements suggesting that the next step is for this Nation to enter into a war. We realize that four prior covert actions involving everything from radio propaganda to paramilitary plots have failed to dislodge the Iraqi leader, just as smart bombs, Cruise Missiles and stiff economic sanctions have failed as well. I believe we need more deliberation.

But, most importantly, I am aghast, if you will, at the fact that we are making these pronouncements with what I believe to be little thought. What is the plan? If we have a plan, bring it to the United States Congress. Yes, I understand there is need for the protection of our intelligence sources, and as well that there are decisions that the Commander in Chief has to make. But I am extremely opposed to these kind of war mongering efforts without any facts and without any substance.

It is important to realize that the lives of Americans are on the line. Yes, I am standing toe-to-toe and head-to-head and shoulder-to-shoulder on fighting terrorism in America. I supported the resolution that gave the President the authority to fight terrorism in Afghanistan. I am pleased that Chairman Karzai has recently taken over the leadership of Afghanistan so we will have a head of state to help us fight that war.

But it is extremely important, Mr. Speaker, as I close, in light of the tragedy of September 11, in light of the questions about sharing intelligence between the FBI and the CIA, to know whether we are making the right decision of this covert action, whether or not we are putting our young men and women in jeopardy, in harm's way, without any facts and any study and any plan.

No, lawmakers in totality are not for this plan, and we need to question it and stand up and be counted and not be afraid of being called unpatriotic, because I believe that that is what democracy is all about, is to ask the questions and get the solutions.

Mr. Speaker, amid a growing debate over whether to expand the post-September 11 "war on terrorism" to Iraq and amid fears that Iraq could provide weapons of mass destruction expertise to terrorist groups, President Bush has threatened unspecified action against Iraq to prevent its re-emergence as a threat. The House passed H.J. Res. 75 by a vote of 392–12, which said that Iraq's refusal to readmit U.N. inspectors is a material breach of its international obligations and a mounting threat to peace and security. The resolution did not explicity authorize U.S. military action.

Amid U.S. threats, Iraq held a meeting with U.N. Secretary General Annan on the restart of inspections. Secretary of Defense Rumsfeld suggested that the United States would accept new inspections only if such inspections were unconditional and comprehensive, a standard that some Administration officials believe Iraq will never meet.

Several Western and most Arab governments are opposed to a U.S. military campaign against Iraq, a message reinforced by Arab leaders to Vice President CHENEY on his trip to the Middle East in March. Arab leaders have voiced opposition to an attack on Iraq at the Arab League summit, during which Iraq and Kuwait took some steps to reconcile.

Top U.S. military leaders see major risks and difficulties in a large U.S. ground offensive, which could require up to 250,000 U.S. troops, intended to overthrow Saddam and install a new government. President Bush said that he has not decided on whether to authorize a U.S. military offensive against Iraq.

The CIA proliferation assessment for Congress repeats U.S. suspicions of Iraqi rebuilding of and research on weapons of mass destruction but presents little hard evidence of such activity. Britain considered releasing in April 2002 a dossier of Iraqi weapons of mass destruction rebuilding but decided not to. The British concluded that its evidence was not sufficiently convincing. There are also allegations of illicit Iraqi imports of conventional military equipment. Iraq has been illicitly obtaining spare parts for fighter jets and helicopters from Belarus, Ukraine, and the former Yugoslavia. Additional reports discuss weapons buys from Ukraine.

As international concerns for the plight of the Iraqi people has grown, the United States has found it increasingly difficult to maintain support for international sanctions. The "oil-for-food" program has been progressively modified to improve the living standards of Iraqis. The United States has eased its own sanctions to align them with the program.

Iraq does not deserve international respect; that I agree with. However, unilateral foreign policy decisions affirmed by some leaders of Congress are not good either. We need full congressional oversight and review, including more voices to be heard, on whether covert action against Iraq would be successful or lead America into action against Iraq with no allies. I believe we have no consensus on an invasion of Iraq and I am requesting a full review by Congress of the Administration's move against Iraq now—and where it will lead us.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 327, SMALL BUSINESS PAPERWORK RELIEF ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–510) on the resolution (H. Res. 444) providing for consideration of the Senate amendments to the bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, which was referred to the House Calendar and ordered to be printed.

THE NEED FOR A MEDICARE PRESCRIPTION DRUG PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening, and I have a couple of my colleagues on the Democratic side that will join me, I am going to be talking again about the need for a Medicare prescription drug plan. I think, as you know, we have a situation where tomorrow, hopefully, if not Wednesday, we are finally going to see an opportunity in committee for the Republican leadership in the House to present what they claim to be a prescription drug plan, and hopefully an opportunity for the Democratic proposal also to be considered, both in the Committee on Energy and Commerce as well as in the Committee on Ways and Means.

I know that some of my colleagues know that for the last 2 months myself as well as some of the Members who are going to be joining me tonight have been demanding really that the Republican leadership bring up a prescription drug plan and allow us to consider prescription drugs on the floor of the House. It has been far too long since the Republican leadership has essentially stalled on a proposal. But now we hear that tomorrow, if not Wednesday, they are finally going to allow the two committees of jurisdiction to consider the prescription drug issue.

□ 2000

I would point out, however, though, that my concern over the Republican proposal, which we still do not have, but we have been provided some sort of vague description of, is not a Medicare prescription drug plan; in other words, it is not going to cover all of the seniors who are currently under Medicare and provide them with a prescription drug guaranteed plan under Medicare. Rather, what the Republicans propose to do is to simply throw some money to private insurance companies in the hope that they will offer drug-only policies and that some seniors would be able to take advantage of those. They also do not address the issue of cost at all; they do not have any mechanism to bring costs down.

Democrats have been saying all along in our proposal which we have put forward, basically, it would provide a Medicare-guaranteed drug benefit, a generous benefit; 80 percent of the cost would be paid for by the Federal Government, every senior would be guaranteed the benefit across the country, and we would bring costs down by basically saying or mandating that the Secretary of Health and Human Services negotiate lower drug prices because he now represents or has the negotiating power for 40 million American seniors.

Now, I would like to yield some time, but I want to point out, Mr. Speaker, that the problems with the GOP drug plan have been pointed out many times by many experts. Over the weekend, actually in Sunday's New York Times, Sunday, June 16, there was an article called "Experts Wary of GOP Drug Plan." I am not going to get into it now; I may a little later this evening. But basically they say in this article that drug-only coverage is not affordable and that insurers will not provide it. So essentially under the Republican plan, most seniors, if not every senior, will not be able to get a decent prescription drug program, if any at all.

With that, I would like to yield to the gentlewoman from Texas (Ms. JACKSON-LEE), who has joined me on many of these lonely evenings when we have tried to get the point across that we need to debate the prescription drug proposal; even if it is a lousy proposal on the part of the Republicans, let us debate it. Let us have an opportunity to contrast it with the Democratic proposal. I am pleased to say to the gentlewoman that it looks like, I am keeping my fingers crossed, but it looks like tomorrow or Wednesday, at least in committee, that opportunity will present itself. So I yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. The reason I have joined the gentleman is because I can think of, among the many issues that we have to contend with, no issue that has prolonged itself disastrously as much as providing seniors the opportunity to have a prescription drug benefit with Medicare. I would like to just put these words on our screen, because there must be someone across America sighing right now: Seniors have waited long enough.

I am trying to count the months that have gotten down to 48 months, I think, and if I am not mistaken, that may be 4 years, and I think it has probably been 4 years and counting that we have tried day after day, month after month, and session after session to be able to respond to seniors who are in need. So if I can say anything, I can share with my colleagues this evening that I can take the time to talk about what we have come up with, because I believe seniors have waited too long. I can at least share our thoughts as to how we hope the hearings will proceed on Wednesday.

Let me just take a slightly different twist, because the gentleman is right. There are many experts on this legislative process that we hope will come into fruition on Wednesday, and I am hoping that we can challenge the pharmaceutical companies to look at what we have put forward and begin a real partnership in terms of answering the concerns of seniors. One, I do not see how they cannot acknowledge that seniors have waited too long and that, in fact, we have a proposal that is fair and balanced. I was trying to discern what the Republicans are offering. Let me just share why I think this is effective.

One of the things that we have to address with seniors is to give them a plan that is real, that does not have a lot of smoke and mirrors, because if we do that, it is confusing, it is stressful for seniors. I have been in pharmacies, and I believe when we debated last week, we talked about our good friend from Arkansas who owned a pharmacy, and I applauded him for the small pharmacies, the mom-and-pop or the family-owned pharmacies, how much they extend themselves to help our seniors and explain to them about the drugs, to try to share with them that they cannot take half of the amount that the prescription requires. But I can imagine, if we were to utilize what we think might be the Republican plan, the confusion of many seniors around the Nation trying to understand what they have.

Ours is plain and simple. It has no gaps, it has no gimmicks. The premium is $25 a month, the deductible is $100 a year; coinsurance, beneficiaries pay 20 percent, plain and simple; Medicare pays 80 percent, plain and simple. Out-of-pocket limit, $2,000 per beneficiary per year. We must realize that sometimes this is an economic hit, if you will, for our seniors who are husbands and wives with high prescription drug costs. It takes a large amount out of their collective income and, therefore, putting this amount so that they know what they can budget and know the options that they have, pretty plain and simple.

Additional low-income assistance. Of course, many of our congressional districts, whether we are urban or rural, have individuals who have incomes that are not going through the roof. So we are prepared to give assistance for those incomes up to $13,290, no premium or coinsurance. Again, plain and simple. Then we have a sliding scale.

Now, in contrast, let me just say that as I am trying to read what may come out on Wednesday, I know for a fact that Republicans have no defined benefits, so we cannot get our hands around what kind of help our seniors will get. That is a concern to me. They create a drug benefit with a $250 deductible. That is pretty high. They have an 80–20 coinsurance split between the government and the beneficiaries, but they have a scale that does not make sense. The first thousand, and then a 50–50 coinsurance split for the next thousand, and that looks like it is just going up and up and up until you cap out at $4,500. That hurts the constituents that I know. It does not seem to clearly define where we are going with it.

No defined premium. We have already said; we have it right here. Plain and simple, understandable to a senior citizen, they can pretty well grasp that is what I am going to have to pay, and that is not in the Republican plan.

One of the things, when I speak to my mother, because I have gone with her to the pharmacy, and I am very delighted that she has had the family pharmacist who has tried to help her wade through this large mass of prescription drugs that she needs. We are so grateful that we have the opportunity to see seniors live healthy lives because they are having, to a certain extent, better access to health care, as we mentioned last week, because of Medicare when in 1965 President Johnson saw fit to put it in place.

We have in the instance of the Republican plan no guaranteed access to drugs that seniors need. The plan they are offering seems to put in strictures the access to certain drugs, access to certain covered drugs. Does that mean that they are going to cover only popular drugs, or does that mean that they are going to only cover hard-to-access drugs so that the popular drugs that the senior needs, such as for heart disease and diabetes and high blood pressure, typical ailments, does that mean because they are so popular, they will not have access to those drugs? I am confused about that and disturbed.

I yield to the gentleman.

Mr. PALLONE. Mr. Speaker, I think the gentlewoman is really contrasting what the Democrats have in mind versus what the Republicans have in mind. The most important thing I think the gentlewoman said is that we are very clear about what we are doing, and they are very unclear about what they are doing.

Essentially what the gentlewoman describes in terms of the Democrat proposal is no different from what we have right now under Part B. I do not want to sound too bureaucratic, but I think seniors understand that right now, if they need their hospital bill paid, that is basically paid for under Part A. If they need their doctor bills paid, then they pay a premium which is so much a month, fairly low, a low deductible, and 80 percent of the cost of the doctor bills are paid for by the Federal Government under Medicare.

What the gentlewoman described as the Democratic proposal is essentially a new part for Medicare, we call it Part D, but it is very similar to Part B with doctor bills. In other words, you pay a defined premium, $25, there is $100 deductible, and then 80 percent of the cost, up to $2,000, is paid for by the Federal Government. After that the entire thing is paid for by the Federal Government. For those people who are below a certain premium, the entire thing is paid for by the Federal Government, just like Part B with doctor bills. So it is clear what we are doing. And we are doing it under Medicare, which has been a very successful government program.

The problem with the Republicans is that they do not like Medicare. They do not like government programs. So they are coming up with whatever they possibly can do to avoid Medicare. They may say they are providing a Medicare prescription drug benefit, but the only reason that they can say it is because they are addressing the over-65 population, not because they are actually expanding Medicare to provide a guaranteed benefit.

I do not want to, I hate to read, but The New York Times article on Sunday was so much to the point, because if I could just read 2 paragraphs, it says, "Under the proposal," the Republican proposal, "Medicare would pay subsidies to private entities to offer insurance coverage for the cost of prescription drugs. Such drug-only insurance does not exist, and many private insurers doubt whether they could offer it at an affordable price. I am very skeptical that drug-only private plans would develop," said Bill Gradison, a former Congressman who is President of the Health Insurance Association of America.

This is the industry, the health insurance industry. The gentleman from California (Mr. THOMAS), the chairman, Republican chairman of the Committee on Ways and Means, insisted, "We should rely on private sector innovation delivering the drug benefit. The private sector approach offers the most savings per prescription." But the policy director for AARP said, "There is a risk repeating the HMO experience with any proposal that relies heavily on private entities to provide Medicare drug benefits."

Now, what I am hearing is the Republican leadership, in this case the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), just does not like the fact that Medicare is a government program. He is saying even though the insurance people are saying, we are not going to offer these policies; you can give us these subsidies, we are not going to offer these policies, seniors are not going to have this benefit, but he still insists that it has to be outside of Medicare, or private.

Then, when the other person representing the HMOs points out, well, you have already done this with the HMOs, you were hoping that by throwing them some money that you would get them to offer prescription drugs, they have not done it. More and more are dropping out. Fewer and fewer policies are available.

So I guess the frustration for me and for both of my colleagues is that we know that Medicare works. We know that trying this private sector giving money to insurance companies did not work with the HMOs. We know that the insurance companies say they are not going to do it.

The gentlewoman started off this evening talking about 4 years. Well, the gentlewoman knows 4 years ago the Republican leadership passed the same thing on the floor, drug-only policies. And everyone said, it will not work, nobody is going to sell them. So for the life of me, I just do not understand how they can come back here again with the same old, tired stuff that does not work, proof that it does not work, and they still insist.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield, and I see the distinguished gentleman from Connecticut, who has certainly spent a lot of time on these issues. I appreciate the gentleman reading the article, and I think that was worthwhile to show the contrast.

The gentleman used the word "skepticism" I think was in the article, and I want to add the word "speculating." So this is a program that speculates that it might work, and that is the frustration that I see that the gentleman is expressing, and that is the frustration I have, recalling again our debate last week, and it was the frustration of going home every single week having our constituents ask us when. So if the Republicans are going to be serious, let us not play around with what is sometimes a life-and-death question for our senior citizens as it relates to health care.

I would simply close by saying, there is no doubt, the data is clear, that when we passed Medicare, we put years of life on our seniors in America, just as when we passed Social Security in the 1940s to give destitute individuals who really had worked all of their lives some ability to live past retirement to have income. Medicare provided the health care component to it.

Now we come to modernizing Medicare, we all believe in that, and modernizing it is the goal with now the expanded life span, if you will, of our seniors. In order to make that life extension whole, they have to have prescription drugs. Nothing in the Republican plan speaks to making that a reality.

So I am hoping that we can be, if you will, encompassing, and I hope we can be bipartisan. Why not look to a plan that exists?

I will conclude simply by saying that I will be optimistic. Why can our pharmaceutical companies not look at a realistic plan that we have as Democrats, see the vitality of it, and work with us to be able to assure that Medicare is reformed, expanded, and has a prescription drug benefit plan that works so that our seniors will have access to the drugs they need?

☐ 2015

I cannot foresee or cannot imagine how my colleagues can turn their back on millions of seniors who would take advantage of this plan to make sure that they remain healthy and have access to the prescription drugs that they need.

So I thank the gentleman very much for bringing this to our attention on the floor, bringing it to our attention that we have until Wednesday, which we hope that we will see a fair hearing, a bipartisan hearing, and that the proposals that we are offering, that really offer closing the gaps and not relying on gimmicks, will have the opportunity to be heard in the committee hearings.

Mr. PALLONE. Mr. Speaker, I yield now to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from New Jersey for yielding, and I join with the distinguished gentlewoman from Texas in addressing this very important issue that in so many respects he has been like the lone sentinel on the watchwall of freedom, making sure that everyone understands the importance and significance of this issue.

As the gentlewoman from Texas has pointed out, there is not a weekend that I travel home that I do not hear from senior citizens about this issue, and basically we are all hopeful, as she pointed out, that there would be a solution here, hopefully a bipartisan solution. After all, we have got a Presidential race where both major candidates and the third-party candidate all agreed that we needed to have prescription drug relief for senior citizens, and everybody, at every gathering, talked about the greatest generation ever, and heralded Tom Brokaw's book, and talked about the great sacrifices these individuals have made, and gave them great hope that truly every Member of Congress, most members in local statehouses, all campaigned on the issue in 2000 that we would provide relief for seniors.

So everyone every weekend we come home, and there still has not been a debate on the floor. They cry out and ask why, and it is, with hopefully some optimism, that we are going to have an opportunity not only to debate, but hopefully to pass some constructive legislation.

I applaud the gentleman for not only reading the article from the New York Times, but for laying out the Democratic initiative. I know from having spoken to colleagues on the other side of the aisle of their deep interest in solving this problem as well. I can express it no better than the woman on 60 Minutes, however, who said, I feel like I am a refugee from my own health care system; I have to get on a bus and travel to Canada in order to get the prescription drug relief that I need, in order so that I am not forced between making the nightly decision between the food I am going to eat, the prescription drugs I am going to provide, and, in our area of the country, whether or not there will be the money there to heat our homes in the winter or cool them in the summertime. These are real, everyday concerns.

We wonder sometimes aloud in this body why more people do not vote, why do they not come out. It is because they hear the platitudes and never see the ensuing policy. The time for platitudes is over.

As one gentleman said to me the other day, I am grateful that people are finally recognizing the greatest generation ever; I am glad we have been heralded in books and on film and in oratory of every elected official, but what we would really like, what we really need is prescription drug relief. We do not need platitudes. We need prescription drug relief, and that is why this initiative is so important.

I happen to have signed on to the Allen bill, which I believe we need to have in conjunction with what we move forward to, irrespective of whatever policies pass here, but I can also say this, and I mean not to disparage anybody on the other side, anyone who at least puts forward a plan and thinks this is a step in the right direction toward dialogue, but in truth, hailing from the First Congressional District, the home of the managed care and health industry, they know that the proposals that have emanated from the other side, at least the ones that advocate having a private sector solution, are unworkable and untenable. Insurance is pretty straightforward when it comes to actuarial concerns, and trying to actuarially underwrite prescription drugs, as one executive told me, is like trying to underwrite haircuts. That is how difficult it would be, and that is what would make this almost impossible to price out.

So knowing that this cannot possibly work, knowing the tremendous concern that exists in this body and in the other body to have a remedy for seniors, knowing the great sense of community that we all felt after September 11, is this not the time for us to come together and help out a population that has already lived through one day of infamy on December 7, 1941, and have experienced yet another?

We asked people to sacrifice in this Nation, and they have stepped up and done so throughout their lifetimes. Now it is the time for us to pay it forward, to make sure that they have the prescription drug relief that they need to live out their final days in dignity, to be able to get the kind of relief that their doctors have told them they must have to sustain their lives.

For the life of me and the people that I represent, they are confounded by the fact that a Congress and an executive branch that believes that this is necessary has yet to move and yet to act. The time is now, and as the gentlewoman from Texas said, we hope that we are able to move bipartisanly with a plan that works; but if not, then let us seize the day here and let us move the Democratic initiative forward, and let there be an up-or-down vote in this Chamber on where people stand on this issue so that senior citizens get to know where people stand on the issue and can distinguish between lip service and platitudes and those that are putting forth a policy that is workable. And collectively I think we owe that to the American public and clearly to those senior citizens.

I commend the gentleman once again for bringing this to the forefront.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Connecticut, but he raised three points, if I can remember them now, that I would like to develop just a little bit because I thought they were very important.

First, with regard to the possibility of passing something, I really cannot emphasize enough, and I know that he obviously believes the same, that what we really need here is a bill that is going to pass. It is going to pass this House; it is going to pass the other body; it is going to be signed by the President. I really do not think that is going to be possible unless there is a basic understanding that this has to be a Medicare benefit, and I think that some of my colleagues on the other side of the aisle, maybe those who really would like to get something passed, have tried to frame this in terms of what is a more generous benefit.

Clearly, the Democratic benefit is much more generous. As our colleague from Texas pointed out, we are talking about a very low deductible, $100, as opposed to $250 for the Republican. We are talking about a lower premium. We are talking about an 80 percent benefit that starts from the first $100 after the deductible and goes up to $2,000 when it is 100 percent. The Republicans are talking about 80 percent for the first $1,000, then 50 percent for the next $1,000, and then I think it goes down to zero, sort of like a donut hole where a person gets no Federal money up to $4,000.

What I have tried to say, if our colleagues on the Republican side were willing to sit down, we could probably work out the difference in terms of the benefit; the Democratic benefit clearly more generous, the Republican benefit clearly a lot more stingy. Maybe we could work out some compromise there in terms of the benefit, the amount that the Federal Government is going to provide.

The problem that I have is that is not what the Republican leadership is doing. They are acting as if they are providing this benefit, and they want to argue the dollars, but really they are not providing any benefit because they are not putting this under Medicare, and they are back to their same drug-only policy of having this function through private insurance, which, as my colleague says, I know where he is from, in Hartford the insurance companies do not want to do.

Unless everyone comes to the table with the notion that they are going to provide a Medicare benefit, I think that the Republicans, and I will be cynical, are just blowing smoke and really do not want to pass anything. They just want to talk about it.

Mr. LARSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Connecticut.

Mr. LARSON of Connecticut. Mr. Speaker, it has been my observation that a proposal of that nature is something I have aptly named, in my opinion, the Marie Antoinette plan. We all know in history the story of Marie Antoinette, who, when approached about the plight of the French citizens saying they were starving because they had not bread, she replied, well, let them eat cake.

What this privatization proposal, the buying of a drug benefit, is, is seniors crying out that we need prescription drug relief and, in an insensitive manner, saying, they need prescription drug relief, let them buy insurance. It just simply is actuarially not capable of being written at a price that anyone could remotely pay for, and so, therefore, the skepticism with respect to this, I think, has been well chronicled.

But we are a better body than that. We need to rise above this and speak to the better angels that exist in this body and appeal, as I have heard Members from both sides come down with their concern to address this. We need the membership of both sides to have a debate on this and to pass a bill that seeks to provide relief for our senior citizens, and we need to do so because of the commitment and promises that have been made by virtually every Member in this Chamber.

Mr. PALLONE. Mr. Speaker, I know we are just beating a dead horse here, but there was a report that was done by Families USA that came out a few weeks ago, and basically it said private health plans cannot provide prescription drug coverage; that is just not going to happen. It kind of follows up on what the gentleman said, and if I could just mention, I just want to read a little bit from the summary.

It says, At the time H.R. 4680 was being considered, that is the bill we had last session that had the drug-only policies, it said, At the time H.R. 4680 was being considered, the insurance industry, acting through the Health Insurance Association of America, made clear that it had no intention, no intention, of offering drug-only policies. The health insurance industry reasoned that drug-only insurance policies would be subject to adverse risk selection; that is, they would disproportionately attract consumers who have existing health conditions, are sick or disabled, and are among the oldest of the old. As a result the policies would be very expensive and would have very few takers among healthier Medicare beneficiaries. The failure to attract beneficiaries with low drug costs would further drive up premium prices and lead to an increasingly unaffordable price spiral.

Then they go on to talk about how we have the example with HMOs and that that is what is happening.

Mr. LARSON of Connecticut. Mr. Speaker, I think that is very charitable because I think it is next to impossible to underwrite for that kind of a circumstance, and while I think the industry has gone out of their way not to offend the powers that be, I think when we ask them directly, is this possible, could they possibly come up with a solution, the answer, frankly, is no. And so we ought to just get on with it and recognize that every day that we do not respond to the concerns, that is another senior at night that is sitting down and making that decision between food, between cooling their homes in the summer or heating them in the winters, and the prescription drugs that they have to buy.

I am sure it is true for my colleague in New Jersey, as it is for me in Connecticut. I have been going home now, I have only been a Member for 2 years, but over the last 3½ years in telling people that this is what we are fighting for down here, and they watch TV, probably the only generation that watches consistently C-SPAN, and they say, we hear the Members talking about it, but we see no action from our Congress, a Congress that can come together in an instant and bail out the airlines when there was a crisis at hand, a Congress that can respond when it needs to, and yet here are these valiant citizens have been reaching out, in many respects storming the United States Capitol, whether it be through e-mail, whether it be through their various organizations and associations, speaking out again, emphasizing that this is the number one issue that they face.

□ 2030

Everyone agrees that perhaps, and most notably, this should have been included under Medicare in 1965 in its inception, and we probably would not be here this evening talking about that; but it was not, so, therefore, the Democratic proposal is logical from the outset.

As my colleague heard me say earlier, I think we have to go deeper in terms of the kinds of cuts that we can get in the cost of the prices, which will make it even more affordable. And to those ends, I think we have to engage the pharmaceutical industry to help out that valued industry as well, and not at the expense of research and development, that they have invested in this and the great products they have turned out. This is a wonderful industry. But when you can travel to Canada or Mexico or anywhere in the Western industrial society and get prescription drugs that are 40 percent less, on average, there is something wrong here.

It is up to us to sit down and have frank conversations that address that issue as well. We can do so under the sanity of a policy that is put forward under Medicare, where it should rightfully belong. And again I applaud the gentleman for bringing this forward.

Mr. PALLONE. If I could just ask the gentleman to comment a little bit on the price issue, because I think it is so important. We have not talked about it too much tonight; but the gentleman brings it up, and I think it is very important that he does so.

The problem we face, or one of the major problems, maybe the most important problem, is one of price, because seniors tell us they cannot afford them. They go to the pharmacy, and they cannot afford the prices. And for the last 6 years, prices of prescription drugs have gone up, in double digits every year. Much higher than inflation in general.

The one thing we have to understand, and again I understand the gentleman understands this, but my colleagues on the other side need to understand, and they, the Republicans, are determined, by at least everything we have seen, they are determined not to address the price issue. Now, we have not actually seen the Republican proposal. I am on the Committee on Energy and Commerce, and we will have opening statements tomorrow and we are going to have a markup on Wednesday; but we still have not seen the bill. But there have been statements made by Republican colleagues that say that they may actually put in the bill language that says that there can be no effort to control or deal with price in the bill.

Now, whether the bill finally has that language or not, I do not know; but you can be sure that it is not going to have any language that would effectively control price. It may only have language that says we cannot.

Mr. LARSON of Connecticut. Well, the great irony here, and again if the gentleman will yield, a gentleman who I have great respect for, the gentleman from Minnesota (Mr. GUTKNECHT), was down here on the floor earlier talking about this anomaly, I will say, where we are talking about free markets being able to set the price. And what has happened here in this country, the great shame that has taken place here in this country is that the profitability or the profits garnered in this industry have been done almost exclusively on the backs of the elderly and those who can least afford to pay it.

And why do we know this and why have we asserted that it is a free market approach? Because every survey, every study that has been done, whether it be internally in our own country, whether it be in Mexico, in Canada, whether it be in the United Kingdom, Australia, Japan, or Germany, what we found consistently is that their citizens are able to enjoy, on average, a 40 percent differential in terms of what they pay, not for generics but for the exact same prescription drugs. Shame on us.

And that is why I think people in this body, if we are allowed an opportunity to vote, and I cannot even believe as an American that I am standing here on the floor of Congress and saying if we are allowed the opportunity to vote. These are the people that we are sworn to serve, and yet bringing this issue that universally everybody agrees with to the floor has been the most agonizing, painstaking process. I hope that, as the gentleman has pointed out, the efforts are, in fact, real. If they are not, I hope the Members of this body, bipartisanly, join together to issue some form of discharge petition, like we did on campaign finance reform, and come together, both sides, to address the concerns of our seniors; put aside the special interests, whatever they may be, and come up with a plan that provides relief for these seniors.

Mr. PALLONE. Well, I am hoping, and I am trying not to be so cynical, but the gentleman does point out that there is a real possibility that the Republicans may not even allow us to bring up our proposal and have a vote on it. I hope that is not true. But the best thing, or one of the most important things about the Democratic proposal is that because we are putting this program under Medicare, now the Secretary who administers Medicare, the Health and Human Services Secretary, now will have these 30 or 40 million seniors that fall under Medicare. We have a mandate in the Democratic bill that he has to negotiate prices down, and he will have the power to do so because he has the 30 or 40 million seniors in Medicare that he now represents. I have no doubt that that will lead to a price reduction of maybe 30 percent because of his negotiating power.

The Republicans have nothing like that in there. The only thing President Bush has talked about is the drug discount cards, which are essentially a farce because they are already available. The cards are available. I am not saying the cards are a farce, but for him to suggest that somehow the Federal Government would lend its name to it is meaningless. The cards are out there. You can buy them any day. Most seniors are aware of them. They do provide some discount, but the Federal Government is not doing anything. I guess the only thing President Bush is saying is just promote the cards, go out and buy one, which I think is meaningless.

If we do not control price in some meaningful way, whatever plan we pass here will not work because seniors are not going to be able to afford it in the long run.

Mr. LARSON of Connecticut. Well, if the gentleman will continue to yield, he is absolutely correct. Again, I think the gentleman from Maine (Mr. ALLEN), who has been as dauntless as the gentleman from Connecticut has been in coming down here and addressing this issue, if we do not do something about price, and as the gentleman points out with the ability to negotiate with the large number of Federal employees that we have, we are able to drive down the cost of prescription drugs, so by placing prescription drugs in a Medicare program, which is a Federal program, and as the gentleman points out with the large numbers of people, we are going to be able to negotiate a price that will be fair and competitive for everyone, but it will be, on average, far less. And then the combination of those two things, both being in the Medicare program and having the ability to negotiate down, will be extraordinarily helpful.

I think also, in the process, and I was on the floor earlier talking about the need for research and development in aeronautics, we also have to recognize the continued commitment on the part of this country to invest in research and development in these related fields. And I think that that is so essential to our future. We know how productive the field has been.

I hail from the State of Connecticut, home of a number of pharmaceutical companies and the insurance industry. New Jersey has been a long-standing State that has been influential in terms of some of the major breakthroughs that we have had in pharmacology. So we want to continue to promote that and work together along those lines, but we also want to make sure that we are not doing so at the expense of the elderly population in this country. And that, unfortunately, is what has happened; and we have to put an end to that.

I think we have a good plan to do that, and again I commend the gentleman for bringing it to the floor this evening.

Mr. PALLONE. I want to thank the gentleman for joining me tonight. I totally agree that the whole research component is something that we have to continue. Certainly my home State has been, for many years, a leader in research amongst pharmaceuticals. But what we are seeing is that so much of the price does not come from research, but rather from advertising. The majority of it really is, and we already provide a lot of money for research at the Federal level, and we also essentially underwrite a lot of the research in terms of the kinds of tax credits or tax breaks that we give to the pharmaceuticals. And I think it is important to make sure that we are helping with the research, but not providing the money that is going towards advertising and some of the other things that are unrelated to research.

Mr. LARSON of Connecticut. Mr. Speaker, I would add, and I speak for myself here, but looking at this problem long term, I certainly for one am more than willing to extend opportunities to pharmaceutical companies who have invested their own money, who have done the research and development in bringing a product to market to allow them the opportunity to recoup the moneys on research and development, but as the gentleman from New Jersey (Mr. PALLONE) adroitly points out, not in the advertising field, not in the promotional areas, not through the gifts to docs and trying to influence people one way or another, but truly as a research and development component and for the risks that they have taken in terms of bringing these things to market.

Clearly, we do not live in a risk-averse society, but what we should be doing is rewarding risk once it has been able to come to the market and provide them with an opportunity and award them, so to speak, for the valiant research and development that they have done.

Mr. PALLONE. I thank the gentleman from Connecticut (Mr. LARSON).

Mr. Speaker, before we close tonight, I wanted to just basically go through the Democratic proposal in a little more detail. I know that our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), went into it somewhat; but I wanted to give a little more information about it.

The Democratic bill is called the Medicare Prescription Drug Benefit and Discount Act, and of course the most important thing is that it provides an affordable prescription drug and reliable benefit to all seniors; and as our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE) said, seniors have waited long enough. But basically the purpose of the Democratic bill is four-fold. First, it lowers the cost of drugs for all seniors. It offers an affordable guaranteed Medicare drug benefit. It insures seniors coverage of the drug their doctor prescribes, and it does not force seniors into HMOs or private insurance.

In terms of the actual premium and benefit, no gaps, no gimmicks. The premium is $25 a month. The deductible is $100 a year. Co-insurance beneficiaries pay 20 percent; Medicare, meaning the Federal Government, pays 80 percent. Out-of-pocket limit is $2,000 per beneficiary per year; and if one is below a certain income, then the premium is paid for. So it is very similar to part B, the way one now pays doctor bills, maybe even a little more generous than that.

To just give an example, to give some idea in terms of income for seniors, if a senior's income was up to $13,290, there would be no premium or co-insurance. So just like in part B if one falls below that income, he is not paying the $25 a month and is not paying the 20 percent. It is all being paid for by the Federal Government. So as the gentlewoman from Texas (Ms. JACKSON-LEE) said, there is not going to be anybody who is not going to be able to afford this because of their income. If a person's income is between $13,290 and $15,505, the premium assistance is on a sliding scale; so he would not have to pay $25 a month. He might pay 15 or 10 or 5, depending on what his income is.

But probably the most important thing is what my colleague from Connecticut (Mr. LARSON) and I have already discussed, and that is lowering the drug prices. And as my colleague from Connecticut pointed out, the question of affordability of drugs is not just an issue for seniors. It is an issue for everyone. We are addressing it here in the context of seniors, but a lot of things we talk about could be applied across the board. But in any case, the Democratic Medicare benefit lowers drug prices because it uses the collective bargaining power of Medicare's 40 million beneficiaries to guarantee lower drug prices. Medicare contractors compete for enrollees by negotiating discounts, and it reduces drug prices for everyone by stopping big drug company patent abuses.

I do not want to keep going through this, but I think that it is very important to understand that this is a Medicare benefit. This does not rely on private insurance companies. There is no privatization the way the Republicans have proposed.

We just want to give an example of what a senior would save. A senior with drug costs of, say, $3,059 a year, which is the average senior drug spending that would be anticipated in the year when this proposal went into effect, some people might say, gee, $3,059 is a lot; but that is the average, what we estimate will be spent when this plan goes into effect. So a senior with drug costs of $3,059 per year would spend $300 in premiums, that is the $25 a month, $100 deductible, and $592 co-insurance, which is the 20 percent per prescription, for a total of $992.

□ 2045

So for that $3,059, they would be saving $2,067, which is very comparable to what you do now with part B for your doctor bills.

Mr. LARSON of Connecticut. Mr. Speaker, the gentleman said earlier in the evening that while this is a benefit that will clearly benefit everyone with regard to prescription drugs, you said that this was like part D of the Medicare program. Could you explain that again, because I think this is the thing that most seniors understand. I know in the State of Connecticut, for example, we have a program for seniors as well. By this coming under a Federal program and the Federal Government offering this to its recipients, this is going to allow a State that is currently doing this to offer greater benefits to people and reach upward where I believe some of the people are harmed the most by prescription drugs and are in desperate need of relief.

Mr. PALLONE. Mr. Speaker, as the gentleman points out, and New Jersey is typical, some States have provided prescription drug programs depending on income; and in New Jersey, it is income-related, and we finance it through casino revenue funds for people below a certain income. Those programs would continue in the State. The State would then get money to pay for those programs. I do not know how Connecticut works, but most States are not as generous as New Jersey. And this applies to any Medicare beneficiary.

In New Jersey it is a little over $20,000 per year income that you are able to tap into the casino-funded prescription drugs program. But remember, this is not income-based, because Medicare is not income-based. So if you are making $25,000 a year or $30,000 or even $100,000 a year, you would still be able to take advantage of this benefit by paying your $25 a month premium, and you pay 20 percent, and the Federal Government pays 80 percent.

Frankly, I think that is important because most of the people that contact us are the people not getting what the States are offering. In other words, a lot of States have no benefit. Some States like New Jersey and Connecticut have some benefit, but most seniors in New Jersey are still not getting any kind of meaningful coverage through the State program because it is very expensive for the State. We are doing something now that will click in for every Medicare beneficiary.

We have part A, which is the hospital bills; part B is the doctor bills; part C is HMOs; and part D would be the new prescription drug program. It is like part B, you pay a low premium, and you get the benefit, and it starts and applies to everyone across the board.

Mr. LARSON of Connecticut. Mr. Speaker, I stand here very proud of the Democratic initiative and our efforts to bring this to the floor in a timely fashion and hopefully provide the relief that is so desperately needed by our seniors out there.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for joining us.

I am going to be quoting this New York Times article over the next 2 weeks or so because I think that it provides independent backup, if you will, for what I have been saying about the Republican plan. Again, I am glad and I hope the Republicans will bring this up in the Committee on Energy and Commerce and the Committee on Ways and Means on Wednesday, and that they will bring it to the floor of the House the following week for a vote. Hopefully they will allow the Democrats to bring up our proposal as a substitute so we can have a good debate. If they do that, I will be very happy that at least we have an opportunity. But we have to stress that the Republican proposal is not a Medicare benefit. It is just giving some money to insurance companies, and that is not going to work because the policies are not going to be offered, and seniors are not going to have a benefit.

If I can go back to this New York Times article again, and I went through parts of it, but I would like to cover a little more of it. As I said, the headline is "Experts Wary of GOP Drug Plan. Some Say 'Drug Only' Coverage Isn't Affordable for Insurers."

Mr. Speaker, this is an article by Robert Pear. It says, "A Republican plan to provide prescription drug benefits to the elderly through private insurers is drawing a skeptical reaction from many health policy experts. The plan, they say, would face problems like those that have plagued Medicare's attempt to encourage the use of health maintenance organizations."

Basically what the Republicans are doing with their proposal is doing the same thing they did with HMOs, throwing some money in the hope they will provide some coverage. They do not provide the coverage, and they have been cutting back and throwing seniors out of the plan.

The article in the New York Times goes on to say, "Private health plans were once seen as Medicare's best hope for controlling costs. In 1998, the Congressional Budget Office predicted that half of all beneficiaries would eventually be in such managed care organizations. But the market has been extremely unstable. Many HMOs have found Federal payments inadequate and pulled out of Medicare, dropping 2.2 million beneficiaries since 1998."

Mr. Speaker, I would ask the other side of the aisle, we know that the experience with HMOs in terms of providing prescription drug benefits has not worked. Why would they want to replicate that again by going to private insurers and expecting them to come up with a drug benefit? It is not going to happen.

The article in the New York Times goes on to say, "Many companies sell insurance to fill gaps in Medicare coverage, but premiums for such Medigap policies have increased rapidly in recent years, and only 3 of the 10 standard policies include drug benefits.

"Richard Barasch, chairman of Universal American Financial Corporation of Rye Brook, New York, which sells Medigap coverage to 400,000 people, said he seriously considered offering a separate insurance product just for drug costs. But after much research, he concluded it was not feasible because most of the buyers would be people with high drug expenses."

So if Members do not believe the HMO experience shows that private drug policies will not work, what about Medigap coverage? Medigap is supplement coverage you can buy to cover things that are not covered by Medicare. This article shows that the Medigap experience is not offering any meaningful drug coverage either through private insurers. The examples show HMOs are not providing the coverage. Medigap is not providing the coverage. Why do my Republican colleagues think that they will be providing coverage through private insurers?

At the end of the article it says, "HMOs have long boasted that they hold down costs, but their ability to do so has been challenged by hospitals and doctors demanding higher payments. Companies managing Medicare benefits would face similar pressures from drugstores.

"The National Association of Chain Drugstores recently sent a bulletin to its members opposing the Republicans' Medicare drug proposal. Crystal S. Wright, vice president of the association, said, 'This could be an economic disaster for community pharmacies. Benefit managers are likely to get even more leverage than they currently have to reduce pharmacy reimbursement.'"

So the drugstores are saying, we are not going to be able to get adequate reimbursement, so we are going to go out of business. Where is it we expect this Republican plan to work?

The last thing the New York Times article says, "House Republicans said insurers could set different premiums and benefits, so long as the overall value of each drug plan was equivalent to that of the standard coverage suggested by the government. The Republican plan is part of a bill costing $350 billion over 10 years."

Well, again, I do not understand what my Republican colleagues expect. Experience is that private insurance does not work to provide these kind of drug benefits. The insurance companies say they are not going to sell it. The pharmacies say it will not work. The only reason I can imagine that they are proposing it is they know this is a major issue that is going to face them in the election. They have promised the American public that they are going to provide a prescription drug plan, and so they come up with this sham which they hope to pass through the House, probably on a totally partisan vote, send to the other body, and never hear from it again, but they can say to the voters that they have tried. But they are not trying, they are just putting out something that is a sham. Hopefully as Democrats we will show the sham for what it is and to ask our colleagues to vote for the Democratic alternative which would provide a meaningful guaranteed benefit under Medicare for all seniors.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota).

Members are reminded to refrain from improper references to the Senate.

IMMIGRATION POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I have often come to the floor of the House to discuss the issue of immigration and immigration reform. I have also had that opportunity to do so in a variety of different settings over the last several years. I have watched with interest in the way that this debate has evolved, or some may say degenerated.

The fact is that it does seem to me that the debate over immigration reform is entering a new phase, and unfortunately I think not a productive one. Nonetheless, it is a phase in which the opponents of immigration reform have moved from a thoughtful, sometimes thoughtful, I should say, analysis of a major public policy issue to a darker, more sinister and far less intellectually based discussion.

I say that because of an article that was run in the Dallas newspaper, the Dallas Morning News, and I will get to it because it describes an event and some of the activities surrounding an event that I attended in Guanajuato, Mexico, a few weeks ago. The event was an annual meeting of American Congressmen and Mexican parlimentarians and legislators. It is an annual event, and I think this is the 21st or 22nd year of its existence. I was asked to attend this year, I am not sure exactly why, but nonetheless I was asked to attend. I did so, and found it to be a very stimulating and rewarding experience, stimulating because the debate on immigration and immigration reform is one that raises a lot of concerns and a lot of emotions; productive because at the end of the 2 days, 2.5 that we were there, I walked away with a feeling that at least my colleagues from the Congress of the United States and our colleagues in the Mexican Congress were much more understanding of the position that I hold vis-a-vis immigration and immigration reform, and that which is held by a relatively large majority of the people in this country.

I made it a point to explain that my observations with regard to immigration are not borne out of any hostility towards Mexico, any feelings of ill will, and certainly not any feeling about Mexican immigrants themselves. In fact, my feelings about immigration are not in any way, shape or form the result of opinions I have about anyone's ethnicity or nationality. They are irrelevant. I view everyone who comes into this country the same way I view my grandfather and great-grandparents who came to this country at the turn of the century. They are people for the most part seeking a better life. They come to the United States for promises of economic prosperity and political freedom.

□ 2100

These are, of course, laudable goals. And if I were in their position, I have no doubt I would be doing exactly the same thing. I would be looking for ways to come to the United States in order to better my life and the prospects of a good life for my children, grandchildren and future generations.

I blame no immigrant for the problems we have in the United States with regard to immigration. They are two different things entirely. I am not anti-immigrant. I am certainly concerned about the effects of massive immigration into this country. And it really does not matter the country of origin from which the people coming here emanate. What matters to me most is the numbers. And the fact that massive immigration has an effect on many aspects of our society seems to me to make that particular subject worthy of civil debate.

I think it is hard to suggest that the growing numbers of Americans and/or people living in this country without benefit of citizenship, many of whom live here without benefit of legal status, it is hard to suggest that that growing number of people in this country does not represent some intriguing opportunities and/or problems. Economic problems certainly, in terms of the cost, the infrastructure that needs to be created to support the many millions coming into the United States, the schools, the hospitals, the social services.

The other economic issues deal with jobs. Some suggest that everyone coming to the United States is taking jobs that no one here will take. Others, and certainly I side with those who suggest that that needs far deeper review than what has been given it, and that there are many thousands, perhaps hundreds of thousands, even perhaps millions of Americans who are today looking for a job that someone else holds and that someone else may very well not even be a citizen of the United States, or even here legally for that matter.

Then, of course, there is the national security issue. It is undeniably true that the most recent terrorist activities that have plagued the United States have been perpetrated by people who have come into the country as visitors on visas. Some of them overstayed their visas. Some of them lied about what they were going to do here and could have been and should have been deported. Others, one in particular, actually violated the status of his visa by leaving the country, I believe that was Mohamed Atta, and could have been kept from returning to the United States, or he could have been deported once he came back after violating that visa status. Nonetheless, all were here and all did their deeds.

As we look at the future, there is a great possibility, even probability, that the United States will suffer other similar types of terrorist attacks. And there is a great possibility that these attacks will be perpetrated by people who come to this country from somewhere else, either by sneaking into the country or coming here on some sort of legal status but only for the purpose of doing us harm. And so our ability to control our own borders, limited as they may be because of the length of the borders, because of the fact that we have about 500 million visits a year into the United States, those complicating factors make it more difficult for us to control our borders but do not in any way, I think, give us the right to ignore the borders as a place where we should be concentrating our efforts in terms of national security. We may not be able to stop everyone who is trying to come into the United States illegally. That is surely true. But it is just as true that we can do so much better than we are presently doing.

Tomorrow we will have a press conference at which we will discuss one aspect of border security that is available immediately to us, and it only needs the signature of the President of the United States to put into effect. But that is for tomorrow.

I wanted to lay out briefly my own position on the issue of immigration and immigration reform, because I will share with you, Mr. Speaker, and actually I am going to quote liberally from two different articles that I think are very important as we enter this next stage of this debate that I mentioned to you. It is apparent to me that the point of view that I represent here this evening with regard to immigration control is gaining in acceptability and gaining in political power because the opposition to it is becoming more frightened, more vitriolic, more bombastic. That is always an indication that we have struck a nerve and that something out there has forced the opponents of immigration reform into this new accusatory mode.

An example of what I am describing is an article, as I mentioned earlier, that appeared in the Dallas Morning News on June 16 which ostensibly is to describe this meeting that I have mentioned in Guanajuato, Mexico. It is also designed to focus on me in particular, my background; my, quote, supporters; the people that I, quote, represent; and paints a rather negative picture, I should say, of all of those things. It certainly presents me as someone who is more intent upon keeping Mexicans out of the United States than I am about general immigration reform.

Remember, the meeting we were having was in Mexico. The discussion we were having was pertinent to Mexican immigration into the United States. Mexican immigration into the United States does in fact represent the largest percentage of immigrants; and, therefore, of course, it is hard to talk about immigration reform without referencing periodically Mexico. But the tone of the article that says, "Colorado Politician on Guard at Mexican Border," that is the heading, would certainly lead one to believe, if you were to accept everything that is written here, that there is some great conspiracy or cabal in the works that I have aligned myself with, as they keep saying here, and I am quoting, unsavory supporters and unsavory characters.

The article said that all of the people in Mexico, all of the Republicans and all of the Democrats plus all the people who were on the other side, the Mexican legislators, were careful to distance themselves from my views which are widely seen as, quote, anti-Mexican.

It goes on to say, Mr. TANCREDO's message, quote, Mexican immigration is leading to the balkanization of America. It says, he supports a temporary guest worker program for Mexicans. Mr. TANCREDO opposes allowing more Mexicans into the United States on a permanent basis. He even blames Mexican immigration for California's energy crisis. I am called anti-Hispanic throughout this thing. Certainly anti-Mexican. That is quoted a couple of times.

Suffice it to say that I have been on the floor of the House many, many times, spent many, many hours in debate on this issue, or discussion or monologues on this issue as I am doing tonight. I would challenge anyone to review any of the hundreds, for all I know thousands, of pages of testimony that I have given either in front of committees or the transcript from the many hours I have spent on this floor doing exactly what I am doing now, or the literally thousands, maybe hundreds of thousands, of words that have been printed in the media about my position on issues, on this issue in particular, and I challenge anyone to go to anything I have ever said that would lead anybody to believe that I have only one concern about immigration and, that is, Mexico or Mexicans.

As I say, we spend a good deal of time talking about Mexican immigration. It represents the greatest number. But it is never ever, and I have never suggested that our efforts to try and curb immigration be solely directed at Mexico. I have stated here, on I do not know how many occasions, that it is not the ethnicity, it is not the nationality, it is not the country of origin, it is the numbers. It is how many come from a certain place, not necessarily where they come from. And I am just as concerned about the northern border as I am about the southern border. I believe there is, if not more insecurity at the northern border than there is at the southern border, it is certainly equally as disconcerting when we look at the situation that exists on both the northern and southern borders.

I am concerned about our ports of entry on both coasts. I am concerned about the ability of people to come into the United States via air traffic into any city in the United States, into any international airport in the United States, coming from countries all over the world who come here without giving us really a clear indication of who they are, come here without us knowing exactly what it is they are going to do here, come here and overstay their visas which for the most part I think accounts for a huge number of people who are here illegally.

They are not just people who cross the border from Mexico. There are people who came into the United States from a variety of different ways and a variety of different ports of entry, most of them coming in with visa status, with a legitimate visa status, many of them with bogus visa status, but nonetheless coming that way and then simply overstaying their visa and staying here illegally. I do not know the percentage, but I would suggest to you it is a huge percentage of the nearly 13 million people who are here illegally.

But this article would suggest that everything I say and everything I do is designed to attack Mexico or Mexicans. Why would they say a thing like this? Well, we know why, Mr. Speaker. It is because, of course, if they can cast me in the light of a racist, someone who is anti-Mexican, anti-immigrant in general, then they can marginalize me and hence the things I say.

This article goes on at length to talk about the immigration reform caucus which I formed here, a Member of Congress, one of I do not know how many literally, probably hundreds of caucuses there are here in the Congress, and it is exactly like any other caucus. Members join it voluntarily. We have no outside support. They suggest that we get funding from these nefarious groups and that my campaigns are supported by, quote, what they say are unsavory characters. Quote, his critics say that money comes from unsavory supporters.

Mr. Speaker, "his critics say that money comes from unsavory supporters." Who are my critics? Who are their names? What are their names?

□ 2115

And who are these unsatisfactory supporters? They just use that phrase "unsatisfactory supporters."

Mr. Speaker, the last time I checked, we had something like 7,000 individual contributors who contributed less than $50 to any of my campaigns, which, by the way, represents the greatest amount of money that I have ever collected in the two campaigns that I have waged to become a Congressman; $50 or less from thousands of people across the country.

These are the "unsatisfactory characters" to whom they refer? What makes them unsatisfactory? Just because they gave to my campaign, in the eyes of my "critics"? Who are these critics?

Of course, nothing like this would ever hold up in a court of law. You have to name your critics, and you have to name these people who you call unsatisfactory. But in an article that is masquerading as an article and is really an editorial, an opinion by the two authors, Alfredo Corchado and Ricardo Sandoval, this is their editorial opinion they have worked masterfully, I must say, into this "article," an article that is supposed to be an objective analysis of a news event.

What is objective about "his critics say that his money comes from unsatisfactory supporters?" Anybody could state a thing like this, because you do not name anyone here. Who are my critics that say such a thing?

Then they go on to identify someone later, a Ms. Hernandez. She is, let me see here, the head of the Latin American Research Service Industry, a civil rights group in Denver. Now, I do not know who Ms. Hernandez is, and I have never heard of the Latin American Research Service Industry in my life; but they are quoted here, of course, as some sort of expert on things, and she says that my rhetoric is anti-Hispanic as well as just anti-immigrant.

Now, they finally did quote a critic of mine in this place; but, of course, they did not quote anyone who suggests that I am not anti-Hispanic or anti-immigrant, and there are many people, even, believe this or not, in the Hispanic community, people who write us all of the time, people who run organizations even in Denver, organizations that are devoted to helping immigrants in Colorado, who have met with me, who have indicated their support for my position, who recognize that there is nothing in me or what I say that can be taken by a thoughtful person as being anti-Hispanic, anti-Mexican, or even really anti-immigrant.

The article goes on to quote the Southern Poverty Law Center. The Southern Poverty Law Center did a "four-month investigation" which is going to be featured in something they call the intelligence project. I would question that descriptor there of "intelligence." It charged that many in the anti-immigrant network are "increasingly tied to openly white supremacist organizations and are steadily gaining power in Mr. TANCREDO's Immigration Reform Caucus."

Let me restate the nature of a caucus in the House of Representatives. It is made up of Members. Are they saying that Members of our caucus are tied to openly white supremacist organizations? I would like to know who those people are.

I have never actually even met anybody in this body who is tied to an openly white supremacist organization. To tell you the truth, I do not think I have ever met anybody in my life in that category. They are certainly out there, I have no doubt; I just do not know them. I have never come across them. I am lucky in that regard. I have never really had to discuss anything with people like that, at least to the best of my knowledge.

But they are suggesting in this phrase, look at the way that was printed, charged that "many in the anti-immigration network." What are these phrases? Many? Who are they? "Anti-immigration network, increasingly tied to openly white supremacist organizations."

What are these ties? What are these ties that connect us to some white supremacist organization, and how dare anybody say anything like that and do so in a way, again, that is designed rhetorically to poke at those very hot-button emotional issues in America?

A quote here from Martin Potok, the editor of this intelligence report. This is talking about our caucus Web page. This is the main page of a large caucus, a group of Congressmen directly linked in the front page to hate groups. It goes on: "Tancredo has become an unofficial mouthpiece for some very unsatisfactory characters. His message is eerily similar to theirs."

This is an article. This is not an editorial. This is not some sort of novel in the stage of trying to get it printed or something. This is something that purports itself to be an objective analysis of the issue of immigration, immigration reform, and certainly our own caucus and who I am.

Well, it goes on like that at length, and it relies heavily on the information from this thing, this organization called the Southern Poverty Law Center.

I have noticed in the past that many people have relied on it, they will use this Southern Poverty Law Center headed by a gentleman by the name of Morris Dees, as some sort of credible organization, and that we should somehow pay attention to what this outfit says about who is a hate group and who is not. So, therefore, I looked back at some interesting research that was done into this particular group, organization, the Southern Poverty Law Center, and now I am going to quote heavily from an article that was written a little over a year and a half ago by a gentleman by the name of Ken Silverstein for Harper's Magazine. This was November of 2000, to be specific. It is called "How the Southern Poverty Law Center Profits From Intolerance." He spends a good deal of time focusing in on this Mr. Dees, Morris Dees, who is the head of this organization.

It says here, "Cofounded in 1971 by civil rights lawyer cum-direct-marketing millionaire, Morris Dees, a leading critic of 'hate groups' and a man so beatific that he was the subject of a made-for-movie TV, the SPLC spent much of its early years defending prisoners who faced the death penalty and suing to desegregate all white institutions, like Alabama's Highway Patrol."

That was then, this is now. "Today, the SPLC spends most of its time and money on a relentless fund-raising campaign peddling memberships in the Church of Tolerance with all the zeal of a circuit court rider passing the collection plate. He is the Jim and Tammy Faye Bakker of the civil rights movement, renowned anti-death penalty lawyer Millard Farmer says of Dees, his former associate, though I do not mean to malign Jim and Tammy Faye."

The center earned $44 million last year alone." Remember, this would be 1999, "$27 million came from fund-raising and $17 million from stock and other investments. But the organization only spent $13 million on civil rights programs, making it one of the most profitable charities in the country."

Mr. Speaker, as an aside, we have been hearing lately about many organizations, from the Red Cross to others, that have improperly, or perhaps at least alleged to have improperly, used the funds that people have given them, charitable organizations that spend way too much in overhead, paid salaries, paid too high salaries to their administrators and the like, and really do not do what they should in order to protect the people they are supposed to be on whose behalf they are supposed to be advocating.

But, interestingly, in the general media we have never heard much about this particular organization, the Southern Poverty Law Center; and I suggest to you it is because this organization's focus is primarily defending liberal causes, liberal positions, and to the extent that they are doing even what they say they are doing, or should be doing, they could still be quite a reputable organization. But this outfit is anything but reputable.

Mr. Dees, it goes on to talk about this gentleman, and since they spent so much time in these articles and the law center has evidently chosen to point fingers at me and my associates, I suppose it is only fair that we turn the mirror on them, which I am doing, with the help of this article by Mr. Silverstein.

"Mr. Dees, who made millions hawking by direct mail such humble commodities as birthday cakes, cookbooks, tractor seat cushions and rat poison in exchange for mailing lists containing 700,000 names, including Presidential candidate George McGovern, he is nothing if not a good salesman. So good that in fact in 1998," 2 years before this article came out, "the Direct Marketing Association inducted him into its Hall of Fame. He says 'I learned everything I know about hustling from the Baptist Church.'" This is Mr. Dees's quote.

"In fact Mr. Dees," it goes on to say here, "does not need anyone's financial support anymore. The Southern Poverty Law Center is already the wealthiest civil rights group in America, though the letter-writing campaign, the solicitations campaigns, naturally omit that fact. Other solicitations have been more flagrantly misleading. One pitch sent out in 1995, when the center had more than $60 million in reserves, informed would-be donors that the 'strain on our current operating budget is the greatest in our 25 year history.'

"Now, back in 1978, when the center had less than $10 million, Dees promised that his organization would quit fund raising and live off the interest as soon as its endowment hit $55 million. But as it approached that figure, the Southern Poverty Law Center upped the bar to $100 million, a sum that one 1989 newsletter promised would allow the center to 'cease the costly and often unreliable task of fund-raising.' Today the Southern Poverty Law Center's Treasury bulges with $120 million," remember, that is 2 years ago, "and it spends twice as much on fund-raising, $5.76 million last year, as it does on legal services for victims of civil rights abuses.

"The American Institute of Philanthropy gives the center one of the worst ratings of any group it monitors, estimating that the SPLC could operate for 4.6 years without making another tax exempt nickel from its investments or raising another tax deductible cent from well-meaning people."

In 1986, this well-respected center, this place that this article refers to in some reverential tone, as if we are supposed to be concerned and listen carefully to the accusations made by this outfit, this center's entire legal staff quit in protest of Mr. Dees's refusal to address issues such as homelessness, voter registration, and affirmative action that they considered far more pertinent to poor minorities, yet far less marketable to affluent benefactors than fighting the KKK, which is like their main thing.

They keep sending out things about the KKK. The KKK is a bad outfit, I am sure of that; and this outfit, the SPLC, keeps resurrecting that ghost. It says here they had 4 million members in the 1920s to about 2,000 today, and as many as 10 percent of them are thought to be FBI informants. So I would not consider the KKK to be the kind of threat it was in 1920, but this outfit still uses them as their poster boy, sort of, to get money.

□ 2130

Because the KKK, everybody says, oh, my God, send this money, or the KKK will rise again. This outfit is a fraud.

The article ends up with this. This is again, quoting back here from the Church of Morris Dees, the article name. Until the early 1960s, Morris Dees sat on the sidelines honing his direct marketing skills and practicing law while the civil rights movement engulfed The South. "'Morris and I shared the overriding purpose of making a pile of money,' recalls Dees' business partner, a lawyer named Millard Fuller. 'we were not particular about how we did it; we just wanted to be independently rich.' They were so unparticular, in fact, that in 1961, they defended a man guilty of beating up a journalist covering the Freedom Riders whose legal fees were paid for by the Klan."

"In 1965, Fuller sold out to Dees. Fuller donated his money to charity and later started Habitat for Humanity," a well-respected, this is a personal observation, a well-respected organization as far as I know, and certainly one that deserves the support of all of us who are concerned about homelessness. Dees, with his share of the money, bought a 200-acre estate appointed with tennis courts, a pool, and stables, and then in 1971 founded the Southern Poverty Law Center where his compensation has risen in proportion to fund-raising revenues, from nothing in the early 1970s to $273,000 last year, again, 1999.

"A National Journal survey of salaries paid to the top officers of advocacy groups shows that Dees earned more in 1998 than nearly all of the 78 listed, tens of thousands more than the heads of such groups as the ACLU, the NAACP Legal Defense and Educational Fund, and the Children's Defense Fund. The more money that the SPLC receives, the less that goes to other civil rights organizations, many of which, including the NAACP, have struggled to stay out of bankruptcy. Dees' compensation alone amounts to one-quarter the annual budget of the Atlanta-based Southern Center for Human Rights, which handles several dozen death penalty cases a year. 'You are a fraud and a con man,' the Southern Center'S Director Stephen Bright wrote in a 1996 letter to Dees and proceeded to list his many reasons for thinking so, which included, 'Your failure to respond to the most desperate need of the poor and powerless, despite your millions upon millions. Your fund-raising techniques and the fact that you spend so much accomplishing so little and promote yourself so shamelessly.'"

Soon, the SPLC will move into a new six-story headquarters in downtown Montgomery, just across the street from its current headquarters, a building known locally as the Poverty Palace. That is the Southern Poverty Law Center. That is the organization to which we are supposed to pay attention when it comes to determining who in America is to be trusted and who is to be characterized in unsavory terms.

Mr. Dees uses a tactic that has been around for a long time. Perhaps the most familiar, perhaps the most famous individual in recent American history that perfected a tactic of guilt by association, of using that guilt by association to attack his enemies, of using innuendo, half truths, out-of-context quotes, all of the things that we know to be the tactics of unscrupulous individuals, perhaps we all know that Joe McCarthy, a Senator from Minnesota, was and has been characterized as the kind of poster boy for this kind of activity. He made a career out of destroying other people's careers. He was responsible for ending the careers and some say the lives, some people I understand even took their own lives because of the destruction he wrought upon them and their families. I do not know the degree to which Mr. McCarthy's accusations were accurate or not; I know that he is characterized as being a totally unscrupulous individual. But I suggest to my colleagues, Mr. Speaker, that Mr. Dees and this Southern Poverty Law Center together rival Mr. McCarthy in terms of the way they can manipulate, they have attempted to manipulate. And I should say the authors of the article that I mentioned earlier, Mr. Corchado and Mr. Sandoval, the way that they use phrases, the way that they use things like what "critics," unnamed critics say; the way they use heavily loaded, emotionally loaded language to try and characterize in this case me and anybody else who believes, as I do, about immigration reform as people that do not deserve to be heard. It is McCarthyism. I am glad we have actually coined that term in America, because everybody now knows what one means when they say McCarthyism.

And it is in its most despicable form that we see here the reincarnation of it, in this article and in the work of this organization. Mr. Dees apparently, according to this article, uses it to line his own pocketbook. Others use it because they want to advance themselves politically and/or destroy the reputations of people with whom they disagree. Name-calling, calling people racist as they do in here, suggesting that that is the motivating factor, that is the last refuge of a scoundrel. And someone who has shrunk from the intellectual debate that should occur about this very serious topic, their hope is that we will cease and desist, that we will shrink from them, and shrink from this battle because of the fear that someone will think ill of us, and that someone will believe the scurrilous things that they print. Well, some may, in fact, do that, Mr. Speaker. I recognize that, and I am sorry about that.

I know what motivates me. I know what is in my heart. I know it has nothing to do with race. I know it has everything to do with what I consider to be an enormously complex and challenging public policy issue. I believe it deserves debate in this place that we call the open marketplace of ideas. But if these people had their way, we would be silent. If these people had their way, I would refrain from any references to immigration reform for fear that they will come after me, that they will write nasty things about me, that they will try to destroy my political career or even my own reputation.

Well, I assure my colleagues I will not stop this discussion, I will not stop participating in this discussion. And I challenge all of those who find this an uncomfortable situation and discussion to be in; and I agree with my colleagues, I wish, in fact, we could move on to other topics. I wish we could do that, but we cannot, because this issue is not solved, the problem is not solved. We have not as a country faced up to the problems of immigration on the scale that we presently see it. It will change America, maybe for the good, maybe for ill. But regardless of one's position on this, as I say, I believe it deserves the debate that this kind of a forum offers.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. DELAURO (at the request of Mr. GEPHARDT) for today on account of personal business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of business in the district.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. PUTNAM (at the request of Mr. ARMEY) for today through June 19 on account of speaking on the Gulf War Syndrome before the British House of Lords.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today on account of illness.

Mrs. WILSON of New Mexico (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. SHAYS (at the request of Mr. ARMEY) for today through June 19 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. HOOLEY of Oregon) to revise and extend their remarks and include extraneous material:)

Mrs. THURMAN, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. THUNE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 18.

Mr. SOUDER, for 5 minutes, June 18, 19, and 20.

Mr. GUTKNECHT, for 5 minutes, today.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, June 18, 2002, at 10:30 a.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first quarter of 2002, by Committees of the House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Travel to Korea, Jan. 3–6, 2002:											
Hon. Terry Everett	1/3	1/6	Korea		804.00						804.00
Commercial airfare							4,820.70				4,820.70
Travel to Germany, Bosnia, Yugoslavia, Uzbekistan, and Turkey, Jan. 4–9, 2002:											
Hon. John M. McHugh	1/4	1/5	Germany		212.00						212.00
	1/5	1/5	Bosnia								0.00
	1/5	1/7	Yugoslavia		162.00						162.00
	1/7	1/7	Uzbekistan								0.00
	1/7	1/8	Turkey		166.00						166.00
	1/8	1/9	Germany		212.00						212.00
Commercial airfare							4,963.52				4,963.52
Travel to Germany, Uzbekistan and Ireland, Jan. 10–19, 2002											
Hon. Ellen O. Tauscher	1/10	1/12	Germany		582.00						582.00
	1/12	1/18	Uzbekistan		1,676.00						1,676.00
	1/18	1/19	Ireland		233.00						233.00
Travel to Russia, Jan. 13–16, 2002:											
Hon. Curt Weldon	1/13	1/16	Russia		1,050.00						1,050.00
Commercial airfare							5,148.22				5,148.22
Travel to Mexico, Jan. 13–17, 2002:											
Mr. Christian P. Zur	1/13	1/17	Mexico		1,223.00						1,223.00
Commercial airfare							1,166.85				1,166.85
Mr. George O. Withers	1/13	1/17	Mexico		1,223.00						1,223.00
Commercial airfare							1,166.85				1,166.85
Travel to Germany, Bosnia, Turkey, and Germany, Jan. 14–18, 2002:											
Hon. Gene Taylor	1/14	1/15	Germany		135.00						135.00
	1/15	1/16	Bosnia		254.00						254.00
	1/16	1/17	Turkey		138.00						138.00
	1/17	1/18	Germany		273.00						273.00
Commercial airfare							5,377.36				5,377.36
Mr. Dudley L. Tademy	1/14	1/15	Germany		135.00						135.00
	1/15	1/16	Bosnia		254.00						254.00
	1/16	1/17	Turkey		138.00						138.00
	1/17	1/18	Germany		273.00						273.00
Commercial airfare							4,963.86				4,963.86
Travel to Cuba, Jan 25, 2002:											
Hon. Bob Riley	1/25	1/25	Cuba		10.00						10.00
Mr. Christian P. Zur	1/25	1/25	Cuba		10.00						10.00
Mr. George O. Withers	1/25	1/25	Cuba		10.00						10.00
Travel to Cuba, Feb. 8, 2002:											
Hon. Jim Turner	2/8	1/25	Cuba		24.90						24.90
Mr. William H. Natter	2/8	1/25	Cuba		24.90						24.90
Travel to Kazakhstan and Uzbekistan, Feb. 17–24, 2002:											
Ms. Erin C. Conaton	2/17	2/18	Kazakhstan		314.00						314.00
	2/18	2/24	Uzbekistan		2,336.00						2,336.00
Commercial airfare							9,445.62				9,445.62
Travel to the Netherlands, Belarus, Russia, and Germany, Feb. 15–23, 2002:											
Hon. Jim Saxton	2/15	2/16	Netherlands		198.00						198.00
	2/16	2/16	Belarus		0.00						
	2/16	2/21	Russia		1,720.00						1,720.00
	2/21	2/23	Germany		398.00						398.00
Mr. Thomas E. Hawley	2/21	2/23	Germany		398.00						398.00
Commercial airfare							2,470.20				2,470.20
Delegation expenses	2/15	2/16	Netherlands						1,821.58		1,821.58
	2/16	2/16	Belarus						1,626.07		1,626.07
	2/16	2/21	Russia						2,356.37		2,356.37
Travel to Venezuela and Colombia, Feb. 18–23, 2002:											
Hon. Gene Taylor	2/18	2/20	Venezuela		546.00				2,356.37		2,902.37
	2/20	2/23	Colombia		813.00				2,356.37		3,169.37
Mr. Henry J. Schweiter	2/18	2/20	Venezuela		546.00				2,356.37		2,902.37
	2/20	2/23	Colombia		813.00				2,356.37		3,169.37
Travel to Cuba, Mar. 15, 2002:											
Hon. Robert A. Underwood	3/15	3/15	Cuba			3.50					3.50
Hon. Thomas H. Allen	3/15	3/15	Cuba			3.50					3.50
Committee total					17,311.80		39,523.18		15,229.50		72.064.48

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Apr. 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Robert W. Ney	3/23	3/29	Japan		1,000.00		6,600.00				7,600.00
Paul Vinovich	3/23	3/29	Japan		1,000.00		6,600.00				7,600.00
William Heaton	3/23	3/29	Japan		1,000.00		6,600.00				7,600.00
Channing Nuss	3/23	3/29	Japan		1,000.00		6,600.00				7,600.00
Jeff Janas	3/23	3/29	Japan		1,000.00		6,600.00				7,600.00
Frederick Hay	3/23	3/29	Japan		1,000.00		6,600.00				7,600.00
Reynold Schweickhardt	3/23	3/29	Japan		1,000.00		6,600.00				7,600.00
Sterling Spriggs	3/23	3/29	Japan		1,000.00		6,600.00				7,600.00
Walter Oleszek	3/23	3/29	Japan		1,000.00		6,600.00				7,600.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB NEY, Chairman, Apr. 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Deborah Pryce	3/22	3/23	Belgium		257.00						257.00
	3/23	3/26	England		1,032.00						1,032.00
	3/26	3/29	Germany		1,136.00						1,136.00
	3/22	3/29					(3)				
Todd E. Gillenwater	3/22	3/29					6,167.00				6,167.00
	3/23	3/28	Japan		958.26						958.26
Committee total					3,383.26		6,167.00				9,550.26

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID DREIER, Chairman, May 3, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG THOMAS, Apr. 26, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jerry Weller	1/9	1/10	Nicaragua		201.00	(3)					
	1/10	1/13	Colombia		331.50	(3)					
	1/13	1/16	Paraguay		678.00	(3)					
	1/16	1/18	Equador		94.00	(3)					
Hon. Earl Pomeroy	1/10	1/11	Uzbekistan		283.00	(3)					
	1/11	1/12	Dushambe/Tijiskatan		172.00	(3)					
	1/12	1/14	Pakistan		212.00	(3)					
	1/14	1/15	Bagram/Afghanistan		101.00	(3)					
	1/15	1/16	Quetta		0.00	(3)					
	1/15	1/17	USS Trass		0.00	(3)					
	1/17	1/18	Rome		320.00	(3)					
	1/18	1/19	USA			(3)					
Hon. Jim Ramstad	1/25	1/25	Cuba			(3)					
Hon. Sander Levin	2/18	3/22	Monterrey, Mexico			(3)					
Angela Ellard	2/20	2/22	Guatemala		380.00		2,067.00				
	2/22	2/23	Honduras		233.00						
Meredith Broadbendt	2/20	2/22	Guatemala		380.00		2,067.00				
	2/22	2/23	Honduras		233.00						
Robert Winters	2/20	2/22	Guatemala		380.00		2,067.00				
	2/22	2/23	Honduras		233.00						
Viji Rangawami	2/20	2/22	Guatemala		380.00		2,067.00				
	2/22	2/23	Honduras		233.00						
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS, Chairman, May 10, 2002.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7394. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Avocados Grown in South Florida; Increased Assessment Rate [Docket No. FV02-915-2 FR] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7395. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Undersized Regulation for the 2002-03 Crop Year [Docket No. FV02-993-1 FR] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7396. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Pink Bollworm Regulated Areas; Removal of Oklahoma [Docket No. 02–031–1] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7397. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery [Docket No. 020409080–2080–01; I.D. 032602A] (RIN: 0648–AP78) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7398. A letter from the Director, Office of Management and Budget, transmitting cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 107–226); to the Committee on Appropriations and ordered to be printed.

7399. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John M. Pickler, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7400. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael W. Ackerman, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7401. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7402. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Inspection of Insured Structures by Communities (RIN: 3067–AD16) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7403. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7404. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–D–7521] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7405. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 39–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7406. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 43–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7407. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 44–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7408. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 49–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7409. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 06–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7410. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2002 Revenue Estimate in Support of $100,000,000 in Commercial Paper Notes," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

7411. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagics Fisheries; Hawaii-based Pelagic Longline Restrictions [Docket No. 010511123–2076–02; I.D. 031102C] (RIN: 0648–AP84) received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Period 1 in Management Area 1A [Docket No. 011005245–2012–02; I.D. 041802A] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7413. A letter from the Acting Assistant Attorney General for Administration, Department of Justice, transmitting the seventh annual report on amounts paid to telecommunications carriers and manufacturers during FY 2001, and estimates of amounts expected to be paid in the current fiscal year, pursuant to Public Law 103–414; to the Committee on the Judiciary.

7414. A letter from the Administrator, FAA, Department of Transportation, transmitting a report on the foreign aviation authorities to which the Federal Aviation Administration provided services in the preceding fiscal year, pursuant to Public Law 103–305, section 202 (108 Stat. 1582); to the Committee on Transportation and Infrastructure.

7415. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Braking Systems Airworthiness Standards to Harmonize with European Airworthiness Standards for Transport Category Airplanes [Docket No. FAA–1999–6063; Amendment No. 25–107] (RIN: 2120–AG80) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7416. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30306; Amdt. No. 3003] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7417. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30307; Amdt. No. 3004] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7418. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30304; Amdt. No. 3001] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7419. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30308; Amdt No. 435] received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7420. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Relief for Participants in Operation Enduring Freedom [Docket No. FAA–2002–12199; Special Federal Aviation Regulation No. 96] (RIN: 2120–AH58) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7421. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule—New Entrant Safety Assurance Process [Docket No. FMCSA–2001–11061] (RIN: 2126–AA59) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7422. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines [Docket No. 98–ANE–47–AD; Amendment 39–12719; AD 2002–08–11] (RIN: 2120–AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7423. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2000–NM–338–AD; Amendment 39–12677; AD 2002–06–01] (RIN: 2120–AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7424. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2001–NM–209–AD; Amendment 39–12723; AD 2002–08–15] (RIN: 2120–AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7425. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes Equipped With General Electric CF6–50 Engines [Docket No. 2002–NM–107–AD; Amendment 39–12728; AD 2002–08–51] (RIN: 2120–AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

7426. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-02-AD; Amendment 39-12712; AD 2002-08-04] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7427. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600); and A310 Series Airplanes [Docket No. 2001-NM-393-AD; Amendment 39-12722; AD 2002-08-14] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7428. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Champlain Challenge, Cumberland Bay, NY [CGD01-02-033] (RIN: 2115-AA97) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7429. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of St. Petersburg, St. Petersburg Florida [COTP TAMPA-02-022] (RIN: 2115-AA97) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7430. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Sandy Hook Bay, Highlands, NJ [CGD01-02-059] (RIN: 2115-AA97) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7431. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Portland Rose Festival on Willamette River [CGD13-02-022] (RIN: 2115-AA97) received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7432. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-111-AD; Amendment 39-12733; AD 2002-08-21] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7433. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2001-NM-371-AD; Amendment 39-12721; AD 2002-08-13] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7434. A communication from the President of the United States, transmitting notification of the designations of Deanna Tanner Okun as Chairman and Jennifer Anne Hillman as Vice Chairman of the United States International Trade Commission, effective June 17, 2002, pursuant to 19 U.S.C. 1330(c)(1); to the Committee on Ways and Means.

7435. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Avoidance Using Inflated Basis (Notice 2002-21) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7436. A letter from the Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's report in response to section 105 of the Medicare, Medicaid and SCHIP Balanced Budget Refinement Act of 1999, regarding the prospective payment system (PPS) for Medicare skilled nursing facilities (SNFs); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 3307. A bill to authorize the Secretary of the Interior to acquire the property known as Pemberton's Headquarters and to modify the boundary of Vicksburg National Military Park to include that property, and for other purposes (Rept. 107-508). Referred to the Committee on the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3858. A bill to modify the boundaries of the New River Gorge National River, West Virginia (Rept. 107-509). Referred to the Committee on the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 444. Resolution providing for consideration of the Senate amendments to the bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (Rept. 107-510). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILCHREST:

H.R. 4945. A bill to amend the Public Health Service Act to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for persons with disabilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HAYWORTH (for himself, Mr. WELLER, Mr. RAMSTAD, Mr. WATKINS, Mr. ENGLISH, and Mr. LEWIS of Kentucky):

H.R. 4946. A bill to amend the Internal Revenue Code to provide health care incentives related to long-term care; to the Committee on Ways and Means.

By Ms. SOLIS (for herself, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. HONDA, Mrs. NAPOLITANO, Mr. HINCHEY, Mrs. CAPPS, Ms. PELOSI, Ms. MCKINNEY, Mr. MCDERMOTT, Ms. ESHOO, Mr. FILNER, Mr. WAXMAN, and Mr. SHERMAN):

H.R. 4947. A bill to designate certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, to establish the Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Ms. SOLIS, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. HONDA, Mrs. NAPOLITANO, Mr. HINCHEY, Ms. PELOSI, Ms. MCKINNEY, Mr. MCDERMOTT, Ms. ESHOO, Mr. FILNER, Mr. WAXMAN, and Mr. SHERMAN):

H.R. 4948. A bill to designate certain public lands as wilderness and certain rivers as wild and scenic rivers in the northern portion of the State of California, to designate salmon restoration areas, and to establish the Sacramento River National Conservation Area, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Ms. SOLIS, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. HONDA, Mrs. NAPOLITANO, Mr. HINCHEY, Ms. PELOSI, Ms. MCKINNEY, Mr. MCDERMOTT, Ms. ESHOO, Mr. FILNER, Mr. WAXMAN, and Mr. SHERMAN):

H.R. 4949. A bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Resources.

By Mr. CAMP (for himself and Mr. KENNEDY of Minnesota):

H.R. 4950. A bill to amend the Internal Revenue Code of 1986 to clarify that church employees are eligible for the exclusion for qualified tuition reduction programs of charitable educational organizations; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 4951. A bill to provide for the purchase of textbooks and the establishment of the Textbook Recycling Program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. HANSEN, and Mr. CANNON):

H.R. 4952. A bill to provide for the conveyance of the land containing the Mount Wilson Observatory in the Angeles National Forest, California, to the Mount Wilson Institute, the nonprofit organization operating the observatory; to the Committee on Resources.

By Mr. WALDEN of Oregon:

H.R. 4953. A bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road; to the Committee on Resources.

By Mr. SANDERS (for himself, Mr. GOODE, Mr. PETERSON of Minnesota, Mr. KUCINICH, Ms. LEE, Mr. HILLIARD, and Mr. DEFAZIO):

H.J. Res. 98. A joint resolution providing for a 3-year moratorium on postage rate increases for nonprofit organizations and certain other mailers; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma:

H. Res. 445. A resolution expressing the sense of the House of Representatives with regard to the United States National Soccer Team and its historic performance in the

2002 FIFA World Cup tournament; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

292. The SPEAKER presented a memorial of the House of Representatives of the State of Indiana, relative to House Resolution No. 1 memorializing the United States Congress that the Indiana House of Representatives is urged to proclaim September 11 as "911 Heroes Day," a day of recognition to express thegratitude of the citizens of Indiana for all the sacrifices made by public safety personnel in the performance of their duties; to the Committee on Government Reform.

293. Also, a memorial of the Legislature of the State of Wyoming, relative to Enrolled Joint Resolution No. 3 memorializing the United States Congress to direct all federal authorities responsible for wolf reintroduction in the state of Wyoming to manage wolves so that the elk, moose and deer population, moose and deer habitats and elk feed grounds are preserved and to reimburse the state for the loss of elk, moose and deer to wolves; to the Committee on Resources.

294. Also, a memorial of the Legislature of the State of Wyoming, relative to Enrolled Joint Resolution No. 2 memorializing the United States Congress to propose and submit to the several states for ratification an amendment to the Constitution of the United States on the subject of judicial taxation; to the Committee on the Judiciary.

295. Also, a memorial of the Legislature of the State of North Dakota, relative to Senate Concurrent Resolution No. 4028 memorializing the United States Congress that the Legislative Assembly rescinds all applications to call a convention pursuant to the terms of Article V of the United States Constitution for proposing amendments to that Constitution and urging the legislative bodies in other states to take similar action; to the Committee on the Judiciary.

296. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 12 memorializing the United States Congress that the Legislature supports the TANF Reauthorization Act of 2001; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 134: Mr. Larson of Connecticut.

H.R. 218: Mr. Shaw.

H.R. 382: Mr. Carson of Oklahoma.

H.R. 595: Ms. Woolsey.

H.R. 599: Mr. Carson of Oklahoma and Ms. Norton.

H.R. 602: Mr. Mica.

H.R. 699: Mr. LoBiondo.

H.R. 858: Mr. Isakson, Ms. Woolsey, Ms. McCarthy of Missouri, Mr. Sherman, Ms. Sánchez, Mr. Gonzalez, and Mr. Larsen of Washington.

H.R. 951: Mr. Hilleary.

H.R. 984: Mr. Pombo and Mr. Dooley of California.

H.R. 1201: Mr. Blagojevich, Ms. Brown of Florida, Ms. McKinney, Mr. Neal of Massachusetts, Ms. McCarthy of Missouri, Mr. Underwood, Mr. McDermott, Ms. Norton, and Mr. Lampson.

H.R. 1434: Mr. Crane and Mr. Gonzalez.

H.R. 1452: Mr. Honda and Ms. Watson.

H.R. 1520: Mr. Wilson of South Carolina, Mr. Bereuter, and Mr. Boucher.

H.R. 1541: Ms. Slaughter.

H.R. 1556: Mr. Wolf, Mr. Bass, and Mr. McKeon.

H.R. 1784: Mr. Whitfield, Mr. Strickland, Mr. Towns, Mr. Walden of Oregon, and Mr. Brown of Ohio.

H.R. 1786: Mr. Pickering.

H.R. 1911: Mr. McHugh.

H.R. 1919: Mr. Hayes, Mr. Knollenberg, Mr. Kerns, Mrs. Roukema, Mr. Costello, and Mr. Gibbons.

H.R. 1972: Mr. Collins, Mr. Chambliss, Mr. Brady of Texas, and Mr. Hostettler.

H.R. 2035: Mr. Carson of Oklahoma and Mrs. McCarthy of New York.

H.R. 2073: Mr. McHugh and Mr. Norwood.

H.R. 2219: Mr. Osborne and Mr. Blumenauer.

H.R. 2349: Mr. Kleczka and Mr. Gordon.

H.R. 2662: Mr. McGovern.

H.R. 3034: Mr. Andrews, Mr. LoBiondo, Mr. Saxton, Mr. Smith of New Jersey, Mrs. Roukema, Mr. Pallone, Mr. Ferguson, Mr. Pascrell, Mr. Rothman, Mr. Payne, Mr. Frelinghuysen, and Mr. Holt.

H.R. 3250: Mr. Thompson of California.

H.R. 3278: Mr. Gonzalez, Mr. Fattah, and Mr. Thompson of California.

H.R. 3424: Ms. DeLauro.

H.R. 3496: Mr. Sweeney and Mr. Weiner.

H.R. 3705: Mr. Barr of Georgia.

H.R. 3710: Mr. Hall of Texas and Mr. Duncan.

H.R. 3781: Mr. Boucher, Mr. Larsen of Washington, and Mr. Greenwood.

H.R. 3831: Ms. Woolsey, Mr. Cummings, Mr. Latham, and Mr. Upton.

H.R. 3880: Mr. Boehlert.

H.R. 3887: Mr. Baird.

H.R. 3957: Mr. Ose.

H.R. 3974: Mr. Price of North Carolina.

H.R. 3995: Mr. Dooley of California, Mr. Baldacci, Mr. Payne, Mr. Spratt, Mrs. Capito, and Mr. Greenwood.

H.R. 4010: Mr. Tancredo and Mr. Norwood.

H.R. 4014: Mr. Deutsch.

H.R. 4018: Mr. Stupak.

H.R. 4113: Mr. Stark, Mr. Dingell, Mr. Dooley of California, Mr. Abercrombie, Ms. Millender-McDonald, Mr. Pascrell, Ms. Kilpatrick, Mrs. Mink of Hawaii, Mr. Farr of California, Mr. Boucher, Mrs. Maloney of New York, Ms. Brown of Florida, Mr. Baldacci, and Mrs. Tauscher.

H.R. 4488: Mr. English.

H.R. 4502: Mr. Pickering.

H.R. 4604: Ms. Watson.

H.R. 4614: Mrs. Jones of Ohio, Mr. McDermott, and Mr. Oberstar.

H.R. 4636: Mr. Isakson, Mr. Dan Miller of Florida, and Mr. Souder.

H.R. 4643: Ms. DeGette, Mrs. Jones of Ohio, and Mr. Hinchey.

H.R. 4676: Mr. LoBiondo.

H.R. 4699: Mr. Gillmor.

H.R. 4711: Ms. Woolsey.

H.R. 4720: Mrs. Mink of Hawaii.

H.R. 4728: Mrs. Jo Ann Davis of Virginia, Mr. Synder, and Mrs. Capps.

H.R. 4738: Mr. Shimkus.

H.R. 4777: Mr. Boswell, Mr. Maloney of Connecticut, and Mr. Rohrabacher.

H.R. 4778: Mr. DeFazio and Mr. Waxman.

H.R. 4840: Mr. Thomas.

H.R. 4852: Mr. Deutsch.

H. J. Res. 97: Mr. McDermott, Mr. DeFazio, and Mr. Delahunt.

H. Con. Res. 38: Mr. Boehlert and Mrs. Kelly.

H. Con. Res. 162: Mr. Olver.

H. Con. Res. 260: Mr. Oberstar.

H. Con. Res. 269: Ms. Pryce of Ohio.

H. Con. Res. 345: Ms. Pryce of Ohio.

H. Con. Res. 352: Mr. Gallegly.

H. Con. Res. 364: Mr. Knollenberg, Mrs. Thurman, Mr. Rohrabacher, Mr. Dingell, Mr. English, Mrs. Bono, Ms. Ros-Lehtinen, Mr. Gallegly, and Mr. Skeen.

H. Con. Res. 382: Mr. Kennedy of Rhode Island, Mr. Israel, Mrs. McCarthy of New York, Mr. Serrano, Mr. Barrett, and Mr. Becerra.

H. Con. Res. 404: Mr. Berman and Mr. Schiff.

H. Con. Res. 407: Mr. Tiberi.

H. Con. Res. 408: Mr. Oberstar, Mr. Cunningham, Mr. Davis of Illinois, Mrs. Capps, Mr. Clay, and Mr. Wu.

H. Con. Res. 412: Mr. Kerns, Mr. Hansen, and Mr. Hall of Ohio.

H. Con. Res. 417: Mr. Ackerman, Mr. Levin, Mr. McGovern, and Mr. Frost.

H. Con. Res. 420: Mr. Hansen and Mr. Stump.

H. Res. 416: Mr. Brady of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3686: Mr. Davis of Illinois.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

59. The SPEAKER presented a petition of the St. Louis County Board, Minnesota, relative to Resolution No. 150 petitioning the United States Congress that the St. Louis County Board of Commissioners hereby urges the Pension Benefit Guaranty Corporation to delay termination of the LTV Steel Mining Pension Plan until March 31, 2003, in order to enable the employees of LTV Steel Mining Company and the State of Minnesota to study possible alternatives to a Pension Benefit Guaranty Corporation distressed termination; to the Committee on Education and the Workforce.

60. Also, a petition of the County of Chambers, Texas, relative to a Resolution petitioning the United States Congress to amend the Internal Revenue Code of 1986 to allow for the issuance of tax-exempt facility bonds for the purpose of financing air pollution facilities in nonattainment areas and to provide that such tax-exempt facility bonds issued during the years of 2003, 2004, 2005, 2006 or 2007 for the construction of such air pollution control facilities not be subject to the volume cap requirements; to the Committee on Ways and Means.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3389

Offered By: Mr. Gilchrest

Amendment No. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Act Amendments of 2002".

SEC. 2. AMENDMENTS TO FINDINGS.

Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting ", including strong collaborations between Administration scientists and scientists at academic institutions.".

SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 204 (c)(1) of the National Sea Grant College Program Act (33 U.S.C. 1123 (c)(1)) is amended to read as follows:

"(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.".

(b) RANKING OF PROGRAMS.—Section 204(d)(3)(A) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(A)) is amended by inserting "and competitively rank" after "evaluate".

(c) FUNCTIONS OF DIRECTOR.—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended by striking "and" after the semicolon at the end of clause (ii) and by adding at the end the following:

"(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and".

SEC. 4. COST SHARE.

Section 205(a) of the National Sea Grant College Program Act (33 U.S.C. 1124(a)) is amended by striking "section 204(d)(6)" and inserting "section 204(c)(4)(F)".

SEC. 5. FELLOWSHIPS.

(a) ACCESS.—Section 208(a) of the National Sea Grant College Program Act (33 U.S.C. 1127(a)) is amended by adding at the end the following: "The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection.".

(b) POSTDOCTORAL FELLOWS.—Section 208(c) of the National Sea Grant College Program Act (33 U.S.C. 1127(c)) is repealed.

SEC. 6. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: "The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Subsections (a), (b), and (c) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title—

"(A) $60,000,000 for fiscal year 2003;

"(B) $75,000,000 for fiscal year 2004;

"(C) $77,500,000 for fiscal year 2005;

"(D) $80,000,000 for fiscal year 2006;

"(E) $82,500,000 for fiscal year 2007; and

"(F) $85,000,000 for fiscal year 2008.

"(2) PRIORITY ACTIVITIES.—In addition to the amount authorized under paragraph (1), there is authorized to be appropriated for each of fiscal years 2003 through 2008—

"(A) $5,000,000 for competitive grants for university research on the biology and control of zebra mussels and other important aquatic nonnative species;

"(B) $5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

"(C) $5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including Pfiesteria piscicida; and

"(D) $3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant institutes.

"(b) PROGRAM ELEMENTS.—

"(1) LIMITATION.—No more than 5 percent of the lesser of—

"(A) the amount authorized to be appropriated; or

"(B) the amount appropriated,

for each fiscal year under subsection (a)(1) may be used to fund the program element contained in section 204(b)(2).

"(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.

"(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made under subsection (a)(1) exceed the amounts appropriated for fiscal year 2002 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (except amounts used for the administration of the sea grant program) to—

"(1) sea grant programs that, based on the evaluation and competitive ranking required under section 204(d)(3)(A), are determined to be the best managed and to carry out the highest quality research, education, extension, and training activities;

"(2) national strategic investments authorized under section 204(b)(4);

"(3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute; or

"(4) a sea grant college or sea grant institute designated after the date of enactment of the National Sea Grant College Program Act Amendments of 2002.".

SEC. 8. ANNUAL REPORT ON PROGRESS IN BECOMING DESIGNATED AS SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 of the National Sea Grant College Program Act (16 U.S.C. 1126) is amended by adding at the end the following:

"(e) ANNUAL REPORT ON PROGRESS.—

"(1) REPORT REQUIREMENT.—The Secretary shall report annually to the Committee on Resources and the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, on efforts and progress made by colleges, universities, institutions, associations, and alliances to become designated under this section as sea grant colleges or sea grant institutes, including efforts and progress made by sea grant institutes in being designated as sea grant colleges.

"(2) TERRITORIES AND FREELY ASSOCIATED STATES.—The report shall include description of—

"(A) efforts made by colleges, universities, associations, institutions, and alliances in United States territories and freely associated States to develop the expertise necessary to be designated as a sea grant institute or sea grant college;

"(B) the administrative, technical, and financial assistance provided by the Secretary to those entities seeking to be designated; and

"(C) the additional actions or activities necessary for those entities to meet the qualifications for such designation under subsection (a)(1).".

SEC. 9. COORDINATION.

Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation shall jointly submit to the Committees on Resources and Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the oceans and coastal research activities of the National Oceanic and Atmospheric Administration, including the Coastal Ocean Program and the National Sea Grant College Program, and of the National Science Foundation will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The report shall describe in detail any overlapping ocean and coastal research interests between the agencies and specify how such research interests will be pursued by the programs in a complementary manner.

SEC. 10. COASTAL OCEAN PROGRAM.

Section 201(c) of Public Law 102-567 is amended by—

(1) striking "Of the sums authorized under subsection (b)(1), $17,352,000 for each of the fiscal years 1992 and 1993 are authorized to be appropriated" and inserting "There are authorized to be appropriated to the Secretary of Commerce $35,000,000 for each of the fiscal years 2003 to 2008"; and

(2) striking "to promote development of ocean technology,".

EXTENSIONS OF REMARKS

A TRIBUTE TO HONORABLE ALFRED D. COOPER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of the Honorable Alfred D. Cooper for his commitment to pursuing justice.

The Honorable Alfred D. Cooper is a longstanding New York public servant. After receiving his bachelor's degree in History and Political Science from Brooklyn College, Judge Cooper served in the United States Army. He later received a Masters Degree from the Brooklyn College Graduate School and a law degree from the Columbus School of Law at the Catholic University of America in Washington, D.C.

Judge Cooper has served in the Unified Court System of New York for more than twenty-five years. He started as a Uniformed Court Officer and rose through the ranks to Senior Court Attorney. In 1999, he became the first African American elected to the Nassau County Court as a Democrat.

Prior to ascending to the bench, Judge Cooper served as the president of the Men's Caucus for Congressman TOWNS, president of the District Court Arbitrators' Association, vice-president of finance and vice chairperson of the Metropolitan Black Bar Association, Inc. He has received awards from the Amistad Bar Association, and the 2000 Man of the Year Award from the Bedford-Stuyvesant Lions. He has also published a number of decisions in the New York Law Journal exemplifying another aspect of his fine record of service.

Mr. Speaker, the Honorable Alfred D. Cooper has shown outstanding dedication to the community. I hope that all my colleagues will join me in honoring this remarkable person.

PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

SPEECH OF

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. FORBES. Mr. Speaker, I rise in strong support of H.R. 4019, the Permanent Marriage Penalty Relief Act.

I wholeheartedly support ending the marriage penalty in the tax code. On March 8, 2001, President Bush signed into law H.R. 3, the Economic Growth and Tax Relief Act of 2001. H.R. 3 reduced income tax rates across the board and made significant progress towards reducing the marriage tax penalty.

Among its main provisions, H.R. 3 increased the standard deduction for married couples to twice that of single earners and increased the 15 percent income tax bracket to twice that of single earners. Furthermore, H.R. 3 doubled the per-child tax credit to $1000 from $500. When fully phased in this new law will give 28 million working American couples relief from the marriage tax penalty. This includes 54,000 couples from the Fourth District who currently pay an average of $1,400 a year in extra taxes just because they are married.

Unfortunately, because of the other body's arcane rules, the Economic Growth and Tax Relief Reconciliation Act will sunset in 2011. This is because under the Byrd Rule a point of order may be raised in the Senate against any tax reduction contained in a reconciliation bill that reduces taxes beyond the window of the reconciliation bill, in this case ten years. The point of order can only be waived with the vote of 60 Senators.

Congress should not allow the marriage penalty to rear its ugly head again because of the Senate's bureaucratic rules. The sunset provision of the tax relief package defies the original intent of the legislation and makes it virtually impossible for people and small businesses to plan ahead from a tax standpoint.

At a time when marriages are falling apart at record levels, it makes absolutely no sense to require people to pay more in taxes simply because they are married. This law will relieve families of this extra burden and provide them with more money for their priorities, whether it's college tuition, children's braces, or a family vacation. People should not be taxed differently simply because of their marital status.

Should the sunset of tax relief occur in 2011, countless couples will face higher tax bills simply because they said I do. Now is the time to make tax relief for hard working married couples permanent. I urge my colleagues to support this very important legislation.

HONORING PROFESSOR FRANCISCO J. AYALA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. COX. Mr. Speaker, I rise today to congratulate Francisco J. Ayala, Donald Bren Professor of Biological Sciences and Professor of Philosophy at the University of California, Irvine. Today, President Bush will present Professor Ayala the National Medal of Science, the highest honor for scientific achievement in the United States.

Professor Ayala was borm in Madrid, Spain in 1934, and moved to the United States in 1961. Three years later, he received a Doctorate of Philosophy from Columbia University. Since this time, he has served on the faculties of several universities across the country, published over 750 articles, and written or edited 15 books. From 1994 to 2001, he served his country on the President's Committee of Advisors on Science and Technology. He has been a member of the faculty at the University of California, Irvine since 1987, and it has been my pleasure to represent him in Congress for the last 14 years.

Professor Ayala's discoveries have revolutionized the study of evolution by applying new techniques to the investigation of the evolutionary process. He has also made landmark advances in the treatment and prevention of worldwide diseases that have afflicted millions, including Chagas' disease and malaria. Professor Ayala's advances are helping the medical profession eradicate diseases that have devastated communities in developing countries for centuries.

Professor Ayala will continue to serve mankind by selflessly lending his time and effort as a scientist to the war against disease, and as a teacher at University of California, Irvine. The national recognition of his outstanding work is a special honor for UCI, as well: Professor Ayala is the UCI's second recipient of this award. On behalf of the United States House of Representatives, and all of the people of Orange County whom I am privileged to represent, I congratulate Professor Ayala on his lifetime of achievements in the field of evolutionary biology.

IN HONOR OF SUSAN LUSTIG

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to recognize Susan Lustig for her 15 years of distinguished service as the Executive Director of the Suffolk Jewish Communal Planning Council.

Susan Lustig embodies the heart and soul of Jewish life in Suffolk County. Under Susan's leadership the Suffolk Jewish Communal Planning Council has expanded in both stature and influence. She has overseen the publication of many editions of the Suffolk Jewish Directory, the Suffolk Jewish Communal Planning Council's signature publication. Additionally, new projects have been developed under her tenure to meet the needs of a growing Jewish community. These include the Suffolk Anti-Bias Task Force, the M'Yad L'Yad-Helping Hands assistance program, the Conversion to Judaism Resource Center and the Suffolk Jewish Community Kallah Education Program.

Susan is an avid supporter of strong U.S.-Israel relations. During the Israeli Teen Delegation's annual visit to our community, Susan escorted the delegation throughout Long Island. She continues to pledge her friendship and support for Israel through her charismatic nature and judicious course of actions.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It is with great pride that I recognize the years of service Susan has given to her community and bring her achievements to the attention of Congress.

A TRIBUTE TO ARTHUR P. JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Arthur P. Johnson for his dedication to helping others.

Arthur P. Johnson is a native New Yorker whose professional and community service is guided by the philosophy of empowering individuals, families and communities to be self-sustaining. His parents and grandparents instilled in him the importance of education, a strong work ethic, and the need for spiritual guidance. He demonstrated his commitment to these values when he helped start the ALPHA School for substance abusing teens. During his diverse career he has also been involved with mental health and H.I.V. services at the New Hope Guild Centers as well as owning a share of a city licensed pest control business.

Arthur is devoted to improving the environment in which we live through his public service. In East New York, he sits on Community Board #5, the board of Brownsville Medical Services, and the board of the Twelve Towns Y.M.C.A. He is also 2nd Vice-President of the Congressman Towns' Men's Caucus and treasurer of the New York Shot Makers Golf Club. With this work, and his entrepreneurial endeavors, Arthur is working to make a difference.

In addition, to his many work and volunteer responsibilities, he is also the proud father of Lisa, Arthur, Jr., and Latasha as well as the very happy grandfather of Asia and Cameron.

Mr. Speaker, Arthur P. Johnson has shown his commitment to serving the community and helping those who cannot help themselves. I hope that all my colleagues will join me in honoring this remarkable person.

CONGRATULATING REAR ADMIRAL RAYMOND ARCHER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the distinguished military career of Rear Admiral Raymond A. Archer III, Vice Director of the Defense Logistics Agency. Admiral Archer will retire on November 1, 2002 after 38 years of dedicated service to the U.S. Navy and to his country.

Admiral Archer's military career began in 1964, with his enlistment in the U.S. Naval Reserve. Following his graduation from Ohio State University's School of Business, he went on to develop an extensive background in logistics, making him an invaluable asset to the U.S. Navy and the Department of Defense. After a series of key assignments, both ashore and at sea, Admiral Archer became the Assistant Deputy Under Secretary of Defense for Logistics Business Systems and Technology Department in Washington, DC in 1996. He continued his service as Commander of the Naval Inventory Control Point in Mechanicsburg, PA. Then, in October, 1997, Admiral Archer was recognized for his exceptional abilities and outstanding accomplishments with his selection as Vice Director of the Defense Logistics Agency.

In his current capacity, Admiral Archer has been responsible for aiding the effort to provide other Department of Defense Components as well as Federal agencies, foreign governments, and international organizations with logistical support in times of war and peace. Admiral Archer has contributed his expertise to the Agency most specifically by serving as the Agency's knowledgeable authority regarding Business Systems Modernization, the most dynamic and important project facing the Defense Logistics Agency. He has succeeded during his time with DLA in surpassing all expectations regarding the improvement of logistics programs for the Department of Defense and Federal Agencies.

Over the course of Admiral Archer's exemplary career he has earned several personal awards, including the Defense Superior Service Medal, four Legions of Merit and four Meritorious Service Medals, one of which was awarded to him by Naval Forces Central Command for providing logistics support during Battle Force Zulu, Operation Desert Storm.

Mr. Speaker, I ask the House to join me in congratulating Raymond Archer on his retirement as it marks the completion of a distinguished career by an honorable officer. Thank you, Raymond, for your superior service to the U.S. Navy and to this Nation.

PERSONAL EXPLANATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. FORBES. Mr. Speaker, I rise to offer a personal explanation. On June 13, 2002, I was absent from the Chamber as I attended my daughter's high school graduation. During that time, I was not present to vote on rollcall votes 226, 227, 228, and 229. Had I been present, I would have voted, "yes" on rollcall votes 226, 227, and 229. I would have voted, "no" on rollcall vote 228. I ask that my statement be submitted in the appropriate place in the CONGRESSIONAL RECORD.

HONORING PRO FOOTBALL HOPEFUL AHMAD MILLER

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. COX. Mr. Speaker, 17 years ago, our colleague from California, Mr. Badham, who represented Newport Beach before I had that honor, rose in this chamber to commemorate the 10th anniversary of an important community event in Orange County, "Irrelevant Week." This event, premised on the "simple act of doing something nice for someone for no reason," takes time out to recognize and honor the last athlete selected in the National Football League's annual draft.

Today, 27 years after the people of Orange County first decided to do something nice for someone for no reason, I'm pleased to report that "Irrelevant Week" and Orange County altruism are both thriving. Irrelevant Week XXVII is honoring Ahmad Miller, from the University of Nevada at Las Vegas, who was the 261st selection in the 2002 NFL Draft. He is headed to the Houston Texans, where—at six feet three and a half inches tall and 320 pounds—he has the potential to be a presence on the team's defensive line, despite the scores of players selected ahead of him.

Such long odds do not dampen the enthusiasm of community leaders like Paul Salata, who organizes this event. That's because they recognize that all fame is fleeting, that humility is a virtue, and that even the last round NFL draft pick is a significantly better athlete than most Members of Congress. During his stellar career at UNLV, Mr. Miller accumulated five quarterback sacks, three forced fumbles, 96 tackles, and 13 tackles for losses. These performances earned the Bradenton, Florida native two selections to the All Mountain West Conference team.

Today, the citizens of Newport Beach join me in congratulating Mr. Miller and all of those involved in this celebration, which has now, we can all agree, outgrown its name—for there is little in this world today that is more relevant to our spirit of community and our common humanity than doing nice things for other people. On behalf of the United States Congress and the people of Orange County whom it is my privilege to represent, congratulations to Mr. Miller and everyone associated with Irrelevant Week XXVII, for being more relevant than you care to admit.

A TRIBUTE TO REVEREND RICHARD J. LAWSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Richard J. Lawson for his contribution to the Brooklyn community.

Reverend Richard J. Lawson is pastor of the New Canaan Baptist Church in Brooklyn, New York. At the 400-member church, he offers spiritual and moral guidance. Reverend Lawson has been involved in the church since 1984 and currently oversees its educational programs. He developed the church's youth leadership program and established its athletic team. The Reverend also spearheaded the purchase of the Church's new worship facility. He is truly committed to improving the lives of others.

Reverend Lawson also ministers outside of his church. He visits those who are sick and travels throughout New York to provide a religious program in prisons.

Additionally, he is involved in several community organizations. Reverend Lawson is a member of the Manhattan Bible Alumni Association, Suna Enoch A.M.F.M. Lodge #139, Association of Brooklyn Clergy, Eastern Baptist Association, Brooklyn Clergy and Elected Officials, and Churches to Save and Heal. Reverend Lawson served almost a decade in the United States Army.

Mr. Speaker, Reverend Richard J. Lawson is a dedicated minister and contributor to his community. I hope that all of my colleagues will join me in honoring this remarkable spiritual leader.

100TH ANNIVERSARY OF THE CITY OF SEBASTOPOL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the city of Sebastopol, in the heart of western Sonoma County, CA, on the occasion of its 100th anniversary.

The earliest residents of the Sebastopol area were members of the Miwok and Pomo tribes who traversed the old trail between Petaluma and Santa Rosa, making seasonal camps on the banks of the Laguna de Santa Rosa. The present community began as the town of Pine Grove, a trading post established in the early 1950s. The name Sebastopol originated in a protracted fist fight between two residents, Stevens and Hibbs. Hibbs sought sanctuary in Dougherty's store while Stevens waited for him outside. Citizens likened the fight to the "siege of Sevastopol," a reference to the Crimean War then raging abroad.

The town grew as an agricultural center, producing apples, hops, and berries and was chosen by Luther Burbank as the site of his famous Experiment Farm. In the 1890s, Sebastopol became an important railroad crossroads, with a market center and meeting place for Western Sonoma County. This increased prosperity and population led to the incorporation of the city of Sebastopol on June 13, 1902.

The city has continued to thrive, surviving the 1906 earthquake, the Great Depression, the waning of the railroad era, and the many other challenges of the 20th century. It has maintained its rural character, surrounded by natural beauty and blessed with a mild climate and fertile soil. In recent years, its policies in becoming a nuclear free zone, creating a people-friendly downtown, and exploring the viability of renewable energy sources have set a standard for other progressive cities to emulate.

Mr. Speaker, I congratulate the city of Sebastopol on its centennial and know that it will continue to maintain its unique character as a special place in Sonoma County, CA.

TRIBUTE TO BRUNO AND LENA DEGOL

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Bruno and Lena DeGol for receiving the National Humanitarian Award from the American Rescue Workers. This award distinguishes them as citizens that take a personal interest in bettering their community and providing others the necessary resources to accomplish this goal. Since the beginning of their business careers, the DeGols have been supportive of many different organizations. As their businesses advanced, they pursued more outlets through which they could provide financial assistance and any needed help to other local institutions.

To consolidate their giving, in 1994 they established the Bruno and Lena DeGol Family Foundation. The foundation is doing a great number of wonderful things for the community. I would like to mention just a few examples of what the foundation has provided throughout the years. They have donated $2 million to St. Francis College's capital campaign, making a new gymnasium possible; they have made several donations to local churches for building improvements and renovations; each year they host a child for a trip through the Make a Wish Foundation; and they have given computer equipment and other educational materials for local elementary and secondary schools. In addition to giving to these and other worthy organizations, the DeGols also focus their giving to local individuals that are in need of assistance due to illness or other hardships.

Bruno and Lena DeGol lead a life of altruism and possess an exceptionally generous spirit. They touch the lives of countless individuals by providing resources to institutions and individuals in need for no other reason than their desire to help others. Bruno DeGol has said that he wants to leave this world a better place than he found it. Their community certainly is a better place because of their contributions and efforts. The DeGols are individuals that truly represent and embody what the National Humanitarian Award stands for, which is "People Helping People." I would like to congratulate them once again for this award and thank them for all they have done. I wish them the very best of luck in all their future endeavors.

HONORING MR. AND MRS. NURY

HON. GEORGE RADANOVICH

OF CALIFIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Massud and Zarrin Nury on the occasion of their 50th wedding anniversary.

Mr. Massud S. Nury and Miss. Zarrin Shanin both emigrated from Iran to the United States. They were married on December 22, 1951, in San Francisco. Mr. Nury attended the University of California at Berkeley and Davis. He graduated with his B.S. and M.S. degrees in food science. The Nurys moved to Fresno in 1953. Mr. Nury started at Vie-Del Company, a California winery, in 1953 as a research chemist. Later he became President and in 1990 purchased Vie-Del Company.

Mr. and Mrs. Nury have 3 daughters and 9 grandchildren. They have been and are currently involved with the following organizations: Wine Institute, American Society of Enology and Viticulture, Fresno Philharmonic, Community Hospitals of Central California, Fresno Business Council, Institute of Food Technologists and various other organizations.

Mr. Speaker, I rise to congratulate Mr. and Mrs. Nury on their 50 years of marriage. I encourage my colleagues to join me in wishing the Nurys many more years of health and happiness.

TRIBUTE TO RON JENNINGS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Ron Jennings of Sedalia, MO, who has been a reporter and weekly columnist for the Sedalia Democrat for 30 years. He has distinguished himself, the Sedalia community and the State of Missouri with dedicated service.

Ron Jennings started work at the Sedalia Democrat on June 1, 1972. Since then he has covered stories large and small that have touched upon virtually every facet of life in Sedalia, Pettis County, and much of the surrounding area. He is a devoted family man, a pillar of his church and a man whose openness and sincerity have won him loyal readers and a multitude of friends over three decades of newspapering. Ron is the one person most identified with the Sedalia Democrat's new operation.

Mr. Speaker, Ron Jennings has been dedicated to making the city of Sedalia and the State of Missouri a better place to live. I am certain that my colleagues will join me in wishing Ron all the best.

A TRIBUTE TO DIANE E. HARRIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. TOWNS. Mr. Speaker, I rise today in honor of Diane E. Harris. She has been a mother to all of the children in her community and for that we commend her today.

Diane was born and raised on Staten Island in the borough of Richmond. She received her formal education at Port Richmond High School and then attended Hunter College where she majored in Sociology/Education. She has dedicated herself to working with children for over 27 years.

She has held positions as a counselor for Henry Street Settlement, as an assistant director for Markham YMCA, and as an assistant director for Richmond Continental Color Guard. In 1979, she joined the United Activities Unlimited at the Joseph R. Garcia PAL Center as a program director and was later promoted to director of this Center in the New Brighton community of Staten Island. In 1999, Ms. Harris became the director of the Schwartz Police Athletic League Center in East New York, Brooklyn.

Diane has developed a tremendous bond with the families of East New York. She has had experiences that have broadened her horizons and enabled her to embrace both her past training and academic knowledge to coordinate a full academic, recreational, cultural, and therapeutic program.

She has received numerous community service and humanitarian awards, including the Richmond Continental Instructor Extraordinaire, the S.I. Hope, the Staten Island League for Better Government, and the Youth Services Planning Committee of CB#5.

She is not only a mother to her community, but also a mother to her own two sons, John III and JoVaughn.

Diane provides a positive alternative by improving the lives of families, children, and her community by sharing her knowledge, love, support, and dedication. I urge my colleagues to join me in honoring Diane Harris.

RECOGNIZING J. FRANK MOORE III

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the outstanding work of J. Frank Moore III, president of the International Association of Lions Clubs.

Under the leadership of President Moore the Lions Club has emphasized youth outreach and implemented several programs designed to recognize the accomplishments of young people. At a recent event held in Independence, MO, President Moore honored over 400 young men and women who performed community service projects in Jackson, Platte, Clay, and Cass Counties. These young people were presented with certificates, scholarships, and other awards to recognize their achievement.

As we are all well aware, the guidance of the Nation's youth is of paramount importance to the future stability and continued success of our great country. The work of Mr. Moore, in providing leadership and guidance to our young people, is important, noble, and worthy of esteem by this body.

Please join me in honoring President J. Frank Moore III for his tireless work to support our Nation's young people.

IN RECOGNITION OF THE EXEMPLARY WORK OF DR. RUTH KIRSCHSTEIN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mrs. MORELLA. Mr. Speaker, I want to recognize the exemplary work of Dr. Ruth Kirschstein, Deputy Director of the National Institutes of Health which is located in my district.

I have had the privilege of knowing Dr. Kirschstein both as a personal friend and a professional colleague. I am pleased that on June 18th Dr. Kirschstein's hard work and dedication will earn her the American Association of Immunologists Public Service Award in recognition of her outstanding scientific administration leadership at the National Institutes of Health, and for extraordinary commitment to the advancement of public understanding of, and support for, biomedical research.

Dr. Kirschstein recognizes the importance of basic research as the source of insight and innovation in clinical applications, and the necessity for shaping the funding system to encourage excellence. She has placed particular emphasis on the support of individual, investigator-initiated research grants.

Dr. Kirschstein's skills and talents have earned her many honors and awards, including the PHS Superior Service Award, the Presidential Meritorious Executive Rank Award, election to the Institute of Medicine, the Public Health Service Equal Opportunity Achievement Award, the Presidential Distinguished Executive Rank Award, the list goes on. She was also recognized by the Anti-Defamation League, which bestowed her with their Women of Achievement Award.

Mr. Speaker, it has been my honor to know Dr. Kirschstein. The American people, our Public Health Systems, and the National Institutes of Health are blessed to have her.

A PROCLAMATION HONORING ANNA RADU

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. NEY. Mr. Speaker,

Whereas, Anna Radu was born on March 8, 1902; and

Whereas, Anna Radu Celebrated her 100th birthday this year; and

Whereas, Anna Radu, from Garbova, Romania, became a citizen of the United States of America on September 8, 1939;

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Anna Radu as she celebrates her 100th birthday.

HONORING NATIONAL HISTORY DAY PARTICIPANT MIRIAM CARLSON

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. MANZULLO. Mr. Speaker, I rise today to honor Miriam Carlson, a home-schooled 9th grader from Rockford, Illinois. Miriam was selected from over 700,000 students from across the Nation to be one of 2,000 participants in the National History Day. This year's theme called for contestants to select a notable woman in history under the topic, "Revolution, Reaction and Reform." Miriam's project was on the life of Julia Lathrop, entitled, "Julia Lathrop: Mother to Uncle Sam's Children."

I would like to extend my congratulations to Miriam on her hard work and dedication to this project and I wish her success in future endeavors. Here is her essay:

JULIA LATHROP: MOTHER TO UNCLE SAM'S CHILDREN

(By Miriam Carlson)

I wanted a project where I could find photos. My father had read about Julia Lathrop. He mentioned her to me and I became interested.

Julia Lathrop was born in Rockford and later returned to my hometown. What was exciting is that her second home, which she shared with her sister, is only three blocks from my house. A friend of mine lives in that house. Also, Julia Lathrop is buried in nearby Greenwood Cemetery. Here when I was younger, I took my first long bike rides when my father ran. I enjoyed researching someone with whom I have some connections.

My research began at the Rockford Public Library. I looked up Julia Lathrop, the Children's Bureau, Baby Week, Infants, and Department of Labor in the Reader's Guide to Periodicals. I grouped all my articles by journal and checked to see which sources the Rockford Library had. Next I looked up the same topics in the New York Times Index. Later I found these articles on microfilm.

Most of the journals I found at The University of Wisconsin. In five trips, I used the Memorial Library, the Historical Society Library, the Health Sciences Library, the Social Sciences Library, and the Steenbock Agriculture Library. I also used inter-library loan.

I visited the University of Illinois-Chicago to use their archive and to see Hull House. I watched a slide show about Jane Addams and the founding of Hull-House. At the archive, I found letters written to and by Julia Lathrop. I went to the Rockford College Archives. I copied her handwritten rough drafts of speeches and letters. I interviewed her niece. I also found Julia Lathrop's Childrens Bureau files in the National Archives.

In past years, I used vertical boards. This year I wanted something different. I had an idea of a project that would rotate. I had no idea how this would work. My father and I took a trip to my local hardware store. I found a fixture that would attach to a base and spin. Basically this is what is inside a Lazy Susan.

Finally my father and I designed the panels. We took the dimensions and bought the insulation board and wood at the lumberyard.

I took notes and wrote summaries for the annotated bibliography. I made copies and wrote the labels. I then worked on the layout. My father helped cut the mat board on our 24-inch paper cutter. My mother helped with the word processing.

Julia Lathrop reacted to a problem that resulted from the Industrial Revolution. Children were suffering and dying because of this great change. She was especially concerned with the infant mortality rate.

My project explores Julia Lathrop's reaction to this Revolution and how she tried to create reforms that combated it. Her work began in Illinois, spread to the entire United States, and eventually worldwide.

Julia Lathrop worked to lower infant and maternal mortality, increase maternal education, and reduce child labor, all the harsh consequences of the Industrial Revolution.

"FIGHTING TERRORISM DOES NOT MEAN IGNORING OUR OWN CONSTITUTION"

HON BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. FRANK. Mr. Speaker, recently we have learned of two cases where American citizens have been arrested and subjected to indefinite imprisonment with no prospect of their being allowed to appear before a judge, and contest the basis on which they have been imprisoned. I believe this is a grave error. There is virtually unanimous support in the Congress and in the country for the fight against terrorism. And we realize that this means stepped up law enforcement in many respects, but it should not mean that the Constitution exists only at the option of the Justice Department. Imprisoning people who are legally here in the U.S. for indefinite periods with no provisions for there being any adjudication of the grounds of their imprisonment is unacceptable.

On Thursday, June 13 the Washington Post editorial entitled Detaining Americans (Cont'd) addressed this issue in a very thoughtful and cogent fashion. The concluding paragraph of that editorial is an important one that deserves special emphasis:

> The idea of indefinite detentions of Americans who have not been convicted of any crime is alarming under any circumstance. Without the meaningful supervision of the courts, it is a dangerous overreach of presidential power. If such a thing were happening in any other country, Americans would know exactly what to call it.

Mr. Speaker, because this is one of the most important issues now facing us—figuring out how best to defend ourselves in ways thoroughly consistent with our Constitional values—I ask that the editorial be printed here.

[From the Washington Post, June 13, 2002]

DETAINING AMERICANS (CONT'D)

The Bush administration is at least candid in its description of its detention of Jose Padilla, the American citizen arrested in Chicago on suspicion of being part of an al Qaeda plot to set off a dirty bomb. "We are not interested in trying him at the moment or punishing him at the moment," said Defense Secretary Donald Rumsfeld. "We are interested in finding out what he knows." President Bush described the Brooklyn native as "a threat to the country [who] is now off the street, where he should be." If Mr. Padilla is, as Mr. Bush said, "a bad guy," then it's a relief to have him behind bars. That said, we had thought that it took more than the determination by the president that someone was a "threat to the country" before an American could simply disappear and be locked up without charge or trial or prospect of release.

The government may be right that an American citizen working with al Qaeda can be held as an enemy combatant for the duration of the war on terrorism. As a legal matter, the contention has precedent in prior conflicts, though how to apply those precedents during an undeclared war against a non-state actor when the administration itself seems to regard the conflict as never-ending is no easy question. International law permits the detention of captured enemy soldiers, even those who have committed no crimes, and it would be reckless of the government simply to release people bent on detonating dirty bombs. The question is not whether the government can detain an enemy combatant bent on doing America great harm but whether it can designate anyone it chooses as such a person without meaningful review.

The government's position would be easier to swallow were it not actively seeking to frustrate judicial review of the president's designations. When the government detains a citizen as an enemy combatant, that person must be permitted to consult with counsel and challenge the lawfulness of the detention in court. Without that, every citizen is at the mercy of presidential whim. Formally, the government recognizes that federal courts have jurisdiction to consider the legality of detentions—including military detentions—in this country. Yet in Mr. Padilla's case—as in that of Yaser Esam Hamdi, another detainee with likely citizenship—it has thrown procedural obstacles in the way of efforts to adjudicate detentions. After whisking Mr. Padilla to military custody in South Carolina from civilian custody in New York, it has prevented him from consulting with the lawyer who had been appointed to represent him. Similarly, the government refused to let Mr. Hamdi meet with a federal public defender interested in representing him. And when that lawyer sought to file a case on his behalf anyway, the government then contended in a Kafkaesque twist that, having had no prior relationship with Mr. Hamdi, the lawyer could not do so.

The idea of indefinite detentions of Americans who have not been convicted of any crime is alarming under any circumstances. Without the meaningful supervision of the courts, it is a dangerous overreach of presidential power. If such a thing were happening in any other country, Americans would know exactly what to call it.

TRIBUTE TO MASTER SERGEANT LES (ANDY) D. ANDERSON

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. TRAFICANT. Mr. Speaker, today I would like to pay tribute to Master Sergeant Les (Andy) D. Anderson who was recently promoted to Senior Master Sergeant.

SMSgt Anderson was born 26 November 1959, in Youngstown, Ohio. He graduated from Chaney High School in 1978. He has a Bachelors Degree in Criminal Justice, Bachelors Degree in Human Resource Management, Associates Degree in Liberal Arts, and a Community College of the Air Force Degree in Instructional Technology.

SMSgt Anderson enlisted in the US Air Force in 1978, attending basic training and the Security Police Law Enforcement Academy at Lackland AFB Texas. From there he attended the Security Police Air Base Ground Defense Course at Camp Bullis, Texas. Upon graduating from there he was assigned to the 86 SPS Ramstein AFB Germany. In addition to performing duties as an installation patrolman, he worked as a Desk Sergeant. He was a first scene responder immediately after terrorists detonated a bomb at the HQ USAFE building in August 1981. He returned to the United States in December 1981 and was assigned to the 3800 SPS, Maxwell AFB Alabama. While assigned to Maxwell AFB, he attended the Traffic Accident Investigation Course at Lackland and the Alabama Criminal Justice Information Center Terminal Operation Course.

He worked as a Law Enforcement Specialist until September 1983 when he retrained into Combat Arms Training and Maintenance (CATM). Upon graduation from the CATM Technical School in November 1983), he was assigned to Myrtle Beach AFB South Carolina. While assigned there he attended the MK–19 Automatic Grenade Launcher Course, M60 Specialist Course, and the Combat Rifle Course conducted at Indian Springs AFAF Nevada. He deployed to Saudi Arabia from August 1990 to March 1991 in support of Operation Desert Shield/Storm.

In September 1992 he was selected for assignment to the HQ ACC/SP staff, Langley AFB Virginia. While assigned as MAJCOM CATM Functional Manager, he managed issues for 21 subordinate bases providing oversight of 225 CATM technicians; 59 ranges; 70,464 weapons; 93,000 students, and over 34 million rounds of ammunition. He attended the Beretta Armorers Course in September 1994. From September 1996 to his departure in July 1998, he worked ACC/SP issues associated with the Security, Law Enforcement, Canine, and CATM career field merger. In June 1997, he assumed additional duties as the Superintendent, Security Forces Resources responsible for allocating and distributing $165M worth of Security Forces equipment, including radios, vehicles, weapons, and Air Base Defense assets. He was selected by the Academy and arrived for duty with the Firearms and Tactics section in July 1998.

SMSgt Anderson's military awards and decorations include the Meritorious Service Medal (1 OLC), Air Force Commendation Medal (2 OLC), Outstanding Unit Award with Valor device (1 OLC), AF Organization Excellence Award, National Defense Service Medal, Southwest Asia Service Medal, Kuwaiti Liberal Medal (Kingdom of Saudi Arabia, Kuwaiti Liberal Medal (Kingdom of Kuwait), Navy Expert Rifle Medal, Navy Expert Pistol Medal, and the AF Expert Marksmanship Award (bronze star).

SMSgt Anderson lives in Waldorf, Maryland and has two daughters, Brittany and Ashley.

TRIBUTE TO MAGISTRATE JUDGE JOHN "JACK" MASON

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. LUTHER. Mr. Speaker, I rise today with a heavy heart to pay tribute to a most wonderful man, Magistrate Judge John "Jack" Mason, a personal friend of mine who passed away recently at the age of 63.

It has been said that no person is honored for what they receive but rather for what they give, and Jack Mason gave much during his many years in public service. A lawyer and judge, Jack had a vision and passion that served him well in his professional career. Most important, however, Jack understood that vision and passion mean nothing without love, and he spent his life earning the devotion of his family and many friends.

Jack was born in Mankato and earned a degree from Macalester College in St. Paul, where he developed a lifelong friendship with U.N. Secretary General Kofi Annan. After graduating from Harvard Law School in 1963, he worked hard as a partner and trial lawyer at Dorsey & Whitney in Minneapolis for 32 years. He took time along the way to serve as Minnesota solicitor in 1971 and state deputy attorney general from 1972 to 1973, and also served on the Minneapolis school board from 1973 to 1980.

In 1985, Jack Mason was appointed a Federal magistrate judge. His ability to speak fluent German, along with his knowledge of Italian, French, Spanish, Korean, and Arabic, made his performance of naturalization ceremonies a sight to behold. He took great pleasure from knowing that people could comfortably communicate their concerns to him in the language of their choice.

Jack is survived by his beloved wife, Vivian, as well as his daughter Kathleen, sons Peter and Michael, two brothers, and two sisters.

Mr. Speaker, looking back at Jack's life, we see a man who was dedicated to serving the public good. It is without exaggeration that I say all of us who knew him feel blessed to have been in his company. Honoring Jack Mason's memory is the least we can do today to recognize all that he did for others during the 63 years of his life.

SOUTHERN CALIFORNIA WILD HERITAGE WILDERNESS ACT INTRODUCTION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Ms. SOLIS. Mr. Speaker, I rise today to introduce the Southern California Wild Heritage Wilderness Act of 2002.

During the last 20 years, 675,000 acres of unprotected wilderness—approximately the size of Yosemite National Park—have lost their wilderness character due to activities such as logging, mining and development. We cannot let this destruction of our most precious resources continue unchecked!

This groundbreaking legislation will preserve about 1.6 million acres of Southern California wilderness for generations to come.

As a child, my family did not have the financial resources to travel to expensive, vacation spots. But my family's best memories are from family outings to the Azusa canyon in our local National Forest. This is where we learned to appreciate the world around us. We were fortunate enough to be able to travel a few miles to enjoy the great outdoors at the foothills of the Angeles National Forest.

Families like mine continue to use Federal lands to vacation, hike, swim and appreciate nature. As this relationship grows, so does our concern about the future of our precious lands. People, regardless of race or income, are overwhelmingly concerned about our natural resources.

The community I represent is 60% Latino and 30% Asian. We have one of the highest unemployment rates in the country. One might think that our main concern is putting food on the table. But with 3 Superfund sites, 17 gravel pits, and 2 rivers that resemble sewer channels, our concerns are many—and especially the environment!

My community's interest is not unusual. Studies show that 96% of Latinos believe that the environment should be an important priority for this country. And this statistic isn't just confined to Hispanics. African Americans, Native Americans, Caucasians, Asian Americans—we all care about the environment.

In the coming decades, the population of California is expected to skyrocket. In Los Angeles alone, population growth estimates predict that the number of people will at least double. According to the University of Southern California's Sustainable Cities Program, 3 to 4 acres of open or green space are needed per 1000 people for a healthy environment. In my urban area, there is less then ½ acre per 1000 people. This is a nation-wide trend.

With more people and less space, we have to start planning so that we don't look around one day and realize that all we see is concrete buildings, congested highways and smoggy cities. We have to plan for environmental preservation now so that our natural resources are not destroyed by carelessness and over-development.

The Southern California Wild Heritage Wilderness bill will put us on the right track so that our environment is not the victim of our population but growth, a managed approach which respects communities and open space.

This bill will also give working families an opportunity to enjoy and learn about the environment. It will provide the open space needed to create a safe haven where people can get away from the city, the smog, the noise, and the daily hazards of urban life to experience nature and enjoy quality time with family and friends.

These lands also hold a lot of cultural value. This bill will protect sacred lands of California's Native American Tribes.

This bill will honor our natural resources—our forest, streams, lakes, and wildlife.

I am pleased to be a part of this effort and look forward to protecting our natural resources for generations to come.

PRIVATIZING AIR TRAFFIC CONTROLLERS

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. MATHESON. Mr. Speaker, it is with concern that I rise to discuss the President's Executive Order to strip air traffic controllers of their inherently governmental function status.

I believe first and foremost that the greatest responsibility of the federal government is to ensure the public's safety. Taking steps toward privatizing our air traffic controllers could impede our safety efforts. Privatizing air traffic control systems has consistently proven to jeopardize air safety.

Both Great Britain and Canada have privatized their air traffic control systems and both have run into massive debts, increased costs for airlines and higher prices for consumers. The British system, that began operating only eleven months ago, is currently facing bankruptcy. Even after a government bailout of 30 million pounds, airlines are seeing burgeoning shortfalls of up to 80 million pounds.

In Canada, there are many problems with the privatized system. Canadian air traffic controllers are preparing to strike while Air Canada President Robert Milton exclaimed, "I think we have a long way to reach the levels of efficiency that exist in the US."

Mr. Speaker, why would we take steps toward privatizing America's air traffic controllers when we just decided it was more effective to make airport security screeners federal employees?

Privatizing our air traffic control system would be a terrible step backward as the Administration looks to consolidate and improve the abilities of our national homeland defense agencies.

ALFRED GRISANTI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Alfred Grisanti who served the City of Cleveland as a member of the City Council from 1944 to 1954 and then as an activist private citizen for many more decades. Mr. Grisanti was a fearless defender of the public interest, challenging the rationale of an urban renewal program years before its collapse. He was a visionary who understood that the best intentions of government had to be followed up by serious planning. The Urban renewal program in Cleveland in the 1950s moved tens of thousands of city residents out of their inner-city housing and gave the land to institutional and private interests. There was no program for relocation of residents, who were often forced into tenement districts where living conditions were intolerable; poor housing, poor health care, segregated schools. Mr. Grisanti waged a long and lonely challenge to the program on behalf of the dispossessed and small businesses. Years later was proven to have been right, as the urban renewal program of the 1950s became part of the civil rights disasters of the 1960s.

Mr. Speaker, Alfred Grisanti brought a fighting spirit into city politics. He was a member of one of the most famous college football teams in American history, the Fighting Irish of Notre Dame, under legendary coach Knute Rockne. He was a reserve end on Notre Dame's national championship teams of 1929 and 1930. He graduated from Notre Dame in 1931, with a degree in economics. He later earned a law degree from Western Reserve School of Law. In 1948 he was a delegate to the Democratic National Convention. Mr. Grisanti often used football analogies in his legal and political discussions. His love of football, the law and politics continued throughout his life and his friendships spanned all three fields from one end of America to the other.

Mr. Speaker, it is appropriate that this United States House of Representatives pay tribute to the memory of Mr. Alfred C. Grisanti. True to the fight song of his Alma Mater, 'Down through the years,' he has re-echoed the cheers, and through his efforts brought fame to Notre Dame, to his profession, to his city and to his own family name.

EXECUTIVE ORDER ISSUED BY PRESIDENT BUSH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to the Executive Order issued by President Bush that stated that air traffic control is no longer an inherently governmental function. I am deeply concerned that this is the first step in an unwise attempt to privatize our nation's air traffic control system. As we are considering consolidating federal agencies into the Department of Homeland Security, I believe it is unadvisable to make changes to successful federal organizations.

Our nation has the best air traffic control system in the world. The professionalism of our air traffic controllers allowed for the rapid and safe clearing of American airspace after the events of the 11th. It seems to me that given the recent terrorist attacks and on-going threats to homeland security, it is imperative that we maintain our current system of air traffic controllers, who have done such a good job of keeping our air space safe.

Three nations that have privatized their air traffic control operations have been disappointed with the results. Great Britain's experiment with privatization has left the air traffic control system facing bankruptcy and frequent performance setbacks. Canada is also facing revenue shortages in its air traffic control system as well as a potential strike by the employees because of working conditions. In Australia, air traffic controllers walked out of airports earlier this year to protest stalled pay talks and have continuing concerns about on-the-job stress and fatigue.

Clearly, these are not systems that the United States should be striving to replicate. Privatizing air traffic control is a bad idea. Our government should not be looking to place profits over safety.

I urge my colleagues to join me in expressing opposition to the President's executive order stripping the inherently governmental designation from our air traffic control system. Our nation's air traffic control system is strong and safe; privatization will only make it weak.

IN HONOR OF COLONEL WILEY EDWIN "BUD" ANDREWS.

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. ETHERIDGE. Mr. Speaker, today I rise to pay tribute to one of North Carolina's favorite sons, Colonel Wiley Edwin "Bud" Andrews, upon his retirement from the North Carolina National Guard.

Theodore Roosevelt, our nation's 25th President and a member of the National Guard, once said:

> It is not the critic who counts . . . The credit belongs to the man who is actually in the arena, whose face is marred by dust; sweat and blood; who strives valiantly . . . who knows the great enthusiasm, the great devotions who spends himself in a worthy cause; who . . . knows in the end the triumph of higher achievement.

For thirty-two years and five months Colonel Andrews has actually been in that arena, Mr. Speaker, as he has served in our nation's military. As a member of the National Guard, Colonel Andrews has participated in a number of important emergency response efforts and has helped spread and foster democracy through his work in the former Soviet Republic of Moldova.

Since he joined the National Guard at the age of 20, Colonel Andrews has become a decorated and experienced guard member. He began his military career as a Medical Platoon Leader and quickly rose through the ranks to be a Finance Maintenance Battalion Commander and finally serving as Deputy Commander of the United States Property and Fiscal Office. Indeed, Colonel Andrews has served his state and nation with distinction and devotion through two deployments to South Korea and by negotiating the Memorandum of Understanding with Moldova. In addition to his many awards and accomplishments, he is also a graduate of the prestigious U.S. Army War College. Now, at the close of his military career, Colonel Andrews is truly an example of "the triumph of higher achievement."

In his retirement, Colonel Andrews will not step out of the arena of which President Roosevelt so eloquently spoke. Bud is, and will continue to be, an integral part of Johnston County and the town of Smithfield where he lives. After rising to the rank of Eagle Scout and his graduation from Campbell University, Bud became President of the Capital City Jaycees in Raleigh. In Johnston County, Bud became a State Vice President for Community Affairs of the North Carolina Jaycees and a Jaycee International Senator. Bud has further served his community as President of the Johnston County Young Democrats, the Downtown Smithfield Development corporation, and the Greater Smithfield-Selma Chamber of Commerce. Bud has also had a successful career as a Vice President and Commercial Banker for the First Bank and Trust Company. Currently, he is serving as Chairman of the Johnston County Tourism Authority. Clearly, Bud's "great enthusiasm" for community service has yielded great results for Johnston County and the town of Smithfield.

Mr. Speaker, the National Guard is one of the most respected and reliable military forces in the world, and Colonel Bud Andrews has been a vital part of the North Carolina Guard's success. On behalf of a grateful state, and nation, I thank him for his selfless service to his country, and wish him all the best in his future endeavors.

May God's strength, peace, and joy be with him always.

COMMEMORATING AND ACKNOWLEDGING DEDICATION AND SACRIFICE MADE BY MEN AND WOMEN KILLED OR DISABLED WHILE SERVING AS PEACE OFFICERS

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. Res. 406, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women killed or disabled while serving as peace officers.

Each day more than 700,000 peace officers patrol the streets and borders of this nation. They work tirelessly to stamp out crime, eradicate drugs, and preserve civility. They knowingly and willingly make a commitment to uphold the law of this country at any cost. There are truly no words to express my gratitude to the commitment peace officers make day in and day out, but these will have to do. Because of these noble men and women, Americans can sleep better at night knowing that their streets are safe and borders are secure.

On September 11, our nation lost 70 peace officers in a single act of violence, the largest number of law enforcement officers our nation has ever lost in a single act. However, we can rest assured that more than 740,000 peace officers continue to work on the behalf of the American people. They have vowed to ensure peace and will not rest until that promise is made true.

In appreciation of peace officers efforts, Congress has recognized May 15 as the day in which we will nationally acknowledge the men and women who gave their life or way of life for peace. By enacting H. Res. 406, Congress joins the families of more than 14,000 fallen law enforcement officers since this countries birth. 14,000 officers that gave their life so Americans can preserve their way of life. There is truly no greater gift. Therefore, Mr. Speaker I stand before you today to show my enthusiastic support of H. Res 406.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mrs. JONES of Ohio. Mr. Speaker, I did not vote in Rolls 226, 227, 228, and 229 of June 13, 2002 due to a family commitment. Had I been present, the record would reflect that I would have voted:

Rollcall No. 226 Providing For Consideration of H.R. 4019, "nay".

Rollcall No. 227 On Approving The Journal, "yea".

Rollcall No. 228 Matsui Amendment, "yea".

Rollcall No. 229 Final Passage H.R. 4019, "nay".

COMMENDING THE STUDENT COUNCIL OF OAK RIDGE HIGH SCHOOL

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 17, 2002

Mr. WAMP. Mr. Speaker, the September 11th terrorist attacks were an unprecedented assault upon the American way of life. It is important that we memorialize the civilians who were killed and console the friends and families who would never want their loved ones to be forgotten. I would like to commend the Oak Ridge High School Student Council in Oak Ridge, Tennessee for their plan to do just that.

Since September 17th, they have been working tirelessly to earn support for their plan to purchase all of the scrap steel from the World Trade Center rubble and fashion it into memorial displays for every cooperating high school in America. Their proposal also suggests that a plaque would be affixed to the steel describing the events in New York City, Washington, D.C., and Pennsylvania as a visible reminder of that dreadful moment in our history. Students at ORHS, along with their Student Council Advisor Kenneth Senter, have received the endorsement of their school leaders, their city leaders, and their state legislature. Over one hundred students have helped raise money, write letters, and propose memorial designs. Their next step is to build the sanction of their local government by starting a charitable fund that will pursue national contributions and cooperation.

They call on all citizens of this nation—every student, every teacher, every parent, and every leader to contemplate the potential of these memorials. They call on all communities in this nation to come together at unveiling ceremonies across this country to remember that we are all one community and that we are all one people who firmly resolve to protect liberty and security. They call on everyone who passes by these scarred remnants to work harder, learn more, teach more, and love more.

Through this undertaking, these students are learning the true meaning of citizenship. I applaud their efforts and wish them continued success in their endeavor.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 18, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 19

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 2473, to enhance the Recreational Fee Demonstration Program for the National Park Service; and S. 2607, to authorize the Secretary of the Interior and the Secretary of Agriculture to collect recreation fees on Federal lands.

SD–366

Commission on Security and Cooperation in Europe

To hold hearings to examine the current human rights atmosphere in Kosovo, focusing on the rights of ethnic minorities to return home, human trafficking, and the rising tensions between the region's ethnic minorities.

SD–124

Health, Education, Labor, and Pensions

Business meeting to consider S. 2184, to provide for the reissuance of a rule relating to ergonomics; S. 2558, to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; S. 1115, to amend the Public Health Service At with respect to making progress toward the goal of eliminating tuberculosis; S. 710, to require coverage for colorectal cancer screenings; and pending nominations.

SD–430

10 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine future sufficiency and stability of the Universal Service Fund.

SR–253

Intelligence

To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine certain events surrounding September 11, 2001.

S–407, Capitol

10:30 a.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine penalties for white collar offenses.

SD–226

Governmental Affairs

To hold hearings on the nomination of Michael D. Brown, of Colorado, to be Deputy Director of the Federal Emergency Management Agency.

SD–342

1:45 p.m.

Health, Education, Labor, and Pensions

To hold hearings on proposed legislation authorizing funds for the National Science Foundation, focusing on math and science research, development, and education in the 21st century.

SD–430

2:30 p.m.

Foreign Relations

Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee

To hold hearings on S. 1017, to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals.

SD–419

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine the National Aeronautics and Space Administration, focusing on education programs.

SR–253

Intelligence

To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine certain events surrounding September 11, 2001.

S–407, Capitol

Appropriations

Treasury and General Government Subcommittee

To hold hearings to examine the effectiveness of the National Youth Anti-Drug Media Campaign.

SD–192

JUNE 20

9:30 a.m.

Commission on Security and Cooperation in Europe

To hold joint hearings to examine human rights in Greece, focusing on minority rights, religious liberty, freedom of the media, human trafficking, and domestic terrorism.

334, Cannon Building

Environment and Public Works
Superfund, Toxics, Risk, and Waste Management Subcommittee
To hold hearings to examine lessons learned from asbestos remediation activities in Libby, Montana, as well as home insulation concerns relating to asbestos.
SD–406

Armed Services
To hold hearings on the nomination of Gen. Ralph E. Eberhart, USAF, for reappointment to the grade of general and to be Commander in Chief, United States Northern Command/Commander, North American Aerospace Defense Command.
SH–216

Governmental Affairs
To hold hearings to examine the President's proposal to create a Department of Homeland Security.
SD–106

Aging
To hold hearings to examine long-term care financing.
SD–628

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine global climate change, focusing on the U.S. Climate Action Report.
SR–253

Health, Education, Labor, and Pensions
To hold hearings to examine workers freedom of association, focusing on obstacles to forming unions.
SD–430

Judiciary
Business meeting to consider pending calendar business.
SD–226

1:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine Amtrak's financial condition.
SD–192

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings on S. 139/H.R. 3928, to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah; S. 1609/H.R. 1814, to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut as a national historic trail; S. 1925, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire; S. 2196, to establish the National Mormon Pioneer Heritage Area in the State of Utah; S. 2388, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era; S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; and S. 2576, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JUNE 21

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the importance of summer school to student achievement and well being.
SD–430

10 a.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine the plight of North Korean refugees.
SD–226

JUNE 25

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nomination of Phyllis K. Fong, of Maryland, to be Inspector General, Department of Agriculture; the nomination of Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission; the nomination of Douglas L. Flory, of Virginia, to be a Member of the Farm Credit Administration Board, Farm Credit Administration; and the nomination of Sharon Brown-Hruska, of Virginia, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2004.
SR–332

JUNE 27

9:30 a.m.
Appropriations
Transportation Subcommittee
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold joint hearings to examine cross border trucking issues.
SR–253

HOUSE OF REPRESENTATIVES—*Tuesday, June 18, 2002*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PENCE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 18, 2002.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

REQUEST TO ADDRESS THE HOUSE FOR ONE MINUTE

Mr. PALLONE. Mr. Speaker, the gentlewoman from Florida would like to ask unanimous consent to do a 1-minute.

The SPEAKER pro tempore. The Chair cannot entertain a 1-minute request at this time.

Ms. ROS-LEHTINEN. Could I ask the gentleman to yield a minute of his time?

Mr. PALLONE. Can she not take 5 minutes ahead of me?

The SPEAKER pro tempore. The gentleman from New Jersey has the floor for 5 minutes and may yield.

GOP PRESCRIPTION DRUG PLAN

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

RECOGNITION OF ANTHONY ZECCA

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from New Jersey for his kindness in yielding.

I would like to recognize Anthony Zecca on his retirement as chief of police for the Miccosukee Tribe of Indians. Chief Zecca has been a pillar of strength and trust for his community and has provided assistance and protection for all. His leadership as a law enforcement officer over the last 45 years has earned him respect and admiration from his community.

Chief Zecca began his career as a police officer with the New York Police Department and came to the Miccosukee Tribe in 1976. Within a year he was promoted to lieutenant and was appointed chief of police in 1978.

Please join me in recognizing Chief Anthony G. Zecca for the commendable service he has provided and for his commitment to the south Florida community. And I thank the gentleman from New Jersey (Mr. PALLONE), and I know that he knows the Miccosukee Tribe very well and knows Chief Zecca.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN). I met the chief on one occasion when I went down there with the gentlewoman's husband, and he is really an outstanding individual.

Let me say, Mr. Speaker, that the reason that I am in the well this morning is because of my concern about the Republican leadership effort to bring up their prescription drug bill today in the Committee on Energy and Commerce and in the Committee on Ways and Means. I have said many times that I am glad that the Republican leadership is finally willing to bring up a bill; however, it is quite clear that their legislation does nothing more than throw some money to private insurance companies in the hope that they will provide some sort of prescription drug benefit. And I am very concerned that, unlike the Democratic proposal which provides for a guaranteed Medicare benefit, 80 percent of which is being paid for by the Federal Government, and which brings down costs by giving the power to the Secretary of the Department of Health and Human Services to have 30 or 40 million seniors who can now negotiate lower drug prices, this is what we need. Democrats are proposing a Medicare benefit, a guaranteed benefit, 80 percent paid for by the Federal Government, just like what we have now for part B of Medicare that covers your doctor bills.

What the Republicans are proposing and bringing up in committee today and tomorrow is a sham. It is nothing more than an effort to try to convince the American people that somehow they are going to provide a benefit that will not exist. It is illusory because it is nothing more than giving money to private insurance companies without any guaranteed benefit, without any Medicare benefit, and without any cost control.

But I have said over and over again that Members do not have to take my word for it. In the last few weeks, commentators in the New York Times and various media around the country have pointed out rather dramatically that the Republican proposal will not work, that it is designed for failure, and if I could just use a couple of quotes to point that out, in Sunday's New York Times there was an article by Robert Pear, and it says, and I want to quote a few sections, under the Republican proposal, "Medicare would pay subsidies to private entities to offer insurance covering the costs of prescription drugs. Such 'drug only' insurance does not exist and many private insurers doubt whether they could offer it at an affordable price."

A quote: "I am very skeptical that 'drug only' private plans would develop," said Bill Gradison, a former Congressman who was president of the Health Insurance Association of America from 1993 to 1998.

The insurance companies themselves are telling the Republican leadership that these drug-only policies will not work. They will not be offered. It is a hoax on the American people and on our seniors to suggest that somehow this Republican bill is going to provide a benefit. It will not provide a benefit. Nobody is even going to offer the benefit.

Today in the New York Times, an opinion piece by Paul Krugman, who is a regular contributor to the New York Times, says essentially the same thing. I just want to quote a couple of sections.

He says, "The theory of the Republican bill is that competition among private insurance providers would somehow lead to lower costs. In fact, the almost certain result would be an embarrassing fiasco because the subsidy would have few, if any, takers. The trouble with drug insurance from a private insurer's point of view is that some people have much higher drug expenses than the average, while others have expenses that are much lower,

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and both sets of people know who they are. This means that any company that tries to offer drug insurance will find that it tries to offer a plan whose premiums reflect average drug costs. The only takers will be those who have above-average drug costs."

What Krugman is saying here and what others are saying is that no insurance company is going to provide this insurance, because the only person that would take it would be someone who has extremely high drug costs, and they cannot operate an insurance system that way. I do not want to get into all the details, but the bottom line is that we are getting this uniform chorus around the country telling us that the Republican proposal to simply provide money to private insurers will not work.

What are the Republicans going to do? They know this is not going to work. They are going to try to shove it down the throats of the Congress in committee tomorrow or the next day, and bring it to the floor next week. They know it will not work, so what they are doing is use the pharmaceutical drug companies to spend millions of dollars on advertising to say it is a good proposal, and it is not.

RECOGNITION OF TEACHERS' OF THE YEAR

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Texas (Mr. SAM JOHNSON) is recognized during morning hour debates for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I hate to hear them talking about drugs this early in the morning, because the Republican plan will work. We believe in democracy and free enterprise, and that is how it is going to work.

Mr. Speaker, we have good teachers and we have great teachers, and it is an honor to bring to my colleagues' attention distinguished teachers from the Third Congressional District of Texas. I am pleased to recognize these recipients of the Teacher of the Year Award, who enable our students to understand and learn from each other and strive to achieve their goals.

Great teachers nurture our country's best hope for tomorrow: our children. Children may be a fraction of our society, but they are 100 percent of our future. The perseverance and dedication of our teachers challenge and shape students to dream, to work, to make those dreams come true.

Unfortunately, educators work with little public thanks or appreciation, even though top-notch teachers are essential to a strong future. These dedicated educators in particular go beyond the call of duty and selflessly make our children and our country a better place.

It is my distinct honor to present the teachers of the year from Garland, Texas, and Richardson, Texas:

In Garland Independent School District, the teacher of the year is Carol Clark.

In Richardson Independent School District, the teachers of the year are Betty Jackson and Kari Gilbertson.

As the highest-ranking Texan on the Committee on Education and the Workforce, I know firsthand the importance of a quality education. However, it is outstanding teachers like these who strive for excellence. I thank these hometown heroes and excellent educators for all they do for Garland, for Richardson, for our children, for America, and for freedom. God bless them.

NO TAX BREAKS FOR CORPORATIONS RENOUNCING AMERICA ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, September 11 really brought out the best in Americans when all of us are continuing to be asked to sacrifice some for our country, and some have sacrificed their all. Unfortunately, certain of our multinational corporations are offering less, indeed, much less.

Over the years, the United States has rightly entered into tax treaties with countries around the world to avoid taxing the same income twice for their businesses, as well as for ours. These treaties are so broadly worded, however, that some corporations can exploit them to evade taxes not just on their foreign earnings, but on what they earn right here at home.

These corporations use gaps in the tax treaties to shift U.S. earnings abroad to countries like the Barbados or Luxembourg that impose little or no tax. This income vanishing act occurs through the creation of affiliated foreign shell corporations that make high-interest loans or obtain hefty royalty fees from the American companies.

To stop this abuse, today I am introducing the "No Tax Breaks for Corporations Renouncing America Act." This abuse results from the broad way in which our tax treaties test foreign ownership and residency. Before globalization, one could assume that a company with stock listed on the stock exchange was a company from one of the countries with which it was listed, but that is no longer the case. My legislation, by narrowing the provision, ensures that tax treaties are used only for their intended beneficiaries, not for those corporations whose phony claim to foreign citizenship is based on little more than a new mailbox.

By exploiting the tax treaty loophole, companies who renounce their U.S. citizenship are reaping a windfall. Corporate freeloaders are taking treaties designed to eliminate double taxation and are using them instead to eliminate all taxation on some of their income.

These corporate "ex-patriots" are selective in waving the Star-Spangled Banner. Yes, they want to be American to enjoy the protection of our Armed Forces, the protection and reliability of our courts, and to seek business from the Federal Government; but when it comes time to pay, to pay their fair share to keep America strong, Old Glory suddenly comes down the flagpole, and they claim they are foreigners.

These fair-weather friends choose to wrap themselves in the flag when that is convenient, and renounce the flag and say they are foreigners and wrap themselves in a tax treaty when that is convenient; we have to put a stop to that. It is time to end the practice of them sending Uncle Sam a postcard that says, "Sorry, you can find me in Barbados, glad you are not here."

American executives who want to evade U.S. taxes on U.S. income by moving their mailbox to an island and hold beachside board meetings, are entitled to a tan, not a tax break.

Take companies like Cooper Industries and Stanley Tools. They make tools, shovels, and the like; but we might think that when Stanley says it is making something great, it had in mind beach tools like this from its new residency. The way that they are operating inspired one of my neighbors down in Austin to note that Stanley Works ought to be called "Stanley Flees," because it has fled Old Glory and America.

A vote for the bill that I am introducing today will send the executives a message: They can play all they want on the beach to avoid taxes, but Congress will not put its head in the sand. They can have fun in the sun, but Congress refuses to let the rest of us, Americans who are working hard to pay our taxes, get burned by having to pay their taxes also. It is the American taxpayer who gets hammered when Stanley Works or one of these other companies heads off to foreign shores and does not pay its fair share for our increased national security needs.

And remember, allowing a few unpatriotic corporations to exploit this loophole gives them a competitive advantage over the many American corporations that stay and pay their fair share and are competitors with those who leave our shores.

☐ 1045

Freedom is not free. Corporate free loaders, Uncle Sam wants you, wants you to pay your fair share to support America.

I encourage my colleagues to join with me in supporting the "No Tax

Breaks for Corporations Renounces America," act so we can ensure equity and fairness in our tax system and put an end to those who are abandoning us through reliance on provisions in these tax treaties that were never intended for the purpose for which they are now being exploited.

ELIMINATION OF MARRIAGE TAX PENALTY

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the order of the House of January 23, 2002, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, often over the last several years, many of us have asked a very fundamental question, that is, is it right, is it fair, that under our Tax Code that millions of married working couples pay on average about $1,700 in higher taxes just because they are married.

Over the last several years, we in the House Republican majority have been working to eliminate what we call the marriage tax penalty where under our Tax Code, married working couples who are husband and wife are both in the workforce, pay higher taxes, and the way the marriage tax penalty works is when someone is married, husband and wife are both in the workforce, they combine their income, they file jointly. That has always pushed married working couples into a higher tax bracket. Really, it is a financial disadvantage. A couple is punished if they get married and essentially rewarded if they break up the marriage and are living as two single people.

We in the House Republican majority felt all along that was wrong. It is wrong under our Tax Code that we punish marriage. While President Clinton was in office, we passed legislation out of the House and Senate, sent a standalone bill to the President, President Clinton; and unfortunately, he vetoed our effort to eliminate the marriage tax penalty. Fortunately, this past year, we had a President come into office, George W. Bush, who agreed that it is time to stop punishing society's most basic institution, and this past year President Bush signed into law part of what we call the Bush tax cut legislation, which wipes out the marriage tax penalty; and it is estimated that 43 million married working couples will receive marriage tax relief as a result of the legislation that was signed into law last year.

Unfortunately, because of an archaic rule over in the other body, that provision had to be temporary, which means it expires in a few years; and unless the House and Senate do something, the marriage tax penalty will come back. I am proud to say that this past week the House of Representatives passed overwhelmingly, with the vote of every House Republican plus 60 Democrats, we passed overwhelmingly with a strong bipartisan vote an effort which wipes out the marriage tax penalty permanently.

My hope is the other body will take that up and that the House and Senate will quickly move that legislation through, get it on the President's desk, and permanently eliminate the marriage tax penalty.

It has been noted to me, according to the Congressional Budget Office, that unless we permanently eliminate the marriage tax penalty that when this temporary provision expires, that 36 million married working couples on average will see a total tax increase of almost $42 billion. Think about that. Unless we make permanent our legislation to eliminate the marriage tax penalty, we will see a $42 billion increase of taxes on marriage, and that is wrong.

I think a couple back in the district I represent in the south suburbs, Jose and Magdalena Castillo, a young couple, they work hard. They have two children, Eduardo and Carolina. They suffered, prior to the Bush tax cut being signed into law, $1,150 marriage tax penalty; and thanks to the efforts of this House, to the House Republican majority, to President Bush, we eliminated their marriage tax penalty. For Jose and Magdalena Castillo, $1,150 is several months of car payments, several months of day care for Eduardo and Carolina, a significant portion of tuition at Joliet Junior College. It is a down payment on a car. It is a big chunk of savings for their children's college education; $1,150 is real money.

There are some here that say we should let that legislation expire. We should let the marriage tax penalty come back because we can spend that money here in Washington on something else. Well, $1,150 in Washington is a drop in the bucket; but for Jose and Magdelene Castillo, the marriage tax penalty, $1,150, is real money, just like it is for 36 million married working couples all over America.

The House has passed legislation now to eliminate the marriage tax penalty. My hope is that Republicans and Democrats in the House and Senate will come together and make this a priority to permanently eliminate the marriage tax penalty. We have done it here in the House. My hope is the entire Congress can do it together in a bipartisan way and we can get on President Bush's desk this fall legislation to permanently eliminate the marriage tax penalty.

BUMFIGHTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, one of the most troubling problems for our communities facing the struggle for liability deals with our homeless population. The problem of homelessness, if not worse today, is certainly more complex. As a result of deinstitutionalization, many of these people now live on the streets; and one of the most serious consequences is violence against the homeless.

Stories of the abuse of homeless and the mentally ill are appearing with stark and frightening regularity, setting a homeless woman on fire, random beatings, even murders. We know last year there were 18 murders and dozens of assaults on the homeless.

These are the stories that were reported to the authorities and found their way into the media. Because of the hidden, often forgotten, world these people inhabit, we know that incidents are underreported and that the known violence is just the tip of the iceberg.

I have been appalled at the people who would not just avoid helping but actually are seeking to exploit the homeless, and the worst example I have seen is a recent video entitled "Bumfights" that films the abuse and violence against the homeless. "Bumfights," the brain child of two recent graduates of the University of California and USC film schools, sets a new standard for the cruel exploitation of damaged human beings. In less than a month, these people have sold 10,000 copies of a video depicting homeless men assaulting each other on the streets of Las Vegas.

A vagrant struggles to escape the punishing punches, kicks and body slams of his attacker. Another scene with a man standing in a dark alley, hitting himself on the head as he realized that his hair is on fire. A purported crack addict smoking the drug and defecating on the sidewalk, and then there are films of a homeless man extracting his own teeth with a pair of pliers.

A segment entitled "Bumhunter" parodies television's Crocodile Hunter, with a man in safari clothing binding, gagging and measuring and marking various homeless men on the streets of Las Vegas before releasing them to their national habitat. These sad, pathetic images are described as hilariously shocking. I call it criminal.

They say it is voluntary, since they reward the men with food, clothing, shelter and small change. I charge them of preying on the despair of those without the basic necessities to sustain life or the facilities to cope. Who among us would willingly be filmed extracting our teeth with a pair of pliers? Of course, the film makers are already planning a sequel.

When I read about this video, I was appalled. Not surprisingly, it was promoted on Howard Stern's television show and soon being shipped to people nationally and internationally.

This is not about committee jurisdiction or the geography of the people we represent. It is about our basic humanity. If we cannot act to protect our most vulnerable, what does this say about us all? We need to fix this problem.

I have started with inquiries to the heads of the Las Vegas Federal investigative offices of the FBI, Customs and the U.S. Postal Service. I have asked them specifically to explain what steps they intend to take, and if they decline to open a case, whether it is because they lack resources, they have other priorities, or whether there simply is not a legal action.

I believe that this is already criminal conduct. First of all, in their own press releases, the film makers admit that they are paying homeless actors to commit crimes such as assault and kidnap. They are, therefore, accessories or aiders and abettors. This activity is not protected by the first amendment anymore than the so-called "snuff flick" might be protected pornography. All three of the Federal agencies investigate pornography, and they know the difference.

The FBI should have jurisdiction because of the interstate nature of the business and the possible conspiracy to violate State laws. Customs should have jurisdiction because the material is being distributed internationally, and the postal service should have jurisdiction because the mails are being used to further the distribution.

If these agencies claim they do not have the resources, then perhaps Congress should act to earmark funds, because this is a serious public safety issue. If these agencies claim they have other priorities, then perhaps we should examine the setting of their priorities; and if they claim that there is no specific law that authorizes them to investigate this activity, then perhaps we should enact one.

A Congress that will push the constitutional limits on fighting pornography and that will appropriately outlaw crush videos that depict the torture of animals should do no less for our fellow human beings. This violence against the homeless is not just a crime against them. It is an assault against us all. We should do all we can to stop this outrage and punish those who would torture, degrade and exploit some of our most vulnerable citizens.

HOW BIG SHOULD FEDERAL GOVERNMENT BE

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, passing on to my colleagues and the American people a predicament that Congress is now facing related to spending. How big should the Federal Government be, how much should we tax the American citizens in order to accommodate what we think is important and necessary spending now. And one of the problems with the overzealousness of Members of Congress to spend is that we either increase taxes to accommodate that spending or we increase borrowing.

Right now, the debt of the Federal Government is a little over $6 trillion. We have a law, though, that says that we cannot have a debt that is greater than what is approved by law, passed by the House and the Senate and signed by the President; and that debt limit now is $5.95 trillion. Yet the Federal debt actually is now $6.019 trillion.

How does that happen? We are playing political games. There is a loophole that the last administration and this administration claim exists in current law to use surplus civil service retirement funds and pretend that is not borrowing subject to the debt limit. They use those extra dollars coming in from the deductions of Federal employees to increase Federal Government spending.

The ultimate problem still is how much should we spend. When I first ran for Congress in 1992, the percentage of gross domestic product, spent for the Federal budget was just a little bit over 22.2 percent, of GDP. Five years later it was 19.6 percent of GDP. Last year we got it down to about 18.4 percent of GDP. Increased predicted spending for this year is now starting to go up again at 19.9 percent of what we produce in this country.

So the question is how much do we borrow that requires interest and leaves an obligation for future generations? How much do we tax that takes away from workers. We have got a government, we have a Constitution, we have a free enterprise system that motivates. Those that work hard, that try, that learn, that save, that invest, end up better than those that do not. And what we have been tending to do for the last 40 years is increase taxes for those who succeed and redistribute wealth. So we tax at a higher rate everybody that is willing to take a second job or earn and save and invest, and, we now tax them when they die.

How much do we tax before we start to take away that incentive to save, to work harder, to invest?

□ 1100

We are having a problem now encouraging small business to take the risk because of high taxes to pay for big government.

I would encourage my colleagues to look at my joint resolution, which is H.J. Res. 99, that provides we keep budget spending a constant percent of GDP, and let the budget increase as the GDP, gross domestic product, increases.

There has to be some limitation. We have proposals for a balanced budget. That is fine and good, but if we decide simply to increase taxes or increase borrowing to accommodate a growing budget, it still leaves a burden on future generations, and it takes away some of that incentive from current workers that are trying to work and save and learn and invest to make their life and their families' lives better.

In closing, Mr. Speaker, I would say that the overzealousness to spend is what happens in these Chambers, because often Members are better off politically if they come up with new pork barrel projects to take home to their district. They often get in the newspaper and on television if they are willing to start a new social program that spends more of somebody else's money. It is just important that we remember that when we spend money, when we come up with these generous programs, as we approach prescription drugs in Medicare, let us remember that we are taking away from current workers or putting an extra burden on future retirees by increasing the debt load to accommodate what seems at the moment an important spending program. Taxes and debt are high enough. Let us be frugal on spending.

FAST TRACK TRADE BILL

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the order of the House of January 23, 2002, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the House will soon consider a motion to go to conference on H.R. 3005, the fast track bill. Normally, the process for beginning a conference is a noncontroversial pro forma exercise, but attempts at passage of a special rule make clear that the current process is anything but normal.

The presumptive chairman of the conference has made clear he does not trust the conferees. He has a vision of how he wants the conference to proceed, and he wants to eliminate any chance that things will not go his way. The Republicans are employing an arcane, rarely-used procedure that I do not believe I have seen in my 10 years in Congress, to stack the deck against Democrats on the conference committee and to deny any vote on a Democratic alternative on fast track trade legislation.

The Republicans are attempting to abuse the House process by adding up to a dozen new items that the House has never had an opportunity vote on, has had no hearings to discuss, nor has even considered. These changes include gutting the other body's health care assistance for workers suffering from our trade policies, creates a weaker version of the other body's trade adjustment assistance, and it completely strikes the Dayton-Craig provisions that are designed to ensure that Congress has a role in protecting U.S. trade laws.

The rule goes well beyond normal procedures, completely unnecessary to begin the fast track conference. The most offensive of the Republican leadership's provisions will gut the worker health protections added in the other body's bill.

Under TAA health provisions, workers would have access to an advanceable and a refundable tax credit valued at 70 percent of their health insurance premium; 70 percent. This tax credit could be used for group coverage, continuation of COBRA coverage, State health insurance purchasing plans, and other ways.

Group coverage offers several advantages to workers. It is cheaper, its availability is much wider, and health insurance cannot be denied due to preexisting conditions. Republicans, however, are expected to offer a tax credit that can only be applied toward private nongroup coverage.

Under the Republican approach, there is no guarantee that workers will be able to even find health insurance, because it is in the private market, let alone to afford it. In the private individual market, there are no limits on premiums that can be charged for someone who is sick, and insurers often exclude coverage of important services and even exclude coverage sometimes of body parts. As a result, only relatively healthy workers are likely to find affordable coverage, which means other workers will be left without any coverage or will be forced to pay the entire cost of whatever group coverage might be available to them. Less healthy workers, who are unable to find affordable, meaningful individual coverage will be forced to go without coverage or pay the full COBRA premium.

Because relatively healthy workers will therefore leave the COBRA pool, and relatively less healthy workers will remain in the COBRA pool, employers' COBRA costs go up. Accordingly, employers will be forced to either scale back benefits or drop coverage entirely.

The Republican approach, as it usually does, will create a windfall for insurance companies and for HMOs. It will not protect workers, again as the Republicans plan usually does not. It will not protect workers or employers from huge health care costs. Under their proposed rule, Democrats would have no chance to debate or amend any of these provisions.

Not surprisingly, the Republicans are proceeding without any consultation with Democrats on the Committee on Ways and Means. While the majority may say that their TAA health benefit is the same as what the other body passed, no one should be fooled. This will only hurt American workers who have already been hurt by unfair trade policies.

I urge my colleagues to oppose any rule that may be on the floor tomorrow and to oppose any rule that may jeopardize a bipartisan conference committee on fast track.

COMMEMORATION OF THE 60TH ANNIVERSARY OF THE FOUNDING OF THE OFFICE OF STRATEGIC SERVICES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, in the summer of 1942, we were deeply embroiled in war. Our leaders saw that it was imperative that we institute a formal intelligence service, so on June 13, 1942, we established the Office of Strategic Services, OSS, considered to be the precursor to the Central Intelligence Agency.

As we sit here in the summer of 2002, 60 years ago this week, we are again at war, and I want to commemorate the OSS on what would be its 60th anniversary. Whether we call it intelligence, reconnaissance, collection, espionage, or simply spying, as a former Air Force intelligence officer myself, I recognize the critical function of this agency in winning wars.

One of the recipes for success in the OSS was its diverse inclusion of operatives. It was modeled after England's intelligence agency. Accordingly, Lieutenant Commander Ian Fleming of British Naval Intelligence, the same Mr. Fleming who went on to create the world's most famous fictitious secret agent, James Bond, had this rather stodgy advice for OSS Director William "Wild Bill" Donovan: "Pick men in their forties and fifties, possessing absolute discretion, sobriety, devotion to duty, languages, and wide experience." However, Mr. Donovan had the insight to look more broadly. He selected younger, recklessly daring men and women; pro athletes, missionaries, reformed gangsters, professional counterfeiters, journalists, movie stars, Hollywood stuntmen, and singers.

I would like today to commend some outstanding contributions from women in the OSS. Arlington National Cemetery has an excellent exhibit, now until December 2002, called Clandestine Women: The Untold Story of Women in Espionage. From this, we learn that 4,500 women served in the OSS during World War II. Besides spies, they worked as saboteurs, cryptographers, propaganda experts, and guerilla warriors. They also contributed as secretaries, as clerks, and as drivers.

But let me begin with just one employee I thought would be of great interest to my colleagues, Julia McWilliams. She was a patriotic woman who wished to serve the United States Navy, but was rejected because of her height. She was 6–2. Instead, she got a job in East Asia with the OSS and was eventually awarded the Emblem of Meritorious Civiiian Service. Ms. McWilliams was instrumental in creating a shark repellent. Sharks proved problematic for Navy and OSS divers trying to bomb German U-boats. Years later, NASA used her shark repellent recipe to protect astronauts whose capsules landed in shark-infested waters.

Ms. McWilliams married a diplomat, Paul Child. The couple moved to France, where Julia took cooking classes that would change the face of American dining. Today we can all be grateful for Julia Child's gift to America both in intelligence and as a French chef.

Another brave and resourceful American woman was Virginia Hall, the "Limping Lady of the OSS." Her nickname came from a wooden leg due to a prewar hunting accident. This Baltimore native worked tirelessly for the French resistance. Hall was highly educated and multilingual. She learned Morse code and how to work a wireless radio, which made her indispensable to the OSS because communication lines were destroyed after D-Day. She engaged in guerilla and subversive activities, placing her own life in danger for the salvation of France.

Hall is the only civilian female to receive the Distinguished Service Cross, and after World War II became one of the CIA's first female operations officers. When President Truman himself offered to present the award to her, she declined to return to the States on the grounds that she was just too busy, too busy in intelligence work to leave France at that critical time.

Finally, also working behind the lines of occupied France not for the OSS, but for the French resistance, and therefore for the benefit of all Allied forces, was the American expatriate Josephine Baker. A talented and beautiful African American singer, this Missouri native became a French citizen. Still permitted to perform her shows around Europe by the occupying Nazis, Josephine craftily used this freedom to travel as a tool of transferring secret documents. Most courageously, she even smuggled classified material in her sheet music to Allied collaborators in Portugal. French President Charles de Gaulle presented her the Legion of Honor, which was France's highest decoration. She was also awarded the Medal of the Resistance with Rosette, and named a Chevalier of the Legion of Honor by the French government for hard work and dedication. At her death, the French government honored her with a 21-gun salute, making Josephine Baker the first American woman buried in France with military honors.

So I commend, Mr. Speaker, these and all the dedicated valiant women of the OSS, without whom Europe and the world may not exist in its present state. I also call my colleagues' attention to the book "The Secret War" by Francis Russell, if they are interested in learning more about the details of this great agency as well as the women who participated.

SALUTE TO THE DETROIT RED WINGS

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the order of the House of January 23, 2002, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized during morning hour debates for 5 minutes.

Ms. KILPATRICK. Mr. Speaker, I stand here today to congratulate the Detroit Red Wings for winning the Stanley Cup 2002 award for the year. We congratulate the Red Wings, Mike Illitch and the entire Illitch family; Scotty Bowman, Steve Yzerman, and the entire team for giving our fans across Michigan and across this country a whirlwind tour as we won another Stanley Cup playoff.

I want to say to the Illitch family, "We thank you for your dedication to the Red Wings, to the city, and to the region from which we come. Continue that Illitch spirit as we rebuild our region together and our city."

To Scotty Bowman, the winningest coach in American hockey, "We congratulate you and wish you well in your retirement as you move on; and to Mrs. Bowman, who has been a stalwart fan of yours and our Detroit Red Wings."

And to Steve Yzerman and the team for all the hard work, the gut playing, the tenacity, "You really made us all feel proud."

On behalf of Mayor Kwame Kilpatrick, mayor of the City of Detroit, and all the residents of the city, as well as all the residents of the region and Michigan, we say, "Go Detroit Red Wings. We are so very proud of you."

Let us use that same spirit to bring our city, our region, and our State together. We have awesome responsibilities ahead of us, and we believe with that Red Wing spirit, with Mayor Kilpatrick's leadership, we can pull our city together, build new economic development, a wonderful regional transportation system, offer hope for our children and security for our seniors.

Go Red Wings. We are so very proud of you, and may you continue to be the spirit of our city.

MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT OF 2002

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Minnesota (Mr. KENNEDY) is recognized during morning hour debates for 5 minutes.

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise in support of the Medicare Modernization and Prescription Drug Act of 2002. As I go around my district and talk with seniors, this is one of the top issues that they have for us in Congress, to get a prescription drug coverage within Medicare. This bill is long overdue, and it is very important for our seniors. We need a comprehensive prescription drug benefit under Medicare, and this bill delivers exactly that.

No senior should have to choose between groceries and medical care. This plan gives our seniors immediate relief from the rising costs of prescription drug medications by providing a 30 percent discount off the top of their overall prescription drug bill. We guarantee coverage for all seniors who want it in Medicare.

The nonpartisan Congressional Budget Office predicts that 95 percent of seniors will voluntarily sign up for this benefit. So this is a program that will work that we are putting forth for seniors and that we expect to be beneficial to them.

In addition to the immediate discount and basic insurance coverage, which combined should save the average senior about half of their costs for prescription drugs, we are also providing a 100 percent prescription drug coverage for low-income seniors to make sure that those most in need can have the medicines they need to stay healthy.

We also have catastrophic protection, at a $5,000 level or so, that will ensure that individuals do not have to deplete their lifetime savings and do not have to choose between other basic necessities in life and pharmaceuticals.

□ 1115

We also offer more Medicare choices and savings. Many Americans already have coverage. Most seniors have prescription drug coverage, but this bill is put forth to be a base upon which other plans can build upon to provide stronger coverage for seniors.

We are very hopeful that we can get this passed in the House and enacted into law. Continuing the tradition of making important legislation temporary, the majority in the other body recently introduced a bill that expires after 10 years. That is unfair to our seniors, Mr. Speaker. Our approach helps seniors now and permanently into the future. Our plan is affordable and is intended to cover all seniors. The choice is clear. I strongly support passage of this bill, and I urge Members to do the same.

SUPPORT MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the order of the House of January 23, 2002, the gentleman from Illinois (Mr. DAVIS) is recognized during morning hour debates for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to join with all of my colleagues and all of the people across America who support a real prescription drug program for seniors. I understand the concerns that some express for the need to reform Medicare, and I agree. But I believe that prescription drug coverage for seniors should be an integral part of the Medicare program.

We are aware that since its creation Medicare has remained stagnant, while advances in medicine have grown rapidly. We are aware that even our fundamental vision of medicine has dramatically changed from diagnosis and treatment to preventive care. Today, due to our realization of the need for modification and reform of Medicare, to our seniors, which has been an overwhelming process of paperwork with worries about reimbursement and regulations, it is not a form of security as it was once thought to be. Medicare reform is necessary, but the time is now to listen to our seniors and to give them what they have been requesting, that we give them financial relief and provide them with a prescription drug plan that will actually cut their monthly prescription drug expenses. It has been stated on the floor of this House a number of times that we have seniors choosing between food and drugs, splitting their prescription in half and denying themselves other medical care due to the cost of their monthly prescription drug costs.

In fact, seniors are declaring bankruptcy at a record pace due in large part to the rising cost of health care. We need a prescription drug coverage that covers all seniors. It is not just our poorest seniors who are having problems paying for their prescription drugs. It is also middle-class seniors who are struggling with the burden of outrageous drug costs.

As Members of Congress, we need to ensure that we provide a Medicare prescription drug benefit that is voluntary, universal and accessible. No senior should be denied a benefit based on where he or she lives or what his or her income is. We see our European neighbors offering their seniors drugs at half the cost of what American companies are charging. American seniors are being encouraged to travel overseas or across our borders to Canada and Mexico just to save money on the same prescription drug they can get in the United States. This is outrageous and absurd and should shed more light on the importance of why this great Nation needs a serious drug plan for seniors.

Once again we need to let our seniors know that we hear them loud and clearly. We need to let our seniors know that we stand firmly behind them in the fight to cut their monthly drug costs. We cannot let our seniors down again this year. Let us do the right thing. Let us enact a real prescription drug program for all of our seniors so that they never have to cut back on the basic necessity to keep living.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 20 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at noon.

PRAYER

The Reverend Scott Custead, Zion Lutheran Church, Hollidaysburg, Pennsylvania, offered the following prayer:

Blessed are You, O Lord our God, creator of the universe. All life is a gift from Your hands. All just pursuits serve Your purposes.

You have instituted government to be an instrument of Your will. You have given those who govern the responsibility to ensure the peace and good order needed for the proper functioning of society.

We, therefore, pray for those who have been called and set aside to serve our Nation in this body. May their actions serve Your purposes. May their deliberations be based in wisdom. May their goals be just. May they be supported in their work by the prayers of a grateful Nation.

In all that this body accomplishes and in all that we do as a Nation, may we be true to our calling to serve all people and to build a better tomorrow. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. CULBERSON). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. ETHERIDGE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ETHERIDGE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING PASTOR SCOTT CUSTEAD

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I rise to welcome our guest chaplain, Pastor Scott Custead, from Zion Lutheran Church in Hollidaysburg, Pennsylvania. Pastor Custead is a graduate of California State University and received his Master's in Divinity from Pacific Lutheran Seminary in Berkeley, California. He has been an ordained minister since 1981. He has also served at various churches throughout the State of Pennsylvania and has served this country from 1986 to 1992 as an Army Reserve chaplain. From 1984 through 1985, Pastor Custead served as campus minister at Pennsylvania State University in State College, Pennsylvania.

In 1986, Pastor Custead came to my home parish in Hollidaysburg, Pennsylvania, where I have had the privilege to come to know him and his family. As a parishioner of Pastor Custead's, I have seen firsthand his deep involvement within the community. Not only is Pastor Custead committed to the religious development of his church, he is also active in many civic organizations including the Hollidaysburg Children and Youth Service Board and is a member of various school and borough committees.

Pastor Custead resides in Hollidaysburg, Pennsylvania, with his wife, Carol, also a minister at our church; and they are the proud parents of two children, Linnea, who is heading off to college this fall at the University of Pittsburgh, and Ryan, who will begin his first year of high school at Hollidaysburg Area Junior High School.

Mr. Speaker, Pastor Custead, or as he is known to Zion members, Pastor Scott, and his family have been a valuable part of our community for many years. It is an honor for me today to welcome him to the House of Representatives, and I thank him for his continued dedication to his church, his community and his country.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. REHBERG. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

HAITIAN-AMERICAN CULTURAL HERITAGE MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, last month we celebrated Haitian-American Cultural Heritage Month. I want to join all who took part in the commemoration of the rich Haitian culture. I want to send special thanks to Dr. Rosy Toussaint from the Haitian-American Cultural Society, North Miami Mayor Joe Celestin, artist Edward Duval Carrie, as well as Miami Dade Mayor Alex Penelas, for their hard work in making this month-long celebration a great success.

Daily activities of this month-long event were shared within south Florida and showed incredible examples of Haiti's colorful culture. These fabulous events included a Taste of Haiti extravaganza, entertaining film festivals, book and poetry readings, spectacular art exhibits and dance performances, all of which shone a bright ray of Haitian culture on our south Florida community.

I am very happy that the people of south Florida had a chance to celebrate the wonder and delight of the Haitian people and their beautiful traditions.

WORDS OF WISDOM FROM JAMES MADISON

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, the American people are being prepared for war with Iraq with little or no discussion in this House. Longstanding prohibitions against political assassinations of foreign leaders have been lifted with little or no debate in this House. A policy of strike-first preemptive attacks has been initiated, effectively nullifying the constitutional role of Congress under article 1, section 8 of the Constitution, assuring war at the whim of the President.

Our Nation is being plunged into a state of continual warfare. President Madison once said:

"Of all the enemies to public liberty, war is perhaps the most to be dreaded because it comprises and develops the germ of every other. War is the parent of armies. From these proceed debts and taxes. And armies and debts and taxes are known instruments for bringing the many under the domination of the few. No nation could preserve its freedom in the midst of continual warfare."

James Madison said that in 1795. In 2002 we would do well to remember those words.

ON ENERGY

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, America is at war. We are at war against terrorists and those who would support their hate-filled actions. Unfortunately, there are those in this Chamber that would have the United States continue to import almost 60 percent of our oil from many of the very same terrorist-sponsoring regimes our sons and daughters are bravely fighting today. Conservative estimates state that ANWR alone holds enough energy to power all of Montana's needs for the next 300 years and would provide more than 2,000 desperately needed jobs in my home State. It is ridiculous to depend on unstable nations, riddled with terrorists, for our oil, not when America has untapped resources at home.

The security of our Nation depends on eliminating our dependence on foreign oil. I urge my colleagues to support our balanced energy plan. for America's future.

TITLE IX

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to celebrate the 30th anniversary of title IX of the education amendments of 1972. In passing title IX, Congress intended to give girls and women opportunities equal to those offered to boys and men in education programs that receive Federal taxpayer dollars.

Today we enjoy a greater amount of freedom from our counterparts from 30 years ago. Yet with all the advances that have been made toward gender equity, many barriers still remain. For example, according to a report of the National Coalition for Women and Girls in Education, just 21 percent of all full professors at colleges and universities are women. For every new dollar going into athletics at the Division I and Division II levels, male sports receive 65 cents of the dollar while girls or women sports receive only 35 cents. In addition, sex segregation persists in career education, with more than 90 percent of girls clustered in training programs for the traditionally female fields of health, teaching, graphic arts, and office technology.

We must continue to support title IX.

INDIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to condemn the atrocities committed by Hindu extremists in Gujarat, India, against Muslims and other minority groups. Last week I met with human rights, academic and religious leaders from India who shared reports documenting the designs of the extremist groups against Muslims, Christians, Dalits and others.

Trained combatants in Gujarat entered villages and attacked men, women and children. Pregnant women had their wombs ripped open and unborn babies were ripped out and tossed onto burning fires. Approximately 300 women were gang raped. Over 2,000 people died. I have photos too gruesome to show in my office.

It appears that some of these Hindu extremist groups receive some of their funds from charities in the U.S. and the U.K. We should ensure that no funds from the United States gathered under charitable causes are used to finance terrorism, and we must publicly condemn the violence and officials who support ethnic cleansing.

Mr. Speaker, our government must respond to these brutal attacks and the underlying extremism. The silence of the U.S. Government is deafening.

AIR TRAFFIC CONTROL SYSTEM PRIVATIZATION

(Ms. BERKLEY asked and was given permission to address the House for 1 minute.)

Ms. BERKLEY. Mr. Speaker, a recent executive order paves the way for privatization of our air traffic control system. The order states that air traffic control is no longer an inherently governmental function. Air traffic controllers play a significant role in our national security. National security is inherently a government function.

On September 11, our air traffic controllers safely grounded nearly 4,500 aircraft in less than 2 hours, proving that the current system works and works well. Proponents of privatization cite the systems in Great Britain, Canada, and Australia as efficient and effective. However, the systems in Great Britain and Canada are facing financial crisis and the controllers in Australia report poor working conditions.

Our system works. Our air traffic controllers have demonstrated it time and time again. We should not privatize our air traffic control system.

CONGRATULATING IDAHO'S FIRST CONGRESSIONAL DISTRICT BASEBALL TEAMS

(Mr. OTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTER. Mr. Speaker, I want to congratulate the college baseball teams from Idaho's First Congressional District for winning the national championship and placing third at the recent NAIA World Series. The Lewis & Clark State College Warriors, led by veteran coach Ed Cheff, captured their 12th national title since 1984 on their own Harris Field in Lewiston, Idaho, beating Oklahoma City 12–8 in the May 31 championship game.

Meanwhile, the Coyotes from Albertson College in Caldwell, my alma mater, finished third in head coach Shawn Humberger's first World Series appearance. Only an Albertson College loss to Oklahoma City in the semifinals kept the title game from being an all-Idaho, all-First Congressional District affair.

Lewis & Clark State College, which also happens to be the alma mater of my colleague, Mary Bono's spouse, finished with a 41–16 record, returning the national championship to Lewiston after a 1-year hiatus. Albertson College ended its season 42–20–1 as the Coyotes continue building a reputation as a national power. They won their first national title in 1998, were national runners-up in 1999, and placed fifth in 2000.

I am proud of both programs' success and of the quality of education that these athletes receive at these public and private institutions.

□ 1215

TRIBUTE TO CAROLINA HURRICANES

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today in support and admiration of my hometown team, the Carolina Hurricanes, who, after just 5 years in North Carolina, made it to the Stanley Cup finals this year.

The Hurricanes represented North Carolina well. They fought hard, they played fair, and they never gave up. Their strength and determination showed the true mettle that champions are made of.

Even though our 'Canes could not bring the cup home this year, they took the city of Raleigh, the area and really the whole State on a very exciting ride. The entire region has been swept up in the fervor of the quest for the cup and the sport of hockey. Raleigh, North Carolina, long known for basketball, is now most definitely a hockey town. Just last week, over 6,000 people turned out to say "thank you" to the team and welcome them back home.

The 'Canes' rise to the top of the hockey elite has also given the world a glimpse of what those of us from North Carolina have known for a long time. Raleigh is one of the most vibrant and exciting cities in the world, and the whole Triangle region is a wealth of innovative technology, business and industry.

I am proud to represent North Carolina and proud of the Carolina Hurricanes.

TRIBUTE TO THOSE WHO PUT OUT WILDFIRES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as summer days get longer and hotter, the risk of forest fires continues to increase. Just last week a 1,500-acre wildfire burned in Pioche, Nevada. Dedicated firefighters kept the blaze from the small Nevada town, located about 190 miles north of Las Vegas.

Today I would like to echo the sentiments expressed by Lincoln County Sheriff's Sergeant John Wilcock. He said, "If it hadn't been for the quick response by volunteer firefighters and the BLM, the town could have been gone."

Thank you to all of our Nation's firefighters who risk their own lives every day to save the homes and lives of others. As a proud resident and Representative of a Western State, I know firsthand the unique challenges our firefighters face in preventing and putting out wildfires. Nevadans value your work, your commitment and your heroism.

ENRON CORPORATION RUN FOR FUN AND PROFIT OF TOP EXECUTIVES

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, as Americans picked up their newspapers this morning, they once again learned that the Enron Corporation was run for the fun and profit of its top executives, not for the benefit of the energy market, and certainly not for most of its employees.

In the year that Enron was failing and heading toward bankruptcy, 140 of its top executives took out almost $800 million in bonuses; $800 million, which is about the same amount as its 20,000 employees lost in their 401(k) retirement plans; $800 million that those people will not have for retirement, but which these 100 executives will have for the rest of their lives.

As the Republicans talk about privatizing the Social Security system and insisting that everybody go into the equity markets with their own little account, they had better understand that corporate America is not running this system for the benefit of the shareholders. Corporate America is not running the system for the benefit of the corporations. They are running it for the benefit of the executives, those executives that took out $800 million on the eve of the bankruptcy at Enron Corporation.

SENIORS NEED DRUG BENEFIT NOW

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Americans have sent a clear message to Congress: Seniors need a prescription drug benefit now. We can no longer rely on rhetoric and empty promises. We must take action now to make sure that seniors receive help.

Now, thanks to the leadership of Republicans, we have a prescription drug benefit plan that not only provides for a long-term permanent benefit, but also makes sure that relief is given now in the short term.

This is a plan that does, not discriminate between different groups of seniors, as everyone should have access to the prescription drug if they choose to use it. And the most important part of this plan is that it provides options. We will give seniors real choices to make sure they get a plan that best suits their individual needs.

Many on the other side of the aisle want to make this a partisan issue. They offer up plans that have no basis in reality, calling for a $800 billion program with no way to fund it. This is politics as usual, rhetoric with no results.

The Republican prescription drug benefit is a responsible and realistic plan, and we can get it to our seniors now.

PROVIDING SENIORS PRESCRIPTIONS AT AN AFFORDABLE PRICE

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, they built this Nation, raised their families and fought for our freedom, so no senior in this country, not a single one, should be without the prescription drugs they need to stay healthy.

Every senior deserves access to the prescriptions they need at an affordable price. We do that in our plan. Republicans do not. That is what we Democrats are fighting for.

If we controlled the House, we would pass a bill to cover all seniors, not just some, but all seniors today. In fact, we would have passed a bill years ago, but almost 8 years after Republicans took control of the House, they still refuse to give all seniors the coverage they deserve.

Why is that? The sad truth is that Republicans would rather protect 100 percent of their special interest friends and leave millions of seniors without the coverage they need, and that is a sorry, inexcusable disgrace.

Let us have what Democrats are proposing. Let us have a vote on this floor for a universal, affordable, voluntary prescription drug program for America's seniors.

MEDICARE PRESCRIPTION DRUG BENEFIT AND DISCOUNT ACT

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, the House Democratic prescription drug proposal is a real one. It provides a solid $25-a-month premium cost, a $100-a-year deductible, coinsurance. Beneficiaries pay 20 percent, Medicare pays 80 percent, an out-of-pocket limit of $2,000 per year per beneficiary, and low-income beneficiaries with incomes of 150 percent of poverty will pay absolutely nothing.

This is a real plan, a plan that benefits all of the people. Let us pass it.

BRING KIDNAPPED AMERICAN CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I have taken to this floor every day now this year to come here to remind the American citizens of Ludwig Koons, who was abducted from the United States of America in 1994. He is now, I think, 9 years old, and he is still a citizen of the United States who is illegally out of our country.

I placed a phone call to our Secretary of State. A staff person called me back. I placed a phone call to the Ambassador to the United States from the Vatican. They have not even bothered to return my phone call. I have placed a phone call, many phone calls, I might add, to all of these people, including the Ambassador of Italy to the United States. I have talked with him, yet nothing yet seems to be moving.

The issue is not about Ludwig Koons, it is about the 1,000 children who are taken out of our borders each year illegally. They are all citizens of this country and pledge allegiance to our flag.

Where is our government? Why are we not turning to those children and doing anything, anything, necessary to return them to our land? Bring our children home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

CODE TALKERS RECOGNITION ACT

Mr. LUCAS of Oklahoma. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3250) to authorize the President to present a gold medal on behalf of Congress to the Sioux Indians who served as Sioux Code Talkers during World War II in recognition of their service to the Nation, as amended.

The Clerk read as follows:

H.R. 3250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Code Talkers Recognition Act".

SEC. 2. EXPRESSION OF RECOGNITION.

The purpose of the medals authorized by this Act are to express recognition by the United States and its citizens and to honor the Native American Code Talkers who distinguished themselves in performing highly successful communications operations of a unique type that greatly assisted in saving countless lives and in hastening the end of World War I and World War II.

TITLE I—SIOUX CODE TALKERS

SEC. 101. FINDINGS.

Congress finds the following:

(1) Sioux Indians used their native languages, Dakota, Lakota, and Nakota Sioux, as code during World War II.

(2) These people, who manned radio communications networks to advise of enemy actions, became known as the Sioux Code Talkers.

(3) Under some of the heaviest combat action, the Code Talkers worked around the clock to provide information which saved the lives of many Americans in the Pacific and Europe, such as the location of enemy troops and the number of enemy guns.

(4) The Sioux Code Talkers were so successful that military commanders credit the code with saving the lives of countless American soldiers and being instrumental to the success of the United States in many battles during World War II.

SEC. 102. CONGRESSIONAL GOLD MEDAL.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to each Sioux Code Talker, including the following:

(1) Eddie Eagle Boy.
(2) Simon Brokenleg.
(3) Iver Crow Eagle, Sr.
(4) Edmund St. John.
(5) Walter C. John.
(6) John Bear King.
(7) Phillip "Stoney" LaBlanc.
(8) Baptiste Pumpkinseed.
(9) Guy Rondell.
(10) Charles Whitepipe.
(11) Clarence Wolfguts.

TITLE II—COMANCHE CODE TALKERS

SEC. 201. FINDINGS.

The Congress finds the following:

(1) On December 7, 1941, the Japanese Empire attacked Pearl Harbor, Hawaii, and the Congress declared war the following day.

(2) The military code, developed by the United States for transmitting messages, had been deciphered by the Axis powers, and United States military intelligence sought to develop a new means to counter the enemy.

(3) The United States Government called upon the Comanche Nation to support the military effort by recruiting and enlisting Comanche men to serve in the United States Army to develop a secret code based on the Comanche language.

(4) At the time, the Comanches were second-class citizens, and they were a people who were discouraged from using their own language.

(5) The Comanches of the 4th Signal Division became known as the "Comanche Code Talkers" and helped to develop a code using their language to communicate military messages during the D-Day invasion and in the European theater during World War II.

(6) To the enemy's frustration, the code developed by these Native American Indians proved to be unbreakable and was used extensively throughout the European theater.

(7) The Comanche language, discouraged in the past, was instrumental in developing one of the most significant and successful military codes of World War II.

(8) The Comanche Code Talkers contributed greatly to the Allied war effort in Europe and were instrumental in winning the war in Europe. Their efforts saved countless lives.

(9) Only 1 of the Comanche Code Talkers of World War II remains alive today.

(10) The time has come for the United States Congress to honor the Comanche Code Talkers for their valor and their service to the Nation.

(11) The congressional gold medals authorized by this title are the recognition and honor by the United States and its citizens of the Comanche Code Talkers who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and in hastening the end of World War II in Europe.

SEC. 202. CONGRESSIONAL GOLD MEDAL.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to each of the following Comanche Code Talkers of World War II, in recognition of their contributions to the Nation:

(1) Charles Chibitty.
(2) Haddon Codynah.
(3) Robert Holder.
(4) Forrest Kassanovoid.
(5) Willington Mihecoby.
(6) Perry Noyebad.
(7) Clifford Otitivo.
(8) Simmons Parker.
(9) Melvin Permansu.
(10) Dick Red Elk.
(11) Elgin Red Elk.
(12) Larry Saupitty.
(13) Morris Sunrise.
(14) Willie Yackeschi.

TITLE III—CHOCTAW CODE TALKERS

SEC. 301. FINDINGS.

Congress finds the following:

(1) On April 6, 1917, the United States, after extraordinary provocations, declared war on Germany, thus the United States entered World War I, the War to End All Wars.

(2) At the time of this declaration of war, Indian people in the United States, including members of the Choctaw Nation, were not accorded the status of citizens of the United States.

(3) Without regard to this lack of citizenship, many members of the Choctaw Nation joined many members of other Indian tribes and nations in enlisting in the Armed Forces to fight on behalf of their native land.

(4) Members of the Choctaw Nation were enlisted in the force known as the American Expeditionary Force, which began hostile actions in France in the fall of 1917, and specifically, members of the Choctaw Nation were incorporated in a company of Indian enlistees serving in the 142d Infantry Company of the 36th Division.

(5) A major impediment to Allied operations in general, and American operations in particular, was the fact that the German forces had deciphered all codes used for transmitting information between Allied commands, leading to substantial loss of men and materiel during the first year of American action.

(6) Because of the proximity and static nature of the battle lines, a method to communicate without the knowledge of the enemy was needed.

(7) An American commander realized the fact that he had under his command a number of men who spoke a native language. While the use of such native languages was discouraged by the American Government, the commander sought out and recruited 18 Choctaw Indians to use for transmission of field telephone communications during an upcoming campaign.

(8) Because the language used by the Choctaw soldiers in the transmission of information was not based on a European language or on a mathematical progression, the Germans were unable to understand any of the transmissions.

(9) The Choctaw soldiers were placed in different command positions, to achieve the widest possible area for communications.

(10) The use of the Choctaw Code Talkers was particularly important in the movement of American soldiers in October of 1918 (including securing forward and exposed positions), in the protection of supplies during American action (including protecting gun emplacements from enemy shelling), and in the preparation for the assault on German positions in the final stages of combat operations in the fall of 1918.

(11) In the opinion of the officers involved, the use of Choctaw Indians to transmit information in their native language saved men and munitions, and was highly successful. Based on this successful experience, Choctaw Indians were being withdrawn from frontline units for training in transmission of codes so

as to be more widely used when the war came to a halt.

(12) The Germans never succeeded in breaking the Choctaw code.

(13) This was the first time in modern warfare that such transmission of messages in a native American language was used for the purpose of confusing the enemy.

(14) This action by members of the Choctaw Nation is another example of the commitment of American Indians to the defense of our great Nation and adds to the proud legacy of such service.

(15) The Choctaw Nation has honored the actions of these 18 Choctaw Code Talkers through a memorial bearing their names located at the entrance of the tribal complex in Durant, Oklahoma.

SEC. 302. CONGRESSIONAL GOLD MEDAL.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design honoring the Choctaw Code Talkers.

TITLE IV—GENERAL PROVISIONS

SEC. 401. MEDALS FOR OTHER CODE TALKERS.

(a) PRESENTATION AUTHORIZED.—In addition to the gold medals authorized to be presented under section 102, 202, and 302, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to any other Native American Code Talker identified by the Secretary of Defense pursuant to subsection (b) who has not previously received a congressional gold medal.

(b) IDENTIFICATION OF OTHER NATIVE AMERICAN CODE TALKERS.—

(1) IN GENERAL.—Any Native American member of the United States Armed Forces who served as a Code Talker in any foreign conflict in which the United States was involved during the 20th Century shall be eligible for a gold medal under this section.

(2) DETERMINATION.—Eligibility under paragraph (1) shall be determined by the Secretary of Defense and such Secretary shall establish a list of the names of such eligible individuals before the end of the 120-day period beginning on the date of the enactment of this Act.

SEC. 402. PROVISIONS APPLICABLE TO ALL MEDALS UNDER THIS ACT.

(a) MEDALS AWARDED POSTHUMOUSLY.—Medals authorized by this Act may be awarded posthumously on behalf of, and presented to the next of kin or other representative of, a Native American Code Talker.

(b) DESIGN AND STRIKING.—

(1) IN GENERAL.—For purposes of any presentation of a gold medal under this Act, the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(2) DESIGNS EMBLEMATIC OF TRIBAL AFFILIATION.—The design of the gold medals struck under this Act for Native American Code talkers of the same Indian tribe shall be emblematic of the participation of the Code Talkers of such Indian tribe.

(3) INDIAN TRIBE DEFINED.—For purposes of this subsection, the term "Indian tribe" has the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act.

SEC. 403. DUPLICATE MEDALS.

The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck under this Act in accordance with such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the bronze medal.

SEC. 404. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 405. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 403 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. LUCAS) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LUCAS).

GENERAL LEAVE

Mr. LUCAS of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 3250, the Code Talkers Recognition Act. This legislation celebrates a relatively unknown aspect of American history, acts of bravery and heroism by Native American soldiers in the world wars of the last century, acts which saved the lives of many Allied servicemen.

Mr. Speaker, in any war, battles turn as much on information or on secrecy as on pure military might. If you know what your enemy is planning, you have a good chance to stop it. In both the First and Second World Wars, our enemies were skilled code breakers, and the ability to crack our communications costs many Allied lives.

In both conflicts, however, a relatively small band of Native Americans were able to use their unique tribal languages to baffle enemies. Speaking to each other either on field radios or field telephones, or occasionally even communicating with written messages, these men were able to quickly and accurately relay complex military messages and orders that could not be understood by enemies even if intercepted. Based neither on European languages or on mathematical formulas, these tribal languages were so impenetrable to the German and Japanese military intelligence units that they are said never to have been cracked.

Mr. Speaker, the best known of these code talkers were the Navajo, honored with congressional medals in the last Congress. But a number of other tribes, including the Sioux, Comanche and Choctaw, also provided code talkers, and the legislation we consider today seeks to recognize them as well.

The bill we are taking up was introduced by the gentleman from South Dakota (Mr. THUNE) and incorporates language in similar bills by the gentlewoman from Texas (Ms. GRANGER) and the gentleman from Oklahoma (Mr. WATKINS).

Mr. Speaker, as the sponsors of the language in this bill will tell us, the critical role played by the Native American code talkers in the battles of the First and Second World Wars were critical to the success of Allied efforts. It is long overdue that Congress recognize their heroic efforts with congressional gold medals. This bill will do that, recognizing the Comanche, Sioux and Choctaw code talkers, as well as asking the Secretary of Defense to identify any other soldiers from other tribes who also served valiantly in the defense of this country and then awarding them medals.

Mr. Speaker, I ask strongly for the support of this legislation.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House of Representatives honors many unsung American heroes whose contributions to America's freedom are without parallel in American history, the Sioux, Choctaw, Comanche and other Native American code talkers of World War II.

Without the valiant efforts of these patriotic members from many of our Native American communities, our Armed Forces would not have been able to deceive our enemies as effectively as they did. The rare beauty and intricacy of our Native American languages turned out to be our most secret of weapons, and to our code talkers, America owes a great debt of gratitude.

Our code talkers are an example of how the richness of our American heritage became a strength that no adversary could possibly match or overcome. America's freedom endures because our military commanders turned the linguistic heritage of our Native American tribes into an unprecedented asset of warfare.

Last year, in a Capitol Rotunda ceremony, Congress and President Bush honored code talkers from the Navajo Nation with a Congressional Gold Medal, the highest civilian honor that Congress can bestow. John Brown, Jr., speaking on behalf of the Navajos, said at that ceremony, "I am proud that at this point in American history our native language and the code we developed came to the aid of our country, saving American lives and helping the other U.S. Armed Forces to ultimately defeat the enemy."

□ 1230

It was a fitting tribute that the House now extends to the Choctaw, Comanche, and to other Native American code talkers through passage of this important legislation.

During World War II, America and its allies fought a massive war on several fronts and the code talkers protected the allies' secrets communications on most, if not all, of these fronts. From the Comanche and the Choctaw against the German Army and France, to the Navajo in the Pacific theater, more than 17 tribes in all made immeasurable contributions to the war effort. These include Cheyenne, Comanche, Cherokee, Choctaw, Osage, Yankton Sioux, Chippewa, Creek, Hopi, Kiowa, Menominee, Muscogee-Seminole, Javajo, Oneida, Paunee, Sac and Fox, and the Sioux, from both the Lakota and Dakota dialects.

The compelling story of how the rich heritage of our Native American peoples, their language, and their heroes ultimately played a major role in our winning World War II unfortunately took more than a half a century to be told. And it took as long for one of our Nation's highest honors to be bestowed upon these Native American heroes.

Today we honor their patriotism and their selflessness and their heroic actions, and America is grateful and proud for their contributions to our freedom. As proven by the code talkers, it is our heritage, and our people, that will always make America a great Nation.

I only regret that we as a Congress are so late in recognizing the contributions of American Indians to the allies' victory in World War II and that not all of the code talkers who served are alive today to accept this important honor. Even so, I am pleased we are taking this action today; and as the daughter of a World War II veteran, I am also heartened by the progress we can all see on the national memorial now under construction on the Mall just blocks from here.

As time passes, we cannot let the magnitude of the great victory our veterans achieved over the fanaticism of our World War II enemies fade from the national memory. As we face new military challenges today, from terrorists who also target and hate free societies, we can take extra inspiration from the bravery of our World War II veterans and the special place in history for the Native American code talkers. These brave soldiers went to war for the United States despite the historic mistreatment of Native Americans by the very government they were fighting to defend.

I am honored to stand and honor the Sioux code talkers this morning. Congress has stipulated that recipients of this award shall have "performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipients' field long after the achievement." The contribution of the code talkers to our great victory in World War II meets this high standard, and I am very pleased to join with my colleagues on the other side of the aisle to recognize them today.

Mr. Speaker, I reserve the balance of my time.

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. THUNE), who is the primary principal author of this bill and who has worked very diligently on this effort.

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me this time and thank him for his efforts in bringing this legislation to the floor, as well as the gentlewoman from New York (Mrs. MALONEY), in giving us the opportunity to recognize these great American heroes.

Mr. Speaker, South Dakota has a long history that extends back before the founding of our country by Western explorers. Native American culture was a way of life based upon four key values: generosity, bravery, fortitude, and wisdom. Whether they were hunting for food, interacting with family members, or facing the trials of life, they always displayed these great and important values. Regrettably, the importance and revered culture of these great people was nearly erased from American history.

However, later, during the middle part of the last century, at a time when Indians were discouraged from practicing their native culture, a few brave men used their cultural heritage, their language, to help change the course of history. These men are known as the code talkers. They served our country with distinction in both the European and the Pacific fronts of World War II. The Sioux code talkers, who I represent, used their Lakota, Dakota and Nakota dialects to send coded communications that the enemy was unable to crack. These brave men were often sent out on their own to communicate with headquarters regarding enemy location and strength without protection from the enemy. Sometimes they spent over 24 hours in headphones without sleep or food in deplorable conditions.

Today, military commanders credit the code talkers with saving the lives of countless American soldiers and being instrumental to the success of the U.S. military during World War II.

Two of these Sioux code talkers are still alive today: Clarence Wolf Guts of the Oglala Sioux Tribe and Charles Whitepipe, Sr. of the Rosebud Sioux Tribe.

Unfortunately, the nine other Sioux code talkers, John Bear King of the Standing Rock Sioux Tribe, Simon Broken Leg and Iver Crow Eagle, Sr. of the Rosebud Sioux Tribe, Eddie Eagle Boy and Philip LaBlanc of the Cheyenne River Sioux Tribe, Baptiste Pumpkinseed of the Oglala Sioux Tribe, Edmund St. John of the Crow Creek Sioux Tribe, and Walter C. John of the Santee Sioux Tribe of Nebraska have passed away.

Clarence Wolf Guts and Charles Whitepipe can tell us the stories of the trials and tribulations they faced as they served our country. The families of the other Sioux code talkers can pass on the stories told to them by their husband, father or uncle.

The legislation before us today finally honors the Sioux code talkers for their distinguished service to our country. In addition, the bill recognizes two other groups of code talkers who served our country with distinction. This bill distinguishes 14 Comanche code talkers for their dedication and service during World War II, and it also pays tribute to the Choctaw code talkers who served not only during World War II, but were known to have been used for their transmission of field communications in their native languages during World War I. I appreciate the gentlewoman from Texas (Ms. GRANGER) and the gentleman from Oklahoma (Mr. WATKINS) working with me to recognize these heroes.

At a time in which we fully understand the meaning of the word "hero," I believe we can all agree the code talkers are truly heroes of this country.

All of the code talkers provided safety to fellow Americans who were fighting so hard for our Nation. They did so by using their culture and their native language, which had been passed down to them through the generations. Above all, these code talkers brought respect to their Nation and victory to our country.

Last year, we rightly honored the Navajo code talkers for the important role that they played and for their heroism during World War II. It is now time to honor and recognize the Sioux, Comanche and Choctaw and code talkers for their contributions by awarding them Congressional Gold Medals.

Mr. Speaker, I am proud to be the sponsor of H.R. 3250, the Code Talkers Recognition Act, to honor the men who had risked their lives to save the lives of others. Congress should recognize these courageous men for their bravery and heroism in the face of adversity. Today, we will consider this important bill and finally recognize these men for their heroic efforts.

Mr. Speaker, I thank my colleagues, and I encourage all of my colleagues to support this important legislation. I thank the gentleman from Oklahoma (Mr. LUCAS) for his work in bringing it to the floor today and say to my colleagues on the floor that it is high time that we gave honor and due recognition to these brave men and the cultures that they represent.

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. GRANGER), another one of the authors of this important piece of legislation.

Ms. GRANGER. Mr. Speaker, millions of people poured into movie theaters this weekend to see the movie "Wind Talkers" with Nicholas Cage. The movie is set during World War II against the backdrop of the horrific battle of Saipan; the drama revolves around the Navajo "code talker."

The so-called code talkers were Native Americans who used their native dialect to radio important messages in code to our allied troops. The movie "Wind Talkers" focuses on a Navajo code talker who was the Marines' first new secret weapon against the Japanese. The movie explores just how far our Marines were willing to go to protect the code.

We all know that in our fast-paced, modern world, movies are our storytellers. Hollywood often misses some of the facts, but in this case I am proud to see the tale of these code talker heroes being told so publicly. In my mind, the Native American code talkers are some of the Nation's greatest heroes.

Today, it is time for Congress to give all of the Native American code talkers the recognition they deserve for their contribution to U.S. victories in World War I and World War II.

Like the Navajo code talkers who were recognized for services last year, the Comanche, Choctaw and Sioux Indians also served as code talkers in both the Pacific and European theaters during World War II. We also know that the Choctaw code talkers served our country as early as World War I.

These code talkers were sent out on their own to provide communications on enemy location and strength. They sometimes spent 24 hours using headphones without sleep or food. Many of these men endured terrible conditions without protection from the enemy. Military commanders credit the code talkers with saving the lives of countless American soldiers and ultimately to the success of the United States in many battles.

The story of the code talkers was highlighted for me last year by a constituent of mine, Ben Tahmahkera. He came to me and pointed out that in July, President Bush honored the Navajo code talkers for their contribution to the United States Armed Forces as radio operators in World War II. Mr. Tahmahkera was very pleased to hear about the Navajo recognition, but he wanted to make sure the sacrifices of the Comanche code talkers and other code talkers were not forgotten either.

Ben Tahmahkera suggested that I learn more about Charles Chi-bitty, who today is the only surviving Comanche code talker. Charles Chi-bitty lives near Tulsa, Oklahoma, today and he is 80 years old. In January of 1941, Chi-bitty enlisted in the United States Army and was assigned to the Army's 4th signal company. Chi-bitty probably himself saved thousands of lives during the Normandy invasion alone and he can still remember the messages he received and sent out on D-Day. On that day he identified where our troops were, protected them from being fired on by our own troops and, in general, completely confused the Germans. Chi-bitty specifically remembers saying in code to our men, "Okay, we know where you are, just keep doing what you are doing."

The code that Chi-bitty used was never broken and, for a long time, the Germans believed it was just gibberish. Eventually, the Germans sent spies to training grounds in Fort Gordon and to reservations in Oklahoma to try and crack the code. None of the spy missions were successful.

Charles Chi-bitty, a true American hero, was also a loyal friend. He once turned down the Medal of Honor because it did not include all members of the 4th signal company whom he considers his brothers. Chi-bitty says, "I am glad I am still here, but I miss my comrades. I know that my comrades that have already gone before me are listening and laughing right now. I know when I go up there some day, they will be there waiting."

Mr. Speaker, today we honor Charles Chi-bitty and all of the other Native American code talkers who so valiantly fought for our country and protected our Nation. H.R. 3250 authorizes the President to present a Congressional Gold Medal to these Native Americans who served as code talkers during both World War I and II. H.R. 3250 gives these men the honor they so richly deserve. Please support H.R. 3250.

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS), who was raised among the Choctaw in eastern Oklahoma.

Mr. WATKINS of Oklahoma. Mr. Speaker, I wish to thank the gentleman from Oklahoma (Mr. LUCAS) and the gentlewoman from New York (Mrs. MALONEY) for their efforts in getting this here. I would like to especially thank the gentleman from South Dakota (Mr. THUNE), my friend, and the gentlewoman from Texas (Ms. GRANGER), my good friend and neighbor, who represents Fort Worth quite capably.

As the gentleman from Oklahoma stated, I had the distinct privilege, although one does not realize it as much when one is growing up, of growing up among the Choctaw Indians in southeast Oklahoma. I heard many of my elders talk about the days of using code talkers in World War I, and they were also utilized in World War II.

□ 1245

So it is with a great deal of pride and nostalgia as I think back to what a lot of the elderly Native Americans with Choctaw ancestry were saying for me to be part of bringing this legislation, H.R. 3250, to the floor. I want to thank the gentleman from Ohio (Chairman OXLEY) from the Committee on Financial Services and the gentleman from Oklahoma (Mr. LUCAS) on that committee that combined several of these code talker bills so we could bring this legislation together and move it at this time.

Many people know the history of the code talkers of World War II; however, few people know the history of the code talkers of World War I. In the closing days of World War I, several members of the Choctaw Nation were helpful in winning key battles. The Choctaws were the first Native American code talkers used in battle and to win wars.

The Germans had broken the code of the American forces, and they had captured a messenger who was running information between several of the companies in the Army. The Army commander overheard two of his men conversing in their native Choctaw language, and due to his smart thinking, the use of the Native Americans' tribal language as a code was born.

An additional number of Choctaw Indians were located in the battalion, and within a period of hours after getting them all together, they were relocated to strategic locations. In less than 72 hours, the Germans were retreating, and the Allies were in full attack and moving forward.

Mr. Speaker, it has been a long time since these men did this great service for their Nation. It has been a long time for me even to be sitting at the knees of some of these elderly Choctaw chiefs and others and listening to them tell this story.

I believe we should pass H.R. 3250 to honor these code talkers and their service to this country. I urge my colleagues in a unanimous way to support this legislation to bring honor to the code talkers of World War I and World War II.

Mrs. MALONEY of New York. Mr. Speaker, I yield back the balance of my time.

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank my colleagues, the gentleman from South Dakota (Mr. THUNE), the gentlewoman from Texas (Ms. GRANGER), and the gentleman from Oklahoma (Mr. WATKINS), for their efforts.

Clearly, the generation that went off to Europe in 1917 and 1918 is now all but gone, and the young men who went off to fight the Second World War between 1941 and 1945 is starting to show the ages and seasons of time. But, my colleagues, by making this effort to acknowledge these brave and valiant efforts, we do this House great service and do this Nation the same service.

Mr. BACA. Mr. Speaker, I rise today in support of this resolution.

Until recently the very existence of Sioux and Navajo code-talkers had remained yet another classified war secret.

These proud code-talkers lived with the quiet dignity of knowing that they did a great service for their nation, but could never speak of their heroic deeds.

These Sioux code-talkers worked under some of the heaviest combat conditions and worked around the clock, often without sleep, to provide coded information that saved the lives of countless American soldiers.

The Sioux code-talkers were so successful that military commanders credit the code for many victories in battle.

These brave and heroic men deserve our deepest respect. We owe a debt of gratitude to these men. We must honor them and teach our children, so that their quiet dignity is silent no more. So we may now honor them as what they are—American heroes.

It took an act of Congress to honor the Navajo code-talkers, we should at least pay the same tribute to these other defenders of our freedom.

Let us never forget the 44,000 Native Americans who served in World War II. They fought for a nation that has mistreated historically their people. That is the ultimate sign of valor and sacrifice.

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the bill, H.R. 3250, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of their service to the Nation.".

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

RONALD C. PACKARD POST OFFICE BUILDING

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4794) to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the "Ronald C. Packard Post Office Building".

The Clerk read as follows:

H.R. 4794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RONALD C. PACKARD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, shall be known and designated as the "Ronald C. Packard Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Ronald C. Packard Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) will each control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 4794.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4794, introduced by our distinguished colleague, the gentleman from California (Mr. ISSA), designates the post office located in Oceanside, California, as the Ronald C. Packard Post Office Building. Members of the entire House delegation from the State of California are cosponsors of this legislation.

Mr. Speaker, Ron Packard was first elected to Congress on November 2, 1982, after a successful write-in campaign, becoming only the fourth write-in candidate in U.S. history to win a House seat. He served the people of San Diego, Orange, and Riverside Counties for 18 years in the House of Representatives before his retirement at the close of the 106th Congress.

During his time in Congress, Mr. Packard served on the prestigious Committee on Appropriations and chaired the powerful Subcommittee on Energy and Water Development, Subcommittee on Military Construction, and Subcommittee on Legislative of the Committee on Appropriations.

Mr. Packard began his public service in the United States Navy, which he entered upon graduation from dental school in 1957. He was stationed at Camp Pendleton, California, and served as a dentist in the U.S. Navy Corps. Following his military service, he relocated his family and practice to the Carlsbad area and founded the Packard Dental Clinic.

He quickly became active in local civic and business affairs, and received his first public post in 1962 as a trustee of the Carlsbad Unified School District, which included 3 years as chairman.

He served as a director of the Carlsbad Chamber of Commerce for 4 years, and served 2 years on the Carlsbad City Council, and 4 years as mayor of Carlsbad. As mayor, he focused on critical regional issues. He served 3 years on the Transportation Policy Committee of the League of California Cities, and 4 years as a director of the North County Transit District.

Representative Packard retired from Congress in 2000 so he could spend more time with his family. Ron and Jean Packard married in 1952 and have 7 children, 34 grandchildren, and 3 great-grandchildren.

Mr. Speaker, I urge adoption of H.R. 4794.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the Committee on Government Reform, I rise in support of H.R. 4794, legislation naming a post office after Ronald C. Packard.

H.R. 4794, which was introduced by the gentleman from California (Mr. ISSA) on May 22, 2002, has met the committee policy and enjoys the support and cosponsorship of the entire California delegation.

Ron Packard was elected to Congress on November 2, 1982, by a write-in vote, only the fourth successful write-in candidate in the history of the United States Congress. Representative Packard represented the 48th District in California for 18 years, until his retirement from Congress on January 3, 2001.

A member of the United States Navy Dental Corps, Ronald Packard founded the Packard Dental Clinic before becoming active in community and business affairs. He began public service as a trustee and chairman of the Carlsbad Unified School District, going on to serve as a city councilman and later as mayor of Carlsbad.

While in Congress, Representative Packard served on the Committee on Appropriations, chairing the Subcommittee on Energy and Water Development, the Subcommittee on Military Construction, and the Subcommittee on Legislative. He also worked as a senior member of the Subcommittee on Transportation and the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Previously, he served on the Committee on Public Works, and the Committee on Transportation and Infrastructure, and the Committee on Science, the Subcommittee on Space and Technology.

Mr. Speaker, I yield back the balance of my time.

Mr. OSE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, authoring this bill was a unique pleasure for me, for I have known Ron Packard for all but 2 years of the time that he was a Member of Congress. But what I did not know until I arrived here was what kind of a special Representative Ron Packard was while he was here in Congress.

Time after time Members on both sides of the aisle would come up to me and talk about something special they had with Ron, perhaps a difficult situation long into the night on a piece of legislation either here on the floor or in committee, or some piece of appropriations that both sides were wrangling with how to make it work. And Ron would quietly smile, give a kind word, listen, and try to make things happen. That attitude, that way of doing business, was what everyone remembered about Ron.

What we also remember about Ron Packard is that he was able to have that unique talent so seldom found in this body, but so admired when it is found. Ron was able to be fiercely partisan in his beliefs and totally open and bipartisan in the way he approached problems, in the way he dealt with Members on both sides of the aisle.

Ron was known as a man who was already not only an adult, but a father and on his way to being a grandfather before he discovered the game of golf. He did not use golf as a tool against anyone, he used it as an opportunity to come to the other side of the aisle to say, let us go talk about something and maybe catch a round of golf.

Ron did that in everything that he did here in the House. He will be remembered for his effectiveness, but most important, back in our district, he today is contributing as only a former Member of Congress can.

Mr. Speaker, I rise today in support of H.R. 4794, a bill designating the United States Post Office building in Oceanside, California, as the "Ronald C. Packard Post Office Building." I would like to thank Chairman DAN BURTON and the Government Reform Committee for discharging this bill, and House Leadership for placing it on the suspension calendar in such an expeditious manner.

Many of you remember Ron Packard as the distinguished Congressman who represented the 48th Congressional District for 18 years, but you may not know his storied past. Congressman Ron Packard has served the people of California and his country for nearly half century, accentuating integrity and above all, respect for his fellow man.

After relocating his family to Northern San Diego County, Ron Packard began his public service career as a trustee of the Carlsbad Unified School District, serving from 1962 to 1974. Ron Packard went on to serve two years on the Carlsbad City Council, and was elected the city's mayor in 1978. During his four years as mayor, Packard was very involved with the community and regional affairs. He served three years on the transportation policy committee of the League of California Cities, and spent four years as a Director of North County Transit District. He also served two years as the President of the Council of Mayors for San Diego County.

Ron Packard was first elected to Congress on November 2, 1982, through a grassroots write-in campaign. He was only the fourth successful write-in candidate in the history of the United States Congress. During his time in Congress, he served on the House Appropriations Committee and chaired the Energy and Water Development, Military Construction, and Legislative Branch Subcommittees.

Congressman Ron Packard retired from public service on January 3, 2001 to spend more time with his wife Jean, his seven children, thirty-four grandchildren, and three great-grandchildren. His legacy in Congress is best characterized by hard work and honesty. Ron Packard has left an extremely positive and long-lasting impression on me, his colleagues in Congress and most importantly, his constituents. I am honored to sit in the seat that Ron Packard occupied before me.

Mr. OSE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding, and I arrived late. I just wanted to pay my respects to Ron Packard and the action that we are taking today on his behalf.

I just wanted to say that Ron really had two great trademarks in the House: his great civility, his ability to get along with other Members, and to argue on the substance but never on a personal level and I think bring us together in many difficult times and also had great conservative values which very much reflected the values of his district and of San Diego County. I think that this naming of the post office is a fitting tribute to Ron and a fitting tribute to those values which have served us so well.

So my best to Ron Packard, and I want to thank the chairman for allowing me to come down and talk about him a little bit.

Mr. OSE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentleman from California for yielding me the time.

I, too, rise in support of the legislation, H.R. 4794, just considered by the House of Representatives, to designate the Ron Packard post office in Oceanside. I am proud to join with the gentleman from California (Mr. HUNTER), the gentleman from California (Mr. OSE), and others in the California delegation for this purpose, because it was my privilege to serve alongside Ron Packard, physically alongside him, here in the Congress, geographically in southern California for 12 years; and it was my privilege in that process to come to know this extraordinary man.

When I first came to Congress, I served with Ron on the Committee on Public Works and Transportation where he was, as he now is, an expert on aviation, serving on that as well as other subcommittees in the Congress. He continued to have even greater influence in that area during his service on the Committee on Appropriations where he was a cardinal, a term of reverence, well-deserved in his case, for someone who wields the extraordinary power of the purse in our constitutional system.

It is interesting to think, as we completed debate during this Congress on campaign finance reform and all of our expressions of concern about the influences in the political system, about what this means in Ron's case. Ron Packard did not get here because of the help of special interests. He was not even a nominee of a major party. He had to run against the Democratic nominee. He had to run against the Republican nominee. He ran as an individual, as Ron Packard; and in an extraordinary fashion, his constituents wrote in his name in the general election, and he defeated the Republican and Democrat nominee, and that is how he came to Congress here. He was Ron Packard first and became his party's standard bearer only thereafter because the people voted him in.

He was the embodiment of a citizen politician. He was everything a Member of Congress should be and everything a national leader should be.

I am submitting a much more lengthy tribute for the RECORD, because I think it is quite possible to go on about Ron Packard without stopping; and I know we have other business to do here.

I very much appreciate the time that the gentleman from California yielded to me.

Now, it should be said about a Republican who serves on the Committee on Appropriations that there are temptations. The whole term limits movement has a reason in America because of those temptations, because people who serve too long in Washington find it too easy to spend other people's money on pork barrel projects, on wasteful Washington ways. Sometimes they forget about the people back home. It is sad to say that temptation is strongest when one is closest to the money on the committee charged with spending it, the Committee on Appropriations in the House and in the Senate.

So how honored are we as American citizens to have been served by a chairman on the Committee on Appropriations who took his trust so seriously that, in discharging it, he actually reduced spending.

When Ron Packard first became a chairman on the Committee on Appropriations in 1995, he quickly sent a bill to the floor of the House of Representatives that did not just cut spending for the benefit of taxpayers, it cut spending at home where, presumably, it would hurt Members of Congress themselves most, in our own legislative budget. He cut spending by Congress on itself by fully one-third, an extraordinary achievement when we had a new majority, a new Congress.

In fact, throughout his career in the majority as a cardinal, as a chairman on the Committee on Appropriations, Ron garnered awards, not for bringing home the bacon, but from such groups as Americans for Tax Reform, which rated him a taxpayer's hero, and the National Taxpayers Union, which rated him—even as an appropriator and a cardinal—in the top 5 percent of people in this entire Congress interested in cutting spending.

This was an extraordinary accomplishment and something that all of his colleagues here are proud of. He made us all proud during his 18 years of service in this body. Everything that he has done in his career, even before he came to Congress, as a local leader, as a mayor, as a member of the city council, as a dentist with his own practice, has distinguished him.

It is well said that ours is a government of, by and for the people. The for and by parts are very important. But remember that it is also a government of the people, and that this Congress, which manufactures nothing, is simply the sum of the people who populate it the people who were chosen by the voters to come back here.

Therefore, by being who he has been, the fine gentleman that he has been and is, the leader that he has been, the exemplar that he has been for all of us, he has improved this institution, the people's House. The Congress of the United States and thus our country is the better for it.

It has been a privilege to know the gentleman, Mr. Packard, and the designation of this post office in Oceanside, CA, is a fitting tribute to his contributions to our democracy.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to support H.R. 4794, designating the Ronald C. Packard Post Office Building.

Ron has a long legacy of service to San Diego and has served the community in one capacity or another since 1962. From his election to Congress in 1982 until his retirement in 2000, Ron worked tirelessly on behalf of the people of San Diego. His leadership as the chairman of the Energy and Water Appropriations Subcommittee provided for many of the improvements to San Diego's infrastructure. Ron was also a senior member of the Transportation Subcommittee and was crucial in securing funding for many of the highway improvements and transit projects in the county.

Aside from Ron's service and achievements, he is also a trusted friend. In my time in this body, I have turned to Ron many times as the senior member of the San Diego delegation for advice. Ron is one of the most sincere and genuine individuals I have ever met. His character is unquestionable and I think that we would all do well to conduct our lives with the same sense of purpose and moral wisdom as Ron.

I believe that this post office is a fitting tribute to Ron Packard's career in Congress and I am pleased to lend my support to this legislation.

Ms. WATSON of California. Mr. Speaker, thank you, Mr. ISSA, for introducing this bill, and for allowing me to speak in support of naming a post office after Congressman Ron Packard.

Ron Packard has been a fixture in California politics for as long as I can remember. When most people think of the responsibilities of a Member of Congress, they think of our work here in Washington, shaping policy and passing legislation. But much of the job we do is focused on our own communities back home, serving as advocates for our hometowns and neighborhoods.

Over the two decades that he served in Congress, Ron Packard excelled in both these roles. In the House he rose to become an Appropriations subcommittee chairman, one of the so-called "Cardinals" who have a special responsibility for shaping our government's spending policy.

But he was always focused on finding ways to help out his constituents and neighbors back home. Congressman Packard started out in local politics, as director of the Carlsbad Chamber of Commerce. Strengthening the economy of his community and his state was his overriding passion. Like many Californians, Ron Packard was a pioneer, moving to California to serve in the United States Navy. After his service he settled here, and helped to build our state, as a dentist and local businessman.

This blend of military and private sector experience made Congressman Packard uniquely qualified to deal with one of the great economic challenges that California has had to confront over the last decade—the decline in huge defense budgets that came with the end of the Cold War. The California economy has had to adjust to this new reality, and Congressman Packard was a leader in this effort, whether it was cleaning up or converting old military sites or supporting efforts to diversify the local economy.

Congressman Packard retired so that he could spend more time with his family. I understand that he now has thirty-four grandchildren and three great-grandchildren, so I expect that spoiling all those youngsters will keep him quite busy.

This bill is a fitting tribute to Congressman Packard for the years of service he has provided to this House, his community and his country. Thank you again Mr. ISSA.

Mr. OSE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 4794.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JIM FONTENO POST OFFICE BUILDING

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4717) to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the "Jim Fonteno Post Office Building."

The Clerk read as follows:

H.R. 4717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JIM FONTENO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, shall be known and designated as the "Jim Fonteno Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Jim Fonteno Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4717, introduced by our colleague, the gentleman from Texas (Mr. BENTSEN), designates a post office located in Pasadena, Texas, as the Jim Fonteno Post Office Building. Members of the entire House delegation from the State of Texas are cosponsors of this legislation.

Mr. Speaker, during his 28-year tenure as Harris County commissioner, Commissioner Jim Fonteno has championed many projects to improve east Harris County. For instance, one of his first initiatives was to create senior citizen centers throughout east Harris County. Today these senior centers are available throughout Harris County, and it is a tribute to Commissioner Fonteno for his foresight in championing their establishment. These multiservice centers provide many services to senior citizens, including transportation services to and from the centers. In addition, Commissioner Fonteno has worked to improve local recreation facilities by upgrading equipment, purchasing land, and building new facilities.

□ 1300

There are currently 35 parks in Commissioner Fonteno's precinct, covering 4,000 acres and providing 30 miles of hiking and biking trails. Commissioner Fonteno has also worked to improve the services available to youth by establishing the East Harris County Youth Program, which serves at-risk boys and girls with summer camps and after-school programs. Both of these programs help young people to succeed both academically and socially.

The renaming of the Pasadena post office building in honor of Commissioner Jim Fonteno is a well-deserved honor. He has tirelessly served the citizens of East Harris County through his many public and civic endeavors.

Mr. Speaker, I urge adoption of H.R. 4717.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Government Reform I rise in support of H.R. 4717, legislation naming a post office after Jim Fonteno. H.R. 4717, which was introduced by the gentleman from Texas (Mr. BENTSEN) on May 14, 2002, has met the committee policy and enjoys the support and cosponsorship of the entire Texas delegation.

Jim Fonteno is a county commissioner in East Harris County, Texas; and for over 28 years, Commissioner Fonteno has worked to deliver services to senior citizens and the young people of his community. He has improved local recreation facilities, established camps and after-school programs for at-risk youth and created senior centers for the elderly.

Commissioner Jim Fonteno is known throughout the county for his dedication to public service, and I am pleased to join with my colleagues in seeking to honor such a man.

Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the chairman and ranking member of the subcommittee for yielding me the time today.

I rise in strong support of H.R. 4717, legislation that I am sponsoring along with the entire Texas delegation, to rename the post office at 1199 Pasadena Boulevard in Pasadena, Texas, in my congressional district as the Jim Fonteno Post Office Building. As has been mentioned, Jim Fonteno has served as a member of the Harris County Commissioner Court for Precinct 2 in East Harris County since 1974 and will be retiring at the end of this year.

First elected in 1974, Jim Fonteno has exhibited dedication and compassion for those he served in East Harris County. He is and has been a permanent fixture throughout the region. Beloved by his constituents, Commissioner Fonteno can be found mingling at one of the many centers he helped to develop, riding on a Precinct 2 bus to an Astros game with them or serving as an auctioneer for one charitable group or another, notoriously wearing his Precinct 2 cap and corralling wandering politicians to ante up for the cause.

Jim Fonteno is a veteran of both the United States Army and Merchant Marines. Prior to service as county commissioner, Jim Fonteno served as municipal court judge for the city of Baytown, Texas. He also served as port commissioner for the Port of Houston Authority before he was elected to the office of county commissioner. Jim and his wife, JoAnn, have seven grown children and live in the Northshore area of East Harris County. He is an active member of the Holy Trinity United Methodist Church.

Of particular note is the commissioner's famed senior citizens program. Shortly after taking office in 1975, Commissioner Fonteno went to work on implementing a program that would address the unique needs of senior citizens in Precinct 2. Commissioner Fonteno did not believe retirement should mean resignation from one's community; but he realized that for many of his constituents, most of whom were working people on fixed incomes, retirement meant just that. He also realized that for many, particularly widows, that lack of adequate nutrition and social and physical activity would result in a degraded life just at the time when one should be enjoying themselves for a lifetime of labor.

Realizing there were no county funds for such a program, Commissioner Fonteno formed East Harris County Senior Citizens. This nonprofit program provides activities and transportation to the seniors throughout the precinct. Additionally, activities and meals are made available to seniors at the multiservice centers established by Commissioner Fonteno. Veterans' medical needs are also addressed, and transportation is provided to and from the VA hospital.

One of the most critical needs that seniors faced was obtaining adequate transportation. Because seniors had limited transportation, many of them were literally inactive. Without it, many would remain shut in and excluded from county activities.

In 1976, Commissioner Fonteno, along with four area businessmen, signed a note on a 32-passenger bus nicknamed the Fun Bus. Today, the fleet includes 21 buses, five of which are equipped for the physically challenged. The buses are used to transport senior citizens to various places and activities.

Over the past 28 years, Jim Fonteno has built a network of senior activity centers and nutrition and health programs that have enriched the lives of thousands of senior citizens throughout East Harris County. Commissioner Fonteno has remained steadfast throughout his career in ensuring that senior citizens in every corner of his precinct are served, and he never shied way from the difficult odds in establishing this revered program.

Another important initiative for Commissioner Fonteno was his effort to beautify and improve local recreation areas in East Harris County. Commissioner Fonteno has worked in conjunction with the Parks Department to provide safe and attractive environments by upgrading equipment, purchasing land, and building new facilities.

Today, accommodations in Precinct 2 include ADA/CPSC-approved playground equipment, picnic facilities, baseball and soccer fields, boat ramps and fishing piers. Through his leadership, there are now 35 parks in Precinct 2 covering 4,000 acres, including 30 miles of hike and bike trails.

In 1992, Commissioner Fonteno initiated a wildflower program saving the taxpayer funds and increasing the aesthetic value of the property. Today, there are 67 wildflower areas which are part of the Parks Department and can be seen throughout Precinct 2.

Commissioner Fonteno also worked to improve the opportunities for our Nation's youth. Early in his career, Commissioner Fonteno established the East Harris County Youth Program, which is dedicated to serving the young people. The program, which started as a pilot program as a summer camp at the J.D. Walker Community Center and an after-school program at Cloverleaf Elementary, now offers comprehensive services to youth from first to fifth grade for at-risk individuals. The program is targeted to help boys and girls from any ethnic background who may face challenges, both academically and socially, to succeed.

Commissioner Fonteno's motto has always been: "A day's work for a day's pay." His hardworking ethic is renowned in our area as someone who has dedicated this life to public service. In his spare time, Commissioner Fonteno has helped to raise $4 million for various nonprofit organizations through his work as a licensed auctioneer. He has been a hands-on public servant working 7 days a week to meet the needs of his constituents.

As I have traveled the parts of the 25th Congressional District which overlap with Precinct 2, it is more often than not that I come across Commissioner Fonteno's tracks. Nothing occurs within his precinct that he does not take interest in or offer to help and assist. He has been a tremendous leader for our county, particularly East Harris County, for more than a quarter of a century. I applaud him for his service to our community and commend him for all he has championed to improve our lives.

Naming the U.S. Post Office in Pasadena, Texas, after Jim Fonteno is a tribute to the service and leadership he has provided to all of East Harris County.

Mr. GREEN of Texas. Mr. Speaker, I rise today, joining my colleagues in paying tribute to a leader in Harris County, TX, who is retiring from office this year. Harris County Commissioner Jim Fonteno, in his 27th year of service to the county, has earned the respect and admiration of his colleagues and his constituents with his tireless devotion to his job. The Jim Fonteno Post Office is our small way of repaying him for all he has done over the years.

A veteran of the U.S. Army and the U.S. Merchant Marine, Commissioner Fonteno has a long history of public service. He has served as a municipal judge for the city of Baytown, served two terms as the commissioner of the Port of Houston, and, since his swearing-in on January 1, 1975, has represented the residents of precinct two in Harris County.

Over the years, Commissioner Fonteno has been an advocate for those often neglected or forgotten in our society. When he took office, he recognized the need for programs aimed at senior citizens, and, when he realized that the County did not have the money, he formed East Harris County Senior Citizens, a nonprofit corporation.

The most critical need seniors faced was adequate transportation. Because seniors had limited transportation, many of them were inactive and isolated from the rest of the community. In 1976, Commissioner Fonteno, along with four area businessmen, signed a note on a 32-passenger bus nicknamed "The Fun Bus." Today, the fleet includes 21 buses, five of which are equipped for the physically challenged.

These buses are used to transport senior citizens to various places and activities. East Harris County Senior Citizens sponsor various activities throughout the year, including trips to sporting events such as Houston Astros, Comets, and Aeros games, and the Houston Livestock Show & Rodeo.

One of the most popular events sponsored by the East Harris County Senior Citizens is the Senior Citizen Olympics, held annually throughout precinct two. These fun-filled events provide both social and physical interaction among senior citizens.

However, not every senior is able to attend these events. The distinctive needs of the seniors in the 18 nursing homes located throughout precinct two are addressed by the Nursing Home Program. Special activities such as movie parties, manicures, and the Ms. Golden Years Pageant are offered to nursing home residents. In addition, the handicap buses are utilized for field trip outings.

All of these activities are funded solely by grants, fund raisers, and private donations made to the 501–C3 corporation.

Another cause that Commissioner Fonteno devoted a great deal of time to was the well-being of our youth. The East Harris County Youth Program, which he founded, is dedicated to serving the needs of the Harris County precinct two youth. The program originated as a pilot program comprising a summer camp at J.D. Walker Community Center and an after-school program at Cloverleaf Elementary School.

The single most important role of the East Harris County Youth Program is to serve as a vehicle that makes learning fun. Designed to be a resource, not a substitute for school systems, the program is a strong proponent of students staying in school.

Although academic achievements receive top priority, the East Harris County Youth Program also puts an emphasis on physical activity.

I am proud to know Jim Fonteno, proud to call him a friend, and honored to be his representative in the U.S. House of Representatives.

My only regret is that, after all these years in public service, we will no longer have Commissioner Fonteno, his experience, and his wisdom, at the commissioner's Court, fighting for the people of precinct two. I thank Jim Fonteno for his service, and wish him the best as he settles into a well-deserved retirement.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to rise in support of a great man, a great Texan, and a great fellow-Houstonian. Commissioner Jim Fonteno truly deserves the honor of having his name placed on the Pasadena Post Office Building.

Commissioner Fonteno has touched the lives of every person in East Harris County, from the youngest to the oldest. He has worked tirelessly for the youth of the area, establishing the East Harris County Youth Program, which provides wonderful opportunities for "at risk" boys and girls to attend stimulating summer camps and after-school programs. He has supported and improved the many parks, with miles of hiking and biking trails, that serve the people of precinct two.

Perhaps his greatest contribution has been in championing the Senior Citizen Centers throughout Harris County. These centers provide multiple services to seniors, and even bring seniors in to enjoy these services and help them home when they are done. That kind of service and access is difficult to find in this country, and is there because of the good work of Commissioner Fonteno.

The Commissioner has a motto: "A day's work for a day's pay." I believe the people of East Harris County have gotten more than their money's worth out of Commissioner Fonteno.

I thank my colleague from Texas for introducing this resolution. I am pleased to rise in support of it.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

Mr. OSE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 4717.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SMALL BUSINESS PAPERWORK RELIEF ACT OF 2002

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 444 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 444

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, with Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chairman of the Committee on Government Reform or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

□ 1315

The SPEAKER pro tempore (Mr. BONILLA). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

This rule provides for a single motion offered by the chairman of the Committee on Government Reform to concur with the Senate amendments. The rule waives all points of order against consideration of the motion to concur with the Senate amendments, and provides for 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Government Reform.

The purpose of this legislation is to reduce the Federal paperwork burden on small businesses. Mr. Speaker, with the plethora of regulatory mandates on small business growing to unprecedented levels, so, too, is the gigantic task of filling out required paperwork. Our Nation's 23 million small businesses spent approximately 7 billion, billion with a "B," hours filling out Federal paperwork in 1998, according to the Office of Management and Budget. The cost associated with this burdensome paperwork is estimated at $229 billion, again billion with a "B," and that does not take into account State and local requirements.

As a one-time small businesswoman myself, I know the hurdles that our entrepreneurs face: strangling red tape, burdensome regulations, and mountains of paperwork. H.R. 327 would help to streamline small business' paperwork burden by requiring Federal agencies to publish a list of resources that small businesses could use for complying with applicable paperwork requirements so they can know exactly what is required of them.

In addition, it would require each Federal agency to establish a liaison for small business paperwork requirements and to help small businesses comply with their legal obligations, and it would establish a task force to consider ways to streamline paperwork requirements even further.

H.R. 327 is a step in the right direction. It relieves our Nation's small businesses from an overwhelming paperwork burden that threatens to bury them. To that end I urge my colleagues to support this rule and to support the common-sense underlying legislation. It is a bicameral, bipartisan agreement that the Senate has already passed.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague, the gentlewoman from North Carolina, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule and in support of the underlying bill.

Mr. Speaker, at a time when large corporations and manufacturers are announcing layoffs and scaling back production, more and more regions of the country are learning what western New York already knows; that the small business sector can be the real economic engine for our communities. Small businesses generate the jobs that keep our cities and towns vibrant, they generate the opportunities that anchor our sons and daughters to family and home, and they foster the innovators who represent the brightest hope for our future.

Last month I was pleased to host the Small Business Administration's 2002 Young Entrepreneur of the Year, a young man named Aaron Zach Philips from Rochester, New York. Although only 25 years old, Zach has achieved remarkable success. He is the president of Kink BMX, a manufacturer and distributor of BMX bicycle parts and related soft goods. Since 1999, Zach has doubled his company's growth annually with sales reaching nearly $1 million as of March 31, 2001. Zach now does business outside the United States and sells his product through distributors in Europe, Canada, Australia, and Japan. On every mailing logo, every label, every brochure or marketing tool he prints the words "Rochester Made Means Quality Made."

Zach embodies a growing trend that Congress must continue to foster. Small businesses now account for approximately 75 percent of all new jobs added to the economy and represent 99.7 percent of all employers. Small businesses provide almost one-third of the workers with their first jobs and initial on-the-job training in basic skills. The important role small businesses play in keeping our Nation competitive must not be overshadowed by corporate America's clout in this body. We must ensure that entrepreneurs like Zach are afforded the same attention and access to Washington that the large corporate interests enjoy.

A quick look at the numbers show that small businesses form the backbone of our economy. They account for half of our domestic products and contribute more than 55 percent of the innovations in such sectors as manufacturing, technology and services. During the long boom of the 1990s, small businesses forged the way for high-tech expansion and growth. They now account for almost 40 percent of the jobs in the high-technology sector.

One reason for this is that women and minorities are opening small businesses in record numbers. Women-owned businesses nearly doubled during the last decades. There are currently an estimated 6.2 million women-owned businesses, accounting for 28 percent of all privately held firms. These firms generate $1.15 trillion in sales and employ 9.2 million workers. The number of minority-owned enterprises nearly quadrupled in the last decade, and they generally outstrip the national average in business creation and receipts. Minorities now own 15 percent of American business, and 99 percent of these businesses are small businesses.

Congress has addressed the needs of small business before. We have passed paperwork reduction legislation, such as the Paperwork Reduction Act, PRA, and the Small Business Regulatory Enforcement Fairness Act. Moreover, the last administration streamlined regulations by reinventing government and implementing many of the recommendations made by the White House Conference on Small Businesses. The measure before us today continues this effort to reduce unnecessary paperwork for small businesses. I know of no opposition to this measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. OSE), who is the Chair of the subcommittee.

Mr. OSE. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I am speaking today in support of the rule for a good government bill to streamline and reduce paperwork burdens on small businesses, H.R. 327, the Small Business Paperwork Relief Act.

The predecessor to this bill were bills introduced in the 105th and 106th Congresses by the former chairman of a subcommittee of the Committee on Government Reform, Mr. David McIntosh, and those would have been H.R. 3310 and H.R. 391 respectively.

In 1999, Senator VOINOVICH introduced and held a hearing on an identical companion bill, which would be Senate 1378. In 1998 and 1999, the House passed the predecessor bills by votes of 267 to 140 and 274 to 151 respectively. The Senate Committee on Governmental Affairs did not mark up the Voinovich bill.

On January 31, 2001, the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), introduced H.R. 327. This bill includes all of the substantive provisions in the predecessor bills except those relating to the waiver of sanctions for first-time violations by small businesses of Federal paperwork requirements. On March 15, the House passed H.R. 327 by a resounding 418 to 0 vote.

On July 30, Senator VOINOVICH introduced a companion but not identical bill, S. 1271. It also does not include any provisions relating to the waiver of sanctions for first-time violations by small businesses. However, it does include provisions for biennial agency reporting on enforcement actions taken and civil penalties assessed, including actions and assessments against small businesses.

On December 17, the Senate passed S. 1271 by unanimous consent. On May 22 of this year, after bipartisan, bicameral staff-level meetings, the Senate passed an agreed-upon amended version of H.R. 327 by unanimous consent.

H.R. 327, as amended by the Senate, includes helpful provisions for small businesses, including a requirement for the Office of Management and Budget to annually publish in the Federal Register and on the Internet a list of compliance assistance resources available to small businesses, a requirement for each agency to establish a single point of contact for small businesses, a requirement for each agency to make further efforts to reduce paperwork for small businesses with fewer than 25 employees, establishment of an interagency task force to study streamlining of paperwork requirements for small businesses, and a requirement for two annual reports for fiscal years 2003 and 2004 from each agency on enforcement actions taken and civil penalties assessed, including actions and assessments against small businesses.

Despite the statutory requirements for annual reductions in paperwork burden, there have been annual increases, instead of annual decreases, in paperwork in each of the last 6 years, from 1996 to 2001. In addition, OMB's April 2002 report to Congress on Federal paperwork did not identify any interagency efforts to streamline paperwork requirements on small businesses.

Small businesses are particularly hurt by regulatory and paperwork burden. In an October 2001 report, the Small Business Administration estimated that it cost large firms, those with over 500 employees, $4,463 per employee to comply with Federal regulatory and paperwork requirements. However, the cost to small businesses, those with fewer than 20 employees, is nearly 60 percent higher, a staggering $6,975 per employee.

Since introduction the staff of my subcommittee has worked with the staff of the Committee on Small Business to address concerns by this committee's majority and minority. As a consequence, as it did in the 105th Congress for the predecessor bill, that being H.R. 391, the Committee on Small Business sent a letter waiving jurisdiction on H.R. 327. H.R. 327 has been endorsed by many organizations including the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Federation of Independent Business, the National Small Business United Organization, the Small Business Coalition for Regulatory Relief, the Small Business Legislative Council, and the Small Business Survival Committee.

The Congressional Budget Office provided a preliminary estimate of the budgetary impact of H.R. 327, saying that the bill "would result in a minimal cost for Federal agencies each year. Because the bill would not affect direct spending or governmental receipts, pay-as-you-go procedures would not apply."

I support the rule to enable the House to consider a motion to concur with the Senate amendments to H.R. 327 and 1 hour of general debate evenly divided. Not only are regulatory and paperwork costs higher for small businesses, but also they are harder to absorb. Small businesses simply cannot afford to comply with Federal requirements in the same way that large businesses can. H.R. 327 should result in some much needed relief for small businesses.

Ms. SLAUGHTER. Mr. Speaker, I have no request for time, and I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I have no further speakers.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. OSE. Mr. Speaker, pursuant to House Resolution 444, I call up the bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, with Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. OSE

Mr. OSE. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. BONILLA). The Clerk will designate the motion.

The text of the motion is as follows:

Mr. OSE moves that the House concur in the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Paperwork Relief Act of 2002".

SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PAPERWORK REQUIREMENTS.

(a) REQUIREMENTS APPLICABLE TO THE DIRECTOR OF OMB.—Section 3504(c) of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(6) publish in the Federal Register and make available on the Internet (in consultation with the Small Business Administration) on an annual basis a list of the compliance assistance resources available to small businesses, with the first such publication occurring not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002.".

(b) ESTABLISHMENT OF AGENCY POINT OF CONTACT.—Section 3506 of title 44, United States Code, is amended by adding at the end the following:

"(i)(1) In addition to the requirements described in subsection (c), each agency shall, with respect to the collection of information and the control of paperwork, establish 1 point of contact in the agency to act as a liaison between the agency and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

"(2) Each point of contact described under paragraph (1) shall be established not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002.".

(c) ADDITIONAL REDUCTION OF PAPERWORK FOR CERTAIN SMALL BUSINESSES.—Section 3506(c) of title 44, United States Code, is amended—

(1) in paragraph (2)(B), by striking "; and" and inserting a semicolon;

(2) in paragraph (3)(J), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) in addition to the requirements of this chapter regarding the reduction of information collection burdens for small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), make efforts to further reduce the information collection burden for small business concerns with fewer than 25 employees.".

SEC. 3. ESTABLISHMENT OF TASK FORCE ON INFORMATION COLLECTION AND DISSEMINATION.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—

(1) by redesignating section 3520 as section 3521; and

(2) by inserting after section 3519 the following:

"§3520. Establishment of task force on information collection and dissemination

"(a) There is established a task force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information (in this section referred to as the 'task force').

"(b)(1) The Director shall determine—

"(A) subject to the minimum requirements under paragraph (2), the number of representatives to be designated under each subparagraph of that paragraph; and

"(B) the agencies to be represented under paragraph (2)(K).

"(2) After all determinations are made under paragraph (1), the members of the task force shall be designated by the head of each applicable department or agency, and include—

"(A) 1 representative of the Director, who shall convene and chair the task force;

"(B) not less than 2 representatives of the Department of Labor, including 1 representative of the Bureau of Labor Statistics and 1 representative of the Occupational Safety and Health Administration;

"(C) not less than 1 representative of the Environmental Protection Agency;

"(D) not less than 1 representative of the Department of Transportation;

"(E) not less than 1 representative of the Office of Advocacy of the Small Business Administration;

"(F) not less than 1 representative of the Internal Revenue Service;

"(G) not less than 2 representatives of the Department of Health and Human Services, including 1 representative of the Centers for Medicare and Medicaid Services;

"(H) not less than 1 representative of the Department of Agriculture;

"(I) not less than 1 representative of the Department of the Interior;

"(J) not less than 1 representative of the General Services Administration; and

"(K) not less than 1 representative of each of 2 agencies not represented by representatives described under subparagraphs (A) through (J).

"(c) The task force shall—

"(1) identify ways to integrate the collection of information across Federal agencies and programs and examine the feasibility and desirability of requiring each agency to consolidate requirements regarding collections of information with respect to small business concerns within and across agencies, without negatively impacting the effectiveness of underlying laws and regulations regarding such collections of information, in order that each small business concern may submit all information required by the agency—

"(A) to 1 point of contact in the agency;

"(B) in a single format, such as a single electronic reporting system, with respect to the agency; and

"(C) with synchronized reporting for information submissions having the same frequency, such as synchronized quarterly, semiannual, and annual reporting dates;

"(2) examine the feasibility and benefits to small businesses of publishing a list by the Director of the collections of information applicable to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), organized—

"(A) by North American Industry Classification System code;

"(B) by industrial sector description; or

"(C) in another manner by which small business concerns can more easily identify requirements with which those small business concerns are expected to comply;

"(3) examine the savings, including cost savings, and develop recommendations for implementing—

"(A) systems for electronic submissions of information to the Federal Government; and

"(B) interactive reporting systems, including components that provide immediate feedback to assure that data being submitted—

"(i) meet requirements of format; and

"(ii) are within the range of acceptable options for each data field;

"(4) make recommendations to improve the electronic dissemination of information collected under Federal requirements;

"(5) recommend a plan for the development of an interactive Governmentwide system, available through the Internet, to allow each small business to—

"(A) better understand which Federal requirements regarding collection of information (and, when possible, which other Federal regulatory requirements) apply to that particular business; and

"(B) more easily comply with those Federal requirements; and

"(6) in carrying out this section, consider opportunities for the coordination—

"(A) of Federal and State reporting requirements; and

"(B) among the points of contact described under section 3506(i), such as to enable agencies to provide small business concerns with contacts for information collection requirements for other agencies.

"(d) The task force shall—

"(1) by publication in the Federal Register, provide notice and an opportunity for public comment on each report in draft form; and

"(2) make provision in each report for the inclusion of—

"(A) any additional or dissenting views of task force members; and

"(B) a summary of significant public comments.

"(e) Not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002, the task force shall submit a report of its findings under subsection (c) (1), (2), and (3) to—

"(1) the Director;

"(2) the chairpersons and ranking minority members of—

"(A) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

"(B) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

"(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

"(f) Not later than 2 years after the date of enactment of the Small Business Paperwork Relief Act of 2002, the task force shall submit a report of its findings under subsection (c) (4) and (5) to—

"(1) the Director;

"(2) the chairpersons and ranking minority members of—

"(A) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

"(B) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

"(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

"(g) The task force shall terminate after completion of its work.

"(h) In this section, the term 'small business concern' has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3520 and inserting the following:

"3520. Establishment of task force on information collection and dissemination.
"3521. Authorization of appropriations.".

SEC. 4. REGULATORY ENFORCEMENT REPORTS.

(a) DEFINITION.—In this section, the term "agency" has the meaning given that term under section 551 of title 5, United States Code.

(b) IN GENERAL.—

(1) INITIAL REPORT.—Not later than December 31, 2003, each agency shall submit an initial report to—

(A) the chairpersons and ranking minority members of—

(i) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

(ii) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

(B) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

(2) FINAL REPORT.—Not later than December 31, 2004, each agency shall submit a final report to the members and officer described under paragraph (1) (A) and (B).

(3) CONTENT.—The initial report under paragraph (1) shall include information with respect to the 1-year period beginning on October 1, 2002, and the final report under paragraph (2) shall include information with respect to the 1-year period beginning on October 1, 2003, on each of the following:

(A) The number of enforcement actions in which a civil penalty is assessed.

(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.

(C) The number of enforcement actions described under subparagraphs (A) and (B) in which the civil penalty is reduced or waived.

(D) The total monetary amount of the reductions or waivers referred to under subparagraph (C).

(4) DEFINITIONS IN REPORTS.—Each report under this subsection shall include definitions selected at the discretion of the reporting agency of the terms "enforcement actions", "reduction or waiver", and "small entity" as used in the report.

Amend the title so as to read: "An Act to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.".

The SPEAKER pro tempore. Pursuant to House Resolution 444, the gentleman from California (Mr. OSE) and the gentleman from Massachusetts (Mr. TIERNEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 327.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Mr. Speaker, I yield such time as I may consume.

Mr. Speaker, H.R. 327, the Small Business Paperwork Relief Act, was introduced by Committee on Government Reform Chairman Burton on January 31, 2001. This good government bill continues congressional efforts to streamline and reduce paperwork burdens on small businesses. On March 15, 2001, the House passed H.R. 327 by a 418 to 0 vote. On December 17 the Senate passed Senator VOINOVICH's companion bill, S. 1271, by unanimous consent. On May 22 of this year, the Senate passed an amended version of H.R. 327 by unanimous consent.

During the 105th and 106th Congresses, the Committee on Government Reform reported out bills that passed the House by 267 to 140 and 274 to 151.

□ 1330

Those bills were H.R. 3310 and H.R. 391, respectively. These earlier bills included additional provisions relating to the waiver of sanctions for first-time violations of small businesses of Federal paperwork requirements. During the May 21, 2002, Senate floor debate on the amended version of H.R. 327, Democratic cosponsor Senator BLANCHE LINCOLN stated, "Our thought behind suspending fines for first-time violators was that a majority of small business owners who neglect to file a certain form are simply overwhelmed with paperwork and don't realize their error. We thought that small business owners should be given a chance to correct the problem before they were slapped with a fine. I am disappointed that this final version does not include the fine suspension."

Mr. Speaker, I agree with Senator LINCOLN and hope that these helpful provisions will be enacted by Congress in the future.

The amended version of H.R. 327 before the House today includes the following helpful provisions for small businesses: first, a requirement for the Office of Management and Budget to annually publish in the Federal Register and on the Internet a list of compliance assistance resources available to small businesses;

Second, a requirement for each agency to establish a single point of contact for small businesses;

Third, a requirement for each agency to make further efforts to reduce paperwork for small businesses having fewer than 25 employees;

Fourth, a requirement for each agency to submit two reports, each with data for a 1-year period on enforcement actions in which a civil penalty was assessed and the penalty amounts reduced or waived for small businesses;

Fifth, establishment of an interagency task force to study streamlining of paperwork requirements for small businesses.

Under the amended version of H.R. 327, this task force will identify ways to integrate the collection of information across Federal agencies and programs and will examine the feasibility of requiring the agencies to consolidate reporting requirements in order that each small business may submit all information required by the agency to one point of contact at the agency, in a single format or using a single electronic reporting system, and with synchronized reporting.

During the May 21 Senate floor debate on the amended version of H.R. 327, Senator JOE LIEBERMAN inserted in the Senate record a document, coauthored by Senator VOINOVICH, entitled, "H.R. 327: Consensus Amendment, Purposes and Summary, Section-by-Section Description, and Legislative History." This document constitutes only part of the legislative history of the amended version of H.R. 327.

The task force will also examine the benefits to small businesses of publishing a list of information collections organized by the North American Industrial Classification System codes or in another manner by which small businesses can more easily identify requirements with which they are expected to comply.

Last October, the subcommittee provided OMB with a road map for OMB to easily prepare such a NAICS code listing, which will be printed in the RECORD at the end of my statement.

In addition, later in this debate, I will engage in a colloquy with the chairman of the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO), about the utility of a NAICS-code listing.

Additionally, the task force will develop recommendations for systems for interactive electronic reporting. The definition of "small business" in this bill is the one used in the Small Business Act at 15 USC subsection 631 et seq.

Senator VOINOVICH's companion bill, which passed the Senate by unanimous consent last December, included an every-2-year reporting requirement on the number of enforcement actions in which a civil penalty is assessed, the number of such actions in which a civil penalty is assessed against a small entity, the number of enforcement actions in which the civil penalty is reduced or waived, and the total monetary amount of reductions or waivers. Unfortunately, the amended version of H.R. 327 today only includes a requirement for agencies to report this information two times. However, if there is practical utility to this information, this Federal agency reporting requirement can and should be continued.

H.R. 327 amends the Paperwork Reduction Act, which is the successor to the Federal Reports Act of 1942, which began the requirement for OMB approval before paperwork could be imposed on nine or more members of the public. The 1980 Paperwork Reduction Act, which established the Office of Information and Regulatory Affairs in the office of OMB, began by stating: "Information needed by Federal agencies shall be obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information, and at a minimum cost to the government." The 1995 reauthorization of the Paperwork Reduction Act set 10 percent and 5 percent goals for paperwork reduction each year from 1996 to 2001.

OMB's most recent estimate of Federal paperwork burden on the public is 7.7 billion hours annually, at a cost of $230 billion per year. Despite the statutory requirements for annual reductions in paperwork burden, there have actually been annual increases in paperwork in each of the last 6 years, from 1996 to 2001. OMB's April 2002 report to Congress entitled "Managing Information Collection and Dissemination: Fiscal Year 2002," does not identify any interagency efforts to streamline paperwork requirements on small businesses. Also, although Congress required OMB to provide an analysis of impacts of Federal regulation on small business, OMB's December 2001 report entitled "Making Sense of Regulation: 2001 Report to Congress on the Costs and Benefits of Regulations and Unfunded Mandates on State, Local, and Tribal Entities," devotes less than one page to the impact of Federal regulatory and paperwork burdens on small businesses.

H.R. 327 has been endorsed by the United States Chamber of Commerce, National Association of Manufacturers, National Federation of Independent Business, National Small Business United, Small Business Coalition for Regulatory Relief, Small Business Legislative Council, Small Business Survival Committee, Academy of General Dentistry, Agricultural Retailers Association, American Farm Bureau Federation, American Road and Transportation Builders Association, Associated Builders and Contractors, Associated General Contractors, Automotive Parts and Service Alliance, Food Marketing Institute, GrassRoots Impact, Inc., National Association of Convenience Stores, National Automobile Dealers Association, National Business Association, National Pest Management Association, National Restaurant Association, Nation Roofing Contractors Association, National Tooling and Machining Association, North American Equipment Dealers Association, and the Society of American Florists.

Small businesses are particularly hurt by regulatory and paperwork burden. In an October 2001 report, the Small Business Administration estimated that it cost large firms, those with over 500 employees, $4,463 per employee to comply with Federal regulatory and paperwork requirements.

However, the cost to small businesses, those with fewer than 20 employees, is nearly 60 percent higher, a staggering $6,975 per employee. Not only are such costs higher for small businesses, but they are also much harder to absorb. Small businesses simply cannot afford to comply with Federal requirements in the same way that large businesses can. The high cost of such requirements often makes it impossible for small businesses to expand; it threatens their ability to stay afloat or prevents them from opening in the first place.

During the May 21, 2002, floor debate on the amended version of H.R. 327, Senator LINCOLN stated, "I have been told that Federal paperwork burdens rank just behind taxes and the cost of health care as the top problems facing members of the National Federation of Independent Businesses." H.R. 327 should result in some needed relief for small businesses.

STEPS TO ADD NAICS CODES TO OMB/OIRA'S EXISTING COMPUTERIZED PAPERWORK DATABASE

1. NAICS information. Decide what NAICS codes information should be included in OMB/OIRA's existing computerized paperwork database. First, examine the SF-83 (Rev. 9-80) item #21 to see if that approach is desirable, especially since the software was previously developed for it. This item required agencies to indicate up to ten 3-digit SIC codes or to check "multiple" or "all." Besides deciding on the approach, OMB needs to decide on the number of NAICS digits—the first 2 digits are used for sectors, the 3rd digit is for sub-sectors, the 4th digit is for industry group, etc.—which would be most useful for the public to identify applicable paperwork and for OMB and the agencies to reduce duplicative paperwork and paperwork without any practical utility.

2. Other new information. Decide if any other information should be added to OMB/OIRA's paperwork database so that the agencies could be asked to provide this information for all currently-approved information collections at the same time as NAICS codes information. Alternatively, the agencies could be asked to provide this information only for new agency requests for OMB approval under the Paperwork Reduction Act. First, examine the 16 other items on the SF-83 (Rev. 9-80) which were deleted, including #4 (3-digit functional code, which is used in Executive and Legislative Branch budgeting). The software for some of these items was also previously developed. However, some were previously only textual fields, such as #28 (authority for agency for information collection—indicate statute, regulation, judicial decree, etc.). Since 1980, the Regulatory Information Service Center (RISC) has made some progress in coding some of this information.

3. Data specifications. After #1 and #2 are settled, outline the data specifications for a computer contractor. After the contractor is on-board for the project, OIRA should work with him to design the data format and a minimum number of data edits. For example, the contractor probably does not need to check if each 3-digit (or whatever level is chosen) NAICS code entered by an agency is a valid one but the contractor probably

should check that there is some NAICS information for every data collection which significantly impacts on small entities (OMB–83–I #5) or which affects business or other for-profits or farms (OMB–83–I #11 b & d).

4. Output formats. OIRA and the contractor also need to design the output formats, including: the OMB webpage which includes NAICS information, including links to each agency's consolidated webpage, which, at a minimum, should include links to each of the agency's approved forms (available in HTML or read-only PDF formats) and their accompanying instructions; and (2) the full paper-copy listing by NAICS code. The agency webpages could also include additional information, such as links to the applicable regulations underpinning the recordkeeping requirements and any non-binding guidance documents. Unfortunately, many currently-approved agency forms are not yet available on the Internet so this step may require some agency effort, which is worthwhile with or without the addition of NAICS information.

5. Availability. After consultation with the Hill and interest groups (such as NFIB), OMB should decide if all Federal Register publication annually makes sense or just a Federal Register Notice of Document Availability for OMB's full paper-copy listing.

6. Agency training. OIRA (including its Statistical Policy experts) needs to train the agencies about NAICS. If agencies are in doubt which NAICS codes apply, they could call a few of their respondents since businesses all know which NAICS code applies to them since they are routinely asked to provide this information by various Federal agencies (e.g., the Census Bureau and the SEC).

7. Agency input. After OMB and the contractor have agreed on an approach (in step #3 above) and the agencies are trained (in step #6 above), OMB needs to ask each agency with one or more currently approved information collections (i.e., including the independent regulatory commissions and the bank regulatory agencies) to provide the new information—for each of the 7,780 currently-approved information collections—in the precise format which OMB will be using for all new agency requests for OMB approval under the Paperwork Reduction Act. OMB could ask agencies to directly input this information electronically into the database, with the rest of the data elements in OMB's database kept as read-only items which cannot be changed by the agencies. Alternatively, OMB could ask the agencies to e-mail the information (in a format calling only for the 8-digit OMB number and then the NAICS information) for OMB's contractor to merge into the OMB database. OMB does not second guess the agency input for other items (such as #11, affected public) on the OMB–83–I (Rev. 10/95) so OMB should not be required to verify the accuracy of agency input for NAICS information.

8. Quality control. Have the contractor perform edit checks on the consolidated (agency-provided) new information in OMB/OIRA's paperwork database (as determined in step #3 above) and test each of the links from OMB's webpage to each of the agency's webpages.

Mr. Speaker, I reserve the balance of my time.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California (Mr. OSE), the chairman of the subcommittee, and the Senate Governmental Affairs Committee for their willingness to negotiate the amendments to H.R. 327 that we are considering today.

H.R. 327 is a substantial improvement over the small business paperwork bills that were considered by the House in the last two Congresses.

The controversial penalty provisions have been removed, and the bill includes provisions suggested by the Democratic minority that will reduce the paperwork burden on small businesses.

Mr. Speaker, small businesses are the backbone of the economy and are where the new jobs are being created. However, many small and family-opened businesses spend a great deal of their resources learning about and complying with applicable laws.

I am pleased that we are looking at ways to make it easier for small businesses to understand what information they are required to provide to the government and ways to simplify and streamline the paperwork process.

H.R. 327, as amended, requires OMB to annually produce a list of compliance assistance resources available to small businesses. This list must be printed in the Federal Register and posted on the Internet. This bill also requires each agency to establish one point of contact to act as a liaison with small businesses.

H.R. 327 requires agencies to make efforts to further reduce paperwork required of businesses with fewer than 25 employees.

The bill establishes a task force to make recommendations for electronic reporting and improving information dissemination. And H.R. 327 requires agencies to report on the number of enforcement actions they take and the number of instances when they reduce and waive penalties.

Mr. Speaker, 4 years ago we considered similar provisions when the House considered H.R. 3310. Unfortunately, H.R. 3310 also contained provisions that would have prohibited agencies from penalizing businesses for most first-time information-related violations. These provisions would have removed agency discretion and created a safe haven for willful, substantial, and long-standing violations. They were strongly opposed by the Clinton administration, labor, environmental, consumer, senior citizen, health, trade, and firefighter groups, as well as by some State attorneys general.

The gentleman from Ohio (Mr. KUCINICH) and I offered an amendment to address these concerns. However, the amendment failed.

Because of the surrounding controversy, the bill was never considered in the Senate and we lost the chance to implement the provisions we are considering today. The bill was resurrected in the next Congress as H.R. 391. The Kucinich amendment, which fixed the controversial provisions, narrowly failed by a vote of 214–210. Again, because the controversial provisions remained in the bill, it never became law.

Mr. Speaker, I am pleased to see that H.R. 327 does not include the controversial penalty provisions, and it will likely become law. I am pleased to say that this version of H.R. 327 includes suggestions made by the Democratic minority of the Committee on Government Reform. For instance, the focus of the bill is on compliance assistance. The bill helps businesses figure out what information they need to provide to which agencies and makes it easier for them to provide the information.

Furthermore, the task force will make recommendations for implementing interactive systems for information collection requirements and electronic reporting. This will allow small businesses to identify applicable requirements over the Internet and get immediate feedback on electronic submissions in order to help ensure that they submit consistent and usable data.

Moreover, the task force will recommend ways to strengthen information dissemination so that agencies can more efficiently share the information they gather with other agencies and the public.

□ 1345

In addition, the original bill required agencies to provide an annual list of paperwork requirements by statistical code. However, this list likely would not be used by small businesses, and it would merely provide a statistical analysis of the quantity of information regulations.

Mr. Speaker, the purpose of this bill is not to count regulations, but to help small businesses understand and comply with the information collection requirements. The bill directs a task force to study the feasibility of such a list and whether such a list would actually benefit small businesses. And the bill requires a useful annual list of compliance assistance resources. While I understand, Mr. Speaker, that there will be a colloquy between the chairman of the Committee on Small Business and the gentleman from California (Mr. OSE), that information that is shared with us is, of course, their opinion and is not part of the legislative history.

H.R. 327 includes a provision suggested by the gentleman from Vermont (Mr. SANDERS) and adopted 4 years ago that focuses paperwork reduction on small businesses with fewer than 25 employees. This amendment helps direct our efforts to truly small businesses that need our help the most. The definition of small businesses that was incorporated into H.R. 327 originally was so broad that it included numerous businesses that many do not consider small. It included petroleum refineries with up to 1,500 employees, pharmaceutical companies with up to 750 employees, and banks with up to $100 million in assets. Thus, the bill helps most businesses, not just small businesses. Therefore, I believe it is appropriate to focus agency efforts on businesses that really are small.

Mr. Speaker, information collection is one of the most important jobs of the Federal Government. It allows the government to enforce the law without burdening businesses with in-depth site investigations. Nevertheless, it is difficult for small businesses to fully understand what is required of them. And many businesses have expressed frustration with the fact that they have provided similar information to more than one source in government.

I believe the government should help small businesses understand their responsibilities and streamline the information collection process. This bill serves both purposes without jeopardizing the underlying protections. Furthermore, it should help us take advantage of the information age by using the Internet to gather and disseminate information. These changes have been suggested by numerous sources, including the General Accounting Office.

I urge my colleagues to support this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. OSE. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Indiana (Mr. BURTON), the distinguished chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time.

Let me start off by thanking the gentleman from Massachusetts (Mr. TIERNEY), the gentleman from California (Mr. OSE) and the gentleman from California (Mr. WAXMAN) who worked with me to get this piece of legislation to the floor. This is an extremely important piece of legislation because if there is one thing that small businesspeople across the country are very chagrined about, it is the amount of paperwork that they have to deal with on a regular basis. As a matter of fact, the cost to a small businessperson runs about $7,000 per employee to deal with the paperwork that faces them from the Federal Government. If you have got 20 employees, that is a $140,000 burden that you have to deal with, and it simply is not necessary.

This legislation is designed to streamline that effort to make sure that small businesspeople do not suffer from a tidal wave of paperwork that makes the profitability of their business almost impossible. I think my colleagues have covered this very, very well. The gentleman from California (Mr. OSE) has worked very hard on this. The gentleman from Massachusetts (Mr. TIERNEY) has as well. I think they have covered all of the provisions of the bill and the problems we had in getting this bill drafted and to the floor.

I would just like to say that it is high time that we got this job done. If there is one thing that small business and business in America needs, it is a reduction of the amount of paperwork and regulation that they have to deal with on a daily basis with the Federal Government. I believe this is going to save them money, it is going to streamline the effort to comply with government regulations, and it is a giant step in the right direction.

All of the small businesspeople in America that may be watching this right now, you can take heart. We are moving in the right direction. There is a lot more that needs to be done, but this is a great first step.

Mr. Speaker, today we have before us a piece of legislation that's going to help small businesses navigate the maze of Federal forms that they have to fill out.

This is a serious problem for small businesses. If you talk to any small business owner, they'll tell you that Federal regulations, Federal mandates, and Federal paperwork are a serious burden. It's hard to figure out what rules have to be complied with and what forms have to be filled out. It's time-consuming and expensive.

Last year, the Small Business Administration estimated that small businesses spend close to $7,000 per employee on Federal paperwork. Think about that—$7,000 per employee. For a company that has 20 employees, that's $140,000. That's a serious drain on the resources of a small business.

When we passed the Paperwork Reduction Act many years ago, the goal was to reduce the Federal paperwork burden. Unfortunately, it hasn't been very successful. Over the last six years, the paperwork burden on the American people has not shrunk—it's grown every year.

This bill isn't going to reverse that tide all by itself. But I think it will help small businesses cope with the problems they're having. It will give them more resources so they can get assistance when they need it.

This bill requires every Federal agency to have a single point of contact for small businesses. If a small businessman in Indiana or Ohio doesn't understand what forms he has to fill out, there should be one office in each agency where he can pick up the phone and get help. This bill does that.

It requires the Office of Management and Budget to post on its website every year an up-to-date list of all of the resources that are available to help small businesses with paperwork problems.

It requires every Federal agency to make additional efforts to reduce paperwork for the smallest businesses—businesses with fewer than 25 employees.

This bill sets up an inter-agency task force. This task force will develop a plan to consolidate reporting requirements and make them more uniform. Many small businesses have to report the same information to several different agencies. We should have a system that would allow a small businessman to submit that information once, in electronic form. That would be the job of this task force.

It would also look at whether we could have interactive reporting systems, so businesses could get immediate feedback if there is a problem. These things would be very valuable to small businesses around the country.

Last but not least, this bill would require Federal agencies to report to Congress on the penalties they impose on individuals and small businesses. They would be required to file two annual reports on the number of civil actions they take, the number of those actions that were taken against small businesses, the number of times they've reduced penalties imposed by the agency, and the number of penalties that were reduced specifically on small businesses.

We've never had that kind of information before. We need to get a better handle on how many penalties are being imposed on small businesses, and for what kind of offenses. These reports will help us do that.

When we first started working on this bill several years ago, we had a provision that required agencies to waive first-time penalties against small businesses for inadvertent paperwork errors. I thought that was a very good idea. It was approved twice in the House. Unfortunately, we couldn't get it passed in the other body. We tried for about three years, and it just wasn't doable. So we compromised. Nobody got everything they wanted in this bill—but it's a good compromise. These reports on penalties being imposed on small businesses will give us more information and help us understand what's happening.

We've worked very hard with Members of both bodies to get to this point. I want to thank my friends on the Government Reform Committee, Mr. OSE, Mr. WAXMAN, and Mr. TIERNEY for working with me to get this bill done.

I also want to thank our friends in the other body for their assistance—particularly Senator LIEBERMAN, Senator VOINOVICH and Senator THOMPSON. We couldn't have gotten to this point without their help.

Let me conclude by saying this—I was a small businessman before I came to Congress. Mr. OSE was a small businessman before he came to Congress. Many Members of the House ran their own businesses before they decided to run for Congress. We understand how difficult it is to start your own business, and to make it successful. We understand how difficult it is to comply with Federal mandates and Federal tax laws, and to make sure you've filled out the right forms. And we also understand how important small businesses are to our economy. They're the lifeblood of our economy.

So any time we have an opportunity to develop legislation that will make it a little easier to deal with the Federal bureaucracy, we should do it. That's what this bill is meant to do. It won't make all the problems that small businesses face go away, but it's a good start. We're going to continue to look for opportunities to pass legislation that will help small businessmen and women.

I urge all of my colleagues to support this good piece of legislation.

Mr. TIERNEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentleman from Massachusetts for his leadership on this issue and helping to bring this very important piece of legislation to the floor. This is something that concerns an awful lot of small businesses in the State of Maine. I know how crucial it is. Over 97 percent of the businesses are represented by small businesses in our State. We have over 40,000 of them in all. These enterprises face a maze of regulations and requirements that impose a heavy burden in time and expense. The Federal Government alone has over 7,000 forms that are required for one activity or another. State and local regulations add a further layer of almost equal complexity and cost. How can small businesses compete, innovate and grow to their fullest potential when they have to devote so much time and energy and resources just to figuring out what forms to fill out?

I know how difficult this situation is for small businesses. I know because I am a small business owner myself, and I have personally experienced the frustration of trying to navigate the system. I do believe that the innovations in this bill will make the process easier. It will make compliance assistance resources more readily available. It will require agencies to find ways to further reduce paperwork for smaller businesses. And it will establish a single point of contact for small businesses in each of the Federal agencies, something that is sorely needed.

Mr. Speaker, this bill is a good start. I look forward to bringing this assistance to small businesses. However, as we all know, there is more work that we need to do. We need to find ways to help agencies to better coordinate their efforts both at the Federal level and between the State and local levels to make these services more seamless. Ideally, we should have a single point of contact for all small business so they can quickly and easily find what they need. Small businesses do not have the resources of big corporations, but they should have the same chance to compete.

This bill is a good step towards having a level playing field. I urge my colleagues to support this legislation.

Mr. OSE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I rise today in support of H.R. 327, the Small Business Paperwork Relief Act as amended by the Senate. The bill represents the first effort in reducing the paperwork burdens that are swamping millions of small businesses. If we can get them out from under this deluge, they can devote themselves to hiring workers, investing in capital, moving the economy forward and cooking spaghetti, which is what my brother does in his Italian restaurant. The gentleman from Maine (Mr. BALDACCI) does the same thing.

Cooks would rather make spaghetti sauce than fill out Federal forms. One of the reasons for this bill is to allow the chefs to spend more time cooking Italian food at our restaurants as opposed to filing all these stupid government forms. People do not go to chef school to fill out forms. They go there to make people happy, to present a good balance of herbs and spices, to be able to know what is on the menu, to be able to change the menu according to people's tastes. But when all the chefs in the small restaurants and all the like-minded small businesspeople in the country have to fill out papers for the Federal Government, then they spend too much time doing that.

Twenty years after the passage of the Paperwork Reduction Act, there is no evidence that the government has reduced the amount of paperwork on small business. Dr. John Graham, who is the current Administrator of the Office of Information and Regulatory Affairs, and who is doing a great job, has begun efforts to reduce paperwork burdens. Even with these efforts, the Federal Government still requires the filing of more than 7,700 forms resulting in nearly 66 million responses with a total burden of more than 7.5 billion man-hours. These paperwork burdens annually cost Americans at least $61 billion. Convenience stores that sell gasoline may have to prepare as many as 46 different forms accompanied by 250 pages of instructions. Physicians seeking to provide service under the Medicare program send a 30-page application to CMS, while private insurers enroll physicians after a one-page application.

We ask ourselves, is all of this information for small business necessary? Will the government find the information useful? Can the government obtain the necessary information in a less burdensome way? The Small Business Paperwork Relief Act will initiate a process to help answer these questions.

Mr. Speaker, I would like to engage in a colloquy with the gentleman from California (Mr. OSE), the chairman of the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.

Mr. OSE. Mr. Speaker, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from California.

Mr. OSE. I am happy to engage in a colloquy with the gentleman from Illinois, who is the distinguished chairman of the Committee on Small Business.

Mr. MANZULLO. I thank the gentleman from California for agreeing to engage in this colloquy. I think it is absolutely imperative that the task force created by the bill obtains input from the small business community. I am sure the gentleman from California agrees.

Mr. OSE. I concur with the gentleman from Illinois. I cannot understand how a task force that is designed to reduce the paperwork burdens on small businesses could accomplish its goal without obtaining input from the small businesses that are buried by Federal reporting and recordkeeping requirements.

Mr. MANZULLO. I thank the gentleman from California for clarifying that issue. I also note that the bill would require that the Office of Management and Budget, OMB, publish in the Federal Register and make available on the Internet an annual listing of the compliance assistance resources available to small businesses. I agree that this would make the information more accessible. However, I believe that more can be done. I think that OMB should establish a link on its Website to each agency's single point of contact. Each agency's Website would then have links to each relevant paperwork required for small businesses. I would like the opinion of the gentleman from California on this point.

Mr. OSE. I agree with the gentleman from Illinois. The bill is intended to make information available in a user-friendly format, which means making it easy for small businesses to find the relevant paperwork requirements on the Internet. That would include providing appropriate links on the Office of Management and Budget's Website to the single points of contact established by the bill. In addition, I would expect links on the Office of Management and Budget's Website to other general access points, such as the FirstGov Website and the Small Business Administration's Website.

I look forward to working with the distinguished gentleman from Illinois to ensure that Federal agencies provide appropriate links to this critical information.

Mr. MANZULLO. I thank the gentleman from California for clarifying that issue. I also note that the amended bill is silent on reducing the frequency of small business reporting which would lessen paperwork burdens on small businesses. Since H.R. 327 is primarily intended to reduce paperwork burdens, should not OMB, the agencies and the task force consider reducing periodicity wherever possible?

Mr. OSE. I agree with the gentleman from Illinois that reducing reporting frequency would be an effective way to help small businesses. To ensure no unintended consequences under the Paperwork Reduction Act, any proposed changes in periodicity would be subject to public notice and comment.

Mr. MANZULLO. I thank the gentleman for entering into the colloquy.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume, just to briefly say that the record should reflect, Mr. Speaker, that that colloquy, of course, reflects the personal opinions of the two Representatives involved and is not the opinion of the committee as a whole or of the House, and also just to indicate that small businesses, and this will put the gentleman's mind at ease, I think, small businesses certainly are included in the process through the provision for public comment of the task force draft report. This committee and the committees over in the Senate did a lot of time negotiating out the resulting provisions of this bill, and we are pleased with that. It has come to a general agreement that I believe is going to pass in the form that is printed.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. OSE. Mr. Speaker, I just want to be sure that I am clear in terms of my colloquy with the gentleman from Illinois (Mr. MANZULLO) in the sense that we did enter it into the RECORD, and it is going to show up in the Journal and what have you, and it will be a part of the legislative record as a part of the recorded record that the transcriptionists and others are taking part in, just to clarify that point.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman is correct. All of the exchange as spoken between both gentlemen will be recorded.

Mr. OSE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO). We inadvertently left out a couple of items of the record that we are attempting to establish here.

Mr. MANZULLO. Mr. Speaker, I am sorry that I left out a point in our colloquy that is quite important.

Finally, I would like to clarify one point. H.R. 327 as introduced required OMB to annually publish a list of requirements applicable to small businesses organized by North American Industrial Classification System, NAICS, codes and industrial/sector description. In the amended version of H.R. 327 as passed by the Senate, this requirement is modified substantially.

□ 1400

Instead of requiring OMB to annually publish such a listing, it allows the task force to examine the feasibility and benefits to small businesses of publishing lists organized by NAICS code, industrial/sector description, or in another manner by which small businesses can more easily identify requirements with which they are expected to comply.

I would ask the gentleman from California (Mr. OSE), is it your opinion that the best method for classifying the information remains by NAICS codes because that would enable small businesses to best identify the paperwork burdens associated with their businesses?

Mr. OSE. Mr. Speaker, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from California.

Mr. OSE. Mr. Speaker, I thank the gentleman for coming back to the podium to address this issue and for raising this critical point. I believe that the information should be organized by NAICS codes. Otherwise a small business searching for information on its paperwork burdens might not find the information most applicable to its business. By using NAICS codes, restaurants could easily find information relevant for restaurants, not information for steel manufacturers.

In conclusion, I fully agree with the gentleman from Illinois on this point, and I thank him for helping me make it part of the record.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I in no way intended to imply that this colloquy would not appear on the Journal. However, it will not be part of the history of this particular bill, having come through committees and subcommittees and been negotiated.

I daresay that there was no part of that colloquy to which the minority was privy. They were not given the courtesy of an advance copy of that colloquy through the subcommittee. I do not know what the reason for that was, but certainly I do not want to leave it with the public or the Speaker the impression that that was part of the legislative history, the negotiations between the subcommittees, the committees, the Senate or the House, in having the bill come before us.

I would also like to clarify a point that was made by my colleagues during their little discussion, and that is that the task force is required to consider whether publishing a list of the information collection requirements applicable to small businesses would actually be feasible and would actually help small businesses. This bill does not require publication of a list.

The task force should also consider different opinions for organizing such a list if they find it would be feasible and beneficial to small businesses. The bill leaves it up to the task force to consider whether any such list should be organized by NAICS codes or in some other manner that makes it easier for small businesses to identify applicable requirements.

Some people are concerned that such a list will be too unwieldy for anyone to use, and because businesses do not fit neatly into precise categories, businesses will still have to figure out which requirements listed for a given category actually apply to them. So we have asked the task force to look at and see if this would be helpful and to report back to us.

The key point here is that the bill clearly leaves it up to the task force to consider whether publishing any such list makes sense, and, if so, to determine what would be the best way to organize it. It would then be up to Congress to consider the task force findings, colloquies notwithstanding.

Mr. Speaker, I reserve the balance of my time.

Mr. OSE. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the Small Business Paperwork Relief Act.

Mr. Speaker, I serve as chairman of the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, and I have spent countless hours listening to small businesses of America plead with Congress to restrain the egregious rulemaking and paperwork requirements of Federal agencies.

Small businesses, as we all know, Mr. Speaker, are on the front lines every day dealing with the real-world implications of overzealous bureaucrats that seldom take into consideration the impact of their rules on the small business sector. Despite the fact that small businesses account for 50 percent of America's employers and two-thirds to three-quarters of net new jobs in the United States, few people inside the Federal Government are listening on an average day. Federal regulation continues to balloon, costing small businesses with fewer than 20 employees $6,975 per employee to comply.

The Small Business Paperwork Relief Act will, Mr. Speaker, help small businesses face the regulatory burden placed upon them by requiring that compliance assistance resources be made available on the Internet. It will require that agencies have a single paperwork point of contact for small businesses, and that agencies make greater strides to reduce paperwork burdens on small businesses. H.R. 327 will also require the establishment of a task force to study streamlining reporting requirements for small businesses.

Mr. Speaker, nowhere is that paperwork burden more evident than in the Environmental Protection Agency. My subcommittee recently held a hearing on the EPA's TRI Lead rule. This was a classic case of an executive agency subverting the regulatory reform measures that have been put in place over the years.

For example, the EPA failed to do a proper analysis of its impact on small businesses, they failed to do an independent peer review of the science behind the rule, and they failed to do proper small business outreach. All of this will result in a cost of over $80 million per year to small businesses, and the paperwork regulation that will follow will not in any way reduce the lead released into our environment.

This simply cannot continued. America's small business owners are suffering death by 1,000 paper cuts. They go into work every day armed with the entrepreneurial spirit, with the goal of building a business that will be successful, and what they have found is one of their largest obstacles to success is not a faulty business plan or a poor economy, but the paperwork and reporting requirements that the Federal Government imposes.

I urge all of my colleagues today to stand by those who make their daily trek into work, to stand by the small business owner, and make it today just a little bit less burdensome. Pass the Paperwork Relief Act.

Mr. TIERNEY. Mr. Speaker, I reserve the balance of my time.

Mr. OSE. Mr. Speaker, I yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank my colleague from California for his leadership on this issue.

Mr. Speaker, I rise today and urge all of my colleagues to support H.R. 327, the Small Business Paperwork Relief Act. This plan has the ability to really fuel our economy to new heights by reducing the costs and improving the levels of efficiencies for our small businesses, thereby allowing them to expand and create new jobs.

In my home State of West Virginia, over 80 percent of our businesses are small businesses. In our State, good jobs are at a premium, and economic growth is our continual goal. This plan will support our State and other States in their goal to reach for more job creation and a stronger economy by helping small businesses thrive and perhaps even helping a small business begin.

Mr. Speaker, small business has always been and will continue to be the key to the American dream, but by erecting and ignoring the government barriers that hinder the success of small business, this slows the creation and stifles growth.

We have heard a lot of figures today, but I have a new one. According to recent figures by the Office of Management and Budget, American businesses spend 7.7 million hours each year complying with Federal paperwork at an astounding cost of $230 billion a year. Just think how many additional people could be employed or how many additional health benefits could be afforded with that much money.

Passing the Small Business Paperwork Relief Act will free the hands of our small business owners by removing the unnecessary regulations that prevent them from doing things that I have mentioned, offering expanded health benefits, employing new employees. All these things could be done with the cost they expend on filling out the mountains of paperwork.

We need to work quickly and pass this so that our constituents will not be cheated and our economy will not be stifled by depriving our businesses of many talented and capable workers. I urge my colleagues to recognize the tremendous benefits of this plan and to pass H.R. 327.

Mr. TIERNEY. Mr. Speaker, I reserve the balance of my time.

Mr. OSE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Idaho (Mr. OTTER), the vice chairman.

Mr. OTTER. Mr. Speaker, I thank the chairman of our subcommittee for yielding me time, and I also thank him for the leadership that he has shown in an effort to reduce not just the paperwork, but all the burdensome government regulations on all of our small businesses, and, in fact, on the private sector in general.

We already know and we have heard many of the virtues and the merits that this H.R. 327 is going to provide for the private sector. I am hopeful, Mr. Speaker, that this is simply the first in an evolutionary process that we will have in reducing many more of the burdensome regulations not only on paperwork, but of the other rules and regulations that we have on the private sector, and especially the small businesses.

The U.S. Small Business Administration Office of Advocacy recently issued a report called The Impact of Regulatory Costs on Small Firms. In this report it is stated, "To comply with Federal regulations, Americans spent $843 billion in the year 2000. Had every household received a portion of that bill," every family received a proportional share of that bill, each household, it would have cost $8,164, each household.

I submit, Mr. Speaker, that it did cost each and every one of those households $8,164. Of course, that is to be added to the $19,613 that the Federal revenuers already collect from each and every household.

Why do I say that the households themselves had to pay $8,164 each? Because, Mr. Speaker, all you can do when you have a cost accruing from the government to a business and to a value-added product is pass that on to the customer. So we politicians sit down here and we pontificate about how we are not going to tax the people, we are not going to make the people obey the regulations, we are just going to make the businesses do it.

And, quite frankly, businesses pay no taxes. Those that do go bankrupt. There is all kinds of lists of those. But who does pay the taxes are the taxpayers. They are the ones that pay the taxes, each and every one. You want to increase the price of Idaho french fries? Tomorrow morning I will guarantee all the french fry joints in this great Nation of ours you will see the price of french fries go up, because businesses have to collect those taxes.

But it is the sleight of hand. It is the shadowy little area that we always deal in with rules and regulations and taxes in this Congress.

Let us be honest with ourselves and let us tell these folks that not only are we giving the small businesses relief from the paperwork burden, but we are giving the taxpayers, the purchasers, the consumers, those who would consume the services and the value-added goods from our small businesses in this country, we are giving them the relief as well. I think you will see how much more competitive we can become in this world marketplace for all of our products with this bill.

I would encourage all my colleagues to join the rest of us and pass H.R. 327.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time. I would just like to make a comment in closing, and that is I think we are doing the exact right thing here today in passing this Small Business Paperwork Relief Act. But I would be remiss if I did not respond somewhat to a lot of the hyperbole that we have heard on the other side.

Nobody wants small businesses to be overburdened with regulations, but certainly I think in the days of Enron and Global Crossing and Tyco and right on down the line, we can all appreciate the damage that has been done in the past couple of decades as we threw regulation after regulation away or loosened them to the point where some corporations, particularly large corporations, have sort of missed their mission and their responsibility to the American people.

In that sense it calls upon government to have the kind of governance that we have always had in this country, and that is a balanced governance. It is a free market with the hand of government regulation balancing it.

The obvious goal here is to strike that balance so it does not overburden business, but still protects the people in the way it should and the way they want it to protect them, whether it is about their health, about collecting taxes that are necessary for public goods and services or so on down the line.

The nameless or faceless bureaucrats that people take to task on the other side of the aisle sometimes are people that are working as hard as they can to do the best job that they can do to provide good public services, and I think they should be commended.

The responsibility lies here. The responsibility lies in this body to make sure that we give them the tools to work with as they craft the regulations, that we have the kind of oversight that is necessary to make sure that when they craft those regulations, they are, in fact, as uncumbersome as possible and get right to the point.

That is part of what this bill is all about today. I think that is why it will pass with an overwhelming majority. I think we have started to do that job, take on some responsibility and give some guidance to the people who craft those regulations and help small businesses, because truly they do need help to have those regulations apply to help the American people and them, but have them do so in the least onerous way possible.

Mr. Speaker, I yield back the balance of my time.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to briefly note for the RECORD the deep appreciation I have for the chairman of the full committee and for the ranking member in sitting down and working out the differences that existed on this bill and allowing it to move forward in an expeditious fashion. To that list I would like to add my compliments to the gentleman from Massachusetts (Mr. TIERNEY), who was kind enough to host me in his district yesterday and for which I am grateful.

□ 1415

He has been an able advocate and a staunch supporter of trying to bring some relief to small businesses, and I am grateful for the opportunity to work with him in all six of these issues. I do look forward to working with all three as this bill moves through the process and future bills come before our committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, small businesses spend millions of hours annually meeting federal paperwork and recordkeeping requirements. The time and effort spent by businesses and taxpayers to meet paperwork demands are estimated to equal almost 10 percent of the Nation's Gross Domestic Product. Small businesses spend approximately 7 billion hours annually filling out federal paperwork. This paperwork burden costs small businesses over $20 billion annually. According to the Small business Administration, the nation's small businesses have a disproportionate share of the regulatory burden.

H.R. 327, Small Business Paperwork Relief Act, would ease the regulatory paperwork burdens on small businesses. The Act would streamline the regulatory paperwork process of small business owners and family farmers. The bill would also require the government to make a list of compliance assistance resources available on the Internet and would require each government agency to establish a central point of contact for small businesses. With small businesses spending an estimated $5,100 per employee to comply with various federally mandated paperwork requirements, it is essential that we act on this bill.

Knowing the importance of small businesses to our economy and our communities, I believe that Congress must support small business expansion across America. An estimated 25.5 million small businesses a nationwide employ more than half the country's private work force. They create three of every four new jobs, and generate a majority of American innovations. As the backbone of our economic well-being, all assistance to the growth of small businesses is important to ensure our economic development. Therefore, I urge my colleagues to support H.R. 327, Small Business Paperwork Relief Act.

Mr. OSE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired. Pursuant to House Resolution 444, the previous question is ordered.

The question is on the motion offered by the gentleman from California (Mr. OSE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OSE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, following the vote on this motion, the Chair will put the question on motions to suspend the rules and on the approval of the Journal on which further proceedings were postponed earlier today. Those votes will be taken in the following order: H.R. 4794, by the yeas and nays; H.R. 4717, by the yeas and nays; the Journal vote will be de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 16, as follows:

[Roll No. 233]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner

Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Bachus
Blagojevich
Conyers
Hilliard
Hoyer
McIntyre
Millender-McDonald
Moran (VA)
Putnam
Riley
Rothman
Roukema
Sanders
Shays
Traficant
Waters

☐ 1440

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

RONALD C. PACKARD POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4794.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 4794, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 16, as follows:

[Roll No. 234]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Bachus
Blagojevich
Conyers
Hilliard
Hoyer
McIntyre
Millender-McDonald
Moran (VA)
Putnam
Riley
Rothman
Roukema
Sanders
Shays
Traficant
Waters

☐ 1450

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JIM FONTENO POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 4717.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 4717, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 235]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette

Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Bachus
Blagojevich
Conyers
Cooksey
Doggett
Duncan
Hilliard
Hoyer
McIntyre
Millender-McDonald
Moran (VA)
Putnam
Riley
Rothman
Roukema
Sanders
Shays
Traficant
Waters

□ 1457

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mr. HASTINGS of Florida. Mr. Speaker, pursuant to clause 7(c) of rule XX, I hereby announce my intention to offer a motion to instruct conferees on H.R. 3295 tomorrow.

The form of the motion is as follows:

Mr. HASTINGS of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed

(1) to insist upon the provisions contained in section 504(a) of the House bill (relating to the effective date for the Federal minimum standards for State election systems); and

(2) to disagree to the provisions contained in section 104(b) of the Senate amendment to the House bill (relating to a safe harbor from the enforcement of the Federal minimum standards for State election systems for States receiving Federal funds under the bill).

TERRORIST BOMBINGS CONVENTION IMPLEMENTATION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3275) to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

SEC. 101. SHORT TITLE.

This title may be cited as the "Terrorist Bombings Convention Implementation Act of 2002'.

SEC. 102. BOMBING STATUTE.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332e the following:

"§2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

"(A) with the intent to cause death or serious bodily injury, or

"(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss,

shall be punished as prescribed in subsection (c).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

"(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

"(1) the offense takes place in the United States and—

"(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

"(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

"(C) at the time the offense is committed, it is committed—

"(i) on board a vessel flying the flag of another state;

"(ii) on board an aircraft which is registered under the laws of another state; or

"(iii) on board an aircraft which is operated by the government of another state;

"(D) a perpetrator is found outside the United States;

"(E) a perpetrator is a national of another state or a stateless person; or

"(F) a victim is a national of another state or a stateless person;

"(2) the offense takes place outside the United States and—

"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a victim is a national of the United States;

"(C) a perpetrator is found in the United States;

"(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

"(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

"(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

"(G) the offense is committed on board an aircraft which is operated by the United States.

"(c) PENALTIES.—Whoever violates this section shall be punished as provided under section 2332a(a) of this title.

"(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

"(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

"(2) activities undertaken by military forces of a state in the exercise of their official duties; or

"(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

"(e) DEFINITIONS.—As used in this section, the term—

"(1) 'serious bodily injury' has the meaning given that term in section 1365(g)(3) of this title;

"(2) 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(3) 'state or government facility' includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

"(4) 'intergovernmental organization' includes international organization (as defined in section 1116(b)(5) of this title);

"(5) 'infrastructure facility' means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

"(6) 'place of public use' means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

"(7) 'public transportation system' means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

"(8) 'explosive' has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

"(9) 'other lethal device' means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents, or toxins (as those terms are defined in section 178 of this title) or radiation or radioactive material;

"(10) 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

"(11) 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

"(12) 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332e the following:

"2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.".

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

SEC. 103. EFFECTIVE DATE.

Section 102 shall take effect on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

TITLE II—SUPPRESSION OF THE FINANCING OF TERRORISM

SEC. 201. SHORT TITLE.

This title may be cited as the "Suppression of the Financing of Terrorism Convention Implementation Act of 2002".

SEC. 202. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

"§2339C. Prohibitions against the financing of terrorism

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

"(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

"(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

"(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

"(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

"(1) the offense takes place in the United States and—

"(A) a perpetrator was a national of another state or a stateless person;

"(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

"(C) on board an aircraft which is operated by the government of another state;

"(D) a perpetrator is found outside the United States;

"(E) was directed toward or resulted in the carrying out of a predicate act against—

"(i) a national of another state; or

"(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

"(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

"(G) was directed toward or resulted in the carrying out of a predicate act—

"(i) outside the United States; or

"(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

"(2) the offense takes place outside the United States and—

"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a perpetrator is found in the United States; or

"(C) was directed toward or resulted in the carrying out of a predicate act against—

"(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

"(ii) any person or property within the United States;

"(iii) any national of the United States or the property of such national; or

"(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

"(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

"(4) the offense is committed on board an aircraft which is operated by the United States; or

"(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

"(c) CONCEALMENT.—Whoever—

"(1)(A) is in the United States; or

"(B) is outside the United States and is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); and

"(2) knowingly conceals or disguises the nature, location, source, ownership, or control of any material support, resources, or funds—

"(A) knowing or intending that the support or resources were provided in violation of section 2339B of this title; or

"(B) knowing or intending that any such funds or any proceeds of such funds were provided or collected in violation of subsection (a);

shall be punished as prescribed in subsection (d)(2).

"(d) PENALTIES.—

"(1) SUBSECTION (A).—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

"(2) SUBSECTION (C).—Whoever violates subsection (c) shall be fined under this title, imprisoned for not more than 10 years, or both.

"(e) DEFINITIONS.—In this section—

"(1) the term 'funds' means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including *electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;*

"(2) the term 'government facility' means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

"(3) the term 'proceeds' means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

"(4) the term 'provides' includes giving, donating, and transmitting;

"(5) the term 'collects' includes raising and receiving;

"(6) the term 'predicate act' means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

"(7) the term 'treaty' means—

"(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

"(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

"(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

"(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

"(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

"(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

"(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

"(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

"(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

"(8) the term 'intergovernmental organization' includes international organizations;

"(9) the term 'international organization' has the same meaning as in section 1116(b)(5) of this title;

"(10) the term 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

"(11) the term 'serious bodily injury' has the same meaning as in section 1365(g)(3) of this title;

"(12) the term 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(13) the term 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.

"(f) Civil Penalty.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least $10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

"2339C. Prohibitions against the financing of terrorism.".

(c) Disclaimer.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law.

SEC. 203. EFFECTIVE DATE.

Except for paragraphs (1)(D) and (2)(B) of section 2339C(b) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States, section 202 shall take effect on the date of enactment of this Act.

TITLE III—ANCILLARY MEASURES

SEC. 301. ANCILLARY MEASURES.

(a) Wiretap Predicates.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting "2332f," after "2332d,"; and

(2) striking "or 2339B" and inserting "2339B, or 2339C".

(b) Federal Crime of Terrorism.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting "2332f (relating to bombing of public places and facilities)," after "2332b (relating to acts of terrorism transcending national boundaries),"; and

(2) inserting "2339C (relating to financing of terrorism," before "or 2340A (relating to torture)".

(c) Providing Material Support to Terrorists Predicate.—Section 2339A of title 18, United States Code, is amended by inserting "2332f," before "or 2340A".

(d) Forfeiture of Funds, Proceeds, and Instrumentalities.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.".

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Wisconsin?

There was no objection.

A motion to reconsider was laid on the table.

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REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1475

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1475.

The SPEAKER pro tempore (Mr. Simpson). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the further motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

50TH ANNIVERSARY OF UNITED STATES ARMY SPECIAL FORCES

Mr. HAYES. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 364) recognizing the historic significance of the 50th anniversary of the founding of the United States Army Special Forces and honoring the "Father of the Special Forces", Colonel Aaron Bank (United States Army, retired) of Mission Viejo, California, for his role in establishing the Army Special Forces, as amended.

The Clerk read as follows:

H. Con. Res. 364

Whereas on June 22, 2002, the Special Forces Association will celebrate the 50th anniversary of the establishment of the first permanent special forces unit in the United States Army;

Whereas such unit was created in response to the advocacy of Colonel Aaron Bank (United States Army, retired), known as the "Father of the Special Forces";

Whereas Colonel Aaron Bank's service in the Office of Strategic Services and his experience leading resistance fighters against Nazi Germany convinced him of the need for permanent, elite units in the Armed Forces that would specialize in small unit and counterinsurgency tactics, intelligence operations, and the training of indigenous soldiers;

Whereas in 1952 the Army created its first special forces unit, the 10th Special Forces Group, at Fort Bragg, North Carolina, which would later be known for the distinctive green berets worn by its soldiers;

Whereas Colonel Aaron Bank was assigned as the first commanding officer of the 10th Special Forces Group;

Whereas the success of the United States Army Special Forces encouraged the incorporation of principles of force multiplication into the military doctrine of the United States and paved the way for the revitalization of special operations forces in the Navy, Air Force, and Marine Corps;

Whereas these special operations forces have helped revolutionize the conduct of modern warfare;

Whereas special operations soldiers have served with bravery and distinction in every major military conflict in which the United States has been involved in the last 50 years and in innumerable covert operations;

Whereas special operations soldiers are sometimes called upon to conduct missions so secret that their bravery cannot be fully recognized;

Whereas special operations soldiers are playing a critical role in the war against terrorism; and

Whereas thanks to Colonel Aaron Bank and the thousands of United States Army Special Forces soldiers who have followed him, the Armed Forces are better prepared to conduct unconventional warfare and to protect the United States from developing threats: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the historic significance of the 50th anniversary of the founding of the United States Army Special Forces;

(2) honors the "Father of the Special Forces", Colonel Aaron Bank (United States Army, retired) of Mission Viejo, California, for his role in establishing the United States Army Special Forces;

(3) recognizes the sacrifices and accomplishments of United States Army Special Forces soldiers and of all other special operations soldiers in the Armed Forces;

(4) expresses deep gratitude for the continuing sacrifices of United States Army Special Forces soldiers and of all other special operations soldiers in the Armed Forces now fighting throughout the world in defense of the freedoms challenged by the heinous events of September 11, 2001; and

(5) honors the sacrifices made by United States Army Special Forces soldiers who have trained hard and acquitted themselves with honor by serving valiantly in battle, with many making the ultimate sacrifice to their country, many times in missions so secret that their valor may never be fully acknowledged.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HAYES) and the gentlewoman from California (Ms. SÁNCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HAYES).

GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 364, the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

Today, we pay honor and tribute to the fine men and women of our U.S. Army Special Forces and commemorate them on the 50th anniversary of Special Forces this coming Thursday, June 22.

Fifty years ago, Colonel Aaron Bank's service in the Office of Strategic Services and his experience leading resistance fighters against Nazi Germany convinced him of the need for permanent elite units in the Armed Forces. He envisioned a force that would specialize in small unit and counterinsurgency tactics, intelligence operations, and the training of indigenous soldiers. As a result of Colonel Bank's efforts, in 1922 the Army created the first permanent special operations force, the 10th Special Forces Group at Fort Bragg, North Carolina. Colonel Bank became the commander of these soldiers, who are known for their distinctive green berets. Becoming a highly specialized and effective component of our military, the U.S. Navy, Marine Corps, and Air Force have all followed suit in creating special operations units.

The Special Forces have helped revolutionize the way we wage war, and they are an integral part in prosecuting the war on terrorism. When I was in Afghanistan a few month ago, I was not only very impressed by the capabilities and effectiveness of Special Forces, but also very touched by their professionalism and positive impact on the Afghan society. These are the key to the security and the future of Afghanistan, and they are doing a fantastic job.

Today we honor the sacrifices made by the special operations soldiers of the Armed Forces who have trained hard, served valiantly in battle, and made the ultimate sacrifice for their country, many times in missions so secret that their valor may never be fully acknowledged. It is right that we also express our deep gratitude for the continuing sacrifices of Army Special Forces soldiers, many of whom are based in my district at Fort Bragg, North Carolina, and of all other special operation soldiers in the Armed Forces now fighting throughout the world in defense of the freedoms challenged by the heinous events of September 11, 2001.

I call on my friends and colleagues to pass this legislation, sending a message loud and clear today to our U.S. Special Forces that your efforts are honored, and your sacrifices are appreciated by this Congress and a truly grateful Nation.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time, and I am very pleased that the committee would bring forth my legislation today to honor both Colonel Aaron Bank, my constituent, and the Special Forces that he played such an indispensable role in founding.

Colonel Bank is widely recognized as the founder of America's Special Forces. This weekend, the Special Forces will be celebrating their 50th anniversary. Given this historic anniversary and Colonel Bank's contribution to the way in which America successfully conducts modern warfare, it is appropriate to honor this man to whom we owe so much.

Colonel Bank, who is now 99 years old, was an officer during World War II assigned to the Office of Strategic Services, the precursor to the Central Intelligence Agency. He fought in Europe behind enemy lines, and after the war he spent time in Southeast Asia searching for U.S. prisoners of war.

Colonel Bank's experience in leading resistance fighters taught him the potential of these new tactics in modern warfare. It showed him the usefulness of military personnel trained in small unit tactics, foreign languages, and subversion. His prescience led him to undertake a new mission: The formation of Special Forces within the Army. They would specialize in small-unit counterinsurgency tactics, intelligence operations, and the training of indigenous soldiers throughout the world.

The idea for such small elite units with specialized training was not at first recognized by military thinkers. It was not accepted. The United States had just emerged from a war fought with enormous citizen armies in which large swaths of territory were occupied and held by ground forces. The invasion of Normandy in June 1944 seemed to epitomize this military doctrine: the use of overwhelming force and numbers to drive back, in this case, the German forces. The military successes of World War II and the emerging threat of the massive Red Army in Eastern and Central Europe seemed to provide little reason to question this line of thinking.

However, much of the key fighting that secured Normandy for the Allies in fact took place not along the beaches there, but behind German lines, where American and British paratroopers dropped in and operated small units. These men had more specialized training and had operated more as teams than the average GI. Here were the ingredients for a new thinking on military maneuver, and Colonel Bank himself had parachuted behind German lines in occupied France to train German defectors in sabotage and other methods of undermining Nazi control.

These experiences convinced him that with the proper training, guerilla forces could effectively fight the enemy from within. They could disrupt communications and could conduct special operations to prepare the area for conventional forces. Colonel Bank then made a career decision. He placed his own prestige and his own reputation behind this idea and fought for it. He lobbied the Pentagon intensively for the creation of such forces, and his advocacy paid off.

In June 1952, the U.S. Army Special Forces were created with the establishment of the original 10th Special Forces Group. Appropriately, Colonel Bank was made the first commanding officer of the unit. That unit eventually spawned the Green Berets and provided the impetus for the formation of the Navy SEALs, the Marine Corps' Force Recon, and the Army's counterterrorism specialists, the Delta Force.

Over the past half century, Colonel Bank's vision of small-unit operations has proven prophetic. The Special Forces have played a role in almost every major military engagement and, just as importantly, in crucial clandestine missions that have never made the headlines. The Special Forces have trained counterinsurgency operations and conducted diversionary campaigns to distract enemy forces. They have hunted drug kingpins throughout Central America. They have secured pathways for the distribution of humanitarian supplies in the Horn of Africa.

Now our Special Forces are engaged in a new challenge: finding and destroying the cells of al-Qaeda. Our Special Forces are figuring prominently in our war on terrorism. They have operated for weeks at a time behind enemy lines, and they have incurred the brunt of U.S. casualties in this new 21st century war. Their successes, though, are a testament to Colonel Bank's vision, his legacy that has revolutionized how America conducts 21st century warfare.

It is thus fitting, Mr. Speaker, that we should show our appreciation for the sacrifices that our Special Forces are currently making on the war on terror and in every corner of the world. This measure honors the brave men and women who have served in this capacity over the past 50 years, and especially the man who created these elite units. It is with great pride that I ask this body to pass this legislation to honor Colonel Bank for his achievements.

Ms. SANCHEZ. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H. Con. Res. 364, introduced by the gentleman from Orange County, California (Mr. COX) which recognizes the 50th anniversary of the United States Army Special Forces. The United States Army Special Forces was created on June 20, 1952, when the original 10th with Special Forces Group commanded by Colonel Aaron Bank was activated at Fort Bragg, North Carolina. From this a permanent force of unconventional soldiers serving in small-scale conflicts behind enemy lines was formed.

The success of this group, to be known as the Green Berets, acted as a catalyst for the creation of similar special operations units within our Navy, Air Force, and Marine Corps. Colonel Aaron Bank, an OSS operative who remained in the military after the war, worked tirelessly to convince the Army to adopt its own conventional guerilla-style force. Bank and Volckmann convinced the Army chiefs that there were areas in the world not susceptible to conventional warfare, but that would make ideal targets for the unconventional harassment and guerilla fighting.

Special operations as envisioned by Bank were a force multiplier where you had a small number of soldiers who could sow a disproportionately large amount of trouble for the enemy. Confusion would reign among enemy ranks, and the objectives would be accomplished with an extreme economy of manpower. It was a bold idea, one that went against the grain of traditional concepts.

In the spring of 1952, Bank went to Fort Bragg to choose a suitable location for a psychological warfare/Special Forces center. He then went about assembling a group of soldiers who would serve as the foundation of the new unit. Bank did not want raw recruits. He wanted the best troops in the Army, and he got them. They were a group of men who were looking for new challenges to conquer. They were all volunteers willing to work behind enemy lines in civilian clothes if necessary.

And that last item was of no small matter. If caught operating in civilian clothes, a soldier was no longer protected by the Geneva Convention and would more than likely be shot on site if captured. These first volunteers were extremely brave, and they did not worry about these risks, and after months of intense preparation, Bank's unit was finally activated on June 19 of 1952 at Fort Bragg. It was designated the 10th Special Forces Group, with Bank as the commander, and on the day of activation, the total strength of the group was 10 soldiers: Bank, 1 warrant officer, and 8 enlisted men.

That was soon to change, however. Bank began training his troops in the most advanced techniques of unconventional warfare, and as defined by the Army, the main mission of Bank's unit was to infiltrate by land, sea, or air deep into enemy-occupied territory and organize the resistance/guerilla potential to conduct Special Forces operations with an emphasis on guerilla warfare.

But there were also secondary missions. They included deep-penetration raids, intelligence missions and counterinsurgency operations. It was a tall order, one which demanded a commitment to professionalism and excellence perhaps unparalleled in our American military history. But Bank's men were up to that challenge, and by 1958 the basic operational unit of Special Forces had emerged as a 12-man team known as the detachment, or the "A-team." Each member of the A-detachment, two officers, two operations and intelligence sergeants, two weapons sergeants, two communications sergeants, two medics, and two engineers, were trained in unconventional warfare and cross-trained in each other's specialties, and they spoke, each of them, at least one foreign language. This composition allowed each detachment to operate if necessary in two six-man teams or basically split the A-team.

On November 23, Colonel Bank will be 100 years old, and throughout his life he has demonstrated unwavering loyalty and willingness to take on the most dangerous assignments to achieve the goal of his mission.

□ 1515

During World War II, he served at the Office of Strategic Services. Under that capacity, he was called on to organize a team of German-speaking Americans and French soldiers to dress and train as German SS soldiers with the mission to assassinate Hitler. Although the mission was terminated on the eve of its deployment, Colonel Bank and his soldiers risked certain death by agreeing to serve on this incredibly dangerous mission.

He was the commander of the 107th Airborne Infantry Regimental Combat Team during the Korean War. He has a rich past. He is respected by many military and world leaders. And even recently, leaders of the Special Forces contacted Colonel Bank for his advice on military strategy. In 1997, I spoke and kicked off the Operation Bank to Bank, the Walk Across America, which brought the retired members of the Special Forces Association who started in Newport Beach, California, to walk across America covering eight States and 2,640 miles honoring the Green Berets and raising money for a Special Forces museum.

It was my pleasure on that day when I met Colonel Aaron Bank. Today it is my pleasure to call him the Father of the Special Forces on the 50th anniversary of his contribution to our Nation's efforts to preserve democracy and freedom.

Given their contribution to the war on terrorism, it is even more appropriate that we honor the tens of thousands Special Forces alum and the more than 8,000 men and women currently serving as Special Forces soldiers in defense of America.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman for allowing me to add my voice to this effort.

Mr. Speaker, when one walks into the Special Operations Center, in the lobby thereof on the right-hand side there will be a portrait of the late gentleman from Virginia, Dan Daniels, for it was he on June 26, 1986, who introduced a bill to establish the National Special Operations Agency. We have Special Operations Command as a result of his efforts, and the efforts on the other side of the Capitol, particularly with the help of Retired Lieutenant General Sam Wilson; this command was activated on April 16, 1987. U.S. Special Operations Command provides highly trained, rapidly deployable and regionally focused personnel to support the combatant commanders. Today, there are some 46,000 Special Forces personnel in the Army, Navy and in the Air Force.

Today we commemorate the 50th anniversary of the Special Forces of the Army. I rise to support H. Con. Res. 364. The First Special Service Force of the Second World War is considered to be the predecessor to the present U.S. Army Special Forces. General George C. Marshall determined that an elite force recruited in Canada and our country was required to conduct raids and strikes in snow-covered mountainous terrain. These men were trained in demolitions, rock-climbing, amphibious assault, and ski techniques, and were also provided airborne instructions. The First Special Service Forces was known as The Devil's Brigade. It was inactivated in the south of France near the end of World War II.

Colonel Aaron Bank, who served in the OSS at the time, proposed a permanent, small elite unit to do this counterinsurgency work. So in June 1952, the first unit of Special Forces was activated. The 10th Special Forces Group was established at Fort Bragg. Let me add my voice to that of the gentlewoman from California (Ms. SÁNCHEZ), the gentleman from North Carolina (Mr. HAYES), and others, and urge that it be adopted.

Mr. HAYES. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I rise to ask unanimous support of H. Con. Res. 364.

This Thursday, June 20, will mark the 50th anniversary of the founding of the U.S. Army Special Forces under the leadership of Aaron Bank.

The Special Forces are the best of the best. Through their storied history, they have achieved popular recognition and acclaim as the Green Berets in honor of their distinctive headgear.

As a Marylander, I am proud to say that the Maryland Army National Guard Second Battalion 20th Special Forces Bravo Company makes its home at the Gunpowder Military Reservation in Baltimore County.

At age 99, Aaron Bank is still alive and vigorous. It is without reservation that we acclaim him as a living legend. He is indeed the father of the Special Forces, and it is right and proper that he is recognized as such in H. Con. Res. 364. I urge my colleagues to join me in congratulating Colonel Aaron Bank and all of the current and former generations of Green Berets for 50 years of outstanding service to our country.

Ms. SANCHEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for her leadership on this issue and the gentleman from California (Mr. COX) for the sponsorship, with the leaders of the Committee on Armed Services; and I rise to support H. Con. Res. 364 and honor the father of the Special Forces in such a great leader as Colonel Aaron Bank, and to acknowledge the 50th anniversary of this great organization.

I can speak first hand of the organization only through the constituents that I have represented in Texas, so many who have been part of the Army Special Forces. I have heard their commitment, dedication, but particularly their pride in the service that they have given, the extra mile, the challenges that they are willing to accept, that no challenge is too great for them to be able to achieve or accomplish.

It is interesting as I have traveled to a number of sites since my election to Congress where there have been armed conflict, Bosnia, the Albanian ethnic purification that was attempted, we realize that the Armed Forces and their Special Services were key to the success of ending those conflicts. But now more than ever with the continuing war against terrorism and the continuing presence that we will have to have in Afghanistan, I can say firsthand that the Special Services are key to this country's success in fighting terrorism.

It is a vision of Colonel Bank's that should continually be admired and promoted. I thank him for his thoughts and vision, for thinking about that special type of force that is needed to provide the leadership, the courage and the refinement of fighting these unique and special circumstances. It is with great admiration that I join in supporting this particular resolution honoring the Special Forces for their 50 years, and to say that we hope that they will succeed and be in service for 50 more years on behalf of the United States of America.

Mr. HAYES. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS), who also is a lieutenant colonel, airborne and ranger-qualified in the Army Reserve.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am honored to be here speaking about what Colonel Bank has done for the country. It has been mentioned about the fruit not falling far from the tree. I want to mention some of the Special Operations Command individuals that had an impact on my life through this organization.

I just briefly remember my first company commander, who is now a retired lieutenant colonel in the Army, John Everett, who was an A Team leader before he commanded my company, where I was a lowly second lieutenant platoon leader. Then there was my brigade commander, Wayne Downing, who now is retired Special Operations Command commander, and now works for the former governor of Pennsylvania, Tom Ridge, and the Agency of Homeland Security; and also my first command Sergeant Major Quesada, who was on the raid to Sontay in North Vietnam. All had great impacts on my life, along with my friends and classmates in airborne class who graduated in July of 1980, and my ranger class that graduated in April of 1981.

The Special Forces are designed around light, lethal mobile, and independent operations. A key to that is NCO leadership: proficient, trained soldiers who can operate on their own and operate successfully. That is really now the mode for the transformation of the Army, and the success in Afghanistan just shows that the vision of Colonel Bank has produced great fruit.

As the Army struggles with transformation in this new era when we have new enemies, the model of the Special Operations Command of lighter, quicker, independent action, more lethal, and junior NCO leadership, is a model by which I think we will be well served in the defense of this country for many, many years to come.

Mr. Speaker, I am really honored to have this opportunity to speak on the floor in support of my classmates who are still members of the Special Operations Command, and all those who have gone before to make this country a better place.

Ms. SANCHEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Colonel Bank is a very interesting guy. He will be 100, as I said, in November. I want to reiterate that he is still alive and kicking and doing a great job for us. I will remind Members that until his 75th birthday, he ran several miles a day. In fact, when he had his troops, sometimes he had an ambulance follow them during their workouts because some of the new young recruits did not know how difficult it was going to be in those units. Even today, he rides a stationary bike four days a week. He lives in Orange County, California; and we are very proud of him, as we are of all our Special Forces from over the years.

Mr. Speaker, I yield back the balance of my time.

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I thank the gentleman from California (Mr. COX) for his leadership in helping bring this resolution forward, and also I thank the gentlewoman from California (Ms. SÁNCHEZ) for her leadership and interest in this vital project, and the ranking member of our Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON).

Their efforts and their time spent in bringing this measure to the floor expeditiously are most appropriate and appreciated. These folks that we honor today, past and present, are first and foremost warriors; but they are also engineers, teachers, and medics. They bring stability and peace to the regions in the areas that they touch.

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They represent us with incredible distinction and make clear the old adage that simply says, our citizen soldiers clearly recognize the difference between good and evil, and they are not willing to live in a world where evil prevails.

In honor of the Airborne, the Special Forces and for Colonel Shimkus, I close by saying simply:

Stand up, hook up, shuffle to the door
Leap right out and count to four.
If your main don't open wide,
You got a reserve by your side.
Airborne.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the fog and friction of war ruled the day when seven American special operations forces died on an isolated mountaintop in Afghanistan. The battle at Takur Ghar took place during Operation Anaconda. U.S. military officials sent a special operations reconnaissance element to a key piece of terrain. As the team reached the 10,000-foot mountaintop, the team's assault helicopter took immediate ground fire. In the course of the next two hours, the special operations team went back to rescue their mate, who had fallen out the back of the assault helicopter. He continued to fight until his death. That fight is a microcosm of men and women who are in the Army's Special Forces. The military personnel that fought on Takur Ghar, displayed dedication bravery, selflessness courage and unity. This is who our Special Forces are.

The Special Forces Regiment uses a twelve-member team concept. It assigns multi-faceted missions including counter-terrorism, direct action, strategic reconnaissance, psychological warfare, civil affairs, and training foreign military and para-military forces in counter-insurgency operations. Special Forces Soldiers are teachers who are trained in foreign languages and are called on to teach military skills to people around the world. They operate in urban, jungle, desert, mountain, maritime, and arctic environments and are sometimes called on to survive for months at a time behind enemy lines.

Special Operations Forces are an elite, specialized military unit which can be inserted behind the lines to conduct a variety of operations, many of them clandestine. Special Operations Forces are characterized by "combinations of specialized personnel, equipment, training and tactics that go beyond the routine capabilities of conventional military forces." SOF personnel are carefully selected and undergo highly demanding training. U.S. Army SOF include 26,000 soldiers from the Active Army, National Guard, and Army Reserve who are organized into Special Forces units, Rangers units, special operations aviation units, civil affairs units, psychological operations units, and special operations support units. Special operations forces and predecessor U.S. units have played a role in most U.S. conflicts. In 1985, Congress noted that the U.S. SOF provide an immediate and primary capability to respond to terrorism.

Colonel Aaron Bank is truly a legend. If life were like fiction, Colonel Bank would be the leading character in one of the most dramatic stories of the 20th century. He is called the "Father of the Green Berets." Colonel Bank was born in New York City in November of 1902. As a young man he lived in Europe and learned French and Russian. He enlisted in the U.S. Army in late 1939 and graduated from OCS in 1940. He was commissioned in the Infantry and served as the Tactical Officer of a railroad battalion at Camp Polk in Louisiana. In 1943, when the Army called for linguists to join the newly formed Office of Strategic Services (OSS) [predecessor of the Central Intelligence Agency], Colonel Bank stepped forward. Under the Command of Colonel William B. ("Wild Bill") Donavan, Colonel Bank parachuted into occupied France in the Rohne Valley to train and fight with the French resistance. Colonel Bank was made Chief of Guerilla Operations. He operated in the area of Avignon and Nimes, along with other OSS Jedburgh Teams. Colonel Bank was involved with some of the most intriguing operations and personalities of that era. He was actively involved with the famous Operation "Iron Cross"—the plot to assassinate Adolph Hitler.

Following World War II, Colonel Bank served as Commander of Counter-Intelligence in Bavaria until 1950. He also served in Korea, where he was the executive officer of a Regimental Combat Team. From 1951–1952, Colonel Bank was assigned to the Special Operations Branch, Psychological Warfare Staff at the Pentagon. It was here that the idea for the First Special Forces Group took form. On June 19, 1952, this idea became reality. This occurred when Colonel Bank activated the 10th Special Forces Group, the original Special Forces unit. Colonel Bank commanded the Group at Bad Toelz, Federal Republic of Germany until 1954. In 1986, Colonel Bank was honored with the title of Colonel of the Regiment for all U.S. Army Special Forces.

The Army Special Forces live quietly by their motto "De Oppresso Liber", Latin for "To Free the Oppressed". Therefore, I salute the United States Army Special Forces and Colonel Aaron Bank on the historic significance of the 50th anniversary of the founding of the United States Army Special Forces.

Mr. HAYES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from North Carolina (Mr. HAYES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 364, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HOMELAND SECURITY ACT OF 2002—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-227)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to Union Calendar and ordered to be printed:

To the Congress of the United States:

I hereby transmit to the Congress proposed legislation to create a new Cabinet Department of Homeland Security.

Our Nation faces a new and changing threat unlike any we have faced before—the global threat of terrorism. No nation is immune, and all nations must act decisively to protect against this constantly evolving threat.

We must recognize that the threat of terrorism is a permanent condition, and we must take action to protect America against the terrorists that seek to kill the innocent.

Since September 11, 2001, all levels of government and leaders from across the political spectrum have cooperated like never before. We have strengthened our aviation security and tightened our borders. We have stockpiled medicines to defend against bioterrorism and improved our ability to combat weapons of mass destruction. We have dramatically improved information sharing among our intelligence agencies, and we have taken new steps to protect our critical infrastructure.

Our Nation is stronger and better prepared today than it was on September 11. Yet, we can do better. I proposed the most extensive reorganization of the Federal Government since the 1940s by creating a new Department of Homeland Security. For the first time we would have a single Department whose primary mission is to secure our homeland. Soon after the Second World War, President Harry Truman recognized that our Nation's fragmented military defenses needed reorganization to help win the Cold War. President Truman proposed uniting our military forces under a single entity, now the Department of Defense, and creating the National Security Council to bring together defense, intelligence, and diplomacy. President Truman's reforms are still helping us to fight terror abroad, and today we need similar dramatic reforms to secure our people at home.

President Truman and Congress reorganized our Government to meet a very visible enemy in the Cold War. Today our Nation must once again reorganize our Government to protect against an often-invisible enemy, an enemy that hides in the shadows and an enemy that can strike with many different types of weapons. Our enemies seek to obtain the most dangerous and deadly weapons of mass destruction and use them against the innocent. While we are winning the war on terrorism, Al Qaeda and other terrorist organizations still have thousands of trained killers spread across the globe plotting attacks against America and the other nations of the civilized world.

Immediately after last fall's attack, I used my legal authority to establish the White House Office of Homeland Security and the Homeland Security Council to help ensure that our Federal response and protection efforts were coordinated and effective. I also directed Homeland Security Advisor Tom Ridge to study the Federal Government as a whole to determine if the current structure allows us to meet the threats of today while preparing for the unknown threats of tomorrow. After careful study of the current structure, coupled with the experience gained since September 11 and new information we have learned about our enemies while fighting a war, I have concluded that our Nation needs a more unified homeland security structure.

I propose to create a new Department of Homeland Security by substantially transforming the current confusing patchwork of government activities into a single department whose primary mission is to secure our homeland. My proposal builds on the strong bipartisan work on the issue of homeland security that has been conducted by Members of Congress. In designing the new Department, my Administration considered a number of homeland security organizational proposals that have emerged from outside studies, commissions, and Members of Congress.

THE NEED FOR A DEPARTMENT OF HOMELAND SECURITY

Today no Federal Government agency has homeland security as its primary mission. Responsibilities for homeland security are dispersed among more than 100 different entities of the Federal Government. America needs a unified homeland security structure that will improve protection against today's threats and be flexible enough to help meet the unknown threats of the future.

The mission of the new Department would be to prevent terrorist attacks within the United States, to reduce America's vulnerability to terrorism, and to minimize the damage and recover from attacks that may occur. The Department of Homeland Security would mobilize and focus the resources of the Federal Government, State and local governments, the private sector, and the American people to accomplish its mission.

The Department of Homeland Security would make Americans safer because for the first time we would have one department dedicated to securing the homeland. One department would secure our borders, transportation sector, ports, and critical infrastructure. One department would analyze homeland security intelligence form multiple sources, synthesize it with a comprehensive assessment of America's vulnerabilities, and take action to secure our highest risk facilities and systems. One department would coordinate communications with State and local governments, private industry, and the American people about threats and preparedness. One department would coordinate our efforts to secure the American people against bioterrorism and other weapons of mass destruction. One department would help train and equip our first responders. One department would manage Federal emergency response activities.

Our goal is not to expand Government, but to create an agile organization that takes advantage of modern technology and management techniques to meet a new and constantly evolving threat. We can improve our homeland security by minimizing the duplication of efforts, improving coordination, and combining functions that are currently fragmented and inefficient. The new department would allow us to have more security officers in the field working to stop terrorists and fewer resources in Washington managing duplicative activities that drain critical homeland security resources.

The Department of Homeland Security would have a clear and efficient organizational structure with four main divisions: Border and Transportation Security; Emergency Preparedness and Response; Chemical, Biological, Radiological and Nuclear Countermeasures; and Information Analysis and Infrastructure Protection.

BORDER AND TRANSPORTATION SECURITY

Terrorism is a global threat and we must improve our border security to help keep out those who mean to do us harm. We must closely monitor who is coming into and out of our country to help prevent foreign terrorists from entering our country and bringing in their instruments of terror. At the same time, we must expedite the legal flow of people and goods on which our economy depends. Securing our borders and controlling entry to the United States has always been the responsibility of the Federal Government. Yet, this responsibility and the security of our transportation systems is now dispersed among several major Government organizations. Under my proposed legislation, the Department of Homeland Security would unify authority over major Federal security operations related to our borders, territorial waters, and transportation systems.

The Department would assume responsibility for the United States Coast Guard, the United States Customs Service, the Immigration and Naturalization Service (including the Border Patrol), the Animal and Plant Health Inspection Service, and the Transportation Security Administration. The Secretary of Homeland Security would have the authority to administer and enforce all immigration and nationality laws, including the visa issuance functions of consular officers. As a result, the Department would have sole responsibility for managing entry into the United States and protecting our transportation infrastructure. It would ensure that all aspects of border control, including the issuing of visas, are informed by a central information-sharing clearinghouse and compatible databases.

EMERGENCY PREPAREDNESS AND RESPONSE

Although our top priority is preventing future attacks, we must also prepare to minimize the damage and recover from attacks that may occur.

My legislative proposal requires the Department of Homeland Security to ensure the preparedness of our Nation's emergency response professionals, provide the Federal Government's response, and aid America's recovery from terrorist attacks and natural disasters. To fulfill these missions, the Department of Homeland Security would incorporate the Federal Emergency Management Agency (FEMA) as one of its key components. The Department would administer the domestic disaster preparedness grant programs for firefighters, police, and emergency personnel currently managed by FEMA, the Department of Justice, and the Department of Health and Human Services. In responding to an incident, the Department would manage such critical response assets as the Nuclear Emergency Search Team (from the Department of Energy) and the National Pharmaceutical Stockpile (from the Department of Health and Human Services). Finally, the Department of Homeland Security would integrate the Federal interagency emergency response plans into a single, comprehensive, Government-wide plan, and would work to ensure that all response personnel have the equipment and capability to communicate with each other as necessary.

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR COUNTERMEASURES

Our enemies today seek to acquire and use the most deadly weapons known to mankind—chemical, biological, radiological, and nuclear weapons.

The new Department of Homeland Security would lead the Federal Government's efforts in preparing for and responding to the full range of terrorist threats involving weapons of mass destruction. The Department would set national policy and establish guidelines for State and local governments. The Department would direct exercises for Federal, State, and local chemical, biological, radiological, and nuclear attack response teams and plans. The Department would consolidate and synchronize the disparate efforts of multiple Federal agencies now scattered across several departments. This would create a single office whose primary mission is the critical task of securing the United States from catastrophic terrorism.

The Department would improve America's ability to develop diagnostics, vaccines, antibodies, antidotes, and other countermeasures against new weapons. It would consolidate and prioritize the disparate homeland security-related research and development programs currently scattered throughout the executive branch, and the Department would assist State and local public safety agencies by evaluating equipment and setting standards.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

For the first time the Government would have under one roof the capability to identify and assess threats to the homeland, map those threats against our vulnerabilities, issue timely warnings, and take action to help secure the homeland.

The Information Analysis and Infrastructure Protection division of the new Department of Homeland Security would complement the reforms on intelligence-gathering and information-sharing already underway at the FBI and the CIA. The Department would analyze information and intelligence from the FBI, CIA, and many other Federal agencies to better understand the terrorist threat to the American homeland.

The Department would comprehensively assess the vulnerability of America's key assets and critical infrastructures, including food and water systems, agriculture, health systems and emergency services, information and telecommunications, banking and finance, energy, transportation, the chemical and defense industries, postal and shipping entities, and national monuments and icons. The Department would integrate its own and others' threat analyses with its comprehensive vulnerability assessment to identify protective priorities and support protective steps to be taken by the Department, other Federal departments and agenciess, State and local agencies, and the private sector. Working closely with State and local officials, other Federal agencies, and the private sector, the Department would help ensure that proper steps are taken to protect high-risk potential targets.

OTHER COMPONENTS

In addition to these four core divisions, the submitted legislation would also transfer responsibility for the Secret Service to the Department of Homeland Security. The Secret Service, which would report directly to the Secretary of Homeland Security, would retain its primary mission to protect the President and other Government leaders. The Secret Service would, however, contribute its specialized protective expertise to the fulfillment of the Department's core mission.

Finally, under my legislation, the Department of Homeland Security would consolidate and streamline relations with the Federal Government for America's State and local governments. The new Department would contain an intergovernmental affairs office to coordinate Federal homeland security programs with State and local officials. It would give State and local officials one primary contact instead of many when it comes to matters related to training, equipment, planning, and other critical needs such as emergency response.

The consolidation of the Government's homeland security efforts as outlined in my proposed legislation can achieve great efficiencies that further enhance our security. Yet, to achieve these efficiencies, the new Secretary of Homeland Security would require considerable flexibility in procurement, integration of information technology systems, and personnel issues. My proposed legislation provides the Secretary of Homeland Security with just such flexibility and managerial authorities. I call upon the Congress to implement these measures in order to ensure that we are maximizing our ability to secure our homeland.

CONTINUED INTERAGENCY COORDINATION AT THE WHITE HOUSE

Even with the creation of the new Department, there will remain a strong need for a White House Office of Homeland Security. Protecting America from terrorism will remain a multi-departmental issue and will continue to require interagency coordination. Presidents will continue to require the confidential advice of a Homeland Security Advisor, and I intend for the White House Office of Homeland Security and the Homeland Security Council to maintain a strong role in coordinating our governmentwide efforts to secure the homeland.

THE LESSONS OF HISTORY

History teaches us that new challenges require new organizational structures. History also teaches us that critical security challenges require clear lines of responsibility and the unified effort of the U.S. Government.

President Truman said, looking at the lessons of the Second World War: "It is now time to discard obsolete organizational forms, and to provide for the future the soundest, the most effective, and the most economical kind of structure for our armed forces." When skeptics told President Truman that this proposed reorganization was too embitious to be enacted, he simply replied that it has to be. In the years to follow, the Congress acted upon President Truman's recommendation, eventually laying a sound organizational foundation that enabled the United States to win the Cold War. All Americans today enjoy the inheritance of this landmark organizational reform: a unified Department of Defense that has become the most powerful force for freedom the world has even seen.

Today America faces a threat that is wholly different from the threat we faced during the Cold War. Our terrorist enemies hide in shadows and attack civilians with whatever means of destruction they can access. But as in the Cold War, meeting this threat requires clear lines of responsibility and the unified efforts of government at all levels—Federal, State, local, and tribal—the private sector, and all Americans. America needs a homeland security establishment that can help prevent catastrophic attacks and mobilize national resources for an enduring conflict while protecting our Nation's values and liberties.

Years from today, our world will still be fighting the threat of terrorism. It is my hope that future generations will be able to look back on the Homeland Security Act of 2002—as we now remember the National Security Act of 1947—as the solid organizational foundation for America's triumph in a long and difficult struggle against a formidable enemy.

History has given our Nation new challenges—and important new assignments. Only the United States Congress can create a new department of Government. We face an urgent need, and I am pleased that Congress has responded to my call to act before the end of the current congressional session with the same bipartisan spirit that allowed us to act expeditiously on legislation after September 11.

These are times that demand bipartisan action and bipartisan solutions to meet the new and changing threats we face as a Nation. I urge the Congress to join me in creating a single, permanent department with an overriding and urgent mission—securing the homeland of America and protecting the American people. Together we can meet this ambitious deadline and help ensure that the American homeland is secure against the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 18, 2002.*

SPECIAL ORDERS

The SPEAKER pro tempore. Without prejudice to the possible resumption of legislative business, and under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRESCRIPTION DRUG PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today in support of a true prescription drug plan that would cover all the seniors in America. Under Medicare, a Democratic prescription drug benefit would be voluntary and universal. Every senior would have access, no matter where they live or what their income.

Soaring prices for prescription drugs are putting medicine out of reach for millions of seniors. Many of them are being forced to choose between paying for prescription drugs or paying for food. No older American should be faced with that decision.

The House Republican prescription drug plan is a sham proposal that provides no real guarantee at all. Let us do the math, Mr. Speaker. Republicans argue that they have a $2,500 gap in coverage. That gap is bad enough, but the reality is even worse. Here is the math that will compare apples to apples. Under the Republican drug plan, the beneficiary pays as follows: a $250 deductible, and then a $150 coinsurance for the first $1,000 of drugs, and then a $500 coinsurance for the next $1,000 of drugs. Add that up and that is $900 out-of-pocket spending for the first $2,000 worth of prescription drugs.

But that is not the end of it. You then have to calculate how much additional money a beneficiary must spend out of pocket to get to the $4,500 out-of-pocket limit that the Republicans have. That is $3,600. The gap for which the beneficiary is 100 percent on the hook in the Republican Medicare bill is $3,600. After a beneficiary obtains $2,000 worth of drugs, they get no more coverage from the Republican Medicare drug plan until they spend another $3,600 out of their own pocket. Therefore, before Medicare pays another cent, a beneficiary must obtain $5,600 worth of prescription drugs for the year.

That is pretty complicated, and that is what the Republicans are counting on, that they will just use some words and you will not be able to do the math. But you have got to understand it. The Republican Medicare proposal has even greater gaping holes than they want to admit. Under their plan the benefit is so limited that it will not be worthwhile for many middle-class seniors to even enroll, it will not cover all seniors, and there is even a bigger problem. The Republican plan forces seniors to shop for and buy a private insurance plan, a plan which virtually every insurance company in America says they will not even offer because it is not worth it, and so seniors will have to go without coverage at all.

We know this model does not work. It did not work in 1965, and that is why we created Medicare to begin with. The insurance companies, as I said, say it will not work either. The Health Insurance Association of America said it will not offer drug-only policies.

The Republican prescription plan does nothing to slow prescription drug prices from continuing their upward spiral, and the Republican plan is simply guaranteed to fail. There they go again, putting words on a bill which has no meaning for the average American today.

Learn how do the math, everybody, because this is going to be a basic debate in America over the next few weeks. We need to pass a meaningful prescription drug plan that uses Medicare to make drugs affordable and provides a universal voluntary benefit for all seniors.

HOMELAND SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, last week the hearings began on the new Department of Homeland Security. Yesterday my Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing titled "Homeland Security Reorganization: What Impact on Federal Law Enforcement and Drug Interdiction?" Last week in the Committee on Government Reform, our Subcommittees on Civil Service and on National Security held a joint committee hearing, the first ones on homeland security. I wanted to share a few of the things that we have already learned through these hearings as well as in the media the last few days, because we are starting these and we may be actually moving the markup through committee next week. So we are on a fast track.

Many people are reacting, "Aren't you moving awfully fast?" The answer is yes. The biggest problem we face in the government whenever you tackle one of these things is bureaucratic inertia combined with congressional committee inertia, and everybody can find many reasons not to go ahead. Unless we put this on a fast track to get it out of committee by the July break and out of the full House and Senate by the August break, the likelihood is that this government reorganization will die just like they have every other year. In fact, the class of 1994 came in committed to all sorts of reforms of government, and anything we did not achieve that first year was very difficult to achieve as the organization and the inertia kind of takes over. So I strongly support moving ahead.

But it also means that we need to understand certain basic trade-offs we are making and go into this with our eyes wide open. The witnesses yesterday at our hearing were all nongovernmental, which meant that they had the ability to speak out without any restrictions. They included the former Commandant of the Coast Guard, Admiral Kramek; Mr. Donnie Marshall, the former Director of DEA; Mr. Peter Nunez, former Assistant Secretary for Enforcement of the Treasury Department; Mr. Doug Kruhm, former Assistant Commissioner for the U.S. Border Patrol in INS; Mr. Sam Banks, former Acting Commissioner, U.S. Customs; and Dr. Stephen Flynn from the Council on Foreign Relations, who had worked with the Rudman-Hart Commission.

Among the things that they pointed out at the hearing, and I thought Dr. Flynn made a terrific point that many in Congress and many in the media simply do not understand, which has led to much of the confusion about why is this agency not in, why is this agency not in, why is it done this way, and that is if you look at this, and this is the way the Rudman-Hart Commission looked at it and clearly was behind the President's thought, is this really deals with catastrophic security.

It is our basic function of every department to provide for security, and most of those are homeland security. We cannot have one Cabinet agency have everybody in it. So you look at this as catastrophic. Furthermore, the agencies that have been combined in the Department of Homeland Security are basically the meet-and-greet, in Dr. Flynn's words, basically; in other words, a border agency. So if you called this the Department of Border Catastrophic Security, you would understand why INS is there, why Border Patrol is there, why Customs is there, why the Coast Guard is there, and the logic behind the system that we are about to address. Because if you view it as homeland security, you can have every policeman in, you can have every enforcement division in, you can have every sort of organization in this.

FEMA is also in this. It deals with the catastrophic results. So although it is not border, it also deals with catastrophic security. If we broaden this too much, we will not have any agency that makes any sense. But there are some things that possibly should go in it, and there are some things we need to look at.

☐ 1545

Number one, by putting Customs, Coast Guard, Border Patrol and INS in, we have now multitasked a number of these agencies and changed their primary mission to homeland security away from their previous mission.

I would like to insert at this point an article from Newsday newspaper that ran today by Thomas Frank that picks up a couple of the difficulties on multitasking. I wanted to touch on a few of those, and then I have another insertion at the end of my remarks.

[From Newsday, June 18, 2002]

GETTING "LOST IN THE SHUFFLE", CONCERNS ON NONTERROR DUTIES

(By Thomas Frank)

WASHINGTON.—A group of former top federal officials warned yesterday that President George W. Bush's proposed new Department of Homeland Security could weaken other federal law-enforcement activities, such as drug interdiction.

The concerns arise because the new department would take in 22 federal agencies that do every thing from investigating counterfeiting and intercepting drugs to rescuing boaters and providing immigrant benefits.

"A major concern in a reorganization like this is that their nonterrorism duties are going to get lost in the shuffle," Peter Nunez, a former assistant treasury secretary for enforcement, told a congressional panel studying the proposed department. Adm. Robert Kramek, a former Coast Guard commandant, said the new department "will be detrimental" under the Bush administration's plan to give no additional money to the agencies.

"We're talking about moving blocks around on a playing board without increasing the number of blocks," Kramek said. He noted that the proposed homeland security budget of $37.5 billion would be one-tenth of the $379-billion Bush has requested for the Defense Department.

With 41,000 employees, the Coast Guard would be the largest agency in the new department, followed by the Immigration and Naturalization Service and the new Transportation Security Administration, which will employ about 41,000 when it hires security workers at all U.S. commercial airports. Kramek said the Coast Guard is planning next year to scale back functions not related to domestic security, such as drug and migrant interdiction, maritime safety and fisheries enforcement.

"We're going to have to put some money where our intention is to make sure this is done right," Kramek said, echoing members of Congress who have called for additional funding for the agencies that would be moved into the new department. White House officials have said more money could be added after Congress adopts an initial 2003 budget for the new department.

The hearing yesterday marked the beginning of an intense period of deliberations as Congress tries to create the new department either by the year-end goal set by Bush, or by Sept. 11, as proposed by House Minority Leader Richard Gephardt (D-Mo.).

The hearing's topic—how the new department would affect federal law enforcement—is one of many questions Congress will debate as it decides what agencies should be included and under what conditions.

"There will be a profound impact on federal law-enforcement agencies unrelated to terrorism," said Rep. Mark Souder (R-Ind.), chairman of the House criminal justice subcommittee. Congress must "determine how best to ensure the continuation and preservation of these missions in the new department," he added.

Rep. Elijah Cummings (D-Md.) pressed witnesses on whether a heightened government focus on fighting terrorism would signal a lessened emphasis on anti-drug efforts that might embolden local drug dealers who intimidate neighborhoods. "We're fighting terror every day," Cummings said of his inner-city Baltimore neighborhood.

Donnie Marshall, a former Drug Enforcement Administration chief, said authorities need to continue fighting dealers and recognize that terrorists will increasingly look to illegal activities such as drug dealing to finance their operations.

One clear example is the Coast Guard. How does the Coast Guard make a trade-off when their primary mission before had been search and rescue? A sailboat tips over. They are now down watching, say, a midlevel warning, we do not have a hard warning, whether we are going to get attacked on a chemical plant on the water, and for practical purposes these warnings could be any water anywhere in the United States.

But let us say we have a boat that is watching along the Ontario side north of Detroit. A sailboat tips over in Huron, there is only one boat there, where do they go? Do they go for the possibility that somebody may be drowning, versus protecting from a catastrophic terrorism question? If we do not put adequate resources in this Department, this will be the daily trade-off, because we are going from a mission of 2 percent on catastrophic terrorism of the Coast Guard to it now being their primary concern.

What does this mean for drug interdiction, because the primary intercepts in the Caribbean and the Eastern Pacific, the western side of Mexico have been the Coast Guard, but the boats cannot simultaneously be off California and down off Mexico.

Furthermore, what does it mean for fisheries in Alaska? When the salmon circulate through, if you see these 3-mile-long nets and things coming out of Japan or Russians and other groups that are trying to pirate the salmon in the oceans, if we do not have Coast Guard there to protect that, they could capture the salmon, and there will not be any spawning the next year.

Clearly if you have a boat out in the middle of the Pacific Ocean protecting the salmon runs and the salmon's circular patterns, that boat is not off of Washington State.

So there are many trade-offs, and over the next couple days I would like to talk about those. I include my opening statement from June 17 for the RECORD.

Today's hearing is the first we have held since President Bush announced his proposal to create a new cabinet Department of Homeland Security. In that respect, we will be breaking new ground as we begin to consider how best to implement such an ambitious and important reform proposal prior to considering it in the full Government Reform Committee in the coming weeks.

This is not, however, the first time we have considered the important issues of federal law enforcement organization, drug interdiction, border security, or their interrelationship with the increased demands of homeland security. We have held six field hearings on border enforcement along the northern and southern borders of the United States, I have personally visited several other ports of entry, and we have had two Washington hearings on the implications of homeland security requirements on other federal law enforcement activities. This is in addition to our ongoing oversight of America's drug interdiction efforts.

Our work as a Subcommittee has made very clear that the U.S. Customs Service, the Immigration and Naturalization Service, and the U.S. Coast Guard, which are among the most prominent agencies in the proposed reorganization, have critical missions unrelated to terrorism which cannot be allowed to wane and must be fully maintained. The House has to carefully consider the interrelationship of these law enforcement missions with the demands of homeland security.

The Administration has defined the mission of the proposed new Department solely as one of preventing and responding to acts of terrorism. The concept of "homeland security" has to be defined more broadly to include the many other diverse threats to our nation which are handled on a daily basis by these agencies, as well as other law enforcement activities. It is clear that there is simply too much else at stake for our nation to define the issues solely as ones of terrorism.

Let me illustrate my point with a brief but very clear example of the risks which could be posed when resources are allocated single-mindedly. This map illustrates the deployment of Coast Guard assets prior to the September 11th attacks. They are balanced and allocated to a number of important missions, such as drug interdiction, illegal migrant interdiction, and fisheries enforcement. I believe it is apparent here that a vigorous forward American presence had been maintained in the Caribbean and Eastern Pacific for counterdrug missions and law enforcement.

A second map shows how the resources were temporarily (and correctly I should emphasize) deployed after the attacks to respond to the terrorist attacks. It is evident here that the enhancement of immediate homeland security had to come at the price of the customary missions of the Coast Guard. The chart also shows the redeployment of our assets from the front lines to a "goal-line" defense centered on the east and west coasts of the United States itself. In the critical transit zone of the Eastern Pacific, for example, the deployment went from four cutters and two aircraft to a lone cutter.

This is not a criticism of the tremendous response by the Coast Guard or, by extension, any other agency. Most would agree that the approach taken was wholly appropriate over all the short term, and redeployments have subsequently moved the picture much closer to an equilibrium today. However, I believe that these charts are a clear illustration that an intensive focus on homeland security cannot be maintained over the long run without coming at the expense of other tasks. This lesson is equally applicable to every other mission of every other agency that will potentially be affected by the reorganization plan.

However this reform emerges, it is inevitable that there will be a profound impact on federal law enforcement activities unrelated to terrorism, on our Nation's drug interdiction and border control efforts, and on operations at several federal departments within the Subcommittee's jurisdiction. Our challenge as we move through this process will be to determine how best to ensure the continuation and preservation of these missions within the new Department. We also must optimize the organization of other agencies, such as the DEA, the FBI, and law enforcement in the Treasury Department, which share tasks with agencies destined for the new department. And finally, we must consider the many incidental benefits and synergies which will arise from the President's proposal. These include increased operational coordination of narcotics and migrant interdiction efforts among agencies that will now be united, as well as a significantly improved focus on the links between the drug trade and international terrorism.

REFORMING THE ARMY CORPS OF ENGINEERS

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress is to assure that the Federal Government is a better partner to State and local communities, especially in developing infrastructure.

Through its construction of water projects, the Army Corps of Engineers has been a major player in this career throughout our Nation's history. Recently some have questioned the Corps' planning and construction process and its ability to economically and environmentally justify its projects.

I have joined with other Members of Congress in calling for reform and modernization of the Corps of Engineers, including updating the principles and guidelines by which it operates, addressing and prioritizing the Corps' enormous project backlog, and developing a system of independent review.

Perhaps most important, I think we need to examine the role that Congress itself plays in pushing through poorly conceived water resources projects.

Last week, the General Accounting Office issued a document which illustrates why Corps reform is urgently needed, especially a new process for independent review of Corps projects. The GAO report specifically examined the Corps' economic justification for the Delaware River channel deepening project. It found "miscalculations, invalid assumptions and outdated information" led the Corps to overestimate the project benefits by over 300 percent. It found that the Corps had violated basic economic principles in its economic feasibility studies, projecting benefits of over $40 million a year, when, in fact, the GAO found the benefits would be approximately one-third of that amount.

According to the GAO, the Corps had "misapplied commodity growth rate projections, miscalculated trade route distances, and continued to include benefits for some import and export traffic that has declined dramatically over the last decade."

One of the most egregious examples of bad economics in the report found that the Corps assumed the same one-way distance for each of several trade routes, including the distance from Pennsylvania to Australia, to South America, Europe and the Mediterranean.

The Corps is supposed to have a system of controls in place to catch these errors. Unfortunately, the GAO report concluded that the Corps' quality control system was "ineffective in identifying significant errors and analytical problems."

In order to restore the public confidence in the Corps, we need to ensure that other Corps projects around the country do not suffer from the same economic errors. It is clear that the system currently in place is not functioning correctly if it failed to catch such errors as the Delaware project's. That is why I am working with my colleagues in the Corps Reform Caucus to propose a system of independent peer review for Corps projects. Many of the mistakes identified by the GAO report could have been identified and remedied by independent peer review.

This process that my colleagues in the House and the Senate and I are proposing would not lengthen the Corps' investigation and construction process. Indeed, contrary to the claims of some critics, a streamlined review process could be applied to Corps projects around the country that meet certain criteria, actually speeding up the study and construction progress.

Take the Delaware River project, for example. It has been studied for 10 years, since 1992. Now the GAO is recommending after a decade that the Corps prepare a new and comprehensive economic analysis of the project's costs and benefits, address uncertainties, engage an external independent party to review the economic analysis, and then resubmit that to Congress. This extra review could take years to complete and could have been avoided entirely with independent peer review.

The Army Corps of Engineers has made enormous contributions to our Nation's history, to its infrastructure development, and continues to play an essential role in water resources management. However, as the GAO report pointed out, this is one of several incidents that have eroded the public's trust in this planning process.

I look forward to working with my colleagues to make sure that all the Corps projects are economically justified and based on sound environmental science. Currently our Subcommittee on Water Resources of the Committee on Transportation and Infrastructure is working on the reauthorization of the Water Resources Development Act, which directs these Corps operations. This is a timely opportunity to develop legislative language to achieve these reforms.

ISSUES CONCERNING HOMELAND SECURITY DEPARTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I am pleased that the President's homeland security bill was delivered today. I am on two committees that have been considering homeland security, so I particularly welcome the President's work. Some of us have been there for over a year now, even a year before September 11.

All or parts of some agencies are, of course, to go together in a new department. When I say "all or parts," I am indicating simply one of the details to be decided. The devil may be in the details, but so are the angels.

I would like to tease out three issues that I think can be dealt with if we look them squarely in the face and understand they should not be barriers.

First, there is the unfortunate issue of silence or delay on Civil Service protection for the thousands of workers that would be coming. We could begin by, it seems to me, conceding that wholesale denial of Civil Service status would create an unnecessary issue and would be very unfortunate.

We are talking about people who do many different kinds of things, most of them not related to anything that could remotely be considered the Nation's security. The mantra will be, "Hey, let's decide all of that later." That creates needless uncertainty and opposition to this bill. Most of these employees will be doing what they have always been doing. The few who will be handling truly confidential information should be treated accordingly.

We must not let homeland security become like the use of other overbroad terms, like "executive privilege" or "national security." There ought to be a presumption in favor of Civil Service status for these employees. If you can overcome it, that is one thing. Let us not begin by saying let us strip these workers of their Civil Service status.

Let me raise two other concerns, District of Columbia concerns. Wisely, the District and the President have understood the District of Columbia is the first responder for the entire Federal presence, the White House, the Congress, many Federal employees, 200,000 of them, all of those facilities.

In one of the bills I was able to place the District at the table so that the District can coordinate all that is necessary in order to be a first responder. In fact, the Justice Department Terrorism Task Force has been working just that closely with the District.

In the President's bill I will seek to insert such an understanding. The President, I think, already understands this. The President has asked our own Mayor, Tony Williams, to be a part of his Homeland Commission that he just formed this week, so I think he understands that the first responder has to be in on the details from the beginning.

Finally, there is the issue of where to locate the Department. The troubling word in the Washington Post today is about the possible location outside the District of Columbia. It was said this was only in the discussion phase. Let it stop there. I bring to the floor not only my own parochial concerns, that this is the Nation's Capital, and this is where important Cabinet agencies should be. There have executive orders for decades now indicating that. But I have a more important reason to offer.

The United States Government owns and controls 180 acres 3 miles from the Capitol with all the possibility for the setbacks. We probably only need 20 or

30 of those acres. It is the old Saint Elizabeth's Hospital campus, with some of the best views in Washington. FEMA is already looking at this land for its new headquarters. It is close in. It would not cost us any money. If you try to go somewhere outside of Washington, you will get wholesale opposition from those communities because they do not want their land off the tax rolls. Ours is already off. The Federal Government already owns it. The District is making use of the east campus for a new public safety communications facility. It makes sense for us to look very closely at the Saint Elizabeth's campus, this huge campus, if we are talking about placing another huge agency under the aegis of our own government.

These are matters that should not become issues. They will require study. They will mean that we have to take our time to get at the details, put them on the table and consider all the options, instead of jumping to conclusions about where to locate the agency or who to strip of his job protection.

Let us not put unnecessary issues on the table. There will be many hard issues on the table. The issues I have named, these three issues, where to locate, to make sure that the District is included in the bill, and to make sure that people are not stripped of their Civil Service protection, these should be easy issues if we mean to get this bill out by September 11, or certainly by the time we leave to go home at the end of this session.

THE HIGH PRICE OF PRESCRIPTION DRUGS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about an issue that more and more Americans are aware of, and that is, first of all, the high price that Americans pay for prescription drugs, but, more important even than that, the difference between what Americans pay and what the rest of the world pays for the same drugs.

I have with me a chart that I have updated several times over the last several years, and it is one of those areas where the more you learn about this, the angrier you become at the system.

Let me point out some of the prices, because I know these are hard to read here in the Chamber and on C-SPAN. But let me point out a few of these.

Here we have Augmentin, a very commonly prescribed drug. The average price in the United States for a 30-day supply, $55.50. That same drug in Europe on average sells for $8.75.

Let us take a drug like Claritin. Claritin is a drug going off of patent. It still sells in the United States when we made up this chart for about $89. In Europe, the same drug sells for $18.75

□ 1600

Another drug that many Americans are very familiar with is the drug Premarin. Many women take the drug Premarin, especially as they reach menopause. Mr. Speaker, $55.42 is the American price; $8.95 if you buy that drug in Europe. It goes on and on. Zoloft, a very commonly prescribed drug; in the United States a 30-day supply is $114; in Europe it is $52.50.

Let me point out another very important drug that has done a lot of good in this country and around the world for people who suffer from diabetes, and something like 27 percent of all Medicare expenditures are diabetes related. Glucophage in the United States costs $124.65, and in Europe that drug is only $22.

Now, what we are talking about here are the same drugs made in the same FDA-approved facilities that are sold in both places. It would be easy for us to come to the floor of the House and say, shame on the pharmaceutical industry. Well, I am not here to say shame on the pharmaceutical industry. They are only doing what any capitalist company would do, and that is that they are maximizing their market opportunities.

Now, it is not shame on the pharmaceutical industry. It is shame on the FDA, and it is shame on us here in Congress for allowing this to happen.

I want to point out something else, and then I will yield to the gentleman from Georgia. Why this gets very important is because last year, according to the National Institutes of Health Health Care Management, prescription drugs went up 19 percent here in the United States. The average Social Security cost of living adjustment was only 3.5 percent. One more chart I will show, because this is the most difficult one of all.

Earlier, one of our colleagues, the gentleman from California (Mr. FILNER), was talking about affordability; and affordability is the real issue. It is not about coverage; it is about affordability. He said that there was not enough coverage in the Republican plan that the members of the House Committee on Ways and means and the Committee on Commerce are putting together.

Well, here is the number that the Congressional Budget Office tells us. Over the next 10 years, this is how much they estimate seniors will spend on prescription drugs. This is a 1 and then an 8, and then 000,000,000,000; that is $1.8 trillion. We cannot afford prescription drugs because the prices are too high. If we could do what some of us want to do, and that is at least open up the American markets to imports, we could save at least 35 percent. Mr. Speaker, I say to my colleagues, 35 percent of $1.8 trillion is $630 billion just for seniors, just over the next 10 years.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I appreciate the gentleman yielding to me. I want to say the great advantage of reimportation is not only does it save money now, it does it without a new government program, and it is a market-driven change.

The gentleman often quotes Ronald Reagan, who said that markets are powerful things, more powerful than armies. Here we already have groups like Canada Meds. I am not familiar with it, but I understand it is on the Internet. Canada Meds can save American seniors right now on their prescriptions, of all of the drugs that the gentleman mentioned, 30, 40, 50 percent routinely. It is not just for people who are 65 years old. If you are a mother with three kids and they have earaches, as small children frequently do, you can save that money today. This is going to happen with or without the United States Congress.

Mr. Speaker, I agree with the gentleman. Shame on the FDA, and shame on the United States Congress for not passing a law to let the neighborhood pharmacist take advantage of these low Canadian prices.

BRINGING DOWN THE COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I will start off by yielding to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I want to come back to something that the gentleman from Georgia just said, and I think it is an important comment. What we are talking about now is the prescription drug benefit under Medicare that will benefit seniors, and it will benefit seniors. We are going to put $350 billion into a program and that clearly will benefit seniors. But it will do nothing for those families right now who are struggling to pay for expensive drugs because they have a sick child. That is where, if we allowed reimportation, we could dramatically bring down the price of drugs, not just for seniors, but for everybody.

Mr. KINGSTON. Mr. Speaker, here is a letter from a woman in Colorado who says that she actually is now getting her Tamoxifen from Canada. It took a little longer to get the prescription filled, but it is $160 savings every 2 months, $80 a month savings. That is a lot of money for somebody on a fixed income.

Mr. GUTKNECHT. Mr. Speaker, that is almost $1,000 a year.

Mr. KINGSTON. Absolutely. There are some other things that we have talked about that we think Congress should do to continue to decrease the price of drugs. We mentioned reimportation; we mentioned the prescription drug benefit on Medicare. But there are also issues such as malpractice reform, patent reform, decreasing the time for drug approval that it takes the FDA to sign off on a new drug, and also to look into the overprescription. The gentleman may know that the University of Minnesota has actually done studies on this where they have found as high as 40 percent of the drugs taken by seniors no longer need to be taken, or the prescription is actually wrong, and that is costing millions and millions of dollars each year.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield, I think we have to attack this problem on many fronts. The more we learn about it, the more we realize there are an awful lot of problems.

One of them is all of the money that the pharmaceutical companies are spending on marketing. I happen to believe in free speech, so they ought to be able to advertise; but we ought to at least know how much of that drug dollar is going to advertising. They ought to have to disclose that to people like us so that seniors know how much they are spending on marketing.

Mr. KINGSTON. Mr. Speaker, there are some companies who are actually leading the way. Eli Lilly, to their credit, has stopped this practice of going to a doctor's office and buying the whole staff lunch for the day, and then leaving them with trays and trays of free prescriptions for samples. I think Eli Lilly should be commended for leading the way into a different way of marketing, and I think other drug companies should take a look at that.

I want to talk just real briefly on patents. Prozac went off patent last August, and the price of Prozac fell 70 percent. The question is, when we pay for so much of the research and development on a new drug as American taxpayers, should drug companies still be given a 17-year patent? I think that should be something that we should discuss. Maybe it should be longer. Maybe it should only be 5 years, though.

Mr. GUTKNECHT. Mr. Speaker, I think if we are paying for most of the research, and something else most Americans do not know, and that is 44 percent of all of the money spent on basic research in the world is spent by Americans and American companies.

Mr. KINGSTON. Mr. Speaker, it is something we should look at.

Finally, this approval process, sometimes it takes as long as 8 years to get FDA to approve a new drug. We should reduce that, particularly for drugs that are often being used in European countries that are already on the market, there is a track record for them, and the FDA is still holding them up. We have to ask ourselves how many people are dying or suffering or are in pain during this approval process that had they been living in another country, then they could get access to their medicine.

Mr. GUTKNECHT. Mr. Speaker, coming back to the cost of research, I think we in the United States ought to be willing to pay our fair share for research. When we look at these charts, clearly we should not be required to subsidize the starving Swiss.

Mr. KINGSTON. Again, Mr. Speaker, these drugs are things that seniors are paying too much for right now. We have a woman in our office who has a relative in El Paso. To get a prescription filled in El Paso it is $90. To go over the border to Juarez is $29 for Lipitor. It is such a tremendous savings. But we see some of these drug companies, their ads are slick, they are expensive, they are enticing. I have no problem with them spending that money that way; but I do have a problem with saying we can import our tomatoes, we can import all of our other groceries from Mexico or Canada or any other country; but when it comes to drugs, even FDA-approved drugs, we have special roadblocks for that, and it hurts American consumers. We have the North American Free Trade Agreement; and by golly, we ought to be able to leave Detroit and go over to Windsor, Ontario, and buy drugs.

Mr. GUTKNECHT. Mr. Speaker, in the era of the Internet, NAFTA and world trade, the FDA should not be allowed to stand between American consumers and lower drug prices.

Mr. KINGSTON. Mr. Speaker, I appreciate the gentleman's hard work on this, and I look forward to working with him on this legislation.

BLUE DOGS HAVE THE RIGHT PLAN FOR FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, I want to compliment my colleagues, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Georgia (Mr. KINGSTON), for their presentation a few moments ago regarding the high cost of prescription drugs and their support for legislation that would allow the reimportation of drugs to allow our seniors to get the prices that are now offered in Mexico, Canada, and the citizens of every other country in the world, except the United States.

I want to make it very clear that all of us on the Democratic side of the aisle have supported that legislation, and we really think we should go further and that we should provide fairness in drug pricing to all American seniors by requiring our drug manufacturers to end that practice of price discrimination that results in the very problem that they were talking about. That is to say drug manufacturers are selling the same medicine in the same bottle with the same label, on average, about half the price in every country in the world except the United States where we pay the premium.

Our senior citizens are hurting today because they cannot afford the $400 and the $500 and the $600 and the $700 prescription drug cost. That is why Democrats have proposed not only fairness in drug pricing by our drug manufacturers, but we have supported a universal prescription drug benefit as a part of the Medicare program to be sure that all seniors can have their prescription medications as a part of the regular Medicare program that has worked so well in this country for our seniors for so many years.

I come to the floor today during this Special Order hour on behalf of the Blue Dog Democrat Coalition. That coalition consists of 33 fiscally conservative Democrats in this House who believe very strongly that this country is going in the wrong direction with regard to its fiscal affairs. We believe in balanced budgets and paying down our almost $6 trillion national debt. We believe that it is time to face up to the reality that we are now robbing the Social Security trust fund to run the rest of the government, something that this Congress a year ago pledged not to do on at least four or five occasions by record votes on the floor of this House.

It seems that the Congress and the administration have not been candid with the American people about our fiscal affairs. But what most Americans remember is that a year ago we were talking about record surpluses in our Federal budget. We were talking about surpluses, as I remember President Clinton saying, as far as the eye can see. And when President Bush came into office with those projections of surplus, he called on this Congress to pass the largest tax cut in the history of America. I voted for that tax cut because I believe people need tax relief. But when I voted for it, we were projecting over $5 trillion in excess funds that would flow into the Treasury of the United States over the next 10 years. The tax cut took about half of that estimated surplus.

The problem is that we stand here today 1 year after the enactment of that tax cut and the entire remaining balance of that estimated surplus is also gone. In fact, we are back at the point where we are not projecting surpluses over the next decade; we are projecting deficits. So once again, the Congress of the United States and the administration is putting the operations of our Federal Government on a credit card, a credit card that will be passed on to our children and our grandchildren.

Mr. Speaker, I have a chart that will depict what has happened. What this chart shows us is the history of the Federal budget since the last years of the administration of President Lyndon Johnson.

□ 1615

It traces the history through the Nixon years and the Ford years, the Carter years, the Reagan and Bush I years, the Clinton years, to the present administration. And what this chart shows is the history of the Federal budget deficit, and we are talking about the deficit outside of the Social Security Trust Fund, the Medicare Trust Fund, and the other trust funds of the government that the law says shall be protected for those uses.

The American people and this Congress agreed a long time ago that when people pay their payroll taxes into the Social Security Trust Fund, that money ought to be used for people's Social Security benefits, not to run the rest of the government. Unfortunately it has not worked that way. But the general budget of the Federal Government's history is depicted here, and so what we have had over time is a history of deficits. Congress went for 30 years before 1996 with deficits every year, and those are shown on this chart. This chart shows that those deficits got really big during the Reagan and Bush I years, and in 1991 when President Clinton assumed office, we began to pull our way out of deficit spending.

Until the last year of the Clinton administration, we actually had in the Federal Government a true, genuine surplus outside of the Social Security Trust Fund and other trust funds. We had a genuine surplus for 1 year in fiscal year 2000. President Bush came into office and said that we had to give some money back to the American people as if to say it was in the bank, when it really was no more than a projection of a future surplus that has turned out to be an incorrect estimate. The surplus went away.

As I said, about half of it was taken by the tax cut, but the other half disappeared because the economy turned south on us. We actually experienced, as my colleagues know, a recession. We also had September 11, which has required a significant amount of Federal dollars in order to fight the war against terrorists and to protect the security of our homeland. So the surplus is gone, and the estimates are that we are back into deficits. And here are the projections for the next 5 years showing how deeply into debt the Federal Government is estimated to go.

So what we are seeing is that the Congressional Budget Office has told this Congress that the estimated deficits for the next 5 years will be even greater than they have ever been in the history of our Federal Government.

Blue Dog Democrats believe that this is wrong. We believe that when we send young men and women into far-off places like Afghanistan to protect our freedoms and our liberties, that the rest of us who are back here at home should be at least willing to pay the bill. Otherwise we are telling those young men and women that not only are they going to fight the war to protect our freedom, but when they get back home, during their good income-earning years when they reach midlife and full adulthood, that those young men and women will have to pay the bills for the war that they went as young people to fight, and we think that is wrong.

And this administration and the leadership in this Congress has not been honest with the American people about our fiscal affairs because on the floor of this House once a week our Republican leadership presents another tax cut for us to vote on. There are tax cuts that will not take effect until 2011 because there are proposals to extend the tax cut that we voted for last June. So we are down here debating whether or not we should have a tax cut, to extend a tax cut that will not expire until 2010. We are down here spending valuable time debating matters that, if history holds, about half this Congress will not even be here. Somebody else will be serving in 2011.

Democrats believe it is wrong to be telling the American people that we can fight this war without making sacrifices, sacrifices that must be shared by all of us, not just the young men and women in uniform. So Blue Dog Democrats say that we ought to be paying our bills. There is no question that the bill collector is at the door.

This next chart talks about an issue that will be debated over the next few weeks by this Congress; that is, the issue of the debt ceiling. We call it the statutory debt limit. There is a law on the books that says how much debt our Congress and our President can incur for future generations, and current law says the debt limit is $5.95 trillion, almost $6 trillion. The law says that we cannot incur any more than that. The problem is we are bumping up against that debt ceiling.

Now, a year ago when we were debating these tax cuts, the President and the Secretary of the Treasury said, oh, we will not have to worry about the debt ceiling until 2008. In fact, they were projecting that we might even be in a situation where we will be paying off our national debt too quickly, and have to pay a premium in order to pay it off before it is really due.

All that sounds really amusing in retrospect, because today the Secretary of the Treasury tells us that unless we raise the statutory debt ceiling in a matter of just a few months, or, in fact, really just a few weeks, we will default on obligations of the United States Government. We will not be able to pay people's Social Security checks, and we will not be able to pay the Federal Government's bills, because we will not have the statutory authority to incur the debt; that is, to borrow the money to pay those bills. So the administration says we need to increase the debt limit, and they want us to increase it by $750 billion.

Now, the Blue Dog Democrats understand the reality of where we are today, and we understand that the debt ceiling will have to be raised in order to prevent default on the obligations of our government. But Blue Dog Democrats believe that when we vote for that increase, number one, it should be a modest increase, so we are not writing a blank check to the Congress and the President to keep incurring more and more debt.

It should be a modest increase, and it should be coupled with a requirement that the President submit to the Congress a new budget to put us back into a balanced budget situation by the year 2007. We would like it to be quicker, but the reality is that we are in a position where we are projecting deficit spending at such a level that unless there are dramatic changes in our tax structure, we cannot possibly get back into a balanced budget until 2007. So we are saying to the President, yes, we will give an increase in the debt limit, but as a condition to do it, we want the President and the Congress to adopt a new budget to show the American people we can get our fiscal house in order by 2007.

We also want that increase in the debt limit to be subject to passage of legislation that would continue some budget enforcement mechanisms, we call them pay-go rules, that require this Congress to operate on a pay-as-you-go basis, and make sure that we do not increase spending unless we understand that there is a way to pay for it.

Finally, we believe that as part of any agreement to raise the debt ceiling, that we should have a responsible and reasonable limit on what we call discretionary spending. That is the spending that we vote on every year in a whole series of appropriations bills. We believe there ought to be caps agreed upon that that spending will not go over, so that we have a way of controlling the spending by this Congress.

Those three requirements we think are reasonable requests before we cast a vote to increase the statutory debt limit.

To show another chart that will depict our fiscal condition, I would like to direct Members' attention to this chart entitled "From Debt-Free to $2.8 Trillion in Debt in 2011."

Before we passed the tax cut last June, the projections were that we would actually have a surplus over the 10-year period. That is why we were able to vote for the tax cut. What we projected was that the debt that this country owes, much of which is owed to the public, these people out there that are buying all these Treasury notes, Treasury bills, and Treasury bonds every time the Treasury has an auction, we projected a year ago that there would be no debt held by the public after 10 years. That is how rosy the picture was projected to look. In fact, we projected we would have a total elimination of the debt held by the public.

Here we are a year later, and the current projections are that by 2011 there will be $2.799 trillion owed by our Federal Government to those people who will buy those Treasury bills, Treasury notes, and Treasury bonds. That is how dramatic the change in the Federal financial picture is over just 1 year's time.

Now, some people would like to say that, well, this is all okay, and do not get worried about this because we are in a war on terrorism, and we have had to spend a lot of money. That is true, but the reason we are going to have $2.8 trillion in publicly held debt in 2011 is not totally due to the war. Some estimate that maybe 20 percent of this number might be due to what we expect to spend over the next decade on protecting the homeland and fighting the war. Nobody really knows.

But the truth is that the tax cut that we passed last June took away about half of our estimated surplus, and the recession and the change in the economy took away about one-fourth of it, and maybe one-fourth of it disappeared because of what we are having to spend to fight the war.

The bottom line is this: This Congress and this administration have not told the American people that the circumstances that existed when we passed the major tax cut have dramatically changed, and this country is now headed towards some of the deepest deficits and largest debt that we have ever seen in our history.

Blue Dog Democrats believe that we have an obligation to run the Federal Government just like the Members and I try to run our households and our own personal businesses. We do not incur a debt at my house unless we know how we can repay it within a reasonable time. The Federal Government does not seem to understand that. The Federal Government, as Members know, has no requirement in law for a balanced budget, and Blue Dog Democrats wish we could change that with a constitutional amendment, because most all of us served in our State legislatures, where they have a provision in State Constitutions that says that we have to balance the budget, and we cannot incur debt unless we have a popular vote of the people to issue bonds for whatever purpose.

But in Washington there has never been such a requirement. We can spend the money all day long and do not have to pay the bill. All we do is charge it to the credit card. The only constraint that exists today is this Federal debt ceiling that we are now bumping up against that the President is asking us to increase by $750 billion. That is the only constraint on unrestrained spending, and the only restraint on ever-increasing debt.

□ 1630

Another chart which I would like to show my colleagues is what I like to call the greatest waste in Federal spending that I believe this can point to; and I will be the first to tell my colleagues, I believe the Federal Government can save some money and cut some costs and eliminate waste, but one of the biggest categories of waste in our Federal Government is what we spend every year just on interest because the Federal Government has run up this almost $6 trillion national debt.

This chart shows us what the estimated interest payments on our national debt is going to be. It shows us what the estimated interest payments were last year when we had that estimated surplus, and that was a $709 billion interest cost over 10 years; but as I mentioned, things have changed since last June. We have had September 11. We had the war on terrorism. We have had the recession, and so the estimates now of how much interest it will cost us to service the Federal debt of $6 trillion has increased by $1 trillion. The estimates are that now we will spend in interest alone 1.8, almost $1.8 trillion of our hard-earned tax money just to service the interest on the $6 trillion national debt that we owe.

Blue Dog Democrats believe that is a terrible waste of taxpayer money, and the sooner we can get the national debt paid down and quit paying this kind of interest, the better off our children and our grandchildren are going to be. So the Blue Dog Democrats say, yes, we understand that we are bumping up against the Federal debt ceiling. We understand that we have got to do something in order not to default on all the Social Security checks and other obligations that the Federal Government owes; and we know that that debt limit is being reached within the next few weeks, but Blue Dog Democrats say no blank check on ever-increasing debt.

We say we will increase the debt in a modest amount, only if there is a commitment on the part of the President and the Congress for the President to submit a new budget that will be in balance by the year 2007, if we pass legislation ensuring that we continue our budget enforcement mechanisms that keep us on a pay-as-you-go basis and if we have reasonable caps on the various categories of spending for this year's budget. It is no more than someone would do at their home or in their business. We think we ought to do it in Washington. So that is what the Blue Dog Democrats are proposing to this Congress.

There are 33 members of the Blue Dog Coalition. They work hard every day, trying to be sure that the taxpayers are getting every bit of value out of every tax dollar that we pay. We are trying to be sure that the American people understand the finances of our Federal Government so that the pressure of the American people will be brought upon this President and this Congress to say enough is enough; and if we are not paying our bills, if we are putting all of our obligations and all of our expenditures on a credit card for our children and grandchildren, we want it to stop. That is what the Blue Dog Democrats believe, and that is what we are working hard for in this Congress.

Another way to describe our deteriorating fiscal picture is to share the recent estimates of the Congressional Budget Office with my colleagues. The Congressional Budget Office is that arm of the Congress that gives us our official numbers when we come down here and we debate tax cuts and we debate spending, we talk about debt. We are relying on the numbers that the Congressional Budget Office gives us. That keeps us all honest. It is a bipartisan body.

The Congressional Budget Office says that for the first 8 months, the first 8 months of this fiscal year, our Federal Government has run a deficit of $149 billion. Contrast that with what was going on during the first 8 months of the last fiscal year, 2001, where we were running a surplus of $137 billion. So in 1 year's time we move from running a surplus in the first 8 months of the fiscal year of $137 billion, to the current fiscal year during those first 8 months of running a deficit of $149 billion. That is a dramatic swing in the fiscal condition of our Federal Government.

Tax receipts are running much lower than anyone anticipated. The recession has been longer and slower to turn around than we had expected, and we know now from what the Congressional Budget Office tells us that for the entire fiscal year we will likely end up with a deficit of well over $100 billion.

So how do we go from 8 years of improving fiscal circumstances to now finding ourselves unfortunately having to look forward to record deficits once again? I am sure my colleagues can get a lot of people to give us a lot of different answers to that question; but the bottom line is, things have changed and yet this Congress seems to operate as if nothing has changed when it comes to dealing fiscally responsibly with our Federal tax dollars.

I am glad to have on the floor with me this afternoon one of the leaders of the Blue Dog Democrats, the gentleman from Arkansas (Mr. BERRY), who speaks with about as much clarity and common sense as anybody I have ever met in the Congress; and I am pleased to yield to the gentleman to talk on this very important issue.

Mr. BERRY. Mr. Speaker, I thank my distinguished friend from Texas. The gentleman has been a great leader on this issue and a great leader for the Blue Dogs and a great leader for the State of Texas and this country; and we appreciate the effort he is making here today, also.

Mr. Speaker, it is a sad day when we have to come back to this floor when only a little over a year ago we still had surpluses. We had been presented with an opportunity in this country to clear up the debt. We knew that if we were prudent, if we operated in a fiscally responsible manner, if we followed or had followed the Blue Dog plan, which said, first, take care of Social Security and Medicare and pay off the debt that we owe, and let us do that, and then let us take a little bit of the money, all of this wonderful money that had been projected, let us take a little bit of that money and do the things we know we should do for our military, do the things that we know we should do for our senior citizens, make the necessary investment to be sure that this country continues to be successful economically, make the necessary investments to be sure we are secure, and then let us provide some tax cuts, let us take part of it and provide some tax cuts, we had a list of priorities there.

We now have a disastrous situation facing us. In a little over a year, we are told now that we have already borrowed an additional $300 billion in less than a year, and it is going to take, by the time we get to the end of this year, another $450 billion to keep the country floating, to keep us solvent. That is $750 billion we have borrowed from our children and grandchildren.

We come to this floor day after day, week after week; and all of us declare how much we love our children, how much we love our families. We talk about family values endlessly; and at the same time, we conduct our fiscal matters as a Congress as if there were no tomorrow, as if no one has to answer for this.

What we are asking for, Mr. Speaker, is for all of us to sit down, let us forget this partisan stuff. It does not get us anything. We have got a serious problem. We have got a homeland security issue and a national security issue that we must address and we will address it. We have other top-priority issues that the Nation must deal with. Prescription drugs for our senior citizens. We know how to do these things. We can set the priorities and balance this budget and protect Medicare and Social Security and not pass an enormous debt on to our children and grandchildren.

I cannot imagine a situation where anyone would intentionally pass on a debt to their next generation just because they were too irresponsible to deal with it themselves. This is something that the Blue Dogs have great concern about.

Over and over we have presented a responsible plan to this House. We put it up for a vote and we lose, and we have been presented with the plan that got the most votes, that puts us $750 billion deeper in debt today by the end of this year than we were a year and a half ago. It puts our children and grandchildren at a tremendous disadvantage. In fact, when they are presented with the debt, the unfunded obligation of Social Security and Medicare and the other necessities that they are going to have to deal with when their time comes, I do not know how they are going to deal with it. It becomes more of a burden than they are going to be able to carry.

I think, Mr. Speaker, it is time, it is past time that both sides, the Democrats and the Republican, let us sit down. We can figure this out. We can do this right. We are willing.

I remember just a little over a year ago how excited the Blue Dogs were. We had a new administration come into town. We were looking forward to working with a new administration to craft a budget that would be responsible, that would pay off the debt, not add to it, but pay it off, take that burden off of our children, not make it greater.

I will never forget, and I have mentioned this several times, the Director of the Office of Management and Budget, Mr. Daniels, came to the Blue Dog meeting; and he very confidently told us the greatest fear we have, the thing we are most concerned about, is that we are going to pay off all of the debt, the economy is going to be doing so well that we are going to pay off all of the debt and no one will be able to buy a U.S. Treasury bond. That is almost laughable. In fact, we would laugh about it today if it was not so serious.

It is not a laughing matter when we talk about passing this horrendous debt on to our children and grandchildren. It is not a laughing matter when we talk about we are squandering the opportunity to make Social Security and Medicare permanent, make sure that Social Security and Medicare are there for the senior citizens that are going to come into the program in the next 15 to 20 years. This is not a laughing matter. It is a very serious matter.

So, Mr. Speaker, what we are asking for is let us sit down at the table together. Let us work this problem out. Let us do the right thing for America. Let us do the right thing for our children and grandchildren. Let us do the right thing for this country, and let us honor the people that founded this country, the people that fought for this country, the people that gave their lives so that this great Nation of freedom and liberty could exist. Let us not squander this opportunity that we still have to do the right thing.

Mr. TURNER. Mr. Speaker, I want to thank the gentleman from Arkansas for his comments and for his strong leadership for fiscal responsibility. He speaks with a great deal of common sense and enjoys the respect of the entire Congress.

Next, I yield to the gentleman from Utah (Mr. MATHESON), another member of the Blue Dog Coalition who has worked very, very hard trying to get this Federal Government back on a course of fiscal responsibility, who sponsored legislation to do that, who has been a real leader in this House; and it is an honor to yield to him.

□ 1645

Mr. MATHESON. Mr. Speaker, I appreciate the gentleman from Texas yielding to me, and I want to thank him for continuing to be such an articulate spokesman on this issue. Just another reason why I am real proud to be a Blue Dog.

When I came to Congress, and I am a freshman, so I am here in my first term in Congress, I had the opportunity to consider different groups to affiliate with and issues to focus on. And before I even got here as a candidate, I was talking about the notion of fiscal responsibility, about what a great opportunity we have right now to take our Federal budget and really work in a good way to reduce debt and to reduce the burden of debt on future generations. The Blue Dog message was one that was so consistent with mine, it was a great experience for me to learn about this group and be affiliated with them.

But that is only one reason why I am happy to be a Blue Dog. The other reason I am happy to be a Blue Dog is that the Blue Dogs have a reputation for being very straight up. We put the figures and facts out on the table, and we are happy to work with people. And we say that in an honest way. We are prepared to reach across the aisle and work with anybody in this House, regardless of party, regardless of ideology. We want to work with them to come up with good ideas for being fiscally responsible.

We have gone through some tough times this past year in this country, and our circumstances have changed. No question about that. We all are supporters of the fact that we have to put in significant resources in terms of this war on terrorism and efforts to increase homeland security. These are tough issues, and we have not resolved them yet. In fact, the needs for this war on terrorism and the needs associated with homeland security are going to be developed for years to come probably, in terms of us knowing where we are going to be.

So that is a significant factor, as I said, and we support committing those resources. I know the Blue Dog coalition is very supportive of defending our borders and defending our people. But with that change in circumstance, clearly, it seems to me, that calls for reassessing where we are in terms of our total Federal budget because we have just had this significant change in our requirements, and coupling that with an economic downturn and revenues being down and projected deficits coming in, those are all reasons why we need to look at this.

My concern is that while we have been talking about this, that people are not taking it seriously and looking at it. This is our opportunity now, because we are running up against our credit limit. We have not had to take a vote here in Congress on the debt limit for a number of years because we were running surpluses. Now we will have to take a vote on this. And the Blue Dogs are not trying to say we are not going to raise the debt limit. The Blue Dogs are prepared to stand up for a straight-up debt limit increase as long as it is associated with a commitment to develop a plan for how we are going to get out of this pattern of increasing debts year upon year upon year.

I do not like taxes. I do not think any of us like paying taxes. But if we want to take action to make sure future generations pay a lot of taxes, just keep running up the debt now, because those future generations are going to have to be paying the interest on that debt. We are talking about a heavy tax burden on future generations. That is certainly not a legacy that I want to leave, and I would like to think most people in the Congress, on both sides of the aisle, do not want that to be their legacy, but I am concerned that is the direction we are going.

Now, we sit here and talk about this, I recognize there is no easy way out of that. I will admit that. This is going to take a lot of work and a lot of smart people getting together to try to work through this, to get our budget situation going from a path of increasing deficits to where we are back on the path of fiscal responsibility. Nobody has a monopoly on all the good ideas around here, not one individual, not one party, but as Blue Dogs, we are sincere in our request that people sit down with us.

We are ready to roll up our sleeves and work hard, and ready to face the tough decisions. That is why our constituents elected us. We are supposed to take on the tough issues, and this is a tough issue. My concern is that right now Congress is not willing to address where we are going. We are too concerned about short-term considerations in the next election. We need to be looking at the next generation in the way we make our decisions.

So as Blue Dogs, every week, we come out on the House floor to try to highlight this issue, because it is such an important issue to us. It is such an important issue to my constituents. I hear about it all the time when I go back home. So, as I say, we are sincere in our request. We have been out here many times. People have not taken us up on it yet, but we are getting to the point where this debt limit is going to be hit. The Senate has already passed a debt limit bill to raise the debt limit, and now it is our time. It is our time here in the House.

Now, if we turn this into a partisan situation, I suppose the majority party, if they can reach consensus, can pass a debt limit increase without Democratic votes. We, as Blue Dog Democrats, are prepared to offer a vote in favor of raising that limit, as I said earlier, as long as it includes with it some sense of a plan or a process by which we are going to come up with a plan to get us away from this path of deficit spending. That is what we are asking.

That, to me, is such a common-sense request, because if you are in the private sector, whether it be your household budget, or whether you are in the business world, if you are spending out more than you are taking in, you know you have to change something over the long run. You just cannot keep doing that over time because it does not work. And particularly if you want to borrow more money, it does not work, because nobody will lend you that money because you do not have a good story to tell how you are going to get out of that pattern. So when you go for that car loan or you go for that home mortgage, the banker will look you in the eye and say, tell me how you are going to pay me back. A very reasonable request.

I think the citizens of this country ought to be asking Congress how are you going to pay us back? How are you going to pay back this debt? That is a fair question, and it is incumbent upon us to take that on.

So here we are again today. Week after week we raise this issue. I make the request one more time. I ask Members of the House, let us get away from the rhetoric, let us sit down and let us work together on this very difficult issue. Let us do the right thing for future generations, let us do the right thing to get our budget back on track. That is what the Blue Dogs are all about, and I hope that people will take us up on this offer.

With that, Mr. Speaker, I will yield back to the gentleman from Texas.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Utah, and again I thank him for his leadership on this issue. The gentleman represents a new generation of leaders in the Congress, leaders that have a conscience as well as an understanding that we have to pay the bills.

That reminds me of the diversity of the Blue Dog coalition. We have Members from all over the country now, from Texas to Florida, New York to California, to Utah. We have Anglos, Hispanics, African Americans. We have Congressmen and Congresswomen all committed to the central principle of the Blue Dogs, and that is we need to balance the Federal budget, pay down this $6 trillion national debt, and ensure that we do not pass that on to our children and to our grandchildren.

One other Member of the Blue Dog coalition that has joined us on the floor here today is the gentleman from California (Mr. SCHIFF). He is an outstanding member; has been a leader on many issues of fiscal responsibility. He came to the Congress after a distinguished career in the California Assembly, and I am very pleased to yield to him.

Mr. SCHIFF. I thank the gentleman for yielding to me and for his sustained leadership in dealing with the country's fiscal situation.

Mr. Speaker, it was not so long ago, in fact it was just last year, that the administration was warning Congress of the dangers of paying down the debt too fast. We were entertaining scenarios where the Nation would have no debt, and what would the consequences of that be. These were the discussions that were going on in this very Capitol just a year ago. Well, would that these dire prophesies had come true and that we were today faced with that dangerous prospect of a Nation without debt.

In fact, we are very far from being a Nation without debt. Our debt has only increased since last year. Our deficits have only spiraled since then, because not long after those warnings of those dire predictions of a debt-free America, war and recession intervened, and now we are in a situation where this Nation faces deficits as far as the eye can see.

Some are proposing, in fact, to aggravate the deficits we have now. Some are proposing that we pass tax cuts not that are effective today or tomorrow, but that will not take effect for 10 years. We had a vote last week on one such proposal. We had a vote the week before on yet another. And at the same time we are proposing further tax cuts that will not take effect until more than a decade from now, the leadership is proposing that we increase the national debt by three-quarters of a trillion dollars.

Now, these votes do not take place on the same day. It would be very difficult, I think, to schedule a vote to cut taxes 10 years from now on the one hand and to raise the national debt on the other and have the votes back to back. That would be very difficult to justify. But, in fact, that is exactly what is taking place on the House floor.

We recently had a vote on the wartime supplemental appropriations bill. That is a measure that every Member of Congress supports. It provides necessary supplemental funding for the war effort. But buried in that bill of a couple weeks ago was a provision to allow the national debt to increase $750 billion. Now, why was that buried in that bill? It was buried there because Members did not want to have to justify or explain how it is we could be voting to extend tax cuts beyond 10 years from now when at the same time we are raising our national debt. We are, in fact, borrowing the money to provide some of these cuts.

That is not any way to run a Nation. That is not how we run our budgets at home; that is not how we ought to run our budgets here. What we have to do is recognize that the prosperity that we enjoyed in the last 10 years was contributed to by the fact that we had our budget in balance; that, in fact, we were running a surplus for the first time in many, many years, and keeping our budget in balance had the effect of keeping interest rates low, making the dream of home ownership possible for so many American families.

Have we forgotten already the benefits of having a budget that is in balance, of paying down the national debt, the confidence that that inspires in American markets, the impact it has on the lower interest rates we pay on our mortgages or on our credit card debt? That is a real tax on the American people. You are taxed every time you pay your mortgage. You are paying for the cost of borrowing money. And we are making that more expensive for you because, in effect, the Federal Government is competing with you to borrow money whenever we run a deficit, whenever we are in debt.

So the action we take in raising the national debt by $750 billion means that your mortgages are going to be more expensive, that you are going to be paying more in interest rates, that your children are going to pay more, that a prescription drug benefit may be placed out of reach because we simply do not have the resources to pay a billion dollars a day in interest and try to provide prescription drug benefits for seniors that cannot afford to pay for their medicine and pay their rent and buy their groceries at the same time.

So what do we do? The administration says we need to raise the debt limit; that we need to borrow, or we are going to default. Are we in the Blue Dogs advocating that we go into default? Of course not. No one in the House is advocating that we default on our fiscal obligations. But what we are advocating, what we are asking of the leadership of this House is to work with us on a more modest increase in the national debt and, at the same time, work with us on a plan to get this country back to a balanced budget. They have to go hand in hand.

American taxpayers would not want to increase the debt limit on a credit card without any plan for how they were going to pay off their credit card debt. That would not be a smart investment. The same is true for the Nation. Before we extend the limit of what this country can borrow, we ought to require of this Congress and this administration that we come up with a plan to balance the budget over the intermediate term and the long term, recognizing that in the face of the war on terrorism, in the face of our efforts to pull ourselves up from this economic downturn, that we may have to endure deficits in the short term. Still, in the midterm and in the long term, we must get back to putting our fiscal house in order.

And all of this begs a question, Mr. Speaker: Where have all the budget hawks gone? Where have all the advocates of a balanced budget gone? There used to be some great voices in this Chamber for balancing the budget, for paying down the debt. Many of my colleagues on this side of the aisle won their seats in the House 15 years ago and 20 years ago by campaigning against the spiraling national debt.

□ 1700

Where have they gone? Why have we forgotten so readily the value of the importance to our future of having a balanced budget?

So today we urge our colleagues to work with us. Let us have a modest increase in the debt in light of the present difficulties, in light of the demand for resources for the war on terrorism. Let us have a modest increase in the debt. But let us accompany that increase with a plan that gets us to a balanced budget once again. Let us not dramatically expand our national debt with no plan whatsoever. That simply is not being a good trustee for the American people. And that is the challenge ahead of us today, to work together, with this House, Democrats and Republicans, with our colleagues in the Senate, with the administration. We can do this. We can do this. We have done this before. It is not easy.

There are many things that we would like to do that are competing for the same resources, but we have to recognize that if we do work together and we do take down this national debt, pay it off, reduce our deficits, that means that the billion dollars a day that we are spending in interest we can spend one day's worth of that interest on building new schools in your neighborhoods. We can spend another day of that interest providing prescription drug benefits to seniors. We can spend another day of that interest on fixing potholes in the roads. We can spend another day of that interest in making sure that we expand health care access to children. We can give another day of that interest back to the taxpayer and help them pay their personal debts and their personal obligations. And this is just with a week's worth of interest, $7 billion that can be provided in the form of additional tax cuts or that can be provided in the form of additional services for the American people if we do not saddle ourselves with nonproductive debt, and that is the challenge.

And I want to applaud my colleagues who have worked so hard and for many years to bring about a sense of fiscal discipline in this body, to restore the commitment that we have made, both parties, to provide valuable services to the people we represent, to not encumber the future of this country and our children's future in a debt they cannot climb out from under. This is our time, this is our challenge, and I think we are up to it.

Mr. TURNER. Mr. Speaker, I thank the gentleman from California (Mr. SCHIFF) for his comments. And I think the reality of our current fiscal condition is certainly as he stated, and I think every Blue Dog Democrat believes we need to give the American people as much tax relief as we can afford to give them. But he is exactly right that when there are tax cuts proposed on the floor of this House week after week, the reality is whatever tax cuts are approved today over and above what we have already done for the American people in the largest tax cut in our history that was passed last June, those additional tax cuts will just be paid for with borrowed money. So we are going to take money out of the Social Security trust fund or borrow money from the public so we can run the government and give these additional tax cuts.

That is not fiscally responsible, and I certainly appreciate the fact that all of us want to be able some day to vote for additional tax cuts. I certainly do. But I think that what the Blue Dog Democrats stand for is first making sure that we are paying the obligations of the United States Government, whatever they may be; and it is a tragedy to think that the course that we are now following will result over the next decade of an additional trillion dollars in interest costs to the American taxpayer, wasted money just paid out on interest just because of the course of fiscal irresponsibility that we are now embarked upon.

I pointed out this chart early in our hour, and I want to point it out as we close. Just 1 year ago when the President submitted his budget, it was estimated that we would not reach the statutory debt limit set by this Congress until the year 2008.

Mr. Speaker, we now know that we are bumping up against that debt limit, too. If we continue along the path of the President's budget submitted to us in January/February of this year, we will see record increases in the debt owed by the taxpayers of this country to the extent of an increase of over $2 billion over the next decade. That is a course that we should not follow.

That means that the young men and women fighting for our freedom today in Afghanistan and other far-off places will not only sacrifice in the battles that they fight for our freedom today, but when they come home someday, when they are in their middle years, their highest income earning years, they will have to pay the bill for the very war that they went today to fight.

The sacrifices that will be required of the people of this country to win this war on terrorism are indeed great, and they are sacrifices that all of us must be ready to share in. The Blue Dog Democrats are here to remind Congress and the President that somebody has got to be willing to pay the bills. Today the debt collector is at the door, and he is knocking. He is telling us that we are running this government off the Social Security trust fund at a time when Social Security will be under the greatest stress in its entire history. As the baby boom generation retires and becomes eligible for Social Security is just the time that we see the projections of an ever-increasing Federal debt and growing deficits in our annual Federal budgets.

We need to be honest with the American people. We need to be willing to tell them the truth, and we need to be able to act in a bipartisan way recognizing the reality of our current fiscal situation and recognizing that every one of us is going to have to do everything necessary to win the war on terrorism to protect the security of this country, and together we must be willing to pay the bill.

So we have come here today and shared together in this hour of time on this floor to simply say to this Congress and this President, let us work together to balance our budget, to pay our bills, and to be sure that we do not pass the costs of today's government and today's war on to our children and our grandchildren.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3389, NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107–514) on the resolution (H. Res. 446) providing for consideration of the bill (H.R. 3389) to reauthorize the National Sea Grant College Program Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1979, SMALL AIRPORT SAFETY, SECURITY, AND AIR SERVICE IMPROVEMENT ACT OF 2002

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107–515) on the resolution (H. Res. 447) providing for consideration of the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers, which was referred to the House Calendar and ordered to be printed.

PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Kentucky (Mr. FLETCHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. FLETCHER. Mr. Speaker, as we speak tonight, there is a committee marking up the prescription drug bill which will provide prescription drug coverage for all seniors in this country. I believe it is one of the most pressing issues in health care that we face today, and so I am glad that we are going to spend this next hour talking about the House prescription drug plan; and I thank the gentleman from Louisiana (Chairman TAUZIN), and the gentleman from Florida (Mr. BILIRAKIS), the chairman of the subcommittee, for their leadership in bringing this bill to the floor and making sure that we have a plan that is reasonable, doable, and will provide immediate relief for seniors.

I am accompanied by some of my colleagues today, and at this time I yield to the gentleman from Kentucky (Mr. WHITFIELD). I know this has been an important issue that the gentleman has worked on.

Mr. WHITFIELD. Mr. Speaker, prescription drugs for seniors on Medicare, this is an issue which has been before the Congress for quite some time. There has been a discussion about it for a number of years. If Members will recall, last year for the first time the House of Representatives under our leadership did pass a meaningful prescription drug benefit for senior citizens throughout the country. We all know how difficult it is for some of these seniors to pay for the prescription drugs that they have been prescribed for their particular condition.

One of the disappointing things about last year was that although the House passed a meaningful prescription drug benefit, the Senate did not pass one. So we found ourselves back this year at the same place that we started last year. So we made it very clear on the Republican side of the aisle that we were committed to a meaningful prescription drug benefit for senior citizens that would not bankrupt the country. Because, obviously, we can spend a trillion dollars over 10 years, or $2 trillion over 10 years, but that certainly would not be fair to the young men and women who are out working today with children.

Their employer does not provide health insurance for them, and they have made too much money for Medicaid to provide their health coverage, and they are not old enough for Medicare and yet they are paying taxes that go for the Medicare beneficiary and the Medicaid beneficiary. We tried to be reasonable about this to get a prescription drug benefit on the books to get started in a meaningful way, and our proposal will spend $350 billion over 10 years. I have a chart here that shows the House Republican principles on this issue.

One, we obviously want to strengthen Medicare, and we are committed to a prescription drug benefit.

Two, we want to lower the cost of prescription drugs now. We want to guarantee that for all seniors, prescription drug coverage will be covered under Medicare.

We want to improve Medicare with more choices and savings, and obviously we want to strengthen Medicare for the long-term future.

The other side of the aisle has made a lot of arguments that we are not spending enough money on prescription drugs. As I stated earlier, many of us agree with that. But when we have a Nation at war against terrorism, when we are just coming out of a recession, it is important that we get this on the books and that we be reasonable in our approach; and I think that is precisely what we are doing.

But yet I want to make it very clear because the other side of the aisle has indicated that this is not a meaningful prescription drug benefit program, which I would disagree with. But if, for example, you are a single person on Medicare today under our bill, if your salary is $13,000 and below, then all of your prescription drugs will be paid for by the Federal Government. If you are a married couple and your joint income is $17,910 or less, then all of your prescription drugs will be paid for by the Federal Government.

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And if you are married and you are making about $21,000 a year, under our proposal even some of that will be subsidized for you in addition to the other benefits that will be there for you.

So I am quite excited that tomorrow the Committee on Energy and Commerce will begin marking up this important legislation to provide finally prescription drugs for our senior citizens. My only hope is, and I am convinced, by the way, that the House of Representatives will pass it again, and my only hope is that the U.S. Senate will step up to the plate and not make this a political issue just because we are approaching an election but will step up to the plate and enter into meaningful dialogue so that they too will pass a prescription drug benefit that we can send to the President; and I know that President Bush has indicated time and time again that he will sign the legislation.

I think tomorrow is a big day for senior citizens throughout the country and for all of us who have parents and aunts and uncles who need this benefit, because, as I said, we will begin marking this up tomorrow and I think within 3 days it will be coming out of our committee and then hopefully going to the floor. I appreciate very much the gentleman yielding to me this evening. I look forward to working with him tomorrow and the next 2 to 3 days as we try to finish this matter up.

Mr. FLETCHER. I thank the gentleman from Kentucky for coming and joining us tonight. You were talking about the Democrats and some people talking about this is not a big enough plan, but it is interesting when we look to just a year ago, there was an amendment offered by the gentleman from South Carolina (Mr. SPRATT), a Democrat, that set aside only $303 billion and we have a list, and I think this is virtually every Democrat, voted for that. Yet now 1 year later, in a political year, in an election year, we have a political statement that it is not enough, even though we increased it from $303 billion in our budget, set aside for prescription drugs and enhancing and improving Medicare, to $350 billion. All of a sudden in an election year we hear this demagoguery, it is not enough. I really appreciate what you have said on that.

Mr. WHITFIELD. If I may make an additional comment. You are exactly correct. We are being challenged, also, of trying to raid the Social Security trust fund to pay for this. I would point out that between 1936 when Social Security started and 1995, a period that was controlled by Democrats except for about 4 years, they spent over $800 billion from the Social Security trust fund; and no one raised questions about it, no one objected about it; and not until 1994 when the leadership of this House changed were we able to start reversing that.

One other comment that I would make is that the U.S. Senate, I am sure of what they are going to do is they are going to put out a prescription drug plan that may be in the trillions of dollars, who knows what it will be, which is very easy for them because they did not pass a budget on their side of the aisle. And so they are not bound by any constraints whatsoever. So for them to criticize us about spending too much money and bankrupting Social Security, which is a false allegation, they do not even have a budget. And so they are going to send a plan over here that we know will be so expensive that we will not be able to adopt it. But this is a great starting point. You have provided great leadership on this issue since you have been in Congress. I want to commend you for that.

Mr. FLETCHER. I thank the gentleman from Kentucky.

Next I would like to recognize another gentleman that has joined us this evening on this discussion, a very important subject, prescription drugs, one of our newer Members who has taken a leadership role on this, the gentleman from Oklahoma (Mr. SULLIVAN). We are glad to have him here this evening. Certainly we appreciate him coming and sharing his remarks as we address this very important issue.

Mr. SULLIVAN. Mr. Speaker, I thank the gentleman from Kentucky for all his hard work on this very important issue. I have only been in Congress for about 4 months. When I was campaigning, I would go door to door. One of the biggest issues I heard from seniors was about Social Security, people living on fixed incomes, maybe had a small pension, but it was about prescription drugs. One lady that did not live too far from me, I remember going to her house. She said that she got about $900 a month from Social Security and her husband had passed away, he had a small pension from the railroad, and she was paying $1,000 a month for prescription drugs. Luckily she had a son that had an okay job and was helping her out. We need to change that.

Over the recess, this last recess we had, I went home and visited many senior centers in Tulsa and the surrounding areas. After meeting with thousands of seniors, it became clear that prescription drugs is definitely needed. It is a simple fact that every senior should have access to the prescription drugs they need. Yet we know that "simple" is not always synonymous with "easy." I firmly believe that it is important to pass legislation that will not just last for 10 years like the Democrat plan, but for generations and future generations to come. Therefore, as this body of Congress debates legislation, we must be responsible. The bill must be fiscally achievable this year, next year and for years to come. We must not fail our seniors today, tomorrow or 50 years from now.

The legislation that has been introduced by the House Republicans provides a guideline that accomplishes these goals by offering coverage on a voluntary basis to all seniors. Most seniors pay between $1,800 and $1,900 per year on their prescriptions. This bill will cover the majority of seniors' costs, including 80 percent of the first $1,000 after a deductible and 50 percent on the next $1,000.

This plan is workable, this plan is simple, and this plan is right for American seniors. I urge my colleagues to join me in supporting this commonsense approach to ensuring our seniors have the prescription drug coverage they need and deserve. I would like to again thank the gentleman for Kentucky for all his hard work.

Mr. FLETCHER. I thank the gentleman from Oklahoma. Before he leaves, let me just ask him a question and make a remark. It certainly sounds like you have had a number of town hall meetings. As I go around my district in central Kentucky and I have had some town hall meetings with seniors, I really hear that this is probably the most pressing issue. You mentioned that illustration of the $1,000 a month of income. I hear this, especially from widows, women that have worked very hard all their life but they worked in the home. They are left with Social Security, which is very inadequate to provide for all the things they need in addition to prescription drugs. I just want to thank you and see if you have any further comments on that and this plan that we brought out here that would pay virtually 100 percent of coverage for those individuals that you talked about.

Mr. SULLIVAN. A lot of women are outliving men, too. You hear a lot of that at these meetings as well. A lot of times, too, they say, Well, John, we have heard this a lot about prescription drugs and we know you can't just give drugs to everybody. We want a plan that you can actually do. I have told them that we passed a budget, we put the money in this budget to accomplish this goal, and we can get this done in this Congress. This is not pie in the sky; this is a doable plan that we can accomplish this session of Congress. We all know that the President has said that he wants this done, he wants it on his desk, he will sign this bill. So it will be a travesty if this does not pass.

Mr. FLETCHER. We certainly appreciate the gentleman from Oklahoma being here tonight and his leadership on this very important issue, taking up this issue in a manner that, as you have described, is reasonable, responsible and, the big word, "doable." This is doable. When you look at the alternative plans that the minority is offering, this is a plan that escalating costs would require ever, ever, ever-increasing taxes on hard-working Americans. Yet they have offered no explanation other than saying, well, we will sunset this plan after a few years so that we do not have to deal with the runaway costs that their plan incurs. You are absolutely right as you have taken the leadership to represent your folks back in Oklahoma, that this plan is very reasonable, it is very fiscally responsible, it is a tremendous benefit to our seniors, and it is doable. It can be done. I want to thank the gentleman for joining us this evening.

Next I would like to recognize, and I have spoken about the chairman of the Committee on Energy and Commerce who has just been tremendous in taking the leadership. This is a very, very tough issue. I am very pleased and honored to serve with the gentleman from Louisiana (Mr. TAUZIN) on the Committee on Energy and Commerce and want to certainly yield to him on this issue. I again thank you for your leadership. We plan on marking up this bill tomorrow and because of your leadership, we are going to be able to do that.

Mr. TAUZIN. I thank the gentleman from Kentucky. Let me also thank you as the newest member of the Committee on Energy and Commerce not simply for taking the lead to literally organize our efforts here on the floor to make sure that this bill is not just successful through the committees but that we actually pass it through the floor of this House and give the Senate time and a chance to work on their version of this bill so we might accomplish it before the November elections instead of just talking about it interminably. I want to thank you for all the great work you have already done on health care issues in the past and again what a great asset you have become to the Committee on Energy and Commerce and our work on health care.

Let me perhaps sum up the major components of what we have negotiated with the Committee on Ways and Means and which we will hopefully bring to the floor in good shape next week as we go through our committee process this week. The major components of what we are suggesting is that it is time to quit talking and to put in place a real and sustainable entitlement program within Medicare that will provide access to drugs at more affordable cost to the seniors of America who must depend upon drugs today for their daily and annual health care needs. The same way seniors in the 1960s depended upon hospitals and clinics, seniors now depend upon drugs to maintain their lives in successful quality time.

Those of us who still enjoy parents and grandparents, I still have a mother whom I love dearly, know that were it not for the Medicare system being there for her and the amazing advances of drug therapies and the capacities of modern pharmaceuticals to continue to make her life not only comfortable and enjoyable but vibrant and alive, understand how critical it is we change Medicare to create this new benefit.

Unlike the Senate bill, which they can outbid us on the dollars they can spend because they are not bound by any budget, they have never passed a budget, and I should say the other body, just as the other body can outbid us, so can our colleagues in the House outbid us if they do not want to abide by the budget numbers. But the budget numbers provide us with $350 billion. We were charged with crafting an entitlement program, a program that would last forever, that would not be sunsetted, that would be available to seniors and they would know it is available for the rest of their lives. That is the first thing we did. We crafted a drug benefit within Medicare that was truly an entitlement.

The second thing we did was to make it voluntary, just as part B is, just to make sure that seniors know that if they like it, they can sign up and accept the benefits of it or they can decide they would rather not have it, they would rather have a private insurance plan that they are enrolled in or perhaps not invest in this plan at all. What we know from those who have looked at our plan is that we expect, from the managers of Social Security and from CBO estimates, that as many as 93 to 97 percent of the seniors of America will likely take advantage of this new drug benefit. Why? First of all, because if any senior lives under 175 percent of poverty, the plan provides total subsidy of the premium, in other words, total subsidy support, total support within this $350 billion that we are going to spend over 10 years toward the purchasing of this drug coverage for them.

Secondly, we know that seniors are going to like this. Even though they may not get all of the drug cost covered in the first $1,000 and $2,000 under the plan, we know they are going to like it for one very important reason, because it includes catastrophic coverage. Because it says at some point, whatever number we eventually agree upon in our markup, at some point the medical drug expenses will not bankrupt a senior, that at some point the costs get covered by this program and they will not have to suffer the loss of their home or their pension or their savings as a result.

When I talked to my mom about our plan and I explained to her that for $35 a month, she would have a plan that covers 80 percent less a deductible of the first $1,000 of expenses, 50 percent of the second $1,000, but, more important, I said, Mom, at some point once you have reached the out-of-pocket limit of the bill, whatever we decide it may be and we think it is going to be under $4,000, at that point you have no more drug expenses, that this plan will cover you and you won't lose the savings account that Dad left for you and you won't lose the house that he built for you and you won't lose your security, you won't have to spend yourself into poverty to get drug coverage.

Mom said, Sign me up today. Sign me up now, son. Get me in this program. The bottom line is we know that seniors are going to want to look for something that is permanent, voluntary and gives them these kinds of benefits.

The other thing I want to point out is that in this bill we also repair a lot of the reimbursements to Medicare, hospitals and doctors and nurses and teaching facilities, not 100 percent yet because we still have some work to do to do total repair, but we repair some of those reimbursement concerns and we make sure that the doctors in fact get a positive reimbursement in the years ahead and that nurses and hospitals get positive reimbursements to make sure that Medicare is always available in all the communities of America.

The last thing we want to see is some community lose its Medicare providers because we failed to take care of some of the reimbursement concerns and the cliffs and the walls that some of these providers are about to hit. And so this bill addresses, within the confines of the dollars available to us in the budget, this drug benefit program but also the needs of the provider community to make sure that, in fact, doctors and nurses and hospitals are still available to carry out ordinary Medicare services to folks like my mom and to folks like your seniors in your community.

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Last of all, in the bill we obviously want to make sure that the Medicare+Choice programs that have been available and are still available as an option to seniors in this great country are still available. So we help make sure we stabilize those programs within this bill.

In other words, we want to make sure that seniors have as many options as possible, options in Medicare+Choice, where it is available, and hopefully stabilize it so it continues to be available; secondly, options to continue to receive health care through Medicare at the hospitals and clinics, through the nurses and doctors and providers of our Medicare system; and, most importantly, to add this important new drug benefit option to seniors.

Now, can we get it done? You betcha. Can we get it done this year, pass it into law this year? Yes, we can. This is doable. This is not a program that ends in 5 years, as the other body would provide. It is not a program that goes over our budget. It is within our budget, and it is doable.

We pass it on this floor next week, and the other body has all the time in the world to get their act together and meet us in a conference and make it happen this year for the seniors of America.

Listen, this is not a benefit that can wait. Seniors are desperate for some help in their drug coverage. Seniors are desperate for us to pass this into law, and we have got our chance next week.

I want to thank the gentleman and all the Members of the Committee on Energy and Commerce who began the markup process today and are going to work with me through the next 3 days to make sure we produce a product that this House can act on next week, one we can get done and finished so the Senate can move and we can eventually sign this important new addition to Medicare into law.

I thank the gentleman for his sterling work on the Committee on Energy and Commerce and for calling this special order tonight.

Mr. FLETCHER. I thank the gentleman from Louisiana (Chairman TAUZIN). It is certainly a privilege to serve with the gentleman. Again, I want to thank the gentleman for the endless hours that he has put into it, him and his staff and the other members on the committee, to put together this bill. It is the culmination of several years' work.

We have improved on the bill we passed a year-and-a-half or 2 years ago. We made some tremendous improvements, as the gentleman stated. That is why it is estimated that 93 to 97 percent of the seniors would find this plan so attractive that they would take advantage of it, just as the gentleman's mother said.

Let me thank the gentleman also for his leadership. The Committee on Energy and Commerce has historically taken a very strong leadership role in health care, and the gentleman has continued not only that, but enhancing that leadership role, and it is a privilege to serve with the gentleman. I thank him for coming and sharing the time with us this evening.

As we continue to look at this, the chairman of the Committee on Energy and Commerce mentioned that we set aside $350 billion, and yet the Democrats, the minority party, did not offer any particular number for a budget. They did not offer any kind of plan to set aside any money at all for prescription drugs for our seniors. Yet they are beginning to roll out a plan that will probably spend between $800 billion over 10 years to $1.2 trillion.

They offered no plan to pay for that. They have not said whether they are going to cut education, national security or homeland security. Are they going to cut health care benefits to other individuals? Where are they going to get the money? Or are they going to offer an accompanying tax increase bill, because that is what they are talking about. They constantly talk about the fact of the tax relief that we passed for the American people.

So it would only make sense if they are offering a bill that rings up deficits as far as the eye can see, they would have to offer either some offsets in education, health care, national defense, homeland security, something to offset that, or offer a tax increase. I just do not see that happening.

I am additionally glad to have the gentlewoman from Pennsylvania, around the Pittsburgh area, with us also. She was here the other evening and shared some time. She has taken a leadership role on this. I know she has a lot of seniors in her district that she is very close to and concerned about. The gentlewoman from Pennsylvania (Ms. HART), we are glad to have you here this night. I yield to the gentlewoman.

Ms. HART. Mr. Speaker, I thank the gentleman from Kentucky (Mr. FLETCHER) for spending time on this issue.

People around the country are learning what our plan is all about. They are beginning to understand that we are responding to the concerns they have discussed with us, our principles: that we lower the cost of prescription drugs for every senior; that we guarantee that the prescription drug coverage will be available to them under the Medicare plan they are so used to receiving their health care through; that we improve Medicare, the whole plan, with more choices for them and more savings for them; and also that down the road Medicare will still be there, that we make sure we strengthen it for the future.

But the prescription drug issue is one that is new to Medicare, and it is one that as I know in the gentleman from Kentucky (Mr. FLETCHER) traveling in his district and those of us who have had an opportunity to speak today have all experienced the discussions with our constituents about this issue.

I am from Pennsylvania, where we actually currently have a State prescription drug plan. It is a very good plan, but it does not cover every senior. The concerns that I heard while I served in the State senate before I came here to Washington included the concerns that said, "You know, I am a senior citizen. I am not poor, but my prescription drug costs are so high that they are making us poor." It is couples that basically were very comfortable until one of them was stricken with a more serious illness and was hospitalized, and then went out of the hospital to maintain his or her health and found that the cost of $1,000 a month or so was going to break them. It is something that was not really helped by the State of Pennsylvania's PACE program, because it is strictly a benefit available only to people who qualify by income.

I think it is important that we note that. Although Pennsylvania's plan has helped a lot of folks and continues to help a lot of folks, our plan is more comprehensive.

I recently held a roundtable discussion at home, and a gentleman who was with us that day talked to us about the maintenance and the prescription drugs that his wife needed to take for an ailment that she had and how they were making the choices that you do not want anyone to say they are making between some level of sustenance and the prescription drugs they needed to keep their health. It was clear to me that no matter whether a person in our roundtable was someone with very low income or someone with more moderate or higher means, that they believed that the Medicare system should certainly address the issue of prescription drugs. That is why we have gone in that direction. It is important for us to do that.

People have come to rely on Medicare as their health coverage once they reach retirement. It is something that gives them peace of mind. They know they will be taken care of if they go to the hospital, if they see their doctor. Those issues that take a little bit of that concern away from them also, I think, help with their health. Unfortunately, now the worry that many of them have faced as a result of not knowing how to pay for their prescription drugs has caused a lot more problems for them.

Our plan will make sure that that worry goes away. It provides 100 percent coverage for low-income seniors and a small premium for coverage for higher-income seniors. The whole point is to make sure that people know they will be taken care of.

Our roundtable discussion gave me the opportunity to talk to the senior citizens in my district about what they really want to see. They said they like the idea we will make the coverage available to everyone, but please do not force them to avail themselves of that coverage, because if they have a good pension, and a lot of people in my district are doing okay, have a decent pension from their retirement that gives them some drug coverage, and they like what they have, they want to keep it. So it is a voluntary plan. That is one of the other important things. We do not force anybody into a plan they are not interested in being part of, but it is available to everyone. So that is the key.

The group wanted to know if it would cover every senior, not just the low-income seniors that were covered under Pennsylvania's current plan. I said, of course. The plan was to look at what was working well in the States that have those kinds of plans, but beef them up with other coverage for those who may not be covered by some of the States that have plans, like ours. It is called the PACE program. Like I said earlier, it is based on income only.

As you see, if you have a certain low level of income, under our Medicare prescription drug coverage plan, you will be covered for free. It will be very similar to our program at home. But what is better about the Medicare drug coverage plan that we have, that the Republicans have proposed, is that it does not stop here. It would provide prescription drug coverage for those who are higher income so that part of their costs would be covered.

I think the average senior citizen, some statistics we found show that the average senior who pays $2,100 in prescription drugs would save over 50 percent under our plan. That is a lot of money. All the seniors I met with urged me to ensure that those coverages would be available. They also said they wanted to make sure that if someone has extremely high costs, that they will be helped as well, even if they have a higher income. Like I said, it is available to every senior.

Our plan addresses people who are in a dire financial situation, and it does not force them to make a choice between sustenance, between food and their prescription drugs; between paying the rent or paying that mortgage, if they still have one; or other expenses and prescription drugs. They should not have to make that choice. These are a lot of the World War II generation, people who have served their communities all their lives. The least we can do now is to provide them with really what is an updated Medicare coverage.

It is a good plan. It is voluntary. It reduces costs for every senior. Prescription drugs are what people need as they age and they face illnesses to keep them healthy and out of the hospital. Our goal is to try to keep people as healthy as possible, so our Medicare prescription drug coverage is certainly something that is going to help them, keep them healthy and active, as they are today, so many seniors.

If we can keep them healthy and active, in the long run Medicare is going to save money, because they will be out and working and being active and out of the hospital, which is the key. I think it will be better for them, their families, and obviously for their peace of mind.

I thank the gentleman for allowing me to be part of tonight's discussion.

Mr. FLETCHER. Mr. Speaker, we appreciate the gentlewoman's leadership role and her coming.

As the gentlewoman was talking about those low-income seniors, I was reminded of a senior that I talked to. It was a group of seniors, but one of the individuals from a senior citizens center came up and talked to me who managed it. He said there was a gentleman in that center, and that the first half of the month he was just a perfect gentleman in every way. The last half of the month, however, his countenance and behavior changed substantially. When they really investigated, it was because he was a low-income senior, fixed income, and could only take his medicine for half a month. That is all he could afford.

So this plan is doable. It is not a pie-in-the-sky plan that we see the minority offering. That pie-in-the-sky plan would actually keep us from passing this bill as we pass it if the Senate does not take it up. Yet this would provide for that gentleman I am talking about, for the seniors the gentlewoman has alluded to and talked about specifically. It would provide 100 percent coverage for these low-income seniors. It would prevent that gentleman I was talking about from having that terrible experience of having to just take half a month of his medications and then have the consequences of that.

So I thank the gentlewoman for joining me.

Ms. HART. Mr. Speaker, if the gentleman will yield further, I was going to add to that that his physician would have sat him down and told him exactly what he needed to do to maintain his health. He probably has every intention of doing that. All we need to do is help him do it, because he is perfectly willing, I am sure, to take the medications that he needs to maintain his health. We just need to give him the wherewithal to get those medications.

Mr. FLETCHER. Absolutely. One of the things I find out with these seniors in my experience, in practicing medicine with some of these seniors, they are very proud people. They are not used to having to come up and saying, I cannot afford this for the rest of the month, because they worked very hard. We put them in a very awkward position, and so it is very difficult for them to come.

With this kind of plan, it would be within Medicare. Just like the plan they receive now, it would be something that is an entitlement, they earned this, and it would prevent that from happening.

The gentlewoman is absolutely right. We appreciate her being here. I know the people of Pennsylvania are very proud to have her represent them.

Next as we continue this discussion, I want to just say as we look at Medicare, it was established in 1965. The next gentleman has not been here that long, but he has been here longer than I have, and he is a very distinguished member of the Committee on Energy and Commerce. He represents southern Illinois, and in his new district actually he will be bordering my home State of Kentucky.

I yield to the gentleman from Illinois (Mr. SHIMKUS). We are glad to have him here tonight. We appreciate his leadership on the Committee on Energy and Commerce, as well as his leadership on the prescription drug effort and this bill and being with us here this evening.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman. It is an honor to have the gentleman on the Committee on Energy and Commerce, and his expertise helps us move important health care legislation.

Mr. Speaker, we do have the best health care in the world, but it has problems, and it has challenges. Really one of the most frustrating things for me is to try to address how the Federal Government is a good or bad partner in all the different aspects of health care.

A lot of my colleagues have spent a lot of time talking about the prescription drug benefits in this plan, but there are some other benefits in this package that I also want to make sure that we highlight and address.

One is, of course, a little self-serving, is my own piece of legislation, H.R. 4013, which we are going to include, the Rare Diseases Act. Being the sponsor of the bill, it encourages better treatment, better diagnostic procedures and cures for large numbers of rare diseases and disorders.

□ 1745

These are diseases that are very catastrophic to the individual; but in terms of the number of population, it is based upon a large population of the country, it is a very small percentage. So there are great challenges, and people who want to try to invest to find a cure, since the population is so small, we have to really encourage people to do the research and the development, and we have to encourage them to try to find the new medicines to help do that.

Although each of these illnesses affects less than 200,000 people, a total of 25 million Americans, one in nine, today suffer from at least one of the 6,000 known rare diseases. A lot of the familiar ones that we have heard about, Lou Gehrig's disease is one of these diseases, Tourette syndrome is another one, that if not included in this provision, would probably get left out, and then we would not have the incentive to help this segment of the population that are afflicted by some of these terrible diseases.

So that is why I am excited about the markups that are occurring in actually two committees, our committee and the Committee on Ways and Means. They are very similar, I think there will be some differences, but we will work them out when we bring that bill to the floor.

But I also appreciate the fact that our bill meets the budgetary guidelines, and that is no small task. We pass a budget, we fight over the budget, that fight is over. We pass it on the floor, and then we have that slice of the financial pie to be able to address a prescription drug issue and some reform provisions. It is no small task, and I applaud the leadership on both sides, from the Committee on the Budget to the chairman, for making that happen.

Again, the other thing that I wanted to highlight real quickly are some of the other provisions in here that are very, very beneficial, especially to rural and small communities throughout southern Illinois. All people who deliver those services, all hospitals will see increasing payments in 2003 for hospitals by reducing the market basket, inflation adjustment rate.

Sole community hospitals will increase payments in 2003 for rural hospitals by the full market basket resulting in a 3.3 percent increase.

There is a lot of terminology here. I come from the military, from an Army background; and we had acronyms out of the world. So one we see here is the DSH payments, which stands for disproportionate share. This bill will increase the DSH payments for rural and small hospitals in urban areas by increasing the cap from 5.7 to 10 percent over 5 years beginning next year. It addresses an issue of critical access hospitals wherein it reinstates special cash-flow provisions, fixes special physician payment adjustments; and we can see the complexity of health care in here when we have all of these specific areas that we are trying to fix with this legislation. The legislation imposes flexibility in the size requirement as defined by the number of beds, and reauthorizes rural flexibility grants.

Home health. It benefits home health care, which is a major provider of something we believe in and that has really taken a beating since 1997.

It also increases hospice care. As an individual, and as many families have concerns when someone is dying in the family and hospice comes. It is a great service. We need to help that service. It is a great way to ease someone into that next transition from this life to the next by having care and concern at home, and hospice gets reinforced financially.

It helps direct graduate medical education. It helps teaching hospitals in rural areas and in small cities to receive additional direct graduate medical education assistance.

In studies of geographic adjustment for physicians, there is a differential in payments for physicians. This will help to quantify and qualify for that.

It addresses ambulance transportation. I have a great aunt on my wife's side who had to be moved. Some of the movement was funded, some of it had to be paid out-of-pocket, and the out-of-pocket was not a very good way to be transported 50 miles.

The last thing was indirect medical education. There is an increase of 5.5 percent in 2003 and 6 percent in 2004.

Mr. Speaker, a lot of my colleagues have come to the floor and talked about the benefits of people having access to prescription drugs. Illinois has a pretty good program too for the poor. This will help build on that. But there are other provisions in this bill that as we get the bill through the committee and as we work with the Committee on Ways and Means and we get it on the floor, if we stay within the budget guidelines, not only can we provide seniors with some hope for the future of some assistance with their prescription drug costs, but we can really start addressing some of the catastrophic concerns that have evolved based upon the funding mechanisms for rural and poor hospitals.

That is why I am pleased to come down to the floor and speak in support of this bill.

Mr. FLETCHER. Mr. Speaker, I want to thank the gentleman for coming and sharing. He brought out a lot of the other details of this bill which are very, very important. We can provide all of the health care out there, but if there are no providers that are willing to participate in this program, the seniors would have no access to health care. This makes some very important corrections, as the gentleman mentioned, for rural hospitals, physicians, hospice, home health, those things that ensure that not only do we have this coverage for prescription drugs, but that we have providers that will participate fully so that seniors will have full access to the health care they need.

The gentleman mentioned the rare diseases, and something I think is a moral obligation, and I want to thank the gentleman for taking the leadership. It is not a large number of people, but if you have ever known a family or been in a family or had a family member that is afflicted with one of these diseases, it has a tremendous impact. I want to thank the gentleman for all of his work and leadership on that. We are glad to see that.

I wanted to ask the gentleman a question. We have the gentleman from Illinois (Mr. KIRK) here, and I know Kentucky has shortfalls in Medicaid. We have $700 million shortfalls, and that is similar to a lot of the States around. This provides, for those that are dual-eligible for Medicare and Medicaid, it helps buy out those transitions for 10 years and saves the States $40 billion, which is tremendously needed in Kentucky, and I know the gentleman mentioned that, and I would like to give the gentleman an opportunity if he would like to speak to that point.

Mr. SHIMKUS. Mr. Speaker, we have been working with the State government in sharing what information we have about the bill being presented, and they are very excited about it, not just because of that provision, but also because of the assistance with the prescription drugs. The States are in financial crisis. Illinois, I think, had a $1.2 billion shortfall which they have been wrangling with now for months, and they have had to make some tough decisions. We, through this legislation, will be able to help bring more flexibility and more support for rural health care.

Health care in America again is a very frustrating thing, if one is really following the dollars and cents. I think the only way we survive is through partnering, through working with local community hospitals. There is a lot of hospitals that are writing off millions of dollars of uncompensated care. And they are providing a great public service. Maybe not just a public service, maybe a lot of them are religious affiliated hospitals and that is part of their mission, but they are still writing it off and they are real dollars. So by working with the State and the Federal Government partnering, by working with community hospitals, whether they are tax-supported or faith-based organizations, we can continue to provide the care that this country expects us to provide, not just for those of us who are employed and have good plans, but for those who are less fortunate or are retirees or are those who are in transition away from work at this time.

Again, I thank the gentleman for the time, and I think the State will be very excited to get this bill out of committee and on to the floor. The gentleman from Illinois (Mr. KIRK) may make some comments about how the State of Illinois will also benefit.

Mr. FLETCHER. Mr. Speaker, I thank the gentleman. I yield to the gentleman from Illinois (Mr. KIRK). We thank him for his leadership and the experience that he has brought, not only to this issue, but to Congress in general in his work in the past, representing the suburbs of Chicago. We thank the gentleman for coming and joining us this evening.

Mr. KIRK. Mr. Speaker, I thank the gentleman. I am absolutely in awe of the gentleman's work product and what the gentleman has done. I want to help the gentleman in every way possible.

Mr. Speaker, when Medicare was established in 1965, prescription drugs given outside the hospital did very little. Republicans and Democrats both left it out of a Medicare program. Today, prescription drugs given outside of the hospital carry much of the load in medical care. Republicans and Democrats agree on a bipartisan basis that it is time to add prescription drugs to Medicare for needy seniors. Many States, such as my own home State of Illinois, already have done so; but it is time for the Federal Government to do its part.

The real difference between the two parties, Mr. Speaker, is one of cost. The minority's plan would create an open-ended, unlimited program to subsidize even very wealthy seniors who are ready to take part and already have a prescription drug plan. Costs would skyrocket, dipping into Social Security and limiting funding to restore our national security. The minority's price tag for their plan could exceed $800 billion. Do we sacrifice homeland security or national defense or Social Security or education to pay for their plan?

Last year, in a nonelection year, most minority members voted for a prescription drug plan that cost $325 billion over 10 years. Now, in an election year, the number has nearly tripled. But if we are to adopt a plan which costs so much, eventually, we will have to break a promise made to seniors.

The majority plan cares for needy seniors without putting financial pressure on Social Security or denying the needs of our men and women in uniform in Afghanistan's front lines. Our plan is balanced. It protects needy seniors and does not break the bank.

I just want to close by saying that by not breaking the bank, our plan means that a promise made to America's seniors is a promise that will be kept, and we need to design a plan we can afford to keep so that seniors can count on this.

I applaud the leadership of the gentleman on this, and I thank him for all he has done to bring this plan before the House of Representatives.

Mr. FLETCHER. Mr. Speaker, I thank the gentleman. I think he has made some very good points, points that are new and the first time they have been made here tonight, and that is, if the plan previously was enough, not only in an election year, how are they going to pay for that? Particularly the part about an open-ended entitlement for wealthy seniors that would actually end up bankrupting Medicare and threaten it in the future.

One of the things that really concerns me is that if we look at the Democrats' plan, $800 billion to $1.2 trillion over 10 years, the estimated cost of that. Now, where are they going to get that? Are they going to get it from education, national defense, homeland security? Are they going to have to raise taxes? What we have under their plan is that they would have to raise taxes on our hard-working people. These are our teachers, these are the folks that are working in the kitchen. These are folks that are just barely making it by, new families that are trying to ensure that they can buy their first home. We will be taking from them, and we will be supporting the prescription drugs totally for folks like Ross Perot.

I think the gentleman pointed out a real moral dilemma and a real moral shortfall in their plan, so I thank the gentleman for coming tonight.

Mr. KIRK. Mr. Speaker, if the gentleman will yield, I would just say that it is important to note seniors will count on the commitment that we are making. So it is important that the commitment that we make is one that we can keep. By designing an affordable plan, we will be there for seniors in the future.

Many seniors remember when the Congress created a catastrophic health care plan and then revoked it just a short time later, so that the promise made was not a promise kept. The gentleman and I both want to care for seniors, and we both want to make sure that their house cannot be taken away because they have been bankrupted through prescription drug costs. Our plan does that. But we do not want to design a plan which some future Congress cannot afford to pay for, with all of the other demands.

America's seniors, more than any other generation, knows that there is a war on, and that we have to make a responsible commitment that we can afford to keep. That is why I applaud the direction that the gentleman is going in here with this plan; because under this plan, we will make commitments to seniors and we will be able to afford to keep them.

Mr. FLETCHER. Mr. Speaker, again, I thank the gentleman, and I thank him for the good representation for the folks from Illinois there.

I have here a list. The gentleman mentioned that previously the Democrats had supported this bill.

□ 1800

Let me read off just a few names of Democrats in a nonelection year who voted not for $350 billion, but had voted for less, $303 billion, and they thought that was very adequate, very good for prescription drugs. Now these same people say that $350 billion is not adequate. Maybe it has to do with the fact that this is an election year.

Let me read some of the names: the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Michigan (Mr. DINGELL), the gentleman from Michigan (Mr. BONIOR), the gentlewoman from California (Ms. PELOSI), and the gentleman from California (Mr. STARK). These are Members that we will hear talk about this $350 billion not being enough. Why? I think clearly we see that they want to make a political statement in an election year.

Our plan, again, is very doable, very reasonable. The real dilemma here that we have in America is that no senior should have to choose between food and medicine. I think any of us who have been out to our senior citizen centers, those who have practiced medicine, have seen that dilemma.

Now, in practicing medicine, we try to give samples, and pharmaceutical companies have certainly given away free medication. But we have a plan here that will make sure that this is not the order of the day in America; that we will eliminate this dilemma by providing coverage to those seniors who are having to make that choice now.

We have gone over some of the principles:

One, it is a voluntary plan; very important. Members have heard that 93 to 97 percent of seniors will take advantage of this because this plan is so attractive.

It provides choice; it is a voluntary plan. This is unlike the Democrats' plan, the minority plan, which provides one single formula. Now imagine that. That means a bureaucrat is going to be managing every single pharmaceutical drug that one can have in their medicine cabinet. That means we politicize every single new product that comes out that is produced.

Of all the wonderful medications that we have had, and that is the reason we have this problem with rising costs is because we have had tremendous technological advances in pharmaceutical agents, imagine every one of those agents being politicized to the point of deciding are we going to add this to the formulary or not.

We would have the House of Representatives and the Senate and bureaucrats micromanaging this sort of thing when it really needs to be out there where patients and seniors have a choice between plans, and how they choose the plans will drive what medications are on those plans. That is why choice is extremely important.

This plan guarantees every senior will have at least two choices; at least two, minimum. We anticipate they will have more than that.

It is a guaranteed plan. It is not something we put up and say, we can afford this very large plan for a few years, and then we are going to have to sunset it. That is like putting a chair out and asking the senior to have a seat, and then right at the time they begin to sit down, we pull it right out from under them. We do not think that is responsible, and it is not something we could even fathom doing to our senior citizens. So this is a guaranteed entitlement that will go on and extend.

It also provides immediate savings. The CBO has estimated in the past it will provide up to 30 percent. We do not know exactly what the number is, but we do know it will provide immediate relief. That is now for seniors as they walk in.

If we have an employer-based insurance plan, we walk in and get a reduction on our pharmaceutical drugs, but seniors do not. They pay sometimes up to 25 percent more. That is not fair. By the power of negotiating, we can reduce that and give them savings immediately.

It also provides catastrophic coverage. Anybody who has out-of-pocket expenses of over $4,500 will get those expenses fully covered. What does this prevent? It prevents individuals from having to bankrupt themselves and spend a lifetime of savings due to runaway drug costs. This is a protection we find when we talk to seniors that most of them, and overwhelmingly the majority of them, desire.

So this lowers drug costs now, and guarantees all seniors will have coverage under Medicare. It is under Medicare. It will improve Medicare with more choices and more savings. We talked about the provider changes, the hospital changes, and some of the other changes.

We did not talk a lot about the Medicare+Choice, which has about 5 million Americans participating in that plan. We want to make sure they continue to have the coverage they have, and it will strengthen Medicare for the future.

We talked about, for those low-income individuals, about those making $17,910 for couples or $13,290 for singles, this will fully cover their expenses, so we will have no low-income seniors or seniors on fixed incomes having to decide between food and medicine.

There are a couple of other charts I would like to get here. Let me say, who thinks that $350 billion is enough for Medicare? One, the House Democrats thought that. On the Spratt amendment, the gentleman from South Carolina (Mr. SPRATT) offered House amendment No. 21 to the fiscal year 2002 budget resolution which said $350 billion is enough. Now, again, they have changed their tune on that. The tripartisan Senate group June 7, 2002, said in Congress Daily $350 billion is adequate.

Next, I talked about the expenditures: What is reasonable, what is doable. The House Democrats triple Medicare spending in just 1 year. If we look, it goes from 400- to over $1.2 trillion in 1 year.

Now, they talk about tax breaks, and they do a lot of talking about the tax relief bill that we gave, yet when we look at that, many of the Democrats voted for that tax relief bill. Now they are talking about the fact that our prescription drug bill is not affordable because of the tax relief we gave to the American people.

They are offering a bill that triples the expenditures of Medicare. They talk about, with class warfare as part of their discussion, that we are not able to afford that because we gave some tax relief to the hard-working Americans.

Well, I would like for them to step up and say how are they going to pay for this triple expenditure that they have, and is it doable? There are some on the Senate side who have offered a bill and sunset it after a few years because they know they cannot afford it, particularly in the outlying years. Again, that is not, I think, a morally reasonable thing and a doable thing that we can enact here. We need to enact a bill that is responsible and doable.

Next, let me point again to tell Members that the Senate Democrat plan expires in 2010. We see an expiration. Ours is a continuing entitlement that will be for seniors from now on. It is a responsible way of doing a bill and will continue to provide those benefits that we have talked about.

Who supports this bill? We could go through: the 60 Plus Association, the Alliance to Improve Medicare, the ALS Association, the American Academy of Dermatology Association. We could go right on down and look at number of associations. The Kidney Cancer Association, the Health Association of New York State. Florida AIDS Action sponsors this and supports this bill. There is the Society for Thoracic Surgeons, United Seniors Association, the Visiting Nurses Associates. We also have American Urological, American Association of Cataract and Refractive Surgery.

What we have is an overwhelming number of the providers that are actually taking care of patients and seniors, groups that actually are speaking on behalf of seniors who support this bill.

In conclusion, let me say that this bill is a very responsible bill. Again, I want to thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Florida (Mr. BILIRAKIS) for their work. The Committee on Energy and Commerce will be beginning to mark up a bill tomorrow to provide a Medicare prescription drug benefit for every senior in America.

I want to close out. I appreciate the opportunity to speak this evening on this very important subject. I feel very hopeful that we can get this passed and pass it on to the next body to take it up, and pass this bill for the seniors across America.

FY 2003 FUNDING TO PAKISTAN

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to raise my concerns regarding U.S. financial assistance to Pakistan.

Mr. Speaker, I understand that after September 11, the U.S. needed to coordinate with President Musharraf because of Pakistan's proximity to Afghanistan. Although the U.S. worked with Musharraf in the war on terrorism, I was skeptical, and I still remain skeptical, that Musharraf could fight both global terrorism and local terrorism by Islamic fundamentalists that still takes place in Kashmir and India.

It is now clear that Musharraf's promises to crack down on terrorists at the line of control in Kashmir and to crack down on terrorist camps and schools in Pakistan were just promises that went unfulfilled. When a leader says he will crack down on terrorism, but in the same breath make statements like, "Kashmir runs in our blood," or will refer to terrorists as freedom fighters, that should be evidence enough that he is not truthful with regard to terrorism.

Regardless of his empty promises on fighting terrorism in Kashmir, and despite his lies about holding democratic elections, the U.S. in fiscal year 2002 allocated hundreds of millions of dollars to Pakistan in both economic and military aid. The U.S. provided $600 million in economic assistance in fiscal year 2002, $73 million for border security, $75 million in FMF in the supplemental, and $50 million in military assistance.

In addition, the recently passed supplemental contained $40 million for Pakistan, and an additional $250 million is being sought by the administration for economic development and assistance.

I agree that Pakistan is in dire need of economic and humanitarian assistance, but I strongly objected to the military assistance provided to Pakistan by the U.S., especially considering the fact that Pakistan was not and still is not a democracy.

Mr. Speaker, I think it is important for us to evaluate the situation in Pakistan before setting aside further money in fiscal year 2003 for economic aid to Pakistan, and certainly for military assistance to Pakistan. The atmosphere post-September 11 was different, and it was appropriate for the U.S. to provide aid to Pakistan since Musharraf was helpful to the U.S. in fighting the Taliban.

At this point in time, however, the violence in Kashmir has escalated, and the overall situation of terrorism in Kashmir and throughout India charges Musharraf with the responsibility once and for all to stop infiltration at the border in Kashmir and to eliminate terrorist training camps and schools.

With violence against civilians in Kashmir taking place on a nearly daily basis, and with nearly 1 million troops lined up along the Pakistan and Indian border, Musharraf has no choice but to keep his promise of stopping infiltration of Islamic fundamentalists who now claim "Kashmir Jihad" from entering Kashmir. I do not think it is appropriate for the U.S. to provide any further aid to Pakistan if this promise is not kept.

In addition, Musharraf needs to go further than stopping infiltration. He must eradicate the training camps and schools operating in Pakistan. These schools breed terrorists, and in order to permanently end terrorism in Kashmir, Musharraf must go to the heart of the problem and put an end to the breeding of terrorism at these training camps.

In addition, there must be some system for ensuring that Pakistan is accountable for the money that is allocated by the U.S. We should demand evidence that although economic aid may be going to schools and other social projects, that the investment is not then freeing up money that is reallocated towards weapons for Islamic militants and resources at terrorist training camps.

Mr. Speaker, I am so concerned about the U.S. providing further funds to

Pakistan without Musharraf holding his word that I am planning on sending a word to the foreign ops appropriators to apprise them of the current situation and to encourage them to provide economic aid to Pakistan only on the condition that Musharraf does, in fact, take concrete steps to alleviate terrorism in Kashmir and to eliminate terrorist training camps.

In addition, I would like to note that I plan to encourage the appropriators to steer clear of providing any military aid to Pakistan, regardless of the progress Musharraf makes on terrorism prevention.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4560. An act to eliminate the deadline for spectrum auctions of spectrum previously allocated to television broadcasting.

TRADE, TRADE POLICY IN THE UNITED STATES, AND AMERICA'S RECORD TRADE DEFICITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 60 minutes.

Mr. DEFAZIO. Mr. Speaker, I scheduled this time to come to the floor tonight and talk about the issue of trade, trade policy in the United States, and our record trade deficits, the impact on the economy, and in the future.

Before I engage in that, I could not resist. I had to sit through a good part of the previous hour, and I would like to comment upon a number of the points made by the gentlemen before me on the issue of prescription drug coverage.

First off, they said it has a fiscally huge cost, the Democratic alternative. It would cost $800 billion. Guess what: That is the cost of the estate tax which they tried to permanently repeal last week over 10 years, $800 billion. So we could have a trade-off. We could have a very meaningful, substantial prescription drug benefit for every American eligible for Medicare, or we could give back $800 billion to the wealthiest of the wealthy in this country.

Even if we adopted the alternative, which I supported, which would have given a $6 million exemption, I think $6 million is quite enough tax free, we could have saved half that money, $400 billion. So if we matched it to the $350 billion, we could again have had a more generous plan.

Mr. Speaker, also, there is a glaring deficiency. In fact, I am a bit critical of the Democrat proposal, also, because neither bill takes on the immensely powerful and wealthy pharmaceutical industry head on. Americans are paying 40 to 80 percent more than citizens of other highly industrialized, developed nations. Our neighbors in Canada pay about half what we do for drugs manufactured in the U.S. by U.S. firms; Mexico even less. The European countries all pay less.

□ 1815

The Republican bill would do nothing to control these outrageous costs, which means we are not going to get much of a benefit. If we do not crank down the obvious costs of pharmaceuticals, we are not going to get much of a benefit. We could spend the entire Federal budget within a few years, and we would not get much of a benefit. We have got to do something about the runaway pharmaceutical costs, but I do not think there is a lot of will on that side. Tomorrow night's $25 million Washington, D.C. fundraiser for the Republicans in the House and the Senate, the lead fundraiser is the head of GlaxoSmithKline, a large pharmaceutical company, one of the largest in the world, J.P. Garnier would not want to upset him too much when he is out raising money.

Now they say, well, the rising costs are because of advances in new drugs. Actually, if one lifts up the covers and looks underneath where they are spending their money, the pharmaceutical companies are spending more money on their CEO salaries, administration, and advertising than they are on research. In fact, all their blockbuster drugs for profits are makeovers of drugs they invented 20 years ago. Clarinex, that is Claritin with a tiny molecular change so they can continue it under patent, so they can continue to charge 10 times as much per dose as the one that finally, after fighting in court, after trying to buy up other pharmaceutical companies that are going to provide a generic, after trying to get legislation through Congress, knock through a number of bills to continue their monopoly on Claritin, they finally developed another dodge which is get the doctors to prescribe this new drug which is not any different but has a different name and they can charge ten times as much for it. So if we do not deal with the costs, we cannot have a meaningful prescription drug benefit. But I see no will on that side of the aisle to deal with that issue.

Back to trade, let us talk a bit about trade. Later this week perhaps or next week, the House will take up at least perhaps an extraordinary proposal by the gentleman from California (Mr. THOMAS) of the Committee on Ways and Means to adopt an arcane procedure called a self-executing rule on a motion to go to conference. Why is that? Because they are trying to help push through this fast track bill for President Bush. I opposed fast track authority for President Bush the First. I opposed fast track authority for President Clinton, and I oppose fast track authority for President Bush today. This is a bad idea. The United States Congress gives up all of its authority to amend, modify, or meaningfully review these trade agreements and instead says they will be adopted with an up or down vote only, no amendments allowed. Why would we do that? We would do that because these are really bad deals for the American people. That is why we would do that.

The WTO, which I opposed, the GATT, that was a really bad deal for the American people, done through a fast track process. The NAFTA, total disaster. We are running over a $40 billion trade deficit with Mexico. That was done on one of these fast track deals. But what they said was, oh, Congressman, you cannot mean you want to vote to amend that. Well, in fact, first of all, you cannot vote to amend it, and, why, if you voted to amend it, the other countries who are agreeing to this might get upset.

Come on. They want access to our markets. Reasonable amendments to deal with labor and the environment, consumers, those things would not be a problem in these trade agreements, but they want to keep those things out because the real people who dictate the trade agreements are multinational corporations who have had a direct pipeline to the last four Presidents of the United States, Reagan, Bush I, Clinton, and Bush II. They are virtually identical in their position on trade.

Is our trade policy working so well that we should rubber-stamp it yet one more time? That is what this House of Representatives will be asked to do, rubber-stamp one more round of fast track for the free trade of the Americas. Let us bring in all of the nations into the western hemisphere, into this wonderful construct that we have under NAFTA. Would that not be peachy? Maybe we can get cheaper labor in Bolivia than we can in Mexico because some people are demanding as much as a dollar an hour down there in Mexico now, Bolivia and Argentina. They might be more desperate. Maybe they could take more American jobs at a lower price than the Mexicans.

I am about to be interrupted again, but I will certainly be happy to yield or suspend for the purposes of a unanimous consent request on the part of the gentleman from Louisiana (Mr. TAUZIN).

AUCTION REFORM ACT OF 2002

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4560) to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Auction Reform Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Circumstances in the telecommunications market have changed dramatically since the auctioning of spectrum in the 700 megahertz band was originally mandated by Congress in 1997, raising serious questions as to whether the original deadlines, or the subsequent revision of the deadlines, are consistent with sound telecommunications policy and spectrum management principles.

(2) No comprehensive plan yet exists for allocating additional spectrum for third-generation wireless and other advanced communications services. The Federal Communications Commission should have the flexibility to auction frequencies in the 700 megahertz band for such purposes.

(3) The study being conducted by the National Telecommunications and Information Administration in consultation with the Department of Defense to determine whether the Department of Defense can share or relinquish additional spectrum for third generation wireless and other advanced communications services will not be completed until after the June 19th auction date for the upper 700 megahertz band, and long after the applications must be filed to participate in the auction, thereby creating further uncertainty as to whether the frequencies in the 700 megahertz band will be put to their highest and best use for the benefit of consumers.

(4) The Federal Communications Commission is also in the process of determining how to resolve the interference problems that exist in the 800 megahertz band, especially for public safety. One option being considered for the 800 megahertz band would involve the 700 megahertz band. The Commission should not hold the 700 megahertz auction before the 800 megahertz interference issues are resolved or a tenable plan has been conceived.

(5) The 700 megahertz band is currently occupied by television broadcasters, and will be so until the transfer to digital television is completed. This situation creates a tremendous amount of uncertainty concerning when the spectrum will be available and reduces the value placed on the spectrum by potential bidders. The encumbrance of the 700 megahertz band reduces both the amount of money that the auction would be likely to produce and the probability that the spectrum would be purchased by the entities that valued the spectrum the most and would put the spectrum to its most productive use.

(6) The Commission's rules governing voluntary mechanisms for vacating the 700 megahertz band by broadcast stations—

(A) produced no certainty that the band would be available for advanced mobile communications services, public safety operations, or other wireless services any earlier than the existing statutory framework provides; and

(B) should advance the transition of digital television and must not result in the unjust enrichment of any incumbent licensee.

SEC. 3. ELIMINATION OF STATUTORY DEADLINES FOR SPECTRUM AUCTIONS.

(a) FCC TO DETERMINE TIMING OF AUCTIONS.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following new paragraph:

"(15) COMMISSION TO DETERMINE TIMING OF AUCTIONS.—

"(A) COMMISSION AUTHORITY.—Subject to the provisions of this subsection (including paragraph (11)), but notwithstanding any other provision of law, the Commission shall determine the timing of and deadlines for the conduct of competitive bidding under this subsection, including the timing of and deadlines for qualifying for bidding; conducting auctions; collecting, depositing, and reporting revenues; and completing licensing processes and assigning licenses.

"(B) TERMINATION OF PORTIONS OF AUCTIONS 31 AND 44.—Except as provided in subparagraph (C), the Commission shall not commence or conduct auctions 31 and 44 on June 19, 2002, as specified in the public notices of March 19, 2002, and March 20, 2002 (DA 02-659 and DA 02-563).

"(C) EXCEPTION.—

"(i) BLOCKS EXCEPTED.—Subparagraph (B) shall not apply to the auction of—

"(I) the C-block of licenses on the bands of frequencies located at 710–716 megahertz, and 740–746 megahertz; or

"(II) the D-block of licenses on the bands of frequencies located at 716–722 megahertz.

"(ii) ELIGIBLE BIDDERS.—The entities that shall be eligible to bid in the auction of the C-block and D-block licenses described in clause (i) shall be those entities that were qualified entities, and that submitted applications to participate in auction 44, by May 8, 2002, as part of the original auction 44 short form filing deadline.

"(iii) AUCTION DEADLINES FOR EXCEPTED BLOCKS.—Notwithstanding subparagraph (B), the auction of the C-block and D-block licenses described in clause (i) shall be commenced no earlier than August 19, 2002, and no later than September 19, 2002, and the proceeds of such auction shall be deposited in accordance with paragraph (8) not later than December 31, 2002.

"(iv) REPORT.—Within one year after the date of enactment of this paragraph, the Commission shall submit a report to Congress—

"(I) specifying when the Commission intends to reschedule auctions 31 and 44 (other than the blocks excepted by clause (i)); and

"(II) describing the progress made by the Commission in the digital television transition and in the assignment and allocation of additional spectrum for advanced mobile communications services that warrants the scheduling of such auctions.

"(D) RETURN OF PAYMENTS.—Within one month after the date of enactment of this paragraph, the Commission shall return to the bidders for licenses in the A-block, B-block, and E-block of auction 44 the full amount of all upfront payments made by such bidders for such licenses.".

(b) CONFORMING AMENDMENTS.—

(1) COMMUNICATIONS ACT OF 1934.—Section 309(j)(14)(C)(ii) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(C)(ii)) is amended by striking the second sentence.

(2) BALANCED BUDGET ACT OF 1997.—Section 3007 of the Balanced Budget Act of 1997 (111 Stat. 269) is repealed.

(3) CONSOLIDATED APPROPRIATIONS ACT.—Paragraphs (2) and (3) of section 213(a) of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of an Act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes (Public Law 106–113; 113 Stat. 1501A–295), are repealed.

SEC. 4. COMPLIANCE WITH AUCTION AUTHORITY.

The Federal Communications Commission shall conduct rescheduled auctions 31 and 44 prior to the expiration of the auction authority under section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)).

SEC. 5. PRESERVATION OF BROADCASTER OBLIGATIONS.

Nothing in this Act shall be construed to relieve television broadcast station licensees of the obligation to complete the digital television service conversion as required by section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)).

SEC. 6. INTERFERENCE PROTECTION.

(a) INTERFERENCE WAIVERS.—In granting a request by a television broadcast station licensee assigned to any of channels 52–69 to utilize any channel of channels 2–51 that is assigned for digital broadcasting in order to continue analog broadcasting during the transition to digital broadcasting, the Federal Communications Commission may not, either at the time of the grant or thereafter, waive or otherwise reduce—

(1) the spacing requirements provided for analog broadcasting licensees within channels 2–51 as required by section 73.610 of the Commission's rules (and the table contained therein) (47 CFR 73.610), or

(2) the interference standards provided for digital broadcasting licensees within channels 2–51 as required by sections 73.622 and 73.623 of such rules (47 CFR 73.622, 73.623),

if such waiver or reduction will result in any degradation in or loss of service, or an increased level of interference, to any television household except as the Commission's rules would otherwise expressly permit, exclusive of any waivers previously granted.

(b) EXCEPTION FOR PUBLIC SAFETY CHANNEL CLEARING.—The restrictions in subsection (a) shall not apply to a station licensee that is seeking authority (either by waiver or otherwise) to vacate the frequencies that constitute television channel 63, 64, 68, or 69 in order to make such frequencies available for public safety purposes pursuant to the provisions of section 337 of the Communications Act of 1934 (47 U.S.C. 337).

Mr. TAUZIN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. ISSA). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. DINGELL. Mr. Speaker, back in 1997, and again in 2000, over the Committee on Energy and Commerce's objections, the budget committees of the Congress commandeered the management of the Nation's airwaves. They set auction deadlines that were asinine, constituting a gross mismanagement of spectrum. Today we take back the reins and restore rationality to the process.

Without question, moving forward with these auctions now would impose a heavy price on the American public. The Nation's airwaves are a scarce natural resource, and we are entrusted to manage these assets on the public's behalf. The bill before us is the first step to reclaiming that duty.

In addition, I would note that the anti-interference provision contained in this bill is of particular importance to the American viewing public. It preserves the integrity of broadcast channels, making sure that consumers will be able to continue viewing both traditional and digital broadcasts without risk of harmful interference to their television sets.

I congratulate Chairman TAUZIN and others for their perseverance in getting this bill through both Houses, and look forward to the Federal Communications Commission establishing a sound spectrum management policy now that we have freed the agency to do so.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Louisiana?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I want to thank the gentleman from Oregon (Mr. DEFAZIO) for his courtesies this evening and hope he will excuse my interrupting him.

Mr. DEFAZIO. Mr. Speaker, whenever I can help the powerful chairman of the Committee on Energy and Commerce. I may have something small to ask in return.

If I could continue here, this is a very serious subject. So the question before the House soon will be will we rubber-stamp existing trade policy? Is it so good, is it working so well for the American people that we should say, hey, let us just keep doing more of the same, let us give President Bush total authority to negotiate these agreements in secret, then bring it back here for an up or down vote, no amendments allowed? Let us look at the result of our existing trade policy.

Our trade deficit is the largest in the history of the world. It has gone from $66 billion in 1991, 1.7 percent of our gross domestic product, to $417 billion last year, 4.1 percent of our gross domestic product. That is pretty extraordinary. People say, well, wait a minute, our exports are expanding. They are right. Our exports over the last decade have gone up 17 percent; but guess what, the imports went up 44 percent because of this misbegotten trade policy.

Current estimates say that our trade deficit could reach $460 billion by the end of this year, $536 billion by 2003, and their prediction, it could reach 7 percent of gross domestic product, $800 billion by the year 2005. That means the loss of tens of thousands, hundreds of thousands more jobs in this country; and in fact, it means a trade deficit that is not sustainable.

Essentially, if we move toward those numbers, the United States of America becomes the next Argentina; and the World Bank and the IMF will be in here dictating to us about our budget priorities and how we are going to clean up our house and how we are going to meet our obligation of our $2 trillion overseas debt. Yes, we will owe $2 trillion overseas in the very near future because of these persistent trade deficits.

It is not sustainable. In fact, when Indonesia imploded, their trade deficit was only 4.5 percent of their gross domestic product. Similarly, in South Korea, and economists everywhere said, well, that is understandable. My God, no one can have trade deficits that large a percentage. We are talking the United States of America may go to 7 percent in the near future if we maintain the current trade policies.

The question becomes, who would want to maintain this failing trade policy? Well, not too many of the American workers who have lost their jobs, seen their wages depress. They are probably not real enthusiastic about it. In fact, I come from a State where when I first raised questions about trade, they said, oh, no, you are from Oregon, you are going to be a free trader. You are right there on the Pacific Rim; your people are going to benefit from this free trade policy of the United States, as I was told by President Bush first, President Clinton and others in opposing their successful attempts, unfortunately, to jam through NAFTA and GATT and the WTO. My State has lost 41,000 jobs; and other States have lost a lot more than that, millions of jobs across the country.

Three million jobs in the United States according to the Economic Policy Institute were lost between 1994 and the year 2000 because of our trade policies.

What else did trade deficits do? Well, they shift the composition of the workforce. They say, do not worry, everybody is going to wash dishes; we are going to become a service economy. We do not need to manufacture things. I do not believe that. I do not believe we cannot manufacture things and continue to be a great Nation. In fact, during the Gulf War, officials down at the Pentagon were in a panic because they needed some high-tech stuff. They could only get it from Japan, and Japan was not delivering on the schedule that our national security demanded. Imagine that. Do my colleagues think China, who is now producing some of those same critical components, is going to be real helpful in the future? They have been so friendly and helpful so far. I do not think so, particularly if we are in a conflict with them, which I think is very possible within the next 25 years.

Manufacturing has lost 1.5 million jobs in the last 18 months. So we are having a huge change in the composition of our workforce from high-wage, high-benefit manufacturing jobs, to low-wage jobs or lower-wage jobs on much lower-benefit jobs in the service sector or other components of manufacturing.

What else is impacted? Stagnant wages. Average U.S. wages adjusted for inflation are about the same as they were when Jimmy Carter was President of the United States, and one of the biggest factors in dragging that down is U.S. workers are being asked to compete with people in Mexico who are preferably willing to work for a dollar a day; and if President Bush is successful, they will be asked to compete with the people of Argentina who are totally desperate or the people of Bolivia or other nations.

The idea is to search around the world for the most exploitable, most desperate workforce. Sometimes skills are required so they will have to go to countries like Argentina. Other times they can go overseas to Indonesia, Pakistan, countries like that when they are not real high skilled and get cheaper wages.

So that is another result. I do have a few more points, and then I will yield to the gentlewoman from Ohio (Ms. KAPTUR), who is a tremendous leader on these issues.

It is a drag on economic growth, this $400 billion-a-year trade deficit. Our export output falls. Domestic demand that could be met by domestic output is instead satisfied by higher imports. As I said earlier, our exports are up by 17 percent, but our imports are up by 44 percent. We are losing the jobs that could create that.

We are increasingly reliant on foreign investors. We have to import nearly $2 billion a day from foreign investors, and perhaps later I will get into a list of who those foreign investors are. I think it will shock some of the Members of this caucus in terms of national security and economic security, but 40 percent of our U.S. Treasury debt, 40 percent of the debt of the United States of America, the collective debt of all of us, is owned by foreigners. That is an extraordinary number. It erodes our defense manufacturing base. We are going to saddle our children with future debt and interest payments, and it hurts our long-term spending on research and development.

These are some of the grand successes of the current trade policy that this Congress is going to be asked to rubber-stamp by once again giving up all its authority to shape trade and trade policy and rubber-stamp a fast track bill to give the President the authority to secretly negotiate this agreement and bring it back here for a hurried up or down vote.

I yield to the gentlewoman from Ohio (Ms. KAPTUR), who has been a tremendous leader in the House in opposing these failing trade policies.

Ms. KAPTUR. Mr. Speaker, I wanted to express deepest appreciation for the yielding of my esteemed colleague, the gentleman from Oregon (Mr. DEFAZIO); and though I am not for human cloning, I just wish that somehow we could clone more of him to serve in this Chamber, and the people of Oregon are extraordinarily fortunate to have an honest and very, very able Member serving their interests and indeed America's interests.

I was listening to the gentleman's comments on fast track, which I always call the wrong track, and felt compelled to come here to the floor to at least try to attempt to gain just a few moments to discuss these issues with the gentleman. My colleague mentioned how much America is in hock to other countries and foreign interests borrowing those dollars in order to fuel this economy. The flip side of the fact is that 40 percent, over 40 percent now of our public debt is owned by foreign interests, is the interest that we have to pay them, and this year that number will total close to $400 billion. It is between $300 and $400 billion, which is almost as much as we will spend on the defense of the United States of America to pay on our borrowings and the interest that is owed on those.

So I think that the underside of this trade equation is the fact that piece by piece we are selling ourselves off, the public interest and the private interest.

□ 1830

I think the American people really have a sense of this when they go to the store and they look on the bottom of a cup or they look on the label on a piece of clothing and they sort of ask themselves, well, is anything made in America anymore? Everything from hedge trimmers to automobiles to clothing. We import over half of the oil, which we should totally displace by domestically produced new fuels. We are not independent. This was a Nation formed with the great ideal of independence and self-sufficiency, and piece by piece, at the end of this past century and now into the new one, we are frittering away that national endowment.

Now, the bill that was supposed to have come before us today for the second time in 2 weeks has not made it to the floor. And the reason the fast track bill is not here today and was not here last week is because the motion lacks the votes necessary for passage. The problems with the fast track proposal are so numerous that the rule that they have adopted is self-executing. In other words, we cannot really change anything in the bill.

And what are some of the things that are bad about it, in addition to its fundamental architecture, which is only going to increase more imports into this country? Well, first of all, the displaced workers that will occur in this country. And we know it is going to happen. It happened with NAFTA, it happened with PNTR with China. Every time we sign one of these agreements, more companies close in our country. It does not take a mental giant to figure out what is going on with displaced production. The money that was supposed to be in the bill to help the U.S. workers thrown out of their work was lowered, and there were lower levels of trade adjustment assistance in this fast track measure.

In addition to that, there were several provisions embedded in this fast track bill to try to protect the seats of certain Members of this institution in a very tough election year.

In addition to that, there were provisions that had been put in by the other body that would have protected industries in this country from illegal dumping of foreign goods, such as steel, and those were taken out.

In addition, worker health provisions, those people who lose their job and then lose their health benefits, there were provisions in the Senate bill to protect the health benefits of our workers at least for a period of time. Those were taken out.

And so those are just some of the few irresponsible ploys that were included by my colleagues from the other side of the aisle. And I would have to say to the gentleman, and I appreciate his yielding to me, really one of the issues that we have to consider is how, when we add up everything that has happened at this time of Enduring Freedom, or any time when we should be considering the independence of this country, are we either strengthening or destroying our national defense?

We can look at job security, border security, industrial security, economic security, all of those together comprise what we take an oath to defend: the Constitution of the United States against all enemies, foreign and domestic, and to assure the defense of the United States of America. The end result is we become less able to make the bolts that go into the airplanes, we become less able to make the airframes. The gentleman knows a whole lot about that in the Northwestern part of our country with what has happened to some of the outsourced Boeing production. We become less able to make steel. We become less able to make electronics.

If we look at what is happening with the defense base of this country, in my district we have just had a major nuclear incident. Guess what? In order to try to repair the facilities that can be repaired, if we need a new head on the reactor, it has to be done by Japan and then sent to France for finishing, and then comes back to the United States, and then the company is absolved of liability under exemptions in the Price-Anderson Act. What is going on? What is going on in this country?

The last foundries have closed. I have machine tool companies in my district going bankrupt one after the other. That is happening all over this country. We have lost almost 1.5 million manufacturing jobs over the last 2 years. So I want to compliment the gentleman and say that I would like to stay for a while longer, as I listen to what he is saying to the people of our country and to the RECORD.

This is an extraordinarily important issue. Fast track should not be brought up on this floor until its flaws are repaired. And why should we be allowing 31 more countries special access to our market when we are hemorrhaging, when, in fact, we are hemorrhaging jobs all over the world, and our trade deficit will be over $360 billion more this year?

So I want to thank the gentleman very much for the opportunity to join him this evening and again compliment the very wise voters of the State of Oregon for sending the gentleman here. I have long admired his independence and his innovativeness as a Member of Congress.

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman, and, of course, the people of Ohio also have shown extraordinary wisdom in returning her, for more years than I have been here, to the House of Representatives. The gentlewoman has been tremendous on this fight. Although we have been losing, the margin is getting closer and closer.

The gentlewoman will certainly remember that last fall, after an extraordinary effort by the Republican leadership in this House, the President and all his Cabinet and others, they only prevailed by a one-vote margin in getting through the fast track trade bill. A number of Members on that side had to change their vote, and voted reluctantly against interests of their district, particularly people from the South and textile States, and they got what are thus far some pretty hollow promises in return. Certainly the voters in those States are going to have to look to see what it is that their elected Representatives have wrought by proposing to do more and more and more of the same.

Under this legislation, Free Trade of the Americas Act would be one of the things negotiated, and we would go to a few of the very few countries in the Western Hemisphere, where the United States is currently running a trade deficit, where we do not have this kind of a perverted free trade agreement in place, and we would give them the opportunity to join most other nations on Earth who are running huge trade surpluses with the United States, notably Uruguay, Argentina, and Brazil. A very large economy in Brazil would fall under this new free trade authority, and Brazil is a major manufacturer of automobiles, certainly something close to the gentlewoman's heart, and other very sophisticated goods.

So we can fully expect that under this sort of an agreement that we would find those products coming from Brazil where labor is indeed much, much cheaper than it is in the United States.

Ms. KAPTUR. Mr. Speaker, if the gentleman will continue to yield, I would just want to point out that Argentina and Brazil, we are already in deficit with them. And if we look at what has happened with Canada and

Mexico post-NAFTA, we used to have surpluses with those countries. Then, when NAFTA kicked in, we have moved into gigantic deficits with both countries, where they are sending us more goods than we are sending them.

We already have growing deficits with Argentina and Brazil and Venezuela. If this is passed, it will only grow worse because that has been what the pattern is. If we look at a country like Argentina, I found it very ironic that our Governor went down to Argentina in order to try to move Ohio product down there. But if we look at what is happening, Ohio's beef producers are being wiped off the map. They cannot get access to market. We are importing Argentinian beef into the United States. We have a deficit with Argentina. They are sending us more than we are sending them, and they were not about to buy any more of our beef. They want to sell us their beef.

And in terms of Brazil and Venezuela, if we look at the steel industry, if we look at agriculture in those countries, the numbers are not moving in our direction already. And many of the people in those countries do not earn enough to buy what we have to sell, so we end up shooting ourselves in the foot.

I thank the gentleman.

Mr. DEFAZIO. Exactly on that point, the passage of NAFTA was really the big lie strategy. We were told it was to produce hundreds of thousands of new jobs in the United States, and we were going to ship all these goods to Mexico. Of course, what they did not look at was the total buying power. If every peso earned by every person in Mexico was only spent on U.S.-produced goods, not on bare necessities, not on rent, locally, or anything else, it would have almost equaled the buying power of the State of New Jersey. This was theoretic. And, of course, obviously, that cannot happen. And, in fact, what has happened is our trade deficit with Mexico is up 1,861 percent. We have lost hundreds of thousands of jobs. We are running a $40-billion-a-year trade deficit to Mexico. U.S. corporations are moving their capital to Mexico.

This was never intended to be an agreement for U.S. firms to produce in the United States and ship to Mexico. That was a joke. It was a lie, plain and simple. Unfortunately, a majority of our colleagues bought it. What it was always about was a cheap export platform in Mexico for U.S. manufacturers to move their capital and foreign manufacturers to move closer to the U.S. market so they would not have to ship things so far; big, heavy things.

Ms. KAPTUR. Again, if the gentleman would be kind enough to yield, I would just place on the record that the State of Ohio is one of the top five losers under NAFTA. We have already lost over 100,000 jobs to Mexico directly. That does not even count the supplier jobs and the service jobs that are associated with those corporate relocations.

The impact is staggering. Income growth in our region and our State has not gone up. In fact, it has been stagnant, and in many cases has been going down. People do not have the purchasing power. And the jobs that are replacing them are part-time jobs with no health and retirement benefits.

If we look at, and I will just give one example and then yield the gentleman back his time, but one of the major corporations, and I hate to pick on a West European company, but Daimler-Benz-Chrysler, for example, they are one of the many automotive manufacturers that have moved production to Mexico, and they manufacture the PT Cruiser in Toluca, Mexico. Now, that is a very popular vehicle in our country. All the PT Cruisers are sent back here. There is not a single PT Cruiser manufactured in the United States of America.

Now, in our district we make the Jeep Liberty. We are the home of the jeep in Toledo, Ohio, and there are so many orders backed up for the PT Cruiser, our workers contacted the company and said, look, why do you not bring some of the excess production from Toluca up to Toledo? We will put on an extra line, we will meet the backlog, and we will be able to share in this rising market. No deal. No deal, because they can pay workers in Mexico so little, they can literally make $10,000 more a car. They do not have to pay environmental costs. They do not have to pay decent wages.

The people that work in Toluca cannot afford to buy the cars they make. Go to the places where they live and ask yourself, is this what we want for the world, people who have to use batteries to have any electricity in their home because they live at such a low wage?

So if we peel the veneer off, and I must say I am not just picking on Daimler-Chrysler, because it is the same with the Japanese auto manufacturers, the Koreans, it really does not matter with these multinational corporations which country they are from, but their behavior where they locate. And, unfortunately, those jobs, if all the PT Cruisers are sold in the United States, why should they not be made here? There is a real disjuncture between production and consumption, and, therefore, our plant in Toledo has not increased in employment.

Years ago we had 10,000 workers. We are down to 4,000. There are several hundred workers, several thousand workers actually, down in Mexico around that Toluca plant, but they are working at, I cannot say starvation wages, but close to it. They really do not have a living wage. That is what is going on with production. We are really hurting those people. We can say we are keeping them busy, but they are not really able to improve their lives. And our people, with the loss of over 1.2 million manufacturing jobs in just the last 2 years, they are being cashed out.

Mr. DEFAZIO. If the gentlewoman would yield back, in fact, she is making an excellent point. Henry Ford sort of figured out the formula for success in this country back early in the last century. He said, I want to produce a product on an assembly line with a large number of workers, and I want my workers to be able to buy it.

And we did phenomenally well as a country. The managers, the owners of capital, and the workers all kind of came up together. Sure, the managers always did better, and the owners even did better yet, but there was some proportionality. The workers could afford to buy the products, and it created tremendous wealth for our Nation. It created an industrial base that won World War II and was the envy of the world. We rebuilt the world after World War II, led the race to space, and everything else, all those things. That was American technology based on sort of this formula of equality.

□ 1845

But now greed has taken over as we have seen in so many ways in corporate America, and if they can get the labor, desperate labor somewhere else a little cheaper, and avoid environmental restrictions, that is where they want to manufacture. And their vehicle is these free trade agreements. They cannot do it without the imprint and the approval of the President of the United States secretly negotiating deals that favor the export of their capital and their manufacturing jobs to these other countries.

The problem is ultimately it is going to collapse; but they will not care, like the managers of Enron who had already looted the company and are living in their six, seven or eight mansions, and they may have to sell one of their mansions.

Ms. KAPTUR. If the gentleman would yield, many of those mansions are not in the United States of America, nor are their major funds. They are offshore.

Mr. DEFAZIO. Mr. Speaker, this long-term trade deficit is not sustainable. With depressed wages in this country, ultimately we are buying all of this on credit, and the credit is overseas. We are getting close to $2 trillion of debt. Forty percent of the Treasury debt of the United States is owned by foreigners. Our number one trade deficit is with China, not the country with the best interests of the United States in mind, in my opinion, anyway. I do not consider China to be a great ally or friend of the United States. Number two is Japan. Number three is Canada, obviously a close relationship with the

United States. Then Mexico, Germany, Taiwan, Italy, South Korea, Malaysia, and Ireland. Those are the countries with whom we are accumulating this huge and growing debt. This is of tremendous concern.

As we undermine the buying capacity of the American people and the industrial might of the United States, and ultimately when they one day ask for their money, their $2 trillion that they are owed, we are going to have the IMF and the World Bank dictating terms because this is not a sustainable system. We cannot borrow money year after year after year.

Ms. KAPTUR. Mr. Speaker, Alan Greenspan has said fundamentally to the Congress, this is unsustainable. We cannot keep displacing production and bringing it in from elsewhere without ultimately having an impact on your ability to produce and create not just money for a country, but wealth. We can print a lot of money, but what is standing behind it is the productive wealth of a society. That is what we are displacing.

Mr. DEFAZIO. Mr. Speaker, Alan Greenspan said in an article in Business Week that over the past 6 years, 40 percent of the increase in the U.S. capital stock was financed by foreign investment, a pattern that will require an ever-larger flow of interest payments going out to foreigners. He said, "Countries that have gone down this path invariably have run into trouble."

Ms. KAPTUR. Mr. Speaker, I was thinking about this today and reading the headlines about Afghanistan, and that country now trying to pull together a government and it is not very easy to do. But assuming they could pull the government together, through Afghanistan will come an oil pipeline from the Caspian Sea. Then we see the President's comments about Iraq and whether or not certain forces will be used to destabilize the government of Iraq, and we recall the Persian Gulf War and that oil field that lies between Iraq and Kuwait.

Then we saw the Bush administration a few weeks ago give mixed messages to this Congress and the world about Venezuela and which government the administration was supporting or not supporting in Venezuela. What do Iraq, Venezuela and Afghanistan all have in common? They have in common the oil imperative. So many times when you see the United States become dependent, as we are in this oil arena, very bad things can happen. Indeed, wars can happen when our country is not independent. I think it is important what the gentleman is presenting in terms of the financial condition of our country and who we owe.

The first phone call I made after 9–11 was to Alan Greenspan, and I wanted to know from an economical standpoint who can pull our bonds internationally. I said, I want you to assure me that we can hold it together because 40 percent of the debt of this country is now owned by foreign interests. He said, We can track that back to the London markets. And I said, What does that tell me? He said, I do not think you need to worry, but he could not actually tell me who holds our debt.

I think he might know, I am not sure, but he was not able to tell me. But when we owe $400 billion a year to interests that we do not even have a list of, we know that it is traded in the London markets, if we could theorize, China is now the largest holder of our dollar reserves. The trade deficit is a reciprocal for that. Japan is number two. So our fate lies in their hands. Saudi Arabia and the OPEC countries, number three. So behind the scenes, they have enormous leverage when the United States is frittering away its economic independence.

Mr. DEFAZIO. Mr. Speaker, we ran a trade deficit last year of $40 billion with the OPEC countries, the same countries that are fixing oil prices to stick it to American consumers and the remaining industry that we have in this country with extortionately high prices for fuel; and the Bush administration, they are all for free trade. They love the WTO, the secret tribunals. They want to get hormone-laced beef in from Europe, and other things that are in favor of corporate America; but guess what, they will not file a complaint with the WTO against OPEC for price fixing which is prohibited by the World Trade Organization and by GATT. Why not?

Well, maybe there is something to do with the oil industry that I am not quite aware of, but we are running a $40 billion trade deficit. These people are making no secret of the fact that they are restraining production to drive up the price, and that violates the WTO. It is an open and shut case. All the U.S. has to do is file it on behalf of its consumers. Consumers of the United States cannot file a case. Even those industries that are still left in this country cannot file a case. Only the Bush administration can file the case, and they are refusing to take on the OPEC countries and to file against them for price gouging of the American people.

Also on that list, kind of interestingly enough, we ran a $5.754 billion trade deficit with Iraq. The President is talking about invading Iraq, and we are running a $5.750 billion trade deficit with them. There is something weird about that.

Ms. KAPTUR. If the gentleman would yield, I was speaking to my local press in my district, and they asked what did the President mean about Iraq. I said would it surprise you, in spite of what the headlines are saying in Washington, today we are importing 8 percent of our petroleum from Iraq. They were stunned. How could this be happening at the same time the no-fly zone is maintained over Iraq?

The relationships that have made us more and more dependent on petroleum imports than we were 25 years ago is really a sad tale for our country, and I thank the gentleman for helping us bring this out into the light so those who are recording remarks and those who are listening, particularly the younger generation will understand, we have to unwind, we have to get ourselves out of these relationships because too often oil has been serving as a proxy for our foreign policy, and our trade deficit is a sign of our growing lack of independence.

Mr. DEFAZIO. Again, returning to that, we ran also a $7.4 billion trade deficit with Saudi Arabia, and now we find out that some of the most wealthy Saudis are the biggest backers of al Qaeda and other terrorist groups and have been funding this network of schools training Islamic fundamentalist radicals around the world, and we are helping to finance that. It is U.S. consumers who are being extorted at the gas pump by price fixing and production fixing by OPEC, who are sending almost $13 billion a year to Saudi Arabia and Iraq.

This is extraordinary to me; and what is the Bush administration response to this: we should do more of the same. These trade policies are working so well, price gouging the American consumers, undermining our industrial base, lower wages and productivity in the United States, we should do more of exactly the same, despite the fact that we are headed toward a $2 trillion debt overseas within the next 2 years.

Mr. Speaker, $2 trillion of U.S. dollars are outstanding around the world, and the gentlewoman is right. What if the Chinese decide they are in a dispute over Taiwan or something else with the U.S. and they want to slow us down or hurt us, and they demand payment for, say, their $700 billion worth. Suddenly the U.S. is in a big credit crunch. We cannot afford to make those sorts of payments.

Of course, there is one other point that is interesting. I befuddled an economist the other evening. It was Paul Krugman from the New York Times. He is an interesting man, but blind on trade issues. He is a big believer in free trade. We asked him if a $400 billion-a-year trade deficit is sustainable.

He said, oh, no, that is close to what Indonesia had before they collapsed. It is not sustainable.

We asked, How is that going to rectify itself?

He said the dollar will collapse.

And so I said the idea is that the dollar collapses, we pay more for goods, U.S. goods are cheaper. Right?

Yes.

But I said, guess what, if we do not manufacture anything anymore, it just means everything you are importing to run your economy has become a lot more expensive, like oil, critical high-tech components, everything that we are buying, all of the shoes and clothes, all becomes more expensive here in the United States; and our trade deficit might even go up.

With that he turned away from me and did not want to continue the conversation. We are defying conventional wisdom here. The conventional wisdom is if our dollar tanks, yes, it hurts a little bit; but we will turn our sights inward and buy from our own manufacturers. But guess what, our own manufacturers have been sold out by these trade agreements.

Try and buy some running shoes made in America. There is apparently one company that makes men's shoes in the United States. Try to buy a suit made in the United States of America.

Ms. KAPTUR. Mr. Speaker, if the gentleman would yield, do not try to buy slab specialty steel made by domestic manufacturers in the heartland of America that I represent because the last one just closed. If you are an independent machine toolmaker, you cannot find that product. It is a very, very serious situation.

I just want to put two words on the record to add to this discussion: one is "recession" and another is "repression."

In terms of recession, if we think about the recession that we are crawling our way out of, and some parts of America are still in, what triggered it? Rising oil prices for imported fuel. People have forgotten that.

Before September 11, we were already struggling with a hammerlock on this economy; and then after September 11 when the OPEC countries and some of the other oil exporting countries got worried, they lowered prices. Then they are coming back up again. This is a very manipulated price scheme, and that was proven by the Federal Trade Commission in some of the initial investigations done as we entered this recession.

The American people should remember that rising petroleum costs and imports, the rising costs of imports, can really kick this economy in the shins. If we think back to the 1970s and what happened in those decades with the Arab oil embargoes and the severe depression that this country was thrown into because of the costs of rising imports, we are now importing more than we did back then. Yes, we are conserving more at the same time, but we have not created the new fuels here at home. What we need to do on the public and private sides, we have been bunting rather than hitting three-base hits.

□ 1900

It has made a huge difference in our ability to handle our economy in a way that preserves our independence and does not do as much harm here at home.

The other word I wanted to just say a word about, if I could, and that is repression, because some of the very countries that receive the dollars when our people go to the gas pump, for example, and they buy petroleum that is refined into gasoline from other countries, those dollars go to them. What do they use them for? The gentleman from Oregon mentioned Saudi Arabia. Most of the terrorists were born or spent time in Saudi Arabia. That is a very repressive regime. And our dollars support it. What did Osama bin Laden say? He said that he wanted U.S. troops out of Saudi Arabia. What are U.S. troops doing in Saudi Arabia? Thousands and thousands and thousands of troops, what are they doing there? And what happened to the USS *Cole* about a year and a half ago in Yemen harbor when a suicide bomber hit our destroyer, what was that ship doing there in the Middle East? Could it be anything to do with watching the oil lanes and the movement of tankers out of that region of the world? I think it had a whole lot to do with that and I think it is important for us to think about who we are supporting when we spend our dollars.

It is very hard for the American people to do anything on the petroleum issue because when they go to the gas pump, they do not know that Citgo gets its gasoline from Venezuela, they do not know that Occidental has fields in Colombia, they do not really think about Exxon in Saudi Arabia, they do not associate a company name with a country. Yet that is exactly what is going on. And so if you buy that product, you support through the transaction the regimes of those countries and there is not a single democracy among them. And in the end the people living in those countries translate our behavior as a society into what they experience in their own homelands and they want a better way of life, but the regimes there do not permit it. And so some of the anger directed against the United States is a direct result of the economic relationships that keep them down.

I would just maybe brag a little bit here about an organization in northwest Ohio called Northwest Ohio Ethanol, because at the same time as our Marines and Special Forces are defending the edge of freedom globally, there are things people can do here at home. And in terms of our energy trade deficit, one of the most important actions we can take is to become fuel self-sufficient. We have a new private company, Northwest Ohio Ethanol, that has been incorporated, that is selling shares on the private market so that Ohio's farmers can come together and provide a new fuel for the future.

We only have two biofuel pumps in the entire State of Ohio, a State of 11 million people. I want to buy an E-85 car. I want to buy a biodiesel vehicle. I would be a fool to do it in Ohio because I cannot get the fuel to put in it. And so this deficit is really a very wicked thing, because the average American cannot alone dig out of it. The actions that one could take as a consumer are precluded because of the very large interests that control the refining and the supply of fuel to the marketplace. It is important to think about the words recession at home and repression abroad and what kind of a political endowment we are bequeathing to the future.

Mr. DEFAZIO. I thank the gentlewoman from Ohio for assisting in this special order this evening. We will have opportunities to discuss this again. You have certainly opened up the door to discuss energy self-sufficiency and energy policy which I think is one of the strongest steps we could take to make this country secure for the next century, both militarily and economically. I would love to engage in a special order on that subject some evening.

Ms. KAPTUR. I would enjoy that opportunity as you are such a leader in all those areas.

Mr. DEFAZIO. I thank the gentlewoman. I realize she has to leave and I am almost done myself.

I want to go back and reiterate a couple of points. In my own State, 41,000 jobs lost to trade in the last decade, a number in wood products, some in textiles, others in other industries. This is a loss that did not need to happen. We did not need to lose these industrial wage jobs with good benefits to unfair trade. But unfortunately it was done under auspices of United States law. That is, agreements that were pushed through, started in the Reagan administration, continued in the first Bush administration, brought to fruition by the Clinton administration and now the next Bush administration, the current Bush administration wants to expand on those failing policies.

Think of that. How much bigger do they want the trade deficit to be? How many more millions of U.S. manufacturing jobs do they want to export? There are not many left. We already know that the deficit is not sustainable. The growth of our merchandise trade deficits over the last 10 years, 1990 to 2001, with our free trade partners, Mexico, 1,861 percent growth; China 713 percent growth; the WTO membership generally that is from the Uruguay Round, 300 percent; the Caribbean Basin Parity Act, 131 percent; and sub-Saharan Africa, 64 percent. Those are numbers from our own international trade commission. That is an outline of the success of these trade policies. They are a success for multinational corporations or corporations that were formerly U.S. corporations but now do not want to think of themselves or act in that manner anymore, who are exporting our wealth and our jobs.

I have a couple of more quotes. This one is from one of my favorite groups, the International Monetary Fund, and that was said sarcastically. I think they have done more damage to the world economy than virtually any other organization, but they are now saying:

"The sustainability of the large U.S. current account deficit hinges on the ability of the United States to continue to attract sizable capital inflows. Up to now these inflows in large part have reflected the perceived attractiveness of the U.S. investment environment but such perceptions are subject to continuous reappraisal."

And with the questions about the bookkeeping and the real profitability of many firms on Wall Street, with the rapid decline of the U.S. dollar, those perceptions are changing very quickly. In fact, the United States of America, not one of these corrupt companies like Enron, the United States of America has been put on the Standard & Poor's watch list for 20 countries that are vulnerable to a credit bust. Why is that? Because Americans are not working hard? No. Because we are a resource poor country? No. Because we have a totally failed trade policy and the current President and the majority in the House of Representatives, the Republicans, want more of the same as medicine to cure that ill. We are talking about the potential to bankrupt the United States of America, to turn us into a yet larger Argentina. They were the miracle of South America, the highest standard of living, a European country in South America is what they were called for many years and now they are a basket case, because of the dictates of the IMF, because of policies that are similar to the ones we are engaging in here in the United States with trade.

This is not sustainable. These policies must be changed. It will be unconscionable. And the fact that we are not working here tonight, we are just chattering and in fact the House got out of here at 3 o'clock today and are rumored to be out at 2 o'clock tomorrow and maybe 1 o'clock on Thursday and noon on Friday, because the Republicans cannot quite get together the votes to jam through one more time a bill to rubber stamp this totally discredited and failed trade policy. The President is probably on the horn right now to some reluctant Members saying, "Oh, I know it's going to hurt you at home. I know it's going to put people in your district out of work. I know this is a real problem for you, but I'll do something to make it up." Those are the kind of phone calls that are going on on that side of the aisle. They want their Members to vote against the interests of the people living and working in their districts and in the United States of America in the interest of a few very powerful multinational corporations, the oil industry and others who are essentially dictating trade policies through this administration, and, sadly, as they did through the Clinton administration and the predecessor Presidents for the last 25 years, ever since we started running huge and growing trade deficits, our trade policy has been run by corporate America and intellectual elite that do not see reality and do not want to regard reality and do not want to look at sustainability.

I am hoping that a majority of my colleagues here in the House of Representatives will see that issue for what it is, the lies for what they are, and vote to adopt a new trade policy for this country, one that will serve us better and turn our deficits and our hemorrhaging of industrial jobs around.

RECESS

The SPEAKER pro tempore (Mr. SIMMONS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 11 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2102

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 9 o'clock and 2 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF A SELECT COMMITTEE ON HOMELAND SECURITY

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 107–517) on the resolution (H. Res. 449) to establish the Select Committee on Homeland Security, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today on account of important personal reasons.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3275. An act to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

H.R. 4560. An act to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

ADJOURNMENT

Mr. DIAZ-BALART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 19, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7437. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral John R. Ryan, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

7438. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's "Major" final rule—Light Truck Average Fuel Economy Standard, Model Year 2004 [Docket No. NHTSA–2001–11048] (RIN: 2127–AI68) received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7439. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's "Major" final rule—Federal Motor Vehicle Safety Standards; Tire

Pressure Monitoring Systems; Controls and Displays [Docket No. NHTSA 2000-8572] (RIN: 2127-AI33) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7440. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 02-26), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7441. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 19-02 which informs the intent to sign Amendment Number One to the Arrow System Improvement Program (ASIP) between the United States and Israel, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7442. A letter from the Secretary, Department of Agriculture, transmitting the semiannual Management Report for the period October 1, 2001 through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7443. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7444. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7445. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7446. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7447. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7448. A letter from the Inspector General, Farm Credit Administration, transmitting the semiannual report prepared by the Office of Inspector General for the period of October 1, 2001, through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

7449. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 2001 through March 31, 2002 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7450. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—National Natural Landmarks Program (RIN: 1024-AB96) received June 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7451. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered .and Threatened Wildlife and Plants; Listing of the Chiricahua Leopard Frog (Ranachiricahuensis) (RIN: 1018-AF41) received June 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7452. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2001-NM-350-AD; Amendment 39-12720; AD 2002-08-12] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7453. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International, Inc., (formerly AlliedSignal, Inc., Textron Lycoming, Avco Lycoming, and Lycoming) former military T53 Series Turboshaft Engines [Docket No. 2000-NE-50-AD; Amendment 39-12742; AD 2002-09-09] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7454. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zones, Security Zones, and Special Local Regulations [USCG-2002-11544] received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7455. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Discharge of Effluents in Certain Alaskan Waters by Cruise Vessel Operations [CGD17-01-003] (RIN: 2115-AG12) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7456. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B16 (CL-601-3R and CL-604) Series Airplanes [Docket No. 2001-NM-211-AD; Amendment 39-12716; AD 2002-08-08] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7457. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller, Inc. Compact Series Propellers [Docket No. 2000-NE-08-AD; Amendment 39-12741; AD 2002-09-08] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7458. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFE Company Model CFE738-1-1B Turbofan Engines [Docket No. 2001-NE-04-AD; Amendment 39-12743; AD 2002-09-10] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7459. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney 4000 Series Turbofan Engines [Docket No. 2001-NE-25-AD; Amendment 39-12734; AD 2002-09-01] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7460. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model CESSNA 441 Airplanes [Docket No. 2002-CE-17-AD; Amendment 39-12746; AD 2002-09-13] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7461. A letter from the Director, National Science Foundation, transmitting the Foundation's draft bill entitled, "National Science Foundation Authorization Act for Fiscal Years 2003 and 2004"; to the Committee on Science.

7462. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal relating to the management and operations of the Department; jointly to the Committees on Armed Services, Financial Services, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 3400. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 2003 through 2007 for the coordinated Federal program on networking and information technology research and development, and for other purposes; with an amendment (Rept. 107-511). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3558. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats on Federal lands through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; with amendments (Rept. 107-512). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3942. A bill to adjust the boundary of the John Muir National Historic Site, and for other purposes; (Rept. 107-513). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 446. Resolution providing for consideration of the bill (H.R. 3389) to reauthorize the National Sea Grant College Program Act, and for other purposes (Rept. 107-514). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 447. Resolution providing for consideration of the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the reconstruction of certain air traffic control towers (Rept. 107-515). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 449. Resolution to establish the Select Committee on Homeland Security (Rept. 107-517). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY. Committee on Financial Services. H.R. 3951. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than July 22, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 107-516, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. JOHNSON of Connecticut (for herself and Mr. Bilirakis):

H.R. 4954. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize and reform payments and the regulatory structure of the Medicare Program, and for other purposes; pursuant to the order of the House of June 17, 2002, jointly to the Committees on Energy and Commerce and Ways and Means.

By Mr. GANSKE (for himself, Mr. Norwood, Mr. Whitfield, Mr. Pickering, and Mr. Bilirakis):

H.R. 4955. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Energy and Commerce.

By Mr. CARSON of Oklahoma (for himself and Mr. Borski):

H.R. 4956. A bill to establish a National Commission on the Bicentennial of the Louisiana Purchase; to the Committee on Resources.

By Mr. LANTOS (for himself, Mr. Baca, Mr. Berman, Mr. Filner, Mr. Frost, Mr. Gilman, Mr. Gordon, Mr. Green of Texas, Mr. Honda, Mrs. Jones of Ohio, Mr. Kanjorski, Mr. Luther, Mr. Maloney of Connecticut, Mr. Matheson, Mrs. Mink of Hawaii, Mr. Oberstar, Mr. Otter, Mr. Owens, Mr. Peterson of Minnesota, Ms. Ros-Lehtinen, Mr. Strickland, Mrs. Thurman, Mr. Turner, Mr. Weiner, and Mrs. Capps):

H.R. 4957. A bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a manner similar to that in which annuities for law enforcement officers and firefighters are computed; to the Committee on Government Reform.

By Mr. PORTMAN (for himself, Mr. Jefferson, Mr. Houghton, Mr. Levin, Mr. Crane, Mr. Lewis of Georgia, Mr. Camp, and Mr. Tanner):

H.R. 4958. A bill to amend the Internal Revenue Code of 1986 to allow a 10-year foreign tax credit carryforward; to the Committee on Ways and Means.

By Mr. ROSS (for himself, Mr. Snyder, and Mr. Andrews):

H.R. 4959. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. Meeks of New York, Mr. Serrano, Mr. Rangel, Mrs. McCarthy of New York, Mr. Owens, Mr. Engel, and Mr. Israel):

H.R. 4960. A bill to foster economic development through the involvement of small businesses located in the New York City metropolitan area in procurements related to the improvement and reconstruction of the area in New York damaged by the terrorist attacks perpetrated against the United States on September 11, 2001; to the Committee on Small Business, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:

H.J. Res. 99. A joint resolution proposing a spending limitation amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. CLAYTON (for herself, Ms. Millender-McDonald, Mrs. Biggert, Ms. Eddie Bernice Johnson of Texas, Mr. Towns, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, Mrs. Morella, Mr. Payne, Mr. Lantos, Ms. Kilpatrick, Mr. Rush, Mrs. Christensen, Ms. Waters, Mr. Kildee, Ms. Carson of Indiana, Ms. Watson, Ms. DeLauro, Ms. McKinney, Mrs. Mink of Hawaii, Ms. Solis, Ms. Velázquez, Mrs. Capps, Mr. Farr of California, Mr. Kleczka, Mr. Stark, Ms. Kaptur, Mrs. Thurman, Mr. Lewis of Georgia, Mr. Levin, Mr. Scott, Ms. Lee, Mrs. Napolitano, Mr. Berry, Mrs. Emerson, Mrs. Maloney of New York, Mr. Barrett, Mr. Conyers, Mrs. Meek of Florida, Mr. Clyburn, Mr. Holden, Ms. Berkley, Mr. Rangel, Mr. Roemer, Mr. Davis of Illinois, Mr. Rodriguez, Mr. Hoeffel, Mr. Edwards, Mr. Honda, Ms. Slaughter, Mr. Doggett, Mr. Sandlin, Ms. Pelosi, Mr. Davis of Florida, Mr. Phelps, Mr. Frank, Mr. Spratt, Mr. Hilliard, Ms. McCollum, Mr. Maloney of Connecticut, Mr. Tierney, Mr. Andrews, Mr. Shays, Mr. George Miller of California, Ms. Brown of Florida, Mr. McGovern, Mr. Wynn, Mr. Gilman, Mr. Bereuter, Mr. Lewis of California, Ms. Pryce of Ohio, Mrs. Johnson of Connecticut, Ms. Dunn, Mr. Kolbe, Mr. Portman, Mr. Bishop, Mr. Fattah, Mr. Pomeroy, Mr. Evans, Mrs. Bono, Mr. Turner, Mr. Watts of Oklahoma, Mr. Greenwood, Mr. Boozman, Mr. Engel, and Mr. Snyder):

H. Con. Res. 421. Concurrent resolution recognizing the importance of inheritance rights of women in Africa; to the Committee on International Relations.

By Mr. BOEHNER (for himself, Mr. George Miller of California, Mr. McKeon, and Mr. Tiberi):

H. Res. 448. A resolution recognizing The First Tee for its support of programs that provide young people of all backgrounds an opportunity to develop, through golf and character education, life-enhancing values such as honor, integrity, and sportsmanship; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 232: Mr. Hall of Ohio.

H.R. 239: Mr. Kingston, Mr. Gonzalez, and Mr. Rothman.

H.R. 303: Ms. Kilpatrick.

H.R. 488: Mr. Honda, Mr. McNulty, Mr. Phelps, and Mr. Israel.

H.R. 730: Mr. Davis of Illinois.

H.R. 778: Mr. Matheson.

H.R. 822: Mrs. Roukema.

H.R. 832: Mr. Grucci.

H.R. 848: Mr. McNulty.

H.R. 854: Mr. Shimkus and Mr. Inslee.

H.R. 1134: Mr. Tom Davis of Virginia and Mr. Bartlett of Maryland.

H.R. 1245: Mr. Weldon of Pennsylvania.

H.R. 1274: Ms. Hart and Mr. Duncan.

H.R. 1296: Mr. Ackerman.

H.R. 1581: Mrs. Capito.

H.R. 1650: Mr. Lantos.

H.R. 1723: Ms. Brown of Florida, Ms. Kaptur, and Mr. Tanner.

H.R. 1724: Mr. Maloney of Connecticut.

H.R. 1808: Ms. Slaughter.

H.R. 1841: Mr. Boswell, Mr. Cannon, Mr. Acevedo-Vilá, Mr. Shows, Mr. Carson of Oklahoma, Mr. Cunningham, Mr. McNulty, Ms. Kaptur, Mr. Thompson of Mississippi, Mr. Jackson of Illinois, Mr. Etheridge, Mrs. Johnson of Connecticut, and Mr. Hefley.

H.R. 1904: Mr. Fattah.

H.R. 1950: Mr. Gillmor.

H.R. 1966: Mr. Norwood.

H.R. 1984: Mr. Everett.

H.R. 2098: Mr. Sherman.

H.R. 2179: Mr. Sanders and Mr. Baldacci.

H.R. 2222: Mr. Bishop.

H.R. 2349: Mr. Hinojosa.

H.R. 2357: Mr. Rogers of Michigan and Mr. Chabot.

H.R. 2462: Mr. Hinchey and Mr. McNulty.

H.R. 2484: Mr. Reynolds, Mr. Bishop, and Mrs. Kelly.

H.R. 2527: Mr. Wilson of South Carolina, Ms. Eshoo, Mr. Bachus, Ms. Harman, and Mr. Shays.

H.R. 2674: Mr. Dicks.

H.R. 2874: Mr. Hill, Mr. Bishop, and Mr. Kind.

H.R. 2908: Mr. Doggett, Mr. Moran of Virginia, and Mr. Rush.

H.R. 2957: Mr. Wolf.

H.R. 2966: Mr. Waxman.

H.R. 3058: Mr. Toomey.

H.R. 3131: Mr. Keller.

H.R. 3154: Mr. Hoyer, Mr. Latham, Ms. Jackson-Lee of Texas, Mr. Markey, and Ms. Baldwin.

H.R. 3207: Mr. Davis of Illinois.

H.R. 3337: Mr. Clyburn.

H.R. 3414: Mr. Hall of Texas, Mr. Bishop, and Mr. Cummings.

H.R. 3424: Mrs. Clayton.

H.R. 3430: Mrs. Davis of California.

H.R. 3491: Mr. Hilliard and Mr. Sununu.

H.R. 3609: Mr. Walden of Oregon and Mr. Fossella.

H.R. 3612: Mr. Moran of Kansas, Mr. Gilchrest, Mr. Holden, Mr. Price of North Carolina, Mr. Boehlert, Mr. Leach, Mr. Hoyer, Mr. Kind, Ms. McKinney, Mr. LaFalce, Mr. Rahall, and Mr. Hinchey.

H.R. 3626: Mr. Traficant.

H.R. 3670: Ms. Woolsey and Mr. Dingell.

H.R. 3719: Mr. Clay.

H.R. 3731: Mr. Bishop.

H.R. 3741: Mr. Bentsen.

H.R. 3777: Mr. Evans.

H.R. 3788: Mr. Tierney.

H.R. 3802: Mr. Radanovich.

H.R. 3831: Mr. Wolf.

H.R. 3883: Mr. Rahall.

H.R. 3884: Mr. Berman, Mr. Hoeffel, Mr. Barrett, Mr. Davis of Illinois, Mr. Rodriguez, and Mr. Evans.

H.R. 3906: Mr. Pascrell.
H.R. 3916: Mr. Rangel.
H.R. 3966: Ms. Eddie Bernice Johnson of Texas.
H.R. 3967: Ms. Eddie Bernice Johnson of Texas.
H.R. 3973: Mr. Stump, Mr. Everett, and Mr. Otter.
H.R. 3974: Mr. Bentsen.
H.R. 3989: Mr. Oberstar and Mr. Bishop.
H.R. 4027: Mr. Taylor of Mississippi and Mr. Sandlin.
H.R. 4071: Mr. Hefley.
H.R. 4089: Ms. Kaptur.
H.R. 4091: Ms. Kaptur.
H.R. 4446: Mr. Blunt and Mr. Gillmor.
H.R. 4524: Ms. Rivers and Mr. Boehlert.
H.R. 4551: Mr. Davis of Illinois.
H.R. 4599: Mr. Frost and Mr. Hastings of Florida.
H.R. 4604: Mr. Frost.
H.R. 4611: Ms. Norton.
H.R. 4614: Mr. Clay and Mr. Evans.
H.R. 4622: Mr. Rehberg.
H.R. 4623: Ms. Lofgren.
H.R. 4635: Mr. Taylor of Mississippi, Mr. Pickering, and Mr. Hefley.
H.R. 4642: Mr. Kingston.
H.R. 4643: Mr. Lantos.
H.R. 4646: Mr. Pascrell, Mr. Clement, Mr. Sweeney, and Mr. Udall of Colorado.
H.R. 4653: Mr. Brown of Ohio, Ms. DeGette, Mr. Israel, and Mr. Wu.
H.R. 4654: Mrs. Morella.
H.R. 4680: Ms. McCarthy of Missouri, Ms. Carson of Indiana, Mr. Bishop, Mr. Waxman, Mrs. Biggert, and Mr. Schiff.
H.R. 4693: Mr. Deutsch, Mr. Kirk, Ms. Harman, Mrs. Lowey, and Mr. Evans.
H.R. 4704: Mr. Holt.
H.R. 4715: Mr. Lantos.
H.R. 4730: Ms. Rivers, Mr. Frank, Mr. Rangel, Mr. Frost, Ms. Millender-McDonald, Mrs. Meek of Florida, Mrs. Maloney of New York, Mr. Berman, Mr. Davis of Illinois, Ms. Norton, Mr. Schiff, and Ms. Slaughter.
H.R. 4757: Mr. Ferguson.
H.R. 4764: Mr. Payne, Mr. Owens, Mrs. Jones of Ohio, Mrs. Thurman, Mr. Lipinski, Mr. Wynn, Ms. Schakowsky, Mr. Blagojevich, Mrs. Christensen, Mr. Sanders, Ms. Woolsey, Mr. Davis of Illinois, Mr. Bishop, Mrs. Mink of Hawaii, and Mr. Frost.
H.R. 4771: Mr. Rehberg.
H.R. 4798: Mr. Costello.
H.R. 4799: Mr. Pascrell, Mr. Evans, and Mr. Price of North Carolina.
H.R. 4840: Mr. Otter.
H.R. 4872: Mr. Owens and Mr. Tancredo.
H.R. 4875: Mr. Mica.
H.R. 4878: Mr. Sullivan and Ms. Schakowsky.
H.R. 4904: Ms. Lee, Mr. Rodriguez, Mr. Becerra, Mr. Acevedo-Vilá, Mr. Jeff Miller of Florida, and Mr. Wu.
H.R. 4907: Mr. Schaffer and Mr. Kingston.
H.R. 4920: Mr. Markey and Ms. Jackson-Lee of Texas.
H.R. 4946: Mr. McInnis, Mr. Brady of Texas, and Mr. Portman.
H. Con. Res. 42: Mr. Sanders.
H. Con. Res. 164: Ms. Rivers.
H. Con. Res. 245: Mr. Moore.
H. Con. Res. 364: Ms. Sánchez.
H. Con. Res. 382: Mr. Allen.
H. Con. Res. 385: Mr. Bishop.
H. Con. Res. 401: Mr. Udall of Colorado.
H. Con. Res. 413: Mr. Hall of Texas.
H. Con. Res. 416: Mr. Burton of Indiana.
H. Con. Res. 418: Mr. Etheridge, Mr. Hayworth, Mr. Borski, Ms. Pryce of Ohio, and Ms. Slaughter.
H. Res. 445: Mr. Tom Davis of Virginia

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1475: Mrs. Clayton.

SENATE—*Tuesday, June 18, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK DAYTON, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You give us what we need and not always what we want. You have programmed us for greatness. You will not flatter those who want flattery, but seek to show us that lasting joy is being servant leaders. Lead us out of the quagmire of self-aggrandizement and show us the path of self-sacrifice. Free us of demanding love on our terms and help us to do what love demands. May our quest for recognition be replaced by a quiet recognition that You are pleased. Help us to play our lives to an audience of One: You, dear Lord.

May the demands of public service become a delight and not a duty. Help us not to miss the joy that today holds, waiting to be unwrapped. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 18, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK DAYTON, a Senator from the State of Minnesota, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. DAYTON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

TERRORISM RISK INSURANCE ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2600, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2600) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

Pending:

> Brownback amendment No. 3843, to prohibit the patentability of human organisms.
>
> Ensign amendment No. 3844 (to amendment No. 3843), to prohibit the patentability of human organisms.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:45 a.m. shall be equally divided between the two managers.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the vote occur at 9:50 a.m. rather than 9:45 a.m., and that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, I yield 2 minutes to my colleague from Nevada.

Mr. REID. Mr. President, this is a banking bill. This is a bill that came from the Banking Committee. It deals with a very important issue to the business community of this country. The Chamber of Commerce, for example, is going to score this. Their 3 million members believe this is important, as do the members of the Business Roundtable.

We have the support of organizations that are as diverse as the Taxicab, Limousine & Paratransit Association to the American Banking Association. This legislation is important to the financial well-being of this country. We have construction projects that are being stopped. We have construction projects that can't start.

I say to my friends, no matter how strongly their beliefs may be relating to cloning and therapeutic stem cell research, whatever we want to term it, it has nothing to do with this legislation. If the amendment becomes part of this legislation, the bill will be gone by the time it hits that backdoor. It has nothing to do with the underlying legislation, terrorism insurance, which is so badly needed.

I express my appreciation to those who have worked so hard to get to this point. Senator DODD has made statements on the floor time and time again indicating how important this legislation is. When he speaks, he speaks for the business community. Remember, the business community employs working men and women. This is important to the country. It is some of the most important legislation that has come before the Senate all year. We should invoke cloture, and we should do it when the vote starts at 9:50 today.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

Mr. REID. Mr. President, I ask unanimous consent that the time run equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me thank my colleague from Nevada, the distinguished majority whip, for his assistance and support on this matter, the terrorism insurance legislation.

In a few minutes we will be voting on cloture on this bill. I can't speak for the leadership, obviously, but I do know that as of last Friday at least, my sense was there was a consensus between the two leaders, based on the comments made on the floor, that even though the distinguished minority leader might under other circumstances be somewhat reluctant to support a cloture motion, I certainly interpreted his remarks to indicate that he understood why the majority leader was filing a cloture motion and asking for such a vote.

Last week we started debating the terrorism insurance bill on Thursday morning. By Friday, we had dealt with two amendments dealing with the substance of the bill. I was dealing with every other issue but terrorism insurance.

Now we have a cloning proposal before us. I have tried all weekend to draw some nexus between cloning and terrorism insurance, and my imagination fails me here. I don't see the linkage at all. My hope is, while there are certainly a lot of strong views on cloning, the issue of terrorism insurance requires the attention of this body, it requires this body to respond to this particular need and vote up or down on the matter. If they want to vote against it, vote against it.

My fear is, if we don't invoke cloture, we will then move to the Department of Defense authorization bill. After all the work that has been put into this effort over the last months, we may see the last of the terrorism insurance proposal.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

For those out there who believe this issue deserves to be considered and resolved one way or the other, I strongly urge them to vote to invoke cloture.

I ask unanimous consent that an article in this morning's Washington Post, "Firms Warned on Terrorism Insurance," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 18, 2002]

FIRMS WARNED ON TERRORISM INSURANCE

(By Jackie Spinner)

GMAC Commercial Mortgage Corp., one of the nation's largest lenders, is notifying its borrowers that they must have terrorism insurance or risk defaulting on their loans, the latest example of how a shortage of such coverage is hurting commercial real estate financing.

David E. Creamer, chairman and chief executive of GMAC Commercial Holding Corp., the mortgage company's corporate parent, said 85 percent to 90 percent of the loan agreements the company has reviewed this year are not in compliance because the property owners are not insured against terrorism when they renew their policies, putting the agreements in technical default.

"Almost every policy coming in doesn't have terrorism coverage," Creamer said. He declined to specify how many of GMAC's 40,000 mortgages have been reviewed so far as part of a routine check of their insurance policies.

Creamer said GMAC does not plan to foreclose on the properties that lack the coverage. But he said the company will work with the borrowers to get terrorism insurance, a course that some borrowers have avoided because of the high price and difficulty of obtaining the coverage after the Sept. 11 terrorist attacks.

In March, Simon Property Group Inc. sued GMAC for trying to force the mall owner to obtain terrorism coverage for its portfolio of shopping centers, including the Mall of America near Minneapolis. The suit was settled after Simon purchased two policies with $100 million limits.

According to the Bond Market Association, $7 billion worth of commercial real estate loan activity has been suspended or canceled because of a shortage of coverage.

Creamer said GMAC has turned down requests for more than $1 billion in new loans this year because the projects were not insured against terrorism.

"The real problem is not your bread-and-butter properties," Creamer said. "It's your trophy properties in metropolitan U.S.A."

The difficulty in obtaining insurance has prompted a call for federal action from insurers and business interests.

The Senate resumed debate yesterday on a bill that would create a one-year federal backup to help pay the insurance costs of a future terrorist attack. Under the terms of the bill, insurance companies would have to pay a portion of claims resulting from a terrorist attack. The amount would vary according to each insurer's market share. The government would then pay 80 percent of the remaining claims if the attack cost less than $10 billion and 90 percent if claims totaled more than $10 billion.

Senate Majority Leader Thomas A. Daschle (D-S.D.) plans to force a vote today on a procedural issue that would end debate on the bill. If he gets 60 votes, a final vote on the bill could come later in the day or tomorrow.

The House passed a competing measure last year that would require insurers to cover the first $1 billion in losses arising from a terrorist attack. The government would pay 90 percent of additional claims. The insurers and policyholders eventually would have to repay the money.

"There's a lot of lifting to be done yet," said Julie Rochman, senior vice president for the American Insurance Association, a trade group that supports a federal backup.

In the meantime, a growing number of lenders such as GMAC are trying to assess their risks in lending money to uninsured properties.

"I'd be surprised if there was a lender in this country that wasn't doing this," said Darrell Wheeler, a commercial mortgage backed securities analyst at Salomon Smith Barney Inc.

As lenders, "it is their responsibility to make sure their borrowers are in compliance with their loan documents," Wheeler said. "At the same time, if I'm a borrower, I'm facing very expensive insurance premiums. Most borrowers are trying to avoid that additional expense."

Mr. DODD. This article makes the case that GMAC, the commercial mortgage corporation, one of the largest lenders, is notifying borrowers that they must have terrorism insurance or risk defaulting on their loans; again, making the point we made over and over that this issue of terrorism insurance is real.

I have talked about the problems occurring in the commercial mortgage-backed securities. We have had comments from the President, Governors from across the country, and others who are involved in this issue. There is a list in the newspaper this morning of organizations as wide ranging as real estate and chambers of commerce to labor groups calling on this body to vote this bill out and get to conference so we can resolve the differences with the other body.

There is a list this morning: Vote for S. 2600, Terrorism Risk Insurance Act of 2000. I will not bother at this point to read the names, but there is a long list of groups and organizations that represent thousands and thousands of workers who, if we do not deal with this bill, run the risk of losing their jobs.

The Chamber of Commerce has said that "it is vital to pass this important legislation expeditiously," talking about the cloture vote.

From insurance agents and brokers:

> Support cloture and oppose Gramm amendment to remove per company retentions.

From the Real Estate Roundtable:

> We are writing to urge you to vote affirmatively on cloture and for final passage of the Terrorism Risk Insurance Act of 2002. These two votes will be scored as key votes for our organization.

The American Insurance Association: The same message.

The National Association of Realtors. This is a "key" vote for cloture on S. 2600.

Mr. President, we made the case over and over for many months as we have gone back and forth on this bill that each day that goes by, the case grows more serious and demands our attention.

I have had letters from 30 of our colleagues, from 18 Governors across the country, repeated letters and comments from the President of the United States and the Secretary of the Treasury, and others who urge us to step to the plate and bring up amendments, which we were willing to do last week without cloture. Now we have no other choice because we have received proposals, with all due respect to our colleague from Kansas and others, to bring up matters that the Senate may or may not grapple with in this Congress. To hurl these matters at this bill as we are trying to wrap up business we think is a huge mistake.

This is probably the last chance. For those who think there is going to be another day in this Congress on terrorism insurance, I fear there will not be. This is it. So in about 10 minutes, my colleagues will have a chance to decide whether we give final consideration to this bill or move on to other matters.

For those who vote against cloture, understand if things do happen, then the finger of culpability clearly gets pointed in the direction of those who denied us an opportunity to vote on this bill.

I urge support of the cloture motion, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Texas.

Mr. GRAMM. Mr. President, I intend to vote against cloture. I urge my colleagues to also vote against cloture.

This boils down now to two issues, and they are very real issues. No. 1, the President has said he will not sign a bill that will make victims of terrorism subject to attacks by plaintiff's attorneys and subject to punitive damages. We think it is vitally important that we have an opportunity to deal with this issue and to have at least one more vote on it.

Secondly, we are in a situation now where this bill has evolved to the point that the taxpayer is virtually the payor of first resort, not last resort. When this bill was initially put together in a bipartisan compromise, supported by the administration, we had in a terrorist attack $10 billion of costs that the insurance industry had to bear before the Federal Government came in to pick up the tab.

This was critical for two reasons. No. 1, it provided incentives for insurance companies to syndicate, so no one insurance company insures the Empire State Building. There may be a lead company and then they syndicate to other companies to spread the risk.

No. 2, it was vitally important in terms of protecting the taxpayer. What has happened now, by going to a retention level by individual companies, is that we have reached a point where the taxpayer is put at exposure very early in the process. I think it circumvents what we are trying to do.

My biggest concern is, if we adopt this bill in its current form, that we are setting up sort of a hot-house plant that cannot exist and grow and work without permanent Government involvement.

I remind my colleagues, our objective was to have a 2- or 3-year program to bridge this gap to create a situation where the reinsurance market would emerge, where syndication would become the norm in high profile projects so that the Federal Government could get out of this industry and so that the cost of terrorism in terms of risk would be built into the term structure of interest rates.

The problem with this bill—and this bill made sense in December when we had 3 weeks before 80 percent of the insurance premiums in America were going to be due and the existing policies were going to expire, but today much of that insurance has been written, premiums have been collected, and to adopt a bill with retention rates as low as we have in this bill is to create economic windfalls and to destroy the incentive of the industry to do the things that need to be done to get the Government out of this business.

I remind my colleagues that I have been among the earliest and strongest supporters of having a bill, but what has happened now is the nature of this bill does not fit the reality of the world in which we live, in the world at the end of June when policies have been sold, premiums have been collected based on no Government backup, and now we are coming in with retention levels that are so low that in some cases the Federal Government is going to begin to pay when losses are in the tens of millions.

When we initially contemplated this bill, when the administration signed off on a compromise, there was a $10 billion retention. Mr. President, $10 billion was made by the people who collected the premiums before the taxpayer paid. That has now been dramatically changed with retention levels set on a company-by-company basis. I think this encourages companies to take on full projects, I think it moves us in exactly the wrong direction, and I think we have an opportunity to fix this. I believe it will be fixed if we deny cloture, and I urge my colleagues to vote against cloture and give us an opportunity to deal with punitive damages being imposed on victims of terrorism and give us an opportunity to have retention levels that protect the taxpayer, that do not create windfall gains and retention levels that encourage the development of reinsurance and syndication, something that is absolutely essential to get the Federal Government out of this business within 2 or 3 years. I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, I wanted to come to the floor for a moment to express the hope that we can get cloture, that both Republican and Democratic Members can vote for cloture this morning and move on. I remind all of my colleagues that there will be 30 hours of debate at least potentially available to Senators with germane amendments. So there is absolutely no reason to vote against cloture.

I might just say for the record, prior to the time we take this vote, we began negotiations on this matter months and months ago. We have offered virtually every conceivable proposal I can think of to be able to bring this bill to the floor under unanimous consent. We asked unanimous consent on many occasions and were unable to get that consent. We even offered to bring up the House bill with a limit of five relevant amendments on either side, and that was not successful.

I am at a loss for how we will proceed under these circumstances if we are not able to get cloture today. My intention would be to put the bill back on the calendar and move directly to the Defense authorization bill if we fail to get cloture today. Only after we would have in writing the number of Senators required to bring the bill back would I be able to reschedule this legislation. So this is our chance. This is our window. This is our opportunity. Colleagues on both sides of the aisle have made it very clear it is important we take up the Defense authorization bill. So we are not going to extend the debate on this legislation. We will either get cloture, deal with germane amendments, and move on or we won't get cloture, and we will move on in any case.

So that is our option this morning, and I am very hopeful we can achieve that. I hope colleagues will understand we have been tolerant, we have been patient, we have been innovative, and we have been imaginative. I can't think of anything else we can be in an effort to get this job done.

I know there is a great deal of interest in it. But the time has come for us to bring this to closure if, indeed, Senators want a terrorism insurance bill this work period.

So I urge my colleagues to vote for cloture, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. LOTT. Mr. President, I yield myself time under leader time. I know it is time for us to vote, but I will be brief.

First of all, I believe we are close to finishing this bill. I understand there are very few remaining issues we would actually have to dispose of even though there were some 41 amendments filed on this legislation: 14 on the Republican side of the aisle, 27 on the Democratic side. I am not sure how many of them are germane or how many would actually have to be offered. I know the manager of the legislation filed 21 of them, and perhaps some of them have been accepted. I don't know how many of those have been worked through. But clearly there were some problems with this legislation that needed to be addressed.

It is my hope we can complete this important legislation and get it to conference and then get a bill that we can accept and the President can sign.

There is a little bit of revisionist history that has been going on here. You remember last year in December very good work was done by members of the committee on both sides of the aisle, a bill that could probably have whizzed right through here. But over a period of time, the limits on liabilities were taken out, which is a concern of a number of Members on this side, and also the per-company limits were changed, or they were put into place in the legislation at a very low level where Federal funding would actually get to kick in.

Those are two of the major problems that still exist. That could have been worked out if we had gone to the bill that was originally offered in committee or over these many months we have been trying to get an agreement of how to proceed.

We have been unable to debate this measure at much length, although I said last week that I understood why Senator DASCHLE filed cloture.

We have other issues we need to go on to, but I think in this case cloture may actually delay it a day. If we get cloture, it could take us sometime into tomorrow. It looks to me as if there is only four, maybe five amendments that actually would have to be debated and considered and voted on.

I think we could probably get an agreement on the number of amendments and get a time limit and actually get votes on those amendments, perhaps not. But they are certainly relevant even though I am not sure whether they would be germane postcloture. I know Senator MCCONNELL has two or three, Senator GRAMM has one, Senator BROWNBACK one; there may be two or three on that side. But I believe we could work this out and actually get the legislation completed today.

I continue to hope that would be the result, and if cloture is not invoked, I will try to get a consent that we just take up these three or four amendments and move to conclusion. So, obviously, we would like to get this work done, but it still has some problems and some amendments that really do need to be considered.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. GRAMM. I have 2 remaining minutes, I believe; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. GRAMM. I yield those 2 minutes to Senator MCCONNELL.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we are very close to completing this bill. By invoking cloture we are going to be shut out of an opportunity to offer a few more amendments, just a handful as the Republican leader has indicated, that need to be considered. On the liability question, we have a clear letter from the administration indicating that if we don't deal with that properly, this bill will not become law. I do not think any of us believe, at this already late stage of the session, we ought to be clogging up legislative days with exercises in futility. So there are a couple more amendments on the liability issue that need to be voted upon.

I strongly urge our colleagues to vote against cloture and then let the Republican leader and the Democratic leader talk about how we can wrap this bill up in short order.

The ACTING PRESIDENT pro tempore. Does the Senator yield back his time?

Mr. GRAMM. How much more time do we have?

The ACTING PRESIDENT pro tempore. One minute.

Mr. GRAMM. Let me address for that 1 minute the whole issue about retention. When we started this debate, the Federal Government was going to be the backup insurer. We were going to have substantial retention by the private companies that have sold policies and collected premiums. They were going to pay up front, and in big losses the taxpayer was going to pay. When we got into December and 80 percent of the insurance policies were expiring, there was a movement toward individual company retentions to dramatically reduce the amount companies had to pay before the Government paid.

Now we are at the end of June. Companies have sold insurance policies. They have collected premiums. To come in now with retention levels in the tens of millions instead of tens of billions is to create an unintended, and I believe unwise and unfair wealth transfer but, more importantly, it discourages the kind of risk sharing that we need to ultimately get the Government out of this business.

I believe if the bill became law as it is now written, we would end up with the Government permanently in the terrorism insurance business. I think that would be a bad thing.

I urge my colleagues to vote no.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. I yield 2 minutes of my leader time to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, very briefly, this is a 2-year bill. In fact, it is only a 1-year bill with the possibility of an extension of another 12 months. We are going to have a chance to debate the Gramm amendment if we get to cloture. If we don't have cloture, then, as the leader has indicated, we are going to move on to the Department of Defense authorization bill. So if you want to have a debate about what my colleague from Texas is proposing or my colleague from Kentucky, the only way to do this is to invoke cloture.

We have been at this since last fall trying to resolve these matters. My hope is we can. If we don't invoke cloture, then it is very difficult to get to these matters. We have the cloning issue and others that have been added to this debate, and it makes it very difficult to deal with the underlying issue.

I have indicated earlier that from the AFL–CIO to major groups in the country that are dealing with commercial lending they tell you this is an important piece of legislation. Every day we waste is jobs lost and more economic difficulty. So my hope is we can invoke cloture, debate the Gramm amendment, debate the amendment of my friend from Kentucky and others, and resolve this matter. Either vote for this bill or vote against it, but let's get it completed.

I yield back my time.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 410, S. 2600, the terrorism insurance bill:

Harry Reid, Hillary Rodham Clinton, Jean Carnahan, Charles Schumer, Kent Conrad, Tom Daschle, Richard Durbin, Jack Reed, Byron L. Dorgan, Christopher J. Dodd, Debbie Stabenow, Jay Rockefeller, Maria Cantwell, Jeff Bingaman, Daniel K. Akaka, Evan Bayh, Joseph Lieberman.

The ACTING PRESIDENT pro tempore. By unanimous consent the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on S. 2600, a bill to insure the continued financial capacity of insurers to provide coverage for risks from terrorism shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Texas (Mrs. HUTCHISON) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 31, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—65

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Crapo
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hatch
Hollings
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Miller
Murray
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—31

Allard
Bond
Brownback
Bunning
Burns
Campbell
Craig
DeWine
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hutchinson
Kyl
Lott
McConnell
Murkowski
Nelson (FL)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Thurmond
Voinovich

NOT VOTING—4

Boxer
Helms
Hutchison
Kerry

The PRESIDING OFFICER (Mr. NELSON of Nebraska). On this vote, the yeas are 65, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Mr. President, I ask unanimous consent that our two colleagues from Michigan be recognized to speak as if in morning business for a period not to exceed 10 minutes on a very important matter to the State of Michigan.

Mr. REID. Mr. President, reserving the right to object, I ask the Senator from Connecticut to modify his request so that this time will count against postcloture time.

Mr. DODD. I so modify the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

(The remarks of Mr. LEVIN and Ms. STABENOW pertaining to the submission of S. Res. 287 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Ms. STABENOW. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I have a markup with the members of the Banking Committee coming up. Given that last vote, it is not my intention to try to offer an amendment. The amendment I wanted to offer, which was a 3-year program, would not be germane postcloture because of the third year.

I want to sum up what I believe to be the chronology of this debate and express my concerns.

Senator MCCONNELL and I will offer amendments if the House bill is brought up in an effort to substitute this bill for it, and potentially on the naming of conferees. But I think, in terms of today and this bill, it is clear where the votes are.

Let me remind my colleagues that in the wake of 9–11, there was great skepticism in Congress about the need for terrorism insurance. I think any checking of the RECORD will show that I was one of the early supporters of an effort to have terrorism insurance. I believed then and I believe now that we need a bridge from our current situation where terrorism insurance is hard to get for high-profile projects, where it is expensive as we go through this process of rational investors determining what the real risks are.

I thought it was important we have a bridge program to give a Federal backup for a fairly short period of time until the market could adjust to this new reality and the threat of terrorism could be built into the structure of insurance premiums. I have to say, in the entire debate over the bill, the role of the Federal Government has been a role of a backup, where the Federal Government paid only in cataclysmic kinds of circumstances.

In the fall of last year, we reached a bipartisan compromise that was worked out among the leaders of the Banking Committee, the committee with jurisdiction. That bill had a $10 billion retention the first year for the insurance companies, $10 billion the second year, and then, if the Secretary of the Treasury decided a third year was needed, we had a $20 billion retention.

What "retention" means is that the insurance companies would pay the first $10 billion, and then the Federal Government would pay 90 percent of the $90 billion that might follow.

The argument that was made, from the very beginning really, boiled down to two points: One, that the people who were collecting the insurance premiums should have first liability and the Federal Government should be in a backup role.

The second argument was—and I think it was the more dominant argument; the more important argument, in my opinion—that our objective here is not simply to insert the Federal Government permanently into the insurance industry.

I note to my colleagues that, unlike World War II, where, when the Japanese bombed Pearl Harbor, we knew that war would end someday, and we knew we would prevail, and we knew there would be a formal ceremony ending that war—and, in fact, there was on the deck of the *Missouri*—this war, when it ends, will end with the dying gasp of some terrorist somewhere, and we will not be sure that he is the last one, and there will not be any formal agreement ending the hostilities.

So our objective here is to build a bridge to private coverage. That bill was agreed to in the fall by the Secretary of the Treasury on behalf of the President and by the leadership of the Banking Committee.

We agreed in that to ban punitive damages against the victims of terrorism. We had a press conference. It looked as if we had come up with a bipartisan consensus. Then there was objection to the ban on punitive damages against the victims of terrorism, and the bill did not go forward.

Then in December, in a last ditch effort, in which I am proud to say I participated, we tried to write a bill that would deal with a situation where, we were already halfway through December; 80 percent of the insurance policies in America—at least we were told at the time—were expiring on January 1, and so there would not be time for reinsurance to develop. There would not be time for extensive syndication, a basic procedure whereby an insurance company would insure the Empire State Building but then perhaps would lay off the risk to 20 other companies.

In December, a bill was worked on that had individual company retentions. For the largest companies in the industry, that retention is pretty substantial, over $1 billion. For small companies, that retention is quite small, in the tens of millions of dollars.

There are two problems with the bill before us which is based on the December draft. The first problem is, the situation is very different today than it was in December. Those policies did expire, and many were renegotiated at substantially higher premiums. It is now 7 months later. Insurance has been sold. Premiums have been collected. Those premiums are based on substantially higher risk with no government backup. Now we are being asked to pass a bill that maintains those retention levels that might have made sense in December, when 80 percent of the policies in the country were expiring and there was no time for reinsurance or syndication.

But in my opinion, to adopt this bill 7 months later when substantial numbers of policies have been sold at substantially higher prices, and those higher prices are part of the solution—I am not complaining about them because risks are higher—the point is, we are dramatically changing risk by having the Government pay 90 percent of the claim above these retention levels.

I have offered a compromise which would split the difference, which would have individual company retention the first year, for the first 12 months after the bill is signed into law. Then it would go to a $10 billion industry retention; and then if the President extended the program 1 more year, it would have a $20 billion retention.

Why is that important? It is important for two reasons. One is equity. These retention levels put the taxpayer at an unjustified risk. These low retention levels we have in this bill create a situation where policies were sold; premiums were collected; expectations were that there would not be a Federal backup. And now the Federal backup is coming in at individual company retention levels which are substantially lower than the level we looked at in October of last year.

This creates an unintended transfer of risk from the insurance companies to the taxpayer, where the insurance companies have collected premiums based on bearing that risk themselves.

That is an equity problem. We are putting the taxpayer at a level of exposure which is unjustified.

The second problem is of greater importance. If we simply are passing a bill that transfers wealth from the taxpayer to insurance companies, it is inequitable, in my opinion, at the level we are doing it. But it is not the end of the world, nor is it the first or last time we would have ever done any such thing. The problem is, the way the bill is now written, for the next 2 years, the incentive that insurance companies have to develop reinsurance—and reinsurance is a system whereby I sell a policy on a building, but then I share that risk through a reinsurance system which is developed. I share the profits, but I share the risk. That way the risks end up being dispersed not just among all the insurance companies in America but literally all the insurance companies in the world.

As that market develops, there is another alternative called syndication whereby companies insure an asset but then they syndicate by having other companies take a piece of it. They in essence become the reinsurer.

Why is all this important? Why would anybody care about all these things? Why I care about it is because if we don't have substantial industry retention, we are dramatically reducing the incentive for the reinsurance market to develop. If we don't have substantial industry retention, we are creating an incentive for companies to take a larger share of risk because they are not having to bear the risk.

They have their industry retention, which for smaller companies can be in the tens of millions of dollars, and then the Federal Government comes in and pays 90 percent of the cost.

If we don't develop reinsurance, if we don't develop syndication as the norm, then we simply continue a system where the bulk of the risk is borne by the taxpayer. Two years from now, if we don't change this bill, we are going to be back here, and the same people who are saying today we have to have this bill are going to say: You have to extend this bill for another 2 years, another 10 years, forever.

The problem with the structure of the bill is that it acts as a disincentive to do the things the industry has to do in order to get the Federal Government out of the insurance business.

I am not yelling; I am not complaining about the insurance companies. I am not trying to put them in a position where I am vilifying them. I would say when we came out with our bill last October, there was great joy and celebration in that the insurance industry was going to have to bare a $10 billion retention, but the Federal Government was going to pay 90 percent of anything above that.

It was my perception, in talking to people, listening to people, that people thought that could be made to work. Granted, there were people who wanted the Government to bear more of the risk. The point is, there was a perception that this was something that could be made to work.

Now we have a situation where the retention level has been reduced dramatically. If I were running an insurance company, I would want the retention level to be zero. If I were running an insurance company, I would want to sell the insurance, collect the premium, and I would want the Government to pay the claims. So I never expect people to do what is not in their interest. If you do that, you are going to be disappointed.

But what has literally happened here is that we wrote a bill in December for an emergency situation where it was going to go into effect in less than 3 weeks. There was no time for reinsurance pools to develop; 80 percent of the policies in the country were going to expire on January 1. So in order to try to accommodate that short timeframe, we agreed, or at least many were willing to agree—the body never agreed—to retention levels that were dramatically lower.

I know nobody knows what "retention" means. It means the Government pays sooner and more.

That may have made sense in January, but it does not make any sense at the end of June when insurance policies have been sold and premiums have been collected based on no Government backup. So the whole reason for the lower retention levels in December has now passed.

What happened was, quite frankly, the industry saw these lower retention levels in December and said: That is what we want; we do not want those higher retention levels we agreed to in October; we want the lower retention levels.

The problem is they only made sense in January. They do not make sense in June. My lament—and that is all it is at this point because it is clear from the last vote that we are going to pass this bill—is that we are going to put the taxpayer at a much greater risk than is justified.

It is amazing to me that in October, the very people who thought the retention level at $10 billion was too low now are supporting retention levels that are a small fraction of the $10 billion retention we had agreed to in October. This creates tremendous inequity for the taxpayer. It creates an unintended wealth transfer. I think it is a problem, and I believe it should be fixed.

The second problem is much greater, however, and that is we are reducing, not eliminating, the incentive of the industry to syndicate and to develop reinsurance, and in the process, I believe we are taking a step toward having Government permanently in the insurance industry.

I am not going to convince anyone else—I think I have convinced about 35 Members of that, and I think that is probably the high water mark. I am not going to try to offer an amendment. I am ready to let this bill pass. But I will say that I still believe we are making a mistake. I still believe we need to find something—we should go back to the October retentions, but at the least we need something between the two.

We will have an opportunity, if the House bill is brought up to amend it with this bill, to vote on punitive damages. The President has said he will not sign a bill unless we deal with punitive damages. We will have an opportunity at some point to address these issues again. But to continue to debate it today uses up Senate time.

We should get on with the Defense authorization bill. I have a markup in 5 minutes on another issue of equal importance. As a result, I do not intend to try to use up the Senate's time. The Senate spoke on the cloture motion, and I am ready to pass the bill and address these issues some other day as we proceed in the process that ultimately leads toward a bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, the Senator from Texas and I, despite our disagreement at this particular moment, are very good friends. We both serve on the Banking Committee, and there is, as he points out, a very important markup occurring.

So I might get an understanding of where we are, are there amendments that will be offered to this bill, or can we go to third reading?

Mr. GRAMM. I am ready to go to third reading on the bill. I do not think we are going to achieve anything by offering amendments. I cannot offer the amendment I would like to because it brings in the third year, and it would not be germane. At this point to offer an amendment would be to simply delay something rather than to seek a constructive change. The thing to do is to go to third reading and pass the bill. I would be willing to do it on a voice vote. Then we will take it from there.

Mr. DODD. Mr. President, I will take some time to respond to the comments of my colleague from Texas, and he raises not illegitimate concerns.

I say to my colleague from Texas, we have always known we were sailing in uncharted waters. We have never done anything like this. I would be the last one to stand before my colleagues and say with absolute certainty what we proposed is going to work as perfectly as we would like it to work.

My colleague from Texas raises some legitimate questions, questions I really cannot answer because we do not absolutely know what is likely to occur over the next 12 months or 24 months if the bill is extended. I am not at this moment going to challenge it, in fact, even on these assertions he has made. At some point, I will respond to it in a way that raises some concerns if we do not have retention caps, and it is a complicated matter for most Members to understand what happens in light of smaller companies that cannot necessarily withstand the kind of hits that could come with a major terrorist attack. There is an argument on the other side of retaining what we have in the bill.

I also make the point to my colleague, which I have made repeatedly, we are going to go to conference with the House. They have a different bill. These are matters, clearly, that need to be brought up and thought about more, and we need to bring in people who spend their lives working in this area who can share with us responses to these kinds of questions. Senators deal on a matter such as this for a few hours, and we do not really understand—at least I do not, despite the fact I represent a State with a large insurance industry. These are very complicated and arcane insurance matters. The Presiding Officer was an insurance commissioner in his State. He knows the matter, but even he has to say these are complicated matters in light of what has happened.

I appreciate the spirit in which my friend from Texas has made the suggestion we get past this bill and go to conference, but he has my commitment, Mr. President, and my word that I do not consider this to be the final word; that we have work to do before we come back. My colleague has made the point, and I have made the point that I do not want to see this go on. I do not want the Federal Government to be in the insurance business. I want to make sure we get off this as fast as we can.

I, like him, am concerned that 2 years may be unrealistic, but I also understand the tolerance level of my colleagues. That number was chosen as much for political reasons about how much our institution would be willing to bear politically as it was over the realities of what the marketplace is like in trying to cost this kind of a product.

Getting to conference is helpful. We will work on these matters and hopefully bring back a bill that is even improved from what we have before us today.

With that, I am going to yield to the distinguished majority whip and the leadership to determine what they want to do. My colleague from New York is here as well and may want to make comments, and then we can figure out whether to have a recorded vote or take a voice vote on the bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I first ask a question of my friend from Texas without losing my right to the floor, and that is, the Senator from Texas would not in any way object to the appointment of conferees?

Mr. GRAMM. We are not ready, Mr. President, to name conferees. I have to sit down with our people who have been involved in this debate and talk about how we want to go about it. I would be willing to step aside today and let the bill be passed, but in terms of bringing up a House bill or substituting this bill for it or naming conferees, we are going to have to have some meetings.

Part of our problem this morning—and I understand in trying to run the railroad that you have to set a time schedule—we did not get an opportunity to meet this morning—we being Republicans—before we had this vote. It is just going to be essential that I have an opportunity to sit down with our people.

My suggestion is we go ahead and pass the bill, and then we will have an opportunity to go to the Defense authorization bill, and then we will have an opportunity to sit down and my colleagues on the other side of the aisle will have an opportunity to sit down and maybe something can be worked out.

Mr. REID. Mr. President, there are some amendments, technical in nature, that the Senator from Connecticut will take a little time to do. I hope during the next few minutes we can work out a unanimous consent agreement to have a vote on this bill sometime this afternoon, perhaps allowing the Senator from Connecticut to do the housekeeping chores he has and to make sure there are no other amendments people wish to offer.

AMENDMENT NO. 3844

Mr. REID. Mr. President, what is the pending business on this bill?

The PRESIDING OFFICER. The pending business is the Ensign second-degree amendment to the Brownback first-degree amendment.

Mr. REID. Mr. President, I make a point of order that the Brownback amendment No. 3843 is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. REID. And with it falls the Ensign amendment?

The PRESIDING OFFICER. That is correct.

Mr. DODD. Mr. President, I yield whatever time my colleague from New York may consume.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Chair.

Mr. President, I first thank the Senator from Texas for at least at this point—one never knows—seeing the handwriting on the wall. Sometimes that handwriting seems to become an invisible ink, but at least at this point we have seen that.

I wish to make a couple of points.

The Senator from Texas sees the bill one way, and I respect that, and that is the balance between private industry and Government. Obviously, he has built a whole career on minimizing the Federal Government role in every walk of life. It is a philosophy he espouses with a great deal of integrity, intelligence, and fervor, and he has been mighty successful at it, a little too successful over the last 20 years.

However, there is another way to look at this bill, and that is in our post 9-11 world. We are so uncertain of what will be happening next: will there be other terrorist incidents? How will they affect us? How many lives will be lost? What should we do to protect ourselves now that we are in a totally brave new world?

The bottom line is a simple one, I say to my colleagues, and that is, our No. 1 one goal should be keeping the economy on track during this brave new world. If that means altering the balance between Government involvement and private involvement, so be it.

I do not want to see the insurance industry make unnecessary or excessive profit; no question about it. Under the present situation, their profits are quite large, and how much of that is due to terrorism insurance and how much of that is due to just the natural ebb and flow with the investments they make going down, so their rates go up—the opposite happened in the late nineties—we do not know.

The bottom line for me is this: That under the present situation, billions of dollars of projects are not going forward, particularly in large economic concentrations, particularly in large cities, none suffering more than my own.

The bottom line is this: Further billions of dollars of refinancing is not occurring, all because the uncertainty means that for an insured to offer a policy at all, they err on the side of caution and charge such high rates that there is a huge crimp on economic policy.

If this happened because of some market phenomena, so be it; that is the market. This is happening because of an untold, if you will, geopolitical phenomenon: This new world of terrorism in which we live. Therefore, to look simply from the prism of how much Government involvement there ought to be, without looking at the larger effects on the economy that our problems since 9-11 have caused the insurance industry—and it has ricocheted to the economy as a whole. The fact is that the insurance industry was not clamoring for this bill at all. They were sort of happy to let the present situation continue for a while.

It was really the banking industry and, above all, the real estate industry which saw so many new projects go by the wayside that put pressure to make this bill happen. The insurance industry, wisely, is going along with this, but they were not the impetus post-January 1 when they learned that they could continue to be viable in terms of their responsibilities to their shareholders but perhaps not be viable in terms of the broader responsibility to keep our economy going and not give the terrorists a victory.

Therefore, yes, there is the age-old conflict between government and the private sector. But something transcends that. That is the fear, the uncertainty, that we all have. Those are the classic times when Federal Government involvement is more called for. In wartime, naturally, the Federal Government has more say over our economy. No one has ever fought that notion. We are in wartime, whether we have declared war or not. We all know it. Every time we hear a loud explosion, even a car backfiring, people turn around and ask, What is this? We are in a different world. That happens economically speaking, as well.

I say to my friend from Texas, this is not simply the question, Should it be the Government at 10 percent and private sector at 90 percent? Certainly under these circumstances, the less Government involvement, the better, does not apply because there are external ramifications that go far beyond the insurance industry itself. My friend from Texas said we knew World War II was over and that is why the Government would step in. They did not know a week after Pearl Harbor was bombed that World War II would be over in 1945—the Japanese were overrunning the Pacific, and the Germans controlled the European continent. All they knew was, for this country to survive in a war setting, the Government would have to be fully involved.

I urge my colleagues to look at this on the merits, to not let a predisposition of an ideological notion blur the view of what we have to do. I hope we will move this bill quickly.

I thank my colleague from Texas, again, for understanding this bill should move forward, even if he vehemently disagrees with it. I thank all of my colleagues, including the Senator from Connecticut, who has worked long and hard, along with the chairman of our committee, Senator CORZINE, as well as my 17 Republican colleagues who made it clear they were going to put the prosperity of our economy above any ideological notion or notion of party.

We are finally beginning to see the light at the end of the tunnel. We have a way to go. The Senator from Texas is one of the most skilled parliamentarians around, and I guess he will have a few other tricks up his sleeve. For the moment, I hope the bipartisan coalition we put together which says if we do not do something and, frankly, if we do not increase the Federal role, not only will the insurance industry falter—it may not; it is doing well—but, more importantly, our economy will stumble. That is something we cannot afford. That will be a victory for the terrorists themselves.

I look forward to moving this bill, to come to a conference where we can solve this problem, not just looking at the balance between Government and the insurance industry but, rather, the broader effects on the whole wide economy, and get something on the President's desk to help those who lost their jobs in the construction industry, those in the projects that are not going forward, with all the uncertainty in the economy. Money is being sucked out because insurance rates are going through the roof. So many in my city and other cities need this bill quickly.

Yes, the Senate has spoken. I hope it will be allowed to speak by helping move legislation into law quickly. For our economic viability, we need it.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Connecticut.

Mr. DODD. Before my colleague from New York leaves—and we are heading in the same direction to the Banking Committee to deal with accounting reform which is being marked up today—I express my gratitude to him and to Senator CORZINE, as well.

Obviously, the Senator from New York speaks about this issue of terrorism insurance with a voice that adds a bit more clarity, if I may say so, than other Members. I am from a neighboring State. We lost people in Connecticut, as were lost in the Pentagon and the airline that went down in Pennsylvania, but particularly for the people of New York and particularly the people of New York City, the events of September 11 have a poignancy that the rest of the country understands.

We deal with this issue of terrorism insurance, and there is a tendency to get lost in the trees, be arguing about whether the Government will be an insurance company and how this will work. Those are not insignificant questions. I know my colleagues believe those are important issues. Sometimes we lose sight of the fact that there is an economic slowdown occurring and people have a heightened sense of anxiety because of the events of September that we did not have before.

We may talk about the failure of the intelligence community and the like, that may or may not be true, but certainly what was true was a failure almost of imagination that something such as this could happen on our own shores. What we are trying to do with this bill, and why the Senator from New York was so critically important in helping to put this together, is to see if we can get back on our feet to offer our constituents a sense of confidence that, despite the events of September 11, we are coming back and trying to do that in so many different areas.

One critical area is the economy because, in addition to what this may cost—God forbid our country is attacked again—in terms of lives lost and hardship suffered, is the cost in terms of the price of premiums on insurance policies. Our Presiding Officer has raised legitimate concerns about that. We know that in the absence of this bill, the prices are apt to go much higher. In fact, I am confident they would.

One of the goals of this bill is to try to dampen down that demand for the increased price of these premiums so our consumers, the owners of these buildings, the people who rent, the people who work in these buildings, the people who rent to open up shops and the like, are going to have less of a cost than they might have otherwise.

We have tried to fashion this in a way that will make it possible to occur without just setting a premium cost that would be outrageous. And so I am grateful to the Senator from New York and others who have made at least getting the bill out of the Senate possible, and I second his concerns about whether or not we can actually finish this up and get a bill to the President that will allow us to complete this work.

As he has said, and I repeat, this is about a 1-year bill, maybe a 2-year bill. It is conceivable someone may argue we need a third year, 36 months, and I would not argue too strenuously against that for all the obvious reasons.

This is a very limited proposal to try to jump-start this critically important element in our economy. The longer we delay, the harder it is to do that. So my hope is the Senator from Texas and others would allow us to go forward, get a conference done, get a bill to the President, and see if we can't make a difference for this bottleneck that has occurred in our economy that makes it possible for the flow of commerce to occur as easily as it should as we try to get back on our feet as a nation.

So, again, I will respond more directly at another time to the concerns raised by the Senator from Texas about the retention rates and the fear I would have that, if we didn't have some individual company retention rate caps, what that could do to the ability of smaller companies to actually be in the marketplace. This could end up being just a bill that is good for four or five insurance companies, and there are many out there that are not big but would like to be in this market, need to be in this market that could not afford to be in this market without having some realistic caps on an individual company-wide basis. So there is a strong argument for that approach that should not be lost on our colleagues when that debate occurs.

When that does occur, we will make the case and hopefully finish this bill. Again, I thank my colleague from New York.

Mr. SCHUMER. If my colleague will briefly yield, again, I thank him, as I have before, for his leadership, for his steadfastness. This is not an easy issue. This is not one where you can go home and make a stem-winder of a speech. It is not a crowd pleaser, but it is necessary. His leadership on this has been top of the line, and I thank him for it and hopefully we can work together and get a law.

Mr. DODD. Mr. President, as I understand it, just to inform the Presiding Officer, there will be a vote on this bill sometime a little later today. I know there are some technical amendments that are being worked on right now to resolve those if we can. And then the leadership will set the time and the circumstances when that vote would occur. But my guess is it will be a little later in the day. In the meantime, I know there is some consideration about laying this bill aside temporarily and moving to another matter, possibly the Department of Defense authorization bill. But I leave it for the distinguished majority whip and the majority leader to make the announcements as to how we will proceed. But at this point I would assume that debate on this bill, at least for the present, is over and we will have a recorded vote on the underlying Senate bill sometime later this afternoon.

With that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

HISPANIC EDUCATION

Mr. REID. Madam President, we speak frequently of America's security needs and we do it with understanding. It is important to understand, though, that the strength and security of our Nation requires more than bombs and bullets and our brave men and women in uniform. The future of our great country will be determined by our children and our grandchildren, and their futures in turn will be shaped by the education they receive today.

So what is a higher priority for America than educating our children and making sure all children have the tools and opportunity to succeed?

In the future, classrooms and communities all across America will resemble those we already see in the State of Nevada where students from racial and ethnic minorities comprise an increasing percentage of the school population. The Presiding Officer knows about which I speak, being from the State of Florida which is diverse in nationalities, ethnic groups, religions. It is a State of great diversity, as is Nevada.

This is new in Nevada. It has been longstanding in Florida. Nevada's schools now serve a large and rapidly growing number of Latino students, including many with limited English language proficiency. The Clark County School District, Las Vegas, is the sixth largest school district in America, with about 240,000 students. Over 25 percent of those students are Hispanic, and we support programs that provide all students the resources they need. Therefore, we must keep in mind the educational needs of Hispanic children. They have special needs in many instances.

My Democratic colleagues and I will host our third annual Hispanic Leadership Summit this week. We have invited 100 Hispanic leaders from across the country to share their ideas and work together on key issues facing the Hispanic community. Certainly education will continue to be a top priority for the Democratic caucus.

Health care, jobs, the economy, immigration, and civil rights will also be among the priorities on our agenda, and we will speak about these subjects with Hispanic leaders who will come to Washington this week.

Though education is viewed as a local issue because most decisions are made by local leaders, school boards, principals, teachers and parents, the Federal Government should and does play an important role in helping to educate our youth.

Congress and President Bush agreed last year to work together to improve the quality of education in America's public schools. We worked in a bipartisan manner to reauthorize the Elementary and Secondary Education Act and passed a strong educational reform program that requires States to set high standards for every student and strengthen Federal incentives to boost low-performing schools and significantly improve educational achievement.

The legislation even had a catchy name: The No Child Left Behind Act. Unfortunately, though, President Bush has not backed up his rhetoric with the resources our children need. Just 1 month after signing educational reform into law, the so-called No Child Left Behind Act, he proposed a budget to cut almost $100 million in funding for the No Child Left Behind Act. To highlight the impact of the Federal budget, for example, on Nevada's schools, I hosted an Appropriations Committee field hearing in Las Vegas this spring. We heard compelling testimony about programs that have worked and passionate appeals for continued support.

I, for one, will do all I can to restore funding for successful educational programs that President Bush wants to cut. My Democratic colleagues will join with me in this effort.

The Secretary of Education conducted townhall meetings in Las Vegas shortly after our hearing—actually north of Las Vegas—as part of the President's Commission on Education Excellence for Hispanic Americans.

I am pleased Secretary Paige visited Las Vegas so he could learn about the challenges that teachers and students face. While the entire Nation is struggling with overcrowded classrooms and teacher shortages, these problems are particularly severe in Nevada, the fastest growing State in the country.

At the hearing that I held, one of the witnesses was a young man by the name of Alberto Maldonado. This was a hearing of the Appropriations Committee. Alberto was born in Mexico City and moved to Las Vegas when he was 15 years old. At age 15, he did not speak a word of English, and he was mainstreamed into the schools. He enrolled in the 10th grade at Las Vegas High School.

On the first day of school, Alberto was terrified. He walked into the school not understanding a word of English or certainly much of our culture. He now recalls with gratitude, he testified, the names of his teachers in his English Language Learners Program and how they influenced his life. Ms. Hernandez and Ms. Williams taught him English words and sentence construction. Mr. Luna helped him learn about English culture, and Ms. Monroy helped him learn to write English and to read advanced materials.

Just 1 year after this young man, who could not speak a word of English, enrolled in his new school, he passed the Nevada High School Proficiency Examination in reading, writing, and mathematics. In his senior year, he served as vice president of the Student Organization of Latinos. After graduating from Las Vegas High School, Alberto attended community college and went on to work with mentally and physically challenged children.

He is a bright young man, and the reason I am sharing his story today is because right now, there are tens of thousands just like Alberto in Clark County—students who need to participate in the English Language Learners Program if they are to have any hope of achieving the American dream.

It is estimated there are 40,000 students just like Alberto. By the 2004–2005 school year, there will be almost 90,000 who will need these services. I cannot understand why, at a time when our Nation needs to support education more than ever, our President wants to freeze funding for English Language Acquisition and Bilingual Education Programs.

Nevada also has the Nation's highest dropout rate. It is nothing I am proud of, but it is a fact. One out of every 10 high school seniors in Nevada drops out of school. This does not count those who dropped out before they even got to high school.

The Dropout Prevention Program, which was authorized as part of the No Child Left Behind Act, which was pushed strongly by Senator BINGAMAN and me, is the only Federal educational program specifically targeted to dropouts. The Hispanic community suffers from a persistently high dropout rate, higher than any other ethnic group. Yet the President wants to eliminate this dropout prevention program.

It is the only program, I repeat, that deals with dropouts. I hope he will reconsider the administration's plans to eliminate a program of such great importance for youth across America, including Hispanic students who already have a high risk for dropping out of school.

There is another program called the GEAR UP program which supports early college awareness for low-income youth starting in middle school and helps them complete high school and enter college. Over one-third of the students in the GEAR UP program are Hispanic.

This program is critical for Hispanic students who are more likely than any other students to drop out of high school and, consequently, less likely than others to attend and complete college. Again, I have a hard time understanding how, as our Latino population continues to increase, the President wants to freeze funding for yet another program that is critical to the long-term success of Hispanic Americans. But this is yet another example of saying the right thing without paying for it.

The No Child Left Behind Act provides a blueprint for educational reform. Real reform cannot occur without real resources. Without adequate funding, it is reform in name only. That is not enough. We can do better. We must do better.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM RISK INSURANCE ACT OF 2002—Continued

Mr. REID. Madam President, I ask unanimous consent that at 4:30 p.m. the bill now before the Senate be read the third time and the Senate vote on final passage, without intervening action or debate, with the 30 minutes prior to that vote equally divided between Senators DODD and GRAMM, or their designees, and paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there are a number of Senators who have expressed a desire to offer amendments. We are anxious to have them come forward. For example, Senator SPECTER can come anytime he wants, except between 12:30 and 2:15, to offer his amendment. We look forward to that. If other Senators wish to do the same, the floor is open for those Senators.

I say to my Republican colleagues, this is the efficient way to do business. We know it was a tightly contested vote to obtain cloture. Senator GRAMM did the right thing in saying we will try to do things in conference or at some later time. This will expedite getting to the Defense authorization bill, which is so important for the country, something that the President and Secretary Rumsfeld have said time and time again we need to do. We will do that. The bill, the Defense authorization bill, should have adequate time to have a full and complete debate. It is always a bill that is controversial, just because of its nature and the size of it in dollars. It is something we will get to and complete before the July 4 recess.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. EDWARDS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EDWARDS. Madam President, are we in morning business?

The PRESIDING OFFICER. We are not.

Mr. EDWARDS. I ask unanimous consent I be allowed to speak for up to 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ETHICAL RESPONSIBILITY OF LAWYERS AFTER ENRON

Mr. EDWARDS. Madam President, I want to say a few words about the responsibilities of lawyers in corporate America.

In recent weeks we have learned about high-flying corporations that came crashing to the ground after top executives played fast and loose with the law. And we have heard how ordinary employees and shareholders can lose their life savings when millionaire managers break the rules.

For the most part, the public has focused on the role of the managers and the accountants in allowing this kind of misconduct to happen, and of course that is critical.

But the truth is that executives and accountants do not work alone. Wherever executives or accountants are at work in America today, lawyers are looking over their shoulders. And if the executives and accountants are breaking the law, you can be sure part of the problem is that the lawyers aren't doing their jobs. The findings of the jury in the Andersen case only highlight the role of lawyers in American business today.

I know from personal experience what the responsibility of a lawyer is. I was proud to practice law for 20 years. I was proud to fight for my clients, regular people who had been wronged by powerful interests. When I took on a client, I recognized my duty to that client: to represent him or her zealously, but to do so within the limits of the law.

The lawyers for a corporation—the lawyers at an Enron, for example—they have different kinds of clients from the clients I had. But they have the same basic responsibility: to represent their clients zealously, and to represent them within the limits of the law.

My concern today is that some corporate lawyers—not all, but some—are forgetting that responsibility.

Let me get a little more specific. If you are a lawyer for a corporation, your client is the corporation. You work for the corporation and for the ordinary shareholders who own the corporation. That is who you owe your loyalty to. That is who you owe your zealous advocacy to.

What we see lawyers doing today is sometimes very different. Corporate lawyers sometimes forget they are working for the corporation and the shareholders who own it.

Instead, they decide they are working for the chief executive officer or the chief operating officer who hired them. They get to thinking that playing squash with the CEO every week is more important than keeping faith with the shareholders every day. So the lawyers may not do their duty to say to their pal, the CEO, "No, you cannot break the law."

In my view, it is time to remind corporate lawyers of their legal and moral obligations—as members of the bar, as officers of the courts, as citizens of this country.

The American Bar Association ought to take a leading role here, something they have not done thus far.

The Securities and Exchange Commission has an essential part to play as well. For some time, the SEC promoted the basic responsibility of lawyers to take steps in order to stop corporate managers from breaking the law. The rule for lawyers that the SEC promoted was simple: If you find out managers are breaking the law, you tell them to stop. And if they won't stop, you go to the board of directors, the people who represent the shareholders, and you tell them what is going on.

After promoting the simple principle that lawyers must "go up the ladder" when they learn about misconduct, the SEC gave up the fight. They gave up the fight in part because the American Bar Association opposed their efforts.

In my view, it is time for the ABA and SEC to change their tune. Today I am sending a letter to the Chairman of the SEC, Harvey Pitt, asking him to renew the SEC's enforcement of corporate lawyers' ethical responsibility to go up the ladder.

In answer to a petition from 40 leading legal scholars, the SEC has already signaled that it probably will not take up the challenge I am talking about. I believe that is wrong. If Mr. Pitt responds to my inquiry by saying that the SEC plans to do nothing, then I believe we will probably need to move in this body to impose the limited responsibility I have discussed.

I ask unanimous consent that the full text of my letter to Mr. Pitt be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. Senate,
Washington, DC, June 18, 2002.
Hon. Harvey Pitt,
Chairman, Securities and Exchange Commission, Washington, DC.

Dear Chairman Pitt: I am writing to you about the responsibilities of lawyers under the federal securities laws.

In the wake of the Enron scandal, the public has focused on the role of accountants in maintaining the integrity of our free market system. In my view, it is time to scrutinize the role of lawyers as well. When corporate managers are engaged in damaging illegal conduct, the lawyers who represent the corporation can sometimes stop that conduct simply by reporting it to the corporate board of directors. Yet lawyers do not always engage in such reporting, in part because the lawyers' duties are frequently unclear. While the lawyers' inaction may be good for the inside managers, it can be devastating to the ordinary shareholders who own the corporation.

The American Bar Association's Model Rules of Professional Responsibility have not recognized mandatory and unambiguous rules of professional conduct for corporate practitioners, and rules at the state level are varied and often unenforced. During the 1970s and 1980s, as you know, the SEC instituted proceedings under Rule 2(e) (now rule 102(e)) to enforce minimum ethical standards for the practice of federal securities law. The SEC has since stopped bringing these types of actions. On March 7, 2002, forty legal scholars wrote a letter to you suggesting, among other things, that the Commission require a lawyer representing a corporation in securities practice to inform the corporation's board of directors if the lawyer knows the corporation is violating the Federal securities laws and management has been notified of the violation and has not acted promptly to rectify it. In a March 28, letter, your then-general counsel, David M. Becker, indicated that, absent congressional action, the SEC would leave this matter to state authorities.

It seems to me that a lawyer with knowledge of managers' serious, material, and unremedied violations of federal securities law should have an obligation to inform the board of those violations. Particularly in view of the uncertainty surrounding current ABA and state rules, my view is that this obligation should be imposed as a matter of federal law or regulation. Recognition and enforcement of this important but limited obligation could prevent substantial harms to shareholders and the public.

I would appreciate receiving your answers to the following two questions at your earliest convenience:

1. Absent further congressional action, does the SEC plan to act to enforce a minimum standard of professional conduct for lawyers in securities practice along the lines I have suggested?

2. If your answer to the preceding question is no, would you be willing to assist me in carefully crafting legislation to impose this duty on lawyers?

I look forward to hearing from you.

Yours Sincerely,

John Edwards.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. Bayh).

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the vote now scheduled for 4:30 be set at 4:45 today, with the remaining provisions of the unanimous consent agreement in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF DR. RICHARD J. WYATT

Mr. DOMENICI. Mr. President, it is with great sadness that I rise today to remember a man who played such an important role in mental health. I would like to make a few remarks to honor Dr. Richard J. Wyatt, a friend of mine and my wife and my family and a distinguished advocate for the mentally ill.

On Friday, June 7, 2002, the mental health community lost an inspirational researcher and leader in the field of mental health to a long battle with cancer. Throughout his career, Dr. Wyatt received numerous awards and honors and was highly respected among his colleagues. He served as the chief of the Neuropsychiatry Branch at the National Institutes of Mental Health.

For 33 years, Richard played a leading role in understanding the biological basis of mental illness. His work pioneered the view that Schizophrenia is not the result of bad parenting or frailty of character, but it is due to a diagnosable and treatable disorder of the brain. This creative understanding of the basis of brain disease led to new treatments with antipsychotic medicines easing the burden of the disease.

In addition, Richard and his wife, Dr. Kay Jamison, worked to end the stigma attached to mental diseases. Richard focused on research and the biological effects of Schizophrenia. Kay wrote books about her personal struggles with depression and how to overcome it. Together, they co-produced a series of public television programs that provided information on manic depression. All of their efforts helped to raise public awareness of brain disorders.

Not only did Dr. Wyatt receive praise for his work on mental health, but he was a strong and courageous individual who fought a lifelong battle with cancer. In a letter to a friend diagnosed with cancer, Dr. Wyatt candidly discussed his experiences and shared his insights into overcoming this disease.

Mr. President, I ask for unanimous consent that the February 13, 2001, Washington Post article entitled, "Words to Live By" be printed in the Record following my remarks. I believe this article is truly inspiring and exemplifies the qualities of this extraordinary individual.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. DOMENICI. From myself and my wife, Nancy, we wish to express our heartfelt condolences to Richard's friends and family. To his wife, Kay, we send our greatest sympathies for the loss of your husband, and we thank you for your work as well. Dr. Wyatt's strength of character, and his compassion and work on behalf of the mentally ill will truly be missed.

Exhibit No. 1

[From the Washington Post, Feb. 13, 2001]

Words To Live By

Drawing on knowledge born of hard experience, Washington psychiatrist Richard J. Wyatt penned this personal note of advice after a close friend and fellow physician was diagnosed with cancer. A cancer veteran himself, he underwent two years of aggressive radiation and chemotherapy to fight Hodgkin's disease in his thirties. When at age 60 he was diagnosed with Burkitt's lymphoma, he withstood another course of chemo and a bone marrow transplant. Since he wrote the letter, he's begun a third fight—this time against lung cancer. In the letter's introduction, he voices the hope that the "battle-won knowledge" he offers here "will help others facing this difficult journey."

Dear Jim, I wouldn't have the audacity to write this if I hadn't fought cancer three times myself. But maybe you'll find the following advice helpful. I also offer the comforting and indisputable fact that I am here today to offer it.

Try not to sweat the big things. Once you have made the decision to put yourself in the hands of a good oncologist, it is his or her job to fret. If you find that you are second-guessing him on big issues, you have the wrong person. Your job is to concern yourself with the small things. It also helps to find a treatment facility that makes you feel secure. I was treated at Johns Hopkins. The doctors, as I expected, were superb. And one cannot say enough about the quality of the nursing care at Hopkins. Everyone, including the housekeepers, takes pride in their work.

Finally, as you know from the adage, a doctor who is his own doctor has a fool for a patient. In short, despite the temptation, do not try to compete with your doctor. How to choose an oncologist: Carefully. Most people have no basis for choosing a specialist other than the recommendation of their internist or family physician. In most cases this works well. My internists are superb, and they could not have been more helpful at a number of important stages of my care. But they have only a limited number of people they know well enough to make referrals to.

The local oncologist is unlikely to have treated Burkitt's lymphoma or other unusual cancers, and even if he has some experience, it is likely to be slim. And he won't have the support team to deal with the many complexities that will arise.

You want to be at an academic center where there is a great deal of experience, and where nobody does anything without it being questioned. The local oncologist can work with the academic oncologist, particularly if there is a geographic distance involved. The question I would ask, probably of the local oncologist, is, "Who would you ask to treat your family member if he or she could go anywhere in the country?"

Do not be shy about this, and do not worry about offending your doctors by asking such questions. This may be among the most important questions you ever ask.

As an aside, when I went out to Stanford for my Hodgkin's treatment, the radiation oncologist there said he could do better than the other people I was considering when I asked him this question. The other oncologists I was considering were as good as they get. But the Stanford doc turned out to be one of the best physicians I have come across. His well-placed self-assurance probably saved my life.

Protect your veins. This is one of those small things I told you that you should worry about. Think of every venipuncture as a nosebleed where you must apply continuous pressure to the puncture wound for five minutes, even though the person drawing your blood will want to just put a bandage on it. Your arm will soon enough look like a maple tree in the fall, but there is no need to hurry the seasons. Try to get as much out of a single needle stick as possible. If you are going to need blood drawn twice in the same day, a device (a heparin lock) can be left in your arm which will prevent the need for a second sick. And start squeezing rubber balls. My arm veins have never been better.

A bad hair year. I have noticed that neither of us has high-maintenance hair. As far as I'm concerned, the only reason for having hair is to keep our heads warm. (If I were a woman, I might feel differently.) You have the wisdom to live in a warm climate, but when it does get cold, wear a hat. One of my fellow patients tied a bandanna around his head, which I thought looked pretty snazzy, but because of some medication-induced numbness and tingling in my hands, I was having enough trouble with buttons and shoelaces.

And there are some major benefits to hair loss. If all goes well, you have many months of not shaving. Just think of Yul Brenner and Michael Jordan. And James Carville. You will not be experiencing the radiation I received for Hodgkin's disease. It burned up a lot of me. Twenty-seven years after my radiation treatments, I still do not have any inconvenient sweat glands. I can wear my shirts for weeks without any telltale signs. And since both of us are academics, not one will notice the wrinkles.

Get your finances in order. Make sure everything is in one place where your wife can find it, and in a form she can understand. I note that the night before Sen. John McCain had surgery for his melanoma, he said that his wife, Cindy, was going through their insurance policies. It got a laugh, but she was right. I have all my financial papers in a black three-ring notebook in plain sight, and I update it pretty often. Visit your accountant to see if you are over the limits you can leave a spouse and kids without it being taxed. Wills, powers of attorney and so forth are a must. Do not forget your friends.

Nausea and vomiting. This time the chemotherapy is mild and fairly innocuous. Even a year ago, despite undergoing rather rigorous treatment, I had very little nausea or vomiting—a big difference from 27 years ago. Today there are good medications to prevent nausea and vomiting. Most of the time last year I got an IV dose a few minutes before receiving the day's medications. The pill form also worked well, even when they were dumping Drano directly into my cerebral spinal fluid. Burkitt's cells are apparently scoundrels: If they're allowed to, they hide in the brain.

I think you will want to start the pill form of anti-nausea medication about an hour before treatment, and take it about every eight hours for the next 24 hours. Your anti-cancer drugs may sit in the body longer than the ones I received, but I think most of them set on their target receptors within a few minutes.

An aside about spinal taps: If you need to have one, to prevent headaches, remember to lie on your back for two or more hours after each tap. Out of nine spinal taps, I had only one mild headache, but it did last about a week.

Although by previous standards there was essentially no nausea or vomiting, I recommend carrying a purple surgeon's glove in your pocket at all times, just in case. I am not sure why all the gloves have suddenly become purple, but Barney seems to have had a pervasive influence. I had to use the glove only once, but it saved my wife's car from that indelible stink. Since you have had much less practice and therefore probably do not have my Olympic-quality aim, you might want something larger than a surgeon's glove. Think leaf bag.

Tastes and foods. I developed strong aversions to many foods and tastes I normally like. One of the most surprising was my sudden dislike of chocolate. I have since learned that this reaction is quite individualized. I think I almost drove my wife to murder demanding that my food be prepared in specific ways and then rejecting it. Nor is this something that suddenly goes away. Fortunately, it appears to be in women's genes to be patient with us.

A year later, my appetite has yet to return. But then again there are not many men our age without a potbelly. You would be surprised by the number of friends who are slightly heavier than they would like, and who would be pleased to merge with you or offer to provide a transplant of their extra tonnage. They, and others, have offered many suggestions for increasing my appetite. One of my more endearing nurses advised me to have a beer before meals. Ensure, a "Sun Chip and Benecol [a special kind of margarine] diet," Remeron [an antidepressant], Megace [a hormone] and marijuana have all been strongly encouraged. Of these, I like the idea of marijuana the best, but it is illegal and, despite a real effort under a porch when I was 14, I never learned to inhale. No matter what I have tried, I find I am as good at pushing food around a plate as I was when I was a child.

Dry mouth. You will have it. Ice chips work well. A great gift was a Chap Stick. I have used it to its nubbins and it is the only one I never lost.

Amusement. Get a comfortable lounge chair for home, a high wattage light for reading and good TV videotapes. These should not be in the bedroom (see below). The best gifts I received during this time were books on tape, so you will want a good headset and tape player. If you have not already done so, start with Harry Potter.

Apparently, flowers attack you when your immune system is down, so somehow you have to figure out a way to discourage friends from sending those large "get well soon" bouquets. Our cleaning lady got a lot of beautiful hand-me-down roses in the last year. They come pretty much only in the beginning, so she has no conflict of interest in seeing me get better.

Chivalry, sex and movies. Have a place you can go at 2 a.m. when you cannot sleep and do not want to disturb your wife. You may want to subscribe to an extra movie channel. In the early hours of the morning, you can never be sure what will pop up on cable TV, but the porn flicks went to waste—I, at least, lost any libido I might have had left.

My wife has been great about renting movies, and we usually have a large stack at any one time. Make the most of whatever you can of political coverage and hope for a good scandal. My bout with Hodgkin's coincided with the Watergate hearings. Few people appreciate Richard Nixon like I do. A year ago I had John McCain and his exciting campaign. Actually, I suggest starting some sort (any sort) of rumor about one of our current or former Washington luminaries. How about something involving a randy act with one of the baby pandas at the zoo? Root for the absurdities of another Ken Starr, Bob Barr . . . the list is long.

Sleep. With the permission of your doctor, have a supply of sleeping pills on hand. I have always used Valium because it has been around the longest. Because it is now off patent, it is also cheap. I buy one large bottle every 10 years. I think you said you like Ambien. Let me warn you that in the last few years I have seen two people, although older than us, become pretty goofy on Ambien. You might warn your wife about your potential for goofiness, because it is a little hard to assess on your own.

Thinking. By the way, I am not sure most oncologists realize the extent of it, but the anti-cancer drugs affect one's cognition. The change is subtle and you will probably be the only one who knows it has occurred. This is not the time to expand your ideas on superstring theory.

While in the hospital with the bone marrow transplant, I received a great many medications. Just before they discharged me, I had a fever of unknown origin and one night became delirious. My wife and I are still arguing whether it lasted for a few hours or may more. You know which side she is on. My oncologist, who is generally pretty blunt, says he was not there and has refused to get involved in the discussion. In a more tactful manner than is usual for him, he did say that such deliriums usually last for days or weeks. The delirium did go away and has nothing to do with the more subtle cognitive change mentioned above.

Pain and enemas. I had some bone pain with the Hodgkin's and used small amounts of codeine with aspirin. When the pain was at its worst, I used Valium as well. My treatment last year was fairly pain-free. The problem with opiates, which I enjoy otherwise (do not pass up a shot of Demerol if you are going to need a biopsy or surgery), is that they are constipating. Do not allow yourself to get constipated. Colace and sena work pretty well, but if you start getting bottled up, enemas (yuck!) have worked well for me. Fleet's or its generic equivalent has done the trick on a number of occasions. It's probably a good idea to have several around the house. Just don't leave them in the living room or where the dog can get at them.

Invisible shield. After chemotherapy, your chance of developing shingles will be pretty high (assuming, of course, that like most people our age, you have had chickenpox). There are now several antiviral agents available which, if started with the first symptoms, can greatly reduce the amount you will suffer from this scourge. Unfortunately, by the time you recognize the symptoms, describe them to your doctor, get a prescription, have that prescription approved by your HMO or insurance company and get the drug at your pharmacy, several days or more will have passed.

Aware of this problem, I asked my physician to write a prescription before the symptoms developed. My insurance company has been fairly generous throughout my illness, but it took more than two weeks for them to send the drug. It came a week before my symptoms developed.

If you want to know how worthwhile this exercise was, consider this. When I had Hodgkin's disease, shingles got the better of me for many weeks; it was on both sides of my body and spread vertically across all my ribs. I still get pain in these areas every winter when I go out into the cold. But this time, just one rib was involved. And it itched more than it hurt. I think I may be left with a small residual seven months later, but it is trivial. I have read that adding small doses of the antidepressant amitriptyline [Elavil] to the antiviral agents helps prevent the post-shingles pain.

The sporting life. To the degree you can, exercise. It may not be possible at first. But as soon as you feel up to it, give it a try, even if you only walk around the block. (Believe me, the first time you complete this herculean task, you will be very impressed with your physical prowess.)

I still try to get on the treadmill every day, as I have done most of my life, even if the workout isn't what you would call herculean. The only time I missed it recently was a two-week period last month when I contracted pneumonia and hadn't yet responded to antibiotics.

Before my latest cancer diagnosis, I got shoved out of bed every morning to be at the gym by 6:15. Mostly, while there, I was too out of breath and my pulse too rapid to do anything but read the newspaper, but I got on the treadmill every day even if I had to hold onto the rails for balance. I think the balance problem is related to weakness, but it could also have been the Drano.

Cancer talk. This issue is one that may be left over from our parents' generation. They did not talk much about cancer, but I have always been willing to talk about mine. This is a secret I did not want to try to keep. And just how do you explain sudden baldness, needle tracks and a great imitation of Casper the Ghost?

Some of my best discussions have been in oncologists' waiting rooms. There is almost always a wait, so there is plenty of time to meet others going through more or less the same thing. At least for me and my wife, the time spent in oncologists' waiting rooms has been an unofficial form of group therapy, and I have never met a person there I did not like. It is rather remarkable how being in the same boat on a rather rough sea pulls people together. I believe all those studies that say that group psychotherapy improves the survival time of patients with cancer. My experience is that such therapy doesn't have to be formal; it develops spontaneously.

Spiritual issues. This has not been my strong suit, but despite living in a somewhat cynical society, you and I both have many friends who pray. For the most part they do so in private. Few have Joseph Lieberman's exuberance. As you will find out, however, when they perceive you need them, they let you know they are there for you.

And you will find that those friends who don't pray will also find wonderful ways of encouraging you.

One more thing. In case you have ever wondered why you got married and had kids, this is it. This is your best chance ever to get a lot of attention. Breakfast in bed is a good start.

Love,

RICHARD.

IN RECOGNITION OF LAS VEGAS, NEW MEXICO

Mr. DOMENICI. Mr. President, I rise today to bring attention to the special distinction of Las Vegas, NM, as recently highlighted by the Los Angeles Times. Perhaps more faithfully than any other community in the Southwest, this charming city continues to hold fast to its rich Hispanic and European heritage, and colorful "Wild West" history.

Firmly rooted in Hispanic traditions, Las Vegas was christened "Nuestra Senora de los Dolores de Las Vegas Grandes," or "Our Lady of the Sorrows of the Great Meadows," by sheep and cattle ranchers of Spanish heritage who settled there in 1835. Las Vegas prospered as a major trading point on the Santa Fe Trail, giving rise to a great proliferation of adobe homes and commercial buildings. As trade burgeoned, the trail and the nearby Atchison, Topeka, and Santa Fe Railroad brought in a larger variety of settlers and architecture, including other European influences, and the town grew to include a large number of Victorian buildings. As the Los Angeles Times points out, Las Vegas currently boasts over 900 structures listed on U.S. and New Mexico registries of historic buildings, an outstanding number of monuments to the varied cultural influences that have shaped the town for more than a century and a half.

The Los Angeles Times also noted that "this Las Vegas, in fact, has so much history, the town's not sure what to do with it all." Las Vegas has played host to both illustrious guests and infamous Wild West personalities. Theodore Roosevelt and his Rough Riders convened there for a reunion in 1899, a year after they stormed San Juan Hill. Both Ulysses S. Grant and Emperor Hirohito of Japan took advantage of the Montezuma Castle hot mineral springs resort outside town. The same vibrant traffic that made the town boom brought in some of the most colorful characters of the Old West: outlaw Billy the Kid and bank robber Jesse James made appearances in Las Vegas, and controversial gunman "Doc" Holliday performed a stint as the town's dentist.

Though the town was established by a land grant from the Mexican government to several Spanish families, Gen. Stephen Kearny of the U.S. Army arrived on the scene in 1846 by way of the Santa Fe trail and sparked the Mexican American War by declaring the town's residents to be citizens of the United States. Henceforth, the town clung tenaciously to its roots, resulting in a vibrant and authentic Hispanic community unlike any other in the Southwest.

Although the boom begun by the railroad left Las Vegas behind, and stagnation sometimes haunted the town's economy, Las Vegas continued to embrace its home-grown values and place an emphasis on preservation as it sought other means of development. I believe Las Vegas, with its history and charm, is poised for a 21st century renaissance. It has the ingredients—a ready workforce, access to transportation and metropolitan services, a higher- education base, and the desire to be a prosperous and growing community. I have worked through my Rural Payday initiative to help bring new telecommunications-related jobs to Las Vegas, and we are working on other projects to bring more jobs to the area. The socalled information superhighway, like the railroads of the 1800s, can be the region's next conduit for growth.

The people of Las Vegas and San Miguel County hold a very special place in my heart. They make New Mexico particularly proud for staying true to their values and heritage. Possibly no other locale that so purely embodies the real historic and cultural elements that distinguish our state from any other. I commend Las Vegas' residents for their active preservation efforts, and congratulate this community on its remarkable place in New Mexico's cultural life.

Mr. President, I ask unanimous consent that the text of the Los Angeles Times article from June 16, 2002, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles, Times, June 16, 2002]

NO SIN CITY, THIS VEGAS SAVORS ITS RICH HERITAGE

THE SMALL COMMUNITY IN NORTHERN NEW MEXICO TREASURES ITS OLD BUILDINGS, UNLIKE ITS GLITTERY NAMESAKE IN THE NEVADA DESERT

(By Tom Gorman)

This is the other Las Vegas—not where 40-year-old casinos are imploded because they're no longer fashionable, but where 140-year-old storefronts still have purpose.

The mob missed this place, but not the ruthless Billy the Kid, who was run out of town after pistol-whipping the sheriff, and bank robber Jesse James, who relaxed in its hot mineral baths. Probably neither visited the town dentist, "Doc" Holiday.

Nevada's Las Vegas may have its conventions, but it was here where Theodore Roosevelt and his Roughriders held a reunion, attracting 10,000 admirers, a year after they stormed San Juan Hill in 1898. Hotel guests in Nevada's Vegas include flash-in-the-pan celebrities, but the old Montezuma Castle mineral springs resort here played host to Ulysses S. Grant and Emperor Hirohito of Japan.

This Las Vegas, in fact, has so much history, the town's not sure what to do with it all.

More than 900 buildings in this city of 15,700 are listed on New Mexico and U.S. registries of historic buildings. Most are clustered downtown, still used as homes, offices and storefronts, just as they were more than a century ago when this was New Mexico's boomtown.

But more buildings were constructed here from 1880 to 1900 than can be used today.

"In other cities, old buildings are torn down in the name of progress and are replaced with big new buildings," Mayor Henry Sanchez said. "But we were too poor to tear our buildings down; poverty, saved our History".

Now the city treasures its old buildings, and it has created a handful of preservation districts where the demolition of historic structures is banned.

The city is struggling to find tenants for the few dozen empty ones, in part because investors wary of water restrictions in the drought-ridden Southwest are afraid to launch businesses here and because of the cost of renovation.

Civic leaders also say they want to preserve the town's heritage and don't want to become another Santa Fe, 64 miles to the west, which is chided by Las Vegans as having forsaken its roots in favor of becoming a tony arts colony.

"Santa Fe is no longer a practicing Hispanic community," said Bob Mischler, an anthropology professor at New Mexico Highlands University here. "Santa Fe has been taken over by outsiders who have created a whole new environment. We don't want to do that."

The challenge here, Mischler said, is to preserve and capitalize on Las Vegas' Latino and European heritage.

Las Vegas was settled by Mexican sheep and cattle ranchers in 1835, attracted by the lush green meadows that gave the town its Spanish name.

Army Gen. Stephen Kearny, following the Santa Fe Trail, arrived here in 1846 and started the Mexican American War by proclaiming the town's residents to be American citizens. No shots were fired, and in time town commerce flourished by trading with nearby Ft. Union.

The economy that traders generated along the Santa Fe Trail through Las Vegas further enriched the town's merchants but was nothing compared to the arrival of the railroad in 1879, fostering 20 years of heated growth.

The town grew as two distinct halves—Latinos around the historic plaza, Easterners and Europeans around the rail district. Entrepreneurs from both cultures profited, and Las Vegas presented a confluence of architectural styles—from adobe and California mission to Queen Anne and Italianate—that grace the town to this day.

"Las Vegas has very few rivals in the West for frontier boomtown architecture," said Elmo Baca, until recently New Mexico's historic preservation officer.

But after the turn of the century, Las Vegas' fortunes waned as railroads expanded their reach to Albuquerque and other Western towns. Baca, a Las Vegas native, said the town still embraced its home-grown values.

"Ever since Kearny came here, we've had a healthy suspicion of outsiders," he said. "We've held on dearly to our cultural heritage, perhaps at the expense of economic development."

The frontier buildings were neither razed nor improved as the city's economy stagnated during the last century. Few businesses moved here; a factory made parachutes during World War II, and today the biggest employer is the government.

Not that progress isn't being made.

The city is renovating the railroad depot, at a cost of $500,000; the Montezuma Castle resort was renovated and is now used as one of 10 Armand Hammer United World College campuses around the world.

And the citizens committee for historic preservation purchased an 1895 mercantile building for its own use, investing about $500,000 to turn it into a Santa Fe Trail interpretive center.

Slowly, building owners are renovating their structures, although some remain empty. Among them: two century-old storefronts owned by the Maloof family, which settled here in 1892 and became wealthy New Mexico business owners and bankers. Today, one branch of the family owns the Sacramento Kings professional basketball team and a Las Vegas, Nev., casino hotel.

Among the town's boosters is Anne Bradford, who moved here from Carlsbad, Calif., nine years ago and spent $150,000 to turn a 109-year-old home into a bed-and-breakfast inn.

Her guests, she said, enjoyed this Las Vegas for what it is. "People will always recognize our Las Vegas," she said. "It'll always be a little bit behind. That's part of its charm."

PAYING TRIBUTE TO DR. FRANK C. HIBBEN

Mr. DOMENICI. Mr. President, today I rise to pay tribute to Dr. Frank C. Hibben who passed away this past Tuesday, June 11, in my State.

Dr. Hibben was a world-renowned archeologist, anthropologist, big-game hunter, author, and philanthropist. He also held the title of Professor Emeritus of Anthropology at the University of New Mexico.

As a lifelong hunter and conservationist, Dr. Hibben played a key role in many of New Mexico's conservation and restoration programs. For 30 years, Dr. Hibben served on the New Mexico Fish and Game commission, including 28 years as chairman. In this capacity, he spearheaded efforts to introduce endangered, and exotic new species to the State of New Mexico in an effort to protect these dwindling game herds from around the world.

As a archeologist and professor, Dr. Hibben wrote numerous articles and books with an emphasis on big-game hunting and the American Southwest. For his work, he was awarded the University of New Mexico's Zimmerman award, a notable award given by the university to honor an alumnus who has contributed significantly to the university and the world at large.

However, in spite of his many achievements in archeology and conservation, I believe Dr. Hibben will be most remembered for his philanthropy. He was the founding Director of the UNM Maxwell Museum of Anthropology and played a key role in its development. In addition, he has been the lead advocate for the development of the Hibben Archaeological Research Center which is currently in development. Dr. Hibben donated $4 million of his own funds to construct this new center which would showcase the 1.5 million artifacts from the Chaco Culture National Historic Park.

New Mexico has lost an invaluable treasure in a man who's accomplishments cannot be overstated in their importance both to UNM and the State of New Mexico. I join with his friends and family in mourning their loss.

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM RISK INSURANCE ACT OF 2002—Continued

AMENDMENT NO. 3862

Mr. SPECTER. Mr. President, I call up amendment No. 3862.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 3862.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To provide for procedures for civil actions, and for other purposes)

On page 29, strike line 1 and all that follows through page 30, line 17, and insert the following:

SEC. 10. PROCEDURES FOR CIVIL ACTIONS.

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for claims arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for such claims, except as provided in subsection (f).

(2) PREEMPTION OF STATE ACTIONS.—All State causes of action of any kind for claims arising out of or resulting from an act of terrorism that are otherwise available under State law, are hereby preempted, except as provided in subsection (f).

(b) GOVERNING LAW.—The substantive law for decision in an action described in subsection (a)(1) shall be derived from the law, including applicable choice of law principles, of the State in which the act of terrorism giving rise to the action occurred, except to the extent that—

(1) the law, including choice of law principles, of another State is determined to be applicable to the action by the district court hearing the action; or

(2) otherwise applicable State law (including that determined under paragraph (1), is inconsistent with or otherwise preempted by Federal law.

(c) FEDERAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days

after the date of the occurrence of an act of terrorism, the Judicial Panel on Multidistrict Litigation shall assign a single Federal district court to conduct pretrial and trial proceedings in all pending and future civil actions for claims arising out of or resulting from that act of terrorism.

(2) SELECTION CRITERIA.—The Judicial Panel on Multidistrict Litigation shall select and assign the district court under paragraph (1) based on the convenience of the parties and the just and efficient conduct of the proceedings.

(3) JURISDICTION.—The district court assigned by the Judicial Panel on Multidistrict Litigation shall have original and exclusive jurisdiction over all actions under paragraph (1). For purposes of personal jurisdiction, the district court assigned by the Judicial Panel on Multidistrict Litigation shall be deemed to sit in all judicial districts in the United States.

(4) TRANSFER OF CASES FILED IN OTHER FEDERAL COURTS.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(5) REMOVAL OF CASES FILED IN STATE COURTS.—Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a State court shall be removable to the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1).

(d) APPROVAL OF SETTLEMENTS.—Any settlement between the parties of a civil action described in this section for claims arising out of or resulting from an act of terrorism shall be subject to prior approval by the Secretary after consultation by the Secretary with the Attorney General.

(e) LIMITATION ON DAMAGES.—

(1) IN GENERAL.—Punitive or exemplary damages shall not be available for any losses in any action described in subsection (a)(1), including any settlement described in subsection (d), except where—

(A) punitive or exemplary damages are permitted by applicable State law; and

(B) the harm to the plaintiff was caused by a criminal act or course of conduct for which the defendant was convicted under Federal or State criminal law, including a conviction based on a guilty pea or plea of nolo contendere.

Conviction under subparagraph (B) shall establish liability for punitive or exemplary damages resulting from the harm referred to in subparagraph (B) and the assessment of such damages shall be determined in a civil lawsuit.

(2) PROTECTION OF TAXPAYER FUNDS.—Any amounts awarded in, or granted in settlement of, an action described in subsection (a)(1) that are attributable to punitive or exemplary damages allowable under paragraph (1) of this subsection shall not count as insured losses for purposes of this Act.

(f) CLAIMS AGAINST TERRORISTS.—Nothing in this section shall in any way be construed to limit the ability of any plaintiff to seek any form of recovery from any person, government, or other entity that was a participant in, or aider and abettor of, any act of terrorism.

(g) EFFECTIVE PERIOD.—This section shall apply only to actions described in subsection (a)(1) arising out of or resulting from acts of terrorism that occur during the effective period of the Program, including any applicable extension period.

SEC. 11. CRIMINAL OFFENSE FOR AIDING OR FACILITATING A TERRORIST INCIDENT.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§2339C. Aiding and facilitating a terrorist incident

"(a) OFFENSE.—Whoever, acting with willful and malicious disregard for the life or safety of others, by such action leads to, aggravates, or is a cause of property damage, personal injury, or death resulting from an act of terrorism as defined in section 3 of the Terrorism Risk Insurance Act of 2002 shall be subject to a fine not more than $10,000,000 or imprisoned not more than 15 years, or both.

"(b) PRIVATE RIGHT OF ACTION.—Any person may request the Attorney General to initiate a criminal prosecution pursuant to subsection (a). In the event the Attorney General refuses, or fails to initiate such a criminal prosecution within 90 days after receiving a request, upon petition by any person, the appropriate United States District Court shall appoint an Assistant United States attorney pro tempore to prosecute an offense described in subsection (a) if the court finds that the Attorney General abused his or her discretion by failing to prosecute.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2399C. Aiding and facilitating a terrorist incident.".

Mr. SPECTER. Mr. President, last week I voted against tabling the McConnell amendment which would have conditioned punitive damages for private parties arising out of a terrorist attack to situations where there had been a criminal conviction establishing malicious conduct. Had the McConnell amendment not been tabled, I intended to offer a second-degree amendment which I am now discussing. Since the McConnell amendment was tabled, I am now calling my amendment up as a first-degree amendment.

This amendment establishes a crime for anyone acting with willful and malicious disregard for the life or safety of others, and by such action leads to, aggravates, or is a cause of, property damage, personal injury, or death resulting from an act of terrorism.

This amendment further provides for a private right of action as follows: Any person may request the Attorney General to initiate a criminal prosecution of the criminal offense I just described. In the event the Attorney General refuses or fails to initiate such a criminal prosecution within 90 days, upon petition by any person, the appropriate U.S. district court shall appoint an Assistant United States Attorney pro tempore to prosecute the criminal offense if the court finds that the Attorney General abused his or her discretion by refusing or failing to prosecute.

In considering legislation to provide for Federal Government assumption of some of the losses resulting from terrorist attacks in order to provide insurance coverage, there has been considerable sentiment to curtail punitive damages. Understandably, the bill precludes punitive damages against the Federal Government.

In one sense, there is no more reason to preclude punitive damages against private defendants in this situation than in any other. For example, if a building owner chain-locked emergency exits, why should he or she be exempted from punitive damages because people are injured or killed by terrorist attack instead of by fire? Perhaps this is just another chapter in the continuing effort to reduce civil remedies for tortious conduct.

There is another sense that everyone should make some concessions in dealing with terrorists. In any event, this situation presents an opportunity to deal in a more meaningful way with malicious conduct causing injury or death.

It is my judgment that punitive damages have not been an effective deterrent for malicious conduct. Punitive damages are consistently reversed or reduced. Cases involving automobiles such as the Ford Pinto and the Chevrolet Malibu illustrate the practice of knowingly subjecting consumers to the risk of death or grievous bodily injury because it is cheaper to pay civil damages than to fix the deadly defect.

In the case of "Grimshaw v. Ford Motor Company," 119 Cal. App. 3d 757, the driver died and a passenger suffered permanently disfiguring burns on his face and entire body when the Pinto's gas tank exploded in a rear-end collision. When attorneys got into Ford's records, it was disclosed that the gas tank had not been relocated to a safe place because the correction would cost $11 per car while the calculation for damages from civil suits was only $4.50.

So it is a dollars and cents calculation.

In the celebrated case "Anderson v. General Motors," 1999 WL 1466627, a Chevrolet Malibu fuel tank ruptured in a rear-end collision causing six people to sustain serious burns. The design defect of the gas tank was not corrected because a cost-benefit analysis showed it would have cost General Motors $8.59 to fix the fuel system compared to $2.40 to pay the civil damages. The Pinto case resulted in a punitive damage award in the amount of $125 million, frequently cited as an excessive punitive damage award. Very infrequently is it noted that the trial court later reduced the award to $3.5 million.

Similarly, the Malibu verdict of $4.8 billion in punitive damages was reduced by the trial judge, with an appeal slashing it even more.

Punitive damage awards have resulted in virtually endless delays. In one of the most celebrated punitive damage cases, "In re the Exxon Valdez," 270 F.3d 1215, started in 1989, the Ninth Circuit vacated some 12 years later the previously decided, largest-in-history $5 billion punitive damage award.

I ask unanimous consent that the text of a memorandum be printed in the RECORD at the conclusion of my presentation. This memorandum details punitive damage awards which were reversed and the lengthy period of time, demonstrating what I am submitting is the ineffectiveness of punitive damages in deterring malicious conduct.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. The principal problem with punitive damages or a principal problem with punitive damages, in addition to the long delays and the fact that the awards are reduced, is that if, at the end of the long litigation process punitive damages are collected, they come from the shareholders of the company. They come from General Motors. They come from Ford, or they come from some major corporation. That is why it has been my view that an effective deterrent would be to hold the individuals liable for their malicious conduct. And malicious conduct, as defined in this bill, is conduct which has a wanton disregard for the life or safety of another person.

From my experience as district attorney of Philadelphia, I know that people are very concerned about going to jail, much more concerned than if at the end of a long litigation process there may be the requirement for a corporation to pay punitive damages, especially in the context where we know from records from Ford Motor Company in the Pinto case that they made a calculated decision that it was cheaper to pay the damages.

Here you have an official locating a gas tank in the rear end of the car resulting in death, resulting in serious bodily injury again and again, and no deterrence, right back at it again and again.

A similar case, "White v. Ford Motor Company," CV-N-95-279-DWH (PHA), involved a 3-year-old child who was run over, backed over by a Ford truck with a defective brake. Here, again, in "White v. Ford Motor Company," the calculation was made that it is cheaper to pay the damages than it is to correct the defect.

That case resulted in a verdict of punitive damages of $150 million in a case tried in Reno, NV, and later reduced to $69 million. Years have passed and the matter is still under appeal.

The effective way of dealing with this kind of malicious conduct is to provide a criminal penalty. A criminal penalty was provided in a case involving Firestone tires, which were mounted on Ford vehicles which had disclosed numerous problems in 1998 and 1999. Some 88 deaths resulted when these tires gave way, the vehicles rolled over. Eighty-eight people were killed, hundreds were injured, and there was a calculation on the part of Ford and Firestone not to make that disclosure, not to file it with the appropriate Federal officials.

An internal Ford memorandum on March 12, 1999, considered whether governmental officials in the United States ought to be notified and a decision was made not to notify Federal officials, so they could keep on selling the Firestone tires on the Ford cars. It is one of the really great tragedies. I had introduced legislation to make that conduct a crime.

With some modifications that provision was incorporated in Public Law 106-414 on November 1, 2000, creating a 15-year sentence for officials where they withhold information on defective products from governmental regulators.

Mr. President, in offering the amendment which I am currently discussing, the effort is being made to substitute an effective remedy which would hold corporate officials liable for the damages which they cause as a result of malicious conduct.

The provisions which were offered by Senator MCCONNELL in the amendment which was tabled last week required that a criminal conviction be established before someone would be liable for punitive damages, and that provision has been carried over to the amendment which I am offering today.

I have added to that amendment a provision for a private right of action. It is very difficult on some occasions to persuade the prosecuting attorney to initiate a criminal prosecution. That is a matter which is customarily viewed as discretionary.

The prosecutor—and I have had a lot of experience with this myself—has many cases he has to try and may choose not to initiate the prosecution. So, in order to activate the provision for punitive damages, where someone is convicted of a crime with the requisite malicious conduct, my amendment provides that any person can ask the Attorney General of the United States to initiate a prosecution. If the Attorney General refuses to initiate the prosecution within 90 days, then the individual may petition the court for leave to be appointed as an Assistant United States Attorney pro tempore. In other words, on a private prosecution there would have to be a showing that the prosecuting attorney had abused his or her discretion in failing or refusing to initiate the prosecution. Such private actions are commonplace in U.S. courts.

New York has such a procedure, Minnesota, North Dakota, Florida, Arkansas, Iowa, Montana, Ohio, and Oklahoma. I ask unanimous consent that a memorandum be printed in the RECORD at the conclusion of my oral presentation which summarizes the specifics of where private prosecutions have been initiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Mr. President, I think it is worthy of note that this was a subject of considerable interest to this Senator during my law school days. I wrote a comment which appears at Yale Law Journal, volume 65, page 209, "Private Prosecution: A Remedy for Unwarranted District Attorneys' Inaction."

As this package was put together, I think it offers some guidance for a way where there might be some relief from punitive damages; although, to repeat, I think they have resulted in very little by way of liability, for the reasons I have cited and the authorities I have cited.

I believe it is true the punitive damage possibility is a factor on leveraging settlement, but there have been enormous objections to punitive damages, and they have created quite a lot of public furor, as one can see in the $5 billion punitive damage award I discussed earlier. The public thinks it is being paid with real money; whereas, in fact, when we trace them down, the funds are not paid.

I think we need a comprehensive analysis. There is none to my knowledge as to what has resulted when punitive damages are sought, where punitive damages are obtained on a verdict, and what happens then, and how many of them are actually collected. It would be a good deal more difficult to quantify the effect of punitive damages as leverage on settlements, but I think that, too, would be worthy of study.

Most importantly, the justice system ought to be able to reach people who are malicious. Wanton disregard for the safety of another constitutes malice and supports a prosecution for murder in the second degree, which can carry a term up to 20 years. This bill carries a penalty up to 15 years because in the Federal system, that is the equivalent of a life sentence. Following the precedent of the Ford-Firestone matter, the 15-year penalty was provided.

I know this amendment is subject to being stricken as being non-germane. When the cloture motion was offered this morning, I voted in support of it, and it was agreed to. Sixty-five Senators voted in favor of it; 31 Senators voted against it. Voting in favor of the cloture motion, I was well aware that were it to pass, this amendment would be precluded, but I considered it much more important to get this bill moving to a conference so that we can have the Government standing behind certain insurance policies so we can move ahead with very important commercial transactions in this country which are now being held up.

It may be that this format will be useful in the conference committee where I believe the House has stricken punitive damages.

This may be an accommodation where punitive damages would still be available, but there would first have to be a criminal conviction. A more important part of the provision would be that those who are malicious and cause death or injury to other people would be held for a very serious criminal sanction.

EXHIBIT 1

The prototype case for the proposition that punitive damages litigation is "virtually endless" is In re the *Exxon Valdez*, the latest iteration of which is found at 270 F.3d 1215, (9th Cir. 2001). In the 2001 decision, the 9th Circuit vacated a previously-decided, largest-in-history, $5 billion punitive damages award, and remanded the case to the District Court to determine a lower award under standards specified in *BMW of North America, Inc.* v. *Gore*, 517 U.S. 559 (1996)(substantive due process review of punitive damage awards under the three "guideposts" of defendant reprehensibility, ratio analysis, and criminal penalties comparability), and *Cooper Industries, Inc.* v. *Leatherman Tool Group, Inc.*, 532 U.S. 424 (2001)(requiring de novo review on appeal). Thus, litigation stemming from a March 1989 accident/oil spill continues into its 11th year—and, essentially, is back to "square one" on the issue of punitive damages. See also *Pacific Mutual Life Ins. Co.* v. *Haslip*, 499 U.S. 1 (1991)(ten-year litigation stemming from insurance agent's 1981 misappropriation of insurance premium payments).

The key cases cited in *Exxon Valdez, BMW of North America, Inc.* and *Cooper Industries, Inc.* themselves had lengthy procedural histories—the *BMW* case running from 1990–1997, and *Cooper* running from 1995 to the present. See also 2660 *Woodley Road• Joint Venture* v. *ITT*, 2002 U.S. Dist. LEXIS 439 (D.Del., January 10, 2002)(granting motion for new trial on the issue of the size of punitive damages awarded in a 1997 commercial contract breach case); *Dallas* v. *Goldberg*, 2002 U.S. Dist. LEXIS 8829 (SDNY, May 20, 2002)(ruling on the admissibility of evidence in computing the amount of punitive damages in ongoing §1983 action stemming from a 1994 police incident); *Silivanch* v. *Celebrity Cruise Inc.*, 2000 U.S. Dist. LEXIS 12155 (August 23, 2000)(a procedural ruling on allocation of punitive damages stemming from a 1994 cruise exposure to "Legionnaires' Disease"). State court cases are at least as striking. See, e.g., *Torres* v. *Automobile Club of Southern Cal.*, 937 P.2d 290 (Cal. 1997)(remanding for a new trial on all issues; litigation initially filed in 1986); *Moeller, et. al.* v. *American Guarantee Insurance Co.*, 707 So. 2d 1062 (Miss. 1996)(final decision in 1996 on case filed in 1982); *Abramczyk, et. al.* v. *City of Southgate*, 2000 Mich. App. LEXIS 530 (2000)(reversing award of punitive damages and remanding for new trial; litigation filed in 1996); *Dixie Insurance Company* v. *Mooneyhan*, 684 So. 2d 574 (Miss. 1996) (remanding for a new trial on the issue of punitive damages; litigation filed in 1987).

To summarize, then, litigation on the issue of punitive damage can—and does—stretch out over a period of years (numerous appellate cases show a pattern of at least 4–6 years and longer, as in the case of *Exxon Valdez* and *Cooper Industries*). Recent trends have caused one commentator to state as follows: "The Supreme Court's . . . decision [in Cooper], with its mandate of de novo appellate review of punitive damages jury verdicts in all cases, may consign state and federal courts to an *endless round of institutional second-guessing* . . . ."

Cabraser, E.J. *Engle* v. *R.J. Reynolds Tobacco Co.: Lessons in State Class Actions, Punitive Damages, and Jury Decision-Making Unfinished Business: Reaching the Due Process Limits of Puntive Damages in Tobacco Litigation Through Unitary Classwide Adjudication*, 36 Wake Forest L. Rev. 979, 986 (2001)(emphasis added). Thus, the "endless" nature of punitive damages litigation will—at least according to this commentator (a tobacco litigation plaintiffs' attorney)—only get worse.

EXHIBIT 2

There are several states that through statute or care precedent allow a court to appoint a special prosecutor in the event that the district attorney is unable or unwilling to prosecute a case. The following is a summary of the applicable statute or case law in several states authorizing the replacement of prosecutors.

STATUTE

New York—NY CLS County §701 provides that when a district attorney cannot attend in a court in which he or she is required by law to attend or is disqualified from acting in a particular case, the criminal court may appoint another attorney to act as special district attorney "during the absence, inability or disqualification of the district attorney."

Pennsylvania—71 P.S. §732–205 provides that the Attorney General shall have the power to prosecute in any county criminal court upon the request of a district attorney who lacks the resources to conduct an adequate investigation or prosecution or if there is actual or apparent conflict of interest. Also, the Attorney General may petition the court to permit him or her to supersede the district attorney in order to prosecute a criminal action if he or she can prove by a preponderance of the evidence that the district attorney has failed or refused to prosecute and such failure or refusal constitutes an abuse of discretion.

Minnesota—Minn. Stat. §388.12 provides that a judge may appoint an attorney to act as or in the place of the county attorney either before the court or the grand jury.

North Dakota—If a judge finds that the state's attorney is absent or unable to attend the state's attorney's duties, or that the state's attorney has refused to perform or neglected to perform any of his duties to institute a civil suit to which the state or county is a party and it is necessary that the state's attorney act, the judge shall (1) request that the district attorney take charge or the prosecution or (2) appoint an attorney to take charge of the prosecution.

Tennessee—Tenn. Const. art. VI, §6 provides that in all cases where the Attorney for any district fails or refuses to attend and prosecute according to law, the Court shall have power to appoint an Attorney pro tempore.

CASE LAW

Florida—*Taylor* v. *Florida*, 49 Fla. 69 (1905)—The Supreme Court of Florida held that absent an express legislative statement prohibiting a court from doing so, in the event the state attorney refuses to represent the state, that a court has the inherent power to appoint another attorney.

Arkansas—*Owen* v. *State*, 263 Ark 493 (1978)—The Supreme Court of Arkansas held that "[i]t is well settled that the circuit judge had the power to appoint a special prosecuting attorney." Various other state courts have embraced the inherent power concept of a court to appoint a special prosecutor in a criminal case. See *White* v. *Polk County*, 17 Iowa 413 (1864); *Territory* v. *Harding*, 6 Mont. (1887); *State* v. *Henderson*, 123 Ohio St. 474 (1931); *Hisaw* v. *State*, 13 Okla. Crim. 484 (1917).

Mr. SPECTER. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I would like to note for the record two previous statements I made on this subject, one on September 7, 2000, appearing in the CONGRESSIONAL RECORD beginning at page S–8188, and also a statement on September 15, 2000, appearing in the CONGRESSIONAL RECORD on page S–8625. I would note that my statement of September 7, 2000, provides some more detailed facts concerning the Ford-Firestone issue and discusses several other cases involving punitive damages.

I note one other consideration, and that is, I am aware that in subscribing to the requirement that there is a criminal prosecution as a basis for an award of punitive damages, that does require proof beyond a reasonable doubt. On punitive damages, there have been varying standards applied, for example, clear and convincing evidence. And while proof beyond a reasonable doubt is obviously more than a preponderance of the evidence, it is my view that where you deal with these horrendous kinds of cases—the Pinto, where there is a calculation regarding the gas tank in the rear of the car, or the Ford-Firestone case—in these kinds of cases where we are really looking to make an example, that the proof will be there for proof beyond a reasonable doubt.

Having had some considerable experience prosecuting criminal cases, it has been my view that in most situations the vagaries of burdens of proof—beyond a reasonable doubt, clear and convincing evidence, preponderance of the evidence—really are not the ultimate determinants. But to the extent that proof beyond a reasonable doubt is an additional burden, I think the gain in moving in this direction to impose criminal liability is certainly worth it from the point of view of public policy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent the order for the quorum call be rescinded and that I be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN CLONING

Ms. LANDRIEU. Madam President, I understand we are going to be voting on a very important bill at about 3:45, in just 20, 25 minutes. I support the bill on terrorism insurance creating a mechanism for us to create a system in this country for a new kind of insurance, unfortunately, one for which there has become an apparent need since September 11, and without which there would be a great hardship for our banking and financial industries and also for our real estate developers. Frankly, all businesses—many in Louisiana—are affected across our Nation.

So I am going to be supportive of this terrorism insurance bill, and have been supportive of it in the process of trying to bring it to the floor for a final vote.

But I want to take a few minutes, before we actually vote on that bill, to speak on an issue that is not directly before the Senate but is something in which many of us are involved, and for which we are trying to come up with some solutions. This is the very important issue involving the subject of cloning. It involves issues related to potential research in cloning.

We believe this is a subject the Senate and Congress is going to have to address, and we are attempting to address it. There are various differences of opinion about how to do that. So I come to the floor to speak for a minute while we have some time.

First of all, as you know, Madam President, and as many of my colleagues know, I am working with Senator BROWNBACK and Senator FRIST and others to try to fashion a position on this bill that would basically create a moratorium of some type—either long term, short term, or intermediate term—because we believe this is an issue with serious ethical considerations and one that we, as a Congress, and as leaders, should have to give very careful consideration to before we would go forward.

That has been the essence of our approach, just trying to slow things down so that perhaps we could get enough information to say that we should not, at any time, under any circumstance, go forward with human cloning. But the basis of our approach has been a moratorium to give us more time to get some of this important information out to the public.

This is an issue of great concern to the public. Generally, I think people want to be supportive of ethical kinds of research, particularly for the development of cures for diseases. Juvenile diabetes comes to mind; also cures for cancer and spinal cord injuries.

We want to be very supportive of ethical approaches to research to provide cures for people who are suffering: children, adults, older people. I think this Senate has gone on record, in a truly bipartisan fashion, supporting the increase in funding for the National Institutes of Health, and it has been a remarkable increase in funding. I, for one, have been very strongly supportive of that funding and want it to continue.

But I want to spend a moment talking about some of the problems—ethical and otherwise—associated with the process of human cloning and to suggest that the Feinstein-Kennedy approach, which basically would be asking the Senate, if you will—and why I am not supporting that approach—and Congress to consider, for the first time, sanctioning or legalizing human cloning.

I do not think there is enough information for us to make that decision. Let me give you a couple of reasons.

First of all, some of the proponents of human cloning—people who say we should go forward with human cloning—try to make a distinction between human cloning and therapeutic cloning or reproductive cloning or nuclear transfer.

One of the points I want to make is that human cloning is human cloning is human cloning. It is just a matter of where you stop the process. The process is exactly the same. Terms have been used to describe it in a variety of different ways. There may be many terms, but there is just one process. There may be many names, but there is one process.

As shown on this chart, it is the one process that we are talking about. There are not two or three or four processes; there is one process. That process involves an unfertilized egg and a cell from an adult stem cell. The nucleus is removed and put into this unfertilized egg, and it becomes basically an embryo.

The Feinstein-Kennedy-Specter approach says that we should basically authorize this for the first time, say it is legal, authorize it, and engage in the creation of a human embryo—not a plant, not an animal, but a human embryo; and then just say at a certain point—whether it is 12 days or 14 days or 16 days—that embryo would then be destroyed, basically before it is implanted. That is the Feinstein-Kennedy-Specter approach.

Senator BROWNBACK and I—because of many similar concerns and some different concerns—and Senator FRIST believe the line should be drawn at this point until we can make a better determination about the risks and benefits associated with human cloning; that is, to stop the process before it begins.

One of the reasons we believe this—although the law might try to draw a line here after the embryo has been created—is because it is going to be very difficult, if not impossible, to enforce this line because somewhere, some time, that line is going to be pierced and we will end up having a cloned embryo implanted. Then the question is, What do you do then?

The possibilities of passing any kind of so-called compromise that would legalize and authorize human cloning for the first time in our Nation's history could get us on to a very slippery slope. That is why some of us are urging to slow it down, have more study, and have a short-term moratorium, which even President Clinton, in his term as President, said—of course, when Dolly, the sheep, was created—that is exactly what we should do until we get more information about the benefits and risks associated with cloning.

So it is not only President Bush who is urging us to slow down, but both Democrat and Republican administrations. And you can understand why. It puts us on a very slippery slope if we—and I hope we do not; and I am going to fight to make sure we do not—start with the premise that we can legalize human cloning, authorize it, potentially even fund it with Government funding; that we at least legalize it so that millions of private dollars flow into the research on human cloning, harvesting, creating these millions of embryos in labs all around the country and supporting their development in labs all around the world—harvesting them and destroying them, harvesting them and destroying them, harvesting them and destroying them.

Then, at some point, because these are not Government-run labs, these are private sector labs, these are people who will be working—to give everybody the benefit of the doubt, let's say most people are working on some potential cures for diseases, although they may be far in the distance, but it is not inconceivable, and it is common sense to believe that at some point somebody—a scientist, a patient, a woman, a couple—is going to push the envelope, implant what is a legal clone, and then look at us or go call a press conference and say: Now what? It is a clone that has been created because we have legalized it. It is a clone. We will have legalized it, if we pass a bill that does legalize it. And then the question is, What are you going to do about it?

Once a clone is implanted, what do we do if it is delivered or born healthy? That is one issue. What if it is born grossly mutilated, which is probably, based on the Dolly, the sheep, experiment and research, going to happen because 275 embryo trials were used to create Dolly, the sheep. All of them ended in death or destruction to the creature, the clone being created, and then finally a clone was successfully delivered.

For us to think that this is the time—there has been only one hearing in a Senate committee on this subject, at least in recent years; perhaps there were some many years ago, but I don't think so—to move forward with a bill that would authorize human cloning is at best premature and, frankly, in my opinion, at this particular point, wholly unproven technology with tremendous ethical questions and great difficulty in trying to police what would basically be an authorized legal process of creating for the first time in America human clones.

That is as simple as I can state it. There is not a difference between therapeutic cloning or nuclear transfer. There are many names for it, but it is one process. It is the same process. The issue is, should we start that process and, if so, where should we stop it. Another question is, Could you really stop it once it is started?

The other reason I am suggesting a pause, a moratorium of some nature, maybe 2 years, 3 years, 4 years, enough time for us to develop a blue ribbon panel of scientists, not with preordained notions but truly a group of scientists who can help us as a nation figure out what would be, if any, benefits of human cloning, we have to realize that right now in the body of the law we are not even engaging in the full range of stem cell research that holds tremendous potential for the discovery of cures for many of these diseases.

We have very limited research on stem cells going on in this country, either adult or embryonic stem cells. Why? Because we have not even come to a consensus on that. Human cloning takes us many steps past that issue. We can work on nonclones. We can work on noncloned embryos and still get a tremendous amount of benefit without the terrible ethical consideration this raises.

The third issue is, if you think about it, even in a macro sense, even those of us who are not trained as doctors or scientists could understand that one issue that might compel a person, a family, a grieving parent over a fatally ill child or a spouse over another fatally ill spouse would be if the research or the benefits could not be derived from regular embryos or from stem cells on nonclones, and the only way to cure this person's particular disease would be to get something harvested from a clone. That is the rejection issue.

If everything else has been exhausted, none of the other methods or procedures is working in other areas, then perhaps we would have to get tissue or research or some piece of a cell from a cloned embryo. We are so far from making that determination. I have not read one scientific study, one legitimate group of scientists anywhere, not any prize winners, not any research has been done or even theorized that that would be the only way, the rejection issue, to overcome the objections to cloning.

Those of us who are urging a moratorium are not against research. We are strongly—many of us—supportive of stem cell research. But to rush headlong into a process that will for the first time legalize human cloning because there might be a slight benefit, which is totally unproven, to get over a rejection issue by using a human clone is a real stretch, and it is very premature.

What I am hoping is that we can continue this debate for Members to come to the floor and speak about some of these issues at the appropriate time. We don't want to hold up other important bills. But this is a very important bill for our Nation. It will set a pace, a direction for our research.

I am hoping in the next several days and weeks we can come up with a compromise on this issue that will not authorize the creation of clones but that will allow us some more time to study the benefits of human cloning, if there are any, if it can be proven, and if those benefits outweigh the grave risk, the tremendous risk associated with legalizing human cloning, and then trying to stop the implantation of the clones. I think it puts our society at a great risk, at a great disadvantage, to try to regulate something we have never tried to regulate before.

The Feinstein-Kennedy approach is not a ban on human cloning; it is an exception to the ban on human cloning. It would authorize and legalize human cloning for the first time in our Nation's history. We have to be very careful before we open what could be a Pandora's box or at least get us on a slippery slope towards a system where we have actually legalized and authorized the development of human clones.

If this study comes out and the research suggests the only way to find cures for this disease for this particular individual might be to explore the benefits or to explore the opportunities in a clone, maybe some ethical considerations would be outweighed if a life could be saved or if this is the only way to save a life. But we are not anywhere near that.

I urge my colleagues to take a very close look at what Senator BROWNBACK and Senator FRIST and I will suggest as a compromise to get us through these next years, using our good values and our common sense and our ethics, always promoting good research and good science, but not getting ourselves in a direction where we cannot pull back and causing our population to have to deal with the birth of a first human clone.

To then have to ask ourselves, why didn't we do something more to stop this and what do we do now that we have the first clone alive and in the world—we have to think about it.

I hope we can come to terms with this issue. That is why I wanted to spend some time speaking about it.

It is a very exciting time in science. We are exploring and inventing and discovering things people even 25 or 30 or 40 years ago thought could never possibly be. There are some wonderful things about science and discovery, but there are limits that sometimes need to be placed. We have now for the first time in human history come to terms with the fact that we can create not a plant clone, not an animal clone, but the potential to create a human clone.

The question before the Congress is, Should we start that process? I am saying as simply as I can, before we start, we had better be sure of what we are going to do, when basically the line we draw is breached, as surely as it will be one day, and make sure we can draw a line and set a framework in place that minimizes the chances of a human clone being born in our lifetime or forever.

I think it is definitely worth debating and worth considering. I yield back the remainder of my time. I see my colleague from the great State of Connecticut is with us.

Before I yield the floor, I ask unanimous consent to have two articles by Charles Krauthammer printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 10, 2002]

RESEARCH CLONING? NO.

(By Charles Krauthammer)

Proponents of research cloning would love to turn the cloning debate into a Scopes monkey trial, a struggle between religion and science. It is not.

Many do oppose research cloning because of deeply held beliefs that destroying a human embryo at any stage violates the sanctity of human life. I respect that view, but I do not share it. I have no theology. I do not believe that personhood begins at conception. I support stem cell research. But I oppose research cloning.

It does no good to change the nomenclature. The Harry and Louise ad asks, "Is it cloning?" and answers, "No, it uses an unfertilized egg and a skin cell."

But fusing (the nucleus of) a "somatic" cell (such as skin) with an enucleated egg cell is precisely how you clone. That is how Dolly the sheep was created (with the cell taken not from the skin but from the udder). And that is how pig, goat, cow, mouse, cat and rabbit clones are created.

The scientists pushing this research go Harry and Louise one better. They want to substitute the beautifully sterile, high-tech sounding term SCNT—"somatic cell nuclear transfer"—for cloning. Indeed, the nucleus of a somatic cell is transferred into an egg cell to produce a clone. But to say that is not cloning is like saying: "No, that is not sex. It is just penile vaginal intromission." Describing the technique does not change the nature of the enterprise.

Cloning it is. And it is research cloning rather than reproductive cloning because the intention is not to produce a cloned child but to grow the embryo long enough to dismember it for its useful scientific parts.

And that is where the secularists have their objection. What makes research cloning different from stem cell research—what pushes us over a moral frontier—is that for the first time it sanctions the creation of a human embryo for the sole purpose of using it for its parts. Indeed, it will sanction the creation of an entire industry of embryo manufacture whose explicit purpose is not creation of children but dismemberment for research.

It is the ultimate commodification of the human embryo. And it is a bridge too far. Reducing the human embryo to nothing more than a manufactured thing sets a fearsome desensitizing precedent that jeopardizes all the other ethical barriers we have constructed around embryonic research.

This is not just my view. This was the view just months ago of those who, like me, supported federally funded stem cell research.

The clinching argument then was this: Look, we are simply trying to bring some good from embryos that would otherwise be discarded in IVF clinics. This is no slippery slope. We are going to put all kinds of safeguards around stem cell research. We are not about to start creating human embryos for such research. No way.

Thus when Senators Tom Harkin and Arlen Specter were pushing legislation promoting stem cell research in 2000, they stipulated that "the stem cells used by scientists can only be derived from spare embryos that would otherwise be discarded by in vitro fertilization clinics." Lest there be any ambiguity, they added: "Under our legislation, strict federal guidelines would ensure [that] no human embryos will be created for research purposes."

Yet two years later, Harkin and Specter are two of the most enthusiastic Senate proponents of creating cloned human embryos for research purposes.

In testimony less than 10 months ago, Senator Orrin Hatch found "extremely troubling" the just-reported work of the Jones Institute, "which is creating embryos in order to conduct stem cell research."

The stem cell legislation Hatch was then supporting—with its "federal funding with strict research guidelines," he assured us—was needed precisely to prevent such "extremely troubling" procedures.

That was then. Hatch has just come out for research cloning whose entire purpose is "creating embryos in order to conduct stem cell research."

Yesterday it was yes to stem cells with solemn assurances that there would be no embryo manufacture. Today we are told: Forget what we said about embryo manufacture; we now solemnly pledge that we will experiment on only the tiniest cloned embryo, and never grow it—and use it—beyond that early "blastocyst" stage.

What confidence can one possibly have in these new assurances? This is not a slide down the slippery slope. This is downhill skiing. And the way to stop it is to draw the line right now at the embryo manufacture that is cloning—not just because that line is right, but because the very notion of drawing lines is at stake.

[From the Washington Post, July 27, 2001]

A NIGHTMARE OF A BILL

(By Charles Krauthammer)

Hadn't we all agreed—we supporters of stem cell research—that it was morally okay to destroy a tiny human embryo for its possibility curative stem cells because these embryos from fertility clinics were going to be discarded anyway? Hadn't we also agreed that human embryos should not be created solely for the purpose of being dismembered and then destroyed for the benefit of others?

Indeed, when Senator Bill Frist made that brilliant presentation on the floor of the Senate supporting stem cell research, he included among his conditions a total ban on creating human embryos just to be stem cell farms. Why, then, are so many stem cell supporters in Congress lining up behind a supposedly "anti-cloning bill" that would, in fact, legalize the creation of cloned human embryos solely for purposes of research and destruction?.

Sound surreal? It is.

There are two bills in Congress regarding cloning. The Weldon bill bans the creation of cloned human embryos for any purpose, whether for growing them into cloned human children or for using them for research or for their parts and then destroying them.

The competing Greenwood "Cloning Prohibition Act of 2001" prohibits only the creation of a cloned child. It protects and indeed codifies the creation of cloned human embryos for industrial and research purposes.

Under Greenwood, points out the distinguished bioethicist Leon Kass, "embryo production is explicitly licensed and treated like drug manufacture." It becomes an industry, complete with industrial secrecy protections. Greenwood, he says correctly, should really be called the "Human Embryo Cloning Registration and Industry Facilitation and Protection Act of 2001."

Greenwood is a nightmare and an abomination. First of all, once the industry of cloning human embryos has begun and thousands are being created, grown, bought and sold, who is going to prevent them from being implanted in a woman and developed into a cloned child?

Even more perversely, when that inevitably occurs, what is the federal government going to do: Force that woman to abort the clone?

Greenwood sanctions licenses and protects the launching of the most ghoulish and dangerous enterprise in modern scientific history: the creation of nascent cloned human life for the sole purpose of its exploitation and destruction.

What does one say to stem cell opponents? They warned about the slippery slope. They said: Once you start using discarded embryos, the next step is creating embryos for their parts. Frist and I and others have argued: No, we can draw the line.

Why should anyone believe us? Even before the President has decided on federal support for stem cell research, we find stem cell supporters and their biotech industry allies trying to pass a bill that would cross the line—not in some slippery-slope future, but right now.

Apologists for Greenwood will say: Science will march on anyway. Human cloning will be performed. Might as well give in and just regulate it, because a full ban will fail in any event.

Wrong. Very wrong. Why? Simple: You're a brilliant young scientist graduating from medical school. You have a glowing future in biotechnology, where peer recognition, publications, honors, financial rewards, maybe even a Nobel Prize await you. Where are you going to spend your life? Working on an outlawed procedure? If cloning is outlawed, procedure? If cloning is outlawed, will you devote yourself to research that cannot see the light of day, that will leave you ostracized and working in shadow, that will render you liable to arrest, prosecution and disgrace?

True, some will make that choice. Every generation has its Kevorkian. But they will be very small in number. And like Kevorkian, they will not be very bright.

The movies have it wrong. The mad scientists is no genius. Dr. Frankensteins invariably produce lousy science. What is Kevorkian's great contribution to science? A suicide machine that your average Hitler Youth could have turned out as a summer camp project.

Of course you cannot stop cloning completely. But make it illegal and you will have robbed it of its most important resource: great young minds. If we act now by passing Weldon, we can retard this monstrosity by decades. Enough time to regain our moral equilibrium—and the recognition that the human embryo, cloned or not, is not to be created for the sole purpose of being poked and prodded, strip-mined for parts and then destroyed.

If Weldon is stopped, the game is up. If Congress cannot pass the Weldon ban on cloning, then stem cell research itself must not be supported either—because then all the vaunted promises about not permitting the creation of human embryos solely for their exploitation and destruction will have been shown in advance to be a fraud.

TERRORISM RISK INSURANCE ACT OF 2002—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Madam President, I rise to speak in favor of S. 2600, the Terrorism Risk Insurance Act of 2002. Before I get to the substance of the measure, I thank and praise my colleague and friend from Connecticut, Senator DODD, for his extraordinary work in drafting a practical, effective solution to the terror insurance crisis.

As we all know, this has been an arduous and, at times, frustrating process. Senator DODD has proven to be not only tenacious but almost divinely patient in pursuit of this legislation. I congratulate him and thank him for the success that I am confident this bill will enjoy when it is voted on a little more than an hour from now.

I wish to speak for a moment about why this is so important, perhaps as a summary as we approach the vote.

Property and casualty insurance is not an optional matter for businesses in our country. Nearly every business I know of buys insurance to protect its equipment, its property, its stock, to guard against liability, and to safeguard its employees, for instance, under State workers compensation laws. Property and casualty insurance is required by investors and shareholders. Of course, it is required by banks that lend for construction of new buildings or other projects.

In the event property and casualty insurance for major causes of loss is not available or is prohibitively expensive, businesses face very painful choices and, in fact, will probably end up being paralyzed. Construction projects will come to a halt, and banks will not lend. If one multiplies this across an economy, the impact will be quite severe and particularly difficult and painful at this time as our economy remains uncertain and flat.

We are here today because the ability of businesses to continue buying insurance will be placed at severe risk if we fail to address the way life and risk have changed since the attacks on

America of September 11. Underwriting an insurance policy obviously requires companies to assess that risk and to estimate damages in a way that is much more tangible than most of us have done, although we know our lives and our history were changed on September 11.

For those in business and in the business of insurance or reinsurance, this comes down to an attempt to evaluate that risk in terms of probabilities and ultimately dollars and cents.

In the case of claims for damages caused by terrorist attacks, there is obviously no easy way to do this. There are so many uncertainties, but one thing is certain, and that is that losses from terrorist attacks, as we have already painfully seen and felt, can cost tens of billions of dollars, and under worse case scenarios, possibly hundreds of billions of dollars.

Insurance is a very competitive industry, but what most Americans, although most have contact with some form of insurance, may not realize is that insurance companies need and buy their own insurance. In other words, they are dependent on so-called reinsurers that help them spread the risks that they assume when they sell insurance to us and cover their losses.

When reinsurers will not renew their contracts unless they contain terrorism exclusions or limitations, there are going to be an awful lot of insurance companies that will not be able to provide terrorism coverage, in most cases not at any cost but in other cases only at a prohibitive cost. That is not just a possibility today; that is a very real probability.

Across the country, insurers are in danger of losing their contracts with reinsurers because of the reinsurers' unwillingness to accept the risks of possible terrorist attacks. If this happens, and the insurers are not able to include terrorism exclusions or limitations, insurers may not be able to offer any policy at any price.

This is not a matter of speculation anymore. Notices have effectively gone out, discussions have occurred, letters have been exchanged between reinsurers and insurers and those who are insured, as we read in the paper today.

That uncertainty on the part of the insurance industry has now come to the point where it is haunting consumers and will hurt consumers, purchasers of insurance, developers, businesses, and real estate owners. American businesses will not be able to get the policies they need at a reasonable price. They will not be able to get the financial protection they require.

There is nothing we can do in Congress within the limits of our Constitution, as I read it, to require by law that insurance companies write policies that they do not want to write because of what they evaluate to be a market and financial factor, but we can and must avoid creating the conditions that force reinsurers to drop insurers and insurers to drop American businesses or charge such exorbitant rates that they may as well be dropping them off their rolls.

We have to intervene in this process to create a backup, to create enough security for reinsurers to reenter the market and for insurers to continue to insure American businesses and keep them going and growing hopefully at this stage in our economic history.

In recognition of this serious crisis, State regulators are already considering terrorism exclusions, as they must, consistent with their responsibilities to oversee the solvency of the insurance industry, but State laws will only patch the problems and leave businesses without the insurance they need to continue operating. They will not eliminate the crisis. It is clear, therefore, that we in Congress must act, and this sensible legislation is clearly the way to do it. This legislation will provide businessowners with the opportunity to buy insurance against terrorism claims and to do so in the private market as well. It would establish a temporary Federal backstop for insurance to cover against damages resulting from terrorist attacks, a program that would last for a year and gives the Secretary of the Treasury authority to extend the program for another year.

This temporary backstop is intended to provide the insurance industry with time to assess the dramatically changed risk of claims resulting from terrorist attacks.

As the industry determines how to price the risk and determine appropriate premium levels for terrorism insurance, hopefully the need for the Federal emergency backstop we are creating will lessen.

I do point out that what this legislation will accomplish is not unprecedented. In fact, the Federal Government has a history of partnering, if I can put it that way, with the insurance industry to provide coverage for risks that are just too big or unpredictable or uninsurable, literally, for the industry to handle alone. I cite as examples the flood insurance programs, the crop insurance programs, or the nuclear liability insurance programs that the Federal Government is involved in as a supplement or assist or backstop to private insurance industries. Those risks are, in some ways, actually more insurable than terrorism, but in each case the Federal Government stepped in because we understood the very real risk of people having their policies dropped and being left without basic protection.

In the interest of economic security and in some sense of consistency, we now have to offer the American people a similar guarantee after September 11 that insurance coverage will be offered in the case of terrorism.

Again, I congratulate Senator DODD and all those who have worked with him, as well as members of the Banking Committee, and, not surprisingly, because of the suffering endured in New York in human and economic terms, our colleagues from New York, Senator SCHUMER and the occupant of the chair, Senator CLINTON. I thank them all for their leadership. I thank everyone for the ultimate spirit of accommodation that will, I am confident, allow this bill to pass. We need it to become law as soon as possible, and I am hopeful that today's action will be to exactly that result before it is literally too late.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIRDRUGPRICES.ORG

Ms. STABENOW. Madam President, I appreciate my colleague from Connecticut speaking about the bill that is before us, and I certainly share his beliefs about the need for terrorism insurance and hope we will be passing this bill shortly. I found, though, that as I was listening to him today, I was thinking about another kind of terror, and insurance we need to be providing, and that is the terror that too many of our citizens, particularly our seniors, experience when they find themselves in a situation with an illness and they cannot afford the medications they need to be well.

I think of the terror a breast cancer patient feels when she is told she needs tamoxifen and cannot afford the $136 a month, which it is in Michigan, to purchase that tamoxifen. I think of the terror a family with a disabled child feels when they cannot get the medicine they need, or the terror of a small business man or woman when they see their health care premiums rise 30 to 40 percent this year. They know the majority of that is because of the explosion in the costs of prescription drugs. So there are a number of ways in which we need to be addressing terror and fear in our country.

I rise today to urge my colleagues, on both sides of the aisle in the Senate, to come together and support a comprehensive Medicare prescription drug benefit, to support the bill that my colleagues, Senator GRAHAM and Senator MILLER, have introduced—I am pleased to be a cosponsor of that bill—as a comprehensive response to the terror our seniors are experiencing when they are not able to get the desperately needed medications they need to remain in their home, to remain healthy, to be able to continue to live their lives.

I was very concerned to see over the weekend and to read today about the actions the House Republicans are taking at this very moment. I was hoping, when we pointed out the inadequacies in the bills they have been talking about, they would make corrections so that we could move together on a comprehensive bill that is effective for our seniors and actually helps them.

I am very concerned, when I see the numbers, about what is happening. The bills that are being put forward by the Republicans appear to have very little positive effect and in some cases could even be argued to hurt the situation. Families USA has come up with an analysis, and I will quote from their analysis, about the percentage of out-of-pocket expenditures that seniors would have at various levels of their drug costs under the House Republican plan. For a senior who needed to spend $1,000 a year, they would find they would still pay 81 percent of that $1,000 under the House plan. If they had a $2,000 bill per year, they would still pay about 65 percent. If they had a $3,000 bill per year, they would pay about 77 percent out of their pocket. If they had a $4,000 bill per year, they would be paying 83 percent of it. I cannot believe all of the effort by our colleagues in the House that is going into passing this kind of prescription drug legislation for our seniors. That is not good enough. We can do better.

I am so pleased our leader has made a personal commitment to make sure we bring this bill up in July and we vote on this bill for Medicare prescription drug coverage. I am very pleased our bill would in fact provide real coverage of 60 percent, 70 percent, of the bill. We would cover the majority of the prescription drug bill for our seniors.

So I am urging once again that our citizens across the country get engaged in this debate to make sure that what happens in the Congress is the right action. There are a number of consumer groups and senior groups that have come together across the country to form a Web site, fairdrugprices.org. I urge people to go to this Web site, log on, and sign the petition that they have set up calling on all of us to create a meaningful prescription drug benefit and lower prices for everyone: For the senior, for the farmer, the small business, the large business, anyone who is paying the high prices of prescription drugs. If you go to fairdrugprices.org, you can get involved, sign a petition, communicate with us about what needs to be done. I urge everyone who is listening today to do that.

I am very concerned that as we are debating the priorities of the country—and last week we were debating whether or not to extend a tax cut that we know goes overwhelmingly to those at the very top in terms of the estate tax and the extension of the tax cut that was put into place for 10 years.

It bothers me when I see that in the year 2012, when this would be extended, the tax cut would cost $229 billion, which is three times more than they want to dedicate in the House for prescription drug help, three times more than what they are willing to provide for our seniors and people who are disabled or families who have disabled children, three times more for a tax cut to the very wealthiest Americans who, it is my guess, are not worried about whether or not they can buy their medicine. They are not having to struggle and go into the pharmacy, look at the bill after they give their prescription, and walk away with the pills still sitting on the counter because they were not able to afford to pay for them.

My guess is that the folks who are being proposed for another tax cut are not deciding whether they are going to cut their pills in half or take them every other day or not at all.

I support efforts on tax relief, and I support our family-owned businesses and farmers not having to pay the estate tax, but I also know there is a way to set priorities that will make sure we are keeping the promise of Medicare that was set up in 1965.

In 1965, one of the great American success stories was passed by this Congress, and that was the promise of health care coverage for our seniors and the disabled. But because we have changed the way we provide health care today, people are not going into the hospital, probably not going in for an operation; instead, they have the ability—all of us do, and a blessed opportunity—to remain at home, to receive prescriptions rather than having an operation. But Medicare does not cover those outpatient prescriptions.

So the great American success story that was passed in 1965 is no longer providing the promise of health care. We are committed to making sure that we modernize Medicare, that we update it to cover the prescription drugs. I worry, as I see all of the effort going on in the other side of the building by our Republican colleagues, all of the effort of not only one committee but two committees, and two bills, and then we look at what they are providing, and we see that on average they are providing 20 percent of the costs of prescription drugs. That means 80 percent is being paid for out of the pockets of our seniors. I suggest that is not the best priority for our country.

I am very concerned that this is a complicated system they are setting up. There are gaps between $2,000 of out-of-pocket expenses a year and $4,500 or $5,000—we are not sure which number they will end up with—but that gap leaves no help for a senior with a bill from $2,500 to $5,000. That gap between $2,000 and $5,000 is a gap leaving seniors to pay the premium while receiving no assistance.

There are serious problems. I am told half of Medicare beneficiaries will receive no drug coverage for at least part of the year. Half of the Medicare beneficiaries will receive no help for at least part of the year under the proposal now being considered in the House of Representatives.

I am also concerned that rather than relying on the Part B premium as we have provided health care to this point to a private sector/private sector-public sector working together on Medicare, they are discussing having private insurance companies create prescription drug-only policies and relying on private insurance companies to provide this coverage.

We hear the insurance companies do not want to write those policies. If those were profitable policies, they would already be writing the policies. It is not profitable to write prescription-only policies for people who need prescriptions. The idea is to spread the risk between those who are healthy and those who need care. Those who are likely to want an insurance policy for prescription drugs probably are using prescription drugs. Insurance industry folks say they are not interested.

What do our Republican colleagues do? They give dollars to the insurance companies to provide this coverage rather than providing it under Medicare. The Republican bill allows Medicare to pay insurance companies more in order to write these policies rather than just using the Medicare process that has worked so well.

There are a lot of flaws. They are using a structure that does not work with private insurance companies rather than having the clout of 40 million seniors under Medicare, enabling a lowering of the prices, using a system that is tried and true; they want to bring in a new system. The reality is there is no interest in the private sector to provide this type of insurance.

We see on the other side of the aisle, and the other side of the building, two committees working on legislation that, in fact, will do little to help our seniors, those with disabilities who need help with prescription drugs. We can do better. We have the opportunity to do better.

I share from this morning's New York Times a portion of a column by Paul Krugman, outlining what is happening. I encourage Members to read this. He says:

> . . . the Senate Democrats have a plan that can be criticized but is definitely workable. The House Republicans, by contrast, have a plan that would quickly turn into a fiasco—but not, of course, until after the next election.

He then goes on to say:

> . . . Senate Democrats have a plan that is sensible and workable, but House Republicans surely won't agree to anything resembling that plan. Senate Democrats might be bullied into something resembling the House

Republican plan, but since that plan is completely unworkable, that's the same as getting no drug plan at all—which, I suspect, is what the Republican leaders really want in any case.

We are not going to be bullied into a plan that does not do the job. There is no doubt in my mind. We have a commitment. Our seniors have heard for too long, too many election cycles, that Medicare will cover prescription drugs. I know a lot of seniors are saying nothing will ever change. Yet the prices keep going up, the need for care keeps going up, and the choices the seniors have to make keep getting bigger and bigger and bigger.

We can do better than that. We in the Senate are committed to doing better than that. I urge everyone listening today to engage in this fight with us. There are six drug company lobbyists for every one Member of the Senate. We need the people's voice. We are willing and able and determined to bring a comprehensive Medicare prescription drug bill to the floor of the Senate in July. We urge everyone to get involved in this debate.

There are substantive differences in plans and how they will affect seniors and families. We need to get through the smoke and mirrors and down to the facts, look at comparisons, have honest critiques, and pass a bill that works and makes sense. It is time to completely fulfill the promise of 1965 with the passage of Medicare, and 2002 is a great time to do it. It is long overdue.

I invite people to engage in this debate and make sure the best proposal passes and passes quickly. I suggest reviewing www.fairdrugprices.org and get involved.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM RISK INSURANCE ACT OF 2002—Continued

The PRESIDING OFFICER. The Chair notes that the time between the two Senators is equally divided.

Mr. GRAMM. Mr. President, we are coming down to a vote at 4:45. I intend to vote no. I don't expect many other Members to vote no, nor am I encouraging people to vote no. But I want to try to explain the problem I have and explain a little bit of the history of this bill so people know where we are coming from.

I think we have about 14 minutes each. Is that right?

The PRESIDING OFFICER. The Senator from Texas has approximately 10 minutes 30 seconds.

Mr. GRAMM. Mr. President, when terrorism insurance was first proposed, the whole logic was that we were going to have the Federal Government step in to help provide insurance coverage and pay claims when there was a cataclysmic event.

When we first started debating this issue in the House of Representatives, insurance companies had to pay back money that was paid by the Federal Government over $1 billion. When we debated it in the Senate, we concluded that if it had to be paid back, you were not providing the assistance we sought, but we were sure when we initially debated this subject we had a very substantial amount of money that the companies had to pay before the Federal Government got in the business of having to pay. The amount the companies have to pay before the Federal Government starts paying is called "retention."

When we first started to debate this issue, and when we reached an initial bipartisan agreement in October, I believe it was that companies were required to pay $10 billion before the Federal Government came in to pay claims. Above that $10 billion, the Federal Government was to pay 90 percent of the next $90 billion. The logic of the retention—the amount that the insurance companies had to pay—was basically, No. 1, that the insurance companies are selling this insurance and collecting premiums. The fact that they would cover the initial cost was imminently logical.

No. 2, we wanted to protect the taxpayer unless there was a cataclysmic event.

Thirdly, the whole objective of our bill was to try to encourage the development of reinsurance and to encourage syndication so that no one insurance company would write an insurance policy on the Empire State Building. There might be a lead insurance company that would write the policy. But then they would syndicate and sell off part of the insurance to other companies, or they would simply go into a reinsurance market and sell all or part of the policy—the idea being to distribute the risk not just throughout the United States but throughout the world.

When we reached an agreement in October, the companies had to pay $10 billion before the taxpayer got involved. Many Members of the Senate thought that was too low. We reached an agreement. We announced it, and the White House signed off on it.

We also protected victims of terrorism from punitive damages and predatory losses.

In December, we still had not passed a bill. We were 3 weeks away from 80 percent of the insurance policies in America expiring. There was a belief that if we did pass a bill right at the end of the session there would not be enough time for syndication and reinsurance to develop. So the bill that was written at that time had an individual company retention but not a $10 billion retention.

This is still very much confused by the media in writing on this subject.

The net result is that the biggest insurance company in America—AIG—has a retention of about $1.6 billion. The smallest insurance companies in the country might have a retention that would be in the tens of millions. That means that is what they have to pay before the taxpayer pays.

That has several problems.

No. 1, companies have already collected premiums. Premiums have gone up. They had to go up because risks have gone up. But premiums have gone up, and insurance companies have collected these premiums. When they wrote the insurance policy, they had no taxpayer backup whatsoever. Now we are coming along, and instead of having $10 billion that the industry has to pay before the taxpayer pays, in some cases some insurance companies will have to pay only millions of dollars before the taxpayer steps in and pays.

It doesn't take a great knowledge of economics or arithmetic to figure out that when people wrote policies and collected premiums based on having to pay the full cost if a claim was made and the Government is going to come in and pay 90 percent of the claim above only a few million dollars in the case of some insurance companies, that you are going to create a very substantial shifting of wealth from the taxpayers to the people who have written the policies, if there is a major claim. And, at a minimum, you are shifting a substantial amount of risk from the insurance company to the Federal Government.

I am one of a handful of Members of the Senate who thought we ought to do a bill. In fact, at one point, I was one of the few people willing to stand up and say so.

I have always believed if we were going to do a bill we had to have a substantial industry retention so the people collecting the premiums paid first, and also so that we had an incentive for industry to syndicate to spread the risk, and an incentive to develop reinsurance.

I am very concerned that the bill, as it is now written, represents an unwarranted shift of risk from the insurance companies to the taxpayer. If there is, God forbid, another attack, it will mean the shifting of billions of dollars from the taxpayer to the insurance companies.

But the biggest concern I have is not about taxpayer risk or about the unintended shift of billions of dollars to private interests from the taxpayer. The biggest concern I have is that by reducing the amount that the companies have to pay before the Government pays, that we are going to reduce the incentive that companies will have to spread the risk to syndicate, to develop reinsurance, and that 2 years from now, when the bill expires, none of these secondary markets will have developed, the Government will have become the primary risk taker, and we will end up extending this indefinitely.

In World War II we had a Government program, but we knew World War II was going to end with the signing of a peace treaty. This war is going to end with the death of some terrorist, and we are not going to know he was the last terrorist in the world.

So I am very concerned that unless we raise this retention level, unless we make companies that have collected the premiums pay a substantial amount of money before the taxpayer pays, that we are never going to get the Government out of this area of insurance.

Our whole focus from the beginning—in fact, I have never heard a Democrat or Republican suggest otherwise—has been that this was a bridge to help us get through this period of great uncertainty so that ultimately these risks could be built into insurance rates.

That is where we are. I think we are making a mistake by not requiring the people who collected these premiums to pay a substantial amount of money first. I think we are planting the seeds to get Government permanently in the insurance business.

Something happened, and it is perfectly reasonable that it would happen. When we were talking about the industry having to pay $10 billion before the taxpayer paid, the industry was delighted that they were going to have the backup of the taxpayer. But in December it was suggested that the industry could pay tens of millions of dollars before the taxpayer paid. And even though all those insurance policies expired on January 1, many of them were rewritten at substantially higher premiums. I am not complaining. Premiums have to go up because risks have gone up. But now to suggest that we should not make the industry pay up to $10 billion before the taxpayer pays, I think, is basically going back on the deal in which we engaged.

I do not doubt that if I were in the insurance business I would probably want the Government to pay the whole claim, and I would want to collect the policy, I would want to collect the premiums. But I think we have a gross overreach here that puts the taxpayer at risk at an unjustifiable level.

Finally, and most importantly, I am concerned that the incentives we are creating here will induce companies not to syndicate, not to spread risk as much as they would; and, as a result, the Government will pay sooner. I am worried that secondary markets will not develop and the Government will not be able to get out of the insurance business. And I am very much concerned that 2 years from now we will be right back here, and the argument will be made that there is no syndication, that there is no secondary market, and, therefore, the Government has to stay in the terrorism insurance business.

We can fix that by changing this bill. We have not done that. That is why I am opposed to it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, if I may, I want to engage, before some final comments, in a couple of housekeeping matters.

AMENDMENT NO. 3862

First, Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is amendment No. 3862.

Mr. DODD. Mr. President, I make a point of order that the Specter amendment is not germane post cloture.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

AMENDMENT NOS. 3872, 3874 THROUGH 3879, 3881, 3883, 3884, 3885 THROUGH 3887, 3889, AND 3890

Mr. DODD. Mr. President, I ask unanimous consent it be in order for the Senate to consider en bloc the following amendments; that the amendments be considered and agreed to en bloc, and the motion to reconsider be laid upon the table en bloc, without further intervening action or debate: amendment Nos. 3872, 3874 through 3879, 3881, 3883, 3884, 3885 through 3887, 3889, and 3890.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Will the Senator yield? Reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Did the Senator include 3884?

Mr. DODD. I did.

Mr. GRAMM. I would just like to say that we do not have any objection. These are amendments that were agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3872, 3874 through 3879, 3881, 3883, 3884, 3885 through 3887, 3889, and 3890) were agreed to, as follows:

AMENDMENT NO. 3872

On page 5, line 3, insert "or vessel" after "air carrier".

AMENDMENT NO. 3874

On page 9, line 19, strike "the period" and all that follows through line 22 and insert the following: "the 1-year period beginning on the date of enactment of this Act; and".

AMENDMENT NO. 3875

On page 10, beginning on line 2, strike "the period" and all that follows through "2003" on line 3, and insert "the 1-year period beginning on the day after the date of expiration of the period described in subparagraph (A)".

AMENDMENT NO. 3876

On page 10, line 17, insert before the semicolon ", including workers' compensation insurance".

AMENDMENT NO. 3877

On page 11, line 4, strike the period and insert the following: "; or

"(iii) financial guaranty insurance.".

AMENDMENT NO. 3878

On page 11, line 14, strike "all States" and insert "the several States, and includes the territorial sea".

AMENDMENT NO. 3879

On page 11, between lines 14 and 15, insert the following:

(14) RULE OF CONSTRUCTION FOR DATES.—With respect to any reference to a date on this Act, such day shall be construed—

(A) to begin at 12:01 a.m. on that date; and

(B) to end at midnight on that date.

AMENDMENT NO. 3881

On page 24, line 7, strike "2003" and insert "the second year of the Program, if the Program is extended in accordance with this section".

AMENDMENT NO. 3883

On page 21, strike lines 1 through page 22, line 14 and insert the following:

(1) IN GENERAL.—The Program shall terminate 1 year after the date of enactment of this Act, unless the Secretary—

(A) determines, after considering the report and finding required by this section, that the Program should be extended for one additional year, beginning on the day after the date of expiration of the initial 1-year period of the Program; and

(B) promptly notifies the Congress of such determination and the reasons therefor.

(2) DETERMINATION FINAL.—The determination of the Secretary under paragraph (1) shall be final, and shall not be subject to judicial review.

(3) TERMINATION AFTER EXTENSION.—If the Program is extended under paragraph (1), the Program shall terminate 1 year after the date of commencement of such extension period.

(b) REPORT TO CONGRESS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit a report to Congress—

(1) regarding—

(A) the availability of insurance coverage for acts of terrorism;

(B) the affordability of such coverage, including the effect of such coverage on premiums; and

(C) the capacity of the insurance industry to absorb future losses resulting from acts of terrorism, taking into account the profitability of the insurance industry; and

(2) that considers—

(A) the impact of the Program on each of the factors described in paragraph (1); and

(B) the probable impact on such factors and on the United States economy if the Program terminates 1 year after the date of enactment of this Act.

AMENDMENT NO. 3884

On page 12, strike lines 15 through 19 and insert the following: "of enactment of this

Act, on a separate line item in the policy, at the time of offer, purchase, and renewal of the policy; and

"(B) in the case of any policy that is issued before the date of enactment of this Act, as a line item described in subparagraph (A), not".

AMENDMENT NO. 3885

On page 15, line 3, strike "the period" and all that follows through line 6, and insert "the 1-year period beginning on the date of enactment of this Act—".

AMENDMENT NO. 3886

On page 16, beginning on line 4, strike "the period" and all that follows through "2003" on line 6, and insert the following: "the 1-year period beginning on the day after the date of expiration of the period described in subparagraph (A)".

AMENDMENT NO. 3887

On page 16, between lines 19 and 20, insert the following:

(D) PROHIBITION ON DUPLICATIVE COMPENSATION.—The Federal share of compensation for insured losses under the Program shall be reduced by the amount of compensation provided by the Federal Government for those insured losses under any other Federal insurance or reinsurance program.

AMENDMENT NO. 3889

On page 23, line 19, insert "5(d)," before "and".

AMENDMENT NO. 3890

On page 23, line 25, strike "10(b)" and insert "9(b)".

Mr. DODD. I thank my colleague from Texas.

Mr. President, let me point out, one of these amendments is an amendment that was raised by our colleague from Florida, Senator BILL NELSON. I thank him for his work on that amendment. I appreciate the willingness of the Senator from Texas to agree to that change we made in the legislation.

Mr. President, if I may, I would like to speak on this bill in the few remaining minutes we have before the vote. This bill has been 9 months in the process.

I would like to begin by thanking my good friend from Texas. We began together on this legislation a long time ago, a few weeks after the tragic events of September 11. In fact, I recall, very vividly, my friend from Texas leaning over to me and saying we ought to do something in the area of terrorism insurance, not that we called it that at that particular time, but it was the same idea that is contained in the legislation before the Senate today.

So despite whatever differences we may have at this particular moment, I would like to acknowledge his active involvement with this issue. He is one of the few people who was consistently interested in trying to get something done here over these many months.

It has taken us a long time. This is an arcane subject matter. We are literally doing something we have never done before, at least that I know of.

Back in World War II, for acts of war, the Federal Government acted as an insurance company. But, obviously, we are not duplicating that here. We are trying to provide a temporary backstop, if you will, to allow this market to redevelop over the coming months.

So I thank my colleague from Texas for his involvement, despite the fact he may disagree with the product we are going to be voting on in a few short moments.

I would like to thank the leadership. I thank Senator DASCHLE and Senator REID who have been tremendously helpful in putting this bill together. I thank Senator LOTT and others who understood the importance of raising this issue. I thank Senator SARBANES, the Chairman of the committee, and Senator CORZINE, who has been tremendously helpful on this. Senator SCHUMER has also been tremendously helpful.

I would also like to thank the 17 members of the minority this morning who voted to invoke cloture. Without their support, we would not be voting on this measure today and moving this process along.

Additionally I would like to express my gratitude to President Bush and Treasury Secretary Paul O'Neill. They were very involved in the last few days in getting support for this particular effort. So I thank all of them.

This is an important moment. This particular proposal or ideas like it have been sought by a very diverse group of people in the country. Organized labor to real estate, insurance groups—small businesses and large—the list is very long of those insurance consumers who have demanded that we act in this area.

And why? Very simply, there is a major problem continuing to grow out there. We have seen it growing every day. There was a headline even today in the local newspaper here in Washington talking about a major problem with the number of mortgage holders, the GMAC Corporation.

We heard the other day from the commercial mortgage-backed security industry, and the some $7 billion in decline they have experienced in the first quarter. We have a real bottleneck occurring in major construction projects, real estate, and development projects across the country in cities large and small.

Yesterday, in my home State of Connecticut, Simon Konover, a wonderful developer in my State, has a small hotel, not a large one, at Bradley International Airport. And he can get no terrorism insurance. That is not a major development project—it is a small hotel at a regional airport—and he cannot get terrorism insurance at any cost. So this isn't just major development; it is also small projects where, at any cost, you cannot get this product. And if you can get it, it is very costly, as my colleague from Texas has already stated. And I agree with him.

This bill is designed to, one, free up that bottleneck, to get the process moving again.

We will know shortly whether or not what we have done is going to provoke that response. We believe it will. This is a 12-month bill with a possible 12-month extension. It is going to take a Herculean effort to get more than that. Our colleagues believe that 2 years is about what they are willing to try at this particular program. So remember, we are talking about 12 months with a possible extension of 12 more in order to get this moving.

This legislation is critically important for American workers. We hope it will dampen the tremendous increase that could occur, in the absence of this bill being done, in premium costs. And it is going to make available a product that we think is going to be critically important so that people such as Simon Konover in my State will be able to obtain insurance against terrorist acts. It is going to mean that smaller insurance companies can be involved in this, not just large insurers.

One of the reasons we put retention caps on individual companies is because without doing that you force insolvency upon smaller insurance companies. Consumers would have very limited choices where that product was unavailable, God forbid we do have an event. The idea that insurers are going to go out and gouge their customer base for 1 year with the hopes then of retaining that customer base after this bill expires is unrealistic, in my view.

I have told my colleague from Texas that, as we go into conference, if we can get to conference, I am willing to try to work out something that will at least deal with some of the issues he has raised with the potential problems he sees in the retention area.

On tort reform, the House has significant tort reform. We have some tort reform in this bill. All of us understand we are going to probably come back with some additional limited tort reform. That is the way things work out when you have a conference between the House and the Senate. I am confident that will be the case as well. I hope our colleagues will support this effort.

As I say, it has been 7 months. We are hearing from various groups all across the country that believe this is an important issue to address. We know we are trying to deal with homeland security to protect our personal security from terrorist attack. We also need to be talking about economic security and restoring confidence into this marketplace, This is a product that consumers need and must be made available by the private sector. If we perform our duties today and provide this critical backstop, I believe that it will result in the industry then stepping up to the plate and freeing up this bottleneck I have described in the terrorism insurance area.

There is no guarantee it is going to happen. I can't promise absolutely. But I know this much: If we do nothing, I guarantee you will get skyrocketing premium costs. You may not get this product available to those who need it, and those that are able to obtain the product will pay exorbitantly high premiums for minimal coverage.

We have to conference with the House to work out the differences. I hope at this hour, at this day, we will not walk away from this problem. There are 100 of us here trying to craft legislation. We all bring different ideas to the table. It is not easy to come to a compromise on this kind of an effort, but we have. My hope is that my colleagues will support us, that we will get the bill done. We can send it to the President, and we will try to resolve the issue this problem has posed for all of us.

STATE PREEMPTION

Mrs. BOXER. Mr. President, I recognize the need to move forward on this terrorism insurance bill. I had filed an amendment regarding the state preemption language in this bill. I will not offer that amendment, but I wonder if the Senator from Connecticut will engage in a colloquy with me about that provision.

Mr. DODD. I would be happy to.

Mrs. BOXER. I thank the Senator.

This bill would preempt state law with regard to the prior approval or a waiting period of terrorism risk insurance. Specifically, section 7 states, "rates for terrorism risk insurance covered by this Act and filed with any State shall not be subject to prior approval or a waiting period, under any law of a State that would otherwise be applicable."

This language would preempt the law of the State of California and 21 other States where prior approval mechanisms for increases in insurance rates have been put into place to keep insurance companies from gouging consumers.

The bill before us does allow States to invalidate excessive rates after the fact. But it will do nothing for consumers who have already paid too much. Prior approval mechanisms are the only way to protect consumers before sky-high rates go into effect.

I understand that my colleagues who support this legislation want terrorism insurance made available as quickly as possible. And that is the reason for his preemption—to speed up the process. I agree.

So to meet both the need for quick insurance availability and the desire to allow states to review rates for at least some period before they go into effect, I had proposed an amendment to replace the blanket State preemption language in the bill with more narrow language. My amendment would have said that terrorism risk insurance would not be subject to a waiting period greater than 60 days under any State law.

This would allow California and other States to retain oversight for prior approval over egregious increases in terrorism insurance rates while also making sure that the insurance is made available quickly.

Given the number of Americans involved, the taxpayer exposure to risk, and the leverage that insurers will have over consumers, I believe we must allow States to protect consumers. I hope my colleague from Connecticut will be willing to work with me on this.

Mr. DODD. One of the guiding principles of this bill is that, to the extent possible, State insurance law should not be overridden. To that end, the bill respects the role of the State insurance commissioners as the appropriate regulators of policy terms and rates.

Due to the urgency of the problems that currently exist in the marketplace for terrorism coverage, however, the bill requires that once the Federal program is in place, the States must allow rates for terrorism coverage to take effect immediately, without being subject to a preapproval requirement or a waiting period. The States would, of course, retain full authority to disapprove any rates that violate State laws, which are inadequate, unfairly discriminatory, or excessive.

I understand that my colleague from California, Senator BOXER, has some concerns about this provision and its effects. I appreciate her interest in this issue, and I want to assure my colleague that I will work with her as this bill moves to conference to try to address her concerns, and to ensure that this provision is as narrowly crafted as possible.

CLARIFICATION OF LEGISLATIVE LANGUAGE

Mr. BROWNBACK. Mr. President, I would like to correct the RECORD on a point that I made during a brief floor discussion between myself and Senator SPECTER.

At the time, I was under the impression, given a previous understanding with the leadership, that my legislative language on the issue of human cloning had been provided to the majority leader. Included in my legislative language is a section that pertains to the patenting of human embryos.

I am now informed that apparently that legislative language was never exchanged.

I apologize for any confusion that this misunderstanding may have caused.

Mrs. FEINSTEIN. Mr. President, I would like to take this time to express my support for the Terrorism Risk Insurance Act.

Exposure to terrorism is not only a threat to our national security, but is also a threat to the United States and global economies. The full extent of insured losses from September 11 has been estimated at $70 billion.

There is no doubt that these terrorist attacks have resulted in the most catastrophic loss in the history of property and casualty insurance.

Even though the insurance industry committed to pay losses resulting from the attacks, they have indicated a reluctance to continue offering terrorism insurance because the risk of future losses is unknown.

I and my staff have heard from my constituents in California, who have already suffered from this constriction of the terrorism insurance industry.

Some are insurance providers, who have written to say that they are afraid that their companies will not survive if they are forced to endure another terrorist event without a Federal backstop for terrorism reinsurance.

Some are businesses whose premiums have risen so drastically in the past nine months that they too, risk insolvency.

San Francisco's own Golden Gate Bridge, Highway, and Transportation District, which manages the Golden Gate Bridge, recently had to renew its insurance policy. The new policy costs $1.1 million per year for $50 million in coverage which does not include terrorism coverage, despite assertions by Governor Davis last year that the bridge was a target for the terrorist attacks.

Last year's policy cost $125,000 for $125 million in coverage, including coverage for damage due to a terrorist act.

This legislation will provide desperately needed stability to the terrorism insurance market.

It provides a Federal backstop so that the industry can have the confidence to issue new policies, and it enables financial services providers to again finance new commercial property acquisitions and construction projects.

This bill also has some important limits on Federal exposure to losses.

First, it is designed to be temporary. The length of the program will be one year, with the option for the Secretary of the Treasury to extend it an additional year.

Second, the bill clarifies that the Federal Government does not bear any responsibility for insurance losses due to punitive damage awards.

Punitive damages awards are issued when a defendant has acted in a willful and malicious manner. I don't believe the American taxpayer should be left holding the bag if such judgments are awarded.

It is my hope that the passage of this legislation will enable the Golden Gate Bridge, Highway, and Transportation District, as well as other, similarly affected, companies and organizations, in California and across the Nation, to obtain the terrorism insurance coverage they need to adequately protect their patrons during these uncertain times.

Mr. DODD. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Connecticut has 2 minutes 10 seconds.

Mr. REID. If the Senator will yield for a unanimous consent request, I ask unanimous consent that the time for the vote be extended for 3 minutes on this side and 3 minutes on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I yield the Senator from Pennsylvania 3 minutes.

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the point of order which was sustained as to Amendment No. 3862, which was my amendment. I had been on the floor awaiting the making of such a point of order on germaneness. I wanted to make a very brief comment; that is, that the amendment which I have provided was germane when it was filed, which was pre-cloture. I understand that post-cloture it is not. I voted for cloture notwithstanding the fact that I knew it would render my amendment non-germane because of my view of the importance of passing this bill.

I wanted to comment briefly on the amendment because it may yet surface in the conference. Senator MCCONNELL had offered an amendment which would have eliminated punitive damages unless there was a criminal conviction. I supplemented that amendment by putting in a provision that it would be a Federal crime for someone to be malicious and disregard the safety of others, contributing to damages or death in the event of a terrorist attack, and also an additional provision for a private right of action so that in the event the prosecuting attorney did not act, that a private citizen could petition the court on the failure or refusal of the Attorney General to act so that would activate a criminal prosecution and provide a basis for punitive damages but, more importantly, to move to an area where there is real responsibility for somebody who acts maliciously, resulting in the death of another person.

Punitive damages doesn't reach real responsibility. Punitive damages, as I amplified earlier today, are seldom granted but, where they are, come out of the pockets of the shareholders. To hold someone liable to go to jail where they are malicious, resulting in someone's death, that is a sanction which means something. That would provide the basis then for a later punitive damage claim.

This may be the basis for action in conference. I wanted to take a brief period of time to explain that provision. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before I yield to my colleague from New York, I wish to thank several staff people as well—we don't do that enough here—Alex Sternhell and Jessica Byrnes from my own staff. Sarah Kline, Aaron Klein, Steve Kroll, Wayne Abernathy, Stacie Thomas, Ed Pagano, Jim Ryan, Jonathan Aldelstein, Jim Williams, Kate Scheeler, Roger Hollingsworth . I would also like to thank Laura Ayoud with Senate Legislative Counsel for her contribution to this process. We thank all of them for their efforts, the leadership staff as well for their support.

Is Senator CORZINE going to seek any time at all? We have 4 minutes remaining on this side; is that correct?

The PRESIDING OFFICER. Four minutes twenty seconds.

Mr. DODD. I yield 3 minutes to my colleague from New York and then 1 minute to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Let me, once again, thank the Senator from Connecticut for his leadership and steadfastness, his sensibleness. I also thank my colleague from Texas who has been, even though he didn't get his way on everything, a very constructive force in moving this bill forward. I appreciate that.

I approach this in a few ways. I am delighted that the single company cap, so vital to making this legislation work, which I spent a lot of time working on in the early days, has stayed in the bill. I am particularly grateful that the city I represent, New York, and its metropolitan area, will have this bill because terrorism has put a crimp in our economy the way it has in no other city in terms of higher costs, lost new projects, and delays in existing projects.

This legislation is probably as vital to New York as just about anything we will do with the exception maybe of the generosity that this body and the other have shown to New York in terms of the funding we have received.

Most importantly, this has been a test, a test of whether we can meet the post 9–11 challenge. It will be like many tests in the future. First, government is going to have to play a larger role. The ideology that anything the government does is bad and we must shrink it at all cost is over in many areas. The private sector could not solve this problem alone, plain and simple. That is why we came to bipartisan agreement that the Federal Government's role should be increased. We can quibble about how much and where, but it was definitely needed. That will be repeated in years to come.

Second, this is a problem where the legislature stepped to the plate. The bottom line is this: There was not clamoring from the average citizen for this proposal. Yes, some real estate developers, some bankers, some insurance companies, but not much else. Given the division we had here, it would have been easy to forget it.

But we did step to the plate. We are passing what I consider to be not the ideal bill—my ideal bill would have had the Federal Government write all terrorist insurance, something I worked on with Treasury Secretary O'Neill should, God forbid, the next attack occur—but it is a good product, it is a reasonable product, and it does the job in the short term.

Over and over, we are going to be asked as a government to step forward and solve a problem before it gets out of control without the public importuning us to do it. That will occur on an issue such as nuclear security. That will occur on an issue such as making our health supply system better. It is the kind of challenge we face in the post 9–11 world: Real, but anticipatory, dealing with a problem that could get worse and spiral out of control if we do not act, and we have to show the leadership because it will not be our constituents pushing us.

I salute the Senator from Connecticut, the Senator from Texas, the Senator from New Jersey, and all my colleagues who worked so hard on this bill.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I second the salute of the Senator from Connecticut. This is a tremendous step forward in protecting our economy, not protecting insurance companies. This is about jobs. It is about making sure we have economic growth going forward. It is a bridge. It is not a long-term creation of an insurance function by the Government, but it is a response that the Government needs to build a bridge to a better marketplace and a more secure economy. This will make a difference to all of America's economic growth, not just regionally.

I am really quite pleased we are going to have a chance to vote in a minute to do something that will move our economy forward in the post-September 11 period.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, the majority leader will be here shortly. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 252, H.R. 3210, the House-passed terrorism insurance bill; that all after the enacting clause be stricken; that the text of S. 2600, as amended, if amended, be inserted in lieu thereof; that the bill be read a third time and the Senate vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. We might come to a point where we are ready to do this. We are not ready to do it now, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announced that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

Mr. NICKLES. I announced that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. MILLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 14, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—84

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—14

Burns
Campbell
Craig
Enzi
Gramm
Grassley
Hutchison
Kyl
McConnell
Nickles
Santorum
Sessions
Smith (NH)
Thomas

NOT VOTING—2

Helms
Kerry

The bill (S. 2600), as amended, was passed as follows:

S. 2600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Act of 2002".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) property and casualty insurance firms are important financial institutions, the products of which allow mutualization of risk and the efficient use of financial resources and enhance the ability of the economy to maintain stability, while responding to a variety of economic, political, environmental, and other risks with a minimum of disruption;

(2) the ability of businesses and individuals to obtain property and casualty insurance at reasonable and predictable prices, in order to spread the risk of both routine and catastrophic loss, is critical to economic growth, urban development, and the construction and maintenance of public and private housing, as well as to the promotion of United States exports and foreign trade in an increasingly interconnected world;

(3) the ability of the insurance industry to cover the unprecedented financial risks presented by potential acts of terrorism in the United States can be a major factor in the recovery from terrorist attacks, while maintaining the stability of the economy;

(4) widespread financial market uncertainties have arisen following the terrorist attacks of September 11, 2001, including the absence of information from which financial institutions can make statistically valid estimates of the probability and cost of future terrorist events, and therefore the size, funding, and allocation of the risk of loss caused by such acts of terrorism;

(5) a decision by property and casualty insurers to deal with such uncertainties, either by terminating property and casualty coverage for losses arising from terrorist events, or by radically escalating premium coverage to compensate for risks of loss that are not readily predictable, could seriously hamper ongoing and planned construction, property acquisition, and other business projects, generate a dramatic increase in rents, and otherwise suppress economic activity; and

(6) the United States Government should provide temporary financial compensation to insured parties, contributing to the stabilization of the United States economy in a time of national crisis, while the financial services industry develops the systems, mechanisms, products, and programs necessary to create a viable financial services market for private terrorism risk insurance.

(b) PURPOSE.—The purpose of this Act is to establish a temporary Federal program that provides for a transparent system of shared public and private compensation for insured losses resulting from acts of terrorism, in order to—

(1) protect consumers by addressing market disruptions and ensure the continued widespread availability and affordability of property and casualty insurance for terrorism risk; and

(2) allow for a transitional period for the private markets to stabilize, resume pricing of such insurance, and build capacity to absorb any future losses, while preserving State insurance regulation and consumer protections.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ACT OF TERRORISM.—

(A) CERTIFICATION.—The term "act of terrorism" means any act that is certified by the Secretary, in concurrence with the Secretary of State, and the Attorney General of the United States—

(i) to be a violent act or an act that is dangerous to—

(I) human life;

(II) property; or

(III) infrastructure;

(ii) to have resulted in damage within the United States, or outside the United States in the case of an air carrier or vessel described in paragraph (3)(A)(ii); and

(iii) to have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

(B) LIMITATION.—No act or event shall be certified by the Secretary as an act of terrorism if—

(i) the act or event is committed in the course of a war declared by the Congress; or

(ii) losses resulting from the act or event, in the aggregate, do not exceed $5,000,000.

(C) DETERMINATIONS FINAL.—Any certification of, or determination not to certify, an act or event as an act of terrorism under this paragraph shall be final, and shall not be subject to judicial review.

(2) BUSINESS INTERRUPTION COVERAGE.—The term "business interruption coverage"—

(A) means coverage of losses for temporary relocation expenses and ongoing expenses, including ordinary wages, where—

(i) there is physical damage to the business premises of such magnitude that the business cannot open for business;

(ii) there is physical damage to other property that totally prevents customers or employees from gaining access to the business premises; or

(iii) the Federal, State, or local government shuts down an area due to physical or environmental damage, thereby preventing customers or employees from gaining access to the business premises; and

(B) does not include lost profits, other than in the case of a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632) and applicable regulations thereunder) in any case described in clause (i), (ii), or (iii) of subparagraph (A).

(3) INSURED LOSS.—The term "insured loss"—

(A) means any loss resulting from an act of terrorism that is covered by primary property and casualty insurance, including business interruption coverage, issued by a participating insurance company, if such loss—

(i) occurs within the United States; or

(ii) occurs to an air carrier (as defined in section 40102 of title 49, United States Code) or to a United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), regardless of where the loss occurs; and

(B) excludes coverage under any life or health insurance.

(4) MARKET SHARE.—

(A) IN GENERAL.—The "market share" of a participating insurance company shall be calculated using the total amount of direct written property and casualty insurance premiums for the participating insurance company during the 2-year period preceding the year in which the subject act of terrorism occurred (or during such other period for which adequate data are available, as determined by the Secretary), as a percentage of the aggregate of all such property and casualty insurance premiums industry-wide during that period.

(B) ADJUSTMENTS.—The Secretary may adjust the market share of a participating insurance company under subparagraph (A), as necessary to reflect current market participation of that participating insurance company.

(5) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners.

(6) PARTICIPATING INSURANCE COMPANY.—The term "participating insurance company" means any insurance company, including any subsidiary or affiliate thereof—

(A) that—

(i) is licensed or admitted to engage in the business of providing primary insurance in any State, and was so licensed or admitted on September 11, 2001; or

(ii) is not licensed or admitted as described in clause (i), if it is an eligible surplus line carrier listed on the Quarterly Listing of Alien Insurers of the NAIC, or any successor thereto;

(B) that receives direct premiums for any type of commercial property and casualty insurance coverage or that, not later than 21 days after the date of enactment of this Act, submits written notification to the Secretary of its intent to participate in the Program with regard to personal lines of property and casualty insurance; and

(C) that meets any other criteria that the Secretary may reasonably prescribe.

(7) PARTICIPATING INSURANCE COMPANY DEDUCTIBLE.—The term "participating insurance company deductible" means—

(A) a participating insurance company's market share, multiplied by $10,000,000,000, with respect to insured losses resulting from an act of terrorism occurring during the 1-year period beginning on the date of enactment of this Act; and

(B) a participating insurance company's market share, multiplied by $15,000,000,000, with respect to insured losses resulting from an act of terrorism occurring during the 1-year period beginning on the day after the date of expiration of the period described in subparagraph (A), if the Program is extended in accordance with section 6.

(8) PERSON.—The term "person" means any individual, business or nonprofit entity (including those organized in the form of a partnership, limited liability company, corporation, or association), trust or estate, or a State or political subdivision of a State or other governmental unit.

(9) PROGRAM.—The term "Program" means the Terrorism Insured Loss Shared Compensation Program established by this Act.

(10) PROPERTY AND CASUALTY INSURANCE.—The term "property and casualty insurance"—

(A) means commercial lines of property and casualty insurance, including workers' compensation insurance;

(B) includes personal lines of property and casualty insurance, if a notification is made in accordance with paragraph (6)(B); and

(C) does not include—

(i) Federal crop insurance issued or reinsured under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(ii) private mortgage insurance, as that term is defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901); or

(iii) financial guaranty insurance.

(11) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(12) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and each of the United States Virgin Islands.

(13) UNITED STATES.—The term "United States" means the several States, and includes the territorial sea of the United States.

(14) RULE OF CONSTRUCTION FOR DATES.—With respect to any reference to a date in this Act, such day shall be construed—

(A) to begin at 12:01 a.m. on that date; and

(B) to end at midnight on that date.

SEC. 4. TERRORISM INSURED LOSS SHARED COMPENSATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—There is established in the Department of the Treasury the Terrorism Insured Loss Shared Compensation Program.

(2) AUTHORITY OF THE SECRETARY.—Notwithstanding any other provision of State or Federal law, the Secretary shall administer the Program, and shall pay the Federal share of compensation for insured losses in accordance with subsection (e).

(b) CONDITIONS FOR FEDERAL PAYMENTS.—No payment may be made by the Secretary under subsection (e), unless—

(1) a person that suffers an insured loss, or a person acting on behalf of that person, files a claim with a participating insurance company;

(2) the participating insurance company provides clear and conspicuous disclosure to the policyholder of the premium charged for insured losses covered by the Program and the Federal share of compensation for insured losses under the Program—

(A) in the case of any policy covering an insured loss that is issued on or after the date of enactment of this Act, on a separate line item in the policy, at the time of offer, purchase, and renewal of the policy; and

(B) in the case of any policy that is issued before the date of enactment of this Act, as a line item described in subparagraph (A), not later than 90 days after that date of enactment;

(3) the participating insurance company processes the claim for the insured loss in accordance with its standard business practices, and any reasonable procedures that the Secretary may prescribe; and

(4) the participating insurance company submits to the Secretary, in accordance with such reasonable procedures as the Secretary may establish—

(A) a claim for payment of the Federal share of compensation for insured losses under the Program;

(B) written verification and certification—

(i) of the underlying claim; and

(ii) of all payments made for insured losses; and

(C) certification of its compliance with the provisions of this subsection.

(c) MANDATORY PARTICIPATION; MANDATORY AVAILABILITY.—Each insurance company that meets the definition of a participating insurance company under section 3—

(1) shall participate in the Program;

(2) shall make available in all of its property and casualty insurance policies (in all of its participating lines), coverage for insured losses; and

(3) shall make available property and casualty insurance coverage for insured losses that does not differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than acts of terrorism.

(d) PARTICIPATION BY SELF INSURED ENTITIES.—

(1) DETERMINATION BY THE SECRETARY.—The Secretary may, in consultation with the NAIC, establish procedures to allow participation in the Program by municipalities and other governmental or quasi-governmental entities (and by any other entity, as the Secretary deems appropriate) operating through self insurance arrangements that were in existence on September 11, 2001, but only if the Secretary makes a determination with regard to participation by any such entity before the occurrence of an act of terrorism in which the entity incurs an insured loss.

(2) PARTICIPATION.—If the Secretary makes a determination to allow an entity described in paragraph (1) to participate in the Program, all reports, conditions, requirements, and standards established by this Act for participating insurance companies shall apply to any such entity, as determined to be appropriate by the Secretary.

(e) SHARED INSURANCE LOSS COVERAGE.—

(1) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to the cap on liability under paragraph (2) and the limitation under paragraph (6), the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the 1-year period beginning on the date of enactment of this Act—

(i) shall be equal to 80 percent of that portion of the amount of aggregate insured losses that—

(I) exceeds the participating insurance company deductibles required to be paid for those insured losses; and

(II) does not exceed $10,000,000,000; and

(ii) shall be equal to 90 percent of that portion of the amount of aggregate insured losses that—

(I) exceeds the participating insurance company deductibles required to be paid for those insured losses; and

(II) exceeds $10,000,000,000.

(B) EXTENSION PERIOD.—If the Program is extended in accordance with section 6, the Federal share of compensation under the Program to be paid by the Secretary for insured losses resulting from an act of terrorism occurring during the 1-year period beginning on the day after the date of expiration of the period described in subparagraph (A), shall be calculated in accordance with clauses (i) and (ii) of subparagraph (A), subject to the cap on liability in paragraph (2) and the limitation under paragraph (6).

(C) PRO RATA SHARE.—If, during the period described in subparagraph (A) (or during the period described in subparagraph (B), if the Program is extended in accordance with section 6), the aggregate insured losses for that period exceed $10,000,000,000, the Secretary shall determine the pro rata share for each participating insurance company of the Federal share of compensation for insured losses calculated under subparagraph (A).

(D) PROHIBITION ON DUPLICATIVE COMPENSATION.—The Federal share of compensation for insured losses under the Program shall be reduced by the amount of compensation provided by the Federal Government for those insured losses under any other Federal insurance or reinsurance program.

(2) Cap on annual liability.—Notwithstanding paragraph (1), or any other provision of Federal or State law, if the aggregate insured losses exceed **$100,000,000,000** during any period referred to in subparagraph (A) or (B) of paragraph (1)—

(A) the Secretary shall not make any payment under this Act for any portion of the amount of such losses that exceeds **$100,000,000,000**; and

(B) participating insurance companies shall not be liable for the payment of any portion of the amount that exceeds **$100,000,000,000**.

(3) Notice to congress.—The Secretary shall notify the Congress if estimated or actual aggregate insured losses exceed **$100,000,000,000** in any period described in paragraph (1), and the Congress shall determine the procedures for and the source of any such excess payments.

(4) Final netting.—The Secretary shall have sole discretion to determine the time at which claims relating to any insured loss or act of terrorism shall become final.

(5) Determinations final.—Any determination of the Secretary under this subsection shall be final, and shall not be subject to judicial review.

(6) In-force reinsurance agreements.—For policies covered by reinsurance contracts in force on the date of enactment of this Act, until the in-force reinsurance contract is renewed, amended, or has reached its 1-year anniversary date, any Federal share of compensation due to a participating insurance company for insured losses during the effective period of the Program shall be shared—

(A) with all reinsurance companies to which the participating insurance company has ceded some share of the insured loss pursuant to an in-force reinsurance contract; and

(B) in a manner that distributes the Federal share of compensation for insured losses between the participating insurance company and the reinsurance company or companies in the same proportion as the insured losses would have been distributed if the Program did not exist.

SEC. 5. GENERAL AUTHORITY AND ADMINISTRATION OF CLAIMS.

(a) General Authority.—The Secretary shall have the powers and authorities necessary to carry out the Program, including authority—

(1) to investigate and audit all claims under the Program; and

(2) to prescribe regulations and procedures to implement the Program.

(b) Interim Rules and Procedures.—The Secretary shall issue interim final rules or procedures specifying the manner in which—

(1) participating insurance companies may file, verify, and certify claims under the Program;

(2) the Secretary shall publish or otherwise publicly announce the applicable percentage of insured losses that is the responsibility of participating insurance companies and the percentage that is the responsibility of the Federal Government under the Program;

(3) the Federal share of compensation for insured losses will be paid under the Program, including payments based on estimates of or actual aggregate insured losses;

(4) the Secretary may, at any time, seek repayment from or reimburse any participating insurance company, based on estimates of insured losses under the Program, to effectuate the insured loss sharing provisions contained in section 4;

(5) each participating insurance company that incurs insured losses shall pay its pro rata share of insured losses, in accordance with section 4; and

(6) the Secretary will determine any final netting of payments for actual insured losses under the Program, including payments owed to the Federal Government from any participating insurance company and any Federal share of compensation for insured losses owed to any participating insurance company, to effectuate the insured loss sharing provisions contained in section 4.

(c) Subrogation Rights.—The United States shall have the right of subrogation with respect to any payment made by the United States under the Program.

(d) Contracts for Services.—The Secretary may employ persons or contract for services as may be necessary to implement the Program.

(e) Civil Penalties.—The Secretary may assess civil money penalties for violations of this Act or any rule, regulation, or order issued by the Secretary under this Act relating to the submission of false or misleading information for purposes of the Program, or any failure to repay any amount required to be reimbursed under regulations or procedures described in section 5(b). The authority granted under this subsection shall continue during any period in which the Secretary's authority under section 6(d) is in effect.

SEC. 6. TERMINATION OF PROGRAM; DISCRETIONARY EXTENSION.

(a) Termination of Program.—

(1) In general.—The Program shall terminate 1 year after the date of enactment of this Act, unless the Secretary—

(A) determines, after considering the report and finding required by this section, that the Program should be extended for one additional year, beginning on the day after the date of expiration of the initial 1-year period of the Program; and

(B) promptly notifies the Congress of such determination and the reasons therefor.

(2) Determination final.—The determination of the Secretary under paragraph (1) shall be final, and shall not be subject to judicial review.

(3) Termination after extension.—If the Program is extended under paragraph (1), the Program shall terminate 1 year after the date of commencement of such extension period.

(b) Report to Congress.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit a report to Congress—

(1) regarding—

(A) the availability of insurance coverage for acts of terrorism;

(B) the affordability of such coverage, including the effect of such coverage on premiums; and

(C) the capacity of the insurance industry to absorb future losses resulting from acts of terrorism, taking into account the profitability of the insurance industry; and

(2) that considers—

(A) the impact of the Program on each of the factors described in paragraph (1); and

(B) the probable impact on such factors and on the United States economy if the Program terminates 1 year after the date of enactment of this Act.

(c) Finding Required.—A determination under subsection (a) to extend the Program shall be based on a finding by the Secretary that—

(1) widespread market uncertainties continue to disrupt the ability of insurance companies to price insurance coverage for losses resulting from acts of terrorism, thereby resulting in the continuing unavailability of affordable insurance for consumers; and

(2) extending the Program for an additional year would likely encourage economic stabilization and facilitate a transition to a viable market for private terrorism risk insurance.

(d) Continuing Authority To Pay or Adjust Compensation.—Following the termination of the Program under subsection (a), the Secretary may take such actions as may be necessary to ensure payment, reimbursement, or adjustment of compensation for insured losses arising out of any act of terrorism occurring during the period in which the Program was in effect under this Act, in accordance with the provisions of section 4 and regulations promulgated thereunder.

(e) Repeal; Savings Clause.—This Act is repealed at midnight on the final termination date of the Program under subsection (a), except that such repeal shall not be construed—

(1) to prevent the Secretary from taking, or causing to be taken, such actions under subsection (d) of this section and sections 4(e)(4), 4(e)(5), 5(a)(1), 5(c), 5(d), and 5(e) (as in effect on the day before the date of such repeal), and applicable regulations promulgated thereunder, during any period in which the authority of the Secretary under subsection (d) of this section is in effect; or

(2) to prevent the availability of funding under section 9(b) during any period in which the authority of the Secretary under subsection (d) of this section is in effect.

(f) Sense of the Congress.—It is the sense of the Congress that the Secretary should make any determination under subsection (a) in sufficient time to enable participating insurance companies to include coverage for acts of terrorism in their policies for the second year of the Program, if the Program is extended in accordance with this section.

(g) Study and Report on Scope of the Program.—

(1) Study.—The Secretary, after consultation with the NAIC, representatives of the insurance industry, and other experts in the insurance field, shall conduct a study of the potential effects of acts of terrorism on the availability of life insurance and other lines of insurance coverage.

(2) Report.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(h) Reports Regarding Terrorism Risk Insurance Premiums.—

(1) Report to the naic.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, each participating insurance company shall submit a report to the NAIC that states the premium rates charged by that participating insurance company during the preceding 6-month period for insured losses covered by the Program, and includes an explanation of and justification for those rates.

(2) Reports forwarded.—The NAIC shall promptly forward copies of each report submitted under paragraph (1) to the Secretary, the Secretary of Commerce, the Chairman of the Federal Trade Commission, and the Comptroller General of the United States.

(3) Agency reports to congress.—

(A) In general.—The Secretary, the Secretary of Commerce, and the Chairman of the Federal Trade Commission shall submit joint reports to Congress and the Comptroller General of the United States summarizing and evaluating the reports forwarded under paragraph (2).

(B) TIMING.—The reports required under subparagraph (A) shall be submitted—

(i) 9 months after the date of enactment of this Act; and

(ii) 12 months after the date of submission of the first report under clause (i).

(4) GAO EVALUATION AND REPORT.—

(A) EVALUATION.—The Comptroller General of the United States shall evaluate each report submitted under paragraph (3), and upon request, the Secretary, the Secretary of Commerce, the Chairman of the Federal Trade Commission, and the NAIC shall provide to the Comptroller all documents, records, and any other information that the Comptroller deems necessary to carry out such evaluation.

(B) REPORT TO CONGRESS.—Not later than 90 days after receipt of each report submitted under paragraph (3), the Comptroller General of the United States shall submit to Congress a report of the evaluation required by subparagraph (A).

SEC. 7. PRESERVATION OF STATE LAW.

Nothing in this Act shall affect the jurisdiction or regulatory authority of the insurance commissioner (or any agency or office performing like functions) of any State over any participating insurance company or other person—

(1) except as specifically provided in this Act; and

(2) except that—

(A) the definition of the term "act of terrorism" in section 3 shall be the exclusive definition of that term for purposes of compensation for insured losses under this Act, and shall preempt any provision of State law that is inconsistent with that definition, to the extent that such provision of law would otherwise apply to any type of insurance covered by this Act;

(B) during the period beginning on the date of enactment of this Act and ending at midnight on December 31, 2002, rates for terrorism risk insurance covered by this Act and filed with any State shall not be subject to prior approval or a waiting period, under any law of a State that would otherwise be applicable, except that nothing in this Act affects the ability of any State to invalidate a rate as excessive, inadequate, or unfairly discriminatory; and

(C) during the period beginning on the date of enactment of this Act and for so long as the Program is in effect, as provided in section 6 (including any period during which the authority of the Secretary under section 6(d) is in effect), books and records of any participating insurance company that are relevant to the Program shall be provided, or caused to be provided, to the Secretary or the designee of the Secretary, upon request by the Secretary or such designee, notwithstanding any provision of the laws of any State prohibiting or limiting such access.

SEC. 8. SENSE OF THE CONGRESS REGARDING CAPACITY BUILDING.

It is the sense of the Congress that the insurance industry should build capacity and aggregate risk to provide affordable property and casualty insurance coverage for terrorism risk.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS; PAYMENT AUTHORITY.

(a) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary for administrative expenses of the Program, to remain available until expended.

(b) PAYMENT AUTHORITY.—This Act constitutes payment authority in advance of appropriation Acts, and represents the obligation of the Federal Government to provide for the Federal share of compensation for insured losses under the Program.

SEC. 10. PROCEDURES FOR CIVIL ACTIONS.

(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for property damage, personal injury, or death arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for claims for such property damage, personal injury, or death, except as provided in subsection (d).

(2) PREEMPTION OF STATE ACTIONS.—All State causes of action of any kind for property damage, personal injury, or death arising out of or resulting from an act of terrorism that are otherwise available under State law, are hereby preempted, except as provided in subsection (d).

(b) GOVERNING LAW.—The substantive law for decision in an action described in subsection (a)(1) shall be derived from the law, including applicable choice of law principles, of the State in which the act of terrorism giving rise to the action occurred, except to the extent that—

(1) the law, including choice of law principles, of another State is determined to be applicable to the action by the district court hearing the action; or

(2) otherwise applicable State law (including that determined pursuant to paragraph (1), is inconsistent with or otherwise preempted by Federal law.

(c) PUNITIVE DAMAGES.—Any amounts awarded in a civil action described in subsection (a)(1) that are attributable to punitive damages shall not count as insured losses for purposes of this Act.

(d) CLAIMS AGAINST TERRORISTS.—Nothing in this section shall in any way be construed to limit the ability of any plaintiff to seek any form of recovery from any person, government, or other entity that was a participant in, or aider and abettor of, any act of terrorism.

(e) EFFECTIVE PERIOD.—This section shall apply only to actions described in subsection (a)(1) arising out of or resulting from acts of terrorism that occur during the effective period of the Program, including, if applicable, any extension period provided for under section 6.

SEC. 11. SATISFACTION OF JUDGMENTS FROM FROZEN ASSETS OF TERRORISTS, TERRORIST ORGANIZATIONS, AND STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), in every case in which a person has obtained a judgment against a terrorist party on a claim based upon an act of terrorism or for which a terrorist party is not immune under section 1605(a)(7) of title 28, United States Code, the blocked assets of that terrorist party (including the blocked assets of any agency or instrumentality of that terrorist party) shall be subject to execution or attachment in aid of execution in order to satisfy such judgment to the extent of any compensatory damages for which such terrorist party has been adjudged liable.

(b) PRESIDENTIAL WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive the requirements of subsection (a) in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(2) EXCEPTION.—A waiver under this subsection shall not apply to—

(A) property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations that has been used by the United States for any nondiplomatic purpose (including use as rental property), or the proceeds of such use; or

(B) the proceeds of any sale or transfer for value to a third party of any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(c) SPECIAL RULE FOR CASES AGAINST IRAN.—Section 2002 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1542) is amended—

(1) in subsection (a)(2)(A)(ii), by inserting after "July 27, 2000" the following: "or before October 28, 2000,";

(2) in subsection (b)(2)(B), by inserting after "the date of enactment of this Act" the following: "(less amounts therein as to which the United States has an interest in subrogation pursuant to subsection (c) arising prior to the date of entry of the judgment or judgments to be satisfied in whole or in part hereunder).";

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (c) the following new subsection (d):

"(d) DISTRIBUTION OF FOREIGN MILITARY SALES FUNDS INADEQUATE TO SATISFY FULL AMOUNT OF COMPENSATORY AWARDS AGAINST IRAN.—

"(1)(A) In the event that the Secretary determines that the amounts available to be paid under subsection (b)(2) are inadequate to pay the entire amount of compensatory damages awarded in judgments issued as of the date of the enactment of this subsection in cases identified in subsection (a)(2)(A), the Secretary shall, not later than 60 days after such date, make payment from the account specified in subsection (b)(2) to each party to which such judgment has been issued a share of the amounts in that account which are not subject to subrogation to the United States under this Act.

"(B) The amount so paid to each such person shall be calculated by the proportion that the amount of compensatory damages awarded in a judgment issued to that particular person bears to the total amount of all compensatory damages awarded to all persons to whom judgments have been issued in cases identified in subsection (a)(2)(A) as of the date referred to in subparagraph (A).

"(2) Nothing herein shall bar, or require delay in, enforcement of any judgment to which this subsection applies under any procedure or against assets otherwise available under this section or under any other provision of law.

"(3) Any person receiving less than the full amount of compensatory damages awarded to that party in judgments to which this subsection applies shall not be required to make the election set forth in subsection (a)(2)(C) in order to qualify for payment hereunder.".

(d) DEFINITIONS.—In this section:

(1) The term "terrorist party" means a terrorist, a terrorist organization, or a foreign

state designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

(2) The term "blocked asset" means any asset seized or frozen by the United States in accordance with law, or otherwise held by the United States without claim of ownership by the United States.

(3) The term "property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations" and the term "asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations" mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NELSON of Florida. Mr. President, I voted today for passage of the Dodd-Schumer terrorism insurance bill. While it is not perfect, it provides temporary backstop to allow the private insurance marketplace to adjust to the new threat of terrorist attacks. Because I had serious concerns about a lack of consumer protection in the original bill, I offered two amendments, one to guard against price gouging, the other requiring the industry to separately disclose to policyholders the amount of premium due to terrorism risk. The first amendment was rejected by the Senate June 13. But the disclosure provision was added to the bill today. This provision gives regulators an essential tool to safeguard against excessive price hikes, and consumers more information upon which to base purchasing decisions.

Mr. SARBANES. Mr. President, I want to take this opportunity to express my appreciation to my colleague, Senator DODD for his efforts to move this bill along. We have just completed the Banking Committee's markup of the Public Company Accounting Reform and Investor Protection Act of 2002, which the committee reported favorably by a vote of 17-4. Returning to the matter pending before us, I simply want to acknowledge that the Senate has taken a considerable step forward in addressing the important issue of terrorism insurance.

The discussion over the last several days has clearly illustrated the dimensions of the problem. Many insurers are excluding coverage of terrorism from the policies they write. In those cases where terrorism insurance is available, it is often unafforable, and very limited in the scope and amount of coverage.

The fact that so many properties are uninsured or underinsured against the risk of terrorism could have a negative effect on our economy and our recovery if there were to be another terrorist attack. Insurance plays a vital role in our economy, by allowing businesses and property owners to spread their risks. As the U.S. General Accounting Office noted in a recent report, property owners on their own "lack the ability to spread such risks among themselves the way insurers do." In the event of another attack, many properties would have to absorb any losses themselves, without the support of insurance. As a result, the GAO concluded, "another terrorist attack similar to that experienced on September 11 could have significant economic effects on the marketplace and the public at large." The GAO noted that "These effects could include bankrupticies, layoffs, and loan defaults."

But even in the absence of another attack, the lack of insurance can hinder economic activity. In preparing its recent report, the GAO found that there are examples of "large projects canceling or experiencing delays . . . with a lack of terrorism coverage being cited as a principal contriuting factor." This is a drag of economic activity that we can ill afford.

Most industry observers are of the opinion that, given time, the insurance industry will develop the capacity and the experience that will allow them to underwrite the terrorist risk. However, those conditions do not exist today. In the interim, a Federal reinsurance backstop of limited duration would give the insurance markets the necessary time to stabilize.

I know that there are still many steps between now and final enactment of the legislation. We look forward to continuing to work with the administration on this issue, as we have done since shortly after the attacks. Again, I want to underscore the importance of this legislation and of the actions that the Senate has taken today to move it forward.

Mrs. BOXER. Mr. President, I voted for S. 2600, the Terrorism Risk Insurance Act of 2002. But I did so with reservations.

I recognize the need for a Federal backstop for terrorism insurance, and although I believe the way this bill is designed is flawed, it is better than the status quo. Insurers are not making enough terrorism insurance available in key areas and rates are rising astronomically because insurers cannot count on a Federal backstop to possible losses in the event of another terrorist attack.

I would have preferred that we create a risk-sharing pool that would not have placed so heavy a burden on the taxpayer. In a risk-sharing pool, insurance companies would pay a percentage of their premiums into a pool. In the event of an attack, affected companies could pay claims out of the pool after each meets its individual responsibility for covering losses. If the pool were ever depleted, then the government would lend the pool the money to cover remaining claims. In that way, the taxpayer would eventually be made whole. The structure we are approving today will put the taxpayer on the line for losses as soon as a company's individual retention level is met. And the taxpayer will never be paid back.

In addition, I am also concerned about the lack of consumer protections in the bill. Not only does the bill fail to provide Federal protection from price gouging, it preempts States from protecting consumers through the prior approval process. The Foundation for Taxpayer and Consumer Rights in California and the Consumer Federation of America have raised concerns that long-standing State systems for protecting consumers will be thrown out the window.

I worked on an amendment to replace the State preemption language in the bill with language stating that terrorism insurance rates shall not be subject to a waiting period greater than 60 days under any State law. This would have allowed California and 21 other States to retain oversight for prior approval over increases in terrorism insurance rates while also making sure that the insurance is made available quickly.

In a colloquy on the issue, Senator DODD has committed to working with me as this bill goes to conference. As a result, I did not offer my amendment. But given the number of Americans involved, the taxpayer exposure to risk, and the leverage that insurers will have over consumers, I believe we must allow States to protect consumers.

Though I voted in favor of moving this process forward, I will remain vigilant throughout the rest of the process and hope to see improvements in the legislation made in the conference committee.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, due to a longstanding commitment I was necessarily absent for the vote on cloture on the Terrorism Reinsurance Bill, S. 2600, and on final passage of the terrorism reinsurance bill. Although my votes would not have affected the outcome, had I been present, I would have voted for cloture on the bill and for final passage.●

MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

Mr. DASCHLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives with respect to S. 1214, the port security bill.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendment to the bill (S. 1214) entitled "An Act to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. Young of Alaska, Mr. Coble, Mr. LoBiondo, Mr. Oberstar, and Ms. Brown of Florida.

From the Committee on Ways and Means, for consideration of sections 112 and 115 of the Senate bill, and section 108 of the House amendment, and modifications committed to conference: Mr. Thomas, Mr. Crane, and Mr. Rangel.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed Mr. HOLLINGS, Mr. INOUYE, Mr. KERRY, Mr. BREAUX, Mr. WYDEN, Mr. CLELAND, Mrs. BOXER, Mr. MCCAIN, Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, and Mr. SMITH of Oregon conferees on the part of the Senate; for matters in section 108 of the House amendment and sections 112 and 115 of the Senate bill, Mr. GRAHAM and Mr. GRASSLEY conferees on the part of the Senate.

AUCTION REFORM ACT OF 2002

Mr. DASCHLE. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 380, H.R. 4560.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4560) to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3893

Mr. DASCHLE. I understand Senators ENSIGN, KERRY, and STEVENS have a substitute amendment at the desk. I ask unanimous consent that the Senate consider and agree to the amendment, the motion to reconsider be laid upon the table, the bill as amended be read three times, passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3893) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Auction Reform Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Circumstances in the telecommunications market have changed dramatically since the auctioning of spectrum in the 700 megahertz band was originally mandated by Congress in 1997, raising serious questions as to whether the original deadlines, or the subsequent revision of the deadlines, are consistent with sound telecommunications policy and spectrum management principles.

(2) No comprehensive plan yet exists for allocating additional spectrum for third-generation wireless and other advanced communications services. The Federal Communications Commission should have the flexibility to auction frequencies in the 700 megahertz band for such purposes.

(3) The study being conducted by the National Telecommunications and Information Administration in consultation with the Department of Defense to determine whether the Department of Defense can share or relinquish additional spectrum for third generation wireless and other advanced communications services will not be completed until after the June 19th auction date for the upper 700 megahertz band, and long after the applications must be filed to participate in the auction, thereby creating further uncertainty as to whether the frequencies in the 700 megahertz band will be put to their highest and best use for the benefit of consumers.

(4) The Federal Communications Commission is also in the process of determining how to resolve the interference problems that exist in the 800 megahertz band, especially for public safety. One option being considered for the 800 megahertz band would involve the 700 megahertz band. The Commission should not hold the 700 megahertz auction before the 800 megahertz interference issues are resolved or a tenable plan has been conceived.

(5) The 700 megahertz band is currently occupied by television broadcasters, and will be so until the transfer to digital television is completed. This situation creates a tremendous amount of uncertainty concerning when the spectrum will be available and reduces the value placed on the spectrum by potential bidders. The encumbrance of the 700 megahertz band reduces both the amount of money that the auction would be likely to produce and the probability that the spectrum would be purchased by the entities that valued the spectrum the most and would put the spectrum to its most productive use.

(6) The Commission's rules governing voluntary mechanisms for vacating the 700 megahertz band by broadcast stations—

(A) produced no certainty that the band would be available for advanced mobile communications services, public safety operations, or other wireless services any earlier than the existing statutory framework provides; and

(B) should advance the transition of digital television and must not result in the unjust enrichment of any incumbent licensee.

SEC. 3. ELIMINATION OF STATUTORY DEADLINES FOR SPECTRUM AUCTIONS.

(a) FCC TO DETERMINE TIMING OF AUCTIONS.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following new paragraph:

"(15) COMMISSION TO DETERMINE TIMING OF AUCTIONS.—

"(A) COMMISSION AUTHORITY.—Subject to the provisions of this subsection (including paragraph (11)), but notwithstanding any other provision of law, the Commission shall determine the timing of and deadlines for the conduct of competitive bidding under this subsection, including the timing of and deadlines for qualifying for bidding; conducting auctions; collecting, depositing, and reporting revenues; and completing licensing processes and assigning licenses.

"(B) TERMINATION OF PORTIONS OF AUCTIONS 31 AND 44.—Except as provided in subparagraph (C), the Commission shall not commence or conduct auctions 31 and 44 on June 19, 2002, as specified in the public notices of March 19, 2002, and March 20, 2002 (DA 02-659 and DA 02-563).

"(C) EXCEPTION.—

"(i) BLOCKS EXCEPTED.—Subparagraph (B) shall not apply to the auction of—

"(I) the C-block of licenses on the bands of frequencies located at 710–716 megahertz, and 740–746 megahertz; or

"(II) the D-block of licenses on the bands of frequencies located at 716–722 megahertz.

"(ii) ELIGIBLE BIDDERS.—The entities that shall be eligible to bid in the auction of the C-block and D-block licenses described in clause (i) shall be those entities that were qualified entities, and that submitted applications to participate in auction 44, by May 8, 2002, as part of the original auction 44 short form filing deadline.

"(iii) AUCTION DEADLINES FOR EXCEPTED BLOCKS.—Notwithstanding subparagraph (B), the auction of the C-block and D-block licenses described in clause (i) shall be commenced no earlier than August 19, 2002, and no later than September 19, 2002, and the proceeds of such auction shall be deposited in accordance with paragraph (8) not later than December 31, 2002.

"(iv) REPORT.—Within one year after the date of enactment of this paragraph, the Commission shall submit a report to Congress—

"(I) specifying when the Commission intends to reschedule auctions 31 and 44 (other than the blocks excepted by clause (i)); and

"(II) describing the progress made by the Commission in the digital television transition and in the assignment and allocation of additional spectrum for advanced mobile communications services that warrants the scheduling of such auctions.

"(D) RETURN OF PAYMENTS.—Within one month after the date of enactment of this paragraph, the Commission shall return to the bidders for licenses in the A-block, B-block, and E-block of auction 44 the full amount of all upfront payments made by such bidders for such licenses.".

(b) CONFORMING AMENDMENTS.—

(1) COMMUNICATIONS ACT OF 1934.—Section 309(j)(14)(C)(ii) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(C)(ii)) is amended by striking the second sentence.

(2) BALANCED BUDGET ACT OF 1997.—Section 3007 of the Balanced Budget Act of 1997 (111 Stat. 269) is repealed.

(3) CONSOLIDATED APPROPRIATIONS ACT.—Paragraphs (2) and (3) of section 213(a) of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of an Act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes (Public Law 106–113; 113 Stat. 1501A–295), are repealed.

SEC. 4. COMPLIANCE WITH AUCTION AUTHORITY.

The Federal Communications Commission shall conduct rescheduled auctions 31 and 44 prior to the expiration of the auction authority under section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)).

SEC. 5. PRESERVATION OF BROADCASTER OBLIGATIONS.

Nothing in this Act shall be construed to relieve television broadcast station licensees of the obligation to complete the digital television service conversion as required by section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)).

SEC. 6. INTERFERENCE PROTECTION.

(a) INTERFERENCE WAIVERS.—In granting a request by a television broadcast station licensee assigned to any of channels 52–69 to utilize any channel of channels 2–51 that is assigned for digital broadcasting in order to continue analog broadcasting during the transition to digital broadcasting, the Federal Communications Commission may not, either at the time of the grant or thereafter, waive or otherwise reduce—

(1) the spacing requirements provided for analog broadcasting licensees within channels 2–51 as required by section 73.610 of the Commission's rules (and the table contained therein) (47 CFR 73.610), or

(2) the interference standards provided for digital broadcasting licensees within channels 2–51 as required by sections 73.622 and 73.623 of such rules (47 CFR 73.622, 73.623),

if such waiver or reduction will result in any degradation in or loss of service, or an increased level of interference, to any television household except as the Commission's rules would otherwise expressly permit, exclusive of any waivers previously granted.

(b) EXCEPTION FOR PUBLIC SAFETY CHANNEL CLEARING.—The restrictions in subsection (a) shall not apply to a station licensee that is seeking authority (either by waiver or otherwise) to vacate the frequencies that constitute television channel 63, 64, 68, or 69 in order to make such frequencies available for public safety purposes pursuant to the provisions of section 337 of the Communications Act of 1934 (47 U.S.C. 337).

The amendment was ordered to be engrossed, the bill (H.R. 4560), as amended, was read the third time and passed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. DASCHLE. Mr. President, I now ask unanimous consent the Senate proceed to Calendar No. 370, S. 2514, the Department of Defense authorization bill; that there be debate only on the bill during today's session; further, that the Senate resume consideration of the bill at 11 o'clock on Wednesday, June 19.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, in behalf of the Armed Services Committee, I am pleased to bring the National Defense Authorization Act for Fiscal Year 2003 to the floor.

This bill would fully fund the fiscal year 2003 budget request of the administration of $393.3 billion for the national security activities for the Department of Defense and the Department of Energy.

In the first 41 days of congressional session this year, the Armed Services Committee held 41 hearings to examine the administration's budget request and related issues. Last month, after meeting in markup for 3 days, the committee approved S. 2514, the National Defense Authorization Act for Fiscal Year 2003.

I thank all the members of committee for their hard work on this bill.

There were two close votes on two funding issues that caused a few of our members to vote against the bill at the end, which, of course, we regret. But except for those two issues, I think we probably would have had a unanimous vote on our committee.

As we take up this bill, America's Armed Forces are engaged around the world as never before. In the months since September 11, we have dispatched troops not only to Afghanistan but also to Pakistan, the Philippines, the countries of central Asia and the Persian Gulf. We called up the National Guard to assist in contingency operations and to assist in safeguarding our borders and protecting our airports.

All of this has been done without relieving our soldiers, sailors, airmen, and marines of ongoing deployments in Korea, the Balkans, Colombia, and elsewhere.

This year, as much as ever before, we owe it to our men and women in uniform to act on this bill with dispatch. The events following September 11 have once again shown that the U.S. military is the most capable fighting force in the world. The success of our forces in Afghanistan has been remarkable. Osama bin Laden—if he is alive—is on the run and in hiding. Many of his al-Qaida terrorists have been captured or killed. The Taliban regime that harbored them is no more, and a new government is in place. Nations around the world have been put on notice: America is determined to protect itself from more attacks and to bring terrorists to justice.

From Europe to the Persian Gulf to the Korean Peninsula, the presence of U.S. military forces and their contributions to regional peace and security continue to reassure our allies and deter potential adversaries. Over the last decade, U.S. forces have excelled in every mission assigned to them, including not only Operation Enduring Freedom, but also the 1999 NATO air campaign over Kosovo and ongoing enforcement of the no-fly zones over Iraq; humanitarian operations from Central America to Africa; and peacekeeping operations from the Balkans to East Timor.

The excellence behind that success was not built in months. The success of our forces in Afghanistan is a tribute to the men and women of the Armed Forces and the investments in national defense that Congress and the Department of Defense have made over many years. Future success on the battlefield will likewise depend upon the success of Congress and the Department in preparing, training, and equipping our military for tomorrow's missions.

The National Defense Authorization Act for Fiscal Year 2003 builds on the considerable strengths of our military forces and their record of success. The Armed Services Committee identified five priorities to guide us in preparing this bill. These were to:

No. 1, continue the improvements in the compensation and quality of life of the men and women in the Armed Forces, retirees and their families;

No. 2, sustain the readiness of the military services to conduct the full range of their assigned mission, including current and future operations against international terrorism;

No. 3, improve the efficiency of Defense Department programs and operations and apply the savings toward high-priority programs;

No. 4, improve the ability of the Armed Forces to meet nontraditional threats, including terrorism and weapons of mass destruction; and

No. 5, promote the transformation of the Armed Forces to meet the threats of the 21st century.

First, compensation and quality of life:

The bill reflects the committee's highest priority—ensuring that our men and women in uniform, retirees and their families receive the compensation and quality of life they deserve. Toward that end, we added more than $1.2 billion to the budget request for pay and quality of life initiatives. Specifically, the bill includes a 4.1 percent across-the-board pay raise for all military personnel, with an additional targeted pay raise for the mid-career force; adds $640 million above the budget request to improve and replace facilities on military installations; and authorizes a new assignment incentive pay of up to $1,500 per month to reward military members who agree to serve in difficult-to-fill assignments.

The bill would also begin to address a longstanding inequity in the compensation of military retirees by authorizing the concurrent receipt of retired pay and veterans' disability compensation for military retirees with disabilities rated at 60% or more. During our markup, the committee approved a separate amendment that would authorize concurrent receipt of retired pay and veterans' disability compensation for all disabled military retirees for non-disability retirement. Senator WARNER and I plan to offer this amendment on behalf of the committee at the earliest possible point in the debate of this bill.

With regard to readiness, we propose to set aside $10 billion, as requested by the administration, to fund ongoing operations in the war against international terrorism during fiscal year 2003. The President requested that this money be reserved for the continuance of the war against international terrorism, and we believe that there is no more important purpose to which this funding could be dedicated.

However, the Department is not yet in a position to state how long the war on terrorism will continue, or in what form, or to specify the specific programs for which the requested funds would be used. For this reason, the provision recommended by the committee would authorize for appropriation the $10 billion requested by the President upon receipt of a budget request which: No. 1, designates the requested amount as being essential to the continued war on terrorism; and No. 2, specifies how the administration proposes to use the requested funds, consistent with the Authorization for the Use of Military Force, P.L. 107-40.

In addition, the bill would add funding to address shortfalls in a number of key readiness accounts and help lessen the burden on some of the Department's high demand, low density assets.

These funding increases include $126 million to protect and enhance military training ranges; $232 million for aircraft, ship, and Navy gun depot maintenance; $176 million for improvements to Air Force and Army facilities; $51 million for ammunition to meet new training requirements and supplement war reserve stocks; $55 million to address the Army's aviation training backlog; $110 million for the purchase of an additional EC-130J Commando Solo aircraft; and $114 million for modifications to help improve the readiness of the EA-6B electronic warfare aircraft fleet.

Relative to combating terrorism, the bill before us would take a significant step towards addressing nontraditional threats by providing in excess of $10 billion for combating terrorism initiatives, as requested by the Department, including more than $2 billion for force protection improvements to DOD installations around the world.

In addition, the bill would provide increases of $200 million to enhance the security of our nuclear materials and nuclear weapons in the Department of Energy, $43 million in funding for the U.S. Special Operations Commands, and $30 million for defense against chemical and biological weapons and other efforts to combat weapons of mass destruction.

We have also included two important legislative initiatives that would require the Department of Defense to take a more comprehensive approach to installation preparedness for weapons of mass destruction attacks and authorize the Secretary of Defense to expand cooperative threat reduction activities beyond the countries of the former Soviet Union.

Relative to transformation, the bill would provide significant funds to promote the transformation of the Armed Forces to meet the threats of the 21st century. In particular, the bill would add more than $1.1 billion to the Navy's shipbuilding accounts to refuel a nuclear submarine and pay for advance procurement of an aircraft carrier, a *Virginia*-class submarine, a DDG-51 class destroyer, and an LPD-17 class amphibious transport dock.

Our bill would add $105 million for funding for research and development on the Army's Future Combat System and more than $100 million for science and technology needed to help the Army achieve its Objective Force.

It would fully fund the $5.2 billion requested by the Department for the F-22, the $3.5 billion requested for continued research and development on the Joint Strike Fighter, and more than $600 million requested for Air Force unmanned aerial vehicles.

It would add more than $300 million to the Department's science and technology budget, bringing the Department closer to the Secretary's goal of devoting 3 percent of all defense funds to the programs that promise to bring us the revolutionary technologies that will be needed to prevail in future conflicts.

Relative to the Crusader Artillery System, in the middle of our committee markup of this bill the Secretary of Defense announced that he intended to terminate the Crusader Artillery System. This is a system which the Department of Defense had strongly supported until just a few days earlier. Because the committee had no opportunity to review the reasons for this sudden reversal, we did not address this issue in our markup. Instead, we scheduled a hearing with the Secretary of Defense and the Army Chief of Staff to consider the merits of the program.

At that hearing, the Secretary of Defense favored termination. The Army Chief of Staff testified that the system was very important and very necessary and, as a matter of fact, an important part of transformation. The Chief of Staff is a very strong supporter of transformation.

I think we all—as we perhaps will be debating the Crusader System—should recognize the contribution of the Army Chief of Staff to the transformation of the Army. He is not one who has resisted transformation. He has been a very strong supporter of transformation, and he views the Crusader Artillery System—or viewed this at the time he testified—as an important part of that transformation.

On June 13, the committee met to discuss the Crusader Artillery System. At that time, the committee voted 13 to 6 to recommend an amendment that would do two things. First, it would take the $475 million out of the Crusader program and put the money into a separate funding line for future combat systems research and development. This is the Army's armored systems modernization line. Second, we would require the Army Chief of Staff, in our amendment, to conduct an analysis—or finish his analysis—of alternatives for the Army's artillery needs and to submit his findings to the Secretary of Defense no later than 1 month after the date of enactment of this act.

This approach would enable the Secretary of Defense to terminate the Crusader program following the receipt of the Army's analysis which was truncated. The Army, in late April, was told that it could complete its analysis by the end of this fiscal year. And then, in early May, it was told that it could have until the end of May to complete this analysis.

I emphasize the importance of this analysis. The Army's analysis is intended to answer seven questions. I am not going to go through them all, but I am simply going to say these are important questions. These are important questions for the future well-being of the men and women in the Army. They are critical questions. They have to do with risk. What are the risks in proceeding? What are the risks in canceling?

These are questions which the Army was in the middle of analyzing when suddenly, a few days into May, despite the earlier decision to allow the completion of this analysis by the end of May, the Secretary of Defense simply said: We are going to terminate.

Seven questions were to be answered. And I emphasize, these are questions which can be life-and-death questions for the men and women in the future armies of this country. They were going to analyze these questions in six combat scenarios. They were going to look at four different alternatives. We believe the answers to those questions in that analysis should be completed. The amendment, which I will offer on behalf of the committee, as I promised to the committee I would offer early in this debate, was adopted, as I said, by a 13-to-6 vote.

We hope the Senate will approve this amendment. We think it is the correct balance. Not only should we have that information before we or the Defense Department—either one of us—finally decide on termination, that analysis is important as to how best to spend that money. Where should we jump to? Even if we, this Nation, decide to jump from Crusader, even if we take whatever risks are involved—and there are risks involved in that—the decision also involves, Where do we then allocate those funds? How do we allocate those funds? And that analysis is critically important to that issue as well. We hope our amendment will address both those issues in a rational, thoughtful way.

Congress has a responsibility also to ensure that the resources our taxpayers provide for national defense are spent wisely. The administration has not complied with statutory requirements to provide Congress with a national security strategy and an annual report outlining detailed plans for the size, structure, shape, or transformation of the military. In the absence of that planning, again, required by law, the Department of Defense is going to have difficulty establishing a clear vision for the future for our Armed Forces.

But a year ago, the Secretary of Defense testified before us saying: "We have an obligation to taxpayers to spend their money wisely." He said that he had "never seen an organization, in the private or public sector," to use his words, "that could not, by better management, operate at least five percent more efficiently if given the freedom to do so. Five percent of the DOD budget," he pointed out, "is over $15 billion!"

He testified that that $15 billion of savings from management efficiencies could be used to: increase ship procurement from six to nine ships a year; to procure several hundred additional aircraft annually rather than 189. He could meet the target of a 67-year facility replacement rate, and those savings could increase defense-related science and technology funding from 2.7 percent to 3 percent for the Department of Defense budget.

To this date, it has been disappointing that the Department has identified less than $150 million of the $15 billion annual savings projected by the Secretary. Despite the largest proposed increase in defense spending in 20 years, the budget request would fund just 5 ships and 166 aircraft, way below the goals; replace facilities at a 122-year rate instead of the 67-year rate, which is desirable. It would leave the rate of defense-related science and technology unchanged at just 2.7 percent of the Department of Defense budget instead of the 3-percent target which is desirable.

In short, despite the proposed $48 billion increase in defense spending, management efficiencies are needed now more than ever to ensure the taxpayers' money is well spent.

Our bill includes a number of provisions to help address this problem, including a major initiative, based on recommendations of the Defense Science Board and the DOD Director of Operational Test and Evaluation, to address budget shortfalls and organizational shortcomings in the Department's test and evaluation infrastructure that have led to inadequate testing of major weapons systems.

It would provide for a continuation of last year's initiative by the committee to improve the way in which the Department manages its $50 billion of services contracts with resulting savings of $850 million. We include a provision that would address the Department's inability to produce reliable financial information and achieve $400 million of savings by deferring spending on new financial systems that would be inconsistent with a comprehensive financial management enterprise architecture currently being developed by the Department. We include a provision requiring the Department to establish new internal controls to address recurring problems with the abuse of purchase cards and travel cards by military and civilian personnel.

In the area of missile defense, the bill would reallocate $812 million for missile defense expenditures that appear to be unjustified or duplicative to higher priority areas. The bill would transfer $690 million from missile defense activities to fund advanced procurement of a second *Virginia*-class submarine as soon as fiscal year 2005; advanced procurement for a second LPD–17 amphibious transport dock in fiscal year 2004; and advanced procurement for a third DDG–51 *Arleigh Burke*-class destroyer in fiscal year 2004.

Every defense budget requires choices, as every other budget of every other Department. Even with more than $390 billion to spend for national security activities, the administration was not able to fund every important national security priority. Each of the military services came to us with a long list of unfunded priorities, items not included in their budget, which they believe to be important to the national defense.

There was unanimous agreement among the members of the Armed Services Committee that the President's budget did not provide adequate resources to maintain the Navy's surface fleet or attack submarines. The committee received extensive testimony from DOD witnesses and numerous DOD and Navy reports indicating that the Navy should be building 8 to 10 ships per year to recapitalize its current fleet. A number of Navy witnesses, including the chief of naval operations, have indicated they believe that the Navy should be building a fleet with as many as 375 ships in order to meet the requirements the Navy faces today.

Two years ago, the Navy's shipbuilding plan called for 23 ships between 2003 and 2005. This year's plan calls for only 17 ships during that period.

The Department's proposed budget for missile defense was not even reviewed by the Joint Chiefs of Staff. Earlier this year, each of the four service chiefs testified before the Armed Services Committee that they had not been asked for their views on the funding for missile defense programs relative to other priorities in the budget—all those unmet requirements that they told us about. They were not asked to weigh the importance of the missile defense budget against those other needed items.

The committee, and the subcommittee chaired by Senator JACK REED, conducted an exhaustive examination of the proposed missile defense budget, holding two strategic subcommittee hearings alone on missile defense, reviewing 400 pages of missile defense budget documentation, and participating in more than 25 hours of staff briefings by the Department of Defense. Based on this lengthy review, the committee recommended funding the vast majority of the Department's missile defense requests, an amount that is sufficient to aggressively fund all of the specific systems that the Department has said it wants to develop.

However, at the same time the committee identified $810 million of the missile defense request, which is 11 percent of the total request, that could not adequately be justified by the Department despite a detailed review of available documentation and repeated requests at hearings and in briefings.

For example, the budget request included $1.1 billion in the ballistic missile defense program element. That is an increase of $250 million over the current funding level. The major purpose of this program element is to develop an integrated architecture of BMD systems. While this is an important goal, most of the systems that will comprise the BMD architecture are years away from being deployed, making the development and definition of a detailed BMD architecture impossible at this point.

After receiving more than $800 million for this program element in fiscal year 2002, the Missile Defense Agency has yet to provide to Congress any indication what the overall ballistic missile defense architecture might be. In fact, the committee learned that of the $800 million appropriated for that program element in fiscal year 2002, only $50 million had been spent by the end of March, halfway through the fiscal year.

Because of this slow execution, the Missile Defense Agency informed us that $400 million of these fiscal year 2002 funds will be available for expenditure in 2003. So half of the money that we appropriated in 2002 for that program element is not going to be spent. It is going to be available next year. Under those circumstances, it is hard to see why the Department would need a $250 million increase in that program element in fiscal year 2003.

In short, we made a choice to make careful, well-justified reductions in missile defense programs to fund increases to the Department's shipbuilding accounts, and other critically important accounts, which are strongly supported by most members of the uniformed Navy and by members of the committee. The choice was the right one.

One of the things we used the money for, one of the important areas that we used that funding for, was greater security of our Department of Energy nuclear facilities. The greatest threat we face is a terrorist threat. Those facilities are not adequately protected. We found some additional money—about $100 million—in those reductions in the missile defense accounts which we believed could not be justified, not just to build more ships, which are necessary, but also to give greater security to our Department of Energy nuclear facilities which are so critically important to be defended.

Secretary Rumsfeld has written us that the Department opposes these changes and he would recommend that the President veto the bill if this change in missile defense funding remains in the bill. But again, this veto threat not only is addressed at the funding cuts in the bill but, in effect, is addressed at the items that we added in the bill which are so important to the national security of this country.

We believe our bill would provide the Missile Defense Agency as much money as can reasonably be executed for the missile defense program in this year and would ensure that this money is expended in a sound manner.

Mr. President, finally, I wish to say a few words on two items that are not included in this bill. First, the budget request of the administration included $15 million in the Department of Energy to begin studying the feasibility of the new robust nuclear earth penetrator. We had doubts about the need for this new nuclear weapon, particularly at a time when we are trying to convince other countries to forgo the development of nuclear weapons, and we adopted an amendment deleting funding for the robust nuclear penetrator and instead we directed the Department of Defense, in consultation with the Secretary of Energy, to submit a report to Congress on the requirements for this new nuclear weapon—how it would be deployed, what categories of targets it would be used against, and whether conventional weapons could effectively address such targets.

Second, less than a month before we began our markup, the Department of Defense sent us a legislative proposal to exempt certain military installations and activities from the Endangered Species Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act, the Clean Air Act, the Solid Waste Disposal Act, and the Comprehensive Environmental Response and Compensation Liability Act, or CERCLA.

We did not consider those proposals because all those statutes fall outside the jurisdiction of the Armed Services Committee. We did include two environmentally sound provisions in the Department's proposal that were in our committee's jurisdiction. These provisions authorize the Department of Defense to enter into agreements with non-Federal entities to manage lands adjacent to military installations and to create buffer zones between training areas and the surrounding population.

America's Armed Forces are ready to help keep the peace, to deter traditional and nontraditional threats to our security and our vital interests around the world, and to win any conflict decisively. Our bill builds on the considerable strength of our military forces and their record of success by preserving a high quality of life for U.S. forces and their families, sustaining readiness, transforming the Armed Forces to meet the threats and challenges of tomorrow.

I hope our colleagues will join us in supporting this important legislation.

Mr. President, the Congressional Budget Office is required to prepare a cost estimate for spending legislation reported by committees. The cost estimate for the bill reported by the committee, S. 2514, was not finished at the time the report on this bill was filed. The CBO cost estimate is now available. I ask unanimous consent that the Congressional Budget Office cost estimate for the Defense authorization bill reported by the Committee on Armed Services be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 2002.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2514, the National Defense Authorization Act for Fiscal Year 2003.

The CBO staff contact is Kent Christensen. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 2514—National Defense Authorization Act for Fiscal Year 2003

Summary: S. 2514 would authorize appropriations totaling $392 billion for fiscal year 2003 and an estimated $14 billion in additional funding for 2002 for the military functions of the Department of Defense (DoD) and the Department of Energy (DOE). It also would prescribe personnel strengths for each active-duty and selected reserve component of the U.S. armed forces. CBO estimates that appropriation of the authorized amounts for 2002 and 2003 would result in additional outlays of $402 billion over the 2002–2007 period.

The bill also contains provisions that would raise the costs of discretionary defense programs over the 2004–2007 period. CBO estimates that those provisions would require appropriations of $6.8 billion over those four years.

The bill contains provisions that would increase direct spending by an estimated $5.6 billion over the 2003–2007 period and $17.6 billion over the 2003–2012 period, primarily from the phase-in of concurrent payment of retirement annuities with veterans' disability compensation to retirees from the military and the other uniformed services who have service-connected disabilities rated at 60 percent or greater. Because it would affect direct spending, the bill would be subject to pay-as-you-go procedures.

S. 2514 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2514 is shown in Table 1. Most of the costs of this legislation fall within budget function 050 (national defense).

TABLE 1.—BUDGETARY IMPACT OF S. 2514, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Defense Programs:						
Budget Authority[1]	346,319	0	0	0	0	0
Estimated Outlays	346,900	116,372	38,931	13,267	5,535	2,723
Proposed Changes:						
Authorization of Supplemental Appropriations for 2002:						
Estimated Authorization Level[2]	14,048	0	0	0	0	0
Estimated Outlays[2]	5,345	5,782	1,941	660	174	79
Authorization of Appropriations for 2003:						
Estimated Authorization Level	0	391,543	0	0	0	0
Estimated Outlays	0	259,711	88,543	28,227	8,201	2,856
Spending Under S. 2514 for Defense Programs:						
Estimated Authorization Level	360,367	391,543	0	0	0	0
Estimated Outlays	352,245	381,865	129,415	42,154	13,910	5,658
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	0	359	674	1,081	1,533	1,936

TABLE 1.—BUDGETARY IMPACT OF S. 2514, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
Estimated Outlays	0	359	674	1,081	1,533	1,936

[1] The 2002 level is the amount appropriated for programs authorized by S. 2514.

[2] The estimates shown for the 2002 supplemental are amounts contained in the Administration's supplemental request for defense programs. The outlay estimate for 2003 includes $5.684 million of spending from funds requested as emergency appropriations. Excluding emergency spending would lower total outlays in 2003 to $376,181 million.

Note.—This table excludes estimated authorizations of appropriations for years after 2003. (Those additional authorizations are shown in Table 3.)

Basis of estimate

Spending subject to appropriation

The bill would specifically authorize appropriations totaling $391.5 billion in 2003 (see Table 2) and additional amounts as may be necessary for supplemental appropriations for defense in 2002, which CBO estimates would total $14 billion based on the Administration's request. Most of those costs would fall within budget function 050 (national defense). S. 2514 also would specifically authorize appropriations of $70 million for the Armed Forces Retirement Home (function 600—income security).

The estimate assumes that the estimated authorization amount for 2002 is appropriated by the end of June 2002, and that the amounts authorized for 2003 will be appropriated before the start of fiscal year 2003. Outlays are estimated based on historical spending patterns.

The bill also contains provisions that would affect various costs, mostly for personnel, that would be covered by the fiscal year 2003 authorization and by authorizations in future years. Table 3 contains estimates of those amounts. In addition to the costs covered by the authorizations in the bill for 2003, these provisions would raise estimated costs by $6.8 billion over the 2004-2007 period. The following sections describe the provisions identified in Table 3 and provide information about CBO's cost estimates for those provisions.

TABLE 2.—SPECIFIC AUTHORIZATIONS IN S. 2514

Category	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
Military Personnel:					
Authorization Level [1]	94,297	0	0	0	0
Estimated Outlays	89,205	4,432	283	94	0
Operation and Maintenance:					
Authorization Level	139,938	0	0	0	0
Estimated Outlays	103,010	28,058	6,279	1,395	478
Procurement:					
Authorization Level	72,818	0	0	0	0
Estimated Outlays	20,599	27,458	15,289	5,193	1,808
Research, Development, Test, and Evaluation:					
Authorization Level	55,686	0	0	0	0
Estimated Outlays	31,375	20,110	3,240	587	153
Military Construction and Family Housing:					
Authorization Level	10,129	0	0	0	0
Estimated Outlays	2,686	3,805	2,259	805	327
Atomic Energy Defense Activities:					
Authorization Level	15,895	0	0	0	0
Estimated Outlays	10,667	4,245	853	74	55
Other Accounts:					
Authorization Level	2,688	0	0	0	0
Estimated Outlays	1,736	501	174	128	60
General Transfer Authority:					
Authorization Level	0	0	0	0	0
Estimated Outlays	350	−75	−150	−75	−25
Total:					
Authorization Level [2]	391,451	0	0	0	0
Estimated Outlays	259,628	88,534	28,227	8,201	2,856

[1] This authorization is for discretionary appropriations and does not include $55 million for mandatory payments from appropriations for military personnel.

[2] These amounts comprise nearly all of the proposed changes for authorizations of appropriations for 2003 shown in Table 1; they do not include the estimated authorization of $92 million for the Coast Guard Reserve, which is shown in Table 3.

TABLE 3.—ESTIMATED AUTHORIZATIONS OF APPROPRIATIONS FOR SELECTED PROVISIONS IN S. 2514

Category	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
MULTIYEAR PROCUREMENT					
C–130J Aircraft	15	−63	−121	−142	−162
FORCE STRUCTURE					
DoD Military Endstrengths	87	180	186	192	198
Coast Guard Reserve Endstrengths	92	0	0	0	0
COMPENSATION AND BENEFITS (DoD)					
Military Pay Raises	276	381	398	415	430
Expiring Bonuses and Allowances	706	796	417	234	152
Assignment Incentive Pay	1	14	32	0	0
Education and Training	3	5	9	13	11
Concurrent Receipt	0	588	610	631	650
National Call to Service Program	0	10	19	28	29
DEFENSE HEALTH PROGRAM					
TRICARE Prime Remote	4	4	4	5	5
Transitional Health Care	7	5	3	2	1
OTHER PROVISIONS					
Voluntary Separation and Early Retirement Incentives (DoD and DOE)	0	121	212	211	0
Federal Employees Health Benefits Program	0	2	3	3	3
School Impact Aid	([a])	([a])	([a])	14	15
Arctic and Western Pacific Environmental Cooperation Program	7	8	6	5	3
Revitalizing DoD Laboratories	([a])	([a])	([a])	([a])	0
Contracting for Environmental Remediation	−2	−4	−5	−7	−9
TOTAL ESTIMATED AUTHORIZATIONS					
Estimated Authorization Level	1,196	2,047	1,773	1,605	1,326

[a] Less than $500,000.

Note.—For every item in this table except the authorization for the Coast Guard Reserve, the 2003 levels are included in the amounts specifically authorized to be appropriated in the bill. Those amounts are shown in Table 2. Amounts shown in this table for 2004 through 2007 are not included in Table 1.

Multiyear Procurement. In most cases, purchases of weapon systems are authorized annually, and as a result, DoD negotiates a separate contract for each annual purchase. In a small number of cases, the law permits multiyear procurement; that is, it allows DoD to enter into a contract to buy specified annual quantities of a system for up to five years. In those cases, DoD can negotiate lower prices because its commitment to purchase the weapons gives the contractor an incentive to find more economical ways to manufacture the weapon, including cost-saving investments. Annual funding is provided for these multiyear contracts, but potential termination costs are covered by an initial appropriation.

Section 131 would authorize the Secretary of the Air Force to enter into a multiyear contract to purchase C–130J aircraft beginning in 2003 after the Secretary certifies that the C–130J has been cleared for worldwide, over-water capability. Based on information provided by the Air Force, CBO assumes that DoD will procure 64 aircraft over the 2003–2008 period—40 CC–130J aircraft for the Air Force and 24 KC–130J aircraft for the Marine Corps. CBO also assumes that the CC–130J and KC–130J aircraft would be purchased under one contract administered by the Air Force and covering six years of production beginning in 2003. CBO estimates that savings from buying these aircraft under a multiyear contract would total $473 million, or about $95 million a year, over the 2003–2007 period. CBO also estimates that additional savings of $182 million would accrue in 2008. Funding requirements to purchase these aircraft would total just under $3.4 billion over the 2003–2007 period (instead of the almost $3.9 billion that would be needed under annual contracts).

Multiyear procurement of C–130Js would raise costs in 2003 because the KC–130J did not receive advance procurement in 2002 in anticipation of multiyear procurement starting in 2003, and because the Air Force would need to provide advance procurement for the aircraft that it would purchase in 2004.

Military Endstrength. The bill would authorize active and reserve endstrength levels for 2003. The authorized endstrengths for active-duty personnel and personnel in the selected reserve would total about 1,390,000 and 865,000, respectively. Of those selected reservists, about 68,500 would serve on active duty in support of the reserves. The bill would specifically authorize appropriations of about $94 billion for the costs of military pay and allowances in 2003. The authorized endstrength represents a net increase of 2,200 servicemembers that would boost costs for salaries and other expenses by $87 million in the first year and about $190 million annually in subsequent years, compared to the authorized strengths for 2002.

The bill also would authorize an endstrength of 9,000 in 2003 for the Coast Guard Reserve. This authorization would cost about $92 million and would fall under budget function 400 (transportation).

Section 402 would allow the Secretary of Defense to increase endstrength by 2 percent above the level authorized by the Congress. The provision would also allow an increase in endstrength equal to the number of personnel within the reserve components that are on active duty in support of a contingency operation. While there is the potential for increased costs, CBO believes that DoD would still have to manage their resources given the finite amount of money appropriated each year for military personnel. As such, CBO estimates that this provision would not significantly increase costs.

Compensation and Benefits. S. 2514 contains several provisions that would affect military compensation and benefits for uniformed personnel.

Military Pay Raises. Section 601 would raise basic pay by 4.1 percent across-the-board and authorize additional targeted pay raises, ranging from 0.9 percent to 4.4 percent, for individuals with specific ranks and years of service at a total cost of about $2.3 billion in 2003. Because the pay raises would be above those projected under current law, CBO estimates that the incremental costs associated with the larger pay raise would be about $276 million in 2003 and total $1.9 billion over the 2003–2007 period.

Expiring Bonuses and Allowances. Several sections would extend DoD's authority to pay certain bonuses and allowances to current personnel. Under current law, most of these authorities are scheduled to expire in December 2002, or three months into fiscal year 2003. The bill would extend these authorities through December 2003. Based on data provided by DoD, CBO estimates that the costs of these extensions would be as follows:

Payment of reenlistment bonuses for active-duty personnel would cost $327 million in 2003 and $191 million in 2004; enlistment bonuses for active-duty personnel would cost $133 million in 2003 and $361 million in 2004;

Various bonuses for the Selected and Ready Reserve would cost $99 million in 2003 and $114 million in 2004;

Special payments for aviators and nuclear-qualified personnel would cost $67 million in 2003 and $72 million in 2004;

Retention bonuses for officers and enlisted members with critical skills would cost $29 million in 2003 and $19 million in 2004;

Accession bonuses for new officers with critical skills would cost $14 million in 2003 and $5 million in 2004; and

Authorities to make special payments and give bonuses to certain health care professionals would cost $37 million in 2003 and $34 million in 2004.

Most of these changes would result in additional, smaller costs in subsequent years because payments are made in installments.

Assignment Incentive Pay. Section 617 would authorize a new incentive pay to servicemembers who volunteer for difficult-to-fill jobs or less-than-desirable locations. The authority would expire three years after the enactment date of this bill. Based on information from DoD, CBO expects that only the Navy would use this authority. Based on information provided by the Navy, CBO assumes that the special incentive pay would average $300 a month and that 11,250 servicemembers would receive this special pay by 2005. Given expected personnel turnover, CBO estimates that this provision would cost $1 million in 2003 and $46 million over the 2003–2005 period.

Education and Training. Section 521 would allow the military services to increase the number of students at each of the service academies from the current ceiling of 4,000 to 4,400 students. Based on information from DoD, CBO expects that only the Navy would significantly increase its service-academy strength and that it would bring on about 100 extra academy students a year, so that the student body would increase, after several years, to about 4,400 students. Based on information provided by DoD, CBO assumes the other service academies would each increase their enrollments by an insignificant number of students a year.

According to DoD, the additional cost to bring on 400 extra students at the Naval Academy would be about $29,000 per student each year. These additional students would not be used to increase overall officer endstrength, but rather to offset a desired draw down in the number of officers commissioned through the Officer Candidate School (OCS) program, according to the Navy. Thus, the actual cost of the increase for the academy students would be offset somewhat by the cost of the OCS graduates they would replace. Because the OCS program lasts less than one year, the offsetting costs would not begin to affect net outlays until 2007, when the first of the additional academy students would graduate and be commissioned. CBO estimates the cost of implementing this provision would be $1 million in 2003 and $31 million over the 2003–2007 period, assuming appropriation of the necessary amounts.

Section 652 would extend the period during which eligible reservists may use their education benefits from 10 years to 14 years. In 2001, over 82,000 reservists trained under this program and received an average annual benefit of $1,653. These benefits are paid by the Secretary of Veterans Affairs from the DoD Education Benefits Fund. Each month, DoD pays into the fund the net present value of the education benefit granted to each person who enlisted in the previous month. Based on information from DoD about current contributions to the fund and expected accessions, CBO estimates implementing section 652 would increase payments into the fund by about $2 million each year. (CBO estimates that there also would be direct spending of about $24 million over the 2003–2012 period for increased outlays from the fund. CBO's estimate of those costs is discussed below under the heading of "Direct Spending.")

Concurrent Receipt. Section 641 would phase in over five years total or partial concurrent payment of retirement annuities together with veterans' disability compensation to retirees from the uniformed services who have service-connected disabilities rated at 60 percent or greater. The uniformed services include all branches of the U.S. military, the Coast Guard, and uniformed members of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA).

Under current law, disabled veterans who are retired from the uniformed services cannot receive both full retirement annuities and disability compensation from the Department of Veterans Affairs (VA). Because of this prohibition on concurrent receipt, such veterans forgo a portion of their retirement annuity equal to the nontaxable veterans' benefit. This section would phase in concurrent receipt of both benefits so that, beginning in 2007, individuals who have significant service-connected disabilities and have a retirement annuity based on years of service, would receive both benefits in full without the reduction called for under current law. Individuals whose retirement pay is based on their degree of disability would continue to forgo retirement pay equal to the VA compensation payment, but only to the extent that their disability had entitled them to a larger retirement annuity than they would have received based on years of service.

The military retirement system is financed in part by an annual payment from appropriated funds to the military retirement trust fund, based on an estimate of the system's accruing liabilities. If this provision is enacted, the yearly contribution to the military retirement trust fund (an outlay in budget function 050) would increase to reflect the added liability from the expected increase in annuities to future retirees. Using information from DoD, CBO estimates that implementing this provision would increase such payments by $588 million in 2004 and $2.5 billion over the 2004-2007 period. Because the phase-in of concurrent receipt benefits would not take effect until January 1, 2003, the accrual payment for fiscal year 2003 would not be affected. CBO estimates that there also would be direct spending of about $17.3 billion over the 2003-2012 period for increased outlays from the fund. CBO's estimate of those costs is discussed below under the heading of "Direct Spending."

National Call to Service. Section 541 would give the Secretary of Defense authority to establish an enlistment program in which a participant, in exchange for a specified incentive, would enlist in the armed forces for a period of 15 months plus training time followed by service in the reserves, the Peace Corps, Americorps, or another national service program. The specified incentives would consist of either a cash bonus of $5,000, payment of student loans not to exceed $18,000, or education benefits similar to those provided for in the Montgomery GI Bill (MGIB) education program.

Based on information from DoD, CBO estimates that DoD would seek to recruit about 1 percent of annual enlisted accessions (an average of about 2,000 enlistees a year) under the National Call to Service program. CBO assumes that all (or nearly all) participants would choose the $5,000 cash bonus option since DoD has indicated that the amount it would probably offer for the repayment of student loans would be less than or equal to $5,000. Moreover, while the education benefits offered under this program would be worth more than $5,000, CBO believes that few enlistees would choose these benefits because a participant who selected the cash bonus would also have the potential to be eligible for active-duty or reserve MGIB benefits. Thus, CBO estimates that the cost for providing the cash bonus to participants who enlist under the National Call to Service program would be about $10 million a year once the program was implemented. Based on information provided by DoD, CBO assumes that it would take about one year for DoD to implement this program.

CBO also estimates that there would be an additional cost associated with administering this program. Since servicemembers who would enlist under the National Call to Service program would leave the military one year sooner than the average enlisted member who leaves after his or her initial obligation is fulfilled, DoD would need to induct more people into the military to maintain endstrength. CBO estimates that DoD would need to induct 1,000 additional enlistees a year to make up for the accelerated loss in personnel. With an average training period of about six months, DoD would need to add these enlistees about half a year earlier. Thus, the first bonuses would not be paid out until 2004 and the first replacements would not have to be inducted until 2005.

Based on information from DoD, CBO estimates that the average cost for each additional enlistee would be about $16,250 in fiscal year 2003, which includes the cost of providing new uniforms, travel expenses, and six months of salary and benefits during training. After adjusting for inflation and assuming that new participants are brought into the program evenly throughout the first year, CBO estimates that the cost of these additional accessions would be $9 million in 2005 and an average of $20 million per year thereafter.

Therefore, CBO estimates that the total costs for the National Call to Service program would be $10 million in 2004, $19 million in 2005, and about $85 million over the 2004-2007 period.

Defense Health Program. Title VII contains several provisions that would affect DoD health care and benefits. Tricare is the name of DoD's health care program; Tricare Prime and Tricare Prime Remote are managed care programs, and Tricare Standard is a fee-for-service program.

Tricare Prime Remote. Section 703 would affect dependents of servicemembers on active duty who live in a remote area, which is defined as roughly a one-hour-or-more driving distance from a military treatment facility. Under certain conditions, this section would allow dependents of personnel on active duty who live in a remote area to participate in Tricare Prime Remote if the servicemember is transferred to a different duty station and is not allowed to bring his or her family. Under current law, dependents of personnel on active duty living in remote areas must reside with the active-duty member to participate in Tricare Prime Remote. If the active-duty servicemember is transferred to a duty station where he or she cannot bring family members, the family can no longer participate in the Tricare Prime Remote program.

Based on information provided by DoD, CBO estimates that about 27,000 dependents of personnel on active duty would be affected by this provision. According to DoD, about 40 percent of those dependents who would be eligible for Tricare Prime Remote under this section already participate in Tricare Standard. Based on data provided by the department, CBO estimates that the additional incremental cost of providing Tricare Prime Remote to those individuals would be $113 per person. In addition, CBO estimates that the new benefit would attract about 1,350 dependents to Tricare Prime Remote who had not previously used any Tricare program at an estimated annual cost of $1,900 per person. Thus, CBO estimates that the cost of providing Tricare Prime Remote to more individuals would be $4 million in 2003 and $22 million over the 2003-2007 period, assuming appropriation of the estimated amounts.

Transitional Health Care. Under section 707, family members of reservists who were called to active duty for more than 30 days would be eligible for health care coverage under Tricare for 60 days after the reservist is released from active duty. Under current law, only the reservist is eligible for health care coverage under Tricare for the 60 days after he or she is released from active duty. While there are currently more than 80,000 reservists on active duty, CBO assumes for this estimate that the number of reserves will fall to about 65,000 in 2003 and 10,000 by 2006. If the number of reservists remains at current levels over the 2003-2007 period, the estimated costs would be correspondingly higher.

Based on data from DoD and the General Accounting Office, CBO estimates that about 50 percent of the reservists have families and that about 40 percent of those families would use the transitional health care. CBO further estimates that providing an additional 60 days of health care coverage to those families would cost, on average, about $600 per family. After accounting for inflation and the assumed decline in the level of reservists called to active duty, CBO estimates that this provision would cost $7 million in 2003, and $18 million over the 2003-2007 period, assuming appropriation of the estimated amounts.

Voluntary Separation and Early Retirement Incentives. S. 2514 contains several provisions that would allow DoD and the Department of Energy to offer voluntary retirement incentives to their civilian employees. Taken together, CBO estimates implementing these provisions would cost $121 million in 2004 and $544 million over the 2004-2006 period.

Section 1102 would provide DoD with the authority to offer voluntary retirement incentives of up to $25,000 to its civilian employees who voluntarily retire or resign through September 30, 2006. Current buyout authority for DoD is scheduled to expire on September 30, 2003. Based on discussions with DoD staff, CBO assumes that about 16,500 DoD employees would participate in the buyout program in 2004 through 2006. CBO estimates that the buyout payments would cost $88 million in 2004 and $414 million over the 2004-2006 period, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRDF) for every employee who takes a buyout. The payments would equal 15 percent of the final basic pay of each employee and come out of the agency's appropriated funds. Assuming an average final salary for the affected workers of $45,000, CBO estimates these payments would cost DoD $24 million in 2004 and $118 million over the 2004-2006 period. (CBO estimates that enacting this section also would increase direct spending for federal retirement and retiree health care benefits by a total of $188 million over the 2004-2012 period. CBO's estimate of those outlays is discussed below under the heading of "Direct Spending.")

Section 3163 would provide DOE with authority to offer voluntary retirement incentives of up to $25,000 to employees who voluntarily retire or resign in calendar year 2004. Current buyout authority for DOE is scheduled to expire on December 31, 2003. Based on information from DOE, CBO assumes that about 350 DOE employees would participate in the buyout program in calender year 2004. CBO estimates that the cost of the buyout payments would total $6 million in 2004 and $2 million in 2005. DOE would also be required to make a payment to the CSRDF for every employee who takes a buyout. The payments would equal 15 percent of the final pay of each employee and come out of the agency's appropriated funds. Assuming an average final salary for the affected workers of $75,000, CBO estimates these payments would cost DOE $3 million in 2004 and $1 million in 2005. (CBO estimates that enacting this section also would increase direct spending for federal retirement and health care benefits by a total of $8 million over the 2004-2012 period. CBO's estimate of those outlays is discussed below under the heading of "Direct Spending.")

Federal Employees Health Benefits (FEHB) Program. Section 1103 would extend a provision of law into fiscal year 2007 that allows DoD and certain Department of Energy employees whose employment is terminated because of a reduction-in-force action to continue to participate in the FEHB health insurance program and only pay the regular employee's share of the insurance premium. The respective departments would be responsible for paying the normal employer's share of the premium. Under current law, this provision expires in fiscal year 2004. Based on information from DoD and the Office of Personnel Management, CBO estimates that this provision would affect about 500 people a year at an average annual cost of $5,500 per person over the 2003–2007 period. CBO estimates that extending this provision into fiscal year 2007 would cost $2 million in 2004, and $11 million over the 2004–2007 period, assuming appropriation of the estimated amounts.

School Impact Aid. Section 1064 would allow school districts with a large percentage of children from military families to continue to receive heavy impact aid when military families are temporarily relocated. Heavy impact aid is federal funding earmarked for school districts with large military populations. Many military families in those school districts live on federal installations and do not contribute to the local property tax base that is used to help finance school operations. Heavy impact aid helps to offset this loss of local tax revenue. Under current law, schools can only receive heavy impact aid if they meet strict criteria for numbers of federal students located in their districts, local tax rates, and per pupil expenditures. Because of population relocations associated with certain military housing initiatives, some school districts will temporarily be unable to meet these criteria and will lose their heavy impact aid for several years.

Based on data from the Department of Education and the Military Impacted Schools Association, CBO estimates that about four school districts would initially be affected by housing privatization and that these school districts receive about $18 million in heavy impact aid annually. Because applications for heavy impact aid are based on school district statistics from three years prior, CBO estimates that the cost of implementing this section would not occur until 2006. After adjusting for the changes in student population within the affected districts, CBO estimates that restoration of this aid would cost about $14 million per year. Since the requirements of the School Impact Aid program are not always fully funded, CBO expects that the Department of Education would likely fund this increase through reductions in aid to other school districts. CBO expects this cost would reoccur annually only for the duration of the housing privatization effort within the affected school districts, which CBO estimates to be about three years.

Section 1064 also would allow coterminous school districts (school districts whose boundaries are the same as a military base) to change the way in which they include students living off the base in their heavy impact aid calculations. CBO estimates that implementing this provision would change the calculation of heavy impact aid for 200 students in two school districts and that the impact aid for these students would increase by about $2,300 per student. CBO estimates allowing coterminous school districts to change the method for calculating heavy impact aid would cost slightly less than $500,000 each year beginning in 2003.

Arctic and Western Pacific Environmental Cooperation Program. Section 1214 would authorize the Department of Defense, with the concurrence of the Secretary of State, to assist in mitigating the impact of military operations on the environment of the arctic and western Pacific regions, particularly nuclear or radiological impacts. Based on information from DoD, CBO estimates that implementing this provision would cost $29 million over the 2003–2007 period, assuming appropriation of the estimated amounts.

Revitalizing DoD Laboratories. Section 241 would allow DoD to establish a new three-year pilot program beginning in March 2003 at various DoD laboratories to pursue improved efficiencies for performing research and development work at these laboratories. The section also would extend through 2006 authorizations for similar pilot projects that will expire in 2003. Finally, section 241 would permit laboratories participating in this new pilot program to enter into public-private partnerships and other business arrangements with private firms to achieve improved efficiencies. The authority to enter into such partnerships would expire in 2006. Under section 241, one of the public-private partnerships could be established as a limited liability corporation where the federal and nonfederal partners could contribute capital, services, or facilities to the corporation.

Under the new pilot program, DoD would be authorized to waive certain restrictions not required by law that hinder the objective of achieving improved efficiencies. The department also would be authorized to use innovative methods of personnel management and technology development. According to information provided by DoD, the laboratories participating in the existing pilot program were granted similar authorities. DoD reported that these laboratories did not substantially change their business practices because, in their view, they already had the authority to waive non-statutory regulations. Thus, CBO assumes that any laboratories selected for the new program would not change their business practices substantially. CBO estimates that spending under these new and extended authorities would not be significant—probably less than $500,000 annually over the 2003–2006 period. (CBO estimates that the provision allowing a limited liability corporation also would increase direct spending by a total of $15 million over the 2004–2006 period. CBO's estimate of those outlays is discussed below under the heading of "Direct Spending.")

Multiyear Procurement of Environmental Remediation Services. Section 827 would give DoD the authority to enter into multiyear contracts for environmental remediation services. Under current law, the total cost of any multiyear remediation service contract must be fully funded at the beginning of the contract. DoD has found this difficult to do for contracts that are expensive and last several years. Instead, DoD often awards these contracts for environmental remediation to cover work for one year and then extends the contract on a year-to-year basis as funds become available. DoD states that contracting in this manner is generally more expensive because contractors charge higher prices when they don't know whether the contract will continue beyond the current year. Thus, allowing DoD to sign multiyear contracts for environmental remediation would most likely produce some savings. DoD could not provide CBO with the necessary data to produce a precise estimate of the annual savings. However, given the high cost of these contracts, CBO believes these savings could be significant. CBO estimates that DoD currently spends about $1.7 billion each year on environmental cleanup related activities. If 10 percent of future contracts were negotiated as multiyear contracts and those contracts produced savings of about 5 percent on average, multiyear contracting for environmental remediation efforts would save about $10 million annually after a five-year phase-in period.

Disposition of Surplus Plutonium. In January 2002, the Secretary of Energy announced that the federal government plans to convert roughly 34 metric tons of surplus weapons grade plutonium currently located at various DOE facilities into mixed-oxide (MOX) fuel that would be suitable for use in U.S. commercial nuclear reactors. The federal government would ship the surplus plutonium to a MOX fuel fabrication facility at its Savannah River Site in Aiken, South Carolina. DOE plans to start construction of the facility in 2004 and expects that construction would be complete by 2007. The facility would be able to convert about 3.5 metric tons of plutonium a year and would complete the conversion in about 12 years.

Section 3182 would require that the Secretary of Energy pay up to $100 million a year to the state of South Carolina beginning in 2011, if the planned conversion schedule was not met. The federal government could avoid these penalties, however, if it removes at least one metric ton of plutonium a year from South Carolina over the 2011–2016 period and removes all remaining plutonium after 2016.

Based on delays in developing the construction plans for the proposed MOX facility, and delays in similar programs such as the Nuclear Waste Repository Site at Yucca Mountain, Nevada, and the Waste Isolation Pilot Program at Carlsbad, New Mexico, CBO believes that there is some chance that construction of the MOX facility could be delayed for several years beyond the 2007 planned completion date and that construction would not be completed by 2011. If DOE does not remove the required surplus plutonium from the state of South Carolina, DOE would need to pay up to $100 million a year to the state starting in 2011.

Direct Spending

The bill contains provisions that would increase direct spending, primarily from the phase-in of concurrent payment of retirement annuities with veterans' disability compensation to retirees from the military and the other uniformed services who have service-connected disabilities rated at 60 percent or greater. The bill also contains a few provisions with smaller direct spending costs. In total, CBO estimates that enacting S. 2514 would result in an increase in direct spending totaling $5.6 billion over the 2003–2007 period (see Table 4).

TABLE 4.—ESTIMATED DIRECT SPENDING FROM CONCURRENT RECEIPT AND OTHER PROVISIONS IN S. 2514

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN DIRECT SPENDING					
Section 641—Concurrent Receipt:					
Estimated Budget Authority	356	628	995	1,439	1,905
Estimated Outlays	356	628	995	1,439	1,905
Section 651—Education Benefits for the Selected Reserves:					
Estimated Budget Authority	2	2	2	2	2

TABLE 4.—ESTIMATED DIRECT SPENDING FROM CONCURRENT RECEIPT AND OTHER PROVISIONS IN S. 2514—Continued

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
Estimated Outlays	2	2	2	2	2
Section 702—Mental Health Benefits:					
Estimated Budget Authority	1	1	1	1	1
Estimated Outlays	1	1	1	1	1
Section 1102—Voluntary Separation and Early Retirement Incentives (DoD):					
Estimated Budget Authority	0	31	73	87	28
Estimated Outlays	0	31	73	87	28
Section 3163—Voluntary Separation and Early Retirement Incentives (DOE):					
Estimated Budget Authority	0	3	4	1	(a)
Estimated Outlays	0	3	4	1	(a)
Section 241—Revitalizing DoD Laboratories:					
Estimated Budget Authority	0	6	6	3	0
Estimated Outlays	0	6	6	3	0
Section 2824—Land Conveyance of Navy Property, Westover Reserve Air Base:					
Estimated Budget Authority	0	3	0	0	0
Estimated Outlays	0	3	0	0	0
TOTAL CHANGES IN DIRECT SPENDING					
Estimated Budget Authority	359	674	1,081	1,533	1,936
Estimated Outlays	359	674	1,081	1,533	1,936

[a] Less than $500,000.

Concurrent Receipt. Section 641 would phase in over five years total or partial concurrent payment of retirement annuities together with veterans' disability compensation to retirees from the uniformed services who have service-connected disabilities rated at 60 percent or greater. Under section 641, the phase-in of concurrent receipt would not take effect until January 1, 2003.

Under current law, disabled veterans who are retired from the uniformed services cannot receive both full retirement annuities and disability compensation from VA. Because of this prohibition on concurrent receipt, such veterans forgo a portion of their retirement annuity equal to the nontaxable veterans' benefit. This section would permit, beginning in 2007, individuals who have significant service-connected disabilities and have a retirement annuity based on years of service, to receive both benefits in full without the reduction called for under current law. Individuals whose retirement pay is based on their degree of disability would continue to forgo retirement pay equal to the VA compensation payment, but only to the extent that their disability had entitled them to a larger retirement annuity than they would have received based on years of service.

This section also would repeal, as of January 1, 2003, a program that partially compensates certain severely disabled retirees for this reduction in their retirement annuities. This program currently pays a fixed benefit of $50 to $300 a month, depending on degree of disability. Taken together, CBO estimates that implementing section 641 would increase direct spending for retirement annuities and veterans' disability compensation by a net amount of about $356 million in 2003, $5.3 billion over the 2003–2007 period, and $17.3 billion over the 2003–2012 period (see Table 5).

Retirement Annuities. Since the proposed legislation would treat retirees differently based on their type of retirement—nondisability or disability, the potential costs of the legislation depend on the number of beneficiaries, their type of retirement, their disability levels, and their benefit amounts.

Nondisability Retirees. A nondisability retirement is granted based on length of service—usually 20 or more years. Section 641 would allow those longevity retirees whose degree of disability has been rated as 60 percent or greater to receive full retirement annuities and veterans' disability benefits with no offset in 2007, and to receive an increasing portion of their retirement annuities over the 2003–2006 period. Data from the uniformed services indicate that in 2001 the prohibition on paying both benefits concurrently caused about $1.3 billion to be withheld from the annuity payments of about 74,000 eligible DoD retirees with nondisability retirements, and about 900 eligible Coast Guard, PHS, and NOAA retirees. Using current rates of net growth in the population of new beneficiaries, CBO estimates this caseload would rise to about 78,000 nondisability retirees in 2003, and 96,000 nondisability retirees by 2012. CBO assumes that future benefit payments will increase consistent with current rates of growth in average disability levels and also increase from cost-of-living adjustments. After phasing the benefits in over five years as specified in the provision, CBO estimates that enacting the legislation would increase direct spending on retirement annuities for nondisability retirees of the uniformed services by $342 million in 2003, $4.7 billion over the 2003–2007 period, and $15.2 billion over the 2003–2012 period.

TABLE 5.—ESTIMATED CHANGES IN RETIREE BENEFITS UNDER S. 2514

Description of benefits program	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
Retirement Annuities:					
Nondisability	342	582	861	1,223	1,654
Disability	56	92	127	172	223
Veterans Compensation Payments	0	13	67	104	89
Survivor Benefit Plan Payments	7	7	8	9	9
Special Compensation for Severely Disabled	−49	−66	−68	−69	−70
Total Changes in Retiree Benefits	356	628	995	1,439	1,905

Disability Retirees. Servicemembers who are found to be unable to perform their duties because of service-related disabilities may be granted a disability retirement. Section 641 would allow eligible disability retirees to receive retirement annuities based on their years of service and veterans' disability benefits with no offset in 2007, and partial concurrent receipt of these payments in 2003 through 2006. Disability retirees would be eligible to obtain concurrent receipt of their retirement annuity and veterans' disability compensation if they served 20 or more years in the uniformed services and had a disability rating of 60 percent or greater.

Data from the uniformed services indicate that in 2001, the prohibition on paying both benefits concurrently caused about $200 million to be withheld from annuity payments of about 11,400 eligible DoD retirees with disability retirements, and about 500 eligible Coast Guard, PHS, and NOAA retirees. An analysis of retiree records by DoD indicates that, under the criteria set forth in this section, these retirees would be eligible to receive about 95 percent of their retirement annuity concurrently with their VA disability benefit. Assuming continuation of current trends in population and benefit growth, and phasing the benefit in over five years as specified in this section, CBO estimates that, of the disability retirees who would be receiving VA disability benefits in fiscal year 2003, about 12,100 would be entitled to an additional $56 million in retirement annuities. CBO estimates their retirement annuities would increase by $670 million over the 2003–2007 period and $1.9 billion over the 2003–2012 period.

Other Effects of Concurrent Receipt. Enacting section 641 also would affect Veterans' Disability Compensation, receipts to the Treasury for Survivor Benefit Payments, Special Compensation to Severely Disabled Retirees, and the level of contributions to the Military Retirement Trust Fund.

Veterans' Disability Compensation. Data from DoD indicates that an additional 15,100 disability retirees of the uniformed services—14,500 from DoD and about 600 from the other uniformed services—do not currently receive VA disability benefits that they are entitled to receive. Since many disability retirees are not taxed on their annuities, there is no incentive under current law for these retirees to apply for the tax-free VA benefits.

as they will be offset, dollar-for-dollar, against their retirement annuities. Section 641 would provide a significant incentive for the more disabled of these individuals to apply for VA disability benefits. CBO estimates that about 7,000 disability retirees might be eligible for concurrent receipt under section 641, but, because many of these retirees are both disabled and quite elderly, CBO expects that only about half of that number would become aware of this improved benefit and successfully complete the application process. Based on their DoD-assessed degree of disability, CBO estimates that outlays for VA disability benefits would increase by $13 million in 2004, about $270 million over the 2003–2007 period, and $760 million over the 2003–2012 period. Because of the time needed for individuals to prepare and submit their applications and the current backlog in processing applications, CBO estimates that enacting this legislation would not increase outlays for veterans' disability compensation in 2003.

Survivor Benefit Plan Offsetting Receipts. Many retirees have a Survivor Benefit Plan (SBP) premium payment deducted from their retirement annuity. The SBP was established in Public Law 92–425 to create an opportunity for military retirees to provide annuities for their survivors. Those retirees who are not receiving a paycheck from DoD because their retirement annuity is totally offset by their VA disability benefit may still participate in the SBP by paying the monthly premium to the U.S. Treasury. These payments are recorded as offsetting receipts (a credit against direct spending) to DoD. According to DoD, approximately 34,000 military retirees paid $23 million in SBP premiums to the Treasury in 2001. DoD also indicates that about $7 million of that amount was paid by about 8,000 retirees who would begin to receive annuity checks under section 641. CBO's estimate of the increase in retirement outlays presented above assumes that the SBP premiums of retirees who benefit from the legislation would be deducted from the retirees' annuities, and their payments to the Treasury would cease. Assuming continuation of current trends in population and benefit growth, CBO estimates these offsetting receipts would decrease by about $7 million in 2003, $40 million over the 2003–2007 period, and $90 million over the 2003–2012 period.

Repeal of Special Compensation for Severely Disabled Retirees. Section 641 also would repeal a special compensation program that currently pays a fixed benefit of $50 to $300 a month to certain uniformed service retirees who were determined to be 60 percent to 100 percent disabled within four years of their retirement. These special payments would stop on January 1, 2003, under section 641. Based on information from DoD and assuming the population growth trends continue, CBO estimates that about 36,000 DoD retirees and about 600 retirees of the other uniformed services will receive an average monthly benefit of $150 in 2002. Under current law, this benefit is scheduled to increase over the next two years to $172 a month. CBO estimates that the savings from repealing this program would be $49 million in 2003, about $320 million over the 2003–2007 period, and $690 million over the 2003–2012 period.

Increased Accrual Payment Financing. The military retirement system is financed in part by an annual payment from appropriated funds (an outlay in budget function 050) to the Military Retirement Fund, based on an estimate of the system's accruing liabilities. If this provision is enacted, the yearly contribution to the fund would increase to reflect the added liability from the expected increase in annuities to future retirees. These discretionary costs were discussed earlier in the "Spending Subject to Appropriation" section.

Education Benefits for the Selected Reserve. Section 651 would extend the period during which eligible reservists may use their education benefits from 10 years to 14 years. VA reported that, in 2001, over 82,000 reservists trained under this program and received an average annual benefit of $1,653. This average benefit includes both the basic benefit and a supplemental benefit that DoD can offer to enhance accessions or re-enlistment in critical skill specialties. This benefit increases each year by a cost-of-living adjustment and by the level of supplemental benefits being offered. Based on current usage rates, CBO estimates that enacting this extension would result in an extra 1,500 trainees a year. Based on information from DoD and VA, CBO estimates that enacting this legislation would increase education outlays by $2 million in 2003, $10 million over the 2003–2007 period and by $24 million over the 2003–2012 period. Since DoD makes monthly payments into the DoD Education Benefits Fund in the amount of the net present value of the benefits granted during the previous month, this increase in usage of the education benefit would necessitate an increase in payments to the fund. (The discretionary costs associated with these payments are discussed earlier in the "Spending Subject to Appropriation" section under the heading of "Education and Training.")

Mental Health Benefits. Section 702 would remove a statutory requirement that inpatient mental health care be preauthorized for retirees and dependents who are eligible for Medicare. Under current law, Tricare for Life (TFL), another medical program run by DoD, pays all Medicare copayments and deductibles for those benefits that are covered by both programs. Beginning in 2003, TFL spending for Medicare-eligible retirees and dependents will be considered direct spending. Under current law, Medicare does not require a preauthorization for inpatient mental health care but Tricare does. Removing this requirement would make the mental health benefits identical and reduce confusion among beneficiaries and health care providers.

Although most individuals would seek preauthorization before receiving inpatient mental health care, CBO expects that, under current law, some individuals would fail to obtain the necessary preauthorization from Tricare and would have to pay the copayments and deductibles on their own. Because DoD does not have any available data on the frequency or costs of inpatient mental health care for Medicare-eligible retirees and dependents, CBO extrapolated this data from the general Medicare population. Under section 702, CBO estimates that in 2003 TFL would cover the copayments and deductibles for about 600 additional people at an average cost of about $1,700 per person. Thus, CBO estimates section 702 would raise direct spending by $1 million in 2003, $5 million over the 2003–2007 period, and $15 million over the 2003–2012 period.

Voluntary Separation and Early Retirement Incentives. S. 2514 contains several provisions that would allow the DoD and DOE to offer voluntary separation incentives to their civilian employees. Taken together, CBO estimates enacting these provisions would increase direct spending for federal retirement and retiree health care benefits by $34 million in 2004 and $196 million over the 2004–2012 period.

Section 1102 would provide DoD with authority to offer its civilian employees voluntary retirement incentive payments of up to $25,000 for employees who voluntarily retire or resign in fiscal years 2004 thorough 2006. Current buyout authority for DoD is set to expire on September 30, 2003. CBO estimates that enacting section 1102 would increase direct spending for federal retirement and retiree health care benefits by $31 million in 2004 and $188 million over the 2004–2012 period.

Section 3163 would provide DOE with authority to offer payments of up to $25,000 to employees who voluntarily retire or resign in calendar year 2004. Current buyout authority for DOE is scheduled to expire on December 31, 2003. CBO estimates enacting section 3163 would increase direct spending for federal retirement and retiree health care benefits by about $3 million in 2004 and about $8 million during the 2004–2012 period.

DoD Retirement Spending. CBO assumes that about 16,500 DoD employees would participate in the buyout program over the three-year period and that many workers who take a buyout would begin collecting federal retirement benefits several years earlier than they would under current law. Inducing some workers to retire earlier would result in additional benefits being paid from the Civil Service Retirement and Disability Fund. In later years, annual federal retirement outlays would be lower than under current law because the employees who retire early receive smaller annuity payments than if they had retired later. CBO estimates that enacting section 1102 would increase direct spending for federal retirement benefits by $24 million in 2004 and $136 million over the 2004–2012 period. (The discretionary costs over the 2004–2006 period associated with the buyout payments were discussed earlier in the "Spending Subject to Appropriation" section under the heading of "Voluntary Separation and Early Retirement Incentives.")

DoD Retiree Health Care Spending. Enacting section 1102 also would increase direct spending on federal benefits for retiree health care because many employees who accept the buyouts would continue to be eligible for coverage under the Federal Employee Health Benefits (FEHB) program. The government's share of the premium for these retirees—unlike current employees—is mandatory spending. Because many of those accepting the buyouts would convert from being an employee to being a retiree earlier than under current law, mandatory spending for FEHB premiums would increase. CBO estimates these additional FEHB benefits would increase direct spending by $7 million in 2004 and $52 million over the 2004–2012 period.

DOE Retirement Spending. CBO assumes that about 350 DOE employees would participate in the buyout program in calender year 2004 and that many workers who take a buyout would begin collecting federal retirement benefits several years earlier than they would under current law. Inducing some workers to retire earlier would result in additional retirement benefits being paid from the CSRDF. In later years, annual federal retirement outlays would be lower than under current law because the employees who retire early receive smaller annuity payments than if they had retired later. Under section 3163, CBO estimates spending for federal retirement benefits would increase by $3 million in 2004 and by $8 million over the 2004–2012 period.

DOE Retiree Health Care Spending. Section 3163 would also increase spending on federal retiree health benefits because many employees who would accept the buyouts continue to eligible for coverage under the FEHB program. CBO estimates that these additional FEHB benefits would increase direct spending by less than $500,000 a year over the 2004–2006 period.

Revitalizing DoD Laboratories. Section 241 would allow DoD to establish a new three-year pilot program beginning in March 2003 at various DoD laboratories to pursue improved efficiencies for performing research and development work at these laboratories. The section also would extend through 2006 authorizations for similar pilot projects that will expire in 2003. Finally, section 241 would permit laboratories participating in this new pilot program to enter into public-private partnerships and other business arrangements with private firms to achieve improved efficiencies. The authority to enter into such partnerships would expire in 2006. Under section 241, one of the public-private partnerships could be established as a limited liability corporation where the federal and nonfederal partners could contribute capital, services, or facilities to the corporation.

CBO has little information about how this limited liability corporation would be structured, but one of the purposes of this corporation would be to finance improvements to DoD's research, test, and evaluation functions. CBO considers such hybrid entities as governmental. Hence, their activities should be recorded in the federal budget. CBO treats the assets that are expected to be contributed by the private party as borrowed by the federal government. Borrowing authority is treated as budget authority in the year and in the amounts that CBO estimates the private party would contribute to the limited liability corporation. This budgetary treatment is consistent with the recommendations of the President's 1967 Commission on Budget Concepts, which suggests that entities jointly capitalized with private and public assets be included in the federal budget until they are completely privately owned.

CBO assumes that DoD would need about one year to develop the policies and regulations for the new corporation that would be authorized under section 241. Based on information provided by DoD, CBO estimates that the additional expenses of the limited liability corporation could total between $4 million and $7 million a year. Assuming costs fall midway within that range, CBO estimates that federal borrowing would be about $6 million starting in 2004 and total about $15 million over the 2004–2006 period.

The budget also would record any cash proceeds collected by the corporation from the public. Any payments from federal agencies would be an intragovernmental transfer and would have no net budgetary impact. In contrast, any proceeds accruing to the corporation from nonfederal entities would be recorded as offsetting collections and would reduce the net cost of the partnership over time. For this estimate, CBO assumes that the government would use most of the services of this corporation. As a result, CBO estimates that proceeds from nonfederal sources would not be significant.

Land Conveyance and Other Property Transactions. Title XXVIII would authorize a variety of property transactions involving both large and small parcels of land.

Section 2824 would allow the Secretary of the Navy to convey 30.38 acres and 133 housing units located at Westover Reserve Air Base to the city of Chicopee, Massachusetts, without receiving payment for this property. Under current law, the Navy will soon declare this property excess and transfer it to the General Services Administration (GSA) for disposal. Under normal procedures, GSA sells property not needed by other federal agencies or by nonfederal entities in need of property for public-use purposes such as parks or educational facilities. Information from GSA indicates that the housing and land will likely be sold under current law after the entire parcel is screened for other uses in 2003. As a result, CBO estimates that this conveyance would result in forgone receipts totaling about $3 million in 2004.

Section 2828 would authorize the Secretary of the Interior to convey to the city of West Wendover, Nevada, and Tooele County, Utah, without consideration, two parcels of federal land located in those states and identified in the bill. According to the Bureau of Land Management, those lands, which are withdrawn for military purposes, currently generate no offsetting receipts and are not expected to in the foreseeable future. Hence, CBO estimates that conveying the lands would not affect offsetting receipts. According to the U.S. Air Force, portions of the lands that could be conveyed have been used as a bombing range by the Air Force. Under the Comprehensive Environmental Response, Compensation, and Liability Act, the Air Force would have to remediate any expended and unexploded ordnance prior to conveying those lands. Based on information from the Air Force, we estimate that initial remediation activities would cost at least $2 million, assuming appropriation of the necessary amounts. Although we do not have sufficient information to estimate the cost of subsequent remediation activities that may be necessary, CBO expects that such costs could be significant. Any spending for additional remediation would be subject to appropriation.

CBO estimates that other provisions in title XXVIII would not result in significant costs to the federal government because they would either authorize DoD to convey land for fair market value, to exchange one piece of property for another or would authorize DoD to convey land that under current law is unlikely to be declared excess and sold or is likely to be given away.

Other Provisions. The following provisions would have an insignificant budgetary impact on direct spending:

Section 111 would extend through 2004 the authority for a pilot program that allows industrial facilities within the Army to sell manufactured goods to the private sector even if the goods are manufactured in the domestic market. Section 111 also would direct that a portion of the sales proceeds in excess of $20 million a year be made available for ammunition demilitarization. CBO estimates, however, that there would likely be less than $5 million in annual sales under this pilot program over the 2003–2004 period, based on data provided by the Army, and that since the industrial facilities are allowed to spend any sales proceeds, the net effect on direct spending would be insignificant.

Section 642 would increase the retirement annuity of enlisted servicemembers who are retired from a reserve component of the Armed Forces and have been credited by their service secretary with extraordinary heroism in the line of duty. Under section 642, these retirees would be entitled to a 10 percent increase in their retirement annuity. CBO estimates that enacting section 642 would increase direct spending by less than $500,000 a year.

Section 1063 would extend through 2006 DoD's authority to sell aircraft and aircraft parts for use in responding to oil spills. Based on information from DoD, CBO does not anticipate any transactions would occur under this authority.

Section 3151 would require that the program to eliminate weapons-grade plutonium production in Russia be transferred from the Department of Defense to the Department of Energy. Funds appropriated for the program for 2000 through 2002 would be transferred to DOE and would be made available for obligation until expended. Under current law, those funds have a three-year period of availability, thus this provision could result in a reappropriation because it would extend the availability of some funds that would otherwise lapse. CBO estimates that about $120 million has been appropriated for this program over the 2000–2002 period and that nearly all of those funds will be obligated and spent under current law. As a result, CBO estimates that reappropriations under section 3151 would not be significant—probably less than $500,000 annually from 2003 through 2005.

Section 3162 would allow the Department of Energy to penalize contractors operating at DOE facilities for occupational safety violations. These penalties would most likely be levied by reducing the fees owed to the contractor. Based on information about penalties levied over the last few years for nuclear safety violations, CBO estimates that the reduction in contract fees due to occupational safety violations would be less than $500,000 annually.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in direct spending that are subject to pay-as-you-go procedures are shown in Table 6. For the purposes of enforcing pay-as-you-go procedures, only the effects through fiscal year 2006 are counted.

TABLE 6.—ESTIMATED IMPACT OF S. 2514 ON DIRECT SPENDING AND RECEIPTS

	By fiscal year, in millions of dollars—										
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Changes in outlays	0	359	674	1,081	1,533	1,936	2,132	2,261	2,391	2,529	2,676
Changes in receipts	Not applicable										

Intergovernmental and private-sector impact: S. 2514 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On May 3, 2002, CBO transmitted a cost estimate for H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as ordered reported by the House Committee on Armed Services on May 1, 2002. The House bill would authorize approximately $382 billion in defense funding for fiscal year 2003 ($10 billion less than S. 2514 would authorize for 2003) and an estimated $14 billion in additional defense funding for 2002 (as also contained in S. 2514).

Both H.R. 4546 and S. 2514 would increase direct spending over the 2003–2007 period, but the Senate bill contains about $200 million less spending. Both bills contain provisions that would phase in over five years total or partial payment of retirement annuities together with veterans' disability compensation to retirees from the uniformed services who have service-connected disabilities rated at 60 percent or greater but the provisions specify different rates and schedules for phasing in the increased payments. Differences in the other estimated costs reflect differences in the legislation.

Estimate Prepared by: Federal Costs: Defense Outlays: Kent Christensen; Defense Laboratories and Department of Energy: Raymond Hall; Military Construction: David Newman; Military and Civilian Personnel: Michelle Patterson and Dawn Regan; Military Retirement and Education Benefits: Sarah Jennings; Health Programs: Sam Papenfuss; Multiyear Procurement: David Newman; Operation and Maintenance: Matt Schmit; Voluntary Separation and Early Retirement Incentives: Geoffrey Gerhardt; Impact on State, Local, and Tribal Governments: Elyse Goldman; Impact on the Private Sector: R. William Thomas.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my good friend and colleague, and I look forward again—as this will be our 24th year—of working together on the authorization bill.

Mr. President, I simply say to my good friend, the chairman, he mentioned that the Bush administration has yet to provide a formal national security strategy. I note that the timetable for submitting this document is not unusual. The Clinton administration did not submit its first national security strategy until well into its second year in office. In my contacts with the administration, they will soon be submitting that national security strategy.

I thank Chairman LEVIN for the work he has done on the bill which is before the Senate. I also want to thank my colleagues on the committee for their wise counsel and efforts, as well as the tremendous efforts of our committee staff. In large measure, this Defense Authorization Act for Fiscal Year 2003 is a good bill and an important step forward in our war against terrorism. In this time of national emergency it is essential that we provide our President and our armed forces the vital resources they need to defend our Nation, and to fight the scourge of terrorism at home and abroad.

In the end, I joined with seven of my Republican colleagues on the committee in voting against this bill in committee—primarily due to the drastic cut of over $800 million in missile defense. Having worked hard for a year on the many critical issues related to this bill, I considered my vote against the bill necessary, but regrettable.

Despite the fact that I voted against this bill, I support most of what is contained in this legislation. It represents the bipartisan work of all committee members—working together to support our men and women in uniform, and their families.

The National Defense Authorization Act for Fiscal Year 2003 contains the largest defense increase in over 20 years—an increase of $45.0 billion over the fiscal year 2002 appropriated level. The good news story associated with this much needed increase is that it has the full, bipartisan support of the Senate. While there is disagreement over how some of the money is allocated in this bill, there is virtually no dissent about the need for this significant increase in the top line for defense. This is a remarkable display of unity behind our President, so important and fitting with our nation at war.

In line with the request of the President, the bill significantly increases all major defense accounts over the fiscal year 2002 appropriated levels:

It increases spending on military personnel by over 12 percent, including a 4.1 percent pay raise for our servicemen and women.

It increases funding for operations and maintenance by over 15 percent, providing the necessary resources to fully fund our war effort.

The bill increases the procurement account by almost 10 percent. This will enable our military departments to procure the equipment they need to replace aging and heavily used assets, as well as to buy the things they need to protect our facilities, infrastructure and people in these increasingly uncertain and dangerous times.

Additionally, the bill increases spending on research and development by almost 9 percent, ensuring that investment is being made in the future to develop the capabilities we need to deter and defeat emerging threats to our national security.

The bill also sets aside a $10.0 billion reserve fund, as requested by the President, to pay for ongoing and future military operations in the global war on terrorism.

The threats to our Nation and the ongoing war on terrorism demand this increased investment in national security, both now and in the future.

The bill contains many key provisions which I support to improve the quality of life of our men and women in uniform, our retirees, and their families. In addition to the 4.1 percent pay raise for our uniformed personnel I mentioned earlier, additional funding is included for facilities and services that will greatly improve the quality of life for our service personnel and their families, at home and abroad. The bill includes a legislative provision that calls for the phased repeal of the prohibition on concurrent receipt of non-disability retired military pay and veterans disability pay for our military retirees with disabilities rated at 60 percent or higher. The committee also approved a managers' amendment, sponsored by Senator BOB SMITH, which will soon be considered by the full Senate, to repeal fully and immediately, the prohibition on concurrent receipt, a step which will allow all nondisability retired veterans with VA disability ratings to collect the full amount they have earned. This action is long overdue.

It is important to note that this bill, with the exception of the cuts made to missile defense, supports and fully funds virtually all of the priorities established by the Department and the President for the development and procurement of major weapons systems, including Joint Strike Fighter, F–22 and the Army's future combat system. In addition, I was pleased that we were able to add $229 million to the CVN(X) new generation aircraft carrier to restore the original development and fielding schedule for this essential program. The carrier proved its worth once again in Afghanistan—a war which relied on carrier-based assets. This bill supports acceleration of this important program.

Despite the very favorable aspects of this bill, however, I cannot support the bill in its current form. I was joined by seven of my Republican colleagues in opposing the bill as reported by the committee.

For the second consecutive year, the Senate Armed Services Committee divided along party lines primarily over the issue of missile defense. Sincere, good-faith efforts were made by Republican Members to find common ground and compromise on this issue, but these efforts were voted down. The national defense authorization bill for fiscal year 2003 that we have before us, in my view, fundamentally alters the President's national security priorities and fails to send a clear message, on the issue of missile defense, to America's allies and adversaries that the Congress will provide the resources necessary to protect our homeland, our troops deployed overseas and our allies and friends from all known threats—including the very real and growing threat of missile attack. I will work in the days ahead, and into the conference with the House, to restore the cuts made to these important programs and to staunchly defend the priorities our President has established.

The world as we knew it changed forever on September 11. We lost not only many lives and much property that day, but we also lost our uniquely American feeling of invulnerability; our feeling of safety within our shores, our borders, behind two vast oceans. But from our darkest hour, our nation has quickly emerged stronger and more united than ever. Our President has rallied our country and many nations around the world to fight the evil of terrorism.

As we begin our floor debate on the national defense authorization bill for fiscal year 2003, our nation is at war. U.S. soldiers, sailors, airmen, and marines, together with their coalition partners, are engaged on the front lines in the global war against terrorism, with a mission to root out terrorism at its source in the hopes of preventing future attacks. Our armed forces have responded to the call of duty in the finest traditions of our nation. It is critical that the Congress keep faith with our troops by providing the resources and capabilities our President—our Commander in Chief has requested.

Homeland security is now, without a doubt, our top priority. We have a solemn obligation to protect our Nation and our citizens from all known and anticipated threats—whatever their source or means of delivery. As a candidate and as President, George W. Bush promised our Nation that homeland security was his most urgent priority.

Our President submitted a responsible, prioritized budget request for fiscal year 2003 that addressed our most important security needs. The bill before us reflects the urgent security needs of our Nation by doubling the funding for combating terrorism at home and abroad. It invests in new technologies to detect weapons of mass destruction and to deter their development. The bill provides funding and authorities for the establishment of new organizations within the Department of Homeland Defense, including the formation of Northern Command, NORTHCOM, to provide coordinated land, sea and air defense of the United States. As we re-look and re-evaluate our security needs, it is especially important to remember that protection of our nation, our citizens, our deployed troops and our allies from ballistic missiles is also an integral part of homeland defense and an overall sense of security.

The budget request for missile defense was reasonable. It was a request that represented no increase over last year's funding level, and a request that was less than two percent of the defense budget. We must use these resources to move forward now, without artificial limitations—either fiscal or legislative—to develop and deploy adequate missile defenses.

The national defense authorization bill for fiscal year 2003, as reported out of committee, contains a drastic reduction, of over $800 million, from the President's request for missile defense programs, including over $400 million in reductions to theater missile defense programs. In addition, the bill contains a number of restrictions and excessive reporting requirements that will further hamper the rapid development of missile defenses. Together, these actions have resulted in a letter from the Secretary of Defense informing the Senate that he would recommend a veto of this legislation if the reductions and restrictions on missile defense remain.

Three years ago, by a vote of 97 to 3, this body approved the National Missile Defense Act of 1999—the Cochran bill. This act established two clear goals: to deploy an effective ballistic missile defense for the United States, "as soon as technologically feasible;" and, to seek further negotiated reductions in Russian nuclear forces. Last month, President Bush signed a landmark arms control agreement, in Moscow, that will ultimately reduce the number of U.S. and Russian deployed nuclear warheads by two-thirds over the next 10 years. The second goal of the Cochran bill has been achieved.

This month, the United States formally withdrew from the Anti-Ballistic Missile Treaty—a 30-year-old treaty—which had hampered the U.S. missile defense program. With this action, all artificial restraints have been removed from the ability of the United States to research, develop and deploy effective missile defense systems. Both goals of the Cochran bill that the Senate so overwhelmingly supported are in sight. Congress should not now apply new limitations on the rapid, cost-effective development of defenses to protect our nation and deployed troops from missile attack. The funding reductions and program constraints contained in the bill before us are a significant step backward in our efforts to improve the security of our nation.

The threat of missile attack against the United States and U.S. interests is real and growing. According to the January 2002 national intelligence estimate, NIE, on the missile threat, "The probability that a missile with a weapon of mass destruction will be used against U.S. forces or interests is higher today than during most of the cold war, and will continue to grow as the capabilities of potential adversaries mature." Dozens of nations already have short- and medium-range ballistic missiles in the field that threaten U.S. interests, military forces, and allies; and others are seeking to acquire similar capabilities, including missiles that could reach the United States. We must be prepared to protect our nation.

I am also concerned with other key areas in the bill, particularly the level of funding for shipbuilding. While I understand the tough choices that our defense leaders must make in establishing priorities and putting forth budget recommendations, shipbuilding was severely underfunded in the President's budget request. The bill we are now considering provides some additional resources for shipbuilding, but I believe more must be done to reverse the downward trend in shipbuilding. We all know that we are not currently building enough ships to maintain an adequate Navy for the future. Ultimately, there will be a high price to pay if this trend is not reversed.

It is with these concerns in mind that I urge my colleagues to join me in constructive dialogue to find a way to restore the President's fundamental national security priorities and to ensure we are making the right investments in future capabilities. It is imperative that we send our President, our fellow citizens and the world a message of resolve from the Congress—a national defense authorization bill that provides the resources and authorities our Nation's leaders and our armed forces require to protect our Nation, our citizens abroad, our vital interests, and our international partners who stand with us against terrorism.

I thank the distinguished chairman. I am going to a meeting on this bill tonight as to how we can order the amendments tomorrow on which I will work with the chairman.

Mr. THURMOND. Mr. President, one of my most important responsibilities throughout my almost 48 years in the Senate has been to vote on the annual national defense authorization bill. This bill not only provides for our Nation's security but, more importantly, it provides for the Nation's most valuable asset, the men and women who so proudly wear the uniform and their family members who are an integral part of our military. Today, I rise, ever mindful of my responsibilities, to offer my views on the last national defense authorization bill that I will vote on before I leave the Senate.

Before discussing the bill, I want to congratulate Chairman LEVIN, and the ranking member, Senator WARNER, for their leadership of the Senate Armed Services Committee. The challenges they face in pulling together this annual bill are immense, yet, year after year they prepare a bill that reflects a bipartisan approach to national security. There may be differences on individual programs, but their leadership and the participation of every member of the committee crafted a bill that enhances the security of the country and improves the quality of life for our soldiers, sailors, airmen and marines and their families.

The national defense authorization bill for fiscal year 2003, supports the President's budget request of $379 million, the largest increase to the defense budget in twenty years. It provides significant increases in military pay, readiness funding, and military construction. The bill includes a provision that would address long-standing inequities in the compensation of military retirees by authorizing the concurrent receipt of retired pay and veterans disability compensation. This is an issue which I have supported for some time and I am pleased to see it resolved this year.

Like all bills there are provisions that cause me concern. The most egregious in this bill is the reduction to the President's request for missile defense. By reallocating more than $800 million requested for missile defense to other programs, the bill fundamentally alters the President's priorities and leaves open the possibility that we will not adequately defend our Nation against a missile attack. I urge the Senate to reverse this flawed provision.

Mr. President, in closing I remind my colleagues that this bill also provides vital funding to support our forces currently engaged in the war against terrorism. This war is unlike any faced by my generation. It will not be won by large armies, but by dedicated, highly trained soldiers, sailors, airmen and marines. I am extremely proud of what our military personnel have accomplished and I have no doubt that their professionalism and dedication will bring an end to the terrorist threat. We owe these men and women the best our Nation can provide and we must show them our support by voting for this bill.

I thank the Chair.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate now proceed to a period for morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMISE OF THE ABM TREATY

Mr. LEVIN. Madam President, as we have recently passed June 13, I want to discuss the demise of the Anti-Ballistic Missile ABM Treaty that ceased to exist after that date. I believe it is important to help a record of how this important treaty was brought to its end.

The ABM Treaty was signed by President Nixon in 1972 with the Soviet Union as an important element of U.S.-Soviet arms control and strategic stability. It served to prevent an arms race in defensive weapons that would have led to larger offensive nuclear missile forces. It thus helped pave the way for negotiated limits and reductions in strategic arms. It was supported by every U.S. President until President George W. Bush, including Presidents Ford, Reagan and the first President Bush.

The ABM Treaty affected only defenses against long-range, or strategic, ballistic missiles, those missiles with ranges of 5,500 kilometers or more. It has no effect on defenses against missiles of shorter ranges, which are the only missiles that endanger our troops and allies today, and against which we have designed and built the Patriot theater missile defense system and helped develop Israel's Arrow missile defense system.

Both the United States and the Soviet Union saw this treaty as a central component of their efforts to ensure mutual security. Russia, like the Soviet Union before it, saw the ABM Treaty as one of the foundations for the structure of arms control and security arrangements that had been carefully built over three decades to reduce the risk of nuclear war.

As late as June 2000, at their Moscow summit, President Clinton and President Putin issued a joint statement emphasizing the importance of the ABM Treaty. That statement said the two Presidents "agree on the essential contribution of the ABM Treaty to reductions in offensive forces, and reaffirm their commitment to that treaty as a cornerstone of strategic stability." It also stated that "The Presidents reaffirm their commitment to continuing efforts to strengthen the ABM Treaty and to enhance its viability and effectiveness in the future, taking into account any changes in the international security environment."

Last December 13, President Bush announced that the United States would unilaterally withdrawn from the treaty. The treaty permits either side to withdraw from the treaty upon six months notice if either side decides that "extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests."

Although President Bush and members of his administration said they would try to modify the treaty to permit the development, testing and deployment of a limited National Missile Defense system, in the end they did not offer an amendment to the Russians.

When he was campaigning for the presidency, then-Governor Bush gave a speech at The Citadel on September 23, 1999, in which he stated the following: "we will offer Russia the necessary amendments to the Anti-Ballistic Missile Treaty—an artifact of the Cold War confrontation." He went on to say: "If Russia refuses the changes we will give prompt notice, under the provisions of the Treaty, that we can no longer be a party to it."

That seems to be a clear and straightforward position. Candidate Bush said that the United States would offer amendments to the Russians to modify the treaty so as to permit the deployment of missile defense systems, and if Russia refused the amendments the President would withdraw the United States from the treaty.

But the administration didn't propose any amendments to the treaty that would permit it to remain in effect in a modified form that, in turn, would have permitted the testing and deployment of limited missiles defenses.

Instead, we tried to sell Russia on the idea of abandoning the treaty, not modifying it. That was something the Russians were never going to accept.

Last year it was difficult to get a clear answer from the administration on its missile defense plans for fiscal year 2002, and whether they would be inconsistent with the ABM Treaty. First, Lieutenant General Ronald Kadish, director of the Ballistic Missile Defense Organization told us in June that he knew of no planned missile defense testing activities that would conflict with the treaty.

Later in June, Defense Secretary Rumsfeld told us he didn't know whether there would be a conflict because, even after the budget had been submitted to Congress, the missile defense program was undecided.

Then in July, Deputy Defense Secretary Wolfowitz said that our planned missile defense activities would inevitably "bump up" against the treaty in a manner of months, not years. He also said that by the time a planned missile defense activity encounters ABM Treaty constraints, "we fully hope and intend to have reached an understanding with Russia" on a new security framework with Russia that would include missile defenses.

Next came an announcement on October of last year by Secretary Rumsfeld that several planned missile defense tests were being postponed because they could have violated the treaty, even though one of the tests had already been postponed previously for entirely different technical reasons.

Finally, the President announced on December 13th that the United States would unilaterally withdraw from the ABM Treaty to permit testing and development of missile defenses, something Deputy Secretary Wolfowitz had previously called a "less than optimal" choice.

During all months of discussions and negotiations with the Russians we never heard details of any amendments proposed by the United States to modify the permit limited missile defenses. At the end we didn't offer an amendment to the treaty.

Secretary of State Colin Powell acknowledged this fact in a letter dated May 2, 2002 after I wrote him in January to ask whether the United States had, in fact, ever presented Russia with any proposed amendments or modifications to the treaty. "The direct answer to your question," wrote Secretary Powell, "is that we did not table a proposed amendment to the ABM Treaty."

The administration has made much of the argument that the ABM Treaty was the reason we could not develop and test missile defense technologies adequately, and thus the treaty was keeping us defenseless against ballistic missiles.

Madam President, now that the ABM Treaty has ceased to exist, I expect the administration to assert that they are finally free to make unconstrained progress toward defenses against long-range ballistic. As one example, they plan to begin construction of a missile defense test facility in Alaska, even though that would have been permitted under the treaty. Congress authorized this construction last year, and they could have begun construction while the treaty was still in force. I expect they will also start to conduct a number of tests that would not have been permitted under the treaty, but which will not significantly advance the state of missile defense technology in the near term.

All this may make good political theater, but it will not suddenly make possible rapid progress toward effective missile defenses because it wasn't the treaty that was preventing such progress; If these technologies prove workable, it will still take many years of rigorous development, integration, testing, and refinement, and probably hundreds of billions of dollars, to produce operationally effective missile defenses—even without the ABM Treaty.

And or course, even if they prove to be technologically feasible and affordable, limited missile defenses still could be readily overwhelmed or spoofed by decoys and countermeasures that Russia or China might develop and possibly provide to others. In 1999, the intelligence community stated publicly that "Russia and China each have developed numerous countermeasures and probably are willing to sell the requisite technologies." This would only make the task of developing missile defenses more difficult, more time consuming and more expensive.

So although the ABM Treaty will come to an end after 30 years, its absence will not suddenly permit effective missile defenses. That task will remain inherently difficult, expensive, and time consuming.

Furthermore, there may be long-term consequences of our withdrawal that we cannot yet foresee, but which may make us less secure. For example, two weeks ago it was reported that Japanese officials indicated the possibility that Japan may feel a need to pursue its own nuclear weapons. This was in response to Japanese concerns about China's increasing nuclear forces, which in turn seems to be, at least in part, a Chinese response to our pursuit of defenses against long-range ballistic missiles. Our security will not be enhanced if China increases or accelerates its nuclear missile forces, or if Japan then decides to pursue its own nuclear weapons.

Madam President, this is just one recent example of the kind of repercussions or consequences that may result from our unilateral withdrawal from the ABM Treaty. Other nations will act in their own self interest, and if our actions make other nations feel less secure, they will act in a manner designed to preserve their security—even if it makes us less secure. In a world with nuclear weapons, the United States cannot be secure by making other nations feel insecure. If our ballistic missile defense efforts make other nations feel less secure, they could take actions that would reduce our security.

We cannot yet foresee all the long-term reverberations from our decision to withdraw from the ABM Treaty. By taking a unilateral approach, it makes it more likely that others will act unilaterally as well. That is not the best way to increase mutual security and international stability.

Madam President, I ask unanimous consent that the correspondence between Secretary of State Powell and myself on this matter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, May 2, 2002.
Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letters concerning our discussions with the Russians concerning an amendment of the Anti-Ballistic Missile (ABM) Treaty.

The direct answer to your question is that we did not table a proposed amendment to the ABM Treaty. Although we did have ideas on what an amendment might look like and discussed them at length with Russia, the discussions never reached the point that such a proposal would have been appropriate. We were prepared to entertain any proposal, to include an amendment, that would allow us to do the missile defense testing we needed to do. The Russians, in the end, made it clear that, in their view, such testing would be inconsistent with the Treaty and an amendment to permit such testing would vitiate the Treaty.

The way out of this impasse was for us to leave the Treaty as provided for by the Treaty. The Russians regretted our decision, but recognized our right to withdraw.

The President was faithful to his 1999 campaign statement. We spent ten months trying to find a way to conduct our testing within the Treaty, with or without amendment. We could not find a way to do so and we, therefore, are leaving the Treaty.

This issue is now behind us and we are working with the Russians on a new strategic framework.

Sincerely,

COLIN L. POWELL.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, February 20, 2002.
Hon. COLIN POWELL,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I received a letter dated February 4, 2002 (attached) from Paul Kelly, Assistant Secretary of State for Legislative Affairs in response to my letter to you dated January 10, 2002, regarding the Anti-Ballistic Missile (ABM) Treaty. Mr. Kelly's letter did not answer my questions.

These are important questions and I feel it is essential to receive clear written answers to them. To this end, I am asking you to provide answers to these questions.

1. Did the United States ever present to the Russian government any written proposal or proposals to amend or modify the ABM Treaty? If so, what specific proposal(s) did the U.S. present, where and on what date(s)?

2. If the United States did present any specific proposal(s) to the Russian government, what was the response of the Russian government to the U.S. proposal(s)?

3. If the United States did not ever present to the Russian government any proposals to modify or amend the ABM Treaty, please explain why that is the case, especially given President Bush's commitment to offer Russia "the necessary amendments" to the ABM Treaty.

I look forward to your answers to these questions.

Sincerely,

CARL LEVIN,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 4, 2002.
Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of January 10, regarding Russia concerning the Anti-Ballistic Missile (ABM) Treaty.

As you know, the Administration has been engaged in intensive discussions with the Russians on a broad range of strategic issues including the best way to meet the President's objective of moving beyond the ABM Treaty. The President made clear from his first meeting with President Putin last July, his determination to devise a new U.S. strategic posture better suited to meet today's threats. He explained how the ABM Treaty was hindering our government's ability to develop ways to protect people from future terrorist or rogue state missile attacks. We discussed with the Russians a number of ways in which we could devise a new structure that included the Treaty in many meetings over subsequent months but, in the end, we concluded that the best way to proceed was for the United States to withdraw unilaterally. We provided notification of our decision to withdraw from the ABM Treaty on December 13. As President Putin made clear, Russia disagreed with our decision, but was not surprised by it, and judged that it was not a threat to Russian security.

Our discussions with Russia on strategic reductions were given added impetus by President Bush's declarations of our intention to reduce our operationally deployed weapons to 1700–2200 and by President

Putin's positive response and similar intention.

We will be continuing our discussions with the Russians in the months ahead, with the objective of reaching further agreements codifying the strategic nuclear reductions we have both decided to undertake and providing for transparency and confidence-building measures relating to missile defenses.

We would be happy to provide additional briefings or information if you have further questions.

Sincerely,

PAUL V. KELLY,
Assistant Secretary,
Legislative Affairs.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 10, 2002.

Hon. COLIN POWELL,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: On September 23, 1999, at a speech at The Citadel, then-Governor and presidential candidate George W. Bush stated the following:

"At the earliest possible date, my Administration will deploy anti-ballistic missile systems, both theater and national to guard against attack and blackmail. To make this possible, we will offer Russia the necessary amendments to the Anti-Ballistic Missile Treaty—an artifact of the Cold war confrontation. . . . If Russia refuses the changes we will give prompt notice, under the provisions of the Treaty, that we can no longer be a party to it." (emphasis added)

On December 13, 2001, President Bush gave notice of his intent to withdraw the United States from the ABM Treaty. Please provide answers to the following questions:

Did the United States ever present to the Russian government any written proposal or proposals to amend or modify the ABM Treaty? If so, what specific proposal(s) did the U.S. present, where and on what date(s)?

If the United States did present any specific proposal(s) to the Russian government, what was the response of the Russian government to the U.S. proposal(s)?

If the United States did not ever present to the Russian government any proposals to modify or amend the ABM Treaty, please explain why that is the case, especially given President Bush's commitment to offer Russia "the necessary amendments" to the ABM Treaty.

I would appreciate your prompt response to these questions.

Sincerely,

CARL LEVIN,
Chairman.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred March 9, 2002 in Huntington Beach, CA. Aris Gaddvang, 25, a Filipino-American store manager, was beaten in a parking lot as he prepared to unload some merchandise. The assailants shouted racial slurs and yelled "white power" before beating him with metal pipes.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SERBIAN MINISTRY OF INTERIOR SUPPORT FOR CRIMINALS IN KOSOVO

Mr. McCONNELL. Madam President, the International Crisis Group, ICG, recently issued a report on the instability and unrest in Mitrovica caused, in part, by the Serbian Ministry of Interior's, MUP, support of parallel security and administrative structures in northern Kosovo.

According to the report, Serbian officials have publicly admitted to providing salaries to over 29,800 people in Kosovo, including Serb "bridgewatchers" over the river Ibar who were responsible for injuring 26 United Nations Missions in Kosovo, UNMIK, police officers in a shootout 2 months ago.

Five Americans serving with UNMIK were injured in that incident. While my thoughts and prayers are with the policemen as they recover, I find it completely unacceptable that Serbian government-backed goons have committed destabilizing acts of violence with virtual impunity. The bridgewatchers and other criminals in northern Kosovo must be brought to justice—a job perhaps best handled by UNMIK police officers backed by NATO-led KFOR troops.

Now is not the time for a change in U.S. policy toward Kosovo. America must publicly and forcefully condemn any covert or overt efforts to partition Mitrovica from the rest of Kosovo.

I encourage the State Department to find its voice on this issue, and to publicly condemn the actions of the bridgewatchers and their supporters in Belgrade. This issue should not be left to the gentle massage of quiet diplomacy—this is a cancer that must be treated in an aggressive and forthright manner.

It seems clear to me that if Serbia has 50,000,000 Euro to support the partition of Kosovo, the U.S. Congress should consider reducing future foreign assistance to Serbia by an equivalent amount.

The reformers in Serbia know they have my full support and encouragement. However, Serbia would be wise to invest its revenues in its own political, economic, legal, and social reforms rather than fomenting and sponsoring regional unrest.

ADDITIONAL STATEMENTS

DISABLED VETERAN OF THE YEAR

• Ms. MIKULSKI. Madam President, today I pay tribute to Thomas E. Bratten, Jr., the National Disabled American Veterans, DAV, Veteran of the Year. Captain Bratten has distinguished himself as a champion for veterans and the disabled throughout his career as a public servant and in his volunteer contributions to the community. Captain Bratten's dedication continues today through his service as the Secretary of Maryland's Department of Veterans Affairs.

As an Army artillery liaison officer in the Americal Division, the famous 1st Battalion 6th Infantry, Secretary Bratten served under Colonel Norman Schwarzkopf. They were serving together on May 28, 1970, when Secretary Bratten lost both his left arm and leg when a land mine exploded while they attempted to aid wounded soldiers. But that didn't prevent Secretary Bratten from continuing to serve his country.

Secretary Bratten has improved his nation and community through an impressive number of volunteer appointments. He served on the Garrett County Council on Alcohol and Drug Abuse, the Governor's Commission for Employment of the Handicapped, the Governor's Commission to Study the Needs of the Handicapped, the Maryland World War II Memorial Commission, the Maryland Military Monument Commission, and the Maryland Veterans Memorial Commission.

As one of Maryland's most highly decorated veterans, Secretary Bratten boasts life membership in nine congressionally chartered veterans organizations, including the Military Order of Foreign Wars, the Americal Veterans Association and the distinguished Military Order of the Purple Heart. He has served as the Director of the Maryland Veterans Commission, is a member of the National Association of State Directors of Veterans Affairs, and has sat on countless other committees dedicated to improving the lives of America's veterans.

I am so proud of Tom. His record of service in America's military and in Maryland civic life as an advocate for veterans and the disabled are unique and unparalleled. He is the best example of what Marylanders can accomplish when they dedicate themselves to their communities, state, and country, no matter what the circumstances. He has served America with honor. I congratulate Tom as he continues to bear the mantle of leadership and service as the DAV's veteran of the year.•

ROCKY FLATS SECURITY TEAM—SIMPLY THE BEST

• Mr. ALLARD. Madam President, I am proud to announce that the Rocky

Flats Closure Project security team was named the DOE's "Team of the Year" by placing first out of 12 teams representing nuclear facilities at the 30th Annual Security Police Officer Training Competition at Oak Ridge, TN earlier this month. The Wackenhut Services security police officers team competed against a team from the United Kingdom Atomic Energy Act Constabulatory, teams from the U.S. Marine Corps and the U.S. Air Force, teams from the Office of Transportation Safeguards, and law enforcement teams. The competitions tested the teams' skills in combat shooting, physical fitness, and tactical obstacle courses. The Rocky Flats team demonstrated their ability to respond effectively to a situation with superior teamwork and decisiveness.

I would like to congratulate Rocky Flats Wackenhut Services team members Muhtalar Dickson of Aurora, Chris Duran of Denver, Todd Harrison of Erie, Randy Irmer of Colorado Springs, Jim Krause of Westminister, and Chris Welseler of Highlands Ranch. These Rocky Flats employees are currently involved in the cleanup and closure of the plant, which involves nuclear material management and shipment, nuclear deactivation and decommissioning, waste management and shipment, and environmental cleanup and site closure. As always, the employees at Rocky Flats are making and keeping Coloradans proud.●

TRIBUTE TO KAHUKU HIGH AND INTERMEDIATE SCHOOL

● Mr. INOUYE. Madam President, I wish to pay tribute to Kahuku High and Intermediate School for its successful participation in the We the People: The Citizen and the Constitution national competition. Kahuku recently won the top award in the contest's Unit 3 category called "How the Values and Principles Embodied in the Constitution Shaped American Institutions and Practices."

The three-day competition, sponsored by the Center for Civic Education in Washington, DC, provided an opportunity for students throughout the country to apply constitutional principles and historical facts to contemporary situations. The Kahuku students joined hundreds of other students nationwide in illustrating their knowledge of the Constitution and the Bill of Rights before simulated congressional committees made up of constitutional scholars, lawyers, journalists, and government leaders. Students who participate in this program honor the rights afforded them by the Constitution, and they accept and practice their civic responsibilities.

The 2001–2002 Kahuku High and Intermediate School team included the following students: Ashton Alvarez, Marisa Becker, Jenna Bjorn, Elizabeth Burroughs, Amanda Chew, Jonathan Ditto, Marissa Hontanosas, Heather Huff, Ji Hye Jean, Sondra Kahawaii, Alisi Langi, Solomon Lee, Emily Lowe, Sienna Palmer, Michelle Sauque, Jessica Savini, Starlyn Taylor, Wilson Unga, Keilani Yang.

Hawaii is proud of these students' award-winning performance. I commend them for their hard work in pursuit of worthy goals. I hope that their knowledge and understanding of America's ideals and values will guide them as they become our future leaders.

My colleagues may be interested to know that a team from Kahuku High and Intermediate School represented Hawaii in eight of the past 10 national competitions. Their success is a testament to the inspirational efforts of Kahuku High and Intermediate School teacher Sandra Cashman. I also wish to acknowledge the contributions of District Coordinator Sharon Kaohi and State Coordinator Lyla Berg.●

THOMAS A. ATHENS

● Mr. DURBIN. Madam President, it is with sadness that I speak today about the death of a distinguished citizen of Illinois, Thomas A. Athens, who is survived by his wife, Irene, and their three children. Mr. Athens had a lifetime of outstanding achievement and service to God, this great nation, his home state of Illinois, and his fellow countrymen.

A native of Chicago, Mr. Athens attended Northwestern University and then served in the United States Army during the Second World War. Outside of his military service, Mr. Athens strove constantly to be engaged in philanthropic activity. Whether it was the Greek Orthodox Church, the United Hellenic American Congress, UHAC, or the National Steel Distributors, Mr. Athens used his time and magnetic personality to build and support these organizations.

As a member of the Board of Directors and finance chairman of UHAC since 1975, Mr. Athens' dynamism helped the group to stay true to the ideals and traditions of Hellenism, while reaching sound levels of financial stability. He also served as the National Treasurer of the Association of Steel Distributors, receiving its Steel Man of the year Award in 1969. In addition, Mr. Athens has served as the National Chairman of the Lake Forest College Parent's Fund and is an Honorary Trustee of Deree-Pierce College.

Mr. Athens had a deep-seated passion for his Church. He was a founding member of the Archbishop Iakovos Leadership 100 Fund, an endowment fund for the Greek Orthodox Archdiocese in America and was instrumental in building its initial member base. He was also a founder of Saints Peter and Paul Greek Orthodox Church in Glenview, Illinois, and served on the parish council for many years. Mr. Athens has been the recipient of numerous awards, demonstrative of his passion for service to his Church and community. Among the many have been The Ellis Island Medal of Honor Award in 1999 and the Knighthood of Mikros Stravroforos of the Knights of the Orthodox Crossbearers of the All-Holy Sepulchre recognition from the Patriarchate of Jerusalem in 1982. He has also received the Medal of St. Andrews in 1980 and the Medal of St. Paul in 1979 from the Greek Orthodox Archdiocese and the office of "Archon Deputatos" from the Ecumenical Patriarchate of Constantinople in 1977.

Mr. Athens, along with his brother Andrew, co-founded Metron Steel Corporation, one of the largest independent steel service centers, in 1950. He served as the Executive Vice President until he retired in 1985.

The Greek-American community and the people of Illinois have lost someone who spent his life making a contribution to the values and organizations he loved. And many of us have lost a friend.●

NATIONAL FACILITY OF THE YEAR AWARD

● Mr. HOLLINGS. Madam President, I wish to congratulate the hard working employees of the Columbia Air Traffic Control Tower, which was selected as the National Facility of the Year for ATC level 7. The award will be presented to them on Wednesday, June 26, 2002.

These controllers have shown a distinct dedication to their work and should be very proud of this high honor. The award is given annually to the Air Traffic Control Tower which demonstrates superiority in operational efficiency, customer service, communications, employee development, external relations, resource management and human relations. The professionalism and positive employee morale of the Columbia ATC Tower were also cited as factors in honoring them with this award.

In this time of threat to our nation, I am very proud of the Columbia Air Traffic Controllers in South Carolina for receiving such an award and setting a new standard for the rest of the nation.

I greatly appreciate their hard work over the past year. I am confident that they will continue to operate in a superior manner and know they understand that the citizens of this country appreciate what they do. I know I do every time I fly in and out of Columbia, our State Capital.●

TRIBUTE TO TOBY MILBERG NEEDLER

● Mrs. CLINTON. Madam President, I rise today to honor Toby Milberg Needler, an outstanding New Yorker, who has served the students of New York City's public schools for more than 30 years. On June 27, 2002, Ms. Needler will retire from her position as Vice Principal of the esteemed Washington Irving High School where she also served as Director of the school's distinguished Arts program.

The success of the Arts Program is largely the result of Ms. Needler's dedication and resolve. Skillfully combining the support of private business with her education plan, established an inspiring level of credibility with her supervisors and peers. This greatly benefited the program she both developed and administered.

She was most revered, however, for the special relationships she developed with her students. Ms. Needler has been a listener, a protector, an advocate and a constant source of energy for young people who confront the challenges that adolescence may bring.

Ms. Needler's career is marked by her creative effort to integrate the world of arts into the lives of her students. Many of those who are familiar with the Washington Irving High School's Arts Program, attribute its success to Ms. Needler's vision, hard work and commitment. Since her arrival the program has expanded beyond bounds. Nearly 100 percent of its graduates are admitted to four-year colleges. We owe a great debt of gratitude to Ms. Needler's dedication.

Ms. Needler's legacy will endure in the hearts and minds of those whose lives she touched. I commend Ms. Needler for her tremendous achievements. She exemplifies the high-quality of teaching and public service that we aspire to instill in all those dedicated individuals entrusted with the education of our nation's young people.●

RECOGNITION OF NATIONAL BLUE RIBBON SCHOOLS IN MARYLAND

● Mr. SARBANES. Madam President, I am proud to recognize the four schools throughout Maryland that were selected as Blue Ribbon School Award winners in 2002. These schools are among only 172 schools nationwide to be honored with this award, the most prestigious national school recognition for public and private schools.

According to the Department of Education, Blue Ribbon Schools have been judged to be particularly effective in meeting local, state and national goals. These schools also display the qualities that are necessary to prepare our young people for the challenges that will face our nation in the years to come. Blue Ribbon status is awarded to schools which have strong leadership; a school community with a clear vision and shared sense of mission; high-quality teaching; a challenging and up-to-date curriculum; policies and practices that ensure a safe and learning conducive environment; a solid commitment to family involvement; evidence that the school helps students achieve high standards; and a commitment to share best practices with other schools.

The designation as a Blue Ribbon School is a ringing endorsement of the successful practices that enable the students of these schools to succeed and achieve. After a screening process by appropriate state and local departments, the Blue Ribbon School nominations were forwarded to the U.S. Department of Education. A panel of outstanding educators from around the country then reviewed the nominations, selected schools for site visits, and made recommendations to the Secretary of Education.

Over the past few years, I have tried to visit Blue Ribbon Schools in my State and have always been delighted to witness the strong interaction between parents, teachers, and the community, a characteristic shared by all of these successful schools. As I carry out my visits, I look forward to personally congratulating the students, teachers and staff for achieving this exceptional accomplishment.

The four winning Maryland schools are:

Our Lady of Good Counsel, located in Montgomery County, is an outstanding example of a school willing to go to great lengths to prepare its students for higher education. Good Counsel prides itself on the quality of its academic offerings, faculty, students, and unique community spirit. In an effort to ensure all students are college-ready, Good Counsel undertook an immense mission when it established the Ryken Program: a college preparatory program for motivated students with learning disabilities. Unique to Good Counsel, compared to other private schools in the metro area, is its progressive integration of technology into the classroom, including three state-of-the-art computer labs, seven departmental technology rooms, and a laptop in each classroom. The successes that Good Counsel graduates find in college and careers attest to the school's overall excellence.

Phillips School, Laurel, has been a staple of special education, providing services to students with a variety of learning, emotional, and behavioral disorders for over 30 years. Phillips School greets the challenge of teaching children with special needs with open arms, addressing not only the needs of the student, but the needs of the family as well. The Phillips staff also includes related service personnel, so that working with students is a team effort and the needs of each and every student are addressed throughout the entire school day. By providing a program of education, family support services, community education and advocacy in a supportive environment, Phillips works hard to ensure its students will be able to succeed in the next stage of life.

Thomas Spriggs Wootton High, located in Montgomery County, is a public high school dedicated to college preparedness and high student motivation. Established in 1970, Wootton has a long history of excellence in academics and student participation. Wootton strives to create an exceptional learning environment supporting pride and achievement. Student involvement has been one of the primary focuses at Wootton in recent years, encouraging students not only to participate in school activities themselves, but also to lead others. Historically, 90 percent of Wootton graduates go on to attend college. This statistic is a direct reflection of the school wide dedication of Wootton staff to work with all students to support and ensure their success. As Wootton's enrollment and diversity expand, it continues its dedication to ensuring all students excel.

Windsor Knolls Middle School, located in Frederick County, is a public middle school embodying a challenging, multifaceted learning community. Their strong commitment to success is easily demonstrated by student statistics, high scores on the CRES tests, Maryland Functional tests, CTBS, and MSPAP tests. However, a better understanding of the excellence at Windsor Knolls can be gained by observing students. They are consistently immersed into a world of education through programs involving cultural awareness, character education, community interaction, and many other groundbreaking programs. These techniques and outstanding dedication by the community are key to Windsor Knolls' consistent success.

Again, I congratulate all of the students, teachers and parents from these outstanding schools for receiving the National Blue Ribbon School Award. It is a well-deserved tribute to their dedication and enthusiasm for learning. As the school year closes, I wish all of them an enriching and restful summer and continued success in the future.●

DRAFT OF PROPOSED LEGISLATION ENTITLED "HOMELAND SECURITY ACT OF 2002"—PM 92

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Government Affairs:

To the Congress of the United States:

I hereby transmit to the Congress proposed legislation to create a new Cabinet Department of Homeland Security.

Our Nation faces a new and changing threat unlike any we have faced before—the global threat of terrorism. No nation is immune, and all nations must act decisively to protect against this constantly evolving threat.

We must recognize that the threat of terrorism is a permanent condition, and we must take action to protect America against the terrorists that seek to kill the innocent.

Since September 11, 2001, all levels of government and leaders from across the political spectrum have cooperated like never before. We have strengthened our aviation security and tightened our borders. We have stockpiled medicines to defend against bioterrorism and improved our ability to combat weapons of mass destruction. We have dramatically improved information sharing among our intelligence agencies, and we have taken new steps to protect our critical infrastructure.

Our Nation is stronger and better prepared today than it was on September 11. Yet, we can do better. I propose the most extensive reorganization of the Federal Government since the 1940s by creating a new Department of Homeland Security. For the first time we would have a single Department whose primary mission is to secure our homeland. Soon after the Second World War, President Harry Truman recognized that our Nation's fragmented military defenses needed reorganization to help win the Cold War. President Truman proposed uniting our military forces under a single entity, now the Department of Defense, and creating the National Security Council to bring together defense, intelligence, and diplomacy. President Truman's reforms are still helping us to fight terror abroad, and today we need similar dramatic reforms to secure our people at home.

President Truman and Congress reorganized our Government to meet a very visible enemy in the Cold War. Today our nation must once again reorganize our Government to protect against an often-invisible enemy, an enemy that hides in the shadows and an enemy that can strike with many different types of weapons. Our enemies seek to obtain the most dangerous and deadly weapons of mass destruction and use them against the innocent. While we are winning the war on terrorism, Al Qaeda and other terrorist organizations still have thousands of trained killers spread across the globe plotting attacks against America and the other nations of the civilized world.

Immediately after last fall's attack, I used my legal authority to establish the White House Office of Homeland Security and the Homeland Security Council to help ensure that our Federal response and protection efforts were coordinated and effective. I also directed Homeland Security Advisor Tom Ridge to study the Federal Government as a whole to determine if the current structure allows us to meet the threats of today while preparing for the unknown threats of tomorrow. After careful study of the current structure, coupled with the experience gained since September 11 and new information we have learned about our enemies while fighting a war, I have concluded that our Nation needs a more unified homeland security structure.

I propose to create a new Department of Homeland Security by substantially transforming the current confusing patchwork of government activities into a single department whose primary mission is to secure our homeland. My proposal builds on the strong bipartisan work on the issue of homeland security that has been conducted by Members of Congress. In designing the new Department, my Administration considered a number of homeland security organizational proposals that have emerged from outside studies, commission, and members of Congress.

THE NEED FOR A DEPARTMENT OF HOMELAND SECURITY

Today no Federal Government agency has homeland security as its primary mission. Responsibilities for homeland security are dispersed among more than 100 different entities of the Federal Government. America needs a unified homeland security structure that will improve protection against today's threats and be flexible enough to help meet the unknown threats of the future.

The mission of the new Department would be to prevent terrorist attacks within the United States, to reduce America's vulnerability to terrorism, and to minimize the damage and recover from attacks that may occur. The Department of Homeland Security would mobilize and focus the resources of the Federal Government, State and local governments, the private sector, and the American people to accomplish its mission.

The Department of Homeland Security would make Americans safer because for the first time we would have one department dedicated to securing the homeland. One department would secure our borders, transportation sector, ports, and critical infrastructure. One department would analyze homeland security intelligence from multiple sources, synthesize it with a comprehensive assessment of America's vulnerabilities, and take action to secure our highest risk facilities and systems. One department would coordinate communications with State and local governments, private industry, and the American people about threats and preparedness. One department would coordinate our efforts to secure the American people against bioterrorism and other weapons of mass destruction. One department would help train and equip our first responders. One department would manage Federal emergency response activities.

Our goal is not to expand Government, but to create an agile organization that takes advantage of modern technology and management techniques to meet a new and constantly evolving threat. We can improve our homeland security by minimizing the duplication of efforts, improving coordination, and combining functions that are currently fragmented and inefficient. The new Department would allow us to have more security officers in the field working to stop terrorists and fewer resources in Washington managing duplicative activities that drain critical homeland security resources.

The Department of Homeland Security would have a clear and efficient organizational structure with four main divisions: Border and Transportation Security; Emergency Preparedness and Response; Chemical, Biological, Radiological and Nuclear Countermeasures; and Information Analysis and Infrastructure Protection.

BORDER AND TRANSPORTATION SECURITY

Terrorism is a global threat and we must improve our border security to help keep out those who mean to do us harm. We must closely monitor who is coming into and out of our country to help prevent foreign terrorists from entering our country and bringing in their instruments of terror. At the same time, we must expedite the legal flow of people and goods on which our economy depends. Securing our borders and controlling entry to the United States has always been the responsibility of the Federal Government. Yet, this responsibility and the security of our transportation systems is now dispersed among several major Government organizations. Under my proposed legislation, the Department of Homeland Security would unify authority over major Federal security operations related to our borders, territorial waters, and transportation systems.

The Department would assume responsibility for the United States Coast Guard, the United States Customs Service, the Immigration and Naturalization Service (including the Border Patrol), the Animal and Plant Health Inspection Service, and the Transportation Security Administration. The Secretary of Homeland Security would have the authority to administer and enforce all immigration and nationality laws, including the visa issuance functions of consular officers. As a result, the Department would have sole responsibility for managing entry into the United States and protecting our transportation infrastructure. It would ensure that all aspects of border control, including the issuing of visas, are informed by a central information-sharing clearinghouse and compatible databases.

EMERGENCY PREPAREDNESS AND RESPONSE

Although our top priority is preventing future attacks, we must also prepare to minimize the damage and recover from attacks that may occur.

My legislative proposal requires the Department of Homeland Security to ensure the preparedness of our Nation's emergency response professionals, provide the Federal Government's response, and aid America's recovery from terrorist attacks and natural disasters. To fulfill these missions, the Department of Homeland Security would incorporate the Federal Emergency Management Agency (FEMA) as one of its key components. The Department would administer the domestic disaster preparedness grant programs for firefighters, police, and emergency personnel currently managed by FEMA, the Department of Justice, and the Department of Health and Human Services. In responding to an incident, the Department would manage such critical response assets as the Nuclear Emergency Search Team (from the Department of Energy) and the National Pharmaceutical Stockpile (from the Department of Health and Human Services). Finally, the Department of Homeland Security would integrate the Federal interagency emergency response plans into a single, comprehensive, Government-wide plan, and would work to ensure that all response personnel have the equipment and capability to communicate with each other as necessary.

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR COUNTERMEASURES

Our enemies today seek to acquire and use the most deadly weapons known to mankind—chemical, biological, radiological and nuclear weapons.

The new Department of Homeland Security would lead the Federal Government's efforts in preparing for and responding to the full range of terrorist threat involving weapons of mass destruction. The Department would set national policy and establish guidelines for State and local governments. The Department would direct exercises for Federal, State, and local chemicals, biological, radiological, and nuclear attack response teams and plans. The Department would consolidate and synchronize the disparate efforts of multiple Federal agencies now scattered across several departments. This would create a single office whose primary mission is the critical task of securing the United States from catastrophic terrorism.

The Department would improve America's ability to develop diagnostics, vaccines, antibodies, antidotes, and other countermeasures against new weapons. It would consolidate and prioritize the disparate homeland security-related research and development programs currently scattered throughout the executive branch, and the Department would assist State and local public safety agencies by evaluating equipment and setting standards.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

For the first time the Government would have under one roof the capability to identify and assess threats to the homeland, map those threats against our vulnerabilities, issue timely warnings, and take action to help secure the homeland.

The Information Analysis and Infrastructure Protection division of the new Department of Homeland Security would complement the reforms on intelligence-gathering and information-sharing already underway at the FBI and the CIA. The Department would analyze information and intelligence from the FBI, CIA, and many other Federal agencies to better understand the terrorist threat to the American homeland.

The Department would comprehensively assess the vulnerability of America's key assets and critical infrastructure, including food and water systems, agriculture, health systems and emergency services, information and telecommunications, banking and finance, energy, transportation, the chemical and defense industries, postal and shipping entities, and national monuments and icons. The Department would integrate its own and others' threat analyses with its comprehensive vulnerability assessment to identify protective priorities and support protective steps to be taken by the Department, other Federal departments and agencies, State and local agencies, and the private sector. Working closely with State and local officials, other Federal agencies, and the private sector, the Department would help ensure that proper steps are taken to protect high-risk potential targets.

OTHER COMPONENTS

In addition to these four core divisions, the submitted legislation would also transfer responsibility for the Secret Service to the Department of Homeland Security. The Secret Service, which would report directly to the Secretary of Homeland Security, would retain its primary mission to protect the President and other Government leaders. The Secret Service would, however, contribute its specialized protective expertise to the fulfillment of the Department's core mission.

Finally, under my legislation, the Department of Homeland Security would consolidate and streamline relations with the Federal Government for America's State and local governments. The new Department would contain an intergovernmental affairs office to coordinate Federal homeland security programs with State and local officials. It would give State and local officials one primary contact instead of many when it comes to matters related to training, equipment, planning, and other critical needs such as emergency response.

The consolidation of the Government's homeland security efforts as outlined in my proposed legislation can achieve great efficiencies that further enhance our security. Yet, to achieve these efficiencies, the new Secretary of Homeland Security would require considerable flexibility in procurement, integration of information technology systems, and personnel issues. My proposed legislation provides the Secretary of Homeland Security with just such flexibility and managerial authorities. I call upon the congress to implement these measures in order to ensure that we are maximizing our ability to secure our homeland.

CONTINUED INTERAGENCY COORDINATION AT THE WHITE HOUSE

Even with the creation of the new Department, there will remain a strong need for a White House Office of Homeland Security. Protecting America from Terrorism will remain a multi-departmental issue and will continue to require interagency coordination. Presidents will continue to require the confidential advice of a Homeland Security Advisor, and I intend for the White House Office of Homeland Security and the Homeland Security Council to maintain a strong role in coordinating our government-wide efforts to secure the homeland.

THE LESSONS OF HISTORY

History teaches us that new challenges require new organizational structures. History also teaches us that critical security challenges require clear lines of responsibility and the unified effort of the U.S. Government.

President Truman said, looking at the lessons of the Second World War: "It is now time to discard obsolete organizational forms, and to provide for the future the soundest, the most effective, and the most economical kind of structure for our armed forces." When skeptics told President Truman that this proposed reorganization was too ambitious to be enacted, he simply replied that it had to be. In the years to follow, the Congress acted upon President Truman's recommendation, eventually laying a sound organizational foundation that enabled the United states to win the Cold War. All Americans today enjoy the inheritance of this landmark organizational reform: a unified Department of Defense that has become the most powerful force for freedom the world has ever seen.

Today America faces a threat that is wholly different from the threat we faced during the Cold War. Our terrorist enemies hide in shadows and attack civilians with whatever means of destruction they can access. But as in the Cold War, meeting this threat requires clear lines of responsibility and the unified efforts of government at all levels—Federal, State, local, and tribal—the private sector, and all Americans. America needs a homeland security establishment that can help prevent catastrophic attacks and mobilize national resources for an enduring conflict while protecting our Nation's values and liberties.

Years from today, our world will still be fighting the threat of terrorism. It is my hope that future generations will be able to look back on the Homeland Security Act of 2002—as we now remember the National Security Act of 1947—as the solid organizational foundation for America's triumph in a long and difficult struggle against a formidable enemy.

History has given our Nation new challenges—and important new assignments. Only the United States Congress can create a new department of Government. We face an urgent need, and I am pleased that congress has responded to my call to act before the end of the current congressional session with the same bipartisan spirit that allowed us to act expeditiously on legislation after September 11.

These are times that demand bipartisan action and bipartisan solutions to meet the new and changing threats we face as a Nation. I urge the Congress to join me in creating a single, permanent department with an overriding and urgent mission—securing the homeland of America and protecting the American people. Together we can meet this ambitious deadline and help ensure that the American homeland is secure against the terrorist threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 18, 2002.*

MESSAGE FROM THE HOUSE

At 11:54 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1906. An act to amend the Act that established the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of that park.

H.R. 3936. An act to designate and provide for the management of the James. V. Shoshone National Trail, and for other purposes.

H.R. 4103. An act to direct the Secretary of the Interior to transfer certain public lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 340. Concurrent resolution supporting the goals and ideals of Meningitis Awareness Month.

H. Con. Res. 415. Concurrent resolution recognizing National Homeownership Month and the importance of homeownership in the United States.

At 6:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3275) to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1906. An act to amend the Act that established the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of that park; to the Committee on Energy and Natural Resources.

H.R. 3936. An act to designate and provide for the management of the Shoshone National Trail, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4103. An act to direct the Secretary of the Interior to transfer certain public lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 340. Concurrent resolution supporting the goals and ideals of Meningitis Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 415. Concurrent resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Banking, Housing, and Urban Affairs.

The Committee on Veterans Affairs was discharged from further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 1272. A bill to assist United States veterans who were treated as slave laborers while held as prisoners of war by Japan during World War II, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7474. A communication from the Commissioner, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Definitions: Electronic, Computer or Other Technologic Aid; Electronic or Electromechanical Facsimile; Game Similar to Bingo" (RIN3141–AA10) received on June 12, 2002; to the Committee on Indian Affairs.

EC–7475. A communication from the Acting Director, Office of Regulatory Law, Veteran's Health Administration, Department of Veteran's Affairs, transmitting, pursuant to law, the report of a rule entitled "Medical Benefits Package; Copayments for Extended Care Service" (RIN2900–AK32) received on June 11, 2002; to the Committee on Veterans' Affairs.

EC–7476. A communication from the Director, Endangered Species, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Listing the Chiricahua leopard frog with a special rule" (RIN1018–AF41) received on June 11, 2002; to the Committee on Environment and Public Works.

EC–7477. A communication from the General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation to provide voluntary separation payment authority to the Secretary of Commerce in connection with reorganization of the Economic Development Administration (EDA); to the Committee on Environment and Public Works.

EC–7478. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Service, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Burn Model System Projects, Burn Data Center, and Traumatic Brain Injury Model Systems Program" (CFDA Number 84.133A) received on June 11, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7479. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Department's 2001 inventory of activities that are not inherently governmental functions as required by section 2 of the Federal Activities Inventory Reform (FAIR) Act; to the Committee on Governmental Affairs.

EC–7480. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, a supplement to the Court's Transition Plan submitted on April 5, 2002 pursuant to the Family Court Act of 2001; to the Committee on Governmental Affairs.

EC–7481. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Limitations on Incremental Funding and Deobligations on Grants, and Elimination of Delegation of Closeout of Grants and Cooperative Agreements to Office of Naval Research (ONR)" (RIN2700–AC51) received on June 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7482. A communication from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Office of Research and Applications Notice of Financial Assistance to Establish a Cooperative Institute for Research in Remote Sensing" (RIN0648–ZB18) received on June 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7483. A communication from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners" (RIN1219–AA28) received on June 14, 2002; to the Committee on Energy and Natural Resources.

EC–7484. A communication from the Director of the Office of Surface Mining, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Kentucky Regulatory Program” (KY-222-FOR) received on June 14, 2002; to the Committee on Energy and Natural Resources.

EC-7485. A communication from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Special Regulations, Delay of Effective Date” (RIN1024-AC82) received on June 17, 2002; to the Committee on Energy and Natural Resources.

EC-7486. A communication from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Parks Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “National Capital Region, Special Regulations” (RIN1024-AC76) received on June 17, 2002; to the Committee on Energy and Natural Resources.

EC-7487. A communication from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Parks Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Concessions Contracts” (RIN1024-AC88) received on June 17, 2002; to the Committee on Energy and Natural Resources.

EC-7488. A communication from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Parks Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “National Natural Landmarks Program” (RIN1024-AB96) received on June 17, 2002; to the Committee on Energy and Natural Resources.

EC-7489. A communication from the Deputy Secretary of Defense, transmitting, the approval of a retirement; to the Committee on Armed Services.

EC-7490. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report on Activities Relating to Defense Nuclear Facilities Safety Board for calendar year 2001; to the Committee on Armed Services.

EC-7491. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to the management and operations of the Department of Defense; to the Committee on Armed Services.

EC-7492. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (44 CFR Part 67) received on June 11, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7493. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Condensation Control for Exterior Walls of Manufactured Homes Sited in Humid and Fringe Climate; Waiver” (FR-4578-F-02) received on June 11, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7494. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Annual Report on Retail Fees and Services of Depository Institutions dated June 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7495. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Rules Governing Availability of Information” received on June 13, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7496. A communication from the President of the United States, transmitting, pursuant to law, a notification relative to the designation of Deanna Tanner Okun as Chairman and Jennifer Anne Hillman as Vice Chairman of the United States International Trade Commission, effective June 17, 2002; to the Committee on Finance.

EC-7497. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination number 2002-23, relative to Suspension of Limitations under the Jerusalem Embassy Act; to the Committee on Foreign Relations.

EC-7498. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-7499. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-7500. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-7501. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-7502. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-7503. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “The Application of Section 125 in Mergers and Acquisitions” (Rev. Rul. 2002-32) received on June 11, 2002; to the Committee on Finance.

EC-7504. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Capitalized Cost Reduction Payments” (Rev. Rul. 2002-36) received on June 12, 2002; to the Committee on Finance.

EC-7505. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Automatic Enrollment Under Section 125” (Rev. Rul. 2002-27) received on June 12, 2002; to the Committee on Finance.

EC-7506. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Suspension of Requirement to File Form 8390 (Information Return for Determination of Life Insurance Company Earnings Under Section 809)” (Notice 2002-33) received on June 12, 2002; to the Committee on Finance.

EC-7507. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Contingent Convertible Debt Instruments—Request for Comments” (Notice 2002-36, 2002-22 IRB) received on June 12, 2002; to the Committee on Finance.

EC-7508. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Contingent Convertible Debt Instrument” (Rev. Rul. 2002-31, 2002-22 IRB) received on June 12, 2002; to the Committee on Finance.

EC-7509. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “TD 8971: New Markets Tax Credit” (RIN1545-BA49) received on June 12, 2002; to the Committee on Finance.

EC-7510. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “North Dakota State University v. United States” received on June 12, 2002; to the Committee on Finance.

EC-7511. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—January 2002” (Rev. Rul. 2002-2) received on June 12, 2002; to the Committee on Finance.

EC-7512. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Allocation of National Limitations for Qualified Zone Academy Bonds for Year 2002” (Rev. Proc. 2002-25) received on June 12, 2002; to the Committee on Finance.

EC-7513. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Transfers of Deferred Compensation Incident to Divorce” (Rev. Rul. 2002-22) received on June 12, 2002; to the Committee on Finance.

EC-7514. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “IRS Announces that the Industry Issue Resolution Program Is Being Made Permanent” (Notice 2002-20, 2002-17IRB) received on June 12, 2002; to the Committee on Finance.

EC-7515. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2001 Nonconventional Source Fuel Credit” (Notice 2002-30) received on June 12, 2002; to the Committee on Finance.

EC-7516. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Hospital Refinancing Bonds Closing Agreement Announcement” (RIN1545-BA46) received on June 12, 2002; to the Committee on Finance.

EC-7517. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “National Median Gross Income 2002 Revenue Procedure” (Rev. Proc. 2002-24) received on June 12, 2002; to the Committee on Finance.

EC–7518. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Revenue Procedure 2001-4" (Rev. Proc. 2002-4) received on June 12, 2002; to the Committee on Finance.

EC–7519. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Revenue Procedure 2001-8" received on June 12, 2002; to the Committee on Finance.

EC–7520. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notional Principal Contract Tax Shelter" (Notice 2002-35, 2002-21) received on June 12, 2002; to the Committee on Finance.

EC–7521. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notional Principal Contracts" (Rev. Rul. 2002-30, 2002-21 IRB) received on June 12, 2002; to the Committee on Finance.

EC–7522. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2002-23" received on June 12, 2002; to the Committee on Finance.

EC–7523. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Maquiladora—IRC sec. 1504(d)" (UIL 1504-00-00) received on June 12, 2002; to the Committee on Finance.

EC–7524. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treaty Guidance Regarding Payments with Respect to Domestic Reverse Hybrid Entities" (RIN1545–AY13; TD8999) received on June 13, 2002; to the Committee on Finance.

EC–7525. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Valuation of Options for Golden Parachute Payments" (Rev. Proc. 2002-45) received on June 14, 2002; to the Committee on Finance.

EC–7526. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "NYC Accidental Death Benefits" (Rev. Rul. 2002-39) received on June 14, 2002; to the Committee on Finance.

EC–7527. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Professional Employer Organizations, Employee Leasing and Defined Contribution Plans" (Rev. Proc. 2002-21) received on June 14, 2002; to the Committee on Finance.

EC–7528. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Regulations (REG–209601-92), Taxation of Tax-Exempt Organizations' Income from Corporate Sponsorship" (RIN1545–BA68; TD8991) received on June 14, 2002; to the Committee on Finance.

EC–7529. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance under Section 355(e); Recognition of Gain on Certain Distribution of Stock or Securities in Connection with an Acquisition" ((RIN1545–BA55)(RIN1545–AY42)) received on June 14, 2002; to the Committee on Finance.

EC–7530. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Accounting Method Allowed for Some Small Taxpayers" (Rev. Proc. 2002-28) received on June 14, 2002; to the Committee on Finance.

EC–7531. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Minimum Distributions—Reporting Requirements under Final Regulations" (Notice 2002-27) received on June 14, 2002; to the Committee on Finance.

EC–7532. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—May 2002" (Rev. Rul. 2002-25) received on June 14, 2002; to the Committee on Finance.

EC–7533. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Required Distributions from Retirement Plans" ((RIN1545–AY69)(RIN1545–AY70; TD8987)) received on June 14, 2002; to the Committee on Finance.

EC–7534. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Medicaid Managed Care; Withdrawal of Final Rule with Comment Period" (RIN0938–AL83) received on June 13, 2002; to the Committee on Finance.

EC–7535. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Medicaid Managed Care; New Provisions" (RIN0938–AK96) received on June 13, 2002; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mrs. MURRAY):

S. 2631. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 2632. A bill to provide an equitable formula for computing the annuities of surviving spouses of members of the uniformed services who died entitled to retired or retainer pay but before the Survivor Benefit Plan existed or applied to the members, and for other purposes; to the Committee on Armed Services.

By Mr. BIDEN (for himself and Mr. GRASSLEY):

S. 2633. A bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purpose; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 2634. A bill to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative Program, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 2635. A bill to establish the Hudson-Fulton-Champlain Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI (for himself, Mr. HOLLINGS, and Mr. CORZINE):

S. 2636. A bill to ensure that the Secretary of the Army treats recreation benefits the same as hurricane and storm damage reduction benefits and environmental protection and restoration; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself, Mr. SMITH of Oregon, Mr. ALLEN, and Mr. WARNER):

S. 2637. A bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund and 1992 Benefit Plan by providing additional sources of revenue to the Fund and Plan, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY:

S. 2638. A bill to encourage health care facilities, group health plans, and health insurance issuers to reduce administrative costs, and to improve access, convenience, quality, and safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself and Mr. CORZINE):

S. 2639. A bill to provide health benefits for workers and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 2640. A bill to provide for adequate school facilities in Yosemite National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mr. BAUCUS, Ms. CANTWELL, Mr. DAYTON, and Mr. WELLSTONE):

S. 2641. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. BAYH):

S. 2642. A bill to require background checks of alien flight school applicants without regard to the maximum certificated weight of the aircraft for which they seek training, and to require a report on the effectiveness of the requirement; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Res. 287. A resolution congratulating the Detroit Red Wings on winning the 2002 National Hockey League Stanley Cup Championship and again bringing the Cup home to Hockeytown; considered and agreed to.

ADDITIONAL COSPONSORS

S. 677

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 701

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to provide special rules for the charitable deduction for conservation contributions of land by eligible farmers and ranchers, and for other purposes.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 999

At the request of Mr. BINGAMAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1329

At the request of Mr. JEFFORDS, the names of the Senator from Georgia (Mr. MILLER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1738

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes.

S. 1818

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1818, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 1854

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1854, a bill to authorize the President to present congressional gold medals to the Native American Code Talkers in recognition of their contributions to the Nation during World War I and World War II.

S. 1867

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1917

At the request of Mrs. MURRAY, her name was withdrawn as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1924

At the request of Mr. SANTORUM, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1987

At the request of Mr. SMITH of New Hampshire, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1987, a bill to provide for reform of the Corps of Engineers, and for other purposes.

S. 2047

At the request of Mr. BREAUX, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2047, a bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax.

S. 2051

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2070

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2070, a bill to amend part A of title IV to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

S. 2119

At the request of Mr. GRASSLEY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2134

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2134, a bill to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states.

S. 2136

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2136, a bill to establish a memorial in the State of Pennsylvania to honor the passengers and crewmembers of Flight 93 who, on September 11, 2001, gave their lives to prevent a planned attack on the Capitol of the United States.

S. 2181

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2181, a bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

S. 2184

At the request of Mr. BREAUX, the names of the Senator from New Jersey

(Mr. TORRICELLI) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2184, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 2221

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2246

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2250

At the request of Mr. CORZINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2250, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 2268

At the request of Mr. MILLER, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2489

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2489, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 2520

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2520, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 2548

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2548, a bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes.

S. 2552

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2552, a bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education.

S. 2558

At the request of Mr. REED, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2558, a bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2600

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2600, a bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

S. 2609

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2609, a bill to require the Federal Trade Commission to promulgate a rule to establish requirements with respect to the release of prescriptions for contact lenses.

S.J. RES. 37

At the request of Mr. WELLSTONE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002.

S. RES. 270

At the request of Mr. CAMPBELL, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mrs. MURRAY):

S. 2631. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Madam President, I rise today to introduce the STEP Act on behalf of myself and Senator MURRAY.

This bill is a companion to the Education Works Act, which I introduced a couple of weeks ago. Both bills address the same issue, the need to support state efforts to use welfare to work strategies that combine work with a flexibility mix of education, training, and other supports. Study after study has demonstrated that states that use a combination of activities to help families move from welfare to work are more successful. For many welfare recipients, vocational training and post-secondary education led to work and, through substantial increases in earnings and job quality, long-term financial independence. This is important because although many have left welfare for work during the past several years, many have returned or live in poverty dependent on other government supports because they are working at low wages with limited benefits. In addition, many with multiple barriers remain on the rolls. As we move forward with the reauthorization process, we must do more to support state efforts to help these people find work and to ensure that all individuals leaving welfare are moving to employment that will provide long-term financial independence. The STEP Act and the Education Works Act will do just that.

The Education Works Act deals with increasing state flexibility to determine the right mix of work with education and training. The STEP Act provides resources to States seeking to implement effective programs that combine work with education and training. One of the most effective types of these programs, particularly for the most difficult to serve TANF recipients, are transitional job programs. Transitional job programs provide subsidized, temporary, wage-paying jobs for 20 to 35 hours per week, along with access to job readiness, basic education, vocational skills, and other barrier-removal services based on individualized plans. The STEP Act would provide states with funding to implementing these programs and other training and support programs.

Existing transitional job programs are achieving great outcomes. A Mathematical study released last month demonstrated that between 81 to 94 percent of those who had completed transitional job programs move on to unsubsidized jobs with wages. Most of these participants moved into full-time employment, median hours worked was 40 hours. Another survey revealed that transitional jobs program completers reported average wages at placement into unsubsidized employment between $7 and $10 per hour.

Transitional jobs programs can be particularly effective with the hardest to serve welfare recipients. Transitional jobs program often focus primarily on welfare recipients who have participated in welfare employment and training programs without successfully finding steady employment. The reasons for their inability to find and sustain meaningful employment are complex and varied. For people who face barriers, or who lack the skills or experience to compete successfully in the labor market, paid work in a supportive environment, together with access to needed services provides a real chance to move forward. While more expensive than other work first strategies, transitional jobs programs are able to do what their cheaper and less intensive counterparts have not, help the most difficult to serve TANF participants find stable, permanent employment.

Additional support for transitional jobs programs is needed. The TANF and Welfare-to-Work block grants have been the principal sources of funding for Transitional Jobs programs. Welfare-to-Work funds have been exhausted in many parts of the country and must be spend completely during the next year or two. In addition, with an ever growing competition for TANF funds in a period of rising caseloads and declining State revenues, it will be increasingly difficult to fund transitional jobs programs solely with TANF funds.

I believe that transitional job programs are good investments because they serve as stepping stones to permanent employment and decrease government expenditures on health care, food stamps, and cash assistance. Transitional jobs programs can be particularly important in economically depressed and rural areas because they increase work opportunities for hard-to-employ individuals, they reduce pressure on local emergency systems and, they provide income that stimulates local economies.

Our legislation also supports "business link" programs that provide individuals with fewer barriers or individuals who have only been able to access very low wage employment with intensive training and skill development activities designed to lead to long-term, higher paid employment. These programs are based on partnerships with the private sector.

In my home State, just such a program is producing great results, the Teamworks program. Teamworks provides training in life skills, as well as employment skills, during a 12 week course. The program also provides necessary supports to participants such as childcare and transportation. Teamworks assists participants in their job search and provides ongoing support for 18 months after job placement. The results are impressive. The average wage of those completing the program is $1.50 per hour higher than other programs and job retention rates are 20 percent higher. This experience is not unique. Welfare programs that combine work with education and training with support services are more likely to result in work leads to self-sufficiency.

The legislation that I am introducing today will give States the tools to implement what works. I urge my colleagues to join me in supporting both the STEP Act and the Education Works Act. I as unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Support, Training, Employment Programs Act of 2002" or the "STEP Act of 2002".

SEC. 2. TRANSITIONAL JOBS GRANTS.

Section 403(a) of the Social Security Act (42 U.S.C. 603(a)) is amended by adding at the end the following:

"(6) TRANSITIONAL JOBS GRANTS.—

"(A) PURPOSE.—The purpose of this paragraph is to provide funding so that States and localities can create and expand transitional jobs programs that—

"(i) combine time-limited employment that is subsidized with public funds, with skill development and barrier removal activities, pursuant to an individualized plan;

"(ii) provide job development and placement assistance to individual participants to help them move from subsidized employment in transitional jobs into unsubsidized employment, as well as retention services after the transition to unsubsidized employment; and

"(iii) serve recipients of assistance under the State program funded under this part and other low-income individuals who have been unable to secure employment through job search or other employment-related services because of limited skills, experience, or other barriers to employment.

"(B) AUTHORITY TO MAKE GRANTS.—Each transitional jobs State (as determined under subparagraph (C)) shall receive a grant under this paragraph for each fiscal year specified in subparagraph (K) for which the State is a transitional jobs State, in an amount equal to the allotment for the State as specified under subparagraph (D) for the fiscal year.

"(C) TRANSITIONAL JOBS STATE.—A State shall be considered a transitional jobs State for a fiscal year for purposes of this paragraph if the Secretary of Labor determines that the State meets the following requirements:

"(i) The State has submitted to the Secretary of Labor and the Secretary of Health and Human Services (in the form of an addendum to the State plan submitted under section 402) a plan which is approved by the Secretary of Labor based on the plan's compliance with the following requirements:

"(I) The plan describes how, consistent with this paragraph, the State will use any funds provided under this paragraph during the fiscal year.

"(II) The plan contains evidence that the plan was developed in consultation and coordination with appropriate entities including employers, labor organizations, and community-based organizations that work with low-income families, and includes a certification as required under section 402(a)(4) with regard to the transitional jobs services that the State proposes to provide.

"(III) The plan specifies the criteria that will be used to select entities who will receive funding to operate transitional jobs programs.

"(IV) The plan describes specifically how the State will address the needs of rural areas, Indian tribes, and cities with large concentrations of residents with an income that is less than the poverty line, or who are unemployed.

"(V) The plan describes how the State will ensure that a grantee to which information is disclosed pursuant to this paragraph or section 454A(f)(5) has procedures for safeguarding the information and for ensuring that the information is used solely for the purpose described in this paragraph or that section.

"(VI) The plan describes categories of jobs that are in demand in various areas of the State and which offer the opportunity for advancement to better jobs. The plan also shall provide assurances that the ability of organizations seeking to operate transitional jobs programs to best prepare participants for those jobs will be given weight in the selection of program operators.

"(ii) The State has agreed to negotiate in good faith with the Secretary of Health and Human Services with respect to the substance and funding of any evaluations and to cooperate with the conduct of any such evaluations.

"(D) ALLOTMENTS TO STATES.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the amount of the allotment for a transitional jobs State for a fiscal year shall be the available amount for the fiscal year multiplied by the State percentage for the fiscal year.

"(ii) MINIMUM ALLOTMENT.—The amount of the allotment for a transitional jobs State (other than Guam, the Virgin Islands, or American Samoa) for a fiscal year shall not be less than 0.4 percent of the available amount for the fiscal year.

"(iii) PRO RATA REDUCTION.—Subject to clause (ii), the Secretary of Labor shall make pro rata reductions in the allotments to States under this subparagraph for a fiscal year as necessary to ensure that the total amount of the allotments does not exceed the available amount for the fiscal year.

"(iv) AVAILABLE AMOUNT.—As used in this subparagraph, the term 'available amount' means, for a fiscal year, 80 percent of the sum of—

"(I) the amount specified in subparagraph (K) for the fiscal year;

"(II) any funds available under this subparagraph that have not been allotted due to a determination by the Secretary that any State has not met the requirements of subparagraph (C); and

"(III) any available amount for the immediately preceding fiscal year that has not been obligated by the State.

“(v) STATE PERCENTAGE.—As used in this subparagraph, the term ‘State percentage’ means, with respect to a fiscal year and a State, ½ of the sum of—

“(I) the percentage represented by the number of individuals in the State whose income is less than the poverty line divided by the number of such individuals in the United States; and

“(II) the percentage represented by the number of adults who are recipients of assistance under the State program funded under this part divided by the number of adults in the United States who are recipients of assistance under any State program funded under this part.

“(vi) ADMINISTRATION OF FUNDS.—

“(I) IN GENERAL.—Subject to subclause (II), funds made available to a State under this paragraph shall be administered by an agency or agencies, as determined by the chief executive officer of the State, which may include the agency that administers the State program funded under this part, the State board designated to administer the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) in the State, or any other appropriate agency.

“(II) COORDINATION WITH TANF AGENCY.—If an agency other than the State agency that administers the State program funded under this part administers funds made available to a State under this paragraph, that agency shall coordinate the planning and administration of such funds with the State agency that administers the State program funded under this part.

“(vii) DISTRIBUTION OF FUNDS WITHIN STATES.—

“(I) IN GENERAL.—A State to which a grant is made under this paragraph shall allocate not less than 90 percent of the amount of the grant to eligible applicants for the operation of transitional jobs programs consistent with subparagraph (E). Any funds not used for such operation may be used to provide technical assistance to program operators and worksite employers, administration, or for other purposes consistent with this paragraph.

“(II) ELIGIBLE APPLICANTS.—As used in subclause (I), the term ‘eligible applicant’ means a political subdivision of a State, a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), an Indian tribe, or a private entity.

“(E) LIMITATIONS ON USE OF FUNDS.—

“(i) ALLOWABLE ACTIVITIES.—An entity to which funds are provided under subparagraph (D)(vii) shall use the funds to operate transitional jobs programs consistent with the following:

“(I) An entity which secures a grant to operate a transitional jobs program (in this subparagraph referred to as a ‘program operator’), under this paragraph shall place eligible individuals in temporary, publicly subsidized jobs. Individuals placed in such positions shall perform work directly for the program operator, or at other public and nonprofit organizations (in this subparagraph referred to as ‘worksite employers’) within the community. Funds provided under subparagraph (D) shall be used to subsidize 100 percent of the wages paid to participants as well as employer-paid payroll costs for such participants, except as provided in clause (v) regarding placements in the private, for-profit sector.

“(II) Transitional jobs programs shall provide paid employment for not less than 30, nor more than 40 hours per week, except that a parent with a child under the age of 6, a child who is disabled, or a child with other special needs, or an individual who for other reasons cannot successfully participate for 30 to 40 hours per week, may, at State discretion, be allowed to participate for more limited hours, but not less than 20 hours per week.

“(III) Program operators shall—

“(aa) develop an individual plan for each participant, the goal of which shall focus on preparation for unsubsidized jobs in demand in the local economy which offer the potential for advancement and growth;

“(bb) develop transitional work placements for participants that will best prepare them for jobs in demand in the local economy that offer the potential for wage growth and advancement; and

“(cc) provide case management services and ensure that appropriate education, training, and other services are available to participants consistent with each participant's individual plan.

“(IV) Program operators shall provide job placement assistance to help participants obtain unsubsidized employment, and shall provide retention services for 12 months after entry into unsubsidized employment.

“(V) In any work week in which a participant is employed at least 30 hours, a minimum of 20 percent of scheduled hours and a maximum of 50 percent of scheduled hours, shall involve participation in education or training activities designed to improve the participant's employability and potential earnings, or other services designed to reduce or eliminate any barriers that may impede the participant's ability to secure unsubsidized employment.

“(VI) The maximum duration of any placement in a transitional jobs program shall not be less than 6 months, nor more than 24 months. Nothing in this subclause shall be construed to bar a participant from moving into unsubsidized employment at a point prior to the maximum duration of the program. States may approve programs of varying durations consistent with this subclause.

“(VII) Participants shall be paid at the rate paid to unsubsidized employees of the worksite employer, (or program operator where work is performed directly for the program operator,) who perform comparable work at the worksite where the individual is placed. If no other employees perform the same or comparable work then wages shall be set, at a minimum, at 50 percent of the Lower Living Standard Income Level (in this subparagraph referred to as the ‘LLSIL’), as specified in section 101(24) of the Workforce Investment Act of 1998, for family of 3 based on 35 hours per week.

“(VIII) Participants shall receive supervision from the worksite employer or program operator consistent with the goal of addressing the limited work experience and skills of program participants.

“(ii) CONSULTATION.—An application submitted by an entity seeking to become a program operator shall include an assurance by the applicant that the transitional jobs program carried out by the applicant shall—

“(I) provide in the design, recruitment, and operation of the program for broad-based input from the community served and potential participants in the program and community-based agencies with a demonstrated record of experience in providing services, prospective worksite employers, local labor organizations representing employees of prospective worksite employers, if these entities exist in the area to be served by the program, and employers, and membership-based groups that represent low-income individuals; and

“(II) prior to the placement of participants, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in subparagraph (L).

“(iii) ELIGIBILITY FOR OTHER WORK SUPPORTS.—Participants shall be eligible for subsidized child care, transportation assistance, and other needed support services on the same basis as other recipients of cash assistance under the State program funded under this part.

“(iv) WAGES NOT CONSIDERED ASSISTANCE.—Wages paid to program participants shall not be considered to be assistance for purposes of section 408(a)(7).

“(v) PRIVATE SECTOR PLACEMENTS.—Placements of participants with private, for-profit entities shall be permitted only under the following conditions:

“(I) Except as provided in clause (vi), not more than 20 percent of the total number of participants in transitional jobs in a State at any time may be placed at worksite employers which are private, for-profit companies.

“(II) When placements are made at private, for-profit, entities the entity shall pay for at least 50 percent of programs costs (including wages) for each participant.

“(III) Not more than 5 percent of a private, for-profit entity's workforce may be composed of transitional jobs programs subsidized participants at any point in time, and no supervisor at the entity shall have the responsibility for supervising more than one transitional job program participant.

“(IV) A private, for-profit entity shall not be allowed to participate as a worksite employer or program operator if the entity has previously exhibited a pattern of failing to provide transitional jobs participants with continued, unsubsidized employment with wages, benefits, and working conditions, that are equal to those provided to other unsubsidized employees who have worked a similar length of time and are doing similar work.

“(V) The duration of any subsidized placement under this clause shall be limited to the period of time required for the participant to become proficient in the performance of the tasks of the job for which the participant is employed.

“(VI) Transitional jobs participants shall only be placed with private, for-profit entities in which the participants will have the opportunity for permanent, unsubsidized employment in positions where they will learn skills that provide a clear pathway to higher paying jobs.

“(VII) At the time a transitional jobs placement is made, the entity shall agree in writing—

“(aa) to hire the participant into an unsubsidized position at the completion of the agreed upon subsidized placement, or sooner, provided that the transitional jobs participant's job performance has been satisfactory; and

“(bb) to provide the participant with access to employee benefits that would be available to an individual in an unsubsidized position of the employer within 12 months of the participant's initial placement in the subsidized position.

“(vi) EXCEPTION TO 20 PERCENT LIMITATION ON PRIVATE SECTOR PLACEMENTS.—

“(I) IN GENERAL.—A State may exceed the 20 percent limitation under clause (v)(I) if necessary because of the limited number of placement opportunities in public and nonprofit organizations in rural areas of the State, but only if the State includes in its plan a request to exceed such limitation and provides specific information describing why private placements in excess of the 20 percent limitation are necessary, including a specification of the rural areas in the State in which insufficient nonprofit or public sector placements are available and the projected distribution of private sector placements throughout the State.

"(II) CONSIDERATION OF REQUESTS.—The Secretary shall by regulation develop procedures for the prompt consideration and resolution of requests by a State to exceed the 20 percent limitation under clause (v)(I).

"(III) LIMITATION REMAINS IN NON-DESIGNATED AREAS.—If a request to exceed such 20 percent limitation is approved, the 20 percent limitation shall not apply in those areas of the State that have been designated to exceed such limit, but shall continue to apply in those areas of the State not so designated.

"(IV) INCLUSION OF INFORMATION IN ANNUAL REPORT.—With respect to any year in which the Secretary authorizes the State to exceed such 20 percent limitation, a State shall report on the number and geographic location of private sector slots used during the year in addition to the information required to be reported by the State under clauses (vii) and (viii) of subparagraph (G) .

"(F) GENERAL ELIGIBILITY.—

"(i) IN GENERAL.—Not less than ⅔ of the participants in a transitional jobs program within a State during a fiscal year shall be individuals who are, at the time they enter the program—

"(I) receiving assistance under the State program funded under this part;

"(II) not receiving assistance under the State program funded under this part, but who are unemployed, and who were recipients of assistance under a State program funded under this part within the immediately preceding 12-month period;

"(III) custodial parents of a minor child who meet the financial eligibility criteria for assistance under the State program funded under this part; or

"(IV) noncustodial parents with income below 100 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved).

"(ii) STATE OPTION TO FURTHER LIMIT ELIGIBILITY.—A State may further limit the eligibility of noncustodial parents to those noncustodial parents for whom at least 1 of the following applies to a minor child of the noncustodial parent:

"(I) The minor child is eligible for, or is receiving, assistance under the State program funded under this part.

"(II) The minor child received assistance under the program funded under this part in the 12-month period preceding the date of the determination but no longer receives such assistance.

"(III) The minor child is eligible for, or is receiving, assistance under the Food Stamp Act of 1977, benefits under the supplemental security income program under title XVI of this Act, medical assistance under title XIX of this Act, or child health assistance under title XXI of this Act.

"(iii) CONSULTATION.—A transitional jobs program that provides services to non-custodial parents shall consult with the State child support program funded under part D so that child support services are coordinated with transitional jobs program services.

"(iv) LIMITATION.—Not more than ⅓ of all participants in a transitional jobs program within a State during a fiscal year shall be individuals who have attained at least age 18 with income below 100 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved) who are not eligible under clause (i).

"(v) METHODOLOGY.—A State may use any reasonable methodology in calculating whether a participant satisfies the requirements of clause (i), make up ⅔ or more of all participants, and whether participants satisfying the requirements of clause (iv) make up not more than ⅓ of all participants in a fiscal year.

"(vi) AUTHORITY TO PROVIDE WORK-RELATED SERVICES TO INDIVIDUALS WHO HAVE REACHED THE 5 YEAR LIMIT.—A program operator under this paragraph may use the funds to provide transitional job program participation to individuals who, but for section 408(a)(7), would be eligible for assistance under the program funded under this part of the State in which the entity is located.

"(G) RELATIONSHIP TO OTHER PROVISIONS OF THIS PART; ADMINISTRATIVE PROVISIONS.—

"(i) RULES GOVERNING USE OF FUNDS.—The provisions of section 404, other than subsection (f) of section 404, shall not apply to a grant made under this paragraph.

"(ii) WORK PARTICIPATION REQUIREMENTS.—With respect to any month in which a recipient of assistance under a State or tribal program funded under this part satisfactorily participates in a transitional jobs program funded under a grant made under this paragraph, such participation shall be considered to satisfy the work participation requirements of section 407 and included for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) of that section.

"(iii) ADMINISTRATION.—Section 416 shall not apply to the programs under this paragraph.

"(iv) PROHIBITION AGAINST USE OF GRANT FUNDS FOR ANY OTHER FUND MATCHING REQUIREMENT.—An entity to which funds are provided under this paragraph shall not use any part of the funds to fulfill any obligation of any State or political subdivision under subsection (b) or section 418 or any other provision of this Act or other Federal law.

"(v) DEADLINE FOR EXPENDITURE.—An entity to which funds are provided under this paragraph shall remit to the Secretary of Labor any part of the funds that are not expended within 3 years after the date on which the funds are so provided.

"(vi) REGULATIONS.—Within 90 days after the date of the enactment of this paragraph, the Secretary of Labor, alter consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to implement this paragraph.

"(vii) REPORTING REQUIREMENTS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall establish requirements for the collection and maintenance of financial and participant information and the reporting of such information by entities carrying out activities under this paragraph. Such reporting requirements shall include, at a minimum, that States report disaggregated data on individual participants that include the following:

"(I) Demographic information about the participant including education level, literacy level, and prior work experience.

"(II) Identity of the program operator that provides or provided services to the participant, and the duration of participation.

"(III) The nature of education, training or other services received by the participant.

"(IV) Reason for the participant's leaving the programs.

"(V) Whether the participant secured unsubsidized employment during or within 60 days after the employment of the participant in a transitional job, and if so, details about the participant's unsubsidized employment including industry, occupation, starting wages and hours, availability of employer sponsored health insurance, sick and vacation leave.

"(VI) The extent to which subsidized and unsubsidized placements are in jobs or occupations identified in the State's plan as being in demand in the local economy and offering the opportunity for advancement and wage growth.

"(viii) ADDITIONAL REPORTING REQUIREMENTS.—States shall collect and report follow-up data for a sampling of participants reflecting their employment and earning status 12 months after entering unsubsidized employment.

"(ix) ANNUAL REPORT TO CONGRESS.—The Secretary of Labor shall submit an annual report to Congress on the activities conducted with grants made under this paragraph that includes information regarding the employment and earning status of participants in such activities.

"(H) NATIONAL COMPETITIVE GRANTS.—

"(i) IN GENERAL.—The Secretary of Labor shall award grants in accordance with this subparagraph, in fiscal years 2003 through 2007, for transitional jobs programs proposed by eligible applicants, based on the following:

"(I) The extent to which the proposal seeks to provided services in multiple sites that include sites in more than 1 State.

"(II) The extent to which the proposal seeks to provide services in a labor market area or region that includes portions of more than 1 State.

"(III) The extent to which the proposal seeks to provides transitional jobs in a State that is not eligible to receive an allotment under subparagraph (D).

"(IV) The extent to which the applicant proposes to provide transitional jobs in either rural areas or areas where there are a high concentration of residents with income that is less than the poverty line.

"(V) The effectiveness of the proposal in helping individuals who are least job ready move into unsubsidized jobs that provide pathways to stable employment and livable wages.

"(ii) ELIGIBLE APPLICANTS.—In this subparagraph, the term 'eligible applicant' means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), a political subdivision of a State, or a private entity

"(iii) FUNDING.—For grants under this subparagraph for each fiscal year specified in clause (i), there shall be available to the Secretary of Labor an amount equal to 13.5 percent of the sum of—

"(I) the amount specified in subparagraph (K) for the fiscal year;

"(II) any amount available for the immediately preceding fiscal year that has not been obligated by a State; and

"(III) any funds available under this paragraph that have not been allotted due to a determination by the Secretary of Labor that the State has not qualified as a transitional jobs State.

"(I) FUNDING FOR INDIAN TRIBES.—5 percent of the amount specified in subparagraph (K) for each fiscal year shall be reserved for grants to Indian tribes under subparagraph (P).

"(J) FUNDING FOR EVALUATIONS OF TRANSITIONAL JOBS PROGRAMS.—1.5 percent of the amount specified in subparagraph (K) for each fiscal year shall be reserved for use by the Secretary to carry out subparagraph (O).

"(K) APPROPRIATIONS.—

"(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for grants under this paragraph—

"(I) $250,000,000 for fiscal year 2003;

"(II) $375,000,000 for fiscal year 2004; and

"(III) $500,000,000 for each of fiscal years 2005 through 2007.

"(ii) AVAILABILITY.—The amounts made available pursuant to clause (i) shall remain available for such period as is necessary to make the grants provided for in this paragraph.

"(L) WORKER PROTECTIONS.—

"(i) NONDUPLICATION.—

"(I) IN GENERAL.—Assistance provided through a grant made under this paragraph shall be used only for a program that does not duplicate, and is in addition to, an activity otherwise available in the locality of such program.

"(II) PRIVATE, NONPROFIT ENTITY.—Assistance provided through a grant made available under this paragraph shall not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency in the area in which such entity resides, unless the requirements of clause (ii) are met.

"(ii) NONDISPLACEMENT.—

"(I) IN GENERAL.—An employer shall not displace an employee or position (including partial displacement such as reduction in hours, wages, or employment benefits) or impair existing contracts for services or collective bargaining agreements, as a result of the use by such employer of a participant in a program receiving assistance under a grant made under this paragraph, and no participant shall be assigned to fill any established unfilled position vacancy.

"(II) JOB OPPORTUNITIES.—A job opportunity shall not be created under this section that will infringe in any manner on the promotional opportunity of an employed individual.

"(III) LIMITATION ON SERVICES.—

"(aa) SUPPLANTATION OF HIRING.—A participant in any transitional job program that receives funds under a grant made under this paragraph shall not perform any services or duties or engage in activities that will supplant the hiring of unsubsidized workers.

"(bb) DUTIES FORMERLY PERFORMED BY ANOTHER EMPLOYEE.—A participant in any transitional job program that receives funds under a grant made under this paragraph shall not perform services or duties that are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures, or which had been performed by or were assigned to any employee who recently resigned or was discharged, any employee who is subject to a reduction in force, any employee who is on leave (terminal, temporary, vacation, emergency, or sick), or any employee who is on strike or who is being locked out.

"(iii) CONCURRENCE OF LOCAL LABOR ORGANIZATION.—No work assignment under a transitional job program that receives funds under a grant made under this paragraph shall be made until the program operator has obtained the written concurrence of any local labor organization representing employees who are engaged in the same or substantially similar work as that proposed to be carried out for the program operator or worksite employer with whom a participant is placed.

"(iv) APPLICATION OF WORKER PROTECTION LAWS.—Participants employed in transitional jobs created under a transitional job program that receives funds under a grant made under this paragraph shall be considered to be employees for all purposes under Federal and State law, including laws relating to health and safety, civil rights, and worker's compensation.

"(M) GRIEVANCE PROCEDURE.—

"(i) IN GENERAL.—The State shall establish and maintain a grievance procedure for resolving complaints by unsubsidized employees of program operators or worksite employers or such employees' representatives alleging violations of clause (i), (ii), or (iii) of subparagraph (L), or by participants alleging violations of clause (ii), (iii), or (iv) of such subparagraph.

"(ii) LIMITATION.—Except in the case of a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(iii) HEARING.—A hearing on any grievance made under this subparagraph shall be conducted not later than 30 days after the filing of the grievance.

"(iv) DEADLINE FOR DECISION.—A decision on any grievance made under this subparagraph shall be made not later than 60 days after the filing of the grievance.

"(v) BINDING ARBITRATION.—

"(I) IN GENERAL.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or, in the event on noncompliance with the 60-day period required under clause (iv), the party who filed the grievance may submit the grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(II) SELECTION OF ARBITRATOR.—If the parties cannot agree on an arbitrator, the chief executive officer of the State shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from a party to the grievance.

"(III) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for the arbitration proceeding, or, if the arbitrator is appointed by the chief executive officer of the State in accordance with subclause (II), not later than 30 days after the appointment of such arbitrator.

"(IV) DEADLINE FOR DECISION.—A decision concerning a grievance that has been submitted to binding arbitration under this clause shall be made not later than 30 days after the date the arbitration proceeding begins.

"(V) COST.—

"(aa) IN GENERAL.—Except as provided in item (bb), the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(bb) EMPLOYEE IS PREVAILING PARTY.—If an employee or such employee's representative prevails under a binding arbitration proceeding under this clause, the State agency shall pay the total cost of such proceeding and the attorneys' fees of such employee or representative.

"(vi) REMEDIES.—Remedies for a grievance filed under this subparagraph include—

"(I) prohibition of the work assignment in the program funded under a grant made under this paragraph;

"(II) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(III) payment of lost wages and benefits of the displaced employee;

"(IV) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee; and

"(V) such equitable relief as is necessary to make the displaced employee whole.

"(vii) JUDICIAL REVIEW.—An action to enforce remedy or an arbitration award under this paragraph may be brought in any district court of the United States, without regard to the amount in controversy or the citizenship of the parties to the action.

"(viii) NON-EXCLUSIVE PROCEDURES.—The grievance procedures specified in this subparagraph are not exclusive and an aggrieved employee or participant in a program funded under a grant made under this paragraph may use alternative procedures available under applicable contracts, collective bargaining agreements, or Federal or State laws.

"(N) NON-PREEMPTION OF STATE LAW.—The provisions of subparagraphs (L) and (M) of this paragraph shall not be construed to preempt any provision of State law that affords greater protections to employees or to other participants engaged in work activities under a program funded under this part than is afforded by the provisions of this paragraph.

"(O) EVALUATION OF TRANSITIONAL JOBS PROGRAMS.—

"(i) EVALUATION.—The Secretary, in consultation with the Secretary of Labor—

"(I) shall develop a plan to evaluate the extent to which transitional jobs programs funded under this paragraph have been effective in promoting sustained, unsubsidized employment for each group of eligible participants;

"(II) may evaluate the use of such grants by such grantees as the Secretary deems appropriate, in accordance with an agreement entered into with the grantees after good-faith negotiations; and

"(III) should include the following outcome measures in the plan developed under subclause (I):

"(aa) Placements in unsubsidized employment.

"(bb) Placements in unsubsidized employment that last for at least 12 months, and the extent to which individuals are employed continuously for at least 12 months.

"(cc) Earnings of individuals who obtain employment at the time of placement.

"(dd) Earnings of individuals one year after placement.

"(ee) The occupations and industries in which wage growth and retention performance is greatest.

"(ff) Average expenditures per participant.

"(P) GRANTS TO INDIAN TRIBES.—

"(i) IN GENERAL.—The Secretary shall award a grant in accordance with this subparagraph to an Indian tribe for each fiscal year specified in subparagraph (K) for which the Indian tribe is a transitional jobs tribe, in such amount as the Secretary of Labor deems appropriate.

"(ii) TRANSITIONAL JOBS TRIBE.—An Indian tribe shall be considered a transitional jobs tribe for a fiscal year for purposes of this subparagraph if the Indian tribe meets the following requirements:

"(I) The Indian tribe has submitted to the Secretary a plan which describes how, consistent with this paragraph, the Indian tribe will use any funds provided under this subparagraph during the fiscal year. If the Indian tribe has a tribal family assistance plan, the plan referred to in the preceding sentence shall be in the form of an addendum to the tribal family assistance plan.

"(II) The Indian tribe is operating a program under a tribal family assistance plan approved by the Secretary, a program described in section 412(a)(2)(C), or an employment program funded through other sources under which substantial services are provided to recipients of assistance under a program funded under this part.

"(III) The Indian tribe has agreed to negotiate in good faith with the Secretary with respect to the substance and funding of any evaluation under subparagraph (O), and to cooperate with the conduct of any such evaluation.".

SEC. 3. INNOVATIVE BUSINESS LINK PARTNERSHIP FOR EMPLOYERS AND NONPROFIT ORGANIZATIONS.

(a) Authority To Award Grants.—The Secretary of Health and Human Services and the Secretary of Labor (in this section referred to as the "Secretaries") jointly shall award grants in accordance with this section for projects proposed by eligible applicants based on the following:

(1) The potential effectiveness of the proposed project in carrying out the activities described in subsection (e).

(2) Evidence of the ability of the eligible applicant to leverage private, State, and local resources.

(3) Evidence of the ability of the eligible applicant to coordinate with other organizations at the State and local level.

(b) Definition of Eligible Applicant.—In this section, the term "eligible applicant" means a nonprofit organization, a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), or a political subdivision of a State. In addition, in order to qualify as an eligible applicant for purposes of subsection (e), the applicant must provide evidence that the application has been developed by and will be implemented by a local or regional consortium that includes, at minimum, employers or employer associations, education and training providers, and social service providers.

(c) Requirements.—In awarding grants under this section, the Secretaries shall—

(1) consider the needs of rural areas and cities with large concentrations of residents with an income that is less than the 150 percent of the poverty line; and

(2) ensure that all of the funds made available under this section (other than funds reserved for use by the Secretaries under subsection (j)) shall be used for activities described in subsection (e).

(d) Determination of Grant Amount.—

(1) In general.—Subject to paragraph (2), in determining the amount of a grant to be awarded under this section for a project proposed by an eligible applicant, the Secretaries shall provide the eligible applicant with an amount sufficient to ensure that the project has a reasonable opportunity to be successful, taking into account—

(A) the number and characteristics of the individuals to be served by the project;

(B) the level of unemployment in such area;

(C) the job opportunities and job growth in such area;

(D) the poverty rate for such area; and

(E) such other factors as the Secretary deems appropriate in the area to be served by the project.

(2) Award ceiling.—A grant awarded to an eligible applicant under this section may not exceed $10,000,000.

(e) Allowable Activities.—

(1) Promote business linkages.—An eligible applicant awarded a grant under this section shall use funds provided under the grant to promote business linkages in which funds shall be used to fund new or expanded programs that are designed to—

(A) substantially increase the wages of low-income parents, noncustodial parents, and other low-income individuals, whether employed or unemployed, who have limited English proficiency or other barriers to employment by upgrading job and related skills in partnership with employers, especially by providing services at or near work sites; and

(B) identify and strengthen career pathways by expanding and linking work and training opportunities for low-earning workers in collaboration with employers.

(2) Consideration of in-kind, in-cash resources.—In determining which programs to fund under this subsection, an eligible applicant awarded a grant under this section shall consider the ability of a consortium to provide funds in-kind or in-cash (including employer-provided, paid release time) to help support the programs for which funding is sought.

(3) Priority.—In determining which programs to fund under this subsection, an eligible applicant awarded a grant under this section shall give priority given to programs that include education or training for which participants receive credit toward a recognized credential.

(4) Use of funds.—

(A) In general.—Funds provided to a program under this subsection may be used for a comprehensive set of employment and training benefits and services, including job development, job matching, curricula development, wage subsidies, retention services, and such others as the program deems necessary to achieve the overall objectives of this subsection.

(B) Provision of services.—So long as a program is principally designed to assist eligible individuals, funds may be provided to a program under this subsection that is designed to provide services to categories of low-earning employees for 1 or more employers and such a program may provide services to individuals who do not meet the definition of low-income established for the program.

(f) Definition of Eligible Individual.—In this section, the term "eligible individual" means—

(A) an individual who is a parent who is a recipient of assistance under a State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) an individual who is a parent who has ceased to receive assistance under such a State or tribal program; or

(C) a noncustodial parent who is unemployed, or having difficulty in paying child support obligations.

(g) Application.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretaries at such time, in such manner, and accompanied by such information as the Secretaries may require.

(h) Assessments and Reports by Grantees.—

(1) In general.—An eligible applicant that receives a grant under this section shall assess and report on the outcomes of programs funded under the grant, including outcomes related to job placement, 1-year employment retention, wage at placement, and earnings progression, as specified by the Secretaries.

(2) Assistance.—The Secretaries shall—

(A) assist grantees in conducting the assessment required under paragraph (1) by making available where practicable low-cost means of tracking the labor market outcomes of participants; and

(B) encourage States to also provide such assistance.

(i) Application to Requirements of the State TANF Program.—

(1) Work participation requirements.—With respect to any month in which a recipient of assistance under a State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) who satisfactorily participates in a business linkage program described in subsection (e) that is paid for with funds made available under a grant made under this section, such participation shall be considered to satisfy the work participation requirements of section 407 of the Social Security Act (42 U.S.C. 607)) and included for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) of such section.

(2) Participation not considered assistance.—A benefit or service provided with funds made available under a grant made under this section shall not be considered assistance for any purpose under a State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(j) Assessments by the Secretaries.—

(1) Reservation of funds.—Of the amount appropriated under subsection (k), $3,000,000 is reserved for use by the Secretaries to prepare an interim and final report summarizing and synthesizing outcomes and lessons learned from the programs funded through grants awarded under this section.

(2) Interim and final assessments.—With respect to the reports prepared under paragraph (1), the Secretaries shall submit—

(A) the interim report not later than 4 years after the date of enactment of this Act; and

(B) the final report not later than 6 years after such date of enactment.

(k) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for carrying out this section, $250,000,000 for the period of fiscal years 2003 through 2007.

By Mr. HARKIN:

S. 2632. A bill to provide an equitable formula for computing the annuities of surviving spouses of members of the uniformed services who died entitled to retired or retainer pay but before the Survivor Benefit Plan existed or applied to the members, and for other purposes; to the Committee on Armed Services.

Mr. HARKIN. Madam President, a couple weeks ago, on Memorial Day, we promised to remember and honor those who have sacrificed so much to serve our country. In Iowa, Mary "Beth" James and her family were honoring the memory of her husband, Bob James. But I'm afraid we have forgotten Beth, and not done Bob justice. Today I am introducing a bill for Beth and the other "Forgotten Widows."

Bob James proudly served his country as an active member of the Army and Army Reserves for 35 years, until he passed away in 1977. Bob's service began with the Amphibious Combat Infantry in North Africa and Italy in World War II. As a junior officer, Bob James landed with the Third Division near Casablanca, and later served with the 34th Division through the North African and Tunisian campaigns, as well as in amphibious landings at Solarno, Italy, the battle of Mt. Casino and four crossings of the Volturno River. He was awarded the Bronze Star medal for the Rome-Arno campaign and was given a battlefield promotion to First Lieutenant.

After five years in World War II, he carried a mobilization designation as part of his 30-year reserve duty with the Selective Service Unit in Cedar Rapids that he proposed and was asked by General Hershey to organize. In fact, Bob served longer than the usual 30 years because General Hershey personally requested that he remain in active Reserves until he reached the age of 60.

When Bob became ill, he continued to attend Reserve meetings. His wife, Beth, now age 83, remembers Bob telling her on April 9, 1977, Easter Sunday, "I only have to live another six months." You see, he was worried about Beth's welfare after he passed away. He knew he had to turn 60 before he could enroll in the military's Survivor Benefit Plan to provide for Beth after he passed away. Unfortunately, Bob was not able to hold on. Lieutenant Colonel William R. James, USAR, died at age 59½ in 1977, 5½ months before his 60th birthday.

Under the military's Survivor Benefit Plan, members who choose to enroll in the plan have a small deduction taken from their retirement benefit each month so that their spouses can continue to receive a portion of the benefit after the member dies. When the Reserve Component Survivor's Benefit Plan was established in 1972, members could not sign up for survivors benefits until they became eligible for the retirement benefit at age 60. Because of this arbitrary rule, and because Bob died at 59½, Beth received no survivor's benefit even though Bob served in the military for 35 years and had more than the maximum number of points used in calculating retirement benefits.

Congress quickly became aware of this unjust consequence of the SBP law. One year after Bob's death, Congress took action to correct the unfair enrollment structure of the Reserve Component Survivor's Benefit Plan. Legislation passed in 1978 allows Reserve Component members to decide whether or how they will participate in the RCSBP when they are notified of retirement eligibility, but not yet eligible to receive retired pay, in almost all cases, many years before reaching age 60. Had this legislation been enacted earlier, Bob could have provided for Beth's security.

Unfortunately, when drafting the legislation in 1978, Congress forgot about Beth and thousands of spouses like her whose husbands, despite having served their country for at least 20 years, died before they were allowed to enroll in the program to provide for their survivors.

Congress continued to ignore these widows until 1997. Led by my colleague from South Carolina, Senator THURMOND, Congress finally took an important, but limited, step to recognize the "Forgotten Widows," as Beth and the other spouses had come to be known. Congress created a special annuity of $165 per month for the Forgotten Widows. For the first time in 20 years, Beth James received some support from our government in return for Bob James' service to his country.

While the annuity for certain military surviving spouses created in 1997 was certainly a step in the right direction, it is by no means adequate. The forgotten widows currently receive about $185 per month, after cost of living increases since 1997. In comparison, the monthly SBP benefits average is about $580 for beneficiaries over 62 and the monthly RC-SBP benefits average about $325 for beneficiaries over 62. The current benefit for forgotten widows is low for two reasons. First, the fiscal year 1998 legislation initially set the ACMSS benefit at the minimum allowable amount a service member could elect, even though most members participate at a higher level. Second, the 1997 legislation did not take into account cost of living increases that the widows would have received for more than two decades. If these widows had been enrolled in these programs in 1972 at the minimum level, their monthly benefit today would be approximately $434, rather than $185.

The Forgotten Widows' Benefit Equity Act of 2002 amends the Annuity for Certain Military Surviving Spouses program established in the fiscal year 1998 Defense Authorization Bill. It does not change the eligibility criteria for the program. It directs the Department of Defense to calculate each surviving spouse's annuity assuming that the member had enrolled in the SBP before he died and had elected a base amount equal to his retired pay. For almost all forgotten widows this will be much more than the current annuity; if it is not, the survivor will continue to receive the current benefit. This approach ensures that the survivors' annuities take into account the members' rank and years of service, and the past cost of living increases.

It is possible that some of the members would not have elected to participate in the SBP, or would not have chosen a base amount of 100 percent of retired pay, and thus the survivors would have received a lower benefit. However, they were never given that choice. And most members today do choose to participate at or near the highest level. In addition, this legislation is not retroactive; the forgotten widows will not be compensated for the thousands of dollars of benefits they would have received for over 20 years.

These women, whose husbands devoted over 20 years of their lives to defending our freedoms and some of whom received no pensions of their own, were abandoned by our government for at least 20 years. While Congress recognized our responsibility to them in 1998, we have not fully met our obligation to provide them with an adequate, fair benefit. We can and must do better. We must stand by our Memorial Day promises to remember those who sacrificed for our country. I ask my colleagues to do what is right and support passage of the Forgotten Widow's Benefit Equity Act of 2002.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forgotten Widows' Benefit Equity Act of 2002".

SEC. 2. EQUITABLE AMOUNT OF SURVIVOR ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) FORMULA.—Subsection (b) of section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1448 note) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) An annuity payable under this section for the surviving spouse of a deceased member shall be equal to the higher of $186 per month, as adjusted from time to time under paragraph (3), or the applicable amount as follows:

"(A) In the case of the surviving spouse of a deceased member described in subparagraph (A) of subsection (a)(1) who died before September 21, 1972, the amount computed under the SBP program, from the day after the date of death, as if—

"(i) the SBP program had become effective on the day before the date of the death of the deceased member; and

"(ii) the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under the SBP program.

"(B) In the case of the surviving spouse of a deceased member described in subparagraph (A) of subsection (a)(1) who died after September 20, 1972, the amount computed under the SBP program, from the day after the date of death, as if the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under that program.

"(C) In the case of the surviving spouse of a deceased member described in subparagraph (B) of subsection (a)(1) who died before October 1, 1978, the amount computed under the SBP program, from the day after the date of death, as if—

"(i) the SBP program, as in effect on October 1, 1978, had become effective on the day before the date of the death of the deceased member;

"(ii) the member had been 60 years of age on that day; and

"(iii) the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under the SBP program."; and

(2) in paragraph (3), by inserting after "the annuity that is payable under this section" the following: "in the amount under paragraph (1) that is adjustable under this paragraph".

(b) SBP PROGRAM DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The term 'SBP program' means subchapter II of chapter 73 of title 10, United States Code.".

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b) shall take effect on October 1, 2002.

(2) The Secretary concerned shall recompute under section 644 of Public Law 105–85 (as amended by subsections (a) and (b)) the amounts of the survivor annuities that are payable under such section for months beginning after the effective date under paragraph (1).

(3) No benefit shall be payable for any period before the effective date under paragraph (1) by reason of the amendments made by subsections (a) and (b).

By Mr. BIDEN (for himself, and Mr. GRASSLEY):

S. 2633. A bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlling substance, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Madam President, over the past several years, I have become increasingly concerned with the trafficking and use of the newest fad drug, Ecstasy. All across the country, thousands of teenagers are treated for overdoses and Ecstasy-related health problems in emergency rooms each year. And recent statistics from the Partnership for a Drug Free America show that teen use of Ecstasy has increased 71 percent since 1999. Unless we mount a major education campaign across schools and campuses nationwide, we may not be able to counter the widespread misconception that Ecstacy is harmless, fashionable and hip.

Much of the abuse of Ecstasy and other club drugs happens at all-night dance parties known as "raves." A few months ago in the Caucus on International Narcotics Control I held a hearing to take an in-depth look at the phenomenon of these all-night dance parties and recent efforts at the Federal, State and local levels to crack down on rave promoters who allow rampant drug use at their events and do everything they can to profit from it.

It is common for rave organizers to go to great lengths to portray their events as safe so that parents will allow their kids to attend. They advertise them as alcohol-free parties and some even hire off-duty police officers to patrol outside the venue. But the truth is that many of these raves are drug dens where use of Ecstasy and other "club drugs," such as the date rape drugs Rohypnol, GHB and Ketamine, is widespread.

But even as these promoters work to make parents think that their events are safe, they send a different message to kids. Their promotional flyers make clear that drugs are an integral part of the party by prominently featuring terms associated with drug use, such as the letters "E" or "X," street terms for Ecstasy, or the term "rollin," which refers to an Ecstasy high. They are, in effect, promoting Ecstasy along with the rave.

By doing so, the promoters get rich as they exploit and endanger kids. Many supplement their profits from the $10 to $50 cover charge to enter the club by selling popular Ecstasy paraphernalia such as baby pacifiers, glow sticks, or mentholated inhalers. And party organizers know that Ecstasy raises the core body temperature and makes the user extremely thirsty, so they sell bottles of water for $5 or $10 apiece. Some even shut off the water faucets so club goers will be forced to buy water or pay admission to enter an air-conditioned "cool down room."

Despite the conventional wisdom that Ecstasy and other club drugs are "no big deal," a view that even the New York Times Magazine espoused in a cover story, these drugs can have serious consequences, and can even be fatal.

After the death of a 17-year-old girl at a rave party in New Orleans in 1998, the Drug Enforcement Administration conducted an assessment of rave activity in that city which showed the close relationship between these parties and club drug overdoses. In a two year period, 52 raves were held at the New Orleans State Palace Theater, during which time approximately 400 teenagers overdosed and were treated at local emergency rooms. Following "Operation Rave Review" which resulted in the arrest of several rave promoters and closing the city's largest rave, overdoses and emergency room visits dropped by 90 percent and Ecstasy overdoses have been eliminated.

State and locals governments have begun to take important steps to crack down on rave promoters who allow their events to be used as havens for illicit drug activity. In Chicago, where Mayor Daley has shown great leadership on this issue, it is a criminal offense to knowingly maintain a place, such as a rave, where controlled substances are used or distributed. Not only the promoter, but also the building owner and building manager can be charged under Mayor Daley's law. The State of Florida has a similar statute making such activity a felony.

And in Modesto, California, police officers are offering "rave training classes" to parents to educate them about the danger of raves and the club drugs associated with them.

And at the Federal level, there have been four cases in which Federal prosecutors have used the so called "crack house statute" or other Federal charges to go after rave promoters. These cases, in Little Rock, AR, Boise, ID, Panama City, FL, and New Orleans, LA, have had mixed results, culminating in two wins, a loss and a draw, suggesting that there may be a need to tailor this Federal statute more precisely to the problem at hand. Today I am proposing legislation, Reducing Americans' Vulnerability to Ecstasy Act, or the "RAVE" Act, which will do just that. I am pleased to have Senator GRASSLEY as the lead cosponsor.

The bill tailors the crack house statute to address rave promoters' actions more specifically so that Federal prosecutors will be able to use it to prosecute individuals who allow rampant drug use at their events and seek to profit from putting kids at risk. The legislation also addresses the low penalties for trafficking gamma hydroxybutyric acid, GHB, by directing the United States Sentencing Commission to examine the current penalties and consider increasing them to reflect the seriousness of offenses involving GHB.

But the answer to the problem of drug use at raves is not simply to prosecute irresponsible rave promoters and those who distribute drugs. There is also a responsibility to raise awareness among parents, teachers, students, coaches, religious leaders, etc. about the dangers of the drugs used and sold at raves. The RAVE Act directs funds to the DEA for that purpose. Further, the bill authorizes nearly $6 million for the DEA to hire a Demand Reduction Coordinator in each state who can work with communities following the arrest of a significant local trafficker to reduce the demand for drugs through prevention and treatment programs.

It is the unfortunate truth that most raves are havens for illicit drugs. Enacting the RAVE Act will help to prosecute the promoters who seek to profit from exploiting and endangering young lives and will take steps to educate youth, parents and other interested adults about the dangers of Ecstasy and other club drugs associated with raves.

I hope that my colleagues will join me and support this legislation.

Mr. GRASSLEY. Madam President, I am pleased to join my colleague Senator BIDEN today in introducing the RAVE Act, or Reducing America's Vulnerability to Ecstacy Act of 2002. I believe this legislation will help America's law enforcement go after the latest methods drug dealers are using to push drugs on our kids. As drug dealers discover new drugs and new methods of pushing their poison, we must make sure our legal system is adequately structured to react appropriately. I believe this legislation does that.

Many young people perceive Ecstasy as harmless and it is wrongly termed a recreational or "kid-friendly" drug. This illegal substance does real damage to real lives. Although targeted at teenagers and young adults, its use has spread to the middle-aged population and rural areas, including my own State of Iowa. Ninety percent of all drug treatment and law enforcement experts say that Esctasy is readily accessible in this country. We cannot continue to allow easy access to this drug or ignore the consequences of its use.

The sale of illicit narcotics, whether on a street corner here in Washington, D.C., or a warehouse in Des Moines, IA, must be confronted and halted wherever possible. One of the new, "trendy" illicit narcotics is Ecstasy, an especially popular club drug that is all too often being sold at all-night dance parties, or raves. Ecstasy is an illegal drug that has extremely dangerous side effects. In general, Ecstasy raises the heart rate to dangerous levels, and in some cases the heart will stop. It also causes severe dehydration, a condition that is exacerbated by the high levels of physical exertion that happens at raves. Users must constantly drink water in an attempt to cool off, a fact that some rave promoters take advantage of by charging exorbitant fees for bottles of water. Too often, users collapse and die because their bodies overheat. And even those who survive the short-term effects of Ecstasy use can look forward to long-term problems such as depression, paranoia, and confusion, as scientists have learned that Ecstasy causes irreversible changes to the brain.

The legislation that we introduce today is the result of information gathered during a series of hearings held by the Caucus on International Narcotics Control. It will help U.S. attorneys shut down raves and prosecute rave promoters who knowingly maintain a place where drugs are used, kept, or sold by expanding the existing statute that allows the closure and prosecution of crack house operators.

The statute would only be applicable if the rave promoters or location owners "knowingly and intentionally" either use or allow to be used space for an event where drugs will be "manufactured, stored, distributed, or used." This legislation will not eliminate all raves. Provided rave promoters and sponsors operate such events as they are so often advertized, as places for people to come dance in a safe, alcohol-free environment, then they have nothing to fear from this law. But this legislation will give law enforcement the tools needed to shut down those rave operators and promoters who use raves as a cover to sell drugs. Innocent owners or proprietors will remain exempt from prosecution.

This legislation is an important step, but a careful one. Our future rests with the young people of this great nation and America is at risk. Esctasy has shown itself to be a formidable threat and we must confront it on all fronts, not only through law enforcement but education and treatment as well. I hope my colleagues will join us in supporting the RAVE Act, and help us work towards its quick passenge.

By Mr. KENNEDY:

S. 2638. A bill to encourage health care facilities, group health plans, and health insurance issuers to reduce administrative costs, and to improve access, convenience, quality, and safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Madam President, today I am introducing the Efficiency in Health Care, eHealth Care, Act. The time is long overdue to improve the efficiency and effectiveness of America's antiquated healthcare information technology systems. We can achieve large cost savings and improve patient care by bringing the nation's health care systems into the information age.

The eHealth Care Act provides modern standards for financial transactions such as billing and claims processing that can only be met by adoption of the same kind of high volume, speedy, cost-efficient technology that has dramatically lowered administrative costs in other industries. The new standards will be coupled with grants to health care providers to assist them in upgrading their information technologies to meet these new demands.

Estimates are that administrative costs currently represent 20 to 30 percent of health care spending, or up to $420 billion each year. While other industries are making full use of available information technology, health care has been a very slow adopter. And this bill will reduce health care administration by as much as $300 billion a year, enough to provide universal health coverage for every American many times over.

The sad fact is that processing a single health care transaction can cost as much as 25 dollars. Other industries have drastically reduced administrative costs by using modern information technology. Banks and brokerages have cut their costs to less than a penny per transaction using modern technology. Health care remains one of the few industries clinging to antiquated 20th century technology while the rest of the Nation's businesses have moved into the 21st century. This bill will provide the tools for health care systems to make a great leap forward by using new technologies to cut costs.

Recent breakthroughs in technology not only can save money, but also can provide more timely and accurate billing and claims transactions. Today, only 10 or 15 percent of all patient charts are available electronically, and it costs about $9 each and every time a doctor has to pull a patient's chart. Even worse, despite the high cost, the patient's chart is often incomplete. Through advances in technology, doctors should be able to access complete patient records at a huge cost saving. That is not only more efficient care, it is better care.

Today, 30 percent of doctor's claims leave the physician's office with errors, and nearly 15 percent get lost. Manual procedures for handling referrals, eligibility, treatment authorizations, and explanations of benefits can add anywhere from $10 to $85 per transaction. In fact, estimates are that $250 billion is spent each year on medical claims paperwork. Paper claims processing amounts to $28,000 per physician and $12.7 billion for all physicians each year. Conducting these transactions online could cut that figure tenfold. We are clearly not getting much bang for our buck. The eHealth Care Act will provide the standards needed for health plans, insurers, providers, and patients to realize both the cost savings and better billing and claims transactions.

But the cost to the health care system is not just monetary. The eHealth Care bill will also set standards for physicians ordering prescription medications. Medication errors are responsible for over 7,000 deaths annually, but doctors currently write only 1 percent of prescriptions electronically. By requiring adoption of computerized systems for writing prescriptions, errors due to mistaken prescriptions or illegible handwriting will be reduced. There is no excuse for patients to be harmed and even die when we have the technology to save them.

I look forward to working with my colleagues here in the Senate to get this very important legislation passed.

By Mr. KENNEDY (for himself and Mr. CORZINE):

S. 2639. A bill to provide health benefits for workers and their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Madam President, today I am introducing the Health Care for Working Families Act, a bill that will make the basic human right to health care a reality for millions of working Americans and their families.

The tragedy of September 11 created a special obligation to address the injustices that have festered for far too long within our national family. The brave passengers of Flight 93 fought and defied the terrorists and saved the lives of thousands. Construction and health workers braved the treacherous fire and debris to rescue survivors and recover the remains of those who lost their lives. Police and firefighters, and ordinary citizens, gave their lives so that others might live. And thousands of Americans all over the country lined up to donate blood to help the victims.

I believe that the most enduring legacy of the September 11 attacks is a new sense of community among all Americans. A nation that has united to battle a terrorist threat from abroad can also unite to vanquish the conditions here at home that curtail the opportunities and sadden the lives of so many of our fellow citizens. Just as the British people came together after World War II to provide health care for all citizens of the United Kingdom, we join hands after September 11 to guarantee all citizens of the United States the protection and opportunity that should be their birthright. There is no area where action is more urgently needed than health care.

Americans are rightly proud to be at the forefront of medical and scientific advancement. In the past year, we successfully mapped the human genome. We developed new pharmaceuticals to target specific cancers. We have seen the promise stem cell research gives to millions suffering from chronic diseases. We clearly recognize the value of scientific achievement and have always been supportive of the great institutions and individuals that are driving our progress.

But our successes in the science of medicine must not blind us to the great failure of our health care system, the failure to provide affordable, quality health insurance to all our people. We lead the world in medical research. We lead the world in our capacity to cure and treat the most complex and deadly illnesses. But we lag behind every country in the industrial world in guaranteeing all our people access to the best medical care we can offer. And today we face another health care crisis as the number of the uninsured has begun to rise and rise rapidly.

Health care is not just another commodity. It is not a gift to be rationed based on the ability to pay. The state of a family's health should not be determined by the size of a family's wealth.

Yet, thirty-nine million Americans now have no health insurance at all. Over the course of a year, 30 million more will lack coverage for an extended period. It is unacceptable that any American is uninsured. It is shameful that thirty-nine million Americans are uninsured. And it is intolerable that the number of uninsured is now rising again and, if we do nothing, could reach more than 52 million by the end of the decade.

Who are the 39 million uninsured Americans who must go without the health care they need because they must do without the health insurance they deserve? Over 80 percent are members of working families. They are grocery baggers, car mechanics, construction workers. They are factory workers, nurses and nurses aides, secretaries and the self-employed. They are child care workers and waiters and cooks. They are teachers and social workers. They are veterans. They are people who wake up every morning and go to work. They work hard 40 hours a week and fifty-two weeks a year, but all their hard work cannot buy them the health insurance they need to protect themselves and their families, because they can't afford it and their employers don't provide it.

They play by the rules. They stand by their families and their country. But when it comes to health insurance, America has let them down.

A recent report by the Institute of Medicine lays out the stark result of America's failure to provide health insurance. Cancer, stroke, heart disease, leukemia, AIDS, and other serious illnesses know nothing about insurance, or economic class or race or creed. They can strike anyone equally. And when they do, the uninsured are left out and left behind. In hospital or out, young or old, black or white, the uninsured receive less care, suffer more pain, and die at higher rates than those who are insured.

One-third of uninsured Americans will simply go without care when they get sick instead of seeking medical attention. They stop and ask themselves whether their symptoms or their childrens symptoms are truly worth a doctor visit. Is this cough just a cold or could it be strep throat? Is this pain in my bones indicative of something more serious or will it eventually go away if I ignore it? Millions of families are forced to decide between their health and other necessities of life. They ration health care for themselves and their children, and too often they pay a terrible price.

Every year, 8 million uninsured Americans fail to take their medications because they can't afford to pay for their prescriptions. 300,000 children with asthma never get treated by a doctor. Uninsured women diagnosed with breast cancer are 50 percent more likely to die from the disease because their cancer is diagnosed later. 32,000 Americans with heart disease go without life-saving bypass surgery or angioplasty. The chilling bottom line is that Americans without health insurance are one-quarter more likely to die prematurely solely because they lack coverage.

The legislation I am introducing today is a major step forward toward the day when all Americans will enjoy the health insurance that should be their birthright This measure will require every firm with more than 100 workers to provide health insurance coverage for employees and their dependents. This coverage must be as good as the coverage now provided for Federal employees. If good health insurance coverage is available to every member of the Senate, to every member of the House, and to the President of the United States, it ought to be available to every other American too.

This measure alone would assure coverage for more than a third of today's uninsured workers.

For generations we have required employers to contribute to Social Security and then to Medicare. We have required them to pay a minimum wage, and contribute to unemployment insurance. Now it is time to say, at least for large firms, that they also have an obligation to contribute to the cost of health insurance for their employees. The vast majority of large businesses already do so, and the rest should fulfill that obligation, too.

The legislation I am introducing is supported by more than 100 health, labor, elderly, disability, church, and family groups. It deserves the support of Congress as the single most important way to move America closer to the goal of health care for all.

This legislation is an important first step toward the day when the fundamental right to health care will be a reality for every American. But it is only a first step. Later this year, after broad consultation with affected groups, I will introduce legislation to assure that all Americans, wherever they work, wherever they live, have the quality, affordable health insurance coverage they deserve.

Health care is a defining test of our commitment and our national character. The American people have shown that they are ready for great missions. They are the creators of the new spirit of September 11. Now, we in public life must live up to the standards they have set.

We must strive to do what is best, in health and education as well as national defense, and we must measure our success by what we accomplish not just for one political party or another, not for this or that interest group, but for America and its enduring ideal of liberty and justice for all.

By Mrs. FEINSTEIN:

S. 2640. A bill to provide for adequate school facilities in Yosemite National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Madam President, I am pleased to introduce this legislation today to authorize the Interior Department to provide critical services to three national parks in my home State of California.

With the passage of this bill, Yosemite, Manzanar, and Golden Gate National Parks will receive the Federal support needed to continue to offer a broad range of services to the millions of tourists and Californians who visit these national treasures each year.

This bill meets four distinct needs in these parks: it authorizes the Interior Secretary to designate Federal emergency funds to small schools in Yosemite National Park, allows the Yosemite Area Regional Transportation System, YARTS, to continue operating and extends the Manzanar and Golden Gate National Recreational Area, GGNRA, Advisory Commissions for ten more years.

The first component of this bill provides critical funds to three small schools nestled in the heart of Yosemite National Park.

Approximately 126 children of park service employees are taught in the quaint one-room buildings of Wawona, El Portal, and Yosemite Valley elementary schools. The remote location of these schools, along with their small sizes and California's unique method for funding education, have all contributed to the schools amassing a combined deficit of $241,000. In their efforts to continue to provide basic educational services to students, the schools have had to cut supplemental instruction that would normally be available to students taught outside of the Park.

In light of these facts, this bill allows the Interior Secretary to assist these schools if their combined state funding falls below $750,000. It also clarifies how funds will be used by limiting allocations to providing general upkeep, maintenance, and classroom instruction.

Furthermore, this legislation allows the Park Service to allot federal funds for the continuing operation of the Yosemite Area Regional Transportation System, YARTS.

YARTS is a bus service that gives visitors the option of taking a free shuttle through Yosemite National Park instead of driving on their own. Since it began operating in 2000, this service has played a crucial role in improving visitor accessibility to the Park's attractions, alleviating traffic congestion on access roads and reducing the amount of air pollution emitted by incoming cars.

The Federally funded demonstration project that allowed YARTS to offer services on a temporary basis expired in May and since then, YARTS has leveraged local funds to ensure that services were not discontinued.

Both the Park Service and YARTS are supportive of continuing their mutually beneficial agreement. This legislation would do just that by taking the burden off local entities and providing the necessary assistance that this service needs.

The last component of this bill will extend the advisory commissions of the Manzanar Historic Site and Golden Gate National Recreation Area for ten more years.

Both of these commissions have active committees that represent a wide range of user groups from bicyclists to bird watchers to outdoor enthusiasts. They provide a vital communications link between the Park Service and the surrounding communities that enjoy the attractions that these national sites have to offer. Without these commissions, the Park Service would be hard pressed to provide the same level of service and attention to the broad interests and diverse communities that they serve.

I continue to be a strong advocate for public involvement in Park Service decisions. I believe that these commissions have been essential in ensuring that the Park Service upholds its commitment to allow community participation in its decision making process, particularly when it comes to contentious issues.

California's national parks are truly invaluable, each one of the parks that this bill supports offers an opportunity for visitors and residents to enjoy unique national habitats and open spaces. This legislation mark the beginning of a process that I hope will result in the Park Service and the community working together not only to protect the environment, but also the interests of the nearby communities. I invite my colleagues to join me in supporting this bill.

By Mrs. MURRAY (for herself, Mr. BAUCUS, Ms. CANTWELL, Mr. DAYTON, and Mr. WELLSTONE):

S. 2641. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products; to the Committee on Environment and Public Works.

Mrs. MURRAY. Madam President, today I rise and join my colleagues Senators BAUCUS, CANTWELL, DAYTON, and WELLSTONE in introducing legislation to improve protections for workers and consumers against a known carcinogen: asbestos. The primary purpose of the Ban Asbestos in America Act of 2002 is to require the Environmental Protection Agency, EPA, to ban the substance by 2005.

Most Americans believe that asbestos has already been banned. People have this misconception in part because EPA tried to ban it in 1989, and the ban was well publicized. But what wasn't so publicized was the fact that in 1991, the 5th Circuit Court of Appeals overturned EPA's ban, and the first Bush Administration didn't appeal the decision to the Supreme Court. While new uses of asbestos were banned, existing ones were not.

People also believe asbestos has been banned because the mineral has been heavily regulated, and some uses are now prohibited. But the sweeping ban that EPA worked for ten years to put in place never went into effect. As a result, products such as asbestos clothing, pipeline wrap, roofing felt, vinyl-asbestos floor tile, asbestos-cement shingle, disc brake pads, gaskets and roof coatings still contain asbestos today. Had EPA's ban gone into effect, these products would no longer be allowed to contain this deadly substance.

This morning I met with three people who wish there had been better protections in place against the dangers of asbestos years ago. I had the honor of meeting Mrs. Susan Vento, the wife of the beloved Congressman Bruce Vento from Minnesota who died from a disease caused by asbestos in October of 2000 at the age of 60. Representative Vento was exposed to asbestos when he worked in factories in St. Paul during college.

I also had the privilege of meeting Lt. Col. James Zumwalt, the son of the legendary Navy Admiral Elmo Zumwalt who also died in 2000 of mesothelioma, a rare cancer of the lining of the lungs and internal organs caused by asbestos. Like so many others who served in the Navy, Admiral Zumwalt was exposed to asbestos during his military service.

In addition, I had the pleasure to meet Mr. Brian Harvey, a former English teacher from Washington State University and a survivor of the deadly disease. Like Congressman Vento, Mr. Harvey was exposed to asbestos working summers during college, only Mr. Harvey worked in a timber mill in Shelton, WA instead of in factories in St. Paul. Mr. Harvey received aggressive treatment from the University of Washington, and his triumph over the deadly disease offers all of us hope.

You don't have to tell Mrs. Vento, Lt. Colonel Zumwalt or Mr. Harvey that asbestos can kill, or that it hasn't been banned. Unfortunately, they already know about asbestos.

I have also heard from other Washington State residents about the devastating effects that asbestos exposure can have on people's lives. I'd like to take a moment to tell you about an e-mail I received from two of my constituents, Mr. Charles Barber and his wife, Ms. Karen Mirante, who live in Seattle. They wrote to me last year to express support for my efforts on asbestos. Mr. Barber and Ms. Mirante had just recently learned that both of their fathers were diagnosed with mesothelioma, the same deadly disease that took the lives of Congressman Vento and Admiral Zumwalt.

Mr. Barber's father, Rudolph "Rudy" Barber, was a World War II veteran who worked at Todd shipyards. Then he worked for Boeing for 35 years building airplanes. According to his son, when Rudy served on a troopship during the war he recalled sleeping in a bunk under asbestos-coated pipes which flaked so badly that he had to shake out his sleeping bag every morning.

A few years after retiring from Boeing, Rudy Barber started to develop breathing problems. First he was told by one doctor that his disease could be cured with surgery, but it wasn't. After undergoing surgery, another doctor diagnosed him with mesothelioma. After a year and a half of suffering and of enduring repeated radiation and chemotherapy treatments, Mr. Barber died on April 28, 2002. According to his family, he never complained and continued to help his family and neighbors with maintenance and farm work for as long as he could.

Karen Mirante's father, Fred Mirante, was a retired truck driver who was active in labor issues. While the source of Mr. Mirante's exposure to asbestos is unknown, it is likely that he breathed in asbestos from brakes when he worked on cars. After receiving experimental therapies for the disease and after a two and one-half year battle, he died on June 4, 2002. June 16, last Sunday, was the first Father's Day that Mr. Barber and Ms. Mirante had to spend without their cherished, hard-working dads.

I mention Bruce Vento, Admiral Zumwalt, Mr. Harvey, Mr. Barber and Mr. Mirante to demonstrate that asbestos disease strikes all different types of people in different professions who were exposed to asbestos at some point in their lives. Asbestos knows no boundaries. It is still in thousands of schools and buildings throughout the country, and is still being used in some consumer products.

I first became interested in this issue because, like most people, I thought asbestos had been banned. But in 1999, the Seattle Post-Intelligencer starting running stories about a disturbing trend in the small mining town of Libby, Montana. Residents there suffer from high rates of asbestosis, lung cancer and mesothelioma. These findings prompted Montana Senator MAX BAUCUS to ask EPA to investigate. The agency found that the vermiculite mine near Libby, which operated from the 1920s until 1990, is full of tremolite asbestos. EPA is still working to clean up Libby, which is now a Superfund site.

W.R. Grace, the company which ran the mine, had evidence of the harmful health effects of its product, but did not warn workers, town residents or consumers. Instead, the product was shipped to over 300 sites nationally for processing and then was used to make products such as home insulation and soil additives. EPA and the Agency for Toxic Substances and Disease Registry, ATSDR, have determined that 22 sites are still contaminated today, including one in Spokane, WA.

At many plants where vermiculite from Libby was processed, waste rock left over from the expansion process was given away for free, and people used it in their yards, driveways and gardens. During its investigation into sites around the country which processed vermiculite from Libby, ATSDR discovered a picture taken of two darling little boys, Justin and Tim Jorgensen, climbing on waste rock given out by Western Minerals, Inc. in Minneapolis, MN sometime in the late 1970s. According to W.R. Grace records, this rock contained between 2 and 10 percent tremolite asbestos. This rock produced airborne asbestos concentrations 135 times higher than the Occupational Safety and Health Administration's current standard for workers. Thankfully, neither Justin nor Tim has shown any signs of disease, but their risks of developing asbestos diseases, which have latency periods of 15 to 40 years, are increased from their childhood exposures.

People may still today be exposing themselves to harmful amounts of asbestos in vermiculite. As many as 35 million homes and businesses may have insulation made with harmful minerals from Libby. And EPA has also tested agricultural products, soil conditioners and fertilizers, made with vermiculite, and determined that some workers may have been exposed to dangerous concentrations of tremolite asbestos.

As I learned more about Libby, and how asbestos has ended up in products by accident, I was shocked to learn that asbestos is still being used in products on purpose. While some specific uses have been banned, the EPA's more sweeping ban was never put into effect because of an asbestos industry backed lawsuit. As a result, new uses of asbestos were banned, but most existing ones were not. Asbestos is still used today to make roofing products, gaskets, brakes and other products. In 2001 the U.S. consumed 13,000 metric tons of it. Asbestos is still entering the product stream in this country, despite its known dangers to human health.

In contrast, asbestos has been banned in these 20 countries: Argentina, Austria, Belgium, Chile, Croatia, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Latvia, the Netherlands, Norway, Poland, Saudi Arabia, Sweden, Switzerland, and the United Kingdom. Now it is time for the United States to ban asbestos, too. According to EPA, 27 million Americans had significant exposure to the material on the job between 1940 and 1980. It is time for the sad legacy of asbestos disease we have witnessed during the 20th century to come to an end. I want to ensure our government does all it can to minimize future suffering and death caused by this substance.

That is why today I am introducing the Ban Asbestos in America Act of 2002. The legislation has four main parts. First and foremost, this bill protects public health by doing what the EPA tried to do 13 years ago: ban asbestos in the United States. The bill requires EPA to ban it by 2005. Like the regulations EPA finalized in 1989, companies may file for an exemption to the ban if there is no substitute material available: if there is no substitute material available and EPA determines the exemption won't pose an unreasonable risk of injury to public health or the environment.

Second, the bill requires EPA to conduct a public education campaign about the risks of asbestos products. Within 6 months of passage, the EPA and the Consumer Product Safety Commission will begin educating people about how to safely handle insulation made with vermiculite. I believe the government needs to warn people that their insulation, if made with vermiculite, may be contaminated with asbestos. Home owners and workers may be unknowingly exposing themselves to asbestos when they conduct routine maintenance near this insulation. While EPA has agreed to remove vermiculite insulation from homes in Libby, the agency currently has no plans to do this nation-wide.

The legislation also requires EPA to conduct a survey to determine which foreign and domestic products being consumed in the United States today have been made with asbestos. There is no solid, up-to-date information about which products contain it, although EPA has estimated that as many as 3,000 products still do.

The survey will provide the foundation for a broader education campaign so consumers and workers will know how to handle as safely as possible asbestos products that were purchased before the ban goes into effect.

Third, the legislation requires funding to improve treatment for asbestos diseases. The bill directs the Secretary of Health and Human Services, working through the National Institutes of Health, to "expand, intensify and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos." The Ban Asbestos in America Act requires the creation of a National Mesothelioma Registry to improve tracking of the disease. If there had been an asbestos disease tracking system in place, public health officials would have detected the health problems in Libby much sooner, and may have saved lives.

In addition, the bill authorizes funding for 7 mesothelioma treatment centers nationwide to improve treatments for and awareness of this fatal cancer. As was the case with Mr. Harvey, who received treatment from the University of Washington, early detection and proper treatment make the difference between life and death. This bill authorizes $500,000 for each center for five years. This means more mesothelioma patients will receive treatments that can prolong their lives.

In response to the EPA Inspector General's report on Libby, Montana, EPA committed to create a Blue Ribbon Panel on asbestos and other durable fibers. However, because of insufficient resources, EPA has now narrowed the focus of the Panel to address issues surrounding only the six regulated forms of asbestos. The bill requires EPA to expand its Blue Ribbon Panel on Asbestos to address issues beyond those surrounding the six regulated forms of asbestos.

The Ban Asbestos in America Act of 2002 expands the Blue Ribbon Panel's scope to include nonasbestiform asbestos and other durable fibers. The Panel shall include participation by the Department of Labor, the Department of Health and Human Services and the Consumer Product Safety Commission. In its response to the Inspector General, EPA was originally planning for the Panel to address implementation of and grant programs under Asbestos Hazard Emergency Response Act, creation of a National Emissions Standard for Hazardous Pollutants under the Clean Air Act for contaminant asbestos, and other legislative and regulatory options for protecting public health.

The Administration also promised for the Panel to review the feasibility of establishing a durable fibers testing program within EPA, options to improve protections against exposure to asbestos in asbestos-containing products in buildings, and public education. The Ban Asbestos in America Act of 2002 requires the Panel to address these subjects as EPA originally planned.

The legislation also requires the Panel to explore the need to establish across federal agencies a uniform asbestos standard and a protocol for detecting and measuring asbestos. Currently, asbestos is regulated under at least 11 statutes. There are different standards within EPA and across federal agencies, and agencies rely on different protocols to detect and measure the substance. This has led to widespread confusion for the public, for example, in 2000, there were reports that there was asbestos in crayons. There has also been confusion surrounding asbestos exposure in New York City following the collapse of the World Trade Center Towers. And in Libby, the EPA Inspector General's report cited split jurisdiction and multiple standards as one of the reasons EPA didn't do a better job of protecting the people of Libby from exposure to asbestos in the first place.

The Blue Ribbon Panel will also review the current state of the science on the human health effects of exposure to asbestos and other durable fibers, whether the current definition of asbestos containing material should be modified throughout the Code of Federal Regulations, and current research on and technologies for disposal of asbestos-containing products and contaminant asbestos products. The bill leaves up to the discretion of the Panel whether it will expand its scope to include manmade fibers, such as ceramic and carbon fibers. The Blue Ribbon Panel's recommendations are due 2 years after enactment of the Act.

Our Federal agencies need to do a better job of coordinating and working together on asbestos, which will mean less confusion for the public and improved protection for everyone.

The toll that asbestos has taken on people's lives in this country is staggering. And while Senators BAUCUS, CANTWELL, DAYTON, WELLSTONE, and I continue to mourn the loss of Congressman Bruce Vento, Admiral Elmo Zumwalt, more than 200 people from Libby and thousands of others, today our message is one of hope.

Our hope is that by continuing to work together, we will build support for the Ban Asbestos in America Act. If we can get this legislation passed, fewer people will be exposed to asbestos, fewer people will contract asbestos diseases in the first place, and those who already have asbestos diseases will receive treatments to prolong and improve quality of life. I urge my colleagues to support this important legislation. I ask unanimous consent that the text of the Ban Asbestos in America Act of 2002 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ban Asbestos in America Act of 2002".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance;

(2) there is no known safe level of exposure to asbestos;

(3)(A) in hearings before Congress in the early 1970s, the example of asbestos was used to justify the need for comprehensive legislation on toxic substances; and

(B) in 1976, Congress passed the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(4) in 1989, the Administrator promulgated final regulations under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) to phase out asbestos in consumer products by 1997;

(5) in 1991, the United States Court of Appeals for the 5th Circuit overturned the regulations, and the Administrator did not appeal the decision to the Supreme Court;

(6) as a result, while new uses of asbestos were banned, asbestos is still being used in some consumer and industrial products in the United States;

(7) available evidence suggests that—

(A) imports of some types of asbestos-containing products may be increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

(8) many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

(9) asbestos has been banned in Argentina, Austria, Belgium, Chile, Croatia, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Latvia, the Netherlands, Norway, Poland, Saudi Arabia, Sweden, Switzerland, and the United Kingdom;

(10) asbestos will be banned throughout the European Union in 2005;

(11) the World Trade Organization recently upheld the right of France to ban asbestos, with the United States Trade Representative filing a brief in support of the right of France to ban asbestos;

(12) the 1999 brief by the United States Trade Representative stated, "In the view of the United States, chrysotile asbestos is a toxic material that presents a serious risk to human health.";

(13) people in the United States have been exposed to harmful levels of asbestos as a contaminant of other minerals;

(14) in the town of Libby, Montana, workers and residents have been exposed to dangerous levels of asbestos for generations because of mining operations at the W.R. Grace vermiculite mine located in that town;

(15) the Agency for Toxic Substances and Disease Registry found that over a 20-year period, "mortality in Libby resulting from asbestosis was approximately 40 to 60 times higher than expected. Mesothelioma mortality was also elevated.";

(16)(A) in response to this crisis, in January 2002, the Governor of Montana requested that the Administrator of the Environmental Protection Agency designate Libby as a Superfund site; and

(B) the Administrator is in the process of placing Libby on the National Priorities List;

(17)(A) vermiculite from Libby was shipped for processing to 42 States; and

(B) Federal agencies are investigating potential harmful exposures to asbestos-contaminated vermiculite at sites throughout the United States; and

(18) although it is impracticable to ban asbestos entirely because asbestos is a naturally occurring mineral in the environment and occurs in several deposits throughout the United States, Congress needs to do more to protect the public from exposure to asbestos.

SEC. 3. ASBESTOS-CONTAINING PRODUCTS.

(a) In General.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—Asbestos-Containing Products

"SEC. 221. DEFINITIONS.

"In this subtitle:

"(1) Asbestos-containing product.—The term 'asbestos-containing product' means any product (including any part) to which asbestos is deliberately or knowingly added or in which asbestos is deliberately or knowingly used in any concentration.

"(2) Contaminant-asbestos product.—The term 'contaminant-asbestos product' means any product that contains asbestos as a contaminant of any mineral or other substance, in any concentration.

"(3) Covered person.—The term 'covered person' means—

"(A) any individual;

"(B) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or nonprofit business entity (including any manufacturer, importer, distributor, or processor);

"(C) any Federal, State, or local department, agency, or instrumentality; and

"(D) any interstate body.

"(4) DISTRIBUTE IN COMMERCE.—

"(A) IN GENERAL.—The term 'distribute in commerce' has the meaning given the term in section 3.

"(B) EXCLUSIONS.—The term 'distribute in commerce' does not include—

"(i) an action taken with respect to an asbestos-containing product in connection with the end use of the asbestos-containing product by a covered person that is an end user; or

"(ii) distribution of an asbestos-containing product by a covered person solely for the purpose of disposal of the asbestos-containing product.

"(5) DURABLE FIBER.—

"(A) IN GENERAL.—The term 'durable fiber' means a silicate fiber that—

"(i) occurs naturally in the environment; and

"(ii) is similar to asbestos in—

"(I) resistance to dissolution;

"(II) leaching; and

"(III) other physical or chemical processes expected from contact with lung cells and fluids.

"(B) INCLUSIONS.—The term 'durable fiber' includes—

"(i) richterite;

"(ii) winchite;

"(iii) erionite; and

"(iv) nonasbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite.

"(6) FIBER.—The term 'fiber' means an acicular single crystal or similarly elongated polycrystalline aggregate particle with a length to width ratio of 3 to 1 or greater.

"SEC. 222. PANEL ON ASBESTOS AND OTHER DURABLE FIBERS.

"(a) PANEL.—

"(1) IN GENERAL.—The Administrator shall continue the panel (established by the Administrator and in existence on the date of enactment of this subtitle) to study asbestos and other durable fibers.

"(2) PARTICIPATION.—The Secretary of Labor, the Secretary of Health and Human Services, and the Chairman of the Consumer Product Safety Commission shall participate in the activities of the panel.

"(b) ISSUES.—The panel shall study and, not later than 2 years after the date of enactment of this section, provide the Administrator recommendations for, public education programs relating to—

"(1) the need to establish, for use by all Federal agencies—

"(A) a uniform asbestos exposure standard; and

"(B) a protocol for measuring and detecting asbestos;

"(2) the current state of the science relating to the human health effects of exposure to asbestos and other durable fibers;

"(3) implementation of subtitle A;

"(4) grant programs under subtitle A;

"(5) revisions to the national emissions standards for hazardous air pollutants promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(6) legislative and regulatory options for improving consumer and worker protections against harmful health effects of exposure to asbestos and durable fibers;

"(7) whether the definition of asbestos-containing material, meaning any material that contains more than 1 percent asbestos by weight, should be modified throughout the Code of Federal Regulations;

"(8) the feasibility of establishing a durable fibers testing program;

"(9) options to improve protections against exposure to asbestos from asbestos-containing products in buildings;

"(10) current research on and technologies for disposal of asbestos-containing products and contaminant-asbestos products; and

"(11) at the option of the panel, the effects on human health that may result from exposure to ceramic, carbon, and other manmade fibers.

"SEC. 223. STUDY OF ASBESTOS-CONTAINING PRODUCTS AND CONTAMINANT-ASBESTOS PRODUCTS.

"(a) IN GENERAL.—In consultation with the Secretary of Labor, the Chairman of the International Trade Commission, the Chairman of the Consumer Product Safety Commission, and the Assistant Secretary for Occupational Safety and Health, the Administrator shall conduct a study on the status of the manufacture, processing, distribution in commerce, ownership, importation, and disposal of asbestos-containing products and contaminant-asbestos products in the United States.

"(b) ISSUES.—In conducting the study, the Administrator shall examine—

"(1) how consumers, workers, and businesses use asbestos-containing products and contaminant-asbestos products that are entering commerce as of the date of enactment of this subtitle; and

"(2) whether consumers and workers are being exposed to unhealthful levels of asbestos through exposure to products described in paragraph (1).

"(c) REPORT.—Not later than January 1, 2005, the Administrator shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

"SEC. 224. PROHIBITION ON ASBESTOS-CONTAINING PRODUCTS.

"(a) IN GENERAL.—Subject to subsection (b), the Administrator shall promulgate—

"(1) not later than January 1, 2004, proposed regulations that prohibit covered persons from manufacturing, processing, or distributing in commerce asbestos-containing products; and

"(2) not later than January 1, 2005, final regulations that prohibit covered persons from manufacturing, processing, or distributing in commerce asbestos-containing products.

"(b) EXEMPTIONS.—

"(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant an exemption from the requirements of subsection (a) if the Administrator determines that—

"(A) the exemption would not result in an unreasonable risk of injury to public health or the environment; and

"(B) the person has made good faith efforts to develop a substance, or identify a mineral, that—

"(i) does not present an unreasonable risk of injury to public health or the environment; and

"(ii) may be substituted for an asbestos-containing product.

"(2) TERMS AND CONDITIONS.—An exemption granted under this subsection shall be in effect for such period (not to exceed 1 year) and subject to such terms and conditions as the Administrator may prescribe.

"(c) INVENTORY.—

"(1) IN GENERAL.—Subject to paragraph (3), each covered person (other than an individual) that possesses an asbestos-containing product that is subject to the prohibition established under this section shall establish an inventory of the asbestos-containing product possessed by the covered person as of January 1, 2005.

"(2) CONTENTS.—The inventory of a covered person subject to paragraph (1) shall—

"(A) be in writing; and

"(B) include—

"(i) the type of each asbestos-containing product possessed by the covered person;

"(ii) the number of product units of each asbestos-containing product in the inventory of the covered person; and

"(iii) the location of the product units.

"(3) RECORDS.—The information in an inventory of a covered person shall be maintained for a period of not less than 3 years.

"(4) WAIVER.—The Administrator may waive the application of this subsection to an end user that possesses a de minimis quantity of an asbestos-containing product, as determined by the Administrator.

"(d) DISPOSAL.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not later than June 1, 2005, each covered person that possesses an asbestos-containing product that is subject to the prohibition established under this section shall dispose of the asbestos-containing product, by a means that is in compliance with applicable Federal, State, and local requirements.

"(2) EXEMPTION.—Nothing in paragraph (1)—

"(A) applies to an asbestos-containing product that—

"(i) is no longer in the stream of commerce; or

"(ii) is in the possession of an end user; or

"(B) requires that an asbestos-containing product described in subparagraph (A) be removed or replaced.

"SEC. 225. PUBLIC EDUCATION PROGRAM.

"(a) IN GENERAL.—Not later than March 1, 2005, and subject to subsection (c), in consultation with the Chairman of the Consumer Product Safety Commission and the Secretary of Labor, the Administrator shall establish a program to increase awareness of the dangers posed by asbestos-containing products and contaminant-asbestos products in the marketplace, including homes and workplaces.

"(b) GREATEST RISKS.—In establishing the program, the Administrator shall—

"(1) base the program on the results of the study conducted under section 223;

"(2) give priority to asbestos-containing products and contaminant-asbestos products used by consumers and workers that pose the greatest risk of injury to human health; and

"(3) at the option of the Administrator on receipt of a recommendation from the panel, include in the program the conduct of projects and activities to increase public awareness of the effects on human health that may result from exposure to—

"(A) durable fibers; and

"(B) ceramic, carbon, and other manmade fibers.

"(c) MINIMAL RISKS.—If the Administrator determines, on the basis of the study conducted under section 223, that asbestos-containing products used by consumers and workers do not pose an unreasonable risk of injury to human health, the Administrator shall not be required to conduct a program under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(b) VERMICULITE INSULATION.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Consumer Product Safety Commission shall begin a national campaign to educate consumers concerning—

(1) the dangers of vermiculite insulation that may be contaminated with asbestos; and

(2) measures that homeowners and business owners can take to protect against those dangers.

SEC. 4. ASBESTOS-CAUSED DISEASES.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"SEC. 417D. RESEARCH ON ASBESTOS-CAUSED DISEASES.

"(a) IN GENERAL.—The Secretary, acting through the Director of NIH and the Director of the Centers for Disease Control and Prevention shall expand, intensify, and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

"(b) ADMINISTRATION.—The Secretary shall carry out this section—

"(1) through the Director of NIH and the Director of the Centers for Disease Control and Prevention; and

"(2) in collaboration with the Administrator of the Agency for Toxic Substances and Disease Registry and the head of any other agency that the Secretary determines to be appropriate.

"(c) REGISTRY.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention, in cooperation with the Director of the National Institute for Occupational Safety and Health and the Administrator of the Agency for Toxic Substances and Disease Registry, shall establish a National Mesothelioma Registry.

"(2) CONTENTS.—The Registry shall contain information on diseases caused by exposure to asbestos, particularly mesothelioma.

"(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available for the purposes described in subsection (a) under other law, there are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2003 and each fiscal year thereafter.

"SEC. 417E. MESOTHELIOMA TREATMENT PROGRAMS.

"(a) FUNDING.—The Secretary, in consultation with the Director of NIH and the Director of the Centers for Disease Control and Prevention, shall provide not to exceed $500,000 for each of fiscal years 2003 through 2007 to each institution described in subsection (b) to strengthen the mesothelioma treatment programs carried out at those institutions.

"(b) INSTITUTIONS.—The institutions described in this subsection are the following:

"(1) The Memorial Sloan-Kettering Hospital, New York, New York.

"(2) The Karmanos Cancer Institute at Wayne State University, Detroit, Michigan.

"(3) The University of California at Los Angeles Medical School, Los Angeles, California.

"(4) The University of Chicago Cancer Research Center, Chicago, Illinois.

"(5) The University of Pennsylvania Hospital, Philadelphia, Pennsylvania.

"(6) The University of Texas, through the M.D. Anderson Cancer Research Center Houston, Texas.

"(7) The University of Washington, Seattle, Washington.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000 for each of fiscal years 2003 through 2007.".

SEC. 5. CONFORMING AMENDMENTS.

The table of contents in section 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end of the items relating to title II the following:

"Subtitle B—Asbestos-Containing Products

"Sec. 221. Definitions.

"Sec. 222. Panel on asbestos and other durable fibers.

"Sec. 223. Study of asbestos-containing products and contaminant-asbestos products.

"Sec. 224. Prohibition on asbestos-containing products.

"Sec. 225. Public education program.".

By Mr. NELSON of Florida (for himself, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. BAYH):

S. 2642. A bill to require background checks of alien flight school applicants without regard to the maximum certificated weight of the aircraft for which they seek training, and to require a report on the effectiveness of the requirement; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Madam President, in the wake of the September 11 terrorist attacks, it was discovered that many of the hijackers received flight training in the United States. In addition, Zacarias Moussaoui, the alleged "20th hijacker," was apprehended by investigators in Minnesota after accounts that he was only interested in learning to fly, not land, an airplane.

Section 113 of the Aviation and Transportation Security Act requires background checks of all foreign flight school applicants seeking training to operate aircraft weighing 12,500 pounds or more. While this provision should help ensure that events like the September 11 attacks are not performed by U.S.-trained pilots using hijacked jets in the future, it does nothing to prevent different types of potential attacks against our domestic security.

The FBI recently issued a terrorism warning indication that small planes might be used to carry out attacks. We need to ensure that we are not training terrorists to perform these activities. We can't allow critical warnings to go unheeded.

Today I am introducing legislation that would close this dangerous loophole by requiring background checks on all foreign applicants to U.S. flight schools, regardless of the aircraft on which they plan to train. I am joined in this effort by Senators THOMAS, FEINSTEIN, and BAYH, and I look forward to the Senate's prompt consideration of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FLIGHT SCHOOL BACKGROUND CHECKS.

Section 44939(a) of title 49, United States Code, is amended by striking "having a maximum certificated takeoff weight of 12,500 pounds or more".

SEC. 2. REPORT ON EFFECTIVENESS OF BACKGROUND CHECK REQUIREMENT.

Within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Attorney General shall submit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure evaluating the effectiveness of activities conducted under section 44939 of title 49, United States Code.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 287—CONGRATULATING THE DETROIT RED WINGS ON WINNING THE 2002 NATIONAL HOCKEY LEAGUE STANLEY CUP CHAMPIONSHIP AND AGAIN BRINGING THE CUP HOME TO HOCKEYTOWN

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 287

Whereas on June 13, 2002, the Detroit Red Wings (in this resolution referred to as the "Red Wings") defeated the Carolina Hurricanes, 3-1, in game 5 of the National Hockey League championship series;

Whereas this victory marks the Red Wings' 10th Stanley Cup Championship, continuing the team's reign as the most storied American hockey team;

Whereas this victory marks the Red Wings' third Stanley Cup Championship in the past 6 years, establishing them as one of the great dynasties in the history of the National Hockey League;

Whereas the Red Wings, who average over 30 years of age, proved once again that talent and experience can triumph over more youthful competition;

Whereas the Red Wings had the best record in the National Hockey League for the decade of the 1990s as well as this past year;

Whereas Nicklas Lidstrom, who has anchored the Detroit Defense for 11 years, became the first European-born player to win the Conn Smythe Trophy for the most valuable player in the playoffs;

Whereas Marian and Mike Ilitch, the owners of the Red Wings and community leaders in Detroit and Michigan, have returned Lord Stanley's Cup to Detroit yet again;

Whereas the Red Wings, who have played in Detroit since 1926, continue to hold a special place in the hearts of all Michiganders;

Whereas Detroit, otherwise known as "Hockeytown, U.S.A.", is home to the most loyal fans in the world;

Whereas the Red Wings are indebted to retiring head coach Scotty Bowman, who has brought the Red Wings to the playoffs 7 times in the last 8 years and who, with this year's victory, has earned his ninth Stanley Cup victory, surpassing his mentor Toe Blake for the most championships in league history;

Whereas the Red Wings are fortunate to have the leadership of team captain Steve Yzerman, who along with being one of the most respected athletes in all of sports, completed one of his best seasons ever despite a serious leg injury which will require surgery at the end of the season; and

Whereas each one of the Red Wings will be remembered on the most illustrious sports trophy, the Stanley Cup, as follows: Pavel Datsyuk, Boyd Devereaux, Kris Draper, Sergei Fedorov, Igor Larionov, Jason Williams, Steve Yzerman, Tomas Holmstrom, Luc Robitaille, Brendan Shanahan, Sean Avery, Ladislav Kohn, Brett Hull, Darren McCarty, Kirk Maltby, Chris Chelios, Mathieu Dandenault, Steve Duchesne, Jiri Fischer, Uwe Krupp, Maxim Kuznetsov, Nicklas Lidstrom, Fredrik Olausson, Jiri Slegr, Jesse Wallin, Dominik Hasek, and Many Legace: Now, therefore, be it

Resolved, That the Senate congratulates the Detroit Red Wings on winning the 2002 National Hockey League Stanley Cup Championship.

Mr. LEVIN. Madam President, I am submitting today, along with my colleague Senator STABENOW, a resolution congratulating the Detroit Red Wings, who on June 13th, 2002, defeated the Carolina Hurricanes 3–1 to win their third Stanley Cup in six years. With this victory, the Wings have further solidified their position as one of the most storied teams in all sports by bringing Lord Stanley's Cup home to Hockeytown for a 10th time.

Few doubted that this year's team could make a run at the Cup. Many have argued that this was the greatest hockey roster ever assembled. The last names alone evoke hockey greatness. Along with long time stars like Yzerman, Fedorov, Lidstrom, and Shanahan, this season's team included future hall of famers by the names of Hull, Robitaille, and Hasek. It was a team assembled to win, and in the end, that goal was reached.

This is not a story of individual talent, though surely there was a surplus of that. This is a story of teamwork and dedication. Despite the phenomenal play by Detroit's stars, they would not have succeeded had it not been for the contributions of players like Igor Larionov, Tomas Holmstrom, Kris Draper, Darren MacCarty and Steve Duchesne. Their selfless dedication was exemplified by Duchesne, who sat out only one shift, about ten minutes, after losing six teeth to an errant puck.

During the season many critics claimed that while Detroit had talent, the team was too old to endure the grueling playoffs, which last for over two months. They claimed that the Wings, who average over 30 years of age and have seven players over 35, would succumb to injury or fatigue against younger competition. However as the playoffs progressed, the team only grew stronger. All questions were put to rest in game three of the playoffs when 41 year old Igor Larionov scored two goals including the game winner in the third overtime.

Though the Wings are known for their powerful offense, it was their smothering defense which led to their victory. Throughout the playoffs, their defense kept the number of scoring chances for the opposing team to a bare minimum. The anchor of the Detroit defense was Nicklas Lidstrom who averaged over 31 minutes per game throughout the playoffs and over 35 minutes during the finals. For his exceptional contributions, he was awarded the Conn Smythe trophy as the Most Valuable player in the Playoffs.

Special recognition is also due to the Red Wings Captain, Steve Yzerman, who has been the team captain since 1986. During his career in the Motor City, this humble star has amassed 175 playoff points, besting the great Gordie Howe for the team record. For this year's playoffs, Yzerman led the team with 23 points, second in the NHL. Along with holding the team record for playoff goals, Stevie, as he is fondly known in Detroit, is the motivational leader of the team. When things were going poorly in the series against Vancouver, it was Yzerman who gave the motivational speech which led to a Wings victory and a tide shift in the series—all of this despite a knee which will need reconstructive surgery this off-season.

This victory also marks the end of an era, not only for Detroit, but for the NHL. Soon after the game ended, Scotty Bowman, the Red Wings coach since 1993, announced his retirement. When Scotty came to Detroit nine years ago, we had been without the Cup for nearly four decades. However, during his tenure, the Wings made it to the payoffs seven of eight years, and won the Stanley Cup three times. With this, his ninth Stanley Cup, victory Scotty also surpasses his mentor Toe Blake with the most cups in NHL history and joins Red Auerbach and Lakers coach Phil Jackson among the coaches with the most championship victories in major sports. I join with every Detroiter in saying, "Thank you Scotty."

Hockey has long been a second religion in Detroit. I fondly remember going to Red Wings games as a kid with my big brother, Sander—Congressman Levin now—and our mother. Those teams were also filled with future hall of famers: Sid Abel, Gordie Howe, Teddy Lindsay. These players and other Wings alumni established a winning tradition which continues to this day.

Yesterday, Senator STABENOW and I joined over a million fans in congratulating this fantastic team. The celebration was not only an outpouring of emotion and a celebration of talent, it was an affirmation of Detroit's title as Hockeytown. During the ceremonies, I had the opportunity to say thanks and farewell to Scotty Bowman. I also had the pleasure of chatting with Stevie Yzerman and his family. I wish him a speedy recovery from his surgery. More than anything else, he and the rest of the wings have been mentors to our children—along with being incredible hockey players on the ice they are charitable public citizens and dedicated family members .

I know my Senate Colleagues will join me and hockey fans around the country in congratulating the Red Wings for bringing hockey's "Holy Grail" back to Hockeytown.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, it was with great joy and excitement yesterday that I joined with Senator LEVIN as we celebrated the Stanley Cup win by the Detroit Red Wings. It was a beautiful sunshiny day in Detroit, and over a million people came out to join with all of us in thanking Scotty Bowman and thanking the entire team for their wonderful win again this year. We are so proud, as Senator LEVIN said, of what they do, not only on the ice but off the ice. So it is with great pleasure that I join with Senator LEVIN today in coauthoring this resolution of tribute to the Detroit Red Wings.

As has been said, this is the third time in 6 years the Detroit Red Wings have won the Stanley Cup. It is the 10th Stanley Cup in total that the Detroit Red Wings have won. We are pleased we are only behind the Montreal Canadiens, that have won it 23 times, and the Toronto Maple Leaves, that have won it 13 times. They are the only two teams that have won more Stanley Cups than our own Detroit Red Wings, of which we are so proud.

We also, yesterday, saw a wonderful tribute to the head coach and the entire coaching staff, but particularly Scotty Bowman, who has his ninth Stanley Cup win in his 30 years, and 9 years with Detroit. This is the most for any coach in the NHL. Sports Illustrated has called him the best coach in any sport. That is high praise.

Yesterday, the fans, of whom we have many—in fact, we in Detroit and in Michigan believe we have the best fans in the country, and indeed in the world, in Hockeytown everyone joined in rousing support and thanks to Scotty Bowman for all he has done to bring this team to another victory and also for leading a group of men who are role models both in their sport on the ice as well as in their own communities and personal lives.

We are sorry to see Scotty leave, but we are so grateful that he has spent this time in Detroit and that he has given his all to help our team achieve the very highest honors possible.

Interestingly, we know the Stanley Cup was named after Lord Stanley of Preston, the Governor General of Canada. In 1893, he started this award by purchasing a small, gold-plated, silver bowl from a London silversmith for $50. The bowl was awarded to the best hockey team in Canada. The original cup is actually in a museum.

It was a great honor, yesterday, for me to see our Stanley Cup, to see the names that are engraved there, to know that Detroit has such a high place of honor, and that the Detroit Red Wings have once again brought the cup home to Detroit.

So congratulations to the Red Wings. We are so proud of you. It is my great pleasure to stand with Senator LEVIN in salute to our Detroit Red Wings today.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3891. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 3843 proposed by Mr. BROWNBACK to the bill (S. 2600) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table.

SA 3892. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3871 submitted by Mr. HATCH and intended to be proposed to the bill (S. 2600) supra; which was ordered to lie on the table.

SA 3893. Mr. DASCHLE (for Mr. ENSIGN (for himself, Mr. KERRY, and Mr. STEVENS)) proposed an amendment to the bill H.R. 4560, to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

SA 3894. Mr. REID (for himself and Mr. SMITH, of New Hampshire) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3895. Mrs. HUTCHISON (for herself and Mr. BROWNBACK) submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3896. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3891. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 3843 proposed by Mr. BROWNBACK to the bill (S. 2600) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

Strike all after "SEC. . " and insert the following:

PROHIBITION ON HUMAN CLONING.

(a) PURPOSE.—It is the purpose of this Act to prohibit human cloning.

(b) PROHIBITION.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—PROHIBITION ON HUMAN CLONING

"Sec.
"301. Prohibition on human cloning.

"§ 301. Prohibition on human cloning

"(a) DEFINITIONS.—In this section:

"(1) HUMAN CLONING.—The term 'human cloning' means implanting or attempting to implant the product of nuclear transplantation into a uterus or the functional equivalent of a uterus.

"(2) HUMAN SOMATIC CELL.—The term 'human somatic cell' means any human cell other than a haploid germ cell.

"(3) NUCLEAR TRANSPLANTATION.—The term 'nuclear transplantation' means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

"(4) NUCLEUS.—The term 'nucleus' means the cell structure that houses the chromosomes.

"(5) OOCYTE.—The term 'oocyte' means the female germ cell, the egg.

"(b) PROHIBITIONS ON HUMAN CLONING.—It shall be unlawful for any person or other legal entity, public or private—

"(1) to conduct or attempt to conduct human cloning; or

"(2) to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning in the United States or elsewhere.

"(c) PROTECTION OF RESEARCH.—Nothing in this section shall be construed to restrict practices not expressly prohibited in this section.

"(d) PENALTIES.—

"(1) CRIMINAL PENALTIES.—Whoever intentionally violates paragraph (1) or (2) of subsection (b) shall be fined under this title and imprisoned not more than 10 years.

"(2) CIVIL PENALTIES.—Whoever intentionally violates paragraph (1) or (2) of subsection (b) shall be subject to a civil penalty of $1,000,000 or three times the gross pecuniary gain resulting from the violation, whichever is greater.

"(3) FORFEITURE.—Any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of subsection (b), or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 46 of title 18, United States Code.

"(e) RIGHT OF ACTION.—Nothing in this section shall be construed to give any individual or person a private right of action.".

SA 3892. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3871 submitted by Mr. HATCH and intended to be proposed to the bill (S. 2600) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table; as follows:

On page 1, line 4, before "." insert the following: "except for an individual or corporation which engages in wanton, willful, reckless or malicious conduct related to an act of terrorism and any amounts attributable to such punitive damages shall not count as insured losses for purposes of this Act".

SA 3893. Mr. DASCHLE (for Mr. ENSIGN (for himself, Mr. KERRY, and Mr. STEVENS)) proposed an amendment to the bill H.R. 4560, to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Auction Reform Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Circumstances in the telecommunications market have changed dramatically since the auctioning of spectrum in the 700 megahertz band was originally mandated by Congress in 1997, raising serious questions as to whether the original deadlines, or the subsequent revision of the deadlines, are consistent with sound telecommunications policy and spectrum management principles.

(2) No comprehensive plan yet exists for allocating additional spectrum for third-generation wireless and other advanced communications services. The Federal Communications Commission should have the flexibility to auction frequencies in the 700 megahertz band for such purposes.

(3) The study being conducted by the National Telecommunications and Information Administration in consultation with the Department of Defense to determine whether the Department of Defense can share or relinquish additional spectrum for third generation wireless and other advanced communications services will not be completed until after the June 19th auction date for the upper 700 megahertz band, and long after the applications must be filed to participate in the auction, thereby creating further uncertainty as to whether the frequencies in the 700 megahertz band will be put to their highest and best use for the benefit of consumers.

(4) The Federal Communications Commission is also in the process of determining how to resolve the interference problems that exist in the 800 megahertz band, especially for public safety. One option being considered for the 800 megahertz band would involve the 700 megahertz band. The Commission should not hold the 700 megahertz auction before the 800 megahertz interference issues are resolved or a tenable plan has been conceived.

(5) The 700 megahertz band is currently occupied by television broadcasters, and will be so until the transfer to digital television is completed. This situation creates a tremendous amount of uncertainty concerning when the spectrum will be available and reduces the value placed on the spectrum by potential bidders. The encumbrance of the 700 megahertz band reduces both the amount of money that the auction would be likely to produce and the probability that the spectrum would be purchased by the entities that valued the spectrum the most and would put the spectrum to its most productive use.

(6) The Commission's rules governing voluntary mechanisms for vacating the 700 megahertz band by broadcast stations—

(A) produced no certainty that the band would be available for advanced mobile communications services, public safety operations, or other wireless services any earlier than the existing statutory framework provides; and

(B) should advance the transition of digital television and must not result in the unjust enrichment of any incumbent licensee.

SEC. 3. ELIMINATION OF STATUTORY DEADLINES FOR SPECTRUM AUCTIONS.

(a) FCC TO DETERMINE TIMING OF AUCTIONS.—Section 309(j) of the Communications

Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following new paragraph:

"(15) COMMISSION TO DETERMINE TIMING OF AUCTIONS.—

"(A) COMMISSION AUTHORITY.—Subject to the provisions of this subsection (including paragraph (11)), but notwithstanding any other provision of law, the Commission shall determine the timing of and deadlines for the conduct of competitive bidding under this subsection, including the timing of and deadlines for qualifying for bidding; conducting auctions; collecting, depositing, and reporting revenues; and completing licensing processes and assigning licenses.

"(B) TERMINATION OF PORTIONS OF AUCTIONS 31 AND 44.—Except as provided in subparagraph (C), the Commission shall not commence or conduct auctions 31 and 44 on June 19, 2002, as specified in the public notices of March 19, 2002, and March 20, 2002 (DA 02–659 and DA 02–563).

"(C) EXCEPTION.—

"(i) BLOCKS EXCEPTED.—Subparagraph (B) shall not apply to the auction of—

"(I) the C-block of licenses on the bands of frequencies located at 710–716 megahertz, and 740–746 megahertz; or

"(II) the D-block of licenses on the bands of frequencies located at 716–722 megahertz.

"(ii) ELIGIBLE BIDDERS.—The entities that shall be eligible to bid in the auction of the C-block and D-block licenses described in clause (i) shall be those entities that were qualified entities, and that submitted applications to participate in auction 44, by May 8, 2002, as part of the original auction 44 short form filing deadline.

"(iii) AUCTION DEADLINES FOR EXCEPTED BLOCKS.—Notwithstanding subparagraph (B), the auction of the C-block and D-block licenses described in clause (i) shall be commenced no earlier than August 19, 2002, and no later than September 19, 2002, and the proceeds of such auction shall be deposited in accordance with paragraph (8) not later than December 31, 2002.

"(iv) REPORT.—Within one year after the date of enactment of this paragraph, the Commission shall submit a report to Congress—

"(I) specifying when the Commission intends to reschedule auctions 31 and 44 (other than the blocks excepted by clause (i)); and

"(II) describing the progress made by the Commission in the digital television transition and in the assignment and allocation of additional spectrum for advanced mobile communications services that warrants the scheduling of such auctions.

"(D) RETURN OF PAYMENTS.—Within one month after the date of enactment of this paragraph, the Commission shall return to the bidders for licenses in the A-block, B-block, and E-block of auction 44 the full amount of all upfront payments made by such bidders for such licenses.".

(b) CONFORMING AMENDMENTS.—

(1) COMMUNICATIONS ACT OF 1934.—Section 309(j)(14)(C)(ii) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(C)(ii)) is amended by striking the second sentence.

(2) BALANCED BUDGET ACT OF 1997.—Section 3007 of the Balanced Budget Act of 1997 (111 Stat. 269) is repealed.

(3) CONSOLIDATED APPROPRIATIONS ACT.—Paragraphs (2) and (3) of section 213(a) of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of an Act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes (Public Law 106–113; 113 Stat. 1501A–295), are repealed.

SEC. 4. COMPLIANCE WITH AUCTION AUTHORITY.

The Federal Communications Commission shall conduct rescheduled auctions 31 and 44 prior to the expiration of the auction authority under section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)).

SEC. 5. PRESERVATION OF BROADCASTER OBLIGATIONS.

Nothing in this Act shall be construed to relieve television broadcast station licensees of the obligation to complete the digital television service conversion as required by section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)).

SEC. 6. INTERFERENCE PROTECTION.

(a) INTERFERENCE WAIVERS.—In granting a request by a television broadcast station licensee assigned to any of channels 52–69 to utilize any channel of channels 2–51 that is assigned for digital broadcasting in order to continue analog broadcasting during the transition to digital broadcasting, the Federal Communications Commission may not, either at the time of the grant or thereafter, waive or otherwise reduce—

(1) the spacing requirements provided for analog broadcasting licensees within channels 2–51 as required by section 73.610 of the Commission's rules (and the table contained therein) (47 CFR 73.610), or

(2) the interference standards provided for digital broadcasting licensees within channels 2–51 as required by sections 73.622 and 73.623 of such rules (47 CFR 73.622, 73.623),

if such waiver or reduction will result in any degradation in or loss of service, or an increased level of interference, to any television household except as the Commission's rules would otherwise expressly permit, exclusive of any waivers previously granted.

(b) EXCEPTION FOR PUBLIC SAFETY CHANNEL CLEARING.—The restrictions in subsection (a) shall not apply to a station licensee that is seeking authority (either by waiver or otherwise) to vacate the frequencies that constitute television channel 63, 64, 68, or 69 in order to make such frequencies available for public safety purposes pursuant to the provisions of section 337 of the Communications Act of 1934 (47 U.S.C. 337).

SA 3894. Mr. REID (for himself and Mr. SMITH of New Hampshire) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 641 and insert the following:

SEC. 641. PAYMENT OF RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) IN GENERAL.—Section 1414 of title 10, United States Code, is amended to read as follows:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) DEFINITIONS.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) REPEAL OF SPECIAL COMPENSATION PROGRAM.—Section 1413 of such title is repealed.

(c) CONFORMING AMENDMENT.—Section 641(d) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1150; 10 U.S.C. 1414 note) is repealed.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by striking the items relating to sections 1413 and 1414 and inserting the following new item:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(f) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date specified in subsection (e).

SA 3895. Mrs. HUTCHISON (for herself and Mr. BROWNBACK) submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

DIVISION D—REVENUE PROVISIONS

SEC. . MARRIAGE PENALTY RELIEF PROVISIONS MADE PERMANENT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of Act) shall not apply to title III of such Act (relating to marriage penalty relief).

SA 3896. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 3 and 4, insert the following:

SEC. 503. REINSTATEMENT OF AUTHORITY TO REDUCE SERVICE REQUIREMENT FOR RETIREMENT IN GRADES ABOVE 0–4.

Section 1370 of title 10, United States Code, is amended by striking "December 31, 2001" in subsections (a)(2)(A) and (d)(5) and inserting "September 30, 2004".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on June 25, 2002, in SR–328A at 10 a.m. The purpose of this hearing will be to consider nominations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, June 18, 2002, at 10 a.m., to conduct a markup of the Public Company Accounting Reform and Investor Protector Act of 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 18, 2002, at 10 a.m., to hear testimony regarding Elder Justice: Protecting Seniors from Abuse and Neglect.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 18, 2002, at 2:30 p.m. The Committee on Finance intends to complete a mark up on H.R. 7, to provide incentives for charitable contributions; S. 2498, the Tax Shelter Transparency Act; and S. 2119, the Reversing the Expatriation of Profits Offshore Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, June 18, 2002 at 2:30 p.m. to hold a hearing on issues pertaining to water resources development programs within the U.S. Army Corps of Engineers. The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 18, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on the implementation of the Texas Restoration Act, Public Law 100–89.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Protecting the Innocent: Proposals to Reform the Death Penalty" on Tuesday, June 18, 2002, in Dirksen Room 226 at 10 a.m.

Witness List

Panel I: The Honorable William D. Delahunt, United States Representative (D–10th District, MA); and the Honorable Ray LaHood, United States Representative (R–18th District, IL).

Panel II: Mr. Barry Scheck, Cofounder, The Innocence Project, Benjamin N. Cardozo School of Law, New York, NY; Mr. James S. Liebman, Simon H. Rifkind Professor of Law, Columbia Law School, New York, NY; Mr. Larry Yackle, Professor of Law, Boston University Law School, Boston, MA; the Honorable Paul A. Logli, State's Attorney, Winnebago County, Illinois, Rockford, IL; and Mr. William G. Otis, Adjunct Professor of Law, George Mason University Law School, Falls Church, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 18, 2002 at 10:00 a.m. and 2:30 p.m. to hold a closed hearing on the Joint Inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTE ON CONSUMER AFFAIRS, FOREIGN COMMERCE, AND TOURISM

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism be authorized to meet on steroid use in professional baseball and antidoping issues in amateur sports on Tuesday, June 18, 2002, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, June 18, at 2:20 p.m. in SD–366. The purpose of this hearing is to receive testimony on the following bills:

S. 198, to require the Secretary of the Interior to establish a program to provide assistance through states to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land;

S. 1846, to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York;

S. 1879, to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska;

S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation;

S. 2471, to provide for the independent investigation of Federal wildland firefighter fatalities; and

S. 2482, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Kim Vandecar, a fellow with the Commerce Committee, be granted the privileges of the floor for the duration of the terrorism insurance debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that the following named staff members of the Committee on Armed Services be granted the privilege of the floor at all times during the Senate's consideration of and votes relating to S. 2514, the National Defense Authorization Act for Fiscal Year 2003;

Dara R. Alpert, Charles W. Alsup, Judith A. Ansley, Kenneth Barbee, Michael N. Berger, Leah C. Brewer, David L. Cherington, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Kenneth M. Crosswait.

Richard D. DeBobes, Marie F. Dickinson, Edward H. Edens IV, Gabriella Eisen, Evelyn N. Farkas, Richard W. Fieldhouse, Daniel K. Goldsmith, Brien R. Green, Creighton Green, William C. Greenwalt, Gary M. Hall, Carolyn

M. Hanna, Mary Alice A. Hayward, Jeremy L. Hekhuis.

Ambrose R. Hock, Gary J. Howard, Robert Andrew Kent, Jennifer Key, George W. Lauffer, Maren R. Leed, Gerald J. Leeling, Peter K. Levine, Patricia L. Lewis, David S. Lyles.

Thomas L. MacKenzie, Michael J. McCord, Ann M. Mittermeyer, Thomas C. Moore, Cindy Pearson, Arun A. Seraphin, Joseph T. Sizeas, Christina D. Still, Carmen Leslie Stone, Scott W. Stucky, Mary Louise Wagner, Richard F. Walsh, Nicholas W. West, Bridget M. Whalan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I ask unanimous consent that Brett Rota, senator ENSIGN's legislative assistant; Mark Swayne, a military fellow working in my office; Randy Rotte and J. C. Nicholson, fellows in the Office of Senator HUTCHISON; and William Zirzow, a DOD legislative fellow in the Office of Senator COLLINS be granted the privilege of the floor throughout the debate on S. 2514.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

CONVENTION ON RIGHTS OF THE CHILD ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT—TREATY DOCUMENT NO. 106-37A

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 5, the Optional Protocol No. 1 to the Convention on Rights of the Child on Involvement of Children in Armed Conflict; that the protocol be considered as having advanced through its parliamentary stages up to and including the presentation of the resolution for ratification and that the understandings and conditions be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask for a division.

The PRESIDING OFFICER. A division has been requested. Senators in favor of the ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification, with its understandings and conditions, was agreed to as follows:

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT, SUBJECT TO UNDERSTANDINGS AND CONDITIONS.

The Senate advises and consents to the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children In Armed Conflict, opened for signature at New York on May 25, 2000 (Treaty Doc. 106-37; in this resolution referred to as the "Protocol"), subject to the understandings in section 2 and the conditions in section 3.

SEC. 2. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Protocol:

(1) NO ASSUMPTION OF OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD.—The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) IMPLEMENTATION OF OBLIGATION NOT TO PERMIT CHILDREN TO TAKE DIRECT PART IN HOSTILITIES.—The United States understands that, with respect to Article 1 of the Protocol—

(A) the term "feasible measures" means those measures that are practical or practically possible, taking into account all the circumstances ruling at the time, including humanitarian and military considerations;

(B) the phrase "direct part in hostilities"—

(i) means immediate and actual action on the battlefield likely to cause harm to the enemy because there is a direct causal relationship between the activity engaged in and the harm done to the enemy; and

(ii) does not mean indirect participation in hostilities, such as gathering and transmitting military information, transporting weapons, munitions, or other supplies, or forward deployment; and

(C) any decision by any military commander, military personnel, or other person responsible for planning, authorizing, or executing military action, including the assignment of military personnel, shall only be judged on the basis of all the relevant circumstances and on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

(3) MINIMUM AGE FOR VOLUNTARY RECRUITMENT.—The United States understands that Article 3 of the Protocol obligates States Parties to the Protocol to raise the minimum age for voluntary recruitment into their national armed forces from the current international standard of 15 years of age.

(4) ARMED GROUPS.—The United States understands that the term "armed groups" in Article 4 of the Protocol means nongovernmental armed groups such as rebel groups, dissident armed forces, and other insurgent groups.

(5) NO BASIS FOR JURISDICTION BY ANY INTERNATIONAL TRIBUNAL.—The United States understands that nothing in the Protocol establishes a basis for jurisdiction by any international tribunal, including the International Criminal Court.

SEC. 3. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) REQUIREMENT TO DEPOSIT DECLARATION.—The President shall, upon ratification of the Protocol, deposit a binding declaration under Article 3(2) of the Protocol that states in substance that—

(A) the minimum age at which the United States permits voluntary recruitment into the Armed Forces of the United States is 17 years of age;

(B) the United States has established safeguards to ensure that such recruitment is not forced or coerced, including a requirement in section 505(a) of title 10, United States Code, that no person under 18 years of age may be originally enlisted in the Armed Forces of the United States without the written consent of the person's parent or guardian, if the parent or guardian is entitled to the person's custody and control;

(C) each person recruited into the Armed Forces of the United States receives a comprehensive briefing and must sign an enlistment contract that, taken together, specify the duties involved in military service; and

(D) all persons recruited into the Armed Forces of the United States must provide reliable proof of age before their entry into military service.

(2) INTERPRETATION OF THE PROTOCOL.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(3) REPORTS.—

(A) INITIAL REPORT.—Not later than 90 days after the deposit of the United States instrument of ratification, the Secretary of Defense shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report describing the measures taken by the military departments to comply with the obligation set forth in Article 1 of the Protocol. The report shall include the text of any applicable regulations, directives, or memoranda governing the policies of the departments in implementing that obligation.

(B) SUBSEQUENT REPORTS.—

(i) REPORT BY THE SECRETARY OF STATE.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a copy of any report submitted to the Committee on the Rights of the Child pursuant to Article 8 of the Protocol.

(ii) REPORT BY THE SECRETARY OF DEFENSE.—Not later than 30 days after any significant change in the policies of the military departments in implementing the obligation set forth in Article 1 of the Protocol, the Secretary of Defense shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate describing the change and the rationale therefor.

CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY—TREATY DOCUMENT NO. 106-37B

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 6, the Optional Protocol No. 2 to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; that the protocol be considered as having advanced through its parliamentary stages up to and including the presentation of the resolution of ratification; and that the reservation, understandings, declaration, and condition be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I am very pleased that today the Senate is approving two Optional Protocols to the U.N. Convention on the Rights of the Child. The Optional Protocol on Involvement of Children in Armed Conflict, also known as the Child Soldiers Protocol, aims to prevent children under the age of 18 from directly participating in hostilities. The second treaty, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography aims to strengthen efforts to put a stop to the trafficking and exploitation of children.

Last March, I chaired a Senate Foreign Relations Committee hearing on these two Protocols that featured members of the State, Justice, and Defense Departments. I appreciate the cooperation the committee received from these agencies in making ratification of these two treaties possible. The hearing also featured a panel of private witnesses that was led by Jo Becker, a tireless advocate on the issue of banning the use of child soldiers.

During her testimony, Ms. Becker pointed out that in Afghanistan, two generations of children have been subject to recruitment, first into the resistance to Soviets forces, and then into various warring factions. It is well-known that the Taliban recruited children from the religious schools in Pakistan.

The Child Soldiers Protocol requires parties to the treaty to (1) take "all feasible measures" to ensure that individuals under the age of 18 do not take a "direct part" in hostilities; (2) ban involuntary recruitment into the armed forces for those under the age of 18; and (3) raise the minimum age for voluntary recruitment into the armed forces from the current benchmark of 15 years of age to that of 16 or higher. Under current law, the minimum age for voluntary recruitment in the U.S. is already set at 17.

Why is ratification of the child Soldiers Protocol important? Right now, an estimated 300,000 children under the age of 18 are currently fighting in more than 30 conflicts around the world. In places like Sierra Leone, children have been kidnapped by rebel groups, given drugs, and forced to commit atrocities. Child soldiers not only lose their childhood, they develop psychological scars, they suffer physical injuries, and, in the worst cases, they die.

Listen to the story of a 16-year old girl who was abducted by the Lord's Resistance Army in Uganda:

> One boy tried to escape, but he was caught . . . his hands were tied, and they made us, the other new captives, kill him with a stick. I felt sick. I knew this boy from before. We were from the same village. I refused to kill him and they told me they would shoot me. They pointed a gun at me, so I had to do it. The boy was asking me. "Why are you doing this?" I said I had no choice. After we killed him, they made us smear his blood on our arms . . . They said we had to do this so we would not fear death and so we would not try to escape . . . I still dream about the boy from my village who I killed. I see him in my dreams, and he is talking to me and saying I killed him for nothing, and I am crying.

Here is another story from a former child soldier in Sierra Leone:

"Most times I dream, I have a gun, I'm firing, I'm killing, amputating. I feel afraid thinking that perhaps these things will happen to me again. Sometimes I cry..."

And finally another says, "my schoolmates and I met our old teacher, and we knocked him down. We killed the teacher and we took his books and burned them."

I am proud that the Senate is taking action today to put an end to these stories. Formally adopting the protocol's standards for U.S. military operations will enable the U.S. to be able to effectively pressure other governments and forces to end the use of children within their own military ranks.

The second treaty the Senate is approving today is the Protocol on the Sale of Children, Child Prostitution and Child Pornography. The Sale of Children Protocol requires parties to the treaty to make sure that these acts are fully covered by penal or criminal law.

The abuse of children is a global problem. Millions of boys and girls under the age of 18 are bought and sold each year. Girls are particularly vulnerable. According to the United Nations Children's Fund (UNICEF), girls appear to be forced into the sex industry at increasingly younger ages, partly as a result of the mistaken belief that younger girls are unlikely to be infected with HIV or AIDS.

Let me mention just a few atrocious examples:

A 15-year-old boy from Mali watched the torture and subsequent deaths of two other forced laborers who tried to escape from a coffee plantation in the Ivory Coast.

A 14-year-old girl from Mexico was brutally raped and then prostituted for months by traffickers in Florida who lured her there by promising a job in the restaurant industry.

An 11-year-old in Thailand was included in a sexually explicit videotape produced by a pornographer in the United States.

Under the Protocol, countries are encouraged to cooperate to protect children trafficked across borders. The Optional Protocol also calls on nations to ensure that children who have been sexually trafficked, exploited or sexually abused receive services to ensure a complete physical and psychological recovery.

Ratification of this treaty is important to protect these vulnerable children. These children cannot often get help on their own—not only because of their young age—but also because they have no birth certificates or official documents. They are, in effect, "invisible."

Earlier this year, both of these protocols attained the necessary 10 ratifications to make them operative. The Child Soldier Protocol entered into force on February 12. The Sale of Children Protocol entered into force on January 18.

Once again, I am pleased that the United States is adding its name as a ratifying party to these two treaties and I hope that more nations join us in expanding international protections for children.

Mr. REID. I ask for a division vote.

The PRESIDING OFFICER. A division has been requested. Senators in favor of ratification please stand. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification, with its reservation, understandings, declaration and condition, was agreed to as follows:

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION, AND CHILD PORNOGRAPHY, SUBJECT TO A RESERVATION, UNDERSTANDINGS, A DECLARATION, AND A CONDITION.

The Senate advises and consents to the ratification of the Optional Protocol Relating to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, opened for signature at New York on May 25, 2000 (Treaty Doc. 106–37; in this resolution referred to as the "Protocol"), subject to the reservation in section 2, the understandings in section 3, the declaration in section 4, and the condition in section 5.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Protocol, that, to the extent that the domestic law of the United States does not provide for jurisdiction over an offense described in Article 3(1) of the Protocol if the offense is committed on board a ship or aircraft registered in the United States, the obligation with respect to jurisdiction over that offense shall not apply to the United States until such time as the United States may notify the Secretary-General of the United Nations that United States domestic law is in full conformity with the requirements of Article 4(1) of the Protocol.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Protocol:

(1) NO ASSUMPTION OF OBLIGATIONS UNDER CONVENTION ON THE RIGHTS OF THE CHILD.—The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) THE TERM "SALE OF CHILDREN".—The United States understands that the term "sale of children", as defined in Article 2(a) of the Protocol, is intended to cover any transaction in which remuneration or other consideration is given and received under circumstances in which a person who does not have a lawful right to custody of the child thereby obtains de facto control over the child.

(3) THE TERM "CHILD PORNOGRAPHY".— The United States understands the term "child pornography", as defined in Article 2(c) of the Protocol, to mean the visual representation of a child engaged in real or simulated sexual activities or of the genitalia of a child where the dominant characteristic is depiction for a sexual purpose.

(4) THE TERM "TRANSFER OF ORGANS FOR PROFIT".—The United States understands that—

(A) the term "transfer of organs for profit", as used in Article 3(1)(a)(i) of the Protocol, does not cover any situation in which a child donates an organ pursuant to lawful consent; and

(B) the term "profit", as used in Article 3(1)(a)(i) of the Protocol, does not include the lawful payment of a reasonable amount associated with the transfer of organs, including any payment for the expense of travel, housing, lost wages, or medical costs.

(5) THE TERMS "APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS" AND "IMPROPERLY INDUCING CONSENT".—

(A) UNDERSTANDING OF "APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS".—The United States understands that the term "applicable international legal instruments" in Articles 3(1)(a)(ii) and 3(5) of the Protocol refers to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993 (in this paragraph referred to as "The Hague Convention").

(B) NO OBLIGATION TO TAKE CERTAIN ACTION.—The United States is not a party to The Hague Convention, but expects to become a party. Accordingly, until such time as the United States becomes a party to The Hague Convention, it understands that it is not obligated to criminalize conduct proscribed by Article 3(1)(a)(ii) of the Protocol or to take all appropriate legal and administrative measures required by Article 3(5) of the Protocol.

(C) UNDERSTANDING OF "IMPROPERLY INDUCING CONSENT".—The United States understands that the term "improperly inducing consent" in Article 3(1)(a)(ii) of the Protocol means knowingly and willfully inducing consent by offering or giving compensation for the relinquishment of parental rights.

(6) IMPLEMENTATION OF THE PROTOCOL IN THE FEDERAL SYSTEM OF THE UNITED STATES.—The United States understands that the Protocol shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of the Protocol.

SEC. 4. DECLARATION.

The advice and consent of the Senate under section 1 is subject to the declaration that—

(1)(A) the provisions of the Protocol (other than Article 5) are non-self-executing; and

(B) the United States will implement Article 5 of the Protocol pursuant to chapter 209 of title 18, United States Code; and

(2) except as described in the reservation in section 2—

(A) current United States law, including the laws of the States of the United States, fulfills the obligations of the Protocol for the United States; and

(B) accordingly, the United States does not intend to enact new legislation to fulfill its obligations under the Protocol.

SEC. 5. CONDITION.

The advice and consent of the Senate under section 1 is subject to the condition that the Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

Mr. REID. I ask unanimous consent that the motions to reconsider be laid upon the table, that any statements relating to the conventions be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate return to legislative session.

The motions to lay on the table were agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy:

The Senator from Colorado (Mr. ALLARD), at large;

The Senator from Georgia (Mr. CLELAND), designated by the chairman of the Committee on Armed Services;

The Senator from Idaho (Mr. CRAIG), from the Committee on Appropriations (reappointment); and

The Senator from South Carolina (Mr. HOLLINGS), from the Committee on Appropriations (reappointment).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations;

The Senator from Arizona (Mr. MCCAIN), designated by the chairman of the Committee on Armed Services;

The Senator from Maryland (Ms. MIKULSKI), from the Committee on Appropriations; and

The Senator from Maryland (Mr. SARBANES), at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from Ohio (Mr. DEWINE), from the Committee on Appropriations (reappointment);

The Senator from Louisiana (Ms. LANDRIEU), from the Committee on Appropriations (reappointment);

The Senator from Rhode Island (Mr. REED), designated by the chairman of the Committee on Armed Services; and

The Senator from Pennsylvania (Mr. SANTORUM), at large.

MEASURES INDEFINITELY POSTPONED—H.R. 2586 and S. 1779

Mr. REID. I ask unanimous consent that the following calendar items be indefinitely postponed: Calendar No. 170, H.R. 2586, and Calendar No. 293, S. 1779.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN SOCIETY OF CIVIL ENGINEERS

Mr. REID. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 417, S. Con. Res. 104.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 104) recognizing the American Society of Civil Engineers on the occasion of the 150th anniversary of its founding and for the many vital contributions of civil engineers to the quality of life of the people of the United States, including the research and development projects that have led to the physical infrastructure of modern America.

There being no objection, the Senate proceeded to the immediate consideration of the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no further intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 104) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 104

Whereas, founded in 1852, the American Society of Civil Engineers is the oldest national engineering society in the United States;

Whereas civil engineers work to constantly improve buildings, water systems, and other civil engineering works through research, demonstration projects, and the technical codes and standards developed by the American Society of Civil Engineers;

Whereas the American Society of Civil Engineers incorporates educational, scientific, and charitable efforts to advance the science of engineering, improve engineering education, maintain the highest standards of excellence in the practice of civil engineering, and protect the public health, safety, and welfare;

Whereas the American Society of Civil Engineers represents the profession primarily responsible for the design, construction, and maintenance of the roads, bridges, airports, railroads, public buildings, mass transit systems, resource recovery systems, water systems, waste disposal and treatment facilities, dams, ports, waterways, and other public facilities that are the foundation on which the economy of the United States stands and grows; and

Whereas the civil engineers of the United States, through innovation and the highest professional standards in the practice of civil engineering, protect the public health and safety and ensure the high quality of life enjoyed by the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the American Society of Civil Engineers on the occasion of the 150th anniversary of its founding;

(2) commends the many achievements of the civil engineers of the United States; and

(3) encourages the American Society of Civil Engineers to continue its tradition of excellence in service to the profession of civil engineering and to the public.

AMERICAN SOCIETY OF CIVIL ENGINEERS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 418, H. Con. Res. 387.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 387) recognizing the American Society of Civil Engineers for reaching its 150th anniversary and for the many vital contributions of civil engineers to the quality of life of our Nation's people including the research and development projects that have led to the physical infrastructure of modern America.

There being no objection, the Senate proceeded to consider the House concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution and preamble be agreed to en bloc, and the motion to reconsider be laid on the table with no further intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 387) was agreed to.

The preamble was agreed to.

REFERRAL OF MEASURE—S. 1272

Mr. REID. I ask unanimous consent that S. 1272, the Prisoner Of War Assistance Act of 2001, be discharged from the Veterans Affairs Committee and then referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE DETROIT RED WINGS

Mr. REID. I ask unanimous consent the Senate proceed to S. Res. 287, submitted today by Senators LEVIN and STABENOW.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 287) congratulating the Detroit Red Wings on winning the 2002 National Hockey League Stanley Cup Championship and again bringing the Cup home to Hockeytown.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 287) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 287

Whereas on June 13, 2002, the Detroit Red Wings (in this resolution referred to as the "Red Wings") defeated the Carolina Hurricanes, 3–1, in game 5 of the National Hockey League championship series;

Whereas this victory marks the Red Wings' 10th Stanley Cup Championship, continuing the team's reign as the most storied American hockey team;

Whereas this victory marks the Red Wings' third Stanley Cup Championship in the past 6 years, establishing them as one of the great dynasties in the history of the National Hockey League;

Whereas the Red Wings, who average over 30 years of age, proved once again that talent and experience can triumph over more youthful competition;

Whereas the Red Wings had the best record in the National Hockey League for the decade of the 1990s as well as this past year;

Whereas Nicklas Lidstrom, who has anchored the Detroit Defense for 11 years, became the first European-born player to win the Conn Smythe Trophy for the most valuable player in the playoffs;

Whereas Marian and Mike Ilitch, the owners of the Red Wings and community leaders in Detroit and Michigan, have returned Lord Stanley's Cup to Detroit yet again;

Whereas the Red Wings, who have played in Detroit since 1926, continue to hold a special place in the hearts of all Michiganders;

Whereas Detroit, otherwise known as "Hockeytown, U.S.A.", is home to the most loyal fans in the world;

Whereas the Red Wings are indebted to retiring head coach Scotty Bowman, who has brought the Red Wings to the playoffs 7 times in the last 8 years and who, with this year's victory, has earned his ninth Stanley Cup victory, surpassing his mentor Toe Blake for the most championships in league history;.

Whereas the Red Wings are fortunate to have the leadership of team captain Steve Yzerman, who along with being one of the most respected athletes in all of sports, completed one of his best seasons ever despite a serious leg injury which will require surgery at the end of the season; and

Whereas each one of the Red Wings will be remembered on the most illustrious sports trophy, the Stanley Cup, as follows: Pavel Datsyuk, Boyd Devereaux, Kris Draper, Sergei Fedorov, Igor Larionov, Jason Williams, Steve Yzerman, Tomas Holmstrom, Luc Robitaille, Brendan Shanahan, Sean Avery, Ladislav Kohn, Brett Hull, Darren McCarty, Kirk Maltby, Chris Chelios, Mathieu Dandenault, Steve Duchesne, Jiri Fischer, Uwe Krupp, Maxim Kuznetsov, Nicklas Lidstrom, Fredrik Olausson, Jiri Slegr, Jesse Wallin, Dominik Hasek, and Many Legace: Now, therefore, be it

Resolved, That the Senate congratulates the Detroit Red Wings on winning the 2002 National Hockey League Stanley Cup Championship.

ORDERS FOR WEDNESDAY, JUNE 19, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 10 a.m., Wednesday, June 19; that following the prayer and the Pledge of Allegiance, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Republican leader or his designee; and that at 11 a.m. the Senate resume consideration of the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, tomorrow we should get well into the Defense authorization bill. It is very important legislation. It is literally for the security of this country. I hope Senators who have amendments will come and offer them. We have, really, with a bill of this importance, limited time to complete it. I hope everyone will help us expedite passage. There is so much more we need to work on.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SIGNATURE

Mr. REID. Madam President, I ask unanimous consent that Senator REID of Nevada be authorized to sign an enrolled bill today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Wednesday, June 19, 2002, at 10 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO STEN CARLSON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. LANTOS. Mr. Speaker, it is my great pleasure to invite my colleagues to join me in paying tribute to my friend, Sten Carlson of Burlingame, California, on the occasion of his ninetieth birthday. I want to acknowledge his public service and lifetime of accomplishments.

Mr. Carlson was born on June 27, 1912 in Fort William, Ontario, Canada, of Swedish immigrant parents. Sten's early life was spent farming in Saskatchewan. He immigrated to the United States in 1951 where he met and later married Elizabeth. They have been happily married for the past forty-five years and are the proud parents of Eric, an automobile executive, and Frank, who was killed in a horrible violent crime in San Francisco shortly after his marriage.

Mr. Speaker, Sten Carlson was a model employee of MacDonald Aircraft where he built the Mosquito aircraft, a low flying plane used for observing troop movement and low level bombing. Known as the "Flying Coffin," the aircraft was made of balsa wood and glue, and powered by Rolls Royce Engines. He then worked for 25 years as a ground mechanic for United Airlines in San Francisco. Although he retired in 1977, Sten has continued to be active in the local labor community, becoming a lifetime member of the International Association of Machinists Local 1781. To this day, Sten still serves as a member of the Board of Directors of Retirees. He has been a strong voice for retirees and for protecting pensioners.

I am grateful to have the privilege of paying tribute to a man so dedicated to the enrichment of his community. Mr. Carlson is a tireless volunteer at San Francisco's public television station, KQED, and has given over 15 years of volunteer service to Peninsula Medical Center. He is currently involved in implementing the medical center's Lifeline Program, which provides local seniors with a transmitter placed in a necklace. If the senior is in need of medical assistance and unable to reach the phone they can then push a button on the medallion, sending a signal to local emergency medical services that they need assistance.

These efforts are typical of Sten Carlson, as he has always made time in his life for community service. His own personal tragedy, the loss of a son in a senseless violent crime, has been the motivation for his long-standing focus on victim support groups, a commitment spanning over three decades. Sten Carlson lives a life that serves as a testimony to integrity, fidelity, honor, ethical courage, and devotion to family, friends, and country.

Mr. Speaker, I invite my colleagues to join me in saluting and congratulating this extraordinary individual, Sten Carlson, as he and his family gather to celebrate his 90th birthday.

FREEDOM IS NOT FREE

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. OTTER. Mr. Speaker, I rise today to place into the RECORD the thoughts of one of my constituents, Ginny McConnell of Troy, Idaho. Every Member of this House should take Ginny's comments to heart as we consider further curbs on the freedoms we enjoy. I am proud of Ginny McConnell and of the people of Idaho who continue to cherish the lessons our Founding Fathers taught us more than two centuries ago.

TOUGH DECISIONS HAVE HARD CONSEQUENCES

(By Ginny McConnell)

Recently, one of my students left a message on my voice mail to tell me she would be unable to come to class for the three days of oral presentations because one of her children was sick. Her group, now without her, had to scramble to cover her part of their report. I had allocated 25 points for the oral portion and 75 points for the written materials that would be handed in.

When the student returned to class, I told her she would not get the 25 points for the oral report, since she was not there. She immediately went to the college director to complain that it was not fair that I should deny her those 25 points. This student was unclear on the concept that hard decisions mean that you can't have it both ways. Her choice to stay home with her sick child instead of finding someone to sit with him meant that she had to forfeit the points for the oral presentation.

Possibly our advertising is at least partially at fault here, with its "you can have it all" mentality. But Patrick Henry understood the reality of difficult choices: "Give me liberty or give me death." I thought of him when I heard a radio report that four out of five Americans said they would give up their rights for the government to make the country safe from terrorism. Possibly these people are like my student: they think they won't really have to give up anything, that they can keep their rights and be completely safe from terrorism. Patrick Henry knew better.

This is a very hard choice to make, no doubt about it. But be very careful here, my friends. Don't be so quick to let the government direct your lives and suspend the Bill of Rights. Do those four out of five people think this will be a temporary situation? Do they think they are safe because they have nothing to hide from the government? Neither is true.

To paraphrase John Steinbeck, the government is a monster and the monster must be fed. It will not be satisfied with just a little snack. And, even if terrorism should be completely eradicated, the government will be more reluctant to return those rights than a landlord with a large security deposit. You can kiss them goodbye. They are so easy to give up and so hard to get back. A right here, a right there . . . pretty soon the government has gobbled them all up.

I realize the importance of feeling safe and secure in our country. But I also have come to realize that death is not the worst thing that can happen. If I have to give up my civil rights to the government, which always thinks it knows how to run my life better than I do, then stand me up next to Patrick Henry and shoot me. Were I to tolerate what four out of five Americans seem willing to do, a million ghosts in gray, in blue, in khaki, in olive drab and in camouflage would rise up and chastise me with, "What do you think we died for? Now you've made it all for nothing."

Yes, I know that extraordinary times call for extraordinary measures. And I will gladly put up with a search of my luggage at the airport and a presentation of my picture identification whenever. But that's a whole different ballgame from the FBI coming warrantless into my home and checking out my closets and my computer. We have ample evidence of certain governmental arms expanding their authority. Do those four out of five people honestly believe this will not happen in their new America?

We have a duty to preserve the United States for the future. And if that means we give our lives for it today, well, that's the price of liberty. I think we're a little too concerned with our physical existence and not nearly enough about our philosophical existence. We should think long and hard about any powers we cede to the government—I should say, to those we have allowed to represent us. Sometimes we forget that we are the government. Let's not change that.

As the late Jim Morrison said about life (and he would know), "No one here gets out alive." Sometimes tough choices must be made, in which case we don't get the benefits of the road we didn't take. If you don't make your oral report, you don't get the points for it. If you give up your rights, you don't get to keep them.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Roll Call No. 230, on Agreeing to the Journal. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 231, H. Con. Res. 415, Recognizing National Homeownership Month. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 232, H. Con. Res. 340, Supporting Meningitis Awareness Month. Had I been present I would have voted yea.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

U.S. EMBASSY IN EQUATORIAL GUINEA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend the Bush Administration for its recent decision to open a U.S. Embassy in Malabo, Equatorial Guinea. Indeed, the investment of Federal funds and State Department personnel for representation in the small African country may pay huge dividends in the form of American lives saved and U.S. national interests protected.

According to the State Department, over 1,500 Americans live and work in Equatorial Guinea—primarily in the oil industry. Additionally, U.S. investment in Equatorial Guinea is over $5 billion. As the U.S. presence increases, it is critical that the U.S. provide services and assistance to our citizens. For example, in the case of a natural disaster, access to American embassy officials who can serve as liaisons between Americans and the local hospital could mean the difference between life and death for those Americans caught in the country during the emergency. Also, maintaining a U.S. embassy in Equatorial Guinea would allow U.S. businesses to explore future investment opportunities in the country. Such investments would be important for a region which is struggling to build economic stability for the long term.

DR. HELLER NAMED FIRST DIRECTOR OF CENTER FOR HEALTH WORKFORCE DEVELOPMENT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mrs. MORELLA. Mr. Speaker, I am delighted to advise my colleagues that Dr. Barbara R. Heller, a former constituent, and friend, who served in my office as a legislative fellow, will leave her position as Dean of the University of Maryland School of Nursing. She will be accepting a position as the first Executive Director of the newly formed Center for Health Workforce Development and the first Rauschenbach Distinguished Professor, an endowed professorship dedicated to the improvement of nursing and nursing education.

A nationally and internationally known nursing educator, Dr. Heller will leave behind a significant legacy after twelve years of visionary leadership at the University of Maryland School of Nursing. During her tenure, the school has received four consecutive top 10 rankings by U.S. News & World Report, moved into a new state of the art nursing school building, and raised nearly $10 million for Maryland's premier public institution.

The State of Maryland has been the beneficiary of Dr. Heller's energy and commitment to the School's mission of community service. Since 1990, the school has developed a new model of clinical instruction and health care service, resulting in five Wellmobiles, 14 school-based wellness centers, a high school based family support center, the Open Gates Health Center, as well as the Pediatric Ambulatory Care Center, which serves our most vulnerable populations.

Dr. Heller's leadership has transformed the School of Nursing into a nationally recognized center of excellence. She has recruited prominent nurse researchers and scientists, resulting in a 90% increase in grants and contract awards for the School of Nursing. During a critical period of the national nursing shortage, the School of Nursing has also seen increases in both enrollment and diversity due to aggressive strategies of outreach, enhanced scholarship support, marketing and student recruitment. In fact, the School's minority student population has more than doubled in the past dozen years, from 15% to 35%.

On June 20, 2002, Maryland elected officials, University officials, faculty, staff, students, alumni and friends will honor Dr. Barbara Heller for her many years of leadership. I join them in saluting her for her critical role in preparing nurses for the 21st century.

HONORING NATIONAL HISTORY CONTEST WINNERS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Ms. McCOLLUM. Mr. Speaker, it is always a privilege when I have the opportunity to recognize a young person for a special accomplishment. Today, I feel especially fortunate to acknowledge a group of students who have used their talents to explore a wide variety of historical issues.

I want to congratulate eight young women from the Fourth District of Minnesota who have embraced the subject of history and taken it one step further. These students not only participated in this year's National History Day competition, but also came away with national prizes. These bright, ambitious students worked as true historians in creating their projects—they were actual documentarians, playwrights, researchers, and curators. They applied what they learned in the classroom and used it in a real world setting.

Anna Rice, a tenth grader from Central High School in St. Paul, took the prestigious Grand Prize in the National History Day competition by submitting a top-notch research paper. Anna should be very proud to be recognized as the Nation's top young historical writer.

Caitlyn Ngam and Madeline Kreider, eighth graders from Capitol Hill Magnet School in St. Paul, won third place for their outstanding exhibit on tobacco reform. Their fellow classmates, Kirsten Slungaard and Meredith Pain, earned seventh place for their exceptional documentary on Tibet.

Melissa Brown, Kaitie Cochrane and Lindsey Jans, seventh graders from Sunrise Park Middle School in White Bear Lake, walked away with a national prize for their performance of "Separate But Equal: Brown v. Board of Education." These students also had the honor of performing their project at the Smithsonian Institution's National Museum of American History in Washington, DC.

I am very proud of all the students who participated in this year's contest. The time and dedication they have committed to their projects should be commended. It is wonderful that these eight students received special recognition for their work. The fact that they were singled out among over half a million participants nationwide is astonishing.

I will continue to lend my support to this important competition. Events such as the National History Day Contest not only give young people a chance to shine, but allows them to use their talents and creativity to make a difference in their communities.

CONGRATULATIONS TO MRS. ALMA V. WHITE OF GARY, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. VISCLOSKY. Mr. Speaker, on occasion, I am fortunate enough to come to the floor to congratulate a person who has devoted her entire life to improving the lives of others. Today, I am proud to congratulate Mrs. Alma V. White of Gary, Indiana, as she retires from her position as Assistant Director of the Lake County Department of Family and Children, after serving more than 18 years in that position and 48 years in service to the residents of Lake County. Her presence in the discipline of social services will not be easily replaced. Throughout her life, Mrs. White has helped many of the less fortunate in her community overcome their difficult circumstances.

In addition to her career in public service, Mrs. White has also been involved with numerous community organizations. She is a member of Grace United Methodist Church, as well as such noble organizations as the American Red Cross and the National Council of Negro Women, among many others. Mrs. White's commitment to her community has consistently earned the praise of her peers. She has been named "Woman of the Year" three times by the Gary Business and Professional Women Organization and has received numerous other awards of achievement throughout her exceptional career.

Amidst the celebration of her career, there is sadness that the services of such a great woman will be unable to be matched in the future of the Department of Family and Social Services. Not only does Mrs. White diligently work to provide for the needs of her community, but she also cares about the vital issues that she encounters on a daily basis. This combination of commitment and compassion distinguishes Mrs. White from her stellar colleagues, and the people of Lake County are fortunate to have such a devoted individual working on their behalf. Her services to the Lake County Division of Family and Social Services will be sorely missed.

But, Mr. Speaker, I am confident that Mrs. White will continue to serve her community for many years to come. It cannot be disputed that Mrs. White has improved the lives of countless people. This is the mark of a true public servant.

Mr. Speaker, I hope that you and all of my colleagues will join with me in congratulating Mrs. Alma White for her 48 years of distinguished service and wish her a happy and healthy retirement. Although she may be retiring from the Division of Family and Children, the residents of Lake County will continue to reap the rewards of her benevolent spirit.

WAR CLOUDS GATHERING IN SOUTH ASIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. BURTON of Indiana. Mr. Speaker, the danger of war in South Asia concerns us all. Such a war would be useless, dangerous, and a disaster for Pakistan, India, the minorities of the subcontinent, and the world.

Many South Asia's watchers speculate that India needs a war to keep its multinational empire together and to divert attention away from its other internal problems. They have even speculated that India's collapse is not a fantasy, and that even L.K. Advani, the militant Hindu Home Minister of India, is worried about India's territorial integrity.

However, a war in South Asia could become the trigger that brings freedom to the minority nations such as the Sikh homeland of Khalistan, predominantly Christian Nagaland, Kashmir, and others, just as World War I brought independence to many nations living under the rule of the Austro-Hungarian Empire and the Ottoman Empire. The end of the Cold War brought freedom to many nations which had been living under Soviet rule, including Estonia, Latvia, Lithuania, and others. A war in South Asia could have a similar effect on the nations and peoples of the subcontinent.

The Council of Khalistan recently called on Sikh soldiers not to fight for India, but to fight to free their homeland, Khalistan. Given the oppression that has killed over 250,000 Sikhs since 1984 according to the Punjab State Magistracy, that continues to hold 52,268 political prisoners, which the Movement Against State Repression reported that the Indian government has admitted to, that has killed over 80,000 Muslims, over 200,000 Christians in Nagaland, thousands upon thousands of other minorities like Bodos, Dalit "Untouchables," Tamils, Assamese, Manipuris, and others. Why should any of these minorities fight for the Indian state?

The Council of Khalistan's recent Open Letter contains much more information on this. To help my colleagues and constituents stay fully informed about the sentiments of many Sikhs within India, I would like to put that open letter into the RECORD at this time.

COUNCIL OF KHALISTAN,
Washington DC, May 21, 2002.

OPEN LETTER TO THE SIKH NATION

CLOUDS OF WAR BETWEEN INDIA AND PAKISTAN GATHER; INDIA IS ON THE VERGE OF DISINTEGRATION—SIKH SOLDIERS AND OFFICERS SHOULD NOT FIGHT FOR INDIA BUT TO FREE KHALISTAN; NOW IS THE PERFECT TIME TO LAUNCH SHANTMAI MORCHA TO LIBERATE KHALISTAN

DEAR KHALSA JI: WAHE GURU JI KA KHALSA, WAHE GURU JI KI FATEH!

War clouds are gathering in South Asia. War between India and Pakistan looks imminent. It is expected to break out this fall. Troops have been gathering on the borders, and the recent killings in Kashmir provide the Indian government with an excuse to attack Pakistan. The killing of Abdul Ghanni Lone, a leader of the Kashmiri freedom movement, merely heightens the tensions.

Remember that the fanatic BJP leaders are on record that they want to make an "Akand Bharat" by defeating Pakistan and incorporating it into India. Their aggression in Kashmir is internationally known. They will not hold a plebiscite in Kashmir, as they promised to do in 1948. It is India that launched the nuclear arms race in South Asia and has nuclear weapons pointed at Pakistan. Despite the militant Hindu nationalist government's statement that they do not intend to attack Pakistan, it is clear that their drive for hegemony over all of South Asia continues.

If war breaks out, Sikh soldiers and officers should not fight for India. Instead, Sikhs should take this opportunity to reclaim our lost sovereignty and liberate our homeland, Punjab, Khalistan, from Indian occupation.

L.K. Advani has said that when Kashmir goes, India will fall apart, and he is right. We must take advantage of this situation to reclaim our lost sovereignty. Sovereignty is our birthright. The Guru gave sovereignty to the Khalsa Panth. ("In grieb Sikhin ko deon Patshahi.") Banda Singh Baliadur established the first Khalsa rule in Punjab from 1710 to 1716. Then there was a period of persecution of the Sikhs. Again Sikhs established a sovereign, independent rule from 1765 to 1849, when the British annexed the Sikh homeland, Punjab, into British India.

This is a wake-up call for the Sikh Nation. The massacre of Muslims in Gujarat is a testament to this. The fanatic Vishav Hindu Parishad (VHP) burned Christian missionary Graham Staines and his two young sons alive. They murdered priests, raped nuns, and burned churches. They are assimilating Christianity, Islam, and every other minority into Hinduism. The Sikh Nation must free itself from India to ensure its survival as a nation and to enjoy a prosperous future. Without political power, nations perish.

About 80 percent of the sacrifices during the fight to regain freedom from the British were Sikhs, even though Sikhs formed only 1.5 percent of the Indian population at the time. At the time of India's independence, Sikhs were equal signatories to the transfer of power from the British. The Sikh leadership should have gotten an independent country for the Sikhs at that time, but they were fooled by the Hindu leadership of Nehru and Gandhi so Sikhs took their share and joined India on the promise that they would have the glow of freedom.

We have seen this "glow of freedom" in the form of the attack on the Golden Temple in June 1984, when over 20,000 Sikhs were killed in Punjab in a single month. Sikhs can never forgive or forget the desecration of the Golden Temple. This is the history and tradition of the Sikh Nation.

The next massacre of Sikhs occurred after the assassination of Indira Gandhi in Delhi. There was a mass murder of Sikhs throughout India, including Delhi. The Sikhs were pulled out of trains and burned alive. Sikh truck drivers were pulled out of their trucks. Hindu militants put tires around their necks and burned them to death. Sikh police officers were disarmed and confined to their barracks. This is very similar to what happened recently to the Muslims in Gujarat.

Human Rights Watch Asia has clearly stated that the Indian government orchestrated the recent genocide in Gujarat. Policemen stood and watched while Muslims were attacked and murdered. One policeman said that he was ordered not to stop the violence. This is the same modus operandi that the Indian government used in 1984 to burn the Sikhs alive and destroy their property. For the Sikh Nation to ensure their safety, we must free our homeland, Punjab, Khalistan, from Indian occupation. We pray every day "Raj Kare Ga Khalsa." We must do our best to realize our God-given right to be free.

The Indian government has murdered over 250,000 Sikhs since 1984. The U.S. State Department reported in 1994 that the Indian government paid out over 41,000 cash bounties to police officers for killing Sikhs. According to a report by the Movement Against State Repression MASR), the Indian government admitted that 52,268 are rotting in Indian jails under TADA, which expired in 1995. Many of them have been in illegal custody since Operation Bluestar in 1984. In February, 42 Members of the U.S. Congress from both political parties wrote to President Bush to get these political prisoners released. The U.S. government recently added India to its "watch list" of violators of religious freedom. It should impose sanctions to stop the oppression of Sikhs, Christians, Muslims, and others.

Jaswant Singh Khalra, who exposed the government killing of.Sikhs in fake encounters, became a victim of the Indian police himself. He was kidnapped outside his house and murdered in police custody. Even Akal Takht Jathedar Sardar Gurdev Singh Kaunke was murdered by SSP Swaran Singh Ghotna and then his body was disposed of. The Badal government was forced to conduct an inquiry by three Punjab police officials under the leadership of DIG Tiwari into the killing of Jathedar Kaunke. As of today that report has not been made public.

The only solution is the formation of a Khalsa Raj Party under new, honest, dedicated, and committed leadership. Now is the time to do it. Let's not waste time and prolong the suffering and agony of the Sikh Nation. The only remedy is to sever our relationship with Delhi completely, declare independence from India and start a peaceful agitation to free the Sikh homeland, Punjab, Khalistan. The present Akali leadership of Badal, Tohra, Mann, and others are under Indian government control. Their betrayal of the Sikh Nation is well documented in the Book Chakravyuh: Web of Indian Secularism by S. Gurtej Singh.

Sikhs are a sovereign, independent nation and ruled Punjab until 1849. The only way the Sikh Nation can protect itself from the Indian government's ongoing efforts to destroy the Sikh religion is to achieve independence for our homeland, Khalistan. Guru gave sovereignty to the Khalsa Panth. The new Sikh leadership must launch a Shantmai Morcha to liberate our homeland. The only way the Sikh Nation can prosper is to free the Sikh homeland, Punjab, Khalistan. The freedom of the Sikh Nation will bring prosperity, stability, and peace to Punjab and to South Asia.

Panth Da Sewadar,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

THE MORE THINGS CHANGE, THE MORE THEY REMAIN THE SAME: ERIC HOFFER ON ISRAEL, IN 1968

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. LANTOS. Mr. Speaker, I recently came across an article by the American social philosopher Eric Hoffer, about the double standard to which the world holds Israel. The sad irony is that this extraordinary piece was written 34 years ago, and it is just as relevant today as it was then. Mr. Hoffer's insightful analysis was published in the Los Angeles Times on May 26, 1968.

Eric Hoffer was an American social philosopher, author of nine books and a winner of the Presidential Medal of Freedom. His first book, The True Believer, published in 1951, was widely recognized as a classic.

This article, which as I mentioned appeared in 1968, describes the trend of international scorn focusing solely on Israel; whether it is the status of refugees, fighting in self-defense, or ending armed conflict, Israel is consistently held to a standard that is different from that which is applied to the rest of the world. Put simply, what other nations freely do, Israel cannot.

Although he was not Jewish, Mr. Hoffer championed a strong United States-Israel relationship and understood the geopolitical importance of Israel. Furthermore, Mr. Hoffer recognized the moral responsibility of the international community to support the world's only Jewish state in light of worldwide inaction and indifference to the Holocaust, which had occurred just 23 years before this article was written.

[From the Los Angeles Times, May 26, 1968]

ISRAEL'S PECULIAR POSITION

(By Eric Hoffer)

The Jews are a peculiar people; things permitted to other nations are forbidden to the Jews.

Other nations drive out thousands, even millions of people and there is no refugee problem. Russia did it; Poland and Czechoslovakia did it; Turkey threw out a million Greeks, and Algeria a million Frenchmen. Indonesia threw out heavens knows how many Chinese—and no one says a word about refugees. But in the case of Israel the displaced Arabs have become eternal refugees. Everyone insists Israel must take back every single Arab. Arnold Toynbee calls the displacement of the Arabs an atrocity greater than any committed by the Nazis.

Other nations when victorious on the battlefield dictate peace terms. But when Israel is victorious it must sue for peace.

Everyone expects the Jews to be the only real Christians in this world. Other nations when they are defeated survive and recover, but should Israel be defeated, it would be destroyed. Had Nasser triumphed last June he would have wiped Israel off the map, and no one would have lifted a finger to save the Jews. No commitment to the Jews by any government, including our own, is worth the paper it is written on.

There is a cry of outrage all over the world when people die in Vietnam or when two people are executed in Rhodesia. But when Hitler slaughtered Jews, no one remonstrated with him. The Swedes, who are ready to break diplomatic ties with America because of what we do in Vietnam, did not let out a peep when Hitler was slaughtering Jews. They sent Hitler choice iron ore and ball bearings, and serviced his troop trains to Norway.

The Jews are alone in the world. If Israel survives, it will be solely because of Jewish efforts and Jewish resources. Yet at this moment Israel is our only reliable and unconditional ally. We can rely more on Israel than Israel can rely on us. And one has only to imagine what would have happened last summer had the Arabs and their Russian backers won the war to realize how vital the survival of Israel is to America and the West in general.

I have a premonition that will not leave me; as it goes with Israel so it will go with all of us. Should Israel perish, the holocaust will be upon us.

RECOGNIZING DR. JAMES CLARK

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. WELLER. Mr. Speaker, I rise today to honor Dr. James Clark for his years of service in the educational system. Dr. Clark, who retires this year, has served as the Superintendent of the Joliet Township High Schools since July 1, 1996.

Dr. Clark started his career in Marion, IN, where he taught speech, drama, and English. He has since taught in Harvey and Lockport High Schools. In 1999 Dr. Clark was appointed Assistant Superintendent for Educational Services at the Joliet Township High Schools. In 1996, he received the appointment as Superintendent. Dr. Clark is also an Adjunct Instructor at Aurora University and Governors' State University.

Being a generous person, Dr. Clark is also involved with the community. He is active in Rotary, serves as a member of the Joliet Area American Cancer Society Board of Directors, on the Joliet Area Chamber of Commerce and Industry Board of Directors, as vice-chair of the American Heart Association Heart Walk, and in various professional school administrator organizations.

Dr. Clark and his wife Linda are the proud parents of two sons and one grandson. Dr. Clark is revered throughout the Joliet community. In fact, the city of Joliet declared Monday, May 13, 2002, as "Dr. James H. Clark Day."

Mr. Speaker, I urge this body to identify and recognize others in their own districts whose actions have so greatly benefited and strengthened America's communities.

PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2002

Mr. TIAHRT. Mr. Speaker, once again the House is working on behalf of the taxpaying family by voting today on the Permanent Marriage Penalty Relief Act of 2002. This bill would permanently eliminate the destructive marriage penalty taxes that were temporarily enacted by last year's tax relief package. As I think about the 65,000 married couples in my district who will personally benefit from this bill, I am also reminded of the more than 100,000 children who will benefit.

When the Economic Growth and Tax Relief Reconciliation Act expires in 2011, my constituents in Kansas who have decided to get married will be forced to pay more taxes simply because they chose to say, "I do." When the government tells married couples they will be punished because of their wedding vows, we are sending a dangerous message to younger generations about the importance of marriage. If Congress fails to make permanent the marriage tax penalty relief, this country will see 21 million married couples suffer because their taxes will be increased.

I am especially concerned that if Congress does not act, many of our low-income married taxpayers will see their Earned Income Credit reduced or completely eliminated. This unfairly discriminates against poorer families who have made a commitment before both God and man to remain faithful in marriage to one another. I am appalled that any Member of the United States Congress would support such discrimination against the institution of marriage. Most marriage penalties occur when the spouse earning the higher wage makes between $20,000 and $75,000 per year. We are not talking about the rich, we are talking about low and middle class families who are working hard just to make ends meet.

I would also like to remind my colleagues today that with passage of this bill, we will be further helping low-income taxpayers by preventing Earned Income Credit simplifications from disappearing in 2011. Failure to pass this bill will increase taxes on married couples by $5.7 billion in 2010 and by $10.4 billion in 2011.

Mr. Speaker, let's respect the sanctity of matrimony by eliminating these shameful marriage taxes.

TRIBUTE TO JACK TEICH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to Jack Teich, CEO and Co-Chairman of the Board of the Acme Architectural Company. Mr. Teich was honored this past October at The Friars Foundation Annual International Gala Dinner and Ball, along with legendary writers and lyricists Betty Comden and Adolph Green. It is in the spirit of this occasion that I am pleased to call to the attention of my colleagues the many contributions Mr. Teich has made to his community and the Friars organization, and to congratulate him today.

Mr. Teich, a resident of Harrison, NY, in my district, is the President and CEO of Acme Architectural Products Inc., a leading manufacturer of building products, which has offices and manufacturing plants throughout New York State. His sons Marc and Michael have recently joined their father in the family business.

Mr. Teich is also involved with several philanthropic organizations. He is a member of the Chief Executive Organization and the World Presidents Organization, of which he is Vice-Chairman of the New York chapter. He is also a Trustee of the Pension and Welfare Funds of Local 2947 Carpenters Union, and is active with the Personal Enterprise program with Cornell University. He and his wife Janet are on several charity boards including the Pediatric Cancer Foundation. Janet is also a board member of The Rye Art Institute.

Jack has been active with the Friars Club since 1974, and serves on its Finance Committee. His family has also been and continues to be deeply involved in the Friars Foundation, which gives Performing Arts Scholarship Grants to 12 colleges in New York State to young people studying one of the performing arts.

For his commitment and many contributions to his community and his State, it is my privilege to join the Friars Club in honoring Mr. Jack Teich on this special occasion.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. PORTMAN. Mr. Speaker, because I attended the groundbreaking of the National Underground Railroad Freedom Center in my hometown of Cincinnati, I missed the following Roll Call Votes on June 17, 2002: Roll Call Vote Number 230, a vote on the Journal. Had I been present, I would have voted "Yea." On Roll Call No. 231, passage of H. Con. Res. 415, recognizing National Homeownership Month, I would have voted "Yea." On Roll Call No. 232, passage of H. Con. Res. 340, supporting the goals and ideals of Meningitis Awareness Month, I would have voted "Yea."

PROPOSING A TAX LIMITATION AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2002

Mr. GILMAN. Mr. Speaker, I rise today in support of H.J. Res. 96, the Tax Limitation Amendment of 2002. I urge my colleagues to support this important legislation.

H.J. Res. 96 amends the U.S. Constitution to require that any bill, resolution, or legislative measure that proposes to change Internal Revenue laws must have the approval of two-thirds of those voting in the House of Representatives and the Senate. This requirement would not apply when a declaration of war is in effect, or when the United States is engaged in a military conflict which causes an imminent and serious threat to national security as found by both Chambers and the President.

Mr. Speaker, in his famous McCulloch v. Maryland opinion, Chief Justice John Marshall stated that "The power to tax is the power to destroy." This amendment sets out to make it more difficult for the Congress to arbitrarily raise taxes, and presumably, make the Federal Government more efficient and less bloated with unnecessary spending.

History has shown that it is far easier for Congress to raise taxes to cover spending deficits than it is to reduce that spending to reasonable levels. This is all the more true today. Neither party wants to be held responsible for any future return to peacetime deficit spending. Should such an event appear likely to occur, the temptation to raise taxes to cover any potential deficit would be overwhelming.

The enactment and ratification of this amendment would prevent a return to the situation which existed in our Nation 25 years ago. During the 1970s middle-class families were struggling to get by under crippling high marginal tax rates, which, thanks to high inflation and bracket creep, reached deeper into the working class ranks with every passing year.

This amendment forces those who want to raise taxes, for whatever reason, to do their homework beforehand, and convince two-thirds of their colleagues in Congress of the need to do so. For this reason, it is a fiscally prudent idea, and one that merits being sent to the States for ratification.

RECOGNITION OF BONITA AND KEVIN SCHAEFFER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Bonita and Kevin Schaeffer for their truly remarkable commitment to providing care to individuals with severe mental retardation, physical disabilities, and disease. On July 29th, 2002 Mr. and Mrs. Schaeffer will be celebrating 20 years with Family Care Services, Inc. located in Chambersburg, Pennsylvania. During this time they have provided complete care to numerous individuals and continue to do so today. They currently care for five individuals that require assistance with almost all aspects of daily living.

The story of the Schaeffers starts 20 years ago, before there were regulations to govern this type of care. They were the first family in the nation to obtain a C–1 license from the Department of Health for a private home. This license is the same one nursing homes are required to obtain. They continue to provide this high level of care with very little assistance from other direct care staff. This translates into long hours and limited time to themselves. However, Mr. and Mrs. Schaeffer have chosen this arrangement happily and without complaint demonstrating a level of commitment worthy of thanks and praise

The Schaeffers are an excellent example of people who have chosen to live a life of service to others. They have opened their home and put the needs of others before their own for 20 years. Through personal sacrifice they are giving gifts of hope, strength, and love to those they care for. Although these gifts cannot cure the ailments of the body, they are a powerful medicine for the heart. I encourage others to follow the example the Schaeffers are setting by giving of themselves and helping others in any way they can. President George W. Bush, in his last State of the Union Address, challenged all of us to give two years or 4,000 hours of service over our lifetimes. I believe this is an important personal goal that we should all strive to reach. Mr. and Mrs. Schaeffer have certainly accomplished this goal, yet they continue to inspire us all by continuing to go above and beyond the expected.

I would like to again extend my congratulations to Bonita and Kevin for their 20th anniversary of service and extend my thanks for the contribution they are making to their community. I wish them all the very best in the years to come.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. BECERRA. Mr. Speaker, on Monday, June 17, 2002, I was unable to cast my floor vote on rollcall numbers 230, 231, and 232. The votes I missed include rollcall vote 230 on Approving the Journal; rollcall vote 231 on Suspending the Rules and Agreeing to H. Con. Res. 415, Recognizing National Homeownership Month and the importance of homeownership in the United States; and rollcall vote 232 on Suspending the Rules and Agreeing to H. Con. Res. 340, Supporting the goals and ideals of Meningitis Awareness Month.

Had I been present for the votes, I would have voted "aye" on rollcall votes 230, 231, and 232.

A TRIBUTE TO FIFTY YEARS OF TOGETHERNESS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. TOWNS. Mr. Speaker, often in this House we discuss the most important and contentious issues of the day, but it is only on that rare occasion that we have the chance to recognize positive achievements. Today, is just such an occasion, it is a tremendous privilege for me to honor Mr. Joseph R. Lewis and Mrs. Avis J. Lewis who have done something that is all too rare in this day and age—they have been happily married for fifty years.

On Saturday, June 8, 2002, this happy couple celebrated their golden wedding anniversary together. Fifty years sharing the joy and sorrow that come with every day life. Together, Joseph and Avis are the proud parents of seven remarkable children. On June 22, 2002, their children as well as their 20 grandchildren, and one great grandchild will be gathering in Port St. Lucie, Florida to celebrate this momentous occasion in the manner that this family has grown quite used to, together.

Mr. Speaker, Mr. Joseph R. and Mrs. Avis J. Lewis have reached a milestone that only a lucky few will ever know. They will be celebrating with their family this Saturday. I urge my colleagues to join me in honoring this truly remarkable couple and their family on this wonderful and happy occasion.

PERSONAL EXPLANATION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. ISRAEL. Mr. Speaker, I was absent from votes yesterday, June 17, 2002 so that I could attend an event with families of victims of the September 11th attacks and Special Master Kenneth Feinberg. I would have voted as follows: roll call vote 230, "Yea"; roll call vote 231, "Yea"; and roll call vote 232, "Yea."

IN RECOGNITION OF FRANKLYN M. GIMBEL

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, I wish to pay tribute to Franklyn M. Gimbel, who this week will receive the 2002 Community Service Human Relations Award from the Milwaukee Chapter of the American Jewish Committee (AJC). This prestigious award is bestowed each year upon an individual who has demonstrated outstanding service and leadership, and Mr. Gimbel is an excellent choice.

Franklyn Gimbel has assembled a highly distinguished career as a lawyer. A founding member of the renowned law firm of Gimbel, Reilly, Guerin and Brown, Mr. Gimbel has served as President of the Milwaukee Bar, Chair of the State Bar of Wisconsin Board of Governors, and President of the State Bar of Wisconsin. His legal skill and acumen have led to his being named one of the Best Lawyers in America for criminal defense for nearly fifteen years, and he earned Milwaukee Bar Association Lawyer of the Year accolades in 1989 and 1998.

Despite these tremendous professional accomplishments, it is Mr. Gimbel's unyielding commitment to public service and community enrichment that earned him the 2002 Community Service Human Relations Award. Since the late 1970's, Frank has generously served on community boards and commissions that have benefitted the greater Milwaukee community. He worked as Vice-Chairman of the Milwaukee Fire and Police Commission from 1977 to 1982, and was a member of the MECCA Board of Directors from 1982 to 1994.

Gimbel now serves as Chairman of the Wisconsin Center District Board, a position he has held since Governor Tommy Thompson appointed him to the post in 1994. As Chairman, he oversaw the construction of the Midwest Express Center in downtown Milwaukee, and his leadership was instrumental in getting the project completed on time and under-budget. So instrumental was Gimbel's guidance that the state-of-the-art convention center is often called "The House that Frank Built."

In addition to his work on the Wisconsin Center District Board, Mr. Gimbel donates his time and efforts to several commissions that focus on community reinvestment, social justice, neighborhood revitalization, and business development. These include the Greater Milwaukee Committee, the Task Force on the Grand Avenue, and the Task Force on the Bradley Center. He is also a Director of the Equal Justice Coalition.

Mr. Speaker, fellow Members of Congress, please join me in honoring a man who exemplifies dedication to his community. Let us all salute Franklyn M. Gimbel, the 2002 recipient of the AJC Milwaukee Chapter's Community Service Human Relations Award.

TRAFICANT TRIAL: A RAILROAD OF JUSTICE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. TRAFICANT. Mr. Speaker, the government presented a ten-count indictment against me on May 4, 2001. And convicted me on those ten counts, Thursday, April 11, 2002.

COUNT FOUR—RAYMOND ALLEN SINCLAIR, ESQ.

The accusation is that while he was a Congressional staff member, Attorney R. Allen Sinclair shoved $2500 a month in cash kickbacks under the office door.

R. Allen Sinclair became a part of my Congressional staff in 1998. At that time he purchased a brand-new van for $25,000–$30,000, he leased another car for $290 a month, bought between $50,000 and $60,000 worth of media advertising and purchased a $273,000 home, which a Delaware bank financed for $276,000. Additionally, it's unknown what types of school loan payments were outstanding for his legal education.

Oddly enough, during his employment with me Attorney Sinclair made monthly deposits of $2500 into his IOLTA Account with the Home Savings and Loan Company. Once he left my employ, there were no $2500 deposits made for twenty-two consecutive months.

Naturally, as a part of the FBI's investigation of me, agents interviewed Attorney Sinclair. His FBI 302 states in pertinent part:

SINCLAIR had been previously interviewed and stated he had been making rent payments to HENRY DIBLASIO for offices at 11 Overhill, Youngstown, Ohio. He stated he had documentation he could provide. SINCLAIR now voluntarily appeared at the FBU, Youngstown Resident Agency. SINCLAIR provided one envelope, which was found to contain a letter from SINCLAIR to interviewing agent, a "cognovit note" from November 19, 1998 showing a $20,000 debt from SINCLAIR to DIBLASIO, one check, dated February 5, 1992 from SINCLAIR to DIBLASIO for $361 for "rent and long Dist Phone Calls." Also included was a document titled: "Statement from R. ALLEN SINCLAIR, DIBLASIO, FLASK, & ASSOCIATES, 11 Overhill Road, Youngstown, Ohio 44512, Law Offices." SINCLAIR had previously advised he paid rent to DIBLASIO for office space at 11 Overhill for the first few years he worked with DIBLASIO, and after that they used simply recorded rent on the books of the firm. The documents SINCLAIR provided showed notations regarding rent payments to DIBLASIO for 1994. SINCLAIR did not provide documentation for the later years. A copy of this documentation is attached to this report. Note, the documents provided by SINCLAIR listed hours he worked for clients, and it was noted that he had done work for "BUCHEIT." SINCLAIR advised he had represented BUCHEIT in a dispute BUCHEIT had with a Saudi Arabian prince regarding a letter of credit. SINCLAIR was not aware of Congressman JAMES A. TRAFICANT, JR. assisting BUCHEIT.

SINCLAIR was asked why DIBLASIO did not have the building at 11 Overhill Road in his own name, and why SINCLAIR, as the current owner of that building, (and staff member of Congressman JAMES A. TRAFICANT, JR.) also did not have this building in his own name. SINCLAIR advised it would have been a "conflict" for DIBLASIO to have the building in his name when he worked for TRAFICANT. This same issue came up when SINCLAIR was going to buy the building from DIBLASIO and he (SINCLAIR) was also working as a Congressional staff member. SINCLAIR advised this was cleared through the United States House of Representatives Ethics Committee, and it was acceptable for DIBLASIO and SINCLAIR to own the building as long as they charged the government a reasonable rent. SINCLAIR was asked why, then, the building had to be in the name of other people. SINCLAIR did not answer this question.

SINCLAIR advised he made between $50,000 and $60,000 per year as a private attorney in 1999, and at the same time made about $60,000 as "Administrative Counsel" to TRAFICANT. SINCLAIR's job for TRAFICANT was to research legislation. He was not TRAFICANT's private attorney. SINCLAIR advised he had researched the rules and it was legal for him to receive outside income while working for Congress because he was not "senior staff." SINCLAIR advised he did not kickback any part of his salary to TRAFICANT. SINCLAIR stated he did not want to be part of "getting TRAFICANT" and ended the interview. SINCLAIR was advised that he may have to testify before the Federal Grand Jury in Cleveland.

My office space was rented from KAS Enterprises, which I came to find out was established in October 1999 as Raymond Allen Sinclair, president. Then in November 1999, wife, Kimberly Sinclair was named secretary, although the filing with the Secretary of the State of Ohio named Kimberly Sinclair as the owner of the company. At the time of signing the rental agreement, I was not aware of how the KAS Enterprise Corporation was organized or its officers, but learned after the trial that either Attorney Sinclair or his wife could withdraw funds from the account without the knowledge or consent of the other.

Attorney Sinclair was involved in more questionable activities than his participation in KAS. He owed his partner $473,000. And, in an unrelated event, on December 2, 1999, the Board of Commissioners on Grievances and Discipline of The Supreme Court of Ohio filed a recommendation that "Attorney R. Allen Sinclair be suspended from the practice of law for a period of six months with the suspension stayed for a period of a one year probation including conditions recommended by the panel."

During my trial, Attorney Sinclair testified that he never lied to the FBI—that he always told the truth. It wasn't until he was pressured with the thought of losing his license and possibly facing jail that he created this testimony of supposed kickbacks.

He also stated that he never wore a wire or taped any of our conversations because he feared me; when all of the staff testified that there was no fear. And, he had previously taped Attorney Matavich to get information about me. Be advised, the government would use any ploy to gain admissions regarding one of its targets and without a doubt they did so in my case. But, obviously the information the FBI gathered in the Sinclair matter was exculpatory and all they could attempt was to present a circumstantial paper trail.

Having already suffered a license suspension and a fraud scheme hanging over his head and the government allowed Attorney Sinclair to escape any punishment for his participation in any wrongdoing and provided a shield from a civil suit involving the money he owed to his partner in order to suborn his perjured testimony against me. Not surprising, Attorney Sinclair continues to practice law.

Again, the government provided no physical evidence, no wiretaps, no tapes, no hidden microphones and no fingerprints on more than 1,000 documents. How is it possible to reach a conclusion beyond a reasonable doubt with only circumstantial evidence and the testimony of felons and other dubious witnesses? In a RICO case, no less.

BEAM ME UP!!

PERSONAL EXPLANATION

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. BONIOR. Mr. Speaker, due to commitments in my home state of Michigan, I was unable to cast votes yesterday. Had I been present, I would have voted "yes" on approving the journal; "yes" on H. Con. Res. 415, Recognizing National Homeownership Month; and "yes" on H. Con. Res. 340, Supporting the Goals and Ideals of Meningitis Awareness Month.

TRIBUTE TO MR. JOHNNY WINTERS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mrs. MEEK of Florida. Mr. Speaker, I rise to congratulate Mr. Johnny Winters for his longtime and selfless commitment to the South Florida community. Mr. Winters is the founder and executive director of Get Out And Live (GOAL), Inc., which has provided 30 exceedingly accomplished years of social, educational, cultural and religious activities for homebound handicapped adults.

Mr. Winters' tremendous entrepreneurship and dedication have resulted in the servicing of over 50 handicapped clients and a nationwide membership of over 4,000.

He is an awe-inspiring motivational speaker to handicapped and non-handicapped students in private and public schools. His compassion extends to educating students in special education classes to prepare them for future challenges. He has also made radio appearances on the Larry King Talk Show to further his cause.

It is not surprising that Mr. Winters' humanitarianism has been recognized on several occasions. His work has been acknowledged with awards from numerous fraternal, civic, religious and governmental organizations. For example, on February 27, 1988 he was the honored guest at the Miami Shores Mayor's Ball, where he received the Mayor's Award for Outstanding Commitment to the Handicapped People of Miami Shores. He has also received the Legion of Honor Award from the Miami Shores Kiwanis Club.

Recently, the city and citizens of North Miami celebrated Mr. Winters' humanitarian commitment by proclaiming Sunday, April 21, 2002, "Johnny Winters Day". I ask my colleagues to join with me in congratulating Mr. Johnny Winters for his outstanding service to our community. We are fortunate to have noble citizens like him to provide essential services and support to our society.

PAYING TRIBUTE TO JANICE STRAUSS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to Janice Strauss, teacher and child advocate, upon her retirement.

Jan was born on December 17, 1946 in Pittsburgh, PA to Dorothy and Fred Little. The family moved to Niagara Falls, NY on June 6, 1952. Jan is the eldest of 5 children, Kathleen, Michael, Douglas and Nancy being her siblings. She taught herself to read at four years of age and taught her youngest sister, Nancy to read at four. Jan went to St. John delaSalle Catholic School until 8th grade, and then finished her public school education at Niagara Wheatfield Schools. She was an exchange student to Ecuador during the summer between her junior and senior years. This is when her love of Spanish and other cultures began to flourish.

Jan went to Harpur College where she majored in Spanish and graduated in January 1968. It was at Harpur that she met her future husband Geoffrey. They were married on May 18, 1968 and they have two children, Micah and Alicia. Jan earned her Masters of Arts in Teaching Spanish at SUNY Binghamton in 1970 and is certified to teach Spanish. She is also a certified English As A Second Language Teacher.

Jan is first and foremost a "people person." When she was a senior in high school, she convinced her mother that they should take care of her maternal grandmother in their home. She also insisted in bringing her grandmother-in-law into her home rather than put her in a nursing home. When her daughter Micah was born, the lack of credible information about breastfeeding led her to enter into a rigorous training program to become a La Leche League Leader to help other nursing mothers. Over the years, she has welcomed numerous foreign exchange students into her home to enjoy and learn about their cultures and make them feel welcomed and loved in our country. As her children entered public school, wanting to increase the value and quality of the public school experience for children, she became involved in the PTA holding various offices on the local and regional levels. To advocate for the rights and dignity of children, residents and employees, she ran for and won a position on the Union-Endicott School Board.

Next to being a mother, the ultimate example of her love of children and people is her teaching. She cares about each student, always striving to help each student succeed, even those students "written off" by others. She considers any student's lack of success a personal loss.

Mr. Speaker, I am delighted to salute Jan for her many years of distinguished services and devotion to our community. She has left a fine mark in the teaching profession and our community and I join her family, colleagues and friends in thanking her and wishing her all the best on her well-deserved retirement.

TRIBUTE TO JIM SIX

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to the patriotic efforts of one of my constituents. In 2001, Gloucester County Times columnist Jim Six was able to return to a Texas woman a dog tag believed to have belonged to her brother, a Marine who was captured by the Viet Cong in 1968 and who reportedly died in a prisoner of war camp in 1970. His body has never been recovered. Six, through the efforts of an acquaintance, bought more than 400 dog tags from vendors in Vietnam in 1993 and is attempting to find more matches.

I would like to submit a list of the names on the dog tags for the RECORD.

A.C. Aalseth, Thomas A. Abe, R.D. Ahrens, Kem R. Akers, Paul J. Albano, Norman Allen, G.B. Alleyne, Clayton J. Anderson, John R. Anderson, Robert C. Anderson, Jr., Russell A. Anderson, Albert Annunziata, J.E. Armistead, W.J. Armstrong, Raymond E. Armstrong, E.M. Arnold, L.D. Arrowood, Ludwig B. Aske, and Larry D. Aveline.

C.W. Baney, Jr., A.W. Bardley, Homer T. Barker, David E. Barton, W.H. Batia, R.J. Baxler, Michael W. Becktel, Morral Bennett, K.J Berman, L.E. Bethel, John D. Betlock, Ronald L. Binford, Mark D. Black, Paul T. Bobenrieth, R.O. Boehnke, Jr., F. Bonafede, David J. Bonner, Walter W. Booth, R.W. Botelho, Daniel A. Bouchard, B.A. Bounds, D. Braddy, Jr., Scott R. Bradley, Darnell L. Branch, T.C. Breshears, Jr., T.O. Brock, T.F. Broderick, C.D. Brown, Clarence Brown, Harold E. Brown, V. Brown, W.R. Brown, Jackie R. Broyles, Ralph L. Bruner, James T.

Buckman, F.L. Burnett, and Vernon E. Bush, Jr.

J.L. Calderon, G.A. Campbell, R.S. Campell, K.T. Caruso, Ronald G. Castor, E.C. Chamberlin, Jr., Dennis E. Chapin, I.L. Chase, J.E. Clark, J.W. Clary, L.D. Clouse, L.L. Conley, M.R. Cooksey, Robert L. Cosgrove, Jr., J.B Cothran, William J. Cotton, Ronald Creach, Charles T. Crews, E.G Croft, Michael T. Cross, Garry W. Cummings, T.A. Curd, R.T. Curry, and John Crazy Bear.

Ronald G. Damn, Michael N. Damon, Ernest C. Davis, F.G. Davis, H.B. Davis, J.B. Davis, R.P. Dechicchis, J.L. Deege, Donald E. Deister, D.D. Delair, Thomas D. Delany, Robert L. Dickson, G.W. Dietz, La-Verne E. Dietz, Jr., Roosevelt H. Dillard, Edwin K. Dodd, Jr., R.O. Dorfer, C.E. Druex, D.R. Dudek, K.J. Dudley, Carlton T. Dunn, and Thomas L. Dutton.

T.J. Egan, Robert S. Emerling, Steven T. Evans, and William F. Evans.

R.D. Fairbairn, G.C. Falk, Russell C. Farver, A.F. Felch, Francis Fernandez, Jr., Randell B. Finch, G.A. Fink, Clayton C. Fladie, W.H. Fleck, R.N. Fletcher, Curtis J. Franklin, John E. Fox, W.K. Fox, John E. Frederick, Joseph A. Freehorn, J.E. Frye, Jr., and E.M. Fujihara.

Danny R. Gaddis, John A. Galhert, John R. Gantner, Santos Garza, Jr., Dale K. Graham, E.J. Graham, R.E., Gibbs, Ernie P. Gilliam,. S.D. Gilliland, R.J. Ginder, M.T. Giorsetti, Howard Gist, Jr., William F. Glendenon, James R. Golding, Herbert E. Gonzalez, M.K. Grantlen, Ronnie B. Grimes, D.W. Guffey, Robert P. Gunton, Jr., and Carlos Gutierrez.

J.J. Hagan, Tony R. Hall, D.W. Hammond (matched/returned), Larry Hardin, Harley D. Harless, S.W. Hart, Willis Hart, A.L. Haulcy, Jimmy L. Heavin, Theadore L. Helm,

D.R. Henderson, James F. Henderson, G.M. Hendrickson, Jesus Hernandez, Jr., Dave Heyboer, T.S. Hickman, T.D. Hobart, S.R. Hobbley, Junior Hodge, B.R. Holcomb, F. Hollier, Jr., Donald P. Hoover, L. Hopkins, Jr., Robert C. Horman, G.A. Howe, John F. Howley, James L. Huff, and Ronald D. Hurst.

M.T. Ispocogee.

Carl L. Jackson, James Jackson, L.D. Jacobson, R.E. James, William B. James, R.G. Jaouay, Steven C. Jefferson, John F. Jenkins, E.C. Jenson, Claude L. Johnson, David I. Johnson, Michael H. Johnson, Milton Johnson, R.M. Johnson, Ronald Johnston, Danny L. Jones, Linwood E. Jones, and R.A. Jones, Jr.

G.L. Kavelaras, V.J. Kemerer, Robin S. Kent, Roland H. Kiersey, Jr., J.J. Kimbrough, Jr., Robert L. Kirk, M.C. Klepac, T.M. Knutson, Clyde K. Kobbeman, K.R. Krueger, and T.L. Kyle.

C.E. Lames, Ernest C. Lammer, John F. Langowski, Jr., Gene O. Lanier, Jr., Ronald L. Lantrop, T.L. Laplaunt, C.P. Leary, John E. Leavister, D.J. Lee, Harry Lerner, W.D. Lidster, P.F. Linneman, Eddie C. Lipscoms, I.B. Livingston, Thomas E. Lloyd, J.W. Logan, Isaac Lopez, R.D. Loveridge, and Charles J. Lyons.

Bruce A. Magnuson, John D. Mahonet, J.M. Mangano, Donald E. Manninig, A. Marcha, W.W. Marragos, William L. Marshall, Daniel L. Martin, William M. Martin, J.P. Martinez, R.S. Martinez, David A. Mayzlik, G.E. Mccrillis, Jr., William S. Mccune, Roger W. McDonald, Charles A. Mcduffle, R.T. Mcgettigan, Duckey McKnight, John P. Mcniel, Thomas Mesa, William G. Meyer, R.C. Mickels, B.J. Mihneski, F.M. Miller, Jr., N.J. Minucci, K.L. Mokern, C.F. Momillen, James Money, Salvador Montes, Jr., E. E. Montor, Lindy N. Moore, James N. Morgan, Kenneth D. Morgan, T.R. Morley, Franklin F. Morris, Jr., Carl J. Morton, W.D. Moss, Danny L. Murphy, David R. Murphy, Monty D. Murphy, and D.L. Myers.

F. Nagy, P.E. Nance, Phillip E. Nash, F.F. Nives, and George C. Noland,

R.A. O'Conner, Michael L. O'Mary, and Richard D. Ortega.

Richard B. Palmer, James A. Parker, J.W. Peavy, J.L. Pell, Joseph E. Peters, D.V. Phillips, Paul C. Phillips, W.L. Phillips, P.L. Phipps, David K. Pickard, R.E. Pierson, Gale V. Pinkston, P.L. Plander, Michael J. Polly, A. Potter, D.C. Powell, A. D. Prater, T. A. Press, M.E. Price, Marvin E. Price, and C.J. Pummel.

W.E. Queale.

Edward E. Raiche, Bertrand Randolph, T.G. Ray, Malcolm S. Read, K.R. Reed, Jackie L. Replogle, L.B. Reynolds, Franklin Rhodes, Vincent A. Richardson, James Riley, R.J. Risk, W.T Ritenour, Joseph P. Rizzi, E. Robertson, Jr., J.F. Robertson, Jr., Isaac R. Robinson III, Lewis W.L. Robinson, Eugene J. Ruthman, and William F. Ryder.

G. Sanchez, M. Sanchez, J. Santiago, R.J. Schimes, R. Schlaier, W. Schlipf, S.D. Sears, Lonie S. Sedlacek, C.F. Seiler, L.H. Sewell, H.A. Shafer, J.J. Sheridan, David S. Sherrad, R.A. Shoemaker, Lorece Sigler, Jack W. Simmons, R.L. Simpson, R.B. Sims, Robert R. Slusher, Charles L. Smith, F.F. Smith, G.T. Smith, Gary A. Smith, Michael L. Smith, Robert L. Smith, Richard C. Smoldt, R.D. Spalding, Lyleh Spear, L.M. Spears, Larry A. Stedenburg, R.B. Steinberg, Phillip M. Steiner, Stephens, William H. Stewart, E. Strange, James L. Stowell, and G.R. Suter.

Raul Tamez, Jerry L. Taylor, William D. Tedhow, E.M. Telenko, Bruce R. Thomas, David J. Thomas, Donald Thomas, Edward L. Thompson, Al V. Tindell, Bobby W. Todd, D.A. Toomai, Julias A. Torrence, D.J. Traina, Ainulfo P. Torres, Fred E. Trueblood, and Jeffrey S. Tucker.

Vern F. Vannier, W.L. Vanryzin, W.S. Vetter, Zane C. Vinton, and Wayne A. Volk.

W.E. Wakefield, E.P. Walbridge, Barry L. Walker, J.C. Walker, D.C. Wallace, Jacob Jr. Wallace, J.L. Waller, J.F. Ward, Rocky D. Washburn, Tin Watts, R.H. Webb, Robert L. Weddington, Terrence G. Weller, S. Westmorelan, M.H. Wharton, Joseph D. White, M W. White, K.E. Wihtmer, Russell P. Wild, Richard A. Wiler, George W. Williams, Richard J. Willsher, Donald P. Wilson, Robert M. Wilson, R.E. Wingrove, A.L. Winslow, J.L. Wood, B.E. Woodman, Phillip E. Woronick, and Christolar Wright.

Bruce S. York, Matthew L. Zechmeister, Hal F. Zehr, Michael J. Zent, and J.J. Ziros.

PAYING TRIBUTE TO CYNTHIA WILBANKS AND JOETTA MIAL

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Cynthia Wilbanks and Joetta Mial on being named Women of Distinction by the Girl Scouts of the Huron Valley Council of Ann Arbor, Michigan.

Cynthia and Joetta were awarded this distinguished honor for their excellence in business ethics and volunteerism through a philosophy which parallels that of the Girl Scout movement. Currently Cynthia is the Vice President of Government Relations at the University of Michigan. Joetta is a retired Ann Arbor Huron High School principle, and began her career as a teacher in the school system. Both women are intensely involved as leaders in the community, serving as members of numerous organizations to enhance the well-being of the Ann Arbor population. Their dedication should serve as inspiration to the entire community, reminding us that service is an important part of American life.

Mr. Speaker, I ask my colleagues to join me in congratulating Cynthia Wilbanks and Joetta Mial on being named Women of Distinction. We wish them continued success in their future endeavors.

RECOGNIZING INDIVIDUALS INVOLVED IN OPERATION APPRECIATION

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. LUTHER. Mr. Speaker, I rise today to acknowledge the contributions of Operation Appreciation, an organization whose hard work has helped improve the lives of those entrusted to protect our nation.

Operation Appreciation was the direct result of a loving mother, Diana Low, and her two sons, Cody and Casey, wanting to show their gratitude for the men and women in charge of keeping this great nation safe. Diana wanted to teach her children the importance of voicing their thanks and admiration. She has no idea that this lesson would unite people from all over the country in the simple goal of saying thank you.

After September 11th, I launched a similar program known as Letters from the Homeland. This program called on the people of Minnesota to write letters to the soldiers overseas. The outpouring of support was remarkable.

Operation Appreciation took the idea to the next level. Through the efforts of the Low family, Operation Appreciation began with the heartfelt words of appreciation from children and then expanded to include classrooms in Minnesota. Now, similar letter writing campaigns have started in California, Illinois, Arizona and, Wisconsin. Thousands of children have voiced their gratitude for the men and women serving our nation in Afghanistan.

Initiatives such as Operation Appreciation and Letters from the Homeland are an excellent way to tell the men and women in the armed forces their efforts are not going unnoticed. From the kids in the classroom to the soldiers in the field, everyone benefits.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals involved in Operation Appreciation for their exceptional work in conveying the nation's support for our military personnel.

BILL AND CAROL ELLIS CELEBRATING 40 YEARS OF NEWS WORK IN PARMER COUNTY

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. COMBEST. Mr. Speaker, I rise today to call my colleagues' attention to the remarkable careers that Bill and Carol Ellis have accomplished in the newspaper business in Parmer County. This year marks the 40th year that Mr. and Mrs. Ellis have served news consumers in Parmer County.

Mr. Ellis's newspaper career began on the West Coast before he moved to Parmer County. He has served as news editor of the Friona Star. He later became managing editor of the publication. He and his wife, Carol, now own the publication through which they have served Parmer County residents well for 40 years. Bill and Carol Ellis also own the Bovina Blade, another publication that serves Parmer County residents.

Bill and Carol Ellis, throughout their careers, have kept Parmer County residents informed about important issues affecting them, their communities and beyond. They have given their readers a better understanding and a greater appreciation for their communities. Although their talents could have taken their careers to larger-circulation publications, Parmer County remained home, which has been to the benefit of the readers of the Bovina Blade and Friona Star.

I would like to extend to Bill and Carol Ellis my thanks for their dedication to Parmer County residents, and I wish them well in their continued service to the public through providing informative and insightful coverage of Parmer County communities.

ASSAULT ON INDEPENDENT MEDIA IN KAZAKHSTAN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. MEEHAN. Mr. Speaker, I rise to express concern for the fate of an independent media in Kazakhstan. On May 21 several unidentified men forcibly entered the officers of the Sol-Dat newspaper—one of the few remaining independent opposition papers in Kazakhstan. The men severely beat two journalists in the office, destroyed and stole equipment and told the beaten journalists that this was only a warning. Police who arrived on the scene further confiscated equipment and files.

The very next day, another independent newspaper in Almaty, "Delovoye Obrozreniye" was firebombed.

What did these newspapers do to deserve this fate? They dared to criticize President Nazarbayev. In recent years President Nazarbayev has made a concerted effort to shut down his opposition by denying dissent voices any means of expression. He has also put political opponents in jail and driven others into exile. All this, despite repeated assurances to President Bush and the international community that he would preserve an independent media and free expression for the citizens of Kazakhstan.

Mr. Speaker, the importance of Kazakh oil fields to the U.S. cannot blind us to President Nazarbayev's ongoing assault against the liberties of the men and women of Kazakhstan. I call upon President Nazarbayev to live up to his stated commitments to human rights and an independent media. And I call on this Administration to press for a resumption of a free press and tolerant government in Kazakhstan.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. JENKINS. Mr. Speaker, I was not present to cast my votes on rollcall votes 230, 231, and 232 on June 17, 2002. Had I been present, I would have voted "aye" on rollcalls 230, 231, and 232.

THE FIRST TEE RESOLUTION

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. BOEHNER. Mr. Speaker, today I am introducing a resolution recognizing the efforts of The First Tee, a youth character building organization with programs located throughout the country that provides young people of all backgrounds an opportunity to develop, through both the game of golf and character education, values and character traits that will positively impact their lives and experiences in school.

The First Tee programs are community-based and are implemented through a partnership of parents, civic and corporate leaders, state and local governments, youth-serving agencies, schools, and the golfing community.

This week, President and Mrs. Bush are hosting a conference at the White House on the importance of character education to our Nation's youth. This resolution reflects the House's continuing commitment to ensuring that positive values are instilled in all children at a young age, and recognizes one community-based program that is making a real difference for disadvantaged children across the country.

Many children throughout the United States face difficult circumstances in their lives. Broken homes, poverty, drugs, alcohol, and violence are everyday factors that many of today's youth continually face. A structured activity, the enjoyment of sport, and the teaching of positive values and character traits can be a tremendous experience and welcome respite in the lives of these young people.

The First Tee, an innovative model of public-private partnership, is working to make the game of golf more affordable and accessible to young people throughout the Nation by opening up golf courses and providing instruction for free and reduced rates to children of all socioeconomic backgrounds. By the year 2005, The First Tee will serve more than 500,000 children in 250 programs throughout the United States. In my state of Ohio, there are currently four First Tee facilities that serve more than 1,500 hundred children.

And just as importantly, the golf-related exercises are paired with The First Tee Life Skills program, through which young people learn the importance of maintaining a positive attitude, considering the consequences of their decisions, setting and achieving objectives, holding themselves to high standards, and applying to their everyday lives values such as responsibility, honesty, integrity, respect, confidence and sportsmanship.

One student in particular, Amber Davis, has been involved with The First Tee of Atlanta since April of 2000. Her dedication and enthusiasm has helped her progress through the first three levels of The First Tee certification process. She has participated at both of The First Tee Life Skills and Leadership Academies at Kansas State University over the past two summers, and received the Renee Powell Award for Female Leadership during the inaugural academy. She currently spends her spare time volunteering as a mentor for 13 of the young female participants in The First Tee program. An accomplished golfer, she has competed in several local, regional, state and national tournaments and was the only freshman to make the golf team at Woodward Academy in Atlanta. She credits The First Tee program with helping her to develop her strong leadership skills.

Again, I am pleased to bring attention to The First Tee and am grateful for its work in our Nation's communities. I ask for my colleagues support and urge them to join me as a cosponsor of this resolution.

FRANK H. DAVENPORT: A LIFELONG ADVOCATE FOR PUBLIC EDUCATION

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor Frank H. Davenport as he prepares to close the chapter on his 24 years of service as a member of the Essexville-Hampton Public Schools Board of Education. Frank's devotion to children and his dedication to improving the quality of education in Essexville will serve for many years as a model for all who choose to volunteer their time and talents to their community.

Frank's passion for education began in 1954 as a civics teacher at Essexville Schools, where stayed for 10 years before heading to the Bangor School District to work with Special Education students. After eight years, Frank again was ready for a new challenge, spending the next 13 years at the Bay Arenac Skill Center, now known as the Career Center, from which he retired in 1985 as Curriculum Coordinator. His work earned him a Lifetime Achievement Award from the Vocational Industrial Clubs of America.

Frank was elected to the Essexville-Hampton Board of Education for the first time in 1967, where he served until 1971. He returned in 1982 and has been a board member ever since, including terms as Board President during the 2000–01 school year and as Board Secretary from 1996 to 2000 and again during the 2001–02 school year. He also has served on the Bay-Arenac Intermediate School District Board of Education since 1989.

Frank's enthusiasm for starting young people off on the right path led him to become the first President/Manager of the Essexville-Hampton Little League. He also was the original President of the Garber Athletic Association. His eagerness for improving his community also prompted Frank to serve on the City Commission and the City Planning Commission in the 1960s.

Naturally, the magnitude and longevity of Frank's community service required the encouragement and support of his family. Gloria, Frank's wife for 51 years, and their seven children, Frank III, Thomas, Charles, David, James, Beverly and Daniel also deserve our gratitude for having been an integral part of his efforts.

Finally, Mr. Speaker, I wish to applaud Frank Davenport for his years of commitment to young people. He has served our community well. I ask my colleagues to join me in expressing thanks to Frank for his many years of service and in wishing him the best in all future endeavors.

TRIBUTE TO RABBI IRWIN GRONER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. LEVIN. Mr. Speaker, on Thursday, June 20 there will be a celebration of the 70th birthday of Rabbi Irwin Groner and the 40th anniversary of his service to Congregation Shaarey Zedek in Southfield, Michigan.

Shaarey Zedek has a long and distinguished history in the Detroit metropolitan area. It has served as a spiritual home for tens of thousands of families, including my own beginning with my beloved grandparents and so many others after their arrival from Europe and continuing with our parents of blessed memory and their generation.

Rabbi Groner came to the leadership of Shaarey Zedek after the tragic death of Rabbi Morris Adler. He continued, indeed deepened, the tradition of meeting the needs of individual spirituality and serving both the Jewish community and the broader community of metropolitan Detroit.

During his 40 year tenure, Rabbi Groner has responded to the needs of all whether in times of joy or moments of bereavement, whether encouraging the young in search of knowledge, new families seeking guidance and support for their aspirations, or older persons. His sermons over the years have been marked by their insightfulness, wisdom, and wit, delivered with the brilliance of his unique oratory. As said by his colleagues, he is "a brilliant orator and original thinker."

Even more significant still has been Rabbi Irwin Groner's endeavors one on one. For thousands, he filled gaps when there was a deep vacuum and provided strength at times of weakness.

He has reached out to the broader community on national issues, on state issues, serving as the Chairman of the Michigan Judicial Tenure Commission, and on metropolitan Detroit issues, having been active in programs of interfaith dialogue and honored at the annual Dove dinner, along with Detroit Cardinal Adam Maida.

It is an honor to be able to present in the CONGRESSIONAL RECORD, on behalf of so many of my constituents and so many others, a heartfelt tribute to Rabbi Irwin Groner. Forty plus seventy has the sound of biblical numbers; Rabbi Groner has surely lived up to, indeed exceeded, his biblical calling.

TRIBUTE TO MILLIE BENSON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Ms. KAPTUR. Mr. Speaker, today I rise in sad acknowledgment of the passing from this life of a national heroine and true Toledo treasure. Millie Benson, author of the original Nancy Drew series of books and lifelong adventurer, passed away on Tuesday, May 28, 2002 the age of 96 years. She had spent the day at her desk at The Blade newspaper completing her regular column. That last column, published on May 29, 2002, discussed the history and importance of the public library system. It is a fitting end to the storied career of a woman who inspired a lifelong passion for reading, as she herself had, in generations of youngsters.

Millie Benson was born in the town of Ladora, Iowa to Dr. J.L. and Lillian Augustine on July 10, 1905. In addition to being a voracious reader, she also excelled at athletics. She pursued both while a student at the University of Iowa, where she was a champion diver, a reporter for the local newspaper, and a published author. Her first story was published in 1919 in The Nicholas Magazine of New York. It was when completing her Master's Degree that she began her famous book series, and under a pen name wrote the first 23 books of the Nancy Drew mysteries. Paid little and required to sign away the rights, Mildred Benson remained in obscurity as the books' author until a legal battle in 1983 revealed her identity.

In the meantime, Mildred Benson, who had married Asa Wirt in 1928, kept busy with many other pursuits including the writing of several other series for children and novels, obtaining both commercial and instrument rated private pilot licenses (in her sixties!), and traveling into such remote outposts as the jungles of Mexico and South America and archeological sites in Central America, where she pursued her hobby exploring Mayan civilization. After Mr. Wirt's passing, in 1950 she married George Benson. Mr. Benson was editor of the Toledo Times newspaper. Thus began her revived career as a reporter. When the Toledo Times ceased publication in 1959, she began working for The Blade.

The 1990s brought her renewed acclaim as the author of the Nancy Drew series. Although in her eighties and nineties, she was a guest of many national and worldwide conferences, publications, and televised broadcasts. In 1993, she was the feature of the University of Iowa's Nancy Drew conference. Recognized by her alma mater not only for her journalism, she was also remembered as the first woman to receive a master's degree in journalism from that institution, an accomplishment she achieved in 1927. She was inducted into the Iowa Women's Hall of Fame and received her alma mater's highest alumni award. Other recognitions included lifetime achievement awards from the Ohio Newspaper Women (1997) and The Blade (1999), an honorary Doctor of Letters Degree from Adrian College in Michigan (1999), and the Ohio Library Association's recognition of her "distinguished and creative contributions to children's literature" (1989). Even while living this full and creative life, Millie Benson never forgot her fans. She answered every single letter, honored each request for an autograph, and always had time to talk to her fans.

Everyday of Mildred Benson's life was spent living to life's absolute fullest. Her example inspired those around her. Her unflagging enthusiasm for her chosen profession was infectious and her zest for life unsurpassed. Perhaps Blade publisher John R. Block summarized her best, saying "Millie Benson was one of the greatest women writers and journalists of the 20th century. She was gutsy and daring, a living embodiment of her Nancy Drew heroine." Our deepest condolences go now to her daughter Peggy. Yet Mildred Benson's lasting legacy remains through her books and the millions of lives her writing and her life have influenced.

In a 1973 issue of Books At Iowa describing her career, Millie Benson wrote of writing for the ages and not just a place in time, but her essay "The Ghost of Ladora" is actually the finest tribute to her life's passage, "So now it is time for the final chapter, seemingly one destined from the beginning. A fadeout becomes the most difficult of all, for the story is finished, the reader led to believe that the very best lies directly ahead. New worlds to conquer! New horizons to explore! . . . and all the pilots of fantasy suddenly take shape before our eyes, their waggling wings flashing the personal message: 'Come fly with me.' Such challenge cannot be denied. Work forgotten, we hasten to the nearby airport where a small plane awaits its all-too-willing passenger. Eagerly we take off, climbing high above the smog, the petty perplexities of life. The sky is blue. The wind blows free, Here at last, far above the earth, age and youth imperceptibly blend, and stem reality dissolves into the ultimate Magnificent Dream."

HONORING PROFESSOR YAN XIN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. HONDA. Mr. Speaker, I rise today to honor the contributions and achievements of

Professor Yan Xin on the twelfth anniversary of the professor's introduction of the "Yan Xin Life Science Technology" to the American public. Working as a physician, a professor and a scientist, Professor Yan Xin has had an integral role in major breakthroughs in experimental research, which have led to new methods of preventing disease and promoting the health of humankind.

Professor Yan Xin has long been recognized as a leader in the fight against cancer, AIDS, and diseases associated with the aging process. He has been certified as a chief physician by the Ministry of Health in China and has conducted collaborative research with several world-renowned research institutes and universities. Professor Yan Xin has been a blessing to both his colleagues and those who have benefited from his healing, so much so that Presidents George H.W. Bush, William J. Clinton and George W. Bush have all met with him personally and praised his work.

The key to Professor Yan Xin's success is his ability to combine modern scientific procedures with traditional healing and fitness methods. Yan Xin Life Science Technology utilizes elements of traditional Chinese culture such as acupuncture and medicines derived from natural products, then incorporates Western health treatments and the research of Professor Yan Xin and his peers in the modern scientific community. This blend of intuitive and empirical thinking serves as an example for all of those who are working improve the lives of others.

Mr. Speaker, I commend Professor Yan Xin both personally and on behalf of all those whose lives have been improved as a result of his work. Professor Yan Xin's career is far from over, and we can all look forward to continuing successes in his many areas of expertise.

TRIBUTE TO DR. BENJAMIN REED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Ms. KAPTUR. Mr. Speaker, this month brings us the retirement of Dr. Benjamin Reed, long time county coroner in Fulton County, Ohio. I am pleased to recognize Dr. Reed, who ended his service April 1, 2002 after nearly four decades.

A physician in the finest sense of the word and true public servant, Dr. Reed is known by everyone in Fulton County and is doctor to all in his hometown of Delta and to so many more in Northwest Ohio. A friend and confidante to all who knew him, his energetic attitude and dedication to his profession are unsurpassed.

The practice of medicine runs deep in Dr. Reed's family. He followed in his grandfather's footsteps, obtaining his medical degree from the University of Louisville. He began his practice in Kentucky, then moved to West Virginia where he doctored to the people of a coal mining town. There he learned to put his skills to the test as he practiced everything from obstetrics to cardiology to surgery. It was soon after moving to Delta that he began working in the coroners office, to which he was elected after seven years. In 1994, his neighbors recognized him as Delta's Citizen of the Year.

In addition to his practice and his coroner's work, Dr. Reed held offices with the Ohio State Medical Association, the Fulton County Medical Society, and the American Heart Association's Northwest Ohio Chapter. As he ends his public life, may Dr. Reed enjoy the serenity of family life and the peace which comes from a job well done. We wish him a very enjoyable retirement as he spends time on his own schedule and preferred activities, and with the family and friends dear to him. Thank you Dr. Reed, for your exemplary service to us all!

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. HONDA. Mr. Speaker, on rollcall Nos. 230, 231 and 232, I was unavoidably detained with matters important to my district. Had I been present, I would have voted "yea" on rollcall votes 230, 231 and 232.

TRIBUTE TO HOLY TRINITY LUTHERAN CHURCH IN TOLEDO, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize a momentous occasion soon to be celebrated by Holy Trinity Lutheran Church in Toledo, Ohio. On June 11, 2002, the church will have achieved its 100th year. A special anniversary celebration commemorating this milestone will be held on Sunday, June 9, 2002, when the bishop of the Northwest Ohio Synod E.L.C.A. will conduct a centennial church service.

Soon after its 1902 inception, Dr. G. Neiffer was installed as the church's first pastor in 1904. Having outgrown its initial site, the present building's cornerstone was laid in 1924, followed by a 1949 groundbreaking. In 1951, Pastor C.A. Hackenberg formally dedicated the church. Through the years it has grown to meet the needs of its congregation, so that the church facilities include an education wing, a multi-purpose gymnasium, and a day care center. Youth and senior activities, intergenerational services, small group ministries, and retreats serve today's active membership.

Holy Trinity Lutheran Church's mission states the church is "committed to follow Christ's command to be fishers of men and to feed His sheep so that Christ may be alive in the lives of all." Living this calling, Holy Trinity's faithful have maintained a consistent Christian presence in the neighborhood and our community, seeking to live the Gospels and Christ's teachings so that all are made whole. At the same time, the church has evolved with an ever-changing society over the century, so that it has remained a vibrant and integral part of the lives of its congregants and our community.

For the members of Holy Trinity Lutheran Church both past and present, this anniversary will be a time of introspection, remembrance, and reflection. But even as its members look back across a century of worship, good works, and communion, I know that they will also look forward to a new century fulfilling its mission to ensure "that Christ may be alive in the lives of all."

HOUSE OF REPRESENTATIVES—*Wednesday, June 19, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 19, 2002.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Right Reverend John B. Lipscomb, Bishop, Episcopal Diocese of Southwest Florida, Parrish, Florida, offered the following prayer:

Eternal God, Sovereign and Lord of all, we commend to You those who serve in the several branches of the government of our Nation. Especially we pray this day for the representatives of the people of the United States gathered in this Chamber to seek and to do Your will for those who elected them to this high office. We offer You grateful Thanksgiving for all who serve in this House with honor and integrity. Guard them from the presumption of self-importance and self-interest. Give them clarity of vision and thought. Renew in them a passion for justice and freedom. Endue them with the courage needed to guard the dignity and extend the blessings of liberty to all the people of our great Nation and of the whole Earth. All this we ask in Your holy Name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Virginia (Mrs. JO ANN DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mrs. JO ANN DAVIS of Virginia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. DAN MILLER) is recognized for 1 minute to introduce the guest chaplain.

There was no objection.

BISHOP JOHN BAILEY LIPSCOMB

(Mr. DAN MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN MILLER of Florida. Mr. Speaker, today Bishop John Bailey Lipscomb, who gave our very eloquent prayer this morning, is from my hometown of Bradenton, Florida. Bishop Lipscomb was instituted as the Fourth Bishop of the Episcopal Diocese of Southwest Florida in 1997. The Diocese of Southwest Florida covers the area from Brooksville, Florida, which is north of Tampa, south to Naples, and includes my area along the Gulf of Mexico, as well as portions of the gentlemen from Florida's (Mr. BILIRAKIS), (Mr. YOUNG), (Mr. DAVIS), (Mr. PUTNAM), (Mr. GOSS) and the gentlewoman from Florida's (Mrs. THURMAN) districts in our area of southwest Florida.

Born in Alexandria, Virginia, Bishop Lipscomb grew up in Jacksonville. He received his BA from the University of North Carolina, Asheville, his Master's in Divinity degree from the School of Theology of the University of South Sewanee, his Doctor of Ministry degree from the Graduate Theological Foundation and is a Fellow of the Foundation. Bishop Lipscomb has worked in several States throughout the South and as chaplain of the Louisiana National Guard. Bishop Lipscomb served on active duty during Operation Desert Shield.

Bishop Lipscomb and his wife, Marcie, have two children, Matthew and Natalie, and four grandchildren. The Lipscombs are very active in my community, and I have had the pleasure of working with them personally, especially and most recently on the Boys and Girls Club in Manatee County. It is my honor to be able to welcome him here today and consider him my friend.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 353, nays 42, answered "present" 1, not voting 38, as follows:

[Roll No. 236]

YEAS—353

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Baker
Baldacci
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Combest
Condit
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntyre
McKeon
McKinney
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Napolitano
Nethercutt
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Northup
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Obey
Ortiz
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Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
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Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
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Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (FL)

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Aderholt
Baird
Baldwin
Borski
Brady (PA)
Capuano
Costello
Crane
DeFazio
English
Etheridge
Filner
Gutknecht
Hefley
Holt
Kennedy (MN)
Kucinich
Larsen (WA)
LoBiondo
Markey
McDermott
McNulty
Moore
Neal
Oberstar
Olver
Peterson (MN)
Platts
Ramstad
Sabo
Sanchez
Schaffer
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wu

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Tancredo

NOT VOTING—38

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Barr
Bishop
Blagojevich
Clay
Collins
Conyers
Cummings
Deal
Delahunt
Ehrlich
Fossella
Herger
Hilliard
Hinojosa
Hulshof
Hyde
Kaptur
Leach
Lewis (GA)
Linder
McHugh
Meek (FL)
Morella
Norwood
Portman
Putnam
Roukema
Sanders
Serrano
Shays
Smith (NJ)
Stark
Sweeney
Towns
Traficant
Wynn
Young (AK)

□ 1028

Mr. MORAN of Kansas changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3686

Ms. CARSON of Indiana. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3686.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 387. Concurrent resolution recognizing the American Society of Civil Engineers for reaching its 150th Anniversary and for the many vital contributions of civil engineers to the quality of life of our Nation's people including the research and development projects that have led to the physical infrastructure of modern America.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2600. An act to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

S. Con. Res. 104. Concurrent resolution recognizing the American Society of Civil Engineers on the occasion of the 150th anniversary of its founding and for the many vital contributions of civil engineers to the quality of life of the people of the United States, including the research and development projects that have led to the physical infrastructure of modern America.

The message also announced that the Senate disagrees to the amendment of the House of Representatives to the bill (S. 1214) An Act to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes, agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. INOUYE, Mr. KERRY, Mr. BREAUX, Mr. WYDEN, Mr. CLELAND, Mrs. BOXER, Mr. MCCAIN, Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. SMITH of Oregon; and for matters in section 108 of the House amendment and sections 112 and 115 of the Senate bill, Mr. GRAHAM and Mr. GRASSLEY, to be the conferees on the part of the Senate.

The message also announced that pursuant to section 6968(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations.

The Senator from Arizona (Mr. MCCAIN), designated by the chairman of the Committee on Armed Services.

The Senator from Maryland (Ms. MIKULSKI), from the Committee on Appropriations.

The Senator from Maryland (Mr. SARBANES), At Large.

The message also announced that pursuant to section 4355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U. S. Military Academy:

The Senator from Ohio (Mr. DEWINE), from the Committee on Appropriations (reappointment).

The Senator from Louisiana (Ms. LANDRIEU), from the Committee on Appropriations (reappointment).

The Senator from Rhode Island (Mr. REED), designated by the Chairman of the Committee on Armed Services.

The Senator from Pennsylvania (Mr. SANTORUM), At Large.

The message also announced that pursuant to section 9355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U. S. Air Force Academy:

The Senator from Colorado (Mr. ALLARD), At Large.

The Senator from Georgia (Mr. CLELAND), designated by the chairman of the Committee on Armed Services.

The Senator from South Carolina (Mr. HOLLINGS), from the Committee on Appropriations (reappointment).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes per side.

RECOGNIZING SISTER JEANNE O'LAUGHLIN

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize Sister Jeanne O'Laughlin, President of Barry University in Miami Shores, Florida.

During her 21-year tenure as President, Sister Jeanne has resuscitated a once-dormant campus with limited resources into a thriving, world-class institute of higher learning.

□ 1030

Setting ambitious goals for the university, Sister Jeanne has been a poised and relentless leader in seeing them through to fruition. Once a struggling university with only 2,000 students, Barry now boasts a student population of 8,500. Barry's student body represents more than 70 countries and has earned the distinction of being the most diverse southern regional university.

Sister Jeanne's contributions, however, are not limited to the boundaries of Barry's campus. As a woman of faith and compassion, Sister Jeanne has dedicated herself to serving those in needs. We count children, the homeless, and women among the many lives she has touched.

Please join me in recognizing Sister Jeanne for her selfless commitments to our community and for turning Barry University into a factory of men and women who graduate better prepared to serve their fellow man.

STOP PHARMACEUTICAL COMPANIES FROM ROBBING AMERICAN PEOPLE

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, the great country western music singer Merle Haggard has a song he sings called "Rainbow Stew." One of the lines in that song says, "One of these days, when the air clears up and the sun comes shining through, we will all be drinking that free Bubble-up and eating that rainbow stew."

Tonight, the pharmaceutical manufacturers and the insurance companies are going to have a big rainbow stew banquet for the Republicans. They are going to serve free Bubble-up. The pharmaceutical manufacturers in this country are going to pay hundreds of thousands of dollars to do this, and they are pledging millions more in another attempt to deceive the senior citizens in this country and make them think that they are going to get a prescription drug benefit.

Corporate greed in America has gone too far. It is time for this Congress to fulfill its obligation and stop the pharmaceutical companies from robbing the American people.

PRESCRIPTION DRUGS AND PARTISANSHIP

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Republicans have been working hard to design a plan to help America's seniors get the prescription drugs that they need. No senior should ever have to choose between putting food on the table and getting the medicine they need. American seniors need our help.

Now we have a plan that is working its way through the Committee on Energy and Commerce and the Committee on Ways and Means and should be voted on soon. The Democrats have their plan, too. The Democrats plan may be too expensive and inefficient, but I think we in the majority are willing to work with them.

Unfortunately, it looks like our friends on the other side of the aisle are not willing to reciprocate. The Washington Post reported on Tuesday, and I quote, "Democratic strategists are advising candidates to tout the Democrats' plan and are encouraging them to take shots at the Republicans."

Mr. Speaker, that story was written on the same day our plan was unveiled; before even reading it, already attacking it. Looks to me like our friends on the other side of the aisle are just out for political points, not to solve problems. I hope they will prove me wrong.

AMERICANS NEED PRESCRIPTION DRUG RELIEF

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, this morning in The Washington Post, I read with alarm: "Drug Firms Among Big Donors at GOP Event Tonight." Thirty million dollars is going to be raised.

In lieu of trying to provide a prescription drug benefit for seniors, why can we not do the right thing today and stay as long as it is going to take to make sure that we do the right thing for our seniors?

Every weekend that I go home and speak to my seniors, most of them say, Congresswoman SOLIS, what is it going to take for the Congress to listen to the needs of senior citizens? And I tell them that right now our House is not working in the democratic mode. We are not allowing for discussion and debate so that we can provide assistance and benefits that are much needed by our senior citizens.

This is a sham that is occurring here today, and it is unfortunate that we cannot come together and work in a bipartisan manner to see that our seniors and those that are on fixed incomes receive the kind of relief that is due them.

Many people save their money for their retirement. Right now they are faced with some major hardships. I would ask that Republicans meet with us until after 5 o'clock today, before they go to their fundraiser, and let us get the work done for our seniors on prescription drug relief.

NEW BILL BRINGS HOPE TO SENIORS FACING SKYROCKETING DRUG BILLS

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, for years, seniors have been saying that they need help with their prescription drug bills. None of us anticipated prescription drugs would be the backbone of modern medicine, and we certainly did not anticipate that the cost would be so high.

I am proud of this new bill that has just emerged which brings a new hope to all seniors who face skyrocketing drug prices. The Medicare Modernization and Prescription Drug Act will ensure that all Medicare beneficiaries will be covered.

Not only that, but those who want to stay with their current coverage may do that as well. For as little as just over $1 a day, seniors will have the ability to choose among plans to find what works best for their prescription drug needs. Additionally, seniors will enjoy immediate savings through a prescription drug discount card which will be accepted by local pharmacies.

These are just two major components of this groundbreaking new drug bill, and I am glad Congress has answered seniors' call for help.

DRUG FIRMS AMONG BIG DONORS AT GOP EVENT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, while the purported Republican benefit would total 16 percent of the first $4,500 of prescription drug costs, it would not reduce the outrageous and obscene charges of the pharmaceutical companies. Why? Because they are the sponsors of the big fundraiser tonight.

Mr. Robert Ingram of GlaxoSmithKline, the chief operating officer, is the chief corporate fundraiser. His company has given one quarter of a million dollars to the Republicans, and they have delivered a bill that will do nothing to deal with the outrageous extortionist cost of prescription drugs in the United States of America.

People will still be able to go to Canada and buy drugs manufactured in this country by their major contributors for half the cost, or Mexico for 40 percent of the cost, or Europe for a third of the cost. But, no, not here at home. Our seniors will be offered a Trojan horse benefit, 16 percent of the first $4,500 of their prescription drug cost. Boy, that is really going to help my seniors a lot.

Do my Republican colleagues have no sense of shame, or is it just a sense of humor, to adjourn the House early to go to an event sponsored and paid for by the pharmaceutical companies while offering this phony Trojan horse benefit?

SLAVE MEMORIAL LEGISLATION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today I am joining the gentleman from Ohio (Mr. HALL) in introducing legislation to develop a memorial to American slaves. It must not be forgotten that each slave was an individual and a child of God. Not only do they deserve our remembrance, we owe them our respect.

The legacy of our Nation includes many people, including those who were victims but who chose not to be victimized. As Americans, we naturally understand this universal story of resilience and strength, and with this memorial we have the opportunity to honor those who suffered in bondage yet maintained their humanity.

With this memorial we will remember those who endured slavery and those who fought to end their slavery. In addition, this legislation will educate the current and future generations on the evils of slavery. This discussion cannot stop with the troubles of those who were enslaved, but must continue on to celebrate their deliverance into freedom.

PRESCRIPTION DRUG BENEFIT FOR ALL SENIORS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, for months now, as I have gone home, I have listened to my seniors. They continue to talk about the high cost of drugs. About 6 months ago, I began to receive early-morning phone calls from my 77-year-old dad. That is when I know things have really gotten out of hand.

He continues to tell me that every place he goes, to the senior center, to the little food banks that he goes to to help out and volunteer, et cetera, that everybody is out of food and, worse, they are paying all their money for drugs, for prescription medication that they need. Every week he tells me a new story about somebody that he knows and how they have to choose between their rent or their doctors' visits or their prescription drugs, and how some people are taking their dose of drugs and halving them or taking one quarter of what they are supposed to take in order to make it last for the month.

Many seniors on fixed incomes have been forced to cut back on basic needs and others have chosen to travel to other countries because the prices are lower. It is shameful that we have not done something about this, and we must work together to do it right. We must do it for all of our seniors.

PARTIAL-BIRTH ABORTION BAN ACT OF 2002

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, throughout the history of Western civilization, we have evaluated the justice of societies by how they treat the most vulnerable and the weakest among them. This is a biblical principle best expressed in the verse, "Whatsoever you do for the least of these, you do to me."

Several thousand times a year in the United States, mostly on healthy babies and healthy mothers in the fifth and sixth month of pregnancy, a procedure known as partial-birth abortion takes place, forcibly turning the child to a breach position, pulling the living child out of the mother by the leg, stabbing the child in the base of the skull, removing its brains with a vacuum, and pulling the dead child out of the mother.

We will introduce today the Partial-Birth Abortion Ban Act of 2002. It should break the heart of America. I know, Mr. Speaker, that it breaks the heart of God. Let us bring an end to this devious and evil practice in the United States of America.

REPUBLICAN PRESCRIPTION DRUG PLAN IS ILLUSION FOR SENIORS

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, the Republican leadership has developed a prescription drug plan for seniors, but it is an illusion. The pharmaceutical industry is pleased: they win, seniors lose under the Republican plan.

Seniors rely on Medicare for their health care, but they are going to have to get their prescription drug coverage from an insurance company, if any company is willing to provide it, and that is not likely in rural America or perhaps anywhere in this country.

No guaranteed benefits, no guaranteed premium, no guaranteed reduction in price. The Republican plan is a vaccine to inoculate Republicans for yet another election against the truth that they continue to protect the pharmaceutical industry at the expense of seniors.

Why did they do it? Today's Washington Post: "Drug Firms Among Big Donors at GOP Event." Today's New York Times: "Drug Makers Sponsor Event for GOP As Bill Is Debated." Corporate greed and political self-interest are married in this Republican bill, and it should be rejected.

RECREATIONAL MARINE EMPLOYMENT ACT

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, I rise today in support of the Recreational Marine Employment Act, which I recently introduced with broad bipartisan support.

The purpose of this legislation is to create thousands of jobs in the recreational marine industry by ensuring that marinas, boat builders, and recreational boaters, will not have to pay the unnecessary and exorbitant insurance premiums under the Longshore and Harbor Workers' Compensation Act.

Individuals who work in the recreational marine industry are already covered under State worker's compensation laws, and Congress never intended that these jobs also be covered under the Longshore Act, which is supposed to apply to commercial ships, not recreational boats. This bill will provide the commonsense clarification needed under the longshore act.

A recent survey indicated that employers in the recreational marine industry would save an average of $99,000 a year if this legislation passes, and 95 percent of those employers said they would use the money to create additional jobs. I urge my colleagues to call my office today to sign on as a cosponsor of H.R. 4811.

TRIBUTE TO DETROIT RED WINGS—STANLEY CUP CHAMPIONS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to own up to a promise I made to my friend, the gentleman from Michigan (Mr. BONIOR), and, equally important, to honor the World Champion Detroit Red Wings.

Later today, I will also deliver the other part of my friendly wager with the gentleman from Michigan, a big spread of traditional North Carolina barbeque from Bullock's in Durham. And for those of you who may not know, let me clarify for the record: barbeque is a noun, not a verb.

Muhammad Ali once said "Champions are made from something they have deep inside them, a desire, a dream, a vision."

Detroit and the entire State of Michigan are a part of that dream today. In the place they call "Hockeytown," the Detroit Red Wings are a team for the ages. Last week, they did more than just win a 10th Stanley Cup. In the end, it was an incredible journey by true legends of the game that will be remembered for a long time to come.

Undaunted by pressure, stoic in the face of defeat, resilient in the fight for glory, the Detroit Red Wings proved once and for all that hockey is a game of confidence and a game of skill. They embody the gritty do-it-yourself spirit that Detroit is known for, and the town embraces them for it.

This series will always hold a special place in my heart. While it ended with the defeat of our Carolina Hurricanes, it will always be remembered as the time when, for a brief moment, hockey amazingly overshadowed basketball in the State of North Carolina.

So congratulations to the Detroit Red Wings, to the city of Detroit, and to the citizens of Michigan.

Now, Mr. Speaker, this speech obviously was written by the gentleman from Michigan (Mr. BONIOR). And as a man of my word, I am gladly reading the tribute that he has written, as promised in our wager. But as a defender of Mayberry—that is how the Detroit media refer to us—I would like to add something unscripted here about North Carolina, "Hockeytown of the South," as we prefer to be called.

□ 1045

Mr. Speaker, the Hurricanes made us proud with their fine performance and their hometown spirit. Excellent in both athletic performance and sportsmanship, they are equally gracious in defeat, setting a good example for their congressman.

I also feel compelled to issue a storm warning. If the gentleman does not know what a "Category 5" is, he had better find out before next season!

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from North Carolina (Mr. PRICE) for his graciousness and his challenge, but I really look forward to that very tangy, delicious North Carolina barbecue that at this very minute is making its way over the Capitol.

Mr. Speaker, we had 1.2 million people participate in the Red Wings victory parade on Monday. Winning the Stanley Cup has brought our city and State together. As the gentleman from North Carolina (Mr. PRICE) said, hockey is more than just a sport in Detroit, it is a passion. That is why we call it "Hockeytown." In Hockeytown, we serve breakfast by handing out forks to each kid and then dropping an Eggo in the middle of the table.

In Hockeytown, when the traffic signal turns red, we start cheering because we think Steve Yzerman just scored again.

Every once in a while I would say to my Republican friends, I will throw a body check or two around here, I want Members to know it is not personal, I will wind up in the Cloak Room for 2 minutes, but it is where I come from. I come from Hockeytown; that is what it is about.

Mr. Speaker, the North Carolina Hurricanes fought hard. They are worthy opponents. They are good sports, and they have good hearts. The gentleman from North Carolina (Mr. PRICE) is a good sport with a great heart. Babe Ruth once said, "You may have the greatest bunch of individual stars in the world, but if they do not play together, the club will not be worth a dime." Well, the Hurricanes have stars, and they played together; the Red Wings have stars, and they certainly played together, and that is what makes them both great. We in Hockeytown look forward to many more spirited games with our friends from North Carolina.

ECONOMIC RECOVERY REQUIRES AN ENERGY PLAN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, America's economic recovery requires an energy plan, and Americans are watching gas prices in preparation for summer vacations, reminding all of us that oil products are the core of our American economy. If we expect Americans to hop on airplanes and climb into cars, we must immediately implement the House energy plan.

Mr. Speaker, our fellow citizens are also watching for the latest terrorism alerts. If we want our friends to visit our Nation's great cities and landmarks, we must provide them with security. By supporting H.R. 4, we can reduce dependence on foreign oil and make this country safer from unstable rogue nations that consider us their enemy.

H.R. 4 provides for increased domestic oil production, which will increase new jobs and boost economic development. Our economy is growing stronger by the day, but without a new energy plan there is no guarantee that we will have the resources we need to see continued improvement.

Mr. Speaker, H.R. 4 provides long-term answers to our Nation's energy needs. We must reject the radical opposition's political games which may appease special interest groups, but do not reflect this Nation's need for jobs, economic security, nor it's energy needs.

TITLE IX

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, I rise in celebration of the 30th anniversary of title IX, which requires public schools to grant girls the same access to athletic programs as boys.

Before title IX, women were discouraged from participating in many sports, such as basketball, soccer, wrestling and hockey. Title IX legislation created new opportunities for women to explore and excel in sports traditionally limited to men.

Mr. Speaker, 30 years later, title IX has been the foundation of increased funding for female athletic scholarships, parity in salary among female teachers and their male counterparts, and intolerance of discrimination among females.

Title IX has allowed the number of females participating in interscholastic sports to increase from 300,000 in 1971 to approximately 2.4 million at present. It is important for young women to participate in athletics. Even a small amount of daily physical activity can contribute to health benefits that last a lifetime. By leading an active lifestyle, the risk of diseases can be dramatically reduced. Girls and women participating in sports have higher levels of confidence, stronger self-images, and less depression.

Mr. Speaker, I encourage my colleagues to participate in this vital initiative this week and forever more.

PROMOTE ENERGY INDEPENDENCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, 735,000 jobs; 735,000. That is the estimate of the number of jobs that will be created if the President gets to sign a comprehensive energy bill that reduces our dependence on foreign sources of oil.

This body has done its part. Last August the Republican-led House with the support of the President passed the most comprehensive energy package this country has seen in decades.

Unfortunately, our friends on the other side of the Capitol see things a little differently. They voted to ignore working families and some of their own supporters, and instead keep the status quo when it comes to America's dependence on foreign countries for our energy needs. That is too bad because most of our foreign oil comes from the Middle East, which is the least stable part of the world. This is the same Middle East which is the home to thousands of al Qaeda operatives, and this is the same Middle East that houses Saddam Hussein and his tyrannical dictatorship.

Let us put that number, 735,000, in perspective. That number would equal one job for every person in the district I represent. I do not know about the other side of the aisle, but when I can vote to create one job for every citizen in my district, I will not hesitate to do so.

HOME OWNERSHIP MONTH

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, as many Members know, June is Home Ownership Month. This past weekend in the great city of Cleveland in the 11th Congressional District of Ohio, we hosted a housing summit. It is wonderful that more than 500 people came out to the housing summit. We had the opportunity to have people get free credit reports. More than 275 people got free credit reports, and we were able to counsel them.

Mr. Speaker, home ownership is a wonderful opportunity. It is an American dream, and this weekend in the 11th Congressional District in Ohio in conjunction with the Congressional Black Caucus Housing Summit, we were able to help Americans realize that dream, for which I am very thankful.

PRESCRIPTION DRUG BENEFIT

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, last night in the Committee on Ways and Means we marked up the biggest change in Medicare in 37 years. It was a good change. What we did in the Committee on Ways and Means last night was provide a comprehensive prescription drug benefit for seniors. We recognize on both sides of the aisle that seniors have problems paying for their medicines.

Medicare is an outdated program. It was written in 1965, and in 2002 it is basically giving seniors 1965 health care. What we have accomplished in this committee and what we are about to accomplish in this Congress is to give seniors a prescription drug benefit that gives them the choice of plans, comprehensive benefits, catastrophic stop-loss coverage, a discount in the price of their drugs, and coverage from dollar one.

This is important, Mr. Speaker, because we also recognize the need that low income seniors who cannot afford deductibles and premiums have a fully subsidized prescription drug benefit. When the other side gnashes their teeth, just remember this: We are acting, we are moving, and we are providing a comprehensive prescription drug benefit for all seniors on Medicare.

SAFE RETURN OF MIRANDA GADDIS AND ASHLEY POND

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I come before the House today for the fourth time to again plead for the safe return of two missing girls from my district, Miranda Gaddis and Ashley Pond.

Those who saw the May 23 People magazine cover story on the plight of these girls surely understand the pain and anguish the families of the girls are facing, and also realize that Oregon City, as any small community would be, has been changed drastically by the tragedy.

Unfortunately, these types of abductions are not as rare as we would like. While the vast majority of missing children are due to those who have gotten lost, run away, or been abducted by a parent embroiled in a custody battle, roughly 4,400 are taken each year by nonfamily members who often release them a short time later.

The National Center for Missing and Exploited Children says parents should urge children to remember three steps: No, go, and tell.

They should know it is okay to resist adults and make noise. They should run away if they can; and if they break loose, they can help identify their abductors by remembering details and telling a trusted adult.

Mr. Speaker, we need to protect America's children; and if anyone has any information about Miranda and Ashley, please contact the local FBI office.

PRESCRIPTION DRUG BENEFIT

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, the Committee on Ways and Means has reported out a very modest bill to deal with the issue of prescription drugs. All of us have spoken to senior citizens, gone to their meetings. The issue is not how much can the Congress provide in Medicare coverage, and I must say that the plan that we are going to be debating provides very modest coverage. It does almost nothing until there is $4,500 worth of bills to pay. The real issue for seniors is that the price of prescription drugs has gone completely out of hand.

Unless Congress deals with that issue, no matter how much coverage we give under Medicare, the problem is not solved. The issue is what are we going to do about the skyrocketing costs of these drugs.

Tonight's celebration that the Republicans are all going to is typical of the problem. They are in bed with the pharmaceutical companies. Until we break apart this coalition, the seniors are going to suffer and have to pay more and more. Instead of taking one pill a day, they take one pill every 2 days.

PRESCRIPTION DRUG BENEFIT

(Mr. UDALL of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, not a day goes by without my hearing from a senior who is struggling to pay for prescription drugs. Recently a senior in the town of Westminister, Colorado, told me how she has to visit the food bank once a week so she can afford her prescription drugs. Another told me how she plays her own version of the lottery. She puts all of her bills in a fish bowl, draws one bill, and the one she draws is the one she puts off paying so she can afford to take the drugs that the doctor tells her she needs.

Unfortunately, these women are not alone. Medicare only covers two-thirds of its enrollees. No senior should be faced with a choice of paying for food, paying the electrical bill, or buying critical lifesaving medicines. We have an obligation to our Nation's seniors to provide them with the lifesaving drugs that they need and deserve.

Mr. Speaker, when we take up, and we need to take up a prescription drug bill next week, we must provide a Medicare drug benefit that is affordable and dependable, without gaps or gimmicks in coverage. Members of Congress, government employees, employees of major corporations have this kind of coverage today. It is time our seniors did, too.

□ 1100

GLOBAL WARMING

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, global warming is upon us. The glaciers are melting, the West is on fire due to prolonged drought, the tundras of Alaska are melting and the White House has now confirmed this. It has issued a report that says global warming is occurring and we are responsible for it. But what does the White House say they are going to do about it? Nothing. They say we have just got to get used to it.

I was talking to a good young man, my son, who is a sophomore at Bainbridge High School, who says that the 15- and 16-year-old kids understand science enough to know that we have got to do something about global warming. We urge the President to get with the Bainbridge kids, the high school sophomores, who know we have got to do something about this problem. America deserves it and we ought to have it.

FULL PRESCRIPTION DRUG BENEFIT UNDER MEDICARE

(Mr. LYNCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LYNCH. Mr. Speaker, I rise today in support of a full drug benefit under Medicare. I have seen firsthand the lengths to which our seniors are forced to go in order to get the prescriptions that they need.

Recently I had the sad occasion to meet with a group of seniors from Massachusetts who were actually boarding a bus to travel to Canada in order to get prescription drugs that were not available to them at an affordable price in Massachusetts or elsewhere in the United States. One of these seniors is a woman named Rosemary Morgan, who is a 67-year-old woman who is fighting a recurring battle with breast cancer. Rosemary needs the drug Tamoxifen in order to keep her disease in check and to prolong her life. We are talking about a prescription drug that she needs desperately, not something that is merely an optional drug. However, because Medicare does not cover the cost of prescription drugs and Rosemary has no other form of drug coverage, she is forced to pay the highest prices in the world for this Tamoxifen. Were she to buy a year's supply at her CVS, it would be $1,468. However, in Canada the same prescription is $155 for a year's supply.

We need to do the right thing by our seniors and adopt a full prescription drug benefit under Medicare.

COMMEMORATION OF JUNETEENTH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today is Juneteenth, June 19, and for many who are not aware of that historical and very special day in America's history, it is the day that we commemorate the discovery that the slaves in the South had been freed. As a representative from the great State of Texas, it was the call from Galveston that indicated 2 years later after the Emancipation Proclamation that there had been a declaration of freedom for the slaves of the United States of America.

We hope that we will have a commission that will commemorate that great history, and as well let me say that I want to announce my joining as an original cosponsor with the gentleman from Ohio (Mr. HALL) and many of my colleagues who will today announce a legislative initiative to establish a monument or a recognition of those who were enslaved in the United States. Our history is our history, and we should recognize that and be prepared to acknowledge the wrongness of that history, but we should capture it and respect those who helped build this country.

Finally, Mr. Speaker, I hope we will move forward in the light of our history to do good things by passing a real prescription drug bill for our seniors, and I hope that that will be done very soon on behalf of our seniors in America who need it.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mr. HASTINGS of Florida. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mr. LATOURETTE). The Clerk will report the motion.

The Clerk read as follows:

> Mr. HASTINGS of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed—
>
> (1) to insist upon the provisions contained in section 504(a) of the House bill (relating to the effective date for the Federal minimum standards for State election systems); and
>
> (2) to disagree to the provisions contained in section 104(b) of the Senate amendment to the House bill (relating to a safe harbor from the enforcement of the Federal minimum standards for State election systems for States receiving Federal funds under the bill).

The SPEAKER pro tempore. Pursuant to rule XXII, the gentleman from Florida (Mr. HASTINGS) and the gentleman from Ohio (Mr. NEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today to offer a motion to instruct conferees on H.R. 3295, the Help America Vote Act. As we all know, conferees are currently involved in negotiations on the many tenacious differences that exist between the bills passed by each Chamber.

My motion to instruct will help provide guidance on what I consider two of the more critical differences that exist between the bills.

Section 1 of this motion instructs House conferees to insist on the date requiring States to conform to minimum national standards of November 2004 contained in the House bill. This is in contrast to the even more delayed 2006 effective date in the Senate bill. Currently under the House bill, States must conform to all minimum national standards within 2 years of the bill's enactment. In the special circumstances where a State can demonstrate to the Department of Justice that the State cannot meet the 2-year requirement, it can receive a waiver until November 2004. Under the Senate bill, States are not required to conform to the minimum national standards until January 2006.

Realize, Americans will return to the polls in November 2004 to elect a President. If the Senate's effective date becomes law, then we may very well face the same election day controversies that engulfed this Nation the last time we tried electing a President.

Section 2 of this motion instructs conferees to disagree with the safe harbor provision contained in section 104(b) of the Senate amendment to H.R. 3295. Under a provision added in the Senate by amendment, States which receive Federal funds under the bill are assumed to be in compliance with the bill's minimum national standards. Under the Senate amendment, States are provided with safe harbor until 2010, or 8 years from now, from being scrutinized or prosecuted for not complying with the minimum national standards in the bill. The one exception is that States can be prosecuted prior to 2010 for failing to conform with accessibility provisions in the bill as they pertain to individuals with disabilities.

If this provision becomes law, then we are giving States zero accountability until 2010 as they go about spending Federal dollars to conform their election systems. This is a horrible and dangerous path to embark on. If there is no enforcement until 2010, then States are essentially given the green light to nonconformity until 2010 despite any other provision in the bill.

Mr. Speaker, this morning I checked the website of the ranking Democrat of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS). His website noted that 515 days have passed since the election day 2000 fiasco. Five hundred fifteen days, Mr. Speaker. In mentioning this number, I remind my colleagues and the American people that on a Federal level, our election system is no better off today than it was on election day 2000. Though some States have taken it upon themselves to reform their election laws, the clear majority have not. For those which have, like my home State of Florida's baby steps, the need for financial assistance and Federal election reform is real and immediate.

The House did the right thing in appropriating $450 million for election reform in the supplemental. I note that appropriating before authorizing when it came to election reform is something that I called for more than 1 year ago. However, as I said then and I will say again today, $450 million is not enough money.

We should all be thankful for the hard work currently being done in the election reform conference committee by the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) as well as the gentleman from Michigan (Mr. CONYERS) and all of the conferees. Their leadership in the election reform arena, even during times when many in this body did not want to see any bill, is widely known and much appreciated and I say to BOB and STENY how much I genuinely appreciate the concrete efforts that they put forward to produce a measure here in the House of Representatives.

Unfortunately, Mr. Speaker, the absence of new election laws is as much of an embarrassment today as it was 2 years ago. All too many facts point to the need for Congress to act today. The fact remains that election laws today are the same flawed laws around the country that were in place on election day 2000. The fact remains that while we know what problems exist and we know how to fix them, Congress' response to date has been inadequate at best. The fact remains that voters in many States have already voted in this year's primaries on the same broken system, and I might add that occurred in Florida, that failed them 2 years ago. Even in Florida, some of the newer systems being offered have shown that they have flaws.

Therefore, we need to be about the business of trying to get this whole matter straightened out. Another 12 States will be returning to the polls within the next week to vote with the same faulty technology.

Confidence in our election system is the linchpin of our democracy and we must do anything and everything to restore that confidence with the American people. Contrary to what many argue, election reform is much more than just a civil rights issue. Rather, the need for election reform is a challenge to our democracy. It is a challenge that we cannot back down from and it is a challenge that we will not back down from. My motion to instruct ensures that real and comprehensive election reform occurs before the 2004 presidential election.

In addition, it ensures that the Department of Justice can hold States accountable in cases where they fail to conform to new Federal election laws prior to 2010.

I urge my colleagues to support this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume. I appreciate the sentiment just expressed in the motion offered by the gentleman from Florida. I nevertheless must oppose it. The gentleman from Florida has shown a tremendous amount of interest in this issue. He has been very passionate and has pushed for action on this issue for quite some time. I remember when I testified at the Committee on Rules last year on the campaign finance reform bill and the gentleman expressed his displeasure that the House was even taking up that issue prior to consideration of election reform. I certainly agreed with him that election reform should have been the priority and I appreciate his support for our efforts.

I also appreciate the fact, Mr. Speaker, that his motion instructs the conferees to insist on the provision in the House bill pertaining to the effective date of the minimum standards the bill imposes. I, like every American, want the improvements that will be brought about by the passage of this bill to be implemented as soon as possible. I want to restress that, as soon as possible. I am anxious for the day when all voters will have access to provisional ballots and better technology, when registration systems are modernized and made more accurate. No one should have a vote cancelling out another vote. Technology is a part of getting to that solution. A part. But there are other parts that we have to be able to insist upon to make sure that voting is fair across the Nation. When disabled citizens will be able to cast a secret ballot and those serving in our military will be assured that their votes will be counted, this will be an appropriate election process for the United States.

The House bill set up a formula grant process that would ensure that Federal funds get to the States quickly, allowing them to begin implementing these improvements without delay. That is a very good and important provision of the bill that my colleague, the gentleman from Maryland (Mr. HOYER), worked on.

Obviously, like the gentleman from Florida, I want to see these improvements in place as quickly as possible. Nevertheless, I must oppose the gentleman's motion for a simple reason. The effective dates that were in the bill that passed this House last December were drafted in the fall of 2001.

□ 1115

They provided that the requirements go into effect 2 years from the date of enactment and gave a waiver to States that could not comply, allowing them until the November 2004 election to come into compliance.

Mr. Speaker, it is now June of 2002. While I hope the Congress will be able to come to agreement rather soon, I think the best we could hope for is a bill being enacted in July. The waiver language which we included was intended to give States having difficulty coming into compliance a significant amount of time to do so. The reality of the time frame we are now working under has effectively rendered the waiver meaningless.

I certainly also agree with the gentleman from Florida that we need to get going and should impose an aggressive schedule for compliance. However, we must also be realistic in what we impose. We cannot fall into the trap of thinking that, just by commanding it, we can make it work and make it so.

The fact is, whatever conference agreement is reached, States will have a heavy burden in coming into compliance with the requirements imposed. We will be offering a significant amount of Federal money to assist them in their efforts, but the fact remains it will simply take some time for States and localities to incorporate the changes we will require to their election systems.

The Senate bill has a number of different effective dates for different provisions that, frankly, we do not have necessarily in our House bill. This is appropriate, as some requirements will be more difficult to meet than others. Establishment of a state-wide registration system will take more time, for example, than it will to provide voters with educational materials and sample ballots. The Congress will have to wrestle with how best to strike the balance between imposing effective dates that get States into compliance as soon as possible, without imposing unrealistic time frames that prove impossible to meet, create chaos, and wind up doing more harm than good.

In light of that, we should not be instructing the conferees to incorporate bill language that is outdated, and thereby unrealistic, given our current schedule.

Therefore, I do oppose the gentleman's motion; but I do want to reiterate that I agree with the sentiment and the spirit that it expresses and hope and will push and work with my colleagues on the Committee on Energy and Commerce to make sure the conference will be able to reach agreement quickly on effective dates that are realistic and achievable.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from Cleveland, Ohio (Mrs. JONES), who hosted a forum on election reform in her city.

Mrs. JONES of Ohio. Mr. Speaker, my colleague from Florida (Mr. HASTINGS) did in fact come to Cleveland, Ohio, when we hosted our election reform committee. I would say to the gentleman from Maryland (Mr. HOYER) and my colleague, the gentleman from Ohio (Mr. NEY), I rise in support of the motion to instruct.

Now, my problem is that even though we have not reached an agreement as to how this bill should come into play, States should not be waiting for us to dot the I's and cross the T's in this instance. They should be beginning the process of putting in place programs that will assure that each and every one of the voters in their States have access to information.

I am pleased to say that in Cuyahoga County, Ohio, where I live, our board of elections has begun to try out various new automated systems. They tried out one system at the Indians game. The owner of the system came in and put in the system, and the people at the game were able to vote on their favorite baseball player. On two or three of the elections we have had, they have been able to put in systems at two or three locations throughout Cuyahoga County to give voters an opportunity to try out these systems.

As much as we want to believe that everybody is comfortable now or believes that the Florida election was kind of something that would never happen again, the reality is there are many, many voters out here across this country who are expecting that this Congress will say it will never happen again, that everyone will have the right to vote, that people will not be faced with punchcard systems or butterfly ballots or have to stand in line and be turned away because someone says I have to show my driver's license or you are not registered, or it has not been explained that if there is a problem they have the right to vote and a decision made later on as to whether their vote will count.

We should never in this country be placed in the position that we send people to other countries and say we want to check out your voting system, when our own is not in order.

So I stand here adamantly in support of this motion to instruct the conferees. If we give people more time, they are going to take more time. Let us stop this. Let us make sure that the people in the United States are not disenfranchised. Let us give them the right to vote, right away, right now.

Mr. NEY. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 8½ minutes to my good friend, the gentleman from Maryland (Mr. HOYER), the distinguished ranking member of the Committee on House Administration, a leader on election reform and other matters in this House.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Florida for yielding, and I want to, at the outset, thank the gentleman from Ohio (Mr. NEY). The gentleman from Ohio (Mr. NEY) as the chairman of the Committee on House Administration has been absolutely critical, along with the staff of our Committee on House Administration on the majority side and the minority side, absolutely critical to getting election reform to where it is right now. It would not be nearly as far along.

We passed this bill last December. Frankly, we could have passed it a year ago July, but there was some controversy on our side of the aisle, some controversy on side of the aisle of the gentleman from Ohio (Mr. NEY); and we needed to work with our members. We came to the floor in December, and over 360 Members of this House voted for this legislation.

The instructions which the gentleman from Florida (Mr. HASTINGS) seeks do not in any way, as the chairman has indicated, undermine the thrust of our legislation, which was to get election reform in place as soon as possible. Unfortunately, the Senate took 4 months to pass its legislation after we passed our legislation.

We have now been in conference for over a month now, and we are not moving quickly enough. We need to get this conference completed, we need to get this bill to the floor, we need to pass it, and we need to have States start implementing it.

Mr. Speaker, the effort to correct the problems that surfaced in the 2000 election has been a Herculean and often difficult one. But, then, of course, most worthwhile efforts are such. Today we are closer than ever, in my opinion, to enacting the most comprehensive voting reform legislation since the Voting Rights Act of 1965.

The motion that I am supporting today is intended to ensure that, as Congress enters this final critical stage of election reform, we remember that reform delayed is reform denied. The motion before us will ensure that delay of essential reforms will not be an option.

The bill that we passed through the House did not have these extraordinarily long times, this safe harbor, this 2010 provision, this 2006 provision, this 2008 provision.

The chairman is absolutely right. We understood that time was a problem and we needed to give States a reasonable time in which to implement. Very frankly, I think the House bill as it reads continues to be a reasonable bill, and I would hope as it reads we could adopt it. That is a little short of what the gentleman wants; but it is, I think, a reasonable place for us to be.

This motion would instruct House conferees to insist on section 504(A) of the House-passed version of H.R. 3295, which requires States to be in compliance with commonsense minimum standards for the administration of elections no later than November 2004.

Americans do not want a repeat of the election of 2000. I do not mean the result; I mean the process. Every American believes, President Bush has said correctly, every American has the right to vote; but that is an empty right, a specious right, an ineffective right, if that vote is not counted and counted accurately.

The motion also instructs the House conferees to disagree to the safe harbor provision of section 104(B) of the Senate amendment to the House bill. I believe that section undermines election reform. I am opposed to it, and I will oppose it in conference. I would hope that the Senate conferees upon reflection would support us in that effort. That provision would delay enforcement of the minimum standards until as late as 2010, three Presidential elections away. In my view, that is unacceptable.

Can States meet the 2004 deadline? Yes, they can. The gentlewoman from Ohio (Mrs. JONES) said States need to be anticipating. In fact, my State, Florida, Ohio, whose Secretary of State has been extraordinarily helpful in getting us to this point, are all looking at what we expect and what this law will require. If they are sitting on their hands, twiddling their thumbs, they are not acting on behalf of the American people. They ought to be getting right now ready to implement this legislation, as they expect it to be passed.

Will there be compromises along the way? Of course. That is the nature of legislation. That is the nature of a conference. But if there is a Secretary of State, if there is an election official, if there is a registrar who is not moving towards the reforms that this bill will require, that passed with some 363 votes out of 435, and passed 99 to one in the United States Senate, then those election officials are derelict in their duty.

So I say to them this day, through all my colleagues and through, Mr. Speaker, you, I say to them, through the Speaker of this House, start working now, if you are not far along in the process already, so that when we pass this legislation, hopefully within the next 30 days, you will be ready; you will be ready to vindicate the most important right of every citizen in democracy, and that is the right to vote, the right to have that vote counted, so that voter will participate in making policy and vision for America.

We must provide that Congress delays no more. We in Congress must complete our work on election reform soon, soon, and give States sufficient lead time to meet their obligations. I urge my fellow conferees on election reform to immediately begin the important work of reconciling the House and Senate bills.

My chairman and I do not disagree on substance. This day we disagree on the process of the expectation. But I want to reiterate as I close, without the gentleman from Ohio (Mr. NEY), this legislation would not be where it is today. Without the gentleman from Ohio (Mr. NEY), we would not have gotten it the floor as we did. Without the gentleman from Ohio (Mr. NEY), the House bill would not have been as good as it was and is. And, frankly, it looks better than it looked before the Senate passed its bill, he says with some degree of pride and vindication.

Although much work remains, both the House and Senate bills are nearly identical in their basic goals, to give States the resources to improve their election systems and establish minimum standards, assuring ease of voting and accurate tabulation of results and, yes, that there are not cheats. No one wants fraud. No one wants fraud in the election system; no one, on either side of the aisle.

So we must address that issue, but we must address that issue in the context of what the purpose of this bill is, to facilitate the exercising of the democratic franchise; to facilitate people being recognized as eligible voters; to facilitate the accurate counting of those votes; and to facilitate the will of the majority maintaining in this, the greatest democracy the world has ever known. If we do not, we will lose a historic opportunity to strengthen our democratic system at home, while, Mr. Speaker, in lockstep 435 Members of the House, 100 Members of the Senate and every American works to defend this democracy against foreign enemies and those who would undermine it from without by terror and violence.

□ 1130

But let us not here at home undermine democracy by failing to act and acting quickly to vindicate the vote for every American.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to make a couple of comments here to just restress the importance of getting this monumental piece of legislation concluded. I cannot stress that enough. I appreciate the comments of my colleague, the gentleman from Maryland (Mr. HOYER) and also the gentleman from Florida (Mr. HASTINGS). It was a two-way street working with the gentleman from Maryland in being able to do something that, frankly, some people on either side on the aisle said maybe we ought not do this, but we knew it was the right thing to do. We had people that joined us in crafting a bipartisan piece of legislation that is well thought out.

I also want to restress, too, that I am sympathetic to the spirit of what is being done here today by the gentleman from Florida (Mr. HASTINGS). We need maybe some flexibility going into it, from my point of view. But I do want to stress that the spirit of what he is attempting to do is something that I fully understand. I appreciate both of the gentlemen.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I appreciate very much the gentleman's comments.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I mentioned the gentleman from Oklahoma (Mr. NEY), and he has done an extraordinary job and, I think, leads our committee the way every American would want him to lead the committee, and that is in an open and constructive way, and I thank him for that.

I also wanted to focus on the sponsor of this particular motion to instruct. The gentleman from Florida (Mr. HASTINGS) is an extraordinary Member of this House. He is probably as well grounded in the law as any Member of this House. He is also a colleague of mine in participating in the Organization of Security and Cooperation in Europe. He is a vice president of that international organization of 55 countries, respected internationally for his fairness and for his focus.

I want to thank him for his leadership, not only in the State of Florida, but I want to thank him for his leadership in this Congress. He was the one who raised most pointedly the issue of funding for 2002. It was his leadership that allowed some of us to work with him and, I might say, the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and the gentleman from Florida (Mr. YOUNG), to get the funding. So much of the year is gone, but the $450 million which is in the supplemental is now subject to authorization, and that is the key. We have to pass this legislation so that we can get that money to the States.

So I thank the gentleman from Florida (Mr. HASTINGS) for the leadership and the strong voice he has been on behalf of election reform in America.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Miami, Florida (Mrs. MEEK), my good friend and colleague, who has been a leader in this fight from November 2000, and even before then when we recognized that there would be significant problems.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS), with whom I have worked very closely over the years and who has been a paragon of justice and fairness not only in Florida, but throughout the world. I want to thank the gentleman from Maryland (Mr. HOYER) and also the sponsor of the House's bill on the Republican side. I commend the gentleman for offering this piece of legislation.

While the Senate amendment to H.R. 3295 has many provisions that are stronger than the bill we passed last December in the Senate, this safe harbor provision which they have in the Senate bill is a significant exception that will delete and, thus, materially weaken election reform.

Now, I am from Florida and my colleagues can understand why I would not like to see any safe harbor provision that would delay the implementation of election reform. If you have ever been in another kind of ground zero for election reform, you should have been in Florida in the last election.

If the House provision is adopted by the conferees and the Congress passes the conference report and the President signs the bill, we get real election reform by November 2004. People have told us to let it pass. We cannot. We have to do it now. We cannot delay this any longer. We cannot go through many of the political shenanigans we go through when we want to delay something. This has to happen now. Too many people have suffered. We die for the right to vote and we demand it now.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of the time, which I shall not use, again to thank my colleagues, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), and I especially am indebted to the gentleman from Maryland not only for his gracious comments, but for his mentoring with reference to matters that he and I are working on overseas; and the gentleman from Ohio (Mr. NEY) for agreeing with me in spirit with reference to this matter. We appreciate that spirit. Perhaps had the gentleman from Ohio been with me in Florida, you would understand how spirited I am with reference to all of these matters.

Speaking of the Organization for Security and Cooperation in Europe that the gentleman from Maryland is leader par excellence in, and I happen to, because of him, be an elected officer in that organization, immediately following the election just passed, I went to a meeting in Europe, and many of our colleagues, the gentleman from Maryland was unable to attend that particular meeting, but many of our colleagues in Europe were waiting for me to walk into the room so that they could ask me about those free, fair and transparent elections that took place in the State of Florida. In many instances, including good friends from England, they found it amusing that we had these problems and I know are going to find it equally amusing that we have not settled this controversy with reference to the legislation federally that we should have passed.

This place continues to amaze me on a day-to-day basis. I come in here and we have these knee-jerks on what is going on now. Now, we have had some serious interventions in this country: 9-11, to be sure; the economy overall is something that all of us are concerned about. Today's flavor is prescription drugs. Next week it will be fast track. And during all of that time, election reform has been sitting around here. The gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), other people; the gentleman from Missouri (Mr. GEPHARDT), the gentlewoman from California (Ms. WATERS), and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chair of the Black Caucus, and I, all of us waiting and yelling that we need to do something, and yet we find ourselves in the position of asking no more in this particular motion to instruct the conferees than what we already passed in the House of Representatives and insisting that that language, which was offered by the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), and those of us that cosponsored it, be included in the ultimate bill.

Quite honestly, the House measure, in my judgment, is the more enlightened of the two, but our failure to undertake it is a lack of enlightenment on all of our behalfs.

All of us ought to find this noncontroversial, and I would ask our colleagues who are listening back in their offices to support this motion to instruct conferees.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank my colleague from Florida, Congressman ALCEE HASTINGS for offering this motion to instruct conferees.

The two instructions that Congressman HASTINGS is offering are crucial to getting our election system in order.

First, it is important that conferees make any effective date for election reform be in time for the next Presidential election in 2004.

Actually, it should have been in time for our congressional elections, but we will go forward unfortunately with the same system that tore America apart in the November 2000 election.

And for the second instruction, it is important that the government have the ability as soon as is it feasible, to legally check to see if States are in fact making the necessary changes that the final election reform bill stimulates.

Election Reform is the number one legislative priority for the Congressional Black Caucus, and I sincerely hope that it is a top priority for every Member of the 107th Congress.

As a national legislative body, the Congress has the power, authority and absolute obligation to assure that the apparent disenfranchisement, which occurred in several places throughout the United States in our last Presidential election, does not ever happen again.

Allegations of voter intimidation; inaccurate voter registration lists; subjective, vague or non-existent ballot counting standards; and flawed ballot designs, all led to confusion before, during and after the election.

What happened is no way to elect the President of the United States of America—the most powerful position in the world.

This is not a black, white, or brown issue. It is an American issue. It is a red, white and blue issue. It should be of great concern to each of us if any one of us is improperly denied access to the ballot box or if every ballot cast is not counted. The survival of our democracy depends on the accuracy and integrity of our election system.

Mr. Speaker, I urge my colleagues to support this sensible motion to instruct.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 446 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 446

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3389) to reauthorize the National Sea Grant College Program Act, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Resources and the Committee on Science now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. Each section of that amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose of clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 446 is an open rule providing for the consideration of H.R. 3389, the National Sea Grant College Program Act Amendments of 2002. The rule provides 1 hour of general debate with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, and 20 minutes equally divided and controlled by the chairman and ranking member of the Committee on Science. The rule provides one motion to recommit with or without instructions. This obviously is a very fair rule, Mr. Speaker, that will allow Members all possible opportunity to debate this important issue.

The underlying legislation of the National Sea Grant College Program Act is amended to include an emphasis on ocean and coastal resources conservation and management, as well as collaboration between academia and the National Oceanic and Atmospheric Administration, known as NOAA.

Sea grant colleges support applied research at the local level and support major crosscutting research initiatives. This is a bipartisan bill that makes changes to the act that will enhance cooperation between Sea Grant and other executive programs with similar missions, promote funding disbursements based on competitive merit review, and increase authorization levels.

Florida has enjoyed great success with this program, through research and education in the areas of aquaculture, fisheries, coastal process, and hazards, marine biotechnology and estuaries.

The underlying legislation provides not only important research, but also resources to communities and academic institutions. I am a proud cosponsor of this bill, and I urge my colleagues, Mr. Speaker, to support not only the underlying legislation, but this open rule and very fair rule as well.

Mr. Speaker, I reserve the balance of my time.

☐ 1145

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Miami, Florida (Mr. DIAZ-BALART), for yielding me the time.

Mr. Speaker, today's rule is a fair one. It is an open rule, and it is one that I will be supporting. I only wish that my colleagues on the other side of the aisle would make it a habit of bringing these types of fair and open rules to the floor.

Mr. Speaker, the National Sea Grant College Program was established in 1966 to improve the science, conservation, and management of ocean, coastal, and Great Lakes resources through the use of academic grants. There are currently 30 designated sea grant programs which utilize a network of 300 universities and scientific institutions.

Those of us in the Florida delegation know all too well the benefits that have come as a result of the national sea grant program. Primarily housed at the University of Florida, Florida's Sea Grant College Program currently enjoys the support of 15 Florida universities, both public and private.

Included in this 15 is my alma mater, and that of the gentlewomen from Florida (Ms. BROWN) and (Mrs. MEEK), Florida A&M University. In addition, Florida Atlantic University, and I am proud to say that I will be receiving an honorary doctorate from that institution soon, the University of Miami, Florida State University, and Nova Southeastern University, that is in my district and that of the gentleman from Florida (Mr. DEUTSCH), all are active participants in the Sea Grant College Program, as well.

A footnote there: I overlooked the fact that that university, as well, is in the district of the gentleman from Florida (Mr. SHAW).

Under the National directorship of Dr. Fritz Schuler, the National Sea Grant Program has continued to grow every year since its conception. Florida universities are privileged enough to have people like Jim Cato, William Seaman, and Ed Harvey working for them. I applaud the hard work of these individuals and their colleagues and commend them for a job well done.

H.R. 3389 reauthorizes the National Sea Grant College Program from fiscal year 2003 through fiscal year 2008. It sends a clear message that the National Sea Grant College Program is one that must be sustained. Provisions in the bill increase current funding in the program every year.

Further, the bill reauthorizes the Coastal Ocean Program, providing $35 million per year through fiscal year 2008. This is a program that the people of our respective districts, and certainly mine, benefit directly from. I applaud the good work done by the Committee on Resources and the Committee on Science for continuing this much needed program.

I commend the work done by the two committee chairpersons, the gentleman from Utah (Mr. HANSEN) and the gentleman from New York (Mr. BOEHLERT), as well as the ranking Democrats, my good friend, the gentleman from West Virginia (Mr. RAHALL), and the gentleman from Texas (Mr. HALL).

Finally, the bill includes a provision requiring equal access for minority and economically disadvantaged students. Such provisions in many of our bills make it possible for minority and economically disadvantaged students to achieve in areas and fields where they might not otherwise succeed.

I applaud my colleagues for including this provision in H.R. 3389, and I urge them to never forget the immediate and long-term benefits of these practices.

In closing, Mr. Speaker, this is a fair rule. The substitute is a fair substitute, as is the amendment being offered by my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE). I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding time to me; and I should say Dr. HASTINGS, given the honorary doctorate the gentleman will be receiving shortly.

Mr. Speaker, I rise to urge my colleagues to support H.R. 3389, the National Sea Grant College Program Act. This is a comprehensive piece of legislation which will contribute greatly to the valuable work that the sea grant programs across the Nation continue to do every day.

I want to thank the gentleman from Maryland (Mr. GILCHREST) for his leadership on this in introducing this legislation, and other bipartisan cosponsors, including the gentleman from Alaska (Mr. YOUNG), the gentleman from New Jersey (Mr. SAXTON), the gentleman from Guam (Mr. UNDERWOOD), and the gentleman from American Samoa (Mr. FALEOMAVAEGA). I thank him, as well.

Mr. Speaker, I represent the first district of Rhode Island. Rhode Island is known as the Ocean State. For hundreds of years, my State has made its living on the sea, from fishing in the waters to utilizing them for transportation. We have now added ocean exploration and science to our tasks.

I am proud to say that Rhode Island has always been at the forefront of ocean science. I have worked extensively with the folks at the University of Rhode Island Sea Grant Program. They realize that this legislation, which will reauthorize the sea grant program for another 5 years, will allow them to leverage Federal funds in order to continue their study of our oceans. This allows us to make valuable strides forward in not just ocean exploration, but in biomedical sciences.

How many people realize how much we derive from the ocean in terms of biomedical sciences and advances in pharmaceutical drugs, all found because of the sciences we do on our oceans?

The Coastal Environmental Restoration and Preservation programs are also part of this ocean science sea grant program. Food production and responsible economic development through the utilization of our waters is key, and the sea grant program works with the Aid to International Development to help those countries around the world develop their coastal ways to feed their people. We have great hunger in the world, and the ocean can be a great resource for foodstuffs and fish protein.

Additionally, this legislation promotes strong relationships between the National Oceanographic and Atmospheric Administration and the sea grant. I look forward to seeing passage of this rule and also seeing passage of this legislation. Ultimately, I will work on the Committee on Appropriations to see that its laudable goals are adequately funded.

Mr. Speaker, I thank the gentleman from Florida for bringing this bill forward; I look forward to passage of this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my friend, the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend, the gentleman from Florida (Mr. HASTINGS), or Dr. HASTINGS, for yielding me the time.

I also want to commend my good friend, the gentleman from Maryland (Mr. GILCHREST), for reintroducing the legislation and for the leadership that he has provided, as well as the leadership that the Chair and the ranking members on the appropriate committees have given this legislation.

Mr. Speaker, I do rise as a strong supporter of the rule, as well as for H.R. 3389, the bill to reauthorize the National Sea Grant College Program Act. While my district is far from either coast, the State of Wisconsin is host to some of our Nation's most important fresh water resources. With the Great Lakes and the Mississippi River as our borders, and more lakes, actually, than the State of Minnesota, water-quality issues are central to the lives of Wisconsin residents and the residents in the upper Midwest region.

Mr. Speaker, the sea grant program provides Wisconsin with valuable tools for research and education associated with our unique natural resources. Through the University of Wisconsin system, support from sea grant enhances scientific research, education, and outreach throughout the entire State. In fact, the University of Wisconsin Sea Grant Institute is nationally recognized as a leader in marine science education.

I also have a personal interest in the sea grant program. Since I was first elected to Congress, my office has benefited as a participant in the Sea Grant Policy Fellowship Program. Serving in 1-year fellowships, sea grant Fellows have provided invaluable knowledge and experience to my office.

As a co-chair of the Upper Mississippi River Basin Congressional Task Force, these Fellows have had their hands full working not only with water resource issues that affect my congressional district, which has more miles along the Mississippi River than any other congressional district in the Nation, but also have been helping to coordinate efforts throughout the entire five-state basin area in the upper Midwest.

The United States has thrived through scientific achievements, and we must continue to encourage our students to pursue math and science education. The sea grant program is a great example of our efforts in this area, and noted accomplishments by the participants in the program represent how valuable this investment is.

In conclusion, Mr. Speaker, I would like to take the opportunity to again thank the former sea grant Fellows that have served in my office, Jeff Stein, Ed Buckner, Allen Hance, and Laura Cimo, for their outstanding work. I would also like to thank the Members of this body for their past support of the sea grant program, and I encourage my colleagues to support the legislation today.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, reiterating my support for the rule and the underlying legislation, and asking all of our colleagues to support both, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DIAZ-BALART). Pursuant to House Resolution 446 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3389.

□ 1157

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3389) to reauthorize the National Sea Grant College Program Act, and for other purposes, with Mr. SUNUNU in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes, and the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. BARCIA) each will control 10 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House is considering H.R. 3389, the National Sea Grant College Program Act Amendments of 2002 which we introduced last fall. The bill before us is a bipartisan substitute worked out between the Committee on Resources and the Committee on Science. It reauthorizes the sea grant program for 5 years within the National Oceanic and Atmospheric Administration and makes some minor improvements to the program. It also reauthorizes the Coastal Ocean Program, but does not consolidate the two programs. I urge my colleagues to support the bill.

Mr. Chairman, in 1964, the concept was created to understand the relationship between the oceans, the environment, and the economy, and the best way to deal with those issues that would benefit all of us. In 1966, the idea was put into a statute called the National Sea Grant College Program.

What sea grants do essentially are five very important things. One of the aspects is research so we understand the marine ecosystems from around the world and human impacts to that ecosystem and the benefits that humans can derive from the marine ecosystem if we understand how nature works.

Number two is an education component which deals with colleges and universities from around the country. This impacts about 300 institutions and disseminates and educates a lot of young people to have a sense of understanding toward the marine ecosystems and their impact on people.

□ 1200

The third component are advisory agents, and these are mostly those young people that are educated through the sea grant program in the Nation's universities to go directly to communities to help those coastal communities understand how their economy can improve while the environment improves. So it has been an extremely successful operation over the last almost 40 years now.

The fourth component affects the U.S. Congress in a very, very positive way, and many Members of Congress, especially on this particular committee, as was spoken by the gentleman from Wisconsin, has the advantage of sea grant fellows, and these sea grant fellows offer the kind of data, information, science and understanding into these very complex issues so that we as Members of Congress can weave our way through the very complex dynamic maze of the mechanics of nature.

The third thing that this particular reauthorization does is to once again emphasize the very important aspect of this Congress into developing ways that the economy of this country and the environmental aspects of legislation can and must be compatible, and this legislation goes a long way into doing that.

The fourth thing this legislation does is to understand the very nature and difficulty with environmental degradation and loss of dollars to the economy of invasive species, what invasive species need to be addressed first, what invasive species are the most problems with this country and how invasive species arrive on our shores. Also, the research deals with marine biotechnology and agriculture.

The fifth thing, we ensure that there are dollars for 30 institutions and over 300 programs around the country.

We have worked in a very bipartisan fashion, and I want to thank my colleagues on the Democratic side for their cooperation. I want to thank the staff on both sides of the aisle for their cooperation. I also want to thank the gentleman from Michigan (Mr. EHLERS) on the Committee on Science for their collaboration into this effort.

Our amendment strengthens the act by calling for an increase in collaboration between the ocean research funding entities and the National Research College Program to limit duplication of efforts and enhance related research. This legislation increases authorization levels that have remained painfully stagnant over the past decade almost.

The amendment also ensures that the quality research and management within the sea grant college system is rewarded through a competitive, merit-based disbursement of funds, and finally, because of the great importance of the coastal and ocean resources of the territories and freely associated States within the Pacific Ocean, the act calls for a reporting of their efforts in developing the infrastructure and expertise necessary to become sea grant institutions.

I want to thank the gentleman from Guam (Mr. UNDERWOOD) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for their cooperation through this process, and also once again the gentleman from Michigan (Mr. EHLERS) for his cooperation, and to the patience of the staff on both sides of the aisle with Members of Congress.

Mr. Chairman, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I too am pleased to speak in support of H.R. 3389, a bill to reauthorize the national sea grant program. I would also like to take this time to express my strong support for the National Sea Grant College Program, my support for the manager's amendment in the nature of a substitute to H.R. 3389 which requires an annual report of the progress of institutions and regional associations seeking to develop sea grant status, and my opposition to the administration's plan to move the National Sea Grant College Program from NOAA to the National Science Foundation.

Before discussing my specific concerns, I want to commend the gentleman from Maryland (Mr. GILCHREST), the chairman of the Subcommittee on Fisheries, Conservation, Wildlife and Oceans, and the gentleman from New York (Mr. BOEHLERT), the chairman, and the gentleman from Texas (Mr. HALL), the ranking member, of the Committee on Science, the gentleman from Michigan (Mr. EHLERS) and their staffs for their sincere efforts to work cooperatively to develop a consensus bill which represents a fair and satisfying compromise to improve the act.

On a related aside, I find the consideration of the sea grant legislation today to be somewhat ironic. I say this because the majority has scheduled this bill for consideration today, yet we intend to mark up next week in the Committee on Resources that legislation which may weaken provisions of the law under the Magnuson-Stevens Fisheries Conservation and Management Act.

As the ranking member on the Subcommittee on Fisheries, Conservation, Wildlife and Oceans, I am involved with the oversight of programs vital to the interests and jurisdiction of the Committee on Resources, including programs at NOAA. I continue to be impressed by the National Sea Grant College Program, which has been pointed out repeatedly on the floor today, has served since 1966 to promote applied marine research, education, outreach and extension services.

The national sea grant program sponsors peer-reviewed academic research, transfers technology and results from this research to industry and management agencies, and acts to educate the public about marine and coastal issues. It achieves environmental and economically important results through fostering partnerships among scientists, managers, industries and local, State and Federal Governments.

These partnerships are further strengthened through sea grant's funding requirement that one-third of a program's grants must come from non-Federal sources. Sea grant has proven itself a very effective tool to leverage limited Federal dollars and, as a result, has built an outstanding network program that can use its remarkable research education and extension services to serve State and territorial needs.

Considering the widespread success and support for the National Sea Grant College Program, I was amazed to discover that the administration had actually chosen to cut funding and transfer sea grant from NOAA to the National Science Foundation.

Many researchers believe that the sea grant's priorities of applied research, outreach and education are incompatible with the fundamental mission of the National Science Foundation to support basic scientific research, and while I approve and certainly respect NSF's mission and scientists, and while I continue to support full funding for NSF, I, like many Members, believe that the national interest is best served by keeping sea grant in NOAA. This legislation, and gratefully I might add, to both the majority and minority Members, unequivocally reaffirms that commitment.

It is important because I believe in the importance of the sea grant program that I continue to support as well as the development of a sea grant regional program in the Western Pacific. I am proud that colleges and universities in that part of the world, in that region, College of the Marshall Islands, the College of the Micronesia and the FSM, Northern Marianas College, University of Guam and Palau Community College, have chosen to organize themselves as a consortium working towards attaining program status that would bring sea grant research, education and extension services to an ocean area equivalent to the total land area of the contiguous United States. With fully 100 percent of our residents living within 10 miles of the ocean, it is clear that the development of a regional sea grant program would flourish and serve both regional and national interests.

I continue to strongly advocate that the sea grant program designation process, especially for institutions in areas that are overlooked and lacking in the necessary infrastructure, such as the U.S. territories, requires Federal financial and technical assistance. More importantly, the manager's substitute amendment made in order under the rule includes an important benchmark provision to help guide the development of future sea grant programs.

The bill before us would also allow any developing programs access to a portion of moneys appropriated beyond the appropriated level funding in fiscal year 2002.

I do support the manager's amendment to H.R. 3389. However, I believe that the National Sea Grant College Program could play an even more important role in developing and protecting marine resources in the U.S. territories and freely associated States.

In closing, it is important that the House act expeditiously to pass H.R. 3389 and reauthorize the National Sea Grant College Program. To do so at this time would be a strong commitment, reaffirmation of Congress' unwavering commitment to maintain the National Sea Grant College Program as a vital element within NOAA. It would also represent a rousing endorsement of sea grant's marine research, education and extension services that benefit millions of Americans annually.

The bill before the House is noncontroversial, supported by the National Sea Grant Association. Moreover, it would make several improvements to the National Sea Grant College Program at a critical time in its history. This is good legislation. I strongly urge all Members of the House to vote yes on final passage of H.R. 3389.

Mr. Chairman, I reserve the balance of my time.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of H.R. 3389, which reauthorizes the National Sea Grant College Program. The bill before us today is a result of a bipartisan compromise between the House Committee on Resources and Committee on Science. The interaction of the two committees produced a better bill than either of us could have done alone, and I am pleased with the outcome.

The national sea grant program is unique in connecting research results with coastal communities through the combination of research, extension and education. Currently, there are 30 sea grant college programs which fund and incorporate research from hundreds of universities throughout the country.

I am especially proud of my home State program, the Michigan sea grant program. It plays a vital role in enhancing our Nation's knowledge and understanding of Great Lakes issues. Projects that Michigan sea grant is working on include ballast water cleanup and management strategies, remote sensing of pollution in Lake Superior, effects of community development on wetlands and fisheries, and changes in the Great Lakes food web and the effects on commercial and sport fishing.

Sea grant's importance is not solely in its funding of research but also in the education and outreach activities that ensure the research is conveyed to State and local decision-makers, commercial and recreational interests and future marine scientists.

While many have criticized the administration's fiscal year 2003 budget proposal to transfer the National Sea Grant College Program from the National Oceanic and Atmospheric Administration to the National Science Foundation, I saw it as an opportunity to more fully examine and improve the program, and H.R. 3389 does just that.

H.R. 3389 does not move sea grant to NSF. Rather, it reauthorizes sea grant within NOAA. The legislation does, however, mandate that sea grant better coordinate its activities with other programs within NOAA and with NSF. To this end, the bill requires NOAA to provide a strategic plan that establishes the priorities for the National Sea Grant College Program and must jointly submit, with NSF, a report about how the oceans and coastal research activities of both agencies will be coordinated.

H.R. 3389 provides much-needed increases in overall funding levels for sea grant. The authorization gradually increases from a total of $78 million for fiscal year 2003 to $103 million for fiscal year 2008. Included in that amount is $18 million a year specifically for research into aquatic nuisance species, harmful algal blooms, oysters and fisheries extension activities.

One issue that was raised during the Committee on Science's hearing on sea grant is the seemingly unfair nature of allocating Federal funding to sea grant programs. Currently, about 80 percent of the Federal funding goes directly to the State programs, based mostly on historical averages. Fifteen percent is for national competitive projects, and no more than 5 percent can be used for national administration of the program.

The Office of Management and Budget was highly critical of this process, and that seems to be one of the main reasons for proposing to move sea grant to NSF. Currently, only about $3 million of the total that is directly distributed to the State programs is based on the merit review process. This is the process by which each State program is reviewed by an outside panel and given a rating on how well its program is conducting its research, education and extension activities.

I understand that each State program needs a consistent level of funding to ensure it can adequately maintain its extension and education activities. However, I believe the system needs to be more transparent and based more on competition. Therefore, H.R. 3389 will require that any moneys appropriated above the fiscal year 2002 level shall be distributed to the State sea grant programs on a merit review, competitive basis, or distributed to national strategic initiatives.

We also allow this funding to be used for sea grant programs designated after the enactment of this act and for those universities trying to become new sea grant colleges or institutes.

Finally, I wanted to thank the gentleman from Maryland (Mr. GILCHREST) for introducing this bill and for his efforts on behalf of the sea grant program. All of us benefit greatly from his leadership on these issues. I also want to thank his staff who helped to quickly and amicably bring resolution to the differences between our two versions of the bill, and I also thank my ranking member, the gentleman from Michigan (Mr. BARCIA), for his great assistance.

Mr. Chairman, I urge my colleagues to vote in favor of the manager's amendment and for H.R. 3389. Our Nation's coasts and Great Lakes are depending on it.

Mr. Chairman, I reserve the balance of my time.

□ 1215

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BARCIA) to control the 10 minutes allocated to the minority on the Committee on Science.

Mr. BARCIA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3389, the National Sea Grant College Program Amendments of 2002. This bill reauthorizes a program of great importance to our Nation and to my home State of Michigan, and I too want to extend gratitude to my distinguished colleague, the gentleman from Michigan (Mr. EHLERS), for his important work on this vital issue, not only to the Great Lakes region but to the entire Nation and beyond.

Since its establishment in 1966, the National Sea Grant College Program has expanded our knowledge about Great Lakes and coastal ecosystems, trained thousands of professionals in areas of resource management, marine technology, aquaculture, and fisheries, and has facilitated the transfer of research results to resource users throughout the country. This partnership between the Federal Government and participating States has truly been a success.

The Great Lakes and coastal areas play a vital role in our daily lives and in our economy. Information-based management of these important resources is essential if we are to continue to enjoy the recreational, environmental, and economic benefits that they provide.

The Sea Grant Program has supported research, education, and extension activities for over 30 years. Sportsmen, State and local officials, commercial fishermen, recreational users, and business people alike have come to rely upon the information and outreach services provided by the Sea Grant Program. In Michigan, sea grant researchers are working to tackle important problems that have emerged in the Great Lakes regions with invasive species, such as zebra mussels and the round goby. Researchers are also working to develop improved fisheries models for use by Great Lakes fisheries managers. These are only two examples of the important research being done in the Great Lakes region through the cooperative efforts of the University of Michigan and Michigan State University and the Sea Grant Program.

One of the most important aspects of the Sea Grant Program is that it is structured to ensure the transfer of research results into practical use. Extension offices, like the one in my district, in Tawas City, and throughout the State of Michigan, assist local communities, businesses, and citizens to tackle difficult issues such as coastal development, aquatic invasive species, and the development of aquaculture.

This bill provides modest increases in the authorization level for this important program through the year 2008. Members of the Committee on Resources and the Committee on Science cooperated in a bipartisan fashion to resolve the discrepancies in the two versions of the bill to produce a result that offers improvement to this important program. I urge my colleagues to endorse the fine work being done through the Sea Grant College Program throughout the country by supporting the passage of H.R. 3389.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Guam (Mr. UNDERWOOD) and that he be allowed to control that time.

The CHAIRMAN. Without objection, the gentleman from Guam (Mr. UNDERWOOD) will control the balance of the time designated to the gentleman from Michigan (Mr. BARCIA).

There was no objection.

Mr. GILCHREST. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the chairman of the subcommittee for yielding me this time.

Mr. Chairman, I rise today in support of H.R. 3389, the National Sea Grant College Program Act Amendments of 2002; and, Mr. Chairman, I would just like to say at this time that the hard work of the chairman, the gentleman from Maryland, should be noted here. To bring this bill as expeditiously as he did to the floor, I am sure, took a great deal of effort. My hat is also off to the ranking member, who works in a great bipartisan partnership with my friend, the gentleman from Maryland (Mr. GILCHREST).

Mr. Chairman, this bill reauthorizes the National Sea Grant College Program for 5 years, encouraging more cooperation between the National Oceanic and Atmospheric Administration, NOAA, and the sea grant researchers and outreach personnel. It also incorporates the Coastal Ocean Research Program into the National Sea Grant Program and provides funding for research on zebra mussels, harmful algal bloom, and oyster diseases and their possible human health effects.

The National Sea Grant Program was created in 1966 to improve the conservation and management of marine resources. Currently, there are 30 sea grant programs that represent a network of researchers, educators, and marine advisory agents at over 300 academic institutions. The program provides effective assistance to these schools for research, education, and advisory services.

Under this act, marine advisory staff educate the general public about marine conservation efforts as well as provide technical research findings to user groups. The program has been highly successful during the more than 40 years since its inception. It has enabled the education community to conduct important research on a variety of important marine conservation issues and then share their findings with the public in order to educate our people on the importance of ensuring we can work together to protect these important and often fragile ecosystems in our Nation's oceans and waterways.

Mr. Chairman, I commend all those who have participated in this program and committed themselves to the preservation of these ecosystems and habitats. I applaud Chairman GILCHREST in reauthorizing this important piece of conservation legislation and look forward to its passage out of this House.

Mr. UNDERWOOD. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 3389, the National Sea Grant College Amendments Act of 2002, and I certainly want to thank the chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, the gentleman from Maryland (Mr. GILCHREST), and the ranking minority member, the gentleman from Guam (Mr. UNDERWOOD), for their support and initiative in bringing this legislation for consideration at this time. I also want to thank the chairman of our Committee on Resources, the gentleman from Utah (Mr. HANSEN), and our ranking member, the gentleman from West Virginia (Mr. RAHALL), for their support and endorsement of this legislation.

Mr. Chairman, I introduced H.R. 1071, a bill which would increase authorization for the National Sea Grant Program, last year. Our chairman, the gentleman from Maryland (Mr. GILCHREST), was kind enough to hold a hearing on the matter, and subsequently introduced H.R. 3389 as an alternative to my legislation. I am pleased to be an original cosponsor of H.R. 3389 and am also pleased to support the amendment in the nature of a substitute to H.R. 3389.

This amendment reflects a compromise between the Committee on Resources and the Committee on Science. This amendment also includes provisions from the Senate companion bill, Senate bill 2428. The amendment maintains funding increases for core programs and research regarding zebra muscles, oyster diseases, et cetera, and $90 million to $100 million annually from fiscal year 2004 through 2008.

I am particularly pleased that this amendment also includes a provision which directs the Secretary of Commerce to report annually to the Committee on Resources and the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, Transportation of the Senate on efforts made by colleges, universities, institutions, associations, and alliances in the United States territories and freely associated States to develop the expertise necessary to be designated as sea grant institutions or colleges.

This provision also directs the Secretary of Commerce to report the administrative, technical, and financial assistance provided by the Secretary to those entities.

Mr. Chairman, I want to particularly thank the ranking member of our Subcommittee on Fisheries Conservation, Wildlife and Oceans, the gentleman from Guam (Mr. UNDERWOOD), for his leadership and his outstanding service not only to his people but certainly to this institution. Although he intends to run for another office, I will say personally that I will sorely miss him, and I really wish him all the best in his future endeavors.

I have worked for some time with the gentleman from Guam in bringing attention to the unique and singular needs of the U.S. territories and the freely associated states. For most Pacific Islanders, the ocean is our farm, Mr. Chairman, and we are in dire need of administrative, technical, and financial assistance to develop sea grant affiliations within the region.

I would also like to note that the University of Hawaii's Sea Grant Program has been instrumental over the years in assisting Pacific Island communities in developing sea grant extension activities. And I would like to personally thank Dr. Gordon Grau, the director of the Hawaii Sea Grant Program, for his commitment to our remote communities. I also want to thank my colleagues, the gentlewoman from the State of Hawaii (Mrs. MINK) and the gentleman from Hawaii (Mr. ABERCROMBIE), for their support of this program and legislation.

Mr. Chairman, despite the bipartisan support, current funding for the National Sea Grant Program is only about 7 percent of the equivalent Federal funding of the Land Grant College Program. Land Grant receives approximately $900 million in Federal funding per year. Sea Grant receives approximately $62 million. And yet approximately 54 percent of our Nation's population lives along the coastlines. I believe this is a fact that bears repeating. Nearly 54 percent of our Nation's population lives along the coasts, but we devote only pennies to marine research.

In 1994, the National Research Council review pointed out that Sea Grant has been virtually the only source of funding in the United States for marine policy research. Yet, on average, there are fewer than seven extension agents per coastal State. In many cases, there is only one extension agent serving a major urban area. For example, in Los Angeles, there is only one extension agent serving 14 million people. In New York City, there is only one serving 12 million people.

Sea Grant funds, on an average, are less than $2 million per State program. Many geographic regions are not represented, including the western Pacific, which alone has a huge economic exclusive zone. Some States, like Mississippi and Alabama, share funding with others eligible States like Pennsylvania and Vermont, which have no institutional sea grant programs.

Although this authorization continues to fall short of Land Grant funding, Mr. Chairman, I do believe it is a movement in the right direction, and I urge my colleagues to support this legislation.

I thank both the chairman of the Committee on Science and our ranking member of the Committee on Science as well as our Committee on Resources.

Mr. EHLERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), the outstanding chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to thank our colleagues on the Committee on Resources, and especially my good friend and neighbor, the gentleman from Maryland (Mr. GILCHREST), for working with us to reconcile the different versions of the bill that emerged from our two committees.

This is an important bill that reauthorizes a program that is vital to the Nation and to my home State of New York. In New York, the Sea Grant Program conducts important research that has helped preserve commercial and recreational fishing from the Long Island Sound to Lake Erie. The Sea Grant Program, through its research and extension activities, funds good science; and most importantly, it ensures that that good science is put to use. It is a model program.

Like any program, the Sea Grant Program can be improved; and this bill takes critically important steps to reform it. These steps will, among other things, address the concerns that lead the administration to suggest moving the program to the National Science Foundation.

The most significant feature of this bill is that it will ensure that more Sea Grant Program funds are distributed through the merit-reviewed competitions. Under the bill, any new money the program receives can be used solely for national strategic investments and/or competitive awards to the State Sea Grant programs.

We expect the competitions among the State programs to mirror National Science Foundation merit-reviewed competitions. Only those programs that are the best run and the most successful, and that can make the clearest case for why they need the additional money, should share in any funds that Sea Grant receives above the fiscal 2002 level. The amount of funding a meritorious State receives should be based on its demonstrated needs and not on any previous assumptions about funding formulas.

This competition will ensure that the taxpayers are getting their money's worth out of Sea Grant, and will create an incentive for every one of the State programs to ensure that their research and extension activities are exemplary.

Mr. Chairman, Sea Grant is an excellent program that we are making even better. I urge my colleagues to support the bill.

□ 1230

Mr. UNDERWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank both the Committee on Resources and the Committee on Science for this legislation.

I rise in support of H.R. 3389, the National Sea Grant College Program Act Amendments of 2002. This important legislation reauthorizes the Sea Grant Program in Texas and its counterparts around the country to continue the important work done.

When Congress passed the Sea Grant College Program in 1966, it intended to apply the successful attributes of the Land Grant College Program to coastal and marine issues. Today, the National Sea Grant Program represents the bridge between government, academia, industry, scientists and private citizens to help Americans understand and maintain the oceans and Great Lakes for long-term economic growth.

Sea Grant also serves as a bond uniting 350 participating institutions in 35 States, U.S. territories and the District of Columbia and millions of people. In short, Sea Grant is an agent for scientific discovery, technology transfer, economic growth and public education as they involve coastal, ocean and Great Lakes resources.

Every day, Sea Grant scientists make progress on important marine issues of our time. A network of outreach professionals takes this information out of the laboratory and into the field, working to enhance a coastal business, a fishery, or a resident's safety and quality of life.

The dedicated corps of communication specialists builds public understanding, and bring discoveries into our Nation's schools to pioneer better ways of teaching.

Through these research, education and outreach activities, Sea Grant has helped position the United States as a world leader in marine research and the sustainable growth of coastal resources.

Mr. Chairman, Texas A&M University was among the first four institutions to be designated a Sea Grant College in 1971, and its researchers had been involved since passage of the National Sea Grant College and Program Act of 1968. As a Sea Grant College, Texas A&M provides research support for university-level faculty throughout the state through a competitive grants process. A great amount of this research is conducted at the Texas A&M—Galveston, Texas campus.

In Texas, the Sea Grant program has conducted research in hyperbaric physiology, endangered species ecology, marine aquaculture, coastal processes, fisheries biology and ecosystem health.

As a result of these and other Sea Grant efforts, we have seen development of a major shrimp aquaculture industry in South Texas, marina initiatives to adopt best management practices and minimize water pollution, nonpoint source pollution reduction from residential landscapes, improvements in seafood handling to reduced loss in the retail markets and expanding marine educational opportunities in support of the state's, and nation's teachers and students.

I urge my colleagues to support the National Sea Grant College Program Act Amendments of 2002.

Mr. GILCHREST. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, it is with great pleasure that I rise as a cosponsor of H.R. 3389, the National Sea Grant College Program Act Amendments of 2002. I thank the gentleman from Maryland (Mr. GILCHREST) for yielding the time to me, but I particularly want to commend the gentleman from Maryland (Mr. GILCHREST) for his tireless efforts on behalf of this program. I thank the gentleman personally for bringing this bill before us today.

Sea Grant enables us to understand our complex coastal and marine environments, and to develop these natural resources without overextending them. The United States' jurisdiction over marine environments is the largest of any country in the world. It covers an area greater than the entire U.S. landmass. Proper stewardship of the vast resources contained within these waters are of great concern both to the economic and environmental health of our Nation, and Sea Grant plays a pivotal role in the proper management of these areas.

Within Maryland, Sea Grant plays a vital role in maintaining the Chesapeake Bay. As many Members know, we have sorely abused this resource and mismanaged it in the past. Sea Grant is providing the science that is needed to return the bay to its former health and productivity. Sea Grant is improving our understanding of key fisheries issues, including the renowned blue crab stock and the return of the oyster reefs, which provide important food stocks to the region and the country as a whole. Sea Grant plays a lead role in the control of invasive species by studying ways to control the spread to foreign aquatic life and microbial organisms through ballast water and on ship hulls. And Sea Grant makes important contributions to the overall environmental condition by studying and monitoring various pollution and contamination issues through the entire watershed such as urban runoff and industrial waste.

Mr. Chairman, Sea Grant is an important educational program. In Maryland, Sea Grant alone has supported more than 150 graduate research fellows and a similar number of undergraduate fellows. Other programs include research opportunities for high school students, outreach and educational efforts all of the way down to kindergarten. Sea Grant also provides opportunities for public service, sponsoring programs which allow marine scientists to put their skills to practical use in governmental agencies and in the Congress. These programs provide a vital link between the policymakers and scientists, and enrich the decision-making process.

I hope I have convinced Members. Along with continuing these efforts, this bill also makes fundamental changes in the Sea Grant allocation process. Most notably, the Committee on Science, working in a bipartisan manner, has increased the amount of money allocated through merit-based review as opposed to historical involvement.

The best ideas and the most effective programs are most deserving of our limited resources, and should be given priority. Also, competition will allow new ideas and perspectives to gain a foothold in the grant process. These are very positive changes, and I am proud to have played a role in their inclusion. Sea Grant has been very successful, affected our Nation's economic and environmental health in a profound way. It deserves our support. I thank Members on both committees on both sides of the aisle for bringing this bill before us, and particularly the gentleman from Maryland (Mr. GILCHREST).

Mr. UNDERWOOD. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Chairman, I rise in strong support of H.R. 3389, and I commend Members for bringing forth this outstanding reauthorization bill for the National Sea Grant College Program. I should note that I am a cosponsor of this important legislation.

H.R. 3389 makes significant improvements in the Sea Grant program. It reauthorizes the Sea Grant Program within NOAA for 5 years, increases the authorization for appropriations, extends the term of office for members of the Sea Grant Review Panel from 3 to 4 years, and specifies how funds appropriated above fiscal year 2002 levels shall be allocated.

The National Sea Grant Program is a nationwide network of over 300 colleges, universities, technical schools and research institutions that respond to issues and opportunities of national, regional, and local importance. Sea Grant engages partnerships with the public and private sectors to maximize the environmental, economic, and social value of the country's coastal, marine and Great Lakes resources, resulting in an extraordinary return on a small Federal investment.

Studies show that each Federal dollar is leveraged tenfold or more in private sector economic development, often in small businesses. For instance, the Sea Grant Program in my home State of South Carolina has been instrumental in supporting the involvement of students with diverse backgrounds in careers in marine science and others. South Carolina State University, my alma mater, was awarded a 3-year grant from Sea Grant in a national competition to encourage minority students to pursue education and careers in marine and related sciences.

Over the last year and a half, minority students have been supported with internships and mentored by scientists from the South Carolina Department of Natural Resources; the Oak Ridge National Laboratories; a fish hatchery in Orangeburg, South Carolina; and South Carolina State University.

In total, Sea Grant in South Carolina has supported more than 400 graduate and undergraduate students in the successful completion of their theses and dissertations over the last 2 decades, adding significant human and intellectual capital to the State and national workforces. Nationwide, Sea Grant has supported more than 14,000 college students in similar situations.

The southeastern region of the United States is subject to a variety of coastal natural hazards, including hurricanes during the summer and coastal storms during the fall and winter. Risks to life and property will only become more severe with the anticipated growth of coastal populations over the next several decades.

Since 1989 when Hurricane Hugo struck South Carolina, South Carolina Sea Grant has been supporting the work of wind engineers at Clemson University to develop low-cost methods to reduce the loss of lives and property. Many of these solutions can now be observed at the 113 Calhoun Street Sustainability Center, a regional educational and training facility dedicated to extending coastal hazards research information to a diverse group of users.

Mr. Chairman, I urge Members to recognize and acknowledge the many contributions of the National Sea Grant College Program to the Nation's economic development and resource conservation by voting in support of this important legislation.

Mr. EHLERS. Mr. Chairman, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Guam (Mr. UNDERWOOD) for yielding me this time. It is sad that the gentleman will be leaving us when he gets elected Governor of Guam, and we will not have the privilege of his great leadership on the floor.

I rise in strong support of the Gilchrest substitute amendment to reauthorize the Sea Grant Program. I think we have all benefited here in Congress from the Sea Grant Program because they are also providing us with interns or fellows who are essentially people trained with master's degrees and above on ocean issues. They come and work in and around the legislature, and I have always thought there is a great need to have an understanding of science and politics. When we think about it, we rely on the facts of science in order to make public policy, and so often scientists do not have much knowledge about how public policy is formed or funded. This is a tiny way in at least on marine issues we can bring together scientists and policymakers.

Over half of the Sea Grant funding comes from non-Federal sources, so we are not the only ones that participate, and that means we get a better deal for the Federal buck. I support the Gilchrest substitute because the gentleman is a leader on ocean issues, and I would urge all Members to support it.

The increase in appropriations is necessary to face the growing challenges of the marine environments. We have talked about how important the ocean is to the world. Particularly, the ocean is the birthplace of weather on the planet. We know that we have to understand more about the ocean in order to protect not only our national security, but the world in itself, to be able to live peacefully on this planet.

The gentleman from Maryland (Mr. GILCHREST) has taken the pains to produce a substitute bill which took into consideration the concerns of both the Committee on Resources and the Committee on Science, and even incorporates helpful parts from the Senate version.

Finally, this amendment strongly affirms that the place for the Sea Grant Program is in with NOAA, and I urge Members to support the Gilchrest amendment.

Mr. GILCHREST. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I just want to suggest that some of us agree with the President in where it is appropriate to have the Sea Grant Program administered. I just would like to reinforce for our future consideration the possibility and the logic of having this under the National Science Foundation because research is so important as part of the Sea Grant Program as we most effectively and efficiently move ahead with this issue.

It is especially important to the State of Michigan, and I am sure the gentleman from Michigan (Mr. EHLERS) will counsel with NSF as we proceed under his jurisdiction for Sea Grant.

□ 1245

But as we look at next year and the year after, I think it is important that we acknowledge what the administration has suggested in the most appropriate place for the jurisdiction of this program.

Mr. UNDERWOOD. Mr. Chairman, I yield myself such time as I may consume.

I would like to acknowledge that one of the most important features of the Sea Grant Program is the Sea Grant fellows. Certainly there have been a number of Sea Grant fellows that have served the Democrat Members on the Committee on Resources. In addition to former fellows Dave Jansen and Jean Flemma, Mindy Gensler in my office and Catherine Ware on the Subcommittee on Fisheries Conservation, Wildlife and Oceans, other past Sea Grant fellows include Sarah Morison, Matt Huggler, Cynthia Suchman, John Fields, Debbie Colbert, and many, many others dating back to the Subcommittee on Merchant Marine and Fisheries.

Mr. Chairman, I reserve the balance of my time.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume. I just wish to respond to my good friend and colleague from Michigan (Mr. SMITH) in regard to his comments, because I also am a very strong supporter of the National Science Foundation and the way they handle their research efforts.

But I want to point out that a century and a half ago, this country established one of the landmarks in research efforts in this country, and that is the land grant university system. That system has worked very well precisely because it not only did the research but also through that system we developed a cooperative extension service that literally gets the results from the laboratory to the farmer's fields within 1 year. It is the best technology transfer program we have in the United States.

The reason that I did not support transferring Sea Grant to NSF is simply because they also have an extension service. The Sea Grant Program is modeled not after programs in NSF, but rather it is modeled after the land grant system. For that reason it is better to remain where it is and continue to operate as it is. However, what this bill does is move the Sea Grant Program in terms of its research grants into the NSF model. That is why we are requiring Sea Grant to work cooperatively and coordinate their work with the National Science Foundation and, furthermore, to report back to us on their progress on that score.

Furthermore, this bill also no longer will allocate all the money on an historical basis but, rather, the new money put into this activity from now on will be assigned on the basis of peer review and merit-based evaluations, which again is the model followed by the National Science Foundation.

In view of that, I believe it is better to have the Sea Grant Program remain where it is and not move to the NSF. The NSF is simply not equipped to do the extension and education activities that are included in this bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. UNDERWOOD. Mr. Chairman, I yield myself such time as I may consume.

I just wanted the opportunity to ratify what the gentleman from Michigan has just stated. The Sea Grant Program makes an enormous contribution not simply because of its applied research, but because of technology transfer and an excellent extension service. Going back to an earlier point made by the gentleman from American Samoa, it is a tremendous vacuum in terms of providing those level of services for Sea Grant in comparison to land grant.

Having worked, I am sure, like the gentleman from Michigan (Mr. EHLERS) in a university in my previous existence, I am very personally familiar with the enormous benefits given to the community, given to applied research, given to technology transfer, given to general community awareness provided by land grant institutions, and certainly one would hope that eventually not that Sea Grant would reach that level but approximate that level.

Mr. Chairman, I yield back the balance of my time.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

I would like to reiterate what the gentleman from Guam (Mr. UNDERWOOD) has said and the gentleman from Michigan (Mr. EHLERS) has said concerning the issue of the National Sea Grant Program falling under the umbrella of the National Science Foundation, both very reputable scientific organizations, and the administration's hope to improve the type of research in the science by connecting the National Sea Grant Program to the National Science Foundation and the peer review that is so respected that comes out of the National Science Foundation. But what the gentleman from Michigan (Mr. EHLERS) made a comment on in reference to the land grant programs and the agricultural extension agents is also true with the Sea Grant Program so that whenever there is a strange disease with a particular species called striped bass or a problem between the economics or the ecosystem approach to protecting crabs or dealing with a very difficult situation with a toxic microorganism known as physteria, the quick reaction time of the Sea Grant Program is second to none.

We respect the administration's proposal and we will continue to work with them on this issue, and we have in this legislation, to tie those two organizations more closely together. We feel that the independence of the National Sea Grant Program has affected this country in a very positive way.

I want to also thank the gentleman from Guam for his collaboration on the bipartisan work on this and also to work with him, perhaps even after the votes today, to talk about some of the issues dealing with Magnuson, because this is an outstanding piece of legislation that we have here this morning. We want to make sure that the Magnuson bill that we deal with next Tuesday is equally a bipartisan approach to protecting the Nation's fisheries.

In closing, Mr. Chairman, a friend of mine that I have not seen since May 14, 1967, as colleagues in the Marine Corps fighting for democracy in Vietnam, Mr. Gary Downs, is present this afternoon in the House of Representatives. He has worked, as a young man, for freedom for this country and as many years have passed, he has worked to continue that tradition and also to enhance the quality of life for all Americans through his environmental work. I thank Mr. Downs for being here today, and his family.

Mr. PALLONE. Mr. Chairman, I rise today in full support of H.R. 3389, the National Sea Grant College Program Act. I am pleased that we are acting expeditiously to reauthorize this important program in the National Oceanic and Atmospheric Administration so that Sea Grant programs can continue their work encouraging sustainable development of coastal and Great Lakes resources through education, research and outreach.

I believe that we need to strengthen our understanding of the coastal and marine environment given the ever-increasing pressures that threaten to harm these sensitive areas. In order for policy makers and managers to best understand how to direct the use and conservation of aquatic ecosystems and their resources, it is imperative that we have a strong scientific understanding as well as the support of local communities. Due to the interdisciplinary nature of environmental issues, partnerships with Sea Grant have proven to be highly successful in tackling problems that face our nation's oceans, coasts, and Great Lakes. As a Sea Grant extension agent myself, I had the opportunity to see first hand how successful this program can be.

Another reason that I support this bill is due to my concerns over the Administration's proposed transfer of the Sea Grant program from NOAA to the National Science Foundation. I am concerned that the applied science, management, as well as the education and outreach components of Sea Grant will be sacrificed in such a transfer. Sea Grant plays an important role in NOAA's ability to fulfill goals like building sustainable fisheries, protecting coastal and marine resources and mitigating the impacts of natural disasters. This bill calls for the reauthorization of Sea Grant within the Department where it belongs, NOAA.

In my home state of New Jersey, the benefits of the Sea Grant Program are innumerable. New Jersey Sea Grant facilitates technology transfer of research through constituent driven programs of instruction, publications and workshops that are all focused on outcome-based objectives. As a result, thousands of residents have been positively impacted. For example, New Jersey Sea Grant has been able to promote pollution prevention technologies and strategies that protect coastal resources from point sources and non-point sources of contamination.

Sea Grant is a unique program that has been successful over the past 30 years and should continue to grow. H.R. 3389 not only supports, but also strengthens the National Sea Grant College Program. I will vote today in favor of this bill and I would urge my colleagues to do the same.

Mr. GRUCCI. Mr. Chairman, I rise in support of H.R. 3389, the National Sea Grant College Program reauthorization. I thank Chairman EHLERS for his leadership on this important issue, as well as my colleagues on the Resources Committee for their work on this import legislation.

My district is home to the New York Sea Grant College program, of which I am extremely proud. Housed at the State University of New York at Stony Brook and in partnership with Cornell University, this program has conducted cutting edge research on many marine issues throughout the First Congressional District of New York. New York Sea Grant has also studied seafood safety and barrier beach breaches and the surrounding ecosystem, as well as many various marine science projects. Recently, my district experienced a severe die-off of lobsters in the Long Island Sound, a situation that had a serious effect on my constituents and the local economy. I am pleased that Sea Grant received $1.4 million to investigate this important issue and have been working to solve this baffling problem. New York Sea Grant extension and research specialists collaborated to produce a report on the “Economic Contribution of the Sport Fishing, Commercial Fishing, and Seafood Industries to New York State,” estimating the combined economic contribution of these three industries at approximately $11.5 billion in New York State. As you can see, the research done at New York Sea Grant is crucial to not only the natural resources but also the economic wellbeing of my constituents. This research is repeated in coastal communities throughout America, helping to understand our waters and marine ecosystems and make our natural resources vibrant and healthy.

H.R. 3389 is a strong, bipartisan bill that authorizes the Sea Grant College Program with its much needed resources. I urge my colleagues to support this bill.

Mr. GILCHREST. Mr. Chairman, I yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to refrain from referring to individuals in the galleries.

All time for general debate has expired.

In lieu of the amendments recommended by the Committees on Resources and Science printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in House Report 107-514. That amendment in the nature of a substitute shall be considered by sections as an original bill for the purpose of amendment and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Sea Grant College Program Act Amendments of 2002”.

Mr. GILCHREST. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute is as follows:

SEC. 2. AMENDMENTS TO FINDINGS.

Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting “, including strong collaborations between Administration scientists and scientists at academic institutions.”.

SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 204 (c)(1) of the National Sea Grant College Program Act (33 U.S.C. 1123 (c)(1)) is amended to read as follows:

“(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.”.

(b) RANKING OF PROGRAMS.—Section 204(d)(3)(A) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(A)) is amended by inserting “and competitively rank” after “evaluate”.

(c) FUNCTIONS OF DIRECTOR.—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended by striking “and” after the semicolon at the end of clause (ii) and by adding at the end the following:

“(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and”.

SEC. 4. COST SHARE.

Section 205(a) of the National Sea Grant College Program Act (33 U.S.C. 1124(a)) is amended by striking “section 204(d)(6)” and inserting “section 204(c)(4)(F)”.

SEC. 5. FELLOWSHIPS.

(a) ACCESS.—Section 208(a) of the National Sea Grant College Program Act (33 U.S.C. 1127(a)) is amended by adding at the end the following: “The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection.”.

(b) POSTDOCTORAL FELLOWS.—Section 208(c) of the National Sea Grant College Program Act (33 U.S.C. 1127(c)) is repealed.

SEC. 6. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: “The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year.”.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Subsections (a), (b), and (c) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title—

“(A) $60,000,000 for fiscal year 2003;

“(B) $75,000,000 for fiscal year 2004;

“(C) $77,500,000 for fiscal year 2005;

“(D) $80,000,000 for fiscal year 2006;

“(E) $82,500,000 for fiscal year 2007; and

“(F) $85,000,000 for fiscal year 2008.

“(2) PRIORITY ACTIVITIES.—In addition to the amount authorized under paragraph (1), there is authorized to be appropriated for each of fiscal years 2003 through 2008—

“(A) $5,000,000 for competitive grants for university research on the biology and control of zebra mussels and other important aquatic nonnative species;

“(B) $5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

“(C) $5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including Pfiesteria piscicida; and

“(D) $3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant institutes.

“(b) PROGRAM ELEMENTS.—

“(1) LIMITATION.—No more than 5 percent of the lesser of—

“(A) the amount authorized to be appropriated; or

“(B) the amount appropriated,

for each fiscal year under subsection (a)(1) may be used to fund the program element contained in section 204(b)(2).

“(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.

“(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made under subsection (a)(1) exceed the amounts appropriated for fiscal year 2002 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (except amounts used for the administration of the sea grant program) to—

“(1) sea grant programs that, based on the evaluation and competitive ranking required under section 204(d)(3)(A), are determined to be the best managed and to carry out the highest quality research, education, extension, and training activities;

“(2) national strategic investments authorized under section 204(b)(4);

“(3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute; or

“(4) a sea grant college or sea grant institute designated after the date of enactment of the National Sea Grant College Program Act Amendments of 2002.”.

SEC. 8. ANNUAL REPORT ON PROGRESS IN BECOMING DESIGNATED AS SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 of the National Sea Grant College Program Act (16 U.S.C. 1126) is amended by adding at the end the following:

“(e) ANNUAL REPORT ON PROGRESS.—

“(1) REPORT REQUIREMENT.—The Secretary shall report annually to the Committee on Resources and the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, on efforts and progress made by colleges, universities, institutions, associations, and alliances to become designated under this section as sea grant colleges or sea grant institutes, including efforts and progress made by sea grant institutes in being designated as sea grant colleges.

"(2) TERRITORIES AND FREELY ASSOCIATED STATES.—The report shall include description of—

"(A) efforts made by colleges, universities, associations, institutions, and alliances in United States territories and freely associated States to develop the expertise necessary to be designated as a sea grant institute or sea grant college;

"(B) the administrative, technical, and financial assistance provided by the Secretary to those entities seeking to be designated; and

"(C) the additional actions or activities necessary for those entities to meet the qualifications for such designation under subsection (a)(1).".

SEC. 9. COORDINATION.

Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation shall jointly submit to the Committees on Resources and Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the oceans and coastal research activities of the National Oceanic and Atmospheric Administration, including the Coastal Ocean Program and the National Sea Grant College Program, and of the National Science Foundation will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The report shall describe in detail any overlapping ocean and coastal research interests between the agencies and specify how such research interests will be pursued by the programs in a complementary manner.

SEC. 10. COASTAL OCEAN PROGRAM.

Section 201(c) of Public Law 102–567 is amended by—

(1) striking "Of the sums authorized under subsection (b)(1), $17,352,000 for each of the fiscal years 1992 and 1993 are authorized to be appropriated" and inserting "There are authorized to be appropriated to the Secretary of Commerce $35,000,000 for each of the fiscal years 2003 to 2008"; and

(2) striking "to promote development of ocean technology,".

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of section 5(a), after the first period insert the following: "Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection, and the results of such efforts.".

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first of all acknowledge the wonderful partnership that has now been established between the Committee on Science and the Committee on Resources. I am delighted of the words Chairman GILCHREST mentioned with the partnership of the Sea Grant College program under the National Science Foundation to be able to enhance the college for the work that it already does but to provide those standards and accountability. I look forward to working with the Committee on Resources. I appreciate the work of Chairman GILCHREST. I do thank the distinguished gentleman from Guam who, I do not know if we allow a contempt of Congress, but we do not want him to leave. We thank him for his great leadership on these issues, and my colleagues on the Committee on Science, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. BARCIA) for their leadership. I am a member of the Committee on Science and have seen the good work of this college.

I live in a coastal community, though many people would argue with me. I come from Houston, but we are 50 feet under sea level and certainly as our neighbors in Galveston saw the most horrific and maybe notorious hurricane in the early 1900s that literally took the island away, we know what it is to face the sea in all of its challenges. But we also realize the bounty that the sea offers. Therefore, this particular college and its program, I believe, is very vital.

My amendment is simple, but it also reaffirms the good work that this amendment does. For example, I am very pleased to note that this amendment, the substitute amendment, provides fellowships. In particular, the Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection. So we have seen the difference with the access to fellowship in working with institutions in our Nation that reflect both Hispanic serving and African-American youngsters as well as other minorities and, of course, hard-to-serve areas. I cite in particular Texas Southern University, Prairie View A&M, all of the universities in Texas, in the Valley area in South Texas, who are outstanding, that the Pan-American and others that are reflective of the diversity of our State will have the ability to access this program.

The amendment I have calls for a report to Congress describing efforts by the Secretary to ensure equal access to the Sea Grant Program. Education opportunity is the fundamental principle behind the National Sea Grant College Program Act. This program enhances the careers and future of students interested in marine science, marine policy issues, by placing them in a position to take advantage of a national network of Sea Grant colleges and research institutions. When these students thrive in the study of marine science, we all benefit. They provide the cutting edge for scientific information that will help improve the outcome for our environment, increase the potential of our oceans to offer medicines and food, and save the precious resources that are so valuable to America.

All of us are in awe of the oceans and seas. They obviously take their place by being the dominant, if you will, element of this world's structure. Because of the importance of the Sea Grant, we understand more about our oceans and seas. We must ensure that all students with a potential to excel also have access to study the ocean and the seas.

According to census projections, minority groups will make up 50 percent of the United States population by 2050. What we want is all of America to be prepared to be able to tell the story that is so important and do the research that is so important to make this Nation better, but also to take advantage of our resources. It is vital that this partnership between the Committee on Resources and the Committee on Science go forward with the enhancement of the Sea Grant Program. I am particularly pleased as well that the partnership includes coordination with related activities of the National Science Foundation, the Coastal Ocean Research Program of the National Oceanic and Atmospheric Administration, and a lot of other Federal agencies that have the ability to cooperate.

Let me acknowledge that we in America are looking more now for cooperative sharing of information. That usually is attendant to the tragedy of September 11, knowing more, cooperating more, exchanging information, exchanging intelligence. This is a legislative initiative, I believe, that will help us do so. My amendment, then, follows up by saying as we give access to minorities in underserved areas, let us have accountability. This amendment will require the Secretary to submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this section and the results of such efforts.

Mr. Chairman, I ask my colleagues to support this amendment inasmuch as it will provide accountability and good works on behalf of this legislation.

Mr. Chairman, I rise to offer an amendment to H.R. 3389, The National Sea Grant College Program Act. This amendment calls for a report to Congress describing the efforts by the secretary to ensure equal access to the National Sea Grant Program.

Educational opportunity is the fundamental principal behind the National Sea Grant College Program Act. This program enhances the careers and future of students interested in marine science and marine policy issues by placing them in a position to take advantage of a national network of Sea Grant Colleges and research institutions. When these students thrive in the study of marine science we all benefit. They provide the cutting edge scientific information that will help improve the outcome for our environment, increase the potential of our oceans to offer medicines and food, and save the precious resources that are so valuable to America.

Because of the importance of the Sea Grant we must ensure that all students with the potential to excel have access. According to census projections, minority groups will make up 50% of the U.S. population by 2050. Unfortunately, these groups are traditionally underrepresented in the sciences and more specifically marine sciences. This reality is especially concerning in Texas and similar states where we have a large and rapidly growing minority group such as Hispanic students and teachers. As the demographics of our Nation change we must do everything possible to have all of America involved in the decisions affecting our U.S. coastal resources.

Sea Grant programs have worked hard to change the trend of under-representation of minorities by providing the help and scaffold necessary to increase the participation of minority students at all levels of the educational system. To bring minority students into the sciences, Sea Grant has developed marine science projects that directly involve middle and secondary school students, train teachers, and create educational materials. At the undergraduate and graduate level, Sea Grant program shave provided scholarships, research assistantships, and fellowships to undergraduate students.

I believe this amendment will ensure that the hard work and meaningful efforts of the Sea Grant to encourage and support minority participation will have the broad reach that is so critical to equal access to the sciences. This amendment will help to monitor progress in reaching and providing opportunities for under-represented groups in undergraduate and graduate education.

The Sea Grant has played a major role in educating a significant portion of marine and Great Lakes scientists who hold research and policy degrees in the United States. More than 12,000 graduate assistants have been supported by the Sea Grant and have become a major factor in the Nation's marine sector. These scientists have the skills that will benefit our environment and build our economy. They will help communities address issues of erosion and flooding, improve public access to our marine resources, and shape tourism expansion in ways that protect the environment while enhancing the economy.

The Sea Grant is a relatively small annual appropriation yet it is an investment that yields a large return for our Nation. As a result of Sea Grant research and extension efforts, hybrid striped bass pond culture has expanded in just 10 years from a small demonstration project to an industry producing 10 million pounds of fish valued at $25 million annually. Sea Grant investigators have developed sterile oyster that can be grown year round and now makes up one third of the $86 million U.S. oyster market. Sea Grant research and outreach on Manila clams and blue mussel have resulted in new industries worth $19 million annually. Sea Grant's efforts to develop underwater preserves have boosted the economy of a wide range of businesses in Great Lakes coastal communities. A recent study suggests that diving activity provided an economic stimulus of at least $1.5 million over a two-year period for small towns near the preserves.

The present bill already reflects the need to have equal access of minorities and underrepresented groups to Sea Grant programs. Mr. Chairman, this amendment will support the Sea Grant's current efforts to encourage minority participation and ensure accountability and progress in the endeavor to sustain racial, and socio-economic diversity of the Sea Grant Awardees.

Mr. GILCHREST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her beautiful statement about this legislation, about the intent of the legislation. I also want to emphasize that in our legislation we have assured equal access to this program but her addition to that ensures that in an enhanced way and we are prepared to accept the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to compliment the Committee on Resources and the Committee on Science. As a member of the Committee on Science, I came in with the commitment that we should open up science and math and the understanding of our resources to all of our Nation and have often offered these amendments to expand the outreach.

□ 1300

But I want to applaud the committee for having the access provision. This amendment will hopefully complement it to the extent of providing the accountability.

Might I also say that this is the first amendment of a new staff person of mine, Sophia King. I wanted to acknowledge that and hope she will have many more to open up the opportunities for all of us.

Mr. Chairman, I thank the gentleman so very much.

Mr. UNDERWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as part of the compromise before us, we have agreed to amend the John A. Knauss Marine Policy Fellowship Program to encourage the Secretary of Commerce to strive to ensure equal access for minority and economically disadvantaged students. There was broad agreement that this was a worthy refinement to this outstanding program.

The amendment offered by our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), would simply amend this provision to require the Secretary to provide an initial report to describe the level of minority and disadvantaged student participation within the Knauss Fellowship Program and also require subsequent reports every 2 years thereafter on progress in providing opportunities for under-represented groups to participate.

I agree with the intent of this amendment, and I congratulate our colleague for this excellent amendment. Certainly we want to encourage NOAA to reach out to under-represented groups to offer them the opportunity to compete for Knauss fellowships like every other graduate student.

Additionally, NOAA has implemented a commendable program of outreach to historically black and minority institutions of higher education, higher learning over the past few years. I would add that all of the institutions I mentioned in the Western Pacific are minority institutions. This amendment would appear consistent with that overall initiative as well.

I believe that the Jackson-Lee amendment will improve the bill, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. A recorded vote has been demanded. All those in favor of taking this by a recorded vote are asked to stand and remain standing.

Ms. JACKSON-LEE of Texas. Mr. Chairman, since there will be a recorded vote on the entire bill, I thought it was going to be voiced, if there is going to be a recorded vote on the entire bill, I withdraw my request for a vote on my amendment.

The CHAIRMAN. The request is withdrawn.

So the amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOEKSTRA) having assumed the chair, Mr. SUNUNU, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3389) to reauthorize the National Sea Grant College Program Act, and for other purposes, pursuant to House Resolution 446, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UNDERWOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this vote will be followed by a 5-minute vote on the motion to instruct conferees offered by the gentleman from Florida (Mr. HASTINGS).

The vote was taken by electronic device, and there were—yeas 407, nays 2, not voting 25, as follows:

[Roll No. 237]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—25

Armey
Baker
Bishop
Blagojevich
Blunt
Collins
Conyers
Cooksey
Deal
Gutierrez
Hilliard
Kleczka
Lewis (GA)
Linder
McHugh
Napolitano
Norwood
Putnam
Roukema
Sanders
Schakowsky
Shays
Sweeney
Taylor (NC)
Traficant

□ 1327

Mr. PAUL changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 237, had I been present, I would have voted "yea."

Ms. SCHAKOWSKY. Mr. Speaker, on rollcall No. 237, I was unavoidably detained. Had I been present, I would have voted "yea."

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

The SPEAKER pro tempore (Mr. SUNUNU). The pending business is the question of agreeing to the motion to instruct conferees on H.R. 3295 offered by the gentleman from Florida (Mr. HASTINGS) on which the yeas and nays are ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida (Mr. HASTINGS).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 206, nays 210, not voting 19, as follows:

[Roll No. 238]

YEAS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich

LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—210

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Barcia
Blagojevich
Conyers
Cooksey
Deal
Edwards
Gutierrez
Hilliard
Lewis (GA)
Linder
McHugh
Moore
Norwood
Putnam
Roukema
Sanders
Shays
Sweeney
Traficant

□ 1340

Mr. FERGUSON changed his vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MOORE. Mr. Speaker, today I voted for the Motion to Instruct Conferees on H.R. 3295, the Help America Vote Act; however the voting machine apparently did not register my vote. Please let the RECORD reflect that I intended to vote "aye" on House Vote 238.

ESTABLISHING THE SELECT COMMITTEE ON HOMELAND SECURITY

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 449

Resolved, That there is hereby established a Select Committee on Homeland Security.

SEC. 2. COMPOSITION.—The select committee shall be composed of nine Members appointed by the Speaker, of whom four shall be appointed on the recommendation of the Minority Leader. The Speaker shall designate one member as chairman.

SEC. 3. JURISDICTION.—The select committee may develop recommendations and report to the House on such matters that relate to the establishment of a department of homeland security as may be referred to it by the Speaker and on recommendations submitted to it under section 6.

SEC. 4. PROCEDURE.—(a) Except as provided in paragraphs (1) and (2), rule XI shall apply to the select committee to the extent not inconsistent with this resolution.

(1) Clause 1(b) and clause 2(m)(1)(B) of rule XI shall not apply to the select committee.

(2) The select committee is not required to adopt written rules to implement the provisions of clause 4 of rule XI.

(b) Clause 10(b) of rule X shall not apply to the select committee.

SEC. 5. FUNDING.—To enable the select committee to carry out the purposes of this resolution, the select committee may utilize the services of staff of the House.

SEC. 6. REPORTING.—(a) Each standing or permanent select committee to which the Speaker refers to a bill introduced by the Majority Leader or his designee (by request) that proposes to establish a department of homeland security may submit its recommendations on the bill only to the select committee. Such recommendations may be submitted not later than a time designated by the Speaker.

(b) The select committee shall consider the recommendations submitted to it on a bill described in subsection (a) and shall report to the House its recommendations on such bill.

SEC. 7. DISSOLUTION.—(a) The select committee shall cease to exist after final disposition of a bill described in section 6(a), including final disposition of any veto message on such bill.

(b) Upon the dissolution of the select committee, this resolution shall not be construed to alter the jurisdiction of any standing committee.

SEC. 8. DISPOSITION OF RECORDS.—Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

□ 1345

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, the resolution allows us to move decisively in a bipartisan manner to establish an empowered Department of Homeland Security. I want to express my appreciation to the gentleman from Texas (Mr. FROST) and my colleagues on the Committee on Rules for helping us proceed in a bipartisan manner in dealing with this issue.

Mr. Speaker, the President's proposed legislation to create this new Cabinet-level agency represents a call to arms for each of us. It is the battle cry of a Nation determined to preserve its hard-won and fundamental belief that its people have an inherent right to freedom.

Today, we take the first important step in answering that call by readying our government to confront a faceless enemy, an enemy attempting to penetrate our borders, threaten our towns and cities and, overall, to rob families and communities of the sense of security that they enjoyed before the attacks of September 11. This is an unprecedented category of war on the home front, and it requires a new approach to securing our Nation.

Mr. Speaker, this resolution is about protecting American lives, not protecting the turf of those here in the Congress. I take very seriously our institutional responsibility to protect the integrity of the congressional oversight process and the ability of committees to exercise their will on matters within their jurisdiction. This resolution facilitates our ability to fulfill those responsibilities without compromising our ultimate and most critical objective of keeping Americans safe from terrorism. Mr. Speaker, as we know, terrorism is an ever-present enemy.

This resolution ensures that we are moving forward with a sense of deliberative urgency, permitting the House to condense the legislative process in a way that will foster a thoughtful and carefully crafted legislative product. In so doing, it establishes a process for considering the President's initiative similar to one that was used a quarter of a century ago by Speaker Tom O'Neill in addressing the energy crisis.

The resolution provides a clearinghouse for ideas, an ad hoc body with the expertise to resolve jurisdictional disputes, and the authority to compile a final package. Instead of potentially lengthy struggles on overlapping jurisdictional issues, the select committee will operate as a type of conference committee for all relevant committees of jurisdiction. Every committee is ensured to have a voice in the process.

Mr. Speaker, with very few exceptions, regular order will be applied to the select committee, meaning it will have to comply with all rules of the House. The select committee is limited in its scope, authorized only to consider legislation creating a Homeland Security Department, and will dissolve once that duty has been completed. The membership will be a small group comprised of elected leaders from both sides of the aisle.

In the President's transmittal message to Congress accompanying the homeland security initiative, he referenced President Truman's previous reorganization of our military forces under the new Department of Defense as an analogy to today's homeland security initiative.

What is also somewhat similar is the philosophy laid out earlier by the first Hoover Commission established in 1947 to study the organization of the executive branch and to come up with recommendations for its reorganization. The commission noted in its report on the general management of the executive branch that "we must reorganize the executive branch to give simplicity and structure, the unity of purpose, and the clear line of executive authority originally intended."

Mr. Speaker, one of the commission's underlying principles was that policymaking and standards-setting should be centralized by the President, central management agencies and department Secretaries, rather than controlled at the individual agency level where bureau and subdivision fiefdoms had evolved to create a mass of policy and functional confusion.

While there was no direct or pending security threat at the time, it is appropriate to compare the philosophy of the Hoover Commission to the motivations of the homeland security initiative. The President notes a number of similar themes in his message: "Our Nation needs a unified homeland security structure;" "transforming the current confusing patchwork of government activities into a single department whose primary mission is to secure our homeland;" the Department "would have a clear and efficient organizational structure . . ." And finally, "history also teaches us that critical security challenges require clear lines of responsibility and the unified effort of the U.S. Government."

Mr. Speaker, it demonstrates that America is the great Nation that it is because we have been able to look inward at the appropriate times and unify to transform to and adapt our government to changed circumstances.

We have an opportunity to implement a framework that will produce effective and functional changes to the organization of our Federal Government's national security infrastructure. That is why it is absolutely essential that we work together, both here in the House and with the other body, to proceed as expeditiously as possible.

Mr. Speaker, even more important, we must do it the right way, in order to guarantee that our end product is the best solution for addressing our Nation's security needs.

Right now, agencies charged with protecting our borders, enforcing our laws and keeping Americans safe are grouped with those responsible for overseeing the Nation's finances and maintaining the Federal highway system. For instance, the Customs Service plays an important role in protecting America's borders, in the air, on land and at sea, and it has its own intelligence component. Yet, it is housed under the Treasury Department where the primary mission is to manage the government's money and promote stable economies both here and abroad.

Another well-known example is the overlapping roles of the Immigration and Naturalization Service and the State Department when it comes to regulating permanent and temporary immigration to the United States. While the INS has overall responsibility for immigration matters, the State Department is in charge of issuing visas to foreign nationals coming to the United States. The homeland security initiative moves both the INS and the State Department's control over visa issuance to the new Secretary.

Mr. Speaker, the U.S. Coast Guard is the principal Federal law enforcement agency with jurisdiction in both U.S. waters and on the high seas. It is also prepared to function as a specialized service within the U.S. Navy, and it has command responsibilities for the U.S. maritime defense zones. Yet it reports to the Secretary of Transportation, whose primary mission is to oversee the formulation of national transportation policy.

Without a doubt, securing our homeland is going to require more than the creation of a new agency. Yet there is no question that we must establish an entity that is singly devoted to that purpose, with no distractions and no conflicting objectives.

Rather than the multitude of agencies and bureaus that currently hold homeland security authority, the President's plan charges one agency with responsibility for securing our borders, accessing and analyzing intelligence information, working with local and State governments to manage Federal emergency response activities, and developing chemical, biological and radiological and nuclear countermeasures.

Mr. Speaker, this presidential initiative represents bipartisanship at its best. As we address the security needs of our homeland, passage of this resolution is a bold and important step toward that end.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the aftermath of September 11, the people of this Nation have pulled together to meet the first great challenge of the 21st century.

Across the globe in Afghanistan, the men and women of the United States Armed Forces prove their courage and skill on the battlefield once again, and here in Washington, Democrats and Republicans put aside partisanship to support the war on terrorism.

Still, Mr. Speaker, much remains to be done, especially in the area of homeland security. For months, Democrats and a few Republicans have argued that homeland security must become a Cabinet-level priority. I myself am a cosponsor of a House bill to do just that. So there was bipartisan support for the President's decision a few weeks ago to reverse his prior opposition to a new Department of Homeland Security.

By itself, reorganizing the Federal Government will not ensure Americans' safety, but it is an important first step, and the short 35-page bill submitted by the administration yesterday provides a useful starting point, even as it raises a lot of important questions.

How will it improve the effectiveness and efficiency of the Government's intelligence operations? How will it change the relationship between individual Americans and the Federal agencies, FEMA and the Coast Guard, for instance, that now provide them with crucial services?

Additionally, Mr. Speaker, we must work through important questions about the nature of the agency itself. We must ensure that Americans' fundamental values, rights and liberties are not sacrificed on the altar of this new governmental structure. That includes the employment rights of the public servants who will work in this department and devote their lives to protecting their fellow citizens.

We must honestly address the question of how much it will cost taxpayers to set up and operate this new Federal department. America's national security is not cheap and neither is its homeland security. Just yesterday, for instance, the Republican staff director of the Senate Budget Committee pointed out that additional costs seem likely.

Mr. Speaker, the Congress must answer these and other questions to ensure that creating a new Department of Homeland Security accomplishes more than just moving Federal employees around Washington but actually makes Americans safer in this new war against terrorism.

That is why it is so important that we follow regular order and draw upon the tremendous experience and expertise in the standing committees of jurisdiction. Many of our Members have literally decades of experience with these matters. Simply put, they know what works and what does not work in the real world.

Mr. Speaker, Democratic Leader GEPHARDT was right to set September 11 of this year as the deadline to create the new Department of Homeland Security. That deadline is less than 3 months from today, but is a full year from the infamous day when terrorists made clear America's new homeland security needs.

Make no mistake, Mr. Speaker, we can meet that goal, but it will require the type of bipartisanship we saw immediately after September 11. Fortunately, the Speaker seems to understand that, and so today the House is taking an initial step down the long road toward the real and substantive cooperation necessary to create an effective Department of Homeland Security.

Of course, sticking to the path of bipartisanship will require determination at all stages in the process, in the initial work of the standing committees, as the select committee itself reconciles their approaches, and as the Committee on Rules sends that product to the House floor.

Indeed, the end of the process will be as important as the beginning. So I urge the Speaker to commit to bringing the final bill to the House floor under an open rule. That way we can ensure that the will of the entire House is reflected in what we pass.

Mr. Speaker, we all understand how absolutely critical it is that partisan politics play no part in our deliberations. This is no time for any political party's agenda. It is time to prove that we are worthy of this monumental task to protect our Nation and its citizens, and to reassure them that their government is part of the solution, not part of the problem.

Democrats are eager to get to work reorganizing on this critical task. So I urge the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1400

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to my friend, the gentleman from Irving, Texas (Mr. ARMEY), the distinguished majority leader, for the purpose of a colloquy.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time, and this resolution simply authorizes the Speaker to appoint a Select Committee on Homeland Security consisting of five House Republican Members and four House Democrat Members.

The purpose of the select committee, which will have hearing authority and the same markup and reporting authority as standing committees, is to review the various recommendations from the standing committees of jurisdiction and report to the House one comprehensive bill that will create the Department of Homeland Security.

This resolution carries an authorization for the select committee to utilize the services and resources of the staff of the House of Representatives and shall cease to exist after final disposition of the bill, including final disposition of any veto message on such a bill.

The precedent for such a select committee is clear, and thanks to the bipartisan support I have received from the gentleman from Missouri (Mr. GEPHARDT), the Democrat minority leader, I am confident that we can meet the President's deadline for enactment of this session.

With respect to timing, tomorrow I will introduce the bill sent up by the President and that will be referred to the select committee. Standing committees with a legitimate jurisdictional claim will receive an additional referral, with the understanding that they will provide recommendations to the select committee no later than July 12, 2002.

Finally, it is the Speaker's goal to schedule this legislation for floor consideration in the House the week of July 21, 2001. At that time, it is the Speaker's intention that he and the Democratic Leader propose to the Committee on Rules a resolution governing the consideration of the select committee's product and jointly recommending that it be adopted.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I would like to join the majority leader in support of this effort. The fight against terrorism is our most urgent national security priority, and the creation of a Department of Homeland Security is a big step in the war against terrorism. However, it will take a great deal of our effort beyond just the formation of this department to protect our Nation.

Let me thank the gentleman and the Republican leadership for the bipartisan manner in which this process has developed so far. We believe that bipartisanship should continue throughout this process, during the committee markups, within the select committee that we are creating, and during the floor consideration of our final work product.

Many of our Members have developed proposals along these lines. It is our intention to do everything we can to make this department an effective tool in the war against terrorism. It is also imperative that the 170,000 workers who will be affected by this transition continue to receive all of the rights they now enjoy as employees of the Federal Government. Agencies that do a highly-effective job for the American people, such as the Coast Guard and FEMA, must be empowered so that they can continue to do their crucial work and that work beyond homeland security.

Mr. Speaker, I would like to ask a few clarifying questions of the majority leader. First, the rule governing consideration of this legislation will be jointly recommended by the Speaker and the Democratic leader and then brought to the Committee on Rules. The rule will preserve minority rights protected by the House and will be a fair process; is this correct?

Mr. ARMEY. Reclaiming my time, Mr. Speaker, I thank the gentlewoman; and let me say, yes, and I will restate that it is the Speaker's intention that he and Democrat Leader GEPHARDT propose to the Committee on Rules a resolution governing the consideration of the select committee's product and jointly recommend that it be adopted.

Ms. PELOSI. I thank the majority leader, and if he will continue to yield for a second question:

Nothing in this process will restrict the traditional rights of the minority or the rights of the committee in being named as conferees for the final product; is that correct?

Mr. ARMEY. Again reclaiming my time, I thank the gentlewoman for her question, and I will advise the gentlewoman that under House rules the Speaker will retain all of his prerogatives under this resolution with respect to the naming of conferees.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and once again express my appreciation for the bipartisan cooperation we have had here today.

Mr. ARMEY. Mr. Speaker, I too would like to thank the gentlewoman for the spirit of cooperation we have already enjoyed working together on this very important matter before the American people, and I thank the gentleman from California for yielding me this time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member of the Committee on Rules, the gentleman from Texas (Mr. FROST), for yielding me this time.

Mr. Speaker, I may be in a small minority in this House, but I just heard the majority leader say that this was to be done on the recommendations of all the standing committees, with reference to this consolidation, effective by July 12. We are going to adjourn next Friday, presumably, on June 28. We are going to come back on July 9 or 10 from our July 4 break. As I compute it, therefore, that leaves about 9 legislative days to consider the consolidation of agencies which have under their aegis almost $39 billion in expenses and have over 160,000 Federal employees.

I have great reservations about what I perceive to be a rush to judgment on this issue. Do I believe we need to organize well to confront those who would undermine our country? I do. Do I believe that reinventing and reassessing the operations of the government on a periodic basis are necessary? I do. Do I believe, however, that in the face of threats, that we ought to do something that we might not otherwise have done? The answer to that is an emphatic no.

Now, I may well support this effort, but I think it is a serious effort. The gentleman from Ohio (Mr. PORTMAN) is seated here. He participated in a major effort, not to redeploy one of our largest departments, the Internal Revenue Service, but to reorganize it internally and to make it run better. He and I had some disagreements on that, but ultimately we all supported that effort and he did great work. But he will tell my colleagues that that one department, substantially less than 160,000 people, with no cross-jurisdictions because it was one department, was a complicated effort that needed time to effect.

I would hope that everybody in this body would take this responsibility very seriously and give it the time necessary to effect an end that in a year from now or 10 years from now we will be able to look back on and say we did our work well, we did it thoughtfully, we did it carefully, and we did it well.

Mr. Speaker, let me also observe that I have great concerns about the general waiver that is accorded to the Secretary of the Department in this legislation with reference to protections of Federal employees incorporated in law, in other words, not rule or regulation, but passed by this Congress, signed by a President of the United States, to ensure that our Federal employees have the kinds of protections and benefits that we believe were necessary not only to recruit and retain those Federal employees but to treat them fairly within our system.

The legislation, as I understand it, that has been proposed by the President gives to the Secretary the power to waive those. I do not think that we ought to do that, and I hope that we do not do it. I will be focused on that as we move along in consideration of this legislation.

Mr. Speaker, I thank the gentleman for giving me this time to express some caution as we approach this weighty and difficult task.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to just say very briefly, in response to the gentleman's statement, that I believe in my opening statement I made it very clear that while we want to do this in an expeditious manner, we want to make sure that it is done right. We have certain constraints with which we have to deal if we are going to successfully meet the September 11 goal that was first set forth by the minority leader. And in light of that, the July 12 deadline, then our goal of trying to begin reconciling differences as we head towards the August break are dates that have been put forth.

But I do believe that first and foremost, as I said, we must do this correctly. So in that light, I do agree with my colleague.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments because I think we agree on that issue. The important issue will be that we do this right, and to that extent I agree with my friend.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from California (Mr. ROHRABACHER), who has long been a hard fighter on behalf of our homeland security and other national security questions.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of H. Res. 449. Yes, it will permit us to do the job right because we are committed to doing this job well, but it will also permit us to set the task of doing this job expeditiously, as the gentleman from California (Mr. DREIER) noted.

Why should it be done expeditiously? Because we are at war. Let us not forget what this is all about. Three thousand of our citizens were slaughtered by a hostile foreign enemy. We are at war. Our military is in action in Afghanistan, in the Philippines, and perhaps in the near future in Iraq. Our intelligence agencies have been mobilized. That is what one expects in war.

But as in past wars, especially in this new type of war, what the defense of the homeland is about is about winning that war. It is part of the strategy of victory. And to accomplish the security of our homeland and the safety of our people, we need a restructuring and we need to do it in an expeditious fashion. That is what this effort is all about. But it is more than just redrawing the lines on a flow chart. We must also have a change in attitude, a new sense of vigilance that comes with the creation of a new Department of Homeland Security.

I am personally pleased to see, for example, that the INS will reorient their job toward protecting our borders and protecting the security of the United States of America in dealing with the illegal alien problem. Our homeland is in jeopardy, and a restructuring is absolutely necessary; and we have begun today with this effort to provide the restructuring that will be necessary to legal procedures. George Bush is providing the aggressive leadership on the executive end. We are providing this restructuring on the legislative side, and we are working under the aggressive leadership of our President in this wartime situation. And what is necessary for victory is a unity, not just between the executive and legislative branch, but also between the political parties; and that is what this effort is about today. It is a bipartisan effort. It is a team effort. We are proposing a select committee to expedite the creation of a Homeland Security Department.

So let the terrorists of the world know we will pursue them overseas and we will protect our homeland and we will win this war against this evil that threatens our people, our homeland, and the world.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished ranking member on the Committee on Rules for yielding time.

Protecting the American people is our first obligation, and I know that we as Democrats are committed to working with all of our colleagues here in the House to protect our families, our cities, and our way of life from the enemies of freedom. In this work, maybe the most important work of our generation, there are no Democrats, no Republicans, only patriots. Following September 11, I assumed the chairmanship of the Democratic task force on homeland security, which introduced two comprehensive bills that addressed the threat of bioterrorism and future terrorist attacks on our Nation. We successfully united the entire Democratic caucus behind our legislation, and we are proud to see that major provisions of that legislation has in essence been enacted into law. Now as we pursue the select committee and its proposed work along with the committees of jurisdiction, we Democrats have, I believe, certain principles that will seek to guide us. We strongly embrace and support the reform and reorganization of departments and agencies with responsibilities for homeland defense, but we seek a continuing and thorough review of the events and factors that led to the tragic and unfortunate deaths of September 11.

□ 1415

Such reform and reorganization, coupled with a comprehensive threat assessment and strategy to address threats to the American homeland, is the best way to improve the safety and security of the American people. We are glad that the President has come to agree with Democrats that the head of Federal homeland security efforts must have the requisite statutory and budgetary authority to effectively and efficiently protect America from terrorism.

But we also believe as we protect and defend our country, we must protect and defend the Constitution, the Bill of Rights, and our civil liberties which collectively is the rock upon which we have built our life as a society. We also believe when the hometown is secure, the homeland is secure. So as we consolidate the Federal Government's homeland security functions, we need to ensure that the hometown is secure.

The democratic principles of getting more money out of Washington and into our communities for police, fire, emergency management and public health will be a guiding principle as we try to succeed in this reorganization.

Finally, the select committee is a continuation of our efforts to address the challenges ahead. Yes, we need to do it expeditiously on behalf of the American people, but we need to do it well. 170,000 employees, $39 billion in the budget, these are very significant items, which is why we seek to have the White House submit an amended budgetary process in order to make sure that we do this in an open and fiscally responsible manner.

Those are some of our challenges. They are legitimate public policy issues. These are trying times; but as a united Congress, and with the support of the American people, we can rise to that occasion, we can make our homeland secure, and we can do it in a way in which the American people will be proud.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN.)

Mr. PORTMAN. Mr. Speaker, I rise in strong support of the resolution before us today. I was delighted to hear the gentleman from New Jersey (Mr. MENENDEZ) talk about some of the principles that the gentleman feels strongly about, that he identified as principles on his side of the aisle. They are principles that I think both sides of the aisle support: Focusing on first responders, focusing on the rights of American citizens, focusing on doing this in an expedited manner, and doing it right.

For me, this reminds me a lot of where we were right after September 11 when there was a certain urgency, and in the House and Senate we came together across party lines and did the right thing for the American people. I see that again with regard to this proposal to create a new Department of Homeland Security, and I am very supportive of the Speaker's resolution today to create a select committee that helps us get to that process, chaired by the majority leader.

I believe the need for this department is very clear. There are over 100 government agencies now responsible for homeland security. In a sense, everyone is in charge; so no one is in charge. One of our tasks is to align authority with responsibility. By doing that, we can ensure some accountability so that someone is in charge and someone is accountable to ensure that we are doing all we can to protect the homeland.

It is a complicated and important task. I think again united in a bipartisan way, there is no reason we cannot get it done. As I see the reaction in the House and Senate, and yesterday when the President brought his proposal forward and Tom Ridge presented it, I see that kind of unified response that will help us get this done.

I am pleased the Speaker has set up a process that will allow all the authorizing committees to have input into the process. After all, that is where the expertise resides, and it will be those committees that will provide that expertise and put together recommendations as to how to reorganize these departments and agencies.

We need to be sure that the creation of the Department of Homeland Security is not oversold. This will not make us immune from terrorism. What it will do is it will maximize our ability to protect our citizens. After all, that is the fundamental responsibility of the Federal Government, to protect our country and citizens.

Congress is not generally known for getting things done quickly. There is a joke that it takes us 30 days to make instant coffee around here. But as we have demonstrated after the tragic events of September 11, when we work in a bipartisan fashion to get things done, we can. We are called on today to do that again. This resolution will help us do it.

Mr. Speaker, let us roll up our sleeves and get to work to reorganize the Federal Government to best protect our country and our citizens.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of H. Res. 449, a resolution which calls for the establishment of a temporary Select Committee on Homeland Security. The committee will review the recommendations of standing House committees and create a comprehensive bill for House floor consideration. The President's goal and the ranking member's goal, the minority leader's goal is to sign this bill into law on September 11, 2002.

This is a goal, Mr. Speaker, that I believe is attainable, but difficult to do. There are an estimated 33 subcommittees that can legitimately claim jurisdiction over the President's proposal to establish a Cabinet-level department. Under H. Res. 449, the select committee wil be composed of only nine members. My concern is that a nine-member select committee is too small to incorporate the expertise that will be required to consolidate the recommendations of the standing committees.

These nine members will be required to have expertise in areas as far ranging and diverse as government reform, intelligence, transportation, agriculture, and chemical and biological warfare, just to name a few. This is an awesome task for nine mere mortals.

Mr. Speaker, I believe that the President's initiative to create a new department which consolidates national security missions is long overdue. The concept is not a new one. Actually a plethora of legislation, including a proposal which I introduced, H.R. 3078, has been brought forward. My bill would have established the National Office for Combating Terrorism. It includes an initiative to develop policies and goals for the prevention of and response to terrorism and for the consolidation of local, State and Federal programs.

I am pleased to see that the administration is incorporating some of our ideas into a comprehensive plan to streamline the workings of the executive branch, and let us have on notice that it took the administration quite some time to come to this view.

I share the concerns of the President and the rest of the Nation. We need to consolidate our efforts to ensure that we are prepared for terrorist threats or attacks. However, we must balance this priority with caution and common sense. We must not lull our Nation into a false sense of security by implying that we have fixed a problem that indeed we have not.

The threat of another terrorist attack is foremost in our minds, and in our rush to protect ourselves, the President has requested that we complete this legislation as quickly as possible. Including weekends and holidays, September 11, 2002, is 82 days away. Even if we remained in session for our scheduled August recess, I believe that this time frame is hard to achieve. It will take nine members more than a few weeks to design a Department of Homeland Security capable of reducing America's vulnerability to terrorism and preventing future attacks against the United States.

Mr. Speaker, I have a word of caution for my esteemed colleagues: If we do not take the time to do it right, we will have to make the time to do it over.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS), a member of the Permanent Select Committee on Intelligence.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this resolution today. I am one of those who has resisted and been opposed to the legislation that has been filed in this House to this point in time, attempting to create and legislate the Office of Homeland Security. The reason I have resisted is as a member of the intelligence community, and one who has worked closely with Governor Ridge and his staff, I felt like the Governor, who has done a superb job as the Director of Homeland Security, needed to have the flexibility given to him by the executive order coming out of the White House to walk through the minefields and find out where the potholes are in homeland security. And once he has done that, let us come back and craft legislation. As the gentleman from Maryland (Mr. HOYER) stated, we can then know we are doing it right.

Well, the time has now come to do that. I applaud our President for making a bold decision to create a new Cabinet-level position and to restructure government, to meet this long-term issue of homeland security, and in order to ensure that we win this war on terrorism, it is now necessary that this office be created.

This resolution is the first step towards doing it right. I applaud the leadership for their bold initiative to structure this committee the way it is. I think in order to get the job done, that is the way the committee should be structured. Every committee is going to have the ability to exercise their jurisdiction over their particular turf. Again, that is the way it should be done to do it right. This is the right way to do it. I support this legislation, and I urge its adoption today.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) particularly for the gentleman's wisdom in the immediate hours after September 11, to help organize for the Democratic caucus the Homeland Security Task Force. Many Members gathered within 24 hours outside of the Capitol to be able to discuss the immediacy of responding to the crisis and the tragedy of September 11.

I would also like to add my appreciation for the gentleman from New Jersey (Mr. MENENDEZ) who served as the chair of that task force, as I served as the vice chair on one of the law enforcement subcommittees. This was an effort to recognize the importance of congressional oversight and involvement in addressing these questions. So it is without a doubt that I support the Department of Homeland Security that has been offered by the President in his legislative initiative presented to this Congress just yesterday.

As I begin to review it, I believe it is a very effective first look at how that department will be created. But, Mr. Speaker, I am a believer in the tenets of the Founding Fathers and the basis of the People's House. The design of this House of Representatives is that to be reflective of the people of the United States of America. They want us to be responsible for the decisions made to govern this Nation. Our Constitution clearly designates three branches of government: Judiciary, executive and legislative.

I believe the House of Representatives has an imperative duty in accordance with the words of Madison and the rest of our Founding Fathers to do our job. That means that those who represent the people of the United States should be engaged in the oversight and the design of this department.

It is very clear that there are a number of committees who have jurisdiction, and I would offer to say in light of the backdrop of the tragedy, not one of us is claiming turf. There is no argument of turf. There is a question of jurisdiction and oversight.

My concern about this particular legislative direction is a select committee of nine individuals who will not have the encompassing experience to address the totality of the issue. I believe it is important for the committees of jurisdiction to be able to do their job, and let me give an example. The Committee on the Judiciary shortly after September 11 was called to the task to pass the Patriot Act. And although it may have changed on the floor of the House, we did it expeditiously and with consensus. Whether one agrees or disagrees with that legislative initiative, it is now in place.

□ 1430

We were then called to do the restructuring of the INS, now named the Barbara Jordan Immigration and Naturalization Reform Act. That was done expeditiously and voted on the floor of this House by a vote of 405–9. It disturbs me that we have legislation now that precludes the input, if you will, in a more effective manner from the members of the committees of jurisdiction. Not that there is not some value to the culling of the work to be done by the House in a select committee.

I worked for a select committee, the Select Committee on Assassinations that investigated the assassinations of President Kennedy and as well Martin Luther King. Select committees can be effective. Mickey Leland, my predecessor, encouraged the Select Committee on Hunger. But this is too important an issue to narrowly focus the decision-making around a body of just nine.

I would ask my colleagues to consider the expertise needed in this particular legislative initiative. I would also welcome any further explanations as to how the committees of jurisdiction will provide their insight, their expertise. As I look at the creation of the department, at least as proposed by the President, the Department of Border Safety and Transportation, this begs the question of how you will organize the Border Patrol agents whom I just visited with in El Paso, Texas, around this particular concept. The expertise of the committees of jurisdiction are needed. We can do this together. We can do this timely. But do not shut us out. Do not shut the expertise of the Members of Congress out and realize that we do have the responsibility of oversight to make this a better piece of legislation.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

This is a very important proposal before us today, and it is in fact a bipartisan proposal; and I think it speaks well of this institution that we can work on a bipartisan basis on something this important. I also am pleased that the leadership on both sides has now agreed that once the select committee has acted that the matter then will be brought to the Rules Committee and that the Rules Committee will then handle this in the normal way, adopting a rule for consideration on the floor. I would hope that when we do that, that we would adopt an open rule so that the key issues can be joined on the floor.

This is a very important decision that we will be making. There are many people in the House who have some very good ideas. I hope they will be given the opportunity to offer those on the floor during consideration of this important piece of legislation.

I would point out to the House that in the late 1970s when the Department of Education was created, that was considered on this floor under an open rule procedure. Everyone had the opportunity to offer their ideas, votes were held and we ultimately adopted the legislation creating the new department. Certainly that is an appropriate model for the decisions that we will be making later this year. I urge adoption of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, on September 11 this Nation and the world faced one of the most extraordinary challenges in our Nation's history. It was a tragedy that caused tremendous loss of life and suffering all over the world. People from 80 nations were in the World Trade Center when we saw the attack that took place.

In the days and weeks and months that have followed September 11, it has been very gratifying to see a silver lining in that dark cloud of September 11. That silver lining has been the sense of solidarity among the American people, and that has been represented very well here in the United States Congress, the greatest deliberative body known to man. We saw President Bush act swiftly following September 11 by asking our former colleague, Governor Tom Ridge, to lead the effort to deal with homeland security. We have now taken that next step to begin today to put into place an effort which will establish a Department of Homeland Security. As the President has said, it is not designed to expand the reaches of the Federal Government. Instead it is designed to take these multifarious agencies which fall under the rubric of a wide range of entities and bring them together, consolidate them, so that in fact there will be a level of accountability, accountability so that in fact our homeland security will be more effectively addressed.

In 1854, Henry David Thoreau said, "For a thousand hackings at the branches of evil, it is worth nothing to one strike at the root."

Mr. Speaker, we have seen our great President, the Vice President, the Secretary of Defense, our national security adviser, the Secretary of State and others focus on that root of evil, the al Qaeda and other terrorist organizations around the world. What we are doing here with the Department of Homeland Security is we are focusing on these branches that still need to be addressed because we are working diligently to get at the root, but at the same time we still face a threat here in the United States. I believe that the vote which we are going to take momentarily will be the first step towards dealing with this very important issue of establishing a Federal Department of Homeland Security. I urge my colleagues to support it.

Mr. CASTLE. Mr. Speaker, I want to thank you and the leadership for working quickly to address the legislative requirements needed to begin the process to take up legislation regarding the creation of a new Department of Homeland Security. I praise the White House for its swift delivery of the proposed legislation and now it is the House of Representative's turn to move forward on this monumental proposal by drafting and overseeing the legislation that will make this all a reality.

I am pleased that the leadership has made the needed provisions to take up the President's proposal in a way that will lessen the prospect of jurisdictional gridlock and perhaps the untimely implementation of the new Department of Homeland Security. H. Res. 449 will allow for a temporary House Select Committee on Homeland Security to receive and review individual recommendations of current House standing committees to create a new Department of Homeland Security, and for consolidating these proposals into a comprehensive bill for House consideration.

This is a great first step, and I look forward to working with the leadership and the White House to move the legislation through Congress and to implement the President's historic proposal. However, we must unite to ultimately form a permanent standing committee in Congress with an adjoining appropriations subcommittee to oversee our domestic security. This is a permanent Department and we need a permanent committee to oversee it.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore (Mr. BONILLA). Without objection, and pursuant to section 2 of House Resolution 449, 107th Congress, the Chair announces the Speaker's appointment of the following Members of the House to the Select Committee on Homeland Security:

Mr. ARMEY, Chairman,
Mr. DELAY,
Mr. WATTS of Oklahoma,
Ms. PRYCE of Ohio,
Mr. PORTMAN,
Ms. PELOSI,
Mr. FROST,
Mr. MENENDEZ,
Ms. DELAURO.

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO RISK OF NUCLEAR PROLIFERATION IN RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–228)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive order 13159 of June 21, 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 18, 2002.*

REPORT ON NATIONAL EMERGENCY REGARDING PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–229)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 18, 2002.*

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO RISK OF NUCLEAR PROLIFERATION IN RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–230)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2002, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on June 14, 2001, (66 FR 32207).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to he national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissible material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 18, 2002.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CRISIS IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, in light of yet another suicide bombing in Israel yesterday, I think it is incumbent that all of us reflect on the targeting of innocent civilians in a reign of terror carried out by the Palestinian Authority and other organizations under its control. We can no longer, if we ever could, stand idly by and allow these suicide bombings targeting innocent civilians to take place time and time and time again, and every time say that Mr. Arafat has to do more to prevent terrorism, Mr. Arafat has to show that he can step up to the plate and combat terrorism.

At what point do we simply say enough is enough and move beyond Mr. Arafat? I think that point has come and gone a long time ago.

☐ 1445

President Bush is supposedly going to make a statement within the next few days talking about a so-called "provisional" Palestinian state. I would say to the President and to my colleagues and to everyone concerned that there ought to be no declaration of any kind of Palestinian state, provisional or otherwise, as long as Palestinians continue their reign of terror against innocent civilians. In a civilized world, supposedly, there should be no talk of rewarding terror with a state, provisional or otherwise.

When President Bush several months ago said to the world, you are either with us or you are with the terrorists, that was very clear. Black and white, no shades of gray. And, if it applies to us, it should apply to Israel and every other nation on this Earth.

If we are justified, and we are, going halfway around the world to destroy the Taliban in Afghanistan because of terrorist attacks upon our Nation, and let me say as a New Yorker and as someone who works in Washington, no one feels the pain of those attacks more than I do, if we are going halfway around the world to root out terrorism in Afghanistan, then Israel should be allowed to do the same thing in her own backyard.

Mr. Arafat has shown that he is a terrorist, that he has never grown out of being a terrorist, that he always has been a terrorist, and he will continue to be a terrorist. Therefore, I think that this country should not talk with him, should not recognize him, should not discuss anything with him; and we ought to tell the Palestinians, come back and talk to us when you get some responsible leadership. Come back and talk to us when there are reforms in your leadership. Come back and talk to us when you have a leadership that does not use terror against innocent civilians as a negotiating tool.

This is something that cannot be tolerated. I do not want to hear about grievances on both sides or perceived hurts. It is never an excuse for terrorism against innocent civilians.

As to this notion put forward in some of the Palestinians corridors that if only Israel would withdraw, everything would be wonderful, there would not be a problem, and peace would reign supreme, the fact of the matter is that 21 months ago Israel agreed to withdraw. There was a plan that was being negotiated which would have given the Palestinians a state of their own, on 100 percent of Gaza and 97 percent of the West Bank, with billions of dollars of aid, a state of their own, the end of the occupation. Israel said yes, the United States said yes, the Palestinians said no. Yasser Arafat rejected it and walked away, did not come forth with a counterproposal, did not stay and negotiate a proposal that might be better for him. He said no, and unleashed the intifada, unleashed terrorism and unleashed violence. That ought not to be rewarded.

I would hope that we would make it very clear again that the time has come to say good-bye to Mr. Arafat. It is not a matter of whether he can control the terrorism, whether he wants to do so. He is the terrorist. Three-quarters of the terrorist attacks against Israel during the past 21 months have come from organizations that he controls. The al-Aksa Brigade, the al-Aksa so-called Martyr's Brigades, which our State Department has declared as a terrorist organization, is under Mr. Arafat's control. They have taken credit for the bombings. Tanzeen, 4/17, the Fata Umbrella Group. They have been responsible for three-quarters of the bombings.

So it is time for us to say good-bye to Mr. Arafat. It is time to tell the Palestinians, no state, unless you have responsibility, unless you show responsible leadership; and it is time for the United States to continue to stand shoulder to shoulder with the people of Israel in fighting the terrorism around the world.

HOLDING CORPORATE AMERICA ACCOUNTABLE

The SPEAKER pro tempore (Mr. BONILLA). Under a previous order of the House, the gentleman from Georgia (Mr. ISAKSON) is recognized for 5 minutes.

Mr. ISAKSON. Mr. Speaker, this morning I read the following quote from Matthew Ruane, director of listed trading at Gerard Klauer Mattison and Company: "There's a lack of liquidity, a lack of reason to buy, terrorism fears and earnings issues out there, especially in the drug sector."

The statement was in response to a question regarding the continued decline of the major stock indexes in America. I have no quarrel with the facts included in this statement. It is the omission that troubles me. In the mind of many Americans, this American included, there is an integrity crisis on Wall Street and in corporate America.

I am a businessman of 34 years, former director of two banks, an investor in the stock market and a strong believer in the power of the free enterprise system. Yet with that power comes responsibility. In the past year, the American investor has seen a host of disturbing news stories centered on the issue of corporate integrity and few, if any, have been encouraging.

I have great confidence and respect for American businesses and the men and women who run them. But the silence of these good men and women is becoming deafening. Enron, Arthur Andersen, Wall Street brokerage houses, executive compensation, document shredding, insider trading and other stories confront the average American every day, with little or no response from corporate America, other than an explanation.

Corporate America is not a fraternity, nor should it be. Neither should Wall Street brokerage houses be a fraternity. I acknowledge they have common interests, but those interests are secondary to the interest of the American economy, the American investor and their individual stockholder.

What is my point? Simply put, corporate America and Wall Street face a crisis that will not pass on its own; and just as the shareholders of Enron were the big losers in their crisis, many Americans now fear that they, not the corporate boardroom, will be the big losers.

It is time for corporate executives to speak out. Wall Street needs to look in the mirror and ask itself serious questions, the answer to which is not "this too shall pass."

Unlike 20 years ago, more and more Americans depend on their 401(k) and investments for their retirement; and, because of that, more Americans than ever are in the stock market. Wall Street has become an insider's game played with outsider's money. The strength of the market has become more dependent on individual confidence of average Americans, but that confidence is eroding.

Endless reports of questionable practices and alleged crimes have only served to accelerate investor concerns that began with the market's decline in the first quarter of 2000. It is my judgment there is too little accountability on Wall Street. Some will tell you that corporations and their leaders are accountable because they lose equity and lose value when their stock declines. While true to an extent, individual investors lose too, and collectively far more than corporate executives.

If corporate America wants to improve the environment on Wall Street, then it is time for corporate executives and corporate directors to hold themselves more accountable and demonstrate to the market a zero tolerance for questionable practices and poor judgment. Every investor understands, or should understand, that investing in the market involves risk; but that risk should not be compounded by moral and ethical failure in the corporate office, executive office, or the corporate boardroom.

SAVE THE CAPITOL'S OLDEST TREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. BASS) is recognized for 5 minutes.

Mr. BASS. Mr. Speaker, I would like to talk for a minute or two about an issue that may not be the most pressing issue before the Nation today, but it is one that is, nonetheless, important for the historical nature of the U.S. Capitol and its grounds.

The gentleman from New Jersey (Mr. FRELINGHUYSEN) and I have been made aware recently that the oldest tree on the Capitol grounds may be cut down on the recommendation of the Architect of the Capitol and his arborist advisers.

Frankly, despite earlier assurances to Congress that many trees planted by Frederick Law Olmsted, one of the Capitol's earliest landscape architects, would be saved, far too many trees have been sacrificed for this new visitor's center.

The oldest tree, which, by the way, is right outside the door here, if you go outside the door and look at about 1 o'clock you will see it there, it was planted by Frederick Law Olmsted, as I said. He was the Capitol's earliest Architect. We were told it would be saved.

Now, this tree is a rare English Elm, reputed to be over 175 years old, and it was never slated in the original plans to be removed. In fact, earlier assessment by a notable national tree company employed by the Architect of the Capitol said that it should be preserved.

Reports now that the tree is "dangerous" seem to have little factual foundation, other than a more recent report by the same arborist. Furthermore, other old trees on the Capitol grounds are no more or less dangerous than this elm tree.

I would point out that recently these fences have been built around these trees, and it is impossible for the tree really to be dangerous, unless some kind of typhoon moved through.

Far more alarming to the tree's health is the news that the visitor's center contractor wants to dig a 60 foot hole at the base of the elm along the drip line, to dig a hole for whatever purpose, for a possible staging area for construction, or as part of the new paved area for temporary parking for Members of Congress.

I think this is totally indefensible, the idea we would cut down one of the oldest trees on the Capitol grounds so that Members of Congress can have a temporary parking place while they are building the visitor's center.

I hope my colleagues will join the gentleman from New Jersey (Mr. FRELINGHUYSEN) and me in urging that this tree be saved.

Mr. Speaker, I yield to my friend, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from New Hampshire (Mr. BASS) and other Members of the House for their support of protecting this very famous English Elm.

Mr. Speaker, as the House of Representatives works to protect the U.S. Capitol building and all symbols of our democracy, we need to be mindful that such changes must be reasonable and respectful of our history. Our Capitol continues, as it always has been, to be accessible to millions of people who visit each year.

It is estimated that nearly 20,000 visitors up to September 11 entered the building daily, and Congress has addressed the new security and safety demands of this many people visiting, especially during the construction of a new Capitol visitor's center to facilitate their entrance into the Capitol proper.

This center project has already resulted in changes to what Frederick Law Olmsted, the Landscape Architect of the Capitol, a very famous American, envisioned and implemented back in 1874, where lawns, trees, and shaded walks were first put into his plans. Many trees have already been removed. Some have been saved for the new center.

But I join with the gentleman from New Hampshire (Mr. BASS) and other colleagues to focus our attention in Congress on one particular tree, an English Elm, the oldest tree on Capitol Hill, on this campus, that some here, as the gentleman from New Hampshire (Mr. BASS) has said, would like to cut down to make room for a construction site, for use of the construction materials, or a temporary parking lot for Members of Congress.

This oldest tree, a rare English Elm, is reputed to be over 150 years old. It was never slated to be removed. In fact, an earlier assessment by the Davey Tree Company employed by the Architect of the Capitol said it should be preserved. Reports now that the tree is dangerous seem to have little factual foundation, other than a more recent report by Davey. Furthermore, there are other old trees on the Capitol campus that are no more or less dangerous than this elm.

As the gentleman from New Hampshire (Mr. BASS) has said, there is news that the contractor for the visitor's center would dig a 60-foot hole at the base of the tree. This would virtually kill the tree.

This is a tree that deserves to be preserved and protected. We urge all Members of Congress, Republicans and Democrats and citizens, to urge the Capitol Preservation Committee to direct the Architect of the Capitol to save the tree.

EXCHANGE OF SPECIAL ORDER TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from the District of Columbia.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SALUTING THE NBA CHAMPION LOS ANGELES LAKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to salute the victorious world champion Los Angeles Lakers from my congressional district. It is challenging enough to win the championship title once, and it is extremely rare to repeat and win the title a second time. Nevertheless, the world champion Lakers have in fact three-peated by sweeping our friends, the New Jersey Nets, in the 2002 NBA finals and winning the title for 3 consecutive years.

In all of NBA history, only three teams have achieved this feat, including, of course, the Minneapolis Lakers. I extend my special congratulations to Lakers Coach Phil Jackson and the most valuable player for the third year in a row, Shaquille O'Neill, for their impressive accomplishment.

□ 1500

No one alone can achieve this "triple crown" of excellence in basketball. The Los Angeles Lakers' victory was a triple team effort consisting first of the talented players themselves; second, the coach and management staff; and third, the Lakers' fans in Los Angeles and across the Nation.

Today the Lakers' sweet taste of victory brings with it the sweet taste of New Jersey Italian treats: cannoli and biscotti. My colleague, the gentleman from New Jersey (Mr. ROTHMAN), wagered these treats against my Los Angeles wager of tamales, guacamole and salsa. Today he delivered the fruits of the Lakers' victory. I congratulate the Nets, their fans, and their coach, Byron Scott, who, by the way, is a Los Angeles native and former Laker himself, for their valiant effort.

Angelenos, it is time to make room in the rafters of the Los Angeles Staples Center for yet another banner. The Lakers are NBA world champions again.

Mr. Speaker, next year I look forward to cheering for the Lakers to "four-peat" or, in the words of Coach Jackson, the "four-sweep."

EXCHANGE OF SPECIAL ORDER TIME

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to replace the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PHARMACEUTICAL COMPANIES HONORED GUESTS AT GOP FUND-RAISING EVENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, those who are watching might be puzzled, because it does not seem there are too many Members on the floor of the House, and that is because the House has completed its work day. It is about 3 o'clock. Now, why is the House out of session at 3 o'clock when it has yet to do a single appropriations bill, when many other important measures and needs of the American people have yet to be met?

Well, it could be because tonight is the biggest fundraising gala, perhaps the largest single fundraising event in the history of the United States. Downtown, the Republican Party is holding a special fundraising event, and the chair, the fundraising chair of that event is a guy named Robert Ingram.

Why is that relevant? Well, he happens to be the chief operating officer of GlaxoSmithKline, which happens to be the largest drug manufacturing pharmaceutical firm in the world.

Now, why would he give $250,000 and agree to raise millions of other dollars from other pharmaceutical companies who are also contributing: Pfizer, Eli Lilly, Bayer AG, Merck & Company, they are cheapskates, they are only ponying up $50,000 bucks each for a table, but then PhRMA, their organization, is ponying up $250,000.

Now, you have to give it to the Republicans. I mean they, the Republican leadership, either has the most incredible sense of irony and humor, or no shame. Here we are at a time when we are supposedly about to consider legislation to provide or not provide a meaningful prescription drug benefit to seniors in the United States of America, 54 percent of whom pay more than $1,000 a year out of pocket for their drugs; who are charged the highest prices of any customers of the pharmaceutical companies; the uninsured seniors are charged the highest price, prices that exceed those of Canada by 100 percent and other developed nations. Of course, many of those drugs were manufactured in the United States by these very same firms who are throwing this big gala tonight and contributing millions to the Republican Party.

So we have to wonder if there is any connection between the draft of the Republican proposal and the timing of it, because they are considering it right now, and tonight's event.

The Republican proposal is a free market approach. Of course, we have had the free market; it has not been serving our seniors very well, and prescription drug costs have been going up at 2½ times the rate of inflation. Many seniors have to make critical decisions about getting their prescriptions filled. I have actually met seniors, couples who had to decide who was going to get their prescription one month and who was not, even though they are all necessary and prescribed. These are real problems.

The Republicans have decided they cannot ignore this issue anymore, so they have gone to their sponsors, the pharmaceutical companies, the insurance companies, who say, look, how about we phony up a bill that continues the status quo and we pretend it is a new benefit for seniors, and the pharmaceutical companies love it. That is why they are giving a quarter of a million bucks from this one company and millions in addition to that at tonight's gala.

There is no guaranteed benefit under the Republican plan. Mr. Speaker, $20 billion over 10 years would go to the pharmaceutical companies as an inducement for them to offer free market, private policies. God forbid we should extend Medicare. They do not want to do that. No, they are very worried about that, because they know if we extend a Medicare benefit to the seniors, then we might begin to question the absolutely obscene prices they are charging for some of their drugs and we might even take steps to rein in those costs like Canada, Great Britain, France, Italy, Spain, Mexico. In fact, every other industrialized country on Earth has taken steps to rein in their obscene pharmaceutical charges. No, but not the United States. We are going to take a free market approach. First give them the $20 billion as an incentive to maybe offer a program and under this "maybe" program, this is what the Republicans estimate they would provide, a benefit that would total, of the first $1,000 of drug expenses, which is half the seniors in America spend $1,000, they would get a $182 benefit after their premium, their deductibles, and their out-of-pocket costs.

Wow. Wow, $182. Now, that is really going to help out the seniors who are having trouble today meeting these costs. Of course, remember, this is only recommended. It is not required. God forbid we should put a mandate on the insurance companies. No, no, no, no, no requirement. This is just a suggestion, a suggestion, as opposed to a real Medicare benefit that the Democrats are providing as an alternative. The emperor has no clothes here. Have a good fundraising dinner tonight, guys, but I think in the end the champagne you are toasting tonight might taste like vinegar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to address their remarks to the Chair.

JUNETEENTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to be with you here tonight as we gather here in remembrance of a day that has become a symbol of African-American freedom and culture. On June 19, 1865, Union soldiers, led by Maj. Gen. Gordon Granger, landed at Galveston, Texas with news that the war had ended and that the enslaved black Americans were now free. Granger's message came two and a half years after President Lincoln's Emanicipation Proclamation.

Upon his arrival, Granger's first orders of business was to read to the people of Texas, General Order Number 3 which began most significantly with:

> The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer.

On the evening of June 19, 1865, thousands of African-Americans filled the streets of Galveston, celebrating their newly announced freedom. Throughout the night, the sweet smell of barbecue, combined with the sounds of dancing feet, and harmonic spirituals, permeated the air. For the slaves freed in Galveston and across America, June 19th, would and does forever commemorate African-American freedom.

Juneteenth became an official State holiday through the efforts of Al Edwards, an African-American Texas legislator, making Juneteenth the first emancipation celebration granted official state recognition. Juneteenth celebrates African-American freedom while encouraging self-development and respect for all cultures.

Across the nation and even the world, thousands will participate in activities and events in remembrance of Union soldiers' arrival in Texas. Let us reflect and rejoice on this monumental event in history. Let us come together and join hands across races, nationalities and religions to acknowledge a part of American history that has, does, and will continue to shape our society as we know it today.

African-Americans' history is America's history and the events of 1865 will not be forgotten as the celebration of Juneteenth takes on a more national and even global perspective. For that reason, I am supporting the establishment of a commission to commemorate those enslaved Americans that fought so vigilantly for their freedom. I am also proud to be an original sponsor of a bill that would support the erection of monument honoring African-American slaves.

A day such as Juneteenth enhances the importance of the War on Terrorism and the importance of fighting the evils that threaten human rights and freedoms across the globe. Just as the slaves in Galveston and President Lincoln recognized the value of freedom in 1865, so too, should we realize the importance of remembering that day and taking its lessons with us as we confront the current political climate.

I urge you all here, if you haven't already, please take a moment to reflect on the meaning of this day. Reflect on its meaning for African-Americans, and its meaning for oppressed persons around the globe. Take the opportunity to participate in the various activities and events organized in celebration of Juneteenth, and I urge you to never forget what the day June 19 means to American history.

CELEBRATING THE 30TH ANNIVERSARY OF TITLE IX

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MINK of Hawaii. Mr. Speaker, I am here on the floor today to mark the 30th anniversary of title IX, which was a part of the Education Amendments Act of 1972 signed into law on June 23, 1972, 30 years ago. The few pages of title IX set a policy for the United States in all areas of education: elementary, secondary, higher education, graduate education; a policy that set forth explicitly that no institution should discriminate against girls or women in the courses and programs that they offered at these institutions, if that institution received Federal funds. That was 1972.

Remarkably, in a very short period of time, the institutions across America paid attention to these few words in title IX and we began to see some very remarkable changes in our schools, in the programs that were being offered, the number of women that were enrolled in programs that prior to that, one could rarely ever see women students, especially in graduate programs. And they won fellowships and they had opportunities made available to them that were unheard of before 1972.

A number of Members of the House had indicated to me that they were going to join in this recognition of title IX and the celebration of the 30th anniversary. But because we were called earlier and the program of the House ended at an early hour, many of these Members probably are not here to be a part of it, but I know that they will be including their remarks as part of this celebration today.

Mr. Speaker, I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I am delighted to join my colleagues to commemorate title IX's 30th anniversary. First I commend my colleague and friend, the gentlewoman from Hawaii (Mrs. MINK), as well as former Oregon Congresswoman Edith Green for their invaluable contributions and commitment to improving the lives of women in this country. These two incredible women were the guiding spirit behind title IX, the landmark legislation that bans schools from discriminating on the basis of sex in academics and athletics.

Title IX was necessitated by the fact that many of our schools were denying young women the opportunity to develop to their full potential by putting strict limits on their enrollment or by refusing to admit them at all. While the law applies to all education programs and schools receiving Federal aid, it is best known for expanding athletic opportunities for women.

Since title IX's passage in 1971, girls' participation in high school athletics has increased an astonishing 847 percent. As a result, today, one in three girls play varsity sports, compared to only one in 27 in 1972.

The impact on collegiate athletics level has also been incredible. For instance, when title IX was first passed, there were 31,000 women participating in intercollegiate athletics. Today, over 150,000 women compete in college-level sports, an increase of over 400 percent.

Athletic activity has been a key component in helping young girls to develop important skills such as competitiveness, teamwork, and perseverance, qualities that are so critical to succeeding in today's society. As a result, since the passage of title IX, we have seen significant increases in women's educational achievements as well.

For example, in the year 2000, 43 percent of medical degrees were awarded to women, compared to 9 percent in 1972; 46 percent of law degrees were earned by women, compared to 7 percent in 1972; and 44 percent of all doctoral degrees went to American women, up from 25 percent in 1977.

Furthermore, title IX has proven that athletics is also a catalyst for success in the workplace. A recent study entitled "From the Locker Room to the Board Room: A Survey on Sports and in the Lives of Women Business Executives," surveyed America's top business executives and found that more than four out of five executive business women played sports growing up.

Further, the vast majority of these women reported that lessons learned on the playing field have contributed to their success in business.

For instance, of the women who played organized sports after grade school, 86 percent said sports helped them to be more disciplined, 81 percent said sports helped them to function better as part of a team, and 59 percent said sports gave them a competitive edge over others.

Clearly, title IX's influence on the lives of girls and women extends far beyond the playing field. It has provided them with the opportunity to gain so many of the skills that are essential to succeeding in life.

Therefore, on the 30th anniversary of title IX, it gives me great pleasure to recognize the critical role title IX has played in securing women's equality in sports, in academics, in the workplace, and in life.

□ 1515

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman for her contribution. I lived with title IX every day of my life since 1972; and to understand that it has been 30 years, it is pretty hard to fathom, but I deeply appreciate my colleagues coming to the floor and sharing their own observations about title IX and helping to be a part of this recognition today.

I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues who will come and go to talk about title IX today, but I am particularly honored to join with the gentlewoman from Hawaii (Mrs. MINK), the author of title IX, on the 30th anniversary of this great program that would not have happened without her. I thank my friend from Hawaii also for organizing this trip tonight.

When most people think of title IX, they think of women's sports; and the impact of title IX on women's sports can clearly be seen all over the Nation. Title IX has increased numbers of girls and women who participate in sports in high school and in college. Title IX has contributed to the impressive achievements of American female athletes at the Olympic Games, and we can see the impact of title IX when we watch professional women's basketball and soccer teams on television and on the field.

Title IX is an important player on every woman's sports team, but title IX has another important role to play and that is in the classroom, particularly in vocational and technical education classes. Last week The Washington Post and other newspapers reported on a survey that the National Women's Law Center did on vocational and technical education programs in America. The results of the survey reveal that pervasive sex segregation in vocational and technical education programs all around the country still exist. That is bad news. The survey found that girls are still clustered in classes which lead to traditionally female jobs such as cosmetology, child care, health or fashion technology. On the other hand, classes in carpentry, electronics, and automotive programs were 85 percent male.

There is a reason why the results of this survey made the newspaper. It is newsworthy because women make up close to half of the American workforce and many of these working women are supporting families and many of these working women are single moms supporting families. Sixty-six percent of mothers with children under age 6 are working outside the home. Seventy-seven percent of mothers of school-age children have jobs. Most families today, whether they have two parents or a single parent, rely on a woman's income; but that income will be considerably less if the woman is earning a median hourly wage of $8.49 an hour as opposed to working as a plumber who can earn an hourly wage of $30.06.

While the survey reported in the newspapers collected its data from high schools, the problem does not stop in high school. A report from the National Center for Education Statistics in the Department of Education entitled "Vocational Education in the United States Toward the Year 2000" shows that in associate degree programs at the postsecondary level, women are almost four times as likely as men to major in health fields and office fields. In contrast, the male students in postsecondary vocational education programs are five times more likely than women to major in technical education and 14 times more likely, 14 times more likely to major in trade and industry programs.

Thank goodness we have title IX to address the inequities like this. The National Women's Law Center has filed legal petitions in all 12 regions of the Department of Education's Office of Civil Rights, requesting investigations into whether vocational and technical high schools and classes violate title IX. They are also asking that action be taken to remedy all conduct that does not comply with title IX law.

As we move into the 21st century with employers demanding more high-skilled and better-educated workers and more families relying on a woman's income, it is a moral crime to ignore the evidence of stark and ongoing sex segregation in vocational and technical education programs. Title IX makes it a legal crime, and gives us the tools we need to right this wrong.

Happy anniversary, title IX. Much has been accomplished in 30 years, and much is left undone.

I look forward to working with my colleague, the gentlewoman from Hawaii (Mrs. MINK) in making some of these things right.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman for her contributions. Certainly the challenges she has laid before the House and before this Nation need to be heeded.

I am delighted now to yield to my colleague, the gentlewoman from California (Mrs. DAVIS), who is also on the Committee on Education and the Workforce.

Mrs. DAVIS of California. Mr. Speaker, Friday morning, many Americans will be getting up early to root for the U.S. Men's Soccer Team, which quite unexpectedly has reached the final eight in the World Cup soccer competition. This is the best men's effort in more than 70 years.

But who can forget the thrilling matches and win of the U.S. Women's Soccer Team in the 2000 World Cup? We all have visions of the celebratory leaps of joy and the news magazine cover pictures that followed. While the women's success preceded the men's current victories, who can question that this prominence would never have happened in a women's sport had it not been for the passage of title IX, the tradition-breaking measure that said women deserve an equal opportunity to excel according to their talents, not their opportunity?

I am honored to speak in celebration of this 30th anniversary of title IX to the education amendments of 1972 at this podium following the distinguished gentlewoman from Hawaii (Mrs. MINK), who has been a champion of the implementation of title IX for many years, monitoring, nurturing, and nudging its realization.

Sports have grabbed the headlines as the comparison of women's opportunity with men's. Indeed, for women who graduated from college before 1972, we know full well how little girls were encouraged to succeed at male endeavors, not only in sports but in math and science, politics and economics, medicine and the law.

We can see the impact, not only of increased opportunity because of this legislation, but also of the example of those pioneering women in space, in the Supreme Court, increasingly as CEOs of major companies, and yes, as Members of Congress who serve as role models for the expectations of young women today.

But we cannot be proud. Career education received a grade of D on the report card on gender equity reported by the National Coalition for Women and Girls in Education. We must multiply our efforts to assure that girls have the same educational opportunities, and thus career opportunities, as boys.

As Members of Congress, we must reach out to young women's groups, and to those women who have tested the campaign waters to run for school boards, for city councils and county boards of supervisors; and we must mentor and encourage them to aspire to all seats in government.

In the California Assembly, I experienced the great difference it made to agendas, to leadership positions, and the style of politics when women became 25 percent of our body. I can only imagine what it would feel like here in the House of Representatives if there were 109 women out of 435, instead of 59. How important it would be to the national agenda if the Senate had moved not from nine and counting to

13 in the last election, but to 25. What if women were represented by their proportion of the population? What if there were more women Governors, and yes, candidates for President and Vice President?

Title IX has changed our culture in many ways in these 30 years. The women of America must move forward together to assure even greater results in the next 30.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman from California for coming to the floor and sharing with us all of her challenges and contributions.

Mr. Speaker, next I yield to the distinguished gentleman from Illinois (Mr. DAVIS), who has joined us here today to participate in this 30th anniversary celebration of title IX.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Hawaii for yielding to me, but also for bringing to light and sharing with all of America the importance of this 30th year anniversary.

I happen to be one who believes that there ought to be absolute equality in all endeavors in all walks of life. I am amazed, as a matter of fact, sometimes when I recall even the Preamble to our Constitution, when we say, "We hold these truths to be self-evident, that all men are created equal," and at the same time, we left out women. Some people would suggest that when they said "men" they meant women as well, but I am not always sure of that.

As a matter of fact, we can look at what the experiences have been, that even today women, for the same work, with the same training, earn less than 75 percent of what men earn for doing the same work with the same training, the same experiences.

America is a great Nation. We have made lots of progress and we have come a long way, but we still have much further to go. I do not think we will ever get where we need to be unless we reinforce all of those processes that we have used to get us where we are.

I want to commend the gentlewoman from Hawaii (Mrs. MINK) and congratulate and all of my colleagues who take the floor and talk about this achievement, and also let us know that we have to keep going, because if we do not, we can always slip back.

So I commend the gentlewoman and join with her and all of my colleagues in expressing appreciation for the enactment of title IX. Of course, we have to keep it alive; we have to make sure that it is well; and we have to keep working so that there is in fact equality across the board without regard to race, gender, ethnicity, or any other form of origin.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for taking the time to come and be part of this recognition. It is so important to recognize that in the 30 years much has been accomplished, but we still need to do much, much more in order to achieve that equality for girls and women in our society.

Mr. Speaker, I am especially pleased now to yield to the gentlewoman from California (Ms. WATERS), who is here to join us in this hour of recognition for title IX.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I am pleased to be here with my colleague, the gentlewoman from Hawaii (Mrs. MINK), in order to celebrate the 30-year anniversary of title IX. I would like to take this moment to thank her for her leadership, for what she has done for girls and women in this country.

This month, we celebrate the 30th anniversary of the passage of title IX of the education amendments of 1972. The achievements we have made since then are impressive and worth celebrating. The percentage of bachelor's degrees awarded to women has increased from 44 percent in 1971–1972 to 56 percent in 1997 and 1998. The percentage of doctorates awarded to women has increased by nearly 30 percent, from 16 percent in 1971–1972 to 42 percent in 1997–1998.

Women and girls have made strides in athletics, also. In 1971, girls comprised a mere 7 percent of high school varsity athletes. Last year, the figure had increased by 847 percent, to 41.5 percent of all athletes.

At the college level, the change is also very dramatic. There was a 403 percent increase between 1971 and 2001 in the participation of women in intercollegiate sports, from 2 percent in 1971 to 43 percent just last year.

□ 1530

Meanwhile, men's participation levels at both the high school and the college level have also increased, contrary to reports that imply the gains for women have come at the cost of losses for men.

Improvements have also been made within the government. Until recently, only four Federal agencies had complied with the requirement that they issue rules regarding title IX. However, in August 2000 the Department of Justice issued final regulations for 20 Federal agencies. These new regulations provide Federal executive branch agencies with the means to enforce title IX's prohibition against sex discrimination.

Unfortunately, not enough has changed. There are continued efforts to diminish the gains women and girls have made under title IX. For example, critics of title IX argue that colleges and universities have been forced to eliminate men's teams in order to fund women's teams. This ignores the fact that women's teams have been cut, too, as needed by school budgets, et cetera.

The argument also dismisses the fact that in 1999, for example, men's sports and intercollegiate athletics received greater funding across the board. Disparities existed for scholarships, recruiting, head coach salaries and operating expenses. In some categories, the funding for men was twice that of women.

Other efforts to dismantle title IX include funding cuts and a rise in lawsuits, seeking to roll back title IX protections. Recently, the National Wrestling Coaches Association and other groups filed suit to challenge the United States Department of Education's interpretations of title IX. While I applaud President Bush's call to seek dismissal of this suit, I am dismayed that the President has not been supportive of title IX in other ways.

For example, President Bush's 2003 budget allocates no funding to the Women's Educational Equity Act, which is the only Federal program specifically focused on increasing educational opportunities for females. In addition, the Republican presidential agenda for the 2000 election included attacks on title IX and gender equity, and while women and girls have gained a great deal since 1972, there are still gaps in every area.

Wage parity has not been achieved. The average salary for women professors in 1971 was $11,649, only 91 percent of women's average of earnings at that time of $12,768. Thirty years later, the average salary for women full professors had fallen to a mere 88 percent of men's earnings. Women associates and assistant professors earned only 92 percent of what their male counterparts earned. These salary gaps exist for teachers and principals in elementary and secondary education as well.

Women continue to lag in educational degrees received. We are underrepresented in traditionally male fields such as math and science, ones that have greater earning potential. For example, women earn only 39 percent of physical science degrees, 27 percent of computers and information sciences degrees and 18 percent of engineering degrees. This disparity is even greater in doctoral degree programs. There, women received only 26 percent of doctorate degrees in mathematics, 16 percent in computers and information sciences, and 12 percent in engineering-related technologies. Not only does this negatively affect the women themselves, but also it creates a void for young girls who need role models in these fields.

Females are also underrepresented in athletics. We are drastically underrepresented in coaching positions and as athletic directors. Even head coaches of women's teams are filled by males more often than by females, in Division I, II and III schools. Girls still have 30 percent fewer opportunities to participate in high school and college sports than boys. When viewed in light of all of the positive attributes of physical activity, including psychological, sociological and physical benefits, this lack of opportunity is troubling.

As we stand here today, we can be pleased and proud of the progress that has been made in attaining gender equity in education, employment and athletics, but we must not forget that the journey certainly continues and that we must persevere in seeking equal opportunities for all women and girls.

Again, Mr. Speaker, I would like to close by saying that it is often said that one person cannot really make a difference, that unless we have millions upon millions of people moving perhaps at the same time, nothing is going to change, but I am standing here looking at one woman, the gentlewoman from Hawaii (Mrs. MINK). Long before I came to the Congress of the United States, I was working with the gentlewoman, and I know about her efforts at that time, and if it had not been for the gentlewoman from Hawaii (Mrs. MINK), we would not have the progress that we have today with title IX.

So in addition to celebrating this anniversary, I stand here to commend my colleague and my friend, the gentlewoman from Hawaii (Mrs. MINK), for being the leader in this area.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman so much. I really appreciate her tribute and kind words, recalling our work together and the tremendous difference that an individual and a commitment to a cause can make and change the whole of society.

I heard a commentator the other day on a talk show say that next to the civil rights, title IX has probably made the most difference in this country in opening up opportunities, and I certainly have to agree that a small effort, a deep commitment, and the consensus of this House in going along and enacting this title IX has made it a tremendous difference for the girls and women in our society.

It gives me great pleasure to yield time to the gentlewoman from California (Ms. MILLENDER-MCDONALD), chair of the Women's Caucus on the Democratic side. We call her our chair, but she is the cochair for the entire House Women's Caucus.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman so much, and I join the voices here today in thanking a woman of great leadership, great tenacity and great stride in furthering the cause of our girls, our daughters, and our granddaughters, and our nieces to seek opportunities no matter where they want to seek those.

As a former director of gender equity, I never thought that I would be on the floor of Congress talking about the need to further opportunities for girls. I thought in this year of 2002 this would all be behind us. Thanks to our dear friend and congresswoman, the gentlewoman from Hawaii (Mrs. MINK), she keeps this front and center.

Mr. Speaker, today I want to applaud her and the success of title IX in opening doors of opportunities for women and girls of all ethnic groups in this country over the past 30 years. However, there, despite the gains made by title IX, we still need to ensure that the promises of equal access to education and advancement in the workplace remain a reality for all women, particularly women of color.

I have researched this issue more carefully, and as I have researched this issue more carefully and more thoroughly, I am concerned that since 1996 Congress has eliminated funding under title V of the Civil Rights Act of 1964 for programs that once supported title IX and gender equity services in 49 States and their educational agencies.

About half of the States lack a dedicated employee to monitor compliance with title IX, as required, and the 10 federally funded Equity Assistance Centers have not received a funding increase in 5 years.

The Women's Educational Equity Act, the Federal Government's only program focused on creating education opportunities for girls and women, was overlooked in this President's fiscal year 2003 budget. If we are going to speak loudly and speak with a volume about our girls and giving them the opportunity, we certainly cannot overlook them in the President's budget that has been to date.

In 2001, the Supreme Court ruled that individuals cannot file lawsuits under title IX alleging retaliation.

There is clearly still a need to better educate the public about title IX and to chip away at the discrimination that impacts girls and women in education and in the workplace. We must remove any and all barriers that prevent women and girls from living up to their full potential.

The truth is, girls and women are woefully underrepresented in the critical areas of technology, and the digital divide is a glaring example of this underrepresentation.

There are glaring places in standardized testing across all races and ethnicities, therefore limiting women's access to higher education institutions, financial aid and career opportunities.

Women's employment opportunities at colleges and universities declined as the prestige of the institution increased and increases.

Women earn fewer doctoral and professional degrees than men do.

Sexual harassment is an ongoing deterrent to equal opportunity for women students, and gender bias is pervasive on many campuses. Ask our daughters, ask our sisters, ask our nieces. They are still plagued with this type of discrimination.

Female students of color, those who are disabled, and girls from poor families are all faced with special challenges that have not yet been fully addressed. We must do more to enable our girls to grow up to become more empowered women.

We know that women comprise almost 60 percent of part-time students and 58 percent of students ages 24 and older.

Women attending a post-secondary institution are twice as likely as their male counterpart to have dependents and three times as likely to be single parents.

Financial aid budgets offer little allowance for dependent care, making many student parents reliant on friends and family and causing them to drop courses or to leave school altogether.

From 1999 to the year 2000, the National Collegiate Athletic Association, NCAA, found that women athletes get only 40 percent of scholarship funds in some athletic divisions, though this figure is an increase over the past 9 years. We are addressing that issue right now.

Another area of education where women are lagging behind men is in the education profession. When we look at elementary and secondary schools, fewer than 35 percent of principals are women, and only 21 percent of full professors are women, and a mere 19 percent of women head up our colleges and universities. Do they not recognize that there are more women in this world than men? Do they not recognize that women are making up the majority of votes in every congressional district in this country? Women must be represented more fully. The numbers are no better at elite institutions where women make up only 22.6 percent of all the faculty. This is another issue we are addressing.

We have got to do more to encourage our girls to consider well-paying careers in nontraditional fields that will broaden their career options and earning potentiality. Too many of our girls choose fields like cosmetology where, the average hourly wage is $8.49, and it is amazing to me. There is nothing wrong with that, but when men get into cosmetology, they rise to the really great presence. They then do the big stars' hair and all the others, and they become an institution in and of themselves, while the women are still in these low wage jobs.

Look at child care, where pay is about $7.43 an hour, as opposed to becoming plumbers, electricians or mechanical drafters who earn about $20 per hour.

If we want our girls to flourish and grow into self-sufficient women, then we must knock down the barriers to their success in the classroom, whether they choose to work in technology, the trades, or pursue professional endeavors.

My granddaughters Ayanna, Ramia and Blair want to play football, and I have encouraged them to go for it, and I have even said if they wanted to be the quarterback. We have got to encourage our girls to find those nontraditional careers where they are making much better earnings than that of the old traditional careers that women have fallen into. We must do that as women become a larger segment of this population of this country.

□ 1545

So on this, the 30th anniversary of title IX, we salute our dear friend and colleague, the gentlewoman from Hawaii (Mrs. MINK). We tell her that we celebrate with her on this endeavor, 30 years of advancing women and girls; that we should celebrate how far we have come and how far we have to go, but we must also be mindful of the distance we still need to travel to ensure optimal educational and vocational opportunities for all of our young women and girls. We can do better than this. We must do better than this. We, as the women of the House, will do better than this.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman for her contributions to this celebration, and I appreciate all of her comments. We do have challenges ahead, and I hope the House will rise to the occasion.

Mr. Speaker, it is now my privilege to yield to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Speaker, I thank the gracious gentlewoman from Hawaii for this opportunity to join with her today as we are commemorating the 30th anniversary of the passage of title IX of the education amendments of 1972.

This title has been instrumental in prohibiting discrimination on the basis of sex in educational programs and sports activities that receive Federal funding. This law applies to admissions, recruitment, financial aid, academic programs, grading, vocational education, recreation, physical education, employment, athletics, and much more. This title continues to present many opportunities for girls to acquire new skills, friendships and make their dreams a reality.

Before title IX, many schools saw no problem in maintaining strict limits on the admission of women or simply refusing to admit them at all. Since the passage of title IX, this has changed dramatically. In 1994, women received 38 percent of medical degrees, 43 percent of law degrees, and 44 percent of all doctoral degrees. In 1972, women received only 9 percent of medical degrees, only 7 percent of law degrees, and a mere 25 percent of doctoral degrees.

Title IX has provided unprecedented opportunities for young women interested in pursuing a competitive athletic career. The U.S. Women's Soccer team won the World Cup victory in 1991 against Norway and again in 1999 against China, and this was possible because title IX funds were available to the young women earlier in their lives.

I had the opportunity to share a remarkable experience with the team. I was able to attend Eileen Collins' launch of a NASA space shuttle with the soccer team, then First Lady Hillary Clinton, and many other supporters of title IX. This was the first time a woman commanded a NASA shuttle. It was a spectacular event that symbolized the accomplishments of the act. Commander Collins and members of the soccer team continue to inspire younger women to follow their own dreams.

Younger women are now aggressively entering many fields with more confidence and assurance because of the positive impact of models such as these and the availability of title IX funds. In my district, title IX has allowed many young women to enter and excel in sports. Independence's Fort Osage High School's Dana Rohr was awarded a $2,000 scholarship for her academic work and participation in sports. Angela Goodson of Blue Springs South High School won the Missouri State Girls title in swimming. Liz Pierson of Lee's Summit North won six goals and three assists for her soccer team, which finished second in Missouri. Janiece Gatson, a junior in Grandview, won fifth place at the Missouri 4A State meet for running 400 meters in 57.3 seconds. Saint Theresa's, an all girls' school in my district, became the first non-St. Louis team to win a Missouri 1A–3A soccer girls title with a 6–2 victory this past Saturday.

Thanks to title IX, more and more young women are being recognized and encouraged for their scholarly and athletic work. Since 1971, women's participation in sports has markedly increased, with more than 135,000 women presently competing in intercollegiate sports. Women currently constitute nearly 40 percent of all college athletes, compared with only 15 percent in 1972.

Recent data show that approximately 2.6 million high school girls participate in a wide selection of high school sports, representing nearly 40 percent of all high school athletes. In 1971, only 7.5 percent of high school athletes were female.

Female participation in sports, like receiving a college education, has had an unexpected benefit for women. Studies have shown that values learned from sports participation, such as teamwork, leadership, discipline, and pride in accomplishment, are important attributes as women increase their participation in this workforce as well as their entry into business management and ownership positions.

My love of sports throughout my schooling gave me confidence and a sense of accomplishment. The friendships I made with teammates and the memories we share keep us in contact in our adult lives. My experience in sports enabled me to attain leadership and professional skills and gave me the confidence that helped shape my career.

Thirty years after the passage of title IX, we recognize and celebrate the profound changes this legislation has helped to bring about in America and the resulting improvements in educational and related job opportunities for millions of Americans. More and more women are entering and graduating from college and graduate school, more women are entering and excelling in sports activities, and more women are entering the corporate world and holding management positions.

I thank the gentlewoman from Hawaii (Mrs. MINK) for her leadership in enacting title IX. Thanks to her courage and her persistence, the country is better because more women are able to achieve their full potential. I am pleased to join with her and my colleagues today in celebrating the 30th anniversary of title IX and promise to work with them to uphold and enforce this legislation in order to ensure equal opportunity for all Americans.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman for her contributions towards the recognition of title IX and the 30th anniversary. Her thoughts and expressions about what has happened, what it has meant to the country, and what is still yet to do, I hope, is the challenge of today's event. I thank her very, very much for coming.

Mr. Speaker, there are many others who wanted to be here, but because of the advance of the time that we had informed the offices that they would be heard, many are not here. But I wanted to say that the most important message that I believe we all want to say in the 30th anniversary of title IX is that while we can give the impact of what title IX has meant to this country up to now, we who have lived all of the problems and difficulties of the last 30 years can easily understand and appreciate the importance of this legislation but are concerned that the young people coming up still in schools, elementary, secondary school, perhaps some even in college, do not quite understand the importance of this legislation.

Those that are participating in athletics, in soccer, basketball, whatever, probably assume this is the way it always was and that opportunities for girls and women were always assured under our democracy, under our Constitution, under our concepts of the 14th amendment, 15th amendment, and so forth. There is not a perception out there among young people that this ability that they have to participate in this way could be challenged. In point of fact, it is being challenged, as some of the speakers have said today.

There is a lawsuit that has been filed by the wrestlers association and some others challenging the rules and regulations that were put in place by the Department of Education to implement the law. They are saying that the rules and regulations have been implemented and applied so as to discriminate against men's teams. They refer to them as the minor teams, such as wrestling and so forth; and they allege that the regulations have caused the institutions to eliminate many of these men's sports on college campuses.

I am pleased that the administration chose to respond to this lawsuit by arguing that it is not the obligation of the Federal Government; that none of the allegations that were made in the litigation are true. And that if, indeed, men's teams were eliminated, it was the responsibility of the individual universities and institutions to justify why they did it.

There are many reports to indicate why this happened, and that is because the big sports at these universities, the football and the basketball and baseball, and so forth, have consumed the revenues and the attention of the administration. And because they are reserving huge blocks of manpower and money and resources to their high visibility, high revenue sports, some of these sports activities have had to go.

So I think it is time for the institutions and the universities to take a look at this problem and try to respond to these groups, such as the wrestlers, and explain to them that it is not because title IX is so effective, and that the women are participating and that the universities have an obligation to offer these opportunities to women, that have forced some of these men's sports to go by the wayside.

So we are constantly under challenge and under scrutiny, and it is not time for us to rest on our laurels and to simply exclaim the wonders of this legislation and how it has transformed our society. I call upon the House and every Member here to be vigilant and to recognize that this is an important law which was put into effect, and that we have to make sure that it continues to abide as the principle of this country and enables our young generations coming forward to enjoy the fruits of this legislation.

I am pleased now to yield to a distinguished colleague, the gentleman from Maryland (Mr. HOYER), for such comments as he may wish to make.

Mr. HOYER. Mr. Speaker, I thank my friend, the gentlewoman from Hawaii, who is one of the senior Members of this House and who has seen, I think, over time, the development of title IX, the enactment of title IX, and the impact that title IX has had.

I certainly associate myself with her remarks, that while we are obviously pleased at the progress that has been made, we ought not to believe that everything that can be done or should be done has been done.

Mr. Speaker, this month, as we have said, marks the 30th anniversary of title IX of the Education Act Amendments of 1972. This legislation prohibits sex discrimination in educational institutions that receive Federal funds. It has been instrumental, in my opinion, in helping women get into educational programs where they had previously been underrepresented, such as the math and sciences. It has helped to encourage women to break job barriers and obtain careers, such as engineers, doctors and mathematicians, which in turn has diversified our workforce and infused our society with an energy and potential that had not been tapped for centuries.

It is really incredible, when we think of this country and we think of how we excluded on the basis of gender so many talented people. I am the father of three daughters. I have one grandson, but I have three daughters. And the concept that these incredibly talented, energetic people would have been excluded based upon their gender is despicable. We have come a long way in this country not only on gender but on race, ethnicity, and national origin. Title IX was a tremendous contributor to that progress.

Perhaps the biggest achievement of title IX is the fact that it has leveled the playing field for men and women in sports. It mandates equal treatment for playing opportunities, access to athletic scholarships, equipment, facilities, and coaching. The numbers paint a powerful portrait. In the 30 years since title IX, the number of girls participating in high school sports has skyrocketed from 200,000 to almost 3 million, an 800 percent-plus increase. At the intercollegiate level, the number of participants is five times greater than before title IX was enacted.

The best athletic team that we had participate in the Summer Olympics in Rome was the girls softball team. Those young women were the best in the world. Watching women's basketball now, and the Mystics are doing very well, as the gentlewoman may know, in Washington. I think we have won six or seven straight, the best start we have had in the Women's Professional Basketball Association. I am old enough, I hate to admit, to remember the women's basketball game when there were three full courts and three back courts, as if women could not run from one end of the court to the other end of the court. It was one of the dullest games I have ever seen. And not only was it dull for the spectators, it was dull for the players. Now, of course, we see the incredible athleticism the women display in playing basketball, clearly, frankly, as good as the men. The difference being the men are bigger and, therefore, with a 10-foot basket, have an advantage.

But what an appropriate thing it was to say we are going to treat people based upon, as Martin Luther King said, the content of their character or the abilities that they have.

□ 1600

We said that in the Disabilities Act. We said it in title IX, how important it is for us to continually emphasize it is what people can do that we need to focus on, not their gender or race or disability, not some arbitrary and mostly capricious distinction that we draw.

Clearly, the dated stereotype that women are not interested in athletics has been shattered as the door of opportunity continues to open.

Just think of Venus and Serena, two extraordinary sisters, the two best tennis players in the world, the Williams sisters. Clearly there is not a man on this floor, period, that would want to play them with any consequence to losing because we clearly would lose badly.

Title IX has allowed the desires and passions of millions of women to be realized. They participate in sports. They enjoy sports. They succeed in competitive sports.

My oldest daughter played 4 years of varsity basketball in high school in the Catholic Girls League here in Washington, D.C., which is an extraordinarily good league.

Competitive athletics have increased the academic success of young women and make it less likely that they will become involved with alcohol and drug abuse. The emotional and physical benefits women and girls gain from participation are invaluable. We know that physical participation is important, not only for your physical but also your mental capacities.

At a time when many young women become critical of their appearance and grapple with eating disorders and low self-esteem, sports helps young women develop confidence and a positive body image. In the long term, athletic activities decrease a woman's chance of developing heart disease and breast cancer. So it is truly extraordinarily helpful.

Mia Hamm, and what an extraordinary athlete she is, the captain of the U.S. soccer team, which won the 1999 Women's World Cup, once stated, "What I love about soccer is the way it makes me feel about myself. It makes me feel that I can contribute." She is part of the daughters of title IX who have paved a path for millions of female athletes to follow. Her statement hits the nail right on the head, as it highlights the self-confidence and teamwork skills sports helped to develop and define.

Title IX is, of course, not without its critics, but I think for the most part they are misguided. They blame title IX for eliminating some men's minor sports, but the reality is title IX provides institutions with the flexibility to determine how to provide equity for their students.

A March 2001 GAO study found that 72 percent of colleges and universities that added women's teams did so without cutting any men's teams. In fact, men's overall intercollegiate athletic participation has risen since the passage of title IX. This truly was a win/win situation for men as well as and particularly for women.

Part of the problem lies with the larger of the men's sports, such as football and basketball, which consume a majority of men's total athletic budget. The complaint to be brought against title IX is that it does not go far enough, that the advancement for women in education and athletics, no matter how positive, must go further.

As part of today's celebration of title IX, I would like to recognize Dr. Deborah A. Yow, the athletic director for the University of Maryland. I have told this story before, and I am not sure if the gentlewoman from Hawaii (Mrs. MINK) or the gentlewoman from California (Ms. LOFGREN) have heard this story. The gentleman from North Carolina (Mr. COBLE) is a crusty, conservative Member of the House of Representatives; a wonderful human being, a good-hearted human being, but not one that I perceive in the forefront of feminism in America, and I say that affectionately.

He knows full well that I am closely associated with the University of Maryland. He came up and said, you know what, you have got a woman you ought to hire at the University of Maryland. She is a friend of mine, Deborah Yow, and is under consideration to be the athletic director at the University of Maryland.

Now, at that point in time there were no women athletic directors at the level 1–A schools. But the fact that the gentleman from North Carolina (Mr. COBLE) came up to me and said Deborah Yow could do that job, I went back to my office and picked up the phone and called the then-president of the University of Maryland, who is now our new chancellor of our system, and told him, Britt, I have just talked to a person, this Deborah Yow must be extraordinary. Shortly thereafter, Deborah Yow was hired. She is now the athletic director, and of course we finished 10–1 in football and won the national basketball championship, under a woman athletic director. Those were men's teams; and we have won numerous championships in lacrosse and field hockey for our women's teams.

Her sister is a major athletic leader in our country as well. Her outstanding career achievements serve to exemplify the important contributions made by women in the athletic arena, as well as to our entire society.

In a male-dominated profession, 91.6 percent of athletic directors in Division I universities being men, Debbie has not only met the challenges of her profession, but she has raised the bar for all. Under Debbie's leadership, the Terrapins ranked nationally as one of the top 20 athletic programs in the country, according to U.S. News and World Report. The University of Maryland under her leadership has established an incredibly strong athletic program with exemplary student athletes, coaches and administrators.

Mr. Speaker, in closing, let me thank the gentlewoman from Hawaii (Mrs. MINK) for focusing on this historic event. In 1972, when the Congress and the country said we are going to make sure that everybody, irrespective of gender, can participate equally and achieve to the extent of their character and their ability, we made a statement and adopted a policy that has made America a better country.

Mrs. MINK of Hawaii. Mr. Speaker, reclaiming my time, I thank the gentleman from Maryland (Mr. HOYER) for his contributions.

REQUEST FOR ADDITIONAL TIME

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent for 5 additional minutes.

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). The Chair may not entertain that request. Another Member may separately request time to address the House.

TITLE IX CELEBRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes.

Ms. LOFGREN. Mr. Speaker, title IX was passed by the U.S. Congress on June 23, 1972, and signed by President Nixon on July 1, 1972. This important civil rights law prohibits discrimination in education programs and activities receiving Federal funds. And as we pause to celebrate the 30th anniversary of this landmark legislation, we can easily see how the law has allowed women and girls increased opportunity to participate in athletics.

What I think has been overlooked by some is how this law has also spurred great improvements for women in the areas of access to higher education, job training, career opportunities, and math and science skills. America has focused more attention on the issues of sexual harassment and created better learning environments for women because of title IX.

I remember before the passage of title IX, schools and universities often had separate entrances for male and female students. Women seeking admission to many colleges and universities were forced to have both higher test scores and better grades than their male counterparts just to get in because there were limits on how many women were allowed, and the chances of women being admitted to medical school or law school were slim because in many cases the female students were limited to less than 15. Those who were lucky enough to get into college found themselves with curfews. I remember mine was 10 p.m., one had to be into the dorm by 10 p.m. So, so much for cramming for tomorrow's exam in the library along with male students.

Women applying for doctoral programs had explained how they would combine a career and family, but of course that question was not asked of their male counterparts, and oftentimes men were given preferences on scholarships and women were not.

Before title IX, girls were just 1 percent of all high school athletes, and athletic scholarships accordingly were almost nonexistent. So as a result, athletic scholarships were just not available.

Title IX has expanded opportunities for girls and women to pursue career education. Many of these careers were off limits before 1972, and when school segregated vocational education by sex, and I recall that the girls all took home ec and I learned how to sew, actually I already knew how to sew, but the boys took vocational ed that could lead to really good-paying jobs, and that day is now over as well.

After 30 years, women in educational institutions have made progress. Before title IX, women often lacked tenure in colleges and universities. They were promoted at a slower rate than their male colleagues. Fewer women were employed as administrators. And that has now changed as well, and it was part of the wave of change that title IX helped bring.

One of the most significant breakthroughs that title IX has made possible is how the many barriers in nontraditional fields such as math and science have been shattered, and I cannot emphasize the importance for America of that. I recall looking for employment for the first time in the want ads and they were segregated into men wanted, married women wanted, single women wanted. That day is over in part because of title IX, and I think we can celebrate the changes that we have made and look forward to the additional changes to come.

And I thank the gentlewoman from Hawaii (Mrs. MINK) for organizing the testimony tonight, and I yield to her with gratitude for her leadership in this issue.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman for yielding to me and for coming to participate in this recognition of the importance of title IX to the lives of everyone, not just the girls and women in our society.

Mr. Speaker, in closing, I want to say I have a very personal connection with title IX because while I was wanting to go to medical school in my time and I had written to a dozen or more medical schools to seek entry, each one of them turned me down by saying that they did not admit women to their schools. It came to me as quite a shock that in America it was not a person's grade, aptitude, tests, recommendations that got the person into the careers of their choice, but that it had to do with one's gender. So it appalled me. I did not know whether to resign myself to that situation or not. I had finished college. I did not have a place to go, had no real insights as to what I was going to do with the rest of my life.

I got a job at an art academy as assistant director, and the director said to me, do not give up, there is something there you can go to. So this is how I came to title IX. I was determined that no other young woman in this country should ever have to endure the kinds of frustrations and injustice that I had to face while I was trying to find my place in this great democracy.

So, Mr. Speaker, I thank everyone for participating and hope that all who have had the opportunity to listen tonight will be sparked to spread the word around America that title IX is still alive and well.

MARKING 30TH ANNIVERSARY OF TITLE IX

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, unfortunately I missed the opportunity this afternoon to speak with my colleagues with regard to the celebration of title IX, its 30-year anniversary. I am pleased to stand in support of such a wonderful piece of legislation that gave young women all across this country an opportunity to step up, step out and be a part of a team and have the encouragement to win.

I am particularly very proud that in the city of Cleveland we have already hosted the NCAA women's volleyball championships and I am going to be chairing the NCAA women's basketball Final Four Championships in Cleveland in 2007. In addition, in 2004 in the city of Cleveland, we will be hosting the international children's games. This will be the first time these games will be hosted in the United States, and I am pleased to have an opportunity to host them right in the city of Cleveland.

We have learned over the years that having the opportunity to participate in sports has been a way that young men and young women have an opportunity to learn how to compete, what team building means, what it means to be a part of a group, what it means to win, what it means to cheer, what it means to be disciplined, what it means to have a chance to work out and then show what workout does once you have an opportunity to work with your team.

Mr. Speaker, I am so pleased to have an opportunity to congratulate the gentlewoman from Hawaii (Mrs. MINK) as she celebrates with all of her colleagues and this Congress as we celebrate title IX.

Mr. FARR of California. Mr. Speaker, thirty years ago, Title IX of the Education Amendments was enacted. This legislation represents the very best of what we come here to do.

I am proud of Title IX. I am proud of Title VI of the Civil Rights Act of 1964, on which it was modeled. I am proud of the legislation which followed: Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Americans with Disabilities Act of 1990.

I am proud every time our federal government reaffirms its commitment to the offer extended to us and to every one of our constituents. It invites us to come to it for assistance, for the education of our children, for the healthcare for our families, for the financial security of our parents, for the clean air and water for us all, or to simply come, participate as a citizen of this nation, and when we come to it, we know that our gender, our race, our religion, and our beliefs will not affect the treatment we receive. We are equal; we will enjoy equity.

There have been times in our history when our government has put forth a lesser offer, or an offer not extended to all. There have been times when the offer was made only after fierce debates by this body. As we do not all agree now, we did not all agree at those times. The arguments that were made against equity then had been made before, and will probably be made again. We will fight them with a conviction embraced for the principles it represents, and guided by the knowledge of past arguments, fought and won.

The equitable educational opportunities our daughters receive because of Title IX have prepared them to fight with us. They will create the legislation of which we will all be proud. They have experienced less of the injustices experienced by their mothers before the enactment of Title IX. This is a victory, and one of which we should all be keenly aware.

Through Title IX, the federal government has made a promise to our daughters that they will not be discriminated against by it, or by any agency, organization, or institution that receives its support. Today we honor this promise, the work of all those who fought to establish it, and we recommit ourselves to its strengthening and its expansion.

Ms. RIVERS. Mr. Speaker, I rise today to commemorate the thirtieth anniversary of the landmark Title IX legislation, which ensures that young women are given the same opportunities their male counterparts enjoy, both in academics and in athletics.

When this legislation was passed in 1972, over three and a half million boys were participating in high school athletics, while less than 900,000 girls did so. During the last school year, however, and after 30 years of Title IX, the number of girls has tripled, with over 2.7 million girls playing a high school sport. These statistics clearly demonstrate that Title IX has been enormously effective in bringing young women into sports.

However, there is still work to be done. Though female athletic participation has increased over 800% since the passage of Title IX, according to the Women's Sports Foundation, male athletes still receive 1.1 million more participation opportunities than their female counterparts.

Title IX states that, "No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid." This mission is as important today as it was thirty years ago. Together, as parents, teachers, coaches and mentors, we should continue to stress the importance of Title IX, and recognize the great strides it has made in leveling the playing field, literally, for young women in this country.

Ms. KILPATRICK. Mr. Speaker, I rise today to speak out in support of celebrating the 30th anniversary of the passage of Title IX of the Education Amendments of 1972. As we all know, Title IX prohibits sex discrimination in educational institutions from receiving federal funds. Title IX has been a crucial part of setting a standard of equal educational opportunity in this country.

Title IX aids in the disintegration of inequitable admissions policies, increases opportunities for women in nontraditional fields of study such as math and science, improves vocational education opportunities for women, reduces discrimination against pregnant students and teen mothers, protects female students from sexual harassment in our schools, and increases athletic opportunities for girls and women and has heightened the world's awareness of the importance of women's sports.

Even though this 30-year-old legislation has done so much good in this country, it is again under fire as a result of a lawsuit filed against the U.S. Department of Education alleging that it is to blame for the elimination of some men's minor sports. The Department of Justice, fortunately, is seeking dismissal of the suit, but this case has revived discussions about gender equity and the impact of Title IX.

I stand today with my colleagues to reaffirm the necessity of Title IX and to celebrate its success over the past 30 years. May Title IX remain a reminder to us that our legislative system is created to protect the inherent and equal rights of all of our country's citizens, regardless of race, gender, or creed.

Ms. PELOSI. Mr. Speaker, I join my colleagues today in commemorating the 30th anniversary of Title IX and I thank my distinguished colleague, Congresswoman PATSY MINK, for organizing this special order.

As a member of the Education Committee in 1972, Congresswoman MINK helped craft Title IX, and engineer its passage. The day that it came to the floor, she was called away because her daughter had been in an automobile accident. She knew the vote would be close—and in fact the bill lost by one vote. But PATSY, through sheer force of will, forced then-Speaker Carl Albert to do the unheard of—to bring the bill up on the floor again. That time it passed.

Thank you, PATSY, for your leadership and dedication and for leaving women and girls a lasting legacy of your commitment to equal opportunity for all. While Title IX is best known for participation of women in sports, its real purpose is much broader: to end gender discrimination in all education programs. I always say that the three most important issues facing Congress are our children, our children, and our children.

Education is the most dynamic investment we can make and will bring more funds into the Treasury than any tax incentive you can name. Educated students become knowledgeable, productive citizens who are able to compete in the information economy. Title IX ensures that the full range of education opportunity is available to all of our children. For 30 years, Title IX has taken down the "No Girls Allowed" signs from our schools' locker rooms, shop classes, and career counseling centers. Today, because of Title IX, we are also taking down the signs from corporate boardrooms.

While there is much to celebrate on this 30th anniversary, there is also important work to be done. Barriers still exist to keep women and girls from achieving their full potential. Technology education is one of those barriers. Technology is the driving force of our economy and the sector most in need of educated workers. According to the Department of Labor, nearly 75 percent of future jobs will require the use of computers. Yet less than 33 percent of participants in computer courses are girls.

Girls are five times less likely than boys to consider a technology-related career path or plan to take postsecondary technology classes. We must use the power of Title IX to ensure girls are encouraged to participate in computer and technology programs that can broaden their options for the future. Before we can do that, however, we have to lay the basic infrastructure for technology educational for all our students. The first step toward preparing girls for the new economy is providing them with qualified teachers. Less than 2 percent of all computer/technology teachers today have a degree in computer science, and only 30 percent of teachers say they received any technology training.

Unfortunately, President Bush's budget eliminates the program that would help teachers effectively integrate technology into the classroom. As a mother of four adult daughters, I have seen the results of Title IX. Some are visible, like the growing number of girls on soccer fields and basketball courts. Equally important, though less tangible, is the message that Title IX sends to women and girls: Your education is crucial and your future is limitless.

Young women today believe they can do anything. And they can. We must continue to support this belief by fulfilling and sustaining the promise of Title IX.

Mr. FALEOMAVAEGA. Mr. Speaker, today marks the 30th anniversary of the passing of Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in federally assisted education programs or activities. Since its passing, Title IX has been crucial in setting a standard of equal education opportunities. Women and girls today, tend to be better educated and enjoy many opportunities that far surpass those of previous generations.

In the past 30 years, the growing trend has been for most to equate Title IX with women in athletics. Women and girls' participation in sports has increased. By 2001 nearly 2.8 million girls participated in athletics, an increase of more than 847 percent from 1971. While the achievements of female athletes is impressive, the effects of the legislation have reached well beyond that of sports.

We have steadily seen an increase in women's enrollment in school, accessibility to funding for school, and women in fields of study generally dominated by their male counterparts. In 1971, only 18% of young women completed four or more years of college. By 2006, women are projected to earn 55% of all bachelor's degrees. Similarly, women have made significant progress in graduate and professional fields. In 1994, women earned 43% of all law school degrees, compared with 7% in 1972. And in 1999, women earned nearly 50% of all medical degrees; in 1972, only 9% of medical degrees were earned by women.

As a result of Title IX, women have the opportunity to grow and excel in areas once reserved only for men; creating a more prosperous and fruitful nation. Today we must celebrate the advancements women have made over the last 30 years as well as recognize that there is still more work to be done. Disparities in salaries continue to exist between men and women. We continue to see less women in administrative positions, hard sciences and we need to create additional opportunities for more women to enter the non-traditional fields of science and math.

Today we celebrate Title IX of the Education Amendments of 1972's pivotal role in expanding women's educational opportunities and applaud the progress women have made over the last 30 years. In recognizing and celebrating Title IX's importance in today's society, we are ensuring that equal educational opportunities continue to be afforded to women and women's roles in society continue to be strengthened and appreciated.

I would also like to take this opportunity to recognize the women of American Samoa, who continue to excel because of Title IX. Growing numbers of Samoan women are furthering their education, both in American Samoa and in the United States. Many return home to contribute to the island community, while others remain in the U.S. as teachers, lawyers, professors, doctors and judges. Malo lava taumafai ia outou tama'ita'I Samoa i le la outou sogasoga ma le finafinau I le su'eina o le poto. E fia momoli atili ai le Fa'afetai tele I le porokolame o le Title IX mo le avanoa ua faia lea mo tama'ita'i Samoa.

Ms. LEE. Mr. Speaker, I rise today to commemorate the 30th anniversary of Title IX, the Education Amendments of 1972. Thirty years ago, Title IX was proposed to prohibit sex discrimination in federally-funded education programs. Since its enactment, Title IX has made a tremendous impact in bridging the gap between gender inequality in our educational system. Title IX has made improvements in the admission process, financial aid and scholarships allocation, educational programs and activities, health insurance benefits, marital status, athletics, and employment opportunities for women. Its extraordinary efforts have enriched the educational experience for women over the past 30 years.

In June 1997, the Department of Education attributed the rise in the level of education for women to Title IX. Its statistics are striking. In 1994, for example, about 63% of female high school graduates were enrolled in college, comparing to 43% in 1973. By 1994, about 38% of women received medical degrees comparing to the year in which Title IX was first introduced, in 1972, only 9% of medical degrees were awarded to women. In the same year that Title IX was enacted, about 7% of female students in law schools received a law degree. Whereas in 1994, about 43% of law degrees belong to women.

Title IX also helps lower the drop-out rates of women in school. It increases women's chances to enter what was once male-dominated fields such as math and sciences. It gives women more opportunities to complete post-secondary, graduate, and professional degrees. Furthermore, since its enactment, Title IX has increased athletic scholarships for women and thus expanded women's participation in athletics.

A Connecticut judge said in 1972: "Athletic competition builds character in our boys. We do not need that kind of character in our girls." Today, athletic departments around the country are required to provide athletic opportunities for women and men proportionate to their enrollment. In addition, schools are required to foster programs that meet the interests of women. No longer is athletic competition just a man's world.

As the World Cup is taking place, I'd like to take this opportunity to congratulate the U.S. Men's National Soccer Team for their recent accomplishment in the quarter final. And it is my hope that they bring home the Gold, just as the U.S. Women's National Team did in 1999.

The U.S. Women's National Soccer Team is consistently one of the best, if not the best in the world. There is no doubt in my mind that their success is due, in large part, to Title IX, which gave them the support, financial and otherwise, that were not available to them prior to the birth of Title IX.

Title IX and subsequent related legislation have played a tremendous role in improving the lives of women since its enactment in 1972. And I am confident it will continue to elevate the status of women in society in the years to come.

I am proud to join my colleagues in celebrating the 30th anniversary of Title IX.

GENERAL LEAVE

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on special order of the 30th anniversary of title IX.

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

□ 1615

HOMELAND SECURITY

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I apologize for missing my earlier time slot. We were meeting with President Uribe of Colombia, the President-elect of Colombia, and we were very encouraged with his words on how he plans to address terrorism inside Colombia, narcoterrorism funded by American drug consumption. I am pleased for his initiatives and his intention to increase the Colombian contribution to the military and antidrug efforts in Colombia to address some of the concerns this Congress has had as far as who is involved in their armed forces and to have it more democratically spread through their country and his determination and will to fight the narcoterrorists in Colombia.

As I had mentioned yesterday on this floor, our subcommittee on government reform as well as other subcommittees and tomorrow the full committee will be starting to address the Department of Homeland Security. I wanted to raise a few other issues this evening. One in particular has to do with visa clearance, as we have learned, that really the Department of Homeland Security is more aptly called the Department of Border Security for Catastrophic Security. In other words, it has predominantly to deal with the meeters and greeters, those people as they are coming through ports of entry, as they are coming in airports, as they are crossing borders, as they are making decisions to come to the United States, and the primary concern of this department is catastrophic terrorism, not day-to-day terrorism. If you look at it in that sense, that is why the President has chosen to put the agencies that he has inside the Department of Homeland Security.

But there are a number of things that we need to look at hard in Congress. In section 403, visa issuance, it says in the proposed legislation that exclusive authority to issue regulations with respect to, administer and enforce the provisions of this act and all other immigration and nationality laws relating to the functions of diplomatic and consular offices of the United States will be given to this department, but it says, through the Secretary of State.

One fundamental question is, why are the people who are making the visa decisions at the embassies not considered part of the homeland security since otherwise the people at the Border Patrol, the Customs, the INS and others who are making those decisions at the border are merely reacting to what has been cleared at the embassy? Secretary of State Powell has objected with several comments and I wanted to respond to those.

He says that the Secretary of State and the State Department no longer have command over employees at the embassy. Of course not. There are other people who work at our embassies abroad, DEA, for example, and other agencies of the United States Government, the Defense Department, who work through our embassies and are not the direct employees of the Secretary of State. They have different missions. In this case, visa clearance, in my opinion, is a homeland security question predominantly and secondarily a foreign affairs question. And where it is a foreign affairs question in the case of China, the Secretary of State should be weighing in; but where it is a homeland security question, that person ought to be a line person in the Department of Homeland Security.

He says there would be conflicting information and guidelines for visa adjudication policy. No, there are currently conflicting things. Both the Justice Department and the State Department input and quite frankly homeland security ought to be the preeminent concern and then other political interests should be a concern.

He says the Secretary of State's ability to set foreign policy would be limited, only limited based on terrorism. The next question would be, Would this diminish the role of American ambassadors? No more than having DEA and other Defense Department personnel and other Commerce Department personnel in the embassy. We all recognize the importance of each ambassador being the American voice in those countries. No matter who works in that embassy, no matter who visits as a Member of Congress, our job is to back up the American voice in that country and not to cause cognitive dissonance in those countries. I do not believe it undermines the ambassador, I do not believe it undermines the Secretary of State, but if we are serious that this is at least the Department of Border Security, then we need to make sure that visa clearance comes under the Department of Homeland Security.

I also wanted to address a few questions related to Customs and illustrate a few points and challenges we have there. Clearly Customs is patrolling the border. This picture is one that I took along the Canadian border east of Blaine, Washington. This is Cascades National Park coming up on this side, which is further to the east. You can see the Canadian border running along here, a ditch that you could maybe sprain your ankle if you were running fast, but basically it is a completely unprotected border. Furthermore when you go in through the mountains, it is even less protected. As we tighten the borders at the crossings, we have to address the broader questions of how we are going to deal with the border; and if we overtighten at the crossing which will also restrict commerce, not only will we push it to the east in some cases, to the west in others and in the mountains and into the water, we also will have slowed down commerce. So it is important to understand that while the primary mission of the customs department in homeland security will be security, it is also important that they keep the trade moving.

We will continue to discuss this in committee and on the floor because it is very important we maintain the balance in Customs and Coast Guard in addition to homeland security for trade and other missions that they have.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes.

Mr. ROSS. Mr. Speaker, for the next hour I plan to visit with the Members of the United States House of Representatives, and other Members will be joining me throughout this hour, to talk about the need to truly modernize Medicare, to include medicine for our seniors. This is something that both parties have talked a lot about. They have talked about it for years. Yet we continue to live in a society where today's Medicare, if you really stop and think about it, is designed for yesterday's medical care. What I mean by that is I recently encountered an elderly woman in Glenwood, Arkansas, in my congressional district who is a retired pharmacist who just happened to have been a relief pharmacist at the pharmacy that my family used in Prescott, Arkansas, when I was a small child growing up there. She talked about how if she filled a prescription and it cost more than $5, she would go ahead and fill the next prescription while she tried to build up enough courage and confidence to go out and tell the patient that their medicine was going to cost $5. My, my, how times have changed. How times have changed and indeed today's Medicare really is designed for yesterday's medical care.

I have stepped across the aisle and voted with my Republican Members probably as many times as any Democrat in this Chamber. So I think I can say with some credibility and with some respect that when it comes to the need to provide our seniors with a prescription drug benefit, in my opinion the Republicans are dead wrong on this issue. This is coming from a conservative Democrat from south Arkansas, one who has crossed over that aisle and voted with the Republican Party numerous times over the past 17 months.

The reason I know that their prescription drug plan is bad is because, you see, I understand this issue. I own a small-town family pharmacy. My wife is a pharmacist. I understand this issue. And I understand what our seniors need. They need an affordable, a voluntary, a guaranteed prescription drug benefit for all seniors.

I am going to spend the next hour talking about the differences in the Republican plan and the Democrat plan, and I am proud to be one of four lead sponsors on the Democratic plan, one that will truly modernize Medicare to include medicine for our seniors. But before I get into that, I would like to yield to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. I thank the gentleman from Arkansas (Mr. ROSS) for yielding. I came to Congress in January of 1999. In 1998 I was campaigning on behalf of senior citizens throughout these United States. I was campaigning particularly because my dad is 82 years old, my mom is 81 years old, all of my friends have parents that are octogenarians; and I talked to them constantly about what is it that I can best do if and when I go to Congress to support you. All of them said to me, save Social Security, make sure Medicare is strong, and we need a prescription drug benefit.

In my congressional district, which is the 11th Congressional District of Ohio, we have had two or three sessions with senior citizens where we have given them a chance to come out and talk about the issue of a prescription drug benefit and what it would mean for them. Many of them are talking about taking as many as nine or 10 different drugs and that as a result of having to take that many different drugs, the cost of drugs, their prescription drugs, is so significant that they are really choosing between eating and choosing between, in the twilight of their lives, having an enjoyable time versus having the chance to enjoy the benefits of all the work that they have done.

Recently on the front page of The Washington Post, there was an article entitled "Kicked in the Teeth," which lamented the impact of America's soccer team victory over Mexico during the World Cup competition and the implications that such a loss had upon our neighbors to the south. The article went on to discuss the embarrassment of this loss for a nation with a great soccer tradition such as Mexico.

Well, today I want to borrow from that title to discuss the GOP prescription drug plan that was marked up this week. Senior citizens in America are not unlike Mexico's soccer fans. They expected a win and what they got was a loss. But this loss was not at the hands or feet of a foe, but rather the House leadership. Once again the leadership has created an industry-based bill that further alienates and confuses senior citizens on what they can expect. According to experts, the GOP plan is, and I quote, "Hollow, highly ideological and worthless. It will roll back Medicare and leave senior citizens in the country choosing between food and medicine." So in essence they have been kicked in their teeth.

The disappointment senior citizens must be feeling cannot be measured or polled; but I would encourage all those grandmothers, grandfathers, aunts, uncles, mothers and fathers to remember that your sacrifice to build, protect and maintain the greatness of this country is not being respected by the House leadership, but rather sold to the highest bidder.

"Sold" is the word you hear at the end of a successful auction. I would like to invite all of you here in town tonight to join my Republican colleagues at the close of their prescription drug benefit auction tonight at the pharmaceutical-industry-sponsored GOP fundraiser. All you need is about $25,000 and just no conscience at all.

However, I would impart one word of advice. The only thing they are going to serve tonight is corn on the cob, so if you have been kicked in the teeth you better find somewhere else to eat. So if you show up tonight with a hearty appetite for change and you are looking for a truly compensive prescription drug benefit, the soup line is forming to the rear. I would suggest you tell all of your congressional Members that they should support the Democratic substitute that is being offered by my colleague, the gentleman from Arkansas (Mr. ROSS).

I thank the gentleman from Arkansas for his leadership on this issue. I am confident that once the American public has had a chance to listen to the difference between the Republican bill and the Democratic bill, they will understand that the Democrats in this House are pushing for a real prescription drug benefit.

□ 1630

Mr. ROSS. Mr. Speaker, I thank the gentlewoman for sharing her thoughts with us on the prescription drug issue and for all that she does.

Mr. Speaker, let me just visit for a moment about my experiences, not as a Member of the United States Congress, but as someone who is married to a pharmacist, who owns a small-town family pharmacy in our hometown of Prescott, Arkansas, a town of 3,400 people. Let me talk to you for a moment as a family pharmacy owner, someone who has experienced all of the trials and tribulations that our seniors go through day in and day out.

I actively managed that business before coming to the United States Congress; and I can tell you, I can put faces and names with patients, but patient confidentiality, thank goodness, prevents that. But I can put faces to these stories in my own mind as I relay them today of seniors who would come into the pharmacy, who were literally forced to choose between buying their medicine, buying their groceries, paying their rent, paying their light bill.

We are talking about the Greatest Generation. We are talking about seniors who have given so much to this country, who supposedly live in the most industrialized society in the world, and yet we live in a society where they cannot afford their medicine or cannot afford to take it properly.

Living in a small town, I would see seniors leave without their medicine; and living in a small town I would learn a week, 10 days later, where they are in the hospital in Hope, Arkansas, some 16 miles away from my hometown of Prescott, running up a $10,000 or $20,000 Medicare bill, or a diabetic who has to have a leg amputated, or a diabetic who has to have kidney dialysis, all things that Medicare pays for, and all things that could have been avoided; but they were not, because Medicare does not include medicine and our seniors simply could not afford the $40 or $50 prescription that could have saved the Medicare trust fund $10,000, $20,000, $50,000, as much as $250,000 for some kidney dialysis patients.

Again, today's Medicare is designed for yesterday's medical care. And it is time we did right; it is time we did right, by our seniors.

Some people say, well, the government cannot afford it. I say the government cannot afford not to, and here is what I mean by that. Health insurance companies are in the business to do what? Health insurance companies are in the business to make a profit. And then they cover the cost of medicine. Why? Because they know it helps hold down the cost of needless doctor visits, it helps to hold down the cost of needless hospital stays, it helps to hold down the cost of needless surgeries.

It is time we truly modernized Medicare by creating a voluntary, but a guaranteed, Medicare part D prescription drug benefit. What I mean by that is this. Part A covers going to the hospital. Part B covers going to the doctor, medical equipment and so forth and so on. The part D that we are proposing would be voluntary, meaning if you are one of the few seniors in America who are fortunate to have medicine coverage from a previous employer, and, by the way, there are very few that fit that category in my congressional district, but if you are one of the few that have prescription drug coverage through a previous employer, one, you ought to count yourself lucky and fortunate, because very few seniors have any coverage at all. But if you fall in that category and like what you have, you ought to be able to keep it. That is why our plan is voluntary. But it is a guaranteed part of Medicare, just like going to the doctor and going to the hospital.

Now, the drug manufacturers do not like my plan. They do not want to be held accountable. I have got bottles of pills, medicine, tablets, capsules on the shelves of my small pharmacy back home in Prescott, Arkansas, that cost $3,000, that are being sold in Canada and Mexico for $300 or $400.

I say this: if the governments in those small countries, Canada and Mexico, can stand up to the big drug manufacturers, why can we not do the same thing in the United States of America?

We may have found the answer. The Washington Post, June 19, 2002: "A senior House GOP leadership aide said yesterday that Republicans are working hard behind the scenes on behalf of PhRMA, that is the Pharmaceutical Manufacturers of America, to make sure that the party's prescription drug plan for the elderly suits drug companies."

I do not know about you, but I am appalled by that. This is the United States House of Representatives. We do not write legislation based on what is going to allow our party to raise money. At least I hope we do not. It is time we stood up to the big drug manufacturers and said enough is enough.

It is reported that in the year 2000, $360 million was spent by the drug manufacturers on lobbying, advertising and political donations; and I say that is wrong. Do you ever see those ads on TV where they are trying to tell you which drug you need to tell your doctor you need? Have you ever thought about that? Slick TV ads put on the air by the drug manufacturers trying to tell you which drug you need to tell your doctor you need.

Many drug manufacturers spent more money in the year 2000, the numbers are not out yet, but I am quite sure and confident it is the same for 2001. Many drug manufacturers spent more money marketing their products with these slick TV ads than they spent on research and development of drugs that can save lives and help all of us to live longer and healthier lifestyles.

This 1-hour on prescription drugs for our seniors was supposed to occur tonight. Why is it occurring now? Because the leadership of this body chose to stop voting early today so they could make it to a fundraiser tonight that is being hosted by the big drug manufacturers at a time when these prescription drug bills that our seniors need and are counting on are being marked up, are being debated in the Committee on Ways and Means and in the Committee on Energy and Commerce.

Again, I am a conservative Democrat. I have crossed over that aisle and voted with the Republicans numerous times, as many as any Member of the United States Congress; but I can tell you when it comes to this issue, they are wrong. It is time for them to make a decision. Are they going to side, continue to side, with the big drug manufacturers, or are they going to join me in endorsing my bill that will truly modernize Medicare and include medicine for our seniors and start siding with our seniors, for our seniors?

It is time that this Congress united in a bipartisan manner on the need to truly modernize Medicare to include medicine for our seniors, just as we have united on this war against terrorism.

Again, a senior House GOP leadership aide said yesterday that "Republicans are working hard behind the scenes on behalf of the Pharmaceutical Manufacturers of America to make sure that the party's prescription drug plan for the elderly suits drug companies."

This ought to be about suiting our seniors. It ought to be about giving our seniors a prescription drug benefit that means something. This debate should not in any form or fashion be about catering to the drug manufacturers.

Let me talk to you about the differences between the Republican proposal for a Medicare prescription drug benefit and my proposal, the Democratic proposal, for a Medicare prescription drug benefit.

A lot of people say, well, what about the guaranteed minimum benefit? The Republican proposal, beneficiaries, seniors, must obtain coverage through private insurers who may not participate, are not required to participate, and can offer vastly different benefits and premiums. In other words, the first step at trying to privatize Medicare.

What does my proposal do, the Democratic proposal? Medicare covers prescription drugs like other Medicare benefits, with guaranteed benefits, premiums and cost-sharing for all beneficiaries. Not a complicated formula. We do not try to privatize Medicare. We simply say that going to the pharmacy and getting your medicine ought to be treated just like going to the doctor and going to the hospital. It should be covered by Medicare.

Some people say, what about guaranteed fair drug prices? Under the Republican plan for a prescription drug benefit, private insurers, again, privatizing Medicare, negotiate separately on behalf of sub-sets of the Medicare population, diminishing the program's group negotiating power.

Believe me, there is nothing the drug manufacturers want more than to whittle this thing down into small groups. If we come at them with the entire Medicare population, they know we are going to demand the same kind of rebates that they provide the big HMOs and have for years. They know we are going to demand the same kind of rebates that State Medicaid programs, and, yes our Veterans Administration, gets. And why should we not? I am sick and tired of seeing our seniors in America subsidize the cost of health care in Canada and Mexico, and that is what we are doing.

What does the Democrat proposal do? It authorizes the Secretary of Health and Human Services to use the collective bargaining clout of all 40 million Medicare beneficiaries to negotiate fair drug prices. These reduced prices will be passed on to beneficiaries. And, yes, it is time we demanded the same kind of rebates from the big drug manufacturers that the State Medicaid programs and big HMOs have been getting for years. Those rebates should go directly to the Medicare trust fund to help fund this Medicare part D prescription drug benefit.

What about premiums? In the Republican plan, they will not put it on paper, but it is estimated to be $35 a month. In the Democratic plan, it is in writing. It is $25 a month. That is the premium that a senior would pay for this voluntary, but guaranteed, Medicare part D prescription drug benefit, should they choose to decide to sign up for it.

The deductible. The Republican proposal is $250 a year; the Democratic proposal, $100 a year. Again, just like going to the doctor and going to the hospital.

Coinsurance. Get ready for this. The Republican proposal makes filling a tax return out look simple. It will be very difficult for most seniors without hiring a CPA to figure out exactly what it is they qualify for and when they qualify for it.

The Republican plan calls for coinsurance of 20 percent for the first $1,000; 50 percent for the next $1,000; and 100 percent for all remaining spending up to $4,500 a year. And then something, we are not sure what, but something will kick in again.

Now, think about that a minute. The first $1,000, you are going to pay 20 percent out of pocket. Once you hit that $1,000, it is going to 50 percent out of pocket. Once you have hit that second $1,000, they are going to make you pay 100 percent on all remaining spending until you hit $4,500 a year.

I can tell you seniors who live in my district trying to get by from Social Security check to Social Security check that averages less than $600 a month with a $400-a-month drug bill, they will not ever get to the $4,500 because they simply cannot afford to pay for their medicine; and as a result, they are going without their medicine or they are not taking it properly.

□ 1645

I recently had a senior tell me she did not know what she would do without her son, who is in his 50s. She said he had a good job. He had a job where he had health insurance. It just so happened that he took the same medicine that she did. It was about 3 bucks a pill, and there was no way she could afford it. So he would get the medicine filled and give it to her. He was going without his medicine so his mom could have her medicine.

I can tell my colleagues story after story. I have driven 83,000 miles in the last 17 months in those 29 counties in South Arkansas and every day I am out there I hear numerous stories just like that about seniors who cannot afford their medicine or cannot afford to take it properly.

So what does the Republican plan do? It says you are going to pay 20 percent on the first $1,000, and then for some reason, you are supposed to have more money as a senior on a fixed income so you should be able to afford to pay 50 percent on the next $1,000, and after that, you are on your own when you hit $4,500 and then we will be back and we will kick in some more.

Folks, it is time we brought common sense to the United States Congress. This is not common sense.

What does the Democratic proposal do? It is just like going to the doctor or going to the hospital: Twenty percent copayment, period. That is it.

Out-of-pocket maximum. I mentioned the Republican out-of-pocket maximum is $4,500 a year. Again, most seniors in my district can never get to the first $4,500 because they cannot afford $4,500 in out-of-pocket before some kind of so-called Medicare prescription drug benefit kicks in. The out-of-pocket maximum on the Democratic plan is $2,000. And what that means is, every time you go to the pharmacy, well, first you are going to pay a $100 annual deductible. After you have met that, you are going to pay 20 percent of the cost of medicine; Medicare will pay 80 percent of the cost of medicine. If you have a $100 prescription, you are going to pay $20, instead of $100 like you are paying today. And once you have spent out of pocket $2,000, then Medicare kicks in and pays the full price. That is significant. And that will help our seniors who need help the most.

Some people say, what about coverage gaps? The Republican proposal says this: Beneficiaries who need more than $2,000 worth of drugs must pay 100 percent out of pocket, but keep paying the premiums until they reach the $4,500 out-of-pocket cap. Again, our seniors cannot afford this. They will continue to do like many of them are doing today, and that is to go without their medicine, or not take it properly.

What about coverage gaps in the Democratic plan, my plan? Beneficiaries always have coverage. There are no gaps. It is not more complicated to figure out than an IRS tax form. It is plain and simple, $25 a month annual premium, $100 annual deductible. After that, every time you go to the pharmacy, you pay 20 percent, Medicare pays 80 percent. And after you have been out $2,000 a year total, Medicare kicks in at 100 percent. Nothing complicated. You will not have to hire a CPA to figure it out. You will not wonder from month to month what you do and do not qualify for and what your copay will and will not be. It will always be the same. Again, it is structured just like going to the doctor and going to the hospital is under Medicare.

Some ask about access to local pharmacies. I have to tell my colleagues, the Republican plan allows these private plans to limit which pharmacies participate in their network. There may be a senior that has used the same pharmacy for 60 years and, all of a sudden, under the Republican plan, you are going to be told that you have to use mail order, or that you have to use a pharmacy in another town or on the other end of town.

Under my plan, the Democratic plan believes in providing you with the freedom to choose any pharmacy willing to play by the Medicare rules and accept the rate of reimbursement that is established, not by that pharmacy, but by Medicare, can participate, just like Medicare is with going to the doctor and going to the hospital. If those providers or doctors and hospitals agree to participate under the rules and regulations and fees set forth by Medicare, then you have the freedom to choose. The same thing here with the Democratic plan. Our plan does not tell you which pharmacy you must use. We let the senior decide.

Some people say, what about access to prescribed medicines? Well, the Republican proposal says that private insurers can establish strict formularies and deny any coverage for all formulary drugs. Now, what does that mean? Well, I can tell my colleagues what it means. I have allergies and I have to take a nasal spray and my doctor wrote it for one brand. I got to the pharmacy to get it filled and they wanted to charge me a higher copay or deductible, copayment. They wanted to charge me a higher copayment if I stuck with the brand that I wanted, but if I would go to the preferred brand, my copayment would almost be cut in half, meaning my out-of-pocket would be cut almost in half. Well, I got to looking and, guess what? They wanted to switch me to a drug that as a pharmacy owner, it costs me $10 more.

Now, why in the world would a health insurance company in the business of making a profit want to punish me for going with the cheaper drug and reward me for going with the higher priced drug? The answer, unfortunately, is quite simple. Because the rebates on the more expensive drug that that health insurance company is receiving from the drug manufacturer are so huge. We are going to continue to see that game played under the Republican proposal because, again, it creates formularies and if there is not a kickback being afforded on a drug to these private insurers, again, privatizing Medicare, then under their proposal, the drug your doctor wants you to have will not be covered.

I am sick and tired of seeing health insurance companies, prescription benefit managers, accountants, bean counters, trying to play doctor. If the doctor says you need a particular drug, I think that is the drug you ought to get, and under the Democratic proposal, that is what happens. Beneficiaries have coverage for any drug their doctor prescribes, period. Under the Democratic proposal, whatever your doctor says you need is what you are going to get, not some complicated formulary based on who is kicking back to who how much, as the Republican proposal provides.

Low-income protections. Under the Republican proposal, low-income beneficiaries may have to pay $2 or $5 as a copayment and 100 percent of costs in the coverage gap. Drugs may be denied if the beneficiary cannot afford this cost-sharing.

Under my plan, the Democratic plan, here is what we say about low-income seniors. There is no cost-sharing or premiums. When I talked about paying a 20 percent copayment, when I talked about paying the premium of $25 a month, we waived that if you live up to 150 percent of poverty, and then there is a sliding scale for premiums phased in between 150 and 175 percent of poverty. So if you live in poverty, under the Democratic plan, you get your medicine, no 20 percent copay, no premium. Under the Republican plan, they are still going to require you to pay $2 or $5. Again, it is a complicated formula on what you have to do under one set of rules.

These are huge differences, I say to my colleagues, between these two proposals. The Republican plan again caters to the big drug manufacturers.

The Washington Post, June 19, 2002. A senior House GOP leadership aide said yesterday that Republicans are working hard behind the scenes on behalf of PhRMA to make sure that the party's prescription drug plan for the elderly suits drug companies.

Again, as a conservative Democrat, I have crossed that aisle and I have voted with the Republican Members of this body as much as any Member of this Congress has done. When they are right, I will stand with them. As a small town family pharmacy owner, as someone who served on the State Senate public health committee for 8 years back home in Arkansas, as someone who has a 90-year-old grandmother back home who lives from Social Security check to Social Security check, I can tell my colleagues that when it comes to the need to provide our seniors with a prescription drug benefit, they are dead wrong. You cannot side with the big drug manufacturers and still come down on the side of seniors. You have to choose.

Now, the Republican national leadership decided we were going home early today so they could go get all dressed up for their big fund-raiser tonight that is being sponsored by these drug manufacturers while at the same time we are sitting here in the United States Congress simply asking for a hearing on our bill, a bill that I helped write, that will truly modernize Medicare to include medicine for our seniors. And they are out wining and dining with the big drug manufacturers at a fund-raiser to benefit the Republican Party on the night following one of the most comprehensive hearings and markups to ever occur as it relates to the need to modernize Medicare to include medicine for our seniors.

Mr. Speaker, these bills are being debated and written as we speak in the House Committee on Ways and Means and in the House Committee on Energy and Commerce. I have to tell my colleagues, I am very disappointed to see this article today and to see what is going on in this Congress.

This should not be about the drug manufacturers. It should be about standing up to the big drug manufacturers and standing with our seniors. It is not that complicated, and the Republican plan tries to complicate it. It is more complicated than filling out a tax return. Our seniors do not need any more complications in their lives. They do not need politics in their lives. They simply need a Medicare prescription drug benefit that allows them to get their medicine just like Medicare allows them to go to the doctor and to go to the hospital.

I am very concerned about how this proposal by the Republicans privatizes Medicare. The Republican bill forces seniors to obtain coverage through private drug-only insurance plans or HMOs. It is not a true Medicare benefit like parts A or B where all seniors are guaranteed a defined set of benefits at a uniform price.

Under their bill, there will be no universal Medicare-sponsored prescription drug plan. The Republican bill moves Medicare towards a defined contribution program with the ultimate goal of turning Medicare over to the private insurance market. I, for one, think that would be a huge mistake, and so do so many other senior organizations that have endorsed my bill that takes on the big drug manufacturers, that holds the big drug manufacturers accountable, and provides our seniors with a meaningful Medicare part D voluntary, but guaranteed, prescription drug benefit.

However, do not just take my word for it. Listen to what others are saying.

□ 1700

"I'm very skeptical that 'drug only' private plans would develop." That comes from Bill Gradison, former Republican Congressman and former president of the Health Insurance Association of America.

States have tried to get the private insurers into the business of providing seniors with a prescription drug coverage. Who is going to buy the plans? Those who have the high drug bills. If one does not need drugs and is on a fixed income, one is not going to buy the plan. That is why the plan will not work. The premiums will exceed, if not cost as much as, the cost for the medicine.

With regard to the proposal to rely on private drug entities for drug benefits, "There is a risk of repeating the HMO experience." We all know the HMO experience did not work. They tried that. We have been there; we have done that. They are all getting out of the drug business, and they are all getting out of the Medicare business. That quote comes from John C. Rother, policy director of AARP, formerly known as the American Association of Retired Persons.

With regard to whether private insurance plans would participate in the Republican Medicare drug plan: "I don't think it's impossible, but the odds are against it." That is Richard A. Barasch, chairman of Universal American Financial Corporation of Rye Brook, New York, which sells MediGap coverage to 400,000 people.

When asked if they favor being placed at financial risk, as the Republican plan requires, "We are not enthusiastic about that approach," says Thomas M. Boudreau, senior vice president and general counsel of Express Scripts.

With regard to their experience with accepting financial risk for providing drug benefits: "We are typically paid a fee, generally less than $1, for each claim. But we do not bear financial risk." That is Blair Jackson, spokesman for AdvancePCS, one of the outfits that the Republican plan calls to help run this attempt at privatizing Medicare.

I hope each and every Member of the United States Congress will put politics aside, read the Republican plan on modernizing Medicare to include medicine for our seniors, read my bill, the Democratic bill that will truly modernize Medicare to include medicine for our seniors, and compare them.

If they do that, I think they will agree with me that it is time for us to put politics aside. It is time for the Republicans to stop siding with the big drug manufacturers. Let us hope tonight's fundraiser that is hosted by the big drug manufacturers, that they do not belly up to the trough with the big drug manufacturers, trying to raise money in the middle of a debate on something so lifesaving and so important for our seniors.

It is time for this Congress to unite behind the need to provide our seniors with a prescription drug benefit, just as we have united on this war against terrorism. So I challenge my colleagues on the other side of the aisle: read my plan and read the Democratic plan. Read their plan. Then do what is right, not by the big drug manufacturers, but by our seniors.

Again, from The Washington Post, look it up, June 19, 2002: "A senior House GOP leadership aide said yesterday that Republicans are working hard behind the scenes on behalf of the Pharmaceutical Manufacturers Association to make sure that the party's prescription drug plan for the elderly suits drug companies. These same drug manufacturers are hosting a multi-million dollar fundraiser this very night for the Republican Party." That is from The Washington Post.

I am appalled by that. It is time for the Republicans to make a choice. Are they going to continue to side with the big drug manufacturers, or are they going to side with our seniors? I encourage them to stretch across this aisle and endorse my bill, the Democratic bill, that gives the help to our seniors, America's Greatest Generation, that they so desperately need.

Mr. Speaker, I yield to my friend and colleague, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman for yielding to me. I just want to tell the gentleman what a great job he has been doing on this Special Order in pointing out what the Republican leadership is up to.

Mr. Speaker, I just want to back up what the gentleman is saying. I see he has that quote from the Washington Post: "A senior House GOP leadership aide said yesterday the Republicans are working hard behind the scenes on behalf of the Pharmaceutical Manufacturers Association to make sure that the party's prescription drug plan for the elderly suits drug companies."

I just came from the markup in the Committee on Energy and Commerce, and I can assure the gentleman the quote he had up there is absolutely true. We just broke at exactly 10 minutes to 5 because the Republican leadership on the committee admitted that they were going to that fundraiser tonight. The chairman actually held up the ticket for the fundraiser, and said, maybe you guys want to join us at the fundraiser tonight. So there is absolutely no question that the reason that we could not even finish the bill today was because they had to run, the Republicans on the Committee on Energy and Commerce, had to run to this fundraiser tonight.

I do not know if the gentleman went through it, and some of these companies are even in my district, but I just have to give the gentleman a little information on that same Washington Post article.

It says: "Drug companies, in particular, have made a rich investment in tonight's event. Robert Ingram, GlaxoSmithKlein PLC's chief operating officer, is the chief corporate fundraiser for the gala; his company gave at least $250,000. Pharmaceutical Research and Manufacturers of America, that is PhRMma itself, the trade group funded by drug companies, kicked in $250,000, too. PhRMa, as it is best known inside the Beltway, is also helping to underwrite a television ad campaign. . . . "

Basically, just what they did, just in terms of the Committee on Commerce today, they spent the last month, PhRMa and the other brand name drugs, financing this $4 million to $5 million TV ad campaign telling everybody how the Republican prescription drug proposal, when it came forward, would be the best thing we have ever seen since apple pie, okay?

Then they bring the bill up this week, we had it in committee today, and they have the fundraiser tonight, and they have to break the committee to go to the fundraiser. Then they are going to take that money from the fundraiser tonight, which is mostly soft money, as the gentleman knows, and they are going to use it putting on ads telling them how great the Republican members are because they voted for the Republican plan, and how bad the Democrats are because they did not vote for it. That is what this is all about.

Today when the Democrats on the Committee on Energy and Commerce were trying to make amendments, we were told the amendments were not germane. The reason was very simple. First of all, they did not want us to have a long debate, because they had to get to the fundraiser. Secondly, since they have already decided what the bill is going to have, because it is essentially written by the pharmaceuticals, they do not want to change the bill. They already have the TV ads running saying how great the bill is. They cannot change it, because if they do, it will not be what they are saying they are going to do.

There was absolutely no way for the Democrats or anyone who had any questions about this Republican legislation to have any significant input today. I am sure tomorrow is going to be the same.

I just want to go through a little more here. I am going to turn to page A 5 in this same article that the gentleman has been talking about, just to give a little more idea, because I do not want to just mention three or four drug companies. There are quite a few.

It goes on here to say that "Pfizer, Inc., contributed at least $100,000 to the event, enough to earn the company the status of a vice-chairman for the dinner. Ely Lily and company, Beyer, and Merck and Company each paid up to $50,000 to sponsor a table. Republican officials said other drug companies donated money as part of the fundraiser extravaganza."

I would say to my colleague, the gentleman from Arkansas, we are referencing Republican sources here. These are not Democrats saying this; these are Republicans. As I said, they do not have any shame, any shame whatsoever about saying that this whole effort on the Republican side is totally bankrolled by the drug companies.

To give another idea, we had a discussion at the very end of the day, before they broke at 5 for their fundraiser, where we pointed out that all the things that they are saying about the Republican bill, like the Republicans that were here last night during a Special Order, and the gentleman may have seen them, they were saying that the bill is a Medicare benefit.

The only way it is a Medicare benefit is because the seniors over 65 are the ones that theoretically are targeted. It is not actually a benefit under Medicare. It is not a government program. It is a program that gives money to private insurance companies, hoping that they will provide some meager benefit.

Then we had questions in the Committee on Energy and Commerce today that said, well, the Republicans suggest that this program has a $45 premium, that it has a $250 deductible, that it is going to pay a certain amount of money for the drug benefit; but then when asked, the gentleman from Michigan (Mr. DINGELL), who is the ranking Democrat, he said, show us in the Republican bill, because we finally do have the bill now, where it says that the premium is only $35, where it says that the deductible is only $250, where it says that the Federal Government is going to pay for a certain amount of the drug benefit.

There is nothing in the bill. The counsel for the committee admitted that was all speculation based on CBO estimates. In other words, they tell the CBO that they are going to throw a certain amount of money to the private insurance companies, and what do they think is likely to happen if they do that? Then they come back and say, well, maybe the premium would be about $35 a month, or that the deductible would be $250. But there is no guarantee that the deductible in New Jersey is $250 or that the premium in Arkansas is $35. It could be $85 in Arkansas. It could be $150 in Nevada. There is absolutely nothing in the bill, in the Republican bill, that guarantees any kind of benefit, because it is all up to what the private insurance companies want to do.

Then I asked, well, they keep talking about how they are going to have lower prices. Last night on the floor, the Republicans who did the Special Order said they are going to lower prices for drugs. I said, where is that in the bill? The Republican bill, the language says that the private insurers can negotiate lower prices, that they can provide discounts, but they may, they may negotiate, they may provide discounts, or they may pass on those discounts to seniors, but there is nothing that requires them to do so. Why in the world would we believe that they would? I have no reason to believe that they would.

This is the most or the biggest scam that I have ever seen. I do not understand how our colleagues can even suggest that they are providing any kind of benefit at all.

I do not want to keep going. I will yield back to the gentleman, but I assure the gentleman that what he has been saying, because I have been listening to some of it with one ear, is absolutely coming to fruition, particularly that quote about making sure that the Republicans' prescription drug plan suits drug companies.

Mr. ROSS. Mr. Speaker, maybe we can visit a little bit about this, because it is so important. I want to make sure we use every second of every minute that is afforded to us to visit here in the United States House of Representatives about an issue that literally, for many seniors, is life or death.

It is just unfortunate to me that we have two proposals, one that sides with the big drug manufacturers, that being the Republican proposal, and one that sides with our seniors, that being the Democratic proposal.

Why can this Congress not unite on the need to modernize Medicare to include medicine for our seniors, just as we have united on the war against terrorism? I have tried to do that. It is H.R. 3626. The gentlewoman from Missouri (Mrs. EMERSON), a Republican, and I wrote a bill; and yet the Republican national leadership, they are in the majority, they decide what bills get a hearing, what bills get a vote in committee and on the floor. For months I have begged, I have pleaded for our bill, a bipartisan bill, to get a hearing and to get a vote.

If the majority party, those who call the shots, decide what gets voted on and when, what gets heard in committee and when, if they really care about this issue, really care about helping our seniors, and if what their rhetoric is is more than just election-year politics, and it is really wanting to do the right thing and modernize Medicare to include medicine for our seniors, why did they not let the gentlewoman from Missouri (Mrs. EMERSON) and I get a hearing on that bill?

Much of that bill is now incorporated into the Democratic proposal. I am a Democrat and my colleague, the gentleman from New Jersey, is a Democrat. But do not take our word for it. I challenge anyone to go to their hometown and visit their hometown pharmacist. Ask their pharmacist which proposal is best for America, which proposal is best for our seniors. Every single time they will tell us that the Democrats are right on this issue. They may tell us that the Democrats are not always right on every issue; but they will tell Members, according to the Gallop poll, the most trusted profession in America, pharmacist, and again, I am not one, my wife is, but they will tell us that on this issue the Democrats are right and the Republicans and the big drug manufacturers are dead wrong.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman yielding further, and again, his comments are so appropriate.

Process-wise, let me tell the gentleman, we got the Republican bill 24 hours ago. We have never had a hearing on the Republican bill. We went straight to markup. The first thing they started to do was to amend their own bill. Before we even had an opportunity to digest the initial bill, they were making amends to the bill.

So the process that the Republicans are using on this is just outrageous because nobody knows what is going on. We literally have to read the bill and amendments as we are sitting there in the committee.

But the gentleman talked about a possible compromise or a consensus, a bipartisan effort.

□ 1715

I have no doubt that that could be done, but the will is not there on the Republican side. I have been critical of the Republican proposal because it is not a very generous proposal. In other words, even if everything they speculate was true and they were going to have a $35-a-month premium and they were going to have a $250 deductible, at least it would be something if it was under Medicare and it was guaranteed.

I would suggest if the Republican leadership wanted to say, okay, we will put in a bill that has these benefits, and that has these premiums and these deductibles but it is part of the Medicare program and it is guaranteed to everyone around the country, then I think we could sit down, and we could compromise because the Democrats have a much more generous plan, and the Republican plan is pretty meager, but we could figure out the differences between the two and maybe strike a consensus or strike a compromise.

What I have been saying and I have said all along and continue to say that the problem with the Republican proposal is that it is not real. It is not a Medicare proposal. It is not providing a Medicare benefit. There is no guarantee anyone is ever going to get the benefit, not to mention the fact that it does nothing to lower prices.

So the problem here is the Republicans are not being real. They are not giving us a Medicare proposal. They are not giving us something that we can say, okay, let us see where we are going to go and we will compromise and we will come up with the amount of the benefit and what it is going to mean. No, no, no. What we are doing here is just the same old thing we saw 2 years ago with the Republican leadership. Throw some money to private insurance companies, and I really think that what they are up to is that they really do not want any bill to pass. In other words, the pharmaceuticals, the statement that was made there about a Republican drug plan that suits drug companies, essentially the pharmaceuticals do not want any benefit because they like the status quo. They like the fact that they continue to raise prices, that they continue to make big profits, that they continue to get tax breaks.

I do not think that they and the Republican leadership really want to come up with a bill that would pass here, pass in the other body and be signed by the President, because it would be very easy. Like the gentleman said, he had cooperation with the gentlewoman from Missouri (Mrs. EMERSON). It would be very easy to put something down on paper that we could all agree on, but the leadership on the other side does not want to do that.

I am convinced from what I saw today they just do not want to do it. They do not want any bill to pass ultimately and go to the President.

Mr. ROSS. Mr. Speaker, I can tell my colleague for the last 17 months that I have had the privilege to serve and be a voice for the people of Arkansas' 4th Congressional District here on the floor of the United States House of Representatives. I have begged, I have pleaded, I have scratched, I have crawled to try and get a hearing on my first bill, H.R. 3626. I could not get a hearing on that. Now I am pleased to be one of four of the original lead sponsors on this new plan which incorporates much of what was in my earlier bill.

It is like all we get from the other side of the aisle is a lot of games. We get a lot of games on the need to truly modernize Medicare, to include medicine for our seniors, and that is so unfortunate.

First out of the chute was this idea that what our seniors needed was a discount prescription drug card, a discount card, like it was some new novel concept. My dad got one in the mail for free 6 months ago. A person can watch any cable TV program late at night and for $7.95 a month they can get one.

Why do they want to push a discount card? Because any savings which averages 50 cents to $3 came at the expense of a hometown family pharmacy and did not cost the big drug manufacturers a dime.

A senior that has $400 a month in drug costs and takes five prescriptions a month, even if they save $3 per prescription, which is the best some do with these so-called discount prescription drug cards, $3 a month savings, five prescriptions, that means on a $400 drug bill they would save $15 a month. That does not help a senior choose between buying their medicine, buying their groceries, paying their light bill and paying their rent.

Thank God when we created Medicare we did not say here is a discount card, go cut a deal at the local doctor or go cut a deal for whatever surgery someone needed. We provided them a meaningful health care benefit, and it is time we did the same when it comes to their medicine.

I am pleased to be joined by another one of my colleagues here this evening, and at this time I yield to my friend and colleague, the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding to me.

I have been listening to the comments that he has been making and the gentleman from New Jersey (Mr. PALLONE) and all of the work that he has done about this. I think it is obviously an extremely critical issue for citizens all over this country who are speaking out at every meeting that I go to as it being one of the most important things in their lives.

We have been working on some mechanism to assist people to get access to pharmaceuticals that they cannot afford to purchase for a long time, and we have heard unbelievable stories about people who have foregone payment of rent or purchase of food in order to buy the medicines that their doctors and other health care professionals are telling them that they have to have in order to stay healthy. Well, if a person does not eat and they do not have a decent place in which to stay and they are buying medicine, the chances are they are going to have other kinds of problems in their life, and it is a terrible decision to have to make.

I know firsthand what some of those difficulties are. My own mother is 92 years old and is in reasonably good health right now, but unfortunately, has had problems like many elderly citizens have. She has people to help take care of her. Hopefully, she is not going to be one of those who will die in poverty, but at the same time, she expects dignity, and I think that is one of the most important things that I learned in the White House Conference on Aging a number of years ago in 1995, that people would like to be able to live out their lives with independence and with dignity.

We are going to be judged in this country and everywhere in the world about how we treat our elderly, and the youngest of us among us, but the elderly particularly, and if we wad our people up and throw them away after they are no longer productive, shame on us, and we will be paying for that for an eternity, and I certainly hope that we do not.

We need what the drug companies do for us. We need their research. We need their development. We need the ability to stay healthy, and we know they are going to be providing it. I think it is incumbent upon this House of Representatives, this government, to find a mechanism to allow people to have access to that help that they need, and our program that works through the Medicare system will give people an opportunity to have a higher quality of health and consequently a longer life because of it.

It reaches out to a significantly larger number of people than what other plans that are before the House of Representatives are doing. I think that the basic difference, at least in the way of my mind, in how we see this issue is how we are going to go about implementing this program.

I know that our time is short. Let me turn it back to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I would like to thank the gentleman from Texas (Mr. LAMPSON), my friend and colleague, and my friend and colleague, the gentleman from New Jersey (Mr. PALLONE), for coming over and spending the last hour with me as we talk about the differences, and that is what makes our democracy so great, that we are able to sit here in a democracy, stand here in a democracy in our Nation's capital and talk about the differences in the Democratic and Republican plan to offer a prescription drug benefit for seniors.

I would just close by simply encouraging my colleagues to go back home to their districts this weekend, stop by as many local pharmacies as my colleagues want to, chain pharmacies, any kind of pharmacy they want to go to, does not matter if it is home-owned or if it is a chain, stop and talk to a pharmacist. I do not know if they are a Democrat or a Republican, show them what is included in the Republican plan, show them what is included in the Democratic plan, and every single time I can assure my colleagues they are going to tell them that the Republican plan must have been written by the big drug manufacturers and that the Democratic plan must have been written by our seniors.

Do not take our word for it. Regardless of my colleagues' party affiliation, go talk to the hometown family pharmacist. Talk to the pharmacist. Ask them who is right on this issue.

RECESS

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 24 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1804

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 6 o'clock and 4 minutes p.m.

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF SENATE AMENDMENT TO H.R. 3009, TRADE ACT OF 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–518) on the resolution (H. Res. 450) relating to consideration of the Senate amendment to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LINDER (at the request of Mr. ARMEY) for today until 2:00 p.m. on account of qualifying for the Georgia congressional ballot.

Mr. MCHUGH (at the request of Mr. ARMEY) for today until 3:00 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. ISAKSON) to revise and extend their remarks and include extraneous material:)

Mr. ISAKSON, for 5 minutes, today.

Mr. BASS, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

Ms. LOFGREN, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, June 20, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7463. A letter from the Deputy Secretary, Department of Defense, transmitting notification that the Department of the Air Force intends to award a multiyear contract for C-17 aircraft to the Boeing Company in FY 2003, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

7464. A letter from the Director, International Cooperation, Department of Defense, transmitting the Department's 2002 report entitled "International Cooperative Research and Development Program," pursuant to 10 U.S.C. 2350a; to the Committee on Armed Services.

7465. A letter from the Under Secretary, Department of Defense, transmitting the Department's five-year plan for the manufacturing technology (ManTech) program, as required by subsection 2521 (e) of title 10 of the United States Code; to the Committee on Armed Services.

7466. A letter from the Principal Deputy, Office of the Assistant Secretary, Department of Defense, transmitting the National Guard ChalleNGe Program Annual Report for Fiscal Year 2001, required under section 509(k) of title 32, United States Code; to the Committee on Armed Services.

7467. A letter from the Under Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on Fiscal Year 2001 Funds Obligated in Support of the Procurement of a Vaccine for the Biological Agent Anthrax; to the Committee on Armed Services.

7468. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; NAFTA Procurement Threshold [DFARS Case 2002-D007] received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7469. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the annual report to Congress outlining observed trends in the cost and availability of retail banking services; to the Committee on Financial Services.

7470. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule — Affordable Housing Program Amendments [No. 2002-15] (RIN: 3069-AB14) received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7471. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule — Office of Finance Board of Directors Meetings [No. 2002-16] (RIN: 3069-AB15) received May 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7472. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the second annual Trafficking in Persons Report; to the Committee on International Relations.

7473. A letter from the Deputy Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Western Balkans Transactions Regulations — received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7474. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the report required by the United States-Hong Kong Policy Act of 1992 describing the current conditions in Hong Kong of interest to the United States as of March 31, 2002; to the Committee on International Relations.

7475. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7476. A letter from the Chairman, National Mediation Board, transmitting the FY 2001 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

7477. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Brokerage Loans and Lines of Credit [Notice 2002-8] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7478. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Oklahoma Regulatory Program [OK-029-FOR] received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7479. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule — Technical Amendments to Qualified Trust Model Certificates Privacy and Paperwork Notices (RIN: 3209-AA00) received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7480. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80A, CF6-80C2, and CF6-80E1 Series Turbofan Engines [Docket No. 98-ANE-49-AD; Amendment 39-12707; AD 2002-07-12] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7481. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes Equipped With Certain Thales Avionics Digital Distance and Radio Magnetic Indicators (DDRMIs) [Docket No. 2002-NM-80-AD, Amendment 39-12724; AD 2002-06-53] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7482. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-31 Airplane [Docket No. 2002-NM-37-AD; Amendment 39-12717; AD 2002-08-09] (RIN: 2120-AA64) received May 17, 2002; to the Committee on Transportation and Infrastructure.

7483. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737- 600, -700, and -700C Series Airplanes [Docket No. 2002-NM-109-AD; Amendment 39-12727; AD 2002-08-52] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7484. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines; Correction [Docket No. 98-ANE-39-AD; Amendment 39-12668; AD 2002-04-11] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7485. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Control of Alcohol and Drug Use: Changes To Conform to New DOT Transportation Workplace Testing Procedures [Docket No. FRA 2000-8583; Notice 49] (RIN: 2130-AB43) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7486. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule — Technical Amendment to the Customs Regulations: Reusable Shipping Devices Arriving From Canada and Mexico [T.D. 02-28] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7487. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines Construction/Real Estate Industry — received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7488. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Paul Pekar v. Commissioner [T.C. Dkt. No. 15289-97] received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7489. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Notice and Opportunity for Hearing before Levy [TD 8980] (RIN: 1545-AW90) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7490. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Prohibited Transactions — Proposed Class Exemption and the Voluntary Fiduciary Correction Program (Announcement 2002-31) received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7491. A letter from the Assistant Secretary, Department of Defense, transmitting notification that the proposed plan for the U.S. Army Communications — Electronics Command (CECOM) Research, Development, and Engineering Community (RDEC), have been approved under authority of the National Defense Authority Acts for Fiscal Years 1995 and 2001; jointly to the Committees on Armed Services and Government Reform.

7492. A letter from the Assistant Secretary, Department of Defense, transmitting notification of an approved proposal for the U.S. Army Tank-automotive and Armaments Command (TACOM), under authority of the National Defense Authorization Acts for Fiscal Years 1995 and 2001, pursuant to 5 U.S.C. 4703(b)(4)(B); jointly to the Committees on Armed Services and Government Reform.

7493. A letter from the Controller, Office of Management and Budget, transmitting recommendations for Statutory and Administrative Changes Under the Federal Financial Assistance Management Improvement Act of 1999; jointly to the Committees on Government Reform, Ways and Means, Resources, and Financial Services.

7494. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Aquatic Resources Trust Fund annual report and the Oil Spill Liability Trust Fund annual report, pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Energy and Commerce, Transportation and Infrastructure, Education and the Workforce, Resources, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 450. Resolution relating to consideration of the Senate amendment to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes (Rept. 107-518). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TAUZIN:

H.R. 4961. A bill to establish a National Bipartisan Commission on the Future of Medicaid; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 4962. A bill to amend title XVIII of the Social Security Act to make rural health care improvements under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself, Mr. WICKER, Mr. SERRANO, Mr. DINGELL, Mr. HINCHEY, Ms. DELAURO, Mr. HALL of Ohio, Mr. KENNEDY of Rhode Island, Mr. OXLEY, Mr. CUNNINGHAM, Mr. MCNULTY, Mr. PICKERING, Mr. HORN, Mr. DOGGETT, and Mr. BARTON of Texas):

H.R. 4963. A bill to provide for the expansion and coordination of activities of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to research and programs on cancer survivorship, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. HALL of Ohio, Mr. ARMEY, Mrs.

Morella, Mr. Lewis of Georgia, Ms. Norton, Mrs. Clayton, Mr. Pitts, and Mr. Quinn):

H.R. 4964. A bill to authorize the Secretary of the Interior to establish a memorial to slavery, in the District of Columbia; to the Committee on Resources.

By Mr. CHABOT (for himself, Mr. Sensenbrenner, Mr. Barcia, Mr. Hyde, Mr. Hall of Texas, Mr. Smith of New Jersey, Mr. Oberstar, Mrs. Myrick, Mr. Stupak, Ms. Hart, Mr. Mollohan, Mr. Portman, and Mr. Rahall):

H.R. 4965. A bill to prohibit the procedure commonly known as partial-birth abortion; to the Committee on the Judiciary.

By Mr. GILCHREST:

H.R. 4966. A bill to improve the conservation and management of coastal and ocean resources by reenacting and clarifying provisions of a reorganization plan authorizing the National Oceanic and Atmospheric Administration; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE (for himself, Mr. Bonilla, Mr. Skeen, Mr. Pastor, Mr. Filner, and Mr. Reyes):

H.R. 4967. A bill to establish new nonimmigrant classes for border commuter students; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. Hansen, and Mr. Matheson):

H.R. 4968. A bill to provide for the exchange of certain lands in Utah; to the Committee on Resources.

By Mr. THUNE (for himself and Ms. Rivers):

H.R. 4969. A bill to authorize funding for the development, launch, and operation of a Synthetic Aperture Radar satellite in support of a national energy policy; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. Rangel.

H.R. 122: Mr. Hoekstra.

H.R. 257: Mr. Wilson of South Carolina and Mr. Akin.

H.R. 267: Mr. Ramstad.

H.R. 321: Ms. McCollum, Mr. Stark, Ms. Pelosi, Mrs. Mink of Hawaii, Mr. Kucinich, and Mr. Clay.

H.R. 488: Mr. Larson of Connecticut.

H.R. 498: Mr. Rogers of Kentucky.

H.R. 699: Mr. Wilson of South Carolina.

H.R. 792: Mr. Israel, Mrs. McCarthy of New York, and Mr. Sweeney.

H.R. 950: Mr. Turner.

H.R. 1038: Ms. McCollum, Mr. Stark, Ms. Pelosi, Mrs. Mink of Hawaii, Mr. Kucinich, and Ms. Schakowsky.

H.R. 1184: Mr. Ross.

H.R. 1186: Mr. Conyers.

H.R. 1296: Mr. Pombo and Mr. Phelps.

H.R. 1451: Mr. Clay.

H.R. 1475: Mr. Israel.

H.R. 1487: Mr. Davis of Illinois.

H.R. 1494: Ms. Kilpatrick.

H.R. 1733: Mr. LaTourette and Mr. Scott.

H.R. 1811: Mr. Whitfield and Mr. Frost.

H.R. 1864: Mr. Engel.

H.R. 1962: Mr. Clay.

H.R. 2117: Mr. Peterson of Minnesota, Mr. Honda, Mr. Udall of Colorado, and Mr. Israel.

H.R. 2118: Mr. Sanders.

H.R. 2173: Mr. Deutsch.

H.R. 2219: Mr. Terry.

H.R. 2284: Mr. Hinchey.

H.R. 2364: Ms. Rivers.

H.R. 2466: Mr. Weldon of Florida.

H.R. 2490: Mr. Tiberi.

H.R. 2521: Mrs. Morella.

H.R. 2570: Ms. Slaughter and Mr. Deutsch.

H.R. 2974: Mr. Hall of Ohio.

H.R. 3006: Mr. Burton of Indiana and Mr. Kennedy of Minnesota.

H.R. 3034: Mr. Serrano and Ms. Watson.

H.R. 3109: Mr. Thompson of Mississippi, Mr. Schiff, Ms. Millender-McDonald, and Mr. Evans.

H.R. 3132: Mr. Foley, Mr. Quinn, Mrs. Napolitano, Mr. Maloney of Connecticut, Ms. Ros-Lehtinen, Mr. Cummings, Mr. Lucas of Kentucky, Mr. Tom Davis of Virginia, Mrs. Davis of California, Mrs. Meek of Florida, Ms. Woolsey, Ms. Roybal-Allard, and Ms. Pelosi.

H.R. 3185: Mr. Israel.

H.R. 3192: Mr. Farr of California.

H.R. 3388: Mr. Wolf.

H.R. 3464: Mr. Hinchey.

H.R. 3469: Mr. Tierney, Ms. McCollum, Mr. Baca, and Mrs. Tauscher.

H.R. 3496: Mr. King.

H.R. 3585: Mr. Bentsen.

H.R. 3630: Mr. Boyd, Ms. Brown of Florida, Mr. Diaz-Balart, and Mrs. Thurman.

H.R. 3673: Mr. Sanders.

H.R. 3686: Mrs. Myrick and Mr. Hall of Texas.

H.R. 3747: Ms. Pelosi.

H.R. 3771: Mr. Maloney of Connecticut, Mr. McGovern, Mr. Holden, and Mr. Sweeney.

H.R. 3814: Mr. Thompson of Mississippi and Mr. Lampson.

H.R. 3831: Mr. Bonior and Mr. Ford.

H.R. 3834: Mr. Bishop, Mr. Wicker, Mr. Holden, Mr. Kucinich, Mr. Callahan, Mr. Rodriguez, and Ms. Kaptur.

H.R. 3880: Mr. Israel and Mr. McNulty.

H.R. 3884: Mr. Allen, Mr. Bonior, Mr. Kind, Ms. Berkley, Mr. Holden, Mr. Jackson of Illinois, Mr. Pallone, and Mr. Kildee.

H.R. 3973: Mr. Watts of Oklahoma, Mr. Gibbons, Mr. Jenkins, Mr. Schiff, Mr. Green of Texas, Mr. Pomeroy, and Mr. Reyes.

H.R. 3995: Mr. Castle and Mr. Schaffer.

H.R. 4013: Mr. Levin, Mr. Deutsch, Ms. Carson of Indiana, and Mr. Sanders.

H.R. 4014: Ms. Carson of Indiana and Mr. Sanders.

H.R. 4018: Mr. Platts.

H.R. 4026: Mr. Tiahrt, Mr. Herger, Mr. Ryun of Kansas, Mr. Sam Johnson of Texas, Mr. Hostettler, Mr. Jones of North Carolina, Mr. Shadegg, and Mr. Watts of Oklahoma.

H.R. 4032: Mr. Bishop, Mr. Blagojevich, Mr. Serrano, and Mr. Moran of Virginia.

H.R. 4042: Mr. Jeff Miller of Florida.

H.R. 4043: Mr. Sam Johnson of Texas.

H.R. 4066: Mr. Hill.

H.R. 4122: Mr. Schaffer.

H.R. 4205: Mr. Gutierrez and Ms. Baldwin.

H.R. 4256: Mr. Pickering.

H.R. 4483: Mr. Schaffer, Mr. Tancredo, Mr. Etheridge, Mr. Carson of Oklahoma, and Mr. Evans.

H.R. 4582: Mr. Bishop and Mr. Osborne.

H.R. 4600: Mr. Cantor, Mr. Chabot, Mr. Graves, and Mr. Isakson.

H.R. 4601: Mr. Blumenauer, Mr. Wu, Ms. Hooley of Oregon, and Mr. Walden of Oregon.

H.R. 4622: Mrs. Cubin.

H.R. 4623: Mr. Barr of Georgia, Mr. Wicker, Mr. Stupak, Mr. Wilson of South Carolina, Mr. Moore, Mr. Deal of Georgia, and Mr. Jones of North Carolina.

H.R. 4635: Mr. Turner.

H.R. 4643: Ms. Rivers and Mr. Paul.

H.R. 4665: Mr. Sanders and Mr. Baca.

H.R. 4667: Mr. Baca.

H.R. 4738: Mr. Blunt.

H.R. 4742: Mr. Rodriguez.

H.R. 4743: Mr. Sanders, Ms. Norton, and Ms. Millender-McDonald.

H.R. 4785: Mr. Rogers of Michigan.

H.R. 4795: Mr. Hansen and Mr. Smith of Michigan.

H.R. 4803: Mr. Etheridge, Mr. Dooley of California, Ms. McCarthy of Missouri, Mr. Moran of Virginia, and Mr. Farr of California.

H.R. 4810: Mr. Levin.

H.R. 4837: Mr. Hinojosa.

H.R. 4843: Ms. Baldwin, Mr. Phelps, Mr. Hayes, and Mr. LaHood.

H.R. 4851: Mr. Istook.

H.R. 4854: Mr. Davis of Illinois and Ms. McCollum.

H.R. 4864: Mr. Pence, Mr. Keller, Mr. Schiff, Mr. Gallegly, Ms. Baldwin, and Mr. Green of Wisconsin.

H.R. 4865: Mr. Costello and Mr. Roemer.

H.R. 4916: Ms. McCarthy of Missouri, Ms. McKinney, Mr. Bishop, Mr. Baird, Mr. Farr of California, Mr. Serrano, Mr. Jackson of Illinois, Ms. Kaptur, and Ms. Kilpatrick.

H.R. 4937: Mr. Honda, Mr. Filner, and Mr. Towns.

H.R. 4950: Mr. Wilson of South Carolina and Mr. Blunt.

H.R. 4954: Mr. Thomas, Mr. Tauzin, Mr. Shaw, Mr. Upton, Ms. Dunn, Mr. Greenwood, Mr. Portman, Mr. Pickering, Mr. English, Mr. Bryant, Mr. Weller, Mr. Bass, Mr. McInnis, Mr. Walden of Oregon, Mr. Ryan of Wisconsin, Mr. Terry, Mr. Fletcher, Mr. Boozman, Mr. Crenshaw, Mrs. Jo Ann Davis of Virginia, Mr. Keller, Mr. Kennedy of Minnesota, Mr. Goss, Mr. Simmons, and Mr. Sullivan.

H.J. Res. 23: Mr. Kennedy of Minnesota.

H.J. Res. 31: Mr. George Miller of California.

H. Con. Res. 99: Mr. Rush, Mr. Baldacci, Mr. Udall of New Mexico, Mr. Clyburn, and Mr. Jefferson.

H. Con. Res. 345: Mr. Schaffer.

H. Con. Res. 355: Mr. Pascrell.

H. Con. Res. 408: Mr. Cardin and Mr. Blumenauer.

H. Res. 436: Ms. Millender-McDonald.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3686: Ms. Carson of Indiana.

SENATE—*Wednesday, June 19, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The psalmist expresses our deepest longing this morning, "Let the words of my mouth and the meditation of my heart be acceptable in Your sight, O Lord, my strength and my Redeemer."—Psalm 19:14. Let us pray.

Gracious God, You have shown us that the meditation of our hearts and the reflection of our inner being often affect our spoken words. It's true of our prayers: muddled thinking about You results in halting prayers. The connection of the meditation of our hearts and the words of our mouths is manifested in our human relationships: what we think about others affects what we say to them. Also, our prayerful meditation about issues and the application of our beliefs and values impact how we express our convictions and how we cast our votes. Often, what we think speaks so loudly in our attitudes that others can't hear what we say.

So, Lord, we pray that the meditation of our hearts will reflect Your justice and mercy and what we say will articulate Your truth and righteousness. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 19, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

Under the previous order, the time until 11 a.m.—that is, from 10:30 to 11—shall be under the control of the Republican leader or his designee.

Who seeks recognition?

The Senator from Illinois is recognized.

ORDER OF BUSINESS

Mr. DURBIN. Mr. President, it is my understanding the first hour, if I am not mistaken——

The ACTING PRESIDENT pro tempore. The first half-hour is under the control of the Democrats.

Mr. DURBIN. I know the Senator from New Jersey is going to seek recognition. I see the Senator from Pennsylvania is in the Chamber. I do not know if he is seeking recognition this morning. I would certainly like to accommodate him if he is going to make a request for a reasonable period of time.

Mr. SPECTER. Mr. President, I thank my colleague from Illinois. I would very much appreciate an opportunity to speak for 5 minutes, if I might, at some early point.

Mr. DURBIN. I am happy to extend that courtesy to my colleague from Pennsylvania.

The ACTING PRESIDENT pro tempore. Under the order, the 5 minutes of the Republican time will be used at this time; is that it?

Mr. DURBIN. That is correct.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, first, I thank the Senator from Illinois for according me this courtesy.

PROPOSED RULE FOR THE REPUBLICAN CONFERENCE

Mr. SPECTER. Mr. President, I have sought recognition to discuss, briefly, a proposed rule for the Republican conference on the issue of seniority for members, chairmanships, and also for ranking members.

Effective January 1, 1997, the Republican caucus adopted a rule which provided that there would be a 6-year limit on committee chairmanships and ranking members; chairmanships, of course, if in the majority, ranking members if in the minority.

There has since arisen a controversy as to whether that meant 6 years as chairman and an additional 6 years as ranking member or whether that meant 6 years total for chairman and ranking member.

Having participated in the conference which produced the rule, I think it is fair to say that the intent was to have a total 6-year limitation, chairman and ranking member combined.

Certainly, there is no doubt that in establishing a 6-year limit for every leadership position in the Republican caucus, except for the position of Republican leader—majority leader or minority leader, depending on control of the Senate—aside from Senator LOTT's position, it is plain that all the other leadership positions were limited to a total of 6 years, without distinction as to whether it was a majority or minority position.

The chairman of the conference, Senator SANTORUM, came out with an interpretation that the rule did mean total years whether it was chairman or ranking member; not 6 and 6, but a total of 6 years.

Yesterday, I circulated a proposed rule which would make it conclusive that a Republican Senator shall be limited to 6 years in the aggregate for service as chairman and ranking member of a committee. For example, if the Senator served 4½ years as chairman and 1½ years as ranking, that would constitute the requisite 6-year limit.

There has been some consideration as to whether being ranking is really a position of significance. I would submit from my experience in this body that it conclusively is not as good as being chairman, but it is the lead Republican on the committee.

For example, on Intelligence, the chairman and the ranking member, or vice chairman, have access to the confidential briefings. On the Judiciary Committee, the chairman and the ranking member have access to the confidential briefings by the Attorney General when something arises where notification is important, or by the FBI Director or by the INS Director or any one of the Federal agencies subject to oversight by the Judiciary Committee.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

At the committee hearings, it is the chairman and the ranking member who are accorded the right, the privilege, of making opening statements. There is a considerable difference on staff, and the ranking member does have a say, to a significant extent, on the organization and direction of the committee. So I think, as a practical matter, being ranking is very significant.

Some of my colleagues have raised the concern that if they served as ranking for a year, for example, they would then not be able to serve as chairman for 6 years—if we Republicans retook the majority—but for only 5 years.

So my rule has a subsection which provides that if a person who has seniority to be ranking member elects not to be ranking member, that person may do so; and then that would not count against the 6 years as chairman if and when the Republicans again control of the Senate.

So for those who think the position of ranking member is not of significance, or choose not to undertake that position, or prefer not to have that position, which would then be a limitation on their service as chairman, that member can opt not to serve as ranking member.

When this rule was proposed, I had grave doubts about it, frankly, having been here for a considerable period of time, and approaching the situation where I would have the seniority. But as the rule was put into effect, obviously, I have observed it.

As a part of the rule, I could no longer serve as chairman of the Judiciary Committee. But it seems to me the Republican caucus ought to go back to where we—Madam President, I ask unanimous consent for an additional 1 minute.

The PRESIDING OFFICER (Mrs. CLINTON). Is there objection?

Without objection, it is so ordered. An additional 1 minute is granted.

Mr. SPECTER. In conclusion—the two most popular words of any speech—I think it is a fair assessment that what was intended was 6 years in total. That was the interpretation, to repeat, which the chairman of the Republican Conference, Senator SANTORUM, had made by an official interpretation.

The rule I am proposing, which will be voted on next Tuesday—I had each member of the Republican caucus served with notice, both having it delivered to their offices yesterday and having a copy served on each one of the desks here so there is a double service of notice—would provide for a 6-year maximum limitation, having provided the leeway for a Member not to serve as ranking, if he chose to follow that course, so as to have the full 6 years as chairman, if and when the Republicans are the majority party.

I, again, thank my colleagues. I thank the Senator from New Jersey for his patience, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

SOCIAL SECURITY

Mr. CORZINE. Madam President, I appreciate this opportunity to, once again, speak on a topic I believe needs to be debated fully in front of the American public and before this fall's elections. That topic is Social Security and the proposals circulating with regard to privatization of Social Security and the reduction in guaranteed benefits for future generations.

Yesterday two of our Nation's top experts on Social Security issued a thoughtful and detailed new study on the recommendations of the Bush Social Security Commission to privatize Social Security. The report was prepared by Dr. Peter Orszag of the Brookings Institution and Dr. Peter Diamond of the Massachusetts Institute of Technology, who is the incoming president of the American Economic Association—two credible, thoughtful researchers who bring objectivity to their work in this area.

The report by Drs. Orszag and Diamond objectively confirmed what I and many Democrats in the House and Senate have been trying to say on a regular basis on the floor for some time: The Bush Social Security Commission has developed privatization plans that would force deep cuts in guaranteed benefits. Those cuts for many current workers could exceed 25 percent and for some future retirees up to 45 percent.

These cuts would apply to everyone, even those who choose not to risk their benefits in privatized accounts. Cuts would be even deeper for those who do invest in privatized accounts. In fact, actual cuts are likely to be deeper than current estimates, as the Commission's plans depend on substantial infusions of revenues from the General Treasury.

Given the current state of our Federal budgetary policies, it is pretty hard to expect that we will put $2.5 to $3 trillion into the Social Security fund from the general revenues over the next 40 years or so, with the major demands we have on our general revenues.

Remember, what we actually will be doing is spending Social Security trust fund moneys for those general purposes, as opposed to infusing money into the Social Security trust fund.

This year we will run roughly a $300 billion deficit, if you include expenditures out of the Social Security trust fund, taking every penny of that to spend on other things, some quite responsible with regard to national security and homeland security. The fact is, we are using Social Security funds for everything but Social Security.

With respect to the basic elements of the Orszag and Diamond report, they spell out in great detail all of the cuts in guaranteed benefits. I urge my colleagues to take a look at it. This is not just political rhetoric. This is about the facts of what this Commission's report is proposing. It is noteworthy. In fact, it is newsworthy.

The New York Times today—and I will include the article for the RECORD—gives a good summary of the report and relates the fact that guaranteed benefits are going to be cut if we follow the propositions included in that report.

First, the Orszag and Diamond report provides a lot of detail about how these deep benefit cuts will come about. It finds that, even if you add income that can be derived from the privatized accounts, many seniors would be substantially worse off under the Bush Commission plans than under current law.

Let me repeat that, because this is one of the arguments I hear coming back all the time when we talk about Social Security. Even if you add the income that can be derived from privatized accounts, many seniors would be substantially worse off under the Bush Commission plans than the current system.

Take, for example, a two-earner couple who claims benefits at age 65 in 2075. Their guaranteed benefits would be reduced by 46 percent. Since the whole point of Social Security is to provide guaranteed benefits, this 46-percent cut is what actually matters. They go through the detail of itemizing how you get to that, but that is the bottom line. There is no argument with the numbers. In fact, they are verified by the Social Security actuaries themselves in the Bush Commission report.

Having said that, I recognize it is possible that cuts in guaranteed benefits will be offset in some part by income from privatized accounts. It is possible, but it may not even be likely. The Orszag-Diamond report actually makes that quite clear.

As their report explains, if you go back to the couple whose guaranteed benefits would be cut by 46 percent and use assumptions adopted by the Social Security Administration, this couple, on average, would be able to offset about a quarter of their benefits with income from an annuity purchased with the proceeds from their privatized account. However, if my arithmetic is right, that still leaves them with a 21-percent cut in benefits compared to current law.

This 21-percent net cut in benefits is not the end of the story because projected income from privatized accounts also comes from increased risk. In the world I came from, we used to assign probabilities about whether events would happen. It is called the risk-adjusted view of what returns would be. These alternative proposals are not guaranteed. They are not locked in. Sometimes they can be great; sometimes they can be poor. Markets move sideways for long periods of time.

Sometimes they go up; sometimes they go down.

Not only are you getting real cuts that the Orszag-Diamond report itemizes, but you are also taking on the risk with these privatized accounts that you won't have the resources to buy that actuarially presumed annuity that is going to make up for those benefits.

After all, the promise of a dollar backed by the full faith and credit of the U.S. Government in your Social Security is a lot better than those risk-adjusted returns in the stock market. That is what the American people are looking for.

Drs. Orszag and Diamond decided to make such an adjustment using the risk adjustment approach as advocated by the Bush Office of Management and Budget so they could actually make these things on comparisons that are real. They found, if you adjust those benefits, as I suggested, for the levels of risk, the same two-couple wage earner would face a 40-percent cut in benefits. That is using these statistical adjustments that are reasonable.

Madam President, this puts the lie to those who claim it is worth cutting guaranteed benefits in return for a gamble in the stock market. It just doesn't work out. The truth is, even using the assumptions of the administration, privatized accounts are a risky, bad deal and are not likely to compensate for the deep cuts in guaranteed benefits they would require.

The next point I want to bring out from this Orszag-Diamond study relates to one of the assumptions of the Bush Social Security Commission—the assumption of large infusions of general revenues from the rest of the budget. They suggest you put that in conjunction with where we are in our budgetary status in the country today, and we have trouble to start with just on a fundamental basis. But the Orszag-Diamond report finds that under model 3—there are three different models the Commission talks about—the present value of the general revenue transfers in 2001 dollars, to flush up the Social Security trust fund and make it actuarially sound, is $2.8 trillion. That is a lot of dough. I have a hard time even understanding what $2.8 trillion is, but I don't think we have that kind of money laying around in our general revenues.

If you protect disabled individuals from cuts, since they generally cannot work and make contributions to privatized accounts, you would need $3.1 trillion in general revenues. The totals for model 2 are almost as high.

Madam President, $3.1 trillion is such a huge number that I am sure many Americans don't have an idea of what that really means. But it is almost as large as the entire publicly held debt we have, which we have accumulated over 225 years, which is now $3.4 trillion. In fact, it is almost as large as the entire Social Security shortfall, which we are trying to correct in the first place, which is $3.7 trillion over the next 75 years.

In other words, if we really will have $3.1 trillion in extra general revenues sitting around doing nothing, we could solve this Social Security problem just flatout. We would not have to move to privatization, or adding risk adjustments to individual accounts to try to get this done; and certainly we would not have to move to these kinds of significant cuts in benefits that are proposed in the commission's suggestions.

That sounds pretty good and pretty easy, but is it realistic to assume that we would have that extra $3.1 trillion just available to subsidize privatized accounts? The Bush commission obviously thinks so. But they are hard pressed to find many others who would agree. In fact, now that the Bush tax cuts have been enacted, which by themselves will cost $8.7 trillion in that same period, we are now looking at projections of deficits for years to come.

So long as those tax breaks remain in place, the Commission's assumption of large general revenue transfers is pretty much in the world of fantasy.

Another point made by the Orszag-Diamond study is that the privatized accounts proposed by the Commission don't just drain money from the Social Security trust fund over the next 75 years; they drain the trust fund permanently. This may surprise some people who think privatization would involve some short-term transition costs.

We often hear about a $1 trillion transition cost. But the fact is that these drains are self-sustaining because they have created a program that subsidizes these personal accounts, these privatized accounts.

The Orszag-Diamond report makes this clear. This should come as no surprise when you remember that people are trading a risk account for one that is guaranteed. So they are going to have to do something to encourage people to do that, and they are draining money from the Social Security trust fund to encourage making that happen. I think that is very dangerous. I really do believe it is a misrepresentation of how this whole process works. I think the study makes this very clear in very detailed, objective language.

Finally, I want to highlight the Orszag-Diamond study's conclusions about the depth of the cuts that would be required in benefits for the disabled and for family members who survive the loss of a loved one because these would be especially severe. There would be little recourse for most victims of these cuts.

According to the Orszag-Diamond report, disabled individuals would face cuts of up to 48 percent by 2075. These same reductions would apply to the younger children of workers who die prematurely.

These are the cuts that would apply to all beneficiaries, even those who do not risk their benefits in privatized accounts. So I think it is important the American people understand that this isn't just political rhetoric. We have an objective study using the numbers of the Social Security actuaries to show that we are talking about real cuts, real cuts in guaranteed benefits, and that we are subsidizing privatized personal accounts to try to encourage something that is going to require a huge infusion of general revenues from the general accounts of the Government. Where that will come from is a mystery to me and to most who look at it.

So I think we have a real serious cause for debate in front of this election this fall to make sure that people understand what they are buying into if we go to this Social Security privatization scheme. Personally, I think it is a disaster for our country.

I hope, as do the 50 Members of this body who wrote a letter to the President last week urging him to publicly reject these cuts in guaranteed Social Security benefits, we can have this debate before this election so that when we bring this topic to the floor, it will be something the voters have expressed themselves on before we express ourselves. I think it is very productive that we have serious, thoughtful, objective evidence such as the Orszag-Diamond report to help bring light on this debate.

I am going to make sure my colleagues have a chance to review this, make sure it is circulated. I thank my colleagues.

I ask unanimous consent that the executive summary of the Orszag-Diamond report and the New York Times article be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, June 19, 2002]

REPORT PREDICTS DEEP BENEFIT CUTS UNDER BUSH SOCIAL SECURITY PLAN

(By Richard W. Stevenson)

WASHINGTON, June 18.—Opponents of President Bush's plan to create personal investment accounts within Social Security released a report today concluding that the administration's approach would lead to deep cuts in retirement benefits and still require trillions of dollars in additional financing to keep the system solvent.

The report, by Peter A. Diamond, an economics professor at the Massachusetts Institute of Technology, and Peter R. Orszag, a senior fellow at the Brookings Institution, is sure to provide material to Democrats for this fall's Congressional elections.

White House officials criticized the report as misleading or wrong. They said the report exaggerated the cuts in benefits by comparing them with what is available under current law, rather than with what the system could afford to pay if no changes were made to the system as the population ages in coming decades.

Without any changes, Social Security will start paying out more in benefits than it takes in from payroll tax revenues and interest starting in 2027, leaving it increasingly dependent on redeeming government bonds the system holds, according to the system's trustees. By 2041, Social Security would exhaust its "trust fund" of bonds, leaving it unable to pay full benefits.

The report concluded that under two of the commission's three proposals, monthly benefits for each member of a two-earner couple retiring at 65 in 2075 would be well below benefits promised under current law even after taking account of the returns from a personal investment account. The report did not analyze the commission's third proposal, which would not seek to restore the system's long-term solvency.

Under one of the commission's proposals, the report said, total benefits would be 10 percent below current-law benefits for low-income people, 21 percent below current-law benefits for middle-income people and 25 percent below current-law benefits for upper income people.

Under the other proposal, the reductions in total benefits would range from 21 percent to 27 percent, and would be even larger if adjusted for the risk of investing in the stock market, the report said. The benefit reductions would be smaller for people who reach retirement age in the next three or four decades.

Charles P. Blahous, executive director of the president's commission, said the study "appears to have been deliberately constructed to bias the discussion against proposals that include personal accounts."

Mr. Blahous cited calculations showing that in most cases retirees would receive larger benefits under the commission's proposals than the current system can actually afford to pay, and that in some cases beneficiaries would do as well as or better than the current system promises.

THE CENTURY FOUNDATION, NEW YORK, NY; CENTER ON BUDGET AND POLICY PRIORITIES, WASHINGTON, D.C.

June 18, 2002.

SOCIAL SECURITY COMMISSION PLANS WOULD ENTAIL SUBSTANTIAL BENEFIT REDUCTIONS AND LARGE SUBSIDIES FOR PRIVATE ACCOUNTS

NEW STUDY ANALYZES IMPLICATIONS OF COMMISSION PLANS FOR RETIREMENT BENEFITS, SOCIAL SECURITY FINANCING, AND THE BUDGET

The proposals that President Bush's Social Security Commission issued in December would substantially reduce benefits for future retirees and the disabled while requiring multi-trillion dollar transfers from the rest of the budget to finance private retirement accounts, according to a major new study co-authored by the incoming president of the American Economic Association and a Brookings Institution expert on the economics of retirement. The study is being published jointly by the Center on Budget and Policy Priorities and the Century Foundation; a more technical version of the study, also being released today, is available as a Brookings institution working paper on the Brookings website.

The study finds that the private accounts the Commission proposed would significantly worsen Social Security's financial position, both in the short-term and permanently, by drawing funds from Social Security to subsidize those who elect the private accounts. The Commission proposals are able to restore long-term solvency, the study shows, only through very large transfers of tax revenues from the rest of the budget to compensate for the losses the private accounts would cause Social Security to incure. Under these proposals, the rest of the American public would, through these revenues, be required to subsidize those who elect to participate in the private accounts.

The study by Peter A. Diamond, Institute Professor of Economics at the Massachusetts Institute of Technology, and Peter R. Orszag, Senior Fellow in Economics at the Brookings Institution, draws heavily on a technical analysis of the Commission's proposals by the Office of the Chief Actuary at the Social Security Administration. It is the first study to examine a variety of effects implied, but not directly stated, in the actuaries' analysis. The Diamond-Orszag study of the two Commission proposals that are designed to restore long-term Social Security solvency shows the Commission proposals contain three principal components.

First, the plans restore long-term balance to Social Security either solely (under one of the plans) or primarily (under the other plan) through Social Security benefit reductions. These benefit reductions would be large and would affect all beneficiaries, including disabled beneficiaries and those who do not elect private accounts.

Second, the plans would replace part of the scaled-back Social Security system that would remain with a system of private accounts. Those choosing the individual accounts would have some of their payroll taxes diverted from Social Security to the accounts; in return, their Social Security benefits would be reduced further. The amount that Social Security would lose because of the diversion of these payroll tax revenues would, on a permanent basis, exceed the additional Social Security benefit reductions to which these beneficiaries would be subject. In addition, the accounts would create a cash flow problem for Social Security because funds would be diverted from Social Security decades before a worker's Social Security benefits would be reduced in return. The private accounts consequently would push the Social Security Trust Fund back into insolvency and permanently worsen Social Security's financial condition.

To avoid insolvency and restore long-term balance, the plans' third component consists of the transfer of extremely large sums from the rest of the budget to make up for the losses that Social Security would bear because of the private accounts. The transfers would equal two-thirds of the entire existing Social Security deficit over the next 75 years under one of the Commission plans and 80 percent of the Social Security deficit under the other plan. (The second plan assumes additional transfers from the rest of the budget to reduce the magnitude of the Social Security benefit reductions it contains.)

The Diamond-Orszag study raises questions about where the trillion of dollars assumed to be transferred from the rest of the budget to offset the costs of the private accounts would come from, a matter on which the Commission is silent. Noting that virtually all budget forecasts show budget deficits outside Social Security for decades to come, with these deficits mounting as the baby boom generation retires—which means there are no surpluses outside Social Security to transfer—the study calls the Commission's reliance on large unspecified transfers from the rest of the budget a serious weakness of these plans. Financing the transfers would require large tax increases or deep cuts in other programs, but the Commission did not recommend any such changes.

Without the assumed transfers of trillions of dollars, the study shows, the Commission's numbers do not add up. "The assumed transfers in the Commission's plans effectively constitute a large 'magic asterisk' that serves to mask the adverse financial impact of the individual accounts on Social Security solvency," the study reports.

BENEFIT REDUCTIONS

The study also examines the effects the Commission plans would have on the benefits that workers receive when they retire. It finds that those who do not opt for the individual accounts would face deep benefit reductions.

Under the Commission plan (identified by the Commission as "Model 2"), workers aged 35 today who retire at age 65 in 2032 and do not choose the private accounts would have their Social Security benefits reduced 17 percent, compared to the benefits they would receive under the current benefit structure. Benefits would be reduced 41 percent for those born in 2001 who retire at age 65 in 2066.

As a result, the percentage of pre-retirement wages that Social Security replaces would decline substantially. For a two-earner couple with average earnings that retires at age 65 in any year after 2025, Social Security is scheduled to replace 36 percent of former earnings. Under the Commission's Model 2 plan, by contrast, Social Security would replace 30 percent of former earnings for such a couple that is 35 today and retires at age 65 in 2032, and just 22 percent of former earnings for a future couple composed of two individuals born in 2001 who retire in 2066. The study finds that under the Commission plans, the role of Social Security in allowing the elderly to maintain their standard of living in retirement would decline rather sharply over time.

EFFECTS ON THE DISABLED AND CHILDREN OF DECEASED WORKERS

Benefit reductions would be particularly severe for the disabled and the young children of workers who die.

For those who begin receiving disability benefits in 2050, Social Security benefits would be reduced 33 percent under one of the Commission's proposals and 19 percent under the other. (The benefit reductions could be smaller under the latter plan because it assumes the transfer of additional sums from the rest of the budget.)

For those who begin receiving disability benefits in 2075, the benefit reductions would be 48 percent under one plan and 29 percent under the other.

Equivalent benefit reductions would apply to the young children of deceased workers.

These reductions would disproportionately harm African-Americans. Both the proportion of workers who are disabled and the proportion of young children whose parent or parents have died are higher among African-Americans than among the population as a whole.

Diamond and Orszag warn that the disabled and the children of deceased workers would have little ability to mitigate these severe benefit cuts with income from individual accounts, because many workers who become disabled would have had fewer work-years during which to contribute to private accounts, and also because the Commission plans would deny all workers—including the disabled—access to their accounts until they reach retirement age. The economists term the treatment of the disabled under the Commission plan as "draconian."

The Commission recognized its proposals would have such effects and stated it was not recommending these reductions in disability benefits. Diamond and Orszag show, however, that the Commission counted all of the savings from these disability benefit cuts to make its numbers add up. Without these benefits cuts, none of the Commission plans would restore long-term Social Security solvency (unless even larger transfers of revenue were made from the rest of the budget).

IMPACTS OF PRIVATE ACCOUNTS

The benefit reductions just described would apply to all beneficiaries, including both those who do not opt for private accounts and those who do. Workers who choose the private-account option would be subject to additional reductions in Social Security benefits, on top of the reductions that would apply to all beneficiaries, in return for the income they would receive from their accounts.

For retired workers who received a return on their account equal to the average expected return that the actuaries and the Commission have forecast, the total reduction in benefits (factoring in the income from individual accounts) would be smaller. But many such workers still would face benefit losses.

Under Model 2, a medium-earning couple that retired at age 65 in 2075 and received the average expected rate of return from a private account would receive a combined benefit—including a monthly annuity check from its account—that is about 20 percent below the benefit the couple would receive under the current Social Security benefit structure. Diamond and Orszag observe that given the large infusion of revenue from the rest of the budget under this plan, a 20 percent benefit reduction is quite substantial.

Moreover, if the stock market does not perform as well in future decades as the actuaries and the Commission have assumed, private accounts investments would do less well than figures suggest and the benefit reductions would be larger.

The study also explains that because of the risk associated with investing in stocks, analysts generally agree that in comparing returns from different types of investments, adjustments for risk must be made. If the approach to "risk adjustment" that the Office of Management and Budget recently used in an analogous situation is applied here, the combined benefits from Social Security and individual accounts for the medium-earning couple retiring in 2075 are estimated to be 40 percent lower than the Social Security benefits the couple would receive under the current benefit structure.

The study warns that the large, unspecified revenues the Commission counts on from the rest of the budget might not materialize. If they did not fully materialize and payroll taxes were not raised, the benefit reductions would have to be still larger under these plans. Failure to identify a source for these revenues leaves Social Security subject to a substantial risk that the funding would not materialize.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

STATUS OF OUR NUCLEAR INDUSTRY

Mr. MURKOWSKI. Madam President, I rise to speak today on the status of our nuclear industry in this country and the realization that it is time that the U.S. Senate resolve the question of what to do with the high-level waste that is generated by our nuclear reactors generating power throughout this Nation.

What would you think of the Federal Government's response to entering into a contract to take the high-level nuclear waste in 1998, and, 1998 having come and gone, the ratepayers who receive nuclear power into their homes have paid somewhere in the area of $11 billion to the Federal Government to take that waste in 1998?

As we all know, 1998 has come and gone. The sanctity of the contractual relationship between the Government and the nuclear industry, obviously, has been ignored by our Government. As a consequence, there is potential litigation—litigation that has arisen as a consequence of the nonfulfilling of the contractual arrangement that was entered into to take the waste. So, clearly, we have a responsibility that is long overdue.

Some people, relatively speaking, are inclined to ignore the contribution of the nuclear industry in our Nation. It provides our country with about 21 percent of the total power generation. It is clean energy. There are no emissions. The problems, of course, are what to do with the high-level waste.

Other nations have proceeded with technology. The French reprocess. They recover the plutonium from the almost-spent nuclear rods. They reinject plutonium into a mixture that is added into the reactors and, basically, burn as part of the process of generating energy.

The Japanese have proceeded with a similar technology. The rods, after they are taken out of the reactors, are basically clipped in the process of the centrifugal development, while the plutonium is recovered. It is mixed with enriched uranium, and it is put back in the reactors. The waste that does occur is basically stored in a glass form called vitrification.

We have chosen not to proceed with that type of technology, and I believe ultimately we will change our policy and, indeed, recover the high-level waste that is associated with the rods.

In any event, we are faced with the reality that we are derelict in responding to the contractual commitments into which we entered. We have before us a situation where this body is going to have to come to grips with the disposition of what to do with that waste.

The House has already acted. On June 6 of this year, the Senate Energy Committee, by a vote of 14 to 10, favorably reported S.J. Res. 34, which is the Yucca Mountain siting resolution. The resolution approves our President's recommendation to Congress that the Nation's permanent deep geological storage site for spent nuclear fuel and other radioactive waste be located at the Yucca Mountain site in Nevada.

What the resolution does not do is build a repository. It merely selects the site, and approval of the resolution would start the Department of Energy on the licensing process.

This is a long-awaited step forward in the process to develop this Nation's long-term geologic repository for high-level radioactive waste. In making the decision, President Bush relied on the recommendation of Secretary of Energy Abraham and on two decades of science that has found, in the words of one Department of Energy assessment, "no showstoppers." This is not something that has just come up. We have been at it for 20 years.

The vote last month in the House was 306 to 117. As I indicated, the House has done its job. It affirmed the exceptional science, engineering, and public policy work that has gone into this very important national project. It reached a conclusion, exactly as I indicated earlier. Now it is the Senate's turn to vote on the resolution.

The 20 years of work, the over $4 billion that has been invested in determining whether this site is scientifically and technically suitable for the development of a repository is a reality to which the taxpayers have already been subjected; $4 billion has been expended at Yucca Mountain. I personally visited the site, and I can tell you that for all practical purposes, the site is ready.

For those who suggest we put this off, let me again remind my colleagues, we have not made this decision in haste. It has been 20 years in the process. In fact, the most recent independent review done by the Nuclear Waste Technical Review Board in January of this year found, one, "No individual, technical, or scientific factor has been identified that would automatically eliminate Yucca Mountain from consideration as a site of a permanent repository."

I am confident in the work done to date by the Department of Energy, but this work will not cease with this recommendation. On the contrary, scientific investigation and analysis will continue for the life of the repository, and I believe that sound science and sound policy guide this decision. For over 20 years, we have relied on science to guide us, and now that science says this site is suitable.

I am often reminded how these things are resolved, and while it is appropriate to have public input, this is an area of technology in which we really need sound science and not emotional discussions or arguments. We have created this waste. We have to address it. Nobody wants it. Somebody has to have it. The Yucca Mountain site has been determined as the best site, and the science supports it.

In fact, the review board addressed the very issue of science vis-a-vis policy and concluded that the ultimate decision on Yucca Mountain is one of policy and informed science. Policy decisions lie with our elected officials. That is why we are here, Madam President. We base them on sound science and facts, of course, but ultimately, we have to make the tough calls. We cannot vote maybe; we can only vote yes or no.

The Secretary has acted. The President has acted. The House of Representatives has acted. Now the Senate must act. Nevada exercised its opportunity to object to actions taken by the Federal Government. That is their right as granted by the Nuclear Waste Policy Act.

It should be pointed out that the veto authority given to the State of Nevada is rather unusual. A Governor of a State was able to veto a decision of a sitting President—indeed extraordinary—but now it is time for the Senate to act, and it is our obligation, indeed our duty, because some decisions, tough as they are, need to be made with the good of the entire Nation in mind.

I should also point out that when the act was considered in 1982, the question of a State veto was somewhat controversial. The subsequent votes of both the House and Senate outlined very specifically the necessary balance to this State veto. If Congress is not permitted to act, as some have threatened in the Senate, then that carefully crafted balance will be lost. I wish the State of Alaska had been given an opportunity for a veto on the issue of ANWR. Nevertheless, that is a different issue for a different time.

The Nuclear Waste Policy Act anticipated that this would be a tough decision and laid out some very strict, fast-track procedure to ensure that the decision would be put to a vote so that the will of the majority would be heard. This is one of those rare cases when Congress made the decision to not allow procedural games to obscure the substance of a very important decision. We will have to vote sometime before July 27 of this year, governed by certain rules on S.J. Res. 34, and a decision will be made, Madam President. That is the procedure that Congress decided back in 1982. We must make this decision, and we will make it soon.

The Federal Government has a contractual obligation to take the Nation's spent fuel. That obligation, as I indicated in my earlier remarks, was due in 1998. That was a contractual commitment. The Federal Government is in violation of that contractual commitment. So far, no waste has been removed despite the fact that the nuclear waste fund now has in excess of $17 billion for the specific purpose of taking the waste.

If the spent fuel is not taken soon, at least one reactor, the Prairie Island reactor in Minnesota, will have to shut down, and we cannot afford to sacrifice nuclear power, not in Minnesota nor, for that matter, anywhere. Madam President, 21 percent of all power generation comes from nuclear energy.

Other States have spent fuel piling up: 1,860 metric tons in California, 1,542 metric tons in Connecticut, and a whopping 5,850 metric tons in Illinois. We have waste at other sites, including Hanford in the State of Washington.

Nuclear, as I indicated, is 21 percent of the Nation's clean, nonemitting electrical energy. Nuclear is safe, solid, baseload generation that helps reduce our dependence on foreign oil.

The Federal Government's obligation does not just extend to utilities. We also have a responsibility to continue to clean up our cold war legacy. These are Department of Energy weapon sites, several throughout the United States, that must be cleaned up. To accomplish cleanup, waste must be removed in sites such as Rocky Flats in Colorado, Hanford in Washington, Savannah River in South Carolina.

For a variety of reasons, all based on sound science, we must proceed to affirm the President's site designation of Yucca Mountain as one of our Nation's safe, central, remote nuclear waste repositories. To borrow from Secretary Abraham's February 14 letter to President Bush:

> A repository is important to our national security. A repository is important to our nonproliferation objectives. A repository is important to our energy security. A repository is important to our homeland security. A repository is important to our efforts to protect our environment.

We have a responsibility, Madam President, to site a repository. It is an overarching national responsibility. It is one we cannot shirk. The alternative would be to leave this waste at 131 sites in over 40 States—sites which were not designated to be permanent repositories.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent to be recognized to speak for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri is recognized.

JACK BUCK

Mrs. CARNAHAN. Mr. President, I rise today—in great sadness—to mourn the loss of broadcasting legend Jack Buck.

Jack Buck has been appropriately referred to as both "the voice of the Cardinals" and "the soul of St. Louis." He has been a mainstay in the Cardinals broadcasting booth for nearly 50 years.

He called games featuring Cardinal greats such as Stan Musial, Bob Gibson, Lou Brock, Ozzie Smith, and Mark McGwire. He was well known for wrapping up Cardinal victories with his trademark, "that's a winner."

Mr. Buck was a decorated war veteran, father of eight, and one of the most accomplished sports broadcasters of all time. He has been inducted into 11 halls of fame, including shrines for baseball, football, and radio.

Jack Buck was accomplished out of the broadcasting booth as well. In fact, he was selected as St. Louis' Citizen of the Year in 2000 for his contributions to the community.

He was dedicated to finding a cure for cystic fibrosis and raised well over $30 million toward that goal. "Finding a cure would be the greatest thing to happen in my lifetime," he once said.

Jack Buck was also a poet who enjoyed a well-turned phrase. When baseball resumed last year after the September 11 attacks, Buck, a tear in his eye, read a patriotic poem during a pregame ceremony at Busch Stadium. "As our fathers did before, we shall win this unwanted war," he said. "And our children will enjoy the future we'll be giving."

Buck often told a story about the day his wife, Carole, asked what he would say to the Lord when they meet at the gates of heaven. He responded: "I want to ask him why he's been so good to me."

Today we join with all who knew and loved Jack Buck to say, "Now that's a winner."

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3899

Mr. LEVIN. Madam President, momentarily, I will be offering an amendment on behalf of the majority of the Senate Armed Services Committee which addresses the Crusader artillery system program and the Army's fire support requirements.

The amendment would do two things: First, it would take $475.6 million out of the Crusader program and put the money into a separate funding line for Future Combat Systems research and development, the Army's armored systems modernization line.

In terms of making sure this issue is very clear, it is essential to understand that the first action this amendment would take would be to move that $475 million from the Crusader program but keeping it in the Army's Future Combat Systems research and development program; that is, the Army's armored systems modernization line.

It would do a second thing which was very important to the majority of the Armed Services Committee; that is, that it would require the Chief of Staff of the Army to conduct an analysis of alternatives for the Army's artillery needs and to submit his findings to the Secretary of Defense no later than 1 month after the date of enactment of this bill.

Under this amendment, the Department would not be permitted to spend the $475 million until after the Secretary of Defense adds his own conclusions and recommendations to the Army Chief of Staff's report and forwards the report to the Congress. With his own decision, the Secretary of Defense would, under our amendment, be required to submit the recommendations of the Chief of Staff of the Army.

They may be two different recommendations, as they were during the hearing that we had, where we had the Secretary of Defense saying the Crusader should be terminated immediately, and the Chief of Staff of the Army giving us the reasons he believed the Crusader system made sense in terms of modernization, made sense in terms of transformation. It was a very important hearing for all of us, including the Presiding Officer, who was present at that hearing.

At that point, after that period had run—1 month after the date of enactment—the Secretary would be free to do a number of things: spend the money for future combat systems in that account or request a reprogramming to spend the money on other programs which address the Army's indirect fire requirements.

So under our approach, we would accomplish two things, basically: One, we would make sure this money is spent for future combat systems essential to the Army; secondly, we would provide that the Army complete the analysis, which was truncated, which was interrupted when the Secretary of Defense, in early May, said it was his decision to terminate the system before that analysis could be completed.

This was an analysis which was going to look at a number of very critical issues. The Army was looking at seven questions, questions which were critical to the survival of soldiers in our future. These are questions which could be life-and-death questions down the road. These are survival questions. These are questions which affect the men and women in the Armed Forces at some point down the road.

How these questions are answered could literally make the difference between whether or not we prevail during a battle and what casualties are incurred during a battle at some time in the future.

These were not just questions of affordability at which the Army was looking, these were questions of capability, of various alternatives. Four indirect fire alternatives were being analyzed by the Army. They were analyzing these alternatives in six different combat scenarios. And they were going to answer seven questions. Again, the answers to those questions are critically important to success in combat or to survive in combat.

The majority of the committee objected to the termination of that analysis. Many people had concluded that Crusader ought to be canceled. Other people had concluded that Crusader should not be canceled. But I think where many of us—perhaps most of us—in the Armed Services Committee finally rested, wherever you tend to go or be on that continuum, for or against, that there is a middle ground here, where that analysis, which was underway by the Army, not only would help us determine whether we should leave Crusader, terminate Crusader, but would also help us determine where those funds should be spent as an alternative to Crusader.

So this study became significant and relevant to both whether we leave our current path and to what new direction should we move. That is why the amendment, which I offered in committee, required that the Secretary of the Army be given a reasonable period of time to complete that analysis so that we would have the benefit of the Army's analysis.

The Secretary of Defense would not be bound by it. The Secretary of Defense, after that analysis was completed, would have an opportunity to reach his own conclusions. They may or may not be the same. They may or may not be, as he has already decided, that we should leave Crusader and move to something else. But at least it would be based on an analysis which addressed such critically important questions as the Army was in the process of addressing—looking at all the alternatives, looking at the risks, looking at the benefits of approaching each one of those or utilizing each one of those alternatives.

The committee approved this amendment by a vote of 13 to 6. And that is where it currently stands.

The amendment which we adopted is not part of this bill. It is, in effect, going to be offered in a few moments as a proposed committee amendment. More technically stated, it is an amendment which I will be offering on behalf of the committee because, since this is a new bill which was filed, a committee amendment technically would not be in order. So it amounts to the same thing. But for those on the Armed Services Committee, they should be aware of the fact that this will be an amendment which I will be offering on behalf of the committee pursuant to the majority vote of that committee.

In conclusion, the amendment would simply require the Department of Defense to undertake a reasoned analysis of all the alternatives, an analysis which the Army was in the middle of making, before making a final decision whether to terminate the Crusader program and, if the program is terminated, how the money should best be spent to support the Army's indirect fire needs. The objective is not to preserve a particular program or to advance a particular approach. It is simply intended to ensure a reasoned analysis of a potentially life-and-death issue. I hope we will adopt this approach.

I understand my dear friend and colleague from Virginia, our ranking member on the Armed Services Committee, may be offering a second-degree amendment.

Madam President, I send the amendment to the desk and ask for its immediate consideration. I am authorized by the committee to send that amendment to the desk.

I wish to make clear there is one very technical change in the amendment. I have stricken the words that are confusing, "organic-to-unit." Those words have been stricken from the amendment adopted by the committee. I have touched base with at least one key Senator on the committee who is very supportive of proceeding with Crusader. I have touched base with my ranking member on this issue. There is no objection to those words being stricken in a number of places to provide greater clarity.

I ask that the amendment be immediately considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 3899.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reallocate an amount available to the Army for indirect fire programs)

On page 26, after line 22, add the following:

SEC. 214. REALLOCATION OF AMOUNT AVAILABLE FOR INDIRECT FIRE PROGRAMS.

(a) REDUCTION OF AMOUNT FOR CRUSADER.—Of the amount authorized to be appropriated by section 201(1) for the Army for research, development, test, and evaluation, the amount available for continued research and development of the Crusader artillery system is hereby reduced by $475,600,000.

(b) INCREASE OF AMOUNT FOR FUTURE COMBAT SYSTEMS.—Of the amount authorized to be appropriated by section 201(1) for the Army for research, development, test, and evaluation, the amount available for research and development for the Objective Force is hereby increased by $475,600,000. The amount of the increase shall be available only for meeting the needs of the Army for indirect fire capabilities, and may not be used under the authority of this section until the report required by subsection (d) is submitted to Congress in accordance with such subsection.

(c) REPROGRAMMING OF AMOUNT FOR INDIRECT FIRE PROGRAMS.—Upon the submission to Congress of the report required by subsection (d), the Secretary of Defense may seek to reprogram the amount available under subsection (b), in accordance with established procedures, only for the following purposes:

(1) Payment of costs associated with a termination, if any, of the Crusader artillery system program.

(2) Continued research and development of the Crusader artillery system.

(3) Other Army programs identified by the Secretary pursuant to subsection (d) as the best available alternative to the Crusader artillery system for providing improved indirect fire for the Army.

(d) REPORTING REQUIREMENT.—(1) Not later than 30 days after the date of the enactment of this Act, the Chief of Staff of the Army shall complete a review of the full range of Army programs that could provide improved indirect fire for the Army over the next 20 years and shall submit to the Secretary of Defense a report containing the recommendation of the Chief of Staff on which alternative for improving indirect fire for the Army is the best alternative for that purpose. The report shall also include information on each of the following funding matters:

(A) The manner in which the amount available under subsection (b) should be best invested to support the improvement of indirect fire capabilities for the Army.

(B) The manner in which the amount provided for indirect fire programs of the Army in the future-years defense program submitted to Congress with respect to the budget for fiscal year 2003 under section 221 of title 10, United States Code, should be best invested to support improved indirect fire for the Army.

(C) The manner in which the amounts described in subparagraphs (A) and (B) should be best invested to support the improvement of indirect fire capabilities for the Army in the event of a termination of the Crusader artillery system program.

(D) The portion of the amount available under subsection (b) that should be reserved for paying costs associated with a termination of the Crusader artillery system program in the event of such a termination.

(2) The Secretary of Defense shall submit the report, together with any comments and recommendations that the Secretary considers appropriate, to the congressional defense committees.

(e) ANNUAL UPDATES.—(1) The Secretary shall submit to the congressional defense committees, at the same time that the President submits the budget for a fiscal year referred to in paragraph (4) to Congress under section 1105(a) of title 31, United States Code, a report on the investments proposed to be made in indirect fire programs for the Army.

(2) If the Crusader artillery system program has been terminated by the time the annual report is submitted in conjunction with the budget for a fiscal year, the report shall—

(A) identify the amount proposed for expenditure for the Crusader artillery system program for that fiscal year in the future-years defense program that was submitted to Congress in 2002 under section 221 of title 10, United States Code; and

(B) specify—

(i) the manner in which the amount provided in that budget would be expended for improved indirect fire capabilities for the Army; and

(ii) the extent to which the expenditures in that manner would improve indirect fire capabilities for the Army.

(3) The requirement to submit an annual report under paragraph (1) shall apply with respect to budgets for fiscal years 2004, 2005, 2006, 2007, and 2008.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3900 TO AMENDMENT NO. 3899

Mr. WARNER. Madam President, this is an amendment that was considered by our committee. The chairman has stated very accurately the facts. The vote was 13 to 6. I happen to have been in the six. I would like to explain the background.

The President sent to the Congress a document entitled "Department of Defense Fiscal Year 2003 Budget Amendment, Crusader Termination, May 2002."

The operative message is on page 4. It says as follows: Department of Defense Fiscal Year 2003 Budget Amendment for Crusader Termination, Research, Development, Test and Evaluation, Army. Justification: The Department of Defense has decided to terminate the Crusader Artillery System Program. This action will support development of objective force indirect fires and network fires. Crusader funding can be used to accelerate the development and fielding of indirect fire platforms such as the high mobility artillery rocket system and precision munitions such as Excalibur Projectile Precision Guided Mortar Munitions and Guided Multiple Launch Rocket System (unitary). Certain selected technologies developed within the Crusader program will have application to future artillery programs. These changes should boost long-term capabilities.

When this arrived in the Congress, it provoked, understandably, considerable concern. The Senator from Oklahoma, I am sure, will shortly address those concerns. He has been fully involved throughout this. I commend him for bringing to the attention of the chairman and myself the need to address this very carefully within the committee as a separate item. That was done, as I stated and as the chairman stated. The committee action represents such consensus as a vote of 13 to 6 represents.

In my capacity as ranking member of the committee, I have an obligation to work with the Secretary of Defense and to determine the extent to which we can arrive at the budget amendment request sent by the President. I have done that in such a manner as to develop an amendment, which I will shortly send to the desk, in the second degree to the amendment offered by the chairman. This amendment was drawn after careful consultation with the Secretary and other members of the Department of Defense through several sessions yesterday. I think it is a very fair compromise and hopefully will be adopted by the Senate.

I represent that the amendment I have devised reaches the same basic goals as enunciated in this justification forwarded to the Congress by the President. At the same time, my amendment recognizes the important contributions by the chairman and others in drafting the committee amendment. I, too, join the chairman in expressing concern about what I call "due process" accorded the Department of the Army in the course of reevaluating this Crusader system at the direction of the Secretary of Defense, which to some degree was done prior to the forwarding to the Congress of this budget amendment.

The chairman—and, indeed, I and others—believed the Army should be given the opportunity to fully explore, as the chairman stated, the reasons for either continuing Crusader or pursuing other avenues leading to the goals enunciated in the budget amendment.

Therefore, my amendment carefully preserves—at least I have endeavored to do that—the portions of the chairman's amendment which enable the Army to perform those important analyses, forwards them to the Secretary of Defense, and then the Secretary is to take certain actions.

The basic difference between the chairman's amendment and my amendment is that my amendment eliminates the reprogramming, a series of four reprogrammings which are required when a matter of this importance is brought to the Congress. It is my judgment—and I think the Secretary of Defense—that we should as quickly as possible, to save dollars and in every other way, remove the delays incorporated in moving to a new system for the U.S. Army with regard to its very important indirect and network fires.

The four reprogramming actions have the possibility of delays built in, plus the fact that, for whatever reason, one of those four committees could block the action. I believe with the consideration being given in the Senate today, the consideration that will be given in a conference between the House and the Senate, assuming the amendments are adopted, that we will have given proper congressional oversight of the decision by the President and the Secretary of Defense to stop the Crusader program terminating and proceed with moving in accordance with the justification I have outlined. So for that purpose I now send to the desk an amendment in the second degree and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3900 to amendment No. 3899.

Mr. WARNER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To substitute a notice-and-wait condition for the exercise of authority to use funds)

Beginning on page 2, strike line 7 and all that follows through line 5 on page 3, and insert the following:

"development for the Objective Force indirect fire systems is hereby increased by $475,600,000. The amount of the increase shall be available only for meeting the needs of the Army for indirect fire capabilities, and may not be used under the authority of this section until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees the report required by subsection (d), together with a notification of the Secretary's plan to use such funds to meet the needs of the Army for indirect fire capabilities.

"(c) USE OF FUNDS.—Subject to subsection (b), the Secretary of Defense may use the amount available under such subsection for any program for meeting the needs of the Army for indirect fire capabilities."

Mr. WARNER. The administration is on record as opposing any action to stop the Defense authorization process which would block the President's determination to terminate the Crusader program. For that reason, I have developed this alternative, which has the support of the administration.

The discussions I have had over the past several days with the Secretary of Defense, Deputy Secretary, the Secretary of the Army, and others, have lead to this compromise, which would, with minor modification, make the Levin amendment acceptable to the administration. So the Levin amendment survives if modified by the Warner second degree in a document that is acceptable to the administration.

The second-degree amendment does not alter the intent of the original amendment by Senator LEVIN. The chairman, quite properly, has concerns with the process, as do I, which was followed to terminate the Crusader program. The chairman believes the Army has not been given "due process." I concur in that. My amendment would not alter the part of the Levin amendment which addresses this issue.

Under the provisions of my amendment, the underlying Levin amendment would still do the following:

Transfer the $475 million for the Crusader field artillery system to a budget line for the Future Combat Systems to be used only for the purpose of developing indirect fire capabilities for the U.S. Army; provide the Army time to conduct an analysis of alternatives to address its requirement for indirect fire capabilities; require the Chief of Staff of the Army to submit recommendations to the Secretary of Defense on several issues, including the best way to allocate funding for fiscal year 2003 and beyond, to address Army indirect fire support requirements; require the Secretary of Defense to forward the Army Chief of Staff's report to the Congress, and to make recommendations regarding the best way to meet the Army's requirement for indirect fire support.

I want to make it clear, the Secretary of Defense has the final authority.

My amendment differs from the Levin amendment in one key way. The Levin amendment requires the Secretary of Defense to seek reprogramming approval to transfer funding from the Future Combat System budget line to those lines which would support the Army's indirect fire requirement, as a result of the review conducted under the Levin amendment.

The Warner amendment would replace that formal reprogramming process with a simpler "notice and wait" procedure.

Under my amendment, the Secretary of Defense would notify the Congress of his intention to transfer funds to support the Army's indirect fire requirements. The transfer would be effective 30 days after notification.

This approach will allow the Congress to retain oversight over this important issue but remove the "one member" or one committee veto, which is sometimes the result of the reprogramming process.

At this time, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, the reason this amendment—with or without the second degree—is so critical is that the decisionmaking process that has been used here has been so defective and denies the Army, the public, and the Congress critically important information relative to the need for future artillery systems. That information should have been available prior to the decision of the Department of Defense. Instead, there has been a zigzag decisionmaking process. That zigzag decisionmaking process should not have been followed because it leaves us without answers to the critically important questions about relative risks under various scenarios, under various kinds of combinations of artillery systems.

I want to go through just a bit of that to give a flavor as to why it is so important that this analysis of the Army be reasonably completed and not be truncated or terminated a few days after it was supposed to begin in May.

This field artillery system, called Crusader, which is an advanced field artillery system, has been under development since 1994 to be the Army's next-generation self-propelled howitzer and artillery resupply vehicle.

There has been criticism of the Crusader program outside of the Department of Defense, and that is to be welcomed. It is always to be considered when we get that kind of criticism of a system. Congress should consider that criticism, and we have. But until very recently, the civilian and military leadership of the Defense Department consistently and strongly supported the Crusader program in testimony before the Congress.

The fiscal year 2003 budget that was submitted by the President for the Department of Defense was submitted on February 4 of this year. That budget and the authorization bill that is before us included $475 million in continued research and development funding for the Crusader program.

On February 28, General Shinseki, Chief of Staff of the Army, testified before the Congress that:

Crusader's agility to keep up with our ground maneuver forces—its longer range, its high rate of fire, its precision . . . and the addition of Excalibur—would bring the potential of a precision weapon . . . with the platform and the munition being brought together, [and] would be a significant increase to the potential shortage of fires that we have today. Excalibur itself will not solve the problem. And Crusader is very much a part of our requirement.

"The bottom line"—quoting General Shinseki's testimony to our committee on March 7—"is we need it." That is referring to the Crusader.

Deputy Secretary of Defense Paul Wolfowitz recently testified in response to a question of whether we need Crusader as follows:

I think we need some of it, a lot fewer than the Army had planned on. We have cut the program by almost two-thirds. And they have done a lot to cut the size and the weight of the system.

Deputy Secretary Wolfowitz said the following:

> But I am not one of those people who think that I can bet the farm on not needing artillery ten years from now.

He summarized:

> And I think this [Crusader] is the best artillery system available.

That was just a few days before they reversed field. Something changed dramatically in the attitude of the senior civilian leadership of the Defense Department toward the Crusader program in just a matter of a few weeks.

The first change of course actually came in late April. The media reported—and I was told personally—that the Office of the Secretary of Defense would be reviewing the Crusader and other weapons systems during the program review process leading up to the fiscal year 2004 budget, and that a decision on the program would be made around September 1. This was documented in the recent Army IG Report on The Release of Crusader Talking Points to Members of Congress, which noted that prior to April 30, the Defense Guidance indicated that a Crusader alternatives study would be completed no later than September of 2002.

Then came the second change of course. On May 2, Secretary Rumsfeld told the press that Deputy Secretary Wolfowitz and Under Secretary Aldridge had "advised the Secretary of the Army that they wanted a study within 30 days that would look at a specific alternative that would assume Crusader was canceled."

On May 2, the Secretary of Defense told the press that within 30 days a study would be looking at alternatives to Crusader.

Secretary Rumsfeld went on to say it was his impression that "when the study comes back, a final decision would be made." In other words, no final decision until the 30-day study period was completed.

The same day, May 2, Under Secretary Aldridge also told the press:

> We'll brief the deputy secretary in 30 days, and then we'll make a decision is this the right plan or may not be the right plan. We're allowing the Army to tell us if that is in fact the case, being as objective as possible . . . so we have a basis for an analytical judgment based on rational and objective criteria.

That is Under Secretary Aldridge on May 2. Thirty days, so we have rational and objective criteria.

Less than a week later comes change of course No. 3. On May 8, before the 30-day study is completed, Secretary Rumsfeld announces:

> After a good deal of consideration, I have decided to cancel the Crusader program. We still do not have any study based on rational and objective criteria to support that decision, and that zigzag decisionmaking process did not end with the decision to terminate the program.

On May 16, the Armed Services Committee held a hearing on the proposed termination. At that hearing, the Secretary of Defense testified that the Crusader money be spent "to accelerate a variety of precision munitions, including GPS-guided rounds for all U.S. 155-millimeter cannons, as well as adding GPS guidance and accuracy to upgraded multiple-launch rocket system vehicles and the more mobile wheeled version of this system, the high mobility artillery rocket system, or HIMARS."

The Secretary also testified that the Department would maintain key pieces of Crusader technology for use in the Army's Future Combat System.

At the same hearing, the Chief of Staff of the Army testified he could not comment on the Secretary's proposed alternatives to the Crusader program because he had not had the opportunity to analyze those alternatives or to review any analysis that may have been conducted by the Secretary's office.

Nonetheless, the Department of Defense formalized these alternatives in a budget amendment that was submitted to the Congress on May 29. That budget amendment provided $195 million for the artillery component of the Army Future Combat System; $115 million for other aspects of the Future Combat System; $165 million for precision artillery and other initiatives unrelated to the Future Combat System.

Even after the committee had its hearing, the Department of Defense and the Army continued to provide the committee with inconsistent information.

On May 22, the Army informed the committee that it would cost $385 million if termination were delayed until early next year. On June 5, 2 weeks later, the Department of Defense informed the committee that it would cost $584 million if the termination were delayed until early next year. We have a $200 million difference, about an 80-percent increase in costs in just a matter of 2 weeks.

On May 22, the Army informed the committee that it would cost $290 million to terminate the Crusader program immediately.

On June 10, we were told the termination costs could be reduced to less than $100 million if the Department entered into a bridge contract to transfer Crusader technologies to the Future Combat System and made a commitment to follow on FCS contracts with the Crusader contract.

It is possible, Madam President, that the Department's budget amendment takes the right approach for the future of the Army. It is possible. But this kind of ad hoc decisionmaking, this zigzag change of course, is not the way in which we should make decisions which are life-and-death decisions for the people we put in harm's way and could be life-and-death decisions, indeed, for whether or not this country wins a battle in the years ahead.

It is important we take this step back and conduct the reasoned analysis before deciding how to proceed. My amendment would provide for that analysis to be completed.

The second-degree amendment of the Senator from Virginia also provides the same time period, as I understand it, for this reasoned analysis to take place. The difference between these amendments—and I have not yet decided, because I have not had an opportunity to read the exact language of the amendment of the Senator from Virginia, as to what my position will be on his second-degree amendment. But as I understand the difference, it is whether or not, after the analysis is completed by the Army, after there is a recommendation by the Department of Defense, there is either a period where there would be a request for reprogramming or whether there would be a 30-day wait period without that reprogramming process.

That difference may sound more significant than it really is. The reason is that under the language of my amendment, if reprogramming is not adopted, the money is nonetheless required to be spent in the Future Combat System budget line. It will not be spent for Crusader unless there is a reverse in decision relative to Crusader, a reversal by the Secretary of Defense.

As I understand the language—and I want to study it—in the second-degree amendment, the 30-day period would be provided so that if a decision were made by the Secretary of Defense following the completion of this objective analysis, there would be 30 days available for the Congress to act to reverse that decision should it choose to do so.

In either event, under either the first-degree amendment or the second-degree amendment, if the Secretary of Defense decided after receiving the Army analysis that he did not want to finish Crusader under either the first-degree amendment or the second-degree amendment, there would not be funding for Crusader. So there is no difference in that sense. Under both amendments, if the Secretary's decision following the analysis is not to complete Crusader, the money will not be spent to complete Crusader. The difference is more subtle than that.

I yield the floor to give others a chance to speak. I want an opportunity to study the language in the second-degree amendment. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I thank our distinguished chairman. He very accurately cited that my amendment embraces the corrections of the study requirement and the actions by the Chief of Staff of the Army is identical to his.

I share the concerns of the Senator from Michigan. He recited in accurate detail a process which he characterized as zigzag.

Again, my amendment in no way dislodges the goal by the chairman to have that work done by the Army. Then it goes to the Secretary of Defense. Where we differ is in what takes place after the Secretary of Defense has made his decision.

I listened carefully, and the Senator said if we go the reprogramming route, if I may pose a question, then the money will be spent, but my understanding is if one of those committees fails to act, that money essentially is parked for an indefinite period of time; am I not correct?

Mr. LEVIN. It would be in the Future Combat System line which most of that money would be spent even under the proposal of the Secretary of Defense, his budget amendment, for the Future Combat System.

Under both approaches, if the decision of the Secretary of Defense, following the completion of the Army analysis, is not to proceed with Crusader, the money will not be spent for Crusader.

There is no difference between our approaches, as I understand it. The difference would be that under our amendment, he would seek reprogramming. If any of the four committees did not grant them reprogramming, then the money would not be spent on Crusader. It would have to be spent within the Future Combat System.

Mr. WARNER. At what point in time would that expenditure take place?

Mr. LEVIN. Immediately.

Mr. WARNER. I will come back and define that later, but I think it is important other colleagues address that point.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I have enjoyed listening to the debate so far, and I rise very briefly today in support of the chairman's underlying amendment to terminate funding for the Army's beleaguered Crusader mobile artillery system. I support the decision of the Secretary of Defense to cancel this program. Last month, I actually introduced legislation that would terminate the Crusader, saving the taxpayers an estimated $10 billion over the life of the program.

I commend the Secretary of Defense for his efforts to transform our military to meet the challenges of the 21st century and beyond, and agree that the cold war era dinosaurs such as the Crusader should be terminated.

The centerpiece of the Crusader system is a 40-ton, 155-millimeter, self-propelled howitzer designed to fire heavy artillery shells long distances to target enemy tanks and other armored vehicles on the battlefield.

Each system has two support vehicles. Our military is seeking to be able to deploy rapidly, obviously, to anywhere in the world, but the Crusader apparently is not conducive to such rapid deployment. According to a recent New York Times editorial:

> If the Army was still facing the Soviet Union across Central Europe or contemplating battle against a similar military power in the coming decade, the Crusader would be indispensable. But the threat has changed and the Crusader program, with a price tag of $11 billion, is not needed and should be cancelled.

An editorial in our leading newspaper in Wisconsin, the Milwaukee Journal Sentinel, calls the Crusader a gold-plated weapons system and argues the Crusader is too expensive for a time when even a war-engaged Pentagon must make serious choices about how to spend its money.

I agree that it is past time the Pentagon reorient its thinking and its spending requests toward the threats of the 21st century and away from the cold war. Cancelling the Crusader is a step in the right direction.

The chairman's amendment would transfer the $475.6 million allocated for the Crusader program into a Future Combat Systems line item within the Army's research, development, testing, and evaluation account.

In addition, the Army Chief of Staff would be required to prepare a report on alternatives to the Crusader program and submit it to the Secretary within 30 days of the enactment of this bill. This report would include an analysis of the Army's future artillery needs.

I urge the members of the Armed Services Committee and the Appropriations Committee to exercise strict oversight of any reprogramming request that may be submitted as a result of the Army's report. I agree with the chairman of the committee that we should be careful about how the $475.6 million that is shifted into the Future Combat Systems account is allocated. The Future Combat Systems account should not be treated as a blank check. It should not be used as a way to revive part or all of the Crusader program. We should scrutinize carefully how these funds will be spent.

I urge my colleagues to support Senator LEVIN'S underlying amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, it is interesting to follow Senator FEINGOLD because both of us have raised plenty of questions about what we consider to be waste in the Pentagon budget, and I will be relatively brief. I strongly support Chairman Levin's amendment because I think it corrects serious flaws in the process by which the Department of Defense summarily decided to terminate the Crusader without any prior consultation with the Army or the Congress. That is what bothers me the most.

I have long been a critic of wasteful and unnecessary defense spending, particularly when it diverts needed resources from pressing operational and readiness needs of our Armed Forces. I also strongly believe in fair, transparent, and informed Government decision-making, which did not occur in the decision to cancel the Crusader.

For me, this is as clear a kind of question as we can have before us. The Army has stated for over a decade that there is need for an indirect, long-range, rapid-fire system to support ground troops, the very purpose for which the Crusader was developed. Far from being a cold war system, the Crusader's development began in 1995, after the cold war ended and Iraq was defeated. The program is on schedule, on budget, and the system's weight has been cut substantially. As a result, the Bush administration's original fiscal year 2003 budget request was for full funding for the Crusader.

Three Defense Secretaries, three Army Secretaries, three Army Chiefs of Staff, and numerous officers of the field have given testimony in support of the system. In the last few months, a parade of administration officials have testified, including Deputy Defense Secretary Wolfowitz, to congressional defense committees supporting the Crusader. Yet 2 months after the testimony by top Army brass, the Secretary of Defense abruptly cancelled the program.

The Secretary's abrupt decision to terminate the Crusader was made in secret and without consultation with even high-level Army officials. It clearly did not follow the normal review within the Pentagon and looks, by its speed, designed to avoid normal scrutiny by Congress. We cannot give up that oversight.

The decision was made without consultation with the Joint Chiefs of Staff, without consultation with the Army, and without consultation with Members of Congress. An argument can be made one way or another ultimately about this weapons system, but for any weapons system I would like to see a careful review process. I think that is critically important.

The decision to halt the program and the President's subsequent request to reallocate funds—not to just reduce funds but to reallocate funds—was an extraordinary flip-flop in the administration's position.

I will not apologize for being concerned about potential job losses in Minnesota should the program be cut. I recently met with workers and officials at the United Defense Industries plant in Minnesota. The point is: Maybe, like it or not, a decision will be made, upon a careful review process, that this weapons system makes no sense. Maybe the decision will be made, with a highly skilled workforce, that there can be other uses made with other technology and that indeed all kinds of decisions can be made and different directions can be taken. I do not know.

What I do know is these workers are owed fairness and decent treatment by the Government. They deserve their day in court. Minnesota firms and workers who are most affected by this decision should have a chance to make their case within the normal transparent policy process, not a closed process, not a secret backroom process, which is all we have seen so far.

I need to repeat that point. I have taken all kinds of unpopular votes on all kinds of weapons systems, and at the end of the day if I am convinced there is not merit to this, then that is the way I will vote. But there has not been any careful review process. There has not been any analysis of: How much does it cost to cancel? What do we get from the investment? What are the alternatives? Where is the money going to be spent?

We can hardly blame men and women, a highly skilled workforce, for saying to me or to any Senator or anybody who represents them: At least call for a decent, fair, thorough, and rational review process. This is our skilled work. We are proud of what we do. We believe the weapons system has great merit, but, Paul, we understand.

When I went to visit people, I said: You know my positions. But they are saying: At the very minimum, we deserve our day in court. There ought to be a careful review process. There cannot be a 180-degree turn, with the Secretary of Defense announcing the program is cancelled, period. Senator LEVIN's amendment is all about process. Process sounds boring. Senator LEVIN's amendment is about fairness. It is about fairness. I hope it will get strong support.

Responsible defense spending decisions, especially those that have decades-long consequences, ought to be made only after a careful analysis and consideration of the need to have U.S. forces as well equipped and as well trained as possible. That is what happens to some Members critical of the expenditures and weapons systems. We are accused of being weak on defense. That is not the point. The point is, there is not any Senator here who does not want our Armed Forces to be well trained and well equipped. The question is what weapon systems make sense and how best do we do the job.

The Pentagon so far offered scant evidence to viable alternatives to the Crusader. It seems clear the alternatives they have vaguely suggested—largely missile and precision-guided munitions programs in the early stage of research and development—will not adequately replace the capabilities of the Crusader. I want the case made before we cancel a program and throw people out of work.

Further, they could cost more, with a higher risk they could not be delivered on time. The cost of the termination alone of the Crusader is estimated to be $285 million.

In short, colleagues, the administration has failed to provide to Congress with any comprehensive analysis of alternatives in terms of technology, readiness, operational effectiveness, costs, and deliverability. The Levin amendment is not putting this off forever. It is not: postpone, postpone, postpone. Rather, it is saying we ought to have the careful review process.

Whether it is this weapons system or any weapons system, this amendment is all about setting an important precedent if we are going to carry out our responsibilities for careful review. We have invested $2 billion in the Crusader. The Pentagon owes the American people, at the very least, an open and transparent review before it abruptly cancels an otherwise good artillery system. We have invested $2 billion. Perhaps the case can be made this system should be canceled; I am not so sure, but that is beside the point.

The point is, Where has there been an open and transparent review of this weapons system? That is something that we request. That is a matter of elementary fairness and also a matter of the way we ought to be making these decisions.

The Levin amendment is an important and positive step forward out of the mess. It requires the Army Chief of Staff to conduct a serious study of the best way to provide for the Army's need for indirect fire support. At the same time, it provides the Secretary of Defense, following the study, a full range of options. These include termination, to continue funding of the Crusader, to funding alternative systems to meet the battlefield requirements.

This is a pretty reasonable amendment. If instead the Senate passes an amendment that immediately terminates the Crusader program, it will validate an unacceptable decisionmaking process by our Government, by our Pentagon. It will also lead to the loss of the Crusader scientific and engineering team and its technology. This would occur without saving our Government anything in termination costs.

In contrast, if the Senate accepts the chairman's amendment, there would be an orderly process, and we come to final judgment. This would happen without losing the extraordinary team and the technology in the meantime and without adding to the Government's eventual cost if termination is the final option chosen.

However one feels about the Crusader itself, the Levin amendment is about something different—about the best way to restore fair, transparent, and informed Government decisionmaking to the process, which has been the opposite so far.

Colleagues, I don't know that I need to repeat what I have said. I don't think I could be clearer in my presentation. I make this appeal on the basis of the way these decisions ought to be made. We deserve the transparency. We as legislators deserve an open, transparent process, much less the people we represent. To me, this is a synthesis or marriage that makes sense, No. 1, to best represent people in my State who are saying: We are going to be losing our jobs. We think we have done good work and, at the very minimum, can't you as a Senator demand there be an orderly and transparent process and we have our day in court. I should do that.

For every Senator, Democrat or Republican, for whatever position you may or may not have right now based upon what information you have about the Crusader, this is just a matter of overview, of accountability of where we figure into the decisionmaking.

I ask unanimous consent for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WELLSTONE are located in today's RECORD under "Morning Business.")

Mr. WARNER. Mr. President, at this time there being no others seeking recognition on the pending and underlying second-degree amendment, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do at some point want to be recognized on the second-degree amendment, the Warner amendment to the underlying amendment. But not until we have had a chance to evaluate it a little bit more. That is what we have been doing in the last few minutes.

As the ranking member, Senator WARNER knows this is something that came up fairly quickly. We need a chance to look it over.

In the meantime, I see Senator AKAKA, the chairman of the Readiness Subcommittee, is going to be seeking recognition. So if it is acceptable, I would like to talk a little bit about our Readiness Subcommittee, our feelings, and then maybe respond to a couple of comments concerning the Crusader. Then if there is time, perhaps Senator AKAKA could follow me.

First of all, I congratulate both Chairman LEVIN and Senator WARNER for their leadership in the Senate Armed Services Committee. They have worked tirelessly in the past months to formulate a bill that for the most part provides for increased readiness for the Armed Forces and the security of our Nation.

I also thank Senator AKAKA, the chairman of the Readiness Subcommittee, for his bipartisan leadership of the subcommittee. As the former chairman of that subcommittee and now the ranking member of the Readiness Subcommittee, I believe the subcommittee took a balanced approach to address a number of the readiness management concerns affecting the armed services.

In keeping with our bipartisan approach to readiness, this bill increased funding for identified shortfalls in the services' infrastructure, equipment, maintenance, and operating budgets. I especially want to highlight the increases in the ammunition procurement, depot level maintenance, base operations, and military construction. While I support many of the readiness items in this bill, a few lines cause me some concern.

Foremost, I am concerned about the $850 million reduction for professional services contracts. This reduction would have significant impacts on the level of services provided to the Department.

I had hoped the bill approved by the Armed Services Committee would be more supportive of the Department's proposed readiness range preservation initiative. Although the bill includes two of the provisions requested by the Department, the modifications relating to the Endangered Species Act, Migratory Bird Treaty Act, Marine Mammal Protection Act, are not on the mark. I believe they should have been on the mark. I do know the political reality was the support was not there. I hope, when we send this bill to the President for signature, it will include some of these provisions since they are essential to maintaining the training and readiness of our forces.

We might remember it was not long ago that we determined that in several of our training installations we actually paid more money for some of the environmental provisions than we did for ammunition. That was at a time when we had severe budget constraints, which are less severe today.

Although I support many of the provisions of the bill, especially those in the readiness accounts, I was among the eight Republican Senators who voted against reporting out the bill in its current form. My vote against the bill was based on the drastic reductions, over $800 million, from the President's request for missile defense programs. The reductions, according to General Kadish, the Director of the Missile Defense Agency:

> . . . would fundamentally undermine the administration's transformation of missile defense capabilities and eliminate the opportunity for the earliest possible contingency against medium range ballistic missiles abroad.

I have been at the forefront when it comes to the development of missile defense to protect our Nation's citizens. I find it ironic, in light of what happened on the 11th of September, that we are not putting in the money necessary for a missile defense system.

I have very serious concerns about that. I know the administration does. I fully support what the administration is trying to do with missile defense. Of course, we cut the authorization considerably for that.

Let me just make a comment or two about the discussion that has taken place here concerning the Crusader. I have to agree, Chairman LEVIN is correct when he talks about the chain of events that led to the May 8 cancellation by the administration. It was something that we determined afterwards in committees that none of the military, none of the uniformed services were aware of. It was not right and I think everyone agrees that was not the proper procedure.

I will say this. Let's not forget the real problem we have with artillery today. I will start by saying there are people in this Chamber and elsewhere who really do not believe we need artillery, we do not need a gun.

But when you ask these same people if they are prepared to say we do not need ground troops in the future, there is not anyone who is going to say we do not need ground troops in the future. When we have troops on the ground, and we know we will have them on the ground—we had them in Anaconda and Afghanistan—you have to offer cover. Of course, if it is close to ships, you could do it that way, but that is highly unlikely. You could do it from the air or with artillery. If you do it from the air, as we depended on air in Afghanistan, then you have two problems.

No. 1, according to the testimony of General Shinseki, it took an average of 25 minutes of response time to be able, from the air, to get the cover necessary. In other words, our troops were naked for a 25-minute period of time. That is unacceptable.

Second, it was further testified—we had testimony that was very convincing—that in one-half of the cases the weather was such we could not get that cover from the air.

So what is the alternative? The alternative is to do it with artillery. I have lots of quotes here—that I will probably put in the RECORD, but I will not bother quoting right now—from the top military uniformed people saying we really needed to have the artillery capability at that time. So let's look at where we are today.

There has been a lot of talk about the Crusader. The Crusader is the system of the future. It is a system that will correct the problem, the deficiency we have right now.

We in this Chamber have to make a determination: Are we willing to send our troops into combat with inferior equipment? I would say that is unacceptable. So let's look at where we are today.

This is the Paladin. That is the best thing we have today. It was designed in 1963. I have spent many hours inside the Paladin, in the training areas. It is inconceivable to me that we would be expecting our troops to use such antiquated equipment, one where after every fire you have to take a pole and take the breach and then hand load it, put the shell in, put the charge in behind it, close it, cock it, take a rope and pull it. I can show you Civil War movies where they had to go through that same process. That is totally unacceptable.

First of all, we determined if we are going to have ground troops we have to have artillery. There are two things you want in artillery: One is range, the other is rate of fire. This is the Paladin right down here. It is at the very low end of the spectrum.

In here are four countries that make a system that is better than the Paladin. In other words, these countries—such as this one here, PZH2000. I took the effort to go to Germany and sat inside one when it was fired. It is far superior to the Paladin but not as good as the Crusader. Here is the Crusader. In terms of rate of fire, in terms of range, it would be superior, if we had that, to the rest of these.

Before we had what happened on May 8, we thought we were going to be in a position to have that Crusader capability so our troops that go out there would have something superior to the rest of them. Now we see if we do not have that, we have the British, the Russians, South Africans, and the Germans, all making a system that is better than what we have here.

It may be that we can get there. I think most people agree that if we are going to have a gun for the future, we need to have it by 2008. The Paladin Crusader would have been there by that time. It may be that later on we will find another alternative and have a gun that will be consistent with the requirements of the Future Combat System by 2008, even though it would be lighter. The complaint was that the Paladin Crusader was too heavy. They knocked it down from 60 tons to 39 tons. A lot of people legitimately believe it is too heavy. Now they are talking about some alternative of around 18 tons to 20 tons. That is fine. We need to be able to pursue that.

But the bottom line is that we have to be able to give our troops the capability of a superior artillery system. That is where we are today.

We have a couple of alternatives. We know the House has language fully funding the Crusader. It might be that when we go to conference, we will come out with something such as that. We don't know.

It is very important for us to recognize today that we have that deficiency. We have to determine as Members of this body whether that is acceptable—that we are willing to send our troops into combat with an inferior system. I think we will find that it is not acceptable.

I again thank my chairman, Senator AKAKA, for the way we have worked together, and for the subcommittee support in what we have done, even though I still think it is deficient.

In the overall budget we had to deal with, we were not able to do two major things:

No. 1, improve on the problems we have right now, and not with inadequate systems;

And, No. 2, there are a lot of military construction projects that are still not addressed.

I am not saying this to criticize the President's budget. I am just saying they have a bottom line and they have to live within it. There are still deficiencies.

I think we did the best we could in our committee. I commend Senator AKAKA for the bipartisan way in which he and I have always worked together for the past 15 years.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend our colleague from Oklahoma with regard to the budget amendment. On the Crusader, he has been in the very forefront and participated, I think, in almost all of the discussions—fighting hard for the Army to at some point in time indicate what their preferences are and, second, to see that this void in the ability of the Army to provide the—let us just call it—"artillery fire," and have it replaced at the earliest possible time with a system which can substitute many times over and more efficiently for the current antiquated Paladin system.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank Senator INHOFE for his passion in dealing with the issues before the committee. I thank him for his support and cooperation throughout our markup. It is truly an honor to work with Senator INHOFE as we both seek to advance the readiness of our Armed Forces.

I also thank Senator LEVIN and Senator WARNER. They both worked tirelessly to meet our committee actions. They provided great wisdom and guidance during our deliberations.

I rise today in support of the National Defense Authorization Act for Fiscal Year 2003 and to highlight some of the major actions taken by the Readiness Subcommittee in this year's bill.

This year, the committee had five goals:

No. 1, continue improvements in compensation and quality of life;

No. 2, sustain readiness;

No. 3, improve the efficiency of Department of Defense operations;

No. 4, improve the Department of Defense's capability to meet non-traditional threats; and,

No. 5, promote transformation.

Our subcommittee focused on the first three of these goals.

To improve quality of life, the Readiness Subcommittee recommended an increase of over $800 million to improve the buildings where servicemembers live and work, including a net increase of $640 million in new construction. We also provided an increase of $21 million for personal gear for military members to improve their safety and comfort in the field.

To sustain readiness, the subcommittee made a number of recommendations that are included in the bill. First and foremost, the bill protects the $10 billion the President requested for operating costs of the ongoing war on terrorism, and has authorized the appropriation of these contingency funds once the President submits a request for specific uses for these funds to Congress. The subcommittee also developed an initiative to enhance training opportunities for our Armed Forces to ensure they can make the most effective use of existing training assets. To do this, we established a fund that would allow the Department of Defense to purchase land, or easements on land, that would protect training ranges. We also provided $126 million for improvements to those ranges, including better targeting capabilities and infrastructure improvements.

To help to address longer term readiness challenges, the bill includes an increase of $95.0 million for maintenance of ships and other Navy assets, and $138.6 million to maintain highly stressed aircraft. And, we continue our efforts from last year to enhance the Department of Defense's coordination of anti-corrosion programs. Studies estimate that corrosion costs the Department up to $20 billion annually, and that corrosion continues to be a serious maintenance challenge and manpower drain. We therefore recommended that DOD designate a senior official to oversee anti-corrosion plans and policies, and added almost $30 million to fund those efforts and other anti-corrosion testing, research, and product applications.

To improve DOD management, the subcommittee recommended a number of provisions to expand DOD's authority to acquire major weapon systems more efficiently. With respect to services contracts, we built on last year's legislation requiring improved management of the $50 billion DOD spends annually on services by establishing specific goals for the use of competitive contracts and performance-based contracting. These goals should help ensure that the Department of Defense meets contract services savings goals through specific management improvements rather than through program reductions. The bill also requires DOD to develop a comprehensive financial management enterprise architecture, and addresses recurring problems with the abuse of purchase cards and travel cards by military and civilian personnel.

I believe this bill strongly supports the readiness of our forces, both now and in the future. As the chairman of the Readiness and Management Support Subcommittee, I commend it to my colleagues.

AMENDMENT NO. 3899

Mr. President, I also rise today in support of the amendment offered by Senator LEVIN, and to join my other colleagues in supporting it, because it provides the Army with the opportunity to fully analyze options to provide organic indirect fire support. I am concerned by the manner in which the Department of Defense has handled the decision to terminate the Crusader program because it is apparent to me that the Army's views were not appropriately considered in this decision.

I have long supported the Army's efforts to transform itself into a lighter, more lethal force to meet the threats of the 21st century. I believe the Army is making considerable progress in its efforts and trust in the positions that have been advocated for the type of technology and weapons necessary to sustain both the legacy force and the objective force. My friend, Senator INHOFE, has made a good statement on this issue and I certainly support him. In most situations, I consider the Secretary of Defense to be the expert on the needs of the men and women serving in the Armed Forces. I rely on his advice and direction for what the Department needs to execute its mission of preserving our national security. A lot of my trust in his expertise and the recommendations of his staff is based on my belief that he relies upon those in the Department, both uniformed and civilian, to determine what is best for the Department of Defense.

I am having a very difficult time with this issue because it seems apparent to me that the Army is not being heard on this issue. It is disturbing to consider that decisions on Army modernization and transformation are apparently being made without timely input from the Army. I believe it is imperative for the Army to be provided with the necessary time to complete its study of the full range of options available to provide organic indirect fire support. For this reason, I support Senator LEVIN's amendment.

Mr. President, the full committee and our subcommittee have worked hard on drafting this bill. It is a bill that our country needs. I ask that my colleagues support it.

Mr. President, I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise to speak on the pending amendment. I am the ranking member of the Airland Subcommittee of the Armed Services Committee. On that subcommittee, I have had a great working relationship with the chairman of that subcommittee, Senator LIEBERMAN. We, for now the sixth year that I have served in this capacity, have always brought our portion of the Defense authorization bill together in a bipartisan way. We have worked together on every amendment. We have either supported or opposed amendments on the floor. We have never had a disagreement.

I am hopeful that will continue today because we have been working very hard on trying to get a resolution to the issue that is before us, which is this Crusader issue.

Obviously, as Senator AKAKA has just mentioned, the way the administration has gone about canceling this program, as we began the markup of the Defense authorization bill, has made it very difficult for us to try to make an adjustment in midstream. But we are working through that. In fact, we are in the process of active negotiations—Senator LIEBERMAN and myself, with the Defense Department—to see if we can come up with something that can accomplish the goals that have been laid out by Senator INHOFE, Senator WARNER, Senator LEVIN, and others, that are vitally important to the future of the Army and their ability to be relevant in the wars of the future.

Let me first start out by saying I agree with the comments of Senator INHOFE and Senator WARNER—there may have been others, but they are the ones I have heard so far—that we do need indirect fire or artillery fire in support of our troops on the ground; that if we are going to have troops on the ground, we are going to have some sort of weapon there to protect them and provide the fire support they need.

So the question is, Is what we have right now, as Senator INHOFE laid out, adequate? I think clearly the Army, in its evaluation of its options going forward, believed what they had was not adequate. That is why they had Crusader in their budget. That is why they had the Future Combat System in their budget.

The administration has come in—looking at what I think are real problems that the Army has—and decided the Crusader does not fit with the future of the Army. It is not lighter, it is more lethal, but it is too darn heavy to be deployed in a realistic fashion in the wars that we are going to be fighting in the future.

So they made a decision, frankly, the Army could not make. I say "could not make." They obviously did not make it. And I would argue they could not make it. They have not been willing to make some of the tough decisions, in my opinion, that have led them to the problem we are facing today.

They have a big budgetary problem. Senator LIEBERMAN and I have had a variety of different hearings on a variety of different subjects throughout the last 6 years, but every year we have a discussion of this problem with the Army. This is the one recurrent theme that we have had, which is the Army is not making the tough decisions to eliminate this bow-away problem they are going to have in a few years. In other words, they are not going to have enough money to fund all the programs they believe they need.

We thought it was important they start making tough decisions to start cutting programs. We even had some concerns about some of the new programs they put in place during our 6-year tenure, such as the Interim Brigade Concept, but that is another story. We fought that, we lost, and we are willing to move on. The fact is, they did not have the money to do what was needed, to do what they wanted, what they believed was needed.

What I think the Secretary of Defense did was look at that, as Senator LIEBERMAN and I have looked at it over the years, and decided to act and to cut out a system they believed was not going to be relevant based on the experience they have had over the past several months in Afghanistan, and prior to that in Kosovo. So they made a decision.

I understand Senator LEVIN wants the Army to have more of the same. With all due respect to the chairman—and I do respect him—I think the Army has proven they cannot make these kinds of tough decisions. It is not just within their capability to do that. They have gotten rid of a whole bunch of little systems, but when it comes to the tough decisions they have had to make, they have not been able to make them or they have not been able to put a credible alternative forward to the Defense Department to keep systems going in an affordable way.

One example is Crusader. Crusader has three times the firing power of the Paladin. Yet what they ask for are the same number of Crusaders as we have Paladins. Yet the Crusader has three times the firing power.

You would think if you are being told your program is on the hot seat, that we may cancel this program, this should not be news to the Army. The President of the United States, during the Presidential elections, mentioned Crusader as a program that he might cancel. So they should be aware there is a problem.

They never offered a credible alternative to the Department of Defense to downsize the Paladin for the Crusader, to pay for it with force reduction because you need less people if you have less units. So to make this a deal that could be workable, they were unwilling to make that decision. They were unwilling to make that change because it involved force structure, and that is something the Army holds on to dearly.

So I would just argue that while I understand the concept of having the Army have its say, I think the Army had plenty of opportunity to have its say, and they were not at the table with credible proposals to make this work.

So what Senator LIEBERMAN and I have been trying to accomplish over the past few weeks, once this came to light, is to see whether we can put something together. I think both Senator LIEBERMAN and I have come to the opinion that the administration is right, that the Crusader program should be terminated.

I would add a caveat to that. The Crusader program has not yet been terminated. The Department of Defense has not terminated the contract. What does that mean? That means every single day that this contract stays in force—a contract we know the Defense Department is going to terminate—we are spending $1.5 million.

We are spending $1.5 million on a contract that we know is going to be terminated. Of that amount, a half a million dollars has no useful purpose for any future defense project.

Let's understand what we are doing. Every day the Congress puts heat on the Defense Department; both sides of the aisle and both Houses of the Congress have been putting pressure on the Defense Department not to cancel this contract.

The President has said he is canceling this contract. The Defense Department says they are going to cancel this contract. I understand we are putting pressure on them not to do it right away for a variety of reasons: We are on the floor with the bill; the House is marking up over here; there are all sorts of reasons not to do it, not to offend Congress.

I tell you what offends this Senator is spending a half a million dollars a day for nothing. I understand the relationships on the hill and all the other things going on, but I think it is unconscionable to spend a half a million dollars a day on a contract we know is going to be terminated because of congressional pressure from both bodies to cancel the contract. If you are going to cancel it, cancel it now. I could take that money, 2002 money, and use it for some better purpose.

Secondly, when it comes to this program, what Senator LIEBERMAN and I are concerned about is our ability to have fire support for our troops. We have the Future Combat System. Under the President's proposal, they have moved the Future Combat System. It is another gun, a Howitzer. It is smaller. We don't know what this thing necessarily looks like, but it is projected to weigh about 18 to 20 tons as opposed to the original 60 tons for the Crusader which has been scaled down to 40 tons now. It is still a very heavy and cumbersome piece of equipment.

What they want and what the mission and vision of this military is is to be lighter, more deployable, quicker. Why? Because we will be responding to these kinds of isolated events, and we need to be moving faster.

It makes sense that we have this system because this 1963 Paladin system will not meet the needs of the Army of the future. So we need to do this system. Hopefully everybody in the Chamber looking at the facts, once they have an opportunity to do so, will agree with me that we need this system. So what the President did in his proposal was move up. We eliminated Crusader. We moved up the Future Combat System, this 18 to 20 ton gun, from being deployed in 2014 to being ready in 2010 to 2011.

Now, what Senator INHOFE is arguing is—I think he is right—why don't we see if we can pull it up even a little further, up into 2008, which is when the Crusader was going to be deployed in the first place—see if we can move the Future Combat System up to 2008 so we can take the Crusader out of the mix but fill it in with a more relevant system.

What does that do? You have to spend the money in 2008 but you don't buy two systems. You buy one. You buy one that is more relevant to the Army.

To me that makes a lot of sense. The question is, How do we get to that? Can we afford to do that? We are going through those discussions right now. I hope we will have the opportunity.

What I asked my ranking member to convey was that we would have the opportunity to at least see if we could work out some solution before this amendment came to the floor. The amendment came to the floor, and we will have a vote, I understand, but I am hopeful we can continue to work on this issue over the next week or so to see if we can come up with a solution, working with the Army, with the Department of Defense, with Members on both sides of the aisle who would like to see this mission accomplished.

It really comes down to more money. I know that is not a plentiful thing in this bill. Everybody wants more money. What we are looking at—to give some rough figures—is that the money that is in the original bill, in the President's request, was $495 million for the Crusader program in fiscal year 2003. The President has said we will spend $195 million of that, continuing to spend that money on artillery, on this gun system of the future, because there is a technology that we were working on with Crusader as a gun system that is applicable to the next gun system. So it is a technology that we want to continue to move forward. So $195 million stays in a sense in that area.

The rest goes into basically smart weapons. Why? Because the Defense Department believes these smart weapons are the future, that what we don't need are big artillery rounds, dumb bombs being fired by big cannons and we don't know where they will hit, at least not with precision. We know generally but not with precision. Why? There are lots of reasons. Frankly, one of them is political in the sense that we are becoming increasingly concerned about collateral damage. Smart weapons reduce collateral damage, civilian casualties. The smarter the weapons, the fewer the casualties. The weapons we were going to fire with the Crusader were not designed to be smart weapons and, therefore, more casualties to civilians.

There are other reasons with respect to precision. It is cheaper. It is more effective. There are lots of other reasons.

They made the decision for that reason. I support it. I support the allocation of those resources to more smart weapons.

With respect to the 495, I think it is properly committed. The administration is very clear on that. Senator LIEBERMAN and I believe strongly that the allocation is the proper one. The question is, How do we get from this artillery piece, moving it up from 2011 to 2008 so we can have it in a more timely manner?

What we have found is, to be able to do that, we need an additional $173 million. That is a lot of money. But we have to make the decision, as a body, is it a wise expenditure of money to replace a 1963 vehicle that, as Senator INHOFE said, you still have to pull with a cord. Imagine that, we were doing that in the Civil War.

So we are going to replace this vehicle, which is slow, which is small, which does not have the firepower necessary to really protect our troops. Are we going to replace it, and what is the cost of our doing so?

I have been working with Senator LIEBERMAN and others with the Defense Department to see, No. 1, can we find some other money; and No. 2, are there some costs we will save by putting this money forward in savings to the contractor which we will terminate with the Crusader program.

We are terminating that program. When you terminate a program, there are costs associated with it. You just don't terminate and walk away. You have damages that you have to pay because you canceled a contract that you said you were going to fulfill. So there are damages. They are negotiated damages. We don't have a handle on exactly how much. But my sense is that if we put additional money in a program to move forward this other system and we make that money available, then there might be lower termination costs because the contractor necessarily isn't terminating all of their programs.

What we are trying to do is work through to see if we can't come up with a solution that terminates the Crusader, as the President rightly decided to do, so we can get rid of the program—we believe it is an obsolete program—fund the smart weapons we need to fund and about which the Defense Department is passionate—I agree with that—and at the same time get a new gun system by 2008, which is what the Crusader would have done in the first place, that is lighter and more capable, certainly, than the existing system.

In a sense what we are trying to do is see if we can accomplish everything and save the Army a tremendous amount of money and not just help with funding this system but help with the other programs that the Army doesn't have a whole lot of money for either, making them more affordable under the budget.

We are going to have to vote, I suspect, on the Warner amendment and on the Levin amendment. If that is the case, fine, we may have to do that. But I hope we can continue to work on this issue to see whether we in the Senate can come up with a solution that accomplishes everything I have just laid out, which is what I think, from talking to Members, is the objective for everybody.

I am happy to yield to the Senator from Virginia if he has a question.

Mr. WARNER. Briefly, I want to ask a question. I thought the Senator gave a very interesting, forthright, and quite courageous assessment of a situation that has prevailed for a very long time. I am not sure I fully agree with quite as strong an indictment of the Army.

Nevertheless, facts are facts. I remember joining Chairman LEVIN and going over to see Secretary Cohen years ago, shortly after General Shinseki came into office, indicating it was the view of Senator LEVIN and myself that the funds were not there to achieve the magnitude of the Army reorganization. I remember that meeting very well. I think Secretary Cohen basically acknowledged they would do what they could to fix it, and the rest is history.

The question I have to pose—and the chairman is here, and I will suggest a hypothetical—if my amendment were to be accepted by a voice vote, we would then proceed to a vote on the chairman's amendment, the underlying amendment. Does that help or impede the Senator's objectives as ranking member, working with his chairman to try to resolve that issue?

Mr. SANTORUM. I don't believe that amendment prejudices anything we are doing. My understanding is, within the context of this amendment—my hope is that we can continue to work on this, even as we are on the floor, to see if we can come up with an amendment that lays out what we need to do in 2003. I didn't get details, but there are other 2002 budget issues. To accomplish this, we need to take care of that in the supplemental. That is another issue. As far as 2003 is concerned, I am still hopeful we can come up with something; whether it is on the floor or we can resolve it by the time the bill is finished, I don't know. I am hopeful we can include it if we can resolve it. I don't see anything in the amendment that prejudices it and trying to work it out in conference.

Mr. WARNER. Last night the Senator hosted, with Senator LIEBERMAN, a meeting with the Deputy Secretary and the Secretary of the Army, and I was present. I thought the very clear explanation you made of the different challenges of 2002, how they differ from 2003, was important. I think that would be vital for colleagues to understand—particularly in the context of your concern, which I share, about the million and a half a day being expended while the Congress works its way through this bill.

Mr. SANTORUM. I appreciate that. My understanding is that if we terminated the contract—it is a million and a half dollars a day. If we terminated the contract today, there would be roughly $150 million unexpended in the program—I believe unobligated and unexpended from the program. Again, these are rough numbers, and I don't want to hold the Army to any particular number because these numbers have to be negotiated between the Army and the contractor; but the estimate we are getting is that roughly $100 million of that would go toward termination costs for the contractor in 2002 dollars, which would leave aside $40 million to $50 million, which could then be put toward the technology that is applicable to the Future Combat System.

So it gets us a start to try to move the Future Combat System from 2011 to 2008. Once that starts, it will be helpful if we can continue to move it up with an additional $173 million in 2003, which will put us in a position in 2004 to get it in a timely way.

I know the chairman gets a million requests and there is not a lot of money out there, but $173 million, even in the Senate, isn't chump change. I argue that when you are taking out a system—obviously a very controversial move—for $173 million in 2003, you can replace that system and get another system fielded in the same timeframe as the original one, which is more practical for the usage for the Army, and you have accomplished something very significant.

That is the pitch I am making. If we could make that happen, I think it would be good for the Army, and I think it would be taking what is a very difficult and troublesome situation that we have with Crusader and turning it into something very positive for everybody concerned.

I yield the floor.

Mr. LEVIN. While the Senator from Pennsylvania is on the floor, let me comment on one thing he said about the unwillingness of the Army to make the tough decision. The Army was in the middle of an analysis when it was completely truncated unexpectedly against the commitment and statements made by the Secretary of Defense and the Under Secretary of Defense. So they were in the middle of making an analysis. It is not as though they were unwilling to make the analysis.

This is important. It is an analysis looking at seven different questions, including what are the risks of proceeding versus the risks of canceling, the alternatives, what are the costs, and what is the cost effectiveness—all of these issues, under six combat scenarios. I think the Senator would agree that these could be life-and-death decisions. Whichever way you come out on these questions, these are life-and-death decisions. The Army is in the middle of an analysis, which they were told at the end of April they should finish by May 30, and on May 6 the Secretary of Defense indicated they decided to terminate.

The analysis is important and it addresses many of the same issues the Senator from Pennsylvania addresses. I know what he is after. We want the best system we can possibly get as soon as possible. Relevant to that, surely, is the analysis of the Army looking at seven questions, including force effectiveness, benefit of each alternative; that is an issue that should be looked at, surely. We don't want to ignore what is the force effectiveness benefit of each of the four alternatives. We want to look at the capability of each alternative to support—now I am reading the questions—the capability of each alternative to support a rapidly deployed force in a small-scale contingency. That is one of the questions they are looking at. Six combat scenarios.

People say: Gee, could the Crusader have been useful in Afghanistan? That is one of six. What about in a desert situation when the Paladin cannot keep up with the vehicles it is supposed to be supporting? Is that relevant? I know how deeply involved the Senator is and how committed he is to the same goal. These are important questions. To simply, without any explanation, change course twice in 2 weeks, first saying we are going to decide this by September 30, and then saying we are going to decide this by May 30, and then say I just decided—I will soon yield the floor, but I assure the Senator from Pennsylvania that the Army was in the middle of an analysis that was due by the end of this May.

This amendment says we want that analysis finished—not just to check on the decision of the Department of Defense to end the Crusader system, but also to help us decide where we want to go in terms of some of the expenditures about which the Senator was talking. It is not just an analysis that helps us decide what course to change from, but what course to change to.

That is why we put this provision in here for this analysis. I don't think it makes a huge difference as to whether or not, frankly, we have an analysis and a period of wait or we have an analysis and then reprogramming. In either event, if the Department of Defense stays on its present course after the analysis, after the benefit of that analysis, if they decide after receiving the Army's review of these seven questions and these six scenarios and the four indirect fire alternatives—if the Department of Defense decides they want to stay on the current course, in that case they will not be prevented from doing so under either of the two alternatives—the first-degree amendment or the second-degree amendment.

That is why I tell my friend from Virginia and our other colleagues here to accept the second-degree amendment, with the understanding that we would then proceed to a vote with the support of the Senator from Virginia on the first-degree amendment.

Mr. WARNER. Mr. President, if I may just respond, that is a procedure I would endorse. I thank my colleague. In that form, the Levin amendment, as amended by Warner, would be consistent with the wishes of the Secretary of Defense and the goals and, therefore, I think I can represent it has his support. I will verify that, but I am positive I proceeded on that course this morning, and I know of no communication thus far to me of any deviation.

The Levin amendment, as amended by the Warner second-degree, would be consistent with the goals as established in the President's budget amendment and is now being sought by the Secretary of Defense.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I inquire, I believe the Senator from Pennsylvania lost the floor to Senator LEVIN, in which case, if the Senator stays in the Chamber for a moment, I will not be long. I wish to respond.

Mr. LEVIN. Will the Senator from Oklahoma yield?

Mr. INHOFE. Yes.

Mr. LEVIN. The Senator from Pennsylvania did want an opportunity to respond to some of my comments. If it is consistent with the needs of the Senator from Oklahoma—I should have given that opportunity to our friend from Pennsylvania—perhaps he can now have the opportunity.

Mr. SANTORUM. I will be a minute. My criticism of the Army is not that the Army was not studying this issue when asked to do so by the Defense Department in April. My criticism is the Army has not made a decision for quite some time with respect to——

Mr. INHOFE. Parliamentary inquiry, Mr. President. Who has the floor?

Mr. SANTORUM. If the Senator from Oklahoma——

The PRESIDING OFFICER. The Senator from Oklahoma has the floor, but the Senator from Oklahoma yielded to the Senator from Pennsylvania.

Mr. INHOFE. I will yield to the Senator from Pennsylvania——

Mr. SANTORUM. Go right ahead.

Mr. INHOFE. If at some point I can get back in.

Mr. SANTORUM. I appreciate that. I will be quick because as hard as Senator LIEBERMAN and I have worked, Senator INHOFE has worked 10 times as hard. I do not want to take up his time.

That has been my concern with the Army, that they have not made tough decisions, not that they were not studying this issue at the request of DOD when they visited with them that they may be canceling this program. That is No. 1.

The reason I have some concerns with moving forward this study—by the way, I understand the Army is already moving forward and studying this; they are doing the study right now—is it is very clear to me the Department of Defense is canceling this contract. A study can go forward, but they are canceling the contract.

We can say we do not want you to cancel the contract. We can say a lot of things. But they are going to cancel this contract, and we are spending $1.5 million a day on a contract they are going to cancel. The President has been very clear about that.

We can get into a big fight. My problem is twofold. No. 1, I think they are right. Even that aside, even if I think they are wrong, if we fight this thing out, if we have a big to-do, we are pushing this system back to gosh knows when we are going to get this artillery piece.

I am doing it this way: Did they do every procedure right? I think the Senator from Michigan said it pretty well. They asked for an analysis, and then a few days later they killed the program. I would argue that is not right.

Is it the right decision? I would make the argument it is the right decision. Was it gotten in the right way? No, it probably was not gotten the right way, but it is the right decision, it is a decision they made, and I think they are going to stick to it.

I am trying to see if we can craft something, in working with the Army, to keep some continuity so we can bring an artillery piece on at an appropriate time to meet what the Army believes they need, and I would agree with them to do it.

I will support this amendment. I will sit down. The reason I would have problems supporting this in conference is if this is the position we want to take in conference—I think it is vitally important and one of the reasons I wanted to deal with it on the floor—if we can find that $173 million piece for next year and if we put this amendment in and say we will wait until the analysis, then there is no chance of getting that money and bringing this system up.

That is the problem I have with this amendment. I think the Senator from Michigan has every good intention with this amendment. I have no problem with what he is doing, but I think we need to continue to work on this to see if we can find a solution. If we cannot, I am willing to accept the Senator's amendment. I am willing to go to conference and even accept it at that point, but if we can do something to try to move this system forward, I think we should make every effort to do so. That is all I am suggesting.

Mr. LEVIN. Mr. President, will the Senator from Oklahoma yield for 2 minutes for a quick response?

Mr. INHOFE. I yield.

Mr. LEVIN. The suggestion of the Senator from Pennsylvania that some $170 million be added for some modification in the President's new budget proposal is proof of the fact that the analysis is necessary because what the Senator is proposing is different now from the administration's budget amendment. That is how fast these things change. That is point No. 1.

It seems to me what Senator SANTORUM is arguing is exact evidence of the fact that we need to complete the analysis which was truncated.

My second opinion: This is not a unilateral decision by the administration. No expenditure of funds is unilateral. There is a House of Representatives. There is a Senate. The House of Representatives has decided on a certain source of action, and in that course of action, they do not want this contract canceled. We have to go to conference with whatever we do. This is not just a decision that has been made and it is over. They should have had the analysis before they made the decision. They did not. We should still have the analysis before we decide what is the next course for these Future Combat Systems. It is just possible at least—possible—that when the analysis that was terminated prematurely is completed, that actually might affect the administration's plans.

On both points I would have a difference with our friend from Pennsylvania.

I yield the floor. The Senator from Oklahoma has been very patient.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Michigan.

Mr. President, I was given by Senator DAYTON a list which I believe should be printed into the RECORD. This is a list of 28 retired four-star generals who have very strong support for the Crusader program. Each one has done opted pieces. I ask unanimous consent the list and several letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RETIRED 4-STAR GENERALS WHO STRONGLY SUPPORT CRUSADER AND ROBUST INDIRECT FIRE FOR SOLDIERS IN COMBAT

Gen Richard E. Cavazos, Commanding General, FORSCOM; Commanding General, III Corps; Commanding General, 9th Infantry Division.

Gen John W. Foss, Commanding General, TRADOC; Deputy Chief of Staff, Operations, U.S. Army; Commanding General, 18th Airborne Corps; Commanding General, 82nd Airborne Division.

Gen Frederick M. Franks, Commanding General, TRADOC; Commanding General, VII Corps, Gulf War; Commanding General, 1st Armored Division.

Gen Ronald H. Griffith, Vice Chief of Staff, U.S. Army; Inspector General of the Army; Commanding General, 1st Armored Division, Gulf War.

Gen William H. Hartzog, Commanding General, TRADOC; Deputy Commander in Chief, Atlantic Command; Commanding General, 1st Infantry Division.

Gen Jay Hendrix, Commanding General, FORSCOM; Commanding General, V Corps; Commanding General, 24th Infantry Division; Commanding General U.S. Army Infantry Center.

Gen Donald R. Keith, Commanding General, Army Materiel Command; Deputy Chief of Staff, Research and Development, US Army.

Gen Fritz Kroesen, Vice Chief of Staff, U.S. Army; Commanding in Chief, U.S. Army Europe; Commanding General, 18th Airborne Corps; Commanding General, 82nd Airborne Division.

Gen Gary Luck Commander in Chief, U.S. Forces Korea; Commanding General, 18th Airborne Corps, Gulf War; Commanding General, Joint Special Operations Command; Commanding General, 2nd Infantry Division.

Gen David M. Maddox Commander in Chief, U.S. Army Europe; Commanding General, V Corps; Commanding General, 8th Infantry Division.

Gen Barry McCaffrey U.S. National Drug Policy Director; Commander in Chief, U.S. Southern Command; Commanding General, 24th Infantry Division, Gulf War.

Gen Jack Merritt Senior Military Representative, NATO; Former President, Association of the United States Army.

Gen Butch Neal Assistant Commandant, Marine Corps; Deputy Commander in Chief/ Chief of Staff, CENTCOM; Commanding General, 2nd Marine Division.

Gen Glen Otis Commanding General, TRADOC; Commander in Chief, U.S. Army Europe; Commanding General, 1st Armored Division.

Gen Binnie Peay Commander in Chief, CENTCOM; Vice Chief of Staff, U.S. Army; Commanding General, 101st Airborne Division, Gulf War.

Gen Denny Reimer Chief of Staff, U.S. Army; Commanding General, FORSCOM; Commanding General, 4th Infantry Division.

Gen Robert RisCassi Commander in Chief, U.S. Forces Korea; Vice Chief of Staff, U.S. Army; Commanding General, 9th Infantry Division. (High Tech, Motorized).

Gen Jimmy Ross, Commanding General, U.S. Army Materiel Command; Deputy Chief of Staff, Logistics, U.S. Army.

Gen Lee Salomon, Commanding General, Army Materiel Command; Commanding Genera, 9th Infantry Division.

Gen Thomas A. Schwartz, Commander in Chief, U.S. Forces Korea; Commanding General, FORSCOM, Commanding General, III Corps; Commanding General, 4th Infantry Division.

Gen Robert W. Sennewald, Commanding General, FORSCOM; Commander in Chief, U.S. Forces Korea.

Gen John Shalikaskvilli, Chairman, Joint Chiefs of Staff; Supreme Allied Commander, Europe (SACEUR); Commanding General, 9th Infantry Division (High Tech, Motorized).

Gen Gordon Sullivan, Chief of Staff, U.S. Army; President, Association of the United States Army; Commanding General, 1st Infantry Division.

Gen John Tilelli, Commander in Chief, U.S. Forces Korea; Vice Chief of Staff, U.S. Army; Commanding General, FORSCOM; 1st Cavalry Division Commander, Gulf War.

Gen Carl Vuono, Chief of Staff, U.S. Army, Gulf War/Just Cause; Commanding General, TRADOC; Commanding General, 8th Infantry Division.

Gen Louis C. Wagner, Jr., Commanding General, U.S. Army Materiel Command; Deputy Chief of Staff, Research and Development; Commanding General, U.S. Armor Center.

Gen Johnnie E. Wilson, Commanding General, U.S. Army Materiel Command; Deputy Chief of Staff, Logistics, U.S. Army.

WILLIAMSBURG, VA.

Editor:
Chicago Tribune

Your editorial of 8 May, "Killing the Crusader" provided your readers with a very one-sided view of the ongoing debate over the wisdom of killing the Crusader. There is another side to the argument based upon my experience as a commander of infantry, armor and airborne units in peace and in war in many parts of the world.

You posed the question of Crusader as a battle of a visionary Secretary of Defense against backward Cold War thinking generals, entrenched bureaucrats and members of Congress interested only in jobs in their districts. Secretary Rumsfeld did assert that he wanted to kill the program so the money could be invested in new technologies for a more modern force. He has not yet identified his vision of the conflicts of the future nor of the technologies that would lead us there quickly.

The Crusader is not a Cold War leftover. It was designed and initiated after the Gulf War to address a long-standing shortfall in the range and rate of fire over our known and potential adversaries (Yes, Russian artillery has had a longer range and a higher rate of fire than US artillery since World War II and provided it to Iraq). Division commanders from the Gulf War rated an improved howitzer as the most important deficiency to be addressed. The 1960's howitzer, upgraded several times, slowed the advance of our forces since it couldn't keep up. You were right in saying the old Paladin needed to be replaced but wrong in saying the Crusader would be obsolete by the time it's fielded. There is nothing identified nor started to replace the Crusader and there probably won't be anything for years to come.

Eventually all this comes down to taking a risk. Trading Crusader for some hopeful technology of the future puts the risk on the ground soldier. If Secretary Rumsfeld is fortunate and we have no unexpected conflicts before his revolutionary force is fielded then it will be a risk worth taking. If the next conflict (and we have a hard time predicting them) involves some serious ground combat (Iraq?) then the soldiers and not the bureaucrats nor generals will feel the effects of the risk.

We can have a new revolutionary force in the future but we need to retain a trained, ready and equipped force in the interim. Both the Secretary of Defense and the Congress play a role in this process. It should not be a battle between them. Soldiers could suffer.

Sincerely,

JOHN W. FOSS,
Gen, US Army (Retired), Former Commander of the 82nd Airborne Division and the XVII Airborne Corps.

Editor:
Los Angeles Times

The op-ed article by Michael O'Hanlon on May 9, "Killing the Crusader," suffers many of the same ailments found in many such writings; he is only half right. He is exactly correct when he notes that the Crusader advanced artillery system could help in a situation like Korea. I would quickly add Iraq. In fact, potential hostilities in Korea or Iraq only highlight the value of a versatile system such as the Crusader.

His error comes in saying Crusader is designed just to slug it out with the Soviet Union in Central Europe. Quite the contrary is true; the lethality, versatility and 21st century technology of this weapon makes it an imperative for supporting our forces on any future battlefield.

As a nation we do not have the luxury of picking our adversaries. Rather, recent history shows that America must expect the unexpected. A case in point is Operation Anaconda in Afghanistan, which would have benefited greatly from the Crusader—which is highly mobile, can fire faster and farther with extreme accuracy, and outdistances current artillery.

Likewise, all conflicts in the future will not involve neat and clean battlefields where air power or other systems like long-range rockets will be constantly available or useful. We must have the firepower to take out air defenses, communications, drive out entrenched enemies, provide lethal cover for our ground troops, and operate in all types of weather with either volume or precision fires.

Speaking from the perspective of a Marine and from our nation's experience in Desert Storm, I know first-hand that we must support troops on the ground with overwhelming firepower under all conditions—including the times when air power is not available. That, in precise terms, captures the unpredictable threats of the new century that make Crusader so absolutely essential.

GEN. RICHARD NEAL,
Former Assistant Commandant, U.S. Marine Corps, Deputy Director of Operations, Desert Storm.

NOVEMBER 5, 1997.

Mr. PHILIP ODEEN,
Chairman, National Defense Panel, Crystal Mall 3, Suite 532, Arlington, VA.

DEAR SIR: We have followed with interest your recent comments about the need for a "transformation strategy" for the Department of Defense and the nation's armed forces. We understand your focus on trend lines and their impact on force structure, personnel savings, readiness, and training. It is with these points in mind that we write, to clarify what we believe are some critical misconceptions about the Army's advanced field artillery system and its contribution to the future Army.

As you know, the Army is a leader in taking charge of its future through near-term evolution to Army XXI and then possible semi-revolution in Army After Next. The Army sees Army XXI digitized, mechanized forces as it "cord" force, while a more revolutionary light, super-mobile, elite "battle force" might served a halting and fixing capability in Army After Next. None of us knows how this concept will finally play out, but we do see Crusader as an essential part of any Army XXI *and* and AAN decisive fighting force.

The Crusader system is a technological leap-ahead, achieving the first U.S. Army artillery overmatch since the end of World War II. Its mobility unleashes the combined arms team . . . a role that its predecessor, Paladin, cannot fill . . . just as the Bradley fighting vehicle enabled the maneuver force to exploit the mobility of the Abrams tank. Crusader is an essential component of Information Dominance. Fielding it allows us to fight with rapid, long-range fires and to take maximum advantage of the digitization of the maneuver force. This "smart" system knows where it is at all times, computes its own fire missions, point the gun, and fires the mission, under soldier supervision. No other system approaches its ability to deal with the plethora of targets generated in an information dominance environment.

Years of analysis, using varying threats and scenarios, attest to the need for Crusader. Crusader is more than three times as effective as the Paladin. With its technology investment, the advanced field artillery system will provide three times as much lethal fire support to the maneuver force and survive three times as long as the system it replaces. Its accuracy enhancements make it possible to achieve effectiveness on a target-by-target basis by firing 32 to 50% fewer rounds, depending on the nature of the target. In comparison to other unique fire support means, like rockets, Crusader is more economical by weight and cost. For example, to achieve equal effects against a mechanized infantry company, Crusader fires 30 rounds while MLRS fires seven rockets. In terms of weight and cost of ammunition, Crusader projectiles and propellant weigh 37% and cost 71% less than the seven rockets. Analyses have shown that Crusader enhances the contribution of both the cannon and rocket components of the field artillery system.

Because Crusader exploits the capabilities of information dominance and situation awareness, it enables the force to engage more targets. In study after study, Crusader increases overall force effectiveness by over 50%. This is an unprecedented impact for a single weapon system. The awesome contribution of Crusader, especially using precision munitions, provides revolutionary gains in combat power that challenge current maneuver-fire support assumptions.

You raised the potential for savings in force structure and personnel through technology. The technology advances in Crusader have enabled the Army, in anticipation of its fielding, to already reduce the number of cannons per battalion by 25% and the number of soldiers by 16%. When Crusader is fielded, the Army will realize additional manpower savings as every crew will be reduced in size to three men who sit at cockpit-style workstations, are supported by decision aids, and drive by wire. Automation has removed the requirement for the crew to handle rounds and propellant in firing and resupply.

These attributes have obvious strategic deployability and logistical footprint implications. The force needs fewer Crusaders, and those Crusaders kill many more targets using a given amount of ammunition. Hence, the Army can deploy a Crusader capability equal to Paladin's with 50% less strategic and 38% less intratheater lift.

We see Crusader as vital to Army XXI and the mechanized portion of Army After Next. Fielding Crusader clearly addresses the issues you have raised, significantly increasing force effectiveness while providing manpower, sustainment, readiness and training cost savings over its life cycle because of reduced personnel requirements, automated systems, embedded training, and improving reliability.

John W. Foss, General, USA (Ret); Donald R. Keith, General, USA (Ret); Jack N. Merritt, General, USA (Ret); Carl E. Vuono, General, USA (Ret); Frederick M. Franks, Jr., General, USA (Ret); Gary E. Luck, General, USA (Ret); Glenn K. Otis, General, USA (Ret); Louis C. Wagner, Jr., General, USA (Ret); Ronald H. Griffith, General, USA (Ret); David M. Maddox, General, USA (Ret); Gordon R. Sullivan, General, USA (Ret).

Allied Research Corporation,
Vienna, VA, May 10, 2002.
Senator John Warner,
Russell Building, Washington, DC.

Dear Senator Warner, A too long personal letter and my "up-front" apology for same . . . but an issue I feel passionately about. I write to you as a warfighter with almost 40 years in uniform that includes battery level combat command in Vietnam, command of the 101st Airborne Division in the Gulf War, and 3 years at CENTCOM and numerous operations to include Iraq, Somalia, and Ethiopian wars; as a former Vice Chief of Staff, U.S. Army with responsibilities for managing the development of future Army systems and operating under constrained budgets; as a Chairman of the Board and CEO of a defense company headquartered in northern Virginia with clear insights on the posture of our nation's industrial base and finally, I write to you as native Virginian and you as my Senator . . . a leader with a long career of public service as Secretary of the Navy and leader in the SASC and Senate.

Failure to go forward with the CRUSADER howitzer program is a national strategic mistake of proportions that principally only Army and Marine leaders truly understand. Regretfully, the issue in Washington today has become embroiled in civilian control emotions and service in-fighting as each postures for their future (roles and missions) while recovering from years of budget downsliding. At the end of the day, Congress is responsible for raising Armies and thus my letter to you. I believe the following points are relevant to the final CRUSADER decision:

1. Balance

(A) There must be balance in our air and ground arm today and tomorrow. Today, that means understanding the fog and friction of war in ensuring that fires are always available regardless of communication and intelligence failures, bad weather or simply unavailability. Tomorrow, that means understanding that our enemies will develop counteracting strategies. We have a grand Air Force and my record shows I'm a great supporter. But history is replete with examples of enemy responses, whether it be enemy actions at Guadalcanal impacting naval positioning and the continuous support of committed marines (thus the dedicated Marine air arm today) or the future, where the introduction of lasers on the battlefield will undoubtedly impact the air delivery of ordnance and other air platforms performing intelligence, command and control, and air defense missions. Are we no longer to have howitzers as a major contributor to the fight? Balance . . . a requirement today and tomorrow.

(B) There must be balance between precision missiles and high explosive (HE) precision and non-precision munitions in support of soldiers and marines requesting "close support fires". The battlefield today requires precision and massed area fires delivered simultaneously over vast distances to suppress enemy air defenses, prepare landing zones for airborne and air assault forces, and defeat massed forces. And at times our forces require diversified munitions and continuous close fires to "disengage" from the enemy and often this is a mix of smoke, HE, white phosphorus, illumination and other munitions. And somewhere in all of this is the need to understand costs. Bombs, missiles, and howitzer delivered munitions each provide balance and are needed. But when it comes to truly close continuous fires, it is cannon field artillery delivered munitions that a soldier or marine principally uses due to safety, the angle of fall of the projectile, and their organic control.

(C) Currently allies and adversaries are rapidly developing a mixture of missile and gun solutions that ensure balance. European, Chinese, and middle eastern and Gulf armies are increasingly procuring advanced self-propelled artillery. Today the U.S. Army is comparatively far down (9th) on the list of cannon artillery and our most advanced system (the Paladin) is 40 years old. It is interesting to note, that our Navy (which has been thru numerous examinations of guns versus missiles) has the very essence of CRUSADER embedded in its approach to the advanced gun system for the DD(X), and our Marine Corps is vigorously enhancing its regiments with advanced howitzers and HIMARS, and it has its own organic air support. Balance!

2. Transformation, Modernization and Readiness, and Deterrence

(A) CRUSADER is a transformation system and it fits perfectly in the Army's Objective Force. It is a "far different" system than that described only two years ago. Its weight has been cut by a third; its crews save manpower, its technology is unmatched. As such, the Army has already changed its future manning and equipment documents to realize these breakthroughs and capabilities by eliminating tanks, personnel careers, howitzer sections and personnel from its requirements. This CRUSADER howitzer is on time and target in terms of its production milestones and is performing magnificently in tests. Its cost as a major weapon system is a modest $9–11 billion well below the cost of other service systems.

(B) Many call for skipping a decade of systems. We have already done that many times over. We will never field systems if we continue to kill them just as they are ready to go into full-scale production after years of work by our industrial base. Some say, "move the technologies to the tech base or to a new FCS system" . . ., yet nothing really exists except draft concepts on paper and vu-graphs. It will be years before the next prototype system is available. Thus, once again we delay modernizing the force introducing cost readiness problems and, importantly, weakening our industrial base. The wealth of engineering excellence assembled around the CRUSADER program will be lost, rapidly impacting armored vehicle industrial base capabilities which today principally resides in only two companies. Deterrence has many components. The presence of modernized heavy land forces and a solid industrial base are not lost on our adversaries.

(C) Today, we all understand the advent of asymmetric warfare. We predicted years ago that it was coming. Nevertheless, we should not lose perspective that the future will involve combinations of asymmetric, conventional, and WMD actions. We should note the pictures of armored vehicles, tanks, and artillery in the latest city fighting in the Middle East. Skipping decades to meet threats of the future briefs well. World events have never allowed us to do that and there is not nearly enough money in the world to transform entire Armies in short duration. Thus, we've always modernized systems and parts of systems and then fought them in high-low mixes of heavy and light forces and mixtures of modernized and un-modernized systems based on the spectrum of conflict. Today, it is Iraq, Korea and Afghanistan. Tomorrow it could be Colombia, Iran, Taiwan, China, a different emerging Russia or the entire set of Middle East nations. Whoever would have even been close to predicting our deployments from Desert Storm to Enduring Freedom during the past 10 years? Deterrence is a major price of our national strategy and CRUSADER'S role in support of Army forces is a key visible ingredient to that strategy.

Finally, this decision has become very personal at the highest levels. Regretfully, it started with a Presidential campaign debate with uniformed aides beating the agenda for change, long before discussions with seasoned warfighters would or could take place. Courage to admit that the CRUSADER system has radically changed since that time, and that there is a clear need for the system in an uncertain world (by our leadership) would only raise one's respect for their wisdom. The Army has always been transforming. Transformation in form of revolutionary or evolutionary approaches will only survive when wisdom dominates national security decision-making. This is a dangerous, complex business. Wisdom is "Balance" learned from history. Wisdom is understanding the complexities of modernization and its impact on readiness and deterrence. Wisdom is listening to warfighters and professionals who have spend their lifetime fighting and studying the art of war. CRUSADER cuts across all of these issues today.

Thursday, you will speak at the graduation of the Class of 2002, at the Virginia Military Institute . . . many of these graduates will very shortly be leading soldiers and marines in ground combat. I hope they will be provided the "balanced" fire support to do their job. I also hope they will never have to lead our nation's youth in combat because deterrence worked. The wise decision resoundingly supports fielding CRUSADER as soon as possible.

Sincerely,

J. Binford Peay.

May 16, 2002.

To the Members of the U.S. Senate and U.S. House of Representatives:

The misinformation filling newspapers concerning the Crusader program is troubling. Decisions to support military transformation are key and must be reached through fact and analysis.

Crusader is a smart gun. Its development began in 1995, after the Cold War ended and Iraq was defeated. Crusader was a key part of then Army Chief General Gordon Sullivan's vision to digitize land forces around the power of the microprocessor. Furthermore, Crusader has been specifically redesigned for C17 deployability, refuting the popular myth that it is too heavy for 21st Century operations. For example, Crusaders could have been on the ground in Afghanistan in less than 24 hours.

As we have heard repeatedly from the U.S. Army's leadership, land forces need cannon artillery to provide dedicated responsive fires in support of soldiers on the ground around the clock, and in all weather. Precision strikes from bombers, missile systems, and unmanned aerial vehicles will complement, not substitute for Crusader's capability. The decision to terminate Crusader should be based on an analysis of alternatives using defined strategy and scenarios, which includes a thorough assessment of cost effectiveness and technology risk.

The Crusader program is on cost, on schedule, and exceeding performance objectives. This system has already fired over 6,000 rounds and demonstrates ranges exceeding 40 kilometers, rates of fire beyond 10 rounds per minute, and three times the lethality of currently fielded systems. Crusader also brings proven technologies in leading-edge robotics, sensor-to-shooter architecture, crew cockpits, and advanced materials.

The taxpayers of this nation have invested nearly $2 billion in the development of Crusader. At a minimum, this model program deserves a thorough assessment before it is canceled and America's investment is thrown away. More importantly, the soldiers of today and tomorrow should be assured that the decision to terminate Crusader is based on compelling evidence that proposed alternatives will be there to provide the same needed responsive precision fires on future battlefields—we know not where, when, or under what circumstances.

Sincerely,

FRANK C. CARLUCCI,
JOHN M. SHALIKASHVILI,
General, USA (Ret.).

Mr. INHOFE. Mr. President, let me comment in response to some of the statements made by my distinguished and very close personal friend with whom I came to the Senate from the other body in 1994.

Mr. President, will the Senator from Pennsylvania stay here? I was going to respond to some of the comments he made. First, I state in the strongest possible terms that there is no person I think more of than Secretary Rumsfeld. There has been a problem in this whole debate, and that is that he is busy managing a war right now. He has other things on his mind other than what our Future Combat System is going to be.

Consequently, while they said, yes, we want to cancel the program, whatever the immediate motivation was, the Secretary made that decision, and, quite frankly, I do not believe—in fact, I am certain of it—at the time the decision was made he did not take into consideration the termination costs.

As recently as last night in the office of the distinguished Senator from Pennsylvania, General Armbruster made the statement it would cost about $290 million without a bridge. So we are talking about a very large amount of money.

I am concerned about $1 million today, $.5 million, $1.5 million, depending on how one wants to calculate the delay. I do not want to delay it. Let's keep in mind, the Senator from Michigan is correct when he said the Army has been preparing to do this for a long time. The Army has downsized in anticipation of having the capability that would come with the Crusader. In a minute I will say it could be the Crusader or something that would give us a capability that would certainly satisfy me as just one member of the Armed Services Committee.

There are a couple other issues I want to clarify for the record. The Senator from Pennsylvania made the statement that with something that has three times the firepower, why don't they lower the expectations as to how many platforms they need.

I say to the Senator from Pennsylvania, at one time they were talking about 1,200 Crusaders. It is now down to 480 Crusaders. That is the most recent. I also say at the same time that the firepower, the rate of fire, is not just 3 times greater, it is 10 times greater in terms of sustained fire. That is critical. We have already downsized the request to 480 from 1,200.

The cancellation of the Crusader most likely is going to happen. That is what the Senator has been saying, and I agree with the Senator from Michigan that the Secretary of Defense is not going to do that on his own. If he had strong opposition in both the House and the Senate, then there is a process whereby he would have a difficult time doing that unilaterally, and I believe that is very proper. In this case, when you are talking about an alternative system that might accomplish the same thing, this has been the compromise we have been talking about now. The House was not talking about this. They want to go full bore ahead with the Crusader.

We have said if what we want to accomplish is to have an artillery capability by 2008, the same year the Crusader would have come on board, it can be done in other ways. I have suggested another way would be to say: Administration, you are right, but we need to get it down from 40 tons to 20 tons. We need to have something that is going to be faster and lighter, that will still give us some superiority on the battlefield and do it by the same year, 2008. That is a reasonable expectation. I think most of the Senators on the committee would say that would be a good alternative if that were done.

In order to do it by 2008—this is something nobody disagrees with—it is going to have to be done by using the same people who gave us the technology we have today, and we are going to have to use the same technology. To use that, it can be done, but we are going to have to construct something to allow that to be done. If we do not, and if we say, all right, we are going to open it up for bids at the end of milestone B, for example, then that is going to delay the process for a long time, and most likely that team that gave us the technology of the future would be dispersed and working elsewhere. So it would be very difficult.

The last thing I want to mention is the disagreement I have with the statement of the Senator concerning the dumb bombs. Yes, we need the Excalibur, we need to have the MLRS, we need to have all the rocket technology that goes with it so we can be pinpoint accurate, but when it comes to cover, every general and every person in uniform coming before our committee has said, you have to have that, but you also have to have dumb bombs.

If Excalibur were fired right now, the cost of that would be $200,000 for a round. It has to be fired out of something. We do not have anything to fire it out of right now. We would with the Crusader. We would if we had this alternative we are suggesting so we would be able to use it. If we use MLRS, each round is $36,000. That has to be considered on the battlefield. But if you want to send a bunch of dumb bombs to give cover to our troops who are otherwise naked, that can be done for $200 a round.

I contend—and I have heard such testimony from those in uniform—that we have to have that capability. If we have to have that capability, we are going to have to have all that capability in one unit. That is where FCS comes in. There are about five major components of FCS. Sure, the way I want to go would make sure we get the first component, the artillery capability, by 2008. To do that, we would have to give it some degree of priority; $173 million additional would do that. We have heard that testimony. At the same time, I want the other components, too.

I will stand here and say, whatever influence I have on this committee, I am going to use that influence to get the rest of these components to reach the Future Combat System that everybody is in agreement we want. The only disagreement we have is there are some who say only the Crusader is going to be able to do this. I do not believe that. I think we can do that if we keep the technology and the team together and do it in another vehicle.

Those are the areas I wanted to address. I have to say to my friend from Pennsylvania, I really believe we want the same thing. We want that capability by 2008, and we have ways of getting there. We may have to do it in conference. I think the Levin amendment is going to be important at this point to go ahead and get us in the right posture in conference, and I commit to everyone that I will work to achieve that goal that both of us want.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I commend the Senator from Oklahoma. In committee, when this issue came up, we were not on the same side of the issue. I was clearly supporting the President's request and the Senator from Oklahoma was not, and I have found that in working with him, he has provided a path out of this very difficult conflict. That is why I completely agree with the statements he has made, that there is an opportunity to try to accomplish everything that I think most members of the Senate Armed Services Committee believe need to be accomplished, which is to have a new system up by 2008, to save money in the Army procurement project, which is badly underfunded, and at the same time transition these technologies we have with the Crusader on to the Future Combat System.

From my perspective, it comes down to an issue of money. It comes down to an issue of whether we can find money in 2003, in this budget, in this authorization bill, to get together the concept demonstrator we need. Hopefully, we can start this year with 2002 funds and move forward with the $173 million for next year. That is not going to be easy to do. I am not sure we are going to be able to accomplish this on the Senate floor or we are going to be able to get this agreement. Maybe we even should not. Maybe this should be an issue we work out with the House and do it in conference when we have more people who will participate in it.

I will say, without the leadership of the Senator from Oklahoma on this issue, I do not think the ability to accomplish all the things I laid out would have been possible. The Senator from Oklahoma and I understand Fort Sill is in Oklahoma, and I understand a lot of the Crusader work was going to be done in Oklahoma. Also, I understand this is an issue where the Senator could have come out by saying, I am going to go down with the ship on Crusader and I am going to fight for the folks back home in the sense that there are these jobs. But the Senator from Oklahoma, I have found, has always been doing what is in the best interest of the men and women in uniform.

What he has proposed is exactly that. It is not a homer kind of proposal. It is anything but that. It is a proposal of what is in the best interest of the people who are in uniform, and I commend him for his leadership. I commend him for his innovation. I am hopeful we can get our folks from the other side of the Capitol in the House to work with us on this, and hopefully the administration will see the wisdom of taking an issue which is very divisive right now and being able to turn that very divisive issue, that could be very much a flashpoint, confrontation point that can be very damaging to our men and women in uniform, by delaying any system for quite some time, and see this as an opportunity to be able to accomplish all we want to accomplish, which is to field the system, save the money, and have the capability we need to protect our men and women.

So I commend the Senator for his leadership and look forward to working on this issue over the next weeks as we finish in the Senate and go to conference.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in order to try to facilitate the important debate we are having and bring it to some conclusion with regard to the desires of the chairman to have votes, the chairman and I have discussed the following, and we would like to entertain thoughts from others: That the amendment of the Senator from Virginia in the second degree would be accepted by the chairman. He would presumably so state. We then proceed to a rollcall vote on the chairman's underlying amendment.

However, the distinguished Republican leader, Mr. NICKLES, is engaged in something that is important he complete. I understand he can be present by 2 p.m. because he, likewise, wishes to address this issue. So on the assumption he can be present between 2 p.m. and 2:10 and that his remarks would take no more than 15 minutes, could either the distinguished Senator from Oklahoma or the distinguished Senator from Pennsylvania indicate to me, and therefore to the chairman, a reason we should not then go to a vote shortly after the conclusion of the remarks by the Senator from Oklahoma, Mr. NICKLES?

Mr. REID. Will the Senator from Virginia yield?

Mr. WARNER. Yes.

Mr. REID. What we want to do, as I indicated, is to have the vote at 2 p.m. Senator NICKLES, who is vitally interested in this matter, wishes to speak. We now have a chance and are preparing a unanimous consent request to give Senator NICKLES whatever time he needs and vote following his remarks.

Mr. WARNER. OK.

Mr. INHOFE. If the Senator will yield, first, yes, that would be acceptable to me. Quite frankly, I would like the Levin amendment without the second degree. It gives the administration and our committees more authority than without the amendment. However, I certainly would accept that and would want to agree to the votes.

My senior Senator from Oklahoma is here now and mentioned he wanted to be heard.

Mr. REID. Through the Chair, I ask the Senator from Virginia, and I direct the question to the Senator from Oklahoma, we were going to have you speak at 2 o'clock for a half hour; Is the Senator ready to give his remarks now?

Mr. NICKLES. Sure.

Mr. REID. Could the Senator be finished by 2 p.m.?

Mr. NICKLES. Definitely.

Mr. REID. We will have the staff look over the unanimous consent request and have a vote at 2 p.m.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank my friend and colleague from Nevada. I am pleased we will vote soon on the Levin amendment which I strongly support. I understand it will be modified by the Warner amendment, which is also acceptable to this Senator. I am not positive we needed it, but we want to make the administration happy.

What is most important is we provide our men and women in the military, in any branch, in any division, with quality equipment, equal to or superior to our competitors. I hate to say this, but it happens to be factual. We are not superior to our adversaries or potential adversaries when it comes to artillery.

Fort Sill is the home of the artillery training base for the Army. A couple of weeks ago I visited the base, as I have done several times. I sat in the Paladin, our latest artillery weapon, and fired it with our men and women who were operating the cannon. I realized and was embarrassed at how obsolete it is. The chassis, the basic framework of the wheeled vehicle that they were using, was built in the early 1960s. The cannon was also loaded exactly as it was in the early 1960s. In fact, the cannon is loaded the same way Napoleon was loading cannons.

I was surprised, dismayed, and more than convinced we need to upgrade the system. The Crusader serves as an update that modernizes the system. The Crusader has a mechanized, automated loading system. The Paladin came online in 1994, as if it was a new system. The chassis and the loading mechanism is identical to what we had in the early 1960s. It is the same method and mechanism during the time of Napoleon and the Civil War. The individual would manually load the projectile, which in this system 155 millimeters looks like a big bullet. It is very awkward, very heavy, very cumbersome, and weighs about 100 pounds. It is manually lifted from the floor or off a rack, inserted on a loading device, and shoved into the barrel. Then they shove in some packing, basically an explosive device, similar to powder. They shove it in manually behind the projectile. They close the breech. They put in a firing pin with a cord and yank it. It explodes and they open the breech. They take a sponge and they swab the inside of the barrel to make sure it is still not hot and will not have another premature detonation.

That is the same method used in the Civil War. The first couple rounds they might be able to do about three a minute. After a couple of minutes, they can only do about one a minute because the barrel gets pretty hot and they have to wear gas masks if they do very many because they are in a closed environment and get exhaust fumes. If these masks are not worn, the fumes can be hazardous to the health of the women and men operating the machines. In other words, this system is very obsolete. It needs to be replaced.

I started looking at our competitors. Not one country, not two countries, several countries have a more efficient and more effective system.

I am not chairman of the Armed Services Committee and I have not served on that committee. I have great respect for Senators LEVIN, WARNER, and INHOFE, but I cannot think of any major weapons system where we are behind several countries in quality of equipment. I don't want to find our planes are inferior to any other country. I don't want to find our ships are inferior to any other country. I don't want to find our intelligence capability is behind any country. I don't want to find our weapons, our guns, our cannons inferior to any country.

Unfortunately, in this case, our cannons are inferior. There are six countries that have greater capability in what I call ground support and cannons than we do. Britain, South Africa, Russia, China, Germany all have cannon artillery systems superior to ours, some in refiring capability, some in accuracy, some in speed.

We need a new system. The Army recognized this for a long time and came up with the Crusader. The Crusader is far superior to every system I mentioned. The administration decided to cancel the Crusader. I don't agree with that decision. They made the decision that we needed something lighter. I can go with that as long as we still have a superior system to other countries, to our potential competitors and even our allies. I don't want our systems inferior to the Germans, South Africans—although they are allies—the Russians, and the Chinese. I want us No. 1 militarily. You don't want to be in military conflict and find you are a close second. That is not good enough.

We need a superior system. The Crusader would be that. I know some are talking about maybe scaling down the Crusader. The Crusader was originally 80 tons, and now 62, and now going to 40 tons. Some are saying, see if we cannot take it down to 25, 27, or maybe 18 tons. I don't know if that is possible or not. I hope it can be. I would love to see the Crusader be more mobile, wider, able to be deployed more rapidly in regions far and away, maybe in Afghanistan or other areas. I would like to see the capability of this machine enhanced.

However, I want to make sure our men and women, if they use this system and it is superior, that it is safe, it is not a death vehicle or one where their lives might be jeopardized. It remains to be seen if we can preserve this level of safety in a future combat system. The Levin amendment modified by the Warner amendment, allows us to accomplish something very important by taking this $475 million and saying it will not be in the Crusader. Or we could keep that option as the Crusader. But we are going to use these funds to closely support a fire system capable of protecting our men and women.

We are going to be consulting the Army, individuals who have experience and expertise in this—which, frankly, was not done in the decisionmaking process as far as canceling the Crusader. It is unfortunate that they were not consulted. I am offended by that process.

I hope the administration in the future will say if they are going to be canceling the system they will contact the Chief of Staff of the Army, former Chief of Staff of the Army, the Secretary of the Army, and listen to their advice. That did not happen in this case.

Senator LEVIN was talking about how this would be reversed. You might remember a few months ago the administration had money for the Crusader in their budget. Now they have stated they are opposed to it.

We need to come up with something better. Regardless of what the replacement may be, I want our military men and women to have a superior system that far exceeds what they have right now. I do not want our men and women being trained in vehicles, in cannons that are inferior to anybody's. Period. That is the bottom line. It is not who does the contracting. It is not who makes it. It is not where they are trained, not where it is fired, not where it is deployed. Our men and women have to have the best. Right now we do not have the best.

Under the Levin-Warner amendment, we are going to take that $475 million and, yes, we are going to have reprogramming capability, or consultation, the Secretary can have his ability to change it, and we have 30 days to review it, and it is going to be used for fire support. Presumably, we are going to come up with a better system than we have right now. This is what I expect to be done.

I don't want to find out our men and women are still training in inferior systems 20 years from now. If we do not move fairly quickly, that is exactly what they will be doing. Even if we stayed with the Crusader, that was going to be online in the year 2008, 5 or 6 years from now. The future combat system Senator INHOFE and others have talked about can be on line in 2008. We need to be moving forward on this rapidly. There is not a lot of time to waste, not when you think we could be jeopardizing the lives of our men and women.

Somebody said maybe we don't need cannons, we can rely on air support power. That is not accurate. Talk to anybody in the military. Do you need an army with tanks and guns? Yes. Do you need an army with weapons for potential combat systems and close fire support? The answer is always yes. Can the air always do it? No. Can the multiple-launch rocket system do it? Not always. Sometimes it can from greater distances, but not close-in, not when you are talking about a few hundred yards, not when you are talking about a mile, not when you are talking about real close-in support.

We need a cannon. We need close-in support. This $475 million reprogramming capability is for a future combat system. It could be called Crusader 2; it could be called Crusader 3. We have reduced the weight of the Crusader from 80 tons to 40 tons and still call it the Crusader. Now we are talking about taking it from 40 tons to 20-some tons. If that can do the job while having automatic load capability, have superior user accuracy, have the speed to stay up with our tanks and armored personnel carriers—which right now we cannot do—if we can come up with a lighter and more mobile system that can still protect our troops and provide the fire support that is so necessary—great. I will strongly support it.

I hope and expect the reprogramming and the Army intelligence and Army experts in this field will come up with a system that will work. But they need to do it quickly. I hope and expect the leaders on both the Armed Services Committee in the Senate and in the House will work to make sure that happens.

Presently, relying on the existing system is just not satisfactory. It is not satisfactory for this Senator. I do not think it would be satisfactory for the Department of Defense, either.

I thank my colleagues for their work to keep this money in artillery and in close fire support.

I also compliment my friend and colleague, Senator INHOFE, for his leadership. No one has invested more time on defense issues that I am aware of, with maybe the possible exception of Senator WARNER, than Senator INHOFE on this committee. And no one has invested more time in support of the Army than Senator INHOFE.

I also wish to compliment Congressman J.C. WATTS because, likewise, he has invested an enormous amount of time trying to make sure making sure our men and women in the Army have the best artillery around, not just protecting the jobs in Oklahoma. I think both Congressman WATTS and Senator INHOFE are to be congratulated for their leadership, trying to make sure the Army as well as the Navy and Air Force and Marines have equipment superior to any potential adversary we might confront.

I am happy to support the Levin amendment, modified by Senator WARNER. I urge my colleagues to adopt it. I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I would like to make a unanimous consent request, just for the information of our colleagues. I ask unanimous consent the time until 2 p.m. today be for debate with respect to the pending Levin and Warner amendments, with the time equally divided and controlled in the usual form, and at 2 p.m. the second-degree amendment be agreed to, and without further intervening action or debate the Senate proceed to vote in relation to the Levin amendment, as amended, with no other amendments in order prior to the disposition of the Levin amendment.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, that will be fine. I would like to make sure that before 2 o'clock Senator DAYTON has 5 minutes. That should be no problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Senator from Minnesota was assured of at least 5 minutes. I do not know if this time is divided equally or not, but whatever time I have remaining, I yield 5 minutes of that time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I inquire as to the time?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. DAYTON. I ask unanimous consent that I might have 10 minutes to speak.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Yes, reserving the right to object, we are going to vote at 2; is that correct? I did want 3 or 4 minutes to speak on this issue.

Mr. REID. Mr. President, we have had a lot of people talking. We certainly want the Senator from Alabama to have his time to speak.

I ask unanimous consent that the vote be extended until 5 after 2; that all the same orders will be in effect but for the 5 minutes, and that the Senator from Minnesota be given 10 minutes and the Senator from Alabama, 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

The Senator from Minnesota.

Mr. DAYTON. Thank you, Mr. President. I thank the Senator from Nevada for the accommodation. I thank the Senator from Alabama as well.

Mr. President, I want to start by expressing my appreciation and admiration to the chairman of our Armed Services Committee, on which I am privileged to serve along with the Senator from Michigan, and ranking member, the Senator from Virginia. Both of them have been outstanding mentors and role models for me in the Senate.

The legislation which has been brought forward has my full support as a member of the committee.

I note that the President proposed $396 billion for national defense for the 2003 budget, a 20-percent increase in spending over the last 2 years.

Is my understanding that the committee, which has been working very much on a bipartisan basis, provides after adjustments for the civilian and military retirement dollars, essentially the full amount that the President requested for all activities. It reflects the bipartisan support this committee has for strengthening our national defense—even before the tragic events of September 11, and certainly thereafter. As I said, it involves a very sizable increase in spending. It is supported by this Senator, and by Senators on both sides of the aisle—in our committee and on the floor.

There are other aspects of the bill that I would like to address at a subsequent time. But given the spirit of cooperation and support that has been evidenced, in my view, consistently by the committee, by the chairman of the committee, and by its members to undertake these increases and improvements on a cooperative basis—frankly, as others have noted—the procedures by which the Crusader budget has been proposed to be eliminated is an unfortunate exception. As I say, it is one that strikes me as really not warranted by the actions of the committee in any way whatsoever.

The President submitted a budget proposal to the Congress on February 4 and called for $475.6 million to continue in the development of the Crusader. No cutbacks were proposed. There were no reservations expressed about the project. The Crusader is on time, it is on budget, and it is to specifications. In the simulated tests so far, it has been right on target.

In the committee hearings, which the Armed Services Committee held quite extensively about the President's proposal for the year 2003, no reservations were expressed by anyone—not by the Secretary of Defense, nor the Deputy Secretary of Defense, nor the Joint Chiefs of Staff, nor the military commanders. In fact, it was just the opposite. There was strong and unqualified support for the commander.

I have asked a number of military leaders who have come to my office, and the incoming and outgoing Chiefs of Staff in Europe. I was at the National Training Center in California last year, and I asked tank commanders what they thought of the Crusader. They were unanimously enthusiastic about the Crusader. They were unanimously emphatic about the need for the Crusader to strengthen our artillery.

The Secretary of the Army expressed similar support for those same reasons in testimony before the committee. We received testimony in March of this year before the committee by the Army Vice Chief of Staff. As reported in Defense Week the next day—on March 18 of this year—he said ground forces attacking in Afghanistan could have used the Crusader to pound al-Quaida redoubts in the mountains near Gardez. General Keane told the panel on Thursday that, unlike some air-delivered munitions, poor weather would not have stopped the Crusader's precision fire. General Keane said they could have used the Crusader for support of troops attacking in the mountains and have gotten the response of artillery fire at considerable range and distance they could not with any of their other systems.

He went on to say if the Army had the Crusader today—meaning in March, in Afghanistan—perhaps three or four of them could have been used there. He said they could have kept the Crusader within the range outside of the immediate battle areas in secure areas. He said the Paladin, by contrast, would have to be positioned closer to the mountains and would need more forces to protect it.

To give Senator INHOFE and colleagues on that subcommittee a sense of the Crusader's range and precision, General Keane said they could put it within the beltway outside of Washington, fire it in the air, and hit homeplate in Camden Yards in Baltimore.

After hearing all of this testimony and this unqualified support, the committee began its markup of the military budget and Department of Defense request. After about a week of rumors and innuendos, contrary rumors and denials of all of that, we received on the morning of the final markup session of the committee—on May 8 of this year—a copy of a letter from Mr. Daniels, Director of the Office of Management and Budget, to the majority leader, Senator DASCHLE, informing him of the administration's decision to terminate the Crusader. We received nothing—this Senator received nothing—from the Secretary of Defense, and, as far as I know, no formal communication to the committee from the Department of Defense. It was treated as though it was a budget adjustment. Since then, there has been this presumption that, of course, the committee will approve the administration's change of mind. Of course, we will all just reverse our course upon command. Of course, we will just disregard all of the expert testimony we received over the last months. Of course, we will disregard whatever research we have done individually. And we will disregard our own views on the importance of this program, and we will just follow into a lockstep by pirouette 4 months after the budget has been submitted. Sixteen months after taking office, the administration has figured out what it wants to do about this program—no consultation or discussion with members of the committee, at least not with this Senator and most of the others with whom I talked.

We were told in testimony that no consultation nor forewarning was given to the chairman and vice chairman of the Joint Chiefs of Staff, nor with the Chief of Staff of the Army, nor with commanders in theaters such as Korea and Europe.

I am very much concerned and alarmed about the failure, if that is the case—and it has not been refuted—to communicate and to consult with the military leadership of this country.

Today, I heard that we are to be held responsible for delays—any delays toward wasting taxpayers' money, if we haven't already approved of this proposed change. It costs $500,000 a day. That is the number I heard. That certainly is one that we not spend lightly.

We are proposing to approve a budget of over $1 billion a day on national defense for fiscal year 2003—over $1 billion of taxpayers' money every day. We are going to use that money to defend our borders and our country. We are going to use that money to protect America's interests, our influence, our values, and our way of life—and all over the world. Ultimately and specifically, we are going to use that money to send American men and women—young men and women, in most cases—to places such as Afghanistan, far away, and put them right on the line with their lives and families and children left behind. We owe it to them to have them know they are going into those conditions with every possible advantage, means of force, means of domination, and with a means of coming home alive having accomplished their mission successfully on behalf of our country.

I was in Afghanistan, along with some of my colleagues, in January. We had lunch with members of the Armed Forces who are, as I say, young, dedicated, and enthusiastic. They gave up jobs. Those who are in the Reserves voluntarily came out and are standing up for and fighting for our country.

When I get General Keane's testimony that the Crusader would make a difference in protecting their lives, then I say that is the consideration, that is the sole consideration, the overriding consideration in whether or not to continue with Crusader.

Before this Senate decides and before this country decides to abandon that system, I want to be assured—I want to be guaranteed—that we are going to have comparable firepower coming to their protection and their defense when needed.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The time of the Senator from Minnesota has expired.

Mr. REID. Mr. President, on the underlying amendment offered by Senator LEVIN, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection for it being in order to ask for the yeas and nays on the first-degree amendment at this time?

Without objection, it is so ordered.

Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alabama is recognized for up to 5 minutes.

Mr. SESSIONS. Mr. President, I congratulate Senator LEVIN and Senator WARNER, Senator INHOFE, Senator NICKLES, and Senator DAYTON, who just spoke, for the work they have done to try to reach an agreement on the Crusader system that we can all live with and is the right thing to do. I believe we have made steps in that direction. I am proud to support this amendment.

Let me just say a couple things about it.

I am a strong believer in doing what we need to do to defend our soldiers and to defend our interests around the world. I did conclude that the administration was correct that the $11 billion projected on the Crusader was not the wisest investment of that $11 billion. It is not considered to be a part of our Future Combat System that we look to establish. It is an interim weapon system. It would drain $11 billion that could help us create the Future Combat System that we are all striving to achieve.

You have to make tough decisions. That is what we pay the Secretary of Defense to do. It is not an easy call. A lot of people believed in this system and supported it for years and years. But we cannot expect them, just on a dime, to come in—generals and so forth, our Defense Department officials and contractors—and to now say: Oh, yes, we need to cancel it.

That is why it is tough. But the Secretary of Defense understands these issues deeply and wrestled with them. They said they wished it could have been done smoother and maybe with more notice. Perhaps not quite as jerky in the process.

Well, everybody knew, and had known for a long time, that the Department of Defense was examining the Crusader system very closely. Everybody knew that many believed it was not the wisest use of $11 billion. I am glad they made the call. It is a tough call, and I believe it is the right call.

I note, for example, many have cited it as a good weapon that could be utilized in Korea where we do face a large number of tanks by the North Koreans, and that it might be utilized in that kind of combat. But I note that the Army states their intent is not to even deploy the Crusader to Korea. It would not be on the ground in Korea. It would be maintained in the United States as part of a Counterattack Corps. So it is not the kind of weapon we would be normally deploying in situations where you would expect we could have a pretty violent conflict that could occur. I think we are doing the right thing. I believe the administration deserves credit for that.

The administration also had to deal with some tough choices about funding. We know we are not going to continue to see the kind of increases that President Bush has fought for in the last 2 years in the Defense budget as we go along. We know these are not going to be sustained.

We had a $48 billion increase this year. A lot of that had to go for the pay, retirement, and health care benefits we promised our men and women in uniform and our retirees. But we do know that we have to spend some more money on capital, moving us to the Future Combat System, buying the new equipment that will transform us, continually, to maintain the greatest military force in the world.

One of the things we have to be honest about is that by 2008, 2009 or 2010, we are going to be facing a train wreck in expenditures. We have the V-22 Osprey coming on line, the Joint Strike Fighter, the F-22, other programs that have been in the works for many years, all of which are going to be hitting about that time period.

If we are not going to be able to sustain all of those weapons systems, do we wait until 2006, 2005—after we have spent billions of dollars on them—to then decide we cannot complete them and that something else on line is better? I think not. The sooner we do it the better.

Let me just mention that the budget submitted by the Defense Department to use the money that would not be spent for Crusader are investments in strengthening the Army's capability and, indeed, are the budget items that the Army requested if they did not have the Crusader.

They include $57 million for a Netfires missile system that could be effective for our troops on the battlefield; $195.5 million on indirect fire for the objective force—our objective that we seek to establish—$48.3 million for the Excalibur advanced system; $11.4 million for the tactical unmanned aerial vehicles—we need more unmanned aerial vehicles—$10.8 million for precision-guided mortar munitions—they would be precision guided instead of the indirect fire mortar weapons we have today. That can be done, and we can achieve that. They also include the guided multiple launch rockets that are precision guided; high-mobility artillery rocket systems; the Abrams tank engine, and other items that the Army requested.

I thank the Chair, and I thank our leaders, Senator LEVIN and Senator WARNER. I believe we are on the right track.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

All time has expired.

Under the previous order, amendment No. 3900, offered by the Senator from Virginia, Mr. WARNER, is agreed to.

The amendment (No. 3900) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3899, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—3

Clinton
Schumer
Voinovich

NOT VOTING—1

Helms

The amendment (No. 3899), as amended, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3912

Mr. LEVIN. I thank the Presiding Officer.

Mr. President, Senator WARNER and I will now offer an amendment that permits retired members of the Armed Forces who have a service-connected disability to receive both military retirement pay earned through years of military service and disability compensation from the Department of Veterans Affairs based on their disability.

We offer this amendment on behalf of Senator HARRY REID, who has been the leader in the Senate on this issue, Senator BOB SMITH, who raised this issue in our committee markup, and on behalf of the Armed Services Committee. This is a committee amendment.

In the bill itself, before this amendment is even considered, there is a provision that we adopted in committee that goes a long way toward addressing an issue that many of us have been concerned about for a long time—the inability of military retirees to draw their full retirement pay if they are receiving compensation from the Department of Veterans Affairs for a service-connected disability. We believe they are entitled to both.

The language that is already in the bill was limited by the funding allocation that was available to us. We got about half the job done in the bill, but we are now offering this amendment which will finish this equitable assignment that many of us have taken on.

We believe we should authorize full concurrent receipt for these deserving veteran retirees, and the amendment that we offer will do that.

We did not do the whole job in the bill because we did not want to make our bill subject to a point of order. We had a certain allocation of mandatory spending for this. We used it. That is the amount that is in the bill, and that is why in the bill we provide the concurrent receipt of military retirement pay and veterans disability compensation by military retirees with service-connected disabilities that are rated at 60 percent disability or higher. That used up the allocation we had. But many of us believe, and the committee believes, that we should do this for all disabled military retirees. This amendment will do that.

If there is a point of order raised, we hope it will be waived. We did not want to make our entire bill subject to a point of order, so we divided it into two pieces.

Under the provision in the bill, the amount of retirement pay would be phased in over a 5-year period beginning with 30 percent of the otherwise authorized retirement pay in 2003 and increasing to 45 percent in 2004, 60 percent in 2005, 80 percent in 2006 and 100 percent in 2007.

Again, the provision already in the bill was drafted very specifically to limit the cost to comply with the mandatory funding allocation that is contained in the budget resolution reported by the Senate Budget Committee. The language in the bill itself is not enough, in the judgment of the committee.

It is unfair to limit concurrent receipt of retired pay and disability compensation to military retirees with a disability rated at 60 percent or more. We cannot differentiate equitably and fairly from those retirees who are 50 percent disabled, 40 percent disabled, or 30 percent disabled. They have all been disabled through their military service to our Nation. It is also unfair to delay the receipt of full compensation for 5 years. They are overdue for full compensation now. We are losing 1,500 veterans per day in this country, and we should act now.

I first commend Senator HARRY REID for his absolute commitment to this issue, to resolving this inequity, to addressing this unfairness. Year after year he has eloquently and passionately persuaded this body to act in this way. He has succeeded in doing so. We have not been able to get this through conference. We are determined to make this effort again.

I also note that during the committee markup of this bill, Senator SMITH of New Hampshire proposed an amendment which would have permitted full concurrent receipt of military retired pay and veterans' disability compensation by all retirees eligible for nondisability retirement who have a service-connected disability, no matter what the disability rating was.

Again, because this amendment of Senator SMITH would have put our entire bill in violation of the budget resolution that was reported by the Budget Committee, we asked Senator SMITH to allow this amendment to be offered on behalf of the committee when the bill reached the floor. This would allow the full Senate to decide this issue. By majority vote, the committee agreed to this course of action, and this is the amendment we are offering at this time.

The amendment we offer is essentially the same as S. 170, which is a bill initially introduced by Senator REID of Nevada, who has been, again, the true leader in this effort in the Senate. The Senate passed this provision last year. Again, we were not able to bring it out of conference. We fought for this provision to the very end of the conference last year. It was one of the last two issues that were resolved in the conference between the Senate and the House. The House simply refused to accept our provision, and we finally had to reach an agreement if we were going to have a Defense Authorization bill last year.

We were able to enhance the special compensation last year in conference for the most severely disabled retirees, and pass a provision on the condition that the President propose, and the Congress enact, legislation that would offset the costs of the initiative. The President did not propose that offsetting legislation, so the Senate once again is taking the initiative to right this wrong.

Senator REID's bill, S. 170, now has 81 cosponsors in the Senate. The House companion bill, H.R. 303, has 395 cosponsors. Senator CLELAND, and Senator HUTCHINSON of Arkansas, the chair and ranking member of the Personnel Subcommittee, have been strong advocates for this bill. The overwhelming support in both the House and the Senate for these two bills is a clear indication we simply should not settle for the limited provision in the bill as reported by the committee.

Enactment of this amendment would remove an injustice to disabled military retirees. Military retirement pay and disability compensation were earned and awarded for different purposes. Military retirement pay is awarded for a career of service to our Nation in the Armed Forces. Disability compensation is awarded to compensate a veteran for an injury incurred in the line of duty. It is unfair for military retirees, who have earned both payments, not to receive them concurrently. Veterans injured in the line of duty, who leave military service and then serve a career as a Federal civilian employee, do not have to forfeit any of their Federal civilian retired pay to receive their VA disability compensation.

I hope the Senate will adopt this committee amendment.

I yield the floor.

Mr. LEVIN. I send our amendment to the desk and ask for its immediate consideration on behalf of the committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 3912.

The amendment is as follows:

(Purpose: To provide alternative authority on concurrent receipt of military retired pay and veterans' disability compensation for service-connected disabled veterans)

Strike section 641, relating to phased-in authority for concurrent receipt of military retired pay and veterans' disability compensation for certain service-connected disabled veterans, and insert the following:

SEC. 641. PAYMENT OF RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) IN GENERAL.—Section 1414 of title 10, United States Code, is amended to read as follows:

"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) DEFINITIONS.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) REPEAL OF SPECIAL COMPENSATION PROGRAM.—Section 1413 of such title is repealed.

(c) CONFORMING AMENDMENT.—Section 641(d) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1150; 10 U.S.C. 1414 note) is repealed.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by striking the items relating to sections 1413 and 1414 and inserting the following new item:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(f) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date specified in subsection (e).

Mr. WARNER. Mr. President, I join with Senator LEVIN, Senator SMITH, Senator HUTCHINSON, and Senator REID in offering this amendment to S. 2514.

The committee included in the bill a provision—section 641—that, over the next 5 years, would phase in elimination of the current dollar-for-dollar offset of military retired pay and veterans' disability pay for those military retirees most severely in need—that is, those who have been determined by the Veterans' Administration to be 60 percent or more disabled. I compliment Senator CLELAND, Senator HUTCHINSON, Senator SMITH and the members of the Personnel Subcommittee on bringing forward this timely, focused relief. The provision in the underlying bill was drafted to be consistent with the direct spending funding allocation contained in the budget resolution reported by the Budget Committee.

But as the leaders of the subcommittee would readily acknowledge, more needs to be done. During the full committee markup, Senator SMITH of New Hampshire proposed an amendment that would implement full concurrent receipt immediately. This initiative, I note, is consistent with S. 170, the legislation spearheaded by Senators REID and HUTCHINSON, which, at this point, has over 80 consponsors in the Senate. It also is similar to the legislation that Senator REID, Senator HUTCHINSON and I introduced in March of this year, S. 2051, the Retired Pay Restoration Act of 2002, which sought to eliminate the conditions for implementation of full concurrent receipt previously included in last year's conference report.

However, many, many of my colleagues, on both sides of the aisle, have joined in seeking to end this injustice impacting disabled military retirees. Our shared goal? To ensure that an important class of disabled veterans—military retirees who have incurred service connected physical or mental disability—are fairly and appropriately compensated by the nation they served so well.

The administration has taken a very different view on this issue. In fairness, I think the Senate should be aware of the Statement of Administration Policy on the underlying bill, which we received this morning and which addresses the issue before the Senate.

This document states that the President's senior advisors will recommend a veto if either section 641 or the proposed amendment before us now that would fully implement concurrent receipt is included.

I do not believe there is any member of this Senate who would assert that military retired pay adequately compensates a severely disabled, retirement-eligible service member who is appropriately rated by the Veterans' Administration for service connected injuries and disability. Perhaps, over a century ago, when the military retirement system was in its infancy, the legislation requiring the offset accurately reflected the legislative intent of the members. That is not the case today. The number of cosponsors for legislation that would repeal this law illustrates that it no longer expresses the will of the Congress. It is our responsibility to take appropriation action. We can not and should not wait any longer for this to happen.

Before concluding, I want to recognize and thank the many veterans groups in The Military Coalition who have been unwavering in their support for this legislation. I have met with and listened closely to representatives from several of these organizations about their concerns about concurrent receipt, and I particularly want to recognize the American Legion, the Veterans of Foreign Wars, the Fleet Reserve Association, the Retired Officers Association, the Retired Enlisted Association, the Non Commissioned Officers Association, the National Guard Association of the United States, the Enlisted National Guard Association of the United States, the Disabled American Veterans, American Veterans of World War II, Korean and Vietnam AMVETS, the Association of the United States Army, the National Military Family Association, the Air Force Sergeants Association, and the Vietnam Veterans of America for their support.

I urge my colleagues to join us in this effort.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I begin by thanking my ranking member, Senator WARNER, and Chairman LEVIN for their outstanding work on this bill and achieving a compromise which would allow us to bring to the floor this legislation that would provide compensation for all veterans, not just a small number of them. It was a difficult situation to deal with, and they handled it beautifully.

I also thank my friend and colleague from Nevada, Senator REID, for being the lead sponsor, the originator, of S. 170, which provides full compensation for all veterans, no matter what the percentage of disability. I am pleased and proud to have been a cosponsor of that legislation. I also thank Senator HUTCHINSON of Arkansas for his leadership as well on this issue.

There are many Senators who have been involved in this legislation and who have worked tirelessly on behalf of veterans over the years, but it has been a long and difficult road. Every time I talk to veterans, veterans will tell me they have been waiting and waiting for this and they do not understand why the high numbers of cosponsorships on the bills to provide this full compensation do not yield in the end, after all the conference committees are finished, the passing of the legislation. I think now we are going to see that happen finally.

My support for this legislation goes back to being a freshman Congressman in 1985, when a Congressman by the name of MIKE BILIRAKIS of Florida had this legislation in the hopper. Concurrent receipt has the support of just about every veterans organization in the country. I have several letters from the American Legion, the VFW, the Disabled American Veterans, the Military Coalition, the Retired Enlisted Association, the Retired Officers Association, and even a letter from the New Hampshire House of Representatives. I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, DC, March 29, 2001.

DEAR SENATOR: The American Legion adamantly opposes Section 19 of House Concurrent Resolution 83 entitled: Concurrent Retirement and Disability Benefits to Retired members of the Armed Forces. This imprudent section requires the Secretary of Defense to evaluate "the existing standards for the provision of concurrent retirement and disability benefits to retired members of the Armed Forces and the need to change these standards."

This ill-advised section does not properly state the intent of H.R. 303 and S. 170: To amend title 10, United States Code, to permit retired members of the Armed Forces, who have a service-connected disability, to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

The Congressional Research Service, The Library of Congress, completed an extensive report in April 7, 1995 entitled: Military Retirement and Veterans' Compensation: Current Receipt issues. This report is straightforward and clearly addresses both sides of this debate. That probably explains why both H.R. 303 and S. 170 continue to enjoy such overwhelming bipartisan support. Today, 35 Senators and 287 Representatives are steadfast cosponsors.

The American Legion adamantly supports legislation and funding to permit retired members of the Armed Forces, who also have a service-connected disability recognized by VA, to receive both military retired pay and disability compensation. Military retirees are the only retired Federal employees who must offset their retired pay (dollar-for-dollar) with VA disability compensation awarded them. Penalizing military retirees for choosing to serve their country for 20 or more years is not only an injustice to those who have served, but also a tremendous deterrent to those who may be considering a military career.

The American Legion strongly recommends the final Budget Resolution include funding to pay for concurrent receipt because it is the right thing to do. Thank you for your continued leadership and support of veterans, especially the service-connected, and their families.

Sincerely,
STEVE A. ROBERTSON,
Director, National Legislative Commission.

THE RETIRED ENLISTED ASSOCIATION—THE CONCURRENT RECEIPT DEBATE

WHAT IS THE "CONCURRENT RECEIPT" PROBLEM?

"Concurrent Receipt" refers to the dual receipt of military retired pay and VA disability. Presently, a military retiree must offset, dollar for dollar, from their retired pay the amount they are receiving in VA Disability Compensation.

WHAT LEGISLATION IS PENDING TO CORRECT THIS PROBLEM?

There are currently several bills pending before Congress, which would work to correct this inequity by eliminating the offset. That legislation is the following:

H.R. 44 (106th Congress), by Rep. Bilirakis (R–FL) provides limited authority for concurrent payment of retired pay and veterans' disability compensation for certain disabled veterans. Was referred to Committee on National Security and Committee on Veterans' Affairs. This bill is similar to H.R. 303 and H.R. 65 with a smaller benefit for certain disabled retirees. For disability rated as total—$300 per month; 90 percent disability—$200 per month; 70 or 80 percent disabled—$100 per month. Disability must have been granted within 4 years of retirement date. This bill is a partial measure to correct the concurrent receipt inequity. TREA continues to support full receipt of retired pay and veterans' disability compensation. Passed in FY 2000 National Defense Authorization Act (NDAA).

HR 303 (106th Congress), by Rep. Bilirakis (R–FL) to permit retired members who have service-connected disabilities to receive compensation from the Department of Veterans Affairs concurrently with retired pay, without deduction from either.

S 2357 (106th Congress), by Sen. Reid (D-NV) to permit retired members of the Armed Forces who have a service-connected disability to receive military pay concurrently with veterans' disability compensation.

The Senate version of the FY 2001 NDAA included Sen. Reid's amendment, however, the final conference report did not include full concurrent receipt. The FY 2001 NDAA did include a provision for Chapter 61 (Military Disabled Retired) with 20 or more year's service to receive the same special compensation benefit as non-disabled retirees within 4 years of retirement date. The effective date of payment is October 1, 2001.

Rep. Bilirakis has introduced HR 303 and Sen. Reid has introduced S. 170 in the 107th Congress to completely eliminate the offset. The House Bill currently has 192 co-sponsors and the Senate Bill has 20 co-sponsors.

THE MILITARY COALITION,
Alexandria, VA, February 2, 2001.

Hon. HARRY M. REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: The Military Coalition, a consortium of nationally prominent uniformed services and veterans organizations, representing more than 5.5 million members, plus their families and survivors, is grateful to you for introducing S. 170—a bill to ease the inequity of the current law that reduces uniformed servicemembers' earned retired pay by any amount of disability compensation they receive from the

Department of Veterans Affairs. The current 100 percent offset imposes a very discriminatory penalty, especially for those whose disability severely limits their post-service earnings potential.

S. 170 would correct the current inequity whereby disabled uniformed services retirees are forced to fund their own disability compensation from their own retired pay. The Military Coalition strongly agrees with you that each of these compensation elements is earned in its own right—retired pay for a career of arduous service in uniform and disability compensation for pain and suffering and lost future earnings resulting from service-connected disabilities.

In many cases, members with decades of uniformed service are forced to forfeit most or all of their military retired pay to receive the same disability compensation paid to a similarly disabled member with relatively few years of service. This unfairly denies any compensation value for their decades of service and sacrifice in the uniform of their country.

In the last two years, Congress has enacted legislation authorizing special compensation for certain severely disabled retirees. This was a small but important first step in recognizing the difference between a retirement for an extended career of service and compensation for a disability incurred as a result of such service. Your sponsorship of S. 170 this year takes this important issue the next, and final, step.

We understand the cost of S. 170 is significant. But we believe strongly that fair compensation for America's disabled retirees is also a significant issue—one that has been long overdue. The Military Coalition will be most pleased to work with you in urging all members of Congress to support the immediate enactment of S. 170.

Sincerely,

THE MILITARY COALITION.

STATE OF NEW HAMPSHIRE,
OFFICE OF THE HOUSE CLERK,
Concord, NH, July 9, 2001.

Hon. BOB SMITH:
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: On January 25, 2001, the New Hampshire House of Representatives passed House Concurrent Resolution 1, urging the federal government to allow military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay.

On March 29, 2001, the New Hampshire Senate passed the same resolution.

Enclosed is a copy of that House Concurrent Resolution.

Sincerely,

KAREN O. WADSWORTH,
Clerk of the House.

THE RETIRED
OFFICERS ASSOCIATION,
Alexandria, VA, August 1, 2001.

Hon. ROBERT C. SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: I am writing to express my deepest apology for a printer's error on page 25 of the August issue of The Retired Officer Magazine, which indicated legislators' cosponsorship status on selected key bills.

Although TROA provided correct data, printing plant employees transposed data indicating your cosponsorship status on legislation to increase Survivor Benefit Plan age-62 annuities (S. 145 or S. 305) and to authorize concurrent receipt of military retired pay and veterans disability compensation (S. 170), respectively. In your case, this transposition failed to give you proper credit for your cosponsorship of S. 170.

The printer has accepted responsibility for this serious error, and will mail every TROA member in your state a prompt and corrected cosponsorship summary.

Should you receive any correspondence from TROA members based on the misprint in our magazine, please feel free to provide them a copy of this letter to indicate TROA's recognition and gratitude for your cosponsorship of S. 170.

Again, we regret this unfortunate error, and very much appreciate your support for the concurrent receipt initiative.

Sincerely,

MICHAEL A. NELSON.

DISABLED AMERICAN VETERANS,
Washington, DC, August 31, 2001.

Hon. ROBERT C. SMITH,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: Disabled veterans are deeply disappointed by yet another move in Congress which will jeopardize legislation to remove the unfair requirement that veterans must surrender the military retired pay they earned by reason of past service performed to receive compensation for ongoing effects of service-connected disabilities. As National Commander of the Disabled American Veterans, I write to urge that you take all necessary action to ensure the passage of one of the two companion bills H.R. 303 or S. 170, or their equivalent in other legislation, rather than substitute provisions included in H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

Provisions in H.R. 2586 to authorize "concurrent receipt" of military retired pay and veterans' disability compensation are accompanied by the equivalent of a "joker clause" that renders the provisions inoperative unless the President includes money in next year's budget to pay the cost of the legislation and Congress then enacts legislation to take the money from elsewhere in the Federal budget. In reality, this provision in H.R. 2586 is of no effect. However, it will end congressional action on real concurrent receipt legislation in the form on H.R. 303 and S. 170.

The serious injustice in current law deserves a real remedy, not another symbolic gesture. Currently, 360 members of the United States House of Representatives have signed on as cosponsors of H.R. 303, and 72 Senators have cosponsored S. 170. To abandon this meaningful legislation in favor of the hollow provision in H.R. 2586 is indefensible.

On behalf of those disabled veterans who have dedicated their lives and sacrificed their health to make ours the most secure and most prosperous nation on earth, I ask that you individually act to ensure that our government honors its obligation to provide them the retired pay they were promised and earned and the disability compensation they are rightfully due. Please let me know if these disabled veterans can count on you to ensure real concurrent receipt legislation—rather than in H.R. 2586—is enacted.

Sincerely,

GEORGE H. STEESE, JR.,
National Commander.

Mr. SMITH of New Hampshire. This concurrent receipt issue centers around the ability of a military retiree to receive both military retired pay and their VA disability. The American Legion and VFW point out that the concept of concurrent receipts goes all the way back to when Congress passed a law prohibiting active-duty or retired personnel from also receiving these disability pensions. So military retirees are the only Federal employees prohibited from receiving both retirement pay and VA disability. This is an inequity.

I give a brief quote from a constituent by the name of Thomas Taylor who wrote to me, and he said:

> DEAR SENATOR SMITH: As a cosponsor of H.R. 303, or S. 170, your help is now needed to stop making disabled military retirees fund their own Department of Veterans Affairs disability compensation from their military retired pay. Retired pay is hard-earned compensation for the extraordinary demands and sacrifices of a career in uniform. VA disability compensation is for pain, suffering and lost future earnings due to service-connected disability. The current retired pay offset is so unfair it has been highlighted on national network news.

That is so true. I am glad to support my constituent and millions of constituents in this regard. I ask unanimous consent that Mr. TAYLOR's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR SMITH: As a cosponsor of H.R. 303 or S. 170, your help is needed now to stop making disabled military retirees fund their own Department of Veterans Affairs (VA) disability compensation from their military retired pay. Retired pay is hard-earned compensation for the extraordinary demands and sacrifices of a career in uniform. VA disability compensation is for pain, suffering, and lost future earnings due to service-connected disability. The current retired pay offset is so unfair it has been highlighted on national network news.

You are among the 86 percent of representatives and 76 percent of senators who express support for ending the current offset. But actions speak louder than words. I depend on you to ensure Congress backs up its cosponsorship support with money in the FY 2003 Budget Resolution.

Sincerely,

THOMAS TAYLOR

Mr. SMITH of New Hampshire. Retired pay and disability are separate. That is a fact. Our veterans should not be penalized further merely for choosing a career in the military, which is exactly what has happened. Nondisabled military retirees pursue second careers after service to supplement their own income, thereby justly enjoying the full reward for the completion of the military career retirement, and then going to work and earning extra money if they are able to do so.

In contrast, military retirees with a service-connected disability do not enjoy the same full earning potential. Their earnings are reduced based on the degree of service-connected disability. Some of the injuries may be modest by some standards, and others have lost limbs or been paralyzed or suffered other injuries which severely limit their ability to make a living.

This debate has gone on for a number of years. I will not go into all the details as to the reasons these military retirees deserve this. They have earned this. No veteran should ever be left behind. This compromise assumes sufficient funding to accommodate an increase in the military retiree pay that a veteran can collect.

The compromise reached before we came back with this legislation was that only 60 percent would be compensated, not everyone. That is not fair. We had all of the Senators and Congressmen in both the House and Senate supporting the full compensation for everyone: Whether you had a 10-percent disability or 100-percent disability, you got the dollars. That was the underlying bill by Senator REID.

Why does it appear suddenly we have come forth with an amendment or proposal that gives it to only a portion of the veterans? That is wrong.

If we go with the compromise which was proposed, 80,000 veterans will get the award, the disability compensation, but 450,000 to 600,000 will be cut out.

Veterans were writing to me, and I am sure to many other Members, with great justification, saying if all of the Senators—almost 80, maybe 83 percent—support providing this for everyone and an overwhelming majority of the House Members support it, why in the House bill did we have a compromise that cut out 450,000 veterans? Why is it on the same track in the Senate, cutting out 450,000 veterans? The truth is, that is wrong; we should not do that.

I was exasperated, as was a constituent, Raymond Snow, who wrote this letter to me:

> This mirrors provisions in the house FY03 Budget Resolutions to authorize higher payments for disabled retirees who are more than 60 percent disabled. This is just nickel and diming the military retiree and not all Federal employees. This is not a benefit. It is an entitlement and should be treated as it is with all Federal employees.

That is the issue—to offer up a compromise, although it saves money. But this is about being fair to veterans and being fair to those who serve. That compromise was unfair because it cut out 450,000 veterans. I ask, if you have a 50-percent disability or a 60-percent disability, why should the person with the 50-percent disability be cut out and get no compensation for his or her disability, and a person with 60 percent get it? The truth is, it should not be that. It is unfair to offer a compromise that is different from what most Members of the Senate and the House agree to. That is wrong, and that is why we are correcting it.

I ask unanimous consent to have printed in the RECORD a list of all the cosponsors in the Senate of the Reid bill, S. 170.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COSPONSORS OF S. 170

Daniel K. Akaka, Wayne Allard, George Allen, Max Baucus, Robert F. Bennett, Joseph R. Biden, Jr., Jeff Bingaman, Christopher S. Bond, Barbara Boxer, John B. Breaux.

Sam Brownback, Jim Bunning, Conrad R. Burns, Robert C. Byrd, Ben Nighthorse Campbell, Maria Cantwell, Jean Carnahan, Lincoln D. Chafee, Max Cleland, Hillary Rodham Clinton.

Thad Cochran, Susan M. Collins, Kent Conrad, Jon Corzine, Michael D. Crapo, Thomas A. Daschle, Mark Dayton, Michael DeWine, Christopher J. Dodd, Pete V. Domenici.

Byron L. Dorgan, Richard J. Durbin, John Edwards, John E. Ensign, Michael B. Enzi, Dianne Feinstein, Bob Graham, Charles E. Grassley, Chuck Hagel, Orrin G. Hatch.

Jesse Helms, Ernest F. Hollings, Tim Hutchinson, Kay Bailey Hutchison, James M. Inhofe, Daniel K. Inouye, James M. Jeffords, Tim Johnson, Edward M. Kennedy, John F. Kerry.

Patrick J. Leahy, Carl Levin, Joseph I. Lieberman, Blanche Lincoln, Trent Lott, John McCain, Mitch McConnell, Barbara A. Mikulski, Zell Miller, Frank H. Murkowski.

Patty Murray, Bill Nelson, E. Benjamin Nelson, Jack Reed, Pat Roberts, John D. Rockefeller IV, Rick Santorum, Paul S. Sarbanes, Charles E. Schumer, Richard C. Shelby.

Bob Smith, Gordon Smith, Olympia J. Snowe, Arlen Specter, Debbie Stabenow, Craig Thomas, Strom Thurmond, Robert G. Torricelli, John W. Warner, Paul D. Wellstone.

Mr. SMITH of New Hampshire. Another letter from a man from my home State, a Mr. Lutz, who said:

> Eight out of ten members of the Senate have cosponsored S. 170 . . . which would permit retired members of the Armed Forces who have service-connected disability to receive both military longevity retired pay and disability compensation. Last year, provisions from S. 170 were included in the National Defense Authorization Act to authorize concurrent receipt, but with the conditions that keep concurrent receipt provisions from taking effect unless the President included funding in his budget and Congress enacted other legislation to offset the costs. Our members are deeply frustrated that such a large majority of the Senate has cosponsored S. 170, but still the injustice continues.

That is the point. What the Senate is doing now—and I congratulate Senator WARNER and Senator REID, Senator HUTCHISON, and Senator LEVIN for their cooperation—we now have said this legislation, which provides full compensation to 450,000 to 500,000 veterans who have a disability and are retired, they get it both; whether the disability is 10 percent, 20 percent, 30 percent or 60 percent, they get the compensation. We are not drawing lines, saying one injury was more or less important than another. We have taken the underlying legislation we have supported overwhelmingly and said, we will put it in the Armed Services Committee bill and support this legislation. If there is a point of order raised, we intend to be supportive.

I congratulate all Members in the committee who supported me. The vote was 24 to 1 in committee in support of Senator REID's legislation to provide the full compensation. It is a committee amendment. I am aware of that. However, there are other Senators who have asked to be associated with the legislation. Today Senators BINGAMAN and SNOWE asked to be associated with the amendment. I know many other Senators who are not on the committee also feel the same.

In conclusion, we cannot allow Government to make mathematical assessments of battle wounds. Frankly, when the House Budget Committee did what they did, that was exactly what they did.

I also venture a guess that not too many on that committee fully understand what it means to be in the military, as I have been in the military, and many other Members in the Senate, to understand being counted does not cut it when it comes to battle wounds received by veterans. You cannot draw a distinction, saying one person gets so many dollars because they have 60 percent disability and this person gets no compensation because they have 50 percent disability.

That is outrageous and not well thought out by those who prepared it and then insisted on the language, although a majority of the House Members supported the underlying bill that supported all. This is what causes people to get turned off on the political process. To Senator LEVIN and Senator WARNER and Senator REID's credit, they have seen through that and offered this up as a committee amendment on behalf of all members of the Armed Services Committee, except one, and all of those in the Senate who have supported this legislation.

I am pleased and proud, as one who lost his father in World War II, as one who served his country in Vietnam, along with my brother who also served in Vietnam. We are a military family. I am pleased, honored, and proud to support this legislation and to support this committee amendment and, hopefully, see this move through the conference where we will stand up to the House of Representatives and pass this legislation so all military retirees who receive disability will get both disability and retirement. Whatever the cost, we need to bear that cost. They bore the cost for us when they served.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Let me say, this is not my amendment, it is our amendment. The committee has extended it forward, for which I am very grateful, on behalf of the Senate, that this amendment was offered. This is the way I look at it. It is not my amendment. We started off a number of years ago, working our way through this, to be at the point we are now. I am very happy.

One of the things I was struck with on Memorial Day this year—it never hit me like it did this year—over many years, three decades, at least, I have been going to Memorial Day services. They have one big event in Las Vegas and a number of others. The event is not as big as it used to be. Veterans are dying. World War II veterans are dying. This Memorial Day, I looked out in the audience, and people I expected to be there were gone. That is what this amendment is all about. It is bringing the respect to these people who are gone, and those who are here still living what they deserve. World War II veterans are dying at the rate of more than 1,000 a day.

I cannot say enough on this RECORD to express my personal appreciation to Senators LEVIN and WARNER because we have not been real successful in years past. We have done OK but have not been completely successful. You have fought, in conference with the House, to get us what we want. I will never forget how you fought.

I remember last year after we failed, we held a press conference, talking about we are going to do better next year. And we have done better. This is next year and we have done better.

I appreciate Senator SMITH talking about how fervently he feels about this. I know that. I have served with him on the MIA/POW Committee. I know how he feels about our military personnel.

Of course, regarding the two men who are the chairman and ranking member of this committee, I wish, again, words were adequate for me to tell the American people how fortunate we are to have the two of them, the Senator from Michigan and the Senator from Virginia, in effect, for the Senate, representing the Senate, taking care of the service men and women of this country. That is what your obligation is—to make sure those men and women of our Armed Forces who carry rifles and drive trucks and serve food, who wear the uniform of this country are well taken care of.

We can always do better, there is no question about that. But the two of you, I think, will go down in history as really directing this country in the way it should be.

In the last session, I introduced S. 170 entitled "The Retired Pay Restoration Act of 2001" to address, as has already been said here today several times, the 100-year-old injustice against over 550,000 of our Nation's veterans. This legislation, which would permit the retired members of the armed services with a service-connected disability to receive military retirement pay while also receiving veterans' disability compensation, now has 82 cosponsors.

I am proud of the veterans across this country, not only in Nevada but all across the country, because veterans who do not have service-connected disabilities have joined us in this fight for equity and fairness.

I have not asked Senator LEVIN, I have not asked Senator WARNER or Senators SMITH or LANDRIEU or CARPER—but I could ask the question and I know I would get the answer that you have been overwhelmed with mail from veterans all over this country and veterans organizations, saying: Isn't it about time we took care of these veterans?

The House chose not to appropriate funds for this measure. On March 21, 2002, I along with 26 cosponsors, introduced S. 2051, "The Retired Pay Restoration Act.". It would repeal the contingency language the House inserted in the National Defense Authorization Act, and thus remove the condition preventing authority for concurrent receipt of military retirement pay and veterans disability compensation from taking effect.

My legislation allows those who have made sacrifices while serving our country to receive the benefits they deserve. This year the Budget Committee—and I am so grateful to Senators CONRAD and DOMENICI, chairman and ranking member of that committee, who included funding in this budget that we are going to approve, hopefully—and will provide funding for full concurrent receipt of Department of Defense retirement benefits and veterans disability benefits to veterans who are between 60- and 100-percent disabled as a result of their military service.

Also, this year the Armed Services Committee, chaired by Senator LEVIN and, as I have mentioned, the ranking member, Senator WARNER, authorized concurrent receipt of military retirement pay and veterans disability rated 60 percent or higher. This goes a long way to correct the injustice to those veterans who have served their country honorably.

The inequitable legislation prohibiting the concurrent receipt of military retirement pay and veterans disability compensation was approved by Congress shortly after the Civil War, when the standing Army of the United States was very small. At that time, only a small portion of our Armed Forces consisted of career soldiers.

I have been working on this for a long time. Each year we get a little closer to achieving this goal of 100-percent compensation for our Nation's veterans. We are going to continue working on this. But we have made it to this point for a lot of reasons. But I repeat, for no two reasons more important than Senators LEVIN and WARNER.

I stand before the Senate today, indicating this amendment that the committee has introduced should be approved by all Senators—we have 82 cosponsors—once and for all taking care of the inequity that our Nation's veterans have had to experience. Military retirement pay and disability compensation are awarded for entirely different purposes. The current law ignores the distinction between the two. Military retired pay is compensation veterans earn through the extraordinary sacrifices inherent in a military career. It is a reward promised for serving two decades or more under demanding conditions.

Veterans disability compensation, on the other hand, is to recompense for pain, suffering, and loss of future earning power caused by service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability only makes the problem worse by limiting or denying any postservice working life.

The U.S. military force is unmatched in terms of power, training, and ability. Our Nation's status as the world's only superpower is due to the sacrifices our veterans made during the last 100 years or more. Rather than honoring their commitment, though, and their bravery, by fulfilling what I believe are our obligation, the Federal Government, their employer in the past, has chosen instead to perpetuate a longstanding injustice. Simply, this is disgraceful and we must correct it.

Once again, our Nation is calling upon members of the Armed Forces to defend democracy and freedom—in a different way, perhaps, but still to defend democracy and freedom.

Today, about 1.5 million Americans dedicate their lives, every waking minute—some when they are not awake—to the defense of our Nation. I am sure they have many restless nights.

We must send a signal to these men and women currently in uniform that our Government takes care of those who make sacrifices for our Nation. We must demonstrate to veterans that we are thankful for their dedicated service. This is one way to do that. Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive their disability pay. All other Federal employees receive both their civil service retirement and their VA disability with no offset. Simply put, the law discriminates against career military. It assumes wrongly, they either do not need or do not deserve the full compensation they earn for their years in uniform.

This inequity is absurd. How do we explain it to these service personnel who have sacrificed their own safety to protect this great Nation? How do we explain to other members currently risking their lives to defeat terror?

I have already mentioned the number of veterans we lose on a daily basis. Every day we delay acting on this legislation means continuing to deny fundamental fairness to tens of thousands of men and women. They will never have the ability to enjoy their well-deserved benefits unless we do something.

I received a copy today of a veto threat from the President saying that if this is in the bill, the President will veto it.

I don't know the President of the United States as well as JOHN WARNER, the senior Senator from Virginia, but I know him as well as anybody else in this Chamber. I think this was not done by President George W. Bush. This is staff directed. President Bush would not veto this bill because of what veterans are going to get. This is coming from some bureaucratic apparatus. President George W. Bush would not veto this. If he did, he would be a much different person than I have come to know.

I hope we will give this the proper action and just disregard it. The President will not veto this based upon this. If he did, I would be extremely disappointed and every veteran in America would be disappointed.

This amendment represents an honest attempt to correct an injustice that has existed for far too long. Allowing all disabled veterans to receive military retired pay and veterans' compensation concurrently will restore fairness to Federal retirement policy.

I have heard all kinds of excuses. Added to it now is this veto threat, which I don't take seriously. Now it is time for veterans to hear our gratitude and to see results.

I again express my appreciation to the committee and Senators LEVIN and WARNER for offering this as the committee amendment. That says it all. I hope we will respond overwhelmingly to support the committee action.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished majority whip for his comments.

Mr. President, part of my remarks is an exact lifting from the CONGRESSIONAL RECORD of last year when Senator REID took the floor following the adoption by the Senate of the conference report on the authorization. Just three of us were here—Senators REID, LEVIN, and I. We talked about our commitment to bring this matter up again this year. It was a remarkable colloquy. I read it again not long ago. It shows the long period of time in which our distinguished colleague from Nevada has fought so hard for the veterans, and particularly those who were deprived of what I believe, of what Senator REID believes, and I believe what a majority of the Senate believes they are entitled to.

I thank my distinguished colleague from Nevada for his very thoughtful and kind remarks, but most importantly for his undying leadership through the years, coupled with others—our colleague from New Hampshire, Mr. SMITH, and Mr. HUTCHINSON, whom I urged come to the floor, and I believe he will be here shortly, and others.

I ask unanimous consent that a colloquy from 2001 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, Dec. 13, 2001]

Mr. LEVIN. I wish to very briefly take up other parts of this bill, including one in which Senator REID has been so involved. I want to get to that point immediately because he is in the Chamber now. I want to pay tribute to the effort he has made to try to end what is a real unfairness in our law. The unfairness is that our disabled veterans are not permitted to receive both retired pay and VA disability compensation. This is something that is unique to our veterans—that they are not able to receive both the retired pay plus the disability compensation, which they have been awarded. It sounds unusual to say one is "awarded" compensation for disability.

We had a provision in the Senate bill to address this inequity. We would have allowed our disabled veterans, as others in the Federal Government employ and others in society, to receive both retirement and disability pay. The House leadership was not willing to have a vote on the budget point of order, which would have been made, which would have authorized this benefit to be paid. So we were left with no alternative.

Senator WARNER and I were both there in conference, day after day. We pointed out that Senator Harry Reid has been a champion on this, and there are others in this body who have pointed out the inequity in the provision that prohibits the receipt of both retired pay and disability compensation.

At the end, we could not persuade the House to include this provision and have a point of order contested in the House. So what we ended up with was something a lot less than what we hoped we would get, and that is the authorization for these payments to be made, the authorization to end the unfairness, but it would still require an appropriation in order to fund them.

Mr. REID. Will the Senator yield for a question?

Mr. LEVIN. Yes.

Mr. REID. Madam President, I basically want to spread across the RECORD of this Senate my appreciation to the chairman and ranking member for the advocacy on behalf of the American veterans regarding this issue. This is basic fairness. Why should somebody retired from the military, who has a disability pension from the U.S. military, not be able to draw both? If that person retired from the Department of Energy, he could do both.

We have debated this, and there is overwhelming support from the Senate. It is late at night, but I want the RECORD to be spread with the fact that I deeply appreciate, as do the veterans, your advocacy. I want the RECORD to also be very clear that the Senate of the United States has stood up for this. The House refused to go along with us.

Also, I feel some sadness in my heart because we are going to come back and do this next year. Sadly, next year there are going to be about 500,000 less World War II veterans. They are dying at the rate of about 1,000 a day. So people who deserve this and would be getting this during this next year will not because the average age of World War II veterans is about 79 years now. So there is some heaviness in my heart.

We are going to continue with this. I don't want anybody in the House of Representatives to run and hide because there is no place to hide. This was killed by the House. For the third time, I appreciate Senator LEVIN and Senator WARNER.

So although I support the conference report for H.R. 3338, the National Defense Authorization Act for Fiscal Year 2002, I feel a sense of disappointment.

Once again this year, the conference report failed to include a provision on an issue that I have been passionately working on for the last couple of years. Namely, the concurrent receipt of military retired pay and VA disability compensation.

Unbelievably, military retirees are the only group of federal retirees who must waive retirement pay in order to receive VA disability compensation.

Put simply, if a veteran refuses to give up their retirement pay, the veteran must forfeit their disability benefits.

My provision addresses this 110-year-old injustice against over 560 thousand of our nation's veterans.

It is sad that 300–400 thousand veterans die every year. I repeat: 300,000–400,000 veterans die every year. They will never be paid the debt owed by America to its disabled veterans.

To correct this injustice, on January 24th of this year, I introduced S. 170, the Retired Pay Restoration Act of 2001.

My bill embodies a provision that permits retired members of the Armed Forces who have a service connected disability to receive military retirement pay while also receiving veterans' disability compensation.

The list of 75 cosponsors clearly illustrates bipartisan support for this provision in the Senate.

My legislation is very similar to H.R. 303, which has 378 cosponsors in the House. I'm thankful to Congressman BILIRAKIS, who has been a vocal advocate for concurrent receipt in the House for over fifteen years.

My legislation is supported by numerous veterans' service organizations, including the Military Coalition, the National Military/Veterans Alliance, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America and the Uniformed Services Disabled Retirees.

In October, I introduced an amendment identical to S. 170 for the Senate Defense Authorization bill. The Senate adopted my amendment by unanimous consent.

Unfortunately, the House chose not to appropriate funds for this important measure.

This meant that the fate of my amendment would be decided in a "faceless" conference committee.

It pains me deeply to see that my amendment was removed in conference.

This is an old game played in Congress in which members vote for an amendment to help veterans, knowing full well the amendment will be removed at a later time.

When will decency replace diplomacy and politics when it comes to the treatment of America's veterans.

Why won't members of the House of Representatives join their Senate colleagues and right this wrong?

Why can't we do our duty and let disabled veterans receive compensation for their years of service and disability compensation for their injuries?

We gather at a solemn moment in the history of our great Nation.

On September 11th, terrorists landed a murderous blow against the World Trade Center and the Pentagon.

Right away, we saw the men and women of our Armed Forces placed on the highest level of alert. American troops then deployed to the center of the storm, set to strike against the enemies of all civilized people.

Our Nation is once again calling upon the members of the U.S. Armed Forces to defend democracy and freedom. They will be called upon to confront the specter of worldwide terrorism.

They will be called upon to make sacrifices.

In some tragic cases, they will be seriously injured or even die.

Most believe that a grateful government meets all the needs of its veterans, no questions asked.

I am sad to say this is not the case today.

I will continue this fight until we correct this injustice once and for all.

Mr. LEVIN. I thank Senator REID. He has been a champion of this cause. He has fought harder than anybody I know to end this inequity. The House leadership simply would not go along with this. We had a choice: We would either have a bill or no bill. That is what this finally came down to.

I believe Senator REID got something like 75 cosponsors for his provision. The Senate overwhelmingly supported this provision. I hope we have better luck next year in the House.

In the meantime, what we have done is we have authorized this, and perhaps our Appropriations Committee will be able to find the means to fund this. But until next year, I am afraid the number of veterans you have pointed out—perhaps 1,000 a day—will not get the benefits they deserve.

Mr. REID. I am on the Appropriations Committee. I will work toward that. I do want the RECORD to reflect my overwhelming support for this legislation. I feel badly this provision is not in it, but this is a fine piece of legislation on which the two of you have worked so hard.

Mr. WARNER. I also thank my distinguished colleague, Senator REID, for his leadership on this issue. We speak of a disabled veteran. I have had a lifetime of association with the men and women in the U.S. military. In my military career, I was not a combat veteran. But I served with many who have lost arms, legs, and lives. Those individuals, when they go into combat and lose their limbs, or suffer injuries, are somewhat reduced in their capacity to compete in the marketplace for jobs and do all of the things they would like to do as a father with their children and their families.

I take this very personally. I feel that some day the three of us—and indeed I think this Chamber strongly supports it—will overcome and get this legislation through. I thank the Senator for his leadership. He is right that the World War II veterans have died at a 1,000, 1,200, sometimes 1,400 a day, and many of those are being penalized by this particular law. So I thank the Senator and I thank my chairman. We shall renew our effort early next year.

Mr. LEVIN. I want to say one thing publicly. I want to again thank Senator WARNER. As he often points out, we came at the same time to this body. I have been blessed by having him as a partner and a ranking member for the short few months I have been chairman of the Armed Services Committee. Nobody could have asked for a better partner than I have had in Senator WARNER. There are times, of course, that we don't agree with each other, but there has never been a time I can remember in 23 years where we don't trust each other.

There is nothing more important in this body than to be able to look somebody in the eye and say that. That is something I feel very keenly. Our staffs have been extraordinary in their work. This has been a very difficult bill.

In addition to thanking Senator WARNER personally, I thank our staffs for the work they have done. Every night when I call David Lyles—every night—he is there with the staff until 10 or 11 o'clock. I do not even call him after 11 o'clock because that is when I go to bed, or at least I try to. I am pretty sure he stays on after that. I know it is true with Senator WARNER's great staff, too.

Mr. WARNER. Madam President, I thank my great chairman. He succeeded me as chairman. We just moved one seat at the table in our committee hearing room. I guess that was the only change. Of course, other things took place.

As he says, the trust is there, the respect is there. We travel. We just finished an extraordinary trip. We were the first two Members of Congress to go into the area of operations in Afghanistan, having visited our troops in Uzbekistan, our troops in Pakistan and Oman, and then on up into the Bosnia region where we visited our respective National Guards who are serving there now.

I value our friendship. I look forward to hopefully many more years working together. I thank my friend. We shall carry forward. We do this in the spirit of bipartisanship on behalf of our men and women in uniform of the United States. We are here to do the people's business, and I say to the Senator, we have done the people's business. We have been aided in that effort by Judy Ansley, my chief of staff, having succeeded Les Brownlee; and Senator LEVIN's wonderful David Lyles, and Peter Levine. I use Senator LEVIN's lawyer's legal brains as much as I use my lawyer's legal brains.

I thank our distinguished Presiding Officer, again, for helping us here tonight. I again salute and commend my staff. I am a very fortunate individual to be served so well in the Senate. We share our staffs in many ways. They get along quite well together.

Mr. LEVIN. Indeed, they do.

Mr. LEVIN. Mr. President, I wonder if the Senator from Nevada will yield for a comment.

Mr. REID. I am happy to yield.

Mr. LEVIN. Mr. President, I thank the Senator from Nevada for his very gracious compliments. As always, he seeks to give others more credit than they are due. He is modest in terms of what he himself has done. He has just simply been an invaluable leader on this issue. Senator SMITH and others clearly played an important role. But I really want to single out Senator REID.

If we get this done this year—and I expect we will—despite that veto threat, it will be in large measure because the Senator from Nevada, in his absolutely inimitable way, takes leadership of an issue that makes a difference in the lives of tens of thousands and perhaps hundreds of thousands of veterans who have earned both of these benefits.

I thank him for his gracious approach. I will tell him that we will carry on this fight in conference, assuming this is adopted. We will carry on the fight for part of it which was adopted in our bill—which is already there. I assure him that if we succeed, the veterans of this country will know who the principal leader was. Again, he is not alone. He would be the first one to say that. Senator SMITH, Senator HUTCHINSON, and others are critically important in this effort. But he clearly is the leader. I thank him.

Mr. REID. Mr. President, while I have the floor, I ask unanimous consent that Senator BIDEN be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senators CANTWELL and MIKULSKI be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I would like to be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. Mr. President, I extend my thanks to the majority whip and to the floor managers of the bill. Senator REID cares very deeply about this issue. I have known him for some time. We came to Congress together in 1982. We were classmates in the House of Representatives that year. MIKE BILIRAKIS of Florida has been a champion of this issue for close to 20 years.

I served as Governor for 6 years with George W. Bush when he was Governor of Texas. I do not know that I know him better than anybody else on the floor. I know him reasonably well. I am not altogether surprised that he would issue a veto threat on this issue. Before we go forward and approve it, I think that is clearly what is going to happen. I don't believe he is doing this out of some sense of lack of respect for the military. I clearly don't believe he would be doing this out of a lack of respect for those who served and became disabled during their service to their country.

I have not seen the veto message that Senator REID placed in the trash receptacle there. But it would be interesting to hear what the President's words actually were on the message. Does the Senator mind? It is not very lengthy.

Mr. REID. I have pulled it out of the file.

Mr. CARPER. I am happy to yield to the Senator.

Mr. REID. I preface this by saying I really do not think the President would do this. It is something that has overwhelmingly bipartisan support.

Mr. President, I ask unanimous consent that Senator ROCKEFELLER be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this has 82 cosponsors. It is in the budget, as I indicated in my opening statement.

There is money for it in the proposed budget. There is money for it in this committee report. If somebody wants to vote against this, at least on the President's veto threat, that is their right. Here is the answer to the question.

> The administration also believes that our current deficit projections necessitate strict adherence to fiscal discipline to ensure the quickest return to a balanced budget. The Administration is concerned that an amendment may be offered on the Senate floor that would expand this objectionable provision even further. Should the final version of the bill include either provision affecting concurrent receipt of retirement and disability benefits, the President's senior advisors would recommend that he veto the bill.

Remember, they would recommend it. That is why it deserves to be in the file.

> Section 641 as currently drafted is contrary to the long-standing principle that no one should be able to receive concurrent retirement benefits and disability benefits based upon the same service. All Federal compensation systems aim for an equitable percentage of income replacement in the case of either work-related injury or retirement.

Work related? Legs blown off? Shot in the stomach?

> The administration's preliminary estimate is that Section 641 would increase mandatory outlays by $18 billion from 2003 to 2012 and would also increase DoD discretionary costs for retirement . . .

That is basically what it is.

I say to the Senator from Delaware, I had forgotten you had served as a Governor with George Bush. I am sure you know him better than I. As I said, I think senior advisers would give him this and he would say: Find something else.

Mr. CARPER. I thank the majority whip for sharing that message.

I also had the privilege of serving on active duty in the military, in the U.S. Navy, when Senator WARNER was Secretary WARNER, Secretary of the Navy. And many of my colleagues, then and before and since, have become disabled and have retired in some instances, and a number of them, frankly, would like to draw a disability pension, and they would like to receive their retirement check as well.

The point in the President's veto message is this: We do not provide, anywhere in the Federal Government that I am aware of, for a person to receive the disability payment and retirement check for the same years of service.

For a person who served on active duty and was disabled, and subsequently took another job in the Federal Government, and earns a pension, they may receive their disability check for the years they served on active duty and were injured and then separately for their years they served in another capacity in the Federal Government. But the service is not for the same number of years.

What the President is saying in his veto message, just as his predecessors said, is: Should we make this exception? We, as Members of the Senate, for those of us who served in the military, can actually earn service credit for the time we served on active duty. There is a difference, though. We have to pay for it. It is not a gift. It is something we have to pay for in order to have our military service count toward our pension as a Senator or a Member of the House of Representatives.

I think the question the President is raising in his veto message is, Is it appropriate for us to say that a person who served in the military on active duty, who was injured, should subsequently receive a pension check, a retirement check, as well as a disability check for the same number of years? That is the issue.

The other issue is this: How do we pay for this? For me, that is really as important as the first question, maybe even more important. I have been here a year and a half, and I am becoming increasingly concerned that whatever sense of fiscal responsibility held sway here in the past is ebbing. I criticized President Bush for not providing leadership on the executive side for a balanced budget, for helping to lead us back into this situation where we now have looming deficits for as far as the eye can see. I have been critical of him on this point.

For him now to come before us and say, in the name of fiscal responsibility, this is something we maybe ought not to do—I think it would be hypocritical of me to ignore him for actually taking a stand I urged him to take in other areas.

I do not know about the rest of my colleagues, but when I see us cutting taxes and continuing to spend, and knowing that the money we are spending is money simply coming out of the Social Security trust fund, I do not feel good about that. And I do not see how any of us could either.

The question of whether or not someone should be paid a military pension and a disability check for the same time, same service, is one issue. But for me, a greater issue—I hope the chairman of the committee, the ranking member, or the Senator from Nevada can assure me that we are going to pay for this, not taking money out of the Social Security trust fund. That is my question.

I am happy to yield.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I may respond to my dear friend, as the Senator indicated earlier, his service and my service in the Congress started at the same time. During that period of time, the Senator from Delaware has developed, deservedly, a reputation for being very fiscally frugal. I say that in the most positive sense. He is a person who understands numbers and budgets. He is very concerned about that. And I appreciate his remarks about this.

I would say I am also concerned about the fiscal impact of anything we do here. We have done a lot of things that cost a lot of money. We should always be concerned about that. One of those who always does his best to keep us on the straight and narrow is the Senator from Delaware.

I say that someone who served in the military enough years to retire and is disabled deserves both pensions. We can talk about time of service and all that. I do not think that is any different from someone who was disabled in the military and also retires from the Department of Energy or the Department of Interior. It is all Government service. I think the military retirees should have more attention rather than less. Our legislation, in my opinion, will take away the less attention that these men—mostly men; now men and women—for the last 100 years have received.

But I share with the Senator from Delaware problems we have budgetarily. I say to my friend from Delaware, I was the first to offer an amendment on the balanced budget constitutional amendment that you could not do that using Social Security surpluses. It got 44 votes. It almost passed. But I do think my efforts in drawing attention to the fact that the constitutional amendment would have taken Social Security surpluses was—I hope—enough or one of the reasons the constitutional amendment was defeated.

So I look forward to working with the Senator from Delaware to try to save money, to try to do things to balance the budget, as we had a balanced budget not long ago. As you know, I say to my friend through the Chair, last year we had a surplus of $4.7 trillion over 10 years at this time. That is gone.

But having said that, I have not lost any of my fervor or passion for this amendment. This is something we have to do. The Senator from Delaware certainly has been a leader in other areas in this, trying to focus on how else we can save money. I know that the Senator from Delaware—with his wide-ranging experience in State and Federal Government, including being Governor of his State for two terms, and having served for a long time in the House of Representatives, and now serving in the Senate—can help us find ways to save money and not have to hurt those who I think are very deserving veterans.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before our distinguished colleague from Delaware departs the floor, I would like to ask a question of him. He is a modest man, but I hope he will provide some insight.

When I was privileged to come to the Senate 24 years ago, nearly three-quarters of the Members of the Senate had, at one time or another, worn the uniform of their country. Because the world has changed so much since that period of time, and so forth, very few Members today have had the opportunity, really, to serve, and therefore it is now—where it was 70 to 75 percent—down to 30 percent.

But I would like to just ask a question because many are studying this RECORD and following this colloquy.

I have always believed, Mr. President, fellow Senators, that the military service is an inherently dangerous profession and that any individual—man or woman—who accepts those risks—in the course of my remarks, which I will eventually make, I will cover this in greater detail. But my recollection of our distinguished colleague from Delaware, when I was privileged to be the Navy Secretary, was in naval aviation. It was during the period of the cold war.

But, I say to the Senator, perhaps you would share with us, frankly, what went on in your mind every time you took off, every time you landed. Your missions, at that time, as I recall, were basically in the antisubmarine operation. You may not have been fired upon, but the simple act of flying that plane every day, together with your crew, was one of danger, one of risk.

We saw an extraordinary rendition on television last night of that plane that was involved in firefighting. The wings collapsed. In the course of my period—I do not claim to be any hero or anything else, but I certainly have witnessed a lot of harm that has been inflicted, one way or the other, to the men and women who have worn the uniform.

I ask the Senator from Delaware, does he share my basic thesis that it is an inherently dangerous business, not only to the individual but, indeed, for the families who will await their return every day?

Mr. CARPER. When I was on active duty in the Navy, I was 21 years old and served until I was 25. We served three tours in Southeast Asia. Our aircraft was the P–3 which we used to track Soviet nuclear submarines in the oceans of the world. When we were in Southeast Asia, our job was to track shipping traffic in and out of Vietnam. I flew a lot of low-level missions. I loved the Navy. The Senator loved the Navy as well. I served for 23 years active and reserve duty. Four years before that, I was a Navy ROTC midshipman. I loved the mission. I was young. I had no family. I could not wait to get in that plane. I could not wait to take off, and I loved being part of my squadron.

This was a time in my young life when we felt we were invincible. We knew we weren't, but we sure felt that we were. I served the country, as I know you did, because I loved my country. I would do it all over again if given the opportunity.

Mr. WARNER. I am sure you witnessed operational accidents in those instances that you saw on active duty probably as I did when I was a ground officer in the aviation unit in Korea. But some of those who shared the tents with me never came back. Some were operational. I remember our commanding officer, a tried and trusted combat veteran from World War II. His name was Al Gordon. His plane took off on a mission and burst into flames. He crashed not a few miles distant from our field. Again, accidents happen with great frequency. It is a dangerous business for all those involved. They accept those risks, expecting those of us in Congress to support them and their families such as the purport of this legislation.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, if I could ask one question to the chairman and manager of the bill, then I will stop. I listened, when I was presiding, to the chairman explaining the amendment and explaining how this benefit would be paid for. I have to tell you, I did not understand the rationale for offering this amendment outside of the bill, why it was not included as part of the bill. I did not understand why it is subject to a budget point of order.

Would the chairman explain how we propose to pay for this benefit? That is my question: How do we propose to pay for it?

Mr. LEVIN. There is an allocation in the budget resolution for mandatory spending. That allocation was utilized inside of our authorization bill because we believe that 60 percent disability should not be a dividing line, that there is not a logic to that, and that everybody who has a disability should be able to receive concurrently both retirement and disability pay. We have a committee amendment which will achieve that.

If we had done this inside of the bill itself, if we had put this language we now offer in the committee amendment inside of the bill itself and brought it to the floor, the whole bill would have been subject to a point of order. We decided to reduce the risk of that occurring by offering a committee amendment for that part of the funding which is above the allocation in the budget resolution.

Mr. CARPER. My basic question for the committee chairman is, How do we pay for this benefit?

Mr. LEVIN. The same way we pay for the bill, for anything else we do in this, anything else that Congress authorizes and appropriates money for.

Mr. CARPER. I thank the chairman.

Mr. LEVIN. With the permission of my ranking member, since we will both be here anyway, I wonder if I could ask unanimous consent, since two of our colleagues on the committee have been here waiting, whether the Senator from Louisiana could be recognized after this matter is discussed, with Senator REID perhaps responding, and then the Senator from Arkansas being recognized immediately after the Senator from Louisiana.

Mr. REID. If I could reserve the right to object, I have spoken to the Senator from Louisiana. I believe Senator HUTCHINSON from Arkansas is the final speaker on this underlying amendment.

We could dispose of this amendment within the next little bit. And if we could do that quickly, I don't know, if I could ask through the Chair the Senator from Arkansas how long he wishes to speak on this matter.

The Senator from Arkansas indicates he would take about 5 minutes. Senator LANDRIEU has indicated she has a longer statement. Senator HUTCHINSON could speak. Senator WARNER could say whatever he needed to say.

Mr. LEVIN. After Senator LANDRIEU is recognized.

Mr. REID. We would pass it before she is recognized.

Mr. LEVIN. If that is agreeable to the Senator from Louisiana, I would then ask that she be recognized for 5 minutes on the amendment itself; then that Senator HUTCHINSON be recognized; then Senator WARNER for his remarks after disposition of this amendment; and that Senator LANDRIEU then be recognized.

Mr. REID. If I could interrupt, your very able ranking member has indicated that if we could have these two 5-minute speeches, we would move to passing this amendment. Then he is going to be on the floor of the Senate a lot so he could speak on this.

Mr. WARNER. I can speak following passage of the amendment.

Mr. REID. I ask unanimous consent that Senator LANDRIEU be recognized for 5 minutes to speak on the amendment and Senator HUTCHINSON be recognized to speak for 5 minutes on the amendment and then we will vote on the amendment. That would be by a voice vote. Then it is my understanding Senator LANDRIEU wants to be recognized after that.

Ms. LANDRIEU. For at least 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Senator WARNER has made a brilliant suggestion.

Mr. LEVIN. Another brilliant suggestion.

Mr. REID. Why don't we adopt this amendment right now, then have the speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator WELLSTONE be added as cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate, the question is on agreeing to amendment No. 3912. Without objection, the amendment is agreed to.

The amendment (No. 3912) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate an opportunity to say a word on this amendment that we just voted on and then to present some information about the underlying bill in reference to the Subcommittee on Emerging Threats and Capabilities.

Let me begin by thanking the chairman of our committee, our most able chairman and our most able ranking member, for their extraordinary and bipartisan work on the underlying bill. Let me also thank them for joining their forces and their talents and their persuasive skills to put forward the amendment that we just discussed in some detail.

I am proud to be a cosponsor of the amendment just adopted. I believe it is something we most certainly should do. It is a shame we have not taken this action previous to this year. There are 25 million veterans who have served our Nation proudly and bravely. Only 2 percent, about 550,000 veterans, quite a large number but a small percentage, have been disabled on the battlefield, have received serious injuries in many cases; in some cases, minor injuries, but in all cases, relative to the service, and many of those were received on the battlefield.

In Louisiana, that is about 12,000 men and women who have served proudly and bravely, about 3 percent. While there is a cost associated, as has been discussed by both our chairman and our ranking member, and noted by the Senator from Nevada who has led this fight over many years, while there is a cost associated, it is a cost that this budget and this Nation and this economy should bear for the small percentage of veterans who were disabled when serving the Nation so they don't have to be shortchanged in their retirement because they have also given up a limb or two, or a bodily function that prevents them from living in a way that many others enjoy. It is the least we can do, and I am only sorry it took us this long to get to this point.

I agree with the Senator from Nevada that I think the President would not veto this very well-put-together bill over this issue. I think he will, in the end, join with members of the Democratic Party and the Republican Party to support the extension of this benefit and to fix an injustice that is in the payment and compensation scheme and plan for this Nation.

Again, only 2 percent of the veterans have received injuries that caused them to be disabled—legally designated as disabled—and they are simply asking, since they joined up, signed up, put the uniform on, and were injured in the line of duty and it caused them to be disabled so they are unable to be productive because they gave their physical, mental, and spiritual contribution so that the rest of us could be productive, the least we can do is to say you don't have to be shortchanged in your retirement. We are happy and proud and it is our honor and duty to provide you with your disability and your retirement, both of which you have earned.

So while I appreciate the comments of the other Senators who have questioned how we might afford it, my question is, How can we not afford it? Why haven't we done this before? I am proud to support the amendment, and I hope we will be able to have a good negotiation with the House and the President to support the men and women in uniform who were hurt, many seriously, and have given great sacrifice, while keeping the rest of us safe. At least we can give them a full disability check and a full retirement check.

I want to speak for approximately 15 minutes on the underlying bill. Particularly, I want to speak as it relates to the Subcommittee on Emerging Threats and Capabilities, which is the subcommittee I now chair with my most able and very good partner, the Senator from Kansas, Mr. ROBERTS.

Douglas MacArthur said that in war there is no substitute for victory. We are engaged in a war right now unlike we have ever been engaged in before. We have never really fought a war such as the one we are fighting today. We are in the process in this underlying authorization bill, which funds our Department of Defense at the highest level ever—the highest level in many years—and we are in the process of shaping our defenses and our offenses to fight this new kind of war.

In this war, our enemies are not wearing uniforms of a recognized state; they are not using conventional weapons or a conventional means of attack. They are using weapons of mass destruction, which they did on September 11, by taking several of our own airplanes and filling them with fuel and turning them into flying bombs and flying them into some of the greatest buildings and symbols here in America on a Tuesday morning when the Sun was shining. They didn't attack men and women in the military; they attacked civilians. They attacked innocent men and women and children who were unprepared for what was happening to them, and they could never have really been prepared for such a horrible and horrific attack.

These are fanatics, people who are cowards; these are terrorists, murderers, and people who are going to use weapons of mass destruction. They have proven so because they have used them, and they will continue to use whatever weapons they can get their hands on to wreak havoc here in America and to our allies as well.

I just received word that there has been yet another suicide bomb that hit Jerusalem within the last few hours.

I have to say this because my children just finished school this year. My 10-year-old and 5-year-old celebrated their last day of school a couple weeks ago. I can't tell you how difficult it was to read the article about yet another suicide bombing that occurred in Jerusalem just yesterday morning, where 19 people were killed. The description of that event in the New York Times was that the bus was full of schoolchildren. The bus was full of workers going to work. I cannot imagine the pain of a parent putting a child on a bus, and they are on the way to school with their books and in their uniforms, and then the parents are called to come collect the body parts a few hours after they put their child on a bus. That is terrorism. That is what we are fighting.

That is what this bill is funding. This is what we have to have a victory over. Israel is in a battle for survival. We are not in the same position, obviously, and not in the same sort of vulnerable situation; nonetheless, this is the new kind of war.

If we don't strengthen our military, if we don't support new strategies, new defenses, focus on intelligence and on getting the coordination of our intelligence so we are not caught off guard in the future, if we fail, stumble, or delay in trying to rearrange some of our strategies, we will let our people down and not give them the protection they deserve in this war against murderers and cowards and fanatics.

I am proud to stand here to represent for a few minutes our subcommittee, the Emerging Threats and Capabilities Subcommittee, which was formed a few years ago for this exact purpose, to help our military think differently about these new threats, about the new ways we are going to fight these wars. I cannot tell you how much I appreciate the leadership of the chairman from Michigan and the ranking member from Virginia in supporting our efforts to help give our military the support they need.

We will achieve victory. There is no question about that. America will continue to lead our allies and we will be, year in and year out, decade in and decade out, victorious because we will be able to meet these challenges. In this bill we are discussing we have taken some of the first steps.

Well before September 11 our subcommittee explored these new threats, such as terrorism, the use of weapons of mass destruction, which not only are going to face our men and women in uniform as they fight in faraway places but also our civilians. Our civilians are well aware of these threats. There is general fear and anxiousness, understandably, now in the Nation. They are depending upon us to provide the framework for this new defense.

Our committee worked to authorize the critical programs that are creating these new capabilities that will help to make this transformation possible. Again, we focused on combating terrorism, chemical and biological defenses, which we have come to know and understand much more in these last few months—how we must be prepared to fight against these new weapons, as horrible as they are.

Our committee also wants to support in a full way our Special Operations Command, which is a relatively small force, but an extraordinary force, a very brave force—something that was created by this Congress to meet these new demands and the new threats and which is executing spectacularly in Afghanistan. Our committee and this subcommittee support their work.

The nonproliferation program, which is to try to help identify and stop the proliferation of nuclear materials through the Department of Defense and Department of Energy is part of our mark, as well. And I feel very strongly, as I know the Senator from Michigan, Mr. LEVIN does, that we need to keep up the research development and testing and evaluation in the science and technology account in our military budget.

Let's not lose sight that this war is not only going to be won with muscle but won with a lot of brains. It is going to be won because we are on the cutting edge of new technology in every aspect.

In order to get those new technologies to the battlefield, we have to invent them. The way we invent them is research, research, research. We cannot undermine the research in this budget.

S. 2514 recommends additional funding in each of these areas that are intended to support this subcommittee's objectives and all the objectives as outlined by Senator LEVIN. I will take a few minutes to go through a few of them.

The President's budget request included $7.3 billion for combating terrorism, and another $2.7 billion for combating terrorism items in the emergency response fund. This bill supports the President's initiatives, as well as $30 million for additional research and development that we think is crucial to achieving some of the goals we have outlined.

In response to the unsettling results of a recent GAO report on military installation preparedness for incidents involving weapons of mass destruction, this bill includes a provision that directs the development of a comprehensive plan to improve the preparedness of these installations.

Also in light of continued confusion about the Department's role—and understandable confusion. We have not fought a war on our own homeland since the Civil War. We have been positioned to fight overseas, to protect our perimeters thousands of miles away. Now our military has to think: Is that the right strategy and, if not, what role should we play with our local law enforcement and local police protection?

It is not a simple question, and our bill directs the Department and the Secretary of Defense to submit a detailed report on how DOD should be fulfilling this new homeland mission so that we can help them come to the right conclusions regarding this new state of affairs.

In the area of nonproliferation, for too long our programs with Russia and the former Soviet Union were, in my opinion, mischaracterized. Many people characterized this as wasteful foreign spending. Since September 11, I hope we have come to realize that funding these programs should be in the forefront as a means to eliminate the spread of weapons of mass destruction. This is not wasteful foreign spending.

It is out of self-preservation that we seek to make these programs robust and effective to prevent weapons of mass destruction from falling into the wrong hands because we have seen the result.

I want to read a quote from a distinguished former chairman of the Armed Services Committee, Sam Nunn, who led this committee beautifully for so many years. Senator Nunn said shortly after September 11:

> The terrorists who planned and carried out the attacks of September 11 showed there is no limit to the number of innocent lives they are willing to take. Their capacity for killing was limited only by the power of their weapons.

Intelligence and field reports from Afghanistan point to al-Qaeda's desire to acquire weapons of mass destruction. We have seen much more of that in the news lately. But the visions of Senators Nunn and LUGAR a decade ago have limited the terrorists' weapons and capability of killing because they started before the headlines, before the attacks of September 11 putting programs into place because of their vision. This committee wants to support that vision and make it more robust, and we have.

Accordingly, Congress and the President must continue to push forward in nonproliferation programs. This underlying bill is not perfect, but it puts us well on the way and honors the work that Senator Nunn and Senator LUGAR accomplished, again, prior to September 11.

Among the legislative provisions, we have also included support of granting permanent authority, which the President asked for, for the President to waive on an annual basis the preconditions to implementing the Cooperative Threat Reduction Program.

We have also included Senator LUGAR's bill that will provide discretionary authority to the Secretary of Defense to use CTR funds outside the former Soviet Union, which is very important as we have discovered that maybe our whole problem is not going to be only confined to former Soviet Union states but, unfortunately, now other states. We have to have a robust plan for containment and cooperation, and Senator CARNAHAN's bill encourages the Secretary of Energy to expand the cooperative program beyond traditional weapons grade material.

These are two essential components to build on the legacy and the work that Senator LUGAR and Senator Nunn have so beautifully done over the years.

I wish to comment on two more areas, Mr. President. As I mentioned, in science and technology, the President's budget included $9.9 billion for S&T programs. This is both good and bad news. It is only 2.6 percent of DOD's budget. It is the lowest percentage since fiscal year 1992. Although the dollar amounts have increased because the overall Defense Department bill has increased, it is not near the goal of 3 percent, which is where we want to be, and it is a less percentage than last year. So the trend lines are not going in the most positive direction.

I hope we can continue to work in this area because this is important to our subcommittee and to our entire committee, and I think it is important to give the support to our military so we can be not only the strongest but the smartest. We are going to be working on that as well.

In chemical and biological weapons, I visited the Army's infectious disease research laboratory at Fort Detrick. It was a very fine day we spent touring that facility. I was taken aback by the hard work and dedication of the civilian and military researchers who are working to develop the defenses and cures we need to fight these new biological weapons.

I should note for all Senators that this laboratory, the U.S. Army Medical Research Institute of Infectious Diseases, USAMRIID, did the analysis of the anthrax that was sent to the Senate of the United States last year. In addition to their work, they analyzed more than 15,000 samples of anthrax and other biological agents, using facilities that are very small and overcrowded. I believe if I took anyone from Louisiana or elsewhere to visit this facility, they might be very surprised to see the cramped quarters. They would be proud of the extraordinary work, but they would be surprised to see the cramped quarters in which we are asking people to operate when this threat is real, this threat has happened, this threat will probably happen again.

There is money in this budget to upgrade those facilities, and I am proud to be a part of that.

Of course, it is important to the Maryland Senators because this facility is in Maryland, but it is important to our whole Nation. I am proud to be leading that effort to give us the finest lab facilities to deal with these new threats. We did not have to do this in World War II. We did not have to do this in Vietnam. We have to do it now. Our scientists are on the front lines, our lab technicians are on the front lines, and this bill needs to reflect the new realities.

We also fund a number of innovative projects for chemical and biological defense including improved sensors, decontamination technologies, and equipment and promising nanotechnologies. But it also includes provisions to allow defense labs to cut the red tape, adopt more business-like practices so they can be more competitive in attracting the finest technical talent and doing the best technical work for the Department and for the Nation.

One final point: Over the last few years, our subcommittee has requested that the Department perform a careful evaluation of their testing and evaluation facilities. The reason is we want to make sure we are testing all these new weapons systems, new technologies, so that when we get them to the battlefield, they actually work.

We want to make sure the right incentives are in this bill to have good and robust testing. The procedure we are using now to explain in the most simplified way is that they are not the right incentives in place to have the right kinds of testing because the testing budget is competing with the production budget.

So we have put in a proposal that hopefully will not create a new bureaucracy and not take discretion away from the services. We do not intend to slow down getting new technologies. We want to make sure we are doing our taxpayers a good service by making sure we are testing before the battlefield in a way that helps us save taxpayer money and gives our soldiers and sailors what they need to fight effectively. That is a very important component.

Finally, in special operations, I say again that this force is doing extraordinary work. They only have 1.3 percent of this whole budget, but they are basically the ones we see on the news every night fighting al-Qaida in the caves and in the desert, everywhere, over ground, underground, in the air, on the battlefield, protecting us and hunting down these murderers, cowards, and terrorists, wherever they are.

We are proud that we are recommending $96.1 million to Special Operations Command to make sure they can address their training and pressing equipment needs for the forces, the new radios that we saw on the news, the emitter radios. When the special operations were riding horseback, they were calling down the strikes from our bombers and our fighters, and that was a result of the work our subcommittee did in a bipartisan way to provide our warfighters on the battlefield with what they need to get the job done, thinking outside the box, and we are really proud of the work they have done.

In addition, besides good communications equipment and good training, these special operations forces, because of the human intelligence now that is required, need much more foreign language training, more sophisticated sort of schoolwork, to make sure that our fighters are up to the task, and we are really working with foreign operations to provide them funding for the new kind of training, particularly foreign language, that is going to be necessary for all of our military in the future as we find ourselves operating in very different circumstances, in different countries with different cultures, trying to understand very complicated geographic, cultural, and religious conflicts.

Over the past year, and in fact well before September 11, this subcommittee has looked at the new threats, such as terrorism and the use of weapons of mass destruction, that will face our military and our Nation in the 21st century. It has worked to authorize the critical programs in the Departments of Defense and Energy that are creating the new capabilities that will transform the military to help it meet and defeat those threats.

Chairman LEVIN's guidelines for the Armed Services Committee in developing our legislation included two themes where this Subcommittee focuses much of its work:

Promote the transformation of the armed forces to meet the threats of the 21st century.

Improve the ability of the armed forces to meet nontraditional threats, including terrorism and weapons of mass destruction.

As the subcommittee is responsible for monitoring emerging threats and helping ensure that our military has the capabilities needed to respond to those threats, this subcommittee's jurisdiction includes the following: research, development, test and evaluation, RDT&E, including science and technology, S&T accounts, Special Operations Command, combating terrorism, counter-drug programs of DoD, nonproliferation programs of DoD and DOE, and chemical and biological defense.

This bill recommends additional funding or legislative provisions in each of these areas that are intended to meet the objectives of Senator LEVIN's proposed guidelines. I will describe our major efforts in each of these areas.

The President's budget request included $9.9 billion for science and technology programs. Unfortunately, this is only about 2.6 percent of DoD's budget, the lowest share since fiscal year 1992, and far short of Secretary Rumsfeld's goal of 3 percent of the total budget, which would be more than $11 billion.

This subcommittee has oversight over the majority of S&T programs within the Defense Department.

This bill recommends significant increases for the Department of Defense's research and development budget, as compared to the President's budget request. In particular, I want to note that there are recommendations to increase the science and technology budget request by over $170 million. There are significant increases for: Combating terrorism and weapons of mass destruction; Army transformation, including funding $100 million of Army unfunded requirements in science and technology; technologies to reduce the effects and costs of corrosion on ships and aircraft; fundamental scientific research at national labs and universities; and cyber security, including continuing the important information security scholarship program championed by Senator WARNER.

This bill includes legislative provisions to address the issue of speeding the transition of defense technology from the laboratory into the hands of warfighters. This will give our troops the most advanced technology available more rapidly and improve the return on our S&T investments. They will also help our small businesses get prompt and fair evaluations by DOD of their technology ideas for combating terrorism.

During the past year, I visited the Army's infectious disease laboratory at Fort Detrick, MD. I was taken aback by the hard work and dedication of the civilian and military researchers there, who are working to develop the defenses and cures that we need to fight the threat of biological weapons. I am pleased that the bill also includes provisions to continue the Senate's efforts to improve the quality of our nation's defense laboratories. This legislation reauthorizes and expands a number of pilot programs previously established by our subcommittee under Senator ROBERTS. The programs allow defense labs to cut red tape and adopt more business-like practices so they can be more competitive in attracting the finest technical talent and doing the best technical work for the Department.

The bill includes a provision recommended by Senator LIEBERMAN that establishes a coordinated, joint Defense Nanotechnology R&D Program. This legislation will ensure that the Department invests sufficiently and wisely in this revolutionary technology area, and plans the program strategically from the start so that new nanotechnologies can be used by our warfighters as soon as possible.

The bill includes a provision requiring the Secretary of Defense to carry out a program to identify and support techological advances that are necessary to develop vehicle fuel cell technology for use by the Department of Defense. The program is to be conducted in cooperation with the Secretary of Energy, other appropriate federal agencies, and private industry, with at least half of the total cost of the program to be borne by industry. The program, which is authorized at $10 million, will also focus on critical issues for fuel cell vehicles such as hydrogen storage and development of a hydrogen fuel infrastructure.

There are a number of other funding provisions throughout the bill, totaling over $50 million, that support increased development or use of revolutionary and advanced technologies such as hybrid electric technology, advanced batteries and fuel cells.

Three years ago, the Emerging Threats and Capabilities Subcommittee initiated a provision requiring a task force of the Defense Science Board (DSB) to report on the state of the Department's test and evaluation facilities. The DSB report, issued in December 2000, concluded that "the T&E process is not funded properly, in phasing or in magnitude." As a result, "testing is not being conducted adequately" and "there is growing evidence that the acquisition system is not meeting expectations as far as delivering high quality, reliable and effective equipment to our military forces."

The annual report of DOD's Director of Operational Test and Evaluation, DOT&E, for fiscal year 2001 endorses the views of the Defense Science Board, concluding that: "The acquisition process fails to deliver systems to the warfighter that meet reliability and effectiveness requirements." In other words, DOD's Director of Operational Test and Evaluation and the Defense Science Board have both concluded that the Department's systematic underfunding of test and evaluation has resulted in a situation where we cannot give our troops the assurance they deserve that weapons systems will function the way they are supposed to in combat conditions.

This bill includes a series of provisions designed to reverse this situation by implementing the recommendations of the DSB and the Director of OT&E. The most important of these provisions would address longstanding funding shortfalls in the T&E infrastructure accounts, as recommended by the Director of Operational Test and Evaluation and the Defense Science Board, by requiring the Department to: (1) fund the T&E infrastructure through direct appropriations, rather than through surcharges on T&E "customers"; and (2) establish a central T&E "resource enterprise" to handle this infrastructure funding.

The first provision would transfer roughly $250 million of testing funds from individual programs to separate T&E accounts to achieve direct funding. The money would still pay for the same things, but out of different accounts: the programs from which the money was transferred would benefit from a reduction in the rates that they are charged for testing (to be achieved by eliminating overhead charges). Because the new funding approach would reduce the prices charged to T&E customers, the Director of OT&E and the DSB believe that this approach would reduce the current disincentive to testing.

The second provision would improve the ability of the test and evaluation facilities to compete for limited funds by giving them a high-level advocate within the Department. We share the view of the Director of OT&E and the DSB that we owe it to our men and women in uniform to ensure that the weapons systems that they carry into battle will work as intended in an operational environment. Adequate testing of weapons systems is not an abstract concept: lives depend upon it. For this reason, the committee would implement the recommendations of the Director of OT&E and the report of the Defense Science Board task force on test and evaluation capabilities.

The President's budget request included $4.9 billion for the Special Operations Command SOCOM, keeping their budget steady at 1.3 percent of the overall defense budget. The bill under consideration recommends adding $96.1 million to the SOCOM request to address training shortfalls and pressing equipment needs of the forces, such as radios for Army Special Forces and night vision goggles for Navy SEALs.

About half of this additional funding was offset by a combined $13.7 million transfer of fiscal year 2002 funding as requested by the Command for the Advanced SEAL Delivery System program, which faces numerous problems, and a reduction in premature fiscal year 2003 funding for procurement of a second mini-submarine.

The committee's bill fully funds the research and development associated with the program, and recommends that about a fourth of the procurement funding be released only after the Secretary of Defense reports to the committee on how remaining technological, schedule and cost challenges associated with building the mini-sub will be addressed.

In addition, the bill includes a provision directing the Comptroller General to examine Special Operations Forces' foreign language requirements, training and means of achieving and retaining language proficiencies.

The President's budget request included $7.3 billion for combating terrorism and another $2.7 billion for combating terrorism items in the Defense Emergency Response Fund, DERF. S. 2514 would authorize the portion of the budget request under our jurisdiction and add some $30 million for research and development programs aimed at combating terrorism.

In response to the unsettling results of the GAO report that the committee required in last year's bill on military installations' preparedness for incidents involving weapons of mass destruction, we have included a provision that directs the Secretary of Defense to develop and submit a comprehensive plan to improve the preparedness of military installations to deal with WMD incidents. The plan will include a strategy with clear objectives and resource requirements, as well as a performance plan for achieving and measuring implementation.

Finally, in light of continued confusion about the Department's role and strategy for defending the homeland, the bill directs the Secretary of Defense to submit a detailed report on how DOD should be and is fulfilling its homeland defense mission.

With respect to counter-drug activities, in addition to authorizing the budget request of $849 million, the bill provides an additional $25 million for the National Guard counter-drug State plans. This additional funding is of specific interest to many Senators.

The bill fully funds the budget request for both the DOD Cooperative Threat Reduction programs and the related programs at the Department of Energy, including a $15 million increase for the DOE nonproliferation research and development work. There are several legislative provisions that have been included to support these nonproliferation programs:

At the administration's request, we included permanent authority for the President to waive, on an annual basis, the pre-conditions to implementing the Cooperative Threat Reduction Program. There is legislation to support the administration decision to transfer the program to eliminate plutonium production in Russia to the Department of Energy from the Department of Defense. We included Senator LUGAR's bill that would provide discretionary authority to the Secretary of Defense to use CTR funds outside of the Former Soviet Union; and we also have Senator CARNAHAN's bill that would direct the DOE to explore ways to secure nuclear materials and improve nuclear plant security worldwide.

This bill funds a number of innovative projects for chemical and biological defense, including improved sensors, decontamination technology and equipment, and promising nanotechnology. It also includes a reduction to the budget request for a one-year spike in chem-bio defense funds that Department officials acknowledge are not executable and not well defined.

The bill authorizes the full funding requested by the Defense Department for chemical demilitarization, almost $1.5 billion for fiscal year 2003. It includes a legislative provision that would provide the funding in a Defense Department account, as required by law, rather than in an Army account, as the budget request did.

I am proud to be associated with this bill and want to thank the chairman, ranking member, and especially my ranking member, Senator ROBERTS, and all the members of my subcommittee for working together to produce this legislation. I believe that it takes a great step in transforming our military to face an uncertain future and a host of ever-changing threats. I strongly support this bill and urge the Senate to pass this legislation.

It is my pleasure to serve as chair of this important subcommittee. It was great working with Senator ROBERTS and the other Members. I again thank Senator LEVIN for his leadership because this Emerging Threats Subcommittee is important to be part of the front line of helping reshape our military and provide the protection that our taxpayers and our citizens expect in this new war against people who are cowards, fanatics, and murderers, who do not wear a uniform and who have decided they are not going to attack people in uniform but they are going to attack innocent men, women, and children. So we need to be prepared for the future, and I think we are.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. LEVIN. Will the Senator from Arkansas yield for 30 seconds?

Mr. HUTCHINSON. I will yield.

Mr. LEVIN. He has been very patient, and I very much appreciate his yielding to me.

I thank Senator LANDRIEU for her absolutely invaluable contribution as chairman of the Emerging Threats Subcommittee. This subcommittee, under her leadership, and under the leadership of Senator ROBERTS before her, has seen what has been coming and has been doing everything within its power to put resources into defeating the new emerging threats, the terrorist threats we face. Her leadership has been absolutely superb. I thank her very much for that.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. WARNER. Will the Senator yield for a minute?

Mr. HUTCHINSON. Yes.

Mr. WARNER. I likewise say to our colleague who serves on the Armed Services Committee, we appreciate her work. I think she gave a well-delivered statement from the heart.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise in strong support of the concurrent receipt amendment. I thank Chairman LEVIN for ensuring it was a committee amendment. It came out with the full endorsement and strong support of the committee.

I thank the distinguished Senator from Virginia, Mr. WARNER, for his commitment to concurrent receipt and how engaged he has been on ensuring that this finally becomes a reality. And a special thanks to Senator REID, with whom I have been privileged to work on this important issue. We introduced S. 170, the Retired Pay Restoration Act. Last year, we offered this amendment to the Defense authorization and saw it pass overwhelmingly on the floor of the Senate. Truly, Senator REID has been the champion of this issue. I believe we are on the verge of a real victory on this, and I commend him for his commitment and his diligence, year in and year out.

The word "injustice" has been used a number of times in regard to the issue of concurrent receipt. I think it is the right word to use and it is the right context in which we put this vote. Military retirees are the only group of Federal retirees who are forced to fund their own disability benefits. That is the issue. Military retirees are the only group of Federal retirees who have to fund their own disability benefits. The Senator from Louisiana rightly pointed out that we are dealing with only a portion of our veterans, about 400,000 disabled military retirees, who must give up their retired pay in order to receive their VA disability compensation. For those 400,000, it is the most important issue of the day—it impacts their daily lives. I suggest to my colleagues that it is a far bigger issue than those 400,000. As the ranking member on the Personnel Subcommittee, I have seen how important issues like concurrent receipt are to the recruitment and retention of our men and women in uniform.

The kind of message that our Government sends, the kind of dynamic we create, is reflected in issues such as this. When military retirees are treated in a discriminatory way, when they are treated with less respect than other Federal retirees, the message to the American people, the message to our young people who are considering what career to go into, is sent that we do not truly value them. We may say the words and we may salute them and we may honor them, but if we do not honor them in policy, then we are not honoring them as we should.

I want to share with my colleagues excerpts from two letters I received in recent days from my constituents. One is from a veteran in Harrison, AR, who said:

> It is a matter of fundamental fairness that we provide our disabled military retirees with the pay they have earned and rightfully deserve. I am sure it has been brought to your attention numerous times that retired Federal employees receive VA disability compensation concurrent with Federal retirement pay. Why are military retired treated differently?
>
> That is the question—why are they treated differently?

Then there is a letter from a veteran from Mulberry, AR, who wrote:

> The purpose of VA disability compensation is to defray the effects of lost earning potential caused by injuries and sickness incurred while defending our country. Retirement pay is based wholly on the number of years of dedicated service. The two pays are entirely separate and should be mutually exclusive.
>
> That is exactly the case. The offset that has existed is an injustice. It is unfair. We have an opportunity to rectify that this year.

I know there are thousands of veterans right now watching C-SPAN who are following this debate and are doing so with a sense of cynicism. They have seen this debate before, and they have seen the vote of the Senate before. They have seen the Senate vote to end the 110-year inequity on concurrent receipt, only to see it dissolve and disappear in the course of the conference negotiations. The House has not seen to take the step we have taken, and so there will be again the negotiations that will go on between the House and Senate.

I say to my colleagues, to the veterans of this Nation, and to our retired military, I pledge, through the conference committee that will exist, to continue to fight on this issue until the fundamental inequity that exists in current law has been eliminated, once and for all, for all of America's heroes. I am committed to full concurrent receipt and to fight for that until our veterans get what they have earned, and I urge my colleagues to fight for that as well as we go through the continuation of this process in the coming weeks. I thank the chairman. I thank Senator WARNER for this time and for the opportunity to express my strong support for the amendment that has been agreed to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we thank our colleague from Arkansas. He has worked long and hard on this issue for a number of years. He is a very valued member of the Armed Services Committee, particularly as it relates to personnel issues, in the area in which the Senator spent much time.

Senator, we are doing our duty. I thank the Senator.

I add a few observations of my own about this legislation. I deferred my comments so others could proceed because I was going to remain on the floor.

Mr. President, everyone at a time such as this draws on personal recollections. I had an opportunity to briefly discuss with our distinguished colleague from Delaware his own experiences in the military. I draw on my modest experience in the military to derive the support I give to this particular piece of legislation. I have said on this floor many times that I would not be in the Senate today, privileged to represent my State these 24 years now, had it not been for the opportunities accorded me by brief tours of active service and a period of some 10 years in the Reserves in the military, together with opportunities I had in the Naval Secretariat after 5 years, 4 months, during that critical period of our history when our men and women were engaged in Vietnam, as well as elsewhere in the world in the cold war.

For those brief periods I served in the closing months of World War II, as a 17-year-old sailor, really in the training command only, I have vivid memories of the streets of America, lined with men and women in uniform, coming and going to the battlefields of the Pacific and Europe, and particularly those who had returned from the battlefields showing the scars of war.

As the chairman pointed out, that particular generation of World War II are passing on today in numbers exceeding 1,000 each day of the year. This legislation, should it become law—and I am optimistic it will become law; certainly the underlying provision in the committee bill which the Presiding Officer and others worked on—will touch a few of the World War II generation.

As the years passed on and I had the opportunity to have a brief tour of duty in Korea, again, as simply a ground officer with the First Marine Air Wing, I had occasion to observe those on the field of battle and experience the losses. That is emblazoned in my memory forever.

Then in the Navy Secretariat from time to time we would go to Vietnam. We are now honored in this Chamber with a very distinguished veteran of that period as the active chairman of the committee. I visited many of those in the aid stations and otherwise who had borne the brunt of war. Therefore, it is with sheer joy that I participated with my colleagues today, just one in the ranks, to try to get this amendment passed.

The numbers of veterans organizations which work in this is long and lengthy that I and other Members of the Senate visited with in the course of our independent work on this particular piece of legislation, as well as what we did in the committee structure. It is remarkable when you deal with those organizations. They are men and women of humility, proud they had the opportunity to wear the uniform of the Nation, and they come out of a sense of duty to try to provide for those who have gone before us on active duty and those who are on today and those who will follow in the generations to come.

As I pointed out in my colloquy with the Senator from Delaware, while my most vivid memories are associated with those who bore the brunt of combat and war, many bear the scars of arduous training. Think of how many accidents we have had associated with the training in parachutes, the training in aviation, the operation exercises. Many of our exercises, people may not recognize, are conducted under live fire conditions, by necessity, to harden those who someday may face the reality of a combat zone.

I was with the distinguished Senator from New York visiting those who came back from the battlefields in Afghanistan who had borne the brunt of combat and suffered the injuries, to visit them and thank them for their duty for this Nation and the cause of freedom. I somehow believe this is just a fulfillment of an obligation that we have had long overdue. I join those who will move every possible way we can to see that this becomes the law.

I thank so many colleagues who have taken time today to speak to this particular issue. Their motivations are pure of heart, simply to do duty. We have done it and we have now seen this opportunity. The Senate has met that opportunity, by the vote which we have witnessed and agreed to this.

AMENDMENT NO. 3900

Mr. President, earlier I offered a second-degree amendment to the Levin amendment.

Under the Levin amendment, the Secretary of Defense is required to go through a reprogramming process which, by its very nature, is indeterminate in time.

No one can predict the certainty of how quickly a measure can get through four committees. That has to be done in order for the Secretary to spend funds, to fully implement the President's Crusader budget amendment which set forth the purposes for the use of the funds.

I come back to the word "fully." Had any one of those committees not—for whatever reason, even reasons unrelated to the Crusader issue—acted affirmatively on the reprogramming request, then the Secretary would not have the ability to fully expend those funds consistent with the objectives laid down in the President's budget amendment.

Also, it is a long process, the reprogramming process, and the outcome has a certain degree of uncertainty. If any committee vetoes the reprogramming, the Secretary would not be able, again, to fully implement the budget amendment. He would be able only to implement those programs contained under the future combat system; whereas, under my amendment, the Secretary has more flexibility. Thirty days after notification to the Congress, under my amendment, the Secretary can move funds to all and fully implement the objectives of the President's budget amendment.

I ask unanimous consent that the Senator from Maine, Ms. COLLINS, who is a member of the Senate Armed Services Committee, be added as a cosponsor on the concurrent receipt amendment offered by the chairman and myself, and that the consent be granted prior as if to the taking of the vote.

The PRESIDING OFFICER. Is there objection to either request? Without objection, it is so ordered.

The Senator from Georgia.

Mr. CLELAND. Mr. President, I thank Senator WARNER for his tremendous service to this country and the Nation, particularly in uniform, and the magnificent contribution he makes daily to the deliberations of the Armed Services Committee. We could not do it without him. His contributions are such that they enable the committee to do its work in a fashion which I think most of the Members of the Senate would support.

This is the 6th year that I have served on the Personnel Subcommittee of the Committee on Armed Services. I am privileged to chair this subcommittee. As I look back over the past 5 years, we have done a lot to improve the pay and benefits for our service men and women. Every year, we responded to the concerns of our service members and their families.

We heard our service members say that their pay was inadequate and not competitive with the civilian market. We responded by approving pay raises that total over 20 percent over the five years, and put into law a provision that requires pay raises at least a half percent above inflation through fiscal year 2006.

We heard the pleas of our service members that they were not fully reimbursed for off-post housing expenses. We responded by removing the requirement that members pay 15 percent of housing costs out-of-pocket and authorized an increase in the basic allowance for housing in order to reduce out-of-pocket housing expenses to zero by fiscal year 2005. We also directed the Secretary of Defense to implement a program to assist members who qualify for food stamps with a special pay of up to $500 a month.

We heard the concerns about the Redux retirement system. We responded by authorizing service members to choose between the traditional high three retirement system, or to remain under Redux with a $30,000 bonus. We also authorized our military personnel to participate with other Federal employees in the Thrift Savings Plan.

We heard concerns about health care for our active duty members and their families. We responded. We enacted provisions that improved the quality of health care and access to health care providers. We authorized TRICARE Prime Remote for families of active duty personnel assigned where military medical facilities were not available. We eliminated copayments for active duty personnel and their families when they received care under the TRICARE Prime option.

We heard the military retirees when they called our attention to the broken promise of health care for life. We started with a series of pilot programs which included access to the Federal Employees Health Benefit Program, a TRICARE senior supplement, and Medicare subvention. Ultimately, we found an even better answer, TRICARE for Life. Under this program, TRICARE pay virtually everything the Medicare does not pay. This is the best health care program for Medicare eligibles in the United States. We are really proud of this program.

We responded to concerns of our absentee military voters by passing laws making it easier for military personnel and their families to vote in Federal, state, and local elections.

By the way, Mr. President, in that TRICARE for Life Program we included a program that I think is extremely valuable for military retirees, the U.S. Government is picking up the cost of the biggest out-of-pocket expense for our military retiree families, and that is the cost of prescription drugs. I just wish we could do that for every senior family in America.

For our military recruiting and retention ebbed and flowed during this 5-year period. We responded by authorizing special pays and bonuses as well as innovative recruiting initiatives. We also passed laws that will require high schools to give our military recruiters access to students directory information and the same access to students as the schools give to colleges and potential employers.

I know that we recruit individuals and retain families. Both recruiting and retention are improving. Just a few years ago, the services reported great challenges in meeting recruiting goals, and service members were leaving at alarming rates. I would like to think that the improvements in benefits that I just described helped to turn our recruiting and retention around. I understand that the downturn in the economy and the terrorist attacks on our Nation also contributed to the increase in the desire to serve our nation.

This year, like the last 5 years, we have attempted to respond to the needs of our service members and their families. In the bill now before the Senate we do several things.

We recommend authorization of the active duty end strength requested by the administration. This includes an increase in end strength of 2,400 for the Marines. I am convinced that the other services need an increase in end strength as well. We simply cannot continue to increase our military commitments without increasing the end strength of our Armed Forces. They are already stretched too thin. I intend to offer an amendment to increase the end strength of the Army, Navy, and Air Force for next year, and will propose a plan to address the needs of the services over the next 5 years.

We cannot fight a war on the cheap and we cannot fight a war without people.

For the fourth year in a row, we propose a significant pay raise above the rate of inflation for military personnel. We recommend an across the board pay raise of 4.1 percent which is a half percent above the increase in the Employment Cost Index, and an additional targeted pay raise for certain experienced mid-career personnel that will result in pay raises ranging from 5.5 percent to 6.5 percent beginning in January, 2003. We also extend the special pays and bonuses that are so important for recruiting and retention.

Full time manning support is one of the top readiness issues of the Reserves. All of our TAGs have talked to us about the shortage in full time support in the Army Reserve and the Army National Guard. For the second year in a row, the Administration failed to budget for the ramp up contained in an agreed upon plan to bring full time manning in the Army Reserve and the Army National Guard up to minimal levels over an 11-year period. We address this shortfall by increasing the full time manning end strength by 1,761 personnel as the second installment of the 11-year plan.

We authorize the service secretaries to pay an incentive pay of up to $1,500 per month to members serving in certain difficult to fill assignments. We encourage the Department to use this assignment incentive pay to address some of the concerns about military personnel serving tours in Korea.

We are finally able to authorize concurrent receipt of military retired pay and veterans' disability compensation for retirees with 20 or more years of military service with disabilities rated at 60 percent or more.

I understand the figure is now zero percent disabling and above. This is an incredibly high watermark in terms of service of this body to those who have served, and particularly those who are service-connected disabled and who also are military retirees with 20 or more years of service.

I understand that our posture here is, even though the Armed Services Committee reported out legislation that this Defense authorization bill grant current receipt of disability compensation and military retirement—receipt concurrent for those who are 60-percent disabled or more—that this body by unanimous consent has agreed to actually lower that figure so that all of our military retirees with 20 years of active duty service or more, zero percent disabled or greater, will now be able to receive disability compensation and military retirement at the same time. I think that is only just.

We have our assistant majority leader, Senator HARRY REID, to thank for that. He has been pushing for this for many years.

Our proposal will phase in this effort. But with this Defense authorization bill today we will not be phasing it in; it will be reality, in the Senate's point of view.

This provision was carefully drafted, in consultation with veteran organizations and with members of the committee.

We authorize a National Call to Service provision initiated by Senator MCCAIN that would require individuals enlisting in the military under this program to serve on active duty for 15 months after the completion of initial entry training. That would encourage our citizens to participate in military training somewhat. It is not universal military training, but it is an incentive to become familiar with the military. And I think it is an excellent proposal by Senator MCCAIN and Senator BAYH. It is called National Call to Service.

If an individual comes on active duty, train, and then serve 15 months, what do they receive in addition to that for compensation?

They could elect one of the following incentives: No. 1, a $5,000 bonus; No. 2, a student loan repayment of up to $18,000, which is quite significant; No. 3, a 12-month educational allowance at the Montgomery GI bill rate; or, No. 4, a 36-month educational allowance at two-thirds of the Montgomery GI bill rate.

I think this is one of the most insightful programs to come along in a long time. I heartily endorse it.

We increase the maximum end strength for each of the military academies from 4,000 to 4,400 cadets or midshipmen.

I think this is an excellent provision and one that we need.

We provide $55 million to address the severe aviation training backlog in the Army to train pilots from Guard and Reserve units transitioning to new aircraft and to train active duty pilots in their combat aircraft before reporting to their units.

We direct the Secretary of Defense to review personnel compensation laws and policies applicable to our Reserve components, including the retirement system to determine how well they address the demands placed on the Guard and Reserve personnel.

I thank my colleagues on the Armed Services Committee and the Personnel Subcommittee for their support.

I especially thank Senator HUTCHINSON for his support and work. His hard work has made this a truly bipartisan effort on behalf of our military men and women and their families. I appreciate all that he has done and what he has contributed.

The bill we bring before the Senate today is a good bill that will go a long way toward improving the lives of our servicemembers and their families. I strongly urge my colleagues in the Senate to pass this significant legislation.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask permission to address the Senate.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NELSON of Florida. Mr. President, it is a great privilege for me to serve on the Armed Services Committee with the distinguished Senator from Georgia, who, as head of the Personnel Subcommittee, has just laid out all of the strengths of this particular piece of legislation with regard to the personnel of our Armed Services.

We all can be so proud of our men and women in uniform. I have been to Afghanistan twice since the first of the year—the first congressional delegation to go into Afghanistan after September 11. In fact, they would not even take us in in the daylight. We went in under cover of darkness, lights out, no runway lights, all landing with night vision equipment because of the security for nine Senators on that trip.

What I encountered was not only the harsh reality of the climate—that bitter cold—but our first instructions were, when getting off the airplane: Don't dare step off the tarmac. The sergeant who escorted me through the darkness, in fact, explained that, having to traverse the trail over 30 times, his buddy was the unlucky one and had his foot blown off.

Seeing the faces of those young men and women—then, that first week of January, and 2½ months later—I saw how resolute they were, how they had tasted military success, how they knew that their cause was just, and how they were absolutely resolved in winning because the stakes are so high for our country and for the rest of the free world.

I have come to the floor to speak on this legislation because I am constantly inspired by my colleague from Georgia, the very life that he lives daily, which is an inspiration to this Senator, as are the sacrifices he made for his country as a young man, which has led him to a style of living that all of us cannot imagine and yet he accommodates and he overcomes every day. That is a great inspiration to all of us.

So is it any wonder I am loving my time in the Senate, when I have colleagues I can look up to, such as the senior Senator from Georgia, joined by this wonderful committee that is quite bipartisan in its approach to these legislative matters. It is a great privilege for me to come and speak about him personally, and to come and speak and lend my name in support of this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I am floored by the wonderful and gracious remarks of the Senator from Florida, my dear friend, Mr. NELSON, my colleague on the Armed Services Committee, my colleague on the Commerce Committee. He is most effusive in his praise of me. But he is absolutely correct when he praises the service of our young men and women in harm's way.

There is a marvelous book out now, "We Were Soldiers Once and Young." I was a soldier once and young, and I can only look with admiration, great respect, and tremendous heartfelt pride at the young men and women out there now. The service men and women are young, they are talented, they are trained, they are committed, and they are doing a great job for the United States.

If this bill is a tribute to anything, it is not a tribute to me or to anybody on the Armed Services Committee or even to this Senate, but it is a tribute to them and their hard work on behalf of all of us.

So I thank the Senator from Florida for his effusive praise, but let's just reserve those kinds of words for another day. Today, we are talking about dealing with the needs of our service men and women who make it possible for us to have this open and free debate here.

I yield the floor.

Mr. JOHNSON. Mr. President, I rise in strong support for the Levin/Warner amendment No. 3912.

I am pleased the Senate is addressing the issue of concurrent receipt of military retirement benefits. Under current law, military retirees cannot receive both full military retirement pay and full VA disability compensation. Instead, retirement payments are reduced by the amount received in disability compensation. Changing the law to allow for concurrent receipt of benefits is an issue of basic fairness because both military retirement pay and VA disability compensation are earned benefits. Retirement pay comes after at least twenty years of dedicated service in the Armed Forces and VA disability is earned as a result of injury during time of service.

I have been working with South Dakota veterans and my colleagues in the Senate for several years to fix this problem. Last year, the Senate adopted an amendment to both the fiscal year 2002 budget resolution and to the fiscal year 2002 Defense authorization bill to include funding to correct this problem. Unfortunately, despite strong support in the Senate, the language to allow concurrent receipt was removed from last year's budget resolution during the conference with the House of Representatives. In the defense authorization bill, Congress agreed to allow concurrent receipt, but only if the administration included authorizing legislation as a part of the fiscal year 2003 budget request. I was very disappointed to discover that the President's fiscal year 2003 budget request did not include provisions for concurrent receipt.

Although I am pleased the Senate is going to take care of our military retirees with the passage of this amendment, I remain concerned about the Bush administration's continued opposition to concurrent receipt. Just recently, the Bush administration released a statement criticizing the concurrent receipt provision contained in the fiscal year 2003 Defense authorization bill. I have sent a letter to the Director of the Office of Management and Budget asking him to reconsider the Bush administration's position. Simply state, at a time in which we are asking more and more from the men and women serving in the military, we should be looking for ways to encourage them to make a career in the military by improving benefits and assuring them they will be taken care of in retirement.

I appreciate the Senate Armed Services Committee's leadership on this issue, and look forward to continuing to work with my colleagues on behalf of our Nation's veterans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3915

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 3915.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend for 2 years procedures to maintain fiscal accountability and responsibility)

At the appropriate place in the bill, insert the following:

SEC. . BUDGET ENFORCEMENT.

(a) Extension of Budget Enforcement Points of Order.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and (2) in subsection (d)(3)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(3) in subsection (e), by striking "2002" and inserting "2007".

(b) Extension of Budget Enforcement Act Provisions.—

(1) In general.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) Expiration.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011.".

(2) Striking expired provisions.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) Congressional budget act.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) Extension of Discretionary Caps.—

(1) In general.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(A) in the matter before subparagraph (A), by striking "2002" and inserting "2007";

(B) by striking subparagraphs (C), (D), (E), and (F); and

(C) by redesignating subparagraph (G) as subparagraph (C).

(2) Caps.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (7) and (8) and inserting the following:

"(7) with respect to fiscal year 2003—

"(A) for the discretionary category: $764,722,000,000 in new budget authority and $756,268,000,000 in outlays;

"(B) for the highway category: $28,922,000,000 in outlays;

"(C) for the mass transit category: $1,445,000,000 in new budget authority and $6,030,000,000 in outlays; and

"(D) for the conservation spending category: $1,922,000,000 in new budget authority and $1,872,000,000 in outlays;

"(8)(A) with respect to fiscal year 2004 for the discretionary category: $784,425,000,000 in new budget authority and $814,447,000,000 in outlays; and

"(B) with respect to fiscal year 2004 for the conservation spending category: $2,080,000,000, in new budget authority and $2,032,000,000 in outlays;".

(3) Reports.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking "2002" and inserting "2007".

(d) Extension of Pay-as-You-Go.—

(1) Enforcement.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking "2002" and inserting "2007"; and

(B) in subsection (b), by striking "2002" and inserting "2007".

(2) Pay-as-you-go rule in the senate.—

(A) In general.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended in subsection (g), by striking "2002" and inserting "2007".

(B) Senate pay-as-you-go adjustment.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) Pay-as-you-go enforcement during on-budget surplus.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the President believes are appropriate when there is an on-budget surplus.

(e) Senate Appropriations Committee Allocations.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the Committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

AMENDMENT NO. 3916 TO AMENDMENT NO. 3915

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Mr. Conrad and Mr. Feingold.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for Mr. Conrad, proposes an amendment numbered 3916 to amendment No. 3915.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend for 2 years procedures to maintain fiscal accountability and responsibility)

Strike all after the first word in the amendment, and insert the following:

BUDGET ENFORCEMENT.

(a) Extension of Budget Enforcement Points of Order.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(2) in subsection (d)(3)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(3) in subsection (e), by striking "2002" and inserting "2007".

(b) Extension of Budget Enforcement Act Provisions.—

(1) In general.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) Expiration.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011.".

(2) Striking expired provisions.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) Congressional budget act.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) Extension of Discretionary Caps.—

(1) In general.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(A) in the matter before subparagraph (A), by striking "2002" and inserting "2007";

(B) by striking subparagraphs (C), (D), (E), and (F); and

(C) by redesignating subparagraph (G) as subparagraph (C).

(2) Caps.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (7) and (8) and inserting the following:

"(7) with respect to fiscal year 2003—

"(A) for the discretionary category: $764,722,000,000 in new budget authority and $756,268,000,000 in outlays;

"(B) for the highway category: $28,922,000,000 in outlays;

"(C) for the mass transit category: $1,445,000,000 in new budget authority and $6,030,000,000 in outlays; and

"(D) for the conservation spending category: $1,922,000,000 in new budget authority and $1,872,000,000 in outlays;

"(8)(A) with respect to fiscal year 2004 for the discretionary category: $784,425,000,000 in new budget authority and $814,447,000,000 in outlays; and

"(B) with respect to fiscal year 2004 for the conservation spending category: $2,080,000,000, in new budget authority and $2,032,000,000 in outlays;".

(3) Reports.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking "2002" and inserting "2007".

(d) Extension of Pay-as-You-Go.—

(1) Enforcement.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking "2002" and inserting "2007"; and

(B) in subsection (b), by striking "2002" and inserting "2007".

(2) Pay-as-you-go rule in the senate.—

(A) In general.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended in subsection (g), by striking "2002" and inserting "2007".

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the President believes are appropriate when there is an on-budget surplus.

(e) SENATE APPROPRIATIONS COMMITTEE ALLOCATIONS.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the Committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect 15 days after the enactment of this Act.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Senate began its debate on budget discipline on the supplemental appropriations bill, but we left our work undone. Today, we are here to finish the job.

On the supplemental appropriations bill, the Senate debated a 5-year budget process extension that my colleague, Senator GREGG, and I offered. Regrettably, that amendment failed on a tie vote. The Senate also began to debate an amendment by Chairman CONRAD that would have extended some of the budget process for a more limited time. That amendment fell on a point of order.

We are left, therefore, with a budget process that expires on September 30 of this year, less than 3½ months from now. Unless we act before then, the process will fail to constrain the government from deficit spending. And unless we act, the process will fail to protect the Social Security trust funds from being used to fund other government spending.

Thus, Senator CONRAD and I have come to the floor with a compromise proposal. Our amendment would extend exactly the same budget processes that Chairman CONRAD's amendment would have, in exactly the same way. So the Senate will have no reason to dispute the way in which our amendment enforces budget discipline.

But our amendment would also do something that Chairman CONRAD's amendment would not have done. The amendment that Chairman CONRAD offered on the supplemental appropriations bill had no caps on appropriated spending. Now we understand that Chairman CONRAD and Senator DOMENICI intended to offer an amendment that would create enforcement for 1 year, this year, pretty much as a budget resolution would, but were unable to offer that amendment.

But just 1 year of constraint on appropriated spending means absolutely no restraint on next year's budget resolution. At a minimum, we ought to put some constraint on how much spending we can put into next year's budget. If we do not put any constraint on the coming year's budget resolution, then we are not doing what we need to do to rein in the deficit and protect Social Security.

And that's what our amendment would do. We would do everything that the Conrad amendment would do, exactly as the Conrad amendment would do it. But then our amendment would have 2 years of caps on appropriations, instead of just 1. We would require next year's budget resolution to live by a cap, as well.

Now, for the first year, the numbers we use for our amendment are, as best as we can determine, what Chairman CONRAD and Senator DOMENICI would have offered had they had the chance on the supplemental appropriations bill. We have simply followed the numbers that Senator DOMENICI distributed at that time. They are pretty much the same as the budget resolution numbers that we proposed in our earlier amendment, except that an adjustment is made to smooth out fluctuations in the highway trust fund.

For the second year, we continue to use the numbers in the budget resolution reported by the Budget Committee on March 22. We have sought to employ the most neutral numbers that we can find.

We have sought, therefore, to focus the debate on a single issue: Shall we have budget constraint for next year's budget resolution, or will we have no constraint at all?

In March, the Congressional Budget Office projected that, with the President's budget levels, we are headed for a deficit of $121 billion in 2003 and a deficit just a few billion dollars short of $300 billion, if you don't count the Social Security surplus.

And for this fiscal year, 2002, just last Friday, CBO issued a report saying:

> The total budget deficit for the first eight months of fiscal year 2002 was $149 billion . . . a sharp reversal from the $137 billion surplus recorded for the same period in 2001. So far this year, receipts are more than $80 billion below CBO's baseline projections, and CBO now expects the deficit for the entire fiscal year to end up well above $100 billion.

And in Saturday's papers, CBO Director Dan Crippen was quoted saying that the unified budget deficit for 2002 could reach $150 billion.

Once again, the government is using the Social Security surplus to fund other parts of government. That is something that many Senators from both parties fought for most all of the 1990s. It is something that we should continue to fight.

This is a critical test for us. Are we serious about protecting Social Security, even in these difficult times? Especially after 9–11, the American people have a right to know that we are being especially careful with their dollars, that we can keep track of them, and that we are truly putting our priorities straight—with the war on terrorism at the top, but also guaranteeing the safety and security of Social Security.

This is a modest budget process proposal, Mr. President. It is the least that we should do, and I urge my colleagues to join us in this effort. Let us extend the budget process for at least 2 years, and do what we can to protect Social Security.

Mr. President, I also ask unanimous consent that the Senator from Washington, Ms. CANTWELL, be added as a sponsor of the pending first- and second-degree amendments.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I want to stand and commend my colleague, Senator FEINGOLD, for his initiative with respect to the budget circumstance facing the country and the Congress. Senator FEINGOLD has crafted an amendment that represents a compromise on the question of the budget for this year. It is critically important that we adopt a budget for this year, and it is also important that we have the budget disciplines extended.

I hope my colleagues realize what we face. In the absence of an extension of the budget disciplines, the budget points of order, the pay-go provisions all expire on September 30. That would mean the things we have used to control spending and to exercise fiscal discipline are gone. They are gone. That means that as we go through the appropriations process, we would not have the allocations to the committees that are enforced by 60-vote points of order to prevent spending from going out of control. We would not have those same 60-vote points of order to protect against additional tax reductions that would threaten the fiscal condition of the country. And we would not have the provisions that allow us to protect Social Security. All of those provisions expire at the end of September.

Mr. President, that is what Senator FEINGOLD is before us offering now—an extension of those provisions, an extension that has been worked out with very detailed, bipartisan discussions over an extended period of time.

Senator FEINGOLD has played a very constructive role in that regard. He did not end there with the amendment that he is offering. He also has offered budget caps for this year and next year. My judgment is that we ought to adopt spending caps for this year and next year, and they ought to be at levels that are realistic so they can really be enforced. What we have learned in the past is if you set unrealistic spending caps, they are then broken with impunity and we wind up spending much more money, digging the deficit hole deeper.

Let me just emphasize that the spending number that Senator FEINGOLD has set out in this amendment is exactly the same number that the President of the United States sent us for the budget for this year. The number he has included for next year as a spending cap takes that amount and increases it by something over 3 percent. That is the number that was in the report of the Senate Budget Committee to our colleagues in the full Chamber. Those are responsible numbers. They allow and accommodate the very large increases in spending asked for by the President for defense and homeland security. All the rest of the spending would actually be reduced from the so-called baseline.

Now, that is a responsible budget outline. It accommodates fully the President's request for increases for defense and homeland security, if that is the wish of the Senate and the wish of the House. But it provides a budget discipline that is going to be badly needed here if we are to recover because the harsh reality that we confront is that last year when we were told there were going to be nearly $6 trillion of surpluses over the next 10 years, all of that money is gone; there are no surpluses. In fact, our reestimates indicate that instead of surpluses, we face some $600 billion of budget deficits over the next decade.

Mr. President, it is more serious than that. It is really far more serious than that because those numbers lump together the trust funds and the other funds of the Federal Government. If one takes out the trust funds, if one takes out, for example, the Social Security trust fund, what one sees is an ocean of red ink over the next decade—hundreds of billions of dollars of nontrust fund deficits this year and next year and all of the years to the end of the decade. Instead of a $160 billion budget deficit this year, if one segregates the Social Security trust fund, if one protects the Social Security trust fund, it will be $320 billion.

Next year, the budget deficit, instead of being $200 billion, will be $370 billion. That is the depths and the dimensions of the fiscal deterioration that has occurred in just 1 year.

These are not just numbers on a page. These are numbers that reflect a larger reality with enormous economic implications for this country. I hope our colleagues are listening. I hope our colleagues are thinking very carefully about the path we have embarked on, where this is all headed, because I want to warn our colleagues that none of this adds up. It does not come close to adding up. It is critically important that we adopt an extension of the budget disciplines that will help keep this from further exploding out of control.

It is absolutely critical that we agree to a budget for this year and, as Senator FEINGOLD has offered, a budget for next year as well, with enforceable caps, with provisions that will allow this Chamber to discipline spending and revenue and, yes, protect Social Security. Absent these disciplines, absent a budget, I believe we are headed for a very difficult ending to this session.

Mr. REID. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. REID. I say to the Senator from North Dakota—and I also applaud, as he did, the Senator from Wisconsin for offering this amendment—without the budget talk that people outside this Chamber perhaps don't understand, is it correct that the Senator from Wisconsin and the Senator from North Dakota are saying that what the Senate needs is a budget so that we can keep spending down to certain limits as to what the 13 subcommittees can appropriate, so that there will be, as there have been for many years, some discipline in what we do with spending? Does this amendment do anything more than what I just described?

Mr. CONRAD. No. I think the Senator stated it well. This provides, No. 1, a budget for this year and a budget for next year and caps spending at those amounts. The number for this year is the number the President sent us, $768 billion. It is not the same policy the President sent us, but it is the same total amount of spending that the President sent us. In addition to that, there are the various budget disciplines that expire at the end of September that Senator FEINGOLD is extending in his amendment.

I might say, I know Senator FEINGOLD worked this out on a bipartisan basis. There were other Senators on the other side of the aisle who were involved with negotiating this amendment. I can tell you there have been many discussions with Members on both sides with respect to the number and with respect to a continuation of the budget disciplines. This was not something that was done in a partisan way or just on one side of the aisle. This is the result of lengthy discussions over an extended period of time with Senators on both sides.

Mr. REID. Can I ask the Senator another question?

Mr. CONRAD. Certainly.

Mr. REID. Why would someone not want this Congress to have budget discipline? Why would someone want freewheeling spending, spend anything you can; why would someone want that?

Mr. CONRAD. There are a number of reasons that are possible for somebody to be in opposition to a continuation of the budget disciplines. One would be they want to spend more money. Another possibility is they want more tax cuts that are not paid for. Both of those are possibilities. A third possibility, with respect to the budget disciplines, is that they have another idea for budget discipline. I suppose that is a possibility.

With respect to the actual number, they might disagree. They might say they want less spending or they want more spending, but I say to my colleagues, whatever their disposition is with respect to that, let's vote. Let's decide. Let's move this process forward, but let's do it in a way that is timely. Let's get a budget in place before the appropriations process starts. Let's do that. We have an opportunity to do that now. Let's get those budget disciplines extended before we start the appropriations process; otherwise, we are courting chaos.

Mr. REID. Can I ask one additional question? It is my understanding, having spoken with the Senator from North Dakota and the Senator from Wisconsin, that both Senators would agree to a limited time that this matter would be debated. This is not something on which the two Senators are wanting extended debate. The Senator from North Dakota would agree to a reasonable period of time and have a vote; is that right?

Mr. CONRAD. I certainly would, but I think, in fairness, the question should be directed at my colleague. He is the author of this amendment. I would certainly be willing to do whatever the Senator from Wisconsin is willing to do. I would certainly accept a reasonable time limit.

Mr. REID. I have already spoken with my friend from Wisconsin, and I know he is not concerned about an extended debate. He gave a brief statement, as we heard it in the last few minutes. I hope, I say to all of my colleagues, we can set a reasonable period of time tomorrow. I know we are not going to be able to work much later tonight, but that we would set a time for some reasonable debate and move forward. I hope we can do that.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair.

Mr. President, first, I say to the Senator from Nevada, I certainly think limited debate time will be acceptable. This is similar to the approach we tried to bring up on similar proposals on other bills. Members of the Senate understand this.

The reason I rise at this point is to thank the Senator from North Dakota for his kind words, but also in many ways the Senator from North Dakota is sort of my mentor on these issues of the budget. Before I came here, I watched him focus on balancing the budget in a sincere way, taking political risk with relation to it.

In the 10 years I have been here, many of them on the Budget Committee, time and again I have seen his proposals, his genuine attempts to either get us to a balanced budget as fast as possible or to figure out some way to make absolutely sure that we do not borrow from Social Security, which is something he and I both abhor.

That is exactly what this is about. Yes, it sometimes sounds like technical budget talk, but it really is whether or not there is going to be an open bank account for Congress to take money out of Social Security—that is what it is about—without any rules, without any caps, without any discipline. That is what we are discussing. Sure, it comes out in the form of a lot of documents and a lot of papers and a lot of numbers, but what it is about is whether or not Members of this body are truly committed to stopping the practice of borrowing from Social Security and getting us back to a balanced budget as fast as possible.

The Senator from North Dakota and I spent just about every day for many years trying to get us to the point where we were not borrowing from Social Security. A lot of people thought that could not happen, but we made it, working together with our colleagues, often both parties and under President Clinton. We made it. We were there for a while.

The only way we can get there again is by finding a way to extend these budget caps and keep these budget rules in place because, without them, I really do fear many of the alternatives Senator CONRAD mentioned will come to the fore, and the result will be a huge hole.

There is already a significant hole being developed, a significant deficit that actually reminds me of the kinds of numbers I first saw when I came here. I ran on this issue of whether we can balance the budget, and the deficits we are starting to look at for a 1-year period are beginning to resemble the deficits I was complaining about when I first had the chance to run for the Senate and challenge what was going on in Washington in the 1980s.

I thank the Senator. I am pleased we could come together in this amendment. It is not everything I would want ideally, but it is a significant step in the right direction, and it will provide some discipline, not only in this fiscal year that is coming up but in the following fiscal year. I thank him very much for his cosponsorship of this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Wisconsin and the Senator from North Dakota leave the floor, when we look at these staggering numbers, we had a surplus last year at this time of close to $4.7 trillion. It is gone now.

We had staggering numbers in 1986, as an example, when Senator CONRAD and I were first elected to this body. The Senator from North Dakota ran on the platform that he thought something should be done about these deficits, and unless something was done, he would not run again, and he followed through on that. It was politically a very courageous thing to do. As fate would have it, things worked out that he could come back.

We have been able to manage these staggering yearly deficits. We have had surpluses in recent years, so it is not as if we are asking for the impossible, but we need discipline to do it. We will not have discipline without this budget resolution.

It is unfortunate, as we have heard said so many different times, that these tax cuts have put us in a real quandary: $4.7 trillion, 50 percent of it is the tax cut; 25 percent of it, approximately, is the war; the rest of it is other economic issues and other policies of this administration. We are in deep trouble economically.

I do not know why anyone would oppose what is being attempted by the author of this amendment and the author of the second-degree amendment. This is something that needs to be done for the good of the country. If there were ever anything that was for the security of our Nation, it is getting the financial house back in order. It is not back in order, and it will go downhill if we do not do something to cause us to have budget discipline.

I am not going to prolong the debate tonight other than to say I am grateful—the people of Nevada are grateful—for the work done by these two Senators.

I hope we will be joined by people of good will on the other side to see if we can come up with a resolution. There is no question that this started out as a bipartisan amendment. I am disappointed it is not offered on a bipartisan basis tonight. But the two Senators have spoken. They have the spirit of bipartisanship. There is nothing partisan at all about this amendment. I hope we can move forward on it and complete it tomorrow.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to thank my colleague from Wisconsin for his initiative. I was not involved in the development of this amendment. The Senator from Wisconsin negotiated this amendment with one of our colleagues on the other side of the aisle. They produced this amendment. They believed this was a way to advance a return to fiscal discipline. They believed putting caps on spending for this year and next and restoring the budget discipline was a critical first step.

This is not the budget resolution I passed through the committee. It has similar elements, but it has additional budget discipline, an entire additional year of spending caps. I believe this is critically important to our fiscal future.

I think the amendment that was negotiated by Senator FEINGOLD and one of our colleagues on the other side of the aisle represents the best chance we have this year of moving this country back towards fiscal balance. This will not solve the problem. It will prevent the problem from getting worse, and it will move us in the direction of restoring fiscal discipline. It is a critical first step.

My own judgment is, next year, when hopefully the economy is on stronger ground, we will put in place a multiyear plan to balance the budget without using Social Security funds. That is going to take a multiyear effort. The hole has been dug so deep as a result of the tax cut, which is the biggest culprit, combined with the economic slowdown, combined with the attack on the country, combined with underestimations of the cost of Medicare and Medicaid. All of those elements have cooked this stew. Unless we respond, our country is going to get in deeper trouble.

Last week, we had to pass a massive increase in the indebtedness of the United States. The President is asking for the second biggest increase in the indebtedness of our country in the history of the United States. That is how serious the situation is. I hope our colleagues will join with an effort to get us back on track.

Mr. KENNEDY. Mr. President, as the Senate considers the Defense authorization bill, we all know that this legislation is extremely important for our country. Around the world, the members of our armed forces are engaged in an ongoing and all-important battle against terrorism.

Our men and women in uniform are serving with great skill and courage in defense of our freedom. They endure long hours and hazardous, life-threatening challenges. They do so with awe-inspiring spirit and determination that has made us all proud and that keeps our country free.

I know I speak for all of us when I express our vast appreciation and respect for these courageous men and women. It is an essential priority for all of us in Congress to ensure that they have the resources needed to carry out their missions. Recruiting, training, and equipping the best possible force is the cornerstone of our Nation's military strength and superiority.

The Armed Service Committee has produced a strong and effective bill to see that our military is well-prepared to face the challenges of the 21st century. The funds authorized for fiscal year 2003 demonstrate our strong commitment to the Nation's defense. The U.S. military is the most capable fighting force in the world and this bill is well designed to maintain that strength.

This legislation also builds on the steps we have taken in recent years to improve the quality of life of our armed forces. The 4.1 percent pay increase is the fourth consecutive year that the committee has authorized a significant pay raise above the rate of inflation.

The bill also maintains support for reducing out-of-pocket housing expenses from 11.3 percent to 7.5 percent, with the goal of reducing them to zero by fiscal year 2005. Additionally, the bill adds $640 million above the President's budget request for military construction.

In recent years improvements in TRICARE and prescription drug benefits have dramatically improved the quality of life for service members, retirees, and their families. This bill also addresses the quality of life issue by providing $35 million to public school systems that serve large numbers of military children and children with severe disabilities.

The bill also directs the Secretary of Defense to conduct a quadrennial review of the quality of life of our service members. For many years, we have emphasized a quadrennial review of our defense strategy. Under Personnel Subcommittee chairman MAX CLELAND's leadership, we have now recognized that the morale and well-being of our service members is vital to an effective national defense.

As chairman of the Seapower Subcommittee, I have consistently advocated a strong Navy-Marine Corps team as a major part of the Nation's defense. This bill supports the President's budget request for shipbuilding. We have also worked hard in the committee to provide additional funds for advanced procurement of *Virginia* Class attack submarines, *Arleigh Burke* Class destroyers (DDG–51) and *San Antonio* Class amphibious transport dock ships (LPD–17). These funds do not buy additional ships, but they will contribute to solving the shipbuilding shortfall that is a great concern to our committee.

The committee has resisted efforts to fund additional ships through reductions in the Operations and Maintenance accounts. The Army, Navy, Air Force, and Marines need these funds to carry out their day-to-day operations, maintenance and training.

Instead, the committee rightly focused on providing modest increases to the shipbuilding accounts from the missile defense fund. After reviewing the administration's proposal, we found that a small reduction in this fund is justified. We believe this proposal is the best way to sustain the readiness of our armed forces to conduct their full range of operations and missions.

The bill also improves the ability of the armed forces to meet non-traditional threats, including terrorism and weapons of mass destruction. Overall, $10 billion is provided for combating terrorism. Significantly, the bill authorizes the Secretary of Defense to expand the Cooperative Threat Reduction program beyond the countries of the former Soviet Union.

A major priority in our defense strategy continues to be the ability to deter a potential adversary. If deterrence ultimately fails, we must be prepared to fight and win future conflicts. The $300 million added by the committee to the science and technology budget brings the Department of Defense closer to the goal of devoting 3 percent of all defense funds to the cutting edge technology that can bring us new systems and more effective deterrence.

Key discussions by the Department of Defense and Congress on past defense budgets contributed significantly to the outstanding performance of our armed forces in Operation Enduring Freedom. Now more than ever, we must think creatively about the future and do all we can to enhance our readiness and our technological edge to meet the challenges we will face. I urge the Senate to approve this legislation as an important part of that effort.

Mr. THURMOND. Mr. President, today, I am again offering an amendment that would correct the longstanding injustice to the widows or widowers of our military retirees. The proposed legislation, which reflects the language of S. 145 which I introduced on January 23, 2001, would immediately increase for surviving spouses over the age 62 the minimum Survivor Benefit Plan, SBP, annuity from 35 percent to 40 percent of the SBP covered retired pay. The bill would provide a further increase to 45 percent of covered retired pay as of October 1, 2006.

As I outlined in my many statements in support of this important legislation, the Survivor Benefit Plan advertises that if the service member elects to join the plan, his survivor will receive 55 percent of the member's retirement pay. Unfortunately, that is not so. The reason that they do not receive the 55 percent of retired pay is that current law mandates that at age 62 this amount be reduced either by the amount of the Survivors Social Security benefit or to 35 percent of the SBP. This law is especially irksome to those retirees who joined the plan when it was first offered in 1972. These service members were never informed of the age-62 reduction until they had made an irrevocable decision to participate. Many retirees and their spouses, as our constituent mail attests, believed their premium payments would guarantee 55 percent of retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these men and women who so loyally served the Nation for many years experience when they learn of the annuity reduction.

Uniformed services retirees pay too much for the available SBP benefit both, compared to what we promised and what we offer other Federal retirees. When the Survivor Benefit Plan was enacted in 1972, the Congress intended that the Government would pay 40 percent of the cost to parallel the Government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the Government's cost sharing has declined to about 26 percent. In other words, the retiree's premiums now cover 74 percent of expected long-term program costs versus the intended 60 percent. Contrast this with the Federal civilian SBP, which has a 42 percent subsidy for those personnel under the Federal Employees Retirement System and a 50 percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the federal civilian retiree.

Although the House conferees thwarted my previous efforts to enact this legislation into law, I am ever optimistic that this year we will prevail. I base my optimism on the fact that the National Defense Authorization Act for fiscal year 2001 included a Sense of the Congress on increasing Survivor Benefit Plan annuities for surviving spouses age 62 or older. The Sense of the Congress reflects the concern addressed by the legislation I am introducing again today.

Since I introduced S. 145, 37 of my colleagues joined as cosponsors to the bill. I hope they will join me in speaking in support of this important legislation and the Senate will adopt this amendment.

MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MIDDLE EAST

Mr. WELLSTONE. Regarding the Middle East, I make two points, although in a few minutes it is hard to give justice to what is happening.

First, yesterday was a horrible day not just for Israel and Israelis but for Israel's neighbors, as well: The murder of 19 innocent people, and God knows how many were injured. Some of those people, young men and women, were teenagers. Murder is never legitimate. That is what this is. This is terroristic murder of innocent people.

It is not for me, as a Senator, to come to the floor and say the people of Israel or supporters in the United States are not to have indignation. We should condemn it. I condemn it on the floor of the Senate. I condemn it.

Second, Prime Minister Rabin said when confronted with terrorist attacks, something like: We will go after the terrorists; we will defend ourselves, and we will go forward with the peace process—in other words, we are not going to let the extremists, Hamas terrorists and others, completely destroy the peace process or completely prevent us from getting back on a political track. It is extremely important.

I support what has been courageous work of Secretary of State Powell. I believe the Secretary is right in what I think he is proposing; that is that our Government has to play a positive and proactive role. We cannot zig and zag. It cannot be a contradictory policy. We should be strong in our condemnation of the terrorism, of the murder of innocent people, and we also should be a part of the denunciation and the enunciation of a political goal that goes in the direction of two states, side by side, people living side by side with one another, in secure borders.

Ultimately, that is what is going to happen. The question is, How wide and how deep a river of blood has to be spilled beforehand? I know the dynamics are swirling around in terms of domestic politics, but I believe it is extremely important the President, the administration, step forward with our support and be clear in our condemnation and be clear in the call for demands of reform within the Palestinian Authority and the rest. But at the same time we should not come away from the role we can play in laying out a political goal, laying out the goal of two states side by side and trying to bring the parties together.

With the status quo, the present course, more Israeli children and Palestinian children will die. There have been innocent Palestinians who have died, innocent Palestinians who also have, unfortunately, been killed, though never deliberately. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. It is extremely important that this administration lay out this goal. It is extremely important the President be strong. It is extremely important we condemn the violence but we also be part of the political process.

I believe the vast majority of people, Israelis and their neighbors, do not want to see this continuing killing of innocent people. Enough.

I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 30, 2001 in San Diego County, CA. A 51 year-old Sikh woman was attacked by two men who stabbed her twice in the head and threatened to kill her. As she was sitting in her car, the two assailants pulled up next to her on a motorcycle, opened her door, and one of them yelled, "This is what you get for what your people have done to us. I'm going to slash your throat." The attackers fled when another car approached the scene.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CIVIL SERVICE REFORM AND THE RIGHTS OF FEDERAL EMPLOYEES

Mr. AKAKA. Mr. President, as we consider proposals for creating a Department of Homeland Security to protect our Nation's borders and critical infrastructure, we must not forget the 170,000 federal employees who will staff this new agency.

This new department should not be used as a vehicle to advance broad changes to existing laws that would erode the rights and benefits now accorded to these federal workers. Nor should personnel decisions related to the agency be done in secret. Congress, along with employee unions and management associations, must be a part of the creation of the new department and any changes to title 5.

The President's proposal for the homeland security department calls for enhanced management flexibilities in hiring, compensation, and workforce management. The challenges that such flexibilities would address are not new, and despite the belief that drastic personnel changes are needed, we should not forget that today's federal government faces many of the same workforce challenges as in the past. Real solutions for civil service reform require strong leadership from the top down and a commitment to the federal merit system and the employees it protects.

Some 25 years ago, the Civil Service Reform Act (CSRA) of 1978 responded to the same issues confronting our government today. Much like today, there were serious concerns that government red tape hindered managers from effectively recruiting, developing, retaining, and managing federal employees. Similar to current proposals, the CSRA focused on enhancing the accountability of the federal workforce, while it increased management flexibilities and streamlined hiring and firing procedures. The act made it easier for managers to address employee performance.

The act also established the principles of openness and procedural justice that define the civil service today. It created the Merit System Protection Board and the Office of Special Counsel to protect the rights of federal employees. The Federal Labor Relations Authority was created to oversee labor-management practices.

The act provided a statutory basis for the collective bargaining rights of federal workers. It prohibited reprisals against employees who expose government fraud, waste and abuse.

The Federal Government was strengthened as an employer as a result of the CSRA. Today, the federal civil service merit principles serve as a model for equal employment practices to both the private sector and foreign governments. With nearly half of the current Federal workforce eligible for retirement in the next 5 years, we must take care that we do not create an atmosphere where the Federal Government becomes the "employer of last resort."

Those in the Federal workforce demonstrate strong accountability and loyalty every day—not just to their employer—but to their country. On September 11, the Federal workforce responded with courage, dedication, and sacrifice, reminding us that we are all soldiers in the war against terrorism.

As chairman of the International Security, Proliferation, and Federal Services Subcommittee, I will work to ensure that the rights of federal employees are preserved and accountability is maintained. These rights do not pose a threat to our national security and should never be used as a litmus-test for the patriotism of the Federal workforce.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, during the debate on the Andean Trade Promotion Act, H.R. 3009, I missed the vote on Senator WELLSTONE's amendment, amendment No. 129, on May 23. The vote was on a motion by Senator BAUCUS to table the amendment and the motion failed. The amendment inserted a new paragraph in the legislation stating that the principal negotiation objective regarding human rights and democracy is to obtain provisions in trade agreements that require parties to those agreements to strive to protect internationally recognized civil, political, and human rights. I would have voted against the motion to table. My vote was not necessary to defeat that motion.

BROADBAND FOR RURAL AMERICA

Mr. JOHNSON. Mr. President, I wanted to take a few moments today to talk about a topic that is critical to the future of my home State of South Dakota and indeed, many other rural areas around the country. The topic is access to advanced telecommunications and information services or what is commonly referred to as "broadband."

Those who have been following the broadband debate the last few years have probably heard more than they want to hear about the subject. As is often the case in Washington, policy debates get caught up in the extreme rhetoric of various interests vying for some legislative or regulatory advantage. And, unfortunately, the Washington debate, and broadband is no exception, seems to drift far from the real issue that needs to be addressed.

For example, the debate over broadband services, at least the debate one sees in the radio and newspaper ads in this town, would lead one to believe that the broadband problem is a question as to whether or not cable companies or phone companies will dominate in their competitive struggle for urban customers. I think it is great that in some parts of the country, such as major cities like Washington, DC, many businesses and residential consumers have cable companies and phone companies vying for their business. This is good for those who live in areas where a choice for broadband service is available.

Where I come from, however, the luxury of a choice or any choice does not exist when it comes to access to broadband services. Access to broadband services in many rural areas, including parts of South Dakota, is a real challenge. From my perspective, the broadband debate so far has really missed the mark and is not focused on the real challenge: how to ensure that all areas of the country have access to broadband services.

Despite some claims to the contrary, broadband access is not a luxury item, like a Mercedes Benz. It has become a necessity in the information age. For rural States like South Dakota, broadband access is literally going to mean whether or not some of our small communities can survive in the new global economy where one's ability to access information and communication services will determine success or failure. While South Dakota will always be an important agricultural State, we know that we need to have the same access to advanced telecommunications and information services as the rest of the country. If we become a second-class society when it comes to broadband, we are more likely to be left behind. We will have less opportunity to keep our young people in the State and have less opportunity to create jobs and generate business activity.

The good news is that there is really no reason why rural America has to lag behind the advances in telecommunications in other parts of the country. But, in order to ensure that we have the same opportunities as those in urban and suburban areas, we have to overcome the unique challenges of covering great geographic distances and the high costs of deploying networks in the prairie states.

Well, help is on the way and we have begun to make some progress towards establishing policies and programs that will help ensure that rural America is not left behind.

First, the recently enacted farm bill contained provisions that established a new low-interest broadband loan program for rural areas. A generation ago, The Rural Electrification Act established low-interest loan programs to enable small town cooperatives and independent phone companies to emerge and provide telephone service and electrical service in the rural and remote areas of the country. As a result, we now have ubiquitous and affordable telephone service. Now that we are moving into the next generation of telecommunications service, i.e., broadband, we need to build upon that model of success. Thus, the Senate demonstrated leadership in the Farm Bill debate this past year and we managed to pass the most significant broadband legislation to date. We provided $100 million for low-interest government loans for broadband deployment in rural areas over the next seven years. This is going to be very helpful to South Dakota and other rural areas, and I am very pleased that we managed to secure the passage of this landmark legislation.

However, the job is far from complete. The broadband debate needs to move forward and there are several areas that need to be addressed before any of us can honestly say that we have done enough to ensure that broadband is going to be deployed throughout the United States.

Some of my colleagues have introduced legislation that addresses the broadband issue from various fronts, and I do see merit in the various approaches.

Senator ROCKEFELLER for example has introduced S. 88, the Broadband Internet Access Act. This important legislation would provide tax credits to companies that deploy broadband service to rural America. I am a cosponsor of S. 88 and worked with Senator BAUCUS and others to include this legislation in the stimulus package passed by the Finance Committee. It is unfortunate this package was not adopted by the Senate; however, I will continue to work with my colleagues to secure passage of S. 88.

Another colleague, Senator BREAUX, has introduced legislation that is intended to address the regulatory inequity between cable and telephone broadband systems. The Breaux-Nickles legislation, in my judgment, also addresses a legitimate issue. The problem with our current circumstance is that the Federal Communications Commission, FCC, has decided that cable broadband services should not be regulated but that telephone broadband services should be regulated. This does not make much sense to me. In fact, this circumstance seems to run counter to the technical neutrality policy that Congress adopted in the 1996 Telecommunications Act. It seems to me that similar services should be treated in similar fashion when it comes to government regulation. It does not make much sense to say that on the one hand, broadband services delivered by a cable company should not be regulated, i.e., are not required to provide access to competitors and do not contribute to universal service, and on the other hand subject broadband service provided by telephone companies to regulations that require open access to competitors and mandatory universal service contributions.

As we debate this issue to determine the appropriate level of regulation, we must be certain that we have parity between competitors. I still have much to learn about all the implications of the Breaux-Nickles legislation, but I do know that it does address an important issue, the disparity of regulation between cable and telephone broadband services.

Yet another colleague, Senator HOLLINGS, has introduced a bill that builds upon the success of the farm bill and would redirect some of the existing telephone excise tax money into a broadband investment fund. The money in that fund would make even more low-interest loans and grants available for broadband deployment in rural areas. His bill would also support needed research into new generation broadband technologies, especially those that can help bridge the digital divide in rural areas. I think his legislation is very thoughtful and I agree with the notion that we do indeed need to invest more into loans and grants for rural broadband. His bill is, in my judgment, part of the solution.

I realize that there are some strongly held positions on various sides of the broadband debate when it comes to the regulatory questions. The Congress will need to examine these issues and I am confident that the Senate Committee on Commerce, Science, and Transportation will continue to debate the various pieces of legislation that have been introduced. I also know that there are some approaches where we seem to have a consensus, namely the idea that we continue to provide low-interest loans and that we maintain the universal service system that has helped to make phone service affordable. For my part, I intend to engage in these debates from the perspective of how rural America is going to participate in the digital age. Rural South Dakota is my biggest concern and I hope that my colleagues who are working hard on these issues will listen and work with those Senators, like myself, who come from rural states to address our unique concerns.

I look forward to working with my colleagues on these important issues, I thank my colleagues for their leadership in this area.

ADDITIONAL STATEMENTS

TRIBUTE TO VICE ADMIRAL GEORGE PETER NANOS, JR., COMNAVSEA

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Vice Admiral George Peter Nanos, Jr., United States Navy. Vice Admiral Nanos will retire on Monday, 1 July 2002, after 35 years of faithful service to our nation.

Hailing from Bedford, New Hampshire, Vice Admiral Nanos is a graduate of the U.S. Naval Academy. At the Academy, he was awarded the 1967 Harry E. Ward Trident Scholar's Prize. Following graduation, he spent two years at sea as Antisubmarine Warfare and Gunnery Officer on USS *Glennon* (DD 840) before entering Princeton University, where he earned a Ph.D. in physics in 1974.

Returning to sea, Vice Admiral Nanos served as Engineer Officer aboard USS *Forrest Sherman* (DD 931) and as Materiel Officer on the staff of Destroyer Squadron Ten. From 1978 to 1982, he was the manager for Technical Development in the Navy's High Energy Laser Program Office (NAVSEA PMS 405). He then served as the Combat Systems Officer in Norfolk Naval Shipyard while also training to become an Engineering Duty Officer. He returned to sea yet again as Chief Engineer for the aircraft carrier USS *America* (CV 66). While on *America*, he participated in Operation Eldorado Canyon and helped to ensure the successful launch of naval airstrikes against Libya after that country was linked to a terrorist bombing of a West Berlin discotheque, which killed 1 American and injured 78 people. Following this tour, he was assigned as the Deputy Director, Warfare Systems Engineering in the Space and Naval Warfare Systems Command.

In 1988, Vice Admiral Nanos reported to Strategic Systems Programs, serving consecutively as Head of the Navigation Branch, head of the Missile Branch, and Director of the Technical Division. In June 1994, he assumed duties as Director, Strategic Systems Programs, responsible for all aspects of the Navy's Fleet Ballistic Missile Weapon Systems.

In May 1998, Vice Admiral Nanos assumed his rank and duties as Commander, Naval Sea Systems Command, the Navy's largest acquisition organization. Throughout the past four years, he has been responsible for the design, engineering, procurement, integration, construction, in-service support, and maintenance of the Navy's ships, shipboard weapons, and combat systems.

Vice Admiral Nanos' service education includes U.S. Naval Destroyer School at Newport, Rhode Island; Engineering Duty Officer basic and mid-career courses; the Senior Officer Ship Materiel Readiness Course at Idaho Falls, Idaho; and the Program Management Course at the Defense Systems Management College, Fort Belvoir, Virginia. His specialty as an Engineering Duty Officer is ordnance and weapons systems acquisition.

Vice Admiral Nanos successfully led the Command through a brilliant transformation of NAVSEA'S business practices in executing complex acquisition and Fleet maintenance and modernization responsibilities. He expertly managed the resizing, recapitalizing, and realignment of the personnel and technical resources devoted to designing, building, repairing, and modernizing ships and their weapons systems. Displaying bold vision, innovation, and superb leadership, he instituted far-reaching quality initiatives that forged a highly focused, reenergized workforce. These have transformed the Command into a unified corporation that provides world-class technical, acquisition, and life-cycle support leadership to America's Navy. His contributions have had a direct and lasting impact on the overall readiness, effectiveness, and survivability of the United States Armed Forces.

Vice Admiral Nanos' superb leadership, exceptional integrity, engineering expertise, and tireless devotion to duty reflect great credit upon him and are in keeping with the highest traditions of the United States Naval Service. He has done a superb job in leading the Naval Sea Systems Command to fulfill its mission: Keeping America's Navy #1 in the World.

Although Vice Admiral Nanos has worked diligently to increase the efficiency and effectiveness of naval and marine shipbuilding capabilities throughout the United States, he has often shown his dedication to and respect for the men and women of the Portsmouth Naval Shipyard team. He recently visited the Shipyard to personally congratulate and thank the Shipyard team for their record-setting work on two submarines: A record-setting depot maintenance period on USS *Miami*, followed by a record-setting engineering refueling overhaul on USS *City of Corpus Christi*. Thanks in part to his vision, the Shipyard retains its important military-industrial capabilities and continues to provide critical jobs for the region.

Vice Admiral Nanos' innovation has ensured the success of the Naval Sea Systems Command and the United States Navy's ships well into the 21st Century. He is an individual of uncommon character and his professionalism will be sincerely missed. I am proud, Mr. President, to thank him for his honorable service in the United States Navy, and to wish him fair winds and following seas as he closes his distinguished military career.

I suspect Vice Admiral Nanos will continue his adventures, and will bring much credit to his name, as well as our government and our country. He is a true American hero, and his direct contributions to our military will long be remembered with heartfelt gratitude.•

A TRIBUTE TO ALONZO FRANKLIN HERNDON

• Mr. CLELAND. Mr. President, shortly after the turn of the 20th century, Alonzo Franklin Herndon, a former slave, founded the Atlanta Mutual Insurance Association, which would later become the Atlanta Life Insurance Company. Today, Atlanta Life holds assets of over $200 million, operates in 17 states, and stands as one of the largest African-American owned and operated financial institutions in the Nation.

Born on a farm near Social Circle, GA, in 1858, Herndon's beginnings were anything but auspicious. He spent his early life in field labor and sharecropping. However, he ultimately learned the barbering trade and flourished. By the turn of the century, he owned and operated the world renowned Crystal Palace barbershop on Peachtree Street in downtown Atlanta. By the time he founded the Atlanta Mutual Insurance Association, Alonzo Herndon was one of the wealthiest African-Americans in the Nation.

Alonzo Herndon's vision for his company transcended conventional corporate thinking. Mr. Herndon was not only worried about the bottom line, but about the health and livelihood of African-Americans throughout the Atlanta area. The Atlanta Mutual Insurance Association was formed after Mr.

Herndon purchased a small benevolent association for $140, and acquired and reorganized two other companies in September of 1905. By providing sick and death benefits to African-Americans for affordable weekly assessments of 5 to 25 cents, the Atlanta Life Insurance Company defined corporate responsibility to the community.

Today, we honor the Atlanta Life Insurance Company on the occasion of their founder's day birthday celebration. Specifically, we join Atlanta Life in honoring the barber profession, without which Alonzo Herndon would not have been able to create the Atlanta Life Insurance Company. Moreover, we look forward to the 2005 Founder's Celebration commemorating the 100th anniversary of Atlanta Life's founding. In an age where corporate malfeasance is too often in the news, it gives me great pride to celebrate a company that has succeeded financially without compromising its values. I wish the Atlanta Life Insurance Company many more years of success.•

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION BEYOND JUNE 21, 2002—PM 93

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2002, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on June 14, 2001, (66 FR 32207).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 18, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 94

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 18, 2002.*

REPORT ON THE EMERGENCY REGARDING PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—PM 95

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 204(c) of the International Emergency Economic Powers act, 50 U.S.C. 1703(c), and section 401(c) of the National Emergency Act, 50 U.SC. 1641(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 18, 2002.*

MESSAGE FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on June 19, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 4560) to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 3275. An act to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

H.R. 4560. An act to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

Under authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the acting President pro tempore (Mr. REID) pursuant to the order of the Senate of June 18, 2002, on that day.

At 10:41 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3250. An act to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of their service to the Nation.

H.R. 4717. An act to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the "Jim Fonteno Post Office Building."

H.R. 4794. An act to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the "Ronald C. Packard Post Office Building."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 364. Concurrent resolution recognizing the historic significance of the 50th anniversary of the founding of the United States Army Special Forces and honoring the "Father of the Special Forces," Colonel

Aaron Bank (United States Army, retired) of Mission Viejo, California, for his role in establishing the Army Special Forces.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3250. An act to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of their service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4717. An act to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the "Jim Fonteno Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4794. An act to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the "Ronald C. Packard Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 364. Concurrent resolution recognizing this historic significance of the 50th anniversary of the founding of the United States Army Special Forces and honoring the "Father of the Special Forces," Colonel Aaron Bank (United States Army, retired) of Mission Viejo, California, for his role in establishing the Army Special Forces; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 1646: A bill to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System. (Rept. No. 107-165).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY for the Committee on Governmental Affairs.

J. Russell George, of Virginia, to be Inspector General, Corporation for National and Community Service. (Pursuant to the order of January 5, 2001, nomination was sequentially referred to the Committee on Governmental Affairs for not to exceed 20 days.)

*Kathleen P. Utgoff, of Virginia, to be Commissioner of Labor Statistics, United States Department of Labor for a term of four years.

*W. Roy Grizzard, of Virginia, to be an Assistant Secretary of Labor.

*Lex Frieden, of Texas, to be a Member of the National Council on Disability for a term expiring September 17, 2004.

*Young Woo Kang, of Indiana, to be a Member of the National Council on Disability for a term expiring September 17, 2003.

*Kathleen Martinez, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2003.

*Carol Hughes Novak, of Georgia, to be a Member of the National Council on Disability for a term expiring September 17, 2004.

*Patricia Pound, of Texas, to be a Member of the National Council on Disability for a term expiring September 17, 2002.

*Jeffrey D. Wallin, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

*Wilfred M. McClay, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

*Thomas Mallon, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BUNNING:

S. 2643. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Finance.

By Mr. FITZGERALD:

S. 2644. A bill to amend chapter 35 of title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN:

S. 2645. A bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes; to the Select Committee on Intelligence.

By Mr. BINGAMAN:

S. 2646. A bill to authorize the Secretary of Transportation to establish the National Transportation Modeling and Analysis Program to complete an advanced transportation simulation model, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. DURBIN):

S. 2647. A bill to require that activities carried out by the United States in Afghanistan relating to governance, reconstruction and development, and refugee relief and assistance will support the basic human rights of women and women's participation and leadership in these areas; to the Committee on Foreign Relations.

By Mr. HUTCHINSON (for himself, Mr. SESSIONS, Mr. INHOFE, Mr. FRIST, Mr. LOTT, Mr. KYL, Mr. GRAMM, and Mr. THOMAS):

S. 2648. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. FRIST):

S. 2649. A bill to provide assistance to combat the HIV/AIDS pandemic in developing foreign countries; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of New Hampshire:

S. Res. 288. A resolution expressing the sense of the Senate that New Hampshire residents Ken Curran and George McAvoy be honored for their initiative on behalf of the taxpayer and the environment in the construction of the Moore Reservoir Causeway in Littleton, New Hampshire; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. BIDEN, and Mr. SARBANES):

S. Con. Res. 122. A concurrent resolution expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 548

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 576

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 576, a bill to require health insurance coverage for certain reconstructive surgery.

S. 582

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 812

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 824

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 824, a bill to establish an informatics grant program for hospitals and skilled nursing facilities.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 998

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 998, a bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas.

S. 1005

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1005, a bill to provide assistance to mobilize and support United States communities in carrying out community-based youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens, and for other purposes.

S. 1054

At the request of Mr. KOHL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1054, a bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1239

At the request of Mr. HAGEL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1239, a bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable outpatient prescription drugs.

S. 1339

At the request of Mr. CAMPBELL, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1903

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1903, a bill to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

S. 1987

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1987, a bill to provide for reform of the Corps of Engineers, and for other purposes.

S. 2051

At the request of Mr. REID, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 2051, supra.

S. 2070

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2070, a bill to amend part A of title IV to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

S. 2194

At the request of Mr. MCCONNELL, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Idaho (Mr. CRAPO), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S . 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2215

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2215, supra.

S. 2233

At the request of Mr. THOMAS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2233, a bill to amend title XVIII of the Social Security Act to establish a medicare subvention demonstration project for veterans.

S. 2317

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2317, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 2490

At the request of Mr. TORRICELLI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2509

At the request of Mrs. HUTCHISON, the names of the Senator from Montana (Mr. BURNS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2509, a bill to amend the Defense Base Closure and Realignment Act of 1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes.

S. 2558

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2558, a bill to amend the Public Health

Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2572

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 2591

At the request of Ms. MIKULSKI, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2591, a bill to reauthorize the Mammography Quality Standards Act, and for other purposes.

S. 2606

At the request of Mrs. BOXER, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2606, a bill to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers, and for other purposes.

S. 2608

At the request of Mr. HOLLINGS, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2608, a bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development.

S. 2610

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2610, a bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes.

S. 2621

At the request of Mr. LEAHY, the names of the Senator from Utah (Mr. HATCH) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2621, a bill to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems.

S. 2622

At the request of Mr. HOLLINGS, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2622, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation.

S. RES. 264

At the request of Mr. KERRY, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. DAYTON), the Senator from Montana (Mr. BURNS), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. CLELAND), the Senator from South Dakota (Mr. DASCHLE), the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Mrs. MURRAY), the Senator from Maine (Ms. COLLINS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 264, a resolution expressing the sense of the Senate that small business participation is vital to the defense of our Nation, and that Federal, State, and local governments should aggressively seek out and purchase innovative technologies and services from American small businesses to help in homeland defense and the fight against terrorism.

S. RES. 266

At the request of Mr. ROBERTS, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. Res. 266, a resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day."

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING:

S. 2643. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Finance.

Mr. BUNNING. Mr. President, today I am introducing legislation to make the adoption tax credit permanent. Last year, Congress passed and President Bush signed into law the Economic Growth and Tax Relief Reconciliation Act. This act contains many and much needed tax relief provisions for the American people. However, because of procedural rules in the Senate, this new law sunsets and expires after December 31, 2010.

The legislation I introduce today makes permanent a tax provision in that law, that being the adoption tax credit. If we do not pass this extension, and the adoption tax credit sunsets, then this tax credit will be cut overnight from a maximum of $10,000 to $5,000. Families who adopt special needs children will no longer receive a flat $10,000 credit, and instead, they will be limited to a maximum of $6,000. As well, families claiming the credit may be pushed into the AMT, Alternative Minimum Tax. And the income caps will fall from $150,000 to $75,000 so that fewer families will be eligible for the credit.

There are over 500,000 kids in publicly funded foster care right now waiting to be adopted. And there are even more in the private system. Let's help them find loving homes. Let's make it easier for families to adopt, not throw up barriers. If the adoption tax credit is cut to the prior law level of $5,000, many families will not be able to afford adoptions. And therefore less children will be welcomed into what they want the most, a real family. And adoptions are not cheap. Some licensed private adoption agencies charge fees ranging anywhere from $4,000 to $30,000.

Earlier this month, on June 4, the House of Representatives passed this permanent extension of the adoption tax credit by a vote of 391 yeas to 1 nay. I am hopeful that my colleagues in the Senate recognize the importance of moving on any legislation to permanently extend this tax credit, whether it be the House's bill we consider or this bill I am introducing today. Those kids without parents, and those parents without kids deserve to see this adoption tax credit set into law for good. We owe it to them all.

By Mr. FITZGERALD:

S. 2644. A bill to amend chapter 35 of title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements; to the Committee on Governmental Affairs.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accountability of Tax Dollars Act of 2002".

SEC. 2. AMENDMENTS RELATING TO AUDITING REQUIREMENT FOR FEDERAL AGENCY FINANCIAL STATEMENTS.

(a) IN GENERAL.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Not later" and inserting "(1) Except as provided in paragraph (2), not later";

(B) by striking "each executive agency identified in section 901(b) of this title" and inserting "each covered executive agency";

(C) by striking "1997" and inserting "2003"; and

(D) by adding at the end the following:

"(2) A covered executive agency is not required to prepare an audited financial statement under this section for any fiscal year for which the total amount of budget authority available to the agency is less than $25,000,000.";

(2) in subsection (b) by striking "an executive agency" and inserting "a covered executive agency";

(3) in subsection (c) and (d) by striking "executive agencies" each place it appears and inserting "covered executive agencies"; and

(4) by adding at the end the following:

"(e) The term 'covered executive agency'—

"(1) means an executive agency that is not required by another provision of Federal law to prepare and submit to the Congress and the Director of the Office of Management and Budget an audited financial statement for each fiscal year, covering all accounts and associated activities of each office, bureau, and activity of the agency; and

"(2) does not include a corporation, agency, or instrumentality subject to chapter 91 of this title.".

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Director of the Office of Management and Budget may waive the application of all or part of section 3515(a) of title 31, United States Code, as amended by this section, for financial statements required for the first 2 fiscal years beginning after the date of the enactment of this Act for an agency described in paragraph (2) of this subsection.

(2) AGENCIES DESCRIBED.—An agency referred to in paragraph (1) is any covered executive agency (as that term is defined by section 3515(e) of title 31, United States Code, as amended by subsection (a) of this section) that is not an executive agency identified in section 901(b) of title 31, United States Code.

By Mrs. FEINSTEIN:

S. 2645. A bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes; to the Select Committee on Intelligence.

Mrs. FEINSTEIN. Mr. President, I rise today to offer the Intelligence Community Leadership Act of 2002. This legislation creates the position of Director of National Intelligence to lead a true intelligence community and to coordinate our intelligence and anti-terrorism efforts and help assure that the sort of communication problems that prevented the various elements of our intelligence community from working together effectively before September 11 never happen again.

While this bill will certainly not solve every problem within the intelligence community, I believe it to be a necessary first step towards getting our intelligence house in order.

The National Security Act of 1947, which created the bulk of our cold war era national security apparatus, created both the Director of the Central Intelligence Agency and the Director of Central Intelligence, of which the CIA is but one component, as two positions occupied by one person.

As Director of the Central Intelligence Agency, the person in this position is the CEO of the Agency charged with collecting human intelligence, centrally analyzing all intelligence collected by the U.S. government, and conducting covert action.

As head of the intelligence community, which also includes the Defense Intelligence Agency, the National Security Agency, the National Reconnaissance Office, National Imagery and Mapping Agency, and the intelligence-gathering elements of the FBI, as well as others, this person is responsible for coordinating a multitude of agencies and harnessing their efforts to secure the overall needs of U.S. national security.

Although this structure served as well enough in the cold war, it is, in my view, far from perfect, and, put bluntly, I do not believe that giving both jobs to one person makes sense.

Moreover, just as the particular needs of the superpower rivalry of the cold war drove the national security structure and apparatus put into place by the National Security Act of 1947, so, too, should the intelligence and anti-terrorism challenges that our country now faces in the post-9-11 world drive the creation of new national security structures adequate to the new challenge.

The President, in proposing the creation of the Department of Homeland Security has addressed part of this challenge. But the administration's plan does not do enough to address the need to better coordinate our intelligence and anti-terrorism efforts.

To start to address these problems the Intelligence Community Leadership Act of 2002 splits the current position of Director of Central Intelligence, currently held by one individual, who is tasked with running the CIA and the intelligence community as a whole, into two positions: a Director of National Intelligence, DNI, to lead the Intelligence Community and a Director of the Central Intelligence Agency to run the CIA.

It may appear somewhat paradoxical to argue that in order to assure closer and better coordination within and across our intelligence community the current position of the Director of Central Intelligence should be split, but this is, in fact, the case.

As a practical matter, the demands of these two full time jobs on the time and attention of any person, no matter how skilled in management, are overwhelming.

Indeed, running the intelligence community and running the CIA are both important enough to be full time jobs.

That was true before September 11, and it is especially true after September 11.

Even if one person could handle both jobs and reconcile the inherent conflicts, there would remain the perception that he or she is favoring either the community or the Agency.

That is not a formula which is well-suited to lead to a seamless and fully integrated intelligence community providing optimum analytic product to national decision makers or assuring that critical intelligence missions are properly allocated and resourced.

Specifically, then, this legislation would create the new position of Director of National Intelligence, DNI, a new independent head of the intelligence community with the proper and necessary authority to coordinate activities, direct priorities, and create the budget for our nation's national intelligence community.

The DNI would be responsible for all of the functions now performed by the Director of Central Intelligence in his role as head of the intelligence community, a separate individual would be Director of the CIA.

Nominated by the President, confirmed by the Senate, and serving a ten-year term, the DNI would be insulated from the vagaries of politics and specifically empowered to create the national intelligence budget in conjunction with the various intelligence agencies within our government.

The DNI would be able to transfer personnel and funds between intelligence agencies as necessary to carry out the core functions of the intelligence community, without the need to seek permission from individual agency heads.

The Director of the Central Intelligence Agency, DCIA, freed from the double burden as head of the intelligence community, would then be able to concentrate on the critical missions of the CIA alone: Assure the collection of intelligence from human sources, and that intelligence is properly correlated, evaluated, and disseminated throughout the intelligence community and to decision makers.

The critical policy and resource decisions of the President's proposed Department of Homeland Defense will only be as good as the intelligence which informs those decisions.

Whatever the other preliminary lessons we may draw from the ongoing inquiry into the September 11 attacks, one thing is perfectly clear: we need to better coordinate our intelligence and anti-terrorism efforts.

If the new Department, and the President and Members of Congress, are going to be able to get the sort of intelligence we need to both safeguard our citizens and protect American national security interests, we need to address the structural problems that exist today with our intelligence community.

I believe a first step in finding a solution to this problem is relatively simple, enact legislation that would require the head of the intelligence community and the head of the CIA to be two different people.

That is what this legislation would do, and I urge my colleagues to join me both on this legislation, and in considering other reforms which may also be necessary to reformulate of intelligence community to meet the challenges of the new era.

By Mr. BINGAMAN:

S. 2646. A bill to authorize the Secretary of Transportation to establish the National Transportation Modeling and Analysis Program to complete an advanced transportation simulation model, and for other purposes; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that I believe will go a long way in helping to reduce congestion and improve safety and security throughout the Nation's transportation network. Today I am introducing the National Transportation Modeling and Analysis Program Establishment Act, or NATMAP for short.

The purpose of this bill is to authorize the Secretary of Transportation to complete an advanced computer model that will simulate, in a single integrated system, traffic flows over every major transportation mode, including highways, air traffic, railways, inland waterways, seaports, pipelines and other intermodal connections. The advanced model will simulate flows of both passenger and freight traffic.

Our transportation network is a central component of our economy and fundamental to our freedom and quality of life. America's mobility is the engine of our free market system. The food we eat, the clothes we wear, the materials for our homes and offices, and the energy to heat our homes and power our businesses all come to us over the nation's vast transportation network. Originating with a producer in one region, materials and products may travel via any number of combinations of truck, rail, airplane and barge before reaching their final destinations.

Today, the Internet connects the world electronically. But it is our transportation network that provides the vital interconnections for the movement of both people and goods domestically and around the world. According to the latest statistics, today our transportation industry carries over 11 billion tons of freight per year worth about $7 trillion. Of the 3.7 trillion ton-miles of freight carried in 1998, 1.4 trillion went by rail, 1 trillion by truck, 673 billion by domestic water transportation, 620 billion by pipeline, and 14 billion by air carrier.

Individuals also depend on our transportation system, be it passenger rail, commercial airline, intercity bus, or the family car, for business travel or simply to enjoy a family vacation. Excluding public transit, passengers on our highways traveled a total of 4.2 trillion passenger-miles in 1998. Another 463 billion passenger-miles traveled by air carriers. Transit companies and rail lines carried another 50 billion.

We are also interconnected to the world's transportation system, and, as I am sure every Senator well knows, foreign trade is an increasingly critical component of our economy. Our Nation's seaports, international airports, and border crossing with Canada and Mexico are the gateways through which passengers and cargo flow between America and the rest of the world. The smooth flow of trade, both imports and exports, would not be possible without a robust transportation network and the direct links it provides to our international ports of entry.

It should be clear that one of keys to our continuing economic strength rests on a transportation system that is safe, secure and efficient. Today, we are fortunate to have one of the best transportation networks in the world, and I believe we need to keep it that way. However, we are starting to see signs that portions of the system are beginning to strain under a dramatic increase in traffic. For example, according to the Department of Transportation, from 1980 to 2000, highway travel alone increased a whopping 80 percent. Between 1993 and 1997, the total tons of freight activity grew by over 14 percent and truck activity grew by 21 percent. In the future, truck travel is expected to grow by more than 3 percent per year, nearly doubling by 2020.

Meanwhile, the strong growth in foreign trade is putting increased pressure on ports, airports, and border crossings, as well as contributing to congestion throughout the transportation network. According to DoT, U.S. international trade more than doubled between 1990 and 2000, rising from $891 billion to $2.2 trillion.

Congestion and delay inevitably result when traffic rates approach the capacity of a system to handle that traffic. I do believe increased congestion in our transportation system is a growing threat to the nation's economy. Delays in any part of the vast network lead to economic costs, wasted fuel, increased pollution, and a reduced quality of life. Moreover, in the future new security measures could also cause increased delays and disruptions in the flow of goods through our international gateways.

To deal with the ever-increasing loading of our transportation network we will need to find ways to use the system more efficiently as well as to expand some critical elements of the system. However, in planning for any improvements, it is essential to examine the impact on the whole transportation system that would result from a change in one part of the system That's exactly the goal of the bill I am introducing today.

By simulating the Nation's entire transportation infrastructure as a single, integrated system, the National Transportation Analysis and Modeling Program will allow policy makers at the state, regional and national levels to evaluate the implications of new transportation policies and actions. To ensure that all of the possible interrelated impacts are included, the model must simulate individual carriers and the transportation infrastructure used by each of the carriers in an interdependent and dynamic system. The advantage of this simulation of individual carriers and shipments is that the nation's transportation system can be examined at any level of detail, from the path of an individual truck to national multi-modal traffic flows.

Some of the transportation issues and questions that could be addressed with NATMAP include: What infrastructure improvements result in the greatest gains to overall system security and efficiency? How would the network respond to shifts in population or trade flows? How would the system respond to major disruptions caused by a natural disaster or another unthinkable terrorist attack? What effect would delays in the system due to increased security measures have on traffic flow and congestion?

Preliminary work on an advanced transportation model has been underway for several years at Los Alamos National Laboratory. As I'm sure most Senators know, Los Alamos has a long and impressive history in the development of computer simulations of complex systems, including the recent completion of the TRANSIMS model of transportation systems in metropolitan areas. The development of TRANSIMS for FHWA was originally authorized in TEA–21.

The initial work at LANL on NATMAP, funded in part by DoT, DoD, and the lab's own internal research and development program, demonstrated the technical feasibility of building a nation-wide freight transportation model that can simulate the movement of millions of trucks across the nation's highway system. During this initial development phase, the model was called the National Transportation Network and Analysis Capability, or NTNAC for short. In 2001, with funding from the Federal Highway Administration, LANL further developed the model and completed an assessment of cargo flows resulting from trade between the U.S. and Latin America.

These preliminary studies have clearly demonstrated the value to the nation of the NATMAP comprehensive modeling system. I do believe that the computer model represents a leap-ahead in transportation modeling and analysis capability. Indeed, Secretary of Transportation Norm Mineta, in a letter to me dated April 9 of this year, had this to say about the effort: "The DOT agrees that NTNAC shows great promise of producing a tool that would be useful for analyzing the national transportation system as a single, integrated system. We agree that NTNAC would provide DOT with important new capabilities to assess and formulate critical policy and investment options and to help address homeland security and vulnerabilities in the nation's transportation network."

I ask unanimous consent that a copy of Secretary Mineta's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, April 9, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR JEFF: Thank you for your letter of January 30 expressing your strong support to continue the development of the National Transportation Network Analysis Capability (NTNAC). The U.S. Department of Transportation's (DOT) Office of Policy and the Federal Highway Administration (FHWA) have been working closely with Los Alamos National Laboratory to develop this tool.

During 1998, Los Alamos National Laboratory developed a prototype NTNAC with funding provided by the DOT ($50,000 from the Office of the Secretary's Transportation Policy Development Office), the U.S. Department of Defense (TRANSCOM's Military Transportation Management Command), and the Laboratory's own internal research and development program. This effort demonstrated the technical feasibility of building a national transportation network that can simulate the movements of individual carriers (trucks, trains, planes, water vessels, and pipelines) and individual freight shippers.

During 1999, FHWA provided $750,000 to further develop NTNAC and to complete the study "National Transportation Impact of Latin American Trade Flows."

The DOT agrees that NTNAC shows great promise of producing a tool that would be useful for analyzing the national transportation system as a single, integrated system. We agree that NTNAC would provide DOT with important new capabilities to assess and formulate critical policy and investment options and to help address homeland security and vulnerabilities in the Nation's transportation network.

However, the Department's budget is very limited. It would be difficult to find funding to continue the project this year. If funding should become available, we will give priority consideration to continuing the NTNAC development effort.

Again, I very much appreciate your thoughts on the importance of continuing the development of NTNAC. If I can provide further information or assistance, please feel free to call me.

Sincerely yours,
NORMAN Y. MINETA.

Mr. BINGAMAN. The bill I am introducing today establishes a six-year program in the Office of the Secretary of Transportation to complete the development of the advanced transportation simulation model. The program will also support early deployment of computer software and graphics packages to Federal agencies and States for national, regional, or statewide transportation planning. The bill authorizes a total of $50 million from the Highway Trust Fund for this effort. When completed, NATMAP will provide the nation a tool to help formulate and analyze critical transportation policy and investment options, including major infrastructure requirements and vulnerabilities within that infrastructure.

Next year Congress will take up the reauthorization of TEA–21, the six-year transportation bill. I am introducing this bill today so my proposal can be fully considered by the Senate's Environment and Public Works Committee and by the Administration as the next authorization bill is being developed. I look forward to working with Senator JEFFORDS, the Chairman of EPW, and Senator SMITH, the ranking member, as well as Senator REID, the Chairman of the Transportation, Infrastructure, and Nuclear Safety Subcommittee and Senator INHOFE, the ranking member, to incorporate this bill in the reauthorization of TEA–21.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Transportation Modeling and Analysis Program Establishment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVANCED MODEL.—The term "advanced model" means the advanced transportation simulation model developed under the National Transportation Network and Analysis Capability Program.

(2) PROGRAM.—The term "Program" means the National Transportation Modeling and Analysis Program established under section 3.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 3. ESTABLISHMENT OF PROGRAM.

The Secretary of Transportation shall establish a program, to be known as the "National Transportation Modeling and Analysis Program"—

(1) to complete the advanced model; and

(2) to support early deployment of computer software and graphics packages for the advanced model to agencies of the Federal Government and to States for national, regional, or statewide transportation planning.

SEC. 4. SCOPE OF PROGRAM.

The Program shall provide for a simulation of the national transportation infrastructure as a single, integrated system that—

(1) incorporates models of—

(A) each major transportation mode, including—

(i) highways;

(ii) air traffic;

(iii) railways;

(iv) inland waterways;

(v) seaports;

(vi) pipelines; and

(vii) other intermodal connections; and

(B) passenger traffic and freight traffic;

(2) is resolved to the level of individual transportation vehicles, including trucks, trains, vessels, and aircraft;

(3) relates traffic flows to issues of economics, the environment, national security, energy, and safety;

(4) analyzes the effect on the United States transportation system of Mexican and Canadian trucks operating in the United States; and

(5) examines the effects of various security procedures and regulations on cargo flow at ports of entry.

SEC. 5. ELIGIBLE ACTIVITIES.

Under the Program, the Secretary shall—

(1) complete the advanced model;

(2) develop user-friendly advanced transportation modeling computer software and graphics packages;

(3) provide training and technical assistance with respect to the implementation and application of the advanced model to Federal agencies and to States for use in national, regional, or statewide transportation planning; and

(4) allocate funds to not more than 3 entities described in paragraph (3), representing diverse applications and geographic regions, to carry out pilot programs to demonstrate use of the advanced model for national, regional, or statewide transportation planning.

SEC. 6. FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this Act—

(1) $6,000,000 for fiscal year 2004;

(2) $7,000,000 for fiscal year 2005;

(3) $9,000,000 for fiscal year 2006;

(4) $10,000,000 for fiscal year 2007;

(5) $10,000,000 for fiscal year 2008; and

(6) $8,000,000 for fiscal year 2009.

(b) ALLOCATION OF FUNDS.—

(1) FISCAL YEARS 2004 AND 2005.—For each of fiscal years 2004 and 2005, 100 percent of the funds made available under subsection (a) shall be used to carry out activities described in paragraphs (1), (2), and (3) of section 5.

(2) FISCAL YEARS 2006 THROUGH 2009.—For each of fiscal years 2006 through 2009, not more than 50 percent of the funds made available under subsection (a) may be used to carry out activities described in section 5(4).

(c) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of—

(1) any activity described in paragraph (1), (2), or (3) of section 5 shall be 100 percent; and

(2) any activity described in section 5(4) shall not exceed 80 percent.

(d) AVAILABILITY OF FUNDS.—Funds made available under this section shall be available to the Secretary through the Transportation Planning, Research, and Development Account of the Office of the Secretary of Transportation.

By Ms. SNOWE (for herself and Mr. DURBIN):

S. 2647. A bill to require that activities carried out by the United States in Afghanistan relating to governance, reconstruction and development, and refugee relief and assistance will support the basic human rights of women and women's participation and leadership in these areas; to the Committee on Foreign Relations.

Ms. SNOWE. Mr. President, I rise today to introduce a bill for myself and Senator DURBIN that would ensure that U.S. funded activities in Afghanistan support the basic human rights of women and women's participation and leadership in all areas of society, development, and governance. Importantly, it also specifies that direct aid should be targeted to the Ministry of Women's Affairs, which will play a critical role in the new government.

Women in Afghanistan have made significant progress since the Taliban was removed from power last year, but there is still a long way to go before women are restored to the place they held in society and government before the Taliban took power in 1996.

As I told Chairman Karzai when I visited the country in February, if he is truly to restore the people's faith and confidence in the Afghan government, women cannot be excluded from the reconstruction process. The recent loya jirga did make some strides in the right direction. Eleven percent of the participants were women, although only 20 of the 180 total women were elected—with the rest being appointed. Also, the Minister of the Women's Affairs Ministry, Sima Simar, was one of the two Deputy Chairs of the loya jirga. Yet, clearly, much remains to be done before Afghan women will fully rebuild their health, their education, their welfare, their security, and their self-dignity.

Before the Taliban, Afghan women enjoyed both stature and freedom. In fact, many Americans may be unaware that Afghan women were not only well educated, they constituted 70 percent of the nation's school teachers, half the government's civilian workers, and 40 percent of the doctors in the hospital.

We are all now aware that with the rise of the Taliban, the lives of Afghan women dramatically changed. Women were banished from the workforce. They were not allowed to earn an living or to support themselves or their family, even if they were the sole family breadwinner. Tens of thousands of women widowed by decades of war had no option to provide for their families. Many turned to begging and prostitution.

Girls could not attend school and women were expelled from universities. In fact, incredibly, women were prohibited from even leaving their homes at all unless accompanied by a close male relative, even in the event of a medical emergency for themselves or their children. These women were under house arrest, prisoners in their own home.

And, if that wasn't bad enough, they were prisoners within themselves. The Taliban went to great and inhumane lengths to strip women of their sense of pride and personhood. Afghan women were forced to wear a burqa, a head to toe covering, to make them invisible to the world. And for those who dared tread upon or flout these laws, penalties for violations of Taliban law ranged from beatings to public floggings and executions—all state sanctioned.

Of course, the Taliban is gone now. Women are slowly returning to school and to work. They are beginning to return to their homes from refugee camps. Some are even taking part in the new Afghan government. But problems still exist.

Afghan women still make up 75 percent or more of the refugees and internally displaced in camps, urban areas, and villages. Afghan women still do not have access to sufficient primary health care services, including pre- and postnatal care, leading to one of the highest maternal mortality rates in the world. And it is believed that more than 90 percent of Afghan women are illiterate, which disqualifies them from participation in government.

Every member of society has a role to play in rebuilding, and the role of women is especially important. Throughout Afghanistan's years of war, it was women who were responsible for food, shelter, and other basic human needs. Now, during Afghanistan's massive redevelopment, impowering women is critical to improving education, primary health, and overall development. Women must be taught the skills they need and be given access to the necessary resources to take control of their own lives and in turn foster full redevelopment of their country.

The United States has been a leader in assisting Afghanistan, in fact, the United States is the largest single provider of assistance to the Afghan people, making substantial contributions to emergency relief and humanitarian efforts. While we have done much for Afghanistan, completing our mission there will require more. Strong and continued support from the United States will ensure that the advances made by Afghan women since the fall of the Taliban will continue and grow, rather than recede.

By requiring that United States assistance funds to Afghanistan promote access for Afghan women to health, education, development, governance, and security, this bill will help ensure the prosperity and human rights of all Afghan people. As I've said repeatedly, we are absolutely right to help Afghanistan build for the future, because as we've discovered, we cannot hope for security here until we lay the groundwork for stability there. And we cannot have true stability there if women are left out of the equation.

This bill directs that assistance go to support the Ministry of Women and Children's Affairs, an important new ministry that is essential for reestablishing women's human rights, ensuring that women are included in all development efforts, and delivering critical legal, health, education, and economic services to women throughout Afghanistan.

The bill also calls for a portion of United States development, humanitarian and relief assistance to be channeled to local Afghan organizations so that these organizations, with an already developed expertise, can achieve results quickly as time is of the essence. Local women's organizations are delivering critical services and have the knowledge and experience to assist the United States in delivering effective relief aid. These groups need our support.

The bill also directs financial assistance to build a health infrastructure to deliver high-quality comprehensive health care programs, and an education infrastructure for primary through higher education for Afghan girls and boys, vocational training for women and men, and retraining for former combatants. Education is the heart of progress and nowhere is this more critical than in Afghanistan.

Finally, the bill ensures that all United States training of the new Afghan police and security forces include training on the protection of human rights, especially for women, whose rights have been violated for so long. This must end and training for this will give the new authorities the training and knowledge to help stop it.

The potential for prosperity in Afghanistan will only be realized when, as in the United States, both men and women have an opportunity to participate and contribute. That is what this bill is all about, ensuring that women have the access needed to participate and contribute in all aspects of rebuilding their country.

I urge my colleagues to support this legislation.

By Mr. HUTCHINSON (for himself, Mr. SESSIONS, Mr. INHOFE, Mr. FRIST, Mr. LOTT, Mr. KYL, Mr. GRAMM, and Mr. THOMAS):

S. 2648. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I am pleased to rise today with my colleague from Alabama, Senator SESSIONS, to introduce the Personal Responsibility, Work and Family Promotion Act of 2002.

This legislation is based on President Bush's plan to strengthen welfare reform, and on the bill already passed by the House of Representatives over one month ago.

The 1996 welfare reform law expires this year, and it is important that the Senate work quickly to strengthen one of the most successful reforms we have seen in decades. The results are clear: Welfare reform has been enormously successful. According to the U.S. Census Bureau, from 1996 to 2000, the number of mothers participating in TANF, Temporary Assistance to Needy Families, decreased by about 50 percent; 2.3 million fewer children live in poverty today than in 1996, Heritage Foundation. The poverty rate for African-American children has fallen to the lowest point in U.S. history. Employment of young single mother has nearly doubled, and employment of single mothers who are high-school dropouts has risen by two-thirds. And this, amidst arguments made in 1996 that this law would seen millions of people into poverty.

While this is good news, and shows the importance or reforms enacted in 1996, we will have work to do. Significant numbers of welfare recipients are still not employed and on their way to self-sufficiency. That is why I am here today. I join with Senator SESSIONS to introduce the President's welfare reform plan.

This legislation maintains the important features of the 1996 welfare reform law. It emphasizes the themes of work, State flexibility, marriage, and child well-being. Our goal for every family on welfare is to lead them to self-sufficiency.

While States have made great improvements in moving recipients to work, much more needs to be done. This legislation requires that each welfare recipient would have an individual plan devised for them that maps out their plan to self-sufficiency. Recognizing that everyone has different barriers in gaining employment, these individual plans would address the specific needs of each individual and provide opportunities for meaningful activity.

Recipients would be required to participate in activities for 40 hours per week, simulating the work week of the typical American. This 40 hours is composed of 24 hours of actual work, and 16 hours of work-related activities, such as job search, training, education, drug treatment, marriage and relationship counseling, and parenting education. And states are required to increase their work participation rates with modest increases each year. By 2007, States must have 70 percent of recipients participating in work.

We have added an important provision in this legislation to ensure that the work requirements stay strong. Due to credits that states can receive under current law, many work participation rates are effectively close to 0 percent. This bill requires that by 2007, states have 55 percent of their caseloads working, irrespective of credits that the State receives for moving recipients to work. This is an important provision that ensures that states are actually focusing on work. With the strengthening of these work requirements, we also provide significant new flexibility for states. States may apply for a new State flex program, allowing them to improve service delivery to recipients across various programs.

TANF is not the only program that benefits low-income persons. Food stamps, workforce investment programs, Federal housing programs, and adult education programs all serve similar populations, yet program requirements are often different. The differences in the administration of these programs often deters caseworkers and recipients from knowing about all the programs available to them. This state flex program would allow a state to apply to the appropriate Cabinet secretaries for approval. States must continue to serve the same general population, but they could devise a more cohesive approach to delivery of services and program eligibility. Waivers could only be granted to proposals that are likely to improve the quality of the programs involved, and states must have specific objectives in their proposal. Regular reporting to Congress is included to maintain proper oversight. This new flexibility will provide a real opportunity to serve low-income populations seamlessly and without conflicting and cumbersome program requirements.

This bill also provides a modest new investment in supporting healthy marriage. A child born and raised outside of marriage will spend an average of 51 percent of his childhood in poverty. However, a child born and raised by both parents in an intact marriage will spend only 7 percent of his childhood in poverty.

While one of the goals of welfare reform is to encourage the formation and maintenance of two-parent families, this issue has gone largely unaddressed. This legislation authorizes $200 million in federal funding to reverse the trend of out-of-wedlock births. States may use funds for various purposes, including marital preparation programs, high school courses about the benefits of healthy marriage, and relationship counseling. States will have the flexibility to use the program or programs that they determine work best for them.

Children raised by single parents are 5 times more likely to live in poverty, 2–3 times more likely to show behavioral problems, and twice as likely to commit crimes or go to jail. Marriage and family formation programs will not force anyone into marriage, but will provide people with the tools to improve their relationships, both at home, and in the working world.

Finally, important TANF funding would be maintained. Despite an unprecedented decline in the caseload, this legislation maintains TANF funding at $16.5 billion a year. In addition, the supplemental grants, which are important to my home state of Arkansas, are also reauthorized.

This legislation provides an additional $1 billion in child care funding. Mandatory funding for the Child Care and Development Block Grant would increase to almost $3 billion over the next 5 years.

While this bill increases mandatory funding for child care, I am working with my colleagues in the Senate Health, Education, Labor, and Pensions Committee to reauthorize and improve the Child Care and Development Block Grant. That process is moving forward, and I hope that these two both the TANF issues in the Finance Committee, and the child care issues in the HELP Committee, will be merged when they are considered before the full Senate.

I hope that the Finance Committee takes this legislation into consideration as they work to formulate a plan. I believe that the President's plan has strong support, as evidenced by the quick action in the House of Representatives, and I encourage my colleagues to join me in this effort to improve upon the impressive results in welfare reform that we have seen so far. More remains to be done, however, in our quest of working towards independence.

Mr. SESSIONS. Mr. President. I rise today along with my colleague, Senator HUTCHINSON, to introduce legislation to reauthorize the 1996 welfare reform law. Based on the President's welfare improvement initiatives, including promoting independence through work, State innovation and promoting health marriage and family foundation, this bill builds upon the success of the 1996 welfare reforms. Since Congress passed welfare reform in 1996, welfare rolls have fallen dramatically. Poverty has declined across all categories. Child hunger has declined. More single mothers are employed and their income is still increasing. Out-of-wedlock births have begun to level off. And more children are growing up in married households. By tying welfare to work, the 1996 reforms succeeded in making people self-sufficient and independent. Yet there is still more that needs to be done.

Our bill will continue to promote independence through work by gradually increasing the work participation standards and allowing workers to use up to 16 hours a week for activities to prepare them for the workforce including education and training, substance abuse treatment, and job readiness assistance. These 16 hours will enable welfare recipients to not only find employment, but to open up opportunities to become independent and self-sufficient.

States need the resources and the flexibility that will allow them to continue to help families leave welfare for work. This legislation will implement the President's "state flexibility waivers" which allow states to integrate anti-poverty programs from different federal departments.

Senator HUTCHINSON and I, as members of the Senate Health, Education, Labor, and Pensions Committee will continue to work with our colleagues to develop meaningful and comprehensive child care legislation to complement the welfare reform bill. I believe that we must work hard to create child care programs that focus on school readiness and an end to the welfare cycle.

Part of this legislation includes $200 million in grants to states for marriage promotion. One of President Bush's top priorities this year has been to remove the financial penalties against marriage within the welfare system and to provide services and supports to couples who choose marriage for themselves. Our bill will assist them in acquiring the knowledge and skills necessary to form and sustain healthy, loving and protective marriages. Study after study has shown the unquestionable benefits marriage has on our society.

I look forward to working with my colleagues to passing meaningful welfare reform legislation that continues to improve upon the welfare reforms of 1996 and gives states the resources and flexibility they need to help families become stronger and more self-sufficient. I thank my colleague from Arkansas, Senator HUTCHINSON for his work and dedication to welfare reform, and I thank President Bush for his vision and his dedication to getting this done.

By Mr. KENNEDY (for himself and Mr. FRIST):

S. 2649. A bill to provide assistance to combat the HIV/AIDS pandemic in developing foreign countries; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased to join Senator FRIST in introducing this important legislation to help in the international battle against the AIDS pandemic. AIDS is the fourth leading cause of death in the world. This disease ends lives, destroy families, undermines economies, and threatens the stability and progress of entire nations.

We in America know the pain and loss that this disease cruelly inflicts. Millions of our fellow citizens, men, women, and children, are inflected with HIV/AIDS, and far too many have lost their lives.

While we still seek a cure to AIDS, we have learned to help those infected by the virus to lead long and productive lives through the miracle of prescription drugs.

But this disease knows no boundaries. It travels across borders to infect innocent people in every continent across the globe.

We have an obligation to continue the fight against this disease at home. But we should also share what we have learned to help those in other countries in this life-and-death battle. And we must do all we can to provide new resources to help those who cannot afford today's therapies.

We must carry the fight against AIDS to every corner of the globe, and the legislation that I am introducing with Senator FRIST today is a step in that direction.

The International AIDS Treatment and Prevention Act provides new legal authority and funding to our Nation's strongest health care agencies to join the global battle against AIDS. It promotes models of community-based care that reach the real people affected by this disease; better access to the research and therapies needed to prevent transmission of this deadly disease; and most importantly, funds research and treatment models to prevent transmission of HIV/AIDS from mothers to their infants including the family support services necessary to stem the orphan crisis.

Governments can make the difference in battling this epidemic. When governments in poor countries have been provided resources to fight the spread of AIDS, infection rates have dropped 80 percent. With this legislation, the United States will do its part to support countries to turn the corner of AIDS on their own.

I am pleased that the administration is increasing funding for the fight against the global AIDS epidemic, and together with this legislation, we can truly lead the international community in the fight against the greatest public health threat of our times.

Mr. FRIST. Mr. President, I am pleased to join Senator KENNEDY today to introduce the International AIDS Treatment and Prevention Act. This legislation is another important bipartisan step in our global battle against AIDS and other infectious diseases. The international crisis of HIV/AIDS, tuberculosis, and malaria threatens the entire world. We have done much here at home through Ryan White and other programs. We must show we can lead the world against these scourges as well. This morning, President Bush again underscored this administration's commitment, and his personal commitment, to reducing the spread of HIV/AIDS and demonstrating consistent, compassionate U.S. leadership in this global struggle.

When I first came to the Senate eight years ago, HIV/AIDS was a little understood or recognized problem. In that time I have traveled far from the Senate floor. I have been on seven different medical mission trips to Africa, most recently, in January, to Uganda, Kenya and Tanzania.

The trips have helped reveal to me the impact that one single virus—HIV—is having on the destruction of a continent. Not a family. Not a community. Not a State. Not a country. An entire continent.

The statistics of this plague are shocking. Each year, three million people die of AIDS, one every ten seconds. Twice that many, 5.5 million—or two every ten seconds—become infected. That is 15,000 people a day. Even more tragically, 6,000 of those infected each day are between the ages of 15 and 24. Ninety percent of those infected do not know they have the disease. There is no cure. There is no vaccine. And the number of people infected is growing dramatically.

The disease toll is incalculable. Thirteen million children have been orphaned by AIDS. Over the next ten years, the orphan population may well grow to 40 million equivalent to the number of American children living east of the Mississippi River. I had the privilege of visiting with Tabu, a 28-year-old prostitute, who was leaving Arusha to return to her village to die. She stayed an extra day to meet with us. I will never forget her cheerful demeanor and mischievous smile as we met in her small stick-framed mud hut, no more than 12 feet by 12 feet. Her two sisters are also infected; a third sister has already died. Tabu will leave behind an eleven-year-old daughter, Adija.

Not only do HIV/AIDS, tuberculosis, and malaria produce over 50 percent of the deaths due to infectious diseases each year, they have complex disease patterns that result in facilitating each other's spread. By weakening the immune system, infection with HIV increases susceptibility to both tuberculosis and malaria. Furthermore, the increasing number of multi-resistant tuberculosis cases is largely attributed to resistance developed in HIV-infected patients. Finally, in treating severe anemia that commonly accompanies illness due to malaria, untested blood transfusions create a method of HIV/AIDS spread.

At home in Tennessee, or even here in Washington, DC, Uganda and Tanzania feel very far away. But the plague of HIV/AIDS and the chaos, despair and civil disorder it perpetrates only undermines the chance for democracy to flourish. Without civil institutions, there is disorder.

Last year in South Africa, one of every 200 teachers died of AIDS. In a recent study in Kenya, 75 percent of deaths on the police force were AIDS-related. HIV-related deaths among hospital workers in Zambia have increased 13 fold in the last decade. These losses devastate local economies. Botswana's economy will shrink by 30 percent in ten years; Kenya's by 15 percent. Family incomes in the Ivory Coast have declined by 50 percent, while health care expenditures have risen by 4000 percent.

Africa has lost an entire generation. In Nairobi, Kenya, I visited the Kibera slum. With a population of over 750,000, one out of five of those who live in Kibera are HIV/AIDS positive. As I walked the crowded pathways sandwiched between hundreds of thousands of aluminum shanties, I was amazed that there were only children or elderly individuals. The disease had wiped out the parents the most productive segment of the population teachers, military personnel, hospital workers, and law enforcement officers. African orphans therefore lack teachers, role models and leaders. This leaves them vulnerable to criminal organizations, revolutionary militias, and terrorists. Terrorism and crime could become a way of life for a young generation.

Africa is not alone. India, with over 4 million cases of HIV/AIDS, is on the edge of explosive growth. China is estimated to have as many as 10 million infected persons. The Caribbean suffers from one of the highest rates of infection of any region in the world. Eastern Europe and Russia report the fastest growth of AIDS cases. These nations are the next generation in the AIDS crisis they present an opportunity for intervention and success if we act quickly and decisively.

Due to the social, economic and political destructive effects of this disease, I'm devoting much of my time to this issue, and in particular, to the impact of HIV/AIDS in Africa. Just as our great nation is the leader in the war on terrorism, we must continue to lead the fight against AIDS in order to build a better, safer world.

There is perhaps no greater global issue than the spread of deadly infectious disease. As President Bush said today, the United States must lead the fight in this international crises. We must now provide the leadership to confront the global HIV/AIDS, malaria, and tuberculosis epidemics. History will record how we respond to the call.

We fight this battle in two ways: by improving primary prevention and expanding access to treatment. Until science produces a vaccine, prevention through behavioral change and awareness is the key. And once again, cultural stigmas must be overcome. Through a combination of comprehensive national plans, donor support and community-based organizations, we can make progress. We know that prevention and treatment go hand and hand, and that the necessary infrastructure must be present in order to delivery care.

I have already introduced legislation with Senator KERRY—the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2002. This act would direct the President to work with foreign governments, the United Nations (UN), the World Bank, and the private sector to establish the Global AIDS and Health Fund to fight HIV/AIDS, malaria, and tuberculosis. This fund would provide grants to governments and non-governmental organizations for implementation of effective and affordable HIV/AIDS, malaria, and tuberculosis programs. Additionally, this legislation requires a comprehensive American strategy for combating these infectious diseases, enhances programs targeted toward empowering women, links debt relief to implementation of health programs, extends military to military prevention activities and establishes an incentive program for American clinicians to provide their expertise abroad.

The legislation I am introducing today with Senator KENNEDY and others is a companion to the Foreign Relations bill. This bill codifies and expands current authorities of the Department of Health and Human Services, HHS, to participate in appropriate HIV/AIDS prevention, treatment, care, and support activities in resource poor nations that are experiencing an HIV/AIDS crisis. Coupled with S. 2525, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2002, this legislation would provide a better coordinated, enhanced U.S. response to the global pandemic of HIV/AIDS.

Under The International AIDS Treatment and Prevention Act of 2002, the Secretary of Health and Human Services is authorized to implement HIV, tuberculosis, and malaria prevention, treatment, care and support services principally through the Centers for Disease Control and Prevention and, where appropriate, with the assistance and technical expertise of the Health Resources and Services Administration, (HRSA) the Food and Drug Administration, and the National Institutes of Health (NIH). The Secretary is also granted the authority to alter or renovate facilities in foreign countries as is necessary to conduct programs for international health activities and to establish family survival partnership grants for the provision of medical care and support to HIV positive parents and their children.

This legislation, coupled with the S. 2525, represents an important step forward in our response to HIV/AIDS, tuberculosis, and malaria. History will judge how we as a nation—how we as a global community—address and respond to this most devastating and destructive public health crisis we have seen since the bubonic plague ravaged Europe over 600 years ago.

The task looms large, but by uniting with leadership and dedication from all—we will succeed in counteracting the devastation of HIV/AIDS and stop its advance.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 288—EXPRESSING THE SENSE OF THE SENATE THAT NEW HAMPSHIRE RESIDENTS KEN CURRAN AND GEORGE McAVOY BE HONORED FOR THEIR INITIATIVE ON BEHALF OF THE TAXPAYER AND THE ENVIRONMENT IN THE CONSTRUCTION OF THE MOORE RESERVOIR CAUSEWAY IN LITTLETON, NEW HAMPSHIRE

Mr. SMITH of New Hampshire submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 288

Whereas Ken Curran and George McAvoy have given a lifetime of service to the town of Littleton and the State of New Hampshire through both private and public service;

Whereas Mr. Curran and Mr. McAvoy, as private citizens, suggested the construction of a causeway in lieu of a costly bridge over the Moore Reservoir;

Whereas Mr. Curran and Mr. McAvoy, on their own time and using their own money, defeated construction of an expensive and unnecessary Interstate Route 93 bridge at Pattenville Draw near Littleton, New Hampshire;

Whereas Mr. Curran went out of his way to hire an engineer, develop plans for a new Interstate Route 93 crossing, and submit those plans to the State highway division in an effort to build the causeway;

Whereas after years of debate, a causeway was finally selected with a winning bid of only $4,300,000, far less expensive than the original $20,000,000 to $25,000,000 estimate for a dual bridge;

Whereas the New Hampshire Division of Public Works and Highways estimates that, as a result of Mr. Curran's and Mr. McAvoy's efforts, the total final savings to taxpayers was more than $12,600,000; and

Whereas the great State of New Hampshire has recently designated the Interstate Route 93 causeway at Moore Dam in Littleton as the "Curran/McAvoy Causeway": Now, therefore, be it

Resolved, That

SECTION 1. COMMENDATION.

The Senate commends Mr. Ken Curran and Mr. George McAvoy for their exemplary service on behalf of the taxpayers of New Hampshire and the United States in the construction of the Interstate Route 93 causeway at Moore Dam in Littleton, New Hampshire.

SEC. 2. TRANSMISSION OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to Mr. Curran and Mr. McAvoy of Littleton, New Hampshire.

SENATE CONCURRENT RESOLUTION 122—EXPRESSING THE SENSE OF CONGRESS THAT SECURITY, RECONCILIATION, AND PROSPERITY FOR ALL CYPRIOTS CAN BE BEST ACHIEVED WITHIN THE CONTEXT OF MEMBERSHIP IN THE EUROPEAN UNION WHICH WILL PROVIDE SIGNIFICANT RIGHTS AND OBLIGATIONS FOR ALL CYPRIOTS, AND FOR OTHER PURPOSES

Ms. SNOWE (for herself, Mr. BIDEN, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 122

Whereas the status quo on Cyprus remains unacceptable;

Whereas a just and lasting resolution of the Cyprus problem, on the basis of United Nations Security Council resolutions, must safeguard the security and fundamental rights of all citizens of Cyprus, Greek-Cypriots and Turkish-Cypriots alike;

Whereas Cyprus is among the leading candidate countries for accession to the European Union, in recognition of its commitment to free markets, human rights, democracy, and the rule of law;

Whereas the European Union guarantees to all its citizens the indivisible universal values of human dignity (supporting fair and equal treatment of all), freedom (right to security, marriage, family, among others), equality (celebrating cultural, religious, and linguistic diversity), solidarity (protecting workers' rights and providing social security), citizens' rights (voting), and justice (holding a fair trial);

Whereas membership in the European Union will guarantee each citizen of Cyprus important legal, civil, and human rights, as well as the means and legal recourse necessary to secure the full application of these fundamental individual rights, and to promote the respect of cultural diversity and traditions;

Whereas membership in the European Union will bring significant benefits to both the Greek-Cypriot and Turkish-Cypriot communities, including new economic opportunities, access to new markets, a freer exchange of goods and services, balanced and sustainable development as well as the free movement of persons, goods, and services and capital;

Whereas the European Council in its Summit Conclusions of December 1999, in Helsinki, stated that "a political settlement [of the Cyprus problem] will facilitate the accession of Cyprus to the European Union . . . [i]f no settlement has been reached by the completion of accession negotiations, the Council's decision on accession will be made without the above being a precondition";

Whereas both the United States and the European Union in their summit statement on the New Transatlantic Agenda of June 14, 2001, pledge to continue to work together to support the efforts of the United Nations Secretary General to achieve a comprehensive settlement with respect to Cyprus consistent with relevant United Nations Security Council resolutions and to continue to work toward the resumption of talks;

Whereas resolution of the Cyprus problem is in the strategic interests of the United States, given the important location of Cyprus at the crossroads of Europe, Africa, and Asia; and

Whereas resolution of the Cyprus problem is also consistent with American values, as enshrined in the rights guaranteed by the Constitution of the United States, which guarantees the right to life, liberty, and the pursuit of happiness: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the unacceptable status quo on Cyprus must be ended and the island and its people be reunited, in a bizonal, bicommunal federal Cyprus, on the basis of United Nations Security Council resolutions;

(2) the accession of Cyprus to the European Union would act as a catalyst for the solution of the Cyprus problem without the latter being a precondition for accession;

(3) membership of Cyprus to the European Union should be strongly supported;

(4) all Cypriots be urged to support and encourage efforts to bring Cyprus into the European Union; and

(5) the various agencies of the United States Government should pursue vigorously and as an issue of high and urgent priority new initiatives that will help promote and achieve reunification, reconciliation, stability, and prosperity on Cyprus.

Ms. SNOWE. Mr. President, I rise today to submit a resolution for myself and Senators BIDEN and SARBANES expressing support for Cyprus' membership to the European Union, EU.

After 27 years Cyprus remains a divided nation. As it works to complete final negotiations with the EU, Cyprus will have met all the criteria required of an EU member nation. It is expected that an official invitation for membership will come this December, with accession in 2004. As an EU member, the entire island of Cyprus will see economic benefits. As long as the Turkish-Cypriots recognize this fact, both they and Greek-Cypriots will be on the path towards further economic growth and integration with Europe. All Cypriots will have access to new markets, a freer exchange of goods and services, balanced and sustainable development as well as the free movement of persons, goods and services, and capital. But EU membership is not only about economic prosperity, it is also about human rights. The EU guarantees its members' citizens human, legal and civil rights as well as the means and legal recourse necessary to secure the full application of these fundamental individual rights.

Last year Congressman BILIRAKIS introduced this legislation in the House of Representatives to show that body's support for Cyprus' accession to the EU. We are introducing this legislation today to put the Senate on record as well. Since January, Cypriot President Clerides and Turkish-Cypriot leader Denktash have been meeting in direct talks to seek a resolution of the division of Cyprus. Although the fact that these meetings are taking place is a positive sign, a solution must not be a precondition to EU membership. In fact, the EU Council made this point in the Helsinki Summit in December 1999, when it stated that "a political settlement will facilitate the accession of Cyprus to the European Union . . . [i]f no settlement has been reached by the completion on accession negotiations, the Council's decision on accession will be made without the above being a precondition".

Cyprus' EU membership will be, and has been, a catalyst for the solution of the Cyprus problem. This fact is reflected in the almost 40 direct meetings between President Clerides and Denktash have taken place so far this year. If it were not for Turkey's desire to be an EU member, knowing that other EU members could block this goal, it is questionable whether these talks would even be taking place. That, along with improved economic prosperity and guaranteed human rights, is why it is vital that the Senate go on record as supporting Cyprus' EU membership.

I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3897. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. SPECTER, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3898. Mr. THURMOND (for himself, Mr. LOTT, Mr. BOND, Mr. INOUYE, Mr. CLELAND, Mr. HUTCHINSON, Mr. MCCAIN, Mr. LUGAR, Mr. REID, Mr. SESSIONS, Mrs. HUTCHISON, Mr. DEWINE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. SHELBY, Ms. COLLINS, Mr. BREAUX, Mr. DODD, Mr. JOHNSON, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. CRAPO, Mr. ENSIGN, Mr. HELMS, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, Mr. TORRICELLI, Ms. CANTWELL, Mr. BUNNING, Mr. DURBIN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3899. Mr. LEVIN proposed an amendment to the bill S. 2514, supra.

SA 3900. Mr. WARNER proposed an amendment to amendment SA 3899 proposed by Mr. LEVIN to the bill (S. 2514) supra.

SA 3901. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3902. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3903. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3904. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3905. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3906. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3907. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3908. Mr. WYDEN (for himself and Mr. SMITH, of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3909. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3910. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3911. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3912. Mr. LEVIN (for himself, Mr. WARNER, Mr. MCCAIN, Mr. BIDEN, Ms. CANTWELL, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. LINCOLN, Mr. ROCKEFELLER, Mr. HAGEL, Mr. JOHNSON, Ms. COLLINS, Ms. STABENOW, and Mr. WELLSTONE) proposed an amendment to the bill S. 2514, supra.

SA 3913. Mr. GRASSLEY (for himself, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. DURBIN, Mr. FITZGERALD, Mrs. LINCOLN, and Mr. HUTCHINSON) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3914. Mr. FRIST (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3915. Mr. FEINGOLD proposed an amendment to the bill S. 2514, supra.

SA 3916. Mr. REID (for Mr. CONRAD (for himself and Mr. FEINGOLD)) proposed an amendment to amendment SA 3915 proposed by Mr. FEINGOLD (for himself and Mr. WELLSTONE) to the bill (S. 2514) supra.

TEXT OF AMENDMENTS

SA 3987. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. SPECTER, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) AUTHORITY TO OPERATE.—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate, or provide financial assistance to the States to establish and operate, not more than five schools (to be known generally as "National Guard counterdrug schools"). The purpose of such schools shall be the provision by the National Guard of training in drug interdiction and counter-drug activities, drug demand reduction activities, and counterterrorism activities to personnel of the following:

(1) Federal agencies.

(2) State and local law enforcement agencies.

(3) Community-based organizations engaged in such activities.

(4) Other non-Federal governmental and private entities and organizations engaged in such activities.

(b) COUNTERDRUG SCHOOLS SPECIFIED.—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

(1) The National Interagency Civil-Military Institute (NICI), San Luis Obispo, California.

(2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.

(3) The Midwest Counterdrug Training Center (MCTC), to be established in Johnston, Iowa.

(4) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.

(5) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

(c) USE OF NATIONAL GUARD PERSONNEL.—(1) To the extent provided for in the State drug interdiction and counter-drug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of that title 32, United States Code, may provide training referred to in subsection (a) at that school.

(2) In this subsection, the term "State drug interdiction and counter-drug activities plan", in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

(d) TREATMENT UNDER AUTHORITY TO PROVIDE COUNTERDRUG SUPPORT.—The provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1212), shall apply to any activities of a National Guard counterdrug school under this section that are for an agency referred to in subsection (a) and for a purpose set forth in subsection (b) of such section 1004. Such provisions of section 1004 shall not preclude training of counterterrorism activities.

(e) ANNUAL REPORTS ON ACTIVITIES.—(1) Not later than February 1, 2003, and annually thereafter, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools.

(2) Each report under paragraph (1) shall set forth the following:

(A) The amount made available for each National Guard counterdrug school during the fiscal year ending in the year preceding the year in which such report is submitted.

(B) A description of the activities of each National Guard counterdrug school during the year preceding the year in which such report is submitted.

(3) The report under paragraph (1) in 2003 shall set forth, in addition to the matters described in paragraph (2), a description of the activities relating to the establishment of the Midwest Counterdrug Training Center in Johnston, Iowa.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated for the Department of Defense for the National Guard for fiscal year 2003, $25,000,000 for purposes of the National Guard counterdrug schools in that fiscal year.

(2) The amount authorized to be appropriated by paragraph (1) is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for fiscal year 2003.

(g) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by subsection (f)(1)—

(A) $4,000,000 shall be available for the National Interagency Civil-Military Institute, San Luis Obispo, California;

(B) $8,000,000 shall be available for the Multi-Jurisdictional Counterdrug Task Force Training, St. Petersburg, Florida;

(C) $3,000,000 shall be available for the Midwest Counterdrug Training Center, Johnston, Iowa;

(D) $5,000,000 shall be available for the Regional Counterdrug Training Academy, Meridian, Mississippi; and

(E) $5,000,000 shall be available for the Northeast Regional Counterdrug Training Center, Fort Indiantown Gap, Pennsylvania.

(2) Amounts available under paragraph (1) shall remain available until expended.

(h) FUNDING FOR FISCAL YEARS AFTER FISCAL YEAR 2003.—(1) The budget of the President that is submitted to Congress under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 2003 shall set forth as a separate budget item the amount requested for such fiscal year for the National Guard counterdrug schools.

(2) It is the sense of Congress that—

(A) the amount authorized to appropriated for the National Guard counterdrug schools for any fiscal year after fiscal year 2003 should not be less than the amount authorized to be appropriated for those schools for fiscal year 2003 by subsection (f)(1), in constant fiscal year 2003 dollars; and

(B) the amount made available to each National Guard counterdrug school for any fiscal year after fiscal year 2003 should not be less than the amount made available for such school for fiscal year 2003 by subsection (g)(1), in constant fiscal year 2003 dollars, except that the amount made available for the Midwest Counterdrug Training School should not be less than $5,000,000, in constant fiscal year 2003 dollars.

SA 3898. Mr. THURMOND (for himself, Mr. LOTT, Mr. BOND, Mr. INOUYE, Mr. CLELAND, Mr. HUTCHINSON, Mr. MCCAIN, Mr. LUGAR, Mr. REID, Mr. SESSIONS, Mrs. HUTCHISON, Mr. DEWINE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. SHELBY, Ms. COLLINS, Mr. BREAUX, Mr. DODD, Mr. JOHNSON, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. CRAPO, Mr. ENSIGN, Mr. HELMS, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, Mr. TORRICELLI, Ms. CANTWELL, Mr. BUNNING, Mr. DURBIN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 644. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003, 40 percent for months beginning after such date and before October 2006, and 45 percent for months beginning after September 2006.".

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—".

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003, 15 percent for months beginning after that date and before October 2006, and 10 percent for months beginning after September 2006.".

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2006.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

SA 3899. Mr. LEVIN proposed an amendment to the bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 26, after line 22, add the following:

SEC. 214. REALLOCATION OF AMOUNT AVAILABLE FOR INDIRECT FIRE PROGRAMS.

(a) REDUCTION OF AMOUNT FOR CRUSADER.—Of the amount authorized to be appropriated by section 201(1) for the Army for research, development, test, and evaluation, the amount available for continued research and development of the Crusader artillery system is hereby reduced by $475,600,000.

(b) INCREASE OF AMOUNT FOR FUTURE COMBAT SYSTEMS.—Of the amount authorized to be appropriated by section 201(1) for the Army for research, development, test, and evaluation, the amount available for research and development for the Objective Force is hereby increased by $475,600,000. The amount of the increase shall be available only for meeting the needs of the Army for indirect fire capabilities, and may not be used under the authority of this section until the report required by subsection (d) is submitted to Congress in accordance with such subsection.

(c) REPROGRAMMING OF AMOUNT FOR INDIRECT FIRE PROGRAMS.—Upon the submission to Congress of the report required by subsection (d), the Secretary of Defense may seek to reprogram the amount available under subsection (b), in accordance with established procedures, only for the following purposes:

(1) Payment of costs associated with a termination, if any, of the Crusader artillery system program.

(2) Continued research and development of the Crusader artillery system.

(3) Other Army programs identified by the Secretary pursuant to subsection (d) as the best available alternative to the Crusader artillery system for providing improved indirect fire for the Army.

(d) REPORTING REQUIREMENT.—(1) Not later than 30 days after the date of the enactment of this Act, the Chief of Staff of the Army shall complete a review of the full range of Army programs that could provide improved indirect fire for the Army over the next 20 years and shall submit to the Secretary of Defense a report containing the recommendation of the Chief of Staff on which alternative for improving indirect fire for the Army is the best alternative for that purpose. The report shall also include information on each of the following funding matters:

(A) The manner in which the amount available under subsection (b) should be best invested to support the improvement of indirect fire capabilities for the Army.

(B) The manner in which the amount provided for indirect fire programs of the Army in the future-years defense program submitted to Congress with respect to the budget for fiscal year 2003 under section 221 of title 10, United States Code, should be best invested to support improved indirect fire for the Army.

(C) The manner in which the amounts described in subparagraphs (A) and (B) should be best invested to support the improvement of indirect fire capabilities for the Army in the event of a termination of the Crusader artillery system program.

(D) The portion of the amount available under subsection (b) that should be reserved for paying costs associated with a termination of the Crusader artillery system program in the event of such a termination.

(2) The Secretary of Defense shall submit the report, together with any comments and recommendations that the Secretary considers appropriate, to the congressional defense committees.

(e) ANNUAL UPDATES.—(1) The Secretary shall submit to the congressional defense committees, at the same time that the President submits the budget for a fiscal year referred to in paragraph (4) to Congress under section 1105(a) of title 31, United States Code, a report on the investments proposed to be made in indirect fire programs of the Army.

(2) If the Crusader artillery system program has been terminated by the time the annual report is submitted in conjunction with the budget for a fiscal year, the report shall—

(A) identify the amount proposed for expenditure for the Crusader artillery system program for that fiscal year in the future-years defense program that was submitted to Congress in 2002 under section 221 of title 10, United States Code; and

(B) specify—

(i) the manner in which the amount provided in that budget would be expended for improved indirect fire capabilities for the Army; and

(ii) the extent to which the expenditures in that manner would improve indirect fire capabilities for the Army.

(3) The requirement to submit an annual report under paragraph (1) shall apply with respect to budgets for fiscal years 2004, 2005, 2006, 2007, and 2008.

SA 3900. Mr. WARNER proposed an amendment to amendment SA 3899 by Mr. LEVIN to the bill (S. 2514), to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Beginning on page 2, strike line 7 and all that follows through line 5 on page 3, and insert the following:

development for the Objective Force indirect fire systems is hereby increased by $475,600,000. The amount of the increase shall be available only for meeting the needs of the Army for indirect fire capabilities, and may not be used under the authority of this section until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees the report required by subsection (d), together with a notification of the Secretary's plan to use such funds to meet the needs of the Army for indirect fire capabilities.

(c) Use of Funds.—Subject to subsection (b), the Secretary of Defense may use the amount available under such subsection for any program for meeting the needs of the Army for indirect fire capabilities.

SA 3901. Mr. COCHRAN (for himself and Mr. Lott) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 2601(1)(A), strike "$183,008,000" and insert "$186,588,000".

SA 3902. Mr. COCHRAN (for himself and Mr. Lott) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. RADAR POWER TECHNOLOGY FOR THE ARMY.

(a) Increase in Authorization of Appropriations.—The amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army is hereby increased by $4,500,000, with the amount of the increase to be allocated to Army missile defense systems integration (DEM/VAL) (PE0603308A).

(b) Availability for Radar Power Technology.—(1) Of the amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army, as increased by subsection (a), $4,500,000 shall be available for radar power technology.

(2) The amount available under paragraph (1) for radar power technology is in addition to any other amounts available under this Act for such technology.

SA 3903. Mr. COCHRAN (for himself and Mr. Lott) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In subtitle C of title I, strike "(reserved)" and insert the following:

SEC. 121. CRUISER CONVERSION OF TICONDEROGA CLASS AEGIS CRUISERS.

(a) Increase in Authorization of Appropriations.—The amount authorized to be appropriated by section 102(a)(3) for procurement for the Navy for shipbuilding and conversion is hereby increased by $50,000,000.

(b) Availability for Cruiser Conversion.—(1) Of the amount authorized to be appropriated by section 102(a)(3) for procurement for the Navy for shipbuilding and conversion, as increased by subsection (a), $50,000,000 shall be available for the cruiser conversion program for the Ticonderoga class of AEGIS cruisers.

(2) The amount available under paragraph (1) for the program referred to in that paragraph is in addition to any other amounts available under this Act for that program.

(c) Cruiser Conversion Program.—The Secretary of the Navy shall accelerate and maintain the scope of the cruiser conversion program for the Ticonderoga class of AEGIS cruisers such that the program—

(1) covers all 27 Ticonderoga class AEGIS cruisers; and

(2) modernizes each such cruiser to include capabilities for theater missile defense, enhanced land attack, and naval fire support.

SA 3904. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 12 and 13, insert the following:

SEC. 135. MOBILE EMERGENCY BROADBAND SYSTEM.

(a) Amount for Program.—Of the total amount authorized to be appropriated by section 103(4), $1,000,000 shall be available for the procurement of technical communications-electronics equipment for the Mobile Emergency Broadband System.

(b) Offsetting Reduction.—Of the total amount authorized to be appropriated by section 103(4), the amount available under such section for the procurement of vehicular equipment for truck hydrant fuel is hereby reduced by $1,000,000.

SA 3905. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 24, increase the amount by $1,000,000.

On page 13, line 15, reduce the amount by $1,000,000.

SA 3906. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 2, increase the first amount by $1,000,000.

On page 14, line 20, reduce the amount by $1,000,000.

SA 3907. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, line 18, increase the amount by $1,000,000.

On page 13, line 15, reduce the amount by $1,000,000.

SA 3908. Mr. WYDEN (for himself and Mr. Smith of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. PROHIBITION ON USE OF FUNDS FOR CONVERTING OR MOVING THE COMBAT SEARCH AND RESCUE WING OF THE AIR FORCE RESERVE LOCATED AT PORTLAND, OREGON.

None of the funds authorized to be appropriated by this Act may be used to convert the 939th Combat Search and Rescue Wing of the Air Force Reserve, based in Portland, Oregon, to an Air Refueling Wing, to transfer any of the aircraft from the 939th Combat Search and Rescue Wing out of such Wing, or to move the headquarters of such wing from Portland, Oregon, in a permanent relocation of such headquarters.

SA 3909. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

Strike section 641 and insert the following:

SEC. 641. EFFECTIVE DATE OF AUTHORITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) Repeal of Contingent Effective Date.—Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ", subject to the enactment of qualifying offsetting

legislation as specified in subsection (f)''; and

(2) by striking subsections (e) and (f).

(b) Substitution of Effective Date.—Section 1414 of title 10, United States Code, shall apply with respect to months beginning on or after October 1, 2002.

(c) Prohibition of Retroactive Benefits.—(1) No benefit may be paid to any person by reason of section 1414 of title 10, United States Code, for any period before the date specified in subsection (b).

(2) Section 641 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1149) is amended by striking subsection (d).

(d) Conforming Termination of Special Compensation Program.—(1) Effective on the date specified in subsection (b), section 1413 of title 10, United States Code, is repealed.

(2) Section 1413 of title 10, United States Code, is amended—

(A) in subsection (a), by striking the second sentence; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''(1) For payments'' and all that follows through ''December 2002, the following:'';

(ii) by striking paragraphs (2) and (3); and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively, and realigning such paragraphs (as so redesignated) two ems from the left margin.

SA 3910. Ms. SNOWE (for herself and Ms. Collins) submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 305. NAVY PILOT HUMAN RESOURCES CALL CENTER, CUTLER, MAINE.

Of the amount authorized to be appropriated by section 301(a)(2) for operation and maintenance for the Navy, $1,500,000 shall be available for the Navy Pilot Human Resources Call Center, Cutler, Maine.

SA 3911. Mrs. CLINTON (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2803. MODIFICATION OF LEASE AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) Leasing of Housing.—Subsection (a) of section 2874 of title 10, United States Code, is amended to read as follows:

''(a) Lease Authorized.—(1) The Secretary concerned may enter into contracts for the lease of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

''(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate.''.

(b) Repeal of Interim Lease Authority.—Section 2879 of such title is repealed.

(c) Conforming and Clerical Amendments.—(1) The heading for section 2874 of such title is amended to read as follows:

''§ 2874. Leasing of housing''.

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

''2874. Leasing of housing.''; and

(B) by striking the item relating to section 2879.

SA 3912. Mr. LEVIN (for himself, Mr. Warner, Mr. McCain, Mr. Biden, Ms. Cantwell, Ms. Mikulski, Ms. Landrieu, Mrs. Lincoln, Mr. Rockefeller, Mr. Hagel, Mr. Johnson, Ms. Collins, Ms. Stabenow, and Mr. Wellstone) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 641, relating to phased-in authority for concurrent receipt of military retired pay and veterans' disability compensation for certain service-connected disabled veterans, and insert the following:

SEC. 641. PAYMENT OF RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) In General.—Section 1414 of title 10, United States Code, is amended to read as follows:

''§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

''(a) Payment of Both Retired Pay and Compensation.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

''(b) Special Rule for Chapter 61 Career Retirees.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(c) Exception.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

''(d) Definitions.—In this section:

''(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

''(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.''.

(b) Repeal of Special Compensation Program.—Section 1413 of such title is repealed.

(c) Conforming Amendment.—Section 641(d) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1150; 10 U.S.C. 1414 note) is.repealed.

(d) Clerical Amendments.—The table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by striking the items relating to sections 1413 and 1414 and inserting the following new item:

''1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.''.

(e) Effective Date.—The amendments made by this section shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(f) Prohibition on Retroactive Benefits.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date specified in subsection (e).

SA 3913. Mr. GRASSLEY (for himself, Mr. Harkin, Mrs. Clinton, Mr. Schumer, Mr. Durbin, Mr. Fitzgerald, Mrs. Lincoln, and Mr. Hutchinson) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 346. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) Extension Through Fiscal Year 2004.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–65) is amended by striking ''and 2002'' and inserting ''through 2004''.

(b) Reporting Requirements.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking ''2002'' and inserting ''2004''; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence: ''Not later than July 1, 2003, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary's views regarding the benefits of the program for Army manufacturing arsenals

and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b).”.

SA 3914. Mr. FRIST (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In the table in section 2301(b), in the item relating to Royal Air Force, Lakenheath, United Kingdom, strike “$13,400,000” and insert “$5,000,000”.

In the table in section 2301(b), strike the amount identified as the total in the amount column and insert “$229,851,000”.

In section 2304(a), strike “$2,597,272,000” in the matter preceding paragraph (1) and insert “$2,588,878,000”.

In section 2304(a)(2), strike “$238,251,000” and insert “$229,851,000”.

In section 2601(3)(A), strike “$204,059,000” and insert “$212,459,000”.

SA 3915. Mr. FEINGOLD proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . BUDGET ENFORCEMENT.

(A) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting “and” before “312(b)” and by striking “, and 312(c)”; and

(B) by striking “258C(a)(5)”; and

(2) in subsection (d)(3)—

(A) by inserting “and” before “312(b)” and by striking “, and 312(c)”; and

(B) by striking “258C(a)(5)”; and

(3) in subsection (e), by striking “2002” and inserting “2007”.

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS.—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

“(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011.”.

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) EXTENSION OF DISCRETIONARY CAPS.—

(1) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(A) in the matter before subparagraph (A), by striking “2002” and inserting “2007”;

(B) by striking subparagraphs (C), (D), (E), and (F); and

(C) by redesignating subparagraph (G) as subparagraph (C).

(2) CAPS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (7) and (8) and inserting the following:

“(7) with respect to fiscal year 2003—

“(A) for the discretionary category: $764,722,000,000 in new budget authority and $756,268,000,000 in outlays;

“(B) for the highway category: $28,922,000,000 in outlays;

“(C) for the mass transit category: $1,445,000,000 in new budget authority and $6,030,000,000 in outlays; and

“(D) for the conservation spending category: $1,922,000,000 in new budget authority and $1,872,000,000 in outlays;

“(8)(A) with respect to fiscal year 2004 for the discretionary category: $784,425,000,000 in new budget authority and $814,447,000,000 in outlays; and

“(B) with respect to fiscal year 2004 for the conservation spending category: $2,080,000,000, in new budget authority and $2,032,000,000 in outlays;”.

(3) REPORTS.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking “2002” and inserting “2007”.

(d) EXTENSION OF PAY-AS-YOU-GO.—

(1) ENFORCEMENT.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking “2002” and inserting “2007”; and

(B) in subsection (b), by striking “2002” and inserting “2007”.

(2) PAY-AS-YOU-GO RULE IN THE SENATE.—

(A) IN GENERAL.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended in subsection (g), by striking “2002” and inserting “2007”.

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the President believes are appropriate when there is an on-budget surplus.

(e) SENATE APPROPRIATIONS COMMITTEE ALLOCATIONS.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the Committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

SA 3916. Mr. REID (for Mr. CONRAD (for himself and Mr. FEINGOLD)) proposed an amendment to amendment SA 3915 proposed by Mr. FEINGOLD (for himself and Mr. WELLSTONE) to the bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike all after the first word in the amendment, and insert the following:

BUDGET ENFORCEMENT.

(a) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting “and” before “312(b)” and by striking “, and 312(c)”; and

(B) by striking “258C(a)(5)”; and

(2) in subsection (d)(3)—

(A) by inserting “and” before “312(b)” and by striking “, and 312(c)”; and

(B) by striking “258C(a)(5)”; and

(3) in subsection (e), by striking “2002” and inserting “2007”.

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

“(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011.”.

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) EXTENSION OF DISCRETIONARY CAPS.—

(1) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(A) in the matter before subparagraph (A), by striking “2002” and inserting “2007”;

(B) by striking subparagraphs (C), (D), (E), and (F); and

(C) by redesignating subparagraph (G) as subparagraph (C).

(2) CAPS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (7) and (8) and inserting the following:

“(7) with respect to fiscal year 2003—

“(A) for the discretionary category: $764,722,000,000 in new budget authority and $756,268,000,000 in outlays;

“(B) for the highway category: $28,922,000,000 in outlays;

"(C) for the mass transit category: $1,445,000,000 in new budget authority and $6,030,000,000 in outlays; and

"(D) for the conservation spending category: $1,922,000,000 in new budget authority and $1,872,000,000 in outlays;

"(8)(A) with respect to fiscal year 2004 for the discretionary category: $784,425,000,000 in new budget authority and $814,447,000,000 in outlays; and

"(B) with respect to fiscal year 2004 for the conservation spending category: $2,080,000,000, in new budget authority and $2,032,000,000 in outlays;".

(3) REPORTS.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking "2002" and inserting "2007".

(d) EXTENSION OF PAY-AS-YOU-GO.—

(1) ENFORCEMENT.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking "2002" and inserting "2007"; and

(B) in subsection (b), by striking "2002" and inserting "2007".

(2) PAY-AS-YOU-GO RULE IN THE SENATE.—

(A) IN GENERAL.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended in subsection (g), by striking "2002" and inserting "2007".

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the President believes are appropriate when there is an on-budget surplus.

(e) SENATE APPROPRIATIONS COMMITTEE ALLOCATIONS.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the Committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect 15 days after the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a Hearing during the session of the Senate on Wednesday, June 19, at 9:30 a.m. in SD-366. The purpose of this hearing is to receive testimony on the following bills addressing the recreation fee program on Federal lands:

S. 2473, to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes; and

S. 2607, to authorize the Secretary of the Interior and the Secretary of Agriculture to collect recreation fees on Federal lands, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 19, 2002 at 2:30 p.m. to hold a hearing on S. 1017.

Agenda

Witnesses

Panel 1: Mr. Bernard Aronson, Co-chair of the Council on Foreign Relations, Independent Task Force on Cuba, Managing Partner, ACON Investment LLC, Washington, DC.

Panel 2 (Scientific Exchanges, Public Health and Advances in Medicine): Mr. Alan Leshner, Chief Executive Officer, American Association for the Advancement of Science, Washington, DC; Dr. Donald Morton, Medical Director and Surgeon in Chief, John Wayne Cancer Institute, Santa Monica, CA; Dr. Kenneth Bridges, Director, Joint Center for Sickle Cell and Thalassemic Disorders, Brigham and Women's Hospital, Boston, MA; and Dr. Mark Rasenick, Professor of Physiology, Biophysics, and Psychiatry, Director Biomedical Neuroscience Training Program, University of Illinois, College of Medicine, Chicago, IL.

Panel 3 (Travel): Ms. Nancy Chang, Senior Litigation Attorney, Center for Constitutional Rights, New York City, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Wednesday, June 19, 2002 at 10:30 a.m. for a hearing to consider the nomination of Michael Brown to be Deputy Director of the Federal Emergency Management Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, June 19, 2002, during the session of the Senate.

Agenda

S. 2184, To provide for the reissuance of a rule relating to ergonomics;

S. 2558, Benign Brain Tumor Registries Amendment Act;

S. 2328, Safe Motherhood Act for Research and Treatment;

S. 1115, Comprehensive Tuberculosis Elimination Act of 2001; and

S. 710, Eliminate Colorectal Cancer Act of 2001.

NOMINATIONS

Thomas Mallon, of Connecticut, to be Member of the National Council on the Humanities;

Wilfred M. McClay, of Tennessee, to be a Member of the National Council on the Humanities;

Wilbur Grizzard, of Virginia, to be an Assistant Secretary of Labor;

Patricia Pound, of Texas, to be Member of the National Council on Disability;

Lex Frieden, of Texas, to be Member of the National Council on Disability

Carol Hughes Novak, of Georgia, to be a Member of the National Council on Disability;

Kathleen Martinez, of California, to be a Member of the National Council on Disability;

Young Woo Kang, of Indiana, to be Member of the National Council on Disability;

Russell George, of Virginia, to be Inspector General, Corporation for National and Community Service;

Jeffrey D. Wallin, of California, to be a Member of the National Council on the Humanities; and

Kathleen Utgoff, of Virginia, to be a Commissioner of Labor Statistics, United States Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on NSF Reauthorization: Strengthening Math and Science Research, Development, and Education in the 21st Century during the session of the Senate on Wednesday, June 19, 2002, at 1:45 p.m. in SD-430.

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on "Penalties for White Collar Crime Offenses: Are We Really Getting Tough on Crime," on Wednesday, June 19, 2002, at 10:30 a.m. in SD226.

Agenda

Witnesses

Panel I: Mr. Charles Prestwood, Conroe, Texas; Ms. Janice Farmer, Orlando, Florida; and Mr. Howard Deputy, Smyrna, Delaware.

Panel II: The Honorable James B. Comey, Jr., United States Attorney for the Southern District of New York, New York, New York; the Honorable Glen B. Gainer, III, State Auditor of West Virginia, Chairman, National White Collar Crime Center, Morgantown, West Virginia; the Honorable

Bradley Skolnik, Securities Commissioner of Indiana, Chairman, Enforcement Division, North American Securities Administrators Association, Washington, DC; Mr. Frank Bowman, Associate Professor of Law, Indiana University School of Law, Bloomington, Indiana; and Mr. Paul Rosenzweig, Senior Legal Research Fellow, Center for Legal and Judicial Studies, The Heritage Foundation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled "Are Government Purchasing Policies Failing Small Business?" on Wednesday, June 19, 2002, beginning at 9:00 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 19, 2002 at 10 a.m. and 2:30 p.m. to hold a closed hearing on the Joint Inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Communications be authorized to meet on Wednesday, June 19, 2002, at 10 a.m. on Future of Universal Service: Ensuring the Sufficiency and Stability of the Fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Wednesday, June 19, 2002, at 2:30 p.m. on NASA and education.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that John Wason, a fellow in my office, be granted the privilege of the floor for the duration of the debate on S. 2514.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Mark Hamilton, a defense fellow in Senator MIKULSKI's office, be granted the privilege of the floor during the duration of the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLELAND. Mr. President, I ask unanimous consent that my military fellow, Skip Sherrell, be granted the privilege of the floor during consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Barbara Morrow, a fellow on my staff, be granted floor privileges for the duration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent that Senator McCAIN's legislative fellow, Navy LCDR Paul Gronemeyer, be granted floor privileges during consideration of the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

DETAINING OF NORTH KOREAN REFUGEES

Mr. REID. I ask unanimous consent the Senate proceed to Calendar No. 419, S. Con. Res. 114.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 114) expressing the sense of Congress regarding North Korean refugees who are detained in China and returned to North Korea where they face torture, imprisonment, and execution.

There being no objection, the Senate proceeded to consideration of the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble, and an amendment to the title.

[Omit the parts in black brackets and insert the parts printed in italic.]

S. CON. RES. 114

[Whereas the Government of North Korea is one of the most oppressive regimes and was identified by the President of the United States as one of the three countries forming an "axis of evil";

[Whereas the Government of North Korea is controlled by the Korean Workers Party, which does not recognize the right of North Koreans to exercise the freedoms of speech, religion, press, assembly, or association;

[Whereas the Government of North Korea imposes severe punishments for crimes such as attempted defection, slander of the Korean Workers Party, listening to foreign broadcasts, possessing printed matter that is considered reactionary by the Korean Workers Party, and holding prohibited religious beliefs;

[Whereas at least 1,000,000 North Koreans are estimated to have died of starvation since 1995 because of the failure of the centralized agricultural system operated by the Government of North Korea and because of severe drought;

[Whereas the combination of political, social, and religious persecution, economic deprivation, and the risk of starvation in North Korea is causing many North Koreans to flee to China;

[Whereas between 100,000 and 300,000 North Korean refugees are estimated to be residing in China without the permission of the Government of China;

[Whereas the Governments of China and North Korea have reportedly begun aggressive campaigns to locate North Koreans who reside without permission in China and to forcibly return them to North Korea;

[Whereas North Koreans who seek asylum in China and are refused, are returned to North Korea where they have reportedly been imprisoned and tortured, and in many cases killed;

[Whereas the United Nations Convention Relating to the Status of Refugees of 1951, as modified and incorporated by reference by the Protocol Relating to the Status of Refugees of 1967, defines a refugee as a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country";

[Whereas despite China's obligations as a party to the United Nations Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967, China routinely classifies North Koreans seeking asylum in China as "economic migrants" and returns the refugees to North Korea without regard to the serious threat of persecution they will face upon their return;

[Whereas the Government of China is party to the United Nations Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967 and must respect the term of these agreements;

[Whereas in recent weeks, Chinese authorities have increased security around diplomatic properties and reportedly have stepped up detentions of North Koreans hiding in the country, in response to 28 North Koreans seeking asylum who rushed several foreign embassies;

[Whereas on May 9th, eight North Koreans seeking political asylum rushed the United States and Japanese consulates in the northeastern Chinese city of Shenyang, including three who scaled a wall and made it into the United States mission; and

[Whereas Chinese police captured the other five, including a toddler, allegedly by entering the Japanese Consulate compound without permission, and dragging five people out, in clear violation of the provisions of the Vienna Convention on Consular Relations ensuring the inviolability of consular missions: Now, therefore, be it]

Whereas the people of North Korea live in extreme poverty and do not enjoy the freedoms of speech, religion, press, assembly, or association;

Whereas the Government of North Korea imposes severe punishments for crimes such as attempted defection, slander of the Korean Workers Party, listening to foreign broadcasts, possessing printed matter that is considered reactionary by the Korean Workers Party, and holding prohibited religious beliefs;

Whereas at least 1,000,000 North Koreans are estimated to have died of starvation since 1995 because of the failure of the centralized agricultural system operated by the Government of North Korea and because of severe drought and other natural calamities;

Whereas the combination of political, social, and religious persecution, economic deprivation, and the risk of starvation in North Korea is causing many North Koreans to flee to China;

Whereas between 100,000 and 300,000 North Korean refugees are estimated to be residing in China without the permission of the Government of China;

Whereas the presence of so many North Korean refugees on Chinese soil imposes a heavy burden on the Chinese people;

Whereas North Koreans who seek asylum while in China and are refused, are returned to North Korea where they have reportedly been imprisoned and tortured, and in many cases killed;

Whereas the United Nations Convention Relating to the Status of Refugees of 1951, as modified and incorporated by reference by the Protocol Relating to the Status of Refugees of 1967, defines a refugee as a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country";

Whereas the Government of China is party to the United Nations Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967;

Whereas China routinely characterizes North Koreans seeking asylum while in China as being economic migrants and returns the refugees to North Korea without adequate due process or regard to the serious threat of persecution they will face upon their return;

Whereas in recent weeks, in response to North Koreans seeking asylum who have rushed several foreign missions, Chinese authorities reportedly have begun an aggressive campaign to locate North Koreans who reside without permission in China and forcibly to return them to North Korea;

Whereas the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations obligate China to ensure the inviolability of foreign missions and to provide for their security;

Whereas the refugee problem will persist until there is peace and reconciliation on the Korean Peninsula;

Whereas June 15, 2002, marks the second anniversary of the historic North-South Summit in Pyongyang between South Korean President Kim Dae-jung and North Korean leader Kim Jong-il, at which both sides pledged to pursue peace and reconciliation;

Whereas President Bush has pledged to support South Korea's policy of engagement with North Korea; and

Whereas the President of the United States has offered to send a representative to meet with North Korean authorities to address issues of mutual concern, including humanitarian issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), [That Congress encourages—

[(1) the Government of China to honor its obligations under the United Nations Convention Relating to the Status of Refugees of 1951, as modified and incorporated by reference by the Protocol Relating to the Status of Refugees of 1967, by—

[(A) making genuine efforts to identify and protect the refugees among the North Korean migrants encountered by Chinese authorities, including providing the refugees with a reasonable opportunity to petition for asylum;

[(B) allowing the United Nations High Commissioner for Refugees to have access to all North Korean asylum seekers and refugees residing in China;

[(C) halting the forced repatriations of North Korean refugees seeking asylum in China; and

[(D) cooperating with the United Nations High Commissioner for Refugees in efforts to resettle the North Korean refugees residing in China to other countries;

[(2) the Government of China to permit access to the United Nations High Commissioner for Refugees in order to evaluate the asylum claims and to facilitate the resettlement of the North Korean refugees residing in China in other countries; and

[(3) the United States Government to consider asylum claims and refugee claims of North Koreans arising from a well-founded fear of persecution.]

That Congress—

(1) encourages the Government of China to honor its obligations under the United Nations Convention Relating to the Status of Refugees of 1951, as modified and incorporated by reference by the Protocol Relating to the Status of Refugees of 1967 by—

(A) making genuine efforts to identify and protect the refugees among the North Korean migrants encountered by Chinese authorities, including providing the refugees with a reasonable opportunity to petition for asylum;

(B) allowing the United Nations High Commissioner for Refugees to have access to all North Korean asylum seekers and refugees residing in China in order to evaluate the asylum claims and to facilitate the resettlement of the North Korean refugees residing in China in other countries; and

(C) halting the forced repatriations of North Korean refugees seeking asylum in China;

(2) encourages the Government of China to respect the inviolability of foreign missions while providing for their security, as called for under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations;

(3) urges the Government of North Korea to alleviate the suffering of the North Korean people, to respect their universally recognized human rights, and to take concrete steps to implement the North-South Joint Declaration of June 15, 2000, issued by the leaders of South Korea and North Korea on that date; and

(4) encourages the United States Government to consider asylum claims and refugee claims of North Koreans arising from a well-founded fear of persecution.

Amend the title to read: "A Concurrent Resolution expressing the sense of Congress regarding North Korean refugees in China and those who are returned to North Korea where they face torture, imprisonment, and execution.".

Mr. REID. I ask unanimous consent that the committee amendment be agreed to, the concurrent resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the title amendment be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The concurrent resolution (S. Con. Res. 114), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The title amendment was agreed to.

HONORING THE HEROISM AND COURAGE OF FLIGHT ATTENDANTS

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Con. Res. 110, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 110) honoring the heroism and courage displayed by airline flight attendants on a daily basis.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 110), was agreed to.

The preamble was agreed to.

The concurrent resolution with its preamble, reads as follows:

S. CON. RES. 110

Whereas over 100,000 men and women in the United States serve as flight attendants;

Whereas flight attendants dedicate themselves to serving and protecting their passengers;

Whereas flight attendants react to dangerous situations as the first line of defense of airline passengers;

Whereas safety and security are the primary concerns of flight attendants;

Whereas flight attendants evacuate passengers from an airplane in emergency situations;

Whereas flight attendants defend passengers against hijackers, terrorists, and abusive passengers;

Whereas flight attendants handle in-flight medical emergencies;

Whereas flight attendants perform routine safety and service duties on board the aircraft;

Whereas 25 flight attendants lost their lives aboard 4 hijacked flights on September 11, 2001;

Whereas 5 flight attendants helped to prevent United Flight 93 from reaching its intended target on September 11, 2001;

Whereas flight attendants provided assistance to passengers across the United States who had their flights diverted on September 11, 2001;

Whereas flight attendants on American Airlines Flight 63 helped to subdue Richard Reid on December 22, 2001, thereby preventing him from detonating an explosive device in his shoe intended to bring down the airplane and kill all 185 passengers and 12 crew members on board; and

Whereas flight attendants helped to prevent Pablo Moreira, a Uruguayan citizen, from breaking into the cockpit on February 7, 2002, during United Flight 855 from Miami to Buenos Aires: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its profound gratitude for the faithful service provided by flight attendants to make air travel safe;

(2) honors the courage and dedication of flight attendants;

(3) supports all the flight attendants who continue to display heroism on a daily basis, as they had been doing before, during, and after September 11, 2001; and

(4) shall send a copy of this resolution to a family member of each of the flight attendants killed on September 11, 2001.

ORDERS FOR THURSDAY, JUNE 20, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, June 20; that following the prayer and pledge the Journal of Proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 10:30 a.m. with Senators permitted to speak for up to 10 minutes each, with the first half under the control of the majority leader or his designee, and the second half under the control of the Republican leader or his designee, with the first 15 minutes of time under the control of Senator SPECTER; that at 10:30 a.m. the Senate resume consideration of the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the remarks of Senator MCCAIN of Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RECEIPT

Mr. MCCAIN. Mr. President, I speak on behalf of the pending amendment. I strongly support it and would like to finally see this issue brought to a successful conclusion after many years.

I first introduced legislation on concurrent receipt back in 1992, again in 1993, again in 1995, and again in 1999. In 1999, I introduced legislation that became law as a compromise measure that paid special compensation pay for severely disabled military retirees with disabilities greater than 50 percent.

Here we are in 2002 with an opportunity to finally rectify a problem that has plagued our veterans, and to rectify it once and for all for all military retirees who have become disabled during their military service.

We have an opportunity to show a measure of our gratitude to these brave men and women who are serving our Nation as we speak in a time of war that all of us agree may be of very long duration.

The existing law, as it stands, is simply discriminatory and wrong. Concurrent receipt is at its core a fairness issue. Present law simply discriminates against career military people who have been injured or disabled in the conduct of their duties while in defense of this Nation.

I want to emphasize the important aspect of this issue to all of my colleagues.

Retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability compensation. I want to repeat that. This record must reflect the importance of this legislation to correct a gross and unfair discrimination against our veterans. Retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability compensation.

In my view, the two pays are for very different purposes: one for service to the country and the other for physical or mental pain and suffering which occurred in that service to the country.

When I first drafted concurrent receipt legislation as ranking member of the Personnel Subcommittee, it was cosponsored by my dear friend, and former chairman of the Personnel Subcommittee, Senator John Glenn, in 1992. If he were here today, he would speak as passionately as he did during those years in favor of this legislation.

The Retired Pay Restoration Act has received strong bipartisan support in Congress with 396 cosponsors in the House and 82 cosponsors in the Senate.

The Military Coalition, an organization of 33 prominent veterans' and retirees' advocacy groups, supports this legislation, as do many other veterans service organizations, including the Veterans of Foreign Wars, American Legion, and Disabled American Veterans.

For the brave men and women who have selected to make their career the U.S. military, they face an unknown risk. If they are injured, they will be forced to forego their earned retired pay in order to receive their VA disability compensation. In effect, they will be paying for their own disability benefits from their retirement checks.

We have a unique opportunity this year to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. Sixty percent is not enough. We need full funding for all military retirees. It is time for us to show our appreciation to the men and women who have suffered so much for our great Nation.

If we went back and looked at the legislative history of the legislation we passed in 1999, I think a review of the debate and discussion of that legislation would show that we wanted to cover all veterans, but there simply was not enough money. So we drew the line at severely disabled military retirees with disabilities greater than 50 percent, with the full intention of expanding that to all veterans.

Why did we select 50 percent? It was an arbitrary selection because we knew that over time we would expand it. The reason why we drew the line where we did was simply for budgetary reasons.

Again, it seems to me, the argument against it is only one; that is, we cannot afford it because it is too large a hit to the budget.

I would argue that perhaps we have our priorities a bit skewed if we are not going to take care of our veterans as our first priority. So I hope we can convince the administration of the justice and fairness behind this proposal. I hope we can get it resolved to the benefit of our men and women who have served.

I point out that this is an issue not only for veterans who have retired and feel inequity, but the active duty members of our military are also aware of this situation.

So I speak strongly on behalf of the amendment, as one who has been involved in it, as I said, for nearly 10 years. We have achieved partial success now. I hope we can achieve complete success and make all veterans eligible for this program and they not have to give up their retirement pay in order to receive VA disability compensation.

I thank the Presiding Officer for his patience, and I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:59 p.m., adjourned until Thursday, June 20, 2002, at 9:30 a.m.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO COLORADO STUDENT HISTORIANS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. McINNIS. Mr. Speaker, I rise today to recognize an outstanding history education program in Colorado and throughout the United States. National History Day is a yearlong nonprofit program through which students in grades 6–12 research and create historical projects related to a broad theme, culminating in an annual contest. This year's National History Day theme, "Revolution, Reaction, Reform in History," encompasses endless possibilities for exploration. Each year more than 700,000 students participate in this nationwide event that encourages students to delve into various facets of world, national, regional, or local history and to produce original research projects.

By encouraging young Coloradans and other young men and women to take advantage of the wealth of primary historical resources available to them, students are able to gain a richer understanding of historical issues, ideas, people, and events. Students in this program learn how to analyze a variety of primary sources, such as photographs, letters, posters, maps, artifacts, sound recordings and motion pictures. This significant academic exercise encourages intellectual growth while helping students to develop critical thinking and problem solving skills that will help them manage and use information.

I want to take a moment to pay tribute to the four students who will represent Colorado at this year's National History Day contest. Amy Lewis of Summit Middle School in Frisco, Colorado, with the assistance of her teacher Sam Havens, wrote a fine paper entitled "The Automobile: A Revolution of a Lifetime." Amy Wiley's exhibit, "The Incredible Mill Girl Revolution," represents her hard work and the dedication of Dana Ferguson and all the fine teachers at Connect Middle School of Pueblo. Finally, Angie Mestas and Martina Zinr, of Ortega Middle School in Alamosa, have prepared "Sewer Systems: Revolution in Urban Sanitation," a group project under the supervision of teacher Carrie Zimmerman.

Mr. Speaker, I wish to applaud the dedication of these students and the hours of education, devotion and friendship provided to them by their respective teachers. The National History Day program is truly a great asset to Colorado's and our nation's educators and students in their quest for educational excellence. The program represents hope for improving historical knowledge and perspective and the future of our young people as citizens of the world. I thank all those involved in making this competition possible and I wish our own Colorado delegation good luck as they match wits with students from across the country.

CONGRATULATING PROFESSOR RICHARD McCRAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Richard McCray of the University of Colorado, who is one of six professors nationwide being recognized and rewarded with a National Science Foundation Director's Award for Distinguished Teaching Scholars.

The NSF Director's Award honors individuals who have made outstanding contributions to research in their discipline as well as education of undergraduate students, including those who are not majoring in the sciences. It is the highest honor bestowed by the National Science Foundation for excellence in both teaching and research.

In awarding this honor to Prof. McCray, the NSF selection committee commended him for his many innovative contributions in the area of teaching standards. In particular, the committee credited Prof. McCray's use of Web-based learning tools with transforming the way introductory astronomy is taught to large classes.

Prof. McCray has been a member of the National Academy of Sciences since 1989, as well as a member of the Educational Advisory Board of the American Astronomical Society, and his many other accomplishments are too numerous to mention here. This award singles out Prof. McCray for his contributions to the University of Colorado, to the teaching profession, and to the overall enhancement of undergraduate education. He deserves to be proud of his efforts to strengthen the standard of excellence toward which our nation's professors and educational institutions strive.

HONORING MAJOR GENERAL ROBERT J. COURTER, JR., COMMANDING OFFICER OF THE DEFENSE COMMISSARY AGENCY, ON THE OCCASION OF HIS RETIREMENT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. FORBES. Mr. Speaker, I rise today to honor a true American patriot who has spent his entire adult life in the service of his country. Major General Robert J. Courter, Jr., United States Air Force, is retiring from duty, bringing to a close his admirable 33-year military career.

A 1968 graduate of Rutgers University, Major General Courter, commanded two squadrons as a base civil engineer. He attained the academic position of associate professor of engineering management at the Air Force Institute of Technology and served in two different key resource management positions at the Headquarters of the United States Air Force here in Washington, D.C. General Courter has served as the command civil engineer at Air Force Logistics Command at Wright-Patterson Air Force Base in Ohio. General Courter also served as the 37th Training Wing commander at Lackland Air Force Base in Texas. He is a registered professional engineer in Texas, a society fellow, and national board member of the Society of American Military Engineers.

Throughout his dedicated career Major General Courter was decorated for his service. His awards include the Legion of Merit, the Bronze Star Medal with "V" device and oak leaf cluster, the Meritorious Service Medal with four oak leaf clusters, the Air Force Commendation Medal with two oak leaf clusters, the Vietnam Service Medal, the Republic of Vietnam Gallantry Cross with Palm, and the Republic of Vietnam Campaign Medal.

In his most recent assignment Major General Courter served as the director of the Defense Commissary Agency, at Fort Lee, in the Fourth District of Virginia. In this capacity, Major General Courter was responsible for directing and centrally managing the military's worldwide commissary system.

Mr. Speaker, I rise today as the representative of the citizens of Virginia's 4th District to congratulate Major General Courter on the completion of his outstanding career and to thank him for his dedicated service to the United States of America. Please join me in wishing General Courter happiness for the future and thank him for his dutiful dedication to service.

IN RECOGNITION OF RENEE D. MARTINEZ

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Ms. SOLIS. Mr. Speaker, I rise today to honor Renee D. Martinez for becoming the first woman and first Latina to achieve a position at the level of permanent Vice President of Workforce Education and Economic Development in the history of East Los Angeles College in Monterey Park, California.

Throughout her entire professional career, Ms. Martinez has remained committed to improving educational access and opportunities for the community. Ms. Martinez began serving the East Los Angeles community in 1968

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

at the Hammel Street Children Center as a teacher, consultant and supervisor.

In 1974, Ms. Martinez joined East Los Angeles College as a coordinator for the Outreach Education Associate Program for Education Aides. She then became a professor in the Child Development program and soon became the Chairperson for the Family & Consumer Studies Department. Shortly after, Ms. Martinez became Co-Director and Trainer of the Independent Living Program for Adults and Teenagers. From there, Ms. Martinez became Director of the Foster Care Education Program. In 1995, Ms. Martinez was appointed Director/Associate Dean of Student Activities. In 1996, Ms. Martinez was promoted to Dean of Academic Affairs. Since 2000, she has served as temporary Vice President of Workforce Education and Economic Development.

In addition to her professional contributions to the East Los Angeles College community, Ms. Martinez has spent her time and energy serving on numerous advisory committees for organizations like: East Los Angeles YMCA, Las Madrinas de Montebello, Friends of El Centro Mental Health Center, Latinas Partners for Health HIV/AIDS, and many others. Ms. Martinez's commitment to the community and hard work earned her various awards, such as: the Mexican American Alumni Award, 1992; National Head Start Latino Leadership, 2000; and Director of the Year-Foster Care Education, 1994.

Ms. Martinez currently resides in Hacienda Heights, CA. She earned her Bachelor of Arts degree from California State University of Los Angeles and a Master of Arts degree from University of San Francisco.

It gives me great pride to honor and congratulate Renee D. Martinez for achieving the position of permanent Vice President of Workforce Education and Economic Development at East Los Angeles College and her many contributions to our community.

PAYING TRIBUTE TO THE RUSTY CANNON MOTEL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pay tribute to the Rusty Cannon Motel for its contributions to the business community of Rifle, Colorado. The Rusty Cannon was recently awarded the "Business of the Year" award by the Rifle Chamber of Commerce in recognition of the faith and quality service that the motel's owners have shown through the establishment's 20 years in operation.

Opening its doors in Rifle on May 1, 1982, the Rusty Cannon Motel was built to accommodate the oil shale boom which had significantly increased the demand for lodging in the area. When a major oil producer pulled the plug on their oil shale operations in the region only one day later, the Rusty Cannon's owners—Bob Cross, Dennis Foster and Bob McMichael—were forced to rethink their plans for the newly-built 89-room hotel.

After 20 years of successful operation, the Rusty Cannon's celebration of this impressive anniversary serves as a testament to the ingenuity, faith and management prowess of the motel's ownership. The Rusty Cannon's success has truly been a community effort, with managers Bunny and Larry Rohrig crediting the high quality of the local housekeeping and front desk help for much of the success which the establishment has enjoyed over its two decades of operation.

Mr. Speaker, it is with pride that I take this opportunity to bring the Rusty Cannon Motel's twentieth anniversary to the attention of this body of Congress and congratulate managers Bunny and Larry Rohrig on being named the 2001 Business of the Year by the Rifle Chamber of Commerce. The devotion and hard work which has been invested by the Rusty Cannon's owners, managers and staff to make this motel a successful enterprise has been a shining example of the American ingenuity which makes our nation great.

NATIONAL SERVICE DAY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. ISRAEL. Mr. Speaker, I rise, as all Americans should rise in support of service to the greatest Nation in the history of the world.

As we speak, American men and women are in harms way across the world fighting terrorist enemies who only nine short months ago launched an unprecedented assault against our Nation, our people and our institutions. Above all, they launched an assault against the values and principles of freedom and liberty that are the very foundation of our Republic, and the reason that we are the model for democracy all across our planet.

America is the terrorist's worst nightmare, for we are truly a guiding lamp of liberty, a model of justice that men and women all over the world flock to each year, an extraordinary place where the children of immigrants became as much Americans as the descendants of the Mayflower.

There are many ways to serve America's freedom. We are proud of our sons and daughters who risk their lives to protect our liberty. Their military courage inspires us.

But there are other ways to serve America. There are other ways to strengthen the United States, to strengthen our pluralism, to extend the American dream across our continent.

Mr. Speaker, in this time of national crisis, it is time for Americans to pay back to this country in ways both large and small, some of the great gifts that this Nation, and this land, and this system have given to all of our people.

I remember as a child hearing the stirring words of John Fitzgerald Kennedy calling Americans to service around the world in the Peace Corps.

I remember the words and programs of Lyndon Baines Johnson building the Great Society—from Head Start to Community Action Programs to Legal Services for the Poor. He fulfilled President Kennedy's dream with the formation of the domestic Peace Corps—VISTA—Volunteers in Service to America.

I recall the words of President George Herbert Walker Bush in his Points of Light initiative to expand volunteerism in America.

And I recall the words of President Bill Clinton when, as one of the first initiatives of his presidency, he sought the creation of the AmeriCorps program to encourage more young Americans to serve their country.

And today, I am proud of the determination, and the commitment, and the idealism of the thousands of Americans who serve in AmeriCorps.

I am stirred by the passion of thousands of young Americans, straight out of college with endless possibilities to make huge salaries, who have chosen instead to give two years back to their Nation in the extraordinary Teach For America program. One of those American patriots is Sarah Siegel, the daughter of my own Chief of Staff.

Mr. Speaker, there are all kinds of courage in this world. Civil courage is every bit as significant as military courage. The thousands of volunteers demonstrate courage every day by sacrificing their time to help their fellow citizens. I am proud to witness this strength of character in America.

Mr. Speaker, there are many ways to demonstrate character in the new millennium. But I suggest to you today, as we celebrate National Service Day, that a fundamental demonstration of American character, values and commitment to the future, is service to our Nation.

President Kennedy challenged Americans with his call to "Ask not what your country can do for you, ask what you can do for your country,"—and America has responded.

On this day, I praise all who are paying to their Nation and their communities, and accepting the personal responsibilities inherent in citizenship. I pray that their good work, and their good deeds, and their good hearts, will become a model for generations of Americans yet unborn, on how to be a responsible citizen of the United States of America.

DECLARING COLORADO OPEN FOR BUSINESS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise to announce that Colorado is open for business! Recently, in the great State of Colorado has been the focus of a lot attention because of the fires. However, the fires are burning only in one-percent of the state and much of our beautiful state has not been affected by fire.

Many people associate Colorado with winter sports like skiing and snowboarding, but there is no where on Earth during the summertime like Colorado. Our state is home to fifty-three 14,000-foot peaks that are ready to be conquered, several creeks and rivers ripe for fishing or rafting, and numerous golf courses and mountain bike and hiking trails.

Summer vacationers can take a ride on the Summer Ski Train to Winter Park. Music lovers can watch the sun set over the Rocky

Mountains and take in the sounds of the National Repertory Orchestra in Breckenridge or at the Hot Summer Nights Concerts in Vail. Visit historic Central City and try your luck at one of the area's casinos. Or come to the River Run Annual Bluegrass and Beer Festival and Fiddle Contest and Bluegrass Concert in the Park Lane Pavilion at Keystone Resort. Sip on a tall cool one, grab a dance partner, marvel at the talents of the best fiddlers and watch the state's best lumberjacks compete for the title. And what would the Fourth of July be without the Greeley Independence Stampede, which is home to the largest Fourth of July Rodeo in the nation.

Mr. Speaker, we appreciate all that the nation has done to assist us in fighting wildland fire. But there is nothing like a summer in Colorado. Colorado is open for business. Come one, come all and enjoy Colorful Colorado.

HONORING COLONEL JAMES E. PALLAS III, INSPECTOR GENERAL OF THE DEFENSE COMMISSARY AGENCY ON THE OCCASION OF HIS RETIREMENT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. FORBES. Mr. Speaker, I rise today to honor a true American patriot who has committed his entire career in the service of the American people. Colonel James E. Pallas III, United States Air Force, is retiring from duty bringing to a close his admirable 30-year military career.

A 1970 graduate of the University of Georgia, Colonel Pallas has served his country in the extreme temperatures of the globe as director of housing and services for the Alaskan Air Command Headquarters, at Elmendorf AFB, Alaska, and as food and service officer for the 43rd Combat Support Group, at Andersen AFB, Guam. During his distinguished service Colonel Pallas was awarded the Legion of Merit, the Meritorious Service Medal with four oak leaf clusters, the Joint Services Commendation Medal, the Air Force Commendation Medal with one oak leaf cluster, and the Humanitarian Service Medal with second device.

In his most recent assignment Colonel Pallas served as inspector general for the Defense Commissary Agency, Fort Lee, Virginia. In this position Colonel Pallas was responsible for inquiring into and reporting on matters affecting mission performance and the state of the economy, efficiency, discipline, and morale within an agency that controls the procurement, distribution and sales of a worldwide food supplier to our military and their families.

Mr. Speaker, I rise today as the Representative of the citizens of Virginia's 4th District to congratulate Colonel Pallas on his magnificent career and to thank him for his long service to America. Please join me in wishing Colonel Pallas happiness for the future and thank him for his dutiful dedication to the United States of America.

IN HONOR OF THE NORTH BETHESDA MIDDLE SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to honor and congratulate the students, faculty, and parents of the North Bethesda Middle School on a meaningful and exciting achievement. Over the past 6 years, the North Bethesda Middle School community has collected over 10,000 new and used books to donate to needy children in Montgomery County and throughout the greater Washington area.

This year alone, the program donated over 2,000 books to disadvantaged children in their fight against illiteracy. The school community has been recognized for their charitable efforts by the Montgomery County Sentinel and by many other local organizations. Today I add my voice to all those saying "thank you" to the North Bethesda Middle School community for all their hard work.

These students, teachers, and parents understand that excellent reading skills and a quality education are the cornerstones of a young person's upbringing and development. The students of North Bethesda have already had a profound impact on the lives of children they may not ever meet. Their pure sense of charity, compassion, and concern should inspire all of us.

As a former teacher, I believe that each one of us can have an impact on a young person's future. It is my hope that through the continuation of this successful program, and others like it, the lives of disadvantaged children around the country will be forever changed for the better.

Mr. Speaker, I encourage all members of the education community to look towards this wonderful and successful effort as an example of an outstanding educational initiative. I encourage all young Americans seeking to serve their community to follow these students' lead. Again, Mr. Speaker, I congratulate everyone at North Bethesda Middle School, especially Principal Joan Carroll, and thank them all for their work on this great project.

PAYING TRIBUTE TO DALE ORENDORFF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002—

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay respect at the passing of Dale Orendorff, who died unexpectedly at the age of 79. Dale became a pillar of the Montrose, Colorado community after relocating there in 1984 and, as his family mourns his loss, I think it is appropriate to remember him at this time and pay tribute to the contributions he made to Colorado throughout his life.

Dale Orendorff was born on September 7, 1922 in Columbus, Nebraska, the son of John and Loa Mabel Bernard. He spent his formative years in Central City, Nebraska, where he received his elementary schooling. One day after the historic Japanese attack on Pearl Harbor, Dale proudly heeded the call to defend our nation, enrolling in the United States Army Air Corps at the age of 19. His service to our nation in time of war served as a testament to the character of a man whose devotion to family and country was evident to all of those who crossed his path.

Dale was a shining example of civic-minded devotion to his community. He was a member of the Methodist Church of Montrose, as well as Elks Lodge No. 1053. An avid outdoorsman, Dale's love of fishing dated back to his youth. As he grew older, he took up the game of golf, which became one of his favorite avocations.

Mr. Speaker, it is my privilege to pay tribute to Dale Orendorff for his contributions to the Montrose community. His dedication to family, friends and community certainly deserves the recognition of this body of Congress. Although Dale has left us, his good-natured spirit lives on through the lives of those he touched. I would like to extend my thoughts and deepest sympathies to Dale's family and friends during this difficult time.

COMMENDING SUPERVISOR DON KNABE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Supervisor Don Knabe, who was first elected to the Los Angeles County Board of Supervisors in November of 1996. He ran unopposed for his second term and was re-elected in March of 2000. Don is the first chief-of-staff ever elected to the Los Angeles County Board of Supervisors.

A community leader for 30 years, Don is noted for his attention to detail and ability to see the overall big picture. The strength of his grassroots support and considerable experience in local government have made him a highly regarded voice, not only at home in the fourth district, but in both Sacramento and Washington, DC.

Don is currently the chairman of the Southern California Regional Airport Authority and also represents the County of Los Angeles on the Southern California Regional Rail Authority (Metrolink), the Alameda Corridor Transportation Authority, and the Large Urban County Caucus of the National Association of Counties (NACo). He also serves on the Board of Directors for the Metropolitan Transportation Authority (MTA). In addition to various other appointments and commissions, Don is an executive board member of the California State Association of Counties (CSAC) and a member of the Asian Business League and L.A. Care Board of Governors.

Before joining the U.S. Navy as a young man, Don earned a bachelor's degree in business administration from Graceland University in Lamoni, Iowa. Shortly after receiving his honorable discharge, he moved west to California, where he met his wife, Julie, and settled in the city of Cerritos.

Don spent 2 years as a member of the Cerritos Planning Commission before being elected to the Cerritos City Council in 1980. He served as a councilman for 8 years, including two terms as mayor, and was a leader in the development and implementation of the city's General Plan during a time of unprecedented economic expansion. Today, Cerritos is regarded as a national model of sensible growth.

Don Knabe has truly exemplified every aspect of what it entails to serve the diverse needs of the district's two million constituents. Thank you, Don, for your hard work and willingness to make such an outstanding difference in the lives of many Americans.

IN RECOGNITION OF ALICIA IRMA BONILLA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Ms. SOLIS. Mr. Speaker, I rise today to recognize the numerous contributions of one of my constituents, Mrs. Alicia Irma Bonilla.

Mrs. Bonilla has served the students and schools in the city of Azusa for over 40 years through countless hours of volunteer service. Her years of dedicated service have made a significant improvement in our schools and our community.

While working full time at the Good Samaritan Credit Union, Mrs. Bonilla also managed to be involved in schools such as Valleydale Elementary, Ellington Elementary, Center Middle School, Foothill Middle School and Gladstone High School. For the past two years, Mrs. Bonilla has served as Azusa Council Parent Teacher Association (PTA) President and the past 6 years at First District PTA. Mrs. Bonilla has also contributed her time to the Girl Scouts, Little League, Helping Hand, and Azusa Youth Programs. Her years of hard work and dedication earned her the prestigious PTA Golden Oak Award and Lifetime Achievement Award.

In addition to working witii the city's youth, Mrs. Bonilla has contributed her time to local community and senior organizations like the Azusa Golden Days Activities, UMAYPA, Healthy Start Families, and Azusa Citizens' Congress. Mrs. Bonilla has also served as a religious education teacher, financial council secretary and Eucharistic minister for Our Lady of Guadalupe Church since it opened its doors 35 years ago.

Mrs. Bonilla and her husband Joseph have four grown daughters, Carol, Sandra, Annette and Terri, who have gone through the Azusa Unified School District. Mrs. Bonilla is a role model to many children, including her own. Her youngest daughter, Terri, currently dedicates numerous hours to our schools and community.

Mrs. Bonilla is a woman who has served our community with her heart, mind and soul. Countless families have benefited from her kindness and generosity. I am thankful to Mrs. Bonilla for her commitment to our community and would like to honor her today.

EXPLAINING SEPTEMBER 11TH TO FUTURE 4TH GRADERS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. ISRAEL. Mr. Speaker, I commend the following letter to you and all of our colleagues. Nicole Jean-Marie Bansen read this letter at the Lindenhurst Memorial Day Ceremony on May 27, 2002. An elementary school student from Long Island, Nicole directed the letter to future 4th graders so that they might better understand September 11 based on her own experience. Like Nicole, I believe that we must help preserve the memory of that tragic day by sharing our stories with future generations.

DEAR FUTURE FOURTH GRADER, September 11, 2001 was a tragic day. I'm writing this letter to tell you what really happened. I was in school when it happened. That was the day that jet planes hit the Twin Towers, and soon both collapsed. Tower One was hit first. Within the next hour, Tower Two was also hit. Time seemed to freeze. Everyone just stopped what they were doing to see what happened in disbelief It was like a nightmare coming true!

When I found out what had happened, my heart felt like it was shattered, just like the Twin Towers. After school, my brother and Mom told me to watch the news. I turned on the television and saw both planes crashing into the Twin Towers. A friend of our family's worked on the 72nd floor of Tower One, I was afraid that he might be killed, like so many others. He made it out of the building in minutes before it collapsed!

I was affected by this tragedy in a sad way because I will not see the Twin Towers anymore, and so many innocent people died. In the future, people should never forget this day, and always remember all the people who died. I believe parents should tell their children the truth about what happened when they are old enough to understand, so they aren't frightened. Your friends and you will learn about this day in your Social Studies class in school, if your parents didn't already tell you about it.

I hope this terrorist act never happens again. Hopefully you will never know the "evil" word, terrorism. But, if something like this does happen again, I am sure that everyone will be very sad. I am so glad to be an American, because of our freedom and people staying united through difficult times.

Sincerely,

NICOLE JEAN-MARIE BANSEN.

PAYING TRIBUTE TO MOUNTAIN STATES LEGAL FOUNDATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the Mountain States Legal Foundation, an organization that has selflessly led efforts to sustain and improve the interests of the community. I applaud the efforts of each and every individual that made it possible to build the new foundation's headquarters.

The Legal Foundation celebrates its 25th anniversary by dedicating its new headquarters on June 6, 2002. The vision and determination of MSLF, has produced a state of the art, professional building, located in the suburbs of Denver, Colorado. MSLF was established to advocate the quest for free enterprise and maintain the country's laws established and preserved by the Constitution. On June 6th, their 25th birthday, I pay tribute to MSLF's accomplishments and relocation to their new location.

MSLF extends its outreach to the communities and businesses seeking assistance. Many of MSLF's activities include conservation and preservation of our natural resources and environment. MSLF has assisted in the fight to preserve and protect our wetlands and national forests. MSLF has defended our rights and liberties within the judiciary system. It is because of foundations and organizations like MSLF, that we are able to live in this nation of freedom.

Mr. Speaker, it is with great pride I honor such an outstanding organization before this body of Congress and this nation. The Mountain States Legal Foundation contributes so much to our nation and community, it is fitting they celebrate 25 wonderful years. Thank you to all individuals who worked hard and diligently to reach these outstanding achievements.

TRIBUTE TO SERGEANT JOSE M. LOPEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a special South Texan, Sergeant Jose M. Lopez, recipient of a World War II Congressional Medal of Honor. For his courageous and selfless actions on the battlefield, this man is truly a great American patriot.

In response to the call of duty, Sergeant Lopez almost single handedly engineered his company's successful withdrawal under heavy enemy small arms fire near Krinkelt, Belgium on December 17, 1944. On his own initiative, he repeatedly repositioned his heavy machine gun to critical points along his company line, which led to over one hundred enemy deaths and saved the lives of numerous American soldiers. For these efforts, Sergeant Lopez deserves the admiration and gratitude of the American people.

It is especially appropriate that we honor this soldier today on America's Independence Day. Although the American colonists were victorious in the revolutionary war two hundred nineteen years ago, the American pursuit of liberty did not end there. Throughout the past two centuries, young Americans like Sergeant Lopez have fought to preserve our country's values both inside and outside its borders. In this struggle, one of our most valuable resources has been our soldiers and their dedication to upholding American ideals.

This July 4th, as we celebrate the birth of our beloved nation and all it means to us in the 21st century, we must acknowledge the brave and selfless actions of dedicated American soldiers like Sergeant Lopez. Through his courageous military service, Sergeant Lopez has done his part to ensure that America may celebrate its independence year after year.

This year, we will honor Sergeant Lopez with a statue in front of the Veterans Memorial Bridge in Brownsville, Texas, to commemorate his contribution to American military history. Thanks to brave soldiers like Sergeant Lopez, we retain our freedom and we protect democracy around the world. I ask all my colleagues to join me in commending Sergeant Lopez's sacrifice for our nation.

HONORING STAN ROGER ARTERBERRY

HON. MIKE THOMPSON
OF CALIFORNIA

HON. DOUG OSE
OF CALIFORNIA

HON. GEORGE MILLER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. THOMPSON of California. Mr. Speaker, we rise today to recognize Stan Roger Arterberry who is resigning as Superintendent-President of Solano Community College after eight years of distinguished service to the community.

Mr. Arterberry began his career with the California Community Colleges in 1974 as an Assistant Professor of Sociology and History at Riverside City College.

He moved into college administration in 1980 as the Assistant Dean of Student Affairs at Riverside.

In 1983 he transferred to West Hills Community College as Dean of Community Based Education. Three years later he was named Vice President for Academic/Student Services. He eventually became Superintendent/President of the district and served in that capacity until 1993 when he was named President of Merritt College.

He became President/Superintendent of the Solano Community College District in 1994.

During Mr. Arterberry's tenure, the college initiated the future development of programs with Sacramento State University and Sonoma State University to provide students the ability to achieve a four-year degree in Solano County.

Among Mr. Arterberry's innovations were the Weekend College, courses at Travis Air Force Base and online courses. He also encouraged the increased use of technology for services and programs for students and employees.

The Biotechnology Program, one of the cornerstones of Solano Community College, continued to grow and develop under Mr. Arterberry's leadership.

In addition to his professional responsibilities, Mr. Arterberry served as President of the Solano County American Red Cross and the Solano County Business Education Alliance. He was also an active member of the Vallejo Omega Boys and Girls Club, the Solano County Workforce Investment Board, The Vacaville Chamber of Commerce Education Committee, the Solano Economic Development Corporation, the Vallejo Chamber of Commerce and the Vacaville Select Committee on City and School Relations.

Mr. Speaker, Superintendent-President Stan Roger Arterberry has served his college and his community well and it is therefore appropriate that we honor him today for his many contributions and wish him well in his new position as Chancellor of West Valley Mission College.

TRIBUTE TO JACOB BROTMAN

HON. CONSTANCE A. MORELLA
OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mrs. MORELLA. Mr. Speaker, today I join with two of my constituents, Doug Dembling of Takoma Park, Maryland and Ross Dembling of Bethesda, Maryland to observe a special day in their family history. One hundred years ago today, on June 19, 1902, their maternal grandfather, Jacob Botman, proudly appeared before the U.S. District Court in New York City and became a citizen of the United States of America.

Jacob Brotman was born in Romania on September 19, 1879. With anti-semitism on the rise in eastern Europe, Jake, as he was known, immigrated to the United States via England and Canada while still in his early teens.

On September 6, 1901, the very day President William McKiffley was fatally wounded by an assassin's bullet, Jake Brotman enlisted in the U.S. Army. He received his honorable discharge from the military on March 4, 1902. The Army's records reflect he served his adopted country during the Spanish American War as a member of the 72nd Company of the Coast Artillery. Shortly after his discharge from the Army, Jacob Brotman became an American citizen. Jake died in 1965 and is buried at the Long Island National Cemetery, New York.

Throughout his life, Jake vigorously embraced his new country, citizenship, and a strong work ethic. He treasured his citizenship, both its ideals and obligations. As Jake considered voting such an obligation, he never failed to exercise that precious right. He and his wife, Annie, raised four sons and a daughter in New York City with the same ideals. Three of his sons, Sol Brotman, Hy Brotman, and the late Oscar Brotman served in the U.S. military during World War II; his daughter, Florence Brotman Dembling, the youngest of his five children, went to work at the Pentagon during that war. Jake worked for over 40 years as a trainman in New York's elevated train system. He was very industrious and conscientious, and in order to provide for his family, he routinely worked extra shifts in addition to his 56-hour workweek. Despite his sacrifices for his family, Jake could always be counted on to help others in his community who were in need.

Mr. Speaker, later this month, I will have the pleasure of presenting an American flag that flies over the U.S. Capitol today to two of Jacob Brotman's grandsons. I know that all my colleagues in the House join me in this tribute to Jake's memory and service to his family, community, and our country.

PAYING TRIBUTE TO REX WEIMER

HON. SCOTT McINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. McINNIS. Mr. Speaker, it is with a profound sense of gratitude that I pay tribute to Rex Weimer as he concludes his service to the people of Collbran, Colorado after eighteen years dedicated to the town and its citizens. Rex's devotion to his neighbors and love for his community has served as a shining example of the selfless nature that is indicative of a true 'public servant.'

Rex's devotion went well beyond the job to which he was elected and he has shown such extraordinary dedication to his community in the numerous extra hours he has spent plowing snow, making repairs when asked and assisting employees whenever possible. He has personally installed a heating system in the Collbran auditorium and an air conditioning system in the new Town Hall—both tasks which he performed well above and beyond the call of duty. Rex's time spent on the board of trustees serves as a true testament to his love of Collbran.

Along with his wife Judy, Rex has been an active community member in Collbran for many years. He has served on both the street and alley and water and sewer committees. He is the Post Commander for the local American Legion and is a song leader on Sundays at the Collbran Congregational Church. Rex is a man marked by uncommon devotion to common people: he often anonymously bestows extraordinary acts of thoughtfulness on his neighbors, rarely seeking the credit he deserves.

Mr. Speaker, it is my honor to bring to the attention of this body of Congress a man whose love for his town, and whose willingness to sacrifice in its service is an inspiration to those who have lived in his community. As a public servant, Rex Weimer's time as Trustee has been an inspirational example to those of us who serve our nation in elective office. It is with gratitude for his time of service to Collbran that I recognize Rex Weimer's ongoing devotion to the people and town that he loves.

CONGRATULATING MATT KEYSER

HON. MARK UDALL
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to praise Matt Keyser, an engineer at the Center for Transportation Technologies and Systems, part of the Department of Energy's National Renewable Energy Laboratory, based in Golden, Colorado. Matt was chosen as one of the world's 100 Top Young Innovators by the Massachusetts Institute of Technology's Magazine of Innovation, Technology Review.

I have submitted for the RECORD an article about Matt from the Arvada Sentinel, a newspaper in Arvada, Colorado. I am proud that Matt hails from NREL, which is involved in such important work trying to secure for all Americans a clean energy future. I am proud of the example Matt has set for our young people, who need models like Matt to look to as they make choices about their own careers and futures. Most importantly, I thank Matt for his contributions to our environment and to this country.

[From the Sentinel and Transcript Newspapers, June 7, 2002]

NATIONAL MAGAZINE NAMES NREL ENGINEER TOP YOUNG INNOVATOR

(By Sabrina Henderson)

An engineer in the U.S. Department of Energy's National Renewable Energy Laboratory Center for Transportation Technologies and Systems, Matt Keyser of Arvada, was chosen as one of the world's 100 Top Young Innovators by the Massachusetts Institute of Technology's Magazine of Innovation, Technology Review.

Technology Review's top-100 list recognizes young innovators for their contributions in transforming the nature of technology in industries such as biotechnology, computing, energy, medicine, manufacturing, nanotechnology, telecommunications, and transportation.

Keyser was honored May 23 during a conference and awards ceremony at the Massachusetts Institute of Technology in Cambridge, Mass. The event, called "The Innovation Economy: How Technology is Transforming Existing Businesses and Creating New Ones," included a full day of conference sessions and panel discussions followed by an evening awards ceremony.

Keyser has received two patents since 1992, with three more in the works. In 2001, he and co-workers were able to significantly extend the life of lead-acid batteries used in electric and hybrid vehicles by changing the charging technique. Conventional charging techniques cause lead-acid batteries to reach the end of their lives prematurely. But by employing a "current interrupt" technique, which includes turning the charging current on for a few seconds then off for a few seconds, the degradation of the battery plates is reduced. The current interrupt technique also allows the battery to cool between charges. Batteries charged this way last up to four times longer than batteries charged conventionally. Ford Motor Co. is testing the innovation in a prototype electric vehicle.

In 1997, Keyser wrapped a catalytic converter with a vacuum insulator to keep it warm longer. The warmer converter reduced toxic tailpipe emissions 80 percent by eliminating the "cold start" problem of waiting for the catalytic converter to heat up. Auto parts supplier Benteler Industries is developing the device.

Keyser said his selection for participation in the event with so many other innovators was a tremendous learning experience. "It was a huge honor to be compared with people like Shawn Fanning, the creator of Napster, and Bill Nguyen, who sold his company, One Box, for $850 million because it wasn't successful enough for him," Keyser said. "Speaking with the other people there sparked a lot of ideas and interest in new fields."

VOLUNTEER OF THE YEAR AWARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Robert Langdon of Lexington, Missouri, who recently was named state Volunteer of the Year by the Missouri Economic Development Council. He has distinguished himself, the Lexington community and the State of Missouri with dedicated service.

Bob Langdon was nominated for this prestigous award for his work restoring and redeveloping Lexington's downtown. He helped bring a theater to the Franklin Avenue site and helped start the Lexington Pride Organization, which assists new businesses in opening in the downtown area. He has also served as president of the Lexington Area Chamber of Commerce and he and his wife, Margie, are active proponents of the proposed 4 Life Center.

Mr. Speaker, Bob Langdon has been dedicated to making the City of Lexington and the State of Missouri a better place to live. I am certain that my colleagues will join me in wishing him all the best.

RECOGNIZING THE DISTINGUISHED SERVICE OF RICHARD L. GLOTFELTY OF PARALYZED VETERANS OF AMERICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the House Committee on Veterans' Affairs, I rise today to recognize Richard L. Glotfelty, the Associate Executive Director for Veterans Benefits of the Paralyzed Veterans of America (PVA) on his retirement this month after 23 years of distinguished service for this national veterans service organization.

Mr. Glotfelty was born and raised in Eighty-Four, Pennsylvania. He began service with PVA in 1978 as a National Service Officer in the Pittsburgh PVA Service Office. He also served in chapter level positions at the Pittsburgh-based Tri-State PVA Chapter.

Following his move to PVA's National Office in Washington, D.C. he served in a variety of senior management positions. In 1990, he was selected to direct PVA's entire veterans benefits operation, the organization's largest department. In this capacity, Mr. Glotfelty oversaw PVA's National Service Officer Program designed to provide local and regional support and assistance to PVA members and all veterans through 141 full-time staff located in 54 field offices nationwide.

He was also responsible for the development of extensive training programs for PVA's professional corps of service representatives in both veterans benefits and medical services. These programs allow PVA representatives to provide VA benefits/claims assistance and to monitor the quality and quantity of health care services in VA's Spinal Cord Injury Centers across the country.

Mr. Speaker, Richard Glotfelty served in the United States Air Force from 1966 to 1969. A crew chief on an Air Force C–130 aircraft, he sustained a spinal cord injury in the line of duty while conducting air support operations in Thailand during the Vietnam War.

During the last 23 years, through Mr. Glotfelty's service and leadership, PVA's veterans service representatives have assisted hundreds of thousand of veterans, their dependents and survivors in applying for and receiving the benefits and medical services they have earned and deserve. He and Paralyzed Veterans of America can be rightly proud of this record of achievement in service to those who have served in defense of the United States of America.

PAYING TRIBUTE TO ETHEL JACKSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. McINNIS. Mr. Speaker, I am happy to pay tribute to the public service career of Ethel Jackson of Delta, Colorado as she concludes forty years of service to her fellow Coloradans as a member of the Delta City Council's planning commission. Ethel's devotion to her neighbors and her love for Delta serve as a shining example of the selfless nature that marks this true 'public servant'.

Ethel, who is affectionately known as 'Lale' to her friends, was appointed to the Delta Planning Commission forty years ago, replacing one of the original members of that body upon his resignation. While many things have changed in the intervening decades—not least of which is the acquisition of a more peaceful commission meeting location—Ethel has proved a constant leader in the issues of growth and planning which have challenged the Delta area.

Mr. Speaker, it is my honor to bring to the attention of this body of Congress a woman whose love for her community, and whose willingness to sacrifice in its service, is an inspiration to those who have called Delta, Colorado "home." As a public servant, Ethel Jackson's time as a member of the Planning Commission has been an inspirational example to those of us who serve our nation in elective office—her commitment and longevity are simply astonishing. It is with gratitude for her time of service to Delta that I recognize Ethel's ongoing devotion to the people and community she loves.

PERSONAL EXPLANATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. GILMAN. Mr. Speaker, On Monday, June 17th, I was unable, due to Congressional duties in New York, to vote on Roll call Number's 230, 231, and 232. If I had been present I would have voted "aye" on all three Roll call votes. I ask unanimous consent to have my statement placed in the RECORD at the appropriate point.

INTRODUCTION OF THE "PARTIAL-BIRTH ABORTION BAN ACT OF 2002"

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. CHABOT. Mr. Speaker, today, on behalf of a bi-partisan coalition, I have introduced the "Partial-Birth Abortion Ban Act of 2002."

Partial-birth abortion is the termination of the life of a living baby just seconds before it takes its first breath outside the womb. The procedure is violent. It is gruesome. It is infanticide.

The "Partial-Birth Abortion Ban Act of 2002" would ban this dangerous procedure.in which a physician delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing delivery of the dead infant. The great majority of these abortions are performed on unborn infants from the 20th to the 26th week of pregnancy and more often than not on the healthy babies of healthy mothers. The "Partial-Birth Abortion Ban of 2002" is similar to the previous bans on partial-birth abortion approved by the House in that an abortionist who violates the ban will be subject to fines or a maximum of two years imprisonment, or both; a civil cause of action is established for damages against an abortionist who violates the ban; and a doctor cannot be prosecuted under the ban if the abortion was necessary to save the life of a mother.

A moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion is a gruesome and inhumane procedure that is never medically necessary and should be prohibited. Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. It is also a medical fact that the unborn infants aborted in this manner are alive until the end of the procedure and fully experience the pain associated with the procedure. As a result, at least 27 states banned the procedure, as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses. Unfortunately, the two federal bans that reached President Clinton's desk were promptly vetoed. Although the House of Representatives overrode both Presidential vetoes, the Senate failed to do so.

Then, two years ago in Stenberg v. Carhart, the United States Supreme Court struck down Nebraska's partial-birth abortion ban as an "undue burden" on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the "health" of the mother. Thus the Court essentially rendered null and void the reasoned factual findings and policy determinations of at least 27 state legislatures that this gruesome, inhumane, and dangerous procedure should be banned.

The Stenberg Court based its conclusion "that significant medical authority supports the proposition that in some circumstances, [partial birth abortion] would be the safest procedure" on the trial court's factual findings regarding the relative health and safety benefits of partial-birth abortions—findings which were highly disputed. Yet, because of the highly deferential "clearly erroneous" standard of appellate review applied to lower court factual findings, the Stenberg Court was required to accept these questionable trial court findings.

Those factual findings are inconsistent with the overwhelming weight of authority regarding the safety and medical necessity of the partial-birth abortion procedure—including evidence received during extensive legislative hearings during the 104th and 105th Congresses—which indicates that a partial-birth abortion is never medically necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. In fact, a prominent medical association has concluded that partial-birth abortion is "not an accepted medical practice," and that it has "never been subject to even a minimal amount of the normal medical practice development." Thus, there exists substantial record evidence upon which Congress may conclude that the "Partial-Birth Abortion Ban Act of 2002" should not contain a so-called "health" exception, because to do so would place the health of the very women the exception seeks to serve in jeopardy by allowing a medically unproven and dangerous procedure to go unregulated.

Although the Supreme Court in Stenberg was obligated to accept the district court's findings regarding the relative health and safety benefits of a partial-birth abortion due to the applicable standard of appellate review, Congress possesses an independent constitutional authority upon which it may reach findings of fact that contradict those of the trial court. Under well-settled Supreme Court jurisprudence, these congressional findings will be entitled to great deference by the federal judiciary in ruling on the constitutionality of a partial-birth abortion ban. Thus, the first section of the "Partial-Birth Abortion Ban Act of 2002" contains Congress's factual findings that, based upon extensive medical evidence compiled during congressional hearings, a partial-birth abortion is never necessary to preserve the health of a woman.

The "Partial-Birth Abortion Ban Act of 2002" does not question the Supreme Court's authority to interpret Roe v. Wade and Planned Parenthood v. Casey. Rather, it challenges the factual conclusion that a partial-birth abortion may, in some circumstances, be the safest abortion procedure for some women. The "Partial-Birth Abortion Ban Act of 2002" also responds to the Stenberg Court's second holding, that Nebraska's law placed an undue burden on women seeking abortions because its definition of a "partial-birth abortion" could be construed to ban not only partial-birth abortions (also known as "D & X" abortions), but also the most common second trimester abortion procedure, dilation and evacuation or "D & E." The "Partial-Birth Abortion Ban Act of 2002" includes a new definition of a partial-birth abortion that clearly and precisely confines the prohibited procedure to a D & X abortion.

Despite overwhelming support from the public, past efforts to ban partial-birth abortion were blocked by President Clinton. Now, we have a President who is equally committed to the sanctity of life, a President who has promised to stand with Congress in its efforts to ban this barbaric and dangerous procedure. It is time for Congress to end the national tragedy of partial-birth abortion and protect the lives of these helpless, defenseless, little babies.

CONDEMNATION OF THE USE OF TERROR AGAINST INNOCENT ISRAELI CIVILIANS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. KNOLLENBERG. Mr. Speaker, I rise today to express my condolences to the families of the 20 victims in yesterday's bus bombing in Israel, and to add my voice to the calls of condemnation against the continued use of terror as a weapon against innocent Israeli civilians. Horribly, yesterday's attack again included the targeting of children, from high school students to 10-year-olds.

On September 11, 2001, Americans faced the horror of terrorism in a way we never faced it before. Now, we live in fear knowing terrorist networks throughout the world are actively seeking to attack our country again to kill Americans. In order to protect America, and our allies, we launched the global war on terrorism. The use of terror as a weapon must be opposed and fought against, in the Middle East, in Asia, in South America, and throughout the world. As the leader in the war on terrorism, we cannot afford to falter.

However, in the Middle East, Israel is a victim of terrorist attacks every week. Sadly, yesterday's attack was only the latest in a continual effort by Palestinian terrorists to kill Israeli civilians, including children. The intent of these attacks is clear: to instill fear and terror within the Israeli people. Now every decision an Israeli makes—whether to go to a restaurant, whether to go to school, or whether to get on a bus—can be a life or death choice. In response, Israel, like America, has taken action to defend itself.

The United States is the world's defender of democracy and freedom. And Israel is the only democracy in a part of the world that has known no other democracy. Together we stand for the principle of freedom and the right to live in peace without the threat of terrorist attack. And we stand together in the fight against terrorism. America has asked the world to join us in the fight against terrorism. Israel is on the front lines. We must continue to support Israel, financially, diplomatically, and by whatever means are necessary.

Throughout my career in Congress I've been a supporter of the peace process and strengthening the relationships with our allies in the Middle East. For the last eight years I've been a member of the Appropriations Subcommittee on Foreign Operations. In my position on the Committee I've strongly advocated for military and economic assistance to Israel, our principal ally in the region, to help keep it strong and prevent an attack by its neighbors. I've also supported funding for Egypt and Jordan, which is a direct result of peace agreements these countries have signed with Israel. And I've supported humanitarian assistance to the people of Lebanon, the West Bank, and Gaza, through non-governmental organizations, to help bring greater stability to those areas.

But no amount of funding can bring what is now necessary for progress in the Middle East: an end to Palestinian terrorism. No nation can negotiate with terrorists and no terrorist can be rewarded.

Despite the commitments Yasser Arafat has made to fight against terror, his actions have not met his words. Time and time again he's passed up opportunities, betraying the people he's supposed to lead. Arafat is either unwilling or incapable of bringing and end to terrorist attacks against Israel.

Mr. Speaker, I support a two-state solution to the Israeli-Palestinian conflict, and I support greater dignity for the Palestinian people. But I do not support the creation of a state that either supports or enables the use of terror as a weapon. Before the United States recognizes the creation of a Palestinian state, we must have the assurance that the leader of that state will do everything in their power to consistently, unambiguously, and effectively fight against terrorism. Without that assurance, we may only be increasing the likelihood of more horrific attacks like the one yesterday in Israel.

PAYING TRIBUTE TO BILL DUNHAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002—

Mr. McINNIS. Mr. Speaker, it is with a profound sense of gratitude that I pay tribute to Bill Dunham as he concludes his service to the people of Meeker, Colorado after six years as their mayor. Bill's devotion to his neighbors and love for the town in which he was born has served as a shining example of the selfless nature that is indicative of a true public servant.

Bill left Meeker to attend Colorado State University, returning with his wife Diane (Franklin) Dunham to raise their two children. He has been active in serving the people of his hometown ever since, spending the last thirteen years as a member of the Town Council. Bill is also a Water Commissioner for the State of Colorado, as well as a past president of the Farm Bureau and Stock Growers Association.

During his time as Mayor, Bill led Meeker through a series of improvement projects including major renovations to the Sulphur Creek drainage way, the replacement of the 10th Street Bridge, and the acquisition of a new building to serve as Town Hall. However, Bill's term as Mayor will be remembered not only for the physical improvements he made to the Town of Meeker, but also for the devotion he so evidently had for the community. That devotion was rewarded when he was chosen to represent Meeker in his capacity as Chairman for Associated Governments of Northwestern Colorado.

Mr. Speaker, it is my honor to bring to the attention of this body of Congress a man whose love for his hometown, and whose willingness to sacrifice in its service is an inspiration to those who have lived in his community. As a public servant, Bill Dunham's time on the Town Council, including his six years as Mayor, has been an inspirational example to those of us who serve our nation in elective office. It is with gratitude for his time of service to Meeker that I recognize Bill Dunham's ongoing devotion to the people and town that he loves.

TRIBUTE TO MS. LOUELLA C. ALLEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand today to pay tribute to Ms. LouElla C. Allen, a native of Canton, MS. Ms. Allen has done numerous deeds for her community and still continues today.

Ms. Allen has been a dedicated teacher at Linwood Schools (Yazoo County) for more than 13 years and has served diligently for the betterment of ones around her and also her community. Ms. Allen is an active member of the Mount Olive Missionary Baptist Church where she serves as Youth Department Director. She is also an active participant in her church's choir.

Ms. Allen is a good mother, who is greatly admired by her children, peers, and coworkers. Ms. Allen is truly the epitome for what a "role model" should be. She serve in such capacities which consist of leader, advisor, guide, and inspirer. She has and always will touch the lives of the people around her.

Ms. Allen is the driving force for the successful paths of many citizens in my District. She should truly be thanked. Her strength and leadership have been the main reason why this single mother's children have done as well as they have. Her early teachings gave her daughter the will and determination to receive her Masters from the Alcorn State University in Administration, and her oldest son, the sound mind to finish his Bachelors Degree in Computer Networking and her youngest, the insight to become an intern in my Washington office who will attend The University of Southern Mississippi.

REVEALING "DEMAGOGUERY-BY-NUMBERS"

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues an editorial from the June 18, 2002, edition of the Omaha World Herald entitled "Honest Accounting of Casualties."

While Americans certainly have the right to express their views on the current war on terrorism, they also have a responsibility to use accurate facts when conveying their positions.

HONEST ACCOUNTING OF CASUALTIES

The Los Angeles Times has performed an extensive study of civilian casualties in Afghanistan and concluded that the dead numbered between 1,067 and 1,201. Every such death is uniquely regrettable, but that's significantly below numbers offered by critics of the U.S. military action last year, such as the 3,700 figure cited in one much-ballyhooed report last winter.

During the U.S. bombing campaign, at least one anti-war Web site included a graph that showed the alleged number of Afghan civilian dead climbing day by day to equal and then surpass the 3,000-plus casualties of 9/11. Analyses by the L.A. Times and other news organizations have now exposed that claim as baseless.

Even worse was the claim of 10,000 casualties put forward by cartoonist/commentator Ted Rall in an April 17 opinion column.

Matt Welch, a Los Angeles-based commentator, is on the mark when he says, "This continues to be an interesting litmus test for the anti-war movement's sense of peer review and fidelity to facts."

The analysis by the Los Angeles Times underscores how the U.S. military went to enormous lengths last year to minimize harm to Afghan civilians. That fact illustrates the vast moral difference that separated the American bomber pilots from the al-Qaida hijackers of 9/11.

A minority of Nebraskans and Americans continues to voice sincere opposition to action by the U.S. military. Room should be made for their dissenting voices. Some of their colleagues in the anti-war camp, however, have discredited themselves on the issue of civilian casualties. It is appropriate that their demagoguery-by-numbers has been revealed for the sham it was.

RECOGNITION OF KYRIN CHRISTIAN RUTH

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. ROGERS of Michigan. Mr. Speaker, today I rise in recognition of Kyrin Christian Ruth of Fenton, Michigan. This young boy demonstrated incredible courage and maturity by taking charge in a crucial moment of emergency, thereby saving the life of his father, Jeffrey A. Ruth.

On the evening of April 5, 2002, Jeffrey A. Ruth suffered a seizure caused by the disorder status epilepticus. Seven year-old Kyrin heard his father's fall from the other room and rushed to his side. Following the procedure taught to him in case of this emergency, Kyrin called 911 and provided them with all of the information necessary to send a response team to the house. As Jeffrey was rushed to the hospital, Kyrin told the police that he and his 5-year old sister could stay with friends across the street until their mother arrived home. Kyrin continued to show amazing presence of mind by calmly phoning their mother who was out of town, and informing her of the evening's events.

Kyrin Ruth is truly an example for all of our young people. His parents prepared him for an emergency, and their training clearly made a difference. I commend Kyrin Christian Ruth of Fenton, Michigan for all of his courage and presence of mind, and call on my colleagues to do the same.

HONORING JUANITA CANNON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. DUNCAN. Mr. Speaker, Knoxville's "hugging principal" has retired.

One of our leading educators, Juanita Cannon, has retired after 40 years of outstanding work with young people.

Mrs. Cannon was a teacher for 26 years before becoming a principal.

She taught health, physical education, sociology, and biology and coached tap dancers, cheerleaders, and girls basketball and volleyball teams.

She became known as the "hugging principal" because no one, parents, students, teachers, came to her school without getting a hug.

She could have retired five years ago, but she chose instead to take on one of the toughest assignments in the Knox County School System.

She became principal of the Transition School, overseeing students who had been in criminal trouble or who had been determined to be unruly and out-of-control at other schools.

She said: "When someone would ask me if I worked with criminals, I would say 'Excuse me. I work with young men who made a bad choice. They just got caught. They served their time.'"

She is a woman who knows there is some good even in the worst people and she worked to try to bring out the best in everyone.

Knoxville City Councilman Raleigh Wynn said: "Juanita had a way of getting along with the worst of the worst and the best of the best. She didn't show partiality with people."

She jokingly referred to herself as my spouse since she used my spouse's ticket to the 1993 inauguration of President Clinton.

I want to congratulate her on her retirement and on her 40 years of service to young people.

This Nation is a better place because of the dedication and simple human kindness of Juanita Cannon.

PAYING TRIBUTE TO THE HIGH NOON ROTARY CLUB OF DURANGO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the High Noon Rotary Club, an organization that has selflessly worked towards the creation of the new Rotary Youth Park Amphitheater in Durango, Colorado. The work of President Petra Lyon, Jeff Brown and the Board of Directors of the High Noon Rotary Club is responsible for many welcomed additions to the Durango community, not least of which is this new Rotary Youth Park which is to be dedicated this week.

The creation of this Rotary Youth Park has been several years in the making, beginning as the High Noon Rotary Club quickly capitalized on the idea of building a youth park for the children of Durango. By organizing a string of meetings with the City of Durango Parks and Recreation Department director Cathy Metz in the summer of 1999, the first steps were taken towards the reality of a new youth park. In November of that year it was decided that the plans for the Rotary Youth Park would be pursued along with the possibility of several other outdoor facilities, which would be located close to the new Durango Community Recreation Center. The fact that this dream has become reality is a testament to the commitment and vision, which the entire High Noon Rotary Club has for the entire Durango community. Funds from the annual High Noon Rotary Golf Tournament were collected over a three-year period and in January of 2000 the board committed a substantial check for the construction of the Rotary Youth Park.

Since its founding on May 1, 1979, the High Noon Rotary Club has shown an unmatched passion for the children of Durango. After 23 years, the club's service remains focused on projects that support youth while also beautifying the Durango community. The Durango Rotary Club has created numerous valuable public parks and meeting spaces, including the original High Noon Rotary Park in downtown Durango and the Durango Animas River Trail. Furthermore, over the years the High Noon Rotary Club has also been responsible for constructing the new soccer fields at the Animas Valley School.

Mr. Speaker, I am proud to celebrate the opening of the new Rotary Youth Park Amphitheater and to applaud the hard work and dedication displayed by the High Noon Rotary Club. The Rotary is an invaluable part of the Durango community and their commitment to the youth of Durango serves as an inspiration to us all. My appreciation goes to the High Noon Rotary Club for all their efforts.

TRIBUTE TO STEVE KLONNE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize and congratulate Coach Steve Klonne of Cincinnati, Ohio. For 19 years, Coach Klonne served as the Head Coach of the Moeller High School Fighting Crusaders football team. He provided a total 23 years of leadership and guidance to the Moeller family. For his dedication to the students of Moeller and constant pursuit of excellence, Mr. Speaker, the United States Congress commends Coach Klonne and wishes him continued success.

Klonne's teams went 169–48 and won state titles in 1982 and 1985. In 2001, Klonne's final season at Moeller, the team finished 9–2. In 1982 USA Today named Coach Klonne the nation's "Coach of the Year" based upon his achievement and exemplary leadership.

Throughout Coach Klonne's career, he has been an inspiration, always challenging his players to strive for excellence. He taught the men of Moeller to understand no goal is beyond their reach.

Mr. Speaker, I am a proud graduate of Moeller High School, a member of the Class of 1980. During the late 1970's, I was fortunate to play for Coach Klonne. At that time, he was an assistant coach, and I was a split end on the offensive line. I remember the long grueling practices and the endless drills. I will never forget the thrill of winning the 1979 Ohio state championship and the excitement of learning our team was ranked first in the nation. Coach Klonne taught us how to play as a team, to respect each other and to love the game of football, but most of all, he showed us, by example, how to be champions. Our success was due, in part, to the character lessons we learned from Coach Klonne.

I remember most vividly the passionate delivery of a spontaneous lecture on life and morality. Coach Klonne's sage observations and advice to a room full of spellbound young men are words none of us are likely to forget. In fact they have guided me from that moment on. The team was heading into the playoffs for the Ohio State Championship and we were one day away from facing our most formidable opponent.

The coaching staff gathered all the senior players in the old Bill Clark weight-training shed. It was cold and raining outside and the small room barely held us all. I remember teammates sitting on the floor, on the edge of benches, and some could only stand. I sat on a pile of weights.

Instead of the usual pre-game pep talk and strategy session, one-by-one, the coaches addressed us as young men who, through four years of hard work, discipline, and adversity, had become close friends and teammates. Finally, it was Coach Klonne's turn. In a tone we had never heard from him previously, Coach Klonne spoke to us as a father. He reminded us that football was just a sport, but explained to us how a team sport and a Marianist education could provide important lessons upon which we could rely for the rest of our lives—

if only we were wise enough to listen and take full advantage of them.

He spoke about courage, honor, honesty, trustworthiness, morality, and most essential of all, faith in God and the importance of living as disciples of Jesus Christ. "Sometimes you will veer from the path to glory," he said. "But times like these combined with unyielding faith in God will always bring you back, and that's why I'm proud of you all and what you have become. As men, you're the finest." That speech has stuck with me for 23 years and is part of the reason I'm in Congress right now.

I learned how to win at Moeller. Steve Klonne was my coach.

Moments like these, and teachers Mr. Klonne are the essence of the Moeller tradition—a tradition that has inspired thousands of students, graduates, and families.

Steve Klonne is a great teacher. He is a man of high honor and profound dignity. A great coach at Archbishop Moeller High School in Cincinnati, Ohio, Steve Klonne is also a truly great American. He not only makes his community proud, he has enriched the lives of countless students, including me, and he continues to do so today. He is first class, all the way.

I ask the House to join me in extending its warmest congratulations and commendation to Coach Steve Klonne.

HONORING WILLIAM FITZGERALD SONNTAG AND THE ARC OF A SPECIAL EDUCATION

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Mr. William Fitzgerald Sonntag, upon the completion of the Fairfax County Public School's special education program.

On June 17, 2002, Bill Sonntag will join his friends in the Class of 2002 to take part in commencement. It will be a very proud day for the Sonntags and all families of graduating seniors. Similar ceremonies will be taking place in thousands of communities throughout the Nation this month. To be sure, each event will be a milestone marking the tangible achievements of each student's personal and academic development, while symbolizing the threshold to adulthood and quest toward one's highest potential in life.

Bill is a most remarkable young man with autism and mental retardation whose gentle determined spirit has defied the limits of these disabilities which have been present since his birth in Virginia on May 29, 1980. Throughout a public school education, which began in the pre-school program at Prince William County's Ann Ludwig School in 1983, Bill has been guided, supported, and encouraged by a loving family and scores of truly dedicated teachers, classroom aides, occupational and speech therapists, school staff members, custodians, bus drivers and bus aides, School Age Child Care staff, and vocational and transition counselors.

During the arc of his special education in Prince William and Fairfax County Public Schools, many genuinely kind and thoughtful teachers and mainstream students have gone out of their way to include Bill and his classmates in the social fabric of student life beyond the walls of their classroom. The simple things that some students might take for granted—recognizing each other in the hall, eating together at lunch, enjoying the camaraderie in "PE" class, sitting together at assemblies, going on field trips, attending a dance, listening to music, and appreciating the everyday gestures of friendship—have been as key to Bill's special education as they have been for those mainstream students who have undoubtedly learned much about their own character. The obvious enthusiasm Bill displayed each day in raising the American flag over Cooper Middle School several years ago, still offers a lasting example of pride in school and love of country for us all.

In spite of many communications challenges, Bill and his special education classmates offer a unique and engaging ability to inspire people of all ages to see past the disabilities and to focus on each individual's enormous value and potential. Everywhere he travels in the course of a day, he teaches people to smile with him rather than to stare at the circumstances of his disabilities. In this respect, the most encouraging aspect of Bill's personal academic achievement can best be seen in those whom he has educated and influenced along the way.

In Bill's case, commencement marks more than just the beginning of his transition to a productive and promising supported-employment opportunity secured through the coordinated efforts of the Fairfax County Public Schools, Fairfax-Falls Church Community Services Board, and the Virginia Department of Rehabilitative Services. It also marks the opportunity for many other Fairfax County Public School graduates to remember the lessons they learned from one of their classmates and apply them beyond the walls of the school—to seize those moments ahead in which they can continue to widen the banks of the mainstream, raise the standards of inclusion and accessibility, and improve the quality of life for people with disabilities.

Mr. Speaker, in closing, it gives me great pleasure to extend my warmest congratulations to Bill Sonntag, the 2002 class of Langley High School, the students, teachers and countless others who have helped to re-define his potential throughout the arc of his special education and their continuing opportunity to make a difference and strengthen the general welfare of our Nation, as they embark on life's great journey. I call upon all of my colleagues to join me in applauding this remarkable achievement.

IN HONOR OF MARTIN FLEMING

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. BONIOR. Mr. Speaker, as the family and friends of Martin Fleming gather together at memorial services on June 20, 2002, they will honor the life of an Irish American who touched the lives of so many. Martin passed away on June 16, 2002, and is survived by his wife, Ruby Fleming, and his daughter, Ann Kathleen.

Martin Fleming was a prominent leader for Irish Americans in the Detroit area for the past sixty years. He was born July 28, 1912 in Galway City, Ireland. At the age of sixteen, Martin emigrated to Michigan and settled in Dearborn, where he began his lifelong service to the Irish American community.

Martin quickly found an organization to call home, when he joined the Gaelic League of Detroit. He served as President of the Gaelic League for thirteen terms, from 1938 to 1967. During this tenure, he helped build and strengthen the Irish American community in Michigan. Through his hard work and dedication, he managed to bring prominent Irish leaders and officials to Detroit, including Eamon DeValera, who later became the President of Ireland.

Martin's service to the Irish American community continued, as he founded the United Irish Societies (U.I.S.) in 1959, served as president of the U.I.S. for eight terms, and returned the Saint Patrick's parade to Detroit. He was also a supporter and friend to myself and other elected officials and leaders of the Democratic party. His work and guidance on issues important to the Irish American community served as an inspiration to us all.

Those who worked closely with Martin considered him the "godfather" of the Detroit Irish community. He was always there to help, serve, and better the Irish American community for generations to come. When asked what he would say to young Irish Americans today, he responded: "I would tell them they should study Irish history and find out where their ancestors came from—and they should become involved and do what they can to help the Irish cause along."

His mark on the City of Detroit and Irish Americans will always be remembered. He will truly be missed. I invite my colleagues to please join me in paying tribute to one of the most influential Irish Americans of Michigan, Martin Fleming, and saluting him for his exemplary years of care and service.

TRIBUTE TO LIONEL JAY SILVERFIELD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great American citizen, and I am proud to recognize Lionel Jay Silverfield in the United States Congress for his invaluable service to Arkansas and our nation.

Lionel Silverfield was born July 6, 1932 in Memphis, Tennessee, but considers himself a lifelong resident of Osceola, Arkansas. He studied at the University of Alabama and nobly served his country in the United States Army, where he rose to the rank of 1st Lieutenant. On July 28, 1958, Lionel married Lenora Pevsner of Oklahoma City. The couple has a son, Martin Silverfield, two daughters, Debbie Scheinberg and Elise May and a grandson, Matthew May.

Lionel enjoyed a successful career as a business leader in Osceola. He was the owner and president of Silverfield's Department Store which closed in March 1995 after 75 years in downtown Osceola. He also served on the local Chamber of Commerce for 36 years, including two stints as Vice President. The city of Osceola proclaimed March 15, 1995 Lionel Silverfield Day in Osceola for his leadership in the local business community.

In addition, Lionel has been a committed public servant and a leader in a variety of community groups. He served on the Osceola Planning Commission for 40 years and is a founding board member of the Riverlawn Country Club. He maintains a 43-year perfect attendance record in Kiwanis International and was recognized for his leadership with the George F. Hixson Award by Kiwanis International in 1999.

The state of Arkansas is a better place because of Lionel Silverfield, and I am proud to call him my friend. On behalf of the Congress, I extend congratulations and best wishes to this great Arkansan on the occasion of his 70th birthday.

IN RECOGNITION OF THE HONORABLE PIERRE S. DU PONT IV

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. CASTLE. Mr. Speaker, it is my privilege to rise today and pay tribute to a man to whom Delaware owes much gratitude—the Honorable Pierre S. du Pont IV, known to all of us as Pete.

Throughout his years in public office, Pete du Pont has become known as one of the most clear and concise political thinkers, not only in Delaware but across the entire Nation. His commentaries and opinions have been highly regarded as the industry's best. But it is his commitment to the State of Delaware that has prompted my remarks in front of this body today.

First elected into public office in 1968 as a member of the Delaware General Assembly, Pete du Pont was recognized for his abilities and elected two years later to represent Delaware as its lone member of the United States House of Representatives. Serving for six years from 1970 to 1976, Pete du Pont was picked by Time Magazine as one of "200 Faces for the Future".

After his terms in the U.S. House of Representatives, Pete returned to serve as Governor of Delaware. Facing a near bankrupt government, then Governor Pete du Pont was able to pass legislation that lowered taxes, balanced the State's budget, and boosted educational programs across the State. Welcoming large banks inside our borders, his tax laws helped to reestablish Delaware's financial strength, and helped the State's economy prosper. Re-elected in 1980, Pete's eight years as Governor ended as his Presidential campaign began.

Running for the Republican nomination during the 1988 Presidential Campaign, Gov. du Pont confronted America with a no-nonsense attitude on education and retirement; his views heralded as both honest and principled.

As an advisor to governments here and abroad, Pete du Pont has proven himself as one of America's prolific politicians. Recognized as a first-class commentator, and respected as a National policy columnist, he still serves as a Director of Wilmington's prestigious Richards Layton & Finger law firm, editor of IntellectualCapital.com, and as a guest on many radio and television programs.

A stalwart hero to those who desire clarity in their politics, Pete du Pont's dedication to government and education throughout the years is extraordinary, and I salute him for his years of service to both Delaware and the Nation.

PAYING TRIBUTE TO TED HAYDEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. McINNIS. Mr. Speaker, it is with a profound sense of gratitude that I pay tribute to Ted Hayden as he concludes his service to the people of Delta County after thirteen years as a County Commissioner. Ted's devotion to his neighbors and love for the town of Paonia, Colorado, where he has lived for the last thirty years, has served as a shining example of the selfless nature that is indicative of a true public servant.

During his time as County Commissioner, Ted has concentrated his efforts on serving the people of his region by protecting their interests in public lands and community property. Ted has dealt with many diverse issues during his career in public service, from budgets to airports and landfills. He has approached each with an insight and integrity that is worthy of the recognition that we bestow here today.

Mr. Speaker, it is my honor to bring to the attention of this body of Congress a man whose love for his community, and whose willingness to sacrifice in its service, is an inspiration to those who have lived in Delta County. As a public servant, Ted Hayden's time as County Commissioner has been an inspirational example to those of us who serve our nation in elective office. It is with gratitude for his time of service to Delta County, Colorado that I recognize Ted's ongoing devotion to the people and community that he loves.

TRIBUTE TO CHARLES HOUSEWORTH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career has come to an end. Mr. Charles Houseworth, of Lexington, MO, has retired as Director of the Lex La-Ray Technical Center.

Mr. Houseworth began teaching and counseling in Brookfield and Lexington, MO in 1968, after receiving a Bachelor's degree from Central Missouri State University. After receiving a Master's degree from CMSU in Guidance/Counseling, he became the guidance counselor of the then brand new vocational school in Lexington in 1975. In the summer of 1982 until the present, he has served the Director of the Lex La-Ray Technical Center.

Mr. Houseworth has not only taught and guided the young people of Lexington but has also been involved with many local civic and community activities. He served the people of Lexington as the 4th Ward Councilman for six years. Charles has also been serving on the Wentworth Community Council for the past six years as well as working closely with local, state, and national legislators.

Mr. Speaker, Charles Houseworth has dedicated 34 years to the Brookfield and Lexington communities, serving with honor and distinction. I know that the Members of the House will join me in wishing him all the best in the days ahead.

HOME OWNER—AMERICAN DREAM

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mrs. JONES of Ohio. Mr. Speaker, home ownership is a vital component of the American Dream. Unfortunately, too many families are frozen out of this dream by obstacles such as lack of opportunity, limited knowledge and soaring real estate prices. One of my primary goals as a Member of Congress is to raise the roof on home ownership for minorities, immigrants and low- and moderate-income families in the 11th Congressional District and throughout the country by removing these obstacles to achieving home ownership.

The Ohio Statewide Housing Summit was an important step in moving toward this goal. As Honorary Host of the Summit, it was my pleasure to welcome the Congressional Black Caucus Foundation and my colleagues Rep. CORRINE BROWN, Rep. EVA CLAYTON, Rep. JAMES CLYBURN, Rep. BARNEY FRANK, Rep. CAROLYN KILPATRICK, and Rep. BARBARA LEE to Cleveland to share and gather information about housing issues that affect all of our constituents.

I was proud of and gratified by the exemplary partnership and hard work of so many people and organizations in my District and throughout the state and country who joined together to make this Summit a success:

Sponsors and Contributors: Freddie Mac, Fannie Mae, Fannie Mae Foundation, Key Bank, Federal Home Loan Bank, National City Bank, Finch Group, Household Financial Services, Local Initiative Support Corporation, United Guarantee Mortgage Insurance.

Planning Committee: Candice Amos, Mark C. Batson, Cynthia D. Blake, Sheila Carpenter, Bill Daley, Lytle T. Davis, Kate Monter Durban, Kebra Emanuel, Lori Jones Gibbs, Louise J. Gissendaner, Virgil Griffin, Debra Hamelin, Michelle Harris, Vada Hill, Charlene Hollowell, Myldred Boston Howell, Stephanie Joyce Jones, India Pierce Lee, Ken Lumpkin, Mary Maglicic, Mark McDermott, Sharron Murphy, Marcia Nolan, Vikki Peterson, Betty K.

Pinkney, Van Randolph, Dannette Render, Gregory L. Snyder, Henry R. Stoudermire, Jr., Michael Taylor, Gerald Thrist, Stephanie Turner, Scott Willis.

Special Assistance: BET.com, Classic Press, Cleveland State University Convocation Center, Consumer Credit Counseling Services, DAR Public Relations, Inc., Sheila Jackson Graphics.

Thanks to their hard work, the Ohio Statewide Housing Summit was a resounding success that will continue to benefit my constituents for years to come.

IN CELEBRATION OF JUNETEENTH

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. CUMMINGS. Mr. Speaker, I rise today in celebration of Juneteenth Day.

Each year, June 19th commemorates the end of slavery in this nation. It is a day of thanksgiving in the African-American community—a day in which we rejoice in the freedoms we enjoy and look ahead to a time when we can be completely free from the legacy of slavery.

On June 19th, 1865, Union soldiers led by Major General Gordon Granger landed at Galveston, Texas with news that the war had ended and that all slaves were now free. This news, nearly two years after President Lincoln's Emancipation Proclamation, brought freedom to thousands of slaves in what was then the western parts on the United States. Juneteenth Day is the oldest known celebration of the end of American slavery.

In decline for much of the 20th century, the celebration of Juneteenth was rejuvenated during '50's and '60's with the rising call of civil rights. Today, cities and towns across the country are celebrating Juneteenth. It serves as a reminder of where the African-American community was, where it is today, and where it can go.

Mr. Speaker, I believe that we must know our history before we can move forward. Today, as the descendants of slaves and sharecroppers myself, I stand here on the floor of the House of Representatives—proud to celebrate Juneteenth Day.

PAYING TRIBUTE TO RICHARD AND BARBARA DORRELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002—

Mr. McINNIS. Mr. Speaker, it is my honor to pay tribute today to the union of Richard and Barbara Dorrell as they celebrate their fiftieth wedding anniversary. True Coloradans, the Dorrells have spent the last half-century together in loving devotion to each other. Their affection for one another is evident to their friends and family alike. Their involvement in the Rifle, Colorado community is a source of pride in each of their lives.

A Rifle native, "Dick," as he is known to friends, is one of the last true Colorado cowboys: he was involved with the rodeo circuit back in the 1960s as both a bareback bronco rider as well as one of the rodeo's clowns. Dick's stories of his exploits on the rodeo circuit continue to entertain friends and family alike as he weaves spellbinding tales of his heroics in the ring nearly thirty years ago. After leaving the rodeo, Dick moved on to a career driving a school bus for the RE-2 school district-a job he enjoyed for over twenty years. A past chief of the Rifle Volunteer Fire Department, Dick dedicated 25 years of his life to protecting our state from fire danger; he has also spent the last 45 years as an active member of the Rifle Elks Lodge.

Dick's lovely wife Barbara originally hails from Glendale, California, though she has lived in Rifle since 1947. Barbara devoted her time to her children during their youth, though rejoined the workforce to teach private piano lessons for over twenty years. She began her professional career with the Associated Governments of Northwest Colorado in the 1970s and retired several years ago after 25 years of admirable service. Barbara has been an active member of the Emmanuel Lutheran Church in Rifle, playing the organ there most Sundays since the age of thirteen!

Mr. Speaker, Richard and Barbara Dorrell were married in the Methodist Church in Rifle, Colorado 50 years ago this week and it is with a happy heart that I take a moment to recognize their commitment to each other before this distinguished body. I join their two children, Connie and Wayne, as well as the entire Rifle community, in congratulating them on this benchmark in their lives together. For this unwavering dedication to each other, as well as their infectious love for Rifle, I am proud to congratulate the Dorrells on this momentous day.

HONORING DR. DEIRDRE J. LOUGHLIN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to join the Worcester community in honoring Dr. Deirdre J. Loughlin for her 42 years of unwavering service to the Worcester Public Schools.

Born in Scotland, Dr. Loughlin attended schools in both Europe and the United States. Dr. Loughlin earned her undergraduate and doctoral degrees from the University of Massachusetts-Amherst and her master's degree from Worcester Polytechnic Institute.

During her 42 years at the Worcester Public Schools, Dr. Loughlin has taught high school science, coordinated a variety of special programs for students, and most recently served as the District Manager of Staff for Program and Curriculum Development. Dr. Loughlin's dedication and passion in that position led to many accomplishments, one of which includes the complete revision of the District's curricula that is now in alignment with the Massachusetts Curriculum Frameworks.

Not only has Dr. Loughlin served the Worcester community through her work in the Worcester Public Schools, but in other leadership positions as well. Dr. Loughlin currently serves on a variety of boards and committees, including the Massachusetts Audubon Society's Broad Meadow Brook and the Worcester Women's History Project. Dr. Loughlin approaches all her work with the same enthusiasm that she has brought to the Worcester Public Schools.

In addition to her dedicated service to the Worcester community, Dr. Loughlin has a wonderful family. With her husband, Dr. Raymond K. Loughlin, Dr. Loughlin has a son, two daughters, four grandsons, and a new granddaughter.

Mr. Speaker, I am certain the entire U.S. House of Representatives joins me in congratulating Dr. Loughlin on her accomplishments and wishing her the best of luck in retirement.

CODE TALKERS RECOGNITION ACT

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. OXLEY. Mr. Speaker, I rise in strong support of H.R. 3250, the "Code Talkers Recognition Act."

Congress rarely has the opportunity to celebrate selfless heroism, Mr. Speaker, and so I particularly thank the sponsor of this legislation, Mr. THUNE, for introducing it and Mrs. GRANGER and Mr. WATKINS, for their efforts on similar bills that now have been incorporated here.

Mr. Speaker, as we are now engaged in a war on terrorism that involves precision munitions and long-range air strikes, it is easy to forget how different the wars of the 20th century were. Then, huge armies often stood toe-to-toe, and the decisive edge in a battle often turned more on knowing what the enemy was going to do than on anything else. Once we broke the German codes, the tide of the war in Europe turned. Once we knew the Japanese codes, Allies were able to take apart their sea power and end any ability to project force.

But Mr. Speaker the Germans and the Japanese had code-breakers, too. What they didn't have were the Native American code talkers, who used their tribal languages to communicate military orders and intelligence information between forward-deployed units and their commanders further to the rear. Those tribal languages never were understood by our enemies, Mr. Speaker, and the resulting ability to communicate freely, accurately and safely saved countless Allied lives.

Congress has honored the Navajo Code Talkers with medals. This bill addresses the long-overdue recognition of the other brave warriors from other tribes who performed similar services. The bill would grant the Congressional Gold Medal, posthumously in most cases, to those brave warriors from the Sioux, Choctaw, Comanche and the other tribes.

Mr. Speaker, the Sioux Code Talkers—using Lakota, Dakota and Nakota Sioux languages—were deployed in both the European and Pacific theaters and served in some of the heaviest combat actions to provide their communications services. They are credited by military commanders as being instrumental in saving the lives of many Allied soldiers.

Comanche serving in the 4th Signal Company helped to develop a code using their language to communicate military messages during the D-Day invasion and in the European theater during World War II. To the enemy's frustration, the code developed by the Comanche Code Talkers proved to be unbreakable. The Germans even sent spies to training grounds in Fort Gordon and to reservations in Oklahoma to try and crack the code

Mr. Speaker, the Choctaw Code Talkers of World War I were the first code talkers used in recent times. While most Native Americans at the time were not considered citizens of the United States, many volunteered to fight, and many were incorporated into a company of Indian Enlistees serving the 142nd Infantry Company of the 36th division. While serving, their use of the native language was discouraged. However, a commander—aware that most Allied codes had been broken by the Germans—realized that a number of men under his command spoke complex and possibly undecipherable language, and he put them to work sending codes. A total of 18 Choctaws served our country as Code Talkers. The Choctaw tribe and the State of Oklahoma have honored these code talkers and today I believe we should do likewise.

Mr. Speaker, as the Navajo Code Talkers already have been recognized with Congressional medals and this legislation specifically names Sioux, Choctaw and Comanche code talkers, this bill also asks the Secretary of Defense to identify any non-Navajo code talkers from tribes other than the Sioux, Choctaw and Comanche who served overseas as code talkers in the wars of the last century, and recognize them with medals as well.

I urge my colleagues to support this legislation to honor all Native American code talkers who have fought for our country.

HONORING THE TOWN OF HUNTINGTON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to praise the commitment and dedication of the people of the Town of Huntington, New York. On June 15th, 2002, at the 53rd National Civic League Convention in Kansas City, Missouri. Huntington was selected out of 30 finalists to be proclaimed an All-American City, and thus became the first Long Island community to receive this impressive designation.

The All-American City Award is one of the nation's oldest and most prestigious distinctions, given to those communities, which demonstrate outstanding leadership and collaboration in addressing community-wide challenges and achieving exceptional results.

This spring, the Town of Huntington's Chamber of Commerce, a business partnership that represents more than 1,300 members, was officially notified by the National Civic League that Huntington had been selected as a finalist for the 2002 All-American City Award. For the next month and a half, the Chamber of Commerce prepared extensively for a final 10-minute formal presentation to be given before the All-American City Jury Panel. It was the success of this final presentation, which highlighted three community-based projects, that clinched the award for Huntington.

Mr. Speaker, this distinction is a glowing reflection on all members of the Huntington community. Specifically, I would like to call attention to the tireless work of Dennis Sneden, the CEO of the Huntington Township Chamber of Commerce; Frank Petrone, the Town Supervisor; Board members Marlene Budd, Mark Cuthbertson, Susan Berland, and Mark Capadonno and all the individuals and businesses, citizens and entrepreneurs, of the Huntington community.

Commenting on Huntington's success, Town Supervisor Petrone summed up the reason for Huntington's smashing success. "This designation speaks to the commitment of a community which works together for the betterment of all its residents," he said. "The partnership between Huntington Township Chamber of Commerce and the Town of Huntington's government sets an example for the region."

I ask all my colleagues in the House of Representatives to join me now in honoring this historic achievement, and in congratulating all the members of the Huntington community for the inspirational example they have provided for cities, towns and villages throughout New York State and our entire nation.

HONORING THE BOY SCOUTS OF AMERICA IN THEIR HEEDING THE PRESIDENT'S CALL FOR AFGHAN YOUTH RELIEF

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. LAMPSON. Mr. Speaker, I am here today to honor the Boy Scouts of America who answered the call of the President to raise funds for the Afghan Youth Relief Fund in light of events following September 11th. This extraordinary opportunity allowed Boy Scouts throughout the nation to aid in a national cause.

In my district, the 470 Scouts of Three Rivers responded to the President at our Veterans' Day celebration of 2001. It was at this celebration that they were able to raise over 1,000 dollars! Today Brandon Johnson from Council 578 of Beaumont, Texas is representing Three Rivers at both the White House and the Red Cross.

The Boy Scouts of America's response shows that young people are answering the challenges proposed to them by their leaders during this time of great need. It is great to see that they are taking the initiative to lead at this critical time in American history.

TRIBUTE TO THE LATE GENE SULLIVAN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. LIPINSKI. Mr. Speaker, Gene Sullivan, a gifted basketball coach and thoughtful social steward passed away February 21st in Chicago at the age of 70. He will certainly be known for his coaching accomplishments. As the coach of Loyola University Chicago's basketball team during the 1980's, he led the Ramblers back to the NCAA tournament after a 20-year absence in 1984–1985. The Ramblers won twice before losing to the national champion Georgetown Hoyas in the Sweet 16 that year. Coach Sullivan was rightly named the Midwestern Collegiate Conference Coach of the Year in 1983 and 1985, and retired with a 149–114 record.

Fortunately, Gene Sullivan extended his reach beyond his tremendous college basketball career. He cared about people and communities. Gene motivated thousands of student athletes by urging them to make responsible life decisions. More than 5,000 coaches and 55,000 athletes have taken his "Stay" pledge to remain committed to school and keep a positive outlook.

After his retirement from coaching, Gene served as Deputy Chief of the Chicago Park District. He used his tremendous abilities and celebrity to greatly boost youth sports. During his tenure with the park district, Deputy Chief Sullivan repaired 140 city basketball courts and attracted thousands of Chicago youngsters to summer baseball leagues.

Thankfully, Coach Sullivan's legacy will be remembered for many years to come. Tomorrow, the first annual Sullivan Awards Night for Coaches will take place at Hawthorne Race Course in my Congressional District. At the ceremony, seven Chicagoland coaches will be honored for their great work. Among them, Robert W. Foster of Leo High School will be honored with the Sullivan Award For Lifetime Achievement. Patricia Nolan Ryan, principal of Queen of Peace High School in Burbank, will be honored for her tremendous dedication.

Mr. Speaker, I knew Gene Sullivan, and he was truly a great human being and a very good basketball coach. I salute all the participants and would like to submit Chicago Sun-Times columnist Steve Neal's story on this event for the CONGRESSIONAL RECORD.

[From the Chicago Sun-Times, June 19, 2002]

AWARDS HONOR COACH'S LEGACY

(By Steve Neal)

Gene Sullivan, who died much too soon, should be long remembered as a great basketball coach and very good man.

On Thursday night, legions of his friends are gathering to celebrate his legacy. Bears Coach Dick Jauron and State's Attorney Richard Devine, who played high school basketball for Sullivan, are among those scheduled to speak.

The first annual Sullivan Awards Night for Coaches will start at 6 p.m. in the Turf Room at Hawthorne Race Course.

Sullivan, who devoted his life to basketball, never lost his love of the game or his determination to help others. For the last four years, he enlisted coaches throughout the Chicago area in his crusade against drugs, gang activity, gun possession and hateful remarks. The Stay program, which Sullivan kept alive, urged students and athletes to stay in school, stay involved, stay out of gangs and stay positive.

"We coaches tend to get too wrapped up in our own little world of wins and losses while the outside world is falling apart," Sullivan told Sun-Times columnist Raymond Coffey in 1998. "It's time for coaches to stand up and be counted on these issues of keeping kids out of trouble."

Under Sullivan's direction and the sponsorship of the state's attorney's office, this program has been a huge success. More than 5,000 coaches and 55,000 athletes representing 185 high schools in Cook County have taken the Stay pledge and have participated in camps, clinics and tournaments.

By launching the Sullivan awards as a new tradition, the Stay program seeks to extend Sullivan's legacy.

The coach had an extraordinary run. He played basketball for Notre Dame and later served as first assistant coach for the Irish. As a prep coach, he won championships for Loyola Academy.

In the 1980s, he coached Loyola University's basketball team and brought the Ramblers back to national prominence. In 1985, his team won two NCAA tournament victories and made it to the Sweet 16 before losing to No. 1 Georgetown.

The hardworking and dedicated Sullivan also did a stint as DePaul University's athletic director.

In the early 1990s, he served as deputy chief of the Chicago Park District. He developed citywide summer baseball programs that attracted thousands of youngsters. Sullivan also took the lead in rehabbing 140 basketball courts in city parks. He brought college football back to Soldier Field for the first time since the 1940s. Taking advantage of his contacts, Sullivan booked Notre Dame, Northwestern and Illinois for Soldier Field.

On Thursday night, Leo High School's president and veteran football coach Robert W. Foster will be honored with the Sullivan award for lifetime achievement. Foster, who is already in the Chicago Catholic League and Illinois Coaches Hall of Fame, shares Sullivan's determination to help others.

Patricia Nolan Ryan, principal of Queen of Peace High School in Burbank, is being honored with the Father John Smyth Award for dedication.

George Pruitt, athletic director at Robeson High School, is getting the Bill "Moose" Skowron Award for fortitude.

Dorothy Gaters of Marshall High School, the most successful girl's basketball coach in local history, is receiving the Willye White award for commitment. White is a former five-time Olympian.

Frank Lenti, whose Mount Carmel football teams have won four state titles in the last six years, is getting the Johnny Lattner Award for excellence.

Bob Naughton of New Trier High School and Tom Powers of Evanston High are receiving the George Connor loyalty award. Connor is a member of the Pro Football Hall of Fame.

St. Joseph High School basketball coach Gene Pingatore is being honored with the Johnny "Red" Kerr award for determination.

A TRIBUTE TO JERRY SACHARSKI OF ALBION, MI—THE INVENTOR OF TEE-BALL

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. SMITH of Michigan. Mr. Speaker, it is with great pleasure that I rise before you today to recognize one of my constituents, Jerry Sacharski, the inventor of Tee-ball. It is not everyday that a Congressman is given the opportunity to pay tribute to a man who has done so much to expand the appeal of America's Pastime of baseball to so many children. In 1956, Jerry Sacharski became aware of the difficulty children were having when attempting to use hand-eye coordination that was necessary for bringing the bat in contact with the ball when it was pitched. Because of this lack of coordination in younger children, for years baseball opportunities for children had consisted only of little league teams for children 11 and 12 years of age, and baseball leagues for children over 14. This was not acceptable to Jerry. Instead of simply perpetuating the lack of opportunities for younger children, Jerry acted and came up with a system that we all take for granted today. By using metal piping, pieces of rubber, and part of a garden hose he ingeniously created the first batting tee, thereby securing up to four extra years of fun and experience with baseball's fundamentals for interested children. After all, it can only be an advantage for children to be able to practice catching, fielding, and throwing in a game environment four or five years before they otherwise would.

Helping children reach their potential is nothing new for Jerry. For many years he was a teacher at Albion Public High School. After he started teaching, Jerry took it upon himself in 1954 to head up the Albion recreation department's summer baseball program. Because of this position, he was able to see the lack of opportunity for younger children that two years later would drive him to develop one of the largest innovations in youth sports.

Because of Jerry Sacharski, millions of children across the United States of America, have participated in Tee-ball leagues for over forty years. It is innovators like Jerry, who make life more enjoyable for millions of children, who are so important to the social fabric of our nation. Michigan is very proud of Jerry Sacharski and children around the world appreciate his contribution.

TRIBUTE TO THE PUBLIC SERVICE OF DAVID H. KOSHGARIAN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. CARDIN. Mr. Speaker, I rise today to honor David H. Koshgarian who has served as my Chief of Staff since my first election to Congress. Over the past fifteen and one half years David has been an outstanding leader for my office and a partner with me in carrying out all my Congressional duties. I, and the people of Maryland's Third Congressional District, have been well served by his commitment, knowledge and skill. It is with all sincerity that I thank him for his service to the nation.

For more than 25 years, David Koshgarian has served on Capitol Hill working for several Members of the House of Representatives, including Richard Kelly of Florida, Geraldine Ferraro of New York, and Chet Atkins of Massachusetts. Having grown up in Rhode Island and attended George Washington University here in Washington, Dave and his family have long made their home in Maryland and I appreciate that his longest service has been to a Maryland Representative.

The United States House of Representatives is the world's greatest democratic institution. As much as any staffer I have ever worked with on Capitol Hill, Dave has taken joy in the democratic process of governing this nation. His interest and enthusiasm has always enlightened my work, as well as that of our staff and interns. Dave's presence and spirit has always made my office a better place to work.

Dave came to my office after serving as Legislative Director for Rep. Chet Atkins and he never lost his primary interest in legislation and policy. Throughout my service on the Ways and Means Committee, Dave has handled tax and budget issues. Dave's deep intellect and long experience have been well tested in this position on a great variety of complex issues. He has mastered each challenge and often been most successful in effecting change in the Committee's consideration of key issues.

I am also proud that after many years of Ways and Means tax policy work in "Gucci Gulch", where the concerns of wealthy and corporate interests are most often heard, David has unfailingly focused on the lives and struggles of the neediest among us and worked to ensure that the policies of the nation provide real opportunity to low-income and working class Americans. His efforts have been in the best traditions of the Democratic Party. The dramatic expansion of the Earned Income Tax Credit is one recent example of our successful work in this area.

Dave has made a specialty of pension issues—an area where few people have long focused, but where much good can be done. At this point I am confident he knows as much as any staffer on Capitol Hill in this complicated facet of tax law. Pension policy is an area where sound federal policy can directly benefit the lives of every working American. Dave's effective work in this area is the clearest demonstration of his commitment to the people who most need our help.

Passage of the individual retirement and pension enhancement provisions of HR 1836, the 2001 Economic Growth and Tax Relief Reconciliation Act is testament to Dave's skills and commitment. I doubt those provisions would have been enacted without David's ongoing, focused work on this issue. Dave should leave Capitol Hill proud of his many legislative accomplishments over the years.

David has also proven himself a solid administrator and inspiring leader and educator of staff. With many offices facing great turnover and little historical knowledge of a Member's work for a District, my office has always been very different, with relatively long and accomplished tenures by staff people. To large extent this is a result of Dave's daily caring and concern for staff. His joy in our responsibilities and spirit in the office will be greatly missed.

The hard work of the many loyal staff to the House of Representatives is too little rewarded and too rarely acknowledged. David, on behalf of the people of the nation, Maryland, the Third Congressional District, the many staff people and interns you have worked with and most of all myself, I want to thank you for your proud career of public service.

Best wishes for all your future endeavors.

IN HONOR OF MR. GLENN GRAHAM

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. GEKAS. Mr. Speaker, I rise to honor Mr. Glenn Graham of Middletown, Pennsylvania. Recently, Glenn was named "Father of the Year" by Keystone Children and Family Services for acting as a tireless father to three of his step-great-grandchildren. Glenn is 73 years old.

Glenn was nominated for the award by Stephan Wolf, a U.S. Customs inspector, who learned of Glenn's remarkable story through weekly visits that Glenn makes while delivering documents. In addition to raising these three children, aged 4, 12, and 15, Glenn holds two jobs and is the Commander of the Middletown Memorial Veterans of Foreign Wars Post 1620.

Raised in Massachusetts, Glenn served in the Army as a paratrooper shortly after World War II and re-enlisted when the Korean War began. After serving in the Army, Graham drove tractor-trailers for a living. While making deliveries in New Jersey, Glenn was shot in the arm by two teenagers who were "having fun" by firing a rifle at his truck.

Glenn admits that he could not be such a dedicated father without the help of his wife, Mildred. He also acknowledges that he owes his exceptional parenting skills to the example set by his loving father, who raised seven children himself.

I ask my colleagues in the House to join me in congratulating Glenn Graham. This remarkable man is an inspiration to fathers across the Nation for his selfless dedication to his family and deserves our genuine congratulations.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on June 6, 2002 and I would like the record to show that had I been present in this chamber, I would have voted "yea" on roll call vote 209, "no" on roll call vote 213. I was also unavoidably absent from this chamber on June 11, 2002 and I would like the record to show that had I been present in this chamber, I would have voted "yea" on roll call vote 220, "yea" on roll call vote 221 and "yea" on roll call vote 222.

Mr. Speaker, I was also unavoidably absent from this chamber on Monday. I would like the record to show that had I been present in this chamber on that date, I would have voted "yea" on roll call votes 230, 231 and 232.

A TRIBUTE TO UNITED STATES AIR FORCE COLONEL JAMES S. DAVIS ON THE OCCASION OF HIS RETIREMENT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. STUPAK. Mr. Speaker, I rise tonight to call your attention to the fact that on Sept. 1, 2002, the retirement of a highly distinguished officer in the United States Air Force—and a lifelong friend of mine—will become effective. The actual last day of service for Col. James S. Davis, Director of Operations for Alaskan Command at Elmendorf Air Force Base, Alaska, is June 28, which is why I wish to speak tonight about Jim and his career of service to this Nation.

It certainly dates us, Mr. Speaker, when we recall with fondness those students in our class whose skill and commitment to high school studies, particularly math and science, was marked by a plastic pocket protector in the shirt and a slide rule on a belt clip. Jim Davis was one such student, but Jim was also uniquely friendly and extroverted, and his own academic aptitude never set him apart and away from his classmates. All Jim's classmates shared the same thought: Jim Davis will go very far. What we didn't know, Mr. Speaker, is that he would go very high and very fast, as well.

Jim was commissioned an Air Force officer in 1975, when he graduated from the University of Michigan with an engineering degree. After completing pilot training at Vance Air Force Base in Oklahoma, he was assigned as a T–37 instructor pilot with the German Air Force pilot training program at Sheppard Air Force Base, Texas. In 1980, he was selected to fly the F–16 fighter at MacDill Air Force Base, Florida, and then was posted to a series of duty stations with jobs of ever-increasing responsibility: Nellis Air Force Base, Nevada; Kunsan Air Base, Republic of South Korea; Luke Air Force Base, Arizona; Shaw Air Force Base, South Carolina; and Osan Air Base, Republic of South Korea.

Jim has logged more than 3,400 flight hours—more than 2,200 of them in the F–16—and he flew 29 combat missions during Operation Desert Storm. That campaign earned Jim both the Distinguished Flying Cross and the Air Medal. Jim has also been awarded an oak leaf cluster for the Air Medal, the Legion of Merit, the Defense Meritorious Service Medal with one oak leaf cluster, the Meritorious Service Medal with five oak leaf clusters, the Aerial Achievement Medal, the Joint Service Commendation Medal, the Air Force Commendation Medal, and the combat Readiness Medal with three oak leaf clusters.

From June 1996 to August 1998, Jim worked in our own backyard, Mr. Speaker, serving at the Pentagon on the staff of the Joint Chiefs of Staff, before returning to Nellis Air Force Base, where he served as commander of the 414th Combat Training Squadron and then commander of the 57th Operations Group.

It's been a long and distinguished career for the brilliant young math and science wizard from Gladstone High School, Although our paths have never crossed as much as I would have liked, I still frequently see his folks, Edward and Millie, and, in fact, the Davis home on the corner of Montana and 12th in Gladstone is one of the milestones on my annual 4th of July parade walk through the community. I've known all the Davis family, including his brother Tom, who lives with his wife Cindi just north of Gladstone in Brampton Township; brother Mike, who lives with his wife Teri in Colorado; and Jim's sister Jean, who lives with her parents.

Our floor schedule won't allow me to join Jim at his retirement bash in Alaska, so I'd like to take this opportunity to wish Jim and his wife Camella all the best in Jim's retirement years, and I ask you and our House colleagues to join with me in offering this distinguished career officer a hearty, "Thanks . . . and well done!"

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 20, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the importance of summer school to student achievement and well being.

SD–430

10 a.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine the plight of North Korean refugees.
SD–226

JUNE 25

9:30 a.m.
Environment and Public Works
To hold oversight hearings to examine the Environmental Protection Agency Inspector General's actions with respect to the Ombudsman and S. 606, to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency.
SD–406

Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for the National Transportation Safety Board.
SR–253

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nomination of Phyllis K. Fong, of Maryland, to be Inspector General, Department of Agriculture; the nomination of Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission; the nomination of Douglas L. Flory, of Virginia, to be a Member of the Farm Credit Administration Board, Farm Credit Administration; and the nomination of Sharon Brown-Hruska, of Virginia, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2004.
SR–332

Health, Education, Labor, and Pensions
To hold hearings on proposed legislation authorizing funds for the Office of Education Research and Improvement, Department of Education.
SD–430

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine the President's proposal for reorganizing our homeland defense infrastructure.
SD–226

1 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold joint hearings with the House Committee on Science to examine science and technology to combat terrorism.
2318, Rayburn Building

2:30 p.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine the crisis in children's dental health.
SD–430

JUNE 26

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine issues and perspectives in enforcing corporate governance, focusing on the experience of the state of New York.
SR–253

Governmental Affairs
To hold hearings to examine the relationship between a Department of Homeland Security and the intelligence community.
SD–342

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider S. 2059, to amend the Pubic Health Service Act to provide for Alzheimer's disease research and demonstration grants; and proposed legislation concerning global Aids.
SD–430

Judiciary
To hold hearings to examine the President's proposal for reorganizing our homeland defense infrastructure.
SD–226

2 p.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine immigration reform and the reorganization of homeland defense.
SD–226

3 p.m.
Governmental Affairs
To hold hearings on the nomination of James E. Boasberg, to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

JUNE 27

9:30 a.m.
Appropriations
Transportation Subcommittee
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold joint hearings to examine cross border trucking issues.
SR–253

1 p.m.
Governmental Affairs
To continue hearings to examine the relationship between a Department of Homeland Security and the intelligence community.
SD–342

2:30 p.m.
Foreign Relations
Central Asia and South Caucasus Subcommittee
To hold hearings to examine the balancing of military assistance and support for human rights in central Asia.
SD–419

JULY 10

9:30 a.m.
Veterans' Affairs
To hold hearings to examine the continuing challenges of care and compensation due to military exposures.
SR–418

HOUSE OF REPRESENTATIVES—*Thursday, June 20, 2002*

The House met at 10 a.m.

The Most Reverend Oscar H. Lipscomb, Archbishop of Mobile, Alabama, offered the following prayer:

O God, our shield and defender, ancient of days, pavilioned in the splendor of Your creation and girded with the praise of Your children, be with us now as we pray for this House and all parts of our government and Nation.

Our troubled times teach us that of ourselves peace and security rests uneasy and incomplete. Help us with the wisdom and strength sought by Your servant Solomon as he set out to govern the people You committed to his care.

Touch all our hearts and change them after the model offered us by Your Son: "As I have loved you, love one another." Then may there be realized in our land the vision of the prophet Isaiah: "There shall be no harm or ruin on all my holy mountain; for the Earth shall be filled with the knowledge of the Lord, as water covers the sea." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 50, not voting 32, as follows:

[Roll No. 239]

YEAS—352

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (WI)
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Smith (MI)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Sullivan
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (FL)

NAYS—50

Aderholt
Baird
Baldwin
Borski
Brady (PA)
Brown (OH)
Capuano
Costello
DeFazio
English
Filner
Gutknecht
Hart
Hefley
Hinchey
Holt
Israel
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
LoBiondo
McDermott
McNulty
Menendez
Moran (KS)
Neal
Oberstar
Olver
Otter
Peterson (MN)
Ramstad
Sabo
Sánchez
Schaffer
Slaughter
Stark
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

NOT VOTING—32

Baldacci
Chambliss
Conyers
Cox
Crane
Cummings
Doyle
Ehrlich
Gordon
Hilliard
Hyde
Isakson
Kingston
Lewis (GA)
McInnis
Pomeroy
Roukema
Royce
Rush
Ryun (KS)
Shays
Simpson
Smith (NJ)
Smith (TX)
Stump
Tancredo
Traficant
Weiner
Weldon (PA)
Wexler
Wynn
Young (AK)

☐ 1028

Mr. KERNS changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. COOKSEY). Will the gentlewoman from Wisconsin (Ms. BALDWIN) come forward and lead the House in the Pledge of Allegiance.

Ms. BALDWIN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 110. Concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

S. Con. Res. 114. Concurrent resolution expressing the sense of Congress regarding North Korean refugees in China and those who are returned to North Korea where they face torture, imprisonment, and execution.

□ 1030

APPOINTMENT OF MEMBERS TO PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore (Mr. COOKSEY). Without objection, and pursuant to Executive Order 12131, the Chair announces the Speaker's appointment of the following Members of the House to the President's Export Council:

Mr. ENGLISH of Pennsylvania;
Mr. PICKERING of Mississippi;
Mr. HAYES of North Carolina;
Mr. INSLEE of Washington; and
Mr. WU of Oregon.

There was no objection.

RECOGNIZING EPILEPSY FOUNDATION OF SOUTH FLORIDA FOR DEDICATION TO PROMOTING COMMUNITY AWARENESS OF EPILEPSY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize the Epilepsy Foundation of South Florida for its dedication to promoting a community awareness of this disorder, and for its work to improve the lives of individuals afflicted with this terrible disease.

Epilepsy affects 2.3 million Americans, and over 180,000 individuals develop epilepsy each year. In my area alone, over 60,000 people suffer from this disease. The foundation, however, believes that epilepsy should not keep people from achieving a productive life.

With this goal in mind, the foundation has raised funds to help provide medical evaluations, treatments, and employment training tailored to meet the needs of these individuals.

Mr. Speaker, I would like to commend the Epilepsy Foundation of South Florida for its use of innovative programs and services that improve the lives of so many in our community.

URGING STATE DEPARTMENT TO TAKE ACTION TO HELP BRING AMERICA'S ABDUCTED CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, last week the Committee on Government Reform held a hearing on women and children who are being held in Saudi Arabia. It was an emotional hearing on a situation that unfortunately exists in countries all over the world, not just in the Middle East right now.

I have been telling the story of trying to help a father whose son is being held in Italy, one of our supposed closest friends. His son, Ludwig Koons, has been in Italy for 8 years and is being held in a pornographic compound by his abductor mother, and the Italian authorities and our State Department let it happen.

I applaud the gentleman from Indiana (Chairman BURTON) for bringing this issue to light in his strong statement to his committee. For years I have been working with left-behind parents who are trying to get their children back to where they belong. For years I have witnessed a State Department that does nothing tangible to help.

We need a State Department that fights for U.S. citizens, not an idle information agency. This issue is one that none of us can afford to ignore. We need to be aware, and we need to put pressure on other countries that are not sending American children home.

American parents are asking for someone to take action and help them bring their children home. The State Department is not stepping up to the plate for Ludwig Koons or for anyone else. Bring our children home.

URGING IMMEDIATE ACTION ON INS REFORM

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, House rules prohibit me from urging the other body to act on pending legislation, so let me just take a moment to tell of a very important piece of legislation that left this Chamber some time ago, and that was INS reform.

Our borders are vulnerable. We have been picking up absconders who have orders against them to be deported, and yet they are not sent out of the country. We have potential terrorists living in our country, and the INS is in a shambles. We have asked, through this body, that this agency reorganize.

Somewhere between here and the other end of the building, legislation awaits action. We demand action on that bill, and we urge action on that bill for whoever is listening to this conversation. This is a critical issue. It is critical for the safety and security of this country, and I cannot fathom why we wait and delay getting that important piece of legislation to the President's desk for signature.

CUTTING FUNDING FOR A GROWING AMTRAK IS WORST POSSIBLE RESPONSE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, as we speak this morning, the administration is distributing a statement that will cut ground out from underneath the efforts of Amtrak to deal with its $200 million shortfall. They are ignoring the wishes of over 160 Members of this House who have joined with us, and a majority of the Senate, to support the bipartisan compromise that has been worked out by the gentleman from New York (Mr. QUINN) and the gentleman from Tennessee (Mr. CLEMENT).

We can long debate the merits of their destructive proposals to gut long runs across the country, to privatize the most profitable lines, and to abandon any semblance of a rail system in this country, but every Member should push back now to protect Amtrak.

The irony of our giving $5 billion to the airlines after we give them $11 billion in subsidy, despite declining passengers, yet we are going to cut Amtrak off when it is growing, is the worst possible message at the worst possible time. I hope this House will reject the proposals from the administration.

NATIONAL MONUMENT FAIRNESS ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to express my strong support for the passage of the National Monuments Fairness Act, which ensures the people's rights to public land are protected. For too many years the executive branch has abused the Antiquities Act by proclaiming thousands upon thousands of square miles of land as national monuments. Such actions do not reflect the original intention of the Antiquities Act, which was aimed to protect small areas of land and specific items of historical importance which were in imminent danger of destruction.

The National Monument Fairness Act will restore balance to the national monument designation process by requiring congressional approval and public input.

The people of America deserve input as to how their public lands are managed, and Nevadans can no longer afford to be left out of this process. Close to 90 percent of the State of Nevada is owned by the Federal Government. It is time to ensure the rights of the people to their land. I encourage my colleagues to support the National Monuments Fairness Act.

PRESCRIPTION DRUG BENEFIT

(Ms. WATSON of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON of California. Mr. Speaker, as of now, Medicare does not cover the cost of prescription drugs. Approximately 10 million Medicare recipients nationwide lack any prescription drug coverage. I want Members to support the Democratic plan for strengthening Medicare. The Democratic plan uses the collective bargaining power of Medicare's 40 million beneficiaries to guarantee lower drug prices. Medicare contractors will compete for enrollees by negotiating discounts. Drug prices will be reduced for everyone by stopping big drug company patent abuses.

Mr. Speaker, the plan the House adopts must lower the cost of drugs for all seniors. It must ensure senior coverage for all drugs their doctor prescribes. The plan should be an affordable and guaranteed Medicare drug benefit. It must not force seniors into HMOs or predatory private insurance. The Democratic proposal addresses each of these points.

Mr. Speaker, the Democratic plan guarantees choice on prescription drugs. I urge my colleagues to honor our seniors.

THE MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT OF 2002

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise in support of the Medicare Modernization and Prescription Drug Act of 2002. This bill is important and overdue for our seniors.

An article in today's Minneapolis Star Tribune says that prescription drug prices in Minnesota are among the Nation's highest. For Minnesotans, and indeed for all Americans, we need to pass a prescription drug coverage bill now.

Yesterday Health and Human Services Secretary Tommy Thompson released a study showing that our plan would save seniors more money than our friends on the other side of the aisle's proposal. Our plan would give seniors immediately a 30 percent discount off the top on their overall drug costs, and, combined with traditional front-loaded insurance coverage, it would reduce the cost of prescriptions by half for the average senior.

But, in addition, we provide catastrophic coverage so that seniors do not have to deplete a lifetime of savings in order to be able to afford lifegiving prescriptions, and we give 100 percent prescription drug coverage for low-income seniors, and give more Medicare and senior choices.

I urge my colleagues to support this bill.

MEDICARE PRESCRIPTION DRUG BILL

(Ms. BALDWIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BALDWIN. Mr. Speaker, what are the priorities of this Congress? Recently, it seems that the primary concern of the majority is passing tax cuts costing trillions of dollars that benefit the very wealthy and do not even go into effect for 10 years from now.

Next week, the majority will finally bring to the floor a bill that is the ultimate concern of thousands of seniors in the United States, the Medicare prescription drug bill. Unfortunately, the Republican bill is such a sham that it will not even stand up to the scrutiny of a truth-in-advertising law.

If we put the concerns of seniors who desperately need help in paying for their prescriptions first, then we must pass a benefit that is affordable.

I recently received a letter from Donna O'Keefe, a retiree who lives in Baraboo, Wisconsin. Her drug bills total $400 a month, and she receives only $640 a month from Social Security. Seniors like Donna need a comprehensive prescription drug benefit that has no gaps and no gimmicks. They need real drug coverage under Medicare.

PRESCRIPTION DRUGS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, the problem of the skyrocketing cost of prescription drugs is one that requires both a short-term and a long-term solution. It is clear that seniors need a permanent, universal, and voluntary Medicare-based prescription drug benefit that provides more savings and more choice.

My hope is that Congress will implement what I call a two-tiered approach to the problem, immediate relief through a prescription drug discount card, in addition to a long-term benefit through Medicare.

The House Committee on Ways and Means has already passed a bill that uses this approach. Through a generous Medicare benefit and the use of an interim drug discount card, Congress will be able to provide seniors the savings that they need and deserve now and in the future. With the national Medicare-endorsed prescription drug card, seniors will be able to realize a savings between 10 and 20 percent, and once the more comprehensive Medicare benefit is fully implemented, seniors will be able to save 70 percent of their out-of-pocket costs.

America's seniors deserve a long-term benefit. An interim measure would help keep the cost down.

MAJORITY LEADER EXCUSES CORPORATIONS WHO FLEE AMERICA TO AVOID PAYING TAXES

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, many Americans wonder why this Congress has taken no effective action to stop another Enron debacle, and no effective action to prevent one multinational corporation after another from fleeing America in order to evade its taxes.

Yesterday, we received the explanation, with all of its customary sensitivity, from the Republican majority leader, the gentleman from Texas (Mr. ARMEY), who attacked those of us who have initiatives to stop these acts of disloyalty to America by saying, "This is akin to punishing a taxpayer for choosing to itemize instead of taking the standard deduction."

Most Americans may own a few pairs of Bermuda shorts, but they cannot become "Bermudan" on April 15 and remain American the other days of the year to enjoy the benefits of our American citizenship. I believe this Congress needs to speak and act firmly to prevent those who forget the maxim of Thomas Paine, a great American patriot, who said, "Those who expect to reap the blessings of freedom must undergo the fatigues of supporting it."

Those who flee and abandon America, denouncing their American citizenship, are rejecting all our democracy represents.

THE FACTS ON AMERICA'S OIL RESERVES

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, when one is going to make a decision and embark on a course of action, it is always nice to have the facts straight. This is especially important in our debate on energy.

Let us look at some of those facts. The United States uses about one-fourth of all the world's oil use, about 20 million barrels a day. Now, we have only about 2 percent of the known reserves of oil in the world, but we are pumping that 2 percent pretty fast, because out of that, we are getting about 44 percent of all of our oil needs. That means we are importing about 56 percent of our oil, up from 34 percent at the Arab oil embargo, much of that from countries like Iraq.

Every year since 1970, with only a tiny blip from Prudhoe Bay, oil production in this country has gone down.

How much oil remains in the world? About 1,000 gigabarrels remain in the world. Pretty simple arithmetic will show that at present use rates, that is about 40 years of oil in the world. We will find more, but we will also use more. What these facts mean is that those portions of our bill that deal with conservation, that deal with efficiency, that deal with alternatives and renewables are very important portions of the bill.

☐ 1045

PRESCRIPTION DRUG COVERAGE FOR SENIORS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, now that Republicans are back from their party with the pharmaceutical industry, we may be able to legislate prescription drug coverage that will be good for our seniors. Unfortunately, the plan being developed by the GOP is one more payback for their buddies in the drug industry and another ploy to privatize Medicare.

The reason Medicare was created was because the free market could not take care of seniors, their health care and health care of some disabled. To think that the private sector will step up and help them now is unrealistic.

In the Republicans' sham proposal, the party will be over if anyone is counting on Congress to pass a real prescription drug benefit, because we need a benefit that can be relied upon. We do not need a benefit that serves only the drug industry and only the free market.

NEED FOR A COMPREHENSIVE ENERGY POLICY

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I rise today to speak about the need for Congress to pass a comprehensive energy plan. Last August, with the support of President Bush, this body passed a responsible and balanced energy plan, a plan that frees us from the burden of dependence on foreign oil.

It is time for this Congress to decide whether we are going to choose to be proactive or reactive. Are we going to wait until we are faced with an oil crisis similar to that of the 1970s? Should we simply sit by, or should we act on a plan put forth and passed by this House more than 9 months ago?

H.R. 4 is a commonsense approach to our Nation's energy crisis. It is a plan that balances the need for production with conservation, as well as measures to protect the environment. H.R. 4 strengthens our Nation's energy infrastructure to ensure that energy gets to the consumers who need it. Further, H.R. 4 also will use tax incentives to encourage energy production, research efficiency, and conservation.

All in all, H.R. 4 provides the energy for those who need it while at the same time making sure that it is cleaner, cheaper, and more dependable.

Mr. Speaker, August will be the 1-year anniversary of H.R. 4 by this body. It is time for us to stop sitting idly by and enact the President's energy plan.

MEDICARE PRESCRIPTION DRUG BENEFIT

(Ms. BERKLEY asked and was given permission to address the House for 1 minute.)

Ms. BERKLEY. Mr. Speaker, I rise today in support of a prescription drug benefit under Medicare. I represent the fastest-growing community in the United States, the fastest-growing senior population. Every weekend I go home, and every weekend I hear story after story from my seniors who simply cannot afford the prescription medication that their doctors have prescribed.

For so many of these older Americans, Medicare is the only health insurance that they have. It does not make sense to deny them a benefit for prescription drugs. Prescription medication is the least expensive, most cost-effective way of dealing with illness. Seniors are demanding relief now, and we ought to give it to them.

Older Americans need a Medicare prescription drug benefit that is comprehensive, guaranteed, and affordable. Every senior should have access, no matter where they live or what their income.

Let us pass a prescription drug benefit that will work for all the American people and ensure that our Nation's seniors will have the medications they need to keep them healthy, active, and vital. In the long run, a prescription medication benefit will not only save the lives of millions of older Americans, it will save billions of taxpayers' dollars.

TRIBUTE TO EVELENA THOMPSON

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, Ms. Evelena Thompson retires from the United States court system, probation office, in Charlotte, on June 30 of this year after 27 years of service.

She was born in Bennettsville, South Carolina; grew up in Scotland County, North Carolina; graduated salutatorian of her class in 1964; and graduated from Barber Scotia College in 1968.

She started with the U.S. probation office, again in Charlotte, in 1975 as a clerk, and she rose to the position of supervising U.S. probation officer in 1991, a true success story.

After the tragic death of her son in 1992 by a drunk driver, she became very active in the organization of Mothers Against Drunk Driving, and she received the 1994 Citizens Activist Award presented by the National Commission Against Drunk Driving.

A devout Christian, Ms. Thompson served with her late husband, himself a pastor, in the West Central Conference of the AME's Zion Church.

Whether through her work as a U.S. probation officer or the many civic duties that she performed, Evelena has always exhibited those very treasured American characteristics of integrity, dedication, devotion, and perseverance.

AMERICAN CORPORATIONS MOVING HEADQUARTERS OVERSEAS TO AVOID PAYING TAXES

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Mr. Speaker, yesterday, the Republican majority leader, the gentleman from Texas (Mr. ARMEY), defended the actions of corporations that moved their headquarters overseas to avoid taxes. He said it is just like families taking an itemized deduction. Well, I have got to say it is not exactly like that because Americans who take itemized deductions are paying taxes at a much higher rate than these corporations.

Citizenship has its privileges. It also has some obligations. In a time of crisis, for some of the largest and most profitable corporations in this country to be engaging in a tax dodge to avoid their obligations to our Nation, at the same time shovelling more burden on to working Americans, and then for the majority leader of the Republican Party to say, hey, this is fine, that is a new low for the United States House of Representatives.

More than 90 million tax paying American families every April 15 are obligated to pay, but the CEOs and some of the largest corporations in this country, they do not pay anymore. Tyco International is one of the ones who has moved down there. Enron, another corporate citizen. He said it is about competitiveness. It is not about competitiveness. It is about corruption and theft.

DEMOCRATS MISLEADING AMERICANS ON DEBATE ON PRESCRIPTION DRUG COVERAGE

(Mr. FLETCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLETCHER. Mr. Speaker, the Democrats are misleading the American public over the debate on prescription drug coverage for our seniors, and

I am very disappointed to see our friends on the other side of the aisle once again employing the politics of demagoguery and fear.

To illustrate to my Democratic friends how our plan will help States, in Kentucky, which has 615,000 Medicare beneficiaries, a half of those seniors live at 175 percent below the poverty level. In Kentucky, HHS estimates that the State savings under our plan would be $549 million in the fiscal years 2005 through 2012.

In a time when seniors and State governments are experiencing financial difficulties, our plan provides seniors with an affordable benefit to Medicare and immediate savings. States also benefit by saving about $40 billion estimated over the next several years.

Our plan is the only fiscally responsible choice for both seniors and government and should be supported next week as we bring it to the House floor. The Democrat plan, it remains an $800 billion pie-in-the-sky boondoggle which misleads seniors and would require higher and higher taxes.

So in a time when seniors deserve honesty and transparency, I encourage them to join our efforts to provide a responsible, reasonable, and double relief for our seniors' prescription drug needs now.

AMERICAN PEOPLE WILL NOT BENEFIT FROM REPUBLICAN PRESCRIPTION DRUG PLAN

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I am going to make a prophecy. Next week we will pass a bill that will not give senior citizens economic security in the area of prescription drugs. Why? Very simply, because it is based on the theory that we will throw the old folks into the arms of the insurance companies who will then arm wrestle the drug companies down in their prices.

If my colleagues believe that, they must have been unaware of what went on last night. The reason this bill is going to pass is last night the bill was paid; $30 million came in from the insurance companies and the drug companies through the Republican Party fundraiser.

I am sure they must have sung at least one chorus of an old song we used to sing in the camp meetings in Illinois when I was a young kid called, "Bringing in the sheaves, bringing in the sheaves, we shall come rejoicing bringing in the sheaves." But the people will not benefit from this bill.

It is a bill that is designed to privatize Medicare with a little sweetening wrapped around it called a drug benefit. The old folks will be watching and they are going to want us to vote "no" on that bill.

ASSISTANCE NEEDED IN ANTHRAX INVESTIGATION FROM COALITION PARTNERS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as much of America continues to focus sadly on 9–11, I rise to urge my colleagues and the administration to focus on "five eleven," five dead Americans, eleven infected with the anthrax virus, dozens of offices affected here on Capitol Hill, including mine, that was closed for 4 months during decontamination.

As I learned earlier this week, despite media accounts, Mr. Speaker, the FBI investigation is ongoing and employing hundreds of investigators and dozens of laboratories. Our domestic investigation is moving forward; but it seems, Mr. Speaker, that our investigation of an international connection is being hampered by a lack of cooperation by the supposed partners in our coalition.

There are some nations who profess to stand with us who are not, Mr. Speaker, cooperating with this anthrax investigation. I call on the administration to bring all diplomatic pressure available to bear to insist on the assistance of all of our coalition partners to fully cooperate in the anthrax investigation. It is totally unacceptable to profess a partnership in the war on terrorism and not provide the information necessary to investigate and protect our citizenry.

EXPANSION OF NATIONAL SERVICE OPPORTUNITIES ON NATIONAL SERVICE DAY

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, today I join my colleagues in calling for the expansion of national service opportunities on National Service Day. Creating a strong system of voluntary national service has been a signature New Democrat idea since the founding of the Democratic Leadership Council.

National service promotes the New Democrat tradition of opportunity, responsibility and community. In Oregon, more than 37,000 people of all ages, all backgrounds are helping to solve problems and strengthen communities through 95 national service projects across the State.

President Clinton's AmeriCorps program, the domestic Peace Corps, will provide over 700 Oregonians with the opportunity to spend a year serving in their local communities. In return, AmeriCorps participants will receive up to $4,725 to help pay for college.

Seniors can also contribute their time and talents to one of three programs that make up the Senior Corps. National service volunteers have served their communities by providing tutoring, mentoring to students, giving support and information to new parents, repairing the homes of elderly and disabled residents, and establishing additional volunteer programs in the community. This should not be a special chance for a few but a way of life. We should all volunteer.

AMERICANS CAN COUNT ON THE REPUBLICANS' PRESCRIPTION DRUG PLAN

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, when Medicare was founded in 1965, Republicans and Democrats left drugs out of the program; but today, Republicans and Democrats agree we should update Medicare by covering prescription drugs. The difference is cost.

An extravagant $1 trillion promise by the minority party is a promise they cannot afford to keep. They will break their promise to America's seniors because it is too expensive to maintain.

Seniors know there is a war on. Seniors know Social Security is under financial pressure. They want a plan to cover drug costs for needy seniors, one we can afford.

Our majority affordable program promised is one that people can count on. They cannot depend on a $1 trillion program that will collapse from its own costs. Count on the program we can afford to keep. Count on the Speaker's prescription drug plan.

□ 1100

PRESCRIPTION DRUGS

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. NAPOLITANO. Mr. Speaker, we have long talked, over the years that I have been serving in Congress, about prescription drug plans and how we can effectively deal with the countless seniors who have not been covered over the years and who continue to call our offices and come to us for assistance.

Many of our seniors have been forced to choose between buying essential medications, paying for food, and I know some of them who have subsisted, when their money does not stretch far enough, by buying canned pet food for their meals. They also have to figure out how to buy their essentials: pay their rent and pay for the heat during the winter, or cool off during the hot summer weather months that we have. Women seniors, in particular, need prescription drug coverage. Over a quarter of them have no prescription drug coverage.

Our Democratic plan is voluntary. Seniors who would choose to participate would pay a $25 monthly premium, $100 annual deductible, and 20 percent of their prescription drugs, up to $25,000 a year.

We have talked about prescription drug benefits long enough. It is time to give seniors what they deserve, a comprehensive, reliable, affordable plan.

MEANINGFUL SAVINGS FOR SENIORS UNDER HOUSE PRESCRIPTION DRUG PLAN

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today in support of a Medicare prescription drug benefit that provides immediate, meaningful savings for American seniors.

The Department of Health and Human Services released a study yesterday that stated the House Republican plan will give seniors a 60 percent to 85 percent savings per prescription and cut their out-of-pocket costs by as much as 70 percent.

This same HHS study confirmed that our plan creates a fiscally responsible benefit that results in immediate savings for American seniors. The study backs us up by pointing out that the Democrats plan does not help seniors until 2005. That is too long to wait, as this relief cannot come soon enough. Twelve million do not have prescription drug coverage at all.

Quality health care for seniors should not end when they turn 65. Our proposal would deliver 21st century prescription drug coverage by providing a voluntary, affordable prescription drug benefit as a permanent entitlement to Medicare beneficiaries.

I encourage my colleagues to support this proposal that will save seniors across the country money on their prescription drug bills.

MAJORITY LEADER SPEAKS FROM THE HEART

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the best you can say about the comments made yesterday by the gentleman from Texas (Mr. ARMEY), the House Republican leader, of U.S. companies fleeing to offshore locations in order to reap additional tax benefits, is that he spoke from his heart, and the heart of the Republican Party.

At the same time as his party was raising over $30 million up the street at the Washington Convention Center from groups like the pharmaceutical industry, Congressional Quarterly reported that he defended the actions of corporations to move their headquarters abroad to reduce their tax burdens. With all his party is taking from the Social Security and Medicare Trust Funds, his remarks reveal the true heart of the Republican Party: Take our people's money before everything, before Social Security and Medicare, before prescription drugs, before jobs in America.

So the best I can do is to thank the Republican leader for revealing the true heart of the Republican Party. It is the reason this Member is a Democrat.

PRESCRIPTION DRUGS

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, tomorrow, in my district in Orlando, President Bush will be visiting the Marks Community Center on Physical Fitness, and we thank him. I have a lot of seniors in my district, but besides physical fitness, they need the prescription drug benefit that was promised to them in the last election.

When I was home recently in Jacksonville, I had to go to the drugstore to pick up a prescription for my grandmother. I thought the copayment would be $15. It was $91. Our grandmothers deserve better than that.

If the Republican leadership and Mr. Bush could take a break from their $30 million drug company fund-raisers and their tax cuts to the rich, maybe they could work on a compromise that will provide our seniors with the relief they need and that was promised to them in the last election. They need to get their priorities straight.

SMALL AIRPORT SAFETY, SECURITY, AND AIR SERVICE IMPROVEMENT ACT OF 2002

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COOKSEY). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague and friend, the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 447 is an open rule, which provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Transportation and Infrastructure on H.R. 1979, the Small Airport Safety, Security, and Air Service Improvement Act of 2002.

The rule provides that it shall be in order to consider for the purpose of amendment the amendment in the nature of a substitute now printed in the bill. The rule waives all points of order against consideration of the committee amendment in the nature of a substitute and provides that it shall be open for amendment by section.

Any Member wishing to offer an amendment may do so as long as it complies with the regular rules of the House. However, the rule allows the Chairman of the Committee of the Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit with or without instructions.

Mr. Speaker, I would like to commend the chairman, the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the author of this bill, the gentleman from

Mississippi (Mr. WICKER), as well as all the members of the committee for their hard work and steadfast efforts on behalf of our Nation's transportation infrastructure needs.

Mr. Speaker, it is a well-known fact that safety is enhanced when air traffic controllers guide a plane through the skies and onto a runway. Yet many of our Nation's smaller airports do not have air traffic control towers, leaving pilots on their own to seek out and avoid air traffic and land on the ground safely.

The FAA has been tasked with the role of building air traffic control towers in our Nation's larger airports, but their construction budgets are not large enough to pay for the needed towers at the smaller airports, even though many of these airports have commercial passenger service or very active general aviation business.

This legislation seeks to address this problem by changing existing law to allow small airports to use their Airports Improvement Program, or AIP, grant money to build traffic control towers and to equip these towers. It is important to note that this added safety step is purely voluntary, and the legislation provides each small airport with the flexibility to meet their most pressing individual safety needs.

As a matter of fairness, this legislation allows for limited reimbursement of costs incurred after October 1, 1996, for tower construction costs and equipment purchases. This recognizes that some airports chose to improve their safety by building their own towers at their own cost, and they should not be penalized for their initiative.

Mr. Speaker, H.R. 1979 takes yet another step forward to increase air safety, efficiency, and security at our Nation's smaller airports. In addition, regional service in our rural areas will be enhanced, providing significant savings to the FAA in air traffic costs and increasing economic productivity in smaller communities nationwide.

Mr. Speaker, this is a good bill, and it deserves our support. There is no additional cost to the government, since it simply gives our airports and the FAA another authorized use for AIP grant money. I urge all my colleagues to support this straightforward, noncontroversial rule as well as the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is a fair rule, providing for an hour of debate on H.R. 1979, the Small Airport Safety, Security, and Air Service Improvement Act. This is an open rule, allowing for any germane amendment to be offered, and I support this rule and commend the majority for reporting this fair rule.

Prior to being selected on the Committee on Rules, I had the honor of serving as a member of the Committee on Transportation and Infrastructure. My experiences, first with Mr. SHUSTER and then with the gentleman from Alaska (Mr. YOUNG), were positive and almost always bipartisan. I have the utmost respect for both the former and current chairmen, and I cannot recall a time when the committee did not work together to resolve partisan differences.

Mr. Speaker, this should be a very good bill. As the distinguished ranking member of the Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR), said to the Committee on Rules the other day, this bill could have been considered under suspension, except for one provision. That provision is nothing less than an unfair handout to a handful of airports scattered across this country.

The bill would allow small airports to use up to $1.1 million of Airport Improvement Program funds to build or equip an air traffic control tower to be operated under the FAA's Contact Tower Program. This is not controversial. In fact, if this were the sole scope of the bill, it would have unanimously passed the Committee on Transportation and Infrastructure, and it probably would unanimously pass the House today.

Unfortunately, the bill also contains a provision that takes approximately $30 million of AIP funds to enhance airport security and, instead, uses these funds to reimburse airports for air traffic control towers previously built.

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These towers were constructed under an expressed agreement that the Federal Government would pay the cost of staffing the tower but not the construction costs. Mr. Speaker, this provision is bad policy, plain and simple. When I was a member of the Committee on Transportation and Infrastructure, I voted against the inclusion of this provision of the bill. In fact, I so strongly disagreed with this provision that I signed the dissenting views.

Mr. Speaker, the inclusion of this provision is unfortunate, and it should be stricken from the bill. The rule allows the gentleman from Minnesota (Mr. OBERSTAR) to offer an amendment to do just that. The gentleman from Minnesota's amendment does the right thing by leveling the playing field for all airports. His amendment strikes the controversial provision from the bill. Small airports across the country can still use airport improvement funds to build control towers in the future. Under the Oberstar amendment, the 26 airports covered by the provision would not receive retroactive funding for the construction of their towers which were built without any expectation of Federal funding.

Mr. Speaker, I support this open rule, and I support the gentleman from Minnesota's amendment; and I strongly urge my colleagues to do the same.

Mr. Speaker, I reserve balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to my distinguished colleague, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I appreciate her management of this rule. I also want to compliment my friend, the gentleman from Massachusetts (Mr. McGOVERN), for pointing to the fact that we have proceeded with an open-amendment process here. Obviously, if we look back at September 11, and a great deal of time has been focused understandably talking about the tragic circumstances that surrounded that day and all of the action that we in this Congress and that President Bush have taken to respond to it, dealing with airport safety is a very high priority.

And as we have looked at some of the proposed regulations that have come forward as it deals with small aircraft, it seems to me that this legislation which will deal with the challenge of ensuring that we have the safety precautions taken and a degree of flexibility for small airports is the right thing to do. I think that we have been able to move ahead with again, as I said, an open-amendment process which is right on target; and while I oppose the Oberstar amendment and I urge my colleagues to defeat it, I do support the gentleman from Minnesota's (Mr. OBERSTAR) right to offer that amendment.

As we look at this extremely challenging time, there are a lot of small airports that have been unable to take advantage of the AIP funding, and this legislation will provide that opportunity for utilization of those very important funds.

So I urge my colleagues to support this rule, oppose the Oberstar amendment which will be considered under the open-amendment process; and after we defeat that amendment, support this very important legislation.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to first off rise in support of the Oberstar amendment, which I think is a very wise legislative proposal to protect these dollars against being used retroactively; and after an agreement has been reached and a deal struck, a deal should be a deal. I also, though, want to express my concerns about the airport improvement program, the way it is run by the FAA and how it impacts on local communities. There is a community airport in my district in Montgomery County, Pennsylvania, called Wings Field. It has been there for many, many years; and it is a community asset. As a county commissioner, when the private owners wanted to sell it, I cooperated with my colleagues to try to create a county authority to buy it so that we could keep it as a community asset and as a valuable transportation program, an asset in our suburban county outside of Philadelphia. The community was concerned about that, did not want it to go into public hands, and that authority was disbanded.

The pilots that were using Wings Field then bought the field themselves and have undertaken some improvement programs which I think were meritorious. Specifically, they applied for an airport improvement program grant and received it for about $3 million to extend the runway, which I believe made the airport safer. It was controversial in the community, but I think it was the right thing to do.

The problem was that there was no public discussion, that the owners, the new pilot group owning the airport, applied to the FAA quietly without involving the local township supervisors who had been deeply involved in zoning matters and such affecting this airport.

They did not tell the county commissioners, the current board deeply involved in the affairs of this airport, and did not notify the Member of Congress, myself, from the community; and I have also been deeply involved in promoting this airport. I am a friend of Wings Field, but it has transpired that this grant was approved without notice in a way that generated great public outcry.

Pennsylvania is a block grant State when it comes to aviation dollars, and we all thought and had been told that any Federal money coming to Pennsylvania would go through this block grant program. There would be transparency, and people would understand when money was being applied for and when money was being appropriated, and there would be notice. These airport programs might still be controversial, but there should be notice and understanding. That did not happen. The ownership group applied directly to the FAA and got $3.5 million to extend the runway. The merits of that runway are very real, but the process is terrible.

Mr. Speaker, I hope that the committee will, next year, when I understand from the ranking member of the committee, the gentleman from Minnesota (Mr. OBERSTAR), that his committee will be dealing with FAA renewal and reauthorization, that the committee will look at how the FAA deals with the airport improvement program.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. HOEFFEL. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for raising this issue.

In general it is a standing principle that any AIP funds, any project that is AIP funded, must conform to the Federal rules and regulations, which include the public-hearing process.

Since this is a block grant program, I think we would have to review the conditions under which Pennsylvania manages that program and may want to amend the requirements in next year's reauthorization of FAA programs to ensure that States in their block grant program comply with the public notification issue that the gentleman has raised here. I fully sympathize with the gentleman's position.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman. There was an end-run done here, and I hope that it will not happen again.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER), the sponsor and author of H.R. 1979.

Mr. WICKER. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her fine statement on behalf of the rule and the legislation.

Mr. Speaker, I am pleased to have the opportunity to speak on behalf of this bill. I appreciate the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for moving this bill through their committee so it could be brought to the floor today, and I appreciate the hard work of the gentleman from California (Mr. DREIER) and the Committee on Rules for providing the House with a fair and open rule.

I introduced H.R. 1979 a year ago after listening to the people who run small regional airports in my home State of Mississippi. A common concern of the airport managers is that their airports lack the necessary facilities and equipment to guide commercial jets and private planes safely. But this is not just a worry in small-town Mississippi. It is commonplace throughout America. Smaller airports depend on Federal money provided through the airport improvement program, AIP, for capital improvements.

However, the program that is designed to improve the safety and efficiency of our national aviation system does not allow airports to use AIP money to construct and equip control towers, and that is what this bill is about today. The bill before us today corrects this situation by giving our airports the option to use their AIP funds to construct or equip contract control towers. If more airports are able to use the most up-to-date safety equipment, accidents will be prevented and lives will be saved. Air traffic controllers will be able to verify the position of planes all over America, not just around the airports at larger cities.

Unfortunately, there are many examples of the type of accident we are trying to prevent today. On February 8, 2000, over Zion, Illinois, two planes collided, crashing into a residential area. All of the passengers were killed. Debris from the accident fell on residential streets and the Midwestern Regional Medical Center where the windows were blown out and two hospitals workers were burned. At the time of the accident, the controllers at the Waukegan Airport directed traffic based only on the pilots' reports of their locations. A student pilot reported on her position inaccurately, and the controllers had no way to confirm her position. After a study of this accident, the National Transportation Safety Board issued a report on April 27, 2001, stating, "Preliminary findings indicate if the Waukegan tower had been equipped with a terminal radar display at the time of the accident, the controller could have confirmed the pilots' position reports and established a more effective sequencing plan, thereby preventing the accident."

However, the equipment the National Transportation Safety Board said the airport needed is very expensive. It is just the type of safety precautionary equipment for which the AIP program should be utilized. This legislation will make that possible.

Since this and other accidents, many airports have found room in tight budgets to equip their control towers with terminal radar displays. But this is not an option for airports which do no even have a tower yet.

On June 23, 2000, 2 and a half miles from the Boca Raton, Florida, airport, a Learjet collided with a stunt plane, killing four people. Wreckage of the planes fell on a heavily populated golf course and community. At the time of the accident, neither pilot was talking to controllers to verify their respective positions because the airport did not have a tower to house an air traffic controller.

While the most important goal of this legislation is to improve safety in our skies, there are additional benefits. Building and equipping more control towers will provide relief for our congested air traffic system as more reliever airports are created, and rural communities will be more attractive for economic development prospects as air travel opportunities increase.

This commonsense legislation does not direct more money to any particular airport. All the bill does is give airports more options to use funds which they are already going to receive from the Federal Government.

I expect a good portion of the debate today will be about an amendment which I expect the gentleman from Minnesota (Mr. OBERSTAR) to offer. It is my understanding the ranking member of the full committee plans to offer an amendment which would strike a portion of the bill concerning possible reimbursement for airports which have built and equipped their control towers since October 1996. I urge my colleagues to defeat this amendment.

The purpose of this section in the bill is to provide support to airports that depleted their reserves or increased their bonded indebtedness to provide an optimum level of safety and security at their airports. During a time when regional airports are struggling, removing debt or replenishing reserves would allow airports to complete projects that are not AIP eligible or to comply with unfunded Federal security mandates, thereby further enhancing security and safety at airports. This is a budget-neutral position which will not direct any money to any airports. All the section does is give airports the ability to reimburse a portion of their expenses with a cap of $1.1 million. Of the only 21 airports which will be eligible for reimbursement, most will not even be able to reach the $1.1 million cap since many of the airports utilize funding streams which are not eligible for reimbursement.

During the debate, the ranking member may argue that the reimbursement provision of this legislation will negatively affect the safety of the national airport system. I believe nothing could be further from the truth, Mr. Speaker. The 21 airports that have built towers have been proactive in providing the same level of safety at their regional airports as the large hub airports provide, and in the process have enhanced security of the national airport system.

□ 1130

I believe these airports should be rewarded for their proactive consideration. I urge my colleagues to vote against the Oberstar amendment which would strip this valuable portion of the legislation.

In closing, I look forward to the debate. Once again, I thank the Rules Committee for a fair rule. I look forward to the enactment of this legislation, which will increase safety for all Americans. I urge a vote in favor of the rule and in favor of H.R. 1979.

Mr. McGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time. I listened with great interest to the remarks of the chairman of the Committee on Rules and the remarks of the gentleman from Mississippi. Were it not for the reimbursement provision, I would say, this bill would not be on the Union Calendar. We would have disposed of it on the suspension calendar. We could have even brought it on unanimous consent. But because of an egregious provision that the Law and Order Caucus, ordinarily on the other side of the aisle, would not support, we have to take this up in the current procedure, and, that is, the reimbursement provision. It is really akin to the painter who comes up to your front door, paints the door and says, Look what a great job I did. It was in such bad shape. It was a terrible-looking front door. Now it looks wonderful. Pay me. There was no contract. There was no agreement. Every one of the 20 or 21 airports that will be windfall beneficiaries of this provision in the bill knew what they were getting into, I say to the gentleman.

We discussed this when the gentleman first proposed this before he even introduced his bill a year ago. I am for the purposes of your legislation except for the reimbursement. They signed a contract with the FAA. They knew what they were getting into. They knew they had to build a tower in order for the FAA to operate that tower. It is not right to come back and say, Oh, gosh, why don't you reimburse us for being good guys and building this tower even though we knew it was our obligation, even though we knew we had to pay for it.

What this amendment is going to allow is these airports to reach out into the future, into the entitlement that we provided for small airports in AIR–21, and I was a proponent of it, to give small airports an entitlement. Over many years we had expanded the funding available for small airports going back to the passenger facility charge of 1990 where large airports had to yield half of their entitlement funds, 50 cents, their entitlement for every dollar of PFC that then went into a small airport development fund, to increase the amount of money going out to upgrade airports at the end of the spokes in the hub-and-spokes system of aviation. That amounted to an $800 million set-aside for small airports every year from 1990 forward.

In addition to that, I said, Fine. We ought to have an entitlement now for small airports because some of them are not getting that money. That is $150,000 a year. Those airports, at $1.1 million average, will soak up 7 future years of their entitlement money. Then what is going to happen, those airports are going to come back to their Members of Congress and say, Goodness, we've run out of money. Can you help us get more funds? Are we supposed to then bail them out twice?

They agreed to this provision. The basic bill is prospective. It says, in the future we will fund these kinds of projects on a request basis. But we should not go back in time and pay for something that an airport agreed to do on their own. The airport program has limited dollars, limited funding. It is a cooperative program. The Federal Government, State and local each has to do their part. The part of the small airports and the airport authority was to get an agreement. If they could not comply, if they could not meet the benefit-cost standard, then they had to go and build the tower themselves and the FAA comes in and operates that tower. They are not shouldering the whole responsibility themselves. The Federal Government, the FAA, is paying for the operation of that tower and the air traffic controllers.

Absent the reimbursement provision, which is simply a windfall benefit, unjustified, the rest of the bill is good, is needed, will serve security and safety enhancement and capacity needs in the future. But we ought to defeat that provision of the bill. Under any other circumstance, I cannot imagine any other Member of this body supporting something like that. We do not do it in the Corps of Engineers, we do not do it in the Federal highway program, and we ought not to be doing it in the small airport program.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. MICA), my distinguished colleague and classmate and the chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, I thank the gentlewoman for yielding time to me.

First of all, I want to speak on the rule. That is what this particular issue is about, the resolution before us to debate this important piece of legislation. I want to commend the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and the gentlewoman from Ohio (Ms. PRYCE), my classmate. We were elected together. We served at times under a regime when rules were not open, when you did not even get an opportunity to present in a fair manner your opposition. I commend both the gentleman from California and the gentlewoman from Ohio for their operation of a Rules Committee that gives everybody a fair opportunity to be heard.

As we have heard the ranking member of the Committee on Transportation and Infrastructure, the distinguished gentleman from Minnesota (Mr. OBERSTAR), say, this is a fairly noncontroversial measure. It is an important measure because it does address safety at our small airports. We heard the sponsor of the legislation, the gentleman from Mississippi (Mr. WICKER), cite instances where unfortunately many of our aviation accidents are at small airports that do not have one of the most important features, which is an air traffic control tower, in their facilities. It is an important issue, and it would be noncontroversial except for one or two possible amendments. The most difficult of those amendments, which has again been given an opportunity to be heard here on the floor in open fairness and debate, is the Oberstar amendment.

But let me speak just a moment about the legislation. The legislation was crafted in a very fair and reasonable fashion, I believe, and that is to provide assistance to these small airports to put in part of their facility. Runways may be important and safety lights may be important and other infrastructure improvements at our small aviation and general aviation facilities may be important; but, Mr. Speaker, there is nothing more important than an air traffic control tower.

This particular legislation makes possible using basically entitlement money, aviation improvement fund moneys which are available, some of it is capped for smaller airports, some of it is based on passenger revenue for other commercial facilities, but that is money that really is an entitlement to these local airports to use in an optional manner. This is an option in the manner in which they think is best and best serves safety purposes. Certainly nothing can be a bigger safety measure than an air traffic control tower. That, we all agree upon.

The issue that is in debate is whether those small communities who have dipped into their own pocket and taken the initiative to make a major safety improvement and expend their own funds can make a determination as to whether they want to use their future funds which they are entitled to, anyway, for reimbursement. What could be a fairer presentation? And not to cut off these communities who have taken an initiative, who have looked out for the most important interest, and that is the safety of the pilots and the aircraft and passengers coming into these smaller airports. Nothing can be a better utilization of funds. Why should we as Congress, why should we in Washington tell these communities what they can do with their funds when they already have the option of spending them in any manner in which they make the improvement?

The Members that may be listening, Mr. Speaker, from Arizona, from California, from Colorado, from Florida, from Georgia, from Idaho, from Illinois, from Indiana, from Kansas, from Louisiana, also from Minnesota, from Mississippi, from Missouri, from New Hampshire, from Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Wisconsin and other States will be entitled to use their funds for this. Why should we penalize those from the States of Texas, Kansas, Arkansas, North Carolina, Maryland, Florida, Wyoming, Arizona, Connecticut, North Carolina, Ohio, Georgia, Oklahoma and others who have taken the initiative? This is a fairness issue. This is not an egregious misuse, as we have heard it termed, of funds. It is a fairness issue to all the Members and to all the local communities and to safety improvements in these small airports across our Nation.

The rule is fair. It could not be a fairer rule, to take time to debate this issue on which we disagree. We agree on the larger part. I have worked with the gentleman from Minnesota (Mr. OBERSTAR). He is one of the champions in the House of safety and the transportation improvements, infrastructure improvements across the Nation. The gentleman from Illinois (Mr. LIPINSKI), the ranking member, he does an excellent job working together. We disagree on this one issue. I view this as a fairness issue. I view this as a Washington knows best, knows all and will-tell-you-exactly-how-to-do-it issue, and that is not fair.

Let us be fair. I think we need to oppose the Oberstar amendment. We need to first pass this rule which again allows for open, free, fair debate. Again I commend the Rules Committee on that. I ask first that we pass the rule and then that we oppose the Oberstar amendment and that we allow again local governments to do what they know is best and that is make those safety improvements and not be penalized for having made good decisions in the past.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I just want to respond to something that the gentleman from Florida said. He praised the Rules Committee for the new openness and condemned past rules that have been more restrictive.

I just want to say to the gentleman that wait until the next rule that is coming up on the Trade Adjustment Act. It is probably one of the most restrictive, antidemocratic rules that I think I have ever seen in my life. It is so restrictive and so strange, in fact, that the distinguished chairman of our committee, the gentleman from California, last night said that what the committee was doing was unprecedented.

I hope that given the fact that the gentleman has expressed his support for open and more democratic rules, that he will be on the floor fighting the defeat of that rule when it comes up later today.

Mr. MICA. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from Florida.

Mr. MICA. I appreciate what the gentleman said. Possibly he views this rule in a different light. The gentlewoman from Ohio (Ms. PRYCE) and I were here in a different era and we saw much more oppressive operations of the Rules Committee.

Mr. McGOVERN. I reclaim my time. You ain't seen nothing yet until you have seen the rule that is going to come up this afternoon, believe me.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a member of the Committee on Transportation and Infrastructure.

□ 1145

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in favor of this rule. It is a breath of fresh air that we are getting this kind of fair and open rule from the Republican majority. But I also rise to support the amendment to be offered by the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, which seeks to prevent the diversion of funds from the Airport Improvement Program.

Like the ranking member, I am not opposed to the underlying provisions of the bill, which seek to expand the eligibility of the AIP program to include future construction of contract towers. I am, however, opposed to allowing airports to be reimbursed for work that has already been completed by airport improvement entitlements that are due for others in the future.

As a matter of equity, the 26 airports that would be eligible for reimbursement had no reasonable expectations that Federal funds would cover construction of their contract towers. If we now allow these airports to recover their costs under this AIP program, it sends the message to other airports that any contract fairly entered into with the FAA can be overturned when they get ready, if they can muster the support in Congress. So it is a matter of principle.

I also understand that the 26 airports that are eligible to be reimbursed have an estimated $252 million in safety, security and capacity needs. If future airport improvement entitlements are diverted to work on contract towers that have already been completed, these 26 airports could face a major funding shortfall in the future.

Essentially what this amendment seeks to do is prevent these 26 airports from double-dipping from their shortsighted attempt to mortgage their future. I ask my colleagues to support the Oberstar amendment and to oppose final passage if the Oberstar amendment is not adopted.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to the distinguished gentleman from Montana (Mr. REHBERG) a freshman Member of this body and a great addition, as well as a member of the Subcommittee on Aviation.

Mr. REHBERG. Mr. Speaker, I thank my colleague very much for yielding me time.

Mr. Speaker, I want to stand today in favor of the rule, I think it is a fair rule, but definitely in opposition to the Oberstar amendment.

Let me lay out a scenario for you. I do not know about the other 25 airports that are under consideration, but I can tell you about one in the State of Montana. Over the course of the years, and we can debate whether it is because of mismanagement of our forests or whatever you want, we have more forest fires than we ever had before. Starting in 1988, we have had practically a forest fire every single year, and, in fact, in the year 2000, we got up to 1 million acres of Montana burned. This last year Glacier Park was on fire.

We have an airport called the Glacier International Airport near Glacier Park, it is in Kalispell, Montana, that has 100 airplanes that fly every day. We are not talking about small planes, we are talking about large planes, because it is a destination point.

Unfortunately, during the fire season that increases to 200 a day. And what are the other 100? They are bombers, they are tankers, they are helicopters. Now, envision for a minute, you are in the mountains, you are at 10,000 feet, you are flying around as a private pilot, and you have got helicopters and bombers going around dropping their retardant, going back to the airport, going up in the air, going back to the airport, going up in the air, and you are a traveler in the middle of all of this. And do you know what happened? They did not have a tower. The Federal Government would not help them build a tower.

So this last year, finally, after all these years of fires, this small community came to the conclusion, for the safety of the air traveler and because the Federal Government was not helping them, they would go ahead and tax themselves to build this tower.

Now, what were they using for a tower before? Every time these fires started, the Forest Service and the FAA would bring in a trailer, and the FAA would charge the Forest Service for this trailer. So this community not only made the decision to increase their own safety aspects, but they also saved the Federal Government the charges of having to bring that trailer in every year, displace workers, try and deal with the safety aspects of fighting those fires.

It is only fair that we recognize the construction costs of the safety aspect of this small community, because it is something that the Federal Government did not do and they did for themselves.

So, if nothing else, if you are looking at it from a fiscal standpoint. If you are trying to save the Federal Government some dollars, this small community, by having built this control tower, did, in fact, save the money. They should be reimbursed for it, and then they ought to be patted on the back for taking the initiative to save lives, rather than slapped in the face by the amendment that is a one-size-fits-all, and it might fit the other 25, but it certainly does not fit the case that I have laid out today.

I thank the gentlewoman for this opportunity. I hope we will pass the bill, I hope we will pass the bill offered by the gentleman from Mississippi (Mr. WICKER), and I hope we will defeat the Oberstar amendment.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI), a member of the Committee on Transportation and Infrastructure and the ranking Democrat on the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding me time.

First of all, I want to say I agree with about 99 percent of this bill, but there is 1 percent of the bill I do not agree with, and that, of course, is the portion of the bill that gives a reimbursement to these airports who built towers, knowing full well that the Federal Government was not going to pay for the construction of these towers.

In AIR–21 we passed the law saying that if a local airport, a small local airport, wanted to build a tower, the Federal Government would then pay for the contract air traffic controllers. That was the law. That is still the law today.

What we are doing here really is changing the rules of the game after the game has been played. These local small airports signed an agreement with the FAA saying that they would build the local tower with their money, knowing full well they would never get reimbursement for it, if the FAA would pay for the contract air traffic controllers. That is what has happened.

These small airports receive about $150,000 a year from the AIP fund. If we grant them reimbursement, they will be spending their AIP money for the next 7 or 8 years on something that they constructed a number of years ago.

The worst part of this piece of the legislation is the fact that these same airports have requested $258 million in security improvements because of 9/11. If we do not pass the Oberstar amendment, that means that these airports will not be able to make any security improvements, which they contend they need to the tune of $258 million, until they have been fully reimbursed for their towers that they never had any expectation for being reimbursed for. So, to me, the most reasonable, practical, fair thing to do is pass the Oberstar amendment.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Kansas (Mr. MORAN), another member of the Subcommittee on Aviation.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am happy to rise today in support of this legislation and of the rule. It is unusual for those of us who are Members of the Committee on Transportation and Infrastructure to be here today in controversy. We almost always resolve our differences before we reach the House floor, and in this case we were unable to do so.

Unlike the gentleman from Illinois, I find support for 100 percent, not just 99 percent, but 100 percent of this legislation, and in particular I would like to highlight the importance of the contract tower program to places across the country, especially places in rural America where contract tower services provide the only air traffic control that our passengers or airlines have.

An example is the community in my district, Garden City, Kansas, population approximately 30,000 people. It has commercial service eastbound to Kansas City, westbound to Denver, and a general aviation component that is significant as well. They are a contract tower city, which means that the Federal Government does not have to pay for all of its tower services, and that community made a decision, prior to passage of AIR–21, in support of a contract tower. The tower is built.

All this bill does, in addition to supporting contract towers generally, is allow places like Garden City, Kansas, to utilize money that they would receive anyway. They are an entitlement airport, will receive approximately $1 million of AIP funding, entitlement funding, and they have the option, if they so choose, unless the gentleman's amendment passes, they have the option, the flexibility to decide our highest priority is to pay for the contract tower previously built.

It has $1 million coming to Garden City's airport regardless, and this legislation that allows them to be reimbursed does not detract from any other airport in the country. It does not take any money from the airport in any other community. It simply allows the community of Garden City or any other community that has built a contract tower prior to the passage of AIR–21 to use money they are going to receive anyway for purposes of reimbursing the city for that contract tower construction.

It is an issue that allows local units of government, our local airports, the flexibility to decide where their priorities are, and does not take money away from any other community. I do not know whether my community would choose that or not, but I believe in that flexibility.

Support the rule, support the bill, and oppose the amendment.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, just in response to the previous speaker, we are talking about $150,000 a year would be the allocation. The towers cost over $1 million. So you are basically talking about 8 to 10 years of the allocation that will be diverted from safety, security and other issues for a retroactive, unanticipated reimbursement for an unqualified project.

Now, we could do this pretty broadly. There is a whole lot of things airports have done out there that were not qualified that were expensive projects. My city of Eugene is still paying for their terminal expansion. Maybe we ought to qualify those sorts of things, because they did it before we authorized PFCs. We could change the Highway Trust Fund to reimburse a whole host of State and local projects that are not currently eligible.

The point is there is a limited amount of money to do an extraordinary amount of work, and particularly in these days we are very concerned about the safety and security issues. These airports, with this retroactive, unanticipated dedication of their AIP money for 8 to 10 years, a lot of that work will not get done for 8 to 10 years. Yes, it will be a little bit of a windfall they did not anticipate, but, unfortunately, a whole lot of other needs will go unmet, maybe critical security needs, which may lead to another disaster.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Arkansas (Mr. BOOZMAN), a member of the Subcommittee on Aviation.

Mr. BOOZMAN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I would like to commend the gentleman from Mississippi (Mr. WICKER) for introducing H.R. 1979 for which I am a proud cosponsor. The Small Airport Safety, Security and Air Service Improvement Act would change the law to allow small airports to not only use their AIP money to build a new or replacement FAA contract tower, but also to use AIP funds to equip their tower facilities.

This legislation is very important to my rural Third District of Arkansas. Currently I have three contract towers in my district located at the Fayetteville, Springdale and Northwest Arkansas Regional Airports. In addition, a fourth airport in my hometown of Rogers, Arkansas, has recently begun construction on their tower. What is amazing is all of these airports are within a 30-mile radius of each other.

We have been blessed with a booming economy in this part of the State, and, therefore, we have a large volume of business travelers. Rogers Airport is the second busiest airport in the State in terms of flight Operations, and Northwest Arkansas Regional Airport is the second busiest airport in the State in terms of passengers. With four very busy airports all within a very close proximity, we have extremely crowded airspace. Most of the flights coming into my airports originate from large hubs. The planes are passed from FAA towers to airports that generally do not even have radar screens.

□ 1200

Mr. Speaker, H.R. 1979 would allow the airports of the third district of Arkansas who operate under a visual flight rule to use their AIP funds to acquire the terminal radar displays which they so desperately need to monitor the busy airspace. I fly home almost every weekend, and each time I am thankful that my airports had the visionary foresight to build contract towers. They have increased air safety exponentially with the addition of the towers.

I fully support H.R. 1979, which would give local authorities the ability to use their AIP money to fund the construction, renovation, and equipage of their contract tower.

Allowing airports to use their AIP money for contract towers promotes local control and advocates safety. Who knows the needs of our airports better than the local airport managers? I hope all rural districts can benefit from the contract towers as my district has.

Mr. McGOVERN. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

As we sum up the debate on the rule, again, I think this is a fair rule, as the major question under consideration, the major amendment that will be before us has been given the opportunity for full, open, fair consideration in a responsible fashion by the Committee on Rules. So I ask my colleagues to support this, again, fair rule. If anyone knows of any amendments that were not allowed to be considered, come forth now and speak, but otherwise forever hold your peace, because this was done in a fair and open manner.

The major amendment that will be considered and the major controversy on an otherwise noncontroversial bill is again the question of reimbursement. I cannot think of anything more classic than this issue. This has been the debate since the beginning of this Republic, and that is how much power should be made in Washington, if Washington knew best or local people knew best.

Did my colleagues hear the plea of the last freshman representative, the gentleman from Arkansas (Mr. BOOZMAN)? He came up and he said that the local representatives, the local people knew best what to do with their funds. That is the basic question here: Do local people know how to use their funds?

Then we heard someone from the opposing side say, "use up all of 'their' money." That is really what we are talking about. It is their money, and letting them make their decisions, and tie up their funds, again using the term used by the other side, for 8 or 10 years. Well, heaven forbid that Washington should let local representatives, local elected officials, and local communities decide on how to use their money.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. MICA. Mr. Speaker, if I have enough time, I will respect the gentleman's request; but let me finish, because I am on a very good roll here.

Mr. OBERSTAR. Mr. Speaker, the gentleman is; I can see that. That is why I wanted to talk with the gentleman.

Mr. MICA. Mr. Speaker, we also heard from the other side "unqualified project." I wrote it down and I put quotes around this, "to fund and pay for an unqualified project."

Now, if anyone knows of any air traffic control tower that has been built, again, we heard the other side say that they are built with FAA approval, if they know an unqualified project, I want them to come forward and present it before the House at this time, because it is my understanding, and again the other side has said that these are FAA-approved towers, and they would have to be FAA-approved towers to be built for air traffic control purposes, but they were termed as "unqualified projects." I think that is unfair, because a local community has produced a qualified project, taken a local initiative, and then they want to decide what to do with their money in the future. If it is to pay off the wise decision that they made in the past, why should we in Washington stand in their way?

Then, one other issue that was brought up here about the use of AIP funds from the distinguished ranking member on the subcommittee, and he said, this could harm the use of AIP funds for security improvements. Well, I say to my colleagues, we are in very bad shape if we use all of our AIP funds when Washington dictates for security improvements and require local governments to make those improvements in these local communities.

Mr. Speaker, may I inquire as to the amount of time remaining on this side.

The SPEAKER pro tempore (Mr. GIBBONS). The time of the gentlewoman from Ohio (Ms. PRYCE) has expired.

Mr. MICA. Mr. Speaker, I have much more, and I am sorry I did not get to yield to the gentleman.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. OBERSTAR) so that he can engage in and continue the discussion.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the distinguished chairman if he believes in the sanctity of contracts. When one signs an agreement, when one signs a contract, does one live up to it?

Mr. MICA. Yes.

Mr. OBERSTAR. Yes. And I think that happened here, as the gentleman full well knows.

Mr. MICA. Mr. Speaker, if the gentleman will yield, this is a question of paying for the contract.

Mr. OBERSTAR. Mr. Speaker, let us throw out all of the other extraneous matters. These airport authorities signed an agreement with the FAA. This is not about Federal dollars, local dollars, who is in charge or whatever. They signed an agreement that said they will build the tower; the FAA will operate that tower. They entered into it, full well knowing that they had to pay that cost.

Now, we are about to give them a windfall benefit. That is not right, and the gentleman knows that.

Mr. MICA. Mr. Speaker, if the gentleman will yield, I would agree with the gentleman, and they have signed that contract, they have made that improvement. But I think that they are also entitled to take their money for the future and pay off any obligations that they have incurred.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, that is what the underlying bill does, and for the future, but not for the past.

Mr. MICA. And we do not want to penalize them for their past positive actions.

Mr. OBERSTAR. No. We want them to live up to their contract. That is the point.

Furthermore, the reason that the tower was not approved to be built with FAA funds is that it did not meet FAA benefit cost requirements.

Mr. WICKER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I appreciate the gentleman yielding on this question of a contract, because I think that is going to be the subject of a lot of debate during his amendment.

There is no question that we can hold these people to this contract; but I think the question for this House is, is it fair to hold to a contract under the law as it was, an airport that did the right thing, that said, we are going to do what is necessary for public safety?

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, they entered into an agreement fully knowing what that entailed; and if the gentleman from Mississippi and I enter into an agreement for me to buy his car, and I come back and say, gee whiz, I paid too high a price for that car; can the gentleman cut it back? The gentleman would say, wait a minute, you agreed to that price. Pay me the price.

Mr. WICKER. Mr. Speaker, if the gentleman will yield further, I am not sure that analogy is exactly correct.

I would just say this. The gentleman is exactly right. We have the weight of the Federal Government, and we can hold them to that contract if we want to. I do not think it is fair, and I think that is what the majority of the committee was saying.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, it is fair because, in the first place, that tower cannot qualify for the tower program. It did not meet the benefit-cost analysis. The airport authority knew it, and said, we will build the tower, and you operate it, Federal FAA; and that is what is at issue.

For the future, going forward, I think the underlying bill is appropriate, and I told the gentleman that a year ago.

Mr. WICKER. Well, that is what we will have the debate about on the Oberstar amendment.

Mr. OBERSTAR. Mr. Speaker, it will be on a high principle that will affect all of future transportation issues within the purview of this Committee on Transportation and Infrastructure.

Mr. McGOVERN. Mr. Speaker, can I inquire of the Speaker how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. McGOVERN) has 8 minutes remaining, and the time of the gentlewoman from Ohio (Ms. PRYCE) has expired.

Mr. McGOVERN. Mr. Speaker, I yield myself the remaining time, and I think I am going to close then.

Mr. Speaker, the Committee on Transportation and Infrastructure has a long history of working together to produce bipartisan legislation. The ranking member of the committee, the ranking member of the Subcommittee on Aviation, has only one problem with an otherwise good bill. This bill includes a provision that is nothing less than a government windfall for a small number of airports. These airports never expected, nor sought, Federal funding for building these towers. In fact, these airports explicitly agreed not to seek Federal funds. This should be a good bipartisan bill, and it still can be if we enact the Oberstar amendment.

So I would urge my colleagues to support the rule, which is open; to support the Oberstar amendment and, if the Oberstar amendment fails, I would urge my colleagues to vote "no" on the final passage of this bill.

Mr. Speaker, I yield back the balance of time.

The SPEAKER pro tempore. All time having been yielded, without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. PRYCE of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 240]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon

McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bonilla
Chambliss
Cox
Grucci
Hefley
Hilliard
Isakson
Kingston
Lewis (GA)
McInnis
Peterson (PA)
Roukema
Tanner
Traficant
Weiner

□ 1233

Messrs. PAUL, BARTLETT of Maryland, and MOLLOHAN changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRUCCI. Mr. Speaker, had I been present, I would have voted in the affirmative on rollcall No. 240, on H. Res. 447, the rule providing for the consideration of H.R. 1979, Airport Safety, Security and Air Service Improvement Act.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 447 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 1979.

□ 1233

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers, with Mr. GIBBONS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Illinois (Mr. LIPINSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my intent to yield to the gentleman from Florida (Mr. MICA), subcommittee chairman, the balance of my time after I make my opening statement.

Mr. Chairman, we all know that safety is enhanced when air traffic controllers guide the planes through the skies and onto the runway. However, many smaller airports lack an air traffic control tower. As a result, passengers and pilots do not benefit from the safety enhancements provided by air traffic controllers. Pilots are on their own, responsible for seeing and avoiding other planes.

Currently, the FAA is responsible for building the towers that house the controllers. However, FAA facilities and equipment budget is not large enough to pay for the construction of towers at many smaller airports. Yet many of these smaller airports have commercial passenger service or serve as a very active general aviation airport. These passengers and pilots are entitled to the same level of safety as those used in the larger airports.

Recognizing that FAA's construction budget is limited, many smaller airports are willing to use their Airport Improvement Program, AIP, grant money to build the tower. However, under current law, contract tower construction is not listed as eligible for funding under the AIP program.

This bill would change the law to allow AIP money to build a new or replacement tower and to equip that tower. The FAA could then contract with a private company to actually operate the tower. The FAA now contracts with private companies to staff towers at 217 airports in 46 States.

This contract tower program has benefited from consistent bipartisan backing in Congress. Its track record at small airports shows that it improves air safety, efficiency and security; enhances regional airline service in rural areas; provides significant savings to the FAA in air traffic control costs; and increases economic productivity in smaller communities nationwide.

Further, the program's track record has been validated in several comprehensive audits by DOT's Inspector General and is endorsed by participating airports and aviation system users.

Given the benefits and support for the contract tower program, additional actions to enhance it are warranted. By opening up another source of funding for tower construction, this bill will enhance the existing contract tower program and increase safety at small airports.

It does not cost the Federal Government any additional money because the AIP grant money is already provided for in AIR–21. The bill merely gives the airport and the FAA another purpose, tower construction, for which this grant money can be used.

I urge my colleagues to support it.

Mr. Chairman, I yield the remainder of my time to the gentleman from Florida (Mr. MICA), the subcommittee chairman, for the purposes of control.

The CHAIRMAN. Without objection, the gentleman from Florida (Mr. MICA) will control the remainder of the time.

There was no objection.

Mr. LIPINSKI. Mr. Chairman, I yield myself such time as I may consume.

I rise today regarding H.R. 1979, the Small Airport Safety, Security and Air Service Improvement Act of 2002. As noted by the previous speaker, the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the full committee, I also would like to compliment at this time the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), for the great cooperation that I always receive and the entire Democratic side receives from him and his staff on all aviation matters.

As the gentleman from Alaska (Mr. YOUNG) said, this measure allows small airports to use Federal Airport Improvement Program funds to construct and equip privately operated contract towers. Under current law, these grants cannot be used to construct airport control towers not operated by FAA air traffic controllers.

I, along with every other Democratic member on the Committee on Transportation and Infrastructure, am supportive of the primary provisions of H.R. 1979 to simply authorize the use of Federal funds to support the building of new towers. However, this measure also includes a provision that retroactively reimburses towers that were constructed under an express agreement that the Federal Government would pay the cost of staffing the towers but not the construction costs. I want to run that by everyone once again. Under this agreement, the Federal Government would pay the cost of staffing the towers but not the construction costs.

The gentleman from Minnesota (Mr. OBERSTAR), my colleague and the ranking member of the full committee, is going to offer an amendment that would eliminate the provision for retroactive reimbursement and keep the funds available for new airport projects to enhance safety and security. These 26 towers that have been built since 1996 cost on an average about $1.3 million. Therefore, the retroactive reimbursement provision of H.R. 1979 provides about $30 million in funding for work that has already been completed, despite the fact that these airports have hundreds of millions of dollars of unmet safety and security needs.

By using their AIP entitlement money, which is a maximum $150,000 a year, these airports could be drained of entitlement funds for almost a decade, funds that should be used on safety, security and capacity enhancement improvement projects.

In addition, these 26 airports have identified and requested from the Federal Aviation Administration a total of $258 million in Federal funding for the future AIP-eligible projects, including AIP-eligible security projects needed in the wake of September 11.

If H.R. 1979 is enacted and allowed, retroactive reimbursement funds will not be available for needed safety and security projects. When we offered the amendment to strike the retroactive reimbursement provision in the committee, it was supported by all 34 Democratic members of the committee. If the provision for retroactive reimbursement is stricken by the Oberstar amendment, we will support the bill.

I urge Members on both sides of the aisle to pass a clean, fair bill, by supporting the Oberstar amendment to strike the unfair retroactive reimbursement position.

I am also asking Members to oppose any amendment that would weaken the AIP program, which is intended to pay for infrastructure costs, not operating costs.

In closing, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and the gentleman from Alaska (Mr. YOUNG) for their work on this measure. Hopefully, we can pass a clean bill today with bipartisan support that rewards those airports that play by the rules.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just comment in general on this legislation, and it is noncontroversial for the most part. It is legislation which will allow our small airports to receive Federal grants to build air traffic control towers. The construction of a control tower at these small airports provides important safety benefits, as controllers in the tower prevent planes from running into one another. So there is probably no more important use of Federal funds or funds from the AIP fund.

Many small airports have commercial air service or are active for general aviation facilities, but at some of these airports there is today no air traffic control tower. This means that there are no air traffic control controllers to guide planes safely through the sky or along the runways. Pilots are on their own, responsible for themselves and for seeing and avoiding other planes.

Unlike larger airports across the country where the FAA will build a tower, smaller airports will only get a tower if they build it themselves. Yet many lack the resources to do so, and that is why this legislation is important. We change the law, we change the rules, and we allow the Federal assistance in that effort.

The Federal assistance will come entirely from the Airport Improvement Program, and the Airport Improvement Program, AIP, is funded by taxes on airline passenger and other aviation users. No general taxpayer funds will be used to support this program.

Currently, the AIP program is used to pay for a variety of infrastructure improvements at our airports.

□ 1245

But air traffic control tower construction, unfortunately, is not one of them, despite the obvious safety benefits provided by air traffic control.

This bill will allow primary passenger airports to use their AIP entitlements to build control towers. General aviation airports could use both their AIP entitlements as well as their AIP money allocated to the States for this particular purpose. In addition, limited reimbursement would be allowed for airports that have taken the initiative to build towers prior to the date of enactment.

We believe that is a fairness issue. The minority has an amendment that will be heard in opposition, and we will get into the details of our opposition to the amendment they are proposing to strike this particular reimbursement provision.

This is a bill that will increase safety at many of our smaller airports across the country. It is entirely voluntary. No airport is required to use their grant money to build a tower, but for those who want to use it, for those who have made the improvement on a limited basis, it will provide important safety benefits and Federal assistance in making those improvements.

The bill was developed by the Committee on Transportation and Infrastructure in a bipartisan fashion and, again, except for the reimbursement issue, has broad bipartisan support, and I want to thank the gentleman from Mississippi (Mr. WICKER) for taking the initiative in introducing this important legislation.

I would also like to express my appreciation to the chairman of the committee, the gentleman from Alaska (Mr. YOUNG), who worked closely with the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), on the issue. I would also like to thank the ranking member of my subcommittee, the gentleman from Illinois (Mr. LIPINSKI), for helping to move this legislation along.

I urge the passage of the legislation without the Oberstar amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to thank the gentleman from Illinois for yielding me this time, and I rise in opposition to the legislation as written, and I am in support of the Oberstar amendment.

Mr. Chairman, this is an exception to the usual bipartisanship that we usually have on the Subcommittee on Aviation. I think the history proves that. But H.R. 1979 allows small airports to use their Airport Improvement Program grant funds to build contract towers.

Airports have signed contracts since 1996. These are contracts. Now what those 27 airports want to do is have us change the rules so that they become eligible for construction funds. This is pretty simple. The game is over, and they want to change the rules.

I am a supporter of the contract towers program, as all of us are. The program provides worthy safety benefits to small communities and airports. However, the element of this bill I must rise to oppose is the use of the AIP funds to repay airports that have already built or contracted to build air traffic control towers. When an airport goes into contract with the Federal Government and agrees to build a tower, the terms of the agreement are clearly stated. If you build a tower, we, the Federal Government, will staff and operate it. This legislation ignores the agreement and changes it retroactively.

It is a mistake to use the sparse money, the sparse resources that we do have to provide reimbursement to airports that built or equipped contract towers. These airports knew full well what was at stake when they agreed to build the tower, Mr. Chairman. We had a deal, and there is no logical reason why either party should go back on that deal right now. There should be no reasonable expectation of reimbursement.

AIP funds are short enough as it is without funding previously constructed towers. Safety, security, and capacity enhancement improvements at these airports would suffer by being unable to access the AIP funds for possibly several years.

A further problem with the reported bill is that it does not require airports seeking reimbursement to have complied with all of the statutory and regulatory requirements that apply to an AIP project. I do not think that is acceptable. If it is good for one, it is good for all. If we are to change the rules, change all the rules.

Under this flawed bill, there can be reimbursement from the AIP for construction that did not comply with six Federal statutes, including the Fair Labor Standards Act. This is not chopped liver. This is important here. The Fair Labor Standards Act was not complied with. It is not fair that many properly funded towers were built in compliance with all Federal laws, but those that were not can get a windfall nonetheless.

Finally, in preparation of FAA reauthorization next year, the House must not set a precedent for reimbursement of airport projects. Passing this legislation is a slippery slope to reimbursing projects in a host of categories. We must focus Federal assistance through the AIP on supporting future improvements, not on the past.

Mr. Chairman, I ask my colleagues to oppose this legislation and support the Oberstar amendment.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of the underlying legislation and in opposition to the amendment that will be offered by the gentleman from Minnesota (Mr. OBERSTAR) at a later time in this debate.

This bill was originally introduced by the gentleman from Mississippi (Mr. WICKER). I think it is an outstanding piece of legislation as drafted. It would allow small airports to use their Airport Improvement Program, AIP, grant money to build or equip an air traffic control tower that would be operated under the FAA's contract tower program.

As everybody knows in America, Florida is one of the most rapidly growing States in the Nation, along with many others, including Nevada, Arizona, and Texas. In particular, in the State of Florida, central Florida is one of the more rapidly growing regions in the State. I happen to have two airports in my congressional district that are experiencing a tremendous increase in demand.

Having labored for years to try to get funding through the routine system for another air traffic control tower in another city in my district, and I can just say that one of them is the Titusville-Cocoa area airport, and the other is the airport in Kissimmee that we really have problems with.

We have problems in the State of Florida with building towers, replacing old antiquated towers with new towers, and I see this as a little bit of a light at the end of the tunnel. I think it needs to be approved out of the House. I would strongly encourage, particularly all my colleagues who are in rapidly growing areas, to oppose the Oberstar amendment.

In particular, I want to say that this really is, for me personally, about safety. We have a tremendous issue with small planes mixing in with commercial aircraft. We have had accidents in my congressional district where people have died. So I would highly encourage a "no" on the Oberstar amendment and support of the underlying legislation.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

The base bill, H.R. 1979, Small Airport Safety, Security and Air Service Improvement Act, is an excellent piece of legislation. It will expand AIP eligibility criteria to allow small airports to construct and equip air traffic control towers and to participate then in the contract tower program.

Now, if we stuck with current law, the FAA might or might not fund some of these projects. I have been trying to get one funded in my district where there is a strong need. It would be many years before they could meet the need because they have much more pressing requirements on their availability of funds for the largest airports. So an expansion, as envisioned in this bill, is good.

In fact, for example, we heard earlier about the issue of firefighting. I will talk about in my district the airport that now has had substantial recurring growth which merits a contract tower in Coos Bay-North Bend. Actually, a few years ago, we had a tanker go aground, and we were up to 300 operations a day between the Coast Guard and other people who were involved in that recovery operation. And so the National Guard had to bring in a temporary control tower. We could not safely operate the airport.

Since that time, traffic has grown because of construction of two fabulous new golf courses down in Bandon and general growth of the community and some improved commuter service to Coos Bay-North Bend. So they very much want to go ahead, but it is also a community that suffers high unemployment and does not have a tremendous amount of available capital. So this program will work well for them. They can go ahead with the contract tower. They can bond it by being able to demonstrate that they will have the cash flow to pay off the bonds.

The only dissident note here is the retroactive reimbursement of communities who have already paid for towers. Now, I was a little confused by the gentleman before me because he said Members in rapidly growing areas should oppose the Oberstar amendment. No, actually, the opposite is true. Members from rapidly growing areas should support the Oberstar amendment and support the overall bill, because the Oberstar amendment is about retroactively reimbursing communities that have already paid for contract towers.

And as we heard very eloquently, the gentleman before me from New Jersey explained how unfair this would be, particularly in terms of normal Federal contracting process, capability and eligibility of AIP funds, and a host of other issues. And as I spoke earlier, it is also a safety and security issue.

These airports that do not have now and need to fund the tower, they have already funded it, but do have pressing security capacity and safety needs, would be diverting those funds from the security, safety and capacity to retroactively reimburse themselves for money that they never expected and, in fact, signed a contract saying they knew they would not be reimbursed for.

We are changing the rules of the game. If we are going to start doing that with trust funds, whoa, we have a lot of bridges that could use some reimbursement and a few other things I would like to sell my colleagues here.

This is a very bad precedent. These communities did not expect and do not now need to be reimbursed. We should not jeopardize the program or the bill in that way, because I understand there is substantial Senate opposition to that provision. We should go forward with the base bill, which will help rapidly growing communities, which will help secure their air safety in the future and help them move forward with the contract tower program.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the chairman for yielding me this time.

In February 2000, our Chicago area lost one of our most beloved and charismatic personalities. For years, Bob Collins delighted listeners on the most popular Chicago radio station, WGN.

An avid pilot, an aircraft expert, a leading advocate of general aviation, Bob was lost in a tragic midair collision near Waukegan Airport in my district. Two others lost their lives in the accident that resulted from inaccurate and insufficient information available to controllers at the airport.

Unfortunately, it took the death of a prominent and much admired figure in our community to wake up people to the woeful state of technology at the smaller general aviation airports. Waukegan quickly acted to upgrade its facility and installed the terminal radar display to dramatically reduce the risk of repeating the tragedy. We did not install a new $2 million radar, we simply added a $60,000 data port to bring the radar data in from O'Hare. Such an improvement is appropriate for all airports in the country, urban, suburban and rural, and we do not seek reimbursement for this improvement.

This legislation is crucial to bringing our aviation infrastructure into the 21st century. At a time when homeland security is of paramount importance, we have an opportunity to enhance our ability to monitor our air traffic situations and to do so for airports that currently do not have this capability.

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We have to set aside parochialism, and I urge Members to adopt this legislation which will help new airports gain this capability over ones that already have it.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to raise my concerns about H.R. 1979, and signal my objections to the parts of it I believe should not be in the bill. I very much associate my remarks with what the gentleman from Oregon (Mr. DEFAZIO) and several other speakers said earlier.

As we have already heard, within the bill exists a provision which retroactively reimburses 26 small airports for building air traffic control towers. H.R. 1979, without the aforementioned provision, is a good bill. And if the provision is removed, I will be happy to lend my support to passing that legislation.

But by allowing these 26 airports to qualify for that reimbursement, the bill will significantly reduce the amount of Federal airport improvement funds that would be directed towards airport security and safety improvements. That is precisely what has happened to one of the airports within my congressional district, the Southeast Texas Regional Airport.

We tried our best to play by the rules. We took the time to go through the system, to win the support, putting off other priorities within our airport needs, to wait for our turn to build the air traffic control tower. We do indeed have a number of security issues that are facing us at that same airport.

Following through with what this bill is proposing right now would deplete the amounts available for significant security improvements which remain a priority for this Congress and this country. These 26 airports would also be reimbursed without demonstrating compliance with, as we have heard, Federal labor and environmental laws, including the Fair Labor Standards Act and the National Environmental Policy Act.

Mr. Chairman, why is it that some of us have to follow those rules and others apparently will not? That is not right.

As we have focused on providing the resources for airports to address the gaping security concerns in the aftermath of September 11, we have been bipartisan in our approach. This is an issue of security, and it does affect every citizen of this country who steps into an airport and onto an airplane. I urge Members to consider the consequences of shifting vital security funds to reimburse those 26 airports who chose to build their towers without the promise of recouping these funds.

We built ours with the assistance of this government's funding in southeast Texas, but we put off other priorities to allow it to happen. Allowing these 26 airports exemptions from current law is bad policy, and will set a precedent that will take us in the wrong direction.

I would hope that the House would find the collective wisdom to strike these provisions from the bill. I intend to support the Oberstar amendment to the bill; and if it carries, to support the legislation which has been put forth.

Mr. MICA. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. BOOZMAN), a member of the subcommittee.

Mr. BOOZMAN. Mr. Chairman, I would like to commend the gentleman from Mississippi (Mr. WICKER) and the gentleman from Florida (Mr. MICA) for introducing H.R. 1979. I also would also like to state my sincere opposition to the Oberstar amendment.

One of the airports in my district, the Northwest Arkansas Regional Airport, otherwise known as XNA, would be eligible under the reimbursement provision to be reimbursed for their AIP entitlement funds for a portion of the costs they incurred when they built and equipped the tower.

AIP entitlement funds are allocated by law to these small airports. This is money that the airports have a rate to as a matter of the formula in the law to be used for any eligible purpose. Congress has wisely left the decision to local authorities as to an individual airport's use of the entitlement funds, and this provision simply gives local authorities another option as they contemplate the range of safety, security and capacity-enhancement needs at their facility.

From my calculations, XNA would be eligible to be reimbursed for roughly $177,000, which was the cost of equipping their tower. This may not seem to be a large amount of money, but we have experienced a 46 percent growth in passengers over the past 5 years and are the third-fastest-growing county in the Nation, so $177,000 goes a long way towards improving and expanding the facility.

Although the tower at XNA is very small, it adds an incredible level of safety to the large volume of travelers, including myself, who utilize the airport. In northwest Arkansas, there are four airports located within a 30 mile radius of each other. As I mentioned, XNA is one of the fastest-growing airports in the country. While most airports experienced a detrimental decline in passengers after September 11, XNA continued to see a continued growth in traffic. Just a few miles away from XNA is the Rogers Airport, which is the second-busiest airport in the State in terms of flight operations. As Members can tell, the air space over northwest Arkansas is very crowded.

Mr. Chairman, the addition of contract towers has improved safety in my region exponentially because the towers allow the air traffic controllers to monitor the air space and give pilots the direction they need. If we do not allow our airports to be reimbursed from their entitlement funds, we will be penalizing them for having the foresight to invest in public safety. I urge Members to vote against this amendment.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to H.R. 1979 in its current form unless the Oberstar amendment is adopted. H.R. 1979 would allow 26 airports to be reimbursed, about $30 million for air traffic control towers already constructed. These projects date back to as far as 1996 and are projects that airports agreed to fund with no expectation of being reimbursed by the Federal Government. The agreement between the Federal Government and the airports was that if the airports funded the construction of the towers that the Federal Government would provide the air traffic control services.

If this legislation passes in its current form, it will remove $30 million from the airport improvement program fund, a fund which is already strained. The AIP funds should be used to improve safety and security for our airports and not for reimbursing airports for towers which have been previously constructed.

Mr. Chairman, this legislation sets a bad precedent and will open the door for airport authorities to seek reimbursements for projects which are the responsibility of the local airports. I urge Members to support the Oberstar amendment. If the Oberstar amendment passes, I will support the legislation. If it fails, I urge Members to strongly oppose and vote against H.R. 1979.

Mr. MICA. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER), who is the author of the bill before us.

Mr. WICKER. Mr. Chairman, it seems that a number of Members from the other side of the aisle have come to the floor today and said, we oppose the bill in its current form and will vote for it only if the Oberstar amendment is approved.

I hope that we do not create the impression here on the floor of the House that this is strictly a partisan issue. I certainly hope it is not, because I want to thank the 21 Members of the House who are Democrats who have cosponsored the bill in its current form without the Oberstar amendment having been adopted. I certainly hope we can resist the Oberstar amendment and pass the bill in its current committee-approved form without adoption of the Oberstar amendment.

If I might, Mr. Chairman, I would like to quote from the minority views of the committee with regard to this bill. One portion of the minority views that I would like to quote is, "We support the concept of making contract air traffic control towers eligible for Federal assistance under the Airport Improvement Program." Indeed, Mr. Chairman, this has been said by Members of the other side of the aisle earlier today. It is a good idea to change the law to allow this. As a matter of fact, it has been stated by the leadership of the committee that, but for this small item of reimbursement, this would be unanimous, it might even go under suspension or unanimous consent. We are all under agreement that this change in the law should be made.

Further quoting from the minority views, "While we applaud the airports for their foresight and proactive steps to enhance safety, Federal funding is limited," referring to those airports who have taken the initiative, built the control towers, and are now saying treat us by the same rules being created today and allow us to use our entitlement of AIP for this purpose also.

The minority Members seem to be saying you did the right thing, you enhanced safety, and you are to be commended. However, we are not going to allow airports the opportunity to use their AIP money for this purpose.

Now the minority makes the point that Federal funding is limited, but I would strongly make this point: AIP money is an entitlement. It is a set amount, and we are not increasing or decreasing that in this bill. We are simply adding an allowed type of usage of the AIP money. So what we have this year and what we are seeing today is the government, the big Federal Government, coming in in the form of an action by the House of Representatives, and we hope by the other body later on, and saying that, yes, we all agree, it is a good idea to change the purposes of the AIP and to add this additional usage of contract control towers. We are almost unanimous in doing so.

Yet, Mr. Chairman, there are airports who just got finished building their own contract towers, and they come in and say we did the right thing, Mr. Congressman. We took the initiative. We acted in a proactive manner; and they say, in effect, we hope we will not be penalized and hope to take some of that AIP money, if we so choose, and retire our bonded indebtedness.

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I think the majority of the subcommittee and the majority of the committee saw it that way, and I believe a majority of this House will see it that way, too. This is money that the airports are entitled to use anyway. We are simply saying, yes, thank you for being proactive and enhancing safety.

People will say, well, you've got a contract. Well, the contract was signed because that is what the law said at that point. I would almost make the point, Mr. Chairman, that that contract was signed under duress. But we are saying as a Congress today, we can change the law, and we are saying on both sides of the aisle, we ought to change the law. We should change it. It is a good idea. It simply comes down to a question of fairness. We do not have to pass this bill today, Mr. Chairman. We certainly can hold these airports to this contract they signed under the old law. We can do it. The question is, is it egregious to let them out of their contract as my friend from Minnesota has said? Or is it fair to let them out of this; having changed the rules for everyone else in the country, for this little handful of airports, is it fair to hold them to that contract made under duress? I think most of the Members of this House today will say no, it is not fair. They will say that the committee version is correct, and they will resist voting for the Oberstar amendment.

Mr. LIPINSKI. Mr. Chairman, I yield myself such time as I may consume.

In regards to some of the things that the previous speaker had to say, first of all, we do change the law around here quite often, but we change the law for the future; very, very rarely, if ever, for the past to the best of my knowledge. Here, unfortunately, a portion of this bill is changing the law for the past.

The previous speaker also said that we were just being fair to these airports. What about the other airports that would have gone ahead and built these towers if they knew that 5, 6, 7 years down the line, they were going to get reimbursed for those towers? I do not believe that is very fair to them.

Getting back to the airports who are going to be reimbursed because of a portion of this bill, remember, they only receive $150,000 a year for AIP funds. If we pass this bill in its present form, they are going to take 7 or 8 years of AIP money paying for this tower. The same group of airports have asked for $258 million for safety and security in the future. It is going to be almost a decade before they get around to getting any money through the AIP program, unless you are planning on increasing the budget in the near future to see to it that they also receive moneys from the AIP fund for other things they are going to do in the future.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding me this time.

Mr. Chairman, I listened attentively to the gentleman from Mississippi, who is a very congenial, a very thoughtful gentleman with whom I had extensive discussions a year ago about this bill prior to his introduction of the legislation. I pointed out to him my reservations then. I pointed out the concerns about reimbursement to airports for towers built under conditions where the tower did not comply with FAA cost-benefit requirements. I said, "I am fully willing to support the forward-looking part of this bill, because I think we ought to do this, but I can't have a reachback provision. It is just not good national policy."

And this is not partisan, I say to the gentleman. This is a matter of principle. Is it a penalty for an airport authority to ask that authority to live up to an agreement they signed, eyes wide open? Is it likewise fair to other airports who complied with the law, who met the benefit-cost analysis, who complied with all the provisions, some of which are excluded from these reimbursement airports under this language, complied with all the provisions of law, to come back and say to a select group of airports, no, you can be reimbursed without having to comply with the full range of Federal law and without having to meet the cost-benefit analysis? In fact, there are at least five of these airports that under no stretch of the imagination can meet the benefit-cost analysis.

Furthermore, the argument has been made time and again, these are entitlement funds for these airports. Well, they did not exist prior to AIR-21 as entitlement for each airport. When I was chair of the Subcommittee on Aviation in 1990 and we crafted the passenger facility charge, I insisted that for the major airports that would impose a PFC, half of their entitlement dollar would go into a special fund dedicated for small airports, for airports at the end of the spokes in the hub and spoke aviation system. Those dollars substantially improved the ability of small airports to build runways, taxiways, lighting, safety enhancements, security enhancements. Then we came to the AIR–21 legislation and said, "Let's take it a step further. Let's assure there is an entitlement."

That entitlement money, available to small airports, is not money the airport collected or generated in any way. These are dollars from the Airport Improvement Program derived from the Aviation Trust Fund, which is derived from the ticket tax and from a host of other taxes, on aviation fuel, et cetera, that go into the Airport Trust Fund. Well, that is a national program. Taxes are imposed on all aviation users. These are not revenues generated by that airport to which they have a claim. These are funds that are distributed under a formula the Congress has written that the FAA carries out and, therefore, projects and expenses that are approved under FAA rules, guidelines, that are derived from Federal law. If we change that, then you have two classes of small airports: One that got an entitlement and that followed by the rules, another one that gets reimbursed for not complying with the law and the rules.

The law places limits on the use of entitlement funds by each airport. Those entitlement funds can be used only for projects that are eligible under the law. This is all about playing by the rules. It does not rub my heart to pain that an airport said, goodness, with our eyes wide open we signed this agreement. We wanted this tower so badly that we were willing to build the tower, and you, FAA, will operate that tower, but now come a few years later, now reimburse us for that expenditure. That is just wrong. That is just simply wrong.

Mr. Chairman, if the gentleman from Mississippi went out in front of his home and paved a section of street and improved that street and then went to the city council in his hometown and said, "Look what an improvement I made. It is safer. No one is going to have an accident. Reimburse me for my cost," they would not give him a dime. I do not think the gentleman would do that. He would not ask them to do that. But that is the analogy to what is being proposed in this legislation.

In short, this is a national program to fund airport development in the national interest. It is not designed to provide free capital to airports to use as they see fit; rather, to comply with a body of rules under which everybody plays. In the future we have got a good program, but reaching back is a bad idea.

Mr. MICA. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I am pleased to be here again today in support of the contract tower program. It is a program created that has lots of benefits for the American traveling public, and certainly those who fly in and out of, commercially, our smallest airports across the country, as well as general aviation and their use of those airports.

I am here today in support of the bill as it was approved by our Committee on Transportation and Infrastructure without additional amendments today. It is important to me that this legislation move forward and that we send a strong message of support for our contract tower program.

There has been a lot of debate this morning as we discussed the rule, this afternoon as we discuss the bill, and I assume yet later today as we discuss the gentleman from Minnesota's amendment about whether or not we ought to allow airports who have already built contract towers prior to the passage of AIR–21 to access the dollars that are already coming their way, to spend those dollars on a previously built contract tower. Again, I would reiterate that this is an entitlement program. Those airports are receiving a fixed number of dollars. And this legislation for those communities that previously built the contract tower are simply deciding, we would choose to use our dollars, I guess they are Federal tax dollars, not necessarily dollars raised in our own community, but the dollars for which we are entitled under this program, we are making the choice that we will use those dollars for repaying ourselves for doing something that we should have done. I do not know how many communities will use that.

The gentleman from Illinois today has indicated about the priority of security, and clearly Congress has focused on that issue. We have not addressed the issue of how we are going to pay for all the mandates we are creating on airports across the country to meet security needs, but the reality is that this is a high-priority issue, one that our folks can decide locally. If the belief is that we ought not retroactively allow airports to utilize these dollars because the highest priority is to pay for security, then that means we ought not be supportive of the bill in its entirety. We are saying that they otherwise have the choice of choosing between meeting the security needs, the mandates, and paying for them out of their entitlement dollars. That is what this legislation is all about. And we are saying that is okay. If you are going to build your contract tower today, you can make the decision that security takes second priority to the contract tower. But if you made a decision previously that the contract tower was important to you, then we suggest that you should decide that security is a higher priority.

To suggest that the mechanism in place would create a problem in paying for security, that may be true of the entire bill. The concern that is raised here on the floor is one that I think is general not just to this issue of whether or not you ought to go back. I hope we do not lose sight that, again, we are not taking dollars from anybody else's airport. We are taking dollars that that airport is entitled to, and we are allowing them to make a decision at that local level as to what their highest priority is for paying.

Mr. LIPINSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today concerning H.R. 1979 and in support of the Oberstar-Lipinski amendment which will strike an improper and egregious provision in an otherwise good bill.

This amendment addresses fundamental questions of fairness in allocating scarce resources. This is an issue of national security. Do we allocate funds for national security? Or, rather, do we use these limited funds to reimburse private airports for control towers that have already been built?

In today's climate, are we not obligated to anticipate and fund present and future needs first? The Aviation Trust Fund, which collects revenues from a variety of sources, provides the dollars for airport improvement programs, the main source of Federal aid to airports. The trust fund is being quickly depleted at a time of increased demand. AIP funding is a finite resource, and the Federal Government places restrictions on its use to maximize safety and security. It is not a reimbursement fund for private airports.

Allowing private airports that have already constructed towers to be reimbursed is a poor use of limited AIP funds. Decisions to build these towers were made at a local level without the expectation of a Federal commitment to the project. In fact, it was clear that there would be no such Federal participation. And as we say in Texas, a deal is a deal.

Time and time again, our friends in the majority tell us we have to do more with less. We do not have sufficient AIP funds for all the worthy projects across the country. We should not reimburse a handful of private airports who clearly did not need Federal assistance in the first place to lay claim to a limited amount of security dollars. This provision is estimated to cost $30 million. That is $30 million not available to a new and unmet need.

What airport security project will go unfunded? Which Member wants to see a critical safety improvement delayed because the funds are going to reimburse a few select airports?

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Mr. Chairman, our aviation infrastructure needs are great and will continue to grow. We cannot let any funds be spent that do not add to the future of the system, but merely pass for past improvements.

Mr. MICA. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. HAYES), also a member of the Subcommittee on Aviation and our vice chair of that subcommittee.

Mr. HAYES. Mr. Chairman, I rise today in opposition to the amendment of my friend the gentleman from Minnesota (Mr. OBERSTAR), and I rise to take a counterposition from my friend the gentleman from Texas. The issue here is safety. The issue is safety as well as security.

As an example, Concord Regional Airport in my district will lose if this amendment passes, but that is not the issue. The issue is not losing potential funding alone. The real issue is they will lose their ability to address vital safety needs.

The two key components of this bill are increased safety and flexibility for local concerns. The number one concern of any aviator and the public is safety. The presence of air traffic control towers, where appropriate, staffed by competent professionals, greatly increases safety for the flying public, whether commercial or general aviation.

Concord Regional is the fourth busiest airport in North Carolina. Local leaders in Concord had the vision to address safety concerns before an accident occurred, and that is what we are talking about here. We have a clear choice: Either we can say to our local governments and leaders, we are going to reward you for thinking ahead, thinking out into the future and addressing vital safety needs of the flying public and the public who are on the ground; or we are going to punish you for doing the things that make sense, for using common sense.

I know it is contrary to Washington thinking, but common sense provides that these forward-thinking leaders, wherever they might be, have provided for vital safety concerns, and that is important to America, along with security.

Many of the airports that will be eligible under this legislation are located near metropolitan areas. Without guidance from air traffic controllers, pilots are solely responsible for locating and avoiding other aircraft. In the past, a lack of control from towers has often been a major contributing factor in air-to-air collisions, even over residential areas, with damage to ground structures and threat to human lives.

The Congress should not penalize airports for taking positive steps to increase safety. These airports built towers to make their operators more efficient and to avoid the dangers associated with congested airspace.

Contrary to what has been reported here today, reimbursement of AIP funds for contract towers will not take money away from needed security improvements at airports. In fact, this bill will allow airports to prioritize their safety and security improvements and fund the most significant needs.

Funds for reimbursement would come only from entitlement funds, not discretionary spending. Under this bill, airports may not apply for discretionary funds to build, equip or reimburse themselves for contract control towers.

In the end we must let local airports, not bureaucrats in Washington, decide how to best utilize the limited entitlement funds from the Airport Improvement Program. I am confident the Administrator at Concord Regional Airport will fund wisely the safety and security needs and concerns of that airport and the flying public.

Mr. Chairman, I urge my colleagues to oppose the Oberstar amendment.

Mr. LIPINSKI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman is recognized for 1 minute.

Mr. LIPINSKI. Mr. Chairman, there was a speaker up here not too long ago who said something to the effect if we are not going to sign to do this or not going to do that, if we are going to pass the Oberstar amendment, maybe we should not pass any bill at all. Well, probably the wisest thing in regard to this particular situation would have been to wait until next year when we reauthorize the Aviation Trust Fund. Then we could have dealt with many, many of the concerns that have been raised here on the floor not only by our side, but also by the other side.

But getting back to the Oberstar amendment, first of all, we have a signed contract, a legal document, saying that we are going to a build a tower if you will staff it for us. No one was blindsided. These small airports agreed to that, beyond a shadow of a doubt. They had to sign a contract to that effect. They did so. They moved ahead, built a tower, and the Federal Government has been staffing it with contract controllers.

Support the Oberstar amendment.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman is recognized for 4 minutes.

Mr. MICA. Mr. Chairman, we are winding up the general debate on this bill, and it is a good bill. It is a good bill in its present form, and the present form allows for fairness.

We have heard some things said by the other side in opposition to the current form of this legislation, and most of it deals with the question of reimbursement.

First of all, one must understand that there are some people in Congress who think that Washington knows best, that Washington must dictate exactly what every local government, every local entity, should do.

Now, we are talking about funds here that these communities and airports would be entitled to, and we set certain parameters. We have set certain parameters in the past as to what projects would be eligible. Towers were not eligible.

We are today, with the passage of this legislation, changing those rules. We told them in the past, you build a tower, and we will man the tower. At that time you could not use AIP funds for construction of those towers. We are changing that rule now. No, I do not want to participate in "gotcha" legislation. This is not fair. It is just a question of fairness.

There are 22 airports that could benefit from the reimbursement provision. There are 48 airports that will benefit by us changing the rule and allowing AIP funds to be used for construction of towers. We today are changing the rule.

This question about $30 million that is going to be somehow wasted or given away unfairly, blah, blah, blah, they are going to get that money anyway. They are entitled to that money. The question is, what can they use it on? If they have already made the safety improvement, why should we penalize them? It is not fair.

It was said by the other side that someone is going to get a windfall. No one is getting a windfall. They are going to get those funds anyway. It is an entitlement. But Washington does not always know best.

You heard them say they signed a contract with their eyes wide open. Yes, they signed the agreement, but that was the terms of how you could use the money then, and we are changing the rules now as to how you can use the money.

So is it fair to shaft 22 who have taken the initiative and acted? They can decide how they want to spend that money in the future. If they want to spend it on a safety improvement they made in the past, which we are allowing these 48 others to benefit by, why not?

Come on. As we heard the other side say, this is a matter of principle. Yes, it is a matter of principle. It is a matter of Washington knowing best, Washington dictating to these local governments. And we heard the pleas. We heard the pleas from the small communities. We heard the pleas from the gentleman from Illinois and the tragedy that occurred and the steps that were taken by his communities. We heard the pleas from the gentleman from Arkansas. We heard the pleas from the gentleman from Montana with the fire situation, the need for air traffic control.

Why should these people be penalized in a "gotcha" approach? It is not fair. This is a question of fairness. Pass the legislation as it is currently formulated, and let us vote down, when we get to it, the Oberstar amendment, which is, in fact, a matter of principle.

Mr. BARR of Georgia. Mr. Chairman, I rise today in support of H.R. 1979, the "Airport Safety, Security, and Air Service Improvement Act."

Supporting this legislation should be intuitive to anyone who cares the slightest bit about air safety. General aviation makes up an ever-growing percentage of all flight travel, and it relies heavily on small airports. It is vital these smaller airports are safe and useable, in order for them to help relieve the heavy workload of the larger airports, including Hartsfield International in Atlanta. It is imperative as much of the general aviation as possible be able to use alternate airports.

In order to ensure these smaller airports are safe and operable, they depend on Airport Improvement Program (AIP) grants. The intent of the AIP grants is to assist small airports with safety-related projects that support aircraft operations, such as runways and taxiways. As what can only be described as an oversight, AIP funds are currently prohibited from being used to build control towers. Obviously, a control tower is equipment that is necessary to ensure safe operating conditions.

This legislation merely allows these small airports to utilize the AIP money already appropriated, to also construct control towers. It does not cost anything more to the taxpayers, and mandates nothing to the airports. It simply gives them more flexibility to use the money as they see fit. This should be anything but controversial.

However, apparently some of our friends on the other side of the aisle seem to have problems with this bill, apparently concluding that although airports should be able to use AIP funding to construct new towers, they want to prevent airports which have recently constructed or modified a control tower for safety reasons, from utilizing these funds retroactively via reimbursement.

I ask my colleagues on the other side of the isle, if these towers are necessary safety measures now, were they not necessary a month ago? A year ago? Gwinnett County, GA, believed it necessary to update its control tower at Briscoe Field recently. Opponents of this provision today would argue Gwinnett County should not be reimbursed for its expenditure. Apparently, they feel having operational control towers was not a safety concern before today, but suddenly and magically now it is. The work was done at Briscoe Field because it was vital to the safety interests of air-traffic in North Georgia. Briscoe, and the other twenty-five airports across the country which have done likewise, should be able to use AIP money for their tower projects.

I urge you to vote "no" on any amendment eliminating the reimbursement provision of this bill and to vote "aye" on H.R. 1979.

Mrs. CUBIN. Mr. Chairman, I rise today in support of the Small Airport Safety, Security, and Air Service Improvement Act. Safety and Security, we hear these words a lot now—and we should, we are fighting a war and working to protect the home front. This is a fact that effects all legislation every day. In fact, every appropriations bill we debate this year will be focused on winning the war and providing resources to those defending America. That means some difficult decisions for us in Congress. This bill, however, is not a difficult decision, it's actually quite simple. If common sense prevails and we enact H.R. 1979, we will provide improved flexibility to those airports that receive Airport Improvement Program funds (AIP).

I'm one who believes in local control and flexibility. Every time Congress has embraced that concept we have seen a success story. In this case, H.R. 1979 says that in addition to other AIP-approved projects, AIP funds can now be used for a control tower. It seems pretty simple to me, we're giving the airports AIP money based on a formula anyway, so why not let them use the money in the manner that best serves their needs? But some have expressed concern that airports can't be trusted to spend their money properly. Some must believe that landing a plane safely isn't an important component of airport operation. However, I can assure all of those who oppose this bill that the funds will be used properly, and spent on airport safety priorities.

Actually, the real sticking point on H.R. 1979 is the retroactive provision. As drafted, this bill will allow airports that have built a tower since 1996 to be reimbursed for those funds up to about one million dollars. That's seems like a lot of money to folks in Wyoming, but in the scope of the AIP budget, it's by no means out of line. In fact it recognizes that there are proactive airports that have built a tower to increase the safety of local aviation. This provision will ensure that leaders in aviation safety will not be penalized for their investment in airport infrastructure.

Now some will say we can't afford this, or that it will take away from other priorities. I can't disagree more. AIP funds are determined using a formula, and we are not debating that allocation. We are simply considering what other uses will be allowable uses of AIP funds for improving the safety of an airport.

This debate should be about local control, not Congressional control. It reminds me a little about the class size debate in the Education bill. So many people wanted to designate funds for class size reduction, but not allow any flexibility for those funds if a school already has small classes. Shouldn't those schools be allowed to build important facilities if they have met the class size standard? We have small classes in Wyoming, we also have airports that plan properly and that can be trusted to use their AIP funds appropriately. I encourage passage of the bill as drafted, and I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Airport Safety, Security, and Air Service Improvement Act of 2002".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. MICA. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. INCLUSION OF TOWERS IN AIRPORT DEVELOPMENT.

Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(M) constructing an air traffic control tower or acquiring and installing air traffic control, communications, and related equipment at an air traffic control tower under the terms specified in section 47124(b)(4).".

SEC. 3. CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.

(a) IN GENERAL.—Section 47124(b)(4) of title 49, United States Code, is amended to read as follows:

"(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

"(A) GRANTS.—The Secretary may provide grants to a sponsor of—

"(i) a primary airport—

"(I) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

"(II) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

"(III) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996; and

"(ii) a public-use airport that is not a primary airport—

"(I) from amounts made available under sections 47114(c)(2) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

"(II) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

"(III) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996.

"(B) ELIGIBILITY.—An airport sponsor shall be eligible for a grant under this paragraph only if—

"(i)(I) the sponsor is a participant in the Federal Aviation Administration contract tower program established under subsection (a) and continued under paragraph (1) or the pilot program established under paragraph (3); or

"(II) construction of a nonapproach control tower would qualify the sponsor to be eligible to participate in such program;

"(ii) the sponsor certifies that it will pay not less than 10 percent of the cost of the activities for which the sponsor is receiving assistance under this paragraph;

"(iii) the Secretary affirmatively accepts the proposed contract tower into a contract tower program under this section and certifies that the Secretary will seek future appropriations to pay the Federal Aviation Administration's cost of the contract to operate the tower to be constructed under this paragraph;

"(iv) the sponsor certifies that it will pay its share of the cost of the contract to operate the tower to be constructed under this paragraph; and

"(v) in the case of a tower to be constructed under this paragraph from amounts made available under section 47114(d)(2) or 47114(d)(3)(B), the Secretary certifies that—

"(I) the Federal Aviation Administration has consulted the State within the borders of which the tower is to be constructed and the State supports the construction of the tower as part of its State airport capital plan; and

"(II) the selection of the tower for funding is based on objective criteria, giving no weight to any congressional committee report, joint explanatory statement of a conference committee, or statutory designation.

"(C) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of construction of a nonapproach control tower under this paragraph may not exceed $1,100,000.".

(b) CONFORMING AMENDMENTS.—Section 47124(b) of such title is amended—

(1) in paragraph (3)(A) by striking "Level I air traffic control towers, as defined by the Secretary," and inserting "nonapproach control towers, as defined by the Secretary,"; and

(2) in paragraph (3)(E) by striking "Subject to paragraph (4)(D), of" and inserting "Of".

(c) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, the 2 towers for which assistance is being provided on the day before the date of enactment of this Act under section 47124(b)(4) of title 49, United States Code, as in effect on such day, may continue to be provided such assistance under the terms of such section.

SEC. 4. NONAPPROACH CONTROL TOWERS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a lease agreement or contract agreement with a private entity to provide for construction and operation of a nonapproach control tower as defined by the Secretary of Transportation.

(b) TERMS AND CONDITIONS.—An agreement entered into under this section—

(1) shall be negotiated under such procedures as the Administrator considers necessary to ensure the integrity of the selection process, the safety of air travel, and to protect the interests of the United States;

(2) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general-purpose space in a facility covered by the agreement;

(3) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of the agreement;

(4) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;

(5) shall provide that the United Sates will not be liable for any action, debt, or liability of any entity created by the agreement;

(6) shall provide that the private entity may not execute any instrument or document creating or evidencing any indebtedness with respect to a facility covered by the agreement unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(7) shall include such other terms and conditions as the Administrator considers appropriate.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR:

Page 3, strike line 3 and all that follows through line 13 on page 5 and insert the following:

"(A) GRANTS.—The Secretary may provide grants to a sponsor of—

"(i) a primary airport from amounts made available under sections 47114(c)(1) and 47114(c)(2); and

"(ii) a public-use airport that is not a primary airport from amounts made available under sections 47114(c)(2) and 47114(d),

for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes on his amendment.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to be an accorded an additional 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Minnesota is recognized for 10 minutes.

Mr. OBERSTAR. Mr. Chairman, I listened again with great attention to the distinguished chairman of the subcommittee, who made a very compassionate, or passionate, argument, compassionate for those 20 airports who are going to be windfall beneficiaries.

This idea that airports that built the contract towers are rewarded for thinking ahead by this amendment is just not right.

I heard another appeal to common sense, but is it common sense to vitiate common law? Common law says you made an agreement, which is a contract. Live by it. That is all we are saying.

They built the tower. They received an enormous benefit from the FAA to the tune of an average $350,000 a year in air traffic control services provided by the FAA at that tower. Other airports did not take a flying leap and build a tower and then hope that someday in the future, some future Congress would come back and benefit them.

In addition, while these towers may have been indeed built for safety purposes, they were all built with the very clear purpose of economic benefits for the communities. They need not be double-imbursed by having the ability to be compensated for something they did at a time when they knew they would not be compensated for it.

These are scarce dollars, AIP dollars, very limited amounts of money. They have to be very carefully managed. We criticize the FAA when they badly manage those dollars, and we ought not to engage in further mismanagement on this House floor by allowing the reach-back provision to cover the cost of towers previously built under terms and conditions that, in many cases, do not comply with the benefit-cost analysis required by FAA rules of contract towers.

The gentleman from Illinois (Mr. LIPINSKI) has already said the 26 airports to be covered by this provision have already requested funds totaling in excess of $252 million in Federal funding for future AIP-eligible projects under the NIPIAS. They have requested $6.3 million for security projects, access control, fencing, vehicles, infrared cameras, closed circuit monitors, blast analyses, berm construction, safety enhancements for lighting, deicing, snow removal and weather reporting, and capacity projects such as runway extensions, taxiways, apron extensions, cargo and general aviation taxiways.

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These airports get $150,000 a year under the AIR-21 legislation we passed just 2 years ago, and I supported initiating the idea of special funding for smaller airports in our era of hub-and-spoke aviation systems. In the contract to our program, and remember, that was started in the aftermath of the air traffic controller strike in 1981 when there was a need to increase safety in the system, the contract tower program provides for air traffic control services only. Tower construction is outside the scope of the program for those who participate who did not have approval from the FAA. Once they are accepted into the contract tower program, those airports signed a contract airport traffic control tower operating agreement that says specifically, "In consideration of air traffic control service being provided to the airport sponsored by the government, the airport sponsor agrees to the following terms and conditions at no cost to the government. The airport sponsor shall provide an air traffic control tower structure meeting all applicable State and local standards."

How can it be more clear than that? They signed an agreement, eyes wide open, knowing full well that they had to meet this cost. Now they are going to come back and say, oh, we did not mean that. We throw contract law right out the window. We throw agreements right out the window.

I am offended by this idea that we ought to scatter these dollars around and just make whole those airports who signed an agreement, knew what they were getting into, who received significant benefits since they built those towers. Mr. Chairman, $350,000 a year on average for air traffic control services, and now we want to double benefit them.

Furthermore, the bill before us does not require the airport to use the reimbursement fund to fund AIP-eligible projects; it would be somewhat tolerable if we were limited in that respect, but only requires the airport to show that it complied with Davis-Bacon, Small Business and Veterans Preference, but not the other statutory requirements, the National Environmental Policy Act, for example. Well, I just do not understand how it can be considered to be a burden and a penalty to ask an airport to live up to the terms of an agreement it entered into voluntarily, an agreement through which it got the Federal funding for the cost of operating the tower.

If this bill should pass with this provision in it, I will be watching very carefully in the future to see how many other circumstances there will be, reach-back provisions, and let us exonerate this interest from that requirement. I will be very interested to see if the gentleman from Mississippi is going to be the first one to step up to the plate and offer additional funding in the transportation appropriations bill to cover additional costs that are going to be incurred by these small airports in the future. They are going to need additional money. They are going to soak up this $30 million to pay for something they already built; and then they are going to come back and say, but we are out-of-pocket and we need money for security and safety and capacity enhancements.

Where is that money going to come from? Well, I hope it does not come out of the AIP program or the F&E account or the operational account or any other accounts, because they are all limited; and that is the point. We do not have infinite dollars in the aviation trust fund.

Mr. Chairman, let me repeat. These entitlement dollars come from the aviation trust fund contributed by all users. They are not coming from a passenger facility charge that the airport has imposed. If they wanted to impose a passenger facility charge, that is their dollars; they can use it as they see fit. I supported it. I initiated that legislation in 1990. This is different. These are different funds.

There are substantial economic benefits that flow to a city from an airport with a control tower. Safety is one of them, but significant economic benefits. We are just coming here and saying, although you did not qualify, although you did not meet the eligibility requirements, we are still going to reimburse you for having gone ahead and, with your eyes wide open, signed an agreement that you would build this tower at your expense for the FAA to operate that tower.

Now, there could be an argument, although I have not heard it yet from our chairman, that in the 1996 legislation we provided funding for reimbursement of non-AIP-eligible projects. However, in the 1996 bill, that was prospective, not retroactive. That is the difference, and that is the consistency with Federal law that I was expecting and arguing for in this legislation. We do not have that consistency. And the chairman is going to have a hard time, Mr. Chairman, reconciling this action with any future FAA legislation that wants to deviate from historic precedent and practice.

The basic underlying bill is prospective, and that is appropriate. What is not appropriate is to compensate airports for something that they agreed to build, for costs they agreed to incur, and in return for which they have received significant benefits.

Mr. Chairman, this amendment should be passed. We should delete this provision of the bill.

Mr. MICA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, again, I must speak in opposition to the amendment offered by the distinguished gentleman from Minnesota (Mr. OBERSTAR). We have worked long and hard on the Committee on Transportation and Infrastructure and the Subcommittee on Aviation to achieve a bipartisan agreement on this legislation. I think for the most part we have succeeded. However, on this reimbursement issue, we just do not see eye to eye.

I disagree with the underlying premise of the amendment proposed here that for some reason the reimbursement for control tower construction is bad. Our current law allows reimbursement for airport terminal construction. Control towers are certainly at least as important as the terminal buildings. Control towers provide, I believe, one of the most important safety benefits. Airports that have taken the initiative to build them on their own should, in fact, be rewarded. We changed the law in 1996 to be prospective. We made some changes at that point. I am asking that we change the law now as we changed the law on the payment eligibility to be retrospective to the 1996 law.

The airports that would be adversely affected by this amendment are relatively small airports. Spending approximately $1 million to build and equip a control tower is a significant burden on them.

Although they may not have had a legal right to reimbursement at the time they built the towers, and that was the rule at that point, and we are changing the rules and the law at this point, many were hopeful that when Congress saw fit to make tower construction eligible for these grants, and, again, they have eligibility to use this entitlement money however they wish, that in fact the Congress would help those who have taken the initiative to act.

I have letters from at least five airports that say that they were hoping for such a reimbursement at the time that they built their towers; and, in fact, we know that we do them an injustice if we pass this Oberstar amendment.

It is also important to note that the airports can only use AIP entitlements for reimbursement.

Now, it does not say that they shall be reimbursed. There is no language in here that says they shall be reimbursed or they shall take their $30 million, which may be the amount that that group is entitled to over future years. It is "may," that they "may." It gives them the option. We have opened the option of having towers as being eligible, construction being eligible for payment. All this is saying is that they may use some of the money that they are getting anyway in a discretionary fashion. It does not say that they shall. So we have a bogus argument that $30 million is going to somehow be sucked out of this fund.

This is money that the airport has a right to as a matter of law and entitlement. How they use that money should be a part of local control and local decision. Again, that is a fundamental difference. This is a debate about principle. A principle that Washington knows best, one-size-fits-all, we tell you. Now, we may change the rules, but we got you, because you are not going to be eligible, and we shaft some 20 to 22 airports who have already taken the initiative to build their towers.

Since this is money that the airport would get in any event, allowing them to use it for reimbursement does not increase the Federal deficit or Federal commitment, financial commitment in any way, nor does it take away from capacity or safety-enhancing projects at any other airports, or even at that airport. They will make the decision on what improvements they want to make in what order, and we give them the ability, but they may. Again an option, we give them an option.

Security here and the misuse of these funds by local officials is used purely as a red herring in this debate. The Congress has not decided how we are going to fund transportation safety improvements. Right now there is a supplemental that has not been decided on how we are going to fund security improvements, so I do not buy that argument.

Mr. Chairman, I oppose the Oberstar amendment, and I ask for its defeat.

Mr. HOLDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to offer my support for the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

Mr. Chairman, today we are considering what is essentially a good bill, with the exception of one bad provision. Tucked into this bill is a provision that takes approximately $30 million of funding currently available to enhance airport security and uses these funds to reimburse airports for air traffic control towers previously built. These towers were constructed at some of the smallest airports in the Nation under an express agreement that the Federal Government would pay the cost of staffing the tower, but not the construction costs. The Oberstar amendment would eliminate the provision for retroactive reimbursement and keep the funds available for new airport projects to enhance safety and security.

I would like to emphasize that I am not opposed to H.R. 1979 insofar as it authorizes the use of Federal funds to support the building of new towers. I had hoped that my objections to the retroactive reimbursement provisions could have been resolved in the subcommittee or full committee markup of this legislation. Unfortunately, they were not, and we find ourselves in the rare situation of amending a bill from the Committee on Transportation and Infrastructure on the floor.

What I oppose, Mr. Chairman, is the use of airport capital funds to pay for towers already built. Under the bill, an airport is only required to demonstrate that it has complied with Davis-Bacon, Small Business, and Veteran Preference requirements, but not the rest of the statutory and administrative requirements governing airport improvement program projects. This means that contract towers constructed prior to the enactment of this bill would be reimbursed with AIP funds, but subject to different and lower standards than all other AIP projects, including new contract towers built pursuant to the reported bill.

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Perhaps the most important reason to oppose the retroactive reimbursement provision is that it sets a bad precedent as we head toward Federal Aviation Administration reauthorization next year.

In reauthorization, we will consider new eligibilities for the AIP program. By setting a precedent for retroactive reimbursement, we run the risk of encumbering the AIP program in future years with reimbursements for work that has already been completed.

Now more than ever we need to focus on the task in front of us: addressing the aviation safety and security needs of the post-September 11 world. So once again, Mr. Chairman, this is a good bill with one bad provision in it. The Oberstar amendment will fix that. I strongly urge its adoption.

Mr. REHBERG. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment. Mr. Chairman, when I listened to the sponsor of the amendment talk about benefits, tremendous benefits, significant benefits, benefit benefits, I did not count them all. The only real benefit here is safety.

These people in places like Kalispell, Montana, made the determination that they wanted to do something about the organized mayhem that was created by the Forest Service and their forest fire adding, doubling, the number of airplanes, tankers, helicopters, in the air per day for months on end.

I do not know how many pilots are on the floor today, but I can tell the Members that pilots sometimes need help. They certainly need help when the number of traffic count in one day doubles because of a forest fire. Now, couple that with smoke and mountains and activity, and when I talk about organized mayhem, sometimes the people in the tower are the only safety valve for those people.

So what is the benefit here? The benefit is to save lives. Is that not what this Congress is all about? Is this, the bill of the gentleman from Mississippi (Mr. WICKER) that we are talking about, creating the safety? No. The safety is created by the individuals in the communities that make a determination that they have a need.

Now, the logic is lost on me that somehow the airports that did not build their towers did not need it or are somehow at a loss for this. No, they made the determination that for safety reasons they did not need to have a tower, but our airport did make that determination. So rather than punish our communities for doing that, we ought to reward them.

The $30 million figure, again, I will give an example of why that is not true. I am the only Congressman in this body who has two of those airports in their district, Bozeman, Montana, and Kalispell, Montana. Kalispell, Montana, will ask for a reimbursement from their account. It is their money into the future. They have made that a top priority. Bozeman, Montana, will not. They have announced that they have made the prioritization, and they have the ability under their taxpayer funding in their local community to withstand that cost, and they will do that. They will not ask for a reimbursement. So it is not $30 million, it must be something less, because Bozeman, Montana, is not coming in for the money.

So I thank the gentleman from Florida (Chairman MICA) for specifically pointing out the difference between "may" and "shall," because in our particular case, it is "may."

So I ask the Members, my friends in the legislative body, to please oppose this amendment. It does not make sense. It is one-size-fits-all, and that is the wrongheadedness that so often occurs in the United States Congress.

We need the flexibility. We need to understand it is not about money, it is about safety and saving lives. Let us reward the airports for having done the right thing. I hope Members will kill this amendment and support the Wicker bill.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a Republican mentioned earlier that perhaps these issues should have been dealt with in the reauthorization of the Aviation Trust Fund next year. Those probably were some of the wisest words that we have had on the floor here today. We should not be dealing with these aviation issues in such a piecemeal fashion.

Everybody agrees that we have a solemn, sacred contract signed by the local airport authority and the FAA. Now we have the Federal Government, the big, bad Federal Government, stepping in and breaking that contract between the FAA and the local airport authority.

It has been mentioned that safety will be compromised unless the Oberstar amendment is defeated. These towers have already been built for safety purposes. This amendment has nothing to do in reality with the safety at those particular airports, because those airports have already got their towers up. They have already get their air traffic controllers in place.

I want to get back to the point, the fact that there is a $250 million request for future safety and security needs at these airports. I asked the question, where is that money going to come from to finance those safety and security needs when, because of the retroactivity in this bill, the vast majority, if not all, of these airports are going to be utilizing their $150,000 a year to pay for these towers that have already been built, that they knew were not going to be reimbursed for?

It seems to me if we are going to be fair to the entire aviation system that we have in place in this Nation, and we are going to be fair to all these small airports, we have to support the Oberstar amendment.

This bill, even though it should have been put off until the Aviation Trust Fund next year, would not be a controversial bill, other than the fact that we are doing something that is almost unprecedented; that is, the retroactivity of this bill.

So I say to Members, if they want to be fair to everybody, support the Oberstar amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to encourage my fellow Members to reward and encourage airports to do the right thing for the safety of the traveling public by voting against this amendment offered by my good friend, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. Chairman, much of the country is not served by mega-airports like LaGuardia or O'Hare. Most of it is served by smaller, community-based airports. Under provisions of the Small Airport Safety, Security, and Air Service Improvement Act of 2002, which was marked up and favorably reported by the Committee on Transportation and Infrastructure with my support this last April, small airports participating in the FAA's contract tower program, like the Anoka Airport in my home State of Minnesota, could seek reimbursement for the cost of contracting and constructing air traffic control towers.

Smaller airports, like the Anoka Airport, which is a critical part of the Minnesota commercial air system, often act as links for smaller communities to larger cities. Often these airports serve as a vital role for reliever airports, taking pressure off the often jam-packed big-city airports.

I rise in opposition to the amendment offered because it would penalize these airports for having the foresight to build an FAA contract tower. This could cost taxpayers in the communities like Anoka if this was passed. These airports took it upon themselves to act to safeguard the flying public by building a tower. They should be rewarded and not punished for being proactive. We should encourage and reward airports for proactively acting on safety.

Mr. Chairman, I urge all of my colleagues to do the right thing and to support and encourage proactive actions for safer air travel, and vote against this amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman's comments and his advocacy for Anoka County Airport. Anoka County used to be in the Eighth Congressional District some 20 years ago. Even after it was taken out of my district, I worked closely with the county and the airport authority to secure the funds to operate the air traffic control tower, and made it clear that at the time they did not qualify for funds.

They were willing to build a tower anyway. They knew, they knew that they wanted this tower for a variety of reasons. But it is not right to come back and say, well, now you can be reimbursed. I was deeply involved in that whole situation.

Mr. KENNEDY of Minnesota. Mr. Chairman, I appreciate the gentleman's great efforts for transportation throughout Minnesota, but if they had built that tower in the future, they would be eligible for reimbursement. I do not want to be in a position of penalizing somebody for acting in a proactive manner and moving forward, ahead without that.

I think that if we had the door artificially shut, and now we are opening it for reimbursement, it is not fair to say that because they were proactive, that they are not being reimbursed. It is on that ground that I encourage Members to not support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Oberstar amendment to HR 1979. Since the tragic event of 9/11, we have all focused on the issues of making this country a safer place—especially in regards to our airways. The Small Airport Safety, Security and Air Service Improvement Act is one of many pieces of legislation that will help to make the dream of safe-skies a reality.

However, one provision of the resolution is actually a step in the wrong direction. Although it makes good sense to allow small airports to use AIP funds to fill a funding gap and fund future construction of control towers, making such use of funds retroactive does not make sense. AIP money that has previously been allocated to small airports could be used to upgrade safety and security. This is now our number-one priority. Reimbursing airports for past construction—that they have already done, that they had already budgeted for, that they could already afford—would simply divert 30 million dollars away from new priorities.

Furthermore, all federally funded construction projects are subject to standard statutory and administrative requirements as mandated by Congress. Past projects presumably were able to bypass the Fair Labor Standards Act, the National Environmental Policy Act, and the National Historic Preservation Act, to name just a few. Allowing reimbursement of airports for tower-construction costs would provide an inappropriate double-windfall.

Therefore, I support the Amendment from the gentleman from Minnesota—to ensure, in the interest of fairness, that all federally funded control towers are subject to the same standards and regulations. More importantly, I support the Oberstar amendment to keep funding concentrated on the efforts of making our skies safer and more secure.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR) will be postponed.

AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

At the end of the bill, add the following:

SEC. 5. USE OF APPORTIONMENTS TO PAY NON-FEDERAL SHARE OF OPERATION COSTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study of the feasibility, costs, and benefits of allowing the sponsor of an airport to use not to exceed 10 percent of amounts apportioned to the sponsor under section 47114 to pay the non-Federal share of the cost of operation of an air traffic control tower under section 47124(b) of title 49, United States Code.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

Mr. NETHERCUTT. Mr. Chairman, I rise in support of my amendment on this bill. I had originally planned to have an amendment introduced that would have given relief and assistance to small airports to use part of their funds, a limitation on their funds that they get under the Airport Improvement Act, for operations of their control towers. Recognizing that control towers are one of the best ways to improve safety in airports, especially in this era of heightened emergency consciousness, I want to make sure that small airports have the same ability to provide security and information and assistance and protection and also at a cost-effective number as big airports.

Every airport that provides scheduled passenger service should have the ability to operate a control tower, but in lieu of that amendment, which I understand, as some questions that have been raised by both staff and Members, and I respect that, and I respect the work that this committee has done and is doing and will be doing on this very important issue, we have proposed the amendment before the House today which will allow the Department of Transportation an opportunity to study the issue to determine the extent and the depth and the concern that exists out in the real world of small airports having to deal with the costs of operations of towers.

We all know that it needs to be done. Each airport needs to have a tower to make sure that it is providing necessary service to the public and safety to the public. So I think it will do all of us who consider this issue, both the Department of Transportation and others as well as the committees of jurisdiction, to take a look at what the findings will be in the next year of who is affected by this kind of disparity, if you will, high costs for small airports, large airports getting cost assistance.

So what this amendment does is say let us take a look at this. If we at some point provide more assistance to small airports, it will give those airports a chance to have the flexibility to use the airport improvement funds for paying their share of operating costs. That is not what this amendment does. It is just that we are going to take a look at it and see what the extent of the problem is. Recognizing that I think we do respect the freedom of choice and individuality and needs of each airport, each airport authority, to maintain its tower operations, it is critically important that our airports be able to do this.

One airport in my district, the Walla Walla Airport, pays $41,000, almost $42,000, to pay for the contract to operate the tower. They get about a million dollars annually in AIP funds, but they cannot use any of that for operations of the tower. So they pay about 16 percent now. Other airports pay a little different figure.

There is a complicated formula, Mr. Chairman, that determines what the allocation is, what the obligation is for each airport, and it is complex, and it is not uniform necessarily as I understand it. So we want to be sure that in the process of providing security and assistance to our airports, that we help the small guys, the little airports like Walla Walla and other similarly situated all across this country so that we are able to provide the security and the operational ability necessary for efficiency and to make sure that the traveling public is protected.

So with that, it is my understanding that both sides have taken a look at this, that there is no objection to the language of our amendment.

□ 1415

Mr. MICA. Mr. Chairman, I move to strike the last word.

I thank the gentleman for offering this amendment. It is a bit controversial in that it does establish a new precedent for use of these funds for operations. We are willing to consider the study provision and reporting back. Small airports are under the gun to raise funds to not only build towers, and this legislation allows them to use part of their AIP money for that purpose, but also to look at the question of using some of those funds again in an unprecedented manner to support operations.

So we have no objection. I believe, however, we are asking the vote be called on this particular amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NETHERCUTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT) will be postponed.

The CHAIRMAN pro tempore. Are there further amendments?

SEQUENTIAL VOTES IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

An amendment offered by Mr. OBERSTAR and an amendment offered by Mr. NETHERCUTT.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBERSTAR

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 223, not voting 9, as follows:

[Roll No. 241]

AYES—202

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hefley
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—223

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clayton
Coble
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)

Petri
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Collins
Hilliard
Houghton
Lewis (GA)
McInnis
Miller, George
Pickering
Roukema
Traficant

□ 1440

Mrs. CLAYTON, Mr. TAUZIN, and Mr. WELLER changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. PICKERING. Mr. Chairman, on rollcall No. 241. I was unavoidably detained. Had I been present, I would have voted “no.”

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. NETHERCUTT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote on the Nethercutt amendment.

The vote was taken by electronic device, and there were—ayes 415, noes 12, not voting 7, as follows:

[Roll No. 242]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—12

Allen
Carson (OK)
Costello
Davis (FL)
Ford
Gonzalez
John
Johnson, Sam
Lofgren
Maloney (CT)
Roemer
Stark

NOT VOTING—7

Hilliard
Lewis (CA)
Lewis (GA)
McInnis
Miller, George
Roukema
Traficant

□ 1450

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAN MILLER of Florida) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers, pursuant to House Resolution 447, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the

Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 284, nays 143, not voting 7, as follows:

[Roll No. 243]

YEAS—284

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Castle
Chabot
Chambliss
Clayton
Coble
Collins
Combest
Condit
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
McCrery
McDermott
McHugh
McIntyre
McKeon
McKinney
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—143

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Becerra
Bentsen
Berkley
Berman
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Carson (IN)
Carson (OK)
Clay
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Ford
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Solis
Spratt
Stark
Tanner
Tauscher
Thurman
Tierney
Towns
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey

NOT VOTING—7

Hilliard
Lewis (GA)
McInnis
Roukema
Rush
Souder
Traficant

□ 1515

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1979, the bill just passed.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Is there objection to the request of the gentleman from Florida?

There was no objection.

AFFORDABLE PRESCRIPTION DRUG PLAN

(Ms. MILLENDER-McDONALD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MILLENDER-McDONALD. Mr. Speaker, with 12 million seniors without prescription drugs, it is time for this House to address the issues that are so critical to seniors.

Mr. Speaker, I want to speak out on behalf of seniors who are in need of comprehensive prescription drug coverage. Right now many seniors are forced to choose between buying food or purchasing necessary prescription drugs to sustain their health.

The Democratic proposal will help all seniors by expanding Medicare to offer a prescription drug benefit that is universal, affordable, dependable, and voluntary. We do not and we cannot do less than to offer elderly women and men access to adequate health care that they can afford and easily be accessible.

Our Republican colleagues are offering a plan that gives no real benefits or assistance to those who need quality prescription drug coverage. Their plan would cover less than one-quarter of Medicare beneficiaries and the cost over the next 10 years. Their plan would leave almost half of all of our seniors with no drug coverage. Remember what I said, 12 million without drug coverage whatsoever.

We need to now give what is needed to seniors, Mr. Speaker. We can ill afford to wait any longer. We cannot advance this position any further. We must give our seniors the necessary prescription drug coverage.

In contrast, the House Democratic plan will add a new Part D in Medicare that offers voluntary prescription drug coverage for all Medicare beneficiaries starting in 2005. The Democratic plan will help women and all seniors by offering: $25 monthly premiums; $100 annual deductibles; Co-insurance where beneficiaries pay 20 percent and Medicare pays 80 percent; $2,000 out-of-pocket limit per beneficiary per year.

Low-income beneficiaries with incomes up to 150 percent of the poverty rate will pay no premiums or share costs.

Beneficiaries with income ranging from 150 to 175 percent of the poverty level will receive assistance with the Part D Medicare premium on a sliding scale.

The average senior has an income of about $15,000 per year and so needs an affordable benefit.

Seniors need catastrophic coverage. That is where Medicare pays all prescription costs after the beneficiary has spent a specific amount of money out of their own pockets.

The House plan would pay all drug costs after the beneficiary spends $2,000. By contrast, the Republican proposal would cost women up to $3,800 per year.

The President's budget offers only $190 billion over the next 10 years for Medicare reform including prescription drugs. Further, only $77 billion of this funding is earmarked for prescription drug coverage to the States to implement a low-income state-based drug plan.

Under the Democratic plan, there would be no gaps in coverage, while the Republican plan will force beneficiaries in need of more than $2,000 worth of drugs to pay 100 percent of their out-of-pocket costs, and make them continue paying premiums until they reach their $3,800 cap.

Any willing pharmacy must be included in the network according to the Democratic plan, but private plans can limit which pharmacies participate in their network under the Republican plan.

Beneficiaries would have coverage for any drug their doctor prescribes as included in the Democratic plan, yet with the Republican plan, private insurers can create strict formularies and deny any coverage for drugs not listed in the formulary.

Women and seniors must have a prescription drug benefit that is guaranteed by the government as part of Medicare. Private insurance companies cannot be accountable for offering their own plans to people in need.

The Health Insurance Association of America, the private insurance industry's association, has said they will not offer drug-only insurance because they will lose money. Seniors need a defined benefit so they will know what benefits they are entitled to.

Without offering a minimum benefit, offering a choice to women and seniors won't make sense.

Too many insurance plans will only confuse those in need of coverage. Women are looking for a defined benefit like the one now offered to them by Medicare.

It's time to stop talking about providing for women seniors and actually take action to ensure the quality of their healthcare, and thus their lives overall. If we really care about all women, let's take this opportunity to show our concern by offering prescription drug coverage that will make a difference.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again to talk about an issue that we are all painfully aware of and more and more of my colleagues are concerned about, and that we are going to have to deal with here in the next several days in the Congress, and that is the high cost of prescription drugs. I brought with me again this chart, and I would like to show to my colleagues what we are really talking about in terms of the prices that Americans pay relative to people in other parts of the world. These numbers are not my numbers. They were put together by a group called the Life Extension Foundation. I want to point out a couple that I find interesting.

Glucophage, a very commonly prescribed drug for diabetes, one of the most commonly prescribed drugs in the United States. In the United States, a 30-day supply, according to Life Extension Foundation, sells for about $124.65. That same drug made in the same FDA-approved facility in Europe sells for $22. $22. We are not talking about Mexico; we are talking about Europe.

The list goes on and on, and, for example, tomorrow we are going to have a vote, I think, here on the floor of the House about trade, about trade promotion authority. We are going to give our negotiators a little more latitude in negotiating with the Senate. I happen to believe in trade. I believe in free and fair trade.

But this is one area where American consumers could benefit enormously. Our estimates are if we simply opened up markets, allowed American consumers to prescription drugs at world market prices, we could save American consumers upwards of $60 billion a year; $60 billion a year. Even here in Washington, that is real money.

What does that mean to the average consumer? For example, my father takes a drug called Coumadin. The United States, the average price is $64.88. That is a interesting number in itself, because 2½ years ago when we started doing these charts, that price was not $64.88, it was $38. In just the last 2½ years, that drug, and nothing has happened, they have had no new FDA approval they have had to go through, as far as we know there has been no litigation, but the price of the drug has gone from $38 to $64, and, interestingly enough, in Germany you can buy that drug, the same drug, made in the same plant, for $15.80.

How long? How long will we hold American consumers hostage? The time has come for Congress to take action. And I am here today not to say, shame on the pharmaceutical industry. They are doing what any capitalistic organization would do, and that is they are exploiting a market opportunity. And are they exploiting it big time.

It is not shame on them, Mr. Speaker, it is shame on the FDA, and it is shame on us for allowing this to go on. And we cannot afford it. We simply cannot afford to continue to subsidize Europe and the Western nations.

I believe that Americans should pay their fair share of the cost of developing these miracle drugs. The pharmaceutical industry has done some wonderful things for us, the American people, and the people of the world, and I think we ought to pay our fair share. But we subsidize those companies in several ways. We subsidies them through the research dollars we spend here in Washington through the NIH. It will be about $22 billion this year. We represent about 4 percent of the world's population. We represent 44 percent of the basic research dollars being spent, and that research is available to the pharmaceutical companies free of charge.

We subsidize them through the Tax Code. When they do this research, when they invest that money that they say they spend in research, they get to write it off on their tax forms, and in some cases they get a tax credit, so there is no cost to these companies.

Finally, we subsidize them in the prices we pay that are outrageously too high relative to the rest of the world.

No, Mr. Speaker, I think we as Americans ought to pay our fair share, but I am unwilling to continue to subsidize the starving Swiss.

We are going to have a big debate next week about prescription drugs and what we can do about it, and it is time we stepped to the plate and said there is one thing we can do right now with virtually no bureaucracy, with virtually no cost to the taxpayers, that will save American consumers upwards of $60 billion a year, and that is open the markets.

If you believe in free markets, if you believe in NAFTA and GATT and TPA and all of that, if you really believe in free trade, then open up the markets, allow American consumers, working through their own pharmacists, that is my view, to go to markets, whether it be in Germany or Switzerland or Japan. For any FDA-approved drug in the United States made in an FDA-approved facility, you ought to have access to that no matter where it comes from. I will tell you what is going to happen. You are going to see the prices in the United States go down dramatically, and you will probably see prices in the other parts of the world go up a little but, but that is how markets work.

One of my favorite Presidents was President Ronald Reagan, and he said something so powerful 30 years ago: Markets are more powerful than armies. You cannot hold back markets, and you cannot have a situation where the world's best consumers pay the world's highest prices.

Not shame on the pharmaceutical industry, shame on us. We have a chance next week to do something about it. I hope Members will join me.

CONSTITUTIONAL DUTIES OF THE LEGISLATIVE BRANCH

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I take this opportunity to share with my colleagues concerns that I have with respect to the pursuits that we are now engaged in as relates to the issue of homeland security as well as the responsibilities of this Congress, and the issues that confront us on protecting the homeland and fighting terrorism.

Let me first begin with the understanding of the words from the Constitution of the United States of America. It is well known that the Founding Fathers, who came to this land to establish this Nation on the grounds of seeking relief from persecution, that they wanted a democracy. They wanted to have a Nation that would interact and have exchange between the people and as well the three branches of government. That is why we have the judiciary, the executive, and, of course, the Legislature, which is the Congress.

We do know that the President is perceived and noted to be the Commander-in-Chief, and we respect that. After the terrible tragedy of September 11, we recognize that we must stand united with the President against terrorism.

But let me share with Members in the Constitution the duties of the United States Congress. "The Congress shall have the power to lay and collect taxes, duties, impose excises to pay the debts and provide for the common defense and general welfare of the United States."

In additional language it says, "To establish a uniform role of naturalization and other laws."

I am concerned that this Congress abdicates its responsibilities in this enormous responsibility of dealing with peace, dealing with war and dealing with fighting terrorism.

Just a few days ago, in fact over the weekend, there was a pronouncement that the President of the United States had signed an order of covert action against Saddam Hussein in Iraq. There was no debate, no discussion in the United States Congress, no discussion in the People's House. No one asked the question whether this was the appropriate direction to take this Nation on behalf of our children and the safety of this country.

I would venture to say that we know that there has been no documentation or little evidence of Saddam Hussein's involvement in September 11, but we know that he is a despot, a dictator, that he is doing harm to his people. We also know that he is not allowing the inspections to go on pursuant to the United Nations. But we also recognize that there is no substance there, as much as it was some 10 years ago. So is this a valid use of our resources without the debate of the United States Congress?

Why not prioritize the Mideast and establish peace there. Look at the tragedies that are occurring in the Mideast, the loss of life. Are we going to divert resources to Iraq when we still have a problem in the Mideast and most of the Muslim world will not support us in going to Iraq?

What about alternatives? We already know the CIA has failed in some of the efforts they have made in Iraq. What about alternatives to going in and doing what has been ordered or suggested by the President?

And who will be with us? This is an important question that I think is enormously valuable for us to ask.

As we ask these questions, we can make a considered decision about foreign policy on behalf of the people of the United States. We have just found out that we are going to move swiftly on the Homeland Security Department. I support that, but I raise the question whether we should move swiftly in the body of the House with the committees of the House that have jurisdiction, so that when we formulate the Homeland Security Department, we have the input of representatives from around the Nation.

I am disturbed that the leadership of this House would narrow the initial or the finalizing of homeland security to a nine-person committee, although I respect that committee. I believe it is important that the committees of jurisdiction have intimate responsibilities in dealing with homeland security because we speak for the people of the United States.

So do not narrow it to a committee that is so small. Envision the utilization of the committees of jurisdiction, because there are particular areas of expertise. What should we do with the Immigration and Naturalization Service? We should make sure that we still have a body that allows people to access legalization, to be legal, because this Nation is still a place where people come for refuge and come for opportunity, and we must recognize that every immigrant or immigration does not equate to terrorism.

So when we talk about this Homeland Security Department, which should be open to the expertise of this House, we should not narrow and give up the responsibilities of Congress that are given in the Constitution, and that is, again, to take care of the defense and the general welfare of the people of the United States.

I am concerned, Mr. Speaker, that this Congress is abdicating its responsibilities, and I call upon us to immediately get involved in creating a Homeland Security Department, but as well to ensure that decisions of war are made in this body and not independent of this body.

□ 1530

WORLD REFUGEE DAY

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to commemorate World Refugee Day, which is being celebrated today in the United States and in almost 90 countries around the globe. The theme for this year's World Refugee Day is "Refugee Women," which is very appropriate since almost 80 percent of the refugees worldwide are women and children.

World Refugee Day gives us a chance to reflect upon the almost 50 million uprooted people in the world and to think about what the United States is doing to help alleviate their suffering. In fiscal year 2001, the U.S. welcomed 68,426 refugees to its shores and gave those disparate people the chance to seek a new life. While there are some encouraging aspects to our Nation's refugee policy, there is much more to be concerned about.

An extreme regional inequity exists in our Nation's refugee admissions process regarding African refugees. On November 21, 2001, President Bush authorized the admission of 70,000 refugees into the United States for fiscal year 2002. Yet, as of May 31, 2002, slightly more than 13,800 refugees have been admitted. Of these admitted by the end of May 8, 933 were from the former Soviet Union and Eastern Europe, whereas only 891 refugees were from Africa.

When the Congressional Black Caucus asked the Immigration and Naturalization Service and the State Department in March why so few refugees from Africa had been admitted this fiscal year, they replied that security concerns prevented them from admitting the refugees. Yet if security is a reason for the delay, why is it that almost 1,500 refugees from the Near East and South Asia have been admitted when the region is known to have much more serious security concerns than Africa?

Mr. Speaker, I am asking for an equitable refugee admission process. Worldwide, 28 percent of the refugees are from Africa, and I believe that 28 percent of refugees resettled in the U.S. should be African in origin. But to date, less than 7 percent of the refugees admitted this fiscal year to the United States are from Africa. This imbalance really cannot continue.

What can we do to correct these regional inequities? We can roll over fiscal year 2002 admission numbers into fiscal year 2003 numbers so that a precious chance to rebuild a life does not expire. We can institute direct flights from refugee camps to a facility in the United States so that the refugees can be processed within the U.S., as was done for Kosovo Albanians during the Balkan war at Fort Dix in New Jersey. We could give preferential treatment to African refugees into very safe settings, as was done for the Montagnards from Vietnam, and we can increase circuit rides so that refugees can be interviewed where they actually live. Mr. Speaker, where there is a will, there is a way.

The statistics that I have cited are useful in understanding the severity of the refugee admissions crisis that is taking place, but they also obscure the fact that we are talking about desperate, suffering people. Each fraction of a percentage point represents a family that has been united and given a new lease on life; each number represents someone who has escaped a hopeless refugee camp or a violent urban detention center.

Each number represents someone like Rose, a refugee from the Democratic Republic of the Congo, who has resettled in Dallas, Texas, the district that I am proud to represent here in Congress. Rose's husband, an ethnic Tutsi, fled the violence and chaos under the former Zaire to Rwanda to escape persecution. At that time, Rose was expecting her second child. As the war and violence of the Great Lakes Region raged around them, Rose and her children were forced to leave. They found temporary refuge in Benin.

In February 2000, Rose and her two children arrived in Dallas. Rose quickly found a job at a photo processing lab that enabled her to support her two children. Although she was self-sufficient, her life was incomplete without her husband. But by working with resettlement agencies, Rose was able to unite her family in March of this year.

Mr. Speaker, the story of Rose from my district has a happy ending, and it demonstrates the hope and opportunity that we can offer if we will.

CELEBRATING WORLD REFUGEE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, today is World Refugee Day. For many years, numerous countries all around the world have set aside a day for remembering the plight of refugees. One of the most widespread is African Refugee Day celebrated June 20 in several African countries.

In 2000, as an expression of solidarity with Africa, a special U.N. General Assembly resolution was passed naming June 20 of every year World Refugee Day.

Some of my colleagues may be thinking, why do we need a day to celebrate refugees? Why? Because today, right now, there are over 21 million refugees worldwide, people displaced by conflict, humanitarian disasters, and crises; men, women, and children whose lives are starkly different from those we lead because they find it very difficult to meet just basic needs such as food, shelter, and water. Many times, men, women, and children find themselves living in destitute conditions in camps that leave them vulnerable to attack and to disease. There are anywhere from 3 million to 6 million refugees and approximately 10.6 million internally displaced refugees in Africa. More than half of all African refugees have fled from four countries: Sierra Leone, Somalia, Sudan, and Angola. These four countries, along with Eritrea, Burundi and Liberia, each produce over a quarter of a million or more of refugees. The numbers are staggering, too large even to imagine, and difficult to connect to human lives.

So what do we do? What does it mean to be a refugee? Who needs to be resettled?

Let me tell my colleagues the story of one. Jean Pierre Kamwa, a student activist from Cameroon, fled to the United States in 1999 seeking asylum from imprisonment and torture, evils visited upon him because of his activism, ethnic background, and pro-democracy rhetoric. After arriving at JFK Airport from the long trip and treacherous ordeal, he was immediately taken into custody, fingerprinted, photographed, and handcuffed by an INS officer. Mr. Kamwa was told to remove his clothes and was subsequently searched. Then he was taken, still handcuffed, to the Wackenhut detention facility in Queens, New York, where he was detained for 5 months until granted asylum in April of 2000.

Mr. Kamwa now works with refugee visitation programs, such as First Friends, a community-based network that coordinates visits to the Elizabeth, New Jersey, immigration facility where 300 refugees are being held waiting for their cases to be judged and, might I add, at a facility that still does not reach the standards, in my opinion, that it should.

This one man's story shows that even refugees who find their way to our shores have a long way to go before they can lead normal lives again. Now imagine that you are a refugee, seeking asylum in the United States. Imagine how difficult life is, held in detention, while you are being processed.

Since September 11, that wait has become even longer. Understandably, the tragedy that occurred created a delay in the processing of immigration and refugee resettlement cases. On November 21, 2001, President Bush authorized the admission of 70,000 refugees into the United States for fiscal year 2002. Yet, as of May 31 of this year, slightly less than 13,800 refugees have been admitted. Given the current pace of processing, it is highly unlikely that the allocation admissions level will be reached by September 30 of 2002; and, therefore, those people will not have an opportunity to come into this country.

What is even more disturbing is that while 28 percent of the refugees worldwide are Africans in origin, less than 7 percent of the refugees admitted into this country in fiscal year 2002 are of African origin. A mere 891 African refugees have been admitted this year, while 14,089 refugees from the Near East and South Asia have been resettled in the same amount of time; and a staggering 6,470 have come from the former Soviet Union. There is clearly an imbalance here, and it has to be redressed.

Testifying at a February 12 hearing held by the Senate Immigration Subcommittee, the head of the State Department's Refugee Bureau, Assistant Secretary Dewey, and INS Commissioner James Ziglar committed their agencies to working very diligently to admit the 70,000 refugees that President Bush pledged to bring to the United States of America. In his testimony Ziglar said, "The terrorist attacks of September 11 were caused by evil, not immigration. We can and will protect ourselves against people who seek to harm the United States, but we cannot judge immigrants or refugees by the actions of terrorists. Our Nation must continue in its great tradition of offering a safe haven to the oppressed and persecuted."

Mr. Speaker, I ask all of my colleagues to join in to try to make the processing of refugees more humane.

The Refugee Resettlement program has proved to be a success for many individuals seeking asylum from terrible situations in their own countries, such as the thousands of Dinka youths that have come to be known as the "Lost Boys" of Sudan. The treacherous war in Sudan, fueled by the lust for oil, has forced thousands of Southern Sudanese to flee to neighboring countries like Kenya and Ethiopia. As the war rages on, thousands of Sudanese boys went from one country to another and 5,000 survivors of the 33,000 who originally fled Sudan ended up in a refugee camp in Northern Kenya called Kakuma. They have since become known as the "Lost Boys" of Sudan.

John Tot and 109 other Sudanese teenagers arrived in Philadelphia and other cities around the U.S. in late 2000, part of a humanitarian effort of the State Department and the UN High Commissioner on Refugees. These young boys have overcome numerous obstacles to learn English, graduate from high school, and even make their way to college.

The refugee resettlement program can work and can mean the difference between barely surviving and leading a full, productive life. We must do what we can to urge the processing of African refugees. It's a matter of life and death.

WARPED LEGISLATIVE PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise to discuss this administration's and this Republican leadership's warped and dangerous legislative priorities. Let us start with Social Security, which is dead last on their priority list. This House leadership has simply refused to bring up Social Security. Not only are they refusing to debate. They are completely dodging the issue.

The situation is so bad that this week, Democrats were forced to launch a discharge petition wherein we have to get 218 signatures in order to try to bring a bill to the floor to provide the American public with the debate on Social Security that our people deserve. All the while, the Republicans are on a course to raid and are raiding the Social Security trust fund to the tune of $1.8 trillion.

This debt clock tells the story of this week. Every week since they have started to do this, because we were in surplus a year and a half ago, finally, after years of budget regimen during the Clinton years and this Congress, we were able to bring revenues and expenditures into balance, even though we have an accumulated debt we are paying off. Nonetheless, they have begun to try to raid the Social Security trust fund to pay for ongoing expenses; and every week while they are doing this, I am going to come down here and let the American people know how much they borrowed this week.

So as of today, they have now taken $218,095,890,410, which amounts to, for each citizen in our country, they dipped into your pocket $775. You could say it is akin to a tax imposed on each senior and their family in this country.

Now, what do Republicans propose to do about it? Nothing. In fact, if they had their way, they would sneak through a debt ceiling increase and go on about the business of pushing their number one priority, one which lies at the very heart of the Republican Party, and that is cashing out the revenues of the people of the United States to the wealthiest people and corporations in this country, even those that locate their headquarters offshore, as the gentleman from Texas (Mr. ARMEY), the Republican leader, endorsed yesterday.

☐ 1545

Members know the companies I am talking about, the energy giants like Enron Corporation, which is going to take 350 million more dollars of our seniors' money for tax breaks that are given to them, and the pharmaceutical companies that lined up for the big dinner that the Republicans held last night over here at the convention center, where they raised over $30 million for this fall's election.

Let us look at veterans. That is another low priority on the Republican list. This administration has proposed a 250 percent increase on copay for pharmaceuticals that our veterans must buy when they go into the veterans' clinics or veterans' hospitals.

If one is a heart patient or somebody that needs 10 prescriptions a month, figure out, if one is charged an additional $7 per prescription, that is over $70 to $100 additional per month. That is a tax on our veterans.

Republicans who profess to be the party of tax cuts would impose new taxes on our veterans in the form of higher pharmaceutical costs, while pushing for more tax breaks for the superwealthy and our Nation's most profitable corporations.

What about a prescription drug benefit for Medicare, an issue they are finally getting around to after ramming through over $2 trillion in tax breaks over the next 10 years for their campaign sugar daddies? Their plan would put Medicare on the road to privatization, and leaves a $3,600 gaping hole in coverage between the initial benefit limits that people would qualify for and the kick-in of a stop-loss protection at $4,500 in out-of-pocket spending.

Their plan is so defective it is no surprise that even some leading Republican experts are skeptical that it would work. Is it any surprise that the pharmaceutical industry, whose inflated prices are the root cause of the problem, has endorsed the bill and actually is hugging it, as I watched them walk across the streets of Washington?

Republicans are fond of the phrase "Leave no child behind," even though the education bill they sent to this floor through the budget is $2 billion under last year's spending. Then how are we going to leave no child behind?

But what about America's seniors? How many of them are going to be left behind? Every day how many of our veterans are being left behind? That is what Republican policies do, they will leave the American people behind the eight ball for generations to come.

America needs to put Social Security first. Our mothers, fathers, grandmothers, grandfathers who built this great country and put their lives on the line for it, they should not have to worry. We ought to take care of the problem here. We owe it to them.

We need to repair the broken lock on the Social Security lockbox that was not supposed to be invaded, but it has been invaded seven times now. We need to provide prescription drug coverage for our seniors. We need to create good jobs for our people here at home, and not give tax breaks for them to invest offshore. We need to start creating wealth and good-paying jobs in this country again.

We need the Republican Party to get its priorities straight for a change.

PRESCRIPTION DRUG BENEFITS AND COSTS

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to address the House tonight on the question of prescription drug benefits and prescription drug costs for our seniors. I have worked very closely on this issue, and while the Committee on Ways and Means and the Committee on Energy and Commerce are busy marking up prescription drug benefits for our seniors, which incidentally would include a no-cost benefit to people under a certain income bracket, there are other things that we should be doing to help lower the cost of prescription drugs.

So I applaud the committee for their work on it, but with the number in mind of $1.8 trillion, which is what the Congressional Budget Office estimates seniors will be paying for prescription drugs over the next 10 years, we realize the size of the task in front of us, so we cannot just say, let us do a prescription drug benefit and be done with it. There are other things we should do.

One of the things, Mr. Speaker, we should allow is drug reimportation. Drug reimportation is very important, because while we can buy clothes, food, cars, and, in fact, we can buy practically anything from our neighbor north of the border from us in Canada, the FDA does not allow American citizens to buy their drugs over there. Even though they are FDA-approved, the same dosage, the same bottle, the same brand, the same prescription, we cannot drive from Detroit over to Windsor and buy our drugs, according to the FDA.

Now, that is too bad, because there are a lot of seniors who already are doing this and saving thousands of dollars a year, which is an important and significant savings for anybody, but particularly for people on a fixed income.

I have a constituent who actually is buying Lipitor from another country. The prescription of Lipitor in Texas is about $90, but if she buys it over the border, it is $29. The gentleman from Wisconsin (Mr. GUTKNECHT) has submitted for the RECORD time and time again a list of the costs of drugs for America versus Europe and America versus Canada. We need to allow seniors to buy their drugs from any country they want if they are FDA-approved drugs, and we should let their pharmacists do it locally, on a wholesale basis.

The second thing we should do, Mr. Speaker, is look at the patent issue. Drugs right now get a 17-year patent. I ask Members, is that long enough, or is that too short?

One of my concerns is we pay for a lot of the basic research as American taxpayers. We pay to the National Institutes of Health and other government research agencies, and then we allow the pharmaceutical companies to get a big research and development write-off on their taxes, so we do subsidize drug research.

That being the case, should we allow a 17-year patent on drugs? When the patent on Prozac went off last August, the price of Prozac fell 70 percent. We have to ask ourselves, this government-sanctioned monopoly, is this a good idea? I bring up the question, Mr. Speaker. I do not know the answer to it, but I think we should look at it.

Thirdly, we should look at drug approval time. The FDA right now takes 3 to 8 years to approve a new drug. We need to narrow that window. We need to put safety first, but if we can get the drug to market faster in a safe way, we need to do it.

Finally, Mr. Speaker, there is a study from the University of Minnesota, which the gentleman may be familiar with, which actually says as much as 40 percent of the prescription drugs that are taken are either unnecessary or are taken incorrectly. We need to help people take the prescription drugs in a safe and in a correct manner, because the cost, if we can imagine 40 percent of the drugs being used incorrectly, that is a tremendous amount of savings and a huge health hazard.

So these are some of the things we should continue to do along with the prescription drug benefit, which the Republican Party is offering next week on the House floor.

I want to say these things, Mr. Speaker. I appreciate the time and the work the gentleman from Minnesota (Mr. KENNEDY) has put into this himself, and look forward to following this process down. As my mother would say to me, it is the cost, stupid. Bring down the cost of my prescription drugs. We need to do it now.

THE PROBLEM SENIOR CITIZENS FACE AFFORDING PRESCRIPTION MEDICINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, during this special order hour, the Members of the Democratic side of the aisle are going to talk about an issue that we feel very strongly about, and that is the problem that senior citizens are having today affording their prescription medicines.

We just heard a few remarks a moment ago from the gentleman from Georgia (Mr. KINGSTON) talking about this problem, and yet the real heart of the problem lies in the fact that this Congress, and particularly those on the Republican side of the aisle, have refused to really deal with this problem of providing adequate prescription drugs for our seniors.

In fact, next week we are going to have a Republican plan presented on the floor of this House. Now, we do not know yet, since we are the party in the minority, whether the Republican majority will allow us to present our alternative plan or not. It may be very difficult for them to allow us to do so, because our plan is so attractive to America's seniors.

But we are here this afternoon because we believe it is important for the American people and our senior citizen to understand the differences in what the two parties are proposing to do to help our seniors afford their prescription medications.

Ever since I have been in Congress, I have received hundreds of letters from our seniors complaining about the high cost of prescription drugs. I have had numerous town meetings to talk about the subject, and it brings tears to one's eyes to listen to some of the situations that many of our seniors are finding themselves in today.

In many cases, they are going to their local pharmacies with their prescriptions that their doctors have just given them, and in many cases they are unable to purchase the medicine that the prescription prescribes because they just cannot afford the bill. Prescription drugs have gone up in this country in price faster than any other item that we commonly purchase.

Members heard a discussion just a moment ago about the importance of allowing prescription drugs to be imported from other countries so that we can get the same low prices that people do in Mexico and Canada and every other place in the world. What was missing from that discussion is an explanation as to why that problem exists.

The answer is very simple: The American people today are paying over twice the price for prescription medications as any other people in any other part of the world, including Mexico and Canada, because the drug manufacturers charge the highest prices to our local pharmacies, which we ultimately end up paying. We think that is wrong.

On the Democratic side of the aisle, we have had legislation that we have filed for many years now to try to require the drug manufacturers to fairly price their products to the American people. After all, it is our government that gives those drug manufacturers the right to exclusively market those prescription drugs because we, through our government, give those manufacturers what we call a patent, which is a guaranteed protection that says for 17 years they can market their products, their medicine, to us without competition.

As we all know, in a capitalistic society, we believe in competition. That is what holds down prices. But for prescription drugs, there is no competition. Now, in every other country in the world, the governments there have some mechanism to control costs. In the United States, we do not. That is why we find the pharmaceutical industry to be one of the largest contributors to political campaigns of any special interest in this Nation.

In fact, our Republican friends last night had a big fundraiser, and if Members read the Washington Post yesterday, they saw how many of the large pharmaceutical manufacturers contributed $100,000 and $250,000 apiece to go to that event. If we go to a Democratic fundraiser, we are not going to find the same thing, because long ago the Democrats in this Congress said that it is wrong for the pharmaceutical manufacturers to be able to charge people in this country over twice what they do people in other nations for the same prescription medicine in the same bottle made by the same manufacturer.

We are going to have that debate on the floor of this House next week, because our Republican friends are proposing their solution for the problem of prescription drug costs for our seniors. I must tell the Members that it is a plan that is wholeheartedly supported by the pharmaceutical industry because it fails to deal with the fundamental problem that exists not only for seniors, but for every one of us who has to buy prescription medicines; that is, the pharmaceutical manufacturers are engaged in price discrimination because they charge on average over twice for their products to the American people that they charge to people in any other country of the world.

Our plan would change that. The Democratic plan says that we will allow the buying power of the Federal Government to be exercised by the Secretary of the Department of Health and Human Services to purchase in bulk prescription drugs for our seniors so that they can get fairness in pricing.

Now, Members can imagine how upsetting that is to the pharmaceutical industry, because they know if the government gets into the business of helping our seniors get their prescription drugs and uses the bulk buying power of the government, those pharmaceutical companies are not going to be able to charge the same high prices that they are charging to us and our seniors today.

□ 1600

So the Democrats have a plan that gets pricing under control.

Our Republican friends say, oh, we do not want to meddle with the pharmaceutical industry, but we will provide a benefit to our seniors; but they do not want to do it through the Medicare program as we have known it for so many years. Medicare, in my judgment, is one of the best programs that the Congress of the United States ever enacted; and if my colleagues talk to seniors today, they are confident in the Medicare program. They know what it means, they know what their benefits are; and the beautiful thing about it, because we all pay the Medicare tax for that plan, we all get the benefit when we reach 65. No matter what our income is, we all get the benefit because we have all paid in. It is why Medicare enjoys such widespread support among the American people.

Our Republican friends say they do not want to add a prescription drug benefit to regular Medicare. What they are proposing is that we have a separate program that, in fact, would be a private insurance plan. In essence, they are going to come to the floor of this House next week and say we are going to require the private insurance industry to offer a prescription drug plan for all our seniors.

We have been down that road before over a year ago in this House, and we had hearings, and the insurance industry came in and testified under oath that they will not offer such private insurance plans because they know the only people that are going to buy them are the people that need prescription drugs, and it is hard to offer an affordable plan if the only people that are signing up for insurance are people that need prescription drugs. It is kind of like the people who buy fire insurance. If the only people that bought fire insurance for their homes were people whose houses were going to burn down, it would be pretty expensive insurance. So we spread the risk around.

The Democrats believe we ought to have a prescription drug benefit as a part of Medicare, not a private insurance plan, where the seniors will not know what the premiums are going to be, they will not know what the coverage is going to be. They are simply told the private insurance companies of this country have got to offer some kind of plan, and it is up to Mr. and Ms. Senior to figure out which one they can afford because we are just going to pay a $35-a-month premium for them, and they can figure out if they can afford a more expensive plan and add some money to it to afford a real good prescription drug plan.

That is not what Medicare has meant to seniors in this country. Medicare has given them the security that they know that if they pay a small premium for their doctor care and no premium for their hospital care they are going to have a defined set of benefits under Medicare; and this Republican plan that is coming to the floor next week is not going to provide them that kind of assurance.

There is another very interesting portion to the Republican plan, and that is, it has in it what we call a donut hole. That sounds sort of unusual, but let me explain it.

What the Republican plan says is they will have these private insurance companies that these seniors will have to sign up with, they will have them pay 80 percent of the first $1,000 of the prescription drug costs a year, and they will require these insurance companies to cover 50 percent of the second $1,000 of the prescription drug costs a year; but when they get over $2,000 in prescription drug costs, all the way up to about $5,000, there is no coverage under the Republican plan.

It creates a very interesting situation because we all know that, on average, seniors in this country today are paying around $300, little less than $300 a month for their prescription drugs. In fact, it is not uncommon to find seniors are paying $400 and $500 a month for prescription drugs.

I ran into a gentleman in my district a few months back. He said between him and his wife they pay $1,400 a month in prescription drug costs. I do not know how he did it. I do know the gentleman, and I know he is on the bank board and he may be a man of some wealth, but can my colleagues imagine, for average seniors, if they find themselves burdened with $1,400 of prescription drug costs a month? It can happen. It can happen to my colleagues; it could happen to me.

If we look at this chart, how much would the average senior save in prescription drug costs under the Republican plan versus the Democratic plan? Under the Republican plan, people will save 22 percent of their current prescription drug costs. Under the Democratic plan, they will save 68 percent. Obviously, a more generous benefit under the Democratic plan.

In fact, if someone has under the Republican plan $400 a month in prescription drug costs, that is, $4,800 a year, under their plan, they would pay $3,920, and the plan would pay them only $1,300. How many seniors do my colleagues think are going to sign up for a plan with a benefit that is that meager? I do not think many, and I think when our seniors find out that here we are on election eve and our Republican friends have run out on to the floor of this House and passed a sham prescription drug plan that really does not mean anything to them, I think they are going to hold them accountable when the election comes in November.

We all know that our seniors are well and past time for relief on their prescription drug cost. If medicine had been such a significant part of our health care costs when Medicare was first enacted into law in the 1960s, we would already have a prescription drug element in Medicare; but back in those days, we did not have all of these miracle drugs, and prescription drugs were a very small portion of total health care costs.

So when the Congress and President Johnson proposed Medicare for our seniors, nobody thought about putting a prescription drug coverage in it; but times have changed, and if my colleagues and I get sick, one of the biggest parts of our health care expenses will be prescription drugs, and I think we are thankful for all those prescription drugs because they are providing us cures to many very serious illnesses.

What good is the cure if we cannot afford the pill? That is the situation facing our seniors today. So we are here this afternoon, members of the Democratic Caucus in this House, to talk about the plan that we think is right for America's seniors and to point out the deficiencies in the sham plan that is coming to this floor next week and with perhaps the denial of our side to even offer what we think is a much better plan.

So we believe it is important for us to spend some time talking about it. I am joined today on the floor by several of my colleagues, Members of this Congress, who have fought hard for many years for prescription drug coverage for seniors.

The first one I want to recognize is the gentleman from Arkansas (Mr. BERRY), a pharmacist by training, a man who understands better than most of us the problem of the high cost of prescription medicine; and I am proud to yield to him and to thank the gentleman from Arkansas for his steadfast leadership on this most critical issue.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas, and I thank him for his leadership and the great work that he has done on this issue throughout the years and also his friendship and willingness to cooperate not only with me but with many others in the Democratic Caucus to try to solve this problem for our senior citizens and for all Americans.

Mr. Speaker, it is a sad day when we come to this floor once again, and we have done this over and over. I came in with the gentleman from Texas in 1997. Ever since then, we have been coming to this floor, coming to the well of the House, repeatedly asking the United States Congress and the House of Representatives to pass a prescription drug plan for our seniors.

The reason I say it is a sad day, we know how to do this. We know how to pay for it. We know that we can do it. Just last weekend, I was back home in Arkansas, ran into a dear, dear friend, has breast cancer, has to take expensive medicine. Her medicine in Arkansas costs $775 a month, just for one particular item. She can buy that medicine in Canada for $70, same medicine, made in the same place, does the same thing for a person, made by the same company; but it costs 10 times as much. That is not right. It is not fair. It is unbelievable that the United States Congress has allowed that to go on and on and on.

We tried to do something about that. In December of 2000 as an amendment to the agricultural appropriations bill, we made it possible for the Food and Drug Administration to put a stop to that very practice, to make it so that Americans could buy their medicine at the same low price as every other country in the world. We passed it, Senate passed it, President Clinton signed it into law; but today, it has never been implemented because the instructions were given to the Food and Drug Administration, do not implement this law, do not let this happen.

The same folks that made that decision attended that multi-million dollar dinner last night at the convention center right here in Washington, D.C., that was paid for in large part by enormous, hundreds of thousands of dollars in contributions from the manufacturers of prescription medicine. I wonder why they did that? That is unbelievable. That is so inhumane that we cannot imagine that we would allow this to happen.

I never go home and spend time with my constituents that I am not reminded, prescription medicine is absolutely throwing our senior citizen community into abject poverty, over and over again; and my colleagues on both sides of the aisle have this same experience. It is not unique to the First Congressional District of Arkansas. It is not unique to east Texas. It is not unique to Connecticut. Every one of us sees this every time we go home.

Our seniors have a Social Security check that will not even pay their drug bill; but if they lived in Canada, if they lived in Mexico, if they lived in Great Britain, if they lived in Panama, if they lived in Argentina, or Russia, they would have enough money because they would not be getting robbed, and yet we allow this to go on and on.

I represent a rural district, grew up in a rural community, a place that is very special to me. We did not have a lot, but we did not know it. We had a lot of very wise people in that community that I grew up around. They had a lot of sayings. Sometimes they made sense and sometimes they did not. One that I particularly remember that this particular situation brings to mind, they used to say, Don't worry about the mule going blind, just load the wagon.

I can tell my colleagues for a fact that the American people and certainly the senior citizens in this country have had their wagon loaded. They cannot pull any more. They cannot bear any more burden as far as the cost of their prescription medicine and the way the prescription manufacturers in this country continue to rob the American people. This is something we should not allow to continue.

Just yesterday I believe the Committee on Ways and Means marked up a new prescription drug bill. Talk about loading the wagon. My colleague from Texas has already described the bill. It takes Medicare funds that are collected, supposed to be used to pay for health benefits for our senior citizens, and it does not buy one single pill. It does not buy any medicine. They take that money with that bill, and they give it to the insurance companies; and they say now we want the insurance companies to provide a prescription drug benefit for our seniors.

□ 1615

We are going to give you billions of dollars, and we know, since you gave us millions of dollars in the last election, that you are going to write a good prescription drug benefit for our seniors. But we are going to let you charge whatever you want to for it. We hope you do not charge any more than $35, but if you charge more, that is your decision.

Now, we have actually tried this in a few places. In some of the places they have tried it, what they thought was going to cost $35 ended up costing $85. If we add up the Republican plan that came out of Ways and Means yesterday, after a senior citizen would spend $3,170 out of their own pocket, if they were real lucky, had a real good insurance plan, and an insurance company that really wanted to do the right thing, they would receive a benefit of $1,100. Now, who wants a deal like that?

None of this is guaranteed in this bill. There is not a defined premium. We do not know how much it will be. In the Democratic plan it is $25. We put it in the bill. There is not a defined benefit. We do not know what drugs they would pay for, whether they would have to be in the formulary, not in the formulary. We do not know what it would be. If I ever saw a pig in a poke, this is it.

Mr. LARSON of Connecticut. Mr. Speaker, If the gentleman will yield on that.

Mr. BERRY. I will be glad to yield to the gentleman from Connecticut.

Mr. LARSON of Connecticut. I especially want to comment on the remarks of the gentleman from Texas earlier with respect to insuring this initiative. I hail from the great city of East Hartford, in Hartford, home of the insurance industry, and I am very proud of that. But as the gentleman from Texas indicated earlier, under oath, people in the insurance industry understand that this is a sham; that this is something which simply cannot be underwritten; that actuarially it is impossible to ensure this kind of risk. And they do so candidly.

In talking to one CEO, he said this would be like trying to underwrite getting a haircut. So to perpetrate this kind of a sham and a myth on the elderly is outrageous. And the only thing more outrageous is the high prices that they are paying. And the only thing more outrageous than that would be if we do not have an opportunity to present a Democratic alternative here on the floor.

I commend the gentleman from Arkansas and the gentleman from Texas for their long-standing work and efforts in this specific area. But even the insurance industry CEOs understand this is a sham; that it cannot work; that it cannot possibly be priced where anyone who need this benefit could afford to purchase the insurance that would cover it.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Connecticut. And, as I said when I began, it is sad that we are back on this floor once again to have to talk about this issue when we have senior citizens and other Americans all over this country today that are being put at a tremendous disadvantage just because we have continued to allow the prescription drug manufacturers in this country to rob them.

In Washington, D.C., we have a multitude of strategists, consultants, and people that read polls to figure out a strategy to win politically. What the strategists have told our colleagues across the aisle is it does not matter whether they pass anything or not, it does not matter whether they help the people that are getting robbed, it does not matter whether they provide a serious prescription drug benefit for senior citizens or not. The only thing that matters is to vote for something; make them think we are going to do something.

That is just simply not the right thing to do. There are many Members in this House on both sides of the aisle, and we just had a couple of Republicans earlier this afternoon talk about how unfair it is that Americans pay more than anyone else for their medicine. They have the right idea about prescription medicine for America. What we would like to do is, for once, in the 107th Congress, let us all come together to solve a real problem and to do away with a serious injustice to the American people and to our senior citizens.

Like I said a while ago, we can do this. We know how to do it. This is not rocket science. The interesting thing is that there are many financial analysts that have looked at this and said if we do the right thing, make this medicine affordable, the drug companies will still make more money because they are going to sell a lot more product.

Right now, we have got senior citizens and other Americans that just simply do not take their medicine because they cannot afford it. Imagine a horror movie where there is a terrible, unscrupulous, evil person that owns and has in their possession the medicine to save someone's life, and they sit across the table from that person and hold it just out of their reach, and laugh and ridicule them and make fun of them because they cannot afford it. They would have control. That is a scene that none of us would appreciate nor would want to be a part of. But effectively that is what we do in this country when we allow the drug companies to overprice their product and overcharge the American people.

All we are asking for is a free market situation. Take away the monopoly. Let the market do its work. I am confident that if we do that, we will solve an enormous problem. We will do a lot of people a lot of good, and the drug companies will make just as much, if not more, money than they are making right now.

Mr. Speaker, I yield to the gentleman from Connecticut.

Mr. LARSON. Mr. Speaker, I thank the gentleman from Arkansas and again applaud both he and the gentleman from Texas for their continued efforts on this floor, along with our distinguished colleague, the gentleman from Maine (Mr. ALLEN), who has also been outspoken with respect to this important issue.

The gentleman from Texas, I think, outlined very succinctly the issue we face here. So many seniors have waited in anticipation, after hearing every Presidential candidate, both throughout the primary season and then into the election of 2000, talk about how this was the most important issue facing not only seniors, but Americans in general, and to have virtually almost every Member of Congress and members of State legislative bodies as well come forward and say this is the most important issue to seniors. And so while we have universal agreement that this is the most important issue confronting our senior population, to date we have not seen anything come to the floor.

What an outrage. What a shame. A great Republican President once said, you can fool some of the people some of the time, but the American public will not be fooled by sleight of hand, will not be fooled by sham proposals. They want a straightforward, direct answer.

We should have open debate on this floor about an issue that everyone universally agrees with should be debated. It is our sincere hope that we have a bipartisan resolution. I heard the gentleman from Minnesota (Mr. GUTKNECHT) on the floor earlier pleading about the cost of price and the gentleman from Georgia talking about the cost of price and the need for us to get this under control. So, therefore, we ought to have an open debate on this issue, but the American public should be tuned in and understand and be able to see proposals side by each and make up their minds on who is putting forward a proposal that best suits their needs.

This generation that has been heralded by Tom Brokaw and others as the greatest generation ever, this generation that has been heralded in the movies, in books, on the radio, what do they say? They say the time for lip service is over, the time for platitudes is through; provide us with a prescription drug policy that works, that is universal. As the gentleman from Texas (Mr. TURNER) pointed out, that should have been included under the Medicare provision in 1965 so that seniors everywhere would have the opportunity to get prescription drugs at a price they can afford.

The gentleman from Minnesota (Mr. GUTKNECHT) articulated it very well earlier. What we have done is we have turned our senior population into refugees from their own health care system, refugees that have to leave their own country and travel to Canada to afford the prescription drugs that they need to sustain their lives.

Is that how we treat the greatest generation ever? Is that how we award our veterans for their valiant service, that when they need their Nation most in the twilight of their years, when they want to live out their final days in dignity, we are arguing over the cost of a plan? Then if there is a difference between the plans, and the difference is the cost, let the parties be known by what they stand for and whom they are willing to stand up for, and if it is a matter of cost, then the cost has already been paid, and it has been paid for dearly by the sacrifice of generation after generation of Americans, especially those who came back and rebuilt this Nation, who provided their children with the best education ever, that saw this great country rise to the preeminent military, economic, social leader in the world, and for their thanks they are deserving of living out their final days in dignity.

I commend the gentleman from Texas (Mr. TURNER), I applaud the gentleman from Arkansas (Mr. BERRY), but I recognize deeply as well that there is an outrage that is being perpetrated. Americans everywhere should be phoning in and calling and making sure. Perhaps maybe some would agree and argue and say, you know what, we think perhaps their approach is better. Then fine. This is America. This is a democracy. Let us lay that proposal out as we are told we are going to see next week, but allow the Democratic proposal. I can't believe I am saying this in this Chamber. Allow the Democratic proposal. Of course the Democratic proposal should be presented side by each, and it should be fully debated. That is what Americans expect. That is the premise on which this Nation was founded. Let it take place. Let it unfold as it well should next week when we have an opportunity to see both plans side by each.

The only thing more outrageous than the price that everyone agrees on, whether they be from Minnesota or Georgia or Texas, Connecticut or Arkansas, is that these prices are way too high, and the people who are paying the price are our senior citizens, those all too often who least can afford to do it. So, therefore, the only thing that would be more outrageous than the prices that they are already paying would be for us in this body not to have an open and fair debate where every Member gets to come down and speak their mind under an open rule on this, what everyone agrees universally is the most important issue that faces our senior citizens, those in the twilight of their lives who deserve to live out those final days in dignity.

□ 1630

I thank the gentlemen from Texas and Arkansas for their support and continue to laud their efforts.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Connecticut (Mr. LARSON), and I appreciate the passion with which he speaks on this issue, which I think is the most important issue that we face. It clearly is an issue that has defined more clearly than any other the difference in viewpoint between the Democratic Party and the Republican Party in this House of Representatives. I am amazed as I try to deal with this issue and talk to my seniors when they struggle to know why can the two parties not sit down and figure this out for seniors. They thought it was going to be done after the last Presidential election.

It breaks my heart to have to explain to them the difficulty that we are having getting this done in Washington, and the reasons that we are having trouble are totally inexcusable. It is not just a matter of the fact that our plan provides a more generous benefit for seniors. In fact, I believe that our plan is the only plan that seniors would want to sign up for because our plan and the Republican plan are both voluntary. If seniors do not want it, they do not sign up and pay the premium. I do not think that they will sign up for an insurance plan that only offers 22 percent of the savings and the Democratic plan offers over twice as much.

Mr. LARSON of Connecticut. Mr. Speaker, they could not afford to sign up. It is impossible to underwrite that actuarially. Every insurance man and CEO will say that. They have sworn under oath that is the case. The gentleman is right about this being a defining moment, not only for the respective parties, but for America and for this Chamber. Between this body and the other body, there are 535 Members. There are over 600 pharmaceutical lobbyists currently working the Hill. It is time to decide who is going to have their say in the well of this House and on this floor, whether it is going to be the money changers or whether it is going to be the men and women of this Chamber who are going to be allowed to vote up or down, to have a say on the proposal that they are putting forth, the Democratic proposal the gentleman has espoused this evening.

Mr. TURNER. When the gentleman says that, it makes me realize how difficult it is to break through when the Republican friends are so beholden to the pharmaceutical industry for their campaign contributions. It is definitely a factor that weighs heavily in this debate because we cannot get control over prescription drug costs unless we are willing to step forward and tell the pharmaceutical manufacturers they have to offer the American people the same prices they offer people anywhere else in the world.

Mr. LARSON of Connecticut. Mr. Speaker, the gentleman is absolutely right. This is tantamount to the same vote we had on campaign finance reform. This is truly a profile-in-courage vote. And the vote here is merely just to allow two programs to appear side by each, the best effort of one party, the best effort of another party, and then to vote that issue up or down. We are told that perhaps even votes to recommit will not be allowed.

A vote to recommit in my mind is inane anywhere, and it is an abrogation of our responsibility and duty, especially since every single Member has campaigned on this issue in their district. It is a shame that Members who are not chairs of committees and who do not normally get a chance to speak unless they come after business is done will not have an opportunity to speak on this issue. Every voice in this Chamber should be heard on this specific issue.

This is the issue, after all, as the gentleman points out, that everyone campaigned on. There can be no more hiding. There can be no more putting this off. Seniors cannot wait. Each day that we delay is another evening that a couple spends, or a single person spends at night trying to decide how they can afford what they have to pay for the cost of their prescription drugs or what they have to pay to heat and/or cool their home or the very food that they need to place on their table to sustain them.

We are a better Nation than that. We are a better Chamber than that. On both sides of the aisle I believe both parties want to see a vote on this issue. Let us make sure that we get a chance in an open rule to have an opportunity to vote our conscience, our hearts, and vote with the senior citizens of this great Nation of ours.

Mr. TURNER. Mr. Speaker, the American people deserve to have the opportunity to choose between these two competing plans, and they will not have the opportunity to choose between the two plans if the Republican leadership denies the Democratic caucus an opportunity to offer our alternative plan. It is amazing as we stand here this afternoon on the floor of the House of Representatives, with thousands of seniors listening to this discussion, at this very moment the pharmaceutical industry is running television ads trying to promote this Republican plan in almost every State in this Nation.

In fact, I watched one of the ads this weekend when I was in my district. The ad said it was paid for by United Seniors Association, and has a senior citizen actor talking about the benefits of the Republican plan. Not many people know that the United Seniors Association is a front group for the pharmaceutical manufacturers, well reported, well known in the major newspapers; but many seniors will never notice, and they will think that ad is talking about something that is good for them. But the only folks that Republican plan is good for is the pharmaceutical industry which backs it 100 percent.

I think it is important for us to be honest with the American people about this debate. It is not only a debate of the power of the pharmaceutical industry versus the rest of the people in this country and our seniors, it is a battle that involves the issue of what do we really think about Medicare. The Democrats in this House believe Medicare has been a successful program for our seniors. One of the reasons, in addition to the opposition to the pharmaceutical industry, one other reason that our Republican friends will not support the plan we propose is because we add the prescription drug benefit as a part of the regular Medicare program. One of the agendas in the Republican prescription drug plan is to move this country away from regular Medicare into what we commonly call Medicare+Choice plans that are run and offered by the insurance industry.

Now, I come from a rural area, and there were a few Medicare+Choice plans offered a couple of years ago, and some of my seniors signed up for them because the health insurance companies said they would give them a little prescription drug benefit. Those private plans have sent out notice to seniors their plan is cancelled, and they are back on regular Medicare wondering how they are going to get any help with their prescription drugs.

Some people act like the private insurance industry is ready to offer plans. The truth is we would never have had Medicare in 1965 if the private insurance industry would have been able to take care of the problem of providing health care for seniors.

But our Republican friends say we cannot put a prescription drug benefit as a part of regular Medicare because they know that if they do, everybody is not only going to be happy with regular Medicare, they are really going to be happy with Medicare if we can get the prescription drug problem solved; and they will not have the opportunity to push this country toward private health insurance for all Medicare recipients. That is the heart of the issue that we are debating here today.

I am pleased that I have got another Member of the Democratic caucus here who has worked hard trying to help us provide coverage for our senior citizens, the gentleman from Illinois (Mr. PHELPS), a tough fighter for his constituents, who believes in the Medicare problem and believes in a real prescription drug benefit, and I am proud to yield to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER), the gentleman from Arkansas (Mr. BERRY), and the gentleman from Connecticut (Mr. LARSON). The challenges are before us, and I thank the gentleman from Texas (Mr. TURNER) for bringing us here to talk about this issue, which I think could possibly be the most important domestic concern outside of homeland security and what we are trying to do against the terrorists than any other issue.

First, I will go into a more formal statement, and then I will talk in more informal terms.

Mr. Speaker, the time has come to implement a real prescription drug plan for seniors. John and Ann Craig are residents in Muddy, Illinois, a rural setting in southern Illinois not far from my hometown of Eldorado. It is a small community, coal mining, farming community. The Craigs suffer from a combination of diseases, including diabetes, heart disease and high blood pressure. His medication runs around $450 a month while her medication runs around $850 a month. They pay a total of $1,300 a month for prescription drugs and receive a mere $700 in Social Security. The Craigs own a small farm where they have worked hard most of their lives. However, their overwhelming pharmacy bills have effectively ruined any chance of worry-free retirement because their savings have been used on medications.

This is just one example of the many that we can give of the unnecessary hardships our citizens are facing due to over-priced prescription drugs. We use names and faces many times to make this debate and these issues come alive, to be real, because we deal with so many facts and figures and statistics, that it can have a tendency to be artificial, and that is why with these people's permission, their examples.

It is time to stop the delays and pass meaningful Medicare reform that will help our seniors and not confuse them. We need a prescription drug plan that will help each and every senior in need.

The Republican plan, the plan of the other side of the aisle, contains a huge gap that will leave out a number of seniors. This plan will not provide any coverage for drug costs between $2,000 and $3,800. The inadequate average coverage is sure to leave many of our seniors out in the cold.

Their plan also contains many other provisions that need to be changed. There is no defined benefit, no guaranteed premium; and geographic inequalities exist. This issue is way too important to millions of Americans to not have a definite fair plan that will benefit each and every senior citizen who cannot afford to pay for their monthly medication.

☐ 1645

The Democratic plan, our plan, gives seniors what they are looking for. There are no gaps in coverage. There is a guaranteed premium and a defined benefit. Our plan will help seniors obtain prescription drugs with ease and not confusion. That is an important item. We know with insurance plans and all these other medical dictates, there is much confusion, directions, all kinds of small print, footnotes that they overlook many times. We want something simple, to be understandable and affordable. Our citizens are depending on us to work together to come up with a simple plan that will bring them prescription drugs at a price they can afford, a price that does not take a large chunk out of their monthly budget that would normally be spent on food and other necessities. We have a moral and ethical responsibility to look out for our seniors. We must implement a plan that will benefit each and every senior that is paying ridiculous prices for their necessary medications.

I wanted to come to this sacred institution to have a fair, courteous, yet professional exchange. We call it debate. This is what we will engage in in our campaigns from now to the election in the fall. We will go back to our districts and we will try to come before our constituents, the citizens of our district and our State, and try to compare and contrast where we stand on issues as opposed to our opponents. That is the campaign. But while we are here, after we went through our campaigns and made promises, each and every one of us, that we would address this issue, not this session, but even the session before, people are wondering and are asking questions: You stood before us on camera, you stood before us in debate in person in our town hall meetings, in our assemblies and our auditoriums, and you made promises, and there was rhetoric that was going out. We wonder now why there is not action to follow.

That is why I stand here today. That is why I wanted to be elected to be the Representative of the 19th District in Illinois, downstate in southernmost Illinois, where health care and the problems are unique, a very highly medically underserved, manpower shortage area. Where I chaired the health care committee in the Illinois House in my 14 years of service there, I chaired both the education and the health care committees, I know the uniqueness of rural health care and the challenges there. The senior citizens are great numbers in the rural areas, because they make up the generations of our small family farmers and our small businesses and our unique craft shops that now are not as numerous as they once were. But they have roots there, and they want to stay where their loyalties are and their children have been raised.

This is why this is a great challenge to us to address this now. This is the greatest deliberative body in the world, in a free society where we can come together, hopefully after being elected equally, not one higher than the other, we are here on an equal basis. We vote for our leaders to be placed in leadership to go to meetings, a strategic task force that we all cannot congregate in because time will not allow. We elevate those because the people we represent put us in place to put others in place. That is what leadership is all about. Our leadership is representing us, after we have asked them to, to make sure that this issue is way out front without further delays, affordable, clear and simple, and that it has the kind of quality that we promised them during our rhetoric during our campaigns.

Students often ask me when I visit the classroom, and as a former teacher I do that quite often. I stay in touch with the young people. If you want to know what is going on in the household, talk to the students and the children. I visit them. Their number one question is, can you tell me, even though they have studied, I am sure, history, and by training I am a history and geography, social studies teacher, they say, what are the differences between the Democrat and the Republican Parties? They hear the spin on the radio and TV shows and the propaganda that are slanted one side or the other, by both parties, by the way, that we engage in, but I try to tell them to watch this prescription drug issue come alive.

By the way, the only reason it is coming alive is that the Democrats had to force it, just as we did the patients' bill of rights debate, because there was no such debate. There was a plan not to be one, because that would expose the sleight of hand of those in the majority that cater to the big interests that dominate those issues of health care, the insurance companies and the pharmaceutical industry. That is the biggest influx of support and dollars that the Republican Party enjoys, as just even last night we saw.

This is why we are here, to clarify and to ask, come forth with your plan, make it clear to us, and we will debate it here before the American people.

The biggest difference between the plans are, first and foremost, we want to manage it through Medicare, not let the HMOs, as they have done through the other insurance plans. We do not want to put, as the HMOs have, profits ahead of people. We want to put people ahead of profits. We want to keep the costs down, contain the costs. We want to make it optional for you to participate, and affordable is the reason why you will choose through our plan to participate. And, finally, to protect the most vulnerable in our society, the most frail elderly of our society who built this country, who endured the Depression, came through the wars, the world wars, the most burdensome world wars that took its toll on their lives. Many of them are disabled, handicapped because of those wars, and the most prosperous, richest, wealthiest country on Earth cannot afford to help the most vulnerable of our society? I am here asking why not?

I thank the gentleman for the opportunity. I appreciate the leadership of the gentleman from Texas.

Mr. TURNER. I thank the gentleman for his passion on this issue and for his leadership. I know we all feel strongly about this. I cannot help but think of the constituents that you mentioned and the constituents that I visit with all the time who are struggling to pay their prescription drug costs. I just ran into one just the other day, it was at the Quik Lube in Lufkin, angry that the Congress had not acted to pass a meaningful drug plan. I have seen those seniors board those buses in Houston to travel to Mexico and come back and say they have saved $10,000 by making the trip together.

I know the next gentleman who will speak understands that problem, the gentleman from Maine (Mr. ALLEN), a fighter for seniors on the prescription drug issue who has also seen in his State those seniors board those buses and go to Canada and save thousands of dollars.

It is a pleasure to yield to the gentleman from Maine.

Mr. ALLEN. I thank the gentleman for yielding, and I thank the gentleman from Illinois, who has been such a terrific fighter for this issue since he came to the Congress.

I will be very brief. I just wanted to say, the gentleman from Illinois (Mr. PHELPS) was saying, he was trying to explain to people back home what the difference is between the Republican Party and the Democratic Party on this issue. I would add, in addition to what he said, that we Democrats do not believe we can fool all the people all of the time. For the second election cycle in a row, the Republican Party has put up a plan which is an illusion, will not provide prescription drug coverage to seniors because the private insurance market will not provide what they say it will provide. This plan will not become law. If it becomes law, it will not provide help to seniors because it relies on the private insurance market. There is no guaranteed benefit, no guaranteed copay. It is whatever the insurance companies want to charge.

The fundamental problem is that the people who will sign up for the plan are those who have very high prescription drug bills. The insurance industry will not be able to make money, and so they will stop providing the coverage. We have already been through this with managed care under Medicare. This kind of approach does not work.

Everyone else in this country who is employed and has prescription drug coverage gets their prescription drug coverage through their health care plan. For seniors, it is Medicare. All we are saying as Democrats is let us have a Medicare prescription drug benefit. Let us not try year after year, election after election, to cloud this issue, pretend we have a plan as the Republicans do and not do anything.

The aversion to strengthening Medicare from our friends on the other side of the aisle is so strong that they will never do it. They will never do it. Only a Medicare benefit, only strengthening Medicare, will provide the solution. That is what the Democratic plan is. That is what the Republican plan is not. That is why we need to pass the Democratic plan.

Mr. TURNER. I thank the gentleman again for his strong leadership. We both came to Congress together. We have both been fighting for this ever since we arrived here. On behalf of all of our constituents who continue to tell us they need help with the high cost of prescription drugs, they need a meaningful, a real prescription drug plan that is a part of Medicare, that they can afford, we will continue to fight.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4931, RETIREMENT SAVINGS SECURITY ACT OF 2002

Mr. DIAZ-BALART (during the Special Order of Mr. TURNER) from the Committee on Rules, submitted a privileged report (Rept. No. 107–522) on the resolution (H. Res. 451) providing for consideration of the bill (H.R. 4931) to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent, which was referred to the House Calendar and ordered to be printed.

HUMAN CLONING

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I and several of my colleagues, including the distinguished physician and Congressman from Florida by the name of DAVID WELDON, wanted to rise in this Chamber to discuss an issue that, while it has fallen to some extent, to use a colloquialism, below the radar screen here in our Nation's Capital, it is without a doubt the most significant moral question that the institution of the Congress will contend with in this session of Congress and perhaps, Mr. Speaker, for many sessions of Congress to come.

As we debate the restructuring of agencies of the Federal Government, the new Department of Homeland Security, as we debate in memorable terms, as my colleagues just did, the extension of benefits under Medicare, all of these issues pale in comparison to the potential cultural impact and the impact on our system of legal ethics that the legalization of human cloning would represent to our society and even to our civilization.

Yet even though this body has acted and awaits action in the balance of the Congress, I believe it is incumbent upon the Members of this institution who cherish the dignity of human life to rise and to remind our colleagues, as I will do so in the moments ahead, and any of those that are looking in about the profound moral questions that we wrestle with when we argue in favor of a ban of human cloning.

It is my hope that as the gentleman from Florida (Mr. WELDON) joins us later, he will speak to the medical questions and myths that surround the promise of embryonic stem cell research. The gentleman from Florida will no doubt point out, as many of us did during the debates, that every single breakthrough in the area of stem cell research has taken place using adult stem cells, Mr. Speaker. Not a single breakthrough in medical science has ever occurred using embryonic stem cell research. Yet we are being sold a bill of goods by a technical medical industry that would have us move the line of thousands of years of medical ethics to permit what they, in almost Orwellian terms, refer to as therapeutic cloning, the cloning of human beings, of nascent human life, for the express purpose of testing that tissue.

I rise today, Mr. Speaker, to say we must prevent human life from becoming a wholesale commodity that is created and consumed. Let me say again, my theme today, my purpose for rising in this Chamber with the colleagues that will join me, is very simple. We must prevent in this Congress, before the close of this year, this session of Congress, we must prevent, by law, human life from becoming a commodity that is created and consumed in a marketplace of science.

I say that knowing that there will be those listening in in offices here on Capitol Hill, there will be those listening in around the United States, who think that this is something of a strange science fiction assertion. But let me suggest to you as a family man, as the father of three small children, a husband of 17 years, let me say that it is precisely about that that I believe this debate over human cloning emanates.

□ 1700

I come to the floor this afternoon to speak about really the failure of the Congress to adopt a ban on human cloning. It is, Mr. Speaker, without a doubt, human cloning, perhaps the most anticipated and even feared development in the history of science. The promise that opening up this Pandora's box seems to hold for some pales in comparison to the backdrop of that great Biblical adage that reads in the book of Isaiah that, I am God, and there is no other. Human cloning is about the creation of human life for utilitarian ends. It is anticipated, and it is rightly feared.

For decades, truthfully, humans have been probing the darkest regions of their imagination to craft stories in science fiction where the duplication of human life is acceptable, but we always run in, it seems, to the old prophet, and he says, I am God, and there is no other.

Over the last several years, advances in the understanding of cellular biology have made it apparent that this brave new world described by science fiction writers was not actually that far off. We have since learned that cloning is, in fact, a possibility and could be, or may, Mr. Speaker, I say with hesitation, may already be, a reality.

Somewhere in the world today, somewhere in America today, while Congress fails to act on a ban of human cloning, amoral scientists may be in the process of duplicating human life and thereby, perhaps, laying the foundation for duplicating a human being, created always, up until that point, Mr. Speaker, in the image of God, the first human being in history created in the image of another human being.

Several of my colleagues tonight and I want to examine precisely these questions, these large moral and ethical questions, that seem to get left in the dust behind the promise of somatic cell nuclear transfer and embryonic stem cell research.

We hear about the promise. We see people rising out of wheelchairs, we see quadriplegics able to walk, and we want to reach for that, Mr. Speaker, but we, to do so, must reach across a line that mankind has never and should never cross.

Cloning involves the making of an exact genetic copy of a human being through a process called somatic cell nuclear transfer. In the process, the DNA is removed from the cell of a human, and it is transferred to an egg cell. The result is the formation of a human embryo, the beginning of human life. Theoretically, if this embryo were implanted in a womb, it would have the ability to follow the normal stages of development until a human being is born.

I say to you today that while most of us recognize the problems of using cloning for procreation and are prepared to outlaw the practice of it, Mr. Speaker, there are some who would have us talk about somatic cell nuclear transfer as though what was created was not human life, and there is great confusion on this point.

I say, not in an effort to crowd the upcoming remarks of the gentleman from Florida (Mr. WELDON), but I say, Mr. Speaker, with deep humility, that there are many in this debate who want to refer in cavalier ways to that embryonic tissue and say it is something other than human life. Mr. Speaker, if it is not nascent human life, what is it?

I was provoked to come to the floor of this Congress by the words of some of the advocates of so-called therapeutic cloning, who are now about the business of sharing a new slogan with America, and it is a slogan that in effect says a single cell can feel no pain. A single cell can feel no pain, as though the moral and ethical line would not be crossed in the absence of pain. It is an absurd anti-intellectual and antihistorical assertion, and I call it as such, regardless of who may use it.

Many in the scientific community, Mr. Speaker, believe that nascent embryonic life should be used for medical research through this procedure known as therapeutic cloning. They have come up with this innocuous term. It is very misleading. In this procedure the cloned embryo is created solely for the use of its parts. The human is given life, only to be destroyed a few days later for specialized stem cells.

I go back to the thesis of my remarks today. We must prevent human life from becoming a wholesale commodity that is created and consumed and destroyed, which is precisely what therapeutic cloning is, Mr. Speaker. It is the creation of embryonic human life to be destroyed for its parts.

Despite the fact that research on embryonic stem cells has yet to produce any treatment for any medical condition, as I said before, researchers are calling the cloning and harvesting of embryonic stem cells "therapeutic." Humanity is contemplating the creation of a subclass of human life that is created and killed for the benefit of other humans.

Mr. Speaker, I come from south of Highway 40 in Indiana. I am not the brightest bulb in the box. But, for crying out loud, how can we suggest that this is anything other than the creation of a form of human life that we have never recognized before, the creation of a class of human life that exists to benefit other humans who are farther along in their physiological development?

I often say to my children, it is not sufficient to think once about hard issues, you have to think twice. Mr. Speaker, this is one of those issues where you have to think twice, and the moral and ethical issues raised even by experimental and so-called therapeutic cloning become obvious.

I fear we are turning life literally into a wholesale commodity to be created and destroyed. Make no mistake, if we proceed down this course, millions of human embryos, nascent human life, will be created and then destroyed, and even then we may not attain the scientific achievements that have been promised to us.

Now, some may be willing to say that, well, there will not be that much destruction of nascent human life, but, Mr. Speaker, less than 3 percent of cloned embryos in animal studies are successfully implanted to go to term. Birth defects occur in legion numbers. Literally, Dolly the Sheep was the product of thousands of failed aberrations in the attempt to clone a single mammal.

And to think of this kind of experimentation, as we go not just from the therapeutic cloning, the cellular level, stem cell research, but we know in our hearts there will be those media-hound scientists who will want to show up with the first cloned baby. Think of the children who will go before the first baby. Think of the birth defects. Think of the spontaneous abortions. If Dolly the Sheep is to be the instructor, if the experience of cloning experimentation on mammals teaches us anything, it teaches us that there will be a nightmare of destruction leading to that one fully cloned human being.

I do not know about the rest of my colleagues, but it is my firm conviction that scientific advancement is not worth the price of human embryo factories. It is also not worth the price of one innocent unborn human life that attempts to make it to term, but, because the scientific technology is not sufficiently advanced, it dies in utero or after delivery.

Human cloning must be stopped in every form. Unfortunately, those who support cloning are attempting, I would argue, in some cases to twist the facts to fit their agenda. Recent statements by supporters of cloning suggest that cloning actually is not cloning, that it is medical research on a cluster of cells stripped of their humanity. Mr. Speaker, I fear that this utilitarian logic has caused us to overlook deep ethical and moral implications involved in cloning.

But also I would say humbly, as I prepare to recognize my colleague and friend from Florida, that not only are they wrong on the ethics and the morality, but, Mr. Speaker, I say with real humility, they are wrong on the science. They are wrong on the medicine. They are wrong on the potential advances that this research affords.

As this Congress moves forward in this debate, it is absolutely essential that we do not let the weird science and the unsubstantiated promises dominate this debate, but that we look with the cold eye of science as we evaluate the promise here.

I would add, Mr. Speaker, it would be sufficient for this Congressman, even if the science held all the promise in the world, it would be sufficient for me to oppose human cloning, even cellular human cloning and research, on moral and ethical grounds. And yet, inasmuch as it is helpful to our argument, I have called upon my colleague and friend, the author of the House bill of banning human cloning, to join me in this Special Order today to talk about the science.

The gentleman from Florida (Mr. WELDON), before he came to this institution, was an established physician with a background in microbiology. He is a man who speaks with unique authority on these issues in this institution. It was the reason why we were able to develop legislation here and develop strong bipartisan support behind a human cloning ban. Part of the argument that the gentleman from Florida made, and I trust will make again today, is that while certainly morality and medical ethics for thousands of years are on the side of banning human cloning in all its forms, for all of its purposes, happily, the science is on our side as well.

With that, I yield to the author of the ban on human cloning in the House, the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding. I want to thank him for the support and assistance provided me and all of the others involved in passing the ban on human cloning out of the House of Representatives. The gentleman's involvement was extremely helpful. I also want to thank the gentleman for making arrangements for this Special Order.

We continue to await action from the other body on this issue. As we all know, the bill to ban human cloning, which I had authored along with my colleague the gentleman from Michigan (Mr. STUPAK), a Democrat, passed the House of Representatives now almost a year ago. It was July of 2001 that it passed. I just want to point out that that bill passed the House of Representatives by a 100-vote margin, I think it was 63 Democrats voting for it, and about 20 Republicans voting against it, so this is clearly not a Republican versus Democrat issue. It passed overwhelmingly, with a very, very clear bipartisan vote.

I just want to underscore that the bill as it passed the House does not ban stem cell research. There are a lot of people that confuse these issues. I will admit they are complicated.

□ 1715

I have a background in medicine and science, and it is easy for me to follow these things; but for lay people, it is very, very hard to sort out when are we talking about stem cell research and when we are talking about human cloning.

Also, the bill does not ban cloning tissues; it does not ban animal cloning. It specifically bans human cloning. And for the sake of discussion tonight, I do want to review exactly what that is. It is what is called asexual reproduction. I have a chart here to my left. The top row here shows the normal fertilization where the sperm unites with the egg, it forms a single cell, a fertilized egg, or single cell embryo; and this next picture here shows a 3-day-old embryo and then a 5- to 7-day-old embryo.

In human beings, humans have 46 chromosomes, 23 are resident in the sperm, 23 are resident in the nucleus of the egg. They come together, 23 plus 23 equals 46, creating a new human being. This is how we all begin our path through eternity here on Earth and beyond, as a uniting of 23 chromosomes from the sperm and the egg.

In cloning, what is done is we take the egg and we either inactivate the nucleus with 23 chromosomes in it or, as shown in this particular diagram, we have removed it, so we create an egg that has no nucleus in it, no genetic material, no chromosomes. Then we take a donor cell, and in this diagram it is depicted like the skin cell, and we take the nucleus out of it. We call these somatic cells, and that is where the term "somatic cell nuclear transfer" comes from. The cells in our body, the skin cells, the cells in our heart, in our muscles, we call them somatic cells. Somatic means body.

The process involves taking the nucleus out of that and putting the nucleus into the egg. When that is done, that is called somatic cell nuclear transfer. If the process works, 3 days later we have an embryo that is essentially indistinguishable from this embryo here, except this embryo here is a unique individual created by the combination of the chromosomes here. This embryo is actually the identical twin of the person who donated this cell. So if I were to donate my cell and somebody were to go through this procedure, this embryo developing would be my twin brother, my identical twin brother. That is why we call it cloning.

This is the exact procedure that was used to create Dolly the sheep. What they did in that particular instance is they took an egg from one sheep, they deactivated the nucleus, they took an udder cell, which is essentially a breast duct cell, and extracted the nucleus from that, and they created a new sheep which was a clone of this one. And then once it grows in culture, we have to put it inside the womb of a surrogate mother and, ultimately, Dolly the sheep was to be produced.

The reason I am going through all of this in exquisite detail is some people are trying to say this is not really cloning, that you are not really creating a human if you do this; and in humans they like to call it things like "nuclear transfer." When we start playing language games like that, we are essentially trying to tell us all that Dolly is not a sheep. I mean if we do this with a person, we will get a person. It will start out like we all do as a baby and then grow up to become an adolescent.

Now, what are some of the problems with this? Well, the number of problems are huge. They are absolutely gigantic. It took 270 tries to create Dolly the sheep. Many lambs were born with very, very severe birth defects. Many of the offspring amongst the five species that have been cloned so far emerged very, very large, very large placentas and umbilical chords. A woman might look 9 months pregnant when she is only 4½ months along. Also, very defective fetuses. Indeed, there was one research study that showed that all offspring from the procedure of cloning so far have genetic abnormalities. So this is human experimentation, and it is human experimentation of the absolute worst kind.

Now, a lot of people feel that the solution to all of this is to just ban reproductive cloning, make it illegal to produce a baby, but allow researchers in the lab to produce these embryos unrestricted for research purposes. They even hold out that somehow this could be used in clinical medicine someday.

I am a physician. I take care of patients with Alzheimer's disease, diabetes. I still see patients once a month. My father had diabetes, died of complications of diabetes. This is very, very fanciful science, to make claims that we must allow this research to proceed because it is going to lead to all of these "cures." In my opinion, that is patently absurd.

Indeed, what they really are talking about is extracting some of these cells out of these so-called cloned embryos and doing what they call therapeutic cloning where they claim they can grow replacement tissues for people that have diseases.

One of the things that I have been arguing for, for well over a year now is that the arena of adult stem cells actually shows much more promise. Embryonic stem cells, there have been some problems in research studies where they tend to grow too much and actually can become tumor-like in their growth. We have been using adult stem cells in clinical research now for years, actually 20 years. There are some 50 clinical trials using adult stem cells. Indeed, just today, there was an article published in Nature, the most recent issue of Nature, and I think this came out of the University of Minnesota, that showed that they could get adult stem cells to become any tissue type, and they could get them to reproduce over and over and over again, essentially validating what people like myself have been saying for quite some time. The study is entitled "Pluripotency of Mesenchymal, Stem Cells Derived From Adult Marrow."

What they did in the study is they clearly showed that adult stem cells can reproduce and reproduce and reproduce as embryonic stem cells can, and that they can become any tissue type, essentially laying the debate to rest that one has to have embryonic stem cells.

Mr. PENCE. Mr. Speaker, if the gentleman will yield, I wondered if it might be a good opportunity to take just 2 minutes to recognize the gentleman from Pennsylvania (Mr. PITTS), because I am very interested, Mr. Speaker, in eliciting more information about the promise of adult stem cell research from the gentleman from Florida, which seems to me is the most deafening, in addition to the moral and ethical arguments against somatic cell transfer, therapeutic cloning for research, the most deafening argument beyond the morality is the promise of adult stem cell research.

So with that, with the gentleman's permission, I will yield to the gentleman from Pennsylvania (Mr. PITTS), the leader of the Values Action Team in the United States House of Representatives for the majority. He is without a doubt the strongest pro-family voice in the United States Congress.

Mr. PITTS. Mr. Speaker, I thank the gentleman for his leadership on this issue and for setting up this Special Order on their very timely issue.

A syndicated columnist, Charles Krauthammer, says that cloning is "a nightmare and an abomination." I would concur with that. Cloning is like something from a bad science fiction movie. The only difference is that now, some scientists are actually on the verge of doing it. Now, these scientists try to deflect our criticism by claiming that they have no intention of cloning a person. They say they just want to clone human embryos so that they can take their stem cells, and they promise that they will kill the embryos before they grow to adulthood. So some have characterized them as cloning to kill.

Well, no one has said it better than The Washington Post. The Post said a few years ago: "The creation of human embryos specifically for research that will destroy them is unconscionable." There is no difference between what they want to call "research cloning" and what they want to call "reproductive cloning." The only difference is when they kill the human life that they have created.

Mr. Speaker, these unscrupulous scientists claim that the research they want to do could cure diseases one day. But the truth is, there is no evidence for that. Stem cells, as has been noted by the gentleman from Florida (Mr. WELDON), taken from adults have shown much more promise in research than stem cells taken from embryos. Besides, these same people insisted a few years ago that we had to let them do fetal tissue research, despite people's moral objections to taking tissue of aborted fetuses for research, because they said they might cure diseases.

Well, Mr. Speaker, where are those cures?

These people are like the boy who cried wolf. There is no reason we should believe them. Cloning human beings is wrong, simply wrong. Even if they could cure diseases through cloning, it would still be wrong. The vast majority of the American people want it banned, the House of Representatives has voted to ban it, the President of the United States wants to ban it, and we are all just waiting for the other body to do the right thing. I just hope we do not have to wait too long.

Mr. Speaker, I hope all of my colleagues will remember, if we do nothing, if the other body never acts and if there is no bill to send to the President, cloning, any kind of cloning, will be completely legal, and there be nothing we can do to stop it.

Mr. PENCE. Mr. Speaker, I thank the gentleman for his profound moral clarity and for his continued leadership on issues related to the sanctity of human life.

With that I would like to yield back to the gentleman from Florida (Mr. WELDON). Specifically, if I may ask my colleague, as I said earlier in this hour that we have, it would be sufficient for me if we simply were arguing on the history and morality of Western civilization. The truth that rings out of our best traditions that he is God, and we are not, would be sufficient for me. But, Mr. Speaker, as the gentleman from Florida (Mr. WELDON) began to address, and I would ask him to elaborate on, the promise of adult stem cell research in itself argues against the expansion of or extension of science into the so-called embryonic or therapeutic cloning research. I would be grateful to have the gentleman elaborate on that.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding. Adult stem cells have been used in over 45 human clinical trials to treat human beings. Embryo stem cells have never been used successfully in any human clinical trial.

□ 1730

Indeed, embryo stem cells have not really been used successfully in any animal clinical trial up until recently. There was a study recently published, and I need to give the advocates for embryo stem cell research at least an honest appraisal, there was recently a research article in an animal model of Parkinson's disease, I believe, in rats, where they showed improvement in response to embryo stem cells in that particular case.

But hold that up against the tremendous amount of research that has been done with adult stem cells, and hold that up against this recent article that was just published in Nature showing the pluripotency of mesenchymal stem cells derived from adult marrow, suggesting none of the ethical and moral issues associated with embryo stem cells. Certainly cloning needs to be brought into play.

I will just point out, the advocates for embryo stem cell research may start quoting this recent article reported in Nature, using embryo stem cells to treat a rat model of Parkinson's disease as a reason they need to rush ahead with all of this. As I understand it, and I do not have the citation, there has been published, in abstract form at least, a case where an adult brain stem cell was used successfully to treat Parkinson's disease in a human being.

The point I am raising here is the adult stem cell research is way ahead of the embryo stem cell research. The embryo stem cell research is quite hypothetical. It is even more hypothetical to say that we have to do cloning, that cloning is somehow necessary.

What I honestly think is going on here, if the gentleman will continue to yield, is I think the research community and a lot of people in the scientific and biotechnology community know that therapeutic cloning is never likely to happen. What they really want to do, and this is speculation on my part, is they want to create cloned models of disease; in other words, taking somebody with a disease and making a clone of them, and then allow that clone to be used and manipulated in the lab so they can do research on that clone.

Indeed, I think the reason the biotechnology industry is so interested in this is they see this as an opportunity to patent that, and, in effect, one would be patenting a human being, and then exploit that for monetary gain; basically be able to sell these clones as models of disease so people could try to do genetic manipulations on them, or pharmacologic manipulations on them in the lab.

I just want to point out that this is the slippery slope. It is a big-time slippery slope. They talk about extracting stem cells from these things here, these embryos, and then growing them into the tissues that are needed. But there is excellent research that has been done in creating artificial wombs, and they have a very, very nice artificial womb that you can grow an embryo in up to 30 days, if I am not mistaken. So why would we not just take the fertilized egg, it would be much cheaper and quicker, put it in the artificial womb, grow it into the fetal stage, and then extract the tissue that is needed?

We may say, well, they would never do that; that sounds so terrible. But a year ago when we were debating embryo stem cell research, many of the people advocating embryo stem cell research were saying they would never sanction or approve the creation of embryos for scientific exploitation and then destruction. But yet that is now the very thing they are advocating for. So I think this is a very, very serious slippery slope.

Mr. PENCE. Mr. Speaker, I do not know if the gentleman is familiar with the famous Nuremberg Code that was developed and emerged following the doctors' trial at Nuremberg in the late 1940s.

Mr. WELDON of Florida. I am.

Mr. PENCE. Most physicians are.

One of the principal tenets of the Nuremberg Code was that human subjects must consent to experiments; death or injury must not be anticipated results of the experiment; and the researcher must obtain the information they need by any other means possible before humans, including adequate animal experimentation.

There are other pieces of the Nuremberg Code that require that the researcher is admonished to test his disease first and foremost on animals, and no experiment should be undertaken after all of those have been followed and unless it can be foreseen to "yield fruitful results for the good of society unprocurable by other methods."

Now, it seems to me that the lessons of Nuremberg, and I would ask the gentleman to speak to that, the lessons of Nuremberg encapsulated in the Nuremberg Code are violated in several significant ways from the standpoint of medical ethics with regard to human experimentation, and most profoundly with regard to the fact that, as the gentleman from Florida (Mr. WELDON) has said here today, that these advances are procurable by other means than experimentation on human beings.

I wondered, I would ask the gentleman, am I right in my interpretation of the Nuremberg Code and its relevance to this?

Mr. WELDON of Florida. If the gentleman will continue to yield, yes, the gentleman brings up an extremely important point. The Nuremberg Code emerged in the aftermath of the atrocities committed by many physicians who were acting complicitly with the Nazis.

A great deal of scientific information was obtained from some of that research; for example, how long can a human survive in very, very cold water. When I was in medical school, many physicians in training, and, as well, many of our professors, felt so strongly what was done was evil that we should not even use the information; that we should just throw the information away, that it was so bad. The Code, of course, emerged.

The critical issue here is some people do not consider the embryo human because it does not have an organized central nervous system; it cannot respond to stimulation. But the critical issue here is where do we draw the line? It is human life; it is a developing human life. We all began that way.

Just as a year ago, they were saying we would never create an embryo to extract stem cells from, we only want to use the excess embryos from the fertility lab. Now they are saying, oh, we have to create these embryos to cure all these diseases. The next step will be, we have to do continued research and allow these embryos to grow in the lab to the point where they are developing a nervous system. So to me, the safest thing and the best thing to do is to make it illegal to create a clone at the very beginning.

I just want to point out, a lot of people who advocate cloning for research purposes, they all say, but I would never want to see reproductive cloning move ahead. I want to make a couple of points about that. If we have labs all over America creating cloned embryos, it will only be a matter of time before one of these embryos is implanted in a woman, because the implantation process occurs within the privacy of the doctor-patient relationship.

It would be impossible, and as a matter of fact, I have a letter from the Justice Department saying it would be impossible for them to police that. They would have to go into all these labs and keep track of all the embryos. It would be impossible for them as police agencies to know if a human embryo was replaced with an animal embryo and one was surreptitiously implanted in a woman. So the only way to effectively prevent this, in my opinion, is to ban it from the very, very beginning.

Also, we took testimony in my committee where the representative from the professional association of doctors who treat infertility kept saying in his testimony, a Dr. Cowan, how they did not support reproductive cloning at this time. He said it twice.

During the questioning period, I said to him, "Why are you saying 'at this time?'" And he made it very, very clear to me in his response to my questioning that they would like embryo cloning to proceed and research cloning to proceed so they could work through all the technical problems in cloning, such as large fetuses, threat to the health of the mother, and once all those problems were worked through, they would like to be able to offer reproductive cloning to infertile couples.

I thought that was a very, very significant statement, because it made it very, very clear to me that if we do not ban cloning at its very, very beginning, eventually we will have reproductive cloning. Either it will be done surreptitiously from embryos that have been spirited out of these labs and implanted in women, or it will be done openly by fertility experts.

So if the American people do not want cloning, the best way to prevent cloning from occurring is to ban it in its very beginning.

I want to just add one more thing, if the gentleman will continue to yield.

Mr. PENCE. Certainly.

Mr. WELDON of Florida. Mr. Speaker, many liberals voted for the cloning ban. I thought that was one of the unique features that emerged from the debate on human cloning here in the House of Representatives. We had people of very, very divergent opinion. We had some Christian people, some Jewish people, Democrats, Republicans; we had liberals and conservatives.

Why is that? Why did people unite around this ban on human cloning? They came at it from different perspectives, and for many liberals it was a woman's rights issue.

This is an incredibly important point. It is getting inadequate discussion, in my opinion. If we are going to allow research cloning to proceed, these labs are going to need hundreds and possibly thousands of eggs. Where are they going to get these eggs? They are going to get them from women. How do you get eggs from a woman? You have to expose them to drugs. You have to give them drugs to cause something called superovulation. One of these drugs that they use has a 30 percent incidence of causing depression. Then you have to anesthetize the woman to extract the eggs.

Who will do that? What woman would put themselves through that, or submit themselves to exposure to a drug that has potential side effects including depression, and then submit to a general anesthetic to extract these eggs? We know who will do that: women who are desperate; poor women, women who are desperately in need of money. It will ultimately end up in exploitation of women.

I just want to read this quote from Judy Norsigian. She is the author of a book, 2 million copies have been printed and sold, Our Bodies, Ourselves. She is prochoice. But what does she say? "Because embryo cloning will compromise women's health, turn their eggs and wombs into commodities, compromise their reproductive autonomy, and, with virtual certainty, lead to the production of 'experimental' human beings, we are convinced that the line must be drawn here."

She was not alone. She was not the only person on the left who rose up. Stuart Newman and several others rose up and said, on this issue we agree with the conservatives, that human cloning should be banned. It is for that reason that we had such an extraordinary vote in the House of Representatives.

I feel very, very strongly that if we cannot get the other body to act on this issue, we minimally need to make it illegal to patent a human clone. I feel also very, very strongly that this is not only unethical, it is unnecessary.

The research data is showing more and more the huge, tremendous potential of adult stem cells, and that the embryo stem cells indeed may actually prove to be less advantageous to use. I honestly think as the science progresses on this that therapeutic cloning and reproductive cloning by the scientific community will ultimately be abandoned, and that the ultimate place that many of these advocates of cloning want to go to is creating cloned models of human disease that can be manipulated in the lab for the development of genetic treatments and for the development of pharmacological agents, and that they ultimately want to patent these things so they can make money off of them. I think that is what is ultimately going to end up driving this whole debate in the United States.

Mr. PENCE. Mr. Speaker, I thank the gentleman from Florida for his extraordinary remarks about not only unnecessary, but unethical therapeutic cloning.

I am very humbled, Mr. Speaker, not only to be joined by the gentleman from Florida (Mr. WELDON), the author of what we were able to do in the House in the area of banning reproductive cloning, but also to have been joined by the gentleman from New Jersey (Mr. SMITH), one of the leading members of the Pro-Family Alliance.

But perhaps more than anyone in this institution, with the possible exception of the gentleman from Illinois (Mr. HYDE), the gentleman from New Jersey (Mr. SMITH) is and has been for many, many years the leading voice for the sanctity of human life in the United States Congress. He holds the powerful chairmanship of the Committee on Veterans' Affairs, but he speaks with enormous moral authority on issues related to life.

I yield to the gentleman from New Jersey (Mr. SMITH).

□ 1745

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from Indiana (Mr. PENCE), for yielding me this time, for taking out this time on this very important Special Order to look at the issue of cloning.

The gentleman from Florida (Mr. WELDON) certainly has been the leader of this historic legislation. He is the prime sponsor of the bill that passed in the House. It ought to be acted on in the other body as soon as possible for the sake of humanity, and for the sake of so many who would be injured irreparably by delay. Delay is denial, and I hope that Mr. DASCHLE and the leadership on the Senate side will rethink the dilatory tactics they have engaged in to preclude consideration of this important human rights legislation.

In the 21st century, bioethical issues, Mr. Speaker, really are the human rights issues, especially in Western democracies like the United States. I have spent 22 years working on human rights issues, including religious freedom and trafficking in persons. I was the prime sponsor of the antitrafficking legislation. Yesterday we had a day-long hearing on this scourge of human trafficking, which injures, hurts and ends in the rape of women; but in countries like the United States, where we have a sophisticated medical capability and a scientific capability, bioethical issues are really a human rights issue.

What we do for those prior to birth, those who are fragile, whether it be the issue of abortion or euthanasia or infanticide or, in this case cloning, we need to step up to the plate and not become enablers by inaction. We have become enablers of atrocities and human rights abuses. We cannot stand on the sidelines.

The gentleman from Florida (Mr. WELDON), our leadership especially, including Speaker HASTERT and the rest of our leadership team, and a bipartisan, real healthy majority stepped up to the plate to pass this legislation, and the gentleman from Indiana (Mr. PENCE) has been a real leader in this Congress on these human rights issues, especially as it relates to the sanctity of human life.

Mr. Speaker, just let me say that promoting human cloning for research is indeed shockingly shortsighted, and it lacks a moral basis. I understand the drive to cure debilitating diseases and to improve health care for those who are suffering, because I have been fighting for funding for disease cures for 22 years as a Member of Congress.

I would just note parenthetically, I am the co-chairman of the Autism Caucus, I am co-chairman of the Alzheimer's Caucus. As my good friend indicated earlier, I am chairman of the full Committee on Veterans' Affairs. Half of our budget, approximately, is dedicated to health care. We have a significant research budget that we try to use as wisely as possible to help our spinal cord-injured veterans and a whole host of other problems from post-traumatic stress disorder right on through.

Let me just say, having fought like the gentleman from Florida (Mr. WELDON) and so many others trying to find cures for Alzheimer's, Parkinson's, cancer, lung disease, asthma, spina bifida, autism and a host of other debilitating diseases, it is cruel, I would respectfully submit, it is utterly cruel to tell those who suffer from these diseases that somehow they will be cured through the making of a clone of themselves to cannibalize for parts.

It is also cruel to divert limited resources from promising, ethical adult and umbilical stem cell research to unethical, impractical human cloning research. There is only so much money available; and as the gentleman from Florida (Mr. WELDON) pointed out a moment ago, in the area of regenerative medicine, adult stem cells, embryonic, cord blood, these hold enormous promise that goes underutilized when we go on this fantasy of creating clones.

Again, embryonic stem cell research derived from clones is unethical. On the other hand, we have the promise of real breakthroughs and then real application, as we are already doing with adult stem cells and umbilical cord stem cells. This research has no ethical baggage. These provide cures, they provide hope, and they provide rehabilitation and regenerative capabilities.

Mr. Speaker, human cloning is not just a slippery slope. It is indeed stepping off a moral cliff. If our government approved human cloning for research, it would be the first time we would sanction the special creation of human life for the sole purpose of destroying it. Not only would we be sanctioning human cloning, we would also have a law that would require the death of those human clones, whether it be at 5 days or 14 days or whatever new arbitrary line would be drawn.

Human cloning represents the commodification and eventual commercialization of human life, and it would create a class of human beings who exist not as ends in themselves, like all of us, but as a means to achieve the ends of others. A law that promotes human cloning for research is worse, far worse than no bill at all.

Once stockpiles of cloned human embryos are created for research, how realistic will it be really to have an implementation ban? Not only is allowing research cloning immoral, it would also not work. We do not fight the war on drugs by telling the public to manufacture as much cocaine as possible, pile it up in warehouses, but make sure to destroy it before anyone can smoke it or inhale it. If anyone suggested that strategy on the floor of the House, they would be criticized from here to breakfast; but that is exactly what the proponents of human cloning for research are advocating, and with a straight face. In addition, they are not talking about how these human embryo forms would be created.

Human embryos, if my colleagues read "Brave New World" and can look at the Orwellian visions we have had in the past, they can happen and will happen if the gentleman from Florida's (Mr. WELDON) historic legislation is not enacted and enacted soon.

The clock is running out on this, and I just want to say and reiterate what the good doc said a moment ago about the negative impact that this will have on women. If, as the proponents of research cloning claim happens, they will someday be able to cure human beings, which we do not think will happen, but say it does happen, we will see more drugs being used, super-ovulating drugs, to promote this egg harvesting.

I want to reiterate what the gentleman from Florida (Mr. WELDON) has on his plaque up there which was from, "Our Bodies, Ourselves for the New Century," and it was written by a woman who does not agree with me or many of us on the pro-life issue of the right to life of the unborn, but she points out, Judy Norsigian, "Because embryo cleaning will compromise women's health, turn their eggs and wombs into commodities, compromise their reproductive autonomy and, with virtual certainty, lead to the production of 'experimental' human beings, we are convinced that the line must be drawn here."

She has joined us, as the gentleman from Florida (Mr. WELDON) pointed out, a number of other people who have never supported a pro-life piece of legislation to cross the line and say, wait a minute, time out, we are not going to go across that Orwellian line and manufacture human beings for the sole purpose of destroying them and then cannibalizing their remains.

This is important human rights legislation that the gentleman from Florida (Mr. WELDON) has introduced, has gotten passed in the House with a bipartisan majority of both sides. We have got to pass it soon; and again, I call on the Senate, do not be enablers of human rights abuses. We have got to find a way of getting this legislation down to President Bush. He has already signaled clearly and unmistakably, most recently in a White House ceremony, that he will sign this in a heartbeat. We have got to do this for the next generation and for the generations to come.

Mr. PENCE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for his passion and extraordinary complement of his participation in this and would yield for a moment before we close this Special Order to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman; and I just want to add, under President Clinton, he established the National Bioethics Advisory Commission, and they said, The commission began its discussions of cloning, fully recognizing that any efforts, any humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo with the apparent potential to be implanted in utero and developed to term, what they mean by that is a baby, and that is really what this is all about.

Is it a human life? What is going to happen to it? Are we going to create, exploit it and discard it? Are we going to allow them to be manufactured into human beings, the first man-created human in the history of the world?

I say we do not cross that Orwellian line; we draw the line here, the line of morality and ethics and say, no, we do not want to go there.

Mr. PENCE. Mr. Speaker, I thank the gentleman from Florida (Mr. WELDON) for his thoughtful comments today and the gentleman from New Jersey (Mr. SMITH), the gentleman from Pennsylvania (Mr. PITTS). Mr. Speaker, I am grateful for these men of colossal stature in this institution and in this country to join us.

It seems to me, Mr. Speaker, as I close, we must decide whether we will master science or be mastered by it. It is the fundamental moral and ethical question of our time. As the gentleman from New Jersey (Mr. SMITH) said, we must prevent human life from becoming a wholesale commodity that is created and consumed.

In closing, Mr. Speaker, we must be about the values of the American people, people like Mike and Denice Dora, farmers in Rush County, Indiana, of 15 years, our friends; but they are people who look and open up that ancient book upon which our founders placed so much trust that says, "Remember this and consider, recall it to mind, you transgressors, remember the former things of old; for I am God, and there is no other; I am God, and there is none like me."

This debate must center around that conviction, those values; and if it does, we will prevent this moral horror of human cloning at any level, for any purpose, from becoming a reality in American civilization.

MINORITY HOMEOWNERSHIP

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CLAYTON. Mr. Speaker, this month was declared homeownership month, and there will be several Members who probably will be joining me. I know that the gentlewoman from Florida (Mrs. MEEK) has already submitted her remarks for the RECORD.

Mr. Speaker, over the last few days, the President has been promoting an initiative to increase homeownership opportunities for minorities and reduce barriers. The President's interest and participation is welcome.

Mr. Speaker, those of us in the Congressional Black Caucus have been working hard for years to correct the inequities and eliminate the disparities of housing opportunities for people of color and are pleased that the President has recognized the need for such an effort.

All we can say is WOW. More than a year ago, the Congressional Black Caucus and the Congressional Black Caucus Foundation launched an ambitious initiative called With Ownership Wealth, or WOW for short. The President's new plan echoes and amplifies many of our initial goals but may not have realized the objectives we share in common. To the extent the President is joining the lead of the Congressional Black Caucus Foundation and comprehensive group of sponsors which include the housing financing industry, the insurance industry Realtors and nonprofit organizations, including faith-based organizations, as well as community development organizations, it is indeed a step in the right direction.

Mr. Speaker, the Congressional Black Caucus and its foundation took the initiative on housing and homeownership opportunities because for too long the dream of homeownership for minorities has been a bit of wishful thinking. We have been working towards making those wishes a reality. More detailed information about the foundation's With Ownership Wealth, or WOW, as we call it, can be found on the Internet, which is www.wowcbcf.org.

Mr. Speaker, representing a district in North Carolina that is not only predominantly rural but also is heavily populated by Afro-Americans and other minorities I welcome the President's stated intention to step up to help create greater wealth in communities where housing needs are so critical. At a minimum, the administration announcement should increase interest of our industry players and minority homeownership acquisition.

That said, I must point out that just as there is a great gap between majority and minority homeownership, so too there is a gap between the President's words or his promise or his intention and his administrative work. The President's announcement this week does not mention that his budget has slashed rural housing programs essentially from the 2002 level, including a 12.4 percent reduction in funds for guaranteeing homes for single-family housing and 11.4 percent cut in the Department of Agriculture direct loan for single family housing and a whopping 47.4 percent for direct loan for rental housing.

□ 1800

There is a significant gap between the promise and the reality. Mr. Speaker, African Americans nationwide have a home ownership rate of 48 percent compared with the majority rate of 73 percent. Politicians of both parties, Democrat and Republican, wax rhapsodically, eloquently. They say great words, great phrases about the American dream. They talk endlessly about the American dream and the right to own a home, and they also talk about the United States being the land of opportunity. For many, yes, but not for all.

It is time that the reality mirrors the rhetoric and the deeds match the words with action. It is time now that we indeed make it a reality that the American dream to own a home is made available not only to those with a lot of money, but also those who have moderate resources should not be denied, or those of African American or other minorities. It should be the right for all Americans to have that.

So I look forward to reviewing the administration's new housing and home ownership proposal and look forward to working with the administration to pass a program to help people really realize the dream. The land of opportunity should mean something more than words, and I hope that the President's promise to reduce the barriers and to make home ownership available for minorities is indeed a reality, and that resources would indeed follow the commitment.

I am pleased to be joined in this special order, home ownership, by the gentleman from Illinois (Mr. DAVIS), and I yield to the gentleman.

Mr. DAVIS of Illinois. Mr. Speaker, I want to, first of all, thank the gentlewoman from North Carolina (Mrs. CLAYTON) for her leadership on so many issues. I mean, she has provided outstanding leadership in the area of agriculture and in the area of making sure that there is food for people who are hungry not only here in the United States, but worldwide. And she has certainly been the Congressional Black Caucus's leader when it comes to home ownership. She has provided leadership as we have tried to get our WOW initiative under way, and as a matter of fact, it is pretty difficult to keep up with her in terms of all of the many areas in which she has worked, and it is certainly a pleasure to join with her this evening.

I rise today in recognition, first of all, of Home Ownership Month and appreciate the opportunity to talk about an issue that is important to me and all of my constituents and to all Americans, especially those who share the dream of owning their own home. I am fortunate to represent one of the most diverse districts in the country. I represent many people who are rich, many people who are near rich, some people who are economically well off, the middle class. I represent people who like both the Cubs and the Sox. But I also represent an awful lot of people who are at the bottom of the socioeconomic ladder.

I represent 60 percent of public housing in the city of Chicago. I represent people who own their own homes and a lot of people who do not. It is this segment of the American population, those people that rent their living space and want to own their own house, but either feel that they cannot afford to, or do not know how to purchase a house and then turn it into a home.

Home ownership is important for individuals, families, and communities alike. There is no denying the fact that when someone owns their own home, there is a tendency to treat it with tender loving care. They work to increase its value. They cut their lawns, fix their windows, add additions, and take pride. Home ownership is also important to the family. It is a place, it is a refuge, it is a haven.

I shall never forget growing up in this rambling house where my mother had this flower garden out front, and one could wake up early in the morning and walk out on the porch and just breathe in the aroma of all these flowers. Of course, it was also hazardous because you could not touch them, and you had better not step on one, and you certainly knew better than to break one. But it was a haven, as a matter of fact.

For most Americans, buying a home is the biggest investment of their lives and one of the most meaningful. But for a large number of Americans, especially Americans of minority descent, the American Dream of owning their own home seems like fantasy rather than reality. Minority home-ownership rates are 26 percent lower than home-ownership rates of the majority of Americans. In my own congressional district, African American home ownership is down to 28 percent. In the whole district it is actually 38 percent, and that is a far cry from the 76 percent that one might expect to experience.

But buying a home is not only the best investment for the individual buyer and the community, it is the best investment for the owner's children and the children of the owner's children. It is a way of creating inheritable wealth. And that is why the WOW program is so important, because it recognizes the concept that with home ownership comes wealth.

If you pay rent for 50 years, and you can pay $1,000 a month for rent for 50 years, and at the end of 50 years all that you have got to show for it is a drawer full of rent receipts; nothing that you can pass on, nothing that you can transfer, nothing that you can call your own, nothing that you can give away. There are some people who like church. So if you do not want to have something that you want to leave to your children or your grandchildren, well, you might want to bequeath it to some institution, some charity that you believe in, some work that you believe in doing. So home ownership provides you with not only a stake, but something to pass on.

I am so pleased that this WOW initiative has been generated by the Caucus. In communities all over America that are represented by African American Members of Congress, this initiative is going. In my own district we have had two extremely successful housing fairs where we have had 700, 800 people come to each one. We have banks and mortgage companies, credit counselors, individuals who are willing to help you clean up your credit, help people understand that there are instances where you can get a house for no money down or little money down. The Chicago Housing Authority has even come up with a plan where people who have Section 8 can purchase homes using their Section 8 certificate. So there are lots of opportunities.

Mrs. CLAYTON. If the gentleman will yield for a moment, I want to emphasize that, because the Section 8 vouchers traditionally have been used for rentals. And more than 2 years ago, the Congressional Black Caucus, in their budget submission, included that as an option.

The House did not accept the CBC's budget, but they recognized the value of that proposal, and the housing bill that was passed on the floor included for the first time an opportunity to use the vouchers that are used by poor people to supplement their rent as a one-time supplement to go towards their down payment. That has added to the great upward mobility of people who are now renting, if they aggregate their annual rent for certain months or a year and use that as a down payment.

HUD is now allowing that to happen because this House, indeed, approved that in the last revision or reform of a housing proposal that this House passed. But it was indeed the Congressional Black Caucus that offered that as a recommendation, and I am pleased that the House accepted that. And I am pleased for the gentleman to tell us that not only is it in the law, but actually people are using it, and that the gentleman is making it known to his citizens and that they are using it.

So I thank the gentleman for reminding us and thank him for his leadership in advising his constituents of that.

Mr. DAVIS of Illinois. Well, it was actually under the gentlewoman's leadership in terms of the experiences people have which give them special insight into problems, situations, and circumstances. Then, if they can bring those to a place like the Congress and work with other people to put them into action, then we see change.

Now, these individuals, who may have been on public assistance, who may have had to live in public housing, who maybe did not have anything to inherit when they came along, now their children or their grandchildren can have a head start, a beginning. It is a concept. It is value-generating.

My father is 90 years old, and one of the things he wanted to make sure was that he had something to leave. He has a little piece of land. I have been trying to get him to sell it, to use it. It is down in a place that I am sure nobody in my family wants to go. He refuses to do anything other than leave it, so that when he goes, he can say that he left some inheritance to his children. And, of course, I am pleased to be one of them, which means that I will get a little piece of the rock.

But I just want to commend the gentlewoman again.

Mrs. CLAYTON. Well, I thank the gentleman for his leadership, too, and I am glad to know that he has had successful housing fairs and buying fairs and have had more than one. We continue to want to keep pushing, so I know the gentleman will continue to do that, so I thank him very much.

Mr. DAVIS of Illinois. I will, indeed.

Mrs. CLAYTON. Mr. Speaker, I want to welcome another fearless leader in many areas, and who has conducted many successful housing activities, including a housing summit. She has been on this case about housing for a long time, as she was in the General Assembly of California as well. I am pleased to have her join us in this Special Order, and I will yield to her.

Ms. LEE. Let me just thank the gentlewoman from North Carolina for this Special Order tonight and also for her leadership over the years and for her mentorship since I have been in Congress with regard to the critical needs of rural housing as well as urban housing.

I want to thank her for her assistance in working with my community, which is one of the least affordable communities, least affordable regions in the country to live, to help us bring affordable housing strategies to Alameda County, Oakland, Berkeley, the East Bay. I thank her for coming to our district to look at what challenges we are faced with.

The unprecedented economic growth in the United States has done very little to relieve the problems of low-income households. While the nationwide home ownership rate is approaching 70 percent, the African American and Latino home ownership rates pale in comparison at a close to probably 46 percent.

Now, in my work as a member of the House Subcommittee on Housing and Community Opportunity of the Committee on Financial Services, I am working with my colleagues consistently on meaningful housing legislation and on a meaningful housing agenda. Of the 3.9 million low-income households to be considered working poor, over two-thirds pay 30 percent or more of their incomes to housing costs, with one-quarter paying over half of their incomes.

In 39 States, 40 percent or more of renters cannot afford fair market rate rent for a 2-bedroom unit, and that is why creating more affordable housing and home ownership should really be our focus.

□ 1815

As we heard earlier, the Congressional Black Caucus continues to support programs that are improving access to affordable housing and homeownership because sound fiscal policy really must leave no one behind. Everyone has a right to decent, affordable housing. That should really be a basic human right.

Recently, President Bush announced a new goal to help increase the number of minority homeowners by at least 5.5 million before the end of the decade. Although this is a great idea and I applaud the President for bringing this to the forefront of our national agenda, the reality is that members of the Congressional Black Caucus have been setting goals for minority ownership for many years. As a matter of fact, our Congressional Black Caucus Foundation initiated the WOW Initiative in 2000. WOW's goal is 1 million African American and minority homeowners by the year 2005.

Many of my colleagues reiterate the importance of not recreating the wheel. I agree. That is why it is hard to understand why the President would recreate an existing program and not fund it. When I say not fund it, creating new funds that we need to establish a down payment assistance program, increasing funding for current home buyer programs, and supporting a national housing trust fund which would use surplus FHA dollars for homeownership and a housing production program in our country.

Consistently, since the Bush administration has drafted budgets, they seem to really negate the promise of homeownership and fair and quality housing. President Bush has cut the HUD budget this year and fights the creation of a national housing production program. Very recently, I believe last year, he cut the drug elimination program which our public housing authorities and tenants need so desperately to live in safe and secure homes.

Today we began the markup of a major housing bill, and the debate was very spirited and very interesting; but in some ways very appalling. Those who really do not believe that the Federal Government should ensure decent and affordable housing for everyone really spoke their minds today. It was very clear that the trillions of dollars in tax cuts that the Republicans on our committee believe need to be the priority for our country, really do not see that basic housing, affordable housing through a production program makes sense. It makes sense in the sense that it is a job-creation effort. It creates an economic, vital country with the creation of thousands, maybe millions, of jobs in home building. It provides for additional units. Everywhere that I go and every witness who has come to our committee, which we heard about earlier, has said yes, a housing production program is badly needed. The builders, banks, Realtors, faith-based organizations, bar none, Republicans, Democrats, the business community, we all know that a housing production program is sorely needed.

We also tried today to put an amendment in, the gentleman from New York (Mr. LAFALCE) and myself, to say basically a new down payment assistance program for low-income buyers, if the localities and local governments believe this is useful, provide foreclosure assistance and counseling to ensure that those homes that first-time home buyers purchase are secure from foreclosure and basic literacy education with regard to what it means to buy a house is really needed. On a bipartisan vote, we could not get the votes to put that modest amendment into the bill.

I say this tonight because it is so important that we understand and recognize that a decent, affordable home is basic to survival and basic to a family's ability to live the American dream. For many of us, especially for minority communities, homeownership is the only way to acquire any wealth, any equity, in looking at the American dream as a way to finance our children's college education, start a small business, or whatever. It is not the stock market, it is not mutual funds, it is not the financial instruments that those who have money utilize to make money. It is homeownership that we use to really become part of this great society.

I want to thank the Congressional Black Caucus and my colleague from North Carolina for this Special Order tonight. I hope that sooner or later affordable housing becomes a national priority. Education, health care, the environment, our national priorities should be about putting people first. In putting people first, affordable housing, the right to live in dignity, should be basic to our list of priorities.

Mr. Speaker, the gentleman from Maryland who has been a leader on so many issues is going to discuss how he views housing and priorities in this Congress.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding and thank the gentlewoman for her leadership. I also thank the gentlewoman from North Carolina (Mrs. CLAYTON).

Every time I think about housing, coming from the inner city of Baltimore, I think about the various new housing projects that we have been able to come up with and get built in our Seventh Congressional District with Hope VI dollars. Of course Hope VI has had its problems here.

But one of the things that we have noticed in the change, that change of environment does so much for children. So often we look at children and we say, how can we nurture their nature to make them the very best that they can be.

I believe if a child can come home and have a safe place to do their homework and safe place to sleep, a safe neighborhood, a place to play, that lends itself to productivity. It lends itself to them feeling good about themselves.

I think when we look at what is happening, the gentlewoman talked about various things that she was trying to do with various amendments. All of these things show a tremendous amount of sensitivity in an effort to help get people to where they want to go. What happens when a person buys a house, their whole attitude changes. They realize that they can do it. I am always amazed when I talk to people, when I was practicing law and would go to settlement, particularly first time home buyers, at the end of the whole process when you give them the keys, they would look at me and say, This is mine?

That sense of empowerment of what they are doing, and the mere fact that they can come home and say look, we have a house. I think we have to continue the kind of efforts that we are doing. I know so many of us have worked hard to try to lift up people with regard to housing. We are going to continue to do that. I thank the gentlewoman for her leadership. So often when people get to the point where they buy a house, as the gentlewoman said, it is like that initial step to allow them to go and do many, many other things.

Ms. LEE. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for raising this discussion to another level in terms of the importance of self-esteem and one's dignity with regard to access to decent and affordable housing.

Let me share something very personal. When I was a child, my grandfather in Texas urged us never, ever, ever to rent. If we had to, okay; but he said always try to buy a house. So I grew up in a household with a grandfather who spoke of homeownership as a vehicle to living the American dream.

When I was 19 years old, I was able to buy my first house, and that house cost me $19,475. Because of that through many, many challenges and difficulties through life, I was able to send my two children through college and start a small business; but it was all because of that one purchase of a young woman, single, on public assistance. I was able to buy a house and move forward from there. I think so many young people deserve that access so they can do some of the things that they may want to do in life.

Mr. CUMMINGS. Mr. Speaker, one interesting story, when I think about my mother and father, neither one of them got past elementary school. My father was a laborer and my mother was a domestic. My father had the dream of becoming a homeowner. He found a beautiful house. He is a very prayerful man, and so he took all seven of his kids up to that house with my mother, and we literally kneeled in front of the house and prayed. I kid my father sometimes, I think the police thought we were protesting or something, but he had a dream. He said we would get that house. About a year later, we got the house.

The interesting thing about it, though, is I was only about 10 years old. But to this day, some 40 years later, I still remember the name of the person who sold the house to us, and I also remember the previous owner and the broker. That says a lot. As a little kid, I remember that. And I will never forget going from a 2-bedroom house to a 4-bedroom house. And to have a bedroom where there were only two of us sleeping instead of four of us sleeping.

When we talk about children, it is not the deed, it is the memory that is empowering; and those are powerful memories, just the gentlewoman's are. It is interesting, housing lifts not only you, but generations of you yet unborn. That is very, very special.

While we do things here in the Congress and we wonder whether or not they are having a tremendous amount of impact, the fact is they do have impact and they do affect a lot of people, and they affect people that we will never even possibly see.

Ms. LEE. Mr. Speaker, I thank the gentleman for participating and also for his forward-thinking and visionary work on housing, drugs, AIDS, and criminal justice reform, and on each and every issue the gentleman tackles in this Congress.

Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for this Special Order, and to urge the American people to really wake up in terms of this housing agenda, to know that there are some in Congress who are desperately trying to ensure that we have a national housing trust fund and a national housing production effort so that those who want to purchase a home or rent a home and who need shelter will be able to afford that. Once again, that is basic to a person and a family's human dignity; and they deserve to live the American dream. And for many, it is, quite frankly, becoming a nightmare.

Mrs. MEEK of Florida. Mr. Speaker, I thank and commend the gentlelady, my good friend from North Carolina, Rep. EVA CLAYTON, for scheduling this important Special Order to highlight the issue of disparities in housing and homeownership between whites and people of color.

The Congressional Black Caucus and the Congressional Black Caucus Foundation have championed the cause of increased opportunities for home ownership for minorities. I am pleased that President Bush is now proposing some steps that will move this cause forward. However, he needs to be doing a great deal more.

None of us can overstate the personal and social significance of private citizens owning their own homes. For generations of Americans, home ownership has been a key element of the American Dream.

Homeownership is more than just the acquisition of property. It is a source of pride and personal achievement.

Homeownership also provides a strong foundation for American families. It promotes good, stable environments where they can thrive.

A home does much more than provide shelter. It's the cornerstone of wealth creation. For most families, buying a home is the biggest investment they will ever make. Building equity in a home allows the owner to pass wealth from generation to generation or use it for other important purposes such as paying for a child's education.

Home ownership is a cornerstone of our economy. According to the Federal Reserve Board, owner-occupied property made up 21 percent of all household wealth in 2000 and more than 71 percent of all tangible wealth.

Housing generates more than 22 percent of our Nation's Gross Domestic Product.

The strength and stability created through individual homeownership radiates throughout our neighborhoods, towns and cities as well. Homeownership unites us in a shared commitment to safer streets, to improved schools, to prosperous local economies, and to community involvement.

The recent economic boom of the 1990's has had a profound effect on homeownership. Today, an estimated 72 million American families—an all-time record high—now own their own homes. These Americans have staked their claim to the American Dream.

For far too many minorities, home ownership remains an elusive dream.

While the homeownership rate for white non-Hispanics reached a record 73.8 percent in the year 2000, the rates for African Americans and Hispanics were significantly lower—47.6 percent and 46.3 percent, respectively.

Wide disparities in homeownership also exist between central city and suburban areas. For example, the rate of homeownership in central cities was about 51 percent in 2000, compared to 74 percent in the suburbs.

Metropolitan areas also have homeownership rates far below the national average. For example, the homeownership rate in New York City was only 34 percent, while it was 49 percent in Los Angeles, nearly 59 percent in Boston, and 56 percent here in Miami.

One reason why minorities and those in the central cities have lower homeownership rates is the fact that they generally have lower incomes than the rest of the population.

For most people, owning a home is a simple matter of math. Households with family income greater than or equal to the median family income had a homeownership rate of nearly 82 percent in the last quarter of 2000. In sharp contrast, the rate for households with family income less than the median family income was only 51.8 percent.

In addition to the disparities in the rates of homeownership according to race and income, we also must address acute shortage of affordable housing.

The National Low Income Housing Coalition's analysis of the 1999 American Housing Survey data shows that there are approximately 15 million households in the United States who pay more than half of their income for their housing, live in severely substandard housing, or both. The majority of these households—11 million—have extremely low incomes, that is, incomes at or below 30% of the area median.

Because the American Housing Survey only counts people who are housed, to get a true picture of the number of extremely low income households with severe housing problems, we must add homeless families and individuals to this number, an estimated two to three million people.

There are also 14 million very poor households with serious living problems. These include both renters and homeowners, and comprise over 13 percent of all households in the country.

Especially troubling is the fact that there are now 600,000 more households with worst case housing needs than 10 years ago. [Households with worst case needs are defined as unassisted renters with incomes below 50 percent of the local median, and who pay more than half their incomes for rent or live in severely substandard housing].

It seems to me that the promise of America—that you will be able to afford housing and take care of your family if you work hard and play by the rules—is under a quiet but crippling assault today, an assault that falls disproportionately on the poor and people of color.

The current Administration has a history of paying excellent lip service to this important issue, but failing to address it in a real and effective way. While I welcome President Bush's initiative to increase opportunities for home ownership for minorities, he also needs to propose a much stronger HUD budget and increased funding for programs that would substantially increase the supply of affordable housing in this country.

For example, the President's budget calls for a significant cut in the Public Housing Capital Fund. The Public Housing Capital Fund would be cut by a $441 million when increased set-asides are factored into the equation.

The President's budget freezes funding for HOPE VI grants to local authorities. This program is revolutionizing public housing by replacing high rises or barracks-style projects with new, mixed income, mixed-used communities.

Finally, the Public Housing Operating Fund would receive an increase of $35 million over FY02, though still short of the combined total that operating fund and the Public Housing Drug Elimination Program received for last year. The Drug Elimination Program remains zeroed out.

Mr. Speaker, this is hardly the housing budget of an Administration that understands the housing needs and housing disparities in this country. Let's be clear, these shortsighted cuts—and others—are necessary to pay for last year's Republican tax cut, which provides most of its benefits to those who needs them least.

There is much more than the Administration can and should do to address the crisis in affordable housing.

I have introduced a bill, H.R. 4205, also known as the Affordable Housing Improvements Act, that will enable communities with serious affordable housing shortages to transfer their unused Section 8 funds to the HOME Program—a program to build new housing for rent or homeownership or to the Public Housing Capital Fund—a program to rehabilitate existing public housing, depending on local housing needs.

As many of you know, every year communities around the country lose Section 8 dollars because federally subscribed voucher payments have not kept pace with rapidly rising rents making it impossible for individuals to use these subsidies. In 2001, HUD recaptured $1.8 billion dollars in unused Section 8 funds from Public Housing Agencies throughout the nation, including more than $23 million from the Miami-Dade Housing Authority. This is a scandal and it must be stopped.

My bill would allow local communities to attack their affordable housing problem by allowing them to use these scarce federal resources to improve and construct new affordable housing units in an effort to dramatically improve the nation's affordable housing problems.

Congress also should pass the National Affordable Housing Trust Fund Act. This legislation would create an affordable housing trust fund from profits generated by the Federal Housing Administration. Over the next seven years, these FHA profits are expected to exceed $25 billion.

If a portion of the FHA surplus is used to build affordable housing, experts predict that we could triple affordable housing construction next year and provide shelter for more than 200,000 families.

Mr. Speaker, finally, our housing strategy must include measures that will improve the economic well-being of low-income families. This includes raising the minimum wage, expanding the earned income tax credit, improving job opportunities through education and training, and fostering economic development that will create better paying jobs.

Ms. KILPATRICK. Mr. Speaker, I rise today to commend President Bush for finally deciding to follow the lead of the Congressional Black Caucus and the CBC Foundation in championing the cause of increased opportunities for home ownership for minorities. While I am pleased that the White House has finally recognized the importance of this issue to the economic welfare of minorities, it is important to recognize the leadership of the CBC in advancing this issue.

Owning a home is one of the very important markers of success in a person's life. From our Nation's earliest days, homeownership has been the foundation of the American dream. Yet, for too long, the American dream has been unattainable for many low-income, minority families. In many distressed neighborhoods, particularly in this country's urban communities, there is a lack of affordable housing units available to residents. And the costs involved in new construction of residential property in these areas far outweigh the revenue. Thus, homebuilders refrain from building new, affordable homes in low and moderate-income neighborhoods.

A David Broder article in the Detroit Free Press stated that "the shortage of affordable housing is close to the top of people's concerns. And it's mainly in the Federal Government that housing is a chronically neglected subject."

Time and again CBC Members have pointed out that Congress is not addressing the affordable housing needs of America's low to moderate-income families. We are pleased that the President is heeding our collective voices. To the President, we say, "thank you" for bringing about greater public awareness to this problem. To the American people, we say, the CBC will be here, as we always have, to ensure that the initiatives the President proposed this past weekend are implemented and that homeownership opportunities increase for all Americans, especially those who so desperately need them.

Through the work of the President, this Congress, and the private sector, we look forward to lower down payments, better education on the purchasing process, and overall affordable housing for all Americans, regardless of race, creed, or socio-economic status.

□ 1830

GOVERNMENT UNABLE TO ACCOUNT FOR $17.3 BILLION

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I will not take the full hour that has been allotted to me. I will only take 5 or 6 minutes. I came to the floor of the House because 2 weeks ago I had been listening to a radio talk show host in North Carolina. It was actually Jerry Agar at WPTF in Raleigh. He was talking about the fact that he just could not believe a New York Post article that said that the Federal Government had lost $17.3 billion.

I was just really outraged at the time. I took my car phone and called my office and I said, "Please check this New York Post article. Let's verify what Mr. Agar was saying." Sure enough, what we found out, the New York Post, and not only the Post but also the London Times had both written articles to the fact that based on the Department of Treasury-released report, the 2001 financial report of the United States Government, the report, on page 110, revealed that the Federal Government has unreconciled transactions totaling $17.3 billion for fiscal year 2001.

Mr. Speaker, I am one of many on both sides of the political aisle that just really thinks this is unacceptable and outrageous that the hard-working American people who pay their taxes and think that we are the public guardian of the American people's taxes, yet the government cannot account for $17.3 billion.

On June 6, I wrote a letter to Secretary Paul O'Neill. The last paragraph says, "Mr. Secretary, I believe someone must answer to the American people for this loss of tax dollars, and I look forward to your answer regarding these unreconciled transactions." I, quite frankly, hope that by the time we return after the July 4 break, which will be in about 1 week, or 8 days, and we are out for about 6 days, that when we come back, that I will have an answer from Secretary O'Neill as to where the taxpayers' money totaling $17.3 billion has gone. If not, then I intend to write the Budget chairman and also the oversight chairman on the Government Operations and ask them to please make an inquiry in behalf of the taxpayers of America.

There are a multitude of reasons why I am alarmed by the fact that this has been lost, again primarily because it is the taxpayers' money. We all know that this is a tight budget year. We have a war on terrorism that is costing about $1.8 billion a month. We must fight that war and win that war for the American people, and certainly we must be very frugal and wise with the taxpayers' money, and certainly must account to the taxpayer every dollar and every dime that we spend. That is one reason that I am really pushing hard for the Secretary of Treasury to give me an answer to where this $17.3 billion has gone, because, quite frankly, we have an obligation to the taxpayer, and we have an obligation as Members of the House of Representatives to make sure that we can answer the questions of our constituents about a multitude of issues, and certainly as to where $17.3 billion has gone.

I use for an example that I have put in a bill, H.R. 3973, that many of my colleagues, both Democrat and Republican, have signed this bill that would help ensure that when a military person is killed, whether it be accidental or it should be in wartime, that the Congress years ago decided that the family should get what is called a death gratuity. Initially it started off at about $3,000. In 1986, the Congress decided to add 3- to the 3-, which would make it 6-. But on the second $3,000, the bill was not sent to Ways and Means, so, therefore, there is a tax on the second 3- of the $6,000 death gratuity that is given to the family of a man or woman in the military.

I am just incensed that there would be any tax on this death gratuity, so I have put a bill in, and again I have got very strong bipartisan support, to eliminate this tax so that when the family receives the death gratuity from the United States Government, there would be no tax to the family.

I use that for an example because, Mr. Speaker, to eliminate this tax over a 10-year period would only cost $8 million, that is over 10 years, to make sure that the family of the military person that has been killed would not pay a tax on it.

Then I come back to the fact that we have lost $17.3 billion. My point is to say that I intend to come to this floor at least once a week, and maybe more often than that, to say to Secretary O'Neill, we need as a Congress, not just Congressman WALTER JONES, but we as a Congress, we need an answer so that we can say to our constituents who are paying these taxes that we want to know where $17.3 billion has gone.

I have just a couple of more points, and then I will yield back my time. I am one of many, both Republican and Democrats, who work here very hard. We heard, the hour before my time, in talking about housing. There are just a lot of responsibilities that we do have to the taxpayers of this country to make sure that the government does operate in a very efficient manner, and where we can be of assistance to the people throughout this country, we certainly need to meet that obligation. Again, the May 2002 report from the Department of Treasury, 2001 financial report of the United States Government, anybody that might be listening tonight or anybody that would like to check can go on the Internet and look up that document, 2001 financial report of the United States Government, look on page 110. And I am going to repeat it again, the Federal Government has, and I quote, unreconciled transactions totaling $17.3 billion.

Just a quick example. According to the London Times, $17.3 billion is enough to buy a fleet of B–2 bombers with spare change for fuel. $17.3 billion is the equivalent of two aircraft carriers and two air wings. We all know that if this money, if it had just been $200 that might have been lost by a company, the company president would have immediately called the CPA and said, "Come in here and check the books of this company. I don't know where we have lost this money." Then if he could not find it, he might even call the local police and ask them to come in to help investigate.

I want to say again that I am certain that Secretary O'Neill will answer my letter and give me an explanation so I can say to the taxpayers of the Third District of North Carolina as well as the taxpayers of America that we know where this $17.3 billion has gone.

Mr. Speaker, again, I want to thank you for this time and just to say that I will promise the people of the Third District of North Carolina and the people of America that I will work with my colleagues on both sides of the political aisle and make sure that we get an explanation as to where the $17.3 billion has gone; that we appreciate the hard-working people of America, and we want to make sure that even though we have many contentious and heated debates, and that is the way it should be, this is a Republic, it is a democratic country, and we have a right to disagree, but when it really comes down to trying to protect the taxpayers' money, we work together in a bipartisan way.

Therefore, if I have not gotten an answer when we come back after July 4, I will be asking the committees of jurisdiction to please request that Secretary O'Neill comes before the committee and explains where this $17.3 billion has gone.

I conclude tonight, Mr. Speaker, because I have three military bases in my district, Camp Lejeune Marine Base, Cherry Point Marine Station and Seymore Johnson Air Force Base.

I certainly want to close by asking God to please bless our men and women in uniform and their families. We are very fortunate to have the dedicated men and women in uniform as well as their families.

INTRODUCTION OF RESOLUTION PRAISING CUBA'S PROJECT VARELA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to draw attention to a troubling development in the democratic reform effort in Cuba. Last week Fidel Castro staged mass demonstrations throughout Cuba in a sign of so-called "support" for a proposed amendment to the Cuban Constitution declaring his failed Soviet-style economic system to be "untouchable."

Mr. Speaker, there is no question as to what has left Castro feeling threatened to the point that he feels the need to reaffirm his dictatorial control of Cuba and that is Project Varela. On Friday, May 10, over 11,000 citizens of Cuba took a courageous stand and petitioned the Cuban National Assembly to hold a nationwide referendum vote on guarantees of human rights and civil liberties.

Named for the 19th century priest and Cuban independence hero, Padre Felix Varela, the Varela Project received no funding or support from foreign organizations or foreign governments. Project Varela is a grassroots effort by the Cuban people to call on their government to provide them with internationally accepted standards of human and civil rights, including freedom of speech, the right to own a business, electoral reform and amnesty for political prisoners.

Beyond the obvious threat that a grassroots political effort poses, Project Varela represents an even greater challenge to Castro's control of the island. With its 11,000 plus signatures, the project qualifies under article 88 of the Cuban Constitution, which states that if the Cuban National Assembly receives the verified signatures of 10,000 legal voters, a referendum on the issue should be scheduled. However, Mr. Speaker, instead of allowing his Parliament to consider Project Varela, today Castro introduced his own referendum that would stop future consideration of Project Varela and any other democratic reform efforts.

My question to Castro is that if he is so sure that he has the support of the Cuban people, why will he not schedule a referendum? If Castro is unfazed by the Varela Project, then why propose reforms to the Cuban Constitution 1 month to the day that the petition was delivered?

Mr. Speaker, the ultimate goal of U.S. policy towards Cuba has always been to promote the island's peaceful transition to democracy. Many of my colleagues have varying views on the best approach to achieve a democracy. However, we can all agree on the importance of a grassroots democratic effort like Project Varela. That is why today I have introduced a resolution commending the citizens of Cuba for actively exercising their constitutional rights and taking a stand for the rights of all Cubans. The resolution praises Oswaldo Paya and the other organizers of Project Varela for their courage and bravery, for their willingness to stand up to a dictator.

Mr. Speaker, I urge my colleagues to join with me and cosponsor this important resolution. It is time Castro realized that his orchestrated demonstrations and forced petitions are fooling no one.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHAMBLISS (at the request of Mr. ARMEY) for today until 1:30 p.m. on account of qualifying for the Georgia congressional ballot.

Mr. ISAKSON (at the request of Mr. ARMEY) for today until 1:30 p.m. on account of qualifying for the Georgia congressional ballot.

Mr. KINGSTON (at the request of Mr. ARMEY) for today until 1:30 p.m. on account of qualifying for the Georgia congressional ballot.

Mr. LAHOOD (at the request of Mr. ARMEY) for June 21 on account of official business.

Mr. MANZULLO (at the request of Mr. ARMEY) for today after 2:00 p.m. through June 24 on account of personal business.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for June 19 and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Member (at the request of Mr. FOSSELLA) to revise and extend his remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

SENATE BILLS REFERRED

A concurrent resolution of the Senate of the following title were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 110. Concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis; to the Committee on Transportation and Infrastructure.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 327. An act to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 18, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 3275. Suppression of Terrorist Bombings.

H.R. 4560. To eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Friday, June 21, 2002, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7495. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Post-Loan Policies and Procedures Common to Guaranteed and Insured Loans (RIN: 0572-AB48) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7496. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fludioxonil; Re-establishment of Tolerance for Emergency Exemptions [OPP-2002-0061; FRL-7176-8] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7497. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyhalofop-butyl; Time-Limited Pesticide Tolerance [OPP-2002-0087; FRL-7178-5] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7498. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methyl Parathion and Ethyl Parathion; Tolerance Revocations [OPP-2002-0067; FRL-7179-9] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7499. A letter from the Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Electronic Activities [Docket No. 02-07] (RIN: 1557-AB76) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7500. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Condensation Control for Exterior Walls of Manufactured Homes Sited in Humid and Fringe Climates; Waiver [Docket No. FR-4578-F-02] received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7501. A letter from the General Counsel, Federal Emergency Managent Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7428] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7502. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7503. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation Plans; Illinois [IL189-1a; FRL-7212-9] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7504. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution from New Motor Vehicles; Amendment to the Tier 2/Gasoline Sulfur Regulations [AMS-FRL-7221-5] (RIN: 2060-AI69) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7505. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling; Nutrient Content Claims, Definition of Sodium Levels for the Term "Healthy;" Extension of Partial Stay [Docket No. 91N-384H and 96P-0500] (RIN: 0910-AA19) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7506. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Ear, Nose and Throat Devices; Reclassification of the Endolymphatic Shunt Tube with Valve [Docket No. 97P-0210] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7507. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Revised Definitions and Recordkeeping Provisions [MD 132 & 133-3087a; FRL-7210-1] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7508. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN141-1a; FRL-7213-5] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7509. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(1), Delegation of Authority to the Oregon Department of Environmental

Quality and Lane Regional Air Pollution Authority [FRL-7223-3] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7510. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval of Revisions to Operating Permits Program in Oregon [FRL-7223-5] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7511. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution from New Motor Vehicles; Second Amendment to the Tier 2/Gasoline Sulfur Regulations [AMS-FRL-7221-9] (RIN: 2060-AJ71) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7512. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions and Clarifications to the Export Administration Regulations—Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention [Docket No. 020509118-2118-01] (RIN: 0694-AC62) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7513. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations as a Result of the September 2001 Missle Technology Control Regime (MTCR) Plenary Meeting [Docket No. 020328073-2073-01] (RIN: 0694-AC55) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7514. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Armenia, Azerbaijan, Georgia, Moldova, Kazakhstan, Kyrgystan, Ukraine, Tajikistan, and Uzbekistan are committed to the courses of action describedin Section 1203 (d) of the Cooperative Threat Reduction Act of 1993 (Title XII of Public Law 103-160); to the Committee on International Relations.

7515. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Cost-of-Living Allowances (Nonforeign Areas); Methodology Changes (RIN: 3206-AJ40 and 3206-AJ41) received 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7516. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery [Docket No. 020409080-2100-02; I.D. 032602A] (RIN: 0648-AP78) received May 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7517. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Golden Crab Fishery off the Southern Atlantic States; Amendment 3 [Docket No. 011015252-2081-02; I.D. 053001E] (RIN: 0648-AO23) received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7518. A letter from the Assistant Administrator for Fisheries , NMFS, National Oceanic and Átmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Suspension of the 2002 Texas Closure [Docket No. 020325070-2102-02; I.D. 031202B] received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7519. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2002 Management Measures [Docket No. 020430101-2101-01; I.D. 042902A] (RIN: 0648-AP52) received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7520. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and MD-88 Airplanes [Docket No. 2000-NM-164-AD; Amendment 39-12740; AD 2002-09-07] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7521. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30305; Amdt. No. 3002] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7522. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Honolulu' Class E5 Airspace Area Legal Description [Airspace Docket No. 01-AWP-29] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7523. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace at Sharon, PA [Airspace Docket No. 01-AEA-17] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7524. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30309; Amdt. No. 3005] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7525. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30310; Amdt. No. 3006] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7526. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Liberty, NC [Airspace Docket No. 02-ASO-6] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7527. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace, Newport, OR [Airspace Docket No. 01-ANM-17] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7528. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Norton, KS [Airspace Docket No. 02-ACE-4] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7529. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000-NM-355-AD; Amendment 39-12756; AD 2002-10-10] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7530. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2000-NM-394-AD; Amendment 39-12758; AD 2002-10-12] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7531. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80E1 Series Turbofan Engines [Docket No. 2002-NE-04-AD; Amendment 39-12754; AD 2002-10-08] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7532. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT9D-59A, -70A, -7Q, and -7Q3 Turbofan Engines [Docket No. 2001-NE-27-AD; Amendment 39-12753; AD 2002-10-07] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7533. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2000-NM-372-AD; Amendment 39-12752; AD 2002-10-06] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7534. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives: Raytheon Aircraft Company Model 58P, 60, A60, B60 and 65-88 Airplanes [Docket No. 2001-CE-32-AD; Amendment 39-12759; AD 2002-10-13] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7535. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80E1A2 Turbofan Engines [Docket No. 2002-NE-06-AD; Amendment 39-12750; AD 2002-10-04] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7536. A letter from the Senior Regulatory Analyst, Department of Transportation, transmitting the Department's final rule — Imposition and Collection of Passenger Civil Aviation Security Service Fees [Docket No. TSA-2001-11120] (RIN: 2110-AA01) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Permits for the Transportation of Municipal and Commercial Waste (RIN: 2115-AD23) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Temporary Requirements for Notification of Arrival in U.S. Ports [USCG-2001-10689] (RIN: 2115-AG24) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7539. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice-Attorney Fee Matters (RIN: 2900-A198) received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7540. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule — Addition of New Grape Variety Names for American Wines (2000R-322P)[T.D. ATF-475; Ref. Notice No. 924] (RIN: 1512-AC29) received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7541. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule — Rockpile Viticultural Area (2000R-436P) [T.D. ATF-473; Re: Notice No. 916] (RIN: 1512-AA07) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7542. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule — Delegation of Authority [T.D. ATF-472] (RIN: 1512-AC59) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7543. A letter from the Chief, Regulations Division, Department of the Treasury, transmitting the Department's final rule — Delegation of Authority [T.D. ATF-480] (RIN: 1512-AC36) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1606. A bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations, and for other purposes; with an amendment (Rept. 107-519). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 2733. A bill to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration; with an amendment (Rept. 107-520). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 4854. A bill to reauthorize and reform the national service laws; with an amendment (Rept. 107-521). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 451. Resolution providing for consideration of the bill (H.R. 4931) to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent (Rept. 107-522). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McHUGH (for himself and Mr. Burton of Indiana):

H.R. 4970. A bill to reform the postal laws of the United States; to the Committee on Government Reform.

By Mr. OTTER (for himself, Mr. Gibbons, and Mr. Simpson):

H.R. 4971. A bill to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. Barrett, Mr. Bonior, Ms. Brown of Florida, Mr. Brown of Ohio, Mr. Carson of Oklahoma, Ms. DeLauro, Mr. Dingell, Mr. Evans, Mr. Filner, Mr. Frank, Mr. Frost, Mr. Hefley, Mr. Kildee, Mr. Kind, Mr. Langevin, Mrs. Maloney of New York, Mr. McGovern, Ms. McKinney, Mr. McNulty, Ms. Millender-McDonald, Mrs. Napolitano, Mr. Owens, Mr. Pascrell, Mr. Payne, Ms. Rivers, Mr. Rohrabacher, Mr. Sanders, Mr. Serrano, Mr. Tierney, Mrs. Jones of Ohio, Mr. Udall of Colorado, and Ms. Watson):

H.R. 4972. A bill to clarify the effective date of the modification of treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans' Affairs.

By Mr. CROWLEY (for himself, Mr. Lantos, Mr. Gilman, Mr. Weldon of Pennsylvania, Mr. Leach, Mr. Faleomavaega, Mr. Hoyer, Ms. Kaptur, Mr. Clyburn, Mr. Weiner, Ms. Woolsey, Mr. Hoeffel, Ms. Lee, Ms. Slaughter, Mr. Blumenauer, Mr. Davis of Florida, Mr. Levin, Mr. Meeks of New York, Mr. Schiff, Mrs. Napolitano, Mr. Hastings of Florida, Mr. Abercrombie, Mr. Wynn, Mr. Boswell, Mr. Jefferson, and Ms. Carson of Indiana):

H.R. 4973. A bill to strengthen democratic institutions and promote good governance overseas by contributing to the development of professional legislative staff; to the Committee on International Relations.

By Mr. CULBERSON:

H.R. 4974. A bill to amend the Internal Revenue Code of 1986 to exclude from income taxation all compensation received for active service as a member of the Armed Forces of the United States; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Frost, Mr. Stenholm, Mr. Turner, Mr. Hall of Texas, Mr. Gonzalez, Mr. Rodriguez, Mr. Hinojosa, Mr. Reyes, Mr. Lampson, Ms. Jackson-Lee of Texas, Mr. Doggett, and Mr. Ortiz):

H.R. 4975. A bill to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building"; to the Committee on Government Reform.

By Mrs. LOWEY:

H.R. 4976. A bill to amend title 23, United States Code, to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mr. JEFF MILLER of Florida:

H.R. 4977. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Agriculture.

By Mr. PAUL:

H.R. 4978. A bill to amend the Internal Revenue Code of 1986 to increase the age at which distributions must commence from certain retirement plans from 70½ to 80; to the Committee on Ways and Means.

By Mr. FARR of California (for himself, Mr. Udall of Colorado, Mr. Honda, Mr. Hall of Ohio, and Mr. Petri):

H.R. 4979. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on International Relations.

By Mr. PETRI (for himself and Mr. Kanjorski):

H.R. 4980. A bill to amend the Internal Revenue Code of 1986 to provide a credit and a deduction for small political contributions; to the Committee on Ways and Means.

By Mr. STEARNS (for himself and Mr. Towns):

H.R. 4981. A bill to amend the Consumer Product Safety Act to provide for fire safety standards for cigarettes; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington:

H.J. Res. 100. A joint resolution authorizing special awards to World War I and World War II veterans of the United States Navy Armed Guard; to the Committee on Armed Services.

By Ms. KILPATRICK (for herself, Mr. Conyers, Mr. Bonior, Mr. Barcia, Mr. Camp, Mr. Dingell, Mr. Ehlers, Mr. Hoekstra, Mr. Kildee, Mr. Knollenberg, Mr. Levin, Ms. Rivers, Mr. Rogers of Michigan, Mr. Smith of Michigan, Mr. Stupak, and Mr. Upton):

H. Res. 452. A resolution congratulating the Detroit Red Wings for winning the 2002 Stanley Cup Championship; to the Committee on Government Reform.

By Mr. PALLONE (for himself, Mr. Ackerman, Mr. Andrews, Mr. Davis of Florida, Mr. Deutsch, Mr. Flake, Mr. Lynch, Mr. Schiff, and Mr. Snyder):

H. Res. 453. A resolution expressing the sense of the House of Representatives regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly; to the Committee on International Relations.

By Mr. RADANOVICH (for himself and Mr. Hinchey):

H. Res. 454. A resolution recognizing the 10th anniversary of the independence of the Republic of Croatia; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII,

297. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of the Mariana Islands, relative to House Resolution No. 13-021 memorializing the United States Congress to support the passage of H.R. 3128, to authorize the establishment of a National Guard of the Northern Mariana Islands; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. ROUKEMA introduced a bill (H.R. 4982) to waive the time limitation specified by law for the award of certain military decorations in order to allow the award of the Congressional Medal of Honor to Steve Piniaha of Sparta, New Jersey, for acts of valor while a member of the Army during World War II; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. Gekas

H.R. 159: Mr. Gekas.

H.R. 175: Mr. Rogers of Michigan.

H.R. 179: Mr. Gekas.

H.R. 303: Mr. Ehlers.

H.R. 325: Mr. Gordon.

H.R. 356: Mr. Gekas.

H.R. 360: Mr. Frost, Mr. Owens, and Mrs. Jones of Ohio.

H.R. 462: Mr. Gekas.

H.R. 488: Mr. Ackerman, Mr. Baldacci, Mr. Udall of Colorado, and Mr. Costello.

H.R. 534: Mrs. Biggert and Mr. Graham.

H.R. 633: Ms. Brown of Florida, Mr. Serrano, Mr. Quinn, Mr. Olver, Ms. Millender-McDonald, and Mr. Berman.

H.R. 781: Mr. Mollohan.

H.R. 822: Ms. Carson of Indiana.

H.R. 1030: Mr. Peterson of Pennsylvania.

H.R. 1090: Ms. McCarthy of Missouri, Mr. Bilirakis, Mr. Boyd, Mr. Thompson of Mississippi, Mr. Luther, Mr. Clay, Mr. Simmons, and Mr. Whitfield.

H.R. 1134: Mr. Kind.

H.R. 1155: Mrs. Jo Ann Davis of Virginia.

H.R. 1172: Mr. Weldon of Pennsylvania and Mr. Bishop.

H.R. 1280: Mr. Gekas.

H.R. 1305: Mr. Forbes.

H.R. 1331: Mr. Gutknecht.

H.R. 1452: Mr. Gonzalez.

H.R. 1509: Mr. Kildee.

H.R. 1515: Mr. Keller.

H.R. 1541: Mr. Underwood.

H.R. 1581: Mr. McHugh.

H.R. 1806: Mr. Fattah.

H.R. 1862: Mr. Berry, Mr. Kind, and Ms. Woolsey.

H.R. 1990: Mr. McNulty and Mr. Farr of California.

H.R. 2332: Mr. Gekas.

H.R. 2350: Ms. Rivers, Mr. Kildee, Mr. Bishop, Mr. Carson of Oklahoma, Mr. Holden, Mr. Peterson of Minnesota, Mr. Bonior, Mr. Ross, Mr. Hostettler, Mr. Meehan, Mr. Fletcher, Mr. Abercrombie, Mr. Kolbe, Mr. Shuster, and Mr. Costello.

H.R. 2373: Mr. Calvert and Mr. Hoeffel.

H.R. 2527: Mr. Rush, Mr. Gutierrez, Mr. Stupak, Mr. Strickland, and Mr. Jackson of Illinois.

H.R. 2605: Mr. Davis of Florida.

H.R. 2618: Mr. Jefferson, Mr. Matsui, and Mr. Calvert.

H.R. 2712: Mr. Sam Johnson of Texas.

H.R. 2874: Mrs. Davis of California, Mr. Conyers, Mr. Levin, and Mr. Boucher.

H.R. 2908: Ms. Velázquez.

H.R. 2953: Mr. Farr of California, Mrs. Bono, Mr. Cox, and Mr. Cunningham.

H.R. 3105: Mr. Herger.

H.R. 3236: Mr. Clyburn, Mr. Jefferson, and Mr. Udall of New Mexico.

H.R. 3252: Mr. Boozman.

H.R. 3320: Mr. Foley and Mr. Calvert.

H.R. 3424: Mr. Tanner and Mr. Conyers.

H.R. 3443: Mr. Weller.

H.R. 3670: Mr. Stupak.

H.R. 3775: Mr. Stenholm, Mr. Turner, Mr. Gonzalez, Mr. Rodriguez, Mr. Hinojosa, Mr. Reyes, Mr. Lampson, Ms. Jackson-Lee of Texas, Mr. DeLay, Mr. Ortiz, and Mr. Sandlin.

H.R. 3804: Mr. Blumenauer, Ms. McKinney, and Mr. Hinchey.

H.R. 3831: Mr. Hastings of Florida, Mr. Gekas, and Mr. Traficant.

H.R. 3838: Mr. Kildee.

H.R. 3884: Mr. Abercrombie.

H.R. 3897: Mr. Bartlett of Maryland, Mr. Frost, Mr. Foley, Mr. Stenholm, and Mr. Rangel.

H.R. 3917: Mr. Moran of Virginia, Mrs. Maloney of New York, Mr. Honda, and Mr. Hastings of Florida.

H.R. 3940: Mr. Lewis of Kentucky.

H.R. 3972: Mr. Brown of South Carolina.

H.R. 3973: Mr. Bonior, Mr. Owens, Mr. Herger, Mr. Bentsen, Mr. Turner, Mr. Underwood, Mr. Neal of Massachusetts, and Mr. Meehan.

H.R. 4027: Mr. Visclosky and Mr. Kind.

H.R. 4152: Ms. Jackson-Lee of Texas, Mr. Otter, and Ms. Kaptur.

H.R. 4159: Mr. Isakson and Mr. Knollenberg.

H.R. 4205: Mr. George Miller of California, Ms. Carson of Indiana, Mr. Brown of Ohio, and Mr. Evans.

H.R. 4561: Mr. Conyers, Mr. Norwood, and Ms. Slaughter.

H.R. 4635: Mr. Ross and Mr. Upton.

H.R. 4643: Ms. Kilpatrick

H.R. 4644: Mr. Borski, Mr. Rangel, Mr. Taylor of Mississippi, Mr. Hinchey, Mr. Thompson of Mississippi, Ms. Lofgren, and Mr. Conyers.

H.R. 4646: Mr. Baldacci, Mr. Cramer, Mr. Capuano, Ms. Jackson-Lee of Texas, and Mr. Turner.

H.R. 4653: Mr. McDermott, Mr. Gonzalez, and Ms. Eddie Bernice Johnson of Texas.

H.R. 4665: Mrs. Jones of Ohio and Mr. Lampson.

H.R. 4679: Mr. Duncan.

H.R. 4728: Mr. Terry, Ms. Carson of Indiana, and Mr. Lampson.

H.R. 4777: Mr. Rangel.

H.R. 4789: Mr. Souder.

H.R. 4790: Mr. Souder.

H.R. 4793: Mr. Foley, Mr. Crowley, and Mr. Smith of New Jersey.

H.R. 4796: Mr. Hostettler and Mr. Foley.

H.R. 4808: Mr. Gibbons.

H.R. 4825: Ms. Baldwin, Ms. Berkley, and Ms. McCollum.

H.R. 4832: Mr. Bonior, Ms. Norton, and Mrs. Thurman.

H.R. 4833: Mr. Bonior, Ms. Norton, and Mrs. Thurman.

H.R. 4839: Mr. Sweeney, Mr. Carson of Oklahoma, and Mr. Souder.

H.R. 4840: Mr. Herger.

H.R. 4869: Mr. Kerns.

H.R. 4872: Mr. Lampson.

H.R. 4880: Mr. Doggett.

H.R. 4884: Mr. Schaffer.

H.R. 4894: Mr. McGovern, Mr. LaFalce, Ms. Carson of Indiana, Mr. Lampson, and Mr. Baldacci.

H.R. 4918: Ms. Pelosi and Ms. Lofgren.

H.R. 4939: Mr. Green of Texas and Mrs. Tauscher.

H.R. 4964: Ms. Jackson-Lee of Texas.

H.R. 4965: Mr. Pence, Mr. Kerns, Mr. Bryant, Mr. Bachus, Mr. Pitts, Mr. Pickering, Mr. Tiberi, Mr. Shows, Mr. Wicker, Mr. Keller, Mr. Cantor, Mr. Camp, Mr. Ferguson, Mr. Hayes, Mr. Everett, Mr. Hall of Ohio, Mr. McCrery, Mr. Jeff Miller of Florida, Mr. Kennedy of Minnesota, Mr. Graves, Mr. Grucci, Mr. Shimkus, Mr. Ryun of Kansas, Mr. Norwood, Mr. Graham, Mr. Cunningham, Mr. Sullivan, Mr. Barr of Georgia, Mr. Ney, Mr. Akin, Mr. Burton of Indiana, Mr. Gary G. Miller of California, Mr. Linder, Mr. Costello, Mr. English, Mr. Shuster, Mr. Green of Wisconsin, Mr. Weldon of Pennsylvania, Mr. Barton of Texas, Mr. Weller, Mr. Whitfield, Mr. DeLay, Mr. Goode, Mr. Manzullo, Mr. Buyer, Mr. Aderholt, Mr. Flake, Mr. Rogers of Michigan, Mrs. Jo Ann Davis of Virgina, Mr. Goodlatte, Mr. John, Mr. Blunt, Mr. Taylor of Mississippi, Mr. Souder, Mr. Doolittle, Mr. Phelps, Mr. Armey, Mr. Petri, Mr. Hansen, Mr. Hilleary, Mr. Sam Johnson of Texas, Mr. Roemer, Mr. Lewis of Kentucky, Mr. Stump, and Mr. Wamp.

H.J. Res. 12: Mr. Gekas.

H. Con. Res. 164: Mr. Schrock.

H. Con. Res. 220: Mr. Sullivan.

H. Con. Res. 287: Ms. Slaughter.

H. Con. Res. 367: Mr. Hilliard, Mr. Filner, Mr. Frost, Mr. Langevin, and Mr. Pitts.

H. Con. Res. 385: Mr. Ford.

H. Con. Res. 404: Ms. Woolsey, Mr. Owens, Mrs. Maloney of New York, Mr. Dicks, Mrs. Capps, Mr. Farr of California, and Ms. Carson of Indiana.

H. Con. Res. 406: Mr. Gekas.

H. Con. Res. 412: Mr. Hefley, Mr. Schaffer, and Mr. Gilchrest.

H. Con. Res. 413: Ms. Carson of Indiana and Mr. Cramer.

H. Con. Res. 416: Mr. Underwood.

H. Con. Res. 417: Mr. Deutsch, Mrs. Lowey, Mr. English, Mr. Kingston, Mr. Otter, and Mr. Sherman.

H. Res. 348: Mr. Souder.

H. Res. 410: Ms. Lofgren and Mr. Waxman.

H. Res. 437: Mrs. Thurman, Mr. Schiff, Mr. Schiff, Mr. Holt, Ms. Berkley, Mr. Visclosky, Mr. Boucher, Mr. Kennedy of Rhode Island, Mr. Markey, Mr. Larson of Connecticut, and Mr. Deutsch.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

61. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 197 petitioning the United States Congress that the Legislature of Rockland County hereby supports the Resource Conservation and Development Council's application for the establishment of a Resource Conservation and Development area that would encompass Rockland County and several surrounding counties and the accompanying funding administered by the Natural Resource Service; to the Committee on Agriculture.

62. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 278 petitioning the United States Congress to support the Fair Pay Act of 2001 and the Paycheck Fairness Act; to the Committee on Education and the Workforce.

63. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 556 petitioning the United States Congress to permanently station military forces in and around the Indian Point Nuclear power plants in Buchanan, New York; jointly to the Committees on Armed Services and Transportation and Infrastructure.

SENATE—*Thursday, June 20, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. The guest Chaplain, Bob Russell of Southeast Christian Church, Louisville, KY, will lead the Senate in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Father, You are the God who sees everything. You know the number of hairs on our head, our needs before we ask, and even the thoughts of our hearts. Would You meet the individual needs of the Members of this body so they can give focus and attention to the important matters of this day without distraction.

Some have physical pain. Would You ease their discomfort and bring healing. Some have tension in their homes because of wayward children or troubled mates. Would You bring peace to those homes.

Some have financial worries. Would You remind them that You care for the birds of the air and the lilies of the field and You will care for us, too. Some are under severe stress because of so much to do and so little time to do it. Ease their tension, Lord. Wipe the furrows from their brow and remind them that Your grace is sufficient for this day.

Some harbor animosity toward people who have offended them. They know that Your word says to forgive quickly. It is just so hard to do it. Help them to have the grace to release that irritation and experience the freedom of forgiveness. We all have the need for forgiveness of our own sin and hope for life beyond. So Lord, grant us the humility to trust You completely for those things that we can't control, and grant the confidence to us that we can do all things through Christ, who strengthens us. It is in His strong name that we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 20, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

WELCOMING GUEST CHAPLAIN BOB RUSSELL

Mr. McCONNELL. Mr. President, the Senate has had an opportunity this morning to hear from one of the most distinguished spiritual leaders in America. He happens to be an individual who lives in my hometown of Louisville, KY, the senior minister at Southeast Christian Church, Bob Russell, who ministers to literally thousands of individuals in Louisville, southern Indiana, and surrounding areas. He built his church over a number of decades from a small group of individuals who gathered in a basement-like structure to a mighty building, but the program there is much more than a building. The magic of his ministry and those who are associated with him has attracted an enormous number of people and has changed the lives, literally, of tens of thousands of people in that area of our country.

What a privilege it has been to have him with us this morning. The Senate has had a rare opportunity to hear from really one of the great ministers of America.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business until 10:30. The first half is under the control of the majority leader; the second half is under the control of the Republican leader. The Chair will announce that shortly. At 10:30 the Senate will resume consideration of the Department of Defense authorization bill. Pending is the Feingold-Conrad amendment. It is an extremely important amendment dealing with budgeting. There should be some important discussion on that that should go for a significant amount of time. It is up to the parties as to how long we will be on that, but it is an important amendment. The two managers are working their way through amendments that they believe can be accepted. We would like to make a big chunk in this bill today. There is a lot more to do. The majority leader has indicated that if we finish this bill, it will give us the opportunity to go to some of the other issues that are so pressing. The leader has indicated there will be votes tomorrow.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first half of the time shall be under the control of the majority leader or his designee. Under the previous order, the time until 10:30 a.m. shall be under the control of the Republican leader or his designee, with the first 15 minutes of this time to be under the control of the Senator from Pennsylvania, Mr. SPECTER.

The Senator from Florida.

PRESCRIPTION DRUGS

Mr. GRAHAM. Mr. President, since its creation in 1965, the Medicare Program has helped millions of the Nation's elderly and disabled when they were in desperate need, after they had become sick enough to require a physician's assistance or hospitalization. Thirty-seven years after its creation, it is time for change.

A prescription drug benefit is the most fundamental reform we can make to the Medicare Program. Why? If we want to truly reform Medicare, we must change its basic approach from one that is oriented toward intervention after sickness to one that focuses on maintaining wellness and the highest quality of life. This prevention approach will require in almost every instance a significant use of prescription drugs.

An example of how the use of prescription drugs has changed medicine was made by Dr. Howard Forman, a congressional fellow in my office, who is a doctor and professor at the Yale Medical School. Dr. Forman remarked to me that none of his students had ever seen ulcer surgery. Why? Because we now give patients prescription drugs to care for this ailment which previously was dealt with through surgery. This is just one of many examples of where modern medicine has fundamentally been altered by prescription drugs; notably, by improving the quality of people's lives, ending the need for many surgeries and long recovery periods.

A side benefit of this change would be that the cost to the Medicare Program could be lowered by utilizing these expensive but less expensive prescription procedures as opposed to traditional surgery.

The prescription drug legislation I am sponsoring, with my friends, Senator ZELL MILLER of Georgia and Senator TED KENNEDY of Massachusetts, would improve the Medicare Program and give seniors a real, a meaningful, a sustainable drug benefit. With a $25 monthly premium, no deductible, and a simple copayment of $10 for generic drugs, $40 for medically necessary, standard brand name drugs, and $60 for other brand name drugs, and a maximum of $4,000 in out-of-pocket expenses, our plan would give seniors the universal, affordable, accessible, and comprehensive drug coverage which they want and need.

Our plan would help 80-year-old Freda Moss of Tampa, FL. She has no prescription drug coverage. Today, she pays nearly $8,000 a year for the drugs she needs to keep her healthy. This does not include a new prescription for Actos, an oral diabetes drug that costs $143.68 every month. Freda has not had this prescription filled because it is so expensive.

Under the Graham-Miller-Kennedy plan, she would pay just over $2,900—saving $5,100 each year. Under the House Republican plan, Freda's drug costs would be at least $4,220 a year. Why would the House plan cost Freda $1,320 more per year?

There are many reasons, including a higher monthly premium and a $250 deductible. But the single biggest reason is the "donut."

What is the donut, Mr. President? We are all familiar with donuts. They are round; they taste good; often, they have powdered sugar on them; they are tasty at the edges. But when you get into the middle, there is nothing there. That describes the benefit structure of the House Republican plan.

Let's look at how this plan would have affected Freda and her husband, Coleman. After having paid a $250 annual deductible, Freda and her husband would pay 20 percent of the cost of each specific prescription up to $1,000. From $1,001 to $2,000, she would pay 50 percent of each prescription. And then she hits the hole in the donut. Freda is on her own until she reaches the catastrophic limit of $4,900 in total drug costs.

While she is struggling through this hole in the middle of the donut, she would be responsible for continuing to pay her monthly premiums of about $34, for which she would receive nothing, no benefit.

Mr. President, there is no comparable donut in private health care plans. The kind of plan which probably covered Freda and Coleman before she came on to Medicare did not have this approach; it has, as we do, continuous protection. One of the things our older citizens want is certainty and security. Our plan gives them that.

The House Republican plan converts them into guinea pigs, experimenting with untested health care policies and a "gotcha" of an unexpected hole in the middle of their benefit—a hole which runs from $2,001 all the way to $4,900 of expenditures. We are not going to make 39 million senior Americans into laboratory experiments.

Under our plan, Freda would pay no deductible, receiving coverage from her first prescription. She would pay a simple copay for each prescription. There are no donut holes. Instead of gaps, we give American seniors a plan that mirrors the copay system that they had in their working lives.

Mr. President, as my colleague, Senator MILLER, says with such conviction and passion: This is the year for action, not just talk, on prescription drugs.

I don't want to go back to Tampa, FL, and tell Freda we had a very strong debate about this issue. I want to tell Freda she can start going to the drugstore and from her first prescription begin to get real assistance. We all will come to the floor this week, and in the following weeks, to remind our colleagues about the importance of passing a prescription drug benefit before the August recess, and to have that benefit in law before the end of this session of Congress.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. MILLER. Mr. President, I, too, rise to talk about prescription drugs and the struggle our seniors face every day.

Since April, I have been coming down to this Chamber on a regular basis to speak about the urgency of passing a prescription drug benefit before the August recess. I have spoken about how we have kept our seniors waiting in line for years and how we have bumped them time and time again to debate other issues—other important issues but other issues.

Our majority leader, Senator DASCHLE, has said we will bring up prescription drugs on the Senate floor before the August recess. I and many others are very grateful.

As of today, we now have three bills in Congress to add a prescription drug benefit to Medicare—two in the House and one in the Senate—the one I am a cosponsor of, along with Senator GRAHAM of Florida, Senator KENNEDY, Senator DASCHLE, and about 28 other Senators.

This issue is now where it should be; it is front and center. It has more momentum today than it has had in all the years we have been talking about it. Our seniors have finally reached the front of the line. Now it is time to get down to business and have a real debate on the details of these proposals.

Make no mistake about it, there are real differences among them. Let's debate those differences. If we can, let's find some common ground. And then let's get something passed because if we fail to do something now, if we just criticize each other's bills for the sake of criticizing, and dig in our heels and refuse to compromise and work something out, our seniors are never going to let us forget it come November.

After years of wandering in the wilderness, our seniors are now inside of the promised land. Both political parties have brought them there and have given them a glimpse. We cannot send them away to wander in the desert for another election cycle or who knows how many more years.

I urge my colleagues to let us have a healthy debate on these bills. Let us point out the strengths and weaknesses of each proposal, but never lose sight of the big picture, as Senator GRAHAM just said at the end of his remarks.

This should not be viewed as just an issue for the next election campaign. I urge my colleagues not to look at it in that way. Our goal should be to pass a prescription drug benefit. I will work hard to see that the bill we pass in the Senate offers real help for our seniors, especially for our neediest seniors.

As Senator KENNEDY said so eloquently last week: The state of a family's health should not be determined by the size of a family's wealth.

One way to help our seniors, including the neediest, with prescription drugs is to pass a bill that has no gap in coverage and that places a reasonable cap on out-of-pocket expenses.

The Graham-Miller-Kennedy bill offers just that. There is no gap in coverage, and the out-of-pocket maximum is set at $4,000 a year. After $4,000, Medicare would pick up 100 percent of the cost of prescriptions under our bill. But the House Republican bill provides no coverage from the time a senior's total drug costs reach $2,000 to the time they reach $4,900. That is that "hole in the donut" Senator GRAHAM was talking about that is so obvious.

Who will it hurt the most? The ones who can afford it the least—the low-income seniors. To add insult to injury, the House bill requires seniors to continue paying monthly premiums during this gap, even though they are not receiving a single penny of benefit. Even the neediest seniors would have to pay these premiums during this gap. That is not right; that is just plain unacceptable.

I look forward to debating this provision, and many others, when we take up prescription drugs in the next few weeks. I urge my colleagues in both Houses and in both parties to keep the big picture in mind. Our duty to seniors is not just to debate a bill, it is to pass a bill.

The final product won't be perfect. It won't include everything that I want, and it won't include everything that some of my colleagues may want. But it will be better than what our seniors have now. And what our seniors have now is nothing.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I want to commend our colleagues, Senator MILLER and Senator GRAHAM, for their leadership in this area, which is of such enormous importance and consequence to people in my State of Massachusetts and across the country.

I hope the American people are going to pay close attention to these presentations that are made today by both of these leaders, as well as my friend from Michigan, DEBBIE STABENOW, as they continue to help the American people understand what is really at stake.

Medicare is a solemn promise between the government and the American people and between the generations. It says "Play by the rules, contribute to the system during your working years, and you will be guaranteed health security in your retirement years." Because of Medicare, the elderly have long had insurance for their hospital bills and doctor bills. But the promise of health security at the core of Medicare is broken every day because Medicare does not cover the soaring price of prescription drugs.

Too many elderly citizens must choose between food on the table and the medicine their doctors prescribe. Too many elderly are taking half the drugs their doctors prescribe—or none at all—because they can't afford them. The average senior citizen has an income of $15,000 and prescription drug costs of $2,100. Some must pay much more.

I want to pick up on the issue of comparing the different bills. Hopefully, as we come to debate these issues and questions, we will begin to understand the importance of the differences in the Democratic and Republican bills. They are enormously different.

The administration's first bill did not even pass the laugh test, and the bill that is being considered now by the Republicans in the House of Representatives does not pass the truth-in-advertising test. The administration allocated $190 billion. Senior citizens are going to spend $1.8 trillion for prescription drugs. So they get about 10 cents on the dollar to assist them, and there are still a lot of gimmicks they have to go through to get even that.

Listen to the Republican proposal. The House Republicans have a proposal that says: If you have an income below 150 percent of poverty, you are not going to have to worry about your premiums, copayments, or deductibles. Doesn't that sound reasonable for low-income people? Except there is an assets test which the Miller-Graham proposal does not have.

This is basically a hoax on the low-income people. To qualify for low-income subsidies under the Republican plan a senior cannot have $2,000 in savings. They cannot have $2,000 in furniture or property, they cannot have a car that is worth $4,500 or a burial plot that is worth $1,500. Any one of these assets disqualifies one from the Republican plan. Do they mention that? No. Do you read about it? No. Is it there? Yes. Effectively this writes off, writes out millions of low-income seniors.

This group of seniors is seeing a fraud perpetrated on them. The Miller-Graham bill has rejected that concept. If we in the Senate are going to be true to our word, we will reject it, too. This will be an important battle.

The second group of seniors is those with moderate incomes who are going to pay the $420 annual premium and the additional $250 deductible. We know they are going to get very little in return. They will pay up to $670 in premiums and deductibles before they are going to get any assistance at all. Those with prescription drug spending of $250 or less will pay $670 and receive no benefit. Seniors who have drug costs between $250 and $1,000 annually will spend up to $820 in annual costs but only receive up to $600 in benefits. Those seniors with prescription drug costs falling between $1,000 and $2,000 a year will pay premiums, deductibles, and copayments totaling up to $1,320 in return for benefits of up to only $1,100. Seniors ought to know just what help the Republicans are offering in their proposal.

Finally there is the last group, individuals who still have a very modest income, but have prescription drug costs over $2,000. They are going to fall into the hole, as Senator GRAHAM has pointed out. They will get no assistance for their drug costs once they reach $2,000.

It is important to understand, as we begin this debate, who is going to be helped and who is not going to be helped. The Republican program fails to explain that either to their membership or to the American public.

In each of these areas, the Miller-Graham bill rejects those artificial barriers and assists each and every citizen all the way through. That is a major difference. This is one of the important differences we ought to recognize.

Here's another important difference. Rather than the safe, dependable Medicare system that senior citizens understand, the Republican plan is run through private insurance companies—pharmaceutical HMOs. They are allowed to set premiums at whatever the traffic will bear. And there is no guarantee that benefits will actually be available if private insurance companies decide they don't want to participate. Senior citizens have seen what has happened to HMOs in the regular Medicare program—cutbacks in benefits, withdrawal of services. They don't need that for lifesaving prescription drug coverage.

And to complete this dishonor roll of the Republican plan, it does not even start until 2005. The Republican prescription for senior citizens: take two aspirin and call the pharmacy in two and a half years.

Senior citizens and their children and their grandchildren understand that affordable, comprehensive prescription drug coverage under Medicare should be a priority. Let's listen to their voices instead of those of the powerful special interests. Let's pass a Medicare prescription drug benefit worthy of the name.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to join my colleagues in supporting the Graham-Miller-Kennedy bill of which I am very pleased to be a cosponsor, which will provide a voluntary comprehensive Medicare prescription drug benefit. This is long overdue.

I also rise today to express great concern about what is being done in the House of Representatives. We know that in the end we need to come together with a bipartisan bill. We welcome that and want to work with our colleagues, but it has to be something real, it has to be something that provides more than 20 percent of the cost of prescription drugs—only 20 percent help—leaving our seniors to pay 80 percent and, in some cases more, for their prescriptions. It is just not good enough.

I wish to share some portions of a letter I received yesterday from the Kroger Company of Michigan that was written to me concerning the legislation that is being drafted and passed by our Republican colleagues in the House. It says:

> Dear Senator Stabenow: As president of the Michigan Kroger stores, I am writing to advise you that our stores oppose the Thomas-Tauzin medicare bill.

The Republican bill in the House.

> Passage of this bill will hurt Michigan senior citizens by confining their freedom in

> choosing generic over brand name medications and restricting their pharmacy choices. Furthermore, the viability of community pharmacies is of significant concern, especially in rural areas where inadequate reimbursement rates could force many community pharmacies out of business, further restricting seniors' choices.

There is great concern not only from the senior groups, those that represent consumers in our country. I appreciate the president of Kroger expressing great concern about this as well. We can do better. The question is, To whom are we going to listen?

I am asking, as are my colleagues, that we listen to not only seniors but businessowners and others who are experiencing an explosion in the prices of prescription drugs, and that we act and do so now. It is long overdue.

A few weeks ago, I invited people to come to my Web site. We have set up the prescription drug people's lobby in Michigan. We are tying it to a Web site that has been set up nationally, fairdrugprices.org, and I have been asking people to share their concerns, their experiences with the high prescription drug prices we are seeing across the country.

Once again, I wish to share a story from one of those citizens in Michigan who has signed up to be a part of our prescription drug people's lobby.

This is from Molly A. Moons, who is 44 years old in Pontiac, MI. She says:

> Senior citizens are not the only people suffering from the high cost of prescription drugs. I am the sole employee of a small business and not eligible for any health care plans that cover the cost of prescription drugs. I have four prescriptions that need filling each month, and the cost is in excess of $300 a month—a real financial burden. At the invitation of some senior citizen friends, I was invited to take a "drug run" to Canada.

Mr. President, a number of us have done this to demonstrate the differences in prices.

> These ladies were all widows/retirees on fixed incomes that were having trouble paying for their medications, so I joined them to buy our prescriptions in Canada.
>
> . . . I am able to get a 3-month supply of medication for what it costs me for a 1-month supply in the United States.

A 3-month supply in Canada for a 1-month supply in the United States.

> I find that shameful.
>
> While I believe that everyone has a right to make a profitable living, the gouging of the pharmaceutical companies is sickening. Additionally, the loopholes that these companies use to keep drugs from generic manufacturers are also criminal. Please help make this stop.

I thank Molly Moons for sharing her story as a small businessowner and sharing her concern about the senior citizens who were on that bus going to Canada. Shame on us. She is right, "I find it shameful," and it is shameful. We are saying we can do something about it. We can do something about it by passing the Graham-Miller-Kennedy bill that will provide a comprehensive Medicare prescription drug benefit, and we can further do it by passing other legislation to lower prices through expanded use of generics, opening the border to Canada and other policies that will lower prices. We can do that, and we need to do that.

Why has this not been done? Why has this not happened? We have been talking about it. I talked about it as a Member of the House of Representatives. We tried to pass something then. Colleagues of mine have talked about it. Presidential candidates have talked about it. As the Senator from Georgia said earlier, it is time to stop talking about it and get something done.

Why has that not happened? Unfortunately, we have seen too much influence and too many voices trying to stop this, and not enough of the people's voice in this process, which is what we are trying to do right now.

We have a Web site that I have invited people to go to that is called fairdrugprices.org. We are inviting people to sign a petition to urge Congress to act right now, to urge Congress to pass a comprehensive Medicare prescription drug benefit, and to pass other efforts to lower prices. We urge people to go to this Web site and share their story. We will share those stories on the floor of the Senate.

Why is that important? It is important because, according to our numbers, there are about six drug company lobbyists for every Member of the Senate. Their voice is being heard. This is about making the people's voice heard through their Representatives and their Senators.

Unfortunately, there are other ways in which voices are heard. I found it unfortunate that yesterday, while in the midst of debating a Medicare bill, which has been viewed by colleagues and quoted in the paper from House Republican staff as being a bill they are very concerned about having reflect the needs of the drug companies, but at the same time we do not have the concerns of our seniors and our families being voiced as a part of that process, that last evening there was a major fundraiser. Our colleagues on the other side of the aisle and the House of Representatives had a major Republican fundraiser and we saw a number of pharmaceutical companies playing a major role.

We saw Glaxo Smith Klein, according to the newspaper, contributing about $250,000 to that fundraising effort; PHRMA, which is the trade organization for the companies, contributing about $250,000 to that fundraiser; Pfizer, about $100,000, and other companies as well. So there are those that are not only here as lobbyists but contributing dollars to fundraisers, certainly wanting to make their voice heard.

The PRESIDING OFFICER (Mr. MILLER). The Senator's time has expired.

Ms. STABENOW. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. In conclusion, we know the lobbyists' voices are heard on this issue, the drug companies' voices are heard in a multitude of ways. Now is the time for the people's voice to be heard on this subject, and I urge those who are watching today to get involved through fairdrugprices.org, by showing support for a bill that will be brought up in July and will be voted on in this Senate to provide real help for seniors and those with disabilities in our country.

We will bring forward other legislation to lower prices for everyone, for the small businessowner, the manufacturer in Michigan, the farmer, those who are paying high prices through their insurance premium or at the pharmaceutical counter. The time has come to act. We know what to do. Now it is time to do it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his point.

Mr. SPECTER. Is it correct that there is now 30 minutes for the Republicans, with an allocation of 15 minutes to my control?

The PRESIDING OFFICER. There are 27 minutes, of which the Senator has 15.

Mr. MURKOWSKI. May I rise for a question relative to the allocation?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. What is the allocation of time following the Senator from Pennsylvania? Does the Senator from Alaska have morning business reserved for 15 minutes?

The PRESIDING OFFICER. The Senator does not have time reserved but there will be 12 minutes remaining.

Mr. MURKOWSKI. I ask to be recognized after Senator SPECTER. I ask unanimous consent for the remaining time. I do not intend to take all the 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

THE PIECES TO THE PUZZLE

Mr. SPECTER. Mr. President, I thank the Chair for that clarification. I have sought recognition this morning to express my concern that the legislation submitted by the President for homeland security submitted two days ago to the Congress does not meet the critical need for collection and analysis of intelligence information in one place.

Each day there are new disclosures of key information, information which was known prior to September 11, 2001. If it had been activated and put together with other information, this might well have prevented the September 11 attack.

This morning's Washington Post has as its major story, in the upper right-hand corner, "NSA Intercepts On Eve of 9/11 Sent a Warning." The first sentence reads:

> The National Security Agency intercepted two messages on the eve of the September 11 attacks on the World Trade Center and the Pentagon warning that something was going to happen the next day.

If that information had been put together with other information which was in the files of Federal intelligence agencies but not focused on, there would have been, I think, an emerging picture providing a warning, not just connecting dots, but a picture which was pretty obvious when all of the pieces were put together.

The FBI had the now-famous Phoenix report, which had been submitted in July 2001 by the Phoenix office, telling about aeronautical training to people with backgrounds which indicated potential terrorist leanings, aeronautical students with a large picture of Osama bin Laden in their room and a background which would have supported the inference that those students in training might well have been put up to something. If that had been put together with the confession that was obtained by a Pakistani terrorist known as Abdul Hakim Murad in 1996, who had connections with al-Qaida, when he told of plans to attack the CIA headquarters in Washington by plane and to fly into the White House, there might have been a pretty sharp focus, especially if linked to the information which had been developed by the FBI field office in Minneapolis, that there was a man named Zacarias Moussaoui, who had terrorist connections to al-Qaida, and that plans were being developed and that he was actually to be the twentieth hijacker.

That information never came to full fruition because of a failure of the Federal Bureau of Investigation to move the matter forward for a warrant under the Foreign Intelligence Surveillance Act.

The Judiciary Committee heard testimony from special agent Coleen Rowley about the difficulties of dealing with the FBI, which requires a standard not in accordance with the law, 51 percent, more probable than not where the standard of a warrant does not require that. Had Moussaoui's computer been examined, it would have provided a virtual blueprint for what was about to happen.

These are very glaring and fundamental defects in our intelligence system. They have existed for a very long time. We have had a situation where the Director of Central Intelligence, who is supposed to be in charge of all intelligence, does not have key components of the intelligence apparatus under his wing. For example, he does not have access to the National Reconnaissance Office. He does not have unfettered access to the National Security Agency, the National Imagery and Mapping Agency, and certain special Navy units. This is a deficiency which has gone on for a long time.

When I chaired the Senate Intelligence Committee during the 104th Congress, I introduced Senate bill 1718. That bill was designed to correct the deficiency that the Director of the Central Intelligence Agency, who nominally and in the public view had access to all of the intelligence information, but, in fact, did not have it. My bill, S. 1718, is only one of many efforts which are currently underway, efforts which are currently under consideration by the White House. However, there is strong opposition by the Department of Defense and opposition by others. I am not characterizing it necessarily as a turf battle. It is a battle which has its origin in the concerns of some in the Department of Defense that the Department of Defense has the responsibility to fight a war and needs access to all of these intelligence matters; that is unique control.

The reality is that a structure can be worked out so the Department of Defense is not deprived of access to any of this information in time of war or at any time. However, the Director of Central Intelligence ought to have it in one coordinated place.

Now, when you create a Department of Homeland Security, it is obviously very difficult to touch upon matters on the broader picture. That is something that must be done and which must be addressed. When this matter was considered, I raised some of these issues in a meeting which Senators had with the White House Chief of Staff Andrew Card and Homeland Security Advisor, Governor Ridge. Recently, there have been additional meetings at the staff level, working together with the White House staff extensively, one of which was last Friday afternoon. During that meeting, my staff made a specific proposal that on the Department of Homeland Security, there should be a repository in one place to gather all of this information. The suggestion which we submitted was that there should be a national terrorism assessment center, a concept developed by someone who is very experienced in intelligence affairs, Charles Battaglia, who spent years in the CIA, as well as the Navy, and who served as majority staff director for the Intelligence Committee during my tenure as chairman during the 104th Congress.

The Battaglia proposal to establish a national terrorism assessment center, in my opinion, goes right to the mark. It would be staffed by analysts who would come from the FBI, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and a listing of other Federal agencies, including the State Department's Bureau of Intelligence and Research, which would have access to all of this information.

The bill, which was submitted by the President two days ago to establish the Department of Homeland Security, I say respectfully, does not meet this core critical ingredient. For example, referring to intelligence staff, the President's proposal provides at section 201: The Secretary may obtain such material by request.

Mr. President, that is hardly the authority that the Secretary of Homeland Defense needs to do his job. If he has to ask somebody in Washington, DC, for something, it is an enormous uncertainty as to whether he will get it. In fact, it is more probable than not that he will not get it. There is a long trail around here to get information from anyone. I have seen that in detail in my time trying to conduct oversight on the FBI or in conducting oversight when I chaired the Intelligence Committee. That information just is not forthcoming.

The President's bill further provides that the Secretary may enter into "cooperative arrangements with other executive agencies to share such material." Whether or not there will be such arrangements entered into, and whether the other executive agencies will be agreeable to that, is highly uncertain.

The time has long since passed to leave it to the discretion of a large variety of the Federal bureaucrats as to what they will do on intelligence. The time has come for the Congress of the United States in legislation signed by the President to establish central authority in one place, under one roof, to collect all the information which is available. To do any less is dereliction of our duty. That has not been done. The intelligence community has been stumbling along. America stumbled into September 11 because this Congress had not undertaken the approach with the strength to resolve all of these jurisdictional disputes and see to it that this information was under one roof.

The Congress of the United States has a fundamental responsibility to provide for the security of the United States. When the Judiciary Committee conducts hearings and finds out that the FBI does not have the procedures in place to know what is in the Phoenix report on a potential terrorist with Osama bin Laden's picture on his wall, when the Judiciary Committee commits oversight and finds out that the FBI Minneapolis office cannot get headquarters to request a warrant under the Foreign Intelligence Surveillance Act because they are applying the wrong standard, when the Intelligence Committee conducts oversight on the Director of Central Intelligence and finds his authority lacking because he does not know what many other intelligence agencies are collecting, and when the National Security Agency has on the eve of September 11 specific warnings and these pieces are not put together, the time has come to act.

On this legislation, we ought to move ahead with a national terrorism assessment center. This information, as I noted earlier, was communicated by my staff to the White House staff. We did not have it prepared in time, but we had it this week in draft form. However, the matter is now before the Congress.

For the information of my colleagues, I ask unanimous consent that this draft proposal be printed in the CONGRESSIONAL RECORD. It is by no means a finished product, however it might be of some help as we move ahead with hearings on this very important subject in the Congress.

There being no objection, the material was ordered to be printed in the Record, as follows:

AMENDMENT NO.—

(Purpose: To provide the Secretary of the Department of Homeland Security with timely and objective intelligence. assessments on terrorism and actionable intelligence essential to carry out the Secretary's duties as assigned, and to refocus the efforts of Federal law enforcement (including the FBI) on the collection, analysis, and dissemination of intelligence related to terrorism)

At the appropriate place, insert the following:

SEC. ___. NATIONAL TERRORISM ASSESSMENT CENTER.

(a) ESTABLISHMENT.—There is established the National Terrorism Assessment Center (in this section referred to as the "NTAC"), to provide—

(1) the Department of Homeland Security with the authority to direct the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, and other officers of Federal agencies to provide the NTAC with all intelligence and information relating to threats of terrorism; and

(2) the means for intelligence from all sources to be analyzed, synthesized, and disseminated to Federal, State, and local agencies as considered appropriate by the Secretary.

(b) DUTIES OF THE NTAC.—The NTAC shall—

(1) direct the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, and other officers of Federal agencies to provide the NTAC with all intelligence and information relating to threats of terrorism;

(2) synthesize and analyze information and intelligence from Federal, State, and local agencies and sources;

(3) disseminate intelligence to Federal, State, and local agencies to assist in the deterrence, prevention, preemption, and response to terrorism;

(4) refer, through the Secretary of Homeland Security, to the appropriate law enforcement or intelligence agency, intelligence and analysis requiring further investigation or action; and

(5) perform other related and appropriate duties, as assigned by the Secretary.

(c) MANAGEMENT OF THE NTAC.—

(1) IN GENERAL.—The NTAC shall be under the operational control of the Secretary of the Department of Homeland Security, who shall evaluate the performance of personnel assigned to the NTAC.

(2) DIRECTOR.—

(A) APPOINTMENT.—The NTAC Director shall be a senior officer of the Federal Bureau of Investigation and appointed by the Secretary of the Department of Homeland Security from candidates recommended by the Director of the Federal Bureau of Investigation.

(B) DUTIES.—The Director of the NTAC shall—

(i) ensure that the law enforcement, immigration, and intelligence databases information systems containing information relevant to homeland security are compatible; and

(ii) with respect to the functions under this subparagraph, ensure compliance with Federal laws relating to privacy and intelligence information.

(3) DEPUTY DIRECTOR.—The NTAC Deputy Director shall be a senior officer of the Central Intelligence Agency and appointed by the Secretary of the Department of Homeland Security from candidates recommended by the Director of Central Intelligence.

(d) STAFFING OF THE NTAC.—

(1) IN GENERAL.—The NTAC shall be staffed by analysts assigned by—

(A) the Federal Bureau of Investigation;

(B) the Central Intelligence Agency;

(C) the National Security Agency;

(D) the Defense Intelligence Agency;

(E) the National Imagery and Mapping Agency;

(F) the National Reconnaisance Office;

(G) the Department of Energy;

(H) the Department of Homeland Security;

(I) the Department of the Treasury;

(J) the Department of Justice;

(K) the Department of State; and

(L) any other Federal agency, as determined by the Secretary in consultation with the President or the President's designee.

(2) ADDITIONAL STAFFING.—The Secretary may also require the Immigration and Naturalization Service, Customs Service, Coast Guard, Secret Service, Border Patrol, and other subordinate agencies to assign additional employees to the NTAC.

(3) ADMINISTRATIVE SUPPORT.—Administrative support to employees assigned to the NTAC from other agencies shall be provided by such agencies.

(e) AUTHORITY TO EMPLOY PERSONNEL AND CONSULTANTS.—

(1) IN GENERAL.—The Secretary of Homeland Security may, without regard to the civil service laws, employ and fix the compensation of such personnel and consultants, including representatives from academia, as the Secretary considers appropriate in order to permit the Secretary to discharge the responsibilities of the Department of Homeland Security.

(2) PERSONNEL SECURITY STANDARDS.—The employment of personnel and consultants under paragraph (1) shall be in accordance with such personnel security standards for access to classified information and intelligence as the Director of Central Intelligence shall establish for purposes of this subsection.

(f) TOUR OF DUTY REQUIREMENT.—

(1) SENIOR INTELLIGENCE SERVICE.—Title III of the National Security Act of 1947 (50 U.S.C. 409a) is amended by inserting after section 303 the following:

"PROMOTION TO SENIOR INTELLIGENCE SERVICE

"SEC. 304. An employee of an element of the intelligence community may not be promoted to a position in the Senior Intelligence Service until the employee has served 1 or more tours of duty, aggregating not less than 24 months, in a nonacademic position in 1 or more other elements of the intelligence community.".

(2) SENIOR EXECUTIVE SERVICE FOR EMPLOYEES OF FBI.—Chapter 33 of title 28, United States Code, is amended by inserting after section 536 the following:

"§ 536A. Promotion to Senior Executive Service

"(a) An employee of the Federal Bureau of Investigation may not be promoted to a position in the Senior Executive Service until the employee has served 1 or more tours of duty, aggregating not less than 24 months, in a non-academic position in 1 or more other elements of the intelligence community.

"(b) In this section, the term 'element of the intelligence community' means an element of the intelligence community specified by or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) SENIOR INTELLIGENCE SERVICE.—The table of sections for the National Security Act of 1947 is amended by inserting after the item relating to section 303 the following:

"304. Promotion to Senior Intelligence Service.".

(B) SENIOR EXECUTIVE SERVICE FOR EMPLOYEES OF FBI.—The table of sections at the beginning of chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 536 the following:

"536A. Promotion to Senior Executive Service.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act, and shall apply with respect to promotions that occur on or after that date.

(g) ACCESS OF DIRECTOR OF CENTRAL INTELLIGENCE TO INTELLIGENCE COLLECTED BY INTELLIGENCE COMMUNITY.—Section 104 of the National Security Act of 1947 (50 U.S.C. 403-4) is amended by adding at the end the following:

"(h) ACCESS TO INTELLIGENCE.—(1) The Director shall have full and complete access to any intelligence collected by an element of the intelligence community that the Director requires in order to discharge the responsibilities of the Director under section 103.

"(2) The head of each element of the intelligence community shall take appropriate actions to ensure that such element complies fully with the requirement in paragraph (1).".

(h) ELECTRONIC NETWORKING OF INTELLIGENCE DATA.—As soon as practicable after the date of enactment of this Act, the Director of Central Intelligence shall implement a program to provide for the full interconnection by electronic means of the intelligence databases of the intelligence community in order to ensure the ready accessibility by all elements of the intelligence community of intelligence and other information stored in such databases.

Mr. SPECTER. I yield the floor.

YUCCA MOUNTAIN

Mr. MURKOWSKI. Mr. President, I stand to try to enlighten Members about the Yucca Mountain resolution which is going to be before this body. Yesterday, I took to the floor to speak on the current status of the Yucca Mountain debate in the Senate. I bring it to my colleagues' attention this measure has been reported by the Energy and Natural Resources Committee and is now ready for consideration by the full Senate.

There is a process here. I think it is somewhat confusing to Members, and hopefully we will get a better understanding when I share my analysis.

I want to make sure everyone understands that I certainly support the majority leader's ability to control the floor of the Senate and hence the schedule. I hope the majority leader will bring this issue to the floor shortly. I and others are looking forward to working with him, Senator LOTT and others, to try to come to an agreement to move the Yucca Mountain issue. However, should the majority leader choose not to bring this up and asks the Republicans to do it, we are prepared to oblige.

The process laid out is unique in the Nuclear Waste Policy Act. It was intended to eliminate any opportunity to delay, impede, frustrate, or obstruct the Senate and House votes on this siting resolution. That is the reason this expedited procedure was put into the act.

As Senator CRAIG pointed out last week, this was very specific language. It provides that any Senator on either side may move to proceed to consideration of the resolution.

There is a historical association with these procedures. Back when the Nuclear Waste Policy Act was debated in 1982, a central question was how to treat an obligation by the State selected for the repository if, in fact, the State objected—hence the situation with regard to Nevada. Nevada was selected. Nevada has rejected the site.

Back then there was a Congressman by the name of Moakley, the chairman of the House Rules Committee. He was concerned over what he perceived as a constitutional issue—single House action—and sought an approach that would allow a State to raise an objection but also guarantee that a decision would be made without raising constitutional questions. The solution he proposed, and which is included in the legislation, was passage of a joint resolution coupled with expedited procedures that would eliminate any opportunity for obstruction or delay. In other words, trying to make it fair to the State that was affected.

Moakley's State veto provision was added to the House-Senate compromise bill after Senator Proxmire threatened to filibuster the bill unless it was included. Senator Proxmire described the provisions as making it "in order for any Member of the Senate to move to proceed to consideration of the resolution" to override the State's veto.

That is where we are today on this matter.

Further, as a little history, Senator George Mitchell, who was the majority leader at that time, insisted that the language "should not burden the process with dilatory or obstructionist provisions" and was only accepted in the Senate because we were all assured that there were no procedural or other avenues that would prevent the Senate from working its will within the statutory framework.

Again, I want to quote Congressman Moakley on that provision when the House approved the final measure:

> The Rules Committee compromise resolved the issue in a fair manner. We proposed a two-House veto of a State objection but required that both the House and Senate must vote within a short timeframe. So long as the vote is guaranteed, the procedures are identical as a political and parliamentary matter.

The process, which includes the right of any Senator to make the motion to proceed, is that guarantee.

All of this brings me to the point of the majority leader's ability to control the flow of legislation in this body. The majority leader has been very forthcoming in his position on the resolution, and I understand and appreciate that. While I disagree with his position, I do not question his honesty or his integrity. Nor do I wish to hinder his ability to control the floor in normal circumstances.

This situation, however, is not one in which we often find ourselves. In this rather extraordinary case, we find ourselves governed not by the usual rules and traditions of the Senate but, rather, by a very specific and limited expedited procedure—a procedure set out in law, a law that was passed by this body.

Senator DASCHLE chooses to call this fast-track procedure—he mentioned "a violation of the Senate rules." I choose to call it an "exception." But whatever it is, whatever you want to call it, it is the same thing. It is a statutory fast track to consider a type of measure that is not ordinarily before the Senate, nor ordinarily treated in this manner. Extraordinary circumstances often call for an extraordinary procedure, and I think that is what we have before us.

Despite what Senator DASCHLE has indicated in a press conference earlier this week:

> This whole procedure, as you know—we locked in a procedure many, many years ago—I believe it was in 1982—

And he continued later in the statement:

> But this is what we are faced with. And so given the fact that we're faced with a very un-Senate-like procedure, I have no objection to that concept. (Here he is referring to a Republican making the motion to proceed) in terms of who would raise the issue on the floor.

Certainly I appreciate the leader's recognition that this measure must come up, and should the majority leader not make the motion, obviously some other Member will. If that is what will happen, it does not in any manner undercut the authority of our majority leader. No Senator, however, has come running to interrupt the present schedule of proceedings by bringing up this resolution.

We have, in fact, had discussions between the majority and minority leaders. We would like to enter into a unanimous consent agreement to minimize any potential disruption to the Senate, but that may not be possible, given the objection of the Senators from Nevada.

I quote from an article that appeared in one of the publications that I was given, in the "Hill Briefs," a reference by Emily Pierce, Congressional Quarterly staff writer, on 6–19 of this year, third paragraph:

> And Senator ENSIGN and Senator REID said they aimed to persuade enough Members of both parties to reject the procedural motion, contending it would set a bad precedent. They contend the majority leader should control the agenda rather than leave that task to another Senator.

That is really incidental, but I think it points out that we have two Senators from Nevada who rightly are going to object to moving this matter before the Senate.

Barring what would be any further delays, we can find an appropriate time that is convenient to the schedule of our two leaders to resolve this matter. As to who makes the motion to proceed, I do not know that it really matters very much.

When I was chairman of the Energy Committee, I occasionally came to the floor to move to proceed to some measure reported from the committee. I certainly think it would be equally appropriate for our present chairman to make the motion to proceed to the consideration of this resolution. However, he may not want to do so.

I commend Senator BINGAMAN for an excellent committee report and the deliberate approach that he took to the consideration of the resolution. I commend him. But the bottom line is that, if the majority leader does not want to make the motion, for substantive or whatever reason, the statute explicitly deals with the situation to ensure that the Senate can take action.

As I have said before, the State veto and the congressional joint resolution are extraordinary provisions. A vote on the resolution is essential to the compromise in the agreement of 1982 to go to a two-House resolution.

It offers no precedent for any other situation and by its terms is limited to this specific situation. There are enough substantive issues that we can discuss. We do not need to suggest that somehow an explicit provision in a statute should be ignored and does not mean precisely what it says.

It is time we focus on substance and I sincerely hope that the two leaders can find a time before the July recess for us to take up this important Yucca Mountain resolution.

I would note that all debate is limited to 10 hours, so it would be possible to take up the resolution one afternoon or evening and have a vote the next morning. That would create very little inconvenience to the leaders' schedule, but I look forward to whatever they can work out.

It is time for either the majority leader or his designee—perhaps the chairman of the Energy Committee who introduced the resolution and so ably guided it through committee—to make the motion to proceed and establish, under the rules of the Senate and the procedures laid out in the act, a time and date certain when the Senate can debate and vote on this resolution—as the act intended.

This matter is long overdue. It is the obligation of this body. The House of Representatives has done its job, and the Senate should do its job.

I thank the Chair. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to speak as if in morning business and to extend morning business time for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

YUCCA MOUNTAIN

Mr. REID. Mr. President, I have heard my friend, the distinguished junior Senator from Alaska speak, as I have heard the Senator from Idaho speak on several occasions during the last few days. I have chosen not to respond because what my friends have spoken about we have heard many times.

We have a situation on which the American people are now focusing. The focus for many years has been whether Yucca Mountain is a suitable site for a nuclear waste depository. Scientifically, that has fallen apart for many reasons. One is that under the statute, Yucca Mountain and/or any other site was supposed to be a facility that would geologically protect the American people from nuclear waste. Yucca Mountain didn't work. They have learned that geologically it can't do that because of the fault lines, because of the water tables, and because of many other facts. They decided to use Yucca Mountain anyway. But they would build an encasement and put it down in the hole. They would have the waste in containers in Yucca Mountain.

The point is that now people are no longer focusing on Yucca Mountain. They are not focusing on Yucca Mountain because they have come to the realization they have to get it there some way. You are not going to wake up one morning and suddenly find thousands of tons of nuclear waste from around the country from different reactors there. No. You will have to haul it there. We have learned they are going to haul it by water, by train, and by truck. They can haul all they want. But the waste is always going to be at these reactor sites. You can't get rid of it. You are producing it all of the time.

When they take a spent fuel rod out, it has to stay onsite for 5 years before they can touch it. Then they have to determine how to move it.

We have known since September 11 that we have a lot of difficulty moving anything dangerous on the highways of this country. The most poisonous substances known to man are in these spent fuel rods.

There is a Web site—www.mapscience.org. It has been up since last Tuesday. You can punch in an address—whether it is Georgia, whether it is Nevada, Virginia, Maryland, or Rhode Island. You will find instantaneously how close nuclear waste will travel to your home address or any other address you enter.

Since Tuesday, we have had about 100,000 people who have focused on that and who have made hits on that site. People from all over this country are now realizing that nuclear waste is not a Nevada problem, it is their problem.

My friends from Alaska and Idaho can come here and talk all they want. But the people who are eminent scientists and who have enough experience dealing with transportation—for example, the former head of the National Transportation Safety Board—agree that this is a bad idea. Jim Hall, the former head of the National Transportation Safety Board has done editorial boards, and he is an expert on transportation safety. He said you shouldn't do it. You can't do it. People say: OK, big shot. What do you want to do with it? That is very easy to answer. Leave it where it is, where there are storage containers, where you can encase and cover them with cement. There are all kinds of ways to protect them onsite, but you can't do those things when you haul the waste. The casks become too heavy.

The majority leader is absolutely right. He does not like this. He thinks it is wrong headed. People have been wined and dined by the nuclear power industry for 20 years. One of the great trips they take is to Las Vegas. They say: Come on. We will show you Yucca Mountain.

They whip them out to the mountain for a few hours and put them up in fancy hotels in Las Vegas for a weekend or so. They have had hundreds of staff out there to look at this. We know how powerful staff is. They come back and say there is a great repository out there.

I acknowledge that my job is easier than my friend, the junior Senator from Nevada. My job is easier because this battle has been going on for a while. President Clinton vetoed a proposal to change environmental standards at Yucca Mountain. That veto was upheld by a vote of the Senate—33 Democrats and 2 Republicans.

They also tried to establish Yucca Mountain as a temporary place—an interim storage site. President Clinton interceded. That was soundly defeated.

My job is easier than my friend from Nevada. I am working with people who have not voted against this in the past, and who have voted for my position in the past. We had a President who, even though he had a nuclear plant in Arkansas, understood.

But my friends on this side of the aisle must do the right thing. I don't say this negatively. I get campaign contributions also. Even though I get campaign contributions, that isn't how I have to vote. They give me that money because they think I am an honorable person trying to do the right thing.

The fact that for 20-odd years millions of dollars have been given to campaigns around this country, people have to set that aside and do the right thing. It is not easy to do. But they have to do the right thing. I am not in any way trying to demagog the issue other than to say there are occasions when people have to do the right thing.

For my friend, JOHN ENSIGN, and for the people of this country, my friends on the other side of the aisle must do what is fair and understand that the transportation of nuclear waste is not safe.

The Chairman of the Nuclear Regulatory Commission said last week if this bill does not go forward and the veto of the Governor of Nevada is upheld, that it is no big deal. We can and will leave the nuclear waste where it is. That is what the Chairman of the Nuclear Regulatory Mission said last week.

The former member of the NRC, Dr. Victor Gilinsky, said at an Energy Committee hearing: I don't understand what the rush is. They can't transport the stuff in Europe. They have tried. This week they had a big demonstration where people chained themselves to the railroad tracks. Basically, they stopped the trains from hauling it. Germany has given up on it.

The mad rush is because the nuclear power lobby is extremely powerful. But for the good of the people of this country, whether they have a nuclear reactor in their State or not, you can't haul it safely. It is better left where it is until we find the right technological solution.

I guess the reason I came down is that I have just kind of had it up to here on all of these speeches about what a righteous thing they are doing by bringing this forward. It is the wrong thing to do. It is not a Nevada issue. It is an issue that affects everybody in this country.

For anyone to even suggest or intimate that this matter should now be reported to the Senate in a matter of a minute or two, and the Defense authorization bill should be set aside to take it up—we are talking about giving our men and women in the military additional resources to fight the war on terror and to make this country secure. To even think we would set this aside for that is, to me, distasteful.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Feingold Amendment No. 3915, to extend for 2 years procedures to maintain fiscal accountability and responsibility.

Reid (for Conrad) Amendment No. 3916 (to Amendment No. 3915), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to express my support for the fiscal year 2003 Defense authorization bill. I believe this bill provides the needed resources to compensate and to reward the men and women in uniform who are doing an extraordinary job protecting this country across the globe and here at home. I also think the bill will provide the funding and the direction to continue the transformation of our military forces so that we are able to meet the new emerging threats of this new century.

This year, I again served as chairman of the Strategic Subcommittee. This subcommittee focuses on strategic systems, space systems, missile defense, intelligence, surveillance, and reconnaissance programs, and the national security functions of the Department of Energy. The subcommittee and the full committee held seven hearings dealing with matters in the subcommittee's jurisdiction.

The issues addressed by the subcommittee cover a wide range of subjects. These issues include the Nuclear Posture Review, which the Defense Department issued in December, which covers our strategic nuclear plan; the creation of a new Missile Defense Agency, which replaced the Ballistic Missile Defense Organization; increased concerns about the security of nuclear weapons and materials; the need to substantially restructure several space programs; and proposed reductions to the number of deployed nuclear weapons in the context of the new and very commendable agreement with Russia.

Let me turn, first, to the issues of strategic systems.

The strategic systems that fall within the jurisdiction of the Strategic Subcommittee include long-range bombers, the land-based and sea-based ballistic missile forces, and the broad range of matters pertaining to nuclear weapons in the Department of Defense.

In the area of strategic systems, the bill, as reported, adds $23 million to keep the Minuteman III ICBM upgrade programs and the effort to retire the Peacekeeper on track, as has been requested by the Air Force in their list of unfunded requirements.

The Peacekeeper and the Minuteman III missiles are both land-based missile systems. When the Peacekeeper is retired, Minuteman III will be the only land-based system, so it is very important to ensure, for our nuclear deterrence, that the process of retirement of Peacekeeper and modernization of Minuteman III continues at the appropriate pace.

Under the terms of the Nuclear Posture Review, the Department of Defense plans to eliminate all 50 of the Peacekeeper missiles and download the 500 Minuteman III missiles from their current multi-warhead configuration to a single warhead. This is a significant step in reducing the threat posed by nuclear weapons and one of the major reasons that the United States and Russia were able to come to an agreement.

Reducing the number of warheads on the Minuteman III to one warhead per missile, and removing all of the warheads from retiring Peacekeeper missiles, is a key to achieving the goals of a reduced number of deployed missiles that are at the heart of the agreement with the United States and Russia.

The commitment is to reduce the number of deployed nuclear warheads to the range of 1,700 to 2,200 from the present approximately 6,000 deployed warheads.

Also, this will provide more stability, as missiles with single warheads, in the context of deterrence policy, are a more stable element than multi-warhead missiles.

These are all encouraging developments, but it is necessary to keep this process on track by the additional funds which we have added to this legislation.

The subcommittee is also concerned about ensuring that the long-range bomber fleet is modernized and maintained. These bombers, particularly the B–2 and the B–52, have repeatedly showed their usefulness in conflicts from Desert Storm to present operations. There are no plans to replace these bombers in the near future. In fact, in 2000, when the Air Force last reviewed the projected lifetime of these bombers, they determined they could rely on these bombers for an additional 30 years. The reality is, the pilots who will retire the B–52 and B–2 bombers have not yet been born.

We have to maintain these systems, upgrade their electronics and avionics, to make sure they are still a valuable and decisive part of our forces.

This bill would include an additional $28 million to address shortfalls in the B–2 and B–52 bomber programs, and also approves the request by the Department of Defense to reduce and consolidate the B–1 fleet.

Adding these additional funds is absolutely necessary if the Air Force projections are correct, and we will have these systems—the B–2 and the B–52—in our inventory for an additional 30 years.

Turning to the area of space, another jurisdiction of the Strategic Subcommittee, we considered a variety of very important Defense Department space programs. These programs include satellite programs that provide communications, weather, global positioning systems, early warning, and other satellites for defense and national security purposes.

Space programs are critical to the effective use of our Nation's military forces, and each day they grow in importance. This is a very important aspect of our deliberations.

We also included in our consideration the ability of the United States to continue to effectively launch space vehicles by looking at the east coast ranges in Florida and the west coast ranges in California.

The bill includes funding at the requested levels for most of the Department of Defense space programs. There are some exceptions, however. The committee has added $29 million to continue to improve the readiness and operations safety at the east coast and west coast space launch and range facilities. If we cannot launch vehicles into space, we cannot ensure that we have the appropriate constellation of satellites to communicate, to provide intelligence resources, to provide global positioning signals—all the things that are critical to the success of our military forces in the field. These ranges are important, and these additional funds will upgrade their ability to continue to play a vital role in our national security.

The bill also includes reductions in certain space programs. One of these programs is the Space-Based Infrared Radar-High or SBIRS-High satellite program. This is a satellite program which is critical to replacing an older and aging system of satellites that provides early warning of missile launches and other activities of concern to the United States.

The worldwide reach of this satellite system is key to its ability to warn of any launches and to provide other critical intelligence. But this program has been plagued with serious problems. It is overbudget and years behind schedule. It is in the process of being restructured by the Department of Defense.

Reflecting this restructuring, the bill reduces the over $800 million budget request for SBIRS-High by $100 million so that this restructuring can literally catch up with the funding stream. I think this is an appropriate way to continue to maintain the defense capabilities of the United States while recognizing a program that is in the midst of serious restructuring by the Department of Defense.

The bill also reduces the requested funding for another satellite that has had a troubled history; and that is the Advanced Extremely High Frequency, or Advanced EHF satellite. This satellite program is designed to ensure that the Department of Defense and the military services will retain the ability to have a reliable and survivable communication. Advanced EHF, like SBIRS-High, is a replacement for a current system. But, here again, the program is in serious trouble, overbudget and behind schedule. It, too, is being structured. This restructuring made $95 million available that the Air Force requested be shifted to other high-priority programs. And we have followed their advice and their suggestion.

Space programs are critical to the operations of the U.S. military. As I indicated, with each day, they become more and more critical. But several of these programs, not only the SBIRS-High program and the Advanced EHF communications satellite program, are experiencing significant problems with cost growth and schedule slippage.

Some of the problems with the space programs appear to be connected with the oversight and management of the programs. To address this, the bill includes a legislative provision to ensure the adequate oversight of space programs. This provision would direct the Office of the Secretary of Defense to maintain oversight of space programs and would require the Secretary to submit to Congress a plan on how oversight by OSD and the joint staff will be accomplished. This provision is included largely as a result of testimony before the Strategic Subcommittee in March of 2002 and will ensure that OSD remains and retains an oversight role for space programs.

Under Secretary of the Air Force Peter Teets, when testifying before the subcommittee, stated that the Air Force is facing significant challenges in several of our most important space programs. This bill attempts to address these concerns by ensuring that adequate oversight by the Department of Defense is maintained.

Let me again stress the importance of these programs. We have all been amazed by the extraordinary success of our military forces in Afghanistan. If you listened to the reports of the special forces troops conducting these operations on the ground, one of the key weapons they had was not a cannon or an M-16, it was a global-positioning, range-finding, targeting device which will operate magnificently as long as we have GPS satellites and comparable satellites in the air. So communications and satellites are critical to the special forces soldier on the ground, the aviator in the air, every member of our military forces. We are endeavoring to maintain, to enhance, and to secure the future of our space operations within this legislation.

Let me turn now to another aspect of our responsibilities. That is the intelligence, surveillance and reconnaissance functions. This area includes programs such as the Global Hawk and the Predator unmanned aerial vehicles, or UAVs. We have long supported these very innovative and sophisticated weapons. They have shown their worth, particularly Predator in Afghanistan, and therefore the committee recommends fully funding the administration's request to accelerate the development and procurement of UAVs.

Another area we have supported—and in fact we provide additional support in the legislation—is the acquisition of commercial satellite imagery by the Department of Defense. The bill includes an additional $30 million to authorize the Department to buy commercially available imagery to supplement and complement the imagery which we collect through our own assets. This will enhance our ability to conduct operations. This is an initiative strongly supported by Senator ALLARD, ranking member of the committee. We join in his support of this very worthy enterprise and endeavor.

Let me turn to some of the aspects in the subcommittee that touch upon the responsibilities of the Department of Energy when it comes to nuclear weapons. We include several provisions addressing DOE programs. The first would ensure that Congress continues to exercise its oversight responsibility with respect to funding for future nuclear weapons activities.

This is absolutely important. In December the administration released a Nuclear Posture Review. This Nuclear Posture Review has been criticized, challenged, identified as perhaps blurring the line between nuclear and conventional responses. This is an area where there is much concern. Again, it reinforces the need for Congress to be informed and responsive to evolving policy with respect to development and deployment and use, potentially—we hope never—of nuclear weapons.

If you look at the Nuclear Posture Review, you will see throughout a new triad which includes offensive strike systems which are described as including both nuclear and nonnuclear.

You will see that in the context and literal words of the Nuclear Posture Review, they have talked about "in setting requirements for nuclear strike capabilities, distinctions can be made among the contingencies for which the United States must be prepared. Contingencies can generally be categorized as immediate, potential, or unexpected."

In the realm of immediate, potential, or unexpected contingencies, they list countries such as North Korea, Iraq, Iran, Syria, and Libya. These are countries which may be endeavoring to develop nuclear weapons but at this time are not declared nuclear powers, raising the issue of whether we would abandon a long-term policy that we would not use nuclear weapons as a first strike on a nonnuclear power unless they attack us in conjunction with a nuclear power. This uncertainty, ambiguity, exists. Perhaps it has always existed, but it underscores the need for Congress to be informed, to be part of this evolving discussion and debate about nuclear policy.

Therefore, we would ask that the Department of Energy specifically request funds for any new or modified nuclear weapons. There is no money in this budget for such weapons, but I think at this juncture we have to go on record to ask for that type of specific information and not rely upon finding it buried in some larger account. It is an important issue. It is a critical issue. After the tensions between Pakistan and India, that have not yet subsided totally, no one needs to be reminded about the horrendous impact of the potential use of a nuclear weapon. Therefore, it is vitally important that this Congress be informed of any potential developments of new weapons by the United States.

The budget request did include $15.5 million for a feasibility study of a robust nuclear earth penetrator weapon. The bill denies funding for this purpose and directs the Secretaries of Energy and Defense to submit a report to Congress setting forth the military requirements, the characteristics and types of targets the nuclear earth penetrator would hold at risk, the employment policies of such a nuclear earth penetrator, and an assessment of the capabilities of conventional weapons against these potential targets.

Once again, in the context of a statement by administration officials about the, perhaps, rejection of long-term policy, the nonfirst use against nonnuclear powers, and the ambiguity that has been created, it is essential to stop and look at justification for creating this weapon system.

We already have a nuclear earth penetrator. It is the B61–11; it has been publicly reported. We have the system in place. It is incumbent upon the Departments of Energy and Defense to say why we need to modify another system to do a similar job.

I will also point out there has been some suggestion that what the Department of Energy might be working on is a small mini-nuke that would be less troublesome in terms of radiation, in terms of the impact. Quite seriously, once we cross the nuclear threshold, the size of the weapon may be less important than the fact that we have crossed the threshold.

From the candidates that might be chosen to modify for this robust nuclear earth penetrator, these are very large weapons, hundreds of kilotons, at least six or seven times the destructive force that was used upon Hiroshima. We have to be very careful. The bill goes ahead and denies the funds and asks the Department of Energy to justify with the report several parameters which are necessary before they go forward, if they do go forward.

The last DOE provision I would like to speak about is a provision that would focus additional resources, $100 million, in cleanup efforts to clean up DOE sites throughout the country that have been polluted by the nuclear activities going back more than 50 years. It is essential to make our commitment to communities throughout this country that have hosted DOE facilities and now see the ground around them literally contaminated, in many cases by nuclear operations. This is very important.

Let me turn to one of the most contentious and challenging issues before the subcommittee. That is the issue of ballistic missile defense. I want to take some time and go into some detail because there are misconceptions and misinformation about what the subcommittee did and what the committee finally approved.

Let me start with the very broad picture. The administration requested $7.6 billion for missile defense. The committee recommends $6.8 billion, a reduction of $812 million, or 11 percent. I should point out that the budget for missile defense has grown dramatically in the last several years. We are still funding this program at a very robust $6.8 billion. The $812 million reduction in ballistic missile defense was transferred to more immediate and pressing needs in the view of the committee.

The most significant, in terms of dollars, was $690 million for additional shipbuilding, which will provide advanced procurement for a new submarine, a new destroyer, and a new troop transport ship, all immediate and vital needs for our military forces.

Some of the additional money would be used to increase the security of the Department of Energy facilities. Again, after the last several weeks, where we thought an al-Qaida operative was making his way to the United States to steal radioactive material to construct a "dirty" bomb, the need for enhanced security at DOE sites, as well as many other sites that have radiological material, cannot be underestimated.

Let me talk in general terms about the ballistic missile threat and the programs that are evolving to meet that threat. First, historically and generally, we have categorized this in two ways: short-range threats and the longer range threat of the intercontinental ballistic missile. The reality is that many countries have short-range missiles, some of which are capable of mounting chemical and biological warheads. They are an immediate present threat to U.S. forces deployed throughout the world and to U.S. allies throughout the world.

Intercontinental ballistic missiles are those, obviously, that travel long distances and are designed to strike the homeland of the United States. Those two distinctions have formed most of our programmatic response for many decades.

The administration has come in and, in some respects, blurred the lines between these two distinctions. Rather than the traditional distinction between theater missile and national missile defense, between the short- and medium-range missiles and the longer range intercontinental ballistic missiles, they have talked about creating a missile defense consisting of the boost phase defense systems—those systems designed to strike a missile when it leaves the launch pad, in the 2 or 3 minutes before it gets into the upper atmosphere; in fact, outside of the atmosphere in some cases—a midcourse phase, as the term indicates, which would destroy the missile in the middle of its flight; and the terminal phase, which is the final point where the missile is heading toward its target, coming down rapidly towards its target.

Now, there is a certain logic to this. I have to be fair about that. If one looks at defense in other contexts, such as the more terrestrial contexts of a land battle, defense in depth is a watchword—long-range fires, intermediate fires, and close fires. So there is a logic to this, and it might be unwitting, but there is a blurring and distortion that I think can be misinterpreted—and I think it has been in many cases—with respect to the actual programs we are trying to develop and the progress on those programs.

One case in point is a recent article in the Wall Street Journal, on June 18, where it talks about discussions by General Kadish, about the Navy theater-wide missile system, on which the Journal opined in this article:

> The move would represent the first deployment of a defensive missile shield since a system was first proposed by President Reagan in the 1980s.

What General Kadish was talking about was a theater missile, not a national missile system. In point of fact, the PAC–3 system, a land based theater system, is being operationally tested now and likely will be deployed. Certainly it is further along in development than this proposed sea based system.

This type of blurring of the lines in recalibration and renaming of systems I think has created a lot of misunderstanding. Hopefully, we can add some clarity today.

As I mentioned before, theater ballistic missiles have long threatened forward deployed U.S. forces. For years we have confronted the potential of a real-time missile attack in North Korea and in other places. Long-range missiles were the source of our long and, fortunately, stalemated cold war with the Soviet Union. They had the capacity to fire missiles intercontinentally. We were able to wait them out or, through deterrence, through our strategic policy, we were able to bring the cold war to a conclusion, and also to have a situation in which now we are making real progress with Russia in terms of strategic arms control. So this distinction between theater missiles and ICBMs is significant.

I think it is appropriate at this point to try to go through the list of the systems which have been developed, which we have been developing, and systems that are the underpinning of this new constellation of missile defenses the administration talks about.

I ask unanimous consent to have printed an article by Philip Coyle, former director of operational test and evaluation in the Department of Defense, in the Arms Control Today of May 2002. It summarizes in excellent detail the systems we are talking about today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Arms Control Today, May 2002]

RHETORIC OR REALITY? MISSILE DEFENSE UNDER BUSH

(By Philip Coyle)

Since it assumed office, the administration of President George W. Bush has made missile defense one of its top priorities, giving it prominence in policy, funding, and organization.

First, the administration outlined an ambitious set of goals that extend well beyond the Clinton administration's missile defense aims. In early January 2002, Secretary of Defense Donald Rumsfeld described the administration's top missile defense objectives his way: "First, to defend the U.S., deployed forces, allies, and friends. Second, to employ a Ballistic Missile Defense System (BMDS) that layers defenses to intercept missiles in all phases of their flight (i.e., boost, midcourse, and terminal) against all ranges of threats. Third, to enable the Services to field elements of the overall BMDS as soon as practicable."

Then, in its nuclear posture review, the administration outlined the specific elements of a national missile defense that it wants to have ready between 2003 and 2008: an air-based laser to shoot down missiles of all ranges during boost phase; a rudimentary ground-based midcourse system, a sea-based system with rudimentary midcourse capability against short- and medium-range threats; terminal defenses against long-range ICBMs capable of reaching the United States; and a system of satellites to track enemy missiles and distinguish re-entry vehicles from decoys.

Finally, to speed implementation, the administration has taken a number of tangible steps. It announced on December 13, 2001, that the United States would withdraw from the 1972 Anti-Ballistic Missile (ABM) Treaty, ostensibly because the treaty was restricting testing of mobile missile defenses against y026ICBMs. In its first defense budget, the administration requested a 57 percent increase in funding for missile defense—from $5.3 billion to $8.3 billion, of which it received $7.8 billion. Then, Rumsfeld reorganized the Ballistic Missile Defense Organization into the new Missile Defense Agency, cancelled the internal Pentagon documents that had established the program's developmental goals, and changed the program's goal from being able to field a complete system against specific targets to simply being able to field various missile defense capabilities as they become available.

All in all, a lot has happened in missile defense in the first year or so of the Bush administration. But have these actions brought the United States any closer to realizing its missile defense goals, especially deployment of a national missile defense? And what elements, if any, of a national missile defense capability might it be possible for the United States to deploy by 2008, as called for in the nuclear posture review?

Despite the Bush administration's push for missile defense, the only system likely to be ready by 2008 is a ground-based theater missile defense intended to counter short-range targets—i.e., a system to defend troops in the field. Before Bush leaves office, the only system that could conceivably be ready to defend the United States itself is the ground-based midcourse system pursued by the Clinton administration. None of the other elements mentioned in the nuclear posture review as possible defenses against strategic ballistic missiles is likely to be available by 2008.

To understand why, let us examine each of the missile defense programs—starting with the short-range, theater missile defense systems and moving to the longer-range, strategic systems—to see what has happened since the Bush administration took office 16 months ago. The results suggest that the Bush administration should not base its foreign policy on the assumption that during its tenure it will be able to deploy defenses to protect the United States from strategic missiles.

THEATER MISSILE DEFENSES

Each of the U.S. military services has been pursuing tactical missile defense programs designed to defend U.S. troops overseas. None of these programs was designed to defend the United States against ICBM attacks, and none has any current capability to do so. However, the administration hopes to be able to apply some of the technology from these service programs to a layered national defense capable of defending the U.S. homeland. (For an explanation of the various stages of development discussed below, see the box below.)

PAC–3

The Patriot Advanced Capability–3 (PAC–3) is a tactical system designed to defend overseas U.S. and allied troops in a relatively small area against short-range missile threats (such as Scuds), enemy aircraft, and cruise missiles. Developmentally, it is the most advanced U.S. missile defense system, and a small number have been made available for deployment although testing has not yet been completed.

PAC–3 flight testing began in 1997. From 1997 to 2002, 11 developmental flight tests were conducted, including four flight intercept tests with two or three targets being attempted at once. Most of these tests were successful, but in two of the tests one of the targets was not intercepted. In February, PAC–3 began initial operational testing, in which soldiers, not contractors, operate the system. Three operational tests have been conducted, all with multiple targets. In each, one of the targets has been missed or one of the interceptors has failed.

A year ago, PAC–3 was planned to begin full-rate production at the end of 2001. However, problems with system reliability and difficulties in flight intercept tests have delayed that schedule. This means that full-rate production likely will be delayed until more stressing "follow-on" operational tests can be conducted against targets flying in a wide range of altitudes and trajectories. In March, Lieutenant General Ronald Kadish, who heads U.S. missile defense programs, testified to Congress that the full-rate production decision would be made toward the end of 2002 (before operational testing has been completed), representing a delay of about a year since last year. The full system will be deployed once all operational testing has been completed, perhaps around 2005.

A future version of PAC–3 is being considered for terminal defense of the United States. However, PAC–3 was not designed to counter long-range threats, and no flight intercept tests have been conducted to demonstrate how it might be incorporated in a terminal defense layer. Further, the ground area that can be defended by PAC–3 is so small that it would take scores of systems to defend just the major U.S. cities. A version of PAC–3 that could be effective in a national missile defense is probably a decade away.

THAAD

The Theater High Altitude Air Defense (THAAD) system is designed to shoot down short- and medium-range missiles in their terminal phase. THAAD would be used to protect forward-deployed troops overseas as well as nearby civilian populations and infrastructure. THAAD is to defend a larger area against longer-range threats than PAC–3, but it is not designed to protect the United States from ICBMs.

From 1995 to 1999, 11 developmental flight tests were performed, including eight in which an intercept was attempted. After the first six of those flight intercept tests failed, the program was threatened with cancellation. Finally, in 1999, THAAD had two successful flight intercept tests. The THAAD program has not attempted an intercept test since then, instead focusing on the difficult task or developing a new, more reliable, higher-performance missile than the one used in early flight tests.

A year ago, full-rate production was scheduled to begin in 2007 or 2008, but because there were no intercept tests in 2000 or 2001, that schedule has likely slipped two years or more. In fact, no flight intercept test is scheduled until 2004, and it is therefore unlikely that the first THAAD system will be deployed before 2010.

The Bush administration is considering THAAD for use in a layered national missile defense system. Conceptually, THAAD might be used in conjunction with PAC–3 as part of a terminal defense, or it could be deployed overseas to intercept enemy missiles in the boost phase. However, in its current configuration THAAD is incapable of performing these missions—even once it has met its Army requirements for theater missile defense—and therefore a role for THAAD in national missile defense is probably more than a decade away.

Navy Area Theater Ballistic Missile Defense

The Navy Area Theater Ballistic Missile Defense was the sea-based equivalent of PAC–3. The Navy Area system was being designed to defend forward-deployed Navy ships against relatively short-range threats. But in December 2001 the program was cancelled because its cost and schedule overruns exceeded the limits defined by law. (Ironically, the cancellation came just one day after President Bush announced that the United States would pull out of the ABM Treaty because its missile defense testing was advanced enough to be bumping up against the constraints of the treaty.)

The Navy still wants to be able to defend its ships against missile attack, and the program will most likely to be restructured and reinstated once the Navy decides on a new approach. In the meantime, the Navy Area program is slipping with each day that passes. As with PAC–3, the Bush administration has considered extending the Navy Area system to play a role in the terminal segment of a layered national missile defense. However, at this point the program is too poorly defined to allow speculation about when it could accomplish such a demanding mission.

Navy Theater Wide

The Navy Theater Wide program was originally intended to defend an area larger than that to be covered by the Navy Area system—that is, aircraft carrier battle groups and nearby territory and civilian populations—against medium range missiles during their midcourse phase. In this sense, Navy Theater Wide is the sea-based equivalent of THAAD.

In January, the Navy Theater Wide program conducted its first successful flight intercept test, but a dozen or more developmental flight tests will be required before it is ready for realistic operational testing. About a year ago, full-rate production was scheduled for spring 2007, meaning that the system could be deployed before the end of the decade.

But since then, the Pentagon has given new priority to a sea-based role in defending the U.S. homeland. Navy Theater Wide was not designed to shoot down ICBMs, but the Bush administration has restructured the program so that it aims to produce a sea-based midcourse segment and/or a sea-based boost-phase segment of national missile defense.

Either mission will require a new missile that is twice as fast as any existing version of the Standard Missile, which the system now uses; a new, more powerful Aegis radar system to track targets; a new launch structure to accommodate the new, larger missiles; and probably new ships. As a result, the Navy Theater Wide program requires a great deal of new development. It is unlikely that Navy Theater Wide will be ready for realistic operational testing until late in this decade, and it will not be ready for realistic operational demonstration in a layered national missile defense for several years after that.

Airborne Laser

The Airborne Laser (ABL) is a program to develop a high-power chemical laser that will fit inside a Boeing 747 aircraft. It is the most technically challenging of any of the theater missile defense programs, involving toxic materials, advanced optics, and the coordination of three additional lasers onboard for tracking, targeting, and beam correction. The first objective of the program is to be able to shoot down short-range enemy missiles. Later, it is hoped the ABL program will play a role in national missile defense by destroying strategic missiles in their boost phase.

The ABL has yet to be flight-tested. About a year ago, full-rate production of the ABL was scheduled for 2008. The plan was to build seven aircraft, each estimated to cost roughly $500 million. At that time, the first shootdown of a tactical missile was scheduled for 2003. Recently, the ABL program office announced that the first shoot-down of a tactical missile had been delayed to later 2004 because of many problems with the basic technology of high-power chemical lasers—about a one-year slip since last year and about a three-year slip since 1998. Accordingly, full-rate production probably cannot be started before 2010, and the cost will likely exceed $1 billion per aircraft.

Assuming all this can be done, it is important to note that the ABL presents significant operational challenges. The ABL will need to fly relatively close to enemy territory in order to have enough power to shoot down enemy missiles, and during a time of crisis it will need to be near the target area continuously. A 747 loaded with high-power laser equipment will make a large and inviting target to the enemy and will require protection in the air and on the ground. Finally, relatively simple countermeasures such as reflective surfaces on enemy missiles could negate the ABL's capabilities.

Deployment of an ABL that can shoot down short- and medium-range tactical targets is not likely before the end of the decade, and the Airborne Laser will not be able to play a role in national missile defense for many years after that.

NATIONAL MISSILE DEFENSE

The Bush administration hopes to build a layered national missile defense that consists of a ground-based midcourse system, expanded versions of the theater systems discussed above, and, potentially, space-based systems. The Bush administration does not use the phrase "national missile defense" because it was the name of the ground-based midcourse system pursued by the Clinton administration and because the Pentagon's plans to defend the country are now more robust. But national missile defense is a useful shorthand for any system that is intended to defend the continental United States, Alaska, and Hawaii against strategic ballistic missiles, and it is in that sense that it is used here.

For all practical purposes, the only part of the Bush national missile defense that is "real" is the ground-based midcourse system. It is real in the sense that six flight intercept tests have been conducted so far, whereas versions of the THAAD or Navy Theater Wide systems that might be used to defend the United States have not been tested at all. Space-based systems are an even more distant prospect. For example, the Space-Based Laser, which would use a laser on a satellite to destroy missiles in their boost phase, was to be tested in 2012, but funding cuts have pushed the testing date back indefinitely. Deployment is so far in the future that it is beyond the horizon of the Pentagon's long-range planning document, Joint Vision 2020.

As a result, despite the Bush administration's attempts to distinguish its plans from its predecessor's, Bush's layered national missile defense is, in effect, nothing more than the Clinton system.

Since 1997, the ground-based midcourse program has conducted eight major flight tests, known as IFTs. The first two, named IFT–1A and IFT–2, were fly-by tests designed simply to collect target information. The next six tests, IFT–3 through IFT–8, were all flight intercept tests. IFT–4 and IFT–5, conducted in January 2000 and July 2000 respectively, both failed to achieve an intercept, which became a principal reason why, on September 1, 2000, President Bill Clinton decided not to begin deployment of ground-based midcourse components, such as a new X-band radar on Shemya Island in Alaska.

Another year passed before the next flight intercept test, IFT–6, was conducted. The intercept was successful except that the real-time hit assessment performed by the ground-based X-band prototype radar on the Kwajalein Atoll in the Marshall Islands incorrectly reported the hit as a miss. IFT–7, conducted in early December 2001, was also successful. Until then, all of the flight intercept tests had had essentially the same target cluster: a re-entry vehicle, a single large balloon, and debris associated with stage separation and decoy deployment. Then, in IFT–8, conducted on March 15, 2002, two small balloons were added to the target cluster. This flight intercept test also was successful and marked an important milestone for the ground-based midcourse program.

However, despite these recent successes, there have been significant delays in the testing program. Several of the flight tests were simply repeats of earlier tests, and as a result IFT–8 did not accomplish the tasks set for it in the original schedule. In short, the testing program has slipped roughly two years—i.e., what was originally scheduled to take two years has taken four. That is not to say that the program has made no progress but rather that key program milestones have receded into the future.

The pace of successful testing will be one of the primary determinants of how quickly the United States can field a national missile defense. If the ground-based midcourse system has three or four successful flight intercept tests per year, as it has during the past year, it could be ready for operational testing in four or five years. If those operational tests also were successful, then whatever capability had been demonstrated in all those tests—which would probably not include the capability to deal with many types of decoys and countermeasures or the capability to cover much of the space through which an enemy missile could travel—could be deployed by the end of the decade or even by 2008.

However, the ground-based midcourse system has difficulties beyond the testing pace of its interceptor. The system requires a new, more powerful booster rocket than the surrogate currently being used in tests—a task that was thought to be relatively easy. That new booster was to be incorporated into the continuing series of flight intercept tests to make those tests more realistic and to be sure that the new booster's higher acceleration did not adversely affect other components or systems on board.

But development of the new booster is about two years behind schedule. Indeed, on December 13, just hours after President Bush announced U.S. plans to withdraw from the ABM Treaty, a test of the new booster had to be aborted and the missile destroyed in flight for safety reasons because it flew off course. Flight intercept tests that were to have used the new booster have come and gone without it. Indeed, development of the booster is so far behind that the Pentagon recently issued another contract for a competing design.

Equally problematic is uncertainty over how the system will track enemy missiles in flight and distinguish targets from decoys. One approach is to use high-power radars operating in the X-band (that is, at a frequency of about 10 billion cycles per second). A prototype X-band radar on the Kwajalein Atoll has been part all of the ground-based midcourse flight intercept tests so far, and technically, X-band radar progress has been one of the most successful developments in missile defense technology.

A year and a half ago, Lieutenant General Kadish testified to Congress that establishing an X-band radar in Alaska was the "long pole in the tent" for missile defense. This meant that the X-band radar was critical to a ground-based midcourse system and that if that radar was not built soon, the program would start slipping day for day. Then, as now, there were many other developments that would take as long or longer than building an X-band radar at Shemya, but the Pentagon's official position was that construction needed to start in the spring of 2001 at the latest. Nevertheless, Clinton deferred taking action on the radar.

Surprisingly, the Bush administration has not requested funding for an X-band radar at Shemya in either of its first two budgets. This may be because the administration views such an installation as inconsistent with the ABM Treaty, which the administration has said it will not violate while the treaty is still in effect. Or the administration may not have requested funding because the Missile Defense Agency has been exploring "portable" X-band radars—that is, X-band radars deployed on ships or barges.

Some defense analysts believe that the Space-Based Infrared Satellite (SBIRS) program could be used in place of the X-band radar to assist a national missile defense. SBIRS—which would consist of two sets of orbiting sensor satellites, SBIRS-high and SBIRS-low—is designed to detect the launch of enemy ballistic missiles and could be used to track and discriminate among them in flight. However, the program has significant technical problems.

SBIRS-high, which will consist of four satellites in geosynchronous orbit and two satellites in highly elliptical orbits, is to replace the existing Defense Support Program satellites, which provide early warning of missile launches. A year ago, the SBIRS-high satellites were scheduled for launch in 2004 and 2006, but recently those dates have slipped roughly two years because of problems with software, engineering, and system integration. A year ago, realistic operational testing was scheduled for 2007; now, it may not occur this decade, which means that full deployment may not occur this decade. SBIRS-high is also well over cost and is in danger of breaching the legal restrictions covering cost growth.

SBIRS-low is to consist of approximately 30 cross-linked satellites in low-Earth orbit. A year ago, the launch of the first of these satellites was scheduled for 2006, but SBIRS-low has slipped two years because of a variety of difficult technical problems. The developmental testing program for SBIRS-low is very challenging, and realistic operational testing will probably not begin this decade. This could delay deployment of the full constellation of SBIRS-low satellites until the middle of the next decade. SBIRS-low is also dramatically over budget and was threatened with cancellation in the latest round of congressional appropriations.

For now, the administration has been saying that it will upgrade an existing radar on Shemya called Cobra Dane. Under this plan, the Cobra Dane radar would become an advanced early-warning radar with some ability to distinguish among targets. But the Cobra Dane radar operates in the L-band with about eight-times poorer resolution than a new X-band radar would have, raising questions about the effectiveness of any national missile defense using it.

In sum, the only element of a "layered" national missile defense that exists on anything but paper is the ground-based midcourse system pursued by the Clinton administration. Accordingly, it is nearly impossible to predict when, if ever, an integrated, layered national missile defense with boost, midcourse, and terminal phases might be developed. As noted above, given the most recent pace of testing, some part of the ground-based midcourse system could be deployed by the end of the decade or possibly by 2008.

However, the capability such a system would have would be marginal and probably would not be able to deal with many types of decoys and countermeasures or to cover much of the space through which an attacking ICBM might fly. The Bush administration has said it will deploy test elements as an emergency capability as early as possible, but such a deployment would be rudimentary and its capabilities would be limited to those already demonstrated in testing. It would likely not be effective against unauthorized or accidental launches from Russia or China, which might include missiles with countermeasures. It also would not be effective against launches from Iraq, Iran, or Libya since those countries are to the east, out of view of a radar on Shemya.

CONCLUSION

During the first year of the Bush administration, all U.S. missile defense programs—both theater and national—have slipped. In general, the shorter-range tactical missile defense systems are further along than the medium-range systems, and those medium-range systems are further along than the longer-range systems intended to defend the United States against ICBMs.

PAC-3 is the most developmentally advanced of any U.S. missile defense system, but full deployment will not likely take place before 2005, and realistic operational testing will continue for many years after the first Army units are equipped in the field. The THAAD program has slipped two years or more and will not be deployable until 2010. The Navy Area Wide program has been cancelled, and the Navy Theater Wide program has slipped two years or more and will not be deployable in a tactical role until the end of the decade. If the Pentagon restructures the program so that its priority is boost-phase or midcourse defense against strategic missiles, it will likely take longer. The Airborne Laser has slipped one year and will probably not be deployed as a theater missile defense before the end of the decade.

SBIRS-low has slipped two years and doubled in cost and probably will not be deployed before 2008. For all practical purposes, national missile defense is technically not much closer than it was in the Clinton administration. There have been no flight intercept tests of the boost-phase or terminal-phase elements suggested by the Bush administration, and developmental testing could take a decade or more, depending on the pace of testing and the level of success in each test. The only element that can be flight-intercept tested against strategic ballistic missiles today is the ground-based midcourse system. Part of that system could be deployed by 2008, but elements fielded before then will have only a limited capability.

Thus, while making foreign policy, the Bush administration would do well to consider that probably only a limited-capability version of PAC-3 will be fielded during its tenure and that an effective, layered national missile defense will not be realized while it is in office. It would make little sense to predicate strategic decisions on a defense that does not exist.

It is important for Congress and the American public not to be frightened into believing that the United States is—as some missile defense proponents like to assert—defenseless against even a limited missile attack by a "rouge state" such as North Korea. Powerful and effective options exist, both military and diplomatic.

In Afghanistan, U.S. attack operations with precision-guided weapons have been highly effective. Those same precision weapons would be effective against an enemy ICBM installation. In fact, given current capabilities and the ever-improving technologies for precision strike, it would be fantasy to believe any national missile defense system deployed by 2003 to 2008 would work better and provide greater reliability at a lower cost than the precision-guided munitions used in Afghanistan.

On the diplomatic front, in 1999 former Secretary of Defense William Perry made a series of trips to convince North Korea to stop developing and testing long-range missiles. He was remarkably successful. Although Secretary Perry would not say that North Korea was no longer a threat, it was obvious that the North Korean threat had been moderated. Secretary of State Madeleine Albright was able to build on his trip the next year to secure a pledge from Pyongyang to half flight testing of missiles. Dollar for dollar, Secretary Perry has been the most cost-effective missile defense system the United States has yet to develop. The most straightforward route to missile defense against North Korea may be through diplomacy, not technology.

Many decision-makers in Washington—and, from what one reads, the president himself—seem to be misinformed about the prospects for near-term success with national missile defense and the budgets being requested for it. It takes 20 years to develop a modern, high performance jet fighter, and it probably will take even longer to develop an effective missile defense network. Taking into account the challenges of asymmetric warfare, the time it can take to develop modern military equipment, the reliability required in real operational situations, and the interoperability required for hundreds of systems and subsystems to work together, it would be highly unrealistic to think that the United States can deploy an effective, layered national missile defense by 2004 or even by 2008.

In the meantime, policymakers should be careful that U.S. foreign and security goals and policies are not dependent on something that cannot work now and probably will not work effectively for the foreseeable future. A case in point is President Bush's decision to abandon the ABM Treaty with Russia. That decision was certainly premature given the state of missile defense technology and likely could have been avoided or postponed for many years if not indefinitely.

This is not to say that missile defense technology ought not to be pursued—only that it should be pursued with realistic expectations. Policymakers must be able to weigh the potential merits and costs of missile defense based on a sound understanding of both the technology and the possible alternatives. No one weapon system can substitute for the sound conduct of foreign policy, and even a single diplomat can be effective on a time scale that is short when compared with the time that will be required to develop the technology for national missile defense.

STAGES OF DEVELOPMENT

Missile defense, especially national missile defense, is the most difficult program ever attempted by the Department of Defense—much more difficult than the development of a modern jet fighter like the F-22 Raptor, the Navy's Land Attack Destroyer (DD-21), or the Army's Abrams M1A2 tank complete with battlefield digitization, endeavors that all have taken 20 years or more. Each new major weapons system must proceed through several stages of development, which are listed below. Most U.S. missile defense systems are currently in developmental testing and are therefore not close to deployment.

Research and Development (R&D): The period during which the concepts and basic technologies behind a proposed military system are explored. Depending on the difficulty of the technology and the complexity of the proposed system, R&D can take anywhere from a year or two to more than 10 years.

Engineering and Manufacturing Development (EMD): The period during which a system design is engineered and the industrial processes to manufacture and assemble a proposed military system are developed. For a major defense acquisition such as a high-performance jet fighter, EMD can take five years or more. If substantial difficulties are encouraged, EMD can take even longer.

Developmental Testing: Testing that is performed to learn about the strengths and weaknesses of proposed military technologies and the application of those technologies to a new military system in a military environment. Generally, developmental testing is oriented toward achieving certain specifications, such as speed, maneuverability, or rate of fire. Developmental testing is conducted throughout the R&D and EMD phases of development and becomes more stressing as prototype systems evolve and mature.

Operational Testing: Testing that aims to demonstrate effective military performance against operational requirements and mission needs established for a system. Testing is performed with production-representative equipment in realistic operational environments—at night, in bad weather, against realistic threats and countermeasures. Military service personnel, not contractors, operate the system, which is stressed as it would be in battle. Operational testing of a major defense acquisition system typically takes the better part of a year and is usually broken into several periods of a month or two to accommodate different environments or scenarios. If substantial difficulties are encountered, several years of operational testing may be required.

Production: The phase of acquisition when a military system is manufactured and produced. Early on, during "low-rate production," the quantities produced are typically small. Later, after successfully completing operational testing, a system may go into "full-rate production," where the rate of production is designed to complete the government's planned purchase of the system in a relatively short period of time, about five years.

Deployment: The fielding of a military system in either limited or large quantities in military units. The first military unit equipped may help develop tactics, techniques, and procedures for use of the new system if that has not already been done adequately in development.

All ballistic missiles have three stages of flight.

The boost phase begins at launch and lasts until the rocket engines stop firing and pushing the missile away from Earth. Depending on the missile, this stage lasts three to five minutes. During much of this time, the missile is traveling relatively slowly although toward the end of this stage an ICBM can reach speeds of more than 24,000 kilometers per hour. The missile stays in one piece during this stage.

The midcourse phase begins after the propulsion system finishes firing and the missile is on a ballistic course toward its target. This is the longest stage of a missile's flight, lasting up to 20 minutes for ICBMs. During the early part of the midcourse stage, the missile is still ascending toward its apogee, while during the latter part it is descending toward Earth. It is during this stage that the missile's warhead, as well as any decoys, separate from the delivery vehicle.

The terminal phase begins when the missile's warhead re-enters the Earth's atmosphere, and it continues until impact or detonation. This stage takes less than a minute for a strategic warhead, which can be traveling at speeds greater than 3,200 kilometers per hour.

Mr. REED. The system that is most developed is one I mentioned previously, the PAC-3 system. It is a theater missile system. It is not designed to counter long-range threats. It has been tested rigorously. It is in operational testing now. Phil Coyle states that the administration is considering an advanced version of PAC-3 for a national missile defense. But if you were trying to use it in a terminal phase it would take many systems to defend a rather small area of the United States. We probably would never have the number of systems needed to adequately defend the United States.

Another system we have been developing for years is the THAAD system. Phil Coyle states that the Administration is also considering use of THAAD along with PAC-3 for national missile defense. But in its current configuration THAAD is not ready for this role. In fact, it is far away from it—perhaps a decade before it could be reasonably used in that way.

The other system being developed as we speak is a Navy theater-wide system. It is a midcourse system as it is currently designed. They are now talking about this system as a potential element of their midcourse national missile defense. Again, there are still significant issues with respect to the use of this system for national missile defense.

As Mr. Coyle points out, if the system were to be used for a midcourse mission, or a boost-phase mission, for national missile defense, it would require a new missile that is twice as fast as any existing version of the standard missile which the system now uses. He writes it would require:

> A new, more powerful Aegis radar system to track targets; a new launch structure to accommodate the new, larger missiles; and probably new ships. As a result, the Navy theater-wide program requires a great deal of new development. It is unlikely that Navy theater-wide will be ready for realistic operational testing until late in this decade, and it will not be ready for realistic operational demonstration in a layered national missile defense for several years after that.

It is interesting to note that this system is being considered today by the Missile Defense Agency for possible deployment in 2004. It is also interesting, and a bit surprising, because in last year's authorization bill we asked the Missile Defense Agency to tell us what they propose to do with the Navy theater-wide system. We asked for a report on April 30. The response to our request was actually a letter that came to us on May 30, and repeated the questions we asked. It responded to some of the questions in a very cursory way. It didn't give any life cycle cost for us, so it is hard for us to estimate how much this new evolving system will cost. It simply said they redefined the system. That was May 30.

Yet, about 2½ weeks later, they were telling the press that we are deploying this system in 2004. In fact, one of the points they made in the letter is:

> The details of the sea-based program block 2006 and out capability are being developed through work that is scheduled to be completed by December 2003. We will be able to provide specifics on the system definition, along with a preliminary assessment of force structure and life cycle cost at that time.

So this work is going to be completed in planning by 2003. Yet this system is being talked about for deployment in 2004.

It just does not seem to make much sense, and it illustrates, I think, the problem we have had in the subcommittee, first of getting reliable information, and second of getting a sense of the direction of all these programs.

We are not trying to micromanage the Missile Defense Agency, but when we asked a year ago in our report for information specifically about a type of missile system, when we get a cursory response saying, we have renamed it and we will not be able to tell you anything until we conclude in December of 2003 our deliberations, and then 2 weeks later they are talking about the system being deployed in a theater role in 2004, it illustrates, I think, the problems and the issues we have confronted with simply getting the information we need to do our job, to inform our colleagues, to make decisions that are not only important to our national security, but extremely expensive decisions so that we can perform our mission, our role-in the Senate.

That is the Navy theater wide system. There are other systems we have developed, and I think it is appropriate to note that the next system is the airborne laser system. This is a program to develop a high-power chemical laser that will fit inside a Boeing 747 aircraft. This is a system that would be designed to shoot down short-range enemy missiles in the boost phase. It has some potential, but it is a major technological effort which is going forward, but not going forward with great speed at the moment.

The final major component is the national missile defense midcourse, or the land-based system, in Alaska, and that system we have supported. We have supported it, but having supported it, we also have serious questions with it. The system was inaugurated, if you will; at least ground was broken last week for a test bed for missiles. There are concerns that the missiles cannot be effectively used in a flight test capacity because of safety concerns and other factors with respect to the local area in Alaska. That is one issue.

The other issue, though, is for several years now in the development of this national missile defense midcourse land-based system in Alaska, the administration and the Missile Defense Agency have talked about using an x-band radar, claiming it as absolutely necessary because of its ability to discriminate the warhead. This is important because the major issue that faces the midcourse intercept is the possibility of countermeasures and decoys. So we need a very fine discriminating radar to determine what is the warhead and what are the decoys. However, that x-band radar has not been funded by the administration. They have declared instead they will use an existing radar, COBRA DANE.

One of the problems with COBRA DANE is it faces the wrong way to provide any coverage of Iran or Iraq and provides only limited coverage of North Korea, if you are concerned with the "evil empire."

Despite that, and in an effort to support sincerely and consistently the mission of developing adequate national missile defense, we have provided robust funding for the Alaska test bed, and that is included in this bill. However, I do think it is important and appropriate to state our reservations now because they are points we should consider as we go forward.

Let me continue to discuss some of the important issues, particularly some of the actions the committee has specifically taken.

One thing we should point out is we have looked at the theater missile systems. We have particularly found that the Arrow Missile Defense Program is making great progress. We have increased funding for the Arrow missile system. That is a joint United States-Israeli effort for a theater missile system.

We have also fully funded the PAC-3 system, which is the one closest to deployment. It is one that is, again, a theater missile system.

In all of our deliberations, we have striven to ensure deployment of these systems in a timely way, but also ensure these systems are operationally tested and rigorously tested before they are put in the field. That is incumbent upon us.

We also tried to ensure the independent oversight of the Defense Department's Director of Operational Tests and Evaluation is part of the process. One of the concerns I have, frankly, is that in an attempt by the administration for secrecy and flexibility, we will find a situation in which there is no outside objective voice within the Department of Defense. One that is looking at these programs, advising these programs, and making some judgments that are not influenced by the need for a successful program at any cost, or even a program—forget successful—at any cost, but are motivated by the need to deploy effective systems that will defend this country.

The other factor we considered, and consider constantly, is the discussion of contingency deployments, contingency capabilities. One of the reasons we pause slightly is these contingency capabilities and deployments often result in a rush to failure, often result in a situation where the system is pushed beyond its absolute capabilities. A few years ago, that is exactly what happened with the THAAD Program. It failed its first six intercept tests in a rush to deploy the system before it was ready.

The THAAD Program was subsequently totally redone and revamped. It cost hundreds of millions of dollars that were unnecessary expenditures. It is on track now but, frankly, the situation is such that we do not want to repeat that experience in other missile defense programs. We do not want a situation where the pressure for contingency deployments undercuts the need for thorough, deliberate consideration of the operational characters of these systems and the ability of these systems to do the job they are designed to do.

We have looked very closely at what we think are attempts to rush the systems. In one area, we have reduced funding of THAAD because they have requested what we consider a premature acquisition of missiles before they have actually had missile's first flight test. We have made that judgment.

Let's turn to another aspect of missile defense, and that is the ICBM threat to the United States. It is not as immediate today as the theater missile threat, but it is still a threat.

Fortunately, with our new relationship with Russia, the ICBM threat has decreased significantly. China has a small arsenal of ICBMs, but they typically do not have their missiles on ready status, fueled, and with a warhead on the missile. North Korea seems to be developing an ICBM capability of reaching the United States, although it has voluntarily suspended its long-range missile flight test program. There are other potential adversaries.

This is an issue about which we are concerned, but one of the things we have to recognize with an ICBM is that its launch leaves an indelible signal of the point of departure and our deterrence doctrine is very clear. We have the capacity to strike back, and strike back with overwhelming force. That has been the hinge, really, of our deterrence policy for 50 or more years, and it remains an important part of our policy.

As I have mentioned, the issue of intercontinental ballistic missiles has been with us for many years. We have relied upon deterrence as a mainstay of our defense posture. Today we are developing one system in Alaska that is clearly designed to be a national missile defense system, and this authorization bill supports that effort in Alaska.

As I mentioned, we have taken away resources from some programs that are unjustified or duplicative and simply not advancing what we believe is the common concern of developing adequate missile defense systems, both theater and national. We have taken away approximately $800 million and applied $690 million to shipbuilding. But in addition, we have applied resources for security at our nuclear facilities.

One of the things I found startling in press reports was the fact that the Department of Energy asked for considerably more money to protect nuclear facilities, and they were turned down by OMB.

This is a letter to Bruce M. Carnes, who is the Director of the Office of Management Budget and Evaluation, from the chief financial office of the Department of Energy:

> We are disconcerted that OMB refused our security supplemental request. I would have much preferred to have heard this from you personally, and been given an opportunity to discuss, not to mention, appeal your decision. We were told by Energy Branch staff that the Department's security supplemental proposals were not supported because the revised Design Basis Threat, the document that outlines the basis for physical security measures, has not been completed. This isn't a tenable position for you to take, in my view. We are not operating, and cannot operate, under the pre-September 11 Design Basis Threat. Until that is revised, we must operate under Interim Implementing Guidance, and you have not provided resources to enable us to do so.

That is from the Department of Energy to the OMB. We would move resources into the Department of Energy to provide for security of DOE facilities.

But I think this underscores something else, too. It illustrates what I would say are the misaligned priorities between missile defense and other pressing, immediate concerns. Yes, missile defense is important. Yes, we should develop it quickly, thoroughly, and deliberately, but certainly defending and protecting our facilities that have nuclear radiological material is of an immediate and significant concern.

Last week, we were not threatened by an intercontinental missile. We were threatened by a terrorist, an American who became infatuated with the al-Qaida and their rhetoric and came here, if you believe the press reports, to obtain nuclear materials to construct a "dirty" bomb. That is the immediate real threat today.

Yet when the question before the administration was, do we fund security at DOE facilities or do we continue to put resources into missile defense, they made their choice to put resources in missile defense, way above, I believe, the appropriate amount. As a result, we have made adjustments, and I think those adjustments are entirely appropriate.

The other aspect of this, too, when it comes to the issue of resources, is, first, a point that all of these deliberations on the missile defense budget seems to be outside the purview of the Joint Chiefs of Staff. I thought it was shocking when the Chiefs came up and testified that they were not consulted during the preparation of the ballistic missile defense budget. These are the uniformed leaders of our military forces. These individuals are charged with and have taken an oath to the Constitution to protect the country, and yet they were not consulted at all about this budget.

Another point that is critical, and let me quote from Secretary Rumsfeld's testimony before the Appropriations Committee on May 21. He said:

> In February of this year, we began developing the Defense Planning Guidance for fiscal year 2004. In the fiscal years 2004 to 2009 program, the senior civilian and military

> leadership had to focus on the looming problem of a sizeable procurement bow wave beyond fiscal year 2007.

This is shorthand for describing the course of procurement of systems that will be ready for fielding later in this decade.

> If all were funded, they would crowd out all other areas of investment and thereby cause a repetition of the same heartaches and headaches that we still suffer from today as a result of the procurement holiday of the 1990s.

This in the context of his plea to cut the Crusader system.

But what is most alarming about this quote is that this bow wave does not include any deployment costs of missile defense at a time when the administration is developing multiple systems which they proposed to deploy at the end of this decade, costing hundreds of billions of dollars perhaps.

As a result, we cannot simply ignore the cost implications of these systems. As I mentioned before, simply to obtain life cycle cost information on any of these systems has proven to be virtually impossible. We asked for that with respect to Navy theater wide and we got a letter back saying, we will not know until December of 2003 and then we will tell you.

We cannot operate without an idea, understanding that it will be amended many times before the end of this decade, but an idea about the cost of all of these systems over several years, procurement and operational deployment. If this bow wave is a crisis today, it becomes a tidal wave when you include missile defense costs. As a result, we have asked again for more specific information about the projected costs associated with the missile defense program.

One of the areas, and an area on which we have focused our reductions, has been systems engineering funding. The Department of Defense Missile Defense Agency has asked for significant amounts of money for systems engineering, BMD systems engineering, in addition to specific moneys they are asking in every one of these component parts, boost phase, midcourse, and terminal, where there is sufficient systems engineering money. So we have directed reductions in this BMD systems engineering.

It seems to us, again, to be an ill-defined area. We have asked for what products they are buying. Mostly, I suspect it is engineering services, or consulting services. It is not hardware. We have asked for this and we have gotten very little in terms of a response. As a result, we have shifted these funds significantly into the aforementioned shipbuilding programs and further security for our Department of Energy laboratories.

These efforts represent an attempt to provide good government, good management to a program. We hope it will accelerate the deployment of an effective missile system that has been operationally tested.

I hasten to add that this does not represent a revisitation of the ABM Treaty debate. The President used his prerogative as President to withdraw. This is not about arms control as much as it is about maintaining good management, informing the Congress, so we can make difficult decisions, so that 5 years from now we are not surprised when that bow wave hits us and suddenly the bow wave becomes a tidal wave because of the inclusion of significant costs of missile defense and for theater missile defense.

There is a consensus to support missile defense, clearly theater and, in fact, I think also at this juncture clearly national missile defense. I do not think we support that without asking tough questions and making tough choices about how we spend our money, particularly when it comes to the other uses that are so necessary today, the immediate protection of our homeland, the immediate protection of forces around the globe that are confronting our enemies today. So we have to make these judgments and we made these judgments.

In addition to that, we have asked that a whole system of, we think, very sensible reports and information be given to us. I have a disconcerting feeling that there is a deliberate attempt to limit information that we get and it is justified under the guise that we need flexibility, that we have not thought through the problem yet. There may be something to that, but it is particularly distressing when the Director of Test and Evaluation does not have unfettered access to the program. It is particularly distressing when the Joint Requirements Oversight Council, the JROC, chaired by the Vice Chairman of the Joint Chiefs of Staff, does not have a role in these deliberations. It is particularly distressing when the Joint Chiefs of Staff are not consulted in the preparation of this significant budget. The American people, I think, assume that these officials of the Department of Defense are intimately involved in all of these details and have a seat at the table to make judgments and to give advice. Our legislation would do that.

As we go forward, we will continue to ask the tough questions. The specifics of our requests with respect to these issues of oversight include a reiteration of some of the things that we incorporated in last year's request.

Last year, the National Defense Authorization Act required the Agency to submit lifecycle cost estimates for all missile defense programs that it entered into the engineering and manufacturing and development, or EMD, phase. These are the same types of reports that every major weapons system provides to the Congress.

The THAAD missile defense program, I have mentioned before, entered EMD phase 2 years ago. We fully expected those lifecycle costs would be reported to us in a routine way. However, instead of providing the required information for THAAD, the Department chose to reclassify THAAD as no longer being in EMD thereby avoiding, in their view, the congressional requirement to submit the cost estimate.

It seems to be gamesmanship, to avoid responding to an obvious question, an obvious concern: Tell us how much this system will cost over its lifetime. That, again, is the type of nonresponsiveness, either inadvertent or deliberate, that we have encountered. Therefore, it reinforces the need for additional language in this legislation to require appropriate reports, the same types of reports that you get from mature systems in other areas of defense procurement.

We are not asking for the speculative. We are looking at systems that have had many years of development, which are entering the phases of engineering work. So the issue is defined. We can't do that because it is not defined—sometimes we hear that—that is not at the heart of our request. We have applied the request to major missile defense systems such as the ground and sea-based midcourse program, Airborne laser, and the THAAD program.

It is particularly important to get information because, on the one hand, the administration says these are all speculative, ill-defined, and they are thinking about it. And then they say: We will deploy the system in a very short time, in 2004, for example.

You cannot have it both ways. If we are ready for contingency deployment, certainly the information should be available to the Congress. And this legislation would ask for that information.

We also recommend a provision that requires the Pentagon's director of testing and evaluation to assess the potential operational effectiveness of the major missile defense systems on an annual basis. This would help the administration and Congress determine whether a contingency deployment of a missile defense system is appropriate. There has to be a certain operational threshold before deploying the system. Who better than the director of testing and evaluation to make that assessment.

It also requires the Joint Requirement Oversight Council to annually assess the costs and performance in relation to military requirements. This is the statutory role of the JROC for all military programs. Missile defense is too important to bypass such a review.

As I mentioned earlier, the Chiefs were not even asked to provide their views with respect to these missile defense priorities. That should be corrected also. That should be something the Secretary of Defense would want to have and would insist be included.

Now, we are endeavoring to bring this legislation to the floor representing a commitment to missile defense but also a commitment to the overall defense and security of the United States, to be able to assure our constituents that we have looked carefully and deliberately at all these programs and are aware of these programs, that we support these programs, but we don't do it blindly. We do it on an informed basis and are able to tell them: We are doing what we can, indeed, all we can, in a thoughtful, deliberate, careful, professional way, to enhance the security of the United States in terms of missile defense and in terms of overall defense. We are, in fact, doing our job.

I believe the legislation we have brought from the subcommittee to the committee and to the floor does this. It is a product of careful deliberation. It is a product of many hours of work by staff and Members. It is a product that is designed to enhance the security of the United States. I believe it does. I hope my colleagues agree and concur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hope all Members listened closely to the Senator from Rhode Island. He certainly is qualified by virtue of his service in the Congress, but mostly by virtue of his service in the U.S. Army. The Senator from Rhode Island is the only Senator to graduate from the U.S. Military Academy at West Point, to my knowledge. I always listen closely to what he says. The country is very fortunate to have his expertise.

Mr. WARNER. Would the Senator allow me to associate myself as an extension about observations regarding my colleague. We have some philosophical differences, but he does bring to our committee the wealth of experience he gained in the U.S. military. That is so important.

I also want to discuss scheduling on the floor.

Mr. REID. I am happy to yield without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I say to our leader, subject to the pending amendment, we are hopeful to move on to other amendments in due course.

Mr. REID. I respond to my friend from Virginia, the comanager of this bill, Majority Leader DASCHLE announced in his dugout this morning that he wanted Members to offer amendments and that he was going to look very closely early next week, if things are not moving well, at filing cloture on this bill.

We cannot have this bill not completed by the time we leave for the July recess. The committee has worked too hard. The President needs this legislation. The United States military needs it. We have to complete this bill.

I agree with the Senator from Virginia. We have a very important amendment now pending, and we have to figure out some way to get this off the floor. There are many people working on that as we speak.

The Senator from Virginia is absolutely right. Members need to offer amendments. The majority leader spoke earlier today; he very much desires to move this legislation along quickly. If it does not move quickly after a week or so of debate, he will try to invoke cloture.

Mr. WARNER. I thank our distinguished assistant majority leader.

I am assured that the Republican leader worked hand-in-glove with the majority to bring up this bill, providing our committee with this very important period of time prior to the Fourth of July, but we must finish it.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with for purposes of an introductory statement of approximately 5 minutes. At the conclusion, it is my intention to place the Senate back into quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2652 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Madam President, for the information of Members, we have had a message from the House. We are going to go back into a quorum call. We are trying to move on that as quickly as possible. As I mentioned to the distinguished Senator from Texas, we are going to modify the second-degree amendment. Then Senator GRAMM has some things he wants to say and a motion he wants to make, of which we are aware. But this should not take long. In a few minutes we should be able to get to the legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3916, AS MODIFIED

Mr. REID. Madam President, I send a modification to the desk to the Reid-Conrad amendment. This is on behalf of Senator CONRAD.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

Strike all after the first word in the amendment, and insert the following:

BUDGET ENFORCEMENT.

(a) ENTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(2) in subsection (d)(3)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(3) in subsection (e), by striking "2002" and inserting "2007".

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS.—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011.".

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) EXTENSION OF DISCRETIONARY CAPS.—

(1) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(A) in the matter before subparagraph (A), by striking "2002" and inserting "2007";

(B) by striking subparagraphs (C), (D), (E), and (F); and

(C) by redesignating subparagraph (G) as subparagraph (C).

(2) CAPS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraph (7) and (8) and inserting the following:

"(7) with respect to fiscal year 2003—

"(A) for the discretionary category: $766,167,000,000 in new budget authority and $756,259,000,000 in outlays;

"(B) for the highway category: $28,931,000,000 in outlays;

"(C) for the mass transit category: $6,030,000,000 in outlays; and

"(D) for the conservation spending category: $1,922,000,000 in new budget authority and $1,872,000,000 in outlays;

"(8)(A) with respect top fiscal year 2004 for the discretionary category: $784,425,000,000 in new budget authority and $814,447,000,000 in outlays; and

"(B) with respect to fiscal year 2004 for the conservation spending category; $2,080,000,000, in new budget authority and $2,032,000,000 in outlays;".

(3) Reports.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking "2002" and inserting "2007".

(d) Extension of Pay-As-You-Go.—

(1) Enforcement.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking "2002" and inserting "2007"; and

(B) in subsection (b), by striking "2002" and inserting "2007".

(2) Pay-as-you-go rule in the senate.—

(A) In general.—Section 207 of H. Con. Res. 68 (106th Congress, 1st Session) is amended—

(i) in subsection (b)(6), by inserting after "paragraph (5)(A)" the following: "except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available."; and

(ii) in subsection (g), by striking "2002" and inserting "2007".

(B) Senate pay-as-you-go adjustment.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) Pay-as-you-go enforcement during on-budget surplus.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the president believes are appropriate when there is an on-budget surplus.

(e) Senate Appropriations Committee Allocations.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(f) Advance Appropriations.—

(1) In general.—Section 204 of H. Con. Res. 290 (106th Congress) is amended by striking subsections (a) through (f), (h), and (i).

(2) Limitation.—Section 202 of H. Con. Res. 83 (107th Congress) is amended—

(A) in subsection (b)(1)—

(i) by striking "2003" and inserting "2004"; and

(ii) by striking "$23,159,000,000" and inserting "$25,403,000,000"; and

(B) in subsection (d), by striking "2002" in both places it appears and inserting "2003".

(g) Special Rule.—Section 250(c)(4)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4)(D)(i)) is amended by adding at the end the following: "Any budget authority for the mass transit category shall be considered nondefense category budget authority or discretionary category budget authority.".

(h) Treatment of Crime Victims' Fund.—For purposes of congressional points of order, the Congressional Budget Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985, any reduction in spending in the Crime Victims' Fund (15-5041-0-2-754) included in the President's budget or enacted in appropriations legislation for fiscal year 2004 or any subsequent fiscal year shall not be scored as discretionary savings.

(i) Exercise of Rulemaking Powers.—Congress adopts the provisions of subsections (d)(2), (e), (f), (g) and (h) of this section—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each house, or of that house to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either house to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as in the case of any other rule of that house.

(j) Senate Firewall for Defense and Nondefense Spending.—

(1) In general.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds $392,757,000,000 in new budget authority or $380,228,000,000 in outlays for the defense discretionary category or $373,410,000,000 in new budget authority or $376,031,000,000 in outlays for the nondefense discretionary category for fiscal year 2003, as adjusted pursuant to section 314 of the Congressional Budget Act of 1974.

(2) Exceptions.—This subsection shall not apply if a declaration of war by Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(3) Waiver and appeal.—This subsection may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

Mr. REID. Madam President, Senator CONRAD, chairman of the Budget Committee, wants to speak about this modification. The chairman of the Judiciary Committee, Senator LEAHY, has been here for a while. Senator CONRAD has graciously allowed him to speak first. Senator LEAHY needs up to 15 minutes as in morning business. Following that, the Senator from North Dakota would be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

(The remarks of Mr. LEAHY are located in today's RECORD under "Morning Business.")

Mr. CONRAD. Madam President, this is perhaps one of the most challenging years we have faced dealing with the budget of the United States. That is why moments ago I sent a modified amendment to the desk. Let me just outline what is included in that amendment and why I think it is so critically important that we adopt it today.

The Conrad-Feingold amendment sets discretionary spending limits for 2003 and 2004.

It also extends the 60-vote points of order protecting Social Security, enforcing discretionary spending caps, and requiring fiscal responsibility, and it extends for 5 years the pay-go and other budget enforcement provisions that otherwise expire on September 30.

Let me discuss the level of spending that is covered by this amendment. For 2003, it would provide a discretionary spending limit of $768.1 billion. That is precisely the same as the President's budget for 2003. The President sent us a discretionary spending level of $768 billion.

I have talked with Mr. Daniels this morning, the head of the Office of Management and Budget. He believes this number is too high by some $9 billion. Even though that is the President's number, even though that is the number the President sent us, we have not adopted the President's policy because the President has proposed switching certain accounts from mandatory spending to discretionary spending. Those are the retirement requirements of people in the Federal Government. In other words, he has proposed switching the retirement accounts that come out of the budget of the various agencies from mandatory spending to discretionary spending.

Obviously, that would make discretionary spending more by $9 billion. That is included in the President's proposal. We have not adopted that part of his proposal. Their argument is that would shift back to the mandatory side of the equation and reduce the $768 billion by $9 billion. That is true. They are correct about that.

It is also true that their budget needs to be adjusted in a number of ways, I believe, in order to secure passage in the Congress. The President has cut transportation funding, highway construction, and bridge construction by 27 percent, by $9 billion. We proposed adding back about two-thirds of that, about $6 billion. That money has to come from somewhere.

The President has proposed cutting law enforcement by over $1 billion. I do not think that is realistic at a time when we face terrorist threats to the United States. The President has proposed a smaller amount for education that is even provided for in his own No Child Left Behind legislation. That is going to have to be acknowledged and dealt with before we finish our work. We are not going to cut that program of No Child Left Behind that the President talked about all across the country.

There are other provisions as well that are going to have to be addressed. We are going to need that $9 billion to meet the needs of the country. Again, it still leaves us with an overall amount that is precisely what the President sent us in his own budget.

In addition to that, there is a second year of budget caps, of restrictions on what can be spent, and that amount is $786 billion. That is about a 2-percent increase over this year. That is a very sharp restriction on spending, especially given the fact we are under attack, especially given the fact the President, no doubt, will be asking more for defense, more for homeland security. But we have agreed to a cap this year that is exactly the number the President sent us in his budget, and we have agreed on a cap for spending for next year at $786 billion, about a 2-percent increase over where we are now.

In addition, the amendment I have sent to the desk limits advance appropriations. This was raised as an issue by Members on the other side of the aisle. They wanted a restriction on advance appropriations, so we included that in this bill. And we have included another request from the other side of the aisle to establish a 1-year defense firewall. What that means is, the money that is allocated for defense would go for defense and could not be used for other purposes.

This amendment establishes a supermajority point of order in the Senate to enforce a defense/nondefense firewall in 2003. Again, this was in response to requests from Members on the other side of the aisle.

This is the circumstance we face that I think we need to keep in mind as we consider this amendment. Last year, the Congressional Budget Office told us we could expect some $5.6 trillion of budget surpluses over the next decade. That is what we were told just a year ago—nearly $6 trillion of surpluses. Some of us questioned that. Some of us said: Do not rely on a 10-year forecast. There is too much risk associated with that. But others said: No, there will even be more money. That is what we were told repeatedly.

Now we get to June of this year and look at the difference a year makes. Not only do we not see any surpluses for the next decade, we see deficits of some $600 billion over the next 10 years.

Where did the money go? This chart shows our analysis of what happened to those surpluses, and the biggest chunk went for the tax cuts that were enacted last year and the additional tax cuts passed this year.

Forty-three percent of the disappearance of the surplus went to tax cuts; 21 percent went to increased spending as a result of the attack on this country—increased defense spending, increased homeland security spending. That is where all of the increase has gone. Twenty-one percent is from economic changes, that is, the economic slowdown that occurred. That is where 21 percent of the disappearance of the surplus occurred. And the last 14 percent is technical changes. Largely, those are underestimations of the cost of Medicare and Medicaid. That is where the money went, primarily to tax cuts; the next biggest is increased spending as a result of the attack on the country; the next biggest reason was the economic slowdown, and actually those two are equal; and the final and smallest reason is underestimations of the cost of Medicare and Medicaid.

That is where we are. What it tells us, as we look over an extended period of time, a 10-year period going back to 1992 when we were in deep deficit, and when the husband of the occupant of the chair came in as President of the United States and fashioned a 5-year plan in 1993 that was very controversial to raise revenue and cut spending, we can see that plan worked.

Each and every year, we were pulling ourselves out of deficit under that plan. In 1997, we had a bipartisan plan that finished the job. As a result, we emerged from deficit. We stopped using Social Security funds for other purposes, and we were running surpluses, non-trust-fund surpluses for 3 years.

Then last year we had the triple whammy: the tax cut that was too large, the attack on this country, and the economic slowdown. We can see now that we are headed for deficits for the entire next decade. That is Social Security money being taken to pay for the tax cuts, being taken to pay for other items.

In fact, we now estimate some $2 trillion will be taken from Social Security over the next decade to pay for the President's tax cuts and other spending initiatives. All of that matters, and it matters a lot because of where we are headed.

The leading edge of the baby boom generation starts to retire in 6 years. It is hard to believe, but that is the reality. What that tells us is those surpluses in the trust funds that have helped us offset these deep deficits are going to evaporate; in 2016 the Medicare trust fund is going to turn cash negative; and in 2017 the Social Security trust fund is going to turn cash negative. Then it is going to be like falling off a cliff.

This is a demographic time bomb that we are facing as a society. It is unlike anything we have ever faced before because always in our history the succeeding generation has been much larger than the generation retiring.

In very rapid fire order, the number of people who are eligible for Social Security and Medicare are going to double. We are headed for a circumstance in which there will only be two people working for every retiree. If that does not sober us, if that does not inform our actions, I do not know what it will take.

The first thing we need to do is get these budget spending caps in place for next year and the year thereafter, and couple that with the budget disciplines that give us the chance to fend off ideas for greater spending and for more tax cuts that are not paid for. Yes, we can have spending initiatives. They have to be paid for. We can have additional tax cuts, but they have to be paid for; otherwise, we are going to dig this hole deeper and deeper.

There are real consequences to digging that hole deeper. Mr. Crippen, the head of the Congressional Budget Office, told us that when he appeared before the Senate Budget Committee. He said, in response to a question from me:

> Put more starkly, Mr. Chairman, the extremes of what will be required to address our retirement are these: We'll have to increase borrowing by very large, likely unsustainable amounts; raise taxes to 30 percent of GDP, obviously unprecedented in our history; or eliminate most of the rest of the Government as we know it. That is the dilemma that faces us in the long run, Mr. Chairman, and these next 10 years will only be the beginning.

I do not know how to say this with more force or more persuasiveness, but we are coming to another moment of truth on this journey in our economic future. Some will rise and say this spending amount is too much; that $768 billion is $9 billion more than the President proposed, even though the $768 billion number is precisely the number the President sent us. Some will say we ought to wait. Some will say there is some other reason to be opposed.

Another moment of truth is coming very soon, and the question is, Are we going to have the budget disciplines that otherwise are phased out at the end of September? Are we going to have those to discipline the process as we proceed this year? Are we going to have a budget number that can inform the appropriations process as we proceed, a budget number, I again say, that is identical to the budget number the President sent us?

I am swift to acknowledge we have adopted his number but not his policy. It is absolutely correct he wanted to switch $9 billion from mandatory spending to discretionary spending, and when we do not do that, it allows us to use that $9 billion in a way different from the way he proposed.

I say to my colleagues, do they really want to adopt a 27-percent cut in highway and bridge construction that puts 350,000 people out of work in this country? I do not think that is the will of the Congress or the will of the American people. We have proposed a reduction from what was spent last year but not as big a reduction as the President has proposed.

Are we really going to cut the COPS Program by over a billion dollars when we have a terrorist threat to this country?

Are we really going to take police off the street? I do not think so. Are we really going to cut the President's signature education program, No Child Left Behind? I do not think so. Those are the fundamental issues that are before us now.

I emphasize to my colleagues that not only is this a spending cap for this year at the level the President proposed in his budget, but in addition to that, it is a spending cap for next year of $786 billion. That is an increase of over 2 percent. That is very tight fiscal constraint. I am ready to take the medicine to get us back on a course to fiscal responsibility, and I believe most of my colleagues are as well.

This amendment is the product of weeks of negotiation between Republicans and Democrats and is a good-faith effort to capture in an amendment the positions of Democrats and Republicans on what should be contained in the budget for this year and next; what the limits should be on spending for this year and next; what should be the budget disciplines that are continued so we have a way of enforcing fiscal restraint, and it contains a 1-year defense firewall in the Senate, something requested by Members on the other side.

For those of us who believe it is critically important to have a budget process in the Senate, for those of us who believe it is critically important to have budget disciplines in place, this is our opportunity. This is our chance. It may not come again.

I urge my colleagues to very carefully consider their votes on this measure. This should not be a Republican vote or a Democratic vote. This should be a vote for the country. This should be a vote for the Senate. This should be a vote that sends a signal we are serious about reestablishing fiscal discipline. This is a vote that should send a signal that fiscal discipline matters to the economy of this country. This should be a signal to the markets that this Congress is serious about fiscal responsibility, and this should be a signal that while the President has asked for the second biggest increase in our debt in our Nation's history, all of us are committed to getting back on track towards a course of reducing the debt of the United States, especially in light of the coming retirement of the baby boom generation.

I yield the floor.

Mr. FEINGOLD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, the pending amendment and the second degree to it, as modified, are an effort to control spending and protect the Social Security trust fund. That is what it is—pure and simple—to control spending and, by doing so, also protect the Social Security trust fund. That is obviously not a new idea.

What we are doing here is trying to extend a process that has worked, and worked pretty well, for most of the years since 1990. We are trying to give 2 more years of life to the process that helped us do something that a lot of people didn't think could happen—balance the budget without using Social Security in both 1999 and 2000.

What we are trying to do is make sure there is some constraint on the size of the Government.

I remind my colleagues, if we do not pass this amendment, if we do not extend the budget process, then the vast majority of budget process constraints will simply expire on September 30. Our failure to act will mean an almost complete absence of responsible budget limitations.

Again, what our amendment does is not something new. It just tries to keep in place these limitations that made the good fiscal management of this Government possible during the 1990s.

As we saw this deadline coming, this problem that will occur on September 30 with the loss of the rules and constraints, what I have tried to do, with others, is work very hard to come to where we are today. Our amendment is not my idea alone, by any means. It is the result of a collaborative effort extending over several months. Starting in March, my staff has been working with the staff of Senators from about a dozen Senate offices, half Republican and half Democratic. I followed up in a number of meetings with Senators from other sides of the aisle, trying to build consensus. What we tried to do is get the strongest budget process we could.

My colleagues will recall that we tried to extend the caps for 5 years in an amendment to the supplemental appropriations bill that Senator GREGG and I offered on behalf of Senators CHAFEE, KERRY, VOINOVICH, MCCAIN, and CANTWELL. Half the Senate, a bipartisan group of Senators, actually voted for that amendment, but we were not able to generate the support necessary to get the 60 votes and have the amendment actually adopted.

The amendment before us today is an effort to get the most done that we can. For the first 2 years, it provides almost exactly the same cap levels that were in the amendment of myself and Senator GREGG to the supplemental appropriations bill. It is my judgment, and the judgment of the bipartisan group of Senators with whom I worked to draft this amendment, that this is as strong a budget process that the Senate will actually be able to pass this year. So that is what I am asking of my colleagues—to do at least this much. Let's at least get this done. Let's at least preserve this much constraint and this kind of responsibility, even though many of us would prefer more.

One of the reasons is because in the next decade the baby boom generation will begin to retire in large numbers. Starting in 2016, Social Security will start redeeming the bonds it holds and the non-Social Security Government will have to start paying for those bonds from non-Social Security surpluses. Starting in 2016, the Government will have to show restraint in the non-Social Security budget so we can pay the Social Security benefits that Americans have already earned or will have already earned by that time. If we keep adding to the Federal debt, we will simply add to the burden to be borne by the taxpayers of the coming decade and decades thereafter. That is all we are really doing. It has been said in many political speeches, but it is true—we are just leaving them the bill. We are not doing our job. We are not showing responsibility, if that is how we leave things.

Of course, September 11 changed our priorities in many ways, including how our Government spends money. But September 11 does not change the oncoming requirements of Social Security. As an economist has said: "Demographics is destiny." We can either prepare for that destiny or we can fail to prepare for it.

To get the Government out of the business of using Social Security surpluses to fund other Government spending, we have to strengthen our budget process. That is what this amendment does. That is why we urge our colleagues to support it.

We have sought to advance a goal that has a long and bipartisan history, and I would like to just recite a little of that history. In his January 1998 State of the Union Address, President Clinton called on the Government to "save Social Security first." That is also what President George W. Bush said in a March 2001 radio address. In his words, we need to "keep the promise of Social Security and keep the Government from raiding the Social Security surplus." That is what President Bush said. It is what the Republican leader, Senator LOTT, said on the Senate floor in June 1999 when he said:

> Social Security taxes should be used for Social Security and only for Social Security—not for any other brilliant idea we may have.

It is what Senator DOMENICI said in April of 2000 when he said:

> I suggest that the most significant fiscal policy change made to this point—to the benefit of Americans of the future . . . is that all of the Social Security surplus stays in the Social Security fund. . . .

Yes, we should stop using Social Security surpluses to fund the rest of Government because it is the moral thing to do; for every dollar we add to the Federal debt is another dollar our children must pay back in higher taxes or fewer Government benefits.

I do not think our children's generation will forgive us if we fail in our fiscal responsibility today. History will not forgive us if we fail to act. We must balance the budget, we must stop accumulating debts for future generations to pay, and we have to stop robbing our children of their own choices.

We have got to make our own choices. We are doing that today. Let's not take away from these kids their right to make their own choices in their time because we have locked up all the money and we cannot pay the Social Security benefits.

The amendment before us today, I am pretty sure, is the best, last hope to do this this year. I urge my colleagues to support it.

Madam President, the Center on Budget and Policy Priorities has issued a paper that concludes as follows:

> These proposals, No. 1, are likely to be workable because they extend enforcement tools that have worked in the past; No. 2, are evenhanded because they treat spending increases and tax cuts in the same fashion, without favoring one or the other; and, No. 3, set targets that appear realistic and thus are more likely not to be blown away by subsequent congressional action.

This analysis by the Center on Budget and Policy is their view of this amendment. It is a positive analysis.

I ask unanimous consent the full text of this analysis be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Center on Budget and Policy Priorities, June 20, 2002]

The Feingold Amendment to the Defense Authorization Bill: A Workable and Responsible Strengthening of Fiscal Discipline

Senator Feingold's amendment to the Defense authorization bill would establish tight but realistic caps on appropriations for 2003 and 2004, extend for five years the requirement that tax and entitlement legislation be paid for, and extend supermajority enforcement of congressional budget plans for five years. These proposals: (1) are likely to be workable because they extend enforcement tools that have worked in the past; (2) are evenhanded because they treat spending increases and tax cuts in the same fashion, without favoring one or the other; and (3) set targets that appear realistic and are thus more likely not to be blown away by subsequent congressional action.

Key Budget Enforcement Tools are Due to Expire This September 30. Four key tools to enforce budget discipline are scheduled to expire September 30, 2002. If these provisions expire, Congress will find it much easier to increase appropriations and entitlements by unlimited amounts and cut taxes by unlimited amounts. The clear risk is that the large deficits we are currently experiencing would grow even larger rather than decline, leaving the budget in a weak position at just the wrong time—right before the baby boom generation retires and places still greater pressure on the budget. Allowing all these budget enforcement tools to expire could set the stage for highly undisciplined budgeting in the coming months and years.

Congressional Budget Targets. The budget targets in Congressional budget plans are currently enforced by points of order that can only be waived by 60 votes. This means that appropriations and entitlement bills cannot spend more than is provided for in the Congressional budget resolution and tax cuts cannot exceed the level of tax cuts the Congressional budget resolution allows, unless 60 Senators agree. Starting October 1, however, excessive appropriation bills, excessive entitlement increases, and excessive tax cuts can all be agreed to by simple majority vote. The Feingold Amendment keeps these vital 60-vote enforcement mechanisms in place for another five years.

Discretionary Caps. Currently, a statute requires the President to cut appropriations bills across-the-board if, at the end of a session, those bills have breached dollar "caps," or upper limits, set in statute. This law worked well for eight years—from 1991 through 1998—but then was evaded through gimmicks or set aside by statute for the last four years because the caps established in 1997 proved unrealistically tight. The entire mechanism of caps and across-the-board cuts (called "sequestration") expires on September 30 and so does not apply to FY 2003 appropriations bills. The Feingold amendment renews the mechanism for another five years and sets caps for 2003 and 2004 (no such caps currently exist). The 2003–2004 caps in this amendment are at the levels in the recent Gregg-Feingold amendment and are tight but probably realistic.

The Senate Pay-As-You-Go Rule. Currently, a point of order waivable by 60 votes lies against legislation that would increase the cost of entitlements or reduce revenues unless these costs are offset over 1, 5, and 10 years, except to the extent that a budget surplus is projected outside Social Security. This rule expires September 30; the Feingold Amendment would renew it for another five years.

The Statutory Pay-As-You-Go Rule. Under current law, a statute requires the President to cut a selected list of entitlement programs across the board if, at the end of a session, OMB determines that tax and entitlement legislation has not been fully offset for the coming fiscal year, i.e., if entitlement increases and tax cuts have not been "paid for." This mechanism worked well from 1991 through 1998 but broke down when surpluses appeared; Congress wrote ad hoc provisions setting it aside. Starting October 1, the mechanism effectively expires even though deficits have returned—new entitlement increases and tax cuts will not have to be paid for. The Feingold Amendment renews for five years the requirement that such legislation must be paid for, while turning off this requirement if the Treasury reports that a year has been completed in which the budget outside Social Security was in surplus.

The Feingold Amendment Sets Appropriations Targets For This Year That Can Be Enforced By The Senate. In addition to the extension of the four enforcement mechanisms discussed above, the Feingold Amendment responds to the particular situation faced by the Senate this year because a new congressional budget plan has not been agreed to. While last year's congressional budget plan continues to govern entitlement and tax legislation, it does not govern appropriations. This means that, as soon as the Appropriations Committee is ready, the Senate can begin consideration of appropriations bills at any funding level and pass them by majority vote. The Feingold Amendment would address this problem by requiring 60 votes for any 2003 appropriations bill that exceeds its allocation. The allocations for all the appropriations bills combined must not exceed the statutory cap the Feingold Amendment sets.

HOW TIGHT ARE THE FEINGOLD APPROPRIATIONS CAPS?

If caps are too loose, they do not constitute fiscal discipline. Experience also demonstrates that caps fail to impose fiscal discipline if they are set unrealistically tight. In that event, the caps are inevitably breached, which can lead to a free-for-all on appropriations.

The Feingold caps are tight but realistic. They equal the levels for 2003 and 2004 in the Gregg-Feingold amendment offered three weeks ago. If Congress provides the defense and homeland security increases the President has requested, as appears very likely, these caps would require a *reduction* in FY 2003 funding for all other discretionary programs of $5 billion below the CBO baseline level—i.e., below the FY 2002 level adjusted for inflation. (It may be said that the proposed FY 2003 cap would be $36 billion above the 2000 level adjusted for inflation. This is true, but the President's defense and homeland security levels are $41 billion above the 2002 levels adjusted for inflation. Assuming the defense and homeland security requests are funded, everything else would have to be cut $5 billion below the CBO baseline.)

These figures constitute restraint. If figures much tighter are agreed to, either the President will not receive his full defense and homeland security increases, or, more likely, the caps will be maneuvered around when appropriations battles heat up because the cuts required in other programs will be too large to be politically achieveable. If that occurs, the attempt at restraint will fail and, as has been the case over the last few years, no effective cap will be in operation.

Mr. FEINGOLD. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. Carnahan). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the Conrad second-degree amendment be agreed to; that the time until 3 p.m. today be for debate with respect to the Feingold amendment, as amended, with the time equally divided and controlled by the two leaders or their designees; that during this time, whenever Senator Gramm of Texas raises a Budget Act point of order against the amendment, and a motion to waive the point of order is made, the Senate vote on the motion to waive at 3 p.m., without further intervening action or debate; provided that no other amendments or motions be in order prior to a vote on the motion to waive the point of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the second-degree amendment is agreed to.

The amendment (No. 3916), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3915

Mr. GRAMM. Madam President, I wish to explain why I am opposed to this amendment, why I intend to raise a point of order against it, and why I believe that point of order should be sustained.

Let me begin by saying we have not adopted a budget this year. A budget has never been brought to the floor of the Senate during this session of Congress. We have not been in a similar position since 1974. We are now being asked on a Defense authorization bill to have the Senate commit to a budget figure outside the budget process. In fact, the point of order arises because we are basically going outside the budget process and dealing with an amendment that was not reported by the Budget Committee.

In doing so, we would be committing the Senate to a level of spending that next year is $9 billion more than the President requested and $52 billion more than we spent last year. We would be going on record as agreeing to setting a constraint under which we could spend $25 billion this year that would not be counted until the following year.

In other words, we could actually spend $25 billion more than the $9 billion more that we are committing above the level the President requested by what is called advanced appropriations. I do not believe the Senate should lock itself into a budget that has not been approved by the Budget Committee. We had a vote on that budget that was brought up on another bill. Nobody voted for it—not one Democrat or one Republican. We are now being asked to commit to a figure of $9 billion above the President's, $52 million above last year, with the ability to get around that constraint by spending $25 billion in advanced appropriations. Last year was the largest level of advanced appropriations in American history, and that was $23 billion. This would set a new global record. And I do not believe this represents good policy.

This is adamantly opposed by the President. OMB has notified Members today that they are opposed to it. There is no possibility the House will agree to this. I say to any of my colleagues who are tempted by this and by the thought that any kind of budget numbering process is better than none, the bottom line is the House will never agree to this. What they would be doing in the process would be committing to a level of spending $9 billion above the level the President requested, with a $25 billion advanced appropriation escape hatch.

I do not believe this is a good deal. I wish we had more than an opportunity to offer an amendment, but a consensus among Members that when we didn't adopt a budget, we needed a permanent budget enforcement process. This would give us the process but at numbers that are grossly beyond the level the President requested and far beyond the numbers I could ever support.

So I hope my colleagues will sustain this budget point of order. I don't think it is good for the Senate to be trying to write a partial budget on a Defense authorization bill instead of bringing a budget up and debating it and amending it. The amendment will be subject to amendment if we do not sustain the point of order. There will be amendments offered. I will offer amendments if we do not sustain the budget point of order.

Let me reiterate briefly that this is $9 billion more than the President requested, $52 million more than we spent last year. This would have advanced appropriations of $25 billion, which would be the largest in American history, that would be sanctioned under this agreement. The White House is adamantly opposed to this amendment. The House will never accept this amendment. Therefore, it cannot and will not become binding.

I urge colleagues to sustain the budget point of order. This is a budget point of order with a purpose. Sometimes these budget points of order represent sort of a "gotcha" kind of circumstance, where they apply, but the logic of them is kind of convoluted. They are almost accidental. The budget point of order I raise is not accidental. It says that an amendment that alters the budget process has to come through the orderly process of being reported by the Budget Committee or else it is subject to a point of order.

I remind my colleagues that we are under a unanimous consent request. So by making the point of order now, I am not cutting off anybody's debate. That will continue until 3 o'clock. I say that so everybody understands exactly where we are.

The pending amendment contains matter within the jurisdiction of the Committee on the Budget, and it has been offered to a measure that was not reported from the Budget Committee. I therefore raise a point of order against amendment No. 3915 pursuant to section 306 of the Congressional Budget Act.

Let me ask the Parliamentarian a question. Is 3915 the right number, given they have merged the amendments?

The PRESIDING OFFICER. It is 3915, as amended.

Mr. GRAMM. Madam President, I make that point of order against the pending amendment under section 306.

Mr. FEINGOLD. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

The PRESIDING OFFICER. The motion is pending. Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, parliamentary inquiry. Is there a time limit on the situation with which we are confronted?

The PRESIDING OFFICER. Yes. The time is evenly divided up until 3 o'clock.

Mr. DOMENICI. Then we must proceed to a vote?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair.

Who is in charge of the time in favor of the amendment?

Mr. FEINGOLD. Madam President, how much time do we have on our side?

The PRESIDING OFFICER. Forty-one minutes remain for the sponsors.

Mr. FEINGOLD. How much time does the Senator want?

Mr. DOMENICI. May I have 20?

Mr. FEINGOLD. I yield to the Senator from New Mexico 20 minutes.

Mr. DOMENICI. Madam President, it is not often I would come to the floor on a Thursday afternoon when a Defense authorization bill is before us and join in an amendment offered by the chairman of the Budget Committee on the other side, who has failed to produce a budget resolution heretofore. I believe his side of the aisle had a responsibility to do that. They did not do it. That is not the end of the world.

We are today confronted with that situation. The truth of the matter is that there will be an awful lot of Senators pondering the appropriations process and wondering whether Senator PHIL GRAMM from Texas, who knows an awful lot about this, is right when he speaks of the dangers to America of authorizing a budget produced by the Congress, not the President, which would exceed the President's annual appropriation by $9 billion.

My friend from Texas makes that appear to be a very big issue. Let me suggest that I would not join in producing an alternative to a congressional budget that would permit us to spend between $9 billion and $10 billion more than the President in appropriations if I did not see down the road something a lot more onerous than a congressional attempt not only to limit spending for each of the next 2 years, but also to insert the points of order that are going to keep this Congress from going absolutely wild on entitlement spending during the ensuing months.

I think I could say this is going to be a year without any restraints, if it were the $9 billion we were arguing about. But I tell you, that is not it. For all the Senators who have been praying for the day when there is no longer a Budget Act, they thought they would be confronting appropriations bills run wild. But the truth of the matter is, it is the entitlement programs that are coming to us during the next 4 months, until October 1, that will have no constraints on them and no 60-vote points of order, which have saved the American people and this Congress from hundreds and hundreds of billions of dollars of outyear, next year expenditures.

For formal purposes, the Senator ought to put my name on the amendment as a cosponsor. This amendment sets caps that is expenditure limitations—for 2003 and 2004 with a Defense firewall in the Senate but only for 2003, and that is good enough. That means in the Senate we will not spend Defense money for domestic programs, but neither will we spend the opposite. We will not spend domestic money for Defense programs. That is what a wall means.

White House, before you get on the telephone and do what Senator PHIL GRAMM said you have done, Mr. President—our President, down on Pennsylvania Avenue—before you say to all the Republicans, "Vote against this," let me make a couple points for you.

One, this is not your budget, Mr. President—I am speaking of our President down at the White House. It is not your budget. You have a budget. The law of America says you produce a budget. I do not know what would happen if you did not, Mr. President, but you did.

Then it says in another place in the law that Congress passes a budget, and that congressional budget is for the use by the Congress in their attempting to get their priorities adopted by the Congress. And, Mr. President, if I were you, I would say: Congress, pass the best one you can, but remember, that does not mean I am going to sign every bill you produce.

The President still has the veto threat on every appropriations bill, if that is what he wants.

I submit to you, Mr. President, my friend down on Pennsylvania Avenue, just because the Senator from Texas has talked about the ravages of his $9 billion that we might spend in excess of your appropriations, just remember, you can vitiate every one of those with negotiations in the appropriations bills and a veto just like you have today. We cannot change your veto authority.

We have proceeded in a realistic manner with one of two alternatives, and listen up, there are not 20, there are 1 or 2. Do we do this, which is a half-baked budget resolution? It is half-baked because you did not do your job, half-baked because you did not do your job because you were supposed to produce a budget resolution, and you should not make up your mind that it is too tough this year so we will not do it. I heard somebody on that side say that. That is not the law.

For 27 years, when I was either chairman or ranking member, we produced a budget every single year, no matter how tough it was, no matter who had to vote on issues on which they did not want to vote. Senator Baker sat right there on that table with the appearance of a Buddha, and every Republican who came up, the Buddha would say—and 37 times the Buddha won.

We did precisely what the Republicans wanted to do to move our country ahead. You did not have that. That is not my fault. That is your fault. But it isn't America that ought to suffer from it, nor should Congress be put in a position where they cannot do any work.

I have come to the conclusion it is a lot better to get caps, and they are at pretty meaningful levels. Next year's are pretty low. The one for the budget we are writing today is $9 billion to $10 billion over the President's, and I submit when all this day is gone and the rhetoric has simmered down, it is going to be very difficult, even with our President with his pen in hand waiting to veto, it is going to be very difficult to come out of this spending less than the amount that we put in these caps. I hope we can. I will be there attempting to enforce them, for what it is worth. The truth is, those caps are better than none, and the President retains his veto authority.

For the defense of America, for which you asked us for so much money, Mr. President, we put all that money in and we got a firewall, meaning you cannot spend defense money for anything else. That is a very important budget consideration.

We set limits on advance appropriations consistent with what we wanted on this side when we met.

We extend the 60-vote budget points of order, including the pay-as-you-go.

We eliminated a gimmick regarding the crime victims fund, and I think you all have seen that and concurred with it. We showed it to you 10 days ago.

I do not know if 3 o'clock is enough time, or quarter of 3, but I think it is. If somebody wants more time and we need to explain it better, or I need to explain it to my side better, just come down and ask for some time. I think we will get it.

I repeat, I want to talk to two situations for the next 2 minutes. I say to my fellow Senators, through no fault of this side of the aisle, we are in a real predicament today. If we let a whole batch of bills get through and do not put some points of order and some budget-like points of order and some caps on how much you can spend after which the expenditure bills get hit—we have to do that. We cannot sit here and watch this all go down the river, with the economy already in sputtering shape.

Second, the President of the United States does not lose anything in terms of his power, his strength. If anything, he gains a potential for orderliness in the Senate and House as we finish our business that we might not have but for the adoption of this amendment.

My last remarks: I do not know that this is the best bill on which to put this, but I do not know which bill is next. It is sort of the chicken and egg. The appropriators are waiting for the number. We are saying: You know the number. Let's bring an appropriations bill up and we will put this on it.

Others are saying that is too late if you do that. So here is a big authorizing bill. If we approve this—and I urge that we do; Senator STEVENS, if he had time, would be here concurring in this, pledging to stick to the numbers—if we approve this, we can put it on another bill later if, as a matter of fact, this defense bill does not pass or gets tied up in a conference that takes too long.

If anybody wants any further explanation, I will do it here on the floor and seek time, or I will meet them wherever they like and show them what we have done. I believe we might turn somebody. Thanks to Senator FEINGOLD for his courage, and Senator GREGG who is with the Senator on this amendment. If he is not, we must ask him to be a cosponsor because he had a lot to do with it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Senator from New Mexico, Mr. DOMENICI, be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 29 and ½ minutes.

Mr. FEINGOLD. I yield 15 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank my colleague. We have heard some arguments advanced by the Senator from Texas as to why Members should not vote for this amendment. The Senator has said this has not gone through the budget process. I reject that argument by the Senator from Texas. The fact is the numbers that are before us are exactly the numbers that passed the Senate Budget Committee on the budget resolution that I took through the committee. That is a fact.

The fact is, I reported out of the Budget Committee, pursuant to the budget I proposed, $768.1 billion in discretionary spending for this year. That is precisely the same as what was in the President's budget. It is true we did not adopt his policy. We did adopt his number.

The Senator says this is outside what the Budget Committee has recommended. It is not outside what the Budget Committee has recommended. It is precisely what the Budget Committee recommended in the resolution I offered—$768 billion this year, $786 billion next year. Where is the money going? I say to my colleagues who think that is too much money, here is where the money is going: Last year we spent $710 billion. The President has asked for, and we have agreed to, a $45 billion increase for national defense, every penny of it requested by the President of the United States.

The President asked for an additional $5.4 billion for homeland security. We have endorsed that, every penny of it requested by the President of the United States. Now there is another $7 billion, $7 billion on a base last year of $710 billion. That is a 1-percent increase available for all the other functions of Government, after the increase asked for by the President for defense, after the increase asked for by the President for homeland security.

If we look at the amount of money that is in this budget for this year, the $768 billion, we have provided for the year thereafter an increase of $18.4 billion. That is an increase of 2 percent, and that is precisely what was in the budget resolution that passed the committee. It is true, we have not yet considered a budget resolution on the floor of the Senate. That is not unprecedented for June. There have been many times we have not concluded work on a budget. In fact, 4 years ago, we never did complete work on a budget through the whole process.

So we know the reality. We know what has occurred in the past. The fact is, we have passed a budget resolution through the committee. The budget numbers that are in that document are the numbers that are before us today. They represent serious constraint on spending for both this coming year and the year thereafter.

When the Senator from Texas says there is a $50 billion increase over last year, it is actually a $58 billion increase. But where is it? Again, I remind my colleagues, it is in defense; $45 billion of the increase is in national defense, every penny of it requested by the President of the United States.

Is the Senator from Texas saying he is against that increase in defense? And $5.4 billion is an increase in homeland security, every penny requested by the President of the United States. Is the Senator from Texas against that increase in homeland security requested by the President of the United States? The only other money is $7 billion for everything else, a 1-percent increase.

Let's get serious about budgets and let's get serious about what is being discussed. The Senator from Texas raises advanced appropriations. Advanced appropriations have been done for many years. Why? Because the school year does not fit the fiscal year of the Federal Government. The Federal fiscal year ends at the end of September. Everybody knows the school year does not end until May or June. So advanced appropriations were adopted to fit the reality of the school year in America. There is nothing wrong about that. There is nothing wrong with that at all.

The Senator from Texas says the House will never agree. That is not our job, to write a budget that agrees with the House. Our responsibility is to write a budget for this Chamber. We will then negotiate with the House on an overall agreement. The first thing we have to do is reach a conclusion in this Chamber.

What we are proposing, once again, for discretionary spending for fiscal year 2003, is exactly the same number the President sent up in his budget, $768 billion. That is what was in my mark that passed through the Budget Committee and that is what we are proposing. It is true it is not the same policy as the President proposed. He proposed a different way of spending the money, but he proposed exactly that same number.

I am proud of the way the Budget Committee has performed. The Budget Committee had dozens of hearings and produced a responsible document, one that restrains spending, one that did not contain a tax increase or any delay in the scheduled tax cuts, but one that also called on the Congress to put in place a circuitbreaker mechanism so that next year it will be a responsibility of the Budget Committee to come before our colleagues with a plan to stop the raid on Social Security.

The Budget Committee had more debt reduction than the President proposed, less deficits than the President proposed and said that additional tax cuts can be had, but they ought to be paid for, and to put in place serious restraint on spending, not only for this year but in the years following.

I am proud of that budget resolution. I am proud of the parts of it that are before us now, that give our colleagues a real opportunity to choose. Are we going to have a budget for this coming year and budget caps for the next year? Are we going to have a continuation of the budget disciplines that are critically important to keep this process from spinning out of control or are we not? That is the choice that is before the body.

I want to again thank my colleague from Wisconsin who has been a valued member of the Budget Committee and who came to the floor with something he negotiated on both sides of the aisle. I then became involved with him in an effort and we have negotiated with many more Members on both sides of the aisle. I think we have a responsible package, and our colleagues are going to have a chance to vote in a few moments. I hope they will carefully consider the implications of a failure to pass this amendment.

I yield the floor, and I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, in this modern age, we are used to revisionist history, but I have to say the debate we just heard is one of the most extraordinary examples of revisionist history I have ever heard. I am tempted to get into this debate about this wonderful budget that when it was voted on not one Democrat voted for it and not one Republican voted for it. That is a vote of confidence, or lack thereof, which I have never witnessed before.

The budget that was rejected without a single vote in favor was a budget that set taxes above the level requested by the President the first year, the first 5 years, the first 10 years, and consistently spent more money. In fact, it raided Social Security in the first year more than the President's budget, even though it had taxes higher than the level requested by the President because it increased spending by over $13 billion. But that is an old debate. Why debate a budget that was rejected unanimously?

Now we are on another debate, and it is a wonderful debate because we have our colleagues who are saying we want to control spending, we are worried about spending, and we need this budget to control spending. There is only one problem. The budget increases spending. The budget proposes spending $9 billion above what the President requested.

This amendment before us proposes spending $52 billion above last year, and it does not stop with spending $9 billion more than the President wants. That kind of budget constraint we have had a lot of. It not only spends $9 billion more than the President wants, but it allows $25.4 billion to be appropriated this year that won't count until next year, what is called advanced appropriations. Last year, we set a record in American history with $23 billion. This year, in this amendment, we would condone in advance $25.4 billion, but that is not the worst of it. We have had a budget provision that banned delayed obligations.

Senator DOMENICI was a big proponent of this provision, as I remember. This was to try to deal with this phony little game we play by starting a program on the last day of the fiscal year and claiming in the budget that it costs one-three hundred and sixty-fifth as much as it really does, and then have it permanently in effect.

Interestingly enough, not only does this amendment spend $9 billion more than the President requested, not only does it say you can spend $25 billion more than that, it gets us back in the game of deferred obligations by striking subsections (a) through (f), (h), and (i) of House Concurrent Resolution 290. That is the section that deals with deferred obligations.

This doesn't have to be belabored. This is not about controlling spending. This is about spending. This is about force-feeding the President and making the President take $9 billion more than he requested, setting up a procedure where we will spend $25 billion more than that, which will not count because it will be spent next year, and then allowing us to get into the game of spending it, but deferring the spending until a point where it doesn't count. This is an issue about spending, and this point of order is about controlling spending.

The President has not been silent on this. Last night he spoke. I will read what he said:

> I know there's going to be some tough choices on these appropriations bills, but I want to make sure that everybody understands with clarity that the budget the House passed is the limit of spending for the United States Congress.

If we adopt this amendment, we will be saying the President wants $9 billion less, but we are going to go on record saying we are going to spend $9 billion more. I will be with the President on this issue. Other Members will have to decide where they are.

We have a letter dated today from the OMB Director, and I will read part of it:

> It is my understanding that the Senate will continue consideration today of two pending amendments regarding budget enforcement—a Feingold amendment and a Reid/Conrad amendment. I ask that you strongly oppose these amendments and encourage your colleagues to oppose them as well.
>
> Both amendments would lock in a spending cap that is much too high—over $19 billion more than the President's budget request.
>
> Budget enforcement in Congress is vital and necessary but enforcement at the wrong number could be even more detrimental to our budget outlook.

Now, if we had not waived the budget last week, maybe I would take this seriously. If 60 Members of this body had not last week voted to waive the Budget Act to spend more money, maybe I would take this thing seriously. But I don't take it seriously. We rejected making the death tax permanent. This amendment would spend nine times as much money next year as making the death tax penalty permanent would have cost.

Our colleagues do not have a nickel, they do not have a penny, to let working people keep more of what they earn, but they have billions to spend. They never, ever, have enough to let working people keep what they earn, but they have always got plenty to spend.

This is an effort to bust the President's budget. This is an effort to mandate that we set a budget $9 billion above the President's level. This is a proposal that would let us back into the gimmick business on deferred obligations. This is a budget that would let us advance appropriate—which is spending money but not counting it until another year—at a level unprecedented in American history. The President does not want this. OMB has asked that we oppose it. I hope my colleagues will oppose it. But I hope they will understand, whether they oppose it or whether they support it, that this amendment is not about budget control. This amendment is about spending, pure and simple. If you want to spend more, you want this amendment.

Now, I am not saying it is going to be easy in the budget process not having a budget. But we don't have a budget. We have not passed a budget, and I don't believe we are going to see one brought to the floor. People are proud of the budget resolution considered in the Budget Committee, but not proud enough to bring it to the floor to debate it, amend it, and vote on it.

The President has said he will veto appropriations that violate his budget and the budget adopted by the House. What this amendment would do would be to legitimize $9 billion in additional spending. That is what it does.

Last week, we voted to waive the same points of order to spend money. We have done it over and over again. What we are doing here is legitimizing more spending. If you don't want to do it, you want to vote and sustain this point of order. Those who want to waive the point of order will have to have 60 votes. Maybe they have it. I pointed out earlier, this is not going to become law. I don't think it ought to be passed by the Senate. I don't think we ought to be slapping the President of the United States in the face today.

When the President last night said he was going to hold the line on his budget, to then turn around and do this is to say: You say you are going to hold the line, but we are not going to let you do it.

Count me with the man. Count me with the President. That is what this issue is about.

I hope when people cast this vote, they won't be confused. I hope they will understand. This is not about budget points of order that we just waived last week. This is not about process. This is about spending $9 billion more spending next year, $25 billion more spending above that in advanced appropriations, and an unlimited amount of spending through a gimmick. I don't understand why people who support the budget process, after all our effort to get rid of these delayed obligations, can support this amendment. I am sure our colleagues remember the games that were played where we started a program on September 30 of a year so that it becomes law but you only count 1 day of the spending. Why anybody could say this is about controlling spending and could have an amendment that strikes the point of order on deferred obligation, I don't understand. This is about spending, pure and simple.

Don't be confused. If you are for spending, if you are against the President, then vote to waive the budget point of order. But if you are with the President, if you are against all this spending, if you think it has to end somewhere, end it right here today. Let's stop this process today. Do not add $9 billion more than the President asked today. Do not spend $25 billion beyond that in advanced appropriations today. And do not let Congress back in the gimmick business today. Vote to sustain the point of order.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I yield myself such time as required.

The Senator from Texas knows very well that my goal in working on this amendment has nothing to do with trying to upset the President's budget. We have talked together, worked together on the Budget Committee, and he knows exactly what I and other Members are trying to do. We think there ought to be some rules, there ought to be some caps, there ought to be some budget discipline. I don't think he could point to one shred of information or comment I have made throughout the months to suggest it has anything to do at all with trying to disrupt the President.

I remember welcoming the comments of the OMB Director when he suggested some aspects of what we were trying to do made sense. I will work with anybody on this in order to get it done, because in the 10 years I have been in the Senate, we have had rules, we have had budgets disciplines, and they have had good results. Sometimes when the Democrats were in the majority, and sometimes when the Republicans were in the majority, at least on this issue, I have seen this body function, and function well, but only because there were caps, only because there were rules and because there were enforcement mechanisms.

The Senator from Texas complains we are doing this outside of the budget process. I agree with him. This is not the ideal way to do this. But he knows why. He saw the efforts we made in the Budget Committee and the difficulties we had. We could not get it done there. It is not my idea to have to do it on the Defense bill.

The Senator says, even if the Senate were considering the budget resolution, that the resolution could not have accomplished the extension of the budget process that our amendment would do. But the Senator from Texas knows that a budget resolution, unlike this one, cannot constitutionally bind the President or his OMB. We have to pass a law, not just a resolution to extend the Budget Act.

I would say nobody in the history of the Senate knows this better than the Senator from Texas, who is very famous across this country for passing statutes to control Government spending. A statute has much more enforcement power than simply doing it on a budget resolution.

The Senator also suggests this is not going to go anywhere because the House will not accept it. I certainly agree with my chairman, Senator CONRAD. The one thing that makes sure nothing happens is if we do not do anything at all in the Senate. If we send a message to the House that we do not need rules and disciplines, that is an invitation to them to do nothing.

On the other hand, if we do something here, and even though the Senator from Texas knows it is much less than I wanted to do at the beginning, and less than he wanted to do, maybe it will put a little pressure on the other body. Maybe they will hear from their constituents, who will say: At least in the Senate they still believe there ought to be some limits and some caps and some rules. Why don't you folks in the House do the same thing?

If we do nothing, there is no pressure on them. As the chairman indicated, if we at least put a marker down here, put something in this bill that suggests some limits and some rules, we have a chance that something will come through in a conference report that will achieve bipartisan limitation on this.

We have now heard arguments about the levels in our amendment being too high. We also heard arguments that they are too low. In this respect the debate is taking on sort of the hallmarks of any debate to set a level. There is always going to be disagreement about the amount. But let's be clear about the amount in this 2-year period. The chairman of the committee has indicated we have sought to use what I believe to be the most neutral starting point. The number for 2003 is what the Budget Committee reported. It is what we included in the Gregg-Feingold amendment, for which 49 Senators voted, including the Senator from Texas. On June 5, he voted for these exact 2-year limitations. I admit there were 3 other years there on top of it, but he did vote for these figures for those 2 years.

It is also the most neutral and most appropriate figure because it is our best estimate, as the chairman has pointed out, of what the President's budget request actually requires, what it really is when you cut away the gimmicks and see what the real number is.

I think this is a consensus number that is reasonable. As the Senator from Texas knows, he and I have worked together in various meetings to try to have an even stronger budget process. We have tried to draft amendments, and we reached agreement on a budget process amendment that, had it been enacted, would have created powerful incentives to reduce the deficit and further protect Social Security. I stood ready and I stand ready to work with him to tighten fiscal discipline. In the battle for fiscal responsibility, I want the Senator from Texas to know I am and will be his ally.

But as the Senator from Texas also knows, we did not offer the amendment we drafted. Now the question is, In the absence of that, in the absence of a more perfect solution to the budget process, what will we do?

We really only have a couple of choices. We can stand by and simply do nothing or we can at least do this. That is the choice before the Senate today. Nobody really believes there are going to be a lot of real opportunities to do this in the future if we do not do it today.

I would prefer a stronger budget process. In fact, not only in committee but on the floor I, with Senator GREGG, fought for a stronger budget enforcement regime, and we offered our amendment to the supplemental appropriations bill.

I voted with the Senators from Arizona and Texas when they sought to limit spending on the supplemental appropriations bill. I stood ready, and I continue to stand ready, to work with the Senator from Texas to fight for the process changes that we worked on together. But the amendment that Senator GREGG and I offered received only half of the votes—it actually needed 60 to prevail.

The efforts to stop spending items on the supplemental appropriations bill fell well short of a majority, and we have not offered the amendment we worked on together.

So we face a very stark choice. We face the expiration of the budget process. We have to face the question, Is the absence of a budget process preferable to the 2-year extension of the existing process that I and Chairman CONRAD and Senator CANTWELL and now Senator DOMENICI offer today? Obviously, it most assuredly is not. Even though there are imperfections in the existing budget process, it does provide some budget discipline. It creates 60-vote hurdles for spending measures that exceed the caps. It requires 60 votes to expand entitlements or cut taxes without paying for the cuts.

These constraints have been a valuable force for consensus. They have helped ensure the work we do in the Senate can garner the support of three-fifths of the Senate, not just a bare majority. I think these are useful bulwarks in the defense of the taxpayers' dollars.

Again, there could be better budget processes. After the adoption of this amendment, if it is adopted, I will still join with others who seek to advance further budget improvements. Even if this amendment is adopted, nothing will stop the Senator from Texas from offering the budget process on which he and I were working.

But at least let's draw the line. Let's at least prevent further erosion of budget discipline. Let's seek further improvement where we can, but let's at least ensure that things do not get worse.

The Senator from Texas may consider the amendment before the Senate today to be half a loaf or maybe even less. I admit the amendment before the Senate today is not perfect, but it is a far better result than doing absolutely nothing, and that is where we are headed. Nothing is what we will get if the Senate votes down this very modest attempt at fiscal discipline.

I urge my colleagues to join at this barricade, if you will, this last stand this year for fiscal responsibility. I urge my colleagues, more than anything else, to do this to defend the Social Security surplus. I urge them to support this amendment.

How much time do we have?

The PRESIDING OFFICER. The Senator from Wisconsin has 12 minutes; the Senator from Texas has just under 22 minutes.

Who yields time?

The Senator from Texas.

Mr. GRAMM. Mr. President, let me make clear I feel strongly about this amendment, but I have profound respect for my colleague. I am a long-time believer in the Jeffersonian thesis that good men, with the same facts, are prone to disagree.

I point out the Gregg amendment that I voted for had 5 years of budget numbers; not just the 2 years where the budget went up, but 3 years where it went down. So I thought, in terms of the whole package, it was an improvement over nothing. But I do not think it is an accident that this amendment has only the 2 years where spending goes up.

Maybe I was not tending my business, but I do not think that the Gregg amendment struck the provision on delayed obligations. If it did, I was not aware of it, and I would stand to be corrected if anybody corrected me.

I think the Gregg amendment left advanced appropriations untouched, whereas this amendment increases them by $2.4 billion.

But ultimately, if we are talking about this being a consensus product, there is one person who is not part of this consensus and that is the President.

The President is taking a hard position, and, quite frankly, it is about time. I love our President. I have known him for a long time. I respect him. But I thought last year, in trying to work with both parties and trying to bring a new environment of bipartisanship to Washington, that he let Congress spend too much money. But it was a price he was willing to pay to try to work with everybody and try to be bipartisan. But our President is a Texan. And once you have slapped him once or twice, then he begins to think maybe you mean to fight. The bottom line is the President has said, I am going to limit spending to the budget that I proposed, and to the aggregate number adopted in the House. The amendment before us would add billions of dollars to that. It would not only condone but basically justify $25.4 billion of spending—in addition to the $9 billion I spoke of earlier—counted a year later through a process called advanced appropriations. This would be the highest level in American history.

Finally, to add insult to injury—and I asked somebody to explain to me why it is in here—this amendment strikes the language on delayed obligations. If people weren't meaning to cheat, why do they make it legal? If people didn't expect to be in jail, why are they pulling the bars out of the windows? If people aren't expecting to take advantage of something we had stopped in the past, why are they taking the prohibition against it out?

I do not know if my colleague from Oklahoma is aware of it, but the amendment before us in part strikes our old language preventing delayed obligation.

Our colleague will remember the bad old days when you wanted to fund a great big old costly program but you didn't have the money in the budget, so you started it on September 30—the last day of the fiscal year. Then it cost only 1 day. It was just magic. You could spend 365 times as much money by just starting the program on the last day. We finally wised up to that. We stopped it.

Now we have an amendment where our colleagues say they are trying to stop spending. They are not for spending. They want to stop spending. But yet they strike the language on delayed obligations, which is a gimmick that has been used to spend billions of dollars.

I do not know how you could say they don't intend to do it when they are legalizing it.

To sum up—because I know we have others who want to speak, including my colleague from Oklahoma—this comes down to whether you are with the President or you are with the spenders.

With all good intentions—I don't doubt good intentions on the other side—the bottom line is that this amendment, if adopted, gives credence to and gives cover to people who mean to bust the President's budget in three ways: $9 billion on its face, $25.4 billion in advanced appropriations, and then cheating with delayed obligation.

If you are with the President, if you are for fiscal restraint, if you want to stop the spending spree in Washington, this is not the way to do it.

I don't mind people making the best arguments they can. But I don't think you can have it both ways. I don't think you can say this is about fiscal restraint, and then say: Oh, by the way, we want to bust the President's budget by adopting this.

I mean you have to be fish or fowl. You are either with the man or you are against the man. I am with the man.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Concord Coalition indicated today that our amendment "provides a strong and needed dose of fiscal discipline." I ask unanimous consent that a copy of the complete Concord Coalition statement appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CONCORD COALITION,
Washington, DC, June 20, 2002.

CONCORD COALITION SUPPORTS BUDGET ENFORCEMENT AMENDMENT

WASHINGTON.—The Concord Coalition said today that the Conrad-Feingold-Domenici bipartisan budget enforcement amendment provides a strong and needed dose of fiscal discipline. It sets new discretionary spending caps for two years at tough but achievable levels, extends the pay-as-you-go (paygo) requirement for entitlement expansions and tax cuts, and renews important points of order that enforce discipline.

The rapidly deteriorating budget outlook highlights the importance of this amendment. With sudden speed, budget deficits are back and the first time in several years there is no clear agreed upon fiscal goal. As a result, open-ended budgeting is back. Rather than setting priorities and making hard choices, Congress and the President are falling back on the old habit—cut taxes, increase spending, eat up the Social Security surplus, and run up the debt. It's a dangerous path to follow when looming just beyond the artificial 10-year budget window are the huge unfunded retirement and health care costs of the coming senior boom.

Restoring a sense of fiscal discipline—and eventually returning to non-Social Security surpluses—is a very difficult challenge. It is virtually impossible without the type of enforcement mechanisms established in this amendment.

With the discretionary spending gaps, paygo, and vital enforcement points of order scheduled to expire, the choice for policymakers is whether to extend the current mechanisms—and thus maintain a measure of fiscal discipline—or to simply let the entire budget enforcement framework expire and be left with renewed deficits and no mechanism for enforcing fiscal discipline.

In Concord's view the choice is clear. Allowing caps, paygo, and 60-vote points of order to expire is an open invitation to fiscal chaos. The Concord Coalition strongly commends and supports this bipartisan effort to restore fiscal discipline to the budget process.

Mr. FEINGOLD. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, first of all, my good friend, Senator GRAMM, is doing exactly what good debaters do, except that I caught him, so it won't work.

First of all, it is obvious on the point of the President's budget and this budget that this isn't the President's budget, it is Congress's budget. The President's budget is alive. The President's veto powers are alive.

What we are trying to do is pass some constraints that Congress will impose on itself in terms of entitlements, which have the opportunity of going through the roof in hundreds of billions of dollars, between now and October 1 and thereafter with no 60-vote point of order.

Down at the end of Pennsylvania Avenue, Mr. OMB Director, just get the President ready when this Congress sends entitlement programs that are going through the roof, because the 60 votes won't be available here, and they will end up on your desk.

The Senator from Texas said it 10 times, but I will only say it once.

I am with the President. He is the best President we will have in this century. When his first term is finished, that is what we will begin saying about him. But, Mr. President, do not be fooled by people who want you to get involved in something in which you don't have to get involved. And you lose no prerogatives; you keep all of them.

The second point is, when Senator GRAMM loses his major argument, he turns to another one. So he is up here about as loud as I speak talking about this delayed obligation.

Let me tell Senator GRAMM, just take another look at the late obligations. First of all, it sunsets at the end of this year. So it isn't around. It is literally not around.

Mr. GRAMM. Why didn't you extend it?

Mr. DOMENICI. I don't speak when you are speaking, Senator. Would you mind?

Mr. GRAMM. All right.

Mr. DOMENICI. Would you mind acknowledging that you shouldn't be speaking when I am speaking? I would appreciate it very much.

Mr. GRAMM. All right.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, the second point is, for as long as we have had this provision that he is now telling the President he is going to lose, which provision I invented, we have never used it because it can't be interpreted. We have never been able to interpret what these words mean, which is now the real reason the President should come down on us because we are getting rid of it. It never was used. It will never be used. It is not interpretable. I knew that one year after it was passed, and I considered getting rid of it because it isn't necessary. It wouldn't be used.

My last point is a very simple one.

Fellow Senators, writing a budget resolution is essentially the work of the Congress. The President is not bound by it. He loses no authority. He can veto every bill that comes through here if it doesn't meet what he wants. But I will tell you, fellow Senators, if you think you can live within the President's budget with no problems, then I suggest to you that you had better look at what is eliminated from the budget: $1.2 billion for veterans' medical care, $1.2 billion for the violent crime trust fund, and $1.7 billion for State and local enforcement. They are not in his budget.

We will have to decide whether we are going to put them in and cut something else. Nonetheless, this will not change the President's prerogative to veto every single bill.

But, Mr. President—I am not speaking to you, Mr. President, but I am speaking to the President down the street on Pennsylvania Avenue—if something like this is not adopted, then remember this afternoon when Senator PHIL GRAMM said there was an invitation to spend, and see what you have when entitlement programs come down to your desk because they passed up here 51 to 48, or 51 to 49 because there was no 60-vote point of order to keep them from breaking the budget because we will not have that protection unless this amendment is adopted.

I would say for an afternoon that it is a pretty good piece of change for the American people and a pretty good way for the President to say, I will veto, but I would rather not have all the entitlements coming up here. Which entitlements? You know what they are. They have to do with the various medical programs. They have to do with everything we are going to be looking at for Medicaid reforms and Medicare reforms. Sixty votes is not going to be applicable.

It seems to this Senator, Mr. President, that you ought to stick to your work and to your veto authority, and you ought to let us do our budget because we can help you a lot when we don't send you all the entitlement bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, I am not telling the President anything. The President was telling me. I read what the President said last night. I am joining my voice with the President's, but I am not speaking for the President.

Second, our problem is that the whole budget enforcement expired—not just this one provision. We are extending the rest of it. We are not extending this provision.

The bottom line is, this is about $9 billion. Senator DOMENICI says we can't live within the President's budget. I believe we can live within the President's budget. And the President has asked us to try.

Now, granted, the President can do whatever he wants to do. The question is, Do Republican Senators want to vote to go on record for a budget number that is $9 billion more than the President says he is going to stand behind? I think that is why it comes down to the question of whether you are with him or whether you are against him. I am with him.

Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator from Texas controls 14½ minutes.

Mr. GRAMM. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend and colleague from Texas for his remarks. I will just make a comment. I see the chairman of the Budget Committee is in the Chamber. Bring the budget to the floor. I can tell you, my colleagues—who might have listened to my very good friend, Senate Domenici, who says, let's vote for this amendment—this amendment is going absolutely nowhere, even if it is adopted—and it is not going to be adopted—because it is on the Department of Defense bill, I tell my colleague.

It does not belong on the Department of Defense bill. I have urged Senator WARNER and Senator LEVIN that they should table this amendment. It does not belong on this bill. Maybe we will make a budget point of order it is a little higher—it does not belong on this bill.

I am on the Budget Committee. Let's bring the budget before the Senate. Then we can have a good debate. Are we going to change points of order? Are we going to change on whether or not you can have end-of-year spending gimmicks that we have banned in the past, which evidently this one-day budget is going to do? Are we going to reverse that? I would like to know. I am on the Budget Committee.

I tell my good friend from Nevada, I believe the Senate procedures should work. Now, for whatever reason, the majority has not decided to call up the budget. So this is the second time that various Senators have said: Well, let's do the budget on whatever authorization bill is going through the Senate. That is not the way it should work. It is not the way it has worked. I have been in the Senate for 22 years, and it has never worked this way.

We have always passed the budget, and it has not been easy. I will tell the majority, I know it is not easy. I will help them try to work it. I want to see the Senate pass a budget. I do not happen to agree with the majority's budget, but I will help to try to formulate the process to go through the budget procedure to pass a budget. I believe in it. But it does not belong on DOD authorization.

Let's just assume that it passed. I hope and I believe it will not, but let's just assume that it passes. OK. So the Senate passes the Senate budget—or part of the Senate budget, because I do not believe this is the entire Senate budget. I do not think this is what passed the Senate Budget Committee, which I serve on, and we spent a couple days in markup. But we had lots and lots of hearings. It was a lot more extensive.

I don't know the difference between this and what passed out of the Senate Budget Committee, but I did not vote for it when it came out of the Senate Budget Committee. But I know one thing: It doesn't belong on the DOD authorization bill. I know my friends and colleagues from the House, and they would say: Thank you very much. That is not going to be accepted in conference. You have wasted your time—totally, completely.

Budgets have to pass both the House and the Senate if you want to have a binding budget. It does not do any good just to pass it in the Senate by one amendment on one day. That has no impact whatsoever. So we are absolutely wasting our time.

I urge my colleagues—I urge the majority because this is not in the minority's capability. The majority should bring this budget as passed out of the Budget Committee and try to pass it on the floor. That is what we should do. Instead, we have this game, and it just happens to be the Democrats' budget. Obviously, the President does not want it.

My Budget Committee staff tells me it is $21 billion higher than the figure the President submitted. It is not a 1-year budget; it is a 2-year budget. Wow. OK, it is $21 billion. We increased the amount you can have on advanced appropriations, something that probably not three people in the Senate really understand. But we are going to increase that figure from $23 billion to $25 billion. Oh, we are going to do that. Oh, now we are going to be changing the rules of the Senate dealing with end of the year, beginning new programs, delayed obligations. Oh, we are changing that.

Wait a minute. I say, if we are going to do all these things, let's do it on a budget. Then, when we eventually pass it—it may not have my vote—but when we eventually pass it, it goes to the conference with the House, with budget conferees, not with DOD conferees.

DOD conferees in the House would laugh this off: We don't agree with that. It is dropped.

The President is against it. He would say he would veto it if it is in the DOT authorization bill. It has no business being in DOD authorization.

We have to learn in the Senate at some point to have a little discipline and say, when we are going to bring up the DOD authorization bill, we are going to stay on DOD. That means the managers of the bill have to table nongermane amendments. That means the majority has to bring up a budget in a timely manner, which the law says we are supposed to bring up and pass by April 15. And now we are past June 15, and we have not had the budget brought up on the floor.

The majority needs to bring it up. It does not belong on this bill. It is not going to be included in this bill, I hope. I believe a budget point of order will be sustained. It takes 60 votes to pass it, as it should, because the budget statute says it has to come out of the Budget Committee, not to be done on DOD authorization. Oh, we are going to have Senator WARNER and Senator LEVIN be the conferees on the budget? It is not going to happen. We are wasting our time.

I am embarrassed for the Senate and the way this Senate is being run, the fact that we did not bring up a budget. And then some people say: Well, we will take pieces of it and put it on DOD authorization. That is absurd. And it just happens to be a couple of pieces that say: Oh, we are going to spend billions of dollars more than the President anticipated.

I will be happy to consider pay-go. I will be happy to consider a lot of different things that are in the germane jurisdiction of the Budget Committee on a budget resolution. But to do it on DOD authorization, I think, is just a total, complete waste of time.

The point of order that it does not belong on this bill is exactly right. I am sure—and I hope—that our colleagues will sustain that point of order.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Senator from Oklahoma argues that we should not have brought up this amendment on this bill.

This bill authorizes appropriations for the majority of appropriated spending. It may well be the largest spending bill we consider this year. So I think it is absolutely appropriate to consider the total amount of appropriate spending on this bill.

Mr. NICKLES. Will my colleague yield for a question?

Mr. FEINGOLD. For a question.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I respect my colleague from Wisconsin. I have agreed with him on many issues dealing with fiscal matters. Wouldn't you agree we should have a budget resolution that passed the Senate Budget Committee for consideration by both Democrats and Republicans so we would go through the budget procedure as we have always done for the last 20-some years?

Mr. FEINGOLD. It would be great to have a budget resolution, but far more important, far more useful is a statute to guarantee that these caps and enforcement mechanisms exist to bind both Houses, a mechanism that is actually the law of the land.

So this is far more important. This is an appropriate vehicle to do it.

Mr. President, I yield the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes remains for the Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague, the Senator from Oklahoma, that the Senator from Oklahoma argues against himself. He gives advances as a reason to oppose putting it on this measure, that it will never pass both Houses, and that a budget has to pass both Houses.

I say to my colleague, one of the key reasons we have not brought the budget resolution to the floor is because the House passed a 5-year budget when the requirement of the law is a 10-year budget. The President submitted a 10-year budget. We passed a 10-year budget through the Senate Budget Committee. The House passed a 5-year budget, even though they cut taxes and committed to spending money outside the 5-year window.

In addition to that, they used rosy scenario forecasts.

Mr. NICKLES. Will the Senator yield?

Mr. CONRAD. I will not yield.

They used an estimate of Medicare expenses in the House that says Medicare is going to rise at the lowest percentage in the history of the program.

Now, how are we ever going to reconcile a 10-year budget in the Senate, which is what the law requires, with a 5-year budget in the House, when we used Congressional Budget Office estimates, which we are supposed to do, and they used Office of Management Budget estimates because it made it easier for them to cover up the raid on Social Security in which they were engaged?

That is a fundamental reason that we have passed a budget resolution through the committee and not brought it to the floor because we know we would spend a week of the Senate's time and never be able to reconcile with the House because they have adopted rosy scenario forecasts, and they have adopted a 5-year budget when a 10-year budget is required.

Mr. NICKLES. Will the Senator yield for a quick question?

Mr. CONRAD. No, I will not yield.

We hear, over and over, this is more money than the President's budget. Well, the President's budget is exactly the same amount as in this amendment. The President called for $768 billion in discretionary spending. It is true, we did not adopt his policy. There is a $9 billion difference because he wanted to transfer money from mandatory spending to discretionary.

Do you know what he wanted to transfer? He wanted to transfer the cost of Federal employees' retirement and claim it was discretionary rather than mandatory. I have not found anybody who thinks that is a wise policy. Clearly, it is required that we pay the retirement costs of Federal employees. That is not discretionary.

The fact is, the President's discretionary number is exactly the same as the number we have. We didn't adopt his policy, but that is his number.

Now, let's look, in comparison, to last year. Last year we spent $710 billion in discretionary. These are the increases: $45 billion for defense, every penny of it requested by the President; $5.4 billion in homeland security, every penny requested by the President. The only difference is $7 billion, the difference between last year and this year, that is going to other things. All of the rest of the increase is for defense and homeland security, every dollar requested by the President.

There is $7 billion more, 1 percent, for all the rest of Government. That doesn't even keep pace with inflation. Between 2003 and 2004, we are capping spending at $786 billion, an $18 billion increase, a 2-percent increase, for total discretionary spending by the Federal Government. That does not even keep pace with inflation, either. For those who say this is spending, spending, that doesn't pass the laugh test. This is a cap on spending, a cap on spending at the same number the President proposed, a cap on spending for the second year that allows a 2-percent increase for all of domestic spending. That is defense, parks, law enforcement—all the rest.

The fact is, without this amendment passing, there will be no budget. There will be no budget disciplines. They expire on September 30. That is the reality.

This is a choice that really matters. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 20 seconds remaining. Who yields time?

Mr. GRAMM. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 8 minutes 25 seconds.

Mr. GRAMM. Mr. President, first, I want to respond. Our dear colleague from North Dakota said that the President submitted a budget that actually cut some programs. Can you imagine it? Can you imagine it? In $2 trillion of spending, the President was able to find some low priority items so that when a vicious set of terrorists attacked and killed thousands of our people we could redirect some of that money.

Our colleagues are shocked. In fact, our colleagues can give you 100 taxes that they are willing to raise. They can give you dozens of tax cuts they are willing to take back. But they can't give you one Government program that they are willing to cut. And they are stunned that in a $2 trillion Government, the President was able to come up with about $10 billion of things that we might defer or do without so we could instead grab a few terrorists by the throat and break their necks.

I am not stunned. I am proud. We are the only people in the world who never set a priority, who never had to make a hard choice. The President is willing to make choices. That is one of the reasons I am supporting the President.

It is true that this amendment before us does have some things from the budget resolution considered in committee. But basically three of the things are things that spend more money. The President said last night and the OMB Director wrote us this morning, asking us to oppose this amendment to help the President hold the line on spending. That is what this issue is about.

It is not just about $9 billion that our colleagues want to spend and the President doesn't want to spend. It is also about $25 billion more spending now that won't count until next year. And then there is the whole issue about this delayed obligation where you can play these games when you start a program.

It is true that the amendment before us has some support, but when I look at the President's position and when I look at the position before us, if our colleagues had offered the President's number without this delayed obligation and without the $25 billion of spending that doesn't count until next year, I would have voted for it. I would have been a cosponsor of it. But it spends $9 billion more than the President wants. He is pretty adamant about it. It opens up a floodgate for advanced appropriations where we spend it now so that when next year comes we say, we can't possibly hold the line on spending because we have already committed to spend part of it. Only Government could get away with that. No person in the real world could possibly get away with that.

The issue before us is, Are you with the man, or are you against the man? The President asked us to hold the line on spending. He asked us to enforce his budget. Now are we going to go on record and say: Thank you, Mr. President, we appreciate your letting us know what you think, but we are going to raise spending $9 billion above what you want whether you like it or not? That is not part of any budget. It is part of a 2-year deal where we increase spending, but it really boils down to that.

I raised a point of order. So the question is, Are there 60 Members of the Senate willing to say to the President: We are going to basically commit ourselves and condone $9 billion of spending you didn't ask for? Or are we going to stand with the President.

I urge my colleagues, this is a good day to start fiscal responsibility. This is a good day to start saying no to business as usual in Washington, DC.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Republican leader.

Mr. LOTT. Parliamentary inquiry: Do we have an agreement to get the vote at 3 on this issue?

The PRESIDING OFFICER. Three is correct.

Mr. LOTT. How much time remains on each side?

The PRESIDING OFFICER. Three and a half minutes controlled by the Senator from Texas; 21 seconds controlled by the Senator from Wisconsin.

Mr. LOTT. Mr. President, I yield myself some time out of my leader time to comment on this issue.

First, this situation has been caused by the fact that we don't have a budget resolution. I think that is very unfortunate. Ordinarily, we try to get a budget resolution by April 15 or as soon thereafter as possible. Usually we get one done by May. Here we are in June. We have not heard anything about when it might come up. Apparently it never will. That presents us problems in terms of what is the aggregate cap, what are the enforcement mechanisms that we are going to use to try to control spending, keep it within some reasonable amount.

I also recognize without these caps, some orderly disposition to the subcommittees, it is going be very difficult to hold the line when these various appropriations bills come to the floor.

I don't know when that might be. We need to get going on the appropriations bills. Usually in June we do anywhere between two and five appropriations bills. Then in July we usually do anywhere between, I guess, five and as many as nine. Right now I see none anywhere in sight. We have done a supplemental after a very difficult time. It is not clear when we will get going on appropriations.

I believe the House is going to pass the Defense appropriations bill and then the military construction appropriations bill before the Fourth of July recess. So that will begin the process. That is good.

I think to do this number and this procedure on this bill at this time is a mistake. First, this is the Defense authorization bill. You need some vehicle on which to put this. If not here, then where, somebody might ask. But now that this door is open, we are being advised that we are going to have all kinds of nongermane amendments on the Defense authorization bill. I had been pleading with Senator DASCHLE to call this issue up. And to his credit, he did. He could have gone to other issues, but he did the right thing and moved to Defense authorization.

Now we will be off on a discussion of taxes and Mexican trucks and perhaps an abortion amendment. I am hearing all kinds of things. At some point we will have to get back to Defense authorization itself. That is point No. 1. I believe this is the wrong place to do it.

Secondly, while the mechanisms have been improved—there is a firewall in here now, and also some clarification with regard to advanced appropriations—the number, 768, is still a problem. That is about $9 billion above the President's request. Some people maintain—and I am sure it has been maintained—we are going to have to have more than what was asked for in the original budget as we try to move to a conclusion this year. Somebody even said: "You are fighting over twosies and threesies here." It is $2 billion here, or $3 billion for the supplemental, and $9 billion there. Pretty soon, all those billions add up to real money.

So while I understand what we are trying to accomplish, I am concerned about how we go forward from here. I think the number is still too high. I think this is the wrong bill on which to be putting this. It is similar to the debt ceiling. If we are going to do this, probably we need to do it clean. That won't be easy. But a lot of people were shocked that we were able to move the debt ceiling the way we did in a bipartisan vote; 15 or so Democrats voted with most of the Republicans. We didn't do a budget resolution, and I think that is a travesty, but we are going to have to come to some agreement on how we proceed and how we get to a conclusion at the end of this fiscal year.

My urgent plea is that we look for a number that is closer to what the President and his advisers have indicated they could accept.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. How much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin controls 21 seconds.

Mr. FEINGOLD. I yield that remaining time to the Senator from North Dakota.

Mr. CONRAD. Mr. President, we cannot very well have it both ways. You can't, on the one hand, decry not having budget discipline and a budget, and, on the other hand, oppose those very provisions. That is what this vote is about. It is a budget and it is budget discipline provisions. They are critically needed. I hope colleagues will support it.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I believe my colleague is right on one point. You can't have it both ways. You can't say I am for fiscal restraint and then say we are going to make the President take $9 billion he doesn't want.

I think this boils down to a question, Are you with the President or are you against him? The President asked us to hold the line on spending. I am with the President, and therefore I am going to vote against waiving the budget point of order. I urge my colleagues to do the same.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 40, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—59

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Gregg
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Snowe
Stabenow
Stevens
Torricelli
Wellstone
Wyden

NAYS—40

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Craig
Crapo
DeWine
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Smith (OR)
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Helms

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. GRAMM. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I worked very hard this afternoon and today for what I thought was the right approach. I am back on board, and I will do everything I can to see that we keep some process and there is some order for the remainder of the year in getting our work done.

I thank you very much.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, has the Pastore rule run its course?

The PRESIDING OFFICER. Yes, it has.

Mr. BYRD. Mr. President, I speak out of order.

The PRESIDING OFFICER. The Senator from West Virginia.

(The remarks of Senator BYRD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, there are a number of people who want to speak on matters not related to the Defense bill at this time. I think it would be appropriate—I have spoken to the Republicans—to go into a period of morning business. It is my understanding that the Senator from Illinois wishes to speak for 10 minutes, the Senator from North Dakota for 10 minutes, and the Senator from Maine for 10 minutes.

Why don't we go into a period of morning business for 40 minutes with 20 minutes on this side and 20 minutes on their side, with the Senator from Illinois recognized first?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent to modify my request, and that I be recognized following the 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

AMTRAK

Mr. DURBIN. Mr. President, I take the floor to alert my colleagues in the Senate and those who are following this debate that at a hearing this afternoon before the Transportation Subcommittee——

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend.

The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I am glad my colleague, the Senator from West Virginia, is in the Chamber because he attended this hearing. He may not have been present when the questions came. We asked the administrator of Amtrak what was ahead in the days to follow. At this moment in time, Amtrak needs $200 million interim financing to continue operations across America. Mr. Gunn, who testified before Chairman PATTY MURRAY's Transportation Subcommittee, alerted us this afternoon that unless the interim financing of $200 million is secured by Wednesday of next week, Amtrak will cease all operations—all operations—not scaled back but cease all operations.

Mr. Gunn explained it was necessary in order for them to park the trains, take the precautions necessary to guard them, and to prepare for the ultimate shutdown, which could begin as early as the middle of next week.

We then asked Mr. Rutter, who is the head of the Federal Railroad Administration, what was the status of the Amtrak request for $200 million. He alerted us that they were in the process of evaluating it, and he believed they would be able to get back to Amtrak with the answer early next week.

If you will do the math, you will understand we are talking about 24 to 48 hours separating the decision by the Bush administration on interim financing for Amtrak and the suspension of all Amtrak service across the United States.

I said to Mr. Gunn that I believed we had a moral obligation to notify Governors across the United States with Amtrak service of this looming transportation disaster. Let me say for many of us who believe in Amtrak and national passenger rail service that it is absolutely disgraceful that we have reached this point.

At some point, this administration should have stepped forward to work with Congress to make certain that Amtrak service was not in jeopardy. Now we face the very real possibility of a disastrous transportation situation as early as next week.

We heard this morning from Secretary of Transportation Norm Mineta, a speech he gave to the Chamber of Commerce about his vision of the future of Amtrak. It is a vision which is not new. It is the same vision that Margaret Thatcher had in England when she took a look at British rail service and decided to privatize it, to separate it, and to try to take a different route. It turned out to be a complete failure—not only a failure in the terms of the reliability of service but a failure in terms of safety.

The administration's proposal on Amtrak is a disaster waiting to happen. It is literally a train wreck when it comes to the future of national passenger rail service.

If you believe, as I do, that our Nation should seek energy security, that we should try to find modes of transportation to reduce pollution and traffic congestion, which is getting progressively worse and we can't ignore it, then we cannot and should not walk away from Amtrak.

This administration's position at this point is going to create a crisis in transportation. We need to maintain not only the very best highways and the safest airports in America, but we need national passenger rail service. We need leadership in the White House and at Amtrak with a vision of how to turn that rail service in the 21st century into something that we can point to with pride and effectiveness.

We don't have that today. Mr. Gunn has been drawn out of retirement and has been heading Amtrak for just a few weeks. This didn't occur on his watch. He is a competent administrator who wants the resources to make Amtrak work. Instead, what this administration has given him is a doomsday scenario where literally Amtrak service could be terminated across America next week. What it means for the Northeast corridor is probably a dramatic change in terms of the way the families and businesses would have to operate. What it means in my home State of Illinois is that thousands of passengers and thousands of employees will have their future and their transportation in jeopardy. It didn't have to reach this point, but it has.

I sincerely hope my colleagues will join me in urging the Bush White House to respond tomorrow—not next week but tomorrow—favorably for financing of Amtrak so we can tell the Governors across America that this emergency is not going to happen.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2662 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that I may proceed as in morning business for not to exceed 6 minutes.

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not object, of course, but I think there was a unanimous consent agreement previously that had me following the Senator from Maine with 10 minutes. If I might inquire about the timing here.

Is the Senator from Michigan going to speak after the Senator from Virginia?

Mr. WARNER. Mr. President, I am a cosponsor with the Senator from Maine on this legislation. I can reduce my time to 3 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Virginia be given 6 minutes, if this is all right with Senator DORGAN, and then Senator DORGAN be recognized to proceed as in morning business.

Mr. DORGAN. Yes, I think by previous unanimous consent.

Mr. LEVIN. For 10 minutes, as in morning business.

Mr. DORGAN. I certainly would not object to the Senator from Virginia being recognized if I am recognized as previously agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I thank my good friend for his usual and customary senatorial courtesy.

(The remarks of Mr. WARNER pertaining to the introduction of S. 2662 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the two leaders are going to confer in a few minutes. How much longer is the order in effect to have morning business?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. REID. From this point?

The PRESIDING OFFICER. Yes.

Mr. REID. That should be ample time. The two leaders should be back by then. The two managers of the bill will have an announcement at 20 till, 25 till.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I follow the Senator from North Dakota in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

AMTRAK

Mr. DOGRAN. Mr. President, my colleague from Illinois, Senator DURBIN, a moment ago spoke of the dilemma now faced by Amtrak, the company that provides rail passenger service.

The Secretary of Transportation earlier today provided a glimpse into his and the administration's view of what to do about Amtrak. It is clearly devastating, if you believe that we ought to have rail passenger service.

I confess, I like trains. I grew up in a small town where a train called the Galloping Goose used to come through. We gathered to watch the train come through our little town. I like trains. This isn't about being nostalgic or liking trains. It is about whether you think our country should have rail passenger service. The testimony this morning by Mr. Gunn was that by mid next week, unless the financing is made available, Amtrak will shut down. By mid next week, we will have no rail passenger service because it will shut down, unless the Department of Transportation and the other relevant agencies get together on the financing package necessary.

It is important that we have rail passenger service. Aside from the urgent circumstances that face us next week, the other question is this: What will the long-term plan be for an Amtrak rail passenger system that works?

The Secretary of Transportation said today that this is his plan: Let's take the Northeast corridor and cut it off and sort of semiprivatize it and sell it—I am not quite sure to whom—and then we will let the rest of the system work on its own. That is a quick, effective way to kill Amtrak. Yes, there will be Amtrak service from Boston to Washington; that will continue. And the rest of the Amtrak rail passenger service will die. Just as certainly as I am standing here, we will see the collapse of rail passenger service in the rest of the country.

Last year, over 80,000 people boarded Amtrak in North Dakota. Anybody who wonders is Amtrak important, ask yourself what happened on September 11 following the devastating attacks by terrorists. Every single commercial airplane, every private airplane was forced to land. They had to find an airport and land and stop that airplane.

But Amtrak kept moving across the country, hauling people back and forth across the country. Rail service is an important part of this country's transportation system. It is that simple.

To come up with a plan that says, by the way, what we will do is cut off the Northeast corridor, which is the most lucrative part of the system, and separate it from the rest of the country, is a way of saying, let's kill Amtrak in most of America.

Talk about a thoughtless public policy proposal. This is it.

This Congress has some work to do. This administration needs to address next week. Mr. Gunn says that Amtrak is going to shut down. The President of Amtrak says he is going to shut down midweek unless the Department of Transportation and others get their act together and provide the interim financing necessary. They have an application filed.

One of my colleagues asked the people when they will act on that application. Answer: Maybe next week.

It ought to be now. This is not exactly a surprise. This problem with Amtrak has been lingering for a long time, and this Congress seems incapable, unwilling, or unable to make decisions that will put this rail passenger system on a sound financial footing. Some of my colleagues believe we just should kill Amtrak; let it die. What they forget is that we subsidize every other form of transportation. You name it, we subsidize it.

They say: But we don't want to have a rail passenger service that is subsidized. Everyone has the right to their opinion. But I think this country is well served, strengthened, and we are improved by having a national system of rail passenger service. No, it does not go everywhere. It does not connect every city to every other city. But it is a national system that connects the Northeast corridor to routes throughout our country in a way that is advantageous to millions of Americans.

This Congress and this administration have to wake up, and they have to wake up now. If we don't, and if they don't, we could find mid next week a country in which all rail passenger service is gone. If we don't, and if they don't, we could find beyond that, if they find the interim financing for next week, we could find a rail passenger system in which we have this crazy scheme of cutting off the Northeast corridor, creating some sort of quasi-private or quasi-public system with that, and saying the most lucrative portion of Amtrak shall not be available to assist in offsetting other revenues from other parts of the system. And we will inevitably create an Amtrak system that dies everywhere in the country except for the Northeast corridor. That is not a vision that is good for our country.

This is not the kind of issue that ought to hang up the Congress. It is not complicated. We deal with a lot of complicated issues. This is not one of them. It is very simply a question to this administration that has been sitting on its hands for a long time on this issue. It ought to stop. It ought to take some action. And this Congress ought to take action for the long term.

The question is this: Do you believe in rail passenger service or not? Do you believe this country is strengthened by having a national system of rail passenger service? If you believe it is not and you don't like rail passenger service and you want to kill Amtrak, just go ahead and do it, if you have the votes.

But what is happening is inaction, both by the administration and inaction by Congress, which is slowly but surely strangling the life out of this system called Amtrak.

It makes no sense to me. Let's make a decision.

I count myself on the "aye" side. I say aye when you call the roll to ask do we want to support Amtrak; do we want to have a national rail passenger system in our future. The answer is clearly yes. I hope my colleagues will agree. I hope we can all agree to stop all of the foot dragging going on on this important question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

PRESCRIPTION DRUGS

Mr. WELLSTONE. Mr. President, there was an interesting piece in the Washington Post this morning, a senior aide to Republicans on the House side saying we want to—something to the effect of—write a prescription drug plan that basically is what the pharmaceutical industry wants.

I look at the House bill, and I report to the Senate that is exactly what we have: A bill that is made for the industry. The White House has no plan. They are talking about a discount comparable to going to the movie and you get a dollar or two off the ticket, but it has nothing to do with whether or not we will have prescription drugs that will be affordable.

The House Republicans have said low-income people earning roughly under $11,000 are not going to have to pay anything. But when you look at the fine print, that's not true. If you have burial expenses worth $1,500 or more, if you have a car that is worth more than $4,500, then all of a sudden you might not be eligible for the protections for the low-income. That is stingy.

Then the thing that people are worried about is the catastrophic expenses. We must have a prescription drug plan that really responds to what we are hearing from all of our constituents: "Senator you must keep the premiums low; you have to keep the deductibles and the copays affordable; and you have to cover catastrophic expenses"—that is what people are terrified of, big expenses they can't afford.

What this Republican plan says is: We will provide a little coverage, up to $2,000. But between $2,000 and $3,800 we won't cover anything.

That is nonsensical. It certainly is not a step forward for Minnesotans; it is a huge leap backwards.

I also want to mention to colleagues that the Republicans basically don't want to have a plan built into Medicare.

Now, I say to the Presiding Officer, the Senator from South Dakota, you can appreciate this with a smile. The Republicans don't want to have anything built into Medicare because they are scared that it might put restrictions on drug companies' price gouging. That is what Republicans are scared of. As a result, they say: We are going to farm it out to Medicare HMOs and to private insurance plans. But the private insurance plans are saying: We are not going to do this because the only people who will buy the prescription drug only plans are the ones who need it, and we need some people in the plan who don't need it; otherwise, we cannot make any money on it; it won't work.

Then they say the monthly premiums will be $35 and the deductibles will be $250. It turns out that this is not the case. Those numbers are merely suggestions. It could be that the deductible in one part of my state is $250, and $500 in another part of Minnesota, and $750 in some other state.

I want to say on the floor of the Senate that you have these pharmaceutical companies pouring in all this money at the $30 million fundraising extravaganza last night—$250,000 a crack, or whatever, that I am reading about. Then you have some of the people saying we are going to basically write something that suits their interest. This is what we are dealing with.

I will keep pushing hard. I know you have to get 60 votes, and I know some people are going to be reluctant about this because we are going to have to take on the prerogatives of drug companies. But I think we ought to do the following: First of all, for low-income people, we ought to say, you are not going to pay anything, because they cannot afford it. Then we should set a 20 percent beneficiary copay. I would rather see us do that. Then we should set a catastrophic cap at $2,000 a year; after that, you don't have to pay anymore of the cost of your prescription drugs. That is good catastrophic coverage. That makes sense.

How is it affordable? In two ways. First: Prescription drug reimportation from Canada, with strict FDA safety guidelines. There is no reason that Minnesotans, and people all over the United States, should not be able to reimport prescription drugs that were made in the U.S. back to the U.S. Pharmacists could do it, and families could too and get a 30-, 40-, 50-percent discount. There is no reason to vote no—except the pharmaceutical companies don't want it.

Second: and the Chair is interested in this as well—there is no reason the Federal Government's Department of Health and Human Services cannot represent senior citizens to become a bargaining agent and say: We represent 40 million Americans, and we want the best buy. We want a commitment from the industry to reduce the prices. Give us the best buy. Charge us what you charge other countries, charge us what you charge veterans, charge us what you charge Medicaid. We can get huge reductions in costs and huge savings.

Mr. President, I have been talking about a book and Tom Wicker wrote it—it's fictional, but based on the life of Senator Estes Kefauver and the way the pharmaceutical industry did him in. The companies have become too greedy, arrogant, and people in this country have had it, and it is time for us to make it crystal clear that this Capitol and this political process belong to the people of South Dakota and Minnesota, not these pharmaceutical companies.

The House plan is not a great step forward. It is a great leap backward. We are going to have a big debate on the floor in July. I cannot wait for it. I think a lot of these positions we take are going to be real clear in terms of whom exactly do we represent, the pharmaceutical industry or the people in our States.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARRIAGE TAX PENALTY

Mrs. HUTCHISON. Mr. President, I want to talk about an amendment I am intending to propose to the armed services bill, although I understand there may be an agreement that everyone will oppose amendments that are not considered germane.

I want to talk about the amendment because I think it is very important. We now have the House making permanent the marriage tax penalty relief. We passed marriage tax penalty relief last year in our Tax Relief Act, and it was signed by the President. It would begin the process of giving marriage tax penalty relief to the 40 million couples in our country who now suffer from a marriage penalty. In fact, it is 21 million couples across the country—over 40 million people—who are taxed simply because they are married.

The Treasury Department estimates that 48 percent of married couples pay this additional tax. According to a study by the Congressional Budget Office, the average penalty paid is $1,400. Fortunately, last year we took a step in the right direction. We are in the process of a repeal of the marriage tax penalty, with a full repeal to occur in 2009. It does this by equalizing the size of the standard deduction. So if you are single and you have the standard deduction and you get married, that will just be double rather than about two-thirds of the total, as it is today.

We also increase the width of the 15-percent bracket, so that if two people in the 15-percent bracket get married or if two people in the 28-percent bracket get married, the 15-percent tax bracket will be doubled, so that you will at least have an equalization in the first tax bracket. Unfortunately, that will sunset in 2011.

Last week, the House passed a permanent repeal of the marriage tax penalty. Now it is the Senate's turn. Senator BROWNBACK, Senator GRAMM, and I would like to make the marriage tax penalty repeal permanent, just so that married couples will know what to expect not only from now until 2009 or 2011 but beyond, to eliminate forever this kind of penalty, with the standard deduction—at least in the 15-percent bracket.

Now I want to talk about how this affects military families. There are more than 725,000 members of the military who are married. That represents more than half of the Armed Forces. Of these, 79,000 are married to another member of the military. So these 40,000 "military couples" represent almost 6 percent of the Armed Forces.

Consider the effect of the marriage tax penalty on two people who risk their lives every day to protect us. I will show this chart because I think it is very important. A lance corporal and a private first class in the Marine Corps will pay $218 more in taxes if they marry today. An important provision of the authorization bill we are debating is military pay raises. The same lance corporal and private first class will receive a 4-percent pay raise, according to the authorization bill we are debating today. But the marriage penalty would take back 16 percent of that increase. So of the $218, 16 percent is going to go in marriage penalty taxes.

If a technical sergeant and a master sergeant in the Air Force get married, they will pay a penalty of $604. That eats up 17 percent of the pay raise we are debating today. Two Army warrant officers would pay $852 more to Uncle Sam, or 25 percent of their pay raise.

Two Navy lieutenants who marry would pay more than $1,500 in additional taxes annually, giving up 34 percent of their pay raise.

We are trying to make life better for those in our military. To give them a pay raise with this hand and on the other hand penalize 79,000 of the people who are already sacrificing to be married to someone else in the military, possibly having to be in a separate part of the world from that spouse, to ask them to endure a marriage tax penalty that would take away as much as 34 percent of the pay raise we are giving them to make their lives better because they are out there in the field protecting our freedom, which does not make sense to me.

That is why I had hoped I would be able to offer this amendment. However, it is my understanding there are now talks about taking away any nongermane amendments from this bill. I do not disagree that we want to pass the armed services bill, that we want to make sure the bill goes through. I certainly applaud that. I do, however, think that eliminating the marriage tax penalty would be a huge help for our military, particularly since we are giving them the pay raises with this bill that we hope will make life better for them.

I know there are a lot of negotiations ongoing. I hope at some point we will be able to eliminate the marriage tax penalty not only for the 40 million people who are now paying, but for our military personnel especially. We are trying to give them this better quality of life to tell them how much we respect and appreciate the job they are doing for our country.

I would like to offer this amendment. I think I am going to be kept from doing that, but I want an up-or-down vote on making the marriage tax penalty permanent so that people will not have to wonder if the year 2011 is going to give them another big marriage tax penalty.

We have spoken in Congress; the President has signed the tax relief bill. It is essential we go forward and make these tax cuts permanent so people can make plans. Whether it is the death tax, whether it is the bracket tax cuts, whether it is the adoption tax credit, whether it is marriage tax penalty relief—we had a balanced package of tax relief for all the people who pay taxes in our country.

At a time such as this, with our economy teetering—and certainly if anyone is watching the stock market and corporations and the whole skittishness of our economy, they should see that we need some stability—we need the ability to free up consumer spending by taking the money out of the Government coffers, where hard-working people are putting it, and let them keep more of the money they earn in their pocketbooks.

I hope very much I can offer this amendment—if not on this bill, certainly on a bill we will be able to pass this year. There is no reason not to make the tax cuts we have already made permanent so people know how much they are going to have to pay the Government from their hard-earned dollars. So many people are losing their jobs; so many people are having a hard time making ends meet today. I certainly want to make sure our armed services bill passes. I do not want to load it with extraneous amendments. I do not think this is extraneous. I think being able to give them pay raises they can keep is certainly something we should do for our military, but to take away 34 percent of the pay raise we are giving them in a marriage tax penalty does not make sense to me.

I certainly hope I will be able to offer this at the appropriate time. I want to make sure we are doing everything we can for the Armed Forces of our country. I hope the distinguished majority leader will allow making permanent the marriage tax penalty bill a priority for this session of Congress.

I thank the Chair. I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

Mr. DASCHLE. Mr. President, over the course of the last hour or so, I have had a number of conversations with the distinguished Republican leader and the chairman and ranking member of the Armed Services Committee. We have been discussing how we might proceed on the Defense authorization bill.

I know there are Senators on both sides of the aisle who have amendments they would like to have considered, and they are certainly within their rights to offer these amendments.

My concern is that if we find ourselves in debates on unrelated issues for an extended period of time, there is the real danger that we will not finish our work prior to the time we leave next week. I have already indicated publicly and privately to anyone who is interested in the schedule that we must finish this bill before we leave. That is an absolute necessity. So I do not want any Senator to complain about any misunderstanding they may have. I want to be as clear and unequivocal about that as I can: We will finish this bill before we leave.

As we have discussed how we might ensure that happens, of course one option would be to file cloture. Unfortunately, there are defense-related amendments that may be relevant and may be related to the Defense bill but not technically germane.

I have consulted with the Republican leader, and we have concluded, with the support of the chairman and ranking member—and I thank both of them for their willingness to support this effort—we have concluded that we will move to table or make a point of order against any amendment which is not defense related from here on out in this debate. We do it regretfully because we oftentimes are supportive of some of these amendments on both sides.

I know an amendment was going to be offered on marriage tax penalty, and I know some of my Republican colleagues and perhaps Democratic colleagues would be interested in the amendment. There are amendments on this side that I will move to table that I would otherwise support.

We have come to the conclusion that the only way we can complete our work is by taking this action. So I am announcing at this point that from here on out, all amendments that are not related to the Defense bill are amendments that either Senator LOTT or I or our colleagues on the Armed Services Committee, Senators LEVIN and WARNER, will move to table or will file a point of order against.

I want to notify all of our Senators that will restrict significantly the opportunities they have to offer additional amendments, but we intend to follow through, and we hope that sends a clear message. We want to complete our work. While we respect Senators' rights to offer amendments, we need to get this legislation done.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I concur with this agreement, and I will support it. The leadership on both sides of the aisle and the managers of the legislation on both sides of the aisle will support this effort.

There is no more important issue for us to deal with right now than to pass the Defense authorization legislation that is necessary for our military men and women to do their job, including the equipment they need, the pay they need, and the quality of life they need, both here and when they are abroad. So we need this Defense authorization bill.

We have already passed the supplemental appropriations to pay for some of the costs of the war against terror, particularly with regard to our efforts in Afghanistan but other places also. Now this will do the Defense authorization for the next fiscal year.

These bills are never easy. In fact, they are always hard. Year after year, though, under the leadership of Senator WARNER and now with Senator LEVIN, we have done it. We need to do it again. It should be our highest priority.

I have urged that this legislation be moved at a time when we can get it done before the July 4 recess. Senator DASCHLE has called it up in a timely way. Now we see that without this agreement between now and when Senator DASCHLE would probably have to file cloture and then get cloture sometime next week, the amendments that would be brought up on both sides of the aisle would be, more often than not, nongermane to the Defense bill.

Senator DASCHLE is right, one of the first ones right out of the box I am for. I think we ought to make the cuts in the marriage penalty tax permanent, unequivocally. There are young men and women who are married or want to get married and want to know what they can count on. We ought to do that, and I am looking forward to finding a way to vote on that again as I did last year.

Having said that, it is not germane to this bill. There will be other amendments that can be offered on both sides of the aisle that are not germane. They may be good and we need to consider them, and maybe we can find a way to consider them, but we have important work to do. It is not as if this Defense authorization bill does not have more amendments that will need to be considered. There are a couple of big ones that I know of, maybe more than a couple—I would say more like five or six. So we have our work cut out for us to finish this bill on its substance, on relevant amendments, in order to finish this work in a reasonable time on Thursday and hopefully in such a way that we could get an agreement to proceed on the Yucca Mountain issue.

I know Senator REID would just as soon I talked all day and not said that, but we have work to do and then we have work to do after that.

I support this effort. I think it is the right thing. I thank Senator WARNER for going to Senator LEVIN. They talked about this and then came to us and suggested this was the right thing to do, and I certainly concur. I commend them for being willing to take that stand.

By the way, this is good precedent. We might want to consider managers doing this on other bills when they are basically attacked by nongermane amendments to the underlying bills. If the manager will stand up on both sides of the aisle and say we are going to table this or we are going to make a point of order because it does not relate to this very important issue we are considering, we can move our legislation a lot quicker. There are culprits on both sides, and sometimes I am one of them, but in this case it is the right thing to do and maybe it will set a pattern for us for the rest of the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I do not wish to precede my chairman, but I want to make sure I say this while both leaders are on the floor. The distinguished majority leader talked in terms of relevancy; the minority leader spoke in terms of germaneness. My understanding is that the standard is relevancy to be decided by the chairman and the ranking member in this case, and we will exercise that fairly but very firmly. We are committed. When I approached the chairman with this proposition, I said I will move to table on our side, he will move to table on his side or make points of order, as the case may be.

The distinguished Republican whip participated in the conversations, and I judge that what I am saying is consistent with all who are listening at this time.

Mr. NICKLES. Absolutely.

Mr. WARNER. I thank the leadership. This goes back to the days when I was privileged to be in the Senate with Senator Stennis, who will always be the person who started me on this course of action; that is the way he worked. That is the way John Tower, Barry Goldwater, Scoop Jackson, and those who preceded us worked when it came to the issues of national defense. They managed those bills with great skill, and less dependence, of course, on cloture. I hope this will be the direction in which we will move.

Mr. LOTT. Will the Senator yield for two points?

Mr. WARNER. Yes.

Mr. LOTT. I think Senator DASCHLE was very careful to say this would not apply to the Defense authorization relevant amendments. There are some that could be offered that they might prefer they not be offered, but they would relate to military hospitals, for instance, as opposed to germane ones, which would clearly be eliminated by a cloture vote. Several of the amendments that have been pending or are being considered, or suggested would be offered, clearly were not relevant or germane.

The other thing is, I really was impressed when the Senator referred to a fellow Mississippian, John Stennis, whom I had the honor of succeeding.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank our leaders. It is a very difficult and challenging job to be leaders in this instance. They have proven so many times over the years and proven it again this afternoon the importance of taking a very difficult step, but it is a necessary step if we are going to get the bill passed.

I heard Senator WARNER with his commitment, and I join him in making that commitment that we will move to table or otherwise make a point of order against amendments which are not relevant to this Defense bill. It is a better approach than a cloture approach because at least relevant amendments which are not technically germane but are relevant to defense will be offered and will not be tabled because of any agreement between us.

I also thank our whips. Senator REID, as always, is right there helping to make the wheels move and to grease those wheels, as well as Senator NICKLES. I thank the two of them, but again thank our two leaders for taking this very difficult step and committing to either table or make a point of order against amendments which they may very strongly support. That will go for Senator WARNER and myself. I know of a bunch of them already that I very strongly support but because of the need to get this bill passed I will be constrained to move to table or make a point of order.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I thank my colleagues for their comments and their support for this agreement. The Senator from Virginia made a constructive suggestion that the two of them be the determinants of relevance, and I think that is a very appropriate way to proceed. We will have our managers make that decision, and I will stand behind the decision our managers make on these amendments.

Given that understanding, let me say it is our understanding Senator MURRAY's amendment having to do with military hospitals will be offered shortly. I would not expect that the debate on the amendment would be completed tonight, but I would expect that the vote would be sometime tomorrow morning. I do not want that amendment to be all we do for the remainder of the week. So hopefully we can dispose of the amendment either tonight or tomorrow. We will consult with her on how much time may be required. We have debated this before. We have had votes on this on many occasions. So it would be my hope that we would not have to debate it at length, but we will return to the floor to make some announcement about the remainder of the evening and a vote on the Murray amendment either tonight or tomorrow morning.

Given the fact that it is late in the afternoon, I would not be surprised if we would have to wait until tomorrow morning, but there may be hope we can complete it within a couple of hours. So we will consult with colleagues on both sides of the aisle with regard to the Murray amendment.

Senators may lay their amendments down. We will see if we can get a unanimous consent agreement on the Murray amendment. If there is the possibility of reaching agreement on time on the amendment, that vote will still occur tonight.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3927

Mrs. MURRAY. Mr. President, I am hoping we will have an agreement and I will be able to offer my amendment shortly, so we can have a time agreement tonight and hopefully move to a vote on this quickly.

To save time, I will now begin a discussion of the amendment I will offer. I hope to shortly send an amendment to the desk on behalf of myself, Senator SNOWE, Senator MIKULSKI, and Senator BOXER.

Every day since the attacks of September 11, the men and women of our Armed Forces have been working overtime—often in hostile, dangerous environments—to protect our citizens and to secure the freedoms and values that we cherish.

This Department of Defense authorization bill will ensure they have the equipment and resources they need to protect us.

Surprisingly, as the women of our military fight for our freedoms overseas, they are actually denied some of those freedoms during their service. Here at home, women have the right to choose. They have constitutionally protected access to safe and legal reproductive health services. But that is not the case for military women serving overseas.

So I will this evening offer an amendment to ensure that military personnel serving overseas have access to safe and legal abortion services. As many of you know, I have offered this amendment for the past several years, and I continue to urge my colleagues to support these efforts.

Under current restrictions, women who have volunteered to serve their country—and female military dependents—are not allowed to exercise their legally guaranteed right to choose—simply because they are serving overseas. These women are committed to protecting our rights as free citizens, yet they are denied one of the most basic rights afforded all women in this country.

This amendment does not—and let me stress does not—require any direct Federal funding of abortion related services. My amendment would require these women to pay for any costs associated with an abortion in a military facility.

In addition, this amendment does not—and again let me stress does not—compel a medical provider to perform abortions. All branches of the military allow medical personnel who have moral, religious or ethical objections to abortion not to participate. This amendment would not change or alter conscience clauses for military medical personnel.

This is an important women's health amendment.

Women should be able to depend on their base hospital and military health care providers to meet all of their health care needs. To single out abortion-related services could jeopardize a women's health.

Opponents of this amendment will argue that the military does now ensure access for women. But under current practices, a woman who requires abortion related services can seek the approval of her commanding officer for transport back to the United States. Once in the United States, she can seek these services at her own expense, but she is not afforded medical leave.

In addition to the serious risk posed by delaying an abortion, this policy compromises a woman's privacy rights by forcing her to release her medical condition and needs to her superiors. She must seek and receive the approval of her commanding officer with no guarantee that this information will be kept confidential.

This policy also forces women to seek abortions outside of the military establishment in foreign countries. Many women have little or no understanding of the laws or restrictions in the host country and may have significant language and cultural barriers as well.

In this country, we take for granted the safety of our health care services. When we seek care in a doctor's office or clinic, we assume that all safety and health standards are adhered to. Unfortunately, this is not the case in many countries.

From 1995 until 2000, the previous administration and former Secretary of Defense Cohen supported this amendment. They argued it was an important protection for military personnel and dependents. They did not assume there would be any difficulty carrying out this requirement. They were confident that the Defense Department would be able to determine the cost of these services as well as ensure the availability of providers.

The Department of Defense has been on record in the past in support of this amendment by stating that it was unfair for female service members serving in overseas location to be denied their constitutional right to the full range of reproductive health care. Despite the support of the previous administration, opponents still argued that allowing privately funded abortions in overseas military facilities was somehow beyond the abilities of the Department.

Opponents have argued that there is no way to determine the costs of these services, despite the fact that private hospitals must determine per-unit costs of per-procedure costs, every single day. Opponents also argued that the military might have to contract for these services and assume liability for these contractors. This is no different from what the Department does for all military personnel. If a neurosurgeon or highly trained specialist is required to meet the needs of our military personnel, the Department can and does contract for these services and of course insures the quality of these services by assuming the liability.

I remind my colleagues that prior to 1988, the Department of Defense did allow privately funded abortions at overseas military facilities. Clearly, it can be done. I should also point out that it must be done today in certain circumstances.

Under current law, the Department allows for privately funded abortions in the case of rape or incest. It also may pay for abortions in case of life endangerment.

For our opponents to argue that the Department cannot handle or does not want to be responsible for providing privately funded abortions at overseas military facilities, is to argue that the Department cannot protect military personnel and dependents who have been raped, who are a victim of incest, or whose life is endangered.

Is this what we are saying to the estimated 100,000 women who live on military bases overseas?

Regardless of one's view on abortion, it is simply wrong to place women at risk. Ensuring that women have access to safe, legal, and timely abortion related services is an important health guarantee. It is not a political statement. It is essential that women have access to a full range of reproductive health care services.

This amendment has been supported by: the American College of Obstetricians and Gynecologists, the American Medical Women's Association, Physicians for Reproductive Choice and Health, Planned Parenthood of America, National Family Planning and Reproductive Health Association, and the National Partnership for Women and Families. These organizations support this amendment because of its importance to women's health care.

I would also like to read a letter I recently received from retired General Claudia Kennedy, the Army's first woman three-star general. Before she retired in June 2000, she was the highest ranking female officer of her time. She writes:

> DEAR SENATORS SNOWE AND MURRAY: I am writing to express my support of your efforts to amend the National Defense Authorization Act for Fiscal Year 2003 to ensure that servicewomen and military dependents stationed overseas have the ability to obtain abortion services in U.S. military medical facilities using their own, private funds.
>
> The importance of access to abortions for military women has not been discussed in public media very often, since many of the issues that related to non-military women also are a part of the social and medical environment of military women. However, some distinctions do exist, making it imperative that our soldiers have access to safe, confidential abortion services at U.S. military hospitals overseas. Let me just relate an experience of one of my soldiers about 15 years ago.
>
> I was a battalion commander of an intelligence battalion in Augsburg, Germany from 1986 until 1988. One day a non commissioned officer (NCO), who was one of the battalion's senior women, came into my office and asked for permission to take a day off later in the week and to have the same day off for a young soldier in the battalion. She said the soldier was pregnant and wanted an abortion—yet had no way to have an abortion at the U.S. Army medical facility in Augsburg. She had gotten information about a German clinic in another city, and they were going there for the procedure. The soldier did not have enough money to return to the USA for the abortion. Further, she did not want to have to tell her predicament to her chain of command in order to get the time and other assistance to go to the States. I told the NCO to go with her and to let me know when they had returned.
>
> Later the NCO told me that the experience had been both mortifying and painful. . . . no pain killer of any sort was administered for the procedure; the modesty of this soldier and the other women at the clinic had been violated (due to different cultural expectation about nudity); and neither she nor the soldier understood German, and the instructions were given in almost unintelligible English. I believe that they were able to get some follow up care for the soldier at the U.S. Army medical facility. But it was a searing experience for all of us—that in a very vulnerable time, this American who was serving her country overseas could not count on the Army to give her the care she needed.
>
> During that same time frame, and in the early 1990's when I was a brigade commander of an intelligence brigade in Hawaii, I noticed that there were Army doctors who displayed posters which were extremely disapproving of abortion . . . creating a climate of intimidation for anyone who might want to discuss what is a legal option. Since the doctors are officers and far out-rank enlisted soldiers, and since the soldiers have no way to choose which doctor they see on sick call, it was only with good luck that a young soldier might be seen by someone who would treat her decision with the respect she deserved.
>
> What makes the situation of a soldier different from that of a civilian woman? She is subject to the orders of the officers appointed over her. Every hour of her day belongs to the U.S. Army, and she must have her seniors' permission to leave her place of duty. She makes very low pay and so relies on the help of friends and family to pay for travel for medical care that is not given by the Army.
>
> Of all the reasons we lose soldiers we lose soldiers from their place of duty (for training, injuries, temporary duty elsewhere, and other reasons), pregnancy accounts for only 6% of all reasons for soldier absence. Yet, this feature of women (that they sometimes become pregnant) is offer cited as an attribute that makes them less desirable as soldiers. While I believe that the difficult decision to end a pregnancy should be completely individual, the institution cannot have it both ways: to deny women safe and reasonable access to abortion (in a world in which there is no 100% effective birth control), and at the same time to complain that women are pregnant.
>
> I commend your efforts to remove this irrational and harmful barrier to the health

and well-being of our soldiers serving America.

Madam President, I could not have said it better myself. Our female military personnel deserve better than what they are getting. As we send out troops into the war on terrorism to protect our freedoms, we should ensure that female military personnel are not asked to sacrifice their rights and protections as well.

I recognize the urgency in passing the fiscal year 2003 Defense authorization bill. It provides important support for our military personnel and infrastructure.

I thank the chairman and ranking member of the Senate Armed Services Committee for their efforts to move this legislation.

I stand ready to support whatever measures we need to consider to ensure that our military is ready to respond to this new world threat.

I only ask that female military personnel and their dependents be given the support they deserve when serving in overseas military locations.

I yield the floor at this time.

Again, I will offer my amendment as soon as we have a time agreement. Hopefully, that can be very soon because I know we want to vote on this and move on.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, for the information of Members, what we are going to try to do tonight is make sure that everyone who has anything to say about this amendment has the opportunity to speak. Whether you are for it or against it, come over and tell us how you feel. The majority leader has indicated we will schedule a vote in the morning. We are trying to work that out now with him, but probably around 9:45 in the morning.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that there be 60 minutes for debate tonight with respect to the Murray amendment No. 3927, with the time equally divided and controlled in the usual form; that no amendment be in order to the amendment, prior to a vote in relation to the amendment; that when the Senate resumes consideration of the bill on Friday, June 21, following the opening ceremony, the time until 9:45 be equally divided and controlled in the usual form; that at 9:45 a.m., without further intervening action or debate, the Senate vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Madam President, reserving the right to object, I just got a call in of somebody who may want to speak. If we can hold this for a minute, I think we can check it out.

Mr. REID. Why don't we just increase the time to 90 minutes?

Mr. BROWNBACK. I need to check this out, if I can. I will object at this point, but I hope we can get it done quickly.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, we require an awful lot from our service men and women. First of all, we urge them to volunteer to serve in the military. Then, we send them all over the world to serve our Nation's interests. When we ask them to serve in foreign countries, the least we can do is ensure that they receive medical care equal to what they would receive in the United States.

Servicewomen and dependents who are fortunate enough to be stationed in the United States and who make the difficult decision to have an abortion can, at their own expense, get a legal abortion performed by an English speaking doctor in a modern, safe American medical facility.

Military women stationed overseas do not have the same opportunity. They can seek the permission of their commanders to return to the United States to obtain an abortion, or they can seek an abortion in foreign hospitals by foreign doctors, many of whom don't speak English, and who may have different medical standards. These choices are not acceptable.

I can only imagine how difficult it would be for a female officer or enlisted person to have to go to her commander and ask for time off to travel to the United States to get an abortion. This is a very personal and difficult decision even under normal circumstances.

The alternative of seeking an abortion from a host nation doctor, who may or may not be trained to U.S. standards, in a foreign facility, where the staff may not even speak English, is an equally unacceptable alternative. Our servicewomen deserve better.

Our laws recognize the right of women to choose. This amendment would restore the ability of our female service members stationed overseas to exercise their constitutional right to choose safe abortion services at no cost to DOD.

The amendment to be offered does not require the Department of Defense to pay for abortions. All expenses would be paid by those who seek the abortion. The abortions would be performed by American military doctors who volunteer to perform abortions.

Military women should be able to depend on the military for quality health care, no matter where we may ask them to serve their country. This amendment gives service women stationed overseas the same range and quality of medical care available in the United States. We owe them at least that much.

I hope soon there will be a unanimous consent agreement entered into that would allow Senator MURRAY then to offer her amendment on this subject. I hope tomorrow morning we can expect a vote on this amendment and that the Senate will adopt the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, I just received a communication from the leadership. May I have another 3 or 4 minutes?

Mr. REID. Of course. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that there now be a period of 60 minutes for debate with respect to the Murray amendment No. 3927; that the debate be completed tonight; that the time be equally divided and controlled in the usual form; that no amendment be in order to the amendment prior to a vote in relation to the amendment; that on Friday, June 21, when the Senate resumes consideration of the bill at 9:30 a.m., the Senate vote, without any intervening action or debate in relation to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, for the information of all Members, the chairman and ranking member of the committee of jurisdiction of this matter have a very important committee meeting at 9 o'clock tomorrow morning. We asked them if they would allow us to go forward with the vote at 9:45 a.m., and they said they have a very important witness, Secretary Wolfowitz. They agreed to that 15 minutes.

I indicate to the two managers of the bill, we will drag this vote out so they can stay at their meeting until 9:45 a.m. or a little longer. We are not going to stick to our usual iron-fast rule that the votes are completed quickly. This vote might take 30 or 40 minutes.

Mr. WARNER. Madam President, I thank the distinguished leader. Yes, we are having a very important hearing, but I am certain we could determine a point during the course of that hearing and the time normally allowed for the vote for us to adjourn for, say, 10 minutes, so that all of our members could vote and return to the hearing. I am sure the chairman would agree to that.

Mr. REID. We hope everyone will get here as quickly as possible. That being the case and this having been agreed to, there will be no rollcall votes tonight. The majority leader asked me to make that announcement.

Mr. WARNER. The time under our control will be controlled by the distinguished Senator from Kansas.

Mr. REID. And the time on this side will be controlled by the sponsor of the amendment, Senator MURRAY.

AMENDMENT NO. 3927

Mrs. MURRAY. Madam President, I call up amendment No. 3927 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Ms. SNOWE, proposes an amendment numbered 3927.

Mrs. MURRAY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore a previous policy regarding restrictions on use of Department of Defense facilities)

On page 154, after line 20, insert the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "RESTRICTION ON USE OF FUNDS.—".

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Madam President, I ask the Senator from New Jersey how much time he wants.

Mr. CORZINE. Five minutes at the most.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from New Jersey, and then we will go to the other side.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Madam President, I rise today in support of the Murray-Snowe amendment to the Department of Defense authorization bill.

As the Senate considers this authorization bill of great importance to our military, one that I support, and I think most Members will, it is critical to guarantee U.S. servicewomen and military dependents access to safe and comprehensive reproductive health care services.

Current law prevents women in the military from using their own money to access abortion services at overseas Department of Defense facilities, except in the cases of life endangerment, rape, or incest.

Frankly, I think it is an outrage that women in the military—who make the ultimate commitment to this county—are in turn denied a freedom protected by the Constitution and afforded all women in this country. It is hard for me to imagine.

This ban discriminates against women and their families by restricting their legally protected right to choose simply because they are stationed overseas.

Surely we do not believe that American citizens who risk their lives in service to this country deserve fewer rights than other Americans enjoy?

Because of the ban on access to abortion services at military base hospitals, women are forced to choose between often-inadequate local health care facilities or sometimes extensive and costly travel. In both cases, the current ban has the effect of severely jeopardizing women's health.

Let there be no exaggeration about the scope of the Murray-Snowe amendment. This is not about federal funding of abortion. This amendment would simply allow women to use their own private funds to do what they would have the right to do at home, to access services at overseas U.S. military hospitals.

In addition, it will not force providers, doctors or others, to perform abortion services. All three branches of the military already have conscience clauses that will remain intact.

Finally, this amendment respects the laws of host countries.

I urge my colleagues to support our women in the military by supporting this amendment. Surely, women who serve our country have the same rights as those who are here at home in private life. I thank Senators MURRAY and SNOWE for their leadership on the issue. I think it is extremely important that we respect the right of choice.

The PRESIDING OFFICER (Mr. DAYTON). Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWNBACK. Mr. President, I rise in opposition to the Murray amendment. I think it is regrettable that we would tie up the DOD authorization bill with one of the most contentious issues of our day. Yet that is what is regrettably taking place in this legislation.

On February 10, 1996, the National Defense Authorization Act for Fiscal Year 1996 was signed into law by then-President Clinton with a provision to prevent the Department of Defense medical treatment facilities from being used to perform abortions, except where the life of the mother is endangered or in cases of rape or incest. This provision refers to the Clinton administration policy instituted in January 1993 permitting abortions to be performed at military facilities. From 1988 to 1993, the performance of abortions was not permitted at military hospitals except when the life of the mother was in danger. That had been the longstanding policy.

The Murray amendment, regrettably, which would repeal this culture of life provision, attempts to turn taxpayer-funded Department of Defense medical treatment facilities into, unfortunately, abortion clinics. Fortunately, the Senate has refused to let this issue of abortion adversely affect our armed services and rejected this amendment in the year 2000 by a vote of 51 to 49. We should reject it again this year. It is I think very harmful and wrong that we would hold America's armed services hostage to abortion politics using the coercive power of government to force American taxpayers—that is who pays for these facilities, the American taxpayers—to fund health care facilities where abortions are performed. This would be a horrible precedent and would put many Americans in a very difficult position.

Americans are being asked to use their taxpayer dollars to fund something that many people find absolutely wrong and completely disagree with, and we are asking people to use taxpayer dollars to fund the Department of Defense medical facilities to do something with which they disagree.

I realize we are terribly divided as a nation on the issue of abortion. That is painfully obvious and has been so for the past 30 years, but here we step into the issue of taxpayer funding, the use of taxpayer-funded facilities for abortions, and that is generally a terrain where most of the public has been quite in agreement we should not use taxpayer dollars.

They may say privately you can go ahead with abortion, other people say no, you should not do that, but generally when you are saying use taxpayer-funded facilities, most people have said we should not go there, we should not use taxpayer-funded facilities for something that many people in the public believe is terribly wrong. That is why I oppose this amendment.

When the 1993 policy permitting abortions in military facilities was first promulgated, military physicians, as well as many nurses and supporting personnel, refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do these abortions. Indeed, there is a CRS study we have on this topic which said that in the 6 years preceding the 1988 ban—I am reading directly from this CRS report dated June 5, 2000—military hospitals overseas have performed an average of 30 abortions annually. Last spring, though, when the military medical officials surveyed 44 Army, Navy, and Air Force obstetricians and gynecologists stationed in Europe, they found that all but one doctor adamantly refused to perform the procedure. That one holdout, too, quickly switched positions. No military medical personnel willing to perform abortions have stepped forward in the sprawling Pacific theater either.

We can look at that and say there is not access to the service or we can say that the military personnel are just very uncomfortable and they do not want to do this in the medical facilities that are paid for by taxpayer dollars.

Military facilities around the world operate as outposts of the U.S. Government. These are our facilities. They are seen as our facilities. They operate in many countries with differing ideas, with differing faiths, and with differing views on abortion. They do not want to be, as military personnel, having those abortions performed in these facilities operated and controlled by the U.S. Government. They do not want to perform the abortions themselves either.

This amendment would allow doctors to use U.S. Government military personnel to perform a procedure that many countries and many cultures view very negatively and as wrong. I think we should listen to what some of our doctors are saying and, in the military, what some of them are saying by their actions. Therefore, if the Murray amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources would be used to search for, hire, and transport new personnel simply so abortions could be performed, and this is abortion on demand.

I want to make that clear as well because the current law provides for the use of these facilities for abortions when the life of the mother is endangered or in cases of rape or incest. So we are talking about the issue of abortion on demand.

One argument used by supporters of abortions in military hospitals is that women in countries where abortion is not permitted will have nowhere else to turn to obtain an abortion. However, DOD policy requires military doctors to obey the abortion laws of the countries where they are providing services, so they still cannot perform abortions in those locations if they are in a country that has those laws.

Military treatment centers, which are dedicated to healing and nurturing life, dedicated to a culture of life, should not be forced to facilitate the taking of innocent human life, the child in a womb, abortion on demand, where the life of the mother is not at stake or it is not a case of rape or incest. We already provide for that.

I urge my colleagues to table the Murray amendment and to free America's military from abortion politics. American taxpayers should not be forced to fund the destruction of innocent life when many are deeply affected and believe this is not the sort of thing for which their taxpayer dollars should be used. Enough people are disappointed on some things we spend taxpayer dollars on without going into such a divisive area in our country, using taxpayer-funded facilities to allow abortions to take place.

If passed, this amendment will have a tremendously detrimental impact on this DOD authorization bill, probably effectively killing it if this amendment is included. I therefore urge my colleagues to reject this amendment, for the benefit of the DOD authorization bill and the benefit of the taxpayers who do not view this as the right way to use their facilities, paid for at taxpayer expense, turned over as abortion clinics.

It is a very divisive issue and an issue that is difficult for most Members to discuss. It is an issue on which we all have taken a position. All positions are clear on this topic. I hope we do not hold hostage this very important bill that is needed for this country in the time of this war on terrorism. Do not hold it hostage to such a difficult, divisive issue.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I see my colleague from Maine, Senator SNOWE, a cosponsor of this amendment, who has worked diligently with me. I ask how much time she needs.

Ms. SNOWE. As much time as I may consume.

Mrs. MURRAY. I yield to the Senator from Maine as much time as she may consume.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I commend Senator MURRAY for her leadership, once again, on this most important amendment to the Department of Defense authorization. I commend her for her commitment and perseverance on this issue. Ultimately, we will prevail. I hope that will occur on this reauthorization. I am pleased to join my colleague in support of this amendment to repeal the ban on abortions at overseas military hospitals, an amendment whose time has long since come.

Year after year, time after time, debate after debate, we revisit the issue of women's reproductive freedoms by seeking to restrict, limit, and eliminate a woman's right to choose. Think of Yogi Berra: I have the feeling of deja vu all over again. To that, I add: The more things change, the more they stay the same. Here we are debating the issue again.

The most recent changes ought to truly give Members pause; all the more impetus to ensure that things don't stay the same. We must remember that when we are considering this Defense authorization during a time of war, when Americans, both civilian and military are fighting terrorism all across the globe, both men and women. In fact, more than 34,000 women were serving overseas as of April this year. We have combined, between women in the service and dependents, more than 100,000 abroad. We recognize the impact that the failure to repeal this ban has on so many of these women.

Think of the changes that have occurred since 1973 when the Supreme Court affirmed for the first time a woman's right to choose. That landmark decision was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive health decisions.

Importantly, while it has not always been easy, that right stands protected today; that is, unless, you happen to be a female member of the Armed Forces or a female dependent of a military member stationed overseas. How ironic it is that the very people who are fighting to preserve our freedoms, those who are on the front lines defending this war on terrorism or other parts of the globe, are supporting those who are fighting, are currently the least protected in terms of the right to make choices about their own personal health and reproductive decisions.

That is why I stand to join my colleague, Senator MURRAY, once again, in overturning this ban on privately funded abortion services in overseas military hospitals, for military women and dependents based overseas, which was reinstated in the fiscal year 1996 authorization bill, as we all know. It is a ban without merit or reason that put the reproductive health of these women at risk.

Specifically, as we know, the ban denies the right to choose for female military personnel and dependents. It effectively denies those women who have voluntarily decided to serve our country in the armed services safe and legal medical care simply because they were assigned duty in another country. What kind of reward is that? Why is it that Congress would want to punish those women who so bravely serve our country overseas by denying them the rights that are guaranteed to all Americans under the Constitution?

Our task in this debate is to make sure that all of America's women, including those who serve in our Nation's Armed Forces and military dependents, are guaranteed the fundamental right to choose.

Let's review the history of this issue. First and foremost, I remind my colleagues since 1979 the Federal law has prohibited the use of Federal funds to perform abortions at military hospitals. However, from 1979 to 1988, women could use their own personal funds to pay for the medical care they need.

In 1988, the Reagan administration announced a new policy prohibiting the performance of any abortions at military hospitals even if it was paid for out of a woman's private funds—a policy which truly defies logic.

In January of 1993, President Clinton lifted the ban by Executive order, restoring a woman's right to pay for abortion services with private, non-Defense Department funds.

Then, in 1995, through the very bill we authorize today, the House International Security Committee reinstated this ban which was retained in the conference. That effort kicked off the debate which we are now having today.

Let me reiterate—and it is a point that needs to be made perfectly clear—President Clinton's Executive order did not change existing law prohibiting the use of Federal funds for abortion, and it did not require medical providers to perform those abortions. In fact, all three branches of the military have conscience clauses which permit medical personnel with moral, religious, or ethical objections to abortion not to participate in the procedure. I believe that is a reasonable measure.

With that chronology fresh in everyone's mind, we should state for the record to the opponents of this amendment that the argument that changing current law means that military personnel and military facilities are charged with performing abortions, and that this, in turn, means that American taxpayer funds will be used to subsidize abortions, is wholly and fundamentally incorrect. Every hospital that performs the surgery, every physician that performs any procedure on any patient must determine the cost of that procedure. That includes the time, the supplies, the materials, the overhead, the insurance, anything that is included in the expense of performing that procedure is included in the cost that is paid by private funds. Public funds are not used for the performance of abortions in this instance. That is an important distinction to reinforce today. I know it is easy to confuse the debate, to obfuscate the issues when, in fact, what we are talking about is a woman using her own private insurance or money in support of that procedure. We are not talking about using Federal funds.

This amendment we are fighting for is to lift the ban on privately funded abortions paid for with a woman's private funds. That is what we need to understand today. That is what this issue is all about. A woman would have the ability to have access to a constitutional right when it comes to her reproductive freedom to use her own funds, her own health insurance, for access to this procedure.

I think when it comes to health care and safety of an American soldier, sailor, airman, marine, or their dependents, our armed services should have no better friend and ally than the Congress. I would argue that is the case in most situations, but obviously there is a different standard when it comes to the health of a woman and her reproductive decisions.

Timing is everything because for those women who are in the military or were military dependents overseas between 1993 and 1996, they were able to have access to abortion services using their own private funds at a military hospital.

If it is true that timing is everything, all those women who served overseas since 1996 have lost everything when it comes to making that most fundamental, personal, difficult decision. I repeat that—it is a very difficult decision. It is a very personal decision. It is a decision that should be made between a woman, her doctor, her family. It is a constitutional right. It is a constitutional right that should extend to women in the military overseas, not just within the boundaries of the United States.

I cannot understand how anyone could rationalize that we could somehow discriminate against our women who are serving in the military because they happen to be abroad. I think it is regrettable because it is shortchanging women in the military and the military depends on women serving. We could not have an all-volunteer force without women serving in the military.

I think it is regrettable that somehow we have demeaned women, in terms of this very difficult decision that they have to make. There has been example upon example given to us, to my colleague Senator MURRAY, about the trying circumstances that this prohibition has placed on women who serve in the military abroad. I do not think for one moment anybody should minimize or underestimate the emotional, physical hardship that this ban has imposed, a ban that prohibits a woman from using her own private health insurance, her own private funds to make her own constitutional decision when she happens to be in the military serving abroad.

The ban on abortions in military hospitals coerce the women who serve our country into making decisions and choices they would not otherwise make. As one doctor, a physician from Oregon, recalls his days as a Navy doctor stationed in the Philippines, he describes the experiences and hardships that result from this policy. Women have to travel long distances in order to obtain a legal abortion. Travel arrangements were difficult and expensive. In order to take leave, they had to justify taking emergency leave to their commanding officer. Imagine that circumstance. So that everybody knows.

Some women, alternatively, have turned to local illegal abortions. In other circumstances, their dignity was offended and often their health was placed at risk, which was certainly reinforced by the letter that was sent to both Senator MURRAY and me from Lieutenant General Kennedy, who is now retired. She was the highest ranking woman in the military. She talked about the humiliation and the demeaning circumstances in which many women were placed, not to mention putting their health at risk.

I hope we can reconcile the realities of the existing ban by overturning this prohibition in law and granting to women in the military the same constitutional right that is afforded women who live within the boundaries of the United States of America.

I never thought that women should leave their constitutional rights at the proverbial door, but that is what this ban has done. These constitutional rights are not territorial. Women who serve their country should be afforded the same rights that women here in America have.

I think this ban is not consistent with the principles which our Armed Forces are fighting to protect, and which the American people so overwhelmingly support. I hope we move forward, and I hope we would understand that women in the military and their dependents overseas deserve the same rights that women have here in this country. They have and should have the protections of the Constitution, no matter where they live.

I hope the Senate will overturn that ban and will support the amendment offered by Senator MURRAY and myself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 12 minutes 30 seconds.

Mrs. MURRAY. I thank my colleague from Maine for her excellent statement, and I yield to my colleague from North Carolina such time as he should consume.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I thank Senators LEVIN and WARNER for their leadership on this important bill. It is an important bill for the country and we need to move forward on it. It is important work they have done. I also thank my colleague from Washington, Senator MURRAY, for her leadership on this amendment. Women who serve our country in the military should have a right to use their own private money to pay for safe, legal medical care that they themselves choose. I wish to express my strong support for Senator MURRAY's amendment. We appreciate very much her leadership on this issue.

I also want to take a minute to talk about the issue of homeland security. In the last couple of weeks, everybody in Washington has been talking about the administration's plan to reorganize a whole range of Government bureaucracies into a new Department of Homeland Security. Now Congress is rushing to complete this massive reshuffling in just a matter of weeks.

I do not oppose this reorganization effort. In fact, I think it might do some real good in the long run. I applaud the very serious people on both sides of the aisle who are trying to make the plan the best it can possibly be. But I am troubled that Washington is becoming so caught up with reorganization that we are losing sight of our most urgent priorities. Everybody is asking who will report to whom? Who will be in what building? Who will get the corner office?

We are beginning to convince ourselves that by reshuffling the bureaucracy, we are going to solve the real problem—that Government reorganization can win the war on terrorism.

We cannot allow preoccupation with reorganization to distract us from the clear and present danger from terrorists who are in our midst as we speak. Our most urgent priority is simple: to find the terrorists, infiltrate their cells, and stop them, stop them cold. In order to do that, I think we need to address three critical questions directly related to prosecuting the war on terrorism today.

No. 1, are we doing enough, everything in our power, to track al-Qaida, Hezbollah, Hamas, and every other terrorist organization within our own borders? To be more specific, are we doing enough to develop and deploy the human intelligence needed to infiltrate these organizations?

No. 2, does the FBI know foreign intelligence information when they see it? And do they recognize all the uses of that information? For example, if the FBI acquires foreign intelligence information in the course of a criminal investigation, do they see the importance of that information, not just for their criminal prosecution but also in the ongoing effort to disrupt terrorists in their activities?

No. 3, having recognized the importance of information, is the FBI effectively sharing that information, both within the FBI itself and with other elements of the intelligence community?

No. 1, are we getting the information we need about the terrorists in this country? No. 2, are we recognizing all the uses of that information? No. 3, are we effectively sharing that information among those who need to have it in order to react to it?

I believe the answer to all three of those questions is no. As a member of the Intelligence Committee, I believe these issues are fundamental to our ability to fight terrorism. They must be fixed now. And they do not require reorganization of existing bureaucracy.

There is no question that we should reorganize the Government to meet the challenges of the future. But there is no substitute for the urgent steps we must take now, immediately, to meet the dangers of the present.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Mr. President, I yield 10 minutes to our colleague from Arkansas, Senator HUTCHINSON.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. HUTCHINSON. Thank you, Mr. President. I thank the distinguished Senator from Kansas for leading the opposition to this ill conceived amendment. I thank him for his courage and conviction in this area of human life. I thank him for yielding time.

I rise today in very strong opposition to the amendment that is being put forward by the Senator from Washington. This amendment would allow abortion on demand on military facilities overseas. In fact, it would force the American people—including those millions who are strongly opposed to abortion and who are pro-life—to help pay for abortions. I know the opponents of this amendment argue otherwise. But I think a little thought shows the fallacy in that proposition and that, in fact, it would force those who have very deep conscientious convictions against abortion to help pay for abortion on our military bases.

Abortion is an issue that continues to divide our Nation. The Defense authorization bill should be focused on ensuring that our military has all the resources to fight and win our Nation's wars. It is unfortunate that this bill has year after year been the vehicle to attempt to advance a pro-abortion agenda.

In 1976, Congress adopted what has come to be known as the Hyde amendment. This amendment essentially prohibits the use of Federal funds for performing abortions. It has been upheld by the U.S. Supreme Court as constitutional.

I share the view of millions of Americans that abortion is a destruction of human life and that it represents one of the great moral outrages of our day and one of the great moral questions of our generation.

The Hyde amendment ensures that the tax dollars of these citizens who deeply believe abortion is something that is morally objectionable—it ensures that those citizens are not forced to pay for something to which they so object. It ensures that their money is not used for what they consider to be the murder of the unborn.

This is the foundation of my objection to the Murray amendment. My colleagues claim that no public funds will be used for these overseas abortions. However, military facilities overseas were built with Federal tax dollars. The medical equipment was paid for by the U.S. Government. The military personnel facilities are paid from the Federal Treasury.

Under the Murray amendment, will a portion of the cost of the construction of the military facility be charged to the woman seeking an abortion or will this funding come from the pockets of the taxpayers, millions of whom believe abortion is a reprehensible practice?

It would be impossible—technically impossible—to accurately calculate the cost of reimbursing DOD for an abortion. It is not feasible with existing information systems and support capabilities to collect billing information relevant to a specific encounter within the military health care system. Military infrastructure and overhead costs cannot be allocated on a case-by-case basis. It is clear that the Murray amendment runs counter to both the letter and the spirit of the Hyde amendment.

A military health care professional cannot be forced to perform a procedure, such as abortion, that runs against their moral beliefs. That is a good thing. But it is a recognition we have had in the U.S. military that physicians who have moral convictions against abortion can't be forced to do that to which they morally object. In these cases, the military will be forced under the Murray amendment to contract out to civilian physicians.

In 1993, President Clinton issued an Executive order allowing privately funded abortions at military facilities. That is what we are voting on tomorrow morning. Every military medical professional stationed in Europe and Asia refused to perform an abortion—every single one; all of our military. I think it speaks very highly of them. Every one of these military medical professionals in all of the continent of Europe and all of the continent of Asia, to a person, refused to perform abortions. Think about that.

Military funding will have to be used to pay a nonmilitary doctor to come into a military hospital to perform an abortion. That, I think, is objectionable to most Americans, regardless of how you feel about abortion. It is unconscionable that this body is considering pushing the military into the business of performing abortions.

We are engaged in a global war unlike any in our Nation's history. The Defense authorization bill should be a vehicle to ensure that our military has all the resources it requires to protect the American people. Unfortunately, in this case it is being used to advance a pro-abortion agenda.

This amendment addresses a problem that does not exist. Servicemembers can use military air at virtually no cost to travel back to the United States for any medical procedure—any medical procedure.

As the former chair and current ranking member of the Personnel Subcommittee, I have spoken with thousands of our military personnel all over the world. They have concerns about many things—concerns about military pay, about housing, and about vaccines against biological weapons—but not once have I heard a complaint about not being able to get an abortion on a military base overseas.

It is the policy of the Department of Defense to follow the laws of the nations in which our bases are located. Many nations ban abortion. The Murray amendment would subvert the laws of those countries that host American military personnel. South Korea bans abortions. Saudi Arabia bans abortions. Essentially, the Murray amendment would require Department of Defense personnel to perform crimes in the nations that are hosting our military.

This amendment was defeated in the House of Representatives on May 9 by a vote of 215 to 202. Should this amendment pass the Senate and be added to the Senate Defense authorization bill, it will be a heavy weight on this bill. The conference committee will be sharply divided on this issue, as are the American people. This amendment will become the bone of contention in the conference committee, as it has been in previous years and as abortion issues have been in previous years. It will complicate what many of us already believe and anticipate will be a difficult conference. It will complicate this conference on the DOD authorization bill at a critical time in our Nation's history, when we need to speak with one mind and one voice and when we need to move ahead in unity to fight this war on terrorism. To see the DOD authorization bill bogged down on an emotional and divisive issue, which should not be in this legislation, is a disservice to those men and women who are fighting this war on terrorism around the world.

The Defense authorization bill includes the funding that our military desperately needs to fight the war on terrorism. It includes the pay raise of our troops. It includes funding for important initiatives aimed at improving the quality of life for military families. This bill is not the forum for a fight on abortion.

I regret that the amendment is being offered. It will place the Senate and the conferees in the position of having to fight this issue out in what will undoubtedly be a protracted, prolonged debate in the conference committee.

Our military medical facilities are designed to save lives, not destroy them. I ask my colleagues to not turn them into abortion clinics. Please do not place this very heavy burden on the men and women of our military, especially while they are risking their own lives in defense of the American people against international terrorism.

I remind my colleagues, it violates the spirit and the letter of the Hyde amendment. No matter how you simplistically present it, you cannot allocate all of the various costs involved in this procedure to military personnel, to a tax-funded facility with tax-funded personnel, and to equipment purchased by the taxpayers. You simply cannot determine what that individual would have to pay to privately pay for the abortion.

It is really not a problem. It is not something we hear a hue and cry about from men and women in the military. And it violates, in many cases, the host country's laws and will put our own military in a position of violating the current Department of Defense policy, and a right policy, that we should recognize and respect the laws of the countries in which we are being hosted.

Frankly, and finally, it creates a great practical problem in bringing this legislation to finality and getting it to the President's desk and moving on at a critical time, as our Nation continues to fight this war on terrorism.

I ask my colleagues on both sides of the aisle and on both sides of the abortion issue to think long and hard about the wisdom of attaching this amendment to the DOD authorization bill.

I thank the Chair. And I thank the Senator from Kansas for yielding this time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes 20 seconds remaining.

Mr. BROWNBACK. Mr. President, I will be brief and allow the Senator from Washington to speak.

Some comments have been made. I certainly appreciate the excellent comments my colleague from Arkansas made. I think he very succinctly put forward that this is not a major problem. It could create problems in host countries.

We do not need to turn our military facilities into abortion clinics and use Federal funds to pay for something a lot of taxpayers believe is deeply wrong, the killing of life.

There is one argument that has been raised that I want to address directly, and that is that we are denying women their constitutional right if they can't use a military facility to have abortion on demand.

Remember, currently, women are allowed to have an abortion in cases involving the life of the mother, rape, or incest. That is allowed at military facilities today. So we are strictly talking about the category of abortion on demand at military facilities.

It has been raised that we are denying women a constitutional right. That is not the case. What we are talking about here is the use of taxpayer-funded military facilities. If that is denying women their constitutional right to an abortion, I would presume you would have to say we are denying that here because we do not provide abortions in federally funded facilities in the United States. We do not do that. That would be contrary to the Hyde amendment.

This is not denying women a constitutional right. They can have an abortion in other places. The Senator from Arkansas was commenting about how that could occur. This is strictly about the use of Government-paid facilities which we do not allow anywhere else in the world because of the Hyde amendment.

The Hyde amendment says you cannot use federally funded facilities, Federal dollars to pay for abortions. It is well-established U.S. law, a well-established U.S. position. We would now cut an exception to that if we allowed abortions in military facilities. The Clinton administration had done that for a period of time, but that has not been the law in this country for some period, since 1996.

So we are not denying women a constitutional right. This is about the use of federally funded facilities, which we do not allow anywhere, for the conducting of an abortion. I think that is a point we should make very clear in this debate.

With that, I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleagues who have cosponsored this amendment with me—Senator SNOWE, Senator MIKULSKI, and Senator BOXER—and remind my colleagues that what we are simply asking for is that the women who serve us in military uniforms overseas have access to safe, legal, reproductive health care systems.

This system today does not let them have that. They are serving in the Philippines or Germany or wherever we have asked them to go, and they want access to affordable health care.

I would remind my colleagues that it is not just the women who are in the services; it is the dependents of these who are in the services, as well, who are being denied. They have to go to their superior officer to ask permission—usually an older person, usually a man—for leave to come back to the United States.

They have to wait for transport on a C–17 or other military equipment, which could take time, putting their health in jeopardy. They have to be subjected to giving up their privacy rights because, most likely, they will have to tell their officer why they want to come back to the United States. So they are putting their life and their health and their health care at risk. And these are women who are serving us overseas.

All we are asking with this amendment is that they have the ability to go to a military hospital—where we have health care equipment, where we have safe equipment, where we have good doctors—to pay for their own health care for which they are asking.

I have heard over and over again that these are taxpayer expenses. The women will pay for the services. We are not asking for them to have taxpayer support.

Mr. President, this makes complete sense. It is common sense. We should treat our military women who are serving us as equal citizens to the women who live in the United States.

I urge my colleagues to support this amendment tomorrow morning.

I am more than willing to yield back my time. I see our whip is on the floor. And I see Senator BROWNBACK is in the Chamber. I am willing to yield back our time if he is ready to end this debate as well.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to respond to the comments of the Senator from Washington when she talks about the demeaning situation that women in our military have to go through and operationally discuss what her amendment would do.

She is saying they have to go to a superior officer, frequently a male, to ask for permission. If the Murray amendment were to pass, we currently do not have any military doctors—according to the last survey we received from CRS—who are willing to conduct abortions. This was the CRS statement I cited and the Senator from Arkansas cited.

The Senator from Washington is saying, OK, we are going to use U.S. military bases as an abortion clinic. The abortion is going to be performed there. Somebody is going to have to recruit a medical doctor who is not on the military base because you cannot force the military doctors to perform the abortion. Somebody is going to have to get the approval for that to take place. Somebody is going to have to secure the medical facility there at the military base for use in performing the abortion.

The notion that women have given up all their rights to privacy or their dependents have given up all their rights to privacy without having the Murray amendment—I would say that it is exactly the opposite, that it is more likely if they do have the Murray amendment. They are going to have to get the military facility, recruit a physician in that host country for them to then conduct the abortion there on the base. Do you think there will not be significant military personnel who will know all this is taking place, that there will not be more people who will know this is taking place rather than under the current situation?

Again, this is strictly the issue of abortion on demand. It is not about the life of the mother, rape, or incest.

So I would submit that the argument that a woman has given up her right to privacy by virtue of not having the Murray amendment and the use of a military facility—it is the exact opposite. If we go this way, there are going to be a lot more people who will be knowledgeable that a woman associated with the military is having an abortion. So this is not a legitimate argument on the use of a military facility.

Mr. President, I hope we do not tie the Department of Defense authorization bill up with abortion politics by inserting this language. I think if we do, it is going to ensure that there is going to be protracted negotiations with the House, which disagrees adamantly with this language. And it would ensure protracted discussions with the President, the administration, which adamantly disagrees with the providing of abortions on military bases. And it would really, I think, upset a number of people in the military who do not agree with abortion. They are there to protect and to honor life, not to take it.

To add this language is the wrong way for us to go, the wrong way for us to direct our military personnel to proceed. And it is going to protract the negotiations, if not even kill the overall Department of Defense authorization bill.

So I urge my colleagues, wherever they are on the issue of abortion, to simply look at the issue of providing for the common defense at a time we need to be united in that, and to not insert something like this that is so divisive in this country.

I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On behalf of Senator MURRAY, I yield back her time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DORGAN. Mr. President, yesterday, the Senate approved a Committee amendment that authorizes military retirees to concurrently receive both military retired pay and veterans disability compensation. I am glad it did so. This is a matter of fundamental fairness.

This is an important issue for veterans. About 530,000 military retirees either are or could eventually be impacted by this issue.

Current law requires that military retired pay be reduced dollar-for-dollar by the amount of any VA disability compensation received.

There is no reasonable excuse for this offset. By faithfully fulfilling their required length of service, veterans earned their retired pay. That retired pay is for service performed in the past. It should not be reduced because a veteran is awarded disability compensation by the Department of Veterans Affairs because he or she was wounded on active duty or otherwise lost earning capacity due to service-connected disabilities.

It is absurd that today, in Afghanistan and elsewhere, military personnel risk losing their retirement pay if they are wounded or seriously injured. A military career is filled with hardships, family separations, personal sacrifices, and all too often being placed in harm's way. Denying a military retiree an earned benefit, his or her military retirement pay, is unconscionable.

Last year, the Senate approved legislation authorizing concurrent receipt. However, the final version of the Fiscal Year 2002 National Defense Authorization Act that came out of conference authorized concurrent receipt only if the President proposed legislation that would provide offsetting budgetary cuts. Unfortunately, the Administration opposes concurrent receipt, so this essentially doomed concurrent receipt in 2002.

This year, the Committee bill for fiscal year 2003 that we are considering phases in concurrent receipt over five years for retirees with disabilities rated at 60 percent or more. The Committee amendment that we passed extends that benefit to all disabled veterans.

The Administration has issued a statement threatening a presidential veto of the Defense Authorization Bill if it authorizes concurrent receipt of both retired pay and disability compensation. The Senate should not be swayed by that threat.

Taking care of our veterans should be considered a part of our national security. That is why I am concerned that, while the President has proposed increasing military spending in fiscal year 2003 by about $48 billion, his budget increases spending on veterans health care by less than $2 billion, which is far less than needed.

This country made a promise to the men and women who risked their lives in defense of this nation. They were promised that their needs would be met by a grateful nation. Authorizing concurrent receipt will be a big step toward fulfilling that promise.

More than 200 hundred years ago, George Washington warned that "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of earlier wars were treated and appreciated by our nation." He could not have been more right. That is why we need to make sure that the Fiscal Year 2003 Defense Authorization Act authorizes current receipt.

Mr. KYL. Mr. President, In 1959, the City of Mesa, AZ wrote the Navy asking for an aircraft to display at one of its parks. In 1965, the aircraft, a Navy Panther, was donated for static display to Mesa Parks and Recreation from the Naval Air Station at Litchfield Park. The aircraft was used as a centerpiece for a children's playground.

In 1994, the City of Mesa auctioned off the relic as surplus equipment to Richard Oldham for $100. The City of Mesa sold the aircraft to Mr. Oldham in an open bidding process, and he has temporarily lodged it at the USS Hornet Museum in California. He intends for it to be transferred to the Women's Airforce Service Pilots, (W.A.S.P.), Museum in Quartzite, AZ.

According to the Naval Historical Center, it is a common for the Navy to conditionally donate aircraft, in what amounts to a long-term loan, to municipalities and museums. Donation of aircraft to city parks is conditional upon Congressional termination of title. Absent evidence of the U.S. Government's intent to make the donation unconditional, (a permanent transfer), the Navy would still hold title to the aircraft. Under section 3, article 4 of the United States Constitution, only Congress can make laws pertaining to the disposal of Federal property. Since there is no evidence in the Navy's or the City of Mesa's files that the Navy intended to give away the aircraft permanently, the aircraft still legally belongs to the Navy, and it would appear that Mesa did not have the right to sell the aircraft to Mr. Oldham.

I understand the Navy is willing to enter into a long-term loan agreement with the USS Hornet Museum and with the W.A.S.P. Museum; however, it would still be in the possession of the government.

Congress has in the past approved legislation to permanently transfer ownership of Federal property. One recent example is in the FY98 National Defense Authorization Act. Section 1023 transferred two obsolete Army tugboats to the Brownsville Navigation District, Brownsville, TX. Section 1025 of the same act transferred naval vessels to the governments of Brazil, Chile, Egypt, Israel, Malaysia, Mexico, and Thailand. Congress does not transfer property to individuals, but to organizations, muncipalities, and countries. The W.A.S.P. Museum is a non-profit museum and is eligible to receive such a relic aircraft. Aircraft 125316 will find an appropriate and welcome home in the W.A.S.P. Museum where it may continue to serve the nation as an important piece of our nation's military history.

Ms. LANDRIEU. Mr. President, I wish to address two amendments I will soon offer to S. 2514, the Defense authorization bill. The first amendment is critical to the training and future deployments of the Interim Brigade Combat Teams, and is, therefore, vital to both Louisiana and our national security. This amendment designates Louisiana Highway 28 between Alexandria, LA, and Leesville, LA, a road providing access to the Joint Readiness Training Center at Fort Polk, as a Defense Access Road.

Fort Polk has been designated as a home for one of the new, transformational Interim Brigade Combat Teams IBCTs. Furthermore, I am proud to say that Fort Polk will serve as the training site for all IBCTs.

Louisiana Highway 28 is one of the primary access roads into and out of Fort Polk. Highway 28 is the direct route from Fort Polk to the former England Air Force Base in Alexandria, Louisiana. I mention this because any military equipment designated for Fort Polk that is transported via C–130 must be trucked to Fort Polk if it is non-wheeled or non-tracked from the former England AFB. If military vehicles are tracked or wheeled, they then trek the forty miles from England to Fort Polk along Hwy. 28. No matter how the equipment arrives at Fort Polk, the heavy trucks and military vehicles cause tremendous wear and tear to Highway 28.

With the coming of the IBCTs to Fort Polk, the stresses on Hwy. 28 will only be exacerbated. Louisiana Highway 28 is a two lane highway that currently operates over capacity, as it already has a traffic volume of 2,000 cars per day. When you add 2,000 cars a day and 10 training rotations a year to a two-lane highway, the deterioration of the road surface and the congestion of the roadway will lead to numerous accidents, and possibly fatalities.

The commanding general of Fort Polk, Brigadier General Jason Kamiya, and the people of Louisiana want to see Hwy. 28 expanded to four lanes. A four lane highway will improve the safety conditions on the roadway, and four lanes will allow for faster deployment of units stationed and training at Fort Polk. During times of war, like we find ourselves in now, it is critical that units can deploy to the battlefield as quickly as possible. But, it is also important that our military achieve quick deployments in training because our service men and women will fight only well as they train.

The designation of Highway 28 as a Defense Access Road will allow the Department of Defense to work with the State of Louisiana to pool funds to make necessary repairs to the highway and increase the road surface to four lanes to best accommodate the IBCTs. DOD will only be required to participate in funding to the degree to which usage of the highway is out of the ordinary due to the military installation or military activity. It only makes sense that the Federal Government would aid State Governments to make repairs caused by federal usage or alterations to the highway requested by the Federal government. Finally, there is no cost associated with the authorization.

The second amendment pertains to the most crucial problem facing our United States Navy, both today and in future generations, the dwindling size of the Navy fleet. The 2001 Quadrennial Review stated that the Navy must maintain a fleet size of least 310 ships to achieve its mission. This amendment makes it the policy of the United States for the budget of the United States for fiscal years after FY 2003, and for the future-years defense plan, to include sufficient funding for the Navy to maintain a fleet of at least 310 ships. Additionally, the President must certify within the budget of the United States that sufficient funding has been allocated to maintain a fleet of 310 ships. If such a certification is not made, the President must explain within the budget of the United States why the certification cannot be made. Today, Navy ships sail globally to ensure a world-wide American presence and to immediately respond to threats against America's national security. This amendment will make certain that the President funds a fleet at least capable of meeting the Navy's current mission objectives or explains why the Navy will fall shy of a 310 ship fleet.

Without the Navy, the United States could not have prosecuted the war in Afghanistan as successfully as we have. On numerous occasions throughout the war, our armed forces have been denied access to land bases in foreign countries from which our forces could operate. Nevertheless, when our armed forces cannot forward deploy because there are no willing host countries, the U.S. Navy provides our military with acres of floating sovereign territory from which the U.S. military can deploy. Without the firepower, logistics, and transport capabilities of the Navy, our ability to retaliate to the terrorist actions of September 11th would have been compromised.

However, if Congress and the President do not allocate critical resources to shipbuilding, the Navy will soon fall well below the minimum level of ships required for the Navy to properly provide for America's defense, a job the Navy has performed so admirably. Today, the Navy has approximately 315 ships in its fleet, a number which cannot dwindle or the Navy's operations will be gravely challenged. This year, the President's budget funded only 5 ships. The Senate has taken needed action to provide an additional $690 million in advance procurement funding for 2 surface ships and a submarine. If current shipbuilding rates are sustained, the Navy will only have a fleet of 238 ships within 35 years. That is simply unacceptable. 310 ships is the lowest allowable floor, but Congress and the President should strive to maintain a Navy of at least 350 ships to guaranty America's sovereign needs on the high seas.

Accordingly, this amendment makes it the national defense policy of the United States to uphold a Navy of at least 310 ships, as spelled out in the Quadrennial Defense Review of 2001. Moreover, shipbuilding must be a priority of the President, and the President must certify in future budgets and in future year defense plans, beginning with FY 2004, that sufficient funds have been made available to sustain a fleet of at least 310 ships or explain why such funds have not been made available. I hope the Senate will support this amendment to provide for our Navy which has provided for the American people since the Revolutionary War.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

INTERNATIONAL PEACE TROOPS IN AFGHANISTAN

Mr. REID. Mr. President, I love to read. I love to especially read history. One of the fine experiences I have had was reading a book by James Michener entitled "Caravans." It was about the history of Afghanistan. I read this book many years ago. Michener had already written "Hawaii" and some other books that were very famous, but this was a bestseller, and rightfully so.

I really developed a strong, positive feeling about the people of Afghanistan after having read that book.

As a result of what has happened to our country being so heavily involved in Afghanistan in the last 15 years, 20 years, I have reflected many times, since I read that book and since we have been so heavily involved in Afghanistan, about the people of Afghanistan and what has happened to them. Of course, I have given speeches on the Senate floor about how the reign of terror of the Taliban was a reign of terror to everyone in Afghanistan, but especially women. And during that period of time, women suffered irreparably in many instances.

The reason I mention this today is that during and since the Loya Jirga that has been held in Afghanistan, delegates who have spoken out for human rights, including the Minister of Women's Affairs, have been threatened and in many instances intimidated.

These threats going on in Afghanistan today, along with continued reports of violence and intimidation in the provinces, point to the imperative need for U.S. support for the immediate expansion of peace troops in Afghanistan. We need peacekeepers. I am disappointed that the administration is saying: Fine, we will make sure we have a presence in Kabul, but the rest of Afghanistan can try to fend for itself.

As I have indicated, in the provinces outside of Kabul, there are bad things happening to a lot of Afghan people but especially the women. Despite pleas from the United Nations, the Afghan interim government, and the women's rights community and people from throughout the world, governments throughout the world, the Bush administration has refused to expand the international security assistance force beyond Kabul. The restoration of democracy and of rights for women in Afghanistan depends on maintaining security, reestablishing democracy, and creating a functional central government that can provide services and oversee reconstruction to that country that needs reconstruction.

Without an expansion of the International Security Assistance Force and without adequate resources for reconstruction, Afghanistan will again descend into chaos—not "could" or "might," but "will." The United States cannot again abandon the Afghan people, especially Afghan women who have suffered so much. We cannot allow terrorism, al-Qaida, the Taliban, and human rights violators to thrive again in Afghanistan.

As I reflect back as I stated when I started my remarks today to reading this book of these people who are so strong and had such a great tradition and see what has happened to them, it is sad.

I urge President Bush, Secretary Rumsfeld, and Secretary Powell to provide full U.S. support for the expansion of an international peace force in Afghanistan. To do less is to indicate that we do not care about Afghanistan and to underscore that we do not care what is happening to the women of Afghanistan as we speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 3938

Mr. LEVIN. Mr. President, I offer an amendment on behalf of Senator WARNER and myself that would authorize the Department of Defense to cancel longstanding debit and credit transactions that cannot be cleared from the Department's books because they have been misrecorded in the wrong appropriation. I believe this amendment has been cleared.

Mr. WARNER. Mr. President, it has been cleared on our side, also.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3938.

The amendment is as follows:

(Purpose: To authorize clearance of certain transactions recorded in Treasury suspense accounts and cancellation of certain check issuance discrepancies in Treasury records, all of which relate to financial transactions of the Department of Defense)

On page 217, between lines 13 and 14, insert the following:

SEC. 1010. CLEARANCE OF CERTAIN TRANSACTIONS RECORDED IN TREASURY SUSPENSE ACCOUNTS AND RESOLUTION OF CERTAIN CHECK ISSUANCE DISCREPANCIES.

(a) CLEARING OF SUSPENSE ACCOUNTS.—(1) In the case of any transaction that was entered into by or on behalf of the Department of Defense before March 1, 2001, that is recorded in the Department of Treasury Budget Clearing Account (Suspense) designated as account F3875, the Unavailable Check Cancellations and Overpayments (Suspense) designated as account F3880, or an Undistributed Intergovernmental Payments account designated as account F3885, and for which no appropriation for the Department of Defense has been identified—

(A) any undistributed collection credited to such account in such case shall be deposited to the miscellaneous receipts of the Treasury; and

(B) subject to paragraph (2), any undistributed disbursement recorded in such account in such case shall be canceled.

(2) An undistributed disbursement may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to locate the documentation necessary to demonstrate which

appropriation should be charged and further efforts are not in the best interests of the United States.

(b) RESOLUTION OF CHECK ISSUANCE DISCREPANCIES.—(1) In the case of any check drawn on the Treasury that was issued by or on behalf of the Department of Defense before October 31, 1998, for which the Secretary of the Treasury has reported to the Department of Defense a discrepancy between the amount paid and the amount of the check as transmitted to the Department of Treasury, and for which no specific appropriation for the Department of Defense can be identified as being associated with the check, the discrepancy shall be canceled, subject to paragraph (2).

(2) A discrepancy may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to locate the documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(c) CONSULTATION.—The Secretary of Defense shall consult the Secretary of the Treasury in the exercise of the authority granted by subsections (a) and (b).

(d) DURATION OF AUTHORITY.—(1) A particular undistributed disbursement may not be canceled under subsection (a) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that undistributed disbursement.

(2) A particular discrepancy may not be canceled under subsection (b) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that discrepancy.

(3) No authority may be exercised under this section after the date that is two years after the date of the enactment of this Act.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 3938) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3939

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator WARNER. It will establish a pilot program allowing the Secretary of Defense to authorize the Defense Logistics Agency to provide logistics support and services for weapons systems contractors when it is in the best interest of the Government. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3939.

The amendment is as follows:

(Purpose: To authorize the Secretary to provide logistics support and logistics services to weapon system contractors)

On page 90, between lines 19 and 20, insert the following:

SEC. 346. LOGISTICS SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may make available, in accordance with this section and the regulations prescribed under subsection (e), logistics support and logistics services to a contractor in support of the performance by the contractor of a contract for the construction, modification, or maintenance of a weapon system that is entered into by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any logistics support and logistics services that is to be provided under this section to a contractor in support of the performance of a contract shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The logistics support and logistics services that may be provided under this section in support of the performance of a contract described in subsection (a) are the distribution, disposal, and cataloging of materiel and repair parts necessary for the performance of that contract.

(d) LIMITATIONS.—(1) The number of contracts described in subsection (a) for which the Secretary makes logistics support and logistics services available under the authority of this section may not exceed five contracts. The total amount of the estimated costs of all such contracts for which logistics support and logistics services are made available under this section may not exceed $100,000,000.

(2) No contract entered into by the Director of the Defense Logistics Agency under subsection (b) may be for a period in excess of five years, including periods for which the contract is extended under options to extend the contract.

(e) REGULATIONS.—Before exercising the authority under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that logistics support and logistics services are provided under this section only when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the authority under this section to be used only for providing logistics support and logistics services in support of the performance of a contract that is entered into using competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(2) A requirement for the solicitation of offers for a contract described in subsection (a), for which logistics support and logistics services are to be made available under this section, to include—

(A) a statement that the logistics support and logistics services are to be made available under the authority of this section to any contractor awarded the contract, but only on a basis that does not require acceptance of the support and services; and

(B) a description of the range of the logistics support and logistics services that are to be made available to the contractor.

(3) A requirement for the rates charged a contractor for logistics support and logistics services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(4) A requirement to credit to the General Fund of the Treasury amounts received by the Department of Defense from a contractor for the cost of logistics support and logistics services provided to the contractor by the Department of Defense under this section but not paid for out of funds available to the Department of Defense.

(5) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(6) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of logistics support and logistics services provided to the contractor under this section.

(f) RELATIONSHIP TO TREATY OBLIGATIONS.—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

(g) TERMINATION OF AUTHORITY.—(1) The authority provided in this section shall expire on September 30, 2007, subject to paragraph (2).

(2) The expiration of the authority under this section does not terminate—

(A) any contract that was entered into by the Director of the Defense Logistics Agency under subsection (b) before the expiration of the authority or any obligation to provide logistics support and logistics services under that contract; or

(B) any authority—

(i) to enter into a contract described in subsection (a) for which a solicitation of offers was issued in accordance with the regulations prescribed pursuant to subsection (e)(2) before the date of the expiration of the authority; or

(ii) to provide logistics support and logistics services to the contractor with respect to that contract in accordance with this section.

Mr. WARNER. Mr. President, this is an administration proposal, and there is concurrence on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3939) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3940

Mr. LEVIN. Mr. President, on behalf of Senator WARNER and myself, I send an amendment to the desk which will transfer funding for the Compass Call aircraft between two lines within the aircraft procurement Air Force account. This is a technical correction that the Air Force has asked we make in the budget request.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3940.

The amendment is as follows:

(Purpose: To provide for the amount for the Compass Call program of the Air Force to be available within classified projects)

On page 23, between lines 12 and 13, insert the following:

SEC. 135. COMPASS CALL PROGRAM.

Of the amount authorized to be appropriated by section 103(1), $12,700,000 shall be available for the Compass Call program within classified projects and not within the Defense Airborne Reconnaissance Program.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3040) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3941

(Purpose: To reallocate $5,000,000 of the authorization of appropriations for Other Procurement, Navy, for the integrated bridge system to items less than $5,000,000 from the Aegis support equipment)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration, and I ask the clerk to read the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 3941:

On page 17, strike line 14, and insert the following:

SEC. 121. INTEGRATED BRIDGE SYSTEM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated by section 102(a)(4), $5,000,000 shall be available for the procurement of the integrated bridge system in items less than $5,000,000.

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 102(a)(4), the amount available for the integrated bridge system in Aegis support equipment is hereby reduced by $5,000,000.

Mr. WARNER. Mr. President, this is a technical amendment to correct the procurement line associated with the integrated bridge system in the other procurement and Navy funding account. My understanding is it is cleared on the other side.

Mr. LEVIN. The amendment has been cleared, and we support it.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3941) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3942

Mr. LEVIN. Mr. President, I send an amendment on behalf of Senator CLELAND to the desk. This amendment would strike section 344 of our bill which added logistics support functions, acquisition logistics, supply management, system engineering, maintenance, and modification management to the core functions the Secretary of Defense must consider when making determinations about what capabilities should be retained by Government workers in Government-owned/Government-operated facilities. I understand the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3942.

The amendment is as follows:

(Purpose: To strike section 344, relating to clarification of core logistics capabilities)

Strike section 344.

Mr. WARNER. Mr. President, this amendment has been cleared on this side. I ask unanimous consent that a letter relevant to this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, June 14, 2002.

Hon. SAXBY CHAMBLISS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CHAMBLISS: I am writing regarding the "clarification of required core logistics capabilities" provisions of section 335 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as passed by the House, and section 344 of the National Defense Authorization Act for Fiscal Year 2003, as reported by the Senate Armed Services Committee on May 15, 2002. These provisions would expand the definition of core logistics functions from maintenance and repair to include acquisition, supply, systems engineering, and modification management.

The Department understands that the objective intended by these provisions is to maintain the full range of logistics capabilities necessary to support current and future essential weapon systems and equipment over their entire life cycle. Clearly, the Department has, and plans to retain, a sufficient cadre of logistics specialties to meet this objective. Specifically, we will retain sufficient supply, maintenance and repair, and logistics program management capabilities to sustain our essential equipment over its entire life cycle with the appropriate mix of government personnel, contractor personnel, and public-private partnerships. The specific identification of these skills will be documented through the ongoing Department of Defense core competency review, through implementation of the Future Logistics Enterprise (FLE) initiative, and with supporting policies. I will report to the committee once the requirement for these skills is appropriately documented.

We also understand that there is concern that the Air Force has not yet completed a long-term depot strategy. The Air Force will submit its long-term depot strategy to the Congress in September 2002.

Thank you for considering our views in this matter.

Sincerely,

E.C. ALDRIDGE, JR.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3942) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3943

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator COLLINS of Maine which is a technical amendment to correct the Navy research development funding line associated with the laser welding and cutting program. My understanding is this amendment has been cleared on the other side.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Ms. COLLINS, proposes an amendment numbered 3943.

The amendment is as follows:

(Purpose: To reallocate $6,000,000 of the authorization of appropriations for RDT&E, Navy, for laser welding and cutting demonstration to force protection applied research (PE 0602123N) from surface ship and submarine HM&E advanced research (PE 0603508N))

On page 26, after line 22, insert the following:

SEC. 214. LASER WELDING AND CUTTING DEMONSTRATION.

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, $6,000,000 shall be available for the laser welding and cutting demonstration in force protection applied research (PE 0602123N).

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for laser welding and cutting demonstration in surface ship and submarine HM&E advanced technology (PE 0603508N) is hereby reduced by $6,000,000.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3943) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3944

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU. This amendment would delete a requirement in the bill that any waiver or deviation from a test and evaluation master plan be approved by the director of operational test and evaluation. I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 3944.

The amendment is as follows:

(Purpose: To make various amendments to the subtitle on improved management of Department of Defense test and evaluation facilities)

On page 37, beginning on line 14, strike "Under Secretary of Defense for Acquisition, Technology, and Logistics" and insert "Director of Operational Test and Evaluation".

On page 41, line 14, strike "Chapter 643" and insert "Chapter 645".

On page 46, line 20, insert "the Under Secretary of Defense for Personnel and Readiness and" after "consult with".

Strike section 236 and insert the following:

SEC. 236. COMPLIANCE WITH TESTING REQUIREMENTS.

(a) ANNUAL OT&E REPORT.—Subsection (g) of section 139 of title 10, United States Code, is amended by inserting after the fourth sentence the following: "The report for a fiscal year shall also include an assessment of the waivers of and deviations from requirements in test and evaluation master plans and other testing requirements that occurred during the fiscal year, any concerns raised by the waivers or deviations, and the actions that have been taken or are planned to be taken to address the concerns.".

(b) REORGANIZATION OF PROVISION.—Subsection (g) of such section, as amended by subsection (a), is further amended—

(1) by inserting "(1)" after "(g)";

(2) by designating the second sentence as paragraph (2);

(3) by designating the third sentence as paragraph (3);

(4) by designating the matter consisting of the fourth and fifth sentences as paragraph (4);

(5) by designating the sixth sentence as paragraph (5); and

(6) by realigning paragraphs (2), (3), (4), and (5), as so designated, two ems from the left margin.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3944) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3945

Mr. WARNER. Mr. President, on behalf of Senators GRASSLEY, HARKIN, and others I offer an amendment which extends the authority of the Secretary of the Army to integrate commercial activity and manufacturing arsenals until the year 2004. My understanding is the amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRASSLEY, for himself, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. DURBIN, Mr. FITZGERALD, and Mrs. LINCOLN, proposes an amendment numbered 3945.

The amendment is as follows:

(Purpose: To extend the Arsenal support program initiative)

At the end of subtitle D of title III, add the following:

SEC. 346. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) EXTENSION THROUGH FISCAL YEAR 2004.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–65) is amended by striking "and 2002" and inserting "through 2004".

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "2002" and inserting "2004"; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence: "Not later than July 1, 2003, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary's views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b).".

Mr. GRASSLEY. Mr. President, I am offering an amendment to reauthorize the Arsenal Support Program Initiative, ASPI, for 2 more years. This program has been successful but the need continues.

Both the Rock Island Arsenal and the Watervliet Arsenal are now suffering from underutilization. Both are currently at under 30 percent of their capacity. This underutilization has greatly affected overhead rates at both arsenals, making it increasingly difficult to compete with private industry. At the same time, the base of skilled arsenal workers has steadily eroded.

I strongly believe that an organic industrial base must be maintained if we are to be prepared to meet future, unanticipated national security needs. Arsenals provide a valuable rapid manufacturing capability for specialized and unique defense manufacturing needs. The decline in skilled arsenal workers is therefore particularly troubling in light of the new threats our forces will face in the war on terrorism.

The ASPI addresses the problem of underutilization of arsenals by encouraging private industry to utilize the arsenals. This provides a way to help keep the arsenal industrial base warm, while helping to save taxpayer dollars by supplementing arsenal overhead costs. The ASPI has already helped initiate many beneficial relationships with private industry. For instance, the Rock Island Arsenal currently has a contract with the Quad City Labor Management Partnership, which provides training to Rock Island Arsenal personnel in return for the use of administrative space. Another company, TDF Corp., is currently a tenant at the Rock Island Arsenal and the Arsenal is in discussions with a cellular telephone company and others. The Watervliet Arsenal is currently in the process of executing contracts with three different private manufacturers and is exploring other possibilities. Pine Bluff Arsenal has also taken advantage of contracts with the private sector to provide additional revenue.

The Arsenal Support Program Initiative opens up new opportunities for savings at our arsenals as well as making them more self-sufficient. This program is a win-win situation for the Army, the arsenals and industry, and I urge my colleagues to allow this program to continue.

Mr. HARKIN. Mr. President, I am pleased to be offering with Senator GRASSLEY and with our colleagues from Illinois, New York, and Arkansas, a bipartisan amendment of importance to Rock Island Arsenal. This amendment is needed for the continuation of the Arsenal Support Program Initiative, or ASPI.

In 1992 we passed the ARMS initiative to help the ammunition plants, including the Iowa Army Ammunition Plant, bring in commercial tenants that would pay part of the cost of these large plants. The initiative has been very successful and has saved taxpayers money. ASPI brings a similar program to the Rock Island, Watervliet, and Pine Bluff arsenals. Rock Island and the other arsenals have extraordinary workforce, space, and equipment that are underutilized in peacetime operations but are needed for wartime surge capabilities as well as smaller critical emergencies. The costs of the underutilized space and equipment must be paid for directly by taxpayers, or charged as overhead to work at the arsenals, causing high prices to military customers and, in an unfortunate spiral, decreasing utilization of the arsenals. ASPI is intended to help bring in commercial firms to use the available workforce, buildings, and equipment and help pay for their costs.

ASPI was first passed in the fiscal year 01 Defense Authorization bill as a two-year pilot program. It was funded for the first time last year with $7.5 million in the fiscal year 02 Defense Appropriations bill. This has not given enough time to get the program fully underway. Thus this amendment would extend the program for two additional years, through 2004. It also would update reporting requirements to help Congress evaluate the program.

The arsenals have never been more important to our military capabilities and have never faced more difficult times. Rock Island Arsenal has a highly skilled and dedicated workforce, impressive manufacturing capabilities, and a great history of service, but is not being used enough. I am pleased that this bill has funding for the unutilized capacity, but even better, this amendment should reduce the need for such funds in the future. I have every hope that ASPI will be as successful as the ARMS initiative, and will help Rock Island Arsenal thrive in its mission to protect the national security. I am pleased that Chairman LEVIN has agreed to accept this amendment, and as it is identical to a provision in the House bill, I hope it will soon be enacted into law.

Mr. WARNER. Mr. President, I believe this has been cleared on the other side, and I urge its adoption.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3945) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3946

Mr. LEVIN. Mr. President, on behalf of Senators CLELAND and HUTCHINSON, I send an amendment to the desk which extends the term of the multiyear procurement of C–130J variants to 6 program years. I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND and Mr. HUTCHINSON, proposes an amendment numbered 3946.

The amendment is as follows:

(Purpose: To authorize a 6-year period for a multiyear contract for the procurement of C–130J aircraft and variants)

On page 17, line 23, insert before the period the following: ", and except that, notwithstanding subsection (k) of such section, such a contract may be for a period of six program years".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3946) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3947

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, a technical amendment to clarify the rate paid to dependents using transferred benefits while the military sponsor is on active duty. I believe the amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3947.

The amendment is as follows:

(Purpose: To clarify the rate of educational assistance under the Montgomery GI Bill for dependents transferred entitlement by members of the Armed Forces with critical skills)

At the end of subtitle E of title VI, add the following:

SEC. 655. RATE OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL OF DEPENDENTS TRANSFERRED ENTITLEMENT BY MEMBERS OF THE ARMED FORCES WITH CRITICAL SKILLS.

(a) CLARIFICATION.—Section 3020(h) of title 38, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking "paragraphs (4) and (5)" and inserting "paragraphs (5) and (6)"; and

(B) by striking "and at the same rate";

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Subject to subparagraph (B), the monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 3015 and 3022 of this title to the individual making the transfer.

"(B) The monthly rate of assistance payable to a dependent under subparagraph (A) shall be subject to the provisions of section 3032 of this title, except that the provisions of subsection (a)(1) of that section shall not apply even if the individual making the transfer to the dependent under this section is on active duty during all or any part of enrollment period of the dependent in which such entitlement is used.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107), to which such amendments relate.

Mr. WARNER. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3947) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3948

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, which would repeal a 10-percent limitation on authority to grant officers in grades below brigadier general and rear admiral (lower half) a waiver of the required sequence of joint professional military education and joint duty assignment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3948.

The amendment is as follows:

(Purpose: To repeal a limitation on authority to grant officers in grades of colonel (or captain, in the case of the Navy) and below a waiver of the required sequence of joint professional military education and joint duty assignment)

On page 100, between lines 3 and 4, insert the following:

SEC. 503. REPEAL OF LIMITATION ON AUTHORITY TO GRANT CERTAIN OFFICERS A WAIVER OF REQUIRED SEQUENCE FOR JOINT PROFESSIONAL MILITARY EDUCATION AND JOINT DUTY ASSIGNMENT.

Section 661(c)(3)(D) of title 10, United States Code, is amended by striking "In the case of officers in grades below brigadier general" and all that follows through "selected for the joint specialty during that fiscal year.".

Mr. WARNER. Mr. President, this amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3948) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3949

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, which would extend for 1 year the authority of the Secretary of Defense to contract with physicians to provide new-recruit physicals at military entrance processing stations.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3949.

The amendment is as follows:

(Purpose: To extend temporary authority for entering into personal services contracts for the performance of health care responsibilities for the Armed Forces at locations other than military medical treatment facilities)

On page 154, after line 20, add the following:

SEC. 708. EXTENSION OF TEMPORARY AUTHORITY FOR ENTERING INTO PERSONAL SERVICES CONTRACTS FOR THE PERFORMANCE OF HEALTH CARE RESPONSIBILITIES FOR THE ARMED FORCES AT LOCATIONS OTHER THAN MILITARY MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3949) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3950

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, which would extend the temporary authority for recall of retired aviators to active duty to September 30, 2008.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3950.

The amendment is as follows:

(Purpose: To extend the temporary authority for recall of retired aviators)

On page 100 between lines 3 and 4, insert the following:

SEC. 503. EXTENSION OF TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.

Section 501(e) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 589) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3950) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3951

Mr. LEVIN. Mr. President, on behalf of Senator SESSIONS and myself, I send an amendment to the desk which would authorize the Secretary of Defense to accept foreign gifts and donations for the Western Hemisphere Institute for Security Cooperation and would require the Secretary's annual report on the Institute to include the annual report of the board of visitors. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. SESSIONS, proposes an amendment numbered 3951.

The amendment is as follows:

(Purpose: To authorize the Secretary of Defense to accept foreign gifts and donations for the Western Hemisphere Institute for Security Cooperation, and to require the Secretary's annual report on the Institute to include the annual report of the Board of Visitor's for the Institute)

On page 200, between lines 14 and 15, insert the following:

SEC. 905. WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—Section 2166 of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h), as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) The Secretary of Defense may, on behalf of the Institute, accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Institute.

"(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the Institute. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Institute for the same purposes and same period as the appropriations with which merged.

"(3) The Secretary of Defense shall notify Congress if the total amount of money accepted under paragraph (1) exceeds $1,000,000 in any fiscal year. Any such notice shall list each of the contributors of such money and the amount of each contribution in such fiscal year.

"(4) For the purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.".

(b) CONTENT OF ANNUAL REPORT TO CONGRESS.—Subsection (i) of such section, as redesignated by subsection (a)(1), is amended by inserting after the first sentence the following: "The report shall include a copy of the latest report of the Board of Visitors received by the Secretary under subsection (e)(5), together with any comments of the Secretary on the Board's report.".

Mr. LEVIN. Mr. President, the amendment that I am offering, along with Senator SESSIONS, deals with two issues relating to the Western Hemisphere Institute for Security Cooperation. Both of these issues came to light during the first ever meeting of the Board of Visitors of the Institute. Both Senator SESSIONS and I are members of the Board.

During the first Board meeting, which incidentally was an organizational meeting, the Board was informed that there was a question as to the authority of the Secretary of Defense to accept foreign gifts or donations, including lecture services and faculty services, on behalf of the Institute. The Board was further informed that the loss of the foreign faculty instructors would severely hamper the ability of the Institute to perform its mission.

Additionally, the Board of Visitors learned that its annual report to the Secretary of Defense would not necessarily be submitted to Congress. The Board considered that its annual report, which would include its views and recommendations pertaining to the Institute, including the curriculum, instruction, physical equipment, fiscal affairs, and academic matters, should be submitted to Congress by the Secretary of Defense along with the Secretary's comments.

Accordingly, the amendment we are offering would authorize the Secretary of Defense to accept foreign gifts and donations for the Institute, and would require the Secretary of Defense's annual report to Congress on the Institute to include the annual report of the Board of Visitors along with the Secretary's comments on the Board's report. I ask my colleagues for their support for this amendment.

Mr. WARNER. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3951) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST VIRGINIA DAY, 2002

Mr. BYRD. Mr. President and fellow Senators, have you noticed how everyone seems a little happier today? Their smiles are brighter, their greetings are a little more gracious and their thank yous are more sincere. Have you noticed how the sun seems to be shining brighter today and food tastes better today? The air seems sweeter today.

The Senator from Pennsylvania does not know what a great day this is.

That is, no doubt, because today is June 20, and that means it is West Virginia Day. All over the country, it is June 20th. All over the world, it is June 20th. That means all over the country, and all over the world, it is West Virginia Day.

It was 139 years ago today that West Virginia, by an act of Congress and the signature of President Abraham Lincoln, became the thirty-fifth state of our Union.

The birth of the State of West Virginia was not an easy delivery. It involved great labor pains, and blood, sweat, and tears. West Virginia was born in the middle of our country's bitter, divisive, and bloody Civil War, and there were serious constitutional questions involved in her delivery.

But goodness and righteousness prevailed and West Virginia, predicated upon its allegiance to the Constitution and the republic, became a State, and here I am. Had that not happened, I would not have been here. This Union may not have survived.

It all began on that great and glorious day of June 20th, 1863—and what a great and glorious day it was. It was a day a local newspaper, the Wheeling Intelligencer, called a "great gala day." The newspaper reported that "thousands of people from abroad" joined with the new state officials and the "entire population" of Wheeling, the city where the official ceremony took place, to celebrate the occasion.

Business was suspended. Workers were given the day off.

Flags were everywhere—everywhere, on all the street corners, along all the streets. Flags of all sizes were flown from every housetop and every business in the city. It was reported that flags were as "thick as the locusts that were then occupying the suburbs and surrounding countryside."

The ceremonies included brigade bands playing patriotic songs, and units of the West Virginia militia parading through the town. There were countless toasts and even more cheers for the United States and for its new state, the State of West Virginia.

And, of course, there were political speeches.

The man considered the "father of West Virginia," Francis H. Pierpont, declared:

May we [meaning West Virginia]—may we from this small beginning today, grow to be the proudest state in all the glorious galaxy of States that form the Nation.

Waitman T. Willey, one of the State's first two U.S. Senators, proclaimed:

What we have longed for and labored for and prayed for is [now] a fixed fact. West Virginia is a fixed fact.

West Virginia is a fixed fact.

The first Governor of the State, Arthur Boreman, a 39-year-old man with a full-flowing black beard, promised to do everything in his power "to advance the agricultural, mining, and manufacturing, and commercial interests of the State."

After the speeches, 35 little girls representing the 35 states of the Union, sang more patriotic songs and the band played the "Star Spangled Banner."

The day closed with a "brilliant display of fireworks" over the Ohio River.

The next day, the New York Post reported:

[B]orn amid the turmoil of the Civil War and cradled by the storm . . . the 35th State is now added to the American union.

The New York Times echoed the words of Senator Willey with the headline that read "West Virginia is now a fixed fact."

The State of West Virginia was a "fixed fact," but its future was not. The State's childhood and adolescence were to be as difficult and tumultuous as its birth.

The State of West Virginia soon became an economic colony of northeastern, absentee landlords, the infamous Robber Barons of the late nineteenth century, who ruthlessly exploited the State for its rich natural resources.

Other problems came piling on. From the Monongah mine disaster of 1907, when I believe 361 miners lost their lives, the worst coal-mine disaster in American history, to the Marshall University plane crash of 1970, the worst sports tragedy in American history, the people of West Virginia came to know and suffer many and various forms of tragedy, including the Silver Bridge collapse at Point Pleasant, the Buffalo Creek Slag Dam collapse in Logan County, as well as a multitude of deadly mine explosions and disastrous floods.

And for too long, the State suffered from economic backwardness.

Through it all, the courageous, patriotic, and dedicated people of West Virginia have remained loyal to their country and their government.

They have continued to supply the nation with the energy it needs to heat our homes, to light these Chambers, fuel our battleships, and power our massive industries.

And the people of West Virginia have served our country in times of war as well as peace. West Virginians have fought and died in our nation's wars, including World War II, Korea and Vietnam, far beyond proportion to West Virginia's population size.

Meanwhile, the people of West Virginia have struggled to overcome exploitation and oppression by joining unions and electing political leaders who would better represent them. It took decades and it took tremendous effort, but, as I have said, the spirit of West Virginia is to "endure and to prevail." The people of West Virginia endured and they have prevailed.

One of my favorite Roman philosophers, Seneca, said, "Fire is the test of gold; adversity, of strong men."

Today, many strong men and women have brought West Virginia to the brink of vast social and economic change. The State is cultivating new economic growth and prosperity as a result of a bumper crop of better roads, new technology, and forward-looking leadership. Traditional industries are being augmented by fresh business activity, flexible manufacturing, leading-edge and information-age high technology.

People across America are discovering West Virginia. They are coming to West Virginia to camp, hike, fish, raft our white waters, and ski our slopes.

They are discovering the natural wonders of my State—that West Virginia is truly one of the most beautiful states in the union. With its rushing, trout-filled mountain streams, its majestic rolling green hills, picturesque villages and towns, magnificent forests, scenic State parks, no wonder the State has been depicted in song and verse as being "almost heaven."

People are discovering what West Virginians already knew, that the State is a great place to just relax and enjoy life. In the early morning hours, you can sit back in your favorite chair looking east, and enjoy the most beautiful sight in the world: the sun rising over the beautiful, rolling green hills of West Virginia. A few hours later, you can turn your chair around and look to the west, and enjoy the second most beautiful sight in the world, the sun setting over those beautiful, rolling green hills of West Virginia.

Mr. President, in the inaugural ceremony on June 20, 1863, the Reverend J.T. McClure offered the inaugural prayer, in which he stated:

> We pray Thee, almighty God, that this State, born amidst tears and blood and fire and desolation, may long be preserved and from its little beginning may grow to be a might and a power that shall make those who come after us look upon it with joy and gladness and pride of heart.

Mr. President, this child of "tears and blood and fire and desolation" did grow.

Today, on this anniversary of the birth of West Virginia, as the Reverend Mr. McClure predicted, one may look upon my state of West Virginia "with joy and gladness and pride of heart." I am reminded of the words of the English poet, William Blake, who wrote: "Great things are done when men and mountains meet."

Congratulations, West Virginia! Happy birthday, West Virginia! You have not merely endured, you have prevailed!

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, 139 years ago today, on June 20, 1863, West Virginia became the 35th State admitted to the Union. The only State born of Civil War, West Virginia was signed into existence by the hand of Abraham Lincoln.

I am both proud and grateful to be a West Virginian and to represent my State in the U.S. Senate. I am also glad to have this opportunity to reflect on some of the features that make my home State so very special. Aside from my State's distinct heritage of industry and agriculture, one of its most defining characteristics is its extravagant natural beauty. Blessed with icy native trout streams, majestic deep-forest hardwood stands, and lush groves of rhododendron, West Virginia is almost heaven to many people.

West Virginia is home to three of the Nation's most famous rivers: The Shenandoah and Potomac to the east, and the Ohio River along the State's entire western border. These and many other rivers, streams, and mountain lakes provide great places to fish or canoe on a relaxing weekend or sunny afternoon.

The New River, which is thought to be the world's oldest river, tumbles through ancient limestone canyons and provides some of the world's premier whitewater rafting. The more serene waters at Harpers Ferry were praised by our Nation's third President when he wrote: "The passage of the Patowmac through the Blue Ridge is perhaps one of the most stupendous scenes in Nature. This scene is worth a voyage across the Atlantic." President Jefferson was right, and the millions of people who visit the Mountain State regularly to ski our mountains, raft our rivers, marvel at the brilliant autumn foliage, and enjoy our hospitality agree.

Thousands of miles of trails and scenic roads wind through the State's National Forest, State Parks, and countless mountain passes, luring hikers and bikers of all ages and from around the world. Seneca Rocks, the most dramatic rock formation in the east, is a visual feast and rock climbers' paradise. The State is also home to a wide variety of wild vegetation and animal life found nowhere else in America, and protests 20 threatened and endangered plant and animal species. West Virginia truly earns its label of "wild and wonderful."

The people of West Virginia remain its greatest asset. West Virginians are industrious, hard-working, unpretentious, straightforward, open and fun-loving. They value common sense and fairness, and have a deeply rooted connection to the land and attachment to home.

On this West Virginia Day, I am joining all West Virginians in celebrating the abundance of our natural beauty. We are truly blessed in West Virginia to have such a bounty of natural resources. As we strive to promote our economic growth, I hope we will also be mindful of our responsibilities to the land. West Virginia's environment is a special resource, a national treasure that must be preserved and protected for future generations.

I am proud to represent my home State of West Virginia, and deeply honored to stand here today to recognize the 139th anniversary of the Mountain State.

FBI REFORM ACT

Mr. LEAHY. Mr. President, yesterday's Washington Post provides yet another example of why it is so urgent that we act to pass S. 1974, the Leahy-Grassley FBI Reform Act.

This bill was unanimously reported out of the Judiciary Committee on April 25, 2 months ago. Apparently an anonymous Republican Senator has operated to block Senate passage of this bill which, as I said, passed unanimously from the Judiciary Committee.

Normally, I would be willing to wait for the time when some of these holds finally get dropped off, but I thought it was important for my colleagues on both sides of the aisle to know about this. It is troubling to me that an anonymous Republican Senator would block passage of what is a bipartisan bill, a bipartisan bill to improve the FBI, the Nation's leading counterterrorism agency, at the same time the President has sought bipartisan efforts to pass his proposed homeland security reorganization.

I hope the White House will ask their fellow party members why they would hold up this legislation.

I urge the Republican Member or Members with the hold on this legislation to remove the hold and allow us to discuss whatever issue on the merits they may have.

The press reported yesterday that two new FBI whistleblowers have come forward and provided information which might be crucial to the FBI's antiterrorism efforts. At least one of those whistleblowers has also provided information to the staff of the Judiciary Committee that suggests that, in its rush to beef up its translation capabilities after September 11, the FBI may have relaxed both quality control and its own security standards.

The Post also reports that some of the allegations made by this whistleblower have been verified, but still, even though verified, the woman who raised these concerns, who raised these legitimate security issues post-September 11, was fired by the FBI for "disruptiveness," their words.

Because the Department of Justice inspector general is looking into this matter, Senator GRASSLEY and I sent a letter to his office based upon what we learned about the incident. This whistleblower makes allegations that amount to far more than just a "he-said, she-said" internal office dispute. Rather, her allegations raise significant security issues that should be addressed as part of the inspector general's review.

The letter Senator GRASSLEY and I sent posed specific questions we hope the inspector general will examine as part of his investigation, including whether the reaction to this woman's report is likely to chill further reporting of security breaches by FBI employees.

What we are concerned about is, if you have an FBI agent who is aware of a security breach, will they be willing to come forward and tell about that, or will they fear they may be fired? It is not a good management practice for the FBI to fire the person who reports a security breach while nothing happens to the person who allegedly committed the breach. That could mean if you commit a breach, you might get away with it, but if you report it, you are out of here. That is a concern we have. That is not the way it should be.

That is precisely the kind of culture Judge Webster found helped FBI Supervisory Agent Robert Hanssen to get away with spying for the Russians. He got away with that spying for 20 years.

Since the attacks of September 11 and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. FBI reform was already important, but the terrorist attacks suffered by this country last year have imposed even greater urgency on improving the FBI. The Bureau is our front line of domestic defense against terrorists. It needs to be as great as possible.

Even before those attacks, the Judiciary Committee's oversight hearings revealed some very serious problems at the FBI that needed strong congressional action to fix. We continue this oversight of the Department of Justice and the FBI. We heard about a double standard in evaluations and discipline. We heard about record and information management problems and communications breakdowns between field offices and headquarters that led to the belated production of documents in the Oklahoma City bombing case. Despite the fact that we have poured money—billions of dollars—into the FBI over the last 5 years, we heard the FBI's computer systems were in dire need of modernization.

In fact, most children in grade school in my State have access, many times, to better computer systems.

We heard about how an FBI supervisor, Robert Hanssen, was able to sell critical secrets to the Russians, undetected for years, and he never even had a polygraph. We heard that there were no fewer than 15 different areas of security the Justice Department needed to fix at the FBI.

The FBI Reform Act tackles these problems with improved accountability, improved security both inside and outside the FBI, and required planning to ensure that the FBI is prepared to deal with a multitude of challenges we are facing.

As I said, it was unanimously reported by both Republicans and Democrats on the Judiciary Committee. It reflects our determination to make sure the FBI is as good and strong as it can be—probably more important, as good and as strong as America needs it to be. That reform bill is a long stride toward the goal.

The case reported in yesterday's Washington Post and the matters raised by Minneapolis Field Office Agent Coleen M. Rowley in her May 21, 2002 letter and subsequent testimony critiquing the handling of the Moussaoui case by FBI Headquarters personnel provide case studies for many of the precise issues that S. 1974, the FBI Reform Act, addresses and why its passage is so critical in the FBI's effort to fight terrorism. The Leahy-Grassley bill expands whistle-blower protections to ensure that FBI whistleblowers get the same protections as other government employees.

The FBI is currently exempted from the Whistleblower Protection Act, and its employees are only protected by internal Department of Justice regulations. For example, while Special Agent Rowley's letter to the FBI Director and the Inspector General is protected under these regulations, three of the five people to whom she sent her letter were Members of Congress and are not covered under the current regulations. Moreover, her testimony at the June 6 Judiciary Committee oversight hearing, and before any other committee or subcommittee of the Congress, is not protected under the current regulations. Even a report or complaint to her immediate FBI supervisors would not be protected under the current regulations. That is why the FBI Director's personal guaranty, and the Attorney General's assurances, that she would be protected against retaliations is so important. The Leahy-Grassley FBI Reform Act would extend whistleblower protection for FBI employees to all these disclosures.

The FBI Reform Act would also put an end to statutory restrictions that contribute to the "double standard," where senior management officials are not disciplined as harshly for misconduct as line agents are. Agent Rowley complained about this double standard, as have other FBI agents who have helped the Judiciary Committee craft solutions to the FBI's problems.

The bill would provide expanded statutory authority for the DOJ Inspector General to investigate internal problems at the FBI and help design comprehensive, systematic solutions. It would create the Career Security Officer Program that Judge Webster and FBI officials have endorsed to prevent security breaches.

These are not partisan provisions. The FBI Reform Act is the result of bipartisan oversight hearings which the Judiciary Committee has conducted over the last year. It was reported out of Committee unanimously. Now, when it reaches the Senate floor, it is being blocked anonymously. The future of the FBI is too important for politics. Too many Americans depend on it for their safety.

On June 7, 2002, I delivered a statement that highlighted Republican holds on four important bipartisan pieces of legislation, including important anti-terrorism legislation aimed at curbing terrorist bombings.

Less than a week later, the United States Embassy in Karachi, Pakistan was bombed. The next morning, the Senate passed my bill, S. 1770, to deal with that issue.

I now appeal to the Republican Senator or Senators blocking the FBI Reform Act to remove your hold so that we may pass this bill. The American people deserve action, not politics as usual.

Senator GRASSLEY and I would never be seen as ideological soulmates, but we are joined together in wanting to improve this aspect of the FBI, and we have had key Republicans and key Democrats join us.

Let the bill go forward. The American people deserve this action, not politics as usual.

I ask unanimous consent that yesterday's Washington Post article and the letter I sent with Senator GRASSLEY to the Justice Department inspector general be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 19, 2002.

Hon. GLEN A. FINE,
Inspector General, Department of Justice,
Washington, DC.

DEAR MR. FINE: The Senate Judiciary Committee has received unclassified information from the FBI regarding allegations made by Ms. Sibel D. Edmonds, a former FBI contract linguist, that your office is currently investigating. We request that, as this investigation progresses, you consider the following questions on this matter:

(1) Ms. Edmonds has alleged, and the FBI has confirmed, that the FBI assigned a contract language "monitor" to Guantanamo Bay, Cuba, contrary to clear FBI policy that only more qualified "linguists" be assigned to Guantanamo Bay. What circumstances led to the contract language monitor being considered qualified for this assignment, and what were the consequences, if any, for the effectiveness of the interrogation of those being detained at Guantanamo?

(2) Ms. Edmonds has alleged, and the FBI has confirmed, that another contract linguist in the FBI unit to which Ms. Edmonds was assigned failed to translate at least two communications reflecting a foreign official's handling of intelligence matters. The FBI has confirmed that the contract linguist had "unreported contracts" with that foreign official. To what extent did that contract linguist have any additional unreported or reported contacts with that foreign official? What counterintelligence inquiries or assessments, if any, were made with respect to those contacts? Do you plan to interview field office and headquarters counterintelligence personnel regarding this matter?

(3) The FBI has said that, to review the other contract linguist's work that Ms. Edmonds questioned, it used three linguists in its language division, a supervisory special agent, and special agents who worked on the case that generated the communications under review. Was this a "blind" review by the linguists, or did they know the person whose work was under review? Were the linguists sufficiently independent to make objective judgments about the translations in question? Would it have been appropriate to use linguists from outside the FBI?

(4) The FBI has said a determination was made by the supervisory special agent that the contract linguist whose work was reviewed made a mistake and that the matter was a training issue. Did this agent's position affect his ability to render an objective judgment? What input did the other special agents provide? Did their involvement in the case that generated the communications affect their ability to make an objective judgement about a person with whom they had worked on the case? Would it have been better to ask other counterintelligence agents to assess the importance of the untranslated information and the reason it was not translated?

(5) To what extent is the credibility of witnesses regarding Ms. Edmonds' allegations affected by their continuing employment in the same translation unit and under the same supervisor where the contract linguist discussed in question (2) is employed.

(6) The FBI has said that Ms. Edmonds prepared two classified documents with respect to her allegations on her home computer without authorization and that one witness reported Ms. Edmunds discussed classified information regarding her allegations in the presence of three uncleared members of her family without authorization. Would these actions disqualify her from a security clearance, given the circumstances of her concern about a foreign attempt to penetrate or influence FBI operations at her workplace?

(7) What guidance is provided to FBI contract linguists as to the steps they should take if they are concerned about a possible foreign attempt to penetrate or influence FBI operations? How well is this guidance understood by contract linguists in the FBI translation centers and other FBI personnel who would handle such matters?

(8) What improvements, if any, are needed to encourage FBI contract linguists and other FBI contract personnel to come forward with such counterintelligence concerns and to ensure that they are not adversely affected as a result of seeking to assist FBI counterintelligence efforts? Was Ms. Edmunds' case handled in a manner that would encourage such reporting in the future?

Please let us know the timetable for your investigation and advise us of the results.

Sincerely,

PATRICK LEAHY,
Chairman.
CHARLES E. GRASSLEY,
United States Senator.

[From the Washington Post, June 19, 2002]

2 FBI WHISTLE BLOWERS ALLEGE LAX SECURITY, POSSIBLE ESPIONAGE

(By James V. Grimaldi)

In separate cases, two new FBI whistleblowers are alleging mismanagement and lax security—and in one case possible espionage—among those who translate and oversee some of the FBI's most sensitive, top-secret wiretaps in counterintelligence and counterterrorist investigations.

The allegations of one of the whistle-blowers have prompted two key senators—Judiciary Chairman Patrick J. Leahy (D-VT) and Charles E. Grassley (R-Iowa)—to pose critical questions about the FBI division working on the front line of gathering and analyzing wiretaps.

That whistle-blower, Sibel Edmonds, 32, a former wiretap translator in the Washington field office, raised suspicions about a co-worker's connections to a group under surveillance.

Under pressure, FBI officials have investigated and verified the veracity of parts of Edmonds' story, according to documents and people familiar with an FBI briefing of congressional staff. Leahy and Grassley summoned the FBI to Capitol Hill on Monday for a private explanation, people familiar with the briefing said.

The FBI confirmed that Edmonds' co-worker had been part of an organization that was a target of top-secret surveillance and that the same co-worker had "unreported contacts" with a foreign government official subject to the surveillance, according to a letter from the two senators to the Justice Department's Office of the Inspector General. In addition, the linguist failed to translate two communications from the targeted foreign government official, the letter said.

"This whistleblower raised serious questions about potential security problems and the integrity of important translations made by the FBI," Grassley said in a statement. "She made these allegations in good faith and even though the deck was stacked against her. The FBI even admits to a number of her allegations, and on other allegations, the bureau's explanation leaves me skeptical."

The allegations add a new dimension to the growing criticism of the FBI, which has centered in recent weeks on the bureau's failure to heed internal warnings about al-Qaida leading up to the Sept. 11 terrorist attacks. Last month, FBI agent Coleen Rowley also complained about systemic problems before the attacks. Rowley works in Minneapolis, where agents in August unsuccessfully tried to get a search warrant to look into the laptop computer of a man now described as the "20th hijacker."

Finding capable and trustworthy translators has been a special challenge in the terrorism war. FBI officials told government auditors in January that translator shortages have resulted in "the accumulation of thousands of hours of audio tapes and pages" of untranslated material. After the attacks, FBI Director Robert S. Mueller III issued a plea for translators, and hundreds of people applied.

Margaret Gulotta, chief of language services at the FBI, said the bureau has hired 400 translators in two years, significantly reducing the backlog on high-priority cases while upholding strict background checks. "We have not compromised our standards in terms of language proficiency and security," Gulotta said.

In the second whistle-blower case, John M. Cole, 41, program manager for FBI foreign intelligence investigations covering India, Pakistan and Afghanistan, said counterintelligence and counterterrorism training has declined drastically in recent years as part of a continuing pattern of poor management.

Cole also said he had observed what he believed was a security lapse regarding the screening and hiring of translators. "I thought we had all these new security procedures in place, in light of [FBI spy Robert P.] Hanssen," Cole said. "No one is going by the rules and regulations and whatever policy may be implemented."

Edmonds and Cole have written about their concerns to high-level FBI officials. Edmonds wrote to Dale Watson, the bureau's counterterrorism chief, and Cole wrote to Mueller. Both cases have been referred to Justice's Office of the Inspector General, which is investigating, government officials confirmed.

The FBI said it was unable to corrobate an allegation by Edmonds that she was approached to join the targeted group. Edmonds said she told Dennis Saccher, a special agent in the Washington field office who was conducting the surveillance, about the co-worker's actions and Saccher repled. It looks like espionage to me." Saccher declined to comment when contacted by a reporter.

Edmonds was fired in March after she reported her concerns. Government officials said the FBI fired her because her "disruptiveness" hurt her on-the-job "performance." Edmonds said she believes she was fired in retaliation for reporting on her co-worker.

Edmonds began working at the FBI in late September. In an interview, she said she became particularly alarmed when she discovered that a recently hired FBI translater was saying that she belonged to Middle Eastern organization whose taped conversations she had been translating for FBI counterintelligence agents. Officials asked that the name of the target group not be revealed for national security reasons.

A Washington Post reporter discovered Edmonds' name in her whistle-blowing letters to federal and congressional officials and approached her for an interview.

Edmonds said that on several occasions, the translator tried to recruit her to join the targeted foreign group. "This person told us she worked for our target organization," Edmonds said in an interview. "These are the people we are targeting, monitoring."

Edmonds would not identify the other translator, but The Post has learned from other sources that she is a 33-year-old U.S. citizen whose native country is home to the target group. Both Edmonds and the other translator are U.S. citizens who trace their ethnicity to the same Middle Eastern country. Reached by telephone last week, the woman, who works under contract for the FBI's Washington field office, declined to comment.

In December, Edmonds said the woman and her husband, a U.S. military officer, suggested during a hastily arranged visit to Edmonds' Northern Virginia home on a Sunday morning that Edmonds join the group.

"He said, 'Are you a member of the particular organization?'" Edmonds recalled the woman's husband saying. "[He said,] 'It's a very good place to be a member. There are a lot of advantages of being with this organization and doing things together'—this is our targeted organization—'and one of the greatest things about it is you can have an early, an unexpected, early retirement. And you will be totally set if you go to that specific country.'"

Edmonds also said the woman's husband told her she would be admitted to the group, especially if she said she worked for the FBI.

Later, Edmonds said, the woman approached her with a list dividing up individuals whose phone lines were being secretly tapped. Under the plan, the woman would translate conversations of her former co-workers in the target organization, and Edmonds would handle other phone calls. Edmonds said she refused and that the woman told her that her lack of cooperation could put her family in danger.

Edmonds said she also brought her concerns to her supervisor and other FBI officials in the Washington field office. When no action was taken, she said, she reported her concerns to the FBI's Office of Professional Responsibility, then to Justice's inspector general.

"Investigations are being compromised," Edmonds wrote to the inspector general's office in March. "Incorrect or misleading translations are being sent to agents in the field. Translations are being blocked and circumvented."

Government officials familiar with the matter who asked not to be identified said that both Edmonds and the woman were given polygraph examinations by the FBI and that both passed.

Edmonds had been found to have breached security, FBI officials told Senate investigators. Edmonds said that two of those alleged breaches were related to specific instruction by a supervisor to prepare a report on the other translator on her home computer.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 29, 2000 in Mahwah, NJ. Two gay men were beaten in an apartment complex parking lot. The assailant, William Courain, 26, was at an apartment complex party when he began making obscene remarks to several of the guests about their sexual orientation. He left the party and confronted two men in the parking lot, making derogatory comments about their sexual orientation before attacking them. Witnesses say he began punching and kicking the two victims, one of whom suffered bleeding from the mouth and eyes and was treated at a local hospital. Mr. Courain was arrested and charged with aggravated assault, bias harrassment and bias assault in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WORLD REFUGEE DAY

Mr. KENNEDY. Mr. President, I am honored to join in celebrating World Refugee Day and the many contributions of refugees around the world. The United Nations High Commission on Refugees works tirelessly to provide hope and opportunity to many of the world's most vulnerable people, and I commend High Commissioner Lubbers for his leadership in this area.

The focus of this year's celebration is on the critical situation of refugee women and children, who make up 70 percent of the refugee population. More must be done to address the special needs of these individuals, and World Refugee Day celebrations are an important step in the right direction.

To celebrate this day, United Nations Goodwill Ambassador, Angelina Jolie has commissioned a national poster competition and I am proud to say a fifth-grade student from Newton, MA, Lev Matskevich, is one of the winners. I would like to congratulate all of the winners, Lev, Sarah Rahmani from Edmunds, WA, and Roxann Acuna from San Antonio, TX for their hard work not only on the posters, but in bringing needed attention to the plight of refugees.

The theme of this year's poster contest, as it says proudly on Lev's poster, is tolerance. As a nation of immigrants we must remember that our tolerance toward immigrants has been a principal source of our progress and achievement.

With this year's celebration of World Refugee Day and these wonderful posters, we continue the important tradition of recognizing the contributions of refugees and encouraging the United States' continued commitment to providing a safe-haven to those in need around the world.

SUPREME COURT RULING THE EXECUTION OF THE MENTALLY RETARDED UNCONSTITUTIONAL

Mr. FEINGOLD. Mr. President, earlier today, the United States Supreme Court issued one of the most significant decisions curtailing the death penalty since the Court first found capital punishment unconstitutional in 1972, and then reinstated it four years later. In a six to three decision in Atkins v. Virginia, the Court ruled that the execution of the mentally retarded is unconstitutional. The Court concluded that such executions are cruel and unusual punishment in violation of the Eighth Amendment.

This decision is a notable turning point for our Nation.

Indeed, a national consensus opposing such executions has been growing for some time. In 1989, when the Supreme Court upheld the execution of mentally retarded persons, only two of the 38 States that authorize the use of the death penalty had banned executions of the mentally retarded. Since then, 16 more States have enacted laws prohibiting the practice. Now, 18 of the 38 States that use the death penalty have banned the practice. And of the 20 States in the country that continue the practice, nearly half have pending legislation to halt executions of the mentally retarded. In addition, the Federal Government, which re-enacted the death penalty in 1988, has banned executions of the mentally retarded.

A recent poll by the National Journal found that only 13 percent of Americans favor the death penalty for the mentally retarded. As this poll indicates, Americans recognize that it is cruel and unusual to apply the death penalty to adults who have the minds of children. In many cases, mentally retarded adults accused of crimes cannot fully understand what they have been accused of, and often do not comprehend the severity of the punishment that awaits them. Accused adults with low mental capacity are often characteristically eager-to-please, and more likely to falsely confess to a crime.

Indeed, as Justice Stevens, writing for the majority, stated, concerning mentally retarded defendants, "Their deficiencies do not warrant an exemption from criminal sanctions, but they do diminish their personal culpability." He wrote: "Mentally retarded defendants may be less able to give meaningful assistance to their counsel and are typically poor witnesses, and their demeanor may create an unwarranted impression of lack of remorse for their crimes." Justice Stevens continued: "Mentally retarded defendants in the aggregate face a special risk of wrongful execution."

The Court also reasoned that the usual justifications for capital punishment, retribution and deterrence, do not apply to mentally retarded defendants. With respect to retribution, Justice Stevens wrote that "the severity of the appropriate punishment necessarily depends on the culpability of the offender." But "[i]f the culpability of the average murderer is insufficient to justify the most extreme sanction available to the State, the lesser culpability of the mentally retarded offender surely does not merit that form of retribution," Justice Stevens wrote. He concluded: "Thus, pursuant to our narrowing jurisprudence, which seeks to ensure that only the most deserving of execution are put to death, an exclusion for the mentally retarded is appropriate."

With respect to the other justification for capital punishment, deterrence, Justice Stevens wrote that "executing the mentally retarded will not measurably further the goal of deterrence." The Court reasoned:

> The theory of deterrence in capital sentencing is predicated upon the notion that the increased severity of the punishment will inhibit criminal actors from carrying out murderous conduct. Yet it is the same cognitive and behavioral impairments that make these defendants less morally culpable . . . that also make it less likely that they can process the information of the possibility of execution as a penalty and, as a result, control their conduct based on that information.

Today the Supreme Court reflected the sentiments of our nation on this important issue. As the majority stated: "The practice [of executing the mentally retarded] . . . has become unusual, and it is fair to say that a national consensus has developed against it." The majority concluded: "Construing and applying the Eighth Amendment in the light of our 'evolving standards of decency,' we therefore conclude that such punishment is excessive and that the Constitution 'places a substantive restriction on the State's power to take the life' of a mentally retarded offender.' "

The Court's decision confirms that our Nation's standards of decency concerning the ultimate punishment are indeed evolving and maturing. Even before today's decision, we have known that the current death penalty system is broken and plagued by errors, including the risk of executing the innocent and racial and geographic disparities.

As evidence mounts that the administration of capital punishment is plagued by inexcusable flaws, the American people are taking notice, and taking action. Illinois Governor George Ryan took the courageous and extraordinary step of placing a moratorium on executions two years ago. He also created an independent, blue ribbon commission to review the Illinois death penalty system. The commission released its report earlier this year and made 85 recommendations for improving the administration of the death penalty.

More and more Americans are realizing that they can no longer simply look the other way when confronted with glaring injustices. And today, a majority of the justices on our nation's highest court have joined this growing chorus of Americans.

I am proud of our Court today. I am proud of a justice system that recognizes that the execution of the mentally retarded is unconstitutional, inhumane, and simply wrong. Today we can declare an important and historic victory for justice.

But, while the Supreme Court must continue to scrutinize the capital cases before it, Congress and the American people also have a responsibility to act. Today's ruling presents us with further evidence of the urgent need for a moratorium on executions and a full and thorough nationwide review of the administration of the death penalty. It is time for Congress to support passage of my bill, the National Death Penalty Moratorium Act. We simply cannot continue to look the other way.

ACCESS FOR AFGHAN WOMEN ACT

Mr. DURBIN. Mr. President, I have been pleased to join with Senator OLYMPIA SNOWE in introducing the Access for Afghan Women Act, S. 2647.

After the horror that women endured under the Taliban, it is critical that U.S. assistance to that country promotes women's participation and leadership in the political and economic life of Afghanistan, while protecting women's rights.

In fact, throughout the world, it is clear that the role of women is key for successful economic development and a reliable indicator of whether development programs will succeed. I am not talking about some radical agenda, rather I refer to the basic ability of women to participate in education, society, government, and the economy.

Afghanistan under the Taliban was an extreme example of the failure to include women in the economy, in fact relegating half the population to virtual house arrest. No country will succeed if it refuses to educate half its population. No economy will grow that restricts half its population from the work force, from credit, and from private property. And the government that does such things is no government at all but a travesty.

Economic development programs benefit everyone, but certain programs have a particularly strong impact on the lives of women. Microcredit programs, for example, tend to benefit women who may need only a small loan to buy a goat to sell milk, a sewing machine to make clothes, or vegetables to sell in the village market. These tiny businesses often provide the financial independence that women need to pay school fees, take in an orphan, or simply survive.

U.S. programs are providing books to newly reopened schools in Afghanistan will have a major impact on the education of girls, who were not allowed to go to school under the Taliban.

This bill sets out broad requirements for U.S. assistance to Afghanistan for governance, economic development, and refugee assistance.

Among other provisions, bill calls for U.S. programs to include U.S. and Afghan-based women's groups in planning for development assistance, encourages U.S. groups to partner or create Afghan-based groups, and supports for the Ministry of Women's Affairs. It calls for programs that increase women's access to credit and ownership of property, as well as long-term financial assistance for education and health. It requires U.S.-sponsored police and military training to include the protection of women's rights and that steps be taken to protect against sexual exploitation of women and children in refugee camps.

I believe that these requirements will fit well with the development assistance programs that the United States plans to pursue, but I believe that it is still particularly useful to lay them out in detail, especially with regard to Afghanistan, to be certain that U.S. programs help remedy the abuses suffered by the women of Afghanistan. It is only with the concerted effort of both men and women in Afghanistan that that devastated country will recover, grow, and develop.

ADDITIONAL STATEMENTS

NATIONAL SERVICE DAY

• Mr. CARPER. Mr. President. I would like to speak for a few minutes about the Democratic Leadership Council's "National Service Day." Today I join the Democratic Leadership Council, DLC, former President Clinton, DLC Chair Senator EVAN BAYH, and New Democrats across the country in calling for the expansion of national service opportunities in a "National Service Day."

Creating a strong system of voluntary national service has been a signature New Democrat idea from the founding of the Democratic Leadership Council to President Clinton's AmeriCorps initiative. In the wake of the surge of patriotism following the events of September 11, national service is squarely at the center of national debate.

To build on this momentum, the DLC's Clinton Center is hosting "National Service Day," during which former DLC Chair President Clinton will participate in three service projects in New York City, and DLC Chair EVAN BAYH, Representatives HAROLD FORD, Jr. and Rep. TIM ROEMER will host a roundtable discussion with Members of Congress and AmeriCorps members from across the country. Other elected officials, including Virginia Governor Mark Warner, San Jose Mayor Ron Gonzalez, and Wisconsin State Representative Antonio Riley will join the DLC in promoting the New Democrat tradition of opportunity, responsibility and community through national service.

In recognition of National Service Day, I am hosting Britt Eichner from Bear, DE, today. A rising senior at Archmere Academy with a 4.0 GPA, Britt embodies a commitment to service. As Hugh O'Brian Youth Foundation Ambassador, she volunteered more than 100 hours of service to the community. Last spring, she mobilized faculty and student mentors to adopt neighborhood families in need. As proof that living with diabetes doesn't have to slow anyone down, Britt just completed her fifth Bike-a-Thon for the American Diabetes Foundation Tour de Cure. And she recently spent a weekend in western Philadelphia revitalizing neighborhoods in a community cleanup. Students like Britt represent the real promise of community service.

While every American should be asked to consider setting aside time for service, be it mentoring a student or volunteering at a community center, it is also time to make sure we give those who are willing to serve, as Citizen-Soldiers in the Armed Forces or as AmeriCorps or Peace Corps volunteers, the opportunity to serve their country full-time.

I am proud to say that in Delaware, people of all ages and backgrounds are helping to solve problems and strengthen communities through 23 national service projects across the state. This year, AmeriCorps, the domestic Peace Corps, will provide more than 170 individuals the opportunity to spend a full year serving in Delaware communities. More than 230 students in Delaware colleges and universities will help pay their way through school while aiding their community through service opportunities that are part of the Federal Work Study Program. And more than 3,300 seniors in Delaware will contribute their time and talents to one of three programs that make up the Senior Corps: Foster Grandparents, who serve one-on-one with more than 1,200 young people with special needs; Senior Companions, who help more than 100 other seniors live independently in their homes; and Retired and Senior Volunteer Program, RSVP, volunteers, who work with more than 330 local groups to meet a wide range of community needs.

These numbers, though inspiring as they are, represent just a small fraction of our population and are much smaller than the number of people who want to serve. If we are to make national service a culture-changing rite of passage in America, we must do more. National service should not be a special chance for a few, but a way of life for many.

At a time when Americans from all walks of life are asking what they can do to help make our Nation safer and stronger, national service offers an answer that points us towards a higher politics of national purpose.•

BETHEL REGIONAL HIGH SCHOOL DRILL TEAMS

• Mr. MURKOWSKI. Mr. President, I rise today to honor a group of Alaska High School students from Bethel, Alaska who recently won the National Championship in Drill Team/Color Guard competition held in Daytona, Florida, May 3rd.

It is not unusual for a U.S. Senator to rise on the Senate floor and honor a national championship team from their home state. What is unusual in this case is that a Drill Team, Color Guard, JROTC unit from such a remote community won the national championship.

You see, Bethel is a moderate-sized town by Alaska standards, but small by anyone else's definition. Located along the Kuskokwim River in Southwest Alaska—roughly 400 miles west of Alaska's largest town, Anchorage—the community has a current population of 5,471. The Bethel Regional High School contains 250 students, smaller than some classes in many high schools. The school draws mainly Yupik Eskimo students from dozens of smaller villages such as Akiachak, Akiak, Tuluksak, Napakiak, Kasigluk and

Tantutuliak to name just a few. The majority of the team, 11 of 13 members, are Alaska Natives.

It is truly heart warming to see students from a small Alaska town do so well in the national competition. At Daytona, the Bethel team competed against more than 70 schools from across the nation, as well as against Department of Defense schools from Japan to Puerto Rico.

Practicing drill formations in Alaska's "Bush" is a bit more difficult than in Southern California or Florida. Teams need to practice indoors, a lot, since the average January temperature is 6 degrees Fahrenheit. It also is a tad dark in winter, Bethel getting only about five and one-half hours of daylight a day in winter.

But more challenging practice conditions didn't stop the students from Bethel Regional from competing and winning in the national competition. Let me mention the members of the Unarmed Regulation Inspection Drill Team that finished first in their competition: Curtis Neck, Michael Carroll, Wallen Olrun, James Miles, Christina Smith, Paul Anvil, Justin Lefner, Mark Charlie, Kimberly Cooper, Jocelyn Tikiun, Jason Noatak, Michael Glore and Lisa Typpo. The team was led by Commander Dexter Kairaiuak.

I'd like to also name the members of the Color Guard that finished in fourth place in its individual competition: Nation Colors, Commander Curtis Neck, State Colors Dexter Kairaiuak, Nation Guard Michael Carroll and State Guard Wallen Olrun.

The Unarmed Regulation Drill Team, containing the same members as the championship inspection team, also competed and took 12th place in its competition. The 10-member Unarmed Exhibition Drill Team took third place in the national competition. It included: Commander Curtis Neck, Michael Carroll, Wallen Olrun, Dexter Kairaiuak, Christina Smith, Lisa Typpo, Justin Lefner, Mark Charlies, Kimberly Cooper and Jocelyn Tikiun.

I also want to publicly thank Army Instructor MSG (Retired) Barbara W. Wright, who was the Army Instructor and Coach of the team this year. She did a wonderful job training her students and helping them to their championship and deserves the thanks not just of the students and their parents, but of all Alaskans for her dedication and commitment. I also want to thank the chaperones who accompanied the students to the competition: Major (RET) Carl D. Bailey, assistance coach; Mr. Scott Hoffman and Mrs. Donna K. Dennis.

To be national champions at any endeavor requires long hours of practice and sacrifice. It requires dedication and true commitment. I know all members of the U.S. Senate will join me in honoring these students and their faculty advisors for a job very well done. All Alaskans—all Americans—honor you today for your hard work and your accomplishments.●

RETIREMENT OF DR. JAMES LARE, OCCIDENTAL COLLEGE

● Mrs. BOXER. Mr. President, On the occasion of his retirement, I would like to take a moment to reflect on the outstanding accomplishments of Dr. James Lare during his tenure as a professor at Occidental College.

Dr. Lare's commitment to Occidental College goes back more than 50 years, when he was an undergraduate student at the college. In 1962, he became a faculty member and has now served the college for 40 years. Many of Dr. Lare's colleagues can attest to his extraordinary years of service and contributions to the college and its students.

An expert in American government, European comparative politics, public administration, urban politics and public policy, Dr. Lare has served as a mentor and inspiration to his students, many of whom have flourished on Capitol Hill and in local government. His work on many different projects and on many different committees has strengthened the school and has touched the lives of his colleagues and students.

In addition to his professional career, Dr. Lare is a model community leader. He is a member of many diverse organizations, including CORO Associates, the Public Affairs Internship Support Group; the Sierra Club; the Los Angeles World Affairs Council and he serves as Treasurer of the California Center for Education in Public Affairs, Inc. Dr. Lare also served our Nation in the United States Army Reserve.

Mr. President, it is clear that Dr. Lare has been an outstanding teacher and is an exceptional citizen who has enhanced the lives of those privileged to cross his path. I extend my very best wishes to him as he begins his much deserved retirement.●

HONORING ANNA MICHELLE MILES

● Mr. BUNNING. Mr. President, I rise today to honor a truly exceptional member of the Kentucky nursing community. Mrs. Anna Michelle Miles (Missy) of Covington, Kentucky was recently nominated for the Florence Nightingale Award by two of her superiors for her selfless devotion to her coworkers, community, and patients.

The Florence Nightingale Award, presented by the University of Cincinnati Medical Center, honors excellence in the delivery of direct patient care. During her lifetime, Florence Nightingale reformed and basically created the modern profession of nursing, establishing an educational system where women could properly learn about medicine and patient care. During the Crimean War, she bravely and selflessly volunteered her services for the front line. Her request was granted and along with 38 nurses, she was able to greatly reduce the mortality rate among the sick and wounded. Her combination of medicinal knowledge and compassion is what this award is founded upon.

Nurse Miles and the seven other nominees for this year's award represent the best of what nursing has to offer. They place patient care as their top priority and always know how to cheer a patient up by making them smile or just simply listening to them. They may not always have a physical cure for a patient's particular condition, but they will continually work to ensure that each and every patient is cared for in a loving and compassionate manner.

In terms of what Nurse Miles has done for her patients and fellow coworkers, I do not believe any award or statement could properly honor her. While a nurse at St. Elizabeth Medical North in Covington, KY, Nurse Miles has been an invaluable and irreplaceable resource. She helped start the Sunshine Fund in the ER in an effort to bring about a positive and warm atmosphere for doctors, nurses, families, and patients. She regularly volunteers to cover other floors when they are low on staffing and picks up extra shifts whenever she has the opportunity. As a social worker once wrote about Nurse Miles, "My personal feeling is that Missy treats all her patients with dignity and respect. She is a true nurse in all the roles she fulfills." She has also been very active in aiding those less fortunate individuals residing in the Covington community; collecting food for the shelters and food kitchens as well buying hats and gloves with her own money to distribute to children for those long, cold nights. Her patients adore and co-workers cannot imagine life without her.

I kindly ask that my fellow colleagues join me in thanking Anna Michelle Miles for her endless love and enduring commitment to her patients. She is a tribute to the memory of Florence Nightingale.●

THE DIABETES EPIDEMIC

● Mrs. CLINTON. Mr. President, I want to tell you about a remarkable young man I met two years ago. His name is Cullinan Williams, he is 10 years old and he lives in the beautiful little town of Cazenovia in upstate New York. When Cullinan was 6, he was diagnosed with diabetes. He gives himself injections of insulin and pricks his finger to test his blood glucose level several times a day. Unless we find a cure for diabetes, he will need to do this for the rest of his life. Diabetes is a very serious disease but Cullinan is not sad or defeated. Quite the opposite: Cullinan is a strong advocate for increased diabetes research funding. I first met

Cullinan when he asked my husband and me to sponsor him in America's Walk for Diabetes. This year he served as the American Diabetes Association's National Youth Advocate. He traveled all across the country talking to patients, providers and legislators. Every year he lobbies Congress and he tells other young people that they too can have a voice on Capitol Hill and in the halls of their state legislatures.

Cullinan has important things to say. There are 17 million Americans with diabetes; 6 million don't even know they have it. The prevalence of diabetes in the U.S. has grown by 50 percent since 1990; the Center for Disease Control has called it an epidemic. At the current rate, by the year 2010, 10 percent of all Americans will have diabetes.

Diabetes is a very serious disease. Life expectancy for people with diabetes is reduced by 15 years. People with diabetes have health problems. Many go on dialysis or need a transplant because their kidneys fail. Some lose their limbs and others lose their sight. Many have a heart attack or a stroke. More than 200,000 people die of diabetes every year. It is the fifth leading cause of death by disease and it is the third leading cause of death for some minority groups.

Diabetes costs a lot. In addition to human pain and early death, the financial cost exceeds $100 billion every year. Fourteen percent of all of our health care dollars goes to caring for people with diabetes; 25 percent of medicare expenditures goes to diabetes care. If the epidemic of diabetes continues, the expenditures for diabetes care will become astronomical and bankrupt our healthcare system.

Diabetes can be stopped but we need research to do it. While deaths attributed to diabetes have increased by 40 percent since 1987, the proportion of the NIH budget that goes to diabetes research has decreased by 20 percent.

We also have to promote a healthy lifestyle across all ages. Obesity is reaching epidemic proportions in our country and is one of the reasons why Type 2 diabetes, the most common form of diabetes, is increasing. Type 2 diabetes used to be diagnosed in older adults. Now we see it in overweight children. This form of diabetes can be prevented by eating a healthy diet, getting regular exercise, and maintaining a normal weight. As a society, we must face the fact that our sedentary lifestyle, fast food, and "super size" portions are killing us. Stopping Type 2 diabetes means we must make a commitment as a nation to encouraging and supporting a healthy lifestyle in our families, our communities and our work environment.

Cullinan does not have Type 2 diabetes. He has Type 1 diabetes. However, both Cullinan and I know that Type 1 diabetes can be prevented or cured through research. Science has produced many recent breakthroughs in our understanding of this disease. We know how to identify the genes that put children like Cullinan at-risk for diabetes. Scientists are now searching for the environmental triggers that cause diabetes in genetically at-risk children. Once they identify those triggers, prevention of Type 1 diabetes will be possible. Scientists also understand that Type 1 diabetes is an autoimmune disease; the body destroys its own insulin producing islet cells. Scientists are now studying ways to transplant islet cells or to regenerate islet cells. This will cure diabetes in people with the disease. We need to provide these scientists with the research funding they need to make a difference in Cullinan's life and to stop Type 1 diabetes in future generations.•

50TH ANNIVERSARY OF THE CITY OF FONTANA

• Mrs. BOXER. Mr. President, I take this opportunity to reflect on the 50-year history of the City of Fontana, which is celebrating its official 50th anniversary on Tuesday, June 25.

Incorporated in 1952, the City of Fontana has every reason to be proud of its rich history. One can just look at its intricately detailed city seal for a glimpse of Fontana's heritage. On the right side of the seal appears a vineyard, representing the time when Fontana had one of the largest vineyards in the world. Also illustrated are chicken ranches and citrus groves, reminding us of the agricultural community Fontana once was.

Although land in the Fontana area was secured as early as 1813, it was not actively developed until the early 1900's, when the Fontana Development Company acquired it and began a community called "Rosena." The name was changed to "Fontana" in 1913.

In 1913, A.B. Miller founded the townsite of Fontana, and made it into a diversified agricultural community. Nearly 30 years later, as America geared up for World War II, Fontana was selected as the site for a West Coast steel mill and soon became Southern California's leading producer of steel and other related products. The mill operated until 1984. Today, Fontana is a growing community and is the home of the California Speedway, a world class track for auto racing.

Mr. President, it is clear that the City of Fontana has truly thrived since its early beginnings. Its population has grown from 13,695 to 139,100, and the city provides a full range of valuable services to its residents.

I am proud to serve the people of Fontana, and wish them all a wonderful anniversary celebration and many more years of prosperity.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3389. An act to authorize the National Sea Grant College Program Act, and for other purposes.

ENROLLED BILL SIGNED

At 12:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 327. An act to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–256. A joint resolution adopted by the Legislature of the State of Wyoming relative to wolf reintroduction in the State of Wyoming; to the Committee on Environment and Public Works.

JOINT RESOLUTION NO. 3

Whereas, the federal government is responsible for the reintroduction of wolves in the state of Wyoming;

Whereas, elk, moose and deer are important to the recreational and economic interests of the people of the state of Wyoming;

Whereas, the use of elk feed grounds provides positive benefits for the people of the state of Wyoming by maintaining elk population objectives at different locations in the state;

Whereas, the introduction of wolves creates a negative impact on habitats for moose and deer, and wolves kill and displace moose and deer, thereby posing a threat to the maintenance of moose and deer population objectives in the state;

Whereas, wolves kill and displace elk, moose and deer, thereby posing a threat to the maintenance of elk, moose and deer population objectives in the state and the habitats of moose and deer and the use of elk feed grounds;

Whereas, wolves kill approximately three hundred thirty (330) elk annually in Wyoming, costing the owner of those elk, the state of Wyoming, an estimated one million three hundred twenty thousand dollars ($1,320,000.00);

Whereas, the state of Wyoming does not have jurisdiction to regulate wolves while they remain on the federal list of threatened species. Now, therefore, be it

Resolved By The Members of the Legislature of the State of Wyoming:

Section 1. That the Wyoming state legislature recognizes the importance of elk, moose and deer to the people of the state and the use of elk feed grounds and the importance of habitats for moose and deer to maintain elk, moose and deer population objectives at various locations in the state of Wyoming.

Section 2. That the federal authorities responsible for the management of wolves in the state of Wyoming must manage wolves in a manner consistent with maintaining elk, moose and deer population objectives, preserving the habitats of moose and deer and the use of elk feed grounds, as determined by state wildlife officials.

Section 3. That the federal government should annually reimburse the state of Wyoming for the loss to the state caused by the killing of elk, moose and deer by wolves.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Interior and to the Wyoming Congressional Delegation.

POM–257. A resolution adopted by the House of the Legislature of the State of Michigan relative to the Transboundary Hazardous Waste Agreement with Canada; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 389

Whereas, Michigan has long been frustrated in efforts to regulate solid waste imported into our state. Our state is especially concerned about waste that is brought here from Ontario. Our citizens feel strongly that our environment should not be placed at additional risk from municipal solid waste and other materials that are generated elsewhere and transported here for disposal; and

Whereas, The volume of waste that comes into Michigan each year represents a significant portion of all trash handled here. As much as 20 percent of all solid waste in Michigan is from out or state, and the amount has increased significantly in recently years; and

Whereas, Congress has authority for regulating the transportation and disposal of solid waste between states and nations by virtue of the United States Constitution's interstate commerce clause. To protect the public health, safety, and welfare of our environment and citizens, Congress must take action to provide states with the express means to regulate or prohibit the importation of trash. Congress has before it now a bill that would provide the appropriate authority to the states. Under H.R. 1927, states could prohibit or impose certain limitations on the receipt of foreign municipal solid waste; and

Whereas, Hazardous waste and solid waste transported between Canada and the United States are provided for in the Agreement Between the Government of Canada and the Government of the United States Concerning the Transboundary Movement of Hazardous Waste. It has been reported, however, that the notification requirements and procedures set forth in the agreement have not been followed. It is most disturbing to think that the protections provided in the agreement between our nations are not working. The people of this state have every right to know that all prudent measures are being enforced to protect our citizens and environment; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to authorize states to prohibit or restrict foreign municipal solid waste and to urge the Environmental Protection Agency to ensure full compliance with the Agreement Between the Government of Canada and the Government of the United States Concerning the Transboundary movement of hazardous Waste; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Environmental Protection Agency.

POM–258. A resolution adopted by the House of the Legislature of the State of Michigan relative to Federal transportation funding for highway and transit programs; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 419

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of,the individuals and businesses of this state. This challenge is made more difficult because of the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, Under the provisions of the Transportation Equity Act for the 21st century, Michigan currently receives approximately 90.5 cents in return for every highway dollar we send to the federal government. While this is a notable improvement from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, For Fiscal Year 2003, proposed federal transportation funding for Michigan is expected to be $222 million less than Fiscal Year 2002. This shortfall will present significant problems to certain aspects of our transportation infrastructure. As discussions take place on future funding mechanisms and the next federal transportation funding bill, it is imperative that a fairer approach be developed; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–259. A House concurrent resolution adopted by the Legislature of the State of Hawaii relative to the TANF Reauthorization Act of 2001; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 12

Whereas, on October 12, 2001, Representative Patsy Mink introduced the TANF Reauthorization Act of 2001 with thirty Democratic cosponsors, three of whom are on the committee of referral, the Ways and Means Committee; and

Whereas, the bill would also make it clear that its principal focus is the long-term reduction of poverty, rather than a short-term, impermanent, immediate reduction in the welfare rolls; and

Whereas, the bill would reform the Temporary Aid to Needy Families program to make it clear that postsecondary education is a work activity under TANF, for example, by providing access to postsecondary education for women TANF recipients as an allowable work activity; and

Whereas, in the United States, education has always been a route to economic self-sufficiency and social mobility; and

Whereas, in the twenty-first century, at least one year of postsecondary education will become increasingly more essential for all workers; and

Whereas, yet, TANF does not currently extend our nation's commitment to educational opportunity to women who are living in poverty with their children but who are ready, willing, and able to benefit from postsecondary education; and

Whereas, data from several studies have demonstrated that the additional earning capacity that a postsecondary education provides can make the difference between economic self-sufficiency and continued poverty for many women TANF recipients; and

Whereas, among families headed by African American, Latino, and white women, the poverty rate declines from fifty-one, forty-one, and twenty-two per cent to twenty-one, eighteen and-a-half, and thirteen per cent, respectively, with at least one year of postsecondary education; and

Whereas, further data have found that postsecondary education not only increases women's incomes, it also improves their self-esteem, increases their children's education ambitions including aspiring to enter college themselves, and has a dramatic impact on their quality of life; and

Whereas, now, more than ever, TANF recipients need postsecondary education to obtain the knowledge and skills they will require to compete for jobs and enable them to lift themselves and their children out of poverty in the long-term; and

Whereas, without some postsecondary education, most women who leave welfare for work will earn wages that place them far below the federal poverty line, even after five years of working; and

Whereas, allowing TANF recipients to attend college, even for a short time, will improve their earning potential significantly, in fact, the average person who attends a community college, even without graduating, earns about ten per cent more than those who do not attend college at all; and

Whereas, women who receive TANF assistance clearly appreciate the importance and role of postsecondary education in moving them out of poverty to long-term economic self-sufficiency; and

Whereas, as of November 1999, at least nineteen states had considered or enacted strategies to support women's efforts to achieve long-term economic self-sufficiency through pursuit of a postsecondary education; now, therefore, be it

Resolved by the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2002, the Senate concurring, That the Legislature supports the TANF Reauthorization Act of 2001 (HR 3113); and be it further

Resolved, That the Legislature urges Hawaii's congressional delegation to support the passage of the TANF Reauthorization Act of 2001 (HR 3113); and be it further

Resolved, That certified copies of this concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, the Governor of Hawaii, the President of the Senate, and the Speaker of the House of Representatives.

POM–260. A House concurrent resolution adopted by the General Assembly of the State of Ohio relative to federal funding for character education and program development; to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION NO. 28

Be it resolved by the House of Representatives of the State of Ohio (the Senate concurring):

Whereas, The members of the 124th General Assembly of Ohio, recognizing the importance of fostering citizens with honorable character qualities that are based upon the moral standards exemplified by our nation's founders and with which they established our nation and legal system, find it wise to intentionally designate Ohio as a character-building state; and

Whereas, It is imperative that we continue to build upon our heritage to make Ohio a community where families are strong, homes and streets are safe, education is effective, business is productive, neighbors demonstrate care for one another, and citizens are free to make wise choices for their lives and families; and

Whereas, Because citizens are responsible for their actions, and their daily decisions need to be based upon universally recognized ethical standards and upon universally recognized positive character qualities including integrity, responsibility, respect, compassion, honesty, justice, generosity, kindness, and courage; and

Whereas, Individual irresponsibility and lack of commitment to moral principles results in an increasing number of family problems that have personal, social, and financial consequences not only for individual family members, but also for this state and society as a whole; and

Whereas, If people increasingly fail to demonstrate positive character qualities and if they make wrong moral choices, the health, safety, and welfare of the citizens of this state are endangered, resulting in a financial burden upon the taxpayers of this state for increased costs of law enforcement; and

Whereas, Many current societal problems will be alleviated when more of the citizens of this state exemplify in their lives positive character qualities that distinguish between right and wrong; and

Whereas, There is a need for ever-increasing numbers of positive role models among our youth to prevent juvenile rebellion and delinquency, and among our leaders to encourage an example-setting culture; and

Whereas, Teaching positive character qualities to juvenile delinquents in particular has been shown to produce a positive change in behavior and to reduce recidivism rates; and

Whereas, Schools need to be environments where positive character qualities are exemplified, taught, and strengthened and where learning character-focused behaviors is encouraged; and

Whereas, Encouraging employees to recognize positive character qualities has resulted in an increase in workplace ethics, employee safety, and organizational performance; and

Whereas, An emphasis upon positive character qualities in every sector of society can only occur as institutions and individuals mutually commit themselves to exemplify positive character qualities in their public and personal lives and to collaborate with one another to establish character as a foundational community asset; now therefore be it

Resolved, That we, the members of the 124th General Assembly of Ohio, in adopting this Resolution, pledge our commitment to positive character qualities by recognizing Ohio to be a character-building state, by increasingly viewing our decisions in light of their character impact, by encouraging the advancement of positive character qualities in state government, in city, township, and county governments, in the media, and in schools, businesses, community groups, worship centers, and homes; and by urging the citizens and civic and community leaders of this state to mutually pursue character as a vital leadership and citizenship priority; and be it further

Resolved, That the members of the 124th General Assembly of Ohio commend the United States Congress for its support of character education and development through the passage of House Resolution 1, the "No Child Left Behind Act of 2001"; and be it further

Resolved, That the members of the 124th General Assembly of Ohio request that the Ohio Department of Education take all steps necessary to secure available funding for character education and development programs provided for by Congress in Sec. 5431 of House Resolution 1, the "No Child Left Behind Act of 2001"; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and the news media of Ohio.

POM–261. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to the establishment of a center for health, welfare and education of children, youth and families for Asia and the Pacific; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 71

Whereas, the Millennium Young People's Congress held in Hawaii in October 1999, demonstrated the value of a collective global vision by and for the children of the world and the need for a forum for international discussion of issues facing all children and youth; and

Whereas, children and youth are the key to world peace, sustainability, and productivity in the next millennium; and

Whereas, the health, welfare, and education of children and families are part of the basic foundation and values shared globally that should be provided for all children and youth; and

Whereas, the populations of countries in Asia and the Pacific Rim are the largest and fastest growing segment of the world's population with young people representing the largest percentage of that population; and

Whereas, Hawaii's location in the middle of the Pacific Rim between Asia and the Americas, along with a diverse culture and many shared languages, provides an excellent and strategic location for meetings and exchanges as demonstrated by the Millennium Young people's Congress, to discuss the health, welfare, and rights of children as a basic foundation for all children and youth, and to research pertinent issues and alternatives concerning children and youth, and to propose viable models for societal application; now, therefore, be it

Resolved by the Senate of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2002, That the United Nations is respectfully requested to consider the establishment in Hawaii of a Center for the Health, Welfare, and Education of Children, Youth and Families for Asia and the Pacific; and be it further

Resolved, That the President of the United States and the United States Congress are urged to support the establishment of the Center; and be it further

Resolved, That the House and Senate Committees on Health convene an exploratory task force to develop such a proposal for consideration by the United Nations; and be it further

Resolved, That certified copies of this Resolution be transmitted to the Secretary General of the United Nations, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the University of Hawaii, the President of the East West Center, the President of the United Nations Association in Hawaii, and members of Hawaii's congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2621: A bill to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems. (Rept. No. 107–166).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 754: A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs. (Rept. No. 107–167).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 1866: A bill to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents.

H.R. 1886: A bill to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1291: A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1335: A bill to support business incubation in academic settings.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1754: A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David S. Cerone, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Morrison C. England, Jr., of California, to be United States District Judge for the Eastern District of California.

Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida.

Lawrence A. Greenfeld, of Maryland, to be Director of the Bureau of Justice Statistics.

Anthony Dichio, of Massachusetts, to be United States Marshal for the District of Massachusetts for the term of four years.

Michael Lee Kline, of Washington, to be United States Marshal for the Eastern District of Washington for the term of four years.

James Thomas Roberts, Jr., of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 2650. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself, Mr. THOMPSON, and Mr. COCHRAN):

S. 2651. A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRAHAM:

S. 2652. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. MILLER):

S. 2653. A bill to reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. THOMAS, Mr. CLELAND, Ms. SNOWE, Mr. JOHNSON, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. HAGEL, Mr. CONRAD, Mr. ROBERTS, Mr. DURBIN, Mr. TORRICELLI, Mr. ROCKEFELLER, and Mr. WYDEN):

S. 2654. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2655. A bill to amend titles XVIII and XIX of the Social Security Act to improve access to long-term care services under the medicare and medicaid programs; to the Committee on Finance.

By Ms. SNOWE:

S. 2656. A bill to require the Secretary of Transportation to develop and implement a plan to provide security for cargo entering the United States or being transported in intrastate or interstate commerce; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. EDWARDS, Ms. LANDRIEU, and Mr. DODD):

S. 2657. A bill to amend the Child Abuse Prevention and Treatment Act to provide for opportunity passports and other assistance for youth in foster care and youth aging out of foster care; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. EDWARDS, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. DODD):

S. 2658. A bill to amend subtitle C of title I of the National and Community Service Act of 1990 to give more youth aging out of foster care the opportunity to participate in national service programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 2659. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify the standard of proof for issuance of orders regarding non-United States persons from probable cause to reasonable suspicion; to the Select Committee on Intelligence.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 2660. A bill to amend the Richard B. Russell National School Lunch Act to increase the number of children participating in the summer food service program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEWINE:

S. 2661. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, and Mr. ALLEN):

S. 2662. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. GRASSLEY, and Mr. MCCAIN):

S. 2663. A bill to permit the designation of Israeli-Turkish qualifying industrial zones; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire):

S. 2664. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HUTCHINSON (for himself, Mr. HARKIN, and Mr. GREGG):

S. 2665. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 839

At the request of Mrs. HUTCHISON, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 1042

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1066

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the medicare program.

S. 1291

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1291, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr.

CLELAND) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1760

At the request of Mr. THOMAS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1760, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program and for other purposes.

S. 1818

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1818, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 2027

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2027, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 2084

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies.

S. 2215

At the request of Mr. SANTORUM, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2221

At the request of Mr. ROCKEFELLER, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2394

At the request of Mrs. CLINTON, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2394, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2509

At the request of Mrs. HUTCHISON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2509, a bill to amend the Defense Base Closure and Realignment Act of 1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes.

S. 2521

At the request of Mr. KERRY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2521, a bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount.

S. 2560

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2560, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2572

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

AMENDMENT NO. 3912

At the request of Mr. REID, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3912 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3915

At the request of Mr. FEINGOLD, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of amendment No. 3915 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3916

At the request of Mr. BAYH, his name was added as a cosponsor of amendment No. 3916 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 2650. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I rise today to introduce to my colleagues, the Consolidation Student Loan Flexibility Act of 2002, a bill of great importance to the hundreds and thousands of students working to make the dream of a college education a reality. According to a recent report published by the National Center for Higher Education, the cost of attending two- and four-year public and private colleges has grown more repidly than inflation, and faster than family income. Poor families spent as much as 25 percent of their annual income to send their children to a public, four-year colleges in 2000, compared with 13 percent in 1980. What's worse, the Federal Pell Grant program, designed to help alleviate the financial burden on low income families, covered only 57 percent of the cost of tuition at public four-year colleges in 1999, compared with 98 percent in 1986.

The most widespread response to the increasing costs, according to the report, involves debt, more students are borrowing more money than ever before. Since 1980, Federal financial assistance has been transformed from a system characterized mainly by need based grants to one dominated by loans. In 2000, loans represented 58 percent of Federal student financial aid, and grants represented 41 percent. Studies show that a major factor influencing a student's choice of college and degree program is the amount of debt connected with the type of institution or profession. Make no mistake, these choices not only affect the lives of the students themselves but also impact society as a whole. Efforts to attract college graduates into needed, but not necessarily high paying careers, such as teaching, may be undermined by substantial debt burdens.

School loans are an important and legitimate aspect of attending college for many students, but it also raises several policy concerns. One area of growing concern surrounds what is called the single lender rule. The single lender rule is a provision in the Higher Education Act that affects the ability of college graduates to consolidate multiple student loans into a single new loan for the purpose of getting a lower rate. Specifically, it provides that borrowers having all of their loans held by a single lender have to consolidate with that lender, so long as it offers consolidation loans. Therefore those borrowers with all of their loans in one place can't go to other lenders offering better rates or benefits, they have to stay where they are.

I would like to submit for the RECORD some numbers which demonstrate how damaging the single lender rule is for students. Last year, 143,504 students were denied the benefits of loan consolidation because of the single lender rule. In my home State of Louisiana, 3,329 students were prevented from obtaining a lower-rate or more generous benefits because of this rule. Many of these students are studying to be doctors, nurses, teachers, and lawyers. These are conservative numbers, collected from student loan providers, the reality is even more staggering.

This restriction makes no sense and while it may benefit those offering student loans, it sure isn't designed to provide students with the power that choice and competition can bring. A few months ago we acted to pass a package designed to stimulate the economy and secure long term economic stability in America. I would be hard pressed to think of a better way to ease the burden on our States and to secure a brighter future for the U.S. economy than to make a college degree an affordable option for all who seek to obtain one.

The Census Bureau has released new figures on the earnings gap between people with a high school education and those with bachelor's degrees. It's wide and growing. The bureau said that college graduates made an average of $40,500 last year, while the average high school graduate earned $22,900. People with bachelor's degrees now earn an average of 76 percent more than high school graduates. In 1975, the gap was 57 percent. One does not have to have a Ph.D. in math to understand the impact that closing this gap would mean for the economy, more people with college degrees means higher consumer spending and lower unemployment.

Some of my colleagues may be asking, why now? Why not wait until next year when we will be re-addressing the Higher Education Act? Here are some of the reasons why I believe this is not a good idea for us to wait until next year or the year after. To delay repealing the rule until the H.E.A. Reauthorization would unnecessarily victimize hundreds of thousands of student loan borrowers, depriving them of the ability to manage their debt in an optimal way. Today's graduates are entering a workplace where jobs are hard to get and salaries for starting positions are lower than they have ever been before. In this environment, we need to be building up opportunities for them to reduce their debt not increase it.

This bill is an important first step to making college more affordable for all American families. I hope my colleagues will join me in making the dream of a college education a reality for all.

By Mr. GRAHAM:

S. 2652. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, when the Spanish explorers surveyed Florida in the early 16th century, this is what they saw: Massive pines, measuring two to three feet in diameter that climbed into the skies over 100 feet.

This was the landscape of the Apalachicola National Forest.

You could walk through the forest, especially early in the day as the morning fog was rising, look up and see these silent giants create a dense canopy overhead.

Some likened the forest's natural beauty to a cathedral of trees.

The sheer enormity of these tall stately trees was magnified by the close cut landscape of wiregrass on the forest floor.

This pattern of tall stately trees and lawn like underbrush, as the first Spanish explorers described this impressive habitat, was common throughout the southeast of North America—over 90 million acres of pines and wiregrass.

Today, all but a fraction of these acres of the longleaf pine ecosystem have been destroyed or altered.

The forest character has been transformed by thick palmetto and other growth from that which was encountered by Florida's earliest settlers.

Why? Because of fires, or more precisely—the absence or containment of fires to protect businesses and their property.

Natural fires created by thunderstorms are part of nature's cycle. The longleaf pines and wiregrass have natural qualities which allowed them to survive the fires while other plant life perished.

The result is dramatically depicted in this painting by Jacksonville, FL artist Jim Draper who captures the landscape as it once looked and how it looks in limited areas today.

I bring to the intention of my colleagues the landscape painting by Mr. Draper of the area to be affected by the adoption of the legislation by allowing us to bring into public ownership outholdings which represent a potential threat through the possibility that they might cause resistance to the necessary controlled fires which are necessary in order to maintain this small piece of what had been 90 million acres of the southeastern United States.

It is an important part of our Nation's natural history, which we have the opportunity to take a step to protect for future generations during this session of Congress.

The painting is of one of those areas in the Apalachicola National Forest in the eastern section of the Florida Panhandle. It is known as Post Office Bay and retains the heritage of the American southeast of the pre-Columbian era.

Like its predecessors, this special part of the Apalachicola is preserved due to fires, now both natural and prescribed.

But those fires are now threatened by man. Private inholdings adjacent to Post Office Bay are being considered for sale as small acreage second homes and vacation sites. Should this occur, managed fires would likely encounter serious resistance from the new owners and the fires required to sustain this vestige of America's natural history would be ended.

The 564,000 acre Apalachicola National Forest has a unique opportunity to acquire the remainder of a 2,560 acre inholding within the forest.

As of last month, 1,180 acres of this property has been acquired through a land swap.

Now we need to finish the job, to permanently protect Post Office Bay.

The Florida National Forest Lands Management Act of 2002 will do just that.

The United States Forest Service has been left with several noncontiguous parcels of land in Okaloosa County, further west in Florida's Panhandle—that it must manage because former portions of the Choctowahatchee National Forest were returned to the Forest Service by the Department of Defense.

These parcels are high in value, some have potential buyers, and several are encumbered with urban structures, such baseball fields and the county fairgrounds.

Our legislation will allow the Forest Service to sell these parcels and purchase the remainder of the Apalachicola inholdings and other sensitive lands with the proceeds.

The land sale would have several benefits.

This legislation will make it easier for nature and man to continue its cleansing process by fire without endangering private land or its occupants.

By connecting the lands of the longleaf pine ecosystem, the regular course of natural fires can resume safely, optimizing Mother Nature's method of keeping this area beautiful.

Also, by allowing the regular cycle of fire to resume freely, the regeneration process will continue.

Ultimately, the forest would be more easily and effectively managed.

The Florida National Forest Lands Management Act of 2002 is a sensible way for the Apalachicola National Forest to acquire these vast and important inholdings and preserve a natural treasure.

It will aid in expanding the 3 million acres of longleaf pine that now cover the Southeastern United States.

This measure has the support of the Forest Service, and I urge my colleagues to support it was well.

By Mr. SANTORUM (for himself and Mr. MILLER):

S. 2653. A bill to reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mr. SANTORUM. Mr. President, today, I am pleased to announce the introduction, along with my colleague Senator MILLER, of the bipartisan Teacher Paperwork Reduction Act of 2002. During the 107th Congress, we have been successful in legislating sweeping reforms in education with the passage last year of the No Child Left Behind Act. We also hope to complete reauthorization of another important Federal education initiative, the reauthorization of the Individuals with Disabilities Education Act, IDEA, this year. As we consider this legislation, our greatest responsibility is to improve the quality of the education that students with special needs receive.

One of the problems fostered by the current system, which stands in direct contrast to our purpose, is the excessive paperwork burden imposed on our special education teachers. This burden takes valuable time away from classroom instruction and is a source of ongoing frustration for the special education teachers working on the frontlines. As a result, this undermines the goal of providing the best quality education possible to all children. The Teacher Paperwork Reduction Act addresses this problem and seeks to offer solutions that will benefit special education teachers and most importantly the children they instruct.

This bipartisan legislation includes four main provisions to correct the problem of burdensome paperwork. First, the Department of Education, in cooperation with state and local educational agencies, would be required to reduce the amount of paperwork by 50 percent within 18 months of enactment of the legislation and would be encouraged to make additional reductions. Second, the General Accounting Office GAO, would conduct a study to determine how much of the paperwork burden is caused by Federal regulations compared to State and local regulations; the number of mediations that have been conducted since mediations were required to be made available under the 1997 IDEA amendments; the use of technology in reducing the paperwork burden; and GAO would make recommendations on steps that Congress, the U.S. Department of Education, and the states and local districts can take to reduce this burden within six months of the passage of this legislation.

Third, mediation would be mandatory for all legal disputes related to Individual Education Programs IEPs to better empower parents and schools to focus resources on a quality education for children rather than unnecessary litigation within one year of enactment of this legislation. Fourth, the Department of Education is directed to conduct research to determine best practices for successful mediation, including training practices, that can help contribute to the effort to reduce paperwork, improve student outcomes, and free up teacher resources for teaching. The Department would also provide mediation training support services to support state and local efforts. The resources to fund these requirements would come from money appropriated through Part D of IDEA.

The Council for Exceptional Children, CEC, states, "No barrier is so irksome to special educators as the paperwork that keeps them from teaching." According to a CEC report, concerns about paperwork ranked third among special education teachers, out of a list of 10 issues. The CEC also reports that special education teachers are leaving the profession at almost twice the rate of general educators. Statistics concerning the amount of time special education teachers spend completing paperwork are telling. 53 percent of special education teachers report that routine duties and paperwork interfere with their job to a great extent. They spend an average of five hours per week on paperwork, compared to general education teachers who spend an average of two hours per week. More than 60 percent of special education teachers spend a half to one and a half days a week completing paperwork. One of the biggest sources of paperwork, the individualized education program, IEP, averages between 8 and 16 pages long, and 83 percent of special education teachers report spending from a half to one and a half days each week in IEP-related meetings.

There are three primary factors associated with burdensome paperwork. The first factor is federal regulations. The 1997 IDEA regulations set forth the necessary components of the IEP and require teachers to complete an array of paperwork in addition to the IEP. According to the National School Boards Association, NSBA, "These requirements result in consuming substantial hours per child and cumulatively are having a negative impact on special educators and their function." Second, there are misconceptions at the state and local levels regarding federal regulations that result in additional requirements imposed by the states and local school districts. The U.S. Department of Education compiled a sample IEP with all the necessary components, and it is five pages long. However, most IEPs are much longer. The third factor is litigation and the threat of litigation. In order to be prepared for due process hearings and court proceedings, school district officials often require extensive documentation so that they are able to prove that a free appropriate public education (FAPE) was provided to the special education student.

A key provision of the bill makes mediation mandatory for all legal disputes related to IEPs. There are several benefits to using mediation as an alternative to due process hearings and court proceedings. According to the Consortium for Appropriate Dispute Resolution in Special Education, CADRE, mediation is a constructive option for children, parents, and teachers and allows families to maintain a positive relationship with teachers and service providers. Parents have the benefit of working together with educators and service providers as partners instead of as adversaries. If an agreement cannot be reached as a result of mediation, parties to the dispute would retain existing due process and legal options.

Mediation is also a much less costly, less time consuming alternative for all parties concerned. Parents do not have to pay for mediation sessions, because under the 1997 IDEA amendments, states are required to bear the cost for mediation. States and local districts save a lot of money as well. According to the Michigan Special Education Mediation Program, MSEMP, the average hearing cost to the state is $40,000; it pays approximately $700 per mediation session. The NSBA reports that attorney fees for school districts average between $10,000 to $25,000. In contrast, the Pennsylvania Bureau of Education says that it pays mediators $250 per session. The cost effectiveness of mediation is apparent. Not only does mediation save money, it saves time as well. According to the Washington State Department of Education, a mediation session may generally be scheduled within 14 days of a parental request, whereas it may take up to a year to secure a court date.

Most importantly, mediation is a successful alternative to due process hearings. At least some form of agreement is reached in 80 percent of sessions nationwide. In Pennsylvania, 85 percent of voluntary special education mediations end in agreement in which both parties are satisfied. According to the New York State Dispute Resolution Association, mediation ending in resolution of the conflict occurs for 75 percent of referrals, and in Wisconsin, approximately 84 percent of those who chose mediation would use it again.

The Teacher Paperwork Reduction Act is meant to alleviate a serious problem that causes frustration and discouragement among dedicated special education teachers who expend energy and countless hours in order to give students with disabilities an equal opportunity to learn. It is only fair and right to find ways to reduce paperwork in order to give teachers more time to spend educating our students and changing their lives, and less time wading through inanimate stacks of paper. I would invite my colleagues to join us in cosponsoring this legislation to help teachers, schools, and parents provide a better education for all students so that no child is left behind.

By Ms. CANTWELL (for herself, Mr. THOMAS, Mr. CLELAND, Ms. SNOWE, Mr. JOHNSON, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. HAGEL, Mr. CONRAD, Mr. ROBERTS, Mr. DURBIN, Mr. TORRICELLI, Mr. ROCKEFELLER, and Mr. WYDEN):

S. 2654. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today with Senator CRAIG THOMAS to introduce legislation that would exclude loan repayments made through the National Health Service Corps from taxable income. I am pleased that Senators CLELAND, SNOWE, JOHNSON, GORDON SMITH, LANDRIEU, HAGEL, CONRAD, ROBERTS, DURBIN, TORRICELLI, ROCKEFELLER, and WYDEN are also cosponsoring this important legislation.

There have been many developments in the area of health care in the last few years from managed care reform, to increases in biomedical research, the mapping of the human genome, and the use of exciting new technologies in both rural and urban areas such as telemedicine. In fact, it seems that almost every day we hear of astounding new scientific breakthroughs. But unfortunately, while we are making great strides in the quality of health care, we are losing ground on the access to health care for so many.

The sad truth is that there are currently 38.7 million Americans without health insurance coverage, 9.2 million of whom are children. In Washington, 13.3 percent of the population, and 155,000 children, lacks health insurance. Many of the 42.6 million uninsured Americans are lower-income workers who do not have employer-sponsored coverage for themselves, but earn too much to be eligible for public programs like Medicaid and the State Children's Health Insurance Program.

Access to health insurance for the uninsured is of the utmost importance, we know that at the very least, health insurance means the difference between timely and delayed treatment and at worst between life and death. In fact, the uninsured are four times as likely as the insured to delay or forego needed care, and uninsured children are six times as likely as insured children to go without needed medical care.

But even insurance isn't enough if there are no available providers. Hospitals and other health care providers across the country are facing an increasingly uncertain future. The sad truth is that it is increasingly more difficult to recruit health care providers to work with underserved communities, especially in rural areas. In addition to economic pressures, rural areas must overcome the environmental issues involved with recruiting a doctor who may have been raised, educated, and trained in an urban setting.

The National Health Service Corps was created in 1970 by Senator Warren Magnuson, one of the most distinguished Senators to come from Washington State. He saw the need to put primary care clinicians in rural communities and inner-city neighborhoods, and developed this program to fill that need.

Since then, the Corps has placed over 22,000 health professionals in rural or urban health professions shortage areas. There is no doubt that National Health Service Corps has been extremely successful. In fact, the most recent available data show that more than 70 percent of providers continued to provide services to underserved communities after their Corps obligation was fulfilled, 80 percent of these health care providers stayed in the community in which they had originally been placed.

Under current law, the National Health Service Corps provides scholarships, loan-repayments, and stipends for clinicians who agree to serve in urban and rural communities with severe shortages of health care providers. In 1986 the IRS ruled that all payments made under the program are considered taxable income. Understanding the immediate detriment to scholarship recipients, who were forced to pay the tax out of their own pockets, Congress eliminated the scholarship tax in 2001. And while the scholarship program is now not considered taxable income to the IRS, the loan-repayments and stipends are.

By statute, the current loan program awards also include a tax assistance payment equal to 39 percent of the loan repayment amount, which is to be used by the recipient offset his or her tax liability resulting from the loan repayment "income." This means that nearly 40 percent of the federal loan repayment budget goes to pay taxes on the loan repayment "income" alone. If these federal payments were not taxed, and the funding was freed up, more health professions students could take advantage of the loan repayment program, and could be placed in shortage areas, thereby increasing access to health care in both urban and rural areas.

This is not a new problem. The tax burden that accompanies the National Health Service Corps loan payments is a significant deterrent to increasing the number of clinicians enrolling in the Corps. I do not want to see a situation where, as happened several years ago, over 300 applicants actually left underserved areas because the Corps could not fully fund the loan repayment program.

The legislation we are introducing today, the National Health Service Corps Loan Repayment Act, would address this disincentive, making the Corps available to more medical and health professionals, and thereby bringing more providers into underserved areas. If loan repayments are excluded from taxation, the National Health Service Corps will have greater resources to provide aid to health professionals seeking loan repayment, and will be able to increase the number of providers in underserved areas.

There is no doubt that strengthening the National Health Service Corps is a "win-win" situation. Corps scholarships help finance education for future primary care providers interested in serving the underserved. In return, graduates serve those communities where the need for primary health care is greatest.

This bill is supported by over 20 national organizations including the National Rural Health Association, the National Association of Community Health Centers, the Association of American Medical Colleges, and the

American Medical Student Association. I am especially pleased that the Washington State Medical Association is supporting this bill. I ask unanimous consent that the complete list be included in the RECORD after my statement.

I urge my colleagues to look at this bill and to join me in expanding this vitally important and imminently successful program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT ACT ENDORSEMENTS

American Academy of Nurse Practitioners.
American Academy of Pediatric Dentistry.
American Academy of Physician Assistants.
American Association of Colleges of Osteopathic Medicine.
American Association of Colleges of Pharmacy.
American Association for Dental Research.
American College of Nurse-Midwives.
American College of Nurse Practitioners.
American College of Osteopathic Family Physicians.
American Counseling Association.
American Dental Association.
American Dental Education Association.
American Medical Student Association.
American Optometric Association.
American Organization of Nurse Executives.
American Osteopathic Association.
American Psychological Association.
American Student Dental Association.
Association of Academic Health Centers.
Association of American Medical Colleges.
Association of Clinicians for the Underserved.
Association of Schools and Colleges of Optometry.
National Association of Community Health Centers.
National Association of Graduate-Professional Students.
National Rural Health Association.
Washington State Medical Association.

Mr. THOMAS. I am pleased to rise today to introduce the National Health Service Corps Loan Repayment Act of 2002 with my colleague from Washington, Ms. CANTWELL. Specifically, this legislation will exclude loan repayments made through the National Health Service Corps (NHSC) program from taxable income. Enactment of the National Health Service Corps Loan Repayment Act of 2002 would increase the amount of federal dollars available so more students could participate in the NHSC program.

Under current law, the NHSC provides scholarships, loan-repayments, and stipends for clinicians who agree to serve in national designated underserved urban and rural communities. The tax law changes in 1986 resulted in the IRS ruling that all NHSC payments were taxable. Congress eliminated the tax on the scholarship in 2001, but the loan-repayments and stipends continue to be taxed.

To assist loan repayment recipients with their tax burden, the NHSC loan program includes an additional payment equal to 39 percent of the loan repayment amount so the loan repayment recipient can pay his or her taxes. Close to 40 percent of the NHSC Federal loan repayment budget goes to pay taxes on the loan repayment "income." The current situation should not be allowed to continue. Given the fiscal restraints we are facing, we must ensure that federal dollars are spent efficiently and effectively. It is obvious that today's NHSC loan repayment structure does not meet that goal. Our legislation resolves this issue.

For over 30 years, the National Health Service Corps (NHSC) program has literally been a lifeline for many underserved communities across the country that otherwise would not have a health care provider. I know this program is critically important to my state of Wyoming and to many other rural states that has difficulties recruiting and retaining primary health care clinicians.

There are 2,800 Health Professional Shortage Areas, 740 Mental Health Shortage Areas and 1,200 Dental Health Shortage Areas now designated across the country. However, the NHSC program is meeting less than 13 percent of the current need for primary care providers and less than six percent of need for mental health and dental services. The National Health Service Corps Loan Repayment Act of 2002 would increase the number of students in the program and allow more provides to be placed in these shortage areas.

The National Health Service Corps Loan Repayment Act of 2002 is crucial to the future well being of many of our rural communities. I strongly urge all my colleagues to support this important legislation.

By Mr. ROCKEFELLER:

S. 2655. A bill to amend titles XVIII and XIX of the Social Security Act to improve access to long-term care services under the Medicare and Medicaid Programs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce "A First Step to Long-Term Care Act of 2002." This is a targeted long-term care package—a first step in the direction of long-term care reform. This legislation is about protecting assets, expanding home care, and modestly expanding Medicare to address the need for adult day health care.

Government coverage for nursing home care operates primarily, and most substantially, through the Medicaid program the safety net for the poor. Despite what many Americans believe or hope, Medicare is not designed or financed to cover long-term care needs. Medicare is, in fact, the universal health care program for the elderly, which covers all health care needs, save prescription drugs and long-term care.

Just this morning, I testified before the Senate Special Committee on Aging about the need to find real solutions to attack the issue of long-term care coverage. This legislation is a step in that direction.

Today, the home care benefit under Medicare offers skilled care and possibly home health aides on a part-time or intermittent basis. Beneficiaries also must be confined to the home, despite the fact that many could leave the home with assistance. "A First Step to Long-Term Care Reform" retains the requirement that leaving the home requires a considerable and taxing effort, but it obviates the difficult choice that patients face: either be imprisoned in their home or risk losing Medicare coverage.

We also need to begin to provide options to nursing home care under the Medicare benefit, such as the payment for adult day health care. This is something Senator SANTORUM has been working on as well. Doing so would provide a measure of respite and will reduce the bias towards institutionalizing those who can, with the right circumstances—stay at home.

Giving states relief from the mandate that they must pursue and sell-off the estates of Medicaid beneficiaries is another first step. In the short-term, we can provide states with the option of whether or not to do so. West Virginia is one State, in particular, which is seeking relief from this harsh and unnecessary mandate. I recognize Congressman NICK RAHALL, my good friend and colleague from West Virginia, for his leadership on this issue.

Mr. President, there are few issues that are as challenging as providing a solution for the long-term care problem, but we simply must have the courage to find solutions. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "A First Step to Long-Term Care Act of 2002".

SEC. 2. MAKING MEDICAID ESTATE RECOVERY OPTIONAL.

(a) IN GENERAL.—Section 1917(b)(1) of the Social Security Act (42 U.S.C. 1396p(b)(1)) is amended by striking "shall seek" each place it appears and inserting "may seek".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act. A State (as defined for purposes of title XIX of the Social Security Act) may apply such amendments to estates and sales occurring at such earlier date as the State may specify.

SEC. 3. COVERAGE OF SUBSTITUTE ADULT DAY CARE SERVICES UNDER THE MEDICARE PROGRAM.

(a) SUBSTITUTE ADULT DAY CARE SERVICES BENEFIT.—

(1) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended—

(A) in the matter preceding paragraph (1), by inserting "or (8)" after "paragraph (7)";

(B) in paragraph (6), by striking "and" at the end;

(C) in paragraph (7), by adding "and" at the end; and

(D) by inserting after paragraph (7), the following new paragraph:

"(8) substitute adult day care services (as defined in subsection (ww));".

(2) SUBSTITUTE ADULT DAY CARE SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Substitute Adult Day Care Services; Adult Day Care Facility

"(ww)(1)(A) The term 'substitute adult day care services' means the items and services described in subparagraph (B) that are furnished to an individual by an adult day care facility as a part of a plan under subsection (m) that substitutes such services for a portion of the items and services described in subparagraph (B)(i) furnished by a home health agency under the plan, as determined by the physician establishing the plan.

"(B) The items and services described in this subparagraph are the following items and services:

"(i) Items and services described in paragraphs (1) through (7) of subsection (m).

"(ii) Meals.

"(iii) A program of supervised activities designed to promote physical and mental health and furnished to the individual by the adult day care facility in a group setting for a period of not fewer than 4 and not greater than 12 hours per day.

"(iv) A medication management program (as defined in subparagraph (C)).

"(C) For purposes of subparagraph (B)(iv), the term 'medication management program' means a program of services, including medicine screening and patient and health care provider education programs, that provides services to minimize—

"(i) unnecessary or inappropriate use of prescription drugs; and

"(ii) adverse events due to unintended prescription drug-to-drug interactions.

"(2)(A) Except as provided in subparagraphs (B) and (C), the term 'adult day care facility' means a public agency or private organization, or a subdivision of such an agency or organization, that—

"(i) is engaged in providing skilled nursing services and other therapeutic services directly or under arrangement with a home health agency;

"(ii) meets such standards established by the Secretary to ensure quality of care and such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the facility;

"(iii) provides the items and services described in paragraph (1)(B); and

"(iv) meets the requirements of paragraphs (2) through (8) of subsection (o).

"(B) Notwithstanding subparagraph (A), the term 'adult day care facility' shall include a home health agency in which the items and services described in clauses (ii) through (iv) of paragraph (1)(B) are provided—

"(i) by an adult day-care program that is licensed or certified by a State, or accredited, to furnish such items and services in the State; and

"(ii) under arrangements with that program made by such agency.

"(C) The Secretary may waive the requirement of a surety bond under paragraph (7) of subsection (o) in the case of an agency or organization that provides a comparable surety bond under State law.

"(D) For purposes of payment for home health services consisting of substitute adult day care services furnished under this title, any reference to a home health agency is deemed to be a reference to an adult day care facility.".

(b) PAYMENT FOR SUBSTITUTE ADULT DAY CARE SERVICES.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

"(f) PAYMENT RATE FOR SUBSTITUTE ADULT DAY CARE SERVICES.—In the case of home health services consisting of substitute adult day care services (as defined in section 1861(ww)), the following rules apply:

"(1) The Secretary shall estimate the amount that would otherwise be payable under this section for all home health services under that plan of care other than substitute adult day care services for a period specified by the Secretary.

"(2) The total amount payable for home health services consisting of substitute adult day care services under such plan may not exceed 95 percent of the amount estimated to be payable under paragraph (1) furnished under the plan by a home health agency.".

(c) ADJUSTMENT IN CASE OF OVERUTILIZATION OF SUBSTITUTE ADULT DAY CARE SERVICES.—

(1) MONITORING EXPENDITURES.—Beginning with fiscal year 2004, the Secretary of Health and Human Services shall monitor the expenditures made under the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for home health services (as defined in section 1861(m) of such Act (42 U.S.C. 1395x(m))) for the fiscal year, including substitute adult day care services under paragraph (8) of such section (as added by subsection (a)), and shall compare such expenditures to expenditures that the Secretary estimates would have been made for home health services for that fiscal year if subsection (a) had not been enacted.

(2) REQUIRED REDUCTION IN PAYMENT RATE.—If the Secretary determines, after making the comparison under paragraph (1) and making such adjustments for changes in demographics and age of the Medicare beneficiary population as the Secretary determines appropriate, that expenditures for home health services under the Medicare Program, including such substitute adult day care services, exceed expenditures that would have been made under such program for home health services for a year if subsection (a) had not been enacted, then the Secretary shall adjust the rate of payment to adult day care facilities so that total expenditures for home health services under such program in a fiscal year does not exceed the Secretary's estimate of such expenditures if subsection (a) had not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2003.

SEC. 4. CLARIFICATION OF THE DEFINITION OF HOMEBOUND FOR PURPOSES OF DETERMINING ELIGIBILITY FOR HOME HEALTH SERVICES UNDER THE MEDICARE PROGRAM.

(a) CLARIFICATION.—Sections 1814(a) and 1835(a) of the Social Security Act (42 U.S.C. 1395f(a); 1395n(a)) are each amended by adding at the end the following: "Notwithstanding the preceding sentences, in the case of an individual that requires technological assistance or the assistance of another individual to leave the home, the Secretary may not disqualify such individual from being considered to be 'confined to his home' based on the frequency or duration of the absences from the home.".

(b) TECHNICAL AMENDMENTS.—(1) Sections 1814(a) and 1835(a) of the Social Security Act (42 U.S.C. 1395f(a); 1395n(a)) are each amended in the sixth sentence by striking "leave home," and inserting "leave home and".

(2) Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)), as amended by subsection (a), is amended by moving the seventh sentence, as added by section 322(a)(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (appendix F, 114 Stat. 2763A–501), as enacted into law by section 1(a)(6) of Public Law 106-554, to the end of that section.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the date of enactment of this Act.

By Ms. SNOWE:

S. 2656. A bill to require the Secretary of Transportation to develop and implement plan to provide security for cargo entering the United States or being transported in intrastate or interstate commerce; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation aimed at closing the dangerous cargo security loophole in our Nation's aviation security network.

Last year, with the passage of the Aviation and Security Act of 2001, we reinvented aviation security. We overturned the status quo, and I am proud of the work we did. We put the Federal Government in charge of security and we have made significant strides toward restoring the confidence of the American people that it is safe to fly.

We no longer have a system in which the financial "bottom line" interferes with protecting the flying public. We also addressed the gamut of critical issues, including baggage screening, additional air marshals, cockpit security, and numerous other issues.

But there is more work to be done. We must not lose focus. If we are to fully confront the aviation security challenges we face in the aftermath of September 11, we must remain aggressive. We need a "must-do" attitude, not excuses about what "can't be done", because we are only as safe as the weakest link in our aviation security system.

I believe one of the most troubling shortcomings, which persists to this day, is the lax cargo security infrastructure. The Department of Transportation Inspector General will warn in a soon-to-be-released report that the existing system is "easily circumvented." This must not be allowed to stand.

Moreover, according to a June 10 Washington Post report, internal Transportation Security Administration documents warn of an increased risk of an attack designed to exploit this vulnerability because TSA has been focused primarily on meeting its new mandates to screen passengers and luggage.

This is clear evidence that cargo security needs to be bolstered. And time is not on our side. We must act now. The legislation I am introducing today is designed to tackle this issue by directing the Transportation Security Administration to submit a detailed cargo security plan to Congress that will address the shortcomings in the current system.

And while the TSA is designing and implementing this plan, my bill would require interim security measures to be put in place immediately. The interim security plan would include random screening of at least 5 percent of all cargo, an authentication policy designed to ensure that terrorists are not able to impersonate legitimate shippers, audits of each phase of the shipping process in order to police compliance, training and background checks for cargo handlers. and funding for screening and detection equipment.

On September 11, terrorists exposed the vulnerability of our commercial aviation network in the most horrific fashion. The Aviation and Transportation Security Act of 2001 was a major step in the right direction, but we must always stay one step ahead of those who would commit vicious acts of violence on our soil aimed at innocent men, women, and children.

This bill is designed to build on the foundation we set last year. I urge my colleagues to join me in addressing this critical matter.

By Mr. DEWINE:

S. 2659. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify the standard of proof for issuance of orders regarding non-United States persons from probable cause to reasonable suspicion; to the Select Committee on Intelligence.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF BURDEN OF PROOF FOR ISSUANCE OF ORDERS ON NON-UNITED STATES PERSONS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) ORDERS OF ELECTRONIC SURVEILLANCE.—Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) on the basis of facts submitted by the applicant—

"(A) in the case of a target of electronic surveillance that is a United States person, there is probable cause to believe that—

"(i) the target is a foreign power or an agent of a foreign power, provided that no United States person may be considered a foreign power or an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States; and

"(ii) each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power; or

"(B) in the case of a target of electronic surveillance that is a non-United States person, there is reasonable suspicion to believe that—

"(i) the target is a foreign power or an agent of a foreign power; and

"(ii) each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power;";

(2) in subsection (b), by inserting "or reasonable suspicion" after "probable cause"; and

(3) in subsection (e)(2), by inserting ", or reasonable suspicion in the case of a non-United States person," after "probable cause".

(b) PHYSICAL SEARCHES.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

"(3) on the basis of facts submitted by the applicant—

"(A) in the case of a target of a physical search that is a United States person, there is probable cause to believe that—

"(i) the target is a foreign power or an agent of a foreign power, except that no United States person may be considered a foreign power or an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States; and

"(ii) the premises or property to be searched is owned, used, possessed by, or is in transit to or from an agent of a foreign power or foreign power; or

"(B) in the case of a target of a physical search that is a non-United States person, there is reasonable suspicion to believe that—

"(i) the target is a foreign power or an agent of a foreign power; and

"(ii) the premises or property to be searched is owned, used, possessed by, or is in transit to or from an agent of a foreign power or foreign power;";

(2) in subsection (b), by inserting "or reasonable suspicion" after "probable cause"; and

(3) in subsection (d)(2), by inserting ", or reasonable suspicion in the case of a non-United States person," after "probable cause".

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 2660. A bill to amend the Richard B. Russell National School Lunch Act to increase the number of children participating in the summer food service program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LUGAR. Mr. President, I rise today to introduce legislation to amend the Richard B. Russell National School Lunch Act that will streamline, nationwide, management of the Summer Food Service Program. The proposed administrative changes are expected to increase the number of local organizations stepping forward to sponsor a summer feeding program in their communities and, thus, serve many more children in poor neighborhoods.

Children in low-income communities are eligible to receive free or reduced price meals during the school year through the National School Lunch and Breakfast Programs. During the 2000–2001 school year, 15.3 million children received such assistance. But, unless children attend school during the summer, access to meals through these programs ends.

The Summer Food Service Program, which is administered at the federal level by USDA, helps to fill the resulting hunger gap and helps children get the nutrition they need to learn, play and grow throughout the summer months. This is an entitlement program which funds the meal and snack service provided by the sponsors of diverse, summer activity programs.

Although the Summer Food Service Program is the largest Federal resource used to feed children during the summer months, we know that there is substantial unmet need. Among the more than 15 million children getting free and reduced-price meals during the school year, only about 20 percent of these three million children received free meals during the summer months.

State administering agencies report that a major obstacle to serving more low-income children is the relatively small and static number of local organizations serving as program sponsors or meal providers. During the last several years, the total number of Summer Food Service Program sponsors across the country ranged between 28,000 and a little over 31,000.

Two important factors contribute to this situation. Many schools and summer recreation programs remain unaware that federal funding is available to provide free meals and snacks to needy children. Others find the requirements for budget and cost reporting, which are different from those used in the School Lunch and Breakfast Programs, to be unusually complex and burdensome.

The administrative obstacles are both familiar to the Congress and one we have taken an initial step to address. In early fiscal year 2001, I authored a provision of the Consolidated Appropriations Act that authorizes a pilot to try out simpler accounting and reimbursement procedures. The pilot replaces a sponsor's usual obligation to provide detailed and separate documentation of actual administrative and operating costs up to specified limits. In practice, this documentation has little effect, since a large majority of sponsors qualify for the maximum reimbursement. In the pilot states, sponsors report the number of meals and are reimbursed at a flat rate of $2.50 per meal. This allows sponsors in the 13 pilot States to combine both cost categories and follow procedure used in the school meals programs for reimbursement.

Although the pilot test is not over, the initial results are positive. The Food Research Acton Center released findings today in their annual summer nutrition status report, Hunger Does Not Take a Vacation. The number of sponsors increased by eight percent in the pilot areas compared to one percent across all other states. Most important, children's participation in the Summer Food Service Program increase by 8.9 percent across the pilot States. This contrasts with a 3.3 percent decline for the rest of the nation.

USDA's Secretary Veneman and Under Secretary Bost used their authority to facilitate sponsorship and announced, last March, that all states may seek waivers to adopt more streamlined administrative procedures.

I think it is now time for Congress to step up and take action to further improve the capacity of the Summer Food Service Program. I am introducing a new bill, along with Senator HARKIN, the Chairman of the Agriculture Committee. Our proposed legislation makes the procedural simplifications in the pilot a part of the Program's regular operating rules. This eliminates the need for waiver requests and waiver approval.

If we are truly committed to the principle that no child will be left behind, this is a small step that can make a large difference in encouraging local organizations to sponsor a summer feeding program and in meeting the nutrition needs of low-income children.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) FOOD SERVICE.—Section 13(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)) is amended by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) PRIVATE NONPROFIT ORGANIZATIONS.—Subject to subparagraphs (B) and (C), payments to a private nonprofit organization described in subsection (a)(7) shall be equal to the full cost of food service operations (which cost shall include the costs of obtaining, preparing, and serving food, but shall not include administrative costs).

"(ii) SERVICE INSTITUTIONS.—Payments to a service institution shall be equal to the maximum amounts for food service under subparagraphs (B) and (C).".

(b) ADMINISTRATIVE COSTS.—Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended by striking paragraph (3) and inserting the following:

"(3) ADMINISTRATIVE COSTS.—

"(A) PRIVATE NONPROFIT INSTITUTIONS.—

"(i) BUDGET.—A private nonprofit organization described in subsection (a)(7), when applying for participation in the program, shall submit a complete budget for administrative costs related to the program, which shall be subject to approval by the State.

"(ii) AMOUNT.—Payment to a private nonprofit organization described in subsection (a)(7) for administrative costs shall be equal to the full amount of State-approved administrative costs incurred, except that the payment to the service institution may not exceed the maximum allowable levels determined by the Secretary under the study required under paragraph (4).

"(B) SERVICE INSTITUTIONS.—Payment to a service institution for administrative costs shall be equal to the maximum allowable levels determined by the Secretary under the study required under paragraph (4).".

(c) CONFORMING AMENDMENTS.—

(1) Section 13(a)(7)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)(7)(A)) is amended—

(A) by striking "Private" and inserting "Subject to paragraphs (1) and (3) of subsection (b), private"; and

(B) by striking "other service institutions" and inserting "service institutions".

(2) Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (f).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on October 1, 2003.

(2) SUMMER FOOD PILOT PROJECTS.—The amendment made by subsection (c)(2) takes effect on May 1, 2004.

By Mr. DEWINE:

S. 2661. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Voyeurism Act of 2002".

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—PRIVACY

"Sec.
"1801. Video voyeurism.

"§ 1801. Video voyeurism

"(a) Whoever, except as provided in subsection (b), in the special maritime and territorial jurisdiction of the United States, videotapes, photographs, films, or records by any electronic means, any nonconsenting person, in circumstances in which that person has a reasonable expectation of privacy—

"(1) if that person is totally nude, clad in undergarments, or in a state of undress that exposes the genitals, pubic area, buttocks, or female breast; or

"(2) under that person's clothing so as to expose the genitals, pubic area, buttocks, or female breast;

shall be fined under this title or imprisoned not more than one year, or both.

"(b) Subsection (a) does not apply to conduct—

"(1) of law enforcement officers pursuant to a criminal investigation which is otherwise lawful; or

"(2) of correctional officials for security purposes or for investigations of alleged misconduct involving a person committed to their custody.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

"88. Privacy .... **1801".**

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, and Mr. ALLEN):

S. 2662. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

TEACHER TAX RELIEF ACT OF 2002

Ms. COLLINS. Mr. President, I am pleased today to rise to introduce the Teacher Tax Relief Act 2002.

I am joined with my colleagues, Senator WARNER, Senator LANDRIEU, and Senator ALLEN in introducing this legislation to help our teachers who selflessly reach deep into their own pockets to purchase supplies for their classrooms or to engage in professional development.

Senators WARNER, LANDRIEU, and I have long led the effort to recognize the invaluable services that teachers provide each and every day to our children and to our communities. We were very pleased when earlier this year the economic recovery package included our provision to create an above-the-line deduction for teachers who purchase classroom supplies.

This tax relief is significant in that it recognizes for the first time the extra mile that our dedicated teachers go in order to improve the classroom experience for their students.

Today, we introduce legislation that builds upon the relief enacted earlier this year. Our bill would double the amount that a teacher can deduct—from $250 to $500—and includes professional development expenses in the deduction. Our bill would also make this modest tax relief permanent whereas the provision in the economic stimulus package is scheduled to sunset in 2 years.

While our bill provides financial assistance to educators, its ultimate beneficiaries will be our students. Other than involved parents, a well-qualified teacher is the single most important prerequisite for student success. Educational researchers have demonstrated, time and again, the strong correlation between qualified teachers and successful students. Moreover, educators themselves understand just how important professional development is to maintaining and expanding their level of confidence.

When I meet with teachers from Maine, they repeatedly tell me of their desire and need for more professional development. But they also tell me that, unfortunately, school budgets are so tight that frequently the school districts cannot provide that assistance that a teacher needs in order to take that additional course or pursue that advanced degree. As President Bush aptly put it: "Teachers sometimes lead with their hearts and pay with their wallets."

A recent survey by the National Center for Education Statistics highlights the benefits of professional development. The survey found that most teachers who had participated in more than 8 hours of professional development during the previous year felt "very well prepared" in the area in which the instruction occurred. Obviously, teachers who are taking additional course work, and pursuing advanced degrees, become even more valuable in the classroom.

Increasing the deduction for teachers who buy classroom supplies is also a critical component of my legislation. So often teachers in Maine, and throughout the country, spend their own money to improve the classroom experiences of their students. While most of us are familiar with the National Education Association's estimate that teachers spend, on average, $400 a year on classroom supplies, a new survey demonstrates that they are spending even more than that. According to a recent report from Quality Education Data, the average teacher spends over $520 a year out of pocket on school supplies.

I have spoken to dozens of teachers in Maine who have told me of the books, rewards, supplies, and other materials they routinely purchase for their students.

Idella Harter, president of the Maine Education Association, is one such teacher. She told me of spending over $1,000 in 1 year, reaching deep into her pocket to buy materials, supplies, and other treats for her students. At the end of the year, she started to add up all of the receipts that she had saved, and she was startled to discover they exceeded $1,000. Idella told me, at that point she decided she better stop adding them up.

Debra Walker is another dedicated teacher in Maine who teaches kindergarten and first grade in Milo. She has taught for over 25 years. Year after year, she spends hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, tissue paper, stamps and ink pads. She even donated her own family computer for use by her class. She described it well by saying: "These are the extras that are needed to make learning fun for children and to create a stimulating learning environment."

Another example is Tyler Nutter, a middle school math and reading teacher from North Berwick. He is a new recruit to the teaching profession. After teaching for just 2 years, Tyler has incurred substantial "startup" fees as he builds his own collection of needed teaching supplies. In his first years on the job, he has spent well over $500 out of pocket each year, purchasing books and other materials that are essential to his teaching program.

Tyler tells me that he is still paying off the loans that he incurred at the University of Maine-Farmington. He has car payments and a wedding to pay for. He is saving for a house. And he someday hopes to get an advanced degree. Nevertheless, despite the relatively low pay he is receiving as a new teacher, he says: "You feel committed to getting your students what they need, even if it is coming out of your own pocket."

That is the kind of dedication that I see time and again in the teachers in Maine. I have visited almost 100 schools in Maine, and everywhere I go, I find teachers who are spending their own money to improve their professional qualifications and to improve the educational experiences of their students by supplementing classroom supplies.

The relief we passed overwhelmingly earlier this year was a step in the right direction. As Tyler told me, "It's a nice recognition of the contributions that many teachers have made." We are committed to building on this good work.

Again, I thank the senior Senator from Virginia, Mr. WARNER, for being a leader with me on this bill. We invite all of our colleagues to join us in recognizing our teachers for a job well done.

Mr. WARNER. Mr. President, I join my distinguished colleague from Maine. We have fought together for this measure for several years now. One of the great rewards has been an inducement for this Senator. The Senator just spoke of visiting 100 schools. I cannot claim 100, but it is growing in number. And what a joy it is.

For those of us who are privileged to serve in the Senate, and are successful in a piece of legislation, what a pleasure it is to go back and tell others, and thank them for their support which has enabled us to succeed.

The teachers associations have been instrumental in backing this. They even ran a little advertisement in the papers of Virginia thanking me, for which I really humbly am very deeply touched and grateful.

But Senators COLLINS, LANDRIEU, ALLEN, and I have worked closely for sometime now in support of legislation to provide our teachers with tax relief in recognition of the many out-of-pocket expenses they incur as a part of their duties.

It is not required by law. It is not required by regulation. It is not required by the principals or the school districts. They just do it out of the generosity of their own hearts and the love and affection they have for their students. What a lesson this has been to this Senator.

Earlier this year we were successful in providing much needed tax relief for our Nation's teachers with the passage of H.R. 3090, the Job Creation and Worker Assistance Act of 2002.

This legislation, which was signed into law by President Bush early this year, included the Collins-Warner Teacher Tax Relief Act of 2001, providing a $250—which the Senator mentioned—above-the-line deduction for educators who incur out-of-pocket expenses for supplies they bring into the classroom to better the education of their students.

These important provisions will provide almost half a billion dollars' worth of tax relief to teachers all across America over the next 2 years.

While these provisions will provide substantial relief to America's teachers, our work is not yet complete.

It is now estimated that the average teacher spends $521 out of their own pocket each year on classroom materials—materials such as pens, pencils, and books. First year teachers spend even more, averaging $701 a year on classroom expenses.

Why do they do this? Simply because school budgets are not adequate to meet the costs of education. Our teachers dip into their own pocket to better the education of America's youth.

Moreover, in addition to spending substantial money on classroom supplies, many teachers spend even more money out of their own pocket on professional development. Such expenses include tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors.

The fact is that these out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Without a doubt the Teacher Tax Relief Act of 2001 took a step forward in helping to alleviate the nation's teacher shortage by providing a $250 above the line deduction for classroom expenses.

However, it is clear that our teachers are spending much more than $250 a year out of their own pocket to better the education of our children.

Accordingly, Senator COLLINS, Senator LANDRIEU, Senator ALLEN, and I have joined together to take another step forward by introducing the Teacher Tax Relief Act of 2002.

This legislation will build upon current law in three ways. The legislation will: increase the above-the-line deduction for educators from $250 allowed under current law to $500; allow educators to include professional development costs within that $500 deduction. Under current law, up to $250 is deductible but only for classroom expenses; and make the Teacher Tax relief provisions in the law permanent. Current law sunsets the Collins-Warner provisions after 2 years.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. And, in my view, the Federal Government should recognize the many sacrifices our teachers make in their career.

The Teacher Tax Relief Act of 2002 is another step forward in providing our educators with the recognition they deserve.

I thank my colleague from Maine for her work on this issue.

By Mr. BREAUX (for himself, Mr. GRASSLEY, and Mr. MCCAIN):

S. 2663. A bill to permit the designation of Israeli-Turkish qualifying industrial zones; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today, Senators BREAUX, MCCAIN, and I introduce the Turkish-Israeli Economic Enhancement Act of 2002.

This legislation will allow qualified products from Turkey to be eligible for duty-free entry into the United States under the Qualified Industrial Zone program. Congress first established the Qualified Industrial Zone program in 1996 to facilitate economic cooperation between Israel, Egypt and Jordan. The impetus behind this program was to help create the economic basis for sustained peace in the region. While peace still eludes us today, there is little doubt that the program has helped to foster greater economic cooperation in the region. Allowing Turkey to participate in the program will foster even greater economic growth and stability in the region.

The Israeli-Turkish Economic Enhancement Act would amend Section 9(e)(1) of the United States Israel Free Trade Area Implementation Act of 1985, as amended, the "FTA Act, by expanding the definition of "qualifying industrial zones" to include portions of the territory of Israel and Turkey. Under the FTA Act, the President may proclaim duty-free benefits for certain products produced within the qualifying industrial zones. The bill would allow the President to proclaim duty-free benefits for certain products, excluding certain import sensitive products, of qualifying industrial zones established jointly by Israel and Turkey. The bill would foster cooperation between Israel and Turkey and help promote economic growth, opportunity and development in Turkey, a vital security partner in NATO and a key ally in the war against terrorism.

I am committed to working with my colleagues and the President to enact the legislation as soon as practicable. Enabling Turkey to participate in the Qualified Industrial Zone program can help attract foreign investment to Turkey and build greater regional stability.

I understand that there is strong interest in supporting high-technology investment in Turkey. The investment potential for high technology products and services in Turkey has not gone unnoticed by major U.S. investors. Microsoft has installed a subsidiary in Istanbul responsible for sales and support to all of the Middle East, Central Asia and Northern Africa. By creating a qualified industrial zone, Turkey may be able to attract even more foreign investment in this important sector.

Turkey has been a staunch, longtime ally of the United States. American and Turkish troops fought together in Korea. Today we are fighting a different war on a different front in Afghanistan. But our friendship and joint commitment to freedom and democracy remains the same.

By enacting this legislation, the U.S. Congress can send a strong message to the people of Turkey that we appreciate and value their friendship and support and that we will continue to work with them to promote freedom and prosperity for all of our people.

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation with Senators BREAUX and GRASSLEY that would expand the U.S.-Israel Free Trade Agreement to recognize Turkey's critical role as a key American partner in the Middle East conflict, the war on terrorism, and the NATO alliance.

Turkey has a deepening strategic relationship with Israel, with which it has enjoyed military cooperation since 1994. It is a force for stability in the Eastern Mediterranean region. Today, it assumed command of the International Security Assistance Force, ISAF, in Afghanistan. It is one of our best NATO allies. Turkish troops have fought alongside U.S. forces from Korea to Kabul. Turkey's support was instrumental during the 1991 gulf war; it hosts operation Northern Watch, in which American and British aircraft patrol the no-fly zone over northern Iraq; and it will be central to any American military campaign against Iraq. As a Muslim nation and a secular democracy that has embraced modernity, Turkey puts to rest the myth that America's war on terror is a war on Islam.

Turkey's economy shrank by over 8 percent last year. Its ability to contribute to the war effort in Afghanistan and elsewhere faces serious economic constraints. Turkey has shown a strong commitment to economic reform and to working with the International Monetary Fund. A Qualified Industrial Zone for Turkey, under the U.S.-Israel Free Trade Agreement, would help Turkey attract foreign investment, diversify its exports, and boost trade. It would also help Israel and Turkey develop the economic dimension of their strong security relationship, which is unique in the region.

I know this issue is important to the administration and to the Governments of Turkey and Israel. I am sorry we were unable to pass legislation authorizing a QIZ for Turkey as part of the TPA package last month. I am confident that the measure we have introduced today will enjoy wide bipartisan support and will make a tangible, substantive contribution to Israeli-Turkish cooperation and to American interests in the region.

By Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire):

S. 2664. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes; to the Committee on Environmental and Public Works.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Responder Terrorism Preparedness Act of 2002".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government must enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(2) as a result of the events of September 11, 2001, it is necessary to clarify and consolidate the authority of the Federal Emergency Management Agency to support first responders.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish within the Federal Emergency Management Agency the Office of National Preparedness;

(2) to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(3) to address issues relating to urban search and rescue task forces.

SEC. 3. DEFINITIONS.

(a) MAJOR DISASTER.—Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended by inserting "incident of terrorism," after "drought),".

(b) WEAPON OF MASS DESTRUCTION.—Section 602(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(a)) is amended by adding at the end the following:

"(11) WEAPON OF MASS DESTRUCTION.—The term 'weapon of mass destruction' has the meaning given the term in section 2302 of title 50, United States Code.".

SEC. 4. ESTABLISHMENT OF OFFICE OF NATIONAL PREPAREDNESS.

Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended by adding at the end the following:

"SEC. 616. OFFICE OF NATIONAL PREPAREDNESS.

"(a) IN GENERAL.—There is established in the Federal Emergency Management Agency an office to be known as the 'Office of National Preparedness' (referred to in this section as the 'Office').

"(b) APPOINTMENT OF ASSOCIATE DIRECTOR.—

"(1) IN GENERAL.—The Office shall be headed by an Associate Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) COMPENSATION.—The Associate Director shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) DUTIES.—The Office shall—

"(1) lead a coordinated and integrated overall effort to build viable terrorism preparedness and response capability at all levels of government;

"(2) establish clearly defined standards and guidelines for Federal, State, tribal, and local government terrorism preparedness and response;

"(3) establish and coordinate an integrated capability for Federal, State, tribal, and local governments and emergency responders to plan for and address potential consequences of terrorism;

"(4) coordinate provision of Federal terrorism preparedness assistance to State, tribal, and local governments;

"(5) establish standards for a national, interoperable emergency communications and warning system;

"(6) establish standards for training of first responders (as defined in section 630(a)), and for equipment to be used by first responders, to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

"(7) carry out such other related activities as are approved by the Director.

"(d) DESIGNATION OF REGIONAL CONTACTS.—The Associate Director shall designate an officer or employee of the Federal Emergency Management Agency in each of the 10 regions of the Agency to serve as the Office contact for the States in that region.

"(e) USE OF EXISTING RESOURCES.—In carrying out this section, the Associate Director shall—

"(1) to the maximum extent practicable, use existing resources, including planning documents, equipment lists, and program inventories; and

"(2) consult with and use—

"(A) existing Federal interagency boards and committees;

"(B) existing government agencies; and

"(C) nongovernmental organizations.".

SEC. 5. PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.

(a) IN GENERAL.—Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) is amended by adding at the end the following:

"SEC. 630. PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director of the Federal Emergency Management Agency, acting through the Office of National Preparedness established by section 616.

"(2) FIRST RESPONDER.—The term 'first responder' means—

"(A) fire, emergency medical service, and law enforcement personnel; and

"(B) such other personnel as are identified by the Director.

"(3) LOCAL ENTITY.—The term 'local entity' has the meaning given the term by regulation promulgated by the Director.

"(4) PROGRAM.—The term 'program' means the program established under subsection (b).

"(b) PROGRAM TO PROVIDE ASSISTANCE.—

"(1) IN GENERAL.—The Director shall establish a program to provide assistance to States to enhance the ability of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction.

"(2) FEDERAL SHARE.—The Federal share of the costs eligible to be paid using assistance provided under the program shall be not less than 75 percent, as determined by the Director.

"(3) FORMS OF ASSISTANCE.—Assistance provided under paragraph (1) may consist of—

"(A) grants; and

"(B) such other forms of assistance as the Director determines to be appropriate.

"(c) USES OF ASSISTANCE.—Assistance provided under subsection (b)—

"(1) shall be used—

"(A) to purchase, to the maximum extent practicable, interoperable equipment that is necessary to respond to incidents of terrorism, including incidents involving weapons of mass destruction;

"(B) to train first responders, consistent with guidelines and standards developed by the Director;

"(C) in consultation with the Director, to develop, construct, or upgrade terrorism preparedness training facilities;

"(D) to develop, construct, or upgrade emergency operating centers;

"(E) to develop preparedness and response plans consistent with Federal, State, and local strategies, as determined by the Director;

"(F) to provide systems and equipment to meet communication needs, such as emergency notification systems, interoperable equipment, and secure communication equipment;

"(G) to conduct exercises; and

"(H) to carry out such other related activities as are approved by the Director; and

"(2) shall not be used to provide compensation to first responders (including payment for overtime).

"(d) ALLOCATION OF FUNDS.—For each fiscal year, in providing assistance under subsection (b), the Director shall make available—

"(1) to each of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, $3,000,000; and

"(2) to each State (other than a State specified in paragraph (1))—

"(A) a base amount of $15,000,000; and

"(B) a percentage of the total remaining funds made available for the fiscal year based on criteria established by the Director, such as—

"(i) population;

"(ii) location of vital infrastructure, including—

"(I) military installations;

"(II) public buildings (as defined in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612));

"(III) nuclear power plants;

"(IV) chemical plants; and

"(V) national landmarks; and

"(iii) proximity to international borders.

"(e) PROVISION OF FUNDS TO LOCAL GOVERNMENTS AND LOCAL ENTITIES.—For each fiscal year, not less than 75 percent of the assistance provided to each State under this section shall be provided to local governments and local entities within the State.

"(f) ADMINISTRATIVE EXPENSES.—

"(1) DIRECTOR.—For each fiscal year, the Director may use to pay salaries and other administrative expenses incurred in administering the program not more than the lesser of—

"(A) 5 percent of the funds made available to carry out this section for the fiscal year; or

"(B)(i) for fiscal year 2003, $75,000,000; and

"(ii) for each of fiscal years 2004 through 2006, $50,000,000.

"(2) RECIPIENTS OF ASSISTANCE.—For each fiscal year, not more than 10 percent of the funds retained by a State after application of subsection (e) may be used to pay salaries and other administrative expenses incurred in administering the program.

"(g) MAINTENANCE OF EXPENDITURES.—The Director may provide assistance to a State under this section only if the State agrees to maintain, and to ensure that each local government that receives funds from the State in accordance with subsection (e) maintains, for the fiscal year for which the assistance is provided, the aggregate expenditures by the State or the local government, respectively, for the uses described in subsection (c)(1) at a level that is at or above the average annual level of those expenditures by the State or local government, respectively, for the 2 fiscal years preceding the fiscal year for which the assistance is provided.

"(h) REPORTS.—

"(1) ANNUAL REPORT TO THE DIRECTOR.—As a condition of receipt of assistance under this section for a fiscal year, a State shall submit to the Director, not later than 60 days after the end of the fiscal year, a report on the use of the assistance in the fiscal year.

"(2) EXERCISE AND REPORT TO CONGRESS.—As a condition of receipt of assistance under this section, not later than 3 years after the date of enactment of this section, a State shall—

"(A) conduct an exercise, or participate in a regional exercise, approved by the Director, to measure the progress of the State in enhancing the ability of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

"(B) submit a report on the results of the exercise to—

"(i) the Committee on Environment and Public Works and the Committee on Appropriations of the Senate; and

"(ii) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

"(i) COORDINATION.—

"(1) WITH FEDERAL AGENCIES.—The Director shall, as necessary, coordinate the provision of assistance under this section with activities carried out by—

"(A) the Administrator of the United States Fire Administration in connection with the implementation by the Administrator of the assistance to firefighters grant program established under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) (as added by section 1701(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654, 1654A–360)); and

"(B) other appropriate Federal agencies.

"(2) WITH INDIAN TRIBES.—In providing and using assistance under this section, the Director and the States shall, as appropriate, coordinate with—

"(A) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and other tribal organizations; and

"(B) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) and other Alaska Native organizations.".

(b) COST SHARING FOR EMERGENCY OPERATING CENTERS.—Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) is amended—

(1) by inserting "(other than section 630)" after "carry out this title"; and

(2) by inserting "(other than section 630)" after "under this title".

SEC. 6. URBAN SEARCH AND RESCUE TASK FORCES.

Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) (as amended by section 5) is amended by adding at the end the following:

"SEC. 631. URBAN SEARCH AND RESCUE TASK FORCES.

"(a) DEFINITIONS.—In this section:

"(1) URBAN SEARCH AND RESCUE EQUIPMENT.—The term 'urban search and rescue equipment' means any equipment that the Director determines to be necessary to respond to a major disaster or emergency declared by the President under this Act.

"(2) URBAN SEARCH AND RESCUE TASK FORCE.—The term 'urban search and rescue task force' means any of the 28 urban search and rescue task forces designated by the Director as of the date of enactment of this section.

"(b) ASSISTANCE.—

"(1) MANDATORY GRANTS FOR COSTS OF OPERATIONS.—For each fiscal year, of the amounts made available to carry out this section, the Director shall provide to each urban search and rescue task force a grant of not less than $1,500,000 to pay the costs of operations of the urban search and rescue task force (including costs of basic urban search and rescue equipment).

"(2) DISCRETIONARY GRANTS.—The Director may provide to any urban search and rescue task force a grant, in such amount as the Director determines to be appropriate, to pay the costs of—

"(A) operations in excess of the funds provided under paragraph (1);

"(B) urban search and rescue equipment;

"(C) equipment necessary for an urban search and rescue task force to operate in an environment contaminated or otherwise affected by a weapon of mass destruction;

"(D) training, including training for operating in an environment described in subparagraph (C);

"(E) transportation;

"(F) expansion of the urban search and rescue task force; and

"(G) incident support teams, including costs of conducting appropriate evaluations of the readiness of the urban search and rescue task force.

"(3) PRIORITY FOR FUNDING.—The Director shall distribute funding under this subsection so as to ensure that each urban search and rescue task force has the capacity to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.

"(c) GRANT REQUIREMENTS.—The Director shall establish such requirements as are necessary to provide grants under this section.

"(d) ESTABLISHMENT OF ADDITIONAL URBAN SEARCH AND RESCUE TASK FORCES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director may establish urban search and rescue task forces in addition to the 28 urban search and rescue task forces in existence on the date of enactment of this section.

"(2) REQUIREMENT OF FULL FUNDING OF EXISTING URBAN SEARCH AND RESCUE TASK FORCES.—Except in the case of an urban search and rescue task force designated to replace any urban search and rescue task force that withdraws or is otherwise no longer considered to be an urban search and rescue task force designated by the Director, no additional urban search and rescue task forces may be designated or funded until the 28 urban search and rescue task forces are able to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 626 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197e) is amended by striking subsection (a) and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title (other than sections 630 and 631).

"(2) PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.—There are authorized to be appropriated to carry out section 630—

"(A) $3,340,000,000 for fiscal year 2003; and

"(B) $3,458,000,000 for each of fiscal years 2004 through 2006.

"(3) URBAN SEARCH AND RESCUE TASK FORCES.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out section 631—

"(i) $160,000,000 for fiscal year 2003; and

"(ii) $42,000,000 for each of fiscal years 2004 through 2006.

"(B) AVAILABILITY OF AMOUNTS.—Amounts made available under subparagraph (A) shall remain available until expended.".

By Mr. HUTCHINSON (for himself, Mr. HARKIN, and Mr. GREGG):

S. 2665. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Health, Education, Labor, and Pensions.

MR. HUTCHINSON. Mr. President, I am pleased today to introduce the Animal Drug User Fee Act of 2002, along with my distinguished colleagues Senator HARKIN, who is chairman of the Senate Agriculture Committee, and Senator GREGG, who is ranking member of the Senate Health, Education, Labor, and Pensions Committee. Modeled after the Prescription Drug User Fee Act, which has successfully reduced approval and review times by over half, the Animal Drug User Fee Act of 2002 would authorize the Food and Drug Administration to collect user fees from animal pharmaceutical manufacturers to increase the amount of resources devoted to reviewing new animal drug applications and investigational applications.

Right now, nearly 90 percent of new animal drug applications are overdue, many by over a year. These unprecedented delays in the review and approval process are both frustrating and problematic to the industry, veterinarians, as well as countless farmers who depend on cutting edge tools to combat and prevent animal disease and enhance the safety of our food supply.

Under the Animal Drug User Fee Act of 2002, user fees would be contingent upon the Food and Drug Administration's Center for Veterinary Medicine reducing its review times to a maximum of 180 days over a period of five years. The user fees generated by the Act would amount to $5 million in fiscal year 2003, $8 million in fiscal year 2004, and $10 million for each of the last three years, for a total of $43 million over 5 years. The Secretary may determine the user fee amount and grant waivers in cases where such fees would inhibit innovation or discourage the development of animal drug products for minor uses or minor species. Such user fees would be considered an addition to, not a replacement for, the annual appropriations amount designated for CVM through the annual appropriations process.

The Animal Drug User Fee Act of 2002 is supported by a broad range of pharmaceutical, livestock, and poultry producers, including the American Sheep Industry Foundation, the American Veterinary Medical Association, the Animal Health Institute, the National Cattlemen's Beef Association, the National Milk Producers Federation, the American Association of Equine Practitioners, the American Farm Bureau Federation, the National Pork Producers Association, and the National Turkey Federation.

This legislation will help address the inefficient review process at the Center for Veterinary Medicine and ensure that the veterinary and agriculture communities have access to new and innovative drug products to keep animals alive and healthy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Drug User Fee Act of 2002."

SECTION 2. FINDINGS.

The Congress finds as follows:

(1) Prompt approval of safe and effective new animal drugs is critical to the improvement of animal health and the public health;

(2) Animal health and the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of new animal drug applications; and

(3) The fees authorized by this title will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SECTION 3. FEES RELATING TO ANIMAL DRUGS.

Subchapter C of chapter VII of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following part:

"Part 3—Fees Relating To Animal Drugs

"SEC. 738. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term "animal drug application" means an application for approval of any new animal drug submitted under section 512(b)(1). Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application.

"(2) The term "supplemental animal drug application" means—

"(A) a request to the Secretary to approve a change in an animal drug application which has been approved; or

"(B) a request to the Secretary to approve a change to an application approved under section 512(c)(2) for which data with respect to safety or effectiveness are required.

"(3) The term "animal drug product" means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved.

"(4) The term "animal drug establishment" means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form.

"(5) The term "investigational animal drug submission" means—

"(A) the filing of a claim for an investigational exemption under section 512(j) for a new animal drug intended to be the subject of an animal drug application or a supplemental animal drug application, or

"(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of an animal drug application or supplemental animal drug application in the event of their filing.

"(6) The term "animal drug sponsor" means either an applicant named in an animal drug application, except for an approved application for which all subject products have been removed from listing under Section 510, or a person who has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive by the Secretary.

"(7) The term "final dosage form" means, with respect to an animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes animal drug products intended for mixing in animal feeds.

"(8) The term "process for the review of animal drug applications" means the following activities of the Secretary with respect to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions:

"(A) The activities necessary for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(B) The issuance of action letters which approve animal drug applications or supplemental animal drug applications or which set forth in detail the specific deficiencies in animal drug applications, supplemental animal drug applications, and investigational animal drug submissions and, where appropriate, the actions necessary to place such applications, supplements or submissions in condition for approval.

"(C) The inspection of animal drug establishments and other facilities undertaken as part of the Secretary's review of pending animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(D) Monitoring of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(E) The development of regulations and policy related to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(F) Development of standards for products subject to review.

"(G) Meetings between the agency and the animal drug sponsor.

"(H) Review of advertising and labeling prior to approval of an animal drug application or supplemental animal drug application, but not such activities after an animal drug has been approved.

"(9) The term "costs of resources allocated for the process for the review of animal drug applications" means the expenses incurred in connection with the process for the review of animal drug applications for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific animal drug applications, supplemental animal drug applications, or investigational animal drug submissions, and costs related to such officers, employees, committees, and contractors, including costs for travel, education, and recruitment and other personnel activities,

"(B) management of information, and the acquisition, maintenance, and repair of computer resources,

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies, and

"(D) collecting fees under section 739 and accounting for resources allocated for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(10) The term "adjustment factor" applicable to a fiscal year refers to the formula set forth in section 735(8) with the base or comparator year being 2002.

"(11) The term "affiliate" refers to the definition set forth in section 735(9).

"SEC. 739. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

"(a) TYPES OF FEES.—Beginning in fiscal year 2003, the Secretary shall assess and collect fees in accordance with this section as follows:

"(1) ANIMAL DRUG APPLICATION AND SUPPLEMENT FEE.—

"(A) IN GENERAL.—Each person that submits, on or after September 1, 2002, an animal drug application or a supplemental animal drug application shall be subject to a fee as follows:

"(i) A fee established in subsection (b) for an animal drug application; and

"(ii) A fee established in subsection (b) for a supplemental animal drug application for which safety or effectiveness data are required.

"(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the animal drug application or supplemental animal drug application.

"(C) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If an animal drug application or a supplemental animal drug application was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver or refund), the submission of an animal drug application or a supplemental animal drug application for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

"(D) REFUND OF FEE IF APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any animal drug application or supplemental animal drug application which is refused for filing.

"(E) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an animal drug application or a supplemental animal drug application is withdrawn after the application or supplement was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph B if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund the fee under this paragraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

"(2) ANIMAL DRUG PRODUCT FEE.—Each person—

"(A) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under Section 510, and

"(B) who, after September 1, 2002, had pending before the Secretary an animal drug application or supplemental animal drug application;

shall pay for each such animal drug product the annual fee established in subsection (b). Such fee shall be payable for the fiscal year in which the animal drug product is first submitted for listing under Section 510, or is submitted for relisting under section 510 if the animal drug product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each animal drug product for a fiscal year in which the fee is payable.

"(3) ANIMAL DRUG ESTABLISHMENT FEE.—Each person—

"(A) who owns or operates, directly or through an affiliate, an animal drug establishment, and

"(B) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under Section 510, and

"(C) who, after September 1, 2002, had pending before the Secretary an animal drug application or supplemental animal drug application,

shall be assessed an annual fee established in subsection (b) for each animal drug establishment listed in its approved animal drug application as an establishment that manufactures the animal drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the animal drug product named in the application is assessed a fee under paragraph (2) unless the animal drug establishment listed in the application does not engage in the manufacture of the animal drug product during the fiscal year. The fee shall be paid on or before January 31 of each year. The establishment shall be assessed only one fee per fiscal year under this section, provided, however, that where a single establishment manufactures both animal drug products and prescription drug products, as defined in section 735(3), such establishment shall be assessed both the animal drug establishment fee and the prescription drug establishment fee, as set forth in section 736(a)(2), within a single fiscal year.

"(4) ANIMAL DRUG SPONSOR FEE.—Each person—

"(A) who meets the definition of an animal drug sponsor within a fiscal year; and

"(B) who, after September 1, 2002, had pending before the Secretary an animal drug application, a supplemental animal drug application, or an investigational animal drug submission,

shall be assessed an annual fee established under subsection (b). The fee shall be paid on or before January 31 of each year. Each animal drug sponsor shall pay only one such fee each fiscal year.

"(b) FEE AMOUNTS.—Except as provided in subsection (a)(1) and subsections (c), (d), (f), and (g) below, the fees required under subsection (a) shall be determined and assessed as follows:

"(1) APPLICATION AND SUPPLEMENT FEES.—

"(A) The animal drug application fee under subsection (a)(1)(A)(i) shall be $35,750 in fiscal year 2003, $57,150 in fiscal year 2004, and $71,500 in fiscal years 2005, 2006, and 2007.

"(B) The supplemental animal drug application fee under subsection (a)(1)(A)(ii) shall be $17,850 in fiscal year 2003, $28,575 in fiscal year 2004, and $35,700 in fiscal years 2005, 2006, and 2007.

"(2) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (a)(2) shall be $1,250,000 in fiscal year 2003, $2,000,000 in fiscal year 2004, and $2,500,000 in fiscal years 2005, 2006, and 2007.

"(3) TOTAL FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (a)(3) shall be $1,250,000 in fiscal year 2003, $2,000,000 in fiscal year 2004, and $2,500,000 in fiscal years 2005, 2006, and 2007.

"(4) TOTAL FEE REVENUES FOR SPONSOR FEES.—The total fee revenues to be collected in sponsor fees under subsection (a)(4) shall be $1,250,000 in fiscal year 2003, $2,000,000 in fiscal year 2004, and $2,500,000 in fiscal years 2005, 2006, and 2007.

"(c) ADJUSTMENTS.—

"(1) INFLATION ADJUSTMENT.—The fees and total fee revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year according to the formula set forth in section 736(c)(1).

"(2) WORKLOAD ADJUSTMENT.—After the fee revenues are adjusted for inflation in accordance with subparagraph (1), the fee revenues shall be further adjusted each fiscal year after fiscal year 2003 to reflect changes in review workload. With respect to such adjustment:

"(A) This adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

"(B) Under no circumstances shall this workload adjustment result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (b), as adjusted for inflation under subparagraph (c)(1).

"(3) FINAL YEAR ADJUSTMENT.—For FY 2007, the Secretary may further increase the fees to provide for up to 3 months of operating reserves of carryover user fees for the process for the review of animal drug applications for the first three months of FY 2008. If the Food and Drug Administration has carryover balances for the process for the review of animal drug applications in excess of three months of such operating reserves, then this adjustment will not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for FY 2007.

"(4) ANNUAL FEE ADJUSTMENT.—Subject to the amount appropriated for a fiscal year under subsection (g), the Secretary shall, within 60 days after the end of each fiscal year beginning after September 30, 2002, adjust the fees established by the schedule in subsection (b) for the fiscal year in which the adjustment occurs so that the revenues collected from each of the categories of fees described in paragraphs (1), (2), (3), and (4) of subsection (b) shall be set to be equal to 25 percent of the total fees appropriated under subsection (g).

"(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of animal drug applications.

"(d) FEE WAIVER OR REDUCTION.—

"(1) IN GENERAL.—The Secretary shall grant a waiver from fees assessed under subsection (a) where the Secretary finds that—

"(A) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances,

"(B) the fees to be paid by such person will exceed the anticipated present and future costs incurred by the Secretary in conducting the process for the review of animal drug applications for such person,

"(C) the animal drug application is intended solely to provide for a minor use or minor species indication, or

"(D) the sponsor involved is a small business submitting its first animal drug application to the Secretary for review.

"(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(B), the Secretary may use standard costs.

"(3) RULES FOR SMALL BUSINESSES.—

"(A) DEFINITION.—In paragraph (1)(D), the term "small business" means an entity that has fewer than 500 employees, including employees of affiliates.

"(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(D) the application fee for the first animal drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay application fees for all subsequent animal drug applications and supplemental animal drug applications for which safety or effectiveness data are required in the same manner as an entity that does not qualify as a small business.

"(C) CERTIFICATION.—The Secretary shall require any person who applies for a waiver under paragraph (1)(D) to certify their qualification for the waiver. The Secretary shall periodically publish in the Federal Register a list of persons making such certifications.

"(e) EFFECT OF FAILURE TO PAY FEES.—An animal drug application or supplemental animal drug application submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational animal drug submission under section 738(5)(B) that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue review of any animal drug application, supplemental animal drug application or investigational animal drug submission from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

"(f) ASSESSMENT OF FEES.—

"(1) LIMITATION.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2002 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2002 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

"(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for animal drug applications, supplemental animal drug applications, investigational animal drug submissions, sponsors, animal drug establishments and animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

"(g) CREDITING AND AVAILABILITY OF FEES.—

"(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salary and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of animal drug applications.

"(2) COLLECTIONS AND APPROPRIATION ACTS.—

"(A) IN GENERAL.—The fees authorized by this section—

(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year, and

(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of animal drug applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2002 multiplied by the adjustment factor.

"(B) COMPLIANCE WITH REQUIREMENT.—The Food and Drug Administration will be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if—

"(i) the costs funded by appropriations and allocated for the process for the review of animal drug applications are not more than 3 percent below the level specified in (B)(i); or

"(ii) the costs funded by appropriations and allocated for the process for the review of animal drug applications are more than 3 percent below the level specified in (A)(ii), and fees assessed for a subsequent fiscal year are decreased by the amount in excess of 3 percent by which the costs funded by appropriations and allocated for the process for the review of animal drug applications fell below the level specified in (A)(ii), provided that the costs funded by appropriations and allocated for the process for the review of animal drug applications are not more than 5 percent below the level specified in (B)(i).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

"(A) $5,000,000 for fiscal year 2003,

"(B) $8,000,000 for fiscal year 2004,

"(C) $10,000,000 for fiscal year 2005,

"(D) $10,000,000 for fiscal year 2006, and

"(E) $ 10,000,000 for fiscal year 2007, as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees.

"(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriations Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

"(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

"(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.

"(j) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of animal drug applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.

SECTION 4. ANNUAL REPORTS.

(a) PERFORMANCE REPORT.—Beginning with fiscal year 2003, not later than 60 days after the end of each fiscal year during which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 2(3) of this Act toward expediting the animal drug development process and the review of the new and supplemental animal drug applications and investigational animal drug submissions during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(b) FISCAL REPORT.—Beginning with fiscal year 2003, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SECTION 5. SUNSET.

The amendments made by section 3 shall not be in effect after October 1, 2007 and section 4 shall not be in effect after 120 days after such date.

Mr. HARKIN. Mr. President, today I am pleased to join my distinguished colleagues, Senators HUTCHINSON, with whom I am pleased to work with on the Agriculture Committee and the Health, Education, Labor, and Pensions (HELP) Committee, and Senator GREGG, who is also a member of the HELP Committee, in introducing the Animal Drug User Fee Act of 2002. The Animal Drug User Fee Act would authorize the Food and Drug Administration, FDA, to collect user fees from animal drug manufacturers to support new animal drug applications and investigational applications. This important legislation is modeled after the successful Prescription Drug User Fees Act, which after a few years of implementation has reduced approval and review times by half.

The need for expedited review of animal drug applications is substantial. Nine out of ten new animal drug applications are overdue. Prompt approval of safe and effective animal drugs is critical to the improvement of not only animal health but public health as well. Our animal health professionals need the newest and most effective drugs to combat dangerous animal diseases.

Under the Animal Drug User Fee Act, the collection of user fees from animal drug manufacturers would be contingent on FDA's Center for Veterinary Medicine, CVM, reducing its review times to a maximum of 180 days over five years. The user fees generated by the Act would amount to $5 million in Fiscal Year 2003, $8 million in Fiscal Year 2004, and $10 million for each of the last three years, totaling $43 million over 5 years. The Secretary may determine the user fee amount and grant waivers in cases where such fees would inhibit innovation or discourage the development of animal drug products for minor uses or minor species. Such user fees would be considered an addition to, not a replacement for, the annual appropriations amount designated for CVM through the annual appropriations process.

This legislation enjoys broad support from pharmaceutical, livestock and poultry producers and from the American Veterinary Medical Association, the Animal Health Institute, the National Pork Producers Association, the National Turkey Federation, the National Cattlemen's Beef Association, the National Milk Producers Federation, and the American Farm Bureau Federation.

I urge my colleagues to support this important legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3917. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3918. Mr. KENNEDY (for himself, Mr. REED, Mr. AKAKA, Mr. FEINGOLD, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3919. Mr. THOMAS (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3920. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3921. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3922. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3923. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3924. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3925. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3926. Mr. WYDEN (for himself and Mr. Smith, of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3927. Mrs. MURRAY (for herself and Ms. Snowe) proposed an amendment to the bill S. 2514, supra.

SA 3928. Mrs. HUTCHISON (for herself, Mr. Bingaman, Mr. Lott, Mr. Stevens, Mr. Inouye, Mr. Bunning, Mrs. Feinstein, Mr. Craig, Ms. Collins, Mr. Shelby, Mr. Smith, of New Hampshire, Mr. Bond, Mr. Domenici, Mr. Bayh, Mr. Nelson, of Nebraska, Mr. Burns, and Ms. Snowe) submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3929. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3930. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3931. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3932. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3933. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3934. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3935. Mr. NELSON, of Florida (for himself and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3936. Mr. NELSON, of Florida (for himself and Mr. Roberts) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3937. Mr. NELSON, of Florida (for himself and Mr. Allard) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3938. Mr. LEVIN (for himself and Mr. Warner) proposed an amendment to the bill S. 2514, supra.

SA 3939. Mr. LEVIN (for himself and Mr. Warner) proposed an amendment to the bill S. 2514, supra.

SA 3940. Mr. LEVIN (for himself and Mr. Warner) proposed an amendment to the bill S. 2514, supra.

SA 3941. Mr. WARNER (for Mr. Sessions) proposed an amendment to the bill S. 2514, supra.

SA 3942. Mr. LEVIN (for Mr. Cleland) proposed an amendment to the bill S. 2514, supra.

SA 3943. Mr. WARNER (for Ms. Collins) proposed an amendment to the bill S. 2514, supra.

SA 3944. Mr. LEVIN (for Ms. Landrieu) proposed an amendment to the bill S. 2514, supra.

SA 3945. Mr. WARNER (for Mr. Grassley (for himself, Mr. Harkin, Mrs. Clinton, Mr. Schumer, Mr. Durbin, Mr. Fitzgerald, and Mrs. Lincoln)) proposed an amendment to the bill S. 2514, supra.

SA 3946. Mr. LEVIN (for Mr. Cleland (for himself and Mr. Hutchinson)) proposed an amendment to the bill S. 2514, supra.

SA 3947. Mr. LEVIN (for Mr. Cleland) proposed an amendment to the bill S. 2514, supra.

SA 3948. Mr. LEVIN (for Mr. Cleland) proposed an amendment to the bill S. 2514, supra.

SA 3949. Mr. LEVIN (for Mr. Cleland) proposed an amendment to the bill S. 2514, supra.

SA 3950. Mr. LEVIN (for Mr. Cleland) proposed an amendment to the bill S. 2514, supra.

SA 3951. Mr. LEVIN (for himself and Mr. Sessions) proposed an amendment to the bill S. 2514, supra.

TEXT OF AMENDMENTS

SA 3917. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, FORT HOOD, TEXAS.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Veterans Land Board of the State of Texas (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery for veterans.

(b) Reversionary Interest.—(1) If at the end of the five-year period beginning on the date of the conveyance authorized by subsection (a), the Secretary determines that the property conveyed under that subsection is not being used for the purpose specified in that subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3918. Mr. KENNEDY (for himself, Mr. Reed, Mr. Akaka, Mr. Feingold, and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—EQUAL COMPETITION IN CONTRACTING

SEC. 1301. RELATION TO DEPARTMENT EFFORTS TO ACHIEVE MOST EFFICIENT ORGANIZATION FOR PERFORMANCE OF COMMERCIAL OR INDUSTRIAL FUNCTIONS.

Nothing in this title is intended to limit the ability of Secretary of Defense or the Secretary of a military department to promote efficiencies in the civilian workforce of the Department of Defense through reductions in force, internal reorganization, or streamlining efforts.

SEC. 1302. REQUIRED COST SAVINGS LEVEL FOR CHANGE OF FUNCTION TO CONTRACTOR PERFORMANCE.

Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(5)(A) A commercial or industrial type function of the Department of Defense may not be changed to performance by the private sector unless, as a result of the cost comparison examination required under paragraph (3)(A) that meets the requirements of subparagraph (B), at least a 10-percent cost savings would be achieved by performance of the function by the private sector over the period of the contract.

"(B) The cost comparison examination required under paragraph (3)(A) shall employ the most efficient organization process, the framework for calculating the public sector price cost estimate, and the framework for calculating the evaluated price for private sector proposals to take into account costs such as contract administration costs, as described in Office of Management and Budget Circular A–76 or any successor regulation.

"(C) The cost savings requirement specified in subparagraph (A) does not apply to any contract for the following:

"(i) Special studies and analyses.

"(ii) Construction services.

"(iii) Architectural services.

"(iv) Engineering services.

"(v) Medical services.

"(vi) Scientific and technical services related to (but not in support of) research and development.

"(vii) Depot-level maintenance and repair services.

"(viii) Services performed for any laboratory that is owned or operated by the Department of Defense and is funded exclusively through working-capital funds.

"(ix) Services related to the design and installation of information technology (which does not include services related to the management, operation, and maintenance of information technology).

"(D) The Secretary of Defense may waive the cost savings requirement if—

"(i) the written waiver is prepared by the Secretary of Defense, or an Assistant Secretary of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

"(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a cost comparison examination.

"(E) A copy of the waiver under subparagraph (D) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

"(6) The reference to Office of Management and Budget Circular A–76 in paragraph (5)(B) does not require the use of the process described in that circular to perform the cost comparison required by this subsection.".

SEC. 1303. APPLICABILITY OF STUDY AND REPORTING REQUIREMENTS TO NEW COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS.

(a) NEW FUNCTIONS.—Section 2461(a) of title 10, United States Code, is amended—

(1) by striking "CHANGE IN PERFORMANCE.—" and inserting "CHANGE IN OR INITIATION OF PERFORMANCE.—(1)"; and

(2) by adding at the end the following new paragraphs:

"(2) In the case of a commercial or industrial type function of the Department of Defense not previously performed by Department of Defense civilian employees or a contractor, the performance of the function by a private sector source may not be initiated until—

"(A) the Secretary of Defense conducts a cost comparison examination that employs the most efficient organization process, the framework for calculating the public sector price cost estimate, and the framework for calculating the evaluated price for private sector proposals to take into account costs such as contract administration costs, as described in Office of Management and Budget Circular A–76 and its supplemental handbook, or any successor regulation and policy; and

"(B) a determination is made that performance of the function by the private sector source would be less costly over the period of the contract than performance by Department of Defense civilian employees during that same period.

"(3) This subsection does not apply to the following contracts:

"(A) A contract between the Department of Defense and a private sector source for work with a contract value of less than $1,000,000, for so long as the work was not divided, modified, or in any way changed for the purpose of avoiding the requirements of this section.

"(B) A contract for any of the following:

"(i) Special studies and analyses.

"(ii) Construction services.

"(iii) Architectural services.

"(iv) Engineering services.

"(v) Medical services.

"(vi) Scientific and technical services related to (but not in support of) research and development.

"(vii) Depot-level maintenance and repair services.

"(viii) Services performed for any laboratory that is owned or operated by the Department of Defense and is funded exclusively through working-capital funds.

"(ix) Services related to the design and installation of information technology (which does not include services related to the management, operation, and maintenance of information technology).

"(4) The Secretary of Defense may waive the applicability of this subsection if—

"(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secretary of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

"(B) the written waiver is accompanied by a detailed determination that—

"(i) there is no reasonable expectation that civilian employees would be selected to perform the function in a competition between public sector sources and private sector sources; or

"(ii) the immediate performance of the function by Department of Defense civilian employees or a contractor is so urgent that it overrides the compelling interest of subjecting new commercial or industrial type functions to public-private sector competition before converting the performance of those functions to private sector performance.

"(5) A copy of the waiver under paragraph (4) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

"(6) The reference to Office of Management and Budget Circular A–76 in paragraph (2)(A) does not require the use of the process described in that circular to perform the cost comparison required by this subsection.".

(b) MINIMAL LEVELS OF PUBLIC-PRIVATE COMPETITION FOR NEW WORK.—(1) Not less than the percentage specified in paragraph (2) of the total dollars expended during a specified fiscal year for the performance by contractors of commercial or industrial type functions of the Department of Defense not previously performed by Department of Defense civilian employees or the private sector (that are not otherwise exempt from comparison under section 2461 of title 10, United States Code) shall be expended for service contracts that are awarded after the completion of cost comparison examinations.

(2) The requirements of paragraph (1) apply as follows:

(A) Not less than 10 percent, for fiscal year 2004.

(B) Not less than 15 percent, for fiscal year 2005.

(C) Not less than 20 percent, for fiscal year 2006.

(3) The Secretary of Defense may waive the requirements of this subsection if—

(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secretary of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirements.

(4) A copy of the waiver under paragraph (2) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

(c) CLERICAL AMENDMENTS.—(1) The heading of such section 2461 is amended to read as follows:

"§ 2461. Commercial or industrial type functions: required studies and reports before conversion to, or initiation of, contractor or civilian employee performance".

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of title 10, United States Code, is amended to read as follows:

"2461. Commercial or industrial type functions: required studies and reports before conversion to, or initiation of, contractor or civilian employee performance.".

SEC. 1304. REPEAL OF WAIVER FOR SMALL FUNCTIONS.

Section 2461 of title 10, United States Code, is amended by striking subsection (d).

SEC. 1305. REQUIREMENT FOR EQUITY IN PUBLIC-PRIVATE COMPETITIONS.

Section 2461 of title 10, United States Code, is amended by inserting after subsection (c) the following new subsection:

"(d) EQUITY IN PUBLIC-PRIVATE COMPETITION.—(1)(A) For any fiscal year in which commercial or industrial type functions of the Department of Defense performed by Department of Defense civilian employees are studied for possible change to private sector performance, the Secretary of Defense shall ensure that approximately the same number of positions held by non-Federal employees under contracts with the Department of Defense, subject to completion of the terms of those contracts, are subjected to—

"(i) the same cost comparison examination described in subsection (b)(3) that employed the most efficient organization process, the framework for calculating the public sector price cost estimate, and the framework for calculating the evaluated price for private sector proposals to take into account costs such as contract administration costs, as described in Office of Management and Budget Circular A–76 or any successor regulation, and

"(ii) the requirement that no work may be changed to performance by the public sector unless at least a 10-percent cost savings would be achieved by performance of the function by the public sector over the term of the contract.

"(B) The cost savings requirement specified in subparagraph (A)(ii) does not apply to any contract for the following:

"(i) Special studies and analyses.

"(ii) Construction services.

"(iii) Architectural services.

"(iv) Engineering services.

"(v) Medical services.

"(vi) Scientific and technical services related to (but not in support of) research and development.

"(vii) Depot-level maintenance and repair services.

"(viii) Services performed for any laboratory that is owned or operated by the Department of Defense and is funded exclusively through working-capital funds.

"(ix) Services related to the design and installation of information technology (which does not include services related to the management, operation, and maintenance of information technology).

"(2) To the extent possible, the Secretary of Defense should, in complying with this subsection, select those contract positions held by non-Federal employees under contracts with the Department of Defense that are associated with commercial or industrial type functions that are, or have been, performed at least in part by Department of Defense civilian employees at any time on or after October 1, 1980.

"(3) Notwithstanding any limitation on the number of Department of Defense civilian employees established by law, regulation, or policy, the Department of Defense may continue to employ, or may hire, such civilian employees as are necessary to perform functions acquired through the public-private competitions required by this subsection or any other provision of this section.

"(4) The requirement to perform cost comparison examinations under this subsection does not require the use of the process described in Office of Management and Budget Circular A–76 in the performance of the examinations.

"(5) The Secretary of Defense may waive the requirements of this subsection if—

"(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secretary of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

"(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirements.

"(6) A copy of the waiver under paragraph (5) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

SEC. 1306. REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE'S SERVICE CONTRACTOR WORKFORCE.

(a) Imposition of Reporting Requirement.—(1) Chapter 146 of title 10, United States Code, is amended by inserting after section 2461a the following new section:

"§2461b. Use of private sector to perform commercial or industrial type function: contractor reporting requirements

"(a) Definitions.—In this section:

"(1) Contractor.—The term 'contractor' includes a subcontractor.

"(2) Secretary concerned.—The term 'Secretary concerned' includes the Secretary of Defense with respect to matters concerning a Defense Agency.

"(b) General Reporting Requirement.—The Secretary concerned shall require each defense contractor to report to secure websites established and maintained by the Defense Agencies and military departments the same contractor direct manhour and cost information that is collected by the Department of the Army pursuant to part 668 of title 32, Code of Federal Regulations, as in effect on December 26, 2000, in terms of functions performed, appropriations funding the contract, and identification of the subordinate organizational elements within the Defense Agency or military department directly overseeing the contractor performance.

"(c) Assignment of Reporting Responsibility.—The head of the Defense Agency or Secretary of the military department containing the major organizational element receiving or reviewing the work performed by a defense contractor shall be responsible for collecting the data required by this section, even where all or part of the contracted work is funded by appropriations not controlled by the Secretary concerned. If the Defense Agency or military department containing the major organizational element receiving or reviewing the work performed by the contractor is different from the Defense Agency or military department containing the contracting activity, the Secretary concerned shall ensure that the contractor reports the required information to the Defense Agency or military department containing the major organizational element receiving or reviewing the work performed by the contractor.

"(d) Timing of Contractor Reporting to Assure Data Quality.—The Secretary concerned shall require contractors to report the information described in subsection (c) to the secure web-site contemporaneous with submission of a request for payment (including any voucher, invoice, or request for progress payment) or not later than quarterly.

"(e) Contract Requirement Effective Date.—The Secretary concerned shall include the reporting requirement described in this section in each solicitation of offers issued, contract awarded, and bilateral modification of an existing contract executed by the Secretary concerned after October 1, 2002.

"(f) Contractor Self-Exemption.—The Secretary concerned shall exempt a contractor from the data collection requirement imposed by this section if the contractor certifies in writing that the contractor does not have an internal system for aggregating billable hours in the direct or indirect pools, or an internal payroll accounting system, and is not otherwise required to provide such information to the Government. A contractor may not claim an exemption on the sole basis that the contractor is a foreign contractor, that services are provided pursuant to a firm, fixed price or time and materials contract or similar instrument, that the payroll system of the contractor is performed by another person, or that the contractor has too many subcontractors. The validity of this certification is the only requirement in this section that may be subject to audit and verification by the Secretary concerned.

"(g) Report to Congress and Comptroller General Actions.—The Secretary concerned shall submit the information collected under subsection (c) to Congress not later than October 1 of each year for the prior fiscal year. Not later than April 1 of each year, the Comptroller General shall review the information submitted for the prior fiscal year to assess compliance with this section and the effectiveness of Department of Defense initiatives to integrate this information into its budgeting.process.

"(h) Publication of Reports.—After completion of the Comptroller General review under subsection (h), the Secretary concerned shall take steps to make the nonproprietary compilations of the data public on web sites, using the publication standard expressed by the Department of the Army in part 668 of title 32, Code of Federal Regulations.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2461a the following new item:

"2461b. Use of private sector to perform commercial or industrial type function: contractor reporting requirements.".

(b) Effective Date.—Section 2461b of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002.

SEC. 1307. COMPTROLLER GENERAL REPORTS.

The Comptroller General shall report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate biannually on the compliance by the Department of Defense with the requirements in sections 1301, 1302, 1303, 1304, 1305, and 1306 of this Act and the amendments made by such sections.

SEC. 1308. LIMITED PILOT PROGRAM TO IMPLEMENT RECOMMENDATIONS OF COMMERCIAL ACTIVITIES PANEL.

(a) Use of Alternative Public-Private Competition Processes.—Notwithstanding sections 2461 and 2462 of title 10, United States Code, the Secretary of Defense may carry out a limited pilot program to examine and evaluate the feasibility and advisability of using public-private competition processes other than the process described in Office of Management and Budget Circular A–76 for commercial or industrial type functions performed by Federal employees, performed by contractors, or proposed for performance by Federal employees or contractors.

(b) Duration of Pilot Program.—The Secretary of Defense may carry out the limited pilot program during fiscal years 2003 through 2005.

(c) Extent of Pilot Program.—The total value of the commercial or industrial type functions reviewed under the pilot program may not exceed $300,000,000.

(d) Possible Alternatives.—(1) The alternatives to Office of Management Budget Circular A–76 that could be tested and evaluated by the pilot program include the following:

(A) The process known as low-price/technically acceptable (under the framework of the Federal Acquisition Regulation).

(B) The process known as cost/technical trade-off (under the framework of the Federal Acquisition Regulation).

(C) The process known as bid-to-goal.

(2) In paragraph (1)(C), the term "bid-to-goal" means a process that—

(A) uses a series of competitive performance targets, included in a performance work statement, to compare for specific functions the cost of public sector performance with that of performance by private sector contractors and other public sector entities at the Federal, State, and local levels; and

(B) allows managers and affected employees to create streamlined and improved work plans that, if determined to be viable by an independent party, are incorporated into detailed service agreement awarded to the public sector entity for implementation and performance of the functions.

(e) Required Elements.—The alternatives examined and evaluated under the framework of the Federal Acquisition Regulation shall include the most efficient organization process, the framework for calculating the public sector price cost estimate, the framework for calculating the evaluated price for private sector proposals to take into account costs such as contract administration costs, and the 10 percent cost differential in favor of whichever sector is currently performing the work, as described in Office of Management and Budget Circular A–76 or any successor administrative regulation.

(f) Comparability.—To the maximum extent practicable, the Secretary of Defense shall ensure that comparable amounts of work, as measured in dollars, performed by Federal employees, performed by contractors, or new work that is not yet performed by Federal employees or contractors should be tested and evaluated under the alternatives authorized for the pilot program.

(g) Exclusion of Certain Functions.—Under the pilot program, the Secretary of Defense may not use the alternative public-private competition processes to review depot-level maintenance and repair workloads, functions for which contracts for performance by the private sector are prohibited, or inherently governmental activities.

(h) Relation to A–76 Process.—In order to provide proper test and evaluation conditions for the pilot program, functions designated for study under the pilot program shall be exempt for the duration of the pilot program from review initiated under Office of Management and Budget Circular A–76 or any successor administrative regulation, and no function that has been announced for or is undergoing such a review shall be selected for the pilot program.

(i) Consultation.—(1) The officer or employee of the Department of Defense responsible for determining under the alternatives authorized by the pilot program whether to convert a commercial or industrial type function of the Department of Defense from Federal employee performance to contractor performance or from contractor performance to Federal employee performance—

(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with Federal or contractor employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

(B) may consult with such employees or contractors on other matters relating to that determination.

(2) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, United States Code, consultation with representatives of that labor organization shall satisfy the consultation requirements of paragraph (1).

(3) In the case of employees other than employees referred to in paragraph (2), consultation with appropriate representatives of those employees (including appropriate labor organizations representing such employees) shall satisfy the consultation requirements of paragraph (1).

(j) Reporting Requirements.—(1) Not later than 90 days after the end of each fiscal year during which the pilot program is conducted, the Secretary of Defense and the Comptroller General shall each submit to Congress a report of the results of the pilot program and lessons learned. For each commercial or industrial type function covered by the program, the report shall address the following:

(A) The cost of conducting the alternative.

(B) The time necessary to conduct the alternative.

(C) The savings, if any, expected to be achieved from conducting the alternative.

(D) The savings, if any, actually achieved from conducting the alternative.

(E) The gains in efficiency or effectiveness, if any, expected to be achieved from conducting the alternative.

(F) The gains in efficiency or effectiveness, if any, actually achieved from conducting the alternative.

(G) The impact on Federal employees and contractors (and contractor employees) from conducting the alternative.

(2) To the maximum extent possible, the report shall compare each alternative undertaking, with respect to the factors specified in paragraph (1), with an undertaking of Office of Management and Budget Circular A-76 that has been completed within at least two years prior to the date of the enactment of this Act for work that is comparable in nature and scope.

(3) The final report shall include recommended changes with respect to implementation of policies and proposed legislation.

(k) Regulations.—The Secretary of Defense shall prescribe such regulations as the Secretary considers necessary to carry out the pilot program.

SA 3919. Mr. THOMAS (for himself and Mr. Thompson) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 828. COMPETITION FOR PERFORMANCE OF ACTIVITIES NOT INHERENTLY GOVERNMENTAL.

(a) Requirement.—Section 2(d) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2383; 31 U.S.C. 501 note) is amended by striking "on the list" at the end of the first sentence and all that follows through "the performance of such an activity, the" in the second sentence and inserting "on the list and initiate an action to select the source for the performance of each such activity. The".

(b) Effective Date and Applicability.—The amendment made by subsection (a) shall take effect on October 1, 2002, and shall apply with respect to lists of activities that are submitted to the Office of Management and Budget after that date under section 2 of the Federal Activities Inventory Reform Act of 1998.

SA 3920. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—FREEDOM FROM GOVERNMENT COMPETITION

SEC. 1301. SHORT TITLE.

This title may be cited as the "Freedom From Government Competition Act of 2002".

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) Private sector business concerns, which are free to respond to the private or public demands of the marketplace, constitute the strength of the American economic system.

(2) Competitive private sector enterprises are the most productive, efficient, and effective sources of goods and services.

(3) Government competition with the private sector of the economy is detrimental to all businesses and the American economic system.

(4) Government competition with the private sector of the economy is at an unacceptably high level, both in scope and in dollar volume.

(5) When a government engages in entrepreneurial activities that are beyond its core mission and compete with the private sector—

(A) the focus and attention of the government are diverted from executing the basic mission and work of that government; and

(B) those activities constitute unfair government competition with the private sector.

(6) Current laws and policies have failed to address adequately the problem of government competition with the private sector of the economy.

(7) The level of government competition with the private sector, especially with small businesses, has been a priority issue of each White House Conference on Small Business.

(8) Reliance on the private sector is consistent with the goals of the Government Performance and Results Act of 1993 (Public Law 103–62).

(9) Reliance on the private sector is necessary and desirable for proper implementation of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226).

(10) It is in the public interest that the Federal Government establish a consistent policy to rely on the private sector of the economy to provide goods and services that are necessary for or beneficial to the operation and management of Federal Government agencies and to avoid Federal Government competition with the private sector of the economy.

(11) It is in the public interest for the private sector to utilize employees who are adversely affected by conversions to use of private sector entities for providing goods and services on behalf of the Federal Government.

SEC. 1303. RELIANCE ON THE PRIVATE SECTOR.

(a) General Policy.—Notwithstanding any other provision of law, except as provided in subsection (c), each agency shall procure from sources in the private sector all goods and services that are necessary for or beneficial to the accomplishment of authorized functions of the agency.

(b) Prohibitions Regarding Transactions in Goods and Services.—

(1) Provision by government generally.—No agency may begin or carry out any activity to provide any products or services that can be provided by the private sector.

(2) Transactions between governmental entities.—No agency may obtain any goods or services from or provide any goods or services to any other governmental entity.

(c) Exceptions.—Subsections (a) and (b) do not apply to goods or services necessary for or beneficial to the accomplishment of authorized functions of an agency under the following conditions:

(1) Either—

(A) the goods or services are inherently governmental in nature within the meaning of section 1306(b); or

(B) the Director of the Office of Management and Budget determines that the provision of the goods or services is otherwise an inherently governmental function.

(2) The head of the agency determines that the goods or services should be produced, provided, or manufactured by the Federal Government for reasons of national security.

(3) The Federal Government is determined to be the best value source of the goods or services in accordance with regulations prescribed pursuant to section 1304(a)(2)(C).

(4) The private sector sources of the goods or services, or the practices of such sources, are not adequate to satisfy the agency's requirements.

SEC. 1304. ADMINISTRATIVE PROVISIONS.

(a) Regulations.—

(1) OMB responsibility.—The Director of the Office of Management and Budget shall prescribe regulations to carry out this title.

(2) Content.—

(A) Private sector preference.—Consistent with the policy and prohibitions set forth in section 1303, the regulations shall emphasize a preference for the provision of goods and services by private sector sources.

(B) FAIRNESS FOR FEDERAL EMPLOYEES.—In order to ensure the fair treatment of Federal Government employees, the regulations—

(i) shall not contravene any law or regulation regarding Federal Government employees; and

(ii) shall provide for the Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, to furnish information on relevant available benefits and assistance to Federal Government employees adversely affected by conversions to use of private sector entities for providing goods and services.

(C) BEST VALUE SOURCES.—

(i) STANDARDS AND PROCEDURES.—The regulations shall include standards and procedures for determining whether it is a private sector source or an agency that provides certain goods or services for the best value.

(ii) FACTORS CONSIDERED.—The standards and procedures shall include requirements for consideration of analyses of all direct and indirect costs (performed in a manner consistent with generally accepted cost-accounting principles), the qualifications of sources, the past performance of sources, and any other technical and noncost factors that are relevant.

(iii) CONSULTATION REQUIREMENT.—The Director shall consult with persons from the private sector and persons from the public sector in developing the standards and procedures.

(D) APPROPRIATE GOVERNMENTAL ACTIVITIES.—The regulations shall include a methodology for determining what types of activities performed by an agency should continue to be performed by the agency or any other agency.

(b) COMPLIANCE AND IMPLEMENTATION ASSISTANCE.—

(1) OMB CENTER FOR COMMERCIAL ACTIVITIES.—The Director of the Office of Management and Budget shall establish a Center for Commercial Activities within the Office of Management and Budget.

(2) RESPONSIBILITIES.—The Center—

(A) shall be responsible for the implementation of and compliance with the policies, standards, and procedures that are set forth in this title or are prescribed to carry out this title; and

(B) shall provide agencies and private sector entities with guidance, information, and other assistance appropriate for facilitating conversions to use of private sector entities for providing goods and services on behalf of the Federal Government.

SEC. 1305. STUDY AND REPORT ON COMMERCIAL ACTIVITIES OF THE GOVERNMENT.

(a) ANNUAL PERFORMANCE PLAN.—Section 1115(a) of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) include—

"(A) the identity of each program activity that is performed for the agency by a private sector entity in accordance with the Freedom From Government Competition Act of 2002; and

"(B) the identity of each program activity that is not subject to the Freedom From Government Competition Act of 2002 by reason of an exception set forth in that Act, together with a discussion specifying why the activity is determined to be covered by the exception.".

(b) ANNUAL PERFORMANCE REPORT.—Section 1116(d)(3) of title 31, United States Code, is amended—

(1) by striking "explain and describe," in the matter preceding subparagraph (A);

(2) in subparagraph (A), by inserting "explain and describe" after "(A)";

(3) in subparagraph (B)—

(A) by inserting "explain and describe" after "(B)"; and

(B) by striking "and" at the end;

(4) in subparagraph (C)—

(A) by inserting "explain and describe" after "infeasible,"; and

(B) by inserting "and" at the end; and

(5) by adding at the end the following:

"(D) in the case of an activity not performed by a private sector entity—

"(i) explain and describe whether the activity could be performed for the Federal Government by a private sector entity in accordance with the Freedom From Government Competition Act of 2002; and

"(ii) if the activity could be performed by a private sector entity, set forth a schedule for converting to performance of the activity by a private sector entity;".

SEC. 1306. DEFINITIONS.

(a) AGENCY.—As used in this title, the term "agency" means the following:

(1) EXECUTIVE DEPARTMENT.—An executive department as defined by section 101 of title 5, United States Code.

(2) MILITARY DEPARTMENT.—A military department as defined by section 102 of title.

(3) INDEPENDENT ESTABLISHMENT.—An independent establishment as defined by section 104(1) of title 5, United States Code.

(b) INHERENTLY GOVERNMENTAL GOODS AND SERVICES.—

(1) PERFORMANCE OF INHERENTLY GOVERNMENTAL FUNCTIONS.—For the purposes of section 1303(c)(1)(A), goods or services are inherently governmental in nature if the providing of such goods or services is an inherently governmental function.

(2) INHERENTLY GOVERNMENTAL FUNCTIONS DESCRIBED.—

(A) FUNCTIONS INCLUDED.—For the purposes of paragraph (1), a function shall be considered an inherently governmental function if the function is so intimately related to the public interest as to mandate performance by Federal Government employees. Such functions include activities that require either the exercise of discretion in applying Federal Government authority or the making of value judgments in making decisions for the Federal Government, including judgments relating to monetary transactions and entitlements. An inherently governmental function involves, among other things, the interpretation and execution of the laws of the United States so as to—

(i) bind the United States to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;

(ii) determine, protect, and advance its economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management, or otherwise;

(iii) significantly affect the life, liberty, or property of private persons;

(iv) commission, appoint, direct, or control officers or employees of the United States; or

(v) exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States, including the control or disbursement of appropriated and other Federal funds.

(B) FUNCTIONS EXCLUDED.—For the purposes of paragraph (1), inherently governmental functions do not normally include—

(i) gathering information for or providing advice, opinions, recommendations, or ideas to Federal Government officials;

(ii) any function that is primarily ministerial or internal in nature (such as building security, mail operations, operation of cafeterias, laundry and housekeeping, facilities operations and maintenance, warehouse operations, motor vehicle fleet management and operations, or other routine electrical or mechanical services); or

(iii) any good or service which is currently or could reasonably be produced or performed, respectively, by an entity in the private sector.

SA 3921. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—FEDERAL ACTIVITIES INVENTORY REFORM AMENDMENTS

SEC. 1301. SHORT TITLE; REFERENCES TO FAIR ACT OF 1998.

(a) SHORT TITLE.—This title may be cited as the "Federal Activities Inventory Reform Amendments of 2002".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2382; 31 U.S.C. 501 note).

SEC. 1302. ANNUAL LISTS OF GOVERNMENT ACTIVITIES.

(a) LISTS TO INCLUDE INHERENTLY GOVERNMENTAL ACTIVITIES.—Subsection (a) of section 2 is amended by inserting before the period at the end of the first sentence the following: "and those activities performed by Federal Government sources for the executive agency that, in that official's judgment, are inherently governmental functions".

(b) DESCRIPTIVE AND EXPLANATORY MATTERS TO BE INCLUDED.—Such subsection is further amended—

(1) by redesignating paragraph (3) as paragraph (5);

(2) by inserting after paragraph (2) the following new paragraphs (3) and (4):

"(3) A description of the activity, including—

"(A) a narrative description of the activity;

"(B) the product or service code, if any, that would be assigned to the activity under the Federal Procurement Data System if the activity were performed in the private sector; and

"(C) the Standard Industrial Classification code, if any, that would be assigned to the activity if the activity were performed in the private sector.

"(4) The organization within the executive agency that is performing the activity, or for which the activity is performed, and the location of that organization."; and

(3) by adding at the end the following:

"(6) The identity of any provision of law or other authority that, except for subsection (f), would expressly or impliedly exempt the executive agency from the requirements of this section or of Office of Management and

Budget Circular A–76 with respect to any activity that is not an inherently governmental activity, together with a discussion of the rationale for that exemption.”.

(c) Deadlines for Publication of Lists and Changes.—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by striking “promptly” and inserting “, not later than 30 working days after receiving the list,”; and

(2) in paragraph (2)(B), by inserting after “(B)” the following: “not later than 30 working days after the date of the final decision to make the change,”.

SEC. 1303. NOTIFICATION OF AFFECTED EMPLOYEES.

Section 2 is further amended by adding at the end the following:

“(f) Notification of Affected Employees.—At the same time that the Director of the Office of Management and Budget publishes a notice of the availability of a list of an executive agency under subsection (c)(1), the head of the executive agency shall notify each employee of the executive agency employed in an activity listed as not being an inherently governmental function that the activity may be converted to performance by a private sector source.”.

SEC. 1304. COMPETITION REQUIREMENTS.

(a) Use of Competitive Procedures.—

(1) Requirement.—The second sentence of section 2(d) is amended by striking “use a competitive process” and all that follows and inserting “select the source using competitive procedures applicable to the executive agency's procurements.”

(2) Competitive procedures defined.—Section 5 is amended by adding at the end the following:

“(3) Competitive procedures.—The term 'competitive procedures' has the meaning given that term in section 2302(2) of title 10, United States Code, and section 309(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)).”.

(b) Cost Comparisons.—Section 2(e) is amended to read as follows:

“(e) Cost Comparisons.—

“(1) Realistic and fair cost comparisons.—Before determining to contract with a private sector source for the performance of an executive agency activity on the basis of a comparison of the costs of procuring services from such a source with the cost of performing that activity by the executive agency, the head of the executive agency shall ensure that—

“(A) the cost comparison was conducted in accordance with—

“(i) Office of Management and Budget Circular A–76; and

“(ii) any provision of law that is applicable to the cost comparison, including (if applicable) title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.) relating to architectural and engineering services (including surveying and mapping services);

“(B) all costs have been considered, including the costs of quality assurance, technical monitoring of the performance of such activity, liability insurance, employee retirement and disability benefits, and all other overhead costs; and

“(C) the costs considered are realistic and fair.

“(2) Exemption.—Notwithstanding any other provision of law, the performance of an activity that is not an inherently governmental function may be converted to performance by a private sector source without a cost comparison if the activity is performed by fewer than 10 full-time employees of the United States (or the equivalent in part-time employees or in a combination of full-time and part-time employees).”.

SEC. 1305. INAPPLICABILITY OF EXEMPTIONS IN OTHER LAWS.

Section 2 is amended by adding at the end the following:

“(f) Exemptions Inapplicable.—The head of each executive agency shall carry out this Act notwithstanding any other provision of law that expressly or impliedly exempts that executive agency from developing an inventory of activities that are not inherently governmental functions and are performed by the executive agency or by Federal Government sources for the executive agency. The head of the executive agency shall include in the annual list prepared under subsection (a) a notation of each such exemption that, except for the preceding sentence, would otherwise apply to the executive agency or any such function.”.

SEC. 1306. PERFORMANCE FOR OTHER GOVERNMENTAL ORGANIZATIONS.

(a) Limitations.—Section 2, as amended by section 1305 of this Act, is further amended by adding at the end the following:

“(g) Limitations on Performance for Other Governmental Organizations.—

“(1) Federal agencies.—An activity that is not an inherently governmental function may not be performed for an executive agency by another Federal Government source under section 1535 of title 31, United States Code, unless, within three years before the order for that activity is placed with the other Federal Government source under that section, performance of that activity by the executive agency has been justified pursuant to a competition carried out under Office of Management and Budget Circular A–76.

“(2) State and local governments.—The head of an executive agency may not take any action under section 6505 of title 31, United State Code, to perform for the benefit of an agency of a State or a political subdivision of a State an activity that is not an inherently governmental function unless the head of the executive agency has first—

“(A) solicited offers for the performance of that activity in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)); and

“(B) determined on the basis of the response to the solicitation that no responsible private sector source is available to meet the needs of the executive agency for the performance of that activity for the executive agency.”.

(b) State Defined.—Section 5, as amended by section 1304(a)(2) of this Act, is further amended by adding at the end the following:

“(4) State.—The term 'State', includes the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.”.

SEC. 1307. CHALLENGES TO THE LIST.

(a) Matters Subject to Challenge.—Section 3(a) is amended by striking “or an inclusion of a particular activity on,” and inserting “an inclusion of a particular activity on, or the classification of any activity on”.

(b) Revision of Deadlines.—Section 3 is amended—

(1) in subsection (c), by striking “30 days” and inserting “90 working days”;

(2) in subsection (d), by striking “28 days” and inserting “28 working days”; and

(3) in subsection (e)(2), by striking “10 days” and inserting “10 working days”.

(c) Publication of Resolution of Challenges.—Section 3 is amended by adding at the end the following:

“(f) Publication of Resolution of Challenges.—Not later than 30 working days after the head of an executive agency makes a decision on an appeal under subsection (e), the head of the executive agency shall publish in the Federal Register the following:

“(1) Final list.—A final version of the list that was challenged.

“(2) Schedule for review of list.—A schedule for the review to be conducted of such list under section 2(d), together with a description of the intended review.”.

(d) Working Days Defined.—Section 5, as amended by section 1306(b) of this Act, is further amended by adding at the end the following:

“(5) Working day.—The term 'working day', in the administration of sections 2 and 3 with respect to a list of an executive agency, means a day on which the headquarters of the executive agency is open for the conduct of the executive agency's business.”.

SEC. 1308. PROHIBITION ON CONVERSION TO PERFORMANCE BY FEDERAL PRISON INDUSTRIES.

Section 4 is amended by adding at the end the following:

“(c) Prohibited Conversion.—The performance of an activity of an executive agency that is not an inherently government function may not be converted to performance by a government corporation provided for under chapter 307 of title 18, United States Code.”.

SEC. 1309. INHERENTLY GOVERNMENTAL FUNCTION NOT TO INCLUDE RESEARCH AND DEVELOPMENT.

Section 5(2)(C) is amended—

(1) by striking “or” at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting “; or”; and

(3) by adding at the end the following:

“(iii) the conduct of research and development.”.

SEC. 1310. PRIVATE SECTOR SOURCE DEFINED.

Section 5, as amended by section 1307(d) of this Act, is further amended by adding at the end the following:

“(6) Private sector source.—The term 'private sector source' means a person lawfully engaged in business for profit in the United States.”.

SEC. 1311. REPORT ON PORTABILITY OF FEDERAL PENSION BENEFITS.

(a) Requirement.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report on the portability of Federal pension benefits. The report shall contain—

(1) an evaluation of current Federal law, policies, and procedures relating to the conversion by Federal Government employees of their Federal pension benefits to private sector pension plans upon the transition of such employees from Federal Government employment to private sector employment;

(2) a discussion of any impediments to the conversion of Federal pension benefits as described in paragraph (1);

(3) an analysis of the scoring, under the Congressional Budget Act of 1974, of the conversion of Federal pension benefits as so described; and

(4) recommendations of the Director for any legislation required to permit the ready conversion of Federal pension benefits as so described.

(b) Consultation.—The Director of the Office of Management and Budget shall consult with the Director of the Office of Personnel Management and other appropriate interested parties in preparing the report required by subsection (a).

SA 3922. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 305. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS.

Of the amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for defensewide activities, $3,000,000 shall be available for the Clara Barton Center for Domestic Preparedness, Arkansas.

SA 3923. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2841, relating to a transfer of funds in lieu of acquisition of replacement property for National Wildlife Refuge system in Nevada, and insert the following:

SEC. 2841. TRANSFER OF FUNDS FOR ACQUISITION OF REPLACEMENT PROPERTY FOR NATIONAL WILDLIFE REFUGE SYSTEM LANDS IN NEVADA.

(a) Transfer of Funds Authorized.—(1) The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2304(a), transfer to the United States Fish and Wildlife Service $15,000,000 to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 889).

(2) Upon receipt by the Service of the funds transferred under paragraph (1), the obligations of the Air Force referred to in that paragraph shall be considered fulfilled.

(b) Contribution to Foundation.—(1) The United States Fish and Wildlife Service shall grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999.

(2) Funds received by the Foundation under paragraph (1) shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), other than section 10(a) of that Act (16 U.S.C. 3709(a)).

SA 3924. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

SA 3925. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. TRANSFER OF HISTORIC DF-9E PANTHER AIRCRAFT TO WOMEN AIRFORCE SERVICE PILOTS MUSEUM.

(a) Authority To Convey.—The Secretary of the Navy may convey, without consideration, to the Women Airforce Service Pilots Museum in Quartzsite, Arizona (in this section referred to as the "W.A.S.P. museum"), all right, title, and interest of the United States in and to a DF–9E Panther aircraft (Bureau Number 125316). The conveyance shall be made by means of a conditional deed of gift.

(b) Condition of Aircraft.—The aircraft shall be conveyed under subsection (a) in "as is" condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) Reverter Upon Breach of Conditions.—The Secretary shall include in the instrument of conveyance of the aircraft under subsection (a)—

(1) a condition that the W.A.S.P. museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the W.A.S.P. museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) Conveyance at No Cost to the United States.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the W.A.S.P. museum.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 3926. Mr. WYDEN (for himself and Mr. Smith of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVI, add the following:

SEC. 2602. ARMY NATIONAL GUARD RESERVE CENTER, LANE COUNTY, OREGON.

(a) Increase in Authorization of Appropriations.—The amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States is hereby increased by $9,000,000.

(b) Availability.—(1) Of the amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States, as increased by subsection (a), $9,000,000 shall be available for a military construction project for a Reserve Center in Lane County, Oregon.

(2) The amount available under paragraph (1) for the military construction project referred to in that paragraph is in addition to any other amounts available under this Act for that project.

(c) Offset.—The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby reduced by $9,000,000.

SA 3927. Mrs. MURRAY (for herself and Ms. Snowe) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 154, after line 20, insert the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "Restriction on Use of Funds.—".

SA 3928. Mrs. HUTCHISON (for herself, Mr. Bingaman, Mr. Lott, Mr. Stevens, Mr. Inouye, Mr. Bunning, Mrs. Feinstein, Mr. Craig, Ms. Collins, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Bond, Mr. Domenici, Mr. Bayh, Mr. Nelson of Nebraska, Mr. Burns, and Ms. Snowe) submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2814. ADDITIONAL SELECTION CRITERIA FOR 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) Additional Selection Criteria.—Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ADDITIONAL CONSIDERATIONS.—The selection criteria for military installations shall also address the following:

“(1) Force structure and mission requirements through 2020, as specified by the document entitled ‘Joint Vision 2020’ issued by the Joint Chiefs of Staff, including—

“(A) mobilization requirements; and

“(B) requirements for utilization of facilities by the Department of Defense and by other departments and agencies of the United States, including—

“(i) joint use by two or more Armed Forces; and

“(ii) use by one or more reserve components.

“(2) The availability and condition of facilities, land, and associated airspace, including—

“(A) proximity to mobilization points, including points of embarkation for air or rail transportation and ports; and

“(B) current, planned, and programmed military construction.

“(3) Considerations regarding ranges and airspace, including—

“(A) uniqueness; and

“(B) existing or potential physical, electromagnetic, or other encroachment.

“(4) Force protection.

“(5) Costs and effects of relocating critical infrastructure, including—

“(A) military construction costs at receiving military installations and facilities;

“(B) environmental costs, including costs of compliance with Federal and State environmental laws;

“(C) termination costs and other liabilities associated with existing contracts or agreements involving outsourcing or privatization of services, housing, or facilities used by the Department;

“(D) effects on co-located entities of the Department;

“(E) effects on co-located Federal agencies;

“(F) costs of transfers and relocations of civilian personnel, and other workforce considerations.

“(6) Homeland security requirements.

“(7) State or local support for a continued presence by the Department, including—

“(A) current or potential public or private partnerships in support of Department activities; and

“(B) the capacity of States and localities to respond positively to economic effects and other effects.

“(8) Applicable lessons from previous rounds of defense base closure and realignment, including disparities between anticipated savings and actual savings.

“(9) Anticipated savings and other benefits, including—

“(A) enhancement of capabilities through improved use of remaining infrastructure; and

“(B) the capacity to relocate units and other assets.

“(10) Any other considerations that the Secretary of Defense determines appropriate.”.

(b) WEIGHTING OF CRITERIA FOR TRANSPARENCY PURPOSES.—Subsection (a) of such section 2913 is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) WEIGHTING OF CRITERIA.—At the same time the Secretary publishes the proposed criteria under paragraph (1), the Secretary shall publish in the Federal Register the formula proposed to be used by the Secretary in assigning weight to the various proposed criteria in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005.”.

SA 3929. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 13 and 14, insert the following:

SEC. 828. LIMITATION ON ARMY CONTRACTING AGENCY.

(a) LIMITATION OF AUTHORITY.—During the period specified in subsection (b), the Secretary of the Army may not remove or transfer the authority of a contracting officer of any Army installation to enter into, review, or approve contracts for the purchase of goods or services by reason of the establishment of an Army Contracting Agency or a similar entity for the regionalization or consolidation of installation support contracts or information technology contracts.

(b) DURATION OF LIMITATION.—Subsection (a) applies during the period beginning on the date of enactment of this Act and ending 45 days after the date on which the Secretary of the Army submits a report that meets the requirements of subsection (c) to—

(1) the Committee on Armed Services of the House of Representatives;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Small Business of the House of Representatives; and

(4) the Committee on Small Business and Entrepreneurship of the Senate.

(c) REPORT CONTENT.—A report from the Secretary of the Army meets the requirements of this subsection if it sets forth, in detail—

(1) the Army's plans and justification for the establishment of an Army Contracting Agency or similar entity;

(2) a discussion of how the establishment and operations of an agency described under paragraph (1) will affect Army compliance with—

(A) Department of Defense Directive 4205.1;

(B) section 15(g) of the Small Business Act; and

(C) section 15(k) of the Small Business Act; and

(3) the likely effects of the establishment and operations of an Army Contracting Agency (or similar entity) on small business participation in Army procurement contracts, including—

(A) the impact on small businesses located near Army installations, including—

(i) the anticipated increase or decrease in the total value of Army prime contracting with small businesses; and

(ii) the opportunities for small business owners to meet and interact with Army procurement personnel; and

(B) the likely increase in consolidated contracts and bundled contracts.

SA 3930. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 13 and 14, insert the following:

SEC. 828. REPORT ON EFFECTS OF ARMY CONTRACTING AGENCY.

(a) IN GENERAL.—The Secretary of the Army shall submit a report on the effects of the establishment of an Army Contracting Agency on small business participation in Army procurements during the first year of operation of such an agency to—

(1) the Committee on Armed Services of the House of Representatives;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Small Business of the House of Representatives; and

(4) the Committee on Small Business and Entrepreneurship of the Senate.

(b) CONTENT.—The report required under subsection (a) shall include, in detail—

(1) the justification for the establishment of an Army Contracting Agency;

(2) a discussion of how the establishment and operations of an Army Contracting Agency has affected Army compliance with—

(A) Department of Defense Directive 4205.1;

(B) section 15(g) of the Small Business Act; and

(C) section 15(k) of the Small Business Act;

(3) the effect of the establishment and operations of an Army Contracting Agency on small business participation in Army procurement contracts, including—

(A) the impact on small businesses located near Army installations, including—

(i) the increase or decrease in the total value of Army prime contracting with local small businesses; and

(ii) the opportunities for small business owners to meet and interact with Army procurement personnel; and

(B) the increase in consolidated contracts and bundled contracts; and

(4) if there is a negative effect on small business participation in Army procurement contracts, in general or near any Army installation, a description of the Army's plan to increase small business participation where it is negatively affected.

(c) TIME FOR SUBMISSION.—The report under this section shall be due 15 months after the date of the establishment of the Army Contracting Agency.

SA 3931. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. DESIGNATION OF CERTAIN LOUISIANA HIGHWAY AS DEFENSE ACCESS ROAD.

Louisiana Highway 28 between Alexandria, Louisiana, and Leesville, Louisiana, a road providing access to the Joint Readiness Training Center, Louisiana, and to Fort Polk, Louisiana, is hereby designated as a defense access road for purposes of section 210 of title 23, United States Code.

SA 3932. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. PROGRAMMING FOR A 310-SHIP FLEET FOR THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The 2001 Quadrennial Defense Review establishes that the United States should maintain a Navy of at least 310 ships.

(2) The President proposes to procure only five ships for the Navy in fiscal year 2003 and proposes to procure only an average of 6.8 ships for the Navy annually thereafter through fiscal year 2007.

(3) The current level of spending on shipbuilding for the Navy will result in a Navy fleet of approximately 238 ships within 35 years.

(4) It is necessary for the Navy to procure over the long term, on average, 8.9 new ships each year (the steady-state replacement rate) in order to support the President's plans to achieve and maintain a Navy fleet of 310 ships.

(5) It may be necessary to achieve an average procurement rate of 11.2 ships each year beginning in fiscal year 2008 in order to compensate for the procurement of ships at an average annual rate below 8.9 ships in previous fiscal years.

(6) The Navy provides a United States presence worldwide, especially where forward land basing of United States forces is not possible.

(7) Seapower of the United States Navy is a cornerstone of our national defense.

(b) FUTURE-YEARS DEFENSE PROGRAM.—It is the policy of the United States for the budget of the United States for fiscal years after fiscal year 2003, and for the future-years defense program for such fiscal years (under section 221 of title 10, United States Code), to include sufficient funding for the Navy to maintain a fleet of at least 310 ships.

(c) ANNUAL CERTIFICATION OF SUFFICIENCY.—The President shall include in the budget submitted to Congress under section 1105(a) of title 31, United States Code, for each fiscal year after fiscal year 2003 either—

(1) a certification that the budget provides a level of funding for the Navy that is sufficient to sustain a fleet of at least 310 ships; or

(2) an explanation of why the budget does not provide such level of funding.

SA 3933. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 522. LEAVE OF ABSENCE FOR MILITARY SERVICE.

(a) OBLIGATION AS PART OF PROGRAM PARTICIPATION REQUIREMENTS.—Section 487(a)(22) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(22)) is amended by inserting "and with the policy on leave of absence for active duty military service established pursuant to section 484C" after "section 484B".

(b) LEAVE OF ABSENCE FOR MILITARY SERVICE.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 484B the following:

"SEC. 484C. LEAVE OF ABSENCE FOR MILITARY SERVICE.

"(a) LEAVE OF ABSENCE REQUIRED.—Whenever a student who is a member of the National Guard or other reserve component of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, is called or ordered to active duty, the institution of higher education in which the student is enrolled shall grant the student a military leave of absence from the institution—

"(1) while such student is serving on active duty; and

"(2) for 1 year after the conclusion of such service.

"(b) CONSEQUENCES OF MILITARY LEAVE OF ABSENCE.—

"(1) PRESERVATION OF STATUS AND ACCOUNTS.—A student on a military leave of absence from an institution of higher education shall be entitled, upon release from serving on active duty, to be restored to the educational status such student had attained prior to being ordered to such duty without loss of—

"(A) academic credits earned;

"(B) scholarships or grants awarded; or

"(C) subject to paragraph (2), tuition and other fees paid prior to the commencement of the active duty.

"(2) REFUNDS.—

"(A) OPTION OF REFUND OR CREDIT.—An institution of higher education shall refund tuition or fees paid or credit the tuition and fees to the next period of enrollment after the student returns from a military leave of absence, at the option of the student. Notwithstanding the 180-day limitation in section 484B(a)(2), a student on a military leave of absence under this section shall not be treated as having withdrawn for purposes of section 484B unless the student fails to return at the end of the military leave of absence (as determined under subsection (a)).

"(B) PROPORTIONATE REDUCTION OF REFUND FOR TIME COMPLETED.—If a student requests a refund during a period of enrollment, the percentage of the tuition and fees that shall be refunded shall be equal 100 percent minus the percentage of the period of enrollment (for which the tuition and fees were paid) that was completed (as determined in accordance with section 484B(d)) as of the day the student withdrew.

"(c) ACTIVE DUTY.—The term 'active duty' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school, but does include, in the case of members of the National Guard, active State duty.".

SA 3934. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 554. NATIONAL GUARD CHALLENGE PROGRAM.

(A) INCREASE IN FISCAL YEAR LIMITATION ON AMOUNT AVAILABLE FOR PROGRAM.—(1) Section 509(b)(2)(A) of title 32, United States Code, is amended by striking "$62,500,000" and inserting "$66,000,000".

(2) The amendment made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to fiscal years beginning on or after that date.

(b) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2003.—The total amount authorized to be appropriated by this Act for the Department of Defense for fiscal year 2003 for the National Guard Challenge Program of opportunities for civilian youth under section 509 of title 32, United States Code, is $66,000,000.

SA 3935. Mr. NELSON of Florida (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 146, between lines 2 and 3, insert the following:

SEC. 644. REPEAL OF REQUIREMENT FOR REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—(1) Section 1450 of title 10, United States Code, is amended by striking subsections (c) and (e).

(2) Section 1451(c) of such title is amended by striking paragraph (2).

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date specified in subsection (c) by reason of the amendments made by subsection (a).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

SA 3936. Mr. NELSON of Florida (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORTS ON EFFORTS TO RESOLVE WHEREABOUTS AND STATUS OF CAPTAIN MICHAEL SCOTT SPEICHER, UNITED STATES NAVY.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with the Secretary of State and the Director of Central Intelligence, submit to Congress a report on the efforts of the United States Government to determine the whereabouts and status of Captain Michael Scott Speicher, United States Navy.

(b) PERIOD COVERED BY REPORTS.—The first report under subsection (a) shall cover efforts described in that subsection preceding the date of the report, and each subsequent report shall cover efforts described in that subsection during the 90-day period ending on the date of such report.

(c) REPORT ELEMENTS.—Each report under subsection (a) shall describe, for the period covered by such report—

(1) all direct and indirect contacts with the Government of Iraq, or any successor government, regarding the whereabouts and status of Michael Scott Speicher;

(2) any request made to the government of another country, including the intelligence service of such country, for assistance in resolving the whereabouts and status of Michael Scott Speicher, including the response to such request;

(3) each current lead on the whereabouts and status of Michael Scott Speicher, including an assessment of the utility of such lead in resolving the whereabouts and status of Michael Scott Speicher; and

(4) any cooperation with nongovernmental organizations or international organizations in resolving the whereabouts and status of Michael Scott Speicher, including the results of such cooperation.

(d) FORM OF REPORTS.—Each report under subsection (a) shall be submitted in classified form, but may include an unclassified summary.

SA 3937. Mr. NELSON of Florida (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 135. SENSE OF CONGRESS REGARDING ASSURED ACCESS TO SPACE.

(a) FINDINGS.—Congress makes the following findings:

(1) Assured access to space is a vital national security interest of the United States.

(2) The Evolved Expendable Launch Vehicle program of the Department of Defense is a critical element of the Department's plans for assuring United States access to space.

(3) Significant contractions in the commercial space launch marketplace have eroded the overall viability of the United States space launch industrial base and could hamper the ability of the Department of Defense to provide assured access to space in the future.

(4) The continuing viability of the United States space launch industrial base is a critical element of any strategy to ensure the long-term ability of the United States to assure access to space.

(5) The Under Secretary of the Air Force, as acquisition executive for space programs in the Department of Defense, has been authorized to develop a strategy to address United States space launch and assured access to space requirements.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Under Secretary of the Air Force should—

(1) evaluate all options for sustaining the United States space launch industrial base;

(2) develop an integrated, long-range, and adequately funded plan for assuring United States access to space; and

(3) submit to Congress a report on the plan at the earliest opportunity practicable.

SA 3938. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 217, between lines 13 and 14, insert the following:

SEC. 1010. CLEARANCE OF CERTAIN TRANSACTIONS RECORDED IN TREASURY SUSPENSE ACCOUNTS AND RESOLUTION OF CERTAIN CHECK ISSUANCE DISCREPANCIES.

(a) CLEARING OF SUSPENSE ACCOUNTS.—(1) In the case of any transaction that was entered into by or on behalf of the Department of Defense before March 1, 2001, that is recorded in the Department of Treasury Budget Clearing Account (Suspense) designated as account F3875, the Unavailable Check Cancellations and Overpayments (Suspense) designated as account F3880, or an Undistributed Intergovernmental Payments account designated as account F3885, and for which no appropriation for the Department of Defense has been identified—

(A) any undistributed collection credited to such account in such case shall be deposited to the miscellaneous receipts of the Treasury; and

(B) subject to paragraph (2), any undistributed disbursement recorded in such account in such case shall be canceled.

(2) An undistributed disbursement may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to locate the documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(b) RESOLUTION OF CHECK ISSUANCE DISCREPANCIES.—(1) In the case of any check drawn on the Treasury that was issued by or on behalf of the Department of Defense before October 31, 1998, for which the Secretary of the Treasury has reported to the Department of Defense a discrepancy between the amount paid and the amount of the check as transmitted to the Department of Treasury, and for which no specific appropriation for the Department of Defense can be identified as being associated with the check, the discrepancy shall be canceled, subject to paragraph (2).

(2) A discrepancy may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to locate the documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(c) CONSULTATION.—The Secretary of Defense shall consult the Secretary of the Treasury in the exercise of the authority granted by subsections (a) and (b).

(d) DURATION OF AUTHORITY.—(1) A particular undistributed disbursement may not be canceled under subsection (a) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that undistributed disbursement.

(2) A particular discrepancy may not be canceled under subsection (b) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that discrepancy.

(3) No authority may be exercised under this section after the date that is two years after the date of the enactment of this Act.

SA 3939. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 90, between lines 19 and 20, insert the following:

SEC. 346. LOGISTICS SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may make available, in accordance with this section and the regulations prescribed under subsection (e), logistics support and logistics services to a contractor in support of the performance by the contractor of a contract for the construction, modification, or maintenance of a weapon system that is entered into by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any logistics support and logistics services that is to be provided under this section to a contractor in support of the performance of a contract shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The logistics support and logistics services that may be provided under this section in support of the performance of a contract described in subsection (a) are the distribution, disposal, and cataloging of materiel and repair parts necessary for the performance of that contract.

(d) LIMITATIONS.—(1) The number of contracts described in subsection (a) for which the Secretary makes logistics support and logistics services available under the authority of this section may not exceed five contracts. The total amount of the estimated costs of all such contracts for which logistics support and logistics services are made available under this section may not exceed $100,000,000.

(2) No contract entered into by the Director of the Defense Logistics Agency under subsection (b) may be for a period in excess of five years, including periods for which the contract is extended under options to extend the contract.

(e) REGULATIONS.—Before exercising the authority under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that logistics support and logistics services are provided under this section only when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the authority under this section to be used only for providing logistics support and logistics services in support of the performance of a contract that is entered into using competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(2) A requirement for the solicitation of offers for a contract described in subsection (a), for which logistics support and logistics services are to be made available under this section, to include—

(A) a statement that the logistics support and logistics services are to be made available under the authority of this section to any contractor awarded the contract, but only on a basis that does not require acceptance of the support and services; and

(B) a description of the range of the logistics support and logistics services that are to be made available to the contractor.

(3) A requirement for the rates charged a contractor for logistics support and logistics services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(4) A requirement to credit to the General Fund of the Treasury amounts received by the Department of Defense from a contractor for the cost of logistics support and logistics services provided to the contractor by the Department of Defense under this section but not paid for out of funds available to the Department of Defense.

(5) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(6) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of logistics support and logistics services provided to the contractor under this section.

(f) RELATIONSHIP TO TREATY OBLIGATIONS.—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

(g) TERMINATION OF AUTHORITY.—(1) The authority provided in this section shall expire on September 30, 2007, subject to paragraph (2).

(2) The expiration of the authority under this section does not terminate—

(A) any contract that was entered into by the Director of the Defense Logistics Agency under subsection (b) before the expiration of the authority or any obligation to provide logistics support and logistics services under that contract; or

(B) any authority—

(i) to enter into a contract described in subsection (a) for which a solicitation of offers was issued in accordance with the regulations prescribed pursuant to subsection (e)(2) before the date of the expiration of the authority; or

(ii) to provide logistics support and logistics services to the contractor with respect to that contract in accordance with this section.

SA 3940. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 23, between lines 12 and 13, and insert the following:

SEC. 135. COMPASS CALL PROGRAM.

Of the amount authorized to be appropriated by section 103(1), $12,700,000 shall be available for the Compass Call program within classified projects and not within the Defense Airborne Reconnaissance Program.

SA 3941. Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 17, strike line 14, and insert the following:

SEC. 121. INTEGRATED BRIDGE SYSTEM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated by section 102(a)(4), $5,000,000 shall be available for the procurement of the integrated bridge system in items less than $5,000,000.

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 102(a)(4), the amount available for the integrated bridge system in Aegis support equipment is hereby reduced by $5,000,000.

SA 3942. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 344.

SA 3943. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 26, after line 22, insert the following:

SEC. 214. LASER WELDING AND CUTTING DEMONSTRATION.

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, $6,000,000 shall be available for the laser welding and cutting demonstration in force protection applied research (PE 0602123N).

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for laser welding and cutting demonstration in surface ship and submarine HM&E advanced technology (PE 0603508N) is hereby reduced by $6,000,000.

SA 3944. Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 37, beginning on line 14, strike "Under Secretary of Defense for Acquisition, Technology, and Logistics" and insert "Director of Operational Test and Evaluation".

On page 41, line 14, strike "Chapter 643" and insert "Chapter 645".

On page 46, line 20, insert "the Under Secretary of Defense for Personnel and Readiness and" after "consult with".

Strike section 236 and insert the following:

SEC. 236. COMPLIANCE WITH TESTING REQUIREMENTS.

(a) ANNUAL OT&E REPORT.—Subsection (g) of section 139 of title 10, United States Code, is amended by inserting after the fourth sentence the following: "The report for a fiscal year shall also include an assessment of the waivers of and deviations from requirements in test and evaluation master plans and other testing requirements that occurred during the fiscal year, any concerns raised by the waivers or deviations, and the actions that have been taken or are planned to be taken to address the concerns.".

(b) REORGANIZATION OF PROVISION.—Subsection (g) of such section, as amended by subsection (a), is further amended—

(1) by inserting "(1)" after "(g)";

(2) by designating the second sentence as paragraph (2);

(3) by designating the third sentence as paragraph (3);

(4) by designating the matter consisting of the fourth and fifth sentences as paragraph (4);

(5) by designating the sixth sentence as paragraph (5); and

(6) by realigning paragraphs (2), (3), (4), and (5), as so designated, two ems from the left margin.

SA 3945. Mr. WARNER (for Mr. GRASSLEY (for himself, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. DURBIN, Mr. FITZGERALD, and Mrs. LINCOLN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 346. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) EXTENSION THROUGH FISCAL YEAR 2004.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–65) is amended by striking "and 2002" and inserting "through 2004".

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "2002" and inserting "2004"; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence: "Not later than July 1, 2003, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary's views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b).".

SA 3946. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. HUTCHINSON)), proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activites of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 17, line 23, insert before the period the following: ", and except that, notwithstanding subsection (k) of such section, such a contract may be for a period of six program years".

SA 3947. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 655. RATE OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL OF DEPENDENTS TRANSFERRED ENTITLEMENT BY MEMBERS OF THE ARMED FORCES WITH CRITICAL SKILLS.

(a) CLARIFICATION.—Section 3020(h) of title 38, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking "paragraphs (4) and (5)" and inserting "paragraphs (5) and (6)"; and

(B) by striking "and at the same rate";

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Subject to subparagraph (B), the monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 3015 and 3022 of this title to the individual making the transfer.

"(B) The monthly rate of assistance payable to a dependent under subparagraph (A) shall be subject to the provisions of section 3032 of this title, except that the provisions of subsection (a)(1) of that section shall not apply even if the individual making the transfer to the dependent under this section is on active duty during all or any part of enrollment period of the dependent in which such entitlement is used.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107), to which such amendments relate.

SA 3948. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 100, between lines 3 and 4, insert the following:

SEC. 503. REPEAL OF LIMITATION ON AUTHORITY TO GRANT CERTAIN OFFICERS A WAIVER OF REQUIRED SEQUENCE FOR JOINT PROFESSIONAL MILITARY EDUCATION AND JOINT DUTY ASSIGNMENT.

Section 661(c)(3)(D) of title 10, United States Code, is amended by striking "In the case of officers in grades below brigadier general" and all that follows through "selected for the joint specialty during that fiscal year.".

SA 3949. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 154, after line 20, add the following:

SEC. 708. EXTENSION OF TEMPORARY AUTHORITY FOR ENTERING INTO PERSONAL SERVICES CONTRACTS FOR THE PERFORMANCE OF HEALTH CARE RESPONSIBILITIES FOR THE ARMED FORCES AT LOCATIONS OTHER THAN MILITARY MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

SA 3950. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 100, between lines 3 and 4, insert the following:

SEC. 503. EXTENSION OF TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.

Section 501(e) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 589) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

SA 3951. Mr. LEVIN (for himself and Mr. SESSIONS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 905. WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—Section 2166 of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h), as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) The Secretary of Defense may, on behalf of the Institute, accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Institute.

"(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the Institute. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Institute for the same purposes and same period as the appropriations with which merged.

"(3) The Secretary of Defense shall notify Congress if the total amount of money accepted under paragraph (1) exceeds $1,000,000 in any fiscal year. Any such notice shall list each of the contributors of such money and the amount of each contribution in such fiscal year.

"(4) For the purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.".

(b) CONTENT OF ANNUAL REPORT TO CONGRESS.—Subsection (i) of such section, as redesignated by subsection (a)(1), is amended by inserting after the first sentence the following: "The report shall include a copy of the latest report of the Board of Visitors received by the Secretary under subsection (e)(5), together with any comments of the Secretary on the Board's report.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 20, 2002, at 9:30 a.m., in open session to consider the nomination of General Ralph E. Eberhart, USAF for reappointment to the grade of general and to be Commander in Chief, U.S. Northern Command/Commander, North American Aerospace Defense Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, June 20, 2002, at 4:30 p.m., to hold a "top secret" classified hearing on the security of nuclear facilities under the jurisdiction of the U.S. Nuclear Regulatory Commission. The hearing will be held in S. 407 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, June 20, 2002, at 9:30 a.m., for the purpose of holding a hearing regarding "President Bush's Proposal to Create a Department of Homeland Security."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Workers Freedom of Association: Obstacles to Forming a Union" during the session of the Senate on Thursday, June 20, 2002, at 10 a.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 20, 2002, at 10 a.m., in Dirksen Room 226.

Agenda

I. Nominations

Lavenski R. Smith to be a U.S. Circuit Court Judge for the Eighth Circuit; David Cercone to be U.S. District Court Judge for the Western District of Pennsylvania; Morrison Cohen England Jr. to be U.S. District Court Judge for the Eastern District of California; and Kenneth Marra to be U.S. District Court Judge for the Southern District of Florida.

For the Department of Justice: Lawrence Greenfeld to be Director, Bureau of Justice Statistics.

To be U.S. Marshal: Anthony Dichio for the District of Massachusetts; Michael Lee Kline for the Eastern District of Washington; and James Thomas Roberts for the Southern District of Georgia.

II. Bills

S. 1291, Development, Relief, and Education for Alien Minors Act [Hatch].

S. 2134, Terrorism Victim's Access to Compensation Act of 2002 [Harkin/Allen].

H.R. 3375, Embassy Employee Compensation Act [Blunt].

S. 486, Innocence Protection Act [Leahy/Smith].

S. 2621, A bill to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems. [Leahy/Biden/Hatch].

S. 2633, Reducing Americans' Vulnerability to Ecstasy Act [Biden/Grassley].

S. 1754, Patent and Trademark Office Authorization Act of 2002 [Leahy/Hatch/Cantwell].

H.R. 1866, To amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents [Coble].

H.R. 1886, To amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings. [Coble].

H.R. 2068, To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title [Sensenbrenner/Conyers].

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 20, 2002, at 2:30 p.m., to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, June 20, 2002, from 9:30 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, TOXICS, RISK AND WASTE MANAGEMENT

Mr. REID. Mr. President: I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund, Toxics, Risk and Waste Management be authorized to meet on Thursday, June 20, 2002, at 9:30 a.m., to hold a hearing to assess asbestos remediation activities in Libby, MT., lessons learned from Libby, as well as evaluate home insulation concerns related to asbestos. The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, June 20, at 2:30 p.m., in SD–366. The purpose of this hearing is to receive testimony on the following bills:

S. 139 and H.R. 3928, to assist in the preservation of archaeological, paleontological, zoological, geological and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City;

S. 1609 and H.R. 1814, to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut as a national historic trail;

S. 1925, to establish the Freedom's Way National Heritage Area in the states of Massachusetts and New Hampshire, and for other purposes;

S. 2196, to establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes;

S. 2388, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, SC, relating to the Reconstruction Era;

S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; and

S. 2576, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Dr. Howard Forman and Anup Patel of my staff be granted the privileges of the floor for the balance of today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Stacey Sachs be granted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that John Elliff, who is detailed to my committee office, be granted the privilege of the floor during the course of the proceedings today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that privilege of the floor be granted to Mark Garrell, a legislative fellow with Senator BUNNING, for the duration of the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Rebecca Kockler and Brian Hanley be allowed to be on the floor for the rest of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Dr. Jonathan, Epstein, Mr. Dana Krupa, Mr. JOHN Kotek, and Scott Young, legislative fellows in the office of Senator BINGAMAN, be given floor privileges during the pendency of S. 2514 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on behalf of Senator ALLARD, I ask unanimous consent that the privilege of the floor be granted to Carol Welsch, a national defense fellow in Senator ALLARD's office, and Lance Landry of Senator ALLEN's office, during the entire debate of the National Defense Authorization Act for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107–8

Mr. REID. As in executive session, I ask unanimous consent that the injunction of secrecy by removed from the following treaty transmitted to the Senate on June 20, 2002, by the President of the United States: Moscow Treaty (Treaty Document 107–8).

I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Affairs and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (the "Moscow Treaty").

The Moscow Treaty represents an important element of the new strategic relationship between the United States and Russia. It will take our two nations along a stable, predictable path to substantial reductions in our deployed strategic nuclear warhead arsenals by December 31, 2012. When these reductions are completed, each country will be at the lowest level of deployed strategic nuclear warheads in decades. This will benefit the peoples of both the United States and Russia and contribute to a more secure world.

The Moscow Treaty codifies my determination to break through the long impasse in further nuclear weapons reductions caused by the inability to finalize agreements through traditional arms control efforts. In the decade following the collapse of the Soviet Union, both countries' strategic nuclear arsenals remained far larger than needed, even as the United States and Russia moved toward a more cooperative relationship. On May 1, 2001, I called for a new framework for our strategic relationship with Russia, including further cuts in nuclear weapons to reflect the reality that the Cold War is over. On November 13, 2001, I announced the United States plan for such cuts—to reduce our operationally deployed strategic nuclear warheads to a level of between 1700 and 2200 over the next decade. I announced these planned reductions following a careful study within the Department of Defense. That study, the Nuclear Posture Review, concluded that these force levels were sufficient to maintain the security of the United States. In reaching this decision, I recognized that it would be preferable for the United States to make such reductions on a reciprocal basis with Russia, but that the United States would be prepared to proceed unilaterally.

My Russian counterpart, President Putin, responded immediately and made clear that he shared these goals. President Putin and I agreed that our nations' respective reductions should be recorded in a legally binding document that would outlast both of our presidencies and provide predictability over the longer term. The result is a Treaty that was agreed without protracted negotiations. This Treaty fully meets the goals I set out for these reductions.

It is important for there to be sufficient openness so that the United States and Russia can each be confident that the other is fulfilling its reductions commitment. The Parties will use the comprehensive verification regime of the Treaty on the Reduction and Limitation of Strategic Offensive Arms (the "START Treaty") to provide the foundation for confidence, transparency, and predictability in further strategic offensive reductions. In our Joint Declaration on the New Strategic Relationship between the United States and Russia, President Putin and I also decided to establish a Consultative Group for Strategic Security to be chaired by Foreign and Defense Ministers. This body will be the principal mechanism through which the United States and Russia strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest.

The Moscow Treaty is emblematic of our new, cooperative relationship with Russia, but it is neither the primary basis for this relationship nor its main component. The United States and Russia are partners in dealing with the threat of terrorism and resolving regional conflicts. There is growing economic interaction between the business communities of our two countries and ever-increasing people-to-people and cultural contacts and exchanges. The U.S. military has put Cold War practices behind it, and now plans, sizes, and sustains its forces in recognition that Russia is not an enemy, Russia is a friend. Military-to-military and intelligence exchanges are well established and growing.

The Moscow Treaty reflects this new relationship with Russia. Under it, each Party retains the flexibility to determine for itself the composition and structure of its strategic offensive arms, and how reductions are made. This flexibility allows each Party to determine how best to respond to future security challenges.

There is no longer the need to narrowly regulate every step we each take, as did Cold War treaties founded on mutual suspicion and an adversarial relationship.

In sum, the Moscow Treaty is clearly in the best interests of the United States and represents an important contribution to U.S. national security and strategic stability. I therefore urge the Senate to give prompt and favorable consideration to the Treaty, and to advise and consent to its ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 20, 2002.*

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105–277, announces the appointment of the following individuals to serve as members of the Parents Advisory Council on Youth Drug Abuse:

Darcy L. Jensen of South Dakota (Representative of Non-Profit Organization), vice Kerrie S. Lansford, term expired.

Dr. Lynn McDonald of Wisconsin, vice Robert L. Maginnis, term expired.

George L. Lozano of California, vice Darcy Jensen, term expired.

Rosanne Ortega of Texas, vice Dr. Lynn McDonald, term expired.

ORDERS FOR FRIDAY, JUNE 21, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, June 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as announced earlier today, at 9:30 we will start a vote on the Murray amendment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is in further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Friday, June 21, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 20, 2002:

DEPARTMENT OF JUSTICE

RICHARD VAUGHN MECUM, OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE ROBERT HENRY MCMICHAEL, TERM EXPIRED.

BURTON STALLWOOD, OF RHODE ISLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS, VICE JOHN JAMES LEYDEN, RESIGNED.

GEORGE BREFFNI WALSH, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE DONALD W. HORTON.

EXTENSIONS OF REMARKS

TRIBUTE TO MR. MICHAEL CLINCH

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. WELLER. Mr. Speaker, I rise today to offer congratulations to Mr. Michael Clinch on the occasion of his retirement after an exceptional career as Superintendent of Ottawa Township High School District #140 in Ottawa, Illinois.

For the past thirty-five years, Superintendent Clinch has served the citizens and students of Ottawa in an outstanding fashion—beginning his career at Ottawa Township High School as a business teacher and moving up the chain of responsibility until his appointment in 1989 as Superintendent.

Upon taking office in January, 1995 as the 11th Congressional District's Representative in the United States Congress, virtually the first community project brought to my attention was the need to complete the more than decade old effort to protect Ottawa Township High School from the frequent flooding of the Fox and Illinois Rivers with the construction of a levee around the School property. Largely because of both the unfailing determination of Superintendent Clinch to finally complete this vital project as well as the invaluable cooperation of Superintendent Clinch with my office, a compromise was reached with concerned neighbors of the High School and the multimillion dollar levee constructed under the auspices of the Corps of Engineers. Today, the levee provides for the safety of students and staff while protecting the millions of dollars which the taxpayers of Ottawa have invested in their High School—while at the same time saving the High School an estimated average of $200,000 per year in flooding damages.

Superintendent Michael Clinch's career is marked by meritorious examples of this type of strong and visionary leadership ranging from the merger with Marseilles High School in 1990 shortly after his appointment as Superintendent to the recently confirmed multimillion dollar upgrading and expansion of Ottawa Township High School's buildings and classrooms.

In closing, Mr. Speaker, I am proud and pleased to be able to offer to my colleagues in the United States House of Representatives the example of Superintendent Michael Clinch as a modern day education leader able to combine an ironclad commitment to educational excellence with the rare ability to meet head-on and successfully resolve a wide variety of tough challenges.

REGARDING THE INTRODUCTION OF CERTAIN MEDICARE-RELATED BILLS

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. TAUZIN. Mr. Speaker, as you know, the Energy and Commerce Committee is marking up prescription drug and other Medicare-related legislation this week. The foundation for our markup is H.R. 4954, the Medicare Modernization and Prescription Drug Act of 2002, introduced by my colleagues, Representatives JOHNSON and BILIRAKIS on June 18, 2002.

To ensure an orderly process in my Committee, I made the decision to divide H.R. 4954 into a number of Committee Prints for our markup. In doing so, however, I of course want the Committee's good work to be reflected through full-fledged Committee reports on the various titles. Accordingly, I have already introduced two bills (H.R. 4961 and H.R. 4962), and will continue to introduce freestanding bills that are the exact text of the prints we have marked up and ordered reported. Taken together, these bills will represent my Committee's position on the vital Medicare legislation we are considering.

During House floor debate on the prescription drug legislation, which should take place next week, I will provide the House with a complete guide to the legislative history of the Energy and Commerce Committee's work in this area.

CELEBRATING THE 30TH ANNIVERSARY OF TITLE IX

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman from Hawaii for her leadership and rise to speak on a subject important to women across America. Most people just think sports when they hear Title IX, but it is so much more than that. For 30 years, Title IX has opened the door of educational opportunity to women. But a recent study tells us that the door may be closing if we do not act soon.

Before Title IX, schools at all levels limited participation of women and girls. What a different world it was then.

Back then, many publicly funded universities did not admit women to undergraduate programs. They had higher admissions standards for women than men and imposed quotas based on gender.

And that's not all. Women frequently were discouraged from applying to law and medical schools or majoring in hard sciences, such as physics or engineering. And when they did, equally qualified women regularly received less financial aid than their male counterparts, with married women generally receiving none at all. Honor societies were regularly reserved for male students only, and women's athletics were funded at levels far below programs for men. In fact, most female athletic programs consisted mainly of cheerleading, and few women were allowed to coach athletics or hold administrative positions in athletic departments.

But when Title IX became law, that all began to change. It grew out of the women's civil rights movement of the late 1960's and early 70's. During that period when so much began to change, Congress started to focus attention on institutional barriers to women and girls, like education, largely because of how they affected women's employment opportunities.

And there have been real results. In 1971, only 18 percent of young women completed four or more years of college. But by 2006, women are projected to earn 55 percent of all bachelor's degrees.

In the legal and medical fields, there have been even greater advances. In 1999, women earned nearly half of all medical degrees, compared with 1972, when only 9 percent of medical school degrees went to women. Women accounted for 43 percent of all law school degrees in 1994, up from a meager 7 percent in 1972. And of all doctoral degrees awarded that year, 44 percent went to women.

And in athletics, an area that has received significant attention in recent years, the gains have been palpable.

Women now constitute 40 percent of college athletes, compared to the 15 percent thirty years ago. As evidenced by the trailblazing UConn Huskies women's basketball team and all of the accolades and championships they have earned, the values women learn from sports participation, like leadership, like teamwork, discipline, and pride in accomplishment are so very important. Today's athletic successes help us increase our participation in tomorrow's workforce, like the number of business management and ownership positions. In fact, 80 percent of female managers of Fortune 500 companies have a sports background. There is no question that participation in athletics has truly given women some of the tools they need for success.

But this month, the National Coalition for Women and Girls in Education—consisting of the American Association of University Women and 50 other organizations—released a report on the 30th anniversary of Title IX. And the news was not particularly good.

The study included a report card examining the state of gender equity in 10 areas. Athletics, an area where we are supposedly making so many advances, received a C+. Career Education, a D. Employment and Learning Environment, a C−. Sexual Harassment and

Standardized Testing were scarcely better, receiving C's. And technology, such an important area for our economy, received a D.

And though all Federal agencies that fund education programs or activities are required to develop regulations to enforce Title IX, until recently only 4 agencies-Education, Energy, Agriculture and HHS-had done so.

And there is a growing movement to roll back Title IX protections. Funding has been slashed for numerous programs that support gender equity in education. In 1996, Congress eliminated funding under Title IV of the Civil Rights Act that had for two decades supported Title IX and gender-equity services in 49 state education agencies. Attacks on gender equity have been growing, and women have been forced to turn to the legal system to get the rights they are guaranteed by the law.

So, there is so much more work to do. We must support and enforce the strong compliance standards that are currently in place. And we must call on the Administration to take action to do just that. Title IX, gender equity and educational opportunity are simply too important to let fall by the wayside. We must remain vigilant. Protecting the rights of women is not simply the right thing to do, it is the essence of what we stand for as Americans.

Mr. Speaker, I would like to thank Congresswoman MINK for her continued leadership on this important issue.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. SCHIFF. Mr. Speaker, I was unavoidably detained in my district on Tuesday, June 4, 2002, and I would like the record to indicate how I would have voted on rollcall votes No. 207 and 208.

For rollcall vote No. 207, a bill to permanently exclude from taxable income any restitution payments from governments of former Nazi-controlled countries, I would have voted, "aye."

For rollcall vote number 208, a bill to permanently raise the adoption tax credit, I would have voted "aye."

COLORADO GENERAL ASSEMBLY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express appreciation to the Colorado General Assembly. The respective members of the Colorado House of Representatives have made a commitment to improving the healthcare needs of the people of Colorado as expressed in their House Joint Resolution, which was adopted by the Second Regular Session of the 63rd General Assembly of the State of Colorado.

This joint resolution states support for the extension of health credits, the modernization of Medicare and the support of the "Immediate Helping Hand Prescription Drug Assistance Act." I commend the efforts of the Colorado House of Representatives and respectfully submit the following Colorado Joint Resolution for the RECORD.

House Resolution 02–1007, by Representatives Clapp, Crane, Fairbank, Johnson, Mace, Miller, Mitchell, Paschall, Rhodes, Snook, Spradley, Stafford, Stengel, Williams S., Williams T., Witwer, Alexander, Boyd, Daniel, Fritz, Hefley, Hoppe, Kester, King, Larson, Lawrence, Sanchez, Scott, Swenson, Tochtrop, and Young.

CONCERNING THE HEALTH CARE NEEDS OF THE PEOPLE OF COLORADO

Whereas, President George W. Bush has proposed an innovative and comprehensive plan to improve access to health care as part of his proposed budget for 2003; and

Whereas, President Bush's proposed budget contains an allocation of eighty-nine billion dollars for new tax credits for health care expenses (health credits) to be available for working individuals and families; and

Whereas, These health credits could mean up to three thousand dollars in tax relief for eligible families and up to one thousand dollars for eligible individuals; and

Whereas, To enhance the effect of these health credits, President Bush has proposed that states could provide the power of group purchasing for the health credits through state-sponsored purchasing pools for certain individuals; and

Whereas, These health credits will make private health insurance more affordable for many Coloradans who do not currently have employer-subsidized insurance; and

Whereas, President Bush's proposed budget will also loosen the restrictions on medical savings accounts (MSAs) and flexible spending accounts (FSAs); and

Whereas, Employees who purchase a high-deductible health care plan will be permitted to make contributions to MSAs in an amount equal to the amount of the deductible; and

Whereas, MSAs will be made available to all employers, and they will be made permanent; and

Whereas, Employees will be permitted to rollover up to five hundred dollars in unspent health care contributions to an FSA to use the following year or to contribute to a 401(k) plan; and

Whereas, These changes will make MSAs and FSAs more attractive to employees and employers and therefore improve the quality of health care for working individuals and families from Colorado; and

Whereas, President Bush has also worked with a bipartisan group of legislators to establish the framework for legislation to improve Medicare and keep its benefits secure based on the following principles:

(1) Promoting the option of a subsidized prescription drug benefit as part of a modernized Medicare;

(2) Providing better coverage for preventive care and serious illnesses;

(3) Allowing current and future beneficiaries to have the option of keeping the traditional Medicare plan with no charges;

(4) Providing better health insurance options;

(5) Strengthening the long-term financial security of Medicare;

(6) Updating and streamlining Medicare's regulations and administrative procedures, while reducing its fraud and abuse;

(7) Encouraging high quality health care for all seniors; and

Whereas, President Bush's framework for bipartisan legislation will help modernize Medicare and help fulfill its promise of health care security for Colorado's seniors and people with disabilities; and

Whereas, Proposed legislation entitled the "Immediate Helping Hand Prescription Drug Assistance Act" would give states block grants to provide a drug benefit for low-income Medicare beneficiaries; and

Whereas, The "Immediate Helping Hand Prescription Drug Assistance Act" would provide forty-eight billion dollars to states over seven years, including over eighty-five million dollars to Colorado; and

Whereas, This federal assistance would help Colorado's seniors afford prescription drugs; and

Whereas, President Bush's plans for extending health credits, increasing the flexibility of MSAs and FSAs, and modernizing Medicare, as well as the "Immediate Helping Hand Prescription Drug Assistance Act" will vastly improve the quality of health care for the citizens of Colorado; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado:

That we, the members of the House of Representatives of the State of Colorado, encourage the Colorado congressional delegation to support and work to pass legislation related to extending health credits, increasing the flexibility of MSAs and FSAs, and modernizing Medicare, and also support and work to pass the "Immediate Helping Hand Prescription Drug Assistance Act".

Be It Further Resolved, That copies of this Resolution be sent to the President of the United States, the Secretary of the United States Department of Health and Human Services, and each member of Colorado's delegation to the United States Congress.

JUDITH RODRIGUE,
Chief Clerk of the House of Representatives.
DOUG DEAN,
Speaker of the House of Representatives.

TRIBUTE TO JOHN ROBERT DALZELL, OUTGOING CHAIRMAN, INLAND EMPIRE ECONOMIC PARTNERSHIP

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well-being and safety of my hometown of Corona, CA, is exceptional. The City of Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. John Robert Dalzell is one of these individuals. On Thursday, June 27, 2002, John Robert Dalzell will be retiring after 31 years of dedicated service to the community as a law enforcement officer. His outstanding work as a police officer, in addition to his personal involvement in the community, will be celebrated at a luncheon in his honor.

John Robert Dalzell was born in Illinois on September 1, 1947 and shortly after his family moved to Arizona. After graduation from high school, John enlisted for and honorably served in the United States Navy for five years which included tours of duty in Vietnam. He obtained his Bachelor's Degree from Chapman College and began his law enforcement career with the Corona Police Department as a reserve officer and police officer in 1976. He was promoted to the rank of lieutenant in 1980 and to captain in 1983.

John's exemplary career as a police officer includes serving as the commanding officer in charge of all three divisions in the police department. John holds several advanced Peace Officer Standards and Training certificates including Advanced and Executive Certificate and has served on law enforcement advisory boards throughout Riverside County.

John has also been actively involved in the community, as the past president and current member of the Corona Breakfast Lions club, former chairman of the American Cancer Society Charity Dinner Committee and the 2001 recipient of the Temescal District Boy Scouts of America Distinguished Citizen Award.

John's tireless work as a police officer has contributed unmeasurably to the safety and betterment of the City of Corona. His involvement in community organizations of the City of Corona make me proud to call him a fellow community member, American and friend. I know that all of Corona is grateful for his efforts and salute him as he departs. I look forward to continuing to work with him for the good of our community in the future.

NATIONAL SERVICE DAY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of National Service Day, a day on which we commemorate those who are committed to civic duty and helping their communities. National Service represents opportunity, responsibility and community.

In 1992, when President Bill Clinton was launching his dream of national service, he said, "We need a new spirit of community, a sense that we are all in this together, or the American Dream will continue to wither. Our Destiny is bound up with the destiny of every other American." Less than a year later, his dream was realized.

I was pleased to support the National and Community Trust Act in 1993, which created AmeriCorps, a domestic national service program founded on the framework of Federal, State and local partnership.

Since the inception of AmeriCorps, over 200,000 Americans have been able to serve their country, and more importantly, their communities.

I am proud that many citizens have been able to take advantage of serving in AmeriCorps. I am also proud that many of my constituents have chosen to give back to their communities in many different ways.

In the Commonwealth of Virginia, over 18,000 citizens of all ages and backgrounds are participating in over 90 national service projects, which include coordinating after-school programs, building homes and organizing neighborhood watch groups.

I am pleased to say, that this year, the Corporation for National Service will provide Virginia with more than $6 million dollars to support Virginia communities through three national service initiatives: AmeriCorps, Learn and Serve America, and National Senior Service Corps.

After September 11th, much has been said about "giving back to our communities" in a time of national crisis, and I strongly believe that Americans want to continue this trend, even when the present threat is gone.

When citizens are deeply-rooted to their communities, when they have seen with their own eyes the positive impact that their service has made on their communities, and when these same communities are boosted, national service has served its very local purpose.

I am proud, Mr. Speaker, to recognize National Service Day, and honor those who represent the true American ideals of opportunity, responsibility and community.

CODE TALKERS RECOGNITION ACT

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H.R. 3250, the Code Talkers Recognition Act. This bill expresses Congress' recognition towards the Native American Code Talkers for their honorable contribution in the U.S. victories during World War I and II.

The Sioux, Comanche, and Choctaw Code Talkers served on the frontlines of World War II in the European fronts and on the Pacific. During World War I the Choctaw Code Talkers served as radio airmen who were positioned in the widest possible area for communications that resulted in the successful transferring of their unbreakable code.

Many Native American Code Talkers provided vital combat information in their native language, regarding the enemies' locations and their strength. As a result, countless American soldier's lives were saved in battle. As a member of the House Committee of Veteran Affairs, I acknowledge the magnitude of commitment these men carried out in order to defend our Country and to grasp victory.

Last year on July 26, 2001, I had the privilege to participate in the Congressional Gold Medal award ceremony for the Navajo Code Talkers. Mr. Speaker, I support this legislation that will honor additional heroes of America, the Sioux, Comanche, and Choctaw Code Talkers. These code talkers respectfully deserve equal recognition for their heroic support in World Wars I and II.

RECOGNIZING THE GWINNETT HOUSING RESOURCE PARTNERSHIP'S 10-YEAR ANNIVERSARY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. BARR of Georgia. Mr. Speaker, I am pleased to recognize the Gwinnett Housing Resource Partnerships's (GHRP) 10-year Anniversary. This event coincides with Gwinnett County naming June as Homeownership Month.

The Gwinnett Housing Resource Partnership is a non-profit housing counseling agency which strives to help low- and moderate-income households, including the homeless, become home owners. GHRP works toward combating predatory lending by educating over 600 households.

GHRP is led by the Executive Director, Marina Peed, whose dedication to excellence makes her a role model to her coworkers and the neighboring counties. I am pleased to honor GHRP and Marina Peed for their impressive accomplishments and wish them continuous success.

FINALISTS FOR NATIONAL HISTORY DAY CONTEST

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. SPRATT. Mr. Speaker, I rise to congratulate the National History Day finalists from my district in South Carolina—McArn Bennett, Bryan Blair, Jordan Thomas, Meagan Linton, Mary Carolyn Hudson, and Angel Burns.

The students were part of a nationwide group of 2,000 finalists participating in the National History Day contest at the University of Maryland at College Park June 9–13th. They brought with them the products of months of research in the form of dramatic performances and museum exhibits.

McArn Bennett's exhibit, "Discord in Harmony: Revolution and Reaction in Jazz," won first place in the nation in the category of senior individual exhibit. He received a gold medal and $1,000.

Bryan Blair's exhibit, "The Orangeburg Massacre: Revolution, Reaction, and Reform in South Carolina" was one of 17 student projects selected to be presented at the Smithsonian's National Museum of American History. It was ranked 11th in the nation, and he won a partial-tuition scholarship to Chaminade University in Honolulu.

An exhibit by Meagan Linton, Jordan Thomas, and Mary Carolyn Hudson entitled "Tears of Sorrow, Tears of Joy: The Reaction to the Assassination of Abe Lincoln," was shown at the White House Visitors Center. Their exhibit was ranked 12th in the nation.

Angel Burns won applause for a ten-minute individual performance entitled "Septima Clark: Queen Mother of the Civil Rights Revolution."

I want to salute all of these students for their outstanding work, and I also want to recognize their teachers, Gail Ingram, from Cheraw High School, and Debbie Ballard, from Long Junior High School. Together, they have brought a great sense of pride to their schools and their communities and helped make history come alive for their students.

JUNETEENTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. RANGEL. Mr. Speaker, I rise today to recognize the historic significance of June 19th, known as Juneteenth, a day which marks the end of slavery across America and the independence of African Americans.

Juneteenth began in the great State of Texas when Major General Gordon Granger of the Union Army led his troops into the city of Galveston. There, on June 19, 1865, he officially proclaimed freedom for slaves in that State. Note that this was two and a half years after President Lincoln's Emancipation Proclamation, which had become official January 1, 1863. Thus it was on Juneteenth that the African American slaves of Texas and other parts of the South celebrated the final execution of the Emancipation Proclamation, giving them their freedom forever.

The celebration of Juneteenth which has not until recently received its rightful day of national appreciation is not only a showcase of the African American community's positive contributions to the American way of life, but it also makes a statement for all Americans that the United States is truly the "Land of the Free." Juneteenth is an expression and extension of American freedom and, like the Fourth of July, a time for all Americans to celebrate our independence, human rights, civil rights and freedom.

A SPECIAL TRIBUTE TO BETTY JO SHERMAN ON HER NFRW TRIBUTE NOMINATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding citizen from Ohio's Fifth Congressional District. Betty Jo Sherman will be honored by the Ohio Chapter of the National Federation of Republican Women on Sunday, June 23, 2002 for her continued dedication to the electoral process.

Mr. Speaker, Betty Jo is celebrating this monumental occasion with family, friends, and colleagues, all who have known of her selfless contributions to the U.S. electoral system. Serving a democratic institution was not only Betty Jo's duty but also her honor. These opportunities to contribute to a fundamentally American responsibility have brought her a lifetime of both personal and professional achievement. Betty Jo truly is a valued citizen of the State of Ohio.

Betty Jo continues to lead a distinguished career as an advocate for the participation in American political process, which is made evident through the numerous positions she has held within the local and state Republican Party. She has also served her local community by becoming the first woman to be elected to the Woodmore, Ohio Board of Education. Betty Jo has been active in the electoral process since the early 1970's and tirelessly continues to serve both the interests of that system and those of her local community. These achievements demonstrate not only that Betty Jo is dedicated to the strong ideals of the American electoral process, but also to the vision of our founding fathers.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Betty Jo Sherman. Our democratic institutions are served well by having such honorable and giving citizens, like Betty Jo, who care about the active participation of all Americans in the electoral process. I am confident that Betty Jo will continue to serve her community as an advocate of citizen participation in the American electoral system well into the future. We wish her the very best on this special occasion.

HONORING JANET COHN OF CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Janet Cohn of Connecticut, who died on April 25th at 92 years young. Mrs. Cohn was the wife of the late Yale Cohn, who passed away in 1995, and mother of the Secretary of the Connecticut State Democratic party. She was an active member of the League of Women Voters as well as various other West Hartford organizations.

Born in New York City, Mrs. Cohn moved to Connecticut where she skipped two grades and graduated from Rockville High School as class valedictorian at the age of 16. From there she went on to work at the Aetna Insurance Company due to the fact that college was financially out of the question.

At Aetna, her exceptional skill as a typist was widely known as well as her tendency to distract most of her gentleman co-workers with her flapper skirts, as she would gleefully report to all those who inquired.

Mrs. Cohn met Yale at a dance for Jewish singles and married in 1933. Soon after, her skills in the workplace caused the company to break its then longstanding policy of firing female employees after they married. After she left Aetna, she took up the books at her husband's fish store, the Bostonian Fishery.

A self-proclaimed "old fashioned girl," Mrs. Cohn refused to bow to the increase in technology over the years, which meant that she never used a videotape recorder or flew in a plane. Her lack of travel only increased her focus on the welfare of her community. After moving to West Hartford in 1964, she became chairwoman of her voting district, pitching in wherever she felt that she was needed most.

In addition to her love of politics, Mrs. Cohn found time for her love of painting, making hand painted cards for the birthdays of all of the many members of her family. She even found the time to serve as a Justice of the Peace, a role she gladly played at the age of 91 for her own granddaughter's wedding ceremony. She leaves behind two daughters, four grandchildren and six great grandchildren.

Janet Cohn was an exceptional human being whose love of life was contagious to all those she came into contact with. She will truly be missed by the community she served for so many years, but most of all by her loving family.

THE PLIGHT OF HAITIAN AND AFRICAN REFUGEES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. TOWNS. Mr. Speaker, though the events of September 11 were a tragic and unbelievable experience for almost all of us in this country, some of the policies and security measures that we are creating and enforcing because of it go against the principles that we as a nation stand for. The freedoms that many countries deny their citizens, but we allow to ours, has been the reason that we have been able to shine as the great nation that we are. The responsibility that we have taken on by assisting victims of terror and oppression have separated us from other countries and again helped us to create a nation dedicated to the welfare of all peoples. However as a result of 9–11, we have started to retract on these policies. And though they may be grounded in a fear that is all too real, retracting on our principles and ideals will not remove that fear, nor will it solve the problem. Two groups that have been affected the most by some of the new policies and/or security measures are two groups that need it the most. Haitian and African refugees are suffering in their homelands and are turning to the U.S. for aid, nonetheless, we are turning them away and/or allowing them to enter the U.S. and continue their suffering in detainment centers. Will we allow ourselves to succumb to the laws of other countries that deny people their rights and ability to live as free civilized peoples?

In December, the Administration initiated a policy, which detains all Haitians seeking asylum in Miami. This policy is unmistakably discriminatory: 91 percent of refugees from other nations are given parole in American communities while they seek asylum, while Haitians who have been granted asylum often remain in detention. The policy's objective, to deter Haitians from risking their lives to come to the U.S. by boat, has not been successful. Many Haitians are not aware of this new policy and some choose to face detainment here rather than face terrorism at home. In fact, approximately 97 percent of Haitians seeking asylum are detained. For a country that was built on a historical acceptance of refugees, does it make logical sense that we treat refugees in this manner? Most Americans' ancestors came here escaping problems in their homelands as well, yet were not treated with the same disdain. Yet this goes beyond disdain, these people lack the basic rights that we as a country preach that everyone should have. These people are detained in facilities that have surpassed their maximum limit. They are not given ample time to obtain legal assistance or prepare and file their claim of asylum. They are not given sufficient medical care. Their children are denied educational services and are not allowed recreational time outdoors. They are housed with criminal prisoners even though they themselves are not. Their human rights are being violated. It is important that we ensure the due process and equal protection to Haitians asylum seekers as they turn to us for help.

The treatment of African refugees is equally problematic. According to the Interaction's Committee on Migration and Refugee Affairs, almost 50 percent of the world's 25 million internally displaced persons are in Africa, yet we only allow 31 percent of all refugees admitted to the U.S. are African. And, because the Department of State has consistently not processed refugees, we have not been able to reached our refugee allocations throughout the 1980s and 90s. For the Fiscal Year 2002, the allocation for Africa was 22,000 yet only 891 African refugees were admitted into the country. In 1999, $120 was spent on a refugee from Yugoslavia, whereas $35 was spent on one refugee from Africa. If African refugees are in greater need why are their needs being neglected?

Witness the case of Melrose Coker, an African refugee from Sierra Leone, who has languished in two different refugee camps since 1999. She and her children have been subjected to hazardous labor exploitation, physical abuse, denial of education, sexual violence and exploitation. While trying to survive hardships in one of these camps, Melrose was able to make contact with her family in the United States. Her mother was deeply troubled and saddened by the hardships Melrose and her family suffered in Guinea. She could not sit back and watch while her daughter and grandchildren suffered. She therefore petitioned for Melrose and her family to be provided with visas to travel to the United States, for purposes of family reunification and resettlement. This petition was filed with a local refugee agency in New York City in 1999. Several months passed and no feed-back was received from the agency handling the petition. Several petitions have been filed by Melrose's family in the United States, with various agencies and UNECR, to resettle Melrose's family in the United States. Thus far, all of these efforts have been unsuccessful. Inquiries into the status of her case have all produced no information or response. Meanwhile, Melrose and her family continue to perish while putting their lives at risk everyday, living in fear, poverty and squalor. Melrose's voice is reaching out of the depths of darkness and misery and is crying out to us today. Not only has Melrose's family suffered some of the worst atrocities ever recorded in the world during the war in Sierra Leone, but they continue to remain at risk in the refugee camps in Guinea—where they are supposed to find safety. I, therefore, appeal to you to listen to Melrose's voice calling from beyond the tents of refugee camps in Guinea. I urge you to take on the challenge to protect her and resettle and reunify her with her family in the United States.

Finally, Haitian and African refugees are in dire need of our help and as we close our doors to their pleas or continue to allow them to be mistreated in our own nation, we join alliances with those that are for the inhumane treatment of human beings. Have we not dedicated ourselves to promoting the freedom of those deprived of rights that we believe are inherent to human life? The answer is yes. The United States has been a leader in the protection of refugees and as we decline in our dedication to those that need our aid so do the rest of the resettlement countries. We must remember the events of September 11th and learn how to prevent them, but we cannot do so at the cost of the lives of others. We were attacked on that day because of our principles, if we retract on them, we our only allowing ourselves to lose in the war on terrorism. The Haitian and African refugees need our help; let us stand up for what we believe in and give them the rights that they deserve.

TRIBUTE TO MS. SALLY SCHMITZ

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. WELLER. Mr. Speaker, I rise today to offer congratulations to Ms. Sally Schmitz on the occasion of her retirement after an exceptional career as the Administrative Assistant and Office Manager of the Ottawa Area Chamber of Commerce and Industry (OAC).

For the past fifteen years, Ms. Schmitz has served the business community and citizens of the City of Ottawa in an outstanding fashion—oftentimes providing the behind-the-scenes coordination for many of the City of Ottawa's most attractive and successful events.

Some of these key events made successful in large part because of Ms. Schmitz's organizational abilities include the Ottawa Area Chamber's sold-out annual meeting banquet at Starved Rock Lodge; the OAC's Business Expo and BIP Golf Outing; the huge Welcomeburger community event; many Riverfest activities and the expanding Farmers Market.

In addition to coordinating these key events which have enhanced and enriched the quality of life in the City of Ottawa, Ms. Schmitz has played a vital role over the years in helping the Ottawa Area Chamber of Commerce and Industry develop into a vigorous and effective organization. For example, Ms. Schmitz's work to maintain an efficient office operation while supporting OAC membership recruitment and retention efforts have been absolutely critical to the success of the Ottawa Area Chamber of Commerce and Industry.

In closing, Mr. Speaker, I am proud and pleased to be able to offer to my colleagues in the United States House of Representatives the example of Ms. Sally Schmitz as an outstanding community servant whose work during the course of her career has helped build the Ottawa Area Chamber of Commerce and Industry into perhaps the leading public service organization in the City of Ottawa.

IN RECOGNITION OF JACK LOFTIS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Jack Loftis, the longtime Associate Publisher and Editor of the Houston Chronicle, who will officially retire on July 1, 2002, after serving nearly 50 years in Texas journalism.

A native of Hillsboro, Texas, Jack Loftis began his journalism career as a sportswriter for the Hillsboro Daily Mirror while still attending Baylor University, where he received a BBA degree in the spring of 1957. Soon after he was named editor of the paper in 1962. Mr. Loftis joined the Houston Chronicle in 1965 as a copy editor and five years later became editor of the Texas Magazine, the paper's Sunday rotogravure section. In 1972, he was promoted to features editor and began his rise through the newspaper's executive ranks and in 1974 was named assistant managing editor. Promoted to assistant editor in 1979 and vice president and editor in 1987, Jack Loftis gained the additional titles of executive vice president in 1990 and associate publisher in 1998. At the age of 67, Mr. Loftis has been the Chronicle's ranking editor during the past 15 years and the ninth in the Chronicle's 100-year history. His tenure is second only to that of M. E. Foster, who founded the paper in 1901 and served as its editor for 26 years.

Throughout his career Jack Loftis has remained involved in a number of organizations aimed at improving the Houston community. He is a founding director of Crime Stoppers of Houston, Inc., Vice President of the Chronicle's Goodfellows holiday charity and a former member of both the Houston READ Commission and the Clean Houston Commission. Mr. Loftis, along with his wife Beverly has been involved in activities connected with the Lone Star Chapter of the Multiple Sclerosis Society, Friends of the West University Park and Citizens for Animal Protection.

Jack Loftis' exemplary model of community activism has earned him the respect and praise of his colleagues, community leaders and countless community organizations. He was the recipient of the United Way Loving Hand Award (1994); the Headliners Foundation of Texas' Lifetime Achievement Award (1995); Honorary chairman of the 1995 Inaugural Committee; Newspaper Features Hall of Fame (1997); the Freedom of the Information Foundation of Texas' James Madison Award (1999); and the Pulitzer Prize Nominating Juror (1999 and 2000).

Honored as a Baylor Distinguished Alumnus in 1988, Loftis was a member of the school's Sesquicentennial Council of 150 during 1993–95 and received the Baylor Communications Award in 1997. He currently is a member of the executive committee of the Baylor Alumni Association and chairs the advisory board for The Baylor Line, the association's quarterly magazine. Also, in recognition of his legacy, Baylor University has named the press box at its newly constructed Baylor Ballpark stadium in Jack Loftis' honor.

Jack Loftis recently summed up his career best by saying: "Since the day I walked in the Chronicle my intention has been to do what was best for the community, this newspaper and this staff. I hope I have succeeded more times than I have failed." Mr. Speaker there is no question that Jack Loftis has succeeded in improving our city, state and nation and establishing the Houston Chronicle as one of America's leading daily newspapers. Throughout his tenure, Jack witnessed and reported on the tremendous growth of Houston and Texas, the rise (and sometimes the fall) of its leaders and every day lives of the people who make up our great nation. Committed to the truth and a free, open, and democratic society, he has never shied away from reporting the news and expressing an opinion regardless of controversy or consternation. Mr. Speaker, I congratulate my friend on his tremendous career and commend him on a job well done.

DENTAL AMALGAM SAFETY

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. OTTER. Mr. Speaker, today I rise to support the continued recognition of Amalgam as a safe and appropriate material to be used in dental fillings.

Numerous studies conducted by a diverse assortment of health research organizations including the National Institutes of Health, the World Health Organization, the U.S. Public Health Service, the Food and Drug Administration, and the Centers for Disease Control and Prevention all confirm that the use of Amalgam in dental fillings is safe. With the costs of healthcare already soaring it is important to protect those treatments that have a proven track record of reliability and are cost effective for patients.

Dentists have come to rely on the use of Amalgam as a harmless, dependable, and cost effective material with which to treat their patients and I believe the use of Amalgam should remain a viable option for dentists and their patients.

FACTS ON THE 2002 ASSISTANCE TO FIREFIGHTERS GRANTS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. SMITH of Michigan. Mr. Speaker, USFA has just recently completed its peer review of the applications for this year.

Fire Operations and Firefighter Safety: $882,539,097 representing 58 percent of the applications.

Fire Fighting Vehicles: $1.26 billion representing 37 percent of the applications.

Emergency Medical Services: $35,174,783 representing two percent of the applications.

Fire Prevention Programs: $30,580,741 representing three percent of the applications.

Volunteer/Combination fire departments: 17,786 applications requesting more than $1.9 billion.

Career fire departments: 1,733 applications requesting more than $287 million.

This large number of requests by departments demonstrates just how significantly many fire departments are lacking the most basic of firefighting equipment.

Last year, only 4% of applicants received awards—through a peer reviewed process, which is the fairest, most effective way to distribute these funds.

Two years ago, Congress passed legislation authorizing a grant program to help fire departments enhance their ability to respond to fire and fire-related hazards. The program, known as the Assistance to Firefighters Grant Program, makes competitive, peer-reviewed awards to fire departments for basic needs such as training and equipment. In only its second year, the program has been extremely popular among the firefighting community and was appropriated at $360 million for fiscal year 2002.

We invite you to co-sponsor H.R. 4548, which would protect the Assistance to Firefighters Grants as a program separate and distinct from the Administration's newly created initiative within FEMA aimed at helping emergency service personnel prepare for and respond to terrorist incidents. The fire service community has overwhelmingly opposed any consolidation of these two programs, concerned that it would negatively impact the grant program or possibly even eliminate it altogether. These programs, while both very important to first responders, serve distinct needs.

The efficient and cost effectiveness of the Assistance to Firefighters Grants Program has been of great benefit to America's fire service. Congressmen HOYER, WELDON of PA, and I ask your support as a cosponsor of this legislation that retains the current provisions of the program (authorized at $900 million), as administered by the U.S. Fire Administration. To sign on as a cosponsor, contact me or Dan Byers at 225–5064.

MARKING INTERNATIONAL REFUGEE DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. CONYERS. Mr. Speaker, while Western nations mark and celebrate International Refugee Day today, the 3.3 million people who make up Africa's refugee population probably do not know that this day is for them. They are too busy eking out a living, a bare existence, in refugee camps and villages where they have found temporary safety.

Despite being the world leader in refugee resettlement, the U.S. has barely opened the door to African refugees. Helping Africans resettle here has not been a priority of U.S. policy since the end of the slave trade. In 1988, the Reagan Administration capped African admissions at just 3000, and fewer than 1600 Africans were actually admitted that year. From 1995 to 2000, 28% of the world's refugees were African, but only 11% of all the refugees resettled to the U.S. were Africans.

One policy of refugee resettlement was being applied to the world, while another policy with fewer admissions was being applied to Africa. I and my fellow members of the Congressional Black Caucus pressured the Clinton Administration to increase the admissions allocation for Africa, to rectify this imbalance, and to address the dire needs of people fleeing political persecution and violence in Africa.

By the end of the Clinton Administration in 2000, African admissions had climbed to 20,000 per year, largely due to the CBC's efforts. Our doors were opened to admit 22,000 African refugees this year. Despite this important victory—we are unlikely to see the fruits of our labor. Nowhere near 22,000 refugees will arrive from Africa this year, due to policy changes in the refugee program implemented after the September 11th attacks.

African admissions are down for several reasons. The Bush Administration imposed additional security checks—known as Special Advisory Opinions—on all men between the ages of 15 and 55 from certain Arab and Muslim countries, including some North and East African nations. They will not publicize this list so it is impossible to tell whether any male African refugees are exempt from this review, but processing has been very slow.

INS personnel stopped conducting circuit rides through Africa to conduct interviews of refugee applicants due to security concerns. Interviews were also stopped at processing locations in Kenya and Ghana for almost 6 months for security reasons.

The INS is also cracking down on "major inconsistencies" in the petitions of relatives seeking to join asylees already resettled in the U.S. In the worse cases, these differences include applications for parents who the resettled refugee originally claimed were murdered for political reasons, and applications for children who the refugee did not identify when they first applied for their refugee status. The rates of these inconsistencies are undeniably troubling. For some nationalities, more than 50% of family relative applications are inconsistent with the original applications filed by the resettled asylee.

Yet American and international voluntary organizations that assist in identifying refugees for resettlement tell us that in some places refugees are bribed by middlemen who hold up their paperwork if they indicate that they have living relatives who can assist them. The fact that the vast majority of African applicants seek entry as relatives suggests that other categories of entry may not be effective ways of entry for Africans. A myriad of processing and filing errors, or fraud on the part of the anchor relative or a third party, may be to blame. Rather than seeking explanations and contacting the applicants, the INS assumes that one such inconsistency means that any other claims of persecution, no matter how brutal, are untrustworthy lies.

For all of these reasons, many of the most vulnerable populations children, amputees, widowed women, and those who languish in refugee camps—are not getting admission to a program that exists to protect them.

I remain deeply concerned that huge refugee camps still exist in Africa where thousands of people await a chance at a decent life for as many as 10 to 15 years. In that time children are raising themselves, and each other, to adulthood while living in the camps. Eighty percent of refugees in these camps are women and children—both vulnerable groups who are in need of protection and durable solutions. Families are under dire strain, reunification is difficult and resuming a normal productive life is impossible. The United States must do more to address these tragedies that are plaguing refugees in Africa.

It is also time for us to turn around the horribly unjust policy that the INS recently instituted to keep Haitian asylum seekers locked up like, and sometimes with, violent criminals. For years, the INS Miami office has paroled asylum seekers into the community, once they show credible fear of persecution, while they await the adjudication of their claims. That policy still applies to people from any nation in the world—except Haiti. The INS has decided to discriminate against Haitians, holding them for months without access to translators and lawyers, while they await a decision.

The INS has said that the purpose of this policy is to deter Haitians from risking their lives to flee Haiti by boat. If that were the case, the policy would have been applied to Cubans, and any other people that come to the U.S. by boat, at the time it was instituted. And what evidence exists to show that locking people up will keep those risking their lives and fleeing persecution from coming? The real goal appears to be to keep Haitians out of the United States and once again I must question whether race is a factor in this discriminatory policy.

About 250 refugees are now being held in Miami. Men are separated and put in the grossly overcrowded facilities at Krome Detention Center. Women are placed in a maximum security county jail with violent criminals. And children are being detained with one parent in a facility where they receive no education, no play time or trips outside, no special programs geared towards their needs.

It is bad enough that there are millions of refugees around the world who come to us for refuge from persecution. It is even worse that we are then persecuting some of these refugees when they arrive by placing them in these inhumane conditions. There is no political, strategic, security or moral justification for this policy. I call on the Attorney General to immediately parole Haitians—just like all other asylum seekers.

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TRIBUTE TO ERNEST C. ("ERNIE") SMITH

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mrs. TAUSCHER. Mr. Speaker, I would like to submit the following to the CONGRESSIONAL RECORD for June 20, 2002, on behalf of my constituent.

In Loving Memory of Ernest C. ("Ernie") Smith,

For his contributions to his country as a United States Marine in numerous battles in the Pacific during World War II,

For his many years of service to his community as a school teacher and docent at the Oakland Museum,

For his unconditional and unending love, guidance and support of family as beloved husband, father, grandfather and great-grandfather, and

For his camaraderie, humor and loyalty to all whom were blessed to count him as a friend,

He will be forever loved, respected and etched in our memories.

* * *

TRIBUTE TO DAY HIGUCHI

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. BERMAN. Mr. Speaker, I rise today to recognize an outstanding educator and leader—my very good friend, Day Higuchi. On June 22, 2002, Day will be honored at a luncheon held by his friends and colleagues to celebrate his thirty-two years of tireless work on behalf of the public schools of Los Angeles.

While serving as President of United Teachers of Los Angeles, Day has also devised a number of new and innovative ways of teaching that can be used throughout the many subjects he has taught in his career—science, drama, English and film making. He is recognized for his creativity and the unique manner in which he has continually refined his instructional methods, as he designed, then redesigned an innovative interdisciplinary team teaching program with three of his colleagues. Day has also improved instruction for students by creating school-to-career centers, increasing standards based instruction, and creating effective reading and math programs. In addition, he developed a system to improve teaching quality through internships for new teachers, and Professional Development Programs (PAR, NBC, ISCA, Education Advisory Committee, and Task Force on the Professional Work of Teachers).

It is no wonder that I have long turned to him as a prime advisor on issues relating to education. He is a distinguished expert on improving the performance both of students and of teachers.

Day's leadership within the United Teachers of Los Angeles has resulted in dramatic improvements in the working conditions of educators. He first served as Chapter Chair from 1973 to 1987, then moved on to become a member of the UTLA House of Representatives from 1974 to 2003, the Board of Directors from 1984 to 1988, the Director of East Area from 1988 to 1991, the UTLA/American Federation of Teachers Vice-President from 1992 to 1997, and President from 1997 to 2003.

Day's accomplishments as an advocate and leader are legion. He successfully fought for the rights of Union Members and for an increase in important benefits. He helped defeat the breakup of the Lomita district, negotiate raises averaging 23 percent, defeat propositions to silence labor, defeat the Draper initiative for vouchers and pass important school bonds measures.

Day is a remarkable man who has been a great asset to the Los Angeles Unified School District. Mr. Speaker, it is an honor to ask my colleagues to join with me in paying tribute to Day Higuchi, who has dedicated his life to our children and their education.

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TRIBUTE TO THE COMMUNITY ACTION AGENCY OF DELAWARE COUNTY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to acknowledge the contributions that the Community Action Agency of Delaware County has made to improve the lives of many low income county residents. Since their inception in 1979, this agency has served numerous families and individuals.

The Community Action Agency of Delaware County focuses on equipping low income families and individuals with the tools and life skills they need to develop and build their own resources. This goal is achieved through programs focusing on life skills, employment and training, housing, and community development. These programs allow my constituents to gain a sense of self-respect, self-esteem, and a renewed sense of faith in their own abilities. The qualities and skills they develop make it possible for them to lead lives free from dependent relationships with government agencies.

The Community Action Agency of Delaware County has been successful in combining public, private, and nonprofit resources to address the needs within the economically disadvantaged community. Through these efforts they have become a major provider of social services and housing in Delaware County. For their work, they have received accolades from the Council of Delaware County.

Mr. Speaker, the Community Action Agency of Delaware County is ensuring that true self-sufficiency is possible for everyone in Delaware County. I hope that all my colleagues will join me in recognizing their contributions to Delaware County, to Pennsylvania, and to our great Nation.

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TRIBUTE TO MR. JOSEPH PATRICK CRIBBINS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to Joseph Patrick Cribbins, a great American patriot, who served the United States military and our nation, and who remains a hero in the hearts of South Texans and other Americans who knew him. He passed away this week.

This American soldier, with 52 years of military service, died on June 14, 2002, the 227th birthday of the United States Army.

He was a world-renowned expert in aviation safety and logistics, particularly in U.S. Army. As a young man, he was an expert horseman and steeplechase jockey. He joined the U.S. Army First Cavalry Division as a stable sergeant in the horse cavalry in 1940.

From there, he was deployed to the Philippines, joining the staff of General Douglas MacArthur in World War II, where he was commissioned as an officer. That is also where he met his wife of over 50 years, his beloved Helen who preceded him in death.

After a 26-year career in uniform, he entered the civil service with the Department of the Army in the Army Materiel Command in the Washington, D.C. area. His extraordinary achievements grew, as did Army aviation in the Vietnam Era and the late 20th Century. There, he became a major player in founding the aviation logistics office, which oversaw maintenance and supply activities.

This second Army career, in which he worked closely with the Corpus Christi Army Depot in South Texas, led to a second 26-year career culminating in his top rank as the third-ranked DA civilian, equivalent to a three-star general. He received numerous awards and decorations including four individual Presidential Awards for distinguished service, from four different Commanders-in-Chief.

I ask my colleagues to join me today as the nation mourns a lost warrior, one who helped defend freedom and democracy and shaped defense policy in the 20th Century Army.

PEACE CORPS CHARTER FOR THE 21ST CENTURY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. UDALL of Colorado. Mr. Speaker, today my colleague Representative SAM FARR and I are introducing the Peace Corps Charter for the 21st Century Act. I thank my colleague for working so closely with me on this important bill.

I also thank Senator CHRISTOPHER DODD for introducing a companion bill in the Senate and working with us every step of the way in this effort. I look forward to continuing communication between the House and Senate and with the Administration to ensure the product that emerges from the legislative process is one that has strong bipartisan support as well as the support of returned and current Peace Corps volunteers everywhere.

My own background as an educator and director at Outward Bound for twenty years taught me about the importance of national and community service. But I also have strong connections to the Peace Corps—through my great state of Colorado and through my family. Colorado has one of the highest levels of recruitment of Peace Corps volunteers nationwide, and returned Peace Corps Volunteers in the 2nd Congressional District alone number over 500. Of course, the most important Peace Corps connection for me is my mother, who served as a volunteer in Nepal decades ago.

Because of these connections I have a special interest in advancing the ability of the Peace Corps to play an important role in these new times.

As Americans, we have never been more proud of our country, our freedoms, our democracy, our diversity. We know how fortunate we are to live in the United States. And yet we were sent a clear message on September 11th that we are not necessarily viewed abroad the way we view ourselves at home. Why is this so? More importantly, how can we change this?

One way is to take multilateral action against terrorism, which we have done with the help of our allies in the months since 9–11. Another way is to continue to promote world peace and friendship through the people-to-people approach of the Peace Corps.

For over forty years, Peace Corps volunteers around the world have taught English and other subjects to foreign students, worked with small farmers to increase harvests, taught local people how to monitor their environment, and raised community awareness of health issues, among other things. The Peace Corps is one of the most admired and successful initiatives ever put in place.

But the Peace Corps's first director, Sargent Shriver, said in a speech at Yale last November that its founders made one mistake when they created the Peace Corps: They didn't go far enough or dream big enough. As he put it, "Our present world cries out for a new Peace Corps—a vastly improved, expanded, and profoundly deeper enterprise. . . . Peace is much more than the mere absence of war. Peace requires the simple but powerful recognition that what we have in common as human beings is more important and crucial than what divides us."

I think he was right. And the bill we are introducing today echoes that vision. The Peace Corps mission reflects the fact that with economic development and mutual understanding come greater opportunities for peace. And every small step we take to help and understand people in other countries has its own rewards.

A pebble tossed into a still pond creates ripples that begin small and grow larger. Peace Corps volunteers have had this same effect on the people they have touched. The Peace Corps experience exemplifies how individuals can make a tremendous difference in the lives and perceptions of people in developing countries as well as people right here at home.

More than 166,000 Americans have served in 135 countries over the past 40 years. Many more are prepared to serve; since the beginning of this year, requests for Peace Corps applications have increased by 77 percent. This is good news, as we are finally building solid support behind the idea of doubling the size—as well as the impact—of the Peace Corps.

It was the Reagan Administration that first articulated the notion of expanding the size of Peace Corps to 10,000 volunteers. We're pleased that President Bush has embraced this important goal and has pledged to seek to double the size to 15,000 in five years. The bill we're introducing today builds on that concept and goes beyond it to propose a new post-9-11 "Charter" for the Peace Corps.

The "Peace Corps Charter" strengthens the Peace Corps in a number of ways. It restates and further promotes its goals—to provide technical assistance to those in need around the world, to promote better understanding of Americans on the part of the peoples served, and to bring the world home to America. It authorizes funding to allow for a Peace Corps expansion to 15,000 volunteers in five years. It reaffirms the independence of the Peace Corps. It authorizes a number of reports, such as one on host country security. It spells out a commitment to recruit and place Peace Corps volunteers in countries where they could help promote mutual understanding, particularly in areas with substantial Muslim populations. It establishes training programs for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases, such as HIV/AIDS. It streamlines and empowers the Peace Corps Advisory Council, with an added focus of making use of the expertise of Returned Peace Corps Volunteers. Finally, the bill creates a grant program to enable Returned Peace Corps Volunteers to use their experience and expertise to continue to carry out the goals of the Peace Corps through specific projects.

As Sargent Shriver stated in his November speech, we need a new world of peace. Today we join with the Administration in its call for an expanded and refocused Peace Corps that can take on the new challenges that September 11th has presented to us, a Peace Corps that can be "a pragmatic and dramatic symbol of America's commitment to peace." I believe that passage of the Peace Corps Charter for the 21st Century will help us head in this direction.

I look forward to working with our colleagues in the House as we move forward with this vital legislation.

RECOGNIZING JIM NEELY FOR HIS YEARS OF PUBLIC SERVICE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. TANNER. Mr. Speaker, I rise today to recognize the years of selfless public service of a dear friend of mine, Mr. James Neely. Jim recently received the Pinnacle of Excellence Award, the highest honor offered by the people of Huntingdon, Tennessee, which I am proud to say is also the hometown of my wife, Betty Ann.

Mr. Neely and his wife, Rachel Todd Neely, live in Huntingdon in Carroll County, Tennessee. They have a daughter and son-in-law, Hope and Michael Turner, a granddaughter, Neely Turner, and a second grandchild on the way.

Jim is a graduate of Huntingdon High School and the University of Tennessee at Martin. Since that time, he has been a leader in our community and in the state, including serving as Commissioner of the Tennessee Department of Labor and as President of the Tennessee AFL–CIO Labor Council.

Other state positions he has held include seats on the Employment Security Advisory Council, the Cabinet Council on Indigent Health Care, the Commission on Higher Education, the Advisory Council on Worker's Compensation and the Safety Congress Board of

Directors, which he also founded. He has chaired the Planning Committee for the Tennessee Job Partnership Council and the state Workforce Development Planning Committee.

His other accomplishments include past Chairman of the Huntingdon Special School District Board of Education and past Member of the Federal Reserve Bank of Atlanta Advisory Board.

Jim has said he is proud to be from Huntingdon, Tennessee. Today, Mr. Speaker, I say that we are proud to have such a fine leader as one of our own. I ask that you and our colleagues join me in recognizing my friend, Mr. James Neely, for all he has done to make a difference.

CONGRATULATING TIGER WOODS

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Ms. WATERS. Mr. Speaker, I rise tonight to offer my congratulations to Tiger Woods. Over the weekend, he won the 102nd U.S. Open, held this year at Bethpage Black Golf Course.

The victory did not come easy. A strong field started the tournament on Thursday and the players had to fight through three days of torrential rain. The course, the longest in U.S. Open history, was also regarded as among the most difficult courses ever played.

But Tiger's poise and concentration, as well as wealth of talent, helped him through the week. He managed to shoot a 277, three under par. Tiger was the only golfer of the 155 that competed, who managed to finish under par.

With the victory, Tiger's tally of major tournaments won climbed to eight. He has won six of the last nine major championships, and seven of 11—an unbelievable streak.

Despite all his accomplishments, Tiger is still aiming higher. He now says he wants to win all four majors in the same year, a grand slam—something that has never been done before. But, I'm certain with Tiger's discipline and talent he will accomplish this as well.

So as I conclude, Mr. Speaker, I would once again like to congratulate Tiger in his most recent victory. I would also like to congratulate and thank Tiger for being such a positive role model for our nation's children. He is a great inspiration for them. Lastly, I would like to wish him good luck in his efforts to win the grand slam and achieving all the other goals he sets for himself. He is a tremendous athlete and fine individual and deserves all the best.

TRIBUTE TO MRS. RUTH C. GIST

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Ruth C. Gist of Union, South Carolina on occasion of the Union County Pacolet River Baptist Association declaring Saturday June 22, 2002, Mrs. Ruth C. Gist Day in Union South Carolina.

Mrs. Ruth C. Gist has devoted her life to her family, her community and Christian service. She has served as a role model for her family and fellow community members. She is described as a "woman of strong moral values, great strength, integrity and dignity."

Mrs. Ruth C. Gist has five children all of whom I have had the privilege to interact with professionally and socially. She has five grandchildren, and five great-grandchildren. In addition, she has served as a surrogate parent to numerous other children in her church and local community all of whom she tries to serve by precept and example.

Because of her selfless devotion and tireless community service, Mrs. Gist's, church family, and the citizens of Union County have deemed it appropriate to recognize her for her years of unselfish service.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Mrs. Gist on this momentous day, Mrs. Ruth C. Gist Day, in Union County, South Carolina. I wish her good luck and Godspeed.

ON INTRODUCTION OF BILL THAT PAYS TRIBUTE TO STEVEN PINIAHA

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise to introduce a bill that pays tribute to an especially brave man from New Jersey, Private First Class Steven Piniaha. This bill would authorize the President to award Private Piniaha, the Congressional Medal of Honor, for his gallantry in action near Pirkenbrunn, Germany, on April 25, 1945. For his courageous and selfless actions on the battlefield, this man is truly a great American patriot.

In response to the call of duty, Private Piniaha was unable to dislodge a force of enemy riflemen from their dug-in positions on a hillside with tank fire. Private Piniaha dismounted his tank and boldly stormed the hill. Although twice thrown to the ground by concussion grenades he continued forward until he was mere yards from the enemy and then forced the surrender of twelve of the enemy. Private Piniaha's fearless courage, dauntless initiative and devotion to duty reflect credit on himself and are in keeping with the highest military traditions.

After leaving the service, Mr. Piniaha, spent a quarter of a century coaching little league baseball and football. He is married and has eight grownup children. He is currently retired.

Although the American colonists were victorious in the revolutionary war 219 years ago, the American pursuit of liberty did not end there. Throughout the past 2 centuries, young Americans like Private Piniaha have fought to preserve our country's values both inside and outside its borders. In this struggle, one of our most valuable resources has been our soldiers and their dedication to upholding American ideals.

This July 4th, when we celebrate the birth of our beloved nation and all it means to us, we must acknowledge the brave and selfless actions of dedicated American soldiers like Private Piniaha. Through his courageous military service, Private Piniaha has done his part to ensure that America may celebrate its independence year after year.

I urge support for this bill that honors Private Piniaha's contribution to American military history. Thanks to brave soldiers like Private Piniaha, we retain our freedom and we protect democracy around the world. I ask all my colleagues to join me in commending Private Piniaha's sacrifice for our nation.

HONORING ERNEST R. GRECCO

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. CARDIN. Mr. Speaker, I rise today to honor Ernest R. Grecco, an extraordinary leader and community activist who serves as President of the Metropolitan Baltimore Council AFL–CIO Unions. Mr. Grecco is recognized for his commitment to "the right of all working people to join unions" and his ongoing work in serving the Baltimore area.

Mr. Grecco's distinguished involvement with the labor movement has flourished since his initial engagement while working for Calvert Distilleries. Ernest Grecco's perseverance and open mindedness have allowed him to rise through the ranks of AFL–CIO Unions leadership. First serving as the COPE Director of the Metropolitan Baltimore Council AFL–CIO Unions in 1976, he became the director of the Maryland State and District of Columbia branch of this organization in 1983. Then in 1987, as a result of his genuine dedication to bettering the lives of people, Mr. Grecco advanced to his current role as the President of Metropolitan Baltimore division of this organization.

Since then, Ernest Grecco has maintained his commitment in providing services to working people. His support for the Community Service division of the Metropolitan Baltimore Council AFL–CIO Unions has strengthened projects in areas of education, job placement and community action.

However, his message of hard work, dedication and justice is not confined to the labor movement. Ernest Grecco is extensively involved it all facets of the community. Not only is he the Secretary of the United Way Board of Directors, but Mr. Grecco also serves as a member of the Private Industry Council, the Governor's Work Force Investment Board and the Empower Baltimore Committee, among countless other distinguished organizations.

Through all his public service, Mr. Grecco has distinguished himself in the state of Maryland. He proclaimed that "Labor is alive and well in Maryland" and works hard each day to improve the lives of workers.

In July, Mr. Grecco will be celebrating his 60th birthday with family and friends. I urge my colleagues to join me in honoring Mr. Ernest R. Grecco for his service to the AFL–CIO Unions and devotion to the people of Maryland.

CONGRATULATING THE WILLIAMS SISTERS

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Ms. WATERS. Mr. Speaker, I rise today to congratulate the Williams sisters on their magnificent play during the 2002 French Open. The two sisters, Venus and Serena, met recently in the finals of the French Open and provided an exciting game for us to watch. In the end, Serena defeated her big sister in straight sets, 7-5, 6-3 to become champion. It was a great match and I look forward to watching them compete in the future. I would not be surprised to see them competing against each other in other finals over the next few years.

Recently, Venus was ranked number one in the world by the Women's Tennis Association. And Serena was ranked number two. It is the first time sisters have ever held the top two spots in the world. It is quite an accomplishment.

Venus and Serena have dominated the tennis scene since they arrived in 1994 and 1997, respectively. Together, they have won over 27 tournaments and six grand slam titles. When Venus won the 2000 Wimbledon championship, she became the first female black champion since 1958 when Althea Gibson won the title. In the same year, she teamed up with her sister to win the doubles championship. Venus went on to win Wimbledon last year and is the top ranked woman this year. She also won the Olympic gold medal for singles and doubles in the Sydney Games. To win the Olympic doubles gold medal, she paired up with Serena. The two sisters overwhelmed the competition with power and hard work, winning the gold medal match 6-1, 6-1. With that victory, Venus became the first woman, since 1924, to win the gold in singles and doubles competition.

Serena is also quite accomplished. She has fifteen career wins under her belt. As I mentioned, she won her second Grand Slam title at the French Open this year, her first coming at the 1999 U.S. Open. When she won that title, Serena became the lowest seed to win the women's title in the Open era. She is ranked number two at Wimbledon this year.

So it appears that most expect the sisters to reach the Wimbledon finals this year. If it does happen, it would be the third all-Williams Grand Slam final in 10 months. And their seventh championship in the past 12 Grand Slam singles events.

In closing, I wish Venus and Serena the best of luck at Wimbledon and offer my sincere congratulations to them for their remarkable achievements.

TRIBUTE TO BROOKLAND BAPTIST CHURCH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Brookland Baptist Church, of West Columbia, South Carolina, on the occasion of their Centennial year.

This Sunday, June 23, 2002, will be Brookland Baptist Church's Men's Day Celebration during which they will celebrate 100 years of Christian service. Although this church—as many others—is made of bricks and mortar, to its community it symbolizes the body of Christ. In times of need, Brookland Baptist has been, and continues to be, a place of comfort and support. In times of joy, it has been and is a gathering place for families and friends to join in celebration. Every day, and in every way this church has been a place of sanctity and worship. Brookland Baptist's entire church family is to be commended for its commitment and service.

Brookland Baptist Church not only has demonstrated great love and loyalty to its community, but also has shown its resilience and strength over the years. This prominent church in West Columbia started out with modest roots. In the 1800's, Brookland Baptist Church held its first meetings in the home of Mrs. Francis Milliage. But from this modest beginning, the members—with faith in their hearts—were able to construct Brookland's first church edifice in Triangle City, West Columbia, in 1902. Since that time the church moved twice in order to have space for its growing congregation. Today the Church has a 2,200 seat sanctuary, and will break ground next year on a new Family Life Center. The church currently has 4,500 members in their congregation.

Mr. Speaker, I ask you and my colleagues to join me in recognizing Brookland Baptist Church for its dedication and commitment, endless faith and devotion, and the love and contributions it has shown to the community of West Columbia. Congratulations on this latest milestone in its rich history. May God continue to bless the good works of this great Church and smile upon each of its outstanding members.

A TRIBUTE TO ADAM N. HASKINS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. TOWNS. Mr. Speaker, I rise today in honor of Adam N. Haskins and his commitment to service.

From an early age, Adam focused on education, personal growth, spirituality, and serving his community. After receiving his high school diploma from Brooklyn College Academy, he will pursue a Computer Science degree at Central Connecticut State University.

Mr. Haskins has always been very involved in extra-curricular activities at school. He was a member of the Leadership Team, participated in a walk-a-thon for the March of Dimes, the Toys for Tots drive and many school fundraising drives. Adam has also received many awards including the National Commemorative Certificate in the Arts from the United States Achievement Academy. The New York Metropolitan Museum of Art honored him with the Saint Gauden's medal for visual arts.

Adam's mother, Peggy, inspired him to get involved in his community. He was a valuable intern in my Brooklyn district office. During his internship, he was involved in many community projects including the Toy Gun Exchange, the community Christmas Tree lighting, town hall meetings, and health forums. He was also closely involved with Congressman Towns' Youth Initiative.

Mr. Speaker, Adam N. Haskins is a fine young man who has an outstanding record of achievement in his school and in his community. I urge all of my colleagues to join me in honoring this remarkable person.

NATIONAL SERVICE DAY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in recognition of National Service Day, celebrated every year on June 20, but more important to Americans this year than ever before.

Following the events of September 11, I, like many Americans, felt the need to respond not only with my checkbook but also with my actions. Indeed, many of us felt a yearning to find meaning in those tragic events by actively participating in our nation's healing process; and we came together in a way that many of us had not seen in generations.

Long before that horrifying day, President John F. Kennedy captured what so many of us felt in the wake of our national disaster. He pointed to the need Americans have always had to participate in spreading America's values of freedom, justice and opportunity around the world. "We have, in this country," he said, "an immense reservoir of men and women anxious to sacrifice their energies and time and toil to the cause of world peace and human progress . . . knowing that he or she is sharing in the great common task of bringing to man that decent way of life which is the foundation of freedom and a condition of peace." Americans since September 11 have indeed responded to that calling and contributed their share in our nation's, and the world's, rejuvenation.

Yet they have learned what many Americans have known all along: that service benefits not only the recipient of the deed, but the giver as well, in ways far less tangible, but perhaps even more meaningful. Service has always been an answer to man's quest for purpose and meaning in life, elevating him, bringing him closer to people from different backgrounds and teaching him that the world can be improved even through the small acts of individuals. Thus, when President John F. Kennedy asked Americans not to be dependent on our country, but rather to do for our country, we understood what he meant because we knew the value of national service. Our appreciation of its enriching nature ensured our overwhelming response to his call.

AmeriCorps is perhaps the most celebrated example of the drive Americans have always had to lend a hand to those in need. Since it was initiated by President Clinton in 1993, more than 250,000 men and women have served in AmeriCorps, providing needed assistance to millions of Americans, particularly in tutoring programs. The Corporation for Public Management, an independent evaluator, found that students tutored by AmeriCorps members completed their homework 67 percent more often, and 75 percent of those students improved the quality of their homework as well. In my district, in the last year alone, AmeriCorps provided in-school and after-school tutoring to 250 children in five elementary schools in order to improve children's language arts performance. The Corps members in my district also tutored 300 disadvantaged students and parents at homework centers and engaged youth in service-learning projects. AmeriCorps, however, is just one of many organizations in my district that I look to as inspiring examples of community service.

The Connecticut Commission on National and Community Service is another shining example, dedicated to incorporating volunteerism into a positive personal experience to strengthen communities. Based in Hartford, the Commission envisions a Connecticut in which every citizen embraces the ethic of community service. Through a multitude of service opportunities, individuals will understand the social needs of their communities and will embark on fulfilling their most American of wishes—to help others. By recognizing this opportunity to serve, barriers that have hindered a sense of community will be lifted, and citizens across age, ethnic, racial, and economic strata will come together around a common good.

It is therefore incumbent on us here in Congress to do all we can to encourage service in this time when so many Americans are yearning for ways to do their share and find scraps of meaning in the rubble of September 11. Now, more than ever, we can expose young people to the uplifting value of serving their community and their nation.

Therefore, I join supporters of national service across the country by calling on my colleagues and on President Bush to expand American's national service programs, such as AmeriCorps. Congressmen FORD and OSBORNE introduced the "Call to Service Act" which seeks to quintuple AmeriCorps service openings to 250,000, expand senior service, create a "citizen soldier" for short term military enlistments, and increase the involvement of college work study participants in community service. We must act to pass that legislation and its companion in the Senate in order to ensure that the opportunity to participate in service be available to all Americans. Similarly, the Senate Armed Services Committee has reported legislation creating a citizen soldier option. We must take up these pieces of legislation and move forward so that national service can become not just a special chance for a few but a way of life for all Americans.

At a time when Americans from all walks of life are asking what they can do to help make our nation safer, stronger and better, national service offers an answer that points us towards a higher politics of individual and national purpose.

CONGRATULATING THE BOROUGH OF OAKLAND ON ITS ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to congratulate the Borough of Oakland on the occasion of its 100th anniversary. Oakland, New Jersey is a valley community nestled in the foothills of the Ramapo Mountains. It has become community known for its dedication to its people, programs, and the preservation of its history and natural resources. The warmth and intimacy of this small town make Oakland a true treasure in an industrial region. This weekend, the Borough of Oakland will begin their town-wide celebration of its 100th anniversary with a gala celebration, starting with a family picnic and concluding with a wonderful fireworks display at dusk. I am proud to recognize this wonderful event and community in Northern New Jersey.

The area of land that is now Oakland was originally purchased by a Dutch Company in 1695, although settlers did not arrive in Oakland until a much later time. In 1710, there were only ten families. Much of this was due to the fact that the area was at least a day and a half journey on Native American paths from Hackensack, the closest town. During the 18th century, Oakland evolved into a serene farming and lumbering area with numerous mills on the Ramapo River and local streams.

Today, the residents of Oakland number over 12,000, many of whom are lifelong residents of the once rural area. These residents take tremendous pride in the history of Oakland. The Historical Society has been active in preserving the Van Allen House, a place George Washington stayed in June 1777. With the restoration of the Van Allen Homestead, these residents are setting a wonderful example of local pride, and I commend them for their efforts.

Mr. Speaker, I ask my colleagues to join me in recognizing the Borough of Oakland on its 100th anniversary, and I congratulate the town on creating such a positive, welcoming community for its citizens.

* * *

WORLD REFUGEE DAY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mrs. MEEK of Florida. Mr. Speaker, I rise today as we commemorate World Refugee Day and to bring attention to the desperate circumstances faced by Haitian refugees in South Florida.

Life for very many people in Haiti has unfortunately been one of poverty, violence, and instability.

According to the UN High Commissioner for Refugees (UNHCR), since early 2000, an increasing number of people have left Haiti due to persecution and violence, often associated with politics. Haitians have applied for asylum in increasing numbers in the Dominican Republic, Jamaica, and other countries.

Mr. Speaker, the United States has had an unmatched history of welcoming immigrants and refugees to our shores, which is why our refusal to welcome more Haitian refugees is so especially troubling.

In addition to the desperation, and the psychological and emotional trauma that Haitian refugees already must contend with, Haitian refugees who make it to the United States have long been subject to unfair and unequal treatment by the Immigration and Naturalization Service. Hundreds of Haitian refugees with well-founded pending asylum claims are currently being held at Turner Guilford Knight Correctional Facility—which is supposed to be used as a maximum-security prison—and the Krome Avenue Detention Facility, in South Florida.

Since December, the situation for Haitians seeking political asylum in this country has become markedly worse. The INS has been detaining Haitian asylum seekers before and while their appeals are considered, for extremely lengthy periods of time, while many other refugees are routinely paroled into the community.

There is clear and overwhelming evidence which shows that Haitian refugees who come to our country seeking asylum are not treated the same as other refugee groups.

Federal judges have long criticized the INS for its wholesale violations of the Haitians' fundamental legal rights. A reading of their decisions amply demonstrates that no other group of refugees has been treated with the blatant discrimination suffered by Haitian refugees during the past two decades.

It is extremely divisive, in a diverse community like Miami where different ethnic groups live side-by-side, that similarly situated immigrant groups, like Cuban and Nicaraguan refugees are given such radically different treatment.

Mr. Speaker, I have in my hand testimonials from Haitian detainees who are presently detained in the Turner-Guilford Knight Correctional Facility, and the Krome Avenue Detention Facility, and I ask that these be included in the RECORD.

TRANSLATION OF LETTER

TGK, MARCH 4 2002

We are writing this letter today so we can explain the problems that we have been having since we left Haiti up until now at TGK. We know that we were wrong to enter the United States illegally, but we had to in order to save our lives from the Lavalas members. When you think about it, we were running away and what we found is worse. When we got here, we thought that the Americans would understand us because there are laws that protect victims of abuse and torture. We did not leave our homes because of lack of food, it was political problems that forced us to leave. What hurts us more is that everyone we've spoken to has told us that this is not the way Immigration usually treats asylum seekers. When you look at it everyone from other nations that have come to the United States under the same conditions as us have been released in two or three days. We would like for Immigration to have pity on us because we can no longer take this. Some of us have been here for a period of time ranging from one to three months and still are not able to get released. This causes us a lot of sadness. Some of us have developed high blood pressure, chest pain. Our biggest problem right now is that all of us have some type of rash even if we shower regularly. This might be due to the fact that we get a change of uniform every fifteen days. We only get a very small tube of tooth paste which we have to make sure it lasts the required amount of days, which is not too good for our breaths. We did not commit any crime and we are treated like criminals. We can not even go outside to take a breath of fresh air and get some sun. Sometimes while laying down we think about our country, we can not sleep because our families are still in Haiti where the Lavalas members do whatever they want, setting people on fire, raping people. It does not matter if you are involved in politics or not. People always have to watch what they say, because they are looking for reasons to kill you. Every time they want to kill people they pretend there was a coup. It reminds us of what happened on July 28 where 4 police officers were killed and a cadet. December 17, 2001 they burned many houses in the capital and the provinces. Many people died from gun shots and some were buried alive also. Those people are always preaching violence. In 1995 Rene Preval, Haiti's president at the time came with a slogan stating that people need to do whatever they have to in order to survive. Which incited robbers to do whatever they wanted. In 2001 Aristide came with another slogan stating there should be zero tolerance. This slogan was against people who are not Lavalas partisans. Many of us left our schools, universities and our jobs in order for us to flee from the Lavalas group who is holding our country in hostage. We arrived to the United States to seek political asylum so we can have peace, freedom and security but we were thrown in prison. None of the other nations were kept in jail but us Haitians we are suffering. We do not know why. We are neither criminals nor assassins. Why does the INS imprison us. We ask President Bush to say something in our favor especially when March 8 is National Woman's Day. Have pity on us. Release us. Give us our freedom as a gift so we can go and celebrate with all the other women. We thank you in advance Mr. President.

Here at TGK we go through a lot with certain officers and the white detainees. Everything that they do gets blamed on us. We are called "Fuckin Haitians". We are made fun of. Several rumors stated that we were going to get deported. Whenever that happens we become scared because we know how things are in our country.

Another one of our biggest problems is the food that we are given. [The only thing we can eat is] bread twice a day, around six or seven o'clock, we are given supper that contains no salt and most of the time the meat or chicken is spoiled and very bloody. Our health has deteriorated because we do not eat well due to the fact that the food is awful, we do not sleep well. One day one of us fainted since she was feeling so feeble. Most of us have gotten sick. It is not before we have filled out the clinic form seven or eight times that we are able to go there and get medical attention. For us who came on the boat and left Haiti on November 25, 2001 this was a big day for us because we escaped from tribulation. After everything that we endured at sea we thought that we would finally be delivered when we fall into the hands of Americans. But they imprisoned us without letting us go. Since every letter deserves an answer, we are waiting for INS's because we can not go back to Haiti into the Lavalas's hands.

CERTIFICATE OF TRANSLATION

I, Sarnia Michel, certify that I am fluent in English and Creole and that I translated the foregoing letter fully and accurately from Creole to English.

SARNIA MICHEL.

STATEMENT OF HAITIAN ASYLUM-SEEKER DETAINED AT KROME

ATTEMPTED SUICIDE—JUNE 7 AND 12, 2002

My name is . My A number is . I am Haitian and I arrived on the December 3rd boat. I've been in detention here at Krome since I arrived.

I tried to get asylum but the judge denied me. My cousin got me a private attorney, but I don't remember his name. He showed up for the hearing I had in February when I was denied. I thought he was going to appeal my case, but at the end of March I learned that he did not appeal and the due date for my appeal had already gone by. I think my cousin tried to find another private attorney to help me, but that one never got back to him either. I don't know any of their names.

I became very depressed as the months went by because I am still here in detention. I have nine children in Haiti who depend on me and it is like they are imprisoned too because I am here in detention and I can't help them at all.

On June 2, 2002, I tried to hang myself. I thought I wanted to die rather than stay here in Krome being humiliated everyday. We're locked up in prison here. I kept thinking of my kids, all my little kids, and how I'm here and locked up and not going anywhere and how I can't do anything for them. I lost my case, they won't release us—and I don't think they'll ever release us—and I'm not going anywhere. I don't want to spend the rest of my life in prison and I can't help anyone here. So I simply decided to kill myself.

I found this tube in the bathroom that had fabric at the end of it. I made a noose from the fabric. I had the noose around my neck and I had my Bible. I was reading some passages out loud from the Bible and just as I was about to pull the noose to let myself hang and die, this other Haitian detainee, came in and saw me. He jumped and grabbed me and held me and he told me to stop.

Then some guards came and they took me to PHS, the medical place, at Krome. They never took me to the hospital. The doctor said he would treat me cautiously. He said they wanted to take me to a place for people with mental problems. They kept me at PHS for two days—from 7 am the day I tried to hang myself until about 7 pm the following day. The doctor who talked to me gave me some pills to help me sleep because I can never sleep at night.

I told the doctor not to send me to the place for people with mental problems. I said I'm not sick. It's this place that makes me sick. I just think of my kids, and think of how I lost my case and how they want to keep me in prison forever, and that's why I tried to kill myself. But I'm not sick. They want to keep me in PHS but I told them I wanted to be in general population so they let me go back.

I'm back in the dorm now. No one treats me any differently. I didn't get any further counseling after I was in PHS.

I have a headache though that never stops. They won't give me anything for it though, even though I make requests. I had a problem where I was spitting up blood. I wrote a medical request and they came back with a band-aid. I wrote them back and asked what I was going to do with a band-aid when I'm spitting up blood? They didn't respond and didn't help.

That medication to help me sleep is the only one I'm on. A doctor comes at 9 pm each night and gives it to me. I don't know what it's called. It doesn't matter because it doesn't really work anyway. It doesn't help me sleep. At night when I can't sleep I think about all my children in Haiti. I can't get up to walk around, I just sit and think. I don't think I even need this medicine since it's not helping me sleep and I'm not sick.

Krome is a prison. There's not enough recreation—it's only about a half hour each day—and we're just all locked in. Sometimes there's no chair and we have to sit on the floor because it's so crowded. There are about 92 to 94 people in my dorm. I have a regular bunk but there are also cots because there are so many people.

It's not so much that I had problems with the guards or with other detainees, I was just very depressed because I'm still locked up like this. And knowing that I can't help my kids is really hard for me.

I left Haiti because I did have problems in But I feel like I came here and found bigger problems because they want to keep us in prison forever here. They won't tell us when we can leave.

HAITIAN ASYLUM SEEKER, KROME

WIFE AND CHILD TRANSFERRED TO PENNSYLVANIA—MAY 7, 2002

My name is . My "A" number is . I arrived on the boat with my common-law wife, , and my son, , on December 3, 2001.

I was immediately separated from my family when we arrived. I have been detained at Krome since December. My family was taken to the hotel.

I saw my family maybe three or four times when they were at the hotel. We were allowed to see each other in the visitation area when they came for court.

About a week and a half ago, I called our sponsor. Our sponsor told me my wife and child were transferred to Pennsylvania. No officer or anyone from INS has talked to me about where my family is or that they were transferred. I don't know how to contact them there. I don't know when they were transferred, my sponsor just said that they're now in Pennsylvania.

I can't say if what's happened to my family is fair or not. We're in jail, and we're not in control of our situation, it's up to them [INS] what to do with us. Since we're locked up they can do whatever they want. Only God knows why they sent my family there.

We came to this country to escape political problems in my country. But I was expecting better treatment than this. I just depend on God to help us out of this.

My health is ok, but sometimes I get very depressed because we've been locked up for so long.

I just follow instructions and do what I'm told here so I don't have any problems with the officers here. I'm not arrogant and I don't make problems for anyone.

Krome is really overcrowded. Even with the Haitians who came at the airport getting released, it's still too crowded. There were 92 people in my pod yesterday; one left last night and one left this morning, but there have also been three new people. They have brought cots in for people to sleep on because there aren't enough beds.

HUMAN CLONING

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. SOUDER. Mr. Speaker, scientists stunned the world five years ago when they announced the creation of the world's first clone, a sheep named Dolly. In the short time since, cattle, goats, mice, rabbits and a cat have also been cloned. And efforts are now underway in the United States and elsewhere to create cloned human beings.

The President, the public, religious leaders, and many scientists have all expressed their disapproval for efforts to conduct human cloning, for any reason. And the House of Representatives overwhelmingly approved legislation last year to prohibit all human cloning.

Opposition to human cloning is based upon both ethical and scientific considerations. All clones have been found to suffer from severe abnormalities, premature aging and early death. In addition to these problems, cloning also poses significant health risks to the mother of a clone and to the women from whom the eggs necessary for cloning are harvested.

These dangers have not, however, deterred some from attempting to produce cloned humans.

Scientists—such as Dr. Panos Zavos, who recently testified before the Criminal Justice Subcommittee which I chair—are pursuing cloning as a means of producing live human offspring while others seek to create cloned human embryos in order to destroy them for scientific research with the hopes that such research may potentially yield treatments or cures.

Regardless of the goals of those who are attempting to manufacture human clones, the fact is that cloning, for whatever purpose, creates human life.

There is no difference between a cloned human embryo created for procreation or for research purposes. Whether or not the newly created embryo is implanted with the intent of reproduction or destroyed for the purpose of research is irrelevant to the fact that a cloned human embryo has been created. Therefore, a prohibition on cloning that is limited only to preventing the implantation of a cloned embryo as some have suggested in effect legalizes human cloning, and raises additional ethical dilemmas.

A ban that permits embryonic clones to be created but forbids them to be implanted in utero legally requires the destruction of human life and criminalizes efforts to preserve and protect such life once created.

Under a partial ban that permits the creation of cloned embryos for research, human embryos would be manufactured in numerous laboratories around the country. Once cloned embryos are available, it would be virtually impossible to monitor or control what is done with them.

Stockpiles of embryonic human clones could be produced, bought and sold. Implantation of cloned embryos—an easy procedure—could take place out of sight, and not even the most elaborate and intrusive regulations and policing could detect or prevent the initiation of a clonal pregnancy.

Scientists agree that once begun, a clonal pregnancy would be virtually impossible to detect or differentiate from a routine pregnancy. And if detected, what could the government do? Would a woman with a clonal pregnancy be forced, or coerced with severe penalties, to abort the child?

Allowing human cloning for research brings us further down the slippery slope that devalues the sanctity of human life.

Not even a year ago, supporters of embryonic stem cell research—which requires the destruction of a living human embryo—found "extremely troubling" the announcement that embryos were being created in order to conduct stem cell research. There was a consensus among opponents and supporters of embryonic stem cell research that embryos should never be created solely and specifically for research. But now that is exactly what proponents of research cloning are demanding.

If we now permit the manufacturing of human embryos for research, where do we draw the line? Do we only allow cloned embryos to grow for 5 days before they are destroyed in the process of extracting their stem cells? What about removing tissue from 5-week-old embryos? Should we consider harvesting the organs from 5-month-old fetuses? What will those who support destructive research next claim is necessary in the name of research?

We must finally draw the line that stops the exploitation of any form of human life.

Cloning, regardless of the intent, reduces human life to a commodity that is created and destroyed for convenience. And despite the claims to the contrary, there is no evidence that cloning can, or ever will, cure diseases. Such statements are purely speculative and pursuing cloning merely diverts limited resources away from more promising research that is already producing promising results.

It is clear that a ban that applies only to "reproductive" cloning is a false ban, which merely creates an illusion that human cloning has been prohibited. The fact is that all cloning is reproductive cloning, and therefore human cloning for any reason should be banned.

Dr. Zavos announced his goal of producing a cloned human child by the end of this year. Some of his colleagues claim to already have created cloned pregnancies. Congress must not act as an accomplice to these sinister acts by failing to enact a ban now, before it is too late.

SENATE—*Friday, June 21, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord, we read the Bible and there it is: the persistently repeated admonition to give thanks. We know You well enough to know that You do not need the assurance of our gratitude. Surely, the need for thanksgiving must have something to do with our spiritual health. The psalmist said, "O Lord my God, I will give thanks to You forever."—Psalm 30:12. In this life and in heaven, forever is a long time. Paul said, "In everything give thanks; for this is the will of God for you."—1 Thess. 5:18.

In everything, Lord? Suddenly we know the secret. Thanksgiving is the memory of the heart. We have great memories of Your faithfulness. They become cherished memories as we tell You how grateful we are, not only for Your blessings, but, for You. We say with Joyce Kilmer, "Thank God for God!"

Most important of all, we know that when we thank You for all Your good gifts, the growth of false pride is stunted. And when we can thank You even for the rough and tough things in life, we really can let go of our control and trust You to bring good out of the most distressing things. And so, we give thanks! And we praise You for the Senators here who will be casting their votes today. Thank You for the privilege of living in this democracy. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 21, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, we have a vote that will occur immediately on the Murray amendment. The managers and leaders hope others will offer amendments today. We will have the opportunity to do that. This will be the last vote of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Murray/Snowe amendment No. 3927, to restore a previous policy regarding restrictions on use of Department of Defense facilities.

Mr. WARNER. Mr. President, Senator SANTORUM consulted with me yesterday at great length about his desire not to have this vote today. He wished to be present. He had to be absent for valid reasons.

I want to state for the record that were the Senator from Pennsylvania, Mr. SANTORUM, present, he would vote in the negative.

VOTE ON AMENDMENT NO. 3927

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) and the Senator from Pennsylvania (Mr. SANTORUM) would each vote "no."

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 40, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Stevens
Torricelli
Wellstone
Wyden

NAYS—40

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Grassley
Gregg
Hagel
Hatch
Hutchinson
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Reid
Roberts
Sessions
Shelby
Smith (NH)
Smith (OR)
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—8

Breaux
Craig
Gramm
Helms
Hutchison
Miller
Santorum
Thomas

The amendment (No. 3927) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I am sure everybody is aware that this is the last vote of the day. I know our colleagues, both Senator LEVIN and Senator WARNER, are interested, however, in continuing debate on the bill throughout the day and on Monday. We will be in session. We will be in a position to entertain amendments and to bring them to closure.

My hope is we can use these 2 days. I am inclined to press for a finite list, but we will not do that today. Senators should be aware that next week is going to be a very busy week. Those who want to wait until Tuesday or Wednesday should not count on having a lot of time to debate their amendments. We have 2 great days—today and Monday—to offer amendments. I hope Senators will do so.

There will be a vote Monday night—at least one and maybe more. So Senators should be prepared to vote on Monday after 5 o'clock. We will announce a time certain after consultation with the Republican leader, and Senators should be prepared to come back and vote on Monday so that we can begin a full day of work on the bill on Tuesday and, hopefully, complete our work Wednesday or Thursday.

I know the distinguished Republican leader has some comments and questions. I will yield the floor to him at this time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his comments and yielding so I can engage in a colloquy with him.

First, regarding the schedule and the majority leader's intent to move forward, I certainly support what he is trying to do. I think good progress has been made this week on the Defense authorization bill. I think we have disposed of two or three issues that could have been very contentious. It took a little time, but we got them done without much difficulty. I assume that next week we will have not more than 4½ days to finish this bill and maybe some other actions in addition to that.

I join the majority leader in urging Members, if they have a serious amendment, to identify it to the managers. This is aimed at both sides. Let's not make up this fictitious list of grand designs where Senators say "I have 10 amendments" when everybody knows he or she has one or none.

Also, it seems to me, as I recall from studying the list, that there are about four other amendments that could take some time and could be somewhat controversial and require some votes. But there should not be a long list. I hope our managers will not have to sit here all day Monday begging Senators to offer amendments and nobody showing up, and then whine on Thursday if the majority leader has to file a cloture and say: I got cut out.

These managers are excellent and experienced and they are going to try to move forward. There has been good cooperation and we need to continue that. Hopefully, we can do effective work on Monday and get a list that we are really going to have to do, and avoid forcing the majority leader to have to file cloture, as he clearly will have to do Tuesday afternoon if we don't have some idea of how we are going to proceed. I used to get into that position, too. It is not always the majority leader's choice.

I want to press the point that this is serious legislation. The country needs it, our military men and women need it. The majority leader did the right thing in moving to it. He has a right to expect us to work in good faith in bringing up amendments that are serious and need to be debated.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I was going to advise the leadership that the distinguished Senator from New Hampshire, Mr. SMITH, is prepared to address the Senate on his amendment. That could start between 4 and 4:30 and perhaps meet the hour designated with the leadership for a vote.

I also wish to request, respectfully, of the leaders to repeat the statements made yesterday by both leaders to the effect that the criteria to be established by the distinguished chairman and myself is that the amendments must be relevant. Would the leader be kind enough to repeat that for the record so all can hear.

Mr. DASCHLE. Mr. President, let me reiterate what we did say yesterday for the record. Under the agreement we have now entered into, amendments have to be relevant—not necessarily germane, in the definition of Senate parlance, but certainly relevant. We leave it to the two managers to determine that—not the Parliamentarians but the managers. They will be the arbiters of relevancy. They are fair and they are respected on both sides of the aisle. I respect their judgment and will stand behind the decisions they make.

Having said that, I hope we are limiting ourselves to relevant amendments, that Senators at least come forward with some understanding of what the amendments—relevant amendments—are. While we don't need a finite list today, it would be helpful to know what relevant amendments Senators are intending to offer so that we have some ability to schedule for the remainder of the week.

Mr. LEVIN. Mr. President, will the Republican leader yield?

Mr. LOTT. I will be glad to yield.

Mr. LEVIN. First, I thank the majority leader and the Republican leader for their continuing efforts to move this bill along. Senator WARNER pointed out that Senator SMITH will be ready on Monday afternoon with his amendment. I understand Senator DAYTON, who is a cosponsor of that amendment, will also be available. We think we have confirmed that as well. We could proceed perhaps at 4 o'clock. We expect a rollcall vote on that amendment. Perhaps we can get a time agreement on that amendment today, which will also help facilitate this matter.

Both Senator WARNER and I will be here this morning at least, we will be here on Monday, and we hope Senators who have relevant amendments will inform us of that. We also are going to be able to clear some amendments in the next few hours, we hope, and either take care of those today or Monday.

NOMINATIONS

Mr. LOTT. Mr. President, I would like to make a couple of other points. We also need to move some nominations in the next week. Senator DASCHLE and I are trying to find a way to get that process moving. A lot of these are not controversial. They are Republican and Democrat, people such as Congressman TONY HALL, who is awaiting confirmation to be Ambassador for the United Nations Agency for Food and Agriculture. A number of these are U.S. attorneys and U.S. marshals.

I urge the majority leader to consider beginning to do packages as we go along so we do not have them all stacked up at the end on Thursday or Friday where one objection, unrelated to the nominations, could deny all these people who have been waiting, some of them a good while, an opportunity to be considered.

Also, I am concerned that—I don't know—11 or 12 judges are on the calendar. I think most of them are noncontroversial. But if we have to have a recorded vote, that could run into a lot of time and could really delay some of our work next week.

I wanted to make that point to the majority leader and urge him to see if we can begin work together to develop a list, large or small, along the way, rather than just one huge package at the end next week.

I yield the floor so Senator DASCHLE can respond.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I share the concern for the growing list of executive nominations. I say to my colleagues that the distinguished Republican leader and I and our staffs have been discussing this matter at length over the course of the last couple of weeks.

There have been meetings as late as yesterday with the White House with regard to an understanding about how we might go forward. I have not had the opportunity to talk with my staff this morning as to the progress made on those discussions, but I have every reason to believe we have made substantial progress and that we ought to be in a position to begin moving all of those nominations on the calendar next week. I also share his view that when that happens, we do not want to leave them to the end.

We may dual track next week to the extent that it is possible with the Defense bill so we can complete work on the Defense bill on schedule but chip away at that Executive Calendar list throughout the week. Certainly, if negotiations have been completed and we have all come to some agreement, it would be my intention to do it perhaps as early as Monday.

Mr. LOTT. Mr. President, if I can get the floor back.

The PRESIDING OFFICER. The Republican Leader.

YUCCA MOUNTAIN RESOLUTION

Mr. LOTT. Mr. President, I wish to raise one other issue. By law, the Senate must consider a joint resolution regarding the Yucca Mountain facility which has passed the House and has been reported out of the Senate Energy and Natural Resources Committee. We are quickly approaching a deadline for that legislation, which is also written in the law. It is my hope we can get an indication as to when that resolution will be scheduled as provided under the statute.

I remind my colleagues that the law provides an expedited process for that measure, and it will only take 10 hours or less if Members decide not to use all the time, of course. We have offered—in fact, I think both sides have offered—suggestions as to how we might proceed. We do have a suggestion for consent that I have sent over to Senator DASCHLE as to how to proceed on the resolution so Members will know exactly how we will go forward and what time, when we might actually get to it.

It is unclear if that will be accepted, but I just want our colleagues to know we are trying to get some clarification of exactly when we will go to this very important joint resolution dealing with the Yucca Mountain site for nuclear waste disposal.

I add that the majority leader had previously stated his intent to proceed to a number of other important issues in July. We have a lot of important work that needs to be done and only 4 weeks in that time. Given the busy schedule, including the prospect of appropriations bills, it would be my hope that the Senate could consider this resolution even next week. I realize that would be contingent upon completing the Defense authorization bill, but I have a good feeling about how the Defense authorization bill may proceed next week. Maybe I am dreaming on this first day of summer to think we could actually finish it a little early, but I am hoping for the very best, and this resolution could possibly even be brought up next week.

If not then, we do need to get some indication of when we will proceed. It is governed by law. I ask the leader to consider scheduling this measure and giving advice to colleagues as to when he anticipates this matter will be considered.

I yield the floor to Senator DASCHLE for a response he wants to give.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I have no intention at this point to bring it up certainly this coming week. As the distinguished Republican leader knows, I have made no secret of my opposition to the resolution, and I know that sentiment is shared by a large percentage of our colleagues on this side of the aisle.

It is, of course, within the right of any Senator without debate to move to the resolution under the law. This is not a Senate rule. This is a law promulgated in 1982. Any Senator can move to it, and when that occurs, the motion to proceed is voted upon, and then a 10-hour debate, wherein no amendments are authorized to ensue, with a vote to follow at the expiration of that 10 hours.

Every Senator has the confidence that if he or she chooses to make that position, it supplants whatever is on the floor at the time. That is the prerogative, unfortunately in my view, of any Senator given the law. It supersedes all Senate rules. I hope we will not avail ourselves of these expeditious moves in the future. Senate procedure ought to be respected, but I can do nothing about the current circumstances.

As the Senator knows, clearly that is within his right or the rights of other colleagues interested in moving legislation. I would oppose it when or if it is offered, but that is certainly the right of a colleague to consider.

Mr. LOTT. I thank Senator DASCHLE for his comments. I understand this issue is privileged. It is like conference reports. It does not displace anything; it just temporarily interrupts it, and we can go right back to the pending business. That is why I raise the subject.

I want everybody to understand that nobody is trying to shove this in an unfair way. There is a lot of consultation involved on both sides. We want to make sure Members understand how it can proceed and what the issue is and also give Senators who have concerns in opposition full knowledge of what time and how this will come up. That is why I bring it up at this point.

I understand and appreciate Senator DASCHLE's position and the statement he just gave our colleagues.

CONGRESSIONAL BASEBALL GAME

Mr. LOTT. Mr. President, on a final happy note, I observe there was a baseball game last night, really outstanding game to retire the trophy. I am pleased to say the Romping Elephants were able to bring home the victory and retire the trophy. The score was 9 to 2.

Why would I bring that up in the Senate since usually it is the younger and more inexperienced House Members who play on these baseball teams? In fact, one of the stars of the game was the Senator from Nevada, JOHN ENSIGN, who played a sterling game at shortstop and actually got a walk, a hit, scored a run, and I think snagged about eight balls.

So it just goes to show that Senators not only are older and more experienced but also perhaps more talented.

Mr. REID. Will the Senator yield?

Mr. LOTT. With that glowing conclusion, I yield the floor.

Mr. REID. If the Senator will yield before he leaves, I will say a word in response.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On a less serious note, the Senator from Mississippi got about as many hits as I did last night; right?

Mr. LOTT. Yes.

Mr. REID. The Senator did about as well as I did in the baseball game, which is not very well. We did not play.

I have sat silently listening to the colloquy between the two leaders on an issue of importance to me, and that is the nuclear waste issue. There are many of us—and I have spoken at great length with the majority leader—who believe the law that was passed stands Senate precedent on its head and there will be a concerted effort by a number of Republicans and a significant number of Democrats, with the majority leader, saying it sets such a bad precedent that the motion to proceed should not, of course, go forward.

While the two leaders are present, I wanted to make sure everyone understood this is not a slam dunk, that the motion to proceed or whatever we want to call this unique aspect of law that passed is certainly not assured of going forward.

Whenever a Republican decides to bring it up, there will be a vote on this so-called motion to proceed, and I am hopeful and cautiously optimistic that it will not prevail. I wanted to make sure everyone understood that.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I am sorry the Republican leader had to bring up the score of the game last night. He could have quietly and graciously noted that the Republicans won, but it is his right to notice publicly that we got trounced last night. But there is another day. I graciously admit defeat in this case. We did have some star players, and I congratulate Senator ENSIGN on his valiant performance. But there is another day, another game, and we are going to try to level the playing field next year. In the meantime, we will try to do the best we can to win our victories on the Senate floor.

Mr. REID. If the leader will allow me to say this: We do appreciate very much that the Republicans did not bring on Hall of Famer JIM BUNNING to pitch against the Democrats.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

AMENDMENT NO. 3953

Mr. LEVIN. Mr. President, on behalf of Senator WARNER and myself, I offer an amendment which would extend the authority for the Secretary of Defense to engage in commercial activities as security for intelligence collection activities. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3953.

The amendment is as follows:

(Purpose: To extend the authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities)

On page 90, between lines 19 and 20, and insert the following:

SEC. 346. TWO-YEAR EXTENSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2002" in the second sentence and inserting "December 31, 2004".

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3953) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3954

Mr. LEVIN. Mr. President, on behalf of Senator NELSON of Florida and Senator ALLARD, I offer an amendment which sets forth the sense of the Senate that maintaining assured access to space is in the national security interest and that the Under Secretary of the Air Force should evaluate all options to maintain such access. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Florida, for himself and Mr ALLARD, proposes an amendment numbered 3954.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding assured access to space)

At the end of subtitle D of title I, add the following:

SEC. 135. SENSE OF CONGRESS REGARDING ASSURED ACCESS TO SPACE.

(a) FINDINGS.—Congress makes the following findings:

(1) Assured access to space is a vital national security interest of the United States.

(2) The Evolved Expendable Launch Vehicle program of the Department of Defense is a critical element of the Department's plans for assuring United States access to space.

(3) Significant contractions in the commercial space launch marketplace have eroded the overall viability of the United States space launch industrial base and could hamper the ability of the Department of Defense to provide assured access to space in the future.

(4) The continuing viability of the United States space launch industrial base is a critical element of any strategy to ensure the long-term ability of the United States to assure access to space.

(5) The Under Secretary of the Air Force, as acquisition executive for space programs in the Department of Defense, has been authorized to develop a strategy to address United States space launch and assured access to space requirements.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Under Secretary of the Air Force should—

(1) evaluate all options for sustaining the United States space launch industrial base;

(2) develop an integrated, long-range, and adequately funded plan for assuring United States access to space; and

(3) submit to Congress a report on the plan at the earliest opportunity practicable.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3954) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3955

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON of Texas, I offer an amendment which would authorize a land conveyance at Fort Hood, TX, for the purpose of establishing a veterans cemetery.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 3955.

The amendment is as follows:

(Purpose: To authorize a land conveyance at Fort Hood, Texas)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, FORT HOOD, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Land Board of the State of Texas (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery for veterans.

(b) REVERSIONARY INTEREST.—(1) If at the end of the five-year period beginning on the date of the conveyance authorized by subsection (a), the Secretary determines that the property conveyed under that subsection is not being used for the purpose specified in that subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. WARNER. Mr. President, I understand this amendment has been cleared.

Mr. LEVIN. It has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3955) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3956

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I offer an amendment which would authorize, as a force protection measure, the replacement of a public road at Aviano Air Base, Italy.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3956.

The amendment is as follows:

(Purpose: To provide authority to use military construction funds for construction of a public road to replace a public road adjacent to Aviano Air Base, Italy, closed for force protection purposes)

At the end of title XXIII, add the following:

SEC. 2305. AUTHORITY FOR USE OF MILITARY CONSTRUCTION FUNDS FOR CONSTRUCTION OF PUBLIC ROAD NEAR AVIANO AIR BASE, ITALY, CLOSED FOR FORCE PROTECTION PURPOSES.

(a) AUTHORITY TO USE FUNDS.—The Secretary of the Air Force may, using amounts authorized to be appropriated by section

2301(b), carry out a project to provide a public road, and associated improvements, to replace a public road adjacent to Aviano Air Base, Italy, that has been closed for force protection purposes.

(b) SCOPE OF AUTHORITY.—(1) The authority of the Secretary to carry out the project referred to in subsection (a) shall include authority as follows:

(A) To acquire property for the project for transfer to a host nation authority.

(B) To provide funds to a host nation authority to acquire property for the project.

(C) To make a contribution to a host nation authority for purposes of carrying out the project.

(D) To provide vehicle and pedestrian access to landowners effected by the project.

(2) The acquisition of property using authority in subparagraph (A) or (B) of paragraph (1) may be made regardless of whether or not ownership of such property will vest in the United States.

(c) INAPPLICABILITY OF CERTAIN REAL PROPERTY MANAGEMENT REQUIREMENT.—Section 2672(a)(1)(B) of title 10, United States Code, shall not apply with respect to any acquisition of interests in land for purposes of the project authorized by subsection (a).

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3956) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3957

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senators AKAKA and INHOFE, which would extend the authorization for a fiscal year 2000 military construction project at Lackland Air Force Base, TX.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3957.

The amendment is as follows:

(Purpose: To authorize the extension of a fiscal year 2000 military construction project for a dormitory at Lackland Air Force Base, Texas)

In the first table in section 2702(b), insert after the item relating to Tinker Air Force Base, Oklahoma, the following:

Texas	Lackland Air Force Base	Dormitory	$5,300,000

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3957) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3958

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I send an amendment to the desk which would make a technical correction to the land conveyance at Westover Air Reserve Base, MA, in section 2824 of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3958.

The amendment is as follows:

(Purpose: To make a technical correction regarding the land conveyance, Westover Air Reserve Base, Massachusetts)

On page 336, beginning on line 10, strike "188 housing units" and insert "133 housing units".

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3958) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3959

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I send an amendment to the desk which would make a technical correction to a fiscal year 2003 military construction project authorization in Korea and to the amount authorized for a military construction project in Germany.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA and Mr. INHOFE, proposes an amendment numbered 3959.

The amendment is as follows:

(Purpose: To make technical corrections to authorizations for certain military construction projects for the Army)

In the table in section 2101(b), strike the item relating to Landsthul, Germany, and insert the following new item:

	Landstuhl	$2,400,000

In the table in section 2101(b), strike the item relating to Camp Walker, Korea, and insert the following new item:

	Camp Henry ...	$10,200,000

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3959) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3960

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I offer an amendment to make a correction to a fiscal year 2001 military construction project authorization in Korea. This is a different amendment. I send that to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA and Mr. INHOFE, proposes an amendment numbered 3960.

The amendment is as follows:

(Purpose: To modify the authority to carry out a certain fiscal year 2001 military construction project for the Army)

At the end of title XXI, add the following:

SEC. 2109. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398; 114 Stat. 1654A–390) is amended by striking "Camp Page" in the installation or location column and inserting "Camp Stanley".

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3960) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3961

Mr. LEVIN. Mr. President, on behalf of Senators CLINTON and SCHUMER, I offer an amendment which would modify leasing authorities under the alternative authority for acquisition and improvement of family housing. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. CLINTON and Mr. SCHUMER, proposes an amendment numbered 3961.

The amendment is as follows:

(Purpose: To modify leasing authorities under the alternative authority for acquisition and improvement of military housing)

At the end of subtitle A of title XXVIII, add the following:

SEC. 2803. MODIFICATION OF LEASE AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) Leasing of Housing.—Subsection (a) of section 2874 of title 10, United States Code, is amended to read as follows:

"(a) Lease Authorized.—(1) The Secretary concerned may enter into contracts for the lease of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

"(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate.".

(b) Repeal of Interim Lease Authority.—Section 2879 of such title is repealed.

(c) Conforming and Clerical Amendments.—(1) The heading for section 2874 of such title is amended to read as follows:

"§2874. Leasing of housing".

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

"2874. Leasing of housing."; and

(B) by striking the item relating to section 2879.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3961) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I intend to remain for a period of time in case any Senator comes to the floor. Then we will consult on such time as we recommend to the leadership if this bill is laid aside, and such morning business time as may be, in the leader's judgment, appropriate.

In a few minutes I hope to address the Senate with regard to the NATO forthcoming enlargement issue, as well as those issues relating to other matters which are important. I have some visitors at this moment, so I will have to absent myself from the floor.

Mr. LEVIN. Mr. President, I thank the Senator from Virginia. I will also be available in the event someone with an amendment does come to the floor. I have to leave also for a few minutes, but I will be available for some time to join you and welcome anybody who does come to the floor with an amendment.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that we go into a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska, Mr. Murkowski, is recognized.

YUCCA MOUNTAIN RESOLUTION

Mr. MURKOWSKI. Mr. President, I want to bring to the attention of my colleagues the development on the Yucca Mountain resolution, specifically what it means, and share a few realistic observations on just what we are talking about as we reflect on our obligation to address the waste in this country.

In the past 2 days, I have come to the Senate floor to speak in morning business on S.J. Res. 34. I have spoken generally on the need to move this resolution and the procedure under which the resolution will move. I was pleased to see that the two leaders had an opportunity to discuss this earlier in the day. I think it is fair to say that, clearly, we are left with the appropriate procedure, which simply mandates that any Member may bring this up upon recognition of the Chair at any time. So it is quite appropriate that the leaders related the parliamentary procedure.

I want to speak specifically about what the resolution does and does not do. This seems to be a point of contention in the minds of some. The resolution merely reaffirms the present recommendation of Yucca Mountain as a suitable site for this Nation's permanent geologic repository. That is simply all there is to it. It does not license the repository. It does not build a repository. It does not start the transportation of spent fuel from reactors tomorrow or the next day. It does not start transportation of high-level nuclear waste from the Department of Energy weapon sites. It does none of those things.

The resolution gives the Department of Energy the go ahead to begin the licensing process with the Nuclear Regulatory Commission and that is simply all there is to it.

Now, I have already given, in a series of presentations, a little background of the fact that we have collected some $17 billion from ratepayers in this country, and that the Federal Government signed a solemn contractual commitment to take the waste in 1998. The Federal Government has breached the sanctity of that contract. It is estimated that the damages and suits against the Federal Government are somewhere in the area of $40 billion to $70 billion. That is an obligation to the U.S. taxpayers because the Congress of the United States has not forced, if you will, compliance of that contractual commitment.

A lot of people simply dismiss this as something we can put off. You can put it off all right, but you are going to do it at the expense of the taxpayers. This was a contract. The ratepayers that use nuclear energy paid into a fund. The Federal Government has held that money to take the waste in 1998. The Federal Government is in violation of that contract. It is just that simple.

We have an opportunity and obligation to move. The House has moved, the Senate has not because the licensing process is a first of its kind. No one anticipates it is going to move quickly or smoothly. Both the DOE and the Nuclear Regulatory Commission indicated a great deal of work needs to be done before any repository is licensed to construct. The resolution is no real guarantee that Yucca will be built, but it certainly moves the process along. I know that is what some don't want to hear. I certainly hope it is not the case, but the reality is that we have no guarantee that the Department of Energy will be able to meet the licensing requirements imposed by the NRC.

We have an obligation to move this process along under the structure that was agreed to many years ago. Now, it is true the NRC has issued a sufficiency letter that indicates the Commission believes the DOE will, at the appropriate time, have sufficient information to apply for and receive the license, but only time and additional work will tell. Opponents of Yucca Mountain have indicated, for instance, that we should not pass this resolution because there are a number of unresolved technical issues. As a matter of fact, there are issues that both DOE and NRC have agreed will be resolved in the licensing process.

There are a number of other issues that should have been raised, such as transportation, that cannot and should not be resolved prior to making the decision regarding licensing of Yucca Mountain. Transportation to and from Yucca will be resolved in the licensing process. To use it now is as a scare tactic—which some have suggested—or a reason to vote no on the resolution is irresponsible.

I want to point out that, for the past 30 years, the United States has seen close to 3,000 shipments of spent fuel and high-level waste go across the surface of our country—the railroads and the highways—and not one of these shipments has resulted in a harmful release of radiation. We are doing this now and we are doing it safely. These are the existing transportation routes on this chart—the interstate highways from the State of Washington through Idaho. It goes from Hanford, and you pick up the National Laboratories, you pick up Rocky Flats, Los Alamos, and the Livermore Lab in San Francisco. This is the route of movement of waste. It moves over to South Carolina and up and down the east coast. It moves to Savannah. It moves to the Waste Isolation Plant, WIPP, where most of this is concentrated, but certainly not all of them.

The point is, the waste has been moving around the country—military waste—for a long period of time. There are no demonstrations, there are no particularly extraordinary methods.

In this photo, you can see the truck hauling the waste. It is in canisters that can withstand fire. At one time, we had the capability of designing a cask that could stand a free fall of 30,000 feet and it would not penetrate the interior. So we have built these casks adequately and safely.

Some have indicated that these waste shipments are only a few. I think it is to the contrary. This chart shows spent fuel shipments regulated by the NRC from 1964 through the year 2000. We have had almost 3,000 shipments. We shipped over 1.7 million miles and we have had zero radiation releases. For low-level radiant waste shipments to WIPP from 1997 to 2001, we have had 896 shipments, and we shipped about 900,000 miles. So we have a total of 3,800 shipments total, 2.6 million miles, with no harmful radiation releases.

We have the technology and, obviously, if we can build reactors to generate power, we certainly have the capability to transfer and transport the energy, the rods that go in the reactors. Nobody seems to say anything or have any great concern about the reactor fueling process itself or how the fuel is shipped across the country. But we have this hue and cry that somehow it is dangerous to move this waste on our highways and railroads. We have that capability. We have responsible people—scientists, engineers—who are competent to move this. Some suggest we should resolve this in a town hall meeting atmosphere. We need experts, engineers, technicians. They are staking their reputation—just as those who develop the nuclear energy industry in this country—on their capability to move this safely.

My point is that it has been done. It is proven. This is military waste, but now we are talking about private waste from our reactors. Some have also said this is a decision being made in haste; that we ought to put it off for more resolve. Nothing could be further from the truth. We have spent 20 years in this process. We have expended over $4 billion at Yucca drilling into the mountain—I have been there; I have gone in—to determine whether the site is scientifically and technically suitable for development of the repository. This is not a decision that was made in haste. This is a decision that has been made actually over 24 years of extensive study by the world's best scientists.

As a consequence, I am confident in the work done to date by the Department of Energy. But this work will not cease with this recommendation on the resolution. On the contrary, scientific investigation and analysis will continue for the life of the repository. In sum, I cannot think of any reason except perhaps plain old opposition, which we have a little bit of here, to the fact of the repository itself and the realization of putting off a vote on the resolution, which is the business at hand.

The science is going to continue through the licensing process and well beyond. Transportation matters will be addressed thoroughly in the licensing process by the appropriate agencies. Plus, we already have an excellent record in that area upon which to build. The decision is not being rushed. It is something that has been in the works for over two decades.

As we look at the competence of our nuclear program development, whether it be military, whether it be nuclear submarines that are on patrol constantly, whether it be under our agreement to reduce our nuclear capability by cutting up some of the old submarines, by removing, if you will, the reactors, we have competent people in charge of this operation. Anything less that would suggest we cannot move this waste is simply an excuse for inaction.

Every Member has to reflect on an obligation that after we set up a procedure to take the waste in 1998, certainly the Federal Government should honor the terms and conditions of that contract, and Members should not look for an excuse to simply punt on this issue.

The bottom line is, let's face it, I say to my colleagues, and the simple reality is, nobody wants this waste. Politically, it is dynamite. We have waste stored in Hanford, the State of Washington, Savannah, we have waste stored up and down the east coast. Do we want to leave it there, where it is unprotected, or do we want to move it to one place on which we can agree? Let's recognize the reality. We have expended the funds. We made the commitments. Now it is time to move. We cannot dodge this for another Congress.

I thank the Presiding Officer for recognition and wish him a good day. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. The Senate is in morning business.

AMTRAK

Mr. CARPER. Mr. President, it is Friday. The weekend starts for most people today. It looks as if it is going to be a great weekend whether at the Delaware beaches or the New Jersey shore. Next weekend might start a little early for a lot of people in this country, for hundreds of thousands, maybe millions of commuters from Trenton, NJ, to New York, Connecticut, Philadelphia, Wilmington, Baltimore, Washington, Chicago, and out on the west coast, L.A., and a lot of other places as well because right now it looks as if, starting in the latter part of next week, Amtrak will begin an orderly shutdown of its operations, and there will be a cascading effect that will also lead to disruption of commuter operations in all those cities and many others I did not mention.

Amtrak is running out of operating funds for this fiscal year. They expect to run out of operating funds sometime in early July. The new president of Amtrak has announced his intention to try to negotiate a loan for Amtrak from a consortium of commercial banks, which Amtrak has done any number of times in the past, for operating moneys to bridge a period of time until the new Federal grant comes through or to negotiate money for capital improvements to Amtrak.

Those negotiations were underway in earnest early this week. I understand the auditors for Amtrak were not able to say with conviction that Amtrak was a going concern because, in part, of the announcement of the administration yesterday for the Amtrak restructuring plan, which is really, in my judgment, an Amtrak dismantling plan.

Rather than Amtrak being able to negotiate the bridge loan with private lenders to carry them through the end of the year when our new appropriation might be available, Amtrak faces a cutoff of its operations, again, the impending effect on commuters throughout this country late next week.

The Presiding Officer and I have discussed this situation any number of times in the year and a half we have been here, and we have discussed it more earnestly in the last week or two. I am mindful of the efforts he is making to avert what could be a disaster. They are efforts that are supported by any number of our colleagues.

A week or so ago, 52 of us finished putting our signatures on a letter to the ranking members of the Senate Appropriations Committee voicing our support for a $1.2 billion appropriation for Amtrak in the next fiscal year. A week or so prior to that, the Senate voted to accept a provision included in the Senate appropriations bill for another $55 million as part of an emergency supplemental to enable repair work to begin on Amtrak locomotives, passenger cars, and sleeping cars that had been damaged in wrecks around the country, wrecks, frankly, not caused by Amtrak or Amtrak's neglect, but because of trucks that were on the tracks in some places and because of problems with track bed outside the Northeast corridor that led to a derailing.

That money is in the emergency appropriations bill passed by the Senate and is one of the items at issue in the conference. I have been led to believe the President has threatened to veto even those moneys as part of the emergency supplemental if they remain in the bill.

We are looking at a train wreck. It seems to me we look at a train wreck about every year close to this time.

I wish to take a moment this morning to look back over time. I would like for us to go back to 1970. That was when Amtrak was created. Amtrak was created because our Nation's private railroads did not want to continue to carry passengers. They could not make money doing that. They wanted out of the business. Then-President Richard Nixon signed into law legislation creating Amtrak.

The deal was the private railroads would pony up some money to buy Amtrak stock. They agreed to turn over all of their old locomotives, their old passenger cars, their old dining cars, their old sleeper cars. They agreed to turn over their old track bed in the Northeast corridor between Washington and Boston, old overhead wires, old signaling systems, old repair shops around the country, old train stations, and give all that to Amtrak.

Somehow Amtrak, with a little seed money, was to make a go of, and begin turning a profit from, operations that the private sector could not make profitable. It did not happen. We should not be surprised that it did not happen because it has not happened in other countries either.

For those Americans who this summer are going to be traveling to places in Europe—England, France, Spain, Italy, Germany, up into Scandinavia—throughout Europe, they are going to ride on trains that will almost take their breath away, beautiful trains, trains that run at speeds of close to 200 miles an hour, trains where one can sit with a cup of coffee or a cup of tea on the table and it does not even rattle or vibrate.

Americans are going to be traveling to places in Asia this summer, and they will ride trains in Japan and other countries that provide a similar high-quality, fast, dependable service. In those countries, the private sector does not operate that train service. The national governments of those nations have decided it is in their naked self-interest to invest their taxpayers' dollars in national passenger rail service. They do not do it out of some sense of altruism. They do it because they realize that in order to relieve congestion on their highways and in their airports, passenger rail can make a big contribution toward reducing that congestion.

Those countries, those governments, realize that in order to reduce their dependence on foreign oil and to reduce their trade deficits, passenger rail service can make a real contribution.

They have problems with clean air in those countries as well, and they realize, compared to the emissions that come out of their cars, trucks, and vans, that the emissions emitted by passenger trains are far less.

We have similar kinds of concerns in this country. We have congestion around our airports and on our Nation's highways worse by far than we did in 1970. We have problems with air pollution that are as bad, or maybe worse, than the problems we faced in 1970, certainly with respect to global warming and carbon dioxide in our atmosphere. We have a trade deficit in this country that makes our trade deficit woes of 1970 pale by comparison. Over half of our oil is imported, and that number is growing. In the 1970s, not even a third of our oil was imported.

National passenger rail service will not solve all of these problems for the United States, but it will help us to reduce the size of those problems. We can take a lesson from our neighbors, our sister nations in Europe and in Asia, and we ought to do that.

There are a whole series of things that need to happen this year and next. I want to mention those, and then I will close. We need to pass an emergency appropriations bill that includes at least $55 million so the work can begin on repairing wrecked trains in order to provide service to people, especially the Auto Train south of Washington to Orlando, FL, where Amtrak actually makes money. We need to keep that money in the supplemental appropriation. It would be great to grow it, but we at least need to keep that money.

The White House has, in my judgment, a moral responsibility. Having acted this week in a way that I believe disrupts Amtrak's ability to negotiate a private sector loan from a consortium of banks for $200 million to carry them through the end of this fiscal year, the administration should use their discretion, authorized under law, as I understand, through the FRA, to provide a loan guarantee so that Amtrak can obtain the money it needs to avoid the kind of disruption we are going to begin witnessing by next weekend if nothing is done.

We need to take up in the Senate the Amtrak reauthorization bill, which has cleared the Committee on Energy and Commerce by a vote, I think, of 21 to 3. Senator HOLLINGS has been a champion for passenger rail service. He has authored very good legislation. Many of us have cosponsored it. We need to take it up, and we need to pass a motion to proceed and debate it.

If people want to offer amendments to it, that is all well and good. We debate amendments, vote them up or down, and then move on to the bill. Fifty-two of our colleagues in the Senate have said: We believe Amtrak ought to be funded at $1.2 billion next fiscal year, and we need to go forward. As we take up the appropriations bill, we need to provide that money through the appropriations process in the Senate and work with our colleagues in the House and in the administration.

Finally, we need a good, healthy debate on what the future of passenger rail service should be in this country. I realize that the heydays of passenger rail of the 1800s and the early 1900s are behind us, but there is still a huge need for the good that passenger rail service can provide us with respect to congestion, air congestion, highway congestion, with respect to reducing the emissions into our air, and with respect to reducing our reliance on foreign oil and trying to curtail, at least a little, our trade deficit.

What should the future passenger rail service be in this country? In my judgment, it ought to include making the Northeast corridor world class. As to the beautiful Acela Express train service that is now available, we are not able to harness the full potential of those trains from Washington to Boston because of the work that can and should be done to the track bed, to the overhead wires, to the signaling system, to enable the trains to go 150 or 160 miles an hour, which is faster than in many places they can now go.

We need to begin developing high-speed rail corridors in other parts of this country, the southeastern United States and Florida, in and out of Atlanta. The Northeast corridor finally should be extended at least into Virginia, maybe as far as Richmond. I know there are people in North Carolina who would like to see the Northeast corridor extended into North Carolina where they are investing in passenger rail service on their own.

There are any number of densely populated corridors such as out of Chicago, Chicago/St. Louis, Chicago/Milwaukee, Chicago/Indianapolis, Chicago/Detroit, where it makes a lot more sense for people to travel on high-speed trains instead of on commuter airlines that are going less than 300 miles.

On the west coast, whether it is L.A. to San Diego or maybe L.A. to Las Vegas, L.A. to San Francisco, Portland, Spokane, Seattle, Portland-Seattle, Seattle-Vancouver, those are areas that are just ripe for high-speed passenger rail. The challenge for us is how to raise the money to put in place the infrastructure, the high-speed rail capability, the track bed, the overhead wires, the signaling, to be able to provide the service where it would be used.

The former chairman of the Amtrak board of directors who succeeded me on the Amtrak board, and preceded me on the Amtrak board, is former Wisconsin Governor Tommy Thompson, now Secretary of Health and Human Services. He and I believe, as do many others, including many in this body, there needs to be a dedicated source of capital for passenger rail service in this country to make world class the Northeast corridor, to begin developing, in conjunction and coordination with the right-of-way of freight railroads, the high-speed corridors in these densely populated areas of America.

I was struck to learn a couple of years ago that 75 percent of the people in America today live within 50 miles of one of our coasts. Think about that. As time goes by, the density of our population, especially in those coastal areas, will not diminish, it will increase. The potential good that passenger rail service can provide for us will increase as well.

Not everybody wants to ride a train from one end of the country to the other. Some people do, but a lot of people could benefit by riding a train in a densely populated corridor. A lot of people every day ride the longest train in the world, and that is the Auto Train that leaves just south of Washington, DC, down to near Orlando, FL, and back every day.

There are people who ride trains that go through spectacular parts of America. They go along the northern part of America, the Northwest, and the Coast Starlight from the west coast from one end of California up to the Canadian border. People are willing to pay good money to ride those trains.

I think one of the big questions we face is, What do we do with the other long-distance trains where Amtrak is unable to provide service and out of the farebox pay for the full cost of the service? I was always frustrated as Governor that when Delaware received Federal transportation monies, we did not have the discretion to use any of that money to help pay for passenger rail service in our State, which did not make sense.

For example, we could use our Federal congestion mitigation money in my State—other Governors could in their States —for freight railroads. We could use it for roads and highways. We could use that Federal congestion mitigation money for bicycle paths. We could not use it for passenger rail service, even if it made sense for our States. That is foolish. That ought to change. This Senate has tried to change it any number of times. We have not gotten the support we need from the other body. Sometimes we have not gotten the support we need from the administration. We should give Governors and mayors the discretion to use a portion of their money to help underwrite the cost of long-distance trains that are not fully sustainable.

A number of years ago when I was on the Amtrak board, we started an experiment to see if Amtrak might partner with the freight railroads, when operating outside the Northeast corridor, to carry things other than people, such as mail, express packages, but also to carry other commodities, even perishable commodities, that are highly time sensitive in terms of getting where they are needed.

A lot of times, shippers will use trucks because they believe there is a greater reliance in terms of on-time performance, and especially in shorter distances, but a greater ability than trucking to provide on-time performance, and we started an experiment to see if maybe we could carry not only people but commodities as well, and specially designed cars attached to Amtrak trains. If Amtrak were able to make money carrying these commodities on the track bed of a freight railroad, Amtrak would share the profits with the freight railroads. Amtrak would have a way to supplement its costs and to underwrite its costs of the long-distance trains which, frankly, do not make money.

Amtrak has entered into an agreement with, I believe it is the Burlington Northern-Santa Fe Railroad, to be able to do that kind of thing, and it has attempted to negotiate with other freight railroads. That could be part of a solution as well. I am not sure there is consensus in this body as to what the long-term passenger rail system should be in this country. I am not sure we know.

We do know if we do not do something, if the administration does not do something, by next weekend we are going to have a train wreck. Not a literal train wreck but a figurative train wreck. A lot of people who will want to go to work next Thursday or Friday are not going to get to work or they will end up in traffic jams in and around their cities and communities, the likes of which they have not seen for a long time. Maybe on the brighter side, some people who didn't want to go to work next Thursday or Friday will get a long weekend. For them, maybe that is good. For our Nation, this is not good.

We need to address this issue. We need to address it today. The administration has that capability of addressing it today. The administration should use discretion as provided to the Federal Railroad Administration to use the loan guarantee to enable Amtrak to go forward for us to have an orderly debate over this fiscal year to determine the long-term course for passenger rail service in America.

Mr. KERRY. Mr. President, I would like to respond to the comments made yesterday morning by the Secretary of Transportation in regards to Amtrak.

Frankly, I am puzzled by his remarks yesterday, puzzled because many of us in this body have been calling for the administration to take a position on Amtrak's future since last July, when a group of us met with Secretary Mineta and Federal Railroad Administrator Rutter. Earlier this year, when the Commerce Committee prepared to mark-up the National Defense Rail Act, we again sought the administration's input. The administration did not raise any significant objection, and the bill was reported favorably by the committee by an overwhelming margin.

Indeed, the only thing we knew of the administration's feelings toward Amtrak was that the Office of Management and Budget refused to release the $100 million in funding that the Congress appropriated late last year for improved security on trains and in stations.

After a full year of being AWOL on this issue, the administration suddenly announced that it would like to see massive, but vaguely defined, structural changes at Amtrak. And Secretary Mineta has said that without these big changes, whatever they may be, the administration will oppose Congressional attempts to increase funding for Amtrak. The Senate should not be cowed by this kind of bullying. The administration could have been a full partner in this process by raising these concerns last year, or even before the committee considered the National Rail Defense Act.

Instead, the administration has chosen to take a position that is diametrically opposed to the goals of the National Defense Rail Act, which now has 35 cosponsors. Rather than give Amtrak the resources it needs to run a forward-looking, national rail system, it seeks to tear down our national rail system and replace it with a model similar to the failed British model of rail privatization. The administration would like to have a regional passenger rail system, based on a model that is universally derided for its inefficiency and its lack of safety. The British experience has shown us that safe, efficient, reliable service cannot be done on the cheap. But that kind of short-sighted penny-pinching is exactly what the President has in mind. This strategy could strip countless communities, including several in Massachusetts, of train service, further reducing transportation alternatives in those parts of our country.

Much as the administration would like to score philosophical points with conservative think tanks, the issue here is not who actually runs the trains and maintains the tracks. The fact is that the most important issue for Amtrak is funding, and whether we want to dedicate the sort of funds that will be necessary to maintain and enhance a national passenger rail network, and whether we want to try to build high-speed rail corridors into that network.

In his remarks yesterday, Secretary Mineta said "The country can ill afford to throw billions of Federal dollars at Amtrak and just hope its problems disappear." He is right about one thing: We cannot wish away Amtrak's problems. But Amtrak's biggest problem is that, for 30 years, we have given it just enough funding to get by, but never enough to be truly viable. In his most recent review of the company's finances, the Department of Transportation's Inspector General mused, "It's amazing that Amtrak has gotten this far." While Amtrak has limped along on insufficient funding, our highways have become choked and our skyways will soon be once again strained beyond their capacity.

Now we hear that Amtrak is prepared to shut down as soon as next week unless it receives immediate financial assistance. This will leave 22.5 million riders without train transportation. Let's be clear: The administration, by virtue of its non-involvement in this issue, will bear the responsibility for this unprecedented blow to our national transportation network. I would like to know how the administration will handle the immediate extra burden placed on other transportation modes. Rather than put $200 million into Amtrak, it appears they would prefer to continue to spend billions more on already-clogged highways and skyways.

We must remember that this Nation has spent less than 4 percent of our Nation's transportation budget on inter-city passenger rail over the life of Amtrak. We've spent more than $300 billion spent on highways, nearly $200 billion on airports and just $35 billion on inter-city passenger rail in 32 years.

As Amtrak's ridership has increased despite its financial condition, that is not good enough anymore.

I would also add that Amtrak's place in the $2-trillion Federal budget is tiny. We spend $150 billion per year on debt service alone, but just $521 million on inter-city passenger rail. The Commerce Committee's bill, authorizes full funding for Amtrak's security, operating and capital needs. For the first time in its 30-year history, we would appropriately fund passenger rail.

I think a lot of criticisms frequently raised about Amtrak are indeed warranted. Its management structure is top-heavy and unwieldy. The company's new president has already announced plans to restructure management. That is a positive step, but we can and should reserve judgment on the success of that restructuring until it is fully implemented.

Amtrak is not sufficiently insulated from political pressures. That is also a legitimate concern, and one that must be addressed. Language inserted in the National Rail Defense Act would take a step toward ensuring that decisions about route terminations are made based on objective financial criteria. Still, we must do more to ensure that Congress provides oversight of the company, without unduly burdening it.

Clearly, the company's fiscal problems have been exacerbated by the Congress's unrealistic requirement that Amtrak meet an "operational self-sufficiency." As a result, Amtrak explored a wide variety of revenue options, with varying degrees of success. The new CEO, David Gunn, has expressed a desire to return Amtrak to its fundamental mission of moving people.

As these changes in the company are implemented, I believe it would be a grave mistake to allow the termination of Amtrak. And make no mistake, that is the road we are headed down. So I urge my colleagues to work toward an appropriation that will allow Amtrak to stand on solid financial ground in the short term, and toward passage of reauthorization legislation that allows our country to develop high-speed rail corridors without sacrificing traditional rail service. Unfortunately, the administration's plan does neither of those things.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENTIAL INITIATIVE TO REDUCE AIDS TRANSMISSION

Mr. DASCHLE. Mr. President, Wednesday I was asked by a member of the press about the President's announcement of an initiative to spend $500 million, including $200 million Congress has already approved for the current fiscal year, to fight the global AIDS pandemic by targeting the transmission of the disease from mothers to infants.

I applauded the President and his decision. His participation in the bipartisan campaign to combat this international health crisis is welcome and significant.

It is important to understand, however, that the President does not pledge any new resources until 2004. And the overall amount of resources he does commit to, while important, isn't enough.

The human toll this health crisis has already inflicted on this country and the world is staggering.

Every twelve seconds, one person dies due to complications from AIDS. Every minute, one of those people is an infant.

Each day brings 14,000 new infections, with half of those infected under the age of 25.

There are currently 30 million people with HIV in Africa, and the National Intelligence Council estimates that number could double in the next five years.

And, as if these numbers are not tragic enough, there is one more staggering statistic: by the end of this decade forty-four million children will have lost their parents to AIDS.

It is also important to understand that, as these statistics demonstrate, the international community doesn't have the luxury of time in reversing the spread of AIDS worldwide. Good intentions must be matched by commensurate resources if we are to reverse current trends.

Earlier this month, against the backdrop of those horrific—and mounting—numbers, the Senate debated its version of the FY2002 emergency supplemental appropriations bill. Prior to the Senate's consideration of this important legislation, a bipartisan group of Senators urged the Appropriations Committee to provide additional resources in this bill to combat AIDS so that funds to address this problem could be released right away.

The committee responded by including $100 million to fight AIDS and other diseases in the supplemental. And before the Senate could take up the committee's work, a group of senators—Democratic and Republican—proposed that this bill not leave the Senate floor with less than $500 million for this purpose.

Regrettably, according to news stories, the White House feels $500 million is too much for AIDS this year.

Under pressure from the White House, several Republican Senators withdrew their support for adding $500 million for AIDS this year, and the effort failed. The Senate was forced to settle for $200 million.

Just $200 million to fight a deadly disease that already infects 40 million people and is projected to infect millions more.

So, while I find Wednesday's announcement an encouraging indication of a growing awareness within the administration of the need to engage in the battle against the international AIDS crisis, the resources it is willing to commit to this challenge still fall far short of what is needed. And far short of what I believe this great nation is capable of and should be doing.

As for availability, the President's initiative sets aside $300 million in fiscal year 2004, 16 months from now.

Based on UN estimates, over those next 16 months, more than 1.1 million babies could contract HIV. The President's plan aims to prevent just 146,000 infections in 5 years.

Again, these resources are welcome, but I cannot help but feel that we have just missed a tremendous opportunity. When we wait to dedicate the resources necessary to fight this battle, we make our eventual victory against this threat harder—and more costly.

Does the administration truly believe that this $300 million could not be spent wisely and well now? If not, why?

So I come to the floor this afternoon to offer to work with the President and my colleagues to do two things with regard to the new initiative.

First, because the transmission of HIV from mother to child is an area where we know we can reduce the spread of HIV, it is vital that we increase funding in the area of mother-to-child transmission. But it is not enough to keep children from being infected with HIV *in utero*. We should commit to a major effort to treat the mothers and other family members already infected with the deadly virus so that children, free from the virus at birth, will grow up not as orphans, but with the support of their families.

Second, I do not believe we should wait until 2004 to put this initiative fully into action. We should include the full $200 million in this year's supplemental, and we must find significant, additional resources in the next fiscal year.

On a bipartisan basis during the last two years, Congress has significantly increased the amount of resources the President has sought for the global HIV/AIDS battle. And we must do so again.

In announcing Wednesday's initiative, President Bush said, "The wasted human lives that lie behind the numbers are a call to action for every person on the planet and for every government."

He is right.

Our nation has begun to heed that call, but our commitment to beating back this disease and our compassion for the millions who now suffer—compel us to do much, much more.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Virginia.

Mr. WARNER. Madam President, I thank the distinguished leader for the assistance he has given, together with the Republican leader, in moving this bill forward. I am going to address the Senate momentarily on an aspect of this bill, I say to the majority leader, and then he can give us guidance as to when this bill can be set aside.

Parliamentary inquiry: It is this Senator's understanding the Senate is in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent we return to consideration of the bill so I may address certain sections of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. At the conclusion of my remarks, I request we again lay aside the bill and return to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

Mr. WARNER. Madam President, periodically I have addressed the Senate on my concerns regarding the tragic strife in the Middle East. I did so on May 2 of this year and in the RECORD of that day are my comments with regard to the situation as of that date. Regrettably, the situation has continued to worsen.

Our President is actively engaged with the Secretary of State and the Secretary of Defense. I have had the opportunity to speak to all of them about this situation and express my views.

I know of no conflict of recent times that is more serious, in terms of how its tentacles are far reaching throughout the world. It is affecting, in some way, our ability to pursue terrorism worldwide. It is affecting our ability to take further actions to bring about our goals in Afghanistan. It is affecting the planning that this Nation must make from time to time—not referring to war plans, but just planning—as to how we deal with Iraq. Iraq is continuing, under the leadership of Saddam Hussein, to manufacture and warehouse weapons of mass destruction. I think the facts are irrefutable.

At the core of all of this decision making is this continuing conflict in the Middle East. I have said and I will say again today that I urge those in positions of authority—whether in this country, in Israel, or in the Palestinian Authority—to look at this daily loss of life on both sides and do all they can to bring about a cessation of this tragic conflict.

Eventually the two sides will sit down and try to work out some agreement for a lasting and permanent peace. A number of us had the opportunity to visit with President Mubarak when he came to Washington a few weeks ago. Likewise, a number of us had the opportunity to visit with President Sharon when he recently visited. I recognize the Presiding Officer was involved in those consultations. However, it seems to this Senator that President Mubarak and President Sharon are miles apart in their views as to how to bring about a resolution of this conflict.

I read today that certain persons in our Government are trying to impress upon several nations, which have been actively involved in trying to bring about peace in the Middle East, to become more active—specifically with Arafat, to impress upon him the need to exercise his authority to stop this tragic killing.

At the same time, there are certain elements within the Israeli Government that want nothing to do with Arafat. So on the one hand, people are going to Arafat to try to get him to do something and, on the other hand, people are saying we would not deal with him even if he were to do something.

Much of his infrastructure has been eroded in this conflict. We know not, at least this country does not, what exactly is the political structure among the Palestinian people and their ability to convey through Arafat, or another leader, their views towards a cessation of hostilities.

But this brings me to the question regarding NATO and the admission of new countries. Yesterday I had the distinct privilege, along with other Senators, to welcome in the Senate all 19 Ambassadors from the NATO nations who have convened here in Washington for a series of meetings with our Government. It is a very interesting group.

I said to them, in all candor: I am now in my 24th year in the Senate and I am a strong supporter of NATO. I said that they are the trustees of the NATO of the future. That alliance has been the most successful military alliance in the contemporary history of mankind. It has achieved its goals.

On the 50th anniversary of NATO, the leaders of NATO convened here in Washington. At that time they added a provision to their charter which clarifies any doubt that NATO has the authority, subject to the concurrence of the member nations, to engage in this war on terrorism and to selectively go into areas of dispute to perform crisis response operations.

I said to them, quite candidly, that they should entertain the thought that, should NATO be invited by the Government of Israel, and such spokesmen or government as may exist amongst the Palestinians, to come in and provide a peacekeeping force, that they should seriously entertain whether or not NATO could carry out that mission.

NATO has done it with professional excellence in the Balkans, both in Bosnia and Kosovo. It is quite interesting that among the beneficiaries of those peacekeeping operations have been a significant proportion of the Muslim population. So NATO has clearly established in Kosovo and Bosnia, an opportunity for the people in those countries to come together and begin to form a government that will improve their quality of life, certainly an improvement from what I witnessed when I first went there in the fall of 1991 and saw of the ravages of war.

I explained this yesterday to those Ambassadors. I also said the following.

I can remember the days right in this Chamber when there were heated debates, particularly after the dramatic fall of the Berlin Wall. That wall came down. Ronald Reagan is to be credited in history for being instrumental in getting that wall to come down, ending the cold war and hastening the demise of the Soviet Union.

I can remember the people of the United States through their elected representatives saying, Should we not now lessen our contributions to NATO? And they are very significant dollar contributions, and leadership, manpower, and equipment.

In this bill that we are on right now is $200 million and a fraction of new taxpayer money—$205 million for the military budget of NATO. That follows approximately $50 million in assistance authorized and appropriated by this Chamber several months ago in the context of the Freedom Consolidation Act.

In this one fiscal year alone—it may be two, and I will have to check that—roughly $255 million. That is a significant contribution by our taxpayers. And, that doesn't even begin to capture the costs the American taxpayers bear in keeping over 100,000 military personnel permanently stationed in the European theater.

I said to those Ambassadors that this year there will be strong support for the NATO budget, as there should be. NATO is doing a remarkable job in the Balkans and elsewhere. We are strong supporters.

But also in the Senate yesterday, history was made. The Senate is roughly 214 years old. It was the first time that in one hearing room—the Armed Services Committee where I was present—under the advise and consent procedure, we were hearing from a prominent four-star officer nominated to become commander in chief of the Northern Command—a new command established primarily for the purpose of protecting the citizens of our 50 States, and coordinating the use of our U.S. military to protect our States. Stop to think. This Nation has felt itself secure behind two great oceans for those 214 years of our Senate—secure because of the strong relationships we have to the north with Canada, and to the south with Mexico and our Central and South American neighbors. But our President has wisely concluded—and I commend and support him—we must set up a separate military command for the purposes of protecting the citizens of our 50 States.

In another hearing room was a distinguished civilian witness—Governor Tom Ridge, the President's Homeland Security Adviser—introducing a proposed Department of Homeland Security, the head of which will have the responsibility of marshaling the assets of this Nation's military, intelligence, police, National Guard, and all types of coordination required, again to protect citizens in their homes, in their towns, in their villages, and in the cities of the United States of America.

That was a profound day yesterday—a very profound crossroads in the history of this country.

As I talked with the NATO Ambassadors, I felt compelled to make the point that our country is placing additional burdens upon its taxpayers to protect us here at home with this new military command and this new Cabinet position, an entirely new entity of the Federal Government.

It is to be an amalgamation of some 150 different entities, and that will change as we debate its ultimate composition. But the bottom line is, our people are properly looking to this Government under our able President to begin in earnest to marshal all of our assets, as we have been doing for some months now since 9–11—but begin in earnest to establish a military command and a Cabinet position, adding great expenditures to our national defense needs.

Our President, the Congress and the American people know homeland security is our most urgent priority. We pray that the steps we are taking to prevent further attacks will be successful. But, if there are further attacks, our people will look inward more and more to their defensive needs here at home.

What are these threats that are requiring establishment of a new military command, and a new Cabinet department? These threats are the manifestation of a centuries-old ethnic and religious differences, including small elements of radical, fundamentalist Muslims whose message of hatred and intolerance for the United States and the West has found resonance amongst discouraged Middle Eastern youth. The unending cycle of violence in the Middle East fuels this sense of despair.

We should leave no stone untouched to determine the roots of this hatred. Are there steps we can take to demonstrate to the discouraged residents of the Middle East that we are a peaceful nation that fights for democracy, freedom and individual rights? Never in the history since the formation of our Republic have our troops marched beyond the shores of this Nation to acquire and take the lands of others. To the contrary, each and every time they have marched, they have marched in the cause of freedom to end tyranny and aggression and restore rights to oppressed peoples.

That is what this Nation stands for. We respect those who pursue the Muslim faith, as we respect the right of all to pursue their faith without fear of persecution. We are fortunate in this Nation to have hundreds and hundreds of thousands of persons who have emigrated from the Muslim nations of the world to follow the Muslim faith, to come to our United States and take up citizenship and to participate with equal vigor and enthusiasm in our way of life and the goals of this Nation. We are very proud to have them here.

I think we have to begin to send a message to that part of the world in every way we possibly can. There exists a very skillfully set up means of communication, primarily through one television station that is followed every day by many in the Arab world which portrays and misrepresents this Nation to the Arab world. It exploits the sense of discouragement that exists in the region and engenders more and more ferment, which is then directed at Israel and the West, but most specifically, at our Nation.

The conflict in the Middle East between Israel and the Palestinian people generates—I cannot quantify it, but that seemingly unending conflict generates hatred that grows and multiplies in the Arab world and is ultimately directed towards this country. That is why I think we should look at every single resource available to us to try to bring about the cessation of those hostilities, while simultaneously encouraging governments in the region to bring truth, democracy and opportunity to their nations. I believe it would lessen some measure of the hatred being directed to this country—hatred which results in daily and weekly threats and warnings to the American people.

I believe NATO should examine for itself whether or not it could play a role, if it were invited by both sides to come in, and provide a peacekeeping role to enable the two warring factions to sit down over a period of time—in relative peace, secured by capable NATO peacekeepers who are credible to both sides and engender cooperation—and, hopefully, resolve their differences and have a lasting peace agreement.

I said that very clearly to these Ambassadors yesterday. I have said it on the floor of this Senate. I will continue to say it on the floor of the Senate. Because as we approach this issue of the new nations joining NATO—and I have been active in the past, and I will be active in the future—those nations I think primarily are focused on what NATO can do for them to give them protection within their own specific geographic areas.

I am not entirely sure what the threats are that most concern these nations aspiring to NATO membership. Europe basically is peaceful today, but they look to NATO to ensure their protection as sovereign nations. That they should do. But, are they equally prepared to contribute to the military organizations in NATO.

The Senate, for that purpose, authorized $55 million to help the aspirant nations improve their militaries to meet the standards established by NATO for new members. That is a very important process.

I have always believed in the past that perhaps we moved too quickly in inviting new nations to join NATO, but I will put that aside for the moment. But I do ask those aspirant nations to begin to focus on the trouble spots in Europe, the trouble spots in the Middle East, and say to themselves, if NATO were to become involved: Are we willing to shoulder our proportionate part of the responsibilities which could involve our troops becoming peacekeepers in the Middle East? Stop to think about that.

I believe, in the course of the deliberations on NATO enlargement, those questions should be put specifically to the aspirant nations desiring to join. I commend our Ambassador, Ambassador Burns, U.S. Ambassador to NATO. He is extraordinarily well schooled, a highly principled professional, devoting his life to diplomacy. He is the right man at the right time in that particular job.

So, Mr. President, I feel very strongly about this. I know my views are not shared at the moment. Perhaps the President will take cognizance of this proposal as he is preparing his very important message on the Middle East. However, I just think there is no corner of this problem that should not be fully explored before it is summarily rejected.

We are making a very significant contribution to NATO. It is important. Hopefully, we will do it again next year. But in the ensuing year, as we begin to prepare ourselves here at home, all of the dollars of our budget then become under greater scrutiny.

I think it would be important for NATO to at least consider—on the assumption that it is invited—a peacekeeping role in the Middle East. However, it cannot be forced upon the people of Israel; they are very proud of their ability to defend themselves. However, I think it is important that this proposal be considered by NATO and that the nations indicating a desire to join NATO are likewise consulted as to their views.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will now return to morning business.

YUCCA MOUNTAIN

Mr. REID. Madam President, I have been sparing in my comments the last several months about the Yucca Mountain situation. Everyone acknowledges that a Republican will bring this up in the next several weeks. We have had a series of people coming to the floor talking about nuclear waste. The Republican leader talked about it today. We have had Senator CRAIG and Senator MURKOWSKI speak about it several times this week.

My colleague from Alaska, for example, this morning discussed the issue of nuclear waste and transportation. I can remember Senator Bryan and I, when we had the pleasure of serving together in the Senate, traveled to St. Louis. The whole purpose of our trip was to meet with local officials about the transportation of nuclear waste. We did.

We went to the governing body of St. Louis. We talked to them. We had a very nice visit. We visited an editorial board. We were on a radio station or two there.

As a result, the people who run the city of St. Louis passed a resolution saying: We don't want nuclear waste transported through St. Louis.

If you can explain the issue to people, they recognize quickly it is not a good idea. So that is why I want to respond to some of the points raised by my friend from Alaska. He discussed, for example, the shipments of waste to the WIPP facility, the waste isolation project in New Mexico. Comparing those shipments to the proposed spent fuel shipment at Yucca is like comparing a squirt gun to the most modern tank in America. They are just completely different substances. The items being shipped to WIPP are things such as rags, tools, and laboratory equipment. These are not spent fuel rods, which would give you a lethal dose of radiation in less than 3 minutes if you stood near them. You could be exposed to it for a matter of seconds and get sick.

With the news of terrorists pursuing radioactive materials and weapons of mass destruction, now more than ever we need to be vigilant in protecting the welfare of the American people. The decision to approve or reject the Yucca Mountain site is the most important transportation decision of this new century. This decision could bring as much as 100,000 shipments of high-level nuclear waste by truck through our towns and communities, as many as 20,000 train loads. This year we learned they may ship some of it by barge - the most poisonous substance known to man — traveling by our schools, our homes, our churches, our places of business.

It doesn't make sense to ship this waste and allow terrorists to use any one of these shipments as the ultimate "dirty" bomb. A successful attack on a spent nuclear fuel shipping cask would be extremely dangerous. Each truck cask would contain up to 2 tons of deadly material and each rail cask up to 11 tons.

These casks are packed full of the most dangerous high-level nuclear waste known to man. They contain Cesium-137, Strontium-90, and Plutonium-239. A release of less than 1 percent will affect tens of thousands of citizens, resulting in hundreds of long-term cancer deaths. This could shut down an entire city.

My friend, Senator CONRAD, was told by an expert that a "dirty" bomb would make Washington, DC, uninhabitable for 400 years.

Spent fuel shipments to Yucca Mountain would create a target-rich environment. DOE would make daily shipments by barge, truck, and train, all going to the same place. There would be as many as six to eight shipments each day. There are very few targets now. There would be hundreds of targets, thousands of targets if we go forward. According to the NRC, there have only been at most one or two shipments per week in the entire country over the past 10 years. Current shipments are harder to attack because they go to many different destinations.

For the DOE to say "we have never had an accident" isn't true. If you pin them down, they will say we have had no "reported" releases. Again, DOE has proposed putting tens of thousands of these casks out on the roads, waterways, and railways without a transportation plan. It would not be as bad if they had a plan they had let the Congress and the American people scrub, and if they had done an environmental impact statement, but they have not even done that. They have not done an environmental assessment.

Don't take my word for it; look at what the Secretary of Energy said on the subject:

> The DOE is just beginning to formulate its preliminary thoughts about a transportation plan.

After 9-11, proceeding with Yucca Mountain without a transportation plan is reckless and irresponsible. The Congress has the responsibility to hold the Department accountable. That can only come from rejecting this reckless resolution.

I mentioned on the floor recently that there is a Web site which was started to educate the American people about these shipments. It is www.mapscience.org. Anybody within the sound of my voice, go to your computer and try this out. All you have to do is put in your address. It doesn't matter where it is in the United States. You put your address in and it will tell you where the nearest nuclear reactor is and where they are going to ship the waste—how close it will come to your home. We know that in at least 43 States, more than 60 million people will be within a mile of the possible routes. Everyone should try this Web site.

This Web site is telling the American people what the Department of Energy doesn't want them to know: These proposed shipments will go right by their homes, right by the places they work, right by the places where their kids go to school. There has been a big response from the American people. This Web site has been up for 10 days, and there have been well over 100,000 hits.

There is no rush to move forward. The Nuclear Regulatory Commission Chairman has stated that if this Yucca Mountain project did not go forward today, it would be no big deal. He said it can be kept safely on site for decades.

More important, Yucca Mountain will never eliminate the waste that is stored around the country. Everybody within the sound of my voice should understand the big lie the DOE and the nuclear power industry is projecting. The big lie is that the 131 sites where we have waste now will be reduced to one site. Well, the fact is, that will never happen. It will never happen because there are 46,000 tons there now. They can move 3,000 tons a year, but they produce 2,000 tons a year. So do the math. You will fill Yucca Mountain before it ever opens.

Remember, when you take out a spent fuel rod, 95 percent of the heat, the radioactivity is still in it. It is so hot the only thing they can do with it is stick it in water for 5 years to cool it off. After 5 years, they can put it into a dry cask storage container. So this statement that they will only have one site is not true. It is a big lie. There will always be 131 sites, plus Yucca Mountain, plus all the trucks and trains. So instead of having one site, we are going to have hundreds of thousands of sites.

So when my friends march down here and say this is nothing, it is like moving the stuff to New Mexico, I repeat my analogy of a squirt gun compared to the most modern tank in America; that is the comparison. The American people need to understand that the millions and millions of dollars spent by the nuclear power industry is money that has been spent to deceive and mislead the American people.

I hope my friends on the other side of the aisle will do the right thing and vote for the good of their constituents, not for the good of the big lobbying effort that has been conducted in Washington over the last 20 years, and not go the way of the many fundraisers or the way of the vacations that have been paid for by the Nuclear Energy Institute, where they send people to Las Vegas for a week so they can look at the hole in the mountain. I hope they will vote in their constituents' best interests.

Jim Hall is a member of the National Academy of Engineering Committee on Combating Terrorism and was Chairman of the National Transportation Safety Board from 1994 to 2001. This article appeared in the New York Times the day before yesterday. Among other things, he said:

> Secretary Abraham has said there is plenty of time to create a transportation plan before Yucca Mountain begins receiving nuclear waste eight years from now. But safety issues will almost certainly get short shrift if they are not addressed before the repository site is approved. Congress needs to force the Department of Energy to reassess the dangers of transporting high-level nuclear waste and develop a secure plan before proceeding with the Yucca Mountain project.

RUSSIAN URANIUM AGREEMENT

Mr. BINGAMAN. Mr. President, both the Department of Energy and the Department of State have made important announcements this week relating to the so-called "Russian HEU Agreement." This agreement is not widely known, but it is enormously important to our national security, and I would like to take this opportunity to call it to the attention of the Senate.

Under the HEU Agreement, the Russian Federation is converting 500 metric tons of highly enriched uranium from dismantled nuclear weapons into low-enriched uranium fuel for nuclear power plants. The United States then buys the low-enriched uranium for nuclear power plants in this country to use to generate electricity.

The benefits of this program, which is sometimes called the "megatons to megawatts program," are obvious. Nuclear weapons scrapped under the program can never be used against us. Weapons-grade uranium blended down and consumed in power plants can never fall into the hands of terrorists or rogue states.

The United States and Russia entered into the HEU Agreement in 1993. The program will neutralize the equivalent of 20,000 nuclear warheads over its 20-year life. More than 150 metric tons of highly enriched uranium, the equivalent of nearly 6,000 nuclear warheads, have already been converted into low-enriched reactor fuel. Another 350 metric tons, the equivalent of 14,000 more warheads, are slated to be converted over the remaining 12 years.

Although the Russian HEU Agreement is a government-to-government agreement, it is being implemented for the Russian Federation by Tenex and for the United States by USEC Inc. USEC was originally established by the Energy Policy Act of 1992 to run the Department of Energy's uranium enrichment plants as a business. When the Russian HEU Agreement was first executed, USEC was wholly owned by the United States Government and it was tapped to implement the agreement as the Government's "executive agent." In 1998, the Government sold USEC to private investors pursuant to the USEC Privatization Act, but retained the private company as its executive agent for the Russian HEU program.

Remarkably, USEC is able to conduct the Russian HEU program without cost to the Government. USEC pays the Russians for the uranium, and recovers its costs when it resells the uranium to nuclear utilities. The price paid by USEC was originally set in the HEU Agreement and has since been subject to negotiation between the parties.

Some time ago, USEC and Tenex reached an agreement on a new market-based mechanism for determining the price USEC will pay Russia for future deliveries. Yesterday, the State Department announced that the Governments of the United States and the Russian Federation have approved the new pricing mechanism.

The new pricing mechanism puts the program on a more commercial basis. It does away with the need for the two governments to renegotiate the price periodically. By basing the price on market conditions, the new mechanism provides a more stable and predictable procedure for determining future prices and should help ensure the long-term success of the program.

In addition, this past Tuesday, the Department of Energy announced that it had signed an agreement with USEC that resolves a number of issues between them. Earlier, there had been talk of the Government replacing USEC as its executive agent under the Russian HEU deal or appointing multiple agents. Under the accord announced on Tuesday, the Department of Energy agreed to recommend that USEC continue to serve as the Government's sole executive agent, and USEC committed to meeting the annual delivery schedules in the Russian HEU agreement over the remaining years of the agreement.

The Russian HEU Agreement serves us well. Each Russian warhead that is dismantled and each ton of weapons-grade uranium that is converted to commercial reactor fuel reduces the risk of nuclear proliferation and enhances our security. USEC has made great progress implementing the program over the past 8 years. The two announcements made this week give us hope for further progress in the years ahead.

THE PRESIDENTIAL ELECTIONS IN COLOMBIA

Mr. FEINGOLD. Madam President, I wish to take this opportunity to express my support for the Colombian people following the Presidential election in Colombia on May 26. I was pleased to cosponsor a resolution last week welcoming the successful completion of democratic elections in Colombia. It is a tribute to the Colombian people that despite significant threats and violence, both international and national election observers found the elections to be free and fair.

I am also pleased that the President-elect of Colombia, Alvaro Uribe Velez, has been in Washington this week to discuss U.S. support for counter-narcotics operations. The United States has already invested heavily in a unified effort to reduce the flow of drugs from Colombia, while simultaneously promoting human rights and economic development throughout the country. It is essential that we build on that investment during the new administration of President-elect Uribe. Indeed, I am pleased that President-elect Uribe has said that he looks forward to the day when Colombia is not sending a single kilogram of cocaine to the United States. To make that a reality, we must ensure that coca growers in the poor regions of Colombia have access to alternative economic opportunities, and that they take advantage of those opportunities to get out of the coca business for good. We must also promote human rights and the rule of law in Colombia; otherwise, the cycle of violence and narco-trafficking that is draining the livelihood of the country will ultimately lead to total state collapse, and to even more narco-trafficking and perhaps support for terrorism in the ruins of such a failed state.

With the visit to Washington this week of a new President-elect, this is an opportune time to reflect on some of the new directions in our bilateral relationship with Colombia. In particular, this provides an appropriate opportunity to step back and evaluate the effectiveness to date of our various policy objectives in Colombia. We must consider, for example, whether our initiatives have been effective in reducing the levels of violence in the country, in seeking accountability for grave human rights violations, and in cutting off the narco-traffickers who provide both financing and incentives for insurgent forces. We must also ask whether our policy in Colombia provides an effective balance of military assistance and well-managed development support. And we have an obligation to the people of Colombia to consider the human and environmental effects of our ongoing fumigation campaign.

In reflecting on the situation in Colombia today, one thing remains absolutely clear: The status quo in Colombia cannot be justified. The prolonged civil war, which is fueled by lucrative narco-trafficking, has created a volatile society, with untold suffering and a seemingly endless cycle of grave human rights abuses. The narco-traffickers have prospered, the guerrillas, and increasingly the paramilitaries, have offered the narco-traffickers hired protection, and they, too, are prospering from this deadly relationship. It is the people of Colombia, the average farmers and the honest citizens, who must pay the price of the war. That price can be counted in the number of lives lost or displaced in Colombia. But we must also count the lives lost to drugs and violence on our own streets in the United States. Such vast costs are wholly unacceptable.

So, where do we go from here? First and foremost, we must continue to scrutinize the relationship between the Colombian military and the paramilitary forces in the country. The Colombian military has been taking steps to sever its ties with the paramilitaries, but I am worried that those steps have not translated into meaningful progress on the ground. As the United States considers supporting the counter-insurgency operations of the Colombian military, we must guarantee that Colombia takes seriously its obligation to seek out and prosecute the paramilitaries. And we must remember that by most accounts, the paramilitaries today are more responsible than any other terrorist group for the massive war crimes committed in the country.

We must also ensure that the Colombian government commits its resources to a more robust investment in its own institutions. We must never substitute our own assets or personnel for an appropriate level of investment by Colombia in its own future. This must include domestic support to institutions of justice, and for the protection of civilians, as well as responsible military support to defend the civilian population from rebel and paramilitary attacks.

Finally, we must do more to ensure that communities that have already been so hard-hit by the conflict have access to development opportunities to rebuild their lives. Alternative development must be a cornerstone of any effective counter-narcotics campaign. Without alternative development, displaced communities will have only one rational economic option: to turn to the lucrative but illegal cultivation of the coca that drug lords are so eager to buy and protect. Quite simply, we must give battered rural communities a viable economic alternative to coca or poppy cultivation if we are ever to bring the wars in Colombia to an end. To date, our investment in such development has been insufficient. And perhaps as a result, we have also made little progress in stemming the flow of drugs. Without more of a social investment in alternative development, I fear that the coca fumigation program that is being supported by the United States will merely shift drug cultivation into even more remote and ecologically sensitive areas of the country.

So I rise today to congratulate the people of Colombia on their successful Presidential election in May. That democratic institutions continue to function in the midst of such violence and intimidation is an impressive tribute to the Colombian people. But as the United States moves to support our new colleagues in the incoming government in Colombia, we must continually ask ourselves whether our intervention is achieving our policy goals, and whether it is making a difference to the lives of average Colombians.

Carefully crafted U.S. support for Colombia can make a difference. Indeed, it must make a difference. But we must monitor the effects of that support very closely, because neither the U.S. taxpayer nor the vast communities in Colombia that have already been devastated by the war can afford to see such a significant U.S. investment in Colombia fail. We cannot and must not abandon Colombia. But at the same time, we cannot delude ourselves about the efficacy of our policy thus far. Critics of U.S. policy in Colombia, and in many cases I have been among them, raise valid questions about the commitment of the military to the rule of law and to protecting civilians. They raise important questions about the consequences of fumigation and the economic prospects for farmers who agree not to plant coca. It is our responsibility to weigh these points and to answer these questions, and where necessary, to adjust our policy so that we get it right. For Americans and for Colombians, the stakes are too high to do otherwise.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in January 1998 in Springfield, IL. A gay man was abducted, tortured, and robbed. The attacker, Thomas Goacher, 27, was charged with a hate crime, aggravated kidnapping, armed robbery and aggravated battery in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL ASKING SAVES KIDS DAY

Mr. LEVIN. Madam President, yesterday was the second annual National Asking Saves Kids Day or ASK Day. ASK is a national public health campaign that urges parents to ask their neighbors and community members if they have a gun in the home before sending their child over to play. The ASK campaign helps to enable parents to protect their children from the danger of a gun that is not safety stored. This is a sensible step toward preventing gun violence. According to PAX, a non-political organization that promotes solutions to the problem of gun violence and sponsors the ASK campaign, over 40 percent of American homes with children have guns. Many of these weapons are kept unlocked and loaded. Child access to these firearms is one reason why children in the U.S. are more likely to die of gun violence than from all natural causes combined. In recognition of National ASK Day, parents, children, community leaders, and neighbors across the nation planted flowers as a symbol of the more than 3,000 children that PAX estimates could be saved through the simple message of the ASK campaign.

It is critical that we do all we can to keep children from gaining unsupervised access to firearms. That is why I cosponsored Senator DURBIN's Child Access Prevention Act. Under this bill, adults who fail to lock up loaded firearms or an unloaded firearm with ammunition could be held liable if a weapon is taken by a child and used to kill or injure him or herself or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. This bill is similar to legislation President Bush signed into law as Governor of Texas. I support this bill and hope the Senate will act on it.

I know my colleagues will join me in recognizing National ASK Day, and I urge them to support Senator DURBIN's common sense gun safety legislation.

RATIFICATION OF NEW YORK TREATIES AGAINST THE SALE, TRAFFICKING, AND PROSTITUTION OF CHILDREN AND AGAINST THE USE OF CHILDREN IN COMBAT

Mr. HARKIN. Madam President, it gives me great pleasure to hail the ratification of the Optional Protocol Against the Sale of Children, Child Prostitution, and Child Pornography by the U.S. Senate this week. I applaud the strong leadership of Senator BIDEN, Chairman of the Senate Foreign Relations Committee, and Senator HELMS, the Ranking Member of that Committee, as well as Senator BOXER in bringing this new treaty to fruition.

The use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic purposes is included in the universal definition of the worst forms of child labor in the International Labor Organization's Convention 182 which this Senate ratified in 1999 on a 96–0 vote. Therefore, it is altogether fitting and proper that we now follow through and adopt this new instrument of international law to crackdown worldwide against the despicable acts of trafficking and prostituting of children.

This Optional Protocol gives special emphasis to the criminalization of the sale and trafficking of children as well as child prostitution and pornography. It also stresses the importance of improved international cooperation and coordination to combat the sexual exploitation of children everywhere in the world, while also promoting heightened awareness, more information gathering, and public education campaigns to enhance the protection of children trapped in one of the worst forms of child labor.

For nearly a decade, I have been working hard to end the scourge of abusive child labor. It is a tragic and disturbing fact that millions of children under 18 years of age currently endure slave-like conditions in brothels, back alleys, and hideaways that jeopardize their basic health, safety and well-being. These children are being tricked, lured, and sold outright for purposes of forced labor and exploitation in the commercial sex trade of prostitution and pornography.

In the European Union, the International Organization for Migration reports a marked increase in the number of unaccompanied minors trafficked for sexual purposes from Central and Eastern Europe, Africa and Asia.

In India alone, hundreds of thousands of children exist in slavery-like conditions for purposes of forced labor or prostitution, according to the U.S. Department of State Country Reports on Human Rights Practices.

UNICEF estimates that at least 200,000 children every year are trafficked into the Central and West African slave trade for purposes of forced labor.

In Mexico, a UNICEF study estimates that 16,000 children are victims of sexual exploitation—many of them are prostituted in tourist destinations such as Cancun and Acapulco.

In the United States, experts within the Department of Justice estimate that at least 100,000 children are involved in the sex trade in any given year. Approximately 400 cases of Internet child pornography are prosecuted each year in the Federal courts alone. I am pleased to report, for example, that a crackdown on Internet child pornography was launched last year in Des Moines, the capital city of my own home state.

A 1999 report issued by the Central Intelligence Agency estimated that up to 50,000 women and children are trafficked into the United States each year.

We must not stand by while millions of children are sold for purposes of forced labor and consigned to prostitution and pornography in order to satisfy adults who profit from their abuse. When presented with the dimensions of human trafficking in 2000, I joined 94 of my colleagues in the U.S. Senate to express both our outrage over the criminal behavior of child traffickers and our support for the victims of trafficking by passing the Trafficking Victims Protection Act.

This week we are taking more effective action through ratification of the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. It is an important victory in our effort to protect children everywhere. I look forward to continuing this effort with my colleagues in the weeks, months, and years to come. In approving this new standalone treaty, we are affirming that the American people believe that all children, given their vulnerability to adult coercion and greed, deserve special protection in international law and practice against sexual predators and exploiters.

I also want to take a moment to say how pleased I am that the Senate this week has ratified the Optional Protocol Against the Use of Children in Armed Conflict.

As you know, I worked very hard with Senator HELMS, in particular, to secure ratification of the International Labor Organization's (ILO) Convention #182 to Prohibit the Worst Forms of Child Labor. Our bipartisan efforts paid off when the Senate in November, 1999 ratified that important new human rights treaty on a 96–0 vote.

Now included in the universal definition of the worst forms of child labor within ILO Convention #182 is the prohibition of forced or compulsory recruitment of children for use in armed conflict. Therefore, the Senate's action this week on this Optional Protocol means the U.S. has followed through on our international commitment at the time that ILO Convention #182 was under negotiation and joined the world community in universally condemning and outlawing the recruitment and use of child soldiers.

It probably seems unthinkable to most Americans that young children have been recruited, trained, and turned into soldiers who are actively engaged in combat. The latest research estimates that more than 300,000 children under 18 years of age are participating in armed conflicts around the world. For example, there are an estimated 50,000 child soldiers in Burma alone. Hundreds of thousands more are members of armed forces who could be sent into combat at any moment. Although most child recruits are over fifteen years of age, significant recruitment starts at ten years, and the use of even younger children is not uncommon.

Robbed of their childhood, child combatants are subjected to a cycle of violence that they are too young to understand or resist. While many of these young recruits may start out as porters or messengers, too often they end up on the front lines of combat. Some are used for especially hazardous duty, such as entering mine fields ahead of older troops, or undertaking suicide missions. Some have been forced to commit atrocities against family members or relatives. Inexperienced and immature, these children suffer far higher casualty rates than their adult counterparts. Those who survive are often physically or psychologically scarred for life. Typically lacking an education or civilian job skills, their futures are often very bleak.

Ninety-three percent of Americans believe that combatants should be at least 18 years of age, according to a recent poll conducted by the International Committee of the Red Cross. Accordingly, I want to particularly salute the leadership of my colleagues, Senator BIDEN, Chairman of the Senate Foreign Relations Committee, and Senator HELMS, the Ranking Member of that Committee, as well as Senator WELLSTONE and thank them for their tireless work to see this treaty through to ratification. There is absolutely no justification for the forced or compulsory recruitment of children under 18 for deployment into combat anywhere in this world and I am proud that America is doing our part to end this egregious abuse of human rights and affront to common decency.

FIRST RESPONDER TERRORISM PREPAREDNESS ACT OF 2002

Mr. SMITH of New Hampshire. Madam President, I rise to urge my colleagues to support the First Responder Terrorism Preparedness Act of 2002 that I introduced along with the committee chairman, Senator JEFFORDS. This legislation is a huge step forward in providing the necessary tools for local and state first responders to prepare to respond to any act of terrorism.

We recognize that it is the local emergency responders who are on the scene first to rescue and help those who have been caught in a disaster. I visited the Pentagon and Ground Zero less than a week after the attacks and can tell you that these first responders are true patriots, and they live and serve us in every town and city across this great Nation. These local heros, the type of first responders who made the ultimate sacrifice on September 11, are the embodiment of the American spirit—brave, selfless, and caring. They save lives and we should focus our resources to help them with their mission.

Prior to his confirmation to be the head of FEMA, nearly 9 months before the terrorists attacks on this Nation, I met with Joe Allbaugh to discuss FEMA priorities. Chief among the priorities we discussed was that of terrorism preparedness of our Nation's first responders. Little did we know what this Nation would be facing less than 9 months down the road.

Since September 11, I have met with Director Allbaugh and his staff on several occasions, and the Environment and Public Works Committee, of which I am the ranking member, has held a number of hearings on this issue.

In January, I enthusiastically endorsed President Bush's announcement of his first responder plan to be run by FEMA. This bill, the First Responder Terrorism Preparedness Act, mirrors the President's proposal and represents months of work by the Environment and Public Works Committee flushing the President's proposal with the aid of the administration.

In brief, this bill will authorize a first responder grant program for 4 years at $3.5 billion per year. Each State will receive a minimum of $15 million with the remaining being distributed to States based on criteria set by FEMA but will include population, vital infrastructure, military installations and proximity to international borders. The money will be used for preparedness efforts including to purchase equipment, train, develop response plans, conduct exercises and provide for communication needs. We ensure that the money does not get tied up in bureaucracy and gets to the first responders.

The bill also requires that all the efforts at the State and local level be part of a broader national preparedness strategy as determined by the Office of National Preparedness (ONP). The ONP was put in place by the President over a year ago, a move I have been advocating for some time, and the President deserves a great deal of credit for that action.

This bill takes the additional step of establishing the ONP in statute. The ONP will help to coordinate preparedness efforts at the Federal level and be the point Federal office for the State and local responders. It is vital that we do not have thousands of independent preparedness plans and efforts—we need a local, state, regional and national strategy.

The bill will also enhance the capabilities of FEMA designated Urban Search and Rescue teams. Many of those teams were activated on September 11, but have had serious financial difficulties in maintaining adequate levels of preparedness. That certainly should not be the case and we address those needs.

We all entered a new world and a new reality on September 11, and we must be prepared for whatever may come our way. The President has done a tremendous job to dramatically reduce the vulnerabilities of this Nation and I, once again, applaud his effort to establish a new Department of Homeland Security. However, regardless of how much we work to prevent further attacks, we must be prepared if the unthinkable were to happen again. This will be an ongoing effort and this bill takes a very large step in providing the resources and direction to ensure that the effort is productive.

I thank the chairman of the EPW Committee for his leadership and for working closely with me on this important and bipartisan issue. It is my hope that our bill will make it to the President's desk in short order.

ADDITIONAL STATEMENTS

TRIBUTE TO COL. DAVID R. CHAFFEE

• Mr. THOMPSON. Madam President, today I pay tribute to a U.S. Air Force officer, Colonel David R. Chaffee. Colonel Chaffee currently serves as the Program Director of the Combat Air Forces Command and Control Systems Program office at the Electronic Systems Center on Hanscom Air Force Base. He will soon retire from the Air Force after 25 years of service. Today, it is my privilege to recognize some of Colonel Chaffee's accomplishments, and to commend his service to the Air Force and our Nation.

Colonel Chaffee was born in Rockwood, TN, and began his Air Force career as a cadet at the U.S. Air Force Academy. Early in his career, he was an Aeronautical Developmental Engineer at Wright Patterson Air Force Base, OH, and later returned there as the Program Manager for the F100–PW-220 engine. After multiple, high-level acquisition positions at Headquarters in Washington, DC, he spent 2 years at the Ogden Air Logistics Center at Hill Air Force Base, UT as a Program Director before arriving in May 2000 at Hanscom Air Force Base for his current assignment.

Throughout his career, Colonel Chaffee won numerous awards for performance in the Acquisitions career field, including the General O'Malley Memorial Leadership Award in 1987 and the Clements Award in 1985. Additionally, he was a Distinguished Graduate from Squadron Officers School and Air Command and Staff College. He holds two master's degrees, one in Aeronautical Engineering from the Air Force Institute of Technology and one in National Resource Strategy from the Industrial College of the Armed Forces.

At Hanscom Air Force Base, Colonel Chaffee's leadership contributed to the Combat Air Forces Command and Control Systems Program Office being regarded as a center of excellence for command and control and air battle management. This office provides integrated mission critical command and control tools that help create air tasking orders, plan combat sortie missions, and analyze weather information for planned targets. Colonel Chaffee's support for improved processes and innovation led to significant increases in program office performance.

Colonel David Chaffee has made a difference during his service to the Air Force and our Nation. He displayed a commitment to the men and women in his charge and was well known for mentoring junior officers. In addition, throughout his demanding career, Colonel Chaffee has been a family man, as he and his wife, Ann, raised three daughters, Lauren, Katelyn, and

Jillian. I urge my colleagues to join me in commending Colonel Chaffee and thanking him for his years of service.●

JERRY BLOCKER: IN HONOR OF HIS "LIFETIME ACHIEVEMENT AWARD" PRESENTED BY THE SOCIETY OF PROFESSIONAL JOURNALISTS

● Mr. LEVIN. Madam President, during the turbulent social unrest of the 1960s in the U.S. and particularly Detroit, Jerry Blocker—a "skinny little kid with the big voice"—often dominated the radio and television news business. His rise and success in the industry has been attributed to an imagination fueled by a strong sense of drama, and his ability to craft a calm, orderly objectivity out of news ripe with disorder, rawness, and uncertainty.

Born on the west side of Detroit on February 14, 1931, Jerry Blocker's arrival on Valentine's Day was unheralded during the height of the Great Depression. Because of the Depression, Jerry's parents and family bestowed upon him the only gifts they could afford: an abundance of love and pride. Those generous gifts carried dividends the remainder of his life.

During his early years at Columbian and Sampson elementary schools, Jerry Blocker thrived while participating in school plays. Later, while attending McMichael Intermediate he became interested in all activities associated with radio. By the time he reached Northwestern High School, it was recognized that the "skinny little kid with the big voice" was destined for a future in the media. At Wayne State University in the mid-1950s, Jerry honed his broadcast skills but discovered that minorities were not to be found working in the broadcast business. His dream would have to wait. In the late 1950s Jerry became a teacher, first serving at Hampton Institute in Virginia, then with the Detroit Board of Education. His flair for the dramatic became evident as he staged plays, pageants, and festivals to the delight of hundreds of children.

In 1961, Jerry Blocker finally found employment in the radio industry when WCHD entered the general-format radio market as the first of many stations. In 1967, Jerry became the first black television news anchorman in the state of Michigan, working for WWJ-TV Channel 4, now known as WDIV-TV. He was hired by Channel 4 after the 1967 Detroit riots and anchored weekend newscasts until 1975. After his departure from WWJ, Jerry Blocker was hired as the television news director of Channel 62, the first television station to actively recruit from and program for Detroit's African-American community. Jerry Blocker won several awards for his distinguished and accurate broadcast professionalism.

During his 10-year career in television, Jerry Blocker witnessed and reported the events which helped shape Detroit and the nation in the years immediately following the advent of U.S. Civil Rights legislation: the assassination of Reverend Martin Luther King, Jr., the challenge of the Detroit NAACP and the Detroit Board of Education, which was eventually settled by the U.S. Supreme Court, and the tremendous effect on the tri-county area and on all of Michigan by the election of Coleman A. Young, Detroit's first black mayor.

In 1977, Blocker was named executive director of the Detroit branch of the NAACP while at the same time hosting a popular music show on radio station WQBH. During his spare time, Jerry served as a mentor for Blacks in Advertising, Radio, and Television. Blocker was also employed as the media spokesperson for the U.S. Census Bureau in Michigan, Ohio, and West Virginia.

In the 1980s, Jerry Blocker founded a political campaign management firm, Jerry Blocker Enterprises, the oldest minority-owned political-consulting and advertising agency in the Detroit metropolitan area. Later, that agency folded into Blocker and Associates, Inc., so that Jerry could work with and mentor his young daughters, Nicole and Shannon. Until the time of Jerry Blocker's death on October 31, 2001, he and his beloved daughters worked for public officeholders and candidates in their quests for victory at the polls.

The Detroit Metropolitan Chapter of the Society of Professional Journalists, SPJ, is honoring Jerry Blocker by presenting him a posthumous Lifetime Achievement award to his family and friends. Said SPJ Chapter President Jack Kresnak, "I wish we had honored Jerry before he died. He did a great job at our banquet a couple of years ago speaking on behalf of Bob Bennett who was getting a lifetime achievement award."

I know my Senate colleagues will join me in congratulating Jerry Blocker for his tremendous accomplishments and encouraging others to follow his distinguished example.●

OREGON HERO OF THE WEEK

● Mr. SMITH of Oregon. Madam President, I am pleased to rise today to honor an outstanding organization located in my home State of Oregon. I would like to congratulate Guide Dogs for the Blind on its 60th anniversary of providing exemplary service to the blind and visually impaired community in Oregon and across the country.

Guide Dogs for the Blind is a nonprofit, charitable organization that provides guide dogs and training to the visually impaired community throughout the United States and Canada. With approximately 10 million Americans categorized as blind or visually impaired, Guide Dogs for the Blind performs an essential service that deserves to be recognized in this body on its 60th anniversary.

The services provided by Guide Dogs for the Blind, and organizations like it, will only become more important in the coming decades. Statistics show that people 65 years and older are at high risk of suffering from poor vision. On average, 144 Oregonians benefit from guide dogs trained by Guide Dogs for the Blind every year, and as our population continues to grey, the need for guide dogs and organizations that train them will almost certainly grow.

The use of guide dogs has been increasingly accepted over the course of the last century. Although guide dogs existed prior to World War II, most visually impaired people could not take full advantage of such services due to existing federal and state laws restricting animals from entering buildings. But only three days after the most devastating attack in American history, December 10, 1941, President Franklin D. Roosevelt signed a law finally requiring government buildings to admit seeing-eye dogs. Today, during these trying times, it is important for all of us to note that despite the turbulent political situation he faced after Pearl Harbor, President Roosevelt still prioritized the needs of the visually impaired community by signing that law.

Sixty years later, the program instituted by Guide Dogs for the Blind served the nation on its darkest day since Pearl Harbor. During the horrific attacks against the United States on September 11, a blind man working on the 78th floor of the World Trade Center was led to safety by a guide dog that had graduated from the Guide Dogs for the Blind program. Guide dogs, now an essential part of so many lives, can be remembered along with the selfless firefighters, police officers, and rescue workers who sacrificed so much to help others that day.

Each and every staff member and volunteer at Guide Dogs for the Blind is a hero to their communities and to the people who benefit from their services. I rise to salute those associated with the Guide Dogs for the Blind for their dedication and continued service to visually impaired people throughout the country. Even in this era of innovation, the blind and visually impaired would not have the same opportunities afforded to the rest of us without the commitment of citizens like those associated with Guide Dogs for the Blind.●

HONORING JACK JURDEN'S TALENT AND WIT

● Mr. BIDEN. Madam President, I rise today to salute a man who has lampooned me more than anyone else in

Delaware throughout my 30 years as a U.S. Senator. He has stuck me in the mud, dirtied by political campaigns. He has sketched me swimming in an inner tube fighting for NATO's involvement in Bosnia. He has put me in my place in, an over-sized Chair to characterize my position on the Senate Foreign Relations Committee. He has donned me in a wizard's robe next to a giant cooking pot simmering over a fire.

Yes, today I rise to salute a man whose signature is a talking frog.

Today I rise to salute a man who has made me laugh nearly every morning that I have opened my local newspaper for nearly the past 40 years and flipped to the editorial page.

Today I rise to salute long-time News Journal editorial cartoonist Jack Jurden.

After nearly four decades of his whimsical, witty, thought-provoking, light-hearted, good-natured sketches, Jack Jurden is retiring. He is not quite putting his pencils and paper in a drawer permanently. Fortunately for us in Delaware, he has promised to produce a few editorial cartoons a year. But I and so many daily readers of Delaware's largest newspaper will miss his black and white sketches that have added so much color and laughter to our lives.

Jack joined the News Journal in 1952 as a photo engraver. His real love was drawing, so the News Journal decided to take a chance on him as the editorial Cartoonist. In my opinion, that is the best decision that newspaper ever made.

Jack's start in the newspaper business started long before his career with the News Journal. Like many of us, as a kid growing up, Jack was a newspaper delivery boy. Fresh out of high school in Allentown, PA, he put his artistic talents on hold to serve his country in World War II. As an army soldier, he was stationed in the Philippines and in occupied Japan.

Over the years, I am very fortunate to have gotten to know Jack well. His love for his craft, his country and his community are surpassed only by his love and loyalty to his family: his wife of 50 years, Faye; his daughter Jenifer and his daughter Jan, who is a Superior Court Judge in Delaware. These days Jack's true love is his grandchildren.

I realize this is not your typical Senate tribute. But I so admire this man and his talent that I have many of his cartoons lampooning me framed in my office and in my home. So I will miss him. And I think I speak for thousands of others in Delaware who have laughed heartily every morning with their coffee, their coworkers and their family as they scan his take on events in our State and our world, always looking for that little talking frog in the corner to offer some words of wisdom.

My very best wishes to him and his family.•

RECOGNIZING IOWA STUDENTS WHO PARTICIPATED IN THE NATIONAL HISTORY DAY CONTEST

• Mr. GRASSLEY. Madam President, today I would like to recognize several remarkable young Iowans who put in an impressive showing at the recent National History Day contest. I am very pleased to announce that a total of eight entries from the great State of Iowa qualified for the national finals. Each of these talented young people represented their State with distinction and all Iowans can be very proud of these students.

Gabriella Green, who attends Alan Shepard Elementary in Long Grove, took first place with a junior individual documentary entitled "Solution to Hunger: Dr. Norman E. Borlaug and the Green Revolution." Amy Paul and Katie Pauley of Indian Hills Jr. High in West Des Moines took first prize in junior group documentaries for "Grace Hopper: Expanding Computer Horizons." Stephen Frese of Marshalltown took the second place medal for his junior historical paper, "Wrestling with Reform: Iowa Coal Communities and the Transformation of Childhood."

In addition, Alex Cahill and Emily Green from North Scott High School took fifth place in the senior group performance category with "The Works Progress Administration: Our Business of Relief" and Elyse Lyons took seventh place in junior individual performances with "Alice Hamilton: Friend of the Factory Worker."

Johnston Middle School Student Abigail Bowman, who took eighth place in junior historical papers with "Mustafa Kemal Ataturk: Reformer of Turkey," was invited to present her paper at the Turkish Embassy while she was in the Washington, DC area for the national competition. Laura Westercamp, a student at Kennedy High School in Cedar Rapids, took eighth place in senior individual exhibits with "Battle of the Bottle: The Woman, the Reaction, the Reform" and was able to present her project at the Smithsonian Museum of American History.

Lauren Appley, who attends Akron-Westfield School, took the ninth place award in junior individual papers with "Martha Graham: Revolutionary Genius of Modern Dance."

I would like to congratulate each of these Iowa students. The number of quality entries by Iowans in this national contest demonstrates the importance Iowans place on education. I would also like to take this opportunity to recognize the State Historical Society of Iowa, which sponsors the National History Day program in Iowa, as well as the American Legion of Iowa Foundation, which provides funding for the program.

Again, congratulations to Gabriella, Amy, Katie, Stephen, Alex, Emily, Elyse, Abigail, Laura, and Lauren. You have done Iowa proud!•

ROSWELL WINS ALL-AMERICA CONTEST

• Mr. BINGAMAN. Madam President, today I recognize the impressive civic achievements of Roswell, NM. These civic achievements have not only bettered this New Mexico community, but have earned Roswell the national honor of receiving an All-American City Award. The All-America City Award is the oldest and most respected community recognition program in the Nation. This award recognizes communities, such as Roswell, whose citizens work together to identify and address community-wide challenges and achieve extraordinary goals. This year Roswell not only met, but exceeded the selection criteria of the contest through its enthusiastic public participation, its involvement of diverse perspectives in decisions, and its city accomplishments which have significantly improved community life. Roswell met the challenge of the All-America contest by identifying its largest community challenges and displaying how the community has worked together to make these challenges areas of success. The people of Roswell identified their biggest challenges as lack of access to health care and unemployment and then demonstrated how, as a community, they had worked to improve these areas over the past 3 years.

The city of Roswell highlighted three admirable projects that impacted their areas of challenge including "Incidentally Roswell," the Youth Dental Initiative and Dress for Success. Through the "Incidentally Roswell" project the community has successfully used the historical extraterrestrial phenomenon of Roswell to better its economy. The people of Roswell have worked to use its historical exposure to increase tourism thus creating more jobs and bringing more money into the community. In their presentation the Roswell representatives made light of the situation by cleverly centering their presentation around questions asked by E.T. Holmes, a space alien detective. Along with the economy the people of Roswell also rightly focus on bettering the lives of the children in their community. Through the Youth Dental Initiative Roswell is using Medicaid money to provide children with dental care. The program includes a dental clinic at which patients can be treated as well as a dental van that goes to schools to provide dental services to children. Since 1999 the Youth Dental Initiative the program has serviced a remarkable 4,000 children in Chavez County. Roswell's dedication to the well being of their children is both impressive and commendable. And finally, Roswell presented their Dress for Success program, which aids children and adults to dress in an appropriate manner to achieve success in their schools and work places. This program has shown especially good results in the Roswell school system through providing uniforms to the 86 percent of children who are in poverty in the area. Through eliminating the visual clothing differences among the students, Roswell is experiencing improved behavior, and increases in grade point averages, attendance and self-esteem. Equally impressive is the fact that this program is fueled by the generosity and concern of the community for their children. The Dress for Success program shows Roswell's great support of their children and their determination to help them succeed.

These three projects that strive for civic betterment are only a glimpse of the efforts Roswell is making in order to make their city a noteworthy part of the Nation. It is a great honor for Roswell, as well as for the entire state of New Mexico, for this community to receive the All-America Award. Through their dedication, patriotism, and hard work the people of Roswell have shown that American citizens can indeed make a difference in their communities. Roswell is a community that has taken great strides to overcome its challenges. I commend the citizens of Roswell for striving to achieve a high quality of life and thus helping the State of New Mexico continue to be the land of enchantment. I would like to congratulate the city of Roswell on their great achievements and the well deserved recognition of their efforts.•

JUNETEENTH INDEPENDENCE DAY

• Mr. LEVIN. Madam President, this week people all across the nation are engaging in the oldest known celebration of the ending of slavery. It was in June of 1865, that the Union soldiers landed in Galveston, TX with the news that the war had ended and that slavery finally had come to an end in the United States. This was two and a half years after the Emancipation Proclamation, which had become official January 1, 1863. This week and specifically on June 19, we celebrate what is known as "Juneteenth Independence Day." It was on this date, June 19, that slaves in the Southwest finally learned of the end of slavery. Although passage of the Thirteenth Amendment in January 1863, legally abolished slavery, many African Americans remained in servitude due to the slow dissemination of this news across the country.

Since that time, over 130 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

All across America we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith and conviction—a people who rendered their achievements for the betterment and advancement of a nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19, we celebrate "Juneteenth Independence Day."

Lerone Bennett, editor, writer and lecturer has reflected on the life and times of Dr. Woodson. Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

> At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home state of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

The contributions of Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement are indelibly etched in the chronicle of not only the history of this nation. Moreover, they are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan recently honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, MI on September 25, 1999.

Truth lived in Washington, DC for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999, legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. I was pleased to coauthor this fitting tribute to Rosa Parks, the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Forty seven years ago, in Montgomery, AL, the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people, but the entire world. The boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

We have come a long way toward achieving justice and equality for all. We still however have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr, and many others, let us rededicate ourselves to continuing the struggle and the struggle for human rights.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF A CONTINUATION WITH THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS BEYOND JUNE 25, 2002—PM 96

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report;

which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a Notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed Notice, stating that the Western Balkans emergency is to continue in effect beyond June 25, 2002, to the *Federal Register* for publication.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. These actions are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 21, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—PM 97

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month report prepared by my Administration on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 21, 2002.*

MESSAGE FROM THE HOUSE

At 10:12 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1979. An act to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers.

The message also announced that pursuant to Executive Order No. 12131, the Speaker appoints the following Members of the House of Representatives to the President's Export Council: Mr. ENGLISH of Pennsylvania, Mr. PICKERING of Mississippi, Mr. HAYES of North Carolina, Mr. INSLEE of Washington, and Mr. WU of Oregon.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1979. An act to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 2064: A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes (Rept. No. 107–168).

H.R. 3480: A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin. (Rept. No. 107–169).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 2068: A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mrs. CLINTON):

S. 2666. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer; to the Committee on Finance.

By Mr. DODD (for himself, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. REED, and Mr. KERRY):

S. 2667. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on Foreign Relations.

By Mrs. HUTCHISON:

S. 2668. A bill to ensure the safety and security of passenger air transportation cargo and all-cargo air transportation; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 677

At the request of Mr. HATCH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 754

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 754, a bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1506

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1506, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 1626

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S.

1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2010

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2010, a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes.

S. 2067

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2067, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 2547

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Washington (Mrs. MURRAY), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2547, a bill to amend title XVIII of the Social Security Act to provide for fair payments under the medicare hospital outpatient department prospective payment system.

S. 2572

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 2608

At the request of Mr. HOLLINGS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2608, a bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2625

At the request of Mr. GRAHAM, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2625, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2637

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2637, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund and 1992 Benefit Plan by providing additional sources of revenue to the Fund and Plan, and for other purposes.

S. 2648

At the request of Mr. HUTCHINSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2648, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 2648, supra.

S. 2649

At the request of Mr. KENNEDY, the names of the Senator from New York (Mrs. CLINTON), the Senator from Ohio (Mr. DEWINE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New Jersey (Mr. CORZINE), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2649, a bill to provide assistance to combat the HIV/AIDS pandemic in developing foreign countries.

S. CON. RES. 121

At the request of Mr. HUTCHINSON, the names of the Senator from Oregon (Mr. SMITH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 121, a concurrent resolution expressing the sense of Congress that there should be established a National Health Center Week for the week beginning on August 18, 2002, to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

AMENDMENT NO. 3935

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of amendment No. 3935 intended to be proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. REED, and Mr. KERRY):

S. 2667. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Madam President, I rise today to introduce the Peace Corps Charter for the 21st Century Act, a bill which I believe addresses the needs and challenges of the Peace Corps of today, and lays a path toward bringing this celebrated organization into its next 40 years.

It was 41 years ago when President Kennedy laid out his vision for the future of American volunteer service. He spoke of a corps of committed and idealistic young volunteers, the Peace Corps, who would travel all over the world, "promoting world peace and friendship." He saw public service as an ideal to transcend political rhetoric. Volunteers were not to reflect particular Republican or Democratic ideology, but rather their service would be a manifestation of the core American values we all share. Their principal objectives in this endeavor would be to help in the development and betterment of the countries and communities they serve, to foster a greater understanding of American values and culture abroad, and to likewise foster a greater appreciation of other peoples and cultures on the part of Americans. Four decades later, thousands upon thousands of Americans have volunteered for the Peace Corps and worked with diligence and compassion to achieve these aims.

It is always with tremendous fondness and pride that I speak of the Peace Corps, as it gives me occasion to recall my own years as a volunteer in the Dominican Republic. I have often spoken of how these two years changed my life. Indeed, living and working outside of the United States and seeing the way other nations operated for the first time, I grew to appreciate our Nation more and more, and developed a strong sense of what it means to be an American. I was proud to share my experience as an American citizen with the people I was there to help. Those two years were invaluable to me, and truly brought home to me the value of public service.

Of course, my Peace Corps service was from 1966–1968, when it was a relatively new organization. Today, I am proud to note that the peace Corps now sends more than 7,000 volunteers to 76 different countries every year. This means that there are 7,000 important American liaisons scattered around the world helping people, promoting American values, and showing the world the best of America. After all, these volunteers are really the heart and soul of the Peace Corps. They are the ones on the front lines, working hard, making one-on-one connections with the citizens of the countries in which they work. For 41 years, they have brought a wealth of practical experience to communities in Africa, Latin America, Asia, the Middle East, Eastern Europe, and the Pacific. Indeed, the enduring success of the Peace Corps is rooted in each volunteer's commitment to leave behind skills that allow people to take charge of their own futures.

As remarkable as the success of the Peace Corps has been, and as important a symbol and example it is of public service, in the aftermath of the tragic attacks on America of September 11, it has become something more. It has become a necessity. The terrorist attacks of last September have shown us that the world has become a much smaller place. The United States can no longer afford to neglect certain countries, or certain parts of the world. We need to find ways to help developing countries meet their basic needs, and we need to do so now. We especially need to act in places where the citizens are particularly unfamiliar with or unfriendly to American values. Now, more than ever, Peace Corps volunteers play a pivotal role in helping us achieve a greater understanding of America abroad, especially in predominantly Muslim countries.

If we are to expand the aims of the Peace Corps, to broaden its scope, its charter, and to send our volunteers into more countries, then we must provide the Peace Corps with adequate resources to safely and effectively pursue these objectives. I believe that the legislation proposed in the Peace Corps Charter for the 21st Century Act will go a long way to meeting the Peace Corps' funding needs, as well as charting a course toward the future of this valuable organization. I would like to briefly outline the provisions included in ths bill, and explain to my colleagues why I feel its enactment is so important.

First, my bill stresses the importance of maintaining the Peace Corps' independence from any political affiliation, party, government agency, or particular administration. This independence is critical to the continued success, credibility, and acceptance of the volunteers in the countries in which they serve. We must vigilantly preserve this success. Especially if we are to expand the number of countries now being served, and if we plan to send our volunteers into more countries with significant Muslim populations, we must make sure that the Peace Corps goals of friendship, peace, and grassroots development are in no way muddled or compromised by political objectives.

As you may know, Congress has called for an expansion of the Peace Corps to include 10,000 volunteers, and the President has called for a doubling of current numbers over five years. While I applaud the enthusiasm inherent in these requests, we must not allow such an increase in quantity to in any way impinge on the quality of the Peace Corps experience, either for the volunteers themselves or the communities they serve. There are currently 7,000 volunteers abroad working under a budget of $275,000,000. Any expansion in staffing must include a commensurate increase in funding and support resources available to them. In fact, to better address the growing mandate and needs of the Peace Corps, this bill suggests the establishment of an Office of Strategic Planning, as well as a Peace Corps Advisory Council comprised of returned volunteers to coordinate existing programs and address long-term expansion plans.

One of the most important parts of this bill, which I have already touched on here today, is the need to place a special emphasis on recruiting volunteers for placement in countries whose governments are seeking to foster a greater understanding by and about their citizens. There is to be a special authorization of funds for the purposes of this recruitment, as well as a report due on this subject from the Peace Corps Director within 60 days of the enactment of this legislation. This report will outline a strategy for increasing the Peace Corps presence in countries with substantial Muslim populations. We must find ways to engage with these countries, and to foster a more open interaction and understanding between our citizens.

This bill also sets time line requirements and procedures for new initiatives from the Peace Corps Director. Essentially, this increases Congressional oversight of new projects, programs, or directives. It also requests a description from the Director of current loan forgiveness programs available to volunteers, and a comparison with other government-sponsored loan forgiveness programs.

Another important provision in this legislation is the training mandated for volunteers in the areas of education, prevention, and treatment of infectious diseases such as HIV/AIDS, malaria, and tuberculosis, so that they may better help fight these diseases in the communities in which they serve. This training, in cooperation with the centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local health officials, will prepare volunteers to promote a better grassroots approach to public health, safety, and disease prevention.

I also feel strongly, and this is also included in the bill, that we must utilize the insights and experience of returned volunteers to get them more involved in the promotion and support of Peace Corps programs. One way to do this is to provide federal grant monies to certain non-profits in the District of Columbia. These non-profits would be established for the express purpose of using the knowledge, experience, and expertise of returned volunteers to help carry out the goals of the Peace Corps. Returned volunteers are an amazing resource for the Peace Corps. They continue to make a difference here at home through their enduring community service, and their work to strengthen America's appreciation of other cultures. Together they are building a legacy of service for the next generation, and it is my hope that the appropriations included in this legislation, for non-profit grant monies, will provide them with yet another outlet for continued service.

Finally, let me speak briefly to the funding level increases called for in this legislation. Over the next five years this bill calls for appropriations to be made in the following amounts: $465 million for fiscal year 2004, $500 million for fiscal year 2005, $560 million for fiscal year 2006, and $560 million for fiscal year 2007. In addition, and most importantly, this bill allows for additional appropriations to be made to address the specific funding needs of the Peace Corps as it seeks to increase volunteer strength. Again, we must not allow expansion to infringe on the quality of the Peace Corps experience. We must ensure that we adequately provide for our volunteers and equip them with sufficient resources to best assist the communities in which they serve.

In conclusion, I believe that the Peace Corps Charter for the 21st Century Act will do an excellent job of modifying the Peace Corps Act to better meet the needs of both our volunteers and an expanding and changing organization. The Peace Corps is a truly remarkable institution in America, a symbol of the very best of our ideals of service, sacrifice, and self-reliance. Our volunteers are to be commended again for their enduring commitment to these ideals, and for the way they are able to communicate the message of the Peace Corps throughout the world. They deserve the very best from us. I urge my colleagues to support this legislation and the continued success of the Peace Corps. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peace Corps Charter for the 21st Century Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of American volunteers abroad.

(2) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(3) The Peace Corps has operated in 135 countries with 165,000 Peace Corps volunteers since its establishment.

(4) The Peace Corps has sought to fulfill three goals, as follows: to help people in developing nations meet basic needs, to promote understanding of America's values and ideals abroad, and to promote an understanding of other peoples by Americans.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote world peace, friendship, and grassroots development.

(7) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should have any relationship with any United States intelligence agency or be used to accomplish any other goal than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the pool of talent from the returned Peace Corps volunteer community.

(9) The Peace Corps is currently operating with an annual budget of $275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation about American values and ideals in many parts of the world, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding and tolerance of those countries.

(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service in a fiscal year to 15,000 volunteers in service by the end of fiscal year 2007.

(13) Any expansion of the Peace Corps shall not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an appropriate increase in field and headquarters support staff.

(14) It would be extremely useful for the Peace Corps to establish an office of strategic planning to evaluate existing programs and undertake long-term planning in order to facilitate the orderly expansion of the Peace Corps from its current size to the stated objective of 15,000 volunteers in the field by the end of fiscal year 2007.

(15) The Peace Corps would benefit from the advice and council of a streamlined bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DIRECTOR.—The term "Director" means the Director of the Peace Corps.

(3) PEACE CORPS VOLUNTEER.—The term "Peace Corps volunteer" means a volunteer or a volunteer leader under the Peace Corps Act.

(4) RETURNED PEACE CORPS VOLUNTEER.—The term "returned Peace Corps volunteer" means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 4. RESTATEMENT OF INDEPENDENCE OF THE PEACE CORPS.

(a) IN GENERAL.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: "As an independent agency, all recruiting of volunteers shall be undertaken solely by the Peace Corps.".

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after "*Provided*, That" the following: "such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent from foreign policy-making and intelligence collection: *Provided further*, That".

SEC. 5. REPORTS TO CONGRESS.

(a) CONSULTATIONS AND REPORTS CONCERNING NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended—

(1) by inserting "(a) ANNUAL REPORTS.—" immediately before "The President shall transmit"; and

(2) by adding at the end thereof the following:

"(b) CONSULTATIONS AND REPORTS ON NEW INITIATIVES.—Thirty days prior to implementing any new initiative, the Director shall consult with the Peace Corps National Advisory Council established in section 12 and shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report describing the objectives that such initiative is intended to fulfill, an estimate of any costs that may be incurred as a result of the initiative, and an estimate of any impact on existing programs, including the impact on the safety of volunteers under this Act".

(b) COUNTRY SECURITY REPORTS.—Section 11 of the Peace Corps Act (22 U.S.C. 2510), as amended by subsection (a), is further amended by adding at the end the following:

"(c) COUNTRY SECURITY REPORTS.—The Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report annually on the status of security procedures in any country in which the Peace Corps operates programs or is considering doing so. Each report shall include recommendations when appropriate as to whether security conditions would be enhanced by colocating volunteers with international or local nongovernmental organizations, or with the placement of multiple volunteers in one location.".

(c) REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service; and

(2) comparing such programs with other Government-sponsored student loan forgiveness programs.

SEC. 6. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BY AND ABOUT THEIR CITIZENS.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit a report to the appropriate congressional committees describing the initiatives that the Peace Corps intends to pursue in order to solicit requests from eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations and would dispel unfounded fears and suspicion among peoples of diverse cultures and systems of government, including peoples from countries with substantial Muslim populations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

(c) ALLOCATION OF FUNDS.—In addition to amounts authorized to be appropriated to the Peace Corps by section 11 for the fiscal years 2003, 2004, 2005, and 2006, there is authorized to be appropriated for the Peace Corps $5,000,000 each such fiscal year solely for the recruitment, training, and placement of Peace Corps volunteers in countries whose governments are seeking to foster greater understanding by and about their citizens.

SEC. 7. GLOBAL INFECTIOUS DISEASES INITIATIVE.

(a) IN GENERAL.—The Director, in cooperation with the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization and the Pan American Health Organization, local public health officials, shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

(b) DEFINITIONS.—In this section:

(1) AIDS.—The term "AIDS" means the acquired immune deficiency syndrome.

(2) HIV.—The term "HIV" means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term "HIV/AIDS" means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term "infectious diseases" means HIV/AIDS, tuberculosis, and malaria.

SEC. 8. PEACE CORPS ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) by amending subsection (b)(2)(D) to read as follows:

"(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps.";

(2) in subsection (c)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(C) in paragraph (1) (as so redesignated)—

(i) in subparagraph (A)—

(I) by striking "fifteen" and inserting "seven";

(II) by striking the second sentence and inserting the following: "All of the members shall be former Peace Corps volunteers, and not more than four shall be members of the same political party.";

(ii) by amending subparagraph (D) to read as follows:

"(D) The members of the Council shall be appointed to 2-year terms.";

(iii) by striking subparagraphs (B), (E), and (H); and

(iv) by redesignating subparagraphs (C), (D), (F), (G), and (I) as subparagraphs (B), (C), (D), (E), and (F), respectively;

(3) by amending subsection (g) to read as follows:

"(g) CHAIR.—The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.";

(4) by amending subsection (h) to read as follows:

"(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council."; and

(5) by amending subsection (i) to read as follows:

"(i) REPORT.—Not later than July 30, 2003, and annually thereafter, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).".

SEC. 9. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking "$125" and inserting "$275"; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking "$125" and inserting "$275".

SEC. 10. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop programs and projects to promote the objectives of the Peace Corps, as set forth in section 2 of the Peace Corps Act.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director of the Corporation for National and Community Service shall award grants on a competitive basis to private nonprofit corporations that are established in the District of Columbia for the purpose of serving as incubators for returned Peace Corps volunteers seeking to use their knowledge and expertise to undertake community-based projects to carry out the goals of the Peace Corps Act.

(2) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation must have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The director of the corporation (who may also be a board member of the nonprofit corporation) shall also be a returned Peace Corps volunteer with demonstrated management expertise in operating a nonprofit corporation. The stated purpose of the nonprofit corporation shall be to act solely as an intermediary between the Corporation for National and Community Service and individual returned Peace Corps volunteers seeking funding for projects consistent with the goals of the Peace Corps. The nonprofit corporation may act as the accountant for individual volunteers for purposes of tax filing and audit responsibilities.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Director and the nonprofit corporation that requires that—

(1) grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation give consideration to funding individual projects or programs by returned Peace Corps volunteers up to $100,000;

(3) not more than 20 percent of funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation; and

(4) the nonprofit corporation will not receive grant funds under this section for more than two years unless the corporation has raised private funds, either in cash or in kind for up to 40 percent of its annual budget.

(d) FUNDING.—Of the funds available to the Corporation for National and Community Service for fiscal year 2003 or any fiscal year thereafter, not to exceed $10,000,000 shall be available for each such fiscal year to carry out the grant program established under this section.

(e) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the United States Government or to make the members of the board of directors or any officer or employee of such corporation an officer or employee of the United States.

(f) FACTORS IN AWARDING GRANTS.—In determining the number of private nonprofit corporations to award grants to in any fiscal years, the Director should balance the number of organizations against the overhead costs that divert resources from project funding.

(g) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking "2002, and" and inserting "2002,"; and

(2) by inserting before the period the following: ", $465,000,000 for fiscal year 2004, $500,000,000 for fiscal year 2005, $560,000,000 for fiscal year 2006, and $560,000,000 for fiscal year 2007".

(b) INCREASE IN PEACE CORPS VOLUNTEER STRENGTH.—Section 3(c) of the Peace Corps Act (22 U.S.C. 2502(c)) is amended by adding the following new subsection at the end thereof:

"(d) In addition to the amounts authorized to be appropriated in this section, there are authorized to be appropriated such additional sums as may be necessary to achieve a volunteer corps of 15,000 as soon as practicable taking into account the security of volunteers and the effectiveness of country programs.".

By Mrs. HUTCHISON:

S. 2668. A bill to ensure the safety and security of passenger air transportation cargo and all-cargo air transportation; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Madam President, I rise today to introduce legislation to close a dangerous loophole in our aviation security network. The attacks of September 11 forced us to take a hard look at the way we screen passengers and luggage. Congress responded to the challenge with a comprehensive system to perform these tasks through the new Transportation Security Administration. We have required the TSA to check every passenger and every piece of baggage that is placed onboard a flight.

While I am confident that these measures have improved security, Congress has left the back door open to terrorists with plans to disrupt passenger flights. We did not establish a similar regime to ensure the safety of cargo operations. This issue must be addressed. Twenty-two percent of all air cargo in the U.S. is carried on passenger flights, but only a tiny percentage of this cargo is inspected. There is no point to carefully screening every piece of luggage if the cargo placed aboard the same flight is not inspected.

My legislation would also tighten rules for so-called known shippers. Under current procedures, any manufacturer, middleman, or receiver of goods can be classified as a known shipper, which allows the shipment to proceed without inspection. This is not sufficient to protect the public. We must be sure that companies claiming known shipper status are whom they claim to be and we must improve handling protocols to ensure that terrorists cannot tamper with shipments while they are in transit. My bill would accomplish these goals.

The Air Cargo Security Act would create a comprehensive security process for shipment of cargo, particularly for shipments traveling on passenger flights. It would require that all cargo onboard passenger flights, including foreign-based flights heading for the U.S., be thoroughly inspected. The bill would also direct TSA to establish a "chain of custody" for air cargo that ensures that merchandise is never out of the control of a known shipper.

Under these restrictions, cargo could be placed aboard aircraft with confidence that no tampering had occurred in transit.

The legislation would direct TSA to formulate a comprehensive system for certifying known shippers and assigning each one a unique encrypted identifier that must be produced to the air carrier before loading the cargo and cannot be counterfeited. All shippers, including haulers and middlemen, must be certified under the new system. If cargo has been handled in any way by an uncertified company, then it will not fly. The TSA would have to regularly inspect shipping facilities. To accomplish these tasks, the bill would provide TSA with additional manpower and equipment as needed.

I know that air cargo security presents a challenge nearly as large as passenger security. Forcing shippers and carriers to submit to inspection of all cargo would allow only 4 percent of the current volume to be processed. I want to ensure that these inspections do not harm airline operations.

However, if we fail to enact these reforms, we will leave aviation security only half-finished. I fear that we will lose our aviation system if we suffer another successful attack on a passenger flight. I call upon my colleagues to take these concrete, measurable steps to ensuring the safety of air passengers and those on the ground.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3952. Mr. NELSON of Florida (for himself, Mr. McCain, Mr. Cleland, and Mr. Roberts) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3953. Mr. LEVIN (for himself and Mr. Warner) proposed an amendment to the bill S. 2514, supra.

SA 3954. Mr. LEVIN (for Mr. Nelson of Florida (for himself and Mr. Allard)) proposed an amendment to the bill S. 2514, supra.

SA 3955. Mr. WARNER (for Mrs. Hutchison) proposed an amendment to the bill S. 2514, supra.

SA 3956. Mr. LEVIN (for Mr. Akaka (for himself and Mr. Inhofe)) proposed an amendment to the bill S. 2514, supra.

SA 3957. Mr. LEVIN (for Mr. Akaka (for himself and Mr. Inhofe)) proposed an amendment to the bill S. 2514, supra.

SA 3958. Mr. LEVIN (for Mr. Akaka (for himself and Mr. Inhofe)) proposed an amendment to the bill S. 2514, supra.

SA 3959. Mr. LEVIN (for Mr. Akaka (for himself and Mr. Inhofe)) proposed an amendment to the bill S. 2514, supra.

SA 3960. Mr. LEVIN (for Mr. Akaka (for himself and Mr. Inhofe)) proposed an amendment to the bill S. 2514, supra.

SA 3961. Mr. LEVIN (for Mrs. Clinton (for himself and Mr. Schumer)) proposed an amendment to the bill S. 2514, supra.

SA 3962. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3963. Mrs. FEINSTEIN (for herself and Mr. Stevens) submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3964. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3965. Mr. THOMPSON (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3952. Mr. NELSON of Florida (for himself, Mr. McCain, Mr. Cleland, and Mr. Roberts) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. DISCLOSURE OF INFORMATION ON SHIPBOARD HAZARD AND DEFENSE PROJECT TO DEPARTMENT OF VETERANS AFFAIRS.

(a) Plan for Disclosure of Information.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a comprehensive plan for the review, declassification, and submittal to the Department of Veterans Affairs of all medical records and information of the Department of Defense on the Shipboard Hazard and Defense (SHAD) project of the Navy that are relevant to the provision of benefits by the Secretary of Veterans Affairs to members of the Armed Forces who participated in that project.

(b) Plan Requirements.—(1) The records and information covered by the plan under subsection (a) shall be the records and information necessary to permit the identification of members of the Armed Forces who were or may have been exposed to chemical or biological agents as a result of the Shipboard Hazard and Defense project.

(2) The plan shall provide for completion of all activities contemplated by the plan not later than one year after the date of the enactment of this Act.

(c) Reports on Implementation.—(1) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until completion of all activities contemplated by the plan under subsection (a), the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a report on progress in the implementation of the plan during the 90-day period ending on the date of such report.

(2) Each report under paragraph (1) shall include, for the period covered by such report—

(A) the number of records reviewed;

(B) each test, if any, under the Shipboard Hazard and Defense project identified during such review;

(C) for each test so identified—

(i) the test name;

(ii) the test objective;

(iii) the chemical or biological agent or agents involved; and

(iv) the number of members of the Armed Forces, and civilian personnel, potentially effected by such test; and

(D) the extent of submittal of records and information to the Secretary of Veterans Affairs under this section.

SA 3953. Mr. LEVIN (for himself and Mr. Warner) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 90, between lines 19 and 20, and insert the following:

SEC. 346. TWO-YEAR EXTENSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2002" in the second sentence and inserting "December 31, 2004".

SA 3954. Mr. LEVIN (for Mr. Nelson of Florida (for himself and Mr. Allard)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title I, add the following:

SEC. 135. SENSE OF CONGRESS REGARDING ASSURED ACCESS TO SPACE.

(a) Findings.—Congress makes the following findings:

(1) Assured access to space is a vital national security interest of the United States.

(2) The Evolved Expendable Launch Vehicle program of the Department of Defense is a critical element of the Department's plans for assuring United States access to space.

(3) Significant contractions in the commercial space launch marketplace have eroded the overall viability of the United States space launch industrial base and could hamper the ability of the Department of Defense to provide assured access to space in the future.

(4) The continuing viability of the United States space launch industrial base is a critical element of any strategy to ensure the long-term ability of the United States to assure access to space.

(5) The Under Secretary of the Air Force, as acquisition executive for space programs in the Department of Defense, has been authorized to develop a strategy to address United States space launch and assured access to space requirements.

(b) Sense of Congress.—It is the sense of Congress that the Under Secretary of the Air Force should—

(1) evaluate all options for sustaining the United States space launch industrial base;

(2) develop an integrated, long-range, and adequately funded plan for assuring United States access to space; and

(3) submit to Congress a report on the plan at the earliest opportunity practicable.

SA 3955. Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, FORT HOOD, TEXAS.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Veterans Land Board of the State of Texas (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery for veterans.

(b) Reversionary Interest.—(1) If at the end of the five-year period beginning on the date of the conveyance authorized by subsection (a), the Secretary determines that the property conveyed under that subsection is not being used for the purpose specified in that subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3956. Mr. LEVIN (for Mr. AKAKA) (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XXIII, add the following:

SEC. 2305. AUTHORITY FOR USE OF MILITARY CONSTRUCTION FUNDS FOR CONSTRUCTION OF PUBLIC ROAD NEAR AVIANO AIR BASE, ITALY, CLOSED FOR FORCE PROTECTION PURPOSES.

(a) Authority To Use Funds.—The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2301(b), carry out a project to provide a public road, and associated improvements, to replace a public road adjacent to Aviano Air Base, Italy, that has been closed for force protection purposes.

(b) Scope of Authority.—(1) The authority of the Secretary to carry out the project referred to in subsection (a) shall include authority as follows:

(A) To acquire property for the project for transfer to a host nation authority.

(B) To provide funds to a host nation authority to acquire property for the project.

(C) To make a contribution to a host nation authority for purposes of carrying out the project.

(D) To provide vehicle and pedestrian access to landowners effected by the project.

(2) The acquisition of property using authority in subparagraph (A) or (B) of paragraph (1) may be made regardless of whether or not ownership of such property will vest in the United States.

(c) Inapplicability of Certain Real Property Management Requirement.—Section 2672(a)(1)(B) of title 10, United States Code, shall not apply with respect to any acquisition of interests in land for purposes of the project authorized by subsection (a).

SA 3957. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows;

In the first table in section 2702(b), insert after the item relating to Tinker Air Force Base, Oklahoma, the following:

Texas	Lackland Air Force Base	Dormitory	$5,300,000

SA 3958. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows;

On page 336, beginning on line 10, strike "188 housing units" and insert "133 housing units".

SA 3959. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows;

In the table in section 2101(b), strike the item relating to Landsthul, Germany, and insert the following new item:

	Landstuhl	$2,400,000

In the table in section 2101(b), strike the item relating to Camp Walker, Korea, and insert the following new item:

	Camp Henry	$10,200,000

SA 3960. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XXI, add the following:

SEC. 2109. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398; 114 Stat. 1654A–390) is amended by striking "Camp Page" in the installation or location column and inserting "Camp Stanley".

SA 3961. Mr. LEVIN (for Mrs. CLINTON (for herself and Mr. SCHUMER) proposed an amendment to the bill S. 2514 to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2803. MODIFICATION OF LEASE AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) Leasing of Housing.—Subsection (a) of section 2874 of title 10, United States Code, is amended to read as follows:

"(a) Lease Authorized.—(1) The Secretary concerned may enter into contracts for the lease of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

"(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate.".

(b) Repeal of Interim Lease Authority.—Section 2879 of such title is repealed.

(c) Conforming and Clerical Amendments.—(1) The heading for section 2874 of such title is amended to read as follows:

"§ 2874. Leasing of housing".

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

"2874. Leasing of housing."; and

(B) by striking the item relating to section 2879.

SA 3962. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

"120101. Organization.
"120102. Purposes.
"120103. Membership.
"120104. Governing body.
"120105. Powers.
"120106. Restrictions.
"120107. Duty to maintain corporate and tax-exempt status.
"120108. Records and inspection.
"120109. Service of process.
"120110. Liability for acts of officers and agents.
"120111. Annual report.

"§120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§120102. Purposes

"The purposes of the corporation are as provided in its articles of incorporation and include—

"(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

"(2) providing a means of contact and communication among members of the corporation;

"(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

"(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§120104. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§120105. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§120107. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§120110. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§120111. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

"1201. Korean War Veterans Association, Incorporated ....120101".

SA 3963. Mrs. FEINSTEIN (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, after line 23, insert the following.

SEC. 226. LIMITATION ON USE OF FUNDS FOR NUCLEAR ARMED INTERCEPTORS.

None of the funds authorized to be appropriated by this or any other Act may be used for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system.

SA 3964. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, after line 23, insert the following:

SEC. 226. OPERATIONAL TEST AND EVALUATION OF SYSTEMS BEFORE DEPLOYMENT.

It is the sense of Congress that the United States should not deploy a national missile defense system until—

(1) operational tests of a fully integrated version of the system have been conducted utilizing realistic test parameters; and

(2) the operational tests have demonstrated, in a manner consistent with the provisions of section 2399 of title 10, United States Code, that the system, whether part of a fully integrated system or an emergency deployment, is operationally effective and suitable for use in combat.

SA 3965. Mr. THOMPSON (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. BIANNUAL REPORTS ON CONTRIBUTIONS TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND DELIVERY SYSTEMS BY COUNTRIES OF PROLIFERATION CONCERN.

(a) REPORTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President shall submit to Congress a report identifying each foreign person that, during the six-month period ending on the date of such report, made a material contribution to the development by a country of proliferation concern of—

(1) nuclear, biological, or chemical weapons; or

(2) ballistic or cruise missile systems.

(b) FORM OF SUBMITTAL.—(1) A report under subsection (a) may be submitted in classified form, whether in whole or in part, if the President determines that submittal in that form is advisable.

(2) Any portion of a report under subsection (a) that is submitted in classified form shall be accompanied by an unclassified summary of such portion.

(c) DEFINITIONS.—In this section:

(1) The term "foreign person" means—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) The term "country of proliferation concern" means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear, chemical, and biological weapons) and advanced conventional munitions in the most current report under section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104-293; 50 U.S.C. 2366), or any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Avoiding the Summer Slide: The Importance of Summer School to Student Achievement and Well Being" during the session of the Senate on Friday, June 21, 2002, at 9:30 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on "Examining the Plight of Refugees: The Case of North Korea" on Friday, June 21, 2002, at 10 a.m. in Dirksen 226.

Agenda

Witnesses

Panel 1: The Honorable Arthur Dewey, Assistant Secretary of State for the Bureau of Population, Refugees, and Migration, Department of State, Washington, DC.

Panel 2: Soon Ok Lee, North Korean prison camp survivor, Seoul, South Korea; Helie Lee, West Hollywood, California; and Norbert Vollertsen, M.D., Seoul, South Korea.

Panel 3: Felice D. Gaer, Chairwoman of the Commission on International Religious Freedom, Washington DC; Debra Liang-Fenton, Vice Chairman, U.S. Committee fon Human Rights in North Korea, Minneapolis, Minnesota; Jana Mason, Asian Policy Analyst, U.S. Committee on Refugees, Washington, DC; and Elisa Massimino Lawyers Committee for Human Rights, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Matthew Green, a fellow in Senator FEINSTEIN's office, be granted floor privileges for the duration of the consideration of S. 2514, the fiscal year 2003 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 1:30 TODAY

Mr. REID. Madam President, I ask unanimous consent that the record remain open today until 1:30, notwithstanding the adjournment of the Senate, for the submission of statements and introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT OF AMERICAN EAGLE SILVER BULLION PROGRAM ACT

Mr. REID. Madam President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 2594, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2594) to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, Senator CRAPO is not in the Chamber. Circumstances don't allow him to be here. This is something on which he has worked very hard. I want the RECORD to be very clear that this legislation could not have passed without his advocacy. He and I have worked on it for some time. It is important legislation. I want to make sure the RECORD is spread with the fact that Senator CRAPO has been very instrumental in this effort.

I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2594) was read the third time and passed, as follows:

S. 2594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Support of American Eagle Silver Bullion Program Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the American Eagle Silver Bullion coin leads the global market, and is the largest and most popular silver coin program in the United States;

(2) established in 1986, the American Eagle Silver Bullion Program is the most successful silver bullion program in the world;

(3) from fiscal year 1995 through fiscal year 2001, the American Eagle Silver Bullion Program generated—

(A) revenues of $264,100,000; and

(B) sufficient profits to significantly reduce the national debt;

(4) with the depletion of silver reserves in the Defense Logistic Agency's Strategic and Critical Materials Stockpile, it is necessary for the Department of the Treasury to acquire silver from other sources in order to preserve the American Eagle Silver Bullion Program;

(5) with the ability to obtain silver from other sources, the United States Mint can continue the highly successful American Eagle Silver Bullion Program, exercising sound business judgment and market acquisition practices in its approach to the silver market, resulting in continuing profitability of the program;

(6) in 2001, silver was commercially produced in 12 States, including, Alaska, Arizona, California, Colorado, Idaho, Missouri, Montana, Nevada, New Mexico, South Dakota, Utah, and Washington;

(7) Nevada is the largest silver producing State in the Nation, producing—

(A) 17,500,000 ounces of silver in 2001; and

(B) 34 percent of United States silver production in 2000;

(8) the mining industry in Idaho is vital to the economy of the State, and the Silver Valley in northern Idaho leads the world in recorded silver production, with over 1,100,000,000 ounces of silver produced between 1884 and 2001;

(9) the largest, active silver producing mine in the Nation is the McCoy/Cove Mine in Nevada, which produced more than 107,000,000 ounces of silver between 1989 and 2001;

(10) the mining industry in Idaho—

(A) employs more than 3,000 people;

(B) contributes more than $900,000,000 to the Idaho economy; and

(C) produces $70,000,000 worth of silver per year;

(11) the silver mines of the Comstock lode, the premier silver producing deposit in Nevada, brought people and wealth to the region, paving the way for statehood in 1864, and giving Nevada its nickname as "the Silver State";

(12) mines in the Silver Valley—

(A) represent an important part of the mining history of Idaho and the United States; and

(B) have served in the past as key components of the United States war effort; and

(13) silver has been mined in Nevada throughout its history, with every significant metal mining camp in Nevada producing some silver.

SEC. 3. PURCHASE OF SILVER BY THE SECRETARY OF THE TREASURY.

(a) PURCHASE OF SILVER.—

(1) IN GENERAL.—Section 5116(b)(2) of title 31, United States Code, is amended by inserting after the second sentence the following: "At such time as the silver stockpile is depleted, the Secretary shall obtain silver as described in paragraph (1) to mint coins authorized under section 5112(e). If it is not economically feasible to obtain such silver, the Secretary may obtain silver for coins authorized under section 5112(e) from other available sources. The Secretary shall not pay more than the average world price for silver under any circumstances. As used in this paragraph, the term 'average world price' means the price determined by a widely recognized commodity exchange at the time the silver is obtained by the Secretary.".

(2) RULEMAKING AUTHORITY.—The Secretary of the Treasury shall issue regulations to implement the amendments made by paragraph (1).

(b) STUDY REQUIRED.—

(1) STUDY.—The Secretary of the Treasury shall conduct a study of the impact on the United States silver market of the American Eagle Silver Bullion Program, established under section 5112(e) of title 31, United States Code.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report of the study conducted under paragraph (1) to the chairman and ranking minority member of—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of the United States Mint shall prepare and submit to Congress an annual report on the purchases of silver made pursuant to this Act and the amendments made by this Act.

(2) CONCURRENT SUBMISSION.—The report required by paragraph (1) may be incorporated into the annual report of the Director of the United States Mint on the operations of the mint and assay offices, referred to in section 1329 of title 44, United States Code.

ORDERS FOR MONDAY, JUNE 24, 2002

Mr. REID. Madam President, I ask unanimous consent that, when the Senate completes its business today, it adjourn until 3 p.m., Monday, June 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees; that at 4 p.m., the Senate resume consideration of the Department of Defense authorization bill, with Senator SMITH of New Hampshire or his designee recognized to offer his amendment regarding abaya.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, a vote is expected on Monday at 5:45 p.m. Everyone should know that. The leader has indicated he would like to have more than one vote. We will have at least one vote at approximately 5:45 p.m.

ADJOURNMENT UNTIL 3 P.M., MONDAY, JUNE 24, 2002

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:50 p.m., adjourned until Monday, June 24, 2002, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 2002:

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DEBORAH C. RHEA, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JOHN S. LARKIN II, OF TEXAS

DEPARTMENT OF STATE

BRIDGETTE SARAH ANDERSON, OF TEXAS
DICK ANDREWS, OF COLORADO
GEOFFREY ANISMAN, OF NEW YORK
EVE KATHLEEN BAKER, OF CALIFORNIA
WENDY K. BARTON, OF NEVADA
JENNIFER M. BARTSCH, OF GEORGIA
BARBARA ANNE BARTSCH-ALLEN, OF TEXAS
GREGORY D. BATES, OF FLORIDA
ELIAS STEPHEN BAUMANN, OF VERMONT
JONATHAN RECTOR BAYAT, OF THE DISTRICT OF COLUMBIA
THOMAS J. BELNOMI, OF PENNSYLVANIA
JUSTIN DAVID BERG, OF VIRGINIA
MOULIK D. BERKANA, OF NEW YORK
TRACEY BERRY, OF VIRGINIA
THOMAS J. BILLARD, OF MARYLAND
GEORGE W. BIOLSI, OF VIRGINIA
MELISSA A. BISHOP, OF CALIFORNIA
CHERYL BODEK, OF NEW JERSEY
HELGE PHILIPP BOES, OF VIRGINIA
JEFFREY D. BORENSTEIN, OF VIRGINIA
SUSAN P. BOWMAN, OF VIRGINIA
ROBERT J. BRENNAN, OF FLORIDA
ALEXANDER THADDEUS BRYAN, OF GEORGIA
CRAIG E. BUCHANAN, OF VIRGINIA
ALFRED T. CANAHUATE, OF MARYLAND
THOMAS S. CARNEGIE, OF VIRGINIA
JANE H. CARPENTER, OF MARYLAND
ADAM M. CENTER, OF VIRGINIA
MATTHEW A. CENZER, OF ILLINOIS
ANGELA MARIA CERVETTI SAAVEDRA, OF VIRGINIA
DAN CINTRON, OF NEW YORK
MELISSA ROSS CLINE, OF NEW YORK
ANDREW K. COVINGTON, OF VIRGINIA
FLEUR S. COWAN, OF THE DISTRICT OF COLUMBIA
JOSEPH L. CROOK, OF WASHINGTON
BROOKE E. DEMONTLUZIN, OF LOUISIANA
LAURIE R. DORAN, OF VIRGINIA
TOD E. DURAN, OF TEXAS
TODD DAVIS EBITZ, OF MARYLAND
KATHERINE L. ESTES, OF FLORIDA
ERIN K. EUSSEN, OF VIRGINIA
MATTHEW M. EUSSEN, OF VIRGINIA
DEBORAH L. FAYDASH, OF MARYLAND
MARY SUE FIELDS, OF VIRGINIA
SALLY E. FLAGLER, OF VIRGINIA
MATTHEW J. FLANNIGAN, OF KANSAS
COLIN P. FURST, OF VIRGINIA
JEANNE M. GALLO, OF VIRGINIA
ROBIN R. GAUL, OF VIRGINIA
BRENNAN MICHAEL GILMORE, OF VIRGINIA
MARY ELIZABETH GLANTZ, OF PENNSYLVANIA
ROBERT L. GONZALES, OF TEXAS
STEPHANIE C. GOODNIGHT, OF GEORGIA
BRIAN C. GRUBE, OF VIRGINIA
ZACHARY V. HARKENRIDER, OF NEW YORK
ELIZABETH J. HARRIS, OF TEXAS
WINSTEAD E. HARRIS, OF VIRGINIA
JOHN S. HELBIG, OF VIRGINIA
PATRICK F. HENNEBERRY, OF NEW JERSEY
WILLIAM E. HERZOG, OF ILLINOIS
JAMES J. HOGAN III, OF CALIFORNIA
JAMES ARLEN HOLT, OF NORTH CAROLINA
ELIZABETH E. JAFFEE, OF VIRGINIA
MATTHEW RALEIGH JOHNSON, OF ALABAMA
CHRISTOPHER JOSEPH, OF VIRGINIA
DAVID M. JUNG, OF VIRGINIA
YVONNE M. KEELER, OF VIRGINIA
SHERRY C. KENESON-HALL, OF RHODE ISLAND
NICHOLAS G. KIKIS, OF VIRGINIA
JOEL A. KOPP, OF ALASKA
PATRICIA A. KRAVOS, OF VIRGINIA
THOMAS M. KREUTZER, OF WASHINGTON
MICHELLE D. KUNY, OF VIRGINIA
BARBARA M. LAZARD, OF TEXAS
KEVIN D. LEWIS, OF TEXAS
GENEVIEVE LIBONATI, OF MARYLAND
Y.V. LIMAYE, OF PENNSYLVANIA
RICHARD N. LYONS III, OF COLORADO
ELIZABETH M. MACDONALD, OF CONNECTICUT
STACY DEE MACTAGGERT, OF WISCONSIN
LESLIE ANN MALZ, OF ILLINOIS
GREGORY RAGAN MARCUS, OF FLORIDA
NICOLE M. MARTIN, OF FLORIDA
MARISSA MAURER, OF MARYLAND
JEFFREY W. MAZUR, OF WISCONSIN
ROBERT HAYNES MCCUTCHEON III, OF VIRGINIA
DAVID CHRISTIAN MCFARLAND, OF TEXAS
ROBERT AARON MCINTURFF, OF VIRGINIA
LANCE T. MEEKS, OF THE DISTRICT OF COLUMBIA
GARRETT D. MELICH, OF VIRGINIA
JENNIFER TERESE MERGY, OF CALIFORNIA
JAMES W. MOON IV, OF SOUTH CAROLINA
KRISTINA MOORE, OF ARIZONA
MATTHEW JAMES MUCHER, OF VIRGINIA
ELIZABETH ANN MURPHY, OF PENNSYLVANIA
KEVIN MARCUS MURPHY, OF MASSACHUSETTS
JOSEPH MUSCARI, OF VIRGINIA
PAUL FRANCIS NARAIN, OF MARYLAND
ELEFTHERIOS E. NETOS, OF INDIANA
THOMAS ALFRED O'KEEFFE III, OF VIRGINIA
RICHARD PACHECO, PACHECO JR., OF VIRGINIA
CYNTHIA F. PASCALE, OF THE DISTRICT OF COLUMBIA
ELIZABETH A. PELLETREAU, OF MASSACHUSETTS
RAFAEL ANTONIO PEREZ, OF FLORIDA
SUZANNE PICKENS, OF VIRGINIA
JEFFREY L. PILGREEN, OF WASHINGTON
TIMOTHY F. PONCE, OF FLORIDA
ANDREW PRATER, OF MISSOURI
GAUTAM A. RANA, OF NEW JERSEY
TIMOTHY JOE RELK, OF IDAHO
JAMES P. ROSELI, OF MARYLAND
KEITH J. RUSSELL, OF VIRGINIA
JOAN P. SHAKER, OF VIRGINIA
COLIN SHAUGHNESSY, OF THE DISTRICT OF COLUMBIA
J. TIMOTHY SINGER, OF VIRGINIA
SCOTT E. SMITH II, OF VIRGINIA
JENNIFER S.P. SPANDE, OF VIRGINIA
VINCENT D. SPERA, OF MARYLAND
W. BROOKE STALLSMITH, OF VIRGINIA
TERRY STEERS-GONZALEZ, OF TEXAS
RICHARD E. SWART III, OF NEW JERSEY
HOLLY LINDQUIST THOMAS, OF MINNESOTA
BENJAMIN A. THOMSON, OF UTAH
STERLING DAVID TILLEY JR., OF FLORIDA
ROBIN A. WATSON, OF VIRGINIA
SCOTT E. WOODARD, OF VIRGINIA
JOHN A. WOODLAND, OF MARYLAND
RICHARD EUGENE WURTZ, OF VIRGINIA
PATRICIA A. ZAREMBKA, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ASHLEY J. TELLIS, OF VIRGINIA

CONSULAR OFFICER OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DENIS P. COLEMAN JR., OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DEAN B. WOODEN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

VICTORIA A. COFFINEAU, OF NEW YORK

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

LAURA R. ADAME, OF VIRGINIA
WORTH SHIPLEY ANDERSON, OF VIRGINIA
ERIN PATRICIA ANNA, OF COLORADO
THOMAS F. ARDILLO, OF MARYLAND
JOHN M. ASHWORTH, OF TEXAS
KURT W. AUFDERHEIDE, OF CALIFORNIA
NORMAN H. BARTH, OF CALIFORNIA
HEIDI BEYER BARTLETT, OF ALABAMA
MICHAEL JUSTIN BELGRADE, OF MARYLAND
DAVID AARON BENEDETTI, OF VIRGINIA
DAVID B. BERNS, OF THE DISTRICT OF COLUMBIA
GERALD M. BONIFATE, OF VIRGINIA
MARY F. BOSCIA, OF VIRGINIA
THOMAS BOUGHTER, OF PENNSYLVANIA
JEFFERY L. BOURNES, OF VIRGINIA
JASON A. BRENDEN, OF MAINE
MARK C. BUGGY, OF VIRGINIA
JOHN EDWARD CAVENESS, OF GEORGIA
ANITA STROHSCHEIN CHILDS, OF INDIANA
VALERIE JUDITH CHITTENDEN, OF MARYLAND
BRENT T. CHRISTENSEN, OF TEXAS
ANTHONY WAYNE CLARE, OF THE DISTRICT OF COLUMBIA
APRIL C. COHEN, OF THE DISTRICT OF COLUMBIA
PATRICK W. CONNORS, OF VIRGINIA
JULIE A. COOPER, OF THE DISTRICT OF COLUMBIA
JASON L. CRAIG, OF UTAH
CATHY M. CRILEY, OF ARIZONA
ANDREW J. CSONT, OF VIRGINIA
MARTIN A. DALE, OF VIRGINIA
THOMAS CLIFTON DANIELS, OF TEXAS
F. G. DAVENPORT, OF VIRGINIA
PAUL STUART DEVER, OF VIRGINIA
DION SHANNON DORSEY, OF TEXAS
DONNA K. DREWYER, OF VIRGINIA
JEAN C. DUGGAN, OF NEW YORK
JOHN DUNHAM, OF MARYLAND
BRINILLE ELIANE ELLIS, OF VIRGINIA
MICHAEL PATRICK ELLSWORTH, OF CONNECTICUT
JOHN GREGORY ERWIN, OF ILLINOIS
JASON EVANS, OF OKLAHOMA
RALPH W. FALZONE, OF MARYLAND
SCOTT G. FEEKEN, OF KANSAS
THOMAS H. FINE, OF THE DISTRICT OF COLUMBIA
TRESSA RAE FINERTY, OF FLORIDA
JULIA L. FISCHER, OF VIRGINIA
WILLIAM FLENS, OF THE DISTRICT OF COLUMBIA
BRIAN J. FOUSS, OF COLORADO
NATASHA SONYA FRANCESCHI, OF CALIFORNIA
MICHAEL GARCIA, OF THE DISTRICT OF COLUMBIA
PHILIP B. GARTNER, OF VIRGINIA
GEORGE A. GERLICZY, OF VIRGINIA
ELISA BETH GREENE, OF NEVADA
STEPHEN A. GUICE, OF TENNESSEE
THOMAS HAMM, OF MASSACHUSETTS
MAYA HAN, OF VIRGINIA
HEIDI L. HANNEMAN, OF VIRGINIA
WILLIAM C. HENDERSON, OF VIRGINIA
BLAINE E. HENRY, OF VIRGINIA
STEPHEN J. HRICIK, OF THE DISTRICT OF COLUMBIA
PHILIP MATTHEW INGENERI, OF MAINE
BELINDA KAY JACKSON, OF VIRGINIA
MARC C. JACKSON, OF VIRGINIA
ANTHONY J. JOES III, OF VIRGINIA
ILA JURISSON, OF THE DISTRICT OF COLUMBIA
MICHAEL C. KATULA, OF RHODE ISLAND
COLLEEN P. KELLY, OF KENTUCKY
DEE F. KESSINGER, OF VIRGINIA
ROBERT D. KING, OF MASSACHUSETTS
DONNA M. KLING, OF VIRGINIA
KASSANDRA L. KOHLER, OF VIRGINIA
DAVID M. KRAEHENBUEHL, OF FLORIDA
MELISSA J. LAN, OF MICHIGAN
CRAIG C. LEBAMOFF, OF VIRGINIA
RODNEY LEGRAND, OF VIRGINIA
MONICA KAY LEMIEUX, OF COLORADO
JACQUELINE LEVANDOWSKY, OF VIRGINIA
ROBERT M. LIECHTY, OF COLORADO
CASEY K. MACE, OF CALIFORNIA
ELIZABETH A. MADER, OF PENNSYLVANIA
DAVID CHARLES MANESS, OF OREGON
PEDRO JOSE MARTIN, OF FLORIDA
CADE R. MCCOTTER, OF VIRGINIA
KAREN MAUREEN MCCREA, OF CALIFORNIA
JASON P. MEEKS, OF WISCONSIN
ERIC STEIN MEYER, OF CALIFORNIA
TERRY D. MOBLEY, OF ARKANSAS
ELIZABETH KRENTZ MOSHER, OF FLORIDA
SEAN K. O'NEILL, OF NEW YORK
KEVIN R. OPSTRUP, OF MARYLAND
ROBERT A. OSBORNE, OF MICHIGAN
EVAN WILLIAM OWEN, OF VIRGINIA
THOMAS P. PAK, OF CALIFORNIA
REBECCA KIMBRELL PATRICK, OF TENNESSEE
FELICIA M. PEEPLES, OF VIRGINIA
FRANK KASPER PENIRIAN III, OF MICHIGAN
SHANNON L. PHELAN, OF VIRGINIA
EMILY A. PLUMB, OF SOUTH CAROLINA
ANTHONY V. POLIZZI, OF VIRGINIA
ANDREJA POPOV, OF VIRGINIA
CORDELL DANIEL REID, OF VIRGINIA
MARJUT H. ROBINSON, OF TEXAS
JAMES A. RODRIGUEZ, OF VIRGINIA
ELBERT GEORGE ROSS, OF VIRGINIA
LAURA ELIZABETH RUMBLEY, OF FLORIDA
SHANNON E. RUNYON, OF NEVADA
JENNIFER J. SCHAMING, OF SOUTH CAROLINA
AARON P. SCHEIBE, OF SOUTH DAKOTA
CONN J. SCHRADER, OF NEW YORK
DAVID SEMINARA, OF NEW YORK
PRIYADARSHI SEN, OF VIRGINIA
KATHERINE DIANE SHARP, OF VIRGINIA
TIMOTHY J. SHERRY, OF VIRGINIA
BRIAN ANTHONY SHOTT, OF VIRGINIA
JOANNE R. SINGER, OF VIRGINIA
MAUREEN A. SMITH, OF CONNECTICUT
JORDAN STANCIL, OF MICHIGAN
STACY R. STARBUCK, OF VIRGINIA
STEPHEN M. STARK, OF MICHIGAN
MARY STOMA, OF VIRGINIA
RYAN DOUGLAS STONER, OF NEW YORK
JULIE MARIE STUFFT, OF MARYLAND
MELISSA A. SWEENEY, OF ILLINOIS
TARA D. SWITZER, OF VIRGINIA
AMY TACHCO, OF NEW YORK
DANIEL J. TIKVART, OF VIRGINIA
ALEXANDER J. TITOLO, OF NEW YORK
RENATA SYKOROVA TURNIDGE, OF VIRGINIA
TIMOTHY W. TWINAM, OF VIRGINIA
ANDREW M. VEPREK, OF LOUISIANA
JOHN J. VERSOSKY, OF VIRGINIA
CATHERINE VIAL, OF THE DISTRICT OF COLUMBIA
RYAN P. WESLEY, OF NEW JERSEY
STEPHEN J. WILGER, OF MICHIGAN
PENELOPE A. WILKINSON, OF NEW JERSEY
FREDERICK TODD WILSON, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER MICHAEL WURST, OF MINNESOTA
CLAUDIA L. YELLIN, OF VIRGINIA

HOUSE OF REPRESENTATIVES—*Friday, June 21, 2002*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 21, 2002.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God, we praise You for another day. May the brightness of Your holy presence fill this chamber and our lives that we might serve You by seeking the white light of justice and serve Your people, especially those in most need of Your merciful shadow to shield them.

Amid the silent moorings of the sun's constellation, this common planet on which we stand twists on turn and Your people enter into a new season.

May our summer days be fulfilled with joy and peace. May our work flourish in the bright sun of honesty and personal effort.

While holding us in the balance of America's expectations and accountability to other nations, help us to secure safe travel, rejoice in the earth's natural resources and share a bountiful harvest of summer's gifts with the less fortunate.

From this day forward, our days grow shorter and we ready ourselves for Your judgment both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HOBSON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOBSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 45, answered "present" 1, not voting 70, as follows:

[Roll No. 244]

YEAS—318

Abercrombie
Akin
Allen
Andrews
Armey
Baca
Bachus
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McKeon
Meehan
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Nethercutt
Ney
Nussle
Obey
Osborne
Ose
Otter
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Sullivan
Tauzin
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (FL)

NAYS—45

Aderholt
Baird
Baldwin
Berry
Brady (PA)
Capuano
Carson (OK)
Costello
DeFazio
English
Filner
Fletcher
Gutknecht
Hart
Johnson, E. B.
Kennedy (MN)
Kucinich
LoBiondo
Markey
McDermott
McNulty
Miller, George
Moore
Neal
Oberstar
Olver
Pastor
Peterson (MN)
Ramstad
Sabo
Sanchez
Schaffer
Schakowsky
Strickland
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Whitfield
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—70

Ackerman
Baker
Berman
Blagojevich
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Callahan
Carson (IN)
Clay
Clement
Conyers
Cox
Coyne
Crane
Cummings
Davis (FL)
Davis, Tom
Delahunt
Dingell
Doolittle
Doyle
Everett
Ganske
Gibbons
Gordon
Gutierrez
Hansen
Hilleary
Hilliard
Hinchey
Houghton
Keller
LaHood
Lampson
Larsen (WA)
Lewis (GA)
Lipinski
Manzullo
McInnis
McKinney
Meek (FL)
Meeks (NY)
Murtha
Nadler
Northup
Norwood
Ortiz
Owens
Oxley
Pitts
Reyes
Riley
Roukema
Sanders

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Smith (MI)
Stark
Stump
Stupak
Sununu
Tauscher
Thomas
Traficant
Udall (CO)
Watt (NC)
Weiner
Wynn
Young (AK)

□ 0929

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. SIMPSON). Will the gentleman from Florida (Mr. JEFF MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. JEFF MILLER of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes per side.

COVETED TROPHY GOES TO REPUBLICANS AFTER 41ST ANNUAL ROLL CALL BASEBALL GAME, AND CHARITY IS THE BIG WINNER

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I am proud to hold the coveted Roll Call trophy for the victory last night at Bowie Baysox Stadium, where I want to thank our good friend, the gentleman from Maryland (Mr. HOYER), the host of the evening, for a wonderful time, the 41st Annual Roll Call Baseball Game between the Republicans and the Democrats for charity.

The big winner last night really was charity. We raised over $90,000 for the Boys and Girls Clubs and for the Literacy Council. It was a well-played game.

I want to thank my cohort on the other side of the diamond, the gentleman from Minnesota (Mr. SABO), for once again being a great sportsman, and the gentleman from North Carolina (Mr. WATT), the pitcher for the Democrats, a consistent player, and all of the Republican team for a great victory.

Our MVP last night was the gentleman from Illinois (Mr. SHIMKUS). He was extraordinary. I took him from behind the plate and put him on the mound. Nobody thought we could win after STEVE LARGENT left; but the gentleman from Illinois (Mr. SHIMKUS) was magnificent, and did not walk a hitter and only allowed one earned run. Our infield played solid, and our outfield, as well. We had some timely hits from a couple of unlikely sources, and we came away victorious, so of course I thank the Members so much for this.

Let me also say how proud we were of the women on our team. Republicans have had women players now for the last 12 years, and I invite our friends on the other side of the aisle perhaps to find some capable women to play that game. We are the embodiment of title IX on the Republican side, and proud of it.

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, let me simply congratulate the manager and the Republicans on a well-played game. They played incredibly well. Their defense was good, and they hit the ball hard. We will be back next year, but congratulations for this year.

Mr. OXLEY. I thank my friend, the gentleman from Minnesota.

THE ADMINISTRATION'S APPALLING PLAN TO DISMEMBER AMTRAK

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, it was appalling yesterday to have the administration finally come forward with its plan for Amtrak. It is appalling that when the administration finally comes forward with its plan for Amtrak, it is basically to dismember the system, arguing somehow that Amtrak should be self-supporting.

When this Congress and administration gave $5 billion to the airline industry, on top of the $11 billion for air traffic control, for an industry that has never shown a profit over its 75 years is a little bit disingenuous, to say the least.

Amtrak plays a critical role in our transportation system. To dismember it now, to privatize a few profitable lines and then walk away from our commitment when we have never, never provided the money that was authorized originally, would be a sad day.

Luckily, there is broad bipartisan support in this Congress. Over 162 Members support the approach of the gentleman from New York (Chairman QUINN) and the ranking member, the gentleman from Tennessee (Mr. CLEMENTS), to fund it for this year. A majority of the Senate agrees. Hopefully, we will be able to step up where the administration is failing in nerve.

INTRODUCTION OF H.R. 4971, SUPPORT OF AMERICAN EAGLE SILVER BULLION PRODUCTION ACT

(Mr. OTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTER. Mr. Speaker, yesterday, joined by my colleagues, the gentleman from Idaho, (Mr. SIMPSON) and the gentleman from Nevada (Mr. GIBBONS), I introduced H.R. 4971, the Support of the American Silver Bullion Production Act. This bill will allow the U.S. Mint to continue its production of the American eagle silver dollar, the most popular silver coin in the world.

The Sunshine Mint Company in my district produces the blanks for these coins, and employs 60 of my constituents. Idaho is the greatest silver producer in history, mining more than 1.1 billion ounces since 1884.

Passage of this bill into law will allow us, number one, to meet the worldwide demand for bullion; number two, to continue to build on the $264 million that this program has contributed to the deficit reduction; and, finally, to preserve the connection between Idaho's Silver Valley and our Nation's coinage.

PEACE CORPS CHARTER OF THE TWENTY-FIRST CENTURY

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I would first of all like to welcome to the United States Capitol all the returned Peace Corps volunteers who have served this country overseas. Now, over 165,000 Americans have served in over 130 countries throughout the world, and they have come here to our Nation's capital to celebrate the anniversary of Peace Corps, which is 40 + 1 years old. We were going to have the 40th anniversary celebration last year, but 9–11 pushed it off to this year, so it is 40 plus one.

I had the honor yesterday of introducing a bill about the Peace Corps, H.R. 4979. It authorizes appropriations for the Peace Corps to double the number of volunteers in five years; it restates the independence of the Peace Corps; it reports to Congress on new initiatives and security for Peace Corps volunteers; it makes a commitment to recruit and place Peace Corps volunteers in countries where they could help promote mutual understanding, particularly in areas with substantial Muslim populations; it develops training programs for Peace Corps volunteers in areas of education and prevention of AIDS; it streamlines and empowers the Peace Corps Advisory Council and creates a fund to promote the work of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps and in facilitating the world-wide support of peace.

I ask Members of Congress who are interested in this to cosponsor this great piece of legislation.

SUPPORTING LEGISLATION TO EXPAND THE SILVER MARKET

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to express my support for legislation to expand the silver market, which is being introduced by my good friends, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Idaho (Mr. OTTER).

I am a proud cosponsor of this bill, which calls for the extending of production of the popular American eagle silver bullion coins. These coins were first minted in 1986 from a stockpile of silver held over since the Second World War. They became an instantly popular coin, and now the stockpile has almost run out. This bill will allow the U.S. Mint to buy silver on the open market, to continue the production of these patriotic coins. It also encourages the purchase of domestically mined silver, providing a great new market for silver mines, especially those in Nevada, the Silver State.

I thank my colleagues, the gentleman from Idaho (Mr. OTTER) and the gentleman from Idaho (Mr. SIMPSON), for their leadership on this bill, and encourage all of my colleagues to support this patriotic coin program.

LET US NOT FORGET OUR SENIORS AND THEIR PRESCRIPTION DRUG NEEDS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we leave this weekend to go home to our districts, we are still burdened by the inertia of this Congress in dealing with a very serious issue, and that is, of course, the needs of the greatest generation, our grandparents and our parents.

We have, for the last 4 years, promised these hardworking Americans a Medicare prescription drug benefit. I wish we could do this in a bipartisan way, Mr. Speaker. I wish we could put forward a bill that really did respond to the needs of our senior citizens so they would not have to make the choices of paying rent and buying food or eliminating their prescription drugs.

The Democrats have a proposal that is clear: a $25 premium; the ability to assist those who cannot afford to pay for their prescription drugs; and a prescription drug policy that applies to all of their medical providers, so that two individuals who are a couple, who have worked and contributed to this Nation, will not suffer anymore.

It seems to me a crisis and a shame that we have a Republican bill that does nothing but play to the pharmaceutical industry. Let us work together for the Greatest Generation, to help our parents to live a good quality of life.

HONORING THE 60TH ANNIVERSARY OF THE HAMPTON COUNTY WATERMELON FESTIVAL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow marks the 6th anniversary of the Hampton County Watermelon Festival Parade. This parade will begin at 10 a.m. in Varnville, and I am honored to be participating once again in this annual event.

The theme for this year's festival is "Patriotism, the Spirit of America." Last year, according to the South Carolina State Troopers, approximately 50,000 spectators attended the festival.

Mr. Speaker, this annual watermelon festival parade honors the dedication and sacrifices made by our farmers throughout South Carolina, who work so hard to feed so many Americans. Our farmers support rural economies and continue a tradition that has existed for centuries in America.

I would like to commend the efforts of this year's festival chairman, Hugh Gray and vice-chairman, Susan Hatcher, along with parade chairmen Rodger Roberts and Otis Harrison; Mrs. Mary Ellen Bowers, the Estill congressional district office director; as well as the efforts of the South Carolina Farm Bureau and Ag First Farm Credit Bank in helping to feed America and make our country strong.

NEXT WEEK'S INADEQUATE REPUBLICAN PRESCRIPTION DRUG BENEFIT PLAN FOR SENIORS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, next week is going to be a very interesting week. Probably the major issue that faces this Congress, that is, what do we do about prescription drugs for senior citizens, will be dealt with.

The Republicans have put a bill out here which is absolutely inadequate. Everybody knows it. The newspapers have reported that. It is clear to anybody who has looked at the data. Yet when the Democrats put something forward, they say that ours costs too much.

Now, some of us, many of us, said back in March when we passed $1.7 trillion worth of tax cuts that the day is going to come when we are not going to have the money to do this right. So now we have a bill which is going to come out here. It will pass, no one here has any doubt about that, because we know we have to have the press release: House Republicans Deal With Drug Problems for Seniors, or something like that.

But the fact is that the bill will not do what is necessary. It is a real shame that Members would rather cut taxes than take care of their mothers and fathers.

MORE GOODS IN STORES TO BE MADE IN AMERICA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, on 9–11 I stood here and made a speech about the overvalued dollar and its bad effect on our trade, especially the textile industry. Then came the vicious attack. Since that time, the President and the House leadership have promised to aid our beleaguered industry and have delivered on those promises. But in the long run, the weakening dollar will provide immediate aid in our ability to compete, to compete in the world market in textiles and steel and other important sectors of our economy. Our retail prices will increase; but now, more goods in the stores will be made in America.

DEMOCRAT PRESCRIPTION DRUG PLAN TAKES CARE OF SENIORS' NEEDS, UNLIKE REPUBLICAN PLAN

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, the committee has completed their markup on the prescription drug benefit last night, and what we are now confronted with is having to pass legislation that may or may not provide prescription drug benefits to the elderly in this country. It may or may not provide the insurance that they need to purchase those drugs. Those drugs may or may not be available, based upon whether the insurance companies think those drugs are too expensive.

We just went through this with our senior population, with the HMOs. People who thought they had health insurance now find out they do not have health insurance because the HMOs have left the field. People who thought they were covered in rural America now find they are not covered in rural America. Why? Because the insurance companies decided the population was too expensive, and they were not going to cover them and gave them back to the government.

That is why the Democrats put forth a program where the prescription drugs were guaranteed, the drugs Members need or their families need to take care of their illnesses in the twilight years of their lives will be there, will be guaranteed, and will be paid for. That is far different from the Republican plan that is made out of Swiss cheese and does not serve the interests of the elderly of this country.

DEMOCRAT PARTY IS PARTY OF "WE NEED"

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, the Democrat Party has been the party these days of "we need." They continually come before the microphones and bash Republicans for supposedly spending the Social Security surplus; yet every time a Democrat walks to a microphone, they say "we need" a new program.

All they are doing is taking and putting their hands in the pockets of working people, pulling out money, and spending it. It reminds me of a child who goes into a supermarket with a handful of change to spend. They are so happy and anxious to buy something. The problem is, they took the money from people who did not want to give it to them; and they should put the money back in the pockets of working people.

Men and women in this country sacrifice time away from their children, they put their efforts and talents, and in many cases invest their own hard-earned money to benefit their family, to have a better life for their children; and all we do in this House is confiscate the hard-earned money that they earn to give it to people that we think deserve it better than they do.

So let us stop calling them the Democratic Party and let us start calling them the "we need" party, because "we need money for this program" and "we need money for that program." We need to be accountable to the American people and let them spend their money where they think it should best be spent.

☐ 0945

WE NEED TO REMEMBER OUR SENIORS

(Mr. HONDA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HONDA. Mr. Speaker, my comments are very brief, and it is about we need. We need to remember our seniors. We need to remember who they are, where they came from. We need to remember the kinds of work they have done in order to attain the age that they have.

My mother needs prescription drugs, and I think that what we have to look at, we need to look at everybody's prescription capsule, the container, and on the container is a label that says expiration date. We need to have a good prescription drug to address all the seniors of this country so that we do not need to worry about them, that they do not need to worry about whether prescription drugs are going to be too expensive or not. We need to take care of business, and we need to do it soon.

OIL IS CRITICAL ENERGY SOURCE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, oil is a critical energy source for both the United States and the world, and for us it is a very uncertain energy future because there are only about 1,000 gigabarrels of known reserves of oil in the world. Certainly we will find more oil, and maybe the additional oil we find will be enough to take care of the additional demands for oil.

If we take this 1,000 gigabarrels of oil and divide it by the 80 million barrels of oil that the world burns, uses each day, this comes out to roughly 40 years. This is certainly not forever. Of this 80 million barrels that are used each day, the United States uses 20. That is about 25 percent of the total oil used in the world is used in the United States.

We have some reserves. They are off the Florida coast. They are under Lake Michigan, and they are in ANWR. Should we drill those? There are two arguments. One is that we need it. The other is we may need it more in the future. We have to determine when it would serve our interests best, to use it now or to wait for a rainier day, which will surely come.

WE NEED A PRESCRIPTION DRUG BENEFIT

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, the Committee on Energy and Commerce was in session all night debating a prescription drug benefit for seniors. I am on that committee, and the biggest frustration we had was that all night we heard was that the Democratic plan for prescription drugs under Medicare or that 80 percent/20 percent, like doctors and hospitals, we do not have the money, we cannot afford it.

Well, it is a matter of priorities. In 2001, we passed a huge tax cut, and it will be paid out over the next 10 years. So will a prescription drug benefit. It is a matter of priorities. The House Republicans set their priorities for tax cuts. That is fine. I like tax cuts, but I also know that we owe a debt to our seniors to make sure that they do not have to miss their prescriptions because they cannot afford it; they do not have to give up turning on their air conditioner in Houston, Texas, during the summer because they cannot afford their prescriptions.

We need to take care of America's generation. We need to make sure we have our prescription drug benefit that will take care of the seniors who built this country.

MODERNIZE MEDICARE

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, we need to modernize Medicare with a prescription drug benefit, and both parties agree. The difference is this: Our plan fits within the budget. It covers needy seniors and prevents a senior from losing their home due to high drug costs. Most importantly, it provides an immediate discount now on drug prices, not 2 years from now, as the minority plan offers.

The minority plan spends $1 trillion. In the middle of a war and an economic downturn, can seniors depend on that $1 trillion check from bouncing? Seniors count on the promises we make. They cannot count on a $1 trillion check to actually be cashed.

Our plan is affordable. It is a promise we can keep. It is a promise that seniors can count on.

PROVIDING PRESCRIPTION DRUG BENEFIT OUR SENIORS NEED

(Ms. MILLENDER-McDONALD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MILLENDER-McDONALD. Mr. Speaker, we come here each week to do the people's business, and we come hoping that we will do those things that are important to the American people. One of those groups of people are our seniors. They are waiting, Mr. Speaker. They are waiting to see just what we are going to do in terms of prescription drugs. Twelve million seniors are without prescription drugs, and yet we have sat, we have belabored this issue, and we have come to no conclusion.

I think if my colleagues look at the Democratic proposal, we will find the vast difference of the two between the Democrats and the Republicans. The Democrats are asking for a sound prescription drug proposal. The Republicans are not.

Mr. Speaker, it is high time for this body to do something for those who have done so much for our country, and those are the seniors. They are continuing to wait. They can wait no longer for us to do the business of this House, and that is providing the type of prescription drug benefit that our seniors need.

I yield back my time.

FARM POLICY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I would like to call to my colleagues' attention to a meeting I had yesterday with Senator GRASSLEY. We talked about the fact that there is no limitation on payments in the farm bill. We talked about the danger and the inappropriate farm policy, the inappropriate public policy for this Congress to give most of the farm support benefits to a very small percentage of the farmers. We are now, because there is no real limit on those price subsidy payments, giving millions of dollars of payments to the very biggest farmers.

I think it is going to be bad for farmers in the long run, and what we are doing is we are giving larger advantage to those great superfarms at the sacrifice of the traditional family farms. Work with us as we look for ways in the appropriation bills or elsewhere to have some kind of limit on farm payments so that we bring back and support what should be in farm policy, and that is supporting the traditional family farm.

CONGRATULATING SOUTH FLORIDA REGIONAL CLEFT LIP AND PALATE CLINIC

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate the South Florida Regional Cleft Lip and Palate Clinic at the University of Miami for its outstanding dedication and treatment of those suffering from craniofacial malformations. I would like to especially recognize Dr. Seth Thaller, Dr. Magdalena Plewinska and Mrs. Maria Santiago, whose selfless devotion has made this clinic successful.

This clinic is the largest in South Florida, and it utilizes the expertise of community and university doctors, surgeons and dentists who graciously volunteer their time to treat their patients.

This outstanding treatment center is initiating a program entitled Adopt a Smile, which will allow corporate and private donors to identify patients and follow their treatment over the years.

The treatment of facial anomalies at the Cleft Lip and Palate Clinic at the University of Miami has improved the lives of thousands, and I congratulate all who are involved in it.

ARAFAT MUST GO

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, 31 innocent Israeli men, women, and children have been brutally murdered by Palestinian terrorists in the past 3 days, most recently a mother and her three children last night in their own home.

Yesterday, many of us felt the pain personally when we learned that Michal Franklin, age 21, the niece of Israeli's Ambassador to South Africa, Tova Herzl, was one of the murdered on Wednesday in Jerusalem. My colleagues may recall that Ambassador Herzl served as congressional liaison here in Washington just a few years ago. We extend to Tova and her family our deepest condolences and condemn the barbaric and cowardly act.

Permit me to quote from yesterday's Washington Post editorial, which states: "It is easy to understand why many Israelis would support the latest military campaign. There have now been at least 71 suicide bombings in 20 months that have killed some 247 civilians and wounded thousands more as they rode buses, shopped, sat in cafes, danced in clubs, or celebrated religious holidays. No democratic country could be expected to tolerate such a sustained campaign of murder."

Mr. Speaker, that Washington Post editorial succinctly sums up the critical Middle East situation, underscores why Mr. Yasser Arafat must go, and why President Bush should not at this time announce American support for any provisional Palestinian state.

RETIREMENT SAVINGS SECURITY ACT OF 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 451, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 451

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4931) to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) One hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Matsui of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, H. Res. 451 is a modified closed rule providing for the consideration of H.R. 4931, the Retirement Savings Security Act of 2002, a bill that makes permanent the pension and IRA enhancements contained within President Bush's 2001 tax relief program, the Economic Growth and Tax Reconciliation Act.

H. Res. 451 provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. It also provides for consideration of the amendment in the nature of a substitute printed in the Committee on Rules report accompanying this resolution, if offered by the gentleman from California (Mr. MATSUI) or his designee, which shall be considered as read and shall be separately debatable for 1 hour equally divided and controlled by the proponent and an opponent.

H. Res. 451 waives all points of order against the amendment printed in the report and provides one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair rule which will allow the House to work its will on the underlying bill, H.R. 4931. This legislation helps to provide for a new national strategy to promote more retirement security by providing a supplement to Social Security by enhancing employer-provided benefits and giving companies and individuals incentives to save more money for their retirement.

The underlying bill increases 401(k) contribution limits and IRA contribution limits and provides for enhanced flexibility by allowing employees to roll their pension savings from a prior employer to a new employer. These are just a few of the noteworthy benefits available to individuals looking to provide themselves with a more secure retirement.

H.R. 4931 also waives certain IRS user fees and enhances catch-up provisions to assist women who enter and leave the work force when they have children or care for their families.

I urge my colleagues to approve this rule so that the full House can proceed to adopt H.R. 4931 in order to ensure that we encourage investment in the market and continue to encourage older and younger workers to prepare for retirement.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary 30 minutes.

Mr. Speaker, our constituents are reeling from the daily headlines that highlight the corporate implosions. Companies like Enron, Tyco International and Adelphia Communications, once the darlings of Wall Street and 401(k) managers, are now threatening the retirement security of thousands of Americans. I know of which I speak.

Global Crossing's North American headquarters were located in my district of Rochester, New York. I am sure my colleagues know Global Crossing. This is the company that plummeted from a net worth of $22 billion to just $750 million in a span of less than a year. In the wake of its collapse, the lives of thousands in my district were shattered, all because promised safeguards failed at every level. My constituents got a hard lesson in how companies cheat, overstate or obscure their financial disclosures in an effort to charm analysts and manipulate investor expectations.

Many of our constituents were also stunned to learn the top executives from many of these failing companies walked away with millions, while the pensioners and employees were left penniless. On March 9, I hosted a public forum in Rochester where 250 people came to share their experiences on Global Crossing. One constituent noted, "Many former employees have been economically devastated as a result of corporate greed and mismanagement of Global Crossing. People have spent their life savings and have had to cash in their deflated retirement 401(k) plans just to survive these last few months after Global Crossing abruptly ceased their promised severance payments."

□ 1000

Some former employees are now forced to file bankruptcy themselves while others may lose their homes and have had to drastically change their lifestyles and are barely surviving.

Since the collapse of Global Crossing, I have worked to ensure that the interests of current and former Global Crossing and Frontier employees are not forgotten in the bankruptcy proceedings. Indeed, I have asked the court to order expedited lump-sum payments to former employees and to give employee stockholders priority status during the proceedings.

But, Mr. Speaker, fundamental reform is required. We have an opportunity today to tackle some of the most egregious outcomes of these bankruptcies. It is unconscionable that executives can walk away from failing companies where pension plans are depleted. Congress should tackle the double standard that exists between workers and their executives. The so-called golden parachutes are a slap in the face to the work and trust afforded these executives by the working men and women of this country.

If we are serious about enhancing pension participation, workers must have confidence that Congress is doing all it can to protect them against corporate corruption. The substitute before us is an important step.

For starters, it would put a halt to executives resigning and receiving large severance packages while shareholders are left holding worthless stock. The substitute would extend the golden parachute excise tax to severances and retirement benefits when there is a large reduction in the employer's stock or when the corporation goes into bankruptcy.

Moreover, the substitute would eliminate the ability of corporations to provide performance-based tax double compensation in excess of $1 million if performance includes cost savings from raiding pension plans. Corporate executives should only receive tax deductible bonuses for real improvement of business operations, not fictitious improvements. And corporate executives should not be rewarded for cutting employees' pension benefits through conversion of the pension plan to a less costly plan.

Finally, when a corporation incorporates overseas to avoid United States taxes, the ordinary shareholders are required to pay capital gains tax on the exchange of their old stock for their new stock. But guess what? Corporate executives are not required to recognize gain on their stock options. The substitute would require executives to pay taxes on their stock options when the corporation moves overseas just as share shareholders are required to do.

Mr. Speaker, much is at stake here. The stability of our financial markets has been severely undermined by a perception of widespread corruption. This instability is hitting shareholders hardest, many of whom are middle-class workers whose only involvement in the stock market is their 401(k).

Congress must once again take the lead. Since the 1970s, Congress has been an important proponent for expanded savings participation. The enactment of tax incentives for retirement savings, together with the establishment of new investment vehicles, such as the Roth Individual Retirement Account, has significantly enhanced the level of pension participation among a larger cross-section of the American workforce. But these gains can be obliterated in a heartbeat if we do not take the serious and justifiable fears of our Nation's workers into account.

Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

I am frankly kind of perplexed today. We came into session on Friday, now, and we are taking up one bill, and that bill is to extend the Portman-Cardin pension legislation. Here we had Secretary Paul O'Neill, just 2 days ago, say that on June 28 of this year, next week, the Federal Government will reach a debt crisis. Because what is going to happen is we are going to meet the debt ceiling, and we are not going to be able to pay Social Security checks or veterans checks or meet our obligations.

At a time when most Americans are saying, what is the status of our Social Security benefit, because the President went out and scared everybody by wanting to privatize Social Security, we should be bringing up the Republican proposals to privatize Social Security so we can at least find out before November where Members stand and what their values are when it comes to income security for senior citizens.

We should bring a prescription drug bill that really does benefit senior citizens instead of the bill that passed at 2 a.m. in the Committee on Ways and Means Tuesday night and is still being worked upon in the Committee on Energy and Commerce.

But, instead, we are taking up a pension bill. A pension bill. What is ironic about this pension bill is that whatever we do today will not take effect until the year 2011, 9 years from now. It is 2002 today, 2011 is when this bill will take effect, 9 years from now. So we are not dealing with Social Security, we are not dealing with prescription drugs, we are not dealing with the debt crisis that we are going to see on June 28 that Secretary O'Neill has talked about.

We are also not dealing with another more fundamental issue as well. In Business Week of June of this year it has a front page story, and Business Week is not a liberal magazine, and it says, "Special Report: Restoring Trust in Corporate America." This week's Business Week, again not a liberal manager: "The Crisis in Corporate Governance, a Special Report." Fortune Magazine, this week, and I would urge my colleagues to read it: "System Failure, Corporate America. We Have a Crisis. Seven Ways to Restore Confidence."

We are not dealing with these issues. Senator CORZINE AND SENATOR SARBANES on the Committee on Banking, Housing and Urban Affairs just this week passed legislation out of the Senate committee essentially trying to restore Americans' confidence in our soft market by dealing with accounting standards, by changing accounting standards so average Americans will understand when there is an Enron Corporation and they cannot cook their books, or when Arthur Andersen tries to manipulate books, it will not happen because there will be severe penalties under their legislation.

We are not dealing with that either. We are not dealing with that. We are ignoring it. In fact, the gentleman from Texas (Mr. ARMEY), the majority leader of the Republican Party, says we should allow companies to go offshore if they want to save taxes.

And that brings us right to Stanley Works. Stanley Works is going to vote in the next month or so whether to go to Bermuda and open up a post office box so it can save $30 million in taxes. It will not go to their employees. It is going to go to top managers. Because we have seen that on Enron and we saw that on Global Crossing, and we will see that on Stanley Works as well. But what is so offensive is not only that this bill that we are dealing with today will not take effect for 9 years, but there is another aspect of it as well. I am going to read a short part of a letter that I received on June 20, and it is available to my colleagues. This is a letter written by a professor of law who deals with pension issues, Norman P. Stein, University of Alabama, again not a liberal school.

He says in the second paragraph: "The original Portman-Cardin bill was an unwieldy package of disparate measures cobbled together by the pension industry."

On the second page and I read three short paragraphs: "Many of the bill's provisions were so technically complex that their unlikely impact could only be determined by pension experts. Thus, many in Congress uncritically accepted the lofty expectations of Representatives PORTMAN and CARDIN (and industry lobbyists) and persuaded themselves that they were voting for a bill that would increase retirement security for middle-class Americans and particularly women. So far there is no evidence that the bill has done any of that, but there is evidence that many of the technical provisions are being manipulated by pension planners to allow the most affluent Americans to greatly reduce their taxes and to reduce retirement benefits for middle-class workers. If any legislative action should be taken now, it should be to scale back Portman-Cardin's one-sided tax breaks for the wealthy, extend and expand the tax credit to help lower income" savers "and to repeal Portman-Cardin provisions that some firms are using to reduce benefits for middle-class and lower-income workers."

"In any event, it is certainly premature for Congress to" take up "the Portman-Cardin and make them permanent, just one year after their enactment and 9 years before" we need to.

I find it to be absolutely inexplicable that the greatest legislative body in the history of the human race would be spending time when we have a crisis on the debt, when we have a crisis in Medicare and Social Security, to be talking about something that will not take effect until 9 years from now and we know that the provision will hurt the average American and only help the Ken Lays of America.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the legislation. I was not going to speak. I know we want to move ahead just as expeditiously as possible. But the fact of the matter is, as I listened to my dear friend, the gentleman from California (Mr. MATSUI), talk about the fact that we have not done anything on Social Security, we have not got a prescription drug plan, the fact is if we can put into place legislation that will allow those 76 million baby boomers who are approaching retirement to begin making long-term plans, that would go a long way towards dealing with the problems of no Social Security plan that they keep talking about that is out there, and we of course very much want to address that. It can deal with making sure that people have access to affordable prescription drugs if we allow people to have more resources as they approach retirement.

So we know that there are a lot of problems out there in the accounting field and corporate America. We are aware of that. We have dealt with that here by trying to bring about some major reform and accounting practices and in other areas, but to say that as we encourage people to make long-term plans for retirement beyond the year 2010 is somehow going to undermine the financial stability of the United States of America is just plain wrong.

This is very good legislation. The gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) have worked long and hard on this. It is important for us to expand it beyond the year 2010, and I urge my colleagues in a bipartisan way to support both the rule and the legislation itself.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I include for the RECORD the letter from the University of Alabama signed by Dr. Stein, dated 20 June, 2002.

The letter referred to is as follows:

THE UNIVERSITY OF ALABAMA,
Tuscaloosa, AL, June 20, 2002.

Hon. ROBERT T. MATSUI,
House of Representatives, Rayburn Building, Washington, DC

DEAR CONGRESSMAN MATSUI: I understand that the House of Representatives is considering legislation making permanent certain temporary changes to the pension system that were enacted last year as part of the Portman-Cardin legislation. (The Portman-Cardin provisions themselves have a 10-year sunset provision.) Making the Portman-Cardin provisions permanent at this time is ill-advised and premature, for we do not yet have enough information on its effects to know whether it will advance, or as I believe, harm the retirement security of most Americans. We should at least wait until the evidence on whether Portman-Cardin is helping or hurting is in.

The original Portman-Cardin bill was an unwieldy package of disparate measures cobbled together by the pension industry. Although the bill included a few changes that were helpful to average American workers, its critics (of whom I was one) charged that most of its provisions would simply lavish further tax breaks on the most affluent Americans, who were hardly the group of workers most in need of governmental paternalism to help them save for their retirement. The only provision to help lower income workers save for retirement—a modest tax credit proposed by the Democrats—was watered down by House Republicans and is set to expire in the year 2007. (Ironically, this is the only provision that under the proposed Portman-Cardin extender would not be made permanent or even extended.) A benefit supposedly designed for women who return to the workforce late in life applies to men or women, regardless of whether they were out of the workforce, and in any event is only helpful to those few people who can afford to contribute at least $20,000 to their 401(k) plan. Worse still, the bill included several provision (supposedly to reduce regulatory burdens) that all but invite existing plans to reduce benefits for rank-and-file workers, while maintaining, or even improving, them for the owners of businesses and their most highly paid employees.

The sponsors of Portman-Cardin dismissed criticism of their bill. Instead, they argued that the bill would provide compelling new incentives for small businesses to adopt and expand their retirement and 401(k) plans. Congressman Portman and Cardin thus contended that the net effect of the bill would be to create thousands and thousands of new plans, whose very existence would benefit middle-class workers.

Many of the bill's provisions were so technically complex that their likely impact could only be determined by pension experts. Thus, many in Congress uncritically accepted the lofty expectations of Representatives Portman and Cardin (and industry lobbyists) and persuaded themselves that they were voting for a bill that would increase retirement security for middle-class Americans and in particular women.

So far, there is no evidence that the bill has done any of that, but there is evidence that many of the technical provisions are being manipulated by pension planners to allow the most affluent Americans to greatly reduce their taxes and to reduce retirement benefits for middle-class workers.

If any legislative action is to be taken now, it should be to scale back Portman-Cardin's one-sided tax breaks for the wealthy, extend and expand the tax credit to help lower income people save for retirement, and to repeal the Portman-Cardin provisions that some firms are using to reduce benefits for middle class and lower-income workers.

In any event, it is certainly premature for Congress to make the Portman-Cardin provisions permanent, just one year after their enactment and nine years before their planned sunset. Before taking that step, Congress should at least wait long enough to study the real-world effects of Portman-Cardin, to determine whether it has helped or hindered the average American worker's efforts to save for retirement. Instead of precipitously acting on the important questions of whether to modify, repeal, or make permanent the Portman-Cardin provisions, Congress should ask the General Accounting Office to engage in a study of Portman-Cardin's effects on the retirement security of America's working people. There will be time enough to act when the results of such a study are in hand.

Please note that my comments are my own and do not necessarily reflect the views of the University of Alabama School of Law

Sincerely,

NORMAN P. STEIN,
Professor of Law.

Mr. Speaker, this is the letter that was referred to by the gentleman from California (Mr. MATSUI). It is always interesting to come into the well of the House on a day like today. We are celebrating baseball victories. And we have a simple one-page bill here. I mean, it is nothing. My mother, my brother, my grocer, the girl who makes my coffee could read this bill and understand what it is about. It makes permanent the provisions of a bill we passed last year.

This has been a very interesting procedure we have done over and over again. We passed the bill and then we come into make it permanent the next year; so we get two votes on it. But the letter from the professor in Alabama lays out the case very well for why we should not be extending it permanently. If we realize that 70 percent of what happens for the pensioners in this country goes to the top 20 percent and 42 percent of what comes out of this bill goes to the top 5 percent, we realize whom this bill is for. It is not for ordinary pensioners. It is not for ordinary people or women or people who enter the workforce. This is a bill about giving more to the rich, letting them use the tax policy.

And why do they need the repeal today? Mr. MATSUI acts as though we should be doing it or that it is a mystery why we are giving it to them now. It is because people who have a lot of money plan way out into the future. Most of us who are living paycheck to paycheck, we do not know where we are going to be in 9 or 10 years, but if someone has $50 million in their family or whatever or if someone makes $150 or $500 million in Enron, suddenly they need time to plan to deal with how they are going to deal with all that money.

□ 1015

Those of us who go down and get our paycheck and spend it that month, and wait for the next one to spend it that month, do not need a bill that goes out 10 years into the future.

Those provisions would be bad enough if it was not for what has not happened here around the issue of Enron. Enron went in the tank. They manipulated the pensions and the 401(k)s of their employees, and 100 Enron executives recently got more than $300 million in severance pay while the employees suffered devastating losses in their income and retirement packages. Those people at Enron who were working there, all they have left is their Social Security because we got away from defined benefits, and we gave them a defined contribution. We said, here is the money, and they can put it anywhere they want as long as it is Enron stock. When Enron stock went in the tank, they went in the tank. They have no job, no pension, and all they have left is their Social Security.

That should be changed, and that is in the substitute of the gentleman from California (Mr. MATSUI). There was no hearing. When we get on the substitute, Members will say we have never had a hearing on these provisions in the Committee on Ways and Means. Why not? Because we have to protect the people who got all this money, and we have to get their pensions set up, never mind the hundreds of people who lost their money at Enron. The Committee on Ways and Means has never looked at this issue.

We have another issue, and that is corporate investments, inversions. Presently when a company moves to Bermuda, the shareholders pay capital gains taxes when they exchange their U.S. shares for the shares in the foreign corporations. But the corporate executives, on the other hand, are not required to recognize accrued gain on their stock options. So again, the ordinary folks, they have to pay taxes; but the corporate executives, they can go over there, and they do not have to recognize it. They flip it over, and away they go. That should be changed.

Members will say we have never had a hearing in the Committee on Ways and Means on this issue. That is right. Nobody is going to bother Stanley Tool or anybody else going to Bermuda. That is why this is a bad bill. It has not been considered enough, and we ought to reject the rule and reject the bill and go back and do what needs to be done about corporate governance.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, first of all, I strongly support the rule. It makes in order the substitute that the gentleman from Washington (Mr. MCDERMOTT) just talked about, which is very fair, and it gives us an opportunity to talk about the important project before us today, which is trying to make permanent these crucial changes in our pension system that we enacted a year ago.

I am concerned about the debate that I have heard so far this morning. We are going to have an opportunity during general debate to get into the specific details of the bill. Right now we are just talking about the rule, and yet the other side of the aisle is taking this opportunity to, in a very partisan way, attack the legislation we passed last year with over 400 votes.

Those Members who have spoken are among the less than 10 percent of this Congress who did not vote for the legislation, and I sense that there is a fierce partisanship in this House in an election year that makes it very difficult for them to accept the fact that this legislation was developed over a period of over 5 years on a totally bipartisan basis. All these issues were fully vetted with subcommittee hearings and full committee hearings. There has been ample debate on the floor. The gentleman from Maryland (Mr. CARDIN), who will speak in a moment, was the cosponsor of this legislation. There was support across the board from the Chamber of Commerce, the AFL–CIO, and the Building and Trades Council.

I know it is difficult for some Members on the other side of the aisle who would just like to attack each other and saying things like this bill is just about giving more to the rich. That is not the case here. That is not how this bill was developed. That is not the spirit in which the debate has been conducted over the past 5 years on this issue.

As we talk about this legislation, and we will have an opportunity to do that when we get beyond the rule debate, I hope we can have a more constructive debate sticking to the facts and sticking to what again in this case has been an unusual, admittedly, but important exercise of this Congress working across party lines to do what is best for the American people.

For those who think this is just about the rich, I hope they realize that half of America's workers have no pension whatsoever today; no 401(k), no defined benefit plan, not even the simplest pension program, like a SEP plan or so-called simple plan. Those are the Americans who will be helped by this legislation.

It has only been in effect since the first of the year, so we do not have year-end data yet, but all the evidence we have, including what was presented at a hearing yesterday of the Committee on Ways and Means Subcommittee on Oversight, indicated it is working to do that.

This is not about the rich. This is about helping where it is needed, which is in small businesses. With fewer than half of the workers covered by pensions among small businesses, it is less than 20 percent that have any kind of pension coverage. This is where those low-income workers are who we all want to see get more coverage.

By raising the limits and simplifying the plans; taking away the burdens, costs and liabilities; by permitting portability, all of which is done in this legislation, which again passed this House by more than 400 votes, admittedly not during an election year; by doing all of these things, we are going to be able to give people who work in small businesses more opportunities to be able to save a little money for their own retirement.

On the issue of planning, the gentleman from Washington (Mr. McDERMOTT) said he lives paycheck to paycheck, and that is how most Americans live. That is fine, but I hope the gentleman is planning for his retirement, and I hope he is planning more than 9 years out. That is certainly what this Congress ought to encourage all Americans to do.

We need to encourage small businesses to get into the business of providing retirement savings. To do that, they need to know there is some certainty this is going to continue, that we are not going to go from a situation where one can put $15,000 aside in a 401(k) plan to go back to where one can only put $10,000 and $500 aside; to get to a situation where people will know that they will be able to put into their IRA accounts $5,000, and with a catch-up another $2,000, rather than going back to the situation where they can only put $2,000 aside. That is what would happen if this bill were repealed after 9 years, which is the current law.

So I would ask my Members on both sides of the aisle to view this differently than we usually do, particularly during an election year, and that is to focus on what is right and good for the American people and not try to make this another partisan contest where we are yelling and screaming at each other about who cares more about poor people, and making it into a class warfare argument.

This has not been that process all along. It has been a long and carefully thought out process, bipartisan from the start, and I hope that we can continue in that spirit today.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important as we debate this matter to be clear on the urgency of the underlying bill. These issues actually do not expire until 2010. I wish that we could deliberate more on the substance and what is needed by those of us who claim responsibility for governance of the United States of America.

I represent Houston, Texas, and in that representation have Enron in my congressional district. First, let me say that the employees remaining at the company are trying their very best to turn the tide and work on behalf of those who work for them. As their Representative, and they are my constituents, I wish them well. But we have a duty here in this Congress, and the American people have not been responded to; that is, for corporate response, corporate reformation, restoration, and reconfiguration. We must reform the corporate laws of America.

Now we have the best opportunity with this legislation, particularly in the substitute that the Democrats have offered. Every commentator, every American that is asked the question, has Congress done anything to avoid another Enron, answers, absolutely not.

Members should step in my shoes and travel throughout my district and see the pain and the misery: people who are not able to get medical care, houses being foreclosed on, no jobs, children not being able to go to college. Members would say those are the things that happen to folks. These are hard-working Americans and taxpayers who believed in a corporation and management, and they believed in corporate executives who said that they had the best company in the world.

We have the opportunity in this legislation today to avoid corporations who run away from trouble and leave to go to Bermuda and do not pay taxes to help build this Nation. We have the opportunity to avoid having deferred compensation with loopholes surrounding the so-called nonqualified deferred compensation packages, which are retirement packages which are designed to be immune to creditors' claims.

Mr. Speaker, my constituents on Friday witnessed $105 million given in retention bonuses. On Sunday, the company filed for bankruptcy; and on Monday, 5,000 of my constituents were fired.

We need to have corporate reform for America. I say to my colleagues on the other side of the aisle, we need to work together. Golden parachutes for Enron executives, and it is not just Enron, it is across America. Ever since Enron, one after another has toppled. Americans deserve better.

In the underlying bill, rather than helping poor people, this particular legislation takes away the only provision that will help low-income workers. In addition, it lifts the pension amounts for executives.

Mr. Speaker, as I close, there is too much of an opportunity here for this Congress to do something. It is a darn shame that we are a Congress that is doing nothing.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, I thank the gentleman for yielding me this time to speak on behalf of this legislation.

Mr. Speaker, I rise in support of the rule, and I rise in support of passage of the permanency of the retirement savings provisions of what we call the Bush tax cut.

First, let me comment very briefly and to the point on my colleague's remarks just prior to my speech. I think it is simple. If those in business break the law, they should go to jail. If we are probusiness, we enforce the law, and lawbreakers are held accountable. Unfortunately, the ethics of the 1990s have come home to roost with Enron and Global Crossing and other companies which broke the law. Again, if they broke the law, they should be held accountable and should go to jail.

Today I speak in support of the Retirement Savings Security Act of 2002, legislation which is so meaningful because it has a real impact on working middle-class families on the south side of Chicago, which I have the privilege of representing. What we call the Bush tax cut benefits 100 million taxpayers who saw their taxes lowered. We eliminate the marriage tax penalty and the death tax. We increase opportunities for savings for education and retirement.

Today we are focused on making permanent the retirement savings component of the Bush tax cut.

□ 1030

Unfortunately because of an arcane rule over in the Senate, it had to be temporary. If you think about it, all the good things that we did in the Bush tax cut to help working middle-class families, they expire unless we do something.

It is interesting that in the Congress it is easy to increase taxes permanently, it is easy to increase spending permanently, but when you want to lower taxes or cut taxes, you can only do it on a temporary basis. That is just not right.

We believe that increasing opportunity for retirement savings should be permanent and that the increases in the contribution limits for individual retirement accounts from $2,000 to $5,000 should be made permanent. Otherwise it goes back down to $2,000. And the increases in retirement accounts, of 401(k) accounts, which benefit millions of middle-class workers across America, that go from 10- to 15-, that, if it expires, goes back to 10-. Who is hurt? Working middle-class families. All the more reason we should make the Bush tax cut permanent, particularly the retirement savings component.

I want to commend the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for their leadership on assembling this package which was included by President Bush in his package.

There are two provisions I want to draw attention to, one which is something that I really saw illustrated in my own family. My sister Pat is a teacher and for years has taught in public schools. When she and her husband Rich, who is a farmer, decided they wanted to have children, they had three kids, Matt and Sarah and Christy, they decided that she would take time out of the work force and stay home and raise the children until they were old enough to go to school. What happened in that case is the family income was cut in half. They did not have any money to set aside in retirement savings. They were just basically making ends meet, so they were not able to set aside money for retirement savings.

Something that is really unique about this legislation is we allow people like my sister Pat and brother-in-law Rich, now in this case empty-nesters, or working women who go back into the work force, once they reach age 50 or older, we allow them to make what we call a catch-up contribution. They immediately can put up to $5,000 into their individual retirement account to make up for what they missed. If they have a 401(k) account, they can put an additional $5,000 above the 15-. That is meaningful. If this expires, they lose that opportunity.

Second, I want to draw attention to something that benefits millions of building trades people, union members across this country. That deals with the 415 provision that is in the legislation. It was brought to my attention by a couple by the name of Larry and Lori Kohr from Peru, Illinois, retired laborers, this 415 cap which said regardless of how much you contribute into your multiemployer pension funds, which is usually a building trade unions pension fund, that there is a cap on how much you can receive. That cap was originally put in place for high-paid executives and public employees. Over the years it was all removed, all those caps, except for working men and women in the building trades.

One of the priorities we in the Republican Congress made was removing that cap, so that people like Larry and Lori Kohr can get their full pension. They contribute more, they qualify for more, they should get their full pension. Prior to our cap, Larry and Lori Kohr only received about $19,500 a year, half of what they really should have received. Thanks to the Bush tax cut, by removing the 415 provision, Larry Kohr now receives a $39,500 pension. His pension was almost doubled as a result of removing that unfair cap. Think about it. If this is not made permanent, Larry and Lori Kohr will see their pension cut in half once again.

So let us help working men and women. Let us help those who benefit from the 415 provisions, and the working moms, and the empty-nesters who benefit from the catch-up provisions by making this permanent. That is why I commend the gentleman from Ohio (Mr. PORTMAN) for his leadership in bringing this legislation to the floor. It deserves overwhelming bipartisan support. Let us make the retirement savings provisions permanent.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, the President had it right soon after Enron when he was speaking down in Virginia at the naval base and he said, "We've got to make sure that what's good for the captain is good for the crew."

Last year prior to Enron, we passed this legislation, and this legislation greatly increased the disparities and the privileges to high-income earners within the pension system. Yes, we have done some things for those people at the bottom, for middle-class earners, but the fact of the matter is that increasing the amount of money that they can contribute is somewhat meaningless when only 2 percent of the individuals contribute the maximum because they simply do not make enough to have that kind of discretionary income to make additional contributions. But for those at the top, it is a very generous bill.

Yes, we are simply extending last year's bill, but what we had is we had an opportunity to review last year's bill, but we chose not to take that opportunity. We could have reviewed last year's bill in light of Enron, in light of Global Crossing, in light of Adelphia, in light of Tyco, when we see that clearly there are two classes of pensioners in this country. Those ordinary employees get treated with far less deference, with far less resources by the corporation than those who are of the corporate elite. We see those who are of the corporate elite have their pensions insured. They have their stock options not taxed in some cases if the company moves overseas. We see that those individuals are given severance pay that is insured, that is guaranteed, so that the very people who destroyed some of these corporations are now getting the most benefit. Yet this legislation refuses to address those issues.

The gentleman in the well that just preceded me said it is a simple basic rule: If you violate the law, you should be prosecuted. If you have not, no. What we are finding out is it is really not about a violation of law. Many of these activities are sanctioned within the law. That is what has got to trouble middle-class Americans as they see this rush in the Congress to continue to stuff benefits to the wealthiest elite people in this country, whether it is in the pension system, whether it is in the estate tax system, whether it is in the income tax system. There has been a rush by this Congress to stuff the money to the wealthiest people in this country before we hit the deficit wall and before America realizes that we are looting the Social Security Trust Fund.

It is very much like the executives of Tyco and Enron and Adelphia and these corporations that in the months preceding their bankruptcy, they started paying off their debts. Now when we examine who they were paying off, their children's real estate companies, their children's travel companies, their wives' auction houses, their wives' small businesses. They are getting the money out of the corporation to get it into their friends' hands before the bankruptcy.

So what was the end in Enron? One hundred forty executives walked away with $300 or $400 million, and the thousands of employees that were laid off walked away with $13,000.

We have an opportunity to reexamine the laws that govern the pension plans of this Nation, and we refuse to do it. We are now coconspirators in that disparity between the captain and the crew. But as this ship starts to sink, and we start to take the Social Security Trust Fund with us, the Republicans are not even going to hit the emergency bell as they head for the lifeboats with their friends. They are just going to get in the lifeboats with the income tax cuts, with the estate tax cuts, with the pension changes for the wealthiest people in this Nation, and they are going to sail away and watch everybody else go down with the ship.

What we are doing here is we are taking the payroll tax that pays for Social Security, and we are transferring it to the wealthiest people in the Nation, because that is how this $50 billion is being paid for, because there is no other tax available because we are running a non-Social Security deficit. We ought to understand that. If we are going to do that, we ought to make sure that some of those middle-class income workers in this Nation get some of the benefits. But in this bill 77 percent of the benefit goes to the top 20 percent of the people.

Mr. LINDER. Mr. Speaker, for the purpose of refocusing this discussion on what is actually on the floor, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Georgia for yielding time. I will be brief.

Just to repeat, we are not really talking about the same bill here. What we are trying to do here today is simply to extend the provisions of the retirement savings law that was passed by this Congress last year. Congress just took up legislation to deal with the post-Enron pension issues, and we passed that on a bipartisan basis. Congress just took up recently corporate governance issues related to Enron. We passed those on a bipartisan basis. We can revisit those, we can go back, maybe we should do different things, but this is not what we are about today. We are talking about the pension changes.

Again, the gentleman from California, it is good theater, but he is not talking about the facts. I am happy to go into the lifeboat with the people we are talking about helping.

Let me give you some actual statistics rather than just rhetoric. Of those people who are involved in pensions, 77 percent make less than $50,000 a year. These are middle-income workers. These are lower-income workers. Let me give you another statistic. There was a recent study showing that those who benefit most from retirement plans earn between $15,000 and $50,000 a year. Those same families pay slightly more than one-third of all Federal income taxes. They receive two-thirds of the pension accruals in this country. Those are the folks we are trying to help.

Beyond that, we are trying to expand these pensions to people who do not have them now. Who are they? They are primarily middle- and lower-income workers. I am not worried about the high-income workers. They have nonqualified plans, meaning they are not even in the pension system. Those are increasing rapidly because we are not doing enough to help free up the pension system. That is what the legislation was about last year. That is why 400 Members of this House supported it.

I am happy to get in the lifeboat with those folks. I would hope my colleagues would be as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I am somewhat confused by some of the debate that we have heard on this rule. I would think that all Members would want to support the rule. First of all, it allows the Democratic substitute to be offered that deals with the issues that the gentlewoman from New York raised. These are very valid issues. It gives us a chance to debate on the floor today, or when this bill comes up, corporate governance issues. They are important issues. I agree with a lot of what the gentlewoman said, and the rule makes that in order.

The second thing the rule does is allow us to make permanent the provisions in the pension bill of last year. I strongly support that, Mr. Speaker.

Some of my colleagues have talked about the fact that this was truly a bipartisan bill. I think that is difficult for some people to understand, but it did go through the normal, regular legislative process. It was developed in a bipartisan way. It was developed by Congress. It was not part of the President's tax proposals. It came into the President's tax proposals because we had bipartisan support in this House and in the other body. It was well vetted.

My friend from California brings forward a letter from someone from Georgia. We have had congressional hearings on every one of the provisions in that bill. People were invited. In fact, my recollection is at one hearing we could not get anyone to testify against the bill; that everyone who testified said the provisions in the bill were well founded.

Let us talk about the specific provisions, and I think you will find that every one of them advances the issues of people having more opportunity to provide for their retirement. That is why the underlying legislation was supported by organized labor. That is why the underlying legislation was supported by small business. It provides more opportunities.

In all due respect, Mr. Speaker, Ken Lay's retirement security is not based upon increasing the IRAs from $2,000 to $5,000 a year. That is not the type of people who benefit from the changes that are in the underlying bill. We make modest adjustments in the 401(k) and defined contribution limits. We do not even keep up with inflation. These are very modest changes that affect middle-income people, not the wealthy. That is why the cost of this bill is extremely modest. It does not affect the overall fiscal condition of this country. It is $6 billion over 10 years. The Democratic substitute, which does some things that I happen to like as far as the small savers credit, costs $30 billion, or five times more than the underlying bill. I just bring that up because I think the underlying bill is a good bill, and it is worthy of continued support.

Many of the people who have talked against it have consistently been against it. I understand that. But 185 Democrats joined a large number of Republicans with over 400 votes in favor of this bill on three separate occasions. There was good reason as to why Democrats and Republicans have worked together on this issue. Retirement security is an important issue for middle-income people. You cannot do it on Social Security alone. We need private savings. We need private retirement. The underlying bill helps advance those issues.

I urge my colleagues to support the rule and support the underlying bill.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

☐ 1045

Mr. STENHOLM. Mr. Speaker, I rise in opposition to the rule and opposition to a very good bill. The gentleman from Ohio and the gentleman from Maryland have stated factually the bill. My problem is with the plan that this bill is included in.

We are completely ignoring that last month, May, with a 20 percent increase in spending, a 19 percent drop in tax receipts, combined to result in a larger-than-expected budget deficit of $80.6 billion for the month. That eclipses last year's $27.9 billion shortfall and puts the government on course for a $200 billion deficit.

The economic game plan that we are under, that some of us would like to work with our friends on the other side of the aisle to change, has got us on course to where next week you must vote to borrow an additional X number of billion dollars, the Secretary of Treasury has asked for $750 billion, borrow that money, without first fixing Social Security and Medicare. That is inexcusable. It is inexcusable for this body to continue to have our dessert without being willing to deal with the spinach problems of this country.

It has been over six months since Treasury Secretary Paul O'Neill first wrote to Congress to request an increase in the statutory debt limit. Secretary O'Neill warned Congress that the Federal Government would be unable to meet its commitments and at risk of default if an increase in the statutory debt limit was not approved before June 28th.

Despite these warnings, the House Leadership has been unwilling to take responsibility for dealing with this issue.

The Republican leadership is trying to blame Democrats for the failure to increase the debt limit. The rhetoric blaming Democrats for inaction on the debt limit doesn't bear any resemblance to reality.

We repeatedly have offered to provide bipartisan support for a modest increase in the debt limit in order to avoid a default. The Republican leadership has rejected all of our offers and prevented us from even offering amendments which would provide for an increase in the debt limit linked to action on a responsible budget plan.

What we have refused to support is the administration's request for a $750 billion increase in the debt limit without a plan to put us back on a path toward a balanced budget.

We will not vote for any increase in the debt limit without a commitment to a plan to bring the budget back into balance.

DENNIS MOORE and I went to the Rules Committee again this week to ask that we be allowed to offer an amendment today which would deal with the debt limit in a responsible manner.

The amendment would provide an immediate increase in the statutory debt limit of $150 billion but limit future increase in the debt limit until the President and Congress agree on a plan to place our budget on the path to on-budget balance by FY 2007.

Unfortunately, the Rules Committee did not make our amendment in order.

The need to raise the debt limit should compel us to re-examine our ability to afford current tax and spending policies, just as credit card spending limits serve as tools to force families to examine their household budgets.

Congress and the President need to sit down, roll up our sleeves and have an honest discussion about what we need to do to put the budget back in order, with everything on the table.

But instead of figuring out how we are going to stop the tide of red ink and stop spending Social Security surplus dollars, the House leadership continues to bring to the floor legislation that will put us deeper into debt.

I do not understand the philosophy of folks who don't have a problem with leaving our children and grandchildren with a large debt just so we can have a tax cut or more spending today.

I hope that the members who are once again coming to the floor proudly supporting yet another tax cut will be willing to come to the floor next week and show just as much enthusiasm when the vote to borrow the money to pay for their policies by raising the debt limit.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, back to the issue at hand, I rise today in support of this underlying bill to make permanent the pension reforms in the tax relief act. Before I do that, I want to congratulate my colleagues from the Committee on Ways and Means, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for their leadership on this.

Mr. Speaker, while this legislation would make permanent many good pension reforms we enacted last year, I would like to highlight one particular aspect of it. Many States, including Texas, have favorable laws that encourage pension portability, the ability to take your pension with you when you move jobs, especially for teachers and other public employees.

However, before the President's tax relief plan, Federal law really frustrated what were very helpful State laws. Virtually every State authorizes teachers and other public employees to purchase service credit, their work performed, for the years in which they were not eligible for pension.

For example, suppose you have a teacher that works 2 years in a State, moves to another that requires her to work 30 years. She works 28 and then goes back and purchases from the other State the 2 years that she worked. That way she has that pension. The problem is that purchasing back that service, those years, is very expensive. It can be up to $20,000. Most employees do not have that sitting around, but many do in a savings plan, their 403(b) tax sheltered annuity, or 457 deferred compensation plan, that they could use to buy back those years.

However, before the bill was put in place, they are prohibited from transferring this money to purchase service; and because of the quirk in the tax law, they could not do it pre-tax. Well, the tax relief bill, thanks to the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN), solved this problem by allowing our teachers and our other public employees to use this money to purchase service credit on a pre-tax basis, which is far more affordable. It also makes other changes in the enhanced pension portability.

If these provisions are not made permanent, which this bill does in a very commonsense way, these options for our teachers and workers will go away.

I urge my colleagues to support the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, at the outset, the arguments of my colleague, the gentleman from Texas (Mr. STENHOLM), need to be emphasized, because before voting on this or any other matter, no matter how worthy, we need to consider the fiscal consequences.

I think another way of putting it is that we have to evaluate each of these pieces of legislation, like the one in front of us, to decide whether we think it is so vital to spend that money that we are willing to borrow payroll taxes paid in for Medicare and Social Security and use them for a different purpose. That is a pretty heavy test to meet, and I do not believe this piece of legislation meets it.

Let me say, I think there are some very good provisions in the law that the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN) sponsored last year. That is why I voted for it. I was among the many Members of this body who felt that adding a little money to IRAs and 401(k)s, the portability provisions that let workers take these pensions from one place to another, were sound provisions. They were the highly publicized provisions by which this bill won the support of many people here and in the United States Senate.

The less publicized provisions, the fine print of that bill, contain the problems. It allowed more discrimination by the people at the top of pension plans against those at the bottom, the people who need retirement security assistance the most and who have done the least retirement planning. The fine print in that bill allowed some companies to stuff retirement plans with their own stock. And as if not enough of that were happening already, like at Enron, it actually provided them a tax subsidy to overfill plans. Those less publicized provisions are problematic and troublesome, and I wish I had been able to vote for a bill that did not have these problems, and I do not want to make those misguided provisions permanent.

But even if you think those bad provisions are good and you like the Portman-Cardin legislation exactly as it was passed last year, what do you think will happen if today's bill is defeated? Absolutely nothing. Those provisions will be the law of these United States until New Year's Eve 2010.

The reason that we are taking up a bill today to affect something that will not make a bit of difference, however you feel about this bill, until New Year's Eve on 2010, is because this Congress has little or no interest in standing up to special interests and doing anything about real retirement security.

We know that one executive after another is walking off with not a golden, but a platinum, parachute; meanwhile, many other people without a retirement plan are left to take the fall.

This bill that passed last year did something for those people. It gave them a small "Saver's Tax Credit." This credit expires on New Year's Eve 2006. Is the benefit for the average worker extended? Is it made permanent in this bill? No. We had to extend the provisions that help those at the top that expire in 2010, but we are not extending those that expire in 2006.

If you look at this piece of legislation and you ask, "will it do anything to protect retirement security and prevent more employees being victimized, just like those were at Enron?"—the answer is "it does absolutely nothing."

It ought to be rejected. It is fiscally irresponsible, and it does not improve retirement security for those who need it the most.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Georgia (Mr. LINDER) has 12 minutes remaining and the time of the gentlewoman from New York (Ms. SLAUGHTER) has expired.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I presume the gentleman who just spoke from Texas will be happily voting on the Democrat substitute, which is spending five or six times as much as this bill, but that will not be considered fiscally irresponsible.

Mr. Speaker, I urge my colleagues to support this rule so we can get on with the underlying bill, which is a good bill and will pass.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 52, not voting 38, as follows:

[Roll No. 245]

YEAS—344

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baird
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Nussle
Obey
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—52

Andrews
Baldwin
Brady (PA)
Brown (OH)
Capuano
Clyburn
Conyers
DeFazio
Delahunt
Fattah
Filner
Ford
Gephardt
Green (TX)
Hinchey
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kucinich
LaFalce
Lee
Mascara
McCollum
McNulty
Millender-McDonald
Miller, George
Mink
Mollohan
Oberstar
Olver
Owens
Pastor
Rahall
Rangel
Rivers
Sanders
Schakowsky
Scott
Sherman
Shows
Stark
Stenholm
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner
Waters
Watson (CA)
Watt (NC)
Woolsey

NOT VOTING—38

Ackerman
Allen
Baker
Berman
Blagojevich
Bonior
Borski
Brown (FL)
Callahan
Carson (IN)
Cox
Coyne
DeGette
Dingell
Everett
Ganske
Gillmor
Gutierrez
Hansen
Hilliard
Houghton
Keller
LaHood
Lewis (GA)
Lipinski
Manzullo
McInnis
McKinney
Miller, Dan
Murtha
Northup
Norwood
Ortiz
Riley
Roukema
Smith (WA)
Traficant
Weiner

□ 1120

Mrs. JONES of Ohio and Mr. MOLLOHAN changed their vote from "yea" to "nay."

Mr. WATKINS of Oklahoma changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 451, I call up the bill (H.R. 4931) to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 451, the bill is considered read for amendment.

The text of H.R. 4931 is as follows:

H.R. 4931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retirement Savings Security Act of 2002".

SEC. 2. PENSIONS AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS MADE PERMANENT.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsections (a) and (b) shall not apply to the provisions of, and amendments made by, subtitles (A) through (F) of title VI (relating to pension and individual retirement arrangement provisions).".

(b) CONFORMING AMENDMENTS.—Section 901(b) of such Act is amended—

(1) by striking "and the Employee Retirement Income Security Act of 1974" in the text, and

(2) by striking "OF CERTAIN LAWS" in the heading.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider an amendment printed in House Report 107–522, if offered by the gentleman from California (Mr. MATSUI) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. MATSUI) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in our debate on previous portions of the tax package that became a law last year in which we have attempted to make particular provisions permanent, the argument has been made that we do not need to do it now. In fact, that argument was made as recently as the rule on this bill.

While there may have been some kernel of truth somewhere in the debates over the permanent repeal of the death or estate tax because we cannot control, in normal circumstances, the time of our death, that same argument made against this piece of legislation is an argument that is totally cynical and totally political.

Why? Because this is a provision to make permanent that portion of the tax bill that allows people to plan for retirement. Retirement is a voluntary decision, and the voluntariness of it depends to a degree on our ability to have effectively planned ahead of time.

The section that is probably most unfair to most Americans is the fact that we are going to keep them in doubt about what they can do with their own money to plan for their retirement.

Mr. Speaker, the argument that we do not need to make this permanent when we are dealing with the question of retirement is to basically tell those people who are in their last decade of work, who are around 50 years of age, and especially those who, in their forties, are going to be making their most significant retirement decisions, that we do not care. For what must be pure partisan reasons, we are not going to let them have that certainty.

And why do I say for pure partisan reasons? For a very simple reason. This bill passed the House as H.R. 10 by a vote of 407 to 24. I know that is not unanimous, but around here that is pretty overwhelming. So it is not the desire to implement the underlying provision, and perhaps the argument is, well, the budget situation has changed since that vote was recorded. We will accept that argument. Obviously we would not want to be voting out of here a budget-busting bill that we do not have to really deal with from a political point of view for 10 years, but from a personal financial-planning point of view, we desperately need this certainty.

Well, if one investigates, this bill only costs $6 billion over 10 years; and I know when I say only $6 billion, people would tend to relax, but I have to tell everyone, for the investment in the comfort, in the belief in security of those Americans within a decade of retiring, $6 billion is a very, very worthwhile investment.

Then we heard the argument under the rule that why are we doing this today? We have other really important things we need to do. This is not going to become law anyway. Well, we also heard that argument about a stimulus package that was before this House in March. Why are we doing this? It is not going to become law anyway. That measure passed the House with 417 votes, and the Senate moved it on to the President and it became law. If the 197 Democrats who voted for this measure last year vote for it this year, it will become law. And if they are going to hide behind the $6 billion price tag for 10 years, if they are going to argue one does not need to have this kind of knowledge to plan one's retirement, then we need to understand it is politics. I find it ironic that we are going to see criticism of the cost that this somehow is for fat cats when in fact the Democrat substitute costs five times as much as this one.

So as we listen to the debate today, just keep a couple of things in mind. This portion of the tax bill that became law is not like the other portions. People can with certainty plan. It is extremely difficult to plan without certainty. The Democrats almost gleefully announce they are going to deny those people who are within a decade of retiring some certainty about the way in which they can manage their financial affairs so that in their retirement years they can live a little bit comfortably; and if this measure does not pass and if it does not become law, I want every American who cannot plan the way they should be able to plan to remember there were certain people here who thought it was more important in a political game of chess to try to advance a pawn in their goal to reclaim the majority of the House by playing stunts with this measure than it was to assure seniors and near-seniors of certainty for their retirement.

That is what this vote is all about. It is the ability to plan or the denial of the ability to plan. A "yes" vote lets Americans plan; a "no" vote denies them that opportunity. Let us see who will not let Americans plan their own futures.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I ask unanimous consent to yield 10 minutes to the gentleman from Maryland (Mr. CARDIN), my colleague on the Committee on Ways and Means, and that he be allowed to yield said time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1130

Mr. MATSUI. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I might just say at a time when we have a crisis in corporate America, one of the reasons the stock market is not doing too well, very sluggish, is because basically investors are not sure what companies are doing well and what companies are not, because we cannot get it any longer from the books because obviously after Enron, Global Crossing and a number of other corporations, we just do not know any longer what these books really mean because each individual accounting office like Arthur Andersen might decide on their own how to manipulate these accounts.

Business Week had a story Crisis in Corporate Governance, Special Report. Last week they had Restoring Trust in Corporate America, same Business Week. Fortune magazine this week talked about a System Failure in Corporate America. At a time when we should be talking about how we make sure that Stanley Corporation up in Connecticut does not move to Bermuda and open up a post office box basically to save $30 million in taxes, somewhat unpatriotically, at a time when 120 management employees of Enron Corporation were able to take $330 million in terms of retirement benefits right before they decided to file bankruptcy and gave nothing to their thousands and thousands of employees, it would only seem logical that we would try to deal in some fashion with those issues instead of dealing with extending a pension bill that is fatally flawed and will hurt the ordinary worker, not now, but will not take effect until 2011.

We need to really understand this bill that is on the floor now will not take until the year 2011. One must ask what is the House of Representatives, this august, wonderful body, doing talking about something that is 9 years away and not dealing with the fundamental problems of corporate governance, corporate responsibility, and the need to make sure that in a flagging democracy such as ours with the kind of marketplace economy, when there is no confidence in the fundamental stock market, why are we doing something with 9 years away instead of dealing with some of the major issues that are facing America today?

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Did my colleagues hear it? Why are we dealing with something that is 9 years away? For someone who has worked 40 years, what is 9 years in terms of planning? It may be everything.

The cynicism with which they simply disregard someone's few dollars, trying to be planned most efficiently for the time, value of money, so they can have a marginally better retirement, does not mean a darn thing. It does not mean anything to these people.

Mr. Speaker, at this time, I want to publicly, if it does not do him too much damage, compliment, my friend and colleague from Maryland. I have worked with the gentleman on the Committee on Ways and Means with some of the original preventive and wellness provisions that went into the Medicare bill. I have worked with him in a number of other very difficult and politically sensitive areas. Very much enjoyed the working relationship with the gentleman from Ohio (Mr. PORTMAN) on our side of the line.

The proof of the product was that people have accepted their work product in a nonpartisan, nongimmicky environment by more than 400 votes, and with great difficulty, and with enormous courage, the gentleman from Maryland is supporting a position he knows to be right.

I do hope there will be no permanent political damage done because I know his own leadership has changed the rules of the game to create significant pressure on him, and I just want to say it publicly that I admire someone who stands up on the floor and speaks with what they truly believe is right, rather than simply mouthing comments that are designed to advance a cynical, purely partisan position.

I want to say I am extremely proud of two Members of the House of Representatives, one on our side of the aisle and one on the other side of the aisle, who want to make sure that those who want to plan for a retirement with dignity have those 9 years that some folks think are not worth anything.

Mr. Speaker, I yield the remainder of my time to the gentleman from Ohio

(Mr. PORTMAN), and ask unanimous consent that the gentleman control the remainder of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from California (Mr. THOMAS), the Chairman of the Committee on Ways and Means, for yielding me the time and for the work he has done to get us to this point.

This is a very important debate we are having today because it is about extending legislation this House passed last year on a totally bipartisan basis by over 400 votes, which is very important, as the gentleman from California (Mr. THOMAS) has said, to the retirement planning needs of America's workers.

Let me just talk for a moment about what we are doing here. Last year, as part of the overall tax relief measure, Congress passed this legislation which makes it easier for people to set more aside for their retirement. It increases contribution levels for IRAs, for 401(k)s, for other defined contribution plans. It increases the levels of benefits for defined benefit plans. It also simplifies the pension laws, takes away some of the costs, the burdens, the liabilities to enable small businesses to offer more plans, and it allows for portability so that people can move in a defined contribution context from job to job without having to cash out on their pensions.

The need for these provisions is great. Right now, we know there are 70 million Americans, over half the work force, who have no retirement savings whatsoever through their employer, no pension plan of any kind. That is something that is even worse among small businesses, which is where a lot of lower-income, middle-income workers are.

Among smaller businesses, those with 25 or fewer employees, only 20 percent offer any kind of pension plan whatsoever. Unbelievably, there has been virtually no growth in pension plan coverage over the past couple of decades. At the same time, the baby boom generation, of which I am part and a lot in this House are, is beginning to retire, and we are finding that those baby boomers do not have adequate savings to be able to live a comfortable retirement, to have that kind of peace of mind and security that comes with having what someone needs through their retirement. In fact, baby boomers have put less than 40 percent aside of what they will need for a good retirement.

A major reason for this is because of what this Congress has done over the past couple of decades. Instead of responding to this by helping people save more for their retirement, Congress instead over the past 20 years has made pensions less generous by lowering contribution and benefit levels while making pensions more costly by increasing the burdens, costs and regulations. That has had a very bad impact. Let me give you a specific example.

From 1982 to 1994, limits on defined benefit plans were greatly reduced by Congress, and new restrictions were added, primarily for the purpose of generating more revenue, dealing with the deficit, not for pension policy. The effect of that was, as those cutbacks took effect, the number of traditional benefit plans ensured by the PBGC dropped from 114,000 in 1987 to only 38,000 in the year 2000.

Anyway that is what this body tried to do last year was to take some steps, some steps, not as big as some would have liked, but some steps in the right direction to begin to reverse these trends and begin to let people save more for their retirement.

First, again, we allowed people to put more aside in their own retirement plans, put more aside in their union multiemployer plans, their defined plans, other pensions, IRAs. We moved the IRA contribution, for instance, from $2,000 to $5,000 per year. This year alone you can put another $1,000 in, another 50 percent, $3,000. By the way, the average income of somebody who does an IRA is less than $30,000 a year.

So as my colleagues hear the other side today, some Members of the other side talking about how this is primarily going to benefit the rich, remember that statistic. The biggest increase we have is in IRAs. Those who have IRAs on average have less than $30,000 a year in income.

We also did a lot in terms of 401(k)s, moving those limits from $10,500 a year to $15,000 a year by 2006. By the way, these provisions only restore the limits to where they would have been back in the 1980s in terms of IRAs if it is adjusted for inflation, or in the case of 401(k)s, we only adjust it back to where they were back in the 1980s, when, incidentally, Republicans were not in control of this House.

Secondly, we created these catch-up contributions. It helps workers over 50 to set aside more for their retirement. If someone is 50, we say they should be able to put more aside in their IRA, but, significantly, in their 401(k). This is because we know there are a lot of people out there, again, baby boomers, particularly women who have taken time off to take care of their families, raise their kids, coming back in the work force, who just do not have enough in that retirement security nest egg. We want to encourage them to save more, so we allow for this catch-up.

We modernized the pension laws to adapt what we have learned of the realities of an increasingly mobile work force. That is a reality in our country. People move jobs quickly. The old defined benefit model does not work as well as it used to because people do not stay long enough to get the benefit of that.

We decreased the vesting from 5 years to 3 years. This is extremely important and already having an enormous impact out there. We had some testimony in the Committee on Ways and Means yesterday at one of our subcommittees about this very fact, that just by changing that vesting helps a lot because a lot of people do not stay around for those 5 years to get vested, but now they stay around for 3 years, they get the benefits of the pension.

We also allowed for people to roll over from job to job, plan to plan. For instance, someone is a school teacher and they go into the private sector or vice versa, if someone is a government employee and they go into the private sector. Under the old law, a person could not roll over their defined contribution plan, the 403(b), their 457, 401(k) and vice versa. We allow for that. It is seamless. The gentleman from North Dakota (Mr. POMEROY) who is here on the floor with us is really the author of that part of the legislation, worked hard on that over the years. It has been bipartisan, even nonpartisan.

Finally, we made it easier for employers, particularly small businesses, to be able to establish and maintain pension plans, again, by reducing these costs, burdens and liabilities. We did not do everything the small business community wanted. They wanted to get rid of the so-called top-heavy rules altogether, which incidentally President Clinton's Labor Department advisory group on this said we ought to get rid of altogether. They said it is like suspenders and belts, we already have the nondiscrimination testing in place, why do we need the top-heavy rules on top of that. We did not do that. We kept the top-heavy rules in place. We did simplify them somewhat to make it a little bit easier for small business to get into this game.

Again, think about the fact here that small businesses are not in this game in the way they should be. Only 20 percent of them are offering pensions now. We know from all the surveys that have been done, it is costs, it is burdens, it is liabilities that they are worried about. So we tried to address this in a way to be able to help people get more pension coverage, and we are seeing benefits. It has only happened this year. So we do not have the data from year end yet, but we do have anecdotal evidence, again as recently as yesterday in the Committee on Ways and Means.

We also modernized our pension laws by section 415 of the Tax Code. This is very important to people who are multiemployer plans, including union members who have worked hard. They have come to the point in their career where they need to retire, they suddenly find out that this 100 percent of compensation limit came into effect and kept them from getting the benefits that they deserved. We removed the section 415 limitation. This is extremely important, and it is fair because the way multiemployer plans adjust and calculate when they receive their pension benefits, the rule did not apply fairly to them. So we got rid of 100 percent of comp limit, which is very important.

We also got rid of something very important called aggregation limits. We also allowed for early retirement benefits. This is part of our modernization effort. It was consistent with what we did all through the bill, rolling up our sleeves, looking at these plans, trying to simplify them, trying to make more sense for the modern work force, and these provisions are helping working Americans.

Seventy-two percent of those making contributions to IRAs again have an income of below $50,000. The average is below $30,000; 77 percent of American workers participating in a pension plan make less than $50,000 a year, and when we expand retirement savings options, we help those workers who need it the most. Again, it passed the House already on a number of occasions, most recently with 407 votes.

So if we already passed this bill, why are we on the floor today? Why did I just talk all about all these great benefits that we have already passed into law? Because of the arcane rule in the United States Senate, all of this goes away. Nine years from now it disappears. What would happen if that were to take place?

For starters, it make it very difficult, again, for people to plan for their retirement. For example, looking at the chart here, workers can now save, under our IRA provisions, $3,000 a year on their IRA. Under the old law it was $2,000 a year. By 2010, we go up to $5,000 a person can save on their IRA. Remember, these are the lower- and middle-income workers who really need this for their retirement savings. In the year 2011, it would go back to $2,000 a year if we do not extend this permanently. Does that make sense?

Who would want to do that in terms of 401(k)s? In 2002, we go from $10,500 to $11,000 a year people can set aside in their 401(k) plan. By the year 2010 it will go to $15,000. Actually, it starts in 2006, but in 2010 it will be $15,000 a year. In 2011 it would go back to $10,500 a year. Again, these limits are not dramatic increases. They barely keep up with inflation the way we do it, and they do not keep up with the limits that were in place back in the 1980s when my friends on the other side of the aisle controlled the Committee on Ways and Means. When they controlled this Congress, they had higher limits than this and reduced them because they wanted to reduce the deficit, and they took it out of pensions.

So this is what is going to happen if we do not extend it. Does that make any sense? The catch-up contributions we talked about earlier, again, under the IRAs this year a person gets $500 more to put away if they are over 50. By 2010 they get $1,000 more. In the year 2011, nothing, no catch-up, zero, zip. It is repealed. In 401(k)s, a person gets $1,000 more this year; they get $5,000 more by 2010. If this legislation is not passed, do not extend it, 2011, zero, zip.

Very important for people to be able to plan. Very important for small businesses to be able to plan so they can put together something that works for their employees. We will have some data later if people are interested about what small businesses are doing. They are taking advantage of these increases. They are changing their plans to allow people to save more for their retirement. They are doing it because they assume the Congress is going to do this indefinitely.

□ 1145

Now they are finding, because of this quirk in the Senate procedures, it may be stopped in 9 years. It does not make any sense. The expiration date, of course, will hit hardest on oldest workers because of these catch-up provisions. So these oldest workers, getting right up to retirement, are suddenly going to find they cannot do the catch-ups. If we fail to act as a Congress, these improvements simply will disappear and people will not have the peace of mind they need for their retirement.

Mr. Speaker, that is what the debate is about today. I know the Democrats have a substitute that deals with some other very important issues. I hope we will have a full debate on that when we talk about the substitute. I understand these are important issues on corporate governance, on executive pay; but let us be sure, as a Congress, we stick together on a bipartisan basis to move forward with what we started last year, to reverse this trend in Congress that was encouraging people to get out of the pension business and instead to get people into it so all Americans can save more for their retirement.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I would like to inquire of the amount of time each of us has at this time. I understand the gentleman from Maryland (Mr. CARDIN) still has 10 minutes remaining.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Ohio (Mr. PORTMAN) has 9 minutes remaining, the gentleman from California (Mr. MATSUI) has 17½ minutes remaining, and the gentleman from Maryland (Mr. CARDIN) has 10 minutes remaining.

Mr. MATSUI. Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), the sponsor of many of the provisions in the underlying bill, including the portability.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

Sometimes in this Chamber, Mr. Speaker, we spend so much time talking about where we disagree, and we disagree on a lot, that we do not get around to evaluating where we agree and where we can agree.

We have just heard a very informed, technically adept exposition of the terms of this bill and why they were in the bill by the gentleman from Ohio (Mr. PORTMAN). I certainly would like to commend him for his leadership in this area. It takes a lot of time to get that kind of command of the technical demands of this subject area; and the gentleman from Ohio, along with his colleague from the other side of the aisle, the gentleman from Maryland (Mr. CARDIN), have each, I think, represented the best of what this Chamber can bring forward by way of making national policy as they have applied themselves over the years in understanding retirement savings as a major national priority and then even getting deeper into the technical details of how to get it done.

There are some areas where we disagree, and we are going to be able to talk about them in the context of the substitute. I do believe it is very important we have the discussion on the range of what might be appropriate and needed policy responses to the troubled corporate governance issues that we have read so much about in the newspapers recently. What I worry about a little is that some of the debate on the substitute may spill over and taint our evaluation of the underlying bill.

I want to tell my colleagues, Democrat and Republican alike, I believe the underlying bill is solid, bipartisan, constructive advancing of retirement policy; and I hope once the substitute vote is taken, we will be able to give this the kind of rousing endorsement that it got as we passed it when it was first considered.

There is a provision in the bill I would like to speak to which I think illustrates in a real way how this matters. We have a variety of defined contribution plans allowed under the Tax Code, 401(k) is the best known. Virtually identical, but a different structure, 403(b)s for those working in the nonprofit sector, and 457 plans for those working for State and local governments. As one goes through the workforce, you cannot roll your account from one into another, even though they are all defined contribution plans; they just have their basis in different provisions in the Tax Code.

It is important we give workers this kind of retirement account portability so that rather than getting the lump sum and spending it, they roll it into their retirement savings at their new place of work. Studies show pretty convincingly that the larger amount in the retirement account, the less likely it is to be spent on nonretirement purposes. As we help the American workers save for retirement, it is important we facilitate this portability and allow them, in fact encourage our workers, to leave the money there for retirement purposes.

Also in the bill, as was mentioned by the preceding speaker, moving vesting in defined contribution plans from 5 years to 3 years is a very big deal. This is a win that on its face we can all understand is important to those in a mobile society; that if they leave after 3 years, presently they do not acquire necessarily any benefit. These are provisions that ought to be endorsed and advanced, and I urge adoption of the underlying legislation.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I stand in support of this vital legislation to provide certainty and predictability in pension retirement benefits for the people I represent at home in Washington State.

I want to compliment my two colleagues, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), for taking leadership to help all women who are being very diligent in their effort to become independent as they plan for their retirement years. This bill enables millions of women to devote more money to retirement savings, to accumulate assets more quickly, and to maintain their benefits in one retirement plan as they go from job to job.

Women choose to leave the workforce for many reasons, including to raise a family or care for ailing parents. Often during those years they are unable to take full advantage of employer-sponsored pension funds. The retirement protections in our bill allow women to make catch-up contributions to their pension plans to make up for the time they spend away from the workforce.

Before Portman-Cardin, it was very difficult to consolidate retirement funds from different plans into one plan. We took away these restrictions in our legislation to reflect the changing employment market. Today, we have more women working who tend to change jobs more frequently than do men. By enhancing portability, we ensure the retirement benefits follow the employee as she changes jobs.

With more women working outside the home, Mr. Speaker, we have to modernize our retirement laws to take into account a more diverse workforce. We have now, for example, 70 percent of young mothers with young children still in the home in the workforce. It is about time we make up for them and create for them a further opportunity to gain self-reliance during retirement.

So I do not think we can afford the effort that is being made by some of our opponents to turn back the clock in 2011, and I encourage my colleagues to support this legislation.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute.

I find it kind of interesting because I have a letter from Norman P. Stein, a professor of law at the University of Alabama, not the most liberal institution in the America, dated June 20, 2002. He basically says, and I will quote: "Many in Congress uncritically accepted the lofty expectations of Representatives PORTMAN and CARDIN and industry lobbyists, and persuaded themselves that they were voting for a bill that would increase retirement security for middle-class Americans and in particular women," as the gentlewoman from Washington State says.

However, he states in the next paragraph: "There is no evidence that the bill has done any of that, but there is evidence that many of the technical provisions are being manipulated by pension planners to allow the most affluent Americans to greatly reduce their taxes and to reduce the retirement benefits for middle-class workers."

So I really question whether or not women are going to be helped. In fact, I really believe strongly women are going to be harmed by this. So what is the hurry about extending this package from 2010 to 2011 and beyond? This bill is in effect now. It has no impact for the next 8 years.

Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from the State of New York, (Mr. HINCHEY), a member of the House Committee on Appropriations.

Mr. HINCHEY. Mr. Speaker, when the specific provisions contained in this bill as before us this morning first came before the House in the 106th Congress, there were only a handful of us who voted against it, in spite of the fact that the bill was enormously complex, incredibly detailed, and hardly anyone, other than staff members, had any real idea of what was in it.

We voted against it because we thought that the bill would harm the retirement circumstances for the vast majority of Americans, while, at the same time, it would provide ways in which those who were in charge of the retirement systems in individual companies could manipulate those systems in ways that would benefit them specifically and injure the vast majority of their employees.

When the bill came back last year, a larger number of people voted against it. It was contained in a larger bill. Why? Because I think people are beginning to realize very clearly what is going on here. The whole pension program in this country is under change; and in fact, the pensions of the vast majority of Americans are under assault.

The previously popular defined benefit plans, which most corporations had for most of their employees, have now essentially gone out the window. We have flexible plans, plans that are undefined, plans that are not clear as to what the benefits will be. And the enormous amounts of money, tens of millions, hundreds of millions, in some cases billions, of dollars that are tied up in pension programs in various places and in corporations around the country are being manipulated by the corporate executives for their own advantage, for their retirement situation, for their golden parachutes, for their specific needs, to the detriment of the vast majority of employees.

Now, what do we have in this bill that is before us this morning? In spite of the experience of the last several years, the Enrons, the Global Crossings, and on and on and on, in spite of all that experience recently, now we have a bill coming before us that would make permanent the most egregious provisions of the bill that was passed previously and does nothing whatsoever to make permanent the single provision in the original bill that benefited low-income, middle-income employees, the vast majority of people who work for these corporations.

This bill is bad. We need to support the substitute and defeat the bill in chief.

Mr. CARDIN. Mr. Speaker, I yield myself 1 minute.

I am somewhat perplexed by the argument because most of the provisions, almost 100 percent of the provisions that are in the underlying bill, are in the Democratic substitute. So I am not sure what the arguments being made against the underlying bill are really about.

There is a very small difference, and we will get the chance to talk about that as it relates to the highly compensated test that really helps companies provide matches for their employees, which help modest-income people. The overwhelming amount of dollars in the bill go to the same provisions that are in both the Democratic substitute and in the underlying bill.

As I pointed out earlier, the Democratic substitute costs six times as much as the underlying bill. So I think the arguments being made may be reserved for the substitute, where there is a major difference between the Democrats and the Republicans and it is worthy of debate. But on the underlying bill and the importance of increasing the limits and increasing portability, helping women with the catch-up contributions, I am pleased to see that Democrats have incorporated in their substitute the same provisions as the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute.

I might just say that when the substitute is offered, actually by the gentleman from Massachusetts (Mr. NEAL), he will outline the bill. Much of the provisions, such as the IRA expansion, the 401(k) expansion, they are in the main bill and also in the substitute as well.

We have one thing in our substitute that is in current law that the underlying bill, the Republican bill, does not have, and that is the tax credit for small savers, the nonrefundable tax credit for small savers. Why that was taken out remains to be seen, because that was probably the only thing for the average worker in that legislation last year. But, nevertheless, we have it in our bill and they do not have it in their bill.

I might just also say, Mr. Speaker, there are some provisions in the bill that we do not have in ours, that is, that are in the Republican bill that we do not have in ours, and that is the fine print. They are the provisions that will really give high-management, top-management employees greater benefits than the average worker. We will be talking about those during the motion on the substitute itself.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Michigan (Mr. CAMP), from the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I support the Retirement Savings Security Act, which has been introduced by my colleagues on the Committee on Ways and Means, the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN).

The pension measures contained in the original Economic Growth and Tax Relief Act include many long- sought provisions for our Nation's public sector employees and their State and local government-sponsored retirement plans. Twenty-eight national associations, representing State and local governments, government officials, and public employee unions have sent letters supporting the public pension provisions in this act.

□ 1200

They all urged us to retain and enact these much-needed provisions. It is rare to see groups like the National Governors Association, the American Federation of State, County and Municipal Employees, the Fraternal Order of Police, the National Conference of State Legislatures, the International Association of Fire Fighters, the United States Conference of Mayors, the American Federation of Teachers, the National League of Cities all virtually agreeing together on any policy, and they agree on this.

They came to support these public pension provisions that will help the nearly 16 million public sector employees. The public pension provisions in this bill are really modest in cost and would apply to middle-income workers. In the bill is the enhancement of pension portability. Public employees are given greater opportunities to purchase credit for time served, such as time in the military or maternity leave, and they are also allowed to roll over their retirement assets between and among various types of account plans and jobs.

These portability provisions assist employees in building their retirement savings, especially those who have worked in various public and nonprofit institutions.

The act also provided assistance to governmental deferred compensation plans, and many State and local government entities sponsors these arrangements to allow participants to defer some portion of their salary to strengthen their individual retirement savings.

However, the administration of these plans and the ability of public employees to take advantage of them was often hampered by complex rules and lower contribution limits and other options that were in place prior to the passage of this act. But I think greater clarity and flexibility, which will now be provided under this bill, will help.

Mr. Speaker, the bill also addressed Federal limits that had an adverse effect on the administration of these plans, improvement of benefits and the ability of individuals to effectively contribute to their retirements savings. So for individuals who have been unable to take advantage throughout their career, the catch-up provisions will really provide an opportunity to help catch up with past contributions. These provisions will enhance the ability for people to save for their retirement. I urge support of this bipartisan, comprehensive approach.

Mr. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, various Members who have spoken on this bill have talked about the fact that there are things that we agree with. I think all Members of Congress like the idea that we can put another thousand dollars in our IRA. Some of us who are over 50 can add an extra $500, if we did not do it before. Those benefits that benefit us, we certainly like them, and they are in the bill, and we like them. Nobody should want to hide that.

But what is peculiar about this issue, and I think that somebody has to sometime explain to me the equity questions here, if 77 percent of the benefits go to people in the top 20 percent in this country, and 42 percent go to the top 5 percent in this country, where is the equity when we bring the bill to make it permanent and leave out the one piece that was there for the small savers?

Now, for the life of me, why for PR purposes would we want to give more to people at the top, and the little bit that we were giving to people that expires in 2006, it does not even make it to 2010, but they took it away. They took it away. They said, we do not need those folks. Now, last year's bill, let me be specific, included a nonrefundable tax credit for low- and middle-income workers who elect to contribute to either an employer-sponsored program, like a 401(k) at the Enron company, or an IRA. The maximum credit of $1,000 was available to taxpayers filing a joint return with an income up to $30,000, we are not talking about rich people here, $30,000 is below the average income in this country, that is all they have, or single filers up to $15,000.

Now, these would seem to me to be the people that the other side of the aisle would want to save. We would want to give them an incentive. We do not need to encourage people who have a lot of money to save money. They have got it already; but they save some more, that is nice, and get it tax free.

But the people on the bottom, a husband and a wife making $15,000 apiece, that is a little over $1,000 a month, which means about $250, $300 a week. So they are not cleaning up. But the other side of the aisle has that provision, and it goes out to 2006, and then it is dropped. They are now going to make things permanent, and they now say, well, we have evaluated the impact of this, and we do not think the small savers are doing much anyway, so let us take away their tax benefit, but let us make sure that the taxpayers in the upper 5 percent get theirs.

Now, I think when we think about this country, the questions of equity and the division between the rich and the poor in this country is getting wider and wider, and we are creating more and more tension. My question to the other side of the aisle is: Why was that taken out? I would love to hear the explanation. We could actually have a debate, and I can see the other side is eager to respond. Finally, we are going to get them the other side of the aisle to discuss why they took out the small saver.

Mr. CARDIN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I agree at least in part with the gentleman from Washington (Mr. McDERMOTT). I think we should be doing more for low-income workers, and we need to improve, not only extend, the low-income credit for workers, but it is going to take some more hearings and some more work. We have 5 years to get that into place.

But let me just disagree with the numbers of the gentleman from Washington (Mr. McDERMOTT). This is both in the underlying bill and in the Democratic substitute which deals with increasing the amount of money that individuals can put in their IRAs and 401(k)s. More than 69 percent of those people contributing to traditional IRAs contribute the full $2,000, and 61 percent of those have incomes under $50,000. Over half the cost of the bill is in the IRAs. The gentleman's numbers do not add up. The underlying bill helps the average worker. It does not help the individuals the gentleman is referring to. This is a good bill, and I urge Members to support it.

Mr. PORTMAN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I agree with what the gentleman from Maryland just said, that the numbers of the gentleman from Washington (Mr. McDERMOTT) are simply wrong. I do not know where he comes up with them. He does not cite where the numbers are from. We discussed this earlier, 77 percent of those involved in pension plans make less than $50,000 a year. Those who benefit the most make between $15,000 and $50,000. They pay one-third of all Federal income taxes. They get about two-thirds of the benefits under pensions. That is the reality, and that is what we are dealing with.

In terms of the so-called small savers provision, the low-income saver provision, the gentleman wants an answer why we took it out. We are not taking anything out. That was not in the bill that was passed by over 400 votes here in the House. It was added by the Senate. Those of us in the House accepted that issue. We believe we ought to try this on an experimental basis to see if we can get more low-income people in through what will be a relatively complicated, but an interesting experiment to see if it works. We set it for 5 years. We keep it in the underlying bill. We do not take it out. It stays in the legislation exactly as it was passed in the House after coming over from the Senate.

The gentleman used the phrase "take out." Nothing is taken out here. We put this in the bill for 5 years for a specific reason. Look at the legislative history in the House and Senate. We want to see how it works. We do not have the history on it yet.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. McDERMOTT) to respond.

Mr. McDERMOTT. Mr. Speaker, I am glad to hear that they have an answer, although it seems inadequate to me that we ought to have more hearings on the poor folks, but we do not need any more hearings on the people on the top. No, that is perfect.

The gentleman questions my number. The Institute for Taxation and Economic Policy says 66.9 percent goes to the top 20 percent, 42 percent goes to the top 5 percent. That comes out in the Joint Tax Committee the same. The Joint Tax Committee has talked about income distribution over and over again. They are saying that 75 or more percent goes to the top of the scale.

Mr. PORTMAN. Mr. Speaker, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I respond to the gentleman regarding where that data comes from for two reasons: One, as the gentleman from Maryland (Mr. CARDIN) and the other side of the aisle has just said, most of the money in this bill actually goes in the IRAs. People on average make less than $30,000 a year, so the numbers could not be right.

Second, the gentleman does not understand the purpose of this bill if the gentleman thinks it is all about doing an income distribution. This is about expanding pension savings for low- and moderate-income Americans.

Mr. PORTMAN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the whole purpose of this legislation is to try to expand for those 76 million Americans who have no retirement savings at all right now, including those who work in small businesses where fewer than 20 percent of businesses offer a plan, to get them to offer plans. How do we do it? Yes, by increasing limits; but, very importantly, by simplifying the plans, taking out some of the costs and taking out some of the burdens. That is what is going to expand coverage for low- and moderate-income Americans. That is the point of the bill. None of the income analysis of the gentleman is taking that into account.

Mr. McDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, I think the gentleman is misstating what the point of the bill is. The point of the bill is to give people at the top more ways to save more money.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I should know what the point of the bill is since on a bipartisan basis we have spent 5 years putting it together, fully vetted by all committees of Congress, including the Committee on Ways and Means that had jurisdiction.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, under current law, Ken Lay and 109 others from Enron Corporation were able to give themselves pension benefits of $330 million. This is under current law. Basically what this legislation does is loosens it. Obviously, the high-income people are going to get more money. The top 5 percent are going to get 42 percent, and the top 20 percent are going to get 77 percent.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, it is said that a rising tide lifts all boats. Certainly this tide lifts some boats. The yachts do pretty well. Over three-fourths of the tax reductions in this bill go to the wealthiest 20 percent of Americans. Almost half of the tax breaks go to the wealthiest 5 percent. The other 95 percent, most of whom are in rowboats, they remain anchored at the bottom.

The "Savers' Credit," targeted at low-income workers and the working poor who earned $30,000 or less, is the only provision that will not be permanently extended. It expires on New Year's Eve of 2006, sooner than the provisions that are being extended. But for some unknown reason, we are told we need to study the working poor who lack retirement security now and do not have adequate retirement savings. We are going to study that and not extend it, but the yachts at the top, they get their benefits made permanent.

Under this bill, companies even get a tax incentive. That is right. Uncle Sam helps them with their taxes if they stuff their retirement plans with more company stock, the kind of problem that capsized the Enron employees. As if there were not already enough incentives for companies to put their stock into company plans, they get more in this bill.

What happens to the 95 percent who are anchored in the rowboats in a rising tide? Well, they get swamped; and it is the richest who already have some retirement plans who get to bailout. There is a word for this, and it has multiple meanings in this context. It is "dinghy," and this is "dinghy" to extend this program on a permanent basis.

There are good provisions in this bill. There are so many such provisions in the bill that I voted for it when it was up for consideration in the last Congress. Some of the provisions that were less publicized and never noted in debate in the fine print of this extended bill, like the tax incentive for companies to put more of their own company stock into the company plan, were not publicized and were not well known, and a vote in favor of them is certainly not a vote to be proud of.

□ 1215

But I do not know many people that are now planning their New Year's Eve party for this coming year. Yet the sponsors of this legislation, they are already thinking about New Year's Eve in 2010, because if we take no action today, on New Year's Eve of 2010, all of these benefits will be gone.

Of course there are a few Congresses that meet between now and 2010. And there are some problems that exist right now that cannot wait until 2010. There is the Enron problem where the people at the top are selling their stock through their stock options while at the same time they are telling the employees to keep the company stock and put more of it into the plan. That is what happened at Enron. What does this bill, or anything else this Congress has done, do to remedy that? Absolutely nothing. There is the problem of three out of four people in this country who earn less than $25,000 according to the Consumer Federation who do not have an adequate retirement. Yet this bill refuses to continue permanently their benefits.

Today is the longest day of summer, and the lobbyists are here telling us that they want to ensure that the sun never sets on the privileges they gained in this bill, but they do not care, about extending benefits to the people earning under $30,000. Do not be fooled. This is not about sunshine. The Members have been left in the dark about many features of this bill. It ought to be rejected.

Mr. PORTMAN. Mr. Speaker, I just want to remind my colleague that he voted for this legislation three times without any low-income saver provision in it.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding me this time. I am one of the people who voted for the underlying bill. I think it is excellent in many ways. I agree with the gentleman from Maryland's analysis and the gentleman from Ohio's analysis of the underlying bill. But I am not going to vote for this extension today, and I would adopt the reasoning that the gentleman from Texas (Mr. STENHOLM) put forward just a few minutes ago.

Right now for every $100 that we are spending to run our government, we are bringing in $80 worth of revenue. We are borrowing the other $20. We are borrowing about half of it from the Social Security trust fund, and we are going to borrow the other half from the private capital markets. I have come to the floor in the last several weeks and voted against a lot of things which I would like to see happen. I would like to see more aid to our exporters, but I voted against the Export-Import Bank reauthorization. I would like to see the marriage penalty permanently done away with, but I voted against the permanent cessation of it. I am one who favors the permanent repeal of the estate tax, but I did not vote for the permanent repeal of the estate tax. And as strongly as I feel about the merits of this underlying bill, and they are very meritorious, I think the principle of doing anything that reduces revenue by borrowing from the Social Security trust fund and from the private capital markets that fuel our economy is a mistake.

It is painful to oppose things that one embraces, and I embrace these; and I certainly do not mean to imply that the supporters of this bill are fiscally irresponsible. They are not. But it is my judgment that the highest priority of this country at this time is to get back into the black. The highest priority, therefore, will lead me to oppose the bill.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as we have been getting into this debate, a lot of the issues that have been talked about on corporate governance will be debated when we get to the Democratic substitute. I appreciate the fact we may have different views on that. I am somewhat perplexed, as I have said before, on the underlying bill because there is not much difference between the Democratic substitute and the underlying bill on almost all of the provisions in the underlying bill. There is good reason for that. This bill was developed in a very bipartisan way. We had hearings. We in Congress initiated these changes. It did not come from the President. We made modifications as the bill worked its way through Congress on several occasions. We worked with Senators in the other body, both Democrats and Republicans. It was truly a bipartisan effort.

As a result, we have done some things that I think are important for this Nation. We have increased the amount of money individuals can put away in their IRA accounts. We have increased the amount of money that people can put away in their 401(k) plans. We have dealt with portability, knowing full well that people change jobs regularly. Now individuals will be able to combine those accounts and keep them in retirement. That is an important provision. These provisions should be permanent. They should be permanent. We may have different views as to how we should handle Social Security and the protection of Social Security, but there should be no disagreement about the need to strengthen private retirement and savings.

The savings ratio in this country is deplorable. Just 10 years ago, it was approximately 9 percent. We have actually had negative quarters. We are the lowest industrial nation in the world in the money that we put away for savings. We need to do a better job. We need to encourage, not discourage, employers to put money into retirement plans for their employees.

I have heard arguments about, well, there are differences in the underlying bill. None of those differences go to the cost issue, though. We talk about the simplification provisions. I am going to talk about one, because I may not have a chance later, that deals with a subject that may seem controversial, highly compensated employees. But look at the underlying provision and why it was not controversial in this body, because it took away a penalty that employers suffered if they provided a match to their employees. We should be encouraging employers to provide matches to their employees. So we took away a penalty that was in the bill that will encourage more employers to get involved in matches for their employees. That is why we put that provision in the bill. That is why it was not controversial. It was never raised in controversy as it was considered.

We have heard who benefits from the bill. Most of the money goes into the IRAs. IRAs are used by modest-income people. We keep hearing the 20 percent figure. You know, 20 percent is $68,000. I do not happen to think that someone who makes $68,000 is particularly wealthy. It is not the Ken Lays of the world. They are not the people who benefit from the 401(k)s and from the IRAs that we make more available under the bill before us.

Mr. Speaker, there may be disagreements among our parties on some of the underlying issues concerning what happened in Enron, but there should be no disagreement as to the need to make permanent the pension provisions. I want to thank my friends on the other side, the gentleman from Ohio (Mr. PORTMAN), the gentleman from California (Mr. THOMAS), and others who gave us an opportunity, Democrats and Republicans, many of us, to work on ways that we could help Americans save for their retirement. This bill is one part of that. The reason it enjoyed such an overwhelming vote was because the process was fair.

We are going to certainly get into a debate on the substitute, but I would hope after we debate the substitute that we come back together and proudly support the underlying bill that will help Americans save for their future.

Mr. Speaker, I yield back the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), my colleague on the Committee on Ways and Means and also chairman of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the pension legislation enacted last year needs to be permanent.

That will help Americans plan and save for a more secure retirement.

One year has barely passed since enactment, and our dear colleagues on the other side of the aisle are ready to regulate and strangulate pension plans. The people who oppose making these provisions permanent only want to play politics, and they are doing so to the detriment of the retirement system.

Yesterday at the House Committee on Ways and Means, we held a hearing on defined benefit pension plans. We heard the testimony about the decline of these pension plans which provide retirees guaranteed income. The number of plans peaked in 1985 at 114,000. At that point, Congress began tinkering with the pension plans. Congress so loved defined benefit plans and made them so safe that by 2001 the number of plans dropped from 114,000 to 35,000, a decline of almost 70 percent.

Congress has legislated pension plans to death. Last year by a vote of 407–24, we took some important steps to begin to roll back some of this red tape. What do the proponents of Big Government red tape want to do? Roll back these reforms. They cannot stand the fact that we took a hedge trimmer and began to cut away at the kudzu they had grown. They actually want to go back in time and put more regulations on these plans which have been pushed nearly to extinction.

By trying to pick apart this bill today, opponents are asking to undermine the whole law and undermine confidence in the portability and vesting rules that we tried so hard to achieve. Those who oppose making these provisions of law permanent do not seem to understand that pension plans require stability. It is all just a game to them and for the people who originally required these provisions to sunset in the first place. What a shame.

I want to see this law made permanent so all Americans can know their retirement is safe and secure.

Mr. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, for closing debate on general debate at this particular time, I just have to say that many of my colleagues have said, well, many of the Members, 400 Members, voted for this when it was up 2 years ago. One of the problems with pension legislation is it is extremely complex. I think we all know that. The gentleman from Maryland said that 90 percent of the bill, or more perhaps, is the same as our substitute. That is correct as well. We support the IRAs, we support the 401(k)s, we want to make sure we have an extension of the 415 multiemployer program to allow portability. All these things we support. That is in our substitute.

But the real dangerous part of this piece of legislation, that is, the Portman-Cardin legislation, is the fine print. Many of us did not spend time understanding the fine print. It deals with the top-heavy rules. As the gentleman from Maryland said, it basically eliminates the penalty, because if you put it in a match, then you get credit for it. That basically means that top-management employees, who today could get 60 percent of the benefits and the workers only 40 percent of the benefits, that is under current law, they can get 70, 80, 90 percent and not pay a penalty as long as they paid the match.

So you could have a situation where top management gets 90 percent of the benefits, average workers get 10 percent of the benefits, it could be 15 of the top management people and 200 of the workers getting 15 percent to 85 percent, or 90 percent to 10 percent. That is what is really dangerous about this legislation. It does not cost the government any money, but I can sure assure you it will cost the American workers their retirement benefits. That is what is dangerous about this bill.

What is really odd, Mr. Speaker, is the fact that it is in effect. It has only been in effect a year. What we really ought to do is not extend it and make it in perpetuity. What we ought to do is make sure that we correct some of the flaws in it. We will find flaws in this legislation. A GAO report will be done. We are going to do a lot of things to find out about this bill. We do not want to be embarrassed. We should not put ourselves in a position where we do not have to do something and we do extend it from 2010 onwards. We do not need to do this now. We need to vote "no" on the underlying bill, and we need to vote "yes" on the substitute when we have an opportunity.

Mr. PORTMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, closing out the first part of this, which is talking about the underlying bill, I would encourage my friend from California to read the fine print again because he is inaccurate with regard to how the top-heavy rules work in this legislation. It keeps the top-heavy rules in place. It does encourage more matching contributions, which is a good thing.

Look, this was done over a 5-year period on a bipartisan basis from the start, fully vetted by the committees of Congress. It allows people to save more for their own retirement. It allows for portability. It allows us to simplify the rules so that people can offer more pension plans, particularly small businesses. It is supported by a broad spectrum, including the United States Chamber of Commerce, which will key vote this today, including by the Brotherhood of Carpenters, including by the Building and Trades Council of the AFL–CIO.

I encourage all my colleagues to support final passage and extend this good law.

Mrs. JOHNSON of Connecticut. Mr. Speaker, as a result of our arcane and complicated pension laws, 70 million workers have no pension plan. Unfortunately, Americans who work in small businesses are much less likely to have pension coverage than those who work for larger companies. Among companies with fewer than 100 employees, as many as 80% of the workforce have no retirement savings plan available to them.

The primary cause: small business owners find the cost and complexity of setting up and maintaining retirement plans to be overwhelming.

So last year, Congress passed the Portman-Cardin pension reforms to help workers save for their future and enable small businesses to offer pension plans to their employees. The changes we made streamline and simplify the complex rules governing our pension system to ensure meaningful coverage of small business employees. They will reduce the administrative burden on small businesses and provide incentives to help them establish plans for their workers, including cutting the IRS user fee small businesses have to pay to establish a pension plan and lowering premiums small businesses pay for their defined benefit plans to make that option more attractive.

Several years ago we adopted "SIMPLE" pension plans. That has enabled numerous small companies in my district to offer plans to their employees. This modernization of our basic pension law will expand and improve retirement options dramatically, which in the long run, means more working Americans will enjoy financial security in their retirement years. I urge passage of this legislation.

Mr. BLUMENAUER. Mr. Speaker, it is getting harder to vote for tax legislation, even provisions that I actually strongly support. This bill misses the mark because it eliminates provisions for small savers and it continues an incremental approach to making permanent the massive tax cut of last year despite the changed economic and national security situation. Most troubling, is that we continue to ignore the major issues that demand our attention in reforming the tax structure.

This bill does not speak to the highest priorities of the American public. It does not move us towards a fiscal framework that is necessarily sustainable and it is certainly not done in a context of long-term consequence. Congress must begin to address the most critical unresolved tax issues that will create fairness and fiscal stability.

Alternative Minimum Tax—Increasingly burdensome, this tax now affects millions of taxpayers to whom it was never intended to apply. In a few short years tens of millions of taxpayers will be penalized by additional taxes and more burdensome tax preparation.

Estate Tax—It is time to stop playing politics. The estate tax can be reformed to be fair and equitable by removing family-owned farms and businesses from its scope, raising exemption levels, changing the marginal rates, and indexing for inflation.

State Tax Consequences—Future changes should be in the form of specific credits that will not penalize state tax systems that are tied to the federal code.

Payroll Taxes for Medicare—Currently the Medicare system is dramatically shortchanging

Oregon and other states billions of dollars a year. Until the federal government stops penalizing Oregon and other low-cost states for being efficient, the tax should be reduced.

It will be increasingly difficult to vote for any tax adjustment that does not speak to these larger needs. I reluctantly vote yes because this is something I have long supported, is not particularly expensive, and is an important signal in times of economic uncertainty.

Mr. KIND, Mr. Speaker, I rise today to support the Retirement Savings Security Act (H.R. 4931) to ensure that working Americans will continue to have the opportunity to save for a financially secure retirement. Retirement benefits are critical to ensuring that older Americans have the income to live out their Golden Years.

According to the Social Security Administration, many retirees received 19 percent of their income from employer provided pensions. However, half of private sector workers have no pension coverage at all. Further, only 20 percent of small businesses offer pension plans.

My colleagues, Representatives ROB PORTMAN and BEN CARDIN, have worked tirelessly to correct these problems and assist more worker is in saving for their retirement. Provisions from the original Portman-Cardin pension reform bill, which I supported, were included in the large tax bill last year. I am pleased that the House has the opportunity today to make these provisions permanent.

H.R. 4931 permanently expands pension coverage and will encourage companies to provide retirement plans for those workers who are currently without coverage. It also increases the amount an individual can contribute to an Individual Retirement Account form the current limit of $2000 to $5000 and allows individuals 50 and older to make "catch-up" contributions to ensure they have a secure retirement.

In addition to H.R. 4931, I also support the Democratic alternative. Not only does the Democratic alternative repeal the sunset provision, but it also includes corporate governance measures that will ensure that executives are held accountable and live by the same rules as rank-in-file workers. Specifically, executives should not be rewarded for moving their company overseas to avoid paying taxes when the nation is engaged in a war against terrorism. The Democratic substitute would ensure that corporate executives of expatriate companies pay their fair share.

In addition, the Democratic substitute provides pension security for all workers. In specific, the substitute permanently extends the tax credit for low- and moderate-income individuals in order to help them make contributions to their own retirement savings.

In the next 15 years, 76 million Boomers will retire. It is time that Congress repeal the sunset and pass permanent legislation that will encourage retirement and pension savings for all workers. With the Social Security Trust Fund expected to be exhausted by 2037, we must act now to ensure the financial security of our future generations. H.R. 4931 is a step in the right direction.

Mr. GREEN of Texas. Mr. Speaker, I have been in a Medicare and prescription drug markup for the last two days trying to give our nation's seniors a meaningful health coverage. Every Democratic amendment to improve seniors access to cheaper prescription drugs has been blocked by the Majority. The reason they give is that it costs too much.

I find it amazing than that we are here today once again giving the richest people in this country another break. Over the next 10 years, millions of Americans will benefit from the increased pension contribution allowances this body passed last year.

I support all Americans saving for their retirement and believe over the next ten years they should do just that. However, by permanently extending these pension reforms so early, these same people may be devastated by astronomical health care costs when they retire. We do not have to make the decision on this legislation today. Ten years from now our elderly population is going to explode and we will have no wiggle room to ease their financial burden.

In addition, the huge budget deficit being run up by the federal government will only compound the problem.

Mr. Speaker, for upper-income Americans, this legislation will be a real bonanza and over the next ten years I hope everyone is able to enjoy the benefits, but we all know everyone will not. We have once again pulled out the government credit card and are back to the "buy now pay later" approach. I just want everyone here today to know that we will not feel the effects of this bill for ten years, but when we do it is going to be very bad.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 4931, the Retirement Savings Security Act of 2002. I urge my colleagues to join in backing this appropriate measure.

Last year, the House passed sweeping tax reduction legislation. In addition to various tax repeal provisions, that bill also contained a number of improvements designed to strengthen both pensions and individual retirement accounts.

Those provisions included: Increasing the $2,000 IRA contribution limit, for both traditional and Roth IRA, to $5,000 by 2008, increasing annual individual contributions to 401(k) plans to $15,000 by 2006. The inclusion of "catch-up" contributions for workers aged 50 and over for certain types of 401(k)s and IRA, and a number of provisions to facilitate faster vesting of pensions and pension portability between jobs.

Those provisions in the tax reduction legislation were intended to make it easier for more Americans to save for retirement. It has been estimated that almost 70 million workers, which is nearly half the nation's workforce, have no pension plan. Many of these people work for small businesses, which frequently have found the cost and red tape involved in setting up such a plan prohibitive. In acting last year, Congress sought to reduce some of those barriers and subsequently encouraged more companies to set up pension plans and 401(k)s.

Regrettably, an arcane budgetary rule in the Senate required that all of these beneficial provisions sunset after ten years. The House has moved this year to repeal the sunset provisions on the estate tax, marriage penalty and reduction in marginal rates.

This legislation follows the same line of reasoning as its predecessors which repealed the aforementioned sunset provisions. It provides stability and helps individuals and companies better plan for the future. For these reasons I support its passage.

Mr. KIRK. Mr. Speaker, I rise in support of the permanent extension of the retirement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001. Within the next 15 years, more than 76 million baby boomers will retire. Studies have shown that older baby boomers have less than 40 percent of the savings they will need to maintain their standard of living in retirement. Last year, Congress took action to remedy this situation by including the provisions of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001, in the tax relief bill. I supported this action and believe that the increase in personal retirement savings it will bring about in the coming years will benefit millions of Americans.

The Department of Labor estimates that less than one in every three women are covered by a retirement pension plan. These plans are proven to pay out greater benefits than Social Security, yet they are not readily available to most women and employees of small businesses. Last year's bill addressed this concern by providing an immediate benefit—the "catch up" provisions—for working women and individuals age 50 and above. These provisions allow women reentering the workforce, presumably after raising children, to contribute an additional $5,000 to their IRA. This will allow those approaching retirement age to save the extra money they need, while also allowing women who work intermittently to "catch up" for money not contributed because of time off. This is particularly helpful for working mothers who need to raise children and put them through college.

With the unfunded liability of many government retirement systems the need for increased personal retirement savings is greater than ever. By increasing the contribution limits for and portability of qualified 401(k) plans and pensions, the Portman-Cardin legislation will help Americans build assets to supplement their Social Security income in retirement. This will improve the quality of life for retirees and ensure that they have the financial resources needed to address any challenge that may emerge.

Congress would do the nation a great disservice by allowing these important reforms to expire. The need for greater personal retirement savings will not expire, and future generations should enjoy the same opportunity to save that the Portman-Cardin bill envisioned. Permanently extending these provisions is the responsible thing to do.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore (Mr. SIMPSON). Is the gentleman from Massachusetts the designee of the gentleman from California (Mr. MATSUI)?

Mr. NEAL of Massachusetts. That is correct, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retirement Savings Security Act of 2002".

TITLE I—PENSION PLAN PROVISIONS

SEC. 101. PENSIONS AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS MADE PERMANENT.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsections (a) and (b) shall not apply to the provisions of, and amendments made by, subtitles (A) through (F) of title VI (relating to pension and individual retirement arrangement provisions).".

(b) CONFORMING AMENDMENTS.—Section 901(b) of such Act is amended—

(1) by striking "and the Employee Retirement Income Security Act of 1974" in the text, and

(2) by striking "OF CERTAIN LAWS" in the heading.

SEC. 102. CREDIT FOR RETIREMENT SAVINGS OF CERTAIN INDIVIDUALS MADE PERMANENT.

Section 25B of the Internal Revenue Code of 1986 (relating to elective deferrals and IRA contributions of certain individuals) is amended by striking subsection (h).

SEC. 103. INCREASED COMPENSATION LIMIT NOT TO RESULT IN REDUCED BENEFITS FOR THE NONHIGHLY COMPENSATED.

(a) IN GENERAL.—Paragraph (17) of section 401(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(C) BENEFITS MAY NOT DECREASE.—Subparagraphs (A) and (B) shall be applied by substituting '$150,000' for '$200,000' with respect to a plan for any year if any employee's benefit under the plan would decrease were the $200,000 amount used by the plan instead of the $150,000 amount."

(b) DEDUCTION LIMITATION.—Subsection (l) of section 404 of such Code is amended by adding at the end the following new sentence: "The preceding sentences of this subsection shall be applied by substituting '$150,000' for '$200,000' with respect to a plan for any year if any employee's benefit under the plan would decrease were the $200,000 amount used by the plan instead of the $150,000 amount."

(c) SIMPLIFIED EMPLOYEE PENSIONS.—Subsection (k) of section 408 of such Code is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) LOWER COMPENSATION LIMITATION IF BENEFITS DECREASE.—Paragraphs (3)(C) and (6)(D) shall be applied by substituting '$150,000' for '$200,000' with respect to a plan for any year if any employee's benefit under the plan would decrease were the $200,000 amount used by the plan instead of the $150,000 amount."

(d) CERTAIN TAX-EXEMPT ORGANIZATIONS.—Paragraph (7) of section 505(b) of such Code is amended by adding at the end the following new sentence: "The preceding sentences of this subsection shall be applied by substituting '$150,000' for '$200,000' with respect to a plan for any year if any employee's benefit under the plan would decrease were the $200,000 amount used by the plan instead of the $150,000 amount."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after the date of the enactment of this Act.

SEC. 104. MATCHING CONTRIBUTIONS NOT TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS UNDER TOP-HEAVY PLAN RULES.

(a) IN GENERAL.—Subparagraph (A) of section 416(c)(2) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after the date of the enactment of this Act.

TITLE II—RESPONSIBLE CORPORATE GOVERNANCE

SEC. 201. PERFORMANCE-BASED COMPENSATION EXCEPTION TO $1,000,000 LIMITATION ON DEDUCTIBLE COMPENSATION NOT TO APPLY IN CERTAIN CASES.

(a) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(G) CERTAIN FACTORS NOT PERMITTED TO BE TAKEN INTO ACCOUNT IN DETERMINING WHETHER PERFORMANCE GOALS ARE MET.—Subparagraph (C) shall not apply if, in determining whether the performance goals are met, any of the following are taken into account:

"(i) Cost savings as a result of changes to any qualified employer plan (as defined in section 4972(d)).

"(ii) Excess assets of such a plan or earnings thereon.

"(iii) Any excess of the amount assumed to be the return on the assets of such a plan over the actual return on such assets."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 202. INCLUSION IN GROSS INCOME OF FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS IF CORPORATION FUNDS DEFINED CONTRIBUTION PLAN WITH EMPLOYER STOCK.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 409A. DENIAL OF DEFERRAL FOR FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS IF CORPORATION FUNDS DEFINED CONTRIBUTION PLAN WITH EMPLOYER STOCK.

"(a) IN GENERAL.—If an employer maintains a defined contribution plan to which employer contributions are made in the form of employer stock and such employer maintains a funded deferred compensation plan—

"(1) compensation of any corporate insider which is deferred under such funded deferred compensation plan shall be included in the gross income of the insider or beneficiary for the 1st taxable year in which there is no substantial risk of forfeiture of the rights to such compensation, and

"(2) the tax treatment of any amount made available under the plan to a corporate insider or beneficiary shall be determined under section 72 (relating to annuities, etc.).

"(b) FUNDED DEFERRED COMPENSATION PLAN.—For purposes of this section—

"(1) IN GENERAL.—The term 'funded deferred compensation plan' means any plan providing for the deferral of compensation unless—

"(A) the employee's rights to the compensation deferred under the plan are no greater than the rights of a general creditor of the employer, and

"(B) all amounts set aside (directly or indirectly) for purposes of paying the deferred compensation, and all income attributable to such amounts, remain (until made available to the participant or other beneficiary) solely the property of the employer (without being restricted to the provision of benefits under the plan), and

"(C) the amounts referred to in subparagraph (B) are available to satisfy the claims of the employer's general creditors at all times (not merely after bankruptcy or insolvency).

Such term shall not include a qualified employer plan.

"(2) SPECIAL RULES.—

"(A) EMPLOYEE'S RIGHTS.—A plan shall be treated as failing to meet the requirements of paragraph (1)(A) unless—

"(i) the compensation deferred under the plan is paid only upon separation from service, death, or at a specified time (or pursuant to a fixed schedule), and

"(ii) the plan does not permit the acceleration of the time such deferred compensation is paid by reason of any event.

If the employer and employee agree to a modification of the plan that accelerates the time for payment of any deferred compensation, then all compensation previously deferred under the plan shall be includible in gross income for the taxable year during which such modification takes effect and the taxpayer shall pay interest at the underpayment rate on the underpayments that would have occurred had the deferred compensation been includible in gross income when deferred.

"(B) CREDITOR'S RIGHTS.—A plan shall be treated as failing to meet the requirements of paragraph (1)(B) with respect to amounts set aside in a trust unless—

"(i) the employee has no beneficial interest in the trust,

"(ii) assets in the trust are available to satisfy claims of general creditors at all times (not merely after bankruptcy or insolvency), and

"(iii) there is no factor (such as the location of the trust outside the United States) that would make it more difficult for general creditors to reach the assets in the trust than it would be if the trust assets were held directly by the employer in the United States.

"(c) CORPORATE INSIDER.—For purposes of this section, the term 'corporate insider' means, with respect to a corporation, any individual who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) PLAN INCLUDES ARRANGEMENTS, ETC.—The term 'plan' includes any agreement or arrangement.

"(2) SUBSTANTIAL RISK OF FORFEITURE.—The rights of a person to compensation are subject to a substantial risk of forfeiture if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual."

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by adding at the end the following new item:

"Sec. 409A. Denial of deferral for funded deferred compensation of corporate insiders if corporation funds defined contribution plan with employer stock."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts deferred after the date of the enactment of this Act.

SEC. 203. INCLUSION IN INCOME OF CERTAIN DEFERRED AMOUNTS OF INSIDERS OF CORPORATIONS WHICH EXPATRIATE TO AVOID UNITED STATES INCOME TAX.

(a) In General.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. UNREALIZED GAIN ON STOCK OPTIONS OF INSIDERS OF CORPORATIONS WHICH EXPATRIATE TO AVOID UNITED STATES INCOME TAX.

"(a) In General.—In the case of a corporate insider of any expatriate corporation, the gross income of such insider (for the taxable year during which such corporation becomes an expatriate corporation) shall include as ordinary income the net unrealized built-in gain on options held by such insider to acquire stock in such corporation or in any member of the expanded affiliated group which includes such corporation. Proper adjustments shall be made in the amount of any gain or loss subsequently realized with respect to such options for any amount included in gross income under the preceding sentence.

"(b) Definitions.—For purposes of this section—

"(1) Corporate insider.—The term 'corporate insider' means, with respect to a corporation, any individual who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation.

"(2) Expatriate corporation.—

"(A) In general.—The term 'expatriate corporation' means the acquiring corporation in a corporate expatriation transaction.

"(B) Corporate expatriation transaction.—For purposes of this paragraph—

"(i) In general.—The term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(ii) Lower stock ownership requirement in certain cases.—Subclause (II) of clause (i) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iii) Partnership transactions.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign corporation (referred to in this paragraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (ii).

"(iv) Special rules.—For purposes of this subparagraph—

"(I) a series of related transactions shall be treated as 1 transaction, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(v) Nominally foreign corporation.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(3) Net realized built-in gain.—The term 'net unrealized built-in gain' means, with respect to options to acquire stock in any corporation, the amount which would be required to be included in gross income were such options exercised.

"(4) Expanded affiliated group.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b))."

(b) Clerical Amendment.—The table of sections for such part II is amended by adding at the end the following new item:

"Sec. 91. Certain deferred amounts of insiders of corporations which expatriate to avoid United States income tax."

(c) Effective Date.—The amendments made by this section shall apply with respect to corporate expatriation transactions completed after September 11, 2001, and to taxable years ending after such date.

SEC. 204. GOLDEN PARACHUTE EXCISE TAX TO APPLY TO DEFERRED COMPENSATION PAID BY CORPORATION AFTER MAJOR DECLINE IN STOCK VALUE OR CORPORATION DECLARES BANKRUPTCY.

(a) In General.—Section 4999 of the Internal Revenue Code of 1986 (relating to golden parachute payments) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Tax To Apply to Deferred Compensation Paid After Major Stock Value Decline or Bankruptcy.—

"(1) In general.—For purposes of this section, the term 'excess parachute payment' includes severance pay, and any other payment of deferred compensation, which is received by a corporate insider after the date that the insider ceases to be employed by the corporation if—

"(A) there is at least a 75-percent decline in the value of the stock in such corporation during the 1-year period ending on such date, or

"(B) such corporation becomes a debtor in a title 11 or similar case (as defined in section 368(a)(3)(A)) during the 180-day period beginning 90 days before such date.

Such term shall not include any payment from a qualified employer plan.

"(2) Corporate insider.—For purposes of paragraph (1), the term 'corporate insider' means, with respect to a corporation, any individual who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation."

(b) Effective Date.—The amendment made by this section shall apply with respect to cessations of employment after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 451, the gentleman from Massachusetts (Mr. Neal) and the gentleman from Ohio (Mr. Portman) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Neal).

☐ 1230

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of our Democratic substitute and in opposition to H.R. 4931. This Congress should and can do more to help those workers who were practically left out of the pension bill last year. The gentleman from Ohio knows that my objections really have been fairly narrow largely based upon who is in and who is out of their proposal.

While we are providing these important retirement incentives for the rank and file, we should also try to clean up some of the abuses that have come to light since the demise of Enron and other fallen corporate giants. That is why this Democratic substitute makes significant strides forward for corporate responsibility, which, in the end, by the way, only helps corporations, provisions that are absent in the Republican bill.

Regarding our corporate governance provisions, we must address the issue of corporate expatriates who relocate offshore to avoid paying U.S. taxes. Currently when a company moves to Bermuda, shareholders are subject to a capital gains tax when they trade their U.S. shares for foreign shares. Corporate executives, such as Stanley's John Trani and Tyco's Dennis Koslowki, on the other hand, are not required to recognize accrued gain on their stock options. What our substitute does is to require that executives of corporate expatriates are taxed on the accrued gains on their stock options. It is only fair for these executives, who are picking the pockets of the American taxpayer to the tune of $4 billion, to feel some of the pinch.

And what are the reasons that these changes have occurred for people at the low end of the spectrum, and why they do not receive the same benefits as the people at the top end are receiving? It is elementary. After the people at the top exhaust all of the money and set up loans for themselves, by the way, interest-free loans of millions and millions of dollars, there is no money left for the people at the bottom.

How many more abuses can we read of, how many more times do we have to be witness to what is happening to the people at the bottom end of the pension rung? The reason we are trying to change, I am not saying we are trying to change, but the other side is trying to change these pension rules, is to give more to the people at the top. I ask, as I have repeatedly on this floor, can we, can we, can we in this Congress do anything more to help the wealthy? I tell you that when the closing days of this Congress occur, the slogan of this Congress is going to be "We are rich, and we are not going to take it anymore."

How many times can we come to the assistance of those at the top, even in the face of the headlines we read day after day after day? Homes on Nantucket the shareholders had no idea of, loans of $20 million and $25 million that are interest free, and the boards of directors of these corporations respond by saying, "I had no idea. I had no idea this was happening." Then the company goes under, the shareholders lose everything, and the board of directors have insurance to cover their problems.

We look at Enron. We look at Enron in this institution, where employees are encouraged to buy stock, told by company rules they cannot unload the stock that they have, at the same time the heads of the corporation to the person sell off the stock. It is astounding what we witness here. It is as though it is amnesia when we move down the road on these topical challenges.

What this substitute does today is to require that executives of corporate expatriates are taxed on the accrued gains of their stock options. It is only fair, and I know that is a word that we do not use around here, because who wants to be fair to these folks when we can be favorable to them? They are picking the pockets again of the American taxpayer to the tune of $4 billion. Is it not okay that they feel some of the pinch?

Second, the substitute closes the loophole surrounding executives' nonqualified deferred compensation plans. These plans are specifically designed to be out of the reach of creditors during bankruptcy. During bankruptcy.

What do we say to those people at Enron? Who covered them during bankruptcy, when they lost everything? But there is never any money left to take care of those people.

One of the things I pride myself on, Mr. Speaker, is where I grew up. We were not into stock options, and we were not into pension plans and sophisticated tax planning. But you know what, Mr. Speaker? There is not one guy I grew up with that would have stood by and watched what happened at Enron. They had far too much honor. And we should not be defending those practices in this wonderful old House.

Now, third, there are some executives who manipulate pension plans in order to create illusory cost savings. Well, we have all read about what these cost savings mean and how they are done. These phantom savings allow executives to meet performance goals which, by the way, they quickly retreat from, and then they receive large tax deductible bonuses. Tax deductible bonuses.

Well, the Democratic substitute demands today accountability from these companies and their executives by ensuring that tax deductible bonus pay is not, not, based on pension plan manipulation.

Finally, and I hope we can all listen to this, finally this week it was revealed that 100 Enron executives reaped $330 million in severance pay at the same time the employees saw their retirement plans, their job security, their investment plans wiped out. Their retirement plans are gone. And what do we want to do here today? More for the people at the top by this proposal that the Republicans are offering.

These executives were rewarded for sinking the company and bad behavior. Well, the substitute that we offer today addresses this issue by applying an excise tax on the executives' golden parachutes when they have steered the company and the employees down with the Hindenburg.

Now, let me, if I can, and the gentleman from California (Mr. MATSUI) or anybody else may if they would like to say something, let me turn to some of the changes we have made to improve and reform the pension provisions in the underlying bill. That is really what we are trying to do, to improve the bill.

First, the original bill included a saver's credit, which is a nonrefundable tax credit, of up to $1,000 for lower-wage workers. For no apparent reason, this is the only provision, and, let me repeat, this is the only provision that will not be extended by the Republican bill. Why would we want to kill the only incentive for lower-wage workers before it even gets off the ground? The Democratic substitute today will make this essential provision for low- and moderate-income workers permanent, along with the rest of the bill.

Second, the Republican bill, unfortunately, raised the compensation limit for pension contributions from $170,000 to $200,000. This allowed highly paid executives to secure their pensions while they were granting smaller company contributions to their employees.

There has been some discussion over the last few years as to whether this provision and the next one harms average workers. I and many others believe they do. Because of that, the Democratic substitute today attempts to protect workers by preventing the higher compensation limit from lowering the benefits to rank and file workers.

Third, the underlying legislation weakened the top-heavy rules. These commonsense rules ensure that a minimum benefit is contributed on behalf of the rank and file workers in order for executives to participate in their tax deferred plans.

Why would we want to weaken these fairness rules? Our substitute reinstates these rules and closes loopholes by preventing companies from double counting contributions.

Now, Mr. Speaker, when we get on a bit more in this debate this afternoon, I am going to provide an opportunity, the first of many, but I guarantee an opportunity, before this session closes, to have Members of this Congress vote on these companies that are moving to Bermuda so they can avoid paying American income taxes.

We are going to have a chance once and for all to follow the lead of the Senate, when it is the House, by the way, that is supposed to lead on those issues, to take on the issue and put our fingerprints on the Bermuda question.

We are going to sponsor a Bermuda Day here in the near future. We are going to get a vote on that issue before this session closes. In all the time, words and stories that we have generated on the issue of Bermuda, I wish to tell you I have received one letter against my position. One letter.

I would lay down the same gauntlet that I have done in the past. Put our Bermuda bill on the floor, put a Bermuda bill on the floor, and I guarantee you 300 votes to do something about these companies moving to Bermuda to escape American taxes.

At the same time that President Bush is rightly asking for a $38 billion homeland security program, at the same time we are prepared to debate $48 billion more of defense spending, who is going to pay for it? We do not want to help these people with their pensions, but we want them to pay their taxes so they can support the defense buildup.

The motion to recommit we are going to entertain later on, Mr. Speaker, is going to include the first vote on Bermuda. We are going to set aside ample opportunity during the course of the remaining days of this session for this House to be recorded on how people feel about Bermuda.

I must tell you that in this debate, in this debate today, this is not an effort at any sort of class warfare as much as it is the essential argument over what constitutes fairness in American life, how we come to the aid of those kids that are over in Afghanistan, how we come to the assistance of those who sacrifice every day. If we are in a war, it is a question of national purpose, and we all rally around the challenge that is in front of us. My fondest hope is that wisdom will prevail in this institution and we will have an opportunity to vote on Bermuda.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I guess I rise primarily in opposition to it because it is not a substitute. The underlying bill has to do with extending these provisions of law that were passed by over 400 votes here in the U.S. Congress to allow people to save more for their retirement.

The substitute strays far afield from pension policy. We just heard about it. It has to do with Bermuda, it has to do with executive compensation, it has to do with corporate governance. I would hope that we could stick to a debate over the pension issues, but I guess because that is not as partisan an issue as some of these other ones during an election year, we are going to get into this other stuff, and that is fine. But it is not a substitute to the underlying bill.

Also it is important to note that the House has considered many of these issues already. I have heard three or four times now again that we have never considered this. We just passed a corporate governance bill on the floor of the House. Recently we passed a post-Enron pension bill, correcting many of the problems that were uncovered in the Enron situation and other situations, again on a bipartisan basis, in this House.

Finally, these provisions that the gentleman just talked about are very far-reaching. Talk about complex, we spent 5 years, had a lot of hearings, a lot of vetting of the pension provisions that the gentleman and many Members are just now deciding they now understand and they are changing their minds on, but these have not been vetted. These have not been subject to hearings. These have not had the kind of time and effort into them that are very important to be sure we are not going to increase the number of companies that leave our shores, increase the number of companies that are leaving their workers behind, increase the number of companies removing good white collar jobs out of this country.

That could happen with some of this if we are not careful about that, because under our international tax laws as they are currently constructed, there is a disadvantage to being a U.S. company. We need to change that to be sure these companies stay in the United States. We do not want to do something, although well intended and inadvertent, that could encourage more companies to go offshore, particularly to get bought out by foreign companies, as was the case with DaimlerChrysler.

Now, there are a few provisions, three that I have been able to identify in looking at the substitute, that do relate to the underlying pension bill.

□ 1245

I will tell you this afternoon I believe that these provisions that relate to the complexity and to the burdens which have been discussed earlier will harm the very workers you say you want to help. Why do I say that? Because what we do in a very rational way, a very moderate way, is go into these rules and complexities and try to deal with some of the incredible burdens that small companies face when they are trying to put together a pension policy.

The top-heavy rules are in addition to the nondiscrimination testing rules. Again, President Clinton's advisory group said repeal them. The small business community said repeal them. We said, no, we want to make sure that this bill is fair.

Fairness is about providing retirement security to low-income workers. That is what this bill is all about. You want to go in here and add those burdens and regulations back on. You want to discourage matching contributions, which I do not get. Why would you not want workers to be able to get matching contributions from their own employer rather than just putting their own money into 401(k)s? I do not understand why you would want to go back to the bad old days.

We talked about it earlier. For 20 years this Congress did all it could to discourage pensions by increasing burdens, costs and liabilities, and decreasing the benefits and the contribution levels. All we do in our legislation is go back to where we were in the 1980s when the Democrats controlled this House, where we had higher contribution levels, and we begin to give people some relief because what has happened is pension coverage, particularly defined benefit coverage, has been reduced dramatically through this combination of adding more burdens and decreasing the benefits in pension plans. I thought last year with a vote of more than 400 from this House we had finally decided to reverse this trend. Now you want to go back to the bad old days.

So I encourage strongly my colleagues on both sides of the aisle to reject this substitute not because it is not well-meaning, not because there are not very important issues being discussed here on corporate governance, on executive compensation, and so on, but because they are not related to this underlying bill, they have not been vetted as the underlying bill has been vetted.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I believe that the gentlewoman from California (Ms. PELOSI), the Democratic leader, is here, and I yield 2 minutes to her.

Ms. PELOSI. Mr. Speaker, I rise in support of the substitute and commend the gentleman from California (Mr. MATSUI) for his leadership on this very important issue.

Mr. Speaker, if we have learned anything from Enron, Arthur Andersen and others, it is that some corporations do not act in the best interest of investors, consumers, and even of their own employees. We certainly do not paint all businesses with the same brush, but we must act to restore confidence in our financial system and in the stock market.

The Republican leadership has ignored the issue of corporate malfeasance. What little they have done to address the Enron crisis has actually weakened current law protecting employee pensions. The Democratic substitute on the floor today offers common-sense protections and reforms. It ends the practice of giving executives golden parachutes while workers in the companies they helped bankrupt are left to crash to the ground. The Democratic legislation would keep tax dollars from disappearing into the Bermuda Triangle by barring corporations from creating shell corporations in Bermuda or other offshore locations.

Under the Democratic bill corporate executives could no longer be able to protect their retirement benefits while leaving employees with worthless stock, and the Democratic bill would help moderate and low-income individuals plan for their futures by extending a tax credit that encourages retirement savings.

Mr. Speaker, those who oppose reform claim that in reigning in corporate excess, we will stamp out the entrepreneurial spirit that makes this country great. Coming from California where the entrepreneurial spirit is in the air and in the water, I see that the spirit to innovate, originate, and invent will not be crushed by a ban on lying, cheating, and stealing.

One of our Founding Fathers, James Madison, once noted that "if all men were angels, no government would be necessary." Every day we see in the headlines that we are not angels. We in Congress have a responsibility to protect hard-working Americans. The Democratic substitute does just that, and I urge my colleagues on both sides of the aisle to support this commonsense substitute and oppose the underlying bill.

Mr. PORTMAN. Mr. Speaker, I yield 3½ minutes to the gentleman from Louisiana (Mr. MCCRERY), who is chairman of the Subcommittee on Select Revenue Measures of the Committee on Ways and Means.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the bill that is on the floor today has everything to do with retirement planning, with the average employee of a company, whether it is a big company or a small company in this country, being able to plan with some certainty his retirement benefits. It has nothing, nothing to do with Enron, corporate inversions, companies moving to Bermuda; nothing.

This bill that we are debating today and that we are trying to make permanent in the Tax Code is for the average worker in this country. We have heard the statistics today: Two-thirds of IRAs are held by people with incomes averaging less than $50,000 a year. We are not talking about fat cats, we are not talking about rich executives, we are talking about common people who are struggling to put aside something so that they will have some security in retirement.

The underlying bill gives those average people some added tools to use to supply that security. That is what we should be really, frankly, not even debating; that is what we should be confirming with our votes today, just as this House did on a bipartisan basis several months ago with votes from this House of over 400 of our 435 Members. Really, this should be a rubber stamp today. We should just meet and say, gosh, that Senate rule that created this 10-year sunset is nuts, and we ought to say, Senate, use your 60 votes to overcome that silly rule, and let us make this good legislation that we passed on a bipartisan basis permanent.

That is what we should be doing today, but instead, some are taking advantage of the generosity of the Committee on Rules in giving 60 minutes of debate time to a substitute by the other side and then a motion to recommit. They are taking advantage of that generosity to highlight issues that they think are going to have some value from a political sense. That is fine. We are all in politics; we are in government, we are all politicians. But the audience, the public, whoever might be listening to this ought to know that is what is going on. It has nothing to do with the underlying bill. The underlying bill is good. Over 400 of us agree with that, and probably today, a lot of us, maybe not 400, but a lot on both sides, are going to vote to confirm that.

But I am the chairman of the Subcommittee on Select Revenue Measures of the Committee on Ways and Means. The chairman of the full committee, the gentleman from California (Mr. THOMAS), has asked me to work with the gentleman from Massachusetts (Mr. NEAL) and to work with the gentleman from New York (Mr. MCNULTY), who is the ranking member of my subcommittee, to address some of the issues that the gentleman from Massachusetts (Mr. NEAL) has brought up in the substitute of the gentleman from California (Mr. MATSUI), and I agree with the gentleman.

I agree with the gentleman that there are problems in the Tax Code and in other parts of our Nation's laws with respect to those issues that he brought up. I want to work with him and others to solve some of those problems. We are going to have our first hearing on corporate inversions next week in my subcommittee. The gentleman is on my subcommittee, and I am glad he is on there. He has introduced some legislation which I think has some merit; it has also some problems, and those are the kinds of things we are going to discuss at a hearing setting, which is where we should do it, not on the floor of the House on an unrelated bill.

Mr. Speaker, I urge adoption of the underlying bill and rejection of the substitute.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members to refrain from inappropriate references to the Senate or its procedures.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I have great regard for the gentleman from Louisiana (Mr. MCCRERY). He is a bright guy and a very capable guy here. But I must tell my colleagues this: In 14 years here I have not heard a substitute referred to as the "generous spirit" of the majority toward the minority. This is an elementary legislative courtesy that we are supposed to extend to each other. That is why the House is constructed the way it is, unlike the European system where they face each other. This is done so that we can look at each other and at the same time listen to each other. I hope that we are not at the point of in this session where getting a substitute is generosity.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I was an original cosponsor of the underlying bill, and I support the underlying bill. I think it makes a lot of sense. I think it is a bill about investment rather than consumption. While I have very deep concerns and opposed the 2001 tax cut, and I think it is undeniable that the reason we are back in deficits now and not paying down the national debt is because, in large part, of that tax cut. I happen to think that it is good public policy to extend it.

But I am going to support the substitute that the gentleman from Massachusetts offers for one reason in particular. I want to reference what the gentleman from Louisiana just said.

As a lot of Members know, I am not going to be on the ballot in November, so I do not have a political issue that I am particularly concerned about. I am concerned about good public policy. I am deeply concerned about what is going on in corporate America today and its impact on our general economy. Today in Bloomberg's Financial News, there is a story about global fund managers who are moving out of U.S. stocks and bonds and into European and Asian stocks and bonds. The principal reason for doing that is because they are concerned about the continuing crisis in corporate governance in America. I will read a quote from one of the bond managers who says, "Post-Enron, investors are searching for simple businesses they can understand without aggressive accounting policies."

Now, Mr. Speaker, I have been involved in some of the corporate governance bills, and I hope to be involved with them as we move forward, and I think there is a lot to do. I think the Congress is still playing catch-up to where the exchanges are, to where the New York Stock Exchange went the other week with the proposal that they put out, and I think we have to do a lot more to restore confidence in our markets.

America has the most efficient, transparent, dynamic markets of anywhere in the world, but they are in trouble today, and, as a result, they are creating a malaise over our general economy, which means our recovery will be weak, which means our unemployment will stay high, and it means that shareholders, the American people, will be the ones that suffer.

That is why I support the substitute of the gentleman from Massachusetts. It is the right thing for the Congress to make a statement on that today, and I hope that the House will follow suit and pass it.

Mr. Speaker, the bill before us today, H.R. 4931, deserves consideration by the House because of its potential benefit to the long term health of the economy. While I remain deeply concerned about the overall direction of the nation's fiscal policy and return of deficits, due in large part to the 2001 tax cut, the underlying bill, originally known as Portman-Cardin of which I was an original cosponsor, is aimed toward increasing savings which would have both fiscal and monetary benefits in the long run. Furthermore, while there is merit in the argument that the provisions contained in this bill will not be repealed for nine years providing ample time to consider an extension in conjunction with our complete fiscal policy, these provisions are about savings, not consumption and long term in nature. Retirement planning is planning for the long term and thus we should establish long term policy. That was our intent when the House adopted this legislation in 2000, long before the 2001 tax cut. Additionally, compared to the exorbitant costs of previous permanent extensions of the 2001 tax cut, this bill's long term cost is a mere $6 billion.

The underlying focus of the Portman-Cardin bill was to increase incentives for Americans to save. For the past several years, our nation has had a net negative savings rate which curtails our ability to have long term economic growth. In addition, a low or negative savings rate means that most Americans are not fully prepared for retirement at the same time that we know Social Security is facing financial and demographic pressures. I truly believe we should establish policies which encourage increased long term savings by individuals. In particular, we should work to encourage such savings among middle and lower middle income Americans, who are less likely to do so because of less disposable income. Providing monetary incentives can result in greater savings among these groups. The bill as enacted dramatically increases the amounts individuals and families can save tax free in individual retirement accounts and thrift savings plans like 401(k) accounts. It eases transfers among public sector thrift savings plans to private sector plans and corrects deficiencies in labor union sponsored 415 plans.

Portman-Cardin also included a provision authored by Representative BLUNT and myself to increase the availability of thrift savings plans to small businesses employing 100 or less people and self employed individuals. Historically, employees of small businesses are less likely to have the benefit of an employer sponsored thrift savings plan. In fact, only 21 percent of all individuals employed by small businesses are likely to have an employee matching plan compared to 64 percent of larger employers. Our bill, which was incorporated into Portman-Cardin, streamlined regulation and eased the creation of employer matching plans for employees. The bill allowed such employers to establish qualified small employer pension plans and requires employers to match employee contributions. While much has been said about the bill's repeal of "top heavy" rules limiting benefits to senior management, it remains our intent to ensure that such rules while well intentioned did not serve as an impediment for small employers to set up any plan at all. Furthermore, we should remember that under such qualified plans, the employer must match employee contributions.

I also understand the concern posed by my colleagues that the bill before us today does not extend the small saver tax credit, which I strongly support. This provision was originally designed as a five year pilot and was not subject to sunset due to Senate rules as other provision of the 2001 tax cut were. So, while that was not the intent of the original bill, I am pleased that the Democratic substitute would extend this provision because I believe it will also yield increased savings among lower income Americans.

Mr. Speaker, while I support the underlying bill, I intend to support the Democratic substitute offered by Mr. NEAL because I believe the Congress needs to make a stronger statement on the conduct of corporate executives who have abused the trust of their employees and shareholders at the expense of market confidence. I don't think anyone doubts that our equity markets and economy are suffering in part from a malaise associated to the excesses of a number of high profile corporations and their leaders, be they Enron, Xerox, Tyco or Adelphia. Not a day goes by that another accounting restatement is issued or an SEC investigation commenced. As corporate executives are shown the door by their boards of directors, all too often they are leaving with a hefty sum, while stockholders and employees are left paying the till. Market confidence has been damaged in this country, and now we are beginning to see the signs that foreign investors too are becoming skeptical of investing in our public companies. Just this morning, Bloomberg Financial News reported that foreign investors are moving out investments in U.S. companies because of concern over corporate governance and accounting accuracy. Given the size of our current account deficit, a decline in foreign investment will have detrimental effects on our long term growth. As the world's strongest, most transparent and dynamic economy, we must not allow the acts of a few to wreak damage on us all. Yet if we fail to act, we will continue to suffer a loss of confidence which will be felt not just in the corporate board rooms but in pension plans and the general economy. I think that the substitute includes important provisions which hold corporate executives accountable, if not putting them on par with other shareholders and their employees. Given that the exchanges and major investors have already begun to take such steps, so too should the Congress.

Therefore, Mr. Speaker, I support the substitute because of its statement on the need for improved corporate accountability. But, let me be clear to my colleagues, whereas I remain concerned about the budget busting effects of the 2001 tax cut and attempts to extend some of the more expensive items contained within it, without any real plan to bring the budget back into balance, I support the underlying bill because rather than increase deficits and consumption, it will have the effect of increasing savings, and ultimately growth in the economy.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a Member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, I rise in strong support of the base bill, the Portman legislation, to make permanent the retirement savings provisions in what we call or label the Bush tax cut.

I am proud to say, Mr. Speaker, that there are good things in the Bush tax cut to help working middle-class families save for retirement. We are going to hear some partisan rhetoric on the other side, but the bottom line is, the question before us is, do we make permanent the opportunity to set aside more in a voluntary way for retirement, particularly in your 401(k) and in your IRA, and, if you are a building trades person, to be able to get more in your pension fund.

I would note in the legislation before us today that we increased the Bush tax cut from $2,000 to $5,000, the amount that one can set aside in an IRA. When this provision expires, we go back to $2,000. Also in the 401(k)s, we increase from $11,000 to $15,000 the amount that can be set aside in the 401(k). If we fail to make it permanent, that is gone as well. Something that benefits those who I call the working moms or the empty-nesters is that we allow those age 50 and older to make an extra contribution to their IRA or 401(k). Someone in a 401(k) can add an additional $5,000. So if one is returning to the workforce when the kids are out of college, and you have a little extra money, you can make up those missed contributions when your income was a little less and you had a lot of expenses.

I also want to note that the building trades support making permanent the Bush tax cuts retirement savings provisions. They stand in support of this legislation. They have sent a letter to the gentleman from Ohio (Mr. PORTMAN) endorsing making permanent the Bush tax cuts provisions on retirement savings. The reason is because there is a provision there which helps millions, almost 9 million working middle-class building trades people, members of building trade unions, carpenters and laborers and operating engineers, cement finishers and others, electricians, who, because of the leadership of the House Republican majority, saw an artificial cap removed that essentially, in many cases, in the case of a constituent of mine, cut in half the pension that they receive.

□ 1300

We remove that cap, and they get the full pension they qualify for. In the case of Lori and Larry Kohr, their pension goes from $20,000 to almost $40,000, doubling the amount they have; and it is what they deserve because of the hours they work.

Let us make the Bush tax cuts and the retirement savings permanent, and set aside the partisan rhetoric. Let us vote in a bipartisan way.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 1¾ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, H.R. 4931 is made to help the rich get richer. Seventy-seven percent of the tax reductions in the bill will go to the wealthiest 20 percent of Americans. H.R. 4931 allows executives to be rewarded for cutting rank-and-file pension benefits. It continues to allow executives to evade taxes on stock options when the company moves overseas in order to avoid taxes. It permanently extends benefits for the well-to-do, but selectively allows the only provision that applies to low-income workers to expire. So much for helping average workers.

Have the sponsors of H.R. 4931 learned nothing from the biggest bankruptcy in U.S. history that happened less than a year ago? Enron paid senior executives more than $744 million in cash and stock in the year up to the bankruptcy filing on September 2. Insider payments went to 140 top Enron managers. Enron set up a deferred compensation plan that allowed executives to contribute more, get guaranteed returns on their money, and get legal guarantees that these monies would be safe even if the company went bankrupt.

The CEO of Enron has a pension that will pay $475,000 each year for the rest of his life, and a prepaid $12 million life insurance policy. What about the employees? No special benefits, and 6,000 Enron employees lost their jobs and pensions. They had to go to court to claim $4,600, their minimal severance pay, which is capped by law.

The lack of a consistent set of rules between employees and executives is unfair, it is unjust, and it should be illegal. If executives faced the same risk as employees in their pension plan, they would have a vested interest in ensuring the plans are not empty during bankruptcy.

Our substitute would encourage parity between executives and employees by taxing deferred compensation benefits if deferred compensation plans have special legal protections in the case of financial distress. H.R. 4931 does nothing for the average American. H.R. 4931 represents a massive transfer of wealth from the hardworking rank and file employees to self-serving executives. Vote for the Matsui substitute.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Florida (Mr. FOLEY), a member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, today is an interesting day on the House floor, as the Democrats ladle hypocrisy from the caldron of cynicism and political rhetoric.

They are talking about a lot of issues other than the underlying issue. They are bringing up names like Tyco and Enron. I notice an absence of any mention of union pension funds that have been looted fraudulently by their own leaders. Do not accuse their advocates and allies of those kinds of crimes. Do not bring them up. Let us deflect the issue of the importance of this bill.

This bill is important, important to millions of Americans. It is about portability. H.R. 4931 will ensure that these reforms remain in place and that the barriers to pension portability do not return.

Under the bipartisan provisions of this bill, which were developed by my colleague, the gentleman from North Dakota (Mr. POMEROY), workers for the first time will be able to move retirement benefits between the different varieties of retirement plans offered by for-profit, not-for-profit, and State and local government employees.

In a provision especially important to public school teachers and other State and local employees who move between different States and districts, the tax law allows these workers to use the savings in their 403(b) and 457 plans to accrue greater pension benefits in the States in which they conclude their careers.

Mr. Speaker, provisions that this bill make today will make permanent to allow millions of Americans to keep more of their retirement savings in one place by allowing them to roll their tax-deductible IRA funds into the workplace retirement plan. The portability reforms also allow any after-tax contributions to the workplace plan to be rolled into an IRA.

The provisions we want to make permanent also help workers build meaningful retirement benefits more quickly in today's mobile economy by reducing the period of time it takes for workers to take possession of the matching contributions their employers make to the 401(k) accounts. Under the 2001 tax law voted on by some 400-plus Members, employer-matching contributions will be vested either 100 percent after 3 years or in increments over 6 years.

For the sake of millions of American workers whose retirements will depend on the pensions they have worked hard to create, I urge my colleagues to support H.R. 4931 and reject the substitute.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to guarantee the gentleman from Florida (Mr. FOLEY), who is my friend, that I will verbally lacerate any union official or any union that steals any money from employees. But I hope we are not suggesting that what happened at Enron is akin to what has happened with unions here or there, where somebody has siphoned off money. At Enron, everybody at the lower end lost their pension benefits.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, there have probably been enough explanations of what is in this bill. The question really remains: Why should we deal with the gentleman from Massachusetts' proposal for some corporate governance changes?

I was reading the Bible recently, and I read in the second chapter of Luke about the fact that in the days of Caesar Augustus, everybody went to their home village to be taxed. That is how come Jesus' mother was riding on a donkey up the road 100 miles. The Roman Empire got unfair. It became unfair, and they had to tax everybody out in the bushes. Nobody was paying anything in Rome.

Well, we say, what does that have to do with us? Santayana said that if we do not learn from history, we are going to repeat it. We had the 1890s in this country, where the economy got way out of sight and we had a collapse. In the 1920s, we had the Roaring Twenties, and what did we get? We came right to the edge of going with the Soviet Union in communism. There was a lot of fear in this country. That is why when Franklin Delano Roosevelt, who was no great liberal, came into the Presidency, he said, hey, look, we have to make this place fair.

What we have done in the 1990s is go back to what we did in the 1890s and in the 1920s, and we are spreading out this country so that the people on the top have got all of it, or are getting more of it, I should say, and the people on the bottom are scraping to make it.

When somebody from the other side stands out here and says the fact that we dropped a little provision for people making $30,000 out of here is no big deal, they are talking about 50 percent of the people in this country. How can Members not want to be fair?

What is going on in Enron is not fair. If I cannot sell my stock because I work there, and the boss can sell his, that is not fair. That is why we are here. Members ought to vote for this proposal.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding time to me. I would like to speak in support of H.R. 4931 and against the substitute.

One of the key features of the bill, as far as I am concerned, is portability of pension benefits. In my previous occupation, the average term that anyone had at one school was usually 3 years. Sometimes they left because they wanted to; most of the time they left because people did not want them around anymore. So, as a result, we had a lot of people at the end of their coaching careers that had absolutely no retirement benefits left. These were not necessarily wealthy people. These were usually assistant coaches, sometimes high school coaches. So since their population was more mobile, I think this really applies to a large percentage of our population.

Secondly, I would like to mention the fact that I think this bill is particularly critical for our young people. Both parties, whether they are Democrat or Republican, are certainly going to see to it that the Social Security retirement benefits are there for those who are now retirees or those who are near retirement; but the future is not nearly as bright for those young people who are in their teens, in their twenties, or their thirties.

I think everyone can recognize over the next 30 years the proportion of retirees rises and the proportion of those paying Social Security taxes declines. Eventually we have a train wreck that is on the way. It is a pay-as-you-go system, so permanently increasing 401(k) and IRA limits is critical, particularly for our young people, because the main hope these young people have for any type of retirement security has to do with their long-term strategy, and 401(k)s and IRAs. So one cannot plan if the rules change in 8 or 9 or 10 years, particularly if one is a young person.

This is not a tax break for the rich. It is critical for our young people, it is good for the country, and I urge passage of H.R. 4931.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, several of our Republican colleagues have said quite forthrightly this morning that this bill has nothing to do with Enron, that it has nothing to do with those corporations that renounce America and move off to Bermuda. They are absolutely right in those statements. That is what is wrong with this bill. That is why we have a substitute, and every reason to vote for this substitute is a reason to vote against the underlying bill.

It is strange that Congress would meet today to solve a problem that is alleged to exist for people on New Year's Eve of 2010, instead of dealing with the problems that American families face today in 2002. But I think there is a friend of mine down in Austin, Texas, who understands why this is true. His name is Willy Nelson. He sang a song that goes, "If you've got the money, honey, I've got the time."

Let me tell you something: the people that "got the money," they are the people who are running this Congress. They keep setting an agenda to help the privileged few at the top and ignore the corporate misconduct that has occurred in this country, much of which would never have happened had they not enabled it to happen with the bills they passed and the bills they held up in committee.

This Democratic substitute addresses a real 2002 problem, not some mythical concern out in 2010. It deals with those companies like Stanley Works, that my neighbor says ought to be called "Stanley Flees." It deals with Fruit of the Loom, that runs off to the south, and we lose more than our shorts out of the deal, because they are dodging their taxes.

And yes, it provides this Congress and every Member in it the first opportunity to have a referendum on the words of the Republican majority leader this very week when he compared those corporations that renounce America to the ordinary taxpayer, and said, "it is akin to punishing a taxpayer for choosing to itemize instead of taking the standard deduction."

It is that kind of callous attitude that we need a referendum on today—whether we are going to defend those corporations that renounce America and refuse to hold up their responsibilities at a time of national need or whether we are going to protect employees.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California (Mr. GALLEGLY), a real champion of IRA expansion.

Mr. GALLEGLY. Mr. Speaker, I am pleased to have the opportunity to speak today in support of the underlying legislation and in opposition to the substitute.

I want to thank the gentleman from Ohio (Mr. PORTMAN), the gentleman from Maryland (Mr. CARDIN), and the gentleman from California (Mr. THOMAS) for reporting a bill that provides permanent retirement security for all Americans by allowing people to put more money into a 401(k) plan or a traditional pension plan beyond 2011.

In addition, this important legislation will make permanent the provision of the Bush tax cut that increases IRA contributions. I have worked hard to enact legislation to increase IRA contributions for many years, which is so critical to retirement savings.

Mr. Speaker, middle-class Americans depend on traditional IRAs to supplement their retirement income. Seventy-two percent of people contributing to an IRA make less than $50,000 per year, and the average contributor earns approximately $30,000 per year. Many of these Americans do not have generous 401(k) plans or stock options to help them build a nest egg.

Prior to the enactment of last year's tax cut, inflation had cut the value of IRAs sharply since 1981, the last time IRA contributions were increased. Saving for retirement requires long-term planning. Individuals and families need to save for many years in advance of leaving the workforce.

Although the tax cut enacted last year will now gradually increase the IRA contributions to $5,000 by 2007, without further action by Congress, this increase will expire in 2011, and the amount people can contribute to their IRAs will revert back to $2,000.

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After taking into account inflation, this amount will fall well short of what is needed to save for retirement. By increasing the IRA contribution limit and making it permanent, we provide families with a certainty needed for their long-term retirement planning.

I strongly urge my colleagues to pass this measure.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, let me try to be clear what disturbs so many of us. First of all, my colleagues are making all of this permanent. There is a kind of rush to rashness, and therefore, they are really doing something that is illusionary. They are digging this fiscal hole so deep that what they have made permanent will have to become temporary. The fiscal situation simply will not, in the end, allow this.

Secondly, it is so one-sided. They are making permanent the provisions that relate not only to the higher income, the predominantly higher-income people, but when it is comes to the saver credit, they do not want to do that. They say it needs further study. So for those provisions that benefit lower- and middle-income families predominantly, they want something that is temporary, something that needs further study, but when it comes to a tax break that will benefit mostly the wealthy and the very wealthy, like the estate tax, or, in this case, predominantly to those who are better off, they say they want to make it permanent.

So, therefore, there is a natural question raised: Whose side are my colleagues on? That is why the issue of Enron, that is why all of these issues come up, because when it comes to breaks for the very, very wealthy, they say they are either silent or permanent. When it comes to helping the typical family, they say, well, we better study it more.

That is the essence of our objection, our vehement objection, to what they are doing and why we support the substitute and so many people are going to vote no on final passage.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. RYAN), my distinguished colleague on the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank the gentleman from Ohio for all his hard work on this issue.

We have heard a lot of different issues being brought to the floor today. We have heard the issues surrounding Enron. Well, I would like to inform my colleagues that we passed two pieces of comprehensive legislation dealing with Enron already in this Congress on the floor of the House.

We have heard about a very valid issue of inversions, a new issue of inversions, which we are working on hopefully in a bipartisan way on the Committee on Ways and Means to address.

What this issue is about today is about retirement, and I think in a valid point that has not been made, it is about our current economy. Mr. Speaker, the real economy is growing quite well right now. New housing starts are doing really well. Manufacturing is getting back on its feet. The real economy is growing except for the equity markets. Our stock market is very shaky right now, and if our stock market continues to be shaky going on for another 6 months, that is going to hit consumer confidence, and that is going to take a real pound of flesh out of our economy. So we have a problem in this economy, and that is that the equity markets are not responding well, and we may have some real problems that are going to hit consumer confidence in this economy if we do not respond.

This issue that we are dealing with today speaks directly to our equity markets. Twenty-six percent of our equity markets are held by pension assets. Twelve percent of our taxable bond markets are held by pension assets. This issue speaks to the whole entire issue of retirement security, of pensions, of letting people save for their retirement, and the uncertainty in the tax law is creating uncertainty in our equity markets.

When the vast majority of bondholders and stockholders do not know what the tax laws are going to be 8 years from now, that is producing a lot of uncertainty in our equity markets. For example, IRAs in 8 years, if this legislation does not pass, are going to be cut by 50 percent; 401(k) plans which we are trying to encourage, are going to have to be cut back by a third in 8 years if this legislation does not pass. So it really is a matter of life or death for a lot of retirees. It is really a matter of whether we are going to get our economy on its feet and revive our struggling equity markets or not.

So I urge that we focus on the issue at hand, that we pass this issue before us, and, Mr. Speaker, that we deal with these other issues that we need to be dealing with when that legislation comes to the floor.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I just have to say that it is almost like Alice in Wonderland on the floor of the House, or perhaps it is like the Ringling Brothers Circus where we are in the well here, and the audience is all watching us and the animals and the elephants and donkeys and everyone else.

What we are really talking about here, this is not going to have any impact on the stock market. This legislation does not even take effect until 2011, 2011. That is what is so ironic, and our substitute, which is the same thing, would handle everything that the gentleman from Wisconsin, the previous speaker, was talking about. We take care of IRAs, we take care of 401(k)s, we do something on the 415. All that is in our bill. So vote for our bill, and we could take care of all kinds of things, but they did not want to do that. What is really ironic, it will not have any impact until 2011.

On the other hand, when we talk about Enron Corporation and the fact that 100 Enron executives took $330 million just before they filed bankruptcy, when we talk about companies going offshore to Bermuda, setting up a post office box, still having all of their work in the United States, but saving hundreds of millions of dollars in taxes, we want to close that loophole, they say we are being political. They say, well, we are being political.

I have to say that I think we are trying to address the real problems of America. What I think is absolutely astonishing is that after the Enron crisis last December, 7 months ago, we have three problems: One is corporate governance, one is pensions, and one is accounting standards. We have not touched any of them in this body. We have not done anything to deal with the Enron Corporation. Instead, we want to pass a pension bill that will not take effect until 2011.

I wonder what the American public thinks of us. No wonder the American public believes that Congress is somewhat irrelevant today.

I have to say, Mr. Speaker, in closing, that unless we come to grips with the real problems facing America, the market is going to be sluggish. The economy is not going to revive itself because there is no transparency in corporate America today. We do not know in corporate America today whether or not companies are solvent or not solvent. That is why there is a lack of confidence, but this bill, 2011 does not even come close to addressing that issue.

We just spent 3½ hours on this bill that will not take effect until half the Members of this institution are totally gone. This is unbelievable. It is Alice in Wonderland. Vote for the Neal substitute and vote against final massage to show the American public that we are not going to stand here and take this kind of nonsense.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Visitors in the gallery are reminded they are here as guests of the House and are not to show favor or disfavor.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

I strongly urge my colleagues to vote no on this substitute and yes on the underlying bill. First of all, the substitute, as we said earlier, really has very little to do with what we are talking about here today, which is the retirement security. It deals with corporate governance, it deals with executive compensation, it deals with inversions. It deals with a lot of other issues, but it strays far afield from pension policy and does not relate to the underlying bill that we are trying to make permanent.

Second, the House has already considered a number of bills in this regard. I do not know where the gentleman was a month ago when we passed the post-Enron reforms with regard to pensions. It was done on a bipartisan basis. I do not know where he was a month ago when we voted in this House on legislation regarding corporate governance. The Senate has not voted yet, that is correct, but the House has acted.

Could we do more? Quite possibly. Maybe we should subject some of these issues to some hearings and some vetting from the public, try to hear from people who, as we did with the pension reforms on the underlying bill, we spent 5 years getting good testimony from all around the country.

So we have considered legislation. The one that has worked its way in the substitute are very complex, very far-reaching. Although well-intended, they may have inadvertent consequences that would be just the opposite impact of what we hoped, which is to keep American companies here on our shores.

Finally, with regard to the pension provisions, and I think there are three of them as I look at the substitute, two of them relate to reducing the burdens and liabilities that we have in the underlying bill. It takes us back to the bad old days where we were adding more burdens and liabilities. It actually decreases one of the compensation levels to below the amount it was during the 1980s when the Democrats put the limit up. We do not even increase it up to where it was in the 1980s when the Democrats were in control of this House and the Committee on Ways and Means.

The other one discourages matching contributions. Why would my colleagues want to do that? We want people who are involved in pensions to have more contributions from the employer into their pension plan. People put money in their 401(k)s, that is great, but the real magic of them is to get that employer contribution so people can actually build up a nest egg for their retirement.

Finally, I have heard today that we cannot vote for the underlying bill when we have to vote for the substitute because, as my colleague from Michigan said, we have a fiscal hole that is so deep that we cannot extend this underlying bill and make it permanent. Well, here are the facts. The underlying bill would result in the next 10 years, which is how we judge these things, with $6 billion in additional spending, $6 billion. The substitute would result in $20 billion in additional spending. The substitute is five times as expensive as the underlying bill.

So as my colleagues on the other side who have come up time and time again and said my colleagues have got to support the substitute because we are in such a deep fiscal hole, if that is the reason they are concerned about it, vote no on the substitute; vote yes on the underlying bill.

The underlying bill again just passed this House on many occasions by strong bipartisan margins, over 400 votes three times; five years of vetting on a totally bipartisan basis. It is not a Republican proposal. It is a bipartisan proposal.

It increases the limits, lets everybody save more for their retirement. It lets people move from job to job and take their pension with them. It reduces those costs and burdens and liabilities, and lets small businesses get out there and offer these plans to workers who do not have them now, and those who are where the low-income workers are and the middle-income workers are, we are all trying to help.

It is supported across the board by groups from the United States Chamber of Commerce to the Building and Trades Council of the AFL–CIO. They are all watching this vote today. Do my colleagues know why? Because they know this is incredibly important to the retirement security of the American people, and because they know the House has already had this vote. We have already voted to make these underlying retirement security provisions permanent. We have voted a number of times to do that. Every time it has been on a large bipartisan margin, over 400 votes. So anybody who votes no on the underlying bill today will be reversing himself or herself for a vote taken just last year and the year before.

My colleagues, the substitute, while well intended, is not the issue before us today. It is retirement security. Let us vote yes on the underlying bill. Let us make it permanent for working Americans who need the help badly, and vote no on this substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield the balance of our time to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader here in the House.

Mr. GEPHARDT. Mr. Speaker, I rise to urge Members to vote yes on the Matsui amendment.

In our country today, we face a crisis of confidence in corporate responsibility and accountability. Last year we witnessed the biggest bankruptcy in history that caused devastating financial losses for thousands of innocent employees. A few weeks ago I heard from some of these employees when I met them in Houston. In a meeting filled with emotion, employees of Enron explained that their pensions had disappeared, their health coverage was gone, their careers had been destroyed.

This week, I read our Nation's papers and magazine headlines with regard to the crisis of confidence in corporate accountability, headlines that all of us should find deeply disturbing. One of them said, Restoring Trust in Corporate America. That was Business Week. Another said, Corporate America, We Have a Crisis, in Fortune.

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Another was: "Officials Got a Windfall Before Enron's Collapse." That was in The New York Times, which reported that about 100 executives and energy traders received more than $300 million in cash payments from the company in the year before the company's collapse.

Make no mistake about it, this is not the behavior of all the corporations. In fact, I am happy to say that a majority, a great majority of corporations are law-abiding, responsible people serving their employees, their shareholders, and consumers effectively. But the United States Congress has a responsibility to enact safeguards that will ferret out the bad actors and actresses and hold those bad actors and actresses accountable.

It is time for our House of Representatives to begin finally taking the steps to restore people's faith in the integrity of our corporations, the bedrock of our capitalistic system. We must set sound standards for the accounting industry. We need to protect people's pensions.

Unfortunately, our friends on the other side of the aisle have failed to understand these needs. This year, despite all the scandal, despite all of the abuse, the Republican majority has blocked legislation that would have established these tough accounting industry standards, that would have imposed tough criminal penalties on corporate lawbreakers, that would have closed the unpatriotic Bermuda loophole to prevent corporations from going overseas to avoid paying taxes.

Their continued opposition to sensible reforms, their continued allegiance to corporate special interests that have gone wrong strongly suggests that this majority is guilty of enabling corporate excesses that have done so much harm.

Today, we, together, have an opportunity to follow the lead in restoring faith and trust in free markets. Today, our alternative to the Republican repeal of the sunset on pension provisions that passed last year seeks to make permanent almost all of the pension and IRA tax cuts. But unlike the Republican bill, our alternative seeks to close the loopholes that executives have used to give themselves sweetheart deals on their own pensions at employee expense.

Our alternative prevents firms from deducting more than $1 million in executive compensation if it is obtained through manipulations of company pension funds. It enforces CEOs of companies that reincorporate overseas to avoid paying taxes to pay capital gains on their stock options, as other investors from Main Street are required to do.

Earlier this year, Democrats sought to pass provisions attacking these problems. Republicans voted all of these measures down. So today we have another chance, a good chance, to do the right thing for capitalism, for well-run corporations, for Main Street Economic America. We have a responsibility to help restore confidence in our system and in our economy.

So let us give investors, employees, and consumers the protections they deserve. Let us pass together the Democratic alternative, and let us meet our responsibility today and for the future of this great country.

Mr. PORTMAN. Mr. Speaker, it is my pleasure to yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader and a long-time advocate of enhancing retirement savings for workers.

Mr. ARMEY. Mr. Speaker, let me begin by thanking the gentleman from Ohio (Mr. PORTMAN) for yielding me this time; and, Mr. Speaker, as I have done so many times, let me pay my respects to the gentleman from Ohio (Mr. PORTMAN) and to the gentleman from Maryland (Mr. CARDIN) for their creative, responsible, responsive, thoughtful, and compassionate understanding of the needs and desires and hopes and prayers and dreams of America's saving working men and women. This is, as it has been for all this time, such good legislation, so deserving of our respect, our admiration and our support.

I would also like to thank the gentleman from Ohio and the gentleman from Maryland for their persistence. There is nothing more reassuring than seeing two good people get one good idea and be willing to stick with it no matter how many times people try to change the subject.

And if I might thirdly thank the two of them for their patience. How much they must have looked forward to coming to the floor of the House of Representatives today to talk about their legislation; how much patience it must have required of them to sit here today and listen to so much impassioned discussion about something else. My compliments to the both of them.

Mr. Speaker, I often caution myself not to listen to floor debate because there is a tendency when one does to want to have to answer everything one hears. It is a far better thing to be consoled by that wonderful expression, "The world will little note nor long remember what is said in this body." But this floor debate today has been particularly entertaining, in that we have tried again, bless our little old hearts, to squeeze that last little drop of political blood out of Enron. We have surely squeezed on Enron.

Now, there is a lot of harping and whining and moaning that this bill does not address that. This bill was not written for that purpose. This, by the way, is not a political instrument. It is a legislative instrument and, therefore, quite rightly, we should have ignored most of what we have heard about the evils of Enron today.

And I guess I would not be particularly annoyed by all this Enron political discourse if indeed this Congress had not responsibly addressed the issues that were raised by Enron. We have, from this very committee, legislation that has passed this House that addresses the question of retirement security as it might have been affected in the Enron case. We had from the Committee on Financial Services legislation that addressed the whole question of management that might have been raised in the Enron debacle.

So it is not as if we have not addressed it and, in fact, acted upon it. It is just that we have not squeezed that last little mean-spirited, nasty little drop of political diatribe from the subject. Well, we should have gotten it today. I would think the gentleman from Texas (Mr. DOGGETT) would have gotten a last squirmy little drop of political malarkey out of the subject of Enron. But I console myself in the belief that somebody other than myself will hear more sometime in the future as I turn my deaf ear to any further discourse on the subject.

Now, the other thing that amused me today was this desire to validate all the world's rumors about the Bermuda Triangle. Yes, it is true, weird and strange things are going on in the Bermuda Triangle. This bill was not designed to deal with that, to talk about that. We are looking for opportunities for real people who work really hard, have real hopes and dreams about their own real retirement, to have their real savings enhanced and preserved for a longer period of time.

The fact of the matter that we have some American firms that, quite rightly, legally take whatever opportunity they can to maintain their ability to stay in business and keep their people employed in the face of a double taxation of their overseas taxes might be distressing to a lot of us, and we should have legislation that would be directed to that, and we will have legislation that removes the irrational tax that prompts this rational behavior that gives rise to so much irrational discourse. But that is political diatribe. We should not have been bothered with it today. But we will continue to squeeze the last little dirty drop of political noise out of poor little old Bermuda.

That is not the fault of this bill. This bill was directed at America's savers to enhance, encourage, support, reward America's savers for doing the right thing for themselves and their family, their future, the right thing for themselves that turns out to be a good thing for economic growth in America; and it is, as it has always been, a decent, thoughtful, honorable legislative effort by two decent, thoughtful, honorable Members of this body. It is just too bad that the debate did not live up to what should have been the decent, thoughtful expectations of these two gentlemen.

Let us vote down this thoughtless substitute and vote for the bill, and let us really show ourselves in the final analysis when we match our actions to the legislation options before us on the side of the American people.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 451, the previous question is ordered on the bill and on the amendment in the nature of a substitute by the gentleman from Massachusetts (Mr. NEAL).

The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts (Mr. NEAL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NEAL of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 182, nays 204, not voting 48, as follows:

[Roll No. 246]

YEAS—182

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bentsen
Berkley
Bishop
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

NAYS—204

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
McCrery
McHugh
McKeon
Mica
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Nussle
Osborne
Ose
Otter
Oxley
Paul
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—48

Ackerman
Baker
Barcia
Becerra
Berman
Bilirakis
Blagojevich
Bonior
Borski
Brown (FL)
Burton
Buyer
Callahan
Carson (IN)
Cox
Coyne
Dingell
Everett
Ganske
Gillmor
Gilman
Gutierrez
Hansen
Hilliard
Houghton
Keller
LaFalce
LaHood
Lewis (GA)
Lipinski
Manzullo
McInnis
McKinney
Miller, Dan
Murtha
Northup
Norwood
Ortiz
Pence
Quinn
Reyes
Riley
Roukema
Ryun (KS)
Smith (WA)
Traficant
Waters
Weiner

□ 1402

Messrs. REGULA, TAYLOR of Mississippi and BARR of Georgia changed their vote from "yea" to "nay."

Mr. JOHN changed his vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. Simpson). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NEAL of Massachusetts. I am opposed to this bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Neal of Massachusetts moves to recommit the bill H.R. 4931 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill insert the following new section:

SEC. 3. PREVENTION OF AVOIDANCE OF QUALIFIED PLAN RULES THROUGH CORPORATE EXPATRIATION.

(a) Findings.—The Congress hereby finds the following:

(1) Federal tax law provides that a deduction is allowed for pension and other deferred compensation benefits only in the context of contributions to a qualified plan.

(2) Federal tax law provides that assets set aside to fund pension and other deferred compensation can accumulate on a tax-free basis only in the context of a qualified plan.

(3) The qualified plan rules are structured to ensure that rank and file employees receive substantial retirement benefits as a condition for providing retirement benefits to highly compensated employees.

(4) Corporations reincorporating overseas (and their subsidiaries) can in effect receive both of the benefits described in paragraphs (1) and (2) outside the context of a qualified plan.

(b) Purpose.—The purpose of the amendment made by this section is to protect the retirement benefits of rank and file employees by preventing the avoidance of the qualified plan rules through corporate expatriation.

(c) Prevention of Corporate Expatriation.—

(1) In general.—Paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

"(4) Domestic.—

"(A) In general.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

"(B) Certain corporations treated as domestic.—For purposes of chapter 1—

"(i) In general.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

"(ii) Corporate expatriation transaction.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(iii) Lower stock ownership requirement in certain cases.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iv) Partnership transactions.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

"(v) Special rules.—For purposes of this subparagraph—

"(I) a series of related transactions shall be treated as 1 transaction, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(vi) Other definitions.—For purposes of this subparagraph—

"(I) Nominally foreign corporation.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(II) Expanded affiliated group.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

"(vii) Related foreign partnership.—A foreign partnership is related to a domestic partnership if—

"(I) they are under common control (within the meaning of section 482), or

"(II) they shared the same trademark or tradename.

"(C) Application with chapter 1.—Subparagraph (B) shall apply only for so much of chapter 1 as is necessary or appropriate—

"(i) to maintain tax incentives for qualified plans that are of a type whose tax treatment was modified by the provisions of title VI of the Economic Growth and Tax Relief Reconciliation Act of 2001, as made permanent by section 2 of the Retirement Savings Security Act of 2002, and

"(ii) to prevent tax benefits for pension or other deferred compensation benefits without complying with the qualified plan rules."

(2) Effective dates.—

(A) In general.—The amendment made by this subsection shall apply to corporate expatriation transactions completed after September 11, 2001.

(B) Special rule.—The amendment made by this subsection shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

Mr. NEAL of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts is recognized for 5 minutes in support of his motion.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, this proposal states that the retirement savings of all workers, including those who have had the misfortune of being employed by a corporate expatriate, that those savings should be protected and preserved. This motion would build in important protections for workers of companies who have decided to flee the country in order to avoid U.S. income taxes, many who snuck out in the dark of night even as the Nation pulled together after September 11.

My friends on the other side are going to say, "We're holding hearings," and I appreciate that. "We're discussing legislation." Then they are going to say, "Well, maybe we should stop the expatriates temporarily." Then they are going to say, "Well, maybe we should enact a flat tax or a sales tax" or however else we reform the Code and pay for the war on terrorism.

The problem with that, Mr. Speaker, is that is what we were going to do 8 years ago. Once down in Bermuda, a country which has no developed or tested corporate common law, executives have the flexibility to no longer care about these irritating qualified plan requirements. For U.S. companies, these requirements and pension protections are the only way that the rank and file gain access to tax-deferred retirement accounts. Without these pension requirements, or sticks, it will be carrots aplenty in Bermuda for the CEOs.

I urge the Members of the House to vote against this corporate excess. I just want to say this, if I can, for one second, Mr. Speaker. I read in the paper yesterday where somebody in this body said that this was nothing more than deciding to move, I believe, to North Carolina or to Florida. Mr. Speaker, I do not think there is anybody in this Chamber who believes that Bermuda is part of the United States of America.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. MALONEY).

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in support of the gentleman from Massachusetts' motion.

Simply, this motion is consistent with the Neal/Maloney legislation which is pending in this House to stop corporate expatriates such as the one being attempted by Stanley Works of Connecticut. The specific purpose of this motion is to protect the retirement benefits of rank-and-file employees by preventing the avoidance of the qualified plan rules through such corporate expatriations.

We have learned that employees of 401(k) plans will be treated differently from executive plans in the circumstances of these corporate expatriates. The executives will be protected. The rank-and-file employees under the 401(k) plans will not be protected. This is just a further example of the outrage that is being perpetrated on the American taxpayer and on the American Government by these corporate expatriates. We have an opportunity today to say that that should not continue. We have an opportunity to say today that that should stop. I urge the House to take that opportunity.

Let me be clear as to what is involved here. The New York Times reported on the scope of this outrage, saying that even if the shares of the company rose 11.5 percent, the shareholders, the small ones in particular, would barely break even after taxes. Of course that does not apply to the executives. The CEO at Stanley Works stands to pocket an amount equal to 58 percent of every dollar the company would save in corporate taxes in the first year. That is $17.4 million out of an estimated $30 million in savings. And that CEO, in addition, if he exercised his options, would gain an additional $385 million. So while we have the executives of these corporations literally taking money out of the United States Treasury and putting it in their pocket, the rank-and-file workers are going to be paying capital gains tax and greatly diminishing the value of their 401(k) plans and their opportunity to retire.

Mr. Speaker, this is outrageous. This needs to be stopped, and it needs to be stopped today. I urge support for the gentleman from Massachusetts' motion.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, this is a simple addition to the underlying bill to protect workers. I would urge my colleagues to support the motion and to support final passage.

Mr. NEAL of Massachusetts. Mr. Speaker, I think a concern that we have tried repeatedly to express, and I in particular have tried to express, is that this issue demands action in this institution. I would suggest today, based upon the headlines that we have all seen for weeks and weeks and weeks now across the country, we are headed toward a gilded age. There is an opportunity for this Chamber to act responsibly, to shut down this outrageous loophole that we should be acting on immediately.

We have tried very hard, and I want to say to the Members of this body, I guarantee you this is the first of many votes until we succeed in shutting down the ability of these companies to move to Bermuda in a time, as the President has said, of war.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, the gentleman from Massachusetts has been literally jumping up and down through this entire debate saying, "Wait until the motion to recommit. Wait until the motion to recommit. We are going to make you vote on Bermuda." If you do not know what that means, we are talking about corporate inversions. In a couple of weeks you are going to get a real solution from the Committee on Ways and Means taking the tax structure change away from these corporations.

But what you have in front of you on the motion to recommit is a political dirty bomb. It is an attempt to raise this issue in a way that operates like this.

Mr. ABERCROMBIE. Mr. Speaker I demand that the gentleman's words be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

□ 1419

PARLIAMENTARY INQUIRY

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman will state it.

Mr. ABERCROMBIE. Mr. Speaker, on reflection, I would like to withdraw my request. And the inquiry is, can I withdraw my request with an observation as to why I would like to withdraw it?

The SPEAKER pro tempore. The gentleman may withdraw his request.

Mr. ABERCROMBIE. Mr. Speaker, I withdraw my request in the hopes that we can take a little consideration when we are discussing with each other our judgment, not just as to political philosophy, but as to the motivations and reasons that we consider the implications of what we say when we draw rather, to my mind, offensive analogies as to the consequences of what another Member's actions might be.

The SPEAKER pro tempore. The gentleman withdraws his demand to have the words taken down.

The Chair agrees with the gentleman that civility is always desired. The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, now let me explain why, based upon their desire to offer this motion as a motion to recommit, they hope it is a political dirty bomb. The reason is they want this to be a vote on inversions. They want it to be a vote on Bermuda.

What in the world do corporate inversions have to do with the underlying pension bill? When you listen to their arguments, never once did they say union pension funds. Never once did they say union pension funds. Why? Because this has nothing to do with that.

Let me explain something: if a foreign company owns a U.S. subsidiary, the U.S. subsidiary has to follow U.S. laws. They are talking about corporate inversions. What are those? U.S. companies that want to have a package of foreign ownership. If you are a U.S. company, you have got to follow U.S. pension laws.

So do you know what this motion to recommit really says? It says you have to follow U.S. pension law. If you are a foreign corporation with a U.S. subsidiary, you have to follow it. If you are a U.S. corporation and you want to make yourself a foreign corporation with a U.S. subsidiary, you have to follow it.

This motion to recommit does nothing. Why in the world is it in front of us? Because on page 6 there is one little tax hook, and that is all this is about. As a matter of fact, I apologize; this is not a political dirty bomb, it is political hot air.

I ask for a "no" vote on the motion to recommit and a "yes" vote on the underlying bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. NEAL of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9, rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 186, noes 192, not voting 57, as follows:

[Roll No. 247]

AYES—186

Abercrombie
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Bentsen
Berkley
Berry
Bishop
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps

Capuano
Cardin
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

NOES—192

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bereuter
Biggert
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Calvert
Camp
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCrery
McHugh
McKeon
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Nussle
Osborne
Ose
Otter
Oxley
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—57

Ackerman
Baca
Baker
Barcia
Bass
Becerra
Berman
Bilirakis
Blagojevich
Bonior
Borski
Brown (FL)
Burton
Buyer
Callahan
Cannon
Carson (IN)
Coyne
Dingell
Everett
Ganske
Gillmor
Gutierrez
Hansen
Hilleary
Hilliard
Houghton
Jenkins
Keller
LaFalce
LaHood
Lewis (GA)
Lipinski
Manzullo
McInnis
McKinney
Menendez
Mica
Miller, Dan
Moran (VA)
Murtha
Napolitano
Northup
Norwood
Ortiz
Pence
Platts
Quinn
Reyes
Riley
Roukema
Smith (WA)
Tierney
Traficant
Walsh
Weiner
Whitfield

□ 1438

Mr. TERRY and Mr. SMITH of Michigan changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WATERS. Mr. Speaker, on rollcall No. 247, I was unavoidably detained and could not reach the chambers to cast my vote. Had I been present, I would have voted "aye."

Stated against:

Mr. BASS. Mr. Speaker, I was regrettably absent on Friday, June 21, 2002, and consequently missed a recorded vote on H.R. 4931. Had I been present, I would have voted "no" on rollcall vote No. 247.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 308, noes 70, not voting 57, as follows:

[Roll No. 248]

AYES—308

Abercrombie
Aderholt
Akin
Allen
Armey
Bachus
Baird
Baldacci
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McIntyre
McKeon
Meehan
Meeks (NY)
Millender-McDonald
Miller, Gary
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Nethercutt
Ney
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Snyder
Souder
Spratt
Stearns
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry

Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Udall (CO)
Upton
Velázquez
Vitter
Walden
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—70

Andrews
Baldwin
Berry
Boyd
Brown (OH)
Capuano
Clay
Conyers
Davis (IL)
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Fattah
Filner
Ford
Frank
Gephardt
Green (TX)
Hastings (FL)
Hinchey
Hinojosa
Inslee
Jackson (IL)
Johnson, E. B.
Kaptur
Kildee
Kucinich
Lantos
Lee
Levin
Markey
Matsui
McDermott
McGovern
McNulty
Meek (FL)
Miller, George
Mollohan
Nadler
Neal
Oberstar
Obey
Owens
Pastor
Payne
Pelosi
Rahall
Rangel
Rivers
Roybal-Allard
Sabo
Sanders
Schakowsky
Scott
Sherman
Slaughter
Solis
Stark
Stenholm
Strickland
Taylor (MS)
Turner
Udall (NM)
Visclosky
Waters
Watson (CA)
Waxman
Wexler

NOT VOTING—57

Ackerman
Baca
Baker
Barcia
Becerra
Berman
Bilirakis
Blagojevich
Bonior
Borski
Brown (FL)
Burton
Buyer
Callahan
Carson (IN)
Coyne
Cunningham
Dingell
Everett
Ganske
Gillmor
Gutierrez
Hansen
Hilleary
Hilliard
Houghton
Jenkins
Keller
LaFalce
LaHood
Lewis (GA)
Lipinski
Manzullo
McCrery
McInnis
McKinney
Menendez
Mica
Miller, Dan
Murtha
Northup
Norwood
Olver
Ortiz
Pence
Quinn
Radanovich
Reyes
Riley
Roukema
Smith (TX)
Smith (WA)
Tierney
Traficant
Walsh
Weiner
Whitfield

☐ 1446

Mr. DEFAZIO and Mrs. CLAYTON changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Speaker, I missed rollcall votes numbered 246, 247, and 248 because I was traveling with the President of the United States and other members of the Florida delegation. Had I been present, I would have voted "nay" on rollcall No. 246, "no" on rollcall No. 247, and "aye" on rollcall No. 248.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes Nos. 246–248 I was unavoidably detained. Had I been here I would have voted "no" on rollcall votes Nos. 246 and 247, "aye" on rollcall vote No. 248.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of H.R. 4931, the bill just passed.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Williams, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4645

Ms. LOFGREN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 4645.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise for the purpose of inquiring about next week's schedule.

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman from California for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Monday, June 24, at 12:30 p.m. for morning hour, and 2 o'clock p.m. for legislative business.

I will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. Recorded votes on Monday will be postponed until 6:30 p.m.

On Tuesday and the balance of the week, I have scheduled the following measures for consideration of the House: H.R. 4954, the Medicare Modernization and Prescription Drug Act of 2002; the Department of Defense Appropriations Act for Fiscal Year 2003; and the Military Construction Appropriations Act for Fiscal Year 2003.

Mr. Speaker, conferees are also working hard to complete work on the President's emergency defense and homeland security supplemental, and I hope to schedule that conference report next week, as well.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for the schedule. I am just seeking a little more precision. On what day will H.R. 4954, the Prescription Drug Act of 2002, be scheduled?

Mr. ARMEY. I thank the gentlewoman for her inquiry. I know the Committee on Energy and Commerce worked long and hard on that last night and early this morning; and we believe that that being the case, we should have the bill on the floor Wednesday of next week.

Ms. PELOSI. Wednesday of next week. In relationship to fast track, will the House appoint conferees next week on the trade promotion act?

Mr. ARMEY. I thank the gentlewoman again for her inquiry. If the gentlewoman will continue to yield, we are hopeful that we will be able to do that next week. Obviously, we want to make sure that we have a parity in the House and Senate position with respect to the full scope of trade issues; and if we can have a rule passed that makes that possible, then we ought to be able to get to work on that in conference next week.

Ms. PELOSI. Mr. Speaker, I ask the gentleman, will the rule be the same one as reported from the Committee on Rules this week?

Mr. ARMEY. I thank the gentlewoman for the inquiry. I must say that that is under consideration. I will be in touch with the chairman of the Committee on Rules and make sure that if he has any news to share with us, we all get it as soon as possible.

Ms. PELOSI. I thank the gentleman. Continuing, Mr. Speaker, the leader said that the conferees are working hard to complete the President's emergency defense and homeland security supplemental. I had some questions on that conference.

As the gentleman may recall, Democrats were united in opposing another increase in our Nation's borrowing limit when this bill was considered in the House. We believe it is time to sit down and work in a bipartisan way to fix our Nation's budget.

Is the gentleman's leadership planning another increase in the debt limit without a separate vote on the House floor?

Mr. ARMEY. Again, I thank the gentlewoman for her inquiry. If the gentlewoman will continue to yield, obviously, the emergency supplemental is very important to the Nation's ability to respond to the threat of terrorism across the globe. We want to move that as soon as possible.

There is a relationship between our ability to actually acquire the funds for the purpose of the emergency supplemental and the necessary increase in the debt limit. We have the two connected and are prepared to resolve that.

By the same token, the Senate, the other body, has passed an increase in the debt limit of $450 billion as a freestanding piece of legislation. Should we have the votes to pass that, we would be more than happy to bring their freestanding bill to the floor. It is my estimation it is of utmost importance that we move that as quickly as possible; and indeed, even while I myself have grave hopes and ambitions regarding how we might reform the budget process, but that is not something that I can see being done effectively in the short run, while both the emergency supplemental and the debt limit increase are imperatives in the immediate short run.

Ms. PELOSI. This issue is of such grave importance to our country that I would hope that we would have an open debate on the subject and not have it treated the way the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), treated it when he said, Do you expect us to have a vote on every single item that we deal with in the Congress? And yes, when it comes to raising the debt limit, that would be the case, especially when it raids Social Security.

Mr. STENHOLM. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I ask my friend, the gentleman from Texas, for clarification to see if I understood what I think I heard him say, that he meant to say regarding the debt ceiling: that we do have a crisis that has been ascertained by the Secretary of the Treasury; that June 28 seems to be the last day that they can juggle the books without us doing what we are supposed to do, and that is, raise the debt ceiling, June 28.

I believe I heard the gentleman say that it would be his hope that he could add it to the supplemental so that there would not be an up-and-down clean vote on it; but if that were not able to be done, then he would entertain the possibility of bringing the Senate clean bill of $450 billion to the floor for an up-and-down vote.

Mr. ARMEY. If the gentlewoman will continue to yield, it seems to me at this point most expeditious for us to hope to have the debt limit increase in the emergency supplemental. In this instance, we would be able to pass it.

My concern is not over in what venue the vote is taken. My concern is in what venue the vote will pass. I believe it would be an unnecessary and undesirable impact on the confidence of the American financial markets for us to in any way bring a debt limit increase to the floor and not pass it, and I am reluctant to do so.

If, on the other hand, I have heard the gentleman from Texas (Mr. STENHOLM) correctly, it seems to me that I may have found a new ray of hope. Because we have a certain number of Members of our own conference who are not willing to vote for the freestanding $450 billion increase in the debt limit, we would need some votes from the other side of the aisle.

The gentleman from Texas (Mr. STENHOLM) has an association with a fairly large number of Members on his side of the aisle who perhaps might be rallied to that vote, in which case we could combine our electoral resources and bring the resolution of the Senate to the floor, pass it, and have this matter resolved, which would, I think, be a favorable resolution for all of the Nation.

If the gentleman would give me that assurance, I would certainly feel encouraged to take the Senate-passed measure to the floor.

Mr. STENHOLM. Mr. Speaker, I like the spirit of optimism that my friend, the gentleman from Texas, has taken. I would encourage him to look at the letter that a large number of Democrats have sent to the Speaker offering a considerable number of votes for a clean debt ceiling next week in order that we might avert a crisis and send unnecessary signals to the marketplace.

What we ask in return is not a blank check, but that we have a debt ceiling, and we revisit our budget in September when we come back after we have seen the reestimates.

As the gentleman knows, we are now currently estimating that the deficit this year is going to go over $200 billion. That is after we have used all the Social Security trust fund, all the Medicare, all the civil service, all the military retirement fund.

I would hope the gentleman would agree and would accept the hand that is coming from this side of the aisle from the minority leader as well as the Blue Dogs of saying that we are ready to work with the gentleman in that endeavor, and I hope he puts that as a third option.

Mr. ARMEY. If the gentlewoman from California would continue to yield, I will look for every avenue possible to make a reasonable increase in the debt ceiling that allows us to conduct the Nation's business with as little political consideration and interference as possible; and in that regard, I will reconsider the gentleman's letter. I thank the gentleman for his kind offer.

Ms. PELOSI. Reclaiming my time, Mr. Speaker, I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, if I heard correctly, the gentleman is the majority leader of this body. Am I correct on that?

Mr. ARMEY. If the gentlewoman from California will continue to yield, I am more than happy to remind the gentleman that that is the case.

Mr. FILNER. The majority means that the gentleman has the responsibility of setting the agenda and running this floor. As I understood what the gentleman just said, he does not have a majority on his side to raise the debt limit.

I want to know, where is the responsibility for the governing party to do what is necessary for this Nation?

Mr. ARMEY. Mr. Speaker, if the gentlewoman will continue to yield, I thank the gentleman for his inquiry, and promise the gentleman that I will give his inquiry every bit of consideration that it deserves.

Mr. FILNER. I know the gentleman always does.

Ms. PELOSI. Mr. Speaker, I have concern about another bill, the AmeriCorps bill.

Mr. ROEMER. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentlewoman from California, for yielding to me.

In the distinguished majority leader's comments about outlining the calendar for next week, he did not mention this bipartisan initiative that has been reported out of the Committee on Education and the Workforce with overwhelming bipartisan support to support the increase of the President of the United States in both volunteers and resources for AmeriCorps.

We know that we have been very busy the last couple of weeks naming post offices, but we would hope that maybe next week we could get to AmeriCorps and do one of the bipartisan priorities and one of the President's priorities.

Mr. ARMEY. Mr. Speaker, if the gentlewoman will continue to yield, I thank the gentleman for his inquiry. Let me just say parenthetically, it is my fond hope that there may be a time in the near future when I observe the behavior of this House as it names a post office after the gentleman himself. So this is, of course, we believe, an important business.

But the bill with respect to which the gentleman raises his inquiry is an important bill. The committee of jurisdiction has just reported the bill just the past few days. I will be speaking with the chairman about it; and I am sorry to report I have no scheduling announcement to make at this time, but I do appreciate the gentleman's interest and inquiry.

Mr. ROEMER. Mr. Speaker, does the majority leader think this is a priority for the House, since it is a priority of the President of the United States, to report this bipartisan bill to the entire House?

Mr. ARMEY. Again, I appreciate the gentleman's inquiry. I would remind the gentleman that this majority leader has routinely, over the past several years, scheduled things for consideration in the House that he himself did not believe were a priority.

Mr. ROEMER. I thank the majority leader. I appreciate his comment about getting a post office named after me. I would rather have the AmeriCorps bill on the floor. I hope the gentleman from Texas gets a post office or two named after him, since he is bowing out this year.

Ms. PELOSI. Mr. Speaker, I just have one final question of the majority leader about the schedule. I understand for Members' benefit that we will be coming in and voting after 6:30 p.m. on Monday and that we will be going through the week. Are there definitely going to be votes next Friday?

Mr. ARMEY. Again, I want to thank the gentlewoman for her inquiry. If she will continue to yield, I think it is prudent for all Members to be prepared to work through Friday.

At this time I have no expectation of any work in the ensuing weekend; but certainly, we should be prepared to be here working Friday. There are two very important appropriations bills, defense and military construction, to be begun on Thursday and to be completed before we complete business on Friday.

Ms. PELOSI. Mr. Speaker, can we assure Members that adjournment will be 2 o'clock on Friday, or will continue later than that?

Mr. ARMEY. Again, I thank the gentlewoman for the inquiry. I am, unfortunately, not able to give Members that assurance at this time.

Ms. PELOSI. Did I hear an assurance in the gentleman's voice that we would not go through the weekend? Is our schedule contingent upon completion of the work, or the calendar?

Mr. ARMEY. Mr. Speaker, I do appreciate what the gentlewoman's inquiry is. At this time, I have no reason to anticipate any work beyond Friday of next week.

☐ 1500

Ms. PELOSI. Mr. Speaker, even if the agenda that the gentleman set forth is not finished?

Mr. ARMEY. Mr. Speaker, I appreciate the gentlewoman's inquiry. We all have our July 4 district work periods. We are all anxious to have time with our constituents, and we will work with our committee and floor managers to expedite everybody's ability to get home to do that important work and spend that important time with their families.

Ms. PELOSI. Yes, indeed, very important time, the birth of our country, Independence Day.

So I thank the gentleman very much for responding to these questions.

ADJOURNMENT TO MONDAY, JUNE 24, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, JUNE 25, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 24, 2002, it adjourn to meet at 10:30 a.m. on Tuesday, June 25, 2002, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–231)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month report prepared by my Administration on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 21, 2002.*

CONTINUATION OF NATIONAL EMERGENCY IN WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–232)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a Notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed Notice, stating that the Western Balkans emergency is to continue in effect beyond June 25, 2002, to the *Federal Register* for publication.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. These actions are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 21, 2002.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, Pursuant to Section 314 of the Congressional Budget Act, Section 221 of H. Con. Res. 83, and Section 231 of H. Con. Res. 353, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by the Concurrent Resolution on the Budget for Fiscal Year 2003, and Section 221 of H. Con. Res. 83.

As passed by the House, H.R. 4775, a bill making supplemental appropriations for fiscal year 2002, includes emergency-designated appropriations. The fiscal year 2002 allocations to the Appropriations Committee were previously increased by $29,432,000,000 in new budget authority and $8,466,000,000 in outlays to reflect the amounts in the House-reported bill. I am adjusting the budgetary aggregates and the allocation to the House Committee on Appropriations for the difference between the House-reported and House-passed measures. This adjustment equals—$5,000,000 in new budget authority. (There was no change in outlays.) Accordingly, the 302(a) allocation for fiscal year 2002 for the House Committee on Appropriations becomes $735,427,000,000 in new budget authority and $736,420,000,000 in outlays. The budgetary aggregates for fiscal year 2002 become $1,708,599,000,000 in new budget authority and $1,653,073,000,000 in outlays.

Outlays flowing from fiscal year 2002 emergency appropriations increase the 302(a) allocation for fiscal year 2003 outlays. Under the procedures set forth in section 314 of the Budget Act, adjustments may be made for emergency-designated budget authority through fiscal year 2002 and for the outlays flowing from such budget authority in all fiscal years. The outlays flowing in fiscal year 2003 from H.R. 4775, as passed by the House, total $10,715,000,000. The 302(a) allocation for outlays to the House Committee on Appropriations and the budgetary aggregate for outlays are increased by this amount. Accordingly, the 302(a) allocation for fiscal year 2003 for the House Committee on Appropriations becomes $748,096,000,000 in new budget authority and $785,190,000,000 in outlays. The budgetary aggregates for fiscal year 2003 becomes $1,784,073,000,000 in new budget authority and $1,767,146,000,000 in outlays.

Questions may be directed to Dan Kowalski at 6–7270.

FERC HAS NOT AND CANNOT DO ITS JOB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to briefly discuss this week's release by the General Accounting Office, the GAO, its study on actions needed by the Federal Energy Regulatory Commission, that is, FERC, to confront challenges that impede effective oversight. That was the title of this GAO report. This report vindicates those of us who have been standing up for 2 years now to tell this body that FERC was simply not doing its job protecting California and the rest of the country, and this report vilifies those who doubted us for the last 2 years.

In the conclusion of the report, we read that "FERC is not adequately performing the oversight that is needed to ensure that prices produced by these markets are just and reasonable." Let me repeat that, "FERC is not adequately performing the oversight that is needed to ensure that prices produced by these markets are just and reasonable." That means that illegal prices have been charged to electricity consumers all over this country, but specifically in California, and the report goes on to say, FERC has been simply not fulfilling its regulatory mandate.

The GAO report says that FERC does not even know how to carry out its mandate to ensure that interstate wholesale natural gas and electricity prices are, as the law states, just and reasonable. If FERC does not know how to regulate power markets, who does?

We need a change because we do not need a repeat of the inaction we saw from FERC in 2000 that has drained the California Treasury of almost $50 billion and has created a severe deficit in our State's budget this year.

Two years ago, California and the hands-off treatment it received from FERC was the canary in the gold mine, if I may say so, that is exposing the glaring fissures in our so-called energy policy. The lack of action by FERC, or as it should be called the Federal Enron Rubber-Stamping Commission, hurt many everyday Americans in our State and throughout our Nation.

FERC did not do its job in 2000. It did not do its job in 2001, and the GAO report says that FERC cannot do its job even now. My constituents in San Diego, California, and millions of other Californians lost billions during this crisis, and FERC reported no evidence of price-fixing.

Now FERC says it is waiting for the regional transmission organizations, the RTOs, to provide front-line monitoring for new, unregulated power markets. The problem is, Mr. Speaker, that it may take several more years for these RTOs to form, and in a gross understatement the GAO report says, "As the California crisis has made adequately clear, FERC simply cannot let the markets go unmonitored for this length of time."

It is abundantly clear, Mr. Speaker, that there has been a lot of damage, and we need a fresh look, farther away from this administration, farther away from the FERC Commissioner, farther away from people tainted with association with Enron.

We need to know how Enron and other members of the electricity cartel robbed California and eluded the oversight of the Federal Enron Rubber-Stamping Commission. This should lead, by the way, to every State in this country and other countries around the world to really questioning whether they should deregulate to the so-called private market electricity and other basic commodities that are necessary for our economic life.

There is no public oversight, as the GAO report shows, of what the so-called private market will do. They will rob us blind as they did to us in California. That is why I continue to call for the Attorney General to name a special prosecutor to look into this whole case.

My bill, H. Con. Res. 333, would make this request on behalf of our entire Congress. We must not have even the perception that the fox, that is, FERC, is guarding the hen house, that is, our electricity market.

This Congress must demand that this situation end and appoint a special prosecutor and figure out what happened and how we are going to proceed from here.

HIGH COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again today to talk about the high cost of prescription drugs and, more importantly, the difference between what we in America pay for those same drugs and what they pay in other parts of the industrialized world.

I have a chart here, and again, I want to remind my colleagues, these are not my numbers. I did not invent this chart. This chart was developed by some people who have been studying this issue for decades, and disparities get worse by the year. And here we see some of the most commonly prescribed drugs in America. Let me point out a couple of them.

Cipro, a drug that we became very familiar with last year when we had the scare over the anthrax, and let me say that Tommy Thompson did a very good job in negotiating with the German maker Bayer, we sometimes call it Bayer, and we got a very good price for the Federal Government, but if someone is a normal individual and they need Cipro, they need that antibiotic Cipro, in the United States average price for a 30-day supply of Cipro is $87.99. That same drug in Europe sells for half that price, less than half, $40.75.

Let us look at another drug that is important to diabetics, one of the most commonly prescribed drugs in the United States or in the world, Glucophage. The average price in the United States $124.65. That same drug made in the same plant under the same FDA approval in Europe sells for an average of $22.

I think we should pay our fair share for prescription drugs. We ought to pay our fair share of the cost of developing those drugs, but I do not think we ought to have to subsidize the starving Swiss, and that is what is happening today. It is not shame on the pharmaceutical industry, it is shame on the FDA, and it is shame on us.

It has been said that consistency is the hobgoblin of little minds. Next week we are going to have two very interesting debates on the floor of this House, one about trade promotion authority. We are going to have people come to the well of this House, and they are going to talk about how important it is that we have free trade, that we ought to have open markets, that we ought to allow our markets to work. In fact, some of them may even quote the former President Ronald Reagan when he said that markets are more powerful than armies.

Some of those same people are going to come to the floor of the House the next day, and they are going to say, well, we need open markets, but not when it comes to pharmaceuticals, not where it can really save Americans billions of dollars. And it really is billions of dollars, because according to the estimates by the Congressional Budget Office, seniors over the next 10 years in the United States of America, that is, people 65 and over, are going to spend $1.8 trillion on prescription drugs. They cannot afford that, and neither can the taxpayers.

It is time to open the markets and allow Americans to have access to these world drugs at world market prices and let us talk about the savings.

The estimates that we have from independent experts is that Americans could save 35 percent minimum simply by opening up the markets and allowing Americans to have access to those drugs at world market prices. What does that mean? If we take $1.8 trillion, divide it evenly over the next 10 years, that is $180 billion a year. If we could save 35 percent, how much is that? That is over $50 billion a year, $50 billion a year, and we have arguments here on the floor about tax cuts.

How much good would we do if we gave Americans a $50-billion-per-year tax cut? That is what we are talking about if we simply open the markets. There is something wrong when we allow our own FDA to stand between American seniors and lower prescription drug prices. We ought to pay our fair share, but we should not be held hostage to the big drug cartels that are exploiting their market opportunities here in the United States at the expense of seniors, at the expense of taxpayers, and incidentally, I had a meeting this morning, at the expense of the big corporations.

One of the largest corporations in the United States, one of the representatives told me today they spend $1 billion a year on prescription drugs. They are spending $1 million a month on just one name-brand pharmaceutical each month, $1 million a month just on one drug. Even they are starting to say, wait a second.

We believe in open markets. We believe in free markets. We believe in competition. It is time to open the markets, create some competition so that we do not have these huge disparities between what Americans are required to pay for the same drugs, made in the same FDA-approved facilities.

Let us have that debate next week about free markets. I believe in free markets. Let us have that debate about making it easier for all Americans, not just seniors, to pay for the drugs they need. No senior should have to choose between food and prescription drugs. We can go a long way simply by opening markets, allowing world markets to work, allowing that thing that we talk about and will talk about next week, free trade, to work to the advantage of American consumers. We could save American consumers $50 billion a year.

SCHOOL FEEDING PROGRAMS DESERVE SUPPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, it has been my honor to support global school feeding programs as part of a strategy to reduce hunger among the world's children and to increase their ability to go to school. Along with the gentlewoman from Missouri (Mrs. EMERSON), I have introduced H.R. 1700, the George McGovern-Robert Dole International Food for Education and Child Nutrition Act of 2001.

That bill, which has 116 bipartisan cosponsors, was established as a permanent program in the farm bill reauthorization which the President recently signed into law. If adequately funded, this program will purchase and allocate U.S. commodities and other resources to provide millions of hungry children around the world with a healthy, nutritious meal in a school setting.

□ 1515

Mr. Speaker, over 300 million of the world's children are hungry. About 130 million of these children do not even go to school. School feeding programs clearly demonstrate that more families send their children to school when a meal is provided. U.S.-supported school feeding programs have documented significant increases in student enrollment, especially among girls. The children become more alert and more capable of learning when better nourished. More children advance to the next levels, and they acquire skills that help them to be productive members of society.

U.S. Private Voluntary Organizations have long been involved in this effort, working on the front lines, delivering nutritious food to needy children around the world. Two members of my staff recently attended a conference in Indonesia on school feeding programs. The conference sponsors included the U.S. Department of Agriculture and Land O'Lakes. My staff were able to review the Land O'Lakes school feeding model firsthand and to meet other U.S. PVOs involved in the school feeding effort in Indonesia, like Mercy Corps International, ACDI/VOCA, and International Relief and Development. Together, these organizations are feeding over 900,000 schoolchildren.

Land O'Lakes' school feeding endeavor in Indonesia began in November of 2000, with USDA 416(b) commodity donations. Indonesia is the fourth most populace nation in the world, following China, India and the United States. It is also the world's largest Muslim nation. As a result of the economic slowdown and decreasing resources provided to the national government for school feeding initiatives, the nutritional status of Indonesian elementary schoolchildren has deteriorated. The economic situation in the country has encouraged children to leave school early, with young girls being the first to go.

The Land O'Lakes Indonesia program is presently reaching over 450,000 schoolchildren in more than 2,900 schools on the islands of Java. It focuses on local capacity building, making sure all the products used in this program are processed locally. Land O'Lakes works with the three local processors who produce the fortified milk and wheat biscuits that are distributed to schools. This partnership exemplifies how this program can also be a catalyst for strengthening the local food industry.

Land O'Lakes works with Indonesian NGOs in the communities where targeted schools are located. Involving local participation stimulates community empowerment and helps build sustainability and ownership in the implementation and oversight of these programs.

The Land O'Lakes model has been so successful it will be replicated in Vietnam and Bangladesh as part of the Global Food for Education pilot program.

Mr. Speaker, the benefits of these programs are enormous, starting with the positive nutritional impact on children's lives and helping them obtain the education necessary to improve their standard of living. There are also all the auxiliary benefits: facilitating economic development, strengthening social institutions, empowering women, and promoting stable democratic societies throughout the world. Clearly, these programs play a critical role in any strategy to provide education and improve children's health.

Mr. Speaker, ending hunger among the world's children is achievable. For the first time, we have the instruments at hand to defeat this cruel enemy at a very reasonable cost. All we lack is the political will to do so.

In the weeks ahead, as we debate funding priorities for fiscal years 2003 and 2004, I urge my colleagues to provide the necessary funding for the George McGovern- Robert Dole International Food for Education program.

Mr. Speaker, I submit for the RECORD a memorandum on the recent school feeding conference in Indonesia:

INDONESIA SCHOOL FEEDING CONFERENCE TRIP REPORT—MAY 13TH–17TH

May 13th–17th 2002, The Indonesia School Feeding Conference was held in Jakarta and Bandung, Indonesia. It was an opportunity for participants to observe USDA funded school feeding programs and to meet other U.S. program sponsors, local NGO's, private processors, government representatives and USDA officials involved in the school feeding effort.

U.S. Private Voluntary Organizations have been involved in this effort, working on the front lines, delivering nutritious food to children in needy areas around the world. In Indonesia alone, Land O'Lakes, ACDI/VOCA and Mercy Corps and IRD are feeding over 900,000 school children.

Also present at the conference were those directly involved in Indonesian school feeding such as local government officials, U.S. government officials, The Yayasan Bina Putra Sejahtera, Tetra Pak and local processors such as Indolakto, Ultrajaya Milk Industry and Trading Company and Prima Japfa Jaya. Additionally, those that collaborate and provide support to the school feeding movement were in attendance such as the American Soybean Association, The U.S. Pea and Lentil Council, and Cindy Bulh and Keith Stern of Congressman Jim McGovern's staff.

The first day of the conference was spent in Jakarta where participants familiarized themselves with the various participants involved in school feeding.

The Land O'Lakes Indonesia program is presently reaching over 490,000 school children in more than 2,900 schools in Java, Jakarta, Bali and Lombok. Land O'Lakes program methodology focuses on local capacity building by having all the school feeding products processed locally. Land O'Lakes works with three local processors who produce fortified UHT milk packages and wheat biscuits that are then distributed to schools and consumed by the children. This partnership exemplifies how this program can be a catalyst for food industry improvement and growth.

Identifying established and viable community-based non-governmental organizations and community based organizations is an important and necessary step to promote ownership of the program in communities where targeted schools are located. On Java, the partnering NGO Yayasan Bina Putra Sejahtera is Land O'Lakes lead partner working with schools, government at the provincial level, and other organizations to help program implementation go smoothly. Also they are responsible for compiling attendance and enrollment data.

This demonstrates how this program can stimulate community empowerment and by involving local participation builds sustainability and ownership in the implementation and oversight of these programs.

The ACDI/VOCA/Mercy Corps program is working to produce and distribute a soy beverage to 220,000 school children in 900 schools in Sumatra; Padang, Bekulu and Lampung. The impacts of this program include improved attendance and nutrition of children in schools, opportunity for health and nutrition educational lessons for participants and enhanced local capacity.

The International Relief and Development Program is currently implementing a pilot program that is targeting over 14,500 children in 122 primary schools. IRD produces and distributes noodles to children using USDA provided wheat and defatted soy flour. IRD works with American Soybean Association, US Wheat, Land O'Lakes and YBPS and local NGOs.

Tuesday was a special day as the Yayasan Bina Putra Sejahtera hosted a School Feeding Media Event at the National Museum in Jakarta. Program highlights were recounted for the media and Dennis Volbroil, agriculture attaché for the U.S. Department of Agriculture in Jakarta was recognized for his dedication to school feeding. Students picked as winners in the Yayasan Poster Conference were given school scholarships.

Tuesday evening the participants boarded a train for Bandung, the second largest city in Indonesia. While in Bandung, participants witnessed students consuming their milk in a local school and were able to meet with school officials to discuss roles, responsibilities and results. Next, Participants toured the Ultrajaya Processing Plant where they observed product manufacturing.

On Thursday of the conference, Rolf Campbell of Land O'Lakes International Division presented on the importance of applying food technology and specifically highlighted the role private sector plays to develop, promote, and distribute high nutritional value foods specifically positioned for nutritionally deficient populations, especially low income and at risk groups including those living with HIV/AIDS;

Mr. Campbell then facilitated a panel discussion of private food industry representatives to highlight new products from dairy, soybean, wheat, and pea/lentil/rice. Each panel member covered the nutritional benefit and versatility of dairy products; the criteria used to develop products including costs; an introduction to two or three new products; and the vision of product "sustainability" in feeding and commercial markets.

The panel discussion ended with Rolf Campbell summarizing the impacts the private food industry can accomplish when industry resources are mobilized around food aid innovation and acting collectively.

On Friday of the conference, the day focused on how school feeding program stakeholders can strengthen the impacts of local capacity building and long-term school feeding sustainability during the implementation and support from U.S. and other international donations are available.

The first speaker was Dr. Maknuri Muchlas, Secretary General, Department of National Education for the Government of Indonesia. He stated his appreciation to the Government of the U.S. for providing commodity to support school feeding of some 900,000 primary school children on four islands of Indonesia. The fact that U.S. donations will continue and allow the expansion of feeding programs to more islands is enthusiastic news to not only the Ministry of National Education, but also to the entire nation of Indonesia.

The Ministry of National Education, through Tim Pembina Usaha Kesehatan Sekolah plays the lead role in supporting the U.S. funded programs by identifying schools to be recipients of feeding activities, coordinating all agencies with school feeding, and preparing the schools for administering and reporting results of the program.

Recently, the Ministry of Education started a school-feeding program with the focus of improving the level of primary school and Madrasah Ibtidaiyah children living in poor remote areas. This program is administered by the local government and has been quite successful. In a national level, it will be important for PVOs and NGOs to learn from the governments experience on how to successful reach schools in very remote areas. These communities have the greatest need of school feeding support.

The next presenter on the subject of local capacity building was Salvacion Bulatao, Director, National Dairy Authority (NDA), Department of Agriculture, Government of the Philippines. Ms. Bulatao's main message is that "Milk does not only build strong bones, it also helps build a strong nation. Through the Philippine School Milk Feeding Program, government support seeks to improve the nutritional well being of school children and preschoolers while at the same time create additional sources of income for rural families. Clearly stated by Ms. Bulatao, school milk feeding accomplishes two objectives: provides healthy food for the children; and jobs and daily cash flows to farm families. Today, the Government of the Philippines is providing funding to feed more than 200,000 primary school and pre-school children. The milk products to be distributed are purchased locally from processors and dairy cooperatives. In 2001, the volume of milk purchased from the dairy industry was 1.08 million liters which had a value of U.S.$1.55 million. This translates to the individual farmer who is providing milk to the program as significant additional income. It has been calculated by NDA that total income of a farmer (2 milking cows that produce 8 liters of milk per day can generate the equivalent of U.S.$636.20 during two school feeding cycles. Ms. Bulatao strongly recommended that future U.S.-funded feeding efforts in Philippines strongly consider the NDA model. She looks forward to a strong working partnership with Land O'Lakes and Tetra Pak in the years to come.

Edgar Collins is President of Prima Japfa Jaya, a supplier of finished school milk feeding products distributed in the southwest of Java and soon to the island of Bali and Lombok through the Land O'Lakes program. Mr. Collins spoke about the role played by the private sector to develop products that meet the tastes and nutritional demands of school kids with today's technology and quality control standards. The processor also has the responsibility in creating awareness of product goodness for school and after-school consumption—this is key to continued consumption of nutritional liquid food in and beyond school. The role of processor in promotion and consumer awareness is vitally important if the program is to be sustained with local government support and private sector donations. The immediate, short and long-term impact of school feeding programs on the good foods industry is significant. Mr. Collins stated that as a result of his firm's involvement in school feeding and having his firm's quality product distributed (brand located on side panel of milk package) to more than 200,000 children, the brand recognition has translated into a stronger commercial position for his dairy products in Indonesia.

The Pakistan delegation presented next the current school milk feeding situation in their country. A major problem in Pakistan is that only 2.8 percent of all milk is hygienically packed and made available to the consumer public. Loose milk, or unpasteurized and packaged milk, can be a major source of digestive health problems and a vector of diseases in the country. There are over 165,755 primary schools and 7,000 Madrassa schools in Pakistan providing education to 18.9 million children. At least 40 percent of school-going children are malnourished. 35 percent of these children are living below the poverty line. Just recently, the government of Pakistan announced new school meal program to target at least 500,000 schoolgirls ages 5 to 12. The amount of funding allocated for the new program is U.S. $50 million. The Pakistan delegation encouraged U.S. school feeding implementers to work with the government's new programs, expand feeding to the Madrassa schools and combine efforts with a strong focus on local capacity building of the dairy production sector with aims to increase the percentage of milk that is being hygienically package. Everyone wins in this situation: farmers receive a more fair price per liter of milk that is clean; processors are able to fully utilize processing capacity and consumers are guaranteed a safe; nutritious and affordable milk product.

Cindy Buhl from the office of Congressman Jim McGovern provided an overview of the current status of food community programs, the Executive Branch review of U.S. food aid programs and recommendations made by the Bush Administration on adjustments and their impacts of U.S. government food commodity programs. Many questions were presented to Ms. Buhl by participants of which most revolved around what can the international development community (PVOs and private sector) do to ensure congressional and Executive Branch support for the Global Food for Education Initiative. Ms. Buhl stated that first and for most, school feeding implementers must continue their excellence in the field, improve monitoring and evaluation of program impacts and provide quantitative results in reports back to donors and congressional offices. She also strongly encouraged local governments to state their interest and support directly to the Bush Administration, Congress and USDA/USAID for continuing and receiving U.S. government school feeding programs in their country. Ms. Buhl commented on the power of observing a school feeding program in action and seeing the exuberance and passion for learning and contributing to helping hundreds of thousands of school children reach their full potential and maximizing their contribution to society is an overwhelming experience. She highly recommended to the group to seek ways to get more congressional representatives to see these programs in action. The presentation was concluded with a strong statement of the importance of partnerships and commitment by governments, private sector and non-government organizations to work together to constantly enhance the effectiveness and sustainability of feeding our future leaders.

Beth Sheehy and Kristin Penn from Land O'Lakes International Division presented the multiple benefits generated from a school feeding program—especially programs supported by the private sector in close partnerships with local government and community of whom all have their unique capacities that make school feeding programs a LONG-TERM success.

The conference ended on a high note with participants armed with a comprehensive education on how a school-feeding program is implemented in the field and what needs to be done to expand these programs and create momentum for the global school feeding effort.

THANK YOU, JUAN LUCERO

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I want to take time today to recognize and express my deep appreciation to a gentleman who has worked for me since I came to Congress.

Professional staff, for the most part, work in the back stage of history, but their work is fundamental to our duties as representatives of the people. They are dedicated and professional public servants, and I commend them for their service to their country and their contributions to the House of Representatives.

Juan Lucero, who serves as my casework manager in my Santa Fe office, is retiring this year at the age of 63 after a remarkable career. He spent over 3 decades of his life serving the people of New Mexico in some capacity. I stand here today not only to recognize him but to also thank him on behalf of thousands of people that he has helped over the years.

Juan has had jobs ranging from being a fruit picker in California to being a DJ at a Spanish radio station in Albuquerque and in serving in the Nation's military as a paratrooper in the U.S. Army. This diversity has given him a unique perspective on people and their personal situations.

His career as a civil servant in New Mexico began in 1969, when he worked at the State Welfare Department. For 10 years, Juan worked tirelessly to help people with their claims for food stamps and Medicaid. From 1979 to 1983, he worked for Lieutenant Governor Roberto Mondragon. He remembers many successes as a caseworker in this progression, for example, helping clear up a $10,000 hospital bill for a destitute woman.

Juan stayed in this position from 1983 to 1987, while working for the next Lieutenant Governor, Mike Rybbeks. Juan then found himself working for the New Mexico State Senate Chief Clerk's Office, where he worked on cases on behalf of State senators.

Juan continued his governmental service when he came to work for my Democratic predecessor in 1991, Congressman Bill Richardson. It was in this position where Juan began helping his fellow New Mexicans resolve their problems with the Federal Government. He had his first experiences with Social Security, the Veterans Administration, the Internal Revenue Service, and other agencies that make our government work. At any given time, he handled over 250 cases. He stayed in this position until Bill Richardson left the Congress in 1997.

Before he came to my office in 1999, Juan worked for the Social Security Administration Teleservice Center in Albuquerque. He assisted hundreds of callers each day, often utilizing his outstanding Spanish skills, taking calls from Puerto Rico and all over the country. He also worked as a prison chaplain at the Estancia jail in New Mexico.

Juan has a natural gift for helping people during hard times. Our constituents that come to our offices for help are usually at the end of their rope and frustrated by miles of red tape and bureaucracy that they have had to endure. Wherever Juan absorbed his passion for service, it has been a fulfilling aspect of his life. As he once explained: "This is one place where you can really help people, and the most desperate person can come here and at the very least they can find an ear to let out their frustrations. To be able to make someone's life more meaningful is a special privilege. People come to their Congressman with life-changing events. Their problems are serious. To me, all cases are important because they mean so much to the individual. The reward in this type of work is so much greater than money."

For about 15 years, Juan has been commuting to Santa Fe from his home in Torreon, 4 hours round trip. Neither rain nor snow nor hail nor heat nor the gloom of night has kept him from faithfully doing his job.

I cannot begin to describe the casework successes that we have shared together. Juan has also earned several letters to the editor in various newspapers in New Mexico thanking him for his diligent work. Those examples speak volumes about Juan's work ethic.

Juan is a veteran, a husband of 40 years, a father to 13 children, and a grandfather to 26. I know that more than anything he ever did in his professional career he is most proud of his loving family. He has a true passion for his Spanish heritage.

He enjoys explaining to those of different backgrounds the traditions and the history of his people. He has helped me in my quest to provide justice to Hispanic land grant heirs of the Southwest.

He is a talented musician and takes great pride in performing with his family throughout New Mexico. He loves music and has written many corridos, Mexican ballads, during his life. Some of these songs are archived at the University of New Mexico Department of Music.

I applaud Juan for his great public service.

CONGRATULATIONS TO U.S. WORLD CUP SOCCER TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I do not know if any of my colleagues have done this, but I simply wanted to rise and extend congratulations to the U.S. World Cup soccer team. Over the last weeks, we have had the chance to watch a phenomenal group of individuals under the leadership of Coach

Arena move all the way to the quarter finals. We saw the spectacular win earlier this week over our dear friends from Mexico.

Today, unfortunately, we saw them lose 1–0 to Germany. There is little doubt that the game that was played today probably saw the best performance through the entire World Cup by the U.S. team.

So, Mr. Speaker, I just want to say from Friedel to Donovan to McBride, and all of the wonderful players on the U.S. soccer team, congratulations on a job well done. You represented the United States extraordinarily well.

PHARMACEUTICAL INDUSTRY AND AMTRAK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I have come to address the issue of Amtrak, but I just cannot resist making some comments regarding one of the most bizarre and tortured speeches I have ever heard given by a Member who preceded me in the well.

Yes, it is true Americans pay more than twice as much as most people who live in industrialized nations around the world for our pharmaceuticals, many of those pharmaceuticals manufactured in the United States by United States-owned drug manufacturing firms and somehow exported from the United States and sold for half or 30 percent of the price overseas where they still make money. He said all we need is a bigger dose of the free market in the Republican approach to this bill.

We certainly do not want a government program like Medicare, that would actually rein in the price of drugs by negotiating it down using the market power of the 40 million people in Medicare, just like Blue Cross/Blue Shield does with their patients, just like the Veterans Administration does with their clients. Why? Because the pharmaceutical industry, who hosted the Republican fundraiser, the most successful in history, earlier this week, is bitterly opposed to that. They do not want the free market to work here in the United States.

But what he was really commenting on was the fact that overseas they control the outrageous price of these drugs and the companies still make a profit. So it was one of the more bizarre and tortured speeches I have ever heard trying to get around the fact their bill will do nothing about the outrageous price of pharmaceuticals, and that in fact they are introducing and passing legislation written by the insurance and pharmaceutical industry.

Now, on to Amtrak, another looming disaster. On Monday, the administration has a critical decision to make: Will they guarantee a loan for Amtrak to continue its operation, or will they kill Amtrak and kill our national rail system once and forever?

Will we become the only major industrialized Nation on Earth without a national rail system? What happens the next time there is a 9–11 when there is no rail alternative? Where are those people going to go? What are our alternatives?

This administration is rehashing again there another free market mantra. My God, Amtrak should not get subsidies. Well, yes, the trucking industry gets subsidies; automobiles get huge Federal subsidies; and, yes, the aviation industry got more subsidies in one day than Amtrak has gotten in 15 years. But Amtrak, no, they should not get a penny, because they compete with the regional airlines, and they are not liked by the freight companies.

So the administration is falling back on this: let us make it like the British rail system. That is as credible as the idea of modeling our electricity on the British system, which we have done. Deregulation, the disaster in California, was modeled on what they have done in Great Britain. And, in fact, what they are proposing for Amtrak is modeled on what they have done in Great Britain.

When I was over there earlier this year for aviation security issues, the paper was filled day after day after day with disasters, capacity problems, safety problems, crashes, dissatisfaction of the public. Divide off the rails from the actual providers of service. Yes, the Brits did that. It is a disaster.

No, this is plain and simple an excuse to kill the system. And if the administration does not sign this loan on Monday, they have just signed the death warrant of the national rail system in this country, which would be a horrible tragedy.

In my region, we have grown, with minuscule investment, rail passengers by 600 percent in 8 years. If we can turn it into a truly high-speed system, of course then it might compete with the aviation industry, we could get people to Seattle just about as quickly as they could get there and deal with the traffic problems coming to and from the airport in Oregon and the airline schedules.

□ 1530

But they do not want to have that kind of a system. They do not want that alternative. They do not want it to be successful. They want to kill it.

I challenged the administration on Monday, give them that loan guarantee and let Congress work its will in terms of reforming Amtrak, making it work better. We can do that, but do not just kill it with the lame excuse you want to make it like the failed British system.

Why should we emulate the failures of governments overseas when they are well known and well publicized? And if you want to kill it, just be honest about it and say you want to kill Amtrak, in particular because a few airlines are concerned about their routes in the east coast and other quarters where rail is actually carrying almost as many passengers, and in Europe where, in fact, on less than 400-mile flights they do carry more passengers. It is a more efficient way to get there. If that is what the agenda is, at least be honest about it.

CORRECTION TO THE CONGRESSIONAL RECORD OF THE FIRST SESSION, ONE HUNDRED SEVENTH CONGRESS

PROCEEDINGS OF THE HOUSE SUBSEQUENT TO SINE DIE ADJOURNMENT

FIRST SESSION, ONE HUNDRED SEVENTH CONGRESS

APPOINTMENTS BY THE SPEAKER SUBSEQUENT TO SINE DIE ADJOURNMENT

Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of Thursday, December 20, 2001, authorizing appointments and waiving clause 11(a)(1) of rule X, the Speaker on Tuesday, January 22, 2002, appointed the following Member of the House to the Permanent Select Committee on Intelligence:

Mr. EVERETT of Alabama.

MESSAGES AND COMMUNICATIONS RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

COMMUNICATION FROM THE CLERK OF THE HOUSE

The text of the communication from the Honorable Jeff Trandahl, Clerk of the House, dated December 21, 2001, is as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 2001.

HON. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2001 at 7:30 p.m.

That the Senate agreed to conference report H.R. 2506.

That the Senate passed without amendment H.J. Res. 79.

That the Senate passed without amendment H.J. Res. 80.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The text of the communication from the Honorable Jeff Trandahl, Clerk of the House, dated December 21, 2001, is as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2001 at 12:04 p.m.:

That the Senate passed without amendment H.R. 2277.

That the Senate passed without amendment H.R. 2278.

That the Senate passed without amendment H.R. 2251.

That the Senate passed without amendment H.R. 2869.

That the Senate passed without amendment H.R. 3030.

That the Senate passed without amendment H.R. 3248.

That the Senate passed without amendment H.R. 3334.

That the Senate passed without amendment H.R. 3346.

That the Senate passed without amendment H.R. 3392.

That the Senate passed without amendment H.R. 3447.

That the Senate passed without amendment H.R. 3348.

That the Senate passed without amendment H. Con. Res. 292.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATIONS FROM THE MINORITY LEADER

The text of the communication from the Minority Leader, the Honorable RICHARD A. GEPHARDT, dated January 4, 2002, is as follows:

HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 4, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 955(b)(1)(B) of Public Law 105–83, I hereby appoint the following Member to the National Council on the Arts:

Ms. Betty McCollum, MN

Yours Very Truly,

RICHARD A. GEPHARDT.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President, prior to the sine die adjournment of the 1st Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On November 17, 2001:

H.J. Res. 74. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

On November 20, 2001:

H.J. Res. 768. An Act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

On November 26, 2001:

H.R. 2620. An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

On November 28, 2001:

H.R. 1042. An Act to prevent the elimination of certain reports.

H.R. 1552. An Act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2330. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2500. An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2924. An Act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

On December 7, 2001:

H.J. Res. 76. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

On December 14, 2001:

H.R. 2291. An Act to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

On December 15, 2001:

H.J. Res. 78. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

On December 18, 2001:

H.J. Res. 71. Joint Resolution amending title 36, United States Code, to designate September 11, as Patriot Day.

H.R. 717. An Act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

H.R. 1766. An Act to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the "Stan Parris Post Office Building".

H.R. 2261. An Act to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office".

H.R. 2299. An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2454. An Act to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the "Congressman Julian C. Dixon Post Office".

SENATE BILLS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President, prior to the sine die adjournment of the 1st Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

On November 19, 2001:

S. 1447. An Act to improve aviation security, and for other purposes.

On December 12, 2001.

S. 1459. An Act to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse".

S. 1573. An Act to authorize the provision of educational and health care assistance to the women and children of Afghanistan

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED BY THE SPEAKER SUBSEQUENT TO SINE DIE ADJOURNMENT

The SPEAKER, subsequent to sine die adjournment of the 1st Session, 107th Congress, and pursuant to clause 4 of rule I, signed the enrolled bills and joint resolutions of the House of the following titles:

On December 21, 2001:

H.R. 1. An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

H.R. 2873. An Act to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living Program under title IV–E of that act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

H.J. Res. 79. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H.J. Res. 80. Joint resolution appointing the day for the convening of the second session of the 107th Congress.

ENROLLED BILLS SIGNED BY THE SPEAKER PRO TEMPORE SUBSEQUENT TO SINE DIE ADJOURNMENT

The Speaker pro tempore, Mr. GILCHREST, subsequent to sine die adjournment of the 1st Session, 107th Congress, signed the enrolled bills of the House of the following titles:

On January 3, 2002:

H.R. 1088. An Act to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes.

H.R. 2277. An Act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278. An Act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

H.R. 2336. An Act to extend for 4 years through December 31, 2005, the authority to redact financial disclosure statements of judicial employees and judicial officers.

H.R. 2506. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2751. An Act to authorize the President to award a Gold Medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public.

H.R. 2869. An Act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to amend such act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

H.R. 2884. An Act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.

H.R. 3030. An Act to extend the basic pilot program for employment eligibility verification, and for other purposes.

H.R. 3061. An Act making appropriations for the Department of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3248. An Act to designate the facility of the United States Postal Service located at 65 North Main Street in Cranbury, New Jersey, as the "Todd Beamer Post Office Building".

H.R. 3334. An Act to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California.

H.R. 3338. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3346. An Act to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses.

H.R. 3348. An Act to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center.

H.R. 3392. An Act to name the National Cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes.

H.R. 3447. An Act to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, to provide an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, to enhance certain health care programs of the Department of Veterans Affairs, and for other purposes.

SENATE ENROLLED BILLS SIGNED BY THE SPEAKER PRO TEMPORE SUBSEQUENT TO SINE DIE ADJOURNMENT

The Speaker pro tempore, Mr. TOM DAVIS of Virginia, subsequent to the sine die adjournment of the 1st Session, 107th Congress, signed the enrolled bills of the Senate of the following titles:

On January 2, 2002:

S. 1202. An act to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

S. 1714. An act to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building.

S. 1741. An act to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 1789. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 1793. An act to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

Honorable Jeff Trandahl, Clerk of the House, subsequent to sine die adjournment of the 1st Session, 107th Congress, reported that on the following dates, he presented to the President of the United States, for his approval, the bills and joint resolutions of the following titles:

On December 21, 2001:

H.J. Res. 79. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H.J. Res. 80. Joint resolution appointing the day for the reconvening of the second session of the One Hundred Seventh Congress.

December 27, 2001:

H.R. 643. An Act to reauthorize the African Elephant Conservation Act.

H.R. 645. An Act to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 2199. An Act to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.

H.R. 2657. An Act to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

On January 4, 2002:

H.R. 1. An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

H.R. 1088. An Act to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes.

H.R. 2277. An Act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278. An Act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

H.R. 2336. An Act to extend for 4 years, through December 31, 2005, the authority to redact financial disclosure statements of judicial employees and judicial officers.

H.R. 2506. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2751. An Act to authorize the President to award a gold medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public.

H.R. 3030. An Act to extend the basic pilot program for employment eligibility verification, and for other purposes.

H.R. 3061. An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3248. An Act to designate the facility of the United States Postal Service located at 65 North Main Street in Cranbury, New Jersey, as the "Todd Beamer Post Office Building".

H.R. 3334. An Act to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California.

H.R. 3346. An Act to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses.

H.R. 3348. An Act to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center.

On January 7, 2002:

H.R. 2869. An Act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to amend such Act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

H.R. 3338. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

On January 11, 2002:

H.R. 2873. An Act to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarceration parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

H.R. 2884. An Act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.

H.R. 3447. An Act to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans

Health Administration, to provide an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, to enhance certain health care programs of the Department of Veterans Affairs, and for other purposes.

On January 18, 2002:

H.R. 3392. An Act to name the national cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 1st Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On December 21, 2001:

H.R. 10. An Act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

H.R. 1230. An Act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

H.R. 1761. An Act to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the "Herb Harris Post Office Building".

H.R. 2061. An Act to amend the charter of Southeastern University of the District of Columbia.

H.R. 2540. An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.R. 2716. An Act to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans.

H.R. 2944. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

H.J. Res. 79. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H.J. Res. 80. Joint Resolution appointing the day for the convening of the second session of the One Hundred Seventh Congress.

On December 27, 2001:

H.R. 483. An Act regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon.

H.R. 1291. An Act to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.

H.R. 2559. An Act to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

H.R. 3323. An Act to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes.

On December 28, 2001:

H.R. 2883. An Act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3442. An Act to establish the National Museum of African American History and Culture Plan for Action Presidential Commission to develop a plan of action for the establishment and maintenance of the National Museum of African American History and Culture in Washington, D.C., and for other purposes.

On January 8, 2002:

H.R. 1. An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

H.R. 643. An Act to reauthorize the African Elephant Conservation Act.

H.R. 645, An Act to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 2199. An act to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.

H.R. 2657, An act to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

On January 20, 2002:

H.R. 2506. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3061. An Act making appropriations for the Departments of Labor, Health and Human services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3338. An Act making appropriations for the Departments of Defense for the fiscal year ending September 30, 2002, and for other purposes.

On January 11, 2002:

H.R. 2869. An Act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to amend such Act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

On January 16, 2002:

H.R. 1088. An Act to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for the purposes.

H.R. 2277. An Act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278. An Act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

H.R. 2336. An Act to extend for 4 years through December 31, 2005, the authority to redact financial disclosure statements of judicial employees and judicial offerers.

H.R. 2651. An Act to authorize the President to award a gold medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public.

H.R. 3030. An Act to extend the basic pilot program for employment eligibility verification, and for other purposes.

H.R. 3248. An Act to designate the facility of the Untied States Postal Service located at 65 North Main Street in Cranbury, New Jersey, as the "Todd Beamer Post Office Building".

H.R. 3334. An Act to designate the Richard J. Guadagno Headquarters and Visitors Center of Humboldt Bay National Wildlife Refuge, California.

H.R. 3346. An Act to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses.

H.R. 3348. An Act to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center.

On January 17, 2002:

H.R. 2873. An Act to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

SENATE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 1st Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolution of the Senate of the following titles:

On December 21, 2001

S. 494. An act to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

S. 1196. An Act to amend the Small Business Investment Act of 1958, and for other purposes.

S.J. Res. 26. Joint Resolution providing for the appointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

On December 28, 2001

S. 1438. An Act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

On January 4, 2002

S. 1789. An Act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

On January 15, 2002

S. 1202. An Act to amend the Ethics in Goverment Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics though fiscal year 2006.

S. 1714. An Act to provide for the installation of a plague to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building.

S. 1741. An Act to amend title XIX of the Social Security Act to Clarify that Indian Women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 1793. An Act to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today after 1:00 p.m. on account of business in the district.

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, 7for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

The following Members (at the request of Mr. Gutknecht) to revise and extend their remarks and include extraneous material:

Mr. NUSSLE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 20, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 327. Small Business Paperwork Relief Act of 2002.

ADJOURNMENT

Mr. DEFAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Monday, June 24, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7544. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Vinclozolin; Tolerance Revocations and Notice of Channels of Trade Provision Guidance [OPP-2002-0036; FRL-6835-6] (RIN: 2070-AB78) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7545. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7546. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting report of a violation of the Antideficiency act which occurred in the Department of the Army, Case Number 98-02, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7547. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule — Corporate Governance (RIN: 2550-AA20) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7548. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Removal of Superseded Regulations Relating to Plan Descriptions and Summary Plan Descriptions, and other Technical Conforming Amendments (RIN: 1210-AA66) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7549. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Reformulated Gasoline Covered Area Provisions [FRL-7222-5] (RIN: 2060-AK07) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7550. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Orthopedic Devices: Reclassification of the Hip Joint Metal/Polymer Constrained Cemented or Uncemented Prosthesis [Docket No. 99P-1864] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7551. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permit Program; State of Nebraska [NE 156-1156a; FRL-7218-2] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7552. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production [FRL-7222-4] (RIN: 2060-AJ34) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7553. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards [FRL-7222-3] (RIN: 2060-A691) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7554. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to Regulations Implementing the Federal Permits Program in Areas for which the Indian Country Status is in Question [FRL-7221-6] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7555. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 264-0346a; FRL-7219-2] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7556. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules for Certain Reserves (Rev. Rul. 2002-12) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7557. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report entitled, "Imposition of Foreign Policy Controls on Certain Dual-Use Chemical and Biological Items; to the Committee on International Relations.

7558. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of Advisory Neighborhood Commission 6C for Fiscal Years 1999, 2000, and 2001 (10/1/1998 through 9/30/2001)," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

7559. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of Advisory Neighborhood Commission 8A for Fiscal Years 2000, 2001, and 2002 through December 31, 2001 (10/1/1999 through 12/31/2001)," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

7560. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of Advisory Neighborhood Commission 7C for Fiscal Years 1999, 2000, 2001, and 2002 through December 31, 2001 (10/1/1998 through 12/31/2001)," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

7561. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-235-FOR] received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7562. A letter from the Director, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's biennial Federal Funding Report 1999-2000; to the Committee on Resources.

7563. A letter from the Assistant Director, Office of General Counsel, Department of Justice, transmitting the Department's final rule — National Security; Prevention of Acts of Violence and Terrorism [BOP-1116] (RIN: 1120-AB08) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7564. A letter from the Deputy Secretary, Department of State, transmitting notification expressing the Administration's commitment to working with Congress to ensure that victims of terrorism receive appropriate financial assistance following a terrorist attack and to provide our views on legislation pending in Congress on this issue; to the Committee on the Judiciary.

7565. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Gulf Intracoastal Waterway, Boca Grande, Charlotte County, Florida [CGD07-00-129] (RIN: 2115-AE47) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7566. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Darby Creek, Pennsylvania [CGD05-01-052] (RIN: 2115-AE47) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7567. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, VA [CGD05-01-070] (RIN: 2115-AE46) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7568. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Marine Events & Regattas; Annual Marine Events in the Eighth Coast Guard District [CGD08-01-012] (RIN: 2115-AE46) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7569. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels [USCG 1999-6094] (RIN: 2115-AF87) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7570. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Anchorages, Regulated Navigation Areas, Safety and Security Zones; Boston Marine Inspection Zone and Captain of the Port Zone [CGD01-01-162] (RIN: 2115-AA97, 2115-AA97, and 2115-AA98) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7571. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Area; Cape Fear River and Northeast Cape Fear River, Wilmington, North Carolina [CGD05-01-006] (RIN: 2115-AE84) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7572. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Area; Chesapeake Bay entrance and Hampton Roads, VA and adjacent waters [CGD05-01-046] (RIN: 2115-AE84) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7573. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels [USCG-2000-8589] (RIN: 2115-AG04) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7574. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule — Importation of Distilled Spirits, Wines, and Beer; Recodification of Regulations (2000R-247P) [T.D. ATF-479] (RIN: 1512-AC47) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7575. A letter from the Deputy Chief, Regulations Division, ATF, Department of Transportation, transmitting the Department's final rule — Distribution and Use of Denatured Alcohol and Rum (2000R-291P) [T.D. ATF-476; Notice No. 923] (RIN: 1512-AB57) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7576. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definition of Disqualified Person [TD 8982] (RIN: 1545-AY19) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7577. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2001 — received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7578. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural and Miscellaneous [Rev. Proc. 2002-24] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7579. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Industry Issue Resolution Program [Notice 2002-20] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7580. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Suspension of Requirement to File Form 8390 (Information Return for Determination of Life Insurance Company Earnings Rate Under Section 809) [Notice 2002-23] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7581. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Returns and Return Information by Other Agencies [REG-105344-01] (RIN: 1545-AY77) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7582. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2001-66) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SANDLIN:

H.R. 4983. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide for prompt payment for health benefits claims; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4984. A bill to amend title XVIII of the Social Security Act to provide for a Medicare prescription drug benefit; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4985. A bill to amend title XVIII of the Social Security Act to revitalize the Medicare+Choice Program, establish a Medicare+Choice competition program, and to improve payments to hospitals and other providers under part A of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4986. A bill to amend part B of title XVIII of the Social Security Act to improve payments for physicians' services and other outpatient services furnished under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4987. A bill to amend title XVIII of the Social Security Act to improve payments for home health services and for direct graduate medical education, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4988. A bill to amend title XVIII of the Social Security Act to establish the Medicare Benefits Administration within the Department of Health and Human Services, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4989. A bill to amend the Public Health Service Act to provide for grants to health care providers to implement electronic prescription drug programs; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 4990. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish requirements with respect to the sale of, or the offer to sell, prescription drugs through the Internet, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 4991. A bill to amend title XIX of the Social Security Act to revise disproportionate share hospital payments under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 4992. A bill to amend the Public Health Service Act to establish health professions programs regarding practice of pharmacy; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. Stark, Mr. Matsui, Mr. Coyne, Mr. Levin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mrs. Thurman, Mr. Allen, Mr. Andrews, Mr. Baird, Ms. Baldwin, Mr. Barrett, Ms. Berkley, Mr. Berry, Ms. Brown of Florida, Mr. Brown of Ohio, Mr. Capuano, Mr. Clay, Mr. Conyers, Mr. Davis of Illinois, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Edwards, Mr. Engel, Mr. Farr of California, Mr. Filner, Mr. Ford, Mr. Frank, Mr. Frost, Mr. Gonzalez, Mr. Green of Texas, Mr. Hastings of Florida, Mr. Hinchey, Mr. Holt, Mr. Israel, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Kanjorski, Ms. Kaptur, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. Kind, Mr. Kucinich, Mr. Lampson, Mr. Larson of Connecticut, Mr. Lynch, Mr. Markey, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McGovern, Ms. McKinney, Mr. Meehan, Mrs. Meek of Florida, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Moore, Mr. Obey, Mr. Olver, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Ms. Rivers, Mr. Rodriguez, Ms. Roybal-Allard, Mr. Rush, Mr. Sandlin, Ms. Schakowsky, Mr. Schiff, Mr. Scott, Ms. Slaughter, Ms. Solis, Mr. Strickland, Mr. Stupak, Mr. Tierney, Mr. Towns, Mrs. Jones of Ohio, Mr. Turner, Mr. Udall of Colorado, Mr. Udall of New Mexico, Ms. Watson, Mr. Waxman, Ms. Woolsey, Mr. Wu, and Mr. Wynn):

H.R. 4993. A bill to amend the Internal Revenue Code of 1986 to prevent corporations from exploiting tax treaties to evade taxation of United States income; to the Committee on Ways and Means.

By Mr. BALDACCI (for himself, Mr. McGovern, Mr. Green of Texas, Mr. Lipinski, Mr. Frank, Mr. Stupak, and Mr. Davis of Illinois):

H.R. 4994. A bill to provide for the payment or reimbursement by the Federal Government of special unemployment assistance paid by States to individuals participating in qualified worker training programs, and for other purposes; to the Committee on Ways and Means.

By Mrs. DAVIS of California:

H.R. 4995. A bill to ensure that members of the uniformed services receive annual pay raises at least equal to increases in the Employment Cost Index; to the Committee on Armed Services.

By Mr. DUNCAN:

H.R. 4996. A bill to provide for an exchange of certain private property in Colorado and certain Federal property in Utah; to the Committee on Resources.

By Mr. FRANK:

H.R. 4997. A bill to amend chapter 89 of title 5, United States Code, to allow the spouse of a Federal employee or annuitant to obtain health benefits coverage for self alone, and for other purposes; to the Committee on Government Reform.

By Mrs. McCARTHY of New York:

H.R. 4998. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow certain applicants for approval of a generic drug to be eligible for a 180-day period of protection from competition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PASTOR (for himself and Mr. Gutierrez):

H.R. 4999. A bill to adjust the status of certain aliens with longstanding ties to the United States to that of an alien lawfully admitted to permanent residence, and for other purposes; to the Committee on the Judiciary.

By Mr. PASTOR:

H.R. 5000. A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes; to the Committee on Resources.

By Mr. STARK:

H.R. 5001. A bill to amend the Individuals with Disabilities Education Act to establish a method to provide outcome-based funding increases to States, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey:

H. Con. Res. 422. Concurrent resolution expressing concern about continuing serious violations of human rights and fundamental freedoms in Kazakhstan, including substantial noncompliance with the Organization for Security and Cooperation in Europe (OSCE) commitments on human rights and democratization, and for other purposes; to the Committee on International Relations.

By Mr. TOOMEY (for himself, Mr. Baldacci, Mr. Holden, Ms. Baldwin, Mr. Owens, Mr. Hoekstra, Mr. Otter, and Mr. Schiff):

H. Con. Res. 423. Concurrent resolution recognizing the inherent worth of children in the United States and expressing support for the goals and ideals of National Kids Day; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 228: Mr. Moore.

H.R. 285: Ms. Slaughter and Ms. Woolsey.

H.R. 397: Mr. Cardin, Mr. Wu, and Mrs. McCarthy of New York.

H.R. 439: Mr. Gekas.

H.R. 440: Mr. Gekas.

H.R. 488: Ms. Roybal-Allard, Ms. Harman, and Mr. Matsui.

H.R. 548: Mr. Wilson of South Carolina and Mr. Kirk.

H.R. 600: Mr. Peterson of Minnesota.

H.R. 632: Mr. Gillmor and Mr. Mica.

H.R. 792: Mr. Rangel.

H.R. 826: Mr. Holden.

H.R. 831: Mr. McInnis, Mr. Houghton, Mr. Whitfield, and Mr. Traficant.

H.R. 840: Mr. Castle, Ms. Roybal-Allard, Mr. Wolf, Mr. Jenkins, Mr. Rush, Mr. George Miller of California, Mr. Cummings, Mr. Ehrlich, Mr. Matheson, and Mr. Rothman.

H.R. 877: Mr. Callahan.

H.R. 882: Mr. Fletcher.

H.R. 912: Mr. Borski, Mr. Hill, and Mr. Thompson of California.

H.R. 914: Mr. Souder and Mr. Holden.

H.R. 945: Mr. Souder.

H.R. 951: Mr. Rahall and Mrs. Bono.

H.R. 1078: Mr. Evans.

H.R. 1143: Mr. Hoeffel.

H.R. 1167: Mr. Lipinski.

H.R. 1168: Mr. Lipinski.

H.R. 1202: Mr. Ganske, Mr. Dingell, and Mr. Ackerman.

H.R. 1232: Ms. Kaptur and Mr. Gekas.

H.R. 1305: Mr. Hunter.

H.R. 1434: Mr. King.

H.R. 1517: Mr. Wilson of South Carolina.

H.R. 1596: Mr. Udall of Colorado and Mr. Gekas.

H.R. 1600: Mr. Levin.

H.R. 1624: Mr. Hostettler, Mr. Reynolds, Mr. Ose, and Mr. Rothman.

H.R. 1724: Mr. Kildee.

H.R. 1774: Mr. Mascara, Mr. Smith of Texas, Ms. Millender-McDonald, Mr. Gillmor, Mr. Rodriguez, Mr. Cummings, Mr. Kennedy of Minnesota, Mr. Sullivan, and Mrs. Christensen.

H.R. 1859: Mr. Udall of Colorado.

H.R. 1968: Ms. Kaptur.

H.R. 2282: Mr. Langevin and Ms. Baldwin.

H.R. 2347: Mr. Shimkus.

H.R. 2373: Mr. Jeff Miller of Florida and Mr. Nethercutt.

H.R. 2419: Mr. Neal of Massachusetts.

H.R. 2629: Mr. Reyes and Mrs. Jo Ann Davis of Virginia.

H.R. 2638: Mr. Tierney.

H.R. 2675: Mr. Gekas.

H.R. 2735: Mr. Bilirakis.

H.R. 2966: Ms. DeGette.

H.R. 3034: Mr. Weiner.

H.R. 3177: Mr. Gekas.

H.R. 3192: Mr. Meeks of New York.

H.R. 3270: Mr. Bryant.

H.R. 3324: Mr. Pomeroy, Mr. Udall of New Mexico, and Mr. Sununu.

H.R. 3332: Ms. Brown of Florida, Mr. Aderholt, and Mr. Stark.

H.R. 3363: Mr. Clement and Mr. Diaz-Balart.

H.R. 3449: Mr. Moran of Virginia and Mr. Schrock.

H.R. 3497: Mr. Brown of South Carolina.

H.R. 3569: Mr. Nussle.

H.R. 3612: Mr. Mollohan, Mr. Carson of Oklahoma, Mr. Matheson, and Mrs. Clayton.

H.R. 3686: Mr. Watts of Oklahoma.

H.R. 3794: Ms. Kilpatrick, Mr. Conyers, Mr. Stearns, Mr. Camp, and Mr. Luther.

H.R. 3882: Mrs. Jo Ann Davis of Virginia and Mr. Simmons.

H.R. 3916: Mr. Sanders, Mr. Blagojevich, and Mr. Frost.

H.R. 3961: Mr. Wilson of South Carolina.

H.R. 3973: Mr. Dan Miller of Florida.

H.R. 4001: Mr. Simmons, Mr. Tancredo, Mr. Herger, Mr. Foley, and Mr. Souder.

H.R. 4003: Mr. Honda and Ms. McCarthy of Missouri.

H.R. 4011: Mr. Sandlin.

H.R. 4026: Mr. Kerns.

H.R. 4070: Mr. Cummings.

H.R. 4170: Mr. Isakson.

H.R. 4582: Mr. Cummings, Mr. Honda, Ms. Solis, and Mr. Davis of Illinois.

H.R. 4598: Mr. Upton.

H.R. 4604: Mr. Davis of Illinois.

H.R. 4614: Mr. Tierney, Mr. Costello, Ms. Slaughter, and Ms. Woolsey.

H.R. 4623: Mr. Souder and Mr. Visclosky.

H.R. 4635: Mr. Lucas of Kentucky.

H.R. 4643: Mr. Kildee.

H.R. 4672: Mr. Owens.

H.R. 4676: Mr. Schiff, Mr. Cummings, Ms. Baldwin, Ms. Lofgren, Mr. Hastings of Florida, Mr. Pickering, Ms. Rivers, and Mr. Holt.

H.R. 4683: Mr. Leach, Mr. Allen, and Mr. Lampson.

H.R. 4693: Mr. Gutierrez, Mr. Crowley, Mr. Reyes, Mr. Hill, Mr. Shaw, Mr. Weiner, and Mrs. Maloney of New York.

H.R. 4699: Mr. Petri.

H.R. 4728: Mr. Holden, Mr. Davis of Illinois, and Mrs. Mink of Hawaii.

H.R. 4743: Mr. Scott.

H.R. 4749: Mr. Cooksey.

H.R. 4754: Mr. Jackson of Illinois.

H.R. 4756: Mr. English.

H.R. 4789: Mr. Kerns.

H.R. 4793: Mr. McCrery.

H.R. 4803: Ms. Carson of Indiana, Mr. McNulty, Mr. Davis of Illinois, and Mrs. Mink of Hawaii.

H.R. 4831: Mr. Kind, Ms. Jackson-Lee of Texas, Mr. Israel, Mr. Sherman, Mr. Lynch, Mr. Gordon, Mr. Bentsen, Mr. Brown of Ohio, Ms. Schakowsky, Mr. Davis of Illinois, Mr. Luther, Mr. Etheridge, Mr. Andrews, Mr. Hinojosa, Mr. Lampson, Mr. Rothman, Mr. Kucinich, Mr. Filner, Ms. Hooley of Oregon.

H.R. 4833: Mr. Sanders.

H.R. 4843: Mr. Wilson of South Carolina, Mr. Jones of North Carolina, and Ms. McCarthy of Missouri.

H.R. 4858: Mr. Osborne.

H.R. 4881: Mr. Sessions.

H.R. 4888: Mr. Walden of Oregon, Ms. DeLauro, Mr. Bilirakis, Mr. Whitfield, Mr. Bass, Mr. Fossella, and Ms. Carson of Indiana.

H.R. 4889: Mr. Herger.

H.R. 4904: Ms. Roybal-Allard, Mr. Abercrombie, and Mr. Baca.

H.R. 4907: Mr. Ballenger.

H.R. 4939: Mr. McGovern, Mr. Owens, Mr. Peterson of Minnesota, and Ms. Hooley of Oregon.

H.R. 4957: Mrs. Davis of California, Mr. Lampson, and Mr. Lucas of Kentucky.

H.R. 4959: Mr. Berry.

H.R. 4964: Mr. Wolf, Mrs. Jones of Ohio, and Mr. Owens.

H.R. 4965: Mr. Gutknecht, Mr. Weldon of Florida, Mr. Tiahrt, Mr. Collins, Mr. Hulshof, and Mr. Bartlett of Maryland.

H.R. 4980: Mr. Kerns.

H.J. Res. 6: Mr. Baldacci and Mr. Allen.

H.J. Res. 89: Ms. Baldwin.

H.J. Res. 98: Mr. Lipinski and Mr. Pastor.

H. Con. Res. 99: Mr. Crowley and Mrs. Clayton.

H. Con. Res. 238: Mr. Lynch.

H. Con. Res. 349: Mr. Waxman, Ms. Schakowsky, Mr. Fattah, Mrs. Clayton, Mr. Davis of Illinois, Mr. Wynn, Mrs. Christensen, Ms. McKinney, Ms. Kilpatrick, Mr. Owens, Mr. Rush, Ms. Lee, Mr. Towns, Mr. Rangel, Mr. Clay, Mr. Payne, Mr. Meeks of New York, Mrs. Meek of Florida, Mr. Lewis of Georgia, Mr. Conyers, and Mr. Abercrombie.

H. Con. Res. 355: Mr. LoBiondo.

H. Con. Res. 362: Mr. English, Mr. Hastings of Florida, Mr. Holden, and Mr. Rehberg.

H. Con. Res. 380: Mr. Davis of Illinois.

H. Con. Res. 408: Mr. Luther.

H. Res. 445: Mr. Doyle and Mr. Boehlert.

H. Res. 453: Mr. Rothman.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4645: Ms. Lofgren.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 7, June 19, 2002, by Ms. KAREN L. THURMAN, on House Resolution 425, was signed by the following Members: Karen L. Thurman, Peter A. DeFazio, Steven R. Rothman, Hilda L. Solis, Jim McDermott, Lucille Roybal-Allard, Diane E. Watson, Shelley Berkley, John W. Olver, John B. Larson, Frank Mascara, Lynn C. Woolsey, Barney Frank, Charles B. Rangel, James R. Langevin, Carolyn McCarthy, Steve Israel, Rick Larsen, Robert T. Matsui, Janice D. Schakowsky, Max Sandlin, John F. Tierney, Tom Udall, James P. McGovern, Mike Thompson, Robert A. Brady, Michael E. Capuano, Nick J. Rahall II, Gary L. Ackerman, Ron Kind, Sheila Jackson-Lee, Carolyn B. Maloney, Stephen F. Lynch, Julia Carson, Stephanie Tubbs Jones, Mark Udall, Joseph Crowley, Loretta Sanchez, Thomas H. Allen, Alcee L. Hastings, Patsy T. Mink, Gene Green, Martin T. Meehan, Joe Baca, Bart Gordon, Lloyd Doggett, Nick Lampson, Ciro D. Rodriguez, Adam B. Schiff, Major R. Owens, Zoe Lofgren, Bill Pascrell, Jr., Lois Capps, Joseph M. Hoeffel, Robert A. Borski, Chaka Fattah, Donald M. Payne, Patrick J. Kennedy, Rosa L. DeLauro, Maxine Waters, Mike McIntyre, Jose E. Serrano, Ken Lucas, Eddie Bernice Johnson, Benjamin L. Cardin, Tammy Baldwin, Lane Evans, Martin Frost, Ted Strickland, Diana DeGette, Karen McCarthy, Jim Turner, Ruben Hinojosa, Juanita Millender-McDonald, Harold E. Ford, Jr., Frank Pallone, Jr., Michael M. Honda, Brad Sherman, Bobby L. Rush, Eva M. Clayton, Carrie P. Meek, Marcy Kaptur, David Wu, Earl Blumenauer, Ellen O. Tauscher, David E. Price, Ken Bentsen, Elijah E. Cummings, James P. Moran, Dennis J. Kucinich, Fortney Pete Stark, Carolyn C. Kilpatrick, Grace F. Napolitano, Richard A. Gephardt, Steny H. Hoyer, Nancy Pelosi, Earl Pomeroy, Danny K. Davis, Ed Pastor, Jim Matheson, Rod R. Blagojevich, Sanford D. Bishop, Jr., Sander M. Levin, Charles A. Gonzalez, Xavier Becerra, Corrine Brown, William D. Delahunt, Rush D. Holt, Robert E. Andrews, Jerrold Nadler, Edolphus Towns, Bernard Sanders, Solomon P. Ortiz, Henry A. Waxman, George Miller, Mike Ross, James H. Maloney, Robert Menendez, Tom Sawyer, Albert Russell Wynn, Bob Etheridge, Nydia M. Velázquez, Silvestre Reyes, Nita M. Lowey, Jesse L. Jackson, Jr., Bennie G. Thomspon, Christopher John, Sam Farr, Chet Edwards, Michael F. Doyle, Gregory W. Meeks, Alan B. Mollohan, Susan A. Davis, Sherrod Brown, Louis McIntosh Slaughter, David D. Phelps, Neil Abercrombie, Jerry F. Costello, Wm. Lacy Clay, Bob Clement, Thomas M. Barrett, Anna G. Eshoo, Ronnie Shows, John Conyers, Jr., Gary A. Condit, Ralph M. Hall, and Ike Skelton.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4 by Mr. CUNNINGHAM on House Resolution 271: Walter B. Jones and Collin C. Peterson.

The following Member's name was withdrawn from the following discharge petition:

Petition 7 by Ms. THURMAN on House Resolution 425: Patsy T. Mink.

EXTENSIONS OF REMARKS

INTRODUCING THE REALIZING THE SPIRIT OF IDEA ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. STARK. Mr. Speaker, today I rise to introduce the Realizing the Spirit of IDEA Act.

For twenty-five years the federal government has made hollow promises to fully fund the Individual with Disabilities in Education Act (IDEA). This legislation makes good on that promise; however, it does more than that. By linking funding to better outcomes, it also makes sure that the spirit of IDEA is truly realized for children with disabilities.

IDEA opened the school doors to children with disabilities; yet, more needs to be done in order to make special education work for disabled students. National statistics suggest that there is still a sizable disparity in the outcomes of disabled students when compared to students without disabilities.

When compared to students without disabilities, between 19 and 42 percent fewer disabled students are able to pass state proficiency examinations;

The drop out rate for disabled students is double that of students without disabilities;

Only 55 percent of disabled students receive a regular high school diploma (compared to 75 percent of individuals within the general school population);

Disabled individuals are 50% less likely to attend college than are individuals who are not disabled;

Disabled students often avoid the painful experience of school and their attendance suffers; and

The Census Bureau reports that 50% of individuals with disabilities are employed, compared with 84% of non-disabled individuals.

The under-funding of IDEA could help explain why students with disabilities fare so poorly on these critical outcomes. While Congress has doubled federal appropriations for IDEA over the last decade, federal funding for IDEA is less than half of what Congress originally promised.

Unfortunately, recent increases in federal funding have translated into very modest improvement in the overall outcomes of disabled children. This would suggest that we not only need more federal funding for disabled students, but we need to use our resources more wisely.

The Realizing the Spirit of IDEA Act will dramatically increase the financial support for children with disabilities. However, in order to receive increases, school districts must make sure disabled children are not left behind. In return for mandatory increases in funding for IDEA, school districts must help disabled students:

Increase their attendance;

Increase academic proficiency;

Lower the incidence of drop out;

Increase graduation rate; and

Improve rates of post-secondary employment and education.

The bill will also provide mandatory increases in funding for research and development as well as for programs that help disabled infants, preschoolers and their families.

Linking mandatory funding to accountability will profoundly change the way IDEA works by doing just that—making it work. The Realizing the Spirit of IDEA Act is needed to move away from the status quo. Our children, regardless of their ability or disability, deserve more that a second-class education. We should accept nothing less than the best tools we have to help them succeed. Please join me in supporting the Realizing the Spirit of IDEA Act. It is about time we give meaning to the phrase, Leave No Child Behind.

IN HONOR OF CLAUDETTE MOODY, WHO LEAVES AFTER 17 YEARS OF PUBLIC SERVICE WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Claudette A. Moody, a Glendale, California resident who will be leaving as Director of Government Relations at the Los Angeles County Metropolitan Transportation Authority at the end of June 2002 after an exemplary 17-year career.

Moody joined the former Los Angeles County Transportation Commission (LACTC) in 1985 as the first full-time employee devoted to outreach with the Federal government, and she later assumed responsibility for State issues as well. She provided key support for the former Southern California Rapid Transit District (RTD) in securing the initial funding for the Metro Rail subway, including working on the joint appropriations document with the LACTC, RTD, Southern California Association of Governments, and the Greater Los Angeles Chamber of Commerce.

Claudette has furthered the transportation interests of Los Angeles County by writing and advocating positions on countless pieces of reform legislation aimed at improving transportation throughout Los Angeles County, and was the key staff member to work on Assembly Bill 152, creating the Los Angeles County Metropolitan Transportation Authority (MTA), including conceiving and writing provisions that won the support of smaller cities. In addition to recommending MTA Board positions on thousands of bills, Claudette served as the key staff person in efforts leading to the successful passage of Proposition C, Propositions 111 and 108, and Proposition 42 relating to transportation. Indeed, Claudette has served as a crucial member of a team that has brought billions of dollars to Los Angeles County for transportation purposes.

Claudette was the co-founder and first Chairperson of the African-American Employees Association, and initiated the agency's activities for Juneteenth Day and Black History Month. She also was co-founder and first Chairperson of the MTA Employee Association, was instrumental in developing the childcare center for the MTA and sat on the initial contract review task force. Claudette was a key staff member to liaison with Governor Gray Davis' office in developing projects to be funded through the Governor's Transportation Congestion Relief Program.

Claudette has served with distinction at the Los Angeles County Metropolitan Transportation Authority and I ask all Members of Congress to join me in recognizing her for her years of service to the LACTC, MTA, and to the citizens, residents, and users of transportation services in Los Angeles County, and further wish her success and the best of luck in all her future endeavors.

A TRIBUTE TO SAINT JOHN LUTHERAN CHURCH—AMELITH ON THEIR 150TH ANNIVERSARY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BARCIA. Mr. Speaker, I rise today to sing high praise for Saint John Lutheran Church-Amelith in my hometown of Bay City, Michigan, as the congregation prepares to celebrate the church's 150th anniversary. The church has been a spiritual beacon for Frankenlust Township and the surrounding community since its inception and its long and noteworthy history deserve tribute.

Since the middle of the 19th Century, the church has graced the community with its presence and brought family and friends into the light of Christian love and charity. Church members today share a bond and their faith with the small band of German Lutheran families from Gunzenhausen in Franken who came to Bay County in 1852 at the encouragement of a German businessman and man of faith named Friedrich Koch. When these settlers arrived, they used a large log cabin as a church on Sunday and a school during the week. Shortly thereafter, Saint John-Amelith and Saint Paul-Frankelust three miles to the north were two of the earliest congregations to form the new Lutheran Church Missouri Synod in 1853.

In the beginning, just a few families formed the foundation of the church. These families

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

had such surnames as Link, Stengel, Burk, Daeschlein, Eichinger, Heumann, Lutz, Rueger, Schmidt, Schnell and Stephan. After years of struggle, these settlers built a beautiful house of worship in 1870 to replace their log cabin church. However, by 1912, they also outgrew that church and built the brick church that still serves parishioners needs today. A true temple of God with its exquisite stained-glass windows and Gothic architecture, this church harkens back to the fine old churches of Germany where so many of those early settlers must have worshiped.

Churches, however, are much more than buildings. Over the years, the pastors and parishioners of Saint John Amelith have put their hearts and souls into helping us all lead better lives and move a bit closer to God. Clearly, there is no better evidence of the Christian love and neighborly spirit so abundant at Saint John-Amelith than the fact that just 10 pastors have served its needs in 150 years, including the present pastor, Stephen Starke.

Finally, Mr. Speaker, I ask my colleagues to bestow upon Saint John Lutheran Church-Amelith the congratulations of the United States Congress upon the occasion of the church's 150th anniversary. I have faith that it will continue to minister to the spiritual needs of the community for many years to come.

RUTH ANN STROZINSKY RECOGNITION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. PETRI. Mr. Speaker, on May 1, 2002, Ruth Ann Strozinsky of Tomah, Wisconsin, retired after serving the State of Wisconsin for 21 years as a member of the Board on Aging and Long Term Care. During this time, Ruth Ann worked diligently to protect and preserve the rights of the elderly and disabled consumers as she strived to assure that they have the knowledge and support necessary for them to make informed long term care choices. She has upheld the spirit and intent of the Older Americans Act as well as the public policy of the State of Wisconsin. She has been a leader in contributing to the success of the Long Term Care Ombudsman Program and the Medigap Helpline Program as they continue to meet the ever-increasing public need for information and advocacy services.

Ruth Ann has provided leadership and direction to officials at every level of municipal, county and state government on issues of importance to Wisconsin's senior citizens. She is a member of the Monroe County Services for the Elderly, has served as President of the Western Wisconsin Area Agency on Aging, and is a member of the governing board of the Coalition of Wisconsin Aging Groups. She has assisted in the development of legislative and regulatory proposals to identify and improve important public policy issues. In 1995, she was appointed by Governor Tommy Thompson as a Wisconsin delegate to the White House Conference on Senior Citizens and Aging. This was her second appointment to the Conference, the first being in 1981.

In addition to serving the elderly, she is an active member of her church, a life member of the National Education Association, a member of the Monroe County Teachers Association, a charter member of the Tomah Business and Professional Women's Club, and has served many years on the Tomah Housing Authority and Community Block Grant Committee.

Ruth Ann does not tell her age, although it is believed that she is close to 100 years old. She believes it isn't how old you are but what you accomplish in your life that counts. She has certainly made her life count.

She is a retired high school English teacher who still gives of her time to help students earn their high school diplomas. Ruth Ann has also taught foreign students to improve their communication skills while they are in the United States. She has no children of her own, but has "adopted" many over the years—neighborhood children, her students and children from her church. She has shown a great love and concern for all these children.

Ruth Ann Strozinsky is a remarkable lady who is greatly admired by her colleagues and the people she serves. Her energy and caring efforts have been an inspiration to many. I consider it an honor and a privilege to know her. It is fitting that she receives recognition and praise for her achievements and successes and for the service she has rendered to her community and the State of Wisconsin.

IN REMEMBRANCE: TIFFANY TAYLOR OF ROSEVILLE, MICHIGAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BONIOR. Mr. Speaker, I rise today to celebrate the life of Tiffany Taylor. Fifteen-year-old Tiffany was killed by random gunfire as she rode home with her friends after an evening at a Roseville roller skating rink. I am truly saddened and offer my deepest condolences to Tiffany's family and friends.

It is hard to understand why this senseless act of violence has occurred. Even the strongest faith can be shaken when a young life is cut short. But at a recent gathering of Tiffany's family, friends, classmates and neighbors, it was clear that this community has not lost its faith. They came together to honor Tiffany's memory, and pledged to work together to end violent crime in our community so that nothing like this ever happens again.

All of us have to do our part to end violence in our communities. Parents, teachers, clergy, community leaders, students, police officials and counselors are all part of the solution. We need to support the efforts of community groups like Citizens of Macomb Behind All Teens (COMBAT) to stand up for our youth and work with them to offer positive ways for them to be involved in the community. We need more counselors in our schools so that young people have caring adults to turn to in times of distress or crisis, and prevent violence before it occurs. We need more places for our youth to go to stay out of harm's way, like the community center planned for Mount Clemens, and afterschool programs so that they will not become victims or perpetrators of crime.

Our hearts are heavy with loss. But as we look back and remember Tiffany, we must also remember to look forward—and to work toward a community without violence. I stand with Tiffany's community ready to do what is necessary to protect our children and youth from violence.

IN RECOGNITION OF CONGRESSWOMAN PATSY MINK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. STARK. Mr. Speaker, I rise today to acknowledge my great appreciation for the work done in Congress by my colleague from Hawaii, Congresswoman PATSY MINK. Recently, I came across an article published in Outlook magazine in connection with the American Association of University Women, titled Title IX at 30: Making the Grade? written by Patrice Gaines. The article observes Title IX's 30th anniversary as part of the Education Amendments of 1972. As a co-author of this law, Congresswoman MINK desired equal opportunities for women in comparison to their male counterparts in all education programs receiving taxpayer dollars. While there has been significant progress for women in the past thirty years, there are still many obstacles to overcome. Some of the barriers were addressed in the article, provided below.

TITLE IX AT 30: MAKING THE GRADE?

It was just 37 words, attached without fanfare to an education amendment.

"In the dark of night, we stuck in this language," recalls U.S. Rep. Patsy Mink (D-Hawaii) (pictured above), who authored the law with the late Rep. Edith Green (D-Oregon). "I don't think my colleagues had any idea that language hitched to funding could make such a difference."

The law was Title IX of the Education Amendments of 1972. Its existence illustrates what can happen when women are in positions of power. Of course, Mink and Green needed the support of their male colleagues. At the time, women held just 12 congressional seats. But history was altered because these two women beat the odds to be elected to Congress and then took strong leadership roles.

"I knew of this terrible disparity in education long before [I came to] Congress," says Mink, who had applied to 13 law schools and found that only one would accept women. In 1949 the University of Chicago admitted two female law students in Mink's class of 200.

In the last 30 years, Title IX has dramatically changed many aspects of society, most notably the sports arena. Young women who once could only shoot hoops in their driveways now earn sports scholarships to college and have opportunities—though limited—to become professional athletes. And nearly 50 percent of law school students and lawyers are women.

Yet progress under Title IX remains mixed. While we can watch WNBA games on TV, in some less visible aspects progress is slower or has even come to a screeching halt.

PINK VS. BLUE EDUCATION

"There is a lack of progress in career education—vocational training at the high school and postsecondary levels," says Leslie Annexstein, senior counsel at the National Women's Law Center and vice chair of the National Coalition for Women and Girls in Education, which is publishing a report (available late June 2002 at www.aauw.org) marking the status of Title IX on its 30th anniversary. "We still see female students clustered in traditional occupational tracks that lead to jobs that make a lot less money."

On the high school level, that means females still take cosmetology classes while males fill trade and construction programs. Statistics show that across the board, blue-collar jobs pay more than pink. While the gender gap has narrowed in math and science, engineering and physics remain male domains, and the gap yawns in technology.

"Technology is the key to the future, but women have been left behind," says AAUW Director of Public Policy and Government Relations Nancy Zirkin, who co-chairs the coalition with AAUW Government Relations Manager Jamie Pueschel. According to statistics in Tech-Savvy: Educating Girls in the New Computer Age (AAUW Educational Foundation, 2002), boys take computer advanced placement classes and pursue information technology degrees. Girls tend to use computers for data entry and e-mail. That leaves men with more than 80 percent of high-tech—and high-paying—jobs.

Other post-Title IX hurdles remain: As you move up the career ladder in prestige or rank, you find fewer and fewer women. The coalition report highlights the second-class status of women working in educational institutions. While women account for almost three-fourths of school-teachers, for example, they make up only about 20 percent of high school principals and 12 percent of superintendents. In higher education, women are only 21 percent of full professors and 19 percent of college and university presidents.

And persistently, on all educational levels, the learning environment remains uneven. Male students attract more attention—positive and negative—than do females. "That means females receive less encouragement and stay in secondary roles throughout their education," says Annexstein. This can condition females to accept a back seat in school as well as in career and adult roles.

That's not just bad for girls. Boys hear that they are trouble-makers and problem students and may find the heat of the added attention uncomfortable.

Sexual harassment, too, continues to plague young women and men. Eight in 10 students in grades eight to 11 experience harassment during their student lives, according to Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School (AAUW Educational Foundation, 2001), and more than a quarter say they experience harassment often. Girls are more likely to experience harassment than boys—83 percent versus 79 percent—but boys today are more likely to be harassed than were their counterparts in 1993.

Compared to this backslide, there is a standstill in progress in the treatment of pregnant and parenting students. Before Title IX, high school students were automatically expelled if they became pregnant, and parenting typically signified the end of their formal education. Title IX now prohibits discrimination based on parental status, making automatic expulsion illegal. Yet while these young women may be allowed to stay in school, without more programs and assistance to help them, the results remain the same: A young women is often forced to drop out. Traditional schools encourage pregnant students to leave or to attend one of the newer programs established specifically for young parents. But these newer schools generally lack academic quality.

PUSH FOR CHANGE

Still, Mink remains hopeful. She's seen how far women have come, though progress may be slow. A member of AAUW's Puna, Hawaii, Branch, she began taking a lead role in advancing equity on the House Education and Labor Committee when she and other members summoned publishers to address the lack of female images in schoolbooks. With that congressional nudge, in a few years the texts changed.

Next, Mink recalls, Edith Green wanted to add the category of "sex" to Title VII of the Civil Rights Act of 1964, which prohibits discrimination in the workplace.

"The Justice Department kept saying it couldn't [legally] be done," says Mink. "The only thing left was to attach it to the education bill." In the end, Congress did outlaw sex discrimination in Title VII, but Mink and Green still pushed the change in Title IX.

Sen. Ted Stevens (R-Alaska) immediately added his support.

"I was a Little League coach in Anchorage," he recalls. "I had three boys and two girls. When it came time to pick a team, I had to tell the girls they couldn't play."

His oldest daughter suggested the sue, but Stevens didn't have the time or money to invest in a lengthy court case. Yet he never forgot his daughters' disappointment and his feeling that the playing field was not fair. So when he got to Congress, he joined forces with Mink, Green, and others. He remains a staunch supporter of Title IX.

So does Dot "Doc" Richardson, captain of the softball team that took home the gold from the 1996 and 2000 Olympics. Richardson says that title IX helped her become not just a world-class athlete but a surgeon, too.

"Through Title IX we got the chance to learn that people appreciate athletic talent no matter the gender," she says. "That's the kind of respect every athlete wants: to just be treated as an athlete—not as a male or female athlete." But that's just the beginning. "Title IX is all about education," says Richardson, a surgeon at Ray-Richardson Orthopedic Associates in Clermont, Florida.

"It amazes me that people believe that Title IX means if you have a college football team for men, you have to have a football team for women," says Richardson. What it says is that female students must have equal opportunities to participate in educational programs and activities.

In a way, Richardson says, Title IX taught her to dream, creating opportunities she never imagined possible. The young Dot who longed to play Little League baseball with her brothers never dreamed that one day the best-selling Louisville Slugger bat would bear her name.

KEEPING TITLE IX ALIVE

Mink and Green's short amendment has created opportunities while making equity issues a part of the general consciousness of many men and women, especially those who have grown up since the amendment became law.

Consider the children of ABC News reporter and commentator Cokie Roberts: "My daughter went to Princeton and had a varsity letter in water polo. That would not have been possible without Title IX. But it would never occur to her that she would not have equal education and access to everything. And her brother is appalled at the notion that things would be any different for her than they are for him."

Yet, warns Mink, people must be vigilant in guarding the law that passed so quietly.

"Most of the young people around today don't understand what it was like in the 1940s and '50s," says Mink. "As the older women pass and the younger ones do not have the knowledge,there may be an attempt to water down Title IX."

I ask my colleagues to rise today and recognize our colleague, PATSY MINK; a woman who has dedicated much of her time and efforts advocating the significance and achievements that women can and do contribute to this country.

TRIBUTE TO DR. JAMES HOWARD LARE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Dr. James Howard Lare, an outstanding citizen and resident of California's 27th Congressional District, which I am proud to represent.

Dr. Lare, who lives in Pasadena, California, is retiring from the faculty of Occidental College in Los Angeles after 51 years of service. Dr. Lare began at the college as a student, and this year, the school celebrates the entirety of his 51 years of services as an undergraduate, alumnus, and distinguished member of the faculty.

Dr. Lare has been an active faculty member, serving numerous committees, as well as establishing and directing Occidental's Master of Arts in Urban Studies Program. He chaired the Political Science Department, as well as the College Task Force on Relations with the Adjacent Neighborhoods, each for five years.

His expertise includes American National Government, European Comparative Politics, Public Administration, Urban Politics, and Public Policy. As a professor, he sent his students to City Hall, Sacramento, and Washington, D.C. to participate in and absorb the processes of government. His legions of internship students set a standard for community-based learning at Occidental College.

Dr. Lare has been an exemplary citizen by serving as a Colonel in the Civil Affairs Branch of the U.S. Army Reserve from 1957–1989, and as an Administrative and Technical Assistant in the U.S. Civil Service Commission from 1955–1956.

He has also been a committed civic leader participating in a myriad of community-based organizations such as the Pasadena Men's Committee for the Arts, the Los Angeles World Affairs Council, the Sierra Club, the Northeast Chapter of the American Civil Liberties Union, the Town Hall of California, as well as other organizations dealing with urban planning, education, the environment, and the arts.

Dr. Lare has also written, co-authored, and edited numerous books and articles including, "The Essential Lippmann," "The New Democrat: Reassessment of the Democratic Ideal in American Political Thought," "The Five Public

Philosophies of Walter Lippmann," "The Civic Awareness of Five and Six Year Olds," and "The Child's Political World: A Longitudinal Perspective."

Dr. Lare's hard work and dedication to his community and our country is to be commended, as is his teaching students the value of political action and involvement, thereby helping to nurture hundreds of aware and active citizens.

I would like all the Members of the United States House of Representatives to join me in commending Dr. James Howard Lare for his outstanding leadership as a faculty member of Occidental College and as a community leader.

JACK HARTUPEE, DON ELLIOTT AND KATHI PILARSKI: ON THE JOB FIGHTING FOR LABOR

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor three individuals whose contributions to labor in the Saginaw Bay region of Michigan cannot be overstated. As Jack Hartupee, Don Elliott and Kathi Pilarski prepare to retire after many years of service to the Laborers' International Union of North America, their hard work and dedication to advancing the cause of labor throughout the area deserve recognition.

Beginning in 1966, Jack Hartupee spent thirteen years as a laborer for Local 1098 before becoming the Local's business manager in 1979. For the past 23 years, Jack has handled the business concerns of the Local, while also finding time to lend his time and expertise in other areas, including the board that oversees the Health Care Fund and the Laborers' Political Action Fund. In addition, Jack was a delegate to the District Council. Jack's many contributions and his commitment to his union brothers and sisters have been second to none.

In 1973, Don Elliott also began his career as a laborer for Local 1247, which later merged with Local 1098 in 1985. Don became business agent for the laborers' union in 1996. Like Jack, Don also served as a delegate to the District Council. Don certainly has played a vital role over the years in ensuring the financial interests of his union and of his fellow laborers have been well-tended. His dedication to duty and his admirable work ethic stand as a model of diligence.

Kathi Pilarski has been on the job as secretary for Local 1098 since 1985 when she began work on a part-time basis. For the past 10 years, Kathi has worked fulltime, but those who know the many hours she has put in both on the clock and off understand that she has gone well above and beyond the parameters of her job description. Along with her many and varied duties in the office, Kathi also has been the driving force in making the annual dinner party run so smoothly each year.

Finally, Mr. Speaker, I ask my colleagues to join me in extending the gratitude of the United States Congress to Jack Hartupee, Don Elliott and Kathi Pilarski for their years of work on behalf of laborers. Our laborers are the backbone of the construction industry and these three individuals have fought the good fight by dedicating their lives to improving the working conditions of their union brothers and sisters. I wish Jack, Don and Kathi all the best in their retirements and I am confident they will continue to be strong advocates for labor well into the future.

RE: ONLINE PUBLICATION OF LABOR-MANAGEMENT RECORDS

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. DAN MILLER of Florida. Mr. Speaker, I rise today to recognize Secretary of Labor Elaine Chao and the Department of Labor for their commitment to openness with their plan to use Internet technology to increase the accountability of labor groups.

Beginning on June 13, the Labor Department began posting internal financial documents from hundreds of labor unions on its Web site. Included in these postings is information on union salaries and net assets. Disclosure of these labor-management records has been required of labor groups since 1959, when Congress passed the Landrum-Griffin Act in an effort to improve financial accountability among unions. Yet prior to this measure, those seeking to know more about union finances had to visit a Labor Department field office in person in order to review the paperwork. Now, Americans have all of this information at their disposal with a simple click of the mouse.

This action will empower individual union members to find out, from the comfort of their homes, exactly where their union dues are going. For too long, union members had obstacles to this information. Through this initiative, the Department of Labor has removed these barriers and brought disclosure into the 21st century.

Because these records were already public, this plan reflects the Labor Department's sincere commitment to making more information available to the public. I thank Secretary Chao and her department for remaining vigilant to ensure that money is not being misused for political causes, and I hope that the agency's latest initiative improves transparency of unions.

CONGRATULATING THE STUDENTS OF RURAL POINT ELEMENTARY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. CANTOR. Mr. Speaker, I rise today to congratulate and honor seven outstanding fourth-graders from Rural Point Elementary School's Odyssey of the Mind team on the occasion of winning the World Finals Competition in Boulder, Colorado on May 25, 2002.

These students from Hanover County, Virginia participated in the Odyssey of the Mind program, which promotes problem-solving and team-building skills for students from elementary through high school. The Rural Point team won county and state honors before competing in the World Finals in Boulder, Colorado against 48 other teams. In the World Finals, they performed a skit entitled "The Ostrich Factor." The students creatively designed a farm skit starring Leafy Romaine, Headlock Holmes (Cauliflower), Big Cheese, carrot, potato, broccoli, and corn to answer the unsettling question of why apples are disappearing from the farm trees.

Mr. Speaker, please join me in congratulating the seven students on the team, Ben Davis, Tyler Burnette, James Thompson, Ted Westrick, Jonathan Bennett, Jimmy Thorne and Douglas Tibbett and their head coach, Annie Tibbett. Their creativity and team spirit have earned them this impressive honor and will undoubtedly serve them well in the future.

INTRODUCTION OF H.R. 4980, THE CITIZEN INVOLVEMENT IN CAMPAIGNS (CIVIC) ACT.

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. PETRI. Mr. Speaker, yesterday, I introduced, along with our colleague PAUL KANJORSKI of Pennsylvania, H.R. 4980, the Citizen Involvement in Campaigns Act (or the CIVIC Act). This bill is designed to encourage Americans who ordinarily do not get involved in politics beyond casting a vote every two or four years (that is, if they bother to vote at all) to become more active participants in our political process.

Most would agree that the ideal way to finance political campaigns is through a broad base of donors. But, as we are all painfully aware, the economic realities of modern-day campaigning virtually oblige many candidates to focus most of their efforts toward collecting funds from a few large donors. This reality alienates many Americans from our political system and opens us up to the now-familiar charge that we are "bought and paid for" by special interests.

While recent campaign finance reform efforts have focused on limiting the impact of large contributions, past reforms have been designed to enfranchise small donors. For example, from 1972 to 1986, the federal government offered a tax credit for small political contributions. This offered an incentive for average Americans to contribute to campaigns in small amounts while simultaneously encouraging politicians to solicit donations from a larger pool of contributors. Additionally, six geographically and politically diverse states currently offer their own tax credits for political contributions. These state-level credits differ in many respects, but all share the same goal of encouraging average Americans to provide a counterweight against the influence, real or perceived, of big-money special interests.

The CIVIC Act will reestablish and update this old tax credit program. Taxpayers can choose between a 100 percent tax credit for political contributions to federal candidates or parties (limited to $200 per taxable year) or a 100 percent tax deduction (limited to $600 per taxable year). Both limits, of course, are doubled for joint returns. As long as political parties and candidates promote the existence of these credits, the program would have a real impact and aid in making elections at all levels more grassroots affairs than they are now.

This is a limited tax credit for political contributions that can be a cost-efficient method for helping balance the influence of large donors in the American electoral process. Instead of driving away most Americans from participation in political life, we can invite them in. I encourage you to cosponsor my bill and join in this worthwhile effort.

30TH ANNIVERSARY OF AGNES FLOOD COMMEMORATED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 30th anniversary of Hurricane Agnes. I would also like to bring attention to the approaching completion of the landmark Wyoming Valley Levee Raising Project in my district to provide protection to the people of the valley in the event of another flood of that magnitude.

On June 23, 1972, sirens sounded across much of my district in Pennsylvania, warning that the valiant effort to contain the surging Susquehanna River had been lost.

Agnes poured 14 trillion gallons of water onto Northeastern Pennsylvania, causing the Susquehanna River to break from its boundaries and spread a layer of flood water 40 feet deep and 2 miles wide across a densely populated region in the Wyoming Valley. The damage caused by the unyielding rush of water was immense. Twenty-six thousand homes and more than 3,000 small businesses and factories were heavily damaged by flood waters and 3,500 families lost their homes completely. In all, 72,000 people were forced from their homes. Nearly 15,000 Wyoming Valley families lived in trailers provided by the U.S. Department of Housing and Urban Development, many of them for the better part of a year.

Luzerne County, located in the heart of northeastern Pennsylvania, suffered 69 percent of the total damage that Agnes caused in Pennsylvania. Property damage amounted to $1.3 billion, or more than $4 billion in today's dollars, and another $300 million in road and bridge damage was incurred. Communities were faced with the prospect of rebuilding entire commercial and residential areas.

In the wake of this disaster, one of the worst natural disasters in the Nation's history, a determined populace emerged. Residents of this region found courage among the ruins and forged ahead with an undying spirit to rebuild their communities. Agnes may have laid waste to their homes and businesses, but it could not extinguish their desire to live and raise their families in the "Valley with a Heart."

The Red Cross and Salvation Army played a crucial role in providing emergency shelter and meals, not just in the first hours of the crisis but for weeks and months afterward. For example, that summer, the Red Cross spent $13 million locally on food, supplies and personnel, and the Salvation Army provided more than 4 million meals.

Meeting the challenge of recovery were several citizen action groups such as the Flood Victims Action Council under the leadership of Min Matheson, and the Flood Recovery Task Force, which was chaired by Judge Max Rosenn. These groups were instrumental in the economic and social resurgence of the areas most damaged by the Agnes flood.

I had the honor of contributing to this effort as the volunteer legal counsel to the Flood Victims Action Council over a period of almost two years. While the hard work and determination of local community groups and area citizens played a role in this historic rebuilding of northeastern Pennsylvania, the recovery assistance provided by the Federal Government was truly phenomenal.

Through the cooperative efforts of Congressman Dan Flood, State Senator Frank O'Connell, Bill Wilcox, Secretary of the state Department of Community Affairs working on behalf of Governor Shapp, and Frank Carlucci acting on behalf of President Nixon, the Government rushed approximately $1 billion in aid to the communities of the Wyoming Valley. When critics disparage the ability of government to do things for citizens, I recall that moment when the Federal Government made an enormous difference for the better for the people of Pennsylvania, and look forward to the completion of the landmark project that will protect the people of the Wyoming Valley in the event of another Agnes-level flood.

In 2002, the people of the valley have something they did not have 30 years ago—the nearly complete $175 million Wyoming Valley Levee Raising Project that includes more than 50 communities and 5 counties along a 60-mile stretch of the river. The structural components of the levee system are scheduled to be completed by the end of this year.

In 1972, the existing levees were overtopped by several feet during the Agnes flood. In 1986, during my first term, Congress authorized the Wyoming Valley Levee Raising Project to modify the existing flood control projects to protect against a new flood of the same magnitude. We had a disturbing reminder of the need for the levee raising project during the January 1996 flood. At that time, the rapidly rising Susquehanna River prompted officials to order the evacuation of approximately 100,000 people living in the City of Wilkes-Barre and its neighboring communities in the Wyoming Valley. While the river peaked at nearly 13 feet above flood stage, it remained within the banks of the levees and caused relatively minor damage.

From my first term in Congress, I have made it one of my top priorities to provide Agnes-level flood protection to the Wyoming Valley, and it is heartening to see that day approaching.

Completion of the levee raising project will be a major step forward in transforming the Susquehanna River from a liability into an asset. One of the steps forward that we have already taken is the 1997 designation of the Upper Susquehanna-Lackawanna watershed as one of just 14 American Heritage Rivers in the nation.

In the years ahead, I hope that we will continue our progress toward a cleaner Susquehanna that will provide recreation and an enhanced quality of life, not only for present-day residents but also for our children and grandchildren.

IN HONOR OF THE COLOMBIAN RALLY IN SUPPORT OF TEMPORARY PROTECTIVE AND STATUS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the historic sacrifices and the noble struggle for peace that the people of Colombia are engaged in today. I rise in strong support of Temporary Protective Status (TPS) for the Colombians who reside in the United States and in the 13th Congressional District.

The Colombians who reside here have made, and continue to make, enormous sacrifices for the safety and well-being of their families. I know this because I know them. We look forward to the day, when their beautiful country, our historic friend and neighbor, Colombia, once again stands as the proud nation we know it to be—a peaceful nation, a nation free of conflict, free of the scourge of narcotics, and free to live in peace.

We admire the great spirit of the Colombian people. They area very generous and hospitable people, they are a gifted people with a great culture, and they are among the very best friends of the United States in this Hemisphere.

On the occasion of the Colombian rally in support of TPS on June 21, 2002 in Elizabeth, New Jersey, I want to say to directly to my Colombian friends: "Mis queridos amigos Colombianos: Conocemos bien su situación. La persecución, la violencia, los secuestros, el desplazamiento. Ayer, estuvo su presidente-electo, Alvaro Uribe Velezvisitando el Congreso. Juntos con él, apoyamos al TPS para Colombia. Que viva Colombia. Que viva los Estados Unidos. Y que viva la amistad de nuestros pueblos."

The crisis of violence and economic strife in Colombia has caused tens of thousands of Colombians to flee their homes and seek out a safe haven elsewhere, including in the United States. Most are not so lucky. There are more than one million displaced Colombians inside of Colombia alone. As long as danger and conflict persists in Colombia, Temporary Protective Status would provide Colombians who are here a safe refuge in America.

I want also to congratulate the Colombian people for the free and fair election of President-Elect Alvaro Uribe Velez, and Vice President-Elect, Francisco Santos Calderon. I, along with all Colombians in the United States, expect and hope that President-Elect Uribe will request Temporary Protective Status for Colombians in the US. I have faith that the situation in Colombia will change for the better.

In the meantime, let TPS become a reality for Colombians, let us extend to Colombians the American hand of friendship and of humanity so that they may live without fear for their lives and those of their loved ones.

Today, I urge my colleagues to join me in recognizing the need for TPS for Colombians. Let us grant Temporary Protective Service to those in need, and let those fleeing Colombians have refuge in the United States.

CONGRESSIONAL WEB ACCESSIBILITY DAY: CELEBRATING THE ONE YEAR ANNIVERSARY OF SECTION 508

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize the one-year anniversary of Section 508.

Section 508 of the Rehabilitation Act requires federal agencies' electronic and information technology (IT) to be accessible to individuals with disabilities. It specifically requires that when federal agencies develop, procure, maintain, or use electronic and information technology, they ensure that it is accessible, unless it would pose an undue burden to do so.

But the regulations do not apply to the legislative and judicial branches, state and local governments, or the private sector. If we truly are a government of, for and by the people, then every American must have access to it. Today, the Bipartisan Disabilities Caucus and the Congressional Internet Caucus teamed up with the American Foundation for the Blind, HIR, Microsoft, Adobe and Freedom Scientific to demonstrate how easy it is to comply with Section 508 in making websites accessible.

Today's "Congressional Web Accessibility Day" educated Members' staff and the American public on Section 508 and the importance of making government accessible. Through one-on-one sessions with HIR web experts and hands-on, interactive learning, this event was an important first step toward making government accessible.

Web accessibility is not just for the 54 million individuals with disabilities or for the millions of elderly Americans with diminished vision, hearing and other senses, but for any one of us who might one day need this technology. It also provides more options for a typical user who may prefer text over fancy graphics. With 68 million American adults using government agency websites, this typical user is evolving into a powerful "e-citizen."

I hope that today's event marks the beginning of some exciting, new changes in Congress.

The time has come for us to make our websites accessible to our growing e-citizenry. The progress has begun in the federal agencies, and now Congress needs to follow suit.

CELEBRATING THE 30TH ANNIVERSARY OF TITLE IX

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 30th anniversary of the enactment of Title IX. Prior to the enactment of Title IX, educational and career opportunities were extremely limited for women. In 1971, less than 300,000 girls participated in high school sports compared to 3.6 million male athletes the same year. Today, this number has risen to over 2.4 million female athletes. Women have continued to demonstrate that, when given the opportunity, they, too, are fully qualified to be successful participants in athletics and education.

In the past 30 years, women have gained numerous other advantages from the passage of this historic legislation. Scholarships provided to women in increased numbers since passage of Title IX have opened doors that were otherwise closed to women. In 1971, only 18% of women finished four years of college; today more female students than male successfully complete a four-year college education and go on to obtain a Master's degree. It is because of historic Title IX, which prohibits gender discrimination in federally funded schools, that women have been able to overcome these barriers.

While much has been accomplished since the enactment of this legislation, much still remains to be done. We need to be vigilant in our enforcement of Title IX and provide the funding needed to help our schools fully comply with the law. We need to fight for the passage of legislation that will ensure equality for women once they enter the workforce. Although today the majority of students are women, as is the majority of the U.S. population, women face continued inequalities in the workplace. In my home state of Michigan where pay inequity is at its worst, women make just 67 cents for every dollar men earn. This is inexcusable, and it has to stop. We should view Title IX not as a completed effort, but as a first step in ensuring equality for women.

With the passage of Title IX, our Nation declared that it is in our best interest to allow all men and women an equal chance to excel in any field or activity to which they commit themselves. It was pledged that all individuals should be given the same opportunities to realize their potential throughout their education and professional lives. We need to work harder to ensure that no American suffers discrimination on the basis of gender. We cannot rest until all women, all Americans, receive the opportunities they deserve. In my 26 years in Congress, I have committed myself to working toward the ideals of justice and equality for women, and I will continue to make this effort among my top priorities.

50TH ANNIVERSARY OF UNITED STATES ARMY SPECIAL FORCES

SPEECH OF

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, today we celebrate the 50th anniversary of the United States Army Special Forces and honor a great American hero and "Father of the Green Berets," Colonel Aaron Bank.

Perhaps more than ever, our generation appreciates the unique and vital mission of the U.S. Special Forces. They are the elite, unconventional warfare arm of the United States military and our Nation is at a place in history where our greatest threat is from the unpredictable foes they are trained to fight.

In a time when many of us have fears and doubts about the vulnerability of our Nation to future attacks, we can continue to have hope in the shield provided to us by the Special Forces. In valor, courage, and fidelity, the Special Forces are the world's finest fighting force and I am thankful that they are in the business of protecting the United States of America and its citizens.

Due to the covert nature of many of their missions, both the measure of their sacrifice and their contribution to freedom here and abroad may never be known. However, today, I hope all Americans will join me in celebrating their 50th anniversary and thanking them for giving more to this country than could ever be repaid and perhaps, could ever be measured.

I wish to especially extend my appreciation to Colonel Aaron Bank, the founder and first commander of the Special Forces. As an operative in the Office of Strategic Services (OSS) during World War II, he led his team on missions to hunt down high-raking Nazi leaders, search for missing allied prisoners in Indochina and lead a counter-intelligence cell in Germany. It was clear there was a place for such operations using highly trained unconventional forces. So, when the OSS was disbanded after World War II, Colonel Bank began working to convince the U.S. Army to adopt a permanent unconventional warfare force. After tireless efforts, the U.S. Army launched its first Special Forces unit, the 10th Special Forces Group (Airborne) with Colonel Bank, appropriately, as its first commander.

Since then, the U.S. Army Special Forces has spawned special operations units from the other military branches such as the Navy SEALS, Air Force Combat Controllers, and the Marines' Force Recon. We have Colonel Bank to thank for emphasizing the strategic and tactical importance of such units, which he modeled in designing, implementing and commanding the Army's first Special Forces unit.

In passing H. Con. Res. 364, Congress not only recognizes the 50th anniversary of the Special Forces, but also acknowledges the invaluable contribution of a great American and outstanding soldier, Colonel Aaron Bank. At age ninety-nine, he is a living legend and I consider it an honor and privilege to participate in recognizing both his contribution and the legacy of his vision and foresight, the United States Special Forces.

My most sincere gratitude goes out to Colonel Bank and his fellow Green Berets as they celebrate the 50th anniversary of the U.S. Army Special Forces.

CONGRATULATIONS TO MISSOURI OFFICERS ASSOCIATION ON 70TH ANNIVERSARY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the outstanding work of The Missouri Officers Association, which represents over 900 Federal, State, and local police officers.

I would like to honor this organization in this, their 70th year, for their charitable work and dedication to scholarship and community. The primary focus of the officer's association is to provide low cost training to police agencies across the State of Missouri. Another very notable deed is the provision of an immediate $1000 death benefit to families of fallen officers.

Beyond their efforts in the law enforcement community, the association organizes two scholarship programs. The first is a yearly college scholarship that awards $1000 to five Missouri students and the second is an essay contest for eighth grade students, which awards six students cash awards totaling $1200.

The philanthropic work of this organization also extends to the community through a variety of donations to groups such as Concern of Police Survivors, Ronald McDonald House, Special Olympics, The Missouri Law Enforcement Memorial, The National Law Enforcement Memorial, The Missouri Police Chiefs Foundation and many others.

The law enforcement community is of paramount importance to our cities, our states and our Nation. This organization represents some of Missouri's finest members of the law enforcement community and is worthy of the esteem of this body. Mr. Speaker, please join me in recognizing the great work of The Missouri Officers Association on their 70th anniversary.

HONORING THE RETIREMENT OF DEZIE WOODS-JONES, PERALTA COMMUNITY COLLEGE DISTRICT VICE-CHANCELLOR FOR EXTERNAL AFFAIRS, FORMER CITY COUNCILWOMAN AND VICE MAYOR OF THE CITY OF OAKLAND

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. STARK. Mr. Speaker, I rise today to recognize Dezie Woods-Jones for her 40 extraordinary years of educational leadership and public service to the City of Oakland. She will retire on July 14, 2002 from her position as Vice-Chancellor for External Affairs for the Peralta Community College District, leaving behind a legacy of excellence in education and community activism.

Dezie Woods-Jones has served the community as a committed activist, working diligently on behalf of the underprivileged, the underserved, the disenfranchised, youth, and for women's rights.

Born in Ruston, Louisiana, and raised in Fresno and Oakland, California, Dezie Woods-Jones began her civic involvement as a high school student, serving as president of the Fresno Youth Chapter of the National Association for the Advancement of Colored People (NAACP). Heavily involved in the Civil Rights Movement, she also worked with the Congress of Racial Equality (CORE), the Black Conference Planning Committee (BCPC), and the Student Non-violent Coordinating Committee (SNCC). She earned her Bachelor of Arts degree from California State University, Hayward.

In 1968, Dezie Woods-Jones accepted her first position with Peralta Community College District, as Director of the Community Outreach Center in North Oakland. Before being promoted to Vice-Chancellor for External Affairs, she held a number of management positions in the District, including Director of Governmental Affairs, where she served as the District's lobbyist for almost eight years. She also served as an instructor, and she still considers herself first and foremost an educator and teacher.

In 1991, Dezie Woods-Jones was elected to the Oakland City Council, and she served as the city's Vice Mayor from 1996–1997. She was also the first woman to run for mayor of the city of Oakland. During her tenure on the council, she served as chair of the Council's Rules Committee, and as a member of the Finance and Legislation Committee and the Public Safety/Health and Human Services Committee.

A dedicated advocate for women's rights, Dezie Woods-Jones was a founding member of the pioneering organization Black Women Organized for Political Action (BWOPA), and has served as the organization's statewide president for over 30 years.

Dezie Woods-Jones was named one of the "21 Leaders for the 21st Century" by Women's Enews in 2002, and she received a nomination as one of the "Bay Area's 10 Most Influential Leaders," in City Flight Magazine in 2001. She was also included in "Women of Courage," a book published by Nestle, Inc. that featured stories of 35 women from across the country. She is a frequent guest on Bay Area radio and television shows, and has been invited as a guest speaker in South Korea, West Africa, South America, and Mexico.

She has held membership in over 50 community, state, and national organizations, chaired over 20 commissions, committees and boards, received hundreds of awards and recognitions, and has been appointed to special task force projects by the governor of California and several Oakland mayors.

I am honored to congratulate Dezie Woods-Jones on all of her remarkable accomplishments. Her tireless dedication to education and her community have touched the lives of countless Oakland residents.

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BACHUS. Mr. Speaker, on Monday June 17th, Tuesday June 18th, and Wednesday June 19th, I missed rollcall votes 230, 231, 232, 233, 234, 235 and 236 due to my previously scheduled surgery being conducted in Alabama. If I had been present I would have voted "aye" on each of these votes.

2ND LT. WILLIAM WOLBER, ONE OF THE GREATEST GENERATION

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BOEHLERT. Mr. Speaker, the freedoms we enjoy and the opportunities that abound for all Americans are the products of sacrifice on the part of so many. Often at far distant places in the world and under great stress.

There are literally tens of thousands of stories, so many of which involve what it is widely acknowledged to be "The Greatest Generation." One such story, that of Army Air Force Second Lieutenant William Wolber, is of heroic dimensions. It was relayed to me by a mutual friend and neighbor, Fred Carville of New Hartford, New York. Here it is, in the words of Mr. Carville:

> Second Lieutenant William Wolber served in the Army Air Force during World War II. He was a bombardier serving in the 8th Air Force, 466th Bomb Group, which flew the B-24 Liberators out of England.
>
> On one mission into Germany there were 12 planes in the formation flying in three flights of four planes each. Wolber's plane was flying in formation as plane three of the first flight. The standard procedure was for all planes of the mission to follow the lead plane of the first throughout the entire mission. Radio silence was of the utmost importance.
>
> On this particular mission planes one and two of the first flight were downed by enemy flak. Plane three (the one Bill was in) then took on the role of "the lead plane" for the return flight to England. All remaining planes were now taking their lead from plane three. However, Bill's plane, number three of the first flight, (for some reason) did not have a navigator on board during this particular mission.
>
> Second Lieutenant William Wolber, bombardier, assumed the role of navigator. He evaluated the situation, looked at the navigator's maps and equipment. Based on target information Wolber determined a heading for the return flight and passed the bearing he had calculated on to the pilots to follow.
>
> According to Bill's recollection, it was a very overcast day and the entire return flight was over cloud cover. There were no visual observations to aid in determining the correct return flight path. Bill continued to estimate the progress of the flight using the maps, heading, air speed, etc. All of the remaining planes of the mission continued to follow the lead of his plane.
>
> At one point Bill told the pilot "we should be over the field, drop down through the

cloud cover." The pilot dropped down through the cloud cover and lo and behold there was the field as Wolber had calculated. All remaining planes of the mission landed without incident. Bill continued his role as bombardier and flew 32 missions.

I have thanked Carville for sharing that story with me. Because it says so much about the character and courage of a fellow American, I want to share it with you, my colleagues in the House of Representatives. But I want to add a postscript.

I, like Mr. Carville, have been a friend and neighbor of Bill Wolber for years and yet never learned of that eventful mission in enemy territory during a peak period in a great world war until just recently. I wasn't surprised. You see, Bill Wolber is one of the finest, most decent, patriotic citizens I have ever had the privilege of meeting and getting to know.

Bill Wolber is a quiet, unassuming guy who, I suspect, was always a giver, one who did things for others whenever the opportunity was there because it was "the right thing" to do. I'll bet deserved recognition never crossed his mind. I know he doesn't talk much about helping others, he just does it. And that is why he and his contemporaries like him have earned the accolade "The Greatest Generation."

INTRODUCTION OF THE HEALTH BENEFITS CLAIMS PROMPT PAYMENT ACT OF 2002

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SANDLIN. Mr. Speaker, our nation's doctors and hospitals face funding challenges. Today, to help address these challenges, I introduced the Health Benefits Claims Prompt Payment Act of 2002.

We have heard a lot about the need to stop the declining payments from Medicare, especially since the proportion of patients on Medicare continues to grow. Further, doctors and hospitals face great uncertainty as to when they will be paid by health care plans for services rendered. As a result of this uncertainty, doctors and hospitals have no guarantee that they can pay their own obligations in a timely manner. That's unfair. That's bad business.

This week, several congressional committees began the arduous process of considering Medicare legislation. Among the provisions that have received widespread bipartisan support in that legislation are payment updates for hospitals, doctors, and other health care providers. These provisions attempt to address the decrease in Medicare payments to doctors and other providers by 5.4 percent this year. They also help to address similar hospital funding shortfalls, especially in rural areas where hospitals are paid less than their urban and suburban counterparts due to the use of a biased and outdated formula. While these changes will not fully address the decline in payments and the funding shortages from Medicare that our providers face, they are a good first step.

But, addressing the Medicare funding problems is not enough. Doctors and hospitals need to be paid, and paid on time, by the private group and individual health plans. On-time payments are critical for doctors to pay their own bills and for the longterm financial survival of medical practices and hospitals.

Several states have passed legislation to ensure prompt payment for health care claims. However, the shortsightedness of politicians in some states—as in my home state of Texas—has prevented such legislation from becoming law. Even in states where laws are on the books, doctors and hospitals face possible federal ERISA preemption of state laws—meaning that without a federal "prompt pay" law, health plans will continue to be able to manage their cash flow on the backs of doctors and hospitals.

Today, I introduced the Health Benefits Claims Prompt Payment Act of 2002. This legislation will ensure that doctors and hospitals are paid "promptly" for the health care services they provide to participants in private health care plans. Failure to pay such claims on time would result in interest penalties being imposed on health plans.

This bill also specifically protects a state's right to provide doctors and hospitals with even more certainty—allowing states to impose harsher penalties or stricter standards on the payment of claims.

The Health Benefits Claims Prompt Payment Act of 2002 is one way to help ensure that doctors and hospitals can focus on what they do best—treating patients and practicing medicine.

SPEECH BY RACINE EVANS OF WYANDANCH, NEW YORK

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. ISRAEL. Mr. Speaker, I commend the following words to you and all of our colleagues, Racine Evans of Milton Olive Middle School in Wyandanch, New York delivered this speech on May 13, 2002.

Hello Congressman Steve Israel, Ladies and Gentlemen, Boys and Girls, my name is Racine Evans and I'm a six grade student at the Milton L. Olive Middle School. My desire is to be a teacher. I have been inspired by two powerful human beings, my mother, Theresa Johnson and my teacher Mrs. Deborah Charles. Mrs. Charles is always instructing me about the fact that knowledge is power, My mother Theresa is an assistant pastor and is also the Evangelist of my church. She also preaches to me how knowledge is power and knowledge is the key to life. I'm inspired by both my teacher and my mother with their words of wisdom and inspiration. Between church and school, teaching seems to be my calling, When I have the opportunity to become a teacher, I'll make sure that I'll share the wisdom that was passed on to me down to my students. I just want to be able to pass down my knowledge to someone else, because knowledge is a powerful thing. I am determined to be successful. I plan to come back to my community, and set an example for others. When they see that I have reached my goal, then they will know it's possible for them to be successful as well.

NOTRE DAME BASEBALL AND THE COLLEGE WORLD SERIES

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. ROEMER. Mr. Speaker, a columnist for the Omaha World-Herald wrote, "What do you get when you cross Notre Dame with the College World Series? Magic is what you get."

This entire baseball season has been magical for the Notre Dame Fighting Irish baseball team. Behind a spirited team effort, the Irish return to one of college athletics most storied events, the College Baseball World Series in Omaha, Nebraska for the first time since 1957. Not since Jake Kline was coach and Jim Morris batted .714 (10 for 14) in four games, a standing College World Series record, have the Irish traveled to Omaha to compete for the NCAA national championship.

Mr. Speaker, this has been a dramatic season for the Irish. Some people in South Bend have dubbed it the "boomerang season." After starting 9–10 in the first nineteen games and losing their first four games in the Big East Conference, the Irish rallied with the heart and determination befitting of a championship team. Down 5–0 to the West Virginia Mountaineers, the Irish rallied behind the solid pitching of Drew Duff, Martin Vergara, and Matt Buchmeier and the offensive productivity of Steve Stanley, Paul O'Toole, and Javier Sanchez to win the game 10-6 in ten innings. Following this inspiring comeback, the Irish dominated their competition, winning forty games and losing only six.

The Irish's regular season hot streak served as momentum for the Big East Tournament in Bridgewater, New Jersey three weeks ago. The Irish beat Rutgers University, 3–2, after Steve Sollmann's clutch game-winning hit in the 10th inning to win their first Big East championship title. Ryan Kalita pitched seven shutout innings in relief. Senior clubhouse leader, Steve Stanley, was awarded the Big East Tournament's Most Outstanding Player Award after batting 6-for-16 with one double, one triple, and one RBI in the championship game.

After winning the Big East championship, Notre Dame was rewarded as the host team for the NCAA South Bend Regional. The Irish made quick work of the South Bend Regional field beating Ohio State (8–6), South Alabama (25–1), and Ohio State again (9–6). The 25–1 drubbing of South Alabama was easily the most impressive victory margin of the year. The Irish batters swatted thirty-two hits, one hit shy of tying an NCAA tournament record for hits. Steve Sollmann went 6-for-7, Paul O'Toole batted 5-for-5, and Steve Stanley was 4-for-5 during the offensive explosion. The offensive dominance during the South Alabama game should not overshadow the brilliant pitching performance by freshman Grant Johnson. Johnson faced only thirty batters while allowing one walk and one hit. Johnson became only the thirteenth pitcher in NCAA history to post a no-hitter or one-hitter.

With the NCAA South Bend Regional title in tow, the Irish advanced to the Super Regional in Tallahassee, Florida to take on the top ranked team in the nation, the Florida State Seminoles, in a best of three series. Against all odds, the Irish prevailed by upsetting the Seminoles in game one (10–4) and game three (3–1). The Irish halted Florida State's twenty-five game winning streak which was one of the longest in NCAA history and earned a place in the College World Series.

Upon arrival in Omaha, Notre Dame became a crowd favorite as the underdog of the College World Series. After losing a close game to the Stanford Cardinal (4–3) in the opening game of the double-elimination tournament, the Irish trailed in their second game to the Rice Owls 2–3 with one out in the bottom of the ninth inning. A loss to Rice would end the season for the Irish. With the bases empty, consummate team leader Steve Stanley ripped a triple down the baseline. The next batter, Steve Sollmann, hit a clutch game-tying RBI single. With Sollmann on first base, Brian Stavisky belted a game winning two-run homer. Coach Mainieri summed up the spirited comeback best, "I'm not sure I can adequately describe what we just witnessed. I'd like to say I'm surprised at what happened in the bottom of the ninth inning, but I'm really not. I've watched these kids do it for the last three or four years."

Notre Dame has head coach Paul Mainieri and his exceptional assistant coaches, Brian O'Conner, Dusty Lepper, and Wally Widelski, to thank for this successful season. Through the course of his eight years at Notre Dame, Coach Mainieri has won the right way by recruiting student athletes who represent our university in a positive light. Coach Mainieri has compiled a 353–140–1 (.716) record at Notre Dame making him one of the most successful skippers in Big East Conference history.

The eight seniors on this record breaking Irish baseball team must also be commended for their dedication and leadership. Matt Bok, Andrew Bushey, Paul O'Toole, Steve Stanley, Ken Meyer, Matt Strickroth, Matt Buchmeier, and Drew Duff compiled a four year record of 187–65–1 that ranks as the fourth-best four year winning percentage in school history.

I would also like to acknowledge the other members of the baseball team who have brought the University of Notre Dame's students, faculty, and alumni so much excitement this season: Geoff Milsom, Zach Sisko, Kris Billmaier, Chris Niesel, Matt Macri, Jay Molina, Matt Edwards, Brent Weiss, Brian Stravisky, Peter Ogilvie, Joe Thaman, Mike Holba, Cody Wilkins, Mike Morgalis, Scott Bickford, Matt Laird, Tyler Jones, George Howard, Mike Milligan, Brandon Viloria, J.P. Gagne, and John Axford.

Mr. Speaker, although the Irish fell short of winning the College World Series this week, the players and coaches should be proud of this exceptionally successful season. I am reminded of when Hall of Fame pitcher, Bob Feller said, "Every day is a new opportunity. You can build on yesterday's success or put its failures behind and start over again. That's the way life is, with a new game every day, and that's the way baseball is." After watching the determination and spirit of the 2002 Fighting Irish baseball team coached by Paul Mainieri, I am certain that college baseball fans across the country will come to know what Notre Dame fans already appreciate; a new baseball power is emerging from Eck Stadium in South Bend, Indiana. Thanks for a great season and go Irish! Watch out next year!

CENTRAL NEW JERSEY RECOGNIZES AND HONORS SMITH COLLEGE GRADUATE ANNE MARTINDELL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize and honor the career and commitment of Former ambassador and Smith College graduate Anne Martindell.

Ambassador Martindell's involvement in government is notable in itself. Her early support for women's rights and principled objection to the Vietnam conflict were part of a long career of public service. She served four years in the New Jersey State Senate before being appointed director of the Office of Foreign Disaster Assistance. In 1979 she was appointed Ambassador to New Zealand and Western Samoa. She continues her involvement in US-New Zealand relations as founder of the United States-New Zealand Council.

Anne Martindell's friends have always known her as a determined, energetic, and extraordinarily capable person. What brought these qualities to the attention of the general American public was her decision a few years ago to return to college to obtain her long-delayed degree—after nearly 7 decades. She was admitted to Smith College in 1932, but her parents removed her after her freshman year. Despite a lifetime of achievement, she felt this lack of a college degree, and returned to Smith College in the fall semester of 2000. She graduated this May 19th with a Bachelor of the Arts degree and received an Honorary Law Doctorate, certainly an unusual combination.

Ambassador Martindell's commitment to education and public service should serve as a model for us all. In her unwavering commitment to education lasting 69 years, she should inspire us all to similar commitments to higher education. In the words of her Smith College advisor Prof. Daniel Horowitz "At the most profound level, Anne is a testament to the importance of education." It is an honor to represent Ambassador Martindell in congress.

Once again, I rise to commend Ambassador Anne Martindell for her long career of public service and her commitment to education. I wish her much success in her future endeavors, and I ask my colleagues to join me in recognizing her accomplishments.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. GUTIERREZ. Mr. Speaker, on Wednesday, June 18, I was honored to be the keynote speaker at my daughter Jessica's eighth grade graduation ceremony and was therefore absent from this chamber during the last two votes of the day. I would like the Record to show that had I been present in this chamber, I would have voted "yea" on roll call votes 237 and roll call vote 238.

HUMAN RIGHTS CONCERNS IN KAZAKHSTAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I rise to introduce a resolution that expresses deep concern about ongoing violations of human rights in Kazakhstan. President Nursultan Nazarbaev, the authoritarian leader of this energy-rich country, has been flagrantly flouting his OSCE commitments on democratization, human rights, and the rule of law, and thumbing his nose at Washington as well.

In the 106th Congress, there was a near unanimous vote in the House for a resolution I introduced voicing dismay about general trends in Central Asia. We sent a strong signal to leaders and opposition groups alike in the region about where we stand.

Since then, the overall situation has not gotten better—throughout the region, super presidents continue to dominate their political systems. But their drive to monopolize wealth and power while most people languish in poverty is finally producing a backlash. Today in Central Asia, things are stirring for the first time in a decade.

Even in quasi-Stalinist Turkmenistan, an opposition movement-in-exile led by former high ranking government officials has emerged which openly proclaims its intention of getting rid of dictator Saparmurat Niyazov. In Kyrgyzstan, disturbances in March, when police killed six protesters calling for the release of a jailed parliamentarian, were followed by larger demonstrations that forced President Akaev in May to dismiss his government. The iron-fisted Islam Karimov of Uzbekistan, under considerable pressure from Washington, has made some limited concessions to domestic and international public opinion, sentencing policemen to prison terms for torturing detainees and formally lifting censorship.

In Kazakhstan, however, President Nursultan Nazarbaev has reacted differently to domestic pressure and to Washington's calls for reforms to keep repression from breeding terrorism. Since last fall, Nazarbaev has cracked down hard, when his position became a little shakier. First we saw squabbles within the ruling—or should I say, "royal"?—family burst out into the open when Nazarbaev demoted his powerful son-in-law. Then a new opposition movement emerged, headed by former officials who called for urgent reforms. Two of the leaders of that movement are now in prison. Subsequently, Kazakhstan's prime minister had to acknowledge the existence of $1 billion stashed in a Swiss bank account under Nazarbaev's name. Some of the few opposition legislators allowed into parliament have demanded more information about the money and about any other possible hoards in foreign banks.

This would be a scandal in any country. But with a consistency worthy of a nobler goal, Nazarbaev's regime has for years stifled the opposition and independent media. And as detailed in a recent Washington Post story, which I ask to be inserted for the Record, Kazakh authorities have recently intensified their assault on those few remaining outlets, employing methods that can only be described as grotesque and revolting. In one case, the editor of an opposition newspaper found a decapitated dog hanging outside her office. Attached to a screwdriver stuck into its body was a message that read "there won't be a next time." On May 23, the State Department issued a statement expressing "deep concern" that these assaults "suggest an effort to intimidate political opposition leaders in Kazakhstan and the independent media and raise serious questions about the safety of the independent media in Kazakhstan." That statement did not have the desired effect—last week, someone left a human skull on a staircase in the building where the editorial office of another newspaper is located.

Mr. Speaker, after September 11, the U.S. Government moved to consolidate relationships with Central Asian states, seeking cooperation in the battle with terrorism. But Washington also made plain that we expected to see some reform in these entrenched dictatorships, or we would all have to deal with consequences in the future. Nursultan Nazarbaev has ignored this call. Increasingly nervous about revelations of high-level corruption, he is obviously determined to do anything necessary to remain in power and to squelch efforts to inform Kazakhstan's public of his misdeeds. But even worse, he seems convinced that he can continue with impunity as his goons brutally threaten and assault the brave men and women who risk being journalists in a country so hostile to free speech.

Mr. Speaker, against this backdrop, I am introducing this resolution, which expresses concern about these trends, calls on Kazakhstan's leadership to observe its OSCE commitments and urges the U.S. Government to press Kazakhstan more seriously. I hope my colleagues will support this resolution and I look forward to their response.

[Washington Post Foreign Service, Mon., June 10, 2002]

NEW REPRESSION IN KAZAKHSTAN

JOURNALISTS TARGETED AFTER PRESIDENT IMPLICATED IN SCANDAL

(By Peter Baker)

ALMATY, KAZAKHSTAN.—The message could not have been clearer even without the note. In the courtyard of Irina Petrushova's opposition newspaper office, a decapitated dog was hung by its paws, a green-handled screwdriver plunged into its torso with a computer-printed warning attached to it.

"There won't be a next time."

The dog's missing head was left along with a similar note at Petrushova's house. Three nights later, someone threw three molotov cocktails into her office and burned it to the ground.

The political climate in this oil-rich former Soviet republic has taken a decidedly ominous turn in recent weeks, ever since the revelation that the country's president, Nursultan Nazarbayev, secretly stashed $1 billion of state money in a Swiss bank account 6 years ago. As the scandal blossomed, opposition leaders were suddenly arrested, newspapers and television stations shut down, and critical journalists beaten in what foes of the government consider a new wave of repression.

What inspectors and regulators have not accomplished, mysterious vandals have. One of the country's leading television stations was knocked off the air when its cable was sliced in the middle of the night. Shortly after it was repaired, the cable was rendered useless again when someone shot through it.

"Everything that's been achieved over the last 10 years, it's been wiped out," Petrushova lamented.

"This political system we have is still Soviet," said Yevgeny Zhovits, director of the Kazakhstan International Bureau for Human Rights and the Rule of Law. "By its spirit, by its nature, by its attitude toward personal freedom, it's still Soviet."

The tale of intrigue emerging in Kazakhstan, while familiar across the former Soviet Union, takes on special significance in Central Asia, a region that has become far more important to the United States as it fights a war in nearby Afghanistan. The case also sheds some light on the tangled world of oil, money and politics in a country with massive energy reserves.

The U.S. Embassy and the State Department have issued statements condemning the pattern of events and fretting about the state of democracy in a country still run by its last Communist boss. But many reformers in Kazakhstan worry that the West has effectively turned its eyes away from human rights abuses to maintain the international coalition against terrorism.

"All this is happening with the silent consent of the West," said Assylbeck Kozhakhmetov, a leading figure in Democratic Choice for Kazakhstan, an opposition party founded last year. Until Sept. 11, Nazarbayev's government worried about offending the West, he noted, but not anymore. "The ostrich party of Western democracies actually unties the hands of dictators,"

Nazarbayev, a burly, 61-year-old former steel mill blast-furnace operator, has run this giant, dusty country of 17 million people with an authoritarian style. Nazarbayev was a former member of the Soviet Politburo who took over as head of the republic in 1990, became president after independence in 1991, and continued to dominate Kazakhstan through uncompetitive elections and a referendum extending his term.

His relationship with oil companies has prompted investigations in Switzerland and the United States as prosecutors in both countries probe whether an American lobbyist helped steer millions of dollars in oil commissions to him and other Kazakh leaders.

The long-brewing questions about such transfers and rumors of foreign bank accounts erupted into a full-blown scandal in April when Nazarbayev's prime minister admitted to parliament that the president diverted $1 billion to a secret Swiss bank account in 1996. The money came from the sale that year of a 20 percent stake in the valuable Tengiz offshore oil fields to Chevron.

The prime minister, Imangali Tasmagambetov, said that Nazarbayev had sent the money abroad because he worried that such a large infusion of cash into Kazakhstan would throw the currency into a tailspin. Although he never disclosed the secret fund to parliament, Nazarbayev used it twice to help stabilize the country during subsequent financial crises, Tasmagambetov said.

In an inter-view last week, a top government official dismissed the significance of the revelation and the resulting furor.

"The so-called Kazakh-gate, the government officially explained this," said Ardak Doszham, the deputy minister of information. "There was a special reserve account set up by the government. It's a normal account that can be managed by officials appointed by the government. It's not managed by individuals. The money that goes into it is state money, and it's supposed to be used to meet the needs of the state."

Asked who knew about it, Doszham could identify only three men, Nazarbayev, the prime minister and the chairman of the national bank. Asked why lawmakers were never informed, he said, "It was impossible to raise this issue before parliament because it would have elicited many questions."

But opposition leaders and journalists said Nazarbayev finally revealed the account this spring only after they pushed Swiss prosecutors for information. The opposition and journalists said they believe the president announced the $1 billion fund only as a smoke screen to obscure other matters still under investigation by the Swiss and U.S. prosecutors.

"All around there is bribe-taking and stealing and mafia," said Serikbolsyn Abdildin, the head of the Communist Party and one of two parliament deputies whose information request to prosecutors preceded the announcement. "There's corruption in the top echelon of power." The disclosure of the $1 billion Swiss fund was designed to "fool public opinion," he said.

The disclosures have coincided with an escalating series of troublesome incidents for those who do not defer to the government.

Just days before Tasmagambetov's speech to parliament, Kazakh authorities arrested opposition politician Mukhtar Abilyazov, while his colleague, Ghalymzhan Zhaqiyanov, avoided a similar fate only by fleeing into the French Embassy here in Almaty, the former capital, two days later. After assurances from Kazakh authorities, he left the embassy, and promptly was also taken into custody. The government insisted it was pursuing embezzlement charges against the two, both founding members of Democratic Choice. The opposition called it blatant harassment.

Other opposition figures began to feel the heat as well. While independent media in Kazakhstan have often experienced difficulty in the decade since independence, a string of frightening episodes convinced many journalists that they were being targeted.

The government began enforcing a five-year-old law requiring television stations to ensure that 50 percent of their broadcasts were aired in the native Kazakh tongue, a language that in practice remains secondary to Russian here. Most television stations cannot afford to develop such programming and prefer to buy off-the-shelf material from Russia, including dubbed Western television shows and movies. As government agents swarmed in and began monitoring channels this spring, they began seizing licenses of those stations that did not comply.

Similarly, inspectors showed up at newspaper offices demanding to see registration papers and suspending those publications that did not have everything in order. Some that did not list their addresses properly were abruptly shut down. Printing houses began refusing to publish other papers, and one printing house was burned down in unclear circumstances.

Tamara Kaleyeva, president of the International Foundation for Protection of Speech here, said about 20 newspapers have been forced to stop publishing and about 20 television stations have been shut down or face closure.

"It appears the Swiss accounts are the reason for a terrible persecution against free speech," she said. Added Rozlana Taukina, president of the Central Asia Independent Mass Media Association, "The country is turning into an authoritarian regime."

Doszham, the deputy minister, denied any political motivations behind the recent actions. Television stations had been flouting the language law, he said, and the government has suspended about seven or eight, and gone to court to recall the licenses of another six or seven. Similarly, he said, newspapers had been violating requirements. "The law is harsh," he said, "but the law is the law."

Even more harsh, however, has been an unofficial but often violent crackdown. It is not known who is orchestrating it. Bakbytzhan Ketebayev, president of Tan Broadcasting Co., whose Tan TV station was among the best known in Kazakhstan, has been off the air for two months following repeated attacks on his cable. Even after it was repaired following the gunshots, it was damaged yet again when someone drove three nails in it. "Once it's an accident, twice it may be an accident," he said. "But three times is a trend."

At the newspaper Soldat, which means soldier in Russian but is also a play on words in Kazakh meaning "that one demands to speak," the assault was more personal. One day in late May, four young men burst into the newspaper office and beat two workers there, bashing one woman's head so hard she remains in the hospital. They also took the computer equipment.

Ermuram Bali, the editor, said the attack came the day before the weekly was to run the second of two installments reprinting a Seymour Hersh piece from the New Yorker about oil and corruption in Kazakhstan. "This is the last warning against you," he said the assailants told his staff. Other journalists have been physically attacked as well.

And then there was Petrushova and the headless dog. Like Soldat, her newspaper, the Republic Business Review, had written about the scandal. Then the mutilated animal was found May 19, and finally the newspaper office was set aflame on May 22.

Petrushova suspects state security agencies were behind the incidents but cannot prove it. "The throne started to waver, and in order to hold it in place, all sorts of measures are being used," she said. Now she works out of borrowed offices at Tan TV headquarters, putting out the newspaper on her own typographical machine and stapling each issue. "It's just like it was in the time of the Soviet Union."

GRACE OMEGA GARCES, U.S. ENVIRONMENTAL PROTECTION AGENCY 2002 REGION IX ENVIRONMENTAL ACHIEVEMENT AWARD WINNER

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to congratulate Grace Omega Garces for having been selected for the U.S. Environmental Protection Agency's 2002 Environmental Achievement Award. This award recognizes individuals who have done exceptional work and have shown commitment to the environment. Grace is the public information and education officer for the Guam Environmental Protection Agency.

Under this capacity, Grace has directed and implemented the Guam EPA's public information, community outreach and environmental education programs through the use of strategic planning to create an educated and informed citizenry. She has also been in charge of enhancing the agency's public profile and credibility through media releases and updates. She has made determinations on the forms, messages, audiences and desired impacts of high-quality communications products regarding the Guam EPA and Guam's natural resources. Part of her responsibilities included serving as adjunct risk communications officer for contingencies such as the Supertyphoon Paka Disaster, the Ordot Landfill Fire, the Orote Landfill Seafood Warning, the Installation Restoration Project, the Agana Swamp PCB Warnings, the Agana Power Plant and the Base Realignment and Closure Project. She has also produced and conceptually developed the Guam EPA website.

The youngest of Joe and Nieves Garces' five children, Grace was born and raised on the island of Guam, graduating from Oceanview High School in Agat, Guam. While in high school, she was inducted into the national honor society and was elected student body president. She received the Soroptimist International of the Mariana Youth Citizenship Award and was selected as youth ambassador to Japan for the Blue Sea and Green Land Foundation Guam/Japan Youth Exchange in the summer of 1996. She was also a co-captain of the cheerleading squad.

Dedicated to the pursuit of higher education, Grace earned a Bachelor of Arts from the University of California, San Diego. She majored in both Political Science and History with minors in Economics and Advanced Calculus. In June of this year, a Master of Public Administration degree was conferred upon her by the University of Guam. While at the University of Guam, she was the recipient of the Dr. Pedro C. Sanchez Professional Scholarship.

Grace's work experience include a wide variety of posts in both the private and public sector. Prior to her employment with the Guam EPA, she worked, on several occasions, as an aide and a consultant to local senators. She has both been a freelance writer and a copy editor for the local daily newspaper. She has also been a volunteer broadcaster and radio program host for Guam Public Radio. While in college, she was the executive director of the university's Associated Students Internship Office and later became a Research Assistant and Fellow.

In addition to this recent award, Grace has also been the recipient of a number of local, regional and national honors and awards. The Government of Guam Bureau of Women's Affairs named her the Outstanding Woman of the Year for Local/Federal Government in 2002. She has received a number of awards and nominations for the Governor of Guam's Employee Recognition Program. For several years running, she has also been given the honor of making presentations in regional and national EPA conferences.

The hard work and dedication of Grace Garces brings much welcomed recognition, focus and attention to the island of Guam. I applaud her efforts and urge her to keep up the good work.

HONORING DEAN KAMEN, NEW HAMPSHIRE'S MODERN DAY THOMAS EDISON, FOR HIS WORK ON BEHALF OF ALL PEOPLE AND RECOGNITION BY THE JUVENILE DIABETES RESEARCH FOUNDATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BASS. Mr. Speaker, I am honored to bring to the attention of the United States House of Representatives Assembled, the contributions that my friend Dean Kamen has made toward improving the health, productivity, freedom, and aspirations of people around the world. I therefore request the following proclamation be made part of the permanent CONGRESSIONAL RECORD of the United State of America:

Whereas, Dean Kamen and his inventions have improved the lives of millions of people around the world; and

Whereas, Dean Kamen has captured the hope and imagination of all citizens who remain convinced that he will one day unlock even more secrets of physics, engineering, and biology to revolutionize the way we live; and

Whereas, Dean Kamen has sought to inspire younger generations and many others the drive to study and surpass the known boundaries of humanity and science, by organizing and ceaselessly promoting For Inspiration and Recognition of Science and Technology (FIRST); and

Whereas, Dean Kamen has made residents of the Great State of New Hampshire proud of his successes and appreciate his loyalty to the Granite State's way of life; and

Whereas, Dean Kamen on this day has been named "Person of the Year" by the Juvenile Diabetes Research Foundation New England Chapter—New Hampshire Branch;

Now, therefore, be it Resolved by the House of Representatives that Congress congratulates Dean Kamen on his award and thanks him for his many contributions to our society.

On this date, at the House of Representative, in Washington, D.C.

A TRIBUTE TO LANDON DONOVAN AND THE U.S. WORLD CUP TEAM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. LEWIS of California. Mr. Speaker, Americans have found a new set of sports heroes in the past through weeks as we have watched the breathtaking performance of the U.S. men's team in the World Cup soccer championship. While the entire team has won the hearts and cheers of the nation for going further than any U.S. team in 72 years, my constituents and I are particularly proud of a native son, Landon Donovan of Redlands.

A former student at Redlands East Valley High School, Landon Donovan can rightfully be called a soccer prodigy. Quickly moving on from the Youth soccer leagues in my San Bernardino County district, Landon was the most valuable player for the Under17 World Championship as a 16-year-old in 1999 and played for the U.S. team in the 2000 Olympics.

His promise was recognized by one of Europe's top soccer teams when he was recruited by the German club Bayer Leverkusen. But his real potential was revealed in 2001 when he Joined the San Jose Earthquakes of the professional Major Soccer League and led the team to the national championship.

Landon Donovan's impact on the World Cup has mirrored that of the U.S. team. He has taken on some of the world's best players and shown that he can be competitive with anyone. He scored a goal in the first U.S. match against Portugal and very nearly scored another. He scored the only goal in a loss to Poland. And he was named the "Man of the Match" in the U.S. team's win over Mexico after scoring the team's second goal and nearly scoring another.

Thanks to the speed and determination of Landon Donovan and his teammates, this year's U.S. team went further in the World Cup than any time in the past 72 years. In their final match against Germany, one of the elite teams, they pressured the German goal again and again. Donovan broke away for four shots on his own, and forced the German keeper to make desperate saves each time. The German victory at 1–0 ended the U.S. run, but will in no way lessen our pride in the players' spirited performance.

Mr. Speaker, the youth of San Bernardino County have now been treated to thrilling hometown performers twice in the course of a year. Derek Parra of San Bernardino shocked and inspired the world at the Winter Olympics with his recordbreaking gold medal performance in speedskating, a sport long-dominated by cold climate European nations.

And now Landon Donovan, a product of Redlands youth soccer, has helped his team win against some of the elite teams of the World Cup. Please join me in thanking this team for showing Americans how entertaining soccer can be, and for reminding us all that with hard work and determination, anything is possible.

MILITARY PAY GAP

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mrs. DAVIS of California. Mr. Speaker, it is with great pleasure and respect for our men and women in uniform that I introduce legislation to ensure elimination of the pay gap that exists for our military personnel.

Since 1982, when military pay was last considered to have achieved "reasonable comparability" with the private sector, military raises have lagged behind those enjoyed by the average American. Legislation passed for FY2000 included a large pay raise and mandated pay raises of "inflation plus one half of one percent" through 2006.

Despite a series of generous raises, the pay gap will not be eliminated by 2006. My legislation would do two things. Extend the mandate from 2006 to 2013, when the gap would be eliminated, and then ensure that raises keep pace with inflation.

As our military personnel consider the very personal decision to stay in the military or move to the private sector they do factor in future pay raises. From my own personal experience visiting with our service men and women I know that they don't choose to serve for financial gain. They serve because they believe in America and the freedoms that we all enjoy and are committed to service. Like all of us here in this House, they understand that a lifestyle of service entails a certain amount of sacrifice. In exchange for all their sacrifices, they have a simple request: that their nation make a commitment to them that parallels their commitment to the nation.

Today I ask my colleagues to join in that commitment and support my legislation to permanently eliminate the military pay cap.

HONORING MELISSA MILLER

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BARR of Georgia. Mr. Speaker, there are a group of individuals who constantly sacrifice, give their time and love, and truly make the world a better place. These individuals are the mothers of the world, and they represent a constant source of kindness, advice, and reliability. These women play numerous roles, from nurse to teacher to counselor to chauffeur, and Melissa Miller of Georgia's 7th district is certainly a great example.

Mrs. Miller was recently named the 2002 Mother of the Year by Sixes Living Magazine. Mrs. Miller is a very busy mom, constantly on the road transporting her children from ballet lessons to baseball games. The time which she finds to devote to her kids is sure to contribute to their development into the type of Americans we all hope our children will become—kind, caring, smart, hard-working, and honest.

More women like Mrs. Miller are needed in our great country so that we can continue to instill morals and values in the next generation of Americans.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. ISAKSON. Mr. Speaker, I was absent for roll call votes 239 and 240. Had I been present I would have voted yes for both votes.

OAK MIDDLE SCHOOL BLUE RIBBON SCHOOL AWARD CONGRATULATIONS

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. ROYCE. Mr. Speaker, I rise today to extend my congratulations to the principal, faculty and students of Oak Middle School in Los Alamitos, California, on that school's receipt of the U.S. Department of Education's prestigious "Blue Ribbon School of Excellence" Award.

The Blue Ribbon Award is a highly competitive honor awarded to schools that are judged to be particularly effective in meeting local, state and national education goals. To qualify for the award, schools must undergo a rigorous selection process culminating in a decision made by a panel of educators from across the country selecting schools for recommendations to Secretary Paige.

I can think of no school more worthy of this award than Oak Middle School, which under the excellent leadership of Principal James Elsasser consistently produces well-educated and active students. Because of the vision and determination demonstrated by Mr. Elsasser and his committed faculty, Oak Middle School has been recognized by the Federal Government for its excellence—a recognition that I think is long overdue.

I congratulate Oak Middle School on its achievement, I encourage the students and faculty to continue their tradition of excellence.

TRIBUTE TO MR. LEONARD HOFFMAN

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. WELLER. Mr. Speaker, I rise today to honor Mr. Leonard Hoffman for his years of service in the educational system. Mr. Hoffman, who retires this year, has served the educational system since August 25, 1969. Leonard began his career at Channahon Elementary School and has taught every subject except Science. He has also served as Union President, Union Vice-President and building representative.

Always striving for excellence, Leonard initiated special school activities to keep the students active and interested in learning. One special activity is called the President's Test. The President's Test required students to be able to name the Presidents in order. Fifth grade students need to pass the President's Test to be "eligible to go into sixth grade." This involved many practice sessions for the students and time for encouragement and positive reinforcement from the teachers. The President's Test has become an important "rite of passage" for the students.

Other activities initiated by Mr. Hoffman include the Campbell's soup label saving program which provides funds to purchase new library books and audiovisual equipment. The students celebrated President Washington's birthday by making tri-cornered hats and making a button toy similar to those of that era. A history lesson on the Boston Tea Party included drinking tea and eating biscuits. Arbor Day was celebrated by Mr. Hoffman giving each student seedling trees to take home and plant. There are adults in the community that still talk about "their trees".

Leonard Hoffman was born on February 25, 1947 in Morris, Illinois to Judge and Mrs. Leonard (Erb) Hoffman. He graduated from Illinois Wesleyan University in 1969 with a Bachelor of Science in Education. In 1973, Leonard received his Master's Degree in Education from Northern Illinois University. Leonard married Carol Collins Hoffman on March 9, 1974. They are the proud parents of Martha Hoffman.

Leonard has also given his time and energy to the whole community. He is a member of the board of directors of the First National Bank of Dwight and a charter member of the First Bank of Channahon. Currently serving as Vice President, Leonard is one of the original trustees of Three River's Library system. He is also a Life Loyal Member of Sigma Chi Fraternity and a member of the Channahon Methodist Church.

Leonard is best remembered for an often-cited quotation he learned from his first grade teacher, Miss Canaday, "Directions are your friends, they tell you what to do". In fact, you would not be able to find a former student of Leonard's that would not be able to remember this statement. His daughter, Martha, is now using this statement with her students.

Mr. Speaker, I urge this body to identify and recognize others in their own districts whose actions have so greatly benefitted and strengthened America's communities.

TRIBUTE TO THE UPPER PENINSULA VILLAGE OF BERGLAND ON THE OCCASION OF ITS CENTENNIAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. STUPAK. Mr. Speaker, I rise tonight to call your attention and that of our House colleagues to a ceremony that will take place in the Upper Peninsula of Michigan on July 3–6. On those days, with all the fanfare and activities that local residents have been planning for a year, the community of Bergland will celebrate its centennial.

As Bergland residents frequently note for distant acquaintances, this is a small community that's easy to find on a map of Michigan. Just find Lake Gogebic, a lake in the western end of the U.P. that looks like an upside-down boot, and Bergland is at the toe. On the map, it's just another black dot—you need to see Bergland as I have seen it so many times, passing through on my way west on M–28 to Ironwood or turning north on M–64 to go to Ontonagon. Then you would see a tidy village of wood-framed structures, tucked in the forest on the shore of a lake. It's the kind of friendly community that says, "Why are you rushing by? Stop here a while, and your life will be enriched and at peace."

Like so many northern Michigan communities, Bergland is a village created by the lumber industry. In 1902 Gunlek Bergland, then age 55, and his wife Hanna signed the Plat of the Village of Bergland, giving birth to a community that was located within the 18,000 acres of timberland Bergland had obtained. He had already constructed a sawmill and a short-line railroad into his timber holdings, and the new town's location along the Duluth, South Shore & Atlantic Railroad ensured his wood products would find distant markets.

The town of Bergland was born at a unique time in Michigan's lumbering history. Most of the virgin strand of giant white pine had been harvested, but the land Gunlek Bergland purchased was far enough away from the Lake Michigan shore that it had remained uncut. This North Woods stood at town's edge. Charles Freed, a 12th grade graduate of Bergland's first school, built in 1904, once reminisced about this timber stand, saying, "Within a few feet of the rear of the building there stood a forest which had not yet been touched by the ax. "

It's quite amazing, Mr. Speaker, when you consider that within the 20th Century and right in the Midwest, a community was being built on a forest frontier. It would not be frontier for long, because 20th Century changes were having an impact on the lumber industry. Witness the fact that Gustav Bergland built an actual town for families, which in itself was a change from the tradition of the 1800s, when lumberjacks spent all winter living in isolated lumber camps to do their work. In the 19th Century, logs were floated down rivers to communities like my home town of Menominee, where sawmills cut them and shipped the lumber south by water to growing cities like Milwaukee and Chicago. In the dynamic new 20th Century, railroads reached inland to small communities like Bergland to bring out wood products. Hardwood was now needed by the Upper Peninsula mines, and the growing auto industry needed lumber, too, as much as 250 board feet—the equivalent of a 27-inch diameter, eight-foot-long log—for each vehicle produced.

Those boom days are gone, but Bergland and its forest heritage remain. Forest products are still an important regional industry, a managed industry that recognizes northern Michigan's forests as a renewable resource. Bergland stands surrounded by the million-acre Ottawa National Forest, an area that is also rich in recreational opportunities,

Residents and former residents of Bergland will gather in July to celebrate this history, and they will also honor some of the community's oldest residents. Among those to be honored are Walter Borseth, 90, and Stan Lackie, 85, both of whom were born of Bergland pioneering families and have spent their entire lives in Bergland.

Mr. Speaker, I ask you and our House colleagues to join me in wishing the best to the people of Bergland on this celebration of their centennial, and in saying a hearty, "Well Done! " to the Bergland Centennial Planning Committee of Gay Frulik, Junior Gray, Winnie Borseth, and Tom Borseth. We hope many former Bergland residents are drawn back home for this celebration, so that families may be reunited, old friendships renewed, and a remarkable quality of life rediscovered..

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SHAYS. Mr. Speaker, from June 17 through June 19, I was in London, England participating in a Government Reform National Security Subcommittee meeting on Gulf War Veterans' Illnesses.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "yes" on recorded vote number 230, "yes" on recorded vote number 231, "yes" on recorded vote number 232, "yes" on recorded vote number 233, "yes" on recorded vote number 234, "yes" on recorded vote number 235, "yes" on recorded vote number 236, "yes" on recorded vote number 237, "yes" on recorded vote number 238, and "yes" on recorded vote number 239.

H. CON. RES. 415, RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH AND THE IMPORTANCE OF HOMEOWNERSHIP IN THE UNITED STATES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Ms. SCHAKOWSKY. Mr. Speaker, the House of Representatives passed a resolution that recognizes National Homeownership Month. Democrats and Republicans are united in their support for homeownership. However, we should not fool ourselves by claiming that this resolution is going to solve our affordable housing crisis.

We need to back up our words with action. Housing is not a top priority of this House or the Administration. HUD provides down payment assistance through several of its programs, yet without sufficient resources HUD will not be able to accomplish its homeownership goals. In fact in real dollars, HUD's budget is one third of what it was during the Ford administration. This is unacceptable.

Yesterday the Financial Services committee marked-up the "Housing Affordability for

American Act of 2002." Several members of the majority voted against an amendment to create a national affordable housing trust fund. The approved amendment creates a trust fund that utilizes FHA surplus funds. By creating a housing trust fund we can provide the necessary resources to build and preserve 1.5 million units of rental housing over the next 10 years.

Also, predatory lending continues to be a serious problem for homeowners. The Coalition for Responsible Lending estimates that homeowners lose $9.1 billion annually due to predatory loans. Predatory lending is especially a problem in the subprime market. People who have trouble getting access to conventional mortgages often use the subprime market for mortgage assistance.

Predatory lenders disproportional prey on the elderly and minorities. In 2000, HUD completed a study that found that borrowers in upper income African American neighborhoods, who would easily qualify for conventional, low rate loans, were twice as likely as homeowners in low-income white neighborhoods to receive subprime refinance loans. In Chicago the number of high interest loans rose 3,685 between 1993 and 1999. To combat this problem, I and several of my colleagues have introduced anti predatory lending legislation. Regrettably, none of our bills have been given consideration by the Republican House leadership. Simply supporting homeownership is not enough. We must act to make sure the people are able to keep their homes as well.

Homeownership is expensive and it is difficult for people with low incomes to own a home. People in Chicago and across the country need affordable housing whether it is a home or an apartment. In Chicago, we're short 150,000 units of affordable housing. Nationally, there has been a 37 percent increase in the number of people seeking emergency shelters in the past year and five and a half million people are facing the worst housing crisis in the United States. That is why I have introduced H.R. 2999 "The First Things First Act." My legislation puts tax breaks for the rich on hold until we address our nation's housing crisis and other critical needs. This resolution is only effective if we take strong actions to make affordable housing a reality for America's families.

HONORING PASTOR T.R. WILLIAMS, SR.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Reverend Theodore Roosevelt (T.R.) Williams, Sr., on his 25 years of exceptional service to the New Faith Church located at 4315 West Fuqua Street, Houston, Texas. On June 23, 2002, Reverend Williams will be joined by his family, friends, and the congregation of New Faith Church to celebrate his 25th anniversary.

Born in Alexandria, Louisiana on July 26, 1945, Theodore Roosevelt Williams was one of five children born to Nathaniel and Violet Williams. The Williams' established an extraordinary foundation for their children centered around developing their faith in God. Reverend Williams often recalls how his parents would awaken him along with his brothers and sisters on Sunday morning for family prayer and fondly speaks of his parents' willingness to sacrifice their desires to ensure that their children's needs were met.

After receiving his degree from Southern University in 1966, Rev. Williams soon found himself being called to the ministry. On December 2, 1966, he preached his first sermon at Greater Saint Lawrence Missionary Baptist Church. Reverend Williams accepted his first pastoral position at Shady Grove Missionary Baptist Church in rural Louisiana in 1968 and his second at Loyal Baptist Church beginning in 1972 and resigned in 1977. After his resignation, Reverend Williams organized New Faith Church on February 27, 1977, where he currently presides as Senior Pastor.

Since its inception, New Faith's priorities have been in accord with God's directives, and have made tremendous strides in the efforts to improve the quality of life in the Houston area. Under the leadership of Reverend Williams, the congregation has grown to more than 3,000 members with facilities on more than ten acres of property. Throughout his tenure as senior pastor, Reverend Williams, has a number of accomplishments that highlight his commitment and dedication to serving God, his congregation and the Houston community. Some of his many achievements include, the development of the ministerial staff concept, the Family Life Center, the Crisis Counseling Center, and the Violet P. Williams Educational Building. Reverend Williams has implemented more than twenty-five ministries and provides leadership to a number of dedicated and talented staffers.

Mr. Speaker, throughout his 34 years in the ministry, Reverend Williams' intelligence, enthusiasm, and integrity has served his congregations well. He brings a tireless energy, an unflagging drive, and an unparalleled passion to each of his endeavors, whether it's as a Pastor, a civic leader, or friend. His tremendous strength over the years is a testimony to the success of his efforts to address the needs of his congregations and community.

MISSOURI STATE HIGHWAY PATROL OFFICER OF THE YEAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Sgt. James E. Closson of Marshall, MO, who recently was named Officer of the Year by the Missouri State Highway Patrol. He has distinguished himself, the Missouri Highway Patrol, and the State of Missouri with dedicated service.

Sgt. Closson has been serving and protecting the citizens of Missouri for 28 years. He is respected by the members of Troop A for his diligence in ensuring assignments are met and completed without fail. His years in the Troop A area and as the zone sergeant of Zone 10 in Saline County have established him as a leader in the community.

Sgt. Closson is the son of a distinguished former Missouri Highway Patrolman, A.F. Closson.

Mr. Speaker, Sgt. James E. Closson has been dedicated to serving and protecting the citizens of Missouri for 28 years and is well deserving of this prestigious award. I am certain that my colleagues will join me in wishing Sgt. Closson and his wife, Jenny, all the best.

THE TREATMENT OF GIRLS AND WOMEN BY THE BURMESE ARMY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to stand firm against the impunity with which the girls and women of Burma are raped, tortured, beaten, and killed as part of a systematic campaign by the Burmese army to terrorize and subjugate its people.

This week, a report was released detailing the heinous acts of rape and other forms of sexual violence carried out on the women and girls of the Shan State on the Burmese border with Thailand. Compiled from interviews with brave victims who would talk about their story, the report serves merely as a microcosm of the ongoing and endemic commitment by the Burmese army to thwart resistance and opposition by officially condoning the use of rape as a weapon of war against its civilian population.

Mr. Speaker, the reports that have surfaced describe how the overwhelming majority of these rapes are being carried out by officers, and usually in front of their own troops. Girls and women are being beaten mutilated, suffocated—tortured. A quarter of these rapes result in death, and in some incidences the victim's body is publicly displayed to send out a message of terror and fear to local peoples. These crimes against humanity are often times even taking place within military bases where some women have been detained for up to 4 months—only to be raped, even gang raped, repeatedly by soldiers.

TRIBUTE TO CAPTAIN FRED "POT LICK" CLAY CUTRER, JR.

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Captain Fred "Pot Lick" Clay Cutrer, Jr., United States Air Force, of Mississippi, who was laid to rest on Thursday, June 6, 2002. Captain Cutrer had been missing in action in South Vietnam since August 5, 1964. Captain Cutrer was the first pilot to be killed after President Johnson's escalation of American involvement in Vietnam due to the Gulf of Tonkin. At the time Captain

Cutrer's plane went down he was only 29 years old.

Captain Cutrer and his navigator, Lieutenant Leonard Lee Kaster of Massachusetts, were flying a B–57B Canberra on August 5, attempting to land at a nearby base, when they were shot down by Viet Cong soldiers. Unfortunately, a rescue or recovery mission could not be attempted, as the area where the plane went down was deemed too dangerous. Both men were listed as Missing in Action and their names were on the Vietnam Wall when it was dedicated in Washington, D.C., in 1982. Captain Cutrer's name can be found on Panel 1E, Line 60.

In August 1992, the Defense Department's POW/Missing Personnel Office found the crash site with the help of a Vietnamese native who saw the plane as it crashed in Long Khan Province. Follow-up visits led to an excavation in March and April 1997 and recovery of Captain Cutrer's remains. In January 1998, Captain Cutrer's family was notified that his dog tags and remains had been found. He was given a full military burial at Arlington Cemetery on Thursday, June 6, 2002. Since Lieutenant Kaster's remains were never found, he was buried with Captain Cutrer. He and Lieutenant Kaster were posthumously awarded the Purple Heart.

Captain Cutrer grew up in Mississippi in a loving family and alongside great friends. He was married to Shirley Cutrer, who was a First Lieutenant who was honorably discharged as an Air Force nurse in 1962 after becoming pregnant with the couple's first of two sons, Fred III. She died September 10, 1998, when her car collided with an 18-wheeler in Pennsylvania. Later this summer, she will be exhumed and buried beside her husband's plot.

On Thursday, June 6, many of Captain Cutrer's friends and family met at Arlington to finally lay to rest their beloved friend and family member. Among those attending the funeral were Captain Cutrer's two sons, Fred III and Dan, his brother Hugh Molse Cutrer and his two sisters, Lillie Cutrer Gould and Connie Cutrer Blair of Simsbury, CT.

Captain Fred "Pot Lick" Clay Cutrer, Jr. is a true American hero and I urge my colleagues to stand today to honor his memory.

SENATE—*Monday, June 24, 2002*

The Senate met at 3 p.m. and was called to order by the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, we press on with the work of the Senate in this final week before the Independence Day recess. Be with us, Lord, so we can maximize the hours of this day. Help us to think clearly without confusion, to speak honestly without rancor, to debate without division, and to decide courageously without contention. May our rhetoric honor You and deal with issues and not personalities. Grant the Senators Your grace to finish this week as patriots who love You and count it a high privilege to serve as leaders of our beloved Nation.

Lord, we ask for Your protection for the people in Colorado and Arizona who are victims of conflagration on the forests, now consuming homes and entire towns. Bless the courageous firefighters as they seek to bring this fire under control. We trust this and all our need to You. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 24, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mrs. LINCOLN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, and with the time to be equally divided between the two leaders or their designees.

The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, when we complete morning business, we will proceed to the Defense authorization bill, which the Senate worked on all last week. Senator SMITH is going to offer an amendment regarding headgear, abaya. We expect a vote on that about quarter to 6 today.

THE FEDERAL GOVERNMENT

Mr. REID. Madam President, I listened closely, as I try to do every day, to the Chaplain's prayer. He mentioned the terrible fires in the West, which brings to my attention the fact that when there is trouble in the country, the place one has to look is to the Government. After one has completed their prayers and the spiritual things they do, the Government is next in line.

If we think about the wildfires that sweep the West every summer, it is the Federal Government that steps in to help. Tens of thousands of Federal employees fight those fires. They are professional firefighters. They come in every summer. They do very dangerous work. They place themselves in harm's way to protect property and people's lives. We have these firefighters who jump out of airplanes and parachute, heavily loaded with all kinds of equipment, to fight these fires. We have firefighters who rappel off the back of helicopters to fight these fires.

So for all the bad that people hear about Government, I think we should stop and think about the people who fight these fires that are consuming—there is one fire now in Arizona that is raging in an area about 10 times that of the District of Columbia. The fire line is 50 miles long. Again, we have there professional firefighters who are trained every summer. The Federal Government has programs for feeding them.

We have had fires, of course, in Nevada, and I have seen the tremendous logistical problems in feeding thousands of firefighters, for example, and having a place for them to sleep. Government is there to help us, not to hurt us.

EDUCATION AMENDMENTS OF 1972, TITLE IX

Mr. REID. Madam President, this week we celebrate the 30th anniversary of Title IX of the Education Amendments of 1972, the landmark legislation that prohibits sex discrimination in federally funded educational and athletic programs.

I look back with great pride at the teams we have had in Nevada. One would automatically think of the UNLV Running Rebels basketball team, which was a national champion, and I do look back with great pride at Jerry Tarkanian and those great athletes. Six basketball players were drafted in the first round that year, that is how good they were, but I also look back with great pride to the UNLV Rebel women's softball teams. We had all-Americans there, too. Lori Harrigan is an example. She pitched in two Olympics, won two gold medals. She is a Las Vegan. She went to UNLV. It was during her years that we were ranked in the top two or three teams in the country.

I love to go watch the Rebel women play. We now have a new stadium for softball. I have told other people this, maybe not so many all at once, but I would rather watch them play than the men's baseball team. It is a much quicker game. They are tremendous athletes. You are right on top of the game in that little stadium, right there with the players.

We should be happy with all of the progress we have made providing girls and women with opportunities previously denied them. We must continue our efforts to promote gender equality because the job is not complete.

I can remember going to a rural community in Nevada, White Pine County High School, and I was going to speak to an assembly. They had me in a room waiting for the kids to gather. Two girls were there, obviously doing homework, studying. They had on letter sweaters. It was kind of cold in the room. I made conversation with them. We talked about how much they loved their athletics.

I told them they were able to play ball because of the law we passed in Congress, that they would not be playing otherwise. They said they did not

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

understand that. When I left, one of the girls—her name was Cassandra—said, "I would die if I did not have my athletics."

I am sure she was exaggerating, but she conveyed to me how much she enjoyed athletics. It was like when I was a young man in high school, that was the No. 1 thing for me. It was the No. 1 thing for her.

We must be aware that Title IX programs that have proven so effective in helping girls and women are under assault from critics who would like to turn the clock back.

A major column in Newsweek magazine was bashing Title IX about 3 weeks ago, saying it is a bad program and all it does is hurt boys. Millions of people see each Newsweek magazine publication.

I cannot allow the challenges to proceed. When my wife and I went to high school, the only thing she could do athletically was be a cheerleader. That is what she did. It did not matter if she could run as fast as Gail Devers, or that she could jump high, or whatever it might be in athletics today, she could not be involved. They did not have programs for girls. That is the way it was almost every place in America.

My boys got their athletic ability from my wife, more so than from me. Yet she did not have the chance when she was young to be competitive in sports.

Title IX has helped dramatically to increase participation in sports among female students. Among high school girls, there has been an almost tenfold increase, from fewer than 300,000 playing competitive sports 30 years ago, to now, almost 3 million. At the college level, the number of female athletes increased from 30,000 to 150,000. Clearly, these statistics show if you build it, they will come. Girls and young women have a high level of interest in sports and are eager to have equal opportunities.

I have no doubt that my participating in athletics and my sons' participating in athletics helped build character. That is what athletics is all about.

Recently, I had the opportunity to have Billie Jean King come to my office. I had a great visit with her. Billie Jean King is what Title IX is all about. She inspired a generation of women, and some men, to participation in athletics when she beat a world-class tennis player. It was on national TV. Everyone knew she would lose, but she trounced him. We reminisced about that. The main reason she came to see me was to talk about the changing role in sports as it relates to women and the importance of Title IX.

Billie Jean King has inspired successive generations of women athletes such as the world champion women's soccer team, whose players like Julie Foudy, Brandi Chastain, and Mia Hamm have benefitted from Title IX. I had the opportunity recently to join Julie Foudy at a soccer clinic she conducted for some girls in Las Vegas, where she was playing in a professional soccer league match that night. It was great to see hundreds and hundreds of people who came to see Julie Foudy, a great professional athlete who got there as a result of Title IX.

Judy Foudy, Brandy Chastain, and Mia Hamm now serve as role models, as do the current tennis stars, Venus and Serena Williams. We must continue to encourage participation in sports and give girls and women the same opportunities that boys and men have traditionally had. Athletic training and competition have the same benefits for females as for males, teaching them not only how to score goals but set goals and work hard to achieve them through cooperation and teamwork, developing leadership skills and instilling self-confidence.

At a time where far too many American kids lead sedentary lives where they do not move off the couch, and many are obese, we must support programs that lead to improved fitness and health. Adolescent female athletes are more apt than nonathletes to develop a positive body image, less likely to become pregnant, and are at less risk for developing women's diseases such as osteoporosis and breast cancer.

In addition, sports provide a safe and healthy alternative to drugs, alcohol, and tobacco, and to antisocial behavior. Students who participate in sports feel a greater connection to school and keep their grades open to maintain their eligibility.

Mr. President, as I indicated, there are people who are trying to get rid of Title IX, saying it is unfair that we have girls participating in high school and college athletics because it hurts boys' programs, and for other reasons. They say things such as girls are not as competitive, they don't need to do this—I am not making this up. You can read the editorial in Newsweek Magazine.

Mr. President, before Title IX, there were almost no athletic scholarships available for women. Now many women have been able to pursue a higher education as a result of participation in sports, just like young men did and still do.

I am disappointed, if not surprised, that some critics would like to halt this program. They are making misleading and unfair criticisms of Title IX.

Let's set the record straight. Title IX does not require "quotas." It is wrong to scapegoat women as the supposed cause of cuts in men's athletic programs. In fact, colleges have added hundreds of men's teams and there are tens of thousands more male athletes at universities since Title IX was enacted. While it is true that some men's teams—and some women's teams—have been dropped during this time period, many factors, including a declining interest in a particular sport, influence a school's decision. Dropping a men's team has never been required by law or the courts enforcing the law of Title IX. Rather, each school is given discretion to make decisions about how to comply with Title IX and provide equal opportunities and treatment for male and female student-athletes.

So while we remain vigilant against attacks on Title IX, we must also push for its continued implementation and enforcement.

For most Americans, Title IX is synonymous with our efforts to provide girls and women an equal opportunity to participate in sports, but Title IX addresses a whole range of important programs and issues related to education. In fact, only a small fraction of Title IX complaints received by the Department of Education's Office of Civil Rights are related to athletics.

Title IX also has helped provide women with equal access to higher education.

I remember when I practiced law. A very fine, brilliant man I worked with was talking about women being lawyers. There were not many lawyers in Las Vegas at the time that were female—very few. My brilliant friend said there will never be a lot of women lawyers because they have to carry these big briefcases and big files. Well, he was certainly wrong because a lot of men practice law that don't carry big files and big briefcases. Now there are a lot of women who practice law who carry big briefcases and big files. It has been found that they are just as good in court as men. They are just as good at drawing wills and working in corporate America as men. So Title IX has helped provided equal access to education for women.

Years ago, many universities excluded or severely restricted women from admission to certain programs. Now, however, the percentages of women enrolled in American law schools and medical schools are about the same as for men.

Unfortunately, according to reports recently issued by the National Women's Law Center and the National Coalition for Women and Girls in Education, young women continue to be subject to persistent gender segregation and discriminatory counseling in high school vocational and technical education programs at American high schools. There was a wonderful piece a week ago last Saturday about women on public radio about how girls are treated in high school, about going into programs that are vocational in nature, mathematics in nature. School counselors talk them out of it every day. While we are speaking, counselors are telling girls: why don't you take up something else? How about being a nurse or a school teacher? You don't want to go into vocational education or work on cars. But they do and they do just as well as men working on cars. So there is some real significant discriminatory practice there.

They are often steered toward programs like cosmetology, health aide preparation, and child care training, nursing, teaching all of which lead to lower paying jobs most of the time; while male students congregate in programs leading to higher paying careers in technology and the trades. This has significant negative implications for women's employment prospects and earning power.

We need to vigorously defend and enforce Title IX in all of the areas it covers, so that we can sustain and expand upon the progress we have made.

Often we hear that girls and women are the beneficiaries of Title IX, but I think it is more accurate to say that we all benefit from this important civil rights legislation—these affirmative action programs that are Title IX. Certainly, American society as a whole is better when women—who, after all, make up more than half of our population—are provided a fair and equal opportunity to develop their full potential.

I go back to what I said when I started this speech. I reflect on watching the Running Rebels basketball team when they were the national champions. There were great players on that team. As I indicated, six of the players on that team in 1 year were drafted in the first round.

I also reflect with pleasure on watching Lori Harrigan throw a softball and keep the UNLV Rebels softball team in the top 10.

I also reflect on how things have changed since I started practicing law. The legal profession is better now because of the women involved, just as the Senate is a better place because of the women who are here. That is what Title IX is all about.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my colleague from Nevada for bringing up the issue of women in sports. It has meant a great deal for women and girls to have these opportunities.

The Senator talked about when his wife was in school and all she could do was cheer for the team. I know Mrs. Reid. She and I are about the same age. That was exactly my experience. I am very happy to say my daughter was able to play soccer. I see the young girls today reaching for the stars—and attaining them.

I wonder what the order is at this point in terms of the time division?

The PRESIDING OFFICER. The time until 4 o'clock is evenly divided for morning business.

Mrs. BOXER. Our time runs out at 3:30?

The PRESIDING OFFICER. Ten minutes to each side.

Mr. DORGAN. Reserving the right to object, is it evenly divided on both sides or just 10 minutes per Senator?

The PRESIDING OFFICER. Ten minute grants, evenly divided to each side, but no one side has control.

DECLINE IN QUALITY OF LIFE

Mrs. BOXER. Madam President, I take to the floor today to call attention to an alarming trend that I see happening in this country. It is a decline in the quality of life for our people in this country. It is beginning. I am concerned it will continue.

Clearly, I am not talking today about the tragedy that hit on 9-11. Of course, that had an impact across the board in terms of worrying about our children and concern for our communities. I am setting that aside. What I really want to talk about is the business of this Government that is keeping our people safe from a couple of things. One is crime in the streets. The other is the quality of our air, our water, our neighborhoods in terms of this environment that we so cherish.

I am very concerned we are beginning to see fallout from policies that are occurring in this administration that has been in power now for 17 months. We first get the alarming news that after 9 years of decline, there is a very large change in the crime rate. We see increases in the murder rate. We learn of increases across the board from reading the newspaper. We have an expert, Patrick Murphy, who basically worries that we have eliminated the COPS program because this administration does not support it. It has put 100,000 police on the beat. We need to do more. That is having an impact.

Also, we are seeing cuts in aid to States and localities in the criminal justice area. We are seeing these cuts because this administration just does not have that as a priority. They have as a priority cutting taxes for people who earn over $1 million a year. That is the truth. It costs money to put a policeman on the beat, to protect a neighborhood, a street, a school. If it is more important to give tax breaks to people who do not need it, that is the price we are going to pay. It is beginning to come home to roost.

Another area where we are beginning to see decline is in the quality of life in the environment. We already know this administration is cutting in half the Superfund sites that are going to be cleaned up. I have a chart that shows the number of cleanups we did under the Clinton administration, and the number of cleanups that are now being proposed by the Bush administration.

In the red here, the average number for the last 4 years of the Clinton administration was 86 sites cleaned up each and every year. That means 86 neighborhoods reclaiming an area that was so toxic and polluted there could be no economic development. Those sites were cleaned up.

When the Bush administration came in, they promised they would clean up 75 sites. We were not happy about that—we saw that was a reduction of 10 sites and that would mean 10 communities in trouble, property values declining, quality of life declining, children's health declining, and so on—but listen to what happened. After we adjusted to the fact that we were going to see 11 sites fewer cleaned up, we now see their proposal is to actually go to 47 sites.

They are cutting in half the number of Superfund sites to be cleaned. Why? Because it is not a priority. It is more important to them to give money to people who earn over $1 million. That is the bottom line. There is not enough money to put cops on the beat, not enough money to clean up these sites. It is a very troubling trend. These communities were counting on these cleanups, and they are not going to happen.

These sites are not isolated. In my own State of California, 40 percent of the people live within 4 miles of a Superfund site. So we are talking about a real problem. But more than that, there are many other problems that we see.

I urge people who may be listening to go to a Web site that we have set up, on our side, to detail the various rollbacks that we are seeing in terms of the environment.

Go to this Web site: democrats.senate.gov/environment, and, you can see what we are talking about. We are going to show you the sites that have been abandoned, the rollbacks of this administration because there are so many I cannot fit them on one chart.

I will show two charts that detail the various rollbacks and broken promises of this administration. You can see it is just impossible to take the time because there are 100 rollbacks in clean air, clean water, and safety and health for our people. It causes a lot of concern.

Senator JIM JEFFORDS, who is the chair of the Environment Committee on which I serve, is highly upset about the Superfund situation and highly upset at the fact that there are rollbacks now being proposed on the Clean Air Act.

Madam President, you have two beautiful young children. You know when they breathe dirty air, the impact on their lungs is far greater than when you and I breathe that same air. The bottom line is by rolling back the Clean Air Act, as they plan to do, our children are going to suffer.

We have a situation where the President has now proposed a rollback of the

Clean Air Act. Senator JEFFORDS is trying to learn on what they based this decision. He has asked the EPA for information similar to the information I asked them for on the Superfund sites. I want to be able to tell you which of your constituencies are not going to have their Superfund sites cleaned up. I want to be able to tell the same to my Republican colleagues and Democratic colleagues. I cannot get the information. Things have gotten so bad that we have had to ask, at the time, the inspector general to help us get this information on Superfund, and Senator JEFFORDS is going to have to call together our committee and issue a subpoena to get information in terms of the rollback of the Clean Air Act.

Let me sum up this way: I am concerned the priorities of this administration are leaving our people vulnerable, vulnerable to high crime rates, vulnerable to dirty air and dirty water. I think the chickens are coming home to roost. Maybe it is all theoretical, except when you find out it is not somebody else's Superfund site that is not being cleaned up but it is yours.

Let me show you the sites across the country. Every single State except North Dakota has a Superfund site, and the purple reflects the Superfund sites. These are the most toxic, most dangerous sites.

I am here today as the chair of our environmental team. I am proud Senator DASCHLE has appointed me. I have a very good team of Democratic Senators with whom I am working, and I will come to the floor again to bring you up to date on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

VACCINES

Mr. FRIST. Madam President, I rise for a few minutes to discuss in morning business an issue that involves essentially every American today, and that is an issue regarding the shortage of vaccines. Every day, thousands and thousands of parents take their children to physicians' offices all across this great country, not because their children are sick or in response to an acute illness, but because they understand the importance of preventing a potential illness.

They want, and they rightfully expect, their children will be able to receive vaccines needed to prevent illnesses that range from tuberculosis to measles to mumps to rubella to chicken pox. Yet—and I tell this to my colleagues and to people listening across the country—the fact is that many of these parents are being turned away with their children still vulnerable to some of these very destructive and often deadly diseases. Five vaccines that prevent eight childhood diseases have been in short supply in the United States since last summer.

Thankfully, there have been no major outbreaks among American children. We thankfully have been vigilant about vaccinations in this country in recent years, and our population on the whole has built up a strong immunity. But we have a short supply of vaccines today. The longer these vaccine shortages continue, the more vulnerable our children become.

If we do not take prudent steps today in Congress to address these current and recurring vaccine shortages, it is almost certain—from a public health standpoint, from what we know today—that American children will experience an outbreak of diseases that we have the tools, we have the ability, we have the medicines to prevent.

Is it possible to have these destructive diseases appear in this day and time? The answer is yes, and these vaccines that are in short supply today in our country are necessary to prevent such outbreaks that have occurred in other industrialized nations.

If we look at Japan, for example, vaccination rates for whooping cough dropped from the 80-percent rate in 1974, to 10 percent in 1976—from 80 percent to 10 percent over a 2-year period. This caused a dramatic rise in the incidence of the disease from 400 cases and no deaths, to 13,000 cases and 41 deaths within 5 years.

The vaccine for pertussis, which is whooping cough, diphtheria and tetanus is one of the five vaccines in short supply. The others are for tetanus, measles, mumps, rubella, chicken pox and pneumococcal disease, which can lead to pneumonia, bacteremia—that is bacteria floating in your blood that can give you fever and make you ill—and meningitis, which is inflammation of the structures that surround the brain.

These vaccines for our children are in short supply. The Centers for Disease Control and Prevention, the CDC, reports that new supplies of these vaccines will be available soon. That is good news. Two of the vaccines that are now in short supply will be available later this summer, two more by the end of the year, and the last one in the fall, we believe—maybe a little bit later.

That is welcome news. But the underlying, fundamental problems that have caused the current shortage—and past shortages—if not addressed, will cause another shortage in the future. Vaccine shortages will occur year after year, time after time, if we do not act. Now is the time to address the fundamental problems underlying these shortages.

Today, there are only four manufacturers producing vaccines for America's children. Of those four, only two are American companies. New companies that may want to produce vaccines are confronted with this dual risk of increasing liability and at the same time questionable return on investment. When you put those two together, there are fewer and fewer manufacturers, and that is contributing to this shortage.

The remaining vaccine manufacturers are upgrading and expanding production facilities. Again, that is good news. Even if we have a flood in the supply of vaccines to take care of current shortages, it will be only a matter of time when we have another drought for these lifesaving vaccines. We must address the underlying, fundamental reasons for these recurring vaccines shortages. We have to do that in a thoughtful and comprehensive way based on what we know are the realities in terms of production and usage. It is the job of the Senate to set this framework in place.

In March, I introduced the Improved Vaccine Affordability and Availability Act. This act does a number of things. In essence, it requires the Federal Government to build and maintain a 6-month supply of prioritized vaccines that we and our public health and our medical communities agree are necessary to prevent these preventable diseases.

This would stabilize the supplies over time and help us to be better prepared in those years in which vaccine production cannot meet the demand at that point in time. It would also expand the funding available for State and local efforts to boost immunization rates. You can have the vaccine and know that the vaccine prevents disease, but unless you actually apply that vaccine to our children it is not going to do much good. This increased vaccination effort will focus on adults and children who are underserved or who are at high risk of contracting vaccine-preventable diseases.

Perhaps the most important provisions in this bill are modifications to help restore balance to a program called the Vaccine Injury Compensation Program. This program was created about 20 years ago, in the mid-1980s, to rapidly compensate those who suffer serious side effects from vaccines that we recommend, from a public health perspective, our children receive. It has been very successful. This program also reduces the burden of litigation for doctors and nurses who administer the vaccines, as well as for manufacturers.

Until a few years ago, the program seemed to work very well. But now factors threaten it from working so well and will cause an impediment to the supply of vaccines over time. Let me briefly explain.

We have had a rush of new law suits, which are threatening our vaccine supplies. The Vaccine Injury Compensation Program is literally being overwhelmed today with new cases. Many of those are broadly without merit. As a result of the program's 240-day decision deadline, State and Federal courts are increasingly becoming the forum for expensive litigation. And many of the meritorious claims and justified claims are not being decided in a timely way.

One pending lawsuit is for $30 billion in damages—$30 billion. If you look at the whole value today of the global vaccine market, the total value is only $5 billion. This one lawsuit is six times the global market for vaccines.

This climate of legal uncertainty has contributed to an exodus of manufacturers from being in the business at all and also from being in the business here in the U.S. We have seen a subsequent rise in the price of vaccines. Since the 1980s, the number of vaccine manufacturers has dwindled from 12 down to 4. In some cases, only a single manufacturer is producing some of our most critical vaccines. The Improved Vaccine Affordability and Availability Act—S. 2053—restores balance to the Vaccine Injury Compensation Program. It would help compensate those with serious health side affects from vaccines while at the same time ensuring that unwarranted litigation does not further destabilize our vaccine supply.

The development and widespread use of vaccines indeed has been one of the most successful public health initiatives in our history. We have reduced the incidence of diseases, such as measles, mumps, and polio, and we have even eradicated smallpox—which over a period of time has killed somewhere between 300 million to 500 million people in the 20th century alone. Smallpox as a disease does not exist.

The decision before us is whether or not to build on the successes that we have achieved in vaccines in the 21st century. I speak not only of vaccines that already exist—the vaccines for our children that are in short supply—but also as we look at the role of future vaccines needed to address bioterrorism—when we know we don't have the vaccine for the Ebola virus today. We have inadequate vaccines for three of the seven agents that are classified by our intelligence agencies as critical and for which we are at risk. Some day we will have a vaccine, I believe, that will hopefully cure Alzheimer's disease.

What we are looking for is a platform—a comprehensive approach for all vaccine development.

The Improved Vaccine Affordability and Availability Act will help us to expand the vaccine market. It will stabilize our vaccine supply, and it will improve access to vaccines.

When parents take their children to the doctor, they will not be turned away because of a shortage of supply of these vaccines.

Earlier this month the Improved Vaccine Affordability and Availability Act gained additional momentum when the Advisory Commission for Childhood Vaccines—the group that advises the Secretary of Health and Human Services on improving the Vaccine Injury Compensation Program—voted on June 6 in favor of most of the provisions in our bill, S. 2053.

I thank the members of the Advisory Commission for Childhood Vaccines, or ACCV, for acting so quickly on a matter of such importance, and also for lending their expertise to this debate. Further, I thank them and express my appreciation for their suggestions in how we can modify some of the provisions in the bill.

I urge my colleagues to look at this particular bill and I look forward to working with my colleagues as we move forward in considering the ACCV recommendations.

The need to act is urgent. We simply cannot afford to wait until tragedy strikes, or to surrender the gains we have made over the last 50 years in reducing and preventing childhood diseases through vaccination. I urge my colleagues to join Senator HUTCHISON and Senator BUNNING in cosponsoring S. 2053, and to work with us to pass this critical legislation this year.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Thank you, Madam President.

THE DEPARTMENT OF DEFENSE AUTHORIZATION BILL

Mr. SESSIONS. Madam President, I would like to share a few remarks about the Defense bill that we will be back on in a few minutes.

Mr. DORGAN. Madam President, will the Senator yield for a unanimous consent request?

I ask unanimous consent that this Senator be recognized for 10 minutes following the Senator's remarks..

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, we have had a good process in the Armed Services Committee, of which I am a member. Senator LEVIN is a marvelous chairman, and leads in a very skilled and wise way. Our ranking member, Senator JOHN WARNER, former Secretary of the Navy and a patriot, in many ways lends his wisdom to the debate. We have come out, except I suppose on national missile defense, with a bill with which we feel comfortable. I think a large amount of the credit goes to President Bush for stepping forward and providing leadership in calling for a strong budget.

I thought I would just share a few remarks about my view of where we are, what we are spending, what we have been spending in the past, and where we need to go in the future.

Many people may not know that 10 years ago, under the last budget of former President Bush, the appropriated amount for defense was $327 billion. We started, since that time, a continuous downgrade movement in spending for the defense of this country, which has really put us in a bad position.

Several years ago, one of our key witnesses said we are facing a bow wave of unmet needs. We know that since the late 1980s personnel has dropped 40 percent in our services. They are better trained and better equipped than before. They are doing a terrific job, but we are down about 40 percent from the height of our personnel at that time.

So what is it that has really happened? We have had inflation. In many ways, we have had increased demands on us around the world. We have a demand that we have all agreed to in this body of which I think everybody is on board; and that is, we need to transform our defense. We need to reach our objective force. We have set an objective as to what we want our military to look like and be. We want it lighter. We want it more mobile. We want it more lethal, more scientific, and technologically based. That has been our goal, and we have been moving in that direction, but it costs money.

But despite those demands, we have not done very well, until recent years, frankly, in our spending. In 1993, our defense budget was $327 billion. That is what we appropriated, $327 billion. In 1994, it dropped significantly in one year to $304 billion. In 1995, it dropped again to $299 billion, falling below $300 billion. In 1996, it dropped again to $295 billion. In 1997, it dropped again to $289 billion. In 1998, it hit the bottom, $287 billion.

During this time, we had inflation, we had other demands, and we had salary increases for our people in uniform, but the defense amount was going down steadily.

In 1999, we had the first increase in the defense budget from $287 billion in 1998 to $292 billion in 1999—not enough, really, to meet the cost of inflation, but in real dollars, actual dollars, it was the first increase in many years.

In 2000, we had another minor increase to $296 billion. In 2001, we got over $300 billion again, for the first time in many years, and appropriated $309 billion.

That is not a very good record. It emphasizes how we began to lose sight and take for granted the forces that defend us around the world. It represented a dramatic reduction in real dollars, adjusted for inflation, which is even larger than the amount that appears on paper because, as you know, the dollars were becoming always a little bit less valuable each year.

So when President Bush campaigned on strengthening the military, he took action to do that. So in 2002, we hit, under his leadership and his direction—and I think he deserves great credit for this—we raised the budget to $329 billion, exceeding, for the first time in many years, the 1993 budget of $327 billion.

Then, in the course of that, we have had the war effort that we have been carrying on now against terrorism, and there has been a supplemental defense budget of around $40 billion for defense this past year to help us meet those crisis needs.

In this year's budget, President Bush has proposed—and we are pretty much on track to meet his request—$376 billion for defense. I think that is a step in the right direction.

I am saying these things because a lot of people think we cannot afford anything, that defense is taking up all the money in the budget. But as a percentage of the total gross domestic product of America, what America produces—all the goods and services we produce—our budget today, for the year 2003, is much less than the percentage of the gross domestic product we had in 1993 when we had an only slightly smaller defense budget in terms of inflation-adjusted dollars, as well as in terms of the actual drain on the economy.

So what we need to do is ask ourselves where we are going. This budget does not call for an increase in personnel. It calls for, again, some pay increases, a cost for more training, bonuses for people in high-specialty areas whom we have to have in a military which operates with as much technological sophistication as we operate in today. That does not produce anything.

We have risen to the challenge and have met the needs of our veterans for health care coverage for life, which they were promised and were not receiving. We have done that. We will do some other things in that regard.

Military housing has fallen behind in its needs. Military health care has not been what it has needed to be. We have fallen off there.

So all of these things, I guess I am saying, are unmet needs that we have had to fund out of the increases that we have had. And it has left us not as good as we would like to be in recapitalizing our military. It is not as good as where we would need to be to step forward to reach that objective we have for a future combat system that allows us to be agile, mobile, and hostile, as Eddie Robinson said, to make our military able to project its power wherever the legitimate interests of the United States are threatened around the globe.

So I think we do have some good increases. We are going to have increases for smart munitions, the kind of precision-guided munitions that proved exceedingly valuable in Afghanistan. Sixty, almost 70 percent of the munitions we expended in Afghanistan were precision-guided munitions.

We can drop a 2,000-pound JDAM from an airplane, and it can hit—precision guided with global positioning systems—within 10 meters of a target. That is a precision weapon of extraordinary capability. We need to have plenty of those. We have an increase in what we have expended for that. Frankly, I am not sure we have quite enough yet there. We dog gone sure don't want to be in a war and not be able to call down sufficient numbers of those kinds of weapons that are so effective today. So we have done that.

We made a tough call—the Defense Secretary did—on the Crusader artillery piece. It is an $11 billion item. It was not considered part of the objective force but an interim weapon system before we could get that. It was going to drain us of $11 billion. For example, it would not have been deployed by the Army in Korea. It would have been kept in this country in the counterattack force.

The Secretary of Defense and the President concluded we could not afford that new weapon and that we need to leap forward to a new type of artillery piece that had precision-guided capability. We have those, really, right now. If we work and develop them, we could bring those in, and they would be part of that new combat system we are looking forward to having.

So the President and Secretary Rumsfeld had to make that tough call. A lot of people wanted that system. They had invested a lot of years in it and developing it. They testified in favor of it, and they voted in favor of it. But I think the President did the right thing. I supported him on that. It will free up $11 billion for increased investment in smarter munitions that will help us better in the future.

So the other big conflict I guess we have had—and I believe it is very significant, and I hope the American people will be engaged on it—is the question of national missile defense.

We know, from unclassified testimony by professionals from the Director of the CIA, George Tenet, and from the Director of the Defense Intelligence Agency, who studies these things exceedingly closely, that Korea will have an intercontinental ballistic missile from which they can deliver weapons of mass destruction to Alaska and Hawaii and the United States proper very soon.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. SESSIONS. I see my friend in the Chamber, Senator DORGAN.

I will just finish up, if I can, and say that we are making progress. We will have a debate on national missile defense. If we can get the money back for that, I believe we will have a defense budget of which we can all be proud.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, my colleague just mentioned national missile defense. I think we will have a robust, aggressive debate on that subject in the Senate. We all agree that we need a defense of some sort against rogue nations or terrorists aiming a missile at our country.

But we need to look at the broad range of threats that this country faces. We have 5.7 million containers come into our ports every year on container ships; 100,000 of them are inspected; the other 5.6 million are not. Almost anyone will tell you it is far more likely that a weapon of mass destruction is going to come in on a container ship, coming to a dock at 2 miles an hour to threaten an American city or to be put on an 18-wheel truck and moved out to the middle part of the country. Almost anyone will tell that you the low-tech approach to threatening America with a weapon of mass destruction is much more likely than a terrorist having access to an intercontinental ballistic missile and putting a nuclear tip on that ICBM.

I have supported billions and billions of dollars on research and development of missile defense. But that is not the only threat we face. We face so many other threats that are largely ignored. I just mention the one with respect to port security: 5.7 million big containers come in every single year, and 5.6 million are uninspected.

In the Middle East, a terrorist put himself in one of these containers. He had fresh water, a heater, a GPS, a computer, a bed, and he was shipping himself to Canada in a container.

It is likely that terrorists will threaten this country not with a high-tech weapon but by putting a weapon of mass destruction in a container on a ship coming up to a port at 1 or 2 miles an hour, not an ICBM.

So we need to have a debate in terms of how we use our resources. Do we put them all in one pot, or do we evaluate what is the most likely threat? How do we respond to that threat?

AMTRAK

Mr. DORGAN. Madam President, I rise to talk about Amtrak. As we did last week, this morning we hear on the news that there is a proposal to shut down our Amtrak rail passenger service in the middle of this week. Why? Because Amtrak needs the resources to continue and lacks them. You know, you often hear that it is so-and-so's job to keep the trains running on time. Well, it has to be somebody's job to keep the trains running, period. It makes no sense for us to be here on a Monday wondering whether Amtrak will shut down on a Wednesday.

In North Dakota, we have Amtrak service; 82,000 North Dakotans boarded Amtrak last year as the trains came through and stopped at many points. I happen to think Amtrak is critically important as a part of our transportation system.

Every other form of transportation is subsidized. We have people saying: Let's not subsidize Amtrak. Why not? Every other country in the world provides a subsidy for their rail passenger service. I think our country is justified in doing so to keep that rail passenger service working.

The Secretary of Transportation has a plan that would virtually destroy Amtrak as we know it. He says: Let's take the Northeast corridor out, Boston to Washington, DC, and separate it from the rest. That is a sure-fire way to kill the rest of Amtrak service for the country. It is a huge step backwards; that is not progress.

We must ask the Secretary and the administration not only to announce Wednesday that there is financing to have Amtrak continue, but also to work with those of us in Congress who want to ensure the long-term future of rail passenger service.

TRADE DEFICITS

Mr. DORGAN. Madam President, last Wednesday the Commerce Department reported that the monthly trade deficit for April 2002 was $35.5 billion. That deficit is for both goods and services. The deficit in goods alone was $39.9 billion.

Every single day, 7 days a week, we import $1 billion more in goods than we export, and we charge the difference. What does that mean on an annual basis? Deficits on the order of $400 billion dollars, and climbing.

As you can see in this chart, the trade deficit is totally out of control. In fact, when we try to put in the 2002 numbers, we will be somewhere off the chart, around $480 billion.

These trade deficits are to a large extent the result of bad trade agreements, particularly those entered into under fast-track authority. This Senate, without my vote, just embraced fast-track trade authority so that the President can negotiate another trade agreement. I didn't believe President Clinton should have that trade authority, and I don't believe this President should either.

This next chart shows the increases in trade deficits as we entered into one bad trade agreement after another. You see what has happened since 1976. The deficit line goes up, up, up, and up—the highest trade deficits in human history.

Nobody seems to think much of it. You didn't hear one whisper last Wednesday when it was announced we had the largest monthly trade deficit in the history of this country.

Where are all the exports that we were promised as a result of fast-track trade agreements? Do you know what our number one export item has become? American jobs. That is the biggest export as a result of the trade agreements. You can see from the trade deficits we have that these trade agreements simply aren't working.

Who pays these deficits? The American people have to pay for these deficits at some point. You can make the case with respect to budget deficits that it is money we owe to ourselves. You can't make that case with the trade deficit. The trade deficit we owe to others, to people living in other countries. We will pay trade deficits with a lower standard of living. That is why it is so dangerous.

Today, as I speak, the financial markets are very unsettled. Day after day after day, we see a further collapse of the stock market, the financial markets.

Why is that the case? Because there is a sense that our fundamentals don't work. We are deep in red ink, drowning in trade deficits, and nobody here seems to give a darn at all. It is dangerous for our country.

Our negotiators go overseas and negotiate a trade deal, and in an instant they lose. I have said it 100 times, but it is worth saying again, in the words of Will Rogers: the United States of America has never lost a war and never won a conference. He must surely have been thinking about our trade negotiators.

We have bad agreements in 100 different ways: Bad agreements with China, with Japan, South Korea, Europe, and others. With Europe we have a dispute over market access for U.S. beef. The EU does not let in our beef when the cattle have been fed hormones, even though there is no evidence to support this ban. So we take the EU to the WTO, and we argue that we are entitled to sell our beef in Europe. The WTO agrees, and tells the EU to let our beef into their market. And the EU just thumbs its nose, and says forget it.

So we say: All right, we are going to get tough, and retaliate against you. And how does the United States get tough? We say: We will slap you with penalties on truffles, goose liver, and Roquefort cheese. That is enough to put the fear of God into almost any country.

Well, when Europe wants to retaliate against our country over a trade dispute, as they did in the case of U.S. tariffs against European steel, Europe goes after hundreds of millions of dollars of U.S. steel, textiles, and citrus products. We, on the other hand, are retaliating by saying: We will nail you on truffles, goose liver, and Roquefort cheese.

I am sorry, but where is our backbone? Does this country have any guts to stand up for its producers and its workers?

So last month, we had the largest monthly trade deficit in human history. Does anybody here care? I think eventually we will have to reconcile for this failure in policy. It is not just a failure with this administration—although this administration certainly has played a part—it is a failure of past administrations and every administration going back 20, 30 years. They have embraced policies that have us in a situation where we have long-term, relentless deficits with the Japanese, $60 billion, $70 billion a year every single year with Japan. And 14 years after we had a beef agreement with Japan, there is a 38.5 percent tariff on every pound of beef going into Japan.

I mentioned the Japanese beef agreement, which was described as a big success by those who negotiated. Yet, 12 and 14 years later, we have this huge tariff on every pound of American beef going into Japan. Nobody says much about it. We have a large trade deficit with Japan.

We have 630,000 cars coming here from Korea every year. We are able to ship them only 2,800. When you raise that issue, and point out that they are shipping us 630,000 Korean cars into the American marketplace and allowing only 2,800 American cars into Korea, they say: yes, but your exports used to be 1,300 cars and now they have doubled. So if you hear trade negotiators talk and they say "we doubled the amount of American cars we shipped to Korea"—well, yes, from 1,300 to 2,800. But the Koreans send us 630,000 in a year.

Our trade policies are failing badly. Nobody seems to care much about it. There is not a whisper about this huge trade deficit on the floor of the Senate—just following the Senate agreeing to extend fast track trade authority to the President.

Because the time is limited, and we are going to the defense authorization bill, I will defer a longer speech on international trade to a later time. But Mr. President, it is fascinating to me that last Thursday we heard the announcement of the largest trade deficit in history, and you could not hear a voice in this town raise a point that this is a serious problem for this country's economy. It is long past the time to have a real debate about our country's trade policies and about these growing, relentless trade deficits that cause great danger to the American economy.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we made some very good progress on the national Defense authorization bill last week, and I am optimistic, with the continuing good help that is always available from our leadership and the cooperation of Senators, that we can complete action on this bill in a timely manner this week.

We debated the bill for over 18 hours last week, and we disposed of 29 amendments. We still have some amendments that will require debate and rollcall votes, and we will be working with the sponsors of those amendments to try to get them before the Senate as promptly as possible.

We were able to clear a number of amendments last week. We have a package of cleared amendments. I am looking at my good friend from Virginia. He is nodding his head, so we believe we can act on a number of cleared amendments later today.

We expect to move shortly to an amendment from the Senator from New Hampshire and the Senator from Minnesota prohibiting the chain of command from requiring female servicemembers to wear an abaya in Saudi Arabia. We are going to vote on that amendment. It is currently planned at approximately 5:45 p.m.

Following the disposition of that amendment, it is our hope that we can have another amendment offered for debate and schedule a vote for sometime tomorrow morning.

Finally, I note that the Defense Department and the Nation lost a great public servant this weekend. Doc Cooke, whose official title was Director of Administration and Management, but who was more widely and affectionately known as the mayor of the Pentagon, passed away on Saturday following an automobile accident several weeks ago.

There was no one more dedicated to the people of the Department of Defense than Doc Cooke. He will be greatly missed. Our thoughts and our prayers are with his family.

I know my good friend and colleague from Virginia also knew Doc Cooke a lot better than I did, and I am sure he will want to add a few words.

Mr. WARNER. Mr. President, I thank my good friend. I remember him with the warmest regard and respect. I will get for the record the number of Secretaries of Defense under whom he was privileged to serve, but it is somewhere in the seven to eight number. He was affectionately known as the mayor of the Department of Defense.

Mind you now, this is a building that was built in the late thirties and early forties, the thought being it might be used as a hospital for heavy casualties if we ever incurred them. Then it was quickly transformed into the Department of Defense. It is vast. Some 25,000 individuals are at work at any one time either in the building or the environs. He knew every square foot of that building. He knew it well.

I remember one time, I made a very foolish decision—perhaps I made several when I was Secretary of the Navy—when I decided to visit the office which every sailor and marine occupied. It took me 1 year to cover the building. I was forewarned that I had made an ill-advised decision. It was interesting. Doc Cooke helped me plot that, as he did many other projects.

He was behind the restoring of the building the day the tragic accident befell the men and women who worked in certain spaces on 9–11. He spearheaded that effort, together with the Secretary of Defense, such that all the schedules for completion are being met. That is the type of man he was. He was very humble and very soft spoken.

He had an unfortunate accident on the way to give a speech in Charlottesville. He did not recover from his injuries. His car simply went off the road, which indicates possibly he was afflicted by some illness and lost control. No one else was injured. We are thankful for that.

I thank my good friend and colleague because those of us who were privileged to serve in that building, as I did for over 5 years, remember well Doc Cooke.

Mr. President, turning to the bill, I thank the chairman for his estimate. I join him in saying we made progress last week. Our leadership not only challenged us but I think has given us a set of orders to finish this week. There is every reason we can do that, and do it in a way to allow Senators to bring forth their amendments to the bill and to have a reasonable period for debate.

Fortunately, we have in place an understanding with the leadership that the chairman and I will make the determination as to relevancy of amendments. Primarily the rule that governs the Parliamentarian as to whether or not a bill is referred to a committee is the guidepost we will follow, but we will consult together on these issues.

We are now awaiting the distinguished Senator from New Hampshire. I am told he is on his way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Has Senator SMITH offered his amendment?

The PRESIDING OFFICER. Not yet.

Mr. REID. Mr. President, I ask unanimous consent that following Senator SMITH's offering of his amendment, which will be momentarily, the time until 5:45 p.m. today be equally divided and controlled in the usual form, with respect to the Smith amendment, with no second-degree amendment in order prior to a vote in relation to the amendment, but at 5:45 p.m., without intervening action or debate, the Senate vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3969

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Ms. CANTWELL, Mr. GRASSLEY, Mr. DAYTON, Mr. REED, Mr. CRAIG, Ms. LANDRIEU, Mr. HARKIN, and Mrs. BOXER, proposes an amendment numbered 3969.

Mr. SMITH of New Hampshire. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose certain prohibitions and requirements relating to the wearing of abayas by members of the Armed Forces in Saudi Arabia)

On page 125, between lines 13 and 14, insert the following:

SEC. 554. WEAR OF ABAYAS BY FEMALE MEMBERS OF THE ARMED FORCES IN SAUDI ARABIA.

(a) PROHIBITIONS RELATING TO WEAR OF ABAYAS.—No member of the Armed Forces having authority over a member of the Armed Forces and no officer or employee of the United States having authority over a member of the Armed Forces may—

(1) require or encourage that member to wear the abaya garment or any part of the abaya garment while the member is in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty; or

(2) take any adverse action, whether formal or informal, against the member for choosing not to wear the abaya garment or any part of the abaya garment while the member is in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty.

(b) INSTRUCTION.—The Secretary of Defense shall provide each female member of the Armed Forces ordered to a permanent change of station or temporary duty in the Kingdom of Saudi Arabia with instructions regarding the prohibitions in subsection (a) immediately upon the arrival of the member at a United States military installation within the Kingdom of Saudi Arabia. The instructions shall be presented orally and in writing. The written instruction shall include the full text of this section.

(2) In carrying out paragraph (1), the Secretary shall act through the Commander in

Chief, United States Central Command and Joint Task Force Southwest Asia, and the commanders of the Army, Navy, Air Force, and Marine Corps components of the United States Central Command and Joint Task Force Southwest Asia.

(c) PROHIBITION ON USE OF FUNDS FOR PROCUREMENT OF ABAYAS.—Funds appropriated or otherwise made available to the Department of Defense may not be used to procure abayas for regular or routine issuance to members of the Armed Forces serving in the Kingdom of Saudi Arabia or for any personnel of contractors accompanying the Armed Forces in the Kingdom of Saudi Arabia in the performance of contracts entered into with such contractors by the United States.

Mr. SMITH of New Hampshire. Mr. President, I offer this amendment today, an amendment to the Defense bill, along with Senators CANTWELL, GRASSLEY, DAYTON, REED, CRAIG, LANDRIEU, HARKIN, and BOXER, to rectify a DOD policy that is, frankly, unfair, inequitable, inexplicable, and which violates our basic values and beliefs as a nation that believes in freedom of expression and freedom of religion.

We are seeking to eliminate the abaya policy still being imposed upon our female soldiers in Saudi Arabia. For those who do not know what this is, the abaya outfit covers, from head to toe, the person wearing it, and this abaya covers the entire military uniform of female officers who serve in Saudi Arabia. This policy is unfair, and it is inexplicable.

More than a year ago, I wrote to Secretary Rumsfeld, along with four of my colleagues: Senators HELMS, CRAIG, NICKLES, and COLLINS, and I asked for an explanation from the Department of Defense regarding the abaya mandate upon females stationed in Saudi Arabia. We received interim responses to the letter but never a substantive reply. Finally, the letter was bucked down to General Shelton and then to General Franks. I wrote a second letter to Deputy Secretary Paul Wolfowitz many weeks after our first letter went unanswered.

Eventually, we discovered the reason we never received a reply. Frankly, it was too hard for anyone to defend the policy. Everyone was so surprised when they got the letter. They could not understand where this policy came from, why it would be implemented to the effect that a military officer, on duty, would be forced to cover her uniform, the uniform of the United States of America, when on official duty.

How in the world could anyone justify that, as if they were ashamed of the uniform and had to cover it up? So we could not get an answer. That is the bottom line.

I received a letter from a man who lived in Saudi Arabia for 19 years who agreed with my position regarding the abaya. So I asked Paul Wolfowitz essentially what this man asked me: Can we not instruct our officers in avoiding harassment and help preserve our hard-fought freedoms and not make them subject to police state tactics? Isn't that possible?

On September 11, as we all know, the United States was attacked. Shortly thereafter, our Armed Forces began their operations in Afghanistan. After the Taliban and al-Qaida forces were in retreat, Afghan women joyfully—you can remember the press reports—began shedding their burqas, the head-to-toe gowns women were made to wear by the brutal Taliban regime. I think we can all remember those vivid pictures that began to crop up in the papers and in the magazines, showing women peeking out through these burqas and finally beginning to have the freedom of expression they so deserved. It was a very warm moment to see that, and a very touching moment.

U.S. reporters began to question, now, the Department of Defense, about how we could justify celebrating the victory over the repressive Taliban which the burqa symbolized, yet at the same time require our own American women in uniform to wear the Saudi equivalent of the burqa, which is the abaya. We just liberated the women in Afghanistan so they could remove the burqa if they so wished. Now, by the same token, at the same time, we are implementing—holding onto a policy which forces American women officers, officers of the U.S. military, to cover their uniform while on official duty.

I must say, when I first heard this, I did not believe it. I was told this by an individual I will talk about later, and I said I didn't believe it. I said: I will have to check into this because I don't believe this is happening. But I found out it was true.

The Department had a hard time answering this glaring contradiction, and in fact they did not offer any reasonable explanation.

White House counselor Karen Hughes was presented with an Afghan burqa when Bush administration aides came back from the trip to Afghanistan. Apparently—I wasn't there, but based on reports—she put it on. Everyone was amused when Karen put the burqa on and began to ask about it, wondering how the Secret Service would react if she walked into the Oval Office with one on. But Karen Hughes is one of the administration representatives in favor of the rights of Afghan women. The First Lady herself spoke out against this appalling mistreatment of women by the Taliban. So undoubtedly Karen Hughes's burqa episode may have seemed somewhat amusing. But it certainly was not a laughing matter to Karen Hughes, who spoke out very strongly in favor of the rights of Afghan women.

It is not a laughing matter that hundreds of United States female soldiers are subjected to wearing the Saudi variant of the burqa, the abaya.

In a State Department publication, "The Taliban's War Against Women," there is this quotation about the burqa. Here is the quote about the burqa:

> The fate of women in Afghanistan is infamous and intolerable. The burqa that imprisons them is a cloth prison, but it is above all a moral prison. The torture imposed upon little girls who dared to show their ankles or their polished nails is appalling. It is unacceptable and unsupportable.

That is the State Department. That is not my quote, that is a quote issued by the State Department.

In the quotation from King Mohamed VI of Morocco, just substitute the word "burqa" for "abaya" and consider we are doing this to our women. After we cheered the liberation of Afghan women, after the fall of the Taliban, we are now doing this to our women in Saudi Arabia.

With all due respect, if you cannot defend a policy, you probably ought to change it. This really doesn't require a lot of thought. If you can't defend it, it probably should be changed. The Secretary of Defense, I am very pleased to say, did eventually repeal the abaya mandate.

However, that is the good news. Regrettably, that repeal, which I believe was meant in good faith, was then circumvented at lower levels. In other words, the Secretary said let's repeal it, but when it went down to the command level, nothing happened, and women were still being forced to wear the abaya. So basically the decision to repeal it was ignored. I can't think of a nicer way to say it. Female soldiers in Saudi Arabia are now essentially coerced into wearing Muslim garb by being warned they will endanger their fellow comrades if they do not wear it. They are now strongly encouraged to wear this Muslim robe.

That is the exact language that is used in the command directive: Women are "strongly encouraged" to wear this Muslim robe.

To a young soldier—those of you who have been in the military, as I have, understand this—when you are strongly encouraged to do something by your superiors, and you are in uniform, you do it. It is no different from a direct order. It is essentially the same thing. So the mandate is gone, but women are still being forced to wear abayas.

It is incredible to think that a woman in a military uniform has to cover that uniform up with an abaya, and that is a directive at the command level of the U.S. military. It really is incredible to me that we have to be here on the Senate floor to correct this into law because, frankly, it is a stupid rule. It ought to be eliminated. It should not have to be done here on the Senate floor.

I tried every way for months not to be here on the Senate floor to do this. I tried, but I could not get it done because it is still there. I have yet to meet a man or a woman who has served in Saudi Arabia in the military who agrees with this policy. I have yet to meet anybody who agrees with the policy, whether they served or not. So repeal of the mandate may have helped the Department of Defense in terms of public relations, and legally because of the lawsuit brought—reluctantly, I might add—by Air Force COL Martha McSally, who fought for 6 years within the system to overturn this policy and first publicized the injustice of this policy last year.

Here is an exemplary officer who fought for 6 years quietly to try to remove this, to say it was wrong. The essence of her message is this: I am a Christian. I don't want to wear an abaya. I want to wear my uniform. I want to do what everybody else does, on duty and off. If I want to wear my uniform, I wear it. If I want to wear civilian clothes, I wear civilian clothes. I don't want to wear an abaya.

Yet she was forced to do it. She tried for several years to get it corrected, but to no avail. She was basically ignored.

Whoever brings this type of issue up, the so-called whistleblower, right away people say there must be something wrong with her; she is not a good officer; she has some agenda; she is a women's rights advocate, or whatever—things like that are spread around. Let me tell you about her.

She is an Air Force Academy graduate. She was selected twice before her time to get an increase in rank. She was an A-10 pilot with 100 hours in the no-fly zone over Iraq and a devout Christian. She said in her interview she believes strongly that wearing the abaya violates her faith. Since when are we in the business of telling a military officer that she has to wear something that violates her faith and covers up her own uniform?

McSally's research on the issue showed that the policy was originally justified—here is the justification for the policy: "Host nation sensitivities." Worries about offending the Saudis—offending the Saudis whom we saved from Saddam Hussein. They would all be buying oil from Saddam, while they sat in England someplace unless we had defended them. Now we are worried about their sensitivities, telling a military officer of the U.S. Army or Air Force or whatever that they can't wear their uniform proudly and show it off. They have to cover it up. That just doesn't cut it.

The issue showed that the policy was originally justified as "host nation sensitivities." Then it was later changed to "force protection" after the Khobar Towers were bombed. Neither action makes sense.

Let me say that again.

First, it was "host nation sensitivities." When that didn't work, it became obvious that there was no justification for that. After the Khobar Towers were attacked, then we changed it to "force protection."

In other words, we have to protect our troops. And because McSally, or anybody else, may not wear the abaya and show off her uniform, it would infuriate some Saudi citizen. And, therefore, because our military are walking around in Saudi Arabia somewhere on duty or off duty, some Saudi citizen might be offended and take some action to harm other military people as well.

McSally eloquently and courageously exposed the absurdity of the justifications of this abaya edict. In doing so, she may—the word "may" is the action word here—have harmed her stellar military career.

In these fitness reports of officers, there are certain little action phrases that have to be put in there for you to get promoted. If they are not there, you get the message. Those of us in the military know all of that.

If her career is ruined, it would be a stain on the U.S. Air Force that will never go away. If Colonel McSally is somehow getting any type of retribution—implied, indirect, or direct of not getting a promotion, or not getting a command—if that happens—I am not saying it is going to happen. I am not accusing anybody of it happening. But I am saying, if it does, I would say to the Air Force, it is a stain on the Air Force that is going to take a long, long time to clean.

Women in Saudi Arabia have to have male escorts. American women wearing abayas are in the company of American males. Typically, they are military males with crewcuts and collared shirts. If an officer junior to McSally—a male—is walking down the streets of Saudi Arabia in a crewcut with an open-collared shirt and a pair of khakis, the officer who is superior to the man has to cover her entire uniform with an abaya, and can't wear civvies at that.

I am going to tell you, that is not right. You do not have to be very smart to figure out that it isn't right.

American men are prohibited from wearing Muslim garb. These women in abayas are Americans. It is obvious they are Americans. Why would a guy in a crewcut, who is obviously a marine, or an Air Force officer, be walking down the street with a woman in an abaya? There is no secret here. That doesn't constitute "force protection."

The whole argument is ridiculous. It is certainly not going to fool any terrorist, if that is the rationale.

Remember this: People do not want to wear these. They are willing to take any risk, if there is such risk, not to have to wear the abaya.

Let me consider for a moment what "host sensitivity" means. It was the original justification for the abaya policy. Does it mean we are going to subject our women to the same conditions that the Saudis set for theirs? Will we eventually be making any American female servicemember who deploys to Afghanistan wear a burqa?

I visited Afghanistan. We landed in a snowstorm and reviewed the American military who were there. Men and women were standing in a snowstorm waiting for our plane to land. Senator DASCHLE was there. Several of my colleagues were there. They were wearing their uniforms. Frankly, they looked pretty doggone good in them.

Not one of those women had to wear a burqa or an abaya because they happened to be in Afghanistan. It is so ridiculous it is not even worth the breath it takes to talk about it.

Yet we have to talk about it right here on the floor of the Senate because some bullheaded person down there in the command wouldn't change it. That is the reason we are here. It is the only reason we are here.

I have heard some justify this practice as, well, when you are in Rome, do as the Romans do. They are mistaking minor cultural norms, such as not showing the bottoms of one's feet, or removing your shoes at the door, for example, which is customary in Japan before entering a home, with something entirely different and far more important. This is the U.S. military officer's uniform.

It is not about harmless customs. Rather, it is about our fundamental values—religious freedom based on the first amendment. And it is about gender discrimination. That is what this is. It is gender discrimination. And it is a violation of the first amendment. It goes against every rule we have in the military about showing off our uniforms and being proud to wear them.

The Saudis certainly don't believe in "When in Rome, do as the Romans do." Let me give you an example.

The Dallas Morning News reported that Crown Prince Abdullah asked women to be barred from air traffic control duties when he traveled to Texas to meet with President Bush. So much for reciprocal "host nation sensitivities."

Can you imagine that? Crown Prince Abdullah asked that women in our air traffic control towers be barred from those towers when he traveled to Texas to meet the President of the United States.

Don't tell me about reciprocal "host nation sensitivities."

I have also heard some say the burqa is just plain clothing; it just represents culture; that it is like the Indian sari.

That is not true.

A Washington Times article on Saudi authorities seizing women's robes points out this fallacy. The Washington Times' story said the Saudi Ministry of Commerce confiscated 82,000 gowns from stores and factories after inspection showed they were not in conformance with Islamic law. I repeat, in conformance with Islamic law. The abayas were not plain and opaque, but rather were determined to be "provocatively clinging," or too highly decorated, or too revealing.

Are our DOD officials going to be asking the Saudi Ministry of Commerce to determine whether our issued abayas are in conformance with Islamic law? Do we consult with the Saudi Committee for Preservation of Morality and Prevention of Vice—the morality police—on the appropriateness of our abaya purchases for our female soldiers? We are paying for them. We are buying these abayas with U.S. taxpayer dollars.

Let me provide a short history of this mandate. It surfaced somewhere in 1992, 1994, or 1995. There was never an abaya mandate during Desert Storm—never an abaya mandate during Desert Storm when we had 500,000 troops in the gulf. General Schwarzkopf never ordered our women to wear abayas during the gulf crisis, nor were they ordered not to drive cars, which is another order given to American military women.

Let us consider the contradictions. Women in the military in Saudi Arabia are forced to wear the abaya by a local U.S. command decision. State Department women are not under any abaya mandate. If you are working for the State Department, or if you are the wife of an Ambassador, whatever, there is no abaya mandate for you. Wives of military attaches, there is no abaya mandate. Even the Saudi Government never mandated the wearing of an abaya for non-Muslim women. I can't find it anywhere. If somebody can find it, show me, because I can't find it. No such mandate.

We are choosing to say that American military officers—outstanding U.S. military officers—have to wear an abaya to cover the uniform that they wear with pride. You and I—or anyone who knows anything about the military—know that the two things military officers like to show off are their fitness, because they work hard at being in shape, and their uniforms. Yet they are forced to cover up.

Colonel McSally explained that this is an indignity and an outrage we have perpetrated upon ourselves. We did this. The Saudis did not do this. The U.S. command did this. We are eventually making our women more vulnerable to harassment by making them wear an abaya.

Imagine the ridicule and the jokes that must occur back on the base and the insults these women have to take from colleagues over this. When a woman puts one on, she immediately places herself under the jurisdiction of the dreaded mutawa. You know who they are. In Saudi Arabia, they are the religious police.

The U.S. Embassy in Saudi Arabia points this out when it states that with regard to "force protection," that "even with the abaya and scarf, harassment still occurs."

The Embassy's policy is sound and reasonable compared to DOD's. It says, "The Embassy will support a women in whatever personal choice she makes on the issue of not wearing an abaya or head scarf."

That is the Embassy policy.

The State Department, unlike DOD, trusts women to make these decisions of their own accord and judgment. So the State Department says: You make the choice. If you want to wear an abaya, wear it. But the DOD says you have to wear it.

Let me tell you a little bit about the mutawa. One press report I found was of a female soldier harassed in Saudi Arabia because she was wearing an abaya. The religious police ordered her to cover her head, rapping a cane against the wall beside her head. This, again, proves the point that an abaya puts you at risk of harassment from the mutawa.

They knew she was an officer so they harassed her. They knew she was a soldier, because she was walking with some guy wearing Bermuda shorts who had a crewcut. They knew he was an officer in the military, and they knew she was, too. So they chose to harass her.

DOD women are instructed to carry the veil. Imagine, this is DOD women instructed to carry the veil, and told to put it on immediately if they are confronted by a "local." This, again, makes my case that women are subject to harassment for wearing an abaya and more likely to be left alone if they are dressed in other garb, tourist clothing, or their uniform.

Tourists are not required to wear abayas. The Saudis only encourage tourists to wear conservative western dress. Forcing a female soldier to wear an abaya actually identifies her as an American. If she were wearing conservative attire, she would blend in with other tourists, and there would be nothing said about it.

One other story about the mutawa. My colleagues should be aware of this story. The mutawa are the religious police in Saudi Arabia. They recently caused the death of 15 school girls in Saudi Arabia. These were Saudi girls. These school girls—here is what they did wrong—they were trying to flee their burning school. They were trying to flee their burning school, but because they were not suitably attired—they did not have their full abaya garb on—they were forced back into the flames by the religious police. Do you know what? Not one major news organization in our country carried the story front page, that I know of. I will stand corrected if somebody can produce one. It is a shocking incident. They forced the deaths of 15 girls because they were trying to run out of a burning building, their school, and did not have their abayas on. That is the mutawa. Those are the people who are harassing our military personnel when they are forced to wear these abayas.

Yet consider the fact that our policy in Saudi Arabia towards our female soldiers seems to be done in deference to these religious zealots, not the ordinary Saudi or the Saudi Government. They are the same ones who recently caused the senseless deaths of these 15 young women in their own country for lack of a head scarf. Think about that. And we are going to kowtow? We are going to tell a U.S. Air Force officer—who is a decorated officer and has been promoted ahead of schedule twice, an Air Force Academy graduate, who flies over Iraq in the no-fly zone—we are going to say to her, you have to cover up your U.S. uniform because you might be harassed by somebody who did something such as this, allowing 15 school children to die because they did not have a head scarf on when trying to run out of a burning building?

They ought to be thankful, the Saudis, that they are still a country. If it had not been for us, they would be living under Saddam right now. Our military personnel—our men and women—should not have to put up with this kind of stupidity.

Again, I am here on the Senate floor, taking my colleagues' time, to offer this amendment because we could not get the local commander to pull back from this rule, this order.

These are the same people, these self-anointed religious police, whom we seek to accommodate under the rationale of "host nation sensitivities." I will not use profanity on the Senate floor, but "host nation sensitivities" can go straight to that place way down below as far as I am concerned. Maybe we need to have some sensitivity training for the host nation. Maybe that is the idea. Maybe that is what we should do.

I do not need to repeat that this Nation is a superpower. We ought to act like one. Our military is the envy of the world. Our men and women in uniform are proud of those uniforms, as I said before, and proud of what those uniforms stand for. We should not treat any of them—men or women—as second-class citizens, regardless of the sensitivities of the host nation.

They do not want to be treated that way. They are willing to take any risk of somebody harassing them, or whatever it is, to wear their uniform. And they have that right. They should never be asked to cover their uniform in some disgraceful attempt to hide the military uniform of the U.S. Air Force or any other branch of our military.

We deployed a half million troops in the gulf against Iraq only a little over a decade ago and suffered nearly 300 casualties to defend the sovereignty of Kuwait and to protect the Saudi Kingdom, which was directly threatened by the invasion of Kuwait by Iraqi forces. And because the mutawa wants these women to wear burqas or abayas, we are going to kowtow to that? And we can't get this repealed without coming to the Senate floor? Give me a break.

Our deployment in the gulf was pretty important. I supported going to the gulf. But it was not more important than the esprit de corps and the unity of our servicepeople in the region, nor more important than abiding by the principles fundamental to the creation of the United States of America: Religious freedom of expression, and to wear proudly the uniform of the United States of America, which millions have done.

How can you ask a military officer—an exemplary military officer—to cover up her uniform, to be ashamed of her uniform?

In 1981, an Air Force officer sued the Air Force because he wanted to wear a yarmulke, a symbol of the Jewish faith. The case went to the Supreme Court, and the officer lost. The Air Force's argument then—and I juxtapose it now to show the contradictory rationale for the abaya today—is the importance of the military uniform and uniformity itself in terms of discipline and hierarchical unity.

The Air Force's argument in the yarmulke case can be summed up thus: The considered professional judgment of the Air Force is that the traditional outfitting of personnel in standardized uniforms encourages the subordination of personal preferences and identities in favor of the overall group mission.

That is exactly right. That is the point.

> Uniforms encourage a sense of hierarchical unity by tending to eliminate outward individual distinctions except for those of rank. The Air Force considers them as vital during peacetime as during war because its personnel must be ready to provide an effective defense on a moment's notice; the necessary habits of discipline and unity must be developed in advance of trouble.

Let me use, for a moment, an anecdote, a fictitious anecdote, but one that likely happened.

A person like Colonel McSally decides to drive off base on duty, in a jeep, with three other officers. First of all, according to this rule, she has to sit in the back because she is not allowed to drive the car. And the other three officers, in this fictitious example, which probably happened, are junior to her. She is the senior officer. She is forced to sit in the back. On top of that, she has to wear an abaya to cover herself up from head to foot so nobody knows she has the uniform on.

How humiliating is that? Give me one good reason anybody would support a policy like that? There is not a person in that jeep who would ever say that she should have to do that. They would be willing to take any risk that might come their way, if there were some, so that she would not have to do it. And she tried to change this for years, to no avail.

How far we have come. Martha McSally is not asking to wear publicly a cross as the symbol of her faith. She is asking not to wear a religious garment not of her faith.

She is arguing the Air Force's case when it argued against the yarmulke. She is arguing not to be wearing a badge of religious and ethnic identity. That is all she is asking.

Interestingly, the Senate disagreed with the decision by the Supreme Court that disallowed the wearing of a yarmulke. The Senate voted 55–42 for a Lautenberg amendment that would have allowed first amendment expression by permitting "neat and conservative" religious attire, but letting the DOD decide when wearing such apparel interfered with members' duties.

Many Senators still serving today voted in favor of that Lautenberg amendment.

The Reagan administration supported the Air Force, and the Senate amendment was never enacted into law.

The Senate vote was a defense of religious expression. Fifteen years later, we are facing a grievous situation where our servicewomen in Saudi Arabia are coerced into wearing religious garb in conflict with their faith and which subverts the discipline and uniformity of the U.S. military uniform.

This is intolerable, humiliating, deplorable, and it is unjustifiable. I would be happy to provide for the record the numbers of letters and phone calls I have made in the last year or so, to try to avoid coming here on the Senate floor to have this put into the legislative process—to no avail. I see it primarily as a first amendment issue in that we should not be conforming by dress to a foreign state religion. It is also an issue of gender discrimination.

Support for lifting this mandate comes from all directions—the left and the right of the political spectrum, from the Rutherford Institute, which sued the Air Force over this policy and on behalf of Lt. Col. McSally, to the National Council of Women's Organizations, an umbrella organization.

The PRESIDING OFFICER (Mr. WYDEN). The time of the Senator from New Hampshire has expired.

Mr. SMITH of New Hampshire. I didn't realize I was under a time constraint. I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Support for lifting this mandate comes from both the left and right—the Rutherford Institute, which sued the Air Force on behalf of Lt. Col. McSally, to the National Council of Women's Organizations, an umbrella organization which now includes such well-known members as the League of Women Voters, the National Organization of Women, Women in Government, the YWCA, Hadassah, and the Feminist Majority Foundation. The House has already spoken, approving a similar bipartisan amendment by Representatives LANGEVIN, HOSTETTLER, and WILSON to repeal the mandate and stop the DOD from purchasing abayas. We purchase them on top of everything else. The taxpayers are paying for the abaya.

The majority leader in a front page Washington Times story on June 17 commented about the U.S. relationship with the Saudi Government:

> We need to be more aggressive. We need to be even confrontational with the leadership of the Saudi government in those occasions when they're not doing enough, and when they are sponsoring this propaganda of the ilk we've . . . seen.

He was talking about fighting terrorism. The same advice should apply to the Saudis when it comes to making our female troops wear Muslim clothing. We need to stand up to the Saudis, stand up for women in the military. We also need to stand up for ourselves as a nation, stand up for our values and our beliefs.

I also note that the chairman of our Armed Services Committee made a pointed comment when the abaya issue surfaced about disrespect for female servicepeople in Saudi Arabia, and maybe we should reconsider our bases there in light of this disrespect.

I totally agree with the distinguished Senator from Michigan. I urge my colleagues to support this amendment.

To repeat the four points this amendment addresses, it says: You cannot require or encourage an abaya to be worn; No. 2, no adverse action against women who choose not to wear it; No. 3, no money to procure abayas for regular or routine issuance; and No. 4, that the Secretary of Defense provide instructions to this effect immediately upon arrival in Saudi Arabia. That is it. That is the amendment. That is what it does.

I urge my colleagues to support my amendment, and I yield the floor and thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Does the Senator from Massachusetts wish to speak on this amendment?

Mr. KENNEDY. Just for a moment, if I have the opportunity to speak on another amendment as well. I will follow whatever procedure the chairman wishes.

Mr. LEVIN. Does the Senator from Vermont wish to speak on this amendment?

Mr. JEFFORDS. I wish to follow the Senator from Massachusetts on this amendment, yes.

Mr. LEVIN. On the pending amendment?

Mr. SMITH of New Hampshire. I reserve the right to object.

Mr. LEVIN. I wonder if I could ask the Chair, is there a time agreement on this amendment?

The PRESIDING OFFICER. The time was evenly divided until 5:45. The Senator from Michigan does control all of the remaining time.

Mr. LEVIN. Mr. President, I yield myself 4 minutes on this amendment. Then if no one else wishes to speak on the amendment, it will be up to the author of the amendment if he wishes to speak further. I would suggest that the time that remains between now and 5:45 then be used for other purposes, if there is nobody who wishes to speak further on this amendment. I yield myself 4 minutes on the amendment.

Mr. SMITH of New Hampshire. If the Senator will yield for a moment, I did have a couple of requests from Senators who may be here to speak. That is all. I didn't want to ignore that request. I have no objection to the Senator speaking to another matter. If the Senators do come down and wish to speak, I would like them to have that opportunity.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. With that understanding, I will proceed and yield myself 4 minutes.

Mr. President, I strongly support the amendment of the Senator from New Hampshire to prohibit the requirement or the encouragement that our female service members serving in Saudi Arabia wear an abaya when they leave their military bases.

From 1991 until January 2002, U.S. military authorities required female service members leaving military bases in Saudi Arabia to wear the abaya, a traditional religious garment for Saudi women. The rationale for this policy was force protection, respect for host nation customs, and preventing conflicts with the Saudi religious police.

This issue came to a head in December 2001, when Lt. Col. Martha McSally, an Air Force pilot stationed at Prince Bandar air base, initiated a lawsuit against DoD seeking a court order declaring the policy unconstitutional. In January 2002, the military announced a change in the uniform policy, making wearing of the abaya "not mandatory, but strongly encouraged." Lt. Col. McSally claimed this was insufficient and did little to change de facto pressure on military service women to conform to the old policy.

Mr. President, Lt. Col. McSally is the highest ranking female Air Force jet pilot. She is an Air Force Academy graduate with a Masters degree, a Desert Storm veteran, and has over 100 hours as a rescue pilot. When she refused to wear the abaya, Lt. Col. McSally was criticized for her unprofessionalism and lack of leadership. When she told her commanding officer "I cannot, will not put that thing on," she risked her career for the rights of America's female service members and, I suggest, for the rights of all of us.

Lt. Col. McSally is an officer who has patrolled the no-fly zone in Iraq and led search-and-rescue missions in Afghanistan. She is asked every day to be ready to save the lives of her fellow service members. Yet we deny her and all female service members serving our Nation in Saudi Arabia the same rights as their male counterparts as soon as they leave the base.

The Department's decision to change the requirement for female service members stationed in Saudi to wear the abaya off-base to a "strong encouragement" is, at best, a superficial change. A "strong encouragement" is practically the same as an order in military terms.

The State Department doesn't require female foreign service officers to wear an abeya in Saudi Arabia. Forcing service members to conform to a religious code not of their own violates their religious freedoms. Requiring, or "strongly encouraging," female service members to wear the abaya is oppressive, and it is demeaning to people who do not believe in the same religion as those presumably putting pressure on the U.S. to require wearing an abaya. At the same time we are asking our female service members to risk their lives to fight for the liberties we cherish, we are denying them the very freedom they are defending, simply because they are stationed in a country with different cultural norms. This is not acceptable.

The amendment before us would correct this policy by prohibiting, requiring, or encouraging our female servicemembers to wear an abaya when serving in Saudi Arabia. It would also prohibit taking adverse action against servicemembers for choosing not to wear an abaya while assigned or on temporary duty in Saudi Arabia. Further, it would prohibit the use of Department of Defense funds to procure abayas for military personnel serving in Saudi Arabia and would require the military to inform female servicemembers of these prohibitions when they are ordered to duty in Saudi Arabia.

Mr. President, this is simply the right thing to do for our servicemembers who so loyally serve our country wherever we ask them to serve.

I congratulate Senator SMITH for his initiative in this matter. I think it is a very significant statement about what we are all about and what our military is all about. I hope the Senate will adopt this amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I join strongly in recommending that our colleagues support Senator SMITH's initiative. And I associate myself with the remarks of our distinguished chairman. This is something that has to be corrected right now. We have extraordinary women performing in almost every capacity of our military today. This is one of those situations where maybe there were the best of intentions at the time, but it is out of hand now. It is time to correct it with finality and clarity. We are doing that with the Smith amendment.

I yield the floor.

Mr. GRASSLEY. Mr. President, I'm pleased to join Senators SMITH and CANTWELL, along with several other Senators, in proposing an amendment to end, once and for all, an ill-conceived and discriminatory policy in the U.S. Military.

Several years ago, the United States Central Command instituted a policy that requires our female service members in Saudi Arabia to wear an abaya while off base.

The abaya is a traditional religious garment worn by Saudi women not unlike the Afghan burqa.

Saudi women can face beatings by religious police if they are not wearing this garment and the U.S. Central Command has justified this policy as a force protection measure.

However, the Saudi Government does not require non-Muslim women to wear an abaya.

Westerners are merely expected to wear conservative clothing, such as slacks and collared shirts for men and long skirts and long sleeved blouses for women.

While it's sensible to make reasonable accommodations for a host culture, we must not forget that American personnel abroad are representatives of our free society.

In fact, the U.S. State Department explicitly forbids its female employees in Saudi Arabia from wearing the abaya while serving in an official capacity for the United States Government.

We should be setting a positive example of respect for women, especially the very women who are helping to defend Saudi Arabia from would-be aggressors.

In order to try to alleviate the mounting criticism of the abaya policy, the Central Command revised its policy in January to state that the wearing of the abaya is "not mandatory but is strongly encouraged".

This distinction does not go nearly far enough and may mean little in practice.

Let me be clear, the abaya policy is not simply a bad idea and completely unnecessary, it is blatantly discriminatory.

All attempts to justify this policy have fallen flat and it has become painfully obvious that this policy must be abolished entirely.

Our amendment would prohibit the Department of Defense from requiring

American servicewomen in Saudi Arabia to wear the abaya and forbid DOD to spend taxpayer money to purchase the garment.

It also protects our female service members from any kind of retaliation for not wearing the abaya garment.

At a time when Afghan women are celebrating their new found liberties, it is frankly embarrassing to have a policy in place that subjects our own servicewomen to a demeaning practice.

It is time for this policy to go and I would urge my colleagues to support this amendment.

Ms. LANDRIEU. Madam President, I am pleased to join my colleagues, Senator CANTWELL of Washington, Senator SMITH of New Hampshire, and Senator GRASSLEY of Iowa, as a co-sponsor of this critical amendment to provide justice, dignity, and equal rights to our service women stationed in Saudi Arabia.

The Kingdom of Saudi Arabia requires its women to wear garment called the abaya, it is a covering which extends from head to toe on a woman. It is part of the Muslim faith and their customs and traditions.

The Saudi Arabian government does not require American women living or visiting in Saudi Arabia to wear the abaya. Rather, both men and women are encouraged to wear modest American clothing.

When visitors come to my home, I anticipate they will abide by the rules I have established in my home. Therefore, I respect the wishes of the Saudi government, that when westerns enter Saudi Arabia, westerns should wear modest clothing. I would not want to violate the customs of a host country.

What I cannot understand is why the Department of Defense has determined that American service-women must wear the abaya when they leave the confines of the military bases in Saudi Arabia. The host government does not mandate that service women wear the abaya. More importantly to me, the Saudi government does not require our service women to dress differently from our service men. However, our very own Department of Defense requires our service-women to dress differently from our service men. This is unjust and outrageous.

Our service women are equals to their male counterparts in the Armed Services. Women have died and bled in defense of this country. They can fly fighters, pilot helicopters, and drive ships. Those rights did not come easily. Roadblocks were put in the way, and I thought they has been overcome. But now, the Department of Defense wants to make our first-rate women soldiers second class citizens in the United States military.

I hope the Senate will approve this amendment and stand with the House of Representatives, which passed similar legislation, to send a strong message to the Department of Defense that women in-uniform are not second class citizens.

In closing, I want to salute the women who brought this issue to America's attention. Lieutenant Colonel Martha McSally has always been a warrior. She fought the Pentagon's bureaucracy to become one of the first female fighter pilots. And, now she has to fight the Pentagon, once gain, in a court of law to overturn the Pentagon's abaya policy. Colonel McSally you serve as an inspiration to young women across the United States who want to serve their country. Today, I hope the Senate can come to Colonel McSally's defense, and all women serving in Saudi Arabia, to lift this irrational Pentagon rule.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Senator MIKULSKI be added as an original cosponsor.

Mr. LEVIN. Mr. President, I will yield some of the time to Senator SMITH to control. Apparently, I control the time. Why don't I yield 5 minutes to Senator SMITH under his control, and then yield to Senator KENNEDY for 12 minutes, and then yield to Senator JEFFORDS for 10 minutes. That is just about right.

Mr. WARNER. May I inquire as to the subject of the Senator from Vermont?

Mr. JEFFORDS. It is about homeland security.

Mr. WARNER. We are very anxious to get to the Kennedy matter.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I congratulate my colleague from New Hampshire for an excellent presentation. I look forward to supporting it for reasons that he has outlined. He made a very compelling case here this afternoon.

Mr. President, I ask unanimous consent that the Smith amendment be temporarily laid aside so that I may call up amendment No. 3918.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I also ask unanimous consent that immediately upon the reporting of my amendment, it be laid aside, and the Senate resume the consideration of the Smith amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3918

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. REED, Mr. AKAKA, Mr. FEINGOLD, and Mr. DURBIN, proposes an amendment numbered 3918.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, June 20, 2002, under "Text of Amendments.")

Mr. KENNEDY. Mr. President, I have 12 minutes. I see my friend from Hawaii. He wanted to speak on my amendment. If the Chair reminds me when 9 minutes is up, if there is no objection, I will let the Senator from Hawaii speak for 3 minutes, if that is all right, following me.

Mr. KENNEDY. I will yield myself 9 minutes.

Mr. President, as I understand it, for the benefit of the Members, we are going to vote at 5:45. I bring to the attention of the floor leaders that we can have a vote on this at a time agreeable sometime in the middle of the morning tomorrow. We will have additional time to discuss this.

I offer this amendment to promote public-private competition for Department of Defense work. Today, there is far too little real competition for contracts to provide goods and services to Federal agencies. We should be getting the most out of every taxpayer dollar. So if a Federal agency could do the job better and cheaper than a defense contractor, the Federal worker should get the job.

Today, less than 1 percent of Department of Defense service contracts are subject to public-private competition. Only a tiny fraction of the more than 2 million DOD contracts face real competition. As a result, we are depriving loyal and dedicated public workers of the chance even to compete for their own jobs. At the same time, we are depriving the American people of the efficiencies they deserve, especially as we take on today's great challenges in defending the security of our Nation.

My amendment would lower costs for taxpayers and enhance our Nation's readiness by promoting expanded public-private competition.

Over the last decade, there has been a massive shift in who does the work for the Department of Defense. This work has shifted dramatically from civilian employees to private contractors. Between 1993 and 2001, the number of civilian employees at the Department of Defense declined by more than one-third. That represents the loss of 300,000 public jobs. The work has gone instead to private contractors. During a period of only 3 years, the contractor workforce expanded by almost 400 percent. The number of private contract jobs grew astoundingly, from 197,000 to 734,000 jobs—substantially surpassing the DOD's civilian workforce of public workers.

These are the same contractors who overcharge the Defense Department and taxpayers for simple tools and even toilet seats. The GAO study found that the cost of nearly 3,000 spare parts purchased by the military from private contractors increased by a 1,000 percent or more in just 1 year. One spare part estimated to cost less than $3 was sold to the Government by contractors for $14,529.

I have a list here from the GAO: A machine bolt, estimated at $40, actual price: $1,887; a hub body, estimate $35, actual price: $14,529; a self-locking nut, initial estimate $2.69, actual price: $2,185; a radio transformer, initial estimate $683, actual price: $11,000. The list goes on and on and on and on.

Surely, the DOD found that the cost of spare parts increased more than twice as fast between 1993 to 2000 when there was no competition. Do we understand that the cost of these spare parts increased dramatically over the period of time when there was no competition. Surely, we can do better.

The critical work by DOD is not subject to open, full competition. In many cases, the private contractors face no competition at all. In fact, the Associated Press reported last year that the Government bought more than half of its products without bidding or other practices to take advantage of the marketplace. As a result, current defense contractors are being unfairly shielded from competition. It is the taxpayers who are paying the price in higher costs.

In any other area of American business, these noncompetitive practices would be unacceptable. In fact, no private company would reasonably outsource jobs without a hard-headed analysis showing cost savings. Even the Department of Defense recognized that real competition has been sorely lacking.

When the inspector general looked at the Department of Defense service contract process in the year 2000, he concluded that 60 percent of service contracts suffered from "inadequate competition."

Despite these huge markups by private contractors, it doesn't mean their workers are being paid even a living wage. In fact, according to a study by the Economic Policy Institute, more than 1 in 10 Federal contract workers is earning poverty-level wages, and most of the firms paying these wages are defense contractors. Workers are losing out and taxpayers are losing out from this lack of competition. Clearly, more private-public competition is needed to ensure that the taxpayers, as well as public workers, are getting a fair shake.

The record shows when there is real competition, public workers will show their strength. In fact, when Government agencies have competed for contracts, they have won the bids 60 percent of the time fair and square.

The public-private competitions that have taken place have saved an average of over 30 percent for an estimated $660 million in savings to taxpayers. That means the taxpayers save money and good workers keep their jobs.

The amendment I am offering this evening requires an analysis of the costs of maintaining work in the public sector and contracting work out to the private sector. It lays out flexible principles to guide the public-private competition process and allows DOD broad flexibility in establishing a competition consistent with these principles.

The amendment also offers wide discretion to DOD by creating a number of exemptions from the public-private competition. When national security so demands, DOD is given the power to waive public-private competition.

The PRESIDING OFFICER. The Chair informs the Senator from Massachusetts he has used 7 minutes of his time.

Mr. KENNEDY. I thank the Chair.

Mr. President, the amendment also exempts many categories of work for public-private competition, including high-tech work.

The amendment also provides a waiver to DOD for functions that must be performed urgently.

Finally, it remains in the discretion of DOD to determine which jobs may be open to public-private competition.

The principles underlying this legislation have broad support. In fact, the administration is on record for expanded public-private competition. I want to show statements that were made this past spring.

This is Angela Styles of the Office of Management and Budget:

> No one in this administration cares who wins a public-private competition. But we very much care that government service is provided by those best able to do so. Every study on public-private competition I have seen concludes that these competitions generate significant cost savings.

GAO recommendations:

> Competitions, including private competitions, have been shown to produce significant cost savings for the government, regardless of whether a public or private entity is selected.

Mr. President, why not have competition? That is what this amendment is all about. When we have not had the competition, we have seen these explosions of cost. We are just saying let the Department of Defense set up the criteria. They can exclude the matters which are of national security importance, urgent, or have some other requirements. But when we have the results, as I mentioned, the fact we have bolts and self-locking nuts, radio transformers, routine matters—I have a list of over 30 items right here in my hand—cable assembly; linear microcircuit; aircraft stiffener, $125, sold for $3,400; insulation, $1, sold for $3,390.

Why do we tolerate it, Mr. President? How can the Defense Department not be willing to accept this?

I believe I have about 3 minutes. I yield those remaining 3 minutes to my friend and colleague from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank Senator KENNEDY for the time.

Mr. President. I rise in support of an amendment to the DOD authorization bill that takes important steps to enhance cost-effectiveness and accountability in Government. I am pleased to have worked with Senator KENNEDY to offer this amendment to improve financial transparency and cost savings in procurement policies.

This amendment will promote sensible procurement policies by requiring cost savings before decisions are made to outsource Government functions. The requirement that the government show a 10-percent cost savings prior to outsourcing has been a part of the commercial activities analysis for many years and is considered standard practice. I tried to codify the 10-percent cost-saving provision last year in the National Defense Authorization Act for Fiscal Year 2002. I was met, however, with opposition because the Commercial Activities Panel had not yet completed its review. I am happy to report that the Commercial Activities panel completed its review last month and I am renewing my efforts, with my colleagues, to codify the 10-percent cost-savings provision. It is important to note that the amendment includes a provision which allows the Secretary of Defense to waive the cost-savings requirement if national security interests are compelling.

This amendment would promote public-private competition by ensuring that federal employees have the opportunity to compete for existing and new DOD work. It strengthens fairness in public-private competitions by ensuring that DOD competes an equitable number of contractor and civilian jobs. It also improves government transparency by establishing measures to track the true cost and size of the DOD contractor workforce.

The amendment offers wide discretion to the Department by creating a number of exemptions from the requirements of public-private competition. The amendment gives the Department the authority to waive public-private competition requirements when national security requires such action.

The passage of this amendment would lead to smarter and more efficient procurement policy for the Federal Government. As chairman of the Senate Armed Services Readiness Subcommittee, I will continue to work to ensure DOD procurement policies are conducted in a manner that achieves the best return on the dollar. This amendment takes important steps toward this goal.

I yield back my time, Mr. President.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 3969

Mr. LEVIN. Mr. President, I believe the Senator from Washington needs 5 minutes, and Senator JEFFORDS has agreed to withhold his comments until after the vote, which is very helpful. Senator SMITH has 5 minutes, and I believe Senator THOMAS wants 8 minutes.

Mr. SMITH of New Hampshire. Mr. President, I do not need 5 minutes. I yield my 5 minutes to the Senator from Washington.

Mr. LEVIN. Is the Senator from Iowa here to speak on this amendment?

Mr. GRASSLEY. No.

Mr. LEVIN. Senator REID is not in the Chamber. The agreement is we will vote at 5:45 p.m. If we provide time for those two Senators, it will be 5:40 p.m. Do we know whether there is any objection to voting at 5:50 p.m. instead of 5:45 p.m.? None.

I ask unanimous consent that Senator CANTWELL speak for 5 minutes, then Senator THOMAS speak for 7 minutes, and then we will vote at 5:50 p.m. instead of 5:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise today in support of the Smith-Cantwell-Grassley amendment to prohibit the Department of Defense from ordering female military personnel to wear the Saudi abaya garment. Before I begin my statement, I would like to thank Senator BOB SMITH for his tremendous work on the issue.

For most of the last 8 years, officer and enlisted women who are stationed with the Joint Task Force Southwest Asia in Saudi Arabia have been required to wear the abaya when going off base, either for official duties over their uniforms or in their off duty hours. The abaya is the traditional religious garment for Saudi women, similar to the Afghan burqa.

On Tuesday, May 14, the House passed, by unanimous voice vote, its prohibition against the Department of Defense requiring or compelling U.S. female service members in Saudi Arabia to wear the abaya garment, either on or off duty. Like the House legislation, the amendment we are discussing today prohibits the Department of Defense from forcing or encouraging American servicewomen in Saudi Arabia to wear the abaya garment, restricts the Department of Defense from spending taxpayer money to purchase the garment, and protects servicewomen from retaliation should they choose not to wear the garment off base.

As a democracy, we should be at the forefront of embracing equality for all of our citizens, and by our actions show that we practice what we preach. The military has gone to great lengths to communicate to the troops that they are respected regardless of race, religion or gender. But encouraging our military women in Saudi Arabia to wear the abaya communicates just the opposite viewpoint . . . it reinforces gender stereotypes and sends the message to our soldiers that women are not equally valued.

The Department of Defense policy requiring military women to wear an abaya whenever they went off base, and other measures directed exclusively towards women, started shortly after the Gulf War. It is important to note that during the war, General Schwarzkopf worked closely with the U.S. embassy and the consulate in Dhahran on the Gulf coast to set up liaison procedures with the Saudis that would nip problems in the bud. As a result, while women were encouraged to wear the abaya when off base, they were not required to. Nor were they required to sit in the back seat of motor vehicles. Nor were they forbidden from driving, since that rule impeded the military's mission.

Why these policies changed in the early 1990s is still unclear. At first, the reason was "host nation sensitivities." As you may recall, although there were many restrictions on the troops during Operation Desert Storm, the relative freedom our military women enjoyed vis-à-vis the local women, prompted a demonstration by defiant Saudi women who drove their cars around Riyadh, saying, in effect, that what U.S. military women could do, Saudi women should be allowed to do, too. This situation, and the fact that Riyadh is one of the most conservative areas of the country, may have been the reason the Joint Task Force Southwest Asia commander acquiesced to these new policies. The consequence of this, however, is a policy that sets up a double standard and denigrates female personnel in the U.S. military.

After the Khobar Towers bombing in 1996, the primary reason for the restrictive policies towards women changed to "force protection." The Department of Defense states that this policy is for the protection of the military women . . . that if they do not wear this garment they would be subject to beatings and other harassment by the Mutawa, the Saudi religious police. The Department of Defense states that if women do not wear the abaya, they will not blend in, thus making military personnel in Saudi Arabia targets for terrorist attack. Finally, the Department of Defense states that if women do not wear the abaya, male military personnel would be subject to harassment and arrest.

Frankly, any action taken against U.S. military personnel—male or female—by the Saudi religious police—the Mutawa—for purported infractions of their strict behavioral codes should be strongly protested by the military and the state department to the Saudi government. Although women have been harassed, both while wearing the abaya and when not wearing the abaya, I have no information that any protest about the Mutawa's actions has ever been initiated either by the State department or the Department of Defense.

I understand that the norms for public behavior in Saudi Arabia are extremely conservative. According to our own State Department travel advisory regarding proper attire and behavior when visiting Saudi Arabia, visitors, both male and female, should wear very conservative clothing, and behave so as not to draw attention to themselves.

For women, skirts should be ankle length, sleeves wrist length, and necklines above the collarbone. Pants and pantsuits may attract unwanted attention. The Mutawa are charged with enforcing these standards. Although the climate in Saudi Arabia is very hot, and lightweight clothing is recommended for travelers, the abaya consists of a black material that, along with the headscarf, covers the wearer from head to foot. However, I think it is really important to note that the Saudi government does not require non-Muslim women to wear the abaya.

While U.S. military women have been required to wear the abaya even when on duty, official State department policy is that its female personnel on official business are expressly forbidden from wearing the abaya because they are representing the United States Government. These women may wear the abaya when off-duty if they choose, and many state department female employees do choose to wear the garment when not on official business, in deference to the Saudi culture.

The Department of Defense now says that it will change its policy from explicitly ordering that women wear the abaya while on duty but off base, to a policy that "strongly encourages" wearing an abaya. Women in my state who have been stationed with the military in Saudi Arabia tell me that the words "strongly encourage" are tantamount to an order. There is no choice.

Many other men and women from my home state of Washington have written me supporting changing the Department of Defense policy in Saudi Arabia that strongly encourages women to wear the abaya garment over their clothes when they leave the base.

One of my constituents, a veteran from Kent, WA, wrote to say "women that have served this country honorably and distinguished themselves in battle deserve our respect and support." He applauded the willingness to women, especially Lieutenant Colonel Martha McSally, the Air Force Colonel who first brought this attention to national attention, for "her willingness to stand up and fight the repressive and unreasonable orders for females in the services to wear an abaya and be subject to other demeaning practices when they are stationed in Saudi Arabia."

Another veteran from Olympia, WA, who writes that he is "appalled at the treatment of a true American hero . . . [while] the Pentagon demeans her with an embarrassing dress code while in Saudi Arabia."

Another constituent from Seattle, WA, was a military police officer in the U.S. Army, and wrote that she was "incensed to learn that our military women in Saudi Arabia are being subjected to" wearing the abaya and asked that we immediately rescind these regulations.

We are not advocating that military women be able to wear tank tops and shorts when off base in Saudi Arabia . . . but we do believe that wearing the recommended conservative clothing maintains a woman's dignity and status among our U.S. troops stationed there. We need to balance host nation sensitivities with our nation's goal to promote American values of democracy and equality abroad.

The fact of the matter is that what it comes down to, when you value people, you give them freedom, including the freedom of self-determination. That is who we are and what our country represents across the world.

As U.S. Senators, we should strive to ensure that our military men and women are treated fairly wherever we send them to accomplish our country's work. I understand that Americans serving overseas are there by agreement of the host nation, and that the host nation can withdraw that agreement when they see fit. I also understand and believe that Americans should respect and abide by a host nation's laws.

Yet, every military member is a representative of our country and a soldier-statesman whether a private or a general. When they represent us, they represent our democratic ideals. Soldiers, both men and women, are fighting for our democratic principles. We want our military personnel to abide by the rules of the country in which they are stationed, but we should not impose stricter rules on only one group of our soldiers, especially when it is not required by the host nation.

The Department of Defense has had ample opportunity to rescind this policy, but they have only made token attempts to change its policy in a manner that effectively leaves its original policy in place. There is no doubt that the Department of Defense needs the flexibility to ensure the force is protected and our country's military readiness is not impeded. However, this must not be done at the expense of our female soldiers' civil and religious freedoms. There are approximately 1,000 women stationed in Saudi Arabia. It inconceivable that while we entrust these women and ask them to put their lives on the line, at the same time we are asking them to succumb to outdated ideas about what individuals can or cannot do because of gender.

Last month, the House, by voice vote, unanimously approved similar legislation. We are here today to complete the circle and show our support for our women in uniform who not only have to fight our enemies, but also apparently have to fight for their rights within our own military.

While there are sometimes conflicts in what the military wants, and what the civilian leadership wants, we must remember that the military answers to its civilian leadership. If Congress didn't use its authority to require the military to change its policies, our service academies would still be all men, our fighter pilots would still be all men, and our ships would still be all men. And our military would be a shell of what it is today, because without women, the military could not function as a professional, all-volunteer force.

Mr. President, I want to take a moment to acknowledge the hard work of Darlene Iskra, a legislative fellow in my office. Darlene is a retired Navy Commander; in fact, she is the first woman ever to command a U.S. Navy ship. Her work in my office, and especially on this issue, has been invaluable.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to speak in opposition to the Kennedy amendment.

In 1998, this body passed unanimously the Federal Activities Inventory Reform Act of 1998. I was one of the principal sponsors. The FAIR Act was passed unanimously, as I said. It was a carefully crafted compromise at that time between the private sector and the unions, the first time a process was codified to help assure proper implementation of a 47-year-old Federal policy that states the Government shall not be involved in commercial activities, a policy that has been in place for a very long time, and a very clear policy, I believe, that we ought to go to the private sector for those things that can be done in the private sector that are not inherently governmental. We passed that unanimously. It is now in the process of being implemented.

The sponsor of this amendment spent most of his time talking about the Defense Department support of this proposition. I want to share a letter or two that I received. This one happens to be from the Secretary of Defense, Donald Rumsfeld:

> Dear Mr. Chairman: I am writing to express my strong opposition to the draft amendment proposed by Senator Edward Kennedy. . . . As you know, we have made a top priority of finding efficiencies and savings within the Defense Department to enable us to improve our tooth-to-tail ratio. . . . The draft Kennedy amendment would increase Department cost by requiring public-private competitions for new functions and for previously contracted work already subjected to competition. It would also adversely impact mission effectiveness by delaying contract awards for needed services.

This is very strong opposition from the Secretary of Defense.

This next letter comes from the Executive Office of the President, Office of Management and Budget Director Mitchell Daniels. He says:

> I am writing to express deep concern over the possible Kennedy amendment. . . . While agencies are embracing competition, focusing on core mission, and eliminating barriers to entering the marketplace, this amendment does the opposite. It would require the government to consider reforming noncore activities that it doesn't have the skills to do when entrepreneurs and their employees are ready, willing and able to perform.

Finally, let me share one more letter, from Assistant Secretary of Defense Powell Moore. He says:

> The Department of Defense strongly opposes an amendment to be offered by Senator Kennedy that would restrict the Department's ability to contract with the private sector. The following information sheet outlines the Department of Defense' views on the proposed Kennedy amendment.

Very briefly—and this is from the Department of Defense—the amendment would increase costs to the Department by over $200 million a year. By requiring 10-percent cost savings with no limitation, DOD will not be able to take advantage of savings greater than $10 million but less than 10 percent.

Mr. WARNER. Will the Senator yield for a question on that cost point?

Mr. THOMAS. Yes.

Mr. WARNER. That derives from the 10-percent differential, does it not?

Mr. THOMAS. Yes, sir.

Mr. WARNER. It does not include the costs of the hiring and the training and incalculable number of new Federal employees; am I not correct?

Mr. THOMAS. The Senator from Virginia is correct. Indeed, the Secretary says the added costs to which the Senator refers are likely to exceed $100 million per year in addition.

Mr. WARNER. In addition. I thank the Senator.

Mr. THOMAS. He says further:

> Less efficiency: The amendment would adversely impact mission efficiencies and effectiveness.

I just got through saying we unanimously adopted the outsourcing bill, the FAIR bill. This amendment, according to the Department of Defense, would foster insourcing which would exacerbate the Federal human capital crisis we are now in, in this war on terrorism.

Finally, he indicates it preempts the congressional intent. This amendment would preempt implementation of the recommendations of the congressionally mandated, GAO-chaired, commercial activities panel.

I intend to spend a good deal more time talking about this as we have more time after the vote. There are a number of others who wish to speak as well, and I will say I will object to any certain time before noon tomorrow for a vote on the Kennedy amendment.

I yield the floor.

VOTE ON AMENDMENT NO. 3969

The PRESIDING OFFICER. All time has now been yielded back.

Mr. SMITH of New Hampshire. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3969.

The clerk will now call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. DURBIN) and the Senator from Maryland (Ms. MIKULSKI) would each vote "aye."

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—93

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—7

Durbin
Helms
Hutchinson
Mikulski
Murkowski
Santorum
Torricelli

The amendment (No. 3969) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, is it clear that the matter has been reconsidered and laid on the table?

The PRESIDING OFFICER. It has been so ordered.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I just came down and voted, and I am not aware of the parliamentary situation. But I wonder if it would be appropriate to get 5 minutes on a very urgent subject.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. Surely.

Mr. REID. We see a number of people on the floor. We see the Senator from Kansas is here, the Senator from New Mexico, the Senator from Arizona. And I know the two managers have some work to do on the bill. I am wondering how long the Senator from Kansas wishes to speak.

Mr. BROWNBACK. About 5 minutes.

Mr. REID. Is that on the pending amendment or some unrelated matter?

Mr. BROWNBACK. On the pending amendment.

Mr. REID. On the pending amendment.

Mr. WARNER. And Senator DOMENICI wants to speak.

Mr. REID. Senator DOMENICI wants to speak on an unrelated matter.

Mr. WARNER. And I believe my colleagues from Wyoming and Arizona want to speak on the pending amendment.

Mr. DOMENICI. However you would like it. You would rather I speak on the pending amendment?

Mr. REID. The Senator from New Mexico may speak on whatever he wishes.

Mr. DOMENICI. I was just kidding.

Mr. REID. I just want to make sure we have a lot of conversation on this amendment. I am sure we would allow the Senator from New Mexico to speak as in morning business. Is that what the Senator wishes to do?

Mr. DOMENICI. I ask for 5 minutes—not on this—as in morning business. And I thank the Senator.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from New Mexico be recognized to speak as in morning business for 5 minutes, and that following his statement we turn to the pending amendment, the Kennedy amendment, and that Senators then speak to their hearts' content on that matter.

Mr. WARNER. Mr. President, reserving the right to object, I wonder if I might, as a manager, be recognized first in the order of those to be recognized following the Senator from New Mexico.

Mr. REID. That sounds entirely appropriate. I ask unanimous consent that the comanager of the bill, the Senator from Virginia, Mr. WARNER, be recognized following the statement by the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, with all due respect to my good friend and valued member of the Armed Services Committee, Senator KENNEDY, his amendment, in my judgment, would do very serious damage to the Department of Defense, particularly to the ability of the Department to contract quickly for essential services—the operative word being quickly. What now takes the Department weeks to contract for would take up to years if this amendment is adopted. As DOD wages a global war against terrorism, I and many others find it very hard to believe that the Senate would even consider approving such legislation.

I understand the frustrations with the current A–76 process, which governs public-private competition of existing Federal work. That is why 2 years ago, as part of the fiscal year 2001 Defense Authorization Act the Congress established the Commercial Activities Panel, under the auspices of the GAO, to review and recommend ways to fix the A–76 process. This panel recently issued its recommendations. Those recommendations should include replacing A–76—and the Presiding Officer spent a lot of time on this issue and was very much involved in the debates last year—with a process that relies on an existing Federal acquisition framework that emphasizes quality, best value, fairness, and transparency.

Let's give this initiative time to work. The legislation before us, however, would go directly counter to the recommendations of this panel—a panel comprised of members of the administration, industry, labor, and the Comptroller General of the United States, who spent almost 2 years analyzing the complexity of this subject. And now, if we, the Senate, were to adopt this amendment, and indeed it would go to conference and somehow become law—which I seriously doubt—were we to go on record at this time and adopt this amendment, we would be sort of ignoring the good work taking over 2 years by a panel, which was established by this body.

The Senate needs more time to review the issue of public-private sector competitions, in light of the recommendations of this panel. We have not yet held hearings on the recommendations which were released only last month by the Commercial Activities Panel. The Governmental Affairs Committee and the Armed Services Committee should seriously review the commission's recommendations and hear from other parties. Indeed, we could consider Senator KENNEDY's legislation as part of that review, as well as any other legislation that other Members of this body may have. To consider this issue at this time would be to preempt the work that should be and will be done by the committee.

At the appropriate time, I regret to say, I will offer a motion to table the amendment of our distinguished Senator from Massachusetts, Mr. KENNEDY. If that motion fails, I will offer my own alternative that implements the recent recommendations of the GAO Commercial Activities Panel to fix the A–76 process. I hope that will not be necessary because we should go through a series of hearings by the appropriate oversight committees.

I believe Senator THOMAS, likewise, has several other alternatives, and there may be other Members with amendments on our side. I hope we can find a way at this point in time to respectfully decline to accept the amendment of the Senator from Massachusetts.

The amendment before us would arbitrarily require the government to compete with the private sector, under the time consuming and expensive A–76 process, for the performance of commercial services—regardless of whether there are any Federal workers to perform the work. In so doing, this amendment would cripple government performance, undermine competition, exacerbate the federal human capital problem, and devastate small businesses. This amendment overturns over 50 years of bipartisan policy mandates that the government should not compete with the private sector for "non-inherently governmental" functions.

Under this amendment, almost every new contract, contract modification, task order, renewal, or re-competition would have to undergo a lengthy public-private "competition" under the OMB Circular A–76—whether or not the government even has the right skills and personnel to perform the work. The private sector and many in the Federal workforce, believe the process is too expensive, too complex, and unfair to all parties. Yet this amendment would require a vast increase in A–76. DOD estimates this expansion would cost over $200 million a year, at a minimum.

By mandating A–76 competitions, this amendment would cause long delays in the performance of defense services. Compared to most modern competitive procurements, which are completed in weeks or months, A–76 competitions take a minimum of 18 months and often as long as three years or more to complete. Under the amendment, DOD would lose its critical ability to swiftly procure innovative defense and homeland security services and products necessary to prevail in the war against terrorism.

The advocates for this legislation say they have given DOD a waiver from the requirements of the bill. With over $60 billion in services contracts a year there are just too many contracts for DOD to process waivers at the Secretary of Defense or Assistant Secretary level. DOD's procurement process is already too cumbersome. We do not need another step in the process. As the top federal acquisition official, Angela Styles recently stated:

> The proposed legislation would put at risk the Federal Government's ability to acquire needed support services in both the short and long term.

The amendment would undermine the robust competition for government service work that currently exists. The fact is that almost all of the work that would be affected by this amendment is already routinely competed in a robust and aggressive marketplace. According to the Federal Procurement Data System, in FY00 72 percent of all service contract actions—and more than 90 percent of all information technology contract actions—were subject to competition. Of the remainder, over 50 percent involved services—e.g., electricity or water—for which there was only one available provider. By contrast, less than two percent of all service work performed by Federal employees is subject to the competition of any kind. When Federal employees are subjected to competition the savings have—according to DOD—consistently averaged 34 percent.

The amendment would devastate small businesses. Small businesses account for 35 percent of Federal contract dollars. Yet the amendment would exclude most small businesses—particularly woman-, minority-, and veteran-owned companies—from participating in service contracting, because of the added costs and time associated with the A–76 process, when compared to traditional procurements. Small businesses just don't have the capital to wait several years to begin work. They would, in effect, be excluded from new Federal contracts under this amendment.

In general, the cumulative effect of the provisions of the Kennedy amendment would add significant costs to Department of Defense operations. These costs would result from: (1) The vastly increased use of the burdensome A–76 process for contracting-out or contracting-in decisions; (2) the delay of up to 3 years in providing essential operational support services because of the expanded A–76 requirements; and (3) a massive diversion of DOD administrative resources from mission critical support to administer a several fold increase in burdensome, labor-intensive A–76 studies.

I hope my colleagues will reach the conclusion that this amendment does not succeed in resolving the underlying problem the amendment is trying to address—that is, how to structure public-private competitions that are fair, transparent, and protect the rights of Federal workers while ensuring that DOD receives quality solutions at the best value to the taxpayer to meet its missions and responsibilities in our fight against global terrorism.

I urge my colleagues to defeat this amendment.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak on the Kennedy amendment to the DOD authorization bill. When I first came into the Senate, I chaired a subcommittee within the Governmental Affairs Committee that dealt with this issue. We held a number of hearings on the topic of public-private competition. I wish to talk briefly about this legislation and the background of it and why I don't think it is a good idea to move forward on it at this time.

In 1998, Congress passed the Federal Activities Inventory Reform Act, the FAIR Act. I was a strong supporter of this legislation, and it passed the Senate unanimously in 1998.

This piece of legislation was a compromise between the private sector and unions that, for the first time, codified a process to help assure proper implementation of the 47-year-old Federal policy that states:

> The government should not be involved in commercial activities.

That was a simple Government policy for 47 years, and the FACT Act codified and fleshed out that simple statement, a statement with which everybody agreed.

The goal of the FAIR Act was to eliminate the Government's direct competition with the private sector—again, unanimously passed by this body—while at the same time providing a better utilization of taxpayers' dollars. The FAIR Act created a more cost-effective and streamlined Federal Government and people agreed with that. Much of the FAIR Act was pushed forward by the Clinton administration.

The Kennedy amendment applies only to the Department of Defense. It directly impacts the FAIR Act. This amendment would create a two-tier contracting system setting up different standards for DOD versus civilian agencies. That is the first problem.

Next, this amendment would revise the steps that were made with enactment of the FAIR Act. That is the next problem with the amendment. This is a policy that was unanimously agreed to by this body. The Kennedy amendment, for the first time, would mandate the Federal Government compete with the private sector for work not currently being performed by Federal employees.

The Kennedy amendment would increase the size and the cost of the Federal Government.

The amendment would adversely impact DOD's mission, efficiencies, and effectiveness because all service contracts would be significantly delayed. If enacted, DOD would lose the flexibility it needs to purchase innovative solutions to improve our military's performance and national security.

This amendment would increase the cost to the Department of Defense by over $200 million, not an insignificant sum at a time when we are looking at deficit spending and trying to figure out ways to curtail deficit spending and get back into surpluses.

Furthermore, this amendment would complicate DOD's procurement process, cost the taxpayers more money, and increase dramatically the number of DOD employees. This is not necessarily the direction in which most people desire to go.

The amendment would hurt small businesses by making it harder for them to compete in the business process. It goes against longstanding goals of both Democratic and Republican administrations.

The Kennedy amendment ignores the progress made under the Clinton administration's policy in its reinventing Government initiative of streamlining the Government procurement process.

The Kennedy amendment also is counter to the efforts by the Bush administration aimed at performance-based contracting and increasing Government efficiencies.

The Bush administration opposes this amendment. Secretary Rumsfeld said:

> The Kennedy amendment would increase Department cost by requiring public-private competitions for new functions and for previously contracted work already subjected to market competition. It would also adversely impact mission effectiveness by delaying contract awards for needed services. The proposed amendment would increase Department costs and dull our warfighting edge.

This matter is not a union versus nonunion or labor-management issue. Several groups have come out already against the Kennedy amendment, including the U.S. Chamber of Commerce, Laborers' International Union of North America, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers.

A similar amendment offered by Representatives ALLEN and ANDREWS was defeated by the House when it was considered during its version of the Defense authorization bill for 2003.

As we face the challenges of homeland security and national defense, keeping our borders, economy, and society safe and free, we need to create more efficient and effective partnerships between the public and private sectors. Now is not the time to restrict the Department of Defense's competitive sourcing policies with this amendment.

I think this is an ill-advised procedure for us to enter into at this time. It goes against the longstanding bipartisan effort to not have the Federal Government competing with the private sector. There is no reason for us to go into this at this time. It really will be harmful to our overall operation. For those reasons, I oppose the Kennedy amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Kansas yields the floor.

The Senator from Wyoming.

Mr. LEVIN. Will the Senator yield?

Mr. THOMAS. Certainly.

Mr. LEVIN. Mr. President, if I may have a colloquy with Senator WARNER for a moment.

Mr. President, I wonder if Senator WARNER and I can agree on the following order: That after Senator THOMAS has finished, then Senator KYL be recognized perhaps at about 7 o'clock, and after Senator KYL has finished, we go into a period for morning business with Senators to be recognized for not more than 10 minutes each; that as soon as Senator KYL is recognized, that will be it for the day. We will do our cleared amendments in the morning rather than trying to do them tonight.

We will try to proceed in the morning after we have had an opportunity to review the amendment that Senator WARNER has shared with me now relative to missile defense.

Mr. WARNER. Mr. President, I am basically in concurrence, and then we will be clear on the understanding that at the conclusion of the debate by those Senators designated, we will conclude all work on the authorization bill and go into morning business, subject, of course, to whatever the leaders wish to take place.

I have provided the distinguished chairman with the proposal on missile defense that I have. It is my hope we can debate that tomorrow, establish a time agreement giving all a reasonable amount of time for debate, spend some time in the morning, some time in the afternoon, and have a vote tomorrow afternoon, so we can then move into Wednesday in the expectation we can conclude this bill on Wednesday.

Mr. LEVIN. It is surely our hope we conclude the bill as early as possible this week, but I will reserve judgment on the amendment relative to missile defense that Senator WARNER shared with me until after we have had a chance to read it and study it.

I thank Senator WARNER always for his courtesy. He is wonderful to work with. We will try to get back with him either tonight by phone or first thing in the morning relative to a possible procedure tomorrow.

As he stated, after Senator THOMAS and Senator KYL have completed their remarks tonight relative to the Kennedy amendment—I ask unanimous consent that after these two Senators have finished their remarks relative to the Kennedy amendment, there be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wyoming, Mr. THOMAS, is recognized.

Mr. THOMAS. I thank the Chair, and I thank the floor managers of the bill for arranging this time and setting it up for this evening.

Mr. President, I wish to comment a little more on this bill. It is one that I believe is very important. It is very important because it changes what we have done in the past. It changes the concepts and the principles that we have had for a very long time.

I suppose there are always different ideas about where we ought to be going in Government. I am one who believes that those activities that are not inherently governmental certainly ought to be available for the private sector and that, indeed, we ought to try to contain the size of the public sector—I think all of us would say we want to do that—and to use the competition among the private sector to get the most efficient task done for us that we possibly can.

Of course, as has been mentioned, this has been the policy of the Federal Government for a very long time. Frankly, it has not worked very well. We have not been able to find a way to identify those issues, those activities that are nongovernmental, or at least not inherently governmental, that could be contracted out. We have not gone through the system. So we finally, in 1998, passed another bill that provided for the identification of various activities. Unfortunately, there was not much done with it. The administrations were not very interested in doing that.

As has been mentioned, we now have some principles that have been put in place that will provide for a more efficient way of moving toward the concept with which I think most of us would agree, and that is we ought to do in the private sector, in the competitive sector, all those activities that are appropriate. If that is our view, then this amendment is inconsistent with that view and, indeed, makes it much more difficult for us to accomplish that.

For example, these are some of the things that were set forth by the Defense Department that they believe are difficult and that should cause us not to pass this amendment that is before us. First, it would have more requirements. The amendment would significantly increase the numbers of public-private competition by requiring each competition for new work and work already under contract without any benefit to the taxpayer or war fight. Private sector competition already provides savings and efficiencies in the work that is covered by this amendment. Certainly, costs ought to be something that we are always aware of, but as we get into this business of terrorism and all this spending that we must have, then increased costs seem to me to be even more important.

The amendment would increase costs to the Department. This is information brought forth by the Defense Department. It would increase costs to the Department by over $200 million a year. Cost for additional competitions is likely to exceed $100 million or $4,000 per position. By requiring 10-percent cost savings, with no limitation, DOD will not be able to take advantage of savings greater than $10 million but less than 10 percent. Added costs would likely exceed $100 million a year in addition to what is already there.

Less efficiency: The amendment would adversely impact mission effectiveness and efficiencies. Awarding contracts for services will be significantly delayed under the contract. The average time to conduct a public-private competition is 25 months, whereas the average time to award a competitive contract with private firms is less than half of that.

Time is important in the defense industry. We are in a time when we need to make changes quickly.

Because contractors must commit more resources to pursue public-private competitions due to longer lead times and more involved process, there would be fewer competitors on such competitions, thus limiting DOD's access. So it would result in the opposite of what we say we have been for, for a very long time, and that is more insourcing.

The amendment would foster insourcing, which would exacerbate the Federal human capital crises. We talk a lot about the military and what we are going to do and how we fulfill the numbers that are necessary. Here is an opportunity to make that even more difficult and require that we do that.

DOD does not have idle capacity available to compete for either new work or work currently being performed by contractors. If DOD were to win new work or already contracted work, hiring would have to increase significantly at a time when we are already faced with difficulties.

The Government personnel system is not nimble enough to hire or move large numbers of personnel on short notice. This is the assessment of the Department of Defense of themselves.

Having DOD personnel perform new work or work previously contracted out is not the best use of limited defense resources. Further, they say it preempts congressional intent. Well, we are the ones, of course, who ought to know that.

It has been indicated that this is supported by the U.S. Chamber of Commerce. But here is one that is kind of interesting. It is also supported by a letter from the Laborers International Union of North America. This is a labor union that is opposed to this amendment and has two pages of materials as to why they are opposed.

Then, of course, I suppose not unexpectedly, there is a letter from the Contract Services Association of America. These are the people who are involved. These are the people whom we have been seeking to give more opportunities, to make this work, than they have had in the past.

It is interesting how no more real attention has been paid to this than the number of people and organizations that have come out in opposition to the amendment. This says: Attention, Members of the U.S. Senate—and it lists national security officials and experts, about 15 of them: Secretary of Defense Donald Rumsfeld, OMB Director Mitchell Daniels, the Under Secretary of Defense, a number of admirals, a whole list of people who say this is not a good thing for us to do; organized labor, the Laborers International Union of North America, AFL–CIO; Seafarers International Union, AFL–CIO; Industrial Technical Professional Employees Union, International Union of Operating Engineers, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers, and others, as well as small minority- and women-owned businesses. It is quite a large list.

So it is interesting, and I think very important, to recognize the number of groups that have indeed expressed their opposition to the amendment we are seeking to deal with now.

This time, of course, will be very important. We have some others who want to speak who will be coming out a little later to speak, as well as tomorrow. Again, there are many reasons that have been set forth as to why the Kennedy amendment should be stopped. The amendment would arbitrarily require the Federal Government to compete with the private sector for performance of noninherently government services, whether or not there is an incumbent Federal workforce performing the act. It is totally beyond what we sought to do unanimously in the Senate, and we are very interested in seeking to keep that from happening.

Over 50 years of bipartisan policy has mandated the Government should not compete with the private sector for noninherently governmental functions. Nevertheless, this amendment would require every new contract modification, task order, or renewal undergo a lengthy public-private competition under OMB Circular A–76, whether or not the Government even has the requisite skills or the personnel required to perform the work.

Today, less than 2 percent of all Government services contracted are conducted under A–76 because only that small portion of Government has been involved in the incumbent Federal workforce. So this changes things dramatically and not for the better. The amendment would cripple Government performance. The amendment would undermine robust competition for opportunities that already exist. So there are a lot of things that are involved. One of them has been that the A–76 process has been one that has needed help, and continues to.

For those who do not know, the Office of Management and Budget's Circular A–76 is the Government's policy that is used to determine who can best provide products and services it needs. The circular defines Federal policy for determining whether commercial activity should be outsourced to commercial sources or kept within the Federal Government.

OMB Circular A–76 was first issued in 1966 and has been revised numerous times since. The A–76 process is very formal and intricate, often a lengthy process for conducting public-private competitions. In order to win an A–76 competition, an outside proposal must be at least 10 percent less than the Government proposal. The average A–76 study requires approximately 30 months to be completed. For years, individuals within the Government and the private sector have criticized the A–76 process.

Two years ago, the Congress called upon the General Accounting Office to evaluate the A–76 process because of concerns about its effectiveness. A GAO panel unanimously agreed to 10 principles. In particular, the panel agreed unanimously that public-private competition should not be mandated, particularly for already contracted or new work. However, that is exactly what the Kennedy amendment proposes. The amendment goes against the recommendations of the GAO panel. In fact, Senator KENNEDY's amendment would derail the GAO panel's recommendations and therefore would cause us a great deal of slowness and indeed potentially losing the idea of the reconsideration and the changing of A–76.

The goals of the FAIR Act were very clear. They were to create more cost efficiency and streamline the Federal Government, to eliminate the Government's direct competition with the private sector. This amendment would in fact do very serious damage to the FAIR Act. The amendment, for the first time, would mandate the Federal Government compete with the private sector. The Kennedy amendment would drastically grow Government workers. Page 12 of the amendment allows for unrestricted growth. I can hardly understand why anyone would offer such an amendment in this wartime situation where the numbers are very difficult in the military.

Furthermore, as we have mentioned, the amendment would increase costs to the Department by over $200 million, which would complicate the process. So it is basically a step backwards in terms of what we have been seeking to accomplish over a period of time. I think the goals that have been out there have been shared by both Democrat and Republican administrations. The movement was forward in the last administration, slowed at the end, but now we have more movement in this administration than in the past to move toward private-sector activities. The administration is opposed to this amendment, and a similar amendment was offered in the House of Representatives and was defeated in the same authorization bill.

I hope we can take a long look at what this means in terms of the principles we have established in the past and are seeking to continue to establish.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Nevada.

Mr. REID. Madam President, this is a very important bill, the Defense authorization.

I ask if there is an order in effect as to how debate will be handled for the rest of the evening.

The PRESIDING OFFICER. Senator KYL is to be recognized, and following his speech there will be a period of morning business.

Mr. REID. Senator KYL is not here, so I ask unanimous consent to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. We talk a lot about the national defense of this country, and rightfully so. There is something happening today in America that necessitates our attention. It deals also with the national security; that is, what are we going to do about passenger rail service in this country? That is part of the security of this country. We are dismal failures if we let this country have no passenger rail service. If there were ever an opportunity to talk about how it is important we have a good passenger rail service, it is now, during this time of terrorism.

What has happened since September 11? Passengers have boarded the Amtrak trains 47 percent more than they did before September 11. Why? Because they feel more secure in a train than in a plane.

Every place in the world where they have train service it is subsidized by the Government. It is interesting to note when Amtrak came into being in 1970 it was done so because the private sector could not make any money hauling people.

I come from Las Vegas, NV—the tourist destination, some say, of the world. Las Vegas is separated by 250 miles from Los Angeles. The two airports—Los Angeles International and McCarran Field, Las Vegas—have more people coming into them than any airport in the country—more than O'Hare. We are the sixth busiest airport as far as takeoffs and landings in America. As far as people coming into the airport each day, the only airport with more people is Los Angeles International.

The airports in Las Vegas and Los Angeles are jammed. The freeway between Los Angeles and Las Vegas is jammed, I–15. We need a passenger rail service.

What are we talking about doing? Going out of business, instead of increasing travel between Los Angeles and Las Vegas, the two busiest airports. Rather than relieve congestion, we are talking about going out of business. That is disgraceful.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I am happy to yield to the Senator.

Mrs. BOXER. I am very pleased my friend has raised this issue of Amtrak rail passenger service in this country, a system owned by the American people. I am glad to see one of our leaders on this issue on the floor, Senator CARPER. He and Senator BIDEN have been extraordinary on this issue.

I am here to join because a lot of people think it is just a Northeast issue. If you look at California—and we are highly impacted—in the year 2001 we had 8 million passenger trips in California related to Amtrak.

My friend is right on the issue of national security. But it is not only national security, which is huge; it is also economic security for our people.

Mr. REID. And I respond to my friend, economic security is national security.

Mrs. BOXER. Absolutely. Right now, I am very concerned about a doubledipper recession. I am very concerned we may have real problems in this country with unemployment. We see what is happening in the last 17 months since this administration took over, and what is happening to the crime rate. It is going up. One of the reasons it is going up, experts say, is that the economy is bad. We know we are not spending money to put cops on the beat. That hurts.

We have a quality-of-life situation and it is spiraling out of control.

I say to my friend, on all fronts, this is a national security issue, whether or not we say we want to have a rail system as does every other great nation in the world. We are playing around with this issue and it has to stop. It is bad management on the part of this administration to be taking us to the 11th hour on this deal. We could have thousands of people unemployed, thousands of people stranded, who cannot get to work, shutting down a system that could be a backup to our air system, especially at a time of terrorist threats.

My question to my friend is this: Is it true this Congress voted to give $15 billion to the airlines, $5 billion of that in a direct check, and then loan guarantees for the rest because we believe it is very important to our economy, to our national security, to keep travel going? Is it not ironic that when the people's own train system needs $200 million to keep it going, we cannot get a direct answer from this administration, and they are taking it to this 11th hour?

Mr. REID. I respond to the distinguished Senator from California, the neighbor of the State of Nevada, yes, we did give money to the airlines. I am glad we did. We provided money to help them stay in business. We still have a large pot of money to which airlines can apply.

I say to my friend from California, we help airlines every day, airports every day. Highways are Federal construction. Ninety percent of the construction that takes place in Nevada and California is Federal money; 8 million passenger rides in California last year with Amtrak. If the system were better, it would be triple. There could be 24 million passengers in that largest State in the Union.

We have such an antiquated system in most places we cannot run high-speed rail. I do not apologize for my support for Amtrak. Nevada does not get a lot of benefit. I hope we get more in the year to come. If it closes down, we certainly will not.

I have heard people ask: What benefit do I get out of Amtrak? The State of California and the State of Nevada have the Hoover Dam which was built in the 1930s with Federal dollars. Those Federal dollars do not help much of the rest of the country. They help California, Arizona, and Nevada principally. But it is a great program that the taxpayers helped to provide that is good for our country. Amtrak is good for our country.

How can we have a country, which we all love so much, the only superpower left in the world, and not have a passenger rail service? We should be embarrassed about the passenger rail service we have today. It is pretty bad. But we love it. We want to make it better.

I say to the administration, if they are listening: Fine, if you want to bail us out with a few million dollars to keep us going, that is fine, but that will not do the trick. We need a long-term plan for Amtrak, a plan that spends money in improving the tracks.

I am in favor of high-speed rail between California and Nevada, between Los Angeles and Las Vegas. It would increase productivity, it would alleviate the burden at our airports and on our highways, and make a more productive society.

I appreciate the statements of the Senator from California. I see my friend from Delaware in the Chamber. He has been a leader in this field.

I appreciate their interest and support for this program that people are trying to let die. I feel so bad about that.

Mrs. BOXER. I say to my friend and my colleagues who may be listening, during wartime I remember a bumper sticker that said "Imagine Peace." It was a pretty simple thing, but you really have to think what something could be.

We could really imagine this country connected by a rail system that serves all our people. What an improvement in the quality of life; what an improvement in the economy; what an improvement in air quality; what a better way for us to go when we are competing for economic dollars. This is an efficiency plan.

So whether it is the economy or national security, we do need some bold leadership. I am glad my friend raised this issue. We certainly have it from my friend from Delaware. I am glad he is on the floor tonight. I am going to do everything I can. Our State of California puts a lot of money into our rail system. We step to the plate and match these dollars. We don't want to see Amtrak go away. It would be a disaster for many areas of my great State.

I thank my friend for yielding.

Mr. REID. Madam President, notwithstanding the order that is now in effect that Senator KYL would be recognized and we would then go into a period of morning business, I ask unanimous consent the Senator from Delaware be allowed to speak on the Defense bill which is now before us.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I ask unanimous consent the Senator from Delaware be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMTRAK

Mr. CARPER. Madam President, I do not believe any of the Senators who are on the floor at this time were serving in the House or the Senate when Amtrak was created. It was created in 1970 and it was created after an extended debate which found none of the private railroads in this country wanted to continue to provide passenger rail service. They wanted out of the business and they got out. They convinced the Congress and then the President, Richard Nixon, that they should be able to buy stock in this entity called Amtrak, they should turn over a lot of their rolling stock—their locomotives and their passenger cars or dining cars, the whole Northeast corridor from Washington to Boston, repair shops, train stations—to this new entity, Amtrak, to see if they could make it go as a quasi-governmental entity whereas for years the private sector had not been able to make a go of it.

Lo and behold, 32 years later Amtrak has not been able to figure out how to make money, how to make a profit doing what the private railroads could not make a profit doing in the 1970s or 1960s or the years before that; that is, carrying people.

Last Thursday here on the floor I talked a bit about all those other countries around the world that offer terrific passenger train service, whether it is Britain or France or Spain or Italy, Scandinavia or Germany—or over the other side of the world, Asian countries such as Japan, where people can go in trains that run at 200 miles an hour and can actually write on the trains and people can read your writing—something no one is able to do with mine when I ride the rails with Amtrak. They can put a cup of coffee on the table and the coffee is still like it would be on this table before me.

The reason why they have such good train service in those countries is because they make it a national priority. They believe it is in their national interest to have good passenger rail service.

Some of those countries are more densely populated than our own, but as time goes by we are becoming more densely populated, too. I said last week that some 75 percent of Americans today live within 50 miles of one of our coasts. As time goes by, we are going to become more densely populated. Those dense populations provide for a number of problems: congestion on our highways, congestion in our airports, the fouling of our air. As we all climb into our cars, trucks, and vans to go from one place to the other and then fill them up with gas, we import a lot of the oil we refine into gasoline and we end up with a huge trade deficit, about a third of which is attributable to imported oil.

Part of the reason so many of those other countries put so much of their money, so much of their resources into their passenger rail system is not because of nostalgia. They do not pine for the days when people rode the trains from coast to coast. They do it because it is in their naked self-interest to have good passenger rail service.

It is in our naked self-interest to have good passenger rail service as well. As a former Governor, I served on the Amtrak Board appointed by the President, confirmed by the Senate, and I served there as a member of the board of directors for 4 years. There were a number of times during the time I served on the board—and a number of times since—that Amtrak has run short of cash. They negotiated with a consortium of private lenders and got enough money to carry them through their tough patch and when the next Federal appropriation comes through or the ridership peaks in one of the peak ridership periods for the summer or Thanksgiving or Christmas or the other holidays, they pay off the loans.

Amtrak is endeavoring to arrange a bridge loan from a consortium of private banks to carry them through to the end of this fiscal year. Their ability to negotiate that loan fell apart with the announcement of the administration's restructuring plan for Amtrak, which is not so much a restructuring plan for Amtrak but it is, frankly, the end, the demise of Amtrak as we know it.

With that having been done and the inability to negotiate with the private lending consortium, I think in large part because of the announcement of the restructuring plan for Amtrak by the administration, the administration has some responsibility to step to the plate and to provide—as they can under law; they have the discretion under the law—a loan guarantee so Amtrak can go ahead with this negotiation with the private bankers. They ought to do that.

When we get past this very difficult time—and I want to tell you if Amtrak does shut down, it is not because everybody rides Amtrak but because Amtrak is very involved in commuter operations. Amtrak runs the entire Northeast corridor. Electricity is sold to the commuter trains. The commuter trains use Penn Station. Amtrak is involved in the Midwest—we have a colleague here from Chicago—in helping run the commuter operations there, and California. It is not just the Northeast corridor. It is throughout the country. A shutdown, especially a hasty shutdown, will create havoc, not necessarily because of the people who run Amtrak trains but all the people who depend on Amtrak and maybe don't know it. They depend on Amtrak to get to work every day and to get home.

Let me close with this thought, if I could. When we get through this difficult time—and we need to, and I hope the administration steps up to the plate and says we have some responsibility and acts to discharge those responsibilities—when we get through this, that carries us to the next fiscal year. We need to determine as a country, with a healthy debate with the administration fully engaged, what we are going to do for passenger rail service in America. What will taxpayers support? What will Congress and the administration support? That debate is one in which I look forward to participating.

I think passenger rail going forward will depend, in no small part, on our willingness, and that of the administration, to find a dedicated source of capital funding. Since Amtrak's creation 32 years ago, there has never been adequate capital support for the railroad. There has never been capital support.

We all know that railroading is capital intensive. There needs to be a dedicated source of capital funding. My colleagues will hear me say that more in the months to come. In my judgment, that is the key. If we support passenger rail service, we have to provide the capital to support it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Madam President.

If the Senator from New Jersey wishes to speak for any period of time, I will go ahead and take my right. But if he wants only to ask for a unanimous consent, I would be happy to provide that opportunity.

Mr. CORZINE. May I ask the Senator from Arizona how long he intends to speak?

Mr. KYL. I intend to take about 20 or 25 minutes.

Mr. CORZINE. If the Senator from Arizona would consider it, I would talk no more than 5 minutes, and probably a few minutes less.

Mr. KYL. Madam President, in accommodation of my colleague from New Jersey, if he will keep his remarks to 4 minutes, shall we say, I would be happy to provide him the opportunity, and then I will begin after he is finished speaking.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized for 4 minutes.

Mr. CORZINE. Madam President, my colleague from Arizona is very kind to offer this opportunity.

AMTRAK

Mr. CORZINE. Madam President, I rise to reinforce some of the dialog we have had on the floor with regard to Amtrak. This is a major economic issue for our Nation—not just the Northeast corridor.

We have enormous numbers of interconnected elements of our economy which are dependent on the functioning of inner-city rail transportation, and certainly in the Northeast corridor where I come from, the most densely populated State in the Nation. There are almost 300,000 commuters a day using Amtrak or Amtrak-related facilities that move in and out of Penn Station and the New York metropolitan region. There are 82,000 daily commuters in New Jersey traffic.

These folks are involved in the financial affairs of this Nation. We are going to create havoc in operations in our metropolitan regions of New York City if we have a shutdown of this highway transportation. I think it is absolutely essential that we get long-term Amtrak reform.

What I want to speak about tonight is that we need not create a crisis with a short-term shutdown, which is going to impact an enormous number of innocent bystanders, to get to long-term reform. The President, the Transportation Department, and the Congress need to sit down and put together a long-term plan with regard to how we are going to reform Amtrak.

I don't think it should be done at the expense of a part of our country that is already suffering. It would spread across the country and undermine the confidence of our already shaken economic expansion. We have seen enormous erosion in a whole series of different levels—the stock market being the most obvious reminder, but at levels that are approaching where we were right after September 11. It strikes me that we don't need to throw another log on the fire and undermine the economic security of our Nation.

That is why I think we need to have a short-term solution with loan guarantees, with the administration and Congress working together to implement a solution to keep this railroad running. We don't need a train ride. What we need to do is make sure we are supportive of our economy.

I am very fearful that if we don't move forward with this short-run solution, we may never get to the long-run reform of Amtrak, which will be deteriorating substantially in the interim while it is shut down.

Let me give you two facts. It costs $50 million to shut this entity down and $200 million to keep it running for the remainder of the year. It would cost almost $1 billion to bring Amtrak back and operating if it were shut down. That is on a nationwide basis.

I think that is too much of an investment to make in a risky proposition of getting to reform without the kind of debate we have had. I hope we can do that on a thoughtful, measured basis in the days and weeks ahead in this 107th Congress. I don't think it should be formulated on the basis of a crisis brought about by a temporary shutdown.

I want to make sure that I am registered very strongly for the people of New Jersey, for the people of the metropolitan New York region, and for the Nation in support of our economy by making sure that Amtrak continues to run until we have a thoughtful, long-term solution.

I thank my colleague from Arizona. I appreciate it. I hope I stayed under 4 minutes. I will come back on another day.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

MISSILE DEFENSE

Mr. KYL. Madam President, by way of introduction, my remarks will primarily be in support of an amendment that will be offered by the distinguished ranking member of the Armed Services Committee, the Senator from Virginia, tomorrow to restore missile defense funding that was cut in the Armed Services Committee.

I wanted to note that this afternoon the President advised both Senator MCCAIN and I that he would be traveling to our home State of Arizona tomorrow—specifically to the town of Show Low which is under threat of this raging wildfire we have all seen and read about—and he graciously offered to allow us to accompany him on that trip. But, obviously, the importance of this Defense authorization bill—specifically, the votes we will have tomorrow, including an effort to restore funding for the missile defense portion of the bill—requires that we remain.

I am going to speak to the issue that will involve his visit to Arizona tomorrow, why these raging wildfires don't need to continue to devastate our country, what we can do about it, and what we need to do about it as a country at the conclusion of my remarks on the Defense bill. I will address my comments first to this bill which is before the Senate, and which we will be considering this week.

It seems to me that there is a strange disconnect between recent developments in the world and some of the contents of the bill that we are considering.

For example, in early May, Iran—newly dubbed by the State Department as the No. 1 terrorist nation in the world—conducted a successful test of its 800-plus-mile-range Shahab III missile. There are some reports that Iran is now set to begin domestic production of the Shahab III which will be able to reach Israel, as well as U.S. troops deployed in the Middle East and South Asia.

On May 7, the Associated Press, citing an administration official, reported that Iran is continuing the development of a longer range missile, the Shahab IV, with an estimated range of 1,200 to 1,800 miles. The Shahab IV will be able to reach deep into Europe.

That means that the fanatical mullahs in Tehran will be able to put a multitude of U.S. allies and our troops within striking distance of their missiles and weapons of mass destruction.

We have also just witnessed one of the scariest standoffs in recent decades with India and Pakistan angrily pointing their nuclear-tipped missiles at each other.

These developments represent a dramatic increase in the worldwide missile threat.

You might think that the United States would therefore want to accelerate its effort to build a defense against such weapons. But the bill before us today would seriously hamper our ability to do exactly that. This is not something that the American people will stand for.

This is why I believe that tomorrow it is incumbent upon the Members of this body to listen to their constituents, to listen to the President of the United States, to look at the events around the world, and to reconnect our policy here in the Senate to the realities of the world around us.

This bill makes very deep and damaging cuts to the President's proposed budget for missile defense. Unless remedied, those cuts will seriously limit our ability to end our current—and let me say our unacceptable—vulnerabilities to ballistic missile attack.

As I noted, the threat from ballistic missiles continues to grow.

In addition to the two examples I mentioned, consider this: Today, there are nearly three dozen countries that either have or are developing ballistic missiles of increasing range and sophistication. That includes Iran's fellow "axis of evil" partners—or members, I should say—Iraq and North Korea, as well as the terrorist regimes of Syria and Libya.

Let us take a look at some of these developments, which, unless indicated otherwise, are taken straight from the December 2001 National Intelligence Estimate on Foreign Ballistic Missiles. That is the estimate of our intelligence community about this threat.

North Korea, despite the moratorium on flight testing that it is supposedly adhering to, continues its development of long-range missiles. According to press accounts and administration officials, North Korea has recently conducted rocket motor tests of these missiles.

In fact, North Korea's Taepo Dong 2 missile, which is capable of reaching the United States with a nuclear-weapon-sized payload, may now be ready for flight testing.

As to Iraq, despite U.N. sanctions, Baghdad has been able to maintain the infrastructure and expertise necessary to develop longer range missiles.

Its Al-Samoud missile, with a 60 to 90-mile range, probably will be deployed soon.

And Iraq retains a covert force of scud-variant missiles, launchers, and conventional, chemical, and biological warheads.

Not to forget about China, the intelligence community assesses that it could begin deploying its 5,000-mile-range DF-31 missile during the first half of this decade. That means essentially any time now. China's even longer range mobile missile, the DF-41, could be deployed in the latter half of the decade.

China also maintains a robust force of medium-range CSS-5 missiles which can reach our troops in Japan and Korea.

Of course, China continues to add to its arsenal of short-range missiles which already number in the several hundreds and are deployed opposite Taiwan.

According to the intelligence community—and I am quoting now—

> China's leaders calculate that conventionally armed ballistic missiles add a potent new dimension to Chinese military capabilities, and they are committed to continue fielding them at a rapid pace. Beijing's growing short-range ballistic missile force provides China with a military capability that avoids the political and practical constraints associated with the use of nuclear-armed missiles. The latest Chinese short-range ballistic missiles provide a survivable and effective conventional strike force and expand conventional ballistic missile coverage.

Even the terrorists are getting into the act. According to a variety of news sources, some of which have quoted U.S. and Israeli officials, Iran and Syria have supplied Lebanon's Hezbollah terrorist organization with Fajr-5 missiles, which, at 40 to 50 miles, can reach deeper into Israel than any rockets Hezbollah has fired so far. One press account stated further that Hezbollah is assembling chemical warheads for these missiles.

These developments, among others, led to the following conclusions in the December 2001 National Intelligence Estimate:

One, short- and medium-range ballistic missiles, particularly if armed with weapons of mass destruction, already pose a significant threat overseas to U.S. interests, military forces, and allies.

Two, proliferation of ballistic-missile-related technologies, materials, and expertise—especially by Russian, Chinese, and North Korean entities—has enabled emerging missile states to accelerate development timelines for their missile programs.

In other words, this is making the point that instead of having to always indigenously develop a missile capability, a country can now buy these literally readymade missiles from countries such as China, North Korea, and Russia.

Three, most intelligence community agencies project that, before 2015, the United States most likely will face ICBM threats from North Korea and Iran, and possibly from Iraq, as well as from the existing ICBM forces of China and, of course, Russia.

Four, the probability that a missile with a weapon of mass destruction will be used against U.S. forces or interests is higher today than during most of the cold war, and will continue to grow as the capabilities of potential adversaries mature.

After September 11, we dare not willfully remain vulnerable to these threats. But that is essentially the impact of the partisan cuts that were made to this bill when it was before the Armed Services Committee.

Of course, there are those who suggest that the September 11 attacks demonstrated that the major threat to this country comes from relatively low-tech attacks: suitcase bombs and the like. But what September 11 really demonstrated is that our enemies have the will and the ruthlessness to exploit our weaknesses in any way they can. In other words, if we are weak in a given area, that will be an area attempted to be exploited. Therefore, if we have no missile defense, is there any question that a potential adversary would see the ability to strike us with ballistic missiles as a potential area for their policy?

The new types of threats we face from terrorists and the rogue regimes that support them cannot be dealt with solely through traditional deterrence. President Bush was right when he recently remarked at West Point:

> Deterrence—the promise of massive retaliation against nations—means nothing against shadowy terrorist networks with no nation or citizens to defend.

In addition, I make this point. I do not think the majority of the Iranian or Iraqi people or Syrian people detest the United States or wish to attack us with nuclear weapons.

If tyrants like Saddam Hussein, who dictatorially rule some of those countries, were to use a weapon of mass destruction against our ally Israel, or even against U.S. troops abroad, I am not sure the President of the United States, in those circumstances, would want to retaliate with a nuclear weapon in the middle of Baghdad, let's say, or some other Iraqi city.

Clearly, we would rain massive retaliation upon Saddam Hussein, but we would have to think very carefully about a nuclear deterrent in a situation such as that.

So traditional deterrence may or may not be an appropriate response to a terrorist attack. The bottom line is, we are not always dealing with rational actors. To depend on nuclear deterrence alone with a dictator like Saddam Hussein, who, remember, used chemical weapons against his own people, or a terrorist like Osama bin Laden would be to place American lives in the hands of madmen. That, itself, is mad when we have the ability to defend against such an attack.

That alternative, of course, is to develop and deploy missile defenses. They will add to our options in terms of a crisis. Defenses against missiles will help the United States avoid being frozen into inaction by the threat of a missile attack.

This is the threat of blackmail: A country that acquires a nuclear weapon and the ballistic missile capability to deliver it will be in a much stronger position to dictate what it wants around the world—or to prevent the United States from acting—than one that does not. It reduces our options significantly.

Just imagine the impact on our decision to go to war against Saddam Hussein in 1991 had he been able to threaten the United States or our allies with nuclear missiles. Missile defense will also reduce the incentives for proliferation by devaluing offensive missiles. If a rogue actor views missiles as likely to be effective because of our lack of defenses, they will be developed. If, on the other hand, we have defenses, then they will obviously be less inclined to spend as much time or money trying to acquire it.

Finally, and perhaps most important of all, in the worst case scenario, we will save American lives with missile defense.

So we should not be fooled by the fact that the bill still authorizes several billion dollars for something called missile defense. Make no mistake that the cuts in this bill are very carefully designed to gut the administration's plans to protect the American people from missiles.

If one had wanted to leave intact a program that looked very much like missile defense, but very surgically gutted the key components of it, one could not have done better than the language and the money that comes out of the Armed Services Committee bill.

Allow me to describe some of the features of the President's new approach. We are very much aware that the President has decided that we need to transform our military. And the President has proposed an aggressive overhaul of not only the missile defense program but other programs from the previous administration.

Let me describe some of the features of this transformational approach: First, a single, integrated architecture to command and control all of the various components of a missile defense system. What this does is to move us from the old concept of several unlinked systems to one overarching system composed of several integrated components or elements, as they are now called. This system removes the need for each element to do everything and, instead, distributes the basic tasks—such as launch detection, tracking, and battle management—across the entire system.

So instead of having three or four specific components that do everything, you have several ways of attacking the problem, all linked together; therefore, they are much more effective in their overall ability to detect, track, and destroy an enemy missile.

Secondly, multilayered defenses capable of intercepting missiles in all phases of flight, including the boost, midcourse, and terminal phases is an element of the President's transformation plan. The obvious benefits of this feature is that it will give us several shots, if necessary, to knock down a missile after it has been launched.

The point is, we do not have very much time, when a missile has been launched against us, to make a decision to launch a counterattack. By the time we do that, the missile could well be coming down on top of us. We need the ability to have multilayered defenses which can be effective in the boost phase, as the offending missile is going up, which can try to attack it in midcourse, and, as a last resort, as it is barreling down on us at something like 17,000 miles an hour.

But if you only rely on that last system, you are not going to get multiple shots. You are going to get one shot. And it may not always do the trick. In that case, you have lost.

Third, the ability to deploy defenses rapidly in the event of an emergency is one of the critical components of the President's plan. To accommodate these goals and others, the administration reformed the Missile Defense Agency and gave it wide latitude to pursue innovative approaches rather than the former approach which was to have a long-term project of design and research and then development and then deployment.

The problem is that the bill on the floor today takes dead aim at each of these worthy efforts. The system's integration and command and control accounts, the brains of the whole system, if you will, are reduced in funding by two-thirds. That is gutting the program. To cut the funding by two-thirds, literally, imagine the human body. It looks just like it did after the operation except for one thing: You have taken out the brain. It is not going to work very well. That is the first damage that was done to the President's program as a result of Armed Services Committee action.

Programs to intercept missiles in the boost phase, particularly those employing new basing modes and technologies, are virtually wiped out. Funding for 10 THAAD test missiles, which would be deployed in an emergency, is eliminated, and the Missile Defense Agency staff is cut by two-thirds. Essentially what the bill leaves us is the old piecemeal approach, with many of the most promising technologies starved of funding and a variety of impediments created to early deployment of the President's proposed system.

It is quite interesting that just as these cuts were being made, cuts that will wreck the Bush administration's approach to protecting the American people from missiles, the ABM Treaty lapsed into history on June 13. The bill is an attempt to revive the spirit of that treaty by those who have never accepted President Bush's decision to opt out of it. If this is the case, they are in dwindling company.

A year ago, the anti-missile defense, pro-ABM Treaty crowd created much hubbub over how any decision to renounce the ABM Treaty would supposedly alienate our allies, cause a major rift with Russia, and spark an arms race. It was going to be a disaster. Well, as it turns out, none of those dire predictions came true. Let's have a look.

Have we alienated our allies? As of last count, 12 of our 19 NATO allies have contributed troops to our campaign in Afghanistan, 7 countries have sent their troops into combat alongside our own, and dozens of countries are contributing to our war on terrorism.

Did it cause a rift with Russia? No. Russia has just entered into a new partnership with NATO, and President Bush just signed a communique with President Putin of Russia in May, committing both sides to cooperation on a host of issues, including, of all things, missile defense.

How about a new arms race? No, again. President Bush also signed a treaty with Russia under which both sides intend to reduce strategic nuclear warheads to between 1,700 and 2,200. So the doomsayers were wrong. It is true that Russia and many European countries might have preferred that President Bush not renounce the ABM Treaty, but it seems these countries were not quite as wedded to this outmoded document as some of its Americans supporters.

The ABM Treaty, as the cold war that gave birth to it, is gone. Russia and the United States, despite a number of disagreements and interests that don't always intersect, have moved beyond enmity toward a new, more cooperative relationship, and at the same time we have entered into a new area in international relations in which the threats to this Nation are increasingly complex and difficult to predict.

So the President expended a great deal of energy and capital in working with our allies and Russia to terminate the cold war and its documentation in the form of the ABM Treaty, to enter into new agreements with Russia, to demonstrate we are friends, not enemies. In order to be able to pivot and address the new threats that face us, the threats from these Third World rogue powers, he proposes a national missile defense.

Having gone to all of that trouble—and I shouldn't characterize it as trouble so much as devoting a great deal of America's prestige and commitment to this effort—we now have opponents in the Senate who would go right back to a missile defense of the kind that would be authorized by the ABM Treaty, which is to say virtually none at all. That is wrong, very wrong.

The traditional cold-war-style deterrence is not going to deal with the threats we face today. It is time for ABM Treaty supporters who have stood in the way of missile defense for nearly 30 years to recognize this new reality. This reality was brought home with horrible abruptness on September 11.

Just imagine if that day were to repeat itself but this time with a ballistic missile armed with a nuclear or chemical or biological warhead. The only responsible course of action to deal with that possibility is to proceed with the most robust program of missile defense development we can muster. That is what the President proposed.

The Pentagon's approach to missile defense is exactly that. It is an aggressive, forward-looking plan to provide the American people with protection against ballistic missiles at the earliest possible date. Indeed, this body overwhelmingly voted to make such a plan U.S. policy in the 1999 Missile Defense Act.

We have to fund the plan, and we can't allow those who oppose missile defense to go in and surgically remove the key components of the President's program in order to effectively defeat missile defense while at the same time arguing that they have left the program intact. It does no good to spend $5 or $6 billion on a program without a brain, on a program that can't communicate among its independent parts, and on a program that does not begin the transformational policy the President has outlined.

I am hopeful that when we vote on the amendment of the Senator from Virginia tomorrow, which restores the funding that was proposed by the President, the Senate will overwhelmingly stand with the President and with the American people, with common sense, to be able to defend the American people against ballistic missile attack. The issue is literally that stark.

If we support the committee action, while people can claim that they still support missile defense, the reality will be that that program cannot go forward because it has effectively been denuded by the cuts that have been made. We have to support the amendment of the Senator from Virginia.

I wanted to talk about that tonight because I am not sure that tomorrow I will be able to engage in the debate prior to the vote. As I said, it is a vote which we must be here to cast, notwithstanding a devastating tragedy occurring in my home State.

Since I believe it is the desire of the majority to terminate my remarks on the Defense authorization bill and the Warner amendment so that we can go into morning business for a little bit and I can discuss that subject separately, I ask unanimous consent that a Wall Street Journal editorial of June 17, 2002, be printed in the RECORD on the Defense authorization bill.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 17, 2002]

DON'T GO WOBBLY

(By Margaret Thatcher)

The crisis in the Indian subcontinent is currently engaging the diplomatic activity of all the great powers. Rightly so. The calamity a nuclear exchange could bring is truly dreadful to contemplate.

We can expect that this somber fact alone will exercise an effective restraint on both sides. But we cannot assume that the nuclear deterrent effect is the same in the Cold War and post-Cold War worlds. This reflection has implications far beyond the subcontinent. It goes to the heart of our priorities since the events of Sept. 11.

UNTOLD DAMAGE

During most of my political lifetime the two superpowers, the U.S. and the Soviet Union, had massive nuclear arsenals, even a small proportion of which would have inflicted untold damage. But this knowledge imposed discipline on the aggressive expansionism of the Soviets and made for a kind of stability. There were, in fact, well-understood limits on the extent to which either side would directly challenge the other's interests. The exceptions—like the Cuban Missile Crisis of 1962—only proved the rule.

The nuclear deterrent did not prevent all war; the conflicts in South East Asia show that. But the West's possession of a credible nuclear deterrent prevented nuclear war. It also prevented conventional war in the Alliance's most vulnerable sector—Europe. The calculation behind the deterrent was not completely fail-safe. But the rules were clear, the psychology understood and each side's sticking points known.

One cannot say the same with India and Pakistan. The conflicting claims on Kashmir are compounded by lack of experience in coping with the temptations offered by their own nuclear capabilities. President Clinton's attempt four years ago to persuade the hostile neighbors to relinquish their nuclear status was doomed to failure. The task of President Bush and his envoys now is both more complex and more realistic: to remind New Delhi and Islamabad that war, even a victorious conventional war, would in the long run damage their nations' interests more than a messy and unsatisfactory peace. The dangers of a nuclear escalation only make that more true.

But this crisis also holds wider lessons for us. The proliferation of weapons of mass destruction has fundamentally changed the world in which we and our children will live. India's and Pakistan's nuclear arsenals have given them the power to inflict huge destruction. But neither is a rogue state. India is a democracy. Pakistan is not, but it has a ruler who has demonstrated his willingness to side with democracies against terror. Both are basically friendly to the West.

Proliferation of WMD offers far more menacing risks when those weapons are in the hands of the West's sworn enemies. We have to assume that if those who hate us are confident that they can threaten us or our allies by this means they will do so. The threat alone could transform the West's ability to intervene in order to protect its interests or to undertake humanitarian missions. In some cases we must expect the rogue states to try to go beyond mere threat.

It is still true that any such action would be irrational. There can be no doubt that response to the use of WMD against us would be massive—probably nuclear. Yet even this awesome prospect might not deter a fanatic who cared nothing for his own country or safety. We already see such a mentality at work in the suicide bombers. At the rate at which nuclear, chemical and biological weaponry and missile technology have been proliferating we must expect that at some point these weapons will be used.

The is quite simply the greatest challenge of our times. We must rise to it.

The right strategy has been clearly enunciated by President Bush. America must speedily build a ballistic missile defense system which will afford protection against missiles launched from anywhere in the globe. The president has made progress in winning the argument for this policy. He deserves the fullest cooperation from all who stand to gain from it, including Britain.

We also have to isolate rogue states that are seeking to develop (or have developed) WMD, and eliminate the threat they pose. Sometimes this will be possible by a mixture of diplomatic sticks and carrots. Iran for example, was quite rightly classed by the president as part of the "axis of evil." It has a missile program which poses a threat to Israel's security—a threat that Iran's support for terrorism against Israel only magnifies. But this is part of a more complex picture. Iran is a theocracy which is edging toward democracy. At a certain point, the continuing growth of civil society in Iran may require its rehabilitation.

North Korea, on the other hand, is beyond reform. Diplomacy has little value. Indeed, North Korea has already been appeased too much. It is in the grip of a psychotic Stalinist regime whose rule is sustained by terror and bankrolled by those who buy its missiles. It is one of the few states that could launch an unprovoked nuclear strike. The regime must go, and I fear that it may not go peacefully.

Between Iran on the one hand and North Korea on the other, the list of rogue states will be the subject of continuing revision and debate. And in each case there will be a mix of policies appropriate to achieve our goal of removing the threat which these states pose.

That is also true of Iraq. I have detected a certain amount of wobbling about the need to remove Saddam Hussein—though not from President Bush. It is not surprising, given the hostility of many allies to this venture, that some in Washington may be having second thoughts. It is, of course, right that those who have the duty to weigh up the risks of particular courses of action should give their advice—though they would be better to direct their counsel to the president not the press. But in any case, as somebody once said, this is no time to go wobbly.

Saddam must go. His continued survival after comprehensively losing the Gulf War had done untold damage to the West's standing in a region where the only forgivable sin is weakness. His flouting of the terms on which hostilities ceased has made a laughingstock of the international community. His appalling mistreatment of his own countrymen continues unabated. It is clear to anyone willing to face reality that the only reason Saddam took the risk of refusing to submit his activities to U.N. inspectors was that he is exerting every muscle to build WMD. We do not know exactly what stage that has reached. But to allow this process to continue because the risks of action to arrest it seem too great would be foolish in the extreme.

COERCIVE MEASURES

I do not claim to know the precise balance of coercive measures required now to remove Saddam: only those with access to the best intelligence can assess that. A major deployment of ground forces as well as sustained air strikes will probably be required. And it will be essential that internal groups opposed to Saddam be mobilized and assisted. No one pretends that an equivalent of the Afghan Northern Alliance is available. But I suspect that once the aura of terror surrounding the Iraqi regime is dispelled we may be astonished by the number of opponents who come forward to help finish the job.

Finally, a warning: We should not try now to predetermine the final outcome for a post-Saddam Iraq. One of the errors in 1991 was an exaggerated fear of the possible breakup of Iraq if the measures required to topple Saddam were taken. The Kirds and Shiites have since endured years of murderous repression as a result. In great strategic questions it is possible to be too clever. We need to concentrate on what we can achieve with the instruments at hand, and then press ahead boldly with the task before us. That will be quite taxing enough.

Mr. KYL. Madam President, that terminates my remarks on the bill. May I inquire of the Chair, is it correct that at the conclusion of my remarks the Chair was prepared to put the Senate into a period of morning business?

The PRESIDING OFFICER. The Senator is correct.

The Senate is in morning business.

FOREST FIRES IN ARIZONA

Mr. KYL. Madam President, I rise to speak on the crisis pending before the whole State of Arizona.

Arizona has never had a tragedy like this Rodeo fire. It has now consumed an area 10 times the size of the District of Columbia. It has burned at least 200 homes, probably more. We can't go back into areas that have been burned because it is still too hot. It has destroyed a lot more buildings than that, and animals, both domestic and a lot of the animals that populate our beautiful forests.

People who are not familiar with Arizona might not understand how there can be a forest fire in Arizona. But the world's largest ponderosa pine forest stretches from the Grand Canyon into New Mexico, across a rather wide swath of Arizona at an elevation of about 7,000 feet. It is beautiful country, with pine trees, aspen, fir, spruce, lakes, rivers—not the kind of environment you would ordinarily associate with Arizona. It is a place to which many Arizonans repair during the summer when it is very warm "down in the valley," as we call it. It contains some of the most interesting and unique habitat in the United States—habitat, both flora and fauna, which is not preserved by wildfire but is absolutely and utterly destroyed.

You might be interested to know that an area not far from this—75,000 acres—burned a couple years ago, and it was the largest black bear habitat in the whole United States. When you think of Arizona, think of habitat for an enormous variety of animals, including fish and birds, that has now been destroyed by this fire. We have the Apache golden trout, which, at great pains and at great cost, the Apache Indian tribe and the U.S. Government have tried for years to bring back to the area of the White Mountain Apache Indian Reservation and surrounding areas. It has been dealt a huge setback because of the fire that has gone through the area which this trout ordinarily populates. The erosion that will come from the devastation caused by this fire will clog the streams, and it is unlikely, I have heard today, that the Apache trout will be able to make a comeback in this area.

I am sure there are many other species—the gosant, just to mention one—that will be devastated as a result of this fire.

Yet it is interesting that some of the radical environmentalists in our country are the very ones who are responsible for preventing the kind of management of our forests that might have prevented this devastation. Their view is that man should not touch the forest. As one of them was reported as saying today: If the price for that is a 500,000-acre fire with an entire town like Show Low, AZ, devastated, then so be it; that is the way it should be. That is a misreading of history and science.

A century ago, before we overgrazed the area, and before we employed a policy of fighting all of the fires, fire regularly burned through our beautiful ponderosa pine forests. We had, about every 7 years, a small fire that would burn the "fuel" on the ground and a few of the smaller trees, but it could not hurt the great big, beautiful trees—maybe 50, or 60, or 70, or 80 per acre. Now we have 3,000 trees per acre, or more, because we have suppressed the fires and the grazing has resulted not in more grass growing but all of these seedlings growing.

If you look at a lot of these forests in Arizona today, instead of the big sequoia trees, which is what the mature ponderosas look like, you see what is called a "dog-haired thicket," which is a forest so thick with stunted, little—frankly, ugly—trees and brush that they say a dog cannot even run through without losing half of his hair. It is hard to walk through these forests; they are so thick with this "fuel," as the Forest Service people call it.

What happens when there is a lightning strike or a man-caused fire, as in this case? Instead of burning around the ground, licking at the base of these big trees—and they shrug it off—it roars throughout the underbrush and climbs up the ladder of the smaller trees, up through the higher trees, and finally the superheated structure at top of the trees explodes into flame, and the flames swirl, creating air currents, and even affecting the weather. The fire then races across the top of the forest, devastating everything in its path. The heat is so intense, the soil is sterilized and the waxes from the needles that ordinarily don't bother the forest floor melt and literally create a coating on the floor. The rains that may someday come—although we have not had any for a long time—will wash the unprotected soil into the streams, creating huge erosion problems, and it will be a hundred years before this forest once again looks like it did a week ago.

That is just the impact on the forest itself. The other fauna—various varieties of animals, birds, fish, and insects—are destroyed. That is not to mention the human tragedy. The elderly people who moved to these communities, because they are retirement and recreation communities, don't want to leave their homes. A family I heard about saw the pictures and saw that their outbuildings had been burned, and they had no idea whether their own home was still standing. The town of Show Low, with 30,000-plus people, was evacuated. Every one of the citizens was forced to leave town. The fire is within the town limits, and it has been there for basically a day now, as the firemen from our State and from other places in the country are battling to keep it from totally destroying that town.

Almost as bad, immediately to the south of town there is basically a clear path of forest, tinderbox dry, all the way to New Mexico that would literally devastate the entire Apache-Sitgreaves Forest, which I consider to be some of the most beautiful country in the world. Our own summer cabin is in those mountains. I know the area. I have hiked it. I love it.

It is a tragedy of unspeakable proportion that we have allowed a condition to endure that created this much devastation. To give you an idea of the magnitude, a person not from Arizona was asked to describe it, or try to characterize it, provide an objective description. He thought for a long time and finally said:

> I have seen one thing worse, Mount St. Helens.

Now, could this have been prevented? The answer is, probably so—at least to the order of magnitude of this devastation. We have known for a long time that it is possible to manage our forests by going into these densely populated forests, mechanically thinning them—that is to say, removing all the little trees I spoke of in the brush, the downed trees, and so on, mechanically moving most of it; and then during October and November, when it is cool and wet, you burn what is left during a prescribed burn, which is very safe, so that the following spring grasses crop up. And what we have found by research done out of the Northern Arizona University—primarily by Wally Covington and his group—is that the number of species of butterflies and birds and animals of all kinds, by orders of magnitude, return to the area and the protein content of the grass is great. The antelope, deer, and elk want to get there to graze. Also, the pitch content of the trees is improved so the bark beetles cannot get in and cause the trees to die. It looks so much better. Instead of this tangled mass of little trees and brush, which I talked about before, you have beautiful, big trees that, as I say, look like the sequoias in California, and which are much healthier as a result of the fact that they are not competing with so many little trees for the nutrients in the water and the soil.

It can be done by thinning and taking out that dead brush and then, in appropriate cases, doing a prescribed burn as well. After that, nature can take its course. When you have a lightning strike 5, 6, 7 years later, what happens? It burns along the ground. It will burn the grass and some of the stumps that are left, but it will not crown to the top of these trees, creating the devastating fires we have seen.

Why haven't we been able to do that? I am sorry to say it is a combination of a lot of factors, but most of it goes back to one central problem: There are radical environmentalists who don't agree with this. Most mainstream environmentalists understand that this so-called ecological restoration is exactly what our forests need, and they are willing to support it. Yes, there are quibbles about, do you cut 16-inch or 24-inch diameter trees, but the concept is agreed to.

Some of the radicals are so afraid that there will be any commercial timber operation left standing in this country—and there is none in Arizona to speak of anymore—but they are so afraid somebody might make a little bit of money cutting timber commercially that they will do anything to prevent anybody from getting into the forest to cut trees; thus, our roadless policy, and thus, 5,000 appeals to Forest Service actions seeking to go into our forests and provide this kind of management. Between 40 and 50 percent of the Forest Service budget is devoted to dealing with these legal challenges.

Think about that for a moment. Talk about a litigious society. Between 40 and 50 percent of the Forest Service budget is devoted to these administrative and legal challenges to moving forward with this management. Part of the fault is Congress. We have written laws that are so open-ended and unclear that it is very easy for radical environmentalists to find something wrong and challenge one of these proposed management programs.

Bureaucrats make mistakes. It is always easy to stop a project. It is very difficult to move these projects forward, as a result of which a lot of Forest Service people have essentially given up. I have asked them and they say: Why should we propose any more? We will get stopped, and we don't have enough personnel to fight this in court or in the administrative process.

There is plenty of blame to go around. We tried to get more funding in the Congress, and, frankly, my colleagues have not been all that supportive. We tried to get support from this administration and the past administration. Again, we could have had a whole lot more help than we have received.

To its credit, this administration only had one budget, and I am hopeful that as a result of this—the Secretary of the Interior I know is strongly committed to this kind of management, as is the head of the Forest Service. I am hopeful that as unfortunate as the Rodeo fire is—and, by the way, the Chediski fire—might stimulate both the administration and my colleagues in the Congress to support more meaningful management practices.

I spoke with friends on the other side of the aisle who are anxious to help in this regard because all the Western States have the same environment. The ponderosa forest is a little different than other forests. They have their own nuances but generally the concept is pretty much the same.

We need to do three things. We need to, first, provide whatever supplemental funding is necessary to deal with the crisis that is here today. The Forest Service long ago spent all the money we gave it to fight fires. We are just entering the fire season. We have to replenish those accounts and get more money into the Departments of Agriculture and Interior.

Second, we have to in next year's budget provide adequate funding for the implementation of a forest plan that provides this management on a large-scale basis. The General Accounting Office said 3 years ago that we have to treat 35 million acres in a 15- to 20-year period or these forests will be lost forever through disease and burning. Now it is down to about 30 million because about 4 million of those have burned. But we still have a job and less time within which to do it. We need to devote the resources that are necessary, and that will mean spending some money.

Third, we will have to change some of the laws to provide for more expedited procedures to get these plans approved and to make it more difficult for frivolous objections to prevail or to slow up the process. If these plans are done in accordance with commonly accepted good management practices, then the burden should be on those opposing the sale to prove why the sale should not go forward.

When I use the term "sale," I want to be very specific. We do not have enough money in this country to treat these forests without commercial enterprise. I have gotten a little bit of money each year to support Northern Arizona University and the research people in Denver who hire AmeriCorps volunteers and grad students at the university to go out during the summer and do some of the work by hand. They can treat a few hundred acres doing that, but they cannot do a large area treatment that the GAO said is necessary. That is why we are going to need commercial enterprises to clear the forest of the debris, the fuel about which we are talking.

Somebody might make a little bit of money doing that, but it is not going to be by taking out the big trees that all of us want to preserve. It will be by having enough wood for fiber board, plywood, and a few poles for cabinet construction, for example. There may be a little bit of lumber but not very much.

Those are the actions we are going to have to undertake in the next few days to begin to deal with this situation. The one way we can begin to repair what has occurred and to keep faith with the people who have lost their homes and their livelihood, their livestock, and, frankly, the people of this great Nation who have now lost a tremendous resource of almost half a million acres in Arizona, one way we can help to make this right is to see it does not happen again. We can do that by implementing sound management that begins to restore our forests to the way God created them and the way they can be preserved if we will but treat them as we would treat anything that belongs to us in our own yard or in our own garden.

We would never hope to have a successful garden without ever weeding it, and there has been a parallel made of our forests to our gardens. To keep it healthy, one has to weed it every now and then. That is not unnatural. In fact, it is a very natural way of dealing with our forests.

Madam President, I join all who have expressed sympathies and best wishes for the people who have suffered as a result of this fire. I appreciate all the comments that have been made to me, expressions of concern and support. I am absolutely delighted President Bush is going to be flying to Arizona tomorrow to this little town of Show Low whose Fourth of July parade I do not think I have missed now in about 15 years. It is a beautiful little town. I know the people of Show Low and of northeast Arizona will appreciate the President's visit, and I know it will be on behalf of all of us that he visits there and expresses our sympathies and concerns and hope for the future as a result of our ability to join together and engage in sound management practice.

I support what he is doing. I regret I cannot join him. I know he would ask us to do the work here in response to this important Defense authorization bill.

I ask unanimous consent to print in the RECORD a Wall Street Journal editorial of Friday, June 21.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, June 21, 2002]

REVIEW AND OUTLOOK

THE FIRE THIS TIME

In December 1995, a storm hit the Six Rivers National Forest in northern California, tossing dead trees across 35,000 acres and creating dangerous fire conditions. For three years local U.S. Forest Service officials labored to clean it up, but they were blocked by environmental groups and federal policy. In 1999 the time bomb blew: A fire roared over the untreated land and 90,000 more acres.

Bear this anecdote in mind as you watch the 135,000-acre Hayman fire now roasting close to Denver. And bear it in mind the rest of this summer, in what could be the biggest marshmallow-toasting season in half a century. Because despite the Sierra Club spin, catastrophic fires like the Hayman are not inevitable, or good. They stem from bad forest management—which found a happy home in the Clinton Administration.

In a briefing to Congress last week, U.S. Forest chief Dale Bosworth finally sorted the forest from the tree-huggers. He said that if proper forest-management had been implemented 10 years ago, and if the agency weren't in the grip of "analysis paralysis" from environmental regulation and lawsuits, the Hayman fire wouldn't be raging like an inferno.

Mr. Bosworth also presented Congress with a sobering report on our national forests. Of the 192 million acres the Forest Service administraters, 73 million are at risk from severe fire. Tens of millions of acres are dying from insects and diseases. Thousands of miles of roads, critical to fighting fires, are unusable. Those facts back up a General Accounting Office report, which estimates that one in three forest acres is dead or dying. So much for the green mantra of "healthy ecosystems."

How did one of America's great resources come to such a pass? Look no further than the greens who trouped into power with the last Administration. Senior officials adopted an untested philosophy known as "ecosystem management," a bourgeois bohemian plan to return forests to their "natural" state. The Clintonites cut back timber harvesting by 80% and used laws and lawsuits to put swathes of land off-limits to commercial use.

We now see the results. Millions of acres are choked with dead wood, infected trees and underbrush. Many areas have more than 400 tons of dry fuel per acre—10 times manageable level. This is tinder that turns small fires into infernos, outrunning fire control and killing every fuzzy endangered animal in sight. In 2000 alone fires destroyed 8.4 million acres, the worst fire year since the 1950s. Some 800 structures were destroyed—many as a fire swept across Los Alamos, New Mexico—and control and recovery costs neared $3 billion. The Forest Service's entire budget is $4.9 billion.

That number, too, is important. Before the Clinton Administration limited timber sales, U.S. forests helped pay for their own upkeep. Selective logging cleaned up grounds and paid for staff, forestry stations, cleanup and roads. Today, with green groups blocking timber sales at every turn, the GAO says taxpayers will have to spend $12 billion to cart off dead wood.

It's no accident that two of the main Clinton culprits—former director of Fish & Wildlife Jamie Rappaport Clark and former Forest Service boss Michael Dombeck—have both landed at the National Wildlife Federation, which broadcasts across its Internet homepage, "Fires Are Good."

Fixing all of this won't be easy. After 30 years of environmental regulation, the Forest Service now spends 40% of its time in "planning and assessment." Even the smallest project takes years. Mr. Bosworth has identified the problems, but fixing them will require White House leadership and Congressional cooperation.

One solution would be to follow the lead of private timber companies, whose forests don't tend to suffer such catastrophic fires. Their trees are an investment; they can't afford to let them burn. Americans should feel the same way about theirs.

MANAGEMENT OF OUR FORESTS

Mr. **DOMENICI**. Madam President, I know a number of Senators who are in the Chamber who could probably speak to this subject better than I. Certainly the Senator from Wyoming and the Senator from Colorado know plenty about the subject matter. But I thought I might give my own assessment, very cursory in nature but, nonetheless, somewhat relevant.

We here in Washington, DC, are only getting to view the State of Arizona, as it burns, on our television sets. We have seen, in the last few days, large forests in Colorado burn. They are not under control yet. We can only imagine the additional fires that are likely to come in the State of New Mexico. New Mexico has already had a number this year. We also had a series last year and the year before.

Senators remember when we came to the floor about Los Alamos, NM. There, the forest burned right around the city of Los Alamos. We lost almost 400 houses. We have not lost that many this year, but the way the fire season looks, there will be plenty of damage.

I just want to say to the Senate and to those listening, it is this Senator's opinion that we have not made an American decision about the maintenance of our forests.

I believe we have made decisions in a haphazard way because of litigation and certain people in our country who think they know best about forest management. These same people have prevailed in the courts over our professional managers. It leaves us wondering tonight how many more hundreds of thousands of acres will burn? And we don't know. But what many of us think is that our forests are not being managed and maintained. They do not have the maximum opportunity to stand, but rather are likely to burn down.

Our forests are so clogged with underbrush that you cannot even walk in some of them—but they sure will burn. I submit that we have taken for granted too long that forest management is going all right. Now, the courts are determining lawsuits, which, in turn, determine forest management policies. It seems to this Senator that it is all finally catching up.

When drought and heat are combined with forests clogged with fuel, the incendiary nature is so severe. We sit here every year wondering what we can do in our committees. We continue to call the land managers and they tell us they are making headway. It is hard to see sometimes, but pretty soon we must get this done.

I believe this year—even though we cannot finish it—we ought to start with the appropriate committee and get prepared to undertake a major senatorial investigation of the forests of the United States, including those that are part of the Agriculture Department and those that are BLM. We should make some determinations sooner rather than later, as to whether we have been maintaining the forests in a manner that is most apt to cause them to be burned down, and that either is or is not good for our country.

Some think what I just described is good. I don't think it is. But I think we owe it to our people to get the experts of our country and make a big, major American decision: Are we to maintain our forests so they are filled with underbrush that will burn down, or are we to maintain it another way? Which way are we maintaining it? Is it in an orderly manner, or is it being determined by court cases pushed and pursued by endangered species laws and others that have caused our forests to be so mismanaged that they are just ready to burn and burn? This isn't the last one today. We are not even in the middle of the summer. Imagine. We see forests out there loaded with underbrush, with the hot, boiling sun, no rain or clouds in the sky, but no trees on the ground either.

Just in passing, it is amazing because, even when the trees are all burned we cannot cut them down. We have to leave them there to rot because there are some who win in the courts of law and say that is a better way to manage. So there they stand as relics to a management plan that, to this Senator, seems to say that our forests are not managed, but mismanaged.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **REID**. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3954 TO S. 2514

Mr. **ALLARD**. Madam President, on Friday, amendment No. 3954 to S. 2514 was approved by the Senate and I would like to make a few remarks regarding this important provision.

I am proud to have sponsored this amendment with my good friend from

Florida, Senator NELSON. We both have a strong interest in space, for personal and constituent reasons, and believe this amendment, while only a Sense of the Senate, is important to show that the Senate is on record supporting assured access to space.

United States national security and economic vitality depend on our ability to launch a variety of satellites into earth orbit. Access to and utilization of space provides an advantage to the United States that must be maintained. Unfortunately, significant contractions in the commercial space launch marketplace have eroded the overall viability of the United States space launch industrial base and could jeopardize the ability of the Department of Defense to provide assured access to space in the future.

The Evolved Expendable Launch Vehicle, EELV, program is the Air Force's solution for assured access. EELV is designed to be more responsive and affordable than current launch vehicles. With EELV, the Air Force has adopted a commercial launch services approach. The DOD also shared with the contractors the investment to develop next generation launch vehicles—the Atlas V and Delta IV. In 1997, at a time when worldwide projections envisioned 70 launches per year, the Air Force decided to retain both EELV contractors rather than down selecting to a single provider. The commercial satellite marketplace, it appeared, would provide adequate sustainment for the U.S. space launch industrial base, thereby justifying the large contractor investments in EELV, and providing the DOD a more robust assured access capability for a relatively modest government investment. Since 1997, however, such launch projections have deteriorated by 65 percent. The 2002 projection envisions approximately 25 launches per year.

As the EELV program transitions from development to recurring operations, the Air Force is evaluating a range of options for sustaining the launch infrastructure and industrial base necessary to assure access to space. The key to this effort is the maintenance of two financially stable launch service providers that will keep U.S. launch providers competitive in the global market and provide backup for any technical or operational problems that may be encountered. Such a program will not fundamentally alter the projected cost savings associated with the EELV program, a 25–50 percent reduction over today's systems. The Air Force is currently negotiating with the two EELV contractors to develop an appropriate cost and risk sharing strategy for assured success.

The amendment calls on the Air Force to evaluate all the options for sustaining the space launch industry base, develop an integrated, long-range, and adequately funded plan for assuring U.S. access to space, and for the Air Force to submit a report to Congress at the earliest possible time.

Again, I want to thank Senator NELSON for working with me on this simple but important sense of the Senate. I look forward to working with him on this and other space issues in the future.

MILITARY CHIEF NURSES

Mr. INOUYE. Madam President, today I wish to address a timely and important amendment to increase the grade for the Chief Nurses of the Army, the Navy, and the Air Force to that of two stars. The existing law limits the position of Chief Nurse of the three branches of the military to that of Brigadier General in the Army and Air Force, and Rear Admiral, lower half, in the Navy.

Chief Nurses have a tremendous responsibility, their scope of duties include peacetime and wartime health care delivery, plus establishing standards and policy for all nursing personnel within their respective branches. They are responsible for thousands of Army, Navy, and Air Force officer and enlisted nursing personnel in the active, reserve, and guard components of the military. The military medical mission could not be carried out without nursing personnel. They are crucial to the mission in war and peace time, at home and abroad.

Organizations are best served when the leadership is composed of a mix of specialties, of equal rank, who bring their unique perspectives to the table when policies are established and decisions are made. This increased rank would guarantee that the nursing perspective is represented on critical issues that affect the military medical mission, patient care, and nursing practice. I believe it is time to ensure that the military health care system fully recognize and utilize the leadership ability of these outstanding patient care professionals.

E-MAIL SECURITY

Mr. HATCH. Madam President, I rise today to address the Senate on an increasingly important topic: the security of the Internet, and specifically, the security of the e-mail we send across the Internet.

During my service on the Judiciary Committee I have held and attended a number of hearings on Internet oversight, and on the development of related legislation. Despite a thinning in the ranks of Internet focused companies, the Internet of course continues to become a more and more important part of our economic and personal lives.

In the wake of the September 11th and anthrax attacks, much of our attention has been focused on national security issues. The interruptions in traditional communications systems like the phone and traditional mail systems underscore the wisdom of the founders of the Internet, which began as a Defense Department project to develop a communications system that would be flexible and decentralized enough to withstand attacks that might cripple other systems. Internet technology is continually changing, and we need to be aware of its capabilities as well as any signs of vulnerability that can be exploited by those bent on using Internet access to attack the integrity of communications or vital data. In particular, since the anthrax attacks the nation has come to rely even more heavily on e-mail. There is no doubt that trust and confidence in e-mail, especially between businesses and consumers, is critical to the vital role such mail has played during recent months in keeping the channels of commerce and communication open despite blows to telephone service and traditional mail.

Yet, the Internet is vulnerable in its own ways. The Internet itself can be used by terrorists as well as by those of good intentions. While e-mail cannot be used by criminals and terrorists to spread harmful biological or chemical agents, there are risks in the way most e-mail is generated and transmitted. We have all been familiar with the various viruses that have been sent via e-mail and affected many computer systems. Among some of the risks are loss of privacy through unauthorized access to e-mail in transit and through invasions of e-mail host databases. Another technique is "spoofing," in which messages are sent purporting to be from a trusted sender in order to deceive the recipient, especially individual consumers and other citizens. We are increasingly threatened by viruses and other malicious code that can be carried on e-mails and unwittingly activated by the recipient.

We need to review industry's ongoing efforts to answer these challenges, and assess what individual consumers and policy makers can do. Some of these threats are familiar, others are just emerging. For example, by sending messages with spoofed false send identities and misleading subject identifiers, hackers and unethical marketers can overcome the reluctance of even experienced e-mail recipients to open mail from unknown sources. As users are hurt or inconvenienced by falsified messages, their trust and confidence in the medium is damaged, and the usefulness of e-mail for all legitimate senders declines. We addressed some of these concerns in the PATRIOT Act last year, as we included a number of reforms to our computer fraud and abuse laws. It will be easier to investigate and prosecute unauthorized access to computer systems and to prevent cyberattack with these changes.

America has deep strategic interests in advancing the Internet, and especially its most frequently used service: e-mail. I am hopeful that, and have read about, new technologies and practices that can help improve sender accountability for e-mail, empower recipients to screen e-mail by assuring them of its real sender, and deliver on the promise of greater privacy for personally identifiable data.

It is important that we continue our efforts to keep our laws updated with new technologies and threats that could be posed using such new technologies. We should also take actions to motivate industry and the public where more needs to be done. Over the years, the public has come to value e-mail's convenience and speed, and to trust it as an alternative to the traditional postal envelope.

PROMOTING FOREIGN LANGUAGE PROFICIENCY IN THE FEDERAL WORKFORCE

Mr. AKAKA. Madam President, I rise today to urge the passage of two bills vital to our Nation's ability to combat terrorism, S. 1799, the Homeland Security Education Act, and S. 1800, the Homeland Security Federal Workforce Act. These bills are designed to assist our nation's national security agencies in recruiting individuals fluent in crucial foreign languages and skilled in other areas of critical concern. I fear that the lack of foreign language-speaking employees has contributed to one of the worst security lapses in the history of our great Nation.

The information that has surfaced in recent weeks about our intelligence agencies' inability to articulate a complete intelligence picture in the weeks and months preceding September 11 underscores the need for language-proficient professionals throughout Federal agencies to decipher and interpret information from foreign sources, as well as interact with foreign nationals.

In the article by Katherine McIntire Peters from the May 1, 2002, Government Executive Magazine, entitled "Lost in Translation," she demonstrates explicitly how a critical shortage of Federal employees with foreign language skills is hurting national security. According to the article, the Army has a 44-percent shortfall in translators and interpreters in five critical languages, including Arabic, Korean, Persian-Farsi, Mandarin-Chinese, and Russian; the Department of State lacks 26 percent of its calculated need in authorized translator and interpreter positions, and the FBI has a 13-percent deficiency in the staffing of similar positions.

With such a startling lack of workers with proficient foreign language skills throughout the Federal Government, enacting S. 1799 and S. 1800 is essential for our national security. The 107th Congress must act now to alleviate these grave deficiencies to recruit personnel possessing vital skills. To do this, we must promote the pursuit of language skills at all levels of education.

S. 1799 strengthens national security by assisting in the expansion and the improvement of primary through graduate-level foreign language programs. This bill gives a boost to the foreign language programs taught in our Nation's schools by promoting concentrated and effective language study and by providing intensive professional development for teachers. Language study from a very early age will open students' minds to the opportunities and benefits of learning foreign languages. These benefits, combined with an across-the-board strengthening in science and engineering programs, will ensure an educated and competitive citizenry while providing a qualified applicant pool for national security positions.

S. 1800 provides incentives for accomplished university students to enter governmental service. The bill provides an enhanced loan repayment program for students with degrees in areas of critical importance and also provides fellowships to graduate students with expertise in similarly sensitive areas. These incentives will result in the recruitment of the highly-trained, dynamic young individuals our Nation needs to assist in the war against terrorism.

Our security organizations will benefit tremendously from an influx of proficient foreign language speakers. In addition to increasing the number of security personnel entering the Federal service with language proficiency, the legislation encourages current employees to improve their language ability and to hone other skills. We must provide training to improve foreign language skills of our present Federal workers and invest in the next generation of employees to ensure a dedicated and capable workforce that will contribute to our national security. The legislation I and the other sponsors have proposed would accomplish this.

I urge my colleagues to support S. 1799 and S. 1800.

I ask unanimous consent that the Government Executive Magazine article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

[From the Government Executive Magazine, May 1, 2002]

LOST IN TRANSLATION

(By Katherine McIntire Peters)

When then-CIA field agent Robert Baer served in Tajikistan in the early 1990s, he saw a golden opportunity to collect information that might prove vital to U.S. interests. Thousands of refugees were pouring into Tajikistan from Afghanistan, where civil war was raging. The refugees represented a gold mine of intelligence from a nation at the crossroads of American interests in the region. But Baer, who spoke Arabic and Russian, didn't speak Dari or Pashto, the language predominant among the refugees. So he contacted CIA headquarters and asked the agency to send Dari and Pashto speakers to debrief the refugees. The CIA couldn't—there weren't any, according to Baer. The refugees continued to come, and the United States missed an opportunity to get a life-saving glimpse into the brewing threat of radical Islam in Afghanistan.

Baer related his experiences in See No Evil (Crown Publishers, 2002), his memoir of a 21-year career in the CIA. During his two decades of service, the agency grew increasingly reliant on satellite technology and electronic intelligence-gathering at the expense of maintaining the language skills and regional expertise of its field officers. When Baer was transferred out of Tajikistan in 1992, his replacement spoke neither Tajik nor Russian, essentially crippling the agency's human intelligence-gathering efforts there, an assessment confirmed by another U.S. government official who served in Tajikistan at the time.

Baer's experience is hardly unique. Across government, countless opportunities are squandered every day for want of personnel who speak and understand foreign languages. While Baer was lamenting the CIA's lack of people with language skills in Central Asia, the FBI was sitting on its own gold mine of information back in New York—if only the agency had had the eyes and ears to recognize it. Only after terrorists bombed the World Trade Center in February 1993, did agents go back and translate previously taped phone conversations and confiscated documents, all in Arabic, that offered vital clues to the bombings. But the FBI missed those clues because it didn't have enough translators to get through the material when it might have been useful in preventing an attack, instead of understanding the attack after the fact.

More than 70 federal agencies require employees with foreign language skills, which are vital to national defense, law enforcement and economic security. In March, Susan Westin, managing director of international affairs and trade issues for the General Accounting Office, told the Senate Governmental Affairs Subcommittee on International Security, Proliferation and Federal Service that shortages of language-qualified personnel have hindered operations in a range of areas:

The Army doesn't have enough linguists to support its current war plans or meet intelligence-gathering requirements.

Intelligence agencies lack the staff to translate and interpret thousands of technical papers that detail foreign research and development in scientific and technical areas.

Without more timely translation of Spanish conversations, the assistant U.S. attorney in Miami in charge of health care fraud investigations soon will have to turn away cases. The implications are significant: Medicare and Medicaid losses in the region top $3 billion.

The FBI holds thousands of hours of audiotapes and pages of written material that never have been reviewed or translated because the agency lacks qualified linguists. FBI officials told GAO the situation has hindered criminal prosecutions and limited the agency's ability to arrest and convict violent gang members.

Lack of proficiency in foreign languages among State Department personnel has hindered diplomatic readiness, resulting in ineffective representation and advocacy of U.S. interests abroad, lost exports and foreign investments, and lost opportunities combating international terrorism and drug trafficking.

POOR PLANNING

It is impossible to know the full extent to which a lack of language expertise hurts American interests. The Office of Personnel Management doesn't maintain comprehensive records of the number of federal employees with foreign language skills, or the number of positions that require such skills. OPM's records indicate that the government employs fewer than 1,000 translators and interpreters—a specially designated job series in the federal workforce. But tens of thousands of additional positions across government require language skills.

In January, GAO reported in "Foreign Languages: Human Capital Approach Needed to Correct Staffing and Proficiency Shortfalls" that the lack of competence in foreign languages has hindered U.S. commercial interests, military operations, diplomacy, law enforcement, intelligence operations and counter-terrorism efforts (GAO–02–375). To assess the situation broadly, GAO auditors reviewed operations at four agencies where language skills are critical: the State Department, the FBI, the Army, and the Foreign Commercial Service, which is part of the Commerce Department.

The Army, State Department and FBI all reported significant shortages in translators and interpreters, positions that tend to require the highest levels of skills. The Army reported, on average, a 44 percent shortfall in translators and interpreters in five critical languages—Arabic, Korean, Mandarin-Chinese, Persian-Farsi and Russian. The State Department had a 26 percent shortfall in authorized translator and interpreter positions, and the FBI had a 13 percent shortfall. (The Foreign Commercial Service does not have designated translator and interpreter positions, but hires locally for those jobs.)

All four agencies reported shortages in other positions requiring language skills:

The Army has about 15,000 positions requiring proficiency in 62 languages. Last year the service had 142 unfilled positions for cryptologic linguists in Korean and Mandarin Chinese, and 108 unfilled positions for human intelligence collectors in Arabic, Russian, Spanish, Korean and Mandarin Chinese.

The State Department has 2,581 positions requiring some foreign language proficiency spanning 64 languages. State has acknowledged its lack of Foreign Service officers who meet language requirements, but it doesn't have reliable data to show the extent of the problem—two different agency reports put shortfalls at 50 percent and 16 percent.

The Foreign Commercial Service had significant shortfalls, 55 percent overall, in staff with the required proficiency in Mandarin-Chinese, Russian, Japanese, Indonesian, Korean and Turkish.

The FBI had 1,792 special agents with skills in 40 languages, adding tremendously to the agency's ability to interview suspects and develop connections with informants. However, the FBI does not set staffing goals for special agents with foreign language skills, making it impossible to determine shortfalls.

In many cases, the problems agencies have with hiring and keeping personnel with language skills stem from deeper management challenges. For example, budget cuts at the State Department throughout the 1990s left the Foreign Service with about 1,000 vacancies by the time Secretary of State Colin Powell took office in January 2001. "These are positions that existed that we had no bodies to fill," says John Naland, president of the American Foreign Service Association. "The people we did have had to be rushed to post. In a lot of cases language training had to be shortened or not provided at all. That's a huge problem and a legacy of the lack of hiring in the 1990s." One of the first things Powell did was request an increase in resources, in both staffing and operating funds, to fill the personnel deficit and hire enough extra Foreign Service officers over the next three years to maintain a "training float"—a reserve of employees assumed to be in training at any given time. If Congress continues to fund the plan, "We'll be able to put someone in two years of Arabic training or Chinese training and there won't be a vacancy in Cairo or Beijing while they're in training," Naland says. But even if State and other agencies were fully staffed, they wouldn't necessarily have enough people with the right skills to meet their language requirements. Advances in technology and wider access to foreign language publications have tremendously increased the need for employees who can read and understand non-English materials.

Of the four agencies that GAO focused on, only the FBI has a staffing plan that links its foreign language program to its strategic objectives and program goals. GAO found that the FBI plan identified strategies, performance measures, responsible parties and resources the bureau needs to fill its language deficit. None of the other agencies had a comprehensive strategy for resolving shortages.

NO EASY SOLUTIONS

Military deployments in recent years have revealed shortages of personnel skilled in languages few Defense planners anticipated needing. When U.S. troops were deployed to Somalia in 1992, for instance, the Defense Department found itself desperately seeking hundreds of Somali interpreters. Many had to be recruited from the ranks of new immigrants found driving taxi cabs in New York and Washington. The current deployment to Afghanistan is presenting similar challenges. The languages of Afghanistan include Pashto, Dari, Azgari, Uzbek, Turkmen, Berberi, Aimaq and Baluchi—languages few Americans even recognize, let alone speak. The war on terrorism virtually ensures that U.S. troops will be operating in regions where language skills will be in short supply.

It's a problem that's become familiar to the faculty at the Defense Language Institute in Monterey, Calif., the largest language school in the world and the source of 85 percent of language training for government personnel, primarily Defense. Since the fall of the Berlin Wall and the end of the Cold War, U.S. military language requirements have expanded dramatically, and the DLI has responded. Unlike colleges and universities the DLI produces students with the skills the Defense Department and military services demand.

"We don't put out a class list and then hope people will enroll," says DLI Chancellor Ray Clifford. "The enrollments take place first. As enrollments shift, we adjust our faculty and teaching strength."

Last year, 2,083 students graduated from basic language training in 20 languages. Depending on the difficulty of the language, training lasts from 25 weeks to 63. In 2001, more than half of DLI students were enrolled in four of the toughest languages for Americans to learn: Arabic, Chinese-Mandarin, Korean and Persian-Farsi. (Several hundred more students completed intermediate and advanced training as well.)

Neil Granoien, a former Russian instructor and former dean of the DLI's Korean school, now oversees a special task force to provide support to Operation Enduring Freedom in Afghanistan. The DLI recently has added new courses in Pashto, Dari and Uzbek, and plans to add courses in Basha Indonesian, Urdu and Turkic languages.

There are considerable challenges in creating language courses for some of the more obscure languages now needed, says Granoien. In many cases, instructors must first develop grammar where none exists. "People have been writing Spanish grammar for a couple hundred years, French even longer. If you take a language like Uzbek, there's much work to be done, or [Pashto], for example, where there's very little work that's been done, and most of that was done in Victoria's reign." That's Queen Victoria, who ruled Britain from 1837 to 1901, when the British controlled much of the area that is now Afghanistan.

"We've got considerable expertise in the applied linguistics area so we're able to [develop the grammar], but it's not something that happens overnight and it's not something you pull off a shelf," Granoien says.

Finding enough qualified instructors is another major challenge. "The faculty we need to find are not being produced for us by U.S. colleges and universities," says Clifford. Ideally, instructors will be qualified teachers as well as native speakers able to function linguistically at a professional level. Typically, the Defense Language Institute recruits foreign students doing graduate work in the United States in the field of teaching English as a second language, but the institute can't find instructors for some of the more obscure languages for which the school is now recruiting. Granoien recently found four Turkmen instructors through a friend who was traveling in Turkmenistan. The DLI has found a few other instructors through contacts with South Asian relief agencies.

Once faculty are recruited and trained—the DLI has a one-month intensive training program for native speakers with little or no teaching experience—building a curriculum and developing testing programs is another challenge. The language programs are based on real-world instruction, making it difficult to teach languages that are rarely published in newspapers, magazines and the like.

The DLI is accredited, and students completing the intensive basic program in any language receive 45 semester hours of college credit. To successfully complete the program, students must pass a battery of tests that measure their proficiency in speaking, reading and listening. Proficiency levels range from Level 1 (elementary), in which an individual can speak well enough to get his or her basic needs met and demonstrate common courtesy, to Level 5 (functionally native), in which an individual has the proficiency of an articulate, well-educated native speaker.

The institute's basic training program is designed to get students to Level 2 (limited working ability), in which they can handle routine social demands and deal with concrete topics in the past, present and future tenses. "It doesn't enable them to go on to hypothetical areas or be able to read between the lines," Granoien says. To achieve proficiency at Levels 3 and 4, the general and advanced professional levels, students generally need practical experience, he says.

The school also maintains an extensive field program, and develops programs to meet the specific needs of military personnel in the field. Last year, the DLI provided 20,000 hours of instruction in far-flung locations, broadcast from the Monterey campus.

LONG-STANDING PROBLEMS

Most of the attention on language skills shortfalls has centered on Arabic and languages used in and around Afghanistan, but just as worrisome for Defense officials is the shortage of personnel with language and regional expertise in Asia.

In a recent study of the Defense Department's preparedness for dealing with emerging security issues in Asia, researchers at DFI International, a Washington research and consulting firm, found that language training outside the intelligence field was a low priority in the military services, mainly because of limited resources. Compounding the problem is the absence of a Defense strategy for identifying critical language requirements and providing top-down guidance to the services on meeting those needs. Instead, each service independently defines its language requirements and determines its policy for rewarding language skills with bonus pay. The payments generally are not high enough to provide troops with sufficient incentive for the difficult task of maintaining language skills. Also, most services don't differentiate between critical languages in which the services are experiencing shortages, and those more commonly spoken, such as Spanish and French.

Only the Army has embraced the concept of training regional specialists. Through its career-track Foreign Area Officer Program, officers develop regional expertise and language skills. DFI noted that the Air Force and Navy FAO programs are underdeveloped and ineffective, which is of particular concern in Asia, where those services predominate.

In its final report Sept. 30, "Focusing the Department of Defense on Asia," DFI also noted that only a small percentage of regional policy positions at the U.S. Pacific Command were filled with qualified personnel. Navy and Air Force regional headquarters offices each have five "country desk" billets in their policy and planning directorates, but "only one of the five incumbent officers in these billets has any regional experience or expertise." The Marine Corps had only a single desk officer for the entire Asia-Pacific area. "As security challenges in the Asia-Pacific theater rise, so do intelligence requirements. However, a shortfall of properly trained analysts and Asian linguists is creating backlogs in the analysis of gathered [intelligence]," according to the DFI report. "China poses a particular problem: Officials at the Joint Intelligence Center Pacific noted that, even if they dedicated all of their all-source intelligence analysts to China, they would still not have enough analysts to handle China intel/analytical requirements alone."

The shortage of language-qualified personnel in government and its harmful effects on national security are not new—nor is concern about language deficits. DLI's Clifford says the United States has a long history of ambivalence about the value of foreign languages: In 1923, the U.S. Supreme Court had to overturn laws restricting the teaching of foreign languages in 22 states. In 1940, a national report on high schools determined that "overly academic" programs were causing too many students to fail. The report recommended eliminating foreign language instruction. By the late 1950s, however, concern about being outpaced by the Soviet Union resulted in the 1958 National Defense Education Act, which, among other things, was designed to produce more foreign language teachers and programs. But enthusiasm was short-lived. The 1979 Presidential Commission on Foreign Language and International Studies found that "Americans' incompetence in foreign languages is nothing short of scandalous, and it is becoming worse."

In many ways, the problems of federal agencies with recruiting and training language-competent employees reflect the failure of our public education system. According to data compiled by the Center for Applied Linguistics, the vast majority of elementary schools don't teach foreign languages, and while 86 percent of high schools offer foreign languages, few high schools offer instruction in languages beyond Spanish or French. According to 1998 survey data from the Modern Language Association, a New York-based professional group, about 8 percent of college students are enrolled in foreign language classes. And as anyone who has studied a language in high school or college knows, taking classes does not necessarily result in proficiency.

"To build the kind of expertise the government needs in intelligence and defense and economics, we have to recognize that language learning is long-term, serious, and difficult," David Edwards, executive director for the Joint National Committee for Languages, said at a January briefing on language and national security sponsored by the National Foreign Language Center and the National Security Education Program.

"As most other nations of the world already know, we have to begin the process in the elementary schools and continue it the whole way through graduate school if we're to do it well," Edwards said.

"We cannot address the government's language needs without addressing the nation's language needs," Edwards added.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 11, 2000 in New York, NY. Four Hasidic Jewish men were stabbed on the Coney Island boardwalk after a confrontation with a group of Latino men. Police said that anti-Semitic slurs were used during the attack, and were investigating the incident as a possible bias crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE ACHIEVEMENTS OF UNL BASEBALL

• Mr. NELSON of Nebraska. Madam President, Nebraska is a state that has long been known for its great college football teams. However, with a second consecutive trip to the College World Series, the Nebraska Cornhuskers baseball team is on its way to establishing a tradition of excellence just as strong as their counterparts on the gridiron.

While I am certain that my disappointment at the Huskers early exit from the tournament this year is shared by many of my fellow Nebraskans, we should remember that this team has given us many things of which to be proud.

First, it seems as though the Huskers have set a record for record setting this year. Second baseman Will Bolt set or tied 7 career school records. Outfielder Daniel Bruce set a dubious record by being hit by a pitch 26 times this season and the team set a record with 95 Husker hitters plunked this season. Catcher Jed Morris set or tied 3 school records and became only the second Husker to be named the Big 12 Player of the Year.

Seven players also received recognition for their academic accomplishments, applying the dedication they learned on the field to the classroom.

Record numbers of fans came out to support the Huskers this year and season ticket sales soared 400 percent as the new Hawks Field at Haymarket Park in Lincoln opened.

However, all of these achievements would not be possible without teamwork. The diverse Husker team, with players from 15 different states, worked together to produce an impressive 47–21 season.

These accomplishments give us reason to be proud of our Huskers. And while the College World Series may not have turned out how we had wished, we can all look forward to next year and hope the Husker baseball team continues its winning ways.•

35TH ANNIVERSARY OF THE METROPOLITAN CHORUS

• Mr. ALLEN. Madam President, I want to recognize the Metropolitan Chorus of Arlington County, VA. Tonight the Metropolitan Chorus will complete its 35th anniversary season with a performance at Lubber Run Amphitheater in Arlington, VA.

The 90-voice chorus offers residents the opportunity to perform and hear the great choral works. Concerts feature music of great variety and scope that spans the period from the Renaissance to the 21st century with a strong emphasis on American composers.

The chorus has performed throughout the Washington, DC, metropolitan area, including the Kennedy Center, Constitution Hall, The National Building Museum, the Smithsonian Institution, and the Rachel M. Schlesinger Concert Hall. In addition to the formal concert season, the chorus presents several informal free concerts each season as a special service to the community. The chorus has also performed internationally, traveling to Italy; Sydney; Australia; New Zealand; Austria; Finland; Russia and Brazil to compete.

I congratulate the Metropolitan Chorus on its 35th anniversary and wish them continued success for many more years.●

IN MEMORY OF MASTER SGT. PETER TYCZ

● Mrs. CLINTON. Madam President, it is with deep sadness that I stand before you today to honor the life and service of Master Sgt. Peter Tycz, who made the ultimate sacrifice for his country. I want to express my deepest sympathies to his wife and their five children for their heart-wrenching loss. Master Sgt. Tycz was killed June 12 when his plane caught fire and crashed after taking off from an airstrip in Afghanistan. Our entire nation is saddened by this immeasurable loss and I rise in recognition of his profound contribution to America.

A native of Tonawanda, New York, Master Sgt. Tycz was a Green Beret and the father of five girls, ages 1 to 9: Elizabeth, Samantha, Faith, Tiffany and Felicia. He joined the Army out of high school and was committed to the fight for freedom wherever it took him. He welcomed the opportunity to defend America in Afghanistan. Master Sgt. Tycz wrote in an email to his mother, Terry Harnden, this past fall, which read: "[I] will have to make great sacrifices to make sure our lifestyle is not threatened and I'm prepared to do that." His daughters will grow up knowing that their father was a true American hero who represents the very best of our great Nation.

Master Sgt. Tycz's sacrifice for his country reminds us of the enormous debt of gratitude we owe all of our men and women in uniform—those who risk their lives and, in particular, those who have been lost in the defense of our country. Their courage and steadfast determination keeps America safe and our freedom strong.

We are grateful to Master Sgt. Tycz and the many American service men and women like him who are determined to defend and protect our great country. In that same email to his mother, Master Sgt. Tycz wrote, "Do not ever be sad for me because you will defeat my reason for being." I hope that we will always remember his words and that they will bring us all, most especially his family, comfort and strength.●

PASSING OF JUSTIN DART, JR.

● Mr. McCAIN. Madam President, our Nation lost a true champion on June 22, when Justin Dart, Jr. passed away in his sleep at the age of 71. Afflicted with polio at a young age, Justin Dart didn't let his wheelchair get in the way of fighting for the rights of the disabled for more than five decades. Today, millions of disabled Americans have more opportunities and better access to public facilities because of the tireless work and dedication of Justin Dart.

From 1988 to 1990, he served as Chairman of the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities and was instrumental in getting the Americans with Disabilities Act signed into law in 1990. To ensure its passage, Justin literally visited all fifty states to educate Americans about the barriers people with disabilities face every day in their lives, and he spent countless days on Capitol Hill to make the ADA a reality.

In 1998, to honor his lifelong public service, President Clinton awarded Justin Dart our Nation's highest civilian honor, the Medal of Freedom, and told those who gathered to honor him that Justin had "literally opened the doors of opportunities to millions of our citizens by securing one of the Nation's landmark civil rights laws." Such tremendous desire to help secure the rights of others defined the life of Justin Dart. America is a better place because of his great work.

I know that I speak for all Americans when I say that we will miss you, Justin, but a day will never go by without us seeing the doors you opened for so many with disabilities.●

LARRY FELDMAN, JR.

● Ms. LANDRIEU. Madam President, today I rise to honor and congratulate Mr. Larry Feldman, Jr., who will be sworn in as President of the Louisiana State Bar Association on June 28, 2002. His assumption of the role of President is the culmination of a lifelong commitment to service in the Bar Association. Larry received his J.D. degree in 1974 from the LSU Paul M. Hebert Law Center and was admitted that year to practice in the State of Louisiana. Since this time he has been actively involved in the Bar Association. Larry has also demonstrated a commitment to excellence in programming on the Continuing Legal Education Program Committee and served as Chairman of the Committee from 1986–1987. He was one of the pioneers of the Sandestin Summer School for Lawyers. He served on the Board of Governors from 1994–1997. He was Secretary of the Association from 1997–1999, a position in which he served as Editor of the Louisiana State Bar Journal. In 1996, he received the LSBA's President's Award, which is the highest award given by the Louisiana State Bar Association to a member for their service to the organization. Through all of his effort, Larry Feldman has clearly demonstrated his dedication to the Association. However, Larry has not only been dedication to the Association, but also to his family. As the father of three daughters, he has shown that giving children a strong sense of self and independence is a great gift. As a devoted son, he has displayed that love, warmth, and support are excellent gifts to parents as they age. And as a husband, he has proven that love is best when it is between equals. Larry is known for his cooking, his quick wit, and his love of a good time. He is much sought after as a lawyer and, more importantly, as a friend. I congratulate Larry for all he has done, both in and out of the courtroom, and wish him the best of luck as he begins his service as President of the Louisiana State Bar Association.●

HONORING CARL WICKLUND

● Mr. BUNNING. Madam President, I stand among my colleagues today to honor and congratulate Carl Wicklund or Kenton County, KY on being named the 2002 recipient of the Warren H. Proudfoot Award for Outstanding School Board Member.

The Proudfoot Award is named after the late Dr. Warren H. Proudfoot, a longtime member of the Rowan County Board of Education and past president of the Kentucky School Board Association. Created in 1992, the award recognizes a past or present member of a school board for distinguished leadership and community service.

Mr. Wicklund received this year's award due primarily to his work in establishing a special class in conjunction with the Northern Kentucky Chamber of Commerce to allow students considering a career in manufacturing a first-hand look at the industry by visiting area businesses and observing their day-to-day operational procedures. Mr. Wicklund's hard work and selfless acts deserve our recognition.

In order for Kentucky to improve upon itself socially, economically and technologically, education must be a top priority for kids, parents and board members. Only when all three of these groups are working together can we ensure that our youth are receiving the proper educational attention. Carl Wicklund has personally gone above and beyond the call of duty to create more and better opportunities for Kentucky's youth. I applaud him for his hard work and dedication and congratulate him on receiving this prestigious award.●

IN MEMORY OF GUNNERY SERGEANT JOHN BASILONE

● Mr. SANTORUM. Madam President, today I stand before you to recognize the outstanding service exemplified by United States Marine Sergeant John Basilone. Sergeant Basilone was killed in action fighting at Iwo Jima on February 19, 1942. He remains distinguished as the only enlisted Marine to receive three of the military's highest honors: The Medal of Honor, the Purple Heart, and the Navy Cross.

Sergeant Basilone enlisted in the Army at eighteen years of age and became known as "Manila John" during his service in the Philippine Islands. After receiving an honorable discharge from the Army, young Basilone returned home. It was not long, however, before the soldier rejoined the armed services as a Marine In time for the Second World War. He was a member of the First Battalion under the First Marine Division during the Solomon Island campaign. After a courageous victory there, he was awarded the Congressional Medal of Honor. He humbly received this honor and declined the opportunity to remain stateside, returning instead to the Fifth Division of the Marines. On the Nineteenth of February, 1942, Sergeant John Basilone completed his final mission at Iwo Jima.

Born in Buffalo, NY, to Salvatore and Dora Basilone, John was one of ten children. From his early days as a boxer to his final stand as a gunnery sergeant, it was evident that he possessed a unique spirit of strength, dedication, and determination. His heroism was recognized nationally with the highest military honors, and he posthumously received the Navy Cross, three bronze stars, a Purple Heart, as well as the World War II Victory Medal.

As a fellow American sharing Basilone's Italian heritage, it is my honor to celebrate the legacy of a man so committed to defending the cherished ideals of this Nation. Commemorating our Nation's heroes and veterans remains vital to keeping this country's tradition of freedom intact.●

IN HONOR OF THE 75TH BIRTHDAY OF KOOL-AID

● Mr. NELSON of Nebraska. Madam President, few childhood experiences span the generation gap as successfully as Kool-Aid. Many of today's business leaders started down the road to financial success by standing at a folding table in their front yard selling one-cent cups of refreshing Kool-Aid.

While the business of Kool-Aid now spans front yards around the globe, I am pleased to say that the very first Kool-Aid entrepreneur was a Nebraskan.

Edward Perkins had a curious young mind and at age 11 he began experimenting; transforming the back of his father's mercantile store in Hendley, NE, into a flavor factory. The early experience he gained would come in handy 27 years later in Hastings, NE, when Perkins created Kool-Aid. The delicious drink was a hit and quickly became a household name.

The story of Kool-Aid is the perfect illustration of the value of perseverance. Perkins was dedicated to his business and worked hard as an innovator for many years before finally creating the drink that would make him famous, and Hastings, famous.

Hastings celebrates Kool-Aid days with the world's largest Kool-Aid stand every August. They also show their Nebraskan hospitality by serving Kool-Aid at rest stops throughout Nebraska. There are currently 22 flavors of Kool-Aid and it is no wonder that the current best seller, Tropical Punch, has a Husker red color glow to it.

For all these reasons and many more I am proud that Kool-Aid is the official State soft drink of Nebraska and wish it a very happy 75th birthday.●

HONORING REBECCA COLTEY

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to the "New Hampshire Star of Life." Rebecca Coltey has been chosen by her peers as someone deserving of the New Hampshire's Star of Life award.

It is the thankless service of emergency medical personnel like Rebecca that save so many lives in a normal day of work.

Rebecca Coltey, of Rockingham Regional Ambulance, is recognized by her colleagues for her outstanding work ethic and professionalism towards everyone. Rebecca's future looks even brighter as she begins planning her wedding, set for September.

Rebecca deserves great praise for the work she does. The selfless dedication she gives to her career in serving the needs of others in their most vulnerable time is a great asset to her character. New Hampshire applauds this fine individual for a job well done.

It is an honor and privilege serving Rebecca in the U.S. Senate.●

TRIBUTE TO GEORGE CROMBIE

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Mr. George Crombie, Public Works Director for the City of Nashua. Named one of the Top Ten Public Works Leaders of the Year by the American Public Works Association, George has played a prominent role in the betterment of his community.

As Director of Public Works for the City of Nashua, George manages a full-service public works division including engineering, traffic and parking, streets, wastewater, solid waste, and parks and recreation. His primary focus has been on instituting comprehensive public works management systems including the development of a senior management team, finance and budgeting principles, employee education and safety, time line management and capital development.

Many of George's projects have focused on the environment. He recently led the City through the Multi-Site Landfill Closure and Park Renovation Project which provides state-of-the-art closure and post-closure refuse to five former City landfills, as well as construction of one of New Hampshire's few publicly owned and operated lined landfills. George is also credited with contributing to the APWA Reporter by writing an article commending the New York City Sanitation Department's cleanup of the World Trade Center.

I applaud the dedicated efforts in public service that George Crombie has demonstrated throughout his distinguished career. George is a positive example in leadership for all to follow. The City of Nashua is privileged to have such a dedicated public servant working for the community. I wish him continued success in the coming years, and thank him for his contributions to New Hampshire. It is an honor to represent you in the U.S. Senate.●

TRIBUTE TO CAPTAIN HUMBERT "ROCKY" VERSACE

● Mr. SMITH of New Hampshire. Madam President, I rise today to honor Captain Humbert Roque "Rocky" Versace, U.S. Army. On Monday, 8 July 2002, Captain Rocky Versace will be awarded posthumously the Congressional Medal of Honor for service in the Viet Nam war.

On 29 October 1963, Captain Versace, along with First Lieutenant Nicholas Rowe, was captured in South Vietnam. Taken prisoner by the Viet Cong, he demonstrated exceptional leadership, resolute adherence to the Code of Conduct and unflagging faith in his country. Captain Versace ultimately sacrificed his life rather than betray his country and the Viet Cong executed him in September 1965 as he set an example of an American officer that the Viet Cong could not tolerate. Captain Versace died upholding the military creed of Duty, Honor, Country.

I want to recognize Captain Versace through the words of his fellow captive, Nick Rowe, who escaped from captivity to freedom on 31 December 1968. Nick Rowe remained in the Army, rose to the rank of Colonel, and continued to serve in Special Forces until April 1989, when he was assassinated by the communist New People's Army in Manila, Philippine Islands. His captivity memoir, "Five Years to Freedom" was published in 1971 and contains this tribute.

The tribute follows:

NICK ROWE'S TRIBUTE TO ROCKY VERSACE

He stood as others dream to stand;
He spoke as others dared not even think;
From soul deep faith, he drew his courage,

his granite spirit, his ironclad will.
The Alien force, applied with hate,
could not break him, failed to bend him;
Though solitary imprisonment gave him no friends,
he drew upon his inner self to create a force so strong
that those who sought to destroy his will, met an army
his to command.
Phrases of his I shall not forget,
spoken sincerely, filled with truth:
All I wish is to return to family, home and those I love;
For I am young and life is dear,
but to bargain for this life of mine when the price you ask
requires of me to verify a lie
and sell my honor short,
makes clear the choice between the two;
a life with honor, a life without;
With me, you see, life without honor is no life at all,
So I will not comply with what you require and choose to suffer
whatever may come.
This is my answer at this time,
this is my answer in times to come;
I only pray that I shall not weaken, for I am right
and with God's help, I will have the strength to resist whatever means you use
while attempting to fulfill your evil scheme.
Thus his fate was surely sealed,
for such a man, standing firm
defeated them on their own ground
and for him to live and tell of this
was a thing that could not be.
I saw him not the day he died,
for, I imagine, as he lived alone;
so they arranged for him to die alone;
But in my mind there is no doubt,
as he stood while he was alive,
Duty bound, Honor bound, Unswerving in allegiance,
so he stood the day he died . . . a Rock.—

JAMES NICHOLAS ROWE,
"Five Years to Freedom," pp. 205-206.•

HONORING DENNIS MECHEM

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to the "New Hampshire Star of Life." Dennis Mechem has been chosen by his peers as someone deserving of the New Hampshire's Star of Life award.

It is the thankless service of emergency medical personnel like Dennis that save so many lives in a normal day of work.

Dennis Mechem, of Rockingham Regional Ambulance, is known for his positive work ethic as well as his professionalism and demeanor toward his patients, co-workers, and other healthcare professionals. Mechem's service doesn't stop there, he is also a registered Maine guide and a licensed wilderness EMT.

Dennis deserves great praise for the work he does. The selfless dedication he gives to his career in serving the needs of others in their most vulnerable time is a great asset to his character. New Hampshire applauds this fine individual for a job well done.

It is an honor and privilege serving Dennis Mechem in the U.S. Senate.•

TRIBUTE TO FISHER SCIENTIFIC INTERNATIONAL

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Fisher Scientific International of Hampton, NH. Marking a century of success, the company celebrated its anniversary on May 6, by ringing the bell at the close of trading at the New York Stock Exchange.

I commend Fisher Scientific for selling more than 600,000 products in 145 countries. Staying true to its mission, "In the Growth of Science," Fisher or one of its subsidiaries has produced products, instruments, and supplies for Thomas Edison's inventions, defense from Nazi chemical weapons in WWII, development of polio vaccine, the Manhattan Project, the space shuttle, and the human genome project. I applaud your contribution to the growth in medicine and science.

Fisher has acquired more than 30 companies, allowing it to expand and add to its growing list of products. I am pleased with your vision of a global company and foresight to move forward in the next 100 years in a similar course. I commend you for supplying safety equipment in the wake of the September 11th attack on the World Trade Center and encourage your focus on safety and other medical products. Your contributions are invaluable.

Fisher continues to demonstrate why it won the Pittsburgh Award in 1947, a prestigious award from the American Chemical Society. Fisher has influenced and shaped every aspect of our modern life and will continue to prosper and serve the people of New Hampshire with its precise and steady growth. It is an honor and privilege to represent you in the U.S. Senate.•

HONORING JENNIFER SHEA

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to the "New Hampshire Star of Life." Jennifer Shea has been chosen by her peers as someone deserving of the New Hampshire's Star of Life award.

It is the thankless service of emergency medical personnel like Jennifer that save so many lives in a normal day of work.

Jennifer Shea, of American Medical Response, was awarded New Hampshire's Star of Life because of her example of commitment and dedication to American Medical Response. Her serving attitude is a great source of motivation for other employees. Being a self motivator has consistently helped her move quickly to the top. It is Jennifer's hope to continue in her education to further assist in emergency medicine.

Jennifer deserves great praise for the work she does. The selfless dedication she gives to her career in serving the needs of others in their most vulnerable time is a great asset to her character. New Hampshire applauds this fine individual for a job well done.

It is an honor and privilege serving Jennifer Shea in the U.S. Senate.•

MESSAGE FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4931. An act to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4931. An act to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7536. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report entitled "Report on Activities and Programs for Countering Proliferation and NBC Terrorism"; to the Committee on Armed Services.

EC-7537. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated June 1, 2002; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; the Budget; and Foreign Relations.

EC-7538. A communication from the Director, Foreign Terrorist Tracking, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Screening of Aliens and Other Designated Individuals Seeking Flight Training" (RIN1105-AA80) received on June 12, 2002; to the Committee on the Judiciary.

EC-7539. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Administration of Engineering and Design Related Services Contract" (RIN2125-AE45) received on June 18, 2002; to the Committee on Environment and Public Works.

EC-7540. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Montana Abandoned Mine Land Reclamation Plan" (MT-021-FOR) received on June 17, 2002; to the Committee on Energy and Natural Resources.

EC–7541. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period of October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–7542. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to Qualified Trust Model Certificates Privacy and Paperwork Notices" (RIN3209–AA00) received on June 11, 2002; to the Committee on Governmental Affairs.

EC–7543. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the Federal Financing Bank Management Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–7544. A communication from the Acting Director, Financial Management and Assurance, General Accounting Office, transmitting, pursuant to law, a financial audit of the Congressional Award Foundation's Fiscal Years 2001 and 2000 Financial Statements; to the Committee on Governmental Affairs.

EC–7545. A communication from the Executive Director, Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the Corporation's Annual Program Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–7546. A communication from the Administrator, Livestock and Seed Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Lamb Promotion, Research, and Information Program: Rules and Regulations" (Doc. No. LS–02–05) received on June 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7547. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying Procedures and Establishing Regulations to Limit the Volume of Small Red Seedless Grapefruit" (Doc. No. FV01–905–1 FIR; FV01–905–2 FIR) received on June 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7548. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Increase in the Minimum Size Requirement for Area No. 2" (Doc. No. FV02–948–1 FR) received on June 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7549. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Explanation of Involuntary Method Change Guidance" (Announcement 2002–37) received on June 6, 2002; to the Committee on Finance.

EC–7550. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Tax Shelter Rules III" (RIN1545–BA62; TD9000) received on June 17, 2002; to the Committee on Finance.

EC–7551. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Phased Retirement and Defined Benefit Plans" (Notice 2002–43) received on June 17, 2002; to the Committee on Finance.

EC–7552. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report entitled "The Year in Trade 2001"; to the Committee on Finance.

EC–7553. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report on Investigation Number TA–204–6, Certain Steel Wire Rod; to the Committee on Finance.

EC–7554. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning U.S. representation in United Nations Agencies and efforts made to employ U.S. citizens during 2001; to the Committee on Foreign Relations.

EC–7555. A communication from the Deputy Secretary of State, transmitting, a report relative to financial assistance for victims of terrorism; to the Committee on Foreign Relations.

EC–7556. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Bureau of Political-Military Affairs: Amendment to the List of Proscribed Destinations" (22 CFR Part 126) received on June 13, 2002; to the Committee on Foreign Relations.

EC–7557. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda" (22 CFR Part 21) received on June 13, 2002; to the Committee on Foreign Relations.

EC–7558. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Nonproliferation and Disarmament Fund (NDF) activities ; to the Committee on Foreign Relations.

EC–7559. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7560. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Surface Area at Lampoc, CA; docket no. 01–AWP–23 Direct Final Rule; Request for Comments" ((RIN2120–AA66) (2002–0093)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7561. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (35); Amdt No. 2099" ((RIN2120–AA65) (2002–0035)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7562. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (31); Amdt No. 3000" ((RIN2120–AA65) (2002–0036)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7563. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0100 Series Airplanes" ((RIN2120–AA64) (2002–0277)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7564. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney PW4000 Series Turbofan Engines" ((RIN2120–AA64) (2002–0278)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7565. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 81, 82, 83, and 87 Series Airplanes; Model MD–8 Airplanes, and Model MD 90 30 Series Airplanes" ((RIN2120–AA64) (2002–0279)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7566. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT8D Series Turbofan Engines" ((RIN2120–AA64) (2002–0280)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7567. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes" ((RIN2120–AA64) (2002–0281)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7568. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cirrus Design Corporation Models SR20 and SR22 Airplanes" ((RIN2120–AA64) (2002–0282)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7569. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, AS350BA, AS350B1, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and EC130 B4 Helicopters" ((RIN2120–AA64) (2002–0283)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7570. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc., LTS101 Series Turboshaft and LTP101 Series Turboprop Engines" ((RIN2120–AA64) (2002–0284)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7571. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes; CORRECTION" ((RIN2120–AA64) (2002–0259)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7572. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc Models Tay 650–15 and 651–54 Turbofan Engines" ((RIN2120–AA64) (2002–0258)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7573. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, 700, 700C and 800 Series Airplanes" ((RIN2120–AA64) (2002–0257)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7574. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400, 400F, 757–200, 200CB, 200PF, 767–200, 300, and 300F Series Airplanes" ((RIN2120–AA64) (2002–0262)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7575. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737, 747, and 777 Series Airplanes" ((RIN2120–AA64) (2002–0261)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7576. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" ((RIN2120–AA64) (2002–0260)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7577. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737, 700, 700C and 800 Series Airplanes" ((RIN2120–AA64) (2002–0264)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7578. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737, 757, and 767 Series Airplanes" ((RIN2120–AA64) (2002–0263)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7579. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF34–3A1 and –3B1 Series Turbofan Engines" ((RIN2120–AA64) (2002–0266)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7580. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF 6–6, CF6–45, and CF6–50 Series Turbofan Engines" ((RIN2120–AA64) (2002–0265)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7581. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350BA and B2 Helicopters" ((RIN2120–AA64) (2002–0269)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7582. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company GE90 Series Turbofan Engines" ((RIN2120–AA64) (2002–0268)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7583. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corporation Model S–76A Helicopters" ((RIN2120–AA64) (2002–0276)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7584. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopter, Inc., Model 600N Helicopters" ((RIN2120–AA64) (2002–0270)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7585. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled 'Certification of Safety Auditors, Safety Investigators, and Safety Inspectors; Delay of Effective Date" ((RIN2126–AA64) (2002–003)) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7586. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revised and Clarified Hazardous Material Safety Rulemaking and Program Procedures" (RIN2137–AD20) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7587. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Head Impact Protection; Interim Final Rule" (RIN2127–AI86) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7588. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Passenger Equipment Safety Standards" (RIN2130–AB48) received on June 18, 2002; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 214: A bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes. (Rept. No. 107–170).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1768: A bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program. (Rept. No. 107–171).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 308: A bill to establish the Guam War Claims Review Commission. (Rept. No. 107–172).

H.R. 309: A bill to provide for the determination of withholding tax rates under the Guam income tax. (Rept. No. 107–173).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 803: A bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes. (Rept. No . 107–174).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with amendments:

S. 2452: A bill to establish the Department of National Homeland Security and the National Office for Combating Terrorism. (Rept. No. 107–175).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE:

S. 2669. A bill to amend part A of title IV of the Social Security Act to toll the 5-year limit for assistance under the temporary assistance to needy families program for recipients who live in a State that is experiencing significant increases in unemployment; to the Committee on Finance.

By Mr. KYL (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. ALLARD, and Mr. CAMPBELL):

S. 2670. A bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS (for himself, Mr. DEWINE, Mr. KENNEDY, Mr. DODD, Ms. COLLINS, and Mrs. CLINTON):

S. 2671. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care quality improvements for children with disabilities or other special needs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. CRAIG):

S. 2672. A bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes; to the

Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. Res. 289. A resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to celebrate the Bicentennial of the Louisiana Purchase; to the Committee on Governmental Affairs.

By Mr. SMITH of New Hampshire:

S. Res. 290. A resolution expressing the sense of the Senate regarding the designation of June 24, 2002 through July 24, 2002 as French Heritage (Le Mois De L'Heritage Francais); considered and agreed to.

ADDITIONAL COSPONSORS

S. 603

At the request of Mr. LIEBERMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect , and for other purposes.

S. 611

At the request of Ms. MIKULSKI, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1339

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1877

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1877, a bill to clarify and reaffirm a cause of action and Federal court jurisdiction for certain claims against the Government of Iran.

S. 2010

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2010, a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2221

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2246

At the request of Mr. DODD, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2490

At the request of Mr. TORRICELLI, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2513, a bill to asses the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2522

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2522, a bill to establish the Southwest Regional Border Authority.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2583

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2583, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category.

S. 2608

At the request of Mr. HOLLINGS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2608, a bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development.

S. 2611

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2648

At the request of Mr. HUTCHINSON, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2648, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

S. 2649

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2649, a bill to provide assistance to combat the HIV/AIDS pandemic in developing foreign countries.

S. RES. 242

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 242, a resolution designating August 16, 2002, as "National Airborne Day."

S. RES. 270

At the request of Mr. CAMPBELL, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

S. RES. 281

At the request of Mr. LEVIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 281, a resolution designating the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week."

AMENDMENT NO. 3936

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of amendment No. 3936 intended to be proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3952

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of amendment No. 3952 intended to be proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE:

S. 2669. A bill to amend part A of title IV of the Social Security Act to toll the 5-year limit for assistance under the temporary assistance to needy families program for recipients who live in a State that is experiencing significant increases in unemployment; to the Committee on Finance.

Mr. CORZINE. Madam President, I rise today to introduce legislation, the Unemployment Protection for Low-Income Families on TANF Act, or UPLIFT Act, that will protect low-income families who are transitioning from welfare to work from losing their welfare benefits during periods of high unemployment.

Forcing families off welfare during a recession because they cannot find a job lacks commonsense. In fact, during a weak economy, low-skilled workers and recently employed workers are more likely to lose their jobs, and unfortunately, only 30 to 40 percent of former welfare recipients who become unemployed qualify for Unemployment Insurance.

A single parent receiving welfare assistance while working 30 hours a week who loses her job during a recession should not be penalized. For families like this, welfare is the only unemployment insurance they have. But, under current law, Federal welfare time limits and work requirements continue to apply during periods of high-unemployment.

The Unemployment Protection for Low-Income Families through TANF Act, or UPLIFT Act, would require States to disregard Federal TANF assistance for all recipients when the national unemployment rate reaches or exceeds 6.5 percent or when a State unemployment rate rises by 1.5 percentage points over a three-month period.

Every percentage point increase in unemployment results in a welfare caseload increase of 5 percent. In addition to enacting a strong contingency fund for States experiencing high unemployment and increased caseloads, Congress must act to ensure that welfare recipients are not time-limited off of welfare when the economy is weak and jobs are in short supply. In addition to promoting self-sufficiency, TANF programs should be a safety net for low-income families who are unable to find work or meet their needs.

My legislation will help parents who are trying to transition from welfare to work, but are unable to find work during a weak economy, to provide for their families without the fear of losing cash assistance. The TANF program is not only about moving people from welfare to work, it is also about reducing poverty and helping families in need.

While welfare reform has succeeded at moving thousands of people into work, its success has come in strong economic times. As people reach their 5-year time limits, we can only hope they will be able to find jobs in what is now a more difficult economy. The reality is that many states are experiencing high unemployment right now, making it extremely difficult for welfare recipients to find good paying full-time jobs. We shouldn't penalize people who are trying to transition from welfare to work just because the economy is bad. We need to continue to help these families build their skills and find employment when times are tough.

As Congress acts to reauthorize the TANF program I ask my colleagues to support legislation that will protect families transitioning from welfare to work from losing their benefits during a recession.

Madam President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unemployment Protection for Low-Income Families Through TANF Act of 2002" or the "UPLIFT Act of 2002".

SEC. 2. DISREGARD OF MONTHS OF ASSISTANCE RECEIVED DURING PERIODS OF HIGH UNEMPLOYMENT.

(a) IN GENERAL.—Section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) DISREGARD OF ASSISTANCE RECEIVED DURING PERIODS OF HIGH UNEMPLOYMENT.—

"(i) IN GENERAL.—In determining the number of months for which an adult has received assistance under a State or tribal program funded under this part, the State or tribe shall disregard any month in which the State is determined to be a high unemployment State for that month.

"(ii) DEFINITION OF HIGH UNEMPLOYMENT STATE.—For purposes of clause (i), a State shall be considered to be a high unemployment State for a month if it satisfies either of the following criteria:

"(I) STATE RATE OF UNEMPLOYMENT.—The average—

"(aa) rate of total unemployment (seasonally adjusted) in the State for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in either of the 2 most recent preceding fiscal years; or

"(bb) insured unemployment rate (seasonally adjusted) in the State for the most recent 3 months for which data are available has increased by 1 percentage point over the corresponding 3-month period in either of the 2 most recent preceding fiscal years.

"(II) NATIONAL RATE OF UNEMPLOYMENT.—The average rate of total unemployment (seasonally adjusted) for all States for the period consisting of the most recent 3 months for which data for all States are published equals or exceeds 6.5 percent.

"(iii) DURATION.—A State that is considered to be a high unemployment State under clause (ii) for a month shall continue to be considered such a State until the rate that was used to meet the definition as a high unemployment State under that clause for the most recently concluded 3-month period for which data are available, falls below the level attained in the 3-month period in which the State first qualified as a high unemployment State under that clause.".

By Mr. EDWARDS for (himself, Mr. DEWINE, Mr. KENNEDY, Mr.

DODD, Ms. COLLINS, and Mrs. CLINTON):

S. 2671. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care quality improvements for children with disabilities or other special needs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. EDWARDS. Madam President, I rise today to join with my colleague and friend, Senator MIKE DEWINE, to announce the introduction of legislation that will meaningfully improve the lives and well-being of children with disabilities and other special needs, their parents, and the child care providers who care for them.

In recent years our commitment to helping working families afford child care has grown significantly through discretionary and nondiscretionary allocations under the Child Care and Development Fund, CCDF, and the Temporary Assistance for Needy Families, TANF, program. From a total Federal outlay of $2.5 billion in 1997, spending on child care through CCDF and TANF grew to $6.5 billion in 2000. When added to state spending, total Federal and State investments in child care assistance reached $9.0 billion in 2000. This figure represents a historic commitment to affordable, high quality child care in America, and I applaud all of my colleagues, on both sides of the aisle, whose support made the current levels of child care assistance possible. But the past, as they say, is behind us, reauthorization for CCDF and TANF is looming. It is vitally important for us to understand what our federal and state investments have bought us as we undertake the difficult job of renewing this legislation.

Sadly, despite our historic Federal investments in world-class child care, the services available for too many hard-working families are neither affordable nor of very high quality. Though 1.8 million children received assistance in 1999, the Department of Health and Human Services estimated that 14.75 million children were eligible.

Let me repeat that, in 1999, a little under 13 million children were living in working families poor enough to qualify for assistance under CCDF but got no help because no funds were available. Put another way, only 12 percent of eligible children received assistance. And that 12 percent figure reflects 1999 data at the height of a historic economic expansion that is now long past. The numbers of eligible families have undoubtedly grown, our commitments have not. We need to put the full effect of what we're talking about in context. The average cost of child care in America exceeds $4,000 per year. That's often more than the cost of tuition at many of our state colleges. $4,000 per year. For the working families with kids who are eligible, whose family income falls somewhere under 85 percent of the state median income level, but who never receive assistance, how in the world do we expect them to cope? For most of my constituents, $4,000 is a lot of money. When I talk to parents in North Carolina about the challenges they face, I can assure you, affordable child care is an issue parents worry a lot about.

Finally, what does "affordable" child care look like? By that, I mean the child care that working parents can actually afford. The data on child care quality is daunting—85 percent of child care in America is rated as poor to mediocre. I invite my colleagues to think about a single young child, someone under 5, say, who they know personally. Perhaps someone in their family.

Would anyone in this body willingly permit a child to spend even one minute in a care setting described as "poor to mediocre"? Think about what that means for a healthy, growing infant or toddler. Young brains are developing, synaptic connections forming. The child's verbal and motor skills are actively expanding, growing, testing limits. Scientists tell us that there is a fairly direct and crucial relationship between the time and quality of interaction with adult caregivers and the healthy social and psychological development of a young child. Enriched early learning is not a luxury. A child who spends its critical early years in "poor to mediocre" care is like a runner who starts the race 20 yards behind the block. For the rest of his or her life, that child will be trying to catch up. And that's not fair. Now imagine if that same child had a disability. If he or she had cerebral palsy, or a sight impairment, or a learning disorder, or autism. A healthy child might be able to overcome a poor to mediocre start in life, but some of our most vulnerable children may not.

As you might expect, it is more costly for child care providers to serve children with disabilities or other special needs. But often, states are under pressure to serve the record numbers of families who need child care assistance, and additional resources for children with disabilities or other special needs are not available. In many instances, providers simply are not able or willing to take on the unique challenges of caring for a disabled child. Children's advocates and parents of children with disabilities have reported significant shortages of affordable, high quality child care for children with disabilities and other special needs. These findings have been affirmed by the General Accounting Office, the Institute of Medicine, and the National Research Council.

Low-income children are particularly at risk. Children in low-income families are more likely to be disabled than children in higher income families. Children who are poor are twice as likely to have a significant disability than their middle and upper income counterparts. A 2000 report based on interviews with California welfare recipients in 1992 and 1996 found that almost 20 percent of the families had at least one child who has a disability or illness. Low-income children also tend to live in poorer neighborhoods, compounding their lack of resources with the lack of readily available child care for special needs populations. As the GAO reported in 2001, "low-income neighborhoods tend to have less overall child care supply as well as less supply for [special needs kids] than do higher-income neighborhoods."

Finally, many child care providers require additional training and other resources necessary to deliver appropriate care, or to understand or comply with the Americans with Disabilities Act, ADA, or other applicable state or Federal standards.

The Nurturing Special Kids Act of 2002 would: set aside additional CCDF funding, after the Quality Set-Aside is funded, to expand access to affordable, high-quality child care for children with disabilities or other special needs; support child care programs that accept children with disabilities or other special needs; provide higher reimbursement rates to child care providers that reflect the additional cost of specialized care in the State; fund consultations by providers with licensed professionals to improve identification of children with disabilities or other special needs, and strengthen providers' ability to care for children with disabilities or other special needs; provide a comprehensive system of training and technical assistance to enable child care providers to better care for children with disabilities or other special needs, including compliance with ADA and other regulatory requirements; provide grants for recruitment and retention of qualified staff; and provide grant funding for public agencies and private non-profits for projects that increase the availability of inclusive child care programs, up to 50 percent special needs kids.

Most of us were elected to the Senate for one purpose: to stand for the vulnerable and for the defenseless when we make decisions that shape our society's future. To ensure that, whatever we do, we secure for all Americans, no matter their physical or mental disability or other impairment, the capacity to grow and succeed to the limits of their potential.

I join with my friend, Senator DEWINE, in introducing the Nurturing Special Kids Act of 2002, and I invite my colleagues to share this responsibility in support of affordable, high quality child care for children with disabilities or other special needs.

Mr. DEWINE. Madam President, I rise today with my colleague and friend from North Carolina, Senator EDWARDS, to introduce the Nurturing Special Kids Act of 2002. Our bill would expand access to affordable, high quality childcare for children with disabilities or other special needs.

We need this bill, because the reality is that children from low-income families are more likely to have disabilities or other special needs. They are twice as likely as children from higher-income families to have a significant disability, nearly twice as likely to have serious mental or physical disabilities, and 1.3 times as likely to have learning disabilities.

Parents and the disability community continually report significant shortages in affordable, high quality specialized childcare for children with disabilities and other unique needs. Specialized childcare is costly to deliver and often requires additional training for caregivers. Furthermore, many childcare centers simply cannot afford to create a setting that is accessible for disabled children or equipped to meet the physical or emotional challenges of these children.

Our legislation would help remedy this by providing technical assistance to help families locate specialized care. Additionally, the bill sets aside a portion of the Childcare and Development Block Grant funds specifically for special needs care. This funding could be used to increase a special needs child voucher, or enable states to provide specialized training to better understand a child's disability, provide proper care, or set up centers designed to provide specialized care to children with particular conditions, like autism, Down Syndrome, or Cerebral Palsy. Additionally, our bill help disabled children, but it also would help all children with special needs by providing technical assistance to help families locate specialized care.

No one can replace a parent, but parents who work outside the home need to feel confident that the people caring for their children are giving them the same type of love and support that they would provide. In the case of a disabled child, parents also want to make sure that the caretakers of their children are trained to deal with special needs.

This bill is necessary to ensure that when parents work, they have access to quality care. I urge my colleagues to join us in support.

By Mr. BINGAMAN (for himself and Mr. CRAIG):

S. 2672. A bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Madam President, today I am introducing legislation to authorize a coordinated, consistent, community-based program to restore and maintain the ecological integrity of degraded National Forest System and public lands watersheds. I am pleased to be introducing this legislation with Senator CRAIG. He has been a true champion for rural, natural resource-dependent communities.

Two years ago, residents of Los Alamos were evacuated to escape the Cerro Grande fire. Many ultimately lost their homes. While the devastation that resulted from the fire will not soon be forgotten, this event also was significant because it finally focused our attention on a problem that has been brewing for a long time, increasing fire risk due to the degraded condition of our national forests and public lands. Unfortunately, the problem continues as this year's fires continue to threaten numerous communities.

Increasing threats to people and homes as a result of forest fires is only one symptom of the current condition of our national forests and public lands. Water quality, water flows, animal and plant habitats are all adversely affected. Moreover, the health of adjacent communities is at risk when our national forests and public lands are in a degraded condition. Restoration is desperately needed.

Three years ago, I introduced the Community Forest Restoration Act, a bill to establish a cooperative forest restoration program in New Mexico to begin addressing this problem in a collaborative way. Ultimately, the legislation was enacted into law. Implementation has been very successful to date.

Through my work on the Community Forest Restoration Act and other similar efforts, it has become clear to me that new and creative approaches to the management of our forests is critical to ensure a meaningful future for both our federal lands and the communities that depend on these lands. A major, multi-year investment in restoration work on our national forests and Federal lands is a critical component of achieving our desired result. Senator CRAIG and I, as well as other Members, have worked to secure increased funding for such an investment. The additional funding that Congress has approved for the last few years for hazardous fuels reduction near communities is one example of our success.

However, an investment alone is not enough. An investment in our natural resources must occur in a way that benefits the rural communities located within and adjacent to our national forests and public lands. I grew up in Silver City, New Mexico, a forested community adjacent to the Gila National Forest. I learned firsthand that if the forest is in good shape, the community is in good shape.

The Federal land managers need to respect local and traditional knowledge by including it in project planning. Community forestry represents a way to integrate local knowledge and science in order to make the best decisions about how to take care of the land.

Communities are coming together to restore the ecological integrity and resiliency of our public lands. In New Mexico, groups such as Las Humanas Cooperative, the Truchas Land Grant, the Catron County Citizens Group, and the Rocky Mountain Youth Corps are working to restore watersheds and build a high-skill, high-wage workforce in rural communities. In the Pacific Northwest, groups such as Sustainable Northwest, Wallowa Resources, and Partners for a Sustainable Methow are seeking ways to increase the stewardship role of local communities in the maintenance and restoration of ecosystem integrity and biodiversity. In California, the Watershed Research & Training Center is striving tirelessly to include communities in the Forest Service's planning, restoration projects, and follow up monitoring of restoration. At the national level, American Forests and the National Network for Forest Practitioners are important partners that are seeking changes in policy to ensure that community benefits are an integral component of national forests and public land management.

The legislation that Senator CRAIG and I are introducing today is meant to help facilitate these types of approaches nationwide. Communities cannot create collaboratively restore our national forests and public lands alone. The Federal government is an important partner in this effort and this legislation will provide much needed new authority and programs to assist communities.

A few years ago, representatives from the Forest Service's Forest Product Laboratory visited my State to make recommendations on how to find new markets for products created from small trees that need to be removed to reduce fire threat. They noted that a lack of entrepreneurs and micro-businesses was a barrier to increasing the number of natural resource-based economic opportunities in rural communities. New Mexico needs these stimuli in the private sector, as do communities across the West, and this legislation will help create rural economies that depend on maintaining the ecological resiliency of the National Forest System and public lands.

Finally, I want to emphasize that, because what we are talking about is new and in many ways untested, we all will need to closely monitor implementation. Everyone now agrees that past policies, such as systematically suppressing all wildfires, were misguided and contributed to the problems we face today. But how do we avoid repeating similar mistakes? Meaningful and open monitoring processes using ecological and social indicators will help to ensure that the right policies are in place for both the land and the communities.

I would like to thank all of the individuals and groups who provided data, input, and comments on earlier drafts of this bill. Senator CRAIG and I sought to ensure that this bill was a comprehensive approach to the issue and we received a lot of assistance from many communities across the country in this endeavor.

I ask unanimous consent that the text of the bill, as well as letters of support we have received for the bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

S. 2672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECION 1. SHORT TITLE.

This Act may be cited as the "Community-Based Forest an Public Lands Restoration Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to create a coordinated, consistent, community-based program to restore and maintain the ecological integrity of degraded National Forest System and public lands watersheds;

(2) to ensure that restoration of degraded National Forest System and public lands recognizes variation in forest type and fire regimes, incorporates principles of community forestry, local and traditional knowledge, and conservation biology; and, where possible, uses the least intrusive methods practicable;

(3) to enable the Secretaries to assist small, rural communities to increase their capacity to restore and maintain the ecological integrity of surrounding National Forest System and public lands, and to use the by-products of such restoration in valued-added processing;

(4) to require the Secretaries to monitor ecological, social, and economic conditions based on explicit mechanisms for accountability;

(5) to authorize the Secretaries to expand partnerships and to contract with non-profit organizations, conservation groups, small and micro-businesses, cooperatives, non-Federal conservation corps, and other parties to encourage them to provide services or products that facilitate the restoration of damaged lands; and

(6) to improve communication and joint problem solving, consistent with Federal and State environmental laws, among individuals and groups who are interested in restoring the diversity and productivity of watersheds.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "public lands" has the meaning given such term in section 103(e) of the Federal Land Policy and Management Act (43 U.S.C. 1702(e)).

(2) The term "National Forest System" has the meaning given such term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. §1609(a)).

(3) The term "Secretaries" means the Secretary of Agriculture acting through the Chief of the Forest Service and the Secretary of the Interior acting through the Director of the Bureau of Land Management.

(4) The term "restore" means to incorporate historic, current, and new scientific information as it becomes available, to reintroduce, maintain, or enhance the characteristics, functions, and ecological processes of healthy, properly functioning watersheds.

(5) The term "local" means within the same region where an associated restoration project, or projects, are conducted.

(6) The term "micro-enterprise" means a non-subsidiary business or cooperative employing 5 or fewer people.

(7) The term "small enterprise" means a non-subsidiary business or cooperative employing between 6 and 150 people.

(8) The term "value-added processing" means additional processing of a product to increase its economic value and to create additional jobs and benefits where the processing is done.

(9) The term "low-impact equipment" means the use of equipment for restorative, maintenance, or extraction purposes that minimizes or eliminates impacts to soils and other resources.

(10) The terms "rural" and "rural area" mean any area other than a city or town that has a population of greater than 50,000 inhabitants.

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) REQUIREMENTS.—The Secretaries shall jointly establish a National Forest System and public lands collaborative community-based restoration program. The purposes of the program shall be:

(1) to identify projects that will restore degraded National Forest System and public lands; and

(2) implement such projects in a collaborative way and in a way that builds rural community capacity to restore and maintain in perpetuity the health of the National Forest System and other public lands.

(b) COOPERATION.—The Secretaries may enter into cooperative agreements with willing tribal governments, State and local governments, private and nonprofit entities and landowners for protection, restoration, and enhancement of fish and wildlife habitat, forests, and other resources on the National Forest System and public lands.

(c)(1) MONITORING.—The Secretaries shall establish a multiparty monitoring, evaluation, and accountability process in order to assess the cumulative accomplishments or adverse impacts of projects implemented under this Act. The Secretaries shall include any interested individual or organization in the monitoring and evaluation process.

(2) Not later than 5 years after the date of enactment of this Act, the Secretaries shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives detailing the information gathered as a result of the multiparty monitoring and evaluation. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Act.

(3) The Secretaries shall ensure that monitoring data is collected and compiled in a way that the general public can easily access. The Secretaries may collect the data using cooperative agreements, grants, or contracts with small or micro-enterprises, or Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(d) The Secretaries shall hire additional outreach specialists, grants and agreements specialists, and contract specialists in order to implement this Act.

SEC. 5. FOREST RESTORATION AND VALUE-ADDED CENTERS.

(a) ESTABLISHMENT.—Subject to subsection (d), the Secretaries shall provide cost-share grants, cooperative agreements, or both to establish Restoration and Value-Added Centers in order to improve the implementation of collaborative, community-based restoration projects on National Forest System or public lands.

(b) REQUIREMENTS.—The Restoration and Value-Added Centers shall provide technical assistance to non-profit organizations, existing small or micro-enterprises or individuals interested in creating a natural-resource related small or micro-enterprise in the following areas—

(1) restoration, and

(2) processing techniques for the byproducts of restoration and value-added manufacturing.

(c) ADDITIONAL REQUIREMENTS.—The Restoration and Value-Added Centers shall provide technical assistance in—

(1) using the latest, independent peer reviewed, scientific information and methodology to accomplish restoration and ecosystem health objectives,

(2) workforce training for value-added manufacturing and restoration,

(3) marketing and business support for conservation-based small and micro-enterprises,

(4) accessing urban markets for small and micro-enterprises located in rural communities,

(5) developing technology for restoration and the use of products resulting from restoration,

(6) accessing funding from government and non-government sources, and

(7) development of economic infrastructure including collaborative planning, proposal development, and grant writing where appropriate.

(d) LOCATIONS.—The Secretaries shall ensure that at least one Restoration and Value-Added Center is located within Idaho New Mexico, Montana, northern California, and eastern Oregon and that every Restoration and Value-Added Center is easily accessible to rural communities that are adjacent to or surrounded by National Forest System or other public lands throughout the region.

(1) The Secretaries may enter into partnerships and cooperative agreements with other Federal agencies or other organizations, including local non-profit organizations, conservation groups, or community colleges in creating and maintaining the Restoration and Value-Added Centers.

(2) The appropriate Regional Forester and State Bureau of Land Management Director will issue a request for proposals to create a Restoration and Value-Added Center. The Regional Forester and State Bureau of Land Management Director will select a proposal with input from existing Resource and Technical Advisory Committees where appropriate.

(3) The Secretary of Agriculture shall provide cost-share grants, cooperative agreements, or both equaling 75 percent of each Restoration and Value-Added Center's operating costs, including business planning, not to exceed $1 million annually per center.

(4) Within 30 days of approving a grant or cooperative agreement to establish a Restoration and Value-Added Center, the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives

and identify the recipient of the grant award or cooperative agreement.

(5) After a Restoration and Value-Added Center has operated for five years, the Secretary of Agriculture shall assess the center's performance and begin to reduce, by 25 percent annually, the level of Federal funding for the center's operating costs.

(e) REPORT.—No later than five years after the date of enactment of this Act, the Secretaries shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, assessing the Restoration and Value-Added Centers created pursuant to this section. The report shall include—

(1) descriptions of the organizations receiving assistance from the centers, including their geographic and demographic distribution,

(2) a summary of the projects the technical assistance recipients implemented, and

(3) an estimate of the number of non-profit organizations, small enterprises, micro-enterprises, or individuals assisted by the Restoration and Value-Added Centers.

SEC. 6. COMMUNITY-BASED NATIONAL FOREST SYSTEM AND PUBLIC LANDS RESTORATION.

(a) ESTABLISHMENT.—(1) Subject to paragraph (2) and notwithstanding federal procurement laws, the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.), and the Competition in Contracting Act, on an annual basis, the Secretaries shall limit competition for special salvage timber sales, timber sale contracts, service contracts, construction contracts, supply contracts, emergency equipment rental agreements, architectural and engineering contracts, challenge cost-share agreements, cooperative agreements, and participating agreements to ensure that the percentage of the total dollar value identified in paragraph (2), but not to exceed 50 percent in any year, is awarded to—

(A) natural-resource related small of micro-enterprises;

(B) Youth Conservation Corps crews or related partnerships with State, local and other non-Federal conservation corps;

(C) any entity that will hire and train local people to complete the service or timber sale contract;

(D) any entity that will re-train non-local traditional forest workers to complete the service or timber sale contract; or

(E) a local entity that meets the criteria to qualify for the Historically Underutilized Business Zone Program under section 32 of the Small Business Act (15 U.S.C. 657a).

(2) In the first year beginning after the date of enactment of this Act, the Secretaries shall ensure that 10 percent of the total dollar value of contracts and agreements are awarded pursuant to paragraph (1). In the second year after the date of enactment of this Act, the Secretaries shall ensure that 20 percent of the total dollar value of contracts and agreements are awarded pursuant to paragraph (1). In subsequent years, the percentage shall increase by 10 percent each year.

(b) NOTICE OF NATIONAL FOREST SYSTEM PLAN.—At the beginning of each fiscal year, each unit of the National Forest System shall make its advanced acquisition plan publicly available, including publishing it in a local newspaper for a minimum of 15 working days.

(c) BEST VALUE CONTRACTING.—In order to implement projects, the Secretaries may select a source for performance of a contract or agreement on a best value basis with consideration of one or more of the following:

(1) Understanding of the technical demands and complexity of the work to be done.

(2) Ability of the offeror to meet desired ecological objectives of the project and the sensitivity of the resources being treated.

(3) The potential for benefit to local small and micro-enterprises.

(4) The past performance and qualification by the contractor with the type of work being done, the application of low-impact equipment, and the ability of the contractor or purchaser to meet desired ecological conditions.

(5) The commitment of the contractor to training workers for high wage and high skill jobs.

(6) The commitment of the contractor to hiring highly qualified workers and local residents.

(d) LIMITATION.—The Secretaries shall ensure that the Forest Service and Bureau of Land Management Memorandum of Understanding on the Small Business Set-Aside Programs shall not be reduced below the Small Business Administration shares prescribed in the Small Business Set-Aside Program as a result of this Act.

SEC. 7. NATIONAL FOREST SYSTEM RESEARCH AND TRAINING.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Agriculture shall establish a program of applied research using the resources of Forest Service Research Station and the Forest Product Laboratory. The purposes of the program shall be to—

(1) identify restoration methods and treatments that minimize impacts to the land, such as through the use of low-impact techniques and equipment; and

(2) test and develop value-added products created from the by-products of restoration.

(b) DISSEMINATION OF RESEARCH TO COMMUNITIES.—The Secretary of Agriculture shall disseminate the applied research to rural communities, including the Restoration and Value-Added Centers, adjacent to or surrounded by National Forest System or public lands. The Secretary of Agriculture shall annually conduct training workshops and classes in such communities to ensure that residents of such communities have access to the information.

(c) COOPERATION.—In establishing the program required pursuant to this section, the Secretary of Agriculture may partner with nonprofit organizations or community colleges.

(d) MONITORING.—In designing the multiparty monitoring and evaluation process to assess the cumulative accomplishments or adverse impacts of projects implemented under this Act pursuant to section 4, the Secretaries shall use the expertise of Forest Service Research Stations.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

WALLOWA RESOURCES,
Enterprise, OR, June 20, 2002.

Hon. JEFF BINGAMAN,
Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATORS BINGAMAN AND CRAIG: The Community Based Forest and Public Lands Restoration Act that you are introducing on Monday is yet another indication of your true commitment to the health of rural communities and the ecosystems in which they reside. I applaud your foresight into the issues that forested communities are facing, not only in the West, but also in the Nation as a whole.

Wallowa Resources is a non-profit, community based organization that is focused on blending the needs of the land and community in an area where public land issues have had an incredibly negative impact on the livelihoods of people and the health of the resources. Our experience with collaboration, the need to build community capacity, and the benefit of performing adaptive management driven by monitoring have highlighted the importance of legislation that is focused on restoration of our public lands. It is imperative that restoration be performed with the economic and social well being of communities in mind. This legislation is a vehicle to address many of the most challenging concerns we face.

Thank you again for your interest and commitment to resource health and the well being of rural communities. If I can be of assistance or provide additional information, please feel free to contact me. I am eager to help in any way possible.

Sincerely,

DIANE SNYDER,
Executive Director.

WALLOWA COUNTY
BOARD OF COMMISSIONERS,
State of Oregon, June 21, 2002.

Hon. JEFF BINGAMAN,
Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATORS BINGAMAN AND CRAIG: As an elected official in Wallowa County, I struggle every day with the economic realities for public land communities in the Northwest. We continue to see high unemployment rates, high poverty levels, decreasing school enrollment, changing demographics as traditional employment opportunities dwindle. We are fortunate here in Wallowa County to have had the foresight to begin collaborative processes in the early 1990's with the creation of the Wallowa County/Nez Perce Tribe Salmon Recovery Plain.

I am proud to tell you that the remaining citizens of Wallowa County are resilient and have begun to embark on a restoration-based economy. We long for the day that many contractors will be active in the forest performing a myriad of restoration activities, valued-added processing centers will be buzzing with activity, and entrepreneurs will be financially rewarded for innovation with small diameter wood. We must retain the skilled workforce and their families and we must ensure that they have the opportunity to benefit economically for the work that they do.

Introduction of the Community Based Forest and Public Lands Restoration Act is a step toward reinvigorating rural communities and restoring health to the ecosystems in which they live. On behalf of my community and many, many others across the nation, thank you for recognizing our needs and working to address them.

I urge you to forward this legislation as expeditiously as you can and escort it through the appropriations process. Adequate funding for this legislation is critical to its success. If I can be of service in this endeavor, please feel free to call upon me.

Sincerely,

MIKE HAYWARD,
Chair.

THE WATERSHED RESEARCH AND
TRAINING CENTER,
Hayford, CA, June 20, 2002.
Hon. JEFF BINGAMAN,
Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATORS BINGAMAN AND CRAIG: I am writing to express our support for the bill you are introducing today, the Community Based Forest and Public Lands Restoration Act. There is a great need for stronger and more consistent annual investment in programs that protect, restore, and maintain public lands and resources. We applaud your bipartisan effort to develop community-based programs to meet these objectives. We are especially pleased with the focus on implementing projects in a way that promotes collaboration, builds community capacity, and establishes multi-party monitoring. These emphases are consistent with the principles of community-based forestry that we and our community partners have developed over recent years.

The Watershed Center has been working with USFS/BLM partners for over 10 years to try to build the local workforce for restoration on public lands. We are ecstatic that you are providing congressional leadership for building a new vision for community stewardship and a new reality for forest restoration.

We believe your bill is an excellent vehicle for addressing some of the most challenging concerns facing resource managers and resource-dependent communities in the United States. Hazardous fuels build-up, insect-infestation, and the degradation of fish and wildlife habitat are among key concerns on the land. Collaborative projects involving communities present promising means to address these problems while building community capacity. The American public depends on public and private organizations and the workers in resource-dependent communities to do ever-more-critical restoration work on our federal lands. The technical and financial assistance, opportunities for partnerships, innovative contracting mechanisms, program of applied research, and monitoring activities in your bill are critical to achieving the restoration and maintenance of our public lands ecosystems and to sustaining the rural economies dependent upon them.

We stand ready to help provide information and education regarding your bold and exciting effort.

Sincerely,

LYNN JUNGWIRTH,
Executive Director.

AMERICAN FORESTS, PEOPLE CARING
FOR TREES & FORESTS SINCE 1875,
Washington, DC, June 20, 2002.
Hon. JEFF BINGAMAN,
Hon. LARRY CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATORS BINGAMAN AND CRAIG: I am writing to express our support for the bill you are introducing today, the Community Based Forest and Public Lands Restoration Act. There is a great need for stronger and more consistent annual investment in programs that protect, restore, and maintain public lands and resources. We applaud your bipartisan effort to develop community-based programs to meet these objectives. We are especially pleased with the focus on implementing projects in a way that promotes collaboration, builds community capacity, and establishes multi-party monitoring. These emphases are consistent with the principles of community-based forestry that we and our community partners have developed over recent years.

American Forests is the oldest national nonprofit organization in the U.S. Since 1875, we have worked with scientists, resource managers, policymakers, and citizens to promote policies and programs that help people improve the environment with trees and forests. We partner with public and private organizations in communities around the country providing technical information and resources to leverage local actions.

We believe your bill is an excellent vehicle for addressing some of the most challenging concerns of facing resource managers and resource-dependent communities in the United States. Hazardous fuels build-up, insect infestation, and the degradation of fish and wildlife habitat are among key concerns on the land. Collaborative projects involving communities present promising means to address these problems while building community capacity. The American public depends on public and private organizations and the workers in resource-dependent communities to do ever-more-critical restoration work on our federal lands. The technical and financial assistance, opportunities for partnerships, innovative contracting mechanisms, program of applied research, and monitoring activities in your bill are critical to achieving the restoration and maintenance of our public lands ecosystems and to sustaining the rural economies dependent upon them.

We appreciate your leadership in calling attention to the need to increase support for collaborative, community-based restoration projects. If we can be of any assistance with respect to your new bill, we stand ready to help.

Sincerely,

DEBORAH GANGLOFF,
Executive Director.

Mr. CRAIG. Madam President, today I am introducing legislation to authorize a community-based forestry program aimed at ensuring small businesses in small rural communities have the ability to participate in all land management programs that the Forest Service and the Bureau of Land Management undertake through contract services. I am pleased to be introducing this legislation with Senator BINGAMAN. His persistence in working on this legislation is a testament to his interest in sound forest management that is good for the environment, as well as good for thousands of small rural communities.

Senator BINGAMAN and I both understand that we have fundamental problems with the management of many of our public lands. We both have seen the devastation that catastrophic fires are imposing on our Western forests. Two years ago as a result of the Cerro Grande Fire that consumed portions of Los Alamos, New Mexico, many Americans had to face up to the deplorable forest health conditions and the devastating impacts of these catastrophic fires. The recent fires in Colorado, New Mexico and now Eastern Arizona are re-enforcing the message that we simply cannot stand back and ignore the deplorable health conditions in our public forests.

While many in the West, including Senator BINGAMAN and myself, have long understood the challenge of poor forest health followed by these conflagrations, nothing focuses your attention like a community in your State consumed in a raging forest fire. As a result of this watershed event, Congress put together the funding for the National Fire Plan.

Having grown up near Cascade, ID, I know that large forest fires are not new to our community. But when in the space of three years a third of two national forests were consumed in large intense fires, such as those that occurred on the Boise and Payette National Forest in 1994 and 1996, you are forced to conclude something has gone haywire with our public land's management.

For a number of years I watched the implementation of the Pacific Northwest Forest Plan. I watched to see if the community assistance funding would trickle down to the small communities and to the workers that were displaced as a result of the plan. Sadly, the evidence is that in the smaller more rural communities many of the displaced workers did not benefit from those programs.

In 2000, with the help of Senator BINGAMAN, Senator WYDEN and I introduced and passed the Secure Rural Schools and Community Self-Determination Act. This legislation includes provisions to empower rural communities to work with the federal land managers to undertake consensus-based projects designed to help meet the resource needs of the agency and to develop projects that will generate the economic activity so desperately needed in many of our small rural communities. In spite of our success Senator BINGAMAN and I knew that more had to be done.

We understood that we needed to construct more opportunities for our Federal land managers to work cooperatively with the people living in these rural communities. We understood that we needed to change dynamics so the knowledge, logic and wisdom harbored within the citizen of these small rural communities could be tapped to improve our public lands.

The legislation that we are introducing today will authorize the establishment of Restoration and Value-Added Centers designed to help small communities and business be better prepared to help our Federal land managers complete the forest management work that our forests so desperately need.

When Congress directed the Forest Service, BLM and other land management agencies to develop the National Fire Management Plan, and then increased funding for fire prevention, suppression, and restoration activities, many of the proponents expected much of the work would be funneled to smaller communities to take advantage of the expertise that exists in these communities, as well as to help stabilize the economies of these areas. Sadly most of the Federal agency's funding and efforts have been consumed with fire fighting and by the looks of this fire season that is not going to improve any time soon. Very little restoration work to reduce the risk of intense fires before they occur has been undertaken. Thus, we have not seen sufficient efforts made to take advantage of the human resource located in these small rural communities.

I believe the legislation Senator BINGAMAN and I are introducing today will help the Federal land managers take advantage of the local and traditional knowledge as well as take advantage of the under utilized woods workforces that have been put out of work over the last decade. This legislation will help small community and consensus-based groups who are eager to undertake work designed to improve our public lands. It will help our federal land managers reestablish a close working relationship with these communities and it will be very good for the public land.

Like any new experimental program we have included a number of provisions that first are designed to phase into these new relationships and secondly, designed to ensure that the Restoration and Value-Added Centers will not become a long term financial burden to the American public. We have included provisions to shift away from federal financing and toward private funding sources five years after the opening of the centers. Additionally, we have included monitoring provisions so we can track these new programs and make corrections as needed.

Finally, I would be remiss if I did not recognize the coalition who helped to form and clarify the thinking of Senator BINGAMAN and myself as we developed this proposal. We held lengthy hearings to which many in the coalition traveled long distances to participate. They have been inspirational in their willingness to think outside the box and to work with our staff to refine this proposal.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 289—EXPRESSING THE SENSE OF THE SENATE THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO CELEBRATE THE BICENTENNIAL OF THE LOUISIANA PURCHASE

Ms. LANDRIEU (for herself and Mr. BREAUX) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 289

Resolved,

SECTION 1. SENSE OF THE SENATE THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO CELEBRATE THE BICENTENNIAL OF THE LOUISIANA PURCHASE.

(a) FINDINGS.—The Senate finds the following:

(1) The Bicentennial of the Louisiana Purchase occurs in 2003, 200 years after the United States, under the Presidency of Thomas Jefferson and after approval by Congress, paid $15,000,000 to acquire the 800,000 square mile territory stretching from Canada to the Gulf of Mexico and from the Mississippi River to the Rocky Mountains.

(2) The Louisiana Purchase doubled the size of the United States and still remains the largest peaceful land transaction in history.

(3) The Louisiana Purchase, following exploration by Meriwether Lewis and William Clark, allowed an unprecedented age of settlement and achievement by the people of the United States in the Nation's heartland.

(4) The land acquired in the Louisiana Purchase comprised all or part of the States of Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

(5) Commemoration of the Louisiana Purchase and the subsequent opening of the American heartland through the issuance of a United States postage stamp would—

(A) heighten public awareness of the impact of the Louisiana Purchase on the American society through the expansion and development of the West; and

(B) benefit the American public by providing a lesson for continued democratic governance in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in 2003 to celebrate the Bicentennial of the Louisiana Purchase.

SEC. 2. TRANSMITTAL TO CITIZENS' STAMP ADVISORY COMMITTEE.

The Secretary of the Senate shall transmit a copy of this resolution to the chairperson of the Citizens' Stamp Advisory Committee.

SENATE RESOLUTION 290—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DESIGNATION OF JUNE 24, 2002 THROUGH JULY 24, 2002 AS FRENCH HERITAGE MONTH (LE MOIS DE L'HERITAGE FRANCAIS)

Mr. SMITH of New Hampshire submitted the following resolution; which was considered and agreed to:

S. RES. 290

Whereas millions of Americans trace their ancestry to France, Quebec, Acadia, or other French speaking parts of the world;

Whereas the United States shares a common border with Canada, a country with which we have also shared a long history of cordial relations and prosperous trade;

Whereas brave French settlers helped establish New France in the 16th century;

Whereas King Louis XVI, the Marquis De LaFayette, and other brave Frenchmen made immeasurable contributions in our War for Independence;

Whereas Alexis de Tocqueville's classic book "Democracy in America" has taught and inspired generations of American students;

Whereas French Major Charles Pierre L'Enfant helped design the city plan of the capital of this Nation;

Whereas the people of the United States share with the French people a common love for liberty;

Whereas the Statue of Liberty was presented as a gift from France to the people of New York, and was created by sculptor Frederic-Auguste Bartholdi;

Whereas the United States and France have fought together against Nazism, Fascism, Communism, and Imperialism;

Whereas the pride and work ethic of the Franco-American community has contributed greatly to the prosperity and culture of this Nation: Now, therefore, be it

Resolved, that it is the sense of the Senate that—

(1) June 24, 2002 through July 24, 2002, encompassing the celebration of La Fete St. Jean Baptiste and the commemoration of Bastille Day, be designated as French Heritage Month (Le Mois De L'Heritage Francais); and

(2) appropriate observances should be held during this period throughout the country by public and private groups and institutions.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3966. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3967. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3968. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3969. Mr. SMITH, of New Hampshire (for himself, Ms. CANTWELL, Mr. GRASSLEY, Mr. DAYTON, Mr. REED, Mr. CRAIG, Ms. LANDRIEU, Mr. HARKIN, Mrs. BOXER, and Ms. MIKULSKI) proposed an amendment to the bill S. 2514, supra.

SA 3970. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3971. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3972. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3966. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 3 and 4, insert the following:

SEC. 503. INCREASED GRADE FOR HEADS OF NURSE CORPS.

(a) ARMY.—Section 3069(b) of title 10, United States Code, is amended by striking "brigadier general" in the second sentence and inserting "major general".

(b) NAVY.—The first sentence of section 5150(c) of such title is amended—

(1) by inserting "rear admiral (upper half) in the case of an officer in the Nurse Corps or" after "for promotion to the grade of"; and

(2) by inserting "in the case of an officer in the Medical Service Corps" after "rear admiral (lower half)".

(c) AIR FORCE.—Section 8069(b) of such title is amended by striking "brigadier general" in the second sentence and inserting "major general".

SA 3967. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. AUTHORITY TO MAKE PAYMENT TO HARRIET TUBMAN HOME, AUBURN, NEW YORK.

(a) AUTHORITY.—(1) The Secretary of Defense may, out of any amounts available for obligation, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use any amounts received paid under subsection (a) for purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SA 3968. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 24, increase the amount by $1,000,000.

On page 13, line 15, reduce the amount by $1,000,000.

SA 3969. Mr. SMITH of New Hampshire (for himself, Ms. CANTWELL, Mr. GRASSLEY, Mr. DAYTON, Mr. REED, Mr. CRAIG, Ms. LANDRIEU, Mr. HARKIN, Mrs. BOXER, and Ms. MIKULSKI) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 125, between lines 13 and 14, insert the following:

SEC. 554. WEAR OF ABAYAS BY FEMALE MEMBERS OF THE ARMED FORCES IN SAUDI ARABIA.

(a) PROHIBITIONS RELATING TO WEAR OF ABAYAS.—No member of the Armed Forces having authority over a member of the Armed Forces and no officer or employee of the United States having authority over a member of the Armed Forces may—

(1) require or encourage that member to wear the abaya garment or any part of the abaya garment while the member is in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty; or

(2) take any adverse action, whether formal or informal, against the member for choosing not to wear the abaya garment or any part of the abaya garment while the member is in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty.

(b) INSTRUCTION.—(1) The Secretary of Defense shall provide each female member of the Armed Forces ordered to a permanent change of station or temporary duty in the Kingdom of Saudi Arabia with instructions regarding the prohibitions in subsection (a) immediately upon the arrival of the member at a United States military installation within the Kingdom of Saudi Arabia. The instructions shall be presented orally and in writing. The written instruction shall include the full text of this section.

(2) In carrying out paragraph (1), the Secretary shall act through the Commander in Chief, United States Central Command and Joint Task Force Southwest Asia, and the commanders of the Army, Navy, Air Force, and Marine Corps components of the United States Central Command and Joint Task Force Southwest Asia.

(c) PROHIBITION ON USE OF FUNDS FOR PROCUREMENT OF ABAYAS.—Funds appropriated or otherwise made available to the Department of Defense may not be used to procure abayas for regular or routine issuance to members of the Armed Forces serving in the Kingdom of Saudi Arabia or for any personnel of contractors accompanying the Armed Forces in the Kingdom of Saudi Arabia in the performance of contracts entered into with such contractors by the United States.

SA 3970. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE XIII—COAST GUARD AUTHORIZATION

SEC. 1301. SHORT TITLE.

This title may be cited as the "Coast Guard Authorization Act of 2002".

SEC. 1302. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 1301. Short title.
Sec. 1302. Table of contents.

SUBTITLE A—AUTHORIZATION

Sec. 1311. Authorization of appropriations.
Sec. 1312. Authorized levels of military strength and training.
Sec. 1313. LORAN-C.
Sec. 1314. Patrol craft.
Sec. 1315. Caribbean support tender.

SUBTITLE B—PERSONNEL MANAGEMENT

Sec. 1321. Coast Guard band director rank.
Sec. 1322. Compensatory absence for isolated duty.
Sec. 1323. Suspension of retired pay of Coast Guard members who are absent from the United States to avoid prosecution.
Sec. 1324. Extension of Coast Guard housing authorities.
Sec. 1325. Accelerated promotion of certain Coast Guard officers.
Sec. 1326. Regular lieutenant commanders and commanders; continuation on failure of selection for promotion.
Sec. 1327. Reserve officer promotion
Sec. 1328. Reserve Student Pre-Commissioning Assistance Program.
Sec. 1329. Continuation on active duty beyond 30 years.
Sec. 1330. Payment of death gratuities on behalf of Coast Guard Auxiliarists.
Sec. 1331. Align Coast Guard severance pay and revocation of commission authority with Department of Defense authority.

SUBTITLE C—MARINE SAFETY

Sec. 1351. Modernization of national distress and response system.
Sec. 1352. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.
Sec. 1353. Icebreaking services.
Sec. 1354. Modification of various reporting requirements.
Sec. 1355. Oil Spill Liability Trust Fund; emergency fund advancement authority.
Sec. 1356. Merchant mariner documentation requirements.
Sec. 1357. Penalties for negligent operations and interfering with safe operation.
Sec. 1358. Fishing vessel safety training.
Sec. 1359. Extend time for recreational vessel and associated equipment recalls.
Sec. 1360. Safety equipment requirement.
Sec. 1361. Marine casualty investigations involving foreign vessels.
Sec. 1362. Maritime Drug Law Enforcement Act amendments.
Sec. 1363. Temporary certificates of documentation for recreational vessels.

SUBTITLE D—RENEWAL OF ADVISORY GROUPS

Sec. 1371. Commercial Fishing Industry Vessel Advisory Committee.
Sec. 1372. Houston-Galveston Navigation Safety Advisory Committee.
Sec. 1373. Lower Mississippi River Waterway Advisory Committee.

Sec. 1374. Navigation Safety Advisory Council.
Sec. 1375. National Boating Safety Advisory Council.
Sec. 1376. Towing Safety Advisory Committee.

SUBTITLE E—MISCELLANEOUS

Sec. 1381. Conveyance of Coast Guard property in Portland, Maine.
Sec. 1382. Harbor safety committees.
Sec. 1383. Limitation of liability of pilots at Coast Guard Vessel Traffic Services.
Sec. 1384. Conforming references to the former Merchant Marine and Fisheries Committee.
Sec. 1385. Long-term lease authority for lighthouse property.
Sec. 1386. Electronic filing of commercial instruments for vessels.
Sec. 1387. Radio direction finding apparatus carriage requirement.
Sec. 1388. Wing-in-ground craft.
Sec. 1389. Deletion of thumbprint requirement for merchant mariners' documents.
Sec. 1390. Authorization of payment.
Sec. 1391. Additional Coast Guard funding needs after September 11, 2001.
Sec. 1392. Repeal of special authority to revoke endorsements.
Sec. 1393. Prearrival messages from vessels destined to United States ports.
Sec. 1394. Safety and security of ports and waterways.
Sec. 1395. Pictured Rocks National Lakeshore boundary division.
Sec. 1396. Administrative waiver.
Sec. 1397. Vessel STUYVESANT.
Sec. 1398. Escanaba dock.

SUBTITLE A—AUTHORIZATION

SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002, as follows:

(1) For the operation and maintenance of the Coast Guard, $4,533,000,000, of which—

(A) $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund; and

(B) $537,000,000 is authorized for activities associated with improving maritime security, including maritime domain awareness and law enforcement operations.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $985,000,000 of which—

(A) $20,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) $50,000,000 is authorized to be available for equipment and facilities associated with improving maritime security awareness, crisis prevention, and response; and

(C) $338,000,000 is authorized to be available to implement the Coast Guard's Integrated Deepwater system.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $876,350,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) $13,500,000, to remain available until expended; and

(B) $2,000,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(b) FISCAL YEAR 2003.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2003, as follows:

(1) For the operation and maintenance of the Coast Guard, $4,800,000,000, of which—

(A) $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund; and

(B) $537,000,000 is authorized for activities associated with improving maritime security, including maritime domain awareness and law enforcement operations.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,000,000,000 of which—

(A) $20,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) $50,000,000 is authorized to be available for equipment and facilities associated with improving maritime security awareness, crisis prevention, and response; and

(C) $500,000,000 is authorized to be available to implement the Coast Guard's Integrated Deepwater system.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $23,106,000, to remain available until expended, of which $3,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $935,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,300,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program administrative costs associated with the Bridge Alteration Program—

(A) $16,000,000, to remain available until expended; and

(B) $2,000,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

SEC. 1312. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002,the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,050 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2003.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2003.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2003.—For fiscal year 2003, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,250 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,150 student years.

SEC. 1313. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $22,000,000 for fiscal year 2002. The Secretary of transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 1314. PATROL CRAFT.

(a) TRANSFER OF CRAFT FROM DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC–170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to $100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

SEC. 1315. CARIBBEAN SUPPORT TENDER.

(a) IN GENERAL.—The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

(b) MEDICAL AND DENTAL CARE.—

(1) The Commandant may provide medical and dental care to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States—

(A) on an outpatient basis without cost; and

(B) on an inpatient basis if the United States is reimbursed for the costs of providing such care. Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which the charges were made for the provision of such care.

(2) Notwithstanding paragraph (1)(B), the Commandant may provide inpatient medical and dental care in the United States without cost to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States if comparable care is made available to a comparable number of United States military personnel in that foreign country.

SUBTITLE B—PERSONNEL MANAGEMENT

SEC. 1321. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking "commander" and inserting "captain".

SEC. 1322. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

"§ 511. Compensatory absence from duty for military personnel at isolated duty stations

"The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following: "511. Compensatory absence from duty for military personnel at isolated duty stations.".

SEC. 1323. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

Section 633 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) is amended by redesignating subsections (b), (c), and (d) in order as subsections (c), (d), and (e), and by inserting after subsection (a) the following:

"(b) APPLICATION TO COAST GUARD.—Procedures promulgated by the Secretary of Defense under subsection (a) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under this section.".

SEC. 1324. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

(a) IN GENERAL.—Section 689 of title 14, United States Code, is amended by striking "2001." and inserting "2006.".

(b) HOUSING DEMONSTRATION PROJECT.—Section 687 of title 14, United States Code, is amended by adding at the end the following:

"(g) DEMONSTRATION PROJECT AUTHORIZED.—To promote efficiencies through the use of alternative procedures for expediting new housing projects, the Secretary—

"(1) may develop and implement a demonstration project for acquisition or construction of military family housing and military unaccompanied housing at the Coast Guard installation at Kodiak, Alaska;

"(2) in implementing the demonstration project shall utilize, to the maximum extent possible, the contracting authority of the Small Business Administration's Section 8(a) Program;

"(3) shall, to the maximum extent possible, acquire or construct such housing through contracts with small business concerns qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) that have their principal place of business in the State of Alaska; and

"(4) shall report to Congress by September 1st of each year on the progress of activities under the demonstration project.".

SEC. 1325. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) by adding at the end of section 259 the following:

"(c)(1) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

"(2) The Secretary shall conduct a survey of the Coast Guard officer corps to determine if implementation of this subsection will improve Coast Guard officer retention. A selection board may not make any recommendation under this subsection before the date the Secretary publishes a finding that implementation of this subsection will improve Coast Guard officer retention and management.

"(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.";

(2) by inserting "and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title" in section 260(a) after "promotion"; and

(3) by inserting at the end of section 271(a) the following: "The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.".

SEC. 1326. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION ON FAILURE OF SELECTION FOR PROMOTION.

Section 285 of title 14, United States Code, is amended—

(1) by striking "Each officer" and inserting "(a) Each officer"; and

(2) by adding at the end the following new subsections:

"(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

"(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

"(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b), is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed."

SEC. 1327. RESERVE OFFICER PROMOTIONS.

(a) Section 729(i) of title 14, United States Code is amended by inserting "on the date a vacancy occurs, or as soon thereafter as practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system," after "grade".

(b) Section 731 of title 14, United States Coast Code, is amended by striking the period at the end of the sentence in section 731, and inserting ", or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

"(1) 2 years in the grade of lieutenant (junior grade).

"(2) 3 years in the grade of lieutenant.

"(3) 4 years in the grade of lieutenant commander.

"(4) 4 years in the grade of commander.

"(5) 3 years in the grade of captain.".

(c) Section 736(a) of title 14, United States Code, is amended by inserting "the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event" after "subchapter," in the first sentence.

SEC. 1328. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 21 of title 14, United States Code, is amended by inserting after section 709 the following new section:

"§ 709a. Reserve student pre-commissioning assistance program

"(a) The Secretary may provide financial assistance to an eligible enlisted member of the Coast Guard Reserve, not on active duty, for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

"(1) a baccalaureate degree in not more than 5 academic years; or

"(2) a post-baccalaureate degree.

"(b)(1) To be eligible for financial assistance under this section, an enlisted member of the Coast Guard Reserve shall—

"(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

"(B) enter into a written agreement with the Coast Guard described in paragraph (2).

"(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees—

"(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

"(B) to serve on active duty for up to five years; and

"(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Coast Guard Reserve until the eighth anniversary of the date of the appointment.

"(c) Expenses for which financial assistance may be provided under this section are the following:

"(1) Tuition and fees charged by the institution of higher education involved.

"(2) The cost of books.

"(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

"(4) Such other expenses as are deemed appropriate by the Secretary.

"(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $25,000 for any academic year.

"(e) Financial assistance may be provided to a member under this section for up to 5 consecutive academic years.

"(f) A member who receives financial assistance under this section may be ordered to active duty in the Coast Guard Reserve by the Secretary to serve in a designated enlisted grade for such period as the Secretary prescribes, but not more than 4 years, if the member—

"(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

"(2) fails to complete the academic requirements of the institution of higher education involved; or

"(3) fails to maintain eligibility for an original appointment as a commissioned officer.

"(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, the financial assistance shall be terminated. The Secretary may request the member to reimburse the United States in an amount that bears the same ratio to the total costs of the education provided to that member as the unserved portion of active duty bears to the total period of active duty the member agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty. An obligation to reimburse the United States imposed under this paragraph is a debt owed to the United States.

"(2) The Secretary may waive the service obligated under subsection (f) of a member who becomes unqualified to serve on active duty due to a circumstance not within the control of that member or who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or medical condition that was not the result of the member's own misconduct or grossly negligent conduct.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (b) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

"(h) As used in this section, the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709: "709A. Reserve student pre-commissioning assistance program".

SEC. 1329. CONTINUATION ON ACTIVE DUTY BEYOND 30 YEARS.

Section 289 of title 14, United States Code, is amended by adding at the end the following:

"(h) Notwithstanding subsection (g) and section 288 of this title, the Commandant may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under subsection (g) or section 288 of this title. An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that promotion year in which no action is taken to further retain the officer under this subsection.".

SEC. 1330. PAYMENT OF DEATH GRATUITIES ON BEHALF OF COAST GUARD AUXILIARISTS.

(a) Section 823a(b) of title 14, United States Code, is amended by inserting the following new paragraph following paragraph (8):

"(9) On or after January 1, 2001, the first section 651 contained in the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009-368).".

SEC. 1331. ALIGN COAST GUARD SEVERANCE PAY AND REVOCATION OF COMMISSION AUTHORITY WITH DEPARTMENT OF DEFENSE AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended—

(1) in section 281—

(A) by striking "three" in the section heading and inserting "five"; and

(B) by striking "three" in the text and inserting "five";

(2) in section 283(b)(2)(A), by striking "severance" and inserting "separation";

(3) in section 286—

(A) by striking "severance" in the section heading and inserting "separation"; and

(B) by striking subsection (b) and inserting the following:

"(b) An officer of the Regular Coast Guard who is discharged under this section or section 282, 283, or 284 of this title who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

"(c) An officer of the Regular Coast Guard who is discharged under section 327 of this title, who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10 as determined under regulations promulgated by the Secretary.

"(d) Notwithstanding subsections (a) or (b), an officer discharged under chapter 11 of this title for twice failing of selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer requested in writing or otherwise sought not to be selected for promotion, or requested removal from the list of selectees.";

(4) in section 286a—

(A) by striking "severance" in the section heading and inserting "separation" in its place; and

(B) by striking subsections (a), (b), and (c) and inserting the following:

"(a) A regular warrant officer of the Coast Guard who is discharged under section 580 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

"(b) A regular warrant officer of the Coast Guard who is discharged under section 1165 or 1166 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10, as determined under regulations promulgated by the Secretary.

"(c) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded."; and

(5) in section 327—

(A) by striking "severance" in the section heading and inserting "separation";

(B) by striking subsection (a)(2) and inserting in its place the following:

"(2) for discharge with separation benefits under section 286(c) of this title.";

(C) by striking subsection (a)(3);

(D) by striking subsection (b)(2) and inserting in its place the following:

"(2) if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged with separation benefits under section 286(c) of this title, unless under regulations promulgated by the Secretary the condition under which the officer is discharged does not warrant an honorable discharge."; and

(E) by striking subsection (b)(3).

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended—

(1) in the item relating to section 281, by striking "three" and inserting "five" in its place; and

(2) in the item relating to section 286, by striking "severance" and inserting "separation" in its place;

(3) in the item relating to section 286a, by striking "severance" and inserting "separation" in its place; and

(4) in the item relating to section 327, by striking "severance" and inserting "separation" in its place.

(c) EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), (4), and (5) of subsection (a) shall take effect four years after the date of enactment of this Act, except that subsection (d) of section 286 of title 14, United States Code, as amended by paragraph (3) of subsection (a) of this section shall take effect on enactment of this Act and shall apply with respect to conduct on or after that date. The amendments made to the table of sections of chapter 11 of title 14, United States Code, by paragraphs (2), (3), and (4) of subsection (b) of this section shall take effect four years after the date of enactment of this Act.

SUBTITLE C—MARINE SAFETY

SEC. 1351. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

(a) Report.— The Secretary of Transportation shall prepare a status report on the modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this Act, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Contents.— The report required by subsection (a) shall—

(1) set forth the scope of the modernization, the schedule for completion of the System, and provide information on progress in meeting the schedule and on any anticipated delays;

(2) specify the funding expended to-date on the System, the funding required to complete the system, and the purposes for which the funds were or will be expended;

(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

(4) identify areas of high risk to boaters and Coast Guard personnel due to communications gaps;

(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea;

(6) identify the number of VHF–FM radios equipped with digital selective calling sold to United States boaters;

(7) list all reported marine accidents, casualties, and fatalities occurring in areas with existing communications gaps or failures, including incidents associated with gaps in VHF–FM coverage or digital selective calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels during calendar years 1997 forward;

(8) identify existing systems available to close all identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF–FM digital selective calling distress signal; and

(9) identify actions taken to-date to implement the recommendations of the National Transportation Safety Board in its Report No. MAR–99–01.

SEC. 1352. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking "United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended." and inserting "United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

SEC. 1353. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

SEC. 1354. MODIFICATION OF VARIOUS REPORTING REQUIREMENTS.

Preservation of Certain Reporting Requirements.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Coast guard operations and expenditures.—Section 651 of title 14, United States Code.

(2) Summary of marine casualties reported during prior fiscal year.—Section 6307(c) of title 46, United States Code.

(3) User fee activities and amounts.—Section 664 of title 46, United States Code.

(4) Conditions of public ports of the United States.—Section 308(c) of title 49, United States Code.

(5) Activities of federal maritime commission.—Section 208 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1118).

(6) Activities of interagency coordinating committee on oil pollution research.—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e)).

SEC. 1355. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND ADVANCEMENT AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting "To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may obtain an advance from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance. Amounts advanced shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.".

SEC. 1356. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) Interim Merchant Mariners' Documents.—Section 7302 of title 46, United States Code, is amended—

(1) by striking "A" in subsection (f) and inserting "Except as provided in subsection (g), a"; and

(2) by adding at the end the following:

"(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

"(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

"(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

"(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.".

(b) Exception.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

"(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and".

SEC. 1357. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Section 2302(a) of title 46, United States Code, is amended by striking "$1,000." and inserting "$5,000 in the case of a recreational vessel, or $25,000 in the case of any other vessel.".

SEC. 1358. FISHING VESSEL SAFETY TRAINING.

(a) In General.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

(1) assistance in developing training curricula;

(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;

(3) sharing of appropriate Coast Guard informational and safety publications; and

(4) participation on applicable fishing vessel safety training advisory panels.

(b) No Interference with Other Functions.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

SEC. 1359. EXTEND TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.

Section 4310(c) of title 46, United Sates Code, is amended—

(1) by striking "5" wherever it appears and inserting "10" in its place in paragraph (2)(A) and (B).

(2) by inserting "by first class mail or" in front of "by certified mail" in paragraph (1)(A),(B), and (C).

SEC 1360. SAFETY EQUIPMENT REQUIREMENT.

The Commandant of the Coast Guard shall ensure that all Coast Guard personnel are equipped with adequate safety equipment, including survival suits where appropriate, while performing search and rescue missions.

SEC. 1361. MARINE CASUALTY INVESTIGATIONS INVOLVING FOREIGN VESSELS.

Section 6101 of title 46, United States Code, is amended—

(1) by redesignating the second subsection (e) as subsection (f); and

(2) by adding at the end the following new subsection:

"(g) To the extent consistent with generally recognized practices and procedures of international law, this part applies to a foreign vessel involved in a marine casualty or incident, as defined in the International Maritime Organization Code for the Investigation of Marine Casualties and Incidents, where the United States is a Substantially Interested State and is, or has the consent of, the Lead Investigating State under the Code.".

SEC. 1362. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENTS.

(a) Section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903) is amended—

(1) in subsection (c)(1)(D) by striking "and";

(2) in subsection (c)(1)(E) by striking "United States." and inserting "United States; and"; and

(3) by inserting after subsection (c)(1)(E) the following:

"(F) a vessel located in the contiguous zone of the United States, as defined in Presidential Proclamation 7219 of September 2, 1999, and (i) is entering the United States, (ii) has departed the United States, or (iii) is a hovering vessel as defined in 19 U.S.C. 1401(k).".

(b) Section 4 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1904) is amended—

(1) by inserting "(a)" before "Any property"; and

(2) by adding at the end the following:

"(b) Practices commonly recognized as smuggling tactics may provide prima facie evidence of intent to use a vessel to commit, or to facilitate the commission of, an offense under this chapter, and may support seizure and forfeiture of the vessel, even in the absence of controlled substances aboard the vessel. The following indicia, inter alia, may be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of an offense under this chapter:

"(1) The construction or adaptation of the vessel in a manner that facilitates smuggling, including—

"(A) the configuration of the vessel to ride low in the water or present a low hull profile to avoid being detected visually or by radar;

"(B) the presence of any compartment or equipment which is built or fitted out for smuggling, not including items such as a safe or lock-box reasonably used for the storage of personal valuables;

"(C) the presence of an auxiliary tank not installed in accordance with applicable law, or installed in such a manner as to enhance the vessel's smuggling capability;

"(D) the presence of engines that are excessively over-powered in relation to the design and size of the vessel;

"(E) the presence of materials used to reduce or alter the heat or radar signature of the vessel and avoid detection;

"(F) the presence of a camouflaging paint scheme, or of materials used to camouflage the vessel, to avoid detection; or

"(G) the display of false vessel registration numbers, false indicia of vessel nationality, false vessel name, or false vessel homeport.

"(2) The presence or absence of equipment, personnel, or cargo inconsistent with the type or declared purpose of the vessel.

"(3) The presence of excessive fuel, lube oil, food, water, or spare parts, inconsistent with legitimate vessel operation, inconsistent with the construction or equipment of the vessel, or inconsistent with the character of the vessel's stated purpose.

"(4) The operation of the vessel without lights during times lights are required to be displayed under applicable law or regulation, and in a manner of navigation consistent with smuggling tactics used to avoid detection by law enforcement authorities.

"(5) The failure of the vessel to stop or respond or heave to when hailed by government authority, especially where the vessel conducts evasive maneuvering when hailed.

"(6) The declaration to government authority of apparently false information about the vessel, crew, or voyage, or the failure to identify the vessel by name or country of registration when requested to do so by government authority.

"(7) The presence of controlled substance residue on the vessel, on an item aboard the vessel, or on a person aboard the vessel, of a quantity or other nature which reasonably indicates manufacturing or distribution activity.

"(8) The use of petroleum products or other substances on the vessel to foil the detection of controlled substance residue.

"(9) The presence of a controlled substance in the water in the vicinity of the vessel, where given the currents, weather conditions, and course and speed of the vessel, the quantity or other nature is such that it reasonably indicates manufacturing or distribution activity.".

SEC. 1363. TEMPORARY CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.

(a) Section 12103(a) of title 46, United States Code, is amended by inserting ", or a temporary certificate of documentation," after "certificate of documentation".

(b)(1) Chapter 121 of title 46, United States Code, is amended by adding a new section 12103a, as follows:

"§ 12103a. Issuance of temporary certificate of documentation by third parties

"(a) The Secretary of Transportation may delegate, subject to the supervision and control of the Secretary and under terms set out by regulation, to private entities determined and certified by the Secretary to be qualified, the authority to issue a temporary certificate of documentation for a recreational vessel, if the applicant for the certificate of documentation meets the requirements set out in sections 12102 and 12103 of this chapter.

"(b) A temporary certificate of documentation issued under section 12103(a) and subsection (a) of this section is valid for up to 30 days from issuance.".

(2) The table of sections at the beginning of chapter 121 of title 46, United States Code, is amended by inserting after the item relating to section 12103 the following:

"12103a. Issuance of temporary certificate of documentation by third parties.".

SUBTITLE D—RENEWAL OF ADVISORY GROUPS

SEC. 1371. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting " Safety " in the heading after " Vessel ";

(2) by inserting "Safety" in subsection (a) after "Vessel";

(3) by striking "(5 U.S.C App. 1 et seq.)" in subsection (e)(1) and inserting "(5 U.S.C. App.)"; and

(4) by striking "September 30, 2000" and inserting "September 30, 2005".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

"4508. Commercial Fishing Industry Vessel Safety Advisory Committee.".

SEC. 1372. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking "September 30, 2000." and inserting "September 30, 2005.".

SEC. 1373. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking "September 30, 2000" in subsection (g) and inserting "September 30, 2005".

SEC. 1374. NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "September 30, 2000" in subsection (d) and inserting "September 30, 2005".

SEC. 1375. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended by striking "September 30, 2000" in subsection (e). and inserting "September 30, 2005".

SEC. 1376. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled "An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation" (33 U.S.C. 1231a) is amended by striking "September 30, 2000." in subsection (e) and inserting"September 30, 2005.".

SUBTITLE E—MISCELLANEOUS

SEC. 1381. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) CONDITION OF CONVEYANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) IDENTIFICATION OF LEASED PREMISES.—The Administrator, in consultation with the Commandant, may identify and describe the leased premises and rights of access, including the following, in order to allow the Coast Guard to operate and perform missions from and upon the leased premises:

(A) The right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to Coast Guard vessels and performance of Coast Guard missions and other mission-related activities.

(B) The right to berth Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense.

(C) The right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes.

(D) The right to occupy up to 3,000 contiguous gross square feet at the Naval Reserve Pier property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(E) The right to occupy up to 1,200 contiguous gross square feet of offsite storage in a location other than the Naval Reserve Pier property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(F) The right for Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than 30 vehicles shall be located on the Naval Reserve Pier property.

(3) RENEWAL.—The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) LIMITATION ON SUBLEASES.—The United States may not sublease the leased premises to a third party or use the leased premises for purposes other than fulfilling the missions of the Coast Guard and for other mission related activities.

(5) TERMINATION.—In the event that the Coast Guard ceases to use the leased premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) IN GENERAL.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) FURTHER IMPROVEMENTS.—In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the leased premises during the lease term, at the United States' sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTENANCE OBLIGATIONS.—

(1) UTILITIES.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States' sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) MAINTENANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the replacement bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) THE CORPORATION SHALL NOT INTERFERE OR ALLOW INTERFERENCE, IN ANY MANNER, WITH USE OF THE LEASED PREMISES BY THE UNITED STATES; AND

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this title or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term "aid to navigation" means equipment used for navigational purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term "Corporation" means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 1382. HARBOR SAFETY COMMITTEES.

(a) STUDY.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) Effect on Existing Programs and State Law.—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term "harbor safety committee" means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety, mobility, environmental protection, and port security of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

SEC. 1383. LIMITATION OF LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.

(a) IN GENERAL.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

"§ 2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots

"Any pilot, acting in the course and scope of his duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice or communication assistance shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.".

(b) Clerical Amendment.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

"2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots".

SEC. 1384. CONFORMING REFERENCES TO THE FORMER MERCHANT MARINE AND FISHERIES COMMITTEE.

(a) Laws Codified in Title 14, United States Code.—

(1) Section 194(b)(2) of title 14, United States Code, is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(2) Section 663 of title 14, United States Code, is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(3) Section 664 of title 14, United States Code, is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(b) Laws Codified in Title 33, United States Code.—

(1) Section 3(d)(3) of the International Navigational Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is amended by striking "Merchant Marine and Fisheries," and inserting "Transportation and Infrastructure,".

(2) Section 5004(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2734(2)) is amended by striking "Merchant Marine and Fisheries" and inserting Transportation and Infrastructure".

(c) Laws Codified in Title 46, United States Code.—

(1) Section 6307 of title 46, United States Code, is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(2) Section 901g(b)(3) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241k(b)(3)) is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

(3) Section 913(b) of the International Maritime and Port Security Act (46 U.S.C. App. 1809(b)) is amended by striking "Merchant Marine and Fisheries" and inserting "Transportation and Infrastructure".

SEC. 1385. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.

(a) In General.—Chapter 17 of title 14, United States Code, is amended by adding at the end a new section 672b to read as follows:

"§ 672b. Long-term lease authority for lighthouse property

"(a) The Commandant of the Coast Guard may lease to non-Federal entities, including private individuals, lighthouse property under the administrative control of the Coast Guard for terms not to exceed 30 years. Consideration for the use and occupancy of lighthouse property leased under this section, and for the value of any utilities and services furnished to a lessee of such property by the Commandant, may consist, in whole or in part, of non-pecuniary remuneration including, but not limited to, the improvement, alteration, restoration, rehabilitation, repair, and maintenance of the leased premises by the lessee. Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b) shall not apply to leases issued by the Commandant under this section.

"(b) Amounts received from leases made under this section, less expenses incurred, shall be deposited in the Treasury.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 672 the following:

"672b. Long-term lease authority for lighthouse property.".

SEC. 1386. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS FOR VESSELS.

Section 31321(a)(4) of title 46, United States Code, is amended—

(1) by striking "(A)"; and

(2) by striking subparagraph (B).

SEC. 1387. RADIO DIRECTION FINDING APPARATUS CARRIAGE REQUIREMENT.

The first sentence of section 365 of the Communications Act of 1934 (47 U.S.C. 363) is amended by striking "operators." and inserting "operators, or with radio direction-finding apparatus.".

SEC. 1388. WING-IN-GROUND CRAFT.

(a) Section 2101(35) of title 46, United States Code, is amended by inserting "a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and" after the phrase " 'small passenger vessel' means".

(b) Section 2101 of title 46, United States Code, is amended by adding at the end the following:

"(48) wing-in-ground craft means a vessel that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water's surface.".

SEC. 1389. DELETION OF THUMBPRINT REQUIREMENT FOR MERCHANT MARINERS' DOCUMENTS.

Section 7303 of title 46, United States Code, is amended by striking "the thumbprint,".

SEC. 1390. AUTHORIZATION OF PAYMENT.

(a) In General.—The Secretary of the Treasury shall pay the sum of $71,000, out of funds in the Treasury not otherwise appropriated, to the State of Hawaii, such sum being the damages arising out of the June 19, 1997, allision by the United States Coast Guard Cutter RUSH with the ferry pier at Barber's Point Harbor, Hawaii.

(b) Full Settlement.—The payment made under subsection (a) is in full settlement of all claims by the State of Hawaii against the United States arising from the June 19, 1997, allision.

SEC. 1391. ADDITIONAL COAST GUARD FUNDING NEEDS AFTER SEPTEMBER 11, 2001.

(a) In General.—No later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Director of the Office of Homeland Security shall submit a report to the Congress that—

(1) compares Coast Guard expenditures by mission area on an annualized basis before and after the terrorist attacks of September 11, 2001;

(2) estimates—

(A) annual funding amounts and personnel levels that would restore all Coast Guard mission areas to the readiness levels that existed before September 11, 2001;

(B) annual funding amounts and personnel levels required to fulfill the Coast Guard's additional responsibilities for port security after September 11, 2001; and

(C) annual funding amounts and personnel levels required to increase law enforcement needs in mission areas other than port security after September 11, 2001;

(3) generally describes the services provided by the Coast Guard to the Department of Defense after September 11, 2001, and states the cost of such services; and

(4) identifies the Federal agency providing funds for those services.

(b) Report Required.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation identifying mission targets for each Coast Guard mission for fiscal years 2003, 2004, and 2005 and the specific steps necessary to achieve those targets. The Inspector General shall review the final strategic plan, and provide an independent report with its views to the Committees within 90 days after the plan has been submitted by the Secretary.

SEC. 1392. REPEAL OF SPECIAL AUTHORITY TO REVOKE ENDORSEMENTS.

Section 503 of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 note) is repealed.

SEC. 1393. PREARRIVAL MESSAGES FROM VESSELS DESTINED TO UNITED STATES PORTS.

(a) Prearrival Message Requirements.—Section 4 of the Ports and Waterways Safety Act (33 U.S.C. 1223) is amended—

(1) by striking paragraph (5) of subsection (a) and inserting the following:

"(5) may require the receipt of prearrival messages from any vessel destined for a port or place subject to the jurisdiction of the United States in accordance with subsection (e)."; and

(2) by adding at the end the following:

"(e) Prearrival Message Requirements.—

"(1) In general.—The Secretary may require prearrival messages under subsection (a)(5) to provide any information that the Secretary determines is necessary for the control of the vessel and the safety and security of the port, waterways, facilities, vessels, and marine environment, including—

"(A) the route and name of each port and each place of destination in the United States;

"(B) the estimated date and time of arrival at each port or place;

"(C) the name of the vessel;

"(D) the country of registry of the vessel;

"(E) the call sign of the vessel;

"(F) the International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

"(G) the name of the registered owner of the vessel;

"(H) the name of the operator of the vessel;

"(I) the name of the classification society of the vessel;

"(J) a general description of the cargo on board the vessel;

"(K) in the case of certain dangerous cargo—

"(i) the name and description of the dangerous cargo;

"(ii) the amount of the dangerous cargo carried;

"(iii) the stowage location of the dangerous cargo; and

"(iv) the operational condition of the equipment under section 164.35 of title 33, Code of Federal Regulations;

"(L) the date of departure and name of the port from which the vessel last departed;

"(M) the name and telephone number of a 24-hour point of contact for each port included in the notice of arrival;

"(N) the location or position of the vessel at the time of the report;

"(O) a list of crew members onboard the vessel including, with respect to each crew member—

"(i) the full name;

"(ii) the date of birth;

"(iii) the nationality;

"(iv) the passport number or mariners document number; and

"(v) the position or duties;

"(P) a list of persons other than crew members onboard the vessel including, with respect to each such person—

"(i) the full name;

"(ii) the date of birth;

"(iii) the nationality; and

"(iv) the passport number; and

"(Q) any other information required by the Secretary.

"(2) FORM AND TIME.—The Secretary may require prearrival messages under subsection (a)(5) to be submitted—

"(A) in electronic or other form; and

"(B) to be submitted not later than 96 hours before the vessel's arrival or at such time, as provided in regulations, as the Secretary deems necessary to permit the Secretary to examine thoroughly all information provided.

"(3) INFORMATION NOT SUBJECT TO FOIA.—Section 552 of title 5, United States Code, does not apply to any information submitted under subsection (a)(5).

"(4) ENFORCEMENT OF REQUIREMENT.—The Secretary may deny entry of a vessel into the territorial sea of the United States if the Secretary has not received notification for the vessel in accordance with subsection (a)(5)."

(b) RELATION OF PREARRIVAL MESSAGE REQUIREMENT TO OTHER PROVISION OF LAW.—Section 5 of the Ports and Waterways Safety Act (33 U.S.C. 1224) is amended adding at the end the following:

"(c) RELATION TO PREARRIVAL MESSAGE REQUIREMENT.— Nothing in this section interferes with the Secretary's authority to require information under section 4(a)(5) before a vessel's arrival in a port or place subject to the jurisdiction of the United States.".

SEC. 1394. SAFETY AND SECURITY OF PORTS AND WATERWAYS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended—

(1) by striking "safety and protection of the marine environment" in section 2(a) (33 U.S.C. 1221(a)) and inserting "safety, protection of the marine environment, and safety and security of United States ports and waterways"; and

(2) by striking "safety and protection of the marine environment," in section 5(a) (33 U.S.C. 1224(a)) and inserting "safety, protection of the marine environment, and the safety and security of United States ports and waterways,".

SEC. 1395. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY DIVISION.

(a) TRANSFER.—As soon as practicable after the date of enactment of this Act, the Administrator of General Services may transfer to the Secretary, without consideration, administrative jurisdiction over, and management of, the public land.

(b) BOUNDARY REVISION.—The boundary of the Lakeshore is revised to include the public land transferred under subsection (a).

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADMINISTRATION.—The Secretary may administer the public land transferred under section (a)—

(1) as part of the Lakeshore; and

(2) in accordance with applicable laws (including regulations)

(e) ACCESS TO AIDS TO NAVIGATION.—The Secretary of Transportation, in consultation with the Secretary, may access the front and rear range lights for the purposes of servicing, operating, maintaining, and repairing those lights.

(f) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term "Lakeshore" means the Pictured Rocks National Lakeshore in the State of Michigan.

(2) MAP.—The term "map" means the map entitled "Proposed Addition to Pictured Rocks National Lakeshore", numbered 625/80048, and dated April 2002.

(3) PUBLIC LAND.—The term "public land" means the approximately .32 acres of United States Coast Guard land and improvements to the land, including the United States Coast Guard Auxiliary Operations Station and the front and rear range lights, as depicted on the map.

(4) SECRETARY.—The term "Secretary" means the Secretary of State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $225,000 to restore, preserve, and maintain the public land transferred under subsection (a).

SEC. 1396. ADMINISTRATIVE WAIVER.

The yacht EXCELLENCE III, hull identification number HQZ00255K101, is deemed to be an eligible vessel within the meaning of section 504(2) of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 nt).

SEC. 1397. VESSEL STUYVESANT.

(a) IN GENERAL.—Section 5501 (a)(2)(A) of the Oceans Act of 1992 (46 U.S.C. App. 292 note) is amended to read as follows:

"(A)(i) the vessel STUYVESANT, official number 648540; and

"(ii) until the earlier of December 8, 2022, or the date on which the vessel STUYVESANT ceases to be documented under section 12106 of title 46 United States Code—

"(I) any other hopper dredging vessel documented under section 12106 of title 46 United States Code, before November 4, 1992, and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest;

"(II) any non-hopper dredging vessel documented under section 12106 of title 46 United States Code and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest, but only as is necessary to fulfill dredging obligations under a specific contract for the employment of the STUYVESANT, including any extension periods, pursuant to which the STUYVESANT performs the majority of the work, as measured by cost and volume, and the non-hopper dredging vessel is used only on a temporary basis for the limited purpose of supplementing the dredging activity of the STUYVESANT under that specific contract and no other; and

"(III) any other non-hopper dredging vessel documented under section 12106 of title 46 United States Code, and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest, but only as is necessary as temporary replacement capacity for the vessel STUYVESANT, should the STUYVESANT become disabled, for as long as the disability lasts, if repairs to the STUYVESANT to correct the disability are promptly made;".

(b) IMPLEMENTATION.—

(1) The charterer of any vessel chartered under the authority of section 5501(a)(2)(A) of the Oceans Act of 1992, as amended by subsection (a), shall file with the Administrator of the Maritime Administration, upon execution of the charter, a copy of the charter documents, the contract pursuant to which the dredging is to occur, an affidavit of United States citizenship of the vessel owner and such other documents as the Administrator may require for the purpose of ensuring compliance with that section.

(2) The amendment made by subsection (a) applies to any vessel chartered to the Stuyvesant Dredging Company, or to an entity in which that company has an ownership interest, on the earlier of—

(A) March 1, 2005; or

(B) the date on which Army Corps of Engineers or other dredging contractual commitments for the employment of such vessel that were in effect on the date of enactment of this Act are completed.

SEC. 1398. ESCANABA DOCK

The Commandant of the Coast Guard is authorized to transfer $300,000 from the funds appropriated for Acquisition, Construction, and Improvements, to the City of Escanaba, Michigan.

SA 3971. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill add the following new Title (and renumber accordingly):

TITLE XXXIII—NATIONAL URBAN SEARCH AND RESCUE TASK FORCE AUTHORIZATION

SEC. 3301. SHORT TITLE.

This title may be cited as the "National Urban Search and Rescue Task Force Assistance Act of 2002".

"SEC. 3302. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Federal Emergency Management Agency (FEMA) established the National Urban Search and Rescue Response System in 1989 pursuant to requirement in the Earthquakes Hazards Reduction Act of 1977 which directed FEMA to provide adequate search and rescue capacity in the event of an earthquake.

(2) once the President has issued a major disaster declaration following a request by a governor, FEMA may activate up to three task forces that are closest to the disaster and additional task forces may be activated as necessary;

(3) each task force must be able to deploy all personnel and equipment within six hours of activation and are expected to be able to sustain themselves for the first 72 hours of operations;

(4) each task force must be capable of deploying at least 62 fully trained individuals, with each position staffed three deep to ensure the availability of at least two alternatives available in reserve for each position for a total of 186 members in each task force;

(5) task forces are supported by Incident Support Teams which provide technical assistance to state and local emergency managers, coordinate the activities of multiple task forces and provide logistical support;

(6) in fiscal year 2001, FEMA provided $7,200,000 to the task forces for training and equipment, allocated according to need;

(7) in fiscal year 2001, FEMA provided some $6,000,000 for upgrading the capability of six task forces to respond to disaster resulting from the use of weapons of mass destruction, including the capacity to search and provide assistance in an environment with chemical, biological, or radiological contamination;

(8) there currently are 28 task forces throughout the United States;

(9) since the terrorist attacks of September 11, 2001, the need for fully equipped and trained task forces is obvious;

(10) by noon of September 12, 2001, eight task forces were working valiantly with the courageous New York firefighters to address the aftermath of the terrorist attacks on the World Trade Center, four task forces responded to the attacks on the Pentagon, and 25 of 28 task forces were deployed over a three-week period;

(11) each task force is currently in need of additional training and support equipment with each task force being deployed with some 80,000 lbs. of search, rescue and support equipment valued at some $1,800,000;

(12) each task force is supported by some $150,000 per year in operating costs with with needs of approximately $1,500,000 to maintain optimum operational efficiency;

(13) many task forces have inadequate transportation to ensure a timely response to disasters, including acts of terrorism;

(14) the cost of maintaining FEMA's Incident Support Teams as part of the search and rescue task forces is $5,000,000 per year;

(15) the Federal Government needs to ensure that each task force is adequately trained and equipped to perform urban search and rescue functions in all environments, including the aftermath from acts of terrorism involving weapons of mass destruction;

(16) the Federal Government needs to ensure that each task force has adequate equipment to meet all operational needs and staff support.

(17) the Federal Government needs to ensure that each task force has the capability to put two full teams in the field to meet any disaster or act of terrorism;

(18) the Federal Government needs to ensure that designated task forces have the capability to deploy internationally to provide search and rescue functions vital to our interests and those of our allies; and

(19) while these task forces were originally created for earthquake response, these highly capable task forces have an expanding and vital role in responding to acts of terrorism, including those involving weapons of mass destruction.

(b) PURPOSE.—The purpose of this act is to provide the needed funds, equipment and training to ensure that all urban search and rescue task forces have the full capability to respond to all emergency search and rescue needs arising from any disaster, including acts of terrorism involving a weapon of mass destruction.

SEC. 3303. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) The term "Director" shall mean the Director of the Federal Emergency Management Agency.

(2) The term "urban search and rescue task force" shall be any of the 28 urban search and rescue task forces currently designated by FEMA.

(3) The term "urban search and rescue equipment" means any equipment, determined by the Director, as necessary to respond to any emergency, designated as a disaster by the President of the United States, including any emergency for which the proximate cause is a terrorist act, including biological, nuclear/radioactive, or chemical terrorism.

SEC. 3304. ASSISTANCE.

(a) ELIGIBLE ACTIVITIES.—The Director may provide one or more grants to each urban search and rescue task force for:

(1) operational costs in excess of the funds provided under subsection (b) of this section;

(2) the cost of all needed urban search and rescue equipment;

(3) the cost of equipment needed to allow a task force to operate in an environment contaminated by weapons of mass of destruction, including chemical, biological, and nuclear/radioactive contaminants;

(4) the cost of training, including training for operating in an environment contaminated by weapons of mass destruction, including chemical, biological, and nuclear/radioactive weapons;

(5) the cost of transportation;

(6) the cost of task force expansion; and

(7) the cost of Incident Support Teams, including the cost to conduct appropriate task force readiness evaluations.

(b) COST OF OPERATIONS.—The Director shall provide not less than $1,500,000 for operational costs to each urban search and rescue task force in each fiscal year.

(c) PRIORITY FOR FUNDING.—The Director shall prioritize all funding under this section to ensure that all urban search and rescue task forces have the capacity, including all needed equipment and training, to deploy two separate task forces simultaneously from each sponsoring agency.

SEC. 3305. GRANT REQUIREMENTS.

The Director shall establish such requirements as necessary to award grants under this Act.

SEC. 3306. TECHNICAL ASSISTANCE FOR COORDINATION.

The Director may award no more than four percent of the funds appropriated for any fiscal year under section 3309 for technical assistance to allow urban search and rescue task forces to coordinate with other agencies and organizations, including career and volunteer fire departments, to meet state and local disasters, including those resulting from acts of terrorism involving the use of a weapon of mass destruction including chemical, biological, and nuclear/radioactive weapons.

SEC. 3307. ADDITIONAL TASK FORCES.

The Director is authorized to establish additional urban search and rescue teams pursuant to a finding of need. No additional urban search and rescue teams may be designated or funded until the first 28 teams are fully funded and able to deploy simultaneously two task forces from each sponsoring agency with all necessary equipment, training and transportation.

SEC. 3308. PERFORMANCE OF SERVICES.

For purpose of ensuring the effectiveness of the urban search and rescue task forces assisted under this Act, the Director may use the authority under section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended (42 U.S.C. 5149), to incur any additional obligations as determined necessary by the Director.

SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $160,000,000 for fiscal year 2003 of which each task force is to receive not less than $1,500,000 for operational costs (including the costs of basic search and rescue equipment), and there is authorized to be appropriated such sums as necessary for all subsequent fiscal years.

SA 3972. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1024. TRANSFERS OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY SALE.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the KIDD class guided missile destroyers KIDD (DDG 993), CALLAGHAN (DDG 994), SCOTT (DDG 995), and CHANDLER (DDG 996).

(2) TURKEY.—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigates ESTOCIN (FFG 15) and SAMUEL ELIOT MORISON (FFG 13).

(3) MEXICO.—To the Government of Mexico, the NEWPORT class tank landing ship FREDERICK (LST 1184).

(b) CONSTRUCTION WITH OTHER TRANSFER AUTHORITY.—The authority to transfer vessels on a sale basis under paragraph (1) or (2) of subsection (a) is in addition to the authority to transfer the vessels referred to in the such paragraph under section 1011(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1210).

(c) REQUIREMENT FOR PROVISION IN ADVANCE IN AN APPROPRIATIONS ACT.—Authority to transfer vessels on a sale basis under subsection (a) is effective only to the extent that authority to effectuate such transfers, together with appropriations to cover the associated cost (as defined in section 502 of the Congressional Budget of 1974 (2 U.S.C. 661(a)), are provided in advance in an appropriations Act.

(d) NOTIFICATION OF CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress, for each naval vessel that is to be transferred under this section before January 1, 2003, the notifications required under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2331j) and section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118; 111 Stat. 2413).

(e) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a field hearing in Albuquerque, NM, to examine the impacts of drought on Reclamation projects in New Mexico, particularly the Rio Grande and Pecos River basins.

The hearing will take place on Tuesday, July 2, at 2:00 p.m. at a location to be announced.

Those wishing to submit written statements on the subject matter of this hearing should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510.

For further information, please call Mike Connor at 202-224-5479.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 26, 2002, at 10:00 a.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on the status of the dialogue between the U.S. Department of the Interior and American Indian and Alaska Native leaders on various alternatives for the reorganization of the Department of the Interior to improve the Department's management of tribal trust funds.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 10, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Native American Elder Health Issues.

Those wishing to additional information may contact the Indian Affairs Committee at 224-2251.

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, on behalf of Senator CANTWELL, I ask unanimous consent that Darlene Iskra, a legislative fellow in her office be granted floor privileges during the consideration of S. 2514.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that James Clapsaddle of the Air Force, a legislative fellow in Senator CARNAHAN's office, be granted the privilege of the floor for the duration of the debate on S. 2514.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent that Pat Manners, a fellow in Senator JEFFORD's office, be given the privilege of the floor during the pendency of S. 2514.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that my military fellow, Craig Faller, be afforded privileges of the floor for the duration of S. 2514.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 4931

Mr. REID. Madam President, I understand that H.R. 4931 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill the first time.

The legislative clerk read as follows:

A bill (H.R. 4931) to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent.

Mr. REID. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

FRENCH HERITAGE MONTH

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 290, which was submitted earlier today by Senator SMITH of New Hampshire.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 290) expressing the sense of the Senate regarding the designation of June 24, 2002, through July 24, 2002, as French Heritage Month (Le Mois De L'Heritage Francais).

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Madam President, today is June 24, St. Jean Baptiste Day, or St. John the Baptist Day, a day of recognition and remembrance.

Today is also the first day of "French Heritage Month" in many States. This month also encompasses Bastille Day.

I believe that we should also recognize the contributions of French Americans at the national level. This resolution will do just that.

Many of my constituents in New Hampshire are of French descent. New Hampshire also, along with many other States, shares a common border with Quebec. Our French-Canadian partners have been great allies and partners in trade. Millions of Americans trace their ancestry to France, Quebec, Acadia or other French-speaking parts of the world.

Many of my fellow Granite Staters are proud of their French heritage, as well they should, because the French heritage brings with it the virtues of liberty and freedom; virtues that helped us win our war for independence.

King Louis XVI, the Marquis De LaFayette, and other brave Frenchmen made immeasurable contributions in our war for independence.

After we won our independence, Alexis De Toqueville fell in love with our young country, and his writings on our fledgling democracy are still read by American students today.

French Maj. Charles Pierre L'Enfant helped design the city plan of our Nation's Capital.

The Statue of Liberty was presented as a gift from France to the people of New York.

Our shared virtues also helped us win two of the greatest wars against totalitarianism that this world has ever seen.

Over the years, the Franco-American people have given us many culinary delights, artistic pleasures, and a unique devotion to liberty and citizenship without which our Nation would not be the same.

Our Franco-American community has enriched our common culture, and many Franco-Americans are productive members of our society.

Franco-Americans bring a unique perspective and contribute to the diversity of our country, and they should be recognized as such.

I urge my colleagues to support this legislation.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 290) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 290

Whereas millions of Americans trace their ancestry to France, Quebec, Acadia, or other French speaking parts of the world;

Whereas the United States shares a common border with Canada, a country with which we have also shared a long history of cordial relations and prosperous trade;

Whereas brave French settlers helped establish New France in the 16th century;

Whereas King Louis XVI, the Marquis De LaFayette, and other brave Frenchmen made immeasurable contributions in our War for Independence;

Whereas Alexis de Tocqueville's classic book "Democracy in America" has taught and inspired generations of American students;

Whereas French Major Charles Pierre L'Enfant helped design the city plan of the capital of this Nation;

Whereas the people of the United States share with the French people a common love for liberty;

Whereas the Statue of Liberty was presented as a gift from France to the people of New York, and was created by sculptor Frederic-Auguste Bartholdi;

Whereas the United States and France have fought together against Nazism, Fascism, Communism, and Imperialism;

Whereas the pride and work ethic of the Franco-American community has contributed greatly to the prosperity and culture of this Nation: Now, therefore, be it

Resolved, that it is the sense of the Senate that—

(1) June 24, 2002 through July 24, 2002, encompassing the celebration of La Fete St. Jean Baptiste and the commemoration of Bastille Day, be designated as French Heritage Month (Le Mois De L'Heritage Francais); and

(2) appropriate observances should be held during this period throughout the country by public and private groups and institutions.

ORDERS FOR TUESDAY, JUNE 25, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., on Tuesday, June 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate be in a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time under the control of the majority leader or his designee; that at 10:30 a.m., the Senate resume consideration of the Department of Defense authorization bill; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:08 p.m., adjourned until Tuesday, June 25, 2002, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, June 24, 2002*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ISSA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 24, 2002.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2594. An act to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins.

The message also announced that pursuant to Public Law 105-277, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Parents Advisory Council on Youth Drug Abuse:

Darcy L. Jensen of South Dakota (Representative of Non-Profit Organization), vice Kerrie S. Lansford, term expired.

Dr. Lynn McDonald of Wisconsin, vice Robert L. Maginnis, term expired.

George L. Lozano of California, vice Darcy Jensen, term expired.

Rosanne Ortega of Texas, vice Dr. Lynn McDonald term expired.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

PRESCRIPTION DRUG COVERAGE

Mr. PALLONE. Mr. Speaker, I must say that I am pleased to see that the Republican leadership may bring a prescription drug bill to the floor this week before the July 4 recess, but I am very disappointed with the legislation that they have brought forward; and I can only hope that when they bring the bill to the floor, they will allow a Democratic substitute, Medicare prescription drug bill, which is far superior and will be the only legislation I think that would accomplish the goal of making sure and guaranteeing all seniors have a decent prescription drug benefit. I would ask that the Republican leadership make sure that we be allowed as Democrats to bring up our substitute when this matter goes before the Committee on Rules this week.

I want to talk about two areas that I think are important with regard to this prescription drug initiative. First of all, the Democrats insist that a prescription drug benefit be under Medicare. Medicare has been a very successful program that has worked in terms of providing hospital care and physician care over the last 30 or 40 years, and the only way that we are going to have an effective prescription drug plan is if we use the Medicare model and if we make sure that the prescription drug benefit is guaranteed under Medicare. That assures that every senior has a guaranteed prescription drug benefit, that it is a benefit where they know what the premium is, they know what the deductible is and what the Federal Government is going to provide.

What the Republicans have done in their bill is to ignore Medicare, and they have basically decided to throw some money to private insurance companies in the hope that they will offer a prescription drug plan for seniors, and it will not work. The bottom line is if this bill were to become law, very few, if any, seniors would be able to actually find a private insurance company that would provide them with a prescription drug plan. So it is a hoax. It is not a real prescription drug benefit that is going to be meaningful.

In case anyone questions my motives in saying that, I will simply read from the editorial that was in this Saturday's New York Times. It is a section that says "House Republicans who regard traditional Medicare as antiquated would provide money to private insurance companies, a big source of GOP campaign donations, to offer prescription drug policies. The idea of relying on private companies seems more ideological than practical. The pool of elderly Americans who will want the insurance is likely to consist of those who have the most need for expensive medicine. Even with Federal subsidies, it is unclear that enough insurance companies would be willing to participate and provide the economies that come from competition."

The bottom line is under the Republican plan there will not be any insurance policies and there will be nothing for seniors to have and there will not be a prescription drug benefit.

The other major problem with the Republican proposal contrasting with the Democratic proposal is the Republican proposal does not deal with price. The biggest problem facing seniors now is that the cost of prescription drugs are too high, and the Republicans go out of their way in their proposal to make sure that the price issue is not dealt with at all.

Today, Families USA, which is a great organization that has been dealing with this prescription drug issue, put out a report called "Bitter Pill, The Rising Prices of Prescription Drugs for Older Americans," and the report released today by Families USA basically says that the problem is that prescription drugs cost too much. Thirty-six out of 50 of the drugs most used by seniors rose three or more times the rate of inflation last year. That is simply unacceptable and cannot be justified, in my opinion, by the pharmaceutical companies.

But what does the Republican bill do about price? Absolutely nothing. It actually has a clause in the bill that was put in, I understand, from the Conservative Action Team, Republican, the CATs, that actually says that the administrator of the program cannot interfere in any way in any negotiations to deal with price. It absolutely forbids any kind of pricing structure, absolutely forbids that the administrator of the prescription drug program get involved in any kind of negotiations that would reduce price. That is an outrage. That is because the Republicans are very much in the pocket of the pharmaceutical industry, and they do not want the issue of prices and price reductions effectively dealt with as part of this legislation. That will also doom the Republican legislation.

The Democrats by contrast, because their program is under Medicare, the Democrats mandate the Secretary of Health and Human Services to negotiate to reduce prices for now 30 or 40 million seniors that are part of the Medicare program and will now have a prescription drug benefit. What we are

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

saying is if we put this program under Medicare, then we are guaranteeing that the Secretary of Health and Human Services has a pool of 30 to 40 million seniors that he can negotiate for; and we mandate that he negotiate to reduce price, and he will have the ability to do so. So a hallmark of the Democratic proposal is not only that it is under Medicare and there is a guaranteed benefit wherever one is in the country but also that there is a guarantee that the program will try to reduce cost, reduce price, which is so crucial if the program is going to be successful.

I challenge the Republicans to heed what the Democrats are saying and address the issue of price and put their program under Medicare, which they have refused to do so far.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I would say to the gentleman from New Jersey that the Republican plan is based upon what I have as a Member of Congress and what he has and also what the Senators have and what the President has, which is based upon free enterprise. It is a private sector prescription drug program. The program we as Republicans are providing has the same prototype. I think the contrast he makes is valid, only in that he wants the government to run this program and we want the private sector to run the prescription drug program. We do not want mandates. We do not want price controls. We want just basically the free enterprise to work.

The committee he and I serve on, Energy and Commerce, marked up a bill last week and also the Committee on Ways and Means marked up a bill. Both of these bills have been marked up by the Republican majority. There is much in these bills to applaud. We have addressed shortfalls in payments to hospitals and incorrect formulas in reimbursing physicians. However, most significantly, the bill out of the Commerce Committee contains the long overdue addition of a prescription drug benefit for Medicare. Medicare was designed before innovative and lifesaving medications played such a prominent role in health care. Our seniors and disabled beneficiaries have waited for many years to get this final plan that we are working on and hopefully will vote on this week.

One point I would like to raise is that while expansion of health care coverage, including a prescription drug benefit, is a goal for all of us here in the House, opinions obviously differ between myself and the gentleman from New Jersey on how to achieve it. Simply expanding and automatically funding government programs is not necessarily the most desirable route to take. I see in the CQ Daily Monitor today that one of our Democrat colleagues reasons that an $800 billion plan delivered by the government would be "what seniors are used to, are entitled to, what is fair." It is three times the program the Republicans have proposed.

I disagree and I dare say the seniors for whom he claims to be speaking may want a fresh approach, rather than another stale, rigid government program in delivering their prescription drug benefit as well. Choice and individual decision-making are hallmarks of America, and free market approaches best lead to economy, quality and freedom for all. Over my years as a Member of Congress, I have consistently worked for consumer choice in health care, and I believe we should approach this piece of legislation from exactly this point of view. Let us try to harness the free market forces that empower all of us to make our own decisions about health care instead of having the Federal Government do it for us.

This bill would deliver a responsible, affordable, flexible prescription drug benefit to our seniors and disabled. The bill works via many favorable market-based elements. It arranges for competitive bidding among health care plans. It does not oppose innovation-stifling price caps. We have crafted a benefit plan to be financed and administered by a new Medicare benefits administration but to be delivered by the private sector. Seniors can shop around for a benefit that works best for them, just like myself and other Members of Congress can do.

American insurance companies offer a myriad of choices in health plans, from health maintenance, HMOs, to fee-for-service, drug-benefit-only or point-of-service plans, with the most lenient alternatives for the beneficiaries. We Members of Congress have a variety of options at our disposal, from basic to gold-plated, based upon how much we want to pay. We can select what works for our family situation, our health needs and, of course, our budget. Our seniors deserve no less.

The substitute approach the minority favors would first cost a grossly irresponsible amount of money. It would bankrupt Medicare, but also limit drug and doctor choices for seniors, force them to navigate a bloated bureaucracy and lead to price controls. From the Soviet Union to the backlogged lines for health care treatment experienced in Canada, our neighbor, history and economics have reliably borne out that price controls do not work for patients and they will dampen incentives for our pharmaceutical industry to continue producing new and innovative drugs that cure, relieve and enhance our quality of life.

Finally, Mr. Speaker, I add that it is not only fiscally dangerous to rely on the Federal Government for all the answers, but a government one-size-fits-all approach is both philosophically arrogant and paternalistic. It deprives Medicare beneficiaries of the option to exercise the same choices that you and I do. Finally, while this bill is largely about benefits for today's Medicare beneficiaries, the cost impact of this legislation on today's taxpayers, the young people today who will be tomorrow's beneficiaries, should be noted. The Republican bill contains the most realistic, liberating approach of a prescription drug benefit for seniors today while keeping the Medicare program healthy for tomorrow's beneficiaries like my children.

Having said that, I look forward to what will surely be a lively debate. Let us do what is best for today's Medicare beneficiaries, but at the same time keep an eye on the future of the Medicare program.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You have revealed Your commands and Your marvelous deeds throughout the ages to Your people of faith. In weekend worship we have been strengthened by the faith of others and empowered to see Your action in the unfolding of the present moment.

To stand firm in faith is to push against fear. If we persevere in faith, sadness will never overtake the heart. For sadness comes from the disappointment of placing our trust in ourselves or in anything or anyone other than You, O Lord. All Your creatures are frail and lifeless without You, O Lord, and human hearts never find rest except in what is stable and secure.

Inspire renewed faith in the Members of the House of Representatives as this Nation seeks direction from You, the Creator and Governor of the universe. To achieve justice in our time and pave the way for a secure peace in the world, fasten our hearts on being Your instruments of re-creation now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CANNON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANNON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

REVOCATION OF PUBLIC LAND ORDER WITH RESPECT TO LANDS ERRONEOUSLY INCLUDED IN CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3937) to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California, as amended.

The Clerk read as follows:

H.R. 3937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVOCATION OF PUBLIC LAND ORDER WITH RESPECT TO LANDS ERRONEOUSLY INCLUDED IN CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA.

Public Land Order 3442, dated August 21, 1964, is revoked insofar as it applies to the following described lands: San Bernardino Meridian, T11S, R22E, sec. 6, all of lots 1, 16, and 17, and SE¼ of SW¼ in Imperial County, California, aggregating approximately 140.32 acres.

SEC. 2. RESURVEY AND NOTICE OF MODIFIED BOUNDARIES.

The Secretary of the Interior shall, by not later than 6 months after the date of the enactment of this Act—

(1) resurvey the boundaries of the Cibola National Wildlife Refuge, as modified by the revocation under section 1;

(2) publish notice of, and post conspicuous signs marking, the boundaries of the refuge determined in such resurvey; and

(3) prepare and publish a map showing the boundaries of the refuge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

This legislation will revoke a small portion of the Public Land Order that originally created Cibola in 1964. While the refuge is more than 17,000 acres, there is a small component of the unit known as "Walter's Camp." Based on testimony from the U.S. Fish and Wildlife Service, it is clear that a mistake was made to include this property within the refuge. In fact, about a dozen years ago, the Service constructed a fence around what they thought were the boundaries of the refuge, and Walter's Camp was excluded.

Walter's Camp has provided recreational opportunities for over 40 years. It provides family-friendly recreation to nearly 15,000 people a year who travel there to camp, hike, canoe, fish, bird watch and rockhound along the lower Colorado River.

The concessionaire who operates this camp has obtained the necessary permits from the Bureau of Land Management. According to a BLM representative in Yuma, Arizona, there have been no problems with Walter's Camp, the concessionaire has been extremely cooperative, the facilities are inspected about every 6 months, and by transferring title to BLM, the net effect will be to improve environmental protection for the lower Colorado River.

The U.S. Fish and Wildlife Service testified there are little, if any, resource values on the 140 affected acres and that the best course of action for everyone, including the Government, the concessionaire and the general public, is to remove these lands from the refuge system.

H.R. 3937 will accomplish that goal. It will end the confusion as to who has title to this property, and it will reaffirm that the management of the concession is the jurisdiction of the Bureau of Land Management.

I urge an aye vote on H.R. 3937, and I want to compliment the gentleman from California (Mr. HUNTER) for his tireless efforts on behalf of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the previous speaker, my colleague, the overall purpose of the bill before the House is to resolve a long-standing error that included a concession known as Walter's Camp as part of the original land withdrawal which established the Cibola National Wildlife Refuge.

In the course of the Committee on Resources' investigation into this matter, we have come to understand that the inclusion of Walter's Camp was a genuine error in the original 1964 withdrawal. We have also been careful to ensure that nothing in H.R. 3937 will affect public ownership of the lands revoked by H.R. 3937. All title interests will remain with the Federal Government.

As a result, I support this legislation to correct the mistake which under law cannot be resolved administratively by the Secretary of the Interior.

Some concerns were raised, however, concerning the potential for encroachment onto the Cibola Refuge, intentional or accidental, by recreational off-road vehicle enthusiasts who might visit Walter's Camp in the future. Clearly, off-road vehicle use is not compatible with the purposes of the Cibola National Wildlife Refuge. Moreover, this issue could become a significant management headache for both the Fish and Wildlife Service and the Bureau of Land Management, the agency that oversees the concession permit for Walter's Camp.

In this respect, I commend the gentleman from Maryland (Mr. GILCHREST), the chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, and the gentleman from Guam (Mr. UNDERWOOD), the ranking Democrat on the subcommittee, for amending the bill to require the Secretary of the Interior to, within 6 months after the date of enactment, to re-survey and conspicuously mark the new adjusted boundaries.

I also note for the record that H.R. 3937, as amended in committee, would not affect in any way concession operations at Walter's Camp, nor would this legislation impose any new regulations on the different recreational activities, including ORV use, that occur on nearby Bureau of Land Management lands or lands within the refuge.

H.R. 3937 is thoughtful, commonsense legislation that will correct an administrative error, protect the fragile wildlife habitat of the Cibola Refuge and ensure the future operation of a much-needed recreational facility in a remote area.

I urge Members to support H.R. 3937.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

We may have a colleague showing up here momentarily, but let me thank the gentlewoman, first of all, for her comments on this, and point out that we worked very well together on these bills where there is consensus and important issues, including recreation, for our constituents and the people of America.

Mr. HUNTER. Mr. Speaker, I would like to thank you for allowing this vote today on H.R. 3937. I would also like to express my appreciation to my constituent, Mr. Frank Dokter, who brought this important issue to my attention, and to Chairman GILCHREST whose leadership was necessary in bringing this bill to the floor. The legislation is necessary to enable a family in my district to continue operating a long time outdoor recreation camp on a Bureau of Land Management (BLM) permit, which is in danger of being cancelled since the BLM recently discovered that the camp was included in the creation of a National Refuge in 1964.

Mr. Dokter and his family operate Walter's Camp, a BLM concession on land near the lower Colorado River in Imperial County, California. The facility provides visitors with a family-friendly outdoors experience, which includes camping, hiking, canoeing, fishing, birdwatching and rock-hounding. In an increasingly crowded Southern California, Mr. Dokter and his family have provided a welcome diversion from city life to many of the region's outdoors enthusiasts.

Walter's Camp was first authorized in 1962, and in August 1964, Public Land Order 3442 withdrew 16,627 acres along the Colorado River to create the Refuge. The withdrawal erroneously included the 140 acre Walter's Camp, but neither the BLM or the Fish and Wildlife Service knew the new Refuge contained the Camp. Refuge personnel even built a fence years ago physically excluding Walter's Camp from the Refuge. The BLM continued to renew the original permit, allowing the recreational concession use to continue unbroken until the present time. However, given this recent discovery, the BLM does not have the authority to continue issuing the concession contracts to Walter's Camp.

The Fish and Wildlife Service and the BLM agree that the land has "insignificant, if any, existing, potential, wildlife habitat value," as stated in a Department of Interior memo. Therefore, I have introduced H.R. 3937 to correct this mistake and allow the BLM to continue to issue contracts to Walter's Camp.

Again, Mr. Speaker, I offer my sincere recommendation that this land be taken out of the Cibola National Wildlife Refuge, and that Mr. Dokter's family be allowed to continue such a valuable and productive service to our region. Respectfully, I urge my colleagues' support on final passage.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3937, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION ACT OF 2002

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3786) to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, as amended.

The Clerk read as follows:

H.R. 3786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glen Canyon National Recreation Area Boundary Revision Act of 2002".

SEC. 2. GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION.

(a) IN GENERAL.—The first section of Public Law 92–593 (16 U.S.C. 460dd; 86 Stat. 1311) is amended—

(1) by striking "That in" and inserting "SECTION 1. (a) In"; and

(2) by adding at the end the following:

"(b)(1) In addition to the boundary change authority under subsection (a), the Secretary may acquire approximately 152 acres of private land in exchange for approximately 370 acres of land within the boundary of Glen Canyon National Recreation Area, as generally depicted on the map entitled 'Page One Land Exchange Proposal', number 608/60573a–2002, and dated May 16, 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon conclusion of the exchange, the boundary of the recreation area shall be revised to reflect the exchange.

"(2) Before the land exchange under this subsection, the Secretary may enter into a memorandum of understanding with the person that will acquire lands from the United States in the exchange, to establish such terms and conditions as are mutually agreeable regarding how those lands will be managed after the exchange.".

(b) CHANGE IN ACREAGE CEILING.—Such section is further amended by striking "one million two hundred and thirty-six thousand eight hundred and eighty acres" and inserting "1,256,000 acres".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3786, which I introduced, would authorize the Secretary of the Interior to complete a land exchange that would help him protect an important scenic view located in southern Utah at the Glen Canyon National Recreation Area and to revise the boundaries of the park to reflect the exchange and the present boundaries of the park.

The exchange would facilitate the acquisition of 152 acres, including an important scenic view by the Park Service, while the private developer would acquire 370 acres of land on the other side of Highway 89. The parcel acquired by the Park Service will also help facilitate a more manageable boundary at the park's most visited entrance. While the Park Service will be acquiring land of considerably greater value than the developer, the private developer has expressed a willingness to donate the approximately $350,000 difference in value to the National Park Service.

H.R. 3786, as amended, also contains a provision that authorizes the Secretary of the Interior to enter into a Memorandum of Understanding with the developer to describe such terms and conditions as are mutually agreeable regarding how the lands will be managed following the exchange.

The bill is supported by both the majority and minority, as well as the administration, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3786 would authorize the exchange of land within the Glen Canyon National Recreation Area for a private parcel adjacent to the park.

Mr. Speaker, a land exchange issue is very complex, and I want to take this opportunity to commend my colleague, the gentleman from Utah (Mr. CANNON), for his work in ushering this bill to the subcommittee and committee and getting it to the floor today.

As all of my colleagues are aware, there continues to be great concern regarding exchanges in general. In many instances, it is not at all clear that the taxpayers are receiving full value for the lands being traded away in their names. In fact, in many instances, it is clear they are not. We remain committed to developing a comprehensive approach that might address the failures in the current exchange process.

In the meantime, it is our hope that we would only approve specific exchanges that truly serve the best interests of the taxpayers, and it appears we have such an exchange in this instance.

The basic concept of the exchange contained in H.R. 3786 appears to serve both the interests of the private landowner as well as the park. In addition, once authorized, this exchange will go through a full NEPA process, including appraisals, which should identify and address any remaining issues.

We support passage of H.R. 3786.

Mr. Speaker, I have no more speakers, and I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I thank the gentlewoman for her support and kind words; and, having no more speakers, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3786, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1415

NEW RIVER GORGE BOUNDARY ACT OF 2002

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3858) to modify the boundaries of the New River Gorge National River, West Virginia.

The Clerk read as follows:

H.R. 3858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New River Gorge Boundary Act of 2002".

SEC. 2. NEW RIVER GORGE NATIONAL RIVER BOUNDARY MODIFICATIONS.

(a) BOUNDARY MODIFICATION.—Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) is amended by striking "NERI–80,028A, dated March 1996" and inserting "NERI 80,034, dated May 2001".

(b) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior shall complete a fee simple land exchange in the vicinity of Beauty Mountain, Fayette County, West Virginia, to acquire a tract of land identified as NERI Tract Number 150–07 that lies adjacent to the boundary of the New River Gorge National River in exchange for a tract of land identified as NERI Tract Number 150–08 located within such boundary.

(2) TREATMENT OF EXCHANGED LANDS.—Upon the completion of such land exchange—

(A) the land acquired by the United States in the exchange shall be included in the boundaries, and administered as part, of the New River Gorge National River; and

(B) the land conveyed by the United States in the exchange shall be excluded from the boundaries, and shall not be administered as part, of the New River Gorge National River.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3858, introduced by the ranking member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), would authorize the expansion of the boundary of the New River Gorge National River in West Virginia.

The New River Gorge National River was established in 1978 to preserve and protect approximately 53 miles of the free-flowing New River. It was also designated an American heritage river in July of 1998. The rugged New River flows northward through deep canyons and is considered to be among the oldest rivers on the continent. The National River Park unit presently encompasses approximately 70,000 acres. The park contains miles of hiking trails and even some mountain biking and horseback trails.

This bill would modify the boundaries of the park unit to take in six tracts of land, totaling 1,962 acres, from five different owners, all of whom are willing sellers. The modification to the boundary would allow for the preservation of scenic viewsheds within the park as well as accommodating certain recreational activities within the park. The bill would also address an encroachment issue in which a property owner unknowingly built his private home within the boundaries of the park. This encompasses approximately only a third of an acre.

The bill is supported by both the majority and the minority, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3858, introduced by my colleague and the ranking Democrat on the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), would modify the boundary of the New River Gorge National River in West Virginia to add approximately 1,962 acres to the park and correct a minor boundary encroachment.

The proposed boundary modifications would enhance the management and use of the resource values of the New River. These additions consist of six tracts of land held by five owners, all of whom are willing sellers. The legislation would also correct the very minor boundary encroachment with a private landowner who has inadvertently constructed a portion of a home on Federal land.

The Committee on Resources held a hearing on H.R. 3858, and the bill was favorably reported by the committee last month. I would note that the gentleman from West Virginia (Mr. RAHALL) worked closely with the National Park Service on the development of this legislation, and I want to commend him for his long-standing efforts to provide for the protection and the use of the New River Gorge National River.

Mr. Speaker, I urge the favorable consideration of H.R. 3858 by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3858.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GOODLATTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials in the RECORD on the three bills just considered, H.R. 3937, H.R. 3786, and H.R. 3858.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

PROVIDING FOR INDEPENDENT INVESTIGATION OF FOREST SERVICE FIREFIGHTER DEATHS CAUSED BY WILDFIRE ENTRAPMENT OR BURNOVER

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3971) to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover.

The Clerk read as follows:

H.R. 3971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPARTMENT OF AGRICULTURE INSPECTOR GENERAL INVESTIGATION OF FOREST SERVICE FIREFIGHTER DEATHS.

(a) INDEPENDENT INVESTIGATION.—In the case of each fatality of an officer or employee of the Forest Service that occurs due to wildfire entrapment or burnover, the Inspector General of the Department of Agriculture shall conduct an investigation of the fatality. The investigation shall not rely on, and shall be completely independent of, any investigation of the fatality that is conducted by the Forest Service.

(b) SUBMISSION OF RESULTS.—As soon as possible after completing an investigation under subsection (a), the Inspector General of the Department of Agriculture shall submit to Congress and the Secretary of Agriculture a report containing the results of the investigation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 3971, introduced by my colleague, the gentleman from Washington State (Mr. HASTINGS), to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover.

Today, as we debate this issue, large wildfires are burning across the country. Over 1.4 million acres have already been consumed, and the worst may be yet to come. The devastating fires that are burning right now warrant the passage of this legislation. This bill provides for a thorough and unbiased investigation of firefighter fatalities by an independent source.

Firefighting is an inherently dangerous job, and we should do what we can to reduce the risks. I believe the main purpose for this legislation is to prevent future deaths from occurring. However, it is important to remember that the most effective way to prevent firefighter fatalities is to prevent catastrophic wildfires from occurring in the first place.

Our Nation's forests are in desperate need of good management to restore them to a state where they can endure natural low-intensity wildfires, wildfires that are more predictable and, therefore, safer for firefighters and communities by preventing the extreme and erratic behavior that makes fighting fires so dangerous. It is very simple logic. The best way to prevent firefighter deaths is to prevent catastrophic wildfires.

Due to past instances and the fires currently burning across the Nation, I believe this bill provides another tool for the well-being of firefighters. In so doing, I hope that we will not lose focus on the more important point of preventing wildfires through the healthy management of our forest land.

This legislation is important and strives to ensure mistakes causing deaths are not made twice. It ensures our Nation's commitment to the safety of firefighters. The integrity for investigations of firefighter deaths should not be jeopardized, and by passing this legislation we move to address the issue of creating safer environments for firefighters by preventing catastrophic wildfires.

I urge the Members of this body to join me in taking this important step today. By passing H.R. 3971, we can renew the efforts for firefighter protection and move on to ultimate safeguards for firefighters, which are the management of healthy forests and the prevention of catastrophic wildfires.

I congratulate the gentleman from Washington (Mr. HASTINGS) for his introduction of this legislation, and I urge my colleagues to join me in declaring a strong complement to the safety of firefighters.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3971; and I want to commend the sponsors of this legislation, the gentleman from Washington (Mr. HASTINGS), the gentleman from Washington (Mr. NETHERCUTT), the gentlewoman from Washington (Ms. DUNN), but also on our side the gentleman from Washington (Mr. SMITH), the gentleman from Washington (Mr. INSLEE), the gentleman from Washington (Mr. DICKS), and the gentleman from Washington (Mr. LARSEN) for introducing this bill.

I think it is important, especially as we look at the fires that are raging in the West today, that we provide for an investigation of any deaths that might occur, as well as the deaths that occurred last year. So I am pleased to stand here in support of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Washington State (Mr. HASTINGS), the author of the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time.

Mr. Speaker, the massive wildfires burning out of control in Arizona today are on the front pages of newspapers all across America reminding people in other parts of the country of the enormous threat these dangerous fires pose to both lives and property.

Westerners, however, need no such reminders because we live with the destructive power of wildfires year in and year out. At this time each summer, as the fire season gets under way, thousands of men and women strap on their gear and head out to fire lines seeking to contain one of the most destructive natural forces known to man.

Fighting wildfires is dirty, dangerous, and, at times, terrifying work. Those who do it face risks most of us can hardly imagine. They do so knowing that with first-rate training, equipment, and leadership, their efforts will help protect the lives and property of those caught in the path of raging wildfires.

Often, firefighters are injured in the line of duty. Sometimes, tragically, lives are lost on the fire line. In some cases, the cause is beyond anyone's control, other times mistakes are made. And mistakes will inevitably be made in these situations, which are so extraordinarily challenging to both the mind and the body.

Each time tragedy strikes in this way, it is only natural to seek to understand precisely what happened and why. Mr. Speaker, that desire is at the heart of this legislation before us today. Last summer, in my district, four young firefighters lost their lives fighting a fire known as the Thirty Mile Fire in Okanogan County. They were Tom Craven, Karen Fitspatrick, Jessica Johnson, and Devin Weaver.

To most Americans, the people they see fighting wildfires in the news reports are just figures on their TV screens, and that is, of course, understandable. But to those of us in the West, those men and women are our neighbors and our friends; and it is natural for us to want to do all we can to protect those who risk so much protecting us. One of the best ways to protect lives in the future is to fully understand what caused the lost lives in the first place. That must be the unquestioned top priority of the Federal firefighting officials in the aftermath of any lethal wildfire.

My bill, H.R. 3971, is to ensure that that is done. This legislation requires the Inspector General of the Department of Agriculture to conduct an investigation in the deaths of any firefighters killed by wildfire. This investigation is separate and independent of any Forest Service internal review. An independent examination of what went wrong will help provide information on how similar events can be prevented in the future and how firefighters can better be prepared and protected and how lives can be saved. Independent investigations will also help to ensure oversight and accountability in the Forest Service.

Mr. Speaker, this legislation may not benefit the families in my district that have endured the tragic loss of their loved ones; yet I am confident that they, more than anyone, understand the value of requiring independent investigations in the future. Should such a tragedy occur again, everyone concerned will have more confidence and faith in an independent investigation than an internal agency review.

It is the hope that no firefighter will lose their life battling a wildfire; yet we should pass this bill to make certain that if there is a loss of life, that tragedy will be independently investigated to identify what happened, why it happened, and how it can be prevented in the future.

□ 1430

In addition, no matter how much we improve the quality of investigations, it is vital that we take the necessary steps to improve forest health through reponsible forest management practices. We have already seen too many devastating fires in the West this year that have caused terrible damage and harm to property and families.

Congress must act to address forest health and management practices. Regrettably, for too long this has not been a priority of the Federal Government. This "hands-off approach" has contributed to the devastation we see today in Arizona, Colorado, New Mexico, indeed throughout the West. Effective forest management is vital to removing the root causes of forest fires.

Finally, Mr. Speaker, I would like to take this opportunity to acknowledge Senator MARIA CANTWELL for her leadership in the other body. She has introduced companion legislation and has tirelessly worked to ensure that this legislation becomes law. The goal of H.R. 3971 is simple and straightforward: Ensuring independent investigations to improve firefighting safety. I urge Members to support H.R. 3971.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3971.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3971.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 33 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6:00 o'clock and 2 minutes p.m.

NEW RIVER GORGE BOUNDARY ACT OF 2002

The SPEAKER pro tempore. The Chair will now resume proceedings on the question of suspending the rules and passing the bill, H.R. 3858.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3858.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The remaining votes on postponed questions will be resumed later this evening.

CONGRATULATING NAVY LEAGUE OF UNITED STATES ON ITS CENTENNIAL

Mr. SCHROCK. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 416) congratulating the Navy League of United States on the occasion of the centennial of the organization's founding.

The Clerk read as follows:

H. CON. RES. 416

Whereas the Navy League of the United States was founded in 1902 with the encouragement of President Theodore Roosevelt to serve and support the United States sea services, namely the Navy, Marine Corps, Coast Guard, and Merchant Marine;

Whereas the Navy League has more than 77,000 active members;

Whereas the Navy League is unique among military-oriented associations in that it is a civilian organization dedicated to the education of American citizens and the support of the members of the sea services and their families;

Whereas the Navy League supports active duty members of the sea services through the adoption of naval vessels, installations, and units and the hosting of commissioning ceremonies, award programs, and other recognition programs;

Whereas the Navy League supports America's young people through its youth programs, including sponsorship of the Naval Sea Cadet Corps and the Navy League Scholarship Program, and through its promotion of youth-oriented activities in local communities, such as the Reserve Officers' Training Corps and other recognized youth programs;

Whereas the Navy League is widely respected by citizens, community and industry leaders, and public officials; and

Whereas Navy League programs are welcomed in communities throughout the United States, and members of the Navy League are recognized for their integrity and patriotism: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress, on the occasion of the centennial of the founding of the Navy League of the United States in 1902, congratulates the Navy League and its members for their role as the foremost civilian organization dedicated to supporting the United States sea services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCHROCK) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCHROCK).

GENERAL LEAVE

Mr. SCHROCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 416.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCHROCK. Mr. Speaker, I yield myself such time as I may consume.

I rise today to encourage my colleagues to join me in honoring the Navy League of the United States for its 100 years of service to service members, their families and their communities. I recently introduced House Resolution 416 to congratulate the Navy League on its 100th anniversary, its 100th year of service to America. The Navy League of the United States was founded in 1902 with the encouragement of then-President Theodore Roosevelt.

The Navy League is unique among military-oriented associations. It is a civilian organization dedicated to the education of our citizens and the support of the men and women of the sea services and their families, including the adoption of ships, installations, and units; commissioning ceremonies; award programs; and other recognition programs.

The Navy League works closely with the Navy, Marine Corps, Coast Guard and U.S.-flag Merchant Marines through a network of nearly 78,000 active members and over 330 councils in the United States and around the world. The Navy League is widely respected by citizens, community and industry leaders, and public officials. Navy League programs are welcomed in communities throughout the Nation, and members are recognized for their integrity and patriotism.

For instance, just this morning I met with the leaders of the Navy League in the Second Congressional District of Virginia, which I represent, on plans they have for the commissioning ceremonies of the aircraft carrier USS Ronald Reagan in May of next year. They are expecting over 35,000 people to attend the event. The members of the Hampton Roads Navy League will handle all the events surrounding this monumental ceremony.

This is just one example of the kind of support they provide to America's sea services around the world.

As a retired Navy captain, it is a privilege for me to bring this resolution to the House floor and recognize the Navy League and the outstanding role that it plays to members of our sea services.

I ask Members to join me in thanking the Navy League of the United States for its long-standing service. I encourage all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 416 introduced by the gentleman from Virginia (Mr. SCHROCK). The resolution congratulates the Navy League of the United States for 100 years of service to this Nation.

Established in 1902, the Navy League and its more than 77,000 active members have been dedicated to educating Americans about the importance of maintaining a strong maritime force and providing support to sea service members and their families.

While the Navy League is a civilian organization, it works closely with the Navy, Marine Corps, Coast Guard and U.S. Merchant Marines through over 330 councils in the United States and around the world. In addition, these services allow the United States to maintain our presence around the world, ensure the freedom of our seas, and promote America's national security interests and global stability.

The Navy League also reaches out to our children through the U.S. Naval Sea Cadet Corps and the Navy League Scholarship Program. The U.S. Naval Sea Cadet Corps has over 8,500 cadets, ages 11 through 17, that learn seamanship skills, maritime history, customs and traditions. Cadets also learn to build their courage, self-reliance, and confidence, and are offered opportunities to travel and train with Sea Cadets from foreign countries, such as Belgium, Bermuda, Canada, Great Britain, Japan, Sweden and the Netherlands.

The Navy League has provided over $25,000 in scholarships and awards. The League also provides support for Navy and Marine Corps Junior Reserve Officer Training Corps and Reserve Officer Training Corps units across the United States.

The Navy League councils also support military personnel and their families through "adoption" of ships, installations, and units, commissioning ceremonies, awards and other recognition programs.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 416, I urge my colleagues to support this measure and join in extending heartfelt congratulations to the Navy League and its members on their century of dedication and commitment to our Nation's maritime forces.

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today in support of H. Con. Res. 416 and congratulate the Navy League of the United States on 100 years of service to Navy communities around the country.

The Navy League, Pensacola Chapter, is one of the largest in the country with 1010 members and growing. It is actively supporting the Navy and the community. Both the Pensacola and Santa Rosa Chapters host annual Sailor of the Year and Flight Instructor of the Year Award Ceremonies. These awards recognize the best of the best from the Navy, Marine Corps, Coast Guard and Air Force active duty that serve on the emerald coast. They also support and co-founded the community's annual military appreciation month, where active and former military members are given special consideration throughout the month. On a recent visit to my district, the Secretary of the Navy, Gordon England, recognized the Pensacola Area Navy Leagues as exemplary and was impressed by the display of support for visiting ship and air-wing crews.

Again, Mr. Speaker, I appreciate my good friend from Virginia, Mr. SCHROCK, for introducing this measure. My community and I are grateful for the Navy League and wish them well in their next 100 years.

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. SCHROCK. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCHROCK) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 416.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DESIGNATING OFFICIAL FLAG OF THE MEDAL OF HONOR

Mr. SCHROCK. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 95) designating an official flag of the Medal of Honor and providing for presentation of that flag to each recipient of that Medal of Honor, as amended.

The Clerk read as follows:

H.J. RES. 95

Whereas the Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Forces of the United States;

Whereas the Medal of Honor was established by Congress during the Civil War to recognize soldiers who had distinguished themselves by gallantry in action;

Whereas the Medal of Honor was conceived by Senator James Grimes of the State of Iowa in 1861; and

Whereas the Medal of Honor is the Nation's highest military honor, awarded for acts of personal bravery or self-sacrifice above and beyond the call of duty: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MEDAL OF HONOR FLAG.

(a) IN GENERAL.—Chapter 9 of title 36, United States Code, is amended by adding at the end the following new section:

"§ 903. Designation of Medal of Honor Flag

"(a) DESIGNATION.—The Secretary of Defense shall design and designate a flag as the Medal of Honor Flag. In selecting the design for the flag, the Secretary shall consider designs submitted by the general public.

"(b) PRESENTATION.—The Medal of Honor Flag shall be presented as specified in sections 3755, 6257, and 8755 of title 10 and section 505 of title 14.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"903. Designation of Medal of Honor Flag.".

SEC. 2. PRESENTATION OF FLAG TO MEDAL OF HONOR RECIPIENTS.

(a) ARMY.—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3755. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 3741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 3741 or 3752(a) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3755. Medal of honor: presentation of Medal of Honor Flag.".

(b) NAVY AND MARINE CORPS.—(1) Chapter 567 of such title is amended by adding at the end the following new section:

"§ 6257. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 6241 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 6241 or 6250 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6257. Medal of honor: presentation of Medal of Honor Flag.".

(c) AIR FORCE.—(1) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8755. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 8741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 8741 or 8752(a) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8755. Medal of honor: presentation of Medal of Honor Flag.".

(d) COAST GUARD.—(1) Chapter 13 of title 14, United States Code, is amended by inserting after section 504 the following new section:

"§ 505. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 491 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 491 or 498 of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 504 the following new item:

"505. Medal of honor: presentation of Medal of Honor Flag.".

(e) PRIOR RECIPIENTS.—The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36, United States Code, as added by section 1(a), to each person awarded the Medal of Honor before the date of the enactment of this resolution who is living as of that date. Such presentation shall be made as expeditiously as possible after the date of the designation of the Medal of Honor Flag by the Secretary of Defense under such section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCHROCK) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCHROCK).

GENERAL LEAVE

Mr. SCHROCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. J. Res. 95, the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCHROCK. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, first of all, I would like to inquire, would it be appropriate to recognize the fact that the designer of this flag, Bill Kendall, from Jefferson, Iowa, is in the gallery?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is reminded not to refer to visitors in the gallery.

Mr. LATHAM. Mr. Speaker, then I shall not refer to the fact that he is in the gallery.

Mr. Speaker, the Medal of Honor, the Nation's highest award for bravery, is a true representation of the best in the American spirit. Requiring eyewitness accounts of gallantry, at selfless mortal risk, and so far above the call of duty as to be beyond reproach should such action not have been undertaken, recipients of this award are surely those for whom the Star Spangled Banner was written; these are the people who make our country the Land of the Free and the Home of the Brave. I believe that these worthy individuals are deserving of a significant and continuous public display and believe that a flag is a fitting way to honor our heroes.

As an Iowan, I am proud to continue the tradition of honoring those who have distinguished themselves in battle.

On December 9, 1861, Iowa Senator James W. Grimes introduced S. No. 82 in the United States Senate, a bill designed to promote the efficiency of the Navy by authorizing the production and distribution of medals of honor. On December 21, the bill was passed, authorizing 200 such medals be produced "which shall be bestowed upon such petty officers, seamen, landsmen and marines as shall distinguish themselves by their gallantry in action and other seamanlike qualities during the present war," referring to the Civil War at that time.

Mr. Speaker, 2 months later on February 17, 1862, Massachusetts Senator Henry Wilson introduced a bill to authorize an Army Medal of Honor. President Lincoln signed the bill on July 14, 1862; and the nonservice specific Medal of Honor was born at that time.

Originally, the Medal of Honor was only to be presented to enlisted men, but on March 3, 1863, this was extended to officers as well.

The last action in which the Medal of Honor was awarded was in Mogadishu, Somalia, on October 3, 1993.

There have been 3,459 Medals of Honor awarded for 3,453 separate acts of heroism performed by 3,439 individuals, including 9 of which were unknown; and today there are 143 living recipients of the Medal of Honor.

Mr. Speaker, I am so proud of Sergeant Bill Kendall for designing this flag. He has worked very, very hard to make sure that these folks who have given so much for our country, many times making the supreme sacrifice for the Nation, are so honored. The intention is to have this flag available for their families, for communities who want to honor Medal of Honor recipients so they can continue to show the type of respect for these recipients that is so well deserved.

Mr. Speaker, I hope that the House today will move on a unanimous basis to have a flag of honor for the Medal of Honor winners. This design is something that Mr. Kendall came up with. It is, I think, extremely well done. We are very, very proud of Mr. Kendall for all his work on this effort.

Obviously, the Department of Defense may make some changes as to exactly how they believe the final flag should look. But the need for this is real, for the families, for those individuals who are living today that are Medal of Honor winners; and for the communities to show their pride and respect for these individuals is, in fact, proper.

Mr. Speaker, I hope that we can move this bill today.

□ 1815

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 95, which would designate an official flag of the Medal of Honor and provide for its presentation to each recipient of the Medal of Honor. The Medal of Honor is our Nation's highest military award for valor that can be bestowed upon an individual serving in the Armed Forces of the United States.

The existence of the Medal of Honor began back in 1861 when Iowa Senator James W. Grimes introduced a bill that authorized the production and distribution of medals of honor to be bestowed upon petty officers, seamen, landsmen and Marines as shall distinguish themselves by their gallantry in action. President Abraham Lincoln signed the bill and the Navy Medal of Honor was born. The next year, 1862, a similar bill for an Army Medal of Honor was introduced and signed into law. The Air Force did not receive its own version of the Medal of Honor until 1965. Until then, Air Force recipients were awarded the Army Medal of Honor.

It was not until 1963 that Congress established guidelines for awarding the Medal of Honor. The medal can only be awarded for action against an enemy of the United States while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly forces in an armed conflict in which the United States is not a belligerent party.

The first Medal of Honor was presented to Private Jacob Parrott, one of six men who were awarded the medal for their action in the great locomotive chase in April 1862. Since then, there have been 3,458 Medals of Honor awarded for 3,453 separate acts of heroism performed by 3,439 individuals. Nineteen service members have received the Medal of Honor twice.

Mr. Speaker, as thousands of our men and women in uniform continue their efforts in the war against terrorism, it is only fitting that we recognize those who have performed acts of bravery or self-sacrifice above and beyond the call to duty. An official flag to be presented to our Nation's Medal of Honor recipients is only fitting. I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHROCK. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I appreciate the gentleman from Virginia, a very distinguished member of the Committee on Armed Services, yielding time to me. I particularly want to pay my compliments to the gentleman from Iowa (Mr. LATHAM) for advancing this very important initiative.

Mr. Speaker, for the last 2 years now, it has been my honor to serve as the chairman of the Subcommittee on Personnel of the Committee on Armed Services. Our main responsibility on that body is to ensure that we do all that we can to provide for those brave men and women who serve this Nation so valiantly and with no hesitation as members of our armed services. We take that responsibility very, very seriously. This bill was originally under our jurisdiction; but thanks to the gentleman from Iowa's very hard work, we were pleased to waive jurisdiction to do everything we could on that committee, the committee that has primary responsibility for our armed services, so that it could move as expeditiously as possible to the House floor for its consideration here today. I certainly join with those who have spoken here previously in underscoring what I believe, as well, is the importance of this initiative and the very important significance that stands behind it.

I think it is difficult for any of us as Americans to look back on September 11 and to discern much that is positive, but certainly one of the more positive attributes of that has been the reaffirmation in the minds of, I have to believe, every American of the heroes that have served in this Nation's military and who continue to serve today. And no matter which branch of the service they may choose to contribute to, no matter what era they may have served in, as we have learned and been reminded of so very importantly since September 11, these are truly men and women who deserve our respect and who earn our honor in such extraordinary ways.

But amongst all those heroes in our military are those who distinguish themselves to an even higher degree. As we have heard the illustrious history of the Medal of Honor, it is one that I think is reward in itself. Clearly the medal that is presented to those and has been presented to those 3,439 individuals in our Nation's history deserves an even added amount of respect. But for all of the symbolism, for all of the appreciation that lies behind the medal, I think that there is more we can and should do. Certainly the designation of this flag as an official token, as an official representation in addition to the medal, would be, in my judgment, a very, very fitting action.

I understand the House rules and I will not acknowledge that Sergeant Bill Kendall is in the gallery here today, but I certainly want to extend our appreciation collectively on behalf of the House, if I may be so presumptuous, for taking up this initiative and for the designing of what I certainly look upon as a very, very fitting tribute, one that can add to the honor that we feel toward these very, very special individuals. And as the gentleman from Iowa suggested, I think so correctly, one that can carry forward with their family members, with their descendants, to be displayed in those ways that can signify how a loved one, a family member, someone they knew, contributed above and beyond the call of duty.

It is really a rare opportunity in this House, Mr. Speaker, that we have the chance to do something that on the surface may seem relatively simple, but I think beneath it all carries such great significance. Both as a member of the Committee on Armed Services but more importantly as an American, I think this is a very, very special initiative and like the speakers before, I certainly urge all of our colleagues to join in supporting it and giving it the unanimous approval on the upcoming vote that it deserves.

Mr. Speaker, I thank again the gentleman from Iowa for taking this initiative and for working so hard to make this moment a reality.

Mrs. DAVIS of California. Mr. Speaker, I am honored to be part of this presentation, and I yield back the balance of my time.

Mr. SCHROCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution sponsored by the gentleman from Iowa (Mr. LATHAM). As we continue our struggle against terrorism, my thoughts, and I am certain the thoughts of many Americans, turn to the military men and women on the front lines. Their commitment and courage never fail to inspire me and lift my spirits. America is justifiably proud of the wonderful people serving our Nation in uniform. Among the brave soldiers, sailors, airmen, Marines and Coast Guardsmen who have served over our Nation's history, there is a special group of heroes who have through their selfless deeds and sacrifices demonstrated the highest level of gallantry. I am referring to those members who have been awarded the Congressional Medal of Honor.

Mr. Speaker, the standards for award of the Medal of Honor leave little doubt about the remarkable nature of the heroic acts involved. The heroic deed of the person must be proven by incontestable evidence to be so outstanding as to clearly distinguish it as being beyond the call of duty. The heroism must involve the risk of the person's life, and it must be of the type of deed that, if the person had not done it, would not subject the person to any justified criticism. Only one has to read the citations that accompany the medals to appreciate the incredible devotion to comrades and country that is indicative of each recipient.

This resolution would provide an additional honor to every recipient of the Medal of Honor by creating a Medal of Honor flag to be presented to the recipients. The Medal of Honor flag will also be a symbol to all who see it of the great strength and courage that resides within the American spirit.

Mr. Speaker, today as our Nation faces many difficult days ahead, we need this type of symbol to remind us that even ordinary people are capable of great deeds when freedom is threatened. For these reasons, I am proud to join the gentleman from Iowa in this resolution and urge my colleagues to support its adoption.

Mr. NUSSLE. Mr. Speaker, I would like to offer my voice of support for House Joint Resolution 95, designating an official flag for the Medal of Honor. Since the Civil War, American soldiers who distinguish themselves in defense of our nation have been honored with the Medal of Honor. In fact, it was at the suggestion of Iowa Senator James Grimes, in 1861, that the Medal of Honor was created. All members of our armed forces are patriots, but the 3,458 soldiers who have received this honor have gone far above and beyond the call of duty. In defense of our nation, they have risked or given up their lives, so that so many can live freely as Americans. In this time of war, as the veterans of the future selflessly defend American freedom and values in the far corners of the world, it is appropriate to move a step further to designate a special flag for Medal of Honor recipients. Its simplicity—thirteen white stars on a blue field, just like the medal it accompanies—allows us all to remember the tremendous cost that a small number of soldiers have paid to ensure our freedom.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Virginia (Mr. SCHROCK) that the House suspend the rules and pass the joint resolution, H.J. Res. 95, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on approving the Journal and on motions to suspend the rules on which further proceedings were postponed earlier today, in the order in which each question was entertained.

Votes will be taken in the following order:

Approving the Journal, de novo;

H.R. 3937, by the yeas and nays;

H.R. 3786, by the yeas and nays;

H.R. 3971, by the yeas and nays; and House Joint Resolution 95, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

REVOCATION OF PUBLIC LAND ORDER WITH RESPECT TO LANDS ERRONEOUSLY INCLUDED IN CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3937, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3937, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 375, nays 0, not voting 59, as follows:

[Roll No. 249]

YEAS—375

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—59

Abercrombie
Becerra
Blagojevich
Boehner
Bonior
Borski
Brown (FL)
Bryant
Burton
Buyer
Callahan
Camp
Carson (IN)
Clement
Condit
Conyers
Costello
DeGette
Everett
Flake
Fossella
Gordon
Hansen
Hayworth
Hill
Hilleary
Hilliard
Hinojosa
Honda
Houghton
Hyde
Israel
Jefferson
Jenkins
Jones (OH)
Kilpatrick
Kleczka
Manzullo
Meeks (NY)
Miller, George
Nadler
Nethercutt
Owens
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Pryce (OH)
Riley
Sánchez
Sanders
Simmons
Smith (NJ)
Thurman
Traficant
Velázquez
Watts (OK)
Weiner
Wexler

□ 1850

Ms. KAPTUR changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3786, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3786, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 0, not voting 60, as follows:

[Roll No. 250]

YEAS—374

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—60

Abercrombie
Becerra
Blagojevich
Boehner
Bonior
Borski
Brown (FL)
Bryant
Burton
Buyer
Callahan
Camp
Carson (IN)
Clement
Condit
Conyers
Costello
DeGette
Everett
Flake
Fossella
Gordon
Hansen
Hayworth
Hill
Hilleary
Hilliard
Hinojosa
Honda
Houghton
Hyde
Israel
Jefferson
Jenkins
Johnson (IL)
Jones (OH)
Kilpatrick
Kleczka
Manzullo
McCrery
Meeks (NY)
Miller, George
Nadler
Nethercutt
Owens
Peterson (MN)
Peterson (PA)
Pomeroy
Pryce (OH)
Riley
Rivers
Rush
Sánchez
Sanders
Simmons
Traficant
Waters
Watts (OK)
Weiner
Wexler

□ 1859

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 250 I was inadvertently detained. Had I been present, I would have voted "yea."

PROVIDING FOR INDEPENDENT INVESTIGATION OF FOREST SERVICE FIREFIGHTER DEATHS CAUSED BY WILDFIRE ENTRAPMENT OR BURNOVER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R.3971.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3971, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 57, as follows:

[Roll No. 251]

YEAS—377

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne

Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—57

Abercrombie
Becerra
Blagojevich
Boehner
Bonior
Borski
Brown (FL)
Bryant
Burton
Buyer
Callahan
Camp
Carson (IN)
Clement
Condit
Conyers
Costello
DeGette
Everett
Flake
Fossella
Gordon
Hansen
Hayworth
Hill
Hilleary
Hilliard
Hinojosa
Honda
Houghton
Hyde
Israel
Jefferson
Jenkins
Jones (OH)
Kilpatrick
Kleczka
Manzullo
Meeks (NY)
Millender-McDonald
Miller, George
Nadler
Nethercutt
Owens
Peterson (MN)
Peterson (PA)
Pomeroy
Pryce (OH)
Rangel
Riley
Sánchez
Sanders
Simmons
Traficant
Watts (OK)
Weiner
Wexler

□ 1907

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1915

Stated for:

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall 251, I was detained by an emergency telephone call. Had I been here, I would have voted yea.

DESIGNATING OFFICIAL FLAG OF THE MEDAL OF HONOR

The SPEAKER pro tempore (Mr. ISAKSON). The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 95, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCHROCK) that the House suspend the rules and pass the joint resolution, H.J. Res. 95, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 54, as follows:

[Roll No. 252]

YEAS—380

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Burton
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
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Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
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Johnson, E. B.
Johnson, Sam
Jones (NC)
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King (NY)
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Knollenberg
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LaFalce
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Larsen (WA)
Larson (CT)
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Miller, Dan
Miller, Gary
Miller, Jeff
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Ros-Lehtinen
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NOT VOTING—54

Abercrombie
Becerra
Blagojevich
Boehner
Bonior
Borski
Brown (FL)
Bryant
Buyer
Callahan
Camp
Carson (IN)
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Everett
Flake
Fossella
Gordon
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Hayworth
Hilleary
Hilliard
Hinojosa
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Houghton
Hyde
Israel
Jefferson
Jenkins
Jones (OH)
Kilpatrick
Kleczka
Manzullo
Meeks (NY)
Miller, George
Nadler
Nethercutt
Owens
Peterson (MN)
Peterson (PA)
Pomeroy
Pryce (OH)
Riley
Roukema
Sánchez
Sanders
Simmons
Traficant
Watts (OK)
Weiner
Wexler

□ 1916

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the joint resolution was amended so as to read: "Joint resolution providing for the designation of a Medal of Honor Flag and for presentation of that flag to recipients of the Medal of Honor.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed recorded Votes on Monday, June 24, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes: On passage of H.R. 3937, I would have voted "yea"; on passage of H.R. 3786, I would have voted "yea"; on passage of H.R. 3971, I would have voted "yea"; on agreeing to H.J. Res. 95, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal business prevents me from being present for legislative business scheduled for today, Monday, June 24, 2002. Had I been present, I would have voted "yea" on the following rollcall votes: H.R. 3937, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge in California (rollcall No. 249); H.R. 3786, Glen Canyon National Recreation Area Boundary Revision Act (rollcall No. 250); H.R. 3971, Providing for an investigation of Forest Service firefighter deaths that are caused by wildlife entrapment or burnover (rollcall No. 251); and H.J. Res. 95, Designating the official flag of the Medal of Honor and providing for presentation of that flag to each recipient of the Medal of Honor (rollcall No. 252).

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, on Monday, June 24, I was unavoidably detained due to a prior obligation at the American Federation of State, Municipal, and County Employees' (AFSME) National Labor Convention.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted "yea" on rollcall No. 249, "yea" on rollcall No. 250, "yea" on rollcall No. 251, and "yea" on rollcall No. 252.

APPOINTMENT AS MEMBER OF BOARD OF DIRECTORS OF NATIONAL URBAN AIR TOXIC RESEARCH CENTER

The SPEAKER pro tempore (Mr. ISAKSON). Without objection, and pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412) the Chair announces the Speaker's appointment of the following member on the part of the House to the board of directors of the National Urban Air Toxic Research Center to fill the existing vacancy thereon:

Dr. Arthur C. Vailas, Houston, Texas.

There was no objection.

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on Monday, June 17, I was absent for three rollcall votes. If I had been here, I would have voted yes on rollcall vote 230, yes on rollcall vote 231 and yes on rollcall vote 232.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JIM TURNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Mr. Speaker, I rise this afternoon to salute one of the most beloved and valuable citizens in central Florida, Mr. Jim Turner, who is marking 30 years on the job this summer.

It is not just any job. Jim Turner is the morning show host on AM 580 WDBO in Orlando, one of central Florida's most important radio stations. When severe weather hits, when natural disasters strike, when terrorism comes home, the people of my district tune into Jim Turner.

Cinderella's castle at Walt Disney World was still considered a new home when Jim moved to Orlando back in 1972. WDBO offered him the big money the work at their radio station, $200 a week.

One of the funniest stories about Jim's tenure behind the microphone was told to me by his friends on WDBO's morning show, "Officer Jim" Bishop and Kirk Healy.

Years ago, Jim Turner wanted to be the first person to wish former Orlando Mayor Bill Frederick a happy birthday. So at 6:30 in the morning, he dialed the mayor's house and got into an argument with Mayor Frederick's wife, who refused to wake up the mayor. As rumor has it, City Hall received numerous calls that morning wondering why the mayor's wife was so obstinate with Jim. Well, the joke was on the mayor. Jim had actually called his own home and had set up the whole bit with his wife, who impersonated Orlando's first lady.

Nearly 30 years and 8,000 radio shows later, Jim is still doing what he does best, giving Orlando area listeners breaking news in a humorous and objective manner. His alarm clock still goes off at 2:30 in the morning. He still rolls into work by 4 a.m. Mr. Speaker, I would like to see how efficient Congress would work if we were required to start our business every day at 4 a.m., but I digress.

Having been a guest of his on his program so many times, the greatest thing about Jim is the fact that his on-air personality is identical to the guy he is off the air. There is not an ounce of pretentiousness, only professionalism.

When asked to reflect on his 30 years in the business, Jim recently said, "You meet people and you realize they depend on you to find out what's going on. There's an obligation to make sure the facts are right, to present often-complicated things in an understandable fashion."

All of my colleagues should be so fortunate to have a man of Jim Turner's skill and character waking up the people of their districts with such a blend of information and humor.

I wish Jim Turner a happy 30th anniversary at WDBO. I know I speak for all of central Florida when I say how much we look forward to the next 30 years.

TRIBUTE TO VOLUNTEER CRIME FIGHTERS WITH CITRUS COUNTY SHERIFF'S OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, tonight I would like to do a tribute to our volunteer crime fighters within the Citrus County Sheriff's Office under the leadership of Sheriff Jeffrey Dawsy.

The Citrus County Sheriff's Office has one of the largest and most successful volunteer programs in the Nation. There are over 1,100 volunteers working in just about every area of the Sheriff's Office. The county has volunteers driving in mobile crime watch units helping to keep the streets safe. The program includes volunteer bailiffs working the courts, volunteer dispatchers in the communications center, volunteer receptionists at community offices, as well as volunteers who fingerprint, assist in clerical duties and review pawnshop information.

Stanley Wishin of Inverness has been working at the Floral City Elementary School through the GRAMPA program for the past five years. GRAMPA stands for Getting Retirees Actively Motivated to Policing Again. Prior to his volunteer work, Mr. Wishin served for 21 years as a police officer in New York City. He retired from duty and moved down to Florida with intentions of settling down, but he just could not stay away from community service. He quickly signed on at the Broward County Sheriff's Office for another 16 years of law enforcement service. Since his retirement, he has been actively involved with the Citrus County volunteer program, and he says he loves every minute of it.

The GRAMPA program is a chance to put older and more experienced people directly in touch with the youth. Some of our most effective police officers are being lost in their prime to retirement. Mr. Wishin probably said it best when he said, "You train them, you have them for 25 years, and all of the sudden, you lose them. In my eyes that's wrong because you never let a good man go." The GRAMPA program is an excellent way to get our most experienced officers back into public service.

Citizen volunteers work in every aspect of the Citrus County Sheriff's Office. James Karibo, for example, has been volunteering with the Sheriff'S Office for the past 4 years, working in various aspects of policing. Mr. Karibo drives for the citizens patrol and volunteers as a public service aid. He, and many others like him, take over some of the more mundane duties to free up deputies for other work. Mr. Karibo visits the elderly, works on crime investigations, helps with traffic patrols and minor accidents as well as other activities.

The Citrus County Sheriff's Office has a very active Citizens' Academy program which allows ordinary citizens to learn more about the inner workings of the sheriff's department and feeds into their volunteer program. According to Sheriff Dawsy, "The concept of the Citizens' Academy involves opening up the Sheriff'S Office to the public and showing citizens exactly what we do and how we do it." As a result, graduates of the 10-week course are better equipped to assess safety issues and share with others their knowledge of law enforcement practices and policies.

Given Sheriff Dawsy's commitment to the philosophy of community-oriented policing and proactive problem solving, he says he sees the Citizens' Academy as an effective way of bringing law enforcement and the public together in an informal, educational forum.

The benefits of such a partnership can only strengthen the entire community in terms of public safety and quality of life. Last year alone, volunteers clocked in over 90,000 hours working for the betterment of the community. Volunteers drove 561,000 miles, made more than 44,000 house checks and assisted more than 3,400 citizens at community offices.

Sheriff Dawsy and the Citrus County Sheriff's Office volunteers program have been an outstanding service to our community, and I would like to thank them all for their efforts. Their program is a model for others to follow, and I am honored to stand here and recognize them today. Congratulations to all of them on a job well done.

PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, early Friday morning, under cover of night, the Republican plan to create a Medicare prescription drug benefit was forced through the Committee on Energy and Commerce on strict party lines.

The prescription drug proposal made by the Republican leadership in Congress is so farfetched and so inadequate that it is an insult to the seniors it alleges to help. This legislation calls for private insurance companies to deliver drug coverage, and the coverage is minimal.

We sought to improve the bill, but our efforts were stymied by a coalition of the Republican leadership and their corporate sponsors, the brand name drug industry.

Democrats insist that any prescription drug plan for seniors should be administered through Medicare, the program seniors know and trust. We have insisted the benefits be at least as generous as the coverage enjoyed by Members of Congress, and we sought to lower drug prices, ending drug industry patent abuses and enhancing competition in the prescription drug marketplace.

The need for a prescription drug benefit under Medicare is undisputed. Twelve million American seniors lack any form of drug coverage. This situation is made worse by the fact that American seniors and others without drug coverage pay the highest prices in the world for their prescriptions.

This is not the first time Republicans have attempted to capitalize on the need of America's seniors for a drug benefit but is the most blatant. Republican after Republican will come to the House floor in the next 3 days, saying seniors deserve a drug benefit as good as Members of Congress have. Unfortunately, though, according to the nonpartisan Congressional Research Service, the Republican plan is 40 percent less than the coverage offered to Members of Congress.

During last week's markup, I offered an amendment that would replace the standard coverage in the Republican bill with the same coverage offered to Members of Congress.

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But the night before the amendment was offered, Republicans adjourned the committee markup early so that they could attend a $30 million fundraising dinner underwritten by Glaxo-Wellcome, a British pharmaceutical company which gave $250,000 that night to the Republican Party. When Republicans returned from that fundraiser in which the drug companies gave well over a million dollars in total, when they returned from that fundraiser the next day, it came as no surprise that Republican colleagues voted my amendment down, meaning that the House will be forced to vote this week on legislation that would provide seniors with a significantly less drug benefit than Members of the Congress. In other words, Republicans are going to give Members of Congress a much better drug benefit than seniors will enjoy.

The Republican bill is not designed to ensure that seniors and disabled Americans gain access to drug coverage. It is designed to ensure that seniors and disabled Americans lose access to what they want to do, which is privatize Medicare. Unless the goal is to phase out Medicare and phase in an insurance voucher system, it makes no sense to maintain a public program for medical and surgical benefits but for seniors to purchase private coverage for prescription drug benefits. If this bill is not about privatizing Medicare, if it is actually meant to provide seniors real drug coverage, why is there a hole in the plan's coverage? Why do the benefits decline as an enrollee's drug costs go up? Insurance is supposed to protect individuals with high health care costs, not to desert them. So why this kind of Republican plan that serves the insurance interests and drug company interests but not seniors?

On May 8 the United Seniors Association, a group funded by the prescription drug industry, announced it would begin a $3 million television ad campaign touting the GOP drug prescription drug plan. Guess who is paying for the media blitz? The Pharmaceutical Research and Manufacturers of America are paying for the media blitz, a trade group representing major drug companies. In other words, the drug industry is using dollars they gouge from American consumers to advertise the Republican drug bill.

What should that say? Would they advertise a bill they thought would be hard on the drug companies and drive a hard bargain with America's drug companies? Drug companies do not like the Democrats' bill because we harness the collective purchasing power of 40 million Medicare beneficiaries to demand discounts, volume discounts, to demand fair prices. Our bill gives seniors good coverage, real coverage, reliable coverage just like Medicare, plus we are tough on the drug companies. Glaxo-Wellcome, the company that sponsored the major Republican fundraiser last week, charges Americans the highest prices in the world for prescription drugs. Listen to that again. Glaxo-Wellcome, British-owned prescription drug company, charges seniors the highest prices of any country in the world. The Republican plan is written by and for the drug companies. The Democrats' plan supports seniors.

INTRODUCTION OF CAPITOL POLICE RETENTION AND RECRUITMENT LEGISLATION

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, since last year's terrorist and anthrax attacks, Capitol Police officers have faced extraordinary challenges. For months after the attacks, most worked twelve-hour shifts, six days a week, to assure that Congress could continue its work. Such grueling shifts were required even with help from the District of Columbia National Guard, whose members stood watch with our Police for five months. The Guard has resumed its normal duties, and the twelve-hour shifts have eased, but Capitol Police still confront extraordinary challenges.

Unfortunately for Congress, its staff and visitors, Capitol Police also confront extraordinary opportunities—to seek employment elsewhere. As trained law-enforcement professionals, Capitol Police officers are always in demand by other law-enforcement agencies. However, in these times of heightened security, overall demand for trained personnel has never been higher. As a result, the Capitol Police are losing officers at an alarming rate. As of June 1, the Capitol Police had already lost 78 officers to other law-enforcement agencies in fiscal 2002, and had three more such separations pending. This is more than twice the number lost on average to other agencies during the last three years. If this rate continues, the Capitol Police will by September 30 have lost 122 officers to other agencies. This does not include retirements and separations for other reasons. This tremendous attrition comes as Capitol Police strive to increase manpower to recommended levels.

One federal agency in particular, the new Transportation Security Agency, is attracting trained officers from the Capitol Police and elsewhere to serve as sky marshals and other airport-security officers. TSA is offering compensation that can surpass the pay of the average Capitol Police officer by more than 80 percent. An 80 percent pay raise is tough for anyone to refuse.

There is no doubt that TSA's work is vital. But the security of the Capitol complex is also vital. Congress has a responsibility to take every reasonable step to ensure that the Capitol Police can attract and retain the people needed to make the Capitol safe, so today, the distinguished chairman of the House Administration Committee (Mr. NEY) and I have introduced the Capitol Police Retention, Recruitment and Authorization Act. In addition to sundry authorization matters, the Act proposes a number of reasonable steps to reduce Capitol Police attrition and encourage recruitment.

First, the bill would schedule 5 percent pay raises for each of the next five years for officers through the rank of captain. Raises for higher-ranking officers would be discretionary with the Capitol Police Board. This provision would give officers who may be considering leaving the prospect of regular increases for the foreseeable future. The bill would also increase from six to eight hours the amount of annual leave earned per pay period by all officers with at least three years' service.

Second, as a matter of fundamental fairness, the bill would authorize the Board to make whole officers adversely affected during the recent months of sustained overtime by the limits on Sunday, holiday and other premium pay. This provision will restore to the officer roughly $350,000 that they earned but could not receive due to those limits. The bill authorizes extra pay for officers in specialty assignments as determined by the Board, and lets the Board hire experienced officers and employees at salaries above the minimum for a particular position, as needed.

Third, the bill also provides important new benefits for officers. It authorizes establishment of a tuition-reimbursement program for officers taking courses on their own time leading toward a degree in law-enforcement field, and authorizes bonuses upon completion of such degrees. This will give officers ongoing opportunities for professional improvement, which should lead to more rapid advancement. For Congress, it will create a more educated and better Capitol Police force.

To help provide manpower needed to avoid the punishing overtime of recent months, the bill authorizes bonuses for officers and employees who successfully recruit others to join the force, encouraging the entire agency to become recruiters. It allows the Board to employ retired federal law-enforcement officers without reduction to their annuities, and temporarily extends the mandatory retirement age from 57 to 59, but only through fiscal 2004, by which the Police intend to reach full strength.

Finally, the bill recognizes that as important as these tangible benefits are, there are other, less tangible aspects that can make a job more interesting, and help persuade veterans to remain and others to seek it. The bill encourages the Chief of Police to deploy officers in innovative ways that maximize their opportunities to rotate among the various posts and duties, be cross-trained for specialty assignments, and generally to utilize fully the skills and talents of individuals. This will do much to enhance the appeal and satisfaction of the job, and make retention and recruitment easier. If done smartly, it will also make the Capitol, and those who visit and work here, much more secure.

I urge my colleagues to support this important measure.

PRESCRIPTION DRUG BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I am pleased to say that I will be joined this evening by some of my Democratic colleagues as we discuss the need for a real Medicare prescription drug benefit.

I have been on the floor many times in the evening during Special Orders criticizing the Republican leadership in the House because of their failure to address the issue of prescription drugs and even bring a bill to the floor. So I want to start out by saying I hoped since they have promised that they are going to bring up a prescription drug bill to the floor of the House before the July 4 recess, which would be by this Thursday or Friday, I am hopeful since they made that commitment to do so that we will see some bill come to the floor, and there will be a debate on the prescription drug issue by end of the week.

I am still somewhat skeptical that we are going to see that from the Republican leadership because initially they said this was going to happen Wednesday, and now we hear Thursday and now we hear maybe even Friday. So certainly if they do not bring up the bill at all, they should be seriously chastised for doing that since they promised it for 2 months.

But even if they do bring it up, my great disappointment and that of my Democratic colleagues is that it is a sham proposal. It is not a bill that will provide any benefit or certainly any meaningful benefit to any senior citizen. And let me just explain why and very briefly raise two, I think, very major points. One is that the Republican bill is not a Medicare proposal. We all know that for many years since the mid-60's when Medicare was first signed into law that Medicare has been a government program that has provided senior citizens, every senior, with a guaranteed benefit for their hospital care and a guaranteed benefit for their physician's care. The bottom line is it works. It is a government program that works.

Well, the Democrats have been saying, if we have a program that works like Medicare, then just expand it to include prescription drugs. And our proposal is very much like part B right now that pays for the doctor bills. There is a defined guaranteed benefit under Medicare. Everyone gets it. There is a very small premium, $25 a month, a low deductible of $100 a year, and 80 percent of the cost of the prescription drugs are paid up to $2,000 out-of-pocket, in which case 100 percent of the prescription drug bills are paid.

We have a very effective cost-control pricing mechanism that says that since there is now 30 to 40 million seniors under Medicare, that the Secretary of Health and Human Services has a mandate to negotiate lower prices on behalf of this large pool of senior citizens to bring prices down.

The Republicans have gone just the opposite. Rather than provide a Medicare benefit, rather than continuing and expanding the Medicare program to include prescription drugs, all they are proposing, if it even comes to the floor this week, is to throw some money to private insurance companies hoping that these insurance companies will offer some kind of drug policy to senior citizens. And we know that the insurance companies are saying they are not going to provide these kinds of drug policies because they have never existed before.

And even if they do, there is no guarantee seniors will be able to buy one, what the premium is going to be, whether they will get certain prescription drugs, nothing, and no mechanism in the Republican bill to deal with the issue of price and trying to reduce costs. In fact, there is actually language in the Republican bill that says that the administrator of the program cannot interfere in any way and try to reduce costs or reduce prices.

So we have here a sham proposal on the part of the Republicans. I hope they bring it up. I hope we have a debate by the end of the week on the prescription drug issue, because we have not had it for almost 2 years as this Congress draws to a close. But when they bring it up, we are going to have to show there really is no benefit at all and no proposal at all.

Mr. Speaker, I yield to my colleague from Ohio, the ranking member on the commerce Subcommittee on Health, who has been an outstanding spokesman on this issue and who has really fought very hard to make sure that we get a real Medicare prescription drug proposal.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from New Jersey, who has been, as a member of the Subcommittee on Health has helped to lead the charge on all these issues in the last couple of years as Congress, some of us, have moved towards a real Medicare benefit.

I want to sort of build on what my colleague has just said. Our plan, the Democratic plan, a Medicare prescription drug benefit, is administered by a program that Americans have learned to trust in the last 37 years, the Medicare program, while the Republican plan subsidizes the insurance companies to set up a Medicare prescription drug private insurance HMO plan. And we know how HMOs have treated seniors throughout this country over the last 5 years. Our plan, again, is a Medicare benefit. Their plan sets up drug company HMOs.

Now, let us for a moment again compare the two plans. The Democratic plan has a $25 premium, the Republican plan, the premium is undefined. The premium will be set by insurance companies. And if what has happened in the States is any indication, the premium could be as high as $70 or $80 or $90 a month. The Democratic plan has a $100 deductible. The Republican plan, again set by the insurance companies, will have a deductible of at least $250. The Democratic plan, while there is a 20 percent copay for the first $2,000, the Republican plan has a 20 percent copay for the first $1,000 then a 50 percent out-of-pocket cost copay for seniors the next $1,000. Then, at $2,000, the Democratic plan will cover all drug costs from there on up. The Republican plan covers no drug costs for the next $1,800. So if a senior's drug bills are $4,000, $5,000, $6,000, they are out of pocket thousands and thousands of dollars in the Republican plan.

But the ultimate comparison is look what has happened with this issue. The Republican plan is written by the drug companies. It is clear the drug companies are very happy with the Republican plan. In fact, in The Washington Post last week, and I quote, "A senior House Republican leadership aide said the Republicans are working hard behind the scenes on behalf of the drug industry to make sure that the party's prescription drug plan for the elderly suits drug companies. Republicans favor a private sector solution to lowering drug costs," and on and on. But I will say it again, a senior House Republican aide said the Republicans are working behind the scenes to make sure the plan, the drug plan for the elderly, suits the drug companies.

The Democratic plan was written with input from the AARP, from consumer groups, from all kinds of senior citizen organizations that want to see seniors benefit from this plan. The Republican plan was written by the drug companies so that drug companies benefit.

The logical question then is, why would the Republicans do that? Well, last week, as my colleague, the gentleman from New Jersey (Mr. PALLONE), saw as a member of our committee, right in the middle of the markup, right in the middle of hearing amendments and working on this legislation, the Republicans, on Wednesday evening at 5 p.m., and we usually work much later than that when we are doing important pieces of legislation, at 5 p.m. the Republicans adjourned the committee so they could go off to a fundraiser underwritten by Glaxo-Wellcome, a British pharmaceutical company, to the tune of $250,000 and supported by other drug companies.

PhRMA, the trade association for the drug companies, committed another $250,000; other drug companies put in $50,000, $100,000, and, $250,000. So that the drug industry was pumping literally well over $1 million into this fundraiser. And so we stopped working on the drug bill at 5 p.m. and the Republicans went to this fundraiser underwritten by America's drug companies, the world's drug companies, Glaxo-Wellcome, Bayer, and others from outside the United States.

Then the next day the Republicans returned to the committee hearing and voted consistently in support of the Republican prescription drug plan programs and consistently in support of what corporate interests, what the drug companies wanted.

As an example, I had an amendment that no Member of Congress should get a better benefit than senior citizens; seniors should have the same prescription drug benefit as Members of Congress. The drug companies did not want that, so the Republicans voted down the line against that amendment that says to the public senior citizens, sorry, your drug benefit is not as good as a Member of Congress.

Other amendments, offered by the gentleman from New Jersey (Mr. PALLONE), by the gentleman from California (Mr. WAXMAN), by the gentleman from Wisconsin (Mr. BARRETT), by several on the committee, by the gentlewoman from California (Mrs. CAPPS), also were voted down by the Republican majority because the drug companies did not want them. Anyone sitting in that committee with a scorecard could have written a column that reflected senior position, drug company position, and every single time the Republicans went with the drug company position. Every amendment, on rural health, on how to control and bring down prices of prescription drugs, on closing what is called the donut hole, or the gap, where prescription drug benefits simply end in the Republican plan at $2,000, one issue after another the Republicans checked the box on whatever the drug companies wanted.

The kind of money that the Republicans raised from the drug companies last week is scandalous. The kind of money Republicans raised from drug companies and then turned around and voted the Republican line is absolutely outrageous. Americans need to speak out, tell the Republicans in this body how ashamed they are that they would take that position and vote the drug company line after pocketing literally millions of dollars from drug company interests.

Until the Republican leadership in this Congress gets its act together and realizes this drug bill should be for seniors, not for drug company interests, Americans are going to continue to see the kind of stalemate here that has happened.

I just urge people in this country to understand where each party sits. The drug companies and the Republicans are on one side, seniors and Democrats are on the other side. And that is why this Thursday or Friday, when we vote for this, it is important that this House pass the Democratic substitute which gives a real benefit, which limits prices that drug companies charge so they cannot continue to charge Americans more than they charge the British and the Japanese and the Germans and the French and the Canadians and the Israelis and everybody else on Earth.

The fact is it is an industry that is the most profitable industry in America. They pay the lowest tax rate of any industry in America, U.S. taxpayers help to fund research and development, and the drug companies turn around with their Republican friends in Congress and continue to stick it to the American public.

□ 1945

I thank the gentleman from New Jersey (Mr. PALLONE) for the good work the gentleman has done on this legislation.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for his comments. He articulates so well the price issue.

I have to say during that Committee on Energy and Commerce markup, there were two things that we realized over and over again. One is the Republicans were never going to put this program under Medicare because they are ideologically opposed to Medicare because they see it as a government thing, and they were not going to do anything to effect price reductions.

Mr. BROWN of Ohio. Mr. Speaker, Republicans want Medicare to take a right turn, and that right turn is to expand health maintenance organizations, to deliver the prescription drug benefit through a privatized HMO/insurance system. We want to see Medicare remain a public program and deliver the drug benefit the way it delivers hospital benefits and physician benefits. The Republicans want to put Medicare back into a private insurance scheme just like HMOs and put the prescription drug coverage into that same scheme to privatize the greatest government program in history, Medicare.

Mr. PALLONE. Mr. Speaker, we know when Medicare began under President Johnson it was because the private sector was not able to provide health insurance that was affordable for most American seniors. That is why the program was set up, not because we wanted a government program or we thought a government program was superior, but because the private sector was not providing any kind of affordable health insurance that most seniors could buy.

I want to develop a little bit what the gentleman from Ohio (Mr. BROWN) said on the pricing issue. The incredible thing about the prescription drug industry is that they get so much money and help from the Federal Government right now, and I have a lot of the pharmaceutical companies headquartered in my district, and New Jersey as a whole, so I am not saying that they should not be able to make a profit, but think about the fact that this is an industry that get a tremendous amount of money from the Federal Government through the National Institutes of Health to do the research on prescription drugs. Then they have a patent program where they get exclusivity for new drugs that are developed for a long period of time and subsidize their patents through the exclusivity program, and then they get a break on the advertising through the Tax Code, and finally they have a situation where they closed the border for importation of prescription drugs from other countries because they know if that were to happen and we were able to import prescription drugs from Canada or Europe, we would have a situation that would bring the cost down.

So everything is being done by the Federal Government to make sure that they get a nice profit, whether it is money for research, whether it is preventing importation of foreign drugs, whether it is the patent exclusivity that they get, or the advertising break that they get through the Internal Revenue Code, and there are probably many other things that I could mention as well.

On top of that in terms of tax breaks and money and exclusivity of patents, even with all that help, they still want the American people, they want to charge the American people the highest drug costs in the entire world. That is not fair. That is why the Democrats are saying an important part of this prescription drug plan that we should pass here has to address the price issue. Otherwise, prescription drugs will be unaffordable and the Federal Government will not be able to afford a prescription drug plan that will actually help senior citizens.

I want to reiterate how important the price issue is. The Democrats in our bill, because we have our prescription drug program under Medicare, language that mandates that the Secretary of Health and Human Services take the 30 or 40 million seniors that are now part of the Medicare program and negotiate lower prices for them. He has the power with all these seniors to do the type of negotiation that would reduce prices because he can bargain. The Republicans not only have nothing like that in their bill, they have a clause, and I want to mention it briefly, in their bill called noninterference.

It specifically says that the person who administers the prescription drug program under their legislation cannot in any way require or institute a price structure for the reimbursement of covered outpatient drugs or to interfere in any way with negotiations between these private insurers and the drug manufacturers or wholesalers or other suppliers of covered outpatient drugs.

So the Republicans, contrary to the Democrats, are so concerned that under whatever program they have that somehow prices would be reduced, that they actually put in language to say it is not possible for the administrator of their prescription drug program to do anything to bring costs down. It is unbelievable how much they are willing to do the bidding of the drug industry because of the amount of money that they get from the drug industry.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) and also the gentleman from Ohio (Mr. BROWN) for their great work on this issue.

Mr. Speaker, I am new to this Congress and I must say I had a handful of issues that I thought stood head and shoulders above all issues when I came to Congress; and one of those issues, quite frankly, that I think would greatly improve the quality of life for seniors in this country, America's greatest generation, would be to create a reliable and affordable drug benefit program under Medicare. That was my hope when I came to this Congress, and that is my hope tonight.

However, I must admit to great disappointment in reviewing the Republican plan for prescription drugs. I think that we need to start from the very beginning. In 1965, when Medicare was created, I think that back then there was a good-faith, bipartisan effort to develop a plan that would indeed address the health concerns of a lot of our seniors. However, in 1965, the model for health care for seniors at that time, the paradigm, if you will, was for seniors to receive health care. It meant hospitalization in a great many respects.

Nowadays, though, fast forwarding to go to what we have today, for many seniors, in order to achieve the goals of Medicare, we need to provide solid, reliable, affordable prescription drug coverage. Many medical benefits accrue to seniors now because of recent discoveries and developments by pharmaceutical companies who have done good work with their research. We need to provide access to those prescription drugs that offer a medical benefit. Today, to accomplish that, we need to have a plan under Medicare that is available to all seniors.

Under the Republican plan, there are a number of problems. First of all, a senior citizen would have to go out and find an insurance company or a plan that would allow them to participate. There is an obstacle at the very beginning. I think many seniors who have tried to acquire Medigap insurance, things of that nature through a private insurer, find out those insurers are few and far between, and the cost is prohibitive. Also in this program there is a substantial premium for seniors who would participate in what the Republicans are proposing here.

There is at least a benchmark premium of $35 a month, which is $420 a year, with a deductible of $250 a year. Under the Republican plan, the seniors would pay 20 percent of the first $1,000 and then 50 percent of the next $1,000. So if a senior has a regular and serious need for prescription drugs, the very people we are trying to help in this, there are substantial costs.

In fact, the out-of-pocket premiums continue until that senior basically has reached the $3,800 a year mark. That is when the full government benefit through their plan would begin. Again, that is not under Medicare. So there are serious problems with that.

I think this plan, the Republican plan, allows the seniors to be victims of low expectations. I think we can do better. I sit on the Committee on Veterans Affairs, and under the VA proposal, the pharmaceutical program under the VA, we have a straight $7 copay for seniors, for our veterans who participate under that program. It is indeed a model that we should use in providing the Medicaid prescription drug program under Medicare.

Now, the way the VA does it, they use the collective weight of their purchasing power and they negotiate in a tough and competitive way with the drug companies. They end up getting a good deal for our veterans through good, hard-nosed negotiations, and that is the type of negotiations we should have with our drug companies on behalf of our seniors under Medicare.

The very provision that the gentleman from New Jersey (Mr. PALLONE) has pointed out, there is a provision under this Republican bill that actually requires the administrator not to interfere, not to go after discounts, and not to upset what the market would otherwise charge. I think that cuts the legs out from under this plan and under the administrator and prevents us from actually achieving what we are trying to do in this Congress.

Mr. Speaker, we owe it to our seniors to provide for this drug benefit. This is what they need. We have a responsibility to provide it, and we should let nothing come in between ourselves and that goal.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for what he said. He brought up many important points, but there are two I want to develop a little more because I think the gentleman stated something so important.

One, the gentleman is a member of the Committee on Veterans Affairs; and how it works with the VA, the administrator, because he has all of these veterans, he is authorized by Congress to negotiate prescription drug prices for the VA. I guess it is pursuant to the Federal Supply Schedule, and he is able to get huge discounts. I understand they are 30, 40 percent, sometimes more.

We actually had an amendment, the gentleman from Michigan (Mr. STUPAK) had an amendment in the Committee on Energy and Commerce that was totally tied to the Federal Supply Schedule and that used the VA as his example. In other words, he wanted to put language in his amendment in the bill that would have said that the Secretary had to use the Federal Supply Schedule and do the same thing that the VA administrator did for all senior citizens.

Not only was that voted down strictly on partisan lines with all of the Republicans voting against it, but they actually articulated that they did not want that type of negotiating power for senior citizens. I do not have the faintest idea why. There was some suggestion it was okay to do it for the VA because they fought for the country, but seniors should not be treated the same way.

I wanted to point out that a lot of those seniors were also veterans, so that made no sense. Just to show how far they were willing to go to say they did not want any kind of pricing mechanism in this bill, they actually rejected an amendment by the gentleman from Michigan (Mr. STUPAK) that would have modeled itself on the VA, the way the gentleman described it.

The other thing that the gentleman said that was so important is the whole idea of prevention. In other words, the gentleman pointed out when Medicare started out in the mid 1960s, the reason it was set up was because most senior citizens had no health care. They could not buy health insurance.

At that time, we primarily were providing through Medicare for hospitalization; and then later we expanded it to under Part B to cover doctor bills. But the reason we need this prescription drug benefit is because things have changed so much over the last 30 years. Now the prescription drug benefit is just as important as Part A for hospitalization and Part B for doctors' bills.

□ 2000

I would venture, and you pointed out, and I know that the gentlewoman from Texas has said this before and the gentleman from Ohio has said this before, that if you actually provide a generous prescription drug plan under Medicare, where 80 percent of the costs are paid for by the Federal Government, which is what the Democrats do, because it is preventative, you will prevent the hospitalization, the nursing home care, the having to go to the doctors.

We had a couple of our colleagues, the gentleman from Arkansas (Mr. ROSS) who owns a pharmacy company and the gentleman from Arkansas (Mr. BERRY) who is a pharmacist, two guys from Arkansas, they pointed out that someone will come into their pharmacy like on a Monday or a Tuesday morning and ask for a certain drug that has been prescribed by their doctor and be told, Okay. Well, that is $350. The person says, I can't afford it, walks out of the pharmacy; and because the town is so small where they are in Arkansas, they actually see that person in the hospital at the end of the week running up a bill for Medicare that is 10, $20,000. It makes no sense. We need to basically reform Medicare and include a prescription drug benefit, not put it outside Medicare, because we will save money if we do it. It is such a simple thing to explain to our Republican colleagues; and they just reject it because they do not like Medicare, and they certainly do not want any impact on pricing.

Mr. LYNCH. I think you raise a great point. I think that there is also a sad reality. I just met with about 50 senior citizens in my district who are actually boarding a bus to go to Canada. There was a woman, Mrs. Morgan, who had just fought off her second bout with breast cancer and had been prescribed Tamoxifen, which if she bought it at her local CVS in my district, in and around the neighborhoods of Boston, it would have cost her about $1,500 per year. She was going to Canada to buy in one visit a year supply of that Tamoxifen for $155.

There has got to be a better way. Even under the veterans plan, there are hard-nosed negotiations going on between the VA on behalf of veterans and the drug companies; and the drug companies while they are not happy with the negotiations as hard-nosed, they are making a profit. They are making a reasonable profit, however; and it allows the research to continue, it allows drug companies to continue to pursue what we will, I think, in a very short while see as really miraculous developments in terms of prescription drugs for many very debilitating diseases. We need to keep that initiative forward. But we also defeat our purpose if we pass a drug prescription program that seniors cannot afford, which is the great risk if the Republican plan prevails.

I thank the gentleman from New Jersey for his kindness in allowing me to participate this evening.

Mr. PALLONE. I want to thank the gentleman. I appreciate his remarks. I yield to my colleague from Texas who has been here so many times in the evening, oftentimes late at night, to make the point about how important it is that we have a prescription drug benefit that actually means something for senior citizens.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentlemen, first of all, as I listened to my colleague from Massachusetts for articulating so well what the obstacles and the crisis that we are in and what we face in this debate this coming week. I was in another meeting and I was called indicating that you were having this discussion on the floor, and I thought of several points and as I came in you were making some points that I would like to briefly pursue because in my heart, this hurts me.

I want this benefit so much for our seniors. I do not want to seem as if I am exaggerating. I really want us to bring closure in a positive way to this issue because it has gone on for so long. I believe that so many of us have been in our districts so closely involved with our seniors who really have a personal crisis as relates to their medication. There are a multitude of examples of seniors having to leave the country. It is one thing to have to leave the State, but having to leave the country in order to secure the drugs that they need in order to live. Can I say that again? In order to secure the drugs that they need to live. That is what we are talking about.

What I am concerned about is that there are those of us who believe that there is value to the pharmaceutical research that is done in this country, and I know the distinguished gentleman from New Jersey who sits on the Committee on Energy and Commerce also recognizes that we must have that kind of scientific research, pharmaceutical research, drug research, new drug research. No one is discounting that.

One of the arguments being made by our friends in the pharmaceutical industry is that you are cutting our profit and we cannot do any more, if you will, far-reaching drug research to be creative in new drugs. I want to respond to that, because there are answers to that point. First of all, I think we should be concerned about senior citizens. I heard my colleague from Connecticut last week call them the Greatest Generation. But they have lived longer because of Medicare starting in 1965, in the mid-sixties.

We now can provide a crowning touch to that because what we are seeing is that the life expectancy diminishes when they are not able to get the drugs as prescribed by their physician. The key element that I think is important about this particular provision of the Democrats is that our provisions are not voluntary. It goes through the Medicare trust fund. It provides 80 percent in Medicare coverage. It means that every senior who needs it will have a definitive benefit which they can utilize. And it will eliminate confusion and whether or not they have to make choices.

This does not discriminate as far as I am concerned against our pharmaceutical companies. Why? Because they will have to use those drugs. And as was made very clear, and I think the gentleman from New Jersey made this point and I am convinced that he is right, that since this will be similar to part A and B or these provisions that come under Medicare, we will have the ability to see the maintenance decrease the cost of hospitalization that you do under A and B. And that in fact as they secure the drugs prescribed by their physicians, do the pharmaceutical companies not see a decided increase in utilization, because they will then be able to use the drugs prescribed.

My good friend knows that there is some rumoring and fear about generic drugs. There are some prescriptions, quite a number of them, that cannot be substituted by generic drugs. The physician wants the patient to take that particular drug. We know that. I know from my own parent, my own mom, that she takes drugs that are particularly prescribed by a particular drug company, a name brand, if you will. Look at the increase that will come with the ability to purchase and purchase the quantity that you need and at the same time provide good care for these seniors. Do our friends in the pharmaceutical industry not see the benefit and the profit for allowing the Democratic plan that has the higher percentage of value to go forward? And, by the way, providing, if you will, the same kind of compensation to providers, the hospitals and physicians, I think that should be noted, in the Democratic substitute, but providing that benefit that is not mandatory but it is part of the Medicare program which then gives them the automatic right and the automatic compensation, if you will, or income to be able to purchase those drugs. That is what I think is a point of contention that really should be enlightened upon, because I have always wanted us to come to the floor of the House with a bipartisan proposal that really works.

It saddens me that we are now at a point where we are about to vote on this and we are voting politically. We are voting simply to make some group happy over here that needs to be happy and that is our pharmaceutical friends who believe they cannot be happy with this plan that provides the 80 percent coverage. I disagree with them. I wish they would look closely at this plan because I cannot imagine when you increase the population of purchasers how that does not increase the profit margin if we have to talk about that. I only talk about that because I do believe that the research of new drugs is important. None of us want to deny that or diminish that, but we have got to be realistic about the needs of our senior citizens. I do not believe a voluntary program, which I was willing to look at, by the way, I need to be very frank with the distinguished gentleman, wanted to look at it because I wanted something to work. I would almost say that how do you mesh them and make them work together? But the key is a voluntary program is less able to provide the benefit than a program that is under Medicare and provided by Medicare and funded by Medicare.

And for those naysayers about the cost, all we have to do is put a moratorium or repeal the enormous tax cut that has really sent us into the deficit, if you will, that we are in. I would much rather invest in this particular plan because this plan has growth. It provides a lifesaving component to senior citizens benefits for Medicare. You cannot have health care and maintenance by physicians and they are not able to take the prescribed drugs that they are given. This is a key element. I hope that my colleagues will join us and vote almost in unanimous manner on the substitute that I believe offers to all of us a real chance to make a difference on prescription drug benefits.

Mr. PALLONE. I want to thank the gentlewoman not only for what you said tonight but for being here so many nights as we try to literally pressure the Republicans to bring up a prescription drug plan and have it debated on the floor. You expressed with me how disappointed we are if this actually does happen this week and they bring up a proposal, that the proposal is such a sham that will not actually do anything to help senior citizens.

I wanted to yield to the gentleman from Arkansas, but I just wanted to say one point about what the gentlewoman from Texas said about the drug research and the increased utilization, because that was so important. We hear the pharmaceuticals saying, well, we need money for research, and you cannot reduce our profit. But I had said before, it is incredible to hear them say that because the Federal Government is so much involved in rewarding them and making sure that they have enough profit.

First of all, we provide a lot of money for basic research to the drug companies through NIH and other Federal programs. Then you talked about generics. It is true, of course, that there are many drugs for which there is no generic alternative because of the patent exclusivity. In other words, if you develop a new drug and you can get it patented and we give you an exclusive right to sell that over a period of time before a generic can come to market, that is a huge amount of money that the Federal Government through its patent policy is giving to the drug companies. You cannot have a generic under those circumstances.

Then you think about the fact, and a previous speaker talked about, because he is from Massachusetts, the buses going to Canada. We also say you cannot import foreign drugs, so we are again through Federal policy giving them another windfall because you do not have the option of competition with the drugs that would come from Canada or overseas in lower prices. Then we give them huge tax breaks for their advertising. For them to complain about how they need money for research is absurd.

I totally agree with you as well. I have never understood why they do not see bringing in all these seniors, now millions of new people in to be able to purchase prescription drugs, would simply increase their profits even more because now a lot more people would be buying the drugs. Their arguments are specious and make no sense. I just do not understand where they are coming from.

Ms. JACKSON-LEE of Texas. If the gentleman would yield for just one sentence on that point. It is such an important point and I end on this particular point, that is the incentive and the response that the government gives to the pharmaceutical companies. It gives them that benefit. That is why you have the patent, in order to protect them for a period of years so that there is no generic undercutting of the investment that they made to produce the drug. That is why you provide that patent and as well, many people disagree with that, but that is why we have those kinds of restrictions in terms of importation of drugs. Now people are, as I said, having to leave the country to save their lives. So you would find those same people right here using that Medicare benefit, that 80 percent Medicare benefit and buying those drugs that they now leave the country to buy. I cannot understand why there is not an understanding about that logic, but I hope we will have a coming together of the minds and vote on a good bill this week, which would be the Democratic substitute.

Mr. PALLONE. I thank the gentlewoman. I yield to the gentleman from Arkansas. We already mentioned your name tonight in the context of prevention, the person at the pharmacy that does not get the prescription drug and ends up being hospitalized.

Mr. ROSS. I would like to thank the gentleman from New Jersey and the gentlewoman from Texas. It seems like every week we are here on the floor of the United States House of Representatives talking about the need to truly modernize Medicare to include medicine for our seniors. Yet it seems like the majority, the Republicans on the other side of the aisle, only continue to give us rhetoric on this issue.

Let me tell you what I mean by that. Let me preface my remarks for those who do not know me in this body. I want to make sure that they clearly understand that I am a conservative Democrat. I have crossed over and voted with the Republicans when I think they are right. On this issue, they are dead wrong; and I believe it is time for some of us to stand up for our seniors and say so.

□ 2015

That is why I am proud to rise tonight in opposition to this prodrug manufacturer prescription drug bill and in support of the Democratic alternative, which I refer to as the prosenior bill, a bill that will truly help our seniors.

Let me also say that I believe I understand this issue. I understand it because my wife is a pharmacist. We together own a small-town family pharmacy. I have seen seniors in our small town of Prescott, Arkansas, with a population of 3,400 people. In that small town I have seen seniors come through our door after they have been to the doctor. Medicare paid for their doctor bill, Medicare paid for the tests that were run on them, and Medicare will even pay for their hospital stay and surgeries, and yet Medicare does not cover their medicine. Too many times I have seen seniors leave that pharmacy without any medicine because they simply could not afford it.

Mr. Speaker, we hear a lot of talk about them having to choose between their medicine and their rent and their home mortgage and their utilities and their food. A lot of seniors in my district are getting by from Social Security check to Social Security check; and I understand that and I understand it clearly, because that is exactly what my 91-year-old grandmother back home in Prescott, Arkansas, does. She worked hard all of her life. Did not have a retirement at work. Her Social Security check is her only source of income. If you get ill later in the month, oftentimes you are not having to choose because you have already paid out of your $500 Social Security check for those other things: your rent, your utilities, your food. And there is nothing left for your medicine.

Living in a small town, I would see a week or 10 days later so many seniors end up in Hope, Arkansas, at the hospital, just 16 miles down the road, running up a $10,000 or $20,000 Medicare bill or required to have a surgery that could exceed $100,000, or diabetics who have legs amputated or require a quarter of a million dollars worth of kidney dialysis before they later died, simply because they could not afford their medicine or could not afford to take it properly. So I am not standing here tonight with a lot of rhetoric; I am standing here tonight with real-life stories from our small-town family pharmacy in Prescott, Arkansas.

Mr. Speaker, if we think about it, today's Medicare is designed for yesterday's medical care. I have said this before, but I will say it again because I think it makes a good point.

I recently ran into a senior, a woman who is a retired pharmacist in Glenwood, Arkansas, who just happened to be a relief pharmacist in my hometown when I was a small boy growing up. She said, you know, back in those days, which was not that long ago, she said, I would see prescriptions rarely exceed $5; and when I did see a prescription that exceeded $5, I would go ahead and fill the next one while I built up enough courage to go out and tell the patient that their medicine was going to cost over $5. Today, it is nothing for a prescription to cost $100.

I think health insurance companies are among the most greedy corporations in America. Even they cover the cost of medicine. Why? Because they know, as the gentleman talked about earlier tonight, they know it holds down the cost of needless doctor visits, the cost of needless hospital stays, and the cost of needless surgeries. All we are trying to do here is pass a bill that will help our seniors get the medicine that they so desperately need.

So why is the Republican bill a prodrug manufacturer bill? I do not know. It is crafted by the drug industry for the drug industry. They have been unwilling, the Republicans have been unwilling to work with Democrats to develop a bipartisan bill; and I say to my friends on the other side of the aisle, it is time that this Congress stop talking about this issue and got to work. It is time we united in a bipartisan fashion on the need to truly provide our seniors with the medicine they need, just as we have united on this war against terrorism.

Now, the drug manufacturers are going to spend, actually through a front group known as United Seniors Association, they are going to spend $3 million on an ad campaign trying to convince seniors that this Republican plan is good. Again, I have crossed that aisle and voted with the Republicans many times; and when they are right, I will vote with them. I am a conservative Democrat from south Arkansas, but I can tell my colleagues this: on this issue, I understand this issue, and on this issue they are dead wrong.

Mr. Speaker, this is a quote from the Washington Post: "A senior House GOP leadership aid said yesterday that Republicans are working hard behind the scenes on behalf of PhRMA," that is the drug manufacturers, "to make sure that the party's prescription drug plan for the elderly suits drug companies. Republicans favor a private sector solution to lowering drug costs, one that requires seniors to buy insurance for drugs from companies or through a managed care plan. Democrats want the benefit, drug benefit to be a part of Medicare, a change companies fear could drive down profits," Washington Post, June 18, 2002.

In the midst of the Republicans marking up this so-called prescription drug plan for our seniors, first they had this crazy idea of coming up with a discount card like it was some new concept. They have been around for years. Seniors who have bought them know there is no real meaningful discounts to a discount card.

When we created Medicare, thank God we did not say, here is a discount card, go cut a deal for your doctor visit or surgery. This should not be complicated. It is time for us to simply go into the pharmacy and get the medicine that our seniors need, just like going to the doctor and going to the hospital.

In the midst of the Republicans marking up, writing this prodrug manufacturer bill, they did take a break. They took a break long enough, and I am quoting here, and this is from The Washington Post, June 19: "Pharmaceutical companies are among 21 donors paying a quarter of a million dollars each for red carpet treatment at tonight's GOP fundraising gala 2 days after Republicans unveiled a prescription drug plan the industry is backing, according to GOP officials." Again, Washington Post, June 19, 2002.

I get angry when I look at statistics that tell me that PhRMA, the drug manufacturers, have over 600 lobbyists on Capitol Hill promoting their interests. Let me tell my colleagues what makes me angry about that. Pharmaceutical company profits are nearly four times the average of other Fortune 500 companies. The annual profit of the top 14 pharmaceutical companies is $38 billion, with a B, and the drug industries' effective tax rate is half that of other major industries. I could go on and on, but I will not.

But let me say this. The next time we see one of those slick ads on TV trying to tell us which drug we need to tell our doctor you need, have my colleagues ever thought about that? The next time my colleagues see one of those ads, remember this: many drug manufacturers spend more money day in and day out, year after year, on those slick TV ads trying to sell their product than they do on research and development of drugs that can save lives and help all of us to live healthier lifestyles.

Please, do not be confused by this ad campaign they are putting up trying to pass this prodrug manufacturer Republican bill. It is H.R. 4954. It is nothing more than a Band-Aid, at best.

Our plan, the Democratic plan, the seniors' plan truly gives our seniors the ability to go to the doctor, to go to the hospital and, yes, to be able to go to the pharmacy and get the medicine that they so desperately need. We treat the prescription benefit just like going to the doctor and going to the hospital. No gimmicks, no tricks. It is that simple.

Mr. Speaker, I am glad to yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to yield to the gentleman from Washington who has been out front on this issue for so long as well. But I just wanted to comment, I was so glad the gentleman brought up the statement, or the quotes, if you will, from The Washington Post about this big dinner that the Republicans had the night of the prescription drug markup in the Committee on Commerce. We actually had to break at 5 o'clock so that they could go to the dinner.

I have people come up to me and say, Congressman, no one thinks that anybody who is elected to this House has evil intentions. I mean, whether they be Republican or Democrat, they are not elected here, and they do not come here because they want to be evil. I really believe that strongly. I am sure all of my colleagues believe that.

So my constituents will say, well, why is it that the Republicans do not want to put the prescription drug benefit under Medicare if Medicare is such a good program, and why is it that they do not want to reduce prices, because that will save the Federal Government money? The answer is the special interest prescription drug industry. That is where we have the Republican aid very much saying that.

They do not want this to be a Medicare benefit. They want to give it to private insurance companies, because the drug companies are afraid that if it is a Medicare benefit and guaranteed to anyone that somehow they are going to lose money or not make as much profit. And they do not want to reduce costs for the same reason. So what is happening is that the Federal Government cannot save money and the seniors cannot save money because the drug companies have to make a bigger profit. I do not even believe it is true, because I think that if we have this program of Medicare and if we have 30 or 40 million seniors getting it, that the drug companies will make even more money. So I do not even buy that.

But they are convinced that they are going to make less money, so they put pressure on the Republicans to say, do not put this under Medicare, do not reduce prices, do not have any pricing mechanism in it. There is no other explanation for it because it does not make sense. People are not doing things because they want to be bad and hurt people; they are just doing it because they are getting the money from the special interests.

Mr. ROSS. Mr. Speaker, if the gentleman will yield, if the gentleman recalls, he and I were here on the floor while they were out at the fundraiser with the big drug manufacturers talking about this very issue.

Let me say that those on the other side of the aisle, the Republicans, I am convinced, I know a lot of them, and I am convinced that they love this country just as much as I do. It is not about that. I think it is about being misinformed.

Mr. Speaker, when seniors cannot afford a quarter of a million-dollar contribution to get into an event, it makes it difficult for them to get their side of the story heard. So I challenge, I welcome, I encourage my colleagues on the other side of the aisle to call seniors in their district, to call their hometown family pharmacies and talk to the pharmacist. They understand these issues, and they know they are going to take a hit as a result of Medicare setting the price on something they now set the price for. They are okay with that, as long as the drug manufacturers share that hit. Do not forget, when one goes into a pharmacy, every dollar we spend, 84 cents, is a direct result of the drug manufacturer; 84 cents out of every dollar, a direct result of the drug manufacturers.

I just think they are misinformed. I think they are well-intentioned. I think they are good folks; they love this country like we do. This just happens to be an issue that they do not understand. Seniors cannot afford a quarter of a million-dollar ticket to get into a fundraiser in the middle of writing a bill. So I would ask them to put politics aside, get on the phone and call seniors, call your hometown family pharmacist. Ask them what they think about the Republican bill and the Democratic bill, again, the drug manufacturer bill versus the seniors' bill that will truly modernize Medicare for our seniors.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from Arkansas, and I appreciate the fact that the gentleman from Washington is here, and I apologize. I think there is about 7 minutes left, and I know that is not a lot of time, and I yield to the gentleman.

Mr. MCDERMOTT. Mr. Speaker, I appreciate the gentleman yielding to me. I think that this is an issue where the question that if I were sitting out there, I listen to all of these people tear this Republican plan apart and ask themselves, why in the world are the Republicans putting forward something that has so many defects in it? I think the truth really is that Newt Gingrich was quite honest when he said once, we expect Medicare to wither on the vine. They never liked the senior health care plan we have in this country paid for through the government. They have always thought it ought to be done by the private sector. They have thought that for 38 years.

Now, the reason they have this prescription drug benefit out here is like the old story about the Trojan horse. They came up to the gates of Troy with this horse and everybody inside said, oh, what a beautiful horse. People said, well, the Greeks have brought it over here. It is a gift. So the people from Troy said, well, okay, open the gates and we will bring it in. They brought the horse in and lo and behold, it was hollow and filled with Greek soldiers who took over and captured and destroyed Troy.

Now, that is what this whole issue of pharmaceuticals is about. The Republicans want to destroy Medicare as we have always known it and make it under the private insurance industry. What they have done in this bill is to set up two bureaucracies. Right now we have one bureaucracy; it used to be called HCFA, the Health Care Financing Administration. They changed that, they call it CMS now, whatever that is; and they have that over there for the fee-for-services. Then they created something called the Management Benefit Administration over here, and they put all of the HMOs under that; and they put the drug benefit under that.

□ 2030

They separate the two and they give these two agencies the responsibility of managing competing ways of delivering health care, but it is not fair. They did not level the playing field. They said to these people over on the private side that they can hire anybody they want at any amount they want to pay them, but over here in the public side they have to use the civil service rules, so this will allow these people to take the best people away, and the whole idea is to set up this competing private sector delivery of health care.

I sat on the Medicare Commission for a year, and the whole time they were trying to set up a private health care system. In those days, they called it a voucher. What they were going to do was give everybody $5,400 and send them out to find a health care plan, and then we would not need this public program. We would just dole out the checks at the beginning of every year to the old people, and they would go out into the private sector and look for an insurance company that would give them their health insurance for $5,400.

We said that will not work because there are people who are sick and people who are healthy. Some people will get a good program, some will get a terrible program, and what we want is a program for all senior citizens that give all an opportunity to have good benefits. And they said, no, let us just give them the money, and we will give them choice.

This is that magic word they throw around, "choice." My mother is 92, and I do not know but there are probably a few members of Congress who have got an older parent. When one is 92 years old, they are not much interested in choice. They just want something they can count on that they know will be there.

But Republicans are determined. From Gingrich, for the last 10 years, well, longer than that, 35 years, they have been trying to push us into the private sector because they know how to manage things so well and they are so kind and loving and they take care of us so well. Over the last 3 or 4 years, we have tried to get people to go into managed care. People went into managed care. What happens to them? They close down the program. We have had millions of people lose their benefits in this country.

So now it is not bad enough with HMOs. Let us do this to drugs. Let us put the folks into the private sector and let them start out and get a benefit and have it closed down, and then they will have to look around for somebody else. They will not have a benefit because it will not be a guaranteed Medicare benefit. It is a voucher. They are going to give a voucher to people and tell them to find a drug company that will take care of them. And the American people are not stupid. They can see a Trojan horse for what it is. These people have been after destroying Medicare for 35 years, and they are doing it today.

My view is that, if we allow that to happen, we will have given away one of the most important programs in this country for economic security. Most senior citizens feel comfortable knowing that they do not have to go to their kids for health care benefits, they do not have to go to their kids and beg to them and say please buy my medication.

My mother lives on a small Social Security pension. That is all she has. She has got three boys and one girl. We will help her. But the Republicans will not even count as paying for the drugs in their program what the kids put into it. My mother has to pay it all out of her checkbook. So we have got to go through some shenanigans. We will slip the money to my mother and say, Mother, put this in your bank account and then you go pay for your medications instead of just our paying for it straight. We have to play games to protect our own parents. That is wrong.

SIGNIFICANT CHANGES IN OUR CULTURE

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. OSBORNE. Mr. Speaker, I am new to this environment, and it is truly amazing to me sometimes what we hear on this floor. I had not planned to talk on this issue tonight, but I thought I would say a couple words.

I have heard that the Republicans are out to destroy Medicare, been bought off by the drug companies, went to expensive banquets. I am a member of the majority. I have not heard from anyone in the drug companies. I have not taken a dime from anybody in drug companies, and I really wonder how many people on both sides of the aisle can say exactly the same thing.

This is something I would be very interested in hearing. I am really interested in basic fairness. That is something that I think in my former life usually we felt we saw.

There is a significant difference between the two plans. The main difference, which I did not hear discussed here this evening, is that one plan costs between $800 billion and $1 trillion, and no one knows exactly how much. The other plan spends $350 billion. So the Democrat plan is three times, roughly, as expensive.

Now, if we spend three times as much money, we can probably just about provide anything that anybody wanted. But at some point, we have to pay for it; and $350 billion was budgeted more than a year ago for Medicare and prescription drugs. The Republican bill fits within that $350 billion frame. Therefore, it seems that, in fairness, that should be mentioned here after the debate that I heard tonight; not the debate, but the discussion.

But that is not why I am here this evening, Mr. Speaker. I came here to discuss something quite different. I used to be in the coaching profession for 36 years, and I worked extensively with young people during that period of time. I guess over that 36-year period I saw some significant changes in our culture. These changes disturbed me greatly.

I saw progressively more and more young men who were coming from dysfunctional situations, from broken homes, and particularly young men who had no father. I saw more drug abuse. Actually, when I started coaching in the early 1960s, drug abuse was relatively unknown. Of course, today we have a major problem. I saw progressively more violence, more violent behavior. I saw more promiscuous behavior.

I would have to say that, in searching about for a reason, trying to determine where that came from, I would have to say that I think it was fueled to some degree by an ever-increasing amount of obscenity, violence, drug abuse, and promiscuity presented in our media. I do not mean to totally bash the media. I am sure there are other factors. But there is no question that there has been a significant increase in media violence, pornography, obscenity, and all these types of issues.

So it was very easy for me, when someone came to me several months ago and asked, would you sign on and cosponsor a bill called the Media Marketing Accountability Act, and since I was interested in this issue and I was interested in young people, I said, sure, I would be glad to. The reason this was a bill that I thought made sense was that the purpose of the bill was to stop the deceptive marketing of adult-rated, sexually explicit, graphically violent products to children.

The entertainment industry has their own rating system, and the movies are rated R, PG–13, or whatever; the video game system has their own rating system; and the music industry has their own rating system. What we are finding, according to the Federal Trade Commission, was that people were not beaming their advertising in accordance with their rating, so we would have an R-rated movie, an adult video game; we would have an adult recording that was advertised in magazines that preteen and early teen children read; or TV programs that were watched by young children.

So we thought there would be no problem. Certainly these people would agree. Yet, the day after this bill was introduced, I got a visit from one of the chief lobbyists with the entertainment industry. He began to tell me what a bad bill this was and how I should not be on the bill and on and on and on. I began to realize that they were serious, that they were going to market their products to children that were much younger than what the product would indicate by their own rating system.

So that was what piqued my interest in the subject. I think it is important that we think about this a little bit tonight.

I not long ago visited with one of the Congressmen who has been here a while who has been interested in this topic. He seemed a little discouraged. He seemed a little beat down. He said that he was not sure we were going to make any progress. That was concerning to me. I think the reason that he felt this way is that there had been a number of court decisions over recent years that have certainly led to the conclusion that it is going to be difficult to get anything done.

Let me just explain a few of these.

In 1997, the Supreme Court ruled that indecent speech is protected by the first amendment and overturned the Communications Decency Act. That was in 1997.

In 1998, the Supreme Court refused to rule decisively on the Child On-line Protection Act, thereby allowing the legislation to remain law while preventing it from taking effect. Effectively, it killed the bill in 1998.

In 2002, the Supreme Court overturned the Child Pornography Prevention Act, ruling that child pornography must either involve minors engaged in sexual activity or meet the legal definition of obscenity to lose first amendment protection.

What this was about was there was a provision in there that would not allow adults who were dressed as or masquerading as children to participate in this type of pornography or to use some type of computer graphics that would simulate child pornography, which can be very realistic, and can be very difficult sometimes to tell between the real thing and the simulation. Again, the Supreme Court overturned this.

In 2002, a three-judge Federal court declared the Children's Internet Protection Act requirements that all schools and libraries receiving Federal funds use Internet filtering material to protect minors from harmful materials on the Internet; and, of course, what this means is you need a computer chip, you need some way to protect children from accidentally, in libraries and public spaces, from contacting pornography. Again, that was overturned.

So there have been a series of cases where the courts have simply overturned acts that seem to make sense and that are aimed at protecting our children.

Of course, one of the bills that really interested me was a few years ago the court ruled that a minute of silence at the beginning of a school day was unconstitutional. One minute of silence at the beginning of a school day was unconstitutional. So that minute was intended to focus kids to spend a little bit of time if they wanted to in prayer, or they could look out the window if they wanted to, or think about their history exam that was coming up, just one minute of silence. Yet it was deemed by the court that somehow this violated somebody's religious freedom.

So we have seen our culture shaped consistently by court decisions over the last 15, 20, 25 years; and sometimes the shift is so imperceptible we are not aware of it, but over time it has moved us from here to here in a very clear fashion.

The effects of pornography are sometimes difficult to even talk about, but I thought I would mention some of them tonight.

First of all, let us mention that pornography is not a victimless industry. Oftentimes, those who are interested in first amendment rights will indicate that what one sees and hears and reads really has no bearing on how one behaves. I guess to some people that makes sense.

But if we think about the advertising industry, which annually spends billions of dollars, it would not seem to me that the advertising industry would go along with that. Because, obviously, what we hear and what we see and what we read and what we listen to does have some impact on our behavior or we would not spend all that money in the advertising industry.

There are hundreds of thousands of dollars that are spent each year during the Super Bowl for a 30-second spot, prime time, hundreds of thousands of dollars maybe for a minute, 1½ minutes. If we think about it, an advertising company, if they can get their soft drink product out there, Coca-Cola, Pepsi, whatever, and they can get somebody to look at that product in a commercial or on a billboard, in a magazine, in a newspaper, and they can just see it five or six times a week, they realize that that is going to substantially increase the sales of that particular product.

□ 2045

And on the other hand if you think about it, if you see material that glorifies drug use, whether it be in a recording or on a television program or whatever and that is presented maybe 10, 15, 20 times a week, it certainly is going to move your behavior in that direction.

Last night I happened to be tuned into a television show very briefly and someone was interviewing a rock star, and the rock star apparently had received an award sometime previously, and the interviewer asked the rock star what he was doing when he heard about the award that he had gotten. And he said, well, he really could not remember because he was stoned at the time. And the interesting thing was the reaction of the audience. They seemed to enjoy that. They clapped and they applauded. And so there is no question that the entertainment industry is impacting our values and impacting the way that we would view drug abuse.

Another issue, if a young person views promiscuous behavior, 20, 25, 30 times a week, whether it be in movies, television, whether they hear it on a recording, again, that is certainly going to impact behavior and it certainly has. If we see very violent acts 50, 60 times a week, and it may be more than that for many young people, again, we are going to shift our behavior towards violence.

Pornography exploits and victimizes women and children, and it does so for money. Pornography is a $15 billion-a-year industry. Just a few years ago, it was a matter of hundreds of thousands of dollars. Today it is a $15 billion industry. In one study, nearly 80 percent of convicted molesters admitted to regular use of hard-core pornography. Roughly 80 percent. When you talk about people being sexually aggressive, attacking young women, the figure went up to 90 percent being regular users of hard-core pornography. So again we would have to say that there does appear to be a link between what people hear and what they see and what they read and what they do. And so we are really flooding our society today with material that I believe is really dramatically affecting the lives of our children.

Currently, there are over one million pornographic Web sites on the Internet. Let me say that again. I did not say a hundred. I did not say a thousand. I did not say a hundred thousand. I said one million porn sites on the Internet.

I remember back in the eighties we had a Senator from Nebraska, Jim Exon was his name, and he tried to pass some legislation to regulate pornography on the Internet, and at that time people laughed at him and they said it will never happen, and it got nowhere. Today there are one million porn sites on the Internet. So if you put in a search word, girls dot-com, which some young person might do, you are going to get a host of porn sites.

I guess on a personal note, a few months ago I found that anyone who entered my name in a search engine would pull up a porn site. And so some young person out in the third district of Nebraska who was told to write a report on his Congressman very innocently would type in my name and there would be a porn site or someone who is trying to do a research project on old broken-down football coaches would put in my name and see the same thing. So it is virtually impossible today for a young person to be on the Internet very long, very often, very regularly and not run into this. And some of it is so graphic that it can actually sear a young mind in a way that that young mind never quite gets rid of that image. So the effects are really disastrous.

I would like to give you some examples of what this industry is doing to our culture. It was reported in a national review that a rural Canadian town began receiving television signals for the first time in 1973. Apparently, this Canadian town was somewhat far removed from metropolitan areas so they really did not get a television signal until 1973. They found over the next 2 years, by 1975, that violent and criminal behavior in that community had gone up 160 percent. Maybe that was just accidental, but I would have to believe that there may have been some cause-and-effect relationship.

In 1999 a survey found that two-thirds of American teens believed that violence in America's television and music "is partially responsible for crimes like the Littleton shootings at the Columbine High School," and this was put out by the Senate Judiciary Committee. So we find two out of three people living in the community in the environment where they are inundated by some of these messages say that they believe that there would be a link between that violence and that culture and what happened at Littleton. And I guess they were pretty much on track because 5 days after the massacre, NBC reported that the Littleton killers idolized shock rocker Marilyn Manson. And Marilyn Manson was described by the music press as an "ultra-violent satanic rock monstrosity."

Kip Kinkel, who murdered his parents and two students in Springfield, Oregon, also was a great fan of Marilyn Manson, and that was reported in the Oregonian.

The American Academy of Pediatrics has said in 1999 in a formal report: "Children do not naturally kill. It is a learned skill, and they learn it most pervasively from violence as entertainment in television, movies and interactive video games."

A new national poll is out and it says this, that 76 percent of young people between 12 and 17 years of age say that pop culture encourages drug use. Of course, we have talked about that a little earlier, but particularly I think you will find in the recording industry that there is a great glamorization of the drug culture. So 75 percent of young people have drawn that conclusion as well.

The National Education Association estimates that many of the 5,000 teenage suicides each year are linked to depression that have been fueled by fatalistic music and lyrics. As you know, we lead the civilized world in teenage suicides. I believe the National Education Association is probably correct here, that some of the music that young people are absorbing is so fatalistic and glorify suicide to some degree to the point that some of these suicides obviously have to be linked.

The headline in the Wall Street Journal in May of 2000 says this: "AT&T To Offer Hard Core Adult Movies In Drive For Digital Subscribers." That was a headline in the Wall Street Journal. And AT&T, as most everyone listening would know, is one of the premiere industries in the United States. It is a so-called blue chip stock, and yet here we find a company with the stature of AT&T marketing hard-core pornography.

So what we have seen is that the bottom line has become more important than integrity. The bottom line is more important to industry than the welfare of our children. And this was, I guess, one of the most discouraging things I saw. Senator JOSEPH LIEBERMAN said this, he was referring to the traditionally family-friendly fare between eight and nine o'clock, the children's hour. He said, there is "material we never even imagined being on commercial television are now the nightly norm." He said, "Sex is being marketed to children not only as desirable but good, regular and normal."

Then there was an editorial by the New York Post. It said: "Increasingly, parents recognize the need to protect their children from popular culture. Indeed, it is scandalous that law-abiding, church-going citizens have come to see themselves as strangers in their own land. Their values and aspirations are under constant assault from the violent and sexualized images the entertainment industry pumps in their lives."

I think most of us can relate to that. Many of us sit in our living rooms and wonder, What can we do to protect our children? What can we do to protect our grandchildren? Where are we headed as a Nation?

A 15-year-old raped an 8-year-old girl, and he said he got the idea from watching the Jerry Springer Show. Many of you may have heard of the movie "Natural Born Killers." I did not happen to see it, but I heard about it. I understand that there are multiple cases where young people have seen that movie and gone out and done copy-cat killings, and they ascribe "Natural Born Killers" as their primary motivation.

I knew a young man several years ago who was a good person, very gentle, very mild mannered; and for some reason he got addicted practically to a particularly violent recording. And he listened to it over and over and over again over roughly a 48-hour period. And some of his friends told him you have to quit this. It is not good. It is a very unhealthy practice, and not long after he went out and attacked a young woman and beat her severely, someone he did not know who was just walking down the sidewalk. Of course, there were probably some other factors going on here, but I certainly believe that that particular recording was part of the picture.

Obscenity has been given a free pass under the auspices of the first amendment. In assuring the rights to free speech, we may have destroyed other freedoms. And certainly I am in favor of free speech. I think everyone out there would say free speech is something we have to have, and I agree with that. But in the process of protecting free speech, I guess my question is, have we taken away some other freedoms from other people, particularly young people? And so if you are the victim of someone who has assaulted you, primarily inspired by some type of pornography, your freedoms have been taken away. There are hundreds, I think, in our country every year that are killed annually by those influenced by violence in the media. Tens of thousands are assaulted and raped by those addicted to pornography. What about their rights?

Pornography and pedophilia result in sexual assaults on our children; rape, assaults, and degradation of our women; and the break up of marriages. One half of our marriages currently end in divorce. There is no question that in some cases pornography is a major factor in the break up of a marriage.

This is something I have found very discouraging. The Center for Disease Control and Prevention estimates that 3 million teens per year contract sexually transmitted diseases and many of those diseases are incurable. The important thing to remember is that we are talking about 3 million each year. And since many are incurable, we are developing a fairly large number of young people who are infected with diseases that they will never be able to overcome. Out-of-wedlock birth rate was 5 percent in 1960. Today it is 33 percent. So one out of every three children born in our culture today is born with two strikes against them. I have to believe that to some degree the degradation of our media has had a direct influence on that.

I might also mention that obscenity is not protected by the first amendment. This is something that runs contrary to the belief of most people as the only type of speech to which the Supreme Court has denied first amendment protection. When the founders drafted the Constitution, obscenity was "outside the protection intended for speech and the press." The recognition of this understanding contrasts sharply with recent decisions regarding pornography, obscenity, and indecency. It appears that the Court has drifted from that earlier concept and drifted rather severely.

To determine obscenity, the Court determined a three-part test, which is called the Miller Test which I will put up here and let you take a look at.

The Miller test says this: that something is obscene if "the average person applying contemporary community standards would find that the word taken as a whole appeals to prurient interests." Which means simply arousal and it has no redeeming factor. Secondly, whether the work depicts or describes in a patently offensive way sexual conduct specifically defined by applicable state law. And, third, whether the work taken as a whole lacks serious literary, artistic, political, or scientific value.

I would imagine most people would say that a great deal of what they are seeing, what is coming into the living room at the present time would certainly be declared obscene under the Miller Test.

So you say, well, why do not we have more prosecutions? Why is this continuing to go on? And the reason is essentially that we do not have very many people that are willing to take it to court, and we do not have very many courts that are willing to hear the case. And so we have sort of had an abrogation of responsibility in this case, and we certainly have the tools to attack the problem.

Child pornography is defined in material that visually depicts sexual conduct by children, is not protected by the first amendment, and is also not subject to the Miller Test. So child pornography, period, even the possessing of it is illegal. So as a people, I think we have not expressed outrage, we have not spoken out, we have not taken obscene material to court. We certainly have become desensitized, and we continue to support companies who support obscene material through advertising, such as AT&T.

□ 2100

Last, on this particular point, what I would like to mention is that the Department of Justice has not prosecuted an obscenity case in the United States in the last 1½ years. In 1½ years, no obscenity cases have been prosecuted by the Department of Justice, and I know that this was one of the President's priorities when he ran for office. I know this is important to the President; and so it seems to me that our courts and we as the public, we as the Congress certainly need to be more responsible, more active.

I would like to reflect in the remaining 5 minutes or 6 minutes that I have here this evening exactly where we are historically; and this may seem like sort of a stretch, but I think it is important that from time to time we stand back as a Nation and try to look at where we are and where we are headed. Sometimes one of the best ways to do that is to see where other nations have been in the past.

Certainly, today, the United States is the most powerful Nation in the world. Fifteen years ago, we could have said, well, the Soviet Union was certainly close. Maybe 100 years ago we would have said the British empire, but I would say that, more recently, that we are pretty much in a position of preeminence where we stand alone. We are the most powerful Nation in the world politically, economically, in terms of ability to act socially throughout the world; and so it may be that we would have to go back a ways in history before we found another culture, another civilization that was similar.

I guess where I would head would be to Rome, and that is a long ways back. That is 2,000 years ago, but the Roman empire was a similar phenomenon to what we see today. The Roman empire totally dominated the then civilized world in almost every facet of its being. So if my colleagues think about the Roman empire and if they ever studied Gibbons' Rise and Fall of the Roman Empire, they would realize there were a number of factors that led to the demise of the Roman empire.

One of the major reasons for the fall of Rome was a decaying of values and the decaying of unity within the nation. Roman citizens became self-absorbed. If my colleagues have thought about the Roman coliseum, I happened to be in Rome a couple of years ago and saw the coliseum, and I thought about the fact that there were literally thousands of people who met their death in that arena. So to entertain the Roman mob, through name popular, the Romans had increasingly violent displays of gladiatorial combat, chariot races, simulated boat races where people inevitably died.

So the violence escalated, corruption escalated; and, as a result, eventually Rome began to disassemble. It began to collapse from within. So I think that we need to think about this and realize that there may be some lessons that we can learn here.

I think we can continue to be the predominant Nation in the world but only if our moral and spiritual underpinnings remain strong. I think if we look at our current crisis in the business community, we can see very clearly what a crisis of confidence in just three or four companies does to the overall economy; and, right now, it is not 9/11. It is what happened at Enron and Andersen and Global Crossing and companies like this, which is really holding our economy back more than anything.

The framers of the Constitution did not envision freedom of speech embracing obscene material. That simply was beyond their thinking. The framers of the Constitution did not envision that even a minute of silence at the beginning of a school day would be unconstitutional, would violate somebody's religious freedom.

The framers of the Constitution did not envision the rise of post-modernism. Post-modernism is basically the idea that there are no moral absolutes, that everything is relative. This has become a very pervasive thought pattern in our world today, in our country today.

So the idea would be that adultery is not absolutely wrong. It may depend on what part of the country someone is in, who is involved, but it really is relative to the circumstance.

Today, we would not say that stealing is absolutely wrong, according to post-modernism, because it depends on how much someone needs, what they are stealing, who they take it from, and certainly if someone steals from the government, it does not count.

Lying is not absolutely wrong, according to post-modernism. Everyone does it. Sometimes we need to protect our career, our reputation. It may even be possible to lie under oath and get by with it.

Then, of course, fourth, it is not absolutely wrong to take an innocent life, according to post-modernism, because maybe that life is not old enough to be viable; maybe that life is too old to be useful; maybe that life is terminally ill; maybe that life simply does not want to live anymore. So it is all relative.

This is a very prevalent philosophy, and I think it would be very foreign, be something unheard of to the founders and the framers of the Constitution. As great of a threat as terrorism is, I believe in the present time that the greatest threat to our Nation is a collapse of values.

That may sound like an extreme statement to say at this particular junction. I do not want anyone to believe that I am at all minimizing the importance of the war on terrorism. I believe that every dime that we have appropriated here to fight the war on terrorism, everything the President has done to try to keep things on track has been very, very appropriate, but I would also say that what is happening internally, what is happening to our children, what is happening to our value system, long-term, long haul, may prove to be every bit as threatening, if not more, than the war on terrorism.

Someone once said America is great because America is good. I believe that is true, and I believe America is still good. There is no country in the world that is as generous, as philanthropic, is based on spiritual values as the United States.

I would also say that there are some storm clouds on the horizon. There are some things out there that concern me, and so those who do not like the shape of those clouds should do all that they can to elect people who will appoint people to the courts who reflect their values.

Currently, in the other body, we have failed to fill 100 vacant judgeships for various reasons. It has almost brought our judicial system to a halt. The question is, who in the next 2 or 3 years is going to be making those decisions over in the other body as to who will fill those judgeships? Within the next 2 to 3 years we will probably have two to three members of the Supreme Court who will resign or retire; and when that happens, who is going to shape those nominations and those decisions?

If people like the way we are headed right now, then they certainly are committed to one course of action. If, on the other hand, people think we are treading on dangerous ground, then I think we better think very carefully as to who we send to the other body, who represents the people in this area here. I think it is incumbent upon the American people to elect people who aggressively promote a moral society and will protect our young people from obscenity.

This has not been an easy thing to talk about. It has not been an easy thing to think about, but I do believe that we cannot put our head in the sand. I believe this is a real problem. I think it is something we are all involved in, we can certainly address. So I would encourage, Mr. Speaker, those who are listening tonight to become active, to become politically active, become involved. Because the only thing that is going to let this thing continue to succeed and continue to fester is if we stand by as a Nation and continue to let it happen.

THE HEALTHCARE SYSTEM

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, as I sat here and listened to the gentleman from Nebraska (Mr. OSBORNE), I am made even more proud of the folks who represent our side in this great deliberative body that we call the Congress of the United States; and the heartfelt plea that he makes to the Nation I think is, and the rhetoric, the chosen selective rhetoric that he used should certainly be an example for all of us to follow in terms of how to explain an issue and a position that stems solely out of true moral courage, and really no politics are involved at all.

I guess I would just like to say to I am proud that I know him, and I am proud to serve in the same assembly that he serves in today.

Also, I must add that waiting to address this body and to discuss the issues that I have on my agenda today, I have, of course, listened to my friends from the other side talk about another issue; and they did so at great length, talked about the upcoming debate on a proposal for Medicare, specifically for drug benefits, and how we will provide these drug benefits to senior citizens in this country. In a way, I think it was a great example. It was almost like a class discussion of cynical politics 101.

That is all I could think of while I listened to it. Because, as my colleagues know, Mr. Speaker, I have on several occasions sat here waiting for my turn to address the body and listened to my friends on the other side of the aisle talk about a variety of issues, but in the last several weeks, I have noticed that every single time I have been here, and to the best of my recollection almost every time that Members of the other side have taken the floor, they have done so to attack what they call the Republican raid on Social Security and suggests that the profligate spending of this Congress for a variety of programs and specifically the war on terror will cost us a lot of money, money that we do not have and money that we will, therefore, have to borrow from the American public. And that is absolutely true.

They have gone on and on and on and on. If anybody has observed the debate in this House over the last several weeks, they have turned every single issue that we are debating into a debate on this raid of the Social Security trust fund in the hope that they could scare the bulk of the voters in this country, especially the elderly voters, into siding with them come November.

Presenting a point of view, a reasoned, logical, truthful point of view is one thing, but this attack on the majority party for what is perceived to be our predilection to profligate spending, this is what I call I guess the cynical politics 101 that everyone should pay close attention to this evening and, as a matter of fact, on into the November elections.

For weeks, we have talked about and the folks on the other side have condemned this Congress for spending money in the areas I have described. Specifically, of course, it is the war on terror, combined with the downturn in the economy, that have caused us to go into deficit spending; and they have condemned this. Forget about the fact that for the 40 years prior to this Congress or at least this House being in control of the Republican party that we were never ever, ever able to achieve a balanced budget. Forget that. While the other side had control, we were in deficit spending every single year, and nobody even thought about the possibility that might not be good for America. Forget about that.

Let us now turn to today's discussion.

We heard for the hour prior to the gentleman from Nebraska's (Mr. OSBORNE) taking the floor that the Democrats have a better plan for Medicare and specifically for the drug benefits for American seniors and that our plan is too stingy, our plan is complicated by issues of choice, the fact that we would give seniors the opportunity to choose among a variety of different alternatives for their drug benefit. They characterize that as immoral and something that we should avoid at all costs.

□ 2115

And they suggest that their alternative plan, one that is essentially socialized medicine for all Americans, is better. But I just ask, Mr. Speaker, that we all think about this: How can we spend weeks and weeks and weeks on this floor talking about the fear of raiding the Social Security fund to pay for other programs while completely ignoring the fact that the plan being presented by my Democrat colleagues will cost about $1 trillion over 10 years, $1 trillion over 10 years, and yet that is not, of course, raiding the Social Security trust fund? That somehow is figured into a budget, which of course we do not have; a budget that they refuse to propose.

It is a course in politics, as I say politics 101, maybe cynical politics 101, that we should be observing tonight, that we should be referencing, because it is easy for someone out of power to suggest that the majority should do something quite irresponsible. It is easy to do that. It is very difficult to govern. The fearful thing I have in my heart is that some day they may be in power and do exactly what they are suggesting, and that we may turn this entire Nation, the entire Nation's health care system over to the Federal Government.

That is a very alluring thing to a lot of people. They just do not want to think about health care costs. This is something so close to one's own emotional hot button that it is very difficult to discuss this logically, and that is something that we on this side of the aisle, I think, try to do often. We try to address these issues from a logical standpoint, not an emotional standpoint. But we are always at a disadvantage in that debate. It is easier to make the case that no one should worry about health care and that the government essentially should be relied upon to keep everybody alive forever, to do everything possible to keep everybody alive forever no matter how much that costs.

There are a lot of people out there tonight, I think, Mr. Speaker, who would say, yes, I do not care about future generations, and I do not care about the war on terror, and I do not care about all the other things this Nation spends money on. I care about getting my prescription drugs at a lower cost. And if that means passing it on to someone else, a younger person, a healthier person, so be it; that is the way it should be done. I do not care, because of course I will be dead before too long and who knows and who cares what happens after that.

That is a way a lot of people look at this issue, and we hear from them all the time. I do. I am sure the Speaker does, and I know all of our colleagues do. People tell us, I really do not care about the cost. I do not caring about the dollars. We are told that over and over again by people who take polls, people who provide some sort of political consultation to us. They always say, look, the Republicans get too much into detail. Nobody cares about dollars; nobody cares about the detail.

Well, I guess that may be true; but I cannot avoid that discussion. I cannot help but talk about the problems this Nation faces from a fiscal standpoint and the degree to which irresponsible spending is a threat to the Nation, is a threat to our own security.

Now, I cannot tell my colleagues that I have all the confidence in the world in the Republican plan for Medicare and prescription drug benefits, because, in fact, I may be a "no" vote on that bill, but it is not because I think the Democratic plan is better. I think our plan costs $350 billion over 10 years, the Democratic plan $1 trillion. I do not think that our plan is that much better; it is just that their plan is so much worse.

I would like to see, frankly, a couple of things. I would like to see the government actually get out of the business of determining what is the appropriate service that any individual in Medicare can have and how much we should pay for that. That is really not my business. I do not know what is the best service, and I do not think any bureaucrat has the slightest idea how much we should pay for it. But that is the Medicare plan that we created in the 1960s. It has grown. It has grown so fast that in the first year of its existence it actually surpassed what Lyndon Johnson said it would cost us in 20 years.

It could consume the entire national budget. It easily could do that. Health care costs are astronomical. There is no real market. That is one problem. The other problem is that everything is exacerbated by government bureaucracies. But I am here to say that we need to do a couple of things in that area; and regardless of what we do, it should not cost us a lot more money.

It is not something that the Federal Government should actually even be too involved in except to say that if there are people who are in dire straits, people that cannot afford health care costs because they have reached that point in life when they are on fixed incomes and the cost of medication and the cost of health care in general has gone beyond their ability to pay, okay. Okay. If we just do that, if we just focus on that, then we should come up with a true Medicare reform proposal that is something like the following:

The Federal Government should say to everybody eligible for Medicare that we will accept a certain amount dollarwise, in terms of our responsibility for their health care costs, and we will give it to them in the form of a voucher. They can then use that voucher for the purchase of insurance from any of the wide variety of vendors. But our job, the Federal Government's job, is not to determine which provider gives them the service and how much and how many benefits they should derive from their insurance company. That is not our business.

If we have a responsibility, if this body determines that we have a responsibility to older Americans for health care costs, it should be in the manner I have described: to say to them, here it is, here is what we have determined. Somewhere between $4,000 and $5,000 a year we are spending per recipient on Medicare, is what I am told, so simply give a Medicare recipient a voucher and have them go out and buy the insurance that will cover their medical costs, which includes, by the way, the cost of prescription drugs.

We ought to get out of the business of determining who pays for the doctor, what doctor is eligible, what procedure is eligible, and how much it should cost. That is a plan for disaster. The other side, the Democratic Party, the Democratic suggestion, of course, is a plan for an even greater disaster, because not only will it destroy health care in America and turn us into a Nation similar to those who have already attempted nationalized health care and whose people now come to the United States for their own care, but it will also essentially bankrupt the Nation.

Now, I know there are a lot of people out there, as I say, who tell us, I do not care, I do not care what it costs; it is of no consequence to me because someone else will be paying for it. I know there are many people who feel that way. I certainly hear from a lot of them. But I do care, because we are not simply talking about just another one of those government programs.

Tonight, Mr. Speaker, as I was walking in, a gentleman asked me if I was going to support the bailout for Amtrak. He thought that I should do so because, after all, the government, as he says, supports a lot of dysfunctional programs. I cannot argue that. I cannot argue that we in fact do support a lot of dysfunctional programs. But I have tried my best, for as long as I have been here anyway, to vote against every one of them. Now, sometimes you get caught up by having to vote for a major piece of legislation that has a lot of dysfunctional programs under it, but we are trying to accomplish a greater goal.

That is what we have done, and that is what we have promised people, and that is what they think government is all about. I suggest that every single person who believes that the government is responsible for their health care should go to the Constitution and seek the specific citation in the Constitution that provides that particular responsibility to the Federal Government, that gives that responsibility to the Federal Government. I cannot find it when I look for it.

Of course, we do lots of things that are unconstitutional, that are not provided for in the Constitution. I realize that. But, again, as I say, I try my best to vote against them. So unless we do a number of things in that particular piece of legislation, I plan to vote against it. Either way, certainly our side and certainly the other side's position.

I would like to see us create a real market system for the purchase of drugs, a market system that allows for drugs to be purchased in every country based upon what the going rate is around the world, not just in one country. I would like us to be able to have people in America buy drugs from Canada or Mexico or China or anyplace else if the drugs were that much cheaper, because that is a worldwide market.

Now, I recognize that people say, well, we cannot guaranty the wholesomeness of the drug. But right now, as my friend and colleague, the gentleman from Minnesota (Mr. GUTKNECHT), says all the time, we import literally hundreds of thousands, if not millions, of prescription drugs every single year from Canada and Mexico. We do it kind of illegally, on the sly. People go down and get it because it is against the law for us to import a drug from these other countries. But people do it because it is so much cheaper, and so far not one single person has died as a result of taking an imported drug.

So I must say that, yes, there may be a risk involved; but there is also the fact that there will be enormous, enormous savings to the American consumer by implementing a true market system in the area of drug benefits. The government really has no ability to guaranty everybody cheap drugs or health care that is the finest that the world can provide and that everybody else will pay for.

We try our best, and I think our Nation is to be commended for what we do for senior citizens, certainly what we did for my parents, my father, who is in a nursing home and on Medicaid and a recipient of government largess. I understand the incredible value here. I just suggest to us all that we have to at some point, at some point we have to think about what we cannot afford any more; and I would certainly suggest that a plan that costs us $1 trillion today is not something we can afford, and especially presented after weeks and weeks and weeks of attacks on our party, on the Republican Party, for what they determined to be profligate spending and the raiding of the Social Security trust fund.

I assure my colleagues that the Social Security trust fund will be a footnote, a small tiny footnote in the entire cost of the Democrat plan for prescription drugs, for socialized medicine. What they say is, we will pay for everything. Go get your drugs, we will pay for it all. That is nice to say. It sounds so wonderful. And it will gain them votes, I have no doubt about that. It will garner them votes. But at what cost? Well, $1 trillion. But even beyond the actual monetary cost, there is a cost to the Nation in terms of our own stability, or financial stability.

□ 2130

Mr. Speaker, I want to go on to another issue tonight, and that is the fact the State of Colorado is experiencing what I know other States in the Nation, especially Arizona are experiencing tonight, the ravages of wildfires. Arizona is in a situation that almost dwarfs our own situation in Colorado, which is horrendous. Right now, we have the biggest fire in Colorado essentially under control or contained, I should say. There are other fires that are ravaging the State that are not quite as threatening as the Hayman fire, which is the largest fire in terms of acreage consumed in the State's history. It is, as I say, partially contained.

As indicated here by this picture that was taken from the Space Shuttle, there are other fires burning in Colorado. This is the Hayman fire. There is the fire by Durango and the fire in Glenwood Springs and several started over the weekend by lightning. The Durango fire is really progressing quite rapidly.

Tonight I want to simply do one thing when it comes to this particular issue, and that is to thank the many people around this country who have come to the rescue of the people who are adjacent to these fires, helped save their homes; and they have come from 25 different States in the Nation, firefighters from all over the country. I know the prayers of millions of Americans have gone out in order to bring these things under control, bring these fires under control.

Sunday I had the opportunity to once again fly over the Hayman fire, the scene of so much destruction. Although it was disheartening in many ways, it was also encouraging because you can see that the fire has, in fact, been contained. It is due to a variety of reasons. Of course, weather has something to do with it. We have had a little more humidity, a little cooler days, but it also has to do with the fact that literally thousands of people have risked their lives and put themselves in harm's way to help stop this fire.

I want to simply come to the floor tonight to say thank you to them. Four of those folks were killed in an automobile accident on the way to fight the fire; and there have been many memorials in our State and in the State of Oregon that have been offered up in memory of these people, of these brave young folks who set out to do something good for someone else and whose journey ended in such a tragedy. Our thoughts, our prayers, and our solace go out to the parents and to the relatives of the people who died in that horrible car crash coming to Colorado to help us.

We have learned several things. I have been in Congress a relatively short time. This is only my second term; and, unfortunately, I have experienced several tragedies as a result of what has happened in my district during that time. Of course, the first was Columbine High School. I had only been here a few months when that occurred and had to try to figure out how to deal with that and bring some sort of closure to the issue and to the horrible, horrible events of that day in April.

One of the things that I realize that happened during that time is that, no matter how horrible an event is, and the Columbine experience was far worse than even these fires. These fires have cost lives, it is true, but nothing can be compared to the loss of lives of the children who were killed at Columbine, and the adult. But out of every single tragedy something good can develop and usually does. No matter how horrible it is, we have to try to concentrate on the fact that something good can happen. In Columbine, I saw many things happen that I can describe as positive, even as a result of this horrible tragedy.

First of all, I can tell Members that families, not just in the Columbine area but all across the Nation, families re-evaluated their relationships and became I think a little more in touch with the fact that life is so precious and that their children should be valued above all. We did have sort of a coming together of families that I think perhaps we would not have had under other circumstances. Hundreds of thousands, and I know that is maybe stretching it in some people's minds, but I believe it is true that hundreds of thousands of people, especially young people, came to Christ as a result of the kind of stories that were told about some of the young people that died in Columbine; and their own commitment to the Lord and the courage that they showed in this horrible, horrible time was an inspiration for many, many people, adults and children.

In this fire which is a tragedy, not reaching the proportions of Columbine but a tragedy nonetheless, and as I say there have been deaths, four people coming to fight the fire and one individual that has been identified as a result of the fire, a lady who had a severe asthma attack as a result of the smoke from the fire and has perished, but out of it can come something of value to the Nation, something good. That is that we will have some idea how not to just prevent but perhaps control these horrendous events.

For years now the Forest Service of the United States has been in a quagmire, constructed somewhat as a result of the impositions that we have placed upon them from this body, the government of the United States, the Congress of the United States, passing law after law after law which impeded their ability to actually fight fires. That is on one side.

On the other side is the environmental community that has taken advantage of all of those obstacles to in fact file appeal after appeal and lawsuit after lawsuit after lawsuit to stop the Forest Service from actually managing forests. Those two things have combined to create a disastrous situation, one that is exemplified by the fires that we see this year brought on by incredible drought and careless activity on the part of human beings, but made far worse by the fact that we have not been able to actually manage the forests. We have not been able to clean the forests and take out a lot of the fuel loads.

The General Accounting Office reports that one in three forests in America is dead or dying. This after how many years of environmental impact statements, literally hundreds of steps that have to be taken by every agency dealing with the forest, whether it is the Forest Service themselves, the Division of Wildlife, every single entity, BLM, Bureau of Land Management, to have to go through the hoops that have been created by us and by the environmentalists, we now find one in three forests dead or dying.

The Clinton administration cut back timber harvesting by 80 percent and used laws and lawsuits to make swathes of land off limits to commercial use. I am quoting from a Wall Street Journal article of June 21. We now see that millions of acres are choked with dead wood, infected trees and underbrush. Many areas have more than 400 tons of dry fuel per acre, 10 times the manageable level. This tinder turns into small fires which turn into infernos, outrunning fire control and killing every fuzzy and endangered animal in sight. In 2000 alone, fires destroyed 8.4 million acres, the worse fire year since the 1950s. Some 800 structures were destroyed. Control and recovery cost nearly $3 billion.

Maybe the good thing to come out of all of this is that we have learned something about how to minimize the effects of wildfires in the forests of our Nation. And maybe, just maybe, we will be able to do something in the Congress of the United States to reduce the number of obstacles in the path of those folks trying to do their best, Forest Service personnel especially, to keep our forests in a way that they can be enjoyed by all people in this country.

I do not know if we will accomplish it. The obstacles are great internally within the Forest Service itself and externally in the environmental community. They believe that no people should be in the forest, that no activity should be allowed because any activity is "unnatural," close quote.

The fires that I saw in my State, I wish I could have taken every single environmentalist who had filed an appeal stopping the Forest Service from doing any work in the 5,000 acres of what we call part of the national forest that was identified as roadless area. A year and a half ago we could have been in there beginning the work, beginning to thin that area so as not to be so susceptible to these incredible forest fires. Appeal after appeal was filed. We were never able to go in and do the work, and now there is no use in filing any appeals because that part of the forest is long gone. It is nothing but charcoal.

Maybe that is what environmentalists think is natural. Maybe they look at that same scene and think, that is just nature's way. Of course, fires are nature's way. Fires can be healthy things in a forest, but not the kind of forest fires that we are looking at today, not the Hayman fire, not the Glenwood Springs fire, not the Durango fire, not the fire in Arizona now 300,000 acres and growing.

In Colorado, we have, as long as we have kept records, we have the most severe fire, the fire that has been the most destructive prior to the Hayman fire, which has consumed 140,000 acres so far; but prior to that in 1876, I believe, we had the other most destructive fire that the State of Colorado has ever experienced in record-keeping time. That was 26,000 acres. I assure you, Mr. Speaker, between 1876 and today, we have had many, many droughts.

□ 2145

We have had many, many times when the forests were tinder dry, as they say, and susceptible to horrendous damage if a fire started. But in fact when fire started naturally or even in those days caused by man, they did not consume 100,000 acres. The reason is because there was not a fuel load in the forest to allow that to occur. Today there is. Why? Because 100 years of fire suppression has created this incredible amount of fuel on the forest floor. This fuel burns hotter and faster and more destructibly than a normal or a, quote, natural fire, so destructively that it will actually burn the ground, burn the soil, it gets so hot; and for several inches down, everything is essentially sterilized.

Nature puts down a barrier below that called a hydrophobic barrier that actually, when this occurs, when it does that, it is actually impermeable. What nature is trying to do is hold the rest of the mountain together. But that means that everything above that barrier will go the minute we have rain. And where does it go? It will go into, in this case, the Denver water supply and will have to be filtered, will cost us hundreds of millions of dollars perhaps to do that because this particular fire is incredibly damaging in that respect.

Thank God and thank the firefighters that have come into Colorado. We lost around 117 homes in the Hayman fire. But if this fire happens again, because it certainly could, all the conditions are exactly the same and right on target for another disastrous fire at any time in any other part of the forest, if it happens just a few miles north of where this one occurred, we will see thousands of homes go up in smoke and thousands of lives shattered, another 100,000 or more acres destroyed, habitat for many, many endangered species.

Here is one little interesting tidbit that we have to deal with, Mr. Speaker, when we talk about the idiotic environmental problems we face with trying to manage forests. Today in Colorado we have had the opportunity to do a controlled burn. This is part of forest management, where you go into a particular area and you will have create a fire, you will burn the underbrush but you keep it under control so that you burn away a lot of those fuels and do not ignite the whole forest on fire.

There is an area called the Polhemus Burn in Colorado. It took ages for them to agree to get the EPA to allow this burn to occur, because the EPA said that a controlled burn of 5,000 to 8,000 acres would actually cause a problem. The smoke would cause a problem with the system designed to keep the air pure and that sort of thing and the plan for Colorado, the air quality plan in Colorado. So it took forever for them to agree to it. They are always putting up obstacles to a controlled burn because of the smoke that they say that the EPA said would pollute the atmosphere if you burned 5,000 acres.

So we have burned 140,000 acres in one fire alone in Colorado and guess what? That does not count against the air quality standards. We could burn down the entire forest if it is done by an illegal campfire or by a lightning strike. We could burn a million acres, 5 million acres, 10 million acres, and it would not count.

Let me tell you what that means right now. Right now, with 140,000 acres in the Hayman fire, every morning when I got up this weekend when I was home, I would look out and you could not see the mountains really. There was a haze over the mountains. And I live not too far from the mountains. This is a peculiar site in Colorado which has prided itself for many years of having this pristine scene, the mountains, the clear blue sky. You cannot even see the mountains. One lady has died already because of the pollution in the air. The ashes will accumulate all over.

I went out. I was blowing out my garage and driveway. I am a little anal about this. I want to keep it clean. I was blowing it all out. This huge cloud of smoke comes up from my driveway because of all the ashes that had accumulated there. I live 25 or 30 miles from the fire. But that does not count. That does not count against our air pollution control, air pollution cleanliness thing set by the EPA. That does not count. We can do that. But we cannot do a controlled burn.

Let me tell you about the Polhemus Burn. It happens to be on the periphery of the Hayman fire. I flew over it. Mr. Speaker, it was incredibly interesting. Because, as you fly over the fire, you see that where we did the burn just a little more than a year ago, the fire actually stopped. The Polhemus Burn was a buffer against that fire moving farther east and into homes along the front range. You can see where what we have done has worked, but we have to fight every single step of the way with the EPA to do a controlled burn of 8,000 acres. But 100,000, 200,000 acres, no problem as long as it was started by a campfire or a lightning strike. That is okay. That pollutes the air for weeks and weeks and months to come. But, no problem.

This is the idiocy of trying to actually have a Federal control of this process that really and truly does not allow for the kind of thing I have just described here. It does not allow us to actually manage the forest. These are idiotic laws, idiotic regulations that have cost us severely. We have to change it; and maybe, maybe, the outcome of these horrendous fires will move this Congress in that direction. Maybe we will do something to try and reduce the possibility of the lawsuits, the frivolous lawsuits, the frivolous appeals and the internal inertia in the Forest Service. Those two things have combined to create this event, captured by the space shuttle.

You can blame that on the things I have just described, bureaucratic inertia and environmentalists, extreme environmentalists, obstacles they have placed in the way of trying to manage a forest. I am not saying the fire happened because of those things. I am saying that the seriousness of the fire, the severity of the fire is directly a result of poor management; and the poor management is a result of the things that I have described.

So maybe we can overcome this. I do not know. I certainly hope so, because something good has to come out of this, that at least we can eventually, several years from today can say, well, we learned a lesson from this. Yes, it was a terrible price to pay, hundreds upon hundreds of thousands of acres gone, the watershed destroyed, wildlife habitat destroyed. It will take 100 years for what has been burned to be replaced by something that looks like a forest again, 100 years. I will not see it. I do not even think my kids will see it.

What worries me is that this is June 23 or June 24. We are at the beginning of the season. How much more will it be on fire this year? I do not know. and next year. Because, believe me, even if we implemented, even if tomorrow we started to do everything we needed to do in terms of forest management, it will take us years to clean the forests and get them back to a position that they can sustain these kinds of fires in a natural setting.

But it is an example of good ideas gone awry. It is an example of so many things we see here in government, where everybody thinks they are doing the right thing. Law upon law upon law upon law is passed every year; and each one, if studied individually, yeah, that seems right, absolutely, we should do that. But when you put them all together, they combine to create this kind of problem.

Once again, I want to thank all those people across the Nation for their prayers and for their help in fighting these fires. Many men and women are on the line tonight in Colorado and in Arizona and in other western States. We owe them a debt of gratitude that I want to express as best I can here on the floor of the House tonight.

Mr. Speaker, in the time I have available, I am going to move to another issue, not one that is completely unfamiliar to the people who may be observing us tonight or listening. In a way this has got to do with immigration reform, but in a bigger picture. Something happened in the last week that I feel compelled to bring to the attention of my colleagues here on the floor and those who may be observing it.

The Bill Bennett organization, Bill Bennett was the Secretary of Education in the Reagan administration, was my boss for several years. I was the regional director for the U.S. Department of Education. His organization did a poll recently, asking college students a variety of questions. Some of the answers that they gave to these questions, although surprising to some, were not surprising to me, although they were certainly disheartening.

What I want to do tonight in the minutes I have remaining to me is to explain one of the things that motivates, perhaps the most important issue I feel compelled to actually try to advance or discuss when it comes to the issue of immigration, immigration reform and some of the major ramifications of massive immigration into the United States. It is hard sometimes to get the big picture out there, but in a way this poll that was taken of American college students helps me try to do that.

Mr. Speaker, let me say this. I believe that we are in this Nation and as a member of western civilization as perhaps the leading Nation in what can be described as western civilization, we are in a conflict. It is a conflict that is really quite old in origin. It has been going on for hundreds and hundreds of years. It flares up at certain points of time and subsides at others, but it is nonetheless an ongoing conflict. There are those certainly who would suggest that the threat to the United States is posed by an organization often referred to as al Qaeda and that it is a relatively small group of people around the world who have the intent to do America great harm.

I would suggest that a thorough study of world history would bring one to a different perspective, and that is this, and I am condensing an awful lot of information into a relatively small period of time here, I recognize. I would suggest that our foes, that is, the foes of western civilization and all that it represents, republican form of government, reliance on individual responsibility, individual freedom being a sort of mainstay of western civilization, the rule of law and not of men being the mainstay of western civilization, these are the philosophies, these are the ideas that we have brought the world, and these ideas are in conflict with other civilizations.

I suggest that it is not just al Qaeda that we are fighting. It is not just a small group of individuals out there, the tentacles here and there in several countries. Believe me, Mr. Speaker, by the way, I should say I am in total support of the President's attempts to try and stamp them out, to try to go wherever they are and eradicate them. I absolutely agree with it. But I think it is foolhardy for us to assume that, even if we were actually able to either kill or arrest every single member of the al Qaeda organization, that America would be safe. Because I think our battle is with something bigger. It is with fundamentalist Islam in this case. That is part of the clash of civilizations. That is the one we are now dealing with most directly.

As I say, over the course of history, world history, you will find that it has happened often, that these flash points have occurred, that there have been times when we can see a much more direct, a much more identifiable conflict, when armies met, Crusaders against the Saracens. But we can see that, as times change, we no longer will be fighting wars with major armies facing each other in some remote corner of the world, the winner and the outcome of the battle determining the winners and losers of the war.

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That is not the kind of war we are fighting today; it is not the world in which we live. The world in which we live is a war fought by people blowing themselves up on buses in Jerusalem or in the West Bank. It is a war being fought by people who take airplanes and crash them into buildings in the hopes of destroying a different civilization. It is American civilization; it is Western civilization that our opponents hate. It is not just an issue of Israel versus Palestine. That is only one front where fighting is actually going on in this clash of civilizations. At least that is my belief. If one looks at this I think from a bigger perspective, that is the conclusion to which one must come.

Now, how does this fit with what I started off talking about in terms of Bill Bennett's organization and the poll they took? Well, for us to be successful in this clash of civilization, for us to actually hope to be able to win this war, we have to recognize that we are, number one, fighting that kind of a war. It is not just simply a small sort of tactical attack that we are focusing on here and dealing with, on one subgroup of fundamentalist Islam. It is a much bigger problem, and it will go on for a long, long time. In order to be successful, we as Americans have to know who we are, what we stand for, and believe in Western civilization, because that is what we are actually fighting for. It is not just to stop people from crashing into a building in New York. It is our very survival. I assure my colleagues that the folks who want to do us ill want to do so as a result of the fact of who we are, what we believe in, what we exemplify. That is what they hate, and they will not stop ever until that particular goal is accomplished, and that is the eradication of Western civilization. It is, I think, that big an issue with which we deal.

So it is important for us to understand that when we ask American students what they think of America, what they think of America vis-a-vis other countries, how they actually kind of rate our system and our society versus other societies, it is disheartening to hear and see the following results: American students, according to this poll, intensely and overwhelmingly disagree with the statement that Western culture is superior to Arab culture. Only 16 percent believe Western culture is superior to Arab culture, but 79 percent do not.

Now, that is the result I suggest, Mr. Speaker, of a deliberate, sort of philosophical point of view that has been expressed in schools, in classrooms in colleges all over America for at least a decade or more, longer than that, 20 years at least; and that is what I refer to as cultural relativism, that it is all the same; that we should never, ever think of another culture as different or certainly less deserving, less important than our own.

Well, in fact, Mr. Speaker, the reality of the world is this: that we do have something unique in the United States, and it is not chauvinistic to express that point of view. In fact, we must believe in that if we are to win the war to which I refer in this clash of civilizations. If we believe that all cultures are the same, that there is nothing different between the United States, between Western civilization, between a liberal democracy, between the rule of law, between the intent or the belief that people have the ultimate responsibility for their own lives; if we do not believe in that, then we cannot be successful over the long, long haul in this clash, and it is going to be a long haul.

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And if we think for a moment that we are in a Nation that is less desirable than any other, or equally desirable as all others, then all we have to do is to raise the gates all over the world, raise the gates and allow people to flee from whatever country they live in to the country they want to go to. Does anybody think for a moment that there is going to be a mass exodus from the United States to Saudi Arabia or to Afghanistan? I do not think so. Does anybody think for a moment that if we actually raise all of the gates that there would not be a huge influx of people from all over the world, including the Middle Eastern countries, to the United States where life is better, and it is better because of Western civilization? I am not ashamed to say that; and I am, in fact, proud to say it, because I believe it. I believe it is empirically provable that life is better.

There is a great satirical piece that was done, my son sent it to me, it came off the Internet, something called "James: The Screed." I do not know to what that refers, but he is doing a satirical piece on this poll. And he is suggesting that this is an essay question that is typical today in a college classroom. Remember, this is satire, okay?

Here is the essay question: "Two choices: life as a gay atheist in Fargo, North Dakota, or life as a Christian gay in Riyadh. Write 1,000 words describing how each faces equal hardship. If your essay contains less than 1,000 words, you will either be docked one grade or have your left hand removed with an ornately engraved scimitar, depending on which morally-equal culture the teaching assistant wishes to consult."

This is great stuff. "B: Western culture is equal or inferior to Arab culture because: (check any you believe to apply)" of the following: "Number 1, Our so-called democracies are fronts for corporate interests. Nadar doesn't win here, Nadar doesn't win in Syria. What's the difference?

"2, our so-called freedom of scientific inquiry unshackled from religious strictures is a sham. Galileo was oppressed by the Catholic Church, wasn't he? Didn't every American moon shot end in failure because we believed the sun revolved around the earth and we failed to account for the gravitational pull? Stupid Pope!

"3, this is another option that you can check: "We spend more on flavored massage oil than we do on foreign aid, which is so, like, typical. Saudi Arabia spends more on mosques here in the United States than their citizens spend on "Hustler," which should tell you something.

"4, they may stone adulterers, but we are equally puritanical about sex, as evidenced by the recent refusal of the Toledo City Council to grant medical benefits to the pets of cohabitating transgendered city employees."

It goes on. I mean it is a great, great satire, and I encourage everyone, Mr. Speaker, here to go on the Web site and look it up. It is called "The Screed." It is an "attempt to disassemble the indefensible." It is very, very good. Very interesting.

But what it does is point out that we need to know who we are; we need to actually defend that point of view and Western civilization as we know it. And when we talk about how this actually connects to immigration, I suggest to my colleagues that we do need to actually have a country that is a country connected by people who can speak to each other in one language and share a common set of values and ideas. Massive immigration is a threat to that particular philosophy and idea. Not immigration itself. Immigration is a fine thing that has helped the country and has been wonderful in many ways. But the massive immigration we are witnessing today does not help us create a cohesive country, a country that does share one language, one set of ideas, one set of principles. We are becoming Balkanized and, as a result, unable to effectively fight this war in this clash of civilizations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today on account of personal business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of personal leave.

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. PETERSON of Pennsylvania (at the request of Mr. ARMEY) for today on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. HILL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

(The following Members (at the request of Mr. NUSSLE) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today and June 25.

Mr. PAUL, for 5 minutes, today.

Mr. KELLER, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, June 25.

SENATE BILL REFERRED.

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2594. An act to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins; to the Committee on Financial Services.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 25, 2002, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7583. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Triflusulfuron Methyl; Pesticide Tolerance [OPP-2002-082; FRL-7180-8] received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7584. A letter from the Under Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting a report entitled, "Distribution of DoD Depot Maintenance Workloads for Fiscal Years 2002 through 2006"; to the Committee on Armed Services.

7585. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report entitled, "Support for Expanded Child Care Services and Youth Program Services for Dependents"; to the Committee on Armed Services.

7586. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Partnership Agreement Between DoD and the Small Business Administration [DFARS Case 2001-D016] received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7587. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Performance of Security Functions [DFARS Case 2001-D018] received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7588. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Supplement; Preference for Local 8(a) Contractors—Base Closure or Realignment [DFARS Case 2001-D007] received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7589. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; DoD Pilot Mentor-Protege Program [DFARS Case 2001-D006] received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7590. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Minimum Standards of Integrity and Fitness for an FDIC Contractor (RIN: 3064-AC29) received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7591. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Guidelines for the Supervisory Review Committee—received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7592. A letter from the Under Secretary, Food, Nutrition and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Amendments to the Child Nutrition Infant Meal Pattern (RIN: 0584-AD26) received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7593. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Visible Emissions and Open Fire Amendments [MD062-3087a; FRL-7220-1] received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7594. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District and South Coast Air Quality Management District [CA 207-0336a; FRL-7224-1] received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7595. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Consolidated Emissions Reporting [AD-FRL-7223-8] (RIN: 2060-AH25) received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7596. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Enhancing Public Participation in NRC Meetings; Policy Statement—received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7597. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus question covering the period April 1, 2002 through May 31, 2002, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

7598. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for a Drawdown under section 506(a)(1) of the Foreign Assistance Act of 1961, as amended to support the Government of Nigeria; to the Committee on International Relations.

7599. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 2001-07; Introduction—received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7600. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 051402B] received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7601. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments; Pacific Halibut Fisheries; Corrections [Docket No. 011231309-2090-03; I.D. 042502D] received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7602. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department's final rule—Adjustment of Status Under Legal Immigration Family Equity (LIFE) Act Legalization Provisions and LIFE Act Amendments Family Unity Provisions [INS No. 2115-01; AG Order No. 2588-2002] (RIN: 1115-AG06) received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7603. A letter from the General Counsel, Department of Justice, transmitting the Department's final rule—Protective Orders in Immigration Administrative Proceedings [EOIR 133; AG Order No. 2585-2002] (RIN: 1125-AA38) received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7604. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit—received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7605. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule—Last-in, First-out Inventories (Rev. Rul. 2002-14) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7606. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 2002-38) received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7607. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2002-35) received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 3786. A bill to revise the boundary of the Glen Canyon National Recreation Area in the State of Utah and Arizona; with an amendment (Rept. 107–523). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2982. A bill to authorize the establishment of a memorial within the area in the District of Columbia referred to in the Commemorative Works Act as "Area I" or "Area II" to the victims of terrorist attacks on the United States, to provide for the design and construction of such a memorial, and for other purposes; with an amendment (Rept. 107–524). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4477. A bill to amend title 18, United States Code, with respect to crimes involving the transportation of persons and sex tourism; with an amendment (Rept. 107–525). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4623. A bill to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes; with an amendment (Rept. 107–526). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4679. A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for child sex offenders; with amendments (Rept. 107–527). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4858. A bill to improve access to physicians in medically underserved areas (Rept. 107–528). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE (for himself, Mr. Wexler, Mr. Armey, Mr. Lantos, and Mr. Sessions):

H.R. 5002. A bill to amend the United States-Israel Free Trade Area Implementation Act of 1985 to allow for the designation of Israeli-Turkish qualifying industrial zones; to the Committee on Ways and Means.

By Mr. NEY (for himself and Mr. Hoyer):

H.R. 5003. A bill to direct the Capitol Police Board to take steps to promote the retention of current officers and members of the Capitol Police and the recruitment of new officers and members of the Capitol Police, and for other purposes; to the Committee on House Administration.

By Mr. ACEVEDO-VILÁ:

H.R. 5004. A bill to amend the Small Business Act to provide additional grants to small business development centers located in high unemployment districts; to the Committee on Small Business.

By Mr. ARMEY (for himself, Mr. Hastert, Mr. DeLay, Mr. Watts of Oklahoma, Mr. Cox, Ms. Pryce of Ohio, Mrs. Cubin, Mr. Tom Davis of

Virginia, Mr. BLUNT, Mr. PORTMAN, Mr. ADERHOLT, Mr. AKIN, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BASS, Mr. BEREUTER, Mr. BOEHLERT, Mr. BONILLA, Mrs. BONO, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANTOR, Mrs. CAPITO, Mr. CASTLE, Mr. CHAMBLISS, Mr. COOKSEY, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. DREIER, Mr. DEMINT, Ms. DUNN, Mr. EHRLICH, Mr. ENGLISH, Mr. FERGUSON, Mr. FORBES, Mr. FOSSELLA, Mr. GANSKE, Mr. GEKAS, Mr. GIBBONS, Mr. GILMAN, Mr. GILLMOR, Mr. GOODE, Ms. GRANGER, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. GRUCCI, Mr. HANSEN, Ms. HARMAN, Ms. HART, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. HORN, Mr. HOUGHTON, Mr. ISSA, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. KELLER, Mrs. KELLY, Mr. KING, Mr. KOLBE, Mr. LAHOOD, Mr. LINDER, Mr. MCCRERY, Mr. MCKEON, Mr. MALONEY of Connecticut, Mr. MANZULLO, Mr. DAN MILLER of Florida, Mr. GARY G. MILLER of California, Mrs. MORELLA, Mrs. MYRICK, Mr. NUSSLE, Mr. OSBORNE, Mr. OXLEY, Mr. PICKERING, Mr. PITTS, Mr. PUTNAM, Mr. REHBERG, Mr. ROHRABACHER, Mr. ROYCE, Mrs. ROUKEMA, Mr. RYUN of Kansas, Mr. SAXTON, Mr. SCHROCK, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHAW, Mr. SHAYS, Mr. SHERWOOD, Mr. SIMPSON, Mr. SKEEN, Mr. SOUDER, Mr. SWEENEY, Mr. TANCREDO, Mr. TAUZIN, Mr. THORNBERRY, Mr. TIBERI, Mr. UPTON, Mr. SHIMKUS, Mr. WALDEN of Oregon, Mr. WAMP, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WHITFIELD, Mr. WICKER, Mrs. WILSON of New Mexico, and Mr. WILSON of South Carolina) (all by request):

H.R. 5005. A bill to establish the Department of Homeland Security, and for other purposes; pursuant to House Resolution 449, referred to the Select Committee on Homeland Security for a period to be subsequently determined by the Speaker, and in addition to the Committees on Agriculture, Appropriations, Armed Services, Energy and Commerce, Financial Services, Intelligence (Permanent Select), International Relations, the Judiciary, Science, Transportation and Infrastructure, and Ways and Means for a period ending not later than July 12, 2002, in each case for consideration of such matters as fall within the jurisdiction of the committee concerned.

By Mr. KING:

H.R. 5006. A bill to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. NEY, and Mr. HOYER):

H.R. 5007. A bill to direct the Comptroller General to enter into arrangements with the National Academy of Sciences and the Librarian of Congress for conducting a study on the feasibility and costs of implementing an emergency electronic communications system for Congress to ensure the continuity of the operations of Congress during an emergency, and for other purposes; to the Committee on House Administration.

By Mr. POMEROY:

H.R. 5008. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the estate tax to estates of over $3,500,000, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon:

H.R. 5009. A bill to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon; to the Committee on Resources.

By Ms. VELÁZQUEZ (for herself, Mr. MANZULLO, Mr. TOOMEY, Ms. MILLENDER-MCDONALD, Mr. DEMINT. Mr. PASCRELL, Mr. THUNE, Mr. BRADY of Pennsylvania, Mr. PENCE, Mr. UDALL of New Mexico, Mr. COMBEST, Mr. HEFLEY, Mr. DAVIS of Illinois, Mr. BARTLETT of Maryland, Mrs. CHRISTENSEN, Mr. LOBIONDO, Mrs. JONES of Ohio, Mrs. KELLY, Mr. GONZALEZ, Mr. CHABOT, Mr. PHELPS, Mr. FERGUSON, Mr. LANGEVIN, Mr. ISSA, Mr. BAIRD, Mr. GRAVES, Mrs. NAPOLITANO, Mr. SCHROCK, Mr. UDALL of Colorado, Mr. GRUCCI, Mr. ACEVEDO-VILÁ, Mr. AKIN, Mr. CARSON of Oklahoma, Mrs. CAPITO, Mr. ROSS, and Mr. SHUSTER):

H. Con. Res. 424. Concurrent resolution commending the patriotic contributions of the roofing professionals who replaced, at no cost to the Federal Government, the section of the Pentagon's slate roof that was destroyed as a result of the terrorist attacks against the United States that occurred on September 11, 2001; to the Committee on Government Reform.

By Mr. CLAY (for himself, Mr. SHIMKUS, Mr. GEPHARDT, Mrs. EMERSON, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. GRAVES, Mr. BLUNT, Mr. AKIN, Mr. HULSHOF, Mr. JOHNSON of Illinois, Mr. BOSWELL, Mr. BOOZMAN, Mr. COSTELLO, Mr. PHELPS, Mr. ROSS, Mr. SNYDER, Mr. EVANS, Mr. LAHOOD, Mr. BERRY, Mr. LEACH, and Mr. NUSSLE):

H. Res. 455. A resolution honoring the life of John Francis "Jack" Buck; to the Committee on Government Reform.

By Mr. MALONEY of Connecticut:

H. Res. 456. A resolution providing for consideration of the bill (H.R. 3884) to amend the Internal Revenue Code of 1986 to prevent corporations from avoiding the United States income tax by reincorporating in a foreign country; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 184: Mr. MCGOVERN.

H.R. 218: Mr. MORAN of Kansas

H.R. 356: Mr. HAYES.

H.R. 602: Mr. GIBBONS.

H.R. 609: Ms. WATSON.

H.R. 831: Mr. JONES of North Carolina, Mr. JOHN, and Mr. GIBBONS.

H.R. 854: Mr. LARSON of Connecticut and Mr. SMITH of Texas.

H.R. 952: Mr. HASTINGS of Florida.

H.R. 1090: Mr. BALDACCI, Mrs. CAPPS, Mr. NETHERCUTT, Mr. BAIRD, Mr. DAVIS of Illinois, and Mr. TURNER.

H.R. 1097: Mr. BAIRD, Mr. CONYERS, and Mr. DEUTSCH.

H.R. 1111: Mr. OWENS.

H.R. 1201: Mr. SANDERS, Mr. STARK, Ms. DELAURO, and Mr. HASTINGS of Florida.

H.R. 1324: Mr. PRICE of North Carolina.

H.R. 1351: MR. CARSON of Oklahoma.

H.R. 1433: Mr. DEFAZIO.

H.R. 1460: Mr. SULLIVAN.

H.R. 1470: Mr. BONIOR.

H.R. 1897: Mr. STENHOLM.

H.R. 1950: Mr. NORWOOD.

H.R. 2063: Mr. BECERRA, Mr. CARDIN, and Mr. LEWIS of Georgia.

H.R. 2082: Mr. KIND.

H.R. 2117: Mr. NADLER, Mr. BECERRA, Mr. HULSHOF, and Mr. SMITH of Washington.

H.R. 2649: Mr. BARR of Georgia,. Mr. HOBSON, Mr. PETRI, Mr. COLLINS, and Mr. HEFLEY.

H.R. 2740: Mr. BARRETT.

H.R. 3058: Mrs. MCCARTHY of New York, Mr. KIRK, and Mr. SCHIFF.

H.R. 3450: Mr. BACA and Mr. RODRIGUEZ.

H.R. 3572: Mr. WHITFIELD, Mr. BOUCHER, Mr. FROST, Mr. UNDERWOOD, and Mr. SANDERS.

H.R. 3626: Mr. PICKERING.

H.R. 3733: Mr. SANDLIN.

H.R. 3777: Mr. WATT of North Carolina.

H.R. 3884: Mr. TAYLOR of Mississippi, Ms. PELOSI, Mr. KING, and Mr. COYNE.

H.R. 3911: Ms. PRYCE of Ohio.

H.R. 3930: Mr. LINDER, Mr. UDALL of Colorado, Mrs. MEEK of Florida, Ms. SOLIS, Mr. GREEN of Texas, and Mr. GORDON.

H.R. 3973: Mr. WOLF.

H.R. 3992: Mr. SHAW.

H.R. 4012: Mr. OSBORNE.

H.R. 4018: Mr. SANDLIN.

H.R. 4037: Mr. SMITH of New Jersey.

H.R. 4046: Ms. WOOLSEY.

H.R. 4061: Mrs. CHRISTENSEN, Mr. MORAN of Virginia, Mr. FRANK, Mr. DEUTSCH, and Mr. ENGEL.

H.R. 4066: Mr. QUINN.

H.R. 4123: Mr. DAVIS of Illinois and Mr. CLAY.

H.R. 4194: Mr. PAYNE and Ms. NORTON.

H.R. 4477: Mr. FLAKE and Mr. WAMP.

H.R. 4515: Mr. STUPAK.

H.R. 4611: Ms. ESHOO, Mr. STARK, Ms. CARSON of Indiana, and Ms. DEGETTE.

H.R. 4644: Mr. LANTOS, Mr. LIPINSKI, Mr. MCNULTY, and Mr. WYNN.

H.R. 4654: Mr. MARKEY and Mr. WAXMAN.

H.R. 4655: Mr. DINGELL.

H.R. 4668: Mr. GOODE, Mr. PAYNE, Mr. BAIRD, Mr. HONDA, Mr. FILNER, Ms. ESHOO, Mr. CALVERT, Mr. BALDACCI, and Mr. MCINNIS.

H.R. 4691: Mr. AKIN, Mr. FERGUSON, Mr. HALL of Texas, Mr. SHOWS, Mr. DOOLITTLE, Mr. MURTHA, and Mr. KERNS.

H.R. 4709: Mr. MORAN of Virginia.

H.R. 4720: Mr. CALVERT, Mr. BOUCHER, Mr. HOEFFEL, and Mr. DUNCAN.

H.R. 4741: Mr. PICKERING.

H.R. 4757: Mr. CUMMINGS and Mr. THOMPSON of Mississippi.

H.R. 4778: Mr. SCOTT.

H.R. 4795: Mr. MCHUGH.

H.R. 4858: Ms. JACKSON-LEE of Texas.

H.R. 4894: Ms. DEGETTE, Mr. SCOTT, Ms. MCCOLLUM, Mr. RUSH, and Mr. PLATTS.

H.R. 4937: Ms. NORTON and Mr. DAVIS of Illinois.

H.R. 4939: Mr. PLATTS and Mr. GOODE.

H.R. 4963: Mr. FROST, Ms. WOOLSEY, Mr. FRANK, Mr. LIPINSKI, and Ms. SCHAKOWSKY.

H.R. 4964: Mr. BROWN of Ohio.

H.R. 4967: Mr. HINOJOSA.

H.R. 4972: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of New Mexico, Mr. RODRIGUEZ, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. RANGEL, and Mr. CAPUANO.

H.R. 4993: Ms. HOOLEY of Oregon.

H.J. Res. 92: Ms. CARSON of Indiana, Mr. MCGOVERN, Mr. LANTOS, Mr. MEEKS of New York, and Mr. BRADY of Pennsylvania.

H.J. Res. 95: Mr. JONES of North Carolina and Mr. MCINNIS.

H. Con. Res. 38: Mr. PAYNE and Ms. WOOLSEY.

H. Con. Res. 164: Mr. DREIER.

H. Con. Res. 345: Mr. DREIER.

H. Con. Res. 404: Mr. DAVIS of Illinois, Ms. WATERS, and Ms. SCHAKOWSKY.

H. Con. Res. 408: Ms. MCCOLLUM, Mr. BOEHLERT, Mr. FILNER, and Mr. SCHROCK.

H. Con. Res. 413: Mr. PASTOR.

H. Con. Res. 420: Mr. KERNS.

H. Res. 295: Mrs. CLAYTON.

H. Res. 454: Mr. CROWLEY.

EXTENSIONS OF REMARKS

TRIBUTE TO MR. DAVID CARNEVALE

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. LANGEVIN. Mr. Speaker, I rise to recognize the outstanding accomplishments of a remarkable young man in my district. Mr. David Carnevale of Cranston, RI, has earned The Congressional Award Gold Medal. As you and my colleagues know, The Congressional Award Gold Medal is awarded to young people who have demonstrated a significant commitment to improving their own lives as well as the lives of others, and is a highly regarded achievement.

To fulfill the committee service and personal development requirements of the award, David, 18, volunteered with the Boy Scouts of America as both a Senior Patrol Leader and Junior Assistant ScoutMaster. For personal development, David developed his leadership skills at the American Baptist Churches' Youth Leader Core program and designed a soil and water conservation project for the American Baptist Camp. As a member of the Ranger Challenge team at the New Mexico Military Institute, David followed a rigorous military conditioning program consisting of various grueling physical challenges, including a 10-kilometer road march with full pack and equipment. During his expedition to the Western Caribbean islands of Cozumel, Haiti, Jamaica, and Grand Cayman, David performed a wide array of physical challenges, such as scaling a waterfall in Dunn's River.

Mr. Speaker, colleagues, I am proud to represent this exceptional young man in Congress. His pursuit of challenges and commitment to himself and others is a lesson to us all. I congratulate him on earning The Congressional Award Gold Medal, and wish him the best of luck in all of his future endeavors.

PERSONAL EXPLANATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. MICA. Mr. Speaker, I was unavoidably detained and could not vote on Roll Calls #247 and #248. Had I been present, I would have voted "No" on Roll Call #247 and "Yes" on Roll Call #248.

TRIBUTE TO GAMMA PHI BETA

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Ms. DUNN. Mr. Speaker, I am pleased to acknowledge the important work that is performed by our nation's oldest sorority, Gamma Phi Beta, as it celebrates 128 years of service. It was my pleasure to serve in this leadership institution that prepares young women for service to the community.

The Gamma Phi Beta mission is simple, yet effective: "To foster a nurturing environment that provides women the opportunity to achieve their potential through life-long commitment to intellectual growth, individual worth and service to humanity." My involvement with this sorority provided all three of these objectives and I was lucky to have such a valuable experience.

When Gamma Phi Beta was founded in 1874, very few women were attending the handful of our nation's universities that would accept them. Four bold women at Syracuse University in New York formed the first Greek organization for women, which now boasts a membership of over 120,000 women worldwide. In fact, the term "sorority" was coined in reference to this chapter. Gamma Phi Beta is known as one of the ten oldest women's organizations in America. Gamma Phi Beta has been a vital force in lifting women from roles of subservience in our nation's educational system to positions of leadership. Their commitment to helping young women strive for excellence in all aspects of life has helped generations of American women reach their full potential.

I am proud to be a lifelong member of such an important group of women and I congratulate all members of Gamma Phi Beta as they host their 2002 biennial convention, "History in the Making," in Washington, D.C. I commend the work of Gamma Phi Beta for celebrating the role of women worldwide and I wish them the best of luck as the organization continues to promote community service, leadership and self-reliance for all women.

NATIONAL HISTORY DAY CONTEST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Brian Hawkins of Harrisonville, MO, who recently received a bronze medal in the National History Day contest. This young man has distinguished himself, his family, and his community with the hard work put forward in his interests in piano and history.

The National History Day contest is the nation's oldest and most highly regarded humanities contest for students in grades 6–12. This national academic challenge engages more than 700,000 students annually. Brian's hard work and dedication to history and the piano earned him the bronze medal in the Junior Individual Documentary. His documentary was titled James Scott, Ragtime Composer: A Revolution in Music.

Mr. Speaker, Brian Hawkins has shown what a motivated young person can do when he puts his mind to it. This country will need that kind of tenacity in the future. I have no doubt that he will make us all proud. I am certain that my colleagues will join me in wishing him and his family all the best.

HONORING THE 100TH ANNIVERSARY CELEBRATION OF CLIFTON, VIRGINIA, JULY 4TH, 2002

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the 100th anniversary of the incorporation of the Town of Clifton, Virginia.

Clifton, located in southwest Fairfax County, Virginia, is a premier residential area, boasting approximately 6.7 square miles of pristine land. Still, the arrangement of the town welcomes close-knit, friendly-centered interaction. The cohesive community of Clifton rallies to celebrate festivals, such as the ever-popular "Clifton Days," held annually in October. Today, the town of Clifton celebrates another annual tradition, the anniversary of their town charter.

During the 1700's, Clifton was home to various Native American groups, who used the area as their hunting grounds. Resulting from the Civil War, and with the laying of Virginia railroads, Clifton began evolving into an industrious town. In 1869, the first post office was established and the town became increasingly attractive for businesses. Thirty years later, on March 10, 1902, the Virginia General Assembly recognized the contribution of the Clifton Station community by bestowing the area with a town charter.

The incorporation of the town of Clifton led to many notable undertakings. In 1871, Clifton welcomed Fairfax County's first black Baptist Church, and is home to a host of other Fairfax "firsts" as well. For example, in 1905 Clifton became the county's first municipality with electricity, and home to its first high school in 1909. The town of Clifton prides itself on having been home to several famous residents, such as Susan Riviere Hetzel, an original founder of the Daughters of the American Revolution; and Oscar Woody, the Postal Clerk of the White Star cruise-liner Titanic.

Seeing its greatest growth between 1890 and 1920, Clifton has maintained its renowned late 19th-century architecture, even as Clifton Station was removed in 1958. In 1984, Clifton was declared a National Historic District by the U.S. Department of Interior. The town's Victorian homes and historic town park complement the spirit of its residents. In few other towns is the historic, collective charm of the area as prevalent as it is in Clifton. Thus, Clifton is often recognized as a "hidden treasure". I am proud the town of Clifton is located in Virginia's 11th district, as Clifton represents the finest our area and our nation have to offer.

Mr. Speaker, in closing, with all the historical grandeur Clifton boasts, we have great reason to celebrate today. Accordingly, I extend my warmest congratulations on its 100th Anniversary. Clifton most certainly has distinguished itself through its historical and social presence, and I call upon my colleagues to join me in applauding 100 years of excellence.

A PROCLAMATION RECOGNIZING THEODORE JOSEPH BERARDINELLI

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. NEY. Mr. Speaker, Whereas, Theodore Berardinelli has devoted himself to serving others through his membership in the Boy Scouts of America Troop 141; and

Whereas, Theodore Berardinelli has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Theodore Berardinelli must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with the entire 18th Congressional District of Ohio in congratulating Theodore Berardinelli for his Eagle Scout Award.

THANKING REVEREND DONALD C. NOLDER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to thank Reverend Donald C. Nolder for his contributions to the community and congratulate him for receiving commendation from the Mayor and Town Council of the Borough of Chambersburg for his dedication and service to the community. Reverend Nolder was born in Altoona, Pennsylvania and after graduating from Lycoming College, he attended the seminary at Drew University. Once he completed his education, be was ordained as a minister in the United Methodist Church. Reverend Nolder was appointed the pastor at the First United Methodist Church in Chambersburg, Pennsylvania in July of 1992. Almost ten years later, he continues to serve his congregation and community faithfully and diligently.

Like so many spiritual leaders in communities around the country, Reverend Nolder has known the value of Faith-Based Community Action Programs long before they became a topic of national debate. President George W. Bush is also a great supporter of faith-based programs and has praised their effectiveness because he knows how beneficial they can be to people in all regions of the country. In his own community, Reverend Nolder has been instrumental in establishing programs that make a marked improvement in the lives of community residents and provide an atmosphere that allows for their spiritual and personal growth. Some examples of these programs are: Summer Neighborhood Ministry for Children, English as a Second Language program, Thursday Evening Community Supper and Service, and a Support Group for Young Men with Addictive Behavior.

I believe it is important that we allow the faith-based institutions in this country to become more involved in helping heal our communities from the damage caused by drugs, violence, and other social ills. Help should not only be available to the congregation, but the entire community, regardless of religious, cultural, or other differences. Reverend Nolder is an excellent example of doing just that—after a tragic fire he welcomed the St. Paul's United Methodist Church into his own, and for the past seven years he opened his doors to a Hispanic congregation. He welcomed both congregations with open arms and provided whatever help the church could. By ignoring cultural or religious lines of division, he increased access to help for people outside his immediate congregation and welcomed the addition of new friends.

I would like to commend Reverend Donald C. Nolder again for his contributions, congratulate him on his successful programs, and thank him for his service at the First United Methodist Church in Chambersburg. I hope that he enjoys his retirement and I encourage him to continue his involvement in community activities.

TRIBUTE TO HARRY COLMERY BY MICHAEL J. BENNETT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. SMITH of New Jersey. Mr. Speaker, last week I participated in a ceremony commemorating the anniversary of the original GI Bill, and its principal author Mr. Harry Colmery of The American Legion. First enacted in 1944, the GI Bill has helped over 20 million Americans reach their educational goals, and in the process helped transform our Nation.

Michael J. Bennett, the author of the book, "When Dreams Came True: The GI Bill and the Making of Modern America," spoke at that ceremony and I want to commend his remarks to all of my colleagues:

Mr. Dooley, my favorite political philosopher, had this to say about Americans: "We're a great people we are, and the greatest thing about us is that we know we are."

I wonder about that. We are a great people—and we know it, but I'm not sure we know why we are. We are a democratic people, citizens of the world's first truly democratic republic. And we are a practical, sensible people; indeed, our national philosophy is often called pragmatism. Yet, all too often, we seem to believe we are great because our Presidents are great, elected leaders whose wisdom is exceeded only by their power, and we are practical and sensible because we study their words and follow their example.

If you believe that, you're in the wrong place today. Franklin Delano Roosevelt preferred an Economic Bill of Rights for everyone in return for everyone, women as well as men, being subject to a universal draft. America got the GI Bill of Rights instead because of the man we're belatedly honoring today. And that is the best proof we have that democracy itself, the wisdom of ordinary people, is what has made us great—and will make us even greater still if we follow the example, in deeds as well as words, of Harry Colmery. For it was Harry Colmery, who crafted the GI Bill of Rights in Room 570 of the Mayflower Hotel over the Christmas-New Year's holidays of 1943–1944.

In just a few short weeks—and in the little more than six months it took the Legion, Hearst newspaper reporters and editors and Congressional allies in Congress to get the Bill through the House and Senate—these men, and one woman, made modern America possible. And they did so, despite FDR, and the vociferous opposition of the nation's elite, the best and brightest of the time.

The GI Bill will turn the nation's colleges and universities into "educational hobo jungles," Robert Maynard Hutchins, president of the University of Chicago, warned. The Bill will benefit "the least qualified of the wartime generation," moaned James Conant, the president of Harvard, who rallied academic opposition to the Bill in Congress. And he might have prevailed. But Rep. Edith Nourse Rogers of Massachusetts was shrewd enough to use a Southern segregationist to potentially expose the proper Bostonian as a hypocrite to the improper Bostonian readers of The Boston Record-American.

That's just one improbable—but true—anecdote in a story full of improbabilities, but then, everything about the GI Bill is improbable unless you believe that democracy can sometimes, rarely but sometimes, be the best of all possible governments. And that's what makes the GI Bill truly wonderful, a story full of real wonder and authentic inspiration. For this was a bill conceived in democracy and dedicated to the proposition that those called upon to die for their country, if need be, are the best qualified to make it work, if given the opportunity.

And make the Bill work, the men and women who proudly identified themselves as GI's did. They did so despite the fact that the politically correct Pentagon advised newspaper and magazine editors that the word GI, an acronym for general or government issue is, and I quote, "dehumanizing, demeaning and disrespectful." The GI Bill became the catalyst of America as an essentially middle-class society, and the seedbed of the civil rights movement as GI's built the suburbs, transformed arsenals of mass destruction into industries of mass consumption, and democratized higher education, even getting Conant to admit the GI's were "the best students Harvard has ever had."

There's a profound lesson here for all of us, one that transcends the pieties of the left and the banalities of the right; liberal ends are best achieved by conservative means. Capitalism can be democratic. Merit should be determined as much by actual deeds as by test scores. We live in an era of growing rather than lessening class distinctions. Those who go to the college of hard knocks can only expect hard times. And those who are the smartest graduates of the best schools experience little more than virtual reality. In these times, as in World War II, the military is the best preparatory school for life, higher education and citizenship.

Everyone profits. The $14.5 billion cost of the WWII Bill was paid by additional taxes on the increased income of the GI recipients by 1960. Without the prosperity—and social peace—engendered by the GI Bill, America couldn't have afforded the Marshall Plan's $12.5 billion. Indeed, the GI Bill, rooted in eternal verities of individual aspiration and political reality, is a far better model for international development than the Marshall Plan.

The authors of the GI Bill were World War I veterans who kept faith with their children, the veterans of WWII. That made possible the peaceful end in 1989 of the 20th century World War that began in 1914. Now, nine months after the massacres of September 2001, we are engaged in a war on terror that will, undoubtedly, last at least as long as WWI and WWII, if not much of the 21st century.

Unfortunately, we didn't keep faith—as much as we should have—with the veterans of Korea and Vietnam, especially the Vietnam veterans. We didn't adequately respect their service, and sufficiently encourage their potential. But perhaps, starting with this dedication, we're beginning to learn the practical, sensible, and, yes, pragmatic lesson of the WWII bill. We owe the young men and women who are—and will be—our protectors in this long, shadowy conflict no less than a moral—and a financial—equivalent of the WWII GI Bill.

We don't just owe it to them; we owe it to ourselves.

NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3389) to reauthorize the National Sea Grant College Program Act, and for other purposes:

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of H.R. 3389, the National Sea Grant Program Act, which authorizes Sea Grant through fiscal year 2008. This legislation, which I am pleased to cosponsor, reaffirms federal support for essential marine research programs. I wish to thank the members of the Science and Resources Committees, who have collaborated to craft legislation that will encourage significant developments in marine research in the coming decade.

Sea Grant is particularly important to the state of Rhode Island, whose history and economy have been tied to the ocean since our earliest days. The University of Rhode Island, one of the premier Sea Grant institutions in the United States, has strengthened this bond by delving deeper into the ocean's complexities and enriching us with their findings. I am proud of their impressive accomplishments and will continue my efforts to vigoroulsy advocate full federal support for Sea Grant.

I am particularly pleased that the committees of jurisdiction did not move Sea Grant from the National Oceanic and Atmospheric Administration (NOAA) to the National Science Foundation (NSF), as recommended by the Bush Administration. While I have nothing but the greatest respect for the NSF's work, Sea Grant's research is noteworthy because of its immediate practical application through NOAA and other Department of Commerce agencies. URI's work in the fields of fisheries management, biotechnology, aquaculture, and marine security has helped business leaders, educators, and policy advocates when considering complicated maritime issues. Furthermore, URI's educational outreach efforts, especially in grades K–12, demonstrate Sea Grant's effectiveness not only at undertaking state-of-the-art research, but also in cultivating future generations' interest in ocean and environmental science.

I urge my colleagues to support this measure today so that our universities and scientific institutions will be able to build upon their successes with the Sea Grant program.

HONORING THE FIGHTING 105TH INFANTRY REGIMENT

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. SWEENEY. Mr. Speaker, I rise today to honor the forgotten heroes of the fighting 105th Infantry Regiment—part of the New York National Guard's 27th Division—activated for duty in October of 1940. These brave soldiers embraced their Nation's call to arms wholeheartedly and without hesitation. On the field of battle, they fought with the fire of freedom in their souls and the fury of the American spirit in their hearts.

On July 7, 1944 an overwhelming force estimated between 3,000 and 5,000 Japanese soldiers strong attacked the First and Second Battalions of the 105th Infantry Regiment, 27th Infantry Division. It was one of the largest attacks attempted in the Pacific Theater during World War II. As the firestorm rained down upon them, the gallant "Appleknockers" of the 105th met the challenge of their foes with unparalleled vigor and tenacity. With gallant fervor, might and determination, the 105th fought on against the enemy. As terror reigned, the red-gray storm over the land swarmed onward breaking through the combined perimeter of the Battalion, inflicting massive casualties on the young troops. Yet, in brotherhood and blood, the fighting 105th pressed on. Inspired with the strength of democracy and infused with the iron will of America, the Appleknockers did not surrender. As the fighting 105th fought on and their foes fell before them, our freedoms were preserved and our way of life secured.

The Congressional Medal of Honor was awarded posthumously to three of the men in the 105th—Lt./Col. William O'Brien, Sgt. Thomas Baker and Captain (Dr.) Ben L. Salomon DDS. There are many other courageous men that also fought gallantly for our country in the July 7, 1944 attack. At least seven unsung survivors of this most difficult day presently live in and around the Troy, New York area and are active members of the distinguished Tibbits Cadets. Among these dignified veterans are Mr. Joseph Meighan, Mr. Sam DiNova, Mr. Joseph Mariano, Mr. Frank Pusatere, Mr. Adam Weasack, Mr. Nick Grinaolda and Mr. Ralph Colangione.

The brave soldiers of the gallant Appleknockers of the 105th have served their country and their fellow man with integrity and valor. In their pursuit of freedom and prosperity for the world, the men of the First and Second Battalions met the fact of fear and fought with honor. As the "Appleknockers" remember the 58th Anniversary of the July 7, 1944 action, may we pause a moment to honor all those that fought in that harrowing battle. To the fighting men of the 105th, I respectfully extend my most heartfelt gratitude and respect—they fought as soldiers, lived as patriots and are forever heroes.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. MENENDEZ. Mr. Speaker, on rollcall No. 247, had I been present, I would have voted "yes." On rollcall No. 248, had I been present, I would have voted "no."

RECOGNIZING THE ACCOMPLISHMENTS OF THE LEAGUE OF WOMEN VOTERS OF EAST SAN GABRIEL VALLEY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Ms. SOLIS. Mr. Speaker, I rise today to recognize the League of Women Voters of East San Gabriel Valley for its dedication to increase participation in the democratic processes of government.

Founded in 1956 as the Provisional League of Women Voters of West Covina, the organization was officially recognized by the National League of Women Voters in 1958. When the group's name changed to the League of Women Voters of East San Gabriel Valley in 1969, the chapter was the second largest in the state of California. Today the group serves communities in more than 20 cities in Southern California.

The League provides a host of services to fulfill its fundamental mission of providing nonpartisan information to citizens that will encourage them to participate in all levels of government and to influence public policy through education and advocacy. Citizens in my district have benefited from activities such as a year-round voter information service, candidate forums during election season, summaries about Los Angeles County ballot measures, explanations of new voting devices and voter registration drives.

I am proud to have this commendable public service organization in my district. Their efforts to educate our community about the importance of voting and political participation are helping to produce a well-informed electorate that fights for the issues that are important to working men and women.

LOS ANGELES TIMES ARTICLE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. PAUL. Mr. Speaker, I call my colleagues' attention to a recent article by Scott Ritter, former chief UN weapons inspector in Iraq, published in the Los Angeles Times. In this article, Mr. Ritter makes a salient point that deserves careful and serious consideration in this body: how will it be possible to achieve the stated Administration goal of getting weapons inspectors back into Iraq when the Administration has made it known that it intends to assassinate the Iraqi leader?

If nothing else, Saddam Hussein has proven himself a survivor. Does anyone believe that he will allow inspectors back into his country knowing that any one of them might kill him? Is it the intention of the Administration to get inspectors back into Iraq and thus answers to lingering and critical questions regarding Iraq's military capabilities, or is the intent to invade that country regardless of the near total absence of information? Or actually make it impossible for Suddam Hussein to accept the inspectors.

Mr. Ritter, who as former chief UN inspector in Iraq probably knows that country better than any of us here, made some excellent points in a recent meeting with Republican members of Congress. According to Mr. Ritter, no American-installed regime could survive in Iraq. Interestingly, Mr. Ritter noted that though his rule is no doubt despotic, Saddam Hussein has been harsher toward Islamic fundamentalism than any other Arab regime. He added that any U.S. invasion to remove Saddam from power would likely open the door to an anti-American fundamentalist Islamic regime in Iraq. That can hardly be viewed in a positive light here in the United States. Is a policy that replaces a bad regime with a worse regime the wisest course to follow?

Much is made of Iraqi National Congress leader Ahmed Chalabi, as a potential post-invasion leader of Iraq. Mr. Ritter told me that in his many dealings with Chalabi, he found him to be completely unreliable and untrustworthy. He added that neither he nor the approximately 100 Iraqi generals that the U.S. is courting have any credibility inside Iraq, and any attempt to place them in power would be rejected in the strongest manner by the Iraqi people. Hundreds, if not thousands, of American military personnel would be required to occupy Iraq indefinitely if any American-installed regime is to remain in power. Again, it appears we are creating a larger problem than we are attempting to solve.

Similarly, proponents of a U.S. invasion of Iraq often cite the Kurds in the northern part of that country as a Northern Alliance-like ally, who will do much of our fighting on the ground and unseat Saddam. But just last week the Washington Times reported that neither of the two rival Kurdish groups in northern Iraq want anything to do with an invasion of Iraq.

In the meeting last month, Scott Ritter reminded members of Congress that a nation cannot go to war based on assumptions and guesses, that a lack of knowledge is no basis on which to initiate military action. Mr. Ritter warned those present that remaining acquiescent in the face of the Administration's seeming determination to exceed the authority granted to go after those who attacked us, will actually hurt the president and will hurt Congress. He concluded by stating that going in to Iraq without Congressionally-granted authority would be a "failure of American democracy." Those pounding the war drums loudest for an invasion of Iraq should pause for a moment and ponder what Scott Ritter is saying. Thousands of lives are at stake.

[From the Los Angeles Times, June 19, 2002]

BEHIND "PLOT" ON HUSSEIN, A SECRET AGENDA

(By Scott Ritter)

President Bush has reportedly authorized the CIA to use all of the means at its disposal—including U.S. military special operations forces and CIA paramilitary teams—to eliminate Iraq's Saddam Hussein. According to reports, the CIA is to view any such plan as "preparatory" for a larger military strike.

Congressional leaders from both parties have greeted these reports with enthusiasm. In their rush to be seen as embracing the president's hard-line stance on Iraq, however, almost no one in Congress has questioned why a supposedly covert operation would be made public, thus undermining the very mission it was intended to accomplish.

It is high time that Congress start questioning the hype and rhetoric emanating from the White House regarding Baghdad, because the leaked CIA plan is well timed to undermine the efforts underway in the United Nations to get weapons inspectors back to work in Iraq. In early July, the U.N. secretary-general will meet with Iraq's foreign minister for a third round of talks on the return of the weapons monitors. A major sticking point is Iraqi concern over the use—or abuse—of such inspections by the U.S. for intelligence collection.

I recall during my time as a chief inspector in Iraq the dozens of extremely fit "missile experts" and "logistics specialists" who frequented my inspection teams and others. Drawn from U.S. units such as Delta Force or from CIA paramilitary teams such as the Special Activities Staff (both of which have an ongoing role in the conflict in Afghanistan), these specialists had a legitimate part to play in the difficult cat-and-mouse effort to disarm Iraq. So did the teams of British radio intercept operators I ran in Iraq from 1996 to 1998—which listened in on the conversations of Hussein's inner circle—and the various other intelligence specialists who were part of the inspection effort.

The presence of such personnel on inspection teams was, and is, viewed by the Iraqi government as an unacceptable risk to its nation's security.

As early as 1992, the Iraqis viewed the teams I led inside Iraq as a threat to the safety of their president. They were concerned that my inspections were nothing more than a front for a larger effort to eliminate their leader.

Those concerns were largely baseless while I was in Iraq. Now that Bush has specifically authorized American covert-operations forces to remove Hussein, however, the Iraqis will never trust an inspection regime that has already shown itself susceptible to infiltration and manipulation by intelligence services hostile to Iraq, regardless of any assurances the U.N. secretary-general might give.

The leaked CIA covert operations plan effectively kills any chance of inspectors returning to Iraq, and it closes the door on the last opportunity for shedding light on the true state of affairs regarding any threat in the form of Iraq weapons of mass destruction.

Absent any return of weapons inspectors, no one seems willing to challenge the Bush administration's assertions of an Iraqi threat. If Bush has a factual case against Iraq concerning weapons of mass destruction, he hasn't made it yet.

Can the Bush administration substantiate any of its claims that Iraq continues to pursue efforts to reacquire its capability to produce chemical and biological weapons, which was dismantled and destroyed by U.N. weapons inspectors from 1991 to 1998? The same question applies to nuclear weapons. What facts show that Iraq continues to pursue nuclear weapons aspirations?

Bush spoke ominously of an Iraqi ballistic missile threat to Europe. What missile threat is the president talking about? These questions are valid, and if the case for war is to be made, they must be answered with more than speculative rhetoric.

Congress has seemed unwilling to challenge the Bush administration's pursuit of war against Iraq. The one roadblock to an all-out U.S. assault would be weapons inspectors reporting on the facts inside Iraq. Yet without any meaningful discussion and debate by Congress concerning the nature of the threat posed by Baghdad, war seems all but inevitable.

The true target of the supposed CIA plan may not be Hussein but rather the weapons inspection program itself. The real casualty is the last chance to avoid bloody conflict.

TRIBUTE TO GEOFF MALEMAN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Ms. HARMAN. Mr. Speaker, I rise today to commend the achievements of my friend and constituent Geoff Maleman, of Westchester, California.

As the President of the Westchester/LAX/Marina del Rey Chamber of Commerce, Geoff is a tireless leader in the business and greater community.

Following the tragic events of September 11th, Geoff spearheaded an effort with other local Chambers of Commerce to develop a task force to address challenges facing the business community. The travel industry surrounding Los Angeles International Airport (LAX) is beginning to recover, in no small part, due to Geoff's leadership.

Geoff is a great communicator. We have co-hosted numerous forums together in my Congressional District. Last October, Geoff and I spoke to hundreds of residents and business owners about security at Los Angeles International Airport, an issue of great concern to the neighboring communities. Geoff was both informative and reassuring in addressing the challenging and frightening issue.

Most importantly, Geoff and his wife Nicole are proud new parents of a beautiful baby girl, Kaitlyn Michelle Maleman—born during his term as President, on December 6, 2001.

Mr. Speaker, as Geoff's tenure as President of the Westchester/LAX/Marina del Rey Chamber of Commerce comes to an end, I appreciate this opportunity to share how proud and fortunate I am to have Geoff Maleman in my Congressional District.

ON HILLSBORO, OREGON'S RECEIPT OF THE INTERNATIONAL ASSOCIATION FOR PUBLIC PARTICIPATION'S CORE VALUES PROJECT OF THE YEAR AWARD

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. WU. Mr. Speaker, I am pleased to rise today to honor Hillsboro, Oregon for its receipt of the International Association for Public Participation's Core Values Project of the Year Award for its Hillsboro 2020 Vision Project.

During the past 20 years, Hillsboro has experienced significant residential and economic growth. The community has become economically self-sufficient with a strong and diverse industrial base, and vital retail areas. It has grown geographically to more than double its physical size and has started to take in unincorporated neighborhoods and commercial areas to the east. A consequence of this growth and change in community character has been an emerging need to redefine the City's identity and help set a course for the future that reflects the values of its citizens. Recognizing this challenge, the City of Hillsboro conducted an extensive public discussion to develop a vision and action plan for the next 20 years.

This community-wide effort, the Hillsboro 2020 Vision Project, was conducted over three years (1997–2000) and involved hundreds of citizens and dozens of community interests including business, environment, neighborhoods, social services, healthcare, education, government, and many others. The product of this endeavor was a Vision Statement, describing Hillsboro in 2020, and an Action Plan identifying the programs and projects necessary to achieve that vision.

The project involved an extensive public participation program including a citizen task force that advised the City on the project and developed the recommended Vision and Action Plan. In addition, the general public and various interest groups were engaged through a broad range of outreach activities such as public workshops and forums, newsletters, presentations to community groups, and focus groups. Over 1500 citizens participated in the Vision planning process.

The Action Plan lists 114 actions and 46 strategies to bring the Vision to life. The plan outlines opportunities to enhance community identity, connections, and livability—ranging from such projects as a historic downtown district with a public square to an expanded system of pedestrian and bike paths and many others. During the plan's development, 18 community partners agreed to take the lead on one or more of the actions. Many of these actions will require the formation of public-private partnerships. Implementation of the Hillsboro 2020 Vision implementation will be a community-wide effort.

A 21-member citizen-led committee, appointed by the City Council, will monitor and facilitate the Vision's implementation, assuring that the Vision will transition from a plan, to a reality.

I commend the City of Hillsboro for its vision and hard work to ensure that Hillsboro remains a wonderful place to live and work. Congratulations on your receipt of this prestigious award!

CELEBRATING THE 75th JUBILEE OF THE CARMELITE SISTERS OF THE MOST SACRED HEART OF LOS ANGELES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Ms. SOLIS. Mr. Speaker, I rise today to celebrate and congratulate the Carmelite Sisters of the Most Sacred Heart of Los Angeles on their 75th Jubilee.

Founded in Mexico in 1921 by Mother Luisa Josefa of the Most Blessed Sacrament, the Carmelite Sisters arrived in Los Angeles in 1927. Their mission since inception has been to devote their lives to works of charity, specifically in the fields of health care, education, child care, and retreat work.

In its 75 years, the Carmelite Sisters have provided numerous services to the Los Angeles community, especially residents of the 31st Congressional District. The Carmelite Sisters are responsible for the vitality of critical institutions such as Santa Teresita Hospital, five parochial schools and two high schools, as well as a child care facility and a retreat house. These institutions provide services that are essential to my district where adequate access to health care, education, and child care is a major concern.

Once again, I congratulate and commend the Carmelite Sisters of the Most Sacred Heart of Los Angeles on their 75th Jubilee, and for serving the health, educational, and child-care needs of the residents of the San Gabriel Valley.

PAYING TRIBUTE TO JOANN FALK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002—

Mr. McINNIS. Mr. Speaker, it is with a profound sense of appreciation and pride that I bring to your attention the good works of JoAnn Falk of Pueblo, Colorado: the devotion she has shown to the students and educators of Pueblo District 70 has proven her to be a shining example of the power of education in the lives of our nation's youth. JoAnn was recently awarded the National Education Association's 'Education Support Professional (ESP) of the Year Award,' itself a moving tribute to the value of her nearly thirty years of work for public education in my state.

JoAnn has dedicated her life to causes greater than her own self-interest. As an educator, she has fought for the rights and respect her fellow education support professionals deserve. JoAnn has worked hard to recruit school board candidates responsive to the needs of classified employees and continually held the needs of her students as her top priority. She has been persistent in these undertakings, never allowing the word 'no' to stop her from striving for what she knows in her heart is right.

JoAnn Falk is, herself, a tribute to the many hardworking education support professionals throughout our nation. Over her many years of work in Pueblo District 70, JoAnn has demonstrated a commitment to the development of school programs and the role of ESP employees. Among her accomplishments is the establishment of an innovative new substitute teacher program as well as her creation of the first Elementary School Media Center in all of Pueblo.

Mr. Speaker, it is with a grateful heart that I rise to pay tribute to the work done by JoAnn Falk on behalf of the children and educators of Pueblo District 70. Her career in education is a testament to the values, sacrifice and commitment that make Colorado, and America, great. She richly deserves the recognition she has recently received from the National Education Association. I am proud to convey to JoAnn the respect and praise of this body of Congress.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 25, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 26

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine issues and perspectives in enforcing corporate governance, focusing on the experience of the state of New York.
SR–253

Governmental Affairs
To hold hearings to examine the relationship between a Department of Homeland Security and the intelligence community.
SD–342

Health, Education, Labor, and Pensions
Business meeting to consider S. 2059, to amend the Pubic Health Service Act to provide for Alzheimer's disease research and demonstration grants; and proposed legislation concerning global Aids.
SD–430

Judiciary
To hold hearings to examine the President's proposal for reorganizing our homeland defense infrastructure.
SD–106

10 a.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine the Transportation Equity Act for the 21st Century, focusing on investing in economy and environment.
SD–538

Finance
Business meeting to markup H.R. 4737, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care.
SD–215

10:30 a.m.
Foreign Relations
To hold hearings to examine the current situation in Afghanistan.
SD–419

2 p.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine immigration reform and the reorganization of homeland defense.
SD–226

2:30 p.m.
Foreign Relations
To hold hearings on the nomination of Mark Sullivan, of Maryland, to be United States Director of the European Bank for Reconstruction and Development; and the nomination of Paul William Speltz, of Texas, to be United States Director of the Asian Development Bank, with the rank of Ambassador.
SD–419

3 p.m.
Governmental Affairs
To hold hearings on the nomination of James E. Boasberg, to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

JUNE 27

9:30 a.m.
Environment and Public Works
Business meeting to consider pending calendar business.
SD–406

Appropriations
Transportation Subcommittee
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold joint hearings to examine cross border trucking issues.
SR–253

Conferees
Meeting of conferees on H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people.
2123, Rayburn Building

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the preliminary findings of the Commission on Affordable Housing and Health Facility Need for Seniors in the 21st Century.
SD–538

Finance
To hold hearings on the nomination of Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission.
SD–215

Judiciary
Business meeting to consider pending calendar business.
SD–226

1 p.m.
Governmental Affairs
To continue hearings to examine the relationship between a Department of Homeland Security and the intelligence community.
SD–342

2 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

2:30 p.m.
Foreign Relations
Central Asia and South Caucasus Subcommittee
To hold hearings to examine the balancing of military assistance and support for human rights in central Asia.
SD–419

Health, Education, Labor, and Pensions
To hold hearings to examine Title IX of the Education Amendments Act of 1972, focusing on 30 years of progress.
SD–430

JUNE 28

9:30 a.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings on S. 2246, to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools.
SD–430

Governmental Affairs
To hold hearings to examine how the proposed Department of Homeland Security should address weapons of mass destruction, and relevant science and technology, research and development, and public health issues.
SD–342

JULY 10

9:30 a.m.
Veterans' Affairs
To hold hearings to examine the continuing challenges of care and compensation due to military exposures.
SR–418

JULY 11

10 a.m.
Energy and Natural Resources
To hold hearings to examine the Department of Energy's Environmental Management program, focusing on DOE's progress in implementing its accelerated cleanup initiative, and the changes DOE has proposed to the EM science and technology program.
SD–366

POSTPONEMENTS

JUNE 26

10 a.m.
Environment and Public Works
To hold hearings to examine the President's proposal to establish the Department of Homeland Security.
SD–406

HOUSE OF REPRESENTATIVES—*Tuesday, June 25, 2002*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. JOHNSON of Illinois).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 25, 2002.

I hereby appoint the Honorable TIMOTHY V. JOHNSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

TRIBUTE TO DAVID McLEAN WALTERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 1 minute.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to pay tribute to David McLean Walters, our former ambassador to the Vatican as he celebrates his 85th birthday.

As an ambassador, Mr. Walters served our country, but as patriarch of Miami Children's Hospital, he has impacted our Nation's future.

Ambassador Walter's vision of creating a facility that provides top pediatric care for the children of south Florida has blossomed and become a reality through his tireless efforts over the past 30 years. The tragic loss of the ambassador's granddaughter to leukemia served as his impetus for expanding a small local hospital. But what began as a humble idea has developed into one of the top children's medical facilities in the country, earning the title "Pinnacle of Pediatrics."

Today, Miami Children's Hospital diagnoses and treats thousands of suffering children, providing them with the best possible care.

Ambassador Walters' accomplishments have assured a brighter future for our children, and, indeed, our Nation.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, this morning once again, as I have so many times, I take to the floor to talk about the need for a Medicare prescription drug benefit, and I was hoping this week that I would be able to thank my Republican colleagues for finally bringing up some legislation that would at least make an attempt to address the prescription drug issue. I read, though, today in both Congress Daily as well as in The New York Times that there is a real possibility that there may be a delay in the House drug bill action until July.

Well, let me say once again, Mr. Speaker, how extremely disappointed I am to see that the Republicans, the Republican leadership in the House, continue to fiddle with this very important issue. They promised that they were going to bring up a prescription drug bill before the Memorial Day recess, then they promised they were going to bring up a prescription drug bill before the July 4th recess.

Now it seems there is a real possibility they are not going to bring it up. I hope they do, even though I think they have a terrible bill that will not accomplish anything for the American people or for America's seniors. At least if we have the opportunity to have a debate on the floor, it allows us as Democrats to bring up our substitute bill, which is a real Medicare prescription drug benefit that would lower prices for seniors.

Now, it is interesting to see why the Republicans may be having trouble bringing up their bill. I have said over and over again that the problem with the Republican proposal is it is not Medicare, it does not guarantee any benefits. What it does is throw money to private insurance companies in the hope that they will provide some sort of benefit for seniors that, unfortunately, does not have any guarantee about the scope of coverage or what the premium would be or whether there would be any benefit at all, because we know the private insurance companies say they probably will not offer this coverage.

The other problem that the Republicans have is that they do not address the issue of price at all. They have language in their bill that says that the administrator of the program cannot interfere with price in any way. Well, that seems to be the problem. That is why they are having trouble bringing up their bill.

If you look in Congress Daily today, it mentions the gentleman from Minnesota (Mr. GUTKNECHT), who says that he wants to push for inclusion of language allowing fewer restrictions on bringing FDA-approved drugs back into the country, known as reimportation.

Well, Democrats have been saying for a long time that we should allow reimportation of drugs, because that is the way of bringing costs down. But the Republicans do not want to do that. When I tried to offer an amendment that would accomplish that in the Committee on Energy and Commerce the other night, they voted against it. The gentleman from Minnesota (Mr. GUTKNECHT) goes on to say, or his spokesman I should say, "If we do not address the cost comparison, it is like building a house without a solid foundation," the spokeswoman said for Mr. GUTKNECHT. So that means they are concerned about costs.

Once again, some of the Republicans seem to be unwilling to vote for this Republican bill because it does not have any cost containment. It does not control price the way the Democratic bill, in fact, would.

In fact, further on in Congress Daily it says, "Representative JACK KINGSTON and JO ANN EMERSON plan to discuss the issue of cost at a press conference today and announce a new congressional caucus to deal with drug costs."

Once again, the problem the Republicans have, no Medicare benefit, no real benefit at all, and no effort to address the issue of cost. That is why they are running into problems.

Today's New York Times is about the Family USA study announced yesterday that talks about how the costs of prescription drugs are going up way out of proportion to the cost of inflation. It says in the article that one conservative Republican, the gentleman from Georgia (Mr. COLLINS), has indicated that he will vote against the Republican bill; and it goes on to

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

say that one of the Republicans, the gentleman from Oklahoma (Mr. ISTOOK), has expressed concern about the effects on pharmacies, because, as we know, the chain drugstores and retail pharmacies oppose the Republican bill, and the reason they do so is because they do not think it is going to provide any benefit and will make it harder for them to operate and provide pharmacy benefits.

So let me say I understand full well why the Republicans are having a problem bringing up their bill, because it does not deal with price, it does not address the issue of price, it is forbidden to deal with the issue of price. That is why they have the noninterference language. It does not provide a benefit.

But they should still bring it up and allow the opportunity for us to debate the bill and bring up our Democratic substitute, which is a good bill and could be considered and passed here and go over to the Senate and become law. So the fact they are having problems with their legislation does not mean that they should postpone another week or two or three or a month or who knows how long between now and November before the end of this session, because we need to address this issue. And if there are faults in their legislation, bring it to the floor and we will expose those faults and come up with a better bill, rather than just saying we are going to delay and not have an opportunity to address this issue, which is what the Republican leadership has done so far.

AGRICULTURE SUBSIDY CONCERNS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, one challenge that we have in the U.S. House of Representatives, in Congress, is the overzealousness to spend more money. Of course, the money has to come from taxpayers throughout the United States that pay taxes into the Federal system.

What many politicians have discovered is that the more programs they start and the more money they spend, the more popular they are back home and the greater the likelihood they are going to be reelected. So members of congress take new pork-barrel projects home and end up on the front pages of the paper or on television: "Congressman such-and-such is giving you more government services." I think we have to remind ourselves that all of this money comes from taxpayers.

I see a lot of young people, Mr. Speaker, in the gallery; and they are the generation at risk. As we increase spending, as we increase borrowing, what we are doing in effect is increasing the mortgage, the debt, that these young citizens are going to have to pay off some day, and probably increasing the likelihood that their taxes are going to have to continue to rise as the size of government gets larger and larger.

One concern that I have that has been in a lot of the media and newspapers is the generosity of the farm bill that was passed in terms of giving million-dollar payments to many of the very, very large farmers in the United States. I met with Senator GRASSLEY last week, and we are trying to strategize how we can change that farm bill so that we have some kind of a cap, some kind of a limit on those exceptionally large million-dollar-plus payments that are going to the super-large landowners in this country. We are looking now at the appropriation bills and language we might put in the appropriation bills.

Very briefly, Mr. Speaker, this is somewhat complicated, so we have sort of hoodwinked a lot of the American people saying, there are limits on the price support that farmers can receive. But there is a loophole. That loophole is called "generic certificates," and that means that when you reach the limit on monetary price supports, you can still forfeit the grain back to the government, and the government will give you a certificate that a farmer can exchange for money, because the limits are on cash payments to farmers and certificates are not considered a cash payment. That ends up being a loophole, allowing the very large farmers to get millions of dollars in price support benefits.

Mr. Speaker, we have a system in Congress where seniority tends to rise you to the top in terms of being a committee chairman. Right now agriculture is pretty much dominated in terms of leadership by members from Texas. We have the chairman of the House Committee on Agriculture from Texas; we have the ranking member of that committee, that is the top ranking Democrat, from Texas. Also the chairman of the Committee on Appropriations Subcommittee for Agriculture is from Texas.

When it turns out that Texas is one of the top States in the Nation that uses this generic certificate, if you will, loophole, then we see great political pressure to continue that loophole provision. I am in hopes there can be a better understanding by the American people, by this Congress, of what the loophole is; and that it is reasonable to set limits on price support payments.

Our public policy should be to help and hopefully strengthen the traditional family farm in this country. That family farms might be 500 or 5,000 acres, but it is not the 80,000-acre farms.

Mr. Speaker, I would conclude by saying I am hopeful we can, in our appropriation bill, come up with some language to have an effective limitation on these exceptionally large payments that go to the exceptionally large farmers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that references to persons in the gallery are prohibited by clause 7 of rule XVII.

MEDICARE PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I wanted to follow up on the comments of my friend, the gentleman from New Jersey (Mr. PALLONE), about the prescription drug industry, the unwillingness of this Congress, which is so captured by corporate prescription drug company special interests and the Republican leadership ties to those large corporate drug company interests, and why this Congress will not move forward on providing a prescription drug benefit inside America for America's seniors and doing something about the outrageous price scheme that prescription drug companies inflict on this country.

We are talking about an industry that has been one of the most profitable industries in America, return on investment, return on sales, return on equity, for almost every one of the last 20 years. We are also talking about an industry, the prescription drug industry, which has the lowest tax rate of any industry in America. We are also talking about an industry where half of the research and development that flows to new prescription drugs is given by taxpayers through the National Institutes of Health and foundations and others. Yet Americans are rewarded by paying more for their prescription drugs than people in any other country in the world.

America's seniors pay two and three times what seniors in Canada and France and Germany and Israel and Japan and nations all over the globe pay. The reason for that, Mr. Speaker, is in large part because of the lobbying force, the lobbying strength, the prowess of the prescription drug industry.

There are more than 600 lobbyists for the prescription drug industry that lobby this Congress, more than 600 people. There are very close ties between the prescription drug industry and the President of the United States. There are very close ties between the prescription drug industry and the Republican leadership in this Congress.

All you had to do was watch last week in the Committee on Energy and

Commerce, watch vote after vote after vote on the prescription drug legislation, where many of us were saying we want a Medicare prescription drug benefit, we wanted to do something about prices, we believe that senior citizens should have as good a benefit as Members of Congress. Every amendment we had to do that, Republicans down the line in every case voted no.

I had an amendment to the legislation that said no senior should get a prescription drug benefit less than any Member of Congress. That was voted down on a party-line vote. Other Democrats had amendments to try to control prices, to try to bring prices down, to try to bring competition into the prescription drug business so we would see prices drop. Those were voted down on party-line votes. But when it came to subsidizing insurance companies for prescription drug benefit, that is what the Republicans supported.

Let me compare the two pieces of legislation, the Democratic plan and the Republican plan; and you can see the influence that the prescription drug industry had over Republican leaders.

The Democratic plan has a $25-a-month premium. The Republican plan has a premium that will be set by the insurance companies, somewhere between $35 and $85 a month. The Democratic plan had a $100 deductible. The Republican plan had a deductible, again set by the insurance industry, but probably upwards of $250.

The Democratic plan had for the first $1,000 of costs, out-of-pocket costs for seniors, they would only pay 20 percent, the first $1,000; 20 percent of the second $1,000; and the government would pick up the cost beyond that. In the Republican plan, the seniors will reach into their pockets and pay thousands of dollars more than under the Democratic plan.

As the gentleman from New Jersey (Mr. PALLONE) said earlier, the Republican plan does nothing to restrain prices so that Americans will continue to pay two and three and four times for their prescriptions what people in every other country in the world pay.

Now, not coincidentally, last week we stopped our markup in the middle of the day one day so the Republican Members could go to a fundraiser underwritten by the prescription drug industry. The Chair of the fundraiser was the CEO of a British prescription drug company GlaxoWellcome. He and his company contributed $250,000 to get Republicans elected to Congress. Other drug companies gave $150,000 and $250,000 to this event.

The next day after this event, which raised millions and millions of dollars for Republicans, millions of which, several hundred thousand, millions of which actually came from drug companies, the next day this committee voted down the line over and over again, with Republicans supporting the drug industry.

It should come as no surprise as you watch this drug debate unfold this week, or maybe when we come back through the month of July, you will see Republicans continue to do the bidding of the prescription drug industry. That is one reason the Democratic plan should pass, which is written for and by seniors over the Republican plan, which is written for and by the drug companies.

TAX CUTS BENEFITING AMERICANS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, just a brief response to my friend from Ohio's partisan comments. It is always interesting that some will criticize campaign contributions, when their own party has solicited and accepted campaign contributions from the same industries or interests. So hypocrisy is nothing new in Washington D.C.

Mr. Speaker, I want to talk this morning about an issue of fairness, fundamental fairness. Let me begin by just drawing attention to what we in Washington and around the country call the Bush tax cut.

Last year, with the leadership of the House Republican majority, we passed through the House and Senate, and the President signed into law, an across-the-board tax cut that cut taxes for every American. Over 100 million Americans saw their taxes lowered. We eliminated the death tax, the marriage tax penalty, and we made it easier to save for retirement and for college education.

Unfortunately, because of a quirk in the rules of the archaic rules of the other body, that tax cut had to be temporary. As we debate various issues before the Congress, it is always interesting that in the Congress historically it has been easy to raise taxes permanently, it has been easy to increase spending permanently, but it is very difficult to cut taxes permanently.

Today I want to talk a little bit about one issue that I have been very involved in, an issue of fairness, and that is, is it right, is it fair that under our Tax Code millions of married working couples where a husband and wife are both in the workforce and because they are married, they pay higher taxes? We call it the marriage tax penalty.

On average, the marriage tax penalty today is about $1,700. Where you have a husband and wife both in the workforce, they pay on average about $1,700 in higher taxes just because they are married. We thought it was wrong that under our Tax Code society's most basic institution, which is marriage, was being punished.

I have a couple here that is from the district that I represent, Jose and Magdalena Castillo, their son Eduardo, daughter Carolina. They live in Joliet, Illinois. They are laborers, construction workers.

In the case of Jose and Magdalena Castillo, prior to the Bush tax cut being signed into law they paid about $1,150 more in higher taxes. The reason that a married couple where you have both the man and the woman in the workforce and your taxes are higher because you are married is because, in the case of Jose and Magdalena, like millions of other married working couples, they file jointly, which means that you combine your income. That pushed them into a higher tax bracket and cost them $1,150 in higher taxes.

In Joliett, Illinois, $1,150 is several months' worth of car payments; it is several months of daycare for Eduardo and Carolina while mom and dad are at work. It is real money for real people.

I was proud that one of the centerpieces of the Bush tax cut this past year, signed into law last June by President Bush a little over a year ago, was our legislation to eliminate and wipe out the marriage tax penalty.

Unfortunately, because this provision was temporary, unless we make permanent the elimination of the marriage tax penalty, that we make permanent the Bush tax cut, 36 million married working couples, like Jose and Magdalena Castillo of Joliet, Illinois, will see their marriage penalty come back, where they are going to end up paying higher taxes just because they are married. The Congressional Budget Office estimates that 36 million married working couples will see a tax increase of almost $42 billion unless Congress makes permanent our effort to eliminate the marriage tax penalty.

I was very proud, just 2 weeks ago this House of Representatives voted overwhelmingly in a bipartisan way to make permanent the elimination of the marriage tax penalty. Every House Republican voted "yes," and even though the Democratic leadership argued against our efforts to eliminate the marriage tax penalty, 60 Democrats broke ranks with their leadership and joined with House Republicans to vote to make permanent our effort to eliminate the marriage tax penalty.

My hope is both the House and Senate will be able to accomplish elimination of the marriage tax penalty permanently and that we will be able to get this legislation to the President this year. It is a priority.

When you think about it, in Washington, D.C., the marriage tax penalty suffered by Jose and Magdalena Castillo of $1,150, that is pennies. That is chump change in Washington, D.C. But to the real people back home, in the south Suburbs of Chicago, in Joliet

Illinois, $1,150 is real money. In the case of Eduardo and Carolina, for their children they could set that money aside for their college education in education savings accounts.

Mr. Speaker, let us eliminate the marriage tax penalty permanently; and let us hope the Senate joins with the House, that we do it in a bipartisan way and get it done this year.

HELPING SENIORS WITH PRESCRIPTION DRUG COSTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Florida (Mr. FOLEY) is recognized during morning hour debates for 5 minutes.

Mr. FOLEY. Mr. Speaker, I commend the gentleman from Illinois on his excellent advocacy to eliminate the marriage tax penalty. It is a perverse thing in the Tax Code that would have us tax marriage, and I am glad we are successfully removing that barrier from families so they can spend more of their disposable income on their children, rather than sending it here to Washington.

I am quite perplexed with the statements made earlier by the gentleman from Ohio relative to Medicare and prescription drug coverage. Regrettably, rather than talking substance, they talk political attack.

I come from Florida, the seventh largest senior population of all 435 districts, my 16th Congressional District based in West Palm Beach, Florida.

Seniors care about Social Security, seniors care about Medicare, and seniors do care about prescription drugs. But rather than having a fair and full debate on these very important programs, the minority of this House chooses instead to demagogue and demean, disparage and create basically smoke screens.

Now, for 40 years they ran this place, and never once did they offer prescription drug coverage. In fact, their party was the one that actually put in a penalty to Social Security recipients by taxing their Social Security income. And yet they talk that they are "senior-friendly" and here to do the "people's work."

They raise issues like fundraising. The gentleman from Ohio suggested we did not deal with the very important bill because the Republicans were at a fundraiser. Well, let me underscore that our committee, the Committee on Ways and Means and the Committee on Energy and Commerce worked and labored mightily to produce a bill that will provide prescription drug coverage. No fundraiser interfered with our pursuit of this important dialogue on behalf of America's seniors.

Now, I have to chuckle because the party that advocated campaign finance reform, the ones that made it the centerpiece of their campaign attacks, the ones that said it was the most important piece of legislation ever to be voted on in this House, were the first ones to advance arguments against the very law that they passed. They were the first ones to send lawyers down to the Federal Election Commission to try and find loopholes in campaign finance reform so that they could continue to raise their gross excess sums of money.

Rather than point fingers and start having a dialogue on campaign finance reform, I would prefer we talk about the things that matter to seniors, and that is a bill that we have on this floor. Seniors in my district are not greedy. Seniors in my district realize for a plan to work it must function fairly and equitably. It must not tax the Medicare system beyond its capacity.

In addition to Medicare prescription drugs, we still have to provide home health care, nursing home care and hospitalization. We also have to provide a myriad of other services under Medicare for our seniors, our most vulnerable.

They talk as if it is a one-size-fits-all, pass prescription drugs and the world goes on and lives happily ever. Their plans costs $900 billion over 10 years. In their own budget documents, they do not even have the money provided for this giveaway program that they suggest is important.

Seniors need help with prescription drugs, and we are providing it. We are not trying to buy votes for the next election; we are trying to provide a plan that provides the poorest seniors, the sickest seniors, and helps every senior with their drug plan. The Committee on Ways and Means spent a lot of time and effort in providing this drug opportunity.

I would suggest that if Members of the other side of the aisle really want to engage in concrete debate, rather than having objections and motions to rise and motions to table and motions to adjourn, we have gone through that charade on many important bills on this floor, they sit there and repeatedly stop the work process on this floor because their nose is out of joint about some little issue, and then they wonder why we do not have things on the floor to vote on. If they quit moving to rise, we may stay long enough to consider the very important debate.

My grandmother came from Poland. She was a maid in a Travel Lodge Motel. She cleaned 28 rooms a day. She died at the age of 88 with $10,000 in the bank, her life savings. She desperately depended on Medicare, and she desperately depended on Social Security; and in her memory I am on this floor, as I am in committee, fighting to preserve those two fundamental programs, as well as adding a very important key piece to that puzzle, which is prescription drugs.

It is shameful the way the other side of the aisle conducts the debate on this issue. Rather than talking intelligently to seniors and talking about relief for prescription drugs, they demagogue and scare seniors, scaring seniors. It would be a crime, if it was not so sad, that they sit there and tell seniors that somehow our party does not care about them. I can assure you we do, we care deeply.

Republicans will deliver a plan that meets the test of time and meets the test of seniors.

PROVIDING MODERN MEDICARE BENEFITS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Wisconsin (Mr. RYAN) is recognized during morning hour debates for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I wanted to follow up on what my colleague, the gentleman from Florida (Mr. FOLEY), was talking about, and that is this week we here in Congress are considering a prescription drug benefit. But we are doing much more than that; we are working on trying to fix Medicare.

Mr. Speaker, it is very important that we realize that when Medicare was created in 1965, it was created at that time to provide comprehensive health care for all seniors over the age of 65. That was the goal of Medicare. It is a good goal.

But the problem we face today is in the year 2002 seniors on Medicare are getting 1965 health care. They are not getting the year 2002 health care, because in 1965, we did not have all these wonderful health care technologies. We did not have all these breakthrough prescription drugs. Then it was a take-two-aspirin-and-call-me-in-the-morning kind of society. So Medicare reimbursed people if they needed a procedure, if they needed an operation; and that is how Medicare works today.

So what you have seen occur over time is as health care technologies have developed, as we have pioneered pharmaceutical developments and come up with all these breakthrough drugs to make our lives healthier and to make our lives longer, you have seen a big source of cost shifting occurring. So if you need surgery, in many cases today you can have a prescription drug that will help you avoid that surgery, except for the fact that Medicare does not pay for that.

So here is what is happening today. Seniors are forced to pay for their own drugs, even though if we were to redesign Medicare today we would obviously have prescription drug coverage as a key component of Medicare. So while Medicare waits until you are sick and then pays for your surgery or your procedure, we could save the government a lot of money and make people much healthier if they had a drug benefit within Medicare to help manage their disease, manage their illness, and prevent chronic illnesses from occurring in the first place. That is what Congress is trying to do today.

Mr. Speaker, now that we all agree, and I think you can safely say, I think, that Democrats and Republicans agree that we need to modernize Medicare, we need to improve it with a prescription drug benefit and make the system comprehensive again, like we tried to do in 1965, and make it comprehensive in such a way that Medicare continues to evolve with the times, so 10 years from now in the year 2012 we are not scratching our heads saying "Gol-darn it, Medicare is only giving people 2002 medicine, and it is 2012 and we need to have the year 2012 medicine." That is a very important point in this debate. We need to set up Medicare so it grows with the times; so it adds new benefits and evolves as health care technology evolves.

Mr. Speaker, where we are in the difference of debate between the two aisles here today, between the two different approaches on the Democrat side of the aisle and the Republican side of the aisle, is this: on the Republican side of the aisle, we recognize that two-thirds of America's seniors already have some kind of drug coverage or another. About a quarter of the seniors in America today already have their drugs paid for by their former employers. It is a part of their retirement benefit. We want to make sure that we are not going to make someone pay for a benefit that they already have.

We also want to make sure that taxpayers, that the government is not going to unnecessarily pay for a benefit that the private sector is already paying for.

That is a different problem with the Democrat plan. Their plan is a universal government monopoly, one-size-fits-all plan. It is a take-it-or-leave-it, one-plan plan, and what the consequence of that will be is it will displace all that private sector-provided health care benefits. All those private sector-provided drug plans will now be displaced and taken up by Medicare and the taxpayers.

The way we look at it is this: if a former employer is paying for the drugs of their retirees, why should the government tell them, do not bother paying for your retiree's retirement benefit because the government and taxpayers are going to pick it up?

What we want to do is this: we want to make sure that everybody on Medicare has access to a comprehensive drug coverage plan, but we do not want to force them into the government plan. We want seniors to have a choice of plans that can fit their need and their benefit. It should be voluntary. If you already have a comprehensive benefit, you do not have to take this plan; and you should be able to get a plan that fits your need.

That is what we accomplish. We have catastrophic coverage for all seniors that kicks in at $3,800. We have co-insurance on the first $2,000 of drugs. The one advantage that the Republican plan has that the Democrats do not is that we achieve deep discounts in prices of all drugs for senior citizens.

Mr. Speaker, I urge passage of our plan. I think it is a superior plan. I think it does more to extend the solvency of Medicare, so we can save this program for the baby boomers. The alternative plan on the other side of the aisle actually brings the insolvency of Medicare up earlier, it is irresponsible, it bankrupts Medicare and forces seniors into a one-size-fits-all government plan and displaces private sector involvement in Medicare.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon.

Accordingly (at 11 o'clock and 7 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUINN) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of heaven and earth, with each new day You call us to arise to full stature as we awake from sleep. While asleep we were all held in common, heaving in and out the breath of life and protected in the shadow of Your hand. But now arisen, we approach with individuality and diversity the challenge of life before us.

While asleep, rich and poor alike are restless over selfish cares in a relative world. Now brought together in the light of day, Your people are summoned to reality and called to work together for the common good of all.

May the House of Representatives be blessed in its work today, seeking diverse responses to commonly defined problems. Let there be no waste of human effort, of allotted resources or precious commodity of time as the people of this country unite in the alleviation of the suffering of many and in the endeavors of equal justice and equal opportunity for all, now and forever we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IMPROVING ACCESS TO PHYSICIANS IN MEDICALLY UNDERSERVED AREAS ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to support H.R. 4858, the Improving Access to Physicians in Medically Underserved Areas Act introduced by my good friend and colleague, the gentleman from Kansas (Mr. MORAN).

As the representative of the Second District of Nevada, I represent an area of over 100,000 square miles, including every rural community in the State, and I know all too well how difficult it is to recruit doctors and nurses to these areas. One program which has assisted our State in recruiting doctors to Nevada is the J–1 visa program.

H.R. 4858 reauthorizes the J–1 visa program and increases the number of visa waivers for international medical graduates that a State may request from 20 to 30. Rural Americans deserve access to quality health care, and the J–1 visa program helps to achieve this goal. In fact, thanks to the J–1 visa program, over 60 doctors have come to Nevada over the past few years to practice medicine in underserved areas.

I encourage all of my colleagues to support the successful program and vote for H.R. 4858.

THE PRESIDENT'S MIDDLE EAST SPEECH

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, I commend the President's speech on the Middle East, and I strongly support his vision. In calling for new Palestinian leadership and democratic reforms, the President has announced the end of the Arafat era.

Never has an end been so richly deserved. Having been handed an opportunity after an opportunity, Yasser Arafat has led the Palestinians to death, murder and destruction. Now, as President Bush made clear, it is time for the Palestinians to choose a new leader, a new type of leader, nonviolent, democratic and noncorrupt, if there is to be hope for peace.

Every American agrees that the nations committed to peace must oppose regimes that support terror, nations such as Iraq and Iran, and that the dictatorship in Syria, whose foreign minister last week defended suicide bombers by saying "they have a right to their opinion," must once and for all close all terrorist camps and expel all terrorist organizations not only from Syria but from Lebanon it illegally occupies.

As for the Palestinians, Mr. Speaker, if they reject the culture of death and embrace the President's prerequisites for peace by electing new leaders, building democracy, ending anti-Israel incitement, committing to nonviolence, and destroying their terrorist infrastructure, I shall fight as hard as I can for the President's program, including humanitarian assistance for the Palestinian people.

ENERGY

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, I rise today to urge those across the aisle to once and for all end their negative rhetoric and support a comprehensive energy plan for America's future. I understand that there are those that would have the United States continue to import almost 60 percent of our oil from many of the very same terrorist-sponsoring regimes our sons and daughters are bravely fighting today. I, however, will not.

Mr. Speaker, I have an 18-year-old son; and I will do everything I can to not allow this Congress to place him and thousands of other young boys and girls in harm's way simply to appease a few extremist groups here in Washington. The President's energy plan balances the needs of our environment while recognizing that America must develop our domestic sources of energy if we are to truly be an independent nation.

I urge my colleagues to support American independence through the passage of H.R. 4.

MEDICARE PRESCRIPTION DRUG BENEFIT

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, Republicans are telling us repeatedly that seniors deserve better prescription drug options like those available to Members of Congress. I wholeheartedly agree, but it is difficult to see how a Republican plan that requires seniors to go outside of Medicare and purchase inferior HMO-like private drug insurance would deliver such coverage.

According to the nonpartisan Congressional Research Service, the Republican plan is 40 percent less valuable than the coverage offered to Members of Congress. During last week's markup, I offered an amendment that would have replaced the standard coverage in the Republican bill with the same coverage under the Federal health benefits program that Members of Congress receive. But the night before our amendment was offered, Republicans adjourned early so they could attend a $30 million fund-raising dinner underwritten by America's drug companies. The CEO of GlaxoWellcome, a British pharmaceutical company, gave $200,000 to the GOP that night and chaired the event.

When the markup resumed the next day, it came as no surprise when Republicans voted the amendment down, meaning this week Congress will be forced to vote on legislation that will give seniors less than Members of Congress have.

SPREADING AWARENESS ABOUT ALZHEIMER'S DISEASE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Alzheimer's disease affects 4 million Americans, and that number is expected to triple within the next 50 years. Nearly half of those over the age of 85 have Alzheimer's. It is a disease that touches almost every American family in some way, and I believe it is time to increase funding for Alzheimer's research to find a cure.

The disease process can begin in the brain as many as 20 years before the symptoms appear; and, once diagnosed, a person's average life-span is 8 years. Due to lost productivity of employees who are caregivers and the health care costs associated with Alzheimer's, the disease costs American families more than $61 billion annually.

South Carolinians are particularly concerned about Alzheimer's because one of our favorite sons, former Congressman and Governor Carroll Campbell, is undergoing treatment for the disease and is being encouraged by his devoted wife Iris with his sons Carroll, Jr., and Mike.

I would like to commend the efforts of the Coastal Carolina, Mid-State and Upstate chapters of the Alzheimer's Association along with the Alzheimer's facility of the Lexington Medical Center. These South Carolinians have worked tirelessly to spread awareness about this disease, and their efforts today to find a cure will hopefully save many Americans in the future.

THE IRONY IN PRESCRIPTION DRUG AND DEBT LIMIT ISSUES

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, Congress is faced with two difficult votes coming up. One is to start a prescription drug program for seniors. The other is to increase the debt limit. I see a certain degree of irony in the fact that, while we are increasing the debt, or, if you will, the mortgage on our kids for them to pay off in the future, at the same time we are voting to expand and implement the largest, most expensive entitlement program that we have had in many, many years. It is a challenge. But everybody needs to realize that it is going to be the young workers, that sometimes are in a more difficult financial situation than the seniors, that are going to have to pay increased taxes for a giant increase in the Medicare program and the cost of increased debt. In other words taxpayers pay for the prescription drugs for seniors.

It is coming to grips with that irony that is the challenge; I think we need to move very carefully in our decisions of what new welfare programs we enact and how we pay back the increased debt.

PARTIAL-BIRTH ABORTION BAN

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, I am proud to join with 83 Members of Congress in cosponsoring H.R. 4965, the Partial-Birth Abortion Ban Act. I commend the gentleman from Ohio (Mr. CHABOT) for sponsoring this legislation. The time has come for us to take a firm and decisive stand against this deplorable procedure.

I have cosponsored two previous Partial-Birth Abortion Acts, in 1997 and again in 2000. The measure passed the House by overwhelming votes.

On June 28, 2000, almost 3 months after the House last voted on the partial-birth abortion ban, the Supreme

Court struck down a Nebraska ban on partial-birth abortions in the Stenberg case. And so once again we are here to stand and to fight against this violent and crude procedure.

The Congress' last attempt to ban partial-birth abortions failed, but we must continue to do everything we can to save innocent lives. So many of us here in the House and the Senate and all across America want to see this legislation passed into law, not to trample on the rights of any individual as some would say. We want this legislation to pass to become law simply to protect the lives of the innocent.

This afternoon I would urge my colleagues to join with me in cosponsoring this important piece of legislation that will save the lives of many, many and let our common goal be to protect the lives of mothers and infants.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes may be taken in two groups, the first occurring after debate has concluded on H.R. 4679, and the second after debate has concluded on the remaining motions to suspend the rules.

IMPROVING ACCESS TO PHYSICIANS IN MEDICALLY UNDERSERVED AREAS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4858) to improve access to physicians in medically underserved areas.

The Clerk read as follows:

H.R. 4858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) INCREASE IN NUMERICAL LIMITATION ON WAIVERS REQUESTED BY STATES.—Section 214(l)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)(B)) is amended by striking "20;" and inserting "30;".

(b) EXTENSION OF DEADLINE.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "2002." and inserting "2004.".

(c) TECHNICAL CORRECTION.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended by striking "214(k):" and inserting "214(l):".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if this Act were enacted on May 31, 2002.

☐ 1215

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4858, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4858 extends authority for a visa-requirement waiver that permits certain foreign medical doctors to practice medicine in underserved areas without first leaving the United States. The bill also increases the number of foreign residence waivers from 20 per State to 30 per State.

Aliens who attend medical school in the United States on "J" visas are required to leave the United States after graduating to reside abroad for 2 years before they may practice medicine in the United States. The intent behind this policy is to encourage American-trained foreign doctors to return home to improve health conditions and advance the medical profession in their native countries.

In 1994, the Congress created a waiver of the 2-year foreign residence requirement for foreign doctors who commit to practicing medicine for no less than 3 years in the geographic area or areas, either rural or urban, which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals. The waiver limited the number of foreign doctors to 20 per State so that underserved areas in all States receive doctors. The original waiver was set to expire on June 1, 1996. The Congress extended the waiver to June 1, 2002.

States with underserved medical areas worry that health facilities in such areas will have to close down if the authority for these medical waivers is not extended. The States have also requested additional waivers so that they have more doctors to help keep their clinics open.

Mr. Speaker, H.R. 4858 increases the numerical limitation on waivers requested by States from 20 per State per year to 30 per State per year. It also extends the deadline for the authorization of the waiver to June 1, 2004. The bill retroactively takes effect May 31, 2002, prior to the waiver's expiration.

I urge my colleagues to support this bill so that urgently needed doctors may continue to practice medicine in areas that are in critical need of medical care.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank the distinguished chairman of the Committee on the Judiciary. I would like to offer my support for this legislation.

I offer my support for this legislation with a qualification, recognizing that this legislation did not come before the Subcommittee on Immigration and Claims and was marked up in full committee. I believe the importance of this legislation was such that deviation from regular order and committee procedures was to be understood. So I rise in support of this legislation, a bill that will help provide underserved areas with needed health care providers.

As my colleagues know, there are many inner city and rural areas in dire need of doctors, and this program will allow a limited number of foreign doctors the opportunity to practice in America. In working on this legislation, I worked with Members and colleagues from both rural and urban areas, and their advocation for this showed the dire need for those who are in underserved areas.

The bill was introduced by the gentleman from Kansas (Mr. MORAN); and many of our colleagues from the rural areas and, as I said, inner city areas, have asked for this legislation to be in place.

Mr. Speaker, H.R. 4858 reauthorizes the Conrad 20 program until May 31, 2004. The reauthorization is retroactively effective to May 31, 2002, as that was the date of the expiration of the program and also noting the ending of the involvement of the USDA. The bill also includes a modest increase in the number of eligible foreign physicians. That number goes from 20 to 30 based upon a survey showing the need.

Might I note that the Texas Primary Care Office, certainly a State of which I come from that recognizes the importance of serving in rural areas and inner city areas, surveyed all 50 States on the use of the J–1 visa. Upon the USDA announcement that they were ending their participation, the PCO again surveyed the States and, as a result, the most recent survey by the PCO, every State but two, indicated that they are or are intending to put in place a Conrad 20 program, which would utilize the J–1 visas.

Under current immigration law, a "J" visa is available to foreign physicians as an exchange visitor if the person meets certain requirements, including the intention to return to his or her home country, participation in an exchange visitor program designated by the U.S. Information Agency, and participation in a program that is intended to train foreign nationals in a field that can be utilized in the person's home country, and sufficient funds and fluency in English. They are limited in the number of visas of a 2-year residency requirement available to foreign physicians.

In particular, a foreign physician may obtain a waiver through a recommendation issued by an interested State or Federal agency interested in facilitating the physician's employment in a designated medically underserved area.

Until recently, the USDA, as I indicated, participated in this program. However, back in late February, citing security concerns, the USDA announced that they were no longer going to act as an interested government agency in processing J–1 visas. Now the role of recommending J–1V visas rests primarily with the State agencies.

I want to ensure, however, that as we work with the INS, that the INS certainly will be involved in providing assistance as it may be needed. This is an important aspect of the question of homeland security, and I would hope this legislation does not in any way suggest to the American people that we attempt to jeopardize security and/or would not be concerned in light of the Federal oversight agency, the USDA, no longer being involved in those programs. Rural communities still need health care, urban centers still need health care; in fact, Americans need health care.

It is interesting to note, Mr. Speaker, the fast pace at which this legislation has come. Again, I would like to thank the proponents of the legislation, and they have my support, but certainly I would be remiss if I did not mention the fact that we are about to address the question dealing with Medicare and the particular provisions to provide senior citizens with efforts to give them a Medicare drug benefit.

I am hoping that as we came together in a bipartisan manner to support this legislation, as I indicated that I support, that we can look seriously at the Democratic proposal. That is a serious proposal that provides a deductible and a $25-a-month premium and provides for an 80 percent coverage for Medicare benefits for our seniors. This is the kind of work we should be doing in the House of Representatives. This is the kind of serious legislation that we should be doing and not attending to special interests and harming the particular senior citizens that we are trying to protect.

So, with that, Mr. Speaker, let me support this legislation and hope that my colleagues in a bipartisan manner will likewise support this legislation so that we can have good health care, protected health care in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas (Mr. MORAN), the author of the bill.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Wisconsin and the gentlewoman from Texas for their remarks earlier today; and I would like to thank them, as well as the gentleman from Pennsylvania (Mr. GEKAS), the subcommittee chairman, that dealt with this issue for their prompt attention to an issue that is terribly important to rural America and urban America as well. It is good to see us come together, Republicans and Democrats, urban and rural, on behalf of health care for our citizens.

Much of our time, in fact, this week much of our time will be spent on the affordability of health care. How do we help our citizens pay for it? How do we make health care more affordable? Many of us who live in regions of the country that are underserved struggle to have access to health care. How do we keep physicians in our communities? How do we keep our hospital doors open? How do we have our other health care providers available for the citizens who happen to live in the urban core of the city or in a rural community of our country?

One of the ways that we can help address the issue of physicians in underserved areas is the J–1 visa program. Clearly, it has been an opportunity for physicians to remain in the United States and serve in those underserved areas during the history of the program beginning in 1994. There are 98 physicians in Kansas who were waived under this program. Of those, 50 are still practicing in our State.

Mr. Speaker, this is often the only opportunity that a community, a clinic, or a hospital in a rural or underserved urban area has to access a physician. I would guess in the 6 years that I have been a Member of Congress, probably not more than 4 weeks goes by that I do not have a call or letter or e-mail from a clinic, a community, or a hospital saying, can you help us locate a physician and can you help us with the paperwork associated with the J–1 visa.

These are ways in which our communities are served. Lacrosse, Kansas, population 1,800 has had a J–1 visa physician in place who is now retiring. He and his wife are the only physicians in the community. They are both here on a J–1 visa. For 2 years they have been telling the community they are retiring. The community has been looking for a physician and, gratefully, they found a J–1 visa physician.

They may have been the last J–1 visa granted in the United States. Back in February of this year, the Department of Agriculture concluded that it would no longer be an interested government agency for processing J–1 visas.

The Rural Health Care Coalition, which I chair with the gentleman from North Carolina (Mr. MCINTYRE) and I tried to quickly respond to this issue. In fact, 56 Members of Congress, including the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Texas (Mr. STENHOLM), who are here today, asked the Bush administration to come together and to solve the problem. Because there are two ways a J–1 visa can be issued, one through the Federal Government and one through the State program. Forty-six States in our country has a State program. Kansas is one that does not, although we are certainly encouraging them under the current circumstances to create a State program.

Today, we reauthorized both programs. The Bush administration and the Department of Agriculture, I am very grateful to them, they responded. They processed the J–1 applications that were in the works; and they decided to have an inter-government agency meeting, a set of meetings, between INS, the State Department, the Department of Agriculture, the Department of Health and Human Services to figure out how do we continue the J–1 visa program.

So this actually is an experience in the 6 years I have been in Congress in which I thought government responded in a way that it should to meet the needs of citizens of our Nation.

So today I am here to support strongly the reauthorization of the J–1 visa program, to continue to encourage the Federal Government to be engaged in the process of helping us sponsor J–1 visa physicians and to particularly reauthorize the program for States and to expand the number of individual physicians that can be admitted under the State program from 20 a year to 30 a year to meet the needs in the absence of a Federal interested government agency of rural communities across our country.

The program is important. It is the way that health care is delivered in rural and urban settings across our country. Access to a physician is so important, and it ought not matter where you live. This program has worked. Security and other concerns with the program are being addressed, and we have general support from the Bush administration and from the INS and from the State Department as we reauthorize this program, both at the Federal level and at the State level.

I appreciate the Rural Health Care Coalition and my colleagues in Congress who care about these issues; and I appreciate the fact that Republicans, Democrats, and urban and rural Members of Congress came together on behalf of citizens and the delivery of health care to those citizens here on the floor this afternoon. I urge my colleagues to support this legislation. I thank again the chairman and the ranking members for their continued consideration of this issue and their promptness in moving it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Kansas for his leadership on this issue, and I thank him for the very important statement of having Americans have access to good health care. That is why I remind my colleagues of the importance of ensuring that we have an effective Medicare prescription drug benefit that clearly is fundable and clearly is supportable by the seniors who need it very much.

Mr. Speaker, I am delighted to yield 5 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in strong support of H.R. 4858, which I have been pleased to work on and cosponsor with the gentleman from Kansas (Mr. MORAN). I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing the bill to the floor today.

Mr. Speaker, H.R. 4858 reauthorizes and expands the State Conrad 20 program. The 2-year reauthorization allows States to continue to act as an interested government agency in order to sponsor foreign-born doctors to practice in medically underserved areas. The number of doctors that can be sponsored per State is expanded from 20 to 30.

Since the mid-1990s, 42 States and the District of Columbia have been using the Conrad 20 program, processing an estimated 595 physicians per year.

□ 1230

However, the demand for doctors continues to grow. Despite a continuing population migration to urban and suburban communities throughout the State, the vast majority of Texas remains rural, posing unique challenges to the delivery and accessibility of high-quality health care. Not only are health care services likely to be unevenly distributed, but many rural residents do not even have access to a local doctor, primary care provider, or hospital.

Regrettably, a doctor would diagnose the health care problems in rural communities as chronic and persistent. The issues are not new, and we have tried a variety of medicines to remedy these problems, but we still have a long way to go before we achieve a healthy rural America.

Consider the following state-wide facts: 77 percent of Texas counties are considered rural, and 88 percent of these are considered medically underserved; 2.9 million people, or 15 percent of the State's 19.6 million residents, reside in nonmetropolitan counties; 25 rural Texas counties have no primary care physician; an additional 29 counties have only one; only 11 percent of licensed primary care physicians practice in rural areas.

For other health professionals, the figures are similar: pharmacists, 11.9 percent; physician assistants, 18 percent.

Access to primary care promotes appropriate entry into the health system and is vital to ensure the long-term viability of rural health care delivery. Without access to local health care professionals, rural residents are frequently forced to leave their communities to receive necessary treatments. Not only is this a burden to rural residents, who are often older or lack reliable transportation, but it drains vital health care dollars from the local community, further straining the financial well-being of rural communities.

It is imperative that we identify and expand those programs that provide physicians, pharmacists, nurses, dentists, and physician assistants incentives to practice in rural areas. The J–1 visa waiver program was expanded in 1995, allowing medical exchange graduates in U.S. residency training to extend their stay for 3 years, provided they practice in an underserved community.

For certain rural, as well as urban, areas in the United States, the J–1 docs have been key providers. Since 1995, Texas alone has received the services of over 350 J–1 physicians. This represents service to a population of over 1 million people. One million people have received health care that they would not otherwise have received, or at least it would have been more difficult to receive, as a result of this program that we reauthorize today.

However, on March 1, 2002, USDA made a unilateral decision to stop acting as a sponsor for international medical graduates in rural health services. Everyone involved in this program, starting with the Department of Public Health of every State, to the health care facilities who are desperately waiting for their recruited physicians to start work in their rural communities, to the doctor who needed the waiver to start work and have legal status, were shocked to learn of the elimination of this vital program.

Through the quick efforts of the Rural Health Care Coalition, we were able to convince USDA at a minimum to process those doctors who already had an application pending. While I am pleased with USDA's decision to take a second look at the program, the affected health care facilities have lost several critical months during which they could have had a physician filling that void in their community.

However, I would like to take this opportunity to encourage USDA, the State Department, and the INS to expedite those pending applications to the best extent possible, as our rural communities are in dire need and deserve every opportunity to access medical care. The J–1 waiver program is considered a lifeline for rural communities all over the United States.

In the 17th district of Texas that I have the privilege of representing, I have three hospitals awaiting approval for a J–1 doctor: Fisher County Hospital in Rotan, North Runnels Hospital in Winters, and the San Angelo State School in San Angelo. These are doctors whose applications were pending at the time of the decision to stop the program.

Coordination among agencies involved to expeditiously process these applicants has reached a critical stage in my district, as I am sure it has in many rural areas across the country. I am hopeful through the efforts of the Rural Health Care Coalition and the White House task force formed to look into reinstating the J–1 program, we can develop a workable plan to meet the ever-growing needs of access to quality health care in rural America.

However, until we have an alternative solution at the Federal level, there is no other sponsorship program that can fill the void for our rural communities other than the Conrad 20 program. I urge my colleagues to support H.R. 4858 in an effort to fill that void.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I would like to express my support of H.R. 4858, introduced by my good friend, the gentleman from Kansas (Mr. MORAN).

I am very pleased to be a cosponsor of this legislation, along with the gentleman from Kansas and the gentleman from Texas (Mr. STENHOLM), who recently spoke. All of us serve sparsely populated rural areas. There are a lot of small towns with great distances between these towns.

It is very, very difficult in these areas to recruit doctors. Usually in these types of communities there is only one doctor, and usually that doctor is the only doctor for many, 30, 40, or 50, miles. So the problem is that the doctor knows when he goes to that community that there is not going to be any rotation, and that doctor is always on call at 2 o'clock in the morning, 6 o'clock in the morning, late at night, whatever.

So, number one, it is difficult to find somebody that will answer that call. Then once you get somebody who will agree, oftentimes it is even more difficult to recruit that doctor's spouse, because in those communities there is no shopping center, there is no symphony, there is no major league sports team in any close proximity. So to get that combination of a doctor and the spouse that will come to that type of community is very difficult.

When a small town loses a doctor, then it loses its hospital and then begins to lose young people, because young people with children usually do not want to be in a community where there is no hospital or no doctor. The community very rapidly begins to unravel.

By April 15 of this year, 36 physicians were placed in rural Nebraska communities under the J-1 program. An example of this would be Oshkosh, Nebraska, which is a county of roughly 1,700 square miles with one doctor serving 2,500 people. We were able to secure an internist from Poland on a J-1 visa waiver. This has been critical to the survival of the hospital and the community.

So this has been a tremendously important program to rural areas as well as to urban areas. We like the flexibility of the program. It has been able to provide some key specialists in certain communities.

Mr. Speaker, we urge support of H.R. 4858. I would like to thank the gentleman from Kansas (Mr. MORAN) for his leadership, and I would like to especially thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for bringing this legislation to the floor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, let me acknowledge two points that I thought the previous speakers made very well, but I think it is very important.

It is very important that the pending applications be processed between the INS, the State Department, and the USDA. I think it is also important to recognize that not having a physician in any community, whether it be urban or rural, is like not having a school. It is a vital part of the components of a community, such as access to health care.

This particular legislation had the concerns, of course, because it represented foreign physicians, that there was a question of homeland security, or a question of security in light of the incidences of September 11.

One of the things that we are trying to do as the President moves his legislation forward is to ensure that, as much as we can, the lifestyles of Americans and the values of Americans continue. We recognize that as these individuals come in to share their talents that this particular visa will give them the authority to work and to give service, but it also gives the ability for this country to be safe. We should balance those responsibilities.

Let me also say, Mr. Speaker, that our previous speakers have mentioned the fact that access to health care is important, and I believe that the quality of health care is important. So that is why I emphasize in my support of this legislation the importance, as well, for this Congress to support a viable Medicare drug benefit through the Medicare process, one that will provide the 80 percent coverage, a premium of $25, and a deductible of $100.

We must realize that when we do this for our seniors and those that need access to health care, we provide preventive medicine. What we do in doing that is to ensure that the usage of Medicare part A and B hospitalization, emergency surgeries, et cetera, are diminished because we have the kind of care that our seniors need with respect to a good Medicare drug benefit for prescription drugs.

Mr. Speaker, the fight still continues for good health care in America. When we pass this legislation, we will help our rural and inner city areas which are underserved, and we will fix some of those problems; but we will not fix them in totality if we do not pass a Medicare drug benefit, prescription drug benefit, tied to the Medicare plan that provides 80 percent coverage and is not one that plays to the special interests, paying money to pharmaceuticals when that is not needed.

We really need to be seriously considering providing good health care.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 4858. The number of doctors practicing in rural America continues to decline. Congress needs to find ways to meet the medical needs of all rural Americans. This important legislation brings us one step closer to improving access to medical care in rural America by expanding a state program to recruit physicians.

The need for this legislation became crucial after the Federal program used to bring doctors to rural areas was brought to a halt in February 2002. The U.S. Department of Agriculture announced it would no longer process J–1 Visa applications for foreign doctors wishing to practice in underserved areas. This left the state operated program as the only option for recruiting much-needed doctors to work in medically underserved areas. However, this program expired on May 31, 2002.

H.R. 4558 reauthorizes the state program for two years and expands the program from 20 to 30 doctors per state, in order to accommodate the increased demands. This year alone, three psychiatrists applying for the J–1 visa program in Illinois left my state to apply in other states because Illinois could not provide any additional J–1 Visa waivers. This legislation would have allowed these psychiatrists to remain in Illinois where their service is greatly needed. Since 1994, the J–1 Visa waiver program has brought 338 physicians to Illinois, many of which currently serve in my district.

I am committed to ensuring that, to the maximum extent possible, physicians are available to provide service to medically underserved areas. J–1 Visa participants can and will help meet these needs once the program is reauthorized. Mr. Speaker, for these reasons I support this legislation and urge my colleagues to do the same.

Mr. TOWNS. Mr. Speaker, I rise today in support of H.R. 4858, introduced by my colleague Congressman MORAN of Kansas. As a co-sponsor of this legislation, let me stress that it is vital to maintaining access to health care for the medically underserved, both in urban and rural areas. This legislation is needed to reauthorize the J–1 Visa waiver program, whose authorization expired on June 1, 2002. The J–1 Visa waiver program has been successful in recruiting physicians in both primary care and specialty areas in both rural and urban medically underserved communities. Without this critical program many rural communities would be without access to basic primary care if not for a physician with a J–1 Visa waiver.

Since its inception in 1994, the J–1 Visa program has been successful as both a Federal and State program, but in late February, the U.S. Department of Agriculture announced that it was no longer going to act as the Federal Interested Government Agency (IGA) in processing J–1 Visa applications for physicians wishing to practice 8 in rural underserved areas. The USDA cited security concerns as the issue. However, USDA's decision caused a major shortage of filling the needs of the medically underserved. Although, the Administration has formed a task force to address the Federal J–1 program in selecting another IGA to sponsor candidates, we still need to reauthorize the state program to limit the disruption in health care services in these communities. Today, I am pleased that we here in Congress have an opportunity to take a proactive stand to ensure that the states' J–1 Visa program is continued. I urge my colleagues to support this bill.

Mr. SIMPSON. Mr. Speaker, I rise to support H.R. 4858, introduced by my good friend Representative JERRY MORAN of Kansas. This legislation will extend for two years the J–1 visa waiver program for states and increase each state's allotment from 20 to 30.

The J–1 visa waiver program allows foreign medical students to remain practicing in the U.S. without having to return to their home countries for two years, as the J–1 visa requires. International Medical Graduates are a thriving part of the physician population in the U.S. It is estimated that close to 24% of practicing physicians are foreign nationals. In addition, in 1999 over 2,000 foreign medical graduates were practicing in health professional shortage areas or medically underserved areas, where waiver recipients are required to work.

I am a strong supporter of the J–1 visa waiver program and disagree with USDA's decision to withdraw as an Interested Government Agency. Since 1994, California has received 229 J–1 visa waiver physicians to practice in underserved areas. Five states—Texas, Louisiana, Michigan, California and Florida account for 45% of USDA J–1 recommendations. USDA's withdrawal has left states with nowhere else to turn but to the state waiver programs, often referred to as Conrad-20 programs.

Since the USDA began its program in 1994, the agency has recommended over 3,000 physicians for J–1 visa waiver status. As USDA will not longer make these recommendations, the states now will have to fill this vital role. Hospitals and clinics needing a foreign doctor that would have turned to USDA, which did not have a waiver recommendation limit, will now relay on the states to fulfill their needs.

However, the states have been limited to only twenty recommendations per year. Without USDA involvement the 20 slots are simply not enough to fill the void for most states. I am in support of increasing the number of slots to 30, as this will help the problem, but I am worried that this number is insufficient for many states. A recent survey by the Texas Primary Care office found that 23 states could recommend more than 20. Although increasing the limit to 30 will help, it will not address all of the states' needs, especially in California. In this same survey, 15 states indicated that they could use over 31 waivers. Seven of those states said they could use more than 51 waivers.

This J–1 visa waiver program is essential to ensuring that our rural health clinics and medical practices can remain in business serving our rural constituencies. These areas cannot attract American doctors despite aggressive recruitment procedures. Foreign doctors fill this significant role. I strongly support continuing this important state program and endorse increasing the number of slots to thirty as a first step to providing much needed medical personnel in underserved areas across the country.

Mr. PALLONE. Mr. Speaker, I rise in support of H.R. 4858, a bill to improve access to physicians in medically underserved areas. In many rural areas of the country, we are experiencing an enormous shortage of qualified doctors. For this reason, the J–1 visa waiver program was established on the State and Federal level.

This program allowed foreign medical graduates to come to the United States on a J–1 visa for up to 3 years to train in accredited residency programs in rural, underserved parts of the country. Mr. Speaker, the impetus behind accepting physicians from other countries and training them in American residency positions is to attract physicians to provide care to the medically underserved who live in rural areas where doctors trained in the United States do not want to practice.

The law states that once the residency program is complete, the doctors are required to return to their country of origin for two years. However, the Federal government and states have the authority to waive the requirements if it is in the United States' interest to keep the physician here. The U.S. Department of Agriculture (USDA) Rural Development Branch was thrilled by the waiver because it provided the opportunity to retain medical trainees who would continue to serve in typically medically underserved communities in rural America. In addition, individual state agencies could act as an Interested Government Agency (IGA) and under the Conrad 20 program, could process up to 20 J–1 doctors on their own.

Unfortunately, the USDA has indicated an intention to stop granting permission under the J–1 visa waiver program. National security concerns have taken hold and new, extensive background checks have put the USDA in the position of not being able to afford to continue this program to keep foreign medical graduates. At the same time, the Conrad 20 program which allowed states to process J–1 visa waivers expired on May 31, 2002.

I support passage of H.R. 4858, because this legislation would reauthorize the Conrad 20 program for 2 years and expand the number of J–1 visa waivers to 30 per state in order to make up for increasing demands brought on by the termination of the Federal government program under the USDA.

I will work to see that this bill is taken up by the other body and signed into law by the President to ensure that medical care is available throughout all rural, underserved communities in the United States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4858.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr.SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LIFETIME CONSEQUENCES FOR SEX OFFENDERS ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4679) to amend title 18, United States Code, to provide a maximum term of supervised release of life for child sex offenders, as amended.

The Clerk read as follows:

H.R. 4679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lifetime Consequences for Sex Offenders Act of 2002".

SEC. 2. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(k) SUPERVISED RELEASE TERMS FOR SEX OFFENDERS.—Notwithstanding subsection (b), the authorized term of supervised release for any offense under chapter 109A, 110, 117, or section 1591 is any term of years or life.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 4679, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4679, the Lifetime Consequences for Sex Offenders Act of 2002, amends the current law, which grants Federal courts the authority to include in any sentence a term of supervised release after imprisonment.

Under this legislation, a court would be authorized to impose a term of supervised release for any term of years or life for a number of serious sex offenses. These offenses include crimes of sexual abuse, sexual exploitation of children, transportation for illegal sexual activity, sex trafficking of children by force, fraud, or coercion. Under current law, a term of supervised release for any of these crimes is limited to a maximum term of between 1 and 5 years.

This legislation will provide judges with greater discretion in dealing with sex offenders. The court imposing the sentence is in the best possible position to determine if an extended period of supervision is necessary, based on that court's knowledge of the facts of the case and the defendant's criminal history.

The court is also in the best position to determine what conditions of release are necessary to ensure the defendant will not reoffend and the public will be safe.

There is no requirement in this bill that a judge impose any term of supervised release if the court feels that it is not necessary. The court may also revoke such supervision at any time after 1 year if the court decides that supervision is no longer warranted.

Lifetime supervised release is not a novel idea. A court may currently impose a life term of supervised release for certain Federal drug and terrorism offenses. It does not make any sense to tie the hands of the court in the case of a sex offender if that court knows that there is a greater possibility that a defendant will victimize another person if they are not subject to the conditions of supervised release.

Study after study has shown extremely high recidivism rates for sex offenders. The lifelong harm that they cause to their victims far outweighs any inconvenience they may suffer as a result of lifetime supervision. This legislation will give the courts the ability to permanently monitor those individuals who have demonstrated a higher risk to society.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 4679. Mr. Speaker, this bill lacks any standard for application of lifetime supervision and would make subject to lifetime supervision those who may be involved only in misdemeanors and in cases involving consensual acts, including consensual touching between teenagers still in high school. There may be cases for which consideration of such treatment is warranted, but certainly not in misdemeanors and consensual sex acts.

During the committee consideration of the bill, I offered amendments aimed at focusing the bill on the types of cases that might warrant consideration of lifetime supervision by eliminating misdemeanors and consensual acts for first-time offenders, but these amendments were rejected and were on a procedure that does not allow amendments on the floor.

□ 1245

Although judges have the discretion to impose lifetime supervision or not, a judge must consider that if Congress authorizes lifetime supervision for first-time misdemeanors or consensual acts between adults or between high school students, with no indication of how it should be applied in these cases, it must be that Congress intends for it to apply in such cases. In this overzealous context of indiscriminately ferreting out sex offenders for harsher treatment, there are likely to be judges who, like the lawmakers promoting such policies, who will prefer to err on the side of harsh treatments to avoid the possible criticism that they were not as tough as they could have been should an offender actually recidivate.

We have plenty of evidence as to how this harsh treatment is applied in our criminal justice system and that it is minorities that will be at the receiving end. That is because this bill will only apply to cases of Federal jurisdiction, and we know that the Federal jurisdiction crimes fall disproportionately on Native Americans who comprise about 75 to 80 percent of all cases involving Federal jurisdiction. And even if the clear racially disparate unfairness is not there, it is also unfair for offenders in the same State to face vastly differing harshness and treatments just because they were either right on the reservation or across the road outside of the reservation.

For many crimes covered by this lifetime supervision provision, the situation will be more about enforcing the conditions of supervision than about preventing additional sex offenses. That is because the supervision will take place when the defendant is out in the community and just checks in occasionally for supervision. Offenders will be in and out of prison not for new sexual offenses but for technical violations of their conditions of supervision. This is not only unfair to what may be a very minor offender but it is actually a waste of the taxpayers' resources.

There were no hearings on the bill and no showing that there is any problem with the length of supervision period now available for the courts and certainly no hearing to see why this should apply disproportionately to Native Americans, as to whether or not there is any special problem in the Native American community. This suggests something to make it look like we are doing something about crime when in reality we are not doing anything but imposing unnecessarily harsh and unfair policies on Native Americans. I, therefore, urge the defeat of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS), the author of the bill.

Mr. GEKAS. Mr. Speaker, I thank the chairman for yielding me time, and I thank everyone concerned.

This legislation was not born of a whim or out of reason of trying to fill a day of litigation where other things could not have been accomplished. This came about as a result of a Federal judge who was shocked by the fact that on certain cases involving sex offenders that the Federal judge was unable to put onto the offenders' sentence a supervised release for more than 5 years, in some cases for no more than 1 year.

So in discussions I had with the Federal judge, he proposed and I accepted the proposition that, because a sex offender in front of a judge is subject to the scrutiny of the entire background of this offender to the extent of previous offenses, ages and names of people who were harmed, the whole aspect of the offender who happens to be in front of judge, coupled with the felony fact that recidivism among sex offenders, particularly those who would harm young children, the pedophiles, that that rate of recidivism is so high that we cannot as a society gamble that after a short period of supervision that this individual will not harm another youngster, and so we are here at the well of the House proposing that we allow these Federal judges in front of whom these sex offenders will appear to a lifetime maximum of supervision.

It night not be that many years. It might be 10 years. It might be five. And the judge at any time during this period can change it, can change it back, all subject to the discretion of the judge pursuant to the circumstances that obtain with regard to this particular sex offender.

The gentleman from Virginia (Mr. SCOTT) opines that this is specially hard on Indian tribes. But the gentleman from Wisconsin (Mr. SENSENBRENNER) outlined that one of the patterns on which this sex offender extended supervision period was based was for the drug offenses and the terroristic offenses that already are on the books in which lifetime supervision is part of the sentencing option. So they were not fashioned at any cost to the Federal jurisdiction over Indian tribes. Drug offenses among Indians or terrorists offenses among Indians are treated equitably as the law provides. So it will be for the sex offenders who have this high rate of recidivism which we wish to curtail.

Mr. Speaker, I have introduced H.R. 4679, the Lifetime Consequences for Sex Offenders Act of 2002 to give our Federal judges the power they need to properly ensure that sex offenders pay for their crimes, and that our legal system remains appropriately accountable for a sex offender when they are released into the public. As you know, Federal judges currently have the power under 18 U.S.C. 3583 to order mandatory periods of post-release supervision for Federal felons. The law provides that Class A and B felons may be ordered into mandatory supervision for a period of up to 5 years. Class C and D felons may be ordered into mandatory supervision for up to 3 years. Furthermore, lesser felons and misdemeanants may receive no more than a maximum sentence of 1 year post-release supervision.

Importantly, Congress has created several important exceptions to the three tiers of supervised release just described. Federal judges may sanction many Title 21 Federal drug offenses by imposing conditions of supervised release lasting up to a lifetime in length. Additionally, as we all remember well, President bush signed into law the USA–PATRIOT Act several months ago. That bill provided Federal judges with the discretion of ordering long-term supervision of periods ranging up to a lifetime for those guilty of many terrorism offenses.

Long-term supervision for Federal drug offenders and those who attempt terroristic acts will help to ensure the future safety of our citizens. It will clearly help to make sure our government can account for those felons who are released from prison as they reintegrate with society. This Congress recognized the severe nature of these crimes and found wanting a system that hamstrung Federal judges from meting out justice by severally limiting their options when it came to post release mandatory supervision.

If Federal judges can impose lifetime supervision for drug offenses, they should be able to provide a similar sanction for sex offenders. I know very well that many Federal judges feel strongly that they are not able to truly protect the citizenry from sex offenders without the ability to escalate supervision requirements beyond the arbitrary 5 year limit. I recently spoke with Judge F.S. Van Antwerpen of the Eastern District of Pennsylvania about his experiences in sentencing felons engaged in Internet child pornography crimes. The destructive and harmful crimes engaged in by some of the felons he sentenced left him with little hope that these child predators would truly reform after release from prison. Without the sanction of long-term, and possibly lifelong supervision, these dangerous predators may relapse back into their obscene habits later in life.

The sexual offenses covered under my bill, H.R. 4679, range from the interstate coercion and enticement of minors into sexual activity, to the transportation of individuals across state lines with the intent of engaging in prostitution or other illegal sexual conduct. Longer periods of supervision are available in many State legal systems. Why should a sex offender who happened to cross State lines to sexually abuse a child, receive a lighter sentence than one who engages in the same acts with a child within a single State? How many of America's parents realize that when a sex offender leaves the prison system, the Federal legal system they rely upon to keep their children safe from predators maintains no supervision of that sex offender after a few short years? How many serious sex offenders have no one to help brake them when they begin to slide into their old destructive ways?

I am very concerned about recidivism rates for sexual offenders. Studies have shown recidivism rates varying from 15% to nearly 75% for sex offenders, depending on the type of sex offense and the length of the study. And these numbers do not tell the whole story: as much as 80% of sex offenses go unreported! Regardless of the numbers, any repeat of these especially heinous crimes simply are not acceptable, especially when the legal system can do more. There is reason for optimism—if we take the right steps. Statistics suggest that people are much more likely to engage in repeat victimization before they are caught. Regardless of their inclinations, sex offenders are likely to restrain themselves if they know they are being watched.

Mandatory supervision in no way implies 24 hour monitoring or surveillance of individuals. Consistent and periodic contact with Federal probation officers, however, makes sense. These Federal officials are able to gauge the on-going efforts of released felons to reintegrate into society. They can spot trouble before it becomes destructive to the individual under supervision, or worse, to innocent third parties. Additionally, Federal judges can add "reasonable" additional stipulations to the terms of release for Federal criminals including mandatory counseling, thereby affording released felons the safety net of counseling services for durations beyond a handful of years.

My fellow colleagues, we all deplore the destructive and revolting nature of sex crimes. Our Federal law enforcement agencies, our prosecutors, and our judges want and need tools like the one I propose today, to help combat these vile crimes. Let us take a positive step today for America's families and our children. I ask that you vote for H.R. 4679, the Lifetime Consequences for Sex Offenders Act of 2002.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just point out that some of the cases, some of the situations that would be covered by this would be crossing State lines from Washington, D.C., to the Commonwealth of Virginia for the purposes of committing fornication. That would be a crime for which, that is, two consenting adults, that would be a crime for which you could be subjected to lifetime supervision and a violation of which could put you in jail for violating the provision of your supervision.

The bill needs to be narrowed to cover the kind of cases we are talking about; and for that reason the bill should be opposed, the motion to suspend the rules should be opposed so that we could have a situation where we could actually amend the bill to cover those acts which we are actually trying to cover.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for yielding me time.

Mr. Speaker, H.R. 4679, The Lifetime Consequences for Sex Offenders Act of 2002, was introduced by the gentleman from Pennsylvania (Mr. GEKAS) and allows Federal judges to include, as part of the sentence of a convicted sex offender, a term of supervised release for any period of time. The court can end the term of supervised release and discharge the defendant at any time after 1 year if the court is satisfied that such action is warranted by the conduct of the defendant and serves the interest of justice.

Studies have shown that sex offenders are four times more likely than other violent criminals to recommit their crimes. Moreover, recidivism rates do not appreciably decline as the offender ages.

According to the United States Department of Justice's Bureau of Justice Statistics, since 1980 the number of prisoners sentenced for violent sexual assault other than rape has increased 15 percent each year, faster than any other category of violent crime.

National data also indicates that sex offenders are apprehended for only a fraction of the crimes they actually commit. In fact, in some estimates only one in five serious sex offenses are reported to authorities and only 3 percent of such crimes result in the apprehension of an offender.

By passing this legislation, we will give judges the discretion necessary to impose a term of supervised release that is appropriate for each defendant. Authorities will be able to monitor those sex offenders who pose the greatest threat to our society for as long as the court feels they are a danger to society.

Mr. Speaker, there is nothing mandatory about this bill. If a judge decides that supervision is not necessary, then there is no requirement to impose any term of supervised release. But it is mandatory that Congress pass this legislation if we are to deter criminals from committing these terrifying crimes.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the definition and the explanation of this bill has been well made by the previous speakers. I would like to focus on I think a singular and important point that the gentleman from Virginia (Mr. SCOTT) has made.

There is no doubt in my continued support on the floor of the House for legislation that deals with penalizing, if you will, those who would prey upon children and those who would act criminally with respect to sex acts as it impacts the victims, both women and children and others.

I have always been one that believes that there is more work to be done in protecting the public from those that would be predators as it relates to sexual offenses and, as well, crimes against children. We have to look no further than our television screen right now and the debate or the information coming out of Utah on the missing young Smart girl as well as the long list of missing children and exploited children to know that this is the work we should be doing. But I believe the distinguished gentleman from Virginia (Mr. SCOTT) has a very valid point, and it should be addressed, and I really wish we had the opportunity to have had this legislation go through the Committee on Rules.

There is no emergency that would not have allowed us, again, to look at this legislation for its best effectiveness. There is no reason to not provide guidelines so that we can be assured that the legislation attacks the problem that we want it to attack, and that is the violent and, if you will, repeat and vicious offenders, sex offenders who would go after and prey upon innocent victims.

It means that there should be a sense of tolerance, however, for those who otherwise could be rehabilitated or that the offenses do not meet the test. We are simply asking that you allow guidelines to be utilized so that you can distinguish between potential for misdemeanors, consensual sexual conduct or if something occurred between two teenagers in the course of their interaction. This is what I believe, Mr. Speaker, the key is on this legislation, to be able to have a guideline to make this better legislation.

I would hope the gentleman would have the opportunity to have this legislation assessed and that our colleagues would look at putting an amendment in that deals with putting in guidelines for this legislation.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would just again state that someone in Washington, D.C., crossing the line to go to the Commonwealth of Virginia to commit fornication, two consenting adults, if caught, could be subjected to lifetime supervision. I do not think that is the kind of case the supporters of the bill were talking about.

We ought to bring this bill up in a forum where one could amend it to take those kind of situations out, and for that reason the motion to suspend the rules ought to be defeated.

Mr. PAUL. Mr. Speaker, the policy behind H.R. 4679, the Lifetime Consequences for Sex Offenders Act, is unobjectionable. Given the high rates of recidivism among sex criminals, it is certainly legitimate to take steps to reduce the likelihood that a paroled sex criminal will commit further crimes. In fact, given the likelihood that a sex offender will attempt to commit another sex crime, it is reasonable to ask why rapists and child molesters are not simply imprisoned for life?

However, Mr. Speaker, questions of the proper punishment for sexual crimes are not issues properly under federal jurisdiction. The Constitution grants the federal government jurisdiction over only three crimes: treason, counterfeiting, and piracy. It is hard to stretch the definition of treason, counterfeiting, or piracy to include sex crimes. Therefore, even though I agree with the policy behind H.R. 4679, I must remind my colleagues that the responsibility for investigating, prosecuting and punishing sex crimes is solely that of state and local governments.

We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that "The trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system." Meese stated that Congress' tendency in recent decades to make federal crimes out of offenses that have historically been state matters has dangerous implications both for the fair administration of justice and for the principle that states are something more than mere administrative districts of a nation governed mainly from Washington.

In conclusion, Mr. Speaker, while I am in fundamental agreement with the policies expressed in H.R. 4679, the Lifetime Consequences for Sex Offenders Act, I must remind my colleagues that this is an area over which Congress has no constitutional responsibility. I hope my colleagues will join me in restoring state and local government's constitutional authority over criminal activities not related to treason, piracy, and counterfeiting.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4679 , as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). Pursuant to clause 8 of rule XX, the Chair will now put the question on the approval of the Journal and then on motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Approving the Journal, de novo;

H.R. 4858, by the yeas and nays;

H.R. 4679, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 40, answered "present" 2, not voting 21, as follows:

[Roll No. 253]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Herger
Hill
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
LaFalce
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sullivan
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—40

Baird
Baldwin
Borski
Brady (PA)
Clay
Condit
Costello
Crane
DeFazio
English
Filner
Gutknecht
Hart
Hastings (FL)
Hefley
Holt
Kennedy (MN)
Kucinich
Larsen (WA)
Lewis (GA)
LoBiondo
McDermott
McNulty
Miller, George
Moore
Oberstar
Olver
Ramstad
Sabo
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—2

Carson (IN)
Tancredo

NOT VOTING—21

Blagojevich
Bonior
Callahan
Conyers
Everett
Fossella
Hayworth
Hilliard
Hinojosa
Jenkins
Kolbe
Larson (CT)
Meek (FL)
Meeks (NY)
Peterson (MN)
Pryce (OH)
Riley
Sanchez
Schaffer
Traficant
Watts (OK)

□ 1324

Mr. WU changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. KOLBE. Mr. Speaker, earlier today, I was unavoidably detained and missed a vote on approving the Journal. Had I voted, I would have voted "yea" on this vote (No. 253).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time for electronic voting on motions to suspend the rules on which the Chair has postponed further proceedings.

IMPROVING ACCESS TO PHYSICIANS IN MEDICALLY UNDERSERVED AREAS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4858.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4858, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 7, not voting 20, as follows:

[Roll No. 254]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Bilirakis
Davis, Jo Ann
Duncan
Goode
Hefley
Stearns
Tancredo

NOT VOTING—20

Blagojevich
Bonior
Callahan
Conyers
Everett
Fossella
Hayworth
Hilliard
Hinojosa
Jenkins
Kennedy (RI)
Larson (CT)
Lewis (CA)
Meeks (NY)
Peterson (MN)
Pryce (OH)
Riley
Sanchez
Traficant
Watts (OK)

□ 1334

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall Nos. 253 and 254 I was unavoidably detained. Had I been present, I would have voted "yea."

HAPPY BIRTHDAY JAY PIERSON

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, we all appreciate the ladies and gentlemen that work for us and the staff on this floor. They are so helpful in so many ways, and I wonder if the Members would like to join me in wishing a very happy 55th birthday to a very special person, Jay Pierson, on this day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM). Without objection, the Chair will continue 5-minute voting.

There was no objection.

LIFETIME CONSEQUENCES FOR SEX OFFENDERS ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4679, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4679, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 3, not voting 22, as follows:

[Roll No. 255]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Nadler
Scott
Watt (NC)

NOT VOTING—22

Blagojevich
Callahan
Clyburn
Everett
Fossella
Hayworth
Hilliard
Hinojosa
Horn
Jenkins
Kennedy (RI)
LaFalce
Lucas (OK)
McCarthy (NY)
Meeks (NY)
Peterson (MN)
Pryce (OH)
Riley
Sanchez
Traficant
Udall (CO)
Watts (OK)

□ 1344

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders.".

A motion to reconsider was laid on the table.

□ 1345

CHILD OBSCENITY AND PORNOGRAPHY PREVENTION ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4623) to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Obscenity and Pornography Prevention Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance," New York v. Ferber, 458 U.S. 747, 757 (1982) (emphasis added), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. "[T]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product." Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to: (A) create depictions of virtual children that are indistinguishable from depictions of real children; (B) create depictions of virtual children using compositions of real children to create an unidentifiable child; or (C) disguise pictures of real children being abused by making the image look computer generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. The technology will soon exist, if it does not already, to make depictions of virtual children look real.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and/or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse

of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges will likely increase after the Ashcroft v. Free Speech Coalition decision.

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic delineation may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact on the government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) In the absence of congressional action, this problem will continue to grow increasingly worse. The mere prospect that the technology exists to create computer or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution, for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable.

(11) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(12) The Supreme Court's 1982 Ferber v. New York decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary to ensure that open and notorious trafficking in such materials does not reappear.

SEC. 3. IMPROVEMENTS TO PROHIBITION ON VIRTUAL CHILD PORNOGRAPHY.

(a) Section 2256(8)(B) of title 18, United States Code, is amended to read as follows:

"(B) such visual depiction is a computer image or computer-generated image that is, or is indistinguishable (as defined in section 1466A) from, that of a minor engaging in sexually explicit conduct; or".

(b) Section 2256(2) of title 18, United States Code, is amended to read as follows:

"(2)(A) Except as provided in subparagraph (B), 'sexually explicit conduct' means actual or simulated—

"(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(ii) bestiality;

"(iii) masturbation;

"(iv) sadistic or masochistic abuse; or

"(v) lascivious exhibition of the genitals or pubic area of any person;

"(B) For purposes of subsection 8(B) of this section, 'sexually explicit conduct' means—

"(i) actual sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

"(ii) actual or lascivious simulated;

"(I) bestiality;

"(II) masturbation; or

"(III) sadistic or masochistic abuse; or

"(iii) actual or simulated lascivious exhibition of the genitals or pubic area of any person;".

(c) Section 2252A(c) of title 18, United States Code, is amended to read as follows:

"(c)(1) Except as provided in paragraph (2), it shall be an affirmative defense to a charge of violating this section that the alleged offense did not involve the use of a minor or an attempt or conspiracy to commit an offense under this section involving such use.

"(2) A violation of, or an attempt or conspiracy to violate, this section which involves child pornography as defined in section 2256(8)(A) or (C) shall be punishable without regard to the affirmative defense set forth in paragraph (1).".

SEC. 4. PROHIBITION ON PANDERING MATERIALS AS CHILD PORNOGRAPHY.

(a) Section 2256(8) of title 18, United States Code, is amended—

(1) in subparagraph (C), by striking "or" at the end and inserting "and"; and

(2) by striking subparagraph (D).

(b) Chapter 110 of title 18, United States Code, is amended—

(1) by inserting after section 2252A the following:

"§2252B. Pandering and solicitation

"(a) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to provide or sell a visual depiction to another, and who in connection therewith knowingly advertises, promotes, presents, or describes the visual depiction with the intent to cause any person to believe that the material is, or contains, a visual depiction of a minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(b) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to receive or purchase from another a visual depiction that he believes to be, or to contain, a visual depiction of a minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(c) It is not a required element of any offense under this section that any person actually provide, sell, receive, purchase, possess, or produce any visual depiction.

"(d) The circumstance referred to in subsection (a) and (b) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.";

(2) in the analysis for the chapter, by inserting after the item relating to section 2252A the following:

"2252B. Pandering and solicitation.".

SEC. 5. PROHIBITION OF OBSCENITY DEPICTING YOUNG CHILDREN.

(a) Chapter 71 of title 18, United States Code, is amended—

(1) by inserting after section 1466 the following:

"§1466A. Obscene visual depictions of young children

"(a) Whoever, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(b) Whoever, in a circumstance described in subsection (d), knowingly possesses a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

"(c) For purposes of this section—

"(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means;

"(2) the term 'pre-pubescent child' means that (A) the child, as depicted, is one whose physical development indicates the child is 12 years of age or younger; or (B) the child, as depicted, does not exhibit significant pubescent physical or sexual maturation. Factors that may be considered in determining significant pubescent physical maturation include body habitus and musculature, height and weight proportion, degree of hair distribution over the body, extremity proportion with respect to the torso, and dentition. Factors that may be considered in determining significant pubescent sexual maturation include breast development, presence of axillary hair, pubic hair distribution, and visible growth of the sexual organs;

"(3) the term 'sexually explicit conduct' has the meaning set forth in section 2256(2); and

"(4) the term 'indistinguishable' used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

"(d) The circumstance referred to in subsections (a) and (b) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

"(e) In a case under subsection (b), it is an affirmative defense that the defendant—

"(1) possessed less than three such images; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

"(A) took reasonable steps to destroy each such image; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.

"§1466B. Obscene visual representations of pre-pubescent sexual abuse

"(a) Whoever, in a circumstance described in subsection (e), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1) depicts a pre-pubescent child engaging in sexually explicit conduct, and

"(2) is obscene, or who attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(b) Whoever, in a circumstance described in subsection (e), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1) depicts a pre-pubescent child engaging in sexually explicit conduct, and

"(2) is obscene,

"or who attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

"(c) It is not a required element of any offense under this section that the pre-pubescent child depicted actually exist.

"(d) For purposes of this section, the terms 'visual depiction' and 'pre-pubescent child' have respectively the meanings given those terms in seciton 1466A, and the term 'sexually explicit conduct' has the meaning given that term in section 2256(2)(B).

"(e) The circumstance referred to in subsection (a) and (b) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

"(f) In a case under subsection (b), it is an affirmative defense that the defendant—

"(1) possessed less than three such images; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

"(A) took reasonable steps to destroy each such image; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such image."; and

(2) in the analysis for the chapter, by inserting after the item relating to section 1466 the following:

"1466A. Obscene visual depictions of young children.
"1466B. Obscene visual representations of pre-pubescent sexual abuse.".

(b)(1) Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 1466A or 1466B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) The Sentencing Commission may promulgate guidelines specifically governing offenses under section 1466A of title 18, United States Code, provided that such guidelines shall not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. 6. PROHIBITION ON USE OF MATERIALS TO FACILITATE OFFENSES AGAINST MINORS.

Chapter 71 of title 18, United States Code, is amended—

(1) by inserting at the end the following:

"§1471. Use of obscene material or child pornography to facilitate offenses against minors

"(a) Whoever, in any circumstance described in subsection (c), knowingly—

"(1) provides or shows to a person below the age of 16 years any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, any obscene matter, or any child pornography; or

"(2) provides or shows any obscene matter or child pornography, or any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or any other material assistance to any person in connection with any conduct, or any attempt, incitement, solicitation, or conspiracy to engage in any conduct, that involves a minor and that violates chapter 109A, 110, or 117, or that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction of the United States,

shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(b) For purposes of this section—

"(1) the term 'child pornography' has the meaning set forth in section 2256(8);

"(2) the terms 'visual depiction', 'pre-pubescent child', and 'indistinguishable' have the meanings respectively set forth for those terms in section 1466A(c); and

"(3) the term 'sexually explicit conduct' has the meaning set forth in section 2256(2).

"(c) The circumstance referred to in subsection (a) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction or obscene matter by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction or obscene matter involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.";

(2) in the analysis for the chapter, by inserting at the end the following:

"1471. Use of obscene material or child pornography to facilitate offenses against minors.".

SEC. 7. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 is amended—

(1) by striking "subsection (d)" each place it appears in subsections (a), (b), and (c) and inserting "subsection (e)";

(2) by redesignating subsections (c) and (d), respectively, as subsections (d) and (e); and

(3) by inserting after subsection (b) a new subsection (c) as follows:

"(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its possessions and Territories, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

"(2) The circumstance referred to in paragraph (1) is that—

"(A) the person intends such visual depiction to be transported to the United States, its possessions, or territories, by any means including by computer or mail;

"(B) the person transports such visual depiction to, or otherwise makes it available within, the United States, its possessions, or territories, by any means including by computer or mail.".

SEC. 8. STRENGTHENING ENHANCED PENALTIES FOR REPEAT OFFENDERS.

Sections 2251(e) (as redesignated by section 7(2)), 2252(b), and 2252A(b) of title 18, United States Code, are each amended by inserting "chapter 71," immediately before each occurrence of "chapter 109A,".

SEC. 9. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

(a) Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1)—

(A) by inserting "2252B," after "2252A,"; and

(B) by inserting "or a violation of section 1466A or 1466B of that title," after "of that title),";

(2) in subsection (c), by inserting "or pursuant to" after "to comply with";

(3) by amending subsection (f)(1)(D) to read as follows:

"(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.";

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

"(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.".

(b) Section 2702 of title 18, United States Code is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by inserting "or" at the end of subparagraph (A)(ii);

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(B) by redesignating paragraph (6) as paragraph (7);

(C) by striking "or" at the end of paragraph (5); and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or"; and

(2) in subsection (c)—

(A) by striking "or" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by adding after paragraph (4) the following new paragraph:

"(5) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or".

SEC. 10. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

SEC. 11. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(a)(1)(C)(i) of title 18, United States Code, is amended by striking "the name, address" and all that follows through "subscriber or customer" and inserting "the information specified in section 2703(c)(2)".

The SPEAKER pro tempore (Mr. LATHAM). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 4623, .currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 16, 2002, the Supreme Court of the United States in the case of Ashcroft v. the Free Speech Coalition held that the current definition of child pornography as enacted by the Child Pornography Protection Act of 1996 is overbroad and, thus, unconstitutional.

In response to that decision, Ernest Allen, the president and CEO of the National Center for Missing and Exploited Children, testified that he believes that the Court's decision will result in the proliferation of child pornography in America unlike anything we have seen in more than 20 years. He concluded that, as a result of the Court's decision, thousands of children will be sexually victimized, most of whom will not report the offense.

Technology will exist, or may exist today, to create depictions of virtual children that are indistinguishable from depictions of real children. Just the mere possibility that such technology exists will make it impossible for law enforcement and prosecutors to enforce the child pornography laws in cases where computers are involved.

A vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks or related media. A computer image seized from a child pornographer is rarely a first-generation product. These pictures are e-mailed over and over again or scanned in from photographs of real children being abused and exploited. The transmission of images over an e-mail system can alter the image and make it impossible for even an expert to know whether or not a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, accurate analysis can be even more difficult because proper forensic delineation may depend upon the quality of the image scanned and the tools used to scan it. As a result, the prosecution of child pornography cases that involve a computer in any form are threatened.

Convicted child pornographers are appealing their cases with claims that the government must prove that the child in the picture is real. This can be an insurmountable burden on the prosecution. In fact, on May 1, the committee received testimony that while there are estimates that hundreds of thousands of child pornography files are in existence and available on the Internet, law enforcement has established the identity of less than 100 children to date.

The government has an obligation to respond to the Supreme Court's decision, as it has an unquestionable compelling interest to protect children from those who would sexually exploit them. The Supreme Court recognized this compelling interest in its 1982 New York v. Ferber decision, holding that child pornography is not protected by the first amendment. The government will not be able to protect real children unless it can effectively prosecute and enforce child pornography laws. In order to do that, a statute must be adopted that narrows the definition of child pornography to withstand constitutional muster.

H.R. 4623, the Child Obscenity and Pornography Prevention Act of 2002, does that. In response to the Court's decision, this bill narrows the definition of child pornography, strengthens the existing affirmative defense, amends the obscenity laws to address virtual and real child pornography that involve visual depictions of pre-pubescent children, creates new offenses against pandering visual depictions as child pornography, and creates new offenses against providing children obscene or pornographic material.

Mr. Speaker, this is carefully crafted legislation that will help to protect our children from the worst predators in our society. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4623 is a hasty attempt to override the United States Supreme Court decision of just 2 months ago, Ashcroft v. Free Speech Coalition. Unfortunately, it tries to do exactly what the Supreme Court said could not be done. H.R. 4623 seeks to ban virtual child pornography. It not only defines child pornography to include virtual child pornography that is indistinguishable from real child pornography, but makes even possession of an image that is indistinguishable a crime. Child pornography may be banned and prosecuted. However, pornography that does not involve a real child is just that, pornography which, if not obscene, has been ruled by the Supreme Court to be not illegal. To constitute child pornography, a real child must be involved. The Supreme

Court has ruled that computer-generated images depicting childlike characters which do not involve real children do not constitute child pornography any more than a movie with a 22-year-old actor who plays and looks like a 15-year-old engaging in sex would be illegal.

The Supreme Court has ruled that pornography, computer-generated or not, which is not produced using real children, and is not otherwise obscene, is protected under the first amendment. H.R. 4623, like the CPPA struck down in Ashcroft v. Free Speech, attempts to ban this protected material and therefore is likely to meet the same fate. The fatal flaw in the CPPA was its criminalization of speech that was neither obscene under Supreme Court guidelines nor child pornography involving the abuse of real children under New York v. Ferber.

H.R. 4623 repeats that mistake. Like the CPPA, this bill would not only criminalize speech that is not obscene but also speech that has redeeming literary, artistic, political or other social value. For example, the bill would punish therapists and academic researchers who used computer-generated images in their research and filmmakers who create explicit anti-child abuse documentaries.

The bill creates a strict liability offense. Under the bill, prohibited images may not be possessed for any reason, however legitimate. Therefore, any scholarly research that may be used to verify or refute the underlying assumptions in the bill is rendered impossible. Proponents of the bill believe the Court left open the question of whether the government can criminalize computer-generated images that are not obscene and do not involve real children. Obscene images can always be prosecuted, but the Court clearly said that the government cannot criminalize images which are not obscene unless the product involved actual children.

In striking down the bill and upholding its decision in Ferber, the Supreme Court stated: "In contrast to the speech in Ferber, speech that itself is the record of sexual abuse, the CPPA prohibits speech that records no crime and creates no victims by its production. Virtual child pornography is not intrinsically related to the sexual abuse of children as were the materials in Ferber. Ferber, then, not only referred to the distinction between actual and virtual child pornography, it relied on it as a reason for supporting its holding. Ferber provides no support for a statute that eliminates the distinction and makes the alternative mode criminal as well."

In interpreting the Osborne case of 1990, the Court said: "Osborne also noted the State's interest in preventing child pornography from being used as an aid in the solicitation of minors. The Court, however, anchored its holding in the concern for the participants,.those whom it called the victims of child pornography. It did not suggest that, absent this concern, other governmental interests would suffice. The case reaffirmed that where the speech is neither obscene nor the product of sexual abuse, it does not fall outside the protection of the first amendment. The distribution of descriptions or other depictions of sexual conduct, not otherwise obscene, which do not involve live performance or photographic or other visual reproduction of live performances, retains first amendment protection."

Proponents also argue that the Court did not consider the harm to real children that will occur when, through technological advances, it may become impossible to tell whether it is real children or virtual children, thereby allowing harm to real children because the government cannot tell the difference for purposes of bringing prosecution. The Court did consider that and said: "The government next argues that its objective of eliminating the market for pornography produced using real children necessitates a prohibition on virtual images as well. Virtual images, the government contends, are indistinguishable from real ones; they are part of the same market and are often exchanged. In this way, it is said, virtual images promote the trafficking in works produced through the exploitation of real children. The hypothesis is somewhat implausible. If virtual images were identical to illegal child pornography, the illegal images would be driven from the market by the indistinguishable substitutes. Few pornographers would risk prosecution by abusing real children if fictional, computerized images would suffice."

Nor was the Court persuaded, Mr. Speaker, by the argument that virtual images will make it very difficult for the government to prosecute cases. As to that concern, the Court stated: "Finally, the government says that the possibility of producing images by using computer imaging makes it very difficult for it to prosecute those who produce pornography by using real children. Experts, we are told, may have difficulty in saying whether the pictures were made by using real children or by using computer imaging. The necessary solution, the argument runs, is to prohibit both kinds of images. The argument, in essence, is that protected speech may be banned as a means to ban unprotected speech. This analysis turns the first amendment upside down. The government may not suppress lawful speech as the means to suppress unlawful speech."

It also talked about the affirmative defense and said: "To avoid this objection, the government would have us read the CPPA not as a measure suppressing speech but as a law shifting the burden to the accused to prove the speech is lawful. In this connection, the government relies on an affirmative defense under the statute, which allows a defendant to avoid conviction for nonpossession offenses by showing that the materials were produced using only adults and were not otherwise distributed in a manner conveying the impression that they depicted real children. The government raises serious constitutional difficulties by seeking to impose on the defendant the burden of proving his speech is not unlawful. An affirmative defense applies only after prosecution has begun, and the speaker must himself prove, on pain of a felony conviction, that his conduct falls within the affirmative defense. In cases under the CPPA, the evidentiary burden is not trivial. Where the defendant is not the producer of the work, he may have no way of establishing the identity, or even the existence, of the actors. If the evidentiary issue is a serious problem for the government, as it asserts, it will be at least as difficult for the innocent possessor."

The Ashcroft decision in essence reiterates the principles of Ferber regarding the boundaries for fighting child pornography, like, number one, nonobscene descriptions or depictions of sexual conduct that do not involve real children are a form of speech which, even if despicable, is protected by the first amendment. The Court said that the government should focus its efforts on education and on punishment for violations of the law by those who actually harm children in the creation of child pornography rather than abridging the rights of free speech of those who would create something from their imagination.

□ 1400

Again, the Court said that the fact that the speech may be used to perpetrate a crime is insufficient reason to ban the speech. "The government may not prohibit speech because it increases the chance an unlawful act will be committed 'at some indefinite future time.'" Further, the Government said, "The Government may not suppress lawful speech as the means to suppress unlawful speech."

So, therefore, Mr. Speaker, this bill just reiterates the mistakes in the original legislation. It is unlikely that the bill will ever be upheld and, therefore, ought to be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the subcommittee chairman.

Mr. SMITH of Texas. Mr. Speaker, first of all, I thank the chairman of the Committee on the Judiciary for yielding me this time.

Mr. Speaker, H.R. 4623, the Child Obscenity and Pornography Prevention

Act of 2002, is a bipartisan piece of legislation that was passed by the Committee on the Judiciary 22 to 3. Because I see him on the floor, I would especially like to thank the gentleman from California (Mr. SCHIFF) for his contributions to this bill as well.

Mr. Speaker, H.R. 2623 responds to the Ashcroft v. Free Speech Coalition Supreme Court decision. This decision will have a devastating effect on the prosecution of child pornographers who are so often child molesters as well.

Just this month, a doctor in San Antonio appealed his conviction for possessing child pornography. The appeal came after the Free Speech Coalition decision and challenged the conviction because the government was not required to prove that the children depicted in his pornographic images obtained on-line were real. The San Antonio Express-News reported that these appeals are occurring nationwide.

Mr. Speaker, this legislation addresses the concerns of the Supreme Court. Specifically, this bill narrows the definition of child pornography and amends the obscenity laws to address virtual and real child pornography that involves visual depictions of pre-pubescent children. It also creates new offenses against providing children obscene or pornographic material.

The Court was concerned in Free Speech Coalition that the breadth of the language would prohibit legitimate movies like "Traffic" or plays like "Romeo and Juliet." Limiting the definition to computer images or computer-generated images will help exclude ordinary motion pictures from the coverage of "virtual child pornography."

Next, the bill narrows the definition by replacing the phrase "appears to be" with the phrase "is indistinguishable from" and clarifies that this definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

At the request of the National Center for Missing and Exploited Children, this bill allows the Federally-funded Internet Crimes Against Children Task Forces to receive reports from the Cyber Tipline. These task forces are State and local police agencies that have been identified by the National Center as competent to investigate and prosecute computer-facilitated crimes against children.

Mr. Speaker, finally, in response to a new website that displays pictures of children being raped and sodomized by adults, where the pictures are clearly virtual, but obscene, this bill includes a provision that would enhance the penalties for such obscenity.

Mr. Speaker, children are the most innocent and vulnerable among us. We should do everything we possibly can to protect them, and that is why I hope my colleagues will support this piece of legislation.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the ranking member for yielding me this time.

These are dangerous times when it comes to child pornography. The Internet has allowed distribution in ways never imagined before, making it much more prevalent throughout our society, at the very time we have a Supreme Court ruling knocking out the prohibition on computer-generated child pornography. We need to respond, and we need to respond immediately. That is why I commend the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee, and others who have worked on this legislation, including the gentleman from Florida (Mr. FOLEY) and the gentleman from Texas (Mr. LAMPSON). This has been a truly bipartisan effort to forge immediately a response that will withstand constitutional review and put back into the code strong protections for our children against child pornography.

In the end, make no bones about it. This is about protecting our children. Meetings I have held with prosecutors, with child protection advocates, have made it very clear to me that the use of child pornography is damaging to children, sets them up as targets for ultimate exploitation, and whets the appetite of the exploiters, making them more likely to commit acts against our children.

The Attorney General and the Justice Department were very involved in assembling a panel of constitutional experts reviewing the court ruling and fashioning a legislative response that will withstand court review. This is not about some immediate, knee-jerk response to a Supreme Court ruling that causes us concern. This is a carefully calibrated effort to put back into the code constitutional standards and prohibitions now needed to be restored against virtual child pornography. There are new constitutionally compliant definitions about the virtual imagery that we are condemning, a tighter and stronger affirmative defense for those prosecuted under this, required, as my prosecutors tell me, to allow them to be able to continue to prosecute these matters.

I had a prosecutor in North Dakota tell me he took two cases right off his desk and put them right back into the file, being unable to prosecute them under the court ruling. This will put him back into business in bringing these needed actions.

It stops commercial trade in child pornography: the trading, the selling, the buying. This is not constitutionally protected free speech, and the prohibition is restored with this legislation. It clarifies the definition of obscenity by defining, whether real or virtual, explicit sex involving young children as per se obscene. Clearly, I believe we are on very strong ground that will withstand constitutional muster and make an important contribution to prosecutors trying to bring actions against this kind of material.

There is a severability clause in this legislation, thus raising the very sincere arguments that they have about whether or not this is constitutional. Clearly, the several clauses of this bill are not all constitutional. I absolutely believe they are all constitutional, but, in any event, we should pass the law, have the Justices review it, and I believe ultimately strengthen significantly the protections of our children against child pornography.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I would like to associate myself with the comments of the gentleman from Wisconsin (Mr. SENSENBRENNER) and those of the gentleman from Texas (Mr. SMITH). I believe that in light of the Supreme Court decision of Free Speech Coalition against Ashcroft, Congress must act again and immediately to give law enforcement the ability to fight the scourge of child pornography, whether real or virtual.

The Supreme Court struck down provisions of the law passed by this Congress in 1996 because some were poorly defined and too broadly targeted. We have heard some criticism today that this bill is still in conflict with the recent decision by the Supreme Court. I think that criticism is unfounded, and I want to speak for a moment about some of the specific changes we have made to focus and narrow and improve the bill.

In response to the Free Speech Coalition decision, section 3(a) of this bill narrows the definition of child pornography so that it is a computer image or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct. This provision narrows the definition in several ways. First, it limits the definition to computer images or computer-generated images; second, it limits the definition by requiring the virtual images be indistinguishable from real images; and, third, it uses the newly defined definition for "sexually explicit conduct."

The bill also strengthens the affirmative defense for those charged under the law to address another criticism of the Supreme Court. Finally, the bill also narrows the definition for the offense of pandering material as child pornography.

It is clear from these provisions and others in the bill that the drafting was done very carefully to address the issues raised by the Supreme Court decision and improved the law as the court suggested. I urge my colleagues to support the bill and once again make it clear that some material is so universally offensive that it does not deserve unlimited protect of the first amendment.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the bill, and I want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, and the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee, for their work on this issue.

In the Ashcroft decision, the Supreme Court struck down the existing child pornography laws on the basis that they, in addition to prohibiting child pornography that was made by using, by molesting real children, that it also prohibited the use of adults who looked youthful looking, looked like children, and also prohibited virtual pornography, virtual child pornography produced using computers and computer graphics. But effectively, by striking down this law and by stating that only real child pornography could be prosecuted, the court struck the heart out of efforts to prosecute the real thing.

Computer technology has advanced to the point now where it is simply not possible for the government to meet a burden of demonstrating whether images were created using computer technology or the images are real. So the committee and the subcommittee worked together to try to address the concerns that the court raised and, at the same time, restore the ability of prosecutors to bring these cases against those who would victimize and molest children to produce child pornography.

In the Ashcroft decision, it recognized this dilemma, this problem, the need to go after these cases and yet the need to draft the law narrowly, and the court specifically said, we leave open, we leave open the question of whether there could be an affirmative defense; in other words, whether the burden could be shifted on this particular element to the defense to demonstrate that they only used adult actors who looked like children or they only used computer technology. That question was left open.

That is a difficult constitutional question, but if we are to restore the prosecution's ability to prosecute child pornography using real children, we must embrace this affirmative defense as the method to do so. And the law is very narrowly crafted. It prohibits the use, the sales, the pandering of child pornography that is virtually indistinguishable from real, that is generated by computers, but virtually indistinguishable from real, and then it allows the defense to affirmatively defend by saying, no, this was solely developed using computers, or, no, this was developed only by using youthful-looking adults, facts which are much more likely to be in the sole possession of the defense than in the possession of the prosecution.

So what we have is a bill that restores the prosecution's ability to bring these cases, that frames it as narrowly as possible to survive constitutional scrutiny, that indeed makes use of the vehicle the Supreme Court itself identified, that of an affirmative defense.

Will this statute survive against scrutiny by the Supreme Court? I believe it will. It will be a tough decision, but the fact of the matter is, in the absence of this legislative action, we will simply be incapable of prosecuting child pornography. I urge Members to support the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, many of us serve on the Committee on the Judiciary because we have a legal degree from a good law school, we have a great legal education, but let me tell my colleagues, a legal education sometimes is a terrible thing to inflict on society. I think that the Supreme Court must have had too much legal education when they made the decision they made, because we know when our children go on line, when they get on their computers and they see child pornography, we know they can be exploited, we know they can be molested, and we know as parents that it does not make a bit of difference whether it is computer-generated, actual or real.

The Supreme Court said this despicable junk can go on; it is not illegal if it is computer-generated. If a prosecutor cannot play the impossible game of picking out an actual, identifiable child, then the molester goes off, he is free to molest, free to continue to abuse our children.

If there is anything as a society we ought to do, it is protect our young people. If there is anything we ought to do, it is stop playing legal games with our fine legal educations and start doing what ought to be done, and that is protecting our children from these sexual predators no matter whether they use computer-driven images or actual images. It is time to stop it. It is time to stop drawing legal distinctions.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

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Mr. NADLER. Mr. Speaker, this debate is an exercise in surrealism. The Supreme Court recently handed down a decision directly on point. What the sponsors of this bill are trying to do is to overturn a Supreme Court decision that they do not like by statute. We know we cannot do that. Congress cannot overturn a Supreme Court decision.

Now, it is elementary that the first amendment says that one can say, write, draw, or photograph and distribute whatever one wants. The Supreme Court has made one exception to that, or a number of exceptions. One exception is obscenity. If it is obscene, one cannot ban it.

There is another exception: where, to protect children from exploitation, we can stop the distribution of child pornography, defined as pornography that shows children. Why? To protect the children who are exploited in making it.

Now, if the material is itself obscene, we can ban it anyway; but if it is not in itself obscene, it has to be real children, because those are the people we are protecting. The Court clearly said the government cannot criminalize images which are not obscene unless the product involved actual children, because if it does not, the images do not fall outside the protection of the first amendment.

Now we are told by the gentleman from Alabama (Mr. BACHUS) and by the government that the possibility of producing images by using computer imaging, and I am quoting directly from the Supreme Court decision, "makes it very difficult to prosecute those who produce pornography by using real children. Experts, we are told, may have difficulty in saying whether the pictures were made by using real children or by using computer imaging.

"The necessary solution, the argument runs," and the Court may just as well have been quoting the gentleman from Alabama, "is to prohibit both kinds of images. In order to enable prosecution of the real thing, you should be able to prosecute the virtual images." The Court continues, the Supreme Court of the United States, "The argument, in essence, is that protected speech may be banned as a means to ban unprotected speech. This analysis turns the first amendment upside down. The government may not suppress lawful speech as a means to suppress unlawful speech."

So it is very clear. This bill is clearly unconstitutional. It is an exercise in pure politics. It is simply going to get the Supreme Court to rule again, when it has already told us on exactly the same point. The attempt by the bill to slightly narrow the definition does not matter. Either it is obscene or it is not. If it is not obscene, it is protected, unless real children were used in the production of it; and if they were not, it is still protected speech, period.

That is the Court's analysis. If we want to change that, we cannot do it by a law passed here, so we are wasting our time and misleading the public, who think that we are doing something, because we cannot overturn a Supreme Court decision, one I happen to think is correct, but that is beside the point. We cannot overturn a Supreme Court interpretation of the Constitution of the United States by a bill in Congress.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the public demands that we do something about child pornography, and the type that now has beset us across the Internet world is even worse than some of the expected child pornography that we have contemplated over the years.

What we are doing here is not trying to overturn the constitutional questions that the Supreme Court used in its rejection of the last case, but rather, to conform to the standards that the Supreme Court has set forth in its very rejection of the first statute.

So it uses words like "indistinguishable" and "broad" or "less broad" than the language that was contained in the first bill that was knocked down by the Supreme Court.

It comes down to this: we want to protect everyone from sex pornography of all sorts, but particularly that involving infants and youngsters. So we have to do everything we can, and the authors of this legislation did everything that they could to make it conform to constitutional standards.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the chairman for his hard work on this issue, as well the gentleman from Texas (Mr. SMITH).

I have heard terms described today that this has been rushed to the floor of the House. Maybe those who claim it has been rushed have not had a chance to see the virtual pornography that has been created since the Supreme Court's ruling, endangering our children, virtually created; horrible portrayals of our young and most fragile citizens on the Internet.

Today's passage of this legislation is a pedophile's worst nightmare. Congress is one step closer to helping the High Court side with children over pedophiles.

Mr. Speaker, I ask Members to make no mistake about it. We are not talking about Scooby Doo or Lilo & Stitch, American Beauty, or any of the other characterizations that have been lobbed against the passage of this legislation. The images of exploited children are indeed virtually indistinguishable from the real thing. Our legislation unshackles prosecutors so they can start protecting the children once again.

In the past, prosecution was swift and severe, for good reason, when sexual images of exploited minors were found in someone's possession. Now, after the Supreme Court ruling, unless the prosecutors can find the child in the photo, even if the photo is 10 or 20 years old, the pedophiles walk free. Prosecutors never needed to match the photos with the child, since that is nearly impossible with the laundering system that has been developed from State to State and country to country.

I urge the High Court to reconsider the consequences of its actions the next time they rule on legislation dealing with the protection of our children.

Lastly, we need to get this ban through the Senate and onto the President's desk immediately. With every passing day, another pedophile escapes prosecution because of this flawed ruling of the Supreme Court. Let us stop wasting time and start focusing on protecting our children.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman from Texas (Mr. SMITH) and the gentleman from Florida (Mr. FOLEY) for bringing this legislation forward.

Many times, defenders of the first amendment claim that what we hear and see has no bearing on our behavior; hence, pornography is harmless. If this is true, why is it that advertisers spend billions of dollars annually? Obviously, there is a strong connection between what we see and what we hear and what we do.

A recent study indicates that 80 percent of molesters of boys regularly use hard-core pornography, and 90 percent of molesters of girls use hard-core pornography.

The important thing to realize here is that these people, these perpetrators, are incited by an image. It does not make any difference whether that image is real or virtual. They are incited by that image, and real children are hurt. That is the whole issue, that real children are being hurt by this practice.

Pornography is a $15 billion business or industry in our Nation. There were 1 million porn sites on the Internet. This has become a real threat to our young people, and it has become a national disgrace. The courts have consistently allowed more and more obscene material under first amendment protection.

The Supreme Court recently overturned a law similar to H.R. 4623. The courts have overturned three other laws in the past 6 years intended to control the spread of pornography. This has inflicted great damage on our young people and on our culture.

Hopefully, H.R. 4623 is written tightly enough that it will withstand a court challenge. I believe it is. The stakes are too high not to try. I urge adoption of H.R. 4623.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the distinguished chairman for yielding time to me, and I appreciate his willingness to stand in the gap for something that is right, and also the authors of the bill.

Mr. Speaker, I come as a father. I have a 15-year-old son and a 13-year-old daughter. Like most teenagers in America today, they spend more time on the Internet than I would personally care for. However, that is the reality that we live in.

I think we have an obligation as legislators to try to keep up with the incredible growth of technology through the Internet and the Internet communication, because if we just buried our heads in the sand and took the position of one of the speakers a moment ago and said that the Congress cannot do anything, basically, about a Supreme Court ruling, I think that is nonsense. We have an obligation to come with new legislation so we can find the right cure that is acceptable before the Supreme Court, and that is what I think this is.

We should persevere, here. This is a world that changes day by day. We are in the Information Age, the third great wave of change in our country. In the Information Age, we are going to see more and more virtual everything, where if one has a headset on, one might not know where they are at times. As a result, we have an obligation to protect our children.

One of my greatest fears as a parent is a pedophile preying on my children. There are child lures through the Internet now that are so dangerous and so manipulative that we have to have protections for our children who are in this cyberworld and they are unprotected. That is a reality.

We have an obligation as Federal legislators to work within our constitutional law to find a remedy. That is what this bill represents. Frankly, if the Supreme Court rejects this, we need to come back with another bill and continue to persevere until we find something that is acceptable before the Court so our children are protected. This is fundamental to our job and our responsibility as Federal legislators.

I commend the authors and the committee for taking it up; and if we have to come back to the well again and again and again, we should.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just wanted to make two different points. First, the question has been raised about how difficult it is for the government to actually prosecute the cases.

The Supreme Court dealt with that when they said, in throwing out the previous language: "The government raises serious constitutional difficulties by seeking to impose on the defendant the burden of proving that his speech is not unlawful. That affirmative defense applies only after the prosecution has begun, and the speaker must himself prove on the pain of felony conviction that his conduct falls within the affirmative defense."

It goes on to say: "Where the defendant is not the producer of the work, he may have no way of establishing the identity or even the existence of actors. If the evidentiary issue is a serious problem for the government, as it asserts, it will be at least as difficult for the innocent possessor." It dealt with the issue of prosecution and said that is not something that can be used.

Also, let me cite another part of the case. It says: "The government says that indirect harms are sufficient because, as Ferber acknowledged, child pornography rarely can be valuable speech . . . This argument, however, suffers from two flaws. First, Ferber's judgment about child pornography was based on how it was made, not on what it communicated. The case reaffirmed that where speech is neither obscene nor the product of sexual abuse, it does not fall outside the protection of the first amendment."

And second: "Ferber did not hold that child pornography is by definition without value. On the contrary, the Court recognized that some works in the category might have significant value, but relied on virtual images, the very images prohibited by the CPPA, as an alternative and permissible means of expression."

Finally, Mr. Speaker, let me just say that the word "indistinguishable" has been used. The only thing indistinguishable in this debate is that this bill is indistinguishable from the law the Supreme Court threw out just 2 months ago, and this bill should therefore be defeated.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is necessary for two reasons: first, the technology has gotten so good that it is very hard to determine whether the picture that is being transmitted and retransmitted on the Internet is a real child or a computer-created child. That means that if the government cannot prove that a real child was used, then the person who is the defendant will be able to walk out of the courtroom scot-free.

Secondly, as has been stated previously, every conviction of child pornographers as a result of the Ashcroft v. Free Speech Coalition decision is placed in jeopardy because at the time the prosecution took place, it was not a requirement that the government prove beyond a reasonable doubt that it was a real child that was being used for this purpose.

So the Ashcroft decision virtually guts our child pornography laws. That is why the Supreme Court has to be given an opportunity to reflect on the consequences of its decision. What this bill does is it attempts to respond to Ashcroft v. Free Speech Coalition in a way that we can have constitutional and effective anti-child pornography laws in this age of computers, the Internet, and e-mails.

Mr. Speaker, I urge every Member who is concerned about having that type of a law to vote "aye" on the motion to suspend the rules.

Mr. GOODLATTE. Mr. Speaker, new technologies offer a wide variety of resources for research and communication; however, we must face the reality that technology can also be used or harm. For example, computers may be used to generate pornographic depictions of children. In addition, the Internet offers predators unparalleled access to our children and can provide an avenue for abuse and exploitation. The Internet has become a attractive arena for child sex abusers, child pornographers and pedophiles because it is easy for them to share images and information about children and to make contact with children.

As advances in technology began to threaten the protection of children by interfering with the effective prosecution of the child pornography laws that cover the visual depictions of real children, Congress in 1996 attempted to address this concern with the "Child Pornography Prevention Act." The 1996 language included a prohibition of any virtual depictions as well as pictures of youthful-looking adults. However, in a disturbing decision on April 16, 2002, the Supreme Court ruled in Ashcroft v. the Free Speech Coalition that this language was overbroad and unconstitutional, paving the way for child molesters to hide their abuse behind technology; for example, with altered photographs of their victims.

Computer technology exists today to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear compute generated. Furthermore, future technology will have the capability to make depictions of virtual children look real and completely indistinguishable.

Congress has a compelling interest to protect children from sexual exploitation. Sexually explicit computer images that are virtually indistinguishable from images of real minors engaged in sexually explicit conduct poses a serious danger to future prosecutions involving child pornography. The April 16 Supreme Court decision gives protection to child molesters who may claim that the images they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. To prove a child is real will require identifying the actual child. This is usually impossible since many of the victimized children are from third world countries. The impossible task of identifying the child will allow child molesters and pornographers to escape prosecution for their crimes against children.

Child pornography, virtual or otherwise, is detrimental to our nation's children. Regardless of the method of its production, child pornography is used to promote and incite deviant and dangerous behavior in our society.

I urge each of my colleagues to join me in support H.R. 4623, which will address the April 16 Supreme Court decision in Ashcroft v. the Free Speech Coalition to ensure the continued protection of children from sexual exploitation.

Mr. PAUL. Mr. Speaker, as a parent, grandparent and OB–GYN who has had the privilege of delivering over 4,000 babies, I share the revulsion of all decent people at child pornography. Those who would destroy the innocence of children by using them in sexually-explicit material deserve the harshest punishment. However, the Child Obscenity and Pornography Prevention Act (H.R. 4623) exceeds Congress' constitutional power and does nothing to protect any child from being abused and exploited by pornographers. Instead, H.R. 4623 redirects law enforcement resources to investigations and prosecutions of "virtual" pornography which, by definition, do not involve the abuse or exploitation of children. Therefore, H.R. 4623 may reduce law enforcement's ability to investigate and prosecute legitimate cases of child pornography.

H.R. 4623 furthers one of the most disturbing trends in modern politics, the federalization of crimes. We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that "The trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system." Meese stated that Congress' tendency in recent decades to make federal crimes out of offenses that have historically been state matters has dangerous implications both for the fair administration of justice and for the principle that states are something more than mere administrative districts of a nation governed mainly from Washington.

Legislation outlawing virtual pornography is, to say the least, of dubious constitutionality. The constitution grants the federal government jurisdiction over only three crimes: treason, counterfeiting, and piracy. It is hard to stretch the definition of treason, counterfeiting, or piracy to cover sending obscene or pornographic materials over the internet. Therefore, Congress should leave the issue of whether or not to regulate or outlaw virtual pornography to states and local governments.

In conclusion, Mr. Speaker, while I share my colleagues' revulsion at child pornography, I do not believe that this justifies expanding the federal police state to outlaw distribution of pornographic images not containing actual children. I am further concerned by the possibility that passage of H.R. 4623 will divert law enforcement resources away from the prosecution of actual child pornography. H.R. 4623 also represents another step toward the nationalization of all police functions, a dangerous trend that will undermine both effective law enforcement an constitutional government. It is for these reasons that I must oppose this well-intentioned but fundamentally flawed bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

□ 1430

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4623, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SEX TOURISM PROHIBITION IMPROVEMENT ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4477) to amend title 18, United States Code, with respect to crimes involving the transportation of persons and sex tourism, as amended.

The Clerk read as follows:

H.R. 4477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sex Tourism Prohibition Improvement Act of 2002".

SEC. 2. SECTION 2423 AMENDMENTS.

(a) In General.—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Travel With Intent To Engage in Illicit Sexual Conduct.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 15 years, or both.

"(c) Engaging in Illicit Sexual Conduct in Foreign Places.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 15 years, or both.

"(d) Ancillary Offenses.—Whoever arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 15 years, or both.

"(e) Attempt and Conspiracy.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

"(f) Definition.—As used in this section, the term 'illicit sexual conduct' means (1) a sexual act (as defined in section 2246) with a person that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person who the individual engaging in the commercial sex act, knows or should have known has not attained the age of 18 years.".

(b) Conforming Amendment.—Section 2423(a) of title 18, United States Code, is amended by striking "or attempts to do so,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4477 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4477, the Sex Tourism Prohibition Improvement Act of 2002, addresses a number of problems related to persons who travel to foreign countries and engage in illicit sexual relations with minors. According to the National Center for Missing and Exploited Children, child-sex tourism contributes to the sexual exploitation of children and is increasing. There are more than 100 websites devoted to promoting teenage commercial sex in Asia alone. Because poorer countries are often under economic pressure to develop tourism, those governments often turn a blind eye towards this devastating problem. As a result, children around the world have been trapped and exploited by the sex tourism industry.

While much of the initial attention on child-sex tourism focused on Thailand and other countries of Southeast Asia, it has become disturbingly clear in recent years that there is no hemisphere, continent, or region unaffected by the child-sex trade. While it is difficult to precisely measure the exact number of children affected by sex tourism, experts agree that the number is well into the millions worldwide.

Some of the foreign countries experiencing the most significant problems with sex tourism, such as Nicaragua, Costa Rica, Thailand, and the Philippines, have requested that the United States act to deal with this growing problem. For reasons ranging from ineffective law enforcement, lack of resources, corruption or generally immature legal systems, U.S. sex tourists often escape prosecution in those countries. It is in those instances that the United States has an interest in pursuing criminal charges in the United States.

Current law requires the Government to prove that the defendant traveled to a foreign country with the intent to engage in sex with a minor. H.R. 4477 eliminates the intent requirement where the defendant completes the travel and actually engages in the illicit sexual activity with a minor.

The bill also criminalizes the actions of sex tour operators by prohibiting persons from arranging, inducing, procuring or facilitating the travel of a person knowing that such a person is traveling in interstate or foreign commerce for the purpose of engaging in illicit sexual conduct with a minor.

The legislation will also close significant loopholes in the law that persons who travel to foreign countries seeking sex with children are currently using to their advantage in order to avoid prosecution. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to the bill. The bill is way overbroad in its application, so much so that it would make it a felony, up to 15 years in prison, for the older of two teen-age high school students to attempt or even talk about and agree to travel across State lines or foreign boundaries to engage in consensual sexual activity, including what is referred to as heavy petting, since the provision covers even touching through the definition of sexual act.

It is already a serious felony with up to 15 years in prison for such teenagers, one 19 and one 15, to actually engage in these consensual activities in their community, and now we make it another serious felony for them to even to attempt to travel from Virginia to Washington, D.C., to engage in consensual activities or even to just agree to it, since conspiracy would be a crime.

Certainly there are individuals in situations covered by the bill with which we all can agree, such as sexual predators who prey upon children, but we do not want to put wayward teenagers in this group as the bill does.

During the committee markup on the bill, I offered an amendment to eliminate consensual activities between teenagers, but that amendment was rejected.

Since the bill covers foreign travel by United States citizens and resident aliens traveling from the United States, we are dictating to the world our notions of serious felony crimes, regardless of the cultural norms of other countries. Just as the average age of marriage in this country was 15 for a female and 21 for a male only about 50 years ago, other countries have much younger averages now than does the United States and provide for consensual relationships to begin between young people much earlier than we expect in the United States.

This bill covers commercial sex transactions regardless of age or consent of the participants; and since States as well as all civilized foreign countries have laws against the underlying activities at which this bill is aimed, there is no demonstrated need to add more Federal criminal laws to go after consensual activities between teens which have nothing to do with the title or the focus of the bill.

There are some valuable provisions in the bill, and it covers much activity, but it also covers much activity for which a 15-year penalty would actually be bizarre. I hope we would defeat the motion to suspend the rules so that the bill could be amended to include just the valuable provisions without including activities which should not be included.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the subcommittee chairman.

Mr. SMITH of Texas. Mr. Speaker, we all need to thank the chairman the Committee of the Judiciary for introducing H.R. 4477, the Sex Tourism Prohibition Improvement Act of 2002. This legislation amends the Federal criminal code to strengthen our laws against those who travel or those who arrange such travel into and out of the United States for the purpose of sexually exploiting children.

Each year more than one million children worldwide are forced into child prostitution, trafficked and sold for sexual purposes or used in child pornography. This world sex market is a multi-billion dollar industry that denies children their rights, their dignity, and their childhood.

Children in developing countries are vulnerable to this sexual exploitation due to a number of factors, including poverty, social dislocation, family breakdown, and homelessness. In some cases, children seek out customers for economic survival. These circumstances could not change the fact that sex with children is morally reprehensible and widely condemned.

Mr. Speaker, this legislation will send a message to those who go to foreign countries to exploit children that no one can abuse a child with impunity, no matter where the offense is committed.

Under current law, the intent to engage in sexual acts with a minor in a foreign country must be formed prior to traveling. Such intent is often difficult to prove without direct arrangements booked through obvious child sex-tour networks.

This legislation will allow the government to prosecute individuals who travel to foreign countries and engage in illicit sexual conduct with a minor regardless of where the intent to do so was formed.

Mr. Speaker, Congress can help reduce the number of children abused and exploited by passing this legislation today.

Mr. SCOTT. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me time. I thank the chairman for bringing this important legislation forward.

When most Americans travel overseas they do so for educational purposes or for relaxation or simply to immerse themselves in another culture, but others have a more perverse goal in mind. They go with the explicit purpose to lure children in and exploit children with elicit sexual activity. This is something we cannot as Americans countenance.

In my home State of Arizona a television station went down to Mexico to the city of Puerto Vallarta and went to the beach and had someone pose as an underage, clearly informing those who propositioned him that he was under age. He was propositioned several times very quickly. Men prowl the beaches there propositioning kids as young as 8 years old, and it goes on day in and day out. Because of the dire poverty in some areas and lax enforcement, Americans believe that they can get away with that kind of activity, and nothing is to stop them except for their conscience.

This bill says not only do they have to worry about their conscience but they have to worry about the Federal Government coming after them. We will not allow this activity to go forward.

It is clear that Americans traveling from one State to another cannot engage in this kind of activity and to exploit young children. They should not be able to travel to other countries for the purpose of using children there for illicit sexual activity. This is simply wrong.

This legislation will go a long way towards closing the loophole that exists that requires prosecutors to prove intent. Whether intent is formed here or in the foreign country, it should not matter. What matters is the act itself, and we should not allow it to happen.

Again, I thank the chairman. I urge support of the bill.

Mr. PAUL. Mr. Speaker, as appalling as it is that some would travel abroad to engage in activities that are rightly illegal in the United States, legislation of this sort poses many problems and offers little solution. First among these is the matter of national sovereignty. Those who travel abroad and break the law in their host country should be subject to prosecution in that country: it is the responsibility of the host country—not the U.S. Congress—to uphold its own laws. It is a highly unique proposal to suggest that committing a crime in a foreign country against a non-U.S. citizen is within the jurisdiction of the United States Government.

Mr. Speaker, this legislation makes it a federal crime to "travel with intent to engage in illicit sexual conduct." I do think this is a practical approach to the problem. It seems that this bill actually seeks to probe the conscience of anyone who seeks to travel abroad to make sure they do not have illegal or immoral intentions. It is possible or even advisable to make thoughts and intentions illegal? And how is this to be carried out? Should federal agents be assigned to each travel agency to probe potential travelers as to the intent of their travel?

At a time when federal resources are stretched to the limit, and when we are not even able to keep known terrorists out of our own country, this bill would require federal agents to not only track Americans as they vacation abroad but would require that they be able to divine the intentions of these individuals who seek to travel abroad. Talk about a tall order! As well-intentioned as I am sure this legislation is, I do not believe that it is a practical or well-thought-out approach to what I agree is a serious and disturbing problem. perhaps a better approach would be to share with those interested countries our own laws and approaches to prosecuting those who commit these kinds of crimes, so as to see more effective capture and punishment of these criminals in the countries where the crime is committed.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 4477, the "Sex Tourism Prohibition Improvement Act." Chairman SENSENBRENNER, I thank you for moving this important piece of legislation through your Committee to the House floor and commend you for your leadership on this most serious issue. As the prime author of the "Victims of Trafficking and Violence Protection Act of 2000," legislation that strengthens penalties against those running trafficking rings and provides services as well as protection for victims, I have followed this issue closely.

Sex tourism is a heinous, deplorable activity that is on the rise around the world. In many cases, men prey upon underage girls in prostitution rings who are forced sex slaves. We know that Americans are traveling abroad as part of the sex tourism industry in large numbers. Sadly, it is estimated that there are more than 25 organized sex tour companies based in Miami, New York, and San Diego alone.

Current law states that a person can only be held liable for traveling internationally to engage in sex with a minor if prosecutors can prove he intended to do so before leaving this country. As you might imagine, proving intent in such cases is extremely difficult, basically creating a loophole in the law for men who go abroad to have sex with minors, which in the United States is considered statutory rape.

Thankfully, Chairman SENSENBRENNER's bill will close this intent loophole in the sex tourism industry. While the "Victims of Trafficking and Violence Protection Act of 2000," seeks to punish those running sex trafficking rings and nations that fail to combat human trafficking, the enaction of H.R. 4477 into law will give law enforcement officials the additional powers they need in prosecuting the accomplices of the sex traffickers, those who feed into the industry abroad by paying for sex with minors or other illicit sexual conduct with another person.

Last week, I chaired the International Relations Committee's hearing on the recently released State Department's annual Trafficking in Person's Report. This report ranks countries based on their efforts to combat trafficking, placing them in three different tiers. Countries that fail to take even minimal steps to combat trafficking and are placed on the lowest tier, Tier 3, and will be ineligible to receive non-humanitarian foreign assistance, beginning with the foreign aid budget for FY 2004.

Although some progress has been made, much, much work still needs to be done as the exploitation and bondage of young girls in the sex industry continues to run rampant both in this country and throughout the world. At our hearing, videos were played by human rights groups showing girls as young as 8 and 9 years old being rescued from sex trafficking rings in India and Cambodia. While this is practically unimaginable for decent people to fathom, those involved with the sex industry reason that the younger the girl, the less chance of her infecting the sex tourist with HIV/AIDS.

Sadly we know that many Americans go abroad to prey on young girls in other countries because laws protecting women are very weak, non-existent, or not enforced. I was recently presented a videotape containing undercover footage taken by FOX News near an American military installation in South Korea that shows American military personnel on assignment patrolling establishments where their fellow soldiers were soliciting sex from forced prostitutes.

As Chairman of the House Veteran's Affairs Committee, I have the greatest respect for the men and women who serve in the United States military and it greatly saddens me to report on this case in South Korea before this chamber. A number of my colleagues have joined me in signing a letter to Secretary Rumsfeld asking him to conduct a full investigation into this case.

We must expect the absolute best from the men and women who serve our country while living in foreign countries, both when they are on and off duty. We must also expect any American traveling or living abroad to abide by the standards of decency and respect for women we maintain and set by our laws here in the U.S.—standards we attempt to promote throughout the world through our foreign policy and diplomacy.

As members of Congress, we must continue to fight against the exploitation of women and children through sex trafficking until every person imprisoned in the sex industry is set free. Again, I commend Chairman SENSENBRENNER for his leadership on this issue.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this legislation.

The exploitation of the world's young women and children in sex trafficking is a tragic human rights offense. Many of these victims are kidnapped, sold, or tricked into brothel captivity.

Trafficking isn't just a problem in other countries. Each year, men, women, and children from all over the world are brought into the United States for the sole purpose of being bought and sold by American citizens for commercial sex. Some estimates place the number as high as 750,000 individuals over the past decade. Instead of dreams of better jobs and better lives, they are trapped into a nightmare of coercion, violence, and disease.

It is important that we protect the victims of the sex trade industry, and punish the predators that exploit them. Made up of recruiters, traffickers, brothel owners, customers and other crime syndicates, the industry profits from the victimization of individuals who cannot defend themselves.

I have worked on the trafficking issue for many years. To stop the actions of sex tour operators like Big Apple Oriental Tours, which is based in New York City, I wrote to the District Attorney and to then-U.S. Attorney General Janet Reno asking them to use State and Federal laws to stop U.S.-based tour groups that feed off the sexual exploitation of impoverished women and young girls in developing countries. New York law prohibits promoting prostitution or profiting from prostitution, yet Big Apple Tours was doing just that.

This legislation would set civil and criminal penalties for certain individuals who engage in sex trafficking. Furthermore, it sets similar penalties for those individuals who arrange these meetings.

We must do more to stop the many human rights abuses inflicted on men, women, and children around the world. Preventing trafficking is an important step to ending the sex trade industry. Although we continue to make important advances in the rights of women throughout the world, as long as there are women whose freedoms, livelihoods, bodies, and souls are held captive because of trafficking, our work will never be done.

I thank the gentleman from Wisconsin for his work on this issue and urge a "yes" vote on this bill.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4477, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL COMPACT CONSENT ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3180) to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact.

The Clerk read as follows:

H.R. 3180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to the amendment to the New Hampshire-Vermont Interstate School Compact which have been agreed to by such States that is substantially as follows: Article VII D of such compact is amended to read as follows:

"D. AUTHORIZATION PROCEEDINGS.—An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof. As an alternative, an interstate district may provide in its articles of agreement that such a vote be conducted by Australian or official balloting under procedures as set forth in the articles of agreement, and that such vote be subject to any method of reconsideration, if any, which the interstate district sets forth in the articles of agreement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3180.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3180 was introduced by the gentleman from New Hampshire (Mr. BASS) and the gentleman from Vermont (Mr. SANDERS) to amend the New Hampshire-Vermont Interstate School Compact originally approved by Congress in 1969. H.R. 3180 would enable participating interstate school districts to modify the manner in which local school bond issues are considered by the voters. Last year, residents of the Dresden interstate school district, which encompasses the cities of Hanover, New Hampshire, and Norwich, Vermont, voted to approve these changes. The legislatures of New Hampshire and Vermont subsequently ratified these amendments.

Rather than imposing a State or Federal solution upon local school boards, H.R. 3180 maintains the primacy of local school authorities by permitting locally-elected officials to avail themselves of the modified balloting procedures contained in the bill only if they elect to do so.

Mr. Speaker, I urge support of this non-controversial but necessary measure.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3180, to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact.

H.R. 3180 was introduced by the gentleman from New Hampshire (Mr. BASS) and the gentleman from Vermont (Mr. SANDERS) to provide participating interstate school districts with the option of choosing all day so-called Australian balloting to occur to support school construction.

□ 1445

The proposed amendments make these decisions a matter of local prerogative and do not dictate a statewide or Federal approach to resolving these questions.

The New Hampshire-Vermont Compact was originally approved by Congress in 1969 to increase educational opportunities and promote administrative efficiency. Under the original compact, State and local financial support was channeled into two combined districts to reflect State and local contributions; but because Vermont gave more monetary support than New Hampshire, uneven funding allocations emerged. In 1978, Congress consented to a number of clarifying amendments to the original compact to ensure that participating school districts would receive support commensurate with their contributions.

The substance of H.R. 3180 was initiated by residents of the Dresden School District, seeking to amend the compact to allow all-day voting procedures when voting on whether to incur debt. Presently voting on whether to incur debt is conducted under a town hall meeting format, which permits voting only at the conclusion of the meeting. The residents contend that the Australian all-day voting is superior over the town hall meeting format in at least two respects. First, the all-day format is consistent with the way the district conducts its annual district meetings; and, second, and probably more important, the all-day method would allow more voters to weigh in on critical bond issues.

Mr. Speaker, this bill was reported favorably without amendment from the Committee on the Judiciary, and I urge Members to support this noncontroversial legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS), who is the author of the bill.

Mr. BASS. Mr. Speaker, I thank the distinguished chairman of the committee and the gentleman from North Carolina (Mr. WATT) for their having brought this bill to the floor in a timely fashion, and I appreciate their comments which are right on the mark.

This is the kind of issue that would be resolved probably in a matter of days in any school district anywhere in the country. As has been mentioned, the problem is that this particular school district crosses State lines. So, as a result, there is a special procedure whereby they can change their bylaws, and that is the procedure we are undertaking today.

Both the Vermont side of the school district and the New Hampshire side want to have this different so-called "Australian ballot system" in place, which allows the polls, so to speak, to be open during the entire period of the school district meeting or a whole day versus just having a period of voting at the end of the meeting when most people have left. Because it requires the approval of both legislatures of the States, which has occurred, and the approval of Congress, because it is an interstate compact, that is why we are here today.

Eighty-eight percent of the district voters supported this rule change. It is supported by the gentleman from Vermont (Mr. SANDERS), and I urge the House to vote affirmatively on this important measure, which needs to be sent to the Senate as soon as possible.

Mr. WATT of North Carolina. Mr. Speaker, I yield as much time as he may consume to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) for yielding me the time. I apologize for being late. I will be very brief.

Mr. Speaker, I rise today in support of H.R. 3180, the New Hampshire-Vermont Interstate School Compact Consent. This bill will permit the residents of the Dresden School District, which includes Norwich, Vermont, and Hanover, New Hampshire, to implement a change in the procedure used to approve bond initiatives.

The Dresden School District, with the approval of the legislatures of Vermont and New Hampshire, wants to be able to implement all-day secret balloting when appropriate instead of the town meeting system, which is the only approved method currently. Given that the communities involved and the respective States have approved this initiative, we in the Congress should grant our approval.

I thank the chairman and ranking member for moving this bill, and I urge its adoption.

Mr. WATT of North Carolina. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, since the gentleman from Vermont did not get into dairy policy and upset the cows of the chairman of the Judiciary Committee and the speaker pro tempore unduly with his remarks, I will yield back the balance of my time as well.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3180.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOCIAL SECURITY PROGRAM PROTECTION ACT OF 2002

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4070) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Program Protection Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.
Sec. 102. Oversight of representative payees.
Sec. 103. Disqualification from service as representative payee upon conviction of offenses resulting in imprisonment for more than 1 year and upon fugitive felon status.
Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.
Sec. 105. Liability of representative payees for misused benefits.
Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

TITLE II—PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to knowing withholding of material facts.
Sec. 202. Denial of title II benefits to fugitive felons and persons fleeing prosecution.

Sec. 203. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration.
Sec. 204. Refusal to recognize certain individuals as claimant representatives.
Sec. 205. Penalty for corrupt or forcible interference with administration of Social Security Act.
Sec. 206. Use of symbols, emblems, or names in reference to social security or medicare.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.
Sec. 302. Extension of attorney fee payment system to title XVI claims.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.
Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings.
Sec. 404. Availability of Federal and State work incentive services to additional individuals.
Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Miscellaneous Amendments

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.
Sec. 412. Nonpayment of benefits upon removal from the United States.
Sec. 413. Reinstatement of certain reporting requirements.
Sec. 414. Clarification of definitions regarding certain survivor benefits.
Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.
Sec. 416. Coverage under divided retirement system for public employees in Kentucky.
Sec. 417. Compensation for the Social Security Advisory Board.

Subtitle C—Technical Amendments

Sec. 431. Technical correction relating to responsible agency head.
Sec. 432. Technical correction relating to retirement benefits of ministers.
Sec. 433. Technical corrections relating to domestic employment.
Sec. 434. Technical corrections of outdated references.
Sec. 435. Technical correction respecting self-employment income in community property States.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee—

"(A) that is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

"(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).".

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

"(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph.".

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee—

"(1) that is not an individual; or

"(2) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).".

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following new subsection:

"(j) MISUSE OF BENEFITS.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this subsection.".

(3) TECHNICAL AMENDMENT.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by striking "for his or her benefit" and inserting "for his or her use and benefit".

(c) TITLE XVI AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following new sentences: "In any case in which a representative payee—

"(i) that is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

"(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to the representative payee, the Commissioner of Social Security shall make payment to the beneficiary or the beneficiary's alternative representative payee of an amount equal to the amount of the benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).".

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking "and" at the end;

(B) in paragraph (13), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (13) the following new paragraph:

"(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.".

(3) MISUSE OF BENEFITS DEFINED.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following new clause:

"(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) CERTIFICATION OF BONDING AND LICENSING REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL REPRESENTATIVE PAYEES.—

(1) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking "a community-based nonprofit social service agency licensed or bonded by the State" in subclause (I) and inserting "a certified community-based nonprofit social service agency (as defined in paragraph (9))";

(B) in paragraph (3)(F), by striking "community-based nonprofit social service agencies" and inserting "certified community-based nonprofit social service agencies (as defined in paragraph (9))";

(C) in paragraph (4)(B), by striking "any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee" and inserting "any certified community-based nonprofit social service agency (as defined in paragraph (9))"; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following new paragraph:

“(9) For purposes of this subsection, the term ‘certified community-based nonprofit social service agency’ means a community based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in such State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on such agency which may have been performed since the previous certification.”.

(2) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking “a community-based nonprofit social service agency licensed or bonded by the State” in subclause (I) and inserting “a certified community-based nonprofit social service agency (as defined in subparagraph (I))”;

(B) in subparagraph (D)(ii)—

(i) by striking “or any community-based” and all that follows through “in accordance” in subclause (II) and inserting “or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance”;

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margination accordingly); and

(iii) by striking “subclause (II)(bb)” and inserting “subclause (II)”; and

(C) by adding at the end the following new subparagraph:

“(I) For purposes of this paragraph, the term ‘certified community-based nonprofit social service agency’ means a community based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) PERIODIC ONSITE REVIEW.—

(1) TITLE II AMENDMENT.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

“(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

“(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

“(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

“(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

“(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

“(i) the number of such reviews;

“(ii) the results of such reviews;

“(iii) the number of cases in which the representative payee was changed and why;

“(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

“(v) the number of cases discovered in which there was a misuse of funds;

“(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

“(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

“(viii) such other information as the Commissioner deems appropriate.”.

(2) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following new subsection:

“(k) PERIODIC ONSITE REVIEW.—(1) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

“(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

“(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

“(2) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

“(A) the number of such reviews;

“(B) the results of such reviews;

“(C) the number of cases in which the representative payee was changed and why;

“(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

“(E) the number of cases discovered in which there was a misuse of funds;

“(F) how any such cases of misuse of funds were dealt with by the Commissioner;

“(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

“(H) such other information as the Commissioner deems appropriate.”.

(3) TITLE XVI AMENDMENT.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

“(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

“(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

“(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

“(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

“(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

“(I) the number of the reviews;

“(II) the results of such reviews;

“(III) the number of cases in which the representative payee was changed and why;

“(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

“(V) the number of cases discovered in which there was a misuse of funds;

“(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

“(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

“(VIII) such other information as the Commissioner deems appropriate.”.

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE UPON CONVICTION OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR AND UPON FUGITIVE FELON STATUS.

(a) TITLE II AMENDMENTS.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

"(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

"(V) obtain information concerning whether such person is a fugitive felon as described in section 1611(e)(4), and".

(2) in subparagraph (C)(i)(II), by striking "subparagraph (B)(i)(IV),," and inserting "subparagraph (B)(i)(VI)" and striking "section 1631(a)(2)(B)(ii)(IV)" and inserting "section 1631(a)(2)(B)(ii)(VI)"; and

(3) in subparagraph (C)(i)—

(A) by striking "or" at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following new subclauses:

"(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

"(V) such person is in fugitive felon status as described in section 1611(e)(4).".

(b) TITLE VIII AMENDMENTS.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) obtain information concerning whether such person has been convicted of any other offense under a law of the United States or of any State of the United States which resulted in imprisonment for more than 1 year;

"(E) obtain information concerning whether such person is a fugitive felon as described in section 804(a)(2); and"; and

(2) in subsection (d)(1)—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

"(E) such person is in fugitive felon status as described in section 804(a)(2).".

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking "and" at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

"(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

"(V) obtain information concerning whether such person is a fugitive felon as described in section 1611(e)(4); and";

(2) in clause (iii)(II)—

(A) by striking "clause (ii)(IV)" and inserting "clause (ii)(VI)"; and

(B) by striking "section 205(j)(2)(B)(i)(IV)" and inserting "section 205(j)(2)(B)(i)(VI)"; and

(3) in clause (iii)—

(A) by striking "or" at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

"(IV) if the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

"(V) such person is in fugitive felon status as described in section 1611(e)(4).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) REPORT TO THE CONGRESS.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking "A" and inserting "Except as provided in the next sentence, a"; and

(2) in the second sentence, by striking "The Secretary" and inserting the following: "A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner".

(b) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking "A" and inserting "Except as provided in the next sentence, a"; and

(2) in the second sentence, by striking "The Commissioner" and inserting the following: "A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner makes the determination of misuse after December 31, 2002.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102 of this Act) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking "paragraph (9)" and inserting "paragraph (10)";

(3) in paragraph (6)(A)(ii), by striking "paragraph (9)" and inserting "paragraph (10)"; and

(4) by inserting after paragraph (6) the following new paragraph:

"(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

"(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) of this paragraph and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(b) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following new subsection:

"(l) LIABILITY FOR MISUSED AMOUNTS.—

"(1) IN GENERAL.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

"(2) LIMITATION.—The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) of this subsection and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102 of this Act) is amended further—

(1) in subparagraph (G)(i)(II), by striking "section 205(j)(9)" and inserting "section 205(j)(10)"; and

(2) by striking subparagraph (H) and inserting the following:

"(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

"(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) of this subparagraph and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner makes the determination of misuse after December 31, 2002.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.".

(b) TITLE VIII AMENDMENTS.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.".

(c) TITLE XVI AMENDMENT.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following new clause:

"(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.".

(d) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8) is amended by adding at the end the following new paragraph:

"(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO KNOWING WITHHOLDING OF MATERIAL FACTS.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking "who" in the first sentence and inserting "who—";

(B) by striking "makes" in the first sentence and all that follows through "shall be subject to" and inserting the following:

"(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading,

"(B) makes such a statement or representation for such use with knowing disregard for the truth,

"(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, or

"(D) conceals or fails to disclose the occurrence of any event that the person knows, or should know, is material to the determination of any initial or continuing right to the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI,

shall be subject to";

(C) by inserting "or each receipt of such benefits or payments while withholding disclosure of such fact" after "each such statement or representation" in the first sentence;

(D) by inserting "or because of such withholding of disclosure of a material fact" after "because of such statement or representation" in the second sentence; and

(E) by inserting "or such a withholding of disclosure" after "such a statement or representation" in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—Section 1129A(a) of such Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking "who" the first place it appears and inserting "who—"; and

(B) by striking "makes" and all that follows through "shall be subject to," and inserting the following:

"(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI that the person knows or should know is false or misleading,

"(2) makes such a statement or representation for such use with knowing disregard for the truth,

"(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, or

"(4) conceals or fails to disclose the occurrence of any event that the person knows, or should know, is material to the determination of any initial or continuing right to the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI,

shall be subject to,".

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking "In the case of amounts recovered arising out of a determination relating to title VIII or XVI," and inserting "In the case of any other amounts recovered under this section,”.

(c) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking “charging fraud or false statements”.

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking “and representations” and inserting “, representations, or actions”.

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking “statement or representation referred to in subsection (a) was made” and inserting “violation occurred”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations committed after the later of—

(1) 180 days after the date of the enactment of this Act, or

(2) the earlier of the date on which the Commissioner of Social Security implements the system for issuing the receipts required under subsection (e) of this section or the date on which the Commissioner implements the centralized computer file described in such subsection.

(e) ISSUANCE BY COMMISSIONER OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN EARNING OR WORK STATUS.—Effective 180 days after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a beneficiary (or representative) regarding a change in the beneficiary's earning or work status, the Commissioner shall issue a receipt to the beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 202. DENIAL OF TITLE II BENEFITS TO FUGITIVE FELONS AND PERSONS FLEEING PROSECUTION.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking “Prisoners” and all that follows and inserting the following: “Prisoners, Certain Other Inmates of Publicly Funded Institutions, and Fugitives”;

(2) in paragraph (1)(A)(ii)(IV), by striking “or” at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

“(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or

“(v) is violating a condition of probation or parole imposed under Federal or State law.

In the case of an individual from whom such monthly benefits have been withheld pursuant to clause (iv), the Commissioner may, for good cause shown, pay such withheld benefits to the individual.”; and

(5) in paragraph (3), by adding at the end the following new subparagraph:

“(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

“(i) the beneficiary—

“(I) is described in clause (iv) or (v) of paragraph (1)(A); and

“(II) has information that is necessary for the officer to conduct the officer's official duties; and

“(ii) the location or apprehension of the beneficiary is within the officer's official duties.”.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall promulgate regulations governing payment by the Commissioner, for good cause shown, of withheld benefits, pursuant to the last sentence of section 202(x)(1)(A) of the Social Security Act (as amended by subsection (a)).

SEC. 203. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 1140 of the Social Security Act (42 U.S.C. 1320b–10) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

“(i) explains that the product or service is available free of charge from the Social Security Administration, and

“(ii) complies with standards prescribed by the Commissioner of Social Security respecting content of such notice and its placement, visibility, and legibility.

“(B) Subparagraph (A) shall not apply to any offer—

“(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

“(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI.”; and

(2) in the heading, by striking “PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE” and inserting “PROHIBITIONS RELATING TO REFERENCES”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within one year after the date of the enactment of this Act.

SEC. 204. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: “Notwithstanding the preceding sentences, the Commissioner (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.”.

SEC. 205. PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1134 the following new section:

“ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

“SEC. 1135. CORRUPT OR FORCIBLE INTERFERENCE.—Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the social security administration (including any State employee of a disability determination service or any other individual designated by the commissioner of social security) acting in an official capacity to carry out a duty under this act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this act, shall be fined not more than $5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than $3,000, imprisoned not more than 1 year, or both. In this subsection, the term ‘threats of force’ means threats of harm to the officer or employee of the United States or to a member of the family of such an officer or employee.”.

SEC. 206. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) IN GENERAL.—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

(1) in subparagraph (A), by inserting “ ‘Centers for Medicare & Medicaid Services’,” after “ ‘Health Care Financing Administration’,”, by striking “or ‘Medicaid’, ” and inserting “ ‘Medicaid’, ‘Death Benefits Update’, ‘Federal Benefit Information’, ‘Funeral Expenses’, or ‘Final Supplemental Plan’,” and by inserting “ ‘CMS’,” after “ ‘HCFA’,”;

(2) in subparagraph (B), by inserting “Centers for Medicare & Medicaid Services,” after “Health Care Financing Administration,” each place it appears; and

(3) in the matter following subparagraph (B), by striking “the Health Care Financing Administration,” each place it appears and inserting “the Centers for Medicare & Medicaid Services,”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) In General.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended by inserting ", except that the maximum amount of the assessment may not exceed $100" after "subparagraph (B)".

(b) Effective Date.—The amendment made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) In General.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking "section 206(a)" and inserting "section 206";

(B) by striking "(other than paragraph (4) thereof)" and inserting "(other than subsections (a)(4) and (d) thereof)"; and

(C) by striking "paragraph (2) thereof" and inserting "such section";

(2) in subparagraph (A)(i), by striking "in subparagraphs (A)(ii)(I) and (C)(i)," and inserting "in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)", and by striking "and" at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

"(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase 'section 1631(a)(7)(A) or the requirements of due process of law' for the phrase 'subsection (g) or (h) of section 223';

"(iii) by substituting, in subsection (a)(2)(C)(i), the phrase 'under title II' for the phrase 'under title XVI';

"(iv) by substituting, in subsection (b)(1)(A), the phrase 'pay the amount of such fee' for the phrase 'certify the amount of such fee for payment' and by striking, in subsection (b)(1)(A), the phrase 'or certified for payment'; and

"(v) by substituting, in subsection (b)(1)(B)(ii), the phrase 'deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)' for the phrase 'determined before any applicable reduction under section 1127(a))'."; and

(4) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

"(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

"(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

"(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant's past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

"(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed $100.

"(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

"(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

"(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

"(v) Assessments on attorneys collected under this subparagraph shall be deposited in the Treasury in a separate fund created for this purpose.

"(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.".

(b) Effective Date.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 1631(d)(2) of the Social Security Act on or after the first day of the first month that begins after 270 days after the date of the enactment of this Act.

(c) Report to the Congress.—The Commissioner of Social Security, after consulting with representatives of affected beneficiaries and other interested persons, shall prepare a report evaluating the feasibility of extending to non-attorney representatives the fee withholding procedures that apply under titles II and XVI of the Social Security Act for the payment of attorney fees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act, and the Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking "conducted under subsection (a)" and inserting "initiated under subsection (a) on or before December 17, 2004"; and

(2), in subsection (d)(2), by amending the first sentence to read as follows: "The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2004.".

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking "(42 U.S.C. 401 et seq.)," and inserting "(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b–19) as they relate to the program established under title II of such Act,".

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDED FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

"(f) Expenditures.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or title XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or title XVIII.".

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) Federal Work Incentives Outreach Program.—

(1) In general.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b–20(c)(2)) is amended to read as follows:

"(2) Disabled beneficiary.—The term 'disabled beneficiary' means an individual—

"(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

"(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

"(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

"(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) State Grants for Work Incentives Assistance.—

(1) Definition of disabled beneficiary.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b–21(g)(2)) is amended to read as follows:

"(2) Disabled beneficiary.—The term 'disabled beneficiary' means an individual—

"(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

"(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

"(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

"(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.".

(2) Advocacy or other services needed to maintain gainful employment.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is amended by striking "secure or regain" and inserting "secure, maintain, or regain".

(3) Effective date.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) In General.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b–19) is amended by adding at the end, after and below subparagraph (E), the following new sentence:

"An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170; 113 Stat. 1921).

Subtitle B—Miscellaneous Amendments

SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.

(a) In General.—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking "and a transcript" and inserting "and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript".

(b) Effective Date.—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) In General.—Paragraphs (1) and (2) of section 202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2)) are each amended by striking "or (1)(E)".

(b) Effective Date.—The amendment made by this section to section 202(n)(1) of the Social Security Act shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice from the Attorney General after the date of the enactment of this Act. The amendment made by this section to section 202(n)(2) of the Social Security Act shall apply with respect to removals occurring after the date of the enactment of this Act.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) Widows.—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting "except as provided in paragraph (2)," before "she was married";

(4) by inserting "(1)" after "(c)"; and

(5) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

"(A) the individual had been married prior to the individual's marriage to the surviving wife,

"(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

"(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

"(D) the prior wife continued to remain institutionalized up to the time of her death, and

"(E) the individual married the surviving wife within 60 days after prior wife's death.".

(b) Widowers.—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting "except as provided in paragraph (2)," before "he was married";

(4) by inserting "(1)" after "(g)"; and

(5) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

"(A) the individual had been married prior to the individual's marriage to the surviving husband,

"(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

"(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

"(D) the prior husband continued to remain institutionalized up to the time of his death, and

"(E) the individual married the surviving husband within 60 days after prior husband's death.".

(c) Conforming Amendment.—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking "clause (5) of subsection (c) or clause (5) of subsection (g)" and inserting "clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)".

(d) Effective Date.—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking "to taxes or contributions for similar purposes under" and inserting "exclusively to the laws applicable to".

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting "Kentucky," after "Illinois,".

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) In General.—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

"Compensation, Expenses, and Per Diem

"(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule for each day during which the member is engaged in performing a function of the Board. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.".

(b) Effective Date.—The amendment made by this section shall be effective as of January 1, 2002.

Subtitle C—Technical Amendments

SEC. 431. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended—

(1) by striking "Secretary" the first place it appears and inserting "Commissioner of Social Security"; and

(2) by striking "Secretary" each subsequent place it appears and inserting "Commissioner".

SEC. 432. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) In General.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is amended by inserting ", but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires" before the semicolon.

(b) Effective Date.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 433. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) Amendment to Internal Revenue Code.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking "described in subsection (g)(5)" and inserting "on a farm operated for profit".

(b) Amendment to Social Security Act.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking "described in section 210(f)(5)" and inserting "on a farm operated for profit".

(c) Conforming Amendment.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking "or is domestic service in a private home of the employer".

SEC. 434. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) Correction of Terminology and Citations Respecting Removal From the United States.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by section 412) is amended further—

(1) by striking "deportation" each place it appears and inserting "removal";

(2) by striking "deported" each place it appears and inserting "removed";

(3) in paragraph (1) (in the matter preceding subparagraph (A)), by striking "under section 241(a) (other than under paragraph (1)(C) thereof)" and inserting "under section 237(a) (other than paragraph (1)(C) thereof) or 212(a)(6)(A)";

(4) in paragraph (2), by striking "under any of the paragraphs of section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) thereof)" and inserting "under any of the paragraphs of section 237(a) of the Immigration and Nationality Act (other than paragraph (1)(C) thereof) or under section 212(a)(6)(A) of such Act";

(5) in paragraph (3)—

(A) by striking "paragraph (19) of section 241(a)" and inserting "subparagraph (D) of section 237(a)(4)"; and

(B) by striking "paragraph (19)" and inserting "subparagraph (D)"; and

(6) in the heading, by striking "Deportation" and inserting "Removal".

(b) Correction of Citation Respecting the Tax Deduction Relating to Health Insurance Costs of Self-Employed Individuals.—Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by striking "section 162(m)" and inserting "section 162(1)".

(c) Elimination of Reference to Obsolete 20-Day Agricultural Work Test.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking "and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis".

SEC. 435. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) Social Security Act Amendment.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking "all of the gross income" and all that follows and inserting "the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;".

(b) Internal Revenue Code of 1986 Amendment.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking "all of the gross income" and all that follows and inserting "the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House today will consider the Social Security Program Protection Act of 2002. It is legislation that would provide the Social Security Administration with the additional tools it needs to fight activities that drain program resources and undermine the financial security of beneficiaries.

Many Social Security and supplemental security income beneficiaries have individuals or organizations called representative payees appointed by the agency to help manage their financial affairs when they are not capable. Nearly 7 million beneficiaries entrust their finances to representative payees who help safeguard their income and make sure expenditures are made in their best interests. Most are conscientious and honest. However, some are not.

This bill raises the standard for representative payees and imposes stricter regulation and monetary penalties on those who take advantage of seniors. The bill also expands the existing prohibition against fugitive felons receiving benefits. In 1996, Congress denied supplemental security income benefits to persons fleeing prosecution or confinement. However, fugitive felons can still receive title II benefits. This is plain wrong, and H.R. 4070 denies benefits to those fleeing justice.

Furthermore, the protection act enhances the ability of the Inspector General to fight fraud through new civil monetary penalties. This will help prevent seniors from being taken advantage of by unscrupulous organizations and individuals who deceptively present themselves as part of the Social Security Administration.

While the bill cracks down on fraud and abuse, it also makes it easier for persons applying for disability benefits to obtain needed legal representation, and it improves the flexibility of the Ticket to Work program to enable more individuals with disabilities to seek and find jobs and achieve self-sufficiency. Also, the bill would amend the Social Security Act to include Kentucky among the States that may divide their retirement systems into two parts and thereby providing Social Security coverage under State agreement only for those State and local workers who choose it.

Ensuring the integrity of Social Security programs is a key responsibility of the agency and of Congress. Taxpayers must be confident that their hard-earned payroll dollars are being spent accurately and wisely. Those who apply for and who receive Social Security benefits must receive timely services and correct and fair decisions. On that we can all agree, and that is why this bill has bipartisan support and was approved unanimously by the Social Security subcommittee.

This bill is the culmination of extensive joint efforts by both the majority and minority Members of the Committee on Ways and Means and the full cooperation and support of the Social Security Administration and the Office of Inspector General. The legislation also benefited from the feedback provisions by advocacy groups and law enforcement agencies. Last, but certainly not least, this bill results in a small amount of savings for both the Social Security trust funds and general revenues.

Today, we have an opportunity to continue our long tradition of achievements on the Social Security program which has been built on a foundation of common ground. Working together over the years, we have removed barriers for individuals with disabilities to return to work. We ended the earnings penalty for seniors who have reached full retirement age; and most recently, the House approved legislation last month to enhance benefits for women.

Working together we can vote today to protect some of the most vulnerable beneficiaries and the integrity of the Social Security program. My hope is that we can continue to build on these important first steps and begin a constructive dialogue to strengthen Social Security for our children, our grandchildren, and for all future generations.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4070, the Social Security Program Protection Act of 2002. At this time, I would like to congratulate and thank my colleague, the gentleman from Florida (Mr. SHAW), the Chair of the Subcommittee on Social Security of the Committee on Ways and Means, for his cooperation and his work on this particular piece of legislation.

□ 1500

Basically, there are three components of this legislation, Mr. Speaker. We have the representative payee issue that the gentleman from Florida (Mr. SHAW) spoke about, the attorney's fees section as it pertains to supplemental security income, and there are a number of program protections that were added to the Social Security Administration's laws.

In terms of the representative payee, Mr. Speaker, as many people may not know, if a Social Security recipient has a mental disability, is young or perhaps is of extreme old age, oftentimes that individual needs somebody to care for his or her Social Security check, whether it is a disability check or whether it is a regular Social Security check. So we have under the law what is known as representative payees. This has been in existence for quite some time.

As our hearings and anecdotal information that many of us have received in our congressional districts can attest to, we have had problems with this program over the years because, oftentimes, if the representative payee is not somebody of good character, that person may take the Social Security check, abscond with it, and actually do damage to the normal recipient of the Social Security check.

I had that problem some 12 years ago when a woman, Dorothea Puente, had been a caretaker of a home in which about 15 people were living in and she was the representative payee for all these people. She did not need a bond or a license at that time. She actually murdered a number of these people and took their checks. Finally, when one of the relatives found out about the fact that one of the tenants of the rooming house was missing, that is when it was uncovered that many people had been murdered as a result of her activities and she was receiving these checks.

Basically, what this legislation would do is to tighten up the circumstances in which one could be qualified as a representative payee. If one is an organizational payee, it requires the organization to be both licensed and bonded. Right now, it only requires one or the other. And it would also require inspections of certain representative payees in terms of visiting with them, talking with them, and making sure that in fact they are carrying out their fiduciary responsibilities.

Also, if anyone has been convicted of an offense resulting in prison for more than a year, they would be disqualified, or, obviously, a fugitive or felon would be as well. And it would impose a monetary or civil penalty on a payee who misuses benefits, and there was some obvious ambiguity in the law before this time.

One of the most important provisions is that the beneficiary of the Social Security checks oftentimes lose their savings when the representative payee in fact has taken the money. This would, under a certain showing, would require the representative payee to pay the money back but also would allow the recipient of the benefits to be made whole under a showing of certain circumstances.

Under the second section of the law, the attorney's fee section, Mr. Speaker, many supplemental security recipients need representation, because oftentimes they must seek their claims through the normal administrative review system. This would allow these claimants to have an attorney. Oftentimes, it is hard to get lawyers to represent them because of the way the fee schedule is arranged and also because the attorneys can never be guaranteed they will receive compensation for their work. This would change that by allowing the Social Security Administration to withhold fees for the attorneys and, at the same time, cut the processing fee, which is currently 6.3 percent of the overall attorney fees, to no more than $100.

Lastly, the third element of this program, obviously, would deny benefits to fugitive felons, which is under current law, and persons fleeing prosecution. It would require companies that charge a fee for services under the Social Security Administration, if in fact the administration does not charge a fee, it requires the companies to state it; that, in fact, the Social Security Administration would provide the same services without any compensation or without fee.

There are a number of other provisions, like it bars attorneys who have been disbarred or otherwise disqualified from the practice of representing claimants under the Social Security Act. So this legislation would go a long ways in helping recipients, it would undoubtedly help recipients obtain representation, and it would build in a number of protections for claimants in this Social Security Administration Act.

I would urge support of H.R. 4070; and I want to commend my colleague, the gentleman from Florida (Mr. SHAW), for the work that he has done on this particular legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS), a valued member of the subcommittee.

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to register my strong support for the Social Security Protection Act of 2002.

Last month, the House passed a bill that would result in higher Social Security for women. It passed 418 to 0. I expect to see the same strong bipartisan support for the legislation we are considering today.

H.R. 4070 is a common-sense bill that provides the Social Security Administration with the necessary resources to fight fraud and abuse within the system. Along with other provisions, this will help save over $165 million over 5 years.

The bill also improves the landmark Ticket to Work bill to help people with disabilities find work. In addition, H.R. 4070 adds Kentucky to the list of States that offer divided retirement systems.

In just over 6 months from now, the governments of the City of Louisville and Jefferson County will merge. Since the merger was approved by the people of Jefferson County in November, 2000, local elected officials have been working to go to ensure a smooth transition.

One important issue that still needs to be addressed is how to provide Social Security and Medicare coverage to hazardous duty employees working for the county and city.

On January 6, 2003, all officers will be considered as a single group for Social Security coverage purposes. Currently, some police officers and firefighters contribute to Medicare but not Social Security, some contribute to both, others neither. Ensuring fair and equitable coverage presents a serious challenge to the new government.

After working with all interested parties, it was agreed a divided retirement system is the solution. Currently, 21 States use this system.

Under a divided retirement system, each employee will decide whether to pay into Social Security. All new employees hired after the system is in place would automatically be enrolled in Social Security.

The Kentucky Division of Social Security has already started the education process with representatives from SSA and the Louisville Fraternal Order of Police. And the Kentucky General Assembly has adopted a bill that allows this system to go forward as soon as Congress approves this legislation and President Bush signs it into law.

This provision is important to the police officers and firefighters in my district. I appreciate the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) agreeing to include it in H.R. 4070.

In closing, I urge my colleagues to support this bill.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding me this time.

I thank and commend the authors of this very worthy legislation for bringing it to the floor, but, Mr. Speaker, I must lament the questions that we are not answering about Social Security, which I think are far more fundamental.

As we speak today, for every $100 our government is spending, we are only bringing in about $90 worth of revenue. The way we are making up the $10 difference is to reach first into the Social Security Trust Fund to fund the operations of this government. That is the number one issue about Social Security, stopping that practice.

We need to bring together the leadership of the House and the Senate to sit around the kitchen table, as many American families did after the disaster of September 11 to figure out how to change their budget, we need to figure out how to change ours.

A second major Social Security question that is not being dealt with on this floor is the idea of privatizing all or part of the Social Security system. This is an idea that is worthy of debate. I think it has many flaws, many risks, and many pitfalls. There are those who in good faith disagree with my conclusions, but no one should disagree that, before this Congress adjourns for the year, ideas about the privatization of Social Security should be brought to this floor, debated, and voted upon, so the American people can see where the Members stand and what they believe about these very important questions.

So I commend the authors for this very worthy bill, but I must lament the fact we are not answering the fundamental fact about Social Security: How do we stop dipping into the fund to fund the operations of the United States Government? That is what we need to focus on.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 4070, the Social Security Program Protection Act. This legislation contains important provisions to better protect retired and disabled Americans. In particular, I want to congratulate the chairman, the gentleman from Florida (Mr. SHAW), for the changes in his bill designed to keep convicted fugitive felons from getting Social Security checks. These efforts build on legislation I authored in 1996 that blocks fugitives from getting supplemental security income, or SSI, checks.

According to the Social Security Inspector General, since the 1996 changes, over 65,000 fugitives have been identified and almost 7,000 have been arrested. As a result, American taxpayers have saved an estimated $200 million. The legislation before us today takes the next step by also barring fugitives from getting Social Security checks.

Some Americans receive both Social Security and SSI checks. Yet, under current law, the government stops SSI checks for fugitives while continuing to send Social Security checks, even to known fugitives. This legislation closes that fugitive loophole. Our law should help bring fugitives to justice, not subsidize their flights from justice. This bill does just that.

Over the years, the Committee on Ways and Means on which I serve has taken a number of steps to better protect Social Security recipients and other taxpayers. We ended SSI checks for prisoners and fugitives, and we stopped subsidizing addicts with disability checks. The changes in this legislation follow that same spirit, and I urge my colleagues to support this bill.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of North Dakota (Mr. POMEROY), a member of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

This is a fine little bill, contains some protections for people who, because of age and disability, need assistance in managing their financial affairs for a family member, friend, or community organization. I will vote for this bill, and I urge my colleagues to vote for this bill.

But in a broader sense, it is a little like the community fire department of Durango, Colorado, holding an open house today. They are not holding an open house today because they have a fire to fight. Bigger things to do.

Quite frankly, when it comes to the Social Security program, I think there are more pressing matters than this legislation, which admittedly is good. We have to do it. I am glad we are doing it. But to have this take the place of the broader debate is absolutely confounding.

Two principal questions hang over the Social Security program: the first involves its finances. We have gone from retiring debt held by the public, strengthening the financial condition of this country with those Social Security surplus dollars, to now running once again budget deficits. This means a raid on Social Security dollars, taking cash coming in for Social Security and spending it on other programs of government. That is wrong, and it makes our long-term funding problem for Social Security even harder.

Second major issue: privatization. We know the President wants to privatize Social Security. He has said so. He has had a commission that came out with recommendations to privatize Social Security. We know the majority has bills to privatize Social Security. We think we deserve to have debate on the floor of this House about that significant concept.

Count me against it. I believe the existing Social Security program provides vitally important guaranteed revenue to people in their retirement years, to people living on disability, or to individuals who have lost the primary breadwinner in their home. This is a program that has worked for six decades, perhaps better than any other Federal program. To have these plans afoot to so dramatically change the system but held quietly under the rug until the next election is just wrong. Let us get it out, let us debate it, and, in the end, let us strengthen Social Security.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished member of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in support of the Social Security Protection Act.

I want to thank Chairman Shaw for his work on this and other issues related to Social Security.

What we are debating today is a bill that will cut down on the waste, fraud, and abuse that surrounds the Social Security system today. This bill is needed to protect the 7 million people in this country who receive Social Security benefits but cannot manage them on their own. People like young, innocent children, people with Alzheimer's, and those with severe mental illness are just a few of the real-life examples we are trying to help.

We expect this bill to pass by a very broad bipartisan margin. That is how Social Security issues ought to pass, with Republicans and Democrats working together to reform this vital retirement system.

□ 1515

It surprises me that we are seeing such a lively debate on this bipartisan measure.

Mr. Speaker, we know if we do not reform Social Security in a bipartisan manner, it will go broke in 2017. Now is the time to get the ball rolling on reform by working together. Republicans have come up with a responsive plan that does not privatize Social Security as Members on the other side of the aisle would scare us with.

The question here is: Is there anyone in Washington who seriously believes we can preserve Social Security once and for all without putting some portion of our payroll taxes to work for us? Common sense tells us we must transition to a traditional retirement plan where money grows over time into a bigger nest egg. The only question is how we do it and how soon. Some would say that is privatizing; most would say that is common sense.

Mr. Speaker, I sincerely hope the rhetoric being heard on the floor is not an indicator for the debate that is to come on this issue. It is time for Republicans and Democrats to sit down and have a reasonable, rational discussion about saving Social Security once and for all.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just comment to the gentleman from Texas (Mr. BRADY) that perhaps the majority should just bring a bill on the floor on privatization, let us debate it, and vote on it. That way we can discuss it if the gentleman is in favor of it.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 4070, the Social Security Program Protection Act of 2002. I commend the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) for their work on this bill.

I want to speak regarding section 415, which will directly benefit one of my constituents, Mrs. Nancy Wilson of Bremen, Maine. In both the 105th and 106th Congresses, private legislation passed this House that I sponsored that would have helped Nancy Wilson, but it was not acted upon by the other body. In the 107th Congress, the Committee on Ways and Means raised objections to the private legislation. However, the committee has graciously worked with me to include in H.R. 4070 language from my bill, H.R. 319, that will help Mrs. Wilson.

She has been denied Social Security benefits for more than 10 years due to a quirk in the law. H.R. 4070 will fix that problem and give her relief. In 1950, Nancy and Al Wilson began living together in Massachusetts. Al Wilson's previous wife, Edna, had been committed to a mental institution and was never going to come out. Massachusetts law at that time prevented divorce on the grounds of insanity so Al could not divorce Edna. The law has since been changed. Al and Nancy lived together for 19 years, raised children together, but were not allowed to marry until Edna's death in 1969. Then they got married, but Al died of cancer 7 months later.

When Nancy tried to claim widow's benefits, she was denied because her marriage to Al had lasted only 7 months, not 9 months. She exhausted her options under the administrative appeals process and then came to her congressional delegation.

Well, Nancy Wilson is a tenacious battler. She will not give up. She will not let her elected representatives give up; and I hope and believe that with passage of this bill, she will finally get the relief to which she is entitled.

Mr. Speaker, I urge support for this legislation.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. I congratulate the gentleman from Maine (Mr. ALLEN) for his tenacious and unyielding involvement in that particular tragedy. I am delighted that we will at last be able to deliver relief.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, today I rise in support of H.R. 4070, the Social Security Program Protection Act, which will provide new safeguards for the nearly 7 million Social Security and SSI beneficiaries who use a representative payee to receive their benefits.

Social Security is among the most important and successful Federal programs ever created. In my home district alone, 110,000 people rely on this critical safety net for their livelihood.

When I was elected to Congress, I promised these Rhode Islanders that I would protect Social Security. While I am pleased by the consideration of H.R. 4070, I would be remiss if I did not voice any adamant opposition to the Republican leadership's privatization proposals which would jeopardize the benefits to which our Nation's seniors are entitled by subjecting them to the whims of the financial markets.

I urge Members to support this important legislation and to reject privatization proposals which fail to guarantee the continuation of benefits to the most vulnerable among us.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), who is retiring at the end of this Congress.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the gentleman from Florida (Mr. SHAW), as well as all Members, for this bill. I support this bill as a Democrat; but I oppose the undemocratic process, spelled with a small "d." I support it because it is much needed; however, I oppose the process by which this bill comes to the floor. It did not allow many of the minority issues to come to the floor.

I support the bill because it really is an important bill. It added a lot of administrative provisions that are needed. It provides opportunity to assist loved ones manage their finances. It is an important bill that we all support.

But making these important, but modest, improvements to administrative procedures for the Social Security program is not what the American people expect. They really expect more of the Members of Congress and the President to provide, indeed, a reform of Social Security. We can and we should do much more.

In 2000, both Republican and Democratic candidates for the Presidency, as well as Members of the House and Senate, all said we were about strengthening Social Security; we would protect the Social Security trust fund; we would keep faith with our seniors and future generations. All of us without exception, both parties, were for protecting Social Security. A lot of talk was about the lockbox. There was a lot of legislation about the lockbox. We have voted on the lockbox. This indeed has now become a shell game instead of protecting it.

Why? That is a good question with a sad answer. Well, we should be protecting Social Security. If we can afford to have a tax bill that favors the wealthy, although we are adding new responsibilities, we need to protect our security. We should do more. I understand these are stressful times. We need to provide for homeland security, but we can do more.

There are additional bills that need to be brought forward. The majority bill does not address these programs. The minority had a discharge procedure so we could have a full debate. Some are asking why are we not bringing up the privatization bill. That is so fundamental to the structure and the survival of Social Security. Indeed, Social Security is one program that seniors are looking for us to protect. I urge support for this bill. It is worthy, but it is unworthy as to what we are not doing. I urge Congress to do more for the seniors of America.

Mr. Speaker, today I rise as a democrat—spelled with a small "d"—in support of House Resolution Forty Seventy (H.R. 4070), The Social Security Program Protection Act of 2002; but oppose the process by which this bill comes to the floor for debate—in a manner most un-democratic, further encroaching on the minority's rights.

I support this bill because it adds important protections for people who, due to advanced age, infirmity or disability, could use the assistance of a loved one or a community service organization to manage their finances. It also strengthens antifraud provisions . . . and this I support very much.

But making modest improvements to administrative procedures for the Social Security Program is NOT what the American people expect of the House, the Senate, or the President of the United States. We can and should do such.

In 2000, both the Republican and Democratic candidates for the presidency—as well as members of the House and Senate—campaigned on a promise to safeguard, secure and enhance the life of the Social Security Trust Fund, and to keep faith with our seniors and future generations. There was a lot of talk of a lock-box, and we have voted several times on this lock-box, which has instead become a shell-game sham.

Why? That's a good question with a sad answer.

Having passed a tax bill weighted in favor of the wealthiest individuals and well-heeled corporations, the majority have taken us "back to the future"—of deficit spending and an increase in the debt ceiling—another issue they don't want to debate.

I am not up for re-election in November . . . but I think the American people have a right to ask why—with two years having gone by—the majority has failed to reform Social Security and to protect the Social Security Trust Fund. They have a right to wonder why the future of Social Security is not being debated on this floor at this very moment.

Instead, the majority has only addressed program administrative issues through bills like the one before us, yet they refuse to deal with the most overarching administrative issue: the lack of adequate funding to provide the customer services that workers have already paid for through their FICA contributions.

Rather than having a real debate on important issues, the majority are closing down debate. They have refused to even bring up their privatization bills—bills which have been introduced by the leaders of their party. Democratic members recently filed a discharge petition to try to force debate on this issue and provide for some legislative remedies before the election.

The public has a right to know about the true effects of privatization—cuts in guaranteed benefits, massive raids on the Social Security Trust Funds, huge subsidies for those who have private accounts, and the threat that privatization poses to the ability of the system to keep paying benefits to today's retirees.

The future of Social Security and the retirement income of millions of Americans are too important not to debate and act on. I implore my friends on the other side of the aisle to do the right thing—let's debate this before the election, so the American people can make an informed choice.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I commend the Committee on Ways and Means for bringing forward this legislation, H.R. 4070, today. I have heard the debate this afternoon about folks that have been injured because of the misuses. And people that have been taken advantage of by folks that in fact should not be taken advantage of, are those whom I believe are our most fragile and needed members of our society, and those are those who receive Social Security.

I would say on the other side of this, and I know this is a series of pieces of legislation that we have been dealing with in Social Security, and I noted that we have been talking about some legislation that was passed a couple of weeks ago to help women and others, and I believe that begs the question that there are issues within our Social Security system that we ought to be looking at.

Another area that I have great concern over is in the area of disability, how many folks and how long it takes for them to receive disability, and the idea that so many people will end up losing their homes and cars before we get any place.

I am very supportive of the discharge petition that this House has the opportunity to sign. It would give us a full and thorough debate on the issues of Social Security and particularly on the issues that have been brought forward by the commission and other Members of this House on ways that they think privatization would, in fact, be better. I think we should have that debate.

When I say that, I would also like to say that I think there are six areas that I feel very strongly about, and I would just like to list those six issues. I think it increases the financial risk for Social Security beneficiaries, requiring potentially severe cuts in benefits, the harm on women, harm on minorities, and undermining Social Security disability and survivor's benefits; and I believe it would eat away at the value of workers' accounts and significantly reduce the payments that they would receive from them.

Mr. Speaker, while I favor the antifraud provisions in H.R. 4070, I hope we have an opportunity to look at all of Social Security and the concerns that we have.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 4070, the Social Security Program Protection Act. It provides and contains important protections for those folks who need assistance managing their financial affairs. It also improves access to legal representation for disability claimants and strengthens protections against fraud.

Mr. Speaker, we should also be debating the Republican leadership's plan to privatize Social Security. Social Security represents a compact with our seniors that says if they work hard all their life, they will not spend their golden years in poverty. We have no right to break that. No one has a right. I am willing to roll up my sleeves and work with anyone who is willing to do it; but privatization will not save Social Security. In fact, it jeopardizes the retirement security of our seniors and working families. Privatization of Social Security will destroy the system's financial stability, and threaten the benefits of millions of seniors, disabled Americans, and their families.

□ 1530

I urge my colleagues to support this bill. I hope this is not the last Social Security debate we have on this floor this year.

I urge my colleagues to support H.R. 4070, and am hopeful that this will not be the last Social Security debate we have this year. I call on my colleagues to demand an open debate on the Republican privatization plans, and urge them to join me in working to protect Social Security's promise to America by opposing privatization.

Mr. MATSUI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Very briefly, I would like to close with just a few observations. I would like to commend both sides of the aisle for I think a very good and factual debate, looking at the legislation and showing that there are areas pertaining to Social Security where we can come together.

I think a few things, though, need to be said in response to some of the arguments that I have heard from the other side of the aisle. I think the gentlewoman from North Carolina, and I think she has left the floor now, brings a certain level of common sense to this debate that I think should be listened to. I think she is going to be missed, and I am very sorry that she is retiring as a member of the minority party in this Chamber.

There have been some comments regarding raiding the Social Security trust fund. I think it is very important that Congress exercise self-control and not spend the Social Security surplus. But I think the American people have to know that the Social Security trust fund contains promises, not dollars. Those promises are in the form of Treasury bills. Those promises stay there, they are not taken from the Social Security trust fund, and nobody can debate that issue.

But it is debatable, and I think it is something of great concern to both political parties here, that we do have a concern as to the expenditures which are going into the Social Security surplus. I think it is a goal of both political parties to stop spending that surplus as soon as we get through this war effort, as soon as we get totally out of this recession and as soon as we rebuild after the natural disaster that we had in New York. There is a question of debate on that. Whether we can say it is because of overspending or undertaxing, I think the question is certainly debatable and is subject to debate.

But nobody should stand before this Congress or before the American people and say we are raiding the Social Security trust fund which only has promises. It does not have dollars.

But, also, I think it is important to realize that, in going forward to decide what exactly we are going to do with Social Security, when we are coming together; and I would say to the members of the minority side who are trying to get some kind of a discharge petition to get their interpretation of the President's bill before this Congress or getting the two or three other bills before the Congress to have an open debate on it, as soon as I sense any real feeling on the minority party that they want to solve the problem rather than taking a few bills, some fictitious and some real, and crafting them into weapons, as soon as I get the sense that they want to move ahead, I am prepared to move ahead, because I think it is very important.

I am concerned about my grandkids. I have a grandchild by the name of

Wyatt who lives in DeLand, Florida. He is 13 years old. He is going to face benefit cuts of 28 percent by the time he is 62 years old. He will get less than $3 for every $4 of benefits that are promised to him. We have got to remember we do not only represent seniors of today. We represent our kids and our grandkids. If we are going to take $1 out of every $4 that they are entitled to receive, that is, I think, a national tragedy and that is something that is certainly less and far below the mission for which the American people sent us here to the Congress. They did not send us here to misrepresent facts, they did not send us here to hold steady to political beliefs, and they did not send us here, frankly, to privatize Social Security.

And no one is trying to privatize Social Security. In fact, the bill that I have filed leaves the Social Security system totally intact. It does not touch $1 of it, and it saves Social Security for all time according to the Clinton administration as well as according to the current administration.

Mr. Speaker, again, I would like to thank this Chamber and Members of both sides of the aisle for the debate that we had. I apologize for my voice, but I am in about the third or fourth day of a cold which I am hopeful that it is no longer contagious.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4070, the Social Security Program Protection Act of 2002. I urge my colleagues to support this badly needed measure.

Every year, Social Security provides benefits to over 50 million retired and disabled workers, their families and SSI recipients. Of this total, more than 7 million are beneficiaries who cannot manage their own financial affairs and have a "Representative Payee" appointed to guard their monthly benefits.

While the majority of these arrangements are above board, a significant number are subject to fraud and abuse. In these cases, the beneficiary is being cheated out of their Social Security income, which they desperately need, and the taxpayers are being cheated by government funds being diverted to unauthorized recipients.

This legislation protects vulnerable beneficiaries by tightening oversight and regulation of the "Representative Payee" system. Penalties for the misuse of the system are enhanced, and new regulations governing who is eligible for a "Representative Payee" status are further qualified by prohibiting anyone convicted and imprisoned for more than one year from serving in this capacity. Moreover, this measure permits the reissuance of benefits to individuals who have been cheated by their "Representative Payee," and further directs that the recovery of misused benefits from those persons may be undertaken.

This measure also makes a number of modifications to shore up the integrity of the Social Security system by denying benefits to fugitive felons, imposing penalties on recipients who fail to notify SSA of any change in their status and clarifies which attorneys the SS commissioner may refuse to recognize in the handling of specific cases.

Mr. Speaker, this measure helps protect the interests of those who are unable to manage their financial affairs, including their Social Security benefits. In doing this, it addresses an unmet need. Accordingly, I strongly support its passage.

Mr. CRANE. Mr. Speaker, I rise today in support of the Social Security Program Protection Act of 2002.

This legislation gives the Social Security Administration the enhanced tools it needs to help fight fraud and abuse activities that drain program resources and undermine the financial security of beneficiaries.

This legislation also helps individuals with disabilities gain access to representation to help them navigate through complex application process to receive benefit.

Preliminary CBO estimates show this legislation saves the budget $534 million over 10 years.

The program protections and improvements in this bill are bipartisan and have the support of the Federal Bar Association, the Association of Administrative Law Judges, and the National Organization of Social Security Claimants' Representatives.

I am saddened that the minority has spent today in the same manner they usually choose to spend very other October: scaring our senior citizens.

It is easy for the minority to sit back and cry foul, but I would ask all of my colleagues the following questions: has the minority done anything but misrepresent our plans to save Social Security?

Have they come to the table with any serious ideas themselves on how to save the program?

The answer to this question, regrettably, is "no."

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 4070, the Social Security Program Protection Act of 2002. This legislation provides needed safeguards for the over 6 million Social Security and Supplemental Security Income beneficiaries who cannot manage their own financial affairs and need a "representative Payee." I fully support increased oversight of Representative Payees to prevent abuse, and the mis-allocation of taxpayer money. I also agree with this bill's provision that allows for the re-issuance of benefit payments that have been taken from the rightful beneficiaries and the recovery of these funds from unscrupulous Representative Payees.

I want to underscore the importance of one of the items in the bill's final section containing miscellaneous and technical provisions. This is the provision that improves the effectiveness of the Ticket to Work and Work Incentives Improvement Act of 1999. It will ensure that employers who hire individuals with disabilities through referral by an employer network also qualify for the Work Opportunity Tax Credit. Americans with disabilities experience an unemployment rate of 70 percent, and we must do everything in our power to make sure that incentives exist to open the doors of opportunity wider to these individuals.

Finally, I want to draw attention to this bill's provision that disqualifies those who have been convicted and imprisoned more than a year from serving as Representative Payees. The bill also allows the Commissioner of Social Security to exercise judgment in determining cases where certain ex-offenders may be certified as Representative Payees despite this prohibition. While we must do everything possible to protect Social Security and Supplemental Security Income beneficiaries from being taken advantage of by unscrupulous individuals, we also must not unjustly condemn ex-offenders who have paid their dues and need to re-gain their ability to participate fully in society.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4070, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of H.R. 4070, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMENDING CONTRIBUTIONS OF ROOFING PROFESSIONALS INVOLVED IN REBUILDING OF PENTAGON

Mr. SULLIVAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 424) commending the patriotic contributions of the roofing professionals who replaced, at no cost to the Federal Government, the section of the Pentagon's slate roof that was destroyed as a result of the terrorist attacks against the United States that occurred on September 11, 2001.

The Clerk read as follows:

H. CON. RES. 424

Whereas the damage to the Pentagon that resulted from the terrorist attacks against the United States that occurred on September 11, 2001, included the destruction of more than an acre of the Pentagon's slate roof;

Whereas roofing professionals from throughout the United States, mostly from small businesses, volunteered to work together to replace the destroyed section of the Pentagon's roof;

Whereas these roofing professionals donated approximately $450,000 worth of labor and materials to the replacement effort; and

Whereas these roofing professionals successfully replaced 60,000 square feet of the Pentagon's slate roof before September 11, 2002, and at no cost to the Federal Government: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress commends the patriotic contributions of the roofing professionals who replaced, at no cost to the Federal Government, the section of the Pentagon's slate roof that was destroyed as a result of the terrorist attacks against the United States that occurred on September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. SULLIVAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. SULLIVAN).

GENERAL LEAVE

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 424.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 424, introduced by my distinguished colleagues, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ), honors the hard work of the roofers who helped rebuild the Pentagon in the wake of the September 11 attacks.

Mr. Speaker, September 11 is etched in our minds for all time. That terrible day brought destruction and cast a dark shadow over the entire country and world. In the midst of those acts of evil, the Pentagon was severely damaged. Over the past several months, this body has acknowledged and thanked those who have helped rebuild New York and the Pentagon in so many ways following the terrorist attacks.

Today we recognize the diligent work of the roofing professionals, mostly small businesses, who have banded together to volunteer their time, labor and materials worth one-half million dollars to rebuild the section of roof destroyed in the attack on the Pentagon. The fire from the attack ruined more than one acre of slate roofing over the Pentagon in addition to the section of structure that was damaged. Today, the full 20,000 square foot area of roof over the Pentagon now has replacement slate. They completed this work before the deadline at no cost to the taxpayers.

The House commends the patriotic and generous contributions these roofing professionals have made to the rebuilding of the Pentagon.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to commemorate the roofing professionals who volunteered their time and effort to repair the roof of the Pentagon following the September 11 terrorist attack.

Mr. Speaker, the Pentagon was struck by a horrible act of terrorism on September 11, 2001. One hundred twenty-five employees at the Pentagon and 64 hostages on Flight 77 perished as a result of the terrorist attack that day. The attack also resulted in the destruction of more than an acre of the Pentagon's slate roof. The renovation effort, known as the Phoenix Project, is under way to restore the damaged portion of the Pentagon and is pushing to have the Pentagon personnel back to work in that portion of the building by September 11, 2002.

Contributing to this effort were roofing professionals from throughout the United States, mostly from small, family-owned businesses who volunteered to work together to replace the destroyed section of the Pentagon's roof. These hard-working Americans donated approximately a half million dollars in materials and labor to the replacement effort and successfully replaced 60,000 square feet of the Pentagon's roof at no cost to the American taxpayers who have already shared a large burden of the emotional and financial costs of September 11. The completion of this project reflects the spirit that we as Americans can work together, rise from the ashes and overcome any obstacle.

I commend those who have come forth with this resolution. I urge its support.

Mr. Speaker, I reserve the balance of my time.

Mr. SULLIVAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, today I rise in support of H. Con. Res. 424, a resolution commending those small businesses and family-owned enterprises in the roofing industry who donated their time and resources to help complete the reconstruction of the portion of the Pentagon roof damaged or destroyed by the terrorist attacks on September 11. I wish to extend my sincere thanks to the many volunteers for the patriotic work and to acknowledge the National Roofing Contractors Association which organized these efforts.

The Pentagon Project, as it was called, was the brainchild of John and Kimberly Francis who are co-owners of a family-run roofing contracting company in Falls Church, Virginia. Searching for something they could offer in response to the attacks, they approached the National Roofing Contractors Association with the idea of assembling a volunteer force of small businesses in the roofing industry to raise the needed cash, material and manpower to rebuild the approximately 60,000 square feet of damaged roof. Small business volunteers from around the country offered to come to Washington to help fix the roof or donated supplies for the project. The result: Less than 9 months after the attack, these volunteers have completed their work and restored a symbol of American power and resolve.

This resolution honors their success, determination and patriotism. It recognizes their eagerness to step forward and contribute in a meaningful way to America's fight against terrorism and resolve to stand firm along the way.

On behalf of the American people, as well as the members of the Committee on Small Business, all of whom cosponsored this resolution, we offer our heartfelt thanks for a job well done and congratulations on a recognition well deserved.

I especially want to thank my colleague, the ranking minority member, the gentlewoman from New York (Ms. VELÁZQUEZ), for her leadership in making sure that this resolution was authored, submitted and came to the floor today.

In fact, about 4 hours ago, we were at the Pentagon for a ceremony that honored these roofers. Sixty thousand square feet is a little over an acre and a half. It is a tremendous amount of roof. You could see the roofers still on the roof today. It must have been 130 degrees up there. This is what they wanted to do for America.

As people came together after September 11, these roofers realized that they wanted to do something in a meaningful way. As they drive by the Pentagon every day, they can see that portion of the roof that they restored with no cost to the Federal Government because this is their contribution to making America great.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on behalf of a grateful Nation. Less than 3 months before the anniversary of the worst act of terrorism in our history, a small group of volunteer small business professionals from across the country completed replacement of more than an acre of hard slate roof over the Pentagon. Earlier this morning, many of us participated in a ceremony at the Pentagon to recognize the work of these selfless Americans, and we are here again to thank them for their patriotic generosity.

Small businesses work for America. They anchor our communities and neighborhoods. They create three-fourths of all new jobs, employ half our workers and produce nearly half our GDP. They hauled us out of our last recession into the longest peacetime boom on record. They did it before, and they are doing it again.

But that is not all. When they lock up for the night, small business owners are out in the community, volunteering in school, coaching little league, donating their time and expertise to neighborhood improvement.

But even when it did not seem possible that small businesses could give any more, they did. When terrorists crashed American Airlines Flight 77 into the Pentagon on September 11, small businesses stepped forward to help. Leading the way were John and Kimberly Francis, owners of Northern Virginia Roofing in Falls Church, Virginia. After September 11, they joined millions of Americans in wanting to do something, to give something back.

□ 1545

So when they learned of the extensive damage to the Pentagon's roof, they decided to volunteer their particular talents. They would give a new roof to the Pentagon.

Soon roofing professionals from across the country came to volunteer their time, labor, and materials, rebuilding more than an acre and a half of hard slate roof over the Pentagon. They flew in from all across the country to northern Virginia, they drove, they even brought campers to work on this project.

My colleagues might remember that this was not the best time if one was a small business to donate time on labor. The economy was in a recession and threatened to get worse. Americans feared for their security and their jobs. Yet these roofers knew that they had a patriotic imperative and an historic opportunity to help heal this breach by doing what they do best. In our darkest moment, they were among our brightest lights.

Eight months later, $450,000 in donated material and labor have had their desired effect. A professional army of volunteers have given a roof to the Pentagon at no charge to the Federal Government or the American taxpayer.

I hope every Member of this body is inspired by the story of these selfless professionals. Whenever they drive by the Pentagon and see the rapid rebuilding and the work crews on the job day and night, they will see a symbol standing for all that America's small businesses have done for this country. Small businesses not only rebuilt the Pentagon, they rebuilt our resolve. For that and for so much else, we thank them.

I also want to take this opportunity to thank the staff for their hard work, not just on the resolution but giving small businesses the support they needed to accomplish this great fete: Staff Director Michael Day, Mary Ellen Ardonney, Wendy Belzer and James Snyder.

Mr. SULLIVAN. Mr. Speaker, I yield myself the balance of my time.

I commend the distinguished gentleman from Illinois (Mr. DAVIS) and the gentlewoman from New York (Ms. VELÁZQUEZ) for introducing this resolution and working so hard to ensure its passage. I thank the gentleman from Indiana (Mr. BURTON), the House Committee on Government Reform chairman; the gentleman from California (Mr. WAXMAN), ranking member; the gentleman from Florida (Mr. WELDON) and the gentleman from Illinois (Mr. DAVIS), the chairman and ranking member of the Subcommittee on Civil Service, Census and Agency Organization, for expediting the consideration of this resolution.

Again, Mr. Speaker, I urge all Members to support this resolution to commend the extraordinary generosity and patriotism of the professional roofers who helped rebuild the Pentagon.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to thank the distinguished gentleman from Illinois (Mr. DAVIS) for yielding me this time.

Mr. Speaker, I want to commend the patriotic contributions of the local roofing companies in Northern Virginia especially who donated labor, money, and supplies, which nationally totaled about half a million dollars, to rebuild the section of the Pentagon's slate roof that was destroyed on September 11. I am proud that the push for the roofing companies to volunteer their time and effort and money originated with an idea by a roofing company in my district, Northern Virginia Roofing.

Northern Virginia Roofing is a husband and wife company located in Falls Church. They approached the National Roofing Contractors Association a week after the attacks, right after the attack, and said they wanted to contribute to the recovery effort of the Pentagon. The Association then approached the Defense Department, which gladly accepted the idea of giving the Pentagon a new roof.

Even though it has been more than 8 months since those tragic events of September 11, I am still constantly amazed, as I know my colleagues are, by the acts of heroism and patriotism displayed by the American people. This clear act of unselfishness by these roofing companies sends a clear message to the world that our resolve cannot be diminished. The attacks of September 11 have not weakened the United States and the American spirit. Our core values of freedom and democracy are certainly still intact.

Mr. Speaker, I urge every Member of Congress to support this resolution, and I am sure they will, which not only commends the roofing companies who are working around the clock to rebuild a severely damaged Pentagon, but it is also a testament to the American spirit.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

We have no further request for time, and in closing I would commend again the chairman and ranking member of the Committee on Small Business for the introduction of this resolution and certainly extend heartfelt appreciation to the family roofers who came together as small businesses to indicate that, when small businesses come together, they can tackle big problems and meet big needs. So I simply commend all of those who are in support of this resolution and urge its passage.

Mr. NUSSLE. Mr. Speaker, I rise in full support of this resolution commending the patriotic contributions of the roofing professionals who replaced the section of the Pentagon's slate roof destroyed by terrorists on September 11, 2001.

The sight of the smoke rising from the Pentagon that day was a vision caused by evil that I will never forget.

Since that time, many Americans have acted with hope and good will and without hesitation to help our Nation move forward from a time and place of tragedy.

Ken and Jared Schmitt of Rafoth, Inc. in Dubuque, Iowa offered their time and talents to make a difference. Ken and Jared were among the roofing professionals who volunteered to help repair more than an acre of the Pentagon's slate roof. I had the honor of meeting with them during their stay in the Washington area.

Roofing professionals across the country donated approximately $450,000 worth of labor and materials to the replacement effort at no cost to the Federal Government.

This resolution offers an opportunity for us to say thank you to those who did this work out of their sense of duty and generosity. Ken and Jared deserve America's gratitude and respect. There is no question that they have mine.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Oklahoma (Mr. SULLIVAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 424.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SULLIVAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

FRANK SINATRA POST OFFICE BUILDING

Mr. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3034) to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building."

The Clerk read as follows:

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRANK SINATRA POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, and known as the Hoboken Main Post Office, shall be known and designated as the "Frank Sinatra Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Frank Sinatra Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. SULLIVAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. SULLIVAN).

GENERAL LEAVE

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3034 now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3034, introduced by our distinguished colleague from New Jersey, designates the Post Office located in Hoboken, New Jersey, as the Frank Sinatra Post Office Building. Members of the entire House delegation from the State of New Jersey are cosponsors of this legislation.

Mr. Speaker, I rise today in strong support of this bill that honors Frank Sinatra. It is appropriate that we name the Post Office in Hoboken, the birthplace of Frank Sinatra, after him. Born in Hoboken in 1915, Sinatra quickly became one of America's favorite entertainers. Not only is Sinatra known for his timeless classics like "Love and Marriage," "The Lady Is a Tramp," and "Strangers in the Night," to name a few, he also has had a successful film career, appearing on the big screen over 60 times.

In 1994, Sinatra was awarded the Grammy "Legend Award" which was a culmination of a career that saw him win nine Grammy awards.

I would be remiss if I did not mention his timeless classic "New York, New York." His words about New York and the New York City area have taken on a new meaning in the past year as we saw our fellow Americans from the New York area fight back in the face of terrorism. It is appropriate that we honor a man who embodied that spirit in his music and we name a Post Office in Hoboken, New Jersey, after him.

Even in his death, Frank Sinatra's music continues to entertain and inspire all Americans.

Mr. Speaker, I urge the adoption of H.R. 3034.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Committee on Government Reform, I am pleased to join with the gentleman from Oklahoma (Mr. SULLIVAN) in support of this resolution. I rise in support of H.R. 3034, legislation naming the Post Office after the legendary Frank Sinatra.

H.R. 3034, which was introduced by the gentleman from New Jersey (Mr. MENENDEZ) on October 4, 2001, has met the committee policy and enjoys the support and cosponsorship of the entire New Jersey delegation.

Frank Sinatra was an Academy and Grammy Award winning singer and actor from Hoboken, New Jersey. He was born in 1915 and died in 1998. He cut his first record in 1939 and went on to make more than 1,800 recordings in his lifetime. Who could ever forget Frank Sinatra singing "My Way," "The Lady Is a Tramp," "Strangers in the Night," "Nice and Easy," "New York, New York," "Nancy," "Three Coins in a Fountain," or "Chicago, Chicago, My Kind of Town? "

The man who read lyrics with great clarity and emotion practically brought the house down every time he performed. He garnered nine Grammies and was heralded by fans as the most preeminent singer of the century.

Frank Sinatra's distinguished and versatile acting career included appearing in at least 60 films. He will always be remembered for such greats as "The Man With the Golden Arm," "The Manchurian Candidate," "Ocean's Eleven," "The House I Live in," "From Here to Eternity," and many others.

Sinatra, nicknamed "Old Blue Eyes" and "Chairman of the Board," was famous for the good times he had with his "Rat Pack" friends, which included Dean Martin and Sammy Davis, Jr. He was also remembered for sticking up for his friends and for sticking by his pals in times of need. He helped open the doors for his friend, Sammy Davis, Jr., and fought Hollywood's blacklist in the 1950s, often putting unemployed actors and friends on his payroll. He was also known as a philanthropist, often sending money to people in need and donating generously to charities.

In 1983, Frank Sinatra was honored by the Kennedy Center; and in 1985 he received the Presidential Medal of Freedom.

Mr. Speaker, I certainly join with all of those who would urge adoption of this measure.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from New Jersey (Mr. MENENDEZ), the originator and sponsor of this bill.

Mr. MENENDEZ. Mr. Speaker, I want to thank the distinguished gentleman, the ranking Democrat, for helping us bring this to the floor and for yielding me this time; and I thank the chairman of the committee as well.

Mr. Speaker, I rise in strong support of H.R. 3034, legislation that I authored to honor Hoboken, New Jersey's favorite son, a superstar, an icon, and a legend, the late Frank Sinatra. The bill will rename Hoboken's main Post Office as the "Frank Sinatra Post Office Building," bringing a much-deserved and much-awaited fitting tribute home to the birthplace of the most famous "Chairman of the Board." I appreciate my colleagues from the New Jersey delegation joining unanimously in this effort.

Born in Hoboken, New Jersey, on December 12, 1915, Frances Albert Sinatra was one of the preeminent entertainers of the 20th century. Whether wooing us with soulful melodies or his cinematic charisma, Frank Sinatra always managed to attract and entertain large and diverse audiences with a unique and innate style.

□ 1600

Epitomizing the essence of coolness and class, Sinatra used his charm and harmonious voice to become an idol of both young starstruck admirers and older professionals. This musical mastermind mesmerized crowds with ageless classics such as "New York, New York," "My Way," "Night and Day," "Witchcraft," "Love and Marriage," "Strangers in the Night," "September of My Years," "The Lady is a Tramp," along with countless others.

Ol' Blue Eyes utilized his dynamic talents and culturally-acute instincts to do more than simply entertain. He used music and theater as mediums to carry a socially-conscious message to fans and admirers around the world. In films such as the "Manchurian Candidate" and "Von Ryan's Express," Sinatra the actor educates us on the heroic and selfless sacrifice of America's World War II and Korean War veterans who vigorously defended the cherished principles of freedom and democracy.

During his critically acclaimed performance in "The House I Live In," Sinatra was able to make thousands of

Americans understand and appreciate how ethnic and religious diversity is the foundation for cultural and societal progress.

If we listen to the lyrics of that song, "What is America to Me?" in the movie "The House I Live in," I think it wraps up in part why Sinatra was able to touch the hearts of so many people in this country.

He said:

"What is America to me?
"A name, a map, or a flag I see
"A certain word, 'democracy.'
"What is America to me?
"The House I live in
"A plot of earth, a street
"The grocer and the butcher
"Or the people that I meet
"The children in the playground
"The faces that I see
"All races and religions
"That's America to me
"The place I work in
"The worker by my side
"The little town, the city
"Where my people lived and died
"The howdy and the handshake
"The air a feeling free
"And the right to speak your mind out
"That's America to me
"The things I see about me
"The big things and the small
"The little corner newsstand
"Or the house a mile tall
"The wedding in the churchyard
"The laughter and the tears
"And the dream that's been agrowing
"For more than 200 years
"The town I live in
"The street, the house, the room
"The pavement of the city
"Or the garden all in bloom
"The church, the school, the clubhouse
"The million lights I see
"But especially the people
"Yes, especially the people
"That's America to me."

It was those people who came and flocked.

In the middle of his career, Frank Sinatra earned the nickname "Chairman of the Board of Show Business" because of his simultaneously successful career as a musician, entertainer, and leading Hollywood actor.

This Chairman of the Board also was the founder and leader of one of the most dynamic and star-studded ensembles known as the Rat Pack. Members included Dean Martin, Sammy Davis, Jr., and Joey Bishop.

Along with being featured performers on the Las Vegas entertainment scene, this group went on to star in four amusing and witty films: "Ocean's Eleven," "Sergeants Three," "Four for Texas," and "Robin and the Seven Hoods."

During his show business career that spanned more than 50 years, Frank Sinatra is widely regarded to be one of the most successful entertainers of his era. His appearances and performances sparked attention and excitement worthy of only an admired global icon. His resume of achievements and accomplishments include Academy Awards, Grammy Awards, and numerous other entertainment honors.

Although most Americans will remember Frank Sinatra for his chic and graceful presence, there was also a generous and philanthropic side for this superstar. Sinatra's family and people closely associated with him say his charitable interests were endless, and it is estimated that he gave millions of dollars to worthy causes around the world.

Naming Hoboken's main post office after the late Frank Sinatra honors and recognizes Hoboken's number one hero. I am extremely proud to offer this legislation, and I hope that my colleagues join me in passing this measure.

Today we bring decades of Sinatra's success back home to where it all began: Hoboken, New Jersey.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, some years ago, when we stood on this floor as a prime sponsor of the Frank Sinatra Congressional Gold Medal, we spoke, and everyone did, about Frank Sinatra, the artist, as we are doing today.

But today's conversation and debate takes on a different tone, that is, that Members are also speaking about Frank Sinatra, the American, and Frank Sinatra, the visionary, who saw many things way ahead of his time on the issue of civil rights, on the issue of race relations, on the issue of generosity, when one is gifted and able to make money from that gift they have received, as he was.

So, of course, I could not pass up the opportunity to want to again remind us that we are talking about the greatest popular singer of our generation. We are talking about a person who we use as the measuring stick for anyone who wants to become a great singer, and a mighty task that is, to talk about that diction or that ability to bring forth romantic lyrics in the way that songwriters wanted them to be brought.

So we know about Frank Sinatra, that giant of American and worldwide music. But the other day, and a couple of years ago, I ran across two Frank Sinatras I had heard about and did not know.

One a couple of years ago was that there had been, a discussion we are having these days, by the way, an FBI file kept on Frank Sinatra; and why he was on an FBI file is interesting to note.

It was because, my colleagues would be interested in knowing, during the 1940s he voiced his desire to have housing for returning GIs. On another occasion, he went to meet Mayor Hubert Humphrey in Minneapolis-St. Paul to ask for people to learn how to stop fighting and get along with each other. In those days, that was enough to get one listed as a troublemaker.

Later on, as our colleague, the gentleman from Illinois (Mr. DAVIS), has said, when he demanded from hotels and nightclubs that they treat Sammy Davis, Jr., the same way they treated him, he again was considered a troublemaker.

But most recently, my son, who incidentally has been elected to the New York City Council, came across something which is really interesting. It was written by Frank Sinatra for something called "Magazine Digest" in July of 1945. It is simply titled "Let's Not Forget, We Are All Foreigners." In here, he speaks about how he felt in 1945 about people being called names.

He says, "Let's take it right from the top. Ever hear of a corny old saying, sticks and stones will break my bones, but names will never hurt me? Want to know something, that is not only corny, it is wrong. Names can hurt you. They can hurt you even more than sticks and stones."

Then he goes into saying how adults wreck the minds of children. He says that children, if left alone, will play with each other regardless of their color, their race, their religion, their cultural background, their ethnic background; that they will play as children, and that only adults then come forward and poison minds to create the problems that we have in this country.

He then also said, "Look, the next time you hear anyone say there is no room in this country for foreigners, tell him you have a big piece of news for him. Tell him everybody in the United States is a foreigner. This is our job, your job and my job, and the job of the generations growing up, to stamp out the prejudices that are separating one group of American citizens from another."

That is the Frank Sinatra we should be paying more attention to as we also celebrate his music. I thank the gentleman for this resolution to name this post office in his memory. We will celebrate Frank Sinatra the man, the American, and the world's greatest singer of pop music.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, let me just say that from time to time people will ask me, Why do we do these resolutions? Why do we name post offices? Why do we take the time?

I think anyone who heard this discussion this afternoon should never have to ask that question again. They should never have to ask that question again because what we have heard speaks to the embodiment of what America is. It is a Nation of values, it is a Nation of contributions, and it is a Nation that many people have helped to shape.

I think that naming a post office after Frank Sinatra in Hoboken, New Jersey, is an indication of that level of understanding.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 3034, the designation of the Frank Sinatra Post Office building. Frank Sinatra, the singer, the actor, the man, was one of the preeminent American icons of this century. Hailed by critics and peers alike as the "greatest singer in the history of popular music," Frank Sinatra's career and life should be commemorated in every way possible.

Mr. Sinatra's music career spanned over a half-century. From his first record cut in 1939, to his eighth Grammy nod in 1996, Frank Sinatra's presence and his overwhelming charisma could be felt by all those who knew and loved music. Sinatra put his stamp on dozens of tunes familiar to the music lover's ear, including the timeless theme of the Big Apple, "New York, New York" and the anthem of every iconoclast, "My Way."

Frank Sinatra, as we all know, would not allow himself to be limited to just music. He appeared in more than 60 films that ranged from dark dramas to lighthearted comedies. The pinnacle of his acting career amounted to an Oscar nod for his short film entitled, "The House I Live In" and one for himself for his supporting role as Maggio in the film, "From Here to Eternity." Just like everything else he did, Sinatra threw himself into every role, giving everything he had to give.

There are very few people in this century that effected so many Americans of various generations. He continuously gave back to the community that gave him so much, through his music and films as well as through his generous donations to various charities. He donated amounts of money estimated to be in the millions during his life, sometimes anonymously sending money to those whose misfortunes he read about in the paper.

Frank Sinatra was one in a million. There are few men likely to fill the shoes left by Sinatra in May of 1998 at the age of 82. That year, during my annual charity bocce tournament, many of my friends in Connecticut gathered to celebrate his remarkable life. The Frank Sinatra Post Office is just one of the small ways we can pay proper tribute to a man that shaped and molded the face of popular culture for over 50 years and I ask my colleagues today to join me in supporting this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage; and I yield back the balance of my time.

Mr. SULLIVAN. Mr. Speaker, I urge the adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Oklahoma (Mr. SULLIVAN) that the House suspend the rules and pass the bill, H.R. 3034.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SULLIVAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION ACT OF 2002

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3764) to authorize appropriations for the Securities and Exchange Commission, as amended.

The Clerk read as follows:

H.R. 3764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securities and Exchange Commission Authorization Act of 2002".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS OF THE SECURITIES AND EXCHANGE COMMISSION.

In addition to any other funds authorized to be appropriated to the Securities and Exchange Commission, there are authorized to be appropriated to carry out the functions, powers, and duties of the Commission, $776,000,000 for fiscal year 2003, of which—

(1) not less than $134,000,000 shall be available for the Division of Corporate Finance and for the Office of Chief Accountant;

(2) not less than $326,000,000 shall be available for the Division of Enforcement; and

(3) not less than $76,000,000 shall be available to implement section 8 of the Investor and Capital Markets Fee Relief Act, relating to pay comparability.

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Securities and Exchange Commission should conduct a thorough annual review of the annual financial statements contained in the most recent periodic disclosures filed with the Commission by the largest 500 reporting issuers, as determined by market capitalization and by other factors as the Commission shall determine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the Securities and Exchange Commission Authorization Act of 2002 authorizes important new resources for the Securities and Exchange Commission for fiscal year 2003.

I would like to commend the ranking member of the Committee on Financial Services, the gentleman from New York (Mr. LAFALCE), and the chairman of the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, the gentleman from Louisiana (Mr. BAKER), for their leadership on this very important and timely issue.

As we know, the SEC is statutorily charged with supervising the Nation's securities markets. This legislation is necessary to reauthorize the work of the SEC to enable it to continue its mission of protecting investors and promoting efficiency, competition, and capital formation.

For quite some time, the U.S. securities markets have been widely regarded as the deepest, most liquid, and fairest markets in the world, in large part due to the fine work of the SEC. Today, however, it is abundantly clear that our markets are in need of reform. Too many people have abused the public trust. In the wake of recent scandals, many have noted a crisis of public confidence in the integrity of our system.

That is why the Committee on Financial Services was first out of the block in analyzing analysts, corporate reporting, and accountants.

The committee drafted comprehensive legislation that overwhelmingly passed the House, and has directed the self-regulatory organizations to promulgate new rules on analysts and corporate governance. Much has been done, with still more to do, in order to ensure investors are protected through full and timely disclosure of financial information.

The bill before us today authorizes the SEC at a level of $776 million for fiscal year 2003, with $134 billion earmarked for the division of corporate finance and the office of the chief accountant, and $326 million earmarked for the division of enforcement.

The bill identifies these particular divisions for increased funding because it is vital that the commission have sufficient resources to review public filings and bring enforcement cases against those who violate the securities laws.

One of the primary findings of our hearings was the need for the commission to pursue wrongdoers in real time. This bill provides the commission with the resources it needs to do exactly that.

The bill also fully funds the pay parity provisions of the Investor and Capital Markets Fee Relief Act enacted into law this past January. This $76 million in funding would grant SEC employees pay parity with the banking regulators and help the commission attract and retain the first-rate attorneys, accountants, and economists needed to protect investors.

With modest staff and limited resources, the SEC currently oversees an estimated 8,000 brokerage firms employing nearly 700,000 brokers; 7,500 investment advisors with approximately $20 trillion in assets under management; 34,000 investment company portfolios; and over 17,000 reporting companies.

The commission also has oversight responsibilities for nine registered securities exchanges, the National Association of Securities Dealers, the National Futures Association, 13 registered clearing agencies, and the Municipal Securities Rulemaking Board.

The funding level authorized in this legislation is significantly higher than the fiscal year 2002 level, but there is ample justification. Much has changed since last year.

The commission needs funding for its e-government and information technology initiatives, telecommunications systems, and security enhancement. The commission has not received a staffing increase in the last 2 years, despite the additional responsibilities put upon it by the enactment of the Commodity Futures Modernization Act and the Gramm-Leach-Bliley Financial Services Modernization Act.

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Now, with the tragic events of September 11 in which the SEC's Northeast regional office was destroyed and the deep crisis in confidence facing the markets, the challenges facing the SEC have never been greater. For the U.S. markets to remain the envy of the world, it is absolutely vital for the SEC to have the necessary resources to protect investors and promote capital formation. I urge all of my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the adoption of the bill. Mr. Speaker, I am pleased to join with the gentleman from Ohio (Mr. OXLEY) in strongly supporting this legislation. Authorizing the resources that the SEC needs to provide meaningful market oversight is one of the most important steps we can take to restore the integrity of our markets, to restore confidence on the part of the public in the integrity of our markets.

Unfortunately, as our securities markets and public companies have skyrocketed in size and complexity, we have done little to ensure that the SEC had the means to keep up. The SEC has fought a losing battle to keep up with the immense growth of corporate filings.

Transactional filings alone grew by almost 40 percent over the last half of the 1990s, but the resources available for reviewing those filings did not grow. Despite this increase in activity, staffing levels at the SEC remained flat over the same period and, in fact, declined during fiscal year 2002.

While the drop-off in IPOs last year enabled the SEC to review more of the annual financial statements filed by public companies than it had for many years, it was still able to review only 16 percent of those statements. That is grossly inadequate.

We are clearly now reaping the results of this historic neglect, with the number and size of restated financial reports due to financial misstatements and fraudulent accounting practices growing each year. The failure of Enron and the many issues for investors, employees, accountants, auditors and analysts raised by that failure and numerous other failures has further taxed the ability of the SEC to oversee the markets.

If we are to restore the quality and integrity of our financial reporting system, it is crucial that the SEC receive the funding necessary to increase the staff available to perform its market oversight functions, particularly regular reviews of corporate financial statements. Moreover, the SEC must have the additional enforcement staff necessary to bring enforcement actions swiftly when companies misrepresented their financial condition in their financial statements.

H.R. 3764 is a step to providing both authorizing funding for pay parity and doubling the staff of the Division of Corporate Finance, the Office of the Chief Accountant and the Division of Enforcement.

At a time when Americans have become more reliant on the performance of their stock investments for their savings and retirement, we cannot afford to allow the practices we have seen over the last few years continue to taint our markets. I was very disappointed that in the wake of the collapse of Enron and the successive waves of accounting scandals the President did not include a substantial increase in funding for the SEC in his budget request to Congress. The SEC plays a crucial role in the sound functioning of our markets and our economy and that crucial role cannot be ignored.

We in Congress must send a strong signal to the administration and to the world of the importance of a strong and fully functional SEC to restoring confidence in our markets. This bill is an important step towards creating that strong legislative response that might restore confidence in our financial reporting system and our securities markets.

If our capital markets are to retain their position as the most efficient and the most transparent in the world, it is critical that we ensure that our markets are subject to the best possible oversight; and only then will investors both at home and abroad regain their confidence that our markets are indeed the best in the world. Mr. Speaker, I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LINDER). The gentleman from New York (Mr. LAFALCE) has 15 minutes remaining.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 3764, the SEC Reauthorization Act. The past year will go down in history as one of the most scandal ridden in the history of our Nation's capital markets. Enron, Global Crossing, TYCO, and ImClone all raise the clouds of insider corruption, massive financial restatements, and outright fraud on investors.

This bill takes an important step in assigning these episodes to history and ensuring that the SEC has the resources to prevent future problems. This legislation commits significant new resources to the SEC, which I can attest are truly needed based on what we have learned from hearings in the Committee on Financial Services.

The bill authorizes $776 million for the SEC in fiscal year 2003, $338 million more than the fiscal year appropriations 2002 level and $233 million, 43 percent more than the administration requested. At least $134 million will go to SEC's chief accountant and corporation finance division, $326 million to the enforcement division, and $76 million to pay parity.

While these sums are significant and necessary, my colleagues are well aware that the agency is funded through transaction fees and not traditional tax revenue. This pay parity money is especially important given the staff crisis the agency has experienced in recent years.

Having recently visited the SEC field office in the Woolworth Building in lower Manhattan, a facility that was formerly located in the World Trade Center complex, I can tell you that pay parity is truly, truly needed. Pay parity will bring SEC employees up to the pay levels of their colleagues at the Federal banking regulators. I believe the securities regulators should not be treated as a second-class citizen behind the bank regulators. It is bad for investors and industry, and this is a truly worthy investment.

I have already sent a bipartisan letter along with 27 of my colleagues on the Committee on Financial Services requesting funding for pay parity; and I want to thank the ranking member, the gentleman from New York (Mr. LAFALCE), for pushing for this provision and the gentleman from Ohio (Mr. OXLEY) for holding to his commitment in last year's fee reduction legislation to win pay parity.

Passage of this legislation today is yet another step on the road to winning back public confidence in our financial markets and rebuilding the trust of individual investors in financial reporting. It is my hope we build on it by passing real reform of the accounting industry with this Congress. To that end, I congratulate Senator SARBANES for his overwhelming bipartisan victory by a 17–4 vote for his accounting legislation in the Senate Banking Committee. I look forward to working on this legislation in the conference committee, and I urge passage of this bill.

Mr. OXLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 3764 and strongly support the additional funding for the Securities and Exchange Commission. However, I would like to point out a concern I have with some of the language in the bill.

This bill requires not less than $134 million for the Division of Corporate Finance and the Office of Chief Accountant and not less than $326 million for the Division of Enforcement. These amounts are double the level of funding requested by the President for these activities in fiscal year 2003. Enacting this legislation will require other programs to be cut by $231 million.

Our allocation of this bill, which has the FBI, DEA, INS, State Department, embassy security, the Karachi bombing last week and all of these other programs, is now down $393 million below, our allocation right now, $393 million below what the administration requested. So you add $393 million and $231 million, and I think you get a disaster for the Commerce Department, for the State Department, for the Justice Department, for the FBI, for the DEA, for the Bureau of Prisons.

So the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations, which has jurisdiction of the SEC, will have to reduce the funding requested for other agencies funded by the committee.

I hope, particularly in this war against terrorism, we really cannot cut the FBI. If you have a loved one working at an embassy around the world, we really cannot cut back embassy security. Anyone who thinks we can cut INS really has not been following the paper.

I would hope we could work on revising this bill language before the bill is conferenced with the Senate, or else I think we will have a major substantive defeat for the war against terrorism.

The administration I think has to do more with regard to the SEC. Pay parity is very important. But as you take these numbers with the allocation we will have a disaster.

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I want to thank my friend from Virginia for yielding.

I point out that since the mid-1990s, as the gentleman knows, the SEC has been funded through section 31 fees and other fee operations.

During our debate on the legislation that reduced the fees, we came to understand that, clearly, those fees in this case would cover the operation of the SEC. As a matter of fact, history would suggest that the fees generate six times currently what it takes to run the SEC.

Mr. WOLF. Reclaiming my time, I know he is a good fellow and a classmate, that 54 group that came in 1980 changed America, but Customs brings in much more money than it costs to run Customs. The INS brings in much more money. I think this has always been a bookkeeping matter, and it does come out of the allocation. If this were to hold true, in addition to the allocation we would have to cut the FBI dramatically in addition to INS and the others.

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I simply point out that I do not think at the end of the day that this is going to be an appropriations issue. It will be an issue that those fees will generate the amount of money necessary to run the SEC. That is what the legislation that passed in 1996 says. I have no reason to think that that will be any different and that the effect on the appropriations process will be minimal if any.

Mr. LAFALCE. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New York.

Mr. LAFALCE. Mr. Speaker, one of the difficulties I had with the reduction of the securities fees bill were that people were just interested in reducing the fees, whether it was section 31, section 6, 13, 14, et cetera. They were not interested in beefing up the authorization of the SEC. They were not interested, unfortunately, in the earnings manipulations that were taking place.

Most of these fees do go into general revenues, and, therefore, are dependent on both authorization and appropriations; and the gentleman from Virginia (Mr. WOLF) is correct in that respect.

Mr. WOLF. Reclaiming my time, I want to thank the gentleman for his comments, too; and I want to thank both of the gentlemen for the pay parity. I have written the administration, written Mitch Daniels and asked him to send up a supplemental or something with regard to pay parity.

Mr. LAFALCE. The position of the administration on this issue is outrageous.

Mr. WOLF. Mr. Speaker, I agree.

Also, I will tell you, we are getting a little bit off the issue, but what concerns me is this money will come out of the FBI. The FBI today is underfunded.

☐ 1630

Mr. LAFALCE. Mr. Speaker, in Buffalo, New York, they have computers that are worse than my laptop at home, and yet they are involved in anti- and counterterrorism with absolutely outdated computers.

Mr. WOLF. The gentleman is exactly right. That is why I am committed to bringing a bill and making sure that we give the FBI, and I know the gentleman from Ohio was a former FBI agent, to give them the resources, because quite frankly the gentleman from New York is right, outdated. That is why I was so concerned that we are in essence taking this away from the other categories in the bill which would be a defeat for the war on terrorism. I know the gentleman from Ohio (Mr. OXLEY) will work this out.

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I would literally be the last person in this Congress to cut FBI funding. In my estimation this does not do that. Those fees, the cost to the SEC comes out of those fees; and I want to make certain that that is the case.

Mr. WOLF. Mr. Speaker, I thank the gentleman for his response.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in strong support of the bill. I had not intended to talk about the budget aspects; but since our friend from Virginia brought up the issue of the budget, one, I want to concur with the comments of the chairman and the ranking member of the Committee on Financial Services. And I might say to the gentleman from Virginia, since the capital markets operate on confidence and the fact that there is a malaise over the capital markets now and a great deal of lack of confidence, were we not to provide the Securities and Exchange Commission with the resources that they need to rebuild confidence in the marketplace, I think the chairman of the Subcommittee on Commerce, Justice, State and Judiciary's concern about 302(b) allocations would be far greater in the future because he is going to see a continued deterioration of the general economy, a continued degeneration of our general revenues, and he is going to have a lot bigger problems to deal with than trying to fund the FBI and fund other agencies than worrying about whether or not we are going to provide the SEC with the resources that it needs.

Furthermore, as the gentleman from New York raised and our chairman from Ohio raised, the fact is that for too long the SEC fees have been a way to fund other portions of the government; and at a time when we need to put more resources, particularly in the accounting division, the corporate finance division, the enforcement division of the Securities and Exchange Commission, this is when we need those fees back, and that is what this bill is doing, in addition to the parity issue, in authorizing the funding for it.

So while we can feel the pain of the chairman of the Subcommittee on Commerce, Justice, State and Judiciary's allocation problem, that has nothing to do with the origin of this bill. It has nothing to do with the needs of the Securities and Exchange Commission because they have raised the funds from the investors and the participants in the marketplace. That marketplace is under a cloud right now. Were we not to provide those resources to ensure that there is efficient, sufficient enforcement of the rules of the marketplace, or the rules of the field, then we would suffer across our entire budget; but more importantly, we would be suffering across our general economy. And not a day goes by that there is not another story in the financial press about another earnings restatement, about new indictments of individuals who have been cooking the books of public companies; and now in this last week we have seen the markets go down because foreign investors who heretofore had seen value in investing in U.S. markets had decided that that value may no longer exist and so they are pulling their money out and putting it back in Europe and Asia, exacerbating our current account balance, which again could have profound macroeconomic effects on our general economies.

So I commend the chairman and the ranking member for bringing this bill up. I hope the House will pass it and let us not worry about the budget debates when concerned with this bill.

Mr. OXLEY. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. BAKER), the chairman of the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises.

Mr. BAKER. Madam Speaker, I thank the chairman for yielding me this time, and I rise to support the adoption of the resolution which he has brought to the House this afternoon and wish to speak to the issues raised by the gentleman from Virginia earlier in the afternoon.

The House did act last year to reduce the fees on transactions relating to stock transfers, and secondly, in the content of this resolution, does make provision for pay parity, both of which do bring about expenditure of Federal resources. Even after the consideration of both those effects, the adoption of pay parity and the reduction in the fees collected for SEC transactions, the projected budget receipts next year for the SEC from all fees will exceed $1.5 billion. Even with the pay parity provisions contained in this resolution, the expenditures for the agency, once enhanced at this new operational level, will only equal $776 million. The difference is still an $800 million surplus in fees received versus expenditures made.

Obviously, it is the 302(b) allocations which are causing the difficulty for the Subcommittee on Commerce, Justice, State and Judiciary's Chair; but it has nothing to do with there being a lack of revenue coming from SEC activities. I think it was perfectly appropriate through the Congress to reduce fees and certainly essential that we adopt the pay parity provisions which will enable the SEC to keep qualified, professional regulators on the level of compensation of all other financial regulators.

So to that end, I think it is extremely important for the House to act to adopt this resolution and provide the SEC with the important needed resources; and we will address those appropriations concerns as we move into the fall, and hopefully our chairman will be able to reconcile these differences with the Committee on Appropriations members so that the provisions made available to the SEC today will enable them to act appropriately on any and all complaints.

If there is anything significant and important this Congress can do with regard to the current market instability, it is to provide closure with regard to the investigatory capability to get to the bottom of wrongdoing, to hold those accountable responsible; and I think this action today, enabling the SEC to have all the adequate supervisory staff they need, is an essential step in helping bring back confidence and customer confidence in making investments in our capital markets, which are the strongest, deepest, broadest of any in the world; and I think this action is extraordinarily important to bring about that resolution.

I thank the Chair for yielding me the time.

Mr. LAFALCE. Madam Speaker, I yield 4 minutes to the distinguished gentleman from California.

Mr. SHERMAN. Madam Speaker, I want to join the last speaker in his analysis, showing that the fees paid by individual investors is more than enough to provide for beefed-up SEC enforcement. But what the other party does is they use those fees collected from individual investors as a profit center to then fund tax cuts for the wealthiest 1 percent of Americans, and when we suggest that the fees paid by individual investors should be used to protect those investors, we are told that takes money away from the war against terrorism. Shame. We ought to be collecting adequate revenues to keep our country safe from terrorism, and the fees paid by individual investors are more than enough to provide every penny this bill authorizes and, frankly, more.

I come to the floor to bring to the Congress' attention one section of this bill, section 3, that says it is the sense of Congress that the SEC should conduct an annual review of the annual financial statements of the 500 largest issuers. Why is this provision necessary? The SEC has two approaches to reviewing financial statements.

If one is a small company trying for the first time to raise 10 or $20 million, then they file their red herring, their first draft. The SEC reviews it carefully; they issue a comment letter. If there is anything confusing, misleading or incomplete, they have to bring their filing up to specifications and only then do they go to the public; but if they are one of the biggest and richest companies in America, if they are already a publicly traded corporation, if they are raising or responsible on the market for 60 or 80 or $100 billion in capitalization, if they are Enron, then the SEC just does not read what they file, as they did not read Enron's financial statements for 1997, 1998, 1999. They did not read those statements until the collapse.

What would have happened if they read those statements? They would have seen a number of footnotes in the financial statements that are utter gobbledy gook. I know to the average layperson all of the footnotes are gobbledy gook, but these were incomprehensible to an analyst, the CPAs. If the SEC had bothered to read these footnotes, they would have demanded clarification. Instead, they did not read them at all.

The SEC, however, at least its chairman, is hostile, believe it or not, to the idea of reading the financial statements of the 500 largest companies. That is because there is an element at the SEC that believes that investors need to be protected from Joe Inventor who is trying to raise 5 or $10 million, but that we do not need any protection from Kenneth Lay because, after all, those in the tallest buildings of the biggest companies are inherently so honest that the SEC does not need to review what they file.

This approach to the SEC's work is wrong, and that is why I am glad that this section is in the bill; but when I asked the SEC to tell us what it would cost so that the appropriators could provide the resources, the response of Chairman Pitt was to say that he was going to refuse to provide that information because he disagreed with the proposal. Now the proposal will be included in legislation passed by the House. The Congress will adopt language saying that it is our sense that the SEC do this work.

The SEC will then probably continue to refuse to tell Congress what it would cost to actually read the most important documents filed with the SEC, to comment on them and to demand clarification.

I would like to enter into the RECORD the letter sent to me on May 21 by Chairman Pitt, in which he refuses to provide information as to what it would cost to read the financial statements of the 500 or 1,000 largest companies, and I would hope that this provision will remain in the bill in conference and that Congress will not allow an SEC chairman to refuse to provide us with even an estimate of what it would cost to do something that we in the House are about to declare ought to be done, but that instead we have an SEC that takes its responsibility to protect those who invest in the biggest companies, takes that responsibility as seriously as they do their responsibility to protect those who invest in the smallest.

The letter referred to follows:

U.S. SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, May 21, 2002.

Hon. BRAD SHERMAN,
Committee on Financial Services, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN SHERMAN: During my testimony before the House Financial Services Committee on March 20, 2002, you requested that I submit for the record an estimate of the increase in reviews. You asked that a cost estimate be provided for annual reviews at three levels of effort covering the top 500, 1000 and 2000 firms. As I noted during the hearings, it is impractical for Congress to attempt to provide the Commission with sufficient resources to do a comprehensive review of the top 500, 1000 or 2000 companies. Apart from the enormous cost of such a process, there is ultimately no assurance that the additional expenditures would ensure the quality of audits or financial reporting.

As I noted in my testimony, the Administration's request for fiscal year 2002 supplemental funding includes $20 million to finance 100 new positions for the Commission. Our plan would be to allocate 30 positions to the Division of Corporation Finance to expand, improve and expedite our review of periodic filings. Our Division of Corporation Finance has undertaken to monitor the annual reports submitted by all Fortune 500 companies that file periodic reports with the Commission in 2002. This new initiative, which we announced in December, significantly expands the Division's review of financial and non-financial disclosures made by public companies. The additional funds would allow the Division to perform full reviews of more public companies' annual filings.

Thank you for your support of the Commission's programs. Should you have additional questions, I would be pleased to be of assistance.

Your truly,

HARVEY L. PITT.

Mr. LAFALCE. Madam Speaker, I yield myself such time as I may consume.

Let me simply make a few comments. I think that we should have been much more aware of the problems in our financial markets before the revelation of Enron. There had been countless earnings restatements that were mandated by the SEC, and this was just on the few cases they were able to review. We should have been clamoring for an increase in the budget of the SEC long before now.

At the very beginning of 2001, when our committee obtained jurisdiction for the first time over securities, I began calling not for a 2 or a 3 or a 4 percent increase in the budget but for a 200, a 300, a 400 percent increase in the budget. I did this in our committee. I did this before the Committee on Rules. I did it on the floor of the House.

After Enron, I was at least hopeful that the President of the United States in his State of the Union address would recognize the gravity of the problem, and he barely mentioned Enron, not by name, but he barely mentioned the nature of the problem. I was then hopeful that in his budget submission to the Congress he would call for a huge significant increase in the resources. He did not. He called for but a 6 percent increase in the resources of the SEC.

That is woefully inadequate, as virtually everyone has come to realize. Certainly the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, realizes that is woefully inadequate; and that is why he has been promoting this bill.

A few weeks or so ago, I had the pleasure of having dinner with the chief economic adviser to the President of the United States, Mr. Lindsay, and the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, was present; and I questioned him about the adequacy of that 6 percent increase that the President had called for and he defended it. He defended it.

The position of the administration is absolutely outrageous. They still have their heads in the sand on this issue.

□ 1645

It is time for them to get their head out of the sand, and maybe unanimous passage of this bipartisan bill will help do that. I urge everyone to support it.

Madam Speaker, I yield back the balance of my time.

Mr. OXLEY. Madam Speaker, I yield myself such time as I may consume; and, in conclusion, let me just point out something to the gentleman from California.

The 16 percent figure of review of the top 500 companies is nothing new. I cannot remember ever, in the history of this country, any SEC ever viewing all 500 companies; and I think it is important to point that out for the record. It was not this particular SEC but many previous SECs that were in that same category.

Mr. GILMAN. Madam Speaker, I rise today in support of H.R. 3764 and would like to thank the gentleman from Ohio, my friend and colleague Congressman OXLEY, for introducing this initiative. I urge my colleagues to support this worthy legislation.

This act will appropriate the necessary funds to the Securities and Exchange Commission, in both its Division of Corporate Finance and Division of Enforcement. Moreover, it will allocate the necessary funds to implement sections of past legislation. It will also work to establish an annual review of the annual financial statements filed with the Commission by the largest 500 reporting issuers. This legislation will no doubt work toward increasing the transparency in the business practices of our nation's largest companies.

It is obvious that today our nation's financial regulators must be given the appropriate resources to properly monitor our nation's corporate sector. The Enron saga and more recently the Imclone fiasco have demonstrated the grave situation existing within our financial world. This act is undoubtedly a step in the right direction in our battle against unethical business practices driven by the vices of greed and dishonesty.

It is imperative that we take these steps to further fund the Securities and Exchange Commission. It is clear that these provisions are essential given the recent developments regarding several large American companies and the unethical business practices which have taken place. Accordingly, I urge my colleagues to support these measures.

Mr. OXLEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3764, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LAFALCE. Madam Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SILVER EAGLE COIN CONTINUATION ACT OF 2002

Mr. OXLEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4846) to amend title 31, United States Code, to clarify the sources of silver for bullion coins, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Silver Eagle Coin Continuation Act of 2002".

SEC. 2. DELETION OF LIMITATION ON ACQUISITION OF SILVER FOR $1 COIN FROM ABOLISHED STOCK PILE.

(a) FINDINGS.—The Congress finds that—

(1) the American Eagle silver bullion coin leads the global market, and is the largest and most popular silver coin program in the United States;

(2) established in 1986, the American Eagle silver bullion program is the most successful silver bullion program in the world;

(3) from fiscal year 1995 through fiscal year 2001, the American Eagle silver bullion program generated—

(A) revenues of $264,100,000; and

(B) sufficient profits to significantly reduce the national debt;

(4) with the depletion of silver reserves in the Defense Logistic Agency's Strategic and Critical Materials Stockpile, it is necessary for the Department of the Treasury to acquire silver from other sources in order to preserve the American Eagle silver bullion program;

(5) with the ability to obtain silver from other sources, the United States Mint can continue the highly successful American Eagle silver bullion program, exercising sound business judgment and market acquisition practices in its approach to the silver market, resulting in continuing profitability of the program;

(6) in 2001, silver was commercially produced in 12 States, including, Alaska, Arizona, California, Colorado, Idaho, Missouri, Montana, Nevada, New Mexico, South Dakota, Utah, and Washington;

(7) Nevada is the largest silver producing State in the Nation, producing—

(A) 17,500,000 ounces of silver in 2001; and

(B) 34 percent of United States silver production in 2000;

(8) the mining industry in Idaho is vital to the economy of the State, and the Silver Valley in northern Idaho leads the world in recorded silver production, with over 1,100,000,000 ounces of silver produced between 1884 and 2001;

(9) the largest, active silver producing mine in the Nation is the McCoy/Cove Mine in Nevada, which produced more than 107,000,000 ounces of silver between 1989 and 2001;

(10) the mining industry in Idaho—

(A) employs more than 3,000 people;

(B) contributes more than $900,000,000 to the Idaho economy; and

(C) produces $70,000,000 worth of silver per year;

(11) the silver mines of the Comstock lode, the premier silver producing deposit in Nevada, brought people and wealth to the region, paving the way for statehood in 1864, and giving Nevada its nickname as "the Silver State";

(12) mines in the Silver Valley—

(A) represent an important part of the mining history of Idaho and the United States; and

(B) have served in the past as key components of the United States war effort; and

(13) silver has been mined in Nevada throughout its history, with every significant metal mining camp in Nevada producing some silver.

(b) IN GENERAL.—Section 5116(b)(2) of title 31, United States Code, is amended—

(1) in the 1st sentence, by striking ", except silver transferred" and all that follows through the period at the end of such sentence and inserting "or may obtain silver from other sources as appropriate."; and

(2) by striking the 2nd sentence.

(b) STUDY REQUIRED.—

(1) STUDY.—The Secretary of the Treasury shall conduct a study of the impact on the United States silver market of the coins minted and issued under section 5112(e) of title 31, United States Code.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report of the study conducted under paragraph (1) to the chairman and ranking minority member of—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of the United States Mint shall prepare and submit to the Congress an annual report on the purchases of silver made by the Secretary of the Treasury under section 5116 of title 31, United States Code, on behalf of the United States Mint.

(2) CONCURRENT SUBMISSION.—The report required by paragraph (1) may be incorporated into the annual report of the Director of the United States Mint on the operations of the mint and assay offices, referred to in section 1329 of title 44, United States Code.

SEC. 3. CLARIFICATION OF EXISTING LAW.

(a) IN GENERAL.—Section 5134(f)(1) of title 31, United States Code, is amended to read as follows:

"(1) PAYMENT OF SURCHARGES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall be paid from the fund to any designated recipient organization unless—

"(i) all numismatic operation and program costs allocable to the program under which such numismatic item is produced and sold have been recovered; and

"(ii) the designated recipient organization submits an audited financial statement that demonstrates, to the satisfaction of the Secretary, the amount of funds the organization has raised from private sources for all projects or purposes for which the proceeds of such surcharge may be used.

"(B) MATCHING FUND REQUIREMENT.—Notwithstanding any other provision of law, the amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item that may otherwise be paid from the fund, under any provision of law relating to such numismatic item, to any designated recipient organization shall not exceed the amount the organization has demonstrated, in accordance with subparagraph (A)(ii), that the organization has raised from private sources for all projects or purposes for which the proceeds of such surcharge may be used.

"(C) UNPAID AMOUNTS.—If any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item that may otherwise be paid from the fund, under any provision of law relating to such numismatic item, to any designated recipient organization remains unpaid to such organization solely by reason of the matching fund requirement contained in subparagraph (B) after the end of the 2-year period beginning on the later of—

"(i) the last day any such numismatic item is issued by the Secretary; or

"(ii) the date of the enactment of the Silver Eagle Coin Continuation Act of 2002,

such unpaid amount shall be deposited in the Treasury as miscellaneous receipts.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as of the date of the enactment of Public Law 104–208.

SEC. 4. RESTATEMENT AND REORGANIZATION OF SECTION 5136 OF TITLE 31, UNITED STATES CODE.

(a) IN GENERAL.—Section 5136 of title 31, United States Code, is amended to read as follows:

"§ 5136. United States Mint Public Enterprise Fund

"(a) ESTABLISHMENT.—There shall be established in the Treasury of the United States, a fund to be known as the United States Mint Public Enterprise Fund.

"(b) OPERATIONS OF THE FUND.—

"(1) DEPOSIT OF RECEIPTS.—All receipts from Mint operations and programs, including the production and sale of numismatic items, the production and sale of circulating coinage, the protection of Government assets, and gifts and bequests of property, real or personal shall be deposited into the Fund and shall be available without fiscal year limitations.

"(2) PAYMENT OF EXPENSES.—All expenses incurred by the Secretary for operations and programs of the Mint that the Secretary determines, in the Secretary's sole discretion, to be ordinary and reasonable incidents of Mint operations and programs, and any expense incurred pursuant to any obligation or other commitment of Mint operations and programs that was entered into before the establishment of the Fund, shall be paid out of the Fund.

"(3) BORROWING AUTHORITY.—

"(A) IN GENERAL.—The Secretary may borrow such funds from the General Fund as may be necessary to meet existing liabilities and obligations incurred prior to the receipt of revenues into the Fund.

"(B) REPAYMENT WITHIN 1 YEAR.—The General Fund shall be reimbursed by the Fund for the amount of any loan under subparagraph (A) within 1 year of the date of the loan.

"(4) PROCEEDS OF SALE OF CIRCULATING COINS.—The Fund may retain receipts from the Federal Reserve System from the sale of circulating coins at face value for deposit into the Fund (retention of receipts is for the circulating operations and programs).

"(5) EXPENSES OF CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.—For purposes of paragraph (2), any expense incurred by the Secretary in connection with the Citizens Commemorative Coin Advisory Committee established under section 5135 shall be treated as an ordinary and reasonable incident of Mint operations and programs.

"(6) TRANSFER OF EXCESS AMOUNTS TO THE TREASURY.—

"(A) IN GENERAL.—At such times as the Secretary determines appropriate, but not less than annually, any amount in the Fund that is determined to be in excess of the amount required by the Fund shall be transferred to the Treasury for deposit as miscellaneous receipts.

“(B) REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Congress containing—

“(i) a statement of the total amount transferred to the Treasury pursuant to subparagraph (A) during the period covered by the report;

“(ii) a statement of the amount by which the amount on deposit in the Fund at the end of the period covered by the report exceeds the estimated operating costs of the Fund for the 1-year period beginning at the end of such period; and

“(iii) an explanation of the specific purposes for which such excess amounts are being retained in the Fund.

“(c) INITIAL CAPITALIZATION OF FUND.—The Secretary shall transfer to the Fund all assets and liabilities of the Mint operations and programs, including all Numismatic Public Enterprise Fund assets and liabilities, all receivables, unpaid obligations and unobligated balances from the Mint's appropriation, the Coinage Profit Fund, and the Coinage Metal Fund, and the land and buildings of the Philadelphia Mint, Denver Mint, and the Fort Knox Bullion Depository.

“(d) BUDGET TREATMENT.—

“(1) IN GENERAL.—The Secretary shall prepare budgets for the Fund, and estimates and statements of financial condition of the Fund in accordance with the requirements of section 9103 which shall be submitted to the President for inclusion in the budget submitted under section 1105.

“(2) INCLUSION IN ANNUAL REPORT.—Statements of the financial condition of the Fund shall be included in the Secretary's annual report on the operation of the Mint.

“(3) TREATMENT AS WHOLLY OWNED GOVERNMENT CORPORATION FOR CERTAIN PURPOSES.—Section 9104 shall apply to the Fund to the same extent such section applies to wholly owned Government corporations.

“(e) FINANCIAL STATEMENTS, AUDITS, AND REPORTS.—

“(1) ANNUAL FINANCIAL STATEMENT REQUIRED.—By the end of each calendar year, the Secretary shall prepare an annual financial statement of the Fund for the fiscal year which ends during such calendar year.

“(2) CONTENTS OF FINANCIAL STATEMENT.—Each statement prepared pursuant to paragraph (1) shall, at a minimum, contain—

“(A) the overall financial position (including assets and liabilities) of the Fund as of the end of the fiscal year;

“(B) the results of the numismatic operations and programs of the Fund during the fiscal year;

“(C) the cash flows or the changes in financial position of the Fund;

“(D) a reconciliation of the financial statement to the budget reports of the Fund; and

“(E) a supplemental schedule detailing—

“(i) the costs and expenses for the production, for the marketing, and for the distribution of each denomination of circulating coins produced by the Mint during the fiscal year and the per-unit cost of producing, of marketing, and of distributing each denomination of such coins; and

“(ii) the gross revenue derived from the sales of each such denomination of coins.

“(3) ANNUAL AUDITS.—

“(A) IN GENERAL.—Each annual financial statement prepared under paragraph (1) shall be audited—

“(i) by—

“(I) an independent external auditor; or

“(II) the Inspector General of the Department of the Treasury, as designated by the Secretary; and

“(ii) in accordance with the generally accepted Government auditing standards issued by the Comptroller General of the United States.

“(B) AUDITOR'S REPORT REQUIRED.—The auditor designated to audit any financial statement of the Fund pursuant to subparagraph (A) shall submit a report—

“(i) to the Secretary by March 31 of the year beginning after the end of the fiscal year covered by such financial statement; and

“(ii) containing the auditor's opinion on—

“(I) the financial statement of the Fund;

“(II) the internal accounting and administrative controls and accounting systems of the Fund; and

“(III) the Fund's compliance with applicable laws and regulations.

“(4) ANNUAL REPORT ON FUND.—

“(A) REPORT REQUIRED.—By April 30 of each year, the Secretary shall submit a report on the Fund for the most recently completed fiscal year to the President, the Congress, and the Director of the Office of Management and Budget.

“(B) CONTENTS OF ANNUAL REPORT.—The annual report required under subparagraph (A) for any fiscal year shall include—

“(i) the financial statement prepared under paragraph (1) for such fiscal year;

“(ii) the audit report submitted to the Secretary pursuant to paragraph (3)(B) for such fiscal year;

“(iii) a description of activities carried out during such fiscal year;

“(iv) a summary of information relating to numismatic operations and programs contained in the reports on systems on internal accounting and administrative controls and accounting systems submitted to the President and the Congress under section 3512(c);

“(v) a summary of the corrective actions taken with respect to material weaknesses relating to numismatic operations and programs identified in the reports prepared under section 3512(c);

“(vi) any other information the Secretary considers appropriate to fully inform the Congress concerning the financial management of the Fund; and

“(vii) a statement of the total amount of excess funds transferred to the Treasury.

“(5) MARKETING REPORT.—

“(A) REPORT REQUIRED FOR 10 YEARS.—For each fiscal year beginning before fiscal year 2003, the Secretary shall submit an annual report on all marketing activities and expenses of the Fund to the Congress before the end of the 3-month period beginning at the end of such fiscal year.

“(B) CONTENTS OF REPORT.—The report submitted pursuant to subparagraph (A) shall contain a detailed description of—

“(i) the sources of income including surcharges; and

“(ii) expenses incurred for manufacturing, materials, overhead, packaging, marketing, and shipping.

“(f) SUPERSESSION OF NUMISMATIC PUBLIC ENTERPRISE FUND, THE COINAGE PROFIT FUND, AND THE COINAGE METAL FUND.—

“(1) IN GENERAL.—The Numismatic Public Enterprise Fund, the Coinage Profit Fund, and the Coinage Metal Fund shall cease to exist as separate funds as the activities and functions of the respective funds are subsumed under and become subject to the Fund.

“(2) REFERENCES IN FEDERAL LAW TO OTHER FUNDS.—Any reference in any Federal law to the Numismatic Public Enterprise Fund, the Coinage Profit Fund, or the Coinage Metal Fund shall be deemed to be a reference to the Fund.

“(3) REFERENCES IN FEDERAL LAW TO SECTION 5134.—Any reference in any Federal law to section 5134 shall be deemed to be a reference to this section.

“(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply.—

“(1) FUND.—The term ‘Fund’ means the United States Mint Public Enterprise Fund established under this section.

“(2) MINT.—The term ‘Mint’ means the United States Mint.

“(3) MINT OPERATIONS AND PROGRAMS.—The term ‘Mint operations and programs’—

“(A) means the activities concerning, and assets utilized in, the production, administration, distribution, marketing, purchase, sale, and management of coinage, numismatic items, the protection and safeguarding of Mint assets and those nonmint assets in the custody of the Mint, and the Fund; and

“(B) includes capital, personnel salaries and compensation, functions relating to operations, marketing, distribution, promotion, advertising, official reception and representation, the acquisition or replacement of equipment, the renovation or modernization of facilities, and the construction or acquisition of new buildings.

“(4) NUMISMATIC ITEM.—The term ‘numismatic item’ includes any medal, proof coin, numismatic collectible, other monetary issuances and products, and accessories related to any such medal or coin.

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(h) GENERAL WAIVER.—No provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out Mint programs and operations.”.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) to section 5136 of title 31, United States Code—

(1) may not be construed as making any substantive change in the meaning of any provision of such section (as in effect on the day before the effective date of such amendment); and

(2) shall not affect any regulation prescribed, any order issued, or any action taken before the effective date of such amendment under or pursuant to such section (as in effect on the day before such date).

(c) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 522 of Public Law 104–52 (109 Stat. 494) is amended—

(A) by striking the closing quotation marks after “PUBLIC ENTERPRISE FUND.” and inserting “—”; and

(B) by inserting closing quotation marks and a second period after the period at the end.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if such amendment had been included in section 522 of Public Law 104–52 as of the date of the enactment of that Act.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TRANSFER OF SUPERSEDED PROVISIONS NOT PREVIOUSLY INCLUDED.—Subsections (f) and (g) of section 5134 of title 31, United States Code (as subsection (f) is amended by section 3 of this Act) are hereby—

(A) transferred to section 5136 of title 31, United States Code (as amended by subsection (a) of this section);

(B) inserted after subsection (h); and

(C) redesignated as subsections (i) and (j), respectively.

(2) REPEAL OF SUPERSEDED PROVISIONS.—

(A) Section 5111 of title 31, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) [Repealed]".

(B) Section 5116(b)(1) of title 31, United States Code, is amended by striking the last sentence.

(C) Section 5120(a) of title 31, United States Code, is amended—

(i) in paragraph (1), by striking "the coinage metal fund under section 5111(b) of this title" and inserting "the United States Mint Public Enterprise Fund"; and

(ii) by striking paragraph (2).

(D) Section 5132(a)(1) of title 31, United States Code, is amended by striking the first 2 sentences.

(E) Section 5134 of title 31, United States Code, is hereby repealed.

(e) CLERICAL AMENDMENTS.—The table of sections for subchapter III of chapter 51, United States Code, is amended—

(1) by striking the item relating to section 5134 and inserting the following new item:

"5134. [Repealed].";

(2) by striking the item relating to section 5135 and inserting the following new item:

"5135. Citizens Commemorative Coin Advisory Committee."; and

(3) by inserting after the item relating to section 5135 the following new item:

"5136. United States Mint Public Enterprise Fund.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on this legislation, H.R. 4846.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I rise to support H.R. 4846, the Silver Eagle Coin Continuation Act of 2002.

The American Silver Eagle coin is truly a coin for the bullion market. It was authorized by Congress in 1983, spurred partly by the success of the Canadian Maple Leaf $1 investment grade coin.

The American Silver Eagle has gone on to become the most popular investment coin in the entire world. More than 100 million have been sold, and the Maple Leaf dollar has been pretty much displaced from the market. The Mint sells the coins for an amount that includes the actual silver cost, plus manufacturing, distribution and marketing costs. Right now, the coin sells for about $6.75 in uncirculated form.

Madam Speaker, when Congress authorized the Silver Eagle coin program, the United States maintained a number of strategic materials stockpiles, and Congress quite naturally mandated that the silver for the new coin come from the strategic silver stockpile. In the last decade, however, recognizing that there was no longer a real need for most of the strategic materials stockpiles, Congress ordered a drawdown of those reserves.

We now have come to the end of the strategic silver stockpile, but to continue the Silver Eagle coin program we must allow the Secretary of the Treasury, through the Mint, to acquire silver from another source. The legislation before us does just that, keeping the program intact and maintaining jobs both at the U.S. Mint facilities where the coin is produced and at the refineries where the bullion for the coins is refined.

This bill was ably drafted by the gentleman from Oklahoma (Mr. LUCAS) and includes language addressing the silver problem introduced separately by the gentleman from Idaho (Mr. OTTER).

Madam Speaker, the legislation before us also has two other sections. One is merely clerical, restating the Mint's authority to operate but not adding or subtracting from that authority. The bulk of the language will be consolidated into a single section of the U.S. Code, and some archaic references to long- defunct Mint operations are removed from law. Also, the bill clarifies language referring to the distribution of surcharges on the sale of U.S. commemorative coins, making it clear that organizations which benefit from the surcharges must raise matching funds from private sources.

Madam Speaker, compared to some of the legislation we will consider in the House this week, this is indeed a minor bill, but to the men and women whose jobs are on the line if we do not allow a new source of silver for the American Silver Eagle coin program or for the beneficiary organizations that would receive surcharge funding from the sale of commemorative coins, it is most important; and I urge swift passage of the bill.

Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as ranking member of the Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth, I am pleased to rise in support of H.R. 4846, the Silver Eagle Coin Continuation Act of 2002, a version of which passed the Senate last week by unanimous consent.

Madam Speaker, the United States Mint's most popular Silver Eagle coin program needs the assistance of Congress. Our strategic stockpile of silver, which once held upwards of 730 million ounces, is nearly depleted. In the years after World War II, this silver reserve was developed at such a rate as to eliminate the need for further mining. Since 1986, the U.S. Mint has slowly but surely consumed the stockpile, creating 1-ounce investment coins at the rate of about 10 million ounces per year. By this summer's end, our surplus in silver will be gone. Since the silver Eagle coin program was created, the U.S. Mint has consumed 137 million ounces.

In addition to being popular with our constituents, the program is a boon to the Treasury. The popularity of the Silver Eagle coin continues to rise and, according to press reports, nets more than $264 million to the Treasury. And it has brought this money in since 1986.

When Congress created the coin, it specified that the source of silver for the coin be the Nation's strategic silver stockpile alone. Congress then failed to note that, at the extinction of the stockpile, the Mint would lack authority to acquire silver for the coin from any other source. This legislation corrects this oversight.

Without silver, the U.S. Mint cannot continue producing these coins. Our major blank coin vendors, which have remained dependent upon our silver stockpile, will face eminent layoffs and possible shutdowns, which could take up to 6 months to recover from. This situation can be avoided if we pass this legislation now.

Madam Speaker, all three sections of this legislation are technical in nature and, to my knowledge, not at all controversial. I believe the House should send this bill, which contains a nearly exact version of the Senate bill, to the Senate quickly for swift passage so that the coin program can stay in operation and workers can stay on the job. The Senate has acted, and we should follow its lead. I urge support of this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. OXLEY. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Oklahoma (Mr. LUCAS), the author of the legislation.

Mr. LUCAS of Oklahoma. Madam Speaker, I rise in strong support of H.R. 4846, the Silver Eagle Coin Continuation Act of 2002 and, of course, urge its immediate passage.

The legislation before us is simple yet important. When Congress, as has been noted, authorized the United States Mint to strike and sell investment-grade silver bullion coins, it directed that the silver to make such coins come only from the strategic silver stockpile established under the Strategic and Critical Stockpiling Act. Later, Congress ordered the sell-off of many of these stockpiles, including the silver stockpile, but in an oversight did not allow for a new source of silver for the American Silver Eagle coin program once the stockpile was depleted.

I would like to note for the record that the stockpile is now totally depleted, with the last shipment being made to the silver refiners within the past 2 weeks. However, that means that, without a change in law authorizing a new source of the silver used in the coin, the program will grind to a halt. That would disappoint investors but also have implications for jobs at the Mint and at the silver refiners here in the United States.

Madam Speaker, the Silver Eagle coin program has been an enormous success. Since those first coins were produced in 1986, nearly 115 million of the one-troy-ounce silver coins have been sold. The coin is made from .999 fine silver, much purer than the old traditional cartwheel silver dollars, such as the Morgan dollars, which were 90 percent pure. The obverse, or face, design is from the famous "Walking Liberty" half dollar design, designed by Adolph A. Weinman and produced between 1916 and 1947. The eagle on the reverse is a new design by John Mercanti. The coins are sold for the spot cost of the one ounce of silver, plus manufacturing, marketing, and distribution costs. Currently, an uncirculated coin sells for about $6.75.

The legislation before us, using legislative language introduced in the House by the gentleman from Idaho (Mr. OTTER), simply strikes a reference to using the silver stockpile as the source for the silver coin program, directing the silver be acquired from appropriate other sources as defined by law.

The bill before us has two other sections also, both minor. One clarifies the congressional intent in the mid-1990 reforms of the commemorative coin programs that were offered by the gentleman from Delaware (Mr. CASTLE). Those reforms directed that organizations that are the beneficiaries of surcharges from the sale of commemorative coins must raise from private sources funds to match the surcharges received. There has been some confusion about how the match would work, and this legislation clarifies that arrangement.

This section also creates a mechanism for the eventual disposal of any surcharge funds not paid out to a beneficiary organization because of a failure to raise those matching funds. Currently, in Federal law, there is no such mechanism.

Finally, the bill consolidates and restates the United States Mint's main operating authorities, clearing out some obsolete language. No additions or subtractions to the authorities are made. This is strictly a housekeeping effort.

Madam Speaker, while all three sections of this bill are minor in the overall scheme of things, they are important to many. Giving the American Silver Eagle program a new source of silver will ensure those who want investment grade silver coins can continue to buy them and ensure that the jobs of those who so capably make these coins are maintained. Clarifying the matching funds requirement will make the bookkeeping understandable in our commemorative coin program, and consolidating the Mint's operating authorities will make reference to those portions of the U.S. Code much clearer.

Madam Speaker, I urge my colleagues to support this legislation.

Mrs. MALONEY of New York. Madam Speaker, having no further requests for time, I yield back the balance of my time.

Mr. OXLEY. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Idaho (Mr. OTTER), who has shown great leadership on this issue.

Mr. OTTER. Madam Speaker, I rise today in support of H.R. 4846 offered by my good friend and colleague, the gentleman from Oklahoma (Mr. LUCAS). I also want to take the opportunity to thank the gentleman from Ohio (Mr. OXLEY) for the accommodations he presented to my bill and for the great leadership he has shown in bringing this bill in such a timely manner to the floor.

Madam Speaker, H.R. 4846 will authorize the U.S. Mint to purchase silver for the American Eagle Silver Bullion program, the most popular silver coin in the world. Since its inception in 1986, the American Eagle silver dollar has generated more than $200 million in deficit reduction for this Nation.

The blanks on the American Eagle silver coins are made at the Sunshine Mint in Coeur D'Alene, Idaho, employing more than 60 of my constituents. Idaho, Madam Speaker, is the premier silver mining region of the world, having produced more than 1.1 billion ounces throughout the mining region since the 1880s and employing more than 3,000 people statewide. Silver-related industries generate more than $800 million for Idaho and its economy every year.

When the American Eagle program was established, the U.S. Mint depended upon the government's stockpile of silver; and, as has been already related, that stockpile has now been exhausted and the Mint needs to enter the market to purchase the silver it needs. Swift passage of legislation authorizing the Mint to purchase silver will prevent a shutdown of the American Eagle production and save jobs in Idaho, Nevada, and New York.

The American Eagle coins bear the image of Liberty on the obverse and Eagle on the reverse. The strong sales of this coin around the world help spread the message of American freedom. By selling bullion coins, America provides freedom and hope for people in nations where economic freedom is now denied and where currencies are subject to the whims of the dictators.

□ 1700

American Eagle bullion now allows people to invest in themselves, save for their futures, purchase a timely commodity whose value is unquestioned and indeed, Madam Speaker, create a storehouse of wealth for themselves. Passage of this bill will allow these sales to continue. I wish to thank Senators REID and CRAPO for the passage of the Senate version of this same language, and I especially want to thank the gentleman from Oklahoma (Mr. LUCAS) and the gentleman from Ohio (Mr. OXLEY) for incorporating the language from my bill sponsored by myself, co-sponsored by the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Idaho (Mr. SIMPSON) into the text of this bill. Their cooperation in this effort has been invaluable.

Mr. OXLEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 4846, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on two of the remaining motions to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4623, by the yeas and nays.

H.R. 4846, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

Proceedings on the six other postponed questions will resume tomorrow.

CHILD OBSCENITY AND PORNOGRAPHY PREVENTION ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4623, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr.

SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4623, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 8, answered "present" 1, not voting 12, as follows:

[Roll No. 256]

YEAS—413

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Berman
Conyers
Frank
Nadler
Paul
Scott
Watt (NC)
Waxman

ANSWERED "PRESENT"—1

Ackerman

NOT VOTING—12

Blagojevich
Callahan
Hayworth
Hilliard
Hinojosa
Jenkins
Meeks (NY)
Napolitano
Riley
Sanchez
Traficant
Watts (OK)

□ 1725

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on rollcall No. 256, had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the remaining motion to suspend the rules on which the Chair is resuming further proceedings.

SILVER EAGLE COIN CONTINUATION ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4846, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 4846, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 16, as follows:

[Roll No. 257]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)

Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink

Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner

Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Granger

NOT VOTING—16

Blagojevich
Callahan
Carson (OK)
Crane
Gekas
Hayworth

Hilliard
Hinojosa
Jenkins
Meeks (NY)
Riley
Sanchez

Smith (MI)
Traficant
Watts (OK)
Weiner

□ 1739

Mr. FRANK and Mr. CONYERS changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SANCHEZ. Madam Speaker, on Tuesday, June 25, I was unavoidably detained due to a prior obligation at the American Federation of State, Municipal, and County Employees' (AFSME) National Labor Convention.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted "yes" on rollcall No. 253, "yes" on rollcall No. 254, "yes" on rollcall No. 255, "yes" on rollcall No. 256, and "yes" on rollcall No. 257.

REPORT ON H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FOR FISCAL YEAR 2003

Mr. LEWIS of California, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–532) on the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause I, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATIONS ACT FOR FISCAL YEAR 2003

Mr. HOBSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–533) on the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause I, rule XXI, all points of order are reserved on the bill.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4777

Mr. GILMAN. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4777.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON BOSNIA AND U.S. FORCES IN NATO-LED STABILIZATION FORCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–233)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7(b) of Public Law 105–174) and section 1203(a) of the Strom Thurmond National Defense Authorization Act for FY 1999 (Public Law 105–261), I am providing a report prepared by my Administration on progress made toward achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina.

This sixth report, which also includes supplemental reporting as required by section 1203(a) of Public Law 105–261, provides an updated assessment of progress on the benchmarks covering the period March 2001 to December 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 25, 2002.*

SECOND PROTOCOL TO THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–234)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Second Protocol to the Agreement Between the United States of America and the Netherlands on Social Security (the "Second Protocol"). The Second Protocol was signed at the Hague on August 30, 2001, and is intended to modify certain provisions of the original U.S.-Netherlands Agreement, signed December 9, 1987, as amended by the Protocol of December 7, 1989 (the "U.S.-Netherlands Agreement").

The U.S.-Netherlands Agreement as amended by the Second Protocol is similar in objective to the social security agreements that are also in force with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation and to help prevent the loss of benefits that can occur when workers divide their careers between two countries. The U.S.-Netherlands Agreement as amended by the Second Protocol contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Second Protocol with a paragraph-by-paragraph explanation of the provisions of the Second Protocol (Annex A). Also annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Second Protocol on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Second Protocol (Annex B), and a composite text of the U.S.-Netherlands Agreement showing the changes that will be made as a result of the Second Protocol. The Department of State and the Social Security Administration have recommended the Second Protocol and related documents to me.

I commend the Second Protocol to the United States-Netherlands Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 25, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY CAUSED BY THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979 FOR AUGUST 19, 2001 TO FEBRUARY 19, 2002—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-235)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 204(c) of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month report prepared by my Administration, on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 25, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE 1979 IRANIAN EMERGENCY AND ASSETS BLOCKING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-236)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 25, 2002.*

□ 1745

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE THREAT OF CHILD ABDUCTION

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, today I rise to remind us that, as America is focused on fighting terrorism and providing for homeland security, we have recent headlines that tell the story of another threat, one that causes parents to question the security of their homes and contemplate the safety of their children. That threat is child abduction.

The story is too common. In Kansas, it happened last September, when 4-year-old Jaquilla Scales disappeared from her home. More recently, in Utah, it is 14-year-old Elizabeth Smart who was taken from her bedroom while her sister slept nearby. Both girls are still missing.

This tragedy can strike any family, any community. It is estimated that one in 42 children will become a missing child. Each year, between 200 and 300 children are abducted by strangers, and approximately 115,000 more children are victims of attempted abduction.

These statistics remind us of the magnitude of the problem, but also indicate that the majority of attempted abductions will fail. In many cases, an abduction is prevented by a teacher, a law enforcement officer, or a watchful neighbor. A concerned and engaged community is our best resource in the war against child abduction.

When a child is abducted by a stranger, time is of the essence. Research shows that 74 percent of children abducted and later murdered are killed within the first 3 hours following the abduction. If alerted quickly, a community can help save the life of an endangered child by providing timely and useful information.

Tonight I speak in support of two programs that help strengthen the partnership between local law enforcement and the public to aid in the search for missing children. The AMBER Plan, America's Missing: Broadcast Emergency Response, was created 5 years ago in honor of Amber Hagerman, who was abducted and murdered in Arlington, Texas.

The AMBER Plan relies on voluntary participation of law enforcement agencies and radio and television broadcasters to activate an urgent alert following an abduction. Broadcasters use the emergency alert system to interrupt radio and television programming to provide information concerning the missing child and the possible suspect. This plan is now in place in several communities in my home State of Kansas and other locations across our country. To date, the plan has been credited with saving the lives of 16 children. This life-saving program can and should be expanded across the Nation.

Like the AMBER Plan, the Lost Child Alert Technology Resource, or LOCATER program, works to rapidly circulate information concerning a missing child. This program provides local law enforcement agencies with a computer and the equipment necessary to scan photographs of missing children for distribution to fellow law enforcement agencies and to the public. The equipment provided as part of the LOCATER program is free of charge through the National Center For Missing and Exploited Children.

Few things are more frightening than the abduction of a child. As we work to secure our Nation from terrorists, we must also remember the safety of our children. Kansans, like most Americans, take pride in being good neighbors, people willing to lend a helping hand in time of crisis. This is what makes our community strong, and this is what can make the AMBER Plan and the LOCATER program successful in providing a more secure America for our children.

WOMEN AND SOCIAL SECURITY PRIVATIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, as part of my continuing series on Social Security and women, I would like to focus this evening's comments on the financial risks that I believe are posed by privatizing the Social Security program.

Social Security privatization would expose individual workers and their families to financial risks which they do not face under the current system. Under privatization, Social Security benefits would no longer be determined primarily by a worker's earnings and the payroll tax contributions she made over her career. Rather, benefit levels would be determined by the vagaries of the stock market, by a worker's skill, or just plain luck in making investments, and by the timing of his or her decision to retire.

Social Security today provides a guaranteed lifelong benefit. No matter what the stock market does the day one retires or in the months leading up to retirement, our benefit will be unaffected. Advocates of individual accounts argue that, since fluctuations in the stock market average out over time, individual investment risk is negligible. Averages are misleading. For every person whose investments perform above average, there is another person counting on Social Security whose investments perform below average. Retirees are not just averages; retirees are individual people.

Between March, 2000, and April, 2001, the S&P 500 fell by 424 points, or 28 percent. If Social Security had been privatized, a worker who had his or her individual account invested in a fund that mirrored the S&P 500 and who retired in April of 2001 would have 28 percent less to live on for the rest of his or her life.

There were 15 years in the past century, 1908 to 1912, 1937, 1939, 1965 through 1966, 1968 through 1973, in which the real value of the stock market fell by more than 40 percent over the preceding decade. That is from the CBO, the Congressional Budget Office.

Social Security protects against many risks, including the risk of death or disability, the risk of low lifetime earnings, the risk of unexpectedly long life, and the risk of inflation. Privatization undermines these protections and adds one more risk that workers would have to worry about: individual financial risk.

Because of a number of factors, women are more likely than men to be negatively impacted and affected by these financial risks. Women tend to outlive their husbands by an average of 7 years. Reductions in Social Security payments due to lack of funds would leave stranded many women without their husband's Social Security income. And because they live longer than men, women are at a greater risk of running out of money in their private account.

Women take time out of their work life to care for children and elderly parents. Under a system of private accounts, they would pay less into their accounts and have less to draw down on when they retire.

Mr. Speaker, privatizing the Social Security program in my estimation poses unneeded financial risks, both on the seniors that have paid into Social Security with their hard work, and those young people just entering the workforce. And women would face the greatest risk of all under a privatized Social Security system.

ISSUANCE OF VISAS IS NOW A NATIONAL SECURITY FUNCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, tomorrow the Subcommittee on Civil Service, Census and Agency Organization will begin examination of one of the most vital components of the President's homeland security proposal. Our homeland security starts abroad, and nothing is more important than who gets issued a visa.

The issuance of visas can no longer be thought of as a mere diplomatic function. It is now a national security issue, and must be our first line of defense. While the President recognizes the importance of visa issuance and the obvious problems, the current proposed legislation does not go far enough. The entire visa program should be part of the proposed Homeland Security Department.

The State Department views the issuance of visas as a diplomatic tool. The day is past when it should be viewed this way. It is now clearly a national security function. The fragmented approach, where the Secretary of Homeland Security issues regulations regarding visas, but actual operational control remains under the State Department, is not acceptable.

Just as we work hard to prevent biological, chemical, or other weapons of mass destruction from making their way to our shores, so we must keep terrorists, deadly weapons in and of themselves, keep them from coming into our homeland. A strong visa issuance program is essential to achieve that objective.

We are all too aware of the fact that 15 of the 19 September 11 terrorists had obtained "appropriate" visas. This is unacceptable. No longer can the issuing of visas be a diplomatic function; it must be a security function, with proper scrutiny only a trained agent can apply. Diplomats are trained to be diplomats. Visa issuance should not be about speed and service with a smile.

Recent news reports have brought to light a program in Saudi Arabia called "visa express." It allows private Saudi travel agents to process visa paperwork on behalf of Saudi residents. Three of the September 11 terrorists obtained their visas this way, never being interviewed by anyone in the consular office.

When the program began, it was advertised as helping qualified applicants obtain U.S. visas quickly and easily. Applicants will no longer have to take time off from work, they said, no longer have to wait in long lines or under the hot sun in crowded waiting rooms. I am quoting from State Department documents.

Here are some of the September 11 terrorists who came into this country under the visa express program. Salem Al-Hamzi, age 20, arrived in the United States with a tourist visa obtained through visa express.

Here is another one: Khalid Al-Midhar, a 25-year-old gentleman. He was one of the people on Flight 77 that crashed into the Pentagon.

Here is another one: Abdulaziz Al-Omari, 28, arrived in the U.S. on a tourist visa in June of 2001, a pilot of the American Airlines Flight 111 that crashed into the North Tower of the World Trade Centers.

Now, under this program, the Saudi citizens just go to a Saudi travel agent, and they fill out a two-page form. They paid a fee and went home and waited for their visas to arrive in the mail. There was no interview with any American official. One senior consular affairs official describes the program as an open-door policy for terrorists to come into the United States.

Mr. Speaker, it seems to me that we have our priorities out of order here. This is not customer service; it is national security. Visa issuance must be in the homeland security system from top to bottom. This is the only way the Secretary of Homeland Security will be able to completely and thoroughly protect our borders, by preventing terrorists from ever making it into our homeland.

We must change the culture of the way we issue visas. It is no longer sufficient for this process to be an entry-level position for a person at a college. It is simply too vital to our national security.

Mr. Speaker, security begins abroad. I feel the burden is on the administration to prove to us why the Bureau of

Consular Affairs is fragmented and a pseudo part of homeland security. Thus far, they have not convinced me of the need for this fragmentation in this area. I support putting all of consular affairs in homeland security.

□ 1800

DRUG INDUSTRY NEEDS TO CLEAN UP ITS ACT

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, earlier today I heard a Republican member of the Committee on Ways and Means absolutely distort the truth about the Democrats' prescription drug plan, saying that it requires that seniors go into the Democrats' plan whether or not they choose to, whether or not they already have drug coverage. There is no place in this debate for those kinds of fabrications and those kind of lies, and I just want to set the record straight.

Mr. Chairman, the prescription drug industry needs to clean up its act. You know it. I know it. American consumers know it.

The brand name drug industry has no qualms about charging American consumers the highest prices in the world for prescription drugs, even though American tax dollars and American contributions to private foundations fund nearly half their research, even though the prescription drug industry in this country is the most profitable industry in America, even though the prescription drug industry gets tax breaks so huge they have only half the tax liability of any other industry in this country, and even though more than 50 million Americans have no drug coverage, some of whom must choose between food and their medicine.

Prescription drugs are not a luxury item. It is not okay that the drug industry overcharges U.S. consumers for products our own tax dollars helped to produce. The drug industry has tremendous influence over this Congress and especially this White House. Unfortunately, the situation may have to get worse before the Federal Government finally takes a stand against the outrageous pricing schemes of the drug industry. Until that happens, market competition is the only tool we have to bring down prices.

When generics enter the market, the price typically drops as much as 90 percent. Market competition expands access to Americans who cannot afford the monopoly prices that are charged by the brand name companies. It spurs drug companies to earn their profits by developing new drugs, rather than by overcharging for existing products. It is much easier, obviously, to overcharge for existing products than to develop new ones. The brand name drug industry has taken to exploiting loopholes in the FDA drug approval process to block generic competition. So not only do drug companies charge Americans the highest price in the world while those drugs are under patent, these companies then try to charge Americans ridiculous prices after their patents expire by blocking generics from entering the market.

You would think Congress would at least be interested in keeping drug companies from gaming the patent system as a means of cheating American consumers.

Governors from both parties, major businesses like GM and Marriott and Verizon and unions and consumer groups and health insurers have demanded that Congress close these legal loopholes. Closing these loopholes would save American consumers literally hundreds of billions of dollars in the next 10 years. Yet, last week, Republican leadership blocked action on an amendment that would end drug industry abuses. This amendment simply would have prevented drug companies from artificially extending their patents, the drugs' protected patents and stop them from gaming the FDA patent system.

Last week, Republican leadership blocked consideration of this amendment. They would not, in fact, even let the Committee on Energy and Commerce consider the amendment. It may not have been a coincidence that the same week that our committee was marking up the prescription drug bill, that same week that committee adjourned early one afternoon to go to a Republican fund raiser which was underwritten by the prescription drug industry. The chair of that Republican fund-raiser which netted $30 million was the CEO of a British drug company, GlaxoWellcome, donated $250,000 to the Republican cause. The CEO was joined by CEOs of other drug companies which contributed $50,000, $100,000, $200,000, $250,000 to this Republican fund-raiser.

It should also come as no surprise that the next day after the fund-raiser Republicans returned to the committee and, in regular party line votes, voted against any kind of real reform, any kind of pro-senior prescription drug plan.

The Democratic prescription drug plan written by and for seniors will bring drug costs down. That is what seniors want. The Republican prescription drug plan written by and for the prescription drug industry does nothing to bring prices down. That is what prescription drug companies want.

I ask my colleagues to support the Democratic plan when it comes in front of the House and reject the drug-company-sponsored Republican plan.

MEDICARE PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, in 1965 we established Medicare because the private insurance industry demonstrated that it could not provide affordable access to health care for seniors, at least not at rates that seniors could afford. Now, 37 years later, this Congress will be considering important changes to improve this most successful government program.

Everyone seems to recognize that we must add prescription drug coverage to the program.

Older Americans fill more than one-third of all the prescriptions that doctors write and will spend $1.8 trillion over the next decade on these critical medications, much of it from their own pockets. Our parents, our grandparents, the seniors living in our neighborhood need and deserve our help. But I am afraid that some have lost track of the important lessons of 1965, that markets forces are inadequate to this task.

Now I recognize the power of the market. Since arriving in Congress I have voted for tax cuts and supported free trade and generally taken a pro-business stance. But here, when we are trying to provide health care for our senior citizens and those with disabilities, we have seen the markets fall short.

The most recent example is the Medicare+Choice program, created to harness the efficiencies of the marketplace. The hope, indeed, the promise from the program's supporters, was that HMOs would offer seniors quality or better care for less money than it took Medicare.

At first, it seemed to work. We have paid the HMO slightly less than it cost to cover a senior through a fee-for-service program; and seniors enrolled in the program in droves because it had low co-payments and at least a few more benefits.

But then the HMO's said they needed more money, a lot of it. So we gave them more money; and then they started pulling out of a lot of areas, like my district. And where they did not pull out, they cut back on benefits a lot. They raised premiums, they raised co-pays, and they still asked for more money from Congress.

In truth, this program has not been an overwhelming success, to say the least. I am willing to continue to try to fix it, but we should be aware of its problems and shortfalls, and we should not base the rest of Medicare on it, particularly a prescription drug benefit.

Last week, the Committee on Energy and Commerce and the Committee on Ways and Means considered legislation that would do just that and provide a prescription drug benefit through a program similar to Medicare+Choice. Many of my colleagues and I offered amendments to provide a prescription drug benefit through traditional Medicare to these proposals, but the majority defeated each and every attempt to improve this bill. Instead, they have sent legislation to the House floor that would privatize Medicare, impose unfair cost sharing on seniors and not even offer medication coverage that most seniors could count on.

Even the insurance companies, the people who are supposed to administer and offer these plans, these companies are unenthusiastic about the leadership's proposal.

One of HIAA's past presidents, former Representative Bill Gradison, is quoted as being "very skeptical" of this proposal working.

Even if the insurance companies do offer the plans and do provide the benefits the majority describes, it still will not help the seniors who most need it. In fact, their proposal pays less the more seniors needs medication. It offers no help to seniors with drug costs between $2,000 and $3,700 or $4,700 per year. This means that sicker seniors with most health problems, those who most need medications, will not be able to afford them again.

Now, 37 years ago America made a promise to our seniors. We told them they would have health care when they needed it most. We need to follow through on that promise. We need to give our seniors affordable prescription drug coverage.

When this legislation comes to the floor, my colleagues and I will try once again to give seniors a prescription drug benefit they can depend upon. We will offer seniors a reliable, voluntary benefit within the Medicare structure, comparable to the coverage a senior receives for other Medicare services. In fact, unlike the bill that will come before Congress, our plan makes sure seniors get access to the same level of prescription drug coverage that a Member of Congress or another Federal employee receives. This is only fair.

This plan offers seniors real help. It covers 80 percent of the cost of their medication. It will prevent seniors from spending more than $2,000 a year on their medication. It will not rely on the goodwill or poor business sense of insurance companies; and it will guarantee coverage in all areas, urban, suburban and rural. A senior in California would be able to count on the same benefit that a senior in Kansas or a senior in New York City has and vice versa.

Mr. Speaker, I urge my colleagues to oppose the majority's bill that will give our seniors false hopes that will be dashed on the rocks of reality and to support the alternative for a voluntary, affordable bill that will be offered by the Democratic side.

GIVE SENIORS AFFORDABLE PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, get the senior tour buses gassed up to travel to Canada, because under the Republican prescription drug plan seniors will not find any relief from the high costs of prescription drugs. In fact, Americans pay three to four times more for their medications than any other people in the world; and the prices of the 50 most commonly prescribed drugs for seniors increased last year nearly three times the rates of inflation.

Yet the Republican bill does not do one thing to reduce the root cause of our Nation's crisis in access to affordable life-saving medications and that is their costs.

Under the Republican plan, seniors would be forced to purchase drugs through private drug policies, another slippery slope to the dangerous path to privatization.

And as if attempting to privatize Medicare were not enough, the Republican bill covers less than a quarter of Medicare beneficiaries' estimated drug costs over the next 10 years.

Frankly, the Republican bill preserves the inflated prices of one of their biggest set of contributors. It is no wonder the pharmaceutical companies showed up in droves last week at the Republican party's $30 million fund raising bash here in Washington.

In fact, Bob Novak from CNN gave us insight into that fund-raiser. He said, "This is one of the great fund-raisers of all time, because people going to see these things for 20 years had never found them so crowded. It was chair to chair, back to back." And they had to pay $100,000 to get into the photo session with the President. If you wanted to sit on the platform with the President, that cost a little more. You had to pay $250,000 in order to do that.

I guess they will try to get the government they are paying for unless the American people pay attention.

Now with all the high rhetoric surrounding the Republican plan one might think it provides a real benefit, but take a closer look. Under the Republican plan you may, and I stress may, be able to choose from a private program that will cost you $35 a month. Yes, their bill does not cap the drug premium. In fact, insurers would set the premium cost, and it would vary from plan to plan, place to place.

But let us ignore that flaw for a moment and assume it might be about $35 a month. So that is $420 a year for that premium. For the first $250 you spend on prescription medication, this new plan will pay you exactly nothing. That is right. If you need no more than $250 worth of medication, this plan will cost you $670 a year, the $35 monthly premium plus the $250 deductible.

Now if you are one of every three Medicare beneficiaries who spend less than $500 on medication every year, you are in for a treat. What would have cost you $500 will cost you $720 under the Republican plan. Yes, you would actually pay almost 50 percent more under their plan than you would pay without it.

□ 1815

Maybe a person spends closer to $1,000 a year, as half of the Medicare population does. If so, they do fare a bit better. If their medications will cost $1,000, they will spend $420 on the program, $250 for the first batch of drugs and then 20 percent of the next $750 they owe, or $150. That adds up to $820. They will have saved $160.

But if someone is among the 30 percent of Medicare recipients that spends more than $2,000 a year for drugs, I am afraid we have some bad news for them. Under the Republican plan, they are on their own for every dollar between $2,000 and $3,800. This plan will not pay them a cent.

Their plan is simply a sad attempt to gain political cover by sounding like they are working for and care about seniors while simultaneously draining Social Security and Medicare trust funds to pay for huge breaks for the superrich contributors.

So ignore the Republican rhetoric. We should provide seniors with a real and meaningful prescription drug benefit. We should encourage aggregate buying by groups of seniors, not sending each senior out there with some kind of expensive privatized plan in the rough waters of the marketplace in their very, very small canoes.

The first step to make Medicare and prescription medication available to our seniors at more affordable prices and to make them more available is to vote "no" on the risky Republican Medicare drug plan they intend to bring up this week.

ENSURING CONTINUITY OF LEGISLATIVE OPERATIONS DURING AN EMERGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, today I rise to announce introduction of H.R. 5007, a bill to authorize the National Academy of Sciences and the Librarian of Congress to conduct a study on the feasibility and costs of implementing an emergency electronic communications system for Congress to ensure the continuity of legislative operations during an emergency.

Let me first express my most sincere gratitude to a man who illustrates the power of responsible, effective leadership, a man who made today possible and whom I am so proud to call my close friend, the gentleman from Ohio (Mr. NEY). The Chairman has devoted an immense amount of time to this issue of congressional continuity. He has led this House through one of the most difficult times in our history and has done so with great dignity. I honestly cannot thank him enough for his dedication and hard work in joining me in introducing H.R. 5007.

I also want to thank the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration. He has provided the same kind of leadership, wisdom, and guidance in moving this issue through the legislative process. He has worked closely with me ever since I introduced legislation to investigate alternatives in conducting congressional business in the United States Capitol and surrounding areas if there was a future attack or disaster. I would like to thank him for his support and commitment throughout this process.

Mr. Speaker, many of my colleagues know that for months now I have promoted the establishment of an electronic communications system for an emergency situation. When I introduced the Ensuring Congressional Security and Continuity Act last year, I wanted to spur some meaningful dialogue among Members on what we need to do to prepare for what was once an unthinkable but now, according to our own Vice President, is inevitable. I am pleased to report that the dialogue has indeed begun.

On February 28, the House Committee on the Judiciary, Subcommittee on the Constitution began this dialogue with a hearing on how to replace Members if a significant number were killed or incapacitated in an attack. My good friend, the gentleman from Washington (Mr. BAIRD), has introduced some insightful legislation to address this very issue.

On May 1, I was proud to see the Committee on House Administration hold a hearing on my proposal and the various issues surrounding the use of technology to conduct congressional operations in an emergency situation.

On May 16, the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) brought together chairmen, ranking members, and other leaders in this area to discuss congressional continuity issues. Since then, the Cox-Frost team has continued to study this issue in a bipartisan and thorough fashion.

September 11 and the subsequent anthrax attacks on our congressional offices exposed just how vulnerable we are, particularly because we are centrally located. While none of us wants to think about or face our mortality, especially at the hands of terrorists, we have to recognize that it could happen. It is our duty as Members of Congress to ensure this country remains safe and we leave the American public with a system that ensures our freedom and democracy will prevail over any catastrophe.

Mr. Speaker, today we can do just that by passing H.R. 5007. I urge the leadership to bring this bill to the floor as expediently as possible. I would also like to thank the gentleman from Ohio (Mr. NEY), the chairman; the gentleman from Maryland (Mr. HOYER), the ranking member; and their staffs for working with me to meet this objective.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, the House is confronted with a major decision this week, and that is, whether or not to provide a prescription drug benefit for our senior population, and if we are to provide a benefit, what that benefit will look like.

In my district in southern and southeastern Ohio, I am continuously confronted by seniors who tell me of their difficulty in being able to get the medicines they need at an affordable cost, and so it is incumbent upon this House to take the action necessary to prevent our seniors from choosing between buying food and buying medicine or paying other essential bills. Nearly every Member of this House during the last election process made a commitment to their constituents that they would pass a meaningful, affordable prescription drug benefit; and if we do not do it, then shame on us.

The issues, though, that confront us are not only whether or not to provide the benefit but what kind of benefit. Sadly, the majority party in this House is proposing a benefit that, in my judgment, is worse than no benefit at all. It would be the first step toward the privatization of the Medicare system. It would rely on the private insurance market to provide the benefit; and coming from a rural area, my fear is that there would be no company that would be willing to provide a drug-only policy for the constituents that I am charged to represent.

In my district, we used to have some Medicare+Choice programs, some HMO Medicare programs. We do not have them anymore because they did not make as much money as they wanted to make; and so they withdrew, leaving literally thousands of my constituents without that coverage. I think the same thing would likely happen with this proposed prescription drug benefit.

What seniors need and want is a benefit that is a part of the Medicare benefit package. They want a program that is as predictable and as reliable as is traditional Medicare; and they want a program that provides them with the benefit that is affordable, that has a defined package of benefits, which they know about and can depend upon; and they want a prescription drug benefit that gives them choice. And that is what the Democratic proposal will do.

There are differences between the Democrat and Republican proposals, and I would like to mention just a few of them. Our proposal would have a $25-per-month premium. The Republican proposal would have a $35-per-month premium, with no guarantee that that premium would not escalate, $65 or $85 or even more. So there is no predictability to the Republican premium as to affordability.

The program that I and my colleagues on this side of the aisle support has a $100 deductible. The Republican proposal has a $250 deductible. My side, the Democratic side, has a copayment of 20 percent, meaning that Medicare would pay 80 percent, and that is the same as the Republican side. However, on our side, we have a 20/80 copay for all of the drugs that a senior may need; and on the Republican side, there is an 80 percent copay for the first $1,000 in medication. Only 50 percent would be paid by Medicare for the second $1,000; and then there would be a huge gap and until a senior paid over $3,700 out of their own pocket would the catastrophic plan kick in and then all the drugs would be paid for.

What is especially problematic is the fact that a charitable group or a friend, a church, would not be able to voluntarily contribute to that senior's medication costs to enable them to reach the catastrophic coverage; and in my district, many times local churches will recognize seniors who are having a difficult time getting the medicines they need and will voluntarily take up a collection or in other ways provide needed assistance.

So I hope the American people are watching because this is the defining issue of this session of the House of Representatives, and I hope they pay attention because there are vast differences between the two bills that will be considered on the floor this week.

PROTECTING OUR NATIONAL PARKS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the opportunity to spend a few minutes this evening with some of my colleagues discussing the situation that we face as Americans across the country prepare to enjoy the July 4 holiday. For many people, it is an opportunity not just to reflect on the Declaration of Independence, the patriotic history of our country, but it is also an opportunity for families to come together to use this opportunity to join for family recreation, to vacation; and it sort of marks the first serious week of heavy utilization of our outstanding national park system.

These are an area that have proven to touch the hearts of many Americans. It dates back to the tenure of President Teddy Roosevelt, who was such an outstanding leader in terms of the park system and conservation; but sadly, Mr. Speaker, today more and more Americans as they turn to the park system are going to be looking at a state of our national parks and public lands that, frankly, is going to disappoint them. They are going to be assaulted in areas where there should not be allowed motorized vehicles.

There are problems of poor air quality that plague these jewels of our national park system. Air quality is a problem in the Grand Canyon, in Yosemite, in Yellowstone.

We have serious problems in terms of what has happened with the extraction of our country's mineral resources, where sadly our policies of today have not kept pace with the demands that have been placed upon them and what we now know about protection of the environment. Sadly, the Mining Act of 1872 continues on the books exactly, exactly as it was signed into law by President Ulysses S. Grant 130 years ago.

During his Presidential campaign, George W. Bush spoke of protecting national parks as an ongoing responsibility and a shared commitment of the American people and their government.

□ 1830

Mr. Speaker, I was one of the Americans who was cheered by these words by then Governor Bush because, frankly, although I disagreed with him about a number of his environmental policies and his stewardship in the State of Texas and while I was frankly dismayed as I saw the stewardship that occurred with the State park system in Texas, I was heartened by his words that were optimistic as far as what may occur with our national treasures.

However, Mr. Speaker, I am sad to say that since President Bush has assumed office I do not think any objective observer would suggest that he has followed in the footsteps of Teddy Roosevelt, who President Bush called America's first environmental President.

My colleagues and I are here today to talk about the various threats to the serenity and wildlife of our national parks and to look at the unfortunate record that has been developed by the administration, although it is not too late to reverse course, and on behalf of the American public, we hope that they will.

The administration, as we speak, is moving to undo a national park service plan to phase out snowmobiles in Yellowstone in the Grand Teton National Parks, despite strong scientific evidence and overwhelming public support for a ban. This week, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Connecticut (Mr. SHAYS) will be introducing legislation to require as a matter of law the ban that was put in place by the Clinton Administration. I am proud that there are over 100 of us already in Congress who will be original co-sponsors of that legislation.

The administration has yet to argue forcefully and provide in its budgets new money to address the maintenance backlog in the national parks system. We have seen the administration propose a rollback of the Clean Air Act provisions which will actually increase air pollution in national parks from nearby power plants; and the President has claimed that he does not want to create any new parks, although he did sign a bill, in fairness, in February to create the Ronald Reagan Boyhood Home National Historic Site.

Meanwhile, there are bills for a number of important park sites that are not moving forward; and in the 2003 budget, the President has in his proposal eliminated funding for the Urban Parks and Recreation Recovery Program, an unfortunate development which I am hopeful Congress will be able to step up and countermand.

I am pleased to be joined this evening by the gentlewoman from California (Ms. SOLIS), and I yield to the gentlewoman if she has some observations that she wishes to offer up at this point.

Ms. SOLIS. Mr. Speaker, I really appreciate this opportunity to have this special hour dedicated to our parks. Because as we go into our holiday season preparing for the 4th of July, there is going to be over 60 million people that will visit our Nation's national parks; and national parks create a place for families to recreate, to enjoy each other, to enjoy natural resources and learn about the world around us. All of our parks to me are national treasures and I know to many people.

Some of our most used parks are ones that I represent in my own district in the San Gabriel Valley in East Los Angeles out in California, and it is surprising, but the studies that I have seen regarding park space is despicable when it comes to low-income communities and where individuals do not have the opportunity to have open space. In fact, according to a study by the University of California Sustainable Cities Program, three to four acres of open space or green space are needed per 1,000 people to be considered a healthy environment. But in my own district in Los Angeles, there is less than a half acre per 1,000 people. Imagine that. Packed in like sardines.

Communities like mine are in need of park opportunities, and they are waiting for this release now. In the 2003 budget, the President has eliminated funding for the Urban Parks and Recreation Recovery Program, a program that provides $29 million annually to urban communities to preserve park land and develop recreational opportunities in their communities. Oddly enough, this administration recently touted the urban park grants for 2002 as one of their accomplishments, despite their intention to defund it.

The President claims that it is time to tighten our financial belts and merely maintain parks that we have now. The administration says they do not want to add any new parks, but, in fact, as my colleague, the gentleman from Oregon (Mr. BLUMENAUER), said, back in February President Bush signed a bill creating the Ronald Reagan Boyhood Home National Historic Site. Meanwhile, other bills are lingering in committee waiting to be heard.

I happen to have a bill that is waiting to be heard. It is H.R. 2966; and it would create a study to find out if we could create a national park for Cesar Chavez, a leading figure in the Latino community who fought on behalf of farm workers, fought against the use of pesticides for farm workers, and looking for equal justice for all people, for all workers. Would it not be wonderful to have the first national park to recognize a Latino leader in the United States?

I ask that question because it is time. Our communities are diverse, and it turns out that recent polling that I have seen indicates that the Latino community or Hispanic community is indeed in favor of open space and open parks and more space so that they can have the ability to recreate. And what is happening? We are going in the opposite direction. We are not doing enough to diversify and even allow for urban parks to be established.

I have another bill that will be heard shortly in the Committee on Resources to establish, hopefully, a study for one of the largest urban parks in California. Currently, a state conservancy exists in our community known as the River Mountain Conservancy where over 7 million people live alongside this river that covers over 31 miles.

I would hope that the administration and our colleagues on the other side will work with us in a bipartisan manner so that more funding will go into parks and recreation. Our communities need it, urban America needs it, and the diversity of our country desires that.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's strong voice for a balanced approach to parks and recreation and making sure that it meets the needs of all our citizens.

I think the gentlewoman touched on an important point, because we have so many people who have limited opportunities for travel. There are people for whom, even if they have opportunities to travel, the day-to-day existence needs to be softened by opportunities for urban park and recreation programs.

I look forward to working with the gentlewoman on her legislation and appreciate her strong voice for making sure Congress has a broad view of that responsibility.

Mr. Speaker, we have also been joined this evening by the gentleman from the State of Washington (Mr. INSLEE), who, among other things, is the ranking member of the Subcommittee on Forests and Forest Health of the Committee on Resources, a person who has been a strong champion in the Pacific Northwest for issues that relate to livability.

I have had the opportunity of watching him in action in the Arctic wilderness a year ago, surveying and listening to his observations about the issues that would deal with drilling in the Arctic Wildlife Refuge, and I appreciate his strong environmental voice of leadership not just in the Pacific Northwest but around the country. So I am happy to yield to the gentleman to join in this discussion this evening.

Mr. INSLEE. Mr. Speaker, I thank the gentleman so much. I am glad the gentleman has brought us together to talk about these issues.

I want to add two messages to talk about our incredible public lands that we have in this country that we ought to think about. The first is the area in our Forest Service lands, which is such a treasure. People all around the world come to see our forest areas, but they run a risk now because the Bush administration has threatened to essentially reduce the protections for our Forest Service lands and our pristine unroaded, uncut forests.

I wanted to alert people to the potential of protecting these pristine forests and ask my colleagues to join us as cosponsors in the Roadless Area Conservation Act, which the gentleman from New York (Mr. BOEHLERT), a Republican, and myself are prime sponsors of. We now have 175 cosponsors. The reason this act is so important is that it would codify the existing area, roadless area rule, a rule that was adopted with the positive comments of over 1.2 million Americans who basically asked the Federal Government to protect the parts of the United States forest areas that have not been subject to having roads built on them yet. We think this is a very common-sense approach, because Americans value their pristine unroaded areas in our U.S. Forest Service lands.

What this bill would do is essentially just put into law the rule that was previously adopted under the previous administration that would protect the areas in our Forest Service that have been designated as unroaded areas.

The reason this is so important, and a lot of people think just from an environmental perspective, of protecting our unroaded areas from an environmental perspective, but it is important for a fiscal reason as well. That is because we already have 350,000 miles of roads that Uncle Sam has built in our Forest Service areas. Those roads, many of them, are now falling apart. They are literally washing out into streambeds and contaminating the gravels and ruining the fish habitat in our streams.

In fact, we have an $8 billion backlog, an $8 billion backlog of maintenance needs on our existing 350,000 miles of roads in our Forest Service lands. So we think it makes a lot of sense to use maintenance money in the Forest Service to maintain what we have of these roads, because we have this epidemic of roads that are washing out. So we think we should protect what we have before we go punch new roads into unroaded areas.

From an environmental perspective, Americans have spoken. When this rule was under consideration in the previous administration, we had the largest outpouring of citizen input of any rule under any agency in American history. In over 600 public meetings, 1.2 million Americans gave their input that said they want a strong roadless area rule. They want to protect the roads we already have and not build additional ones in our roaded areas. If my colleagues can show a bigger outpouring of public support for anything, I have not seen it in this country.

The difficulty now is that the administration, even though the Attorney General of the United States during his confirmation was asked by the U.S. Senate whether he would preserve and protect and defend this rule and he said he would do so, unfortunately, he has not done so. And in litigation in an Idaho court, the best thing we could charitably say is that the U.S. Attorney took a dive and did not defend this rule and let the court run over the rule.

The administration has now made threats to try to impinge on the rule, to cut it down in various ways and has refused to honor the rule.

So we need to act in the U.S. House. We need to pass a law, we need to codify this, and we hope that more colleagues will join us. We hope the majority party allows a vote on this bill, because we think the majority of the House will support this bill. A very important issue.

Second issue, if I can, and this is a big issue, one for, I suppose, several hours discussion, but I think it is important to talk about. When we think about our national parks and our national forest lands, they are under the threat of an invisible foe right now. There is an invisible threat to our national parks, and that is the threat of global warming.

Our park system today runs the risk of very significant changes as a result of unchecked global warming. We can already see changes in our national parks today of this phenomena which is occurring. As we know, 8 of the last 10 years we have had the hottest years in the last thousand years, and as a result of this trend we are already seeing changes in our national forests and our national parks.

In Glacier National Park, glaciers are melting dramatically. Scores of glaciers are on the cusp of disappearing. If this trend continues, which it will unless we change some of our national policies, someday it will be the park formerly known as Glacier. Maybe we will name it after presidents who did nothing about global warming. It is one way to get a national park named after you, I suppose, but that would not be the direction we want to go.

In Denali National Park, I was there last summer while looking at the Arctic Refuge, I talked to forest rangers who has been working there for about 20 years and who had seen the tree line move north several miles just during their very brief tenure. What is happening is that the types of trees that we have, the vegetation, is essentially moving because the atmosphere and the environment is changing.

The Alpine meadows that we now enjoy in the Rocky Mountains, and I know John Denver could sing Rocky Mountain High, but those Alpine meadows may not be there in 100 years because the environment is changing enough that the biosphere changes and then there is no more mountain left to go to once we reach certain elevations.

□ 1845

So the fact is that we, because of our lack of an energy policy, are causing significant changes to our national parks. We can see it right in our homes, and today with the sweltering heat in D.C., it should be obvious, but over the long term, we are changing the substantive environment of our park system in a way that perhaps we do not fully understand.

I would like to note, too, that the administration issued a report. We had a debate for some period of time about whether global warming was taking place and if it was, were humans causing it. Well, that debate is done. The Bush administration issued a report a week ago which was the cumulation of scientific knowledge from various Federal agencies, and they concluded several things. President Bush's White House issued a report saying global warming is occurring, and this is an accepted global fact.

Number two, a significant portion of that is caused by human conduct. But despite the fact that the administration of the President of the United States concluded that global warming is occurring and humans are responsible for it, the President's response was just get used to it because I am not going to deal with the problem.

As a Member who feels strongly about the national parks, that is not an acceptable position because what the President said was, I am not going to act as a result of this report. That is unacceptable to the American people. It should be unacceptable because our national logo, if you will, is the eagle, not the ostrich. This ostrich approach by the President of the United States is not going to solve this problem. We need leadership from the President of the United States, which he is capable of providing. He has provided the country leadership in the war against terrorism, and we need the President to provide leadership on the war against global warming.

His response to date has been a volunteer program. He will ask major corporations in America to volunteer to reduce their emissions. Well, voluntary programs may work for PTA bake sales, but they are not going to work to change the course of global warming on this planet. We are urging the President to become engaged in dealing with this issue. It is vital that he do so, and it is vital for us in Congress to take steps as well, first by adopting a meaningful United States energy policy which is important not only for environmental concerns but for our security concerns so we do not have to remain addicted to whatever the political situation is in Saudi Arabia. We are hopeful the energy conferees will adopt a plan to move us toward a more sustainable energy policy to reduce our dependence on Saudi Arabia and whatever peculiar politics are happening there.

Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for this opportunity to talk about two very important issues, adoption of the roadless area bill so we can protect our pristine areas in the national forests, and this overarching problem of global warming which is going to significantly reduce the character of our national forests and our national parks if we do not act. I thank the gentleman for this opportunity to add my two cents' worth on these issues.

Mr. BLUMENAUER. Mr. Speaker, as always, the gentleman's two cents are worth a great deal to us. I thank the gentleman for putting in context, as we watch some of the most massive forest fires raging across four States now, one thinks of the consequences of continued global climate change, tinderbox forest lands, the problems that we can face across the country with wild fires, forest fires, that we could be involved in a vicious cycle; and I think the gentleman's message is a timely one this evening.

Mr. INSLEE. Mr. Speaker, if the gentleman would continue to yield, the report that I made reference to from the White House specifically said that a likely result of global warming are these prolonged drought conditions in the western United States, and what we are seeing now is what we can expect to see in the future in spades.

To comment on the fires, some Members who are not of an environmental lilt have tried to blame these fires on environmental laws and people who care about the environment who enforce environmental laws. That is really, to be charitable, poppycock about this issue.

We had the chief of the forest service, Mr. Bosworth, before the Committee on Resources; and some Members on the other side of the aisle were arguing that the reason Colorado was on fire was because an environmental group had filed an appeal of a proposal to do logging in a relatively small area, and they were arguing that was the reason that these fires had been cataclysmic. I asked Mr. Bosworth is that the reason these fires have become so huge. And he said no, there is no way that that caused these fires. He said these projects, some of which we do need to do to reduce the fuel load that has built up over decades, some of these projects we need to do; but those projects are going to take 10 years. There was an appeal that delayed a project 5 months and the chief, Mr. Bosworth, a Bush appointee, said those delays were not, repeat, not the reason for the fires in Colorado. The other thing is this is such a tiny measure, something like only 300,000 acres. It is the drought conditions which are so dangerous.

Mr. BLUMENAUER. Mr. Speaker, my recollection is that we had some of the people when we had the horrible cycle of fires that the gentleman and I are aware of in the Pacific Northwest, we heard the same drum beat; that somehow this was the problem, that we did not aggressively log the forest. My recollection is that during that period of time the forests that had the greatest loss were the ones that were the more intensely logged.

Mr. INSLEE. Because of drought and dryness conditions, it is going to burn through anything even if you have done preventive thinning in these extremely dry forests. The sad fact is, yes, there is some work that we can do to remove fuel loads in some of these forests; but when they are this dry, they are going to burn. Yes, Democrats and Republicans for decades suppressed fires so much that we allowed fuel to build up. But if they are going to be this dry for the next 200 years, we are not going to have national forests if we do not do something about global warming. The White House has the study, and we just need for them to act.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's leadership on this set of issues.

Mr. Speaker, I am touched by the range of issues that are involved here in terms of the protection of our public lands. I appreciate what the gentleman from Washington (Mr. INSLEE) was talking about. The gentleman referenced the roadless area rule in the Pacific Northwest. I think it is important to note that we had so many of these roads that are not properly maintained that are actually posing a threat to habitat. I like the philosophy of being able to take advantage of the opportunity to manage what we have. It is very, very important to move forward with the codification of these measures. I am proud to join the gentleman in the cosponsorship of his legislation that would put into law the protection for those roadless areas.

A moment ago we had our colleague, the gentleman from New Jersey (Mr. HOLT), on the floor; but, unfortunately, the gentleman had a commitment and we were unable to recognize him in a timely fashion. But he is moving forward to introduce his Yellowstone-specific legislation this Thursday that I mentioned earlier. It is particularly timely that the gentleman from New Jersey (Mr. HOLT) moves forward because earlier today officials from the National Park Service announced that they were going to overrule the January 2001 rule that phased out snowmobile use in Yellowstone and Grand Teton National Parks.

While many of the specifics of their new rule are not known, the park service officials indicated that their preferred alternative will be a combination of the alternatives that appeared in the supplemental environmental impact statement, the SEIS, issued last March, a combination of alternative of two and three. What is known is that it will force snowmobile use in this environmentally sensitive area.

It will mean increased use and significant impacts on the park and wildlife. It could allow for increased number of snowmobiles in the park while also opening up additional miles for trail use. Under this plan, it is likely that the Clean Air Act and other National Park Service air-quality regulations will be violated. It is clear there will be an increase in health risks to the public and the employees over the original rule which would have banned snowmobiles.

I find a certain irony with today's rollback that will jeopardize the environmental integrity of Yellowstone National Park, ignoring as it does science, law, and public opinion. I am pleased that the gentleman from New Jersey (Mr. HOLT), the gentleman from Connecticut (Mr. SHAYS), and over 100 of us who are already cosponsoring this legislation are going to fight it.

I find no small amount of irony that the President in his campaign for office referred to the national parks as "silent places, unworn by man." Yet the President seems determined to allow man to wear down these lands with loud and damaging vehicles.

I was impressed under the previous administration with the leadership of the superintendent of Yellowstone Park, Michael Finley, where the National Park Service opposed a phaseout of snowmobiles in Yellowstone and the Grand Teton National Park. They made this decision following 13 years of scientific study and 3 years of nationwide public comment. Let me repeat that. Thirteen years of study.

I had several meetings with Superintendent Finley, and I must say with a little bit of chauvinistic pride as an Oregonian, he revealed to me that over 80 percent of the public comments that were received in the process of this rule were in favor of banning snowmobiles.

Finally, the Environmental Protection Agency joined in this effort recommending the banning of snowmobiles because of the carbon monoxide emissions which were threatening the health of not only the park's ecosystem but, candidly, it was a risk to the health of the park employees. Yet the Bush administration has decided to undercut the National Park Service, the Environmental Protection Agency, and ignore the American public.

□ 1900

I hope that it is not too late for this Congress to step forward, to listen to the science, the will of the American public and legislate a ban on these vehicles in Yellowstone and the Grand Teton National Parks.

It is, Mr. Speaker, an amazing volume of activity. This is not just an occasional recreational vehicle user going through an otherwise pristine environment. We are talking about 80,000 people using snowmobiles; and they are producing, in one of the ecological treasures of this country, more air pollution each year than all the cars and the trucks that carry 3 million other visitors into the park. Think about it for a moment. By overturning this phaseout, it has the effect of doubling the air pollution from the 3 million visitors. It is like having that population double to 6 million.

We have found, Mr. Speaker, that the pollution from the snowmobiles impairs the visibility in the park. It contributes to pollution levels that are higher than allowed in a national park, and these are violations of the Clean Air Act. The noise from the snowmobiles is audible as much as 95 percent of the time in popular sites, interfering with the enjoyment of other visitors.

But it is not just the human visitors that are harassed, because these 80,000 visitors regularly harass wildlife. They are chasing bison back and forth between the roadside snow banks, forcing them to expend energy they need to make it through the harsh winter conditions.

Based on the science, the Park Service concluded that snowmobile use is impairing the resources in the parks in violation of the Organic Act's mandate that the Service-managed parks, to leave them unimpaired for the enjoyment of future generations.

The Service also found that the snowmobile use is inconsistent with the requirements of the Clean Air Act, Executive Orders 11644 and 11989 by Presidents Nixon and Carter relating to offroad vehicle use in public lands, that the National Park Service general snowmobile regulations and management objectives for the park are also violated.

All these requirements are based on long-standing bipartisan commitment for our national parks be given the highest standard in applying the highest level of protection. The strictest and most detailed government standards applying to snowmobile use in the parks were adopted by President Nixon and during the Reagan administrations. The irony is that this important environmental work, bipartisan in nature, strong congressional input, would be thrown out the window by a President who claimed during his campaign to be a friend of the National Park Service.

Mr. Speaker, I have more material that I wish to offer up and that the gentleman from New Jersey (Mr. HOLT) would have done in my stead, but I notice that we have been joined this evening by the gentleman from New York (Mr. HINCHEY), a gentleman who has been tireless in his support of these national treasures, a gentleman who I am pleased to note serves on the critical Interior Subcommittee of Appropriations where he has spent a huge amount of time visiting these resources, fighting in Congress and with the general public. I am honored that he is here this evening and would see if he would like to enter into this discussion.

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for giving me the opportunity to enter into this discussion.

I was particularly interested in his remarks a few moments ago about the Nation's national parks. These national parks were set aside initially under the administration of Theodore Roosevelt, that is when they first began, a very respected Republican President who was one of the most environmentally sensitive and far-seeing Presidents in our history. It is unfortunate that this present administration, another Republican President, has sought to degrade the national parks in the ways in which we have just heard.

One of the most serious elements of that degradation has to do with air quality. The national parks were set aside initially in the first instance during the administration of Theodore Roosevelt; and when he initiated the first national parks, he talked about the need for Americans, for people, to have a quiet place, a place where they could go and be in touch with the natural elements and get back to a sense of real nature, a place that is pristine, quiet, a place for reflection and a place for us to understand our own relationships with the natural world. That was really the foundation for the national parks.

I am paraphrasing the words of President Theodore Roosevelt, but that was one of the essential aspects of the message that he laid out when he first began to form our series of national parks.

Under this administration, the degradation of air quality and also the proliferation of noise as a result of the extraordinary use of snowmobiles in the winter months is causing serious harm to the national parks themselves and, of course, to the natural setting and is absolutely destroying the sense of quiet, the sense where people can go to get a deeper understanding of the natural world and of themselves. And, of course, the effect on air quality by these snowmobiles is such that the air quality on the western end of Yellowstone, for example, at times is worse than it is, and this is frequently occurring, at frequent times, in major urban areas as a result of the burning of the fossil fuels to propel the snowmobiles.

Of course, the parks are there for everyone. We all want an opportunity to enjoy them, and they are there for recreational use. But there needs to be a realization that one particular aspect of use cannot destroy the joy and the experience that other people have who want to use the national parks in other ways, for hiking, for cross-country skiing, things of that nature. So I am very distressed, along with everyone who has a deep care about our national treasures, Yellowstone, Yosemite, the other wonderful national parks that make up this unique array of park systems in our country and how it is being degraded and in some sense actually destroyed by the unlimited use of snowmobiles.

I also noticed that earlier there was a discussion with regard to clean air. It also ought to be brought to people's attention how the administration's proposal, in effect gutting serious elements of the Clean Air Act, is having on air quality in many places around the country, not just on national parks but all across the country. The Clean Air Act has been one of the most effective tools to provide a cleaner and healthier environment for all Americans that we have seen in the history of the country. Over the course of now more than 30 years, since 1970, the effect of the Clean Air Act has been to reduce air pollution on average across the country by about 30 percent. That effect will continue. Except that the administration now has said that they are going to remove an important part of the Clean Air Act, known as new source review.

I think that everyone knows, Mr. Speaker, that a major source of air pollution in this country is the generation of electricity through the burning of fossil fuels and the fact that when the Clean Air Act went into effect, many of these old power plants were, in effect, grandfathered. In other words, they did not have to put on the modern cleaning technology which scrubs out the pollutants before they get into the air.

But a provision of the Clean Air Act stipulated that whenever the owner of one of these power plants upgraded the plant in some way to increase the amount of electricity that was being produced or in some other significant way to gain some economic benefit, additional economic benefit from the plant, that at that point new source review kicks in and that the owner of the power plant would then have to install equipment to clean the air coming out of those plants. The administration is now eliminating new source review through the Environmental Protection Agency.

That is going to have a debilitating effect on air quality in many places around the country but especially in the Northeast. In New York, for example, where the Adirondack Mountains suffer from the pollutants that come from these power plants in the form of acid precipitation, acid rain, snow, sleet, hail that falls on the growth in these mountains and also on the lakes, the effect of that has been to completely eliminate all life forms in more than 300 lakes and ponds in the Adirondack Mountains of New York. A similar effect is being experienced in Vermont, in New Hampshire, Maine and other places.

So the effectiveness of the Clean Air Act, which has been an enormously successful instrument to provide a cleaner, healthier environment for Americans, is being subverted by this administration by the elimination of this provision known as new source review.

This is important not just from an aesthetic point of view, not just from the point of view of all of us, I believe all of us who appreciate the quality of a natural environment, to go into a wooded area, to climb a mountain, to go into some back country and breathe the clean air, not only that loss and the loss of the life forms in those more than 300 lakes and ponds in the Adirondacks and similarly in other States, but by gutting the Clean Air Act in this way, by eliminating new source review, by putting more pollutants into the atmosphere, it also degrades the quality of our lives in a very material way. We will see increased incidence of asthma and other lung ailments as a result of the poor quality of air. It is, in fact, a genuine and real health problem.

For all of these reasons, we are deeply concerned about the attitude that has been expressed by the majority of the Members in this House, particularly over the course of the last several years that they have been in the majority, and also the attitude that is apparently being expressed by the administration recently in removing new source review from the Clean Air Act and thereby causing substantial additional pollutants to go into the air and also by degrading the national parks by the unlimited, unregulated use of snowmobiles in those national parks.

I thank the gentleman from Oregon (Mr. BLUMENAUER) for setting aside this time for us, Mr. Speaker, so that we could have the opportunity to discuss in some detail these important environmental issues which are also important public health issues.

Mr. BLUMENAUER. I appreciate the gentleman joining us and rounding out the discussion to take on the dimensions of public health.

He made an observation that I thought was important, and I would like to pursue one slight distinction. I, too, have been concerned that our Republican colleagues in the leadership have been pursuing an environmental agenda that I think is very much out of sync with what is practiced by most of the American public, the views and attitudes. But the irony is that their limited approach in cutting off debate and not allowing a full range of options to be discussed, actually, they have denied a majority of the House an opportunity to be heard and move important protective legislation forward. I think it is sad, because I know that there are some of our friends on the other side of the aisle who feel uncomfortable with these environmental initiatives.

There is a majority of the House, when we get clean votes for air quality, when we get clean votes for clean water, more often than not the majority will of the House is such that it is in keeping with what the majority will of the American public is in terms of its environmental ethic. But, sadly, we are not permitted to have these straight up or down votes and this full and honest debate.

Mr. HINCHEY. Of course, what the gentleman from Oregon is pointing out here is an undermining, even an abrogation of the basic democratic system under which this Congress is supposed to function. This Congress is set up as a place where the issues that are of most importance and of deepest concern to the American people can be debated freely and openly.

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Certainly, this environmental issue in all of its aspects, its aesthetic aspects, its environmental quality aspects, its public health aspects, is an issue that ought to be debated fully. We ought not to be here in the evening, during the period of Special Orders, although it is a good thing to do, we really ought to have the opportunity to exchange these views with Members on the other side of the aisle, the Republican Party who is in charge of this House and sets the rules in this House. We ought to be able to engage them in substantive debate on these issues so that people can see the differences that exist between them and us, and so that they can then make a decision as to what kind of representation they want.

The gentleman reminding us of the way in which basic democratic principles have been undermined here and the way the House is governed also points out to me the fact that the most important vote that we cast here at the beginning of each Congress every 2 years is the vote that establish the leadership of the House, because it is the leadership of the House that determines the agenda of the House and determines the way in which this House of Representatives is not just organized, but the way it conducts its business day in and day out. It is supposed to be done in an orderly and progressive way; but unfortunately, we have not seen that to be the rule here over the course of the last several years.

So it would be much better if we had an opportunity to discuss the environmental issue, just as it would be much better if we had the opportunity to discuss the energy issue, which I know the gentleman touched on earlier this evening and the fact that our energy policy is one that is devoted almost entirely, almost exclusively, to exploitation of natural resources, and the burning of fossil fuels, rather than focusing, in part, on significant energy conservation and the production of energy through alternative means that are nonpolluting.

That debate is one that we ought to have as well, because I believe the American people want us to develop an energy policy which is multifaceted, which is broad-based, which conserves our natural resources, and which improves the quality of the environment just as they want us to have an open and full environmental debate on these issues as well.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's comments. I come from a background, Mr. Speaker, in a State where there are nominally partisan politics; but when I got started in the political process, the issues of protecting the environmental heritage of the State of Oregon was something that Republicans and Democrats could often come together on. There was a great Republican environmental leader, Tom McCall, that actually gave me my very first governmental assignment when I was still a college student to be on Oregon's livable community, it was a livable community commission. I worked with some key Republicans when we were doing legislative protections of the environment when I was a State legislator in the 1970s.

The protection of our environmental heritage should not be partisan, and I am sorry that it has reached that point today. It is interesting, however, that the men and women who run for national office and increasingly, even on the State level, embrace the rhetoric of environmental protection, hence some of the quotations that I gave earlier this evening from candidate Governor Bush when he was running and how he was going to respect and honor the environment.

It is interesting that through the manipulation of the political process that there are acts that are undertaken, criticism of the last administration, for example, for using the antiquities act to protect some great national monuments in this country. But now, all of the smoke and fury has subsided. There is a Republican in the White House, there is a Republican leadership, but are they introducing leadership to repeal President Clinton's monument designations? No. There is not a single bill that is coming forward to repeal them. Instead, what we see is that there is actually legislation that some of our Republican colleagues are proposing that would tie the hands of President Bush and future Presidents to designate monuments as sort of I guess a signal to some of their antienvironmental supporters, but not stepping forth to try and roll anything back because we know the American public will not stand for it.

Mr. Speaker, I think our challenge here is to make sure that the American public understands what is happening with the rollback that we talked about earlier in terms of the rule that would have phased out the use of snowmobiles, that we are having the Padre Island National Seashore, Gulf Shore Islands National Seashore, Cape Lookout National Seashore where there was a national park superintendent of those areas had proposed that there be a ban on jet ski use in those waters. But now, these proposed bans which had broad public support and to deal with the massive environmental damage, it is not just the noise of the jet skis. Most of these, for 4 gallons of gasoline that is burned, one goes into the water.

Well, now the administration and some of our Republican House Members are pressuring the National Park Service to override the superintendents. Now these parks must do a new environmental assessment and rulemaking to allow jet ski use to continue, despite the environmental damage, despite the public opposition. It is unfortunate that we are seeing example after example.

The gentleman referenced the situation of the National Park Service and our illustrious President Teddy Roosevelt. It is frustrating to see the actual purpose, the Organic Act, under which the National Park Service was organized that called for the conservation of scenery, the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations, the enjoyment of future generations. Nothing, nothing could be further from obtaining, enforcing, celebrating the requirement of that original act and what we see is being infested upon the American public as we speak.

Mr. HINCHEY. Mr. Speaker, I am sure if Teddy Roosevelt were President today, the approach to environmental issues would be much different. It is really a shame in a way, because we have had a number of Republican Presidents who developed and nurtured very sound policies with regard to the environment. If they were in office today, one of the first things that they would turn their attention to is probably the most serious environmental problem of all, most serious because it is global in nature, most serious because it has the potential to alter the environment in very basic and fundamental ways all around the Earth, and we are seeing the effects of that already.

What I am speaking of, of course, is the phenomenon of global warming and the fact that so much of the warming that we have been experiencing in recent decades comes about as a result of the activities of our species on this planet, and it is the burning of fossil fuels and the placing in the atmosphere of these gases, particularly carbon dioxide.

Last year was the second warmest year on record. Two years earlier, it was the warmest year on record. The decade of the 1990s was the warmest decade on record. The one before that was the decade of the 1980s. I mean it does not take a genius to see what is going on here. Not long ago, a part of the Arctic ice cap, the Antarctic Ice Sheet, in fact, dropped off, a size of the State of Rhode Island. That came about as a result of rising temperatures and the melting of the ice.

There was an amazing story on the front page of the New York Times just about a week ago which talked about the effect of global warming in Alaska, how in one situation, an island which had been inhabited for a long, long time, I do not think anyone knows precisely how long, but very, very long, as being inundated because of the fact that the polar ice caps are melting and the sea level around the world is rising. An island such as this one in Alaska is being inundated and people are going to have to move off of that island to live somewhere else. Roads are buckling because of the warming in Alaska. That is happening because the permafrost is no longer perma.

In other words, it is no longer permanent. The frost there is melting; and as a result of that, we are getting heaves of the Earth and the roads are buckling as a consequence of that. I think it was spoken of earlier that global warming is, in some measure, causing the dryness that is contributing to the fires that we are seeing around the country, and it is also contributing to the changes in weather patterns that we are experiencing, drier climates in some areas, and a whole host of things that are becoming more and more evident with each passing day, each passing week, month and year.

Mr. Speaker, we need to do something about it. We need to focus our attention on it. Every other industrial country in the world is taking a responsible position on global warming, cutting back their emissions. This administration has decided to turn its back on the issue, and I can remember it was just a few years ago when in debating an Interior Appropriations, Republican members of that committee wanted to strike from the bill the phrase "global warming" because they contended that it did not exist, that it was fanciful and there was no point in having such a phrase in legislation because they contended it was a complete fix.

Mr. Speaker, it is shocking that this level of ignorance exists, but there it is for everyone to see. This is a problem that we need to pay attention to.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman taking us back into the global scope of things. I would just conclude by turning our attention back to where we began this evening in terms of the public lands and the President's promise when he was candidate Governor Bush to deal with improving the stewardship. Not only are they rolling back protections for motorized vehicles, dealing with just the nuts and bolts that the gentleman from New York is going to have to deal with on the Interior committee in terms of the budget where we are going to eliminate a $5 billion budget cap. This year I note that the gentleman has been given a Presidential appropriation request, $2 million above last year's enactment.

RECESS

The SPEAKER pro tempore (Mr. KERNS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 28 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 8 o'clock and 38 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4598, HOMELAND SECURITY INFORMATION SHARING ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–535) on the resolution (H. Res. 458) providing for consideration of the bill (H.R. 4598) to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mrs. THURMAN, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, June 26 and 27.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 26, 2002, at 10 a.m.]

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7608. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Triflumizole; Pesticide Tolerance [OPP-2002-0063; FRL-7180-5] received June 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7609. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Spinosad; Time-Limited Pesticide Tolerance [OPP-2002-0099; FRL-7182-1] (RIN: 2070-AB78) received June 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7610. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Carfentrazone-ethyl; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0072; FRL-7178-1] received June 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7611. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Carboxin; Pesticide Tolerance [OPP-2002-0028; FRL-7180-6] received June 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7612. A letter from the Director, Office of Legislative Affairs, FDIC, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Technical Amendments to FDIC Regulation Relating to Forms, Instructions, and Reports (RIN: 3064-AC52) received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7613. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7515] received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7614. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7606] received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7615. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7616. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7617. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Injection Control Program — Notice of Final Determination for Class V Wells [FRL-7225-8] (RIN: 2040-AD63) received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7618. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Municipal Solid Waste Landfill Location Restrictions for Airport Safety [FRL-7227-9] (RIN: 2050-AE91) received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7619. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of an Air Quality Implementation Plan Revision; South Dakota; Rapid City Street Sanding Regulations to protect the National Ambient Air Quality Standards for PM-10 [SIP NO. SD-001-0012a; FRL-7216-1] received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7620. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Maine; Negative Declaration [ME 067-7016a; FRL-7227-1] received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7621. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to the Air Resource Regulations [PA159-4189a; FRL-7211-7] received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7622. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Motor Vehicle Inspection and Maintenance Program — Request for Delay in the Incorporation of On-board Diagnostics Testing [PA 182-4196a; FRL-7224-8] received June 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7623. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nevada; Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7228-1] received June 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7624. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants and Phosphate Fertilizers Production Plants [FRL-7229-5] (RIN: 2060-AE44) received June 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7625. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [FRL-7225-6] (RIN: 2060-AE77) received June 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7626. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants and Phosphate Fertilizers Production Plants [FRL-7229-4] (RIN: 2060-AE44) received June 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7627. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") — received June 3, 2002, pursuantto 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7628. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule — Final Decision Related to the U.S. Department of Energy's General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories (10 CFR Part 960) and its YUCCA Mountain Site Suitability Guidelines — received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7629. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule — Testimony by OGE Employees Relating to Official Information and Production of Official Records in Legal Proceedings (RIN: 3209-AA23) received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7630. A letter from the Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Injurious Wildlife Species; Brushtail Possum (Trichosurus vulpecula) (RIN: 1018-AE34) received June 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7631. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Financial Assistance for Research and Development Projects to Assess the Potential Suitability of Non-native Oysters in Chesapeake Bay [Docket No. 020418090-2090-01; I.D. 041202B] (RIN: 0648-ZB19) received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7632. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operation; Manufactured Home Tires [Docket No. FMCSA-97-2341] received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7633. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Railroad Workplace Safety [Docket No. FRA-2001-10426] (RIN: 2130-AA48) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7634. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Medical Benefits Package; Copayments for Extended Care Services (RIN: 2900-AK32) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7635. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials from Peru [T.D. 02-30] (RIN: 1515-AD12) received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7636. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Civil Aircraft [T.D. 02-31] (RIN: 1515-AC59) received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7637. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Rate (Rev. Rul. 2002 -13) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7638. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Debt Instruments with Original Issue Discount; Annuity Contracts [TD 8993] (RIN: 1545-AY60) received June 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7639. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Rate (Rev. Rul. 2002-33) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2003 (Rept. 107–529). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 4687. A bill to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life; with an amendment (Rept. 107–530). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4481. A bill to amend title 49, United States Code, relating to airport project streamling, and for other purposes; with an amendment (Rept. 107–531). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEWIS of California: Committee on Appropriations. H.R. 5010. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–532). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOBSON: Committee on Appropriations. H.R. 5011. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–533). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4598. A bill to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities; with an amendment (Rept. 107–534 Pt. 1). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 458. Resolution providing for consideration of the bill (H.R. 4598) to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities (Rept. 107–535). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. LaTourette, Mr. Kolbe, Mr. Kennedy of Rhode Island, and Mr. Costello):

H.R. 5012. A bill to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GEKAS (for himself, Mr. Bartlett of Maryland, Mr. Culberson, Mr. Deal of Georgia, Mr. Goode, Mr. Sam Johnson of Texas, Mr. Norwood, Mr. Sessions, Mr. Smith of Texas, Mr. Stump, Mr. Tancredo, and Mr. Weldon of Florida):

H.R. 5013. A bill to amend the Immigration and Nationality Act to bar the admission, and facilitate the removal, of alien terrorists and their supporters and fundraisers, to secure our borders against terrorists, drug traffickers, and other illegal aliens, to facilitate the removal of illegal aliens and aliens who are criminals or human rights abusers, to reduce visa, document, employment, and voting fraud, to reform the legal immigration system, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 5014. A bill to amend title 49, United States Code, to provide a credit toward the non-Federal share of projects carried out under the airport improvement program to an owner or operator of an airport that is utilized to respond to a disaster or emergency; to the Committee on Transportation and Infrastructure.

By Mrs. CLAYTON:

H.R. 5015. A bill to promote workforce development in rural areas and assist low income residents of rural communities in moving from welfare to work; to the Committee on Education and the Workforce.

By Mr. ISSA (for himself, Mr. Saxton, Mr. Calvert, and Mr. Pitts):

H.R. 5016. A bill to express the appreciation of Congress for the outstanding contribution that all military chaplains make to the members of the Armed Forces and their families; to the Committee on Armed Services.

By Mr. ROHRABACHER:

H.J. Res. 101. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself, Mr. Hansen, Mr. Rahall, Mr. Gekas, Mr. Shuster, Mr. Hilliard, Mr. Kanjorski, Mr. Strickland, Mr. Udall of Colorado, Mr. Holden, Ms. Hart, Mr. Schaffer, and Mr. Greenwood):

H. Con. Res. 425. Concurrent resolution calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund; to the Committee on Resources.

By Mr. CUMMINGS:

H. Con. Res. 426. Concurrent resolution expressing the sense of Congress regarding the awareness of and treatment for kidney disease; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H. Res. 457. A resolution paying tribute to the Visiting Nurse Association of Central Jersey on the occasion of the association's 90th anniversary, and for other purposes; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

298. The SPEAKER presented a memorial of the Legislature of the State of Tennessee,

relative to Senate Joint Resolution No. 584 memorializing the United States Congress to fully fund the facilities modernization of the Y-12 Plant in the Fiscal Year 2003 federal budget; to the Committee on Armed Services.

299. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1744 Joint Resolution memorializing the Congress of the United States, the President of the United States and the United States Environmental Protection Agency Administrator to maintain the existing regulations on new source review; to the Committee on Energy and Commerce.

300. Also, a memorial of the Legislature of the State of Michigan, relative to House Concurrent Resolution No. 36 memorializing the United States Congress and the President to work to implement United Nations resolutions to bring peace and security to Cyprus; to the Committee on International Relations.

301. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 534 memorializing the United States Congress to urge the National Park Service to honor the great sacrifices endured by the men of the Second Regiment United States Sharpshooters, Company C, during the Civil War; to the Committee on Resources.

302. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 354 memorializing the United States Congress to enact legislation to ban all human cloning; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 134: Mr. Platts.

H.R. 168: Mrs. Roukema, Mr. Bereuter, and Mr. Brown of South Carolina.

H.R. 267: Mr. Simmons.

H.R. 320: Mr. Gekas.

H.R. 360: Mr. Stark.

H.R. 425: Mr. Lynch.

H.R. 488: Mr. Strickland.

H.R. 609: Mr. Gekas.

H.R. 633: Mr. Davis of Illinois, Mr. Baird, and Ms. Eshoo.

H.R. 674: Mr. Price of North Carolina.

H.R. 792: Ms. DeLauro.

H.R. 1296: Mr. Gilman.

H.R. 1361: Mr. Maloney of Connecticut.

H.R. 1405: Mr. Sabo.

H.R. 1490: Mr. Wilson of South Carolina and Mr. Bryant.

H.R. 1520: Mr. Traficant.

H.R. 1556: Mr. Latham.

H.R. 1581: Mr. Simmons and Mr. Peterson of Pennsylvania.

H.R. 1671: Mrs. Mink of Hawaii.

H.R. 1723: Ms. Waters.

H.R. 1724: Ms. Lofgren.

H.R. 1908: Mr. Baker.

H.R. 1990: Mr. Ortiz.

H.R. 2012: Mr. McHugh.

H.R. 2035: Mr. Coyne.

H.R. 2055: Mr. Boozman.

H.R. 2073: Mr. Kanjorski.

H.R. 2117: Mr. Delahunt and Mr. Terry.

H.R. 2200: Mr. Latham.

H.R. 2349: Mr. Barcia

H.R. 2466: Mr. Hunter.

H.R. 2690: Mr. Gekas.

H.R. 2723: Mr. Dingell and Mr. English.

H.R. 2799: Ms. DeLauro.

H.R. 2874: Mr. Wu, Mr. Strickland, and Mr. Dicks.

H.R. 3006: Mr. Owens, Mr. Green of Wisconsin, and Mr. Goode.

H.R. 3131: Mr. Visclosky.

H.R. 3139: Mr. Costello.

H.R. 3207: Ms. Brown of Florida.

H.R. 3223: Mr. Gallegly.

H.R. 3238: Mr. Hoeffel.

H.R. 3320: Mr. Camp and Ms. Dunn.

H.R. 3324: Ms. McKinney.

H.R. 3342: Mr. Wu.

H.R. 3351: Mr. Doggett, Mr. Mollohan, Mr. Cannon, Mr. Ford, Mr. Kucinich, Ms. Harman, Mr. Watkins, Mr. Rehberg, Mr. Hoekstra, Mr. Kerns, and Mr. Underwood.

H.R. 3360: Mr. Wilson of South Carolina.

H.R. 3388: Mr. Traficant.

H.R. 3431: Mr. Rothman and Mr. Crenshaw.

H.R. 3464: Mr. Blagojevich, Mr. Cardin, and Mr. Wynn.

H.R. 3486: Ms. Hooley of Oregon and Mr. Shays.

H.R. 3569: Mr. Barrett.

H.R. 3661: Mr. Watt of North Carolina and Mr. Evans.

H.R. 3695: Mr. Stark.

H.R. 3710: Ms. Kaptur.

H.R. 3781: Mr. Evans, Mr. Abercrombie, and Mr. Sherman.

H.R. 3782: Mr. Cramer, Ms. Woolsey, Mr. Otter, Mr. Hilleary, and Mr. Wolf.

H.R. 3802: Mr. Deal of Georgia.

H.R. 3831: Mr. Vitter, Mr. Brown of Ohio, Mr. Etheridge, and Mr. Brady of Pennsylvania.

H.R. 3834: Mr. Sabo.

H.R. 3880: Mr. McHugh and Mr. Reynolds.

H.R. 3884: Mr. Dingell.

H.R. 3897: Mr. Shimkus and Ms. Schakowsky.

H.R. 3940: Mr. Boyd.

H.R. 4014: Mr. Watt of North Carolina.

H.R. 4026: Ms. Watson.

H.R. 4032: Mr. Costello, Mr. Underwood, Mr. Capuano, and Mrs. Jones of Ohio.

H.R. 4037: Ms. Woolsey.

H.R. 4066: Mr. Ortiz and Mr. Kolbe.

H.R. 4070: Mr. Rodriguez.

H.R. 4113: Ms. Schakowsky, Mr. Deutsch, Mr. Evans, Ms. Velázquez, Mr. George Miller of California, Mr. Levin, Mr. McDermott, and Mr. Owens.

H.R. 4169: Mr. Simpson

H.R. 4205: Ms. McKinney, Mr. Towns, and Ms. Millender-McDonald.

H.R. 4483: Mr. Everett, Mr. Bartlett of Maryland, Mr. Weller, Mr. Shadegg, Mr. Bonilla, Mr. Phelps, Mr. Ford, and Ms. McCollum.

H.R. 4551: Mr. Gonzalez.

H.R. 4582: Mr. Ford and Mr. Markey.

H.R. 4600: Mr. Jeff Miller of Florida, Mr. Bass, and Mr. Gallegly.

H.R. 4614: Mr. Brown of Ohio.

H.R. 4635: Mr. Strickland.

H.R. 4642: Mr. Wilson of South Carolina.

H.R. 4665: Ms. Norton and Ms. Millender-McDonald.

H.R. 4691: Mr. Chabot and Mr. Sam Johnson of Texas.

H.R. 4693: Mr. Kingston, Mr. Phelps, Mr. Bryant, Mr. Weller, Mrs. Morella, Mr. Johnson of Illinois, and Mr. Lantos.

H.R. 4706: Mrs. Kelly.

H.R. 4730: Ms. Carson of Indiana.

H.R. 4743: Mr. Filner, Ms. Schakowsky, and Mr. McDermott.

H.R. 4753: Mr. Lewis of Kentucky.

H.R. 4754: Mr. Boyd and Mr. Hall of Ohio.

H.R. 4756: Mr. Houghton.

H.R. 4777: Ms. Norton.

H.R. 4810: Mr. Shaw and Mr. Kleczka.

H.R. 4821: Mr. Davis of Illinois, Mr. Kucinich, Ms. Rivers, Mr. DeFazio, and Mr. Crowley.

H.R. 4840: Mr. Gallegly.

H.R. 4866: Mr. Platts, Mr. Sweeney, Mr. Goode, Mr. Etheridge, Mr. Baldacci, Ms. Watson, and Mr. Rodriguez.

H.R. 4887: Mr. Kildee, Mr. Camp, and Mr. Hastings of Florida.

H.R. 4907: Mr. Sessions.

H.R. 4916: Mr. Costello, Mr. Underwood, Mr. Stark, Mr. Frank, Mr. Davis of Illinois, and Mr. Capuano.

H.R. 4920: Mr. George Miller of California, and Mr. Farr of California.

H.R. 4937: Ms. Millender-McDonald and Mrs. Christensen.

H.R. 4951: Mr. Menendez, Mr. McDermott, Mr. Carson of Oklahoma, Mr. Schiff, Ms. Norton, Ms. Kaptur, Mr. Owens, Mr. Brown of Ohio, Mr. Frost, Mr. Underwood, Mr. Lipinski, Mr. Stenholm, Ms. Millender-McDonald, and Mr. Serrano.

H.R. 4954: Mr. Lewis of Kentucky, Mr. Vitter, and Mr. Houghton.

H.R. 4955: Mr. Deal of Georgia.

H.R. 4964: Mr. Faleomavaega.

H.R. 4965: Ms. Ros-Lehtinen, Mrs. Northup, Mr. Lucas of Oklahoma, Mr. Stearns, Mr. Watkins, Mr. Thune, Mr. Jones of North Carolina, Mr. Hunter, Mr. Toomey, Mr. Schrock, Mr. Crane, and Mr. Watts of Oklahoma.

H.R. 4981: Mr. Hall of Ohio, Mr. Spratt, Mr. Taylor of North Carolina, Mr. Condit, and Mr. Clyburn.

H.R. 5002: Mr. Rangel and Ms. Granger.

H.R. 5003: Mr. Doolittle.

H.R. 5005: Mr. Hyde.

H.J. Res. 23: Mr. Tiberi.

H.J. Res. 59: Mr. Deal of Georgia, Mr. Paul, and Mr. Goode.

H. Con. Res. 238: Mr. Bachus.

H. Con. Res. 341: Mr. Kennedy of Rhode Island, Ms. Jackson-Lee of Texas, Mr. Sanders, and Ms. McKinney.

H. Con. Res. 350: Mr. Collins.

H. Con. Res. 351: Mr. Oberstar, Mr. Evans, and Ms. Slaughter.

H. Con. Res. 367: Mr. Souder and Mr. Schaffer.

H. Con. Res. 382: Mr. Inslee.

H. Con. Res. 404: Ms. Norton.

H. Con. Res. 413: Mr. McHugh and Mr. Boehlert.

H. Con. Res. 424: Mr. Nussle.

H. Res. 393: Mr. Owens, Mr. Hoeffel, Mr. Farr of California, Mr. Gutierrez, Mr. Schrock, Mr. Crane, and Mrs. Jones of Ohio.

H. Res. 410: Mr. Coyne.

H. Res. 445: Mr. Udall of Colorado, Mrs. Bono, and Mr. Walsh.

H. Res. 448: Mr. Isakson, Mr. Castle, Mr. Platts, and Mr. Sam Johnson of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4777: Mr. Gilman.

PETITIONS, ETC.

Under clause 3 of rule XII,

64. The SPEAKER presented a petition of the Town Board, East Hampton, New York, relative to Resolution No. 648 petitioning the United States Congress that the Town Board of East Hampton supports the passage of the Nuclear Security Act of 2001; which was referred to the Committee on Energy and Commerce.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4954

OFFERED BY MR. MANZULLO

AMENDMENT NO. 1: Amend section 1860C of the Social Security Act (as proposed to be inserted by section 101(a)(2))—

(1) in subsection (c)(1)(A), to read as follows:

"(A) IN GENERAL.—The PDP sponsor of the prescription drug plan shall enter into contracts with a sufficient number of pharmacies that dispense drugs directly to patients (in addition to any pharmacies that dispense drugs by mail order) to ensure convenient access for enrolled beneficiaries under standards established by regulations promulgated by the Administrator";

(2) in subsection (c)(1), by adding at the end the following new subparagraph:

"(C) UNIFORM TERMS AND CONDITIONS.—The terms and conditions of the contracts entered into between PDP sponsors and each dispensing pharmacy described in this subsection must be identical.";

(3) in subsection (d)(2)(D), by striking "shall" and all that follows and inserting "shall establish fees, pursuant to standards established by regulations promulgated by the Administrator, for pharmacists and others providing services under this section on a fee-for-service basis taking into account the resources expended in providing the service."; and

(4) by adding at the end the following new subsection:

"(h) PROHIBITION ON PRICE DISCRIMINATION WITHIN NETWORKS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, including under this title, all terms and conditions of sales, including wholesale lot prices and rebates (if any), between pharmaceutical manufacturers and dispensing pharmacies within the network established by each PDP sponsor under this section shall be identical.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a pharmaceutical manufacturer from establishing different terms and conditions for different networks.

"(3) REGULATIONS.—The Administrator shall promulgate regulations to implement this subsection.".

At the end of title I, add the following new section:

SEC. 106. PROMULGATION AND JUDICIAL REVIEW OF RULES.

(a) PROMULGATION OF RULES.—Notwithstanding any other provision of law, within one year after the date of the enactment of this Act, the Medicare Benefits Administrator shall publish final rules in the Federal Register to implement this title in accordance with the notice and comment requirements of paragraphs (1), (2), and (3) of section 553(b) of title 5, United States Code, except that the Secretary shall promulgate regulations implementing subsections (c)(1)(A), (c)(1)(C) and (d)(2)(D) of section 1860C, as added by section 101(a)(2) within 120 days after enactment.

(b) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—The Secretary, or the Medicare Benefits Administrator, shall prepare an initial regulatory flexibility analysis pursuant to section 603 of title 5, United States Code consistent with the following:

(1) Prior to the publication of the initial regulatory flexibility analysis, the Administrator shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected.

(2) Not later than 15 days after the date of receipt of the information described in paragraph (1), the Chief Counsel shall identify individuals representative of affected small entities, but need not themselves be small entities, for the purposes of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule.

(3) The Medicare Benefits Administrator shall convene a review panel for such rule consisting wholly of full time Federal employees of the Small Business Administration, the Office of Information and Regulatory Affairs within the Office of Management and Budget, and the Chief Counsel.

(4) The panel created by paragraph (3) shall review any material the agency has prepared in preparation of the proposed rule, the draft proposed rule, and the initial regulatory flexibility analysis, collect advice and recommendations from the small entity representatives identified in paragraph (2) on issues related to the requirements of the initial regulatory flexibility analysis set forth in subsections (b) and (c) of section 603 of title 5, United States Code.

(5) Not later than 60 days after the date the Medicare Benefits Administrator convenes a review panel pursuant to paragraph (3), the reviewing panel shall report on the comments of the small entity representatives and its findings as to issues related to the initial regulatory flexibility analysis prepared pursuant to section 603 of such title 5, United States Code, provided that such report shall be made public as part of the rulemaking record.

(6) Where appropriate, the Medicare Benefits Administrator shall modify the proposed rule, the initial regulatory flexibility analysis.

(7) After receipt of comments pursuant to paragraphs (1), (2), and (3) of section 553(b) of title 5, United States Code, the Medicare Benefits Administrator shall issue a final rule and shall prepare a final regulatory flexibility analysis pursuant to section 604 of title 5, United States Code.

(c) LIMITATION ON CHANGES TO RULES.—Notwithstanding any other provision of law, any amendment to the rules promulgated pursuant to this section and implementing this title shall only be issued after the opportunity for notice and comment as mandated by paragraphs (1), (2), and (3) of section 553(b) of title 5, United States Code.

(d) JUDICIAL REVIEW.—Notwithstanding any other provision of law, regulations promulgated under this shall be subject to review in the manner set forth in chapter of title 28, United States Code except that any party aggrieved shall file a petition for review within 30 days after publication of the final rule in the Federal Register. Any challenge, pursuant to section 610 of title 5, United States Code shall be consolidated with the petition for review set forth in this subsection.

H.R. 5010

OFFERED BY MR. BLUMENAUER

AMENDMENT NO. 1: In the item relating to "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", after the dollar amount, insert the following: "(increased by $5,000,000)(reduced by $5,000,000)".

SENATE—*Tuesday, June 25, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Liberating Lord, as we look forward to our celebration of Independence Day, we renew our dedication to You. We praise You for the gallant and heroic women and men who were the heroes and heroines of the birth of our Nation. They were people who put their trust in You, followed Your guidance in the quest of life, liberty, and the pursuit of happiness, and fought for freedom for all.

Thank You for the sense of destiny they had, that this was to be a unique nation in the family of nations, a nation under You as only Sovereign. Yet when we look back over the 226 years of our history, we realize that each generation must rediscover true patriotism, live out the American dream, and battle for freedom of opportunity for all people, regardless of race or creed.

Lord, we depend on You as we seek to be worthy of the independence we celebrate. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARY L. LANDRIEU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 25, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. The Chair will shortly announce we will be in a period of morning business until 10:30 today. That period of time is under the control of the majority leader or his designee. At 10:30, we resume consideration of the Department of Defense authorization bill, and from 12:30 to 2:15 we will have our weekly party conferences.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business not to extend beyond the hour of 10:30, with Senators permitted to speak for up to 10 minutes each, with the time under the control of the majority leader or his designee.

WOMEN IN THE SENATE

Mr. REID. Madam President, I was here yesterday morning when the Senate convened. The Presiding Officer at that time was the Senator from Arkansas, Mrs. LINCOLN. This morning, the Senate is opened by the Senator from Louisiana, Ms. LANDRIEU. I mention that because I came here when we did not have many women Senators. It adds such a bright light to the Senate to have these strong, good, women serving the country. One out of every five Democrats in the Senate is a woman. That is going to increase. It will be one in four, one in three, then it will be even, and, who knows, maybe one day women will be in the majority.

I applaud the people of Louisiana for sending to the Senate MARY LANDRIEU, who has added so much in her 6 years here.

MEASURE PLACED ON THE CALENDAR—H.R. 4931

Mr. REID. Madam President, it is my understanding H.R. 4931 is at the desk and is due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask H.R. 4931 be read for the second time.

The ACTING PRESIDENT pro tempore. The clerk will read the title for the second time.

The assistant legislative clerk read as follows:

> A bill (H.R. 4931) to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent.

Mr. REID. I object to further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. I have asked permission to speak for up to 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

Mr. BINGAMAN. Madam President, I will speak on two subjects. First, the pension issue that I have talked about several times on the Senate floor in recent weeks. We have some information that I will share with Members about the extent of that problem. We hope before the end of this week we will have some legislation to propose to begin addressing that problem.

The other subject is the U.N. population fund. I ask that the Chair please advise me when 5 of my 10 minutes have been consumed.

The ACTING PRESIDENT pro tempore. The Chair will do so.

PENSION REFORM

Mr. BINGAMAN. Madam President, the retirement system in this country leaves a great deal to be desired. We have many people who do not have adequate income when they reach the age of retirement. We have some charts that make that case. These charts are based on the 1999 U.S. census current population survey. They make the case fairly strongly.

This first chart is titled "Private Workers Who Participate in an Employer Sponsored Plan," and breaks down the population by race and ethnicity. When we look at all workers as of 1999, there were 44 percent of the private workers who participated in the employer-sponsored plan, looking at the entire population. Among white, non-Hispanic workers, there were 47 percent or nearly half of the population that had some sort of employer-sponsored plan. That means a little over half did not. This chart does not include the public-sector employees or the self-employed workers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

For other minority groups the numbers are substantially less. For black, non-Hispanic, it is 41 percent; for Asian Pacific islanders and other non-Hispanic, 38 percent; for other minority non-Hispanic, 35 percent; and among Hispanic workers, it is 27 percent. Therefore, 27 percent, slightly more than one fourth of the private-sector Hispanic workers in the country, have an employer-sponsored plan.

That is important in my State because we have a large Hispanic population. When you look around the country and ask, where is the problem the worst as far as inadequate retirement coverage, my State is No. 1 in the Nation for the number of private-sector workers that do not have coverage.

The second chart demonstrates the percentage of private-sector workers who work at companies that provide after retirement or a pension plan. This chart talks of the companies employing these workers.

Madam President, 58 percent of all employees work for employers that provide some kind of plan. But then the numbers decline. Among white non-Hispanic, it is higher, and 62 percent of those employees work for companies that provide some kind of retirement plan; among Hispanic workers, only 40 percent of Hispanic workers nationwide work for companies that provide some kind of retirement plan. So this is a significant concern and a significant part of the problem as well.

The third chart illustrates the percentage of employees who participate in an employer-sponsored plan when the employer actually offers the plan. This is an assessment of how many people actually take advantage of this plan, in these different groups, once they have the opportunity. Among all workers, 75 percent nationwide will participate and have participated in an employer-sponsored plan if it is offered. Again, it is a little higher for white, non-Hispanic workers—up to 77 percent. Among Hispanics, it is 68 percent.

The interesting aspect about this is it is much less of a spread between the average, the "all worker" category, 75 percent, and the Hispanic, which is 68 percent, which makes the obvious case that Hispanic participation is not significantly different from that of the rest of the population when they are offered a plan.

The final chart pulls all this data together, puts it all in one place so we can understand it.

The ACTING PRESIDENT pro tempore. The Senator has consumed 5 minutes.

Mr. BINGAMAN. I appreciate the Chair's information.

While it is not conclusive, it does indicate that if Hispanic workers do have jobs where the employers offer some type of plan, they tend to participate. Unfortunately, the data indicates that Hispanics tend to work for employers who do not offer retirement plans. What we need to do is get more employers to offer retirement plans, particularly small employers. That is what the legislation we are developing right now is intended to do. I will be proposing that later.

I urge my colleagues to look at this issue seriously. I hope we can introduce a bill before the week is out.

UNITED NATIONS POPULATION FUND

Mr. BINGAMAN. Madam President, now I will focus on the U.N. population fund. Last year I voted for the Foreign Operations conference report. I thought the funds provided there were inadequate to meet our pressing needs as we talked about them, but I recognized that the roughly $15 billion would provide help to millions of desperately poor people around the world and at the same time help improve the short-term and long-term security of our own country. I voted for that bill.

Here we are 7 months later and some of the most important funding provided in that bill, the $34 million provided for the U.N. population fund, is still sitting at the Department of Treasury. It is not helping poor people. It is not helping to make America more secure. It is just sitting at the Treasury Department.

The United Nations population fund works in over 150 countries, where it helps give women around the world access to reproductive health care and family planning services as well as services to ensure safe pregnancy and delivery. This population fund, the U.N. population fund, plays a critical role in helping prevent the further spread of AIDS. The withholding of U.S. funds, which is what we as a country are engaged in right now, only exacerbates the general inadequate health of poor women worldwide. It leads to more unwanted pregnancies and to deaths of more and more women during childbirth.

Last fall, the Bush administration provided an extra $600,000 to the U.N. population fund to help women in Afghanistan, and these funds were very welcome and were certainly used, substantially to provide safe birthing kits, which are very important. They were also used to open and upgrade maternity hospitals, which is very important.

I want to make clear that the population fund does not perform abortions. It does not support the performing of abortions in any way. Anyone who suggests that they do has not studied the situation in depth.

The House of Representatives passed a conference report on the fiscal year Foreign Operations bill which included $34 million for this purpose. It was an overwhelming vote. The Senate approved $40 million for this purpose, also with a lopsided vote. But now, because of hearsay, because of unsubstantiated allegations that have been disproved many times, the administration is holding up this critically important funding.

It is the most desperate women in the world who are adversely affected by this action; it is not the United Nations itself. The women who would benefit from this funding are the most adversely affected.

I believe very strongly that the administration has been willing to follow the law and speed the appropriation of funds for these purposes in the past. I cannot understand why we are not moving ahead this year. The emergency supplemental appropriations bill that is presently being conferenced provides an excellent opportunity for us to resolve this issue.

I urge the Senate conferees to ensure that language included in the supplemental passed in the Senate be included in the conference report. That language requires that this money, the $34 million that was appropriated last December, be released unless the President certifies by July 10 that doing so would violate U.S. law.

This is fair. More important, it is the intent of Congress. It is the law of the land. I urge the administration to follow through in the conference.

I will be glad to yield to my colleague, but I believe my time has expired.

Mr. REID. I say to the Chair, this half hour is under the control of the Democrats. It is the minority's time this morning so we have whatever time we need, I say to my friend from New Mexico.

I ask my friend two questions. The first is on pension reform. The Senator is the leader of a task force appointed by the majority leader. I acknowledge the fine job he has done.

Would the Senator indicate if it is true that a lot of attention has been focused on pensions and how employees are treated as a result of the Enron debacle?

Mr. BINGAMAN. Madam President, in response to the question of my friend from Nevada, that is exactly right. I think the entire country was appalled to see what happened to the pension savings, the retirement savings of various Enron employees when that company collapsed. Accordingly, we have spent a lot of time discussing how to ensure that these funds that are in a pension fund for a worker can be safeguarded so we can avoid this situation in the future. That part of the problem has gotten a lot of rhetorical attention, at least. We have still not taken the necessary actions to solve it. I hope we are able to do that in the next few weeks as we consider the legislation that has come out of the Health, Education, Labor, and Pensions Committee, and also legislation that is, I understand, going to be marked up in the Finance Committee.

Mr. REID. Would the Senator also acknowledge what people are saying, that it seems so unfair that people who were working at Enron, who weren't so-called bosses, wound up with very little, whereas the bosses, the corporate leaders, ended up with millions and millions of dollars? Isn't that something they are talking about in New Mexico?

Mr. BINGAMAN. Madam President, in response to the question, it certainly is something that is a great concern in my State. I think people tend to lump all these issues together, understandably, because they are all part of a very much larger problem. One is the inadequate protection of the retirement savings of workers. Another issue is the inequity in compensation between the top officials of some of these corporations and the average worker. A third is the very unfair severance package arrangements that are made when some of these companies go bankrupt.

How does it happen that the top officials wind up getting severance packages, in spite of the financial difficulties of the company, while the people at the very bottom get virtually nothing?

Mr. REID. Madam President, let me ask the Senator from New Mexico, the chairman of the task force, it is true, is it not, that one of the things you are working on is legislation in conjunction with the committees of jurisdiction to make sure that in the future when this takes place there will be equity as far as employees are concerned?

Mr. BINGAMAN. Madam President, in response to that, we are trying to figure out what can be done in this regard. We essentially do not think Government should be dictating at what level companies compensate workers. But we do think the various laws we pass in Congress should be written in such a way that we don't provide additional benefits for extremely lavish compensation to high officials and inadequate compensation to people who are working every day in the bowels of these companies.

Mr. REID. I also say to the Senator, based on the second part of the statement he made, I congratulate, commend, and applaud the Senator from New Mexico for bringing to the Senate's attention something that has been going on now for several years; that is, the inability of the United Nations to help poor women around the world with just basic information and educational opportunities as to why they get pregnant, and as to why they are not taken care of when they are pregnant. But does the Senator acknowledge that this has turned into some abortion issue that has nothing to do with family planning on the international scene? Is that true?

Mr. BINGAMAN. Madam President, my response to that question is the Senator from Nevada is exactly right. I think there is important assistance that the overwhelming majority of the House and Senate would like to see provided worldwide to these poor women who need assistance to deal with their very real issues of giving birth and planning their families for the future. We have appropriated money. That money has been appropriated now for 7 or 8 months, and it is sitting at the Department of the Treasury. I don't understand why they can't go ahead and spend that money as it was intended. I hope very much that happens in the very near future.

Mr. REID. I say to my friend from New Mexico, if someone is really concerned about abortion, it would seem to me they should consider ways to help women be educated so there are less unintended pregnancies. Isn't that one of the main goals of international family planning?

Mr. BINGAMAN. Madam President, in response to that question, that is clearly my understanding of the main goal of international family planning. It is a worthwhile goal. I think clearly we do not want desperately poor families and desperately poor women to find themselves with unwanted pregnancies because of lack of information. What we are trying to do is get assistance to this population fund so that we can provide good information and assistance to these , desperately poor women.

Mr. REID. Will the Senator also acknowledge that where we have had international family planning in the past healthier babies are born and less babies are born? Is that a fair statement?

Mr. BINGAMAN. Madam President, again, in response to the question, I believe there is a record of success with many of these programs, and with many of the efforts that have been made to this population fund. I think it makes good sense for the United States as the largest, most prosperous country in the world to participate with other countries—with our friends and allies around the world—in supporting this effort. That is all we are trying to do. Our support is not overwhelming as compared to a lot of countries. But it is important, and we should provide it.

Mr. REID. I also ask my friend, is it not true that the Congress, in good faith, has appropriated these moneys, and now they are being held up by the administration?

Mr. BINGAMAN. Madam President, in response, that is certainly my information. My information is that the money was appropriated, and that it was appropriated last December when we passed the foreign operations appropriations bill. There is no reason that money should not be released for the intended use. That is what the law requires. I hope very much that the administration will move ahead. We are fast approaching the date when we are going to do another foreign operations appropriations bill. I don't think we serve the intended purpose by just delaying and delaying the use of these funds.

Mr. REID. It is fair to say, is it not, that each day that goes by there are more people around the world and more women around the world who have this lack of information and unintended pregnancies and complicated pregnancies that could be helped by virtue of these moneys if, in fact, they were coming forward.

Mr. BINGAMAN. Madam President, again, in response to the question, I think it is easy for us to believe, when we are sitting here in a nice air-conditioned Senate Chamber, that there is no urgency and think these are all sort of theoretical problems out there and there is no urgency in getting about trying to deal with them. I think the reality is very different for a lot of the women to whom my friend in Nevada is referring.

The reality is they have to either have assistance now or live with the consequences of not having the assistance. For that reason, I think it is very important we move ahead immediately.

Mr. REID. Madam President, I yield the remainder of our time to the Senator from Montana, Mr. BAUCUS.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 4 minutes.

Mrs. HUTCHISON. Madam President, parliamentary inquiry: I wanted to know how much time there is in morning business, and if there is any time for the Republican side in morning business time.

The ACTING PRESIDENT pro tempore. There are 4 minutes remaining. There is no time reserved for the minority side.

Mr. WARNER. Madam President, parliamentary inquiry: I would like to request of our leader—I am endeavoring to reach Senator LEVIN. I understand he will soon be available to give me some guidance as to what he desires as Chair. We are anxious to move ahead on this bill. I realize certain of our colleagues have extremely sensitive matters to speak to—the tragic wildfires experienced out West and the Amtrak situation. I am not sure what my good friend from Montana is going to address. But, at the same time, I am hopeful that with the support of our leadership, we can outline a course of action today so the Kennedy amendment—I spoke to Senator KENNEDY late last night—can be voted on at a time that is convenient, preceded by, say, maybe 30 minutes of final remarks by Senator KENNEDY and our side; that we are able to go to the missile defense amendment, which I shared with the chairman last night; and, that we have today at least, say, 4 hours of debate on that with the hope we will vote this afternoon somewhere around 5 o'clock.

Mr. REID. Madam President, I would say to my friend, the comanager of this bill, that Senator LEVIN isn't due here until 10:30. We are supposed to take up the Defense bill at 10:30.

Mr. WARNER. Madam President, I am not hearing the Senator.

Mr. REID. That is when we are supposed to take up the Defense bill. He will be here at or about 10:30. We, through staff, asked last night if the Republicans wanted any time for morning business. They said they didn't want any; they have a conference this morning. That is why the one-half hour was devoted to the Democrats. Had they wanted more time, we would have come in one-half hour earlier.

I ask unanimous consent that—we used all of Senator BAUCUS' time in this colloquy—Senator BAUCUS will be recognized for up to 5 minutes to speak as if in morning business.

I say to my friend from Virginia if Senator HUTCHISON and Senator CRAIG wish time, I am sure Senator LEVIN would have no problem giving them 5 minutes each. Is that fair enough?

Mr. WARNER. I think that is fair enough.

Mr. REID. Following the statement of the Senator from Montana, I ask unanimous consent that the Senator from Texas be recognized for 5 minutes, and following her the Senator from Idaho be recognized for 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. Reserving the right to object, I think that is a very good reconciliation in the interest of time. But let us say we would return to the bill at 10 minutes to——

Mr. REID. Why don't we return when we finish the morning business, which would be about a quarter till?

Mr. WARNER. That is fine.

Mr. BAUCUS. Madam President, reserving the right to object—I ask the indulgence of my friend—if I could have about 7½ minutes.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent—we are extending the time anyway—Senator BAUCUS be recognized for 10 minutes—Senator HUTCHISON, is 5 still satisfactory?—and Senator CRAIG, 5?

Mr. CRAIG. Five plus two.

Mr. REID. Seven for the Senator from Idaho, and following that, we would resume the Defense authorization bill.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Montana shall proceed.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 2678 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Madam President, I yield the floor and thank my friends from Texas and Idaho for their indulgence.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Texas is recognized for 5 minutes.

AMTRAK

Mrs. HUTCHISON. Madam President, I rise today to talk about Amtrak. Our Amtrak national rail passenger system is teetering on the brink of bankruptcy. They have said they need $200 million in operating cash or the entire system will grind to a halt very soon. The effect of such a shutdown would be devastating.

With the Independence Day weekend approaching, and the number of airline flights slashed since September 11, families throughout the Nation are counting on Amtrak to get them to their destinations. If Amtrak is not running, those families will add to the millions of cars already expected to crowd our Nation's highways.

Amtrak has already received more than 100,000 reservations for the holiday weekend. Reservations account for about half of Amtrak's expected passenger load.

I have noticed from articles in the paper that people are already beginning to question whether Amtrak service is going to be there, so they are already suffering cancellations, which adds to the deficits we already have.

I have always been a supporter of Amtrak, but sometimes it has been hard because Amtrak has not really come to grips with the inefficiencies in the system. I hope Mr. Gunn, the new CEO of Amtrak—and I appreciate so much his willingness to come in and take over this railroad operation at this time—will make a difference. He has already fired mid-level managers. Certainly, I think anybody looking at the labor situation in Amtrak would realize that the rail unions really are out of line with other workers in our country. Amtrak has never engaged in tough negotiations with its unions, even 4 years ago, when we were trying to reauthorize Amtrak. As a result, labor costs are out of line with other workers in our country. A 5-year severance package for Amtrak employees, as in other rail unions, is way beyond the norm for most union workers or other workers in our country.

I do hope the unions will work with us to try to bring efficiency in both management, administration, contracting out, and overall severance packages that are in an alarming condition and have put us in such a precarious situation.

Amtrak has not come forward with its true financial condition in many instances. Mortgaging Penn Station last year was quite irresponsible. I didn't like it at all. I think we should have met this head on.

On the other hand, there are some Members of Congress who have been so recalcitrant about Amtrak; I can understand Amtrak's unwillingness to come and bare its financial soul to Members of Congress when they know they are going to get their heads chopped off.

We need to step back and take a responsible approach. We need a passenger rail system. It is part of a multimodal system that will serve the needs of all of the people. A skeleton that would go across the top of our country, down the west coast, across the bottom/southern part of the country, up to the east coast with one line right down the middle would give us a solid national rail system where States could then form compacts and feed into those systems. In my State of Texas, the DART, the Dallas Area Rapid Transit, is feeding its train into the Amtrak system.

Those are the possibilities we have if we know we have a dependable national rail passenger system. This means a whole system. It does not mean just the Northeast corridor.

One of the problems we have had is the rest of the system has been starved year after year while the Northeast corridor has gotten the lion's share of funding. We must acknowledge once and for all this is going be a national system. We are all going to be in this together.

All of us who believe in a national rail system should say: This is not going to be a piece of a system that is subsidized heavily and another piece that isn't. We need to consider it as a system. We need to fund it well.

Some people have said: We have to subsidize Amtrak too much. We have been subsidizing Amtrak to the tune of $520 million annually; whereas we have subsidized highways to the tune of $30 billion, and $10 billion per year on aviation.

I ask unanimous consent for an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. We have seen the subsidies. Some are user fees but some are not. We just bailed out the airline industry because we knew it was essential for our economy. In Texas, we send billions of dollars to the highway trust fund. We get 88 cents on the dollar back. We are subsidizing other States' highways.

I don't mean that I want Texas to have to get 100 percent. Our National

Highway System is built on a national system concept. That is what we need for Amtrak. We need to say: Yes, some States are getting more than others. Maybe States should step to the plate more. I would be willing to say that my State should step to the plate and help in these subsidies, just as I think every State that receives service should. That would be a worthy reform.

The bottom line is, this should be a national system that we support as part of our national security, our homeland security, a multimodal system that provides transportation for all the people of our country in a convenient way and in a way that is most necessary.

We have aviation; we have highways. Rail is an important third part of our overall transportation system.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Idaho is recognized.

WESTERN WILDFIRES

Mr. CRAIG. Madam President, I rise this morning—and I will return tomorrow and the next day—to talk about a story and a saga playing its way across the western landscape that you and I watched yesterday and on the morning news. We saw the headlines in all of the papers that said, Monstrous Wildfires Near Arizona Town; Show Low, Arizona, and The Thousands of Citizens Who Live There at Risk.

What I want to do for a brief period is stage this as the great John Wayne movie "Rio Bravo," where John Wayne captures the outlaw Joe Bernadette and sticks him in jail waiting for the judge to get the town to try the outlaw. It is the saga of the white hats and the black hats.

For two decades we have been playing the white hat and the black hat game when it comes to the management of our western public lands and especially the timber lands of the West.

In the early 1990s, scientists came together and said: "If we don't begin a concerted effort of active management and fuel reduction on the floor of western great basin forests, they will burn in wildfire." That is an exact quote, well over a decade ago, when the experts saw that the lack of management and the shutdown of our public lands would some day spur us into wildfires.

Not only did it spur us into wildfires, the scenario those scientists did not plug in was that during the decade when we shut the public lands down, all in the name of the environment, we began to inhabit them. Every little piece of land that was nonpublic got a beautiful home built on it, as people wanted to retreat into what we called the urban-wildland interface, to have their little piece of that wild west that was left staged in the movie of "Rio Bravo."

The great tragedy is, there is no wild west today. It is an urbanizing West with thousands of people in it wanting to live in those lands that have built up fuel loads on the floor of the forests that are equivalent to tens of thousands of gallons of gasoline per acre.

You and I have seen on the television the last few days the monster fire of Arizona that consumed Heber, AZ, that now has taken over 325 homes, that may take Show Low, AZ, today, rolling on across the landscape, burning up those thousands of gallons of equivalent fuel per acre on the ground. This is so dramatic, the President flies out today to view the carnage.

It isn't just the homes that are gone. It is the landscape that is gone. It is the wildlife habitat. It is the watershed—all gone, not for 5 years, not 10 years, but in the arid Southwest gone for 100 years. Why? Because man in his infinite wisdom said, two or three decades ago, all in the name of the environment, that we would no longer enter the forests. We would no longer thin the forests. We would no longer clean the floors, all in the name of leaving the land alone.

Now we go to Colorado, Durango, CO, where a fire is just a few miles from that beautiful mining town. Between Colorado and Arizona and New Mexico, we have lost over 507 homes this year, this spring. It isn't even summer yet. It isn't even late summer. It isn't the late July and August of the hot weathers of the Great Basin timeframe in which most of these lands normally burn.

If this were a tornado, if this were in Louisiana or across Florida, it would have wiped out an entire landscape and thousands of homes or hundreds of homes would be gone and we would have a national disaster. We would have all kinds of focus on it, how tragic it is. But somehow this has gotten less attention, even though the West is filled with smoke today.

It should never have become a white hat/black hat issue. But for two decades, it became that. Right here on the floor of the Senate that very issue got debated. It was them versus us, the chain saw versus Bambi. Bambi won. Now Bambi is losing. Bambi's home is gone. The place she sleeps is gone. The place she drinks her water is gone. The wildlife are in danger—in an area in Arizona where two fires came together, over 300,000 acres. That is an area that is 500 miles square, as big as the whole L.A. Basin. If that is not a national disaster, I don't know what is. That is just Arizona.

Madam President, 1.5 million acres have all burned in the Great Basin West this year, and here we are just in the last days of June. At this time in 2000, 7.3 million acres burned in the West, and we have already forgotten about it; we had only burned 1.2 million acres.

Well, the story will be continued. Let's call this "Rio Bravo." Let's call this a time when America comes together to refocus its intent on public land policy. I am going to be back with charts and maps tomorrow to visit with my colleagues about this national crisis that burns its way across the landscape of Arizona, New Mexico, and Colorado because what I am fearful of is, come late August, it will be in my home State of Idaho, which lost a million acres of land in 2000, and nobody talked about it because it was in the back country and with no homes burned. There was no national television coverage to watch a smoldering home. But Bambi lost her home, and Bambi's cousins lost their homes, and a million acres in Idaho today will be decades in coming back.

So why don't we get real and recognize that in managing our public lands there must be a balance. It cannot be either/or or all or nothing because when that happens, Mother Nature is not always the best steward of the land. Today in Arizona, Mother Nature is making headlines and she is calling herself Monster Wildfire. That is Mother Nature, but not in her finest hour.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

> Kennedy amendment No. 3918, to provide for equal competition in contracting.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. REID. Madam President, the two managers of the bill have asked that I propound a unanimous consent request.

I ask unanimous consent that the pending Kennedy amendment be temporarily set aside and that the Senate resume its consideration at 12 today and that at that time there be 30 minutes of debate equally divided on the Kennedy amendment. That would terminate at 12:30 when we recess for the party conferences. The time would be equally divided in the usual form prior to a vote in relation to the amendment at 2:30 today. The time from 2:15 to 2:30 would also be equally divided in the usual form. Further, there would be no amendments in order prior to the Kennedy amendment at 2:30 with the exception that Senator WARNER be recognized for a motion to table the Kennedy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. There will now be general debate on the bill. From 12 to 12:30, the time will be spent on the Kennedy amendment equally divided. When we come back from the party conference at 2:15, there will be an additional 15 minutes equally divided, with the vote occurring at 2:30 on the Warner motion to table the Kennedy amendment.

Mr. WARNER. No objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Madam President, very briefly, we are making progress on the national Defense authorization bill. We have the pending amendment of Senator KENNEDY which will now be voted upon with a motion to table at 2:30. We expect we will at that point begin a debate on missile defense, but the process is not yet worked out for the amendments relative to that as to the order and how they will be offered. There will be some discussion on that matter between now and then. We are working with Senators on the amendments to see if we can act on amendments later today and possibly clear amendments. I continue to be optimistic, with our leader's assistance, with the cooperation of all Senators, that we can complete action on this bill in a timely manner this week.

My good friend from Virginia, the ranking member of our committee, is working hard to achieve that same result.

Mr. WARNER. I have worked with my leader with regard to the unanimous consent that was adopted. I will not send my amendment to the desk, but I intend to initiate debate.

As I understand from the chairman, there will be a rejoinder on the other side and we will proceed on this issue until the hour of 12 o'clock. It is also my expectation that the chairman and I, with our respective leaders, Senators DASCHLE and LOTT, will meet prior to the caucuses for the purpose of establishing a procedure by which my amendment is to be sent to the desk and considered by the Senate. Am I correct?

Mr. LEVIN. There is an intention, as I have shared with my colleague from Virginia, to offer a second-degree amendment to that amendment. That is what we will be discussing with the leaders between now and 12 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I don't know that that was in the form of a unanimous consent request.

Mr. LEVIN. No.

The PRESIDING OFFICER. It was not a unanimous consent request.

Mr. WARNER. I simply stated for the convenience of the Senate the procedure we will follow between now and the hour of 2:30, at which time I will be recognized for the purpose of tabling the Kennedy amendment.

I encourage colleagues on my side to come forward. I know Senator ALLEN is anxious to speak to the Kennedy amendment, as are Senator BOND and Senator FRED THOMPSON. There will be concluding remarks by our distinguished colleague from Wyoming. That will take place from 12 to 12:30 and again from 2:15 to 2:30.

At this point in time, I will address the question of missile defense in the amendment I intend to submit to the Senate. Since I will not now send it to the desk, I will read it. This is an amendment proposed by myself, Mr. LOTT, Mr. STEVENS, Mr. COCHRAN, Mr. ALLARD, Mr. KYL, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. THURMOND, Mr. SESSIONS, Mr. ROBERTS, Mr. HUTCHINSON, Mr. BUNNING, Mr. HELMS, Mr. MCCAIN, and Mr. NICKLES.

I read the amendment as follows:

On page 217, between lines 13 and 14, insert the following:

SEC. 1010. ADDITIONAL AMOUNT FOR BALLISTIC MISSILE DEFENSE OR COMBATING TERRORISM IN ACCORDANCE WITH NATIONAL SECURITY PRIORITIES OF THE PRESIDENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized to be appropriated by other provisions of this division, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2003, $814,300,000 for whichever of the following purposes the President determines that the additional amount is necessary in the national security interests of the United States:

(1) Research, development, test, and evaluation for ballistic missile defense programs of the Department of Defense.

(2) Activities of the Department of Defense for combating terrorism at home and abroad.

(b) OFFSET.—The total amount authorized to be appropriated under the other provisions of this division is hereby reduced by $814,300,000 to reflect the amounts that the Secretary determines unnecessary by reason of a revision of assumptions regarding inflation that are applied as a result of the midsession review of the budget conducted by the Office of Management and Budget during the spring and early summer of 2002.

In simple language, it is annually the function of the Department of Defense to make certain assumptions with regard to those moneys that they require for purposes of, for example, pay, and other large cash expenditures in a fiscal year, the amount that inflation may erode the ability to pay those sums.

In this case, fortunately, this country has experienced a low inflation rate, lower than anticipated, and therefore there is remaining within the 2002 budget sufficient cash, in my judgment and the judgment of others working in the Department of Defense, to cover this amendment. Therefore, this amendment will not dislodge any of the programs or authorizations as now exist in the bill before the Senate. I make that clear. No Senator should think his or her programs which they have fought hard for as part of this bill will be reduced in amount as a consequence of this amendment.

The amendment I will submit, hopefully this afternoon, with the concurrence of the leadership, on behalf of myself and other Members whom I enumerated, is an important step to work directly on problems in the Defense authorization bill for fiscal year 2003 as reported out of the committee which have led many Republican committee members, including this one, to have no other possibility than to vote against a bill on which we had worked for the better part of a year.

That is a very difficult decision, when members of a committee, large numbers of members in our committee, working in a bipartisan fashion, chairman and ranking member together, formulate a bill, and then when it is brought to a markup session, we are faced with a realization that an element of that bill is so totally in opposition to what the Commander in Chief of the United States, namely the President, has sent to the Congress for the purposes of fulfilling his rights as Commander in Chief in the defense of this country. That decision faced by us, and a significant number of Members, forced members to vote against that bill that we worked on for a year. We did so because of the drastic cuts and the restrictions made to missile defense by a narrow margin of the majority in the markup session.

I recognize the importance of passing a Defense authorization bill during times of war with broad bipartisan support. It sends a clear signal of support to our men and women in uniform and expresses the commitment of the Senate to fighting the global war against terrorism in defending our homeland.

In order to have such broad bipartisan support, we have to pass a bill that supports our President—again, our Commander in Chief—and his fundamental priorities for defense. In its current form, this bill fails that test. The Secretary of Defense confirmed by a letter to the chairman that he will advise the President to veto the Defense authorization bill if the missile defense provision contained in our bill is adopted by the Congress.

This view is strongly reiterated in the statement of administration policy on our bill which notes that:

> The administration's missile defense program is a carefully balanced effort to defend the American people, our deployed forces, and our friends and allies, against a growing missile threat. The provision of S. 2514 would undermine this critical defense effort.

What a tragedy for our Nation, what a tragedy for the Armed Forces, to see this precisely at this time, with our Nation at war, when we need to demonstrate consensus and support. Now is not the time to send a signal that we are lessening our resolve in defending this Nation from all known and recognized threats. We must be prepared as a nation. History will be our judge.

The amendment I will offer would restore the funding reductions to missile defense made during the committee's consideration of the bill. This amendment would provide an additional $814 million-plus to restore the funding taken from the President's request for missile defense during markup and allow the President the flexibility to spend the money for missile defense and activities of the Department of Defense to counter terrorism both at home and abroad.

That is very important. This is basically parallel to what we did last year on the Defense authorization bill. I will address that in greater detail momentarily, but it gives the flexibility to the President of the United States and his Secretary of Defense to allocate the $814 million-plus in accordance with those two objectives.

This is a reasonable compromise, I believe, to the position taken by the majority during the course of the markup. Again, it is identical in form to the compromise we reached last year on this issue.

At the outset of this discussion, I want to remind Senators present of a measure we passed in 1999 by a vote of 97 to 3, a measure that was subsequently signed into law by President Clinton, the National Missile Defense Act of 1999, referred to as the Cochran Act, as he was the principal drafter and sponsor of that very important law. The act is short and not very complicated. It does two things very clearly.

First, the Cochran Act establishes a policy of deploying, "as soon as is technologically possible," an effective defense of the territory of the United States—that is all 50 States and the U.S. territories—from limited ballistic missile attack.

Madam President, 97 Senators are on record supporting that policy.

A second part of that law reiterates a longstanding policy that the United States will seek further reduction in Russian nuclear forces.

During the debate on this act, some contended that its two policy declarations have equal stature and status. Equal or not, I think all would agree both are important statements of policy. The amendment to include a statement of policy on arms reduction was offered because some Senators feared that deployment of a missile defense could lead to a new offensive arms race. But President Bush did not see any inconsistency in these two goals and has pursued both vigorously. He has made missile defense one of his top national security priorities, and he has dramatically—and, I would add, appropriately—expanded funding to expedite the development and deployment of those important defenses.

At the same time, he sought to restructure this Nation's relationship with Russia. He outlined this policy in a landmark speech at the National Defense University in May of 2001:

> Today's Russia is not yesterday's Soviet Union. We need a new framework that allows us to build missile defenses, and that encourage still further cuts in nuclear weapons.

President Bush has since engaged Russian President Putin on a regular and intensive basis to move the Russian-American relationship beyond cold war hostility to one built on openness, shared goals, and shared responsibility. President Bush has been extraordinarily successful in this effort.

Last December, the President announced his intent to withdraw from the 1972 Anti-Ballistic Missile Treaty. This is a treaty which specifically prevented both Russia and the United States from developing and deploying effective missile defenses. Critics feared that President Bush's action would lead to a harsh Russian denunciation. In fact, Russia reacted hardly at all.

President Putin announced that the U.S. move was a mistake, but it would not affect the improved United States-Russian relationship.

Many missile defense critics feared that withdrawing from the Anti-Ballistic Missile Treaty would trigger a new arms race. Yet on May 24, at the summit in Moscow, President Bush and President Putin signed a landmark arms control agreement.

This breakthrough treaty, negotiated in a period of just several months, will reduce nuclear arsenals from their present levels of about 6,000 strategic warheads to 1,700 to 2,200 strategic warheads over the next decade. This is the most dramatic reduction in strategic weapons history.

Far from disrupting the United States-Russian relationship, withdrawing from the ABM Treaty and developing missile defenses have allowed us to develop defenses for the United States, its allies and friends, and its deployed troops, against the real and increasing threat of missile attack, while at the same time our relationship with Russia appears to grow in a positive manner.

So President Bush has taken to heart both policy statements in the National Missile Defense Act of 1999. He has made missile defense a high priority and is doing all he can to expedite the development and deployment of missile defenses. And he has achieved the goal of further reductions in Russian nuclear forces.

Now it is up to us, the Senate and the Congress, to do our part. The President has made a reasonable and balanced request for missile defense this year. The request of $7.6 billion is smaller than last year's request and smaller than last year's appropriated level.

The House of Representatives fully funded this request level. In fact, they have increased it slightly. Yet the bill of the Senate Armed Services Committee cuts over $800 million from the effort to develop and deploy missile defenses. Yes, against that background, our committee went ahead and cut $800-plus million.

This bill would impose reductions that impede progress, increase program risk, and undermine the effort to provide for the rapid development and deployment of missile defenses for our Nation, our allies and friends, and our soldiers, sailors, marines, and airmen deployed overseas. The administration asserts quite accurately, in my view, that the committee bill undercuts missile defense efforts:

> . . . by severely reducing the program's workforce, significantly impairing DOD's ability to effectively integrate components currently under deployment, delaying boost-phase defense efforts, hindering early deployment contingent capability, undermining efforts to address countermeasures, and slowing key sensor programs.

That is the assessment of the Secretary of Defense.

The bill before the Senate would cut hundreds of millions of dollars from theater missile defense, programs to defend against short-, medium- and intermediate-range missiles.

That is the threat that is most identified as impairing the ability of our forward-deployed forces to pursue their missions without the threat of missile attack. These are the very missiles our troops faced in the Persian Gulf war over a decade ago, and we know well of the casualties that our forces, U.S. forces and indeed those of our allies, took as a consequence of the short-range Scud missiles fired indiscriminately by Saddam Hussein.

Today we have some improved defenses but not adequate defenses against these short-range weapons.

Last September we suffered a grievous attack on our Nation. Many lives and much property were lost in that attack. On that terrible day we also lost our uniquely American feeling of invulnerability. Homeland security is now, without a doubt, our top priority. Missile defense is an integral part of homeland defense.

The most recent national intelligence estimate on missile threats—that is January of this year—states:

> The probability that a missile with a weapon of mass destruction will be used against U.S. forces or interests is higher today than during most of the cold war, and will continue to grow as the capabilities of potential adversaries mature.

George Tenet, head of the CIA, during his testimony to the Armed Services Committee earlier this year, made the point that missile threats have sometimes evolved much faster than predicted and confirm the view expressed in the national intelligence estimate that I just quoted that both terrorism and missile threats must be taken very seriously.

I understand and respectfully disagree with those who argue that every dollar we spend on missile defense is one dollar we don't spend protecting our shores and harbors.

That is precisely what the defense of our Nation against missile attack does—protects our shores. It protects our harbors, our cities, our towns, our villages, and our people from the world's most terrible weapons.

As we did last year, this amendment would provide flexibility for the President to use the additional funds as he sees fit to defend this Nation from missile defense and the Department of Defense activities in counterterrorism. It is a discretion that is very much needed by the President and the Secretary of Defense. And it parallels exactly what we did last year.

I say to my colleagues that this amendment offers a reasonable compromise on an issue that has divided the Armed Services Committee for the past 2 years, and continues, regrettably, to divide the Senate. This is the same formula that we used last year to heal a serious rift in the committee and the Senate, and thereby bring the bill to the floor on a bipartisan basis.

I note that this amendment differs in one important aspect from the one we passed last year. Last year, we simply added $1.3 billion to the defense top line. This year, the amendment does not increase the administration's budget request. It does not put money on top. Rather, it takes advantage of the fact that the administration will conduct its annual midyear review of inflation assumptions, including those used to craft the defense budget request.

I have been assured that the new inflation savings that will result from this abuse will be more than adequate to cover this added amount for homeland defense. The amendment provides an offset based on these anticipated inflation savings.

I commend Chairman LEVIN for the statesmanship he displayed on the issue last year at the time I brought the amendment up which closed the rift between the aisles. Our bill came to the floor last September. The Pentagon and the World Trade Center were still burning, and we were about to embark on a war against the forces of international terrorism. Our distinguished chairman, Mr. LEVIN, used these eloquent words during the debate last year on this amendment:

> As important as the funding that we provide is, there is something else that is critically important. That is the unity of purpose that we showed as we entered into the current struggle. Debate on a bill such as this is an inherent part of our democracy. But, in one regard, we operate differently in times of national emergency. We set aside those differences we cannot reach.

I think the spirit of that very important statement by our chairman prevails today, and should be the guideline—the guiding factor—when each Senator eventually votes on this measure. Today, we remain at war, and that unity is just as important today as it was last September.

I urge my colleagues to vote for this amendment. It is a fair, balanced compromise offered in the same spirit of unity that moved us forward last year, and which can be the basis for moving us forward again today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I wonder if my friend from Virginia would clarify a few factual parts of his proposed amendment.

The Senator from Virginia said that he has been assured that the inflation savings which will result from the midterm review will be sufficient to cover $814 million. I am wondering where that assurance came from, because whichever approach we adopt, that is an important part. Where was that assurance? Who gave the Senator that assurance?

Mr. WARNER. Mr. President, I thank the distinguished chairman. I went to the Department of Defense early one morning around 7:30 or quarter to 8 and spent the better part of an hour with the Secretary of Defense and his top budget people. I wanted to make certain that if I were to formulate this amendment along those lines—I concede to the chairman that it was my idea, and it caught them a little bit by surprise—the Secretary said he would like to consider it. That he did. He went back in his own internal system and eventually he conveyed to me the message that the amendment as I have given him in draft form would be acceptable to him and the administration.

I did concur that the calculations to be performed by the President's Office of Management and Budget would enable this amendment to authorize those funds.

Mr. LEVIN. The $814 million that the Senator assumes in his amendment may or may not materialize, if the midterm review is not completed. But has the Senator from Virginia, as I understand it, been assured at this point prior to the midterm review that those savings will be forthcoming in inflation review?

Mr. WARNER. Mr. President, these are very good questions. I want to answer them very precisely.

The midyear review to which the Senator referred conducted by OMB is in progress. He is correct. While the review is not formally complete, we have been assured—that is, this Senator has been assured by the administration—that the revision of the inflation assumptions will—I repeat "will"—provide ample funds to cover the additional allocation for missile defense and DOD activities to combat terrorism as framed in the amendment.

Mr. LEVIN. One further clarification: That came directly from the Secretary of Defense.

Mr. WARNER. That is correct.

Mr. LEVIN. If it turns out otherwise when the midterm review is completed, despite that best estimate on the part of the Secretary of Defense, will the amendment still authorize the expenditure of that $814 million in the ways specified? In other words, if it turns out to be inaccurate and there is only $600 million in savings, am I not correct that the amendment would nonetheless authorize the $814 million?

Mr. WARNER. Yes. On its face, it would do so. In the interim, I say to the chairman, the appropriations process will have a chance to review the midterm OMB analysis.

Mr. LEVIN. But the Senator's amendment, as I understand it, is not contingent on that amount of inflation savings being available. Is that correct?

Mr. WARNER. It is not contingent; that is correct.

Mr. LEVIN. And if the net savings turned out to be $400 million instead of $814 million, then would the Secretary be required to make cuts in other programs?

Mr. WARNER. Madam President, that is a question that I would reserve for the moment. But I am confident that option will not occur. If I may——

Mr. LEVIN. Because the Senator from Virginia is confident?

Mr. WARNER. That is correct.

Mr. LEVIN. The savings——

Mr. WARNER. Are going to be sufficient.

Mr. LEVIN. But my question is—if it turns out otherwise, there have to be cuts made somewhere, under the Senator's amendment, as he has just responded. He is not adding any money, so there must be cuts made somewhere. And those cuts, of course, could then come in areas that we have tried to protect, including operations and maintenance, readiness, and a number of other areas of which this committee has been very protective.

One of my concerns about the language of this amendment is that it is not contingent upon savings being available. It assumes those savings are available. And whether or not they are forthcoming, this money is authorized, as I understand it. So that is one of the concerns I have about this amendment.

Mr. WARNER. Madam President, I want to be extremely careful in my response. I will be meeting with the Secretary of Defense in about an hour's time. I want to clarify the chairman's question by asking it directly to him and providing the Senate, this afternoon, as this debate continues, a clear response to the chairman's question.

If I might add a bit here about this process, the administration uses certain inflation assumptions in building its budget, including its defense budget, to assure that the Government can buy the goods and services it needs. If inflation is lower than anticipated, the budget request is a little higher than needed to buy the required goods and services.

When a midyear review determines the inflation rate is lower than anticipated, the Secretary of Defense identifies budgeted funds that are no longer required as a result of the inflation—they refer to it as a bonus. Since they are deemed to be excess, there is no programmatic impact resulting from the inflation savings being used.

What happens if the new inflation assumptions are wrong and savings do not materialize? This borders on the Senator's question. Won't programs be affected then? Inflation assumptions are just that: assumptions made based on the best information available at the time. The information used during the midyear review is more recent and provides a better basis for inflation assessments than those made almost a year ago when the 2003 budget was being built.

The same question can be asked about any budget at this time. What happens to programs if inflation is higher than expected? I would note that the Department of Defense routinely takes advantage of inflation savings, as do the authorization and Appropriations Committees in both the markup and conference process. So this is not a new source of funds.

I would also note that the path taken by the House on missile defense is quite different than that of the Senate. The use of this source will be debated and resolved in the context of our conference, if adopted by the Senate.

Mr. LEVIN. I thank my friend and I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Rhode Island.

Mr. REED. Madam President, as the chairman of the Subcommittee on Strategic Systems, I have had the opportunity, over the course of many hearings and many briefings, to look closely at our missile defense program, and also to recommend to the committee that we make these reductions.

All of these recommendations were based upon careful scrutiny of the programs. They were based upon an evaluation of the effectiveness of the programs going forward, and, in addition, a sense of trying to avoid duplicative costs, ill-defined programs, those areas in which money might be spent but there is no clear indication of the product that was going to be purchased. In fact, some purchases seem to be premature because the testing of the products had not been accomplished. So this process has been a long one, and it has resulted in specific recommendations that today we are considering on the floor of the Senate.

I will make some general points about what is in this bill because it represents a significant commitment to missile defense, both theater missile defense and national missile defense, which now have been amalgamated in the administration's approach which they describe as a layered defense: the boost phase, midcourse phase, and terminal phase.

We have made a significant commitment of dollars in this bill to missile defense, and those points should be made.

First, the Department of Defense estimates that in this year they will spend about $4.2 billion. They expect to spend that for missile defense, leaving $4 billion of funds to be carried over to the next fiscal year, 2003.

We recommend, in this bill before us today, $6.8 billion of new funding for fiscal year 2003, giving the Department of Defense more than $10 billion available for spending next year on missile defense. That is a significant commitment to missile defense, and one that is supported by this Senator and, I am sure, by others. It is probably twice what will be spent this year.

To characterize $10 billion of available resources for missile defense next year as deep and damaging cuts to missile defense is somewhat inaccurate.

I should say at this juncture, the proposed amendment by my colleague from Virginia suggests that we add about $800 million and give the President the option of spending it on missile defense or antiterrorism activities. But it seems clear to me this debate is about missile defense and not about terrorism. Terrorism is something we are concerned about, but I think the impetus for this amendment is the overarching concern of the administration for missile defense.

So I think, first, we have, in fact, included within this bill before us robust funding for missile defense. We also have to respond to the reality that today we are engaged in a war on terror.

In fact, the National Intelligence Estimate for December 2001 stated:

> U.S. territory is more likely to be attacked with [weapons of mass destruction] . . . from nonmissile delivery means—most likely from terrorists—than by missiles, primarily because nonmissile delivery means are less costly, easier to acquire, and more reliable and accurate. They can also be used without attribution.

That is the National Intelligence Estimate for December 2001. So we do recognize there are threats to us from weapons of mass destruction, but we have to put it in context that the most immediate threats are either short-term theater missile threats by nation states or clandestine operations of terrorists entering the United States.

So with that recognition, I think this proposal we bring to the floor makes a great deal of sense. We have looked hard at individual programs. We are cognizant of the threats, particularly the theater missile threats. And we are also trying to do what we can to ensure that we protect this country from terrorist threats. So we have deliberated carefully and thoroughly on all of these issues.

Let me talk for a moment about the threats because they should be often mentioned because our strategy has to respond to these threats.

First, I think we should point out how we are going forward with the PAC–3 system which is a theater missile defense system. It is in operational testing. It is strongly supported in this bill. It counters those threats that are often mentioned here on the floor.

I know colleagues have talked about the potential access to short-range missiles by terrorist groups in the Middle East. I think they have also talked about the developments which are ongoing in countries such as Iran and Iraq and North Korea for missile systems, short-range tactical systems.

We have a system that is in operational testing, the PAC–3 system that counters those threats. We support that system. It is supported in this budget. We hope it is fielded at the first possible moment, deployed with troops in the field. There are other systems, too, that we support.

We continue to develop the THAAD system, which is another theater missile system. That is supported in this budget. We are supporting the Navy theater-wide system. We are considering, and very carefully supporting, a whole range of missile systems that are important to our defense. So to suggest that this legislation is not supportive of missile defense is to miss the details of the legislation.

We are also looking very carefully, as I mentioned, at specific adjustments to the systems that are being considered today.

That is our role, our responsibility. We are not here simply to say whatever the Defense Department sends over is something we will support without any question or scrutiny. Our job is to look carefully at systems and to make critical decisions about scarce resources, and we have done that.

Let me suggest some of the recommendations we have made in the context of the missile systems I mentioned. First, the sea-based midcourse, which was formerly Navy theater-wide.

We fully fund the development and test program, $374 million. In fact, we add $40 million for new shipboard radar for robust theater missile defense. We are adding money to these programs because we believe it is important, and we believe this type of additional expenditure should be included within the budget.

We do, however, look at the program carefully, and we have made the recommendation that $52 million should be reduced because it is for a very vaguely defined concept development study. We believe that study is unjustified, undefined, but we are supporting vigorously the Navy midcourse program, sea-based midcourse, as we should.

From what I have seen of the Navy theater-wide system, the sea-based midcourse, the Missile Defense Agency is engaged in something which might be described as an ad hoc approach. Let me suggest why.

In our authorization bill last year, we asked the Secretary of Defense to submit a report to the congressional defense committees no later than April 30, 2002, on the Department's ultimate plans for the Navy theater-wide system. That was last year's language. We asked them: Give us your plan.

We received a letter back from General Kadish which essentially said: Here is some information, but we can't give you any of the definitive information, particularly the life cycle costs of the system. What he said was, basically, while the questions posed in this request are relevant, a response will not be available until the SMD element of the BMDS is defined, and he suggested that the SMD definition will be completed by December 2003.

That is interesting. Then just a few weeks ago—approximately 10 days ago—I read in the Wall Street Journal where General Kadish was saying there will likely be a contingent deployment of this system in the year 2004. So the program will be defined by December 2003, and then we will have contingency deployment in 2004. That suggests to me a lack of a clear-cut plan, a lack of meaningful communication to this committee and to this Senate.

That shaped a lot of our deliberations in the sense of these ill-defined programs and the significant requests for money.

One area which is most relevant in this regard is the request for systems engineering money. Systems engineering money is generally the hiring of engineers, contractors, and software engineers to talk about designing and integrating systems. It is a very important part of the development of any system, particularly one as complicated and technologically challenging as national missile defense. We had included within this budget $500 million in systems engineering and other Government support and operations funding in individual missile program accounts: More than $170 million in systems engineering for the midcourse program element: the sea-based and the ground-based, the Navy system and the system in Alaska; more than $100 million for program management operations funding in individual program lines in the midcourse element; more than $70 million of Government support in the boost program element; more than $20 million in the sensor program element; and more than $80 million in the THAAD program element.

These are all systems engineering or program management costs. It adds up to a half a billion dollars. There is another category of systems engineering which has been developed in the last 2 years called the BMD system, the system of systems.

First, let me suggest that there are some practical time problems in spending all this money. The presumption for BMD systems engineering is that you are going to integrate all these systems that are being deployed. The reality is, it is very unclear at this juncture what systems will be deployed, what radars will be used, what types of sensors, what combinations of missiles and sensors. It is very unclear. But still the request was for a significant amount of money for systems engineering for the entire BMD system.

We looked carefully at this. We concluded that $736 million for this category was more than sufficient, together with the $500 million that is already embedded in each of the program elements of the existing BMD program.

As a result, we were able to reduce this request for BMD system money by $330 million. But let me also point out that as of this juncture, it appears that BMD will only spend $400 million of last year's money, and this will leave about $400 million for the next fiscal year. Together with the $736 million and the $400 million carryover, BMD systems engineering has over $1 billion, hardly a draconian, drastic cut in their ability to continue to do these programs of integration and systems engineering.

Again, we looked carefully. We determined what they were doing. We determined that they would have more than enough resources to continue their efforts into the next fiscal year, and we were able to move some of this money into the shipbuilding accounts which everyone in this Chamber, I would say without hesitation, will support enthusiastically, an immediate need for our Navy for additional ships.

In addition, we were able to move some of this money into programs for the protection of Department of Energy nuclear facilities. We did that in response to published reports, which we have all seen, that the Office of Management and Budget turned down the Department of Energy for a significant increase in security funds at a time when the threat—at least if you believe the last few weeks from the media—is not the long-range missile, the threat is the terrorists coming in here on an airplane, landing in Chicago with a plan or at least an idea to seize radiological material someplace in the United States, construct a "dirty" bomb here, and detonate it. Yet the administration said: No, DOE, you don't need this extra money to secure the nuclear facilities.

We think DOE needs this money, and it is a higher priority than excessive systems engineering money for the ballistic missile defense program.

So as we have looked at all of these programs, we have tried to take a very careful, considerate look, tried to make tough decisions, and they are tough decisions because we don't have unlimited, infinite resources. As the Senator from Michigan said, I question sincerely the availability next year of the inflation savings assumed in the proposed Warner amendment. This seems to be one of those fudge factors that is put in, an estimate. You might realize it, you might not realize it. I await, as the Senator from Michigan does, eagerly, Senator WARNER's response from the Secretary of Defense with respect to these questions.

The reality is that these resources may not be realized through inflation savings. If we authorize the spending, which, for political reasons, the administration seems to be absolutely committed to, we may end up using operational maintenance money to fund missile defense, to fund these ill-defined areas of systems engineering and other programs.

We will find ourselves, in that case, coming back here and wondering why our flying hours are down for the Air Force and Navy pilots, why we can't provide the sort of resources we need for ongoing operations maintenance at a time when we have forces in the field engaged today, trying to destroy these terror networks, and succeeding in many cases because of their skill and courage and the support they are receiving.

We have brought to the floor a bill that robustly supports missile defense but asks very tough questions about specific programs that are not adequately justified or are redundant. Let me give an example of that. The THAAD missile system is well on the way toward the engineering phase to get to a point where it can be part of our theater missile defense system in the next several years, we hope. They are asking for $40 million to purchase 10 unproven missiles.

Our concept is fairly straightforward and simple. We provide that $895 million for the test development and for the first flight test of the missile in this budget. A simple proposition: Let's fly one of these missiles first before we buy 10 missiles. Maybe we can save resources. The THAAD Missile Program is a good example of a program that was once forced to accelerate beyond its technical means. It was, as General Welch described it, rushing to failure, and it failed—program course out of sight, product not adequate, not meeting the requirement set out for the system. It was a program in such distress that it was virtually on the chopping block. General Welch's report said: Listen, you have to go back to a careful, deliberate, thorough development process. The program is back on track. And now our sense is they are trying to get off track again—let's just buy these 10 extra missiles today.

That is an example, I believe, of the robust support—$895 million. But the very careful and appropriate question is: Why do you need to buy 10 missiles today when your first flight test is going to be in fiscal year 2005? Due to time constraints, I must yield the floor but will take time later to continue this discussion.

AMENDMENT NO. 3918

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the amendment by the Senator from Massachusetts, and the time until 12:30 will be equally divided. Who yields time?

Mr. LEVIN. Madam President, with apologies to our friend from Rhode Island, that was the unanimous consent request. I can assure him that there is no time limit on the missile defense amendment that Senator WARNER will be offering. So we can return to him at that time. The time was to be divided. Senator KENNEDY has returned.

Let me ask the Chair a question. Is the time divided, under the unanimous consent agreement, until 2:30?

The PRESIDING OFFICER. Yes, the time is divided equally.

Mr. LEVIN. Is there anybody in control of the time here?

The PRESIDING OFFICER. Senator KENNEDY controls 14 minutes and Senator LEVIN controls 14 minutes.

Mr. LEVIN. I yield my time to Senator WARNER so that there is equal division between the proponents and opponents.

Mr. WARNER. It seems to me it was Senator KENNEDY and myself. I have delegated that to my colleague from Wyoming.

Mr. LEVIN. I ask unanimous consent that it be divided in that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I yield myself 7 minutes.

Madam President, the record is clear. When there is real competition, public workers will show their strength. According to the DOD's numbers, when Government agencies have competed for contracts, they have won the bid 60 percent of the time fair and square. When public workers win these competitions, the taxpayers save money and good workers keep their jobs.

This amendment is about competition—competition for the Defense Department.

Our amendment will ensure that a framework is established for competition for various goods and services in the Defense Department. We provide a framework, where if there are national security items, they can be exempt. If there are requirements for emergency, they can be exempt. If there are certain needs in terms of the high-tech areas, they are exempt. But for the broad range of different contracts, this amendment will ensure that the American taxpayers' interests are going to be preserved. But, more importantly, we are going to get the best in terms of performance for the DOD.

The public-private competitions that have taken place have saved, on average, over 30 percent, according to the Defense Department.

The Republicans claim that this amendment is in conflict with the GAO Panel on Commercial Activities. In fact, this amendment is based on the principle unanimously articulated by that panel, which calls for greater public-private competition, which gives DOD the power to design the framework for that competition consistent with the sourcing principles laid out by the GAO panel.

The Republicans claim this amendment takes away flexibility from the Department of Defense. Nothing could be further from the truth. When national security so demands, DOD is given the power to waive public-private competition. The amendment exempts many categories of work, including almost all high-tech work, from public-private competition. The amendment even provides a waiver to DOD for functions that must be performed urgently.

It remains in the discretion of DOD to determine how many jobs should be subject to the public-private competition and which jobs are subject to this competition. The DOD retains enormous flexibility under this amendment.

The Republicans claim this amendment will cost money. That is a sign of their shortsightedness when it comes to the value of competition. The DOD recognizes that public-private competition consistently yields savings of over 30 percent on contracts. Any short-term transition costs, which the CBO has estimated at one-tenth of what they are claiming for the substance of this amendment, will be more than made up for in long-term savings to the taxpayers.

The Republicans claim that we are moving too quickly with this amendment and that the Senate should not act now to promote expanded competition. I only ask that my Republican opponents listen to the advice of Mitch Daniels, the Director of the Office of Management and Budget, when it comes to these matters. Earlier this month, he said:

> We cannot afford to wait. . . . The objective is to get the taxpayers the best deal.

While we wait, the administration is moving ahead with shifting 15 percent of all eligible jobs to the private sector without any adequate competition.

The passage of this amendment will lead to a smarter and more efficient procurement policy for the Department of Defense. Just as no private company would reasonably outsource jobs without a hard-headed analysis showing cost savings, Government procurement should be based on what is best for taxpayers and our national defense. The consequences will be savings for taxpayers and improved dependability for our courageous men and women in uniform.

We are surely facing great challenges in terms of our Nation's security in this new era. More than ever, we are relying on the Department of Defense and its dedicated employees. As we expand our Nation's military budget, we must ensure that taxpayers and our men and women in uniform are reaping all of the benefits possible. True competition is more critical today than ever before.

Only if we give public workers the opportunity to compete in public-private competition will we have true competition.

This is what the GAO has said on the question of the Commercial Activities Panel, which has been quoted yesterday:

> Competitions, including public-private competition, have shown to produce significant cost savings for the Government, regardless of whether a public or a private entity is selected.

Angela Styles, senior officer at OMB, a procurement official, testified on the House Armed Services Military Readiness Subcommittee on March 13, 2002:

> No one in this administration cares who wins a public-private competition. But we very much care that Government service is provided by those best able to do so. Every study on public-private competition that I have seen concludes that these competitions generate significant cost savings.

What is it about our friends on the other side that they refuse to permit the competition to take place?

Now, we heard estimates just yesterday that, according to DOD, the amendment will cost $200 million. The years of experience and the statements of the administration's officials clearly demonstrate that public-private competitions save money rather than cost. The Deputy Under Secretary of Defense for Acquisition Technology and Logistics testified that the public-private competitions save the Government $11.2 billion, a savings of $11.2 billion. The administrator of OMB's Office of Federal Procurement Policy said the use of the public-private competition consistently reduces the cost of public performance by more than that. Even in the short term, the core of this amendment would cost about a tenth of what the critics and DOD claim.

Those opposed to it say the amendment would prevent the implementation of the GAO panel recommendation. The amendment is based on the unanimous principles of the GAO panel that call for public-private competition. The GAO recommended:

> A process that, for activities that may be performed by either the public or private, would permit public-private sources to participate in competitions for work currently performed in house, work currently contracted in the private sector, and new work consistent with these guiding principles.

That was a quote.

The amendment also provides for a pilot program to test the effectiveness of the best value approach that is endorsed by the opponents of this amendment. Furthermore, arguments are made by the opponents that the amendment goes against the principle held for 50 years: The Government should not compete for noninherently Government functions. For the first time, the amendment would mandate that the Government compete with the private sector.

The proponents of that statement left out a key clause in the longstanding U.S. procurement policy. According to OMB, "the Government shall not start or carry on any activity and provide a commercial product or service if the product or service can be procured more economically from a commercial source."

We are not asking that work be given to the private sector if indeed the Federal Government agency can do it more efficiently. The Government personnel system is not nimble enough to accommodate this amendment and move on short notice. That is an argument that is made against this amendment.

There is no reason to believe the Government cannot adequately accommodate the need for qualified personnel. In the face of pending base closures, OMB outsourcing quotas, the DOD civilian workforce will continue to downsize. As a result of this process, over 300,000 DOD civilian personnel have lost their jobs due to outsourcing in recent years. There is an excess of potential qualified personnel.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS. I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I rise today in opposition to the Kennedy amendment, which would arbitrarily require Federal Government agencies, particularly the Department of Defense, to compete with the private sector for the performance of inherently nongovernmental services within the Department of Defense. As chairman of the Republican Senate High Tech task force, I believe that contracting with the private business entities helps drive innovation and indeed save the taxpayers money.

This amendment would reverse the progress that has already been made in this area and obviously create damage to important initiatives such as e-government. In fact, many of the information technology companies across this country believe they would no longer seek Federal contracts with DOD under the provisions of this amendment, thereby, unfortunately, creating job losses in the private sector.

This view has been shared by my colleagues, Senators ENSIGN, WARNER, GRAMM, SMITH, COLLINS, HUTCHISON, BURNS, BENNETT, HATCH, and BROWNBACK.

This amendment would mandate that every new Department of Defense contract, modification, task order, or contract renewal undergo a so-called public-private competition, whether or not the Government even has the requisite skill, competence, or personnel to perform the work.

The changes in this current process by this amendment will: (1) weaken and delay Government performance; (2) could devastate small business; and (3) have a harmful effect on our important, creative, high-technology industry.

First, the anti-private-enterprise exercise that would be caused by this bill would result in delays in performance of Government contracts. The Department of Defense would lack the capacity to quickly procure and adopt innovative solutions to enhance safety, security, and effectiveness. It would be an undesirable bureaucratic impediment that could harm the ability of the Defense Department to perform its duties, especially now during a national crisis.

Secondly, the added costs associated with the A-76 program, in comparison to competitive procurement practices, traditionally would exclude most small businesses from participating in service contracting. This would have a particularly detrimental impact on women, minority, and veteran-owned companies.

Finally, the amendment will have a devastating impact on the high-tech industry, an industry that is so important to the competitive vitality of the American economy. This amendment is opposed by the high-tech industry, including the Information Technology Association of America (ITAA). The exemptions for technology are ambiguous and do not cover the full range of activities conducted by the exempted industry. Moreover, ITAA notes the information technology exemption herein covers only 3 percent of total IT service contracting. This is also opposed by the Chamber of Commerce and various unions.

I will close with the views of the Secretary of Defense, who says:

> We have made a top priority of finding efficiencies and savings within the Department of Defense to enable us to improve our tool-to-tail ratio. An important element of that effort is to adapt business and financial practices to make the best warfighting use of the resources the American taxpayers provide us. The draft Kennedy amendment would increase Department cost by requiring public-private competitions for new functions and for previously contracted work already subjected to market competition. It would also adversely impact mission effectiveness by delaying contract awards for needed services.

The Secretary of Defense, Mr. Rumsfeld, closes:

> The proposed amendment would increase Department costs and dull our warfighting edge.

I suggest that no Member of this body should support legislation that dulls our warfighting edge. I therefore urge my colleagues to vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I yield myself 30 seconds to respond.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I am still waiting to hear the reason from the other side that competition does not work. We are told that we cannot have competition in the Defense Department because it is going to take time to set up a process and procedure; we cannot have it because it is going to work against small business.

We have a million-dollar exemption so that anybody below a million dollars, a small business, can compete. Perhaps someone on the other side can tell us why competition cannot work. We have not heard the answer to that. What we have heard is all of the accountants, Mitch Daniels, the GAO, say that competition can work, and when it does work, we get the best in terms of our fighting men and women and we get the best in terms of taxpayers.

I cannot understand the opponents saying we cannot set up a process and procedure in order to deal with this; it is going to be too complicated and costly. That is baloney. Competition can work, and I am so surprised, from the party that allegedly is for more competition, that they cannot support this amendment.

I yield 3 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I rise in strong support of the amendment offered by the Senator from Massachusetts, Mr. KENNEDY, of which I am an original cosponsor.

I have long been concerned about the costs and benefits associated with the process by which the Federal Government contracts out work. In particular, I am concerned about the lack of data on whether these contracts actually achieve real savings for the taxpayers, and about the effects of outsourcing on the pay and benefits of Federal workers.

I do not automatically oppose contracting out. Such a process is often appropriate. I am concerned, however, that the Department of Defense is currently able to circumvent the public-private competition process for contracting out work that is employed by other Federal agencies. Contracting out affects the jobs of thousands of dedicated Government employees each year. These men and women deserve the chance to compete for this work, as the Senator from Massachusetts was pointing out. They deserve the right to compete for their jobs, and they have a right to do it on a level playing field. The Kennedy amendment would help to provide a level playing field by ensuring that true public-private competition actually occurs.

This amendment does not prohibit the Department of Defense from contracting out. It does not stipulate which categories of jobs may or may not be subject to public-private competitions. In fact, a number of job categories are exempted. This amendment is broadly worded to give DOD flexibility on which and how many positions to subject to competitions. The amendment also includes a national security waiver.

Some have argued that this amendment would spell the end of contracting out by the Department of Defense. Again, that is not true. This amendment simply requires DOD to comply with four broad goals aimed at bringing a measure of fairness and equity to the contracting out process.

First, the amendment would ensure that public-private competition actually occurs before work currently performed by Federal employees is contracted out. The DOD would be able to use any cost-based process to carry out this competition, including the Circular A–76 process. This process would give DOD employees the opportunity to present their best bid and to compete on a level playing field with bids from contractors. The goal of contracting out is to get the highest quality work at the best price for the taxpayers. We should not continue to shut the civilian DOD workforce out of this process.

Second, this amendment would help to ensure that Federal civilian employees are given the opportunity to compete for a fraction of what is called "new work" to be performed at DOD. This provision would be phased in over several years.

Third, this amendment would require DOD to use "contracting in" as well as "contracting out" to make sure that Federal taxpayers are getting the best deal. It only makes sense to periodically compete work that has been awarded to contractors to ensure that the Federal taxpayers are continuing to get their money's worth. Work being performed by contractors should be subject to the same scrutiny as work being performed by Government employees. In the interest of fairness, the amendment requires that DOD opens to competition similar numbers of contractor and civilian employee jobs.

Finally, the amendment would require DOD to establish an inventory to track the cost and size of its contractor workforce. This inventory would be compiled using the same procedures that the Department of the Army recently adopted to track its own contractor workforce. I share the concerns of some of my constituents, who have told me that they believe that contracting out simply shifts jobs from the Federal Government to the private sector without any real savings. I also share their concern that part of any savings that is achieved may actually come from reduced salaries and benefits that are paid to contractor employees. It is important that DOD and Congress have an accurate picture of the true size and cost of the contractor workforce.

In sum, this amendment does not prohibit the Department of Defense from contracting out. It would ensure basic public-private competition that will allow DOD employees to compete with contractor bids on a more level playing field. It will also help to ensure that the DOD contracting process is achieving the best result for taxpayers.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS. I yield 5 minutes for the Senator from Missouri.

Mr. BOND. Madam President, I appreciate the time.

I am very much concerned that the Kennedy amendment takes us backward. Under the Federal Activities Inventory Reform Act of 1998, the FAIR Act, agencies are examining activities to find what they do that duplicates activities done in the private sector. This would be done to see if these activities can be contracted out, to do those activities more cheaply and effectively. This would prevent the Federal Government from competing with the private marketplace. When the job is done in the private marketplace, not only do we avoid having to carry an additional Federal bureaucracy, we get to tax them if they make a profit and we get the benefits of the competition, the innovation, that small business brings.

As the ranking member of the Senate Small Business Committee, I focused a lot of time and attention on what small businesses are able to do. We find there are some tremendous innovations and new ideas coming from small business. Whenever some action can be done effectively in the private sector, I believe the private sector should have the opportunity to do it. Functions that are inherently governmental, clearly no one disagrees, should be done by Federal employees. We are not talking about those. We are talking about functions that are commercial in nature.

The current process for evaluating these functions for a possible contracting out is the so-called A–76 process. OMB Circular A–76 calls for competition to take place wherever commercial activity currently performed by a Government agency is proposed to be contracted out. The Federal employees of that agency describe how they would organize themselves into the most efficient organization and compete against the proposals submitted by private contractors.

The Kennedy amendment would bar contracting out of these functions, unless the private contractor's proposal to provide cost savings of at least 10 percent over the Federal employee's MEO. This is intended to make contracting out as difficult as possible. This is a direct shot at small businesses. This is meant to cripple the ability of small businesses which are now providing vital products and services in our Defense Department.

The Kennedy amendment purports to implement the recommendation of the Commercial Activities Panel convened by Comptroller General David Walker. However, the sole emphasis on cost savings—also, the Kennedy amendment puts in a 10-percent additional savings—the sole emphasis of the sponsor of this measure is saying that the deciding criteria in that should be cost actually conflicts with the Walker panel recommendations. The Walker panels calls for the standard of best value, what generates the overall best value to the taxpayer.

Cost savings is clearly one factor being considered. But best value contracting also includes other factors, such as higher quality, faster delivery, innovative processes, reliable past performance, or other criteria that might justify a higher cost.

Best value contracting is what most of us do every day when we go out to buy goods and services. When you buy lunch, you do not always buy the lowest price item on the menu every day. When you go to the department store, you do not always purchase the cheapest item on the shelf. You may deliberately buy an item that is more expensive because you expect the quality to be better. The best value approach puts Government contracting on par with how average, intelligent, informed consumers make their purchases in the marketplace.

That is one reason the Government is increasingly relying on best value contracting and why the Walker panel recommends it for analyzing contracting out proposals. The Kennedy amendment's exclusive emphasis on costs savings, and the additional unworkable requirement the savings must be more than 10 percent, is a step backward from the Walker recommendations.

The sponsor of the amendment has cited OMB and other statements made by this administration, when, in fact, the President, speaking for this administration on March 19, emphasized the vitally important role that small business plays in meeting the needs of the Federal Government. He talked about taking a major effort, launching a major effort, to stop the bundling of contracts to prevent their being awarded to small businesses.

There is currently underway a study in OMB under Angela Styles on how to get more contracts unbundled so small business can provide a workable and economic role.

I urge my colleagues to oppose the Kennedy amendment.

Mr. THOMAS. I yield our final 5 minutes to the Senator from Tennessee.

Mr. THOMPSON. Madam President, there has been a lot of discussion concerning the Commercial Activities Panel. As has already been stated, this is a panel that was set up with the distinguished citizens to consider this complex problem. One of their recommendations, No. 9, is to ensure that competitions involve a process that considers both quality and cost factors.

My understanding is that the amendment of the Senator from Massachusetts addresses only the cost factors in determining the best value to the Government. On that, in and of itself, we clearly have a deviation, to say the least, from the Commercial Activities Panel.

That is not as significant a point as the one following, and that is the Armed Services Committee simply has not reviewed the panel's recommendations, and we on the Governmental Affairs Committee have not had the opportunity to review and consider the panel's recommendations. This is certainly an area of some complexity and controversy that should go through the committee process.

We have a bill before the Senate now on the Governmental Affairs Committee similar to the Kennedy amendment but it applies to all agencies in the Federal Government. We have had one hearing on that bill to date. We are in the middle of that process. This amendment will clearly increase the costs to the Government and distract the Department of Defense from its war fighting mission.

The Senator asked, why are we against competition? The answer is, we are not. We have plenty of competition. What we have is competition in the private sector competing for the jobs. The Senator would interject the Federal unions into the middle of that competition where there has been no such injection in times past. The Department of Defense points out it will cost more money and it will delay contracts at a time when we neither need higher costs nor delays in the issuing of contracts.

The DOD and the OMB Director opposes this amendment, as well as small and minority-owned businesses and major labor unions. This is no time to be shifting massive jobs from the private sector to the public sector labor unions. Private labor unions have been losing membership over the past several years while membership in the public labor unions have been rising. Many labor unions oppose this amendment as well as taxpayer groups.

I urge my colleagues to vote against the Kennedy amendment.

I yield the floor.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Three minutes.

Mr. KENNEDY. I yield a minute and a half.

Mr. DURBIN. I am happy to be a cosponsor of this amendment.

I rise today to speak in support of the Kennedy amendment, which will help ensure real competition between the public and the private sectors for the work performed by the Department of Defense. I am pleased to join my colleagues, Senator JACK REED, DANIEL AKAKA, and RUSS FEINGOLD as a cosponsor of this important amendment.

Let me review what this amendment does. This amendment addresses the need for more competition and more information by requiring an analysis of the costs of maintaining work in the public sector. The amendment defines broad and flexible principles to guide a public-private competition process. It allows the Defense Department wide flexibility in setting up a competition consistent with these broad principles. The amendment provides discretion to the Defense Department to waive the public-private competition requirements when national security demands and exempts a number of activities from the requirements. It also permits DOD the discretion to determine which jobs and how many jobs should be subject to public-private competition.

The amendment will also provide Congress the information it needs to exercise important oversight by watching the level of managed competitions, since there is currently no requirement that agencies conduct them. And by granting DOD "pilot program" authority to explore alternatives to the OMB Circular A–76 process that will yield the same projected cost savings, we can gain some practical experience with some of the reforms recommended in the recently published report of the Commercial Activities Panel.

Nine months ago, our Nation's collective consciousness was jolted when heinous acts of terrorism were committed on American soil. As a result of those horrific acts, we are not—and never will be—the same. We are stronger in our response, more steeled in our resolve, more vigilant about identifying and eliminating our vulnerabilities. Overnight, that life-altering experience forced us to seriously evaluate the workings of our Government from a new and different perspective. We now view "homeland security" in completely different ways. Protecting our borders, our ports, nuclear power plants, chemical plants, water supplies, and other critical infrastructure has taken on a new and urgent imperative. The Department of Defense is reorganizing itself for homeland security, and functions that may not have seemed essential to DOD's mission may now, in fact, be essential; and conversely, there may be functions that could be better performed in the private sector, allowing DOD to focus on its mission.

I would like to share an example to illustrate this point. After September 11, I asked that my staff secure a briefing on the security of a chemical munitions storage depot that sits 30 miles from the Illinois border. The United States is in the process of destroying these deadly munitions, which could kill hundreds of thousands of people, pursuant to the Chemical Weapons Convention. I learned that the depot had only one uniformed military officer—the commander—to protect it, because security was provided by private contractors. About a week after that, National Guard troops joined the private contractors in protecting this site.

Historically, DOD has set the pace as the lead Federal agency in using competitive sourcing. But when we talk about "setting the pace"—what we know is that fewer than 1 percent of DOD service contracts are subject to public-private competition. Work is outsourced without any opportunity for public sector employees to compete for the jobs. And DOD is considered the leader—few civilian agencies have utilized the process; in fact, in Fiscal Year 1997, not one civilian agency reported conducted a cost comparison study.

The Department of Defense spends tens of billions of dollars annually on service contracts—ranging from services for repairing and maintaining equipment to services for medical care to advisory assistance services such as providing management support, performing studies, and delivering technical assistance.

In fiscal year 1999, DOD reportedly spent $96.5 billion for contract services—more than it spent on supplies and equipment. GAO has repeately reported that inadequate and inaccurate information provided by DOD on service contract spending hampers congressional decisionmaking and limits congressional use of information reported in the budget.

Not only is reliable cost information scarce, there is too little competition for contracts to provide services to and for Federal agencies. As I indicated, fewer than 1 percent of DOD service contracts are subject to public-private competition. Because there is such a small fraction competed, there is a paucity of information and a host of unknowns about whether outsourcing to the private sector is really saving money for the taxpayers. Outsourcing has evolved as one of the principal mechanisms used to reduce the size, scope, and costs of the Federal government. However, we have few clues about whether outscourcing has in fact reduced government costs, size, and scope.

A GAO study of savings obtained from competitive sourcing published in August 2000 reflected that DOD did realize savings from seven of the nine competitive sourcing cases reviewed, although less than the $290 million DOD initially projected. And savings occurred regardless of whether governmental organizations or private contractors won the competition. Last year, the General Accounting Office elevated strategic human capital management to its list of "high-risk" government-wide challenges. In testimony in February 2001 before the Governmental Affairs oversight subcommittee which I now chair, Comptroller General David Walker made it abundantly clear that Federal employees are not the problem. As Mr. Walker emphasized, to view Federal employees as costs to be cut rather than assets to be valued would be to take a narrow and shortsighted view, one that is obsolete and must be changed. I was heartened by his perspective.

Yet right on the heels of this acknowledgement of the severe human capital crisis facing the Federal workforce, the administration launched a major initiative requiring Federal agencies to compete or directly convert to the private sector at least 5 percent of the full-time equivalent jobs listed on their Federal Activities Inventories. An additional 10 percent of the jobs are to be competed or converted by the end of Fiscal Year 2003, 85,000 jobs, for an aggregate of 15 percent of all Federal jobs considered commercial in nature.

It strikes me that it will be about as formidable as the perils of Sisyphus to make any headway in recruiting and retaining the best and brightest in the Federal workforce when in the same breath you are telling them that over the next few years one out of every four jobs is potentially slated to disappear into the private sector. We really don't have a trove of solid, reliable agency-by-agency information about the costs and performance of work that is being performed for the government under contract. This amendment will begin to gather it—by and for the Department of Defense.

I have long been interested in whether we have a system to measure and account for these costs, determine if there is savings, and oversee the work that is being done with Federal funds. It has been my impression that some of my colleagues have been just hidebound to outsource, without regard to the price tag or performance. Their motivation was to reduce the size of the Federal workforce—at any cost. When I suggested amendments—arguing that we had to save money, they rejected them. They told me that is not the point—we have to turn some lights out in some federal buildings. I would like to know whether that's still driving the outsourcing fervor.

I want to be perfectly clear: I am not opposed to all outsourcing. What I am concerned about is ensuring that decisions to shift work to the private sector are made fairly, not arbitrarily; that public-private competition is fostered; and that we have a reliable system in place to have information about the costs and performance of work being performed with Federal funds by the private sector under these contracts, in essence, accountability.

You can outsource and save money for taxpayers, and I think you should do that. If you decide you will outsource, privatize, and contract out, whether you save money for taxpayers or not, you are not serving either taxpayers or the needs of our Nation.

It is interesting to me that the Senators on the other side of the aisle are fearful of the word "competition." The thought that the private sector might have to compete for providing services to the Federal Government with the public sector is unacceptable to them.

When you look at the Department of Defense, they spend over $96 billion a year on contracts per services. How many of those are competitively bid? Less than $1 billion. Ninety-five billion out of $96 billion in these contracts for services go without competitive bid. It has created cozy, sweetheart, comfortable arrangements with companies and the Pentagon. They do not want to compete. They do not want to stand up against those who say we can do it for you more professionally, more cheaply, more effectively. They can't stand the idea of competition. That is why they are opposing the Kennedy amendment.

Should we not at this point in time of our history, with limited resources, fighting a war on terrorism, insist the taxpayers get every dollar of service for every dollar of taxpayers' money they put into our national defense? That is what the Kennedy amendment says. That is why I am happy to cosponsor it.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. KENNEDY. How much time remains to the other side?

The PRESIDING OFFICER. They have 1 minute 25 seconds.

Mr. KENNEDY. On either side, then?

The PRESIDING OFFICER. There remain 1 minute 25 seconds for both.

Mr. THOMAS. I just want to respond to the comments made with respect to OMB. I want to read from a letter from the Director.

> DEAR SENATOR WARNER, I am writing to express deep concern over the possible Kennedy amendment [proposal]. While packaged in good-government clothing, this amendment will severely limit the Department of Defense's ability to acquire services necessary to help the Department meet current threats. The Department of Defense must have the flexibility. . . .
>
> While agencies are embracing competition, focusing on core mission, and eliminating barriers to entering the marketplace, this amendment does the opposite.

The Senator was talking about support from this Department, and this is not what is there.

> It would require the Government to consider reforming non-core activities that it doesn't have the skills to do when entrepreneurs and their employees are ready, willing and able to perform.
>
> We most focus our agencies on performance and accountability. Now—when our nation is at war against terrorism of global reach—is not time for the Secretary of Defense to have fewer options, for the sake of moving more functions into government hands.

I yield the floor.

Mr. KENNEDY. Madam President, I yield myself the remaining time.

We should not have to get into a discussion about the value of competition. But a year ago one of our colleagues offered a very similar amendment and then Senator WARNER said: Let's wait until we have the Commercial Activities Panel report. That was to guide the Defense Department.

In this report, on page 47, it says:

> Establishing a process that, for activities that may be performed by either the public or the private, would permit public and private sources to participate in competitions for work currently performed in-house, work currently contracted to the private sector, and new work, consistent with these guiding principles.

Unanimous recommendation. That is what this amendment does. That is why we believe it is important. It will be in the interests of our national security, the Department of Defense, and the taxpayers. That is why we believe this amendment should be accepted.

I believe all time has expired.

RECESS

The PRESIDING OFFICER. The hour of 12:30 p.m. having arrived, under the previous order, the Senate will stand in recess until the hour of 2:16 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. REED).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, parliamentary inquiry: It is the understanding of the Senator from Virginia that the time between 2:15 and 2:30 is to be equally divided between the distinguished Senator from Massachusetts, the distinguished Senator from Wyoming, and myself.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, under our amendment, the public workers and private contractors alike will have a chance to compete for Department of Defense contracts. It will represent approximately $100 billion. Only about $1 billion of that is competed for. We believe competition is good. We believe competition will get the best product at the best price, which will reflect the unanimous recommendations of the recent study. Fewer than 1 percent of these Department of Defense service contracts are done in that way at this particular time.

I don't understand for the life of me why there should be resistance or reluctance to these various proposals. This kind of proposal was considered by the Commercial Activities Panel on improving the sourcing division of the Government, which was chaired by the Comptroller of the United States.

In this particular proposal, one of the recommendations, which was 12 to 0, was the amendment we are offering today. If our Republican friends have trouble with that, why wasn't there some opposition to that in this report? There was none. It is a unanimously favorable report. This wasn't Democrat and this wasn't Republican. These were contractors, representatives of the public, employees, and accountants, talking about how the U.S. Department of Defense could get the best buy for its money. It was said for years that we couldn't go ahead with competition until we finally got the Commercial Activities Panel report. That took a year and half and 11 different hearings with public comments from all over.

This was unanimous. It was not 8 to 4; this proposal was unanimous. They believe as a result of their proposal that DOD is going to get the best services—the American taxpayers are going to get the best buy, the best service, and the men and women of the military are going to be best served.

Why in the world the resistance to that argument?

I withhold the remainder of my time.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I yield myself 5 minutes of our time. We have 7½ minutes. I yield myself 5 minutes out of our 7½ minutes.

I want to respond to the Senator. He asks, who opposes this? Let me give you some idea of who and why.

One, the amendment will increase costs to DOD by $200 million a year. Secondly, he talks about the report of the General Accounting Office. There were 10 recommendations that were put out. His deals with one. That is a reason to oppose this.

The amendment would adversely affect DOD's mission. It would mandate, for the first time, that the Federal Government compete with the private sector for work not concurrently performed.

It has problems with the A-76 issue. The Secretary of Defense opposes the Kennedy amendment. The administration has indicated that his proposal goes against the President's governmental performance tasks.

Let me share with you, very briefly, a couple of other comments. This is from the Executive Office of the President, from Mitchell Daniels, who was quoted yesterday as supporting it. He says:

> I am writing to express deep concern over the possible Kennedy Amendment.

He goes on to say:

> We must focus our agencies on performance and accountability. Now—when our nation is at war against terrorists of global reach—is not the time for the Secretary of Defense to have fewer options, for the sake of moving more functions into government hands.

That is why people are opposed to it. The Secretary of Defense, in a letter, says:

> I am writing to express my strong opposition to the draft amendment proposed by Senator Edward Kennedy.

Then he closes the letter by saying:

> The proposed amendment would increase Department costs and dull our warfighting edge.

Then, just in numbers, we all mentioned the Secretary of Defense and OMB. We also have organized labor. The Seafarers International Union, the Industrial Technological Professional Employees, International Union of Operating Engineers, the International Brotherhood of Boilermakers—these are some of the folks who have found that this will not help implement what we are seeking to do; that is, to be able to utilize the members of the military and the things they do at a time when it is more difficult to fullfill those responsibilities. To shift some of those responsibilities back to the military away from the private sector seems to be absolutely contrary to what we are seeking to do.

I urge all Members of the Senate to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself another 2 minutes.

I have listened to my friend and colleague. He says they are opposed because of cost. The fact is, how do they say it is going to cost more when we are going to get competition? We are going to get competition.

The fact remains we have the unanimous recommendation of the group that studied this issue, and they believed the taxpayer would be best served, and DOD would be best served as well with that recommendation.

What is the current situation? Under the current situation, I understand if you are able to get the contracts, you do not want to change the system. That is what is going on on the floor of the Senate. They do not want competition. They have their contracts. They have the sweetheart contracts, and they are saying no.

Listen to this: The GAO found that the costs of nearly 3,000 spare parts purchased by the military increased by 1,000 percent or more in just 1 year. If you have that kind of contract, why do you want competition?

There it is. Taxpayers are the ones losing out. One small part, a hub, estimated to cost $35, was sold to the Government at the contractor's price for $14,000. If you have that kind of deal, why do you want competition? That is the issue, plain and simple.

It is not just the belief of the Senator from Massachusetts, that is the unanimous recommendation of those who have studied it, contractors, workers, and all. Most of us believe that competition does improve the services and the quality of the products. So you find out that is the result.

We have heard time in and time out about the various kinds of products that have been produced, and the costs and the escalation of those costs. I have a sheet right in my hand. This is the GAO oversight. These are the costs on it.

Hub, body, estimated to cost $35, sold for $14,000; transformer, radio, $683 was the unit price, but they charged $11,700; The list goes on and on.

The PRESIDING OFFICER. The Senator has used 2 minutes.

Mr. KENNEDY. Mr. President, I yield myself another minute.

I have not heard from the other side the answer to these questions. Why don't we have something other than just reading a letter from some people who are serving the interests of those contractors and explain to me why they cannot do it? We have not heard it. It is going to be difficult. It is going to be awkward. Yet we have the very important statements that have been made by people, even within the current administration, who say this can result in competition that can result in important savings.

That is what we want to do. That is what this amendment is about.

I reserve the remainder of my time.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute 20 seconds.

Mr. KENNEDY. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. KENNEDY. Mr. President, how much time does the other side have?

The PRESIDING OFFICER. The opposition has 3 minutes 52 seconds.

Mr. KENNEDY. Mr. President, I yield myself my remaining time.

Mr. President, on September 11, the brave men and women who work in the Pentagon faced a great tragedy. When that airplane plowed into the Department of Defense, our fellow citizens working there lost coworkers and joined in the valiant effort to save the injured and tend to the Defense Department families shaken by this act of terrorism.

This amendment is about giving these Americans a chance, a chance to show they can do a good job and deserve the work, if they can do it better and more efficiently than a defense contractor, a chance to embrace the American spirit of competition and free enterprise by competing for Government contracts on the same basis as private-sector companies.

And this amendment is about our values as Americans. Our country was built upon our ingenuity, fueled by the spirit of free enterprise. If you can make a better product at a lower cost than the other guy, then you deserve the business. That is the American way. And it is that spirit of entrepreneurship that makes America the envy of the world.

My amendment lets that American spirit thrive. It puts real competition into defense contracting and, in the process, gives a real boost to the taxpayers and to our own values as Americans.

I urge the Senate to support my amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, have the yeas and nays been order?

The PRESIDING OFFICER. They have not.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WARNER. And I would simply say to my good friend from Massachusetts, what has been omitted from this discussion is the tens upon tens of thousands of Government employees doing superb work in the public shipyards, in the rework centers in several States. Somehow we have looked at a very narrow segment of the overall business of the Department of Defense without referring to the magnificent contributions by hundreds and hundreds of thousands of Government employees.

So, Mr. President, at this time I move to table.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. WARNER. All time is yielded back on this side.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield the remainder of his time?

Mr. KENNEDY. I believe my time has expired.

I believe we need to ask for the yeas and nays on the motion to table; am I correct?

The PRESIDING OFFICER. Is there a sufficient second?

Mr. KENNEDY. On the motion to table.

The PRESIDING OFFICER. There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—50

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—49

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—1

Helms

The motion was agreed to.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUEST—S.J. RES. 34

Mr. LOTT. Mr. President, I know we have a lot of work to do on the Defense authorization bill. I believe we are making good progress. I know Senator DASCHLE is going to have to make a call sometime today about whether or not we are going to be able to get a lockdown list or whether he files cloture. I am interested in discussing that with him before he makes a final decision because we want to be helpful in getting the work done.

I had indicated earlier also that we hoped we could get a time agreement and understanding and all Senators would be on notice as to when we would proceed on the issue involving the Yucca Mountain disposal site. I ask, notwithstanding legislative or executive business or the provisions of rule XXII, immediately following completion of the Defense authorization bill but no later than July 9, the majority leader or the chairman of the Energy Committee be recognized in order to proceed to Calendar No. 412, S.J. Res. 34, and in accordance with the provisions of section 115 of the Nuclear Waste Policy Act, the Senate then vote on the motion, with no further intervening action or debate.

I further ask that the motions be agreed to, the Senate consider the joint resolution under the statutory procedure set forth in the Nuclear Waste Policy Act; further, that once pending, the resolution remain before the Senate to the exclusion of any other legislative or executive business; and finally, upon conclusion of floor debate and a quorum call, if requested, as provided by the statute, the Senate vote on H.J. Res. 87 without further intervening motion, point of order, or appeal.

Mr. DASCHLE. I object.

Let me simply say, I reiterate what I have said on several occasions. As the Republican leader knows, a unanimous consent request in this case is not necessary. The statute allows any Senator to bring the bill to the floor and make a motion to proceed. It is not debatable. The vote occurs. If it is successful, the debate, under the statute, is required for a period no longer than 10 hours. Any Senator is capable of doing that.

I object today simply because, of course, we have to finish our work on the Defense authorization bill. We are not sure yet what the circumstances will be with regard to the supplemental. I hate to have this legislation supplant an emergency supplemental dealing with our Armed Forces and dealing with the emergency needs of counterterrorism. That is exactly what this proposal would do. It would supplant it if that were the pending business. We are hopeful we can accommodate the priorities of the country and the Senate in a way that recognizes the importance of proper sequencing of legislation including the supplemental. As I say, it certainly also recognizes any Senator's right to bring it to the floor.

I am personally very opposed to the Yucca Mountain legislation as is presented. I oppose it and urge my colleagues to oppose it as well. We have a large majority of our colleagues on this side of the aisle who oppose it. However, for that reason as well as for the procedural reasons I have just described, I do object.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. If I could use leader time to comment further, I understand why the Senator would object at this time. However, I make it clear to all the Senators on both sides of the aisle and both sides of the issue, we will make every effort to make Senators aware of when this issue might come up, give them maximum opportunity for the majority leader or the chairman of the Energy Committee to call up this issue, and also so that Members know when we are actually going to get to the issue itself.

The way this is set up under expedited procedures, once we go to it, once the motion to proceed is agreed to, there will be 10 hours of debate and we will go to the final vote. I think that is the right scenario. However, I caution Senators, there is a deadline. Under the law there was a certain amount of time this legislation could be pending in the Energy and Natural Resources Committee and there was a certain specified period of time during which it could be available for the Senate to act. If we do not act by July 27, the veto of this issue by the Governor of the State involved will hold. The worst of all worlds would be not to act in a responsible way with a clear vote in the prescribed amount of time we have available. By going to this issue the first week we are back, everybody will know when to expect it to come up, and it will be assured that we get it done before the expiration date of July 27.

We will continue to speak about the importance of this issue. We have been working on it many years, and we have spent an awful lot of taxpayers' money. It is time we make a decision and move forward with this repository.

I am happy to yield to Senator MURKOWSKI.

Mr. MURKOWSKI. I certainly urge the two leaders to proceed and recognize the obligation we have to bring this matter to a vote. It would be a grave reflection on the Senate to not take up this matter prior to July 27. The House has done its work and spoken with an overwhelming vote in support of proceeding with Yucca. To allow this matter simply to die through inaction is a grave reflection on what was intended to be a balanced procedure, giving the Governor of the State of Nevada an opportunity to present the opinion of the State of Nevada, yet allowing for both the House and Senate to vote on the issue.

I encourage the two leaders to give us the assurance that we would have an up-or-down vote, that it would simply not be allowed to die in the course of events that clearly are going to take a great deal of time and effort as we proceed with the calendar.

July 27 is the drop dead date for the procedure, as the minority leader indicated. He will be forced to vote on the motion to proceed followed by 10 hours of debate and then the final disposition. I remind my colleagues of the fiscal responsibility we have in light of the realization that the Federal Government entered into a contract, a contract with the utility companies that develop nuclear power in this country, to take that waste in 1998. The ratepayers have paid in the area of $16 billion to $17 billion to the Federal Government. The Federal Government is derelict in not being responsive to contractual commitments or contractual agreements, with the possibility of potential litigation, to the taxpayers of this country, somewhere between $40 billion and $70 billion for the failure of the Federal Government to honor the terms of that contract.

The longer we delay this process—when I say "delay," I am talking about just that: Proceeding with the process that would basically lead to a time sequence that would not allow us to dispose of this issue is irresponsible. As a consequence, I encourage the two leaders to give us the assurance that we will have an up-or-down vote, we will be allowed to have 10 hours of debate, prior to July 27. To not do that, indeed, would be a very grave and negative reflection of this body—simply ducking its responsibility.

Mr. LOTT. Mr. President, it will be better if I yield the floor and allow the Senator to get time on his own so he will not have to think he is being inconsiderate of me by the time he takes.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I thank the majority leader for objecting today, and I appreciate his opposition to this project.

The junior Senator from Alaska talked about an obligation to move this legislation. I think there is never an obligation to do the wrong thing.

I believe that proceeding on the issue of Yucca Mountain would be the wrong thing for this country for several reasons. There are a lot of misconceptions when it comes to Yucca Mountain. It is said we have a contract with the utility companies. That is simply because this Congress decided to enact a law based on politics and not based on what the country actually needed.

Over the time of studying Yucca Mountain, we have a process that has become extraordinarily expensive, so much so that during the 1980s they dropped two of the sites they were studying because the costs were out of sight. Now, in the late 1990s or early 2000, the costs are going out of sight again. The latest cost estimate for Yucca Mountain is close to $60 billion. That is as much money as the cost of all 12 of our aircraft carriers.

The stated purpose is so we can make nuclear power more viable in the future, if we have a solution for the waste. I submit to my colleagues that Yucca Mountain will not make nuclear power more viable because of the expense.

We talk about the trust fund, that the ratepayers are paying into this trust fund. They paid in approximately $11 billion. When you count interest on that money in these phony trust funds that we have set up the trust fund is somewhere around $17 billion. We have spent about $8 billion of that so far, $4 billion on Yucca Mountain, constructing Yucca Mountain.

People have no idea. Because they go out there and see this very impressive hole in the ground, they think we are almost done. We have hardly even scratched the surface. It is a huge project, hugely expensive. It is going to come out of the general revenues. That means taxpayers across the country who do not have nuclear power in their States are going to be paying for Yucca Mountain for years and years into the future.

I will close. It is talked about that any Senator can bring this legislation to the floor. That is true. It says right in the act that any Senator can bring this legislation to the floor. Under the rules of the Senate, any Senator can bring any legislation to the floor, but the precedent and the history and the tradition of the Senate is that only the majority leader brings legislation to the floor of the Senate. There have been five pieces of legislation that had similar language to the Nuclear Waste Policy Act, where it specifically stated that any Senator could bring the legislation to the floor. However, in that history of those five pieces of legislation, three of them were brought to the floor by the majority leader, and regarding two of them, the majority leader actually got them not brought forward to be considered in the Senate.

If somebody besides the majority leader brings this legislation to the floor, we are breaking with the traditions of the Senate. Because we do not have a Rules Committee that says how legislation will come to the floor in the Senate, the same way the House has a Rules Committee, I believe we are setting a very dangerous precedent for the majority.

On this side of the aisle we happen to be in the minority right now. Someday we would like to be in the majority. I think it sets a dangerous precedent for us on this side of the aisle, if we are going to be in the majority someday, for this type of legislation to go forward without the majority leader bringing the bill to the floor. He has announced his opposition, and we appreciate that. But I remind my colleagues it is said, because this legislation is so important, that we need to set this kind of precedent; that people do not believe, because of the importance of this legislation, that we are setting that precedent.

I say, to the contrary, there are a lot of pieces of legislation that we look at around here that we say are very important. If a majority of Senators get together, regardless of which side of the aisle they are on, and offer a motion to proceed, they can control the floor of the Senate and thereby become the majority in and of themselves.

I thank the majority leader for the work he is doing in trying to defeat this legislation. My colleague from the State of Nevada, the senior Senator, has done yeoman work over the years, and I appreciate all his efforts. We are going to continue to fight this legislation, not just because we believe it is bad for our State but, more importantly, we believe this legislation is wrongheaded for the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I wanted to speak to the Defense authorization bill and was curious as to whether we are back to regular order on the Defense authorization. We are back to regular order?

The PRESIDING OFFICER. That is pending.

Mr. ALLARD. Mr. President, I thank my subcommittee chairman on the Strategic Subcommittee on Armed Services for his leadership. On this particular subcommittee, we do not always see eye to eye, and I appreciate his willingness to reach out and work with us. I value our working relationship with my chairman on the subcommittee.

There is certainly much in the committee bill I am able to support. One of my particular interests for several years has been the use of commercial imagery to help meet the Nation's geospatial and imagery requirements. I do not believe the Department of Defense has been aggressive enough either in crafting a strategy or in providing funding for this purpose.

I am gratified that the committee bill includes a substantial increase for commercial imagery acquisition and some very helpful words in report language that I suspect will drive the Department toward establishing a sound relationship with the commercial imagery industry.

I also appreciate the support of the new Department of Energy environmental cleanup reform initiative that will incentivize cleanup sites to do their important work faster and more efficiently. The accelerated cleanup initiative will reduce risk to the workers, communities, and the environment, shorten the cleanup schedule by decades, and save tens of billions of dollars over the life of the cleanup. The bill adds $200 million to this initiative, and I expect the Department of Energy will make tremendous strides.

In both of these areas, I believe the bill makes excellent progress. However, early in the process of crafting this bill, I made it very clear that one of my top priorities was to assure that ballistic missile defense programs are adequately funded. I am deeply disappointed that the committee bill, by the margin of one single vote, reduces missile defense programs by more than $800 million. This represents an 11-percent decrease to the missile defense request for fiscal year 2003, a request, I might add, that was already less than what was appropriated for fiscal year 2002, by some $200 million.

I believe reductions of this magnitude are unjustified and will do deep and fundamental harm to the effort to develop and deploy effective missile defenses as efficiently as we can.

In the wake of the events of September 11, I believe missile defense is more important than ever. As the Director of Central Intelligence George Tenet testified before our subcommittee, we don't have the luxury of choosing the threats to which we respond. Missile threats have a way of developing faster than we expect.

I opposed the bill in committee because of these reductions, and I intend to support, as vigorously as I can, efforts on the floor to restore the funding. I am disappointed we could not find an acceptable compromise on this issue in committee, and I look forward to working with my chairman in a continuing effort to find an acceptable resolution to this disagreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak about the soon to be laid down amendment by Senator WARNER on missile defense. This is a major topic for the body to consider. It is a major topic for the country. I want to address it from a number of different perspectives but primarily from the perspective of the threat we are facing in the international community today.

We are seeing now what is taking place in Iran. I wish to draw special notice to what is occurring there. We are seeing terrorism being supported greatly from that country. We are seeing them supporting terrorist threats and terrorist efforts and funding and even providing arms to terrorists in a number of countries throughout the region. They are supporting it in Lebanon. They are supporting it in central Asia. They are developing the missile capacity in Iran.

Iranian missile capacity has developed substantially now. They are expanding their sphere of influence to the extent of how far the delivery of their weaponry is that they can go with the missiles they have.

Iran, as the President identified, is one of the countries comprising the axis of evil. They seek to do away with the Israeli State, they seek to expand substantially their threat in the region, and they are no friend of the United States. They also have no reservation whatsoever about using the weapons of mass destruction that they have, even targeted toward the United States.

Here is a country that clearly means us harm. Here is a country that is developing and expanding its missile capacity. Here is a country that has some capacity for weapons of mass destruction already and is trying to obtain nuclear capacity, nuclear weapon capacity, which some countries believe they will have in the next several years. That is Iran.

We see what is taking place in North Korea. North Korea has developed and has missile capacity. They have a missile with a substantial range of influence and threat. They share those with a number of other rogue regimes around the world. North Korea has weapons of mass destruction. We don't know about their nuclear capacity and development. They are probably trying to pursue it. That is a country that also means us harm. This is a nation that is a failed state.

Our estimate is that over the last 5 to 7 years at least 1 million North Koreans have died of starvation. At the same time they are developing this massive missile and weapons capacity, there are people fleeing North Korea today. In the last week, we saw that there were 27 people, I believe, from North Korea seeking refuge in the embassies in China to get out of the repressive regime in North Korea. The state has failed. Buildings are collapsing in that state. When people are caught in that building, they get crushed. North Koreans are fleeing from that failed state. They are trying to get out.

This country is maintaining a missile capacity that threatens a number of U.S. allies and could potentially in the near future threaten the United States.

With both of these known examples in Iran and North Korea, why on Earth would not the United States develop a missile defense system when we know these threats are there?

These are state sponsors of terror. By our own account, they are one of the seven countries that are state sponsors of terror. They are doing this financially, with weaponry, and by some accounts with their own officers. They are selling these missiles around the world, as we know is the case with North Korea.

Why wouldn't the United States as rapidly as possible develop our missile defense capacity when we know this is taking place?

The first order for our defense is to provide for the common defense. That is the reason we created the Federal Government.

When we know these things are being developed by two countries that mean to do us harm, why would we not as rapidly as possible use our efforts to develop a missile defense system? Clearly, we should be doing this. This should be of the highest order for us. If one of these could reach U.S. shores—and they may be able to do so in the near future with the development of what is taking place in these two countries, and where they are offering to sell their missile capacity—it could cause enormous harm and death in America.

They currently threaten a number of our allies. They would cause enormous death in those nations.

We should be developing a missile defense system as fast as possible. Unfortunately, the Senate Defense authorization bill is hindering the effort with what is currently in the bill. That is why I am supporting Senator WARNER's effort to amend this bill so we can move forward with a missile defense system on a very rapid basis.

The bill which passed out of the Senate Armed Services Committee includes a $814.3 million reduction to the budget requested for ballistic missile defense. The Warner amendment would provide the authority to transfer up to $814 million within the request to be used for ballistic missile defense and DOD activities to combat terrorism, as the President determined. The administration supports this budget request and opposes the reductions put forward in the committee bill for the Missile Defense Program. This is a reasonable position for the administration to take given the needs that we have for missile defense. It is one we should support, and it is one for which we should be having a robust missile defense program moving forward.

For my own State's perspective, this Warner amendment would restore $30 million to save a spot on the production lines for the second airborne laser aircraft. The acquisition of the second ABL aircraft is essential to the continuation of the program. The first aircraft, which I have seen, is a very impressive aircraft that I think is going to be used in not only missile defense but in other capacities as well.

The Senate Armed Services Committee's version of the bill is not amended to include additional missile defense funding. Secretary Rumsfeld has stated that he will recommend to the President that he veto the fiscal year 2003 National Defense Authorization Act. That is from the Secretary of Defense—a recommendation to veto.

The Missile Defense Program that was developed is a balanced effort to explore a range of technologies that will allow the United States to defend against the growing missile threat facing this country and our forces, friends, and allies.

I just articulate two countries that we know of that are problematic.

What if things occur in other countries? For instance, we are developing and should grow in our alliance and work with Pakistan. This is a very difficult country. What if President Musharraf is not successful and more radical elements take over in Pakistan? That is a country with both nuclear and missile capacity. This is not one of those far-flung possibilities. This is a very real possibility that could take place. We hope we are working against it. I support President Musharraf. This country is very supportive of him. He has done a lot of excellent work. Recently, he helped in reducing tensions between India and Pakistan.

It is a very real possibility for which we should be preparing. If that eventuality happened, and the United States said, OK, now we need to build a missile defense system to offset what is taking place in someplace such as Pakistan, it is too late.

According to Secretary Rumsfeld, the $814 million shortfall in funding would impose a number of burdensome statutory restrictions that would undermine our ability to manage the Missile Defense Program effectively.

The amendment provides the President flexibility to determine which use of the funds is within the national interest. The funds could be corrected to meet any new terrorism threat that may evolve.

The ballistic missile defense reductions in the bill are considerable and will impair the ability of the Department of Defense to move forward in its effort to develop and deploy effective missile defenses.

The Warner amendment is consistent with the National Missile Defense Act of 1999, which passed the Senate, I remind the body, by a vote of 97 to 3—virtually unanimous—that set out a goal of deploying an effective missile defense for the territory of the United States as soon as technologically possible.

That was the standard we put forward. With the Warner amendment, we could meet that. Without it, we will not. We will not have the funding necessary to meet what we can do technologically. There will be restrictions of what we can do.

In addition, the National Missile Defense Act of 1999 set a goal of further negotiated reductions in nuclear weapons programs from Russia.

The amendment provides the opportunity to make more rapid progress in developing and deploying effective missile defenses, a goal endorsed by 97 of our colleagues.

The Warner amendment provides an offset based on anticipated inflation savings and will have no impact on other programs.

Even though the Warner amendment would boost the bottom line of the bill, it is protected from a budget point of order because it would authorize discretionary spending—not mandatory spending.

The amendment will keep the defense budget within the amount requested by DOD.

We have a number of possibilities for harm that could come to the United States—possibilities of nuclear, radiological, chemical, or biological weapons capability. And we have possibilities that would be enormous disasters.

We know the al-Qaida network is pursuing these means of destruction on the United States. U.S. intelligence uncovered rudimentary diagrams of nuclear weapons in an al-Qaida safehouse in Kabul. This year, the CIA reported that several of the 30 foreign terrorist groups and other nonstate actors around the world "have expressed interest" in obtaining biological, chemical, and nuclear arms. Such weapons of mass destruction can be delivered on ballistic missiles aimed at U.S. forces and our friends. We cannot let this happen.

Today, our security environment is profoundly different than it was before September 11. Perhaps I should say it is not profoundly different, but we realize how incredibly vulnerable the United States is, and we should have realized that prior to September 11.

The challenges facing the United States have changed from threat of a global war with the Soviet Union to the threat posed by emerging adversaries in regions around the world, including terrorism. In the wake of the attacks on the World Trade Center and the Pentagon, we need to look at the threat posed to us as a nation and how we should best utilize resources, which certainly includes an effective Missile Defense Program.

For those reasons, I strongly support the amendment soon to be laid down by the Senator from Virginia, Mr. WARNER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been listening to the Senator from Kansas. He makes eminent sense. He demonstrates a frustration that we have been living through now for certainly the last 10 years.

He mentioned the Missile Defense Act of 1999. There was an act that was passed. It was passed by a huge margin, and certainly was a veto-proof margin, so the President did sign it. But then, after that, we did not comply with the act. We have been living since—that was signed in 1999—outside the law in terms of taking the action to deploy "as soon as technologically possible." I think the excuse that was used at that time was the ABM Treaty. I am very thankful that finally we have crossed that bridge and we have gotten that behind us.

I have often looked back to 1972—and of course that was a Republican administration, and I am a Republican—when we had Henry Kissinger. And at that time they said: There are two superpowers, the Soviet Union and the United States of America. The whole thrust of that was mutually assured destruction. You won't protect yourself; we won't protect ourselves. You shoot us, we will shoot you, and everybody dies, and everybody is happy.

That was a philosophy that everybody believed at that time. That was not the world of today. Sometimes I look wistfully back to the cold war. We had two superpowers. At least there was predictability. We knew what they thought and what their capabilities were. That is not true today. We have a totally different world.

Even Henry Kissinger, who was the architect of that plan, in 1996, said it is nuts to make a virtue out of our vulnerability. That is exactly what we have been doing.

I regretted each time President Clinton vetoed the Defense authorization bill. I remember the veto message. It said: I will continue to veto any authorization bill or any bill that has money in it for a threat that does not exist—implying, of course, that the threat did not exist: A nuclear weapon, a warhead being carried by missile, hitting the United States of America. That was in 1995, his first veto.

Yet when we tried to get our intelligence to come up with some accuracy as to when the threat would exist, the National Intelligence Estimate of 1995 was highly politicized and said we were not going to have this threat for another 15 years. At that very time our American cities were targeted by Chinese missiles. At that time, of course, that was classified. It is not classified anymore. The threat, nonetheless, was there.

I share the frustration of my friend from Kansas. I have 4 kids and 11 grandkids. I look at the threat that is out there. I was very pleased when the Rumsfeld commission established, in 1997, that the threat was very real, the threat was imminent, and the long-range threat could emerge without warning.

I was, as the years went by, trying to get some information to shock this institution and other institutions into the reality that the threat was imminent.

I recall writing a letter to General Henry Shelton, Chairman of the Joint Chiefs of Staff, and asking him if he agreed with the Rumsfeld recommendations. He said the rogue state threat was unlikely, and he was confident the intelligence would give us at least 3 years' warning. This was at a time when we also included in this letter: Would you tell us when you think North Korea would have the capability of having a multiple-stage rocket? He said that that would be in the years to come. That was August 24, 1998. Seven days later, on August 31, 1998, North Korea launched a three-stage rocket that had the capability of reaching the United States of America.

So all of that is going on right now. All of that has been happening. We are finally at the point where we are going to vote on something—the missile defense capability was taken out of the Defense authorization bill, and now we have an opportunity to put it back. Singularly, this is the most important vote of this entire year, giving us this capability to meet this threat that is out there.

When I talk to groups, I quite often say—particularly when there are young people in the audience—I would like to see a show of hands as to how many of you saw the movie "Thirteen Days." Of course, most of them saw it. I saw it. It was about the Cuban missile crisis in the early 1960s, how the Kennedy administration was able to get us out of that mess. All of a sudden we woke up one morning and found out cities were targeted by missiles, and we had no missile defense.

In a way, the threat that faces us today is far greater than it was back in the 1960s because at least that was all from one island that you could take out, I believe, in 22 minutes. Now we are talking about missiles that are halfway around the world that, if deployed, would take some 35 minutes to get here. And we do not have anything in our arsenal—we are naked—to knock them down. That is the threat we are faced with today. It is out there, and it is a very real threat.

I often think about September 11 and the tragedy of the skyline of New York City when the planes came into the World Trade Center. It was a very sad day in our country's history. But I thought, what if that had been, instead of two airplanes in New York City, the weapon of choice of terrorists—in other words, a nuclear warhead on a missile. If that had been the case, then there would be nothing left in that picture of the skyline but a piece of charcoal, and we would not be talking about 2,000 lives; we would be talking about 2 million lives. It sounds extreme to talk this way, but that is the situation we are faced with right now.

When you say, well, of course China is not going to do this, North Korea is not going to do this, and Russia is not going to do this—they are the ones that have a missile that can reach us—let's stop and realize—and it is not even classified—that China today is trading technology and trading systems with countries such as Iran, Iraq, Syria, and Lebanon, so it does not have to be indigenous to be a threat. The threat is there whether they buy a system from someone else or whether they make it themselves.

After the Persian Gulf war, Saddam Hussein said: If we had waited 10 years to go into Kuwait, the Americans would not have come to their aid because we would have had a missile to reach the United States of America.

I suggest to you here it is, 10 years later. The threat is imminent. We are way past due in doing something about it. Today is a significant day when we can set out to do that, something that would defend America. That is the primary function of what Government is supposed to be doing. We have an opportunity to do that today.

So I encourage all my colleagues, for the sake of all of their people whom they represent back home, and for the sake of my 4 kids and my 11 grandkids, let's get this thing started and pass the Warner amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, this morning I had the opportunity to address the issue of missile defense from my perspective as the chairman of the Strategic Subcommittee of the Armed Services Committee.

In the course of our deliberations over many months, with many hearings, hours of testimony, and more hours of briefings and staff contacts, we looked very closely at the proposed budget for missile defense this year by the Department of Defense. We supported many of their initiatives.

We are recommending $6.8 billion of new funding for fiscal year 2003. But let me put that in a larger context. For fiscal year 2002, the Department of Defense estimates they have only spent $4.2 billion of previously authorized money, leaving approximately $4 billion of carryover funds for fiscal year 2003. So our recommendation, together with carryover funds, will give the Department of Defense more than $10 billion of available funding for fiscal year 2003.

That is a staggering amount of money. It is the largest 1-year funding source for missile defense I think we have ever had in our history. It is the combination of not only what we authorize this year for fiscal year 2003, but what has been authorized and not spent for fiscal year 2002.

Mr. ALLARD. Will the Senator from Rhode Island yield on that point?

Mr. REED. I am happy to yield.

Mr. ALLARD. My understanding is they actually did not get into the spending, because we were in session late last year, until the second quarter. So when you get into second-quarter spending on a full year's allocation, obviously you are not going to have the opportunity to spend all the dollars. It is not because the need is not there, it is just because we were in session so late last year, in December, and that is the reason those dollars that were budgeted did not get spent. I have all the confidence in the world we probably will catch up with that.

Mr. REED. I thank the Senator, my colleague, the ranking member from Colorado, for that point. I do not disagree with that point, but I am making a different point, which I will make again; which is, regardless of what caused them not to spend the money last year, that money seems to be entirely available this year, together with our proposed funding level, and gives the Missile Defense Agency over $10 billion to spend on missile defense in fiscal year 2003. That is robust funding by any definition. The suggestion that we are cutting out the heart of funding for missile defense is, I think, erroneous.

We are supporting very strongly a missile defense program, but we are not supporting it without looking carefully at its components and making tough choices about priorities of spending.

That is why, as a result of our proposed reductions, we were able to move significant amounts of money into shipbuilding, which every Member of this body strongly recommends, commends, and supports. In addition, we were able to move some money into Department of Energy security for their nuclear facilities, which is very important. We also have, in fact, provided a bill that robustly supports missile defense.

We did reduce the overall recommendation of the Department of Defense for missile defense, but we also added funds into specific missile defense programs which we believed were underfunded. For example, we added an additional $30 million for test and evaluation of missile defenses. One of the persistent criticisms of our missile development program is that they have not had realistic testing, that they have had tests but they didn't really represent in any meaningful way the type of actual environment in which the missiles must operate. We added additional resources. This is one of the recommendations of everyone who has looked at the Missile Defense Program.

We have added $40 million for a new, powerful, sea-based radar for the Navy theater-wide system. Again, this is a system which General Kadish, director of the Missile Defense Agency, announced 10 days ago or so was a likely candidate for contingency deployment in the year 2004.

That was not suggested or recommended by the administration, but we believed very strongly that an additional $40 million to develop this radar was key to developing the Navy theater-wide system which could be the major element of the sea-based system.

We have also added $40 million for the Arrow missile defense system. That is a joint United States-Israeli program to develop and field—and it is far into the development phase—a theater missile system that will protect not only Israel but United States forces, too, because we hope we will emphasize interoperability as we go forward with the development of that system.

Many colleagues have said the danger of terrorists obtaining missiles is acute in the Middle East, and we are putting more money into the system than was requested by the Department of Defense to ensure that our allies and our forces in that region have an effective missile screen. That is a plus—not a minus—that we added, that the administration did not request.

We have also included $22 million for an airborne infrared system which could be used as a near-term, highly accurate detection and tracking system for national or theater missile defense. Again, this was not requested by the administration but supported and included by our deliberations at the committee level because we do in fact want to see an effective missile defense system fielded at an early time.

Let me talk about some of the reductions we made. Before I get into details, we asked some basic questions: What are you going to spend the money for? What is the product? What do you want to buy? When do you plan on deploying such-and-such a system? Frankly, the answers we got were very vague, very ambiguous. The Missile Defense Agency seems to be in the process of redefining their role, which is incumbent upon this new agency. But in that phase of redefinition, they were not able to provide the kind of specific data we requested. In fact, in some cases they just plain refused to provide any really adequate information.

One example is that in last year's authorization, we requested, required by law in the report language, that they report to us on the life-cycle costs of any system going into the engineering phase. THAAD was in that engineering phase, and THAAD is a theater ballistic missile being developed right now. Rather than reporting to us the life-cycle costs, they simply administratively took THAAD out of that engineering phase, which suggests to me that either they don't have these life-cycle costs or they were unwilling to share them with the Congress.

We have to know these things. We have to make judgments about critical systems, not just missile systems, shipbuilding, the operational readiness of our land forces, our air forces. All of these are tough choices with scarce resources. At a minimum, we have to know how much these proposed systems will cost. In the case of missile defense, it is very difficult, if not sometimes impossible, to get that information.

We looked at programs and expected they would be justified and detailed in concrete ways. Frankly, we found many programs that appeared to be duplicative, ill-defined, and conceptual in nature. And these programs were not inconsequential. We are not talking about a couple of million dollars to do a study, we are talking about hundreds of millions of dollars; in the case of the Navy theater-wide, $52 million to do a study of concepts for sea-based midcourse naval defense.

So that was the approach we took: Look hard at all of these programs, with the purpose of trying to ensure that missile defense development goes forward but also to ensure we had resources for other critical needs of the Department of Defense.

One of the areas that appeared to us to be the least well justified was the area of the BMD system cost—approximately $800 million—used, as they say, to integrate the multilayered BMD system. First, there are a couple of timing issues. The various components of this BMD system have not yet been decided. As a result, they have an awesome challenge to integrate components that have not been decided upon. That is just an obvious starting point. Again, there was not the clear-cut definition of what they were doing, and $800 million is a great deal of money to spend on simply contracting for consultants, engineers, and systems reviews, particularly when the architecture of the components is not yet established.

We also found out, as we looked back at last year's authorization, which included a significant amount of money for this BMD system, that the Department of Defense, as of midway through the year, had only spent about $50 million. We were informed that throughout the course of the year they are expected to spend about $400 million, leaving about $400 million of resources in this one particular element, BMD systems, that is available for fiscal year 2003 spending. So even with our reduction in BMD systems, they will still have a significant amount of money, upwards of $1 billion, for fiscal year 2003, in this one category of BMD systems.

Again, if you ask them what are they doing: We are integrating systems. We are planning, and we are thinking.

All of that is very fair, but is that a sufficient justification for $1 billion when we have other pressing needs for national defense in this budget?

As we go forward, we looked, again, very carefully, at all the different elements. We made adjustments that we thought were justified by the lack of clear program goals, by duplicative funding, poorly justified funding, and then we looked at other issues.

For example, the THAAD Program. THAAD is a theater missile defense program that has been under development for several years. It had its problems years ago. It was, frankly, off course. One of the conclusions of the Welch panel that looked at the THAAD Program was that they were rushing to failure. They were trying to do too much too fast. They were abandoning the basic principles of developing a system, good requirements, moving forward deliberately, testing carefully. As a result, the program was in danger of being canceled. The program is back on track now, with better engineering, commitment by the contractors. They are moving forward.

But what the administration would like to do now is to go ahead and purchase 10 extra missiles for the THAAD Program. The problem is that the first flight test for the THAAD is in fiscal year 2005. We fully fund this flight test, $895 million for the THAAD for developing the missile, for flight testing in 2005. But ask yourself, why would we buy 10 unproven missiles several years before the first flight test?

The administration talks about a contingency deployment. That is nice, but the first real flight test is several years from now. And in a scarce, tough budgeting climate, why are you buying 10 extra missiles that appear to be unnecessary before they follow through with the first test flight. So we made a reduction of approximately $40 million for those extra missiles.

Now, we also looked at some of the funding for what they described as boost phase experiments—$85 million. We found these very ill defined and conceptual. That is a lot of money for "experiments," without other explanation.

Then we looked at the proposal to buy a second airborne laser aircraft, $135 million. The airborne laser is an interesting system, designed to mount a laser in a 747 and use that to knock down a missile as it leaves the launch phase in its boost phase. It is very complicated technology, challenging just in the simple physics, let alone the hardware that you have to construct. I am told that the prototype laser is twice the size of a system that can fit on a 747. I am also told that the 747 that they are outfitting has yet to have been flown operationally in this capacity in a test.

So you ask yourself, when you have not developed a laser, when you have not used it on the aircraft to actually engage targets, when you are working on basic optics problems and physics problems; why do we have to buy a second airplane in this year? When, for example, you have people complaining that the real chokepoint in our airplane fleet are tanker aircraft to support our ongoing operations. This is an example of expenditure we thought was unjustified. As a result, we suggested and recommended that there be reductions in this program.

Now, I wish to mention one other point in conjunction with the airborne laser because I think it is important. One of the things we discovered in our deliberation was that the Department of Defense has not only totally revamped the Missile Defense Agency, but it is trying to give it an autonomy that exists for few, if any, other defense programs. It has effectively eliminated review of its activities by the JROC, which is chaired by the Chairman of Joint Chiefs of Staff, the warfighters who eventually will use all this equipment. We believe, as with most other programs, that it is required for these people to have a say whether and how missile defense is being developed.

We found out that the Joint Chiefs of Staff were not consulted about this budget that was submitted from the National Missile Agency for missile defense in general; that they did not have an opportunity to say you are spending too little or too much. They were frozen out. Those are the senior uniform leaders of our Armed Forces and they didn't get a say in determining what should be spent on missile defense.

As we develop these systems, we have to think, even at this point, how are we going to use these systems? The airborne laser has real potential in a tactical situation where you are going against theater missiles. If it is going to be used in a national missile situation, where we are trying to back down an aggressor that threatens us with an intercontinental missile launch, a couple issues should be considered: first, this is a 747 doing circles close to the airspace of a hostile nation. If we believe they have the capacity and the will to shoot an intercontinental missile at us, we have to assume they have the capacity and the will to knock down a 747 as it circles in the air waiting for the blastoff. So our first reaction militarily, I think, would be that we would have to dominate the airspace, send our fighters in to preempt the attack so they won't have to send the 747. Why don't we preempt the launch by attacking?

These are some of the operational issues that are being addressed. All we are speaking about here is technological possibilities, but until they are integrated in with the coherent advice of the Joint Chiefs of Staff and JROC, the weight of that advice and of these proposals, I think, has to be questioned. That is our job.

Now, we spent a great deal of careful time reviewing all of these systems. As I said, we support robust deployment of systems. The PAC-3 system is a theater system that is well on the way to operational readiness. It is being tested right now. We have made some substantial and robust expenditures for the THAAD Program. Navy theaterwide is a program we are supporting in terms of its testing and evaluation. We support the ABL concept. We are funding it but the question before us is, Is it time to buy a second airplane now? I think the answer is no.

The midcourse, the land-based national defense system in Alaska, has been robustly funded. A few days ago the administration announced that a test bed has been started in Alaska for five missiles. That is fully supported in this legislation that we bring to the floor—even though there are real questions about its utility for anything more than a test bed, or even for a test bed.

A contingency deployment would be likely directed against those nations identified as the "evil empire." It turns out that the radar that the system being used in Alaska, the COBRA DANE radar, does not face in the direction of Iraq and Iràn. It would be impossible to track those missiles. It has partial coverage of North Korea, but it would be difficult to cover with that radar. The administration has rejected a proposal supported under the Clinton administration to build an X-band radar in conjunction with the Alaska test bed. One of the reasons that the X-band radar was so important was indicated by General Kadish and others in their testimony.

One of the real challenges for a midcourse interception is to identify the warhead from all of the clutter, including decoys that would likely be launched. To do that, you have to have a finely discriminating radar. The X-band is much more finely discriminating than the L band, which is COBRA DANE. The administration says forget that, we are not doing that. Yet we have funded this proposal fully because we recognize that the X-band radar is an important aspect of defending the country. Yet we also recognize we don't have a blank check. We have to make tough judgments about what we spend.

So the idea that we are sort of blithely cutting programs and eviscerating missile defense is, I think, wrong on its face. There is $6.8 billion in this year, coupled with almost $4 billion of funds, that can be used from this year, meaning the fiscal year 2003 budget, coupled with almost $4 billion still available from the fiscal year 2002 budget, is robust funding for missile defense.

My last point is something that I think is important to emphasize in the context of not just this program, but the overall challenge we have. When Secretary Rumsfeld came up to the Appropriations Committee to argue for the cancellation of the Crusader system, he made the point—which I think in his mind was very clear—that we face a defense bow wave of epic proportions as we go forward. If we fund all the programs that we are proposing right now, we are going to have some very hard choices. One of the problems with Secretary Rumsfeld's evaluation is it doesn't go as far as I think it should because, as far as I know, he is not including the cost of the deployment or operation of any missile defense system in the bow wave.

As we consider the long-term implications, we must consider that we cannot just add funds. We have to be careful about it, and we have to be very careful about what these funds will be used for. We have done a very thorough, detailed review of these programs. We have made suggestions based upon the review. There are other pressing needs. The most glaring to me is homeland defense and antiterrorism expenditures.

There, the possibility for extra spending probably exists. Here I think we have made sound choices about priorities that will help enhance the defense of the country. I urge my colleagues to consider carefully the proposals that Senator LEVIN might make but ultimately to, I hope, agree that the bill we brought to the floor contains robust spending that will enhance our defense through wise expenditures with respect to missile defense.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. REID. Mr. President, the two managers of the bill are two of the most experienced legislators we have on Capitol Hill, and so I have absolute confidence in both of them. They certainly know how to handle legislation. I have to say, though, it is 4 o'clock. It is Tuesday. We have the July recess coming up soon. I do not know what the leader will do, but I suggest to the leader that he should file cloture on this bill because it is obvious to me we are not going to be finished with this bill tomorrow, and I think we are going to have trouble finishing the bill on Thursday.

The decision is that of the majority leader, but I say to my two dear friends, the senior Senator from Michigan and the senior Senator from Virginia, the manager and ranking member of this most important committee, that would be my recommendation to the leader, that he file a cloture motion sometime this afternoon. It seems to me that is the only way we are going to finish this bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, last night I provided Chairman LEVIN with a draft of my missile defense amendment and then we discussed it at length this morning. At approximately 2:35 or 2:40, the Senator provided me with a proposal the Senator from Michigan had. So he had my amendment for a number of hours. I have only had his for about an hour and 30 minutes.

I have a lot of people with strong beliefs over on my side, and it seems to me it is not unreasonable given the amount of time that I was able to provide for the chairman and the leadership on his side, that I would require just a bit more time to resolve good, honest differences of opinion on my side.

Mr. REID. I am wondering if I could ask my friend from Virginia and my friend from Michigan, maybe we should go to some other amendment then?

Mr. WARNER. I ask the indulgence of my good friend to enable me to work a bit and see whether or not we can proceed to a clear understanding for a procedure such that the Senate can address the views of the chairman and the views of the ranking member.

Mr. REID. As I said when I started this statement this afternoon, I have the greatest confidence in the two managers of this bill. That being the case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I want to make a few comments in response to my colleague's comments earlier about trying to justify the cuts they had in various parts of the Missile Defense Program.

I rise in support of the amendment that is going to be offered by the ranking Republican in the Armed Services Committee, Senator WARNER, and myself, where we are restoring $814 million for missile defense and activities of the Department of Defense to combat terrorism at home and abroad. This is an important amendment. It will allow the bill to move forward on a bipartisan basis, and I believe it deserves the support of every Member of this body.

The committee bill dramatically reduces the President's funding request for missile defense. This bill actually makes a billion dollars in reduction and then adds back to the ballistic missile defense budget in areas where the funding was not requested. I confess that I am baffled and deeply disappointed that the committee majority insisted on these reductions.

The missile defense request this year was both reasonable and modest, in my view. At $7.6 billion, it was less than the request for fiscal year 2002 by about $700 million and less than what was appropriated in fiscal year 2002 by $200 million. If the committee bill is enacted, missile defense will be funded a billion dollars below last year's funding level.

Many of my colleagues on the other side of the aisle can accept this because they look at missile defense as a drain on resources that can be better spent on other priorities. This point of view says a missile attack is the least likely threat the Nation must face and that every dollar spent on missile defense is a dollar we cannot spend on more likely threats.

Let us examine this point of view. The contention that a missile attack is the least likely threat the Nation will face is simply false on the face of it. Ballistic missiles pose the most likely threat that we must face. Indeed, we face it today and every day. Missiles and weapons of mass destruction are meant to deter. I know our colleagues on the other side of the aisle believe this. They have often argued that our own nuclear force levels are too high and that effective deterrence does not require that many weapons.

According to the latest national intelligence estimate on missile threats, our Nation faces a likely intercontinental ballistic missile threat from Iran and North Korea and a possible threat from Iraq. Dozens of nations have short- and medium-range ballistic missiles already in the field that threaten U.S. interests, military forces, and our allies. The clear trend in ballistic missile technology is toward longer range and greater sophistication. Once deployed, these missiles threaten the United States, its allies, its friends, and deployed troops. No one has to fire them to be effective. They are effective by their mere presence.

The most recent national intelligence estimate concludes that nations hostile to U.S. interests are developing these capabilities precisely to deter the United States. We already know that our adversaries believe we can be deterred from pursuing our interests. Earlier this year, the Emerging Threats and Capabilities Subcommittee received some remarkable testimony from Mr. Charles Duelfer in his capacity as the Deputy Executive Chairman of the U.N. Special Commission on Iraq. He had the opportunity to interview senior Iraqi Ministers about Saddam Hussein's perception of the gulf war. Many of us are aware that the United States threatened Iraq with extraordinary regime-ending consequences should that nation use chemical or biological weapons against coalition forces during the conflict. The use of this threat has been seen as a triumph of deterrence, but according to Mr. Duelfer, Iraq loaded chemical and biological warheads on ballistic missiles.

Authority to launch those missiles was delegated to local commanders with no further intervention or control by higher Iraqi authorities with orders to launch if the United States moved on Baghdad.

We never attacked Baghdad. The Iraqi regime survived and survives this day, and they attribute that survival to the deterrent effect of missiles and weapons of mass destruction.

Furthermore, the national intelligence estimate also concludes that the likelihood that a missile with a weapon of mass destruction will be used against U.S. forces or interests is higher today than during most of the cold war and will continue to grow as the capabilities of potential adversaries mature.

We have had testimony from many witnesses this year attesting to the seriousness of the threat. General Thomas Schwartz, then the Commander in Chief of U.S. Forces Korea, told the Armed Services Committee:

> As a result of their specific actions, North Korea continues to pose a dangerous and complex threat to the peninsula and the WMD and missile programs constitute a growing threat to the region and the world.

And Admiral Dennis Blair, the Commander in Chief of Pacific Command, testified that he is "worried about the missiles that China builds . . . which threaten Taiwan and . . . about the missiles which North Korea builds . . . to threaten South Korea and Japan." General Richard Meyers, the Chairman of the Joint Chiefs of Staff, in a letter to me dated May 7, 2002, wrote that "the missile threat facing the United States and deployed forces is growing more serious . . . Missiles carrying nuclear, biological or chemical weapons could inflict damage far worse than was experienced on September 11."

In light of the consistency of views expressed by our intelligence community and our military commanders, I just cannot fathom the point of view that disregards the missile threat. And yet we hear that other priorities, such as homeland security, are so much higher than missile defense that deep reductions to funding for missile defense are justified. Let us put this view in perspective as well.

First of all, I would note that missile defense is, quintessentially, homeland defense. Defenses against long-range missiles will protect our people and our national territory, our shores and harbors, our cities, factories, and farmlands from the world most destructive weapons. Defenses against shorter range missiles will protect our allies and our deployed forces that are fighting for our freedom.

Secondly, approving the missile defense budget request will not impair military readiness. General Meyers recently wrote to me he fully endorsed the President's missile defense request, and stated unequivocally that "military readiness will not be hurt if Congress approves the . . . President's budget."

Third, I would note that the missile defense program is not a single program activity. The $7.6 billion request funds about 20 sizable projects in the Missile Defense Agency and the Army.

Finally, the missile defense request is a modest one when you realize the magnitude of other defense efforts. The missile defense request for fiscal year 2003 is $7.6 billion. This is a mission we have never done before. In essence, we have almost no legacy capability. Contrast that with the more than $11 billion we will spend on three tactical aircraft programs in 2003. We will probably spend about $350 billion on these three programs over their lifetime. And we have tremendous legacy capabilities in this area. Our tactical aircraft are today the best in the world. Another example: We will spend close to $40 billion in 2003 on other homeland security programs. These are all important programs and address vital national security needs. But in light of the size of these programs, the view that the missile defense request is wildly excessive or out of line is misleading at best.

Consequently, I believe, as does the President, the Secretary of Defense, the Chairman of the Joint Chiefs, and the theater commander in chief, that the missile defense budget request is fair and reasonable. In combination, these reductions represent a frank and potentially devastating challenge to the administration's missile defense goals and how the Department has organized itself to achieve those goals.

The administration established the Missile Defense Agency and expedited oversight processes. The committee bill would cut literally hundreds of government and contractors employees that work at the Agency's headquarters and for the military services that serve as executive agents for missile defense programs. These are the people who provide information technology, services, security, contract management and oversight for missile defense projects, and they are vital to good management.

The administration seeks early deployment of missile defense capabilities. The committee bill eliminates funds that could provide capabilities for contingency deployment.

The Missile Defense Agency established a goal of developing multi-layered defense capable of intercepting missiles of all ranges in all phases of flight. The committee bill reduces or eliminates funding for boost phase intercept systems and cuts funding for defenses against short, medium, and intermediate range missiles by more than $500 million.

The Missile Defense Agency established a goal of developing a single integrated missile defense system. MDA established a government-industry National Team to select the best and brightest from industry to determine the best overall architecture and perform system engineering and integration and battle management and command control work for the integrated missile defense system. The committee bill reduces by two-thirds funding for BMD system SE&I and BM/C2 and virtually eliminates funding for the National Team.

The amendment offered by Senators WARNER, LOTT, STEVENS, and I could potentially restore the $814 million net reduction to missile defense and reverse these unjustified committee actions. We all recognize, however, that missile defense is part of the larger picture of homeland defense. This amendment provides the flexibility to the President to direct this funding, as he see fit, to research and development for missile defense and for activities of the Department of Defense to counter terrorism.

I personally believe that the President would be completely justified in using the funding for missile defense. But to comfortably with the idea that President can direct these funds according to the Nation's needs as he sees them. If the terrorist threat should take an unexpected turn, these funds could be valuable in the effort to assure that a new threat can be contained. If such is not the case, he can direct the funds to missile defense.

I believe that this is a reasonable and fair compromise that will allow the bill to move forward on a bipartisan basis. The gap between the two sides on the missile defense issue is substantial. I recognize that. This amendment is an honest and fair attempt to bridge that gap in a manner that can satisfy both sides. I urge my colleagues to support this important amendment.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Mississippi.

Mr. COCHRAN. I compliment the distinguished Senator from Colorado for his statement. He is a member of the Armed Services Committee which reported this bill to the Senate. He has been a leader in the effort to develop and deploy an effective national missile defense system.

I strongly support the effort being made by Senator WARNER, the ranking Republican on this committee, to amend the bill, to authorize appropriations as requested by the President, for missile defense. It is clear to me that the reductions to that program contained in this bill are designed to prevent the successful development of effective missile defenses. The reductions proposed in the committee bill obviously have been carefully selected to do the maximum amount of damage to the President's plan to modernize these programs. These reductions do not trim fat. They cut the heart out of our missile defense effort.

The President has embarked on a fundamental transformation of these programs which was made possible by the withdrawal from the ABM Treaty. That treaty had led to restrictions on our efforts to develop technologies to conduct tests and to develop effective missile defense capabilities. The treaty outlawed promising basing modes, and it imposed stringent curbs on the types of technologies we could use to defend ourselves against missile attack.

The President plans to transform the separate missile defense programs into an integrated missile defense system which makes the most of the progress we have already made but which is supplemented with new capabilities and new technologies such as the ability to destroy missiles in their boost phase and to base missile defenses at sea. The President's budget request begins to make this transformation a reality.

The committee bill, on the other hand, cuts $362 million from the request for the ballistic missile defense system, under which fundamental engineering that is necessary to achieve this goal will be undertaken. This cut will eliminate two-thirds of the funding for system engineering and integration, and virtually eliminate the national team which would integrate the various system elements.

The report accompanying the bill erroneously claims that these efforts are redundant with system engineering performed in the individual programs. This is not the case. The engineering work this bill would eliminate is both distinct and vital.

The bill also cuts $108 million from program operations, again on the erroneous assumption that this effort is redundant. In fact, according to the Missile Defense Agency, if this cut stands, 70 percent of the civilian workforce at the Agency would be eliminated.

The bill also guts the efforts to exploit new technologies and basing modes which previously were prohibited, as I said, in the ABM Treaty, but which we may now pursue. For example, $52 million is cut from the sea-based midcourse program. That program had a successful intercept just last week, its second in two attempts. But this bill would reduce funds for testing and delay our ability to build on the recent successes.

The airborne laser program, which will provide the United States not only its first airborne missile defense system but the first to use a directed energy weapon, it is reduced by $135 million in this committee bill, leaving the program with only one aircraft.

And the cuts go on: $55 million from the sea-based boost phase work; $30 million from space-based boost; $10 million from the space-based laser. All of these cuts would severely hamper or eliminate work on promising new basing modes or new technologies, just as we have been freed by the withdrawal from the ABM Treaty to fully undertake our research and investigations.

The bill also cuts efforts for which even longtime defenders of the ABM Treaty and missile defense critics have always professed support. For example, critics have said that our missile defenses need more testing, and outside experts have agreed with that.

So what have they done in this bill? Eliminated 10 test missiles from the THAAD Program—not named for me. This is the THAAD—Theater High Altitude Air Defense is what it stands for—Program.

Year after year, the generals in charge of our Missile Defense Program have testified that their testing has been "hardware poor." They did not have enough of the missiles that they needed, the test missiles. They have had so little test hardware that when something goes wrong, as inevitably and occasionally is going to happen in a test program, they are forced to bring the program to a stop while they look for other hardware or try to deal with the problem in some other way.

Congress has been asked by this administration to provide more hardware so that testing can continue when problems develop so that these problems can be corrected. General Kadish has called this "flying through failure." You have to keep testing to find out how to solve the problems, and many of our efforts along this line have been successful and problems have been solved.

We have seen test after successful test in not only the THAAD Program that we mentioned, but in the longer range higher velocity missile test programs.

But this bill cuts from the THAAD Program 10 flight test missiles that will help ensure our ability to fly through failure and keep the program on track.

In the past, opponents have also criticized the program generally as being too risky—which means there is a lot of chance for failure. It doesn't mean that it is risky in that it will not work, it is that you will have failures along the line. But if you go back in the history of our Defense Department and look at new product development—the Polaris Missile is an example or the Sidewinder Missile is an example—they had more failures by far in those early days of testing than these missile defense programs have had. So failures are expected.

But the good news is that we are making very impressive progress. Now, right on the brink of the transformation of the programs into a modernized, fully authorized program, this committee goes through and cuts out just enough—and in some cases more than enough—of certain activities that are involved in the integrated Missile Defense Program to guarantee its failure, to guarantee that we will not be able to succeed in deploying an effective missile defense to protect the security of Americans here at home.

While applauding homeland defense as a necessity, we are, on the one hand, saying it is a good idea and saying we are going to work with the President to make that be an effective way to defend ourselves more effectively than we have in the past, and then, on the other hand, eliminating authorization for funds that are absolutely essential for an effective missile defense program.

They cut $147 million from the midcourse defense segments. The committee eliminated funding for the complementary exoatmospheric kill vehicle, which would reduce the risk of relying on the single design now being tested.

Opponents have claimed that missile defenses will be vulnerable to countermeasures. But guess what. This bill takes the funding away from testing against countermeasures. Can you believe that? I have read article after article in papers, the Union of Concerned Scientists saying: Well, missiles can hit a missile in full flight. But if there were an extra balloon or a decoy or two, they would not be able to differentiate the difference between the decoy and the actual missile that is attacking us.

We have proven in tests over the Pacific that it can be done, that the intercept missile has differentiated between the missile and the decoy. Then the scientists say: Oh, but that was just one decoy. It was not sophisticated. What if a potential enemy deploys a lot of decoys?

Here the administration plans to do just that as it gets more sophisticated and proves that one thing can work, and how complicated can an enemy be—we will find out whether we can defend against that. But they cut the money so we can't do that. The opponents of the missile defense effort are playing right into the hands of the critics. I guess next they will say there is no money for the additional decoys and the countermeasures. Of course there isn't. They took the money out of the bill.

I am hopeful Senators will look at the details and not just assume, OK, the Democrats think the President is spending too much on missile defense, the Republicans want to spend more.

We are trying to support the President. At a time when our country is under threat from terrorists, we are confronted with nation states building more sophisticated intercontinental ballistic missile capability, testing those missiles, as North Korea did and as other nation states are doing. And you can get the intelligence reports. We get them routinely, on a regular basis. And we have public hearings on those that can be discussed publicly.

In those hearings it has become abundantly clear that there is a proliferation of missile technology in the world today and a lot of nation states that say they are out to destroy us and to kill Americans wherever they can be found are building these systems and testing these systems.

We need to proceed to support our President in this legislation. Of all times to start nitpicking a request for missile defense and go about it in the way that is undertaken in this bill and say: We have left a lot of money here for missile defense. The President has asked for billions—for $7 billion. We just have taken out less than a billion, $800 million.

But look where the money is coming from. The money that is being taken away from the programs is designed to prevent the full-scale development of a modern missile defense capability. That is the result if the Senate does not adopt an amendment to change these reductions, to eliminate these reductions and give the President what he is asking for. And that is a capability to integrate all of the systems into one engineering and development program, for efficiency sake—for efficiency, to save money in the long run so we will not have to have redundant engineering programs. We won't have to have engineering contracts to the private sector. We will not have to have redundant contracts with the private sector. We can bring it all together and have a layered system that would be a lot more efficient and a lot more effective.

There is more to this than politics. We are talking about a threat to our Nation's security, to the livelihood and well-being of American citizens, to American troops in the field, and to the ships at sea in dangerous waters and in dangerous areas of this world today.

Is this Senate about to take away the opportunity to defend those assets, those resources, our own citizens, our own troops, and our own sailors? I am not going to be a part of that.

This Senate needs to hear the truth. The truth is looking at the details of the proposal that this committee is making to the Senate. Don't let them do this. We will pay dearly for it in the years ahead by having to appropriate more money than we should for individual programs or in catastrophes that could have been avoided.

As I said, opponents have claimed that missile defenses will be vulnerable to countermeasures, yet the reductions in this bill eliminate funding for counter-countermeasure work that would address this problem.

One could be forgiven for concluding that the goal here is not to improve the missile defense system, but to ensure it is continually vulnerable to criticism.

In the past, disagreements about missile defense in the Senate have been largely over whether to defend the territory of the United States, and then mostly because such defenses were prohibited by the ABM Treaty. At the same time, there has been near unanimous support for missile defense capabilities that will protect our troops deployed overseas. Yet, this bill would take hundreds of millions of dollars from our theater missile defense programs, even as our troops are deployed in what we all acknowledge will be a long military effort in a part of the world that is saturated with ballistic missiles. It is both baffling and troubling that the Armed Services Committee would so severely reduce funding for these programs—at any time, but especially now.

For example, the revolutionary Airborne Laser Program is reduced by $135 million, restricting the capability to just one aircraft. Having two or more aircraft means that one can be grounded for service or upgrading without losing the capability altogether. But with a single aircraft, this important theater defense capability will be unnecessarily constrained.

The THAAD Program will provide the first ground-based defense against longer-range theater missiles like North Korea's No Dong and its derivatives, such as Iran's Shahab-3. The No Dong is already deployed—our troops in Korea and Japan are threatened by it today, but this bill cuts funding for THAAD by $40 million.

The Medium Extended Air Defense System—or MEADS—is a cooperative effort with Italy and Germany to field a mobile theater missile defense system; it is reduced by $48 million.

The sea-based midcourse program—formerly known as Navy Theater Wide—will provide the first sea-based capability to shoot down missiles like the No Dong. The program had its second successful intercept attempt just last week, but this bill would cut the program by $52 million.

The Space-Based Infrared—or SBIRS-Low—Program will provide midcourse tracking of both theater and intercontinental missiles. The program has just been restructuring by the administration, but this bill's reduction of $55 million will force it to be restructured again, further delaying this essential capability.

The arbitrary cuts to the systems engineering efforts and the program operations of the Missile Defense Agency will fall just as heavily on theater missile defense programs as on our efforts to defend against long-range missiles. Altogether, some $524 million of the missile defense reductions contained in this bill fall on our efforts to defend against the thousands of theater ballistic missiles our deployed troops face today. This is irresponsible and unconscionable.

This bill isn't just micromanagement of the missile defense program, it is micro-mismanagement. The reductions contained in this bill have been carefully tailored to undermine the missile defense program and compromise its effectiveness. If the general in charge of the program tried to manage it the way this bill does, he would be fired.

President Bush's courageous act of withdrawing from the ABM Treaty has freed our Nation—for the first time in over three decades—to pursue the best possible technologies to protect our citizens and deployed troops from missile attack. If allowed to stand, the reductions contained in this bill would squander that opportunity by crippling the efforts to transform our missile defense program in ways impossible until now. The Senate should reject these irresponsible cuts and give the President a chance to make this program work. I urge Senators to support the Warner amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the United States completed its withdrawal from the Anti-Ballistic Missile Treaty on June, 13, 2002, and the Pentagon has shifted into high gear its efforts to deploy a rudimentary anti-missile system by 2004. The drivers of this missile defense hot-rod are doing their best to make it look as good as possible, and they are spreading the word of its latest successes on the test track.

But I am not alone in wondering what this vehicle, with its $100 billion purchase price, really has under the hood. Does it have the souped-up engine that we are being promised, or is this another dressed-up jalopy? And, more importantly, as this missile defense hot-rod charges down the road with its throttle wide open and the Anti-Ballistic Missile Treaty in the rear-view mirror, is the scrutiny of Congress and the American people being left in the dust?

As part of its normal oversight duties, the Armed Services Committee has requested from the Department of Defense information relating to cost estimates and performance measures for various components of the missile defense research program that is underway. This kind of information is essential to allowing Congress to render its own assessment of whether these programs are on-budget and meeting expectations.

As the Armed Services Committee began hearings on the fiscal year 2003 Defense budget request in February 2002, we requested basic information from the Department of Defense on its proposed missile defense program. We asked for cost estimates, development schedules, and performance milestones. But the committee has not received the information. It is as though the Department of Defense does not want Congress to know what we are getting for the $7.8 billion in missile defense funds that were appropriated last year.

On March 7, 2002, at an Armed Services Committee hearing, I questioned the Pentagon's chief of acquisition, Under Secretary Pete Aldridge, about the delays in providing this information to Congress. He answered my questions with what I believed was an unequivocal statement that he would make sure that Congress gets the information it needs.

Three and a half months later, we still have not received the information that we requested. It also seems that the Pentagon is developing a new aspect of its strategy in its consultations with Congress and the American people. On June 9, 2002, The Los Angeles Times ran an article entitled, "Missile Data To Be Kept Secret." The Washington Post ran a similar story on June 12, "Secrecy On Missile Defense Grows." The two articles detail a decision to begin classifying as "secret" certain types of basic information about missile defense tests.

These missile defense tests use decoys to challenge our anti-missile system to pick out and destroy the right target, which would be a warhead hurtling toward the United States at thousands of miles per hour. According to the newspaper articles, the Pentagon will no longer release to the public descriptions of what types of decoys are used in a missile defense test to fool our anti-missile radars. This information will be classified.

Independent engineers and scientists who lack security clearances will have no means to form an opinion on the rigor of this aspect of missile defense tests. No longer will the experts outside the government be able to make informed comments on whether a missile defense test is a realistic challenge to a developmental system, or a stacked deck on which a bet in favor of our rudimentary anti-missile system is a sure winner.

I do not think that it is a cooincidence that independent scientists have criticized the realism of past missile defense tests because the decoys used were not realistic. I cannot help but be left with the impression that the sole reason for classifying this kind of basic information is to squelch criticism about the missile defense program.

Should this basic information about our missile defense program be protected by the cloak of government secrecy? If the tests are rigorous and our anti-missile system is meeting our expectations, would it not be to our advantage to let our adversaries know how effective this system will be?

But perhaps this national missile defense system is not progressing as rapidly as hoped. Then would it not be to our advantage to encourage constructive criticism in order to improve the system? In either case, I cannot see how these secrecy edicts will promote the development of a missile defense system that actually works.

The bottom line is that Congress and the American people must know whether the huge sums that are being spent on missile defense will increase our national security. Since September 11, we have been consumed with debates about homeland security. What is this system intended to be but a protection of our homeland?

Do we believe that American people can be entrusted with information about their own security? I certainly think so. Without a doubt, we need to carefully guard information that would compromise our national defense, but public scrutiny of our missile defense program is not an inherent threat to our security.

In April, the Appropriations Committee heard testimony from a number of people with expertise in homeland security. We heard many warnings about the peril of losing public trust in our Government. No matter if the threat is terrorists with biological weapons or rogue states with missiles, we must not jeopardize the trust of the American people in their Government. If the missile defense system does not work as it is supposed to do, and we hide its shortcomings inside "top secret" folders and other red tape, we will be setting ourselves up for a sure fall. We ought to have more, not fewer, independent reviews of our antimissile system.

So I oppose the amendment to increase missile defense funding in this bill by $812 million. The Department of Defense has shown it is more than willing to delay and obfuscate details about what it is doing on missile defense, and I cannot understand the logic of increasing funds for an anti-missile system that is the subject of greater and greater secrecy. It does not make sense to devote more money to a system of questionable utility before there is a consensus of independent views that an antimissile system is technologically feasible. The missile defense system that we are developing needs more scrutiny, not more secrecy, more assessment, not more money.

In the next few days, the Senate will vote on this bill and authorize billions of dollars in missile defense funds. While the Pentagon will continue to portray these programs as a hot rod that is speeding toward success, one thing is certain: this hot rod is running on almost $8 billion in taxpayer money this year. Talk about a gas guzzler! If Congress is not allowed to kick the tires, check the oil and look under the hood, this rig could fall apart and leave us all stranded.

IMMEDIATE ACTION FOR AMTRAK

Mr. BYRD. Mr. President, the Nation faces a transportation crisis. Amtrak, the country's passenger rail service, is running out of dough—D-O-U-G-H—money, that green stuff, funds, what makes the cash registers ring, funds, and its passengers are running out of time. Without an infusion of funding quickly, Amtrak will stop all operations within the next very few days.

If Amtrak closes, the Nation's transportation system will be thrown into chaos. All of Amtrak's 68,000 daily riders will be without service. Thousands of vacation passengers who have already paid money for Amtrak tickets will be left stranded at the station. Commuter railroads from East to West will be completely shut down.

For example, Washington's Union Station is just a few blocks from this Capitol. None of the Maryland or Virginia commuter rail trains will be able to access Union Station. Why? Because Amtrak owns the station. The Virginia trains will not operate at all because Amtrak runs the trains.

The commuter rail authorities in Philadelphia, New York City, and in many parts of New Jersey will stop running. Why? Why will they stop running? Because Amtrak provides the electricity for those trains to operate.

Access to Penn Station in New York City the single busiest rail station in the country will be limited. Why? Because Amtrak already has mortgaged away parts of that station.

In Boston, tens of thousands of commuters daily rely on Amtrak because it operates commuter lines under contract with the State of Massachusetts. Those commuters will have to find a new way to get to work. Why? Because their trains will not be running.

Out West, in California, all "Caltrains" service will be halted. Why? Why, I ask? Because Amtrak operates those trains. That is why. The same can be said for the "Sounder Commuter Rail Service" in Seattle.

Without Amtrak service, these passengers will take to the highways and the airways. The traffic jams that are already difficult to navigate will grow by thousands, tens of thousands of cars. How would you like that? The airways between Boston, New York, and Washington already comprise the most congested airspace in the entire country. The air traffic control system cannot simply absorb dozens of additional flights during peak business travel times.

Mr. President, the July 4th holiday is almost upon us. As the celebrations approach, the warnings for potential terrorist attacks grow louder. We should heed those warnings and ensure that Amtrak stays open. Amtrak has a vital homeland security role. The railroad is a viable transportation alternative to highways and airways. To allow Amtrak to close its doors now, when the terrorist threats and the attack warnings come almost daily, would be irresponsible, wouldn't it? It seems to me it would be. To take away the safety net for the traveling public would be foolhardy, wouldn't it? Wouldn't it be? I would think so.

We also must consider the ramifications to the Nation's economy if Amtrak is allowed to file for bankruptcy. Immediately, more than 20,000 Amtrak employees would lose their jobs. That is 20,000 families without paychecks, 20,000 families without health care benefits. Thousands more jobs at commuter lines, suppliers, and vendors would be in jeopardy. In the blink of an eye, the Nation's economy would be dealt a devastating blow in States from coast to coast. With the economy in a precarious state as it is, with the markets fluctuating by the day, it makes no sense—none—to allow Amtrak to close.

With the support of the ranking member of the Senate Appropriations Committee, Senator STEVENS of Alaska, I have proposed, in our discussions with House conferees on the supplemental appropriations bill, that the supplemental appropriations bill, currently pending in conference, include at least $205 million for Amtrak to keep trains running through the end of the fiscal year. With the looming crisis facing the Nation's passenger rail service, we should insist that this funding for Amtrak be part of the final version of the bill, hopefully to be considered by Congress this week.

The Senate included $55 million for Amtrak emergency repairs in its version of the supplemental bill which passed on June 7 by an overwhelming margin of 71 to 22. The House did not include any funds for Amtrak in its bill. The conference report on the supplemental bill would build on the package already approved by the Senate and provide sufficient funding to keep Amtrak on track through the end of this fiscal year.

Last week, Amtrak's new president, David Gunn, testified before the Senate Appropriations Transportation Subcommittee. At that hearing, Mr. Gunn said:

> The urgency of this is enormous. We are very near the point of no return.

Those are not ROBERT BYRD's words. They are the words of Mr. David Gunn, new president of Amtrak. Let me repeat them:

> The urgency of this is enormous. We are very near the point of no return.

In the days since that hearing, there has been no news that I know about to change Mr. Gunn's assessment of the situation. Amtrak's board of directors has been involved in discussions with Transportation Secretary Norman Mineta and the Federal Railroad Administration. But the national administration, instead of stepping up to the plate and providing Amtrak with the funding that it needs, has pushed for a half-way approach that only delays the crisis.

I have spoken with Secretary Mineta. I have spoken with President Gunn. Following those conversations, it is clear that the best alternative is an emergency appropriation of $205 million. That is cash on the barrel head. There is no time for creative accounting. There is no time for posturing. There is no time for so-called reforms. We can talk about reforms and improvements later, but we cannot reform a dead railroad. Amtrak needs help. It needs help now.

Last September, when the nation's airline industry was shut down, to whom did Americans turn for transportation? To Amtrak. Since then, Amtrak's ridership has continued to increase, with record numbers of Americans turning to passenger rail service. At a time when the Nation is turning to Amtrak, the Federal Government should not turn its back.

On September 21, after just a few hours of debate, Senators approved $15 billion for the airline industry. Of those funds, $10 billion was made available in loan guarantees and $5 billion in cash for emergency grants. Few questions were asked. The airlines needed this infusion; the airlines got it. Congress acted; the administration acted. We should do the same now.

We did not blink when the airline industry faced a financial crisis. The administration did not urge grand reforms of the airline industry in order to qualify for these funds. Congress did not urge grand reforms of the airline industry in order to qualify for these funds. When asked for help, when the need was clear, Congress and the administration provided help to the airlines. We ought to show the same leadership for the Nation's rail passengers and employees.

The truth of the matter is that none of this has to happen. We can provide a short-term immediate solution for Amtrak to carry it through the fiscal year by enacting the proposal I have made, with the support of Senator STEVENS, in the supplemental appropriations conference, for $205 million in the supplemental appropriations bill.

I have joined with more than 40 Senators to urge President Bush to support the $205 million supplemental appropriation. As the letter states: The Nation's economy and the Nation's morale have suffered enough since September 11. Allowing the Nation's passenger rail service to shut down would idle more than 20,000 employees and throw the lives of tens of thousands of passengers into disarray. The administration and Congress must not allow this to happen.

Quite simply, Amtrak is vital. It is vital to those Americans who rely on Amtrak for their daily commute to and from work. It is vital to those Americans who use Amtrak for their vacation travel. It is vital to thousands of rail employees. It is vital to our Nation's homeland security. Congress should move ahead with an emergency appropriation for Amtrak and stave off the bankruptcy that would result in absolute chaos for the Nation's transportation network and would give certitude and assurance to Amtrak that the Federal Government, Congress, and the administration do not intend to let it happen to Amtrak; that the Federal Government, that Congress and the administration, stand ready to act, and act quickly. The administration and the congressional leadership should support the addition of $205 million in the supplemental appropriations bill for Amtrak.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, we have in many ways a good Defense authorization bill. I am sorry we are debating again this year over national missile defense.

Last year, the same debate occurred. It was about the only major disagreement we had over the Defense authorization bill, but it is a very important issue. It is important to the people of the United States. It is important to the President and the Secretary of Defense who are charged with defending our homeland against attack. We have to debate it again this year. That is healthy. That is what this body is all about.

In 1999, it is important to recall, the Senate voted 97 to 3 to "deploy as soon as technologically feasible a national missile defense system." That represented the overwhelming consensus of opinion in this body. President Clinton signed that bill. President Clinton stated that he favored the deployment of a national missile defense system.

During the 2000 campaign, Vice President Gore said he was for it. President Bush made quite clear in his campaign for the Presidency that he considered the deployment of a national missile defense system a high priority for America.

We should not fail to note that Vice President Gore's candidate for Vice President, Senator JOE LIEBERMAN, was a cosponsor with Senator COCHRAN of the National Missile Defense Act of 1999 and a supporter of national missile defense. He quite clearly stated that position during the campaign for the Presidency.

It is a bipartisan issue. There is no doubt about it. President Bush had it somewhat higher on his priority than President Clinton, but everybody was on board about the issue in general.

When President Bush became President, he proposed last year for the 2002 budget a $7.8 billion national missile defense budget.

President Clinton had proposed a $5.3 billion national defense budget, so he was a little over $2 billion above what President Clinton proposed. We voted on it in committee. On a party-line vote, the Democratic majority struck that increase—or a significant portion of it—from the bill. We took it to the floor last year and, after full debate, that money was restored.

Again this year the President asked for missile defense funds. It is not correct, however, to say he asked for an increase. He actually asked for less this year for national missile defense. He asked for, I believe, $7.6 billion this year as opposed to $7.8 billion last year, all of which was necessary to complete the research and development and testing that is necessary to bring this system online. Let me note, people say that is billions and billions of dollars. It is a lot of money, no doubt about it; but we have a $376.2 billion defense budget. The $7.6 billion needed to deploy and bring online a national missile defense system to protect us from missile attack is not too much, in my opinion, and is a rather small part of the overall defense budget.

So, again, we had in committee a 13 to 12 party-line vote on a motion that cut the President's request by over $814.3 million this year. And the way those cuts were made—as Senator COCHRAN and others have noted, those cuts took parts of programs and undermined the brain trust or the capabilities of many of the systems—some of the testing capabilities that the people who have been a critic of the system say we ought to do. It undermined our ability to do that.

It is an unwise act, in my view. We need a continual, steady funding source that the Defense Department can count on so that they can develop, over a period of years, an effective national missile defense system. We would be very unwise if every year we cut a little bit and try to fight to put that back and go up and down in the budget. That costs more money in the long run and is not healthy. It was one of the President's top priorities when he took office. It is a top priority, I believe, of all Americans. I believe we should go forward with it.

Well, people say: Why do we need this budget? Why do we need a national missile defense? There are a lot of threats to America, but we don't believe we are threatened by intercontinental ballistic missiles—or words to that effect.

Several years ago, when President Clinton was President, he appointed a bipartisan commission, or one was selected and put together. The chairman turned out to be the now Secretary of Defense, Donald Rumsfeld. That commission, after studying the intelligence situation, the threats facing America—Republicans and Democrats of both parties—unanimously agreed that we were facing an increased threat; that we would, indeed, be facing a ballistic missile threat to this country sooner than had been projected; and that we needed to prepare ourselves.

So I would like people to know how these things occur. We don't just, out of the blue, come up with ideas that we need to have a national missile defense. We deal with some of the best experts. We listen to their testimony in the Senate Armed Services Committee and, based on that testimony under oath, recognizing that what witnesses say has great import, they help us decide how to spend our resources.

Admiral Wilson, the Director of the Defense Intelligence Agency, told us this recently, on March 19 of this year, about Iran: Iran continues "the development and acquisition of longer range missiles and weapons of mass destruction to deter the United States and to intimidate Iran's neighbors." He added about Iran, "It is buying and developing longer range missiles."

He notes that Iran already has chemical weapons and is "pursuing biological and nuclear capabilities," both of which can be placed inside an intercontinental ballistic missile. He concludes on Iran that Iran will "likely acquire a full range of weapons of mass destruction capability, field substantial numbers of ballistic and cruise missiles, including perhaps an ICBM, that will be capable of hitting the United States."

Admiral Wilson on Iraq: "Baghdad continues to work on short-range—150 kilometer—missiles and can use this expertise for future long-range missile development." He adds, "Iraq may also have begun to reconstitute chemical and biological weapons programs," as we have heard so much concern expressed about, all of which can be delivered by missile. Wilson concludes that "it is possible that Iraq can develop and test an ICBM capable of reaching the United States by 2015."

Admiral Wilson on North Korea: "Korea continues to place heavy emphasis on the improvement of its military capability and North Korea continues its robust efforts to develop more capable ballistic missiles."

We know North Korea has been doing that for some time and testing those missiles. Admiral Wilson said this specifically as to North Korea: It is "developing an ICBM capability with its Taepo Dong 2 missile, judged capable of delivering a several hundred kilogram payload to Alaska and Hawaii, and a lighter payload to the western half of the United States." They have that capability in North Korea now.

The President of the United States has to deal with these issues. He has to consider what might happen as he deals with these countries.

Admiral Wilson, further on North Korea, added this: "It probably has the capability to field"—that means put into place right now—"an ICBM within the next couple of years." That is a frightening thought. "North Korea continues," he added, "to proliferate"—that is to sell or distribute—"weapons of mass destruction, and especially weapons technology."

CIA Director George Tenet, in March of this year before the Armed Services Committee, said this about the Chinese military buildup:

> Earlier this month, Beijing announced a 17.6 increase in defense spending, replicating last year's increase of 17.7 percent. If this trend continues, China could double its announced defense spending between 2000 and 2005.

Tenet added further on China:

> China continues to make progress toward fielding its first generation of road-mobile strategic missiles, the DF-31, a longer range version, capable of reaching targets in the United States, which will become operational later this decade.

In the CIA's unclassified report of January 10 of this year, entitled "Foreign Missile Development," they wrote this:

> China has about 20 liquid propellant missiles, silo based, that could reach targets in the United States.

The report also said China continues "a long-running modernizational program and expects within 15 years to have 75 to 100 ICBM's deployed primarily against the United States."

Admiral Wilson, testifying about the China situation, noted:

> One of Beijing's top military priorities is to strengthen and modernize its small daily strategic nuclear deterrent force.

He continues:

> The number, reliability, survivability, and accuracy of Chinese strategic missiles, capable of hitting the United States, will increase during the next 10 years.

There are about 15 to 16 countries now that have these kinds of missiles. I shared those from some recent testimonies we have had before our committee. This is not a myth. We are not talking about an abstract idea. We are talking about a different world. In the previous world, the Soviet Union had missiles, we had missiles, and we entered into a treaty to bar the deployment of a national missile defense system. We agreed to that, and it worked for some time.

Unfortunately—or fortunately in some ways—the country we had a treaty with, the Soviet Union, no longer exists, but Russia exists. The treaty was with the Soviet Union. During that same period of time, all these other countries were developing the capabilities to threaten us. So we now had a treaty with a country that used to be our enemy, and it no longer is, that was barring us from deploying and producing a defensive system for our country. That did not make sense, and the President had the gumption, the courage, and the wisdom to say we did not need to be in this treaty any longer, that it did not serve our interests. He worked with the Russians, and we had Members of this body about to have a conniption fit that if we violated or took steps to get out of this treaty, as the treaty gave us the right to do, somehow this would cause another cold war, an arms race with Russia, and do all kinds of damage to our relationship.

President Bush worked on this, and the Russians knew this was not critical to their defense. We knew it was not critical to the Russian defense. What was important about it was it was complicating our ability to develop a missile system that made sense. Under that treaty, we were trying to build a system that could have only one location for the missiles. It has to cover the entire United States from that one system. The treaty explicitly prohibited mobile systems such as ship-based; it kept us from developing a system that would take out missiles in the launch phase; it would have kept us from doing space-based defense systems, all of which were prohibited by the treaty.

President Bush was serious about national missile defense, and he took the steps to eliminate that. Indeed, Phil Coyle, who has been a big critic of the national missile defense system, in a recent quote in the newspaper said, with grudging admiration—I think he said, well, they are serious about it. And that is correct. This President is serious about producing a layered defense system for America.

We are doing it for the $7.6 billion in this year's budget. If we do this over a period of years, we are going to be able to successfully implement a system that can protect us from limited missile attack. It cannot protect us from the kind of attack the Russians could have launched, but it can protect us against limited attack, accidental attack, or rogue nation attack. We have that capability, and we should do it. We do not need President Bush sitting down eyeball to eyeball with Saddam Hussein, knowing Saddam Hussein can push a button and a nuclear weapon or a chemical or biological weapon that he has can hit New York City or some other American city. We do not need him in that position. He does not need to be there, and we can avoid that.

Great nations do not allow themselves to be in a situation where the ability to act in their national interest will be compromised by these kinds of threats by nations that have not shown themselves to have a commitment to civilized behavior. That is simply where we are.

So I believe this country needs to deploy this national missile defense system. I am sorry there are some who do not agree, and they have been consistent in opposing it in every way possible. I have to respect that, but we voted 97 to 3 to deploy it. Both Presidential candidates said they wanted it. We funded it last year at $7.8 billion, after a full floor debate, and we did not do it thinking that was going to be the only year we funded national missile defense. When we voted last year to fund national missile defense, we contemplated and considered that we would be funding it on a steady basis to complete a program as the President envisioned. We have to start now. They say these missiles are not able to reach us today. Well, it takes a number of years to develop, get the bugs out, and study this system so we have the best system.

The President has been tough about this. He cancelled the Navy theater-wide program that many people believed in, but it was behind schedule, over budget, and not performing, so he cancelled it. He said that is not getting us to where we need to go. He has shown he is willing to make tough calls, but the ultimate goal is to reach a situation in which we can deploy a system by the time our enemies have the capability of reaching us.

This Senate is at its best when we talk about important issues. I believe in many ways this one has been settled. The American people voted for two candidates who favored it in the last election. The President has pushed it forward. We funded it last year at the President's request; we should not come in now to take a big whack out of it and target programs that really are pretty key. These cuts have the unfortunate impact of undermining some of the work that would be done.

For example, it eliminates 10 THAAD missiles. Those are the theater missiles. When we have troops out on the battlefield in the theater of operations, if Saddam Hussein has a missile that will go 150 kilometers, then he can hit them if he cannot hit the United States. So we cannot deploy our people and leave them vulnerable to being annihilated by an enemy attack if we have the capability to defend it, and we do. The THAAD is going to be a highly successful program, but this bill, as it was voted out of committee over my objection, would eliminate 10 THAAD missiles that would be used for future testing and it would put the success of the program in jeopardy by not allowing it to fly through failures.

In other words, these programs have to be tested, robust tested. Some of the critics are probably correct in saying we did not have enough testing in the system. The President's budget will enhance testing.

The bill, as proposed on the floor today, delays or eliminates planning for promising boost phase programs. In other words, one of the best ways to knock down an incoming missile is when it is coming off the ground in the foreign country. So if it falls back, it falls back on their country. If it is missed, there still may be an ABM system in the United States that can knock it down later. If those systems could be knocked down through absolute communications capabilities in the region, sea-based capabilities, that would be ideal. All of that was prohibited in the treaty. That is one of the reasons the President got rid of it.

This bill, as it is today, would eliminate planning for promising boost phase programs. It eliminates sea- and space-based kinetic kill experiments in the field. It imposes serious risk to the airborne laser program by eliminating funding for a second aircraft testing program. It will not allow the airborne laser program to fly through failure, to figure out what will really work and make it successful. It imposes numerous tests and evaluation restrictions and duplicative oversight requirements on the Missile Defense Agency.

We have been very fortunate that General Kadish is head of this program. He is a man of ability, integrity, and steadfastness. He has nurtured it through good and ill. He has seen it hit successfully time and again in recent months, and he is leading it on through quite a successful program. It has been well managed. He is very concerned about these cuts. It will complicate his strategic vision of how to produce and deploy this system as we have told him we want him to do.

It is important to know that we have a man in charge who is capable and knows how to get the job done, and he is very troubled that we are cutting back in this fashion.

In sum, I note these cuts will expose the United States to unnecessary risks if we enact them. I do not believe they will be enacted. I believe we will vote to restore the cuts. I know the bill passed in the House of Representatives has this funding in it, and they will insist on it. I am not sure the President will accept the bill that has these large cuts in our national missile defense.

It is time to move ahead. I believe we can deploy a system that is layered in nature, that will have a shot at knocking down an attacking missile in a boost phase, that can hit in midcourse and defend again with a layer system on the land of the United States. Then we will not be in the bizarre situation of several years ago when we were trying to maneuver our national missile defense system to fit the ABM Treaty, to allow just one site to produce, that would limit testing and development in a lot of different areas.

We are on the right track. Let's stay the course. Let's not back up now. Let's not manipulate this program and endanger it. This is a small part, $800 million out of a $386 billion budget. Let's not gimmick around with it. Let's get on with it. Let's stay committed. We will save money in the long run and have a system that will protect the people of the United States from rogue attack, from nations that are desperately attempting to have an ICBM system such as Korea and Iraq.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JUSTIN DART, JR.

Mr. HARKIN. Mr. President, Saturday was a sad day for America and for all who have fought so hard for the rights of people with disabilities in our society. On Saturday, our Nation lost one of its great heroes: My good friend, Justin Dart, Jr.

Justin Dart was the godfather of the disability rights movement. For 30 years he fought to end prejudice against people with disabilities, to strengthen the disabilities right movement, to protect the rights of people with disabilities. Millions of Americans with disabilities never knew his name but they owe him so much.

Justin was born August 28, 1930. His grandfather was the founder of the Walgreen Drug store chain. His father was also a very successful businessman. Justin was the son of privilege and wealth, but he became the brother of the forgotten and the downtrodden, those whom society left on the roadside of life. From the time that polio left him a wheelchair user in 1948, to this past Saturday when he passed away, Justin lived a life dedicated to social justice for people with disabilities and for all people regardless of race or gender or sexual orientation. He is, of course, best known as the godfather of the disabilities rights movement and the father of the Americans With Disabilities Act.

Justin was both a close personal friend of mine and a mentor for me on disability policy. When I first came to the Senate—after having worked in the House on a couple of disability issues because I had a brother who was disabled; I came to the Senate in 1985—at that time there was a big movement on to pass a Civil Rights Act for Americans with disabilities. I got caught up in that.

I wondered, is it possible we could ever pass a civil rights bill for people with disabilities? Through a set of circumstances and fate, I became the chairman of the Disability Policy Subcommittee and then became the lead sponsor of the Americans With Disabilities Act. It was under my sponsorship on that committee, and with the guiding hand of Senator KENNEDY of Massachusetts, who was the chairman of the full committee, that we were able to get the bill through both the House and the Senate, signed into law July 26, 1990, by President George Bush.

When I first got here and became involved with the disability rights movement and with the jelling, the pulling together of all these people to get the Americans With Disabilities Act passed, it did not take me long to realize it was Justin Dart who was pulling the pieces together. For so many years, the disability community has been segregated and segmented—the deaf community, the blind community, those who used wheelchairs, those with mental disabilities, those who had illnesses and diseases. Various forms of disability had their own segments but no one brought them together under an umbrella. It was the power and the force, the magnetism of Justin Dart that brought it together, that made it into a movement whereby we could actually get the Americans With Disabilities Act passed.

It was fitting that on July 26, 1990, we all gathered on the White House lawn for the biggest gathering for a bill signing on the White House lawn in the history of this country. It was a gorgeous, sunny day. We were all there. Senator Dole had been a great companion in helping get the bill passed on the Senate side; so many people from the House side, including Tony Coelho, STENY HOYER, but there on the platform was President Bush and Justin Dart. It was right that he was there on that platform.

When President Bush signed the Americans With Disabilities Act, he gave the first pen to Justin Dart. He truly was the one who brought us together and gave the inspiration and guidance to get this wonderful, magnificent bill through.

The rest, as they say, is history. Go anywhere in America today and you will see people with disabilities in workplaces, in schools, traveling with their families to restaurants, going to theaters, going to sports arenas. All new buildings have wide doorways, ramps everywhere. No building being built today is not accessible—because of the Americans With Disabilities Act, because of Justin Dart.

What a tremendous legacy. Justin was a recipient of five Presidential appointments, numerous honors, including the Hubert Humphrey Award of the Leadership Conference on Civil Rights. In 1998, Justin Dart received a Presidential Medal of Freedom, the Nation's highest civilian award. Before he passed away on Saturday, Justin left a letter. I don't know exactly when it was written. But I think Justin knew that his time on Earth was not going to be much longer. He had a series of setbacks. He lost his leg just about 3 years ago. We thought we lost him then, but, man, he came back strong and continued to lead. He wrote this letter, which is just so profound.

I ask unanimous consent to have this last letter from Justin Dart printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUSTIN DART, JR.
Washington, DC.

I am with you. I love you. Lead on.

DEARLY BELOVED: Listen to the heart of this old soldier. As with all of us the time comes when body and mind are battered and weary. But I do not go quietly into the night. I do not give up struggling to be a responsible contributor to the sacred continuum of human life. I do not give up struggling to overcome my weakness, to conform my life—and that part of my life called death—to the great values of the human dream.

Death is not a tragedy. It is not an evil from which we must escape. Death is as natural as birth. Like childbirth death is often a time of fear and pain, but also of profound beauty, of celebration of the mystery and majesty which is life pushing its horizons toward oneness with the truth of mother universe. The days of dying carry a special responsibility. There is a great potential to communicate values in a uniquely powerful way—the person who dies demonstrating for civil rights.

Let my final actions thunder of love solidarity, protest—of empowerment.

I adamantly protest the richest culture in the history of the world, a culture which has the obvious potential to create a golden age of science and democracy dedicated to maximizing the quality of life of every person, but which still squanders the majority of its human and physical capital on modern versions of primitive symbols of power and prestige.

I adamantly protest the richest culture in the history of the world which still incarcerates millions of humans with and without disabilities in barbaric institutions, backrooms and worse, windowless cells of oppressive perceptions, for the lack of the most elementary empowerment supports.

I call for solidarity among all who love justice all who love life, to create a revolution that will empower every single human being to govern his or her life, to govern the society and to be fully productive of life quality for self and for all.

I do so love all the patriots of this and every nation who have fought and sacrificed to bring us to the threshold of this beautiful human dream. I do so love America the beautiful and our wild, creative beautiful people. I do so love you, my beautiful colleagues in the disability and civil rights movement.

My relationship with Yoshiko Dart includes, but also transcends, love as the word is normally defined. She is my wife, my partner, my mentor, my leader and my inspiration to believe that the human dream can live. She is the greatest human being I have ever known.

Yoshiko, beloved colleagues, I am the luckiest man in the world to have been associated with you. Thanks to you, I die free. Thanks to you, I die in the joy of struggle. Thanks to you, I die in the beautiful belief that the revolution of empowerment will go on. I love you so much. I'm with you always. Lead on! Lead on!

JUSTIN DART

Mr. HARKIN. I will not read the whole thing but I feel constrained to read parts. He said:

I am with you. I love you. Lead on.

DEARLY BELOVED: Listen to the heart of this old soldier. As with all of us the time comes when body and mind are battered and weary. But I do not go quietly into the night.

> I do not give up struggling to be a responsible contributor to the sacred continuum of human life. I do not give up struggling to overcome my weakness, to conform my life—and that part of my life called death—to the great values of the human dream.
>
> Death is not a tragedy. It is not an evil from which we must escape. Death is as natural as birth. Like childbirth, death is often a time of fear and pain, but also of profound beauty, of the celebration of the mystery and the majesty which is life pushing its horizons towards oneness with the truth of mother universe. The days of dying carry a special responsibility. There is a great potential to communicate values in a uniquely powerful way—the person who dies demonstrating for civil rights.
>
> Let my final actions thunder of love, solidarity, protest—of empowerment.
>
> I call for solidarity among all who love justice, all who love life, to create a revolution that will empower every single human being to govern his or her life, to govern the society and to be fully productive of life quality for self and for all.

That was written by a man who knew he was dying.

Justin continues:

> I do so love all the patriots of this and every nation who have fought and sacrificed to bring us to the threshold of this beautiful human dream. I do so love America the beautiful and our wild, creative, beautiful people. I do so love you, my beautiful colleagues in the disability and civil rights movement.
>
> My relationship with Yoshiko Dart includes, but also transcends, love as the word is normally defined. She is my wife, my partner, my mentor, my leader and my inspiration to believe that the human dream can live. She is the greatest human being I have ever known.

Continuing to speak about his wife he said:

> Yoshiko, beloved colleagues, I am the luckiest man in the world to have been associated with you. Thanks to you, I die free. Thanks to you, I die in the joy of struggle. Thanks to you, I die in the beautiful belief that the revolution of empowerment will go on. I love you so much. I am with you always. Lead on. Lead on.

He was truly one of the most beautiful humans with whom I have ever been privileged to associate. We shared many memorable moments together. I was proud to be at his side when he received the Medal of Freedom from President Clinton. But I always remember best, and forever in my mind's eye will be embedded, him sitting there, next to President Bush when President Bush signed the Americans with Disabilities Act.

Not many people know it, but Justin Dart, with that wheelchair and his wonderful wife Yoshiko, visited every one of the 50 States in order to lay the groundwork for the passage of the Americans with Disabilities Act. And Justin knew that our work did not end with the ADA. He knew it was just the beginning. Even just a few short weeks ago he attended a rally I was at for MiCASSA, the Medicaid Community-based Attendant Services and Supports Act, a bill that Senator SPECTER and I are cosponsoring.

I was surprised that Justin was there but very pleased to see him leading, as usual, even though I knew that his health had not been good. He had to curtail many of his activities. But we had a couple of hundred people there from the disabled community and, I am telling you, his voice was as strong and as powerful and as persuasive as I have ever heard, and that was just a couple of weeks ago. To the very end he had that fire in his eyes and that strong voice.

In the final week before he passed away, Justin personally attended four events to push for more civil rights for people with disabilities. He never hesitated to emphasize the assistance he received from those working with him—as you can tell from the letter I just read, most especially his wife of more than 30 years, Yoshiko Saji. She was, as he often said, quite simply the most magnificent human being. As in life, Yoshiko was at his side when Justin passed away this weekend. He is survived not only by Yoshiko and their extended family of foster children, many friends, colleagues and relatives, but also by millions of disability and human rights activists all over the world.

The average American may not ever have heard of Justin Dart. They may go through their lives never having heard of him. But I will tell you this, any person with a disability in this country who has struggled and fought, gone to school, moving ahead in life, they will know who Justin Dart was and they will know what he did for them and for our country to make our country more inclusive, to bring us altogether.

So I will personally miss Justin Dart: that strong voice, the cowboy hat and the cowboy boots, that piercing gaze of his that sort of stripped away all the phoniness of life. When he rolled up in that wheelchair and he got in front of a microphone and started to speak, it was power, passion, commitment. It will not be the same in the struggle for civil rights for people with disabilities. It will not be the same in our struggle for MiCASSA, which we have to pass.

People with disabilities are about the only ones left in our society where the Government decides what they are going to do with you rather than what you do with the money. MiCASSA says that, basically the money should follow the person—not the person following the money.

Quite frankly, it was a Georgia case in which the Supreme Court decided that people with disabilities had to first be able to live in the most open setting, in a community-based setting in their homes and in their communities rather than institutions. It was a great case in the State of Georgia.

This legislation is proposing what Justin worked so hard for—basically to say let the person decide, let that individual decide whether they want to live in their home and not in a nursing home.

That is what this fight for MiCASSA is all about. I am sorry we didn't get it passed before he passed away. But I can assure you that the fight will continue. We will not rest until people with disabilities have all the rights that people without disabilities have in our society.

Justin will be remembered as a person who removed all these barriers. We will miss his passion, his sense of justice, his unwavering leadership, and, as I said, his strong and clear voice. Justin Dart will continue to inspire us to carry on. His message will continue to speak for the next generation of leaders. I always said to Justin: Hang in there.

We almost lost him a couple of years ago when his leg was removed. I said: Justin, you have to hang in there. He always said: There are more behind me. And there are. A whole new generation of young people is coming up under the Americans with Disabilities Act. They have been able to go to school, they have gotten an education, and they are moving on. They are not going to let the clock be turned back.

I am convinced that sooner, rather than later, we will get the MiCASSA bill passed and permit people with disabilities to live in their own homes. We will do it in the name of Justin Dart. In his name, we will remove the last remaining barriers.

Mr. JEFFORDS. Mr. President, I rise today to honor the memory and the spirit of Justin W. Dart Jr., a tireless advocate for the rights of disabled persons, who passed away on June 22 at his Washington home at the age of 71.

I feel so privileged to have had the honor of knowing and working with Justin. Many on Capitol Hill may remember him, in his cowboy hat, offering critical input as we worked to draft the Americans With Disabilities Act.

On July 26, 1990, Justin was at the side of President George Bush when the President signed the bill into law. Justin referred to that event as "a landmark date in the evolution of human culture," and we all have Justin to thank for his immeasurable gift to that evolution.

Justin was tireless in his travels, visiting all 50 States, not once but at least four times, to promote the ADA legislation. He also traveled around he world to advocate for full civil rights protection for people with disabilities.

In 1998, he once again found himself at the side of a President, this time Bill Clinton, who presented Justin with the Medal of Freedom, the Nation's highest civilian honor.

It would be impossible in this short tribute to list the awards and accomplishments that marked his life, but it is fair to say that Justin Dart, who used a wheelchair from the age of 18 after contracting polio, found his calling in life. And we are all much richer for the experience.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the role.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I have been following the proceedings over the last day or so with increasing concern. As we said last week, we all know that this legislation has to be completed this week. I had hoped, because of the agreement we were able to reach among leadership last week, that we would table nonrelevant amendments, that we would be able to move expeditiously with amendments on those issues for which there was an interest, and that we would accommodate these amendments in a way that would allow us to move the consideration of this bill along successfully. I guess I was overly optimistic.

Frankly, I am very disappointed, in spite of that agreement, in spite of the efforts we have made to encourage Senators to come to the floor, and in spite of the fact that we know there is so much that still needs to be done, that we are at a procedural impasse.

I, frankly, know of no other recourse but to file cloture. That is the only way we can be absolutely certain we will complete our work before the end of this week. I have indicated that lament to the Republican leader.

I have noted with some concern to our managers that unless we do, I see no really practical way we can complete our work and perhaps accommodate other issues and other needs legislatively before the end of this week and before the Fourth of July recess.

Frankly, I don't know what the impasse is now. I thought we had reached an agreement on one of the amendments. At the very last minute, it appeared that in spite of that agreement there was opposition on the other side. And that precluded the opportunity to move forward on at least one of these issues.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion have been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 2514, the Defense authorization bill:

Harry Reid, Jon Corzine, Richard Durbin, Tom Harkin, Carl Levin, Mary Landrieu, Tom Carper, Ben Nelson, Ron Wyden, Daniel Akaka, Debbie Stabenow, Evan Bayh, Maria Cantwell, Herb Kohl, John Edwards, Jeff Bingaman, Joseph Lieberman.

Mr. DASCHLE. Mr. President, I will indicate to all colleagues that we will not leave this week until this bill has been voted on and final passage. I hope that won't be the last piece of legislative work we do. I hope we will even be able to work on a couple of the nominations. There are a number of issues on the Executive Calendar that could be addressed. But we can't do anything until we have completed our work here.

Senators should be aware that there will be a cloture vote on Thursday morning. That will then trigger a 30-hour period within which this work must be completed so that we have a guarantee that at least before Friday afternoon the legislative time will have run out and we will have an opportunity to vote on final passage. I regret that I have to do this, but I see no other recourse.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the role.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield myself time under leader time to respond to the action just taken by Senator DASCHLE. Having been in his position, I certainly understand why he is doing that. I think it is the right thing to do in this case.

We clearly need to move this Defense authorization bill forward, as we did the supplemental. We need to get an agreement on that and provide additional funds for defense and homeland security.

We also need to get completion of the Defense authorization bill before we leave for the Fourth of July recess. How could we celebrate the freedom of the country without having done our work on the Defense bill in view of all that we are dealing with at home and abroad?

So I think the majority leader was in his rights, and I would plan to support his cloture motion unless we can come up with some agreement that would allow us to save time by vitiating that. But I pledge my continued support to try to get this bill done in an orderly fashion at a reasonable hour, hopefully Thursday afternoon or early or late Thursday evening.

I just want to be on record that I understand why he is doing it, and I think it is the right thing, all things considered, at this time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, in light of this development, it is safe to announce there will be no more rollcall votes for the remainder of the day.

I yield the floor. And if no none is seeking the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will give a few remarks. If anyone needs the floor, I will be glad to yield.

I think it is important for us to recognize, as we go forward with this new national missile defense system, that we are moving into a new era.

We had the ABM Treaty in 1972 that was the cornerstone of a mutual assured destruction strategy between the United States and the Soviet Union. We both agreed we would not launch missiles against one another and we would not, under the treaty, explicitly build an antimissile defense system. Not one of us would, leaving each other vulnerable to one another.

The treaty only has six or seven pages. It is in the appendix of this book that I have in the Chamber. The reason I want to share it is because a lot of people wondered why, 6 months ago, President Bush chose to get out of the treaty. And that took effect just a few days ago when the 6 months ran from the notice he gave in December.

This treaty really kept us from defending ourselves. In the first article it says:

> Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region. . . .

We basically said we could not deploy one. It says that again in several places here.

Article V says—and this was the conflict we were having, the problems we were having:

> Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

Much of our new scientific development in recent years indicates that sea-based, air-based, space-based has the capacity to help us protect our homeland from missile attack.

Earlier this afternoon I read some quotes from the vice admiral in charge of the Defense Intelligence Agency in which he said China was developing a mobile-based IBM system. China was not party to the treaty; neither was Korea, neither was Iran, Iraq, and North Korea. They were not a party to the treaty. All those countries are striving to develop a missile system.

China, according to the intelligence report, is, in fact, developing a mobile land-based system. According to this treaty we had with the Soviet Union—a country that no longer exists—that treaty prohibited us from doing that or having a sea-based or an air-based system. This was getting really out of control. In other words, we had a treaty in 1972 that made sense, when we had no other nations, virtually, except the Soviet Union with a ballistic missile system.

We are moving into an age where 16 countries have a missile system. Some of those are virulent rogue nations that desire us harm. We had this treaty that kept us from preparing a defense to that.

Some people forgot, also, that under the treaty there were some exceptions. We chose one route and the Soviet Union chose another one, which was to build a national missile defense around Moscow. They, in fact, deployed a missile defense system, under their option, around Moscow. But we were prohibited from doing that.

President Bush took a lot of grief. You remember it. They said he was acting unilaterally. And the Socialist left in Europe went up in arms that the United States should not get out of this treaty. Some in Russia said it was a mistake, and they objected. But the truth is, I think they were just negotiating with us for a good deal.

President Bush was steadfast. He stayed the course. The National Security Adviser, Condoleezza Rice, was consistent; she never backed off. They made clear that at this point in history the mutual assured destruction that existed between us and the Soviet Union was out of date. We now hope to have in Russia a friend, not an enemy. It was an entirely different nation. What our threat was—and we learned on September 11 just how real this was—was from rogue nations. And we ought to be able to begin to prepare as to how to defend ourselves from that.

In 1999, Secretary of Defense Rumsfeld chaired a commission to study the threat posed to the United States from ballistic missile attack. That was a bipartisan commission. And they studied the issue intensely. The commission unanimously voted that the United States was facing a threat from missile attack by other nations. They unanimously agreed that the threat was coming much quicker than had been predicted earlier, and that by the year 2005 we could be subject to missile attack from other nations.

So that is why the Nation decided, in 1999, to go forward. It was a dramatic vote in this Senate when we voted 97 to 3, with Senator THAD COCHRAN, who spoke earlier this afternoon, being the prime proponent of the legislation. But in addition to Senator COCHRAN, one of his prime cosponsors was Senator LIEBERMAN, the Democratic Vice Presidential candidate last year, and one of the leading senior members of the Armed Services Committee. They proposed the language that, in 1999, stated we would deploy a national missile defense system as soon as technologically feasible.

We made that decision. We funded it. President Clinton proposed a $5.3 billion budget for national missile defense to carry out that objective.

President Bush, during the campaign, said he believed we ought to be moving more aggressively, that the threat was more real than some thought. He wanted to step up the pace, and he did do that. He proposed an increase when he became President of about $2.5 billion over the $5.3 billion, making it a $7.7 billion national missile defense budget. That was passed by this body. We had a dispute in committee, and on a party-line vote the increase was not backed in the committee. But when we got to the floor, the full amount was affirmed on voting.

So this year the President asked for a little bit less. He asked for a $7.6 billion or so expenditure for national missile defense. He did not ask for an increase over last year but actually asked for a small reduction as compared to last year's expenditure. But, again, that was one issue that we disputed in the Armed Services Committee, and on a straight—unfortunately, I thought—party-line vote, $800 million was taken out of the national missile defense fund.

It was taken out in a way that General Kadish, who has managed this program with integrity and skill and determination, said would damage the program significantly.

I don't believe we ought to allow that to stand. I believe the full Senate needs to review it and replace that money. Let's do what the President asked. Let's give him the money he requested. Let's keep this plan to build a national missile defense that will include sea-based, mobile land-based, multiple land-based, and space-based, if appropriate, capabilities that will allow us to hit the incoming missiles in their launch phase, midphase, and in the terminal phase, all of which we have the capability to do.

The tests that have been running have been successful. We have been able to have head-to-head collision, bullet-hitting-bullet, high-over-the-ocean, smashing and destroying missiles. We are going to continue to test it under the most rigorous conditions. I believe this process we are undergoing will be successful, and we will prove that we have the capability to destroy incoming missiles even with decoys, even under the most hostile conditions. That is what we ought to do.

The total price of it, the $7.6 billion the President asked, out of a $386 billion defense budget that we are putting up this year, is reasonable and appropriate. It represents not a step to cold war but a step to a new, positive relationship, away from mutually assured destruction, away from the hostility we had with the Soviet Union for so long, to a new open day in which we are actively engaged in the world, but a day in which we don't have rogue nations being able to intimidate us, being able to intimidate the President, being able to threaten our country with attack that would have to cause him to pause. It would have to affect our defense policy, if that were to be the case.

I believe this will move us away from it, give us freedom to act in our just national interest. I urge the Senate to move forward with approval of our President's budget and the Warner amendment.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, I know my friend from Nebraska, the distinguished Senator, is here. I ask unanimous consent that the Senator from Nebraska, Mr. HAGEL, be allowed to make a statement on the underlying bill, that during that period of time there would be no amendments offered to the bill; following the statement of the Senator from Nebraska, the Senate then proceed to a period of morning business for the rest of the evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. HAGEL. I thank my distinguished colleague and friend, the senior Senator from Nevada.

I rise today in support of the Warner amendment, an amendment that will restore the $814 million cut from the President's request for missile defense funding. Last December, President Bush made the decision to withdraw the United States from the constraints of the Anti-Ballistic Missile Treaty of 1972, the ABM Treaty. That treaty went out of existence on June 13. The United States is no longer constrained by cold-war-era treaty requirements.

I supported President Bush's actions to withdraw the United States from the ABM Treaty, which I believe demonstrates his commitment to America's defense. The ABM Treaty was an important treaty. It defined the strategic policy of our Nation and defined the strategic nuclear policy of an era because at that time in 1972, the ABM Treaty was signed by two countries: the Soviet Union and the United States, the only two countries that had the capacity to launch all out nuclear war.

The world has changed—the world is dynamic—since the ABM Treaty was signed, and the policy of mutually assured destruction that formed the cornerstone of our nuclear deterrent policy is gone.

Now, as September 11 has made brutally clear, we face varied threats from terrorists, individuals, nations, organizations, and those that support them. These threats, these challenges come in many forms. Currently, 12 nations have nuclear weapons programs; 28 nations have ballistic missiles; 13 nations have biological weapons; and 16 nations have chemical weapons.

These new realities mean we must place a greater emphasis on defense—all forms of defense. Unfortunately, the defense authorization bill reported out of the Senate Armed Services Committee takes a step backwards with regard to missile defense.

The $814 million cut will have a profound effect on U.S. efforts to continue research and important development and eventually deploy an effective missile defense system.

In addition to the proposed cuts in research and testing, nearly 70 percent of the Missile Defense Agency's civilian jobs and related costs could be eliminated if the current legislation we are debating is enacted. These cuts would severely hamper the Missile Defense Agency's ability to conduct day-to-day business. That means tests. That means research. That means development. That means a better understanding of the integration of these new defense capabilities into our overall national security system.

This is very important. It isn't one test. It is not one program. It is not one system. It is an integration of all these strategic balances that now become the dynamic of our national security system: Offensive weapons, now defensive capabilities to guard against not just ballistic missiles but tactical missiles, nuclear, biological, weapons that can be delivered and delivered anywhere in this country.

We seek a broad array of research, development, and testing activities to yield a system as soon as feasible, not any system but a relevant, realistic system that in fact has the capability to defend this country and our allies. This is not one monolithic umbrella over just this country. Our deployed forces overseas, large groupings of our deployed forces all over the globe, must be protected. Our friends and allies rely on the United States. This is a large, profound, critically important project. It cannot be accomplished, defined in a year or 2 years. But in the interest of our country and its future security, it is quite clear that we need a national missile defense system.

The Armed Services Committee's actions in the bill they reported out of committee would hamper this objective. If the current Senate version of the missile defense budget were to stand, Secretary Rumsfeld would recommend that the President veto this legislation.

It is important to note how missile defense interconnects with our broader security and strategic policies. In February, I visited the U.S. Strategic Command in Bellevue, NE, the headquarters of our military nuclear strategy.

At 1 o'clock tomorrow afternoon, Secretary Rumsfeld will announce that Offutt Air Force Base in Nebraska will become the new headquarters for a merged SPACECOM and STRATCOM facility with new responsibilities to face the new challenges and threats of our day.

Missile defense will be part of that new merged command and will bring Space Command and Strategic Command together. When I was at Offutt Air Force Base earlier this year, I was briefed on how defense policy was moving beyond the cold war nuclear triad of missiles, bombers, and submarines.

One leg of the new triad would consist of our old nuclear capability, but it would be supplemented with both conventional military superiority and an effective missile defense system—integrating the systems. In forging this new triad, the United States could significantly reduce our nuclear arsenal, while at the same time protecting our country, our troops abroad, and our allies from limited missile threats and possible missile blackmail from rogue regimes, terrorists, and other nations.

Today's New York Times ran a story discussing a course that this transformation could take. It described a possible new Unified Combatant Command that could "combine the military network that warns of missile attacks with its force that can fire nuclear and nonnuclear weapons at suspected nuclear, chemical, and biological weapons sites around the world."

We are in the process of making this new strategic framework a reality. It is our highest responsibility—the security of this Nation, the security of our men and women around the world, whose only objective is the security of this Nation. We have a responsibility to our allies. We must recognize that the threats facing our Nation are changing, and we must restructure, reorganize, and adapt to these new dangerous threats.

Missile defense will play a significant role in protecting our country, our allies, and our deployed forces. I might say, isn't it interesting that under President Putin, the Russians are working closely with our defense establishment to work through these new mutually beneficial strategies and finding ways to cooperate in both of our interests.

The threats to the United States are not unique to the United States. These threats are threats to Russia and to nations all over the world. A missile defense system for the United States and our allies is not mutually exclusive from the interests and benefits of Russia. With President Bush's recent trip to Russia, that was formalized in two very important documents that were signed by Presidents Bush and Putin.

So it is not a matter of a unilateral course of action for the United States to pursue missile defense. It is in the interest across the globe of all peoples who wish to make the world safer, more secure, more prosperous, more peaceful. And why is that? It is as much about defining opportunities and hope for the world as any one part of this equation or this debate. What we are facing in the Middle East, Afghanistan, Central Asia, Indonesia, the Philippines, and South Asia cannot be disconnected from this total development of policy that makes the world safer and more secure and more stable for the benefit of all people. These are factors that are not often pointed out in this debate about missile defense.

Madam President, I urge my colleagues to take a close look at Senator WARNER's amendment to put this funding into this Defense authorization bill—maybe as important a Defense authorization bill as we have seen in this country in many years. I hope my colleagues will read through what the amendment does. It is very simple: putting the money back in.

I want my colleagues to take it the next few steps and ask themselves the consequences for slowing down missile defense development in this country.

We, too often, get disconnected from the objective of the debate in Congress because we get snagged in the underbrush of the nuance, or the amendment at the time, or the argument at the time, or the newspaper headline tomorrow, or defending an amendment to an amendment; and we lose sight of the horizon, where do we go, why, and what is the point, and what is the bigger picture, the wider lens that is required? This is such an amendment. This is a wider lens amendment.

I hope Senator WARNER, when he introduces his amendment, will get a vote on that amendment. I hope this Senate will come forward with the votes to support Senator WARNER's amendment because it is not just about how much damage we would do to the security interests of this country; it is about more than just that strategic and military dynamic. It is about the future course of our foreign policy, the enhancement of our relationships, and the ability to help bring peace and stability and prosperity to the world. This is what we debate.

Defense is not just defense. Defense is about allowing a nation not just to defend itself but to prosper and reach out to help other nations and make the world safer. That is the big picture. That is what we pray for—not the amendment.

So, again, I urge my colleagues to take some time to understand what this is about and the consequences of their vote. I am a cosponsor of Senator WARNER's amendment. I have believed for some time that it is a responsible and relevant approach as part of our larger framework of interests and, certainly, strategic defense policy for our future.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I rise in opposition to the Warner amendment, and I wish to take as much time as I may consume.

The PRESIDING OFFICER. The Senator may proceed.

Ms. LANDRIEU. I thank the Chair.

Madam President, I rise, as I said, in opposition to the Warner amendment. The Warner amendment calls for the elimination of about $814 million in the underlying bill that has been directed to much-needed investments in the Department of Defense to ward off the many threats that are facing our Nation today in a very responsible manner, I wish to add.

I thank Chairman LEVIN, the Senator from Michigan, for his outstanding work on pulling together this underlying bill. I particularly thank our subcommittee chairman, Senator JACK REED, who has worked very hard on this particular provision. I acknowledge their good work in this area.

I rise in opposition to this amendment as a supporter of missile defense—not as one of its critics, not as a detractor for the missile defense system.

The Warner amendment is unwise and unnecessary for two reasons, and I wish to comment about both reasons.

First, the thrust of the amendment rests on very shaky fiscal parameters. Senator CONRAD has spoken very well and clearly on this subject, but one of the problems—not substantive but technical problems—with this amendment is that it basically taps into revenues that do not exist. There is no "real offset" for this amendment. There is a claim of an offset, but it is going to be very difficult, if not impossible, to materialize that offset because of the thrust of this amendment.

It says basically that this money is going to be found by anticipating fluctuations in the inflation rate, assuming that the inflation rate is going down when it is probably rising. Nonetheless, this money is not a real offset. It is based on very shaky fiscal principles, and that is one of the reasons I do not think we should support this amendment.

The second reason, however, is a stronger argument, and it is more important, although the first argument is something to consider because if we do not consider it, then any Member of the Senate could offer any amendment to add $100 million, $50 million, $400 million, $600 million and say we are going to find an offset because we think inflation is going to move one way or the other, and so we are going to guess that the money may be available. It is a very bad precedent when we are talking about this much money in a time of tightening budgets and greater demands on the Federal budget, both domestic spending as well as military spending. I think it is a strong argument.

The stronger argument is that it is wholly unnecessary to restore this amendment and claim that it in any way enhances or pushes forward and strengthens missile defense, because it does not. I would argue in some ways it will weaken our overall Defense bill, which is why I oppose it.

Why do I say that? In the underlying bill, without the Warner amendment, we are spending 25 percent more for missile defense than we did 2 years ago, up to $6.8 billion, up from $5.1 billion when President Clinton was in his last year in office. Let me repeat, in the underlying bill, without the Warner amendment, there is a 25-percent increase in the Missile Defense Program.

Democrats and Republicans on the committee, and Democrats in particular on this amendment, have supported a robust development of missile defense. We want to support the President in a strong Defense bill. We have met and exceeded the dollars he has asked for, but what we are saying and what I am suggesting is that the committee work has rewarded success in this program of missile defense. It acknowledges that it is important to develop a missile defense program for the United States, not undermining it, not cutting it, not trying to bury it, but to support it. That is what the underlying bill does: It rewards success, cutting out its redundancies and demanding the appropriate oversight that the American taxpayers deserve.

This, after all, is a $7 billion program—not million; $7 billion. I have observed in my time in Congress—Madam President, perhaps you have observed this, too—that sometimes we give more scrutiny to a $164 welfare check or a $1,000 credit card charge or a $2,000 rebate that a small business might get from a subsidy, and we go over that with a fine-tooth comb to make sure that welfare mother, that small business owner, or that person just "doesn't get away with murder" with spending or mishandling $164 or the $2,000. Yet with a $7 billion program, we want to say: Let's not look at the details; this is what the President asked for; let's just do it that way exactly; they couldn't possibly be wrong even by a percentage point; they couldn't be off 1 penny. I think that is very hard, if not impossible, to accept as realistic.

This bill looks carefully at the $7 billion program—and we did this in every program in the Defense bill—again, not undercutting it at all, matching the President's dollars, but shifting things around to make sure we can have a very good missile defense program.

We could also address some immediate threats that everyone now in America, if they did not know it before September 11, knows now, and we all know as each week unfolds more and more clearly the other immediate threats, chemical, biological, nuclear threats, weapons of mass destruction, potentially poised against our Nation.

The challenge is before our military to invest in their readiness, in their equipment, in their mobility, and in their restructuring. We know that we are not fighting the cold war anymore and we will not fight the cold war ever again, but we will be fighting this asymmetrical threat and so we want to have a strong military budget, a robust military budget, and allocate these funds accordingly.

The underlying bill did that. It took a very small percentage of the overall missile defense, and as Senator REED has so eloquently pointed out and let me restate, we reward success in the underlying bill. The Patriot Advanced Capability-3 system has tested well against multiple targets. That is part of the Missile Defense Program. It does not pass every test.

Sometimes the critics of missile defense will point out, no, we cannot have it; this test failed: Well, in every success there are failures. We will fail a time or two, but if we continue to invest, continue to be wise and spend our money well, watching our budgets carefully but not undercutting this program, we can develop an effective missile defense system not only for ourselves but our allies and protect America in the future.

The Patriot Advanced Capability-3 system has not passed every test, but its future to protect our allies and soldiers looks bright. Accordingly, the committee fully funds this part of the missile defense system, bringing it closer to deployment.

Another part of the missile defense is the research program that we are doing in conjunction with Israel and others, but primarily Israel, the Arab program. It is a theater-wide missile defense system that we are developing. It has fared very well to date. Threats against Israel and U.S. forces in the Mideast certainly are real. Our committee increased funding for this project, again rewarding success, identifying what parts of the Missile Defense Program are successful and moving forward, using the money wisely and having success. We are supporting that.

The subcommittee made some very smart recommendations. It looked at the whole $7 billion and it found in one instance—this is only one example—that the administration had asked for $371 million versus $202 million last year for systems engineering and integration. The request is more than the Pentagon can spend on system engineering. In committee, in a public hearing, DOD was unable to justify the request. Still, the committee added $29 million for a 13-percent increase to systems engineering and design, giving the benefit of the doubt but thought that would be a good place to move some money into some other important things in defense, which is our job as Members of Congress.

I am proud we met the President's target on defense. I argued, let us not give one dollar less. If we can, let us give more. Some people have a different view, but I believe we need to support our defense in every way possible.

I think moving this money to fund other activities in the Defense bill is not only wise, it sharpens our Missile Defense Program and sharpens our overall Defense bill and our budget. There are numerous examples like the one I gave about engineering and integration, which is what this committee did.

The Warner amendment is unwise in a fiscal way. It is irresponsible to claim revenues that do not exist, to hope they materialize, and then, if they do not, the budget situation is made much worse.

But on a deeper level and a more important level, the amendment is unwarranted and unjustified because there is a robust budget for missile defense in this Defense bill. We have shifted some of the money, and I will talk about why we have tried to shift the $814 million that we identified as unnecessary, redundant, or unjustified to other programs in the military because there are, in addition to the threat from a missile that might come to this country from Iran or Iraq or North Korea or one of the other rogue nations, there are real and immediate threats and, I would argue, more present threats.

Not that I do not believe missile defense is a threat. I do. Not everyone in Congress does, but I do believe it could be a threat and we need to deploy a system that will be cost effective to the taxpayer as well as technologically effective.

In moving the $814 million to sharpen our Missile Defense Program and to sharpen our overall budget, we invested $124 million into hardening nuclear facilities against terrorist attacks. We have many nuclear facilities in this Nation. We have labs committed to the development and exploration of nuclear materials. DOE asked for it in the budget submission, but it was turned down.

We have all seen reports of threats against our nuclear facilities. We know that whether one is in New York, in Louisiana, in Arkansas, or in some other place where nuclear facilities are present, the community is concerned, as they should be.

Is our Government doing everything it can to protect us, to harden these facilities against attack? I think every Member of this Senate would like to be able to say we have added over $120 million to our nuclear facilities to provide tougher perimeters and systems that will protect from a terror attack.

We have heard testimony not just before my Emerging Threats Subcommittee but many of our subcommittees about the importance of that. We took part of the savings that we identified and redirected it to shipbuilding. Shipbuilding is important to Louisiana. It is not just important to Mississippi because Ingall's Shipyard is there. It is not just important to Maine because of our colleagues, Senator SNOWE and Senator COLLINS. Shipbuilding, ship procurement, and the sustaining and maintenance of at least a 310-ship Navy is very important to our military strategy. There has not been one committee that I have attended since I have been on the Armed Services Committee, whether we are talking about the Pacific, the Atlantic, the Caribbean, or other places in the world, that the admirals and the generals, the men and women in uniform, representing and protecting our Nation, have testified to anything other than a 310-ship Navy as an absolute minimum.

There was a point in our history we had 900 ships. Now maybe we cannot afford 900 ships. Maybe we do not need 900 ships, but in this new world of asymmetrical threats, where we cannot wait for the enemy to come to us; we need to go to them, there are only two ways basically to get there: either by water or by air. We have to have both. We cannot rely only on our Air Force capabilities. We have to have a strong, robust Navy to fight on these battlefields wherever they might be, to transport our troops, to do it effectively, to do it safely.

There is not a Member, I do not think, and particularly Senator WARNER from Virginia, who comes from a huge Navy State, to argue that this was a poor or not thought-through reallocation of this money. Without it, we cannot build and continue to carry out our LPD–17s and other important shipbuilding and procurement that is underway right now with the Navy.

Four thousand sorties have been flown from Navy ships in the Arabian Gulf. Our surveillance airplanes, our fighters, and our bombers get a lot of attention, but many of those sorties begin by lifting off from our aircraft carriers and from places that are bringing this equipment and these platforms and giving them a place to take off, refuel and take off again, to protect us from the threats of terrorism and other threats around the world.

As we have seen in Afghanistan, we are in an age of war, fighting where we cannot forward-deploy our Armed Forces land-based near the theater. We are blocked by unfriendly nations from being able to fly over or to land at bases. Our Navy provides those places of security, those places for our armed men and women, our forces to regroup to get ready and take off for battle.

At a time when the Navy is so vital to our war effort, the Navy could in this budget fall below 300 ships. This $690 million readjustment, or additional investment, taken from a program, while important, is not in the least bit delayed or undermined and will go a long way to strengthen our Navy.

We add money for other counterterrorism priorities in this budget. We have moved some money—a good bit of money, but a very small percentage of the overall funding—from missiles to other parts of the budget that are crying out to be addressed: Our shortage of ships in the Navy, our need to secure our nuclear facilities, and there have been several other investments in counterterrorism.

That was a wise decision. I was proud to support it in the committee. I urge my colleagues to reject the Warner amendment and to support Senator LEVIN and Senator REID in this effort.

I quote Gen. Henry Shelton, former Chairman of the Joint Chiefs of Staff, on his view of threats posed by military ballistic missiles and weapons of mass destruction. General Shelton is a very decorated leader of our armed services. His reputation is without question. He said within this last year there are other serious threats out there in addition to that posed by ballistic missiles. We know, for example, there are adversaries with chemical and biological weapons that can attack the United States today. They can do it with a briefcase, by infiltrating our territory across our shores or through our airports.

This underlying bill is attempting to address this real, broad, and asymmetrical effect. It can come from missiles, it can come from a briefcase, it can come from a container through one of our ports, it can come through a bomb planted in the back of a U-haul pickup truck, against any number of targets. This city, Washington, DC, our Capital, is rich with targets, but so are all the cities, including the home State of

Washington of the Presiding Officer and my State of Louisiana.

The taxpayers want us to make sure we are not just spending a lot of money on defense but we are spending it wisely, in the right places, and we are not overspending in one area and leaving ourselves vulnerable in another. Protecting our nuclear powerplants and supporting missile defense we can do. Investing in counterterrorism and supporting missile defense we can do. Building a strong Navy and supporting missile defense we can do. But we have to be smart about it and not just with some political slogan that looks good at election time. I am afraid that is what this is all about.

Let's have a strong Defense bill, a smart Defense bill, a bill that matches the President more than dollar for dollar but makes good and wise choices about how we are spending those dollars.

As a supporter of missile defense, I argue strongly against the Warner amendment and urge my colleagues to support what the committee did. This will be a very important vote, along with some other tough votes we will have to take regarding transportation and setting good priorities in our Defense bill.

As the article on the secrecy shield in the Washington Post suggests, if we are going to spend $7 billion—and I support building the program—let's do it in the right way and make sure there is full public disclosure. There could be some aspects we do not want on the front page of every newspaper, but give the taxpayers the best missile defense system. Spend their money wisely. By putting up a secrecy shield, which is what this article based on a recent report that has come out is claiming, I believe as we move forward with our missile defense system, it needs to be done with full disclosure, without jeopardizing those features that might have to be kept in a classified position, so the taxpayers can be sure we are spending their money wisely.

In the words of General Shelton, there are many threats facing our Nation. The bill we are debating today is about preparing ourselves for all of those threats, allocating our resources wisely by making very good decisions. Lives depend on it. The strength of this Nation depends on it. Our future and the future of our allies depend on the decisions we make in the next few days on this very important bill. This is one of those decisions.

Let's say we are going to shift money, strengthen missile defense, sharpen it, but also strengthen our other defenses so we can protect the people. They sent us here to do no less.

Mr. McCAIN. Madam President, less than 2 weeks ago America marked the historic demise of the ABM Treaty. We did so in accordance with the treaty's terms, and with the consent of Russia, acknowledging that the strategic rivalry that dominated our relationship for three decades is a thing of the past, in word and in deed. I find it remarkable that removal of the legal and diplomatic constraints formerly placed on the development of America's missile defenses has been replaced by political constraints imposed by members of the Armed Services Committee.

As my colleagues know, the committee bill slashed the President's budget request for missile defense programs by $812 million. I appreciate that missile defense was a controversial issue when it was viewed by some as a threat to United States-Russia relations. These critics argued that the strategic stability we enjoyed from the cold war-era "balance of terror" would be put at grave risk by President Bush's support for missile defense development unconstrained by treaty limitations.

These critics were wrong. I did not then agree with them, but I understood their position. Today, however, we live in a post-ABM Treaty world, forged with the cooperation and explicit consent of the Russian Government.

No longer does this arms control agreement regulate our development of anti-missile systems. No longer does America's diplomatic relationship with Russia require us to pay allegiance to an arms control relic of an adversarial past. The President has consistently stated that the development of effective missile defenses is a priority of his administration, and a requirement in an age of proliferation. Most Americans support the construction of missile defenses, especially if it is done in a way that doesn't violate our treaty commitments. Rather than alienate our friends overseas, America's missile defense development, some of which will be coordinated with the Russians and our allies, will one day help protect allies in Europe and Asia from missile assault. If properly managed, our international alliances will be strengthened, not weakened, by these systems. I believe they will enhance, not undermine, strategic stability.

It is troubling that the committee bill would deny the administration the resources and flexibility to aggressively pursue a range of missile defense programs, at a time when diplomatic and treaty constraints on that development no longer restrict our freedom of action. One motivation of missile defense critics is their belief that effective missile defenses are no more than a Reagan-era fantasy, a political project that disregards daunting technological obstacles to achievement. But by slashing nearly a billion dollars from missile defense development in the coming fiscal year alone, critics create a self-fulfilling prophecy. By definition, their denial of requested resources makes it nearly impossible for the administration to meet its objective to deploy missile defenses as soon as possible. I would remind my colleagues that only 3 years ago, 97 United States Senators voted to deploy "as soon as technologically possible an effective National Missile Defense System capable of defending the territory of the United States against limited ballistic missile attack."

Expert studies show that political and funding constraints have in fact impeded progress on developing and deploying missile defenses. Of the many missile defense programs, one of the most cost-effective and, if properly executed, most readily deployable would be a sea-based program using the Navy's existing Aegis fleet air defense assets. If accorded the proper priority and resources, populated areas along America's coasts, forward-deployed U.S. forces, and U.S. allies could begin to come under a limited missile defense umbrella before the end of the President's first term. Indeed, had the advice of many defense experts been followed since 1995, when a blue-ribbon commission first called for withdrawal from the ABM Treaty and pursuit of Aegis-evolved missile defenses, such protection would likely have been put into place before now.

We are a nation at war. The administration is seriously contemplating a military campaign against Iraq, a nation armed with short-range ballistic missiles that took their toll on American troops and Israeli civilians during the Persian Gulf war. Saddam Hussein is also known to be pursuing more sophisticated missile systems. In any military campaign, our forces and our allies would be at risk from Iraqi warheads containing biological or chemical agents. Iran is pursuing an ICBM program and could test it within 3 years, according to our intelligence community's consensus estimate. Iran is also aggressively pursuing a nuclear capability. Our intelligence community assesses that North Korea today possesses the capability to hit the United States with a nuclear weapon-sized payload. Many experts believe the North Koreans already possess enough weapons-grade plutonium for several nuclear weapons.

America faces the risk of strategic blackmail from nations such as these whose possession of sophisticated missile technology puts them in a position to restrict our flexibility to deploy military forces where and when they are needed. Much of the missile defense debate has focused on defense of the U.S. homeland, and this is important. But development of effective missile defenses is critical not only to protect America, but to preserve our military options overseas, by allowing us to meet threats to our interests around the world. Effective missile defenses will allow American forces the flexibility to operate in regions where the presence of a dangerous regime armed with ballistic missiles would otherwise unacceptably constrain American military operations.

America's defenselessness to missile attack, and the vulnerability of our overseas forces and our allies to rogue regimes with advanced missile capabilities, are the Achilles' heel of American foreign policy. Preserving our ability to deploy military forces across the globe requires us to protect against threats of missile attack that, left unmet, could one day cause us to acquiesce to acts of aggression overseas in order not to expose ourselves to attack. Missile defenses will reduce the possibility of strategic blackmail by rogue regimes.

The threats are real. The diplomatic foundation has been laid. The potential of missile defense technology is clear. The implications of rendering America defenseless as a strategic choice are morally troubling. The case for missile defense is compelling. The threat of terrorism is grave, but the rise of this clear and present danger does not diminish the menace that rogue regimes that cavort with terror and aggressively pursue weapons of mass destruction pose to America. I urge my colleagues to support the Warner amendment to restore the President's requested funding for missile defense programs.

Mr. SMITH of New Hampshire. Madam President, I rise in strong support of the amendment offered by my friend and colleague, Senator WARNER, to restore funding for missile defense.

The cuts made during markup, while amounting to "only" 10 to 11 percent of the overall missile defense budget, are targeted to decapitate the program and destine it to failure. President Bush will likely veto the Defense authorization bill if we do not restore funding to missile defense.

I have long been a strong proponent of missile defense. We must take the appropriate steps to protect our homeland against all threats. An effective missile defense is a key element in homeland security. There are those who discount the threat. However, a recent national intelligence estimate (NIE) warned that a rogue nation, other than China or Russia, will be capable of a ballistic missile attack against the United Stats before 2015.

I believe we will face the threat in the near term, well before 2015. The threat is real, and it is now, not in the distant future. If this body turns a blind eye to this ominous threat, History will condemn us for our lack of action, and question why we sat idle while the threat grew. It is important to note that the public overwhelmingly supports missile defense. However, the vast majority of Americans do not realize that our Nation currently can do nothing to stop a ballistic missile attack against the United States. In fact, a majority of Americans expressed surprise, disbelief, and anger, when told that the United States has no defense against ballistic missiles.

We need to get serious about developing and fielding a missile defense system. We can't wait for another September 11-like event to spur us into action. Complacency is our enemy. For the sake of our children and our grandchildren, I hope that reason will prevail and that we will vote to pass this amendment.

I commend President Bush for withdrawing from the ABM Treaty. The ABM Treaty was a cold war relic that deserved to be discarded. I also applaud the Bush administration for its new approach toward missile defense. Approaching missile defense as an integrated "system of systems," with layered defense in phases—boost, midcourse, and terminal—is the right thing to do. Unfortunately, the cuts during markup targeted the critically important systems engineering and command and control elements of missile defense.

In effect, the cuts removed the "system of systems" architecture that is important to the new approach to missile defense. The national intelligence estimate was clear. North Korea, Iraq, Iran, and others actively seeking to acquire weapons of mass destruction and longer range ballistic missiles. China already has ICBMs capable of hitting the United States and has threatened to use them if the United States interceded in a conflict with Taiwan. Effective missile defense is one of the most complex technical problems to face our Nation, and one that requires innovative solutions.

I applaud the new approach for the development and rapid fielding of missile defense. It is the right approach given the unique challenges of the program and the looming threat. There has been much unwarranted confusion over the non-traditional approach to defining requirements for missile defense, and the review and oversight process. Some allege that the Missile Defense Agency (MDA) has been given cart blanche to spend taxpayer money on outlandish technologies with no oversight.

These allegations are totally unfounded, and are largely intended by ideological opponents of missile defense to alarm and confuse the public. Developing a missile defense system is, as Pete Aldridge, the Deputy Secretary of Defense for Acquisition, Technology, and Logistics said, like operating in "uncharted waters."

In order to define the requirements for the system in the face of maturing technologies and the unpredictable future threat, the Missile Defense Agency will use an evolutionary or "spiral" development approach. In most complex programs like missile defense, it is extremely difficult in the early stages of development to define in sufficient detail what the fielded system will look like, how it will perform, and what its functional characteristics will be. These items are normally described in operational requirements documents, or ORDs. However, far too often, the services, with the best of intentions, write the operational requirements documents (ORDs) too early in development with their "best guess" on what the parameters should be, and then spend huge amounts of money trying to drive programs to meet those requirements.

In missile defense, these final requirements at this point are impossible to determine. Using "spiral" development. In other words, developing the system in increments and fielding capabilities as soon as they are ready will allow the Department of Defense to field an effective missile defense as rapidly as possible. Some argue that this program will not receive the proper amount of oversight both within the Department of Defense and from the Congress. The truth is that this program will have more oversight than any other program in the DOD, and I am confident that the Armed Services Committee will continue its diligent oversight role as well.

I would like to say a few words about the level of DOD oversight on missile defense so the record is clear. A group of senior Defense officials, including Deputy Secretary Paul Wolfowitz, Pete Aldridge, and the service Secretaries will act as a "board of directors" for missile defense and will review the missile defense program on a periodic basis. In fact, this group has already reviewed the program multiple times in the last few months and will continue to do so in the future. Keep in mind that the average DOD acquisition program does not have this level of oversight.

In addition, a second oversight group, the Missile Defense Support Group, also has been created to review missile defense. This group resembles the Defense Acquisition Board, which on traditional acquisition programs only reviews the program at key milestones. However, the Missile Defense Support Group will review the program on a quarterly basis. Furthermore, the oversight panel is supported by a staff that will conduct day-to-day oversight to ensure that the program remains on track. Of course, the Congress will continue its oversight role as before. Nothing has changed in that regard.

The concerns about a lack of oversight are unfounded. I would like to conclude by once again applauding the Bush administration for revamping the Missile Defense Program into one that has the highest probability for success. Let's get on with the task. Our Nation's security and the safety of millions of Americans depend on us.

I would also like to thank Senator WARNER for his leadership on this issue, and would encourage all my colleagues to vote for this amendment.

Mr. BAUCUS. Madam President, I rise today to briefly comment on my vote against Senator KENNEDY's amendment to the Defense authorization bill.

This amendment would have resulted in a fundamental change in the way the Department of Defense is structured. It mandated a new policy for every new, modified, or renewed contract for all noninherently governmental services within the Department of Defense. The consequences of such a change at this point in time would not, in my estimation, serve the best interests of my State or of this Nation.

Small businesses are an integral part of Montana's economy. Small businesses meet the diverse, everyday needs of Montana's citizens; many Montana small businesses also successfully compete for federal contracts. The provisions of this amendment would have priced many small businesses out of Federal contract competitions. In light of Montana's struggling economy, I could not vote for an amendment that would have increased small business costs while creating an insurmountable hurdle that need not exist.

I am also keenly aware of the human capital crunch that the Federal Government currently faces. The Department of Defense faces particular challenges as they seek to maintain readiness while adjusting to post-cold war and post-September 11 realities. This amendment would have resulted in increased personnel costs for the Department of Defense, but, more importantly, it would have delayed contract awards and adversely affected mission effectiveness. This is not in the best interest of our nation's security or economic needs.

I am a strong supporter of labor standards in both the private and public sectors. Upholding labor standards for all Montanans is a top priority for me. I also firmly believe that the Federal Government needs to secure the best services, whether public or private, for the taxpayer dollars it expends. In examining this amendment, I felt that it did not uphold these standards. Instead, the amendment held the potential to harm Montana's small business viability and exacerbate the public-sector federal human capital shortage.

MEDICAL TECHNOLOGY AND RESEARCH

Ms. COLLINS. Madam. President, I rise today to discuss medical research aimed at preserving blood products, human organs, and other wound-repairing tissues. As the chairman may recall, last year I discussed with Chairman LEVIN the fact that this research could dramatically impact our ability to overcome current medical challenges involved in blood and tissue preservation.

Recent U.S. military actions have resulted in stationing troops in harsh climates and conditions, such as those experience in Afghanistan. Current locations and missions require new capabilities in combat casualty care, and these capabilities would include stable blood products, organs, and wound repairing tissues that will enhance human survivability under conditions of trauma, shock, anoxia, and other extreme conditions, including extreme environment. The Department of Defense needs to develop tissues with a long shelf life to support combat casualty care. Research in this area could develop stress-tolerant biosystems or tissues that selectively control critical metabolic processes by exploiting an enhanced understanding of differential gene expression in bio-organisms and systems exposed to extreme environments.

Ms. LANDRIEU. The Senator from Maine is quite correct in her observation and assessment that medical treatment, and specifically combat casualty care, particularly in a time of war, should not be overlooked. Further, the Department of Defense must consider all initiatives that could provide our military physicians and medical staff the tools necessary to save the lives of men and women whose service to our Nation puts them at risk of severe injury.

Ms. COLLINS. I am hopeful that as our bill moves through floor consideration and conference with the House, we can work to ensure that this type of research is adequately funded within the Department of Defense.

There are many aspects to consider in taking care of our soldiers, sailors, airmen and marines who are sent into harm's way. In times like these, preserving the well-being of our men and men in uniform should be given the investment necessary to see that research like this gets to the field.

Ms. LANDRIEU. I thank the distinguished Senator from Maine for highlighting the critical nature of this research. I recognize her interest in this particular area and that this research clearly has potential for saving lives, both military and civilian. I look forward to working with her on this issue as the Fiscal Year 2003 National Defense Authorization bill moves forward.

Ms. COLLINS. I thank the distinguished chairman for her commitment to support investments in the well-being of a most precious national asset—our men and women in uniform. And I look forward to working with her on this important issue. The support of the chairman of the Emerging Threats and Capabilities Subcommittee will be critical, and welcomed, to see that leading edge medical research is not only explored, but deployed in the days ahead.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. It is my understanding the Senate is now in morning business; is that right?

The PRESIDING OFFICER. That is correct.

SUPREME COURT DECISION IN ATKINS V. VIRGINIA

Mr. BIDEN. Madam President, last week the Supreme Court ruled, in a case called Atkins v. Virginia, that the execution of mentally retarded persons violates the eighth amendment's prohibition of cruel and unusual punishment. The Court thereby reversed its 1989 holding in Penry v. Lynaugh, which it decided at a time when only two States with death penalty laws forbade the execution of the mentally retarded. In Atkins, the Court noted that in the 13 years following Penry, 16 additional States have enacted laws banning such executions. In addition, 12 States do not have the death penalty at all, meaning that a total of 30 States do not permit the execution of the mentally retarded. Therefore, the Court concluded that a "national consensus" has emerged against the execution of the mentally retarded. Because the Court interprets the eighth amendment in accordance with "evolving standards of decency that mark the progress of a maturing society," the Court concluded that the emergence of this national consensus rendered such executions unconstitutional.

I applaud the Supreme Court's decision. And I do so not from the perspective of one who opposes the death penalty in all its applications. Rather, I am a supporter of the death penalty. I believe that, when used appropriately, it is an effective crime-fighting tool and a deterrent. Indeed, I am the author of two major Federal crime laws that extended the availability of the death penalty. I authored the Anti-Drug Abuse Act of 1988, which extended the death penalty to drug kingpins. And I authored the Violent Crime Control and Law Enforcement Act of 1994, which extended the death penalty to roughly 60 crimes, including—just to name a few—terrorist homicides, murder of Federal law enforcement officers, large-scale drug trafficking, and sexual abuse resulting in death.

But I believe that when we apply this ultimate sanction—which is, of course, irrevocable—we must do so consistent with the values that we stand for as a nation and as a civilized people. We must be as reasonable, as fair, and as judicious as we possibly can be. And we must ensure that we reserve the death penalty only for monstrous people who have committed monstrous acts. In short, we must apply the death penalty in a way that is worthy of us as Americans.

That is why I have led the fight to make sure that the Federal death penalty—which I strongly support—does not apply to the mentally retarded. Just as we would not execute a 12-year-old who commits a crime, even though that 12-year-old knows the difference between right and wrong, so we should not execute a mentally retarded person. To be mentally retarded is to be deprived of the ability to comport oneself in a normal way, not because of anything that one did, but because of an accident of birth. We all know families into which children are born who do not have a high enough intelligence quotient to justly and fairly measure their actions against every other person in society. I cannot imagine strapping in a chair someone with an I.Q. of less than 70, with the mental capacity of a 12-year-old—at most—and telling him that he must die for his crimes.

Let me be clear: I do not believe that a mentally retarded criminal is blameless. Far from it. A mentally retarded person, like a child, may well know the difference between right and wrong, and may be able to control his actions. Therefore, I must be clear about one further point. This is not about choosing between executing mentally retarded criminals or letting them roam the streets. That is a false choice. Under the Federal laws that I have authored, as well as under State statutes, we provide for every possible penalty short of death for the mentally retarded, including life imprisonment without possibility of parole.

That was true last week, and it remains true today. The Supreme Court decision does not alter that fact one bit. It remains within our ability—and it remains our duty—to ensure that dangerous mentally retarded criminals are kept far away from law-abiding citizens. We have a host of penalties available to us to ensure that we are able to do so. And we have been doing so effectively. Since the 1989 Penry decision, only five States have resorted to executing mentally retarded persons. The remaining States, as well as the Federal Government, have effectively confined and deterred mentally retarded criminals by means of incarceration.

Some people have argued that we must allow executions of the mentally retarded because it is often extremely difficult to define and determine mental retardation. I disagree. That has not been the experience of the States in recent years. More importantly, whether something is difficult to do has no bearing on whether it is the right thing to do. Sparing the lives of mentally retarded criminals is manifestly the right thing to do, regardless of whether it is difficult on the margins. We ask judges and juries to make difficult decisions every day of the year, because a system of justice based upon avoiding difficult decisions would provide no justice at all.

In 1990, I led the fight against an amendment that would have changed the Federal death penalty statute to permit the execution of the mentally retarded. During the floor debate, I implored my colleagues, "Let us show that our support for the death penalty is bonded by humanity." I asked my colleagues to remember that to be mentally retarded is to be denied the ability to develop the full human faculties that the rest of us take for granted. "We do not execute children," I noted. "Let us not execute people who never get beyond that stage in their life through absolutely no fault of their own."

I am proud that a majority of this body agreed with me and rejected the amendment. And I am proud that by our action, we, in our own small way, helped galvanize our brothers and sisters in State legislatures to such an extent that, 12 years later, the Supreme Court can state that a national consensus has emerged against executing the mentally retarded. As a supporter of the death penalty, I know that this ultimate sanction is justifiable only if it is administered in a way that comports with American values. Last week, the Supreme Court agreed, and we are a stronger nation for it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 17, 2001 in Evanston, IL. Mustapha Zemkour, a Chicago taxi driver and student, was injured when two men—including a Cook County corrections officer—chased him on motorcycles, then hit him in the face and yelled, "This is what you get, you mass murderer!" The perpetrators "apparently assumed he was of Arab descent" police said. The two men were charged with aggravated battery and a hate crime in the attack.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

AWARD OF THE DISTINGUISHED FLYING CROSS TO FORMER SENATOR WILLIAM D. HATHAWAY

Ms. SNOWE. Madam President, I rise to salute a soldier, public servant, and son of Maine who Monday afternoon was honored for his heroic service 58 years ago today. This recognition is all the more special for me, for our Nation also honors a colleague, former Senator William D. Hathaway of Maine.

On Monday, the United States Air Force recognized a distinguished World War II veteran for his heroic service 58 years ago. As a young airman serving with the Fifteenth Air Force high over the Ploesti oil fields in Romania, Second Lieutenant Bill Hathaway and his crew mates showed their courage, and in the process helped turn the tide of the Battle of Ploesti toward the Allied cause.

As Major General N.F. Twining, Commanding General of the Fifteenth Air Force, wrote in a letter to Lieutenant Hathaway after the battle, "Your return marked the culmination of an outstanding campaign in the annals of American military history. The German war machine's disintegration on all fronts is being caused, to a large extent, by their lack of oil oil that you took away from them."

On the morning of June 24, 1944, while stationed near San Pancrazio, Italy, Lieutenant Hathaway and other members of the 514th Flying Squadron were deployed to Romania, where a battle for control of the Ploesti oil fields was raging with the Germans. Early that morning, Lieutenant Hathaway's squadron took off from their air station, located near the heel of Italy's boot, and crossed the Adriatic toward Bucharest, and the nearby oil fields. Future Senator Bill Hathaway was situated as a navigator as his B-17 aircraft droned toward its target.

By 10:00 a.m., the squadron had arrived over Ploesti, but they encountered heavy enemy fire from the time they crossed the Rhine River nearby. As many as 200 German fighters challenged the American flyers, who encountered heavy flak. Upon arriving over the oil fields, though, the American mission was thwarted by a heavy German smoke screen that shielded the oil fields and other targets on the ground from sight.

Undaunted, Lieutenant Hathaway and the crew plotted another alternative, as the squadron's commanding officer ordered the crew to turn around, circle back, and try the bombing run again. Dodging nearby anti-aircraft fire and enemy fighters, the team proceeded over the oil fields again, and this time they found their target. The

514th dropped its bombs on target and headed away from Ploesti.

But as with so many battles, the 514th's celebration was fleeting. Soon after dropping its bombs, Lieutenant Hathaway's aircraft was hit by flak from the dogfight over the oilfields. One of the B–17's engines was disabled, and three crew were injured: Lieutenant Hathaway was hit in the shoulder, nose gunner George Deputy in the head; and bombardier Richard McDowell in the leg. Demonstrating the tenacity and courage that has characterized Bill Hathaway throughout his career, Lieutenant Hathaway gave his pilot a course to Turkey, and, while medics dressed the wounds of the other two airmen, he assumed Deputy's position in the nose turret, and fired at the German fighters that continued to buzz his aircraft.

Despite his valiant effort, the plane was crippled and continued to lose altitude. After German fighters took out a second engine, the pilot gave the order to bail out. Lieutenant Hathaway, and other members of the crew, donned their parachutes and jumped. Two crew, copilot David Kistler and waist gunner Ben Matthews, were killed when their parachutes failed to open. Lieutenant Hathaway and two others were taken prisoner upon landing, later being reunited with the remainder of the B–17 crew. Ultimately, these American heroes were imprisoned in Bucharest by German forces, where they remained until Romania was liberated by Russian allied soldiers in August, 1944.

For his extraordinary heroism and bravery, the Air Force this week honored Senator Hathaway, and fellow crew members Herman Hucke and Richard McDowell, with the Distinguished Flying Cross. The ceremony at the Officer's Club at Bolling Air Force Base Monday afternoon provided yet another distinguished recognition for Senator Bill Hathaway, who represented Maine for 13 years in Congress. Since leaving Congress, he has remained active and engaged in public service, including time as a commissioner and chairman of the Federal Maritime Commission.

In reviewing the courageous actions of Lieutenant Hathaway and his crew today, I am reminded of the words of President John F. Kennedy, who said, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger." Well, how fortunate we are that those few generations were blessed with men like Bill Hathaway, Herman Hucke, Richard McDowell, and other members of the crew, seemingly ordinary Americans from small towns and big cities all across our Nation who performed extraordinary deeds in service to their country.

So I am proud to join with the Air Force, the President, and the people of Maine and a grateful Nation in honoring Senator Hathaway, and his fellow crew, for their outstanding service. This recognition is well-deserved and, certainly, long overdue.

THE ANNOUNCEMENT OF GOVERNOR JESSE VENTURA NOT TO SEEK A SECOND TERM IN OFFICE

Mr. MCCAIN. Mr. President, I rise to talk about one of most colorful, to put it mildly, elected officials in contemporary American politics. Recently, Minnesota Governor Jesse Ventura announced he would not seek a second term in the Land of 10,000 Lakes. Governor Ventura took an unusual career path to arrive at his current position. After high school, Jesse Ventura volunteered for one of our Nation's toughest military assignments, the SEALs. He served 4 years in the Navy before eventually taking center stage in the wrestling ring and then as mayor of Brooklyn Park, MN for five years. Jesse continued his unconventional ways by challenging the political system and, against all odds, winning his gubernatorial race in 1998 against two well-established opponents. Now, he is exiting the political arena. As I look back, there were many comments made by the Governor that I disagreed with, as I did with some of his public policies. But Jesse Ventura's run 4 years ago was about more than who would run the State of Minnesota. As my hero, Theodore Roosevelt, said nearly a century ago, "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena."

ADDITIONAL STATEMENTS

DEFEAT THE HEAT

• Mr. FRIST. Madam President, as a Member of the U.S. Senate and as a physician, I would like to take the opportunity to alert my colleagues to the Defeat the Heat campaign for America's children.

Defeat the Heat is a new public safety campaign created by the National SAFE KIDS Campaign, the National Athletic Trainers' Association (NATA) and Gatorade. The campaign's purpose is to educate parents and kids about the dangers and the prevention of dehydration and heat illness. The goal is to teach parents to think of fluids as essential equipment for playing sports, just as they would regard a helmet or shin guards to be protective gear.

A survey commissioned by the National SAFE KIDS Campaign reveals that more than three in four parents of active 8–14 year olds do not know how much fluid their kids need to replace what is lost through perspiration, and many do not know how to prevent dehydration. A child can lose up to a quart of sweat during a 2-hour sports game.

There are several physiological factors that make children more vulnerable to heat-related illness than adults. Children absorb more heat from the environment because they have a greater surface-area to body-mass ration than adults—the smaller the child, the faster the heat is absorbed. Also, children are not able to dissipate as much heat as adults through perspiration. They produce more metabolic heat during physical activity and do not have the same physiological urge to drink enough fluids to replenish sweat losses during prolonged exercise.

How can we help America's children defeat the heat? Drinking enough of the right fluids is the best defense against heat illness because dehydration is one of the first steps to more serious heat-related conditions like heat stroke and heat exhaustion. Children should be sure to drink before, during, and after activity and never wait until they feel thirsty to drink. If children feel thirsty, their body is already dehydrated.

It is with great pleasure that I join my fellow Tennessean, Coach Pat Summitt, six-time national champion NCAA Women's Basketball coach at the University of Tennessee, the National SAFE KIDS Campaign, the National Athletic Trainers' Association (NATA), Gatorade, and others in this admirable and worthwhile cause to educate parents about these health risks. As a physician, it is my hope that parents become active in this program to help their children defeat the heat.•

TRIBUTE TO COLONEL JOHN K. ELLSWORTH

• Mr. BOND. Mr. President, I rise today to pay tribute to an exceptional officer in the United States Air Force Reserve, an individual that a great many of us have come to know personally over the past few years, Colonel John K. Ellsworth. Colonel Ellsworth, who serves as Deputy Chief of the Air Force Senate Liaison Office, and was recently promoted to Colonel, will be leaving his position to attend the prestigious Army War College at Carlisle Barracks, PA. During his assignment here on Capitol Hill, Colonel Ellsworth personified the Air Force core values of integrity, service, and excellence in the many missions the Air Force performs in support of our national security. Many Members and staff enjoyed the opportunity to work with him on a variety of Air Force issues and traveled with him on a multitude of fact-finding trips around the world. To a person, they all recognize and deeply appreciate his character, dedication to duty, and professionalism. Today it is my privilege to recognize some of Colonel Ellsworth's many accomplishments, and to commend the superb service he provided the Air Force, the Congress, and our Nation.

Colonel Ellsworth entered the Air Force through the Reserve Officers' Training Corps program at the Citadel, SC. He served in various operational support and staff assignments including duty as a maintenance officer for many of the Air Force's aircraft. Throughout his distinguished career, Colonel Ellsworth's exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly proved himself in numerous select leadership and command positions.

During his current assignment of working with the Congress, Colonel Ellsworth provided a clear and credible voice for the Air Force while representing its many programs on Capitol Hill, consistently providing accurate, concise and timely information. His integrity, professionalism and expertise enabled him to develop and maintain an exceptional rapport between the Air Force and the Congress. The key to his success, I believe, was his deep understanding of Congressional processes and priorities, and his unflinching advocacy of programs essential to the Air Force and to our Nation.

I am very pleased that Colonel Ellsworth is about to begin the next phase of his career as a senior officer in our Air Force. I offer my sincere congratulations and best wishes to his as he heads for his next assignment where he will further his knowledge of national security strategy with other warriors of our armed forces.

On behalf of the Congress and our great Nation, I thank Colonel Ellsworth and his entire family for the commitment and sacrifice they have made throughout his career. I know I speak for all of my colleagues in expressing my heartfelt appreciation to Colonel Ellsworth for a job well done. He is certainly a credit to the Air Force and the United States. We wish our friend the best of luck in his new assignment.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON BOSNIA AND U.S. FORCES IN NATO-LED STABILIZATION FORCE (SFOR) FOR THE PERIOD MARCH 2001 TO DECEMBER 2001—PM 98

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7(b) of Public Law 105–174) and section 1203(a) of the Strom Thurmond National Defense Authorization Act for FY 1999 (Public Law 105–261), I am providing a report prepared by my Administration on progress made toward achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina.

This sixth report, which also includes supplemental reporting as required by section 1203(a) of Public Law 105–261, provides an updated assessment of progress on the benchmarks covering the period March 2001 to December 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 25, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY CAUSED BY THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979 FOR AUGUST 19, 2001 TO FEBRUARY 19, 2002—PM 99

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 204(c) of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month report prepared by my Administration, on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 25, 2002.*

SECOND PROTOCOL TO THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS ON SOCIAL SECURITY—PM 100

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Second Protocol to the Agreement Between the United States of America and the Netherlands on Social Security (the "Second Protocol"). The Second Protocol was signed at The Hague on August 30, 2001, and is intended to modify certain provisions of the original U.S.-Netherlands Agreement, signed December 9, 1987, as amended by the Protocol of December 7, 1989 (the "U.S.-Netherlands Agreement").

The U.S-Netherlands Agreement as amended by the Second Protocol is similar in objective to the social security agreements that are also in force with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation and to help prevent the loss of benefits that can occur when workers divide their careers between two countries. The U.S.-Netherlands Agreement as amended by the Second Protocol contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Second Protocol with a paragraph-by-paragraph explanation of the provisions of the Second Protocol (Annex A). Also annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Second Protocol on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Second Protocol (Annex B), and a composite text of the U.S.-Netherlands Agreement showing the changes that will be made as a result of the Second Protocol. The Department of State and the Social Security Administration have recommended the Second Protocol and related documents to me.

I commend the Second Protocol to the United States-Netherlands Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 25, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE 1979 IRANIAN EMERGENCY AND ASSETS BLOCKING FOR THE PERIOD OCTOBER 1, 2001 THROUGH MARCH 31, 2002—PM 101

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 25, 2002.*

MESSAGE FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3971. An act to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover.

H.R. 3786. An act to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

H.R. 3858. An act to modify the boundaries of the New River Gorge National River, West Virginia.

H.R. 3937. An act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.J. Res. 95. A joint resolution providing for the designation of a Medal of Honor Flag and for presentation of that flag to recipients of the Medal of Honor.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 416. concurrent resolution congratulating the Navy League of the United States on the occasion of the centennial of the organization's founding.

The message further announced that pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), the Speaker appoints the following member on the part of the House of Representatives to the Board of Directors of the National Urban Air Toxics Research Center to fill the existing vacancy thereon: Dr. Arthur C. Vailas of Houston, Texas.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3786. An act to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; to the Committee on Energy and Natural Resources.

H.R. 3858. An act to modify the boundaries of the New River Gorge National River, West Virginia; to the Committee on Energy and Natural Resources.

H.J. Res. 95. A joint resolution providing for the designation of a Medal of Honor Flag and for presentation of that flag to recipients of the Medal of Honor; to the Committee on Armed Services.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 416. Concurrent resolution congratulating the Navy League of the United States on the occasion of the centennial of the organization's founding; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4931. An act to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3971. An act to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7589. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Rehabilitation Engineering Research Centers" received on June 24, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-7590. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the List of States Rechartered by the Commission on Civil Rights; to the Committee on the Judiciary.

EC-7591. A communication from the Deputy Secretary of Commerce, transmitting, a draft of proposed legislation entitled "United States Patent and Trademark Office Reauthorization Act, Fiscal Year 2003"; to the Committee on the Judiciary.

EC-7592. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-7593. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-7594. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Finland; to the Committee on Foreign Relations.

EC-7595. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-7596. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-7597. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-7598. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-7599. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-7600. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-7601. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-7602. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC-7603. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Attorney General's Semiannual Management Report and the Report of the Office of the Inspector General for the period October 1, 2001 to March 31, 2002; to the Committee on Governmental Affairs.

EC–7604. A communication from the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "The U.S. Office of Personnel Management in Retrospect: Achievements and Challenges After Two Decades"; to the Committee on Governmental Affairs.

EC–7605. A communication from the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "The Federal Merit Promotion Program: Process vs. Outcome"; to the Committee on Governmental Affairs.

EC–7606. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Mediation Rev. Proc." (Rev. Proc. 2002-44, 2002-26) received on June 20, 2002; to the Committee on Finance.

EC–7607. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Arbitration Extension Announcement" (Ann. 2002-60, 2002-26) received on June 20, 2002; to the Committee on Finance.

EC–7608. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to Officers and Employees of the Department of Agriculture for Certain Statistical Purposes and Related Activities" (RIN1545-BA56 ; TD9001) received on June 20, 2002; to the Committee on Finance.

EC–7609. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 2002-34 ; Application of Section 4261(b) to Charters" (RR-166571-01) received on June 20, 2002; to the Committee on Finance.

EC–7610. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Conversion of a Money Purchase Plan to a Profit-Sharing Plan" (Rev. Rul. 2002-42) received on June 20, 2002; to the Committee on Finance.

EC–7611. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Passenger Name Record Information Required for Passengers on Flights in Foreign Air Transportation To or From the United States" (RIN1515-AD06) received on June 20, 2002; to the Committee on Finance.

EC–7612. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 2002" (Notice 2002-39) received on June 24, 2002; to the Committee on Finance.

EC–7613. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 832—Deductibility of Premium Acquisition Expenses of Non-Life Insurance Companies" (Rev. Proc. 2002-46) received on June 24, 2002; to the Committee on Finance.

EC–7614. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2002-2003 Subsistence Taking on Fish and Wildlife Regulations" (RIN1018-AI06) received on June 18, 2002; to the Committee on Energy and Natural Resources.

EC–7615. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, a draft of proposed legislation to grant easements or rights-of-way for energy-related projects on the Outer Continental Shelf (OCS); to the Committee on Energy and Natural Resources.

EC–7616. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "General Technical Base Qualification Standard" (DOE-STD-1146-2001) received on June 20, 2002; to the Committee on Energy and Natural Resources.

EC–7617. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Radiological Assessor Training" (DOE-HDBK-1141-2001) received on June 20, 2002; to the Committee on Energy and Natural Resources.

EC–7618. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Human Factors/Ergonomics Handbook for the Design for Ease of Maintenance" (DOE-HDBK-1140-2001) received on June 20, 2002; to the Committee on Energy and Natural Resources.

EC–7619. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Radiological Safety Training for Plutonium Facilities" (DOE-HDBK-1145-2001) received on June 20, 2002; to the Committee on Energy and Natural Resources.

EC–7620. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Hoisting and Rigging" (DOE-STD-1090-2001) received on June 20, 2002; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 2530: A bill to amend the Inspector General Act of 1978 (5 U.S .C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers. (Rept. No. 107-176).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 281: A bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial. (Rept. No . 107-177).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1240: A bill to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes. (Rept. No. 107-178).

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2673: An original bill to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 2673. An original bill to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. BROWNBACK (for himself and Mr. CONRAD):

S. 2674. A bill to improve access to health care medically underserved areas; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ALLEN):

S. 2675. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a pilot program to make grants to eligible institutions to develop, demonstrate, or disseminate information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay watershed; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI (for himself and Mr. HATCH):

S. 2676. A bill to amend the Internal Revenue Code of 1986 to allow a 10-year foreign tax credit carryforward and to apply the look-thru rules for purposes of the foreign tax credit limitation to dividends from foreign corporations not controlled by a domestic corporation; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2677. A bill to improve consumer access to prescription drugs, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. HARKIN, Mr. WARNER, Mr. DASCHLE, Mr. CRAIG, Mr. BOND, Mr. GRAHAM, Mrs. CARNAHAN, Mr. REID, Mr. THOMAS, Mr. ENZI, and Mr. JOHNSON):

S. 2678. A bill to amend the Internal Revenue Code of 1986 to transfer all excise taxes imposed on alcohol fuels to the Highway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. SMITH of Oregon):

S. 2679. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for offering employer-based health insurance coverage, to provide for the establishment of health plan purchasing alliances, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS:

S. 2680. A bill to direct the Secretary of the Interior to evaluate opportunities to enhance domestic oil and gas production through the exchange of nonproducing Federal oil and gas leases located in the Lewis and Clark National Forest, in the Flathead National Forest, and on Bureau of Land Management land in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S.J. Res. 38. A joint resolution providing for the designation of a Medal of Honor Flag and for presentation of that flag to recipients of the Medal of Honor; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 291. A resolution to authorize testimony, document production, and legal representation in United States v. Milton Thomas Black; considered and agreed to.

By Mr. TORRICELLI:

S. Con. Res. 123. A concurrent resolution expressing the sense of Congress that the future of Taiwan should be resolved peacefully, through a democratic mechanism, with the express consent of the people of Taiwan and free from outside threats, intimidation, or interference; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 237

At the request of Mr. HUTCHINSON, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 677

At the request of Mr. HATCH, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 912

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 912, a bill to amend title 38, United States Code, to increase burial benefits for veterans .

S. 913

At the request of Ms. SNOWE, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 918

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 918, a bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1022

At the request of Mr. WARNER, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1311

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1311, a bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

S. 1506

At the request of Mr. NELSON of Florida, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1506, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation .

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1549, a bill to provide for increasing the technically trained workforce in the United States.

S. 1991

At the request of Mr. HOLLINGS, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 2039

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2051

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2121

At the request of Mr. BREAUX, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2121, a bill to amend section 313 of the Tariff Act of 1930 to simplify and clarify certain drawback provisions.

S. 2194

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2335

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2335, a bill to establish the Office of Native American Affairs within the Small Business Administration, to create the Native American Small Business Development Program, and for other purposes.

S. 2425

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2425, a bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism.

S. 2435

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2435, a bill to amend title 9 of the United States Code to exclude all employment contracts from the arbitration provisions of chapter 1 of such title; and for other purposes.

S. 2447

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2447, a bill to amend title XVIII of the Social Security Act to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 2448

At the request of Mr. HOLLINGS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2448, a bill to improve nationwide access to broadband services.

S. 2512

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2525

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2525, a bill to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 2545

At the request of Mr. DOMENICI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2545, a bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes.

S. 2562

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2562, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2572

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 2622

At the request of Mr. HOLLINGS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2622, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation.

S. 2647

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2647, a bill to require that activities carried out by the United States in Afghanistan relating to governance, reconstruction and development, and refugee relief and assistance will support the basic human rights of women and women's participation and leadership in these areas.

S. 2648

At the request of Mr. HUTCHINSON, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2648, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

S. 2649

At the request of Mr. KENNEDY, the names of the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2649, a bill to provide assistance to combat the HIV/AIDS pandemic in developing foreign countries.

S. 2668

At the request of Mrs. HUTCHISON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2668, a bill to ensure the safety and security of passenger air transportation cargo and all-cargo air transportation.

S. RES. 266

At the request of Mr. ROBERTS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day."

S. CON. RES. 119

At the request of Mr. BURNS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 119, a concurrent resolution honoring the United States Marines killed in action during World War II while participating in the 1942 raid on Makin Atoll in the Gilbert Islands and expressing the sense of Congress that a site in Arlington National Cemetery, near the Space Shuttle Challenger Memorial at the corner of Memorial and Farragut Drives, should be provided for a suitable monument to the Marine Raiders.

S. CON. RES. 121

At the request of Mr. HUTCHINSON, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. Con. Res. 121, a concurrent resolution expressing the sense of Congress that there should be established a National Health Center Week for the week beginning on August 18, 2002, to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

AMENDMENT NO. 3936

At the request of Mr. NELSON of Florida, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of amendment No. 3936 intended to be proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself and Mr. CONRAD):

S. 2674. A bill to improve access to health care medically underserved areas; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, today I join Senator BROWNBACK in introducing important legislation aimed at ensuring that a piece of the puzzle regarding adequate physician services in underserved communities is preserved.

By all accounts, the Conrad State 20 J–1 Visa Waiver program has been a great success at bringing crucially-needed doctors to medically-underserved areas. It has served as a wonderful resource for my State and for other States across our Nation. The bill we are introducing today eliminates the program's sunset date, thereby making sure that this much-needed program remains available.

I created the Conrad State 20 program in 1994 to deal with the reality that many areas of the country, especially rural communities, have a very difficult time recruiting American doctors. These health facilities have had no other choice but to turn to foreign medical graduates to fill their needs. J–1 visa waivers allow foreign physicians to practice in medically-underserved communities after their J–1 status has expired without first returning to their home countries. These waivers allow foreign physicians to receive nonimmigrant, H–1B status, temporary worker in specialty occupation, for 3 years. In order to receive the waiver, the physician must agree to serve the medically-underserved community for the full three years. If he or she fails to fulfill that commitment, the physician is subject to immediate deportation.

Prior to the creation of my State 20 program, J–1 visa waiver exclusively involved finding an "interested Federal agency" to coordinate the request. This was found to be a long, cumbersome, and bureaucratic process. By allowing States to directly participate in the process of obtaining waivers, my program relieves some of the burdens on participating Federal agencies and allows decisions regarding a State's health care needs to be made at the State level by the people who know best.

I have shepherded the Conrad State 20 program from its creation in 1994 through a subsequent reauthorization and other improvements over the years. By now removing the program's sunset date, the bill that Senator BROWNBACK and I are introducing today will ensure that this important program remains a part of a State's tool belt in dealing with physician-shortages in medically-underserved areas.

Our bill also provides for a modest increase from 20 allowable Conrad State 20 visa waivers per State per year to 30. For some time, a number of States have been bumping up against the State 20 ceiling, and my hope is that this increase will help additional medically underserved communities throughout the country procure the physician services they need.

I urge my colleagues to support this legislation.

By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ALLEN):

S. 2675. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a pilot program to make grants to eligible institutions to develop, demonstrate or disseminate information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay watershed; to the Committee on Health, Education, Labor, and Pensions.

Mr. SARBANES. Mr. President, today I am introducing legislation to establish an environmental education program for elementary and secondary school students and teachers within the Chesapeake Bay watershed. This measure would provide grant assistance to elementary and secondary schools, school districts and not-for-profit environmental education organizations in the six-state watershed to support teacher training, curriculum development, classroom education and meaningful Bay or stream outdoor experiences. It would also enable the U.S. Department of Education to become an active partner in the Chesapeake Bay Program. Joining me as co-sponsors of this legislation are my colleagues Senators MIKULSKI, WARNER, and ALLEN.

There is a growing consensus that a major commitment to education, to promoting an ethic of responsible stewardship and citizenship among the nearly 16 million people who live in the watershed, is necessary if all of the other efforts to "Save the Bay" are to succeed. The ultimate responsibility for the protection and restoration of Chesapeake Bay is dependent upon the individual and collective actions of this and future generations. As population growth and development continue to place enormous pressures on the Chesapeake Bay region's natural resource base, we must learn how to minimize the impacts that we are having on the Bay. Our future depends upon our ability to use the Bay's resources in a sustainable manner. This is as much a civic responsibility as voting. Developing an environmentally literate citizenry that has the skills and knowledge to make well-informed choices and to exercise the rights and responsibilities as members of a community is clearly one of the best ways to raise generations who can be contributors to a healthy and enduring watershed. In my judgment, this can best be accomplished by expanding assistance for environmental education and training programs in the K–12 levels.

In addition to stewardship, there are other dimensions to expanding environmental education opportunities in the Chesapeake Bay region that are equally compelling. A number of recent studies have found that environmental education also enhances student achievement, critical thinking and basic life skills. A 1998 report by the State Education and Environment Roundtable, perhaps the most comprehensive study to date, documents how 40 schools in 12 States, including three schools in Maryland and four schools in Pennsylvania, achieved remarkable academic, attitudinal and behavioral results by using the environment as an integrating strategy for learning across all subject areas. According to the study, students performed better in science, social studies, math and reading. Classroom discipline problems declined and students demonstrated increased engagement and enthusiasm in learning in an environment-based context. Moreover, students' creative thinking, decision-making and interpersonal skills were enhanced by environment-based learning.

The report is replete with success stories, but I will just cite two examples from schools in the Chesapeake Bay watershed. According to the report, students in the 4th grade at Hollywood Elementary School in Maryland scored 27 percent higher on the Maryland State Performance and Assessment Program test than at other schools in their county and 43 percent higher than the State as a whole after the school implemented the environmental based education program. The study also found behavior improvements and reduced discipline problems for 6th graders participating in the STREAMS program at Huntingdon Area Middle School in Pennsylvania compared to students not involved in the program. I ask unanimous consent that excerpts from this study regarding these two schools be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the State Education and Environment Rountable]

CLOSING THE ACHIEVEMENT GAP—USING THE ENVIRONMENT AS AN INTEGRATING CONTEXT FOR LEARNING

(By Gerald A. Lieberman and Linda L. Hoody)

HOLLYWOOD ELEMENTARY: A LIVING LABORATORY

Adults in Saint Mary's County, Maryland, a wedge of farmland bordering the Chesapeake Bay, had tried for 25 years to start a community recycling program; for some reason the idea just never caught on. But once the fifth graders at Hollywood Elementary School decided to solve the problem it did not take long for them to turn their campus into a neighborhood recycling center.

It was the children's enthusiasm more than anything that motivated parents and neighbors to join their efforts. Soon, Hollywood's hallways bulged with giant boxes of old newspapers and the school's parking lot became a regular Saturday-morning stop for residents eager to dump their cans and glass. Teachers helped, but students ran the show. Parents offered their vans, trucks, and even horse trailers to help haul the goods to the nearest recycling station in the next county. Eventually Saint Mary's County itself caught on, set up a few recycling transfer stations of its own and hired a recycling coordinator. But it all started at Hollywood.

"It was just as grass-roots as anything can get," remembers Betty Brady, the teacher who initiated the project. "We were a very small school at the time, less than 300 students, and we became a little place where people rallied."

Hollywood Elementary is not such a little place anymore. Enrollment is up to 600 now, housed in a spacious new facility designed to accommodate the real-world teaching that Brady and her colleagues practice. But the campus remains a rallying point for parents, educators, and other area residents dedicated to the task of maximizing individual learning through integrated, environment-based education.

During the past 15 years, aided by community volunteers and funded through a series of small grants from the Chesapeake Bay Trust, Hollywood's students have turned their 72-acre campus into a living lab—blazing a nature trail, creating a butterfly garden, planting a forest habitat for migrating birds, and transforming a drainage pond into a natural wetland. Each project capitalized on the children's innate attraction to the natural world while providing unique opportunities to combine traditional subject areas in a meaningful whole. The results? At Hollywood Elementary, education works.

"As teachers, we always look at what works with and for children, paying attention to what causes that learner engagement that's so crucial to learning that lasts," explained principal, Kathleen Glaser. "We're very concerned about not just teaching something so that students can pass a test and then forget it a month later, but teaching something that will be part of their knowledge base, something they can work from to solve problems and enhance their lives."

Glaser and her staff, as well as the parents and students of Hollywood Elementary, clearly believe the school's real-world emphasis produces that kind of learning. And recent empirical evidence confirms it. Since 1992, the state of Maryland has required a year-end performance assessment for all students in grades three, five, and eight. It is a demanding yardstick, build around a child's ability to perform integrated tasks, such as life-science experiments and writing research reports. But it is a perfect tool to measure the effects of integrated education on real-world problem-solving.

Following five years of steady progress, Hollywood's students turned in a bellwether performance in 1997. In contrast to a statewide average of 38 percent, 67 percent of Hollywood's third grades achieved satisfactory assessment scores. At the fifth-grade level, Hollywood hit Maryland's ideal 70th percentile, with 70 percent of students performing in the satisfactory zone, as contrasted to 46 percent statewide.

Glaser attributes her school's stellar performance in large part to her staff of hard-working and innovative teachers, including Betty Brady and Julie Tracy.

Tracy found Glaser's supportive leadership style reason enough to choose Hollywood over another job offer when she finished her master's certification program in 1990. "I think it was probably the teachers and Mrs. Glaser's encouragement and her openness to suggestions," she said. "The other school was not as open to innovative ideas."

For instance, while partnering with a class in Costa Rica during a Smithsonian-sponsored study on migratory birds, Tracy's students learned that loss of habitat was causing a decrease in the birds' population. Their solution? Creating a habitat on the school grounds. Teaming up with other classes, they identified likely planting areas, including a stand of recently planted trees that still lacked native underbrush, and filled in the area with berry shrubs chosen from the birds' regular menu.

Tracy believes allowing that sort of student initiative is crucial to the learning. "If you approach a project saying, 'we're going to go out and plant a tree,' then it's the teacher's project," she said. "But if the students are engaged in real scientific inquiry, and they're the decision-makers directing the project, then it's authentic, and they're engaged in meaningful learning."

With its integrated, environment-based curriculum now expanding, and recognition of its effectiveness spreading, Hollywood Elementary has become a living portrait of the mature EIC school.

Looking back, Hollywood's recycling program, begun in the late 1980s, constitutes an important benchmark in an evolutionary process that started in 1982 when Glaser became principal of the school. From her own experiences first as a classroom teacher and later as a resource teacher, Glaser brought a dual focus to her new position: to encourage individual learning and support innovative teaching.

"I think we communicated pretty early, after I became principal, that what was most important was the individual learner," Glaser said. "I think it's also important for teachers to grow professionally, so when they found a program or a resource or a good working idea we began to try some of those out."

As Brady and her fellow teachers continued to brainstorm and experiment, they made two discoveries. First, they found that students learned most effectively when previously disjointed subjects came together in an integrated curriculum. Second, they realized that the environment provided a perfect integrating context for learning.

Brady has a simple explanation for that: "All things are connected." Tracy agrees. "All the subject areas are right there," she said. "You don't have to try to plug anything in; it all just fits in naturally when you use the environment."

Add to that children's innate love of animals and curiosity about nature, and Hollywood had found a sure-fire recipe for effective education. "We saw children really engaging with the real world in a way they weren't engaging with the textbooks," Glaser explained, "and we saw the learning really lasting." "They see the big picture," Tracy added. "They see the goal."

Encouraged by their early successes and Glaser's never-wavering support, Hollywood's teachers began to design more and more environment-based projects and to tighten the teamwork so crucial to integrated learning. In some instances, teachers paired up based on their differing preferences: a nature nut, unfazed by bugs and dirt, and a bookworm, more comfortable juggling papers and pencils.

"We have such a spirit here of being a community of learners and leaders that people welcome someone with a different strength," Glaser commented. "I'd like to think that one of the things we do well is to blend the teaching strengths we have available, then nuture not only the students, but also support each other where we need it."

Hollywood's distinctive approach to teaching caught the national limelight in 1996, when Julie Tracy's idea that second and third graders could turn a drainage pond into a natural habitat earned her a 1996 presidential award for excellence in teaching. In a project that combined biology, botany, ecology, math, and language arts, Tracy's students explored the types of aquatic plants and animals they could expect to thrive in the little pond, then drafted a planting plan, calculating depths and distances for optimal growth, and recruited parents and local college students to help with the work. Today, the former drainage basin is home to fish, birds, amphibians, and even a raccoon or two.

Not surprisingly, with Hollywood's thriving EIC emphasis drawing attention throughout Maryland and beyond, people are beginning to take notice. Glaser has been fielding frequent calls from other schools eager to duplicate Hollywood's success. She is eager to respond. "They want to know more about the nature trail or the butterfly garden, how that sort of thing gets organized," Glaser said. "I'm getting more interested in how to help other teachers integrate some of these ideas. How can we help people benefit from our years of experience?"

"I'm seeing lots of indicators that this kind of work is growing," Glaser said. "Hopefully, we can be a place people can visit or know about, so they can learn more about how to do it." If American education is indeed headed toward a new paradigm of integrated, environment-based instruction, Hollywood is already out front and eager to lead the way.

HUNTINGDON AREA MIDDLE SCHOOL: STREAMS OF KNOWLEDGE

The students at Huntingdon Area Middle School are making adults in their rural Pennsylvania community sit up and take notice. Their active engagement in their community is an outgrowth of an innovative, homegrown EIC program called STREAMS—a regional grand-prize winner of the National Middle School Association's Team-teaching Award.

STREAMS, which stands for Science Teams in Rural Environments for Aquatic Management Studies, is an interdisciplinary program that aims to increase students' awareness of and concern for their immediate environment and to engage them in the community at large. As its name suggests, the program focuses on water and emphasizes active learning and real-world issues.

Student enthusiasm for the program keeps building. Every year, Huntingdon students clamor to begin projects earlier and earlier. "We used to start in January," said Fred Wilson, social studies teacher. "Then it was in November and this year some kids were ready in September." The accelerated schedule means more work for Wilson and his colleagues. But there is a certain synergy created when students are so eager, he said. And that is what gives him the energy to keep up.

The genesis of the STREAMS program occurred eight years ago when the sixth-grade teaching team, including Wilson, began looking for a new theme to incorporate across their existing interdisciplinary curriculum. They decided a program tied to the water studies presented in Tim Julian's science class would be ideal because they could tie it into all the disciplines.

"We wanted to examine problems in our community—such as water quality, storm-water runoff and erosion—to make the subject more meaningful to our students," Wilson explained. It was a perfect choice. With four separate watersheds converging within two miles of the school, he pointed out, Huntingdon already had a phenomenal outdoor lab at its doorstep.

Wilson volunteered to develop the interdisciplinary program and contacted a number of organizations in his search for suitable learning projects. But, while he discovered lots of suggestions for activities, there was no program that could be "plugged in" to Huntingdon's existing curriculum. By 1991, the first year Wilson and his teammates taught the STREAMS unit, he had developed his own instructional segments dealing with storm-water runoff, erosion and sedimentation, water quality monitoring, household pollutants, and community involvement. At the same time, Julian expanded the portion of his science curriculum that dealt with water to include the study of local watersheds as well as water and wastewater treatment facilities.

Students response was overwhelming, so overwhelming that the following summer Wilson and his colleagues developed more STREAMS topics—wetlands, groundwater, acidity, and nutrient enrichment—and added more water quality studies plus two additional watersheds to monitor.

The team effort regularly crosses disciplinary lines, with each teacher contributing his or her expertise toward common projects. In science class, for instance, Julian teaches the students about the properties of water, purification processes, and wastewater treatment. Before they go out on a field trip to conduct tests, they also learn how to use the proper monitoring equipment. "Our kids don't go out unless they are prepped," Wilson said. "That's so they can succeed."

Rose Taylor, Huntingdon's sixth-grade language arts teacher, reinforces the vocabulary students need to know in their studies and works with students on STREAMS-related writing assignments. Math teacher Mike Simpson helps the students learn to interpret statistics, construct charts and graphs, and use computer database programs to report their findings. He also incorporates the data they collect into problems he uses to teach important math concepts such as fractions and percentages. "Rather than use cookbook problems," he said, "we use real field data."

Wilson's part of the curriculum emphasizes the consequences of land use—residential, agricultural, and mining—on the water supply, as well as various types of pollution and the function of wetlands. Wilson's students also learn about the effects of storm-water runoff, a significant problem in the Huntingdon vicinity because of over-development in what was once a wetland.

Everything comes together out in the field, where all the team members get their hands dirty. Their eagerness to dig right in can be traced in large measure to their lengthy history as a team. "We've teamed together so long—15 years—that we can be frank and open," Wilson explained. Another secret of the STREAMS staff is a willingness to step outside the bounds of their own disciplines. "You have to be willing," he said, "to wear different hats."

Indeed, STREAMS teachers seem entirely comfortable sharing their teaching responsibilities all around. All the team members, for example, teach reading. Tim Julian and Mike Simpson capitalize on the interrelationships between science and math; both, for instance, teach students to interpret charts and graphs. "Science uses a lot of math—averaging, graphing, measuring speed," Julian pointed out. "Sometimes we work together; sometimes we handle it separately." Julian also supports Rose Taylor's efforts in language arts by having students write reports on their field activities. "I do correct their grammar," he said, "but I don't lower their science grade for mistakes."

The teachers are equally flexible about class time. "I could go into school tomorrow and say that I need a block of time," Wilson said, "and we'd revamp the schedule in a minute." STREAMS team members synchronize and evaluate their lesson plans and schedules in regular weekly meetings, but they can also meet daily during a common planning period.

Wilson conducts an annual formal assessment of what students learned in the program. In the 1994/95 school year, 97 percent of STREAMS students failed a pre-test with an average score of 38 percent. Two months after the program concluded, the students' average score, on an unannounced post-test, was 81 percent, with only a 2 percent failure rate. In the 1996/97 school year, Wilson conducted the post-test five months after they completed the initial STREAMS unit. Even after that lengthy interval, the students' averaged 71 percent on the test. Those results, Wilson point out, indicate that most students not only mastered the content, but also retained that knowledge months after completing the program.

When Wilson and his colleagues started the STREAMS program, no one dreamed how successful and far-reaching it would become. Beyond the creativity and effort of the Huntingdon team, Wilson said, another key reason for their success is partnering with various organizations in the community.

Parents are another valuable resource. Without them, Wilson said, he could not accommodate all the students who want to do independent work, often after school and on weekends. They help transport and chaperone students giving presentations to public groups, civic organizations, teacher conferences, and workshops, as well as those taking special field trips or traveling to the biotechnology lab at Penn State. Parents also help with tree-planting projects and water-quality monitoring.

The students, too, have tapped into the partnering concept. When they proposed creating a wetland near the school, for example, they raised $1,000 and then found partners to contribute the $3,000 needed to complete the project—proof that they have learned to leverage their dollars and attract broad-based support.

The community that spawned these savvy students and teachers is by some standards an unlikely one. Huntingdon, a town of 7,000, is located in south central Pennsylvania, an area that historically has reported the highest unemployment figures in the state. The average family income here is $20,000 annually. Only 9.4 percent of adults in the county have earned a post-secondary degree, compared to 18 percent statewide.

Wilson also noted a dichotomy in the region's attitudes toward education, with some residents very supportive and others indifferent. Consequently, it has been exciting for Huntingdon's teachers to watch a gradual shift in the public's attitude toward the students' endeavors. "At first, they were taken rather lightly," Julian noted, "but now the community is coming and asking them for help."

Without a doubt, Wilson observed, the Huntingdon teachers' decision to use the environment as an umbrella for interdisciplinary study and hands-on instructional strategies has produced tremendous results. "I think that our students are engaged in a meaningful learning experience that will help to empower them to be critical thinkers and become more independent learners," he said.

As principal Jill Adams sees it, programs like STREAMS and teachers like Wilson and his colleagues hold the key to reshaping the entire educational process. "The future of education really depends on people like this," she said. "We cannot continue to teach the way that we were taught."

Mr. SARBANES. In the Chesapeake Bay region, the Governors of Maryland, Virginia, Pennsylvania and the Mayor of the District of Columbia have recognized the importance of engaging students in the protection of the Chesapeake Bay. The States have each enacted legislation to integrate environmental standards into the curriculum for particular grade levels. As signatories to the Chesapeake 2000 Agreement, they have also committed to "provide a meaningful Bay or stream outdoor experience for every school student in the watershed before graduation from high school" beginning with the class of 2005.

Likewise, several not-for-profit organizations including the Chesapeake Bay Foundation, and the Living Classrooms Foundation have spearheaded efforts to create long-term, cohesive education programs focused on the local environment. They have developed terrific partnerships with schools and are helping teachers develop and implement quality instruction, investigations and Bay or stream-side projects.

Unfortunately, all these efforts and programs are only reaching a very small percentage of the more than 3.3 million K–12 students in the watershed. Classroom environmental instruction across grade levels is sporadic and inconsistent, at best, and relatively few students have had the opportunity to engage in meaningful outdoor experiences. Many of the school systems in the Bay watershed are only at the beginning stages in developing and implementing environmental education into their curriculum, let alone exposing them to outdoor watershed experiences. What's lacking is not the desire or will, but the resources and training to undertake more comprehensive environmental education programs.

In 1970, the Congress enacted the first Environmental Education Act to authorize the then-U.S. Department of Health, Education, and Welfare to establish programs to support environmental education at the elementary and secondary levels and in communities. In its statement of findings and purposes, the Congress found "that the deterioration of the quality of the Nation's environment and of its ecological balance is in part due to poor understanding by citizens of the Nation's environment and of the need for ecological balance; that presently there do not exist adequate resources for educating citizens in these areas, and that concerted efforts on educating citizens about environmental quality and ecological balance are therefore necessary." Grants for curriculum development, teacher training, and community demonstration projects were made available for several years under this Act, but the program expired and was not reauthorized.

In 1990, the Congress enacted the National Environmental Education Act to renew the federal role in environmental education. The Congress, once again found that "current Federal efforts to inform and educate the public concerning the natural and built environment and environmental problems are not adequate." Today, 32 years after the first Environmental Education Act was first authorized, those findings are still true. Last year, nationwide funding for the National Environmental Education Act administered by EPA was only $7.3 million. That averages to a little more than $140,000 for each of the 50 States, a sum that is totally inadequate for schools to incorporate environmental education as part of the K–12 curriculum.

The legislation which I am introducing would authorize $6 million a year over the next three years in federal grant assistance to help close the resource and training gap for students in the elementary and secondary levels in the Chesapeake Bay watershed. It would require a 50 percent non-federal match, thus leveraging $12 million in assistance. The funding could be used to help design, demonstrate or disseminate environmental curricula and field practices, train teachers or other educational personnel, and support on-the-ground activities or Chesapeake Bay or stream outdoor educational experiences involving students and teachers, among other things. The program would complement a similar initiative that I sponsored last year within the National Oceanic and Atmospheric Administration which is providing $1.2 million to support environmental education in the Chesapeake watershed.

The Chesapeake Bay Program has pioneered many of the Nation's most innovative environmental protection and restoration initiatives. It has been a leader in establishing a large volunteer monitoring program; implementing pollution control programs such as the ban on phosphate detergents and voluntary nutrient reduction goals; and conducting an extensive habitat restoration program including the opening of hundreds of miles of prime spawning habitat to migratory fish. It is an ideal proving ground for demonstrating that strong and consistent support for environmental education, using the Chesapeake Bay and local environment as the primary instructional focus, will lead not only to a healthier, enduring watershed, but a more educated and informed citizenry, with a deeper understanding and appreciation for the environment, their community and their role in society as responsible citizens.

By Mr. TORRICELLI (for himself and Mr. HATCH):

S. 2676. A bill to amend the Internal Revenue Code of 1986 to allow a 10-year foreign tax credit carryforward and to apply the look-thru rules for purposes of the foreign tax credit limitation to dividends from foreign corporations not controlled by a domestic corporation; to the Committee on Finance.

Mr. TORRICELLI. Mr. President, today, Senator HATCH and I are introducing legislation to modernize and simplify the foreign tax credit. The legislation contains two meritorious provisions that we hope Congress will enact this year, in that they are both long overdue.

The first provision addresses the problem of double taxation that results when foreign tax credits expire unused under current law. To enhance the international competitiveness of U.S. companies operating overseas, and to help avoid this unfair double taxation, our legislation simply extends the current 5-year foreign tax credit carryforward period for five additional years to a 10-year carryforward.

The second provision reforms current law, which unduly hinders U.S. companies in their efforts to penetrate foreign markets by imposing the so-called 10/50 foreign tax credit rule. Due to legal and political realities, many U.S. companies are forced to operate through corporate joint ventures in partnership with local businesses. The 10/50 rule imposes a foreign tax credit limitation for each of these corporate joint ventures where a U.S. company owns at least 10 percent but not more than a 50 percent interest in a foreign company, and thus increases the cost of doing business for U.S. firms competing abroad.

10/50 reform would restore parity in the tax treatment of joint-venture income to other income earned overseas by U.S. companies by applying "look-through" treatment. Without this change, U.S.-based companies engaged in joint ventures overseas will continue to be disadvantaged vis à vis foreign competitors. Congress attempted to rectify this problem in a large tax bill that was ultimately vetoed in 1999. The Clinton Treasury also recommended enactment of this crucial tax change in its FY 2000 budget package and similarly, the Joint Committee on Taxation endorsed this non-controversial provision in its 2001 Simplification Study.

As indicated earlier, these two changes are long overdue and we urge their expeditious enactment.

Mr. HATCH. Mr. President, I am pleased to join with my friend and colleague from New Jersey in introducing a bill to improve the tax treatment of U.S.-based multinational companies.

It is apparent that our international tax code is deeply flawed. The current wave of companies reincorporating in Bermuda, the foreign sales corporation debacle, and the trend of tax-motivated foreign takeovers all provide abundant evidence that Congress needs to act to make our international tax rules friendlier to American-based companies.

The bill we are introducing today is one that I consider to be a down-payment on the fundamental reform that our international tax system demands. The bill will reduce, but unfortunately will not eliminate, the double taxation of international income that occurs far too often. This double taxation is just one of several serious problems with our international tax rules.

The threat of double taxation, where an American corporation ends up paying corporate taxes to both the United States and to a foreign country on the same income, discourages U.S. firms from investing overseas. And since U.S. multinationals provide millions of America's best-paying domestic jobs, anything that discourages overseas direct investment ends up hurting the take-home pay of our nation's workers.

Our bill has two provisions. The first would reform the carryforward treatment of foreign tax credits. The Internal Revenue Code was originally designed to make sure that U.S. corporations investing overseas are not subject to double taxation by a foreign nation and the U.S. on the same income. It does this through the availability of a foreign tax credit. If this system worked well, then American businesses would seldom or ever face this kind of double taxation.

However, the system most emphatically does not work well. For example, American businesses are only allowed to use these foreign tax credits when their U.S. operations are profitable. As a result, when the U.S. side of the business is doing badly, firms are unable to immediately use the foreign tax credits. While the current tax law allows businesses to carry excess foreign tax credits forward for up to 5 years, that timetable is unrealistic. An expanding business, with high domestic expansion costs and low domestic profits, can easily go through 5 years of losses, and never get a chance to use those tax credits. Once the 5-year period has expired, the credits are gone forever, and the result is double taxation, the threat of which discourages firms from taking on otherwise profitable overseas investment projects.

If we want American businesses to take the long view, a 5-year carryforward just is not long enough. The legislation Senator TORRICELLI and I are introducing today will extend that horizon to 10 years. If enacted, it would give U.S. firms a much better search throughout the world for profitable investment projects. And again, profits earned by U.S. companies throughout the world generally translates into more and better-paying jobs for Americans.

Our second proposal would eliminate our tax code's inhospitable treatment of international joint ventures. In many developing countries with rules and restrictions on foreign ownership, joint ventures are the only way to get things done. Our current-law tax treatment of these joint ventures, known as 10/50 companies because between 10 and 50 percent of the joint venture is owned by the U.S. company—is indefensible.

Ordinarily, our tax code adds together tax attributes from different divisions of the same firm. For example, if one division of a company loses a hundred dollars and another division earns a hundred in profits, we offset the gain and the loss and assess no tax liability.

Unfortunately, when it comes to these 10/50 companies, the tax law applies a separate foreign tax credit limitation to each venture. This increases the cost of doing business for the U.S. firms competing abroad because it makes it harder for firms to use their foreign tax credits and also adds a great deal of complexity. The result? Double taxation once again. And once again, our tax code discourages U.S. firms from jumping on profitable investment opportunities, because of the very real threat of double taxation.

When American businesses are considered overseas investment opportunities, we do not want that decision to turn on the arcane details of U.S. tax law—we want a code that is fairer, simpler, and most of all, helps our companies better compete in the global marketplace. The bill we are introducing today will not fix all of our tax code's many problems in the international area, but it is an excellent start. I urge our colleagues to give their consideration to this important piece of legislation.

By Mr. ROCKEFELLER:

S. 2677. A bill to improve consumer access to prescription drugs, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce a bill that affects all of our lives. This bill gets to the heart of an issue that Congress has been talking about for years, access to prescription drugs. As the name implies, the Consumer Access to Prescription Drugs Improvement Act of 2002 seeks to improve access to prescription drugs for every person who needs medication.

Today, people rely on prescription drugs for several different reasons. For some people, prescription drugs make life more comfortable. Some would not survive without them. Prescription drugs have become an intricate part of modern medicine, replacing procedures that once required an inpatient stay. Ailments that once could not be treated can now be cured with a little pill. The innovation that has been displayed is amazing and must continue.

The problem, however, is that prescription drug manufacturers have been distorting the market. Drug manufacturers are exploiting loopholes in existing laws to further extend their monopolies and keep generic drugs off the market. The result, after years of paying monopoly prices, consumers continue to be cheated out of cost-effective alternatives. We've all heard the horror stories of people going without their medications, splitting pills, or making the choice between food and drugs. However, the consequences of actions taken by drug manufacturers are actually more global. They are taking a terrible toll on State budgets, forcing Medicaid to severely scale back their coverage of our most needed population. They are causing employer health care premiums to go through the roof. These pressures will cause the number of uninsured to increase and will ultimately limit access to health care.

The group that suffers the most due to drug cost growth is seniors. Millions of seniors have no drug coverage today. Over the past five years, the 50 prescription drugs most commonly used by seniors have increased in price by nearly twice the rate of inflation. In fact, over 25 percent of these drugs increased in price by three or more times the rate of inflation over that time period. According to the Kaiser Family Foundation, the average retail prescription price for brand name drugs has increased more than 58 percent in 10 years. Brandeis University recently released a report on this issue. The major conclusion of the report is that greater and appropriate use of generic medications can achieve $50–$100 billion in savings for any new Medicare drug benefit. This legislation will make a Medicare drug benefit affordable and sustainable into the future. Senators should be aware that I plan to offer this legislation as an amendment to any Medicare prescription drug benefit that the Senate considers.

This legislation will stop pharmaceutical companies from circumventing the law and open the door to competition so that every consumer from West Virginia to California has access to reasonably priced prescription drugs. However, this legislation will also go further. It will provide crucial information to physicians, consumers, and health care purchasers about the cost-effective generics that are equivalent to brand names. According to the Federal Trade Commission, generic drugs typically cost 25 percent less than brand-name drugs when they first enter the market. After two years, the price difference grows to 60 percent. Every patient should have access to the drug prescribed by their doctor, but if there is a drug out there that is equivalent to the brand name but will cost you half as much, don't you want your physician to know about it? This bill will shine a spotlight on the real costs and the effects of issues we hear so much about, direct-to-consumer advertising, drug detailing, and sampling. We can no longer afford to talk about these issues in broad, hypothetical terms. Congress and the public need to understand these issues better so that we can be more prudent purchasers. This legislation will create the correct incentives, to innovate rather than litigate.

Finally, this legislation will expand access to drugs under existing programs which are so crucial to those who rely on them. This legislation will expand Medicare's current drug benefit to include all cancer drugs, regardless of the method by which they are administered. It will allow public hospitals access to the drug prices they need to be able to continue in their mission to provide care to our neediest citizens. It will help states with their drug utilization review programs which we all know are cost effective. I urge my colleagues to join me in this effort.

My efforts are supported by the Service Employees International Union, the American Federation of State, County and Municipal Employees, the AFL-CIO, Families USA, the Generic Pharmaceutical Association, the National Association of Chain Drug Stores, and Representative WAXMAN, the author of the original legislation.

Representative WAXMAN stated:

> Now more than ever, as the cost of prescription drugs has skyrocketed, access to low-cost generics is essential. At a time when the brand-name companies have few innovative products in their pipelines, we are seeing a disturbing trend: a growing number of companies are choosing to protect their profits through legal maneuvers to delay generic competition on their existing products. The price of this anti-competitive behavior to our nation's health care bill and to the health of Americans is shockingly high. It is time that Congress acted to stop unnecessary delays in the marketing of generic drugs. The bill that Senator Rockefeller is introducing today makes a real contribution to the effort to combat these problems.

This legislation is a commonsense step we can take to increase access to prescription drugs for all consumers. I urge Congress to consider and pass this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Access to Prescription Drugs Improvement Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.

TITLE I—EXPANSION OF ACCESS THROUGH EDUCATION AND INFORMATION

Sec. 101. Pharmaceutical Advisory Committee.
Sec. 102. Guidance for payer and medical communities.
Sec. 103. Study of procedures and scientific standards for evaluating generic biological products.
Sec. 104. Institute of Medicine study.

TITLE II—EXPANSION OF ACCESS THROUGH INCREASED COMPETITION

Sec. 201. Drug Reimbursement Fund.
Sec. 202. Patent certification.
Sec. 203. Accelerated generic drug competition.
Sec. 204. Notice of agreements settling challenges to certifications that a patent is invalid or will not be infringed.

Sec. 205. Publication of information in the Orange Book.
Sec. 206. No additional 30-month extension.

TITLE III—EXPANSION OF ACCESS THROUGH EXISTING PROGRAMS

Sec. 301. Medicare coverage of all anticancer oral drugs.
Sec. 302. Removal of State restrictions.
Sec. 303. Medicaid drug use review program.
Sec. 304. Clarification of inclusion of inpatient drug prices charged to certain public hospitals in the best price exemptions established for purposes of the medicaid drug rebate program.
Sec. 305. Upper payment limits for generic drugs under medicaid.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Report.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) prescription drugs are a crucial part of modern medicine, serving as complements to medical procedures, substitutes for surgery and other medical procedures, and new forms of treatment;

(2) a lack of access to prescription drugs can not only cause discomfort, but can be life-threatening to a patient;

(3)(A) by all accounts, double-digit prescription drug price increases are forecast annually for the next 3 to 5 years; and

(B) such increases would result in prescription drug costs that would be prohibitive for many Americans;

(4) the Congressional Budget Office estimates that—

(A) the use of generic prescription drugs for brand-name prescription drugs could save purchasers of prescription drugs between $8,000,000,000 and $10,000,000,000 each year; and

(B) generic prescription drugs cost between 25 percent and 60 percent less than brand-name prescription drugs, resulting in an estimated average saving of $15 to $30 on each prescription;

(5) expanding access to generic prescription drugs can help consumers, especially seniors and the uninsured, have access to more affordable prescription drugs;

(6) policymakers should be better informed about issues relating to prescription drugs, particularly issues concerning barriers to patient access to prescription drugs;

(7) health care purchasers should be more aware of safe, cost-effective alternatives to brand-name prescription drugs; and

(8) prescription drug coverage provided under existing programs should be expanded to better reflect modern technology and provide drugs to the people who rely on them most, yet who increasingly find themselves uninsured or with coverage that is becoming more expensive and less meaningful.

(b) PURPOSES.—The purposes of this Act are—

(1) to better educate policymakers, purchasers, and the public about safe and cost-effective generic alternatives, barriers to market entry, and upcoming issues in the pharmaceutical industry;

(2) to increase consumer access to prescription drugs by—

(A) decreasing price through increased competition; and

(B) expanding coverage under the medicare and medicaid programs.

TITLE I—EXPANSION OF ACCESS THROUGH EDUCATION AND INFORMATION

SEC. 101. PHARMACEUTICAL ADVISORY COMMITTEE.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1805 the following:

"PHARMACEUTICAL ADVISORY COMMITTEE

"SEC. 1805A. (a) ESTABLISHMENT.—There is established, as part of the Medicare Payment Advisory Commission established under section 1805, a committee to be known as the 'Pharmaceutical Advisory Committee' (referred to in this section as the 'Committee').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Committee shall be composed of 11 members appointed by the Comptroller General of the United States.

"(2) QUALIFICATIONS.—

"(A) IN GENERAL.—The Committee members shall be selected from among—

"(i) individuals with expertise in and knowledge of the pharmaceutical industry (brand name and generic), including expertise in and knowledge of pharmaceutical—

"(I) development;

"(II) pricing;

"(III) distribution;

"(IV) marketing;

"(V) reimbursement; and

"(VI) patent law; and

"(ii) providers of health and related services;

"(B) REPRESENTATION.—The members of the Committee shall include—

"(i) physicians and other health professionals;

"(ii) employers;

"(iii) third-party payers;

"(iv) representatives of consumers;

"(v) individuals having—

"(I) skill in the conduct and interpretation of pharmaceutical and health economics research; and

"(II) expertise in outcomes, effectiveness research, and technology assessment; and

"(vi) patent attorneys.

"(C) CONFLICTS OF INTEREST.—The members of the Committee shall not include any individual who, within the 5-year period preceding the date of appointment to the Committee, has been an officer or employee of a drug manufacturer or has been employed as a consultant to a drug manufacturer.

"(D) REPRESENTATION.—The members of the Committee shall be broadly representative of various professions, geographic regions, and urban and rural areas.

"(E) LIMITATION.—Not more than ½ of the members appointed under this subsection may be directly involved in the provision, management, or delivery of items and services covered under this title.

"(F) PUBLIC DISCLOSURE.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall establish rules for the public disclosure of financial and other potential conflicts of interest by members of the Committee.

"(3) TERMS; VACANCIES.—

"(A) TERMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), a member of the Committee shall be appointed for a term of 3 years.

"(ii) INITIAL TERMS.—Of the members first appointed to the Committee under this subsection—

"(I) 4 shall be appointed for a term of 1 year; and

"(II) 4 shall be appointed for a term of 2 years.

"(iii) CARRYOVER.—After the term of a member of the Committee has expired, the member may continue to serve until a successor is appointed.

"(B) VACANCIES.—

"(i) IN GENERAL.—A vacancy on the Committee—

"(I) shall not affect the powers of the Committee; and

"(II) shall be filled in the same manner as the original appointment was made.

"(ii) FILLING OF UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(4) MEETINGS.—The Committee shall meet at the call of the chairperson.

"(5) CHAIRPERSON; VICE CHAIRPERSON.—The Comptroller General shall appoint 1 of the members as chairperson and 1 of the members as vice chairperson.

"(c) DUTIES.—

"(1) IN GENERAL.—The Committee shall—

"(A) review payment policies for drugs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.); and

"(B) make recommendations to Congress with respect to the payment policies.

"(2) INCLUSIONS.—The matters to be studied by the Committee under paragraph (1) include—

"(A) the effects of direct-to-consumer advertising, drug detailing, and sampling;

"(B) the level of use of generic drugs as safe and cost-effective alternatives to brand name drugs;

"(C) the barriers to approval of generic drugs, including consideration of all of the matters described in paragraph (3);

"(D) the adequacy of drug price metrics, including the average wholesale price and the average manufacturers price;

"(E) the effectiveness of various education methods on changing clinical behavior;

"(F) the effectiveness of common drug management tools, including drug use review and use of formularies;

"(G) the perception of patients, physicians, nurses, and pharmacists of generic prescription drugs as safe and effective substitutes for brand-name prescription drugs;

"(H) the costs of research and development and the costs of clinical trials associated with producing a drug;

"(I) the relationship between pharmacy benefit managers and prescription drug manufacturers;

"(J) best practices to increase medical safety and reduce medical errors; and

"(K) polypharmacy and underutilization.

"(3) BARRIERS TO APPROVAL.—The matters for consideration referred to in paragraph (2)(C) include—

"(A) the appropriate balance between rewarding scientific innovation and providing affordable access to health care;

"(B) features of the communication process and grievance procedure of the Committee that provide opportunities for tactics that unduly delay generic market entry;

"(C) the use of the citizen's petition process to delay generic market entry;

"(D) the use of changes to a drug product (including a labeling change) timed to delay generic approval; and

"(E) the impact of granting patents on diagnostic methods such as patents on genes and genetic testing systems on access to affordable health care.

"(4) REPORT.—Not later than January 1 of each year, the Committee shall submit to Congress a report on—

"(A) the results of the reviews and recommendations;

"(B) issues affecting drug prices, including use of and access to generic drugs; and

"(C) the effect of drug prices on spending by government-sponsored health care programs and health care spending in general.

"(d) Powers.—

"(1) Information from federal agencies.—

"(A) In general.—The Committee may secure directly from a Federal department or agency such information as the Committee considers necessary to carry out this section.

"(B) Provision of information.—On request of the Chairperson of the Committee, the head of the Federal department or agency shall provide the information to the Committee.

"(2) Data collection.—To carry out the duties of the Committee under subsection (c), the Committee shall—

"(A) collect and assess published and unpublished information that is available on the date of enactment of this Act;

"(B) if information available under subparagraph (A) is inadequate, carry out, or award grants or contracts for, original research and experimentation; and

"(C) adopt procedures to allow members of the public to submit information to the Committee for inclusion in the reports and recommendations of the Committee.

"(3) Additional powers.—The Committee may—

"(A) seek assistance and support from appropriate Federal departments and agencies;

"(B) enter into any contracts or agreements as are necessary to carry out the duties of the Committee, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

"(C) make advance, progress, and other payments that relate to the duties of the Committee;

"(D) provide transportation and subsistence for persons serving without compensation; and

"(E) promulgate regulations for the internal organization and operation of the Committee.

"(e) Committee Personnel Matters.—

"(1) Compensation of members.—

"(A) In general.—A member of the Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

"(B) Travel expenses.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

"(2) Staff.—

"(A) In general.—The Committee may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Committee to perform the duties of the Committee.

"(B) Compensation.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

"(C) Employees of the federal government.—For the purposes of compensation, benefits, rights, and privileges, the staff of the Committee shall be considered employees of the Federal Government.

"(f) Request for Appropriations.—

"(1) In general.—The Committee shall submit requests for appropriations in the same manner as the Comptroller General submits requests for appropriations.

"(2) Separate amounts.—Notwithstanding paragraph (1), amounts appropriated for the Committee shall be separate from amounts appropriated for the Comptroller General.".

SEC. 102. GUIDANCE FOR PAYER AND MEDICAL COMMUNITIES.

(a) In General.—The Secretary of Health and Human Services shall issue guidance for the payer community and the medical community on—

(1) how consumers, physicians, nurses, and pharmacists should be educated on generic drugs; and

(2) the need to potentially educate pharmacy technicians, nurse practitioners, and physician assistants on generic drugs.

(b) Matters To Be Addressed.—The guidance shall include such items as—

(1) a recommendation for allotment of a portion of yearly continuing education hours to the subject of generic drugs similar to recommendations for continuing education already in place for pharmacists in some States on pharmacy law and AIDS;

(2) a recommendation to all medical education governing bodies regarding course curricula concerning generic drugs to include in the course work of medical professionals;

(3) a recommendation on how the Food and Drug Administration could notify physicians and pharmacists when a brand name drug becomes available as a generic drug and what information could be included in the notification;

(4) the establishment of a speaker's bureau available to groups by geographic region to speak and provide technical assistance on issues relating to generic drugs, to be available to pharmacists, consumer groups, physicians, nurses, and local media; and

(5) the proposition of a survey on perception and awareness of generic drugs at the beginning and end of an educational campaign to test the effectiveness of the campaign on different audiences.

(c) Public Education.—The Secretary shall provide for the education of the public on the availability and benefits of generic drugs.

(d) Notification of New Generic Prescription Drug Approvals.—As soon as practicable after a new generic prescription drug is approved, the Secretary shall—

(1) notify physicians, pharmacists, and other health care providers of the approval; and

(2) inform health care providers of the brand-name prescription drug for which the generic prescription drug is a substitute.

SEC. 103. STUDY OF PROCEDURES AND SCIENTIFIC STANDARDS FOR EVALUATING GENERIC BIOLOGICAL PRODUCTS.

(a) In General.—The Institute of Medicine shall conduct a study to evaluate—

(1) the feasibility of producing generic versions of biological products; and

(2) the relevance of the source materials and the manufacturing process to the production of the generic versions.

(b) Establishment of Process.—

(1) In general.—If, as a result of the study under subsection (a), the Institute of Medicine finds that it would be feasible to produce generic versions of biological products, not later than 3 years after the date of the completion of the study, the Secretary, shall prescribe procedures and conditions under which biological products intended for human use may be approved under an abbreviated application or license.

(2) Application.—An abbreviated application or license shall, at a minimum, contain—

(A) information showing that the conditions of use prescribed, recommended, or suggested in the labeling proposed for the new biological product have been previously approved for a drug subject to regulation under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or under section 351 of the Public Health Service Act (42 U.S.C. 262) (referred to in this subsection as a "listed drug");

(B) information to show that the new biological product has chemical and biological characteristics comparable to the characteristics of the listed drug; and

(C) information showing that the new biological product has a safety and efficacy profile comparable to that of the listed drug.

(3) Product standards.—The Secretary, on the initiative of the Secretary or on petition, may by regulation promulgate drug product standards, procedures, and conditions to determine insignificant changes in a biological product that do not affect the scientific and medical soundness of product approval and interchangeability.

SEC. 104. INSTITUTE OF MEDICINE STUDY.

(a) In General.—The Institute of Medicine shall convene a committee to conduct a study to determine—

(1) whether information regarding the relative efficacy and effectiveness of drugs (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) and biological products (as defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i))) is available to the public for independent and external review;

(2) whether the benefits of drugs and biological products, and particularly the relative benefits of similar drugs and biological products, are understood by physicians and patients; and

(3) whether prescribing and use patterns are unduly or inappropriately influenced by marketing to physicians and direct advertising to patients.

(b) Recommendations.—If problems are identified by the study conducted under subsection (a), the committee shall make recommendations to the Commissioner of Food and Drugs for improvement, including recommendations regarding—

(1) ways to better review the relative efficacy and effectiveness of drugs approved for use by the Food and Drug Administration;

(2) the appropriate governmental or nongovernmental body to conduct the review described under paragraph (1); and

(3) ways to improve communication and dissemination of the information reviewed in paragraph (1).

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE II—EXPANSION OF ACCESS THROUGH INCREASED COMPETITION

SEC. 201. DRUG REIMBURSEMENT FUND.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 501 et seq.) is amended by adding at the end the following:

"SEC. 524. DRUG REIMBURSEMENT FUND.

"(a) DEFINITIONS.—In this section:

"(1) DRUG PATENT.—The term 'drug patent' means a patent described in section 505(b)(1).

"(2) FUND.—The term 'Fund' means the Drug Reimbursement Fund established under subsection (b).

"(b) ESTABLISHMENT.—There is established in the Treasury of the United States a separate fund to be known as the 'Drug Reimbursement Fund'.

"(c) COMPTROLLER.—The Secretary shall appoint a comptroller to administer the Fund.

"(d) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall promulgate regulations for the operation of the Fund, including the method of payments from the Fund and designation of beneficiaries of the Fund.

"(2) ADMINISTRATIVE DETERMINATIONS.—The regulations under paragraph (1) may permit the administrative determination of the claims of health insurers, State and Federal Government programs, and third-party payers or other parties that are disadvantaged by the conduct of drug manufacturers that seek to bring spurious civil actions for infringement of drug patents in order to block the production and marketing of lower-cost drug alternatives.

"(e) CONTRIBUTIONS TO THE FUND.—

"(1) IN GENERAL.—In any civil action under section 505 or 512 or in a civil action for infringement of a drug patent (as defined in section 524(a)) under chapters 28 and 29 of title 35, United States Code—

"(A) if the Court determines that the drug patent is invalid or that the drug patent is not otherwise infringed, but that the plaintiff obtained an injunction against the defendant for the production or marketing of the drug to which the drug patent relates, the Court shall order the plaintiff to pay to the Fund the amount that is equal to—

"(i) the amount that is equal to the amount of net revenues generated by the plaintiff from the production or marketing of the drug during the period in which the injunction was in effect, plus an additional period of 12 months; minus

"(ii) the amount of any special damages paid by the plaintiff under section 524(m); or

"(B) if the defendant enters into a settlement agreement or any other arrangement under which the defendant agrees to withdraw an application under section 505 or 512, the Court shall order the defendant to pay to the Fund the amount that is equal to 50 percent of the amount (including the value of any form of property) that the defendant receives from the plaintiff under the arrangement.

"(2) COLLECTION.—The United States may seek to enforce collection of a contribution required to be made to the Fund by bringing a civil action in United States district court.".

SEC. 202. PATENT CERTIFICATION.

(a) IN GENERAL.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) in subparagraph (B)—

(A) by striking "(B) The approval" and inserting the following:

"(B) EFFECTIVE DATE OF APPROVAL.—Except as provided in subparagraph (C), the approval"; and

(B) by striking clause (iii) and inserting the following:

"(iii) CERTIFICATION THAT PATENT IS INVALID OR WILL NOT OTHERWISE BE INFRINGED.—

"(I) NO CIVIL ACTION FOR PATENT INFRINGEMENT OR DECLARATORY JUDGMENT, OR NO MOTION FOR PRELIMINARY INJUNCTION.—Except as provided in subclause (II), if—

"(aa) the applicant made a certification described in paragraph (2)(A)(vii)(IV);

"(bb) none of the conditions for denial of approval stated in paragraph (4) applies;

"(cc)(AA) no civil action for infringement of a patent that is the subject of the certification is brought before the expiration of the 45-day period beginning on the date on which the notice provided under paragraph (2)(B)(ii) was received; or

"(BB) a civil action is brought as described in subitem (AA), but no motion for preliminary injunction is filed within 90 days of commencement of the civil action; and

"(dd) the applicant does not bring a civil action for declaratory judgment of invalidity or other noninfringement of the patent before the expiration of the 60-day period beginning on the date on which the notice provided under paragraph (2)(B)(ii) was received; the approval shall be made effective on the expiration of 60 days after the date on which the notice provided under paragraph (2)(B)(ii) was received.

"(II) CIVIL ACTION FOR PATENT INFRINGEMENT OR DECLARATORY JUDGMENT.—If—

"(aa)(AA) a civil action for infringement of a patent that is the subject of the certification is brought before the 45-day period beginning on the date on which the notice provided under paragraph (2)(B)(ii) was received; or

"(BB) the applicant brings a civil action for declaratory judgment of invalidity or other noninfringement of the patent before the expiration of the 60-day period beginning on the date on which the notice under paragraph (2)(B)(ii) was received;

"(bb) the holder of the approved application or the owner of the patent seeks a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture and sale of the drug; and

"(cc) none of the conditions for denial of approval stated in paragraph (4) applies;
the approval shall be made effective on issuance by a United States district court of a decision and order that denies a preliminary injunction, or, in a case in which a preliminary injunction has been granted by a United States district court prohibiting the applicant from engaging in the commercial manufacture or sale of the drug, a decision and order that determines that the drug patent is invalid or that the drug patent is not otherwise infringed.

"(III) PROCEDURE.—In a civil action brought as described in subclause (II)—

"(aa) the civil action shall be brought in the judicial district in which the defendant has its principal place of business or a regular and established place of business;

"(bb) each of the parties shall reasonably cooperate in expediting the civil action;

"(cc) the court shall not consider a motion for preliminary injunction unless the motion is filed within 90 days of commencement of the civil action; and

"(dd) the holder of the approved application or the owner of the patent shall be entitled to a preliminary injunction if the holder or owner demonstrates a likelihood of success on the merits and without regard to whether the holder or owner would suffer immediate or irreparable harm or to any other factor.";

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (F) and (G), respectively; and

(3) by inserting after subparagraph (B) the following:

"(C) EFFECTIVENESS ON CONDITION.—

"(i) NOTICE.—The applicant of an application that has been approved under subparagraph (A) but for which the approval has not yet been made effective under subparagraph (B) (referred to in this subparagraph as the 'previous application') and with respect to which a preliminary injunction has been issued prohibiting the commercial manufacture or sale of the drug subject to the previous application may submit to the Secretary a notice stating that—

"(I) the applicant expects to receive, within 180 days, a United States district court decision and order that vacates the preliminary injunction and denies a permanent injunction or determines that the patent is invalid or is otherwise not infringed (referred to in this subparagraph as a 'noninfringement decision');

"(II) requests the immediate issuance of an approval of the application conditioned on a noninfringement decision within the specified time;

"(III) agrees that—

"(aa) the applicant will not settle or otherwise compromise the noninfringement decision in any manner that would prevent or delay the immediate marketing of the drug under the approved application; and

"(bb) the applicant will notify the Secretary of the noninfringement decision (or if a decision is rendered that is not a noninfringement decision, will notify the Secretary of that decision) not later than 5 days after the date of entry of judgment; and

"(IV) consents to the immediate withdrawal of the approval, without opportunity for a hearing, if the applicant fails to comply with the agreement under subclause (III) or if the noninfringement decision is vacated by the district court or reversed on appeal.

"(ii) APPROVAL.—On receipt of a notice under clause (i), if none of the conditions for denial of approval stated in paragraph (4) applies, the Secretary shall immediately issue an effective approval of the application conditioned on the receipt of a noninfringement decision within the specified time, subject to immediate withdrawal if the applicant fails to comply with the agreement under clause (i)(III).

"(iii) EFFECT.—If a noninfringement decision is rendered, the date of the final decision of a court referred to in subparagraph (B)(iv)(II)(aa) shall be the date of the noninfringement decision, notwithstanding that the noninfringement decision may be, or has been, appealed.

"(D) CIVIL ACTION FOR DECLARATORY JUDGMENT.—A person that files an abbreviated application for a new drug under this section containing information showing that the conditions of use prescribed, recommended, or suggested in the labeling proposed for the new drug have been previously approved for a listed drug may bring a civil action—

"(i) against the holder of an approved application for the listed drug, for a declaratory judgment declaring that the certification made by the holder of the approved drug application under subsection (b)(5)(C) relating to the listed drug was not properly made; or

"(ii) against the owner of a patent that claims the listed drug, a method of using the listed drug, or the active ingredient in the listed drug, for a declaratory judgment declaring that the patent is invalid or will not otherwise be infringed by the new drug for which the applicant seeks approval.".

(b) CONFORMING AMENDMENTS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsections (b)(1)(A)(i) and (c)(1)(A)(i), by striking "(j)(5)(D)(ii)" each place it appears and inserting "(j)(5)(G)(ii)";

(2) in subsections (b)(1)(A)(ii) and (c)(1)(A)(ii), by striking "(j)(5)(D)" each place it appears and inserting "(j)(5)(G)"; and

(3) in subsections (e) and (l), by striking "505(j)(5)(D)" each place it appears and inserting "505(j)(5)(G)".

SEC. 203. ACCELERATED GENERIC DRUG COMPETITION.

(a) In General.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) (as amended by section 203) is amended—

(1) in subparagraph (B)(iv), by striking subclause (II) and inserting the following:

"(II) the earlier of—

"(aa) the date of a final decision of a court in an action described in clause (iii)(II) (from which no appeal has been or can be taken, other than a petition to the Supreme Court for a writ of certiorari) holding that the patent that is the subject of the certification is invalid or not otherwise infringed; or

"(bb) the date of a settlement order or consent decree signed by a Federal judge that enters a final judgment and includes a finding that the patent that is the subject of the certification is invalid or not otherwise infringed;"; and

(2) by inserting after subparagraph (D) the following:

"(E) Forfeiture of 180-day period.—

"(i) Definitions.—In this subparagraph:

"(I) Forfeiture event.—The term 'forfeiture event' means the occurrence of any of the following:

"(aa) Failure to market.—An applicant fails to market the drug by the later of—

"(AA) the date that is 60 days after the date on which the approval of the application for the drug is made effective under subparagraph (B)(iii) (unless the Secretary extends the date because of the existence of extraordinary or unusual circumstances); or

"(BB) if the approval has been made effective and a civil action has been brought against the applicant for infringement of a patent subject to a certification under paragraph (2)(A)(vii)(IV) or a civil action has been brought by the applicant for a declaratory judgment that such a patent is invalid or not otherwise infringed, and if there is no other such civil action pending by or against the applicant, the date that is 60 days after the date of a final decision in the civil action, (unless the Secretary extends the date because of the existence of extraordinary or unusual circumstances).

"(bb) Withdrawal of application.—An applicant withdraws an application.

"(cc) Amendment of certification.—An applicant, voluntarily or as a result of a settlement or defeat in patent litigation, amends the certification from a certification under paragraph (2)(A)(vii)(IV) to a certification under paragraph (2)(A)(vii)(III).

"(dd) Failure to obtain approval.—An applicant fails to obtain tentative approval of an application within 30 months after the date on which the application is filed, unless the failure is caused by—

"(AA) a change in the requirements for approval of the application imposed after the date on which the application is filed; or

"(BB) other extraordinary circumstances warranting an exception, as determined by the Secretary.

"(ee) Failure to challenge patent.—In a case in which, after the date on which an applicant submitted an application under this subsection, new patent information is submitted under subsection (c)(2) for the listed drug for a patent for which certification is required under paragraph (2)(A), the applicant fails to submit, not later than 60 days after the date on which the applicant receives notice from the Secretary under paragraph (7)(A)(iii) of the submission of the new patent information either a certification described in paragraph (2)(A)(vii)(IV) or a statement that the method of use patent does not claim a use for which the applicant is seeking approval under this subsection in accordance with paragraph (2)(A)(viii) (unless the Secretary extends the date because of extraordinary or unusual circumstances).

"(ff) Monopolization.—The Secretary, after a fair and sufficient hearing, in consultation with the Federal Trade Commission, and based on standards used by the Federal Trade Commission in the enforcement of Acts enforced by the Federal Trade Commission, determines that the applicant at any time engaged in—

"(AA) anticompetitive or collusive conduct; or

"(BB) any other conduct intended to unlawfully monopolize the commercial manufacturing of the drug that is the subject of the application.

"(II) Subsequent applicant.—The term 'subsequent applicant' means an applicant that submits a subsequent application under clause (ii).

"(ii) Forfeiture event occurs.—If—

"(I) a forfeiture event occurs;

"(II) no action described in subparagraph (B)(iii)(II) was brought against or by the previous applicant, or such an action was brought but did not result in a final judgment that included a finding that the patent is invalid; and

"(III) an action described in subparagraph (B)(iii)(II) is brought against or by the next applicant, and the action results in a final judgment that includes a finding that the patent is invalid;

the 180-day period under subparagraph (B)(iv) shall be forfeited by the applicant and shall become available to an applicant that submits a subsequent application containing a certification described in paragraph (2)(A)(vii)(IV).

"(iii) Forfeiture event does not occur.—If a forfeiture event does not occur, the application submitted subsequent to the previous application shall be treated as the previous application under subparagraph (B)(iv).

"(iv) Availability.—The 180-day period under subparagraph (B)(iv) shall be available only to—

"(I) the previous applicant submitting an application for a drug under this subsection containing a certification described in paragraph (2)(A)(vii)(IV) with respect to any patent; or

"(II) under clause (i), a subsequent applicant submitting an application for a drug under this subsection containing such a certification with respect to any patent;

without regard to whether an application has been submitted for the drug under this subsection containing such a certification with respect to a different patent.

"(v) Applicability.—The 180-day period described in subparagraph (B)(iv) shall apply only if—

"(I) the application contains a certification described in paragraph (2)(A)(vii)(IV); and

"(II)(aa) an action is brought for infringement of a patent that is the subject of the certification; or

"(bb) not later than 60 days after the date on which the notice provided under paragraph (2)(B)(ii) is received, the applicant brings an action against the holder of the approved application for the listed drug.".

(b) Applicability.—The amendment made by subsection (a) shall be effective only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) after the date of enactment of this Act for a listed drug for which no certification under section 505(j)(2)(A)(vii)(IV) of that Act was made before June 7, 2002.

SEC. 204. NOTICE OF AGREEMENTS SETTLING CHALLENGES TO CERTIFICATIONS THAT A PATENT IS INVALID OR WILL NOT BE INFRINGED.

(a) Definitions.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(kk) Brand Name Drug Company.—The term 'brand name drug company' means a person engaged in the manufacture or marketing of a drug approved under section 505(b).

"(ll) Generic Drug Applicant.—The term 'generic drug applicant' means a person that has filed for approval or received approval of an abbreviated new drug application under section 505(j).".

(b) Notice of Agreements Settling Challenges to Certifications That a Patent Is Invalid or Will Not Otherwise Be Infringed.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(o) Notice of Agreements Settling Challenges to Certifications That a Patent Is Invalid or Will Not Otherwise Be Infringed.—

"(1) In general.—A brand name drug company and a generic drug applicant that enter into an agreement regarding the settlement of a challenge to a certification with respect to a patent on a drug under subsection 505(b)(2)(A)(iv) shall submit to the Secretary and the Attorney General a notice that includes—

"(A) a copy of the agreement;

"(B) an explanation of the purpose and scope of the agreement; and

"(C) an explanation whether there is any possibility that the agreement could delay, restrain, limit, or otherwise interfere with the production, manufacture, or sale of the generic version of the drug.

"(2) Filing deadlines.—A notice required under paragraph (1) shall be submitted not later than 10 business days after the date on which the agreement described in paragraph (1) is entered into.

"(3) Enforcement.—

"(A) Civil penalty.—

"(i) In general.—A person that fails to comply with paragraph (1) shall be liable for a civil penalty of not more than $20,000 for each day of failure to comply.

"(ii) Procedure.—A civil penalty under clause (i) may be recovered in a civil action brought by the Secretary or the Attorney General in accordance with section 16(a)(1) of the Federal Trade Commission Act (15 U.S.C. 56(a)(1)).

"(B) Compliance and equitable relief.—If a person fails to comply with paragraph (1), on application of the Secretary or the Attorney General, a United States district court may order compliance and grant such other equitable relief as the court determines to be appropriate.

"(4) Regulations.—The Secretary, with the concurrence of the Attorney General, may by regulation—

"(A) require that a notice required under paragraph (1) be submitted in such form and contain such documentary material and information relevant to the agreement as is appropriate to enable the Secretary and the Attorney General to determine whether the agreement may violate the antitrust laws; and

"(B) prescribe such other rules as are appropriate to carry out this subsection.".

SEC. 205. PUBLICATION OF INFORMATION IN THE ORANGE BOOK.

(a) Definition of Orange Book.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) (as amended by section 205(a)) is amended by adding at the end the following:

"(mm) Orange Book.—The term 'Orange Book' means the publication published by the Secretary under section 505(b)(1).".

(b) Publication of Information in the Orange Book.—Section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is amended—

(1) in the fourth sentence of paragraph (1), by inserting before the period at the end the following: "in a publication entitled 'Approved Drug Products With Therapeutic Equivalence Indications' (commonly known as the 'Orange Book')"; and

(2) by adding at the end the following:

"(5) Publication of information in the orange book.—

"(A) Definitions.—In this paragraph:

"(i) Interested person.—The term 'interested person' includes—

"(I) an applicant under paragraph (1);

"(II) any person that is considering engaging in the manufacture, production, or marketing of a drug with respect to which there may be a question whether the drug infringes the patent to which information submitted under the second sentence of paragraph (1) pertains;

"(III) the Federal Trade Commission; and

"(IV) a representative of consumers.

"(ii) Qualified patent information.—The term 'qualified patent information' means information that meets the requirement of the second sentence of paragraph (1) that a patent with respect to which information is submitted under that sentence be a patent with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner engaged in the manufacture, use, or sale of the drug that is the subject of an application under paragraph (1).

"(B) Duty of the secretary.—The Secretary shall publish in the Orange Book only information that is qualified patent information.

"(C) Certification.—

"(i) In general.—Information submitted under the second sentence of paragraph (1) shall not be published in the Orange Book unless the applicant files a certification, subject to section 1001 of title 18, United States Code, and sworn in accordance with section 1746 of title 28, United States Code, that discloses the patent data or information that forms the basis of the entry.

"(ii) Contents.—A certification under clause (i) shall—

"(I)(aa) identify all relevant claims in the patent information for which publication in the Orange Book is sought; and

"(bb) with respect to each such claim, a statement whether the claim covers an approved drug, an approved method of using the approved drug, or the active ingredient in the approved drug (in the same physical form as the active ingredient is present in the approved drug);

"(II) state the approval date for the drug;

"(III) state an objectively reasonable basis on which a person could conclude that each relevant claim of the patent covers an approved drug, an approved method of using the approved drug, or the active ingredient in the approved drug (in the same physical form as the active ingredients is present in the approved drug);

"(IV) state that the information submitted conforms with law; and

"(V) state that the submission is not made for the purpose of delay or for any improper purpose.

"(iii) Regulations.—

"(I) In general.—Not later than 16 months after the date of enactment of this paragraph, the Secretary, in consultation with the United States Patent and Trademark Office, shall promulgate regulations governing certifications under clause (i).

"(II) Civil penalties.—The regulations under subclause (I) shall prescribe civil penalties for the making of a fraudulent or misleading statement in a certification under clause (i).

"(D) Consultation.—For the purpose of deciding whether information should be published in Orange Book, the Secretary may consult with the United States Patent and Trademark Office.

"(E) Publication of determination.—The Secretary shall publish in the Federal Register notice of a determination by the Secretary whether information submitted by an applicant under the second sentence of paragraph (1) is or is not qualified patent information.

"(F) Petition to reconsider determination.—

"(i) In general.—An interested person may file with the Secretary a petition to reconsider the determination.

"(ii) Contents.—A petition under clause (i) shall describe in detail all evidence and present all reasons relied on by the petitioner in support of the petition.

"(iii) Notice.—The Secretary shall publish in the Federal Register notice of the filing of a petition under clause (i).

"(iv) Response.—Not later than 30 days after publication of a notice under clause (iii), any interested person may file with the Secretary a response to the petition.

"(v) Reply.—Not later than 15 days after the filing of a response under clause (iv), the petitioner may file with the Secretary a reply to the response.

"(vi) Regulations.—The Secretary may promulgate regulations providing for any additional procedures for the conduct of challenges under this subparagraph.".

(c) Expedited Review of the Orange Book.—

(1) Use of defined terms.—Terms used in this subsection that are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.) (as amended by this section) having the meanings given the terms in that Act.

(2) Expedited review.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) complete a review of the Orange Book to identify any information in the Orange Book that is not qualified patent information; and

(B) delete any such information from the Orange Book.

(3) Priority.—In conducting the review under paragraph (2), the Secretary shall give priority to making determinations concerning information in the Orange Book with respect to which any interested person may file a petition for reconsideration under paragraph (5)(F) of section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)), as added by subsection (b).

(d) Differences in Labeling.—Section 505(j)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)) is amended—

(1) in subparagraph (A)(v)—

(A) by striking "subparagraph (C) or because" and inserting "subparagraph (C), because"; and

(B) by inserting after "manufacturers" the following: ", or because of the omission of an indication or other aspect of labeling that is required by patent protection or exclusivity accorded under paragraph (5)(D)"; and

(2) by adding at the end the following:

"(D) Labeling consistent with labeling for earlier version of listed drug.—For the purposes of subparagraph (A)(v), information showing that labeling proposed for the new drug that is the same as the labeling previously approved for the listed drug, although not for the current version of the listed drug, shall be deemed to be the same labeling as that approved for the listed drug so long as the previously approved labeling is not incompatible with a safe and effective new drug.".

SEC. 206. NO ADDITIONAL 30-MONTH EXTENSION.

Section 505(j)(5)(B)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (j)(5)(B)(iii) is amended by inserting after the fourth sentence the following: "Once a thirty-month period begins under the second sentence of this clause with respect to any application under this subsection, there shall be no additional thirty-month period or extension of the thirty-month period with respect to the application by reason of the making of any additional certification described in subclause (IV) of paragraph (2)(A)(vii) or for any other reason.".

TITLE III—EXPANSION OF ACCESS THROUGH EXISTING PROGRAMS

SEC. 301. MEDICARE COVERAGE OF ALL ANTICANCER ORAL DRUGS.

(a) In General.—Section 1861(s)(2)(Q) of the Social Security Act (42 U.S.C. 1395x(s)(2)(Q)) is amended by striking "anticancer chemotherapeutic agent for a given indication," and all that follows and inserting "anticancer agent for a medically accepted indication (as defined in subsection (t)(2)(B));".

(b) Conforming Amendment.—Section 1834(j)(5)(F)(iv) of the Social Security Act (42 U.S.C. 1395m(j)(5)(F)(iv)) is amended by striking "therapeutic".

(c) Effective Date.—The amendments made by this section shall apply with respect to drugs furnished on or after the date that is 90 days after the date of enactment of this Act.

SEC. 302. REMOVAL OF STATE RESTRICTIONS.

(a) Therapeutic Equivalence.—Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended—

(1) in paragraph (5)(A)—

(A) by striking "(5)(A) Within one hundred and eighty days of the" and inserting the following:

"(5) Time periods.—

"(A) Approval or disapproval.—

"(i) In general.—Not later than 180 days after the date of"; and

(B) by adding at the end the following:

"(ii) Finding regarding therapeutic equivalence.—When the Secretary approves an application submitted under paragraph (1), the Secretary shall include in the approval a finding whether the drug for which the application is approved (referred to in this paragraph as the 'subject drug') is the therapeutic equivalent of a listed drug.

"(iii) Therapeutic equivalence.—For purposes of clause (ii), a subject drug is the therapeutic equivalent of a listed drug if—

"(I) all active ingredients of the subject drug, the dosage form of the subject drug, the route of administration of the subject drug, and the strength or concentration of the subject drug are the same as those of the listed drug and the compendial or other applicable standard met by the subject drug is the same as that met by the listed drug (even though the subject drug may differ in shape, scoring, configuration, packaging, excipients, expiration time, or (within the limits established by paragraph (2)(A)(v)) labeling);

"(II) the subject drug is expected to have the same clinical effect and safety profile as the listed drug when the subject drug is administered to patients under conditions specified in the labeling; and

"(III) the subject drug—

"(aa)(AA) does not present a known or potential bioequivalence problem; and

"(BB) meets an acceptable in vitro standard; or

"(bb) if the subject drug presents a known or potential bioequivalence problem, is shown to meet an appropriate bioequivalence standard.

"(iv) Finding.—If Secretary finds that the subject drug meets the requirements of clause (iii) with respect to a listed drug, the Secretary shall include in the approval of the application for the subject drug a finding that the subject drug is the therapeutic equivalent of the listed drug."; and

(2) in paragraph (7)(A)(i)(II), by striking "and the number of the application which was approved" and inserting ", the number of the application that was approved, and a statement whether a finding of therapeutic equivalence was made under paragraph (5)(A)(iv), and if so the name of the listed drug to which the drug is a therapeutic bioequivalent".

(b) State Laws.—Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended by adding at the end the following:

"(10) State laws.—No State or political subdivision of a State may establish or continue in effect with respect to a drug that is the subject of an application under paragraph (5) any requirement that is different from, or in addition to, any requirement relating to therapeutic equivalence applicable to the drug under paragraph (5).".

SEC. 303. MEDICAID DRUG USE REVIEW PROGRAM.

(a) In General.—Section 1927(g)(2) of the Social Security Act (42 U.S.C. 1396r–8(g)(2)) is amended by adding at the end the following:

"(E) Generic drug samples.—The program shall provide for the distribution of generic drug samples of covered outpatient drugs to physicians and other prescribers.".

(b) Federal Percentage of Expenditures.—Section 1903(a)(3)(D) of the Social Security Act (42 U.S.C. 1396b(a)(3)(D)) is amended by striking "in 1991, 1992, or 1993," and inserting "(beginning with fiscal year 2003)".

(c) Effective Date.—The amendments made by this section take effect on October 1, 2002.

SEC. 304. CLARIFICATION OF INCLUSION OF INPATIENT DRUG PRICES CHARGED TO CERTAIN PUBLIC HOSPITALS IN THE BEST PRICE EXEMPTIONS ESTABLISHED FOR PURPOSES OF THE MEDICAID DRUG REBATE PROGRAM.

Section 1927(c)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)) is amended—

(1) in subclause (II), by striking "and" at the end;

(2) in subclause (III), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(IV) with respect to a covered entity described in section 340B(a)(4)(L) of the Public Health Service Act, shall, in addition to any prices excluded under clause (i)(I), exclude any price charged on or after the date of enactment of this subparagraph, for any drug, biological product, or insulin provided as part of, or as incident to and in the same setting as, inpatient hospital services (and for which payment may be made under this title as part of payment for and not as direct reimbursement for the drug).".

SEC. 305. UPPER PAYMENT LIMITS FOR GENERIC DRUGS UNDER MEDICAID.

Section 1927(e) of the Social Security Act (42 U.S.C. 1396r–8(e)) is amended by striking paragraph (4) and inserting the following:

"(4) Establishment of upper payment limits.—

"(A) In general.—The Administrator of the Centers for Medicare & Medicaid Services shall establish a upper payment limit for each multiple source drug for which the FDA has rated 3 or more products therapeutically and pharmaceutically equivalent.

"(B) Public availability of national drug code.—The Administrator of the Centers for Medicare & Medicaid Services shall make publicly available, at such time and together with the publication of the upper payment limits established in accordance with subparagraph (A), the national drug code (commonly referred to as the 'NDC') for each drug used as the reference product to establish the upper payment limit for a particular multiple source drug.

"(C) Definition of reference product.—In subparagraph (B), the term 'reference product' means the specific drug product, the price of which is used by the Administrator of the Centers for Medicare & Medicaid Services to calculate the upper payment limit for a particular multiple source drug.".

TITLE IV—GENERAL PROVISIONS

SEC. 401. REPORT.

(a) In General.—Not later than the date that is 5 years after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report describing the extent to which implementation of the amendments made by this Act—

(1) has enabled products to come to market in a fair and expeditious manner, consistent with the rights of patent owners under intellectual property law; and

(2) has promoted lower prices of drugs and greater access to drugs through price competition.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000.

By Mr. BAUCUS (for himself, Mr. Crapo, Mr. Harkin, Mr. Warner, Mr. Daschle, Mr. Craig, Mr. Bond, Mr. Graham, Mrs. Carnahan, Mr. Reid, Mr. Thomas, Mr. Enzi, and Mr. Johnson):

S. 2678. A bill to amend the Internal Revenue Code of 1986 to transfer all excise taxes imposed on alcohol fuels to the Highway Trust Fund, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the MEGATRUST Act, the Maximum Growth for America Through the Highway Trust Fund.

Next year, the Congress must reauthorize highway and transit programs and the system of Federal financing for them. This is a very important issue for our Nation. The highway and transit programs are very important in every State. Very few other pieces of legislation effect our country's citizens and businesses more directly than the highway bill. These are our ways for moving goods and people.

They are key to our economy and our ability to connect to one another. This country needs good, safe highways in order to cross great distances, and highway and transit construction and maintenance is an important part of every State's economy.

In order to facilitate our work in reauthorizing these programs, I plan to introduce a series of bills concerning important issues that Congress must address in that legislation.

This will be the first of those bills, a proposal concerning revenues for the highway trust fund. But unlike other bills I will introduce, this one must pass more quickly because it sets the foundation for the other bills I will be introducing later. This bill will represent how this country will help pay for our highway and transit needs over the next several years.

The MEGATRUST Act represents an important step in the effort to strengthen our Nation's economy, and improve its quality of life, by investing in transportation.

It would increase revenues into the highway trust fund by several billion dollars annually by making some needed corrections in the way Federal revenues are credited to the highway trust fund.

Nothing in this bill increases any tax. I repeat that. Nothing in this bill increases any tax.

Federal dollars to help States and localities improve their highways and transit systems are derived largely from the Federal highway trust fund. Under the system today, revenues from highway user taxes are deposited into the highway trust fund, and, more specifically, into separate accounts within the fund for highways and for transit. Those are two separate accounts.

These revenues are, in turn, distributed to States and localities for transportation investments that truly to improve our lives, create jobs, and make our economy better. This trust fund mechanism has been widely regarded as successful. But, as always, we must make adjustments to meet new challenges.

This bill would improve and extend this important financing mechanism, principally by making sure that certain revenues not currently credited to the highway trust fund are, in fact, placed in that fund.

The MEGATRUST Act does several things. First, it will ensure that taxes paid on gasohol are fully credited to the highway account of the highway trust fund. Today, when gasohol is taxed, the mass transit account of the highway trust fund receives its full share of revenues, as if the fuel were gasoline. But 2.5 cents of the gas tax per gallon that is imposed on gasohol is credited to the general fund of the Treasury, not to the highway account. So the MEGATRUST Act ensures that those 2.5 cents per gallon go to the highway account.

Second, the MEGATRUST Act will ensure that the highway system does not bear the cost of our national policy to develop and promote the use of gasohol. This tax rate preference is part of our national policy to advance the use of gasohol.

I believe the ethanol subsidy is good energy policy, good agriculture policy, and good tax policy. Yet ironically, it is the highway trust fund that bears the burden of the subsidy. Since it is good general policy—that is, gasohol—I believe the general fund should bear the burden of the subsidy, not the highway trust fund.

Gasohol, as a fuel, is taxed 5.3 cents per gallon less than gasoline. But gasohol-fueled vehicles cause the same wear and tear on roads as gasoline-fueled vehicles. That is obvious. They use the same roads, travel the same distances, et cetera.

Ensuring necessary and affordable energy supplies is important to the quality of life and economic prosperity of all Americans. Policies to achieve these objectives, however, should not come at the expense of transportation infrastructure improvements.

Accordingly, the MEGATRUST Act would leave the gasohol tax rate preference in place but credit the highway account of the highway trust fund with revenue equal to that forgone to the Treasury by the gasohol tax preference.

Third, the MEGATRUST Act credits both the highway and mass transit accounts of the highway trust fund with interest starting in fiscal year 2004. Today, the highway trust fund is one of the few trust funds in the Federal budget that is not credited with interest on its unspent balance, which is highly inappropriate.

The MEGATRUST Act would change this in order to make sure that collected highway user taxes are to be put to work for better transportation for our citizens.

Fourth, the MEGATRUST Act would extend the basic highway user taxes and the highway trust fund so they do not expire.

And last, the MEGATRUST Act would require the creation of an important commission concerning the future financing of the Federal highway and transit programs.

Why is that important? While the current mechanism has worked well, we know that cars will become more fuel efficient and advancing technology will only bring us closer to increased fuel efficiency.

Other changes are possible as well in our dynamic economy. While major changes will not occur overnight, we have to be ready for them. We have to understand what is likely to happen so we can consider making adjustments in the highway trust fund and its revenue streams, so we are not caught off guard and unable to adequately fund our transportation system.

What am I saying? I am basically saying that the hybrid fuel vehicles—it could be fuels cells, other technologies for our automobiles of the future—they do not use gasoline, they do not use gasohol, therefore, revenue would not be placed in the highway trust fund. We have to anticipate all of those changes so our highways are adequately funded regardless of the types of cars and regardless of the type of energy that is used to propel those cars.

I especially thank Senators HARKIN, WARNER, CRAPO, GRAHAM of Florida, REID, DASCHLE, CARNAHAN, BOND, and CRAIG for working so closely with me on this legislation.

In sum, through this highway trust fund proposal, I want to make clear to my colleagues that there are ways to increase revenue into the highway trust fund without raising taxes. We will need to increase highway trust fund resources to help us all structure a successful reauthorization bill next year, and I look forward to working closely with my colleagues to that end.

By Mr. BAUCUS (for himself, and Mr. SMITH of Oregon):

S. 2679. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for offering employer-based health insurance coverage, to provide for the establishment of health plan purchasing alliances, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the "Health Insurance Access Act" of 2002.

This bill addresses one of the most serious problems facing the United States. The problem of the uninsured.

According to recent census data, 38 million Americans lack health insurance coverage. More than the population of twenty-three States. Plus the District of Columbia. And lack of coverage is an even greater problem in rural areas. In Montana, one in five citizens goes without health insurance. As premiums sky-rocket, I'm worried that this number may grow even higher.

For America's uninsured, the consequences of going without health coverage can be devastating.

Put plainly, uninsured Americans are less healthy than those with health insurance. They delay seeking medical care or go without treatment altogether that could prevent and detect crippling illnesses. Illnesses like diabetes, heart disease, and cancer. The uninsured are far less likely to receive health services if they are injured or become ill.

These factors take an enormous personal toll on the lives of the uninsured. They are sicker and less productive in the workplace. Their children are less likely to survive past infancy. And they must struggle with the knowledge that a serious injury or illness in their family might push them to the brink of financial ruin.

I just recently saw a statistic that women with breast cancer who lack health insurance are 49 percent more likely to die than women who have insurance. Unfortunately, this statistic is just one of countless other statistics about the effects that lack of health insurance has on peoples' health and their lives.

But these personal struggles are not the only affect of America's uninsured problem. Because when the uninsured become so sick that they must finally seek emergency treatment, there is no one to pay for it. No insurance company. No government program.

So who absorbs the cost of this uncompensated medical care? We all do. In the form of higher health care costs. Higher and higher premiums at a time when the cost of health care is already rising out of control.

The situation is becoming critical. And I believe the time for talking has ended. It is time for us to examine solutions instead of talking about the problem.

That is why I have joined with Senator GORDON SMITH to introduce this important piece of legislation. Our bill would lift millions of Americans out of the ranks of the uninsured. It would give millions of families the peace of mind that comes from knowing they will receive the care they need, when they need it. And it would lighten the load of uncompensated care on our over-burdened health care system.

Our bill attacks the problem of the uninsured on several fronts. As you know, the 38 million uninsured Americans are a diverse mix of people. Some work for small employers, who simply can't afford the high cost of health insurance. Others have pre-existing health conditions. These conditions translate into unaffordable, even astronomical, health care insurance premiums.

Some uninsured Americans fall just beyond the eligibility levels for public programs like Medicaid. And many are near-elderly individuals, too young to qualify for Medicare, yet old enough that any health condition at all means expensive premiums or high deductibles. In fact, the fastest growing segment of the uninsured today is the near-elderly population.

Our bill addresses each of these populations.

The first part of our bill would target uninsured Americans who work for small businesses. It would give a tax credit of up to 50 percent to small firms, those with 50 or fewer employees, for the cost of health insurance premiums for their employees. The credit is not limited only to employers who do not currently provide health benefits. It is available to all qualified small employers. The credit will give small employers the extra resources they need to extend, or continue to offer, health benefits to millions of hard-working Americans and their families.

One thing I heard from my constituents traveling around the State, in addition to grief over increasing premiums, is that the health insurance options available to individuals and small employers are limited. If they could pool their resources together, even across State lines, they might be able to reduce their costs as a group.

In response to these concerns, the second part of our bill would provide funding to states, private employer groups, and associations to create purchasing pools. These purchasing pools, or alliances, as we call them in this bill, would provide small employers with affordable health coverage options, which would, accordingly, allow them to take maximum advantage of their tax credits.

For individuals with high cost health conditions, our bill would spend $50 million annually to support state high risk pools. These pools serve a dual purpose. They offer high-risk individuals a place to purchase affordable health coverage. And, by isolating the costs of high-risk individuals, they help lower premiums for those who are not considered high risk or high cost.

Fourth, our bill would also allow states to expand health insurance coverage to the parents of children who are eligible for Medicaid and the Children's Health Insurance Program, or CHIP. This will reach an estimated four million low-income parents who do not currently meet eligibility levels for health insurance coverage under public programs. It will also help us cover even more kids under CHIP, kids who are eligible for coverage but not currently enrolled.

Finally, our bill would allow uninsured Americans between the ages of 62 and 65 to buy into Medicare. Under current law, Americans in this age group are stuck in a bind: not old enough to qualify for Medicare, but unable to afford the high cost of private health insurance options because of their age or health condition. This predicament explains why they represent the fastest-growing group of uninsured. Our bill would offer the near-elderly a more affordable, quality health care package to tide them over until they reach 65.

All told, these efforts would expand access to health insurance coverage to 10 million Americans who are currently uninsured. It's not a panacea. But it's a start.

I commend Senator SMITH for his hard work on this issue. I believe our bipartisan efforts prove that covering the uninsured is not a Democratic issue. It's not a Republican issue. And it's not a Montana or an Oregon issue. It's an American issue.

I hope my colleagues will join this fight by helping us pass this legislation, and taking a solid step towards providing quality, affordable health insurance to all Americans.

Mr. SMITH of Oregon. Mr. President, I would like to thank my colleague from Montana for his leadership on the issue of the uninsured, and rise today in support of the Baucus-Smith Health Insurance Access Act. This bill will go a long way toward mending some of the holes in our nation's health care safety net.

And make no mistake, the safety net is torn. Currently 40 million Americans, that's one in six,—live, work, and go to school among us without health insurance. That means that nationally, 17 percent of Americans do not have any health insurance. They are our friends, our neighbors, our children, our parents.

And the problem is getting worse, not better. In 2001, two million Americans lost their health insurance, that's the largest one year increase in almost a decade.

Many, more than 35 million of these uninsured Americans, are in low-income working families. Many people who work in small businesses are not offered health insurance, and those who are often cannot afford the sky-rocketing premiums.

This is particularly true if an individual or a member of their family happen to have some kind of pre-existing or chronic condition that can make a simple policy totally unaffordable. Even relatively healthy Americans find that when they get older, they may be unable to afford health care premiums after they retire, but before they become eligible for Medicare.

Some people say that insurance is irrelevant, that the uninsured can still get good care at public clinics and in emergency rooms. While it is true that public clinics do provide high quality care to millions of Americans, this is not the same as having health insurance with a regular source of care.

Not having a regular source of care leads to needless delays in seeking care. According to a recent report by the Institute of Medicine, an estimated 18,000 people die every year because they don't have health insurance, and don't get the care they need in a timely fashion. Eighteen thousand deaths a year. Millions more people suffer unnecessarily due to delays in care.

Millions of Americans are falling through the cracks in our health care system, and it is our moral obligation to help them get the care they need by providing access to affordable health insurance.

The Health Insurance Access Act of 2002 provides a number of solutions to the growing crisis of the uninsured.

It helps small businesses, which are often unable to offer affordable health insurance to their employees. Under this legislation, small businesses would get a significant tax break to subsidize their purchase of health insurance. The tax break is indexed to the size of a business, so the smallest employers get the most help if they choose to offer their employees health insurance. This is important because smaller businesses are much less likely to offer their employees health coverage.

In order to avoid punishing small employers who are already doing the right thing, our tax credit is available to all qualified small employers, regardless of whether they currently offer health insurance to their employees.

Another problem small businesses face in purchasing health insurance for their employees is finding an affordable policy with real benefits for their employees. By definition, small businesses are too small to provide a stable risk pool. This drives up the cost of premiums.

The Baucus-Smith Health Insurance Access Act of 2002 offers employers some relief to this problem by providing funding for purchasing alliances, which lower premiums by sharing risk. This will provide new, more affordable options for millions of Americans, who have until now had limited health insurance choices.

Our bill also provides grants to states to help fund high risk pools for people who have very limited health insurance options. It seems ironic to me that many of the people who need health insurance most, people with an expensive medical condition—are often unable to obtain insurance.

For many people who have extensive health care needs and medical expenses, obtaining coverage in the individual insurance market is not a viable option. If they can find a policy to cover their illness—often they cannot—they may not be able to afford the premium.

However, in many cases, many of these individuals may not be able to buy health insurance at any cost, because insurers often turn down high risk individuals for coverage because of an existing or previous illness.

High-risk insurance pools attempt to fill this gap in the insurance market. Oregon has had a high risk insurance pool for people who were unable to obtain health insurance because of health conditions for the past 15 years. Since its inception, more than 24,000 Oregonians have bought health care coverage through this high risk insurance pool, 24,000 people who would otherwise have had no health care coverage.

Operating a high risk pool in Oregon has had its costs, costs which are increasing every year. Our legislation will help States assist people who are trying to do the right thing afford health insurance coverage that would otherwise be out of reach.

While much of the policy discussion about the uninsured focuses on children, low income parents are substantially more likely than their children to be uninsured. The Health Insurance Access Act of 2002 would also allow states to offer Medicaid and SCHIP benefits to parents of low income eligible children.

Encouraging States to offer Medicaid or SCHIP coverage to parents will significantly expand access to care for low income parents, and their children, because parents are more likely to enroll their kids in Medicaid or SCHIP when the family is eligible, rather than just certain family members.

Finally, the Health Insurance Access Act of 2002 would address another hole in the insurance market: the near elderly. The near elderly, Americans aged 62–64, often do not have employer sponsored health insurance, because they have retired from the labor force, but are not yet eligible for Medicare.

At the same time, insurance coverage is particularly critical for near-elderly Americans, as the risk of serious illness rises with age, and the prevalence of chronic disease is higher among this population. In addition, because many of the near-elderly have pre-existing conditions, private insurers often deny them coverage or charge unaffordable premiums.

Allowing all Americans aged 62–64 to buy into the Medicare program would create a strong risk pool that would stabilize premiums, making them affordable to many who would otherwise have been unable to afford coverage. Researchers estimate that almost 40% of eligible Americans 62–64 would buy into Medicare if allowed to do so.

The number of uninsured people in America is an outrage. If 18,000 Americans died in terrorist incidents each year, there would be widespread outrage. Yet, tens of thousands of uninsured Americans are at risk of dying each year from cancers diagnosed too late, or stroke from uncontrolled high blood pressure. These can be slow, painful deaths. They are preventable deaths. We can help prevent these deaths. We should help prevent these deaths.

I urge you to join me and my colleague from Montana to support the Health Insurance Access Act of 2002. This legislation will touch millions of lives by making quality, affordable health insurance accessible to individuals and families who are living at risk.

It is the right thing to do. It is the right time to do it.

By Mr. BAUCUS:

S. 2680. A bill to direct the Secretary of the Interior to evaluate opportunities to enhance domestic oil and gas production through the exchange of nonproducing Federal oil and gas leases located in the Lewis and Clark National Forest, in the Flathead National Forest and on Bureau of Land Management land in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BAUCUS. Mr. President, I am introducing a bill today that is extremely important to the people of my State of Montana. Why is it so important? Because I hope it will take us one step closer to achieving permanent protections for Montana's magnificent Rocky Mountain Front.

The Front, as we call it back home, is part of one of the largest and most intact wild places left in the lower 48. To the North, the Front includes a 200 square mile area known as the Badger-Two Medicine in the Lewis and Clark National Forest. This area sits just south-east of Glacier National Park, one of our greatest national treasures. The Badger-Two Medicine area is sacred ground to the Blackfeet Tribe. In January of 2002, portions of the Badger-Two, known as the Badger-Two Medicine Blackfoot Traditional Cultural District, were declared eligible for listing in the National Register of Historic Places.

South of the Badger-Two, the Front includes a 400 square mile strip of national forest land and about 20 square miles of BLM lands, including three BLM Outstanding Natural Areas.

Not only the Front still retain almost all its native species, only bison are missing, but it also harbors the country's largest bighorn sheep herd and second largest elk herd. The Rocky Mountain Front supports one of the largest populations of grizzly bears south of Canada and is the only place in the lower 48 States where grizzly bears still roam from the mountains to their historic range on the plains.

Because of this exceptional habitat, the Front offers world renowned hunting, fishing and recreational opportunities. Sportsmen, local land owners, hikers, local communities and many other Montanans have worked for decades to protect and preserve the Front for future generations.

In short, a majority of Montanans feel very strongly that oil and gas development, and Montana's Rocky Mountain Front, just don't mix. The habitat is too rich, the landscape too important, to subject it to the roads, drills, pipelines, industrial equipment, chemicals, noise, and human activity that come with oil and gas development.

Building upon a significant public and private conservation investment and following an extensive public comment process, the Lewis and Clark National Forest decided in 1997 to withdraw for 15 years 356,000 acres in the Front from any new oil and gas leasing. This was a significant first step in protecting the Front from developing that I wholeheartedly supported.

However, in many parts of the Rocky Mountain Front, oil and gas leases exist that pre-date the 1997 decision. These leaseholders have invested time and resources in acquiring their leases. Several leaseholders have applied to the federal government for permits to drill. These leases are the subject of my proposed bill.

History has shown that energy exploration and development in the Front is likely to result in expensive and time consuming environmental studies and litigation. This process rarely ends with a solution that is satisfactory to the oil and gas lessee. For example, in the late 1980's both Chevron and Fina applied for permits to drill in the Badger Two Medicine portion of the Front. After millions of dollars spent on studies and years of public debate, Chevron abandoned or assigned all of its lease rights, and Fina sold its lease rights back to the original owner.

Therefore, I think we should be fair to those leaseholders. We want them to continue to provide for our domestic oil and gas needs, but they are going to have a long, difficult and expensive road if they wish to develop oil and gas in the Rocky Mountain Front.

My legislation would direct the Interior Department to evaluate non-producing leases in the Rocky Mountain Front and look at opportunities to cancel these leases, in exchange for allowing leaseholders to explore for oil and gas somewhere else, namely in the Gulf of Mexico or in the State of Montana. In conducting this evaluation, the Secretary would have to consult with leaseholders, with the State of Montana and the public and other interested parties.

When Interior concludes this study in two years, the bill calls for the agency to make recommendations to Congress and the Energy and Natural Resources Committee on the advisability of pursuing lease exchanges in the Front and any changes in law and regulation needed to enable the Secretary to undertake such an exchange.

Finally, in order to allow the Secretary to conduct this study, my bill would continue the current lease suspension in the Badger-Two Medicine Area for three more years. This lease suspension would only apply to the Badger-Two Medicine Area, not the entire Front.

That's it, that's all my bill does. It doesn't predetermine any outcome, it doesn't impact any existing exploration activities or environmental review processes. It just creates a process through which the federal government, the people of Montana and leaseholders can finally have a real, open and honest discussion about the fate of the Rocky Mountain Front.

We should look for ways to fairly compensate leaseholders for investments they've made in their leases if they decide to leave the Front rather than waste years and millions fighting to explore for uncertain oil and gas reserves. Because, a lot of Montanans don't want to see the Front developed, and they will fight to protect it. Including me.

So, developers can wait years, or decades, or most likely never, for oil and gas to flow from the Front. Or we can look at ways to encourage domestic production much sooner, in much more cost effective, appropriate and efficient ways somewhere else.

That is what I hope this legislation will accomplish, and I hope my colleagues in the Senate will support it.

By Mr. GRASSLEY:

S.J. Res. 38. A joint resolution providing for the designation of a Medal of Honor Flag and for presentation of that flag recipients of the Medal of Honor; to the Committee on Armed Services.

Mr. GRASSLEY. Mr. President, today I am introducing a resolution to designate a Medal of Honor Flag to further honor those individuals who have gone above and beyond the call of duty in service to their country and to present that flag to each recipient of the Medal of Honor. This idea came from a constituent of mine, retired First Sergeant William Kendall of Jefferson, IA. Mr. Kendall had been thinking about another resident of Jefferson, Captain Darrell Lindsey, who was shot down while on a bombing mission over France during World War II. Captain Lindsey was able to keep his aircraft in the air long enough to allow the members of his crew to escape safely, but this action cost him his life. As a result of this selfless sacrifice, Captain Lindsey was awarded the Medal of Honor.

A Medal of Honor monument commemorating this heroic Iowan now stands on the courthouse lawn in Jefferson, IA. It was partly this monument and the proud history of his fellow Iowan that inspired Bill Kendall to ponder the heroism of all recipients of the Medal of Honor. He then began to wonder why there was no official flag to honor recipients of the Medal of Honor. The Medal of Honor is the Nation's highest award for bravery he felt that a flag would help to show respect for this award as well as all those who have earned it through their service to the United States of America. I agree.

The Medal of Honor is not given out lightly. To date, only 3,439 individuals have been awarded the Medal of Honor and there are only 143 living recipients of this award. Each of the armed services has very strict regulations for judging whether an individual is entitled to the Medal of Honor. The award is only given for acts of exceptional bravery or self-sacrifice above and beyond what is expected and must involve risk of life. The deed must be proved by incontestable evidence of at least two eyewitnesses.

I should also add that there is an Iowa connection going back to the creation of the Medal of Honor. In 1861, during the Civil War, Iowa Senator James Grimes introduced legislation in the Senate to create a Medal of Honor for the Navy. This first Medal of Honor was followed by similar awards for the other services. It is appropriate that another Iowan, Sergeant William Kendall, should create the first Medal of Honor flag.

It is indeed right and appropriate to honor those Americans to whom we owe so much. Bill Kendall's idea for a Medal of Honor flag is a good one and I am honored to do what I can to help see his vision realized. I am pleased that the House has already acted on a similar measure and I hope my colleagues in the Senate will join me in this important initiative.

I ask unanimous consent that the text of this resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 38

Whereas the Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Forces of the United States;

Whereas the Medal of Honor was established by Congress during the Civil War to recognize soldiers who had distinguished themselves by gallantry in action;

Whereas the Medal of Honor was conceived by Senator James Grimes of the State of Iowa in 1861; and

Whereas the Medal of Honor is the Nation's highest military honor, awarded for acts of personal bravery or self-sacrifice above and beyond the call of duty: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MEDAL OF HONOR FLAG.

(a) IN GENERAL.—Chapter 9 of title 36, United States Code, is amended by adding at the end the following new section:

"§ 903. Designation of Medal of Honor Flag

"(a) DESIGNATION.—The Secretary of Defense shall design and designate a flag as the Medal of Honor Flag. In selecting the design for the flag, the Secretary shall consider designs submitted by the general public.

"(b) PRESENTATION.—The Medal of Honor Flag shall be presented as specified in sections 3755, 6257, and 8755 of title 10 and section 505 of title 14.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"903. Designation of Medal of Honor Flag.".

SEC. 2. PRESENTATION OF FLAG TO MEDAL OF HONOR RECIPIENTS.

(a) ARMY.—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3755. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 3741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 3741 or 3752(a) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3755. Medal of honor: presentation of Medal of Honor Flag.".

(b) NAVY AND MARINE CORPS.—(1) Chapter 567 of such title is amended by adding at the end the following new section:

"§ 6257. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 6241 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 6241 or 6250 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6257. Medal of honor: presentation of Medal of Honor Flag.".

(c) AIR FORCE.—(1) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8755. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 8741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 8741 or 8752(a) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8755. Medal of honor: presentation of Medal of Honor Flag.".

(d) COAST GUARD.—(1) Chapter 13 of title 14, United States Code, is amended by inserting after section 504 the following new section:

"§ 505. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 491 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 491 or 498 of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 504 the following new item:

"505. Medal of honor: presentation of Medal of Honor Flag.".

(e) PRIOR RECIPIENTS.—The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36, United States Code, as added by section 1(a), to each person awarded the Medal of Honor before the date of the enactment of this joint resolution who is living as of that date. Such presentation shall be made as expeditiously as possible after the date of the designation of the Medal of Honor Flag by the Secretary of Defense under such section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 291—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION AND LEGAL REPRESENTATION IN UNITED STATES V. MILTON THOMAS BLACK

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

Whereas, in the case of United States v. Milton Thomas Black, Cr. No. S-02-016-PMP, pending in the United States District Court for the District of Nevada, subpoenas for testimony have been issued to Clara Kircher and Phil Toomajian, employees in the office of Senator Patrick J. Leahy; Donald Wilson, an employee in the office of Senator Harry Reid; and Katharine Dillingham and Craig Spilsbury, employees in the office of Senator Orrin G. Hatch;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That Clara Kircher, Phil Toomajian, Donald Wilson, Katharine Dillingham, Craig Spilsbury, and any other employee of the Senate from whom testimony or document production is required, are authorized to testify and produce documents in the case of United States v. Milton Thomas Black, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal counsel is authorized to represent employees of the Senate in connection with the testimony and document production authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 123—EXPRESSING THE SENSE OF CONGRESS THAT THE FUTURE OF TAIWAN SHOULD BE RESOLVED PEACEFULLY, THROUGH A DEMOCRATIC MECHANISM, WITH THE EXPRESS CONSENT OF THE PEOPLE OF TAIWAN AND FREE FROM OUTSIDE THREATS, INTIMIDATION, OR INTERFERENCE

Mr. TORRICELLI submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 123

Whereas in the San Francisco Peace Treaty signed on September 8, 1951 (3 U. S. T. 3169) (in this resolution referred to as the "treaty"), Japan renounced all right, title, and claim to Taiwan;

Whereas the signatories of the treaty left the status of Taiwan undetermined;

Whereas the universally accepted principle of self-determination is enshrined in Article 1 of the United Nations Charter;

Whereas the United States is a signatory of the United Nations Charter;

Whereas the United States recognizes and supports that the right to self-determination exists as a fundamental right of all peoples, as set forth in numerous United Nations instruments;

Whereas the people of Taiwan are committed to the principles of freedom, justice, and democracy as evidenced by the March 18, 2000, election of Mr. Chen Shui-bian as Taiwan's President;

Whereas the 1993 Montevideo Convention on Rights and Duties of States defines the qualifications of a nation-state as a defined territory, a permanent population, and a government capable of entering into relations with other states;

Whereas on February 24, 2000, and March 8, 2000, President Clinton stated: "We will ... continue to make absolutely clear that the issues between Beijing and Taiwan must be resolved peacefully and with the assent of the people of Taiwan";

Whereas both the 2000 Republican party platform and the Democratic party platform emphasized and made clear the belief that the future of Taiwan should be determined with the consent of the people of Taiwan; and

Whereas Deputy Secretary of State Richard Armitage said in a Senate Foreign Relations Committee hearing on March 16, 2001, that "what has changed is that any eventual agreement that is arrived at has to be acceptable to the majority of the people on Taiwan": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the future of Taiwan should be resolved peacefully, through a democratic mechanism such as a plebiscite and with the express consent of the people of Taiwan; and

(2) the future of Taiwan must be decided by the people of Taiwan without outside threats, intimidation, or interference.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3973. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3974. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3975. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3976. Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3977. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3978. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3979. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3980. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3981. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3982. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3983. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3984. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3985. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3986. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3987. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3988. Mr. DOMENICI (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3989. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA. 3973. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army or the Administrator of General Services may convey, without consideration, to the Johnson County Park and Recreation District, Kansas (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the State of Kansas consisting of approximately 2,000 acres and containing the Sunflower Army Ammunition

Plant. The purpose of the conveyance is to permit the District to use the parcel for recreational purposes.

(b) ENVIRONMENTAL MATTERS.—(1) With respect to the parcel conveyed under subsection (a), the Secretary or Administrator shall retain responsibility for carrying out, to levels consistent with the intended use of the parcel by the District—

(A) any response action that may be required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other applicable provisions of law; and

(B) any action required under any other statute to remediate petroleum products (or their derivatives) or propellants (or their derivatives).

(2) Any Federal department or agency that had or has operations resulting in the release or threatened release of any hazardous substances, petroleum products (or their derivatives) or propellants (or their derivatives) on, under, or about the parcel conveyed under subsection (a), and any Federal department or agency that owned the parcel at the time of such release or threatened release, shall pay the cost of any response action or other action that may be necessary to remediate the parcel to levels consistent with the intended use of the parcel by the District.

(3) In accepting the parcel conveyed under subsection (a), the District—

(A) shall not be treated as a responsible party under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), or any other applicable provision of law, for performing, or paying the cost of, any response action or other action that may be necessary as the result of any release or threatened release of hazardous substances, petroleum products (or their derivatives) or propellants (or their derivatives) on, under, or about the parcel as a result of activities on the parcel before the date of the conveyance; and

(B) shall not be subject to suit for contribution for any cost described by subparagraph (A) under section 113(f) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9613(f)), or any other applicable provision of law.

(c) EXCEPTION FROM SCREENING REQUIREMENT.—The conveyance of property authorized by subsection (a) shall be made without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(d) DESCRIPTION OF PROPERTY.—(1) The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary or Administrator.

(2) The Secretary or Administrator may use for the purpose of paragraph (1) a survey prepared by the National Park Service if the Secretary or Administrator determines that the survey is appropriate for that purpose.

(3) If the Secretary or Administrator obtains for the purpose of paragraph (1) a survey other than the survey described in paragraph (2), the cost of such survey shall be borne by the District.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary or Administrator may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary or Administrator considers appropriate to protect the interests of the United States.

(f) EFFECTIVE DATE.—This section shall take effect on January 31, 2003.

SA 3974. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, BLUEGRASS ARMY DEPOT, RICHMOND, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to Madison County, Kentucky (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10 acres at the Bluegrass Army Depot, Richmond, Kentucky, for the purpose of facilitating the construction of a veterans' center on the parcel by the State of Kentucky.

(2) The Secretary may not make the conveyance authorized by this subsection unless the Secretary determines that the State of Kentucky has appropriated adequate funds for the construction of the veterans' center.

(b) REVERSIONARY INTEREST.—If the Secretary determines that the real property conveyed under subsection (a) ceases to be utilized for the sole purpose of a veterans' center or that reasonable progress is not demonstrated in constructing the center and initiating services to veterans, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—The Secretary shall apply section 2695 of title 10, United States Code, to the conveyance authorized by subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3975. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

TITLE XIII—MILITARY CHARTER SCHOOLS

Subtitle A—Stable Transitions in Education for Armed Services' Dependent Youth

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the "Stable Transitions in Education for Armed Services' Dependent Youth Act".

SEC. 1302. FINDINGS.

Congress finds that—

(1) States are establishing new and higher academic standards for students in kindergarten through grade 12;

(2) no Federal funding streams are specifically designed to help States and school districts with the costs of providing military or mobile students who are struggling academically, with the extended learning time and accelerated curricula that the students need to meet high academic standards;

(3) forty-eight States now require State accountability tests to determine student grade-level performance and progress;

(4) nineteen States currently rate the performance of all schools or identify low-performing schools through State accountability tests;

(5) sixteen States now have the power to close, take over, or overhaul chronically failing schools on the basis of those tests;

(6) fourteen States provide high-performing schools with monetary rewards on the basis of those tests;

(7) nineteen States currently require students to pass State accountability tests to graduate from secondary school;

(8) six States currently link student promotion to results on State accountability tests;

(9) thirty-seven States have a process in place that allows charters to be a useful tool to bridge the gap created by frequent school changes;

(10) excessive percentages of students are not meeting their State standards and are failing to perform at high levels on State accountability tests; and

(11) among mobile students, a common thread is that school transcripts are not easily transferred and credits are not accepted between public school districts in the United States.

SEC. 1303. PURPOSE.

The purpose of this subtitle is to provide Federal support through a new demonstration program to States and local educational agencies, to enable the States and local educational agencies to develop models for high quality military charter schools that are specifically designed to help mobile military dependent students attending public school make a smooth transition from one school district to another, even across State lines, and achieve a symbiotic relationship between military installations and these school districts.

SEC. 1304. DEFINITIONS.

In this subtitle:

(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) MILITARY INSTALLATION.—The term "military installation" has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(3) MILITARY DEPENDENT STUDENT.—The term "military dependent student" means

an elementary school or secondary school student who has a parent who is a member of the Armed Forces, including a member of a reserve component of the Armed Forces, without regard to whether the member is on active duty or full-time National Guard duty (as defined in section 101(d) of title 10, United States Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(5) STUDENT.—The term "student" means an elementary school or secondary school student.

SEC. 1305. GRANTS TO STATES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts appropriated under section 1310, the Secretary, in consultation with the Secretary of Education, shall establish a demonstration program through which the Secretary shall make grants to State educational agencies, on a competitive basis, to enable the State educational agencies to assist local educational agencies in establishing and maintaining high quality military charter schools.

(2) DISTRIBUTION RULE.—In awarding grants under this subtitle the Secretary shall ensure that such grants serve not more than 10 States and not more than 35 local educational agencies with differing demographics.

(3) SPECIAL LOCAL RULE.—

(A) NONPARTICIPATING STATE.—If a State chooses not to participate in the demonstration program assisted under this subtitle or does not have an application approved under subsection (c), then the Secretary may award a grant directly to a local educational agency in the State to assist the local educational agency in carrying out high quality military charter schools.

(B) LOCAL EDUCATIONAL AGENCY APPLICATION.—To be eligible to receive a grant under this paragraph, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(C) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines necessary to carry out this paragraph.

(b) ELIGIBILITY AND SELECTION.—

(1) ELIGIBILITY.—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

(A) have in effect all standards and assessments required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311);

(B) compile and annually distribute to parents a public school report card that, at a minimum, includes information on student and school performance for each of the assessments required under section 1111 of the Elementary and Secondary Education Act of 1965;

(C) require each military charter school assisted under this subtitle to be an independent public school;

(D) require each military charter school assisted under this subtitle to operate under an initial 5-year charter granted by a State charter authority, with specified check points and renewal, as required by State law; and

(E) require each military charter school assisted under this subtitle to participate in the State's testing program.

(2) SELECTION.—In selecting State educational agencies to receive grants under this section, the Secretary shall make the selections in a manner consistent with the purpose of this subtitle.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—Such application shall include—

(A) information describing specific measurable goals and objectives to be achieved in the State through the military charter schools carried out under this subtitle, which may include specific measurable annual educational goals and objectives relating to—

(i) increased student academic achievement;

(ii) decreased student dropout rates;

(iii) governance, parental involvement plans, and disciplinary policies;

(iv) a military charter school admissions policy that requires a minimum of 60 percent military dependent elementary school or secondary school students, and a maximum of 80 percent of military dependent students, except where such percentages are impossible to maintain because of the demographics of the area around the military installation;

(v) liability and other insurance coverage, business and accounting practices, and the procedures and methods employed by the chartering authority in monitoring the school; and

(vi) such other factors as the State educational agency may choose to measure; and

(B) information on criteria, established or adopted by the State, that—

(i) the State will use to select local educational agencies for participation in the military charter schools carried out under this subtitle; and

(ii) at a minimum, will assure that grants provided under this subtitle are provided to—

(I) the local educational agencies in the State that are sympathetic to, and take actions to ease the transition burden upon, such local educational agencies' military dependent students;

(II) the local educational agencies in the State that have the highest percentage of military dependent students impacting the local school system or not meeting basic or minimum required standards for State assessments required under section 1111 of the Elementary and Secondary Education Act of 1965; and

(III) an assortment of local educational agencies serving urban, suburban, and rural areas, and impacted by a local military installation.

SEC. 1306. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—

(1) FIRST YEAR.—Except as provided in paragraph (3), for the first year that a State educational agency receives a grant under this subtitle, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of planning for or carrying out the military charter school programs.

(2) SUCCEEDING YEARS.—Except as provided in paragraph (3), for the second and third year that a State educational agency receives a grant under this subtitle, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the military charter school programs.

(3) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the grant funds received under this subtitle for a fiscal year—

(A) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the local educational agencies for the programs;

(B) to enable the local educational agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

(C) to assist the local educational agencies in evaluating activities carried out under this subtitle.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the Secretary or the State educational agency may require.

(2) CONTENTS.—Each such application shall include, to the greatest extent practicable—

(A) information that—

(i) demonstrates that the local educational agency will carry out a military charter school program funded under this section—

(I) that provides intensive high quality programs that are aligned with challenging State content and student performance standards, and that is focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

(II) that focuses on accelerated learning, rather than remediation, so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments required under section 1111 of the Elementary and Secondary Education Act of 1965;

(III) that is based on, and incorporates best practices developed from, research-based charter school methods and practices;

(IV) that has a proposed curriculum that is directly aligned with State content and student performance standards;

(V) for which only teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the program;

(VI) that offers to staff in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

(VII) that incorporates a parental involvement component that seeks to involve parents in the program's topics and students' daily activities; and

(ii) may include—

(I) the proposed curriculum for the military charter school program;

(II) the local educational agency's plan for recruiting highly qualified and highly effective teachers to participate in the program; and

(III) a schedule for the program that indicates that the program is of sufficient duration and intensity to achieve the State's goals and objectives described in section 1305(c)(2)(A);

(B) an outline indicating how the local educational agency will utilize applicable Federal, State, local, or public funds, other than funds made available through the grant, to support the program;

(C) an explanation of how the local educational agency will ensure that the instruction provided through the program will be provided by qualified teachers;

(D) an explanation of the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided for staff of the program;

(E) an explanation of the facilities to be used for the program;

(F) an explanation regarding the duration of the periods of time that students and teachers in the program will have contact for instructional purposes (such as the hours per day and days per week of that contact, and the total length of the program);

(G) an explanation of the proposed student-to-teacher ratio for the program, analyzed by grade level;

(H) an explanation of the grade levels that will be served by the program;

(I) an explanation of the approximate cost per student for the program;

(J) an explanation of the salary costs for teachers in the program;

(K) a description of a method for evaluating the effectiveness of the program at the local level;

(L) information describing specific measurable goals and objectives, for each academic subject in which the program will provide instruction, that are consistent with, or more rigorous than, the adequate yearly progress goals established by the State under section 1111 of the Elementary and Secondary Education Act of 1965;

(M) a description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement;

(N) a description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the local educational agency for the program, from the State educational agency or other entities with demonstrated success in using the curriculum; and

(O) a statement of a clearly defined goal for providing counseling and other transition burden relief for military dependent children.

(c) PRIORITY.—In making grants under this section, the State educational agency shall give priority to local educational agencies that demonstrate a high level of need for the military charter school programs.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 50 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

SEC. 1307. SUPPLEMENT NOT SUPPLANT.

Funds appropriated pursuant to the authority of this subtitle shall be used to supplement and not supplant other Federal, State, local, or private funds expended to support military charter school programs.

SEC. 1308. REPORTS.

(a) STATE REPORTS.—Each State educational agency that receives a grant under this subtitle shall annually prepare and submit to the Secretary a report. The report shall describe—

(1) the method the State educational agency used to make grants to eligible local educational agencies and to provide assistance to schools under this subtitle;

(2) the specific measurable goals and objectives described in section 1305(c)(2)(A) for the State as a whole and the extent to which the State met each of the goals and objectives in the year preceding the submission of the report;

(3) the specific measurable goals and objectives described in section 1306(b)(2)(L) for each of the local educational agencies receiving a grant under this subtitle in the State and the extent to which each of the agencies met each of the goals and objectives in that preceding year;

(4) the steps that the State educational agency will take to ensure that any such local educational agency that did not meet the goals and objectives in that year will meet the goals and objectives in the year following the submission of the report, or the plan that the State educational agency has for revoking the grant awarded to such an agency and redistributing the grant funds to existing or new military charter school programs;

(5) how eligible local educational agencies and schools used funds provided by the State educational agency under this subtitle;

(6) the degree to which progress has been made toward meeting the goals and objectives described in section 1305(c)(2)(A); and

(7) best practices for the Secretary to share with interested parties.

(b) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to Congress a report. The report shall describe—

(1) the methods the State educational agencies used to make grants to eligible local educational agencies and to provide assistance to schools under this subtitle;

(2) how eligible local educational agencies and schools used funds provided under this subtitle; and

(3) the degree to which progress has been made toward meeting the goals and objectives described in sections 1305(c)(2)(A) and 1306(b)(2)(L).

(c) GOVERNMENT ACCOUNTING OFFICE REPORT TO CONGRESS.—The Comptroller General of the United States shall conduct a study regarding the demonstration program carried out under this subtitle and the impact of the program on student achievement. The Comptroller General shall prepare and submit to Congress a report containing the results of the study.

SEC. 1309. ADMINISTRATION.

(a) FEDERAL.—The Secretary shall develop program guidelines for and oversee the demonstration program carried out under this subtitle.

(b) LOCAL.—The commander of each military installation served by a military charter school assisted under this subtitle shall establish a nonprofit corporation or an oversight group to provide the applicable local educational agency with oversight and guidance regarding the day-to-day operations of the military charter school.

SEC. 1310. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $5,000,000 for fiscal year 2003;
(2) $7,000,000 for fiscal year 2004;
(3) $9,000,000 for fiscal year 2005;
(4) $11,000,000 for fiscal year 2007; and
(5) $13,000,000 for fiscal year 2008.

SEC. 1311. TERMINATION.

The authority provided by this subtitle terminates 5 years after the date of enactment of this Act.

Subtitle B—Credit Enhancement Initiatives To Promote Military Charter School Facility Acquisition, Construction, and Renovation

SEC. 1321. CREDIT ENHANCEMENT INITIATIVES TO PROMOTE MILITARY CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION.

Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

“PART E—CREDIT ENHANCEMENT INITIATIVES TO PROMOTE MILITARY CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION.

“SEC. 5701. PURPOSE.

“The purpose of this part is to provide grants to eligible entities to permit the eligible entities to establish or improve innovative credit enhancement initiatives that assist military charter schools to address the cost of acquiring, constructing, and renovating facilities.

“SEC. 5702. GRANTS TO ELIGIBLE ENTITIES.

“(a) GRANTS FOR INITIATIVES.—

“(1) IN GENERAL.—The Secretary shall use 100 percent of the amount available to carry out this part to award grants to eligible entities that have applications approved under this part, to enable the eligible entities to carry out innovative initiatives for assisting military charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(2) NUMBER OF GRANTS.—The Secretary shall award not less than 4 grants under this part in each fiscal year.

“(b) GRANTEE SELECTION.—

“(1) DETERMINATION.—The Secretary shall evaluate each application submitted, and shall determine which applications are of sufficient quality to merit approval and which are not.

“(2) MINIMUM GRANTS.—The Secretary shall award at least—

“(A) 1 grant to an eligible entity described in section 5710(1)(A);

“(B) 1 grant to an eligible entity described in section 5710(1)(B); and

“(C) 1 grant to an eligible entity described in section 5710(1)(C),

if applications are submitted that permit the Secretary to award the grants without approving an application that is not of sufficient quality to merit approval.

“(c) GRANT CHARACTERISTICS.—Grants under this part shall be in sufficient amounts, and for initiatives of sufficient scope and quality, so as to effectively enhance credit for the financing of military charter school acquisition, construction, or renovation.

“(d) SPECIAL RULE.—In the event the Secretary determines that the funds available to carry out this part are insufficient to permit the Secretary to award not less than 4 grants in accordance with subsections (a) through (c)—

“(1) subsections (a)(2) and (b)(2) shall not apply; and

“(2) the Secretary may determine the appropriate number of grants to be awarded in accordance with subsections (a)(1), (b)(1), and (c).

“SEC. 5703. APPLICATIONS.

“(a) IN GENERAL.—To receive a grant under this part, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(b) CONTENTS.—An application submitted under subsection (a) shall contain—

“(1) a statement identifying the activities proposed to be undertaken with funds received under this part, including how the eligible entity will determine which military charter schools will receive assistance, and how much and what types of assistance the military charter schools will receive;

“(2) a description of the involvement of military charter schools in the application's development and the design of the proposed activities;

“(3) a description of the eligible entity's expertise in capital market financing;

“(4) a description of how the proposed activities will—

“(A) leverage private sector financing capital, to obtain the maximum amount of private sector financing capital, relative to the amount of government funding used, to assist military charter schools; and

“(B) otherwise enhance credit available to military charter schools;

“(5) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a military charter school program for which facilities financing is sought;

“(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that military charter schools within the State receive the funding the schools need to have adequate facilities;

“(7) an assurance that the eligible entity will give priority to funding initiatives that assist military charter schools in which students have demonstrated academic excellence or improvement during the 2 consecutive academic years preceding submission of the application; and

“(8) such other information as the Secretary may reasonably require.

“SEC. 5704. MILITARY CHARTER SCHOOL OBJECTIVES.

“An eligible entity receiving a grant under this part shall use the funds received through the grant, and deposited in the reserve account established under section 5705(a), to assist 1 or more military charter schools to access private sector capital to accomplish 1 or more of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a military charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a military charter school.

“(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a military charter school.

“(3) The payment of startup costs, including the costs of training teachers and purchasing materials and equipment, including instructional materials and computers, for a military charter school.

“SEC. 5705. RESERVE ACCOUNT.

“(a) IN GENERAL.—For the purpose of assisting military charter schools to accomplish the objectives described in section 5704, an eligible entity receiving a grant under this part shall deposit the funds received through the grant (other than funds used for administrative costs in accordance with section 5706) in a reserve account established and maintained by the eligible entity for that purpose. The eligible entity shall make the deposit in accordance with State and local law and may make the deposit directly or indirectly, and alone or in collaboration with others.

“(b) USE OF FUNDS.—Amounts deposited in such account shall be used by the eligible entity for 1 or more of the following purposes:

“(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5704.

“(2) Guaranteeing and insuring leases of personal and real property for such an objective.

“(3) Facilitating financing for such an objective by identifying potential lending sources, encouraging private lending, and carrying out other similar activities that directly promote lending to, or for the benefit of, military charter schools.

“(4) Facilitating the issuance of bonds by military charter schools, or by other public entities for the benefit of military charter schools, for such an objective, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple military charter school projects within a single bond issue).

“(c) INVESTMENT.—Funds received under this part and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(d) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this part shall be deposited in the reserve account established under subsection (a) and used in accordance with subsection (b).

“SEC. 5706. LIMITATION ON ADMINISTRATIVE COSTS.

“An eligible entity that receives a grant under this part may use not more than 0.25 percent of the funds received through the grant for the administrative costs of carrying out the eligible entity's responsibilities under this part.

“SEC. 5707. AUDITS AND REPORTS.

“(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this part shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(b) REPORTS.—

“(1) ELIGIBLE ENTITY ANNUAL REPORTS.—Each eligible entity receiving a grant under this part annually shall submit to the Secretary a report of the eligible entity's operations and activities under this part.

“(2) CONTENTS.—Each such annual report shall include—

“(A) a copy of the eligible entity's most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant auditing the financial records of the eligible entity;

“(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

“(C) an evaluation by the eligible entity of the effectiveness of the entity's use of the Federal funds provided under this part in leveraging private funds;

“(D) a listing and description of the military charter schools served by the eligible entity with such Federal funds during the reporting period;

“(E) a description of the activities carried out by the eligible entity to assist military charter schools in meeting the objectives set forth in section 5704; and

“(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this part during the reporting period.

“(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this part.

“SEC. 5708. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

“No financial obligation of an eligible entity entered into pursuant to this part (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this part.

“SEC. 5709 RECOVERY OF FUNDS.

“(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(1) all of the funds in a reserve account established by an eligible entity under section 5705(a), if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this part, that the entity has failed to make substantial progress in carrying out the purposes described in section 5705(b); or

“(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5705(a), if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5705(b).

“(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5705(b).

“(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234, 1234a, 1234g) shall apply to the recovery of funds under subsection (a).

“(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

“SEC. 5710. DEFINITIONS.

“In this part:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a public entity, such as a military installation as defined in section 2687(e)(1) of title 10, United States Code;

“(B) a private nonprofit entity; or

“(C) a consortium of entities described in subparagraphs (A) and (B).

“(2) MILITARY CHARTER SCHOOL.—The term ‘military charter school’ has the meaning given such term by regulations promulgated by the Secretary of Defense.

“SEC. 5711. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2003 and each succeeding fiscal year.”.

SEC. 1322. INCOME EXCLUSION FOR INTEREST PAID ON LOANS BY MILITARY CHARTER SCHOOLS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139 the following new section:

"SEC. 139A. INTEREST ON MILITARY CHARTER SCHOOL LOANS.

"(a) EXCLUSION.—Gross income does not include interest on any military charter school loan.

"(b) MILITARY CHARTER SCHOOL LOAN.—For purposes of this section:

"(1) IN GENERAL.—The term 'military charter school loan' means any indebtedness incurred by a military charter school.

"(2) MILITARY CHARTER SCHOOL.—The term 'military charter school' means an institution defined as a military charter school by the Secretary of Defense.".

(b) CONFORMING AMENDMENT.—The table of sections for such part III is amended by inserting after the item relating to section 139 the following:

"Sec. 139A. Interest on military charter school loans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act, with respect to indebtedness incurred after the date of enactment of this Act.

SA 3976. Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. COMMENDATION OF MILITARY CHAPLAINS.

(a) FINDINGS.—Congress finds the following:

(1) Military chaplains have served with those who fought for the cause of freedom since the founding of the Nation.

(2) Military chaplains and religious support personnel of the Armed Forces have served with distinction as uniformed members of the Armed Forces in support of the Nation's defense missions during every conflict in the history of the United States.

(3) 400 United States military chaplains have died in combat, some as a result of direct fire while ministering to fallen Americans, while others made the ultimate sacrifice as a prisoner of war.

(4) Military chaplains currently serve in humanitarian operations, rotational deployments, and in the war on terrorism.

(5) Religious organizations make up the very fabric of religious diversity and represent unparalleled levels of freedom of conscience, speech, and worship that set the United States apart from any other nation on Earth.

(6) Religious organizations have richly blessed the uniformed services by sending clergy to comfort and encourage all persons of faith in the Armed Forces.

(7) During the sinking of the USS Dorchester in February 1943 during World War II, four chaplains (Reverend Fox, Reverend Poling, Father Washington, and Rabbi Goode) gave their lives so that others might live.

(8) All military chaplains aid and assist members of the Armed Forces and their family members with the challenging issues of today's world.

(9) The current war against terrorism has brought to the shores of the United States new threats and concerns that strike at the beliefs and emotions of Americans.

(10) Military chaplains must, as never before, deal with the spiritual well-being of the members of the Armed Forces and their families.

(b) COMMENDATION.—Congress, on behalf of the Nation, expresses its appreciation for the outstanding contribution that all military chaplains make to the members of the Armed Forces and their families.

(c) PRESIDENTIAL PROCLAMATION.—The President is authorized and requested to issue a proclamation calling on the people of the United States to recognize the distinguished service of the Nation's military chaplains.

SA 3977. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SECTION 1. ENVIRONMENTAL ASSISTANCE TO NON-FEDERAL INTERESTS IN WYOMING.

Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383) is amended—

(1) in the section, heading, by striking "AND MONTANA" and inserting ", MONTANA, AND WYOMING";

(2) in subsections (b) and (c), by striking "and Montana" each place it appears and inserting ", Montana, and Wyoming"; and

(3) in subsection (h)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by adding "and" at the end; and

(C) by inserting after paragraph (2) the following: "(3) $25,000,000 for Wyoming:".

SA 3978. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 24, increase the amount by $1,000,000.

On page 13, line 14, reduce the amount by $1,000,000.

SA 3979. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 2, increase the first amount by $1,000,000.

On page 14, line 5, reduce the amount by $1,000,000.

SA 3980. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, line 18, increase the amount by $1,000,000.

On page 13, line 14, reduce the amount by $1,000,000.

SA 3981. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 12 and 13, insert the following:

SEC. 135. MOBILE EMERGENCY BROADBAND SYSTEM.

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 103(4), $1,000,000 shall be available for the procurement of technical communications-electronics equipment for the Mobile Emergency Broadband System.

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 103(4), the amount available under such section for the Navy for other procurement for gun fire control equipment, SPQ-9B solid state transmitter, is hereby reduced by $1,000,000.

SA 3982. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In the table in section 2301(a), insert after the item relating to the United States Air Force Academy, Colorado, the following:

Delaware	Dover Air Force Base	$7,500,000

In the table in section 2301(a), strike the amount identified as the total in the amount column and insert "$729,031,000".

In section 2304(a), strike "$2,597,272,000" in the matter preceding paragraph (1) and insert "$2,604,772,000".

In section 2304(a)(1), strike "$709,431,000" and insert "$716,931,000".

SA 3983. Mr. MURKOWSKI (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Insert the following new section at the appropriate place:

SEC. . RATIFICATION OF AGREEMENT REGARDING ADAK NAVAL COMPLEX, ALASKA, AND RELATED LAND CONVEYANCES.

(a) RATIFICATION OF AGREEMENT.—The document entitled the "Agreement Concerning the Conveyance of Property at the Adak Naval Complex (hereinafter "the Agreement"), and dated September 20, 2000, executed by the Aleut Corporation, the Department of the Interior and the Department of the Navy, together with any technical amendments or modifications to the boundaries that may be agreed to be the parties is hereby ratified, confirmed, and approved and the terms, conditions, procedures, covenants, reservations, indemnities and other provisions set forth in the Agreement are declared to be obligations and commitments of the United States and the Aleut Corporation as a matter of Federal law: Provided, That modifications to the maps and legal descriptions of lands to be removed from the National Wildlife Refuge System within the military withdrawal on Adak Island set forth in Public Land Order 1949 may be made only upon agreement of all Parties to the Agreement and notification given to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate: Provided further, That the acreage conveyed to the United States by the Aleut Corporation under the Agreement, as modified, shall be at least 36,000 acres.

(b) REMOVAL OF LANDS FROM REFUGE.—Effective on the date of conveyance to the Aleut Corporation of the Adak Exchange Lands as described in the Agreement, all such lands shall be removed from the National Wildlife Refuge System and shall neither be considered as part of the Alaska Maritime National Wildlife Refuge nor be subject to any laws pertaining to lands within the boundaries of the Alaska Maritime National Wildlife Refuge, including the conveyance restrictions imposed by section 22(g) of the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. 1621(g), for land in the National Wildlife Refuge System. The Secretary shall adjust the boundaries of the Refuge so as to exclude all interests in lands and land rights, surface and subsurface, received by the Aleut Corporation in accordance with this Act and the Agreement.

(c) RELATION TO ALASKA NATIVE CLAIMS SETTLEMENT ACT.—Lands and interests therein exchanged and conveyed by the United States pursuant to this Act shall be considered and treated as conveyances of lands or interests therein under the ANCSA, except that receipt of such lands and interests therein shall not constitute a sale or disposition of land or interests received pursuant to such Act. The public easements for access to public lands and waters reserved pursuant to the Agreement are deemed to satisfy the requirements and purposes of Section 17(b) of the ANCSA.

(d) REACQUISITION OF LANDS.—The Secretary of the Interior is authorized to acquire by purchase or exchange, on a willing seller basis only, any land conveyed to the Aleut Corporation under the Agreement and this Act. In the event any of the lands are subsequently acquired by the United States, they shall be automatically included in the Refuge System. The laws and regulations applicable to Refuge lands shall then apply to these lands and the Secretary shall then adjust the boundaries accordingly.

(e) MISCELLANEOUS PROVISIONS.—(1) Notwithstanding the Federal Property and Administration Act of 1949, as amended (40 U.S.C. 483–484) and the Defense Base Closure and Realignment Act of 1990, as amended (10 U.S.C. 2687), and for the purposes of the transfer of property authorized by this Act, Department of the Navy personal property that remains on Adak Island is deemed related to the real property and shall be conveyed by the Department of the Navy to the Aleut Corporation at no additional cost when the related real property is conveyed by the Department of the Interior.

(2) The Secretary of the Interior shall convey to the Aleut Corporation those lands identified in the Agreement as the former landfill sites without charge to the Aleut Corporation's entitlement under the Alaska Native Claims Settlement Act.

(3) For purposes of section 21(c) of the ANCSA, the receipt of all property by the Aleut Corporation shall be entitled to a tax basis equal to fair value on the date of transfer. Fair value shall be determined by replacement cost appraisal.

(4) Any property, including, but not limited to, appurtenance and improvements, received pursuant to this Act shall, for purposes of section 21(d) of the ANCSA, as amended, and section 907(d) of the Alaska National Interest Lands Conservation Act, as amended, be treated as not developed until such property is actually occupied, leased (other than leases for nominal consideration to public entities) or sold by the Aleut Corporation, or, in the case of a lease or other transfer by the Aleut Corporation to a wholly owned development subsidiary, actually occupied, leased, or sold by the subsidiary.

(5) Upon conveyance to the Aleut Corporation of the lands described in Appendix A of the Agreement, the lands described in Appendix C of the Agreement will become unavailable for selection under ANCSA.

(6) The maps included as part of Appendix A to the Agreement depict the lands to be conveyed to the Aleut Corporation. The maps shall be left on file at the Region 7 Office of the U.S. Fish and Wildlife Service and the offices of the Alaska Maritime National Wildlife Refuge in Homer, Alaska. The written legal descriptions of the lands to be conveyed to the Aleut Corporation are also part of Appendix A. In case of any discrepancies, the maps shall be controlling.

SA 3984. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIII, add the following:

SEC. 2305. AVAILABILITY OF FUNDS FOR CONSOLIDATION OF MATERIALS COMPUTATIONAL RESEARCH FACILITY AT WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) AVAILABILITY.—Of the amount authorized to be appropriated by section 2304(a), and paragraph (1) of that section, for the Air Force and available for military construction projects at Wright–Patterson Air Force Base, Ohio, $15,200,000 shall be available for a military construction project for consolidation of the materials computational research facility at Wright–Patterson Air Force Base (PNZHTV033301A).

(b) OFFSET.—(1) The amount authorized to be appropriated by section 301(a)(4) for the Air Force for operation and maintenance is hereby reduced by $2,800,000.

(2) Of the amount authorized to be appropriated by section 2304(a), and paragraph (1) of that section, for the Air Force and available for military construction projects at Wright–Patterson Air Force Base—

(A) the amount available for a dormitory is hereby reduced by $10,400,000; and

(B) the amount available for construction of a Fully Contained Small Arms Range Complex is hereby reduced by $2,000,000.

SA 3985. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. AEROSPACE RELAY MIRROR SYSTEM (ARMS) DEMONSTRATION.

Of the amount authorized to be appropriated by section 201(3) for the Department of Defense for research, development, test, and evaluation for the Air Force, $6,000,000 may be available for the Aerospace Relay Mirror System (ARMS) Demonstration.

SA 3986. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXI, add the following:

SEC. 2109. ADDITIONAL FISCAL YEAR 2003 MILITARY CONSTRUCTION PROJECT FOR ANECHOIC CHAMBER AT WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) PROJECT AUTHORIZED.—In addition to the military construction projects authorized in section 2101(a), the Secretary of the Army may carry out a military construction project, including land acquisition related thereto, at White Sands Missile Range, New Mexico, for an anechoic chamber in the amount of $3,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by section 2104(a), and paragraph (1) of that section, there is authorized to be appropriated for fiscal years beginning after September 30, 2002, for the Department of the Army for the military construction project authorized in subsection (a), $3,000,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to Base Operations Support (Servicewide Support).

SA 3987. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. ELECTROMAGNETIC WAVE DETECTION AND IMAGING TRANSCEIVER (EDIT).

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army and available for landmine warfare and barrier advanced technology (PE#0603606A) is increased by $4,500,000, with the amount of the increase to be available for the Electromagnetic Wave Detection and Imaging Transceiver (EDIT).

(2) The amount available under paragraph (1) for the Electromagnetic Wave Detection and Imaging Transceiver is in addition to any other amounts available under this Act for that item.

(b) OFFSET.—The amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army and available for warfighter advanced technology (PE#0603001A) is reduced by $4,500,000.

SA 3988. Mr. DOMENICI (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION

SEC. 1301. SHORT TITLE.

This title may be cited as the "Commercial Reusable In-Space Transportation Act of 2002".

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to encourage the production of cost-effective, in-space transportation systems, which would be built and operated by the private sector on a commercial basis.

(2) The use of reusable in-space transportation systems will enhance performance levels of in-space operations, enhance efficient and safe disposal of satellites at the end of their useful lives, and increase the capability and reliability of existing ground-to-space launch vehicles.

(3) Commercial reusable in-space transportation systems will enhance the economic well-being and national security of the United States by reducing space operations costs for commercial and national space programs and by adding new space capabilities to space operations.

(4) Commercial reusable in-space transportation systems will provide new cost-effective space capabilities (including orbital transfers from low altitude orbits to high altitude orbits and return, the correction of erroneous satellite orbits, and the recovery, refurbishment, and refueling of satellites) and the provision of upper stage functions to increase ground-to-orbit launch vehicle payloads to geostationary and other high energy orbits.

(5) Commercial reusable in-space transportation systems can enhance and enable the space exploration of the United States by providing lower cost trajectory injection from earth orbit, transit trajectory control, and planet arrival deceleration to support potential National Aeronautics and Space Administration missions to Mars, Pluto, and other planets.

(6) Satellites stranded in erroneous earth orbit due to deficiencies in their launch represent substantial economic loss to the United States and present substantial concerns for the current backlog of national space assets.

(7) Commercial reusable in-space transportation systems can provide new options for alternative planning approaches and risk management to enhance the mission assurance of national space assets.

(8) Commercial reusable in-space transportation systems developed by the private sector can provide in-space transportation services to the National Aeronautics and Space Administration, the Department of Defense, the National Reconnaissance Office, and other agencies without the need for the United States to bear the cost of production of such systems.

(9) The availability of loan guarantees, with the cost of credit risk to the United States paid by the private-sector, is an effective means by which the United States can help qualifying private-sector companies secure otherwise unattainable private financing for the production of commercial reusable in-space transportation systems, while at the same time minimizing Government commitment and involvement in the development of such systems.

SEC. 1303. LOAN GUARANTEES FOR PRODUCTION OF COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION.

(a) AUTHORITY TO MAKE LOAN GUARANTEES.—The Secretary may guarantee loans made to eligible United States commercial providers for purposes of producing commercial reusable in-space transportation services or systems.

(b) ELIGIBLE UNITED STATES COMMERCIAL PROVIDERS.—The Secretary shall prescribe requirements for the eligibility of United States commercial providers for loan guarantees under this section. Such requirements shall ensure that eligible providers are financially capable of undertaking a loan guaranteed under this section.

(c) LIMITATION ON LOANS GUARANTEED.—The Secretary may not guarantee a loan for a United States commercial provider under this section unless the Secretary determines that credit would not otherwise be reasonably available at the time of the guarantee for the commercial reusable in-space transportation service or system to be produced utilizing the proceeds of the loan.

(d) CREDIT SUBSIDY.—

(1) COLLECTION REQUIRED.—The Secretary shall collect from each United States commercial provider receiving a loan guarantee under this section an amount equal to the amount, as determined by the Secretary, to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of the loan guarantee.

(2) PERIODIC DISBURSEMENTS.—In the case of a loan guarantee in which proceeds of the loan are disbursed over time, the Secretary shall collect the amount required under this subsection on a pro rata basis, as determined by the Secretary, at the time of each disbursement.

(e) OTHER TERMS AND CONDITIONS.—

(1) PROHIBITION ON SUBORDINATION.—A loan guaranteed under this section may not be subordinated to another debt contracted by the United States commercial provider concerned, or to any other claims against such provider.

(2) RESTRICTION ON INCOME.—A loan guaranteed under this section may not—

(A) provide income which is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

(B) provide significant collateral or security, as determined by the Secretary, for other obligations the income from which is so excluded.

(3) TREATMENT OF GUARANTEE.—The guarantee of a loan under this section shall be conclusive evidence of the following:

(A) That the guarantee has been properly obtained.

(B) That the loan qualifies for the guarantee.

(C) That, but for fraud or material misrepresentation by the holder of the loan, the guarantee is valid, legal, and enforceable.

(4) OTHER TERMS AND CONDITIONS.—The Secretary may establish any other terms and conditions for a guarantee of a loan under this section, as the Secretary considers appropriate to protect the financial interests of the United States.

(f) ENFORCEMENT OF RIGHTS.—

(1) IN GENERAL.—The Attorney General may take any action the Attorney General considers appropriate to enforce any right accruing to the United States under a loan guarantee under this section.

(2) FORBEARANCE.—The Attorney General may, with the approval of the parties concerned, forebear from enforcing any right of the United States under a loan guaranteed under this section for the benefit of a United States commercial provider if such forbearance will not result in any cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to the United States.

(3) UTILIZATION OF PROPERTY.—Notwithstanding any other provision of law and subject to the terms of a loan guaranteed under this section, upon the default of a United States commercial provider under the loan, the Secretary may, at the election of the Secretary—

(A) assume control of the physical asset financed by the loan; and

(B) complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell the physical asset.

(g) CREDIT INSTRUMENTS.—

(1) AUTHORITY TO ISSUE INSTRUMENTS.—Notwithstanding any other provision of law, the Secretary may, subject to such terms and conditions as the Secretary considers appropriate, issue credit instruments to United States commercial providers of in-space transportation services or system, with the aggregate cost (as determined under the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of such instruments not to exceed **$1,500,000,000**, but only to the extent that new budget authority to cover such costs is provided in appropriations Acts or authority is otherwise provided in appropriations Acts.

(2) CREDIT SUBSIDY.—The Secretary shall provide a credit subsidy for any credit instrument issued under this subsection in accordance with the provisions of the Federal Credit Reform Act of 1990.

(3) CONSTRUCTION.—The eligibility of a United States commercial provider of in-space transportation services or systems for a credit instrument under this subsection is in addition to any eligibility of such provider for a loan guarantee under other provisions of this section.

SEC. 1304. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(2) COMMERCIAL PROVIDER.—The term "commercial provider" means any person or entity providing commercial reusable in-orbit space transportation services or systems, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(3) IN-SPACE TRANSPORTATION SERVICES.—The term "in-space transportation services" means operations and activities involved in the direct transportation or attempted transportation of a payload or object from one orbit to another by means of an in-space transportation vehicle.

(4) IN-SPACE TRANSPORTATION SYSTEM.—The term "in-space transportation system" means the space and ground elements, including in-space transportation vehicles and support space systems, and ground administration and control facilities and associated equipment, necessary for the provision of in-space transportation services.

(5) IN-SPACE TRANSPORTATION VEHICLE.—The term "in-space transportation vehicle" means a vehicle designed—

(A) to be based and operated in space;

(B) to transport various payloads or objects from one orbit to another orbit; and

(C) to be reusable and refueled in space.

(6) UNITED STATES COMMERCIAL PROVIDER.—The term "United States commercial provider" means any commercial provider organized under the laws of the United States that is more than 50 percent owned by United States nationals.

SA 3989. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. SENSE OF THE SENATE REGARDING AMTRAK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The terrorist attacks of September 11, 2001, shut down airports across the Nation and the National Railroad Passenger Corporation (Amtrak) was called upon to transport displaced air travelers and deliver emergency relief supplies to ground zero in New York and Washington D.C.

(2) Thousands of Americans nationwide turned to Amtrak in the weeks following September 11, 2001, for their intercity travel needs.

(3) Nearly 23,000,000 Americans depend on Amtrak for their recreational and business travel needs every year.

(4) Amtrak transports 61,000 intercity passengers each day.

(5) Amtrak provides access to commuter rail operators which serve 80,000,000 commuters each year.

(6) Amtrak has only received $25,000,000,000 in Federal funding over the past 30 years in comparison with $750,000,000,000 spent on highways and aviation.

(7) The airlines received $15,000,000,000 to avoid an industrywide shutdown following the terrorist attacks of September 11, 2001.

(8) The airlines received $150,000,000 this year in Federal funding to provide air service to 80 cities where passenger revenues were insufficient to support the provision of service.

(9) The Amtrak Reform and Accountability Act of 1997 authorized $5,160,000,000 in Federal funding and Amtrak only received $2,860,000,000.

(10) The Secretary of Transportation, Norman Y. Mineta, in his address to the United States Chamber of Commerce on June 20, 2002, stated that, "In a long career in Congress and now as Secretary of Transportation, I have not wavered from an important conviction: intercity passenger rail is an important part of the Nation's transportation system."

(11) No passenger rail system in the world operates without substantial government subsidies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President and the Department of Transportation should act immediately to provide $200,000,000 in loan guarantees to prevent a systemwide shutdown of the National Railroad Corporation (Amtrak);

(2) it is vital to the United States national security that Amtrak continues to operate as the sole provider of intercity passenger rail service in the United States;

(3) it is not necessary that Amtrak operate as a for-profit business venture; and

(4) it is necessary that Congress and the Administration work together to provide $1,200,000,000 for Amtrak in fiscal year 2003.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on the Department of Energy's, DOE's, Environmental Management, EM, Program.

The hearing will explore DOE's progress in implementing its accelerated cleanup initiative and the changes DOE has proposed to the EM science and technology program.

The hearing will be held on Thursday, July 11, at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should e-mail it to amanda_goldman@energy.senate.gov or fax it to 202-224-9026.

For further information, please contact Jonathan Epstein at 202-224-3357 or John Kotek at 202-224-6385.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Tuesday, June 25, 2002. The purpose of this hearing will be to consider nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 25, 2002, at 9:30 a.m. on reauthorization of the National Transportation Safety Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, June 25, 2002, at 9:30 a.m. to hold a hearing to conduct oversight of the Environmental Protection Agency Inspector General's actions with respect to the Ombudsman and evaluate S. 606, a bill to provide additional authority to the Office of the Ombudsman of EPA.

The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 2002 at 10:15 a.m. to hold a nominations hearing.

Agenda

Nominees: Mr. James Jeffrey, of Virginia, to be Ambassador to the Republic of Albania; Mr. Michael Klosson, of Maryland, to be Ambassador to the Republic of Cyprus; Mr. James Gadsden, of Maryland, to be Ambassador to the Republic of Iceland; and Mr. Randolph Bell, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 2002 at 2:30 p.m. to hold a hearing on the Peace Corps.

Agenda

Witnesses

Panel 1: The Honorable Gaddi Vasquez, Director, The Peace Corps, Washington, DC.

Panel 2: The Honorable Mark Schneider, Former Director of the Peace Corps, Vice President, International Crisis Group, Washington, DC.

Panel 3—Returned Peace Corps Volunteers: Mr. Dane Smith, Peace Corps volunteer in Ethiopia 1963-65, President, National Peace Corps Association, Washington, DC; Mrs. Barbara Ferris, Volunteer in Morocco (1980–1982), Women in Development Coordinator (1987–1993), Peace Corps, Washington, DC; and Mr. John Coyne Pelham, Volunteer in Ethiopia/Eritrea (1962–1964), NYC Regional Manager (1994–2000), Peace Corps, New York City, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the reauthorization of the Office of Education Research and Improvement during the session of the Senate on Tuesday, June 25, 2002, at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on "The Crisis in Children's Dental Health: A Silent Epidemic" during the session of the Senate on Tuesday, June 25, 2002, at 2:30 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space and the House Subcommittee on Science and Space be authorized to meet on Tuesday, June 25, 2002, at 1 p.m. in 2318 Rayburn Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on "Protecting the Homeland: The President's Proposal for Reorganizing Our Homeland Security Infrastructure" on Tuesday, June 25, 2002, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Agenda

Tentative witness list

Panel I: The Honorable Warren B. Rudman, Co-Chair, United States Commission on National Security/21st Century, Washington, DC; the Honorable James S. Gilmore III, Former Governor of the Commonwealth of Virginia and Chairman, Advisory Panel to Assess the Capabilities for Domestic Response to Terrorism Involving Weapons of Mass Destruction, Richmond, VA; and the Honorable David M. Walker, Comptroller General, General Accounting Office, Washington, DC.

Panel II: Paul C. Light, Vice President and Director, Governmental Studies, the Brookings Institution, Washington, DC; Ivo H. Daalder, Senior Fellow, Foreign Policy Studies, the Brookings Institution, Washington, DC; and Ivan Eland, Director, Defense Policy Studies, CATO Institute, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 3971

Mr. REID. I believe that H.R. 3971, which was recently received from the House, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 3971) to provide for independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover.

Mr. REID. I now ask for its second reading but object to my own request on behalf of a number of my colleagues.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 430, S. 2621.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2621) to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President. I am pleased the Senate is considering today S. 2621, a bill I introduced earlier this month with Senator BIDEN that is also cosponsored by Senators HATCH and SCHUMER. This bill is intended to clarify that an airplane is a vehicle for purposes of terrorist and other violent acts against mass transportation systems. A significant question about this point has been raised in an important criminal case and deserves our prompt attention.

On June 11, 2002, a U.S. district judge in Boston dismissed one of the nine charges against Richard Reid stemming from his alleged attempt to detonate an explosive device in his shoe while onboard an international flight from Paris to Miami on December 22, 2001. The dismissed count charged defendant Reid with violating section 1993 of title 18, United States Code, by attempting to "wreck, set fire to, and disable a mass transportation vehicle,"

Section 1993 is a new criminal law that was added, as section 801, to the USA PATRIOT Act to punish terrorist attacks and other acts of violence against, inter alia, a "mass transportation" vehicle or ferry, or against a passenger or employee of a mass transportation provider. I had urged that this provision be included in the final anti-terrorism law considered by the Congress. A similar provision was originally part of S. 2783, the "21st Century Law Enforcement and Public

Safety Act," that I introduced in the last Congress in June, 2000 at the request of the Clinton administration.

The district court rejected defendant Reid's arguments to dismiss the section 1993 charge on grounds that (1) the penalty provision does not apply to an "attempt," and (2) an airplane is not engaged in "mass transportation," "Mass transportation" is defined in section 1993 by reference to the "the meaning given to that term in section 5302(a)(7) of title 49, U.S.C., except that the term shall include schoolbus, charter and sightseeing transportation.

Section 5302(a)(7), in turn, provides the following definition: "mass transportation" means "transportation by conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter or sightseeing transportation." The court explained that "commercial aircraft transport large numbers of people every day" and that the definition of "mass transportation" "when read in an ordinary or natural way, encompasses aircraft of the kind at issue here," *U.S.* v. *Reid*, CR No. 02-10013, at p. 10, 12 (D. MA, June 11, 2002).

Defendant Reid also argued that the section 1993 charge should be dismissed because an airplane is not a "vehicle," The court agreed, citing the fact that the term "vehicle" is not defined in section 1993 and that the Dictionary Act, 1 U.S.C. §4, narrowly defines "vehicle" to include "every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation *on land*." The emphasis in the original opinion.

Notwithstanding common parlance, the district court relied on the narrow definition to conclude that an aircraft is not a "vehicle" within the meaning of section 1993.

The new section 1993 was intended to provide broad Federal criminal jurisdiction over terrorist and violent acts against all mass transportation systems, not only bus services, but also commercial airplanes, cruise ships, railroads and other forms of transportation available for public carriage.

The bill the committee reports today would add a definition of "vehicle" to section 1993 and clarify that an airplane is a "vehicle" both in common parlance and under this new criminal law to protect mass transportation systems. Specifically, the bill would define this term to mean "any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water or through the air."

On June 20, 2002, less than two weeks after the bill was introduced, the Judiciary Committee favorably reported this bill for consideration by the Senate. I urge the Senate to act promptly and pass this legislation.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2621) was read the third time and passed, as follows:

S. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION.

Section 1993(c) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water, or through the air.".

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with the ranking member of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel:

Vincent Randazzo of Virginia, vice Stephanie Lee Smith, resigned, and

Katie Beckett of Iowa, for a term of 4 years.

AUTHORIZATION OF LEGAL REPRESENTATION

Mr. REID. I ask unanimous consent the Senate proceed to S. Res. 291 submitted earlier today by Senators DASCHLE and LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 291) to authorize testimony, document production, and legal representation in United States v. Milton Thomas Black.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Madam President, a Federal grand jury in Nevada has indicted an individual on four counts of mailing a threatening communication and one count of transmitting a threatening communication in interstate commerce for a series of threats to kill public officials and others in written communications sent last year to the offices of Senators PATRICK J. LEAHY and ORRIN G. HATCH, among others.

The U.S. Attorney has issued subpoenas for testimony at trial by employees on the staffs of Senators LEAHY and HATCH who received the communications and an employee on Senator HARRY REID's staff who had contact with the defendant. The testimony is necessary to establish the receipt of the threatening communications in Washington, DC.

This resolution would authorize the Senate employees to testify and produce documents in this case with representation by the Senate Legal Counsel.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 291

Whereas, in the case of United States v. Milton Thomas Black, Cr. No. S–02–016–PMP, pending in the United States District Court for the District of Nevada, subpoenas for testimony have been issued to Clara Kircher and Phil Toomajian, employees in the office of Senator Patrick J. Leahy; Donald Wilson, an employee in the office of Senator Harry Reid; and Katherine Dillingham and Craig Spilsbury, employees in the office of Senator Orrin G. Hatch;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Clara Kircher, Phil Toomajian, Donald Wilson, Katherine Dillingham, Craig Spilsbury, and any other employee of the Senate from whom testimony or document production is required, are authorized to testify and produce documents in the case of United States v. Milton Thomas Black, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Senate in connection with the testimony and document production authorized in section one of this resolution.

ORDERS FOR WEDNESDAY, JUNE 26, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 26; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each, with the first 30 minutes of the time under the control of the majority leader or his designee, and the second 30 minutes of the time under the control of the Republican leader or his designee; that at 11 o'clock the Senate resume consideration of the Department of Defense authorization bill; further that the live quorum with respect to the cloture motion filed earlier today be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have been corrected. There will be some time left in the final block after the prayer and the pledge, and whatever time is taken up. That time—20 or 25 minutes—will be equally divided under the standard that we have used here on many occasions. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, cloture was filed today by the majority leader. Therefore, all first-degree amendments must be filed prior to 1 p.m. tomorrow, Wednesday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until, Wednesday, June 26, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 25, 2002:

DEPARTMENT OF STATE

DAVID L. LYON, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNTIED STATES OF AMERICA TO THE REPUBLIC OF NAURU, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU.

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MICHELLE GUILLERMIN, OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE ANTHONY MUSICK.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD H. CARMONA, OF ARIZONA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS, VICE DAVID SATCHER, TERM EXPIRED.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. ISRAEL. Mr. Speaker, I was unable to be in Washington yesterday. Four recorded votes were taken by the House; if I were here, I would have voted as follows:

Rollcall No. 252: a motion to suspend the rules and pass H.J. Res. 95, designating an official flag of the Medal of Honor and providing for presentation of that flag to each recipient of that Medal of Honor, as amended. I would have voted "yea";

Rollcall No. 251: a motion to suspend the rules and pass H.R. 3971, a bill to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover. I would have voted "yea";

Rollcall No. 250: a motion to suspend the rules and pass H.R. 3786, the Glen Canyon National Recreation Area Boundary Revision Act of 2002. I would have voted "yea"; and

Rollcall No. 249: a motion to suspend the rules and pass H.R. 3937, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California. I would have voted "yea".

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 249, H.R. 3937, To revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California. Had I been present I would have voted "yea."

I was also unavoidably detained for Rollcall No. 250, H. R. 3786, the Glen Canyon National Recreation Area Boundary Revision Act of 2002. Had I been present I would have voted "yea".

I was also unavoidably detained for Rollcall No. 251, H.R. 3971, calling for an Independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover. Had I been present I would have voted "yea".

I was also unavoidably detained for Rollcall No. 252, H.J. Res. 95, Designating an Official Flag of the Medal of Honor and Providing for Presentation of that Flag to each Recipient of that Medal of Honor. Had I been present I would have voted "yea".

CONGRATULATIONS TO DR. J. PAT CUMMINGS

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mrs. CUBIN. Mr. Speaker, on Saturday, June 29, doctors of optometry from around the nation will gather in New Orleans to elect Dr. J. Patrick Cummings to be the 81st president of the American Optometric Association. Dr. Cummings is a resident of Sheridan, Wyoming, and it is a pleasure for me to take a moment today to congratulate him on this honor.

Dr. Cummings is a graduate of Pacific University in Forest Grove, Oregon, and the university's College of Optometry, where he has served as an adjunct professor since 1994. Dr. Cummings has been in private practice in Sheridan since 1977. He also served as a consulting optometrist at the VA medical center in Sheridan for 13 years and is currently on the staff at Sheridan County Memorial Hospital. He is a Fellow in the American Academy of Optometry. As you might expect, Dr. Cummings has been an active member in his professional societies. He has been recognized twice as Wyoming's Optometrist of the Year. He was elected to the American Optometric Association's board of trustees in 1994 and has held a number of association leadership posts during the past nine years.

In addition to his professional involvement, Dr. Cummings has been active in a wide range of civic activities. These include: the Lion's Club, Jaycees, Sheridan County Memorial Hospital Foundation, Chamber of Commerce and Sheridan Area Community Foundation. He also has served as a house captain for Christmas in April, a CPR instructor and trainer, a Red Cross advanced first aid instructor and a National Ski Patrol first aid advisor. Dr. Cummings has been a member of the National Ski Patrol since 1978 and was a member of the Professional Ski Instructors Association. An avid pilot and aircraft builder, Dr. Cummings has constructed and flown two home-built aircraft and has helped in the construction of several others.

Dr. Cummings and his wife Becky have three children, Patrick, Abby and Josh. The American Optometric Association is the professional society for the nation's 33,000 optometrists. Dr. Cummings will lead the association as it continues to work to improve eye and vision care in the United States. Dr. J. Patrick Cummings has distinguished himself as a leader in his profession. I am confident that he will have a successful term as president, and I join his family, friends and colleagues in wishing him well.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall numbers 249, 250, 251, and 252. I was unavoidably detained and was not present to vote. Had I been present, I would have voted "yes" on rollcall numbers 249, 250, 251, 252.

PERSONAL EXPLANATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. RADANOVICH. Mr. Speaker, my vote on June 21, 2002 (Rollcall No. 248) which is recorded as absent was recorded in error. I intended to vote "yes" and would like the record to reflect my position on final passage of H.R. 4931, the Retirement Savings Security Act of 2002.

IN HONOR OF THE 40TH ANNIVERSARY OF BUNGER SURF SHOP

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to recognize the 40th Anniversary of the Bunger Surf Shop and acknowledge the pioneering efforts Charlie and Janet Bunger have made on behalf of surfing on Long Island.

In 1962, Charlie Bunger built his first surfboard in his garage on Indiana Avenue. Three years later, Charlie and his business partner, Kevin Kelly, opened the retail end of Bunger Surf Shop in Copaigue, New York. At the time, the Bunger Surf Shop produced over 1,000 boards a year with only 15 employees. Throughout the next thirty years, the Bunger family expanded their business to Bay Shore, West Babylon, and Babylon. Today, you can still find Charlie, Janet and their four children, Theresa, Susan, Charlie Jr., and Tommy, covered in foam dust and dripping in resin as they construct and design world renowned surfboards.

Mr. Speaker, I would also like to bring to the attention of Congress Charlie Bunger's induction into the East Coast Surfing Hall of Fame. Charles Bunger has distinguished himself as one of the premiere surfboard manufacturers on the East Coast and the Bunger Surf Shop has become an icon in Babylon Village. The Bungers are pioneers in the field of surfing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and their contributions to the sport and to the Second Congressional District of New York will not be overlooked.

HONORING MAYOR JOHN MASON FOR EXEMPLARY CITIZENSHIP

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Mayor John Mason of Fairfax, Virginia for his strong showing of public service, citizenship, and dedication to Virginia's 11th Congressional District.

John has been a valuable civil servant for over 15 years. First elected as a Fairfax City Councilman in 1986, John's dedication to public service and administration led him to his first successful mayoral election four years later. John served as mayor for the City of Fairfax for 12 years. During his administration transportation was persistently a top priority for John. He champions the adoption of a long-range transportation plan for the Washington metropolitan area. Among his recent accomplishments, John was successful in enhancing emergency transportation units after September 11, 2001.

John, a renowned city leader, is recognized for revitalizing the City of Fairfax's economy and rejuvenating its residential and public areas. The City of Fairfax currently receives more Federal per capita spending than any other city in the United States. This advantage has greatly improved the welfare of the area. Since 1992, John decreased the City of Fairfax's office vacancy rate by nineteen percent. He has also sustained the city's niche as a desirable middle class community. Since 1990, the city welcomed a twelve percent increase in new homes.

John's work with the City of Fairfax's historic sites is also something to be commended. He rehabilitated the Old Town Hall, as well as the Ratcliffe-Allison House. Furthermore, believing that the future of the City of Fairfax relies on the preservation of its history, John commissioned a historic resources position to oversee his rehabilitation efforts.

During the past decade in office, John successfully addressed issues of public safety and environmental concern. City of Fairfax residents have not witnessed a single homicide since 1996, and other major crimes have decreased more than four percent. Improvements in the areas of conservation and the environment involved increased recycling rates and employing pilot environment-friendly, bioengineering techniques.

John contributes beyond the responsibilities of his leadership position. While mayor, he served as chairman of the National Capital Regional Transportation Planning Board and the Association of Metropolitan Planning Organizations. In his professional career, John has been a vice president of the Science Applications International Corporation, and director of its Transportation Policy and Analysis Center.

Mr. Speaker, I extend my warmest gratitude to Mayor John Mason for his admirable contributions to the City of Fairfax. He has distinguished himself through his lifelong devotion to public and community service, and I call upon all of my colleagues to join me in applauding his achievements.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes Nos. 249, 250, 251, and 252. If present I would have voted "yea."

HONORING DR. NANCY BECK YOUNG—RECIPIENT OF THE D.B. HARDEMAN PRIZE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Dr. Nancy Beck Young for receiving the D.B. Hardeman Prize from the Lyndon Baines Johnson Foundation. The Hardeman Prize is awarded every year by the LBJ Foundation for outstanding works in the areas of biography, history, journalism and political science.

Dr. Young is a history professor at McKendree College in Lebanon, Illinois. In addition to her research, she teaches American political and women's history. She won the Hardeman Prize, a national competition, for her book Wright Patman: Populism, Liberalism, and the American Dream. This book chronicles the life of Wright Patman, who served for 47 years in the House of Representatives, representing northeast Texas. The book eloquently describes Patman's diligent work on behalf of World War I veterans and the business community.

Dr. Young received this honor for writing the best book published on a congressional topic in 2000. This shows her commitment to expanding the scope of knowledge about Congress, her literary craftsmanship, and her creative and thorough approach to research. She has also proven to be a valuable asset to McKendree College, and this award demonstrates the contribution small colleges and universities can make to the research and education community.

Mr. Speaker, I ask my colleagues to join me in honoring the work of Dr. Nancy Beck Young and congratulate her upon the receipt of the D.B. Hardeman Prize and to wish her and her family the very best for the future.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 244, On Approving the Journal. Had I been present I would have voted "yea."

I was unavoidably detained for Rollcall No. 245, H. Res. 451. Had I been present I would have voted "yea."

I was unavoidably detained for Rollcall No. 246, the Neal Substitute Amendment. Had I been present I would have voted "no."

I was unavoidably detained for Rollcall No. 247, the Motion to Recommit with Instructions H.R. 4931. Had I been present I would have voted "no."

I was unavoidably detained for Rollcall No. 248, final passage of H.R. 4931, the Retirement Savings Security Act. Had I been present I would have voted "yea."

CONGRATULATING NAVY LEAGUE OF UNITED STATES ON ITS CENTENNIAL

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. LANGEVIN. Mr. Speaker, it gives me great pleasure to rise in support of H. Con. Res. 416, which congratulates the Navy League of the United States on the occasion of the centennial of the organization's founding. The Navy League was formed in 1902 as a way for citizens to educate the public about the sea services and to support the men and women that proudly wear the Navy, Marine, Merchant Marine and Coast Guard uniforms. The Navy League has done and continues to do a remarkable job.

Navy League Councils exist throughout this great nation where they honor outstanding officers and enlisted members, host awards ceremonies, sponsor the Naval Sea Cadets Corps and support ship commissioning events. On a national level, the Navy League is an invaluable resource to members of Congress and our staffs. They provide an excellent forum for the scientific, legislative and defense communities to discuss and understand the needs of our maritime services.

My home state of Rhode Island has almost 500 Navy League members. We are very proud of our Navy heritage in Rhode Island, where we create outstanding naval vessels in our shipyards and outstanding naval officers at the Naval War College in Newport. A strong navy can never be taken for granted. We have learned that we must be ever vigilant and in a high state of readiness. I am proud to be a cosponsor of this resolution and I'm grateful that we have the Navy League to constantly remind us how valuable our Navy, Marine Corps, Merchant Marine and Coast Guard are to us.

PERSONAL EXPLAATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. ABERCROMBIE. Mr. Speaker, I was unavoidably detained yesterday and consequently I was not able to cast my vote on

4 rollcall votes. Had I been present, I would have voted as follows:

Rollcall No. 249, H.R. 3937—to revoke a public land order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge in California, "yes."

Rollcall No. 250, H.R. 3786—To revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, "yes."

Rollcall No. 251, H.R. 3971—To provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment, or burnover, "yes."

Rollcall No. 252, H.J. Res. 95—To designate an official flag of the Medal of Honor and providing for presentation of that flag to each recipient of that Medal of Honor "yes."

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall Nos. 252, 251, 250, and 249, had I been present, I would have voted "yea."

BRONZE STAR EVENT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. INSLEE. Mr. Speaker, in a year of honoring heroes, on July 2, 2002, I will have the privilege to honor nine men in my district for their heroism and bravery. These men all fought in World War II and were never awarded the Bronze Stars, which they rightfully earned more than 50 years ago.

These veterans, like countless other men and women of their generation, heard the call and bravely fought to defend the United States and our allies. They put the early years of their adult lives on hold to fight in the deserts of Africa, the islands of the Pacific and in the embattled towns and countrysides of Europe. Some of these soldiers made the ultimate sacrifice and never returned from the war. The fortunate ones who came home made sure to take their civic responsibility to heart. Having defended our freedoms on the battlefield, they realized the importance of preserving these same freedoms at home. Like veterans of all wars, those who fought in World War II continue to play a vital role in our communities by voting, participating in civic affairs and sharing their stories with younger generations so that their sacrifice will never be forgotten.

I would like to take a moment to recognize the nine men who will finally receive their Bronze Stars on July 2, 2002: Charles Anders of Redmond who served in Europe, Harold Enger of Bothell who served in Europe and Africa, The late Charles Iffland who served in Europe and Africa, The late William Nielsen who served in Europe, James Owens of Redmond who served in Europe, Ernest Schaer of Kirkland who served in the Pacific, Trevor Wilkinson of Redmond who served in Europe, Robert Zappone of Kenmore who served in Europe, The late Elmer Peal, who gave his life for his country while serving in the Philippines.

I am proud to have these men and their families in my district. They are true American Heroes.

HONORING THE NORTHEAST ALLISON COMMEMORATION COMMUNITY PROJECT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today in honor the men and women who were a part of the Northeast Allison Commemoration Community Project. This project was composed of citizens, community leaders, civic clubs, churches, and local government and business who banded together for each other after the devastating flooding caused by Tropical Storm Allison.

Last June, when Allison began moving into the Houston area, few had any idea the disaster that lay ahead. Over the week beginning June 6, Allison sat over Houston, Texas, and dumped rainfall in excess of 10″–15″, with some areas in the 29th District receiving over 30″, with the majority of that falling in a 24 hour period.

Flooding from this storm was severe and widespread, with streets and freeways impassible, residents being rescued from their roofs just before their homes were completely submerged, and schools and other public places transformed into hastily-organized shelters.

The damage to both homes and businesses was estimated at over $5 billion. However, that total is low, when you consider the inability to completely replace treasured mementos and other valuables that were left behind and washed away or ruined by floodwaters.

In the aftermath of this disaster, the Northeast Allison Commemoration Community Project was formed. This organization helped address the overwhelming sense of helplessness with crisis counseling; strengthened the unity of the community; served as a remembrance to those who lost their lives; and brought healing to the devastated neighborhoods.

This Saturday, the Project will hold a gathering to celebrate their recovery. This gathering will allow members of this community an opportunity to close the door on this difficult period. However, the bonds which were forged and strengthened by this flood will continue, as we all work together in the future.

PAYING TRIBUTE TO LIEUTENANT COLONEL THOMAS L. PIROZZI

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Lieutenant Colonel Thomas L. Pirozzi and offer heartfelt congratulations for a successful Battalion Command. Lieutenant Colonel Pirozzi is the commanding officer of the 626th Forward Support Battalion, stationed at Fort Campbell, Kentucky, and currently on duty near Kandahar, Afghanistan. On July 8, 2002, Lieutenant Colonel Pirozzi will be changing command in Afghanistan and will subsequently return to the United States for his next assignment, in Washington, D.C.

Lieutenant Colonel Pirozzi was born in Bayonne, New Jersey on November 6, 1961 to Eli and Elaine Pirozzi. He graduated from Bayonne High School and was commissioned into the Quartermaster Corps through the Rutgers University ROTC program, where he earned a Bachelors degree in Business Administration and American Literature. Lieutenant Colonel Pirozzi also holds a Masters of Military Science Degree from the Marine Corps University at Quantico, Virginia.

Prior to taking command of the 626th Forward Support Battalion, Lieutenant Colonel Pirozzi served in a number of positions around the world, including Chief of Logistics Information Systems for the U.S. European Command in Stuttgart, Germany; Executive Officer, 82nd Forward Support Battalion, 82nd Airborne Division and XVIII Airborne Corps Airdrop Officer at Fort Bragg, North Carolina; and Forward Area Support Coordination Officer (FASCO), 3rd Brigade, 101st Airborne Division (Air Assault), and Commander, 53rd Quartermaster (Airdrop Support), Fort Campbell, Kentucky, Saudi Arabia and Kuwait.

Lieutenant Colonel Pirozzi's awards and decorations are as impressive as his service around the world. They include, the Bronze Star Medal (with Oak Leaf Cluster), Joint Meritorious Service Medal, Meritorious Service Medal (with two Oak Leaf Clusters), Joint Service Achievement Medal, Army Achievement Medal (with two Oak Leaf Clusters), the Humanitarian Service Medal, the Southwest Asia Campaign Medal (with two Bronze Star Devices), Saudi Arabia and Kuwait Liberation Medals, the Air Assault Badge, Master Parachutist Badge, and the Parachute Rigger badge.

Mr. Speaker, it is clear through his numerous assignments and awards that Lieutenant Colonel Pirozzi has served his country with honor and pride. Therefore, I ask that my colleagues join me in thanking him for his service to our country and to the cause of Freedom, not only here at home, but abroad. I would also ask my colleagues to join me in welcoming Lieutenant Colonel Pirozzi home from Afghanistan and wishing him good fortune in his new assignment in Washington, D.C.

PAYING TRIBUTE TO CHERYL BAKER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002—

Mr. McINNIS. Mr. Speaker, it is my honor today to pay tribute to Cheryl Baker who was recently appointed as Mayor of Cortez. This is a special occasion for both Cortez and Cheryl, the first woman to be elected Mayor of Cortez.

This position is a reflection of Cheryl's hard work and dedication to improving life for the citizens of Cortez.

The Cortez City Council unanimously nominated Cheryl for the position of mayor by merit of her hard work and leadership skills, which she has so often demonstrated. I am confident that they will serve her well throughout the course of her term and although Cheryl will undoubtedly face many difficult challenges and decisions in the following months, she has clearly exhibited a dedication and willingness to tackle any obstacles that may lie ahead.

Cheryl has expressed considerable concern about the financial state of Cortez and has already begun development on a five-year plan that will improve city funding. She has also announced a proposal that would consider reducing the city's water use by at least 20 percent by improving communication with city residents regarding the need for conservation.

Mr. Speaker, I am proud to bring the accomplishments of Cheryl Baker to the attention of this body today. Her leadership, hard work, and dedication to improving the lives of her fellow Coloradans is an example for all aspiring community leaders and it is for this reason that I wish to bring her accomplishments before this body of Congress, and nation. I wish the best of luck to Cheryl, in your coming term and congratulations to Cortez on its first woman mayor!

PRESIDENTIAL SCHOLARS AWARD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Ms. McCOLLUM. Mr. Speaker, today I proudly commend David Sims, a teacher of Latin at St. Paul Academy and Summit School in St. Paul, Minnesota for receiving the 2002 Presidential Scholar Teacher Recognition Award. Mr. Sims was nominated for this distinction by Presidential Scholar Hannah Wright of St. Paul. He and other influential teachers fully deserve the recognition provided by the Commission on Presidential Scholars. We have people like Mr. Sims to thank for being dedicated educators for our nation's children. It is my distinct pleasure to congratulate Mr. Sims on receiving this prestigious honor.

PERSONAL STATEMENT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. BECERRA. Mr. Speaker, on Friday, June 21, 2002, due to business related to honoring four students in my District, I was unable to cast my floor vote on roll call numbers 246, 247, and 248. The votes I missed include roll call vote 246 on Agreeing to the Amendment; roll call vote 247 on The Motion to Recommit with Instructions; and roll call vote 248 on Passage of H.R. 4931, The Retirement Savings Security Act.

Had I been present for the votes, I would have voted "aye" on roll call votes 246 and 247, and "no" on roll call vote 248.

RECOGNITION OF ENTERPRISE HIGH SCHOOL'S AWARD WINNING CHEERLEADING SQUAD

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. EVERETT. Mr. Speaker, I would like to take this opportunity to recognize an extraordinary team of individuals who have personified the meaning of a champion on the national stage.

The cheerleading squad of Enterprise High School in my hometown of Enterprise, Alabama was recently successful in attaining their third cheerleading national championship in as many years.

Earlier this year in Orlando, Florida, the squad earned the CheerSport National Championship in senior dance, the grand championship at the National Cheerleaders Association/National Dance Association Sunshine Classic, and the NCA/NDA American Classic Championship. In addition, the squad has claimed three individual national championships and the coach of the year national championship.

The Wildcat cheerleading squad has exemplified the type of determination and hard work that is required to fulfill the heart of a champion. Their unprecedented history of national achievement is a testament to the community's commitment to excellence and fortitude for success.

I take great pride in acknowledging the talents of the young people from my district, and it is this type of spirit, resolve, and ability embodied by this team of champions that allows me to confidently rest the future of our country in the hands of Alabama's youth.

HONORING IRENE HOLLINGER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate Irene Hollinger on her retirement. Mrs. Hollinger is retiring on June 30th after 29 years in the occupational health field.

Mrs. Hollinger is retiring from Edwards Medical Supply Inc. where she did important work in Customer Relations and Customer Service.

Mrs. Hollinger has been married to her husband, Edward Hollinger, for the past 41 years and the two of them have four children and five grandchildren. Mrs. Hollinger served as a PTA mother for eight years at St. Agnes Church and she also spent three years as a baseball mother for the Marquette Baseball club.

Mrs. Hollinger is a beloved employee. Her co-workers and customers will greatly miss Mrs. Hollinger upon her retirement.

The commitment, dedication and energy given by Mrs. Hollinger to her family and career are seen by all who know her. It is my pleasure to honor Mrs. Hollinger for her 29 years of service in the occupational health field and extend my heartiest wishes as she begins her well-deserved retirement.

CELEBRATING THE 30TH ANNIVERSARY OF TITLE IX

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Ms. McCOLLUM. Mr. Speaker, on the 30th anniversary of Title IX, I am proud to celebrate the progress we have made since Members like PATSY MINK, Edith Green and others fought hard to pass this legislation. It is hard to believe today that there was a time when our Nation's colleges and universities simply denied women admission under the assumption that females were more interested in homemaking than higher education. A time when the idea of thousands of girls participating in field hockey or soccer was laughable. A time when only boys took shop class and only girls took home economics.

We have come a long way in the last 30 years. Girls and women are taking advantage of opportunities in sports and school subjects that used to be dominated by males. In 1972, less than 300,000 girls participated in high school varsity sports; last year more than 2.7 million girls played on a varsity sports team. Now, high school girls are taking upper-level math and science courses at the same rate as boys.

We have a lot to celebrate today, but we also have more work to do. Studies show that in the classroom, girls still typically receive less attention, including praise, criticism and encouragement, than boys. In many colleges and universities, disproportionate gaps remain between the percentage of female athletes and the percentage of scholarship money they receive. We can do better!

I am optimistic about the future of our Nation's educational systems under Title IX. We must uphold the progress we have made and, at the same time, continue to expand opportunities for our daughters, granddaughters and generations beyond.

PERSONAL EXPLANATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. KLECZKA. Mr. Speaker, on roll call Numbers 249, 250, 251, and 252, I was unavoidably detained. Had I been present, I would have voted yes on all of those votes.

TRIBUTE TO THE HONORABLE FRANCES MEADOWS

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. DEAL of Georgia. Mr. Speaker, I rise to convey my deep sympathy and condolences to the family of Frances Jenkins Meadows, a distinguished public servant who passed from this life on April 21.

Ms. Meadows was a remarkable pioneer and role model to many. As a single mother of three, she was working at a local production plant when she developed the notion to return to school at night. She enrolled at Lanier Tech to study data processing. While there, she began working part-time at neighboring Gainesville College in records administration, using her freshly learned skills in the pre-computer era. Impressing the college officials, she accepted full-time employment in the Registrar's Office at the college, thus beginning a thirty-year career there. She retired in 1999 as Assistant Director of the Office of Financial Aid.

Ms. Meadows' pioneering was not limited to her chosen profession. In 1992, she became the first African-American to ever be elected to the Hall County Board of Commissioners. She was re-elected, without opposition, in 1996 and 2000. She was concurrently elected vice-president of the Association County Commissioners of Georgia and appointed to the Georgia Environmental Facilities Authority.

Long a mainstay in her beloved St. John Baptist Church where she taught Sunday school, she was a member of the senior choir and singles ministry. Community honors included Drum Major of the Year, Rotary's Jean Harris award and the Distinguished Alumni Award of Gainesville College.

Mr. Speaker, Frances Meadows will long be remembered for her warm smile, her friendly hug, her unabashed devotion to her family and her church and, in her public life, her high integrity and love of public service. One song from a memorial service, "Go Rest High Upon That Mountain," speaks volumes for many of us who knew her well; we know she is resting high on that mountain as we toil to carry forward her ideals and all the goodness in her life that we admired.

It is well remembered that, as her cortege proceeded through the bustling streets of Gainesville, Georgia, on the day of her burial, the community stilled. Legions of admirers, and many who did not know her personally, stopped their lives to pay their final respects to this fine woman. Frances Jenkins Meadows, a pioneer and proud servant of the Lord and His people.

CELEBRATING THE 30TH ANNIVERSARY OF TITLE IX

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. HOYER. Mr. Speaker, this month marks the 30th anniversary of title IX of the Education Act Amendments of 1972. This legislation prohibits sex discrimination in educational institutions that receive Federal funds. It has been instrumental, in my opinion, in helping women get into educational programs where they had previously been underrepresented, such as the math and sciences. It has helped to encourage women to break job barriers and obtain careers, such as engineers, doctors and mathematicians, which in turn has diversified our workforce and infused our society with an energy and potential that had not been tapped for centuries.

It is really incredible, when we think of this country and we think of how we excluded on the basis of gender so many talented people. I am the father of three daughters. And the concept that these incredibly talented, energetic people would have been excluded based upon their gender is despicable. We have come a long way in this country not only on gender but on race, ethnicity, and national origin. Title IX was a tremendous contributor to that progress.

Perhaps the biggest achievement of title IX is the fact that it has leveled the playing field for men and women in sports. It mandates equal treatment for playing opportunities, access to athletic scholarships, equipment, facilities, and coaching. The numbers paint a powerful portrait. In the 30 years since title IX, the number of girls participating in high school sports has skyrocketed from 200,000 to almost 3 million, an 800 percent-plus increase. At the intercollegiate level, the number of participants is five times greater than before title IX was enacted.

But what an appropriate thing it was to say we are going to treat people based upon, as Martin Luther King said, the content of their character or the abilities that they have. We said that in the Disabilities Act. We said it in title IX, how important it is for us to continually emphasize it is what people can do that we need to focus on, not their gender or race or disability, not some arbitrary and mostly capricious distinction that we draw.

Clearly, the dated stereotype that women are not interested in athletics has been shattered as the door of opportunity continues to open.

Title IX has allowed the desires and passions of millions of women to be realized. They participate in sports. They enjoy sports. They succeed in competitive sports.

Competitive athletics have increased the academic success of young women and make it less likely that they will become involved with alcohol and drug abuse. The emotional and physical benefits women and girls gain from participation are invaluable. We know that physical participation is important, not only for your physical but also your mental capacities.

At a time when many young women become critical of their appearance and grapple with eating disorders and low self-esteem, sports helps young women develop confidence and a positive body image. In the long term, athletic activities decrease a woman's chance of developing heart disease and breast cancer. So it is truly extraordinarily helpful.

Mia Hamm, and what an extraordinary athlete. she is, the captain of the U.S. soccer team, which won the 1999 Women's World Cup, once stated, "What I love about soccer is the way it makes me feel about myself. It makes me feel that I can contribute." She is part of the daughters of title IX who have paved a path for millions of female athletes to follow. Her statement hits the nail right on the head, as it highlights the selfconfidence and teamwork skills sports helped to develop and define.

Title IX is, of course, not without its critics, but I think for the most part they are misguided. They blame title IX for eliminating some men's minor sports, but the reality is title IX provides institutions with the flexibility to determine how to provide equity for their students.

A March 2001 GAO study found that 72 percent of colleges and universities that added women's teams did so without cutting any men's teams. In fact, men's overall intercollegiate athletic participation has risen since the passage of title IX. This truly was a win/win situation for men as well as and particularly for women.

The complaint to be brought against title IX is that it does not go far enough, that the advancement for women in education and athletics, no matter how positive, must go further.

As part of today's celebration of title IX, I would like to recognize Dr. Deborah A. Yow, the athletic director for the University of Maryland. The gentleman from North Carolina (Mr. COBLE) is a crusty, conservative Member of the House of Representatives; a wonderful human being, a good-hearted human being, but not one that I perceive in the forefront of feminism in America, and I say that affectionately.

He knows full well that I am closely associated with the University of Maryland. He came up and said, you know what, you have got a woman you ought to hire at the University of Maryland. She is a friend of mine, Deborah Yow, and is under consideration to be the athletic director at the University of Maryland.

Now, at that point in time there were no women athletic directors at the level I–A schools. But the fact that the gentleman from North Carolina (Mr. COBLE) came up to me and said Deborah Yow could do that job, I went back to my office and picked up the phone and called the then-president of the University of Maryland, who is now our new chancellor of our system, and told him, Britt, I have just talked to a person, this Deborah Yow must be extraordinary. Shortly thereafter, Deborah Yow was hired. She is now the athletic director, and of course we finished 10-1 in football and won the national basketball championship, under a woman athletic director. Those were men's teams; and we have won numerous championships in lacrosse and field hockey for our women's teams.

Her sister is a major athletic leader in our country as well. Her outstanding career achievements serve to exemplify the important contributions made by women in the athletic arena, as well as to our entire society.

In a male-dominated profession, 91.6 percent of athletic directors in Division I universities being men, Debbie has not only met the challenges of her profession, but she has raised the bar for all. Under Debbie's leadership, the Terrapins ranked nationally as one of the top 20 athletic programs in the country, according to U.S. News and World Report. The University of Maryland under her leadership has established an incredibly strong athletic program with exemplary student athletes, coaches and administrators.

Mr. Speaker, in closing, in 1972, when the Congress and the country said we are going to make sure that everybody, irrespective of gender, can participate equally and achieve to the extent of their character and their ability, we made a statement and adopted a policy that has made America a better country. Title IX has truly made our country stronger.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. BECERRA. Mr. Speaker, on Monday, June 24, 2002, I was unable to cast my floor vote on rollcall Nos. 249, 250, 251, and 252. The votes I missed include rollcall vote 249, on the Motion to Suspend the Rules and Pass, As Amended, H.R. 3937; rollcall vote 250, on the Motion to Suspend the Rules and Pass, As Amended, H.R. 3786; rollcall vote 251, on the Motion to Suspend the Rules and Pass, H.R. 3971; and rollcall vote 252, on the Motion to Suspend the Rules and Pass, As Amended, H. J. Res. 95.

Had I been present for the votes, I would have voted "aye" on rollcall votes 249, 250, 251, and 252.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. EVERETT. Mr. Speaker, due to my attending to pressing business in my district on Friday and Monday and today's flight delays, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 244 (On Approving the Journal)—yes.

Rollcall No. 245 (On agreeing to H. Res. 451, providing for consideration of H.R. 4931—the Retirement Savings Security Act)—yes.

Rollcall No. 246 (On agreeing to the Neal of Massachusetts Substitute Amendment to H.R. 4931)—no.

Rollcall No. 247 (On motion to recommit H.R. 4931 with instructions)—no.

Rollcall No. 248 (On passage of H.R. 4931)—yes.

Rollcall No. 249 (On motion to suspend the rules and pass as amended H.R. 3937, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California)—yes.

Rollcall No. 250 (On motion to suspend the rules and pass as amended H.R. 3786, the Glen Canyon National Recreation Area Revision Act of 2002)—yes.

Rollcall No. 251 (On motion to suspend the rules and pass H.R. 3971, independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover)—yes.

Rollcall No. 252 (On motion to suspend the rules and pass as amended H.J. Res. 95, designating an official flag of the Medal of Honor and presentation of that flag to each recipient of that Medal of Honor)—yes.

Rollcall No. 253 (On Approving the Journal)—yes.

Rollcall No. 254 (On motion to suspend the rules and pass the bill H.R. 4858, to improve access to physicians in medically underserved areas)—yes.

Rollcall No. 255 (On motion to suspend the rules and pass the bill as amended H.R. 4679, the Lifetime Consequences for Sex Offenders Act of 2002).

UTILIZING FOREST MANAGEMENT TO PREVENT FIRES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the June 21, 2002, edition of the Wall Street Journal entitled "The Fire This Time." The editorial argues that the Clinton Administration's misguided environmental policy and forest management left our Nation's forests filled with fuel conducive to catastrophic forest fires such as we are seeing with the Hayman fire in Colorado.

The editorial stresses that proper forest management can prevent catastrophic fires, which are neither good for the environment or our economy. The editorial also mentions that forests owned by private timber companies rarely burn, let alone at catastrophic levels. These companies employ sound forest management practices to prevent forest fires because they see their trees as an investment. This editorial makes the case that Americans should protect their investment in our public forests and protect them by allowing the Forest Service to utilize forest management principles and practice selective logging to remove the dead wood and underbrush that fuel these cataclysmic fires.

[From the Wall Street Journal, June 21, 2002]

THE FIRE THIS TIME

In December 1995, a storm hit the Six Rivers National Forest in northern California, tossing dead trees across 35,000 acres and creating dangerous fire conditions. For three years local U.S. Forest Service officials labored to clean it up, but they were blocked by environmental groups and federal policy. In 1999 the time bomb blew: A fire roared over the untreated land and 90,000 more acres.

Bear this anecdote in mind as you watch the 135,000-acre Hayman fire now roasting close to Denver. And bear it in mind the rest of this summer, in what could be the biggest marshmallow-toasting season in half a century. Because despite the Sierra Club spin, catastrophic fires like the Hayman are not inevitable, or good. They stem from bad forest management—which found a happy home in the Clinton Administration.

In a briefing to Congress last week, U.S. Forest chief Dale Bosworth finally sorted the forest from the tree-huggers. He said that if proper forest-management had been implemented 10 years ago, and if the agency weren't in the grip of "analysis paralysis" from environmental regulation and lawsuits, the Hayman fire wouldn't be raging like an inferno.

Mr. Bosworth also presented Congress with a sobering report on our national forest. Of the 192 million acres the Forest Service administers, 73 million are at risk from severe fire. Tens of millions of acres are dying from insects and diseases. Thousands of miles of roads, critical to fighting fires, are unusable. Those facts back up a General Accounting Office report, which estimates that one in three forest acres is dead or dying. So much for the green mantra of "healthy ecosystems."

How did one of America's great resources come to such a pass? Look no further than the greens who trouped into power with the last Administration. Senior officials adopted an untested philosophy known as "ecosystem management," a bourgeois bohemian plan to return forests to their "natural" state. The Clintonnites cut back timber harvesting by 80% and used laws and lawsuits to put swathes of land off-limits to commercial use.

We now see the results. Millions of acres are choked with dead wood, infected trees and underbrush. Many areas have more than 400 tons of dry fuel per acre—10 times the manageable level. This is tinder that turns small fires into infernos, outrunning fire control and killing every fuzzy endangered animal in sight. In 2000 alone fires destroyed 8.4 million acres, the worst fire year since the 1950s. Some 800 structures were destroyed—many as a fire swept across Los Alamos, New Mexico—and control and recovery costs neared $3 billion. The Forest Service's entire budget is $4.9 billion.

That number, too, is important. Before the Clinton Administration limited timber sales, U.S. forests helped pay for their own upkeep. Selective logging cleaned up grounds and paid for staff, forestry stations, cleanup and roads. Today, with green groups blocking timber sales at every turn, the GAO says taxpayers will have to spend $12 billion to cart off dead wood.

It's no accident that two of the main Clinton culprits—former director of Fish & Wildlife Jamie Rappaport Clark and former Forest Service boss Michael Dombeck—have both landed at the National Wildlife Federation, which broadcasts across its Internet homepage, "Fires Are Good."

Fixing all of this won't be easy. After 30 years of environmental regulation, the Forest Service now spends 40% of its time in "planning and assessment." Even the smallest project takes years. Mr. Bosworth has identified the problems, but fixing them will require White House leadership and Congressional cooperation.

One solution would be to follow the lead of private timber companies, whose forests don't tend to suffer such catastrophic fires. Their trees are an investment; they can't afford to let them burn. Americans should feel the same way about theirs.

TRIBUTE TO FATHER T. BYRON COLLINS, S.J.

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. HYDE. Mr. Speaker, I rise today to pay tribute to a long-time friend of many of us in this House, Father T. Byron Collins, S.J. This past Friday, June 21, 2002, was the 50th anniversary of Father Collins' ordination into the priesthood. He originally entered the Jesuit Order in September 1940.

Father Collins has touched many lives during his half century of ordained priesthood. He faithfully serves parishioners at Our Mother of Sorrows Catholic Church in Centreville—on Maryland's Eastern Shore—every weekend. This man has enriched the lives of many Georgetown University students, giving them a greater understanding of the Catholic faith, while at the same time, appreciating these students for being the true heart and soul of Georgetown University. And as his fellows Jesuits know well, this legendary figure is also a warm and caring individual.

Over the years, Father Collins has dedicated his life to strengthening Georgetown University, the nation's oldest Catholic institution of higher learning. He came to the campus in 1954. Soon after his assignment to Georgetown, Father Collins assumed responsibilities for facilities development on the campus, undertaking important budgetary functions. As one who works tirelessly to fulfill the challenges before him, Father Collins has left his humble, yet permanent, mark on the Georgetown campus of today, tomorrow and forever.

Members of the Society of Jesus live by the creed, "To the greater glory of God and the salvation of souls." Indeed, throughout these 50 years, my friend, Father T. Byron Collins, S.J., has lived a life that has exemplified that philosophy. Those of us in this Chamber who are privileged to know him well understand how true that is. I am certain that my colleagues will join me in extending hearty congratulations to this special man as he begins the sixth decade of his priesthood.

STATEMENT AGAINST PRESERVATION FOR ANTIBIOTICS FOR HUMAN TREATMENT ACT OF 2002

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. BLUNT. Mr. Speaker, often in Congress, we ignore science in favor of emotional appeals and sound bites. The "Preservation for Antibiotics for Human Treatment Act of 2002" is a case in point. The bill focuses on a type of antibiotic known as fluoroquinolones. It grants FDA the authority to ban any product containing the antibiotic while providing no recourse to fight against this new mandate. The bill suggests that there is a direct correlation between the increased use of antibiotics in food production and human health problems. Yet, no scientific study exists to corroborate the link.

The bill also singles out a beneficial class of products, used in the production of poultry, without ample scientific evidence. The family farmers that I represent do not choose to use antibiotics unless there is a great need in their flocks or herds. The class of antibiotics mentioned in the proposed bill is used rarely and only under the direction of a veterinarian on a prescriptive basis. In addition, farmers must wait until the drug is out of the birds' systems before they can send them to the processing plant. This proposal could cost poultry growers and processors millions of dollars with no scientific proof of harm to human health. While public health must come before economic considerations, Congress should not impose severe economic damage upon one segment of agriculture without sufficient evidence that the action would be beneficial to human health.

The proposal will also ignore the benefits to human health from the scientific and prescriptive use of antibiotics in animal production. It is unknown what all of the consequences would be to humans if antibiotics were removed from poultry production. One consequence that could occur is an increased level of pathogens in the food chain as a result of the arrival of ill animals to processing plants. Food processors are directed to keep pathogen numbers as low as possible, and withdrawal of the use of antibiotics in food production will make that job harder.

Another troublesome aspect of the bill is the intrusion of Congress into the FDA regulatory process where these debates and decisions can and should be made. I know the regulatory process can be cumbersome and lengthy; however, that forum, when implemented properly, allows for debate in the scientific arena.

The consequences to the poultry farmers in my district if the bill is passed could be economically disastrous. The bill is unnecessary, weak in science and a new government mandate. Congress should think before it reacts to irrational, unfounded fears.

PRESIDENTIAL SCHOLARS AWARD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Ms. McCOLLUM. Mr. Speaker, today I proudly commend Hannah Wright of St. Paul, Minnesota for being selected as a 2002 Presidential Scholar. I am happy to welcome Ms. Wright and her parents to Washington, D.C. for a week of recognition, including a medallion awards ceremony. Since 1964, distinguished high school seniors from around the United States have been recognized as Presidential Scholars for their academic achievement, community involvement, artistic expression, and leadership skills. Ms. Wright is an outstanding example of the talented young people we will rely on to guide our nation in the future. It is my distinct pleasure to congratulate Ms. Wright and St. Paul Academy and Summit School on receiving the 2002 Presidential Scholar Award.

TRIBUTE TO INVERNESS, FLORIDA'S KEY TRAINING CENTER FOR THE MENTALLY CHALLENGED

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mrs. THURMAN. Mr. Speaker, I am here today to pay tribute to a wonderful not-for-profit organization in Inverness, Florida that provides social, educational and residential services to the developmentally disabled. The Key Training Center offers its clients a place to learn through structured classroom instruction. A place to be productive by helping clients work in vocational settings for competitive wages and a place to live in campus group homes, apartments and Key Pine Village, a special need's facility for clients with severe and profound mental retardation.

The Centers slogan "A Place Where Miracles Happen" is truly evident when one thinks of the one thousand plus developmentally disabled citizens that have been a part of the Key Training Center in the last 30 years. One reason for the success of this organization is because they believe emphasis should be put on ability not disability when dealing with anyone including the mentally impaired.

As a not-for-profit, this organization relies on the generosity of others to maintain many of its programs. That is why July 19 the Key Training Center is proud to kick off their annual Run for the Money Week fund-raiser. The week begins with a celebrity dinner auction and is followed by a grueling 180 mile, week long run from the steps of Florida's Capitol to Citrus County. The run is representative of the challenges and obstacles that clients at the center must overcome every day. Last year the Key Training Center raised more than $133,000 and has set its goal of $135,000 for this year.

I am so proud of this organization, its associates and clients for all of their hard work and dedication to such a wonderful cause. I would also like to submit for the RECORD an essay from the Key Training Center that truly depicts the heart of the organization:

THE MAGIC OF MIRACLES

Imagine for a moment what life would be like if you were mentally challenged and developmentally disabled. Think about living each day with a life-long condition you did not create and cannot cure.

Consider the daily challenge of existing in a world that recognizes beauty, status, and wealth. How does it feel to be seen as different by people who do not understand? What can you do to show others you have potential?

Where can you go to laugh, learn about life and live joyfully as God intends for His children? What is the promise for today? And what is the promise for tomorrow and beyond? How do you turn your dreams into reality?

Miracles often occur when desire and determination find challenge and opportunity. Look closely and learn how miracles are the magic that give promise and hope to our mentally challenged friends.

Experience a simple, yet unforgettable, blessing when a mentally handicapped person extends a hand of friendship to you, warms your day with a broad smile or touches and tugs at your heart with the most genuine of loving hugs.

Discover how a dedicated staff with steadfast community support continues not only a life-changing mission but a compassionate ministry of kindness, love, dignity and respect.

At the core of the Key Training Center is a profound faith in God and a devout belief that His love for these people and this place is exceedingly boundless.

It is difficult to explain but impossible to deny—the Key Training Center is a place where miracles happen every day!

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. POMEROY. Mr. Speaker, on June 24, 2002, due to flight delays caused by severe weather, I missed roll call votes Nos. 249, 250, 251, and 252. Had I been present, I would have voted "yea" on all four votes.

I WILL SOAR AGAIN—HONORING THE HEROES WHO MADE INDEPENDENCE DAY POSSIBLE

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. SHOWS. Mr. Speaker, as we prepare to go home to celebrate the July 4th holiday and the anniversary of America's Independence, we must remember the contributions of our fighting men and women who made our independence possible and who keep us free today.

In this regard, I want to share with my colleagues the work of Cindy Taylor-Dawson, of Brandon, Mississippi. She has created a web site called "I Will Soar Again," inspired by the events of September 11th and dedicated to the heroes who put their lives on the line to defend our freedom. "I Will Soar Again" has been viewed by countless people around the world, and has enabled them to express their thanks to America's heroes.

"I Will Soar Again" represents the best of America and the power of what just one person with a vision can accomplish.

Last year "I Will Soar Again" featured "Trees for the Troops 2001," where people could post messages on a "virtual Christmas Tree" that could be viewed by our troops, no matter where they were stationed. In fact, Cindy used every message to decorate real Christmas Trees, too! She is anxious to get going on "Trees for the Troops 2002."

I commend this web site to you, Mr. Speaker, and our colleagues. It can be found at http://www.iwillsoaragain.com/. There are many things to see and read, including samplings of Cindy's poetry. By scrolling down to the bottom, one can find "Trees for the Troops 2001 " and read the heartfelt greetings submitted by thousands of grateful people.

"I Will Soar Again" is one person's way of saying God Bless America. I commend this site to our colleagues, staffs, families and constituents, so they can contribute to the next Christmas Tree.

HIP HOUSING MARKS 30 YEARS OF SERVICE TO SAN MATEO COUNTY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to the Human Investment Project for Housing (HIP Housing) of San Mateo, California, on the occasion of its 30th Anniversary. For the past 30 years, this outstanding organization has been addressing the need for affordable housing.

Founded in 1972, HIP Housing was established to create programs to assist the disadvantaged and disabled living within San Mateo County. In 1979, recognizing a lack of affordable housing in the community, HIP Housing developed its "Homesharing Help and Information Program" and began to focus on expanding the pool of affordable housing in the community. Since then, HIP Housing has made over 12,000 homesharing placements and today serves over 2,500 people each year, 500 of which are children.

Mr. Speaker, the high cost of living in my congressional district is well documented. High housing prices have forced some out of their homes, leaving many with only expensive temporary housing options. HIP Housing has come to the rescue of thousands of people, finding permanent housing for seniors, single-parents and their children, persons with disabilities, the homeless and working persons.

Fortunately, HIP Housing has long been recognized for its great work. In 1985, the organization received the "Best Practices Award" from the American Society on Aging; in 1990 HIP Housing was appointed the Northern California liaison to National Home Equity Conversion Counseling Task Force; the California American Institute of Architects awarded the organization the "Community Assistance" award in 1991; and in 1998, HIP Housing received HUD's Blue Ribbon Best Practices Award.

Mr. Speaker, I would again like to emphasize just how vital HIP Housing has been to San Mateo County. Through its wide variety of housing programs and incredible generosity, HIP Housing has made a world of a difference for tens of thousands of people and it continues to do so every day.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. PUTNAM. Mr. Speaker, from June 17 through 19, 2002 I had the honor of traveling to the United Kingdom on a Congressional Delegation as the Vice Chairman of the Government Reform Subcommittee on National Security, Veterans Affairs and International Relations. While in London, visiting the British Parliament's House of Lords, I had the opportunity to discuss policy-related issues and the ongoing war on terrorism with some of my distinguished British counterparts. Specifically, we held the first U.S. Congressional hearing ever in British Parliament on the subject of Gulf War Syndrome. I was excused by the Speaker to participate in this extraordinary experience, which prevented me from voting on legislation that came before the floor of the House of Representatives during that time. Had I been available to cast my vote I would have done the following:

Rollcall Votes: (1) #230—Journal—Yea; (2) #231—H. Con. Res. 415—Recognizing National Homeownership Month and the Importance of Homeownership in the United States—Yea; (3) #232—H. Con. Res. 340—Supporting the Goals and Ideals of Meningitis Awareness Month—Yea; (4) #233—H.R. 327—Small Business Paperwork Relief Act—Yea; (5) #234—H.R. 4794—Designating the Ronald C. Packard Post Office Building—Yea; (6) #235—H.R. 4717—Designating the Jim Fonteno Post Office Building—Yea; (7) #236—Journal—Yea; (8) #237—H.R. 3389—National Sea Grant College Program Act Amendments of 2002—Yea; (9) #238—Hastings of Florida Motion to Instruct Conferees on H.R. 3295—Help America Vote Act—No.

CONGRATULATING NAVY LEAGUE OF UNITED STATES ON ITS CENTENNIAL

SPEECH OF

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 24, 2002

Mr. CRENSHAW. Mr. Speaker, I rise today to support House Concurrent Resolution 416 and congratulate the Navy League of the United States for 100 years of outstanding service.

The Navy League is a civilian organization that provides a valuable service to military communities across the United States. Their programs, such as the Naval Sea Cadet and the Navy Junior ROTC programs, are dedicated to increasing the educational and life experiences of this country's youth. Each year, many deserving high school students are the beneficiaries of generous Navy League scholarships and awards.

I am fortunate enough to have 2 separate Navy Leagues in my district, the Jacksonville Navy League and the Mayport Navy League. The members of both of these organizations dedicate their time, skills, expertise and other resources to help improve the lives of the men and women of the Navy, Coast Guard and Marines and their families. The Mayport League has sponsored commissioning of local new ships, most recently the USS *Roosevelt;* and both leagues have honored local Navy, Coast Guard and Marine personnel through the Sailor of the Year luncheon and the annual Midway Memorial Dinner. This resolution allows Congress to honor the commitment to this nation by the Navy League and its dedicated members.

Mr. Speaker, it is with great pride today that I say happy 100th birthday to the Navy League, especially the local Jacksonville and Mayport councils.

90TH ANNIVERSARY OF THE VISITING NURSE ASSOCIATION OF CENTRAL NEW JERSEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to congratulate the Visiting Nurse Association of Central Jersey as it celebrates its 90th Anniversary Year as the region's premier provider of community health services, serving more than 100,000 clients each year. The organization that is now VNA of Central Jersey began with a meeting of volunteers on June 24, 1912 at Brookdale Farm, Geraldine Thompson's estate in Lincroft, NJ.

First known as the Monmouth County Branch of the State Charities Aid and Prison Reform Association, the young organization set out to improve prison conditions and achieve a more humane approach to public assistance. It successfully campaigned for a tuberculosis hospital (Allenwood Sanitarium), and was appointed agent for the NJ Tuberculosis League.

From the beginning, the health care needs of women and children were a paramount concern. In its first decade, the agency completed a study of mentally handicapped children in the public schools; it launched child welfare programs and established mobile dental clinics and mobile mental hygiene clinics. Public health nurses were added to the social work staff, and the agency established a county district health office.

The name was changed to the Monmouth County Organization for Social Service in 1918. However, the agency has always been a voluntary, nonprofit organization and is not a branch of county government.

Accomplishments of the second decade included the addition of three satellite health centers and a continuing focus on services for children: well-child conferences, nutrition and parenting programs, and establishment of a children's shelter.

The 1930s brought a training program for student nurses, nursery and play schools at the Hartshorne Health Center in Belford to assist working mothers, and an expansion of services for handicapped children. The agency also assisted Fitkin Hospital (now Jersey Shore Medical Center) in establishing a social service department.

During the war years, MCOSS spearheaded a medical-dental plan for veterans. In the late 1940s the agency participated in organizing the Cancer Society, Heart Association and Cerebral Palsy Treatment Center in the county. The agency's program to provide health care for migrant workers received national recognition.

In the following decade, the agency participated in the Salk vaccine testing program and gave field training to graduate nursing students from Rutgers University and Columbia. The Thrift Shop opened its doors in Manasquan in 1960. Also in the 1960s, the agency and the Monmouth County Board of Freeholders worked out a plan for countywide bedside nursing care.

The high quality of nursing, the aging of the population, the growing costs of hospital care and advances in home care technology led to explosive growth in home care services in the 1970s and 1980s. In 1979, the agency formally changed its name to MCOSS Nursing Services. In 1988, service was expanded to Middlesex County through acquisition of the Visiting Nurse Association in Middlesex. In an effort to make the organization's identity clear in both Middlesex County and Monmouth County, the agency's trustees voted in December 1993 to adopt the name Visiting Nurse Association of Central Jersey. (A visiting nurse association is a freestanding, community-based, nonprofit organization governed by a volunteer board of trustees, providing intermittent care in the home and helping to support itself through fund-raising.).

Significant developments of the 1980s and 1990s included creation of VNACJ Community Services, the administrative umbrella for grant-funded services and fund-raising programs; the foundation of the hospice program; growth of the rehabilitative services department; and establishment of primary care centers staffed by nurse practitioners. In 1988, the hospice program was certified by Medicare, and now serves more than 700 terminally Ill patients and their families annually.

From mobile health clinics in the 1920s, services to migrants in the 1940s, hospice care in the 1980s, primary care in the 1990s, expansion of school-based clinics in 2000 to the introduction of advanced home care technology in 2001, the venturesome spirit of that early group of volunteers continues to infuse an organization which has consistently been in the vanguard of community health in this nation.

As VNA of Central Jersey celebrates its 90th year, it also pays tribute to Judith Stanley Coleman on her 25th anniversary as Chairman. First as trustee and then as the agency's sixth chairman, Mrs. Coleman has been an outstanding leader, advocate and supporter of the organization. She has worked tirelessly to ensure that the voluntary nonprofit agency continue to honor its commitment to provide care to all in need, regardless of their ability to pay.

COMMENDING MR. LOWELL R. OVERTON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to commend Mr. Lowell R. Overton, broker and co-owner of Coldwell Banker Realty in Diamond Bar, California.

Mr. Overton graduated from Cal Poly Pomona in 1976 with a bachelor of arts degree in social science followed in 1977 with a bachelor of science degree in behavioral science, accompanied with a criminal justice and corrections certificate.

After graduation from Cal Poly Pomona, Mr. Overton started his career in real estate at Goldenwest Realtors and Associates in Diamond Bar, where he quickly became office "Top Producer." He later joined Prudential California Realty in 1989. During his tenure there, he was honored with a total of eight Pinnacle Awards, representing placement among the top ten individuals nationally. In 1993, he was named National Champion of Prudential Real Estate Affiliates topping more than 38,000 agents nationwide. In doing so, he personally closed $35 million in residential income and a total of 187 homes, becoming the first person in company history to generate more than 1 million dollars in gross commission income. In 1995, he was the recipient of the prestigious Legend Award, which is given to agents within the company exhibiting extraordinary "perseverance, expertise and consistency" in the course of their careers.

As an alumnus, Overton has been a strong supporter for many years of the Behavioral Sciences Department and the College of Letters Arts and Social Sciences at Cal Poly Pomona. He has provided an endowment to fund a scholarship for an outstanding psychology, sociology or behavioral science major, which has enabled the department to make nine awards to date. He is also the founder of the CLASS Alumni Chapter Endowed Scholarship Fund and the Behavioral Sciences Department Endowed Scholarship Fund. He has also endowed the Lowell Overton Award for the Presidents Council Scholarship for the College of Letters Arts and Social alumni chapter, currently serving as the chapter's president. He is a director on the Cal Poly Pomona Foundation, a member of the Kellogg Voorhis Heritage Society and the President's Council. Overton has also participated numerous times in the Professor for a Day Program and the Behavioral Sciences Department Honors Luncheon. He has also brought Cal Poly Pomona together with local statewide political leaders, most recently co-sponsoring a reception for California State Attorney General Bill Lockyer.

Thank you, Lowell for all of your hard work and dedication to California State Polytechnic University Pomona and to the community.

TRIBUTE TO THE INTERNATIONAL CONNECTION COMMITTEE OF THE ALPHA KAPPA ALPHA SORORITY, INCORPORATED

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 2002

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in paying tribute to the members of the International Connection Committee of Alpha Kappa Alpha Sorority, Incorporated for their outstanding years of service as leaders in the community.

For 60 years, the Alpha Kappa Alpha Sorority, Inc., a registered 501©(7) nonprofit, nonpartisan fraternal organization, has been an active participant in fostering political activities. The Sorority's involvement has ranged from organizing the Nonpartisan Lobby for Economic and Democratic Rights to press for political, social and economic justice for African Americans to the establishment of the Office of Governmental Affairs in Washington, D.C.

Recognizing the importance of engaging its members in public policy initiatives and political campaign activities, the International Connection Committee became a reality in 1980 at the International Convention. The Committee's first major initiative was a nationwide "voter blitz" to mobilize the African American community to vote in the 1980 General Election. In 1998, members joined with the NAACP for the Mass Demonstration at the U.S. Supreme Court to protest the lack of minority law clerks employed by the Justices. To build on the success of the inaugural committee, the 1998–

2000 International Connection Committee continued to move the public policy program by implementing a wide range of events including voter education and registration activities, training sessions for members who sought elective and appointive office, and AKA Lobby Days.

It is my distinct honor and privilege to recognize the members of the 2000–2002 International Connection Committee of Alpha Kappa Alpha Sorority, Inc. for their efforts to continue the work of an organization rich in both history and service. The members are Juanita Orr, Chairman; and representatives Lenora Gerald, North Atlantic Region; Leyser Morris-Hayes, South Eastern Region; Vivian Burke, Mid-Atlantic Region; Jenelle Elder-Green, Central Region; Vertelle Middleton, South Atlantic Region; Tari Bradford, South Central Region; Nancy Quarles, Great Lakes Region; Kimberly Scott, Mid-Western Region; Dawn Bobbitt, Far Western Region; Frances Molloy, International Region; Dorothy R. Jackson, Resource & Washington, D.C. Chairman of Millennium Public Policy Conferences, and Dr. Norma Solomon White, International President. I also acknowledge with pride and respect the many Connection Committee activists who preceded the current Committee.

Mr. Speaker, I know that my colleagues will join me in honoring the members for their exceptional service to our community. We are fortunate to have noble citizens like them to provide essential services and support to our society.

HOUSE OF REPRESENTATIVES—*Wednesday, June 26, 2002*

The House met at 10 a.m.

The Reverend David E. Paul, Pastor, First United Methodist Church, Clewiston, Florida, offered the following prayer:

Our Heavenly Father, we come to You with grateful hearts for the daily evidence of Your love. You are always with us. You are always available to us.

There are times, Lord, when we ignore You and Your guidance. Forgive us. Forgive us when we stray away from the ideals and goals You have given our great Nation. Enable us to forgive ourselves and each other.

We thank You, Lord, for Your guidance and Your love. We thank You for the trust our citizens have given these persons. This trust, along with Your presence, strengthens and enables them to have the courage to deal with the hard decisions that face them.

We pray for those today who need a special sense of divine love, whose lives need encouragement and peace.

Sustain our Nation and guide the House of Representatives as it seeks to do Your will.

In Christ's name, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2621. An act to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems.

The message also announced that pursuant to Public Law 106–170, the Chair on behalf of the Republican Leader, after consultation with the Ranking Member of the Senate Committee on Finance, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel—

Vicent Randazzo of Virginia, vice Stephanie Lee Smith, resigned; and

Katie Beckett of Iowa, for a term of four years.

WELCOMING THE REVEREND DAVID E. PAUL

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, it is my great honor to welcome Dr. David Paul and his wife, Judy, to the House Chamber this morning. I join my colleague, the gentleman from Florida (Mr. HASTINGS), in this great honor.

Dr. Paul is a third generation Floridian. He was born in Miami, Florida, in 1946; and he is a graduate of Miami Senior High School and the University of Florida. Go Gators.

He is a true spiritual leader rooted in Florida.

An accomplished trombone player, Reverend Paul played with the Savannah Symphony Orchestra for a number of years before attending the Asbury Theological Seminary in Wilmore, Kentucky, where he earned his master of divinity degree and doctor of divinity.

After 10 years in Kentucky, Dr. Paul again regained his senses and returned to Florida where he has served churches in Eustic, Groveland, Clewiston and Lake City.

I know the community in Clewiston was very sad to see Reverend Paul head to Lake City, but one community's loss is another's gain; and I am sure he will have the same impact in Lake City that he had for us in Clewiston.

RECOGNIZING THE STEP AHEAD TO SUCCESS FARMWORKER YOUTH PROGRAM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I recognize the Step Ahead to Success Farmworker Youth Program and congratulate the program's 2002 graduates. I want to especially commend the program's director, Maria Garza, and Miami-Dade County Manager Steve Shiver, whose tireless efforts have made this program a great success.

Since its inception in late 2000, the program has provided 275 at-risk young people from farmworker families with services to help develop their academic, social, and safety skills. In Miami-Dade, 50 young people have received leadership training and FCAT tutoring and have participated in several community service activities.

One amazing young man, Jose Rodriguez, came to the program with a 1.2 grade point average and was behind credits for graduation. But the program helped Jose to improve his grades, receive a stipend for financial help, graduate on time; and he will soon begin to serve our country upon finishing the Marine Corps basic training on July 27.

I want to thank all of the dedicated workers of the Farmworker Youth Program for their unending devotion to these children.

CODE ADAM

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I will digress again from my stories about Ludwig Koons, whom we desperately want returned from Italy to the United States where he is being held illegally, to talk about one of the scariest situations that a parent can experience when they are out shopping, perhaps they turn around and their child is not with them. In many cases they return in a matter of moments, but sometimes it can seem like an eternity. What if that son or daughter cannot be found? Or do stores have a system in place that can help protect their child from harm?

The answer is yes. The gentleman from New Jersey (Mr. PALLONE) and I are joining together to urge Members to support a resolution to encourage retailers across the Nation to adopt a special child safety alert program known as Code Adam.

Code Adam works. Since 1994, it has been a powerful preventive tool against child abductions and lost children in more than 25,000 stores, making it the largest child safety program in the Nation. Code Adam is a special alert issued through the store's public address system when a customer reports a missing child. The measure was established in 1994 and named in the memory of 6-year-old Adam Walsh whose abduction from a Florida shopping mall and murder in 1981 brought the horror of child abduction to national attention.

We owe it to the kids of America to do everything that we can to ensure their safety. Join us in supporting this important resolution. Bring our children home.

COST OF GOVERNMENT DAY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, June 29, this Saturday, will be Cost of Government Day. What does that mean? It is the date on which the average American worker has earned enough gross income to pay off his or her share of tax and regulatory burdens imposed by all levels of government, either Federal, State or local. Currently Nevadans must work on average 179 days just to meet all the costs imposed by government.

There is some good news, however. Cost of Government Day falls 2 days earlier this year than last. In fact, this year it is earlier than it has been in 5 years, thanks to the tax relief we have just passed. Yet the cost of government is still substantially higher than it was during the 1980s when President Reagan led the Nation in bringing it down to a date in mid-June. Lowering the cost of government means more money in the hands of families, investors and entrepreneurs to reinvest in our economy.

Mr. Speaker, as we continue with the appropriations process, I call upon my colleagues to remain committed to reducing the cost of government to encourage economic growth and prosperity both at home and nationwide.

ECONOMIC REFORMS NEEDED

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Headline: "WorldCom Says Its Books Are Off By $3.8 Billion." Hey, we all make mistakes. $3.8 billion. The stock market is going to tank again today. The dollar is in a headlong decline. It seems like it would be a no-brainer for the House of Representatives to plug a few tax loopholes; mandate, mandate, by God, tough accounting reform; put a few of these crooked CEOs in jail, prosecute them, pursue them endlessly. Let us have real protection for stockholders, employees' pension funds. But no. It is needed, it seems like a no-brainer, but it ain't going to happen here because the House Republican leadership is too busy collecting campaign funds from some of the same firms and CEOs that are defrauding Americans and the stock market.

The American people need to focus and demand meaningful reforms before this disaster spirals totally out of control and drives the U.S. economy into a full blown financial crisis. No more sham reforms of pensions, no more sham prescription drug benefits, no more shams on the Tax Code. Let us do some meaningful work here and try and fix the problems with America's economy.

PARTIAL-BIRTH ABORTION BAN

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to strongly urge my colleagues to support H.R. 4965, the partial-birth abortion ban. Since 1995, a ban on this horrendous procedure has been passed three times by both the House and the Senate. Unfortunately, due to vetoes by President Clinton, the practice continues today. In the partial-birth abortion procedure, the baby is partially delivered before being brutally killed. The vast majority of partial-birth abortions are performed on healthy babies and healthy mothers. In fact, according to the American Medical Association, a partial-birth abortion is never necessary to protect the health of a woman and can even lead to additional serious health risks.

Although language banning this procedure has been struck down in the past by the Supreme Court, this new legislation has been tailored to address the Court's concerns.

Partial-birth abortion is infanticide. It is crucial that we act on the wishes of the American people and outlaw this dangerous and gruesome procedure once and for all.

PRESCRIPTION DRUGS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, seniors cannot wait a minute longer for a prescription drug benefit under Medicare. Our seniors have been in need for far too long. Unfortunately, they will be very disappointed with the plan that will be presented by the Republican majority either this week or after the Fourth of July break. With its high deductibles, fluctuating premiums and gaps in coverage, the Republican plan hardly provides any benefit at all.

But the biggest problem with their plan is that it relies on the insurance industry to work. Their plan is the first step in their long-term effort that they have been trying to do to privatize Medicare.

Let us face it. The insurance industry just does not work for seniors. As we have seen with the Medicare+Choice program, private health insurance companies cannot make a profit with the health care demands of our seniors. That is why Medicare was created in 1965. It is foolish to believe that private drug plans will be able to do any better.

We need to take profit out of the equation and create a prescription drug plan that is run by Medicare, just like hospital visits and doctors visits. It is time to stop wasting money on failed experiments and put the money where we know it will work, in a drug benefit under Medicare.

PARTIAL-BIRTH ABORTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Congress now has an opportunity to put an end to one of the most barbaric acts known to mankind. Amazingly, this barbaric act is perfectly legal in the United States of America. This horrible act of violence is called partial-birth abortion. Actually it is a procedure in which a baby is partially delivered, the doctor actually reaches in and turns the baby for a breech birth, and then is killed in a procedure too horrible to describe.

Congress has voted twice to make it illegal, but the previous President vetoed it both times. Today we have a new President who will do the right thing and make partial-birth abortion illegal, but first we have to send him the bill.

We in the House will have the chance to vote on this bill later this summer, and we will do the right thing. It will be up to the other body to act. No one knows what they will do.

It is time to make partial-birth abortion illegal. It should have been illegal long ago.

PRESCRIPTION DRUG COVERAGE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I do not know how you measure greatness in the modern world, but if in fact America is the greatest country in the world, then it seems to me we ought to be able to provide prescription drug coverage to our seniors. Unfortunately, the Republican prescription drug plan that is going to be brought to the floor is best symbolized by the hole in the doughnut, too much cost for too little coverage when compared with the Democratic alternative.

Take a look at the premiums: the Democratic alternative, $25 fixed in statute. The Republican premium, not in statute, fluctuates. It may be $35. It may be $85. Probably at least $50.

☐ 1015

Clearly, the Democrat plan is better.

Deductible: Democrats, $100 deductible; Republicans, $200 deductible. Copay: Democrats, 20 percent; Republicans, after the first $1,000, 50 percent copay. Clearly, too much cost, too little coverage.

Finally, stop loss. Between $2,000 and $3,700, and the taxpayer pays the bill. There is no coverage, no protection whatsoever.

Mr. Speaker, this is a bad plan, and we ought to reject it in the land of the great.

HOOPS FOR HOPE

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, I started, on September 11 of last year, to come to the floor to make this presentation; and of course, we all know what happened that morning. This trophy is a result of the benefit basketball game that is played every year for the last 3 years, and this past year on September 10. So although the announcement is a little bit late, it is important for me to note that the Hoops for Hope, a unique contest here, which pits Members of Congress against lobbyists in a benefit basketball game, has raised over $50,000 in its 3-year history. We are on the road to raising $75,000 this September; and my duty this morning is to not only present the trophy, but to announce that this past year the lobbyists eked out a 63 to 60 win.

We just wanted everybody to know who participated in the game. We benefit Horton's Kids and Staffers for the Hungry and Homeless. This money goes to a great cause, and we appreciate everybody's cooperation.

GLARING INADEQUACIES IN REPUBLICAN PRESCRIPTION DRUG PLAN

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, last Friday morning, while most Americans were still asleep, the Republican plan to create a drug benefit was pushed with brute force through the Committee on Energy and Commerce. While the Republican plan has too many flaws to mention in 1 minute, its most glaring inadequacy is that it makes no provision for dealing with the outrageous prices Americans pay for prescription drugs.

Apparently, Republicans and their corporate sponsors in the brand-name drug industry do not believe high prices are a problem. Yet last year, prices for the 50 most prescribed drugs for seniors have risen three times the rate of inflation, and the prices for some popular drugs rose by 10 times the rate of inflation.

Last week I sought to introduce an amendment that would have reduced drug prices for all Americans by reducing patent abuse and enhancing market competition. But the Republican leadership, which loves to champion the virtues of the free market, would not even let the Committee on Commerce consider the amendment.

If we need another reason, another reason to oppose the Republican plan, which was written by and for the big drug companies, let it be known that the Republican plan does absolutely nothing to reduce drug prices.

PASS REPUBLICAN PRESCRIPTION DRUG PLAN

(Mrs. CAPITO asked and was given permission to address the House for 1 minute.)

Mrs. CAPITO. Mr. Speaker, the House Prescription Drug Action Team and other leaders have been working very hard to provide a plan for a prescription drug benefit to all seniors. We have had many listening sessions, and we have crafted a meaningful prescription drug benefit. We need to pass this plan now, especially for women and our seniors.

Women make up more of the population over the age 65 because women actually live, on average, 7 years longer than men. If we look at a snapshot of Americans aged 85 and older, nearly three-quarters of these are women. But they are not just living longer; they have smaller incomes and have fewer financial resources to take care of their pharmaceutical needs.

Women are almost twice as likely as men to have incomes below $10,000, and two-thirds of Medicare beneficiaries with annual incomes below the poverty level are women. Fewer financial resources and greater longevity are key reasons why Congress needs to pass this prescription drug plan now.

Under this act, men and women under the age of 65 will benefit from substantial discounts.

Mr. Speaker, we need to pass this plan now for all seniors, but especially for our women.

DEFEAT REPUBLICAN SHAM PRIVATIZATION PRESCRIPTION DRUG BILL

(Mr. TIERNEY asked and was given permission to address the House for 1 minute.)

Mr. TIERNEY. Mr. Speaker, Republicans appear addicted to drug company money. Why else would they try to fool the American people with a plan written with the drug companies that fails to cover over 90 percent of seniors, that insurance companies say they will not participate in because it is good only for the wealthiest seniors with the highest drug costs, that would have seniors pay out of pocket $3,800 per year, and that does nothing to lower the cost of prescription drugs? In fact, the Republican bill so distrusts the President's Secretary of Health and Human Services that it forbids him to negotiate lower prices for seniors.

Mr. Speaker, the Republican sham bill is just an attempt to privatize prescription drug coverage in the same way they tried to privatize Social Security. It will not help most seniors, and it will not work.

So while Republicans are busy cutting taxes for less than 1 percent of the wealthiest estates in America, they trade off real prescription drug coverage, saying it is too expensive; and they offer a sham bill.

The Democrats have a plan to cover seniors. It is affordable, it is accessible to all seniors, it allows the Secretary to negotiate lower and fairer prices, and it is real.

Mr. Speaker, let us defeat the Republican sham privatization bill and pass the Democrats' real deal for seniors.

DIRECT LINK BETWEEN ENERGY POLICY AND NATIONAL SECURITY

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, the conference on our energy bill passed in this House almost 1 year ago today is beginning soon. American consumers sent Iraq and Saddam Hussein more than $1.4 billion for oil in the first 4 months of this year. This is a corrupt regime that pays the families of homicide bombers $25,000 for their attack on innocent victims in Israel. We are at war, and depending on Saddam Hussein for the fuel that powers our war on terrorism is untenable.

Mr. Speaker, there is a direct link between energy policy and our national security. That is why more than 80 percent of Americans want us to pass a comprehensive energy plan that protects our national security while strengthening our economy.

In 1992, we imported 32 percent of our energy. Now, nearly 60 percent of our energy is imported. We need an energy policy. The conferees on the energy bill begin meeting tomorrow. I urge them to bring us legislation to increase our energy independence, create jobs, and strengthen our economy, Mr. Speaker.

SUPPORT THE MEDICARE PRESCRIPTION DRUG BENEFIT AND DISCOUNT ACT

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute.)

Mr. LANGEVIN. Mr. Speaker, Congress must add meaningful prescription drug coverage to Medicare. Prescription drugs can cost as much as $500 per month; and in Rhode Island alone, 200,000 seniors lack drug coverage.

A study I commissioned last year found that the uninsured elderly in the district of Rhode Island pay an average of 78 percent more for the most commonly used prescription drugs than do seniors in foreign countries.

That is why I support the Medicare Prescription Drug Benefit and Discount Act which adds a new part D in Medicare that provides voluntary prescription drug coverage for all beneficiaries. It includes a premium of just $25 a month, which would be subsidized for low-income seniors. It has a $2,000 out-of-pocket limit per beneficiary per year.

In contrast, the Republican plan would require high out-of-pocket costs for seniors while offering low benefits.

We must ensure that seniors do not have to choose between food or rent and getting their prescriptions filled. We must provide meaningful drug coverage.

SUPPORT FISCALLY-RESPONSIBLE REPUBLICAN PRESCRIPTION DRUG PLAN

(Mr. FLETCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLETCHER. Mr. Speaker, the Washington Democrats, once again are misleading the American people on the debate over necessary prescription drug coverage for our seniors. To illustrate to my Democrat friends how our plan will help States, Kentucky has 615,000 Medicare beneficiaries and 50 percent of these citizens are below the 175 percent of poverty level. In Kentucky, a study estimates that State Medicare savings under the Republican-proposed prescription drug benefit would be $549 million in the fiscal years 2005 through 2012.

In a time when seniors and State governments are experiencing financial difficulty, our plan provides seniors with an affordable prescription drug benefit to Medicare and immediate savings. States also benefit by saving millions of dollars in Medicaid beneficiary costs over the next several years.

Mr. Speaker, this plan is the only fiscally-responsible choice for both seniors and government and should be supported next week when it comes to a full vôte in the U.S. House of Representatives.

The Democrat plan remains an $800 billion boondoggle; and I encourage, as we continue this debate, full support of the Republican plan.

OMNIBUS CORPORATE RESPONSIBILITY AND RESTORATION ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, when Enron hit, most of America thought that this was an exception, a company that had not done right, that deserved to be reprimanded, and that we would go forward. Sadly, there has been an announcement that there has been a rollcall of the corporate elite violating the laws of this Nation and throwing America's investment community into a sense of doubt and shame.

It is time now to take a very forceful and firm stand against corporations that violate the law and hurt the American people, people who have lost their pensions, people who have lost everything, people who are unable to pay for their rent, their mortgages, their college tuitions of their children.

Mr. Speaker, I intend to offer the Omnibus Corporate Responsibility and Restoration Act. Once and for all, it is an omnibus bill that gets rid of insider trading, that provides us a firewall between accounting firms that consult and do accounting, that protects the pension plans of this Nation, and protects employees who can be taken advantage of by a company filing bankruptcy and then terminating thousands of employees.

Mr. Speaker, it is time to stand up against corporate criminal activity.

SUPPORT REPUBLICAN PRESCRIPTION DRUG PLAN

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SULLIVAN. Mr. Speaker, seniors in the first district of Oklahoma and across America cannot afford the rising cost of prescription drugs. In order to live within their budget, some skip a meal, some turn off their air-conditioning, and some consume half the prescriptions that they need.

Without a doubt, I believe the Republican prescription drug plan is the only plan that will give our seniors prescription drug coverage they need at a cost that the Nation's budget can afford.

The Republican prescription drug plan provides a two-tiered approach that allows seniors to start saving on their prescription drug bills immediately. By grouping seniors together, Medicare can negotiate discounts from manufacturers. This is projected to save seniors about 10 to 20 percent upon the signature of the President.

The second part of the plan will come as a comprehensive and voluntary Medicare-based prescription drug benefit. The Republican plan will significantly reduce the costs of prescriptions and save seniors approximately 70 percent of their out-of-pocket drug costs.

The House Republican prescription drug plan will work for seniors today, tomorrow, and for the rest of their lives. I urge my colleagues to support this bill.

PROVIDING FOR CONSIDERATION OF H.R. 4598, HOMELAND SECURITY INFORMATION SHARING ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 458 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 458

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4598) to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1030

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Georgia, or from Florida (Mr. HASTINGS), my colleague and friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time is for purposes of debate only.

Mr. Speaker, the legislation before us is an open rule providing for the consideration of H.R. 4598, the Homeland Security Information Sharing Act. This is a fair rule that will allow thoughtful discussion on a topic that has become crucial to our national security.

I do not think there is anything controversial in any way about any of the elements of the rule, which were so well read by the Clerk, and I do not think there is any point in repeating all of that.

Mr. Speaker, this is a good open rule on an important subject. Dealing with information sharing is critical to our ability to prevent bad things from happening in homeland America. That is the challenge that is before us today.

I have to congratulate the chairman and the ranking member of the Subcommittee on Terrorism and Homeland Security of my Permanent Select Committee on Intelligence, the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN), for their work on this timely piece of legislation.

Mr. Speaker, this bill starts us down a road that we must travel to make sure all our forces are cooperatively engaged for national security. H.R. 4598 would promote the sharing of critical homeland security threat information between Federal law enforcement and intelligence agencies with State and local officials in place to protect and defend the American public.

Can Members imagine how much safer our country can be if local first responders like police officers and sheriffs have Federal information at their fingertips that enables them to pinpoint and thwart evildoers before tragedies occur?

Mr. Speaker, this bill may not provide a crystal ball that forewarns us of every and all bad things looming in the future, but it gives us a tool for transmitting known facts and information about terrorist activity to capable, authorized people who are in position to act on the front lines across America.

The tragic events of September 11 have caused us to reevaluate how we go about protecting our Nation and our people. We are dealing with a visionary new homeland security structure, we are dealing with necessary reform at the FBI, we are dealing with 9–11 reviews, we are dealing with reform of the intelligence community, and some inevitable changes in our intelligence community capabilities and management.

So we have a great many things on our plate. But, in the meantime, there is no reason why we should not, and every reason why we should, support a good rule and a good piece of legislation that will help us get some interim activity that will heighten safety for every man, woman, and child in the country. That is something that we all want.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from the east coast, I mean west coast, of Florida, the distinguished chairman of the Permanent Select Committee on Intelligence, for yielding time to me. Since he almost put me in Georgia, I decided to put him on the east coast of Florida.

Mr. Speaker, I rise in support of this rule and in support of the underlying bill, the Homeland Security Information Sharing Act. I am proud to have worked with the Subcommittee on Terrorism and Homeland Security chairpersons, the gentleman from Georgia (Mr. CHAMBLISS) and the ranking member, the gentlewoman from California (Ms. HARMAN), on this bill; and I am proud to be an original cosponsor of this important legislation.

Mr. Speaker, H.R. 4598 requires Federal intelligence agencies to share relevant homeland security information with designated local police and emergency first response personnel. Furthermore, this bill instructs the Director of Central Intelligence and the Attorney General to draft guidelines for the dissemination of this information.

All such information and the systems used to disseminate it are to be open to Federal intelligence, Federal law enforcement, and congressional review.

Mr. Speaker, this legislation is timely indeed. At a moment when State and local law enforcement and emergency response personnel are being forced to prepare for unprecedented threats to the safety and security of their communities, they cannot be left in the dark. Local first responders must have access to timely and detailed information about any terrorist threats in order to adequately serve their communities.

A footnote right here, and a compliment to the distinguished chairperson of the Permanent Select Committee on Intelligence and, in the other body, the Senator from Florida who chairs the concomitant committee in the Senate, for having sponsored a program in Orlando that I was fortunate enough to attend with both of them that deals specifically in part, or dealt with, in part, the facts having to do with first responders and local communities.

I think to the extent that Florida will become a bellwether State, the beacon light was shed by the information that was provided at that conference due to the two chairs of the intelligence community. I, for one, as a Floridian and as a Member of this body, am grateful and indebted to them.

Mr. Speaker, while some may be concerned that this legislation greatly widens the pool of people with access to intelligence information, let me note that this bill provides very adequate safeguards to protect the rights of individuals and groups.

For example, the bill protects the constitutional and statutory rights of individuals by requiring that any information that is shared must not be used for any unauthorized purpose. Similarly, the information sharing procedures mandated by the bill must ensure the security and confidentiality of information as well as redact or delete obsolete or erroneous information.

Last, this legislation, like the PATRIOT Act before it, brings with it new modes of intelligence sharing and new congressional oversight responsibilities. Just as we are compelled to increase our intelligence-sharing capacity in the wake of the tragedy of September 11, so, too, are we compelled to ensure that these new government powers do not erode our precious civil rights and civil liberties.

Again, for all of the reasons I have just outlined, I support this bill and I support this fair, open rule which allows its consideration today.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am from the west coast of Florida. We will get this right. Florida is south of Georgia. The gentleman from the east coast of Florida just made an eloquent speech for which I am most grateful, and I appreciate the kind remarks. I will return them from the west coast of Florida to the east coast of Florida.

It was always a privilege to have the gentleman on our Permanent Select Committee on Intelligence. We look forward to his return. We enjoy working with him on the Committee on Rules, in the meantime. It is a different kind of work than the Permanent Select Committee on Intelligence.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the distinguished gentleman from Florida and the distinguished gentleman from Georgia. I want to thank them. I will soon be reprimanded on the floor. I am using my time. Let me thank the two distinguished gentlemen from Florida for their leadership on this issue.

Mr. Speaker, let me applaud the proponents of this legislation, particularly in the testimony they gave before the Committee on the Judiciary, of which I am a member. I want to add my support to the rule and am gratified that it is an open rule.

Mr. Speaker, I would like to share with my colleagues that I think one of the more important points that we can make as we move toward making this country a safer place to live, and recognizing that we have turned the page of history on September 11, is the ability to share viable and important information with our local responders, if you will, or the local leaders that will provide the home-based security.

With that in mind, I intend to offer an amendment, a friendly amendment, that I hope my colleagues will consider favorably, and that is to ensure procedures that will allow the information from government whistle-blowers to be able to be shared within the confines of the regulations that may be designed by the President of the United States of America.

Mr. Speaker, I hope in this context we will recognize that information may come from a variety of sources, and we would hope the President would then design for us the best way that that information should be shared. The idea is to make sure that our Nation is safe, to do it with cooperative and collaborative efforts, but also to protect the integrity of the information we need to secure those in the homeland.

This amendment, as I said, is offered in a friendly context to recognize the importance of information that comes from those who would be willing to provide us the truth. I think as we move forward we have all determined that the key element for safety involves finding out the facts and the truth.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the remarks of my colleague, the gentleman from the east coast of Florida (Mr. HASTINGS). Actually, we do note there is an east and west, we are one State together, and proud to know each other.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. SMITH of Texas). Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 10 o'clock and 42 minutes a.m.), the House stood in recess for approximately 10 minutes.

□ 1056

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Texas) at 10 o'clock and 56 minutes a.m.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 458, the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOMELAND SECURITY INFORMATION SHARING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 458 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4598.

□ 1057

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4598) to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. GOSS) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Georgia (Mr. CHAMBLISS), and I ask unanimous consent that he be allowed to control the time that is allowed to us on behalf of the House Permanent Select Committee on Intelligence.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would like to thank the distinguished chairman of the House Permanent Select Committee on Intelligence for the great work that he and the ranking member, the gentlewoman from California (Ms. PELOSI), have done in leading our Permanent Select Committee on Intelligence, not just post-September 11, but even before that.

The gentleman from Florida (Mr. GOSS) has been a very level-headed individual, who has carried us forward in some difficult times with respect to dealing with our intelligence community; and since September 11 he has particularly provided the strong leadership that this Congress needed and that this Nation has needed in order to be able to ensure the American people that Congress and our intelligence community is doing everything we possibly can to ensure that another act like September 11 never occurs again.

□ 1100

Since September 11 of last year, Congress has enhanced the capabilities of the Federal, State and local officials to prepare and respond to acts of terrorism. Information sharing is the key to cooperation and coordination in homeland security, and it has become abundantly more clear that better information sharing among government agencies and with State and local officials needs to be a higher priority.

The intelligence community of the Federal Government does a great job of gathering information on terrorist activity, but we do a very poor job of sharing that information both horizontally and vertically within our agencies and with State and local officials.

In the public hearings which our Subcommittee on Terrorism and Homeland Security held last September and October, we heard a recurring theme from witnesses ranging from New York City Mayor Rudolph Guiliani to Oklahoma Governor Frank Keating. They stressed the importance of an increased level of information sharing between Federal intelligence and law enforcement agencies and local and State law enforcement agencies.

Governor Keating even told us a story about his State Adjutant General, a gentleman that he appointed, who informed the governor he could not share some information with him because, as governor, he did not have the right security clearance.

The case in Oklahoma is no exception. These same types of communication gaps exist in every State, including my home State of Georgia. The result is that sheriffs and local officials do not have the same information as the governor, who does not have the same information as the FBI, who does not have the same information as other local officials.

As we fight this war on terrorism, we must make certain that relevant intelligence and sensitive information relating to our national security be in the hands of the right person at the right time to prevent another attack and more needless loss of life. Critical homeland security information which Federal agencies and departments collect need to be quickly disseminated to State and local law enforcement officials and others who play key roles in protecting our communities.

For these reasons, the gentlewoman from California (Ms. HARMAN) and I, along with several of our colleagues, including the leadership of the Permanent Select Committee on Intelligence as well as the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, and the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, introduced the Homeland Security Information Sharing Act.

This bill will help to eliminate the stovepipes that exist in the intelligence and law enforcement worlds with respect to sharing of vital information and will assist officials across government to communicate with each other. Our bill will increase the level of cooperation between State, local and Federal law enforcement officials. Only when these organizations begin communicating on a more regular basis and sharing the information that they have with each other in relevant communities can we begin to effectively prepare for and defend ourselves against future attacks.

I have traveled all across my State of Georgia and listened to the concerns of many of our community leaders and emergency responders, and I am more convinced than ever that we must pass this legislation. Our police officers, our firefighters, our sheriffs and other local emergency officials need to be informed about the threats that may exist to their communities.

Georgia sheriffs like John Cary Bittick of Monroe County, who serves as the president of the National Sheriffs Association, or Bill Hutson of Cobb County need to know when there is information relevant to their community that will help them do their jobs better and prevent any type of terrorist attack. This bill has the support of all major law enforcement groups and other organizations of local officials.

The events of September 11 left us staring into the eyes of our own shortcomings. In the days following, we began to connect the scattered and vague messages that in hindsight seemed to point to the devastation, but hindsight is 20/20. Now we must take the information and move forward. We must act, and our bill will go a long way toward helping our law enforcement officials protect us by giving them the tools they need to better protect us.

I urge my colleagues to join me in supporting this important legislation.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. CHAMBLISS. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding.

I wanted to take just a second to briefly thank publicly the chairman of the subcommittee and the ranking member, the vice chairman of the committee, for doing extraordinary work on behalf of our Nation on the subject of terrorism and homeland security.

This really was the first body in Congress that dealt with this subject after the tragedies of 9–11. They have done an amazing job of gathering material, having the right kind of hearings, talking to the right type of people.

We have a report that I guess is going through classification review or something at this point to make sure we can get as much as possible available to the public as we can do, but this has been hard work. It has been well managed, and it shows Congress doing something positive when there is a critical need for the people of the United States.

So I want to return very much the compliment of the distinguished gentleman from Georgia (Mr. CHAMBLISS), the gentlewoman from California (Ms. HARMAN), and thank them very much for the fine work. They do the Permanent Select Committee on Intelligence proud.

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman for his remarks.

Mr. Chairman, I reserve the balance of my time.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent that the gentlewoman from California (Ms. HARMAN) be allowed to manage the time on this bill. She is one of the valuable members of the Permanent Select Committee on Intelligence and one of the key authors, along with the gentleman from Georgia (Mr. CHAMBLISS).

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Georgia (Mr. CHAMBLISS) with whom I have had a long and productive partnership on the House Permanent Select Committee on Intelligence. I would also like to thank the chairman of the full committee for the comments he just made. He is graceful, he is competent, he is bipartisan, and I think much of the progress we have been able to make on this problem and many others has to do with the kind of leadership he exhibits as the chairman of the full committee, and I really want to say to the gentleman from Florida (Mr. GOSS) that I am one of his biggest admirers.

For those wondering, Mr. Chairman, what Congress' response to the intractable problem of information sharing is, the answer starts with this vote. I am pleased to speak on behalf of H.R. 4598, the Homeland Security Information Sharing Act of 2002. I introduced this legislation with the gentleman from Georgia (Mr. CHAMBLISS), the chairman of the House Permanent Select Committee on Intelligence, Subcommittee on Terrorism and Homeland Security, some months ago. This bill, like our subcommittee, is a bipartisan effort, and I appreciate his cooperation and real leadership.

Our subcommittee held a hearing last October in New York City to learn the first lessons of the September 11 tragedies. Former Mayor Rudy Giuliani testified that our critical priority should be to get information on terrorist activities to mayors and local responders. In addition, the National League of Cities, several first responder associations and my governor, Gray Davis of California, agree and support this effort to get information into the hands of those who need it; and not only to get the information there but, hopefully, to give them information on what to do in the event of a terrorist threat or terrorist attack.

That is what our bill does. It directs the President to create new procedures to share information on terrorist threats across the Federal government and down to the local government and first responders. After these provisions are put in place, police, fire, public health, EMTs and other first responders will know when the FBI or the CIA has critical information on a threat to their communities.

Governor Tom Ridge, in talking about the new Department of Homeland Security, says all the time that homeland security begins with hometown security, and that is what we are talking about. This information will empower the local communities to protect themselves.

The information will supplement the administration's homeland security advisory system by giving responders actionable information. If, for example, the CIA uncovers a threat to California's suspension bridges, that threat information will be relayed to the governor, to mayors, to police, to Coast Guard and transportation officials in California. Local teams can then react in a systematic, intelligent way to prevent the threat and notify the public appropriately.

The Homeland Security Information Sharing Act recognizes two realities, that sharing of information is more effective when unclassified and that we do not need to reinvent the wheel.

Intelligence on terrorist threats collected by our intelligence community will be classified. The first responders, the feet on the ground, do not need to know how it was collected. They need to know what to do with it. That is why the bill relies on stripping the sensitive sources and methods and transmitting the information through unclassified means.

Not only does this get critical information out to our States and cities, it protects the dedicated workers of our intelligence community. It prevents leaks of classified information, and it saves every police and fire department across the country from having to invest in security clearance investigations and special facilities for handling secret information.

In addition, Mr. Chairman, the United States already shares intelligence with our allies. The legislation directs use of existing technology used in sharing information with NATO allies and Interpol. These techniques will be borrowed and used after this legislation becomes law. The information can then be shared through existing information sharing networks, such as NLEST, the National Law Enforcement Telecommunications System or the Regional Information Sharing Systems. These systems already reach 18,000 law enforcement offices across the country.

Mr. Chairman, I urge our colleagues to support H.R. 4598. It is the right bill at the right time. We take the step towards solving the problems we faced on 9-11 today. It starts with this bill. It starts now. I thank the gentleman from Georgia (Mr. CHAMBLISS) for authoring the bill with me.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAMBLISS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. ROGERS), a former FBI agent.

Mr. ROGERS of Michigan. Mr. Chairman, I would like to thank the gentleman from Georgia for yielding me the time, and I want to commend him on his work and his leadership on this issue, and I have to tell him, as an agent who worked in the field, next to the PATRIOT Act and I think at equal stature is this bill. I think the bill is that important to the future security of the United States of America. I want to again applaud him from every agent in the field who is struggling to make a difference today. This bill will make a difference for the safety and security of this Nation.

I want to tell this story. We often forget, and sometimes in this town we are so quick to find a villain we forget about finding the solution. Over time what we have done to the agents in the field was, and we would hear the arguments, well, they are not cooperating because one agency thinks they are better than the other. Simply not so.

When we were agents, there are barriers that were put in place that prohibited us from communicating information to local law enforcement officials. I had a case as a new agent where I was able to work a State police officer undercover into a group of self-proclaimed anarchists who were going to do some damage by building bombs and delivering these bombs to kill Federal judges in institutions owned and operated by the Central Intelligence Agency.

Here is the dichotomy we got into. Because of the information we were developing in this case, we were not allowed by law, by rule, to share some of the information that we were developing with the very agent who was risking his life from the State police to go undercover to help us solve it. We had meetings with general counsel and a room full of lawyers trying to figure out if this was the right thing and what information could we or should we, and we always erred on the side of caution, saying we better not share that information.

This bill helps eliminate those very ridiculous rules that for years put fear in the agents who are trying to do the right thing. That is why this bill is so important. It will empower agents there through their own good judgment and common sense to deliver the information that they need and they know they need to deliver to our local law enforcement, our local sheriff offices, our local State police institutions, other Federal agencies. This bill will make that difference and will take down the fear that these agents have of losing their jobs or worse, in some cases losing everything they have through civil liability.

This bill is that important, Mr. Chairman, and I, again, I cannot tell my colleague, from the agents that I have talked to, how important this bill is and what freeing ability this is going to have to them to in a responsible way communicate the kinds of information that is going to make it safer for firefighters and EMT folks out there, for emergency room workers who are going to deal with some of these tragedies, for every level of law enforcement in this country.

This is that last bastion, that last hurdle that is going to stop us from doing good things. Had this bill been in place, we could have shared a lot of information with the State police and maybe even broadened our net a little bit and protected him to a degree that we really were not allowed under the law to do when I was an FBI agent.

Again, I would hope that this body would have quick action on this bill and stand up and salute the work of all, from the minority to the majority party, who worked so hard on this bill to make a difference for this country and the agents that are doing the work.

□ 1115

Ms. HARMAN. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Indiana (Mr. ROEMER), who is a member of our subcommittee and one of our hardest-working partners on issues like these.

Mr. ROEMER. Mr. Chairman, I want to first of all commend the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN) for their hard work on this bipartisan legislation. The gentleman from Georgia has been a leader from his position on the subcommittee, and the gentlewoman from California has shown dogged determination and real intellectual insight in helping craft this legislation and putting it forward before this body, and I thank her for her hard work.

This is important for our rural and urban communities that want to partake in preventing terrorism in the future, and so I rise in strong support of this legislation and want to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), and particularly the gentleman from New York (Mr. WEINER), for their support in helping improve the legislation as well.

My reading of this legislation, Mr. Chairman, reveals that it is quite simple and quite productive in what it does. It says to the President of the United States that he must help us devise a system to share information from the Federal, national, level with our local communities.

We have seen some of the problems in communication between the FBI and the CIA, between national and local field offices, and this will help change the culture and deal with the hurdles and some of the barriers that have been put up in the past to make this system work better in the future.

We also see that the President has two steps that he can take in devising this system: one is to declassify information, to declassify this information and, therefore, make it more shareable, if that is a word, a better sharing system with the local community; secondly, is to provide clearances for the local community so that they can get this information, glean from it, get it out, and hopefully prevent the next terrorist act from happening.

I think this is very important, very intelligent; and I think the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN) have really come up with a good system to provide a way to fill in some of the gaps and the seams and the holes that exist in the current system.

I do want to say that I think this legislation also answers two important questions for the future. One is we have a lot of information out there. How do we make this information knowledge? How do we provide this information so it is actionable for our local communities rather than simply a color code of red or yellow? How does this information get translated into actionable information that helps the local community move forward to prevent terrorist activity?

The second question is how do we devise this system for the homeland security department to actually implement this in the future? The more information we get out there on these merging questions, the integration questions, the intelligence and analytical questions for the homeland security department, the more we have to move intelligently and wisely to get it right, rather than simply moving to get it done by September 11.

This is a very, very big question for us in the future, and I hope that this legislation will help us move forward to get the homeland department right in the future; and so again I congratulate the gentlewoman from California and the gentleman from Georgia.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this country is at war against a craven enemy: terrorists. Their main purpose is to kill Americans, whether they are babies or the elderly. We know that this enemy is living here in the United States as well as abroad.

As a result, this country is at war with no borders or fronts. Thus, it will often be the first responders, local police, firefighters, emergency responders, that will confront this enemy when we are threatened or attacked at home.

First responders, however, cannot adequately prepare and respond to such threats without receiving appropriate threat information, nor will the Federal Government be able to respond appropriately without receiving information from State and local officials. We must have a comprehensive information-sharing system that involves all levels of government.

In order to better be able to prevent, disrupt, and respond to a terrorist attack, the Federal Government must improve, first, information sharing; second, analysis of the information; and, third, coordination. All three are interdependent and vital for a strong homeland security system.

Congress recognized the information-sharing problems immediately after 9–11 and passed the U.S.A. PATRIOT Act that provided for enhanced investigative tools and improved information sharing for the Federal law enforcement and intelligence communities. The enhanced law enforcement tools and information-sharing provisions have assisted in the prevention of terrorist activities and crimes which further such activities.

To protect privacy, the PATRIOT Act, first, limited disclosure to foreign intelligence and counterintelligence information, as defined by statute; second, restricted disclosure to only those officials with the need to know the information in the performance of their duties; and, third, maintained the limits on public or other unauthorized disclosure.

What the PATRIOT Act did not do was address the need to share homeland security information with State and local officials. The process by which Federal agencies share information with State and local officials is complicated due to the classified and sensitive nature of much of the information and the need to provide the States and localities with this information in an expedient manner.

This bill helps to address this perplexing issue. This important legislation was reported out of the Committee on the Judiciary on June 13, 2002, after an extensive markup. It requires the President to establish procedures for Federal agencies to determine the extent to which classified and unclassified, but sensitive, information may be shared with State and local officials on a need-to-know basis.

To share this information with State and local officials, Federal agencies must use information-sharing systems that are capable of transmitting both unclassified and classified information in a restricted manner to specified subgroups and be accessible to the appropriate State and local personnel and Federal agencies.

During consideration of H.R. 4598, the Committee on the Judiciary adopted an amendment to ensure that the new procedures contained adequate privacy protections. The bill directs the President to include conditions in the procedures that, first, limit the redissemination of such information to ensure that the information is not used for an unauthorized purpose; second, ensure the security and confidentiality of such information; third, protect the constitutional and statutory rights of any individuals who are subject to such information; and, fourth, provide data integrity through the timely removal and destruction of obsolete or erroneous names and information.

Additionally, the committee adopted an amendment which was a modified version of H.R. 3285, the Federal Local Information Sharing Partnership Act of 2001, a bill introduced by the New York delegation. This amendment extends the information-sharing provisions in the PATRIOT Act to State and local officials. Currently, Federal officials cannot share surveillance and intelligence information with State and local officials. This amendment allows for such sharing.

Current law does allow a Federal Government attorney to disclose, with a court order, grand jury information to State and local officials related to Federal criminal law matters. The amendment expands the type of grand jury information available for sharing to include information pertaining to foreign intelligence, foreign counterintelligence, foreign intelligence information, and domestic threat information. Domestic threat information is not covered in the U.S.A. PATRIOT Act. This information needs to be covered, but often it is not clear as to whether threats result from international or domestic terrorism. The amendment also authorized Federal criminal law information to be shared with foreign officials with court approval.

The amendment contains safeguards against the misuse of grand jury information. The information may only be disclosed for the specified purpose of preventing and responding to a threat. Additionally, recipients may only use the disclosed information in the conduct of their official duties as is necessary, and they are subject to the restrictions for unauthorized disclosures, including contempt of court.

State and local officials will be the first to respond to a terrorist attack. It goes without saying that the Federal Government must be able to provide homeland security information to those officials. H.R. 4598, as amended, will help to disseminate homeland security information quickly and efficiently while protecting classified sources and methods information.

This legislation is vital to improving homeland security, and I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAMBLISS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me first thank the chairman of the Committee on the Judiciary for that outstanding explanation of the bill, and I thank my colleagues, the gentleman from Georgia (Mr. CHAMBLISS) for his expert opinion on this issue and his hard work and dedication, and I want to take a moment to single out two Floridians.

There has been a lot of concern about terrorist activities in our country, and some people have been second-guessing some of our great agencies. There have been two notable Floridians, Senator BOB GRAHAM and the gentleman from Florida (Mr. GOSS), who are Chairs of the Permanent Select Committee on Intelligence on the House side and the Senate Select Committee on Intelligence on the Senate side, and I have to praise them for their handling of this information and the way they have been able to work together as colleagues across the aisle and across the Chambers in trying to develop a comprehensive terrorism strategy and a homeland security strategy.

I also want to applaud the agencies themselves. It is time that America lifts up its heart and wishes the best for every agency and every American, rather than the cynical second-guessing of people and the Monday morning quarterbacking and the reflections in the rear-view mirror. Let us look forward as a Nation to provide for the common defense, to protect our communities, to salute the fine men and women who make up these agencies. Let us not sit here and have a pity party. Let us work together.

I also want to commend the gentlewoman from California (Ms. HARMAN), who has done a tremendous job explaining on national network some of the intricacies of what we are dealing with. I know my constituents are very, very pleased and proud when they see Democrats and Republicans explaining to the American public what we are doing relative to homeland security, to give us security, to make us feel better, and to also let us know we are fighting terrorism.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP), another member of our committee and I will also thank him for his leadership, and, at the same time, thank my colleague from Florida for his kind comments.

Mr. BISHOP. Mr. Chairman, I rise in strong support of this bill, H.R. 4598.

Mr. Chairman, the great failure of September 11 was our failure to methodically analyze and share among our Federal and local authorities critical intelligence information. The task before Congress today is to provide greater transparency in the information-sharing process so that police officers, sheriffs, elected officials and other emergency responders can exchange vital information while also protecting the critical sources and methods that are used in gathering such information.

The bill before us today, the Homeland Security Information Sharing Act, answers this calling. Specifically, it directs the President to develop procedures by which Federal and local agencies and personnel share security information. It ensures adequate security in the dissemination and transmission of classified or unclassified information based on a recipient's need to know. It protects the legal and constitutional rights of individuals by requiring that shared information is current, factually accurate, and used only for the authorized purpose for which it was obtained or disseminated.

Finally, it safely and responsibly provides authorized State and local officials access to certain types of sensitive information, including foreign intelligence and grand jury information, consistent with the Justice Department and CIA agency guidelines.

Mr. Chairman, transparency must be the goal of any homeland security proposal. This legislation fulfills our responsibility to the American people by providing authorized professionals with the best, safest, and most accurate information available in the most efficient manner possible.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for yielding me this time.

Mr. Chairman, H.R. 4598, the Homeland Security Information Sharing Act, was approved by the Subcommittee on Crime, Terrorism and Homeland Security on June 4 and by the full Committee on the Judiciary on June 13.

This bipartisan bill was introduced by the gentleman from Georgia (Mr. CHAMBLISS), the chairman of the Subcommittee on Terrorism and Homeland Security of the House Permanent Select Committee on Intelligence, and the gentlewoman from California (Ms. HARMAN), the ranking member of that subcommittee.

□ 1130

This bill does not mandate the sharing of information but rather removes the barriers for doing so. The discretion will still remain with the Federal entity that possesses the information. This bill as amended and reported out of the Committee on the Judiciary focuses on procedures to strip out classified information so that State and local officials may receive the information without clearances.

The bill also removes the barriers for State and local officials that prevent them from sharing intelligence information with Federal officials.

The September 11 terrorist attacks made it clear that the Federal Government must improve its ability to collect, share and analyze information. The USA PATRIOT Act and this bill address that pressing need.

Mr. Chairman, America must have a comprehensive information exchange system that will allow those on the front line, our State and local officials, to detect and prevent a terrorist attack. H.R. 4598 helps to create just that system.

Mr. CHAMBLISS. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS), a cosponsor of this legislation.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise not only as a cosponsor of this bill and also supporter of the bill but also to urge my colleagues to support this vital legislation as we vote on it today in this body. There has been a growing theme, Mr. Chairman, that Congress must take this opportunity to address the lack of information sharing among some of our Federal agencies.

As a member of the Permanent Select Committee on Intelligence, I have heard testimony about how some of these agencies do not share information in a way that best protects our homeland. To put it another way, not all of the dots are being connected. Internally, some agencies, like the FBI, may connect some of the dots, the CIA may connect some of the dots, and the Border Patrol and Customs may connect some of the dots. But if all of our efforts fail to present a complete picture, we are likely to face a tragedy perhaps worse than those we faced on September 11.

The current stovepipe barriers that prevent timely information sharing must stop. Never before in our Nation's history has communication sharing among our national security agencies been as imperative nor as important as it is today.

While information sharing horizontally must improve, our local law enforcement and first responders demand that we achieve vertical integration in information sharing as well.

As we have all heard from our constituents back home, the first responders are the people who play key rolls in protecting the communities in which they serve. Our police, firefighters, medical personnel must be informed of the threats that exist within their communities so they are able to prepare and protect those in their communities.

H.R. 4598 ensures that information sharing, both horizontally and vertically, exists by directing the President to develop procedures by which Federal agencies will share security information with State and local personnel. Further, it ensures that information-sharing systems have the capability to transmit classified and unclassified information.

Mr. Chairman, I thank the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN) for their hard work on this legislation.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I thank the gentlewoman for yielding me this time and also her leadership and the leadership that the caucus has brought to this important issue.

I believe this is one of the singular, most important issues next to the development of the homeland department, is to make sure that this coordination of information happens.

We know first hand in Portland, Maine, where a couple of the terrorists had boarded the plane, to have gone through the security screening and not to have that information disseminated to the local law enforcement that was available at the Federal level with Federal law enforcement is just completely unacceptable.

I think this legislation which I am cosponsoring directing the administration to develop procedures for Federal agencies to share this information, both declassified and classified, is appropriate with State and local authorities. This bill requires the CIA and the

Department of Justice to prescribe procedures in accordance with Presidential directives with Federal agencies to share homeland security information with State and local authorities. These Federal agencies would also be required to provide to State and local authorities an assessment of the credibility of such information.

This legislation is going to go a long way to further enhancing the relationship between the Federal, State and local governments so we can together protect Maine and the Nation's homeland security.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. CHAMBLISS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I thank the gentlemen for yielding me this time.

Mr. Chairman, we were very much impressed by the remarks given by our colleague from Michigan, the former FBI agent, about the personal experience he had with the vacuum that was left when information did not percolate very quickly and was not shared immediately, to the detriment of an investigation to which he was a part.

Every Member in Congress has some kind of situation which he can relate in which sharing of information was not what it should have been. I myself a few months ago was part of a scenario in which the Nuclear Regulatory Commission issued what it felt was a credible threat to Three Mile Island and reported the essence of that credible threat to the operators of Three Mile Island. This was 6 or 6:30 p.m. At 1 a.m., when an all-clear was sent forth, we learned for the first time that the first responders, the township officials, the State officials, the county officials who were responsible in and around Three Mile Island, some of them did not hear about this credible threat for several hours following the institution of it by the Nuclear Regulatory Commission, and some never heard a thing about it.

Happily nothing happened, and it turned out not to be a credible threat, but we were alarmed. So we convened a meeting of all of the people who should have been involved in the sharing of information, from the initial first responders in and around Three Mile Island straight up to the State agency, and thus we now have in place a set of positions that will more easily undertake the sharing of information and deal with any kind of threat.

Just yesterday, I and several other Members participated in a war game at Fort McNair sponsored by Secretary of Defense Rumsfeld and Secretary of Agriculture Veneman which portrayed a scenario to determine whether Members of Congress can come up with recommendations to the President if such a thing would really happen; and 80 percent of it, I must relate to the Members, had to do with sharing of information and communication of information on the spot as the threat was developing under the war game.

We learned in this war game that the essence of any kind of preparation for our society, our neighbors, our families, our municipalities, is the instant communication among them of what is happening and the sharing of information across the board for the preparation to meet a threat in the best possible way.

So we all are in a position now to support this piece of legislation which will aid all of us in the completion of a cycle in which sharing of information will be more vital than ever.

Ms. HARMAN. Mr. Chairman, I yield 30 seconds to myself.

Mr. Chairman, the perspective just offered is very helpful to us as we consider this legislation. This is an effort to empower local officials on whose real estate future terrorist acts will occur. Without useful information, they and the citizens who live in those places will not know what to do, and if they do not know what to do, they will panic. That is exactly what the terrorists want, and I appreciate the gentleman's comments.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I rise to support a bill to help local officials and our emergency responders better protect our communities. I am a proud cosponsor of H.R. 4598, the Homeland Security Information Sharing Act.

We need this bill so we can promote the sharing of critical homeland security threat information between Federal law enforcement and intelligence agencies and State and local officials, including our first responders. We need to do this for the families who lost loved ones on September 11 and in the October anthrax attacks, for the American people who expect us to protect them, and for our children so that future generations can grow up in a free and open society.

We can and must do so while protecting people's constitutional rights and civil liberties by requiring that any information that is shared must not be used for any unauthorized purpose, and that the procedures must ensure the security and confidentiality of the information, as well as remove or delete obsolete or erroneous information.

I cosponsored this bill because first responders from across my district have contacted my office asking for the means to receive credible and specific threat information in order to prevent or respond to terrorist attacks. The fact is, our local first responders face real threats. They need real information and real resources to protect our communities.

This bill is an important first step. It says we will be full partners in this action against terrorism. The partnership is critical in protecting communities and saving lives.

We all agree that, since September 11, America's heroic first responders have risen to the occasion, protecting communities as the first line of defense against terrorism. In my district, as across America, they have marshaled the resources to track down leads on potential terrorist threats, to buy more equipment, from upgraded weapons to technology to biohazard suits and masks. They have increased hazmat training for handling suspicious packages and stepped up patrols around potential targets like water and gas supplies, power plants, harbors and airports.

Now it is time for us to step up and help them. While our first responders appreciated our praise, they do not need our rhetoric. They need our information, and they need resources. This bill is the first step to allow that to happen. We need to press the administration to release direct funding to local first responders and to give them credit for $1.5 billion already spent in this effort.

Mr. CONYERS. Mr. Chairman, I rise on behalf of the Committee on the Judiciary to claim the time for the minority.

The CHAIRMAN pro tempore (Mr. SIMPSON). Without objection, the gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes.

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS), the gentleman from Virginia (Mr. SCOTT), the gentlewoman from California (Ms. HARMAN), and the gentleman from Georgia (Mr. CHAMBLISS) for helping bring this bill to the floor.

We do not have to look far into the realm of the hypothetical to see why this bill was necessary. When anthrax was found at the NBC building at New York City several months ago, the Department of Health was not notified. The New York City Police Department was not notified. In fact, the Police Commissioner and the Mayor found out by watching television news.

We do not know to this day why local authorities were not notified, but we can figure it out by reading the current law of the land. We can figure out it was probably a Federal agency, probably the FBI that was notified, and since they might have found out about this information via a wiretap or grand jury testimony, they were prohibited by the law of the land from even letting New York City know.

□ 1145

Imagine if it were even worse than that anthrax attack. Imagine if in the course of a wiretap about some other related case, someone says, "This deal is going to go down tomorrow in the New York City subway system. We are going to release sarin gas," or "We are going to try to derail a train." Can you imagine if it were the FBI alone, since they gathered the information and were prohibited by law in the way they gathered it, going into every subway station and trying to figure out where they should be to try to stop this?

They could not call the New York City mass transit authority, they could not call the transit authority police that have been responsible for driving crime down in the City of New York subways. They would have had to go down and try to figure out a way to navigate that threat on their own.

There is a reason, perhaps, that these prohibitions were in place. Maybe there is a concern, and it is a legitimate one, about having information that comes as very sensitive falling into the wrong hands. That is why the bill that the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN) have drafted is smart by saying that the Attorney General does not have to turn over every piece of information, does not have to say, "Well, we have a box of grand jury information. Let's give it to every sheriff's department that might be so implicated," but it does at least allow them to do it if need be.

Mayor Giuliani before he left office approached this Congress and spoke publicly about the need to have this information in certain circumstances. He said, "We need the information, and we need it right away. Otherwise, we are going to make a terrible, critical mistake." What Mr. Giuliani was talking about is a mistake of omission, excluding from the chain of information people who needed the information.

I share the concerns that some raised in committee that we do not want this information to chip away at the confidentiality of the grand jury. We do not want wiretap information falling into the wrong hands. But at the very least, if someone runs into the Attorney General's office with a hot piece of information of an impending threat, I would hate to have the Attorney General's counsel say, "Boss, you can't let the City of New York know about this. You can't let the City of Detroit know about this. You can't let a locality that might need to know about this know about it."

This is what this seeks to address. There has been a great deal of talk about the way we need to get different levels of government connecting the various dots. This piece of legislation does it better than anything we have done yet to date.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume just to commend the gentleman from New York for his real insight into the practicalities of this issue. His amendment which was filed in the Committee on the Judiciary was readily accepted by the gentlewoman from California (Ms. HARMAN) and myself because it gets right to the core of the practical problem out there and also allows for additional information to be redacted, declassified and get in the hands of the right people at the right time and within real time. I commend the gentleman for his insight and for his thoughtfulness on this issue. His particular amendment will go a long way toward saving additional lives of Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), a valued member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me this time. I particularly want to thank the gentleman from Georgia, the gentlewoman from California and the gentleman from New York for their hard work on this bill.

It is absolutely necessary, Mr. Chairman, to provide a mechanism for meaningful communication of sensitive information to local and State officials so they can take appropriate action to protect citizens from terrorist attacks. Much of this information will, by necessity, be sensitive, often derogatory information which will be circulated without the target of the information ever being able to respond. For public safety reasons, we have to be able to communicate what is known, but we need to make every effort to ensure that this information is circulated just to those who actually need it and not spread all over town so that the chances are increased that someone's neighbors or friends who happen to work for the government agencies might see it unnecessarily.

This bill, because of the hard work of those involved, strikes that appropriate balance. It is slightly different from the Senate version of the bill which tightens the language in regards to privacy and limitations on the kinds of information which will be subject to the provisions of the bill. I would hope that the conferees will adopt the Senate language. It is not inconsistent with the goals of the bill.

But I must also add that the bill establishes just a framework for regulations to be developed. It is therefore important that those who develop the regulations and those who implement the regulations follow not only the letter of the law but also reflect the bipartisan spirit by which this bill was developed.

Again, I want to thank the gentlewoman from California, the gentleman from Georgia and the gentleman from New York for their hard work on this legislation.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the eloquent gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of this legislation.

In the days following September 11, Congress acted very quickly to pass the PATRIOT bill. Some of us thought that some of the provisions in that bill perhaps overstepped the bounds, and some of us voted against it because we were concerned about its implications for individual liberties. In the days since, what has become very, very apparent is that it does not do any good for the CIA and the FBI and Federal law enforcement agencies to have information that would help us combat terrorism and respond to it without bringing local law enforcement and agencies into the equation and sharing that information with them, not necessarily the full ambit of the information that we have but, subject to certain guidelines, sharing that information with them.

When this bill came before the Committee on the Judiciary, some of us expressed concerns and offered an amendment that would put some parameters around this second-stage process of sharing information with local authorities. The Committee on the Judiciary added language which I think is absolutely critical to this bill which would make sure that the information limits the redissemination of such information to ensure that such information is not used for an unauthorized purpose, to ensure the security and confidentiality of such information, to protect the constitutional and statutory rights of any individuals who are subjects of such information, and to provide data integrity through the timely removal and destruction of obsolete and erroneous names and information so that people who are just kind of generally suspicious would not have their whole lives and reputations ruined as a result of information that was shared with local authorities even though they might not be guilty of anything or even involved in anything either directly or indirectly.

We have done a great service to add this language in the Committee on the Judiciary. There are still some concerns, perhaps, about the use of grand jury information and other aspects of this. I think the Senate is addressing some of those concerns on the Senate side, but we clearly need to move this bill forward, get it into conference and work out some of these other details, because local authorities really need to be in the loop when it comes to protecting us from terrorism. This bill would certainly allow that to happen.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

The CHAIRMAN pro tempore (Mr. SIMPSON). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 2 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time.

Let me offer my applause to the proponents of this legislation, the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN) from the Permanent Select Committee on Intelligence.

I rise to support this legislation and to point out one or two matters that I think are very important. That is, as a member of the Committee on the Judiciary, the concern, as my colleagues have already mentioned, with the preservation of the sanctity of the grand jury testimony or of grand jury testimony, recognizing the importance now even more past September 11. The horrific acts of September 11 certainly, as I have said often, turned the page as to how we do business in America, but certainly now even more after that time frame, after the attack, if you will, of anthrax, we have come to understand the viability and the importance of first responders and the local communities.

This legislation confirms for us that there must be exchange, there must be dialogue on the issues of homeland security, on the issues of information, but we must be reminded that, as we go forward, it is important for the President, the administration, the executive branch, to define and determine how that information on the Federal level is discerned and interpreted and transmitted.

I offered amendments in the larger body that I believe help to enhance this legislation. I look forward to offering a prospective amendment as well that was proposed but not offered. When I say proposed, there was an interest in but it was not put forward at the committees. But I will say that the language that adds public health security in the bill is important, that it ensures that those who are involved in public health security as well will receive information and as well the emphasis or the adding that rural and urban communities, those first responders there, will be particularly not highlighted but noted that those areas have to have an opportunity to receive information in a balanced way throughout the Nation.

I would offer to support this legislation with the constraints that it has and applaud the proponents of this legislation as well as the distinguished chairman and ranking member of the Committee on the Judiciary.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

I think this has been a very useful debate and would just like to underscore several points.

First of all, as my coauthor, the gentleman from Georgia (Mr. CHAMBLISS), has said, the House Committee on the Judiciary has made a substantial contribution to this bill. We have heard from the gentleman from New York (Mr. WEINER), the gentleman from North Carolina (Mr. WATT), the gentleman from Virginia (Mr. SCOTT), the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. SMITH) about a number of issues that they have had concerns about, and a number of changes they have made to this legislation when it went through their committee. I just want to salute them for a very constructive contribution to making this legislation better.

Second, I would like to underscore the importance of bipartisanship. This is a constant refrain of mine. I represent a very bipartisan district. I have often pointed out that I do not believe the terrorists will check our party registration before they try to blow us up. Therefore, it is absolutely critical that we face the problems of homeland security as American problems, not as partisan problems. This legislation certainly does this. It was introduced virtually unanimously by the House Permanent Select Committee on Intelligence, and that was a very good beginning. I believe that the best legislation we produce here is bipartisan, and this is an example of it.

I also want to salute again the really very special leadership of the chairman of the House Permanent Select Committee on Intelligence, the gentleman from Florida (Mr. GOSS). His style is enormously productive on that committee, and I think his experience is enormously helpful to us as well. He sets an environment in which people like the gentleman from Georgia and I can be our most productive in this Congress.

The third point is that homeland security is a bottom-up problem, not a top-down problem. As we continue to consider the department of homeland security concept, which I support as an original cosponsor of the bill introduced by the gentleman from Texas (Mr. ARMEY), we need to remember that the point is not the best arrangement of the deck chairs, the point is how to empower our first responders and all Americans to have the critical information they need to know what to do.

This bill is all about that. It is about making sure that the beginning of the process is empowered. I think it is one of the most important contributions we can make and very consistent with what our subcommittee heard at the first hearing after 9–11 in New York City.

Many are saying that we do not really need a department of homeland security because it does not fix the real problem, which is the lack of collaboration between the CIA and the FBI, which are not formally moved over to that new department. I do not think they should be moved, but I do agree there is a real problem and that problem is about information sharing. This bill addresses that problem.

□ 1200

Finally, let me say that if we think about what the major problems are in our effort to develop an effective strategy for homeland security, information sharing is certainly one. The other big one we do not address here, but it is a big one that we will address I hope shortly, is interoperability. Our first responders need information, but then they need to be able to talk to each other, to communicate in real-time with all of those who are with them trying to deal with whatever the threat is, hopefully to prevent it or disrupt it, but if not, to respond to it. So I hope that soon we will also take up that important issue.

On that point, Mr. Chairman, I would mention to our colleagues that Governor Ridge was here yesterday testifying before the House Committee on Energy and Commerce on which I serve. We talked about that issue. He does support the notion of bridging technologies, and there are existing technologies to deal with that point.

So for all of these reasons, Mr. Chairman, I think we have good legislation here. It was made better by the Committee on the Judiciary; it was made better by bipartisanship. It really emphasizes a bottom-up process. It helps deal with the problems between the FBI and the CIA, and it is one of the major problems that we have to address. I would like to salute my colleague and partner, the gentleman from Georgia (Mr. CHAMBLISS), and thank him for his efforts on this bill. I urge the strong and, I hope, unanimous support of this body for this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

As we conclude our general debate on this bill, I too would like to, first of all, recognize and thank the great leadership that we have had from the Committee on the Judiciary, from the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, to the gentleman from Michigan (Mr. CONYERS), the ranking member, to the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee, and the gentleman from Virginia (Mr. SCOTT), the ranking member of that subcommittee.

We have had an open dialogue on this issue, an issue that all of us, irrespective of what party or what side of that party one comes from, recognize that this is a bill about what it takes to make America safer and what it takes to assist our law enforcement officials and ensuring that we do, as the President says, eradicate this war on terrorism.

I also want to thank again the gentleman from Florida (Mr. GOSS), our chairman of the Permanent Select Committee on Intelligence, and the gentlewoman from California (Ms. PELOSI), our ranking member, for their strong leadership. Their cooperation helped us move this forward. I particularly want to say thanks to my ranking member, the gentlewoman from California (Ms. HARMAN). She has already stated a number of times in what a bipartisan way we have worked, and we truly have. She provides good, strong leadership, advice and council; and she has been a great asset to the committee, and she has been an even greater asset to the subcommittee. It is unfortunate that the bipartisan attitude that we have on our subcommittee does not translate over to all of the work that we do in this committee; we would probably get a lot more done. But I do thank her for the great work she has done and the great cooperation she has given us here.

Mr. Chairman, this is a major piece of legislation. I do not think we can say that enough. As the gentleman from Michigan (Mr. ROGERS) mentioned a little bit earlier, if he had had this piece of legislation in place 8 years ago, it would have gone a long ways toward helping him solve a particular crime against the United States of America when he, as a special agent of the FBI, was handicapped. The laws are in place today regarding the ability to share information with our State and local officials.

This is the first step in moving to establish and restructure the Government of the United States and to create the Department of Homeland Security. We cannot guarantee the prevention of another attack of terrorism, domestically or abroad, whether it is against assets or against people of the United States; but without legislation such as the Homeland Security Information Sharing Act, we certainly raise the chances of the possibility of another act of terrorism occurring.

Again, I applaud the great support from a bipartisan standpoint that we have had as this bill has moved through the process. I urge all of my colleagues to support this measure.

Ms. PELOSI. Mr. Chairman, I am pleased that the Homeland Security Information Sharing Act of 2002 is before the House.

Let me begin by complimenting the chairman and ranking Democrat of the Subcommittee on Terrorism and Homeland Security, Mr. CHAMBLISS and Ms. HARMAN, for the work they have done on this legislation. In the weeks and months after September 11, they have been tireless advocates for ensuring that barriers to information sharing between federal, state, and local officials be eliminated. This legislation is an important result of their leadership. It also has benefitted greatly from the work done on it in the Judiciary Committee through the guidance of Chairman SENSENBRENNER, Ranking Democrat CONYERS, and the efforts of Mr. WEINER.

The bill directs the President to develop procedures for federal agencies to share information with state and local personnel, ensuring that any systems set in place have the capability to transmit classified and unclassified information as needed to respond locally to any terrorist threats that may arise. It is important to note, too, that the legislation is flexible, providing the President broad guidelines within which to design information sharing mechanisms, but leaving to him many of the mechanics of how best to do so. It also requires the President to report back to Congress in 1 year on whether additional changes are necessary. Thus, this bill sets up a framework that is workable within any homeland security architecture that may be established this year.

This important measure will strengthen the Nation's ability to prevent future terrorist attacks. I urge its adoption by the House.

Mr. CASTLE. Mr. Chairman, I want to thank the leadership for bringing up legislation to address the need for sharing of critical homeland security information among federal intelligence agencies, state and local governments, and first responders. Through my work on the Intelligence Committee, I have collaborated with Representative CHAMBLISS and Representative HARMAN to make sure that all levels of government receive the same homeland security information so our local law enforcement agencies and first responders have the proper information to protect us.

The attacks of September 11 obviously exposed some communication weaknesses among our intelligence and law enforcement agencies and now is the time to forward and analyze what went wrong, and more importantly how we can make changes to protect our country from future terrorist attacks. As a member of the Joint Senate-House Intelligence Committee reviewing September 11, I am learning more about our overall intelligence apparatus in context of the September 11 attack and how we can improve the system. The most important goal is to find the best intelligence solutions to ensure our homeland is secure and all domestic agencies are coordinating, communicating, and cooperating with each other.

H.R. 4598 directs that critical threat information be shared between federal law enforcement and intelligence agencies with state and local personnel, including granting security clearances to appropriate state and local personnel.

I strongly support the President's proposal to reorganize our homeland security agencies and enhance information sharing. H.R. 4598 will immediately strengthen our homeland security apparatus while the new Department is being implemented by directing the President to develop procedures by which the federal agencies will share homeland security information with state and local personnel and ensures that information sharing systems have the capability to transmit classified or unclassified information.

I urge quick passage of this important legislation. Let's provide all of our federal, state and local officials timely homeland security information that can be used to better protect all Americans.

Mr. PASCRELL. Mr. Chairman, Coordination and information sharing among federal, state and local authorities may be the single most important thing we can do to enhance our ability to respond to a terrorist threat. This point is reiterated to me in every meeting I have had with law enforcement personnel, firefighters, public health officials and state and municipal leaders in my district since September 11. We need communication. We need cooperation. We need coordination—not only among federal agencies, but also with our people in the field.

In my role on the Democratic Homeland Security Task Force, I have spoken with many first responders about their concerns. They say the same thing. The Federal Government simply does not pass information down the chain to the local level to the extent that is so necessary. And this fact can continue no longer. The Federal Government relies on state and local personnel to protect our Nation against a terrorist attack. We rely on them. It would be unconscionable if we didn't help them to do their job to the best of their ability. And the ability to do their job effectively relies on the information they receive.

I think H.R. 4598, the Homeland Security Information Sharing Act, is an important step toward developing and ensuring an effective strategy for truly protecting the United States. We simply need to get information into the hands of those who need it, and this bill does that. We've heard from many that "Hometown security equals homeland security." This legislation gets past the catchphrases and jingles, and actually does something. This will empower our states and local communities to protect themselves, and in turn protect our Nation.

I urge my colleagues to support this important piece of legislation.

Mr. CONYERS. Mr. Chairman, I am happy to speak in support of this legislation which would provide for information sharing between federal and state and local authorities.

I believe that providing state and local officials with this type of information ultimately will help them detect and prevent future acts of terrorism. State and local personnel are the most likely individuals to interdict terrorists—as demonstrated by the detainment of Ahmed Ressam on the Canadian border and the routine traffic stopping of one of the 9/11 terrorists by a Maryland state trooper. As we have learned in the last several weeks, if we had shared more information before the attacks, we may have been able to more aggressively intervene against the terrorist plot.

The legislation will also help state and local officials prepare an appropriate response to future attacks. Every act of terrorism is local—occurring in a neighborhood, city or state near you or someone you know. Often times, officials at the state and local level are first-line responders to these attacks.

The bill is not perfect. The more broadly information is shared, the greater the danger it will be improperly disclosed. I think we all agree that the last thing we would want is for the newly shared information to be used to harm an innocent person's reputation. As we move forward, we should take a close look at whether sufficient safeguards are in place that will prevent improper disclosure from happening.

The bill, in its current form, offers us a good starting point to improve our nation's defenses against terrorism. It is critical that our law enforcement agencies talk with one another so that the right hand knows what the left hand is doing. I strongly urge its prompt passage.

Mr. UNDERWOOD. Mr. Chairman, I am pleased this bill takes important steps to strengthen homeland security by ensuring workable procedures and systems are designed within the federal government to facilitate the sharing of homeland security information among federal, state, territorial and local officials. Further, I am especially pleased that the bill ensures that the territories are included. We must ensure that information critical to homeland security is shared between important federal agencies and the territorial and local governments of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Homeland security concerns apply for all Americans, irrespective of whether they reside in the 50 states or U.S. territories. Towards this end I am pleased to support H.R. 4598, and I look forward to receiving the President's report required by this legislation to help determine what additional measures are needed to increase the effectiveness of sharing information among all levels of government. I hope this report will assess the needs of the territories and not just the 50 states.

Mr. CHAMBLISS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SIMPSON). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeland Security Information Sharing Act".

The CHAIRMAN pro tempore. Are there amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) The Federal Government is required by the Constitution to provide for the common defense, which includes terrorist attack.

(2) The Federal Government relies on State and local personnel to protect against terrorist attack.

(3) The Federal Government collects, creates, manages, and protects classified and sensitive but unclassified information to enhance homeland security.

(4) Some homeland security information is needed by the State and local personnel to prevent and prepare for terrorist attack.

(5) The needs of State and local personnel to have access to relevant homeland security information to combat terrorism must be reconciled with the need to preserve the protected status of such information and to protect the sources and methods used to acquire such information.

(6) Granting security clearances to certain State and local personnel is one way to facilitate the sharing of information regarding specific terrorist threats among Federal, State, and local levels of government.

(7) Methods exist to declassify, redact, or otherwise adapt classified information so it may be shared with State and local personnel without the need for granting additional security clearances.

(8) State and local personnel have capabilities and opportunities to gather information on suspicious activities and terrorist threats not possessed by Federal agencies.

(9) The Federal Government and State and local governments and agencies in other jurisdictions may benefit from such information.

(10) Federal, State, and local governments and intelligence, law enforcement, and other emergency preparation and response agencies must act in partnership to maximize the benefits of information gathering and analysis to prevent and respond to terrorist attacks.

(11) Information systems, including the National Law Enforcement Telecommunications System and the Terrorist Threat Warning System, have been established for rapid sharing of classified and sensitive but unclassified information among Federal, State, and local entities.

(12) Increased efforts to share homeland security information should avoid duplicating existing information systems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal, State, and local entities should share homeland security information to the maximum extent practicable, with special emphasis on hard-to-reach urban and rural communities.

The CHAIRMAN pro tempore. Are there amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. FACILITATING HOMELAND SECURITY INFORMATION SHARING PROCEDURES.

(a) PRESIDENTIAL PROCEDURES FOR DETERMINING EXTENT OF SHARING OF HOMELAND SECURITY INFORMATION.—

(1) The President shall prescribe procedures under which relevant Federal agencies determine—

(A) whether, how, and to what extent homeland security information may be shared with appropriate State and local personnel, and with which such personnel it may be shared;

(B) how to identify and safeguard homeland security information that is sensitive but unclassified; and

(C) to the extent such information is in classified form, whether, how, and to what extent to remove classified information, as appropriate, and with which such personnel it may be shared after such information is removed.

(2) The President shall ensure that such procedures apply to all agencies of the Federal Government.

(3) Such procedures shall not change the substantive requirements for the classification and safeguarding of classified information.

(4) Such procedures shall not change the requirements and authorities to protect sources and methods.

(b) PROCEDURES FOR SHARING OF HOMELAND SECURITY INFORMATION.—

(1) Under procedures prescribed by the President, all appropriate agencies, including the intelligence community, shall, through information sharing systems, share homeland security information with appropriate State and local personnel to the extent such information may be shared, as determined in accordance with subsection (a), together with assessments of the credibility of such information.

(2) Each information sharing system through which information is shared under paragraph (1) shall—

(A) have the capability to transmit unclassified or classified information, though the procedures and recipients for each capability may differ;

(B) have the capability to restrict delivery of information to specified subgroups by geographic location, type of organization, position of a recipient within an organization, or a recipient's need to know such information;

(C) be configured to allow the efficient and effective sharing of information; and

(D) be accessible to appropriate State and local personnel.

(3) The procedures prescribed under paragraph (1) shall establish conditions on the use of information shared under paragraph (1)—

(A) to limit the redissemination of such information to ensure that such information is not used for an unauthorized purpose;

(B) to ensure the security and confidentiality of such information;

(C) to protect the constitutional and statutory rights of any individuals who are subjects of such information; and

(D) to provide data integrity through the timely removal and destruction of obsolete or erroneous names and information.

(4) The procedures prescribed under paragraph (1) shall ensure, to the greatest extent practicable, that the information sharing system through which information is shared under such paragraph include existing information sharing systems, including, but not limited to, the National Law Enforcement Telecommunications System, the Regional Information Sharing System, and the Terrorist Threat Warning System of the Federal Bureau of Investigation.

(5) Each appropriate Federal agency, as determined by the President, shall have access to each information sharing system through which information is shared under paragraph (1), and shall therefore have access to all information, as appropriate, shared under such paragraph.

(6) The procedures prescribed under paragraph (1) shall ensure that appropriate State and local personnel are authorized to use such information sharing systems—

(A) to access information shared with such personnel; and

(B) to share, with others who have access to such information sharing systems, the homeland security information of their own jurisdictions, which shall be marked appropriately as pertaining to potential terrorist activity.

(7) Under procedures prescribed jointly by the Director of Central Intelligence and the Attorney General, each appropriate Federal agency, as determined by the President, shall review and assess the information shared under paragraph (6) and integrate such information with existing intelligence.

(c) SHARING OF CLASSIFIED INFORMATION AND SENSITIVE BUT UNCLASSIFIED INFORMATION WITH STATE AND LOCAL PERSONNEL.—

(1) The President shall prescribe procedures under which Federal agencies may, to the extent

the President considers necessary, share with appropriate State and local personnel homeland security information that remains classified or otherwise protected after the determinations prescribed under the procedures set forth in subsection (a).

(2) It is the sense of Congress that such procedures may include one or more of the following means:

(A) Carrying out security clearance investigations with respect to appropriate State and local personnel.

(B) With respect to information that is sensitive but unclassified, entering into nondisclosure agreements with appropriate State and local personnel.

(C) Increased use of information-sharing partnerships that include appropriate State and local personnel, such as the Joint Terrorism Task Forces of the Federal Bureau of Investigation, the Anti-Terrorism Task Forces of the Department of Justice, and regional Terrorism Early Warning Groups.

(d) RESPONSIBLE OFFICIALS.—For each affected Federal agency, the head of such agency shall designate an official to administer this Act with respect to such agency.

(e) FEDERAL CONTROL OF INFORMATION.—Under procedures prescribed under this section, information obtained by a State or local government from a Federal agency under this section shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such information.

(f) DEFINITIONS.—As used in this section:

(1) The term "homeland security information" means any information possessed by a Federal, State, or local agency that—

(A) relates to the threat of terrorist activity;

(B) relates to the ability to prevent, interdict, or disrupt terrorist activity;

(C) would improve the identification or investigation of a suspected terrorist or terrorist organization; or

(D) would improve the response to a terrorist act.

(2) The term "intelligence community" has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) The term "State and local personnel" means any of the following persons involved in prevention, preparation, or response for terrorist attack:

(A) State Governors, mayors, and other locally elected officials.

(B) State and local law enforcement personnel and firefighters.

(C) Public health and medical professionals.

(D) Regional, State, and local emergency management agency personnel, including State adjutant generals.

(E) Other appropriate emergency response agency personnel.

(F) Employees of private-sector entities that affect critical infrastructure, cyber, economic, or public health security, as designated by the Federal government in procedures developed pursuant to this section.

(4) The term "State" includes the District of Columbia and any commonwealth, territory, or possession of the United States.

The CHAIRMAN pro tempore. Are there amendments to section 3?

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 4, line 24, strike "and".

Page 5, line 5, strike the period and insert "; and".

Page 5, after line 5, insert the following:

(D) whether, how, and to what extent information provided by government whistleblowers regarding matters affecting homeland security may be shared with appropriate state and local personnel, and with which such personnel may it be shared.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as I indicated in general debate, I am a supporter of this legislation. I am a supporter because I believe the underlying premises are key to providing expanded homeland security in the face of terroristic threats and, as well, a new approach to ensuring that we have a holistic opposition and fight against terrorism.

One of the concepts that the distinguished gentlewoman from California has always represented to this body is that we need to have an assessment of the threats or the threat situation against this country and, as well, to make sure that those individuals who would have to respond to the threats closest to the home front, if you will, have all of the information that they can accept and utilize in order to protect those local communities. This legislation provides a vehicle for such, and it will make its way through this body and to the other body.

I would like to raise another point that I think is key in what we do, and it is key because most of America now has been introduced to the concept of whistleblowers. They have been introduced to this by way of the thorough investigation that is now ongoing as to the facts and activities of September 11. We know that in providing for protection for the homeland, we must move forward and provide a plan and a structure, we must be able to disseminate information to our local authorities and, at the same time, we must get the facts as to what happened on September 11. Why? Because that begins to define for us the design of changing how we share information.

Having been in about three or four homeland security meetings and hearings yesterday, one of the key elements, Mr. Chairman, was the idea of information. In fact, in the Committee on Science, there was the proposal that was just announced from the Homeland Security Commission to, in fact, implement and institute, that could begin to be the thinkers, the designers of new technology that will help us with homeland security. They need information. So information comes in many ways.

One of the ways that it comes that we saw most recently in determining what happened on September 11 was the insight of Coleen Rowley from the FBI. She initiated the dissemination of information on her own. She was not seeking publicity; she was seeking to be a problem-solver and she did it in the form of a letter. I do not know whether that kind of information disseminated is, in fact, provided for by this particular legislation as we read it through at this point.

So my amendment is simple. It is how the President should design how, whether, and to what extent information by whistleblowers would be disseminated ultimately to the local authorities.

Additionally, there should be the question of making sure whistleblowers are protected. I recognize, of course, that there are multiple jurisdictions here: the Permanent Select Committee on Intelligence, the House Committee on the Judiciary, and certainly the question of whistleblower would be a question of the jurisdiction of the Committee on Government Reform. We know that they are addressing that now.

I believe this is an important enough issue regarding whistleblowers and regarding how information is disseminated that it should be included in the provisions where we ask the President, the executive, to give us guidance and provide this to the United States Congress. It is through whistleblowers and a source of other information that we are able to get the true facts, as well as to help us design the appropriate kind of homeland security.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just wanted to point out that the gentlewoman from Texas is the first to identify the importance of the whistleblower function in our system. I think it is going to be considered more carefully now that the gentlewoman has brought this to light. I thank the gentlewoman for it, and I hope it will gain wide acceptance.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman.

With that, Mr. Chairman, I do want to again acknowledge the gentlewoman from California (Ms. HARMAN) for the vision and the persistence that she has had on this key issue. If I might, just for an editorial comment, I think the gentlewoman from California (Ms. HARMAN) and myself and others had gathered about 48 hours, 2 days after September 11, huddled offsite, but convening the business of Congress, if you will, on these very issues; and she was raising them at that time and she pursued them, so I join her. I would be happy to yield to the gentlewoman, but I wanted to indicate my appreciation and respect for her work, along with the distinguished gentleman from Georgia on this idea, and I wanted to bring this issue that I think is so very important to the attention of this body.

Ms. HARMAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. HARMAN. Mr. Chairman, first of all, I think whistleblowers are important and that the Rowley memo is a very important fact that has emerged since 9–11.

Secondly, in our legislation as reported, we do state that whether, how, and to what extent information may be shared with appropriate State and local personnel is up to the President. So it is not precluded here that, in an appropriate way with appropriate safeguards and privacy protections, whistleblower information, if it were deemed important to share with local responders could, in fact, be shared. I thank the gentlewoman for raising this issue.

Mr. CHAMBLISS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I appreciate the gentlewoman's concern and the point which she is raising. She is a very valued member of this body and particularly the Committee on the Judiciary, and her opinions are well respected. It is important that as much homeland security information, whether gained from whistleblowers or elsewhere in the government, be shared with the right people at the right time in order to help our emergency responders and local officials respond to terrorist threats and activity. The gentlewoman's amendment would specifically address information from whistleblowers.

However, let me note that we have crafted the bill in a broad and flexible fashion, as noted by the gentlewoman from California (Ms. HARMAN), so that the administration can determine the appropriate procedures for sharing and disseminating homeland security information, whatever the source, whether from whistleblowers or other relevant homeland security information should be shared.

I think it is important that we retain this flexibility and focus on the original purpose of the bill, namely, to share as much appropriate homeland security information as possible with our State and local authorities.

So my objection is that we have just seen this this morning, and I hope the gentlewoman would consider withdrawing it and let us have a chance as we move into conference to dialogue on this, and if we need to strengthen some provisions, obviously we will look forward to working with the gentlewoman and other members of the Committee on the Judiciary to ensure that we do so. Because we share the same concern that the gentlewoman has brought forward here. I have been open and outspoken about the fact that we need more courageous people like Ms. Rowley to make sure that not just from an oversight standpoint within Congress, but from an oversight standpoint in the public and within the agency and other Federal agencies out there, that we are able to do our job correctly and appropriately.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CHAMBLISS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I respect the, if you will, explanation that the distinguished gentleman from Georgia has given and the distinguished gentlewoman from California. I would not have brought this to the attention of the body had I not had a deep concern, having met Ms. Rowley and having been involved in other circumstances with the Committee on the Judiciary in the concept of whistleblowers and the importance of providing information generally to help us be better at our job and the government to be better.

I appreciate the offer that has been extended. This is brought to the attention of this body not to put forward an amendment that would not draw the collective support of this body. I would like to be able to work with the staffs of the respective Members as we move toward conference, recognizing that we have language in the legislation, maybe appropriate language, that the whistleblower issue is of such importance that it requires further study.

Mr. CHAMBLISS. Mr. Chairman, just reiterating to the gentlewoman, I think her point is well taken; and I think there may be some merit to strengthening language, maybe even getting specific as the gentlewoman has done in her amendment. We will commit to the gentlewoman that we will look forward to working with her as we move into conference and dialoguing with her to make sure that we get her input into this specific area of the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman will yield, I thank the distinguished gentleman from Georgia and the gentlewoman from California.

Mr. Chairman, I am willing at this time to ask unanimous consent, with the idea of moving forward in consideration and study of this issue to protect whistleblowers, to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The gentlewoman's amendment is withdrawn.

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The CHAIRMAN pro tempore (Mr. SIMPSON). Are there further amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. REPORT.

(a) REPORT REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the President shall submit to the congressional committees specified in subsection (b) a report on the implementation of section 3. The report shall include any recommendations for additional measures or appropriation requests, beyond the requirements of section 3, to increase the effectiveness of sharing of information among Federal, State, and local entities.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following committees:

(1) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

The CHAIRMAN pro tempore. Are there amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out section 3.

The CHAIRMAN pro tempore. Are there amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. AUTHORITY TO SHARE GRAND JURY INFORMATION.

Rule 6(e) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (2), by inserting ", or of guidelines jointly issued by the Attorney General and Director of Central Intelligence pursuant to Rule 6," after "Rule 6"; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by inserting "or of a foreign government" after "(including personnel of a state or subdivision of a state";

(B) in subparagraph (C)(i)—

(i) in subclause (I), by inserting before the semicolon the following: "or, upon a request by an attorney for the government, when sought by a foreign court or prosecutor for use in an official criminal investigation";

(ii) in subclause (IV)—

(I) by inserting "or foreign" after "may disclose a violation of State";

(II) by inserting "or of a foreign government" after "to an appropriate official of a State or subdivision of a State"; and

(III) by striking "or" at the end;

(iii) by striking the period at the end of subclause (V) and inserting "; or"; and

(iv) by adding at the end the following:

"(VI) when matters involve a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, to any appropriate federal, state, local, or foreign government official for the purpose of preventing or responding to such a threat."; and

(C) in subparagraph (C)(iii)—

(i) by striking "Federal";

(ii) by inserting "or clause (i)(VI)" after "clause (i)(V)"; and

(iii) by adding at the end the following: "Any state, local, or foreign official who receives information pursuant to clause (i)(VI) shall use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.".

The CHAIRMAN pro tempore. Are there amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. AUTHORITY TO SHARE ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION.

Section 2517 of title 18, United States Code, is amended by adding at the end the following:

"(7) Any investigative or law enforcement officer, or attorney for the government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents or derivative evidence to a foreign investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure, and foreign investigative or law enforcement officers may use or disclose such contents or derivative evidence to the extent such use or disclosure is appropriate to the proper performance of their official duties.

"(8) Any investigative or law enforcement officer, or attorney for the government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents or derivative evidence to any appropriate Federal, State, local, or foreign government official to the extent that such contents or derivative evidence reveals a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, for the purpose of preventing or responding to such a threat. Any official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information, and any State, local, or foreign official who receives information pursuant to this provision may use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.".

The CHAIRMAN pro tempore. Are there amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. FOREIGN INTELLIGENCE INFORMATION.

(a) DISSEMINATION AUTHORIZED.—Section 203(d)(1) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001 (Public Law 107–56; 50 U.S.C. 403–5d) is amended—

(1) by striking "Notwithstanding any other provision of law, it" and inserting "It"; and

(2) by adding at the end the following: "It shall be lawful for information revealing a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, obtained as part of a criminal investigation to be disclosed to any appropriate Federal, State, local, or foreign government official for the purpose of preventing or responding to such a threat. Any official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information, and any State, local, or foreign official who receives information pursuant to this provision may use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.".

(b) CONFORMING AMENDMENTS.—Section 203(c) of that Act is amended—

(1) by striking "section 2517(6)" and inserting "paragraphs (6) and (8) of section 2517 of title 18, United States Code,"; and

(2) by inserting "and (VI)" after "Rule 6(e)(3)(C)(i)(V)".

The CHAIRMAN pro tempore. Are there amendments to section 8?

If not, the Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. INFORMATION ACQUIRED FROM AN ELECTRONIC SURVEILLANCE.

Section 106(k)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806) is amended by inserting after "law enforcement officers" the following: "or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)".

The CHAIRMAN pro tempore. Are there amendments to section 9?

If not, the Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. INFORMATION ACQUIRED FROM A PHYSICAL SEARCH.

Section 305(k)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by inserting after "law enforcement officers" the following: "or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)".

The CHAIRMAN pro tempore. Are there amendments to section 10?

Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BONILLA) having assumed the chair, Mr. SIMPSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4598) to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities, pursuant to House Resolution 458, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. HARMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 4598 will be followed by 5-minute votes on H.R. 4477, on H.R. 4070, and on approving the Journal.

The vote was taken by electronic device, and there were—yeas 422, nays 2, not voting 10, as follows:

[Roll No. 258]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer

Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Delahunt
Kucinich

NOT VOTING—10

Hunter
Northup
Otter
Reyes
Roukema
Simmons
Smith (MI)
Sweeney
Traficant
Watts (OK)

□ 1239

Mr. THOMPSON of Mississippi changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SWEENEY. Mr. Speaker, on June 26, 2002, I missed the rollcall vote No. 258. If I had been present I would have voted "yea."

Mr. OTTER. Mr. Speaker, I was unavoidably detained for rollcall vote 258 on H.R. 4598, the Homeland Security Information Sharing Act. Had I been present I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will resume proceedings on postponed questions in the following order:

H.R. 4477, by the yeas and nays;

H.R. 4070, de novo;

Approval of the Journal, de novo.

The Chair will reduce to 5 minutes the time for each electronic vote.

SEX TOURISM PROHIBITION IMPROVEMENT ACT OF 2002

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4477, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4477, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 8, not voting 8, as follows:

[Roll No. 259]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)

Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Frank
Hastings (FL)
Nadler
Olver
Paul
Rangel
Scott
Watt (NC)

NOT VOTING—8

Greenwood
Leach
Northup
Roukema
Smith (MI)
Sweeney
Traficant
Watts (OK)

□ 1249

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SOCIAL SECURITY PROGRAM PROTECTION ACT OF 2002

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4070, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4070, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. OTTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 9, as follows:

[Roll No. 260]

AYES—425

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Edwards
Greenwood
Leach
Northup
Roukema
Smith (MI)
Sweeney
Traficant
Watts (OK)

□ 1258

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. EDWARDS. Mr. Speaker, on rollcall No. 260, the Social Security Program Protection Act, had I been present, I would have voted "aye."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FOLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 369, noes 41, answered "present" 1, not voting 23, as follows:

[Roll No. 261]

AYES—369

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)

Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sullivan
Sununu
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—41

Aderholt
Baldwin
Borski
Brady (PA)
Capuano
Costello
Crane
DeFazio
English
Filner
Gillmor
Gutknecht
Hefley
Hilliard
Johnson, E. B.
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
McGovern
McNulty
Miller, George
Moore
Pascrell
Peterson (MN)
Ramstad
Saxton
Schaffer
Scott
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Wamp
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—23

Buyer
Carson (IN)
Cummings
Davis, Jo Ann
Gallegly
Gephardt
Goodlatte
Green (WI)
Greenwood
Gutierrez
Meek (FL)
Nethercutt
Northup
Olver
Pryce (OH)
Radanovich
Roukema
Smith (MI)
Sweeney
Tauzin
Tiahrt
Traficant
Watts (OK)

☐ 1306

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GREENWOOD. Mr. Speaker, on rollcall Nos. 259, 260 and 261, I was unavoidably detained. Had I been present, I would have voted "yes" on all 3 measures.

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed recorded votes on Wednesday, June 26, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes: On passage of H.R. 4598, rollcall vote No. 258, I would have voted "yea"; on passage of H.R. 4477, rollcall vote No. 259, I would have voted "yea"; on passage of H.R. 4070, rollcall vote No. 260, I would have voted "yea"; on approval of the Journal, rollcall vote No. 261, I would have voted "yea".

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, in a few minutes we are going to ask that the House recess until approximately 2 p.m. When we return from that recess, we should return to consider, one, the rule to go to conference on the Omnibus Trade Act; two, motion to instruct conferees on trade, if it is offered; and then, three, the suspension votes that have been rolled from last Tuesday. After the completion of that work, then we would have completed our work for the day.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding to me. I would like to have an inquiry about schedule and about the substance of the rule that will be coming to the floor.

Mr. Leader, is this the identical rule, or is the gentleman planning to amend it on the floor?

Mr. ARMEY. Reclaiming my time, Mr. Speaker, I thank the gentlewoman for her inquiry. Indeed, it is the identical rule we had reported last week.

Ms. PELOSI. Mr. Speaker, if the gentleman will continue to yield, and with all due respect to the majority leader and his capacity, I hope that he will convey to the Republican leadership the displeasure of the Members in the minority, and really I think we speak on behalf of the American people when we say that the work that we do on this floor is very important. The public needs notice as to what we are doing.

A schedule was put forth that we would have votes this morning so that we could notify Members who are doing their work in their committees. That was turned upside down. Now we come to the floor and the majority is asking for a recess to take up the very important issue of trade promotion within an hour.

We are coming back in an hour. Is that what the gentleman said, at 2 p.m., in 55 minutes? In a matter of minutes we are now notifying Members that the majority wants to bring the rule on the trade promotion to the floor, turning upside down the schedule for the rest of the day. It is not just the minority that is disserved by this unprofessional approach to our schedule. It is the general public and those who follow with interest and have public opinion about the work of Congress in the people's House.

So if the gentleman would convey the displeasure of the minority in the manner in which this important issue is being treated and how this schedule has turned into such a haphazard arrangement at will, with no consultation, about these very important issues.

Now we are going to have a vote on fast track. Could the gentleman shed some light as to when the majority may bring up the prescription drug benefit bill?

Mr. ARMEY. Well, I thank the gentlewoman for that inquiry, and let me say to the gentlewoman that I do appreciate the concerns she has raised. I spent 10 years in the minority, and there were many times during those 10 years that I too, without better understanding, was concerned about whether or not the schedule was done in a professional and considerate manner. I learned to accept that the majority was doing the best they could, many times under difficult circumstances, and that I should be patient and understanding.

Upon accepting these responsibilities, I have always concerned myself that the minority should have these feelings. And it is for that reason that I made it a point at the close of business last week, in my colloquy, to advise the body, the minority in particular, that we would be trying to bring this bill to the floor, and stipulated at that time we would do so whenever we were able to do so.

We are now able to do so, and I am happy to see us move on. I will try my very, very best to not disappoint the gentlewoman from California in the future.

Ms. PELOSI. If the gentleman will continue to yield, I had a question about the prescription drug bill.

Mr. ARMEY. I will be happy to continue to yield.

Ms. PELOSI. When does the gentleman think the prescription drug legislation will be coming to the floor?

Mr. ARMEY. I appreciate the gentlewoman's inquiry. I see no sign that we will be able to do that yet today; but as soon as we are capable of bringing that bill to the floor, we will let the minority know.

Ms. PELOSI. The debt limit?

Mr. ARMEY. On the debt limit, I again renew my invitation to Members of the minority to join with us in passing this very important increase in the debt limit so that we can indeed deal with even the important supplemental bill.

The Senate has passed Senator DASCHLE's bill. It would strike me that this body ought to be able to pick up Senator DASCHLE's bill, passed in the Senate, and pass it in the House, with a generous number of Members of the minority willing to vote for the Senate majority leader's own bill. But so far I have seen no indication that the minority Members of this body are willing to vote in agreement with the Democrat majority leader from the other body. Therefore, I cannot make an announcement about our ability to bring his bill forward.

Ms. PELOSI. Is one to infer from what the gentleman has said that the majority would be willing to bring up a freestanding bill with some discussion about what the amount would be for the debt limit, including the $150 billion that the minority has been suggesting?

Mr. ARMEY. Mr. Speaker, I appreciate the gentlewoman's question, and let me just say to the gentlewoman that one should infer from what I said that any serious suggestion or recommendation will be considered. At this point, I believe that the Senate majority leader's passed bill is a serious proposition. We would be happy to consider that if Members of the minority would indicate their willingness to vote with Senator DASCHLE on this matter.

Ms. PELOSI. Well, our distinguished minority leader has made an offer to the Republican majority.

On the supplemental, do we know when that will be coming up?

Mr. ARMEY. Again, I am pleased to announce that the conferees on the supplemental have found a way back to the table to discuss that. I have been advised by the chairman of the Committee on Appropriations that he has a renewed optimism on this matter.

It is my hope that that optimism gets worked out even during this next hour, when they can sit down together. Nothing would please me more than to be able to announce later, even perhaps to the inconvenience and surprise of some Members, that we are prepared to bring that very important conference report to the floor.

Ms. PELOSI. Mr. Speaker, will the gentleman continue to yield?

Mr. ARMEY. I will be happy to continue to yield to the gentlewoman.

Ms. PELOSI. Mr. Speaker, I appreciate the information that the gentleman has been willing to provide.

I think it is important for both sides of the aisle to remember that the legislation and the issues that we are dealing with are not our private personal property. The American people expect and should demand more transparency than what is happening in this House.

What is happening in this House is we are moving to a much less democratic way of discussing the issues. I am not speaking to what the gentleman experienced 8 years ago, because the gentleman knows that when the Republican majority came in, part of the Contract on America was to close down debate on this floor; to eliminate many options available for debate for the minority. So this is yet again another example.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I thank the gentlewoman for her comments and remind the body that indeed the Contract With America was to bring to this floor for debate and to vote on this floor 10 items that were disallowed by the prior majority.

RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1419

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 2 o'clock and 19 minutes p.m.

MOTION TO ADJOURN

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 45, nays 378, not voting 11, as follows:

[Roll No. 262]

YEAS—45

Ackerman
Berry
Bishop
Bonior
Brown (FL)
Capuano
Clay
Conyers
Cummings
DeFazio
Dicks
Dingell
Doggett
Evans
Farr
Filner
Hastings (FL)
Hilliard
Hinchey
Hoyer
Istook
Jackson (IL)
Johnson, E. B.
Jones (OH)
McDermott
McGovern
Meek (FL)
Mink
Moran (VA)
Napolitano
Olver
Pelosi
Sanchez
Sanders
Sandlin
Simmons
Stupak
Thompson (MS)
Thune
Towns
Velázquez
Waters
Watson (CA)
Waxman
Wynn

NAYS—378

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez

Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Young (FL)

NOT VOTING—11

Clayton
Doyle
LaFalce
Obey
Riley
Roukema
Smith (MI)
Traficant
Watts (OK)
Wolf
Young (AK)

□ 1442

Ms. BERKLEY, Mrs. McCARTHY of New York, Messrs. JONES of North Carolina, BARTLETT of Maryland, KANJORSKI, SHADEGG, Ms. PRYCE of Ohio and Mr. BOOZMAN changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

RELATING TO CONSIDERATION OF SENATE AMENDMENT TO H.R. 3009, ANDEAN TRADE PROMOTION AND DRUG ERADICATION ACT

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 450 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 450

Resolved, That upon adoption of this resolution the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes, with the Senate amendment thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the amendment printed in the report of the Committee on Rules accompanying this resolution. The House shall be considered to have insisted on its amendment to the Senate amendment and requested a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 450 is a functional rule relating to the consideration of the Senate amendment to H.R. 3009 extending the Andean Trade Preference Act. The rule allows this House to prepare for a conference with the Senate on comprehensive trade legislation.

□ 1445

The rule provides that H.R. 3009 and Senate amendment thereto shall be taken from the Speaker's table and agreed to with the amendment printed in the report of the Committee on Rules accompanying this resolution.

The rule provides that the House shall be considered to have insisted on its amendment to the Senate amendment.

Finally, the rule provides that the House shall be considered to have requested a conference with the Senate.

Mr. Speaker, my colleagues may be wondering why a rule is needed for the House to put this conference into action. The answer is really one of simplification. The House has passed its version of Trade Promotion Authority and Andean Trade while the Senate has passed its own version, including some measures the House has not singularly considered.

This rule prepares the House for conference by giving us an appropriate and equitable foothold at the bargaining table. Without this amendment and this rule, the House would be at a great disadvantage going into conference. But passing this rule will put the House at a starting point equivalent with the other Chamber so that we can best represent the needs of our constituents during the deliberations.

Mr. Speaker, while this may seem like procedural jargon, I would like to remind my colleagues that the House would not be in this position had the Senate not taken up the Andean trade bill, stripped out all the House-passed provisions, and added countless other trade items, leaving the House with no position in the conference on all these measures.

On a larger scale, this rule is needed so we can proceed with the vital trade legislation that is long overdue. Each day that we delay, other countries around the world enter into trade agreements without us, gradually surrounding the United States with a network of trade agreements that benefit their workers, their farmers, their businesses, and their economies at the expense of ours.

How important is this to American jobs and the American economy? In my home State, international trade is a primary generator of business and job growth. In the Buffalo area, the highest manufacturing employment sectors are also among the State's top merchandise export industries, including electronics, fabricated metals, industrial machinery, transportation equipment, and food and food products. Consequently, as exports increase, employment in these sectors will also increase.

In the Rochester area, companies like IBM and Kodak play a significant impact on the local economy and employment, and they will benefit directly from increased exports and international sales that will result from new trade agreements and open markets negotiated under Trade Promotion Authority.

For example, about one in every five Kodak jobs in the United States depends on exports. New trade agreements are needed to break down foreign barriers and keep American made goods competitive overseas as well as opening up foreign markets to domestic companies.

From family farms to high-tech start-ups to established businesses and manufacturers, increasing free and fair trade will keep our economy going and creating jobs in our economy. And let us not forget the significant impact free trade can have on spreading democracy and democratic ideals across the globe.

As America perseveres in the war on terrorism, expanding global trade and heightening our role in global trade means greater economic prosperity and opportunities for Americans and our neighbors worldwide.

Let us also not forget that the rest of the world is not waiting while the United States putters along. Trade Promotion Authority offers the best chance for the United States to reclaim leadership in the opening of foreign markets, expanding global economic opportunities for American producers and workers, and developing the virtues of democracy around the world.

While long overdue, this is the right thing for America. Mr. Speaker, I strongly urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, it is no wonder the American people have such disdain for politicians. The Republican leadership's rule this afternoon is the perfect example of back-room deals gone wrong, legislating under the cloak of darkness, and accountability at its most pernicious. The leadership has brought us a rule that not only structures the terms of debate but actually legislates within the rule.

My colleagues will hear from the distinguished chairman of the Committee on Ways and Means that much of this amendment has already passed the House. That is true, much has, but much has not. What we are being asked to do today is to not only weaken U.S. trade laws, and this clearly does that, but to completely eviscerate the regular order of procedures in this House.

At the Committee on Rules last week, not one member there could remember a time when the House had attempted such chicanery. The gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, said, and I quote, "It was unusual." Even the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, admitted that, quote, "It was unprecedented."

So how did we get here? Well, if we are to believe the chairman of the Committee on Ways and Means, it is because of what the other Chamber has done to our House-passed trade bills. Last week, the chairman accused the other body of all sorts of underhanded legislative witchcraft. And how do we answer that in the House? With our own Harry Potter-like sorcery.

If we consider the Senate action, as Chairman Thomas did, as a raw, and I quote him, political power play, then just what is it that we are doing? I mean, give me a break. This is theater of the absurd. It would not have surprised me if this bill was brought to us by Congressman George Orwell: up is down, war is peace. And this is serious legislation? I do not think so.

Is the House understanding this? If this rule passes, we will be giving the nine majority members of the Committee on Rules the power to legislate on all matters of jurisdiction within this House without the full House ever truly working its will. They are attempting to add the language of H.R. 3010, relating to the general system of preferences, to this rule, and having it considered as passed. This bill has never passed the House.

No matter. If it is an important trade bill that does not require full-House consideration today, why not a prescription drug bill tomorrow? Why not just take a Senate amendment to a House bill, amend it with all sorts of tinsel and ornaments, and bring it back to the House floor along with other legislation that would not have otherwise seen the light of day? This is outrageous.

Now, let us look seriously at how the House rule today undermines trade and the American family. First, as it relates to hardworking people who lose their jobs because their job is sent elsewhere or their employer closes the American factory to move to some far-off place, the Senate-passed bill includes much stronger language to help these types of workers.

Specifically as it relates to the health care provisions, the House amendment undermine's the Senate Trade Adjustment Act assistance by reducing the level of support from 70 percent to 60 percent. The House provision adds a means-testing requirement based on prior-year income and providing unusable tax credit to retired steelworkers for use in the private insurance market.

Under the gentleman from California's (Mr. THOMAS) plan, TAA and steelworker health care benefits would be severely limited in availability and cost too much for most workers to afford. Moreover the other body's bill would include other industries besides steelworkers and other suppliers. Farmers, for instance, a very large group in my district in south Florida, would gain from the other body's bill. Fishermen, oil and gas producers, other raw goods suppliers, all good examples of hard-working people that stand to benefit under the compromise reached between the Senate and the Bush administration and all of whom stand to lose under the amendment the House is considering right now.

It is just this simple. One had better be the exact right person to get any sort of benefit from this House bill. This is what we are doing to the American people today. I am embarrassed, as rightly all of us should be.

Another interesting part of this amendment this afternoon is its inclusion of the so-called DeMint language. I found it passing strange that this language is in here in the first place. Not long ago, the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, objected, and strongly objected, to this language. He said he did not like it and would not defend it, and yet it is here today. Why? Let me borrow another of the chairman's phrases from last week when he was alluding to the other body's actions, but equally useful here, "It is a raw political power play."

Rank politics is rank politics. It does not matter if it is in the House, in the other body, or where this rule belongs, somewhere out in the gutter.

I urge my colleagues to reject this odious rule.

Mr. Speaker, I reserve the balance of our time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Just want to remind the gentleman from Florida (Mr. HASTINGS), my colleague on the Committee on Rules, each day he brings a motion to make something in order, he is actually legislating in the Committee on Rules on legislation that he would like to see the Committee on Rules intertwine into legislation coming from committees of jurisdiction. I also want to take this time to remind all of the body that in the past the Committee on Rules has allowed rules providing the following: motions to go to conference, disposition of Senate amendments, allowing for amendments to the Senate amendments, and nothing on this legislation is binding on the Senate.

But just because we put it all in one package does not mean that we cannot do something somewhat unprecedented. We should look at the fact that the rulings of this House are deliberately crafted to permit flexibility for unique instances such as this and when the question comes from my colleagues on other side how did we get here, we got here because the Senate stripped all of the House language and sent it back. We are now having an opportunity to level the playing field of this House as this goes to conference.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank my friend from Florida for stating the case; and the case is, as he indicated, we are asking the House to include in this rule to go to conference 191 pages. That is absolutely correct. Out of the 191 pages, more than 165 of them, over 80 percent, have already been passed by the House, some of these pieces more than 6 months ago.

But what the Senate did was to take the House-passed Andean trade bill which passed by a voice vote, it was so broadly supported, there was no recorded vote and it passed by a bipartisan vote. That Andean bill is 40 pages. That is what they sent us to go to conference. Under the rules of conference, that was what the House would have in front of us. What the Senate did was to pass 374 pages. This is what the Senate goes to conference with. How many of these pages have previously passed the Senate like the more than 80 percent of ours? Absolutely not one. So what the gentleman from Florida wants the House to do is to go to conference with this to battle the Senate against this, and what we are saying is let us just make it a little bit fair.

PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Mr. Speaker.

The SPEAKER pro tempore (Mr. LaHood). Will the gentleman from California yield for the parliamentary inquiry?

Mr. THOMAS. Certainly, for parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from California (Mr. Thomas) yield for that purpose?

Mr. THOMAS. Is it my time?

The SPEAKER pro tempore. The gentleman has the right to yield.

Mr. THOMAS. Is it coming out of my time?

The SPEAKER pro tempore. The gentleman from California's time.

Mr. THOMAS. No, I will not yield for a parliamentary inquiry on my time.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. THOMAS. I appreciate the gentleman from Florida's (Mr. Hastings) attempt to stop the rhythm, but the rhythm will not change when what they want us to do is to go to conference on one bill when the Senate put 15 different bills together. These are all within the scope of the conference. The Senate has these in front of the conference, and the House of Representatives would have only 40 pages.

POINT OF ORDER

Mr. RANGEL. Mr. Speaker, the gentleman is referring to the other body. That is a violation of the House rules.

The SPEAKER pro tempore. The gentleman from California will suspend.

Mr. RANGEL. The gentleman is violating the House rules by referring to the other body.

I ask to be recognized by the Chair. Regular order. Parliamentary inquiry. Point of order.

□ 1500

The SPEAKER pro tempore (Mr. LaHood). The gentleman from New York (Mr. Rangel) is recognized.

Mr. RANGEL. Mr. Speaker, I say that the gentleman from California (Mr. Thomas) is violating the House rules by referring to the other body, and ask for a ruling.

The SPEAKER pro tempore. The Chair advises that Members may describe actions of the other body factually on a matter pending before the House, but they may not characterize such action. The gentleman from California has not characterized Senate action.

Mr. THOMAS. Mr. Speaker, I did not characterize. I indicated factually what the Senate was doing; and would Members notice, I have had two consecutive interruptions on parliamentary procedure which were both wrong and simply an attempt to cover up the facts because they will not be able to argue on the substance.

These 191 pages are 80 percent passed already by the House. These 374 pages by the Senate had not passed the House until they put it together this way. The institution of the House should not go to a conference with the Senate unilaterally disarming. That is wrong institutionally.

All this rule does is put bills that we have passed previously together so we can have our bills in front of the conference, as the Senate has as well. Members might learn something from this. We can actually say what we need to do in 191 pages; the Senate needs 374.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Rangel), a member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I wish the gentleman from California (Mr. Thomas) would share with me those 191 pages, because the gentleman's admission on this floor means that they are prepared to just tear up the House rules. Just saying that 20 percent of it has not been passed by the House is like saying someone is half pregnant.

Mr. Speaker, what gives the gentleman of the Committee on Ways and Means the right to decide what is going to go to conference with the so-called other body?

Whatever happened to House conferees going into conference with the other body and saying we will not tolerate the other body taking over our jurisdiction? Do we have to make up legislation and say, hey, act like this has passed because when we meet with the other body, or the Senate, as the gentleman calls them, we get weak-kneed.

If we do not have any legislation passed, we make it up as we go along. Sure, 80 percent of the 191 pages are cats and dogs that we passed at one time or the other. So that should give us a little more weight in terms of the paper, if not the intellect, that we take to the conference.

But the other part, why did not the distinguished chairman from California share with us what he made up? He certainly did not make it up in the committee. He did not make it up on the House floor. Even Republicans do not know what is in it, but we should really count on the chairman of the Committee on Ways and Means to go in conference with, what, 20 percent of paper that he brings to the Committee on Rules to legislate.

What does it mean? That we do not need any more committees? We do not need subcommittees? We do not need legislation on the floor, just hope and pray Members can get on the Committee on Rules and be on the majority because they will be able to not only legislate but dictate what goes into conference.

Mr. Speaker, I submit this is not just an insult to the members of the Committee on Ways and Means, this is not just an insult to the House rules and traditions, it is an insult to the American people.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind Members that there is nothing in this rule that is binding on the Senate or the conference committee.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Crane), a leading expert on trade in America.

Mr. CRANE. Mr. Speaker, I rise in strong support of the rule which provides a motion to go to conference on the omnibus trade package approved by the Senate on May 23. Today's vote is a procedural vote that puts the House in the best position to negotiate the most solid conference agreement.

I am gratified that the Senate has finally acted on H.R. 3009, the Andean Trade Promotion and Drug Eradication Act. I agree with the President that this bill is central to U.S. national security and our efforts to combat drug trafficking both here in the United States and in the Andean region. We need this critical legislation to expand U.S. trade and to help Andean entrepreneurs find practical and profitable alternatives to cultivating crops for the production of illicit drugs.

Trade promotion authority is about arming President Bush and his team with the authority to achieve trade agreements written in the best interest of U.S. farmers, companies and workers. It assures that the President will negotiate according to clearly defined goals and objectives written by Congress.

The House TPA bill strikes a two-way partnership between the President and Congress on our common objective for international trade negotiations in which the U.S. participates. Its passage will ensure that the world knows that Americans speak with one voice on issues vital to our economic security.

I am also supportive of conferencing with the Senate on the extension of the generalized system of preferences, which expired 9 months ago.

Trade adjustment assistance plays an important role in helping workers and the economy adjust themselves to the new economic environment fostered by trade, and I support a bipartisan package that helps American workers adjust and builds a better, stronger economy.

Reauthorization of Customs and the other trade agencies will provide resources in the war against terrorism, drugs and international child pornography. We also facilitate trade by directing funds towards Customs' new computer system; and we help Customs protect our borders by giving them better, more sophisticated inspection equipment and legal tools to collect critical data.

This conference provides us an opportunity to send an important signal that the United States is committed to our trading partners around the world, to U.S. workers here at home, and to the global trading system in general. I encourage Members to vote yes on the motion to go to conference.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, let no one be fooled by what is going on here today. This is horrible process, but it is a smoke screen on substance. It is not to level the playing field; it is to rig it.

Members who vote for this will be voting for provisions that never went through any committee: TAA, DeMint, a $50 million dispute fine fund.

Any Member who votes for this is going to be voting against meaningful TAA and health care provisions. They are going to be voting for foreign investors to have greater rights than U.S. investors. They are going to vote to renege on our CBI commitments, and they are going to be voting to strip Dayton-Craig.

Mr. Speaker, just a few days ago, 18 Republicans wrote a letter to the Speaker saying we support Dayton-Craig. Members who vote today for this bill are voting to take it out.

Look, Members are voting with this bill to destroy Senate provisions. This House got off on the wrong foot 6 months ago on a very partisan basis. This is a further misstep. We cannot build viable trade policy on a partisan basis. We would be building it on sand. Today, the other side is pouring more sand under a viable trade policy.

For reasons of process and for substance, I urge Members to vote against this rule. It is a bill with a rule wrapped around it. Members are voting to undercut what was in the Senate provision and voting to say to House Members, go and fight sound, viable trade policy. Vote no.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the history of this House, I do not believe there has ever been a time when the House has stripped language from the Senate. As we move forward here, we have an opportunity to correct a wrong that has occurred on the Senate with us.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, as a member of the Committee on Rules, I am extremely troubled by the lengths to which the majority has gone to block a real debate on trade. This self-executing rule denies us the opportunity to debate, amend or offer a substitute; and if this resolution passes, the bill passes.

Last week, before the Committee on Rules, the leadership kept insisting that this 191-page document is necessary to ensure that the House is not steamrolled by the Senate in the conference committee. If so, then this rule should simply strip away the Senate provisions.

This measure does not leave us with legislation identical to what the House passed by a one-vote margin. It actually alters the substance of the Senate version and in some ways weakens our current trade laws.

With all due respect, I have all the confidence in the world that the Members we send to conference will be tenacious, so what is the chairman afraid of? A real debate? That Members of the body actually reading this document might have some questions or objections?

Mr. Speaker, I know first hand about the sometime high price of trade. In the Rochester, New York, area and throughout upstate New York, I hear constantly from constituents who no longer, but used to have, well-paying, stable jobs with well-established American firms.

This rule places new hurdles in front of unemployed families struggling to maintain health care coverage. It reduces the health care tax credit to 60 percent and means tested based on the prior year's income. It simply shortchanges American workers.

Mr. Speaker, I also believe the omission of the Dayton-Craig provision signals to our trading partners that the U.S. is ready to cave on U.S. trade remedy laws, and that is absolutely the wrong message.

Moreover, the rule further undermines our trade laws by including new language that undermines our existing anti-dumping laws. The inclusion of language subjecting "abusive" anti-dumping laws of our trading partners to negotiations actually undermines our efforts to rigorously enforce our anti-dumping trade laws.

If we ask our trading partners to put their anti-dumping laws on the table, we open the door to doing the same.

Mr. Speaker, I strongly urge my colleagues to defeat this rule. It denies Members from engaging in a real trade debate on issues that affect real Americans.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I call upon Members of the House to have self-respect for this institution and for our rules and for our process. This is called a self-executing rule. It is an unfair rule.

Let me read from the chairman of the Committee on Rules, the predecessor to the gentleman from California (Mr. DREIER). He said, "The guiding principles will be openness and fairness. The Rules Committee will no longer rig the procedure to contrive a predetermined outcome. From now on, the Committee on Rules will clear the stage for debate, and let the House work its will."

This is a self-executing rule. It executes fairness. It executes good process. It executes bipartisanship. It executes comity. It executes trust. It executes opportunity for partnership on this critical issue.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

□ 1515

Mr. DREIER. I thank my friend for yielding. There is absolutely nothing whatsoever in this that is self-enacting. All we are trying to do is strengthen the hand of those negotiators. My friend does understand the procedures of this House and the rules of this House. Nothing is self-enacting in this rule at all.

Mr. HOYER. Reclaiming my time, what the gentleman seeks to do is create an unfair advantage for the Republican negotiators in the conference. That is what he seeks to do. He executes fairness, bipartisanship, good process, and an opportunity to provide for the bipartisan consideration of this issue. The gentleman and I have been together oftentimes on these kinds of issues. He makes a mistake. The Committee on Rules makes a mistake.

My colleagues, do not compound that mistake. Reject this rule.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would appreciate it if Members would abide by the Chair's announcement of time having expired.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I just told the chairman of the Committee on Rules, I think we have put the previous speaker down as "undecided."

I want to point out as we listened a little earlier from my colleague on the Committee on Rules, it becomes very important as we look at why we are here today, why this debate will go on. My colleague from New York asked why this rule could not simply strip out the Senate language. As a fellow member of the Committee on Rules, the gentlewoman knows full well that the House cannot strip the Senate position. At the very least, we can try to make the House position equitable, as the chairman of the Committee on

Rules has just previously tried to outline. That is why we are here today doing what we are today, to give the House an equitable position at the bargaining table of the conference.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, once again I ask that the Speaker advise the respective parties how much time remains.

The SPEAKER pro tempore. The gentleman from Florida has 16½ minutes and the gentleman from New York has 19½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. BROWN), my colleague that I came here with and we hope to stay here.

Mr. BROWN of Ohio. Mr. Speaker, let us call this vote what it is. This is a brand-new fast track bill. Rules do not include 191 pages of never-before-considered legislative changes to a bill that passed the House by a single, weeping, arm-twisted vote.

No one here can remember any rule that has ever employed the procedural deceptiveness of this rule. No hearings on these provisions. No opportunity to offer amendments. No opportunity for substantive debate.

Members are being asked to accept that the chairman of the Committee on Ways and Means is the best judge of the needs and concerns of House Members and their constituents. Right.

This rule would only complicate efforts to convene a cooperative, bipartisan conference on fast track. Defeat the rule.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I just want to remind my colleagues that while we do have a 190-page amendment before us, the Senate and what some of the Members of this body would like to have happen is that we just address 374 pages that the Senate did while they stripped out the House language. I also want to remind my colleagues both here and throughout the offices that the majority of this legislation has passed the House, some as long as 6 months ago. Members certainly would have read it thoroughly before voting on it when it came to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1¼ minutes to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank my colleague for yielding me this time.

I rise today in opposition to this self-executing rule and specifically because of the trade adjustment provisions in it. The TAA provisions in this bill are vastly different than the compromise reached by the Senate and the Bush administration. I know the TAA provisions very well, along with the gentleman from Texas (Mr. BENTSEN), because we wrote and carried the legislation in the House of Representatives. The compromise that was reached was historic in that it recognizes the duality to trade and the need to deal with the downsides of it in a very real 21st-century way.

The Senate-White House compromise provides health care for all displaced workers at 70 percent while the Thomas bill legislates on this rule a means-tested situation based on income and the largest benefit would be 60 percent if an individual makes less than $20,000. The Senate-White House compromise provides an additional $150 million for worker training. This GOP provision only provides for an additional $30 million.

When I was growing up, the nuns used to mark the report card in a very important way. That was for conduct. I give my colleagues on the other side of the aisle an F for conduct on how you have conducted yourself on this rule. You are squandering a political opportunity for the people of this country. I urge my colleagues to vote against it.

Mr. REYNOLDS. Mr. Speaker, it is important to remind the gentlewoman that the structures referred to on TAA passed this House twice.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 15 seconds to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, all that passed here was an extension of TAA, and for the gentleman to get up here and say otherwise is simply wrong. We did not consider anything but the very, very continuation of the present structure for a short period of time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, article 1, section 8 of the United States Constitution states very clearly that the Congress shall have power to lay and collect taxes, duties, imposts and excises. If we vote "yes" on this rule today, the House will be on record abdicating yet another constitutionally granted right. This undermines the Congress; this undermines this institution as a separate and coequal branch of government. In fact, one could question whether we have the right to do it.

In 1980, a President of the United States taxed oil and the courts overruled him. We do not have the power to surrender this right now. Edmund Randolph put it all very nicely. He worried about the executive power, calling it "the fetus of monarchy."

What you are doing is running down this institution, not only by the process but what you want the end product to be. We are a people's house and should represent the people of the United States in every one of our districts.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, the committee that has jurisdiction on trade matters.

Mr. THOMAS. I thank the gentleman for yielding time.

Mr. Speaker, some of us over here are somewhat baffled because, as we had stated earlier, more than 160 pages that are contained here are bills that have previously passed the House. But the way in which the Senate called us to go to conference, those bills would not have been within the scope of conference. All we are doing is taking previously passed work product of the House and placing it before the conference.

As far as health credits are concerned, the 60 percent structure was contained in the stimulus bill. As you will recall, this House passed it four times until the Senate finally passed it. Two of those times it had health credits in there. I do not understand why my colleagues do not want to take previously passed House work product and make it in order in front of the Senate so we have a chance that the House-passed work product could be in competition with the Senate-passed product.

That is all this does is take passed, previously-agreed-to measures like the Andean bill, like the trade promotion bill, and put it in front of the Senate. Why are you so afraid of using a House-passed product as the House's position?

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, I make a parliamentary inquiry as to whether in the history of this august body has ever before a self-executing rule such as this in wrapping a 191-page bill ever been given to the Committee on Rules to be enacted into law with the exception of the time that the Republicans closed down the House of Representatives?

Mr. THOMAS. Will the gentleman yield?

Mr. RANGEL. I made a parliamentary inquiry. Unless the gentleman is the Parliamentarian.

The SPEAKER pro tempore. The Chair would like to respond to the gentleman from New York. The Chair is not the historian of the House and therefore cannot make any kind of a ruling.

The Chair recognizes the gentleman from Florida.

Mr. RANGEL. Could I get a parliamentary answer to my question, Mr. Speaker?

The SPEAKER pro tempore. The parliamentary answer is that the Chair is not the historian. The Chair is not able to put the issue in historical context.

Mr. RANGEL. Could I get an answer from the Parliamentarian?

The SPEAKER pro tempore. If the gentleman from New York would like to ask the Parliamentarian to check the precedents of the House previously, he is more than welcome to do that.

The Chair recognizes the gentleman from Florida.

Mr. RANGEL. If the Speaker would yield just for a moment, I have checked with the Parliamentarian to ask what the history was, and I would like it reaffirmed by the Speaker that this has never been done before.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, how much time does each side have?

The SPEAKER pro tempore. The gentleman from Florida has 13 minutes. The gentleman from New York has 18.

Mr. HASTINGS of Florida. Mr. Speaker, I would respectfully reserve the balance of my time and ask my colleague if he would use some of the time because of the imbalance of time as it is considered.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Is the gentleman prepared to yield back the balance of his time?

Mr. REYNOLDS. If you are intending to yield back the balance of your time, I will follow you with that, and we will move ahead to a vote.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

First let me become the Parliamentarian of the House. It was Chairman THOMAS who agreed that there was absolutely no precedent for this and Chairman DREIER said the same thing last week. Either it is something different today, or last week up in the Rules Committee it was something else.

For Chairman THOMAS' benefit, you are attempting to add in that 31 pages that you are not talking about the language of H.R. 3010, the general system of preferences, to this rule and it has never passed this House.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. I thank my good friend from Florida for yielding me this time.

Mr. Speaker, today's headlines: "WorldCom Says Its Books Are Off By $3.8 billion." What do WorldCom, Arthur Andersen, Global Crossing, Enron, K-Mart, DCT, CMS Energy, and Merrill Lynch have in common? They support the idea of a fast track, all these trade laws, even though they themselves have been ethically challenged companies that have fleeced their workers, their retirees, have caused the market to take a terrible toll on retirees and those who invest in it. They are the people behind this kind of trade negotiation and deal.

And in this very bill that we are arguing about today are provisions that will gut health care benefits for steelworkers. You go out there in that 95-degree temperature like we have got today and you work, you pour your heart and soul into every paycheck, you punch a clock and pack a lunch, come home and then have them tell you that you cannot have your health care benefits. They are going to get caught. That is what is wrong with trade readjustment under their proposal, and that is what is wrong with fast track.

Vote "no" on this proposal.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

It is an honor and privilege for me to serve on the Committee on Rules, as I think it is on both sides of the aisle. Just because the House has not done something exactly like this before does not mean it should never be done. The rules of this House are deliberately crafted to permit flexibility for unique instances such as this.

Mr. Speaker, as I stated earlier, but its importance bears repeating, so I am going to say it again: the House would not be in this position had the Senate not taken up the Andean trade bill, stripped out all of the House-passed provisions and added countless other trade items, leaving the House with no position in the conference on all these measures.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. I thank the gentleman for yielding time.

Mr. Speaker, I was one of 21 Democrats who voted for the TPA bill. I think it is a good bill.

□ 1530

I want to see the President get Trade Promotion Authority; I voted for it for President Clinton and I will vote for it for President Bush, if it is done the right way. I did that last fall, but what we are doing today is not the way to get there.

The Senate has passed a substantial trade adjustment assistance package that is good public policy, that helps workers who do lose their jobs to trade. What the House is being asked to do today is to state a new position on the part of the House to strengthen the hand of the Republicans in the conference. There is nothing that precludes the conferees on the part of the House to put forth a position or to hammer out a conference agreement with the other body, including provisions which were not addressed in this body. This is all designed to provide political leverage. It is not a practical rules effect. In fact, the Committee on Rules can waive on the issue of scope.

The bill before us today is a dramatic rewrite of the Bush-backed, bipartisan Senate trade adjustment assistance package. We should reject this. If we want to get real TPA, let us take the Bush and the Senate bipartisan package and put it together.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, for those of us who really want to know, the Senate passed an Andean trade act bill this month. Into that bill, because they could not pass them separately, they amended the trade promotion act bill that this House passed back in December. They amended into it the trade adjustment assistance that this House passed back in November. They amended into it a Customs border security bill that we passed back in May. They could not pass bills the way we usually do.

We should have gone to the Trade Promotion Authority conference 5 months ago. We should have gone to the TAA conference 4 months ago. The Senate could not pass individual bills, so in an unprecedented way, they took all of those bills, rolled them into one, and then said, let us go to conference.

All we are doing are taking the bills we have passed in the past, put them together now, and going to conference in the way the Senate is going to conference, with all of the bills together.

I guess it is our fault that we did our work earlier this year.

PARLIAMENTARY INQUIRIES

Mr. BENTSEN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. BENTSEN. Mr. Speaker, with all due respect to the chairman, do the rules of the House preclude conferees on the part of the House, when going into conference on this particular bill that is being discussed as part of this rule, do the rules of the House preclude the House conferees from negotiating other parts of the bill, even though it is being considered under the Senate, the other body's Andean trade bill, or are the House conferees limited only to that portion? Because the argument that is being put forth is, in some respects, that our conferees on the part of the House may only discuss certain portions and not the entire scope of the bill, or bills, as they are packaged together.

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California will state it.

Mr. THOMAS. The Speaker just said that the rules of both the House and the Senate require those bodies in the unique situation under the Constitution, when bills have passed both

Houses in different forms, to come together to reconcile the differences. That is a conference.

The scope of the conference is defined by the bills that are brought to the conference. The Senate brings 374 pages of 15 different bills.

What the Democrats are asking us to do is to go to conference with one bill, the Andean bill, which is what the Senate requested that we go to conference over.

What we want to do is take the bills that have been passed, put them into this motion, go to conference with the scope of the conference being fair and equal on both sides, and that is the sum and substance of the response of the Speaker to the parliamentary inquiry of the gentleman from Texas.

Mr. BENTSEN. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas will state it.

Mr. BENTSEN. Mr. Speaker, two inquiries. One, may the Committee on Rules suspend rule XXII for purposes of House conferees?

Question number two is, again, does that preclude in a conference with the other body the House conferees from discussing or bringing up any provisions related to those other items, other than the bill that passed the House?

The SPEAKER pro tempore. The Committee on Rules does have the authority to waive certain rules of the House.

Mr. BENTSEN. Mr. Speaker, with respect to the other inquiry?

The SPEAKER pro tempore. The Chair cannot judge what will be discussed in the conference or give anticipatory rulings thereon.

Mr. BENTSEN. Mr. Speaker, I have a further parliamentary inquiry, and I am trying to get to the point of what the chairman is discussing.

The SPEAKER pro tempore. Briefly.

Mr. BENTSEN. Very briefly. Do the rules preclude House conferees from discussing or bringing up any portion of a conference, other than the portion of the conference related to the Andean trade bill? Are they allowed to vote and make suggestions, make recommendations, make legislative recommendations on the other portions of the conference?

The SPEAKER pro tempore. The Chair can only judge that when the Chair sees the work of the conferees in the conference report.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER), my good friend.

Mrs. TAUSCHER. Mr. Speaker, I rise to oppose this rule. I voted for TPA when it was called Fast Track at least twice before, and I am for open and free trade. But I am not for ramming it through the House with this closed, surgically enhanced rule.

This resolution would send to conference some legislation we have not even voted on and sneaks in Member-to-Member favors. Simply put, this self-executing rule is unnecessary and amounts to parliamentary maneuvering and election year politics at its worse.

Mr. Speaker, I want the President to have fast track authority, but we also need a robust trade adjustment assistance package to help American workers displaced by expanding trade. This rule effectively guts TAA by reducing health care assistance and only helps workers whose jobs have gone to Mexico or Canada.

In today's global economy, America needs free trade. We must free our President to negotiate trade deals while assisting American workers who are affected by changing markets. I look forward to voting for a trade bill out of the conference, but I cannot support a rule that plays games with such an important bill.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I just think it is important to point out to the previous speaker and to the gentlewoman from California, at first he addressed the thing on the Senate and it is clear that the Senate can do whatever they may wish to do relative to the conference, and our action today would not impede that from doing that. Then I watch him turn on the dime when he wants us to totally reverse a rule.

I think it is important for Members to know that clause 9 of House rule XXII provides the definition of scope for House conferees. The House rules on the scope of a conference committee are very precise and well defined. The CRS report 98–696 CV on resolving legislative differences between the two bodies of Congress is available to any Member who would like to review the process of going to conference with the other Chamber.

The report states that there are significant restrictions on the authority of House conferees. Their authority is restricted by the scope of the differences between the House and Senate over the matters in disagreement between them. It goes on to explain how difficult it is to define the scope of the differences, and it also depends on how the second Chamber to act on the measure has cast the matters in disagreement. And the second Chamber that acts on the measure typically casts its version in the form of an amendment in the nature of a substitute. This is exactly what the Senate did. That comes from the CRS report 98–696.

The report goes on to explain that the second House substitutes make it much harder, if not impractical, to specifically identify each matter in disagreement and the scope of the differences over the matter. This matter could have been easily avoided if the Senate had simply taken up H.R. 3005, the House-passed TPA legislation, and acted on it. Then a conference committee could have been convened and the final bill sent to both bodies.

Instead, the Senate took up the Andean trade bill, stripped it out of the language, and inserted its own trade agenda. We are left with no alternative but to protect the interests of this House and to assure that our conferees are able to go into conference with a House position on all of these extra trade measures that the Senate included. Why should we allow the House to be put in a weakened position with this important legislation?

That is what this debate is about and shortly, when we have a vote, it will reflect the vote of this House.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, after that procedural gobbledygook, it still does not make what they are doing correct and precedential. There is no precedent for what we are doing.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. DOGGETT), my good friend.

Mr. DOGGETT. Mr. Speaker, a vote for this rule damages our environment. I am all for trade, but trading clean water for sour, pure air for fouled, open justice for star chamber proceedings, that is not a good trade. Free trade is not "free" when it comes at the expense of such imperatives.

My concern about the failed Chapter 11 NAFTA model that this proposal endorses is similar to my concern about the mismanaging of this fast track trade debate. Both result from a secret, closed-door process, both ignore the Sierra Club, Consumers Union and others concerned with our sovereignty, our environment, and our health and safety; and both relegate important decisions to a self-selected few, although the burden will be borne by many.

They violate the whole spirit of our Texas open-government laws. We could use a little Texas sunshine in on our trade policy.

The only thing transparent about this fast track process is the heavy-handed, insular way that it has been handled by the Chairman since day one. A "no" vote is a vote for openness, a vote for the democratic process, and for our environment.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I knew it would take just a little time of this debate to kind of pick apart whether one is a free trader and what the perfect debate is and how it happens; and whether you are really a trader or whether you are not; whether you are a protectionist; or, I wanted to support it, but it did not have all of the things I needed in it.

Well, today as we have a vote on this, the determination in a bipartisan solution, as trade has always been in this

House, we are either going to support free trade and we are going to move the agenda forward, or we are going to reject it. But for those 21 Democratic votes or for others who may consider future votes on trade, this is going to end up with a bottom-line deal here.

The bottom line is you either support free trade and give the House the ability to go as a conference and continue to move on trade, or you are not. But you cannot go home and tell everybody, I am a free trader, but it just was not a perfect way for me to cast my vote. Because it is going to be measured. It is going to be measured not only in D.C., but throughout the land. You are either voting for free trade or you are rejecting it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY), my good friend.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman yielding me this time.

In response to the previous gentleman's remark, I would suggest that the bottom line is jobs. This rule is about jobs; and as far as I am concerned, it represents bad policy for America, it represents bad policy for people in this country who still make a living wage, and it is very bad and horrific policy for all of the people who are going to lose their jobs because of the attempt to give any administration this type of trade authority.

One of the fatal flaws is not allowing us consideration of provisions that might undermine and weaken our trade remedy laws that are on the books today. That includes industries in the United States that used to make and may still make some pencils, may grow garlic, may make cement clinkers, may produce petroleum wax candles. There are 265 industries and growers who have sought relief for these important protections.

This is about jobs. It is about the 210 people who have no work at Calumet Steel in Chicago Heights, Illinois, because of illegal trade that takes place.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, my colleague on the other side of the aisle is absolutely right, this is about jobs. I have listened for almost an hour to people talk about the rule and about what kind of rule this is and whether it is fair. I would like to speak about jobs.

Before I came to this body, I spent over 20 years in the American electronics business, and I sold freely in those countries that had free trade; and I was either locked out or severely limited in the countries that we had not opened trade with.

□ 1545

I would like to remind my friends on both sides of the aisle that we cannot pick our friends and enemies on free trade. Some of the most protectionist countries are our close allies. In fact, we need this kind of trade promotion authority if we are going to open those markets, many of them with European countries that today freely trade between each other and, in fact, are limiting our products.

So, Mr. Speaker, I strongly rise in support of this rule and of the underlying language. I ask for my Democrat colleagues to please go beyond the 22 and vote this up.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I guess what my colleagues are saying is trade, yes; House precedents, no.

Mr. Speaker, I yield 1 minute to my good friend, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding time to me.

I wish to say that this Republican-led Congress is trying to enlarge NAFTA to all the countries of Latin America and to do so not by regular order but by this outrageous tourniquet rule, because the rule basically locks in the deals of the powerful few against the workers of this country and, indeed, our hemisphere. We have seen it before.

The leadership knows it cannot win it on the merits, on the up and up, so they intimidate Members, or they produce a rule like this that even the authors cannot fully understand. But we know what it does is it will tie the hands of our conferees so they cannot deal with the needs of displaced workers, and they cannot extend health benefits to them.

It reminds me of how the GATT vote was passed. When they could not pass it, they figured out, let us do it in a lame duck session after 2 a.m. in the morning when nobody will know what happens anyway. The American people will not pay attention.

Mr. Speaker, the American people are paying attention. When they cannot win on the merits, they rig the rules.

I say to my colleagues, vote no on this rule. Do not vote for any more NAFTAs.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to my good friend, the distinguished gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I rise today in opposition to this rule, which would try to silence the voices on both sides of the aisle who oppose this fast track legislation.

Mr. Speaker, this rule, as well as the whole fast track procedure, takes Congress out of the equation, takes Congress out of the debate and, by doing so, also takes the American people out of the debate. Fast track is nothing more than a silent auction, a silent auction of American jobs, so I am not surprised that the Republican leadership wants this rule. This is not something that they would do in the light of day and with open and honest debate.

There was an interesting story in the Washington Post last week where the companies that actually went down to Mexico and ran out on the United States are now leaving Mexico and the maquilladoras for Asian countries because the Mexican workers have had the audacity to ask for $5 an hour in wages.

This is a race to the bottom. This should not happen. We should be protecting American jobs.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, first of all, I would say to the gentleman from New York (Mr. REYNOLDS), 161 Democrats voted for the fast track bill. Do not stand up here and say the issue is whether one is for or against free trade. That is nonsense.

Mr. Speaker, also nonsense is this argument about the Senate stripping House language using an Andean bill. That is pure hokum. What the Senate did was to take the Andean bill that passed here and put other trade bills in it, including their Andean bill.

So Members do not need this bill. The subjects are on the table for the conference. They are trying to load the deck. That is what they are trying to do. They are trying to do it by a rule that has 191 pages and adding DeMint, which might be the only subject that could not be brought in the conference. That is what they are doing here. Be honest, they are trying to load the deck as they enter conference, and they should not be handling serious trade matters in this way.

For that reason, because we see through the smoke screen, Members should vote no on this bill.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect and admiration for the gentleman from Michigan, but, for the life of me, I cannot understand why the minority must not have the confidence in the Senate conferees. They must not trust their ability to negotiate, the integrity of the Senate language.

But what I find most perplexing is how the minority, with a clear conscience, would want to send our own conferees into conference with no position, because what is there are the Senate provisions in the conference. I have read the report under our rule that was the opinion of CRS that clearly talks about definitions of that position.

It is important for us to reflect on the fact that the chairman of the Committee on Ways and Means, in seeing that, clearly brought to this House, which we will have a vote on in a moment, but to the Committee on Rules the fact that we were not on a level playing field, and that was not right. It was not right for this House, and it is not right for the debate that needs to happen in that conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask the gentleman from New York to look at me: this side of my mouth, that side of my mouth. You are talking out of both sides of your mouth. What you are saying is that, on the one hand, you have 160 pages that you passed; and then you say we have no position. You cannot have it both ways.

MOTION TO ADJOURN

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LaHood). The question is on the motion to adjourn offered by the gentleman from Florida (Mr. Hastings).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 40, nays 384, not voting 10, as follows:

[Roll No. 263]

YEAS—40

Berry
Bishop
Boucher
Brown (FL)
Capuano
Carson (IN)
Clay
Conyers
DeFazio
Dingell
Doggett
Evans
Farr
Filner
Gonzalez
Hastings (FL)
Hoekstra
Honda
Hoyer
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Lynch
McDermott
McGovern
Meek (FL)
Mink
Obey
Olver
Pelosi
Sanders
Sandlin
Stupak
Taylor (MS)
Thompson (MS)
Towns
Velázquez
Waters
Wynn

NAYS—384

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—10

Delahunt
Jefferson
LaFalce
Nussle
Owens
Pastor
Roukema
Smith (MI)
Stark
Traficant

□ 1613

Mrs. JO ANN DAVIS of Virginia, Mrs. JOHNSON of Connecticut, Ms. RIVERS, Mr. HILLEARY and Mr. PICKERING changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

RELATING TO CONSIDERATION OF SENATE AMENDMENT TO H.R. 3009, ANDEAN TRADE PROMOTION AND DRUG ERADICATION ACT

The SPEAKER pro tempore (Mr. LaHood). The gentleman from New York (Mr. Reynolds) has 10½ minutes remaining, and the gentleman from Florida (Mr. Hastings) has 4 minutes remaining.

□ 1615

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time and ask the gentleman, because of the imbalance of time, if he would proceed with some of his speakers. We have but two speakers remaining.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, for the gentleman who is managing the minority side of the rule, I intend to have him speak. I then intend to have the Chairman of the Committee on Rules close. There will be no further speakers other than I as the manager of the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentlewoman from California (Ms. Pelosi), my good friend, the Democratic whip.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time and for his brilliant arguments against this outrageous rule, which I rise not only to oppose but to implore my colleagues on both sides of the aisle to disassociate themselves from.

This is not a rule proposed by the Grand Old Party. This is not about Republicans in our country. This rule is outrageous. It is a rule that limits freedom in this, the people's House.

Every child in school learns how laws are made. They visit here, this temple of democracy, and yet what is happening here today is to shred that book.

American people think of this as the people's House, where issues and policies are debated, a marketplace of ideas. They do not think of it as a place of bait and switch. This House voted on a bill; I opposed it. It won by one vote, but it would be the House's bill to go to conference.

Because the majority did not like how the other body treated this same legislation on trade promotion, they decided that they would usurp the power of this House and give that power to one person to go to the Committee on Rules and have over 50 pages of changes on a 191-page rule, that by passing the rule my colleagues are deeming those provisions passed, provisions that have never been debated and considered in this House. We might as well tear up the book on how a bill is passed in terms of process, in terms of precedent, in terms of policy.

This is a very dark day for the House of Representatives. We had all hoped, many of us, that the bill would come back in the form we could have a great amount of support for, to give the President trade promotion authority. Instead of doing that, the chairman of the Committee on Ways and Means has made matters worse with this outrageous procedure and this outrageous bill.

We are the model of democracy to the world, to the world. The world is watching what we do here. Young children study what we do here; and instead of being an example, we are a place where today freedom and democratic debate are being greatly diminished.

It is no wonder the gentleman from New York has no speakers on this rule. It is no wonder that in the course of the debate many people spoke up to defend the minority position and only two people could speak in favor of this rule. It is an embarrassment to this House, and it should be an embarrassment to the Republican party.

Why do we not want to have this debate in the light of day instead of just by stealth into the Committee on Rules and on to this floor? Because this is a disgrace and a disservice, a disservice to American workers. It deprives them of the debate on their health benefits, on workers' rights.

We can come together in a bipartisan way. I implore my colleagues to reject this outrageous rule. Vote no.

Mr. REYNOLDS. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that a colloquy between the gentleman from Mississippi (Mr. PICKERING) and myself be made a part of the RECORD.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rules, that cannot be done by unanimous consent.

Mr. REYNOLDS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) has 10½ minutes remaining. The gentleman from Florida (Mr. HASTINGS) has 1 minute remaining.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield the remaining time of the minority to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, my good friend.

Mr. RANGEL. Mr. Speaker, there is a way to get out of this dilemma in an attempt to restore some degree of bipartisanship to a trade bill. This is what we enjoyed when we were dealing with the Caribbean Basin Initiative, with China, with the African Growth and Opportunity bill. We worked out our differences; and even though we disagreed, we were not disagreeable.

The problem that we have here is not one of substance. We have one that the integrity of the House of Representatives is on, and I am saying that history will not treat us kindly if, for the first time in over 200 years of the House of Representatives, we attempt to take substantive legislation and have the Committee on Rules roll it up into a rule and to have us vote on it.

True, the Chairman of the Committee on Ways and Means will tell my colleagues that 80 percent of this has already been passed one way or the other by the House, but what about the 20 percent? When does the 20 percent become 30 percent or 40 percent? This did happen once before, and that is when the House was closed down. There was no way to communicate with the Senate, and we did use the Committee on Rules in order to legislate.

But I ask my colleagues to vote down the rule. Let us do it the right way.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. PICKERING) for the purposes of entertaining a colloquy.

Mr. PICKERING. Mr. Speaker, I would like to inquire about the impact of the hybrid cutting provision with respect to CBI that is contained in the amendment. As my colleagues know, the amendment contains language requiring that apparel made of U.S. knit or woven fabric assembled in the CBI qualifies for benefits only if the U.S. knit or woven fabric is dyed and finished in the United States. The hybrid cutting provision allows benefits under CBI if apparel is made of components cut in the United States and in the CBI of fabric wholly formed in the United States from yarns wholly formed in the United States.

Is it my colleague's understanding that the dyeing and finishing requirements for U.S. fabric contained in the amendment also apply to the hybrid cutting provision?

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. PICKERING. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I tell the gentleman from Mississippi, the answer is an unequivocal yes.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

While the rest of the world speeds ahead when it comes to free trade, the United States desperately needs to get back on track. Trade promotion authority is the most effective way to accomplish that, and this rule simply allows the process to move forward so we can get one step closer to retaining and regaining America's global trade preeminence.

I ask my colleagues to join me in freeing the hands of our conferees and not restrict our ability to negotiate before they even get to the table. That is why I have urged a yes for this resolution; and when the end of the day comes for a vote in moments, it is going to come down to either my colleagues supported free trade and they have sent that message back to their district and across America or they rejected it. That is what this comes down to, an up or down, yes or no, free trade or no. My colleagues are not going to continue it.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), who is the Chairman of the Committee on Rules and an expert on trade.

Mr. DREIER. Mr. Speaker, I would like to begin by congratulating the gentleman from New York (Mr. REYNOLDS) for his fine management of this rule. I have had the honor of participating in and witnessing some of the greatest debates that have taken place in the greatest deliberative body known to man, the United States Congress.

The very best, the very best that I can say about this debate that we have gone through today is that it has been interesting. It has not been a great debate because my colleagues on the other side of the aisle who love to stand up and talk about their strong support of free trade and their desire to open up new markets have said we are for giving the President this authority but not this measure.

Now as we have listened to the debate that has come from the other side of the aisle, I have heard people say this is a violation of article 1, section 8 of the Constitution. I have heard this described as a self-executing rule. I have heard all kinds of mischaracterization of what it is that we have done here.

I never said that it was unprecedented. We went back and looked at the record. I said it was unusual. I think what was done in the United States Senate was unprecedented, and that is why we have responded with an unusual procedure here.

We are trying to strengthen the hands of our negotiators so that the prerogatives of this institution, the people's House, the body which my friend the gentleman from Illinois (Mr. CRANE) referred to this morning in a meeting as the most important of our Federal branches of government, the people's House, our prerogatives need to be recognized.

We are not passing laws here. This is nothing more than a motion to go to conference, and in 1996 a similar procedure was followed, and we regularly followed the procedure of passing motions to go to conference.

I will admit that there is quite a bit attached to this, but when we saw the United States Senate do what it did, we had little choice other than take the action that we are taking today.

As we look at the challenges, as we look at the challenges that we have before us, we all know that this economy is facing real difficulty. We know that 95 percent of the world's consumers are outside of our border, and we know that unless we do what we can to open up those markets we are not going to have the opportunity to create jobs for the American worker.

As I listened to my colleagues again mischaracterize the North American Free Trade Agreement, talking about its failure, we have seen a doubling of trade between the United States and Mexico since its passage. We have seen the middle-class population in Mexico grow to be larger than the entire Canadian population.

□ 1630

It has been a win-win.

And it is true, we want to expand the North American Free Trade Agreement to a free trade area, the Americas. A lot of us here, Mr. Speaker, are interested in seeing the technology sector of our economy improve. We faced a real downturn there, and it has hurt our overall economy because so much of the GDP growth in the past several years has come from that sector of the economy.

Let us look at what a free trade area, the Americas, would bring us. There are about 12 million computers south of the border, but 500 million people. We need to do what we can to open up those markets.

The Andean Trade Preference Act is designed to help wean those in the Andean nations off of the crops of drugs, and so what we need to do is realize that ATPA is very important in dealing with that battle that we face today.

So while many people can make all of these arguments procedurally against this, which really do not stand the test of what we are doing here at all, I believe that if my colleagues are for increased economic growth here in the United States of America, if they are for realizing that this is a bicameral legislature and we have the prerogatives of the House that need to be followed, and if they are committed to doing everything that we possibly can to make sure that the United States of America, at this time of war, plays its proper role as the paramount global leader, they will vote in support of this rule, because it is the right thing to do.

Mr. REYNOLDS. Mr. Speaker, is there any further time on the minority side?

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentleman from Florida has expired.

Mr. BLUMENAUER. Mr. Speaker, I urge my colleagues to defeat this Self-Executing Rule governing the house conferees on trade promotion authority, because it sets a terrible precedent. It could well be the worst abuse of the legislative process since the Republican party took control of the House in 1994. Newt Gingrich would have howled in outrage if the previous Democratic majority has attempted such a maneuver; and it would have been appropriate outrage.

It is shameful to treat this body in such a fashion—tying the hands of House conferees, adding new provisions without any opportunity of fairly debate their merits. This behavior abuses the American people as well as this House. It will come back to haunt the Republican majority.

I support free trade because it strengthens the economy of my city and state and the country as a whole. I have been unable to support the Administration and House leadership position because they have ignored legimate environmental and labor concerns.

Now this rule would further damage the cause of trade by committing this House to reject improvements in Trade Adjustment Assistance that were made by the Senate.

There are dislocations that occur as our economy changes in response to new markets and new imports. Some workers are hurt in that process, and Trade Adjustment Assistance is critical to ensuring that we move as quickly and painlessly as possible to extend the benefits of trade to all American families.

The provisions of this rule reject in advance important improvements in TAA that the Senate made and that must be part our trade agenda:

Health Care for workers unemployed due to trade dislocations. This Substitute unilaterally rolls back the health care benefits contained in the Senate bill—and puts in their place a reduced level of support that is harder to obtain because of a means-testing requirement.

Job training and relocation assistance: The Senate bill doubles this funding (to $300 million), reflecting the fact that TAA chronically runs out of money early in the year. So far this year, 12 states—including Oregon—have already ran out of TAA money. This proposed rule would strip this money, forcing continued funding shortfalls for TAA.

This is a critical issue for my State. Currently, more than 600 Oregon workers have been certified by the Department of Labor as being eligible for Trade Adjustment Assistance (TAA) or NAFTA benefits but are not receiving those benefits due to a lack of resources. Trade assistance petitions are pending for 35 companies, and additional layoffs are expected from several companies that have previously been certified as eligible for assistance. However, the state of Oregon received only 25 percent of the amount it requested under the trade program. As a result, the state exhausted its funds at the end of April, and has been unable to grant any more requests for assistance. Already 200 laid-off Oregonians are on the waiting list for job training and relocation assistance, with hundreds more expected to apply in the fall.

Were we to approve this motion we would send exactly the wrong message to the people of my state and the rest of America: that trade is about creating winners and losers, and the losers are on their own.

Mr. ACEVEDO-VILÁ. Mr. Speaker, As the House moves toward conference on the trade package, I want to bring to the attention of my colleagues a report from the International Trade Commission (ITC) on the impacts of tariff modifications for tuna imported from Andrean beneficiaries.

The results of this analysis are quite clear, and they support what I and my good friend from American Samoa have been saying all along—that the proposed duty free treatment of tuna contained in the House passed bill will create only a limited amount of jobs in Ecuador, but the effect on workers in the domestic fishing and processing industry will be severe. Thousands of jobs in American Samoa, California, and Puerto Rico are at stake. All for a few hundred jobs in Ecuador at 77 cents an hour.

While I support the intent of the Andean Trade Preference Act (ATPA), exempting tuna will not provide intended benefits to Ecuadorian workers. Instead, it will help a multinational corporation increase its profit margin at the cost of thousands of American jobs.

I ask the conferees to consider the limited benefits of the proposed tariff modifications on the workers in Ecuador and compare them with the harsh reality of significant job loss for American workers. Consider the strong warnings of Senators against undermining our relationship with ASEAN countries such as the Philippines, a close and important ally in our war against terror.

The current duty structure on tuna over the past decade has created tremendous growth in the Andean tuna industry. For example, over the past ten years the number of tuna factories as increased 229%, production capacity has increased 400% and exports to the U.S. have increased 567%. Clearly the current tariff structure for tuna has been a huge success for the Andean region.

I have been working with Bumble Bee Seafoods to ensure continued operations in Mayaguez, Puerto Rico. Based on close cooperation between the Puerto Rican government and Bumble Bee Seafoods, Bumble Bee now anticipates that it will be able to maintain a workforce in excess of 500 people. This is higher than the 300 originally anticipated and ensures that the tuna industry will continue to be an important part of the Puerto Rican industrial sector. The key risk to the continuation and growth of the industry in Puerto Rico and elsewhere in the United States is the tariff modifications being considered under APTA. Changes to the existing tariff structure, under which significant industry growth has been realized in Ecuador, will have an immediate and lasting impact on tuna industry employment not only in Puerto Rico but also in California and American Samoa.

The conferees on this important package should consider the impact tariff modifications will have on workers and fisherman in Puerto Rico, California, and American Samoa. The potential benefits for Ecuador simply do not justify the significant costs that will be brought to bear on the domestic processing and fishing industry. The current tariff structure has resulted in tremendous growth for Ecuador in this industry.

With the above stated reasons in mind, I respectfully ask the conferees to strike tuna from the list of items for duty free treatment under the ATPA.

In regards to rum, Congress and past Administrations have repeatedly recognized that rum is a product of unique and critical importance to Puerto Rico and neighboring island jurisdictions that benefit from the Caribbean Basin initiative ("CBI"). The current duty structure for rum is the result of a compromise reached in 1997 among the United States, the European Union and Caribbean governments and producers. This compromise balanced the phase-out of tariffs for higher-value rum with the maintenance of essential duties on low-value rum. Congress and the Administration should continue this wise policy. I ask that conferees assure that rum continues to be excluded from duty-free treatment under the ATPDEA and that low-value rum is not part of future tariff negotiations in the context of the Free Trade Area of the Americas ("FTAA").

Finally and, perhaps most importantly, there is a compelling economic case for retaining current duties on low-value rum. Economic analysis on the probable economic effects of eliminating rum tariffs reaches a stark conclusion—that the grant of duty-free treatment for low-value rum would enable Brazil, Colombia and other regional producers to use their many natural resource advantages and massive excess production capacity to displace Caribbean producers of low-value rum and thereby destroy this important Caribbean industry. This is precisely the same finding that Congress made in 1991 when it added the current rum exclusion to the ATPA and argues strongly for maintaining the current tariff structure for rum.

I respectfully ask that Conferees take these concerns into account and support the House position on the treatment of low-valued rum under ATPA. Congress must not allow these trade initiatives to undermine carefully considered and longstanding U.S. policy in support of tariff protections for low-value rum produced in Puerto Rico and elsewhere in the Caribbean.

Mr. REYNOLDS. Mr. Speaker, I urge a "yes" vote on the resolution, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 450 will be followed by 5-minute votes on motions to suspend the rules on H.R. 3764 and on H.R. 3180; and perhaps on H. Con. Res. 424 and H.R. 3034.

The vote was taken by electronic device, and there were—yeas 216, nays 215, answered "present" 1, not voting 3, as follows:

[Roll No. 264]

YEAS—216

Aderholt
Akin
Armey
Bachus
Baker
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Carson (OK)
Castle
Chabot
Chambliss
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—215

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evars
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Goode
Gordon
Graham
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayes
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (SC)
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Paul

NOT VOTING—3

Roukema
Smith (MI)
Traficant

□ 1657

Mr. GIBBONS changed his vote from "nay" to " yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 450, the House concurs in the Senate amendment to H.R. 3009 with an amendment, insists on the House amendment to the Senate amendment, and requests a conference with the Senate thereon.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Act of 2002".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 4 divisions as follows:

(1) DIVISION A.—Trade Adjustment Assistance.

(2) DIVISION B.—Bipartisan Trade Promotion Authority.

(3) DIVISION C.—Andean Trade Preference Act.

(4) DIVISION D.—Extension of Certain Preferential Trade Treatment and Other Provisions.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—TRADE ADJUSTMENT ASSISTANCE

Sec. 101. Short title.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 111. Adjustment assistance for workers.
Sec. 112. Displaced worker self-employment training pilot program.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Sec. 201. Reauthorization of program.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Sec. 301. Purpose.
Sec. 302. Trade adjustment assistance for communities.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 401. Trade adjustment assistance for farmers.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

Sec. 501. Trade adjustment assistance for fishermen.

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

Sec. 601. Trade adjustment assistance health insurance credit.
Sec. 602. Advance payment of trade adjustment assistance health insurance credit.
Sec. 603. Health insurance coverage for eligible individuals.

TITLE VII—CONFORMING AMENDMENTS AND EFFECTIVE DATE

Sec. 701. Conforming amendments.

TITLE VIII—SAVINGS PROVISIONS AND EFFECTIVE DATE

Sec. 801. Savings provisions.
Sec. 802. Effective date.

TITLE IX—REVENUE PROVISIONS

Sec. 901. Custom user fees.

TITLE X—MISCELLANEOUS PROVISIONS

Sec. 1001. Country of origin labeling of fish and shellfish products.
Sec. 1002. Sugar policy.

TITLE XI—CUSTOMS REAUTHORIZATION

Sec. 1101. Short title.

Subtitle A—United States Customs Service

CHAPTER 1—DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL AND COMMERCIAL OPERATIONS

Sec. 1111. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 1112. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 1113. Compliance with performance plan requirements.

CHAPTER 2—CHILD CYBER-SMUGGLING CENTER OF THE CUSTOMS SERVICE

Sec. 1121. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Sec. 1131. Additional Customs Service officers for United States-Canada border.
Sec. 1132. Study and report relating to personnel practices of the Customs Service.
Sec. 1133. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 1134. Establishment and implementation of cost accounting system; reports.
Sec. 1135. Study and report relating to timeliness of prospective rulings.
Sec. 1136. Study and report relating to customs user fees.
Sec. 1137. Authorization of appropriations for Customs staffing.

CHAPTER 4—ANTITERRORISM PROVISIONS

Sec. 1141. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
Sec. 1142. Mandatory advanced electronic information for cargo and passengers.
Sec. 1143. Border search authority for certain contraband in outbound mail.
Sec. 1144. Authorization of appropriations for reestablishment of Customs operations in New York City.

CHAPTER 5—TEXTILE TRANSSHIPMENT PROVISIONS

Sec. 1151. GAO audit of textile transshipment monitoring by Customs Service.
Sec. 1152. Authorization of appropriations for textile transshipment enforcement operations.
Sec. 1153. Implementation of the African Growth and Opportunity Act.

Subtitle B—Office of the United States Trade Representative

Sec. 1161. Authorization of appropriations.

Subtitle C—United States International Trade Commission

Sec. 1171. Authorization of appropriations.

Subtitle D—Other Trade Provisions

Sec. 1181. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 1182. Regulatory audit procedures.

Subtitle E—Sense of Senate

Sec. 1191. Sense of Senate.

DIVISION B—BIPARTISAN TRADE PROMOTION AUTHORITY

TITLE XXI—TRADE PROMOTION AUTHORITY

Sec. 2101. Short title; findings.
Sec. 2102. Trade negotiating objectives.
Sec. 2103. Trade agreements authority.
Sec. 2104. Consultations and assessment.
Sec. 2105. Implementation of trade agreements.
Sec. 2106. Treatment of certain trade agreements for which negotiations have already begun.
Sec. 2107. Congressional Oversight Group.
Sec. 2108. Additional implementation and enforcement requirements.
Sec. 2109. Committee staff.
Sec. 2110. Conforming amendments.
Sec. 2111. Report on impact of trade promotion authority.
Sec. 2112. Identification of small business advocate at WTO.
Sec. 2113. Definitions.

DIVISION C—ANDEAN TRADE PREFERENCE ACT

TITLE XXXI—ANDEAN TRADE PREFERENCE

Sec. 3101. Short title; findings.
Sec. 3102. Temporary provisions.
Sec. 3103. Termination.

TITLE XXXII—MISCELLANEOUS TRADE BENEFITS

Sec. 3201. Wool provisions.
Sec. 3202. Duty suspension on wool.
Sec. 3203. Ceiling fans.
Sec. 3204. Certain steam or other vapor generating boilers used in nuclear facilities.

DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND OTHER PROVISIONS

TITLE XLI—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

Sec. 4101. Generalized system of preferences.
Sec. 4102. Amendments to generalized system of preferences.

TITLE XLII—OTHER PROVISIONS

Sec. 4201. Transparency in NAFTA tribunals.
Sec. 4202. Expression of solidarity with Israel in its fight against terrorism.
Sec. 4203. Limitation on use of certain revenue.
Sec. 4204. Sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002.
Sec. 4205. No appropriations.

DIVISION A—TRADE ADJUSTMENT ASSISTANCE

SEC. 101. SHORT TITLE.

This division may be cited as the "Trade Adjustment Assistance Reform Act of 2002".

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 111. ADJUSTMENT ASSISTANCE FOR WORKERS.

Chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) is amended to read as follows:

"CHAPTER 2—ADJUSTMENT ASSISTANCE FOR WORKERS

"Subchapter A—General Provisions

"SEC. 221. DEFINITIONS.

"In this chapter:

"(1) ADDITIONAL COMPENSATION.—The term 'additional compensation' has the meaning given that term in section 205(3) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(2) ADVERSELY AFFECTED EMPLOYMENT.—The term 'adversely affected employment' means employment in a firm or appropriate subdivision of

a firm, if workers of that firm or subdivision are eligible to apply for adjustment assistance under this chapter.

"(3) ADVERSELY AFFECTED WORKER.—

"(A) IN GENERAL.—The term 'adversely affected worker' means a worker who is a member of a group of workers certified by the Secretary under section 231(a)(1) as eligible for trade adjustment assistance.

"(B) ADVERSELY AFFECTED SECONDARY WORKER.—The term 'adversely affected worker' includes an adversely affected secondary worker who is a member of a group of workers employed at a downstream producer or a supplier, that is certified by the Secretary under section 231(a)(2) as eligible for trade adjustment assistance.

"(4) AVERAGE WEEKLY HOURS.—The term 'average weekly hours' means the average hours worked by a worker (excluding overtime) in the employment from which the worker has been or claims to have been separated in the 52 weeks (excluding weeks during which the worker was on leave for purposes of vacation, sickness, maternity, military service, or any other employer-authorized leave) preceding the week specified in paragraph (5)(B)(ii).

"(5) AVERAGE WEEKLY WAGE.—

"(A) IN GENERAL.—The term 'average weekly wage' means $^1/_{13}$ of the total wages paid to an individual in the high quarter.

"(B) DEFINITIONS.—For purposes of computing the average weekly wage—

"(i) the term 'high quarter' means the quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately preceding the quarter in which occurs the week with respect to which the computation is made; and

"(ii) the term 'week' means the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

"(6) BENEFIT PERIOD.—The term 'benefit period' means, with respect to an individual, the following:

"(A) STATE LAW.—The benefit year and any ensuing period, as determined under applicable State law, during which the individual is eligible for regular compensation, additional compensation, or extended compensation.

"(B) FEDERAL LAW.—The equivalent to the benefit year or ensuing period provided for under the applicable Federal unemployment insurance law.

"(7) BENEFIT YEAR.—The term 'benefit year' has the same meaning given that term in the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(8) CONTRIBUTED IMPORTANTLY.—The term 'contributed importantly' means a cause that is important but not necessarily more important than any other cause.

"(9) COOPERATING STATE.—The term 'cooperating State' means any State that has entered into an agreement with the Secretary under section 222.

"(10) CUSTOMIZED TRAINING.—The term 'customized training' means training that is designed to meet the special requirements of an employer (including a group of employers) and that is conducted with a commitment by the employer to employ an individual on successful completion of the training.

"(11) DOWNSTREAM PRODUCER.—The term 'downstream producer' means a firm that performs additional, value-added production processes for a firm or subdivision, including a firm that performs final assembly or finishing, directly for another firm (or subdivision), for articles that were the basis for a certification of eligibility under section 231(a)(1) of a group of workers employed by such other firm, if the certification of eligibility under section 231(a)(1) is based on an increase in imports from, or a shift in production to, Canada or Mexico.

"(12) EXTENDED COMPENSATION.—The term 'extended compensation' has the meaning given that term in section 205(4) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(13) JOB FINDING CLUB.—The term 'job finding club' means a job search workshop which includes a period of structured, supervised activity in which participants attempt to obtain jobs.

"(14) JOB SEARCH PROGRAM.—The term 'job search program' means a job search workshop or job finding club.

"(15) JOB SEARCH WORKSHOP.—The term 'job search workshop' means a short (1- to 3-day) seminar, covering subjects such as labor market information, résumé writing, interviewing techniques, and techniques for finding job openings, that is designed to provide participants with knowledge that will enable the participants to find jobs.

"(16) ON-THE-JOB TRAINING.—The term 'on-the-job training' has the same meaning as that term has in section 101(31) of the Workforce Investment Act.

"(17) PARTIAL SEPARATION.—A partial separation shall be considered to exist with respect to an individual if—

"(A) the individual has had a 20-percent or greater reduction in the average weekly hours worked by that individual in adversely affected employment; and

"(B) the individual has had a 20-percent or greater reduction in the average weekly wage of the individual with respect to adversely affected employment.

"(18) REGULAR COMPENSATION.—The term 'regular compensation' has the meaning given that term in section 205(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(19) REGULAR STATE UNEMPLOYMENT.—The term 'regular State unemployment' means unemployment insurance benefits other than an extension of unemployment insurance by a State using its own funds beyond either the 26-week period mandated by Federal law or any additional period provided for under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(20) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

"(21) STATE.—The term 'State' includes each State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(22) STATE AGENCY.—The term 'State agency' means the agency of the State that administers the State law.

"(23) STATE LAW.—The term 'State law' means the unemployment insurance law of the State approved by the Secretary under section 3304 of the Internal Revenue Code of 1986.

"(24) SUPPLIER.—The term 'supplier' means a firm that produces and supplies directly to another firm (or subdivision) component parts for articles that were the basis for a certification of eligibility under section 231(a)(1) of a group of workers employed by such other firm

"(25) TOTAL SEPARATION.—The term 'total separation' means the layoff or severance of an individual from employment with a firm in which or in a subdivision of which, adversely affected employment exists.

"(26) UNEMPLOYMENT INSURANCE.—The term 'unemployment insurance' means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including chapter 85 of title 5, United States Code, and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

"(27) WEEK.—Except as provided in paragraph 5(B)(ii), the term 'week' means a week as defined in the applicable State law.

"(28) WEEK OF UNEMPLOYMENT.—The term 'week of unemployment' means a week of total, part-total, or partial unemployment as determined under the applicable State law or Federal unemployment insurance law.

"SEC. 222. AGREEMENTS WITH STATES.

"(a) IN GENERAL.—The Secretary is authorized on behalf of the United States to enter into an agreement with any State or with any State agency (referred to in this chapter as 'cooperating State' and 'cooperating State agency', respectively) to facilitate the provision of services under this chapter.

"(b) PROVISIONS OF AGREEMENTS.—Under an agreement entered into under subsection (a)—

"(1) the cooperating State agency as an agent of the United States shall—

"(A) facilitate the early filing of petitions under section 231(b) for any group of workers that the State considers is likely to be eligible for benefits under this chapter;

"(B) assist the Secretary in the review of any petition submitted from that State by verifying the information and providing other assistance as the Secretary may request;

"(C) advise each worker who applies for unemployment insurance of the available benefits under this chapter and the procedures and deadlines for applying for those benefits and of the worker's potential eligibility for assistance with health care coverage through the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986 or under funds made available to the State to carry out section 173(f) of the Workforce Investment Act of 1998;

"(D) receive applications for services under this chapter;

"(E) provide payments on the basis provided for in this chapter;

"(F) advise each adversely affected worker to apply for training under section 240, and of the deadlines for benefits related to enrollment in training under this chapter;

"(G) ensure that the State employees with responsibility for carrying out an agreement entered into under subsection (a)—

"(i) inform adversely affected workers covered by a certification issued under section 231(c) of the workers' (and individual member's of the worker's family) potential eligibility for—

"(I) medical assistance under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.);

"(II) child health assistance under the State children's health insurance program established under title XXI of that Act (42 U.S.C. 1397aa et seq.);

"(III) child care services for which assistance is provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

"(IV) the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986 and health care coverage assistance under funds made available to the State to carry out section 173(f) of the Workforce Investment Act of 1998; and

"(V) other Federal- and State-funded health care, child care, transportation, and assistance programs for which the workers may be eligible; and

"(ii) provide such workers with information regarding how to apply for such assistance, services, and programs, including notification that the election period for COBRA continuation may be extended for certain workers under section 603 of the Trade Adjustment Assistance Reform Act of 2002;

"(H) provide adversely affected workers referral to training services approved under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and any other appropriate Federal or State program designed to assist dislocated *workers or unemployed individuals, consistent with the requirements of subsection (b)(2);*

"(I) collect and transmit to the Secretary any data as the Secretary shall reasonably require to assist the Secretary in assuring the effective and efficient performance of the programs carried out under this chapter; and

"(J) otherwise actively cooperate with the Secretary and with other Federal and State agencies in providing payments and services under this chapter, including participation in the performance measurement system established by the Secretary under section 224.

"(2) the cooperating State shall—

"(A) arrange for the provision of services under this chapter through the one-stop delivery system established in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) where available;

"(B) provide to adversely affected workers statewide rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)) in the same manner and to the same extent as any other worker eligible for those activities;

"(C) afford adversely affected workers the services provided under section 134(d) of the Workforce Investment Act of 1998 (29 U.S.C. 92864(d)) in the same manner and to the same extent as any other worker eligible for those services; and

"(D) provide training services under this chapter using training providers approved under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) which may include community colleges, and other effective providers of training services.

"(c) OTHER PROVISIONS.—

"(1) APPROVAL OF TRAINING PROVIDERS.—The Secretary shall ensure that the training services provided by cooperating States are provided by organizations approved by the Secretary to effectively assist workers eligible for assistance under this chapter.

"(2) AMENDMENT, SUSPENSION, OR TERMINATION OF AGREEMENTS.—Each agreement entered into under this section shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

"(3) EFFECT ON UNEMPLOYMENT INSURANCE.—Each agreement entered into under this section shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to payments under this chapter.

"(4) COORDINATION OF WORKFORCE INVESTMENT ACTIVITIES.—In order to promote the coordination of Workforce Investment Act activities in each State with activities carried out under this chapter, each agreement entered into under this section shall provide that the State shall submit to the Secretary, in such form as the Secretary may require, the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b) (8) and (14)).

"(d) REVIEW OF STATE DETERMINATIONS.—

"(1) IN GENERAL.—A determination by a cooperating State regarding entitlement to program benefits under this chapter is subject to review in the same manner and to the same extent as determinations under the applicable State law.

"(2) APPEAL.—A review undertaken by a cooperating State under paragraph (1) may be appealed to the Secretary pursuant to such regulations as the Secretary may prescribe.

"SEC. 223. ADMINISTRATION ABSENT STATE AGREEMENT.

"(a) IN GENERAL.—In any State in which there is no agreement in force under section 222, the Secretary shall arrange, under regulations prescribed by the Secretary, for the performance of all necessary functions under this chapter, including providing a hearing for any worker whose application for payment is denied.

"(b) FINALITY OF DETERMINATION.—A final determination under subsection (a) regarding entitlement to program benefits under this chapter is subject to review by the courts in the same manner and to the same extent as is provided by section 205(g) of the Social Security Act (42 U.S.C. 405(g)).

"SEC. 224. DATA COLLECTION; EVALUATIONS; REPORTS.

"(a) DATA COLLECTION.—The Secretary shall, pursuant to regulations prescribed by the Secretary, collect any data necessary to meet the requirements of this chapter.

"(b) PERFORMANCE EVALUATIONS.—The Secretary shall establish an effective performance measuring system to evaluate the following:

"(1) PROGRAM PERFORMANCE.—

"(A) speed of petition processing;

"(B) quality of petition processing;

"(C) cost of training programs;

"(D) coordination of programs under this title with programs under the Workforce Investment Act (29 U.S.C. 2801 et seq.);

"(E) length of time participants take to enter and complete training programs;

"(F) the effectiveness of individual contractors in providing appropriate retraining information;

"(G) the effectiveness of individual approved training programs in helping workers obtain employment;

"(H) best practices related to the provision of benefits and retraining; and

"(I) other data to evaluate how individual States are implementing the requirements of this title.

"(2) PARTICIPANT OUTCOMES.—

"(A) reemployment rates;

"(B) types of jobs in which displaced workers have been placed;

"(C) wage and benefit maintenance results;

"(D) training completion rates; and

"(E) other data to evaluate how effective programs under this chapter are for participants, taking into consideration current economic conditions in the State.

"(3) PROGRAM PARTICIPATION DATA.—

"(A) the number of workers receiving benefits and the type of benefits being received;

"(B) the number of workers enrolled in, and the duration of, training by major types of training;

"(C) earnings history of workers that reflects wages before separation and wages in any job obtained after receiving benefits under this Act;

"(D) the cause of dislocation identified in each certified petition;

"(E) the number of petitions filed and workers certified in each United States congressional district; and

"(F) the number of workers who received waivers under each category identified in section 235(c)(1) and the average duration of such waivers.

"(c) STATE PARTICIPATION.—The Secretary shall ensure, to the extent practicable, through oversight and effective internal control measures the following:

"(1) STATE PARTICIPATION.—Participation by each State in the performance measurement system established under subsection (b).

"(2) MONITORING.—Monitoring by each State of internal control measures with respect to performance measurement data collected by each State.

"(3) RESPONSE.—The quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)).

"(d) REPORTS.—

"(1) REPORTS BY THE SECRETARY.—

"(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

"(i) describes the performance measurement system established under subsection (b);

"(ii) includes analysis of data collected through the system established under subsection (b);

"(iii) includes information identifying the number of workers who received waivers under section 235(c) and the average duration of those during the preceding year;

"(iv) describes and analyzes State participation in the system;

"(v) analyzes the quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)); and

"(vi) provides recommendations for program improvements.

"(B) ANNUAL REPORT.—Not later than 1 year after the date the report is submitted under subparagraph (A), and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the information collected under clauses (ii) through (v) of subparagraph (A).

"(2) STATE REPORTS.—Pursuant to regulations prescribed by the Secretary, each State shall submit to the Secretary a report that details its participation in the programs established under this chapter, and that contains the data necessary to allow the Secretary to submit the report required under paragraph (1).

"(3) PUBLICATION.—The Secretary shall make available to each State, and other public and private organizations as determined by the Secretary, the data gathered and evaluated through the performance measurement system established under paragraph (1).

"SEC. 225. STUDY BY SECRETARY OF LABOR WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

"(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation, and the Secretary shall immediately begin a study of—

"(1) the number of workers in the domestic industry producing the like or directly competitive article who have been or are likely to be certified as eligible for adjustment assistance under this chapter; and

"(2) the extent to which the adjustment of those workers to the import competition may be facilitated through the use of existing programs.

"(b) REPORT.—

"(1) IN GENERAL.—The Secretary shall provide a report based on the study conducted under subsection (a) to the President not later than 15 days after the day on which the Commission makes its report under section 202(f).

"(2) PUBLICATION.—The Secretary shall promptly make public the report provided to the President under paragraph (1) (with the exception of information which the Secretary determines to be confidential) and shall have a summary of the report published in the Federal Register.

"SEC. 226. REPORT BY SECRETARY OF LABOR ON LIKELY IMPACT OF TRADE AGREEMENTS.

"(a) IN GENERAL.—At least 90 calendar days before the day on which the President enters into a trade agreement under section 2103(b) of the Bipartisan Trade Promotion Authority Act

of 2002, the President shall provide the Secretary with details of the agreement as it exists at that time and direct the Secretary to prepare and submit the assessment described in subsection (b). Between the time the President instructs the Secretary to prepare the assessment under this section and the time the Secretary submits the assessment to Congress, the President shall keep the Secretary current with respect to the details of the agreement.

''(b) ASSESSMENT.—Not later than 90 calendar days after the President enters into the agreement, the Secretary shall submit to the President, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, a report assessing the likely impact of the agreement on employment in the United States economy as a whole and in specific industrial sectors, including the extent of worker dislocations likely to result from implementation of the agreement. The report shall include an estimate of the financial and administrative resources necessary to provide trade adjustment assistance to all potentially adversely affected workers.

"Subchapter B—Certifications

"SEC. 231. CERTIFICATION AS ADVERSELY AFFECTED WORKERS.

''(a) ELIGIBILITY FOR CERTIFICATION.—

''(1) GENERAL RULE.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as adversely affected workers and eligible for trade adjustment assistance benefits under this chapter pursuant to a petition filed under subsection (b) if the Secretary determines that a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

''(A)(i) the sales or production, or both, of such firm or subdivision have decreased absolutely;

''(ii) the value or volume of imports of articles like or directly competitive with articles produced by that firm or subdivision have increased; and

''(iii) the increase in the value or volume of imports described in clause (ii) contributed importantly to the workers' separation or threat of separation and to the decline in the sales or production of such firm or subdivision; or

''(B) there has been a shift in production by the workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by that firm or subdivision and the shift in production contributed importantly to the workers' separation or threat of separation.

''(2) ADVERSELY AFFECTED SECONDARY WORKER.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as adversely affected and eligible for trade adjustment assistance benefits under this chapter pursuant to a petition filed under subsection (b) if the Secretary determines that—

''(A) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

''(B) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility under paragraph (1), and such supply or production is related to the article that was the basis for such certification (as defined in section 221 (11) and (24)); and

''(C) a loss of business by the workers' firm with the firm (or subdivision) described in subparagraph (B) contributed importantly to the workers' separation or threat of separation determined under subparagraph (A).

''(3) SPECIAL RULE FOR SECONDARY WORKERS.—Notwithstanding paragraph (2), the Secretary may, pursuant to standards established by the Secretary and for good cause shown, certify as eligible for trade adjustment assistance under this chapter a group of workers who meet the requirements for certification as adversely affected secondary workers in paragraph (2), except that the Secretary has not received a petition under paragraph (1) on behalf of workers at a firm to which the petitioning workers' firm is a supplier or downstream producer as defined in section 221 (11) and (24).

''(4) SPECIAL PROVISIONS.—

''(A) OIL AND NATURAL GAS PRODUCERS.—For purposes of this section, any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

''(B) OIL AND NATURAL GAS IMPORTS.—For purposes of this section, any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.

''(C) TACONITE.—For purposes of this section, taconite pellets produced in the United States shall be considered to be an article that is like or directly competitive with imports of semifinished steel slab.

''(b) PETITIONS.—

''(1) IN GENERAL.—A petition for certification of eligibility for trade adjustment assistance under this chapter for a group of adversely affected workers shall be filed simultaneously with the Secretary and with the Governor of the State in which the firm or subdivision of the firm employing the workers is located.

''(2) PERSONS WHO MAY FILE A PETITION.—A petition under paragraph (1) may be filed by any of the following:

''(A) WORKERS.—A group of workers (including workers in an agricultural firm or subdivision of any agricultural firm).

''(B) WORKER REPRESENTATIVES.—The certified or recognized union or other duly appointed representative of the workers.

''(C) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION.—Any entity to which notice of a plant closing or mass layoff must be given under section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102).

''(D) OTHER.—Employers of workers described in subparagraph (A), one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), or State employment agencies, on behalf of the workers.

''(E) REQUEST TO INITIATE CERTIFICATION.—The President, or the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives (by resolution), may petition the Secretary to initiate a certification process under this chapter to determine the eligibility for trade adjustment assistance of a group of workers.

''(3) ACTIONS BY GOVERNOR.—

''(A) COOPERATING STATE.—Upon receipt of a petition, the Governor of a cooperating State shall ensure that the requirements of the agreement entered into under section 222 are met.

''(B) OTHER STATES.—Upon receipt of a petition, the Governor of a State that has not entered into an agreement under section 222 shall coordinate closely with the Secretary to ensure that workers covered by a petition are—

''(i) provided with all available services, including rapid response activities under section 134 of the Workforce Investment Act (29 U.S.C. 2864);

''(ii) informed of the workers' (and individual member's of the worker's family) potential eligibility for—

''(I) medical assistance under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.);

''(II) child health assistance under the State children's health insurance program established under title XXI of that Act (42 U.S.C. 1397aa et seq.);

''(III) child care services for which assistance is provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

''(IV) the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986 and health care coverage assistance under funds made available to the State to carry out section 173(f) of the Workforce Investment Act of 1998; and

''(V) other Federal and State funded health care, child care, transportation, and assistance programs that the workers may be eligible for; and

''(iii) provided with information regarding how to apply for the assistance, services, and programs described in clause (ii).

''(c) ACTIONS BY SECRETARY.—

''(1) IN GENERAL.—As soon as possible after the date on which a petition is filed under subsection (b), but not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of subsection (a), and if warranted, shall issue a certification of eligibility for trade adjustment assistance pursuant to this subchapter. In making the determination, the Secretary shall consult with all petitioning entities.

''(2) PUBLICATION OF DETERMINATION.—Upon making a determination under paragraph (1), the Secretary shall promptly publish a summary of the determination in the Federal Register together with the reasons for making that determination.

''(3) DATE SPECIFIED IN CERTIFICATION.—Each certification made under this subsection shall specify the date on which the total or partial separation began or threatened to begin with respect to a group of certified workers.

''(4) PROJECTED TRAINING NEEDS.—The Secretary shall inform the State Workforce Investment Board or equivalent agency, and other public or private agencies, institutions, employers, and labor organizations, as appropriate, of each certification issued under section 231 and of projections, if available, of the need for training under section 240 as a result of that certification.

''(d) SCOPE OF CERTIFICATION.—

''(1) IN GENERAL.—A certification issued under subsection (c) shall cover adversely affected workers in any group that meets the requirements of subsection (a), whose total or partial separation occurred on or after the date on which the petition was filed under subsection (b).

''(2) WORKERS SEPARATED PRIOR TO CERTIFICATION.—A certification issued under subsection (c) shall cover adversely affected workers whose total or partial separation occurred not more than 1 year prior to the date on which the petition was filed under subsection (b).

''(e) TERMINATION OF CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary determines, with respect to any certification of eligibility, that workers separated from a firm or subdivision covered by a certification of eligibility are no longer adversely affected workers, the Secretary shall terminate the certification.

"(2) PUBLICATION OF TERMINATION.—The Secretary shall promptly publish notice of any termination made under paragraph (1) in the Federal Register together with the reasons for making that determination.

"(3) APPLICATION.—Any determination made under paragraph (1) shall apply only to total or partial separations occurring after the termination date specified by the Secretary.

"SEC. 232. BENEFIT INFORMATION TO WORKERS.

"(a) IN GENERAL.—The Secretary shall, in accordance with the provisions of section 222 or 223, as appropriate, provide prompt and full information to adversely affected workers covered by a certification issued under section 231(c), including information regarding—

"(1) benefit allowances, training, and other employment services available under this chapter;

"(2) petition and application procedures under this chapter;

"(3) appropriate filing dates for the allowances, training, and services available under this chapter; and

"(4) procedures for applying for and receiving all other Federal benefits and services available to separated workers during a period of unemployment.

"(b) ASSISTANCE TO GROUPS OF WORKERS.—

"(1) IN GENERAL.—The Secretary shall provide any necessary assistance to enable groups of workers to prepare petitions or applications for program benefits.

"(2) ASSISTANCE FROM STATES.—The Secretary shall ensure that cooperating States fully comply with the agreements entered into under section 222 and shall periodically review that compliance.

"(c) NOTICE.—

"(1) IN GENERAL.—Not later that 15 days after a certification is issued under section 231 (or as soon as practicable after separation), the Secretary shall provide written notice of the benefits available under this chapter to each worker whom the Secretary has reason to believe is covered by the certification.

"(2) PUBLICATION OF NOTICE.—The Secretary shall publish notice of the benefits available under this chapter to workers covered by each certification made under section 231 in newspapers of general circulation in the areas in which those workers reside.

"(3) NOTICE TO OTHER PARTIES AFFECTED BY THESE PROVISIONS REGARDING HEALTH ASSISTANCE.—The Secretary shall notify each provider of health insurance within the meaning of section 7527 of the Internal Revenue Code of 1986 of the availability of health care coverage assistance under title VI of the Trade Adjustment Assistance Reform Act of 2002 and of the temporary extension of the election period for COBRA continuation coverage for certain workers under section 603 of that Act.

"Subchapter C—Program Benefits

"PART I—GENERAL PROVISIONS

"SEC. 234. COMPREHENSIVE ASSISTANCE.

"Workers covered by a certification issued by the Secretary under section 231 shall be eligible for the following:

"(1) Trade adjustment allowances as described in sections 235 through 238.

"(2) Employment services as described in section 239.

"(3) Training as described in section 240.

"(4) Job search allowances as described in section 241.

"(5) Relocation allowances as described in section 242.

"(6) Supportive services and wage insurance as described in section 243.

"(7) Health care coverage assistance under title VI of the Trade Adjustment Assistance Reform Act of 2002.

"PART II—TRADE ADJUSTMENT ALLOWANCES

"SEC. 235. QUALIFYING REQUIREMENTS FOR WORKERS.

"(a) IN GENERAL.—Payment of a trade adjustment allowance shall be made to an adversely affected worker covered by a certification under section 231 who files an application for the allowance for any week of unemployment that begins more than 60 days after the date on which the petition that resulted in the certification was filed under section 231, if the following conditions are met:

"(1) TIME OF TOTAL OR PARTIAL SEPARATION FROM EMPLOYMENT.—The adversely affected worker's total or partial separation before the worker's application under this chapter occurred—

"(A) within the period specified in either section 231 (d) (1) or (2);

"(B) before the expiration of the 2-year period beginning on the date on which the certification under section 231 was issued; and

"(C) before the termination date (if any) determined pursuant to section 231(e).

"(2) EMPLOYMENT REQUIRED.—

"(A) IN GENERAL.—The adversely affected worker had, in the 52-week period ending with the week in which the total or partial separation occurred, at least 26 weeks of employment at wages of $30 or more a week with a single firm or subdivision of a firm.

"(B) UNAVAILABILITY OF DATA.—If data with respect to weeks of employment with a firm are not available, the worker had equivalent amounts of employment computed under regulations prescribed by the Secretary.

"(C) WEEK OF EMPLOYMENT.—For the purposes of this paragraph any week shall be treated as a week of employment at wages of $30 or more, if an adversely affected worker—

"(i) is on employer-authorized leave for purposes of vacation, sickness, injury, or maternity, or inactive duty training or active duty for training in the Armed Forces of the United States;

"(ii) does not work because of a disability that is compensable under a workmen's compensation law or plan of a State or the United States;

"(iii) had employment interrupted in order to serve as a full-time representative of a labor organization in that firm or subdivision; or

"(iv) is on call-up for purposes of active duty in a reserve status in the Armed Forces of the United States, provided that active duty is 'Federal service' as defined in section 8521(a)(1) of title 5, United States Code.

"(D) EXCEPTIONS.—

"(i) In the case of weeks described in clause (i) or (iii) of subparagraph (C), or both, not more than 7 weeks may be treated as weeks of employment under subparagraph (C).

"(ii) In the case of weeks described in clause (ii) or (iv) of subparagraph (C), not more than 26 weeks may be treated as weeks of employment under subparagraph (C).

"(3) UNEMPLOYMENT COMPENSATION.—The adversely affected worker meets all of the following requirements:

"(A) ENTITLEMENT TO UNEMPLOYMENT INSURANCE.—The worker was entitled to (or would be entitled to if the worker applied for) unemployment insurance for a week within the benefit period—

"(i) in which total or partial separation took place; or

"(ii) which began (or would have begun) by reason of the filing of a claim for unemployment insurance by the worker after total or partial separation.

"(B) EXHAUSTION OF UNEMPLOYMENT INSURANCE.—The worker has exhausted all rights to any regular State unemployment insurance to which the worker was entitled (or would be entitled if the worker had applied for any regular State unemployment insurance).

"(C) NO UNEXPIRED WAITING PERIOD.—The worker does not have an unexpired waiting period applicable to the worker for any unemployment insurance.

"(4) EXTENDED UNEMPLOYMENT COMPENSATION.—The adversely affected worker, with respect to a week of unemployment, would not be disqualified for extended compensation payable under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) by reason of the work acceptance and job search requirements in section 202(a)(3) of that Act.

"(5) TRAINING.—The adversely affected worker is enrolled in a training program approved by the Secretary under section 240(a), and the enrollment occurred not later than the latest of the periods described in subparagraph (A), (B), or (C).

"(A) 16 WEEKS.—The worker enrolled not later than the last day of the 16th week after the worker's most recent total separation that meets the requirements of paragraphs (1) and (2).

"(B) 8 WEEKS.—The worker enrolled not later than the last day of the 8th week after the week in which the Secretary issues a certification covering the worker.

"(C) EXTENUATING CIRCUMSTANCES.—Notwithstanding subparagraphs (A) and (B), the adversely affected worker is eligible for trade adjustment assistance if the worker enrolled not later than 45 days after the later of the dates specified in subparagraph (A) or (B), and the Secretary determines there are extenuating circumstances that justify an extension in the enrollment period.

"(b) FAILURE TO PARTICIPATE IN TRAINING.—

"(1) IN GENERAL.—Until the adversely affected worker begins or resumes participation in a training program approved under section 240(a), no trade adjustment allowance may be paid under subsection (a) to an adversely affected worker for any week or any succeeding week in which—

"(A) the Secretary determines that—

"(i) the adversely affected worker—

"(I) has failed to begin participation in a training program the enrollment in which meets the requirement of subsection (a)(5); or

"(II) has ceased to participate in such a training program before completing the training program; and

"(ii) there is no justifiable cause for the failure or cessation; or

"(B) the waiver issued to that worker under subsection (c)(1) is revoked under subsection (c)(2).

"(2) EXCEPTION.—The provisions of subsection (a)(5) and paragraph (1) shall not apply with respect to any week of unemployment that begins before the first week following the week in which the certification is issued under section 231.

"(c) WAIVERS OF TRAINING REQUIREMENTS.—

"(1) ISSUANCE OF WAIVERS.—The Secretary may issue a written statement to an adversely affected worker waiving the requirement to be enrolled in training described in subsection (a) if the Secretary determines that the training requirement is not feasible or appropriate for the worker, because of 1 or more of the following reasons:

"(A) RECALL.—The worker has been notified that the worker will be recalled by the firm from which the separation occurred.

"(B) MARKETABLE SKILLS.—The worker possesses marketable skills for suitable employment (as determined pursuant to an assessment of the worker, which may include the profiling system under section 303(j) of the Social Security Act (42 U.S.C. 503(j)), carried out in accordance with guidelines issued by the Secretary) and *there is a reasonable expectation of employment at equivalent wages in the foreseeable future.*

“(C) RETIREMENT.—The worker is within 2 years of meeting all requirements for entitlement to either—

“(i) old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefore); or

“(ii) a private pension sponsored by an employer or labor organization.

“(D) HEALTH.—The worker is unable to participate in training due to the health of the worker, except that a waiver under this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.

“(E) ENROLLMENT UNAVAILABLE.—The first available enrollment date for the approved training of the worker is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.

“(F) TRAINING NOT AVAILABLE.—Training approved by the Secretary is not reasonably available to the worker from either governmental agencies or private sources (which may include area vocational education schools, as defined in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302), and employers), no training that is suitable for the worker is available at a reasonable cost, or no training funds are available.

“(G) OTHER.—The Secretary may, at his discretion, issue a waiver if the Secretary determines that a worker has set forth in writing reasons other than those provided for in subparagraphs (A) through (F) justifying the grant of such waiver.

“(2) DURATION OF WAIVERS.—

“(A) IN GENERAL.—A waiver issued under paragraph (1) shall be effective for not more than 6 months after the date on which the waiver is issued, unless the Secretary determines otherwise.

“(B) REVOCATION.—The Secretary shall revoke a waiver issued under paragraph (1) if the Secretary determines that the basis of a waiver is no longer applicable to the worker.

“(3) AMENDMENTS UNDER SECTION 222.—

“(A) ISSUANCE BY COOPERATING STATES.—Pursuant to an agreement under section 222, the Secretary may authorize a cooperating State to issue waivers as described in paragraph (1).

“(B) SUBMISSION OF STATEMENTS.—An agreement under section 222 shall include a requirement that the cooperating State submit to the Secretary the written statements provided under paragraph (1) and a statement of the reasons for the waiver.

“SEC. 236. WEEKLY AMOUNTS.

“(a) IN GENERAL.—Subject to subsections (b) and (c), the trade adjustment allowance payable to an adversely affected worker for a week of total unemployment shall be an amount equal to the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker's first exhaustion of unemployment insurance (as determined for purposes of section 235(a)(3)(B)) reduced (but not below zero) by—

“(1) any training allowance deductible under subsection (c); and

“(2) any income that is deductible from unemployment insurance under the disqualifying income provisions of the applicable State law or Federal unemployment insurance law.

“(b) ADJUSTMENT FOR WORKERS RECEIVING TRAINING.—

“(1) IN GENERAL.—Any adversely affected worker who is entitled to a trade adjustment allowance and who is receiving training approved by the Secretary, shall receive for each week in which the worker is undergoing that training, a trade adjustment allowance in an amount (computed for such week) equal to the greater of—

“(A) the amount computed under subsection (a); or

“(B) the amount of any weekly allowance for that training to which the worker would be entitled under any other Federal law for the training of workers, if the worker applied for that allowance.

“(2) ALLOWANCE PAID IN LIEU OF.—Any trade adjustment allowance calculated under paragraph (1) shall be paid in lieu of any training allowance to which the worker would be entitled under any other Federal law.

“(3) COORDINATION WITH UNEMPLOYMENT INSURANCE.—Any week in which a worker undergoing training approved by the Secretary receives payments from unemployment insurance shall be subtracted from the total number of weeks for which a worker may receive trade adjustment allowance under this chapter.

“(c) ADJUSTMENT FOR WORKERS RECEIVING ALLOWANCES UNDER OTHER FEDERAL LAW.—

“(1) REDUCTION IN WEEKS FOR WHICH ALLOWANCE WILL BE PAID.—If a training allowance under any Federal law (other than this Act) is paid to an adversely affected worker for any week of unemployment with respect to which the worker would be entitled (determined without regard to any disqualification under section 235(b)) to a trade adjustment allowance if the worker applied for that allowance, each week of unemployment shall be deducted from the total number of weeks of trade adjustment allowance otherwise payable to that worker under section 235(a) when the worker applies for a trade adjustment allowance and is determined to be entitled to the allowance.

“(2) PAYMENT OF DIFFERENCE.—If the training allowance paid to a worker for any week of unemployment is less than the amount of the trade adjustment allowance to which the worker would be entitled if the worker applied for the trade adjustment allowance, the worker shall receive, when the worker applies for a trade adjustment allowance and is determined to be entitled to the allowance, a trade adjustment allowance for that week equal to the difference between the training allowance and the trade adjustment allowance computed under subsection (b).

“SEC. 237. LIMITATIONS ON TRADE ADJUSTMENT ALLOWANCES.

“(a) AMOUNT PAYABLE.—The maximum amount of trade adjustment allowance payable to an adversely affected worker, with respect to the period covered by any certification, shall be the amount that is the product of 104 multiplied by the trade adjustment allowance payable to the worker for a week of total unemployment (as determined under section 236) reduced by the total sum of the regular State unemployment insurance to which the worker was entitled (or would have been entitled if the worker had applied for unemployment insurance) in the worker's first benefit period described in section 235(a)(3)(A).

“(b) DURATION OF PAYMENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a trade adjustment allowance shall not be paid for any week occurring after the close of the 104-week period that begins with the first week following the week in which the adversely affected worker was most recently totally separated—

“(A) within the period that is described in section 235(a)(1); and

“(B) with respect to which the worker meets the requirements of section 235(a)(2).

“(2) SPECIAL RULES.—

“(A) BREAK IN TRAINING.—For purposes of this chapter, a worker shall be treated as participating in a training program approved by the Secretary under section 240(a) during any week that is part of a break in a training that does not exceed 30 days if—

“(i) the worker was participating in a training program approved under section 240(a) before the beginning of the break in training; and

“(ii) the break is provided under the training program.

“(B) ON-THE-JOB TRAINING.—No trade adjustment allowance shall be paid to a worker under this chapter for any week during which the worker is receiving on-the-job training, except that a trade adjustment allowance shall be paid if a worker is enrolled in a non-paid customized training program.

“(C) SMALL BUSINESS ADMINISTRATION PILOT PROGRAM.—An adversely affected worker who is participating in a self-employment training program established by the Director of the Small Business Administration pursuant to section 102 of the Trade Adjustment Assistance Reform Act of 2002, shall not be ineligible to receive benefits under this chapter.

“(D) ADDITIONAL WEEKS FOR REMEDIAL EDUCATION.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 240, if the program is a program of remedial education in accordance with regulations prescribed by the Secretary, payments may be made as trade adjustment allowances for up to 26 additional weeks in the 26-week period that follows the last week of entitlement to trade adjustment allowances otherwise payable under this chapter.

“(c) ADJUSTMENT OF AMOUNTS PAYABLE.—Amounts payable to an adversely affected worker under this chapter shall be subject to adjustment on a week-to-week basis as may be required by section 236.

“(d) YEAR-END ADJUSTMENT.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act or any other provision of law, if the benefit year of a worker ends within an extended benefit period, the number of weeks of extended benefits that the worker would, but for this subsection, be entitled to in that extended benefit period shall not be reduced by the number of weeks for which the worker was entitled, during that benefit year, to trade adjustment allowances under this part.

“(2) EXTENDED BENEFITS PERIOD.—For the purpose of this section the term ‘extended benefit period’ has the same meaning given that term in the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

“SEC. 238. APPLICATION OF STATE LAWS.

“(a) IN GENERAL.—Except where inconsistent with the provisions of this chapter and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law under which an adversely affected worker is entitled to unemployment insurance (whether or not the worker has filed a claim for such insurance), or, if the worker is not so entitled to unemployment insurance, of the State in which the worker was totally or partially separated, shall apply to a worker that files an application for trade adjustment assistance.

“(b) DURATION OF APPLICABILITY.—The State law determined to be applicable with respect to a separation of an adversely affected worker shall remain applicable for purposes of subsection (a), with respect to a separation until the worker becomes entitled to unemployment insurance under another State law (whether or not the worker has filed a claim for that insurance).

"PART III—EMPLOYMENT SERVICES, TRAINING, AND OTHER ALLOWANCES

"SEC. 239. EMPLOYMENT SERVICES.

"The Secretary shall, in accordance with section 222 or 223, as applicable, make every reasonable effort to secure for adversely affected workers covered by a certification under section 231, counseling, testing, placement, and other services provided for under any other Federal law.

"SEC. 240. TRAINING.

"(a) APPROVED TRAINING PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall approve training programs that include—

"(A) on-the-job training or customized training;

"(B) any employment or training activity provided through a one-stop delivery system under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.);

"(C) any program of adult education;

"(D) any training program (other than a training program described in paragraph (3)) for which all, or any portion, of the costs of training the worker are paid—

"(i) under any Federal or State program other than this chapter; or

"(ii) from any source other than this section; and

"(E) any other training program that the Secretary determines is acceptable to meet the needs of an adversely affected worker.

In making the determination under subparagraph (E), the Secretary shall consult with interested parties.

"(2) TRAINING AGREEMENTS.—Before approving any training to which subsection (f)(1)(C) may apply, the Secretary may require that the adversely affected worker enter into an agreement with the Secretary under which the Secretary will not be required to pay under subsection (b) the portion of the costs of the training that the worker has reason to believe will be paid under the program, or by the source, described in clause (i) or (ii) of subsection (f)(1)(C).

"(3) LIMITATION ON APPROVALS.—The Secretary shall not approve a training program if all of the following apply:

"(A) PAYMENT BY PLAN.—Any portion of the costs of the training program are paid under any nongovernmental plan or program,

"(B) RIGHT TO OBTAIN.—The adversely affected worker has a right to obtain training or funds for training under that plan or program.

"(C) REIMBURSEMENT.—The plan or program requires the worker to reimburse the plan or program from funds provided under this chapter, or from wages paid under the training program, for any portion of the costs of that training program paid under the plan or program.

"(b) PAYMENT OF TRAINING COSTS.—

"(1) IN GENERAL.—Upon approval of a training program under subsection (a), and subject to the limitations imposed by this section, an adversely affected worker covered by a certification issued under section 231 may be eligible to have payment of the costs of that training, including any costs of an approved training program incurred by a worker before a certification was issued under section 231, made on behalf of the worker by the Secretary directly or through a voucher system.

"(2) ON-THE-JOB TRAINING AND CUSTOMIZED TRAINING.—

"(A) PROVISION OF TRAINING ON THE JOB OR CUSTOMIZED TRAINING.—If the Secretary approves training under subsection (a), the Secretary shall, insofar as possible, provide or assure the provision of that training on the job or customized training, and any training on the job or customized training that is approved by the Secretary under subsection (a) shall include related education necessary for the acquisition of skills needed for a position within a particular occupation.

"(B) MONTHLY INSTALLMENTS.—If the Secretary approves payment of any on-the-job training or customized training under subsection (a), the Secretary shall pay the costs of that training in equal monthly installments.

"(C) LIMITATIONS.—The Secretary may pay the costs of on-the-job training or customized training only if—

"(i) no employed worker is displaced by the adversely affected worker (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits);

"(ii) the training does not impair contracts for services or collective bargaining agreements;

"(iii) in the case of training that would affect a collective bargaining agreement, the written concurrence of the labor organization concerned has been obtained;

"(iv) no other individual is on layoff from the same, or any substantially equivalent, job for which the adversely affected worker is being trained;

"(v) the employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created by hiring the adversely affected worker;

"(vi) the job for which the adversely affected worker is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of employed individuals;

"(vii) the training is not for the same occupation from which the worker was separated and with respect to which the worker's group was certified pursuant to section 231;

"(viii) the employer is provided reimbursement of not more than 50 percent of the wage rate of the participant, for the cost of providing the training and additional supervision related to the training;

"(ix) the employer has not received payment under subsection (b)(1) with respect to any other on-the-job training provided by the employer or customized training that failed to meet the requirements of clauses (i) through (vi); and

"(x) the employer has not taken, at any time, any action that violated the terms of any certification described in clause (viii) made by that employer with respect to any other on-the-job training provided by the employer or customized training for which the Secretary has made a payment under paragraph (1).

"(c) CERTAIN WORKERS ELIGIBLE FOR TRAINING BENEFITS.—An adversely affected worker covered by a certification issued under section 231, who is not qualified to receive a trade adjustment allowance under section 235, may be eligible to have payment of the costs of training made under this section, if the worker enters a training program approved by the Secretary not later than 6 months after the date on which the certification that covers the worker is issued or the Secretary determines that one of the following applied:

"(1) Funding was not available at the time at which the adversely affected worker was required to enter training under paragraph (1).

"(2) The adversely affected worker was covered by a waiver issued under section 235(c).

"(d) EXHAUSTION OF UNEMPLOYMENT INSURANCE NOT REQUIRED.—The Secretary may approve training, and pay the costs thereof, for any adversely affected worker who is a member of a group certified under section 231 at any time after the date on which the group is certified, without regard to whether the worker has exhausted all rights to any unemployment insurance to which the worker is entitled.

"(e) SUPPLEMENTAL ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), when training is provided under a training program approved by the Secretary under subsection (a) in facilities that are not within commuting distance of a worker's regular place of residence, the Secretary may authorize supplemental assistance to defray reasonable transportation and subsistence expenses for separate maintenance.

"(2) TRANSPORTATION EXPENSES.—The Secretary may not authorize payments for travel expenses exceeding the prevailing mileage rate authorized under the Federal travel regulations.

"(3) SUBSISTENCE EXPENSES.—The Secretary may not authorize payments for subsistence that exceed the lesser of—

"(A) the actual per diem expenses for subsistence of the worker; or

"(B) an amount equal to 50 percent of the prevailing per diem allowance rate authorized under Federal travel regulations.

"(f) SPECIAL PROVISIONS; LIMITATIONS.—

"(1) LIMITATION ON MAKING PAYMENTS.—

"(A) DISALLOWANCE OF OTHER PAYMENT.—If the costs of training an adversely affected worker are paid by the Secretary under subsection (b), no other payment for those training costs may be made under any other provision of Federal law.

"(B) NO PAYMENT OF REIMBURSABLE COSTS.—No payment for the costs of approved training may be made under subsection (b) if those costs—

"(i) have already been paid under any other provision of Federal law; or

"(ii) are reimbursable under any other provision of Federal law and a portion of those costs has already been paid under that other provision of Federal law.

"(C) NO PAYMENT OF COSTS PAID ELSEWHERE.—The Secretary is not required to pay the costs of any training approved under subsection (a) to the extent that those costs are paid under any Federal or State program other than this chapter.

"(D) EXCEPTION.—The provisions of this paragraph shall not apply to, or take into account, any funds provided under any other provision of Federal law that are used for any purpose other than the direct payment of the costs incurred in training a particular adversely affected worker, even if the use of those funds has the effect of indirectly paying for or reducing any portion of the costs involved in training the adversely affected worker.

"(2) UNEMPLOYMENT ELIGIBILITY.—A worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subchapter because the individual is in training approved under subsection (a), because of leaving work which is not suitable employment to enter the training, or because of the application to any week in training of provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work.

"(3) DEFINITION.—For purposes of this section the term 'suitable employment' means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage.

"(4) PAYMENTS AFTER REEMPLOYMENT.—

"(A) IN GENERAL.—In the case of an adversely affected worker who secures reemployment, the Secretary may approve and pay the costs of training (or shall continue to pay the costs of training previously approved) for that adversely affected worker, for the completion of the training program or up to 26 weeks, whichever is less, after the date the adversely affected worker becomes reemployed.

"(B) TRADE ADJUSTMENT ALLOWANCE.—An adversely affected worker who is reemployed and *is undergoing training approved by the Secretary pursuant to subparagraph (A) may continue to receive a trade adjustment allowance, subject to the income offsets provided for in the worker's State unemployment compensation law in accordance with the provisions of section 237.*

“(5) Funding.—The total amount of payments that may be made under this section for any fiscal year shall not exceed $300,000,000.

“SEC. 240A. JOB TRAINING PROGRAMS.

“(a) Grant Program Authorized.—The Secretary is authorized to award grants to community colleges (as defined in section 202 of the Tech-Prep Education Act (20 U.S.C. 2371)) on a competitive basis to establish job training programs for adversely affected workers.

“(b) Application.—

“(1) Submission.—To receive a grant under this section, a community college shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

“(2) Contents.—The application submitted under paragraph (1) shall provide a description of—

“(A) the population to be served with grant funds received under this section;

“(B) how grant funds received under this section will be expended; and

“(C) the job training programs that will be established with grant funds received under this section, including a description of how such programs relate to workforce needs in the area where the community college is located.

“(c) Eligibility.—To be eligible to receive a grant under this section, a community college shall be located in an eligible community (as defined in section 271).

“(d) Decision on Applications.—Not later than 30 days after submission of an application under subsection (b), the Secretary shall approve or disapprove the application.

“(e) Use of Funds.—A community college that receives a grant under this section shall use the grant funds to establish job training programs for adversely affected workers.

“SEC. 241. JOB SEARCH ALLOWANCES.

“(a) Job Search Allowance Authorized.—

“(1) In general.—An adversely affected worker covered by a certification issued under section 231 may file an application with the Secretary for payment of a job search allowance.

“(2) Approval of applications.—The Secretary may grant an allowance pursuant to an application filed under paragraph (1) when all of the following apply:

“(A) Assist adversely affected worker.—The allowance is paid to assist an adversely affected worker who has been totally separated in securing a job within the United States.

“(B) Local employment not available.—The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

“(C) Application.—The worker has filed an application for the allowance with the Secretary before—

“(i) the later of—

“(I) the 365th day after the date of the certification under which the worker is certified as eligible; or

“(II) the 365th day after the date of the worker's last total separation; or

“(ii) the date that is the 182d day after the date on which the worker concluded training, unless the worker received a waiver under section 235(c).

“(b) Amount of Allowance.—

“(1) In general.—An allowance granted under subsection (a) shall provide reimbursement to the worker of 90 percent of the cost of necessary job search expenses as prescribed by the Secretary in regulations.

“(2) Maximum allowance.—Reimbursement under this subsection may not exceed $1,250 for any worker.

“(3) Allowance for subsistence and transportation.—Reimbursement under this subsection may not be made for subsistence and transportation expenses at levels exceeding those allowable under section 240(e).

“(c) Exception.—Notwithstanding subsection (b), the Secretary shall reimburse any adversely affected worker for necessary expenses incurred by the worker in participating in a job search program approved by the Secretary.

“SEC. 242. RELOCATION ALLOWANCES.

“(a) Relocation Allowance Authorized.—

“(1) In general.—Any adversely affected worker covered by a certification issued under section 231 may file an application for a relocation allowance with the Secretary, and the Secretary may grant the relocation allowance, subject to the terms and conditions of this section.

“(2) Conditions for granting allowance.—A relocation allowance may be granted if all of the following terms and conditions are met:

“(A) Assist an adversely affected worker.—The relocation allowance will assist an adversely affected worker in relocating within the United States.

“(B) Local employment not available.—The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

“(C) Total separation.—The worker is totally separated from employment at the time relocation commences.

“(D) Suitable employment obtained.—The worker—

“(i) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which the worker wishes to relocate; or

“(ii) has obtained a bona fide offer of such employment.

“(E) Application.—The worker filed an application with the Secretary before—

“(i) the later of—

“(I) the 425th day after the date of the certification under section 231; or,

“(II) the 425th day after the date of the worker's last total separation; or

“(ii) the date that is the 182d day after the date on which the worker concluded training, unless the worker received a waiver under section 235(c).

“(b) Amount of Allowance.—The relocation allowance granted to a worker under subsection (a) includes—

“(1) 90 percent of the reasonable and necessary expenses (including, but not limited to, subsistence and transportation expenses at levels not exceeding those allowable under section 240(e)) specified in regulations prescribed by the Secretary, incurred in transporting the worker, the worker's family, and household effects; and

“(2) a lump sum equivalent to 3 times the worker's average weekly wage, up to a maximum payment of $1,250.

“(c) Limitations.—A relocation allowance may not be granted to a worker unless—

“(1) the relocation occurs within 182 days after the filing of the application for relocation assistance; or

“(2) the relocation occurs within 182 days after the conclusion of training, if the worker entered a training program approved by the Secretary under section 240(a).

“SEC. 243. SUPPORTIVE SERVICES; WAGE INSURANCE.

“(a) Supportive Services.—

“(1) Application.—

“(A) In general.—The State may, on behalf of any adversely affected worker or group of workers covered by a certification issued under section 231—

“(i) file an application with the Secretary for services under section 173 of the Workforce Investment Act of 1998 (relating to National Emergency Grants); and

“(ii) provide other services under title I of the Workforce Investment Act of 1998.

“(B) Services.—The services available under this paragraph include transportation, child care, and dependent care that are necessary to enable a worker to participate in activities authorized under this chapter.

“(2) Conditions.—The Secretary may approve an application filed under paragraph (1)(A)(i) and provide supportive services to an adversely affected worker only if the Secretary determines that all of the following apply:

“(A) Necessity.—Providing services is necessary to enable the worker to participate in or complete training.

“(B) Consistent with workforce investment act.—The services are consistent with the supportive services provided to participants under the provisions relating to dislocated worker employment and training activities set forth in chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.).

“(b) Wage Insurance Program.—

“(1) In general.—Not later than 1 year after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall establish, and the States shall implement, a Wage Insurance Program under which a State shall use the funds provided to the State for trade adjustment allowances to pay to an adversely affected worker certified under section 231 a wage subsidy of up to 50 percent of the difference between the wages received by the adversely affected worker from reemployment and the wages received by the adversely affected worker at the time of separation for a period not to exceed 2 years.

“(2) Amount of payment.—

“(A) Wages under $40,000.—If the wages the worker receives from reemployment are less than $40,000 a year, the wage subsidy shall be 50 percent of the difference between the amount of the wages received by the worker from reemployment and the amount of the wages received by the worker at the time of separation.

“(B) Wages between $40,000 and $50,000.—If the wages received by the worker from reemployment are greater than $40,000 a year but less than $50,000 a year, the wage subsidy shall be 25 percent of the difference between the amount of the wages received by the worker from reemployment and the amount of the wages received by the worker at the time of separation.

“(3) Eligibility.—An adversely affected worker may be eligible to receive a wage subsidy under this subsection if the worker—

“(A) enrolls in the Wage Insurance Program;

“(B) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;

“(C) is at least 50 years of age;

“(D) earns not more than $50,000 a year in wages from reemployment;

“(E) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

“(F) does not return to the employment from which the worker was separated.

“(4) Amount of payments.—The payments made under paragraph (1) to an adversely affected worker may not exceed $5,000 a year for each year of the 2-year period.

“(5) Limitation on other benefits.—At the time a worker begins to receive a wage subsidy under this subsection the worker shall not be eligible to receive any benefits under this Act other than the wage subsidy unless the Secretary determines, pursuant to standards established by the Secretary, that the worker has shown circumstances that warrant eligibility for training benefits under section 240.

“(6) FUNDING.—The total amount of payments that may be made under this subsection for any fiscal year shall not exceed $50,000,000.

“(7) TERMINATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no payments may be made under this subsection after the date that is 2 years after the date on which the program under this subsection is implemented in the State under paragraph (1).

“(B) EXCEPTION.—Notwithstanding subparagraph (A), a worker receiving payments under this subsection on the date described in subparagraph (A) shall continue to receive such payments for as long as the worker meets the eligibility requirements of this subsection.

“(c) STUDIES OF ASSISTANCE AVAILABLE TO ECONOMICALLY DISTRESSED WORKERS.—

“(1) STUDY BY THE GENERAL ACCOUNTING OFFICE.—

“(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of all assistance provided by the Federal Government for workers facing job loss and economic distress.

“(B) REPORT.—Not later than 1 year after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Comptroller General shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the study conducted under subparagraph (A). The report shall include a description of—

“(i) all Federal programs designed to assist workers facing job loss and economic distress, including all benefits and services;

“(ii) eligibility requirements for each of the programs; and

“(iii) procedures for applying for and receiving benefits and services under each of the programs.

“(C) DISTRIBUTION OF GAO REPORT.—The report described in subparagraph (B) shall be distributed to all one-stop partners authorized under the Workforce Investment Act of 1998.

“(2) STUDIES BY THE STATES.—

“(A) IN GENERAL.—Each State may conduct a study of its assistance programs for workers facing job loss and economic distress.

“(B) GRANTS.—The Secretary may award to each State a grant, not to exceed $50,000, to enable the State to conduct the study described in subparagraph (A). Each study shall be undertaken in consultation with affected parties.

“(C) REPORT.—Not later than 1 year after the date of the grant, each State that receives a grant under subparagraph (B) shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the report described in subparagraph (A).

“(D) DISTRIBUTION OF STATE REPORTS.—A report prepared by a State under this paragraph shall be distributed to all the one-stop partners in the State.

“Subchapter D—Payment and Enforcement Provisions

“SEC. 244. PAYMENTS TO STATES.

“(a) IN GENERAL.—The Secretary, from time to time, shall certify to the Secretary of the Treasury for payment to each cooperating State, the sums necessary to enable that State as agent of the United States to make payments provided for by this chapter.

“(b) LIMITATION ON USE OF FUNDS.—

“(1) IN GENERAL.—All money paid to a cooperating State under this section shall be used solely for the purposes for which it is paid.

“(2) RETURN OF FUNDS NOT SO USED.—Money paid that is not used for the purpose for which it is paid under subsection (a) shall be returned to the Secretary of the Treasury at the time specified in the agreement entered into under section 222.

“(c) SURETY BOND.—Any agreement under section 222 may require any officer or employee of the cooperating State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement, to give a surety bond to the United States in an amount the Secretary deems necessary, and may provide for the payment of the cost of that bond from funds for carrying out the purposes of this chapter.

“SEC. 245. LIABILITIES OF CERTIFYING AND DISBURSING OFFICERS.

“(a) LIABILITY OF CERTIFYING OFFICIALS.—No person designated by the Secretary, or designated pursuant to an agreement entered into under section 222, as a certifying officer, in the absence of gross negligence or intent to defraud the United States, shall be liable with respect to any payment certified by that person under this chapter.

“(b) LIABILITY OF DISBURSING OFFICERS.—No disbursing officer, in the absence of gross negligence or intent to defraud the United States, shall be liable with respect to any payment by that officer under this chapter if the payment was based on a voucher signed by a certifying officer designated according to subsection (a).

“SEC. 246. FRAUD AND RECOVERY OF OVERPAYMENTS.

“(a) IN GENERAL.—

“(1) OVERPAYMENT.—If a cooperating State, the Secretary, or a court of competent jurisdiction determines that any person has received any payment under this chapter to which the person was not entitled, including a payment referred to in subsection (b), that person shall be liable to repay that amount to the cooperating State or the Secretary, as the case may be.

“(2) EXCEPTION.—The cooperating State or the Secretary may waive repayment if the cooperating State or the Secretary determines, in accordance with guidelines prescribed by the Secretary, that all of the following apply:

“(A) NO FAULT.—The payment was made without fault on the part of the person.

“(B) REPAYMENT CONTRARY TO EQUITY.—Requiring repayment would be contrary to equity and good conscience.

“(3) PROCEDURE FOR RECOVERY.—

“(A) RECOVERY FROM OTHER ALLOWANCES AUTHORIZED.—Unless an overpayment is otherwise recovered or waived under paragraph (2), the cooperating State or the Secretary shall recover the overpayment by deductions from any sums payable to that person under this chapter, under any Federal unemployment compensation law administered by the cooperating State or the Secretary, or under any other Federal law administered by the cooperating State or the Secretary that provides for the payment of assistance or an allowance with respect to unemployment.

“(B) RECOVERY FROM STATE ALLOWANCES AUTHORIZED.—Notwithstanding any other provision of Federal or State law, the Secretary may require a cooperating State to recover any overpayment under this chapter by deduction from any unemployment insurance payable to that person under State law, except that no single deduction under this paragraph shall exceed 50 percent of the amount otherwise payable.

“(b) INELIGIBILITY FOR FURTHER PAYMENTS.—Any person, in addition to any other penalty provided by law, shall be ineligible for any further payments under this chapter if a cooperating State, the Secretary, or a court of competent jurisdiction determines that one of the following applies:

“(1) FALSE STATEMENT.—The person knowingly made, or caused another to make, a false statement or representation of a material fact, and as a result of the false statement or representation, the person received any payment under this chapter to which the person was not entitled.

“(2) FAILURE TO DISCLOSE.—The person knowingly failed, or caused another to fail, to disclose a material fact, and as a result of the nondisclosure, the person received any payment under this chapter to which the person was not entitled.

“(c) HEARING.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a) by the cooperating State or the Secretary, as the case may be, has been made, notice of the determination and an opportunity for a fair hearing has been given to the person concerned, and the determination has become final.

“(d) RECOVERED FUNDS.—Any amount recovered under this section shall be returned to the Treasury of the United States.

“SEC. 247. CRIMINAL PENALTIES.

“Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for that person or for any other person any payment authorized to be furnished under this chapter or pursuant to an agreement under section 222 shall be fined not more than $10,000, imprisoned for not more than 1 year, or both.

“SEC. 248. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Department of Labor, for the period beginning October 1, 2001, and ending September 30, 2007, such sums as may be necessary to carry out the purposes of this chapter, including such additional sums for administrative expenses as may be necessary for the department to meet the increased workload created by the Trade Adjustment Assistance Reform Act of 2002, provided that funding provided for training services shall not be used for expenses of administering the trade adjustment assistance for workers program. Amounts appropriated under this section shall remain available until expended.

“SEC. 249. REGULATIONS.

“The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.

“SEC. 250. SUBPOENA POWER.

“(a) IN GENERAL.—The Secretary may require by subpoena the attendance of witnesses and the production of evidence necessary to make a determination under the provisions of this chapter.

“(b) COURT ORDER.—If a person refuses to obey a subpoena issued under subsection (a), a competent United States district court, upon petition by the Secretary, may issue an order requiring compliance with such subpoena.”.

SEC. 112. DISPLACED WORKER SELF-EMPLOYMENT TRAINING PILOT PROGRAM.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Small Business Administration (in this section referred to as the “Administrator”) shall establish a self-employment training program (in this section referred to as the “Program”) for adversely affected workers (as defined in chapter 2 of title II of the Trade Act of 1974), to be administered by the Small Business Administration.

(b) ELIGIBILITY FOR ASSISTANCE.—If an adversely affected worker seeks or receives assistance through the Program, such action shall not affect the eligibility of that worker to receive benefits under chapter 2 of title II of the Trade Act of 1974.

(c) TRAINING ASSISTANCE.—The Program shall include, at a minimum, training in—

(1) pre-business startup planning;

(2) awareness of basic credit practices and credit requirements; and

(3) developing business plans, financial packages, and credit applications.

(d) OUTREACH.—The Program should include outreach to adversely affected workers and counseling and lending partners of the Small Business Administration.

(e) REPORTS TO CONGRESS.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator shall submit quarterly reports to the Committee on Finance and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Ways and Means and the Committee on Small Business of the House of Representatives regarding the implementation of the Program, including Program delivery, staffing, and administrative expenses related to such implementation.

(f) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue such guidelines as the Administrator determines to be necessary to carry out the Program.

(g) EFFECTIVE DATE.—The Program shall terminate 3 years after the date of final publication of guidelines under subsection (f).

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 201. REAUTHORIZATION OF PROGRAM.

(a) IN GENERAL.—Section 256(b) of chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to the Secretary $16,000,000 for each of fiscal years 2002 through 2007, to carry out the Secretary's functions under this chapter in connection with furnishing adjustment assistance to firms. Amounts appropriated under this subsection shall remain available until expended.".

(b) ELIGIBILITY CRITERIA.—Section 251(c) of chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341(c)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) The Secretary shall certify a firm (including any agricultural firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

"(A)(i)(I) sales or production, or both, of the firm have decreased absolutely, or

"(II) sales or production, or both, of an article that accounted for not less than 25 percent of the total production or sales of the firm during the 12-month period for which data are available have decreased absolutely; and

"(ii) increases in the value or volume of imports of articles like or directly competitive with articles which are produced by such firm contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production; or

"(B) a shift in production by the workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by that firm or subdivision contributed importantly to the workers' separation or threat of separation."; and

(2) in paragraph (2), by striking "paragraph (1)(C)" and inserting "paragraph (1)".

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 301. PURPOSE.

The purpose of this title is to assist communities with economic adjustment through the integration of political and economic organizations, the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the provision of economic transition assistance.

SEC. 302. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

"CHAPTER 4—COMMUNITY ECONOMIC ADJUSTMENT

"SEC. 271. DEFINITIONS.

"In this chapter:

"(1) CIVILIAN LABOR FORCE.—The term 'civilian labor force' has the meaning given that term in regulations prescribed by the Secretary of Labor.

"(2) COMMUNITY.—The term 'community' means a county or equivalent political subdivision of a State.

"(A) RURAL COMMUNITY.—The term 'rural community' means a community that has a rural-urban continuum code of 4 through 9.

"(B) URBAN COMMUNITY.—The term 'urban community' means a community that has a rural-urban continuum code of 0 through 3.

"(3) COMMUNITY ECONOMIC DEVELOPMENT COORDINATING COMMITTEE.—The term 'Community Economic Development Coordinating Committee' means a community group established under section 274 that consists of major groups significantly affected by an increase in imports or a shift in production, including local, regional, tribal, and State governments, regional councils of governments and economic development, and business, labor, education, health, religious, and other community-based organizations.

"(4) DIRECTOR.—The term 'Director' means the Director of the Office of Community Trade Adjustment.

"(5) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community certified under section 273 as eligible for assistance under this chapter.

"(6) JOB LOSS.—The term 'job loss' means the total or partial separation of an individual, as those terms are defined in section 221.

"(7) OFFICE.—The term 'Office' means the Office of Community Trade Adjustment established under section 272.

"(8) RURAL-URBAN CONTINUUM CODE.—The term 'rural-urban continuum code' means a code assigned to a community according to the rural-urban continuum code system, as defined by the Economic Research Service of the Department of Agriculture.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"SEC. 272. OFFICE OF COMMUNITY TRADE ADJUSTMENT.

"(a) ESTABLISHMENT.—Within 6 months of the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, there shall be established in the Office of Economic Adjustment of the Economic Development Administration of the Department of Commerce an Office of Community Trade Adjustment.

"(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities described in this chapter.

"(c) COORDINATION OF FEDERAL RESPONSE.—The Office shall—

"(1) provide leadership, support, and coordination for a comprehensive management program to address economic dislocation in eligible communities;

"(2) establish an easily accessible, one-stop clearinghouse for States and eligible communities to obtain information regarding economic development assistance available under Federal law;

"(3) coordinate the Federal response to an eligible community—

"(A) by identifying all Federal, State, and local resources that are available to assist the eligible community in recovering from economic distress;

"(B) by ensuring that all Federal agencies offering assistance to an eligible community do so in a targeted, integrated manner that ensures that an eligible community has access to all available Federal assistance;

"(C) by assuring timely consultation and cooperation between Federal, State, and regional officials concerning community economic adjustment;

"(D) by identifying and strengthening existing agency mechanisms designed to assist communities in economic adjustment and workforce reemployment;

"(E) by applying consistent policies, practices, and procedures in the administration of Federal programs that are used to assist communities adversely impacted by an increase in imports or a shift in production;

"(F) by creating, maintaining, and using a uniform economic database to analyze community adjustment activities; and

"(G) by assigning a community economic adjustment advisor to work with each eligible community;

"(4) provide comprehensive technical assistance to any eligible community in the efforts of that community to—

"(A) identify serious economic problems in the community that result from an increase in imports or shift in production;

"(B) integrate the major groups and organizations significantly affected by the economic adjustment;

"(C) organize a Community Economic Development Coordinating Committee;

"(D) access Federal, State, and local resources designed to assist in economic development and trade adjustment assistance;

"(E) diversify and strengthen the community economy; and

"(F) develop a community-based strategic plan to address workforce dislocation and economic development;

"(5) establish specific criteria for submission and evaluation of a strategic plan submitted under section 276(d);

"(6) administer the grant programs established under sections 276 and 277; and

"(7) establish an interagency Trade Adjustment Assistance Working Group, consisting of the representatives of any Federal department or agency with responsibility for economic adjustment assistance, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the Department of Commerce, the Office of the United States Trade Representative, and the National Economic Council.

"(d) WORKING GROUP.—The working group established under subsection (c)(7) shall examine other options for addressing trade impacts on communities, such as:

"(1) Seeking legislative language directing the Foreign Trade Zone ('FTZ') Board to expedite consideration of FTZ applications from communities or businesses that have been found eligible for trade adjustment assistance.

"(2) Seeking legislative language to make new markets tax credits available in communities impacted by trade.

"(3) Seeking legislative language to make work opportunity tax credits available for hiring unemployed workers who are certified eligible for trade adjustment assistance.

"(4) Examining ways to assist trade impacted rural communities and industries take advantage of the Department of Agriculture's rural development program.

"SEC. 273. NOTIFICATION AND CERTIFICATION AS AN ELIGIBLE COMMUNITY.

"(a) NOTIFICATION.—The Secretary of Labor, not later than 15 days after making a determination that a group of workers is eligible for trade adjustment assistance under section 231, shall notify the Governor of the State in which the community in which the worker's firm is located and the Director, of the Secretary's determination.

"(b) CERTIFICATION.—Not later than 30 days after notification by the Secretary of Labor described in subsection (a), the Director shall certify as eligible for assistance under this chapter a community in which both of the following conditions applies:

"(1) NUMBER OF JOB LOSSES.—The Director finds that—

"(A) in an urban community, at least 500 workers have been certified for assistance under section 231 in the most recent 36-month period preceding the date of certification under this section for which data are available; or

"(B) in a rural community, at least 300 workers have been certified for assistance under section 231 in the most recent 36-month period preceding the date of certification under this section for which data are available.

"(2) PERCENT OF WORKFORCE UNEMPLOYED.—The Director finds that the unemployment rate for the community is at least 1 percent greater than the national unemployment rate for the most recent 12-month period for which data are available.

"(c) NOTIFICATION TO ELIGIBLE COMMUNITIES.—Not later than 15 days after the Director certifies a community as eligible under subsection (b), the Director shall notify the community—

"(1) of its determination under subsection (b);

"(2) of the provisions of this chapter;

"(3) how to access the clearinghouse established under section 272(c)(2); and

"(4) how to obtain technical assistance provided under section 272(c)(4).

"SEC. 274. COMMUNITY ECONOMIC DEVELOPMENT COORDINATING COMMITTEE.

"(a) ESTABLISHMENT.—In order to apply for and receive benefits under this chapter, an eligible community shall establish a Community Economic Development Coordinating Committee certified by the Director as meeting the requirements of subsection (b)(1).

"(b) COMPOSITION OF THE COMMITTEE.—

"(1) LOCAL PARTICIPATION.—The Community Economic Development Coordinating Committee established by an eligible community under subsection (a) shall include representatives of those groups significantly affected by economic dislocation, such as local, regional, tribal, and State governments, regional councils of governments and economic development, business, labor, education, health organizations, religious, and other community-based groups providing assistance to workers, their families, and communities.

"(2) FEDERAL PARTICIPATION.—Pursuant to section 275(b)(3), the community economic adjustment advisor, assigned by the Director to assist an eligible community, shall serve as an ex officio member of the Community Economic Development Coordinating Committee, and shall arrange for participation by representatives of other Federal agencies on that Committee as necessary.

"(3) EXISTING ORGANIZATION.—An eligible community may designate an existing organization in that community as the Community Economic Development Coordinating Committee if that organization meets the requirements of paragraph (1) for the purposes of this chapter.

"(c) DUTIES.—The Community Economic Development Coordinating Committee shall—

"(1) ascertain the severity of the community economic adjustment required as a result of the increase in imports or shift in production;

"(2) assess the capacity of the community to respond to the required economic adjustment and the needs of the community as it undertakes economic adjustment, taking into consideration such factors as the number of jobs lost, the size of the community, the diversity of industries, the skills of the labor force, the condition of the current labor market, the availability of financial resources, the quality and availability of educational facilities, the adequacy and availability of public services, and the existence of a basic and advanced infrastructure in the community;

"(3) facilitate a dialogue between concerned interests in the community, represent the impacted community, and ensure all interests in the community work collaboratively toward collective goals without duplication of effort or resources;

"(4) oversee the development of a strategic plan for community economic development, taking into consideration the factors mentioned under paragraph (2), and consistent with the criteria established by the Secretary for the strategic plan developed under section 276;

"(5) create an executive council of members of the Community Economic Development Coordinating Committee to promote the strategic plan within the community and ensure coordination and cooperation among all stakeholders; and

"(6) apply for any grant, loan, or loan guarantee available under Federal law to develop or implement the strategic plan, and be an eligible recipient for funding for economic adjustment for that community.

"SEC. 275. COMMUNITY ECONOMIC ADJUSTMENT ADVISORS.

"(a) IN GENERAL.—Pursuant to section 272(c)(3)(G), the Director shall assign a community economic adjustment advisor to each eligible community.

"(b) DUTIES.—The community economic adjustment advisor shall—

"(1) provide technical assistance to the eligible community, assist in the development and implementation of a strategic plan, including applying for any grant available under this or any other Federal law to develop or implement that plan;

"(2) at the local and regional level, coordinate the response of all Federal agencies offering assistance to the eligible community;

"(3) serve as an ex officio member of the Community Economic Development Coordinating Committee established by an eligible community under section 274;

"(4) act as liaison between the Community Economic Development Coordinating Committee established by the eligible community and all other Federal agencies that offer assistance to eligible communities, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the National Economic Council, and other offices or agencies of the Department of Commerce;

"(5) report regularly to the Director regarding the progress of development activities in the community to which the community economic adjustment advisor is assigned; and

"(6) perform other duties as directed by the Secretary or the Director.

"SEC. 276. STRATEGIC PLANS.

"(a) IN GENERAL.—With the assistance of the community economic adjustment advisor, an eligible community may develop a strategic plan for community economic adjustment and diversification.

"(b) REQUIREMENTS FOR STRATEGIC PLAN.—A strategic plan shall contain, at a minimum, the following:

"(1) A description and justification of the capacity for economic adjustment, including the method of financing to be used, the anticipated management structure of the Community Economic Development Coordinating Committee, and the commitment of the community to the strategic plan over the long term.

"(2) A description of, and a plan to accomplish, the projects to be undertaken by the eligible community.

"(3) A description of how the plan and the projects to be undertaken by the eligible community will lead to job creation and job retention in the community.

"(4) A description of any alternative development plans that were considered, particularly less costly alternatives, and why those plans were rejected in favor of the proposed plan.

"(5) A description of any additional steps the eligible community will take to achieve economic adjustment and diversification, including how the plan and the projects will contribute to establishing or maintaining a level of public services necessary to attract and retain economic investment.

"(6) A description and justification for the cost and timing of proposed basic and advanced infrastructure improvements in the eligible community.

"(7) A description of the occupational and workforce conditions in the eligible community, including but not limited to existing levels of workforce skills and competencies, and educational programs available for workforce training and future employment needs.

"(8) A description of how the plan will adapt to changing markets, business cycles, and other variables.

"(9) A graduation strategy through which the eligible community demonstrates that the community will terminate the need for Federal assistance.

"(c) GRANTS TO DEVELOP STRATEGIC PLANS.—

"(1) IN GENERAL.—The Director, upon receipt of an application from a Community Economic Development Coordinating Committee on behalf of an eligible community, shall award a grant to that community to be used to develop the strategic plan.

"(2) AMOUNT.—The amount of a grant made under paragraph (1) shall be determined by the Secretary, but may not exceed $50,000 to each community.

"(3) LIMIT.—Each community can only receive 1 grant under this subsection for the purpose of developing a strategic plan in any 5-year period.

"(d) SUBMISSION OF PLAN.—A strategic plan developed under subsection (a) shall be submitted to the Director for evaluation and approval.

"SEC. 277. GRANTS FOR ECONOMIC DEVELOPMENT.

"The Director, upon receipt of an application from the Community Economic Development Coordinating Committee on behalf of an eligible community, may award a grant to that community to carry out any project or program included in the strategic plan approved under section 276(d) that—

"(1) will be located in, or will create or preserve high-wage jobs, in that eligible community; and

"(2) implements the strategy of that eligible community to create high-wage jobs in sectors that are expected to expand, including projects that—

"(A) encourage industries to locate in that eligible community, if such funds are not used to encourage the relocation of any employer in a manner that causes the dislocation of employees of that employer at another facility in the United States;

"(B) leverage resources to create or improve Internet or telecommunications capabilities to

make the community more attractive for business;

"(C) establish a funding pool for job creation through entrepreneurial activities;

"(D) assist existing firms in that community to restructure or retool to become more competitive in world markets and prevent job loss; or

"(E) assist the community in acquiring the resources and providing the level of public services necessary to meet the objectives set out in the strategic plan.

"SEC. 278. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Commerce, for the period beginning October 1, 2001, and ending September 30, 2007, such sums as may be necessary to carry out the purposes of this chapter.

"SEC. 279. GENERAL PROVISIONS.

"(a) Report by the Director.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, and annually thereafter, the Director shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report regarding the programs established under this title.

"(b) Regulations.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this chapter.

"(c) Supplement Not Supplant.—Funds appropriated under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.".

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 401. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(a) In General.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

"SEC. 291. DEFINITIONS.

"In this chapter:

"(1) Agricultural commodity.—The term 'agricultural commodity' means any agricultural commodity (including livestock), except fish as defined in section 299(1) of this Act, in its raw or natural state.

"(2) Agricultural commodity producer.—The term 'agricultural commodity producer' has the same meaning as the term 'person' as prescribed by regulations promulgated under section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)). The term does not include any person described in section 299(2) of this Act.

"(3) Contributed importantly.—

"(A) In general.—The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.

"(B) Determination of contributed importantly.—The determination of whether imports of articles like or directly competitive with an agricultural commodity with respect to which a petition under this chapter was filed contributed importantly to a decline in the price of the agricultural commodity shall be made by the Secretary.

"(4) Duly authorized representative.—The term 'duly authorized representative' means an association of agricultural commodity producers.

"(5) National average price.—The term 'national average price' means the national average price paid to an agricultural commodity producer for an agricultural commodity in a marketing year as determined by the Secretary.

"(6) Secretary.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 292. PETITIONS; GROUP ELIGIBILITY.

"(a) In General.—A petition for a certification of eligibility to apply for adjustment assistance under this chapter may be filed with the Secretary by a group of agricultural commodity producers or by their duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

"(b) Hearings.—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested person an opportunity to be present, to produce evidence, and to be heard.

"(c) Group Eligibility Requirements.—The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

"(1) that the national average price for the agricultural commodity, or a class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such agricultural commodity, or such class of goods, for the 5 marketing years preceding the most recent marketing year; and

"(2) that increases in imports of articles like or directly competitive with the agricultural commodity, or class of goods within the agricultural commodity, produced by the group contributed importantly to the decline in price described in paragraph (1).

"(d) Special Rule for Qualified Subsequent Years.—A group of agricultural commodity producers certified as eligible under section 293 shall be eligible to apply for assistance under this chapter in any qualified year after the year the group is first certified, if the Secretary determines that—

"(1) the national average price for the agricultural commodity, or class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

"(2) the requirements of subsection (c)(2) are met.

"(e) Determination of Qualified Year and Commodity.—In this chapter:

"(1) Qualified year.—The term 'qualified year', with respect to a group of agricultural commodity producers certified as eligible under section 293, means each consecutive year after the year in which the group is certified that the Secretary makes the determination under subsection (c) or (d), as the case may be.

"(2) Classes of goods within a commodity.—In any case in which there are separate classes of goods within an agricultural commodity, the Secretary shall treat each class as a separate commodity in determining group eligibility, the national average price, and level of imports under this section and section 296.

"SEC. 293. DETERMINATIONS BY SECRETARY OF AGRICULTURE.

"(a) In General.—As soon as practicable after the date on which a petition is filed under section 292, but in any event not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 292 (c) or (d), as the case may be, and shall, if the group meets the requirements, issue a certification of eligibility to apply for assistance under this chapter covering agricultural commodity producers in any group that meets the requirements. Each certification shall specify the date on which eligibility under this chapter begins.

"(b) Notice.—Upon making a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register, together with the Secretary's reasons for making the determination.

"(c) Termination of Certification.—Whenever the Secretary determines, with respect to any certification of eligibility under this chapter, that the decline in price for the agricultural commodity covered by the certification is no longer attributable to the conditions described in section 292, the Secretary shall terminate such certification and promptly cause notice of such termination to be published in the Federal Register, together with the Secretary's reasons for making such determination.

"SEC. 294. STUDY BY SECRETARY OF AGRICULTURE WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

"(a) In General.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation. Upon receipt of the notification, the Secretary shall immediately conduct a study of—

"(1) the number of agricultural commodity producers producing a like or directly competitive agricultural commodity who have been or are likely to be certified as eligible for adjustment assistance under this chapter, and

"(2) the extent to which the adjustment of such producers to the import competition may be facilitated through the use of existing programs.

"(b) Report.—Not later than 15 days after the day on which the Commission makes its report under section 202(f), the Secretary shall submit a report to the President setting forth the findings of the study described in subsection (a). Upon making the report to the President, the Secretary shall also promptly make the report public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of the report published in the Federal Register.

"SEC. 295. BENEFIT INFORMATION TO AGRICULTURAL COMMODITY PRODUCERS.

"(a) In General.—The Secretary shall provide full information to producers about the benefit allowances, training, and other employment services available under this title and about the petition and application procedures, and the appropriate filing dates, for such allowances, training, and services. The Secretary shall provide whatever assistance is necessary to enable groups to prepare petitions or applications for program benefits under this title.

"(b) Notice of Benefits.—

"(1) In general.—The Secretary shall mail written notice of the benefits available under this chapter to each agricultural commodity producer that the Secretary has reason to believe is covered by a certification made under this chapter.

"(2) Other notice.—The Secretary shall publish notice of the benefits available under this chapter to agricultural commodity producers that are covered by each certification made under this chapter in newspapers of general circulation in the areas in which such producers reside.

"(3) Other federal assistance.—The Secretary shall also provide information concerning procedures for applying for and receiving all other Federal assistance and services available to workers facing economic distress.

"SEC. 296. QUALIFYING REQUIREMENTS FOR AGRICULTURAL COMMODITY PRODUCERS.

"(a) In General.—

"(1) Requirements.—Payment of a trade adjustment allowance shall be made to an adversely affected agricultural commodity producer covered by a certification under this

chapter who files an application for such allowance within 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 293, if the following conditions are met:

"(A) The producer submits to the Secretary sufficient information to establish the amount of agricultural commodity covered by the application filed under subsection (a) that was produced by the producer in the most recent year.

"(B) The producer certifies that the producer has not received cash benefits under any provision of this title other than this chapter.

"(C) The producer's net farm income (as determined by the Secretary) for the most recent year is less than the producer's net farm income for the latest year in which no adjustment assistance was received by the producer under this chapter.

"(D) The producer certifies that the producer has met with an Extension Service employee or agent to obtain, at no cost to the producer, information and technical assistance that will assist the producer in adjusting to import competition with respect to the adversely affected agricultural commodity, including—

"(i) information regarding the feasibility and desirability of substituting 1 or more alternative commodities for the adversely affected agricultural commodity; and

"(ii) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected agricultural commodity by the producer, including yield and marketing improvements.

"(2) LIMITATION.—

"(A) IN GENERAL.—Notwithstanding any other provision of this chapter, an agricultural commodity producer shall not be eligible for assistance under this chapter in any year in which the average adjusted gross income of the producer exceeds $2,500,000.

"(B) CERTIFICATION.—To comply with the limitation under subparagraph (A), an individual or entity shall provide to the Secretary—

"(i) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income of the producer does not exceed $2,500,000; or

"(ii) information and documentation regarding the adjusted gross income of the producer through other procedures established by the Secretary.

"(C) DEFINITIONS.—In this subsection:

"(i) ADJUSTED GROSS INCOME.—The term 'adjusted gross income' means adjusted gross income of an agricultural commodity producer—

"(I) as defined in section 62 of the Internal Revenue Code of 1986 and implemented in accordance with procedures established by the Secretary; and

"(II) that is earned directly or indirectly from all agricultural and nonagricultural sources of an individual or entity for a fiscal or corresponding crop year.

"(ii) AVERAGE ADJUSTED GROSS INCOME.—

"(I) IN GENERAL.—The term 'average adjusted gross income' means the average adjusted gross income of a producer for each of the 3 preceding taxable years.

"(II) EFFECTIVE ADJUSTED GROSS INCOME.—In the case of a producer that does not have an adjusted gross income for each of the 3 preceding taxable years, the Secretary shall establish rules that provide the producer with an effective adjusted gross income for the applicable year.

"(b) AMOUNT OF CASH BENEFITS.—

"(1) IN GENERAL.—Subject to the provisions of section 298, an adversely affected agricultural commodity producer described in subsection (a) shall be entitled to adjustment assistance under this chapter in an amount equal to the product of—

"(A) one-half of the difference between—

"(i) an amount equal to 80 percent of the average of the national average price of the agricultural commodity covered by the application described in subsection (a) for the 5 marketing years preceding the most recent marketing year, and

"(ii) the national average price of the agricultural commodity for the most recent marketing year, and

"(B) the amount of the agricultural commodity produced by the agricultural commodity producer in the most recent marketing year.

"(2) SPECIAL RULE FOR SUBSEQUENT QUALIFIED YEARS.—The amount of cash benefits for a qualified year shall be determined in the same manner as cash benefits are determined under paragraph (1) except that the average national price of the agricultural commodity shall be determined under paragraph (1)(A)(i) by using the 5-marketing-year period used to determine the amount of cash benefits for the first certification.

"(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—The maximum amount of cash benefits an agricultural commodity producer may receive in any 12-month period shall not exceed $10,000.

"(d) LIMITATIONS ON OTHER ASSISTANCE.—An agricultural commodity producer entitled to receive a cash benefit under this chapter—

"(1) shall not be eligible for any other cash benefit under this title, and

"(2) shall be entitled to employment services and training benefits under part III of subchapter C of chapter 2.

"SEC. 297. FRAUD AND RECOVERY OF OVERPAYMENTS.

"(a) IN GENERAL.—

"(1) REPAYMENT.—If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this chapter to which the person was not entitled, such person shall be liable to repay such amount to the Secretary, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary, that—

"(A) the payment was made without fault on the part of such person; and

"(B) requiring such repayment would be contrary to equity and good conscience.

"(2) RECOVERY OF OVERPAYMENT.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

"(b) FALSE STATEMENT.—A person shall, in addition to any other penalty provided by law, be ineligible for any further payments under this chapter—

"(1) if the Secretary, or a court of competent jurisdiction, determines that the person—

"(A) knowingly has made, or caused another to make, a false statement or representation of a material fact; or

"(B) knowingly has failed, or caused another to fail, to disclose a material fact; and

"(2) as a result of such false statement or representation, or of such nondisclosure, such person has received any payment under this chapter to which the person was not entitled.

"(c) NOTICE AND DETERMINATION.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) by the Secretary has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

"(d) PAYMENT TO TREASURY.—Any amount recovered under this section shall be returned to the Treasury of the United States.

"(e) PENALTIES.—Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Department of Agriculture not to exceed $90,000,000 for each of the fiscal years 2002 through 2007 to carry out the purposes of this chapter.

"(b) PROPORTIONATE REDUCTION.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.".

(b) EFFECTIVE DATE.—The amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

SEC. 501. TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN.

(a) IN GENERAL.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), as amended by title IV of this Act, is amended by adding at the end the following new chapter:

"CHAPTER 7—ADJUSTMENT ASSISTANCE FOR FISHERMEN

"SEC. 299. DEFINITIONS.

"In this chapter:

"(1) COMMERCIAL FISHING, FISH, FISHERY, FISHING, FISHING VESSEL, PERSON, AND UNITED STATES FISH PROCESSOR.—The terms 'commercial fishing', 'fish', 'fishery', 'fishing', 'fishing vessel', 'person', and 'United States fish processor' have the same meanings as such terms have in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

"(2) PRODUCER.—The term 'producer' means any person who—

"(A) is engaged in commercial fishing; or

"(B) is a United States fish processor.

"(3) CONTRIBUTED IMPORTANTLY.—

"(A) IN GENERAL.—The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.

"(B) DETERMINATION OF CONTRIBUTED IMPORTANTLY.—The determination of whether imports of articles like or directly competitive with a fish caught through commercial fishing or processed by a United States fish processor with respect to which a petition under this chapter was filed contributed importantly to a decline in the price of the fish shall be made by the Secretary.

"(4) DULY AUTHORIZED REPRESENTATIVE.—The term 'duly authorized representative' means an association of producers.

"(5) NATIONAL AVERAGE PRICE.—The term 'national average price' means the national average price paid to a producer for fish in a marketing year as determined by the Secretary.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(7) TRADE ADJUSTMENT ASSISTANCE CENTER.—The term 'Trade Adjustment Assistance Center' shall have the same meaning as such term has in section 253.

"SEC. 299A. PETITIONS; GROUP ELIGIBILITY.

"(a) IN GENERAL.—A petition for a certification of eligibility to apply for adjustment assistance under this chapter may be filed with the Secretary by a group of producers or by their duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

"(b) HEARINGS.—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested person an opportunity to be present, to produce evidence, and to be heard.

"(c) GROUP ELIGIBILITY REQUIREMENTS.—The Secretary shall certify a group of producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

"(1) that the national average price for the fish, or a class of fish, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such fish, or such class of fish, for the 5 marketing years preceding the most recent marketing year; and

"(2) that increases in imports of articles like or directly competitive with the fish, or class of fish, produced by the group contributed importantly to the decline in price described in paragraph (1).

"(d) SPECIAL RULE FOR QUALIFIED SUBSEQUENT YEARS.—A group of producers certified as eligible under section 299B shall be eligible to apply for assistance under this chapter in any qualified year after the year the group is first certified, if the Secretary determines that—

"(1) the national average price for the fish, or class of fish, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

"(2) the requirements of subsection (c)(2) are met.

"(e) DETERMINATION OF QUALIFIED YEAR AND COMMODITY.—In this chapter:

"(1) QUALIFIED YEAR.—The term 'qualified year', with respect to a group of producers certified as eligible under section 299B, means each consecutive year after the year in which the group is certified that the Secretary makes the determination under subsection (c) or (d), as the case may be.

"(2) CLASSES OF GOODS WITHIN A COMMODITY.—In any case in which there are separate classes of fish, the Secretary shall treat each class as a separate commodity in determining group eligibility, the national average price, and level of imports under this section and section 299E.

"SEC. 299B. DETERMINATIONS BY SECRETARY.

"(a) IN GENERAL.—As soon as practicable after the date on which a petition is filed under section 299A, but in any event not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 299A (c) or (d), as the case may be, and shall, if the group meets the requirements, issue a certification of eligibility to apply for assistance under this chapter covering producers in any group that meets the requirements. Each certification shall specify the date on which eligibility under this chapter begins.

"(b) NOTICE.—Upon making a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register, together with the Secretary's reasons for making the determination.

"(c) TERMINATION OF CERTIFICATION.—Whenever the Secretary determines, with respect to any certification of eligibility under this chapter, that the decline in price for the fish covered by the certification is no longer attributable to the conditions described in section 299A, the Secretary shall terminate such certification and promptly cause notice of such termination to be published in the Federal Register, together with the Secretary's reasons for making such determination.

"SEC. 299C. STUDY BY SECRETARY WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

"(a) IN GENERAL.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to a fish, the Commission shall immediately notify the Secretary of the investigation. Upon receipt of the notification, the Secretary shall immediately conduct a study of—

"(1) the number of producers producing a like or directly competitive agricultural commodity who have been or are likely to be certified as eligible for adjustment assistance under this chapter, and

"(2) the extent to which the adjustment of such producers to the import competition may be facilitated through the use of existing programs.

"(b) REPORT.—Not later than 15 days after the day on which the Commission makes its report under section 202(f), the Secretary shall submit a report to the President setting forth the findings of the study under subsection (a). Upon making his report to the President, the Secretary shall also promptly make the report public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the Federal Register.

"SEC. 299D. BENEFIT INFORMATION TO PRODUCERS.

"(a) IN GENERAL.—The Secretary shall provide full information to producers about the benefit allowances, training, and other employment services available under this title and about the petition and application procedures, and the appropriate filing dates, for such allowances, training, and services. The Secretary shall provide whatever assistance is necessary to enable groups to prepare petitions or applications for program benefits under this title.

"(b) NOTICE OF BENEFITS.—

"(1) IN GENERAL.—The Secretary shall mail written notice of the benefits available under this chapter to each producer that the Secretary has reason to believe is covered by a certification made under this chapter.

"(2) OTHER NOTICE.—The Secretary shall publish notice of the benefits available under this chapter to producers that are covered by each certification made under this chapter in newspapers of general circulation in the areas in which such producers reside.

"SEC. 299E. QUALIFYING REQUIREMENTS FOR PRODUCERS.

"(a) IN GENERAL.—Payment of a trade adjustment allowance shall be made to an adversely affected producer covered by a certification under this chapter who files an application for such allowance within 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 299B, if the following conditions are met:

"(1) The producer submits to the Secretary sufficient information to establish the amount of fish covered by the application filed under subsection (a) that was produced by the producer in the most recent year.

"(2) The producer certifies that the producer has not received cash benefits under any provision of this title other than this chapter.

"(3) The producer's net fishing or processing income (as determined by the Secretary) for the most recent year is less than the producer's net fishing or processing income for the latest year in which no adjustment assistance was received by the producer under this chapter.

"(4) The producer certifies that—

"(A) the producer has met with an employee or agent from a Trade Adjustment Assistance Center to obtain, at no cost to the producer, information and technical assistance that will assist the producer in adjusting to import competition with respect to the adversely affected fish, including—

"(i) information regarding the feasibility and desirability of substituting 1 or more alternative fish for the adversely affected fish; and

"(ii) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected fish by the producer, including yield and marketing improvements; and

"(B) none of the benefits will be used to purchase, lease, or finance any new fishing vessel, add capacity to any fishery, or otherwise add to the overcapitalization of any fishery.

"(b) AMOUNT OF CASH BENEFITS.—

"(1) IN GENERAL.—Subject to the provisions of section 299G, an adversely affected producer described in subsection (a) shall be entitled to adjustment assistance under this chapter in an amount equal to the product of—

"(A) one-half of the difference between—

"(i) an amount equal to 80 percent of the average of the national average price of the fish covered by the application described in subsection (a) for the 5 marketing years preceding the most recent marketing year; and

"(ii) the national average price of the fish for the most recent marketing year; and

"(B) the amount of the fish produced by the producer in the most recent marketing year.

"(2) SPECIAL RULE FOR SUBSEQUENT QUALIFIED YEARS.—The amount of cash benefits for a qualified year shall be determined in the same manner as cash benefits are determined under paragraph (1) except that the average national price of the fish shall be determined under paragraph (1)(A)(i) by using the 5-marketing-year period used to determine the amount of cash benefits for the first certification. A producer shall only be eligible for benefits for subsequent qualified years if the Secretary or his designee determines that sufficient progress has been made implementing the plans developed under section 299E(a)(4) of this title.

"(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—The maximum amount of cash benefits a producer may receive in any 12-month period shall not exceed $10,000.

"(d) LIMITATIONS ON OTHER ASSISTANCE.—A producer entitled to receive a cash benefit under this chapter—

"(1) shall not be eligible for any other cash benefit under this title, and

"(2) shall be entitled to employment services and training benefits under part III of subchapter C of chapter 2.

"SEC. 299F. FRAUD AND RECOVERY OF OVERPAYMENTS.

"(a) IN GENERAL.—

"(1) REPAYMENT.—If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this chapter to which the person was not entitled, such person shall be liable to repay such amount to the Secretary, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary, that—

"(A) the payment was made without fault on the part of such person; and

"(B) requiring such repayment would be contrary to equity and good conscience.

"(2) RECOVERY OF OVERPAYMENT.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

"(b) FALSE STATEMENT.—A person shall, in addition to any other penalty provided by law, be ineligible for any further payments under this chapter—

"(1) if the Secretary, or a court of competent jurisdiction, determines that the person—

"(A) knowingly has made, or caused another to make, a false statement or representation of a material fact; or

"(B) knowingly has failed, or caused another to fail, to disclose a material fact; and

"(2) as a result of such false statement or representation, or of such nondisclosure, such person has received any payment under this chapter to which the person was not entitled.

"(c) NOTICE AND DETERMINATION.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) by the Secretary has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

"(d) PAYMENT TO TREASURY.—Any amount recovered under this section shall be returned to the Treasury of the United States.

"(e) PENALTIES.—Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

"SEC. 299G. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Department of Commerce not to exceed $10,000,000 for each of the fiscal years 2002 through 2007 to carry out the purposes of this chapter.

"(b) PROPORTIONATE REDUCTION.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.".

(b) EFFECTIVE DATE.—The amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

SEC. 601. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to abatements, credits, and refunds) is amended by inserting after section 6428 the following new section:

"SEC. 6429. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to 70 percent of the amount paid during the taxable year for coverage for the taxpayer, the taxpayer's spouse, and dependents of the taxpayer under qualified health insurance during eligible coverage months.

"(b) ELIGIBLE COVERAGE MONTH.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible coverage month' means any month if, as of the first day of such month—

"(A) the taxpayer is an eligible individual,

"(B) the taxpayer is covered by qualified health insurance,

"(C) the premium for coverage under such insurance for such month is paid by the taxpayer, and

"(D) the taxpayer does not have other specified coverage.

"(2) SPECIAL RULES.—

"(A) JOINT RETURNS.—In the case of a joint return, the requirements of paragraph (1) shall be treated as met if at least 1 spouse satisfies such requirements.

"(B) EXCLUSION OF MONTHS IN WHICH INDIVIDUAL IS IMPRISONED.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

"(3) OTHER SPECIFIED COVERAGE.—For purposes of this subsection, an individual has other specified coverage for any month if, as of the first day of such month—

"(A) SUBSIDIZED COVERAGE.—

"(i) IN GENERAL.—Such individual is covered under any qualified health insurance under which at least 50 percent of the cost of coverage (determined under section 4980B) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(ii) TREATMENT OF CAFETERIA PLANS AND FLEXIBLE SPENDING ACCOUNTS.—For purposes of clause (i), the cost of benefits—

"(I) which are chosen under a cafeteria plan (as defined in section 125(d)), or provided under a flexible spending or similar arrangement, of such an employer, and

"(II) which are not includible in gross income under section 106,

shall be treated as borne by such employer.

"(B) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

"(i) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

"(ii) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

"(C) CERTAIN OTHER COVERAGE.—Such individual—

"(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code,

"(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code,

"(iii) is entitled to receive benefits under chapter 17 of title 38, United States Code, or

"(iv) is eligible for benefits under the Indian Health Care Improvement Act.

"(4) SPECIAL RULE.—For purposes of this subsection, an individual does not have other specified coverage for any month if such coverage is under a qualified long-term care insurance contract (as defined in section 7702B(b)(1)).

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002.

"(d) QUALIFIED HEALTH INSURANCE.—For purposes of this section, the term 'qualified health insurance' means health insurance coverage described under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)).

"(e) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made by the Secretary under section 7527 during any calendar year to a provider of qualified health insurance for an individual, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under part IV of subchapter A of chapter 1.

"(f) SPECIAL RULES.—

"(1) COORDINATION WITH OTHER DEDUCTIONS.—Amounts taken into account under subsection (a) shall not be taken into account in determining any deduction allowed under section 162(l) or 213.

"(2) MSA DISTRIBUTIONS.—Amounts distributed from an Archer MSA (as defined in section 220(d)) shall not be taken into account under subsection (a).

"(3) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) CREDIT TREATED AS REFUNDABLE CREDIT.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1.

"(5) EXPENSES MUST BE SUBSTANTIATED.—A payment for qualified health insurance to which subsection (a) applies may be taken into account under this section only if the taxpayer substantiates such payment in such form as the Secretary may prescribe.

"(6) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 7527.".

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) REQUIREMENT OF REPORTING.—Every person—

"(1) who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under qualified health insurance (as defined in section 6429(d)), and

"(2) who claims a reimbursement for an advance credit amount,

shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each individual from whom such payments were received or for whom such a reimbursement is claimed.

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each individual referred to in subsection (a),

"(B) the aggregate of the advance credit amounts provided to such individual and for which reimbursement is claimed,

"(C) the number of months for which such advance credit amounts are so provided, and

"(D) such other information as the Secretary may prescribe.

"(c) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(d) ADVANCE CREDIT AMOUNT.—For purposes of this section, the term 'advance credit amount' means an amount for which the person can claim a reimbursement pursuant to a program established by the Secretary under section 7527.".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

"(xi) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of subparagraph (Z), by striking the period at the end of subparagraph (AA) and inserting ", or", and by adding after subparagraph (AA) the following new subparagraph:

"(BB) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

"Sec. 6050T. Returns relating to trade adjustment assistance health insurance credit.".

(c) CRIMINAL PENALTY FOR FRAUD.—

(1) IN GENERAL.—Subchapter B of chapter 75 of the Internal Revenue Code of 1986 (relating to other offenses) is amended by adding at the end the following:

"SEC. 7276. PENALTIES FOR OFFENSES RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"Any person who knowingly misuses Department of the Treasury names, symbols, titles, or initials to convey the false impression of association with, or approval or endorsement by, the Department of the Treasury of any insurance products or group health coverage in connection with the credit for trade adjustment assistance health insurance under section 6429 shall on conviction thereof be fined not more than $10,000, or imprisoned not more than 1 year, or both.".

(2) The table of sections for subchapter B of chapter 75 of such Code is amended by adding at the end the following:

"Sec. 7276. Penalties for offenses relating to trade adjustment assistance health insurance credit.".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 6429 of such Code".

(2) The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6429. Trade adjustment assistance health insurance credit.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2001, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(2) PENALTIES.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 602. ADVANCE PAYMENT OF TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) GENERAL RULE.—The Secretary shall establish a program for making payments on behalf of eligible individuals (as defined in section 6429(c)) to providers of health insurance for such individuals for whom a qualified health insurance credit eligibility certificate is in effect.

"(b) QUALIFIED HEALTH INSURANCE CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement certified by a designated local agency (as defined in section 51(d)(11)) (or by any other entity designated by the Secretary) which—

"(1) certifies that the individual was an eligible individual (as defined in section 6429(c)) as of the first day of any month, and

"(2) provides such other information as the Secretary may require for purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7527. Advance payment of trade adjustment assistance health insurance credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

SEC. 603. HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS.

(a) ELIGIBILITY FOR GRANTS.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) from funds appropriated under section 174(c)—

"(A) to a State to provide the assistance described in subsection (f) to any eligible worker (as defined in subsection (f)(4)(B)); and

"(B) to a State to provide the assistance described in subsection (g) to any eligible worker (as defined in subsection (g)(5)).".

(b) USE OF FUNDS FOR HEALTH INSURANCE COVERAGE.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

"(f) HEALTH INSURANCE COVERAGE ASSISTANCE FOR ELIGIBLE WORKERS.—

"(1) IN GENERAL.—Funds made available to a State under paragraph (4)(A) of subsection (a) may be used by the State for the following:

"(A) HEALTH INSURANCE COVERAGE.—To assist an eligible worker (as defined in paragraph (4)(B)) in enrolling in health insurance coverage through—

"(i) COBRA continuation coverage;

"(ii) State-based continuation coverage provided by the State under a State law that requires such coverage even though the coverage would not otherwise be required under the provisions of law referred to in paragraph (4)(A);

"(iii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a qualified State high risk pool or other comparable State-based health insurance coverage alternative;

"(iv) the enrollment of the eligible worker and the eligible worker's spouse and dependents in the health insurance program offered for State employees;

"(v) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-based health insurance program that is comparable to the health insurance program offered for State employees;

"(vi) a direct payment arrangement entered into by the State and a group health plan (including a multiemployer plan as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37))), an issuer of health insurance coverage, an administrator, or an employer, as appropriate, on behalf of the eligible worker and the eligible worker's spouse and dependents;

"(vii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-operated, State-funded health plan;

"(viii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a State arrangement with a private sector health care coverage purchasing pool; or

"(ix) in the case of an eligible worker who was enrolled in individual health insurance coverage during the 6-month period that ends on the date on which the worker became unemployed, enrollment in such individual health insurance coverage.

"(B) ESTABLISHMENT OF HEALTH INSURANCE COVERAGE MECHANISMS.—To establish or administer—

"(i) a qualified State high risk pool for the purpose of providing health insurance coverage to an eligible worker and the eligible worker's spouse and dependents;

"(ii) a State-based program for the purpose of providing health insurance coverage to an eligible worker and the eligible worker's spouse and dependents that is comparable to the State health insurance program for State employees; or

"(iii) a program under which the State enters into arrangements described in subparagraph (A)(vi).

"(C) ADMINISTRATIVE EXPENSES.—To pay the administrative expenses related to the enrollment of eligible workers and the eligible workers spouses and dependents in health insurance coverage described in subparagraph (A), including—

"(i) eligibility verification activities;

"(ii) the notification of eligible workers of available health insurance coverage options;

"(iii) processing qualified health insurance credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

"(iv) providing assistance to eligible workers in enrolling in health insurance coverage;

"(v) the development or installation of necessary data management systems; and

"(vi) any other expenses determined appropriate by the Secretary.

"(2) REQUIREMENTS RELATING TO HEALTH INSURANCE COVERAGE.—With respect to health insurance coverage provided to eligible workers under any of clauses (ii) through (viii) of paragraph (1)(A), the State shall ensure that—

"(A) enrollment is guaranteed for workers who provide a qualified health insurance credit eligibility certificate described in section 7527 of the Internal Revenue Code of 1986 and who pay the remainder of the premium for such enrollment;

"(B) no pre-existing condition limitations are imposed with respect to such eligible workers;

"(C) the worker is not required (as a condition of enrollment or continued enrollment under the coverage) to pay a premium or contribution that is greater than the premium or contribution for a similarly situated individual who is not an eligible worker;

"(D) benefits under the coverage are the same as (or substantially similar to) the benefits provided to similarly situated individuals who are not eligible workers;

"(E) the standard loss ratio for the coverage is not less than 65 percent;

"(F) in the case of coverage provided under paragraph (1)(A)(v), the premiums and benefits are comparable to the premiums and benefits applicable to State employees; and

"(G) such coverage otherwise meets requirements established by the Secretary.

"(3) AVAILABILITY OF FUNDS.—

"(A) EXPEDITED PROCEDURES.—With respect to applications submitted by States for grants under this subsection, the Secretary shall—

"(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

"(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

"(iii) develop procedures to expedite the provision of funds to States with approved applications.

"(B) AVAILABILITY AND DISTRIBUTION OF FUNDS.—The Secretary shall ensure that funds made available under section 174(c)(1)(A) to carry out subsection (a)(4)(A) are available to States throughout the period described in section 174(c)(2)(A).

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) COBRA CONTINUATION COVERAGE.—The term 'COBRA continuation coverage' means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 8905a of title 5, United States Code.

"(B) ELIGIBLE WORKER.—The term 'eligible worker' means an individual who—

"(i) is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002;

"(ii) does not have other specified coverage; and

"(iii) is not imprisoned under Federal, State, or local authority.

"(C) OTHER SPECIFIED COVERAGE.—With respect to any individual, the term 'other specified coverage' means—

"(i) SUBSIDIZED COVERAGE.—

"(I) IN GENERAL.—Such individual is covered under any health insurance coverage under which at least 50 percent of the cost of coverage (determined under section 4980B of the Internal Revenue Code of 1986) is paid or incurred by an employer (or former employer) of the individual or the individual's spouse.

"(II) TREATMENT OF CAFETERIA PLANS AND FLEXIBLE SPENDING ACCOUNTS.—For purposes of subclause (I), the cost of benefits which are chosen under a cafeteria plan (as defined in section 125(d) of such Code), or provided under a flexible spending or similar arrangement, of such an employer, and which are not includible in gross income under section 106 of such Code, shall be treated as borne by such employer.

"(ii) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

"(I) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

"(II) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

"(iii) CERTAIN OTHER COVERAGE.—Such individual—

"(I) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code;

"(II) is entitled to receive benefits under chapter 55 of title 10, United States Code;

"(III) is entitled to receive benefits under chapter 17 of title 38, United States Code; or

"(IV) is eligible for benefits under the Indian Health Care Improvement Act.

Such term does not include coverage under a qualified long-term care insurance contract (as defined in section 7702B(b)(1) of the Internal Revenue Code of 1986).

"(D) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a)), section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)), and section 4980B(g)(2) of the Internal Revenue Code of 1986.

"(E) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given that term in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(b)(1)) (other than insurance if substantially all of its coverage is of excepted benefits described in section 2791(c) of such Act (42 U.S.C. 300gg–91(c)).

"(F) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term 'individual health insurance coverage' means health insurance coverage offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

"(G) QUALIFIED STATE HIGH RISK POOL.—The term 'qualified State high risk pool' has the meaning given that term in section 2744(c)(2) of the Public Health Service Act.

"(H) STANDARD LOSS RATIO.—The term 'standard loss ratio', with respect to the pool of insured individuals under coverage described in clauses (ii) through (viii) of subparagraph (A) for a year, means—

"(i) the amount of claims incurred with respect to the pool of insured individuals in each such type of coverage for such year; divided by

"(ii) the premiums paid for enrollment in each such coverage for such year.

"(g) INTERIM HEALTH AND OTHER ASSISTANCE.—

"(1) IN GENERAL.—Funds made available to a State under paragraph (4)(B) of subsection (a) may be used by the State to provide assistance and support services to eligible workers, including health care coverage, transportation, child care, dependent care, and income assistance.

"(2) INCOME SUPPORT.—With respect to any income assistance provided to an eligible worker with such funds, such assistance shall supplement and not supplant other income support or assistance provided under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) or the unemployment compensation laws of the State where the eligible worker resides.

"(3) HEALTH CARE COVERAGE.—With respect to any health care coverage assistance provided to an eligible worker with such funds, the following rules shall apply:

"(A) The State may provide assistance in obtaining health care coverage to the eligible worker and to the eligible worker's spouse and dependents.

"(B) Such assistance shall supplement and may not supplant any other State or local funds used to provide health care coverage and may not be included in determining the amount of non-Federal contributions required under any program.

"(4) AVAILABILITY OF FUNDS.—

"(A) EXPEDITED PROCEDURES.—With respect to applications submitted by States for grants under this subsection, the Secretary shall—

"(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

"(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

"(iii) develop procedures to expedite the provision of funds to States with approved applications.

"(B) AVAILABILITY AND DISTRIBUTION OF FUNDS.—The Secretary shall ensure that funds made available under section 174(c)(1)(B) to carry out subsection (a)(4)(B) are available to States throughout the period described in section 174(c)(2)(B).

"(5) DEFINITION OF ELIGIBLE WORKER.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002 under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and who is determined to be qualified to receive payment of a trade adjustment allowance under such chapter (as so in effect).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 174 of the Workforce Investment Act of 1998 (29 U.S.C. 2919) is amended by adding at the end the following:

"(c) ASSISTANCE FOR ELIGIBLE WORKERS.—

"(1) IN GENERAL.—There are authorized to be appropriated—

"(A) to carry out subsection (a)(4)(A) of section 173—

"(i) $10,000,000 for fiscal year 2002; and

"(ii) $60,000,000 for each of fiscal years 2003 through 2007; and

"(B) to carry out subsection (a)(4)(B) of section 173—

"(i) $50,000,000 for fiscal year 2002;

"(ii) $100,000,000 for fiscal year 2003; and

"(iii) $50,000,000 for fiscal year 2004.

"(2) AVAILABILITY OF FUNDS.—Funds appropriated under—

"(A) paragraph (1)(A) for each fiscal year shall, notwithstanding section 189(g), remain available for obligation during the pendency of any outstanding claim under the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002; and

"(B) paragraph (1)(B), for each fiscal year shall, notwithstanding section 189(g), remain available during the period that begins on the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 and ends on September 30, 2004.".

(d) CONFORMING AMENDMENT.—Section 132(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(a)(2)(A)) is amended by inserting ", other than under subsection (a)(4), (f), and (g)" after "grants".

(e) TEMPORARY EXTENSION OF COBRA ELECTION PERIOD FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the election period for COBRA continuation coverage (as defined in section 6429(d)(2) of the Internal Revenue Code of 1986) with respect to any eligible individual (as defined in section 6429(c) of such Code) for whom such period has expired as of the date of the enactment of this Act, shall not end before the date that is 60 days after the date the individual becomes such an eligible individual.

(2) PREEXISTING CONDITIONS.—If an individual becomes such an eligible individual, any period before the date of such eligibility shall be disregarded for purposes of determining the 63-day periods referred to in section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)), section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)), and section 9801(c)(2) of the Internal Revenue Code of 1986.

TITLE VII—CONFORMING AMENDMENTS AND EFFECTIVE DATE

SEC. 701. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO THE TRADE ACT OF 1974.—

(1) ASSISTANCE TO INDUSTRIES.—Section 265 of the Trade Act of 1974 (19 U.S.C. 2355) is amended by striking "certified as eligible to apply for adjustment assistance under sections 231 or 251", and inserting "certified as eligible for trade adjustment assistance benefits under section 231, or as eligible to apply for adjustment assistance under section 251".

(2) GENERAL ACCOUNTING OFFICE REPORT.—Section 280 of the Trade Act of 1974 (19 U.S.C. 2391) is amended to read as follows:

"SEC. 280. GENERAL ACCOUNTING OFFICE REPORT.

"(a) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study of the adjustment assistance programs established under chapters 2, 3, 4, 6, and 7 of this title and shall report the results of such study to the Congress no later than January 31, 2005. Such report shall include an evaluation of—

"(1) the effectiveness of such programs in aiding workers, farmers, fishermen, firms, and communities to adjust to changed economic conditions resulting from changes in the patterns of international trade; and

"(2) the coordination of the administration of such programs and other Government programs which provide unemployment compensation and relief to depressed areas.

"(b) ASSISTANCE OF OTHER DEPARTMENTS AND AGENCIES.—In carrying out his responsibilities under this section, the Comptroller General shall, to the extent practical, avail himself of the assistance of the Departments of Labor, Commerce, and Agriculture and the Small Business Administration. The Secretaries of Labor, Commerce, and Agriculture and the Administrator of the Small Business Administration shall make available to the Comptroller General any assistance necessary for an effective evaluation of the adjustment assistance programs established under this title.".

(3) COORDINATION.—Section 281 of the Trade Act of 1974 (19 U.S.C. 2392) is amended by striking "Departments of Labor and Commerce" and inserting "Departments of Labor, Commerce, and Agriculture".

(4) TRADE MONITORING SYSTEM.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended by striking "The Secretary of Commerce and the Secretary of Labor" and inserting "The Secretaries of Commerce, Labor, and Agriculture".

(5) JUDICIAL REVIEW.—

(A) Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended by striking "under section 223 or section 250(c)" and all that follows through "the Secretary of Commerce under section 271" and inserting "under section 231, a firm or its representative, or any other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 251, an agricultural commodity producer (as defined in section 291(2)) aggrieved by a determination of the Secretary of Agriculture under section 293, or a producer (as defined in section 299(2)) aggrieved by a determination of the Secretary of Commerce under section 299B".

(B) Section 284 of such Trade Act of 1974 is amended in the second sentence of subsection (a) and in subsections (b) and (c), by inserting "or the Secretary of Agriculture" after "Secretary of Commerce" each place it appears.

(6) TERMINATION.—Section 285 of the Trade Act of 1974 is amended to read as follows:

"SEC. 285. TERMINATION.

"(a) ASSISTANCE FOR WORKERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), trade adjustment assistance, vouchers, allowances, and other payments or benefits may not be provided under chapter 2 after September 30, 2007.

"(2) EXCEPTION.—Notwithstanding paragraph (1), a worker shall continue to receive trade adjustment assistance benefits and other benefits under chapter 2 for any week for which the worker meets the eligibility requirements of that chapter, if on or before September 30, 2007, the worker is—

"(A) certified as eligible for trade adjustment assistance benefits under section 231; and

"(B) otherwise eligible to receive trade adjustment assistance benefits under chapter 2.

"(b) OTHER ASSISTANCE.—

"(1) ASSISTANCE FOR FIRMS.—Technical assistance may not be provided under chapter 3 after September 30, 2007.

"(2) ASSISTANCE FOR COMMUNITIES.—Technical assistance and other payments may not be provided under chapter 4 after September 30, 2007.

"(3) ASSISTANCE FOR FARMERS AND FISHERMEN.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), adjustment assistance, vouchers, allowances, and other payments or benefits may not be provided under chapter 6 or 7 after September 30, 2007.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), an agricultural commodity producer (as defined in section 291(2)) or producer (as defined in section 299(2)), shall continue to receive adjustment assistance benefits and other benefits under chapter 6 or 7, whichever applies, for any week for which the agricultural commodity producer or producer meets the eligibility requirements of chapter 6 or 7, whichever applies, if on or before September 30, 2007, the agricultural commodity producer or producer is—

"(i) certified as eligible for adjustment assistance benefits under chapter 6 or 7, whichever applies; and

"(ii) is otherwise eligible to receive adjustment assistance benefits under such chapter 6 or 7.".

(6) TABLE OF CONTENTS.—

(A) IN GENERAL.—The table of contents for chapters 2, 3, and 4 of title II of the Trade Act of 1974 is amended to read as follows:

"CHAPTER 2—ADJUSTMENT ASSISTANCE FOR WORKERS

"SUBCHAPTER A—GENERAL PROVISIONS

"Sec. 221. Definitions.
"Sec. 222. Agreements with States.
"Sec. 223. Administration absent State agreement.
"Sec. 224. Data collection; evaluations; reports.
"Sec. 225. Study by Secretary of Labor when International Trade Commission begins investigation.
"Sec. 226. Report by Secretary of Labor on likely impact of trade agreements.

"SUBCHAPTER B—CERTIFICATIONS

"Sec. 231. Certification as adversely affected workers.
"Sec. 232. Benefit information to workers.

"SUBCHAPTER C—PROGRAM BENEFITS

"PART I—GENERAL PROVISIONS

"Sec. 234. Comprehensive assistance.

"PART II—TRADE ADJUSTMENT ALLOWANCES

"Sec. 235. Qualifying requirements for workers.
"Sec. 236. Weekly amounts.
"Sec. 237. Limitations on trade adjustment allowances.
"Sec. 238. Application of State laws.

"PART III—EMPLOYMENT SERVICES, TRAINING, AND OTHER ALLOWANCES

"Sec. 239. Employment services.
"Sec. 240. Training.
"Sec. 240A. Job training programs.
"Sec. 241. Job search allowances.
"Sec. 242. Relocation allowances.
"Sec. 243. Supportive services; wage insurance.

"SUBCHAPTER D—PAYMENT AND ENFORCEMENT PROVISIONS

"Sec. 244. Payments to States.
"Sec. 245. Liabilities of certifying and disbursing officers.
"Sec. 246. Fraud and recovery of overpayments.
"Sec. 247. Criminal penalties.
"Sec. 248. Authorization of appropriations.
"Sec. 249. Regulations.
"Sec. 250. Subpoena power.

"CHAPTER 3—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

"Sec. 251. Petitions and determinations.
"Sec. 252. Approval of adjustment proposals.
"Sec. 253. Technical assistance.
"Sec. 254. Financial assistance.
"Sec. 255. Conditions for financial assistance.
"Sec. 256. Delegation of functions to Small Business Administration; authorization of appropriations.
"Sec. 257. Administration of financial assistance.
"Sec. 258. Protective provisions.
"Sec. 259. Penalties.
"Sec. 260. Suits.
"Sec. 261. Definition of firm.
"Sec. 262. Regulations.
"Sec. 264. Study by Secretary of Commerce when International Trade Commission begins investigation; action where there is affirmative finding.
"Sec. 265. Assistance to industries.

"CHAPTER 4—COMMUNITY ECONOMIC ADJUSTMENT

"Sec. 271. Definitions.
"Sec. 272. Office of Community Trade Adjustment.
"Sec. 273. Notification and certification as an eligible community.
"Sec. 274. Community Economic Development Coordinating Committee.
"Sec. 275. Community economic adjustment advisors.
"Sec. 276. Strategic plans.
"Sec. 277. Grants for economic development.
"Sec. 278. Authorization of appropriations.
"Sec. 279. General provisions.".

(B) CHAPTERS 6 AND 7.—The table of contents for title II of the Trade Act of 1974, as amended by subparagraph (A), is amended by inserting after the items relating to chapter 5 the following:

"CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

"Sec. 291. Definitions.
"Sec. 292. Petitions; group eligibility.
"Sec. 293. Determinations by Secretary of Agriculture.
"Sec. 294. Study by Secretary of Agriculture when International Trade Commission begins investigation.
"Sec. 295. Benefit information to agricultural commodity producers.
"Sec. 296. Qualifying requirements for agricultural commodity producers.
"Sec. 297. Fraud and recovery of overpayments.
"Sec. 298. Authorization of appropriations.

"CHAPTER 7—ADJUSTMENT ASSISTANCE FOR FISHERMEN

"Sec. 299. Definitions.
"Sec. 299A. Petitions; group eligibility.
"Sec. 299B. Determinations by Secretary.
"Sec. 299C. Study by Secretary when International Trade Commission begins investigation.

"Sec. 299D. Benefit information to producers.
"Sec. 299E. Qualifying requirements for producers.
"Sec. 299F. Fraud and recovery of overpayments.
"Sec. 299G. Authorization of appropriations.".

(b) INTERNAL REVENUE CODE.—

(1) ADJUSTED GROSS INCOME.—Section 62(a)(12) of the Internal Revenue Code of 1986 (relating to the definition of adjusted gross income) is amended by striking "trade readjustment allowances under section 231 or 232" and inserting "trade adjustment allowances under section 235 or 236".

(2) FEDERAL UNEMPLOYMENT.—

(A) IN GENERAL.—Section 3304(a)(8) of the Internal Revenue Code of 1986 (relating to the approval of State unemployment insurance laws) is amended to read as follows:

"(8) compensation shall not be denied to an individual for any week because the individual is in training with the approval of the State agency, or in training approved by the Secretary of Labor pursuant to chapter 2 of title II of the Trade Act of 1974 (or because of the application, to any such week in training, of State law provisions relating to availability for work, active search for work, or refusal to accept work);".

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by this paragraph shall apply in the case of compensation paid for weeks beginning on or after the date that is 90 days after the date of enactment of this Act.

(ii) MEETING OF STATE LEGISLATURE.—

(I) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by subparagraph (A), the amendments made by subparagraph (A) shall apply in the case of compensation paid for weeks beginning after the earlier of—

(aa) the date the State changes its statutes or regulations in order to comply with the amendments made by this section; or

(bb) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date;

except that in no case shall the amendments made by this Act apply before the date described in clause (i).

(II) SESSION DEFINED.—In this clause, the term "session" means a regular, special, budget, or other session of a State legislature.

(c) AMENDMENTS TO TITLE 28.—

(1) CIVIL ACTIONS AGAINST THE UNITED STATES.—Section 1581(d) of title 28, United States Code, is amended—

(A) in paragraph (1), by striking "section 223" and inserting "section 231";

(B) in paragraph (2), by striking "and"; and

(C) by striking paragraph (3), and inserting the following:

"(3) any final determination of the Secretary of Agriculture under section 293 of the Trade Act of 1974 with respect to the eligibility of an agricultural commodity producer (as defined in section 291(2)) for adjustment assistance under such Act; and

"(4) any final determination of the Secretary of Commerce under section 299B of the Trade Act of 1974 with respect to the eligibility of a producer (as defined in section 299(2)) for adjustment assistance under such Act.".

(2) PERSONS ENTITLED TO COMMENCE A CIVIL ACTION.—Section 2631 of title 28, United States Code, is amended—

(A) by amending subsection (d)(1) to read as follows:

"(d)(1) A civil action to review any final determination of the Secretary of Labor under section 231 of the Trade Act of 1974 with respect to the certification of workers as adversely affected and eligible for trade adjustment assistance under that Act may be commenced by a worker, a group of workers, a certified or recognized union, or an authorized representative of such worker or group, that petitions for certification under that Act or is aggrieved by the final determination.";

(B) by striking paragraph (3), and inserting the following:

"(3) A civil action to review any final determination of the Secretary of Agriculture under section 293 of the Trade Act of 1974 with respect to the eligibility of an agricultural commodity producer for adjustment assistance may be commenced in the Court of International Trade by an agricultural commodity producer that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested party that is aggrieved by such final determination."; and

(C) by adding at the end the following new paragraph:

"(4) A civil action to review any final determination of the Secretary of Commerce under section 299B of the Trade Act of 1974 with respect to the eligibility of an producer (as defined in section 299(2)) for adjustment assistance may be commenced in the Court of International Trade by a producer that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested party that is aggrieved by such final determination.".

(3) TIME FOR COMMENCEMENT OF ACTION.—Section 2636(d) of title 28, United States Code, is amended by striking "under section 223 of the Trade Act of 1974 or a final determination of the Secretary of Commerce under section 251 or section 271 of such Act" and inserting "under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 293 of that Act, or a final determination of the Secretary of Commerce under section 299B of that Act".

(4) SCOPE AND STANDARD OF REVIEW.—Section 2640(c) of title 28, United States Code, is amended by striking "under section 223 of the Trade Act of 1974 or any final determination of the Secretary of Commerce under section 251 or section 271 of such Act" and inserting "under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 293 of that Act, or a final determination of the Secretary of Commerce under section 299B of that Act".

(5) RELIEF.—Section 2643(c)(2) of title 28, United States Code, is amended by striking "under section 223 of the Trade Act of 1974 or any final determination of the Secretary of Commerce under section 251 or section 271 of such Act" and inserting "under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 293 of that Act, or a final determination of the Secretary of Commerce under section 299B of that Act".

(d) AMENDMENT TO THE FOOD STAMP ACT OF 1977.—Section 6(o)(1)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o)(1)(B)) is amended by striking "section 236" and inserting "section 240".

TITLE VIII—SAVINGS PROVISIONS AND EFFECTIVE DATE

SEC. 801. SAVINGS PROVISIONS.

(a) PROCEEDINGS NOT AFFECTED.—

(1) IN GENERAL.—The provisions of this division shall not affect any petition for certification for benefits under chapter 2 of title II of the Trade Act of 1974 that was in effect on September 30, 2001. Determinations shall be issued, appeals shall be taken therefrom, and payments shall be made under those determinations, as if this division had not been enacted, and orders issued in any proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) MODIFICATION OR DISCONTINUANCE.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding under the same terms and conditions and to the same extent that the proceeding could have been discontinued or modified if this division had not been enacted.

(b) SUITS NOT AFFECTED.—The provisions of this division shall not affect any suit commenced before October 1, 2001, and in all those suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this division had not been enacted.

(c) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Government, or by or against any individual in the official capacity of that individual as an officer of the Federal Government, shall abate by reason of enactment of this Act.

SEC. 802. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in sections 401(b), 501(b), and 701(b)(2)(B), titles IX, X, and XI, and subsections (b), (c), and (d) of this section, the amendments made by this division shall apply to—

(1) petitions for certification filed under chapter 2 or 3 of title II of the Trade Act of 1974 on or after the date that is 90 days after the date of enactment of this Act; and

(2) certifications for assistance under chapter 4 of title II of the Trade Act of 1974 issued on or after the date that is 90 days after the date of enactment of this Act.

(b) WORKERS CERTIFIED AS ELIGIBLE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a), a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on such date, if on or before such date, the worker—

(1) was certified as eligible for trade adjustment assistance benefits under such chapter as in effect on such date; and

(2) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on such date.

(c) WORKERS WHO BECAME ELIGIBLE DURING QUALIFIED PERIOD.—

(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, including section 285 of the Trade Act of 1974, any worker who would have been eligible to receive trade adjustment assistance or other benefits under chapter 2 of title II of the Trade Act if 1974 during the qualified period if such chapter 2 had been in effect during such period, shall be eligible to receive trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the worker meets the eligibility requirements of such chapter 2 as in effect on September 30, 2001.

(2) QUALIFIED PERIOD.—For purposes of this subsection, the term "qualified period" means the period beginning on January 11, 2002 and ending on the date that is 90 days after the date of enactment of this Act.

(d) ADJUSTMENT ASSISTANCE FOR FIRMS.—

(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, including section 285 of the Trade Act of 1974, and except as provided in paragraph (2) any firm that would have been eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act if 1974 during the qualified period if such chapter 3 had been in effect during such period, shall be eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the firm meets the eligibility requirements of such chapter 3 as in effect on September 30, 2001.

(2) QUALIFIED PERIOD.—For purposes of this subsection, the term "qualified period" means the period beginning on October 1, 2001 and ending on the date that is 90 days after the date of enactment of this Act.

TITLE IX—REVENUE PROVISIONS

SEC. 901. CUSTOM USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "December 31, 2010".

TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. COUNTRY OF ORIGIN LABELING OF FISH AND SHELLFISH PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) COVERED COMMODITY.—The term "covered commodity" means—

(A) a perishable agricultural commodity; and

(B) any fish or shellfish, and any fillet, steak, nugget, or any other flesh from fish or shellfish, whether fresh, chilled, frozen, canned, smoked, or otherwise preserved.

(2) FOOD SERVICE ESTABLISHMENT.—The term "food service establishment" means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public.

(3) PERISHABLE AGRICULTURAL COMMODITY; RETAILER.—The terms "perishable agricultural commodity" and "retailer" have the meanings given the terms in section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Agricultural Marketing Service.

(b) NOTICE OF COUNTRY OF ORIGIN.—

(1) REQUIREMENT.—Except as provided in paragraph (3), a retailer of a covered commodity shall inform consumers, at the final point of sale of the covered commodity to consumers, of the country of origin of the covered commodity.

(2) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively harvested and processed in the United States, or in the case of farm-raised fish and shellfish, is hatched, raised, harvested, and processed in the United States.

(3) EXEMPTION FOR FOOD SERVICE ESTABLISHMENTS.—Paragraph (1) shall not apply to a covered commodity if the covered commodity is prepared or served in a food service establishment, and—

(A) offered for sale or sold at the food service establishment in normal retail quantities; or

(B) served to consumers at the food service establishment.

(c) METHOD OF NOTIFICATION.—

(1) IN GENERAL.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the covered commodity at the final point of sale to consumers.

(2) LABELED COMMODITIES.—If the covered commodity is already individually labeled for retail sale regarding country of origin, the retailer shall not be required to provide any additional information to comply with this section.

(d) AUDIT VERIFICATION SYSTEM.—The Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to ensure compliance with the regulations promulgated under subsection (g).

(e) INFORMATION.—Any person engaged in the business of supplying a covered commodity to a retailer shall provide information to the retailer indicating the country of origin of the covered commodity.

(f) ENFORCEMENT.—

(1) IN GENERAL.—Each Federal agency having jurisdiction over retailers of covered commodities shall, at such time as the necessary regulations are adopted under subsection (g), adopt measures intended to ensure that the requirements of this section are followed by affected retailers.

(2) VIOLATION.—A violation of subsection (b) shall be treated as a violation under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.).

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to carry out this section within 1 year after the date of enactment of this Act.

(2) PARTNERSHIPS WITH STATES.—In promulgating the regulations, the Secretary shall, to the maximum extent practicable, enter into partnerships with States that have the enforcement infrastructure necessary to carry out this section.

(h) APPLICATION.—This section shall apply to the retail sale of a covered commodity beginning on the date that is 180 days after the date of enactment of this Act.

SEC. 1002. SUGAR POLICY.

(a) FINDINGS.—Congress finds that—

(1) the tariff-rate quotas imposed on imports of sugar, syrups and sugar-containing products under chapters 17, 18, 19, and 21 of the Harmonized Tariff Schedule of the United States are an essential element of United States sugar policy;

(2) circumvention of the tariff-rate quotas will, if unchecked, make it impossible to achieve the objectives of United States sugar policy;

(3) the tariff-rate quotas have been circumvented frequently, defeating the purposes of United States sugar policy and causing disruption to the United States market for sweeteners, injury to domestic growers, refiners, and processors of sugar, and adversely affecting legitimate exporters of sugar to the United States;

(4) it is essential to United States sugar policy that the tariff-rate quotas be enforced and that deceptive practices be prevented, including the importation of products with no commercial use and failure to disclose all relevant information to the United States Customs Service; and

(5) unless action is taken to prevent circumvention, circumvention of the tariff-rate quotas will continue and will ultimately destroy United States sugar policy.

(b) POLICY.—It is the policy of the United States to maintain the integrity of the tariff-rate quotas on sugars, syrups, and sugar-containing products by stopping circumvention as soon as it becomes apparent. It is also the policy of the United States that products not used to circumvent the tariff-rate quotas, such as molasses used for animal feed or for rum, not be affected by any action taken pursuant to this Act.

(c) IDENTIFICATION OF IMPORTS.—

(1) IDENTIFICATION.—Not later than 30 days after the date of enactment of this Act, and on a regular basis thereafter, the Secretary of Agriculture shall—

(A) identify imports of articles that are circumventing tariff-rate quotas on sugars, syrups, or sugar-containing products imposed under chapter 17, 18, 19, or 21 of the Harmonized Tariff Schedule of the United States; and

(B) report to the President the articles found to be circumventing the tariff-rate quotas.

(2) ACTION BY PRESIDENT.—Upon receiving the report from the Secretary of Agriculture, the President shall, by proclamation, include any article identified by the Secretary in the appropriate tariff-rate quota provision of the Harmonized Tariff Schedule.

TITLE XI—CUSTOMS REAUTHORIZATION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Customs Border Security Act of 2002".

Subtitle A—United States Customs Service

CHAPTER 1—DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL AND COMMERCIAL OPERATIONS

SEC. 1111. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $886,513,000 for fiscal year 2003."; and

(2) in subparagraph (B) to read as follows:

"(B) $909,471,000 for fiscal year 2004.".

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

"(i) $1,603,482,000 for fiscal year 2003."; and

(B) in clause (ii) to read as follows:

"(ii) $1,645,009,000 for fiscal year 2004.".

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2003 and 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreements Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $181,860,000 for fiscal year 2003."; and

(2) in subparagraph (B) to read as follows:

"(B) $186,570,000 for fiscal year 2004.".

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for *the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.*

SEC. 1112. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) Fiscal Year 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 1111(a) of this title, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) United States-Mexico border.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) United States-Canada border.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) Florida and Gulf Coast seaports.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) Fiscal Year 2004.—Of the amounts made available for fiscal year 2004 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 1111(a) of this title, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) Acquisition of Technologically Superior Equipment; Transfer of Funds.—

(1) In general.—The Commissioner of Customs may use amounts made available for fiscal year 2003 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 1111(a) of this title, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) Transfer of funds.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 1113. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2003 and 2004 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 1121 of this title.

CHAPTER 2—CHILD CYBER-SMUGGLING CENTER OF THE CUSTOMS SERVICE

SEC. 1121. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) Authorization of Appropriations.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2003 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) Use of Amounts for Child Pornography Cyber Tipline.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 1131. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2003 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 1111 of this title, $25,000,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 1132. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) Study.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) Report.—Not later than 120 days after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 1133. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) Study.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) Report.—Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 1134. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) Establishment and Implementation.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 1135. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term "prospective ruling" means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 1136. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

SEC. 1137. AUTHORIZATION OF APPROPRIATIONS FOR CUSTOMS STAFFING.

There are authorized to be appropriated to the Department of Treasury such sums as may be necessary to provide an increase in the annual rate of basic pay—

(1) for all journeyman Customs inspectors and Canine Enforcement Officers who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332; and

(2) for the support staff associated with the personnel described in subparagraph (A), at the appropriate GS level of the General Schedule under such section 5332.

CHAPTER 4—ANTITERRORISM PROVISIONS

SEC. 1141. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking "Whenever the President" and inserting "(a) Whenever the President"; and

(2) by adding at the end the following:

"(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

"(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

"(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

"(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

"(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

"(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).".

SEC. 1142. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(B) by adding at the end the following:

"(2) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

"(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

"(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), the person's—

"(1) full name;

"(2) date of birth and citizenship;

"(3) gender;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number, as applicable;

"(6) passenger name record; and

"(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.".

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

"(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of enactment of this Act.

SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466, and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (relating to exportation of controlled substances) (21 U.S.C. 953).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a Customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING IN EXCESS OF 16 OUNCES.—

"(1) IN GENERAL.—Mail weighing in excess of 16 ounces sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), if there is reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) LIMITATION.—No person acting under the authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to rule 41 of the Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.

"(d) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING 16 OUNCES OR LESS.—Notwithstanding any other provision of this section, subsection (a)(1) shall not apply to mail weighing 16 ounces or less sealed against inspection under the postal laws and regulations of the United States.".

(b) CERTIFICATION BY SECRETARY.—Not later than 3 months after the date of enactment of this section, the Secretary of State shall determine whether the application of section 583 of the Tariff Act of 1930 to foreign mail transiting the United States that is imported or exported by the United States Postal Service is being handled in a manner consistent with international law and any international obligation of the United States. Section 583 of such Act shall not apply to such foreign mail unless the Secretary certifies to Congress that the application of such section 583 is consistent with international law and any international obligation of the United States.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) CERTIFICATION WITH RESPECT TO FOREIGN MAIL.—The provisions of section 583 of the Tariff Act of 1930 relating to foreign mail transiting the United States that is imported or exported by the United States Postal Service shall not take effect until the Secretary of State certifies to Congress, pursuant to subsection (b), that the application of such section 583 is consistent with international law and any international obligation of the United States.

SEC. 1144. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2003.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

CHAPTER 5—TEXTILE TRANSSHIPMENT PROVISIONS

SEC. 1151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 1152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2003.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 1153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Of the amount made available for fiscal year 2003 under section 301(b)(2)(A) of the Customs

Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 1111(b)(1) of this title, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

Subtitle B—Office of the United States Trade Representative

SEC. 1161. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "not to exceed";

(B) in clause (i) to read as follows:

"(i) $30,000,000 for fiscal year 2003."; and

(C) in clause (ii) to read as follows:

"(ii) $31,000,000 for fiscal year 2004."; and

(2) in subparagraph (B)—

(A) in clause (i), by adding "and" at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.".

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2003 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

Subtitle C—United States International Trade Commission

SEC. 1171. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

"(i) $51,400,000 for fiscal year 2003."; and

(2) in clause (ii) to read as follows:

"(ii) $53,400,000 for fiscal year 2004.".

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

"(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.".

Subtitle D—Other Trade Provisions

SEC. 1181. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking "$400" and inserting "$800".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

SEC. 1182. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

"(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

"(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.".

Subtitle E—Sense of Senate

SEC. 1191. SENSE OF SENATE.

It is the sense of the Senate that fees collected for certain customs services (commonly referred to as "customs user fees") provided for in section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) may be used only for the operations and programs of the United States Customs Service.

DIVISION B—BIPARTISAN TRADE PROMOTION AUTHORITY

TITLE XXI—TRADE PROMOTION AUTHORITY

SEC. 2101. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Bipartisan Trade Promotion Authority Act of 2002".

(b) FINDINGS.—Congress makes the following findings:

(1) The expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity. Trade agreements today serve the same purposes that security pacts played during the Cold War, binding nations together through a series of mutual rights and obligations. Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.

(2) The national security of the United States depends on its economic security, which in turn is founded upon a vibrant and growing industrial base. Trade expansion has been the engine of economic growth. Trade agreements maximize opportunities for the critical sectors and building blocks of the economy of the United States, such as information technology, telecommunications and other leading technologies, basic industries, capital equipment, medical equipment, services, agriculture, environmental technology, and intellectual property. Trade will create new opportunities for the United States and preserve the unparalleled strength of the United States in economic, political, and military affairs. The United States, secured by expanding trade and economic opportunities, will meet the challenges of the twenty-first century.

(3) Support for continued trade expansion requires that dispute settlement procedures under international trade agreements not add to or diminish the rights and obligations provided in such agreements. Nevertheless, in several cases, dispute settlement panels and the WTO Appellate Body have added to obligations and diminished rights of the United States under WTO Agreements. In particular, dispute settlement panels and the Appellate Body have—

(A) given insufficient deference to the expertise and fact-finding of the Department of Commerce and the United States International Trade Commission;

(B) imposed an obligation concerning the causal relationship between increased imports into the United States and serious injury to domestic industry necessary to support a safeguard measure that is different from the obligation set forth in the applicable WTO Agreements;

(C) imposed an obligation concerning the exclusion from safeguards measures of products imported from countries party to a free trade agreement that is different from the obligation set forth in the applicable WTO Agreements;

(D) imposed obligations on the Department of Commerce with respect to the use of facts available in antidumping investigations that are different from the obligations set forth in the applicable WTO Agreements; and

(E) accorded insufficient deference to the Department of Commerce's methodology for adjusting countervailing duties following the privatization of a subsidized foreign producer.

SEC. 2102. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 2103 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, and promote full employment in the United States and to enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization (as defined in section 2113(2)) and an understanding of the relationship between trade and worker rights;

(7) to seek provisions in trade agreements under which parties to those agreements strive to ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement fortrade; and

(8) to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, expanded export market opportunities, and provide for the reduction or elimination of trade barriers that disproportionately impact small business.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE BARRIERS AND DISTORTIONS.—The principal negotiating objectives of the United States regarding trade barriers and other trade distortions are—

(A) to expand competitive market opportunities for United States exports including motor vehicles and vehicle parts and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, with particular attention to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(3) FOREIGN INVESTMENT.—Recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, the principal negotiating objectives of the United States regarding foreign investment are to reduce or eliminate artificial or trade-distorting barriers to trade-related foreign investment, while ensuring that foreign investors in the United States are not accorded greater rights than United States investors in the United States, and to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) seeking to establish standards for fair and equitable treatment consistent with United States legal principles and practice, including the principle of due process;

(F) providing meaningful procedures for resolving investment disputes;

(G) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims and to deter the filing of frivolous claims;

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(iii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iv) establishment of a single appellate body to review decisions in investor-to-government disputes and thereby provide coherence to the interpretations of investment provisions in trade agreements; and

(H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(4) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works; and

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms;

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection; and

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.

(5) TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency through—

(A) increased and more timely public access to information regarding trade issues and the activities of international trade institutions;

(B) increased openness at the WTO and other international trade fora by increasing public access to appropriate meetings, proceedings, and submissions, including with regard to dispute settlement and investment; and

(C) increased and more timely public access to all notifications and supporting documentation submitted by parties to the WTO.

(6) ANTI-CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and appropriate domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments; and

(B) to ensure that such standards do not place United States persons at a competitive disadvantage in international trade.

(7) IMPROVEMENT OF THE WTO AND MULTILATERAL TRADE AGREEMENTS.—The principal negotiating objectives of the United States regarding the improvement of the World Trade Organization, the Uruguay Round Agreements, and other multilateral and bilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and such agreements to products, sectors, and conditions of trade not adequately covered; and

(B) to expand country participation in and enhancement of the Information Technology Agreement and other trade agreements.

(8) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices by foreign governments to provide a competitive advantage to their domestic producers, service providers, or investors and thereby reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost-benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms among parties to trade agreements to promote increased transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes; and

(D) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products.

(9) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization apply to electronic commerce;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible;

(C) to ensure that governments refrain from implementing trade-related measures that impede electronic commerce;

(D) where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are the least restrictive on trade, nondiscriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(10) RECIPROCAL TRADE IN AGRICULTURE.—

(A) IN GENERAL.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded

foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by—

(i) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(I) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(II) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(ii) reducing tariffs to levels that are the same as or lower than those in the United States;

(iii) seeking to eliminate all export subsidies on agricultural commodities while maintaining bona fide food aid and preserving United States agricultural market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(iv) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(v) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(vi) eliminating Government policies that create price-depressing surpluses;

(vii) eliminating state trading enterprises whenever possible;

(viii) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, particularly with respect to import-sensitive products, including—

(I) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(II) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(III) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(IV) other unjustified technical barriers to trade; and

(V) restrictive rules in the administration of tariff rate quotas;

(ix) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(x) ensuring that the use of import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(xi) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(xii) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(xiii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(xiv) taking into account the impact that agreements covering agriculture to which the United States is a party, including the North American Free Trade Agreement, have on the United States agricultural industry;

(xv) maintaining bona fide food assistance programs and preserving United States market development and export credit programs; and

(xvi) strive to complete a general multilateral round in the World Trade Organization by January 1, 2005, and seek the broadest market access possible in multilateral, regional, and bilateral negotiations, recognizing the effect that simultaneous sets of negotiations may have on United States import-sensitive commodities (including those subject to tariff-rate quotas).

(B) CONSULTATION.—

(i) BEFORE COMMENCING NEGOTIATIONS.—Before commencing negotiations with respect to agriculture, the United States Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of seasonal and perishable agricultural products to be employed in the negotiations in order to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area.

(ii) DURING NEGOTIATIONS.—During any negotiations on agricultural subsidies, the United States Trade Representative shall seek to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule.

(iii) SCOPE OF OBJECTIVE.—The negotiating objective provided in subparagraph (A) applies with respect to agricultural matters to be addressed in any trade agreement entered into under section 2103 (a) or (b), including any trade agreement entered into under section 2103 (a) or (b) that provides for accession to a trade agreement to which the United States is already a party, such as the North American Free Trade Agreement and the United States-Canada Free Trade Agreement.

(11) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that parties to a trade agreement retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor or environmental matters determined to have higher priorities, and to recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources and no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of environmental protection;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 2113(2));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

(12) HUMAN RIGHTS AND DEMOCRACY.—The principal negotiating objective regarding human rights and democracy is to obtain provisions in trade agreements that require parties to those agreements to strive to protect internationally recognized civil, political, and human rights.

(13) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek improved adherence by panels convened under the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes and by the WTO Appellate Body to the standard of review applicable under the WTO Agreement involved in the dispute, including greater deference, where appropriate, to the fact finding and technical expertise of national investigating authorities;

(D) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(E) to seek provisions to encourage the provision of trade-expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(F) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(G) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(14) BORDER TAXES.—The principal negotiating objective of the United States regarding border taxes is to obtain a revision of the WTO rules with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct taxes for revenue rather than indirect taxes.

(15) WTO EXTENDED NEGOTIATIONS.—The principal negotiating objectives of the United States regarding trade in civil aircraft are those set forth in section 135(c) of the Uruguay Round Agreements Act (19 U.S.C. 3355(c)) and regarding rules of origin are the conclusion of an

agreement described in section 132 of that Act (19 U.S.C. 3552).

(16) TEXTILE NEGOTIATIONS.—

(A) IN GENERAL.—The principal negotiating objectives of the United States with respect to trade in textiles and apparel articles is to obtain competitive opportunities for United States exports of textiles and apparel in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in textiles and apparel by—

(i) reducing to levels that are the same as, or lower than, those in the United States, or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports of textiles and apparel;

(ii) eliminating by a date certain non-tariff barriers that decrease market opportunities for United States textile and apparel articles;

(iii) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort textile and apparel markets to the detriment of the United States;

(iv) developing, strengthening, and clarifying rules to eliminate practices that unfairly decrease United States market access opportunities or distort textile and apparel markets to the detriment of the United States;

(v) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(vi) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(vii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in textiles and apparel; and

(viii) taking into account the impact that agreements covering textiles and apparel trade to which the United States is already a party are having on the United States textile and apparel industry.

(B) SCOPE OF OBJECTIVE.—The negotiating objectives set forth in subparagraph (A) apply with respect to trade in textile and apparel articles to be addressed in any trade agreement entered into under section 2103 (a) or (b), including any trade agreement entered under section 2103 (a) or (b) that provides for accession to a trade agreement to which the United States is already a party.

(17) WORST FORMS OF CHILD LABOR.—The principal negotiating objectives of the United States regarding the trade-related aspects of the worst forms of child labor are—

(A) to prevent distortions in the conduct of international trade caused by the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce; and

(B) to redress unfair and illegitimate competition based upon the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce, including through—

(i) promoting universal ratification and full compliance by all trading nations with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, particularly with respect to meeting enforcement obligations under that Convention and related international agreements;

(ii) pursuing action under Article XX of GATT 1994 to allow WTO members to restrict imports of goods found to be produced with the worst forms of child labor;

(iii) seeking commitments by parties to any multilateral or bilateral trade agreement that is entered into by the United States to ensure that national laws reflect international standards regarding prevention of the use of the worst forms of child labor, especially in the conduct of international trade; and

(iv) seeking commitments by trade agreement parties to vigorously enforce laws prohibiting the use of the worst forms of child labor, especially in the conduct of international trade, through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

(c) PROMOTION OF CERTAIN PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) seek greater cooperation between the WTO and the ILO;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 2113(2)), and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(3) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(4) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 of November 16, 1999 and the relevant guidelines, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such reviews;

(5) review the impact of future trade agreements on United States employment, modeled after Executive Order 13141, taking into account the impact on job security, the level of compensation of new jobs and existing jobs, the displacement of employment, and the regional distribution of employment, utilizing experience from previous trade agreements and alternative models of employment analysis, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review, and make that report available to the public;

(6) take into account other legitimate United States domestic objectives including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto;

(7) have the Secretary of Labor consult with any country seeking a trade agreement with the United States concerning that country's labor laws and provide technical assistance to that country if needed;

(8) in connection with any trade negotiations entered into under this Act, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating, on a time frame determined in accordance with section 2107(b)(2)(E);

(9)(A) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(B) address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(10) continue to promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of the GATT 1994;

(11) report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 12 months after the imposition of a penalty or remedy by the United States permitted by a trade agreement to which this title applies, on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement; and

(12) seek to establish consultative mechanisms among parties to trade agreements to examine the trade consequences of significant and unanticipated currency movements and to scrutinize whether a foreign government engaged in a pattern of manipulating its currency to promote a competitive advantage in international trade.

The report required under paragraph (11) shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.

(d) CONSULTATIONS.—

(1) CONSULTATIONS WITH CONGRESSIONAL ADVISERS.—In the course of negotiations conducted under this title, the United States Trade Representative shall consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Congressional Oversight Group convened under section 2107 and all committees of the House of Representatives and the Senate with jurisdiction over laws that would be affected by a trade agreement resulting from the negotiations.

(2) CONSULTATION BEFORE AGREEMENT INITIALED.—In the course of negotiations conducted under this title, the United States Trade Representative shall—

(A) consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211), the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Congressional Oversight Group convened under section 2107; and

(B) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

SEC. 2103. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) reduces the rate of duty below that applicable under the Uruguay Round Agreements, on any import sensitive agricultural product; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 2105 and that bill is enacted into law.

(6) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B), (2)(A), (2)(C), and (3) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2102(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(7) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—

(A) DETERMINATION BY PRESIDENT.—Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy; or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect;

and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) AGREEMENT TO REDUCE OR ELIMINATE CERTAIN DISTORTION.—The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) TIME PERIOD.—The President may enter into a trade agreement under this paragraph before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 2102 (a) and (b) and the President satisfies the conditions set forth in section 2104.

(3) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—

(A) APPLICATION OF EXPEDITED PROCEDURES.—The provisions of section 151 of the Trade Act of 1974 (in this title referred to as "trade authorities procedures") apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an "implementing bill".

(B) PROVISIONS DESCRIBED.—The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(4) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 (trade authorities procedures) shall not apply to any provision in an implementing bill being considered by the Senate that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—

(i) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.);

(ii) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337);

(iii) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.);

(iv) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or

(v) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

(B) POINT OF ORDER IN SENATE.—

(i) IN GENERAL.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) WAIVERS AND APPEALS.—

(I) WAIVERS.—Before the Presiding Officer rules on a point of order described in clause (i), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in clause (i) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(II) APPEALS.—After the Presiding Officer rules on a point of order under this subparagraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in clause (i) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(III) DEBATE.—Debate on a motion to waive under subclause (I) or on an appeal of the ruling of the Presiding Officer under subclause (II) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 2105(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2005; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2005, and before July 1, 2007, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 1, 2005.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade

authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to the Congress, not later than March 1, 2005, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) OTHER REPORTS TO CONGRESS.—

(A) REPORT BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains—

(i) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title; and

(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(B) REPORT BY ITC.—The President shall promptly inform the International Trade Commission of the President's decision to submit a report to the Congress under paragraph (2). The International Trade Commission shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains a review and analysis of the economic impact on the United States of all trade agreements implemented between the date of enactment of this Act and the date on which the President decides to seek an extension requested under paragraph (2).

(4) STATUS OF REPORTS.—The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTIONS.—

(A) DEFINITION.—For purposes of paragraph (1), the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the ______ disapproves the request of the President for the extension, under section 2103(c)(1)(B)(i) of the Bipartisan Trade Promotion Authority Act of 2002, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 2103(b) of that Act after June 30, 2005.", with the blank space being filled with the name of the resolving House of the Congress.

(B) INTRODUCTION.—Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) LIMITATIONS.—It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

(d) COMMENCEMENT OF NEGOTIATIONS.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 2102(b).

SEC. 2104. CONSULTATIONS AND ASSESSMENT.

(a) NOTICE AND CONSULTATION BEFORE NEGOTIATION.—The President, with respect to any agreement that is subject to the provisions of section 2103(b), shall—

(1) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement;

(2) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, such other committees of the House and Senate as the President deems appropriate, and the Congressional Oversight group convened under section 2107; and

(3) upon the request of a majority of the members of the Congressional Oversight Group under section 2107(c), meet with the Congressional Oversight Group before initiating the negotiations or at any other time concerning the negotiations.

(b) NEGOTIATIONS REGARDING AGRICULTURE AND FISHING INDUSTRY.—

(1) IN GENERAL.—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 2102(b)(10)(A)(i) with any country, the President shall assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(2) SPECIAL CONSULTATIONS ON IMPORT SENSITIVE PRODUCTS.—

(A) IN GENERAL.—Before initiating negotiations with regard to agriculture, and, with respect to the Free Trade Area for the Americas and negotiations with regard to agriculture under the auspices of the World Trade Organization, as soon as practicable after the enactment of this Act, the United States Trade Representative shall—

(i) identify those agricultural products subject to tariff-rate quotas on the date of enactment of this Act, and agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(ii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(I) whether any further tariff reductions on the products identified under clause (i) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned;

(II) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements; and

(III) whether the countries participating in the negotiations maintain export subsidies or other programs, policies, or practices that distort world trade in such products and the impact of such programs, policies, and practices on United States producers of the products;

(iii) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(iv) upon complying with clauses (i), (ii), and (iii), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identified under clause (i) for which the Trade Representative intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(B) IDENTIFICATION OF ADDITIONAL AGRICULTURAL PRODUCTS.—If, after negotiations described in subparagraph (A) are commenced—

(i) the United States Trade Representative identifies any additional agricultural product described in subparagraph (A)(i) for tariff reductions which were not the subject of a notification under subparagraph (A)(iv), or

(ii) any additional agricultural product described in subparagraph (A)(i) is the subject of a request for tariff reductions by a party to the negotiations,

the Trade Representative shall, as soon as practicable, notify the committees referred to in subparagraph (A)(iv) of those products and the reasons for seeking such tariff reductions.

(3) NEGOTIATIONS REGARDING THE FISHING INDUSTRY.—Before initiating, or continuing, negotiations which directly relate to fish or shellfish trade with any country, the President shall consult with the Committee on Ways and Means and the Committee on Resources of the House of Representatives, and the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate, and shall keep the Committees apprised of negotiations on an ongoing and timely basis.

(c) NEGOTIATIONS REGARDING TEXTILES.—Before initiating or continuing negotiations the

subject matter of which is directly related to textiles and apparel products with any country, the President shall assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(d) CONSULTATION WITH CONGRESS BEFORE AGREEMENTS ENTERED INTO.—

(1) CONSULTATION.—Before entering into any trade agreement under section 2103(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the Congressional Oversight Group convened under section 2107.

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this title; and

(C) the implementation of the agreement under section 2105, including the general effect of the agreement on existing laws.

(3) REPORT REGARDING UNITED STATES TRADE REMEDY LAWS.—

(A) CHANGES IN CERTAIN TRADE LAWS.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate in writing of any amendments to title VII of the Tariff Act of 1930 or chapter 1 of title II of the Trade Act of 1974 that the President proposes to include in a bill implementing such trade agreement.

(B) EXPLANATION.—On the date that the President transmits the notification, the President also shall transmit to the Committees a report explaining—

(i) the President's reasons for believing that amendments to title VII of the Tariff Act of 1930 or to chapter 1 of title II of the Trade Act of 1974 are necessary to implement the trade agreement; and

(ii) the President's reasons for believing that such amendments are consistent with the purposes, policies, and objectives described in section 2102(c)(9).

(C) REPORT TO HOUSE.—Not later than 60 calendar days after the date on which the President transmits the notification described in subparagraph (A), the Chairman and ranking member of the Ways and Means Committee of the House of Representatives, based on consultations with the members of that Committee, shall issue to the House of Representatives a report stating whether the proposed amendments described in the President's notification are consistent with the purposes, policies, and objectives described in section 2102(c)(9). In the event that the Chairman and ranking member disagree with respect to one or more conclusions, the report shall contain the separate views of the Chairman and ranking member.

(D) REPORT TO SENATE.—Not later than 60 calendar days after the date on which the President transmits the notification described in subparagraph (A), the Chairman and ranking member of the Finance Committee of the Senate, based on consultations with the members of that Committee, shall issue to the Senate a report stating whether the proposed amendments described in the President's report are consistent with the purposes, policies, and objectives described in section 2102(c)(9). In the event that the Chairman and ranking member disagree with respect to one or more conclusions, the report shall contain the separate views of the Chairman and ranking member.

(e) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 2103 (a) or (b) of this title shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 2103(a)(1) or 2105(a)(1)(A) of the President's intention to enter into the agreement.

(f) ITC ASSESSMENT.—

(1) IN GENERAL.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 2103(b), shall provide the International Trade Commission (referred to in this subsection as "the Commission") with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC ASSESSMENT.—Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

SEC. 2105. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 2103(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into an agreement—

(i) notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register; and

(ii) transmits to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the notification and report described in section 2104(d)(3) (A) and (B);

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to the Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 2103(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) SUPPORTING INFORMATION.—The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this title; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce;

(IV) how the implementing bill meets the standards set forth in section 2103(b)(3);

(V) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in section 2102(c) regarding the promotion of certain priorities; and

(VI) in the event that the reports described in section 2104(b)(3) (C) and (D) contain any findings that the proposed amendments are inconsistent with the purposes, policies, and objectives described in section 2102(c)(9), an explanation as to why the President believes such findings to be incorrect.

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 2103(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) DISCLOSURE OF COMMITMENTS.—Any agreement or other understanding with a foreign government or governments (whether oral or in writing) that—

(A) relates to a trade agreement with respect to which Congress enacts implementing legislation under trade authorities procedures, and

(B) is not disclosed to Congress before legislation implementing that agreement is introduced in either House of Congress,

shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(b) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(1) FOR LACK OF NOTICE OR CONSULTATIONS.—

(A) IN GENERAL.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 2103(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) PROCEDURAL DISAPPROVAL RESOLUTION.—(i) For purposes of this paragraph, the term "procedural disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002 on negotiations with respect to ____________ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.", with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i), the President has "failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002" on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with section 2104 or 2105 with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 2107(b) have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the Congressional Oversight Group pursuant to a request made under section 2107(c) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to make progress in achieving the purposes, policies, priorities, and objectives of this title.

(C) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(i) Procedural disapproval resolutions—

(I) in the House of Representatives—

(aa) may be introduced by any Member of the House;

(bb) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(cc) may not be amended by either Committee; and

(II) in the Senate—

(aa) may be introduced by any Member of the Senate.

(bb) shall be referred to the Committee on Finance; and

(cc) may not be amended.

(ii) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been considered under such provisions of section 152 of the Trade Act of 1974 in that House of Congress during that Congress.

(iii) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(iv) It is not in order for the Senate to consider any procedural disapproval resolution not reported by the Committee on Finance.

(2) FOR FAILURE TO MEET OTHER REQUIREMENTS.—Prior to December 31, 2002, the Secretary of Commerce shall transmit to Congress a report setting forth the strategy of the United States for correcting instances in which dispute settlement panels and the Appellate Body of the WTO have added to obligations or diminished rights of the United States, as described in section 2101(b)(3). Trade authorities procedures shall not apply to any implementing bill with respect to an agreement negotiated under the auspices of the WTO, unless the Secretary of Commerce has issued such report in a timely manner.

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section and section 2103(c) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 2106. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.

(a) CERTAIN AGREEMENTS.—Notwithstanding the prenegotiation notification and consultation requirement described in section 2104(a), if an agreement to which section 2103(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with Chile,

(3) is entered into with Singapore, or

(4) establishes a Free Trade Area for the Americas,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 2104(a) (relating only to 90 days notice prior to initiating negotiations), and any procedural disapproval resolution under section 2105(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 2104(a); and

(2) the President shall, as soon as feasible after the enactment of this Act—

(A) notify the Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the committees referred to in section 2104(a)(2) and the Congressional Oversight Group.

SEC. 2107. CONGRESSIONAL OVERSIGHT GROUP.

(a) MEMBERS AND FUNCTIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate shall convene the Congressional Oversight Group.

(2) MEMBERSHIP FROM THE HOUSE.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the House of Representatives which would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this title would apply.

(3) MEMBERSHIP FROM THE SENATE.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The chairman and ranking Member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the Senate which would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this title would apply.

(4) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraph (2)(A) and (3)(A) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this title applies. Each member of the Congressional Oversight Group described in paragraph (2)(B) and (3)(B) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in the negotiations by reason of which the member is in the Congressional Oversight Group. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(5) CHAIR.—The Congressional Oversight Group shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate.

(b) GUIDELINES.—

(1) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of the Congressional Oversight Group regarding negotiating objectives, including the promotion of certain priorities referred to in section 2102(c), and positions and the status of the applicable negotiations, beginning as soon as practicable after the Congressional Oversight Group is convened, with more frequent briefings as trade negotiations enter the final stage;

(B) access by members of the Congressional Oversight Group, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(C) the closest practicable coordination between the Trade Representative and the Congressional Oversight Group at all critical periods during the negotiations, including at negotiation sites;

(D) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement; and

(E) the time frame for submitting the report required under section 2102(c)(8).

(c) Request for Meeting.—Upon the request of a majority of the Congressional Oversight Group, the President shall meet with the Congressional Oversight Group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations.

SEC. 2108. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

(a) In General.—At the time the President submits to the Congress the final text of an agreement pursuant to section 2105(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) Border personnel requirements.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) Agency staffing requirements.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) Customs infrastructure requirements.—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) Impact on state and local governments.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) Cost analysis.—An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

(b) Budget Submission.—The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

SEC. 2109. COMMITTEE STAFF.

The grant of trade promotion authority under this title is likely to increase the activities of the primary committees of jurisdiction in the area of international trade. In addition, the creation of the Congressional Oversight Group under section 2107 will increase the participation of a broader number of Members of Congress in the formulation of United States trade policy and oversight of the international trade agenda for the United States. The primary committees of jurisdiction should have adequate staff to accommodate these increases in activities.

SEC. 2110. CONFORMING AMENDMENTS.

(a) In General.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) Implementing bill.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking "section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act" and inserting "section 282 of the Uruguay Round Agreements Act, or section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002".

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking "or section 282 of the Uruguay Round Agreements Act" and inserting ", section 282 of the Uruguay Round Agreements Act, or section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002".

(2) Advice from international trade commission.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 123 of this Act or section 2103 (a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002,"; and

(ii) in paragraph (2), by striking "section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002";

(B) in subsection (b), by striking "section 1102(a)(3)(A)" and inserting "section 2103(a)(3)(A) of the Bipartisan Trade Promotion Authority Act of 2002"; and

(C) in subsection (c), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002,".

(3) Hearings and advice.—Sections 132, 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," each place it appears and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002,".

(4) Prerequisites for offers.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002".

(5) Advice from private and public sectors.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002";

(B) in subsection (e)(1)—

(i) by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" each place it appears and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002"; and

(ii) by striking "not later than the date on which the President notifies the Congress under section 1103(a)(1)(A) of such Act of 1988 of his intention to enter into that agreement" and inserting "not later than the date that is 30 days after the date on which the President notifies the Congress under section 5(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2002 of the President's intention to enter into that agreement"; and

(C) in subsection (e)(2), by striking "section 1101 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2102 of the Bipartisan Trade Promotion Authority Act of 2002".

(6) Transmission of agreements to congress.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking "or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "or under section 2103 of the Bipartisan Trade Promotion Authority Act of 2002".

(b) Application of Certain Provisions.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 2103 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 2103 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 2111. REPORT ON IMPACT OF TRADE PROMOTION AUTHORITY.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the International Trade Commission shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the economic impact on the United States of the trade agreements described in subsection (b).

(b) Agreements.—The trade agreements described in this subsection are:

(1) The United States-Israel Free Trade Agreement.

(2) The United States-Canada Free Trade Agreement.

(3) The North American Free Trade Agreement.

(4) The Uruguay Round Agreements.

(5) The Tokyo Round of Multilateral Trade Negotiations.

SEC. 2112. IDENTIFICATION OF SMALL BUSINESS ADVOCATE AT WTO.

(a) In General.—The United States Trade Representative shall pursue the identification of a small business advocate at the World Trade Organization Secretariat to examine the impact of WTO agreements on the interests of small- and medium-sized enterprises, address the concerns of small- and medium-sized enterprises, and recommend ways to address those interests in trade negotiations involving the World Trade Organization.

(b) Assistant Trade Representative.—The Assistant United States Trade Representative for Industry and Telecommunications shall be responsible for ensuring that the interests of small business are considered in all trade negotiations in accordance with the objective described in section 2102(a)(8). It is the sense of Congress that the small business functions should be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small business.

(c) Report.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the United States Trade Representative shall prepare and submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the steps taken by the United States Trade Representative to pursue the identification of a small business advocate at the World Trade Organization.

SEC. 2113. DEFINITIONS.

In this title:

(1) Agreement on agriculture.—The term "Agreement on Agriculture" means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(2) Core labor standards.—The term "core labor standards" means—

(A) the right of association;

(B) the right to organize and bargain collectively;

(C) a prohibition on the use of any form of forced or compulsory labor;

(D) a minimum age for the employment of children; and

(E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(3) GATT 1994.—The term "GATT 1994" has the meaning given that term in section 2 of the

Uruguay Round Agreements Act (19 U.S.C. 3501).

(4) ILO.—The term "ILO" means the International Labor Organization.

(5) IMPORT SENSITIVE AGRICULTURAL PRODUCT.—The term "import sensitive agricultural product" means an agricultural product with respect to which, as a result of the Uruguay Round Agreements—

(A) the rate of duty was the subject of tariff reductions by the United States, and pursuant to such Agreements, was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(B) became subject to a tariff-rate quota on or after January 1, 1995.

(6) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(7) URUGUAY ROUND AGREEMENTS.—The term "Uruguay Round Agreements" has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(8) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(9) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

DIVISION C—ANDEAN TRADE PREFERENCE ACT

TITLE XXXI—ANDEAN TRADE PREFERENCE

SEC. 3101. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Andean Trade Preference Expansion Act".

(b) FINDINGS.—Congress makes the following findings:

(1) Since the Andean Trade Preference Act was enacted in 1991, it has had a positive impact on United States trade with Bolivia, Colombia, Ecuador, and Peru. Two-way trade has doubled, with the United States serving as the leading source of imports and leading export market for each of the Andean beneficiary countries. This has resulted in increased jobs and expanded export opportunities in both the United States and the Andean region.

(2) The Andean Trade Preference Act has been a key element in the United States counternarcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic alternatives to drug-crop production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit trade in coca.

(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains threatened by political and economic instability and fragility, vulnerable to the consequences of the drug war and fierce global competition for its legitimate trade.

(4) The continuing instability in the Andean region poses a threat to the security interests of the United States and the world. This problem has been partially addressed through foreign aid, such as Plan Colombia, enacted by Congress in 2000. However, foreign aid alone is not sufficient. Enhancement of legitimate trade with the United States provides an alternative means for reviving and stabilizing the economies in the Andean region.

(5) The Andean Trade Preference Act constitutes a tangible commitment by the United States to the promotion of prosperity, stability, and democracy in the beneficiary countries.

(6) Renewal and enhancement of the Andean Trade Preference Act will bolster the confidence of domestic private enterprise and foreign investors in the economic prospects of the region, ensuring that legitimate private enterprise can be the engine of economic development and political stability in the region.

(7) Each of the Andean beneficiary countries is committed to conclude negotiation of a Free Trade Area of the Americas by the year 2005, as a means of enhancing the economic security of the region.

(8) Temporarily enhancing trade benefits for Andean beneficiaries countries will promote the growth of free enterprise and economic opportunity in these countries and serve the security interests of the United States, the region, and the world.

SEC. 3102. TEMPORARY PROVISIONS.

(a) IN GENERAL.—Section 204(b) of the Andean Trade Preference Act (19 U.S.C. 3203(b)) is amended to read as follows:

"(b) IMPORT-SENSITIVE ARTICLES.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

"(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

"(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

"(C) tuna, prepared or preserved in any manner, in airtight containers;

"(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

"(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply;

"(F) articles to which reduced rates of duty apply under subsection (c);

"(G) sugars, syrups, and sugar containing products subject to tariff-rate quotas; or

"(H) rum and tafia classified in subheading 2208.40 of the HTS.

"(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

"(A) ARTICLES COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following articles imported directly into the customs territory of the United States from an ATPEA beneficiary country:

"(i) APPAREL ARTICLES ASSEMBLED FROM PRODUCTS OF THE UNITED STATES AND ATPEA BENEFICIARY COUNTRIES OR PRODUCTS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—Apparel articles sewn or otherwise assembled in 1 or more ATPEA beneficiary countries, or the United States, or both, exclusively from any one or any combination of the following:

"(I) Fabrics or fabric components formed, or components knit-to-shape, in the United States, from yarns wholly formed in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in the United States), provided that apparel articles sewn or otherwise assembled from materials described in this subclause are assembled with thread formed in the United States.

"(II) Fabric components knit-to-shape in the United States from yarns wholly formed in the United States and fabric components knit-to-shape in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States.

"(III) Fabrics or fabric components formed or components knit-to-shape, in 1 or more ATPEA beneficiary countries, from yarns wholly formed in 1 or more ATPEA beneficiary countries, if such fabrics (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPEA beneficiary countries) or components are in chief weight of llama, or alpaca.

"(IV) Fabrics or yarns that are not formed in the United States or in 1 or more ATPEA beneficiary countries, to the extent such fabrics or yarns are considered not to be widely available in commercial quantities for purposes of determining the eligibility of such apparel articles for preferential treatment under Annex 401 of the NAFTA.

"(ii) KNIT-TO-SHAPE APPAREL ARTICLES.—Apparel articles knit-to-shape (other than socks provided for in heading 6115 of the HTS) in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States.

"(iii) REGIONAL FABRIC.—

"(I) GENERAL RULE.—Knit apparel articles wholly assembled in 1 or more ATPEA beneficiary countries exclusively from fabric formed, or fabric components formed, or components knit-to-shape, or any combination thereof, in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States, in an amount not exceeding the amount set forth in subclause (II).

"(II) LIMITATION.—The amount referred to in subclause (I) is 70,000,000 square meter equivalents during the 1-year period beginning on March 1, 2002, increased by 16 percent, compounded annually, in each succeeding 1-year period through February 28, 2006.

"(iv) CERTAIN OTHER APPAREL ARTICLES.—

"(I) GENERAL RULE.—Subject to subclause (II), any apparel article classifiable under subheading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in the United States, or one or more of the ATPEA beneficiary countries, or both.

"(II) LIMITATION.—During the 1-year period beginning on March 1, 2003, and during each of the 2 succeeding 1-year periods, apparel articles described in subclause (I) of a producer or an entity controlling production shall be eligible for preferential treatment under subparagraph (B) only if the aggregate cost of fabric components formed in the United States that are used in the production of all such articles of that producer or entity that are entered during the preceding 1-year period is at least 75 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

"(III) DEVELOPMENT OF PROCEDURE TO ENSURE COMPLIANCE.—The United States Customs Service shall develop and implement methods and procedures to ensure ongoing compliance with the requirement set forth in subclause (II). If the Customs Service finds that a producer or an entity controlling production has not satisfied such requirement in a 1-year period, then apparel articles described in subclause (I) of that producer or entity shall be ineligible for preferential treatment under subparagraph (B) during any succeeding 1-year period until the aggregate cost of fabric components formed in the United States used in the production of such articles of that producer or entity that are entered during the preceding 1-year period is at least 85 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

“(v) APPAREL ARTICLES ASSEMBLED FROM FABRICS OR YARN NOT WIDELY AVAILABLE IN COMMERCIAL QUANTITIES.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (i)(IV) if—

“(I) the President determines that such fabrics or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner;

“(II) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

“(III) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such actions, and the advice obtained under subclause (II);

“(IV) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclause (III), has expired; and

“(V) the President has consulted with such committees regarding the proposed action during the period referred to in subclause (III).

“(vi) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of an ATPEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

“(vii) SPECIAL RULES.—

“(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, ‘bow buds’, decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

“(bb) In the case of an article described in clause (i)(I) of this subparagraph, sewing thread shall not be treated as findings or trimmings under this subclause.

“(II) CERTAIN INTERLININGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

“(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, ‘hymo’ piece, or ‘sleeve header’, of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

“(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

“(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains yarns not wholly formed in the United States or in 1 or more ATPEA beneficiary countries shall not be ineligible for such treatment if the total weight of all such yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

“(IV) SPECIAL ORIGIN RULE.—An article otherwise eligible for preferential treatment under clause (i) of this subparagraph shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn) that is classifiable under subheading 5402.10.30, 5402.10.60, 5402.31.30, 5402.31.60, 5402.32.30, 5402.32.60, 5402.41.10, 5402.41.90, 5402.51.00, or 5402.61.00 of the HTS duty-free from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995.

“(V) CLARIFICATION OF CERTAIN KNIT APPAREL ARTICLES.—Notwithstanding any other provision of law, an article otherwise eligible for preferential treatment under clause (iii)(I) of this subparagraph, shall not be ineligible for such treatment because the article, or a component thereof, contains fabric formed in the United States from yarns wholly formed in the United States.

“(viii) TEXTILE LUGGAGE.—Textile luggage—

“(I) assembled in an ATPEA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

“(II) assembled from fabric cut in an ATPEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States.

“(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles to which subparagraph (A) applies shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

“(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A)(vi), the President shall consult with representatives of the ATPEA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

“(D) PENALTIES FOR TRANSSHIPMENTS.—

“(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel articles from an ATPEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

“(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the ATPEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

“(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (B) has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

“(E) BILATERAL EMERGENCY ACTIONS.—

“(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from an ATPEA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

“(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

“(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

“(II) the term ‘transition period’ in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

“(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the ATPEA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

“(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

“(A) EQUIVALENT TARIFF TREATMENT.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B), (D) through (F), or (H) of paragraph (1) that is an ATPEA originating good, imported directly into the customs territory of the United States from an ATPEA beneficiary country, shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

“(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

“(iii) CERTAIN FOOTWEAR.—

“(I) IN GENERAL.—Duties on any article described in subclause (II), that is an ATPEA originating good imported directly into the customs territory of the United States from an ATPEA beneficiary country, shall be reduced by 1/15 a year beginning on the date of enactment of the Andean Trade Preference Expansion Act.

“(II) ARTICLES DESCRIBED.—An article described in this subclause means an article described in subheading 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.30, 6402.99.80, 6402.99.90, 6403.91.60, 6404.11.50, 6404.11.60, 6404.11.70, 6404.11.80, 6404.11.90, 6404.19.20, 6404.19.35, 6404.19.50, or 6404.19.70 of the HTS.

“(B) RELATIONSHIP TO SUBSECTION (C) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (c) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

"(C) SPECIAL RULE FOR SUGARS, SYRUPS, AND SUGAR CONTAINING PRODUCTS.—Duty-free treatment under this Act shall not be extended to sugars, syrups, and sugar-containing products subject to over-quota duty rates under applicable tariff-rate quotas.

"(D) SPECIAL RULE FOR CERTAIN TUNA PRODUCTS.—

"(i) IN GENERAL.—The President may proclaim duty-free treatment under this Act for tuna that is harvested by United States vessels or ATPEA beneficiary country vessels, and is prepared or preserved in any manner, in airtight containers in an ATPEA beneficiary country. Such duty-free treatment may be proclaimed in any calendar year for a quantity of such tuna that does not exceed 20 percent of the domestic United States tuna pack in the preceding calendar year. As used in the preceding sentence, the term 'tuna pack' means tuna pack as defined by the National Marine Fisheries Service of the United States Department of Commerce for purposes of subheading 1604.14.20 of the HTS as in effect on the date of enactment of the Andean Trade Preference Expansion Act.

"(ii) UNITED STATES VESSEL.—For purposes of this subparagraph, a 'United States vessel' is a vessel having a certificate of documentation with a fishery endorsement under chapter 121 of title 46, United States Code.

"(iii) ATPEA VESSEL.—For purposes of this subparagraph, an 'ATPEA vessel' is a vessel—

"(I) which is registered or recorded in an ATPEA beneficiary country;

"(II) which sails under the flag of an ATPEA beneficiary country;

"(III) which is at least 75 percent owned by nationals of an ATPEA beneficiary country or by a company having its principal place of business in an ATPEA beneficiary country, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of an ATPEA beneficiary country and of which, in the case of a company, at least 50 percent of the capital is owned by an ATPEA beneficiary country or by public bodies or nationals of an ATPEA beneficiary country;

"(IV) of which the master and officers are nationals of an ATPEA beneficiary country; and

"(V) of which at least 75 percent of the crew are nationals of an ATPEA beneficiary country.

"(4) CUSTOMS PROCEDURES.—

"(A) IN GENERAL.—

"(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

"(ii) DETERMINATION.—

"(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

"(aa) has implemented and follows; or

"(bb) is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

"(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is an ATPEA beneficiary country—

"(aa) from which the article is exported; or

"(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (2) or (3).

"(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

"(C) REPORT BY USTR ON COOPERATION OF OTHER COUNTRIES CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which each ATPEA beneficiary country—

"(i) has cooperated fully with the United States, consistent with its domestic laws and procedures, in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel goods, to establish necessary relevant facts in the places of import, export, and, where applicable, transshipment, including investigation of circumvention practices, exchanges of documents, correspondence, reports, and other relevant information, to the extent such information is available;

"(ii) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

"(iii) has penalized the individuals and entities involved in any such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from taking place in that third country.

The Trade Representative shall submit to Congress, not later than October 1, 2002, a report on the study conducted under this subparagraph.

"(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

"(B) ATPEA BENEFICIARY COUNTRY.—The term 'ATPEA beneficiary country' means any 'beneficiary country', as defined in section 203(a)(1) of this title, which the President designates as an ATPEA beneficiary country, taking into account the criteria contained in subsections (c) and (d) of section 203 and other appropriate criteria, including the following:

"(i) Whether the beneficiary country has demonstrated a commitment to—

"(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

"(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

"(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

"(iii) The extent to which the country provides internationally recognized worker rights, including—

"(I) the right of association;

"(II) the right to organize and bargain collectively;

"(III) a prohibition on the use of any form of forced or compulsory labor;

"(IV) a minimum age for the employment of children; and

"(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

"(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

"(v) The extent to which the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

"(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

"(vii) The extent to which the country—

"(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

"(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

"(viii) The extent to which the country has taken steps to support the efforts of the United States to combat terrorism.

"(C) ATPEA ORIGINATING GOOD.—

"(i) IN GENERAL.—The term 'ATPEA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

"(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 of the NAFTA with respect to an ATPEA beneficiary country for purposes of this subsection—

"(I) no country other than the United States and an ATPEA beneficiary country may be treated as being a party to the NAFTA;

"(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and an ATPEA beneficiary country;

"(III) any reference to a party shall be deemed to refer to an ATPEA beneficiary country or the United States; and

"(IV) any reference to parties shall be deemed to refer to any combination of ATPEA beneficiary countries or to the United States and one or more ATPEA beneficiary countries (or any combination thereof).

"(D) TRANSITION PERIOD.—The term 'transition period' means, with respect to an ATPEA beneficiary country, the period that begins on the date of enactment, and ends on the earlier of—

"(i) February 28, 2006; or

"(ii) the date on which the FTAA or another free trade agreement that makes substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of Public Law 103–182 (19 U.S.C. 3317(b)(5)) enters into force with respect to the United States and the ATPEA beneficiary country.

"(E) ATPEA.—The term 'ATPEA' means the Andean Trade Preference Expansion Act.

"(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.".

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 203(e) of the Andean Trade Preference Act (19 U.S.C. 3202(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(1)"; and

(C) by adding at the end the following:

"(B) The President may, after the requirements of paragraph (2) have been met—

"(i) withdraw or suspend the designation of any country as an ATPEA beneficiary country; or

"(ii) withdraw, suspend, or limit the application of preferential treatment under section 204(b) (2) and (3) to any article of any country;

if, after such designation, the President determines that, as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 204(b)(5)(B).''; and

(2) by adding after paragraph (2) the following new paragraph:

''(3) If preferential treatment under section 204(b) (2) and (3) is withdrawn, suspended, or limited with respect to an ATPEA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 204(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.''.

(c) REPORTING REQUIREMENTS.—Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than December 31, 2002, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

''(A) with respect to subsections (c) and (d), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

''(B) the performance of each beneficiary country or ATPEA beneficiary country, as the case may be, under the criteria set forth in section 204(b)(5)(B).

''(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 204(b)(5)(B).''.

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 202 of the Andean Trade Preference Act (19 U.S.C. 3201) is amended by inserting ''(or other preferential treatment)'' after ''treatment''.

(B) Section 204(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3203(a)(1)) is amended by inserting ''(or otherwise provided for)'' after ''eligibility''.

(C) Section 204(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3203(a)(1)) is amended by inserting ''(or preferential treatment)'' after ''duty-free treatment''.

(2) DEFINITIONS.—Section 203(a) of the Andean Trade Preference Act (19 U.S.C. 3202(a)) is amended by adding at the end the following new paragraphs:

''(4) The term ''NAFTA'' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(5) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).''.

(e) PETITIONS FOR REVIEW.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall promulgate regulations regarding the review of eligibility of articles and countries under the Andean Trade Preference Act, consistent with section 203(e) of such Act, as amended by this title.

(2) CONTENT OF REGULATIONS.—The regulations shall be similar to the regulations regarding eligibility under the Generalized System of Preferences with respect to the timetable for reviews and content, and shall include procedures for requesting withdrawal, suspension, or limitations of preferential duty treatment under the Act, conducting reviews of such requests, and implementing the results of the reviews.

SEC. 3103. TERMINATION.

(a) IN GENERAL.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended to read as follows:

''(b) TERMINATION OF PREFERENTIAL TREATMENT.—No preferential duty treatment extended to beneficiary countries under this Act shall remain in effect after February 28, 2006.''.

(b) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), the entry—

(A) of any article to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) would have applied if the entry had been made on December 4, 2001,

(B) that was made after December 4, 2001, and before the date of the enactment of this Act, and

(C) to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act did not apply,

shall be liquidated or reliquidated as if such duty-free treatment (or preferential treatment) applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(2) ENTRY.—As used in this subsection, the term ''entry'' includes a withdrawal from warehouse for consumption.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

TITLE XXXII—MISCELLANEOUS TRADE BENEFITS

SEC. 3201. WOOL PROVISIONS.

(a) SHORT TITLE.—This section may be cited as the ''Wool Manufacturer Payment Clarification and Technical Corrections Act''.

(b) CLARIFICATION OF TEMPORARY DUTY SUSPENSION.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by inserting ''average'' before ''diameters''.

(c) PAYMENTS TO MANUFACTURERS OF CERTAIN WOOL PRODUCTS.—

(1) PAYMENTS.—Section 505 of the Trade and Development Act of 2000 (Public Law 106–200; 114 Stat. 303) is amended as follows:

(A) Subsection (a) is amended—

(i) by striking ''In each of the calendar years'' and inserting ''For each of the calendar years''; and

(ii) by striking ''for a refund of duties'' and all that follows through the end of the subsection and inserting ''for a payment equal to an amount determined pursuant to subsection (d)(1).''.

(B) Subsection (b) is amended to read as follows:

''(b) WOOL YARN.—

''(1) IMPORTING MANUFACTURERS.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of worsted wool fabrics who imports wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(2).

''(2) NONIMPORTING MANUFACTURERS.—For each of the calendar years 2001 and 2002, any other manufacturer of worsted wool fabrics of imported wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(2).''.

(C) Subsection (c) is amended to read as follows:

''(c) WOOL FIBER AND WOOL TOP.—

''(1) IMPORTING MANUFACTURERS.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of wool yarn or wool fabric who imports wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).

''(2) NONIMPORTING MANUFACTURERS.—For each of the calendar years 2001 and 2002, any other manufacturer of wool yarn or wool fabric of imported wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).''.

(D) Section 505 is further amended by striking subsection (d) and inserting the following new subsections:

''(d) AMOUNT OF ANNUAL PAYMENTS TO MANUFACTURERS.—

''(1) MANUFACTURERS OF MEN'S SUITS, ETC. OF IMPORTED WORSTED WOOL FABRICS.—

''(A) ELIGIBLE TO RECEIVE MORE THAN $5,000.—Each annual payment to manufacturers described in subsection (a) who, according to the records of the Customs Service as of September 11, 2001, are eligible to receive more than $5,000 for each of the calendar years 2000, 2001, and 2002, shall be in an amount equal to one-third of the amount determined by multiplying $30,124,000 by a fraction—

''(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the manufacturer making the claim, and

''(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the manufacturers described in subsection (a) who, according to the records of the Customs Service as of September 11, 2001, are eligible to receive more than $5,000 for each such calendar year under this section as it was in effect on that date.

''(B) ELIGIBLE WOOL PRODUCTS.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported worsted wool fabrics described in subsection (a).

''(C) OTHERS.—All manufacturers described in subsection (a), other than the manufacturers to which subparagraph (A) applies, shall each receive an annual payment in an amount equal to one-third of the amount determined by dividing $1,665,000 by the number of all such other manufacturers.

''(2) MANUFACTURERS OF WORSTED WOOL FABRICS OF IMPORTED WOOL YARN.—

''(A) IMPORTING MANUFACTURERS.—Each annual payment to an importing manufacturer described in subsection (b)(1) shall be in an amount equal to one-third of the amount determined by multiplying $2,202,000 by a fraction—

''(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the importing manufacturer making the claim, and

''(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the importing manufacturers described in subsection (b)(1).

''(B) ELIGIBLE WOOL PRODUCTS.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported wool yarn described in subsection (b)(1).

''(C) NONIMPORTING MANUFACTURERS.—Each annual payment to a nonimporting manufacturer described in subsection (b)(2) shall be in an amount equal to one-half of the amount determined by multiplying $141,000 by a fraction—

"(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by the nonimporting manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the purchases of imported eligible wool products in calendar year 1999 by all the nonimporting manufacturers described in subsection (b)(2).

"(3) MANUFACTURERS OF WOOL YARN OR WOOL FABRIC OF IMPORTED WOOL FIBER OR WOOL TOP.—

"(A) IMPORTING MANUFACTURERS.—Each annual payment to an importing manufacturer described in subsection (c)(1) shall be in an amount equal to one-third of the amount determined by multiplying $1,522,000 by a fraction—

"(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the importing manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the importing manufacturers described in subsection (c)(1).

"(B) ELIGIBLE WOOL PRODUCTS.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported wool fiber or wool top described in subsection (c)(1).

"(C) NONIMPORTING MANUFACTURERS.—Each annual payment to a nonimporting manufacturer described in subsection (c)(2) shall be in an amount equal to one-half of the amount determined by multiplying $597,000 by a fraction—

"(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by the nonimporting manufacturer making the claim, and

"(ii) the denominator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by all the nonimporting manufacturers described in subsection (c)(2).

"(4) LETTERS OF INTENT.—Except for the nonimporting manufacturers described in subsections (b)(2) and (c)(2) who may make claims under this section by virtue of the enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, only manufacturers who, according to the records of the Customs Service, filed with the Customs Service before September 11, 2001, letters of intent to establish eligibility to be claimants are eligible to make a claim for a payment under this section.

"(5) AMOUNT ATTRIBUTABLE TO PURCHASES BY NONIMPORTING MANUFACTURERS.—

"(A) AMOUNT ATTRIBUTABLE.—For purposes of paragraphs (2)(C) and (3)(C), the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by a nonimporting manufacturer shall be the amount the nonimporting manufacturer paid for eligible wool products in calendar year 1999, as evidenced by invoices. The nonimporting manufacturer shall make such calculation and submit the resulting amount to the Customs Service, within 45 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, in a signed affidavit that attests that the information contained therein is true and accurate to the best of the affiant's belief and knowledge. The nonimporting manufacturer shall retain the records upon which the calculation is based for a period of five years beginning on the date the affidavit is submitted to the Customs Service.

"(B) ELIGIBLE WOOL PRODUCT.—For purposes of subparagraph (A)—

"(i) the eligible wool product for nonimporting manufacturers of worsted wool fabrics is wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States purchased in calendar year 1999; and

"(ii) the eligible wool products for nonimporting manufacturers of wool yarn or wool fabric are wool fiber or wool top of the kind described in heading 9902.51.14 of such Schedule purchased in calendar year 1999.

"(6) AMOUNT ATTRIBUTABLE TO DUTIES PAID.—For purposes of paragraphs (1), (2)(A), and (3)(A), the amount attributable to the duties paid by a manufacturer shall be the amount shown on the records of the Customs Service as of September 11, 2001, under this section as then in effect.

"(7) SCHEDULE OF PAYMENTS; REALLOCATIONS.—

"(A) SCHEDULE.—Of the payments described in paragraphs (1), (2)(A), and (3)(A), the Customs Service shall make the first and second installments on or before the date that is 45 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, and the third installment on or before April 15, 2003. Of the payments described in paragraphs (2)(C) and (3)(C), the Customs Service shall make the first installment on or before the date that is 45 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, and the second installment on or before April 15, 2003.

"(B) REALLOCATIONS.—In the event that a manufacturer that would have received payment under subparagraph (A) or (C) of paragraph (1), (2), or (3) ceases to be qualified for such payment as such a manufacturer, the amounts otherwise payable to the remaining manufacturers under such subparagraph shall be increased on a pro rata basis by the amount of the payment such manufacturer would have received.

"(8) REFERENCE.—For purposes of paragraphs (1)(A) and (6), the 'records of the Customs Service as of September 11, 2001' are the records of the Wool Duty Unit of the Customs Service on September 11, 2001, as adjusted by the Customs Service to the extent necessary to carry out this section. The amounts so adjusted are not subject to administrative or judicial review.

"(e) AFFIDAVITS BY MANUFACTURERS.—

"(1) AFFIDAVIT REQUIRED.—A manufacturer may not receive a payment under this section for calendar year 2000, 2001, or 2002, as the case may be, unless that manufacturer has submitted to the Customs Service for that calendar year a signed affidavit that attests that, during that calendar year, the affiant was a manufacturer in the United States described in subsection (a), (b), or (c).

"(2) TIMING.—An affidavit under paragraph (1) shall be valid—

"(A) in the case of a manufacturer described in paragraph (1), (2)(A), or (3)(A) of subsection (d) filing a claim for a payment for calendar year 2000 or 2001, or both, only if the affidavit is postmarked no later than 15 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act; and

"(B) in the case of a claim for a payment for calendar year 2002, only if the affidavit is postmarked no later than March 1, 2003.

"(f) OFFSETS.—Notwithstanding any other provision of this section, any amount otherwise payable under subsection (d) to a manufacturer in calendar year 2001 and, where applicable, in calendar years 2002 and 2003, shall be reduced by the amount of any payment received by that manufacturer under this section before the enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act.

"(g) DEFINITION.—For purposes of this section, the manufacturer is the party that owns—

"(1) imported worsted wool fabric, of the kind described in heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States, at the time the fabric is cut and sewn in the United States into men's or boys' suits, suit-type jackets, or trousers;

"(2) imported wool yarn, of the kind described in heading 9902.51.13 of such Schedule, at the time the yarn is processed in the United States into worsted wool fabric; or

"(3) imported wool fiber or wool top, of the kind described in heading 9902.51.14 of such Schedule, at the time the wool fiber or wool top is processed in the United States into wool yarn.".

(2) FUNDING.—There is authorized to be appropriated and is appropriated, out of amounts in the General Fund of the Treasury not otherwise appropriated, $36,251,000 to carry out the amendments made by paragraph (1)..

SEC. 3202. DUTY SUSPENSION ON WOOL.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—

(1) HEADING 9902.51.11.— Heading 9902.51.11 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(2) HEADING 9902.51.12.— Heading 9902.51.12 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "2003" and inserting "2005"; and

(B) by striking "6%" and inserting "Free".

(3) HEADING 9902.51.13.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(4) HEADING 9902.51.14.—Heading 9902.51.14 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(b) LIMITATION ON QUANTITY OF IMPORTS.—

(1) NOTE 15.—U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 3,500,000 square meter equivalents in calendar year 2002, and 4,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(2) NOTE 16.—U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 2,500,000 square meter equivalents in calendar year 2002, and 3,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(c) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—The United States Customs Service shall pay each manufacturer that receives a payment under section 505 of the Trade and Development Act of 2000 (Public Law 106–200) for calendar year 2002, and that provides an affidavit that it remains a manufacturer in the United States as of January 1 of the year of the payment, 2 additional payments, each payment equal to the payment received for calendar year 2002 as follows:

(A) The first payment to be made after January 1, 2004, but on or before April 15, 2004.

(B) The second payment to be made after January 1, 2005, but on or before April 15, 2005.

(2) CONFORMING AMENDMENT.—Section 506(f) of the Trade and Development Act of 2000 (Public Law 106–200) is amended by striking "2004" and inserting "2006".

(3) AUTHORIZATION.—There is authorized to be appropriated and is appropriated out of amounts in the general fund of the Treasury not

otherwise appropriated such sums as are necessary to carry out the provisions of this subsection.

(d) EFFECTIVE DATE.—The amendment made by subsection (a)(2)(B) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

SEC. 3203. CEILING FANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, ceiling fans classified under subheading 8414.51.00 of the Harmonized Tariff Schedule of the United States imported from Thailand shall enter duty-free and without any quantitative limitations, if duty-free treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) would have applied to such entry had the competitive need limitation been waived under section 503(d) of such Act.

(b) APPLICABILITY.—The provisions of this section shall apply to ceiling fans described in subsection (a) that are entered, or withdrawn from warehouse for consumption—

(1) on or after the date that is 15 days after the date of enactment of this Act; and

(2) before July 30, 2002.

SEC. 3204. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subheading 9902.84.02 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking "4.9%" and inserting "Free"; and

(2) by striking "12/31/2003" and inserting "12/31/2006".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (4), the entry of any article—

(A) that was made on or after January 1, 2002, and

(B) to which duty-free treatment would have applied if the amendment made by this section had been in effect on the date of such entry,

shall be liquidated or reliquidated as if such duty-free treatment applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(3) ENTRY.—As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(4) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND OTHER PROVISIONS

TITLE XLI—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

SEC. 4101. GENERALIZED SYSTEM OF PREFERENCES.

(a) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "September 30, 2001" and inserting "December 31, 2006".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(c) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—

(A) ENTRY OF CERTAIN ARTICLES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (2), the entry—

(i) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 2001;

(ii) that was made after September 30, 2001, and before the date of enactment of this Act; and

(iii) to which duty-free treatment under title V of that Act did not apply,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—In this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 4102. AMENDMENTS TO GENERALIZED SYSTEM OF PREFERENCES.

(a) ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended by striking the period at the end and inserting "or such country has not taken steps to support the efforts of the United States to combat terrorism.".

(b) DEFINITION OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and";

(3) by adding at the end the following new subparagraph:

"(F) a prohibition on discrimination with respect to employment and occupation."; and

(4) by amending subparagraph (D) to read as follows:

"(D) a minimum age for the employment of children, and a prohibition on the worst forms of child labor, as defined in paragraph (6);".

TITLE XLII—OTHER PROVISIONS

SEC. 4201. TRANSPARENCY IN NAFTA TRIBUNALS.

(a) FINDINGS.—Congress makes the following findings:

(1) Chapter Eleven of the North American Free Trade Agreement (NAFTA) allows foreign investors to file claims against signatory countries that directly or indirectly nationalize or expropriate an investment, or take measures "tantamount to nationalization or expropriation" of such an investment.

(2) Foreign investors have filed several claims against the United States, arguing that regulatory activity has been "tantamount to nationalization or expropriation". Most notably, a Canadian chemical company claimed $970,000,000 in damages allegedly resulting from a California State regulation banning the use of a gasoline additive produced by that company.

(3) A claim under Chapter Eleven of the NAFTA is adjudicated by a three-member panel, whose deliberations are largely secret.

(4) While it may be necessary to protect the confidentiality of business sensitive information, the general lack of transparency of these proceedings has been excessive.

(b) PURPOSE.—The purpose of this amendment is to ensure that the proceedings of the NAFTA investor protection tribunals are as transparent as possible, consistent with the need to protect the confidentiality of business sensitive information.

(c) CHAPTER 11 OF NAFTA.—The President shall negotiate with Canada and Mexico an amendment to Chapter Eleven of the NAFTA to ensure the fullest transparency possible with respect to the dispute settlement mechanism in that Chapter, consistent with the need to protect information that is classified or confidential, by—

(1) ensuring that all requests for dispute settlement under Chapter Eleven are promptly made public;

(2) ensuring that with respect to Chapter Eleven—

(A) all proceedings, submissions, findings, and decisions are promptly made public; and

(B) all hearings are open to the public; and

(3) establishing a mechanism under that Chapter for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(d) CERTIFICATION REQUIREMENTS.—Within one year of the date of enactment of this Act, the U.S. Trade Representative shall certify to Congress that the President has fulfilled the requirements set forth in subsection (c).

SEC. 4202. EXPRESSION OF SOLIDARITY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Israel are now engaged in a common struggle against terrorism and are on the frontlines of a conflict thrust upon them against their will.

(2) President George W. Bush declared on November 21, 2001, "We fight the terrorists and we fight all of those who give them aid. America has a message for the nations of the world: If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends.".

(3) The United States has committed to provide resources to states on the frontline in the war against terrorism.

(b) SENSE OF CONGRESS.—The Congress—

(1) stands in solidarity with Israel, a frontline state in the war against terrorism, as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas;

(2) remains committed to Israel's right to self-defense;

(3) will continue to assist Israel in strengthening its homeland defenses;

(4) condemns Palestinian suicide bombings;

(5) demands that the Palestinian Authority fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas;

(6) urges all Arab states, particularly the United States allies, Egypt and Saudi Arabia, to declare their unqualified opposition to all forms of terrorism, particularly suicide bombing, and to act in concert with the United States to stop the violence; and

(7) urges all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East.

SEC. 4203. LIMITATION ON USE OF CERTAIN REVENUE.

Notwithstanding any other provision of law, any revenue generated from custom user fees imposed pursuant to Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) may be used only to fund the operations of the United States Customs Service.

SEC. 4204. SENSE OF THE SENATE REGARDING THE UNITED STATES-RUSSIAN FEDERATION SUMMIT MEETING, MAY 2002.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush will visit the Russian Federation May 23-25, 2002, to meet with his Russian counterpart, President Vladimir V. Putin;

(2) the President and President Putin, and the United States and Russian governments, continue to cooperate closely in the fight against international terrorism;

(3) the President seeks Russian cooperation in containing the war-making capabilities of Iraq, including that country's ongoing program to develop and deploy weapons of mass destruction;

(4) during his visit, the President expects to sign a treaty to significantly reduce deployed American and Russian nuclear weapons by 2012;

(5) the President and his NATO partners have further institutionalized United States-Russian security cooperation through establishment of the NATO-Russia Council, which meets for the first time on May 28, 2002, in Rome, Italy;

(6) during his visit, the President will continue to address religious freedom and human rights concerns through open and candid discussions with President Putin, with leading Russian activists, and with representatives of Russia's revitalized and diverse Jewish community; and

(7) recognizing Russia's progress on religious freedom and a broad range of other mechanisms to address remaining concerns, the President has asked the Congress to terminate application to Russian of title IV of the Trade Act of 1974 (commonly known as the "Jackson-Vanik Amendment") and authorize the extension of normal trade relations to the products of Russia.

(b) SENSE OF THE SENATE.—The Senate—

(1) supports the President's efforts to deepen the friendship between the American and Russian peoples;

(2) further supports the policy objectives of the President mentioned in this section with respect to the Russian Federation;

(3) supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner; and

(4) looks forward to learning the results of the President's discussions with President Putin and other representatives of the Russian government and Russian society.

SEC. 4205. NO APPROPRIATIONS.

Notwithstanding any other provision of this Act, no direct appropriation may be made under this Act.

The text of the House amendment to the Senate amendment is as follows:

House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Act of 2002".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 4 divisions as follows:

(1) DIVISION A.—Trade Adjustment Assistance.

(2) DIVISION B.—Bipartisan Trade Promotion Authority.

(3) DIVISION C.—Andean Trade Preference Act.

(4) DIVISION D.—Extension of Certain Preferential Trade Treatment and Other Provisions.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of act into divisions; table of contents.

DIVISION A—TRADE ADJUSTMENT ASSISTANCE

Sec. 101. Short title.

TITLE I—TRADE ADJUSTMENT ASSISTANCE PROGRAM

Sec. 111. Reauthorization of trade adjustment assistance program.
Sec. 112. Filing of petitions and provision of rapid response assistance; expedited review of petitions by Secretary of Labor.
Sec. 113. Group eligibility requirements.
Sec. 114. Qualifying requirements for trade readjustment allowances.
Sec. 115. Waivers of training requirements.
Sec. 116. Amendments to limitations on trade readjustment allowances.
Sec. 117. Annual total amount of payments for training.
Sec. 118. Authority of States with respect to costs of approved training and supplemental assistance.
Sec. 119. Provision of employer-based training.
Sec. 120. Coordination with title I of the Workforce Investment Act of 1998.
Sec. 121. Expenditure period.
Sec. 122. Declaration of policy; sense of Congress.

TITLE II—CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS

Sec. 201. Credit for health insurance costs of individuals receiving a trade readjustment allowance or a benefit from the Pension Benefit Guaranty Corporation.
Sec. 202. Advance payment of credit for health insurance costs of eligible individuals.

TITLE III—CUSTOMS REAUTHORIZATION

Sec. 301. Short title.

Subtitle A—United States Customs Service

CHAPTER 1—DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL AND COMMERCIAL OPERATIONS

Sec. 311. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 312. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 313. Compliance with performance plan requirements.

CHAPTER 2—CHILD CYBER-SMUGGLING CENTER OF THE CUSTOMS SERVICE

Sec. 321. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Sec. 331. Additional Customs Service officers for United States-Canada border.
Sec. 332. Study and report relating to personnel practices of the Customs Service.
Sec. 333. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 334. Establishment and implementation of cost accounting system; reports.
Sec. 335. Study and report relating to timeliness of prospective rulings.
Sec. 336. Study and report relating to customs user fees.
Sec. 337. Fees for customs inspections at express courier facilities.
Sec. 338. National customs automation program.

CHAPTER 4—ANTITERRORISM PROVISIONS

Sec. 341. Immunity for United States officials that act in good faith.
Sec. 342. Emergency adjustments to offices, ports of entry, or staffing of the customs service.
Sec. 343. Mandatory advanced electronic information for cargo and passengers.
Sec. 344. Border search authority for certain contraband in outbound mail.
Sec. 345. Authorization of appropriations for reestablishment of customs operations in New York City.

CHAPTER 5—TEXTILE TRANSSHIPMENT PROVISIONS

Sec. 351. GAO audit of textile transshipment monitoring by customs service.
Sec. 352. Authorization of appropriations for textile transshipment enforcement operations.
Sec. 353. Implementation of the African Growth and Opportunity Act.

Subtitle B—Office of the United States Trade Representative

Sec. 361. Authorization of appropriations.

Subtitle C—United States International Trade Commission

Sec. 371. Authorization of appropriations.

Subtitle D—Other trade provisions

Sec. 381. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 382. Regulatory audit procedures.

DIVISION B—BIPARTISAN TRADE PROMOTION AUTHORITY

TITLE XXI—TRADE PROMOTION AUTHORITY

Sec. 2101. Short title and findings.
Sec. 2102. Trade negotiating objectives.
Sec. 2103. Trade agreements authority.
Sec. 2104. Consultations and assessment.
Sec. 2105. Implementation of trade agreements.
Sec. 2106. Treatment of certain trade agreements for which negotiations have already begun.
Sec. 2107. Congressional oversight group.
Sec. 2108. Additional implementation and enforcement requirements.
Sec. 2109. Committee staff.
Sec. 2110. Conforming amendments.
Sec. 2111. Definitions.

DIVISION C—ANDEAN TRADE PREFERENCE ACT

TITLE XXXI—ANDEAN TRADE PREFERENCE

Sec. 3101. Short title.
Sec. 3102. Findings.
Sec. 3103. Articles eligible for preferential treatment.
Sec. 3104. Termination of preferential treatment.
Sec. 3105. Trade benefits under the Caribbean Basin Economic Recovery Act.
Sec. 3106. Trade benefits under the African Growth and Opportunity Act.

DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND OTHER PROVISIONS

Sec. 4101. Extension of generalized system of preferences.
Sec. 4102. Fund for WTO dispute settlements.
Sec. 4103. Payment of duties and fees.

DIVISION A—TRADE ADJUSTMENT ASSISTANCE

SEC. 101. SHORT TITLE.

This division may be cited as the "Trade Adjustment Assistance Reform Act of 2002".

TITLE I—TRADE ADJUSTMENT ASSISTANCE PROGRAM

SEC. 111. REAUTHORIZATION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by striking "October 1, 1998, and ending September 30, 2001," each place it appears and inserting "October 1, 2001, and ending September 30, 2004,".

(b) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "October 1, 1998, and ending September 30, 2001" and inserting "October 1, 2001, and ending September 30, 2004,".

(c) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended in paragraphs (1) and (2)(A) by striking "September 30, 2001" and inserting "September 30, 2004".

(d) TRAINING LIMITATION UNDER NAFTA PROGRAM.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking "October 1, 1998, and ending September 30, 2001" and inserting "October 1, 2001, and ending September 30, 2004".

SEC. 112. FILING OF PETITIONS AND PROVISION OF RAPID RESPONSE ASSISTANCE; EXPEDITED REVIEW OF PETITIONS BY SECRETARY OF LABOR.

(a) FILING OF PETITIONS AND PROVISION OF RAPID RESPONSE ASSISTANCE.—Section 221(a) of the Trade Act of 1974 (19 U.S.C. 2271(a)) is amended to read as follows:

"(a)(1) A petition for certification of eligibility to apply for adjustment assistance for a group of workers under this chapter may be filed with the Governor of the State in which such workers' firm or subdivision is located by any of the following:

"(A) The group of workers (including workers in an agricultural firm or subdivision of any agricultural firm).

"(B) The certified or recognized union or other duly authorized representative of such workers.

"(C) Employers of such workers, one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), including State employment security agencies, or the State dislocated worker unit established under title I of such Act, on behalf of such workers.

"(2) Upon receipt of a petition filed under paragraph (1), the Governor shall—

"(A) immediately transmit the petition to the Secretary of Labor (hereinafter in this chapter referred to as the 'Secretary');

"(B) ensure that rapid response assistance, and appropriate core and intensive services (as described section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864)) authorized under other Federal laws are made available to the workers covered by the petition to the extent authorized under such laws; and

"(C) assist the Secretary in the review of the petition by verifying such information and providing such other assistance as the Secretary may request.

"(3) Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.".

(b) EXPEDITED REVIEW OF PETITIONS BY SECRETARY OF LABOR.—Section 223(a) of such Act (19 U.S.C. 2273(a)) is amended in the first sentence by striking "60 days" and inserting "40 days".

SEC. 113. GROUP ELIGIBILITY REQUIREMENTS.

(a) TRADE ADJUSTMENT ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following:

"(b)(1) A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as eligible to apply for adjustment assistance benefits under this subchapter if, subject to paragraph (2), the Secretary determines that—

"(A) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

"(B) the workers' firm (or subdivision) is a supplier to a firm (or subdivision) that employed workers covered by a certification of eligibility under subsection (a), the component parts provided to the firm by the supplier is a direct component of the article that is the basis for the certification of eligibility under subsection (a), and either the component parts have a dedicated usage for the firm and the supplier does not have another reasonably available purchaser, or the component parts add at least 25 percent of the value to the article involved; and

"(C) a loss of business with the firm (or subdivision) covered by the certification of eligibility under subsection (a) contributed importantly to the workers' separation or threat of separation determined under subparagraph (A).

"(2) A group of workers shall be eligible for certification by the Secretary under paragraph (1) if the petition for certification is filed with the Secretary not later than 6 months after the date on which the Secretary certifies the group of workers in the firm (or subdivision of the firm) under subsection (a) with respect to which the firm involved is a supplier.".

(2) DEFINITIONS.—Section 222(c) of such Act, as redesignated by paragraph (1)(A), is amended—

(A) in the matter preceding paragraph (1), by striking "subsection (a)(3)" and inserting "this section"; and

(B) by adding at the end the following:

"(3) The term 'supplier' means a firm that produces component parts for articles produced by a firm (or subdivision) that employed a group of workers covered by a certification of eligibility under subsection (a) and with respect to which the production of such component parts constitutes not less than 50 percent of the total operations or production of the firm.".

(b) NAFTA TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Section 250(a) of the Trade Act of 1974 (19 U.S.C. 2331(a)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) CRITERIA FOR ADVERSELY AFFECTED SECONDARY WORKERS.—(A) A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as eligible to apply for adjustment assistance benefits under this subchapter if, subject to subparagraph (B), the Secretary determines that—

"(i) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

"(ii) the workers' firm (or subdivision) is a supplier to a firm (or subdivision) that employed workers covered by a certification of eligibility under paragraph (1), the component parts provided to the firm by the supplier is a direct component of the article that is the basis for the certification of eligibility under subsection (a), and either the component parts have a dedicated usage for the firm and the supplier does not have another reasonably available purchaser, or the component parts add at least 25 percent of the value to the article involved; and

"(iii) a loss of business with the firm (or subdivision) covered by the certification of eligibility under paragraph (1) contributed importantly to the workers' separation or threat of separation determined under clause (i).

"(B) A group of workers shall be eligible for certification by the Secretary under subparagraph (A) if the petition for certification is filed with the Secretary not later than 6 months after the date on which the Secretary certifies the group of workers in the firm (or subdivision of the firm) under paragraph (1) with respect to which the firm involved is a supplier.".

(2) DEFINITIONS.—Section 250(a)(3) of such Act, as redesignated by paragraph (1)(A), is amended to read as follows:

"(3) DEFINITIONS.—In this section:

"(A) The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.

"(B) The term 'supplier' means a firm that produces component parts for articles produced by a firm (or subdivision) covered by a certification of eligibility under paragraph (1) and with respect to which the production of such component parts constitutes not less than 50 percent of the total operations or production of the firm.".

(3) REGULATIONS.—Section 250(a)(4) of such Act, as redesignated by paragraph (1)(A), is amended by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

SEC. 114. QUALIFYING REQUIREMENTS FOR TRADE READJUSTMENT ALLOWANCES.

(a) CLARIFICATION OF CERTAIN REDUCTIONS.—(1) Section 231(a)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2291(a)(3)(B)) is amended by inserting after "any unemployment insurance" the following: ", except additional compensation that is funded by a State and is not reimbursed from any Federal funds,".

(2) Section 233(a)(1) of the Trade Act of 1974 (19 U.S.C. 2293(a)(1)) is amended by inserting after "any unemployment insurance" the following: ", except additional compensation that is funded by a State and is not reimbursed from any Federal funds,".

(b) ENROLLMENT IN TRAINING REQUIREMENT.—Section 231(a)(5)(A) of such Act (19 U.S.C. 2291(a)(5)(A)) is amended—

(1) by inserting "(i)" after "(A)";

(2) by adding "and" after the comma at the end; and

(3) by adding at the end the following:

"(ii) the enrollment required under clause (i) occurs no later than the latest of—

"(I) the last day of the 13th week after the worker's most recent total separation from adversely affected employment which meets the requirements of paragraphs (1) and (2);

"(II) the last day of the 8th week after the week in which the Secretary issues a certification covering the worker;

"(III) 45 days after the later of the dates specified in subclause (I) or (II), if the Secretary determines there are extenuating circumstances that justify an extension in the enrollment period; or

“(IV) the last day of a period determined by the Secretary to be approved for enrollment after the termination of a waiver issued pursuant to subsection (c).”.

SEC. 115. WAIVERS OF TRAINING REQUIREMENTS.

(a) In General.—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended to read as follows:

“(c)(1) The Secretary may issue a written statement to a worker waiving the enrollment in the training requirement described in subsection (a)(5)(A) if the Secretary determines that such training requirement is not feasible or appropriate for the worker, as indicated by 1 or more of the following:

“(A) The worker has been provided a written notice that the worker will be recalled by the firm from which the qualifying separation occurred and that such recall will occur within 6 months of the qualifying separation.

“(B) The worker is within 2 years of meeting all requirements for entitlement to old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefore) as of the date of the most recent separation of the worker that meets the requirements of subsection (a)(1) and (2).

“(C) The worker is unable to participate in training due to the health of the worker, except that a waiver under this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.

“(D) The first available enrollment date for the approved training of the worker is within 45 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.

“(E) There are insufficient funds available for training under this chapter, and funds are not available for the approved training under other Federal law.

“(2) The Secretary shall specify the duration of the waiver under paragraph (1)—and shall periodically review the waiver to determine whether the basis for issuing the waiver remains applicable. If at any time the Secretary determines such basis is no longer applicable to the worker, the Secretary shall revoke the waiver.

“(3) Pursuant to the agreement under section 239, the Secretary may authorize a cooperating State or State agency to carry out activities described in paragraph (1) (except for the determination under subparagraph (E) of paragraph (1)). Such agreement shall include a requirement that the State or State agency maintain and make available to the Secretary the written statements provided pursuant to paragraph (1) and a statement of the reasons for the waiver.

“(4) The Secretary shall collect and maintain information identifying the number of workers who received waivers and the average duration of such waivers issued under this subsection during the preceding year.”.

(b) Conforming Amendment.—Section 231(a)(5)(C) of such Act (19 U.S.C. 2291(a)(5)(C)) is amended by striking “certified”.

SEC. 116. AMENDMENTS TO LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES.

(a) Increase in Maximum Number of Weeks.—Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(1) in paragraph (2), by inserting after “104-week period” the following: “(or, in the case of an adversely affected worker who requires a program of remedial education (as described in section 236(a)(5)(D)) in order to complete training approved for the worker under section 236, the 130-week period)”; and

(2) in paragraph (3), by striking “26” each place it appears and inserting “52”.

(b) Special Rule Relating to Break in Training.—Section 233(f) of the Trade Act of 1974 (19 U.S.C. 2293(f)) is amended in the matter preceding paragraph (1) by striking “14 days” and inserting “30 days”.

(c) Additional Weeks for Individuals in Need of Remedial Education.—Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended by adding at the end the following:

“(g) Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 which includes a program of remedial education (as described in section 236(a)(5)(D)), and in accordance with regulations prescribed by the Secretary, payments may be made as trade readjustment allowances for up to 26 additional weeks in the 26-week period that follows the last week of entitlement to trade readjustment allowances otherwise payable under this chapter.”.

SEC. 117. ANNUAL TOTAL AMOUNT OF PAYMENTS FOR TRAINING.

Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking “$80,000,000” and all that follows through “$70,000,000” and inserting “$110,000,000”.

SEC. 118. AUTHORITY OF STATES WITH RESPECT TO COSTS OF APPROVED TRAINING AND SUPPLEMENTAL ASSISTANCE.

(a) Costs of Approved Training.—Section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended by adding at the end the following new paragraph:

“(10) For purposes of carrying out paragraph (1)(F), the Secretary shall authorize any cooperating State or State agency to establish, pursuant to guidelines issued by the Secretary, a uniform limit on the cost of training to be paid from funds provided under this chapter that may be approved by such State for an adversely affected worker under this section.”.

(b) Supplemental Assistance.—Section 236(b) of such Act (19 U.S.C. 2296(b)) is amended by inserting the following sentence after the first sentence: “The Secretary shall authorize any cooperating State or State agency to take into account the cost of the training approved for an adversely affected worker under subsection (a) in determining the appropriate amount of supplemental assistance to be provided to such worker under this subsection.”.

SEC. 119. PROVISION OF EMPLOYER-BASED TRAINING.

(a) In General.—Section 236(a)(5)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)(A)) is amended to read as follows:

“(A) employer-based training, including—

“(i) on-the-job training, and

“(ii) customized training,”.

(b) Reimbursement.—Section 236(c)(8) of such Act (19 U.S.C. 2296(c)(8)) is amended to read as follows:

“(8) the employer is provided reimbursement of not more than 50 percent of the wage rate of the participant, for the cost of providing the training and additional supervision related to the training,”.

(c) Definition.—Section 236 of such Act (19 U.S.C. 2296) is amended by adding the following new subsection:

“(f) For purposes of this section, the term ‘customized training’ means training that is—

“(1) designed to meet the special requirements of an employer or group of employers;

“(2) conducted with a commitment by the employer or group of employers to employ an individual upon successful completion of the training; and

“(3) for which the employer pays for a significant portion (but in no case less than 50 percent) of the cost of such training, as determined by the Secretary.”.

SEC. 120. COORDINATION WITH TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998.

(a) Coordination With One-Stop Delivery Systems in the Provision of Employment Services.—Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended by inserting before the period at the end of the first sentence the following: “, including the services provided through one-stop delivery systems described in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))”.

(b) Coordination With Title I of the Workforce Investment Act of 1998.—

(1) In general.—Section 239(e) of such Act (19 U.S.C. 2311(e)) is amended to read as follows:

“(e) Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 235 and 236 of this chapter with provisions relating to dislocated worker employment and training activities (including supportive services) under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.) upon such terms and conditions, as established by the Secretary after consultation with the States, that are consistent with this section. Such terms and conditions shall, at a minimum, include requirements that—

“(1) adversely affected workers applying for assistance under this chapter be co-enrolled in the dislocated worker program authorized under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998;

“(2) training under section 236 shall be provided in accordance with the provisions relating to consumer choice requirements and the use of individual training accounts under subparagraphs (F) and (G) of section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)(F) and (G)), including—

“(A) the requirement that only providers eligible under section 122 of the Workforce Investment Act of 1998 (29 U.S.C. 2842) shall be eligible to provide training; and

“(B) that the exceptions to the use of individual training accounts described in section 134(d)(4)(G)(ii) of such Act (29 U.S.C. 2864(d)(4)(G)(ii)) shall be applicable; and

“(3) common reporting systems and elements, including common elements relating to participant and performance data, shall be used by the program authorized under this chapter and the dislocated worker program authorized under chapter 5 of subtitle B of title I of such Act.”.

(2) Additional requirement.—Section 239(g) of such Act (19 U.S.C. 2311(g)) is amended—

(A) by inserting “(1)” after “(g)”; and

(B) by adding at the end the following new paragraph:

“(2) The agreement under this section shall also provide that the cooperating State agency shall be a one-stop partner as described in subparagraphs (A) and (B)(viii) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)(A) and (B)(viii)) in the one-stop delivery system established under section 134(c) of such Act (29

U.S.C. 2864(c)) for the appropriate local workforce investment areas, and shall carry out the responsibilities relating to such partners.".

(3) Conforming amendments.—Section 236(a)(1) of such Act (19 U.S.C. 2296(a)(1)) is amended—

(A) in the matter preceding subparagraph (A), by inserting ", pursuant to an interview, evaluation, assessment, or case management of the worker," after "Secretary determines"; and

(B) in the second sentence of such paragraph, by striking ", directly or through a voucher system" and inserting "through individual training accounts pursuant to the agreement under section 239(e)(2)".

SEC. 121. EXPENDITURE PERIOD.

Section 245 of the Trade Act of 1974 (19 U.S.C. 2317), as amended by section 111(a) of this Act, is further amended—

(1) by striking "There are authorized" and inserting "(a) In General.—There are authorized"; and

(2) by adding at the end the following subsection:

"(b) Period of Expenditure.—Funds obligated for any fiscal year to carry out activities under sections 235 through 238 may be expended by each State receiving such funds during that fiscal year and the succeeding two fiscal years.".

SEC. 122. DECLARATION OF POLICY; SENSE OF CONGRESS.

(a) Declaration of Policy.—Congress reiterates that, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974, workers are eligible for transportation, childcare, and healthcare assistance, as well as other related assistance under programs administered by the Department of Labor.

(b) Sense of Congress.—It is the sense of Congress that the Secretary of Labor, working independently and in conjunction with the States, should, in accordance with section 225 of the Trade Act of 1974, provide more specific information about benefit allowances, training, and other employment services, and the petition and application procedures (including appropriate filing dates) for such allowances, training, and services, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974 to workers who are applying for, or are certified to receive, assistance under that program, including information on all other Federal assistance available to such workers.

TITLE II—CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS

SEC. 201. CREDIT FOR HEALTH INSURANCE COSTS OF INDIVIDUALS RECEIVING A TRADE READJUSTMENT ALLOWANCE OR A BENEFIT FROM THE PENSION BENEFIT GUARANTY CORPORATION.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and inserting after section 34 the following new section:

"SEC. 35. HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

"(a) In General.—In the case of an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to 60 percent of the amount paid by the taxpayer for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months beginning in the taxable year.

"(b) Limitation Based on Modified Adjusted Gross Income.—For purposes of this section—

"(1) In general.—Except as provided in paragraph (2), if the modified adjusted gross income of the taxpayer for the taxable year exceeds $20,000, the amount which would (but for this subsection and subsection (h)(1)) be allowed as a credit under subsection (a) shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowed as such excess bears to $20,000.

"(2) Family coverage.—

"(A) Separate application of limitation.—Paragraph (1) shall be applied separately with respect to—

"(i) amounts paid for eligible coverage months as of the first day of which one or more qualifying family members are covered by the qualified health insurance covering the taxpayer, and

"(ii) amounts paid for other eligible coverage months.

"(B) Limitation amount.—With respect to amounts described in subparagraph (A)(i), paragraph (1) shall be applied by substituting '$40,000' for '$20,000' each place it appears.

"(3) Modified adjusted gross income.—The term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 911, 931, and 933.

"(c) Eligible Coverage Month.—For purposes of this section—

"(1) In general.—The term 'eligible coverage month' means any month if—

"(A) as of the first day of such month, the taxpayer—

"(i) is an eligible individual,

"(ii) is covered by qualified health insurance, the premium for which is paid by the taxpayer, and

"(iii) does not have other specified coverage,

"(B) such month begins more than 90 days after the date of the enactment of the Trade Act of 2002, and

"(C) in the case of any eligible TAA recipient, such month is designated under paragraph (2).

"(2) Designation of eligible coverage months.—Any eligible TAA recipient may designate, with respect to any period of 36 months, not more than 12 months of such period as eligible coverage months.

"(3) Joint returns.—In the case of a joint return, the requirements of paragraph (1)(A) shall be treated as met with respect to any month if at least 1 spouse satisfies such requirements.

"(d) Eligible Individual.—For purposes of this section—

"(1) In general.—The term 'eligible individual' means—

"(A) an eligible TAA recipient, or

"(B) an eligible PBGC pension recipient.

"(2) Eligible TAA recipient.—The term 'eligible TAA recipient' means, with respect to any month, any individual—

"(A) who is receiving for any day of such month a trade readjustment allowance under part I of subchapter B, or subchapter D, of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2291 et seq. or 2331 et seq.) or who would be eligible to receive such allowance if section 231 of such Act (19 U.S.C. 2291) were applied without regard to subsection (a)(3)(B) of such section, and

"(B) who, with respect to such allowance, is covered under a certification issued—

"(i) under subchapter A or D of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq. or 2331 et seq.), and

"(ii) after the date which is 90 days after the date of the enactment of the Trade Act of 2002.

An individual shall continue to be treated as an eligible TAA recipient during the first month that such individual would otherwise cease to be an eligible TAA recipient.

"(3) Eligible PBGC pension recipient.—The term 'eligible PBGC pension recipient' means, with respect to any month, any individual who—

"(A) has attained age 55 as of the first day of such month, and

"(B) is receiving a benefit for such month any portion of which is paid by the Pension Benefit Guaranty Corporation under title IV of the Employee Retirement Income Security Act of 1974.

"(e) Qualifying Family Member.—For purposes of this section—

"(1) In general.—The term 'qualifying family member' means—

"(A) the taxpayer's spouse, and

"(B) any dependent of the taxpayer with respect to whom the taxpayer is entitled to a deduction under section 151(c).

Such term does not include any individual who has other specified coverage.

"(2) Special dependency test in case of divorced parents, etc.—If paragraph (2) or (4) of section 152(e) applies to any child with respect to any calendar year, in the case of any taxable year beginning in such calendar year, such child shall be treated as described in paragraph (1)(B) with respect to the custodial parent (within the meaning of section 152(e)(1)) and not with respect to the noncustodial parent.

"(f) Qualified Health Insurance.—For purposes of this section, the term 'qualified health insurance' means insurance which constitutes medical care; except that such term shall not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

"(g) Other Specified Coverage.—

"(1) In general.—For purposes of this section, an individual has other specified coverage for any month if, as of the first day of such month—

"(A) Subsidized coverage.—Such individual is covered under any qualified health insurance under any health plan maintained by any employer (or former employer) of the taxpayer or the taxpayer's spouse and at least 50 percent of the cost of such coverage (determined under section 4980B) is paid or incurred by the employer.

"(B) Coverage under medicare, medicaid, or SCHIP.—Such individual—

"(i) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

"(ii) is enrolled in the program under title XIX or XXI of such Act.

"(C) Certain other coverage.—Such individual—

"(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code, or

"(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code.

"(2) Special rules related to subsidized coverage.—

"(A) Employer contributions to cafeteria plans, flexible spending arrangements, and medical savings accounts.—Employer contributions to a cafeteria plan (as defined in section 125(d)), a flexible spending or similar arrangement, or a medical savings account which are excluded from gross income under section 106 shall be treated for purposes of paragraph (1)(A) as paid by the employer.

"(B) Aggregation of plans of employer.—A health plan which is not otherwise described in paragraph (1)(A) shall be treated as described in such paragraph if such plan would be so described if all health plans of persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 were treated as one health plan.

"(3) IMMUNIZATIONS NOT TREATED AS MEDICAID COVERAGE.—For purposes of paragraph (1)(B), an individual shall not be treated as enrolled in the program under title XIX of the Social Security Act solely on the basis of receiving a benefit under section 1928 of such Act.

"(h) SPECIAL RULES.—

"(1) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—With respect to any taxable year, the amount which would (but for this subsection) be allowed as a credit to the taxpayer under subsection (a) shall be reduced (but not below zero) by the aggregate amount paid on behalf of such taxpayer under section 7527 for months beginning in such taxable year.

"(2) COORDINATION WITH OTHER DEDUCTIONS.—Amounts taken into account under subsection (a) shall not be taken into account in determining any deduction allowed under section 162(l) or 213.

"(3) MSA DISTRIBUTIONS.—Amounts distributed from an Archer MSA (as defined in section 220(d)) shall not be taken into account under subsection (a).

"(4) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(5) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and his spouse file a joint return for the taxable year.

"(6) MARITAL STATUS; CERTAIN MARRIED INDIVIDUALS LIVING APART.—Rules similar to the rules of paragraphs (3) and (4) of section 21(e) shall apply for purposes of this section.

"(7) INSURANCE WHICH COVERS OTHER INDIVIDUALS.—For purposes of this section, rules similar to the rules of section 213(d)(6) shall apply with respect to any contract for qualified health insurance under which amounts are payable for coverage of an individual other than the taxpayer and qualifying family members.

"(8) TREATMENT OF PAYMENTS.—For purposes of this section—

"(A) PAYMENTS BY SECRETARY.—Payments made by the Secretary on behalf of any individual under section 7527 (relating to advance payment of credit for health insurance costs of eligible TAA recipients) shall be treated as having been made by the taxpayer on the first day of the month for which such payment was made.

"(B) PAYMENTS BY TAXPAYER.—Payments made by the taxpayer for eligible coverage months shall be treated as having been made by the taxpayer on the first day of the month for which such payment was made.

"(9) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section, section 6050T, and section 7527.".

(b) INCREASED ACCESS TO HEALTH INSURANCE FOR INDIVIDUALS ELIGIBLE FOR TAX CREDIT THROUGH USE OF GUARANTEED ISSUE, QUALIFIED HIGH RISK POOLS, AND OTHER APPROPRIATE STATE MECHANISMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in applying section 2741 of the Public Health Service Act (42 U.S.C. 300gg-41)) and any alternative State mechanism under section 2744 of such Act (42 U.S.C.300gg-44)), in determining who is an eligible individual (as defined in section 2741(b) of such Act) in the case of an individual who may be covered by insurance for which credit is allowable under section 35 of the Internal Revenue Code of 1986 for an eligible coverage month, if the individual seeks to obtain health insurance coverage under such section during an eligible coverage month under such section—

(A) paragraph (1) of such section 2741(b) shall be applied as if any reference to 18 months is deemed a reference to 12 months, and

(B) paragraphs (4) and (5) of such section 2741(b) shall not apply.

(2) PROMOTION OF STATE HIGH RISK POOLS.—Title XXVII of the Public Health Service Act is amended by inserting after section 2744 the following new section:

"SEC. 2745. PROMOTION OF QUALIFIED HIGH RISK POOLS.

"(a) SEED GRANTS TO STATES.—The Secretary shall provide from the funds appropriated under subsection (c)(1) a grant of up to $1,000,000 to each State that has not created a qualified high risk pool as of the date of the enactment of this section for the State's costs of creation and initial operation of such a pool.

"(b) MATCHING FUNDS FOR OPERATION OF POOLS.—

"(1) IN GENERAL.—In the case of a State that has established a qualified high risk pool that—

"(A) restricts premiums charged under the pool to no more than 150 percent of the premium for applicable standard risk rates;

"(B) that offers a choice of two or more coverage options through the pool; and

"(C) has in effect a mechanism reasonably designed to ensure continued funding of losses incurred by the State after the end of fiscal year 2004 in connection with operation of the pool;

the Secretary shall provide, from the funds appropriated under subsection (c)(2) and allotted to the State under paragraph (2), a grant of up to 50 percent of the losses incurred by the State in connection with the operation of the pool.

"(2) ALLOTMENT.—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States in accordance with a formula that is based upon the number of uninsured individuals in the States.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing a State from supplementing the funds made available under this subsection for the support and operation of qualified high risk pools.

"(c) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated—

"(1) $20,000,000 for fiscal year 2003 to carry out subsection (a); and

"(2) $40,000,000 for each of fiscal years 2003 and 2004.

Funds appropriated under this subsection for a fiscal year shall remain available for obligation through the end of the following fiscal year. Nothing in this section shall be construed as providing a State with an entitlement to a grant under this section.

"(d) QUALIFIED HIGH RISK POOL AND STATE DEFINED.—For purposes of this section, the term 'qualified high risk pool' has the meaning given such term in section 2744(c)(2) and the term 'State' means any of the 50 States and the District of Columbia.".

(3) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the ability of a State to use mechanisms, described in sections 2741(c) and 2744 of the Public Health Service Act, as an alternative to applying the guaranteed availability provisions of section 2741(a) of such Act.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 35 of such Code".

(2) The table of sections for subpart C of part IV of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 35. Health insurance costs of eligible individuals.

"Sec. 36. Overpayments of tax.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 202. ADVANCE PAYMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

"(a) GENERAL RULE.—Not later than July 1, 2003, the Secretary shall establish a program for making payments on behalf of certified individuals to providers of qualified health insurance (as defined in section 35(f)) for such individuals.

"(b) LIMITATION ON ADVANCE PAYMENTS DURING ANY TAXABLE YEAR.—

"(1) IN GENERAL.—The Secretary may make payments under subsection (a) only to the extent that the total amount of such payments made on behalf of any individual during the taxable year does not exceed such individual's advance payment limitation amount for such year.

"(2) ADVANCE PAYMENT LIMITATION AMOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), with respect to any certified individual, the advance payment limitation amount for any taxable year shall be an amount equal to the amount that such individual would be allowed as a credit under section 35 for such taxable year if such individual's modified adjusted gross income (as defined in section 35(b)(3)) for such taxable year were an amount equal to the amount of such individual's modified adjusted gross income shown on the return for the prior taxable year.

"(B) SUBSTITUTE AMOUNT.—For purposes of this section, the Secretary may substitute an amount for an individual's advance payment limitation amount for any taxable year if the Secretary determines that such substitute amount more accurately reflects such individual's modified adjusted gross income for such taxable year.

"(c) CERTIFIED INDIVIDUAL.—For purposes of this section, the term 'certified individual' means any individual for whom a qualified health insurance costs credit eligibility certificate is in effect.

"(d) QUALIFIED HEALTH INSURANCE COSTS CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, a qualified health insurance costs credit eligibility certificate is a statement certified by the Secretary of Labor or the Pension Benefit Guaranty Corporation (or by any other person or entity designated by the Secretary) which—

"(1) certifies that the individual was an eligible individual (within the meaning of section 35(d)) as of the first day of any month, and

"(2) provides such other information as the Secretary may require for purposes of this section.".

(b) Disclosure of Return Information for Purposes of Carrying out a Program for Advance Payment of Credit for Health Insurance Costs of Eligible Individuals.—

(1) In general.—Subsection (l) of section 6103 of such Code (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(18) Disclosure of return information for purposes of carrying out a program for advance payment of credit for health insurance costs of eligible individuals.—The Secretary may disclose to providers of health insurance for any certified individual (as defined in section 7527(c)) return information with respect to such certified individual only to the extent necessary to carry out the program established by section 7527 (relating to advance payment of health insurance cost credit).".

(2) Procedures and recordkeeping related to disclosures.—Subsection (p) of such section is amended—

(A) in paragraph (3)(A) by striking "or (17)" and inserting "(17), or (18)", and

(B) in paragraph (4) by inserting "or (17)" after "any other person described in subsection (l)(16)" each place it appears.

(3) Unauthorized inspection of returns or return information.—Section 7213A(a)(1)(B) of such Code is amended by striking "section 6103(n)" and inserting "subsection (l)(18) or (n) of section 6103".

(c) Information Reporting.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

"(a) Requirement of Reporting.—Every person who is entitled to receive payments for any month of any calendar year under section 7527 (relating to advance payment of credit for health insurance costs of eligible individuals) with respect to any certified individual (as defined in section 7527(c)) shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each such individual.

"(b) Form and Manner of Returns.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each individual referred to in subsection (a),

"(B) the number of months for which amounts were entitled to be received with respect to such individual under section 7527 (relating to advance payment of credit for health insurance costs of eligible individuals),

"(C) the amount entitled to be received for each such month, and

"(D) such other information as the Secretary may prescribe.

"(c) Statements To Be Furnished to Individuals With Respect to Whom Information Is Required.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.".

(2) Assessable penalties.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

"(xi) section 6050T (relating to returns relating to credit for health insurance costs of eligible individuals),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of subparagraph (Z), by striking the period at the end of subparagraph (AA) and inserting ", or", and by adding after subparagraph (AA) the following new subparagraph:

"(BB) section 6050T (relating to returns relating to credit for health insurance costs of eligible individuals).".

(d) Clerical Amendments.—

(1) Advance payment.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

"Sec. 7527. Advance payment of credit for health insurance costs of eligible individuals.".

(2) Information reporting.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

"Sec. 6050T. Returns relating to credit for health insurance costs of eligible individuals.".

(e) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE III—CUSTOMS REAUTHORIZATION

SEC. 301. SHORT TITLE.

This Act may be cited as the "Customs Border Security Act of 2002".

Subtitle A—United States Customs Service

CHAPTER 1—DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL AND COMMERCIAL OPERATIONS

SEC. 311. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) Noncommercial Operations.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $899,121,000 for fiscal year 2002.";

(2) in subparagraph (B) to read as follows:

"(B) $1,365,456,000 for fiscal year 2003."; and

(3) by adding at the end the following:

"(C) $1,399,592,400 for fiscal year 2004.".

(b) Commercial Operations.—

(1) In general.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

"(i) $1,606,068,000 for fiscal year 2002.";

(B) in clause (ii) to read as follows:

"(ii) $1,642,602,000 for fiscal year 2003."; and

(C) by adding at the end the following:

"(iii) $1,683,667,050 for fiscal year 2004.".

(2) Automated commercial environment computer system.—Of the amount made available for each of fiscal years 2002 through 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) Reports.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

(c) Air and Marine Interdiction.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $177,860,000 for fiscal year 2002.";

(2) in subparagraph (B) to read as follows:

"(B) $170,829,000 for fiscal year 2003."; and

(3) by adding at the end the following:

"(C) $175,099,725 for fiscal year 2004.".

(d) Submission of Out-Year Budget Projections.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).".

SEC. 312. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) Fiscal Year 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 311(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) United states-mexico border.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 311(a) of this Act, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 311(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 313. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to section 312.

CHAPTER 2—CHILD CYBER-SMUGGLING CENTER OF THE CUSTOMS SERVICE

SEC. 321. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 331. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 311 of this Act, $28,300,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 332. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 333. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 334. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 335. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term "prospective ruling" means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 336. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

SEC. 337. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.

(a) IN GENERAL.—Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)) is amended as follows:

(1) In subparagraph (A)—

(A) in the matter preceding clause (i), by striking "the processing of merchandise that is informally entered or released" and inserting "the processing of letters, documents, records, shipments, merchandise, or any other item that is valued at an amount under $2,000 (or such higher amount as the Secretary may set by regulation pursuant to section 498 of the Tariff Act of 1930), whether or not such items are informally entered or released (except items entered or released for immediate exportation),"; and

(B) in clause (ii) to read as follows:

"(ii) In the case of an express consignment carrier facility or centralized hub facility, $.66 per individual airway bill or bill of lading.".

(2) By redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

"(B)(i) For fiscal year 2004 and subsequent fiscal years, the Secretary of the Treasury may adjust (not more than once per fiscal year) the amount described in subparagraph (A)(ii) to not less than $.35 but not more than $1.00 per individual airway bill or bill of lading. The Secretary shall provide notice in the Federal Register of a proposed adjustment under the preceding sentence and the reasons therefor and shall allow for public comment on the proposed adjustment.

"(ii) The payment required by subparagraph (A)(ii) shall be the only payment required for reimbursement of the Customs Service in connection with the processing of an individual airway bill or bill of lading in accordance with such subparagraph, except that the Customs Service may charge a fee to cover expenses of the Customs Service for adequate office space, equipment, furnishings, supplies, and security.

"(iii)(I) The payment required by subparagraph (A)(ii) and clause (ii) shall be paid on a quarterly basis to the Customs Service in accordance with regulations prescribed by the Secretary of the Treasury.

"(II) 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall, in accordance with section 524 of the Tariff Act of 1930, be deposited as a refund to the appropriation for the amount paid out of that appropriation for the costs incurred in providing services to express consignment carrier facilities or centralized hub facilities. Amounts deposited in accordance with the preceding sentence shall be available until expended for the provision of customs services to express consignment carrier facilities or centralized hub facilities.

"(III) Notwithstanding section 524 of the Tariff Act of 1930, the remaining 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall be paid to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) of this section.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2002.

SEC. 338. NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)) is amended by striking the second sentence and inserting the following: "The Secretary may, by regulation, require the electronic submission of information described in subsection (a) or any other information required to be submitted to the Customs Service separately pursuant to this subpart.".

CHAPTER 4—ANTITERRORISM PROVISIONS

SEC. 341. IMMUNITY FOR UNITED STATES OFFICIALS THAT ACT IN GOOD FAITH.

(a) IMMUNITY.—Section 3061 of the Revised Statutes (19 U.S.C. 482) is amended—

(1) by striking "Any of the officers" and inserting "(a) Any of the officers"; and

(2) by adding at the end the following:

"(b) Any officer or employee of the United States conducting a search of a person pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith.".

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 342. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking "Whenever the President" and inserting "(a) Whenever the President"; and

(2) by adding at the end the following:

"(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

"(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

"(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

"(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

"(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

"(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).".

SEC. 343. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(B) by adding at the end the following:

"(2)(A) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

"(B) The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable cargo manifest information obtained pursuant to subparagraph (A). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy and property rights with respect to the cargo involved.".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) Passenger Information.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

"SEC. 432. PASSENGER AND CREW INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

"(a) In General.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

"(b) Information Described.—The information described in this subsection shall include for each person described in subsection (a), if applicable, the person's—

"(1) full name;

"(2) date of birth and citizenship;

"(3) gender;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number;

"(6) passenger name record; and

"(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.

"(c) Sharing of Information.—The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable electronic transmission information obtained pursuant to subsection (a). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy rights of the person with respect to which the information relates.".

(c) Definition.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

"(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.".

(d) Effective Date.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

SEC. 344. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) Examination.—

"(1) In general.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

"(2) Provisions of law described.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) Search of Mail Not Sealed Against Inspection and Other Mail.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) Search of Mail Sealed Against Inspection.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.".

SEC. 345. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) Operations described.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

CHAPTER 5—TEXTILE TRANSSHIPMENT PROVISIONS

SEC. 351. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO Audit.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) Report.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) Transshipment Described.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 352. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002.

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) Use of Funds.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) Import specialists.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) Inspectors.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 353. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 311(b)(1) of this Act, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

Subtitle B—Office of the United States Trade Representative

SEC. 361. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "not to exceed";

(B) in clause (i) to read as follows:

"(i) $30,000,000 for fiscal year 2002.";

(C) in clause (ii) to read as follows:

"(ii) $32,300,000 for fiscal year 2003."; and

(D) by adding at the end the following:

"(iii) $33,108,000 for fiscal year 2004."; and

(2) in subparagraph (B)—

(A) in clause (i), by adding "and" at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.".

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

Subtitle C—United States International Trade Commission

SEC. 371. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

"(i) $51,440,000 for fiscal year 2002.";

(2) in clause (ii) to read as follows:

"(ii) $54,000,000 for fiscal year 2003."; and

(3) by adding at the end the following:

"(iii) $57,240,000 for fiscal year 2004.".

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

"(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.".

Subtitle D—Other trade provisions

SEC. 381. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking "$400" and inserting "$800".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 382. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

"(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

"(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.".

DIVISION B—BIPARTISAN TRADE PROMOTION AUTHORITY

TITLE XXI—TRADE PROMOTION AUTHORITY

SEC. 2101. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Bipartisan Trade Promotion Authority Act of 2002".

(b) FINDINGS.—The Congress makes the following findings:

(1) The expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity. Trade agreements today serve the same purposes that security pacts played during the Cold War, binding nations together through a series of mutual rights and obligations. Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.

(2) The national security of the United States depends on its economic security, which in turn is founded upon a vibrant and

growing industrial base. Trade expansion has been the engine of economic growth. Trade agreements maximize opportunities for the critical sectors and building blocks of the economy of the United States, such as information technology, telecommunications and other leading technologies, basic industries, capital equipment, medical equipment, services, agriculture, environmental technology, and intellectual property. Trade will create new opportunities for the United States and preserve the unparalleled strength of the United States in economic, political, and military affairs. The United States, secured by expanding trade and economic opportunities, will meet the challenges of the twenty-first century.

(3) At the same time, the recent pattern of decisions by dispute settlement panels and the Appellate Body of the World Trade Organization to impose obligations and restrictions on the use of antidumping and countervailing measures by WTO members under the Antidumping Agreement and the Agreement on Subsidies and Countervailing Measures has raised concerns, and Congress is concerned that dispute settlement panels and the Appellate Body of the WTO appropriately apply the standard of review contained in Article 17.6 of the Antidumping Agreement, to provide deference to a permissible interpretation by a WTO member of provisions of the Antidumping Agreement, and to the evaluation by a WTO member of the facts where that evaluation is unbiased and objective and the establishment of the facts is proper.

SEC. 2102. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 2103 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, and promote full employment in the United States and to enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization (as defined in section 2111(2)) and an understanding of the relationship between trade and worker rights; and

(7) to seek provisions in trade agreements under which parties to those agreements strive to ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement for trade.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE BARRIERS AND DISTORTIONS.—The principal negotiating objectives of the United States regarding trade barriers and other trade distortions are—

(A) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, with particular attention to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade-distorting barriers to trade-related foreign investment and, recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) providing meaningful procedures for resolving investment disputes;

(F) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims; and

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(G) providing an appellate or similar review mechanism to correct manifestly erroneous interpretations of law; and

(H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public; and

(II) all hearings are open to the public; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(4) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works; and

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection.

(5) TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency through—

(A) increased and more timely public access to information regarding trade issues and the activities of international trade institutions;

(B) increased openness at the WTO and other international trade fora by increasing public access to appropriate meetings, proceedings, and submissions, including with regard to dispute settlement and investment; and

(C) increased and more timely public access to all notifications and supporting documentation submitted by parties to the WTO.

(6) ANTI-CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and appropriate domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments; and

(B) to ensure that such standards do not place United States persons at a competitive disadvantage in international trade.

(7) IMPROVEMENT OF THE WTO AND MULTILATERAL TRADE AGREEMENTS.—The principal negotiating objectives of the United States regarding the improvement of the World Trade Organization, the Uruguay Round Agreements, and other multilateral and bilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and such agreements to products, sectors, and conditions of trade not adequately covered; and

(B) to expand country participation in and enhancement of the Information Technology Agreement and other trade agreements.

(8) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices by foreign governments to provide a competitive advantage to their domestic producers, service providers, or investors and thereby reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost-benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms among parties to trade agreements to promote increased transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes; and

(D) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products.

(9) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization apply to electronic commerce;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible;

(C) to ensure that governments refrain from implementing trade-related measures that impede electronic commerce;

(D) where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are the least restrictive on trade, nondiscriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(10) RECIPROCAL TRADE IN AGRICULTURE.—(A) The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by—

(i) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(I) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(II) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(ii) reducing tariffs to levels that are the same as or lower than those in the United States;

(iii) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(iv) allowing the preservation of programs that support family farms and rural communities but-do not distort trade;

(v) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(vi) eliminating Government policies that create price-depressing surpluses;

(vii) eliminating state trading enterprises whenever possible;

(viii) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, particularly with respect to import-sensitive products, including—

(I) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(II) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(III) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(IV) other unjustified technical barriers to trade; and

(V) restrictive rules in the administration of tariff rate quotas;

(ix) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(x) ensuring that the use of import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(xi) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(xii) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(xiii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(xiv) taking into account the impact that agreements covering agriculture to which the United States is a party, including the North American Free Trade Agreement, have on the United States agricultural industry; and

(xv) maintaining bona fide food assistance programs and preserving United States market development and export credit programs.

(B)(i) Before commencing negotiations with respect to agriculture, the United States Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of seasonal and perishable agricultural products to be employed in the negotiations in order to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area.

(ii) During any negotiations on agricultural subsidies, the United States Trade Representative shall seek to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule.

(iii) The negotiating objective provided in subparagraph (A) applies with respect to agricultural matters to be addressed in any trade agreement entered into under section 2103(a) or (b), including any trade agreement entered into under section 2103(a) or (b) that provides for accession to a trade agreement to which the United States is already a party, such as the North American Free Trade Agreement and the United States-Canada Free Trade Agreement.

(11) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that parties to a trade agreement retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, 'and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor or environmental matters determined to have higher priorities, and to recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources and no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of environmental protection;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 2111(2));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

(12) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(D) to seek provisions to encourage the provision of trade-expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(E) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(F) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(13) WTO extended negotiations.—The principal negotiating objectives of the United States regarding trade in civil aircraft are those set forth in section 135(c) of the Uruguay Round Agreements Act (19 U.S.C. 3355(c)) and regarding rules of origin are the conclusion of an agreement described in section 132 of that Act (19 U.S.C. 3552).

(c) Promotion of Certain Priorities.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) seek greater cooperation between the WTO and the ILO;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 2111(2)), and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(3) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(4) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 of November 16, 1999, and its relevant guidelines, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such reviews;

(5) review the impact of future trade agreements on United States employment, modeled after Executive Order 13141, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review;

(6) take into account other legitimate United States domestic objectives including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto;

(7) have the Secretary of Labor consult with any country seeking a trade agreement with the United States concerning that country's labor laws and provide technical assistance to that country if needed;

(8) with respect to any trade agreement which the President seeks to implement under trade authorities procedures, submit to the Congress a report describing the extent to which the country or countries that are parties to the agreement have in effect laws governing exploitative child labor;

(9)(A) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping and countervailing duty laws, and avoid agreements which lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(B) ensure that United States exports are not subject to the abusive use of trade laws, including antidumping and countervailing duty laws, by other countries.

(10) continue to promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of the GATT 1994;

(11) report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 12 months after the imposition of a penalty or remedy by the United States permitted by a trade agreement to which this title applies, on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement; and

(12) seek to establish consultative mechanisms among parties to trade agreements to examine the trade consequences of significant and unanticipated currency movements and to scrutinize whether a foreign government engaged in a pattern of manipulating its currency to promote a competitive advantage in international trade.

The report under paragraph (11) shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.

(d) Consultations.—

(1) Consultations with congressional advisers.—In the course of negotiations conducted under this title, the United States Trade Representative shall consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Congressional Oversight Group convened under section 2107 and all committees of the House of Representatives and the Senate with jurisdiction over laws that would be affected by a trade agreement resulting from the negotiations.

(2) Consultation before agreement initialed.—In the course of negotiations conducted under this title, the United States Trade Representative shall—

(A) consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211), the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Congressional Oversight Group convened under section 2107; and

(B) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) Adherence to Obligations Under Uruguay Round Agreements.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

SEC. 2103. TRADE AGREEMENTS AUTHORITY.

(a) Agreements Regarding Tariff Barriers.—

(1) In general.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) Limitations.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) notwithstanding paragraph (6), reduces the rate of duty below that applicable under the Uruguay Round Agreements, on any agricultural product which was the subject of tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty, pursuant to such Agreements, was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(3) Aggregate reduction; exemption from staging.—

(A) Aggregate reduction.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) Exemption from staging.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) Rounding.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) Other limitations.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 5 and that bill is enacted into law.

(6) Other tariff modifications.—Notwithstanding paragraphs (1)(B), (2)(A), (2)(C), and (3) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(7) Authority under Uruguay Round Agreements Act not affected.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) Agreements Regarding Tariff and Nontariff Barriers.—

(1) In general.—(A) Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy; or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect;

and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) Conditions.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 2102(a) and (b) and the President satisfies the conditions set forth in section 2104.

(3) Bills qualifying for trade authorities procedures.—(A) The provisions of section 151 of the Trade Act of 1974 (in this title referred to as "trade authorities procedures") apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an "implementing bill".

(B) The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(c) Extension Disapproval Process for Congressional Trade Authorities Procedures.—

(1) In general.—Except as provided in section 2105(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2005; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2005, and before July 1, 2007, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 1, 2005.

(2) Report to Congress by the President.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to the Congress, not later than March 1, 2005, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) Report to Congress by the Advisory Committee.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) Status of reports.—The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) Extension disapproval resolutions.—(A) For purposes of paragraph (1), the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the   disapproves the request of the President for the extension, under section 2103(c)(1)(B)(i) of the Bipartisan Trade Promotion Authority Act of 2002, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 2103(b) of that Act after June 30, 2005.", with the blank space being filled with the name of the resolving House of the Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

(d) Commencement of Negotiations.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 2102(b).

SEC. 2104. CONSULTATIONS AND ASSESSMENT.

(a) NOTICE AND CONSULTATION BEFORE NEGOTIATION.—The President, with respect to any agreement that is subject to the provisions of section 2103(b), shall—

(1) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement;

(2) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, such other committees of the House and Senate as the President deems appropriate, and the Congressional Oversight group convened under section 2107; and

(3) upon the request of a majority of the members of the Congressional Oversight Group under section 2107(c), meet with the Congressional Oversight Group before initiating the negotiations or at any other time concerning the negotiations.

(b) NEGOTIATIONS REGARDING AGRICULTURE.—

(1) IN GENERAL.—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 2102(b)(10)(A)(i) with any country, the President shall assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(2) SPECIAL CONSULTATIONS ON IMPORT SENSITIVE PRODUCTS.—(A) Before initiating negotiations with regard to agriculture, and, with respect to the Free Trade Area for the Americas and negotiations with regard to agriculture under the auspices of the World Trade Organization, as soon as practicable after the enactment of this Act, the United States Trade Representative shall—

(i) identify those agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(ii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(I) whether any further tariff reductions on the products identified under clause (i) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned; and

(II) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(iii) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(iv) upon complying with clauses (i), (ii), and (iii), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identified under clause (i) for which the Trade Representative intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(B) If, after negotiations described in subparagraph (A) are commenced—

(i) the United States Trade Representative identifies any additional agricultural product described in subparagraph (A)(i) for tariff reductions which were not the subject of a notification under subparagraph (A)(iv), or

(ii) any additional agricultural product described in subparagraph (A)(i) is the subject of a request for tariff reductions by a party to the negotiations,

the Trade Representative shall, as soon as practicable, notify the committees referred to in subparagraph (A)(iv) of those products and the reasons for seeking such tariff reductions.

(c) NEGOTIATIONS REGARDING TEXTILES.—Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(d) CONSULTATION WITH CONGRESS BEFORE AGREEMENTS ENTERED INTO.—

(1) CONSULTATION.—Before entering into any trade agreement under section 2103(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the Congressional Oversight Group convened under section 2107.

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this title; and

(C) the implementation of the agreement under section 2105, including the general effect of the agreement on existing laws.

(e) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 2103(a) or (b) of this Act shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 2103(a)(1) or 2105(a)(1)(A) of the President's intention to enter into the agreement.

(f) ITC ASSESSMENT.—

(1) IN GENERAL.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 2103(b), shall provide the International Trade Commission (referred to in this subsection as "the Commission") with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC ASSESSMENT.—Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

SEC. 2105. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 2103(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to the Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 2103(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) SUPPORTING INFORMATION.—The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this title; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce;

(IV) how the implementing bill meets the standards set forth in section 2103(b)(3); and

(V) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in section 2102(c) regarding the promotion of certain priorities.

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 2103(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(b) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(1) FOR LACK OF NOTICE OR CONSULTATIONS.—

(A) IN GENERAL.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 2103(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) PROCEDURAL DISAPPROVAL RESOLUTION.—(i) For purposes of this paragraph, the term "procedural disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002 on negotiations with respect to   and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.", with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i), the President has "failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002" on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with section 2104 or 2105 with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 2107(b) have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the Congressional Oversight Group pursuant to a request made under section 2107(c) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to make progress in achieving the purposes, policies, priorities, and objectives of this title.

(2) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Procedural disapproval resolutions—

(i) in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate may be introduced by any Member of the Senate.

(B) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been considered under such provisions of section 152 of the Trade Act of 1974 in that House of Congress during that Congress.

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section and section 2103(c) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 2106. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.

(a) CERTAIN AGREEMENTS.—Notwithstanding section 2103(b)(2), if an agreement to which section 2103(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with Chile,

(3) is entered into with Singapore, or

(4) establishes a Free Trade Area for the Americas,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 2104(a) (relating only to 90 days notice prior to initiating negotiations), and any procedural disapproval resolution under section 2105(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 2104(a); and

(2) the President shall, as soon as feasible after the enactment of this Act—

(A) notify the Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the committees referred to in section 2104(a)(2) and the Congressional Oversight Group.

SEC. 2107. CONGRESSIONAL OVERSIGHT GROUP.

(a) MEMBERS AND FUNCTIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate shall convene the Congressional Oversight Group.

(2) MEMBERSHIP FROM THE HOUSE.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the House of Representatives which would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this title would apply.

(3) MEMBERSHIP FROM THE SENATE.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The chairman and ranking Member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the Senate which would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this title would apply.

(4) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraph (2)(A) and (3)(A) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which

this title applies. Each member of the Congressional Oversight Group described in paragraph (2)(B) and (3)(B) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in the negotiations by reason of which the member is in the Congressional Oversight Group. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(5) CHAIR.—The Congressional Oversight Group shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate.

(b) GUIDELINES.—

(1) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of the Congressional Oversight Group regarding negotiating objectives, including the promotion of certain priorities referred to in section 2102(c), and positions and the status of the applicable negotiations, beginning as soon as practicable after the Congressional Oversight Group is convened, with more frequent briefings as trade negotiations enter the final stage;

(B) access by members of the Congressional Oversight Group, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(C) the closest practicable coordination between the Trade Representative and the Congressional Oversight Group at all critical periods during the negotiations, including at negotiation sites; and

(D) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement.

(c) REQUEST FOR MEETING.—Upon the request of a majority of the Congressional Oversight Group, the President shall meet with the Congressional Oversight Group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations.

SEC. 2108. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

(a) IN GENERAL.—At the time the President submits to the Congress the final text of an agreement pursuant to section 2105(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) BORDER PERSONNEL REQUIREMENTS.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) AGENCY STAFFING REQUIREMENTS.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) CUSTOMS INFRASTRUCTURE REQUIREMENTS.—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) IMPACT ON STATE AND LOCAL GOVERNMENTS.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) COST ANALYSIS.—An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

(b) BUDGET SUBMISSION.—The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

SEC. 2109. COMMITTEE STAFF.

The grant of trade promotion authority under this title is likely to increase the activities of the primary committees of jurisdiction in the area of international trade. In addition, the creation of the Congressional Oversight Group under section 2107 will increase the participation of a broader number of Members of Congress in the formulation of United States trade policy and oversight of the international trade agenda for the United States. The primary committees of jurisdiction should have adequate staff to accommodate these increases in activities.

SEC. 2110. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) IMPLEMENTING BILL.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking "section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act" and inserting "section 282 of the Uruguay Round Agreements Act, or section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002".

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking "or section 282 of the Uruguay Round Agreements Act" and inserting ", section 282 of the Uruguay Round Agreements Act, or section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002".

(2) ADVICE FROM INTERNATIONAL TRADE COMMISSION.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 123 of this Act or section 2103(a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002,"; and

(ii) in paragraph (2), by striking "section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002";

(B) in subsection (b), by striking "section 1102(a)(3)(A)" and inserting "section 2103(a)(3)(A) of the Bipartisan Trade Promotion Authority Act of 2002"; and

(C) in subsection (c), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002,".

(3) HEARINGS AND ADVICE.—Sections 132, 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," each place it appears and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002,".

(4) PREREQUISITES FOR OFFERS.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002".

(5) ADVICE FROM PRIVATE AND PUBLIC SECTORS.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002";

(B) in subsection (e)(1)—

(i) by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" each place it appears and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002"; and

(ii) by striking "section 1103(a)(1)(A) of such Act of 1988" and inserting "section 2105(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2002"; and

(C) in subsection (e)(2), by striking "section 1101 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2102 of the Bipartisan Trade Promotion Authority Act of 2002".

(6) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking "or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "or under section 2103 of the Bipartisan Trade Promotion Authority Act of 2002".

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 2103 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 2103 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 2111. DEFINITIONS.

In this title:

(1) AGREEMENT ON AGRICULTURE.—The term "Agreement on Agriculture" means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(2) CORE LABOR STANDARDS.—The term "core labor standards" means—

(A) the right of association;

(B) the right to organize and bargain collectively;

(C) a prohibition on the use of any form of forced or compulsory labor;

(D) a minimum age for the employment of children; and

(E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(3) GATT 1994.—The term "GATT 1994" has the meaning given that term in section 2 of

the Uruguay Round Agreements Act (19 U.S.C. 3501).

(4) ILO.—The term "ILO" means the International Labor Organization.

(5) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(6) URUGUAY ROUND AGREEMENTS.—The term "Uruguay Round Agreements" has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(7) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(8) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(9) WTO MEMBER.—The term "WTO member" has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).

(10) OTHER DEFINITIONS.—

(A) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term "Agreement on Subsidies and Countervailing Measures" means the agreement referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(B) ANTIDUMPING AGREEMENT.—The term "Antidumping Agreement" means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(7) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(7)).

DIVISION C—ANDEAN TRADE PREFERENCE ACT

TITLE XXXI—ANDEAN TRADE PREFERENCE

SEC. 3101. SHORT TITLE.

This title may be cited as the "Andean Trade Promotion and Drug Eradication Act".

SEC. 3102. FINDINGS.

Congress makes the following findings:

(1) Since the Andean Trade Preference Act was enacted in 1991, it has had a positive impact on United States trade with Bolivia, Colombia, Ecuador, and Peru. Two-way trade has doubled, with the United States serving as the leading source of imports and leading export market for each of the Andean beneficiary countries. This has resulted in increased jobs and expanded export opportunities in both the United States and the Andean region.

(2) The Andean Trade Preference Act has been a key element in the United States counternarcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic alternatives to drug-crop production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit trade in coca.

(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains threatened by political and economic instability and fragility, vulnerable to the consequences of the drug war and fierce global competition for its legitimate trade.

(4) The continuing instability in the Andean region poses a threat to the security interests of the United States and the world. This problem has been partially addressed through foreign aid, such as Plan Colombia, enacted by Congress in 2000. However, foreign aid alone is not sufficient. Enhancement of legitimate trade with the United States provides an alternative means for reviving and stabilizing the economies in the Andean region.

(5) The Andean Trade Preference Act constitutes a tangible commitment by the United States to the promotion of prosperity, stability, and democracy in the beneficiary countries.

(6) Renewal and enhancement of the Andean Trade Preference Act will bolster the confidence of domestic private enterprise and foreign investors in the economic prospects of the region, ensuring that legitimate private enterprise can be the engine of economic development and political stability in the region.

(7) Each of the Andean beneficiary countries is committed to conclude negotiation of a Free Trade Area of the Americas by the year 2005, as a means of enhancing the economic security of the region.

(8) Temporarily enhancing trade benefits for Andean beneficiary countries will promote the growth of free enterprise and economic opportunity in these countries and serve the security interests of the United States, the region, and the world.

SEC. 3103. ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT.

(a) ELIGIBILITY OF CERTAIN ARTICLES.—Section 204 of the Andean Trade Preference Act (19 U.S.C. 3203) is amended—

(1) by striking subsection (c) and redesignating subsections (d) through (g) as subsections (c) through (f), respectively; and

(2) by amending subsection (b) to read as follows:

"(b) EXCEPTIONS AND SPECIAL RULES.—

"(1) CERTAIN ARTICLES THAT ARE NOT IMPORT-SENSITIVE.—The President may proclaim duty-free treatment under this title for any article described in subparagraph (A), (B), (C), or (D) that is the growth, product, or manufacture of an ATPDEA beneficiary country and that meets the requirements of this section, if the President determines that such article is not import-sensitive in the context of imports from ATPDEA beneficiary countries:

"(A) Footwear not designated at the time of the effective date of this Act as eligible for the purpose of the generalized system of preferences under title V of the Trade Act of 1974.

"(B) Petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS.

"(C) Watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply.

"(D) Handbags, luggage, flat goods, work gloves, and leather wearing apparel that were not designated on August 5, 1983, as eligible articles for purposes of the generalized system of preferences under title V of the Trade Act of 1974.

"(2) EXCLUSIONS.—Subject to paragraph (3), duty-free treatment under this title may not be extended to—

"(A) textiles and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

"(B) rum and tafia classified in subheading 2208.40 of the HTS; or

"(C) sugars, syrups, and sugar-containing products subject to over-quota duty rates under applicable tariff-rate quotas.

"(3) APPAREL ARTICLES.—

"(A) IN GENERAL.—Apparel articles that are imported directly into the customs territory of the United States from an ATPDEA beneficiary country shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels, but only if such articles are described in subparagraph (B).

"(B) COVERED ARTICLES.—The apparel articles referred to in subparagraph (A) are the following:

"(i) APPAREL ARTICLES ASSEMBLED FROM PRODUCTS OF THE UNITED STATES AND ATPDEA BENEFICIARY COUNTRIES OR PRODUCTS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—Apparel articles sewn or otherwise assembled in 1 or more ATPDEA beneficiary countries, or the United States, or both, exclusively from any one or any combination of the following:

"(I) Fabrics or fabric components formed, or components knit-to-shape, in the United States, from yarns formed in the United States or 1 or more ATPDEA beneficiary countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in the United States). Apparel articles shall qualify under this subclause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are knit fabrics, is carried out in the United States. Apparel articles shall qualify under this subclause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States.

"(II) Fabrics or fabric components formed or components knit-to-shape, in 1 or more ATPDEA beneficiary countries, from yarns formed in 1 or more ATPDEA beneficiary countries, if such fabrics (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPDEA beneficiary countries) or components are in chief weight of llama or alpaca.

"(III) Fabrics or yarn that is not formed in the United States or in one or more ATPDEA beneficiary countries, to the extent that apparel articles of such fabrics or yarn would be eligible for preferential treatment, without regard to the source of the fabrics or yarn, under Annex 401 of the NAFTA.

"(ii) ADDITIONAL FABRICS.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarns as eligible for preferential treatment under clause (i)(III) if—

"(I) the President determines that such fabrics or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner;

"(II) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

"(III) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such action, and the advice obtained under subclause (II);

"(IV) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclause (III), has expired; and

"(V) the President has consulted with such committees regarding the proposed action during the period referred to in subclause (III).

"(iii) APPAREL ARTICLES ASSEMBLED IN 1 OR MORE ATPDEA BENEFICIARY COUNTRIES FROM REGIONAL FABRICS OR REGIONAL COMPONENTS.—(I) Subject to the limitation set forth in subclause (II), apparel articles sewn or otherwise assembled in 1 or more ATPDEA beneficiary countries from fabrics or from fabric components formed or from components knit-to-shape, in 1 or more ATPDEA beneficiary countries, from yarns formed in the United States or 1 or more ATPDEA beneficiary countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPDEA beneficiary countries), whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in clause (i).

"(II) The preferential treatment referred to in subclause (I) shall be extended in the 1-year period beginning December 1, 2001, and in each of the 5 succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

"(III) For purposes of subclause (II), the term 'applicable percentage' means 3 percent for the 1-year period beginning December 1, 2001, increased in each of the 5 succeeding 1-year periods by equal increments, so that for the period beginning December 1, 2005, the applicable percentage does not exceed 6 percent.

"(iv) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of an ATPDEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

"(v) SPECIAL RULES.—

"(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, 'bow buds', decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products.

"(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

"(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, 'hymo' piece, or 'sleeve header', of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

"(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

"(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this subparagraph because the article contains fibers or yarns not wholly formed in the United States or in one or more ATPDEA beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good.

"(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (B)(iv), the President shall consult with representatives of the ATPDEA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

"(D) PENALTIES FOR TRANSSHIPMENT.—

"(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to apparel articles from an ATPDEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

"(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the ATPDEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

"(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (A) has been claimed for an apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (A).

"(E) BILATERAL EMERGENCY ACTIONS.—

"(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from an ATPDEA beneficiary country if the application of tariff treatment under subparagraph (A) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

"(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

"(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

"(II) the term 'transition period' in section 4 of the Annex shall mean the period ending December 31, 2006; and

"(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the ATPDEA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

"(4) CUSTOMS PROCEDURES.—

"(A) IN GENERAL.—

"(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (1) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

"(ii) DETERMINATION.—

"(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (1) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

"(aa) has implemented and follows; or

"(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

"(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is an ATPDEA beneficiary country—

"(aa) from which the article is exported; or

"(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (1) or (3).

"(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (1) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

"(5) DEFINITIONS.—In this subsection—

"(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

"(B) ATPDEA BENEFICIARY COUNTRY.—The term 'ATPDEA beneficiary country' means any 'beneficiary country', as defined in section 203(a)(1) of this title, which the President designates as an ATPDEA beneficiary country, taking into account the criteria contained in subsections (c) and (d) of section 203 and other appropriate criteria, including the following:

"(i) Whether the beneficiary country has demonstrated a commitment to—

"(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

"(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

"(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

"(iii) The extent to which the country provides internationally recognized worker rights, including—

"(I) the right of association;

"(II) the right to organize and bargain collectively;

"(III) a prohibition on the use of any form of forced or compulsory labor;

"(IV) a minimum age for the employment of children; and

"(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

"(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

"(v) The extent to which the country has met the counternarcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

"(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

"(vii) The extent to which the country—

"(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

"(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

"(C) NAFTA.—The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

"(D) WTO.—The term 'WTO' has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

"(E) ATPDEA.—The term 'ATPDEA' means the Andean Trade Promotion and Drug Eradication Act.".

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 203(e)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(e)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(1)"; and

(3) by adding at the end the following:

"(B) The President may, after the requirements of paragraph (2) have been met—

"(i) withdraw or suspend the designation of any country as an ATPDEA beneficiary country, or

"(ii) withdraw, suspend, or limit the application of preferential treatment under section 204(b)(1) or (3) to any article of any country,

if, after such designation, the President determines that, as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 204(b)(5)(B).".

(c) CONFORMING AMENDMENTS.—(1) Section 202 of the Andean Trade Preference Act (19 U.S.C. 3201) is amended by inserting "(or other preferential treatment)" after "treatment".

(2) Section 204(a) of the Andean Trade Preference Act (19 U.S.C. 3203(a)) is amended—

(A) in paragraph (1), by inserting "(or otherwise provided for)" after "eligibility"; and

(B) in paragraph (2), by striking "subsection (a)" and inserting "paragraph (1)".

SEC. 3104. TERMINATION OF PREFERENTIAL TREATMENT.

Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended to read as follows:

"SEC. 208. TERMINATION OF PREFERENTIAL TREATMENT.

"No duty-free treatment or other preferential treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2006.".

SEC. 3105. TRADE BENEFITS UNDER THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b)(2)(A) of the Carribean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended as follows:

(1) Clause (i) is amended—

(A) by striking the matter preceding subclause (I) and inserting the following:

"(i) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—"; and

(B) by adding at the end the following:

"Apparel articles shall qualify under the preceding sentence only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are knit fabrics, is carried out in the United States. Apparel articles shall qualify under the first sentence of this clause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States.".

(2) Clause (ii) is amended to read as follows:

"(ii) OTHER APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries with thread formed in the United States from fabrics wholly formed in the United States and cut in one or more CBTPA beneficiary countries from yarns wholly formed in the United States, or from components knit-to-shape in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States). Apparel articles shall qualify under the preceding sentence only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are knit fabrics, is carried out in the United States. Apparel articles shall qualify under the first sentence of this clause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States.".

(3) Clause (iii)(II) is amended to read as follows:

"(II) The amount referred to in subclause (I) is as follows:

"(aa) 290,000,000 square meter equivalents during the 1-year period beginning on October 1, 2001.

"(bb) 500,000,000 square meter equivalents during the 1-year period beginning on October 1, 2002.

"(cc) 850,000,000 square meter equivalents during the 1-year period beginning on October 1, 2003.

"(dd) 970,000,000 square meter equivalents in each succeeding 1-year period through September 30, 2008.".

(4) Clause (iii)(IV) is amended to read as follows:

"(IV) The amount referred to in subclause (III) is as follows:

"(aa) 4,872,000 dozen during the 1-year period beginning on October 1, 2001.

"(bb) 9,000,000 dozen during the 1-year period beginning on October 1, 2002.

"(cc) 10,000,000 dozen during the 1-year period beginning on October 1, 2003.

"(dd) 12,000,000 dozen in each succeeding 1-year period through September 30, 2008.".

(5) Section 213(b)(2)(A) of such Act is further amended by adding at the end the following new clause:

"(ix) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES FROM UNITED STATES AND CBTPA BENEFICIARY COUNTRY COMPONENTS.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries with thread formed in the United States from components cut in the United States and in one or more CBTPA beneficiary countries from fabric wholly formed in the United States from yarns wholly formed in the United States, or from components knit-to-shape in the United States and one or more CBTPA beneficiary countries from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS).".

SEC. 3106. TRADE BENEFITS UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Section 112(b) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)) is amended as follows:

(1) Paragraph (1) is amended by amending the matter preceding subparagraph (A) to read as follows:

"(1) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—".

(2) Paragraph (2) is amended to read as follows:

"(2) OTHER APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States from fabrics wholly formed in the United States and cut in one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or from components knit-to-shape in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States).".

(3) Paragraph (3) is amended—

(A) by amending the matter preceding subparagraph (A) to read as follows:

"(3) APPAREL ARTICLES FROM REGIONAL FABRIC OR YARNS.—Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary sub-Saharan African countries from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries (including fabrics not formed from yarns, if such fabrics are classified under heading 5602 or 5603 of the HTS and are wholly formed in one or more beneficiary sub-Saharan African countries), or from components knit-to-shape in one or more beneficiary sub-Saharan African countries from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries, or apparel articles wholly formed on seamless knitting machines in a beneficiary sub-Saharan African country from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries, subject to the following:";

(B) in subparagraph (A)(ii)—

(i) by striking "1.5" and inserting "3"; and

(ii) by striking "3.5" and inserting "7"; and

(C) by amending subparagraph (B) to read as follows:

"(B) SPECIAL RULES FOR LESSER DEVELOPED COUNTRIES.—

"(i) IN GENERAL.—Subject to subparagraph (A), preferential treatment under this paragraph shall be extended through September 30, 2004, for apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric or the yarn used to make such articles.

"(ii) LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.—For purposes of clause (i), the term 'lesser developed beneficiary sub-Saharan African country' means—

"(I) a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

"(II) Botswana; and

"(III) Namibia.".

(4) Paragraph (4)(B) is amended by striking "18.5" and inserting "21.5".

(5) Section 112(b) of such Act is further amended by adding at the end the following new paragraph:

"(7) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES FROM UNITED STATES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY COMPONENTS.—Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States from components cut in the United States and one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, or from components knit-to-shape in the United States and one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS).".

DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND OTHER PROVISIONS

SEC. 4101. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES.

(a) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465(a)) is amended by striking "September 30, 2001" and inserting "December 31, 2002".

(b) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (2), the entry—

(A) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 2001,

(B) that was made after September 30, 2001, and before the date of the enactment of this Act, and

(C) to which duty-free treatment under title V of that Act did not apply,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry. As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 4102. FUND FOR WTO DISPUTE SETTLEMENTS.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury a fund for the payment of settlements under this section.

(b) AUTHORITY OF USTR TO PAY SETTLEMENTS.—Amounts in the fund established under subsection (a) shall be available, as provided in appropriations Acts, only for the payment by the United States Trade Representative of the amount of the total or partial settlement of any dispute pursuant to proceedings under the auspices of the World Trade Organization, if—

(1) in the case of a total or partial settlement in an amount of not more than $10,000,000, the Trade Representative certifies to the Secretary of the Treasury that the settlement is in the best interests of the United States; and

(2) in the case of a total or partial settlement in an amount of more than $10,000,000, the Trade Representative certifies to the Congress that the settlement is in the best interests of the United States.

(c) APPROPRIATIONS.—There are authorized to be appropriated to the fund established under subsection (a)—

(1) $50,000,000; and

(2) amounts equivalent to amounts recovered by the United States pursuant to the settlement of disputes pursuant to proceedings under the auspices of the World Trade Organization.

Amounts appropriated to the fund are authorized to remain available until expended.

(c) MANAGEMENT OF FUND.—Sections 9601 and 9602(b) of the Internal Revenue Code of 1986 shall apply to the fund established under subsection (a) to the same extent as such provisions apply to trust funds established under subchapter A of chapter 98 of such Code.

SEC. 4103. PAYMENT OF DUTIES AND FEES.

Section 505(a) of the Tariff Act of 1930 (19 U.S.C. 1505(a)) is amended—

(1) in the first sentence—

(A) by striking "Unless the merchandise" and inserting "Unless the entry of merchandise is covered by an import activity summary statement, or the merchandise"; and

(B) by inserting after "by regulation" the following: "(but not to exceed 10 working days after entry or release, whichever occurs first)"; and

(2) by striking the second and third sentences and inserting the following: "If an import activity summary statement is filed, the importer or record shall deposit estimated duties and fees for entries of merchandise covered by the import activity summary statement no later than the 15th day of the month following the month in which the merchandise is entered or released, whichever occurs first.".

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Ways and Means, for consideration of the House amendment and the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, CRANE and RANGEL.

From the Committee on Education and the Workforce, for consideration of section 603 of the Senate amendment, and modifications committed to conference:

Messrs. BOEHNER, SAM JOHNSON of Texas and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of section 603 of the Senate amendment, and modifications committed to conference:

Messrs. TAUZIN, BILIRAKIS and DINGELL.

From the Committee on Government Reform, for consideration of section 344 of the House amendment and section 1143 of the Senate amendment, and modifications committed to conference:

Messrs. BURTON of Indiana, BARR of Georgia and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 111, 601, and 701 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, COBLE and CONYERS.

From the Committee on Rules, for consideration of sections 2103, 2105, and 2106 of the House amendment and sections 2103, 2105, and 2106 of the Senate amendment, and modifications committed to conference:

Messrs. DREIER, LINDER and HASTINGS of Florida.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now resume proceedings on postponed questions in the following order:

H.R. 3764, by the yeas and nays; and

H.R. 3180, by the yeas and nays.

Without objection, the Chair will reduce to 5 minutes the time for each electronic vote in this series.

There was no objection.

The SPEAKER pro tempore. The votes on H. Con. Res. 424 and H.R. 3034 will be postponed until tomorrow.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION ACT OF 2002

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3764, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3764, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 4, not voting 8, as follows:

[Roll No. 265]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Conyers
Flake
Paul
Souder

NOT VOTING—8

Peterson (PA)
Roukema
Shays
Simmons
Smith (MI)
Tierney
Traficant
Waxman

□ 1707

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL COMPACT CONSENT ACT

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3180.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3180, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 266]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski

LoBiondo
Lofgren
Lowey
Lucas (KY)
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Lynch
Maloney (CT)
Maloney (NY)
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McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
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Olver
Ortiz
Osborne
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Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
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Riley
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Rogers (KY)
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Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
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Ryan (WI)
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Schakowsky
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Smith (NJ)
Smith (TX)
Smith (WA)
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Udall (CO)
Udall (NM)
Upton
Velázquez
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Vitter
Walden
Walsh
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Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
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Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Evans
Herger
Istook
Lampson
Roukema
Sensenbrenner
Smith (MI)
Traficant
Waxman

□ 1717

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mr. LANGEVIN. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 3295 tomorrow.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to recede from disagreement with the provisions contained in subparagraphs (A) and (B) of section 101(a)(3) of the Senate amendment to the House bill (relating to the accessibility of voting systems for individuals with disabilities).

CAPITOL POLICE RETENTION, RECRUITMENT, AND AUTHORIZATION ACT OF 2002

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (H.R. 5018) to direct the Capitol Police Board to take steps to promote the retention of current officers and members of the Capitol Police and the recruitment of new officers and members of the Capitol Police, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

Mr. HOYER. Mr. Speaker, reserving the right to object, and I do not intend to object, but under my reservation I yield to the gentleman from Ohio (Mr. NEY), the distinguished chairman of the Committee on House Administration.

Mr. NEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is an important resolution, and I want to make sure that everybody understands and hears every word of this.

It is an honor for me to be here today to introduce with the gentleman from Maryland (Mr. HOYER) the Capitol Police Retention, Recruitment, and Authorization Act of 2002. The men and women of the United States Capitol Police Force have responded in a most professional and exceptional manner since the attacks on our country last September. Let me point out that they did their jobs before that, but the attacks in September obviously put tremendous constraints and really tested the system; so I just want to point out that they did their jobs before, but since September they have had, I think, an unusual situation here in the Nation's Capitol.

We have all been forced to look at the security and life safety issue with new eyes. Our United States Capitol Police are the frontline of that effort. They are doing an outstanding job of ensuring the safety of every person at the Capitol.

It is for this reason that we must act today to pass this legislation which will give the Capitol Police the resources they need to remain fully equipped to handle the security and life safety challenges they may encounter.

Our Capitol Police officers have responded in a tremendous way, in an unbelievable fashion to the demand placed upon them as a result of our heightened security posture. But this recognition mandates that we respond by authorizing an increase in their annual rate of basic compensation, as well as authorizing an increase in the number of full-time positions for the force. This legislation achieves that end.

Further, we need to recognize not only the hard work and hundreds of hours of overtime that the officers have already been called to work, but also the sacrifices they and their families are making as a result of this increased demand upon them. Therefore, we are authorizing changes to the Capitol Police pay regulations to allow for the eligibility of and payment for more premium pay retroactive to September 11, 2001, the day in which their lives and their workforce and their work situation changed forever.

Additionally, we recognize that since September 11 of last year, there are many new attractive opportunities for individuals who have law enforcement experience or who are interested in law enforcement careers. Because we believe that a career with the United States Capitol Police Force provides an individual with an opportunity to be a part of the very best an organization can offer, this legislation contains certain incentives to both recruit new officers to the force and also help retain veteran officers who may be looking for additional opportunities. These incentives are not only financial in nature, but are also designed to promote the quality of life for officers, both on the job and at home with their families.

I call tonight upon every Member of this House to enthusiastically support this legislation today and to send a message to the hard-working officers of our Capitol Police Force and, additionally, to those who may be considering a career with the Capitol Police Force that we are behind you all the way. More than that, we are deeply appreciative of the service and sacrifice made by all persons who make up the United States Capitol Police Force.

We all know of our two officers who, unfortunately, just within the last couple of years, were killed in the line of duty. We all know the trauma and the tragedy of that situation. So we know at any point in time lives can be lost. We know across this Nation with law enforcement and firefighters, people involved in safety services, of the sacrifice that they make every day when they make a call and they are not sure whether they will return home. So we are here to ensure that the Capitol Hill Police Force has the resources they need to continue to be the very best in enforcement.

I also want to close by saying something about our Committee on House

Administration and about the Capitol Police Force. I want to thank the gentleman from Maryland (Mr. HOYER), the ranking member, and all of the members of that committee. Since 9–11, a lot of difficult decisions have had to be made, and I can tell my colleagues that the members of the committee on both sides of the aisle cooperated at 150 percent capability to allow us to continue to make sure that this floor operates as the bastion of freedom for the world.

I also want to tell my colleagues, and I actually said this to somebody last night about the gentleman from Maryland (Mr. HOYER), and that is in not one single case or not one single incident did he ever inject one ounce of politics. These are difficult decisions where somebody could have tinkered and toiled with them or done whatever they wanted to do. That never happened. We had a perfect cooperative relationship to do what was best for the safety and security of Members and visitors and, I may add, the thousands of visitors that come here to Washington to visit the people's House. I want to thank the gentleman from Maryland (Mr. HOYER) publicly for an absolutely tremendous job since 9–11, and the countless hours of the minority and majority staff who have poured in hours to make sure this happened.

I also want to thank the gentleman from Maryland (Mr. HOYER) and members of this committee for cooperating on this resolution and for bringing the idea to me, as the gentleman from Maryland did, and for making this work for what is best, and that is the people's House.

In closing, let me just also say that we all are concerned about future generations in this country. That is why we are here. We may disagree on this floor over certain issues in how we get down that path, but we are all concerned about what happens to the future generations in this country. I think that every single Capitol Hill police officer, every morning when they get up, they look in the mirror, whether it is to hopefully brush their hair or comb their hair, or brush their teeth, I should say; when they look in that mirror, what they see is a face of the human being that is morally responsible for whether this planet is going to be safe, prosperous, and peaceful for future generations. They see themselves. They have accepted that challenge to be morally responsible, to make this a better place. They have accepted that challenge to protect this House and this Capitol to make sure that we can engage in the energetic give-and-take of public debate that makes this the greatest country and, hopefully, makes the world a better place to be in.

Mr. Speaker, I commend them, I salute them, as well as the gentleman from Maryland (Mr. HOYER) and members of the committee; and I urge the support of this measure.

Mr. HOYER. Mr. Speaker, continuing under my reservation, I thank the gentleman from Ohio (Mr. NEY) for his remarks. I want to thank him for his leadership on this bill and so many others. Before I reference the specific provisions of this bill which are very, very important, I hope all of our colleagues are pleased with the work of our Committee on House Administration, which is charged with the responsibility of working on matters that deal with Members, visitors, and staff and which deal with other issues of how this institution and our offices are maintained and operate. I hope they are pleased, because the gentleman from Ohio (Mr. NEY) and I have found a common cause in working together without political considerations, without partisanship. It is an honor and a privilege to serve with the gentleman from Ohio (Mr. NEY) on this committee. As the ranking Democratic member of a committee, sometimes one does not feel included. That has never been for one second the case on this committee, where we work as colleagues and, more than that, as partners, in most cases, in lockstep in trying to accomplish objectives that we think are good for this House and good for this country. As I say, it is an honor and a privilege to serve with the gentleman from Ohio (Mr. NEY).

Mr. Speaker, since last year's attacks, Capitol Police officers have faced extraordinary challenges. For months after the attacks, most worked 12-hour shifts, 6 days a week so Congress, the people's House, the United States Senate, and the Capitol could continue to operate. The 12-hour shifts may have eased, but Capitol Police still confront extraordinary challenges. Unfortunately for Congress, its staff and visitors, Capitol Police officers also confront extraordinary opportunities.

Now, I say that is bad news for us, because we do not want to lose them, but it is a testament to them. As trained law enforcement professionals, Capitol Police officers are always in demand by other agencies. In these times of heightened security, demand for trained personnel has probably never been higher. As a result, the Capitol Police is losing trained officers at an alarming rate.

In just the first 8 months, Mr. Speaker, of fiscal year 2002, the Capitol Police have already lost 78 officers to other law enforcement agencies and have three more departures pending. This is more than double the number lost on average to other law enforcement agencies during the last 3 years.

If this rate continues, the Capitol Police will, by fiscal year's end, have lost 122 officers to other agencies; 242 percent over the 3-year average. This does not even count separations for other reasons. This attrition comes as the police strive to raise manpower to recommended levels, to respond to heightened security concerns, and demands for their services.

One Federal agency in particular, Mr. Speaker, the new Transportation Security Agency, is attracting trained officers from the Capitol Police and elsewhere to serve as sky marshals and airport security officers. TSA offers compensation that can exceed the average Capitol Police officer's pay, and I want my colleagues to hear this and digest it: TSA is offering salaries that can exceed the average Capitol Police salary by 80 percent or more.

□ 1730

An 80 percent pay increase is tough for anybody to turn down. There is no doubt that TSA's work is vital, but the security of the Capitol is vital, as well. Congress has a duty to ensure the Capitol Police can attract and retain the people needed to make the Capitol safe.

This is why the chairman and I introduced H.R. 5018. The bill authorizes a 5 percent pay raise for fiscal year 2003 for officers through the rank of captain. Raises for higher-ranking officers will be discretionary with the Police Board. This gives officers who may be thinking of leaving a reason to stay.

We want them to stay. We are proud of the service they give. We are respectful of their training and of their abilities. We want to send a strong message that we value their service.

Mr. Speaker, the bill also increases from 6 to 8 hours the amount of annual leave earned per pay period by officers with at least 3 year service. As a matter of fairness, the bill authorizes the Board to make whole those officers adversely affected during the recent months of heavy overtime by limits on premium pay. This will restore to officers roughly $350,000 that they earned but did not receive due to these limits.

The bill also authorizes extra pay for officers in specialty assignments, as determined by the Board. It lets the Board hire experienced officers and employees at salaries above the minimum for a particular position when needed and justified.

It authorizes, as well, a tuition reimbursement program for officers taking courses on their own time leading towards a law enforcement-related degree and authorizes bonuses upon completion of such degrees. This will give officers opportunities for professional improvement, which should lead in turn, it is our hope, to a more rapid advancement.

For Congress, this will create a more educated and better Capitol Police force. The bill authorizes bonuses for officers and employees who recruit others to join the force, potentially turning the entire agency into active recruiters.

Finally, Mr. Speaker, as important as these tangible benefits are, we recognize that there are intangible aspects that make any job more interesting, helping to persuade veterans to stay and others to seek the position. The bill encourages our chief to deploy officers in innovative ways, maximizing opportunities to rotate among various posts and duties, to be cross-trained for specialty assignments, and to utilize fully the skills and talents of individuals.

More innovative management could greatly enhance the appeal and satisfaction of the job, making retention and recruitment easier. I am convinced that the chief understands that and has the skill and management capability to do just that. If done smartly, it would also make the Capitol more secure.

Mr. Speaker, in the course of developing this bill, the committee reached out in many directions for guidance. I met with the new chief, Terry Gainer, and Assistant Chief Bob Howe, who offered very solid and important ideas. We received suggestions from other senior police officials. We received valuable input from the Fraternal Order of Police, representing the rank and file, and from numerous officers. We sought guidance from the Sergeant at Arms and Police Board. We also heard from individual Members concerned about the current attrition and who wanted to see it addressed.

In addition, Mr. Speaker, both the gentleman from Ohio (Mr. NEY) and I have had the opportunity of talking to the chairman of the Subcommittee on Legislative of the Committee on Appropriations, which funds the Capitol Police, and his staff. They have also given very positive input into this process.

Mr. Speaker, this good bill would reduce Capitol Police attrition and encourage recruitment. I thank the chairman, as I said at the beginning, for his leadership on this issue. We work as a team. It is a "we" committee, not a "me" or an "I" committee, and it is that because of the leadership of the gentleman from Ohio (Mr. NEY). I thank him for bringing this bill to the floor, and I urge the House to support the chairman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KERNS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Capitol Police Retention, Recruitment, and Authorization Act of 2002".

SEC. 2. INCREASE IN ANNUAL RATE OF BASIC COMPENSATION.

For fiscal year 2003, the Capitol Police Board shall increase the annual rate of basic compensation applicable for officers and members of the Capitol Police for pay periods occurring during the year by 5 percent, except that in the case of officers above the rank of captain the increase shall be made at a rate determined by the Board at its discretion (but not to exceed 5 percent).

SEC. 3. INCREASE IN RATES APPLICABLE TO NEWLY-APPOINTED MEMBERS AND EMPLOYEES.

The Capitol Police Board may compensate newly-appointed officers, members, and civilian employees of the Capitol Police at an annual rate of basic compensation in excess of the lowest rate of compensation otherwise applicable to the position to which the employee is appointed, except that in no case may such a rate be greater than the maximum annual rate of basic compensation otherwise applicable to the position.

SEC. 4. ADDITIONAL COMPENSATION FOR SPECIALTY ASSIGNMENTS.

Section 909(e) of the Emergency Supplemental Act, 2002 (40 U.S.C. 207b–2(e)), is amended—

(1) in the heading, by inserting "AND OFFICERS HOLDING OTHER SPECIALTY ASSIGNMENTS" after "OFFICERS";

(2) in paragraph (1), by inserting "or who is assigned to another specialty assignment designated by the chief of the Capitol Police" after "field training officer"; and

(3) in paragraph (2), by striking "officer," and inserting "officer or to be assigned to a designated specialty assignment,".

SEC. 5. APPLICATION OF PREMIUM PAY LIMITS ON ANNUALIZED BASIS.

(a) IN GENERAL.—Any limits on the amount of premium pay which may be earned by officers and members of the Capitol Police during emergencies (as determined by the Capitol Police Board) shall be applied by the Capitol Police Board on an annual basis and not on a pay period basis.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to hours of duty occurring on or after September 11, 2001.

SEC. 6. THRESHOLD FOR ELIGIBILITY FOR ADDITIONAL ANNUAL LEAVE.

The Capitol Police Board shall provide that an officer or member of the Capitol Police who completes 3 years of employment with the Capitol Police (taking into account any period occurring before, on, or after the date of the enactment of this Act) shall receive 8 hours of annual leave per pay period.

SEC. 7. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION COSTS.

(a) TUITION REIMBURSEMENT.—

(1) IN GENERAL.—The Capitol Police Board shall establish a tuition reimbursement program for officers and members of the Capitol Police who are enrolled in or accepted for enrollment in a degree, certificate, or other program leading to a recognized educational credential at an institution of higher education in a course of study relating to law enforcement.

(2) ANNUAL CAP ON AMOUNT REIMBURSED.—The amount paid as a reimbursement under the program established under this subsection with respect to any individual may not exceed $3,000 during any year.

(3) APPROVAL OF REGULATIONS.—The program established under this subsection shall take effect upon the approval of the regulations promulgated by the Capitol Police Board to carry out the program by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(b) BONUS PAYMENTS FOR COMPLETION OF DEGREE.—The Capitol Police Board may make a one-time bonus payment in an amount not to exceed $500 to any officer or member who participates in the program established under subsection (a) upon the officer's or member's completion of the course of study involved.

SEC. 8. BONUS PAYMENTS FOR OFFICERS AND EMPLOYEES WHO RECRUIT NEW OFFICERS.

(a) IN GENERAL.—The Capitol Police Board may make a one-time bonus payment in an amount not to exceed $500 to any officer, member, or civilian employee of the Capitol Police who recruits another individual to serve as an officer or member of the Capitol Police.

(b) EXEMPTION OF RECRUITMENT OFFICERS.—No payment may be made under subsection (a) to any officer, member, or civilian employee who carries out recruiting activities for the Capitol Police as part of the individual's official responsibilities.

(c) TIMING.—No payment may be made under subsection (a) with respect to an individual recruited to serve as an officer or member of the Capitol Police until the individual completes the training required for new officers or members and is sworn in as an officer or member.

SEC. 9. DEPOSIT OF CERTAIN FUNDS RELATING TO THE CAPITOL POLICE.

(a) IN GENERAL.—

(1) DISPOSAL OF PROPERTY.—Any funds from the proceeds of the disposal of property of the Capitol Police shall be deposited in the United States Treasury for credit to the appropriation for "GENERAL EXPENSES" under the heading "CAPITOL POLICE BOARD", or "SECURITY ENHANCEMENTS" under the heading "CAPITOL POLICE BOARD".

(2) COMPENSATION.—Any funds for compensation for damage to, or loss of, property of the Capitol Police, including any insurance payment or payment made by an officer or civilian employee of the Capitol Police for such compensation, shall be deposited in the United States Treasury for credit to the appropriation for "GENERAL EXPENSES" under the heading "CAPITOL POLICE BOARD".

(3) REIMBURSEMENT FOR SERVICES PROVIDED TO GOVERNMENTS.—Any funds from reimbursement made by another entity of the Federal government or by any State or local government for assistance provided by the Capitol Police shall be deposited in the United States Treasury for credit to the appropriation for "GENERAL EXPENSES" under the heading "CAPITOL POLICE BOARD".

(b) EXPENDITURES.—Funds deposited under subsection (a) may be expended by the Capitol Police Board for any authorized purpose (subject to the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate) and shall remain available until expended.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

SEC. 10. INCREASE IN NUMBER OF AUTHORIZED POSITIONS.

Effective with respect to fiscal year 2002 and each fiscal year thereafter, the total number of full-time equivalent positions of the United States Capitol Police (including positions for members of the Capitol Police and civilian employees) may not exceed 1,981 positions.

SEC. 11. DISPOSAL OF FIREARMS.

The disposal of firearms by officers and members of the United States Capitol Police shall be carried out in accordance with regulations promulgated by the Capitol Police Board and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

SEC. 12. USE OF VEHICLES TO TRANSPORT POLICE DOGS.

Notwithstanding any other provision of law, an officer of the United States Capitol Police who works with a police dog and who is responsible for the care of the dog during non-working hours may use an official Capitol Police vehicle when the officer is accompanied by the dog to travel between the officer's residence and duty station and to otherwise carry out official duties.

SEC. 13. SENSE OF CONGRESS ON MANAGEMENT OF CAPITOL POLICE.

It is the sense of Congress that, to the greatest extent possible consistent with the mission of the Capitol Police, the chief of the Capitol Police should seek to deploy the human and other resources of the Police in a manner maximizing opportunities for individual officers to be trained for, and to acquire and maintain proficiency in, all aspects of the Police's responsibilities, and to rotate regularly among different posts and duties, in order to utilize fully the skills and talents of officers, enhance the appeal of their work, and ensure the highest state of readiness.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2003 and each succeeding fiscal year such sums as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 15. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall apply with respect to pay periods occurring during fiscal year 2003 and each succeeding fiscal year.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NOTIFYING MEMBERS TO CONTACT COMMITTEE ON JUDICIARY TO COSPONSOR RESOLUTION REGARDING PLEDGE OF ALLEGIANCE

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, earlier today, the United States Court of Appeals for the Ninth Circuit held that the Pledge of Allegiance is an unconstitutional endorsement of religion. This ruling treats any public religious reference as inherently evil and is an attempt to remove religious speech from the public arena from those who disagree.

This ruling is ridiculous, and I have introduced a resolution today with the gentleman from Mississippi (Mr. PICKERING) that specifically states that the phrase "one Nation, under God" should remain in the Pledge of Allegiance, and that the Ninth Circuit Court of Appeals should agree to rehear this ruling en banc to reverse this constitutionally infirm and historically inaccurate ruling.

Members who wish to cosponsor this resolution should contact the Committee on the Judiciary at 5-3190. It is my hope that the House of Representatives will bring it up promptly.

ON THE WORLDCOM DISASTER

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, I represent Clinton, Mississippi, the hometown of WorldCom, the latest culprit in a continuing series of corporate scandals that have victimized average Americans. The revelation that WorldCom hid almost $4 billion in expenses from its employees and shareholders has turned upside down the lives of thousands of my constituents and many thousands more across the country.

Just think about the thousands of Mississippi families that had pride in their homegrown business and who placed their hard-earned money into this company's stock. Now they are losing everything. Corporate greed is not a Mississippi value.

Already, 17,000 employees are about to lose their jobs. Undoubtedly, many more layoffs will happen. The stock market is taking a terrible hit, and seniors whose pension funds rely on WorldCom stock will now need help. Baby boomers who are getting close to retirement and families with investments to pay for their kids' college educations will be hurt, too.

Mr. Speaker, there are thousands of people being hurt across the country because of what WorldCom has done, some of the leaders, not WorldCom personally.

I was talking to a man from Newton, Mississippi, the other day. His father, most of his portfolio contains WorldCom stock. Now he is devastated.

I call on Washington to treat this as the disaster that it is and help people through this crisis.

And I call on the barons of WorldComm, past and present, who control the ledgers, to unfurl their golden parachutes and give back to their employees and investors the grotesque salaries they earned while they cooked the corporate books.

And, Mr. Speaker, as we learn more about this financial disaster, I cannot help but imagine what would happen to millions of seniors if we were to privatize Social Security and let the stock market determine their futures.

We must stand with our families today. We must stand with the folks who work hard, pay their bills and deserve better than the greed that is taking their savings and investments.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES WITH REGARD TO UNITED STATES NATIONAL SOCCER TEAM AND ITS HISTORIC PERFORMANCE IN THE 2002 FIFA WORLD CUP TOURNAMENT

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 445) expressing the sense of the House of Representatives with regard to the United States National Soccer Team and its historic performance in the 2002 FIFA World Cup tournament, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. DAVIS of Illinois. Mr. Speaker, reserving the right to object, as a matter of fact, I will not object, but I ask the gentleman from Oklahoma to explain this resolution.

Mr. WATTS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Oklahoma.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank my good friend, the gentleman from Illinois (Mr. DAVIS), for yielding to me.

Mr. Speaker, the United States National Soccer Team is a perfect example of the American dream. Rising above low expectations and defeating the dire predictions of sportswriters and pundits, our soccer team shot and scored their way to the quarter finals of the 2002 World Cup.

Like so many other underdogs, the U.S. team proved that, with hard work and determination, success can be achieved and odds can be overcome.

The irony in the American victory is the fact that our team defeated Portugal and Mexico, countries where soccer is extremely popular. President Bush put it best when he congratulated our players, saying, "The country is really proud of the team. A lot of people that don't know anything about soccer, like me, are all excited and pulling for you."

The performance by the American soccer team this year has been our most successful ever since competing for the World Cup. It is the first time the United States team has made it all the way to the quarter finals since 1930.

Most great performances come under the direction of great leaders, and this is no exception. The resolution before the House today recognizes Bruce Arena, the head coach of the U.S. team, and all of the players for their dedication to excellence. Coach Arena has been successful on many levels: collegiate, professional, and now international. Before coaching the U.S. team, he led the soccer team right here in Washington, D.C., to two professional league titles. Now he has achieved worldwide notoriety with a well-deserving group of soccer players.

Mr. Speaker, sports brings out the best in so many people. The values of determination and willpower manifest themselves in the thrill of competition and good old-fashioned physical fitness. Soccer is no exception. Americans learned what it means to "strike" and to "head" while once again unifying in a patriotic display, which is immensely important to our Nation right now.

Lastly, this resolution commends the United States Soccer Federation and the United States Soccer Foundation, children playing soccer across the country, and the soccer moms and dads who make it all possible; and I can relate to that because I am one.

It is my hope that soccer players in cities, towns, and communities all over this great land of ours will continue to witness role models winning games around the world. The 1 to 0 loss to Germany last Friday was a very close game. Coach Arena went into the day with a positive attitude, saying, "We know we represent the greatest country in all the world. We are going to give the kind of effort you and all America will be proud of," just as our lady soccer players did about 2½ years ago, back in 1999, gave an effort that we all were extremely proud of.

Mr. Speaker, America is indeed proud. The House today congratulates our team on their performance and the spectacular accomplishment of making the quarter finals. The United States National Soccer Team represents yet another good thing about America; and, for that, we as Americans are grateful.

Mr. DAVIS of Illinois. Continuing my reservation of objection, Mr. Speaker, I agree with the gentleman from Oklahoma that the play of the U.S. Soccer Team was exemplary.

As a matter of fact, he makes the point that, traditionally, the United States has not been thought of as a world competitor in the soccer arena, but I think we have reached another level. We have crossed that hurdle. Now all of the world recognizes and understands that we have come to the point as a Nation where our athletes can compete in practically any sport and endeavor.

Such is true in the case of soccer, so I certainly would want to add my commendation to the team. I commend the gentleman from Oklahoma for his resolution and agree with him.

Continuing to reserve my right to object, I yield to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in support of today's resolution honoring the tremendous achievement of the United States Men's Soccer Team in the 2002 FIFA World Cup games. As this team of players, their coaches, and staff gathered together and set out for the games in Korea and Japan, they faced many challenges. They were flying thousands of miles to play the world's best teams in unfamiliar stadiums and to endure the harsh glare of skeptical sportswriters. It is fair to say that those skeptics have changed their minds.

In the opening match against Portugal, our American team dominated the game and walked off with a three to two win under their belt. Critics thought it was a fluke. Coach Bruce Arena and his team were about to prove them wrong.

The U.S. team went on to a draw with Korea and then a qualification for round two, despite an outcome that placed them behind Poland. No one was ignoring Team USA anymore.

June 17 the U.S. team defeated the Mexicans in an outstanding showing in a final showing of 2–0. Our neighbors to the south were headed back to North America, and the U.S. soccer team was moving onward.

I joined over 200 people here on Capitol Hill to watch the U.S. play Germany on June 21 in the early morning hours. I know I was not the only one on the edge of my seat throughout that heated match. What a game.

Soccer fans across this great country have been rewarded for their dedication to this sport. In a Nation filled with wonderful sports teams and opportunities, it was fantastic to see our citizens come together to support a national team that has sometimes been overlooked.

I have always considered myself to be one of the luckiest Members of Congress, the Hall of Fame representative, because I get to represent the Baseball Hall of Fame in Cooperstown, the Boxing Hall of Fame in Canastota, the Long Distance Hall of Fame in Utica and the magnificent new Soccer Hall of Fame in Oneonta, all in the heartland of New York. The folks in Oneonta sparked my interest in soccer and got me so enthused that I helped found the Congressional Soccer Caucus.

As a representative for the Hall of Fame and the co-chair of the Caucus, I would like to encourage continued support for soccer everywhere. Youth soccer programs across the Nation offer opportunities to millions of children from all backgrounds of every ability level to come together and learn the value of teamwork and sportsmanship. We need to take full advantage of increased public awareness for soccer that this World Cup has offered. Let us continue to promote youth programs so that we might watch young soccer stars work their way to the top in future World Cups.

How can anyone who claims to be a sports fan ever forget the thrilling U.S. women's World Cup championship team of 1991? It hardly seems possible that a decade has passed since that dramatic moment in U.S. sports history. That was then. This is here and now.

I would again like to extend congratulations to the men's U.S. World Cup team and their supporters. I look forward to seeing several of these talented young men as future inductees in the Soccer Hall of Fame in Oneonta, New York, and I look forward to our continued success in men's and women's USA soccer.

Mr. DAVIS of Illinois. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, House Resolution 445 introduced by the distinguished gentleman from Oklahoma (Mr. WATTS) expresses the sense of the United States with regard to the United States national soccer team and its outstanding performance in the 2002 World Cup tournament.

Mr. Speaker, the U.S. soccer team's performance in the 2002 World Cup was the most successful in the history of our Nation's participation in the tournament. The American team surprised the world by reaching the quarter final round, indicating that it has become a leading competitor in international soccer.

I wish to recognize Bruce Arena, the head coach of the United States soccer team, and every player on that team for their dedication to excellence and for representing our country with such integrity on and off the soccer field. I congratulate the US soccer team for its historic performance in the 2002 World Cup. Therefore, Mr. Speaker, I urge the adoption of House Resolution 445.

Mr. WALSH. Mr. Speaker, I rise today to express my strong support for H. Res. 445, a resolution that praises the United States National Soccer Team for their outstanding performance in the 2002 World Cup tournament. I want to commend U.S. Coach Bruce Arena and assistant Coach Dave Sarachen for their superb leadership and tactical brilliance in guiding the U.S. team to the quarterfinals of the World Cup. This was the result of tiring work by players and coaches alike and this World Cup will go down in history as the year U.S. soccer arrived on the world stage. The incredible performance of the U.S. soccer team has generated enormous enthusiasm and pride in this country and our player's can hold their heads high as they proved to the world that they can compete at the highest levels with the best soccer teams in the world.

The U.S. team played brilliant, inspired soccer throughout the World Cup and were able to defeat two of the top ten teams (Portugal and Mexico) in the world—a feat that no one would have predicted before the tournament started. U.S. sports fans also passionately responded to the great performance of our soccer team as sports bars were jam-packed with soccer enthusiasts and with ESPN receiving record viewership ratings in its television broadcasts of the U.S. World Cup matches. So let me once again congratulate the U.S. Soccer team for their phenomenal performance as the entire country is proud of what our players and coaches accomplished. The future of soccer is bright in this country and we can expect great things to come from U.S. soccer in the years to come.

Mr. TOM DAVIS of Virginia. Mr. Speaker, over the last several weeks, the US Mens's Soccer Team has exceeded worldwide expectations by earning a quarterfinal match-up with Germany resulting from a first-round win over Portugal, a tie against host team South Korea, and a second-round win over Mexico.

With its 2–0 victory over Mexico on June 17th, the 2002 Team tied the men's national team marks for the most wins at a World Cup and most goals scored in a World Cup. The only other US team to equal this level of success was the 1930 team that reached the semifinals at the inaugural FIFA ("FEEFA") World Cup in Uruguay.

This year's win also marked the first time the US won a single-elimination game in World Cup History, and was the US's first World Cup shutout since its historic 1–0 upset of England at the 1950 World Cup in Brazil.

Much of the team's success can be credited to head coach Bruce Arena, a resident of the 11th Congressional District of Virginia. Throughout his distinguished career, Arena has led teams to numerous championships at the collegiate and professional levels, and now should be commended for his success on the international stage.

With 18 seasons as the head coach at the University of Virginia and three more in Major League Soccer with the DC United, Arena spent 21 seasons at the highest level of club soccer in the United States. During his 18-year career as head coach of the University of Virginia Men's Soccer Team, Arena led his team to 5 NCAA Division One championships, and went on to lead the Under-23 National Team for 44 games through the 1996 Summer Olympics in Atlanta.

To commend their success and wish them good luck, President Bush called Coach Arena and the Team in Korea at 11 am last Monday, June 17, informing the Team of the American public's excitement over their success. Coach Arena, in response, informed the President that the Team would give a performance that all Americans would be proud of.

Mr. Speaker, our men's soccer team did just that. Enthusiasm over the team's strong finish has been evident in communities across America, with standing room only crowds at early morning games packing restaurants and other locales on game days. The team's rise mirrors the sports' growth over the past several decades, and I'm proud that the leader of this pack resides in my congressional district. They've made us very proud.

Mr. DAVIS of Illinois. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 445

Whereas the performance of the United States National Soccer Team in the 2002 FIFA World Cup is the most successful in the history of our participation in the tournament;

Whereas the United States National Team surprised the world by advancing out of the first round of play and reaching the quarterfinals;

Whereas by reaching the quarterfinals the United States signaled that it has become a leading competitor in international soccer;

Whereas the 3 goals scored in the first game victory were the most ever scored in 1 game by a United States men's team in the World Cup;

Whereas the United States National Team advanced out of group play into the second round of the World Cup for just the third time;

Whereas the 2 to 0 win in the second round was the first time the United States National Team has won a game in a "knockout" round of the World Cup;

Whereas this win marks the first time since 1930 that a United States team has advanced to the quarterfinals of the World Cup;

Whereas the Team's achievement reflects the explosive growth in popularity of soccer in the United States;

Whereas the United States National Team's performance symbolizes the emerging role of soccer for young Americans in sports and society; and

Whereas the United States National Team's performance speaks to parents about the importance of athletic participation for building character and confidence in their children: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the United States National Soccer Team for its historic performance in the 2002 World Cup;

(2) recognizes Bruce Arena, the head coach of the United States Team, and every player on the Team for their dedication to excellence; and

(3) commends the United States Soccer Federation and coaches and parents of young soccer players around the country for their role in the success of soccer in the United States.

AMENDMENT OFFERED BY MR. SULLIVAN

Mr. SULLIVAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SULLIVAN:

Page 3, beginning line 1, strike "United States Soccer Federation" and insert "United States Soccer Federation, the United States Soccer Foundation,".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN).

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1745

HONORING THE LIFE OF JOHN FRANCIS "JACK" BUCK

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 455) honoring the life of John Francis "Jack" Buck, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. DAVIS of Illinois. Mr. Speaker, reserving the right to object, I will not object; but I yield to the gentleman from Oklahoma (Mr. SULLIVAN) to explain the resolution.

Mr. SULLIVAN. Mr. Speaker, House Resolution 455 introduced by the distinguished gentleman from Missouri (Mr. CLAY) honors the life of John Francis "Jack" Buck. The resolution is co-sponsored by the entire House delegation from Missouri along with other Members.

For nearly 50 years, Jack Buck was known as the voice of the St. Louis Cardinals. He became one of the most respected sports broadcasters in the industry and an institution among baseball fans everywhere.

A decorated veteran of World War II, Jack Buck began his broadcasting career in 1948 while attending Ohio State University where he was a play-by-play announcer for football, basketball and baseball. He was hired by the St. Louis Cardinals in 1954 and began his 48 year career of announcing Cardinals baseball on KMOX radio. He brought baseball to life to millions of fans throughout the Midwest during his tenure in the booth. Jack Buck announced 8 World Series, 17 Super Bowls, numerous baseball All Star and play-off games, and many other major sporting events. He has been inducted into the Baseball Hall of Fame, the Pro Football Hall of Fame, and American Sportscasters Association Hall of Fame and the Radio Hall of Fame.

Jack Buck was a leader away from the stadium as well. He spent over 30 years as the campaign chairman for the St. Louis chapter of the Cystic Fibrosis Foundation for which he helped raise more than $30 million to fight the disease.

On June 18, 2002, Jack Buck passed away after a distinguished career in broadcasting and a long life in which he touched the lives of millions of Americans. Mr. Speaker, for these reasons I urge the adoption of House Resolution 455.

Mr. DAVIS of Illinois. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from St. Louis, Missouri (Mr. CLAY), for whatever comments or remarks he might have.

Mr. CLAY. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding. I also thank my friend from Oklahoma (Mr. SULLIVAN) for speaking on behalf of the resolution.

Mr. Speaker, House Resolution 455 honors the life of John Francis "Jack" Buck, one of the true giants of sports broadcasting and a St. Louis icon. Jack Buck, the voice of the St. Louis Cardinals for nearly 50 years, sadly passed away last week at the age of 77 after a long battle with lung cancer and Parkinson's disease. He was one of the most respected and admired baseball broadcasters to have ever sat behind a mike, and his passing signals the passing of the golden age of baseball.

Jack Buck came to prominence in the 1950's, a time when baseball and radio were not simply intertwined, they were inseparable. In the 1950's and early 1960's, radio was the primary source for baseball for most Americans. And on any given night, Jack Buck on KMOX radio in St. Louis could be heard throughout middle America, from the upper regions of Wisconsin, all the way down to the Deep South. Like many St. Louisians, I grew up listening to Jack Buck broadcast St. Louis Cardinals games. It was through his broadcasts that I and millions of other baseball fans first learned the intricacies and the beauty of the game of baseball.

His friendly voice, his baseball knowledge, and his sense of humor enabled us to mentally picture the action on the field and were instrumental in fostering our love for the game of baseball. In the words of Bernie Miklasz of the St. Louis Post Dispatch, Jack Buck provided "the soundtrack for St. Louis summers" for 48 years. He was there in our backyards as we gathered around our grills and picnic tables; and he was there on our porches, under an evening sky. He was there in our cars, always the friendly travel companion along for the ride; and he was there under our pillows late at night as countless kids smuggled their radios into bed to stay up and listen to a distant game from the west coast. He was part of the family.

He introduced us to all the Cardinal stars, Stan Musial to Bob Gibson to Ozzie Smith to Mark McGwire to Albert Pujols. His words were the link that connected them all. He was there at Sportsman Park and he was there at Bush Stadium. Jack Buck was a beloved figure in baseball and an institution to fans of the St. Louis Cardinals. His passing has brought great sorrow to Red Bird fans across the country and we all mourn our loss and the Buck family's loss.

I also want to extend my personal condolences to the Buck family. Jack Buck is rightfully considered to be one of the greatest baseball announcers of all time joining Vin Scully, Red Barber, Mel Allen, Ernie Harwell, and Harry Caray. I urge all of my colleagues to support this resolution.

Mr. Speaker, I include for the RECORD an untitled poem that Jack Buck wrote and read September 17, 2001, at the resumption of baseball following the September 11 attacks.

JACK BUCK'S POEM

Since this nation was founded under God,
 more than 200 years ago,
We've been the bastion of freedom . . .
The light which keeps the free world aglow.
We do not covet the possessions of others, we
 are blessed with the bounty we share.
We have rushed to help other nations . . .
 anything . . . anytime . . . anywhere.
War is just not our nature . . . we won't
 start, but we will end the fight.
If we are involved we shall be resolved to
 protect what we know is right.
We've been challenged by a cowardly foe who
 strikes and then hides from our view.
With one voice we say there's no choice
 today, there is only one Thing to do.
Everyone is saying the same thing and praying that we end these senseless moments we are living.
As our fathers did before, we shall win this
 unwanted war.
And our children will enjoy the future, we'll
 be giving.

Mr. DAVIS of Illinois. Further reserving the right to object, Mr. Speaker, let me just agree with the gentleman from St. Louis, Missouri (Mr. CLAY). Of course, St. Louis has always been a tremendous town for athletics. I spent 2 years as a young person living in St. Louis, and I learned all of these penalties that he mentioned. I must confess I was a great Red Schoendienst and Harry Caray fan and Ray Jablonski. I think they used to call him Jabbo. It is a great place to be and certainly Jack Buck added tremendously to the aura of St. Louis. Mr. Speaker, I urge passage of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 455

Whereas for nearly 50 years, John Francis "Jack" Buck was known as the "Voice of the St. Louis Cardinals" to generations of baseball fans, one of the most respected sports broadcasters in the industry, and a beloved institution to all St. Louis Cardinals fans;

Whereas Jack Buck's distinctive voice and his signature exclamation "That's a winner" following each Cardinals victory were familiar to baseball fans across the United States;

Whereas Jack Buck was born in Holyoke, Massachusetts, in 1924 and was a decorated veteran of World War II;

Whereas Jack Buck began his broadcasting career in 1948 while attending Ohio State University, where he was the play-by-play announcer for football, basketball, and baseball;

Whereas in 1954, Jack Buck was hired by the St. Louis Cardinals, joined Harry Caray in the booth at Sportsman's Park, and began his 48 years of broadcasting Cardinals baseball on KMOX radio;

Whereas in 1970, Jack Buck was made the lead play-by-play announcer for the St. Louis Cardinals and he brought baseball to life for millions of fans throughout the Midwest;

Whereas Jack Buck covered some of the greatest moments in baseball history, including Lou Brock's record-setting 118th stolen base, Bob Gibson's incredible 1968 season, and Mark McGwire's record-breaking 70th home run in 1998;

Whereas in 1960, Jack Buck was the play-by-play announcer for the first televised American Football League game and worked AFL broadcasts for three years;

Whereas Jack Buck was the announcer for one of professional football's most famous games, the 1967 NFL Championship game, dubbed the "Ice Bowl", between the Green Bay Packers and the Dallas Cowboys;

Whereas Jack Buck was the radio voice of Monday Night Football from 1978 to 1996;

Whereas Jack Buck was the lead announcer for 8 World Series, 17 Super Bowls, numerous baseball All-Star and National League playoff games, and other major sporting events, including professional bowling;

Whereas Jack Buck has been inducted into 11 different Halls of Fame, including the Baseball Hall of Fame (1987), the Pro Football Hall of Fame (1996), the American Sportscasters Association Hall of Fame (1990), the Radio Hall of Fame (1995), and the St. Louis Walk of Fame (1991), and has been the recipient of numerous lifetime achievement broadcasting awards;

Whereas for more than 30 years Jack Buck was the campaign chairman for the St. Louis chapter of the Cystic Fibrosis Foundation, for which he helped raise more than $30,000,000 for research to find a cure for the disease; and

Whereas on June 18, 2002, Jack Buck passed away after a long and distinguished career in broadcasting in which he touched the lives of millions of sports fans across the United States: Now, therefore, be it

Resolved, That the House of Representatives honors the life of John Francis "Jack" Buck.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 445, just adopted, and on H.R. 5018, passed earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

□ 1800

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONCERNS OVER POSSIBLE SHUTDOWN OF AMTRAK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to express my strong concerns over the possible shutdown of Amtrak.

Amtrak's new president has said that Amtrak needs a $200 million loan guarantee by June 30 or the company will have to begin a shutdown of all services. This would have a serious impact on commuters and travelers across this country, and I speak for those who would be strongly affected in California. For that reason, Congress and the administration must avert a shutdown.

We cannot allow Amtrak to go bankrupt. Amtrak is a critical component of our national transportation network, providing safe, efficient and affordable transportation for millions of Americans each year. Amtrak serves over 500 cities and communities across this country, many of which rely on trains as a crucial transportation option.

Since 1996, ridership on Amtrak trains has increased by 19 percent. Last year, Amtrak had 23 million riders. Including commuter services, Amtrak's total ridership exceeds 60 million passengers a year.

Amtrak also plays a significant role in my State. California hosts three of the top six most heavily traveled services in the country. The Pacific Surfliner, which serves my congressional district in southern and central California, carries more than 1½ million passengers annually. The Surfliner is California's most highly developed service, and it is second only to Amtrak's northeast corridor in ridership. It connects two of the most congested regions in the country, Los Angeles and San Diego. Maintaining mobility in this busy economic corridor is essential.

In addition, if funds are not provided to Amtrak, regional contract partners, like commuter rail system Metrolink, are at risk. Metrolink contracts with Amtrak to provide service throughout southern California, including Ventura County. Shutting down Metrolink service will not only impact ridership, 34,000 riders a day, but contribute to increased congestion on the region's highways.

In my district, Amtrak serves Santa Barbara, Goleta, Lompoc, Guadeloupe, San Luis Obispo and Paso Robles. These communities rely on Amtrak as a very important, vital transportation link.

At a time when more and more communities are looking to rail passenger service to increase transportation options, create economic development and reduce congestion, we must avoid an unnecessary disruption of service that America depends on.

Mr. Speaker, there are three things Congress and the administration can do. First, we must support an appropriation of $200 million for Amtrak in the supplemental appropriations bill for fiscal year 2002. A number of my colleagues and I sent a letter to the conferees urging them to do so yesterday. I urge the administration to join in this effort.

Second, we must substantially increase funding for Amtrak above current levels. As my colleagues know, the President has requested in his budget only half of what Amtrak says it needs to survive. If we do not address this shortfall, the railroad has publicly stated that it may be forced to eliminate the entire long distance train network.

Third, we must adopt a long-term strategy to reform and to improve Amtrak.

We need to address the real problem with passenger rail travel in this country: lack of funding, new missions and undercapitalization. As we begin a new era, our Nation needs a viable passenger rail system to supplement our network of highways and airports. It is time we recognize such a system requires more financial support.

The Department of Transportation's Inspector General has stated that Amtrak has never received sufficient funding to invest in capital projects that would create opportunities for greater efficiency and revenue production. Yet, despite the inadequate support, Amtrak has been able to increase ridership and revenue. I commend Amtrak for doing so much with so little.

In conclusion, I would like to urge the administration to take action to prevent a shutdown of Amtrak. Immediate Federal investment in our national passenger rail system is vital. If we are unable to avoid a shutdown, thousands of Amtrak workers could lose their jobs, and millions of passengers face the loss of vital train service in communities nationwide.

Mr. Speaker, I am hopeful that we can make a commitment to provide stable and adequate funding for the national Amtrak passenger rail network.

DEMOCRATIC PRESCRIPTION DRUG BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the prescription drug bill we are introducing today is straightforward. It is easily distinguishable from the Republican bill introduced last week. There is no fine print in our bill. There are no holes in our prescription drug coverage. There are no question marks where the premium and cost-sharing requirements should be. The availability of coverage does not hinge on the Federal Government, unlike the Republican plan, showering the insurance industry with tax dollars so they will offer stand-alone drug plans.

One of the strongest points of the Democratic plan is that it is not endorsed by the drug industry. That is because we hold down drug costs by bringing down drug prices, not by shortchanging seniors on coverage. Our bill creates a drug coverage option for Medicare beneficiaries that is affordable, it is reliable, and I emphasize is at least as generous as the coverage available to Members of Congress.

Our bill strengthens Medicare, rather than snubbing it. It minimizes the hassle involved in getting drug benefits.

We add the drug coverage option to the Medicare benefits package. Seniors are not forced to go outside of Medicare and enroll in an insurance company HMO to get their drug benefits as they are required to do under the Republican plan.

Our bill takes action against inflated drug prices on behalf of every senior and every American consumer. The brand name drug industry has taken to exploiting loopholes in the FDA drug approval process to block generic competition and keep drug prices high. So not only the drug companies charge Americans the highest prices in the world for prescription drugs, while those drugs are still under patent, these companies, these drug companies continue to charge Americans ridiculously high prices even after the drugs have gone off patent, even after the patents expire, because they block generics, block competition from entering the market.

This gaming of the patent system is not theoretical. It happened with Paxil; it happened with BusPar; it happened with Prilosec; it happened with Neurontin; it happened with Wellbutrin. These are top-selling drugs. Seniors and other consumers who need these drugs have paid twice, three times, four times more than necessary for these products for months and sometimes for years because brand-name drug companies block legitimate generic competitors from the market. These big-name drug companies supported by Republicans over and over game the patent system.

While the Congressional Budget Office has not formally scored these provisions, their estimate suggests Medicare alone could save tens of billions of dollars if we make drug companies play fair. Needless to say, these provisions to bring drug prices down are not in the Republican bill. The drug industry, in fact, has ponied up $3 million, $3 million to back an ad campaign touting the Republican's bill, which protects the drug companies.

If drugmakers thought there was any chance the Republican's bill would reduce drug prices for Medicare enrollees, do my colleagues think they would endorse it? Of course not. The Republican bill has the drug industry's fingerprints all over it.

Our bill is admittedly more expensive than the Republican bill. It should be more expensive because our coverage is better. The Republican bill is dirt cheap for a reason. Their bill is most notable for the coverage it does not provide. It is basically one big disclaimer.

The last thing we want to do is to reduce the number of uninsured in this country simply to increase the number of underinsured. If we can afford $4 trillion in tax cuts, we can afford to create a real drug coverage option in Medicare for retirees and disabled Americans. It is a matter of priorities.

This Congress made a choice between tax cuts for the richest one-half percent of people, the most privileged people in this country, a choice between giving them tax cuts and providing inadequate prescription drug benefits for seniors. Republicans chose the tax cuts for the most privileged. Democrats are choosing a prescription drug benefit for 38 million Medicare beneficiaries.

It is a question of priorities. Let us do the right thing and pass the Democratic substitute.

THINNING AMERICA'S FOREST LAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, as I stand here today, my home State of Arizona is burning. We have lost now nearly 400,000 acres to fire. That is more than 500 square miles. Colorado is burning as well. We have lost a tremendous amount of forest just this year, and we have got to do something about it.

We should not be surprised at the losses so far to fire. Our forests have been choked with underbrush and excess trees for years now; and whenever we try to go in and thin and manage our forests, we are blocked by radical environmentalists who file lawsuits, who create such uncertainty with the Forest Service that nobody can go in and thin our forests like they should.

One of the groups that is blocking us from going into forests and thinning is a group called Forest Guardians, one of these radical environmental groups. They were interviewed in the East Valley Tribune in Arizona yesterday, and in the paper it says, Forest Guardians oppose using any forest thinning that might benefit commercial logging companies. If one uses the words thinning and/or they use the word forest and commercial in the same sentence, it seems they sue before one can finish the sentence. They simply oppose anything that benefits commercial companies, which means that to go in and thin the forest it is all on the public treasury.

It is estimated that it would cost them $35 billion to go in and thin our forest properly, to prepare them to make sure that we do not have the devastating crown fires that are killing trees and everything, wildlife, whatever stands in their way, but we can cannot do it with the public treasury. We have to allow people to go in, but of course they oppose that.

Going on, it says, and hear what the Forest Guardians are suggesting: Instead, small numbers of small trees should be removed by crews using solar-powered chain saws to ensure the work does not affect air quality in the forest. Solar-powered chain saws. I know my way around a hardware store pretty well, although I have never stumbled into the solar-powered chain saw aisle. It is simply laughable, if it were not so horrifying, that we are being held up by such groups that have such outlandish ideas.

I do not know what is next, trained beavers? Are we supposed to round up the animals of the forest, Mr. Deer and Mr. Bear, and convince them to get a forest council together to help us replant? We need to remind the radical environmentalists that Ferngully was a cartoon.

We have serious problems here in our forests. They demand serious solutions, serious debate, serious answers, and we are getting solar-powered chain saws? We have got to rethink what we are doing.

Our State is burning. Colorado is burning. There are some 3 million acres of Ponderosa pine forest in Arizona. We stand a chance of losing most of that over the next year or two. It is a tinderbox unless we get in, and we cannot afford to wait another 4 or 5 years until we wade through all the lawsuits to allow private interests in to thin forests. We have got to move ahead, and I plead with those serious environmentalists who want to protect habitat for endangered species, who want to have beautiful forest land, to join with us and create a balance as we are getting serious about the issue, instead of throwing up roadblocks and talking about solar-powered chain saws and the like.

CORPORATE SCANDALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, today's headlines, WorldCom Finds Accounting Fraud, $3.8 billion, slight misstatement of their earnings. The stock dropped from $64.50 down to a few pennies, and 17,000 people will lose their jobs, but the former CEO is living happily in his mansion on the millions which he looted, as are many of his cohorts. This is a pattern that is being repeated time and time again. It has gone on for far too long.

It started a year ago today with the energy scandals in the West, little more than a year ago today. We were told by the Republican majority this is market forces at work, you have not built enough plants, has nothing to do with market manipulation. Well, now we got the memo that, in fact, Enron was manipulating the markets, but even with those market manipulations they went bankrupt.

Their former CEO, Mr. Lay, and their former Chief Operating Officer, Mr. Fastow, have between them more than $100 million while employees have lost their pensions and their jobs.

□ 1815

This seems to be a pattern, does it not? What is the response of the Republican majority? Well, we pretended to adopt pension reform, but we did not prohibit what Enron did to its employees happening at other corporations, and it looks like there is a whole heck of a lot of other corporations out there on the edge while the CEOs are living on the gravy here, and that was sort of the initial response.

Then we had another little scandal coming along here which was American corporations do not think they should pay taxes anymore. Stanley Works wants to move to Bermuda, set up the new Bermuda Triangle, avoid U.S. taxes on its U.S. earnings and its overseas earnings. Bank of America has done the same scam. The corporations are lined up from here to Sunday to do that.

What is the response on that side? Well, the Secretary of the Treasury says our tax laws are too complex, this is a rational response by these unpatriotic corporations who are ripping off the American people, taxpayers and their own employees, and the majority leader on that side says he endorses this practice that they should not pay taxes unlike working wage-earning Americans.

Then we had Global Crossing, the CEO, a couple hundred million bucks there, little accounting scandal; Enron, accounting scandal; Tyco, accounting scandal; now WorldCom. What have we done about the accounting system? Well, we are going to let the market work, the Republicans said. We adopted some securities and accounting reforms here. They say let them police themselves. Of course we get Harvey Pitt, Harvey Pitt appointed by the President of the United States, George Bush, to be headed by the Securities and Exchange Commission. He is a former lawyer for the securities companies that are out defrauding the American people. He is going to be a real lap dog down there. So the response here is status quo, do not upset the boat.

So there seems to be a common trend here which is we are in a meltdown. American CEOs are discredited, American corporations are discredited, the stock market is crashing, hurting average Americans; and the response on that side of the aisle is do not do anything, let market forces work and, by the way, let the CEOs skate. Oh, yes, we did do one really important thing last week. We passed the permanent repeal of estate tax for people who have over $5 million of assets to make sure that Ken Lay, Mr. Fastow, and all these others who have ripped off tens of millions of dollars from their employees will never pay any taxes on the money they stole. God forbid they should, because they are all major contributors.

Last week the Republicans held the largest fundraiser in the history of Washington, D.C., headlined by the wonderful pharmaceutical companies, but followed up by many of the other players whom I have mentioned here because their CEOs happen to be awash in cash, and they want to make sure they do not go to jail. So they are becoming more and more generous in their contributing.

This is the most outrageous scandal in the history of the United States. The largest restatement of earnings by a corporation, tens of thousands of employees losing their pensions, their jobs, millions of Americans losing their 401(k)s, their pensions; and the response on the Republican side of the aisle is nothing, because they are frozen in place by the fact that they are taking so much money from the people who have perpetrated these frauds. I hope that the American people demand and vote for some change next fall.

REACTION TO U.S. 9TH DISTRICT COURT DECISION CONCERNING THE PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentleman from Florida (Mr. JEFF MILLER) is recognized for 5 minutes.

Mr. JEFF MILLER of Florida. Mr. Speaker, look what the courts have done now. Just when we think life after September 11 had gained some sense of normalcy, just after patriotism at a level not seen since World War II had permeated every segment of our society, a society under God, two liberal judges in San Francisco have told this Nation at war that our Pledge of Allegiance is unconstitutional. Personally, Mr. Speaker, I am sickened. The Pledge is not a prayer. It is a declaration of being an American. It is the embodiment of everything we hold dear, the flag, the Republic, and one Nation under God.

I guess in a country where our constitutional safeguards have been taken to the extreme and have had to have nativity scenes removed from town squares and even silent prayers removed from high school football games, I should not be surprised. I suspect it is only a matter of time or a matter of finding the right lawyer who is seeking to make a name for himself to proclaim that the U.S. flag is unconstitutional and that by flying the flag someone may be offended by its semblance. We are forced to say happy holidays instead of Merry Christmas. We are forced to say gesundheit rather than God bless you. If a school teacher mentions Jesus during a lesson on history, that teacher faces disciplinary action.

Mr. Speaker, it is time we put our foot down as a body, a representative body of this country and respond to this outrageous decision and proclaim that these United States are united against terrorism, united against this decision, and united under God.

PRESCRIPTION DRUGS UNDER MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, last week the Committee on Energy and Commerce spent 3 long days and one very long night marking up a piece of legislation that is supposed to provide seniors with a Medicare prescription drug benefit. I say "supposed to" because most Americans support putting prescription drugs under Medicare. I have a graph here that shows those who support or oppose rolling back the tax cut that Congress passed last year and using that money to provide a prescription drug benefit under Medicare for seniors. Supporting is 64 percent, opposing is 25 percent, and 6 percent do not think Medicare ought to have prescription drugs. This poll was done between March 28 and May 1 of this year.

So instead of having the huge tax cut that we passed last year before September 11 and extending them even after 9 years from now, the American people really want a prescription drug benefit for seniors before they want a tax cut.

What is frustrating is that if we had been able to pass even one single Democratic amendment during that markup, I think all those days and that night would have been well spent. Unfortunately, every effort we made to improve the bill, and there was so much to improve, was shot down on basically party line votes.

When I look at all the problems of the bill, I have to wonder why my friends on the other side of the aisle fought so hard to preserve it, because their bill creates such a complicated scheme of varying copays, high deductibles, and insufficient coverage. When seniors sit down around their kitchen table to figure out how the Republican plan affects them, they will find this bill simply does not add up.

Under the Republican proposal, the beneficiary pays a $250 deductible. For the first $1,000 of drugs, they have to pay a 20 percent copay, or an additional $150. Does not sound too bad. But for the second $1,000 worth of pharmaceuticals they have to buy, the copay jumps to 50 percent, or $500. So far we are up to $900 in out-of-pocket expenses for a $2,000 benefit.

The legislation that came out of our committee had a gaping hole in coverage from $2,000 to $3,700 where seniors have to pay every single dime for that $1,700 worth of coverage. At the same time, they are still paying their $35-plus a month for coverage they are not receiving. So to get to the catastrophic coverage, there has to be $3,700; but seniors will have to have $4,800 worth of drug costs before they will receive the catastrophic benefit under the Republican plan.

Most seniors never will actually reach that level. If a senior's drug cost, for example, is $300 a month, they will hit that $2,000 by midyear. For the next 6 months, they will be paying these premiums but getting nothing in return. And while we are talking about the monthly premium, let us point out that the legislation does not specify exactly what it should be. It says that the private drug plans can charge whatever they want.

Now, in the committee we talked about $35 a month, and that is great. But when we tried to put an amendment on that said it could be $35 or cost of living after that, that was defeated. But the $35 a month adds up to $420 a year in premium before they even get to the copay. Mr. Speaker, under this plan, the seniors' out-of-pocket expenses are adding up, but their benefits are not.

There are even more holes in the bill that should cause great concern. Under the legislation, private health care plans can create a benefit that an actuary can call an "equivalent" plan to the Republican scheme. That means that the insurance companies can create any plan they want, any premiums, any deductibles, any copays as long as an actuary deems it an "equivalent" plan.

Under this plan, the health insurance companies could go to an actuary, such as Arthur Andersen, with a plan and have them sign off on it and sell it as a Medicare product. There is no guarantee that a private plan would look anything like the Republican proposal.

Finally, I want to focus a moment on a point that seniors will be thinking about. The Republican plan relies on private insurance companies to run this new benefit. It will be separate from Medicare part A and Medicare part B and will be run by something called a Medicare Benefits Administration. Why is this relevant? Because this is the first step to long-term efforts to privitization in Medicare.

The Republicans have tried to do it for 5 or 6 years. It has not worked. Those HMOs just do not make enough money to serve seniors. My Republican colleagues have been long-time crusaders for the free market. I agree with the free market, but you cannot have the free market and private insurance trying to cover seniors. It does not work. We learned that in 1965.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise to talk about prescription drugs as well, and I have to acknowledge that some of the points made by our colleagues on the other side of the aisle are exactly right.

It is unfortunate that we are brought here tonight to discuss a bill that, as is true with every bill, is not perfect. And there are a lot of things about this bill that I do not like, but I want to talk tonight about what I think are the most glaring omissions from this bill. As we talk about prescription drugs, as we talk to our constituents, the one theme that comes through to us over and over again is that the prices are just going through the roof. And it is not just from seniors at our town hall meetings. It is from business people, big business people.

We had a meeting the other day with one of the representatives of one of the largest corporations in the United States. They are spending $1 billion a year on prescription drugs. They are spending $1 million a week on just one name-brand drug. I am very concerned about the glaring omission in this bill, because we do not deal, I think, effectively with the most serious problem and that is the price. People cannot afford it.

Whether someone is on Medicare, and we are going to try to create this insurance benefit, that will be good; but what about a middle-aged parent trying to support three kids and one of them gets a serious illness and needs $1,000 a month worth of prescription drugs? What are we going to do for them? Well, the answer is, almost nothing.

Let me talk about the differences between what Americans pay. I have used this chart so much that it is starting to get frayed and worn out, but let me just give a couple of examples. Glucophage, a very important drug. A person does not have to be a senior citizen to have diabetes in the United States. Twenty-seven percent of our expenditures for Medicare are diabetes related, but a lot of people have to take Glucophage. Look at what we pay in the United States. These are not my numbers. This is according to the Life Extension Foundation. The average price, according to their study for Glucophage, for a 30-day supply in the United States is $124. That same drug sells in Europe for $22.

We did some of our own basic research. We sent some people out. These are illegal drugs, my colleagues. According to the FDA, I am holding up illegal drugs because they were bought in Germany and Italy. But they are the same drugs we buy here in the United States.

Let us talk about this one. Claritin. Very commonly prescribed drug. This drug, Claritin, in a pharmacy in my district, this exact same drug, made in the same plant under the same FDA approval, in my district sells for $64.97. This same drug was bought a week ago in Germany for $13.97, American equivalent. That is 14.8 Euros, in case you are keeping score at home.

Another very commonly prescribed drug, an important drug, Zocor. This drug in the United States, at a pharmacy in my district, we checked just the other day, sells for $45. This little box of pills, $45. This same drug purchased in Italy 1 week ago is 14.77 Euros, or $13.94 American.

My colleagues, we have a serious problem with prescription drugs. Everybody agrees to that. We have to do something to help those seniors who are currently falling through the cracks. Everybody agrees on that. But, my colleagues, I submit if we do not do something serious about opening markets, about creating competition, about allowing our pharmacists to reimport these drugs and allowing Americans to have access to world drugs at world market prices, then it is not shame on the pharmaceutical industry, it is shame on us.

☐ 1830

We are the ones that set that policy. We are the ones that let it happen.

Unfortunately, I am going to be put in a position in the next day or two where I am going to have to make a tough choice. I am going to have to choose between staying loyal to my leadership or being loyal to what I know is true. I hope I do not have to make that choice.

Ultimately, we cannot allow this chart to continue. Shame on us if we do. We are going to have an important vote here on the floor of the House, and I hope leadership is listening. We had a tough vote today on trade. But if Members really believe in free trade and open markets, then come down here to the well of the House. Come down here, Mr. Speaker, and tear town this wall. Allow Americans to have access to world drugs at world market prices.

The time has come for Americans to stop subsidizing the starving Swiss. Let us have free markets and lower prices, and then we will be able to afford to give Americans the kind of coverage that they deserve.

IN MEMORY OF DISABILITY RIGHTS LEADER JUSTIN DART, JR.

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a fallen leadership in the disability and human rights community. Justin Dart, Jr., recognized by many as the father of the Americans with Disabilities Act, died this past Saturday, June 22. Mr. Dart was known by many Members of Congress and by millions of Americans for his inspirational leadership and determined efforts to open the doors of opportunity wider for all Americans.

The grandson of the founder of the Walgreen drugstore chain and the son of a wealthy businessman, Justin was born in Chicago into a life of privilege. At age 18, however, his world view as well as the world's view of him was to change. Mr. Dart contracted polio and became a wheelchair user.

His concern for the civil rights of all people first became apparent when he founded an organization to end racial segregation as a student at the University of Houston. Justin also experienced the misunderstanding people have regarding the capabilities of people with disabilities when he was denied a teaching certificate upon completing college.

In 1966, Mr. Dart traveled to Vietnam to investigate the conditions of its rehabilitation system and had an experience which caused him and his wife, Yoshiko, to dedicate the rest of their lives to the advancement of human rights for all. Instead of rehabilitation centers for children with polio, he found squalid conditions where children had been abandoned on concrete floors. He was confronted with a young girl who reached out, held his hand and gazed into his eyes as she lay dying. "That scene," he would later write, "is burned forever in my soul. For the first time in my life, I understood the reality of evil, and that I was a part of that reality."

After several years of building a grassroots movement and advocating for the rights of people with disabilities in Texas, Justin Dart was appointed in 1981 by President Reagan as Vice Chair of the National Council on Disability. He and his wife embarked on a nationwide tour at their own expense during which he met with activists in all 50 States and helped lead the Council in drafting a national policy that called for civil rights legislation to end the centuries-old discrimination of people with disabilities. This policy laid the foundation for the eventual passage of the Americans with Disabilities Act of 1990.

Mr. Dart held leadership positions in both the Reagan and Bush administrations, first as Commissioner of the Department of Education's Rehabilitation Services Administration and then as the chairman of the President's Committee on Employment of People With Disabilities.

As Chairman of the President's Committee, he directed a change in focus from its traditional stance of urging people to hire the handicapped to advocating for full civil rights of people with disabilities. Justin is best known for the pivotal role he played in ensuring passage of the Americans with Disabilities Act of 1990.

As Co-chair of the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities, he once again toured the country at his own expense to build grassroots support for his landmark civil rights legislation.

The sight of Justin in his trademark Stetson hat and cowboy boots was a familiar sight to all Members of Congress. He made what he called a very difficult decision of conscience in 1996 and campaigned for the reelection of President Clinton, telling his followers to get into politics as if your life depended upon it, because it does.

In 1998, he received the Presidential Medal of Freedom, the Nation's highest civilian award. The revolution of empowerment Mr. Dart talked about extended far beyond the rights of people with disabilities to making the world a better play for all humanity.

Please hear, as I close, some of the words that Mr. Dart addressed to a group of us in his final public statement a few weeks ago at a rally for the passage of the Micassa bill. "Listen to the heart of this old soldier. As with all of us, the time comes when body and mind are battered and weary. But I do not go quietly into the night. I do not give up struggling to be a responsible contributor to the sacred continuum of human life. I do not give up struggling to overcome my weakness, to conform my life, and that part of my life called death, to the great values of the human dream. Let my final actions thunder of love, solidarity, protest, of empowerment. I adamantly protest the richest culture in the history of the world which still incarcerates millions of humans with and without disabilities in barbaric institutions, back rooms and worse, windowless cells of oppressive perceptions, for the lack of the most elementary empowerment supports. I call for solidarity among all who love justice, all who love life, to create a revolution that will empower every single human being to govern his or her life, to govern the society and to be fully productive. I die in the beautiful belief that the revolution of empowerment will go on. I love you so much. I'm with you always. Lead on. Lead on."

Mr. Speaker, Justin Dart was truly a great American, and I join with millions around the country who are interested in the empowerment of people with disabilities to extend condolences to his wife and family.

PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. SULLIVAN) is recognized for 5 minutes.

Mr. SULLIVAN. Mr. Speaker, I rise this evening to talk about an issue that is very important to the First Congressional District of Oklahoma and all across America: the need for a prescription drug benefit for our seniors.

During the last few weeks, the Republican plan has been criticized by my Democrat colleagues with a number of half-truths about our plan. I have received several calls from constituents and family members who are scared about the Democrats' misstatement about higher prices for their prescriptions. They are using this issue for political gain during an election year.

I ask the other side of the aisle to please stop scaring my grandmother and millions of seniors who buy prescription drugs. For the past few months, I, along with several Members of Congress of this body, have been visiting with seniors about their wants and needs and a prescription drug benefit. From these conversations, the House Republicans have developed a plan in line with helping seniors receive coverage immediately. I ask the Democrats to stop scaring my grandmother and my constituents for political advantage.

The House Republican plan is the only plan that lowers drug costs for seniors through best-price competition and the promotion of generic drugs. Recently, the Health and Human Services Department released a study that shows an average senior would save nearly 70 percent of the money spent on their current coverage under the GOP plan. The liberal Democrats say our plan is a meaningless benefit that protects the pharmaceutical industry, but studies done on this issue say just the opposite.

The Republican plan uses a best-price competition model that will lower the dollar amount through competition, cutting into the pharmaceutical company's bottom line. I ask Members on the other side of the aisle to stop scaring the Nation's seniors.

The House and Senate Democrat plans fail to use any competition measures. Instead, the Senate plan calls for a copayment on the prescriptions. Seniors would pay $10 for generic drugs, $40 for name-brand drugs, and the government would pick up the rest of the cost, regardless of the price.

Without price competition, the drugmakers will be able to dictate and raise their price whenever they want. And of course the Democrats want the American taxpayer to pick up the tab on the price difference. This could potentially cost Americans more than a trillion dollars. I call on the Democrats to stop scaring my grandmother and millions of seniors in our Nation who are looking for a workable plan from Congress. This is not a political issue. It is a life issue important to seniors throughout our Nation. I urge Members to support the House Republican prescription drug plan.

KEEP AMTRAK RUNNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. TIERNEY) is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, I have the honor of representing the North Shore of Massachusetts; and, like many of my colleagues, I am deeply concerned about a possible Amtrak shutdown and the effect on my constituents. I am doubly troubled by the fact that this situation was avoidable and totally unnecessary. Congress is now being asked to step in and help after the administration failed to take action.

Mr. Speaker, 23,000 workers across the country fear job losses. A shutdown will mean lost jobs for thousands of employees already demoralized by years of wage deferrals and wage freezes that have left Amtrak workers among the lowest paid in the industry. A thousand jobs have been lost already in the past months, as Amtrak has cut corners in the absence of government support. We cannot allow additional jobs and benefits to be lost.

Local commuter rail riders have voiced their fears about being left stranded by a possible Amtrak shutdown. Failure to act now will mean suspension of Amtrak service in the busy Northeast Corridor, and this will jeopardize commuter rail services for Massachusetts' communities such as Lynn and Salem in my district, not to mention the likely permanent loss of the system's long-distance trains.

Amtrak's current financial difficulty is a result of unwise and unattainable congressional goals established in 1997 that forced unfortunate managerial choices and undermined Amtrak's financial viability and access to capital. Congress realized it made a mistake and has since repealed the 1997 requirement that Amtrak file a plan for its own liquidation if it not achieve operating self-sufficiency by the end of 2002.

Unfortunately, the damage has been done, and it is imperative that Congress correct its public policy misadventure. We are at the point where Congress has to step in and offer some assistance.

As today's Boston Globe reports, "Rail shutdown would be a slap to the region. Amtrak ridership is on the increase." The article notes that ridership in the Northeast Corridor was up 23 percent in May, with a 44 percent growth in revenue over the last year. Over the years, and particularly since the terrorist attacks of September 11, Amtrak ridership in the Northeast Corridor has decreased traffic at the airports, providing another option for people to travel for business and pleasure.

We should reward, not punish, this good service with increased Amtrak investment. Indeed, every G–8 country knows the value of investing in mass ground transportation. All of them support their national passenger rail system. Amtrak is held to a double standard as no other segment of America's transportation system is forced to meet the capital and operating needs without substantial government financial assistance. Amtrak has responded to the growing expectations placed on the passenger rail carrier since September 11; and Congress should, too.

America needs better energy and environmental policies. Rail service conserves energy as compared to other forms of intercity transportation. A 1999 Congressional Research Service report determined that general aviation uses more than three times the energy used by Amtrak. Passenger rail service generates less air pollution and less energy than the airplane and the automobile. This is even more significant in high-density areas.

Mr. Speaker, let us compare Amtrak with investments in airports and highways. Overall, our highways, aviation and mass transit programs receive almost $57 billion in annual government investments, but Amtrak only receives 1 percent of that. $571 million is slated for fiscal year 2003.

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Amtrak has only received $25 billion in Federal funding over the past 30 years in comparison with $750 billion spent on highways and aviation during that same period. We can and we should do better.

While administration critics propose to shut down Amtrak because not every route is self-sufficient, we should note that the airlines received $150 million this year alone in Federal funding to provide air service to 80 cities where passenger revenues were insufficient to support the provision of service. Amtrak is a bargain by comparison to that.

That is why I join my colleagues and asked appropriators to provide sufficient supplemental funding to keep the trains running. The administration seeks to privatize, their solution for government programs they just do not like, from Social Security to prescription drugs, all the way to mass transportation. The fact is, privatization is not the answer. We only have to look at the tragic accidents, delays and system failures in Great Britain to know that privatization does not work. For the security of our commuters, our workers, our environment and our economy, we must keep the trains running. Shutting down Amtrak is clearly not in the public interest. I urge the administration to listen to the American people and respond with a thoughtful, sensible plan to keep Amtrak going.

AMTRAK

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I too would like to continue the discussion this evening on the future of Amtrak. There is a rumor going around the Capitol that Senator BYRD has put together a rescue that ties together the supplemental, the debt ceiling vote with resources that will keep Amtrak going. If that rumor is true, I say good for Senator BYRD for making it happen, but I say shame on Congress and the administration for making it necessary for yet another extraordinary step to keep America's passenger rail system going.

This is sadly part of the 30-year history where Congress and numerous administrations have done their best to dismantle and slowly bleed Amtrak to death. What is perhaps most remarkable, Mr. Speaker, is not that we may be able to rescue Amtrak from being shut down this week, but that despite the system that has been inflicted upon them, they continue to exist and ridership continues to increase.

It was a rather bizarre deal we saw in 1997, an exercise in denial on the part of the then-majority parties in Congress where they mandated in the last reauthorization a program under which for the next 5 years Amtrak would become self-sufficient. Part of that deal was that Congress, the Federal Government, would supply adequate resources to deal with the capital requirements for Amtrak, not unlike what happens in other industries where the United States, for instance, provides the infrastructure for aviation. There are now some in the administration and sadly some in Congress who are arguing, Shut it down. It is not self-supporting. They did not keep the deal.

Well, Congress provided less than half of the money that was authorized. In no year did we provide the full capital allocation. Yet despite that, despite that, we have seen ridership increases that is not just passengers with train nostalgia. In the Pacific Northwest, we have seen almost three-quarters of a million people ride the Cascades rail corridor last year. Ridership has increased sixfold over the last 8 years. We have heard about the situation that is taking place with ridership increases here in the eastern corridor. And all of us in Congress are well aware that if it were not for Amtrak, that sad week of September 11, without Amtrak, if people were relying on their SUVs and waiting for the grounded planes to travel, that there would have been one traffic jam from the Alexandria suburbs to New Haven, Connecticut. But we had Amtrak, and we did not have that desperate situation.

We have also had people take to the floor and talk about what is happening in the Midwest and with the Texas Eagle down through the South. Mr. Speaker, we find that every administration since President Nixon was in office have underestimated Amtrak's customers who continue to ride, often not just the underfunded system and often-uncertain service, but in some cases the equipment has been deplorable. These same passengers deserve better treatment from us. They include people who ride in rural communities. They are people increasingly in the tourism and resort activities where people are traveling the rails for pleasure. There are thousands of businesspeople who are involved with these critical corridors. In fact, we are finding that each and every day in the New York City area, Amtrak controls the flow of 1,100 trains and more than 300,000 passengers in and out of that city.

Despite a lack of clarity, the administration, and we have called them time and again when they have appeared before us on rail-related activities, our rail subcommittee in the Committee on Transportation and Infrastructure has asked the administration repeatedly, they have been in office now a year and a half, what is their position? What is their plan? How can we work together? We have received no response.

Mr. Speaker, we have developed a bipartisan alternative under the leadership of the gentleman from New York (Mr. QUINN), the Chair, and the gentleman from Tennessee (Mr. CLEMENT), the ranking member. It has been supported by over 162 Members in this body, a broad bipartisan coalition. It has a majority of the Senate ready to move forward with ongoing programs that will get us through this year, not with a Band-Aid but in a way that actually enhances operation and security and puts us in a good position for the next Congress for full reauthorization.

We should not be held ransom for a $205 million loan guarantee conditioned upon meeting some vague principles that, to the extent to which you can determine them, would be destructive. I strongly urge, Mr. Speaker, that we move forward, that we deal with the funding this year and be in a situation in the next Congress when we can reauthorize surface, reauthorize aviation, reauthorize rail. Give it the package that the American public deserves.

VIOLENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise this evening to speak to the very disturbing trend that we have seen in the growing violence in the Middle East of Palestinian terrorists deliberately targeting Israeli children.

As we all know, there has been a tremendous increase over the last 20 months in the number of deaths, fatalities and woundings from these suicide bombers, homicide bombers. But what is particularly disturbing is what I see as an emerging trend in all of this to specifically try to target children.

I want to show to my colleagues here a picture and talk about these two young people. The first one I want to talk about is this baby over here, Shalhevet Pass. Shalhevet was literally in her stroller being pushed by her parents when a Palestinian sniper opened fire on the family. What is very, very disturbing about this particular incident is that, and this was based on the investigation after the event, it appeared as though the Palestinian sniper who was shooting at them from a hill specifically targeted the baby and targeted the baby first. This baby was shot by a gunshot wound to the head while in a stroller.

The next one I want to talk about is this little girl right here, Danielle Shefi. A Palestinian gunman broke into the family home. The mother had retreated into the children's bedroom. She was with two brothers, and the Palestinian gunman first shot Danielle and killed Danielle, then proceeded to shoot the mother and the two brothers. The mother and two brothers managed to survive. If you look at some of the other trends in these Palestinian attacks, there was a suicide or homicide bomber who attacked a discotheque filled with young people. Over and over again it appears as though the Palestinians are specifically attacking children.

The Palestinians tried to claim in their defense that the Israeli Defense Forces are just as bad, that they shoot Palestinian children and they made quite a big deal about a particular case. It involved the death of a 12-year-old Mohammed A-Dura during an exchange of gunfire between the Israeli Defense Forces and Palestinians. This little boy was killed. He got in the crossfire somehow. The Palestinians claim that the Israeli Defense Forces specifically targeted Mohammed. The IDF did a review. This is not part of Israeli policy, obviously, to attack children. They claimed, based on their review, that it was impossible for the Israeli Defense Forces to have killed this young boy. The Palestinians, of course, dismiss this as propaganda, but what was very interesting is German public television decided to do an independent review, and they based this on the ballistics, the angle of entry of the bullet into the boy, that it was impossible for the Israeli soldiers to have killed that boy, but that he was actually killed by the Palestinians.

Some people may say this is hard to believe, that the Palestinians would shoot a Palestinian boy, but let us keep in mind that they sent a 10-year-old boy as a suicide bomber to try to blow up a bunch of buildings that ultimately collapsed and killed, I think, 13 Israeli Defense Forces. They have sent other teenage suicide bombers. It is very, very clear, at least in my opinion and based on my review of this issue, that they not only are targeting children, Israeli children, but they will even kill their own children for the purpose of furthering their political agenda.

It is my opinion, Mr. Speaker, that this is reprehensible. This is horrible. This is beyond the pale. Some people will try to justify this, claiming that they have no choice, that they have to resort to this. We should never allow this sort of thing to go on. I think it is perfectly justifiable for the Israeli Government to reoccupy the Palestinian territories. Land for peace has not worked. It has actually led to even more violence. The Palestinians have to do what the President said. They need to abandon violence. They need to abandon these suicide attacks. They need to establish democracy before we will ever have lasting peace in the Middle East.

AMTRAK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, I welcome the opportunity to speak on a very real national crisis we will face if we fail to fully and properly fund Amtrak. Contrary to the administration's rhetoric, this is not a case of the boy who cried wolf or Chicken Little claiming the sky is falling. Make no mistake, an Amtrak shutdown for any length of time, however temporary, will be disastrous for this country, not only for interstate business/leisure travel but for daily commuter travel as well.

In my home State of Massachusetts, Amtrak is under contract with the Metropolitan Boston Transit Authority to provide commuter rail service to thousands upon thousands of working people who depend on Amtrak to get to and from their jobs each and every day. An Amtrak shutdown will paralyze our mobility and the economy right along with it. These commuters will be forced on to already overcongested highways, exacerbating public safety problems and adding to environmental pollution.

The worst part of the situation, Mr. Speaker, that we find ourselves facing is that the solution has been known to the administration for months. Amtrak's management has clearly and consistently said that Amtrak will have to shut down if the administration does not take swift, deliberate action to provide the $200 million it needs to operate in the short term.

The administration's response to this imminent crisis has been to do nothing, absolutely nothing, nothing but posture and engage in a reckless game of brinksmanship. The administration continues to cling to the myths promoted by the Amtrak Reform Commission that privatization of many of the lines is necessary. We all know that privatization of our rail system will not work, and if anyone has any doubt about that, they should call our friends in Great Britain where delays and safety problems are rampant due to privatization.

We also know that none of our transportation systems operate without Federal support. In fiscal year 2001, our highways received more than $33 billion in Federal funding. The airline industry received $13 billion in regular funding and a $15 billion bailout. In the same fiscal year, Amtrak received $521 million, which represents less than 1 percent of all Federal transportation spending and far less than the $1.2 billion it needs to properly operate.

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Nevertheless, on the eve of a national crisis, the administration has said that it does not want to go above last year's funding level for Amtrak.

Mr. Speaker, instead of walking away from Amtrak, instead of turning our backs on the men and women who work for Amtrak, this administration should be running to invest in a national passenger inner city rail system to complement our aviation and highway systems. Rail is regarded as the cheapest, most energy-efficient, environmentally sound, comfortable and reliable mode of travel. It is the preferred mode of travel by thousands and thousands of Americans. Ridership in this country is rapidly increasing, and the potential is unlimited. America deserves a first-rate passenger rail system; and accordingly, Amtrak deserves to be fairly funded, both now and in the future.

Therefore, I urge my colleagues to join me in supporting H.R. 4545 to keep Amtrak and America moving forward; and I urge the Bush administration to stop the politics, to stop the posturing and do the right thing: give Amtrak the resources it needs to run.

SUPPORT FOR AMTRAK LOAN GUARANTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, I rise today in support of a $200 million loan guarantee for the Amtrak national passenger rail system and to urge the administration to expeditiously and favorably respond to Amtrak's request.

Amtrak services well over 500 cities and towns throughout the Nation and is a safe, efficient, and affordable mode of transporting millions of Americans to work and leisure activities each year.

The events of September 11 clearly underscore the need for an alternative mode of transportation to air travel. In the 8 months since the 9-11 attacks, Amtrak ridership has remained strong, despite a weakened economy, significant reductions in travel and tourism, and steep declines in domestic air travel.

In my own congressional district, the city of Richmond, Virginia, has invested over $48 million in the restoration of the historic Main Street Station. Amtrak will be a major provider of service; and after 10 years of planning, the first phase of renovations is now finally under way and trains are expected to begin stopping at the Main Street Station within the next 6 to 8 months.

Mr. Speaker, passenger rail service is an essential component to our plans to create a multimodal transportation center at the Main Street Station, and an Amtrak shutdown will leave a significant gap in our region's transportation network.

A shutdown of Amtrak will also lead to the possible halt in other linked services, including the Virginia Railway Express, which transports 12,000 riders each day, many coming into Washington, D.C. on rail rather than adding to the congestion on Interstate 395.

Mr. Speaker, each year, this Congress appropriates significant dollars in the way of subsidies to our highways and national aviation system; yet we fail to provide the same level of support and commitment to passenger rail. A responsible Federal investment in our Nation's passenger rail system is long overdue. I believe this Congress is ready to work toward that end; but in the short term, I urge the administration to make available the resources that Amtrak needs to sustain its national operations.

SUPPORT EMERGENCY AMTRAK FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise to speak on a matter of utmost importance for the transportation, economic, and environmental needs of our Nation, and the Northeast in particular, and that is the survival of Amtrak.

For 31 years the Amtrak rail system has provided an essential service to millions of Americans, providing safe, reliable travel at an affordable price. It has sought to balance competing public service and commercial objectives, but has never been given adequate resources to deliver either objective fully. And now, without an immediate infusion of $200 million in emergency funds, an Amtrak shutdown could occur within days. This will cause serious disruptions for commuters and travelers everywhere.

The fact is, funding for Amtrak is not simply an issue of transportation. It is an issue of economics, commerce, and livability.

In my State of Connecticut, Amtrak's service is a vital component of daily life, as it is to thousands of cities and towns along the east coast. Over 1 million Connecticut citizens rely on Amtrak annually, 370,000 in my hometown of New Haven alone. So many people there rely on Amtrak to commute to work from New York City. Others rely on it to bring commerce and tourism into cities without commuter airline service. In the Northeast, people travel Amtrak because it is, quite simply, the most convenient and time-efficient method of traveling from city to city, alleviating the heavy rush-hour traffic faced by so many commuters today. In doing so, it is a major contributor to reducing emissions that contribute to respiratory illnesses like asthma. That helps us keep our air clean and our children healthy.

Amtrak means jobs as well. They own and operate a rail yard in New Haven, Connecticut, where maintenance and equipment repair take place. One can only imagine how busy they are, given the continual underfunding of Amtrak. All in all, Amtrak employs nearly 700 employees in Connecticut alone.

Since September 11, I might add, Americans are looking for alternatives to commercial airlines; and despite our best efforts to make our airline security the best in the world, many Americans still fear for their safety. Amtrak has proven that it is a viable transportation alternative.

With so many concerns regarding air traffic congestion, from safety to overcrowded skies, it simply makes sense that we have in place an alternative mode of transportation that will alleviate the stress currently on our air traffic controllers and our airline security forces. The fact is, more choices means less risk to our people, less stress, healthier communities and, thus, a more livable region.

For over 3 decades, funding for America's passenger railroad has nearly been enough to keep the system operating on a year-to-year basis, which prevents it from meeting its long-term public service mission, not to mention its capital obligations.

The administration's budget for Amtrak requests $521 million for 2003, less than half of what Amtrak says it needs to meet its long-term and short-term financial needs. Sadly, this amount would only maintain the current level of funding and represents less than half of what Amtrak needs.

The fact is that the Federal Government dedicates resources for highways, airlines, airports, runways for capital improvements. Despite the popular myth, Amtrak has no such luxury. Amtrak is expected to pay for capital and track improvements, new cars, repairs and maintenance. With only a fraction of the Federal subsidies for airlines and highways, Amtrak is expected to do a lot more with a lot less.

Recently, I sent a letter, along with 161 of my colleagues, asking Congress to fully fund Amtrak at $1.9 billion. This funding includes $1.2 billion in Federal funding for capital and operating expenses, as well as $375 million for much-needed rail security projects across the system, and $400 million for life-safety improvements in Amtrak tunnels along the northeast corridor.

We are asking for $200 million to be made available immediately. If we can move heaven and Earth in order to provide the airlines with $15 billion with very few strings attached, as we did last fall, surely we can find $200 million to keep Amtrak running when so many people rely on it.

Failure to provide the necessary funds will not only mean the suspension of Amtrak service in the busy northeast corridor and the likely permanent loss of long-distance trains; it will mean that thousands of commuters around the Nation will be stranded; loss of production, loss of $1 million for communities and companies in areas where these areas need the services. It is unacceptable.

Mr. Speaker, Amtrak is too important to our communities to let die. It needs reforms. Let us do it in a realistic timetable that does not ignore the needs of millions of Americans. Congress and the administration must send a clear signal that they will not allow Amtrak to go bankrupt. Let us give them the $200 million that it needs.

SUPPORT FULL FUNDING FOR AMTRAK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I rise tonight to join my colleagues in urging quick support for Amtrak to avert its collapse. The United States is not unlike any industrialized Nation in the world that has a need for quality rail passenger service, and America is not unlike any other industrialized Nation that is required to undergird financially its passenger rail service.

The President and lawmakers, the United States Congress, must come together quickly to prevent the economic and human hardship that would result from an Amtrak shutdown. That hardship would be suffered by Amtrak workers and their families. It would be most harsh, and the damage to our economy would be a calamity.

We have heard over and over, Mr. Speaker, in these Chambers during this Congress how imperative it is to provide an economic stimulus for corporate America to ensure the continuation of jobs and to provide employment for unemployed workers across this country. Yet we are here tonight begging and pleading with the powers that be to support Amtrak, which indeed needs economic stimulus for the benefit of the continuation of employment of America's citizens, the citizens who have worked long and hard over the years to do a good job and have done a good job, and they have taken care of their families and they have been taxpayers across this country.

Recently, Amtrak CEO David Gunn said if Amtrak did not receive a $200 million loan immediately that it would have to begin shutting down operations.

Mr. Speaker, it is imperative that we build a world-class passenger rail system in the United States. We cannot wait for highways and airports to become so overwhelmed that they too can no longer operate, and we cannot continue to hold the millions of Americans who rely on passenger service in limbo while we refuse to provide Amtrak with adequate funding. We must also engage in long-term planning to address future passenger transportation growth and show some forethought in crafting transportation solutions, not wait for this impending crisis to turn into an outright disaster.

Following the terrorist attacks of September 11, 2001, and the aftermath which followed, we found that we were vulnerable in our society and in our economy when our transportation choices were limited and our mobility severely diminished. After the Federal Aviation Administration grounded all flights following the terrorist attacks, travelers turned to Amtrak. The ridership of Amtrak has skyrocketed. Revenues have risen up to 20 percent, and the ridership has increased over 8.2 percent. This shows that Amtrak does work and that it will continue to work if the United States Congress and the President is about the business of quickly responding to the needs of Amtrak, not unlike the way that it did for our airline industry when we provided a $5 billion grant to that industry and $10 billion additional resources in the event that our airline services decided that additional resources were needed to be guaranteed by this country.

Mr. Speaker, I would encourage Members of Congress and the administration as well to act quickly, not politically, but quickly, for the benefit of the families who rely on us as Members of Congress and who rely on the support that we have already shown that we provide for other entities in our Nation so that we can go forward. We cannot afford the luxury of being a superpower in our mind and not allowing America to, in reality, be one by having a first-class passenger rail system. It is up to us, Mr. Speaker, to sustain Amtrak.

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HISTORICAL OVERVIEW

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, not surprisingly, in this election year the Republicans are attempting to portray themselves as the protectors of Social Security; and many of our women colleagues tonight, led by the gentlewoman from California (Ms. MILLENDER-McDONALD) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentlewoman from Florida (Mrs. THURMAN) and the gentlewoman from California (Ms. WOOLSEY) will be discussing this more.

During my 5 minutes, what I would like to do is put some history on the record.

First, the Republicans have advocated mailing out fancy but meaningless guarantee certificates to Social Security beneficiaries this year at a cost of $16 million to the taxpayers, and each million that would be needed to produce and mail these certificates would pay for the processing of maybe 1,400 disability claims.

When it started to come out how they wanted to waste the money on those kinds of phony certificates, and that proposal literally flopped, Republicans have sought other forms of political cover but to no avail. So now they have moved into the avoidance mode and are simply dodging Social Security, blocking key legislation from coming to this floor.

The American people deserve to hear the details of the Republicans' privatization plans for Social Security before the election. That is why I signed the Democratic discharge petition to bring this vital debate to the floor. It requires 218 Members of the House to sign that discharge petition to bring up the bill.

Now, realistically, will the Republicans allow these bills to come forward? Well, let us see. Probably not, because the Republican leadership of this House knows that Democrats will stand against privatization and expose their risky and flawed plans for what they are.

Truly, Republicans have always had trouble believing in Social Security and have a long record of opposition to our Nation's premier social insurance program. Let me put this on the record.

Beginning with the original Social Security Act when the ranking minority Republican member of the Committee on Ways and Means was Representative Allen Treadway, a Republican from Massachusetts, he led the attack here in Congress, in the House, offering a motion to delete the old age and unemployment insurance programs and stating that he would vote, and I quote, "most strenuously in opposition to the bill at each and every opportunity."

At that time, 95 of 103 Republicans voted along with Representative Treadway to gut the original act. That was 92.2 percent of the Republicans. But they failed because there were more Democrats that believed that we should lift those in poverty who are seniors to a level at least of subsistence and to dignity in their retirement years.

Now, Republican opposition in the Senate was also pronounced, with a majority of Senate Republicans voting with Senator Hastings to delete the retirement program from the Social Security Act. As we all know, the Act went on to pass both Chambers and was signed into law by Democratic President Franklin Roosevelt on August 14, 1935.

But Republican opposition to Social Security was not limited to the old age and unemployment provisions. In 1956, 38 of 44 Senate Republicans voted against an amendment to restore the disability insurance program to the bill. That was 86½ percent of the Republicans in the Senate not wishing to include the disability insurance provisions, which are the lifeline for millions and millions of people who have been stricken in their families with illness or with injury.

In 1965, when Medicare Part A and B were created, when President Lyndon Johnson was President and led this fight for health care for our seniors, 128 of 165 House Republicans, or 77.6 percent, three-quarters of them, voted to recommit the bill and replace it with, guess what, a voluntary system. Have we heard this before?

Most recently, Republicans have broken their repeated promises, voting seven times on the issue to ensure that, as they say, every penny of Social Security will be locked away in a lockbox. Instead, they have drained the budget, even as we stand here tonight, with tax breaks for the super rich and are plundering the trust funds of Social Security over the next 10 years by nearly $2 trillion.

So every week I am coming down here to the floor to take a look at the grade on the Social Security trust fund. I call it the debt clock. As of today, Republicans have raided now $223,945,205,479 from the Social Security trust fund, which averages now about $796 per American.

Every week since we have come on the floor, that is up over $6 billion from last week. They keep going into the trust fund to give money away to CEOs like Kenneth Lay, who, believe me, owes us money. The Social Security recipients of this country and the taxpayers owe him nothing.

Democrats believe Social Security is a compact of trust between generations. We will continue to fight against the Republican raid to ensure that Social Security's existence will continue for generations to come. Democrats have always believed in Social Security, and we always will.

CONGRESS HAS AN OBLIGATION TO THE TRAVELING PUBLIC TO SUPPORT AMTRAK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, first of all, let me just say that I am here to discuss Amtrak, but I not only support Amtrak, I have loved the trains ever since I was a little girl. I remember when I was a little girl, the Silver Meteor used to come right by my house. The question that we have in this country is whether or not we support passenger rail.

Let me just say before I get started that there is no form of transportation in this country or anywhere that supports itself. Whether we are talking about the airline industry, whether we are talking about trucks, roads, buses, none of them support themselves. So the question is whether or not we support passenger rail service, or whether we are going to let it fall apart and leave this country's travelers and business people with absolutely no alternative form of public transportation.

Without the $270 million Amtrak needs to keep operating, we will soon see people that rely on Amtrak to get to their work each day waiting for a train that is not coming.

This Congress absolutely must provide funds to avert a shutdown of Amtrak. We continue to subsidize highways and aviation, but when it comes to our passenger rail service we refuse to provide the money Amtrak needs to survive. This issue is much bigger than just transportation; this is about safety and national security. Not only should we be giving Amtrak the money it needs to continue to provide services, we should be providing security dollars, money to upgrade their tracks and improve safety and security measures in the entire rail system.

Once again, we see the Bush administration's too-little, too-late policy. I am surprised they have not suggested a tax cut to solve this problem. Instead, they are trying to take money from the hard-working Amtrak employees who work day and night to provide top-quality service to their passengers. These folks are trying to make a living for their families, and they do not deserve this shabby treatment from this President.

It is time for the administration to step up to the plate and make a decision about Amtrak based on what is good for the traveling public and not what is best for the right wing of the Republican Party and the bean counters at OMB.

I represent Crescent City, Florida, where we recently experienced a tragedy when an Amtrak auto train derailed, killing four and injuring hundreds of others. Soon after that, we experienced another derailment in Gainesville that injured many more.

Florida depends on tourists for its economy, and we need people to be able to get to this State safe so they can enjoy it. Ever since September 11, more and more people are turning from the airlines to Amtrak, and they deserve safe and dependable service.

Some people think that the solution to the problem is to privatize the system. If we privatize, we will see the same thing we saw when we deregulated the airline industries. Only the lucrative routes will be maintained, and routes to rural locations, I say to Members who represent rural areas, will be too expensive and too few. In other words, they will cut these areas out if we privatize it.

Mr. Speaker, I was in New York shortly after September 11 when the plane leaving JFK crashed into the Bronx. I, along with many of my colleagues in both the House and Senate, took Amtrak back to Washington.

This isn't about fiscal policy, this is about providing a safe and reliable public transportation system that the citizens of this Nation need and deserve. Lets stop this crisis now, before it is too late.

Mr. Speaker, we have an obligation to the traveling public to support Amtrak.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in strong support of providing Amtrak a loan guarantee or supplemental funding in order to keep our national rail system from shutting down. Since 9/11, many travelers have opted to use rail transportation as an alternative to flying. A shutdown would cause serious disruptions for commuters and travelers nationally, and to local economies across America.

Amtrak is critical to my constituents in Kansas City and to the people of Missouri. Missouri has four Amtrak trains: two Missouri Mules that travel between Kansas City and St. Louis and the two Ann Rutledge trains that travel between Kansas City, St. Louis, and Chicago. These trains are integral to tourism and commerce in our state.

This year, the Kansas City station has had approximately 60,000 passengers, the St. Louis station has had over 74,000, the Jefferson City station has had more than 41,000, Hermann's station has had over 11,000, and the Warrensburg station has had 11,000 plus passengers.

Amtrak has proven to be an extremely convenient method of transportation for the business traveler. Missouri state officials commute on the train to work at the State Capitol in Jefferson City. Many Missouri business travelers commute between Kansas City to St. Louis to avoid airport and highway congestion. This rail system has played a significant role in helping reduce congestion at Lambert International Airport in St. Louis by providing routes from Kansas City to St. Louis and throughout the Midwest.

The stop in Warrensburg Amtrak station provides an affordable transportation route for Central Missouri State University students from across the state. This station also provides 10,000 military personnel and civilians access to Whiteman Air Force Base which maintains the Air Force's premier weapon system, the B–2 bomber.

Individuals traveling on the Missouri routes are able to visit many sites including the: restored historic Kansas City Union Station, Truman Presidential Museum in Independence, American Jazz Museum in Kansas City, Missouri State Capitol and Governor's Mansion in Jefferson City, Hermann's wineries and famous Octoberfest activities, Lewis and Clark Territory, and the restored St. Louis train station by the landmark Arch.

Amtrak has been forced to run a national system with insufficient financial support since its creation. Approving $200 million in emergency funding is essential and timely. The federal government has provided subsidies for all modes of transportation including our nation's airports, highways, riverways, and buses. No comparable national passenger rail system in the world has operated without subsidies, and no system has ever succeeded without substantial public capital investment. I urge my colleagues to support emergency funding for Amtrak in order to maintain and reform America's national passenger rail system.

Mr. MENENDEZ. Mr. Speaker, we're not talking about tracks, or trains, or rails, or stations—we're talking about people—their jobs, their families, their lives. And I am sick of people playing politics with it. In a modern nation, in the greatest nation on Earth, passenger rail service is not a luxury, it's a necessity for the millions of people who use it to get to work, to get to clients, to create new business, to meet friends, to see family, to take a vacation, to enjoy the Holidays.

America needs reliable, affordable, efficient rail service—for all these reasons. All over the world, passenger rail service is a comfortable, popular, reliable mode of transportation, especially between cities that are two to four hours apart—like Paris and London, Tokyo and Osaka, and New York and Washington. The same should be true of travel between cities like Orlando and Miami, Atlanta and Charlotte, Chicago and St. Louis, and Los Angeles and San Diego.

At a time when roads are increasingly clogged, when air travel is strained, wisely investing in rail service is the right thing to do, and the smart thing to do. But this Administration has been asleep at the switch—and if Amtrak fails, if we lose passenger rail service, it will be because this Administration didn't think it was important enough—tell that to the parents who won't be able to get to work to support their families; tell that to the businesses that won't be able to get to their clients; tell that to the grandchild who won't be able to get to her grandmother's house; and tell that to the union worker who loses his or her benefits.

As of last year, Amtrak employed 1,736 people in my state. Almost 4 million people from my state rode Amtrak last year—and 80 thousand daily commuters ride New Jersey Transit, that would be effectively shut down if the signaling and operators that Amtrak provides are closed.

The passenger rail system in my state, my region, and our country provides hubs of job creation, commercial development, and commerce, especially in revitalized urban centers and smaller communities between major cities without an airport or other means of mass distance travel. The loss of commerce for even a single day closing would be enormous—and in some cases devastating.

So I say again: we're not talking about tracks and trains, we're talking families and towns and cities and livelihoods. Amtrak is not some disembodied entity—it's an integral part of the communities it serves. We need immediate action, and we need it now, but we also need this Administration to start getting serious about a real, long-term solution that ensures the smooth continuation of passenger rail service—not just a rehash of the Amtrak Reform Council's proposal to largely privatize the system and separate infrastructure ownership from operations, which has been tried and failed elsewhere. Besides, the nation's railroads are adamantly opposed to giving other entities the access rights to their tracks that Amtrak currently has. So to the Administration I would say: get serious and start dealing with reality.

We need this Administration to be involved not just when we are at a crisis point—not just days before the system could go under—we need long-term thinking, long-term planning, and a real commitment to make sure America has the passenger rail service it deserves.

Mr. DINGELL. Mr. Speaker, many of my colleagues have spoken about the importance of Amtrak to the Northeast Corridor, or to the small towns throughout the country that do not have access to air travel. However, Amtrak is equally important to Michigan and the Midwest, where it provides competition to the airlines and links major cities, alleviating congestion on roads and in airports.

Americans have chosen to ride Amtrak at increasing rates. Between 1996 and 2001, systemwide ridership grew from 19.7 million to 25.3 million. Last year, Amtrak served over 500,000 people in Michigan, many of whom are my constituents. It is important that Congress let President Bush know that Amtrak must be kept running.

Passenger rail service should not be stopped in its tracks, especially as riders begin to receive the benefits of Amtrak's roll out of high-speed service. Amtrak owns 96 miles of track in Michigan in the Detroit-Chicago high-speed corridor. Amtrak, the Federal Railroad Administration, the State of Michigan and private industry have invested in upgrading this corridor. The ultimate goal of this high-speed project is to reduce the total time between Detroit and Chicago from the current 6 hours to 3 and one-half hours. In January 2002, 90 mile-per-hour service began on a segment of the Amtrak owned right-of-way. Additional speed increases over the entire length of the Amtrak-owned line are planned for later this year. This is the first significant increase in passenger rail speed above 80 miles per hour outside the Northeast in 20 years.

Amtrak has been woefully underfunded since it was created in 1971. The Bush Administration has continued this unfortunate legacy, proposing $500 million for Amtrak for FY 2003 when it needs $1.2 billion. This is unacceptable and would only continue to allow Amtrak to wither on the vine.

President Bush's recent proposal that Amtrak make a quick profit and be spun off to private corporations is a nonstarter. First, no passenger rail service in the world—including every subway system—operates without subsidies. Second, Amtrak was created because the private railroads asked that they no longer be required to operate passenger rail service because it was unprofitable. If passenger rail service was not profitable for railroads to run three decades ago, I do not see how it could be profitable now.

The American people deserve an alternative to driving and flying. If the President refuses to lead. Congress must step in and keep the trains running on time.

Mrs. MALONEY of New York. Mr. Speaker, Amtrak is an institution that we must preserve. Now is not the time to turn our backs, and deny the emergency aid that we need to keep this service running. Amtrak officially began service on May 1, 1971, when Clocker no. 235 departed New York's Penn Station at 12:05 a.m. bound for Philadelphia. This very same route is traversed by Amtrak trains several times daily, transporting thousands of passengers who depend on this service.

Mr. Speaker, as you well know, Amtrak has announced the imminent shut-down of operations to begin in one week. Amtrak is our national passenger rail service. I have joined the effort by signing a letter to the Appropriators asking for $200 million in supplemental appropriations in order to keep Amtrak in business. Were Amtrak to shut down, the consequences would be far more widespread than merely affecting long-range service. This shut down would be disastrous to commuters, as such commuter lines as Virginia Railway Express and MARC in the Washington DC area, and Shoreline East in Connecticut, all operate on Amtrak tracks and use Amtrak crews.

Each day, 60,000 passengers travel on Amtrak, and 24,000 travel between New York and Washington, DC alone. The entire Northeast Corridor would be crippled by a shutdown of Amtrak service.

Mr. Speaker, when service first began in 1971, Amtrak had merely 25 employees. Today, Amtrak provides employment for over 24,000 workers. Amtrak's future is an issue that must be resolved. Mr. Speaker, we in Congress must be adamant about guaranteeing to Amtrak that we will not let it fall. Congress must also resolve to adopting a long-term strategy of reform for our nation's passenger rail system. Congress must be sure that Amtrak can continue maintaining, and upgrading its fleet of trains. A quick fix cannot be misconstrued as being a long-term answer.

Mr. Speaker, I do not stand alone when I say America needs Amtrak. Yes, we need a strong and reliable passenger rail system. With improvement, Amtrak would be much cheaper to maintain than constructing new airports and highways. Rail stations, are far more environmentally friendly than airports, and putting more cars on our highways. Terminating Amtrak will mean a serious loss to metropolitan areas as New York and Chicago. The loss of train service will lead to increased automobile traffic into downtown areas from the suburbs. Passenger rail service is very important to maintaining and improving pollution levels. Without commuter rail service, the number of cars that already pack New York City's crowded streets would greatly increase.

Pollution and transportation are not issues limited to the northeastern corridor. These are national issues, as well. Amtrak is also a national issue. People all over the country ride on the passenger rail service Amtrak provides.

Mr. Speaker, Amtrak is worth maintaining. We must also recognize that it is in Congress's power to step in and fix this problem.

Mr. Speaker, this issue needs our attention and it needs it now. Congress must pass an aid package that gives Amtrak the tools not only to survive, but also to excel.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–536) on the resolution (H. Res. 461) providing for consideration of the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5011, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–537) on the resolution (H. Res. 462) providing for consideration of the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–538) on the resolution (H. Res. 463) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

THE SKYROCKETING COST OF PRESCRIPTION DRUGS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Florida (Mrs. THURMAN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. THURMAN. Mr. Speaker, tonight we have a group of women here who are very concerned about the prescription drug benefit that we may be voting on this week and with some particular interest in the high cost and skyrocketing cost of prescription drugs in this country.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who is a valuable member to our caucus and has been actively involved in the area of prescription drugs.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from Florida for yielding to me, who has been such a great leader on an issue that is so important to the 39 million people who are on Medicare. Those are the elderly and persons with disabilities.

A lot of times we come to the floor and we talk about people that are in our districts or people that we have heard about or issues that affect some segment of our society, but not so often do we come to the floor and talk about a problem that affects so many people that also directly impacts our own families.

The issue of the high cost of prescription drugs is hard to escape from, regardless of the income or the position of one's family. I found, much to my surprise, sometime ago that my family was not immune from this particular crisis.

One day I got an e-mail from a cousin of mine that said, "The reason I am writing you today, I saw you on C-SPAN giving a speech on prescription drugs." He said, "I thought you would be interested in my mom's story." This is also my cousin, his mother.

"The last couple of years of my dad's life, he was relying heavily on all sorts of heart medication and other prescription drugs to keep him going and maintain a quality of life."

□ 1930

Well, Mom kept on putting those drugs on their credit cards. How else were they going to pay for them? With Social Security? I do not think so.

Well, anyway Mom did everything she could to make sure Dad got his meds. When Dad passed away in January 1998, Mom was left with a mountain of credit card debt. The Tuesday after his funeral, she had to declare bankruptcy. It just does not seem fair. But if you ask Mom, she would do it all over again to have a few more days with Dad.

As we the baby boomers get older and the cost of prescription drugs is skyrocketing, something needs to be done to curb the drug companies. It cannot all be for recouping R and D. Somebody is gouging somebody.

This e-mail was sent to me almost exactly 2 years ago today. And at that time there was not a candidate running for office, particularly for Federal office, who was not promising that something was going to be done about that high cost of prescription drugs. Oh, yes, elect me and I will go to the White House or I will go to the Congress and I will pass a prescription drug benefit for senior citizens. Do not worry, seniors. Vote for me and I will get you a prescription drug benefit. There was not anybody running for any office at the Federal level that did not say that.

Well, those seniors, people in our own families, are still waiting in line for that prescription drug benefit. We are almost through an entire session of Congress, and there still is not a prescription drug benefit. They have been bumped out of their place in line by the airlines who we bailed out a very short time after September 11. They have been displaced from their place in line by a very few rich dead people when we excused them from the estate tax. And now as the front of the line appears closer and closer, maybe they are getting there, what they are offered up by the Republicans is a sham and not a plan, a bill that was written by the drug companies and for the drug companies that does nothing to control the high cost of prescription drugs, provides no guaranteed benefit, there is no predictable premium or copayment, no guarantee even that any insurance company will even offer them the chance to purchase a plan.

A former member, Bill Gradison, who was president of the Health Insurance Association of America from 1993 to 1998, criticized the GOP private market approach to prescription drug coverage saying, "I am very skeptical that 'drug only' private plans would develop."

So even those people who are associated with the insurance industry think that there is not going to be such a plan available. That is what the Republicans have offered up.

The Democrats on the other hand, we have a plan that does provide a guaranteed benefit, that is absolutely going to lower the cost of prescription drugs, will lower the cost by enabling the Secretary of Health and Human Services to negotiate a lower price for senior citizens, that says that all the beneficiaries of Medicare, our group just like an HMO or the Veterans Administration, and they will negotiate a lower price for senior citizens, and lower the amount of out-of-pocket costs.

But women, women are the ones who are most affected, that are most hurt by the high cost of prescription drugs just like my cousin was who had to declare bankruptcy. Out-of-pocket spending on prescription drugs by seniors is the single largest out-of-pocket health care component after premium payments.

Older women spend more out of pocket on prescription drugs on average than do older men regardless of the type of supplemental insurance coverage they have. Women on Medicare without supplemental benefits spend almost 40 percent more on prescription drugs than men, and men are spending too much. Older women are less likely than men to have employer-sponsored prescription drug coverage. Women without drug coverage spend more out of pocket on drugs than men. On average older women fill more prescriptions than men each year regardless of whether they have prescription drug coverage. Older women without prescription drug coverage on average have 18 prescriptions filled in 1 year compared to 14 for men.

So this is a problem that impacts all Medicare beneficiaries, all old, every American, but particularly falls the hardest on women. And I know that my colleagues here, the women here, today are going to talk about how the Democratic plan is going to directly address the needs of the elderly, and particularly elderly women; and we will go into that.

But I would just like to say that if anybody thinks that their families, their own relatives, their own parents or grandparents and aunts and uncles and cousins are immune from the runaway costs of prescription drugs, think again. If my cousin had not sent me this e-mail telling me about the bankruptcy in my own family, I would not have known because my cousin was too proud to tell anyone in the family that this is what was going on.

So I am just happy to be part of a great group of women who are here today to stick up for and to go to bat for all of the women who really need our help with the true prescription drug benefit under Medicare. I thank the gentlewoman for yielding to me.

Mrs. THURMAN. Mr. Speaker, I thank the gentlewoman and certainly appreciate the story that you told about your cousins because there are hundreds and thousands of stories like that throughout this country, and it puts a face on why this issue becomes so important to us in this Congress.

At this time, I yield to the gentlewoman from Nevada (Ms. BERKLEY) who has been a continued voice of reason from her experience and the experience from her own State, and we are certainly glad that she is here to engage us and give us some idea of what has been happening and happened and why some of these plans just will not work.

Ms. BERKLEY. Mr. Speaker, I thank the gentlewoman from Florida (Mrs. THURMAN) and the gentlewoman from California (Ms. MILLENDER-MCDONALD), the cochair of the Women's Caucus for organizing this Special Order.

I am here to discuss an issue that is absolutely crucial to seniors across America, Medicare coverage for prescription drugs. This is one of the most important issues that Congress will work on this year. This is a defining issue. Who exactly do we represent in this body? Do we represent millions of older Americans or do we represent the CEOs of the pharmaceutical companies? Seniors have the greatest need for prescription drugs. In many cases medicine is the most effective, perhaps the only, treatment for illness; and yet one-third of senior citizens do not have any prescription drug coverage at all.

This means that millions of seniors in our country have no prescription drug insurance, and soaring drug prices are putting necessary medications out of their reach. They simply cannot afford them. Nowhere is this problem more apparent than in my district in southern Nevada.

Southern Nevada has the fastest growing senior population in the United States. When I go home every weekend, my seniors tell me about the drugs they are taking, the medications they need. They tell me how much they cost, and they tell me how difficult it is and what difficult choices they have to make. Do they cut the prescribed doses to make the medicine last longer? Do they take their medicine every day? Every other day? Do they pay their rent? Do they pay their electric bills? Do they buy groceries, or do they buy medicine?

We have to do better as a Nation. We have to do better. We must enact the prescription drug benefit under Medicare. Our seniors are demanding it. Our seniors deserve it from their elected representatives. They are counting on us to honor our promises, our campaign promises to provide affordable prescription medication under Medicare, where it belongs, to older Americans.

This legislation, the legislation that the Republican majority is sponsoring is a sham. It is not a prescription medication benefit. It is a press release, and it is a campaign ad. Their so-called benefit is complicated, and it is not guaranteed. There are gaps in the coverage and it will do nothing, absolutely nothing to lower the prices of prescription drugs. Their plan will not get the job done for our seniors.

The majority bill also does a terrible disservice to our Nation's Medicare providers. If the Republican majority cared one wit for Medicare patients, for their doctors, we would pass a freestanding bill to restore Medicare reimbursements to doctors and other health care providers. Our doctors and health care providers, our nurses, our hospitals, other health care providers, are being deceived and they are being hurt by being thrown into the middle of this divisive issue. By attaching the Medicare reimbursement to a useless sham of an insurance based prescription bill, the Republicans have unfortunately doomed both.

I am for a prescription drug benefit that is comprehensive, affordable and guaranteed. I am for a benefit that will provide uniform coverage for every senior in America no matter where they live or what their income. It does not matter if they live in the State of Nevada where we have a State program. It matters that all seniors are covered throughout the United States.

America's seniors are depending on us to give them a benefit, the right benefit. Let us act responsibly and give them what they need, what they deserve, what they are counting on.

Our Nation is depending on us. They are looking to us to do the right thing, and it is time for us to step up to the plate, fulfill our campaign promises and improve the lives of older Americans in this country.

I thank the gentlewoman, and I appreciate the opportunity.

Mrs. THURMAN. Mr. Speaker, I appreciate the gentlewoman's concern and her participation in tonight's Special Order.

It is now my privilege to yield to the gentlewoman from North Carolina (Mrs. CLAYTON), someone who I have valued over the last 10 years, somebody who came in with me, and somebody I served with on the Committee on Agriculture, and someone all of us in this House respect for the work that she has done. We are all very sad that she has made a choice to go home, but I have met her husband T.T., and I certainly understand. I am glad to have the gentlewoman here today.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for her leadership, and I thank her for yielding and her remarks.

Mr. Speaker, I rise today to remind my colleagues of a promise made by Members and the Presidential candidates of both parties only a little less than 2 years ago. We all agreed that the rising costs of prescription drugs had reached critical mass and that it was forcing many Americans, particularly our senior citizens, to make choices they should not, in their golden years, be forced to make.

But I also would like to point out that what the Republican leadership is just now getting around to offering is a choice that really is no choice. They have tied two issues that really should be dealt with separately. One is the prescription drug plan that is deficient at best and probably is dead on arrival in the Senate. The second matter is increasing reimbursements to rural hospitals and medical facilities by Medicare to better reflect the costs of providing a better service which I support but not in this bill. And especially as a co-chair of the Rural Caucus and the member of the Rural Health Caucus, we know the devastation that rural hospitals are suffering. So they need this reimbursement.

So they have tied these two issues together with their Medicare Modernization and Prescription Drug Bill. The Republican leadership pits struggling health care facilities against struggling seniors. In this, the majority party shows us the height of their cynicism and the depth of their partisan politics at the same time. That is quite a feat, unfortunately. It would do nothing serious to help solve our seniors' problems relating to access and affordability when we understand what they have provided.

Now, it does do something, I have to say, in terms of the hospital. But it will not be enough to solve the financial crises being experienced by our hospitals and our clinics, particularly in rural areas, and as a result of inadequate Medicare payments.

The choices too many of our seniors are forced to make result in the difference between life and death in a struggle to juggle the very basics of their life such as rent, utilities, food, medicine and having those conditions that senior citizens have to juggle each time to make sure they are living.

Disproportionately to men, this is the common quandary in which senior women find themselves. Senior women find themselves far greater in the quagmire. First of all, women live longer than men.

□ 1945

It is also a fact that cardiovascular disease is the leading cause of disability and death for women. Women have the highest incidence of diabetes, stroke, high blood pressure and cholesterol problems. There are also maladies like Parkinson's and Alzheimer's disease, breast cancer, arthritis and others, all of these requiring a lot of medication.

As a result of years of gender pay inequity and other factors, older women are poorer than older men. Seventy-five percent of all elderly poor are women. Older women are twice as likely as older men to have incomes below $10,000. Sixty percent of all Medicaid beneficiaries are women, many widowed; and among Medicare beneficiaries of all ages with incomes below the poverty level, nearly 70 percent of them are women.

Women are living longer than men with less money, usually on fixed income and with more medical problems to deal with, therefore requiring more prescription drugs, but prices for these drugs are increasing at triple the rate of inflation.

According to a recent study by Families USA, which analyzed price increases for the 50 most commonly prescribed drugs for seniors over the last year, for the last year, nearly three-quarters of these drugs rose at least 1½ times the rate of inflation and over one-third rose three or more times the rate of inflation.

Ten of the 50 most prescribed drugs for seniors are generics, only 10 of them. The average price for generic drugs is only about $375. However, the average price for the 40 that are not generically available is $1,103, three times that.

So women who have less money, less income, more health problems, find themselves having to rely on drugs that are four and five times the cost of generics or they are not available.

Helping our hospitals by modernizing the payment schedule for medical services provided under Medicare and helping our seniors cope with the costs of life-sustaining medicines that are spiraling out of control are both worthy causes. We should be doing both but differently. They have different objectives, and they should be separated in different bills. These two issues should be debated separately in order to spare the people affected a divisive fight they did not pick.

I have my rural hospital calling me right now to tell me to vote for this bill, and they know that I understand their plight. I also have my senior citizens calling me that this is insufficient.

We should not be having these divisive fights by struggling rural hospitals and struggling rural citizens. We are pitting them together.

The leadership knows what it is doing. It is putting together a poison pill for us to swallow. This is no choice because, indeed, my senior citizens should not indeed have to do this.

We can do better, and we should do better, and the Republican leadership knows this is indeed only a fight of ideology, not really a worthy fight of principle.

I thank the gentlewoman from Florida as well as the gentlewoman from California for having allowed me to participate in this special order on this very special subject.

Mrs. THURMAN. Mr. Speaker, I thank the gentlewoman from North Carolina for her participation and her wonderful information that she has shared with us here tonight.

I would like to now take some time to ask the gentlewoman from California (Ms. MILLENDER-McDONALD) to speak. I know she has some words. She has been a great leader on this, and she has worked so well with the Women's Caucus in trying to bring the issues and make sense of some of these things that we are hearing about in potential bills. I know tonight that we had especially one Republican Member of their caucus that got up and kind of talked about some issues that really kind of go to the essence of part of our message here tonight. So I would love to yield to the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentlewoman from Florida for her leadership on this issue. She has been absolutely front and center with us on this very critical issue, an issue that is absolutely critical and important to women, senior women, seniors, and women as a whole.

I was struck tonight by one of my Republican colleagues who came to the floor, the gentleman from Minnesota (Mr. GUTKNECHT), and he said something to the effect that we know the bill has problems, he says, about his Republican bill. He also said we must do something serious about this critical issue. It was amazing that he admitted to the fact that the Republican bill has problems, but I want to turn our attention to this chart I have behind me, because this chart speaks volumes to the experts who have also spoken about their concerns about the Republican drug bill.

Bill Gradison, the former president of the Health Insurance Association of America, says, I am very skeptical that drug-only private plans would develop.

Then we have John Rother, the policy director of AARP, and he says, There is a risk of repeating the HMO experience.

These experts are talking about this Republican drug bill.

Then we have Richard A. Barasch, chairman of Universal America Financial Corporation, and he says, I do not think it is impossible but the odds are against it, insurance participation. In fact, he is talking about the insurance company's participation.

Then we have Thomas Boudreau, the senior vice-president and general counsel of Express Scrips, and he says, We are not enthusiastic about that approach.

When we have these four to five experts that are experts in prescription drugs and Medicare and they are saying they have a problem with this Republican drug bill, then it solidifies just what we Democrats have said all along. This bill is flawed. This bill does not speak to what the Democrats have in our plan that we call the Medicare Modernization and Prescription Drug Act of 2002. This is a plan that is universal, affordable, dependable and accessible, and in spite of all of those fake things the Democratic plan has, it is voluntary.

When the gentlewoman from Florida (Mrs. THURMAN) talks about that, I am happy to join her and the other Members who have now come to the floor so that we can talk about some of the stories that we have, that we can bring to the American people about the difference between the Democratic prescription drug plan and the Republican prescription drug plan. So I will turn it back to her. Then, of course, she will introduce the other two ladies, and we will get started on what the people are telling us about the difference.

Mrs. THURMAN. Mr. Speaker, reclaiming my time, before we move on to that, because I think the gentlewoman's poster says what the experts are saying about the Republican drug plan, one of the big differences that we all need to recognize is that, under the Democratic plan, seniors would have a new benefit under Medicare.

Let me repeat that, under Medicare, and that would look and operate like the benefits they already get such as hospitalization and physician care because we would use those same providers that we use today. However, very interesting, the Republican bill can only guarantee private HMO-like drug plans and will participate in every area we think almost by bribing the taxpayer, because this is what they do. This goes directly to my colleague's poster, directly to her poster. To entice plans to participate, the Republicans allow a giveaway to the private insurers of up to 99.99 percent of the risk they would incur. In other words, in areas of the country where private plans are worried they might not make a profit, the government would guarantee at least a minimal profit to the private insurers at taxpayers' expense.

The GOP plan does not require that the HMO-like insurers pass on the subsidies to the beneficiaries, directly to what they are saying.

First of all, we do not know that there would even be a plan that would be offered. If there is not one, they are going to actually entice them at taxpayers' funding, similar to what we have done under Medicare Choice programs that have created all kinds of problems for us and, just as importantly, in this plan we still do not give the authority of the Secretary to, in fact, negotiate and use the power of 40 million Medicare beneficiaries to achieve greater discounts for seniors.

Guess what? This is proven. Look at the programs that we talk about up here. The gentlewoman from Florida (Ms. BROWN) can tell us. She is a member of the Committee on Veterans Affairs. She has been an outspoken member on the Committee on Veterans Affairs and, in particular, dealing with prescription drugs both at the VA level and for our military retirees that we have offered. She can tell my colleagues that the power of people, and when we put a number like 40 million people into the risk pool, the costs are reduced.

She has done a fabulous job in this area, and I would love to hear some of her maybe comments and experiences that she has even had in that realm, showing why it is so important that this goes under Medicare and not to private insurers. We are so glad she is here tonight, and we really do appreciate her leadership on this issue.

Ms. BROWN of Florida. Mr. Speaker, let me just say that I want to thank the gentlewoman for yielding, but I want to also thank her for her leadership on this matter. We both share the great State of Florida, and we also share the many problems. Being one of the oldest aging populations, we understand what our seniors are going through, and we know we have got to bring some relief from the Federal Government, because clearly both of us serve, she served in the Senate and I served in the House, we know that in Florida, just as in Washington, the only thing that is going on is tax breaks, tax breaks, tax breaks, and not addressing the problems that our senior citizens are experiencing.

Let me just tell my colleagues about my experience. When we had our little break in March, I went home. Just like all of us when we go home, we are going to do what we can to help out with our family; and so I am going to go to pick up my grandmother's prescription. Of course, I went there, and I am ready with my money, and I am waiting for the prescription. I know she pays this bill every month, $53, so that she can get a reduction and with an HMO. So I thought it would be a $10 or $15 co-payment, just like we have a co-payment of a small amount.

The amount of the bill was $91 for one prescription. I could not believe it, $91. I talked to the doctor, and I wanted to know, I talked to the pharmacist, what is the problem, and what they told me was that her benefit had run out. We are talking about March. Three months with this HMO, and her benefits had run out.

So when I think about my grandmother, who I could write a check for $91, I think about all the other grandmothers. We have a responsibility to look out for the grandmothers who cannot afford $91 a month for one prescription, and most people are taking four and five. It does not make any sense.

During the last election, and my colleagues know the kind of hanky-panky that went on in Florida, but one thing we do know for sure, that all of the candidates were saying that, if elected, I will provide a prescription benefit for the seniors.

□ 2000

Well, let me tell everyone something. We have been waiting 2 years for that promise to be kept, and in the meantime we have had constant tax cuts. We have had the terrorists operate; and if we are not careful, the seniors who cannot afford it will be the ones who are left out in the cold.

Mrs. THURMAN. Mr. Speaker, I want to talk about that for just a second and what the gentlewoman from Florida (Ms. BROWN) talked about in the benefit plan and particularly because it was under probably a Medicare Choice program of some sort; and by the way, the Medicare Choice plans would be covered under the Democratic plan. There has been some conversation on this floor over the last couple of days saying they would not be able to keep what they already have. That is not true. That is number one.

Number two, though, the gentlewoman from Florida (Ms. BROWN) mentioned a couple things that I think are extremely important to point out. Number one, under the Democratic plan it is a guaranteed minimum benefit, that is guaranteed; and under the Republican plan it is not. Guaranteed lower drug prices, for Democrats the answer is yes. For Republicans, it is no. Guaranteed monthly premium, that is a good thing. We think that is wonderful. Ours would be $25 set in the bill. It says $25. In the Republican plan we have no guaranteed monthly premium.

What we have is a CBO estimate that it might be on an average premium of $34, not set in the bill. Annual deductible, again a most important part. The gentlewoman from Florida (Ms. BROWN) talked about her grandmother in March. Well, under the Democratic plan it says $100 deductible, period. Under the Republican plan it says $250 or an amount that makes benefit actuarially equivalent. I am not an actuary; so I am not sure what that means, but somebody will explain it. Co-insurance paid by beneficiary per year, 20 percent under the Democratic plan until out-of-pocket cost is $2,000. Under the Republican bill, listen because we have got to make this difficult, 20 percent for $251 to $1,000; 50 percent for $1,001 to $2,000; 100 percent of above $2,000 until out-of-pocket cost is $3,800.

Ms. BROWN of Florida. Mr. Speaker, would the gentlewoman yield?

Mrs. THURMAN. I yield to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I just want my colleagues to know that my grandmother cannot afford $3,800 a year. She is 96 years old. She does not have $3,800; and there lies the problem because our seniors just do not have it, and I do not understand why these other people do not get it. They are deciding. They have to pay their rent, they have to pay their mortgage, they have to buy food, and they just do not have this kind of money. I do not understand. Since the Republicans have taken over, what they practice is what I call reverse Robin Hood, reverse Robin Hood. When I was coming up, I used to watch Robin Hood. Reverse, stealing from the poor and working people, and now our frail elderly, to give tax breaks to the rich.

Ms. MILLENDER-McDONALD. Mr. Speaker, if the gentlewoman from Florida (Mrs. THURMAN) will yield, if I can just show this chart. As the gentlewoman from Florida (Mrs. THURMAN) laid out, the actual premiums and the comparison of the two bills showing that the Democratic plan is the better plan, this is how much the average senior will save. The Republican plan, only 22 percent, compared to the Democratic plan that they will save 68 percent; and this is according to the CBO, the average senior will spend $3,059 on prescription medicine in 2005, the first year of any Medicare drug benefit. This right here absolutely outlines by the Congressional Budget Office that the comparisons are so stark that we can see that the Democratic plan absolutely gives a better benefit to seniors than that of the Republican plan.

Mrs. THURMAN. Mr. Speaker, one other issue that the gentlewoman from Florida (Ms. BROWN) brought up that I also think is very important in this debate and quite frankly it is an issue that our Republican colleagues are having, I can say from CongressDaily today, one is the cost issue. They are concerned about it. The gentleman from Minnesota (Mr. GUTKNECHT) came on the floor and showed the comparison of what we do in this country as compared to the same cost of that drug in another country, an industrialized country which is important to appreciate and understand and the price issue but it is the pharmacist issue.

Let me tell a little story that I think makes a really good point. A couple of years ago, my mother, who lived with me, and I took care of her when she was sick and she was in Florida with me during one of my breaks, she had been at one of our teaching hospitals, Shands. I had brought her home after she had been in the hospital for a couple of days, and they had said to me, You know, Karen, we think these are some of the things we think are wrong, and what we want to do is go ahead and put her on some medications, but we would like you to bring her back in about 10 days to see how she is doing." I said, okay.

So I go to the pharmacist, and I pick up the medicines. And I am not even going to speak to the cost of the medicines, but my dad was military, so my mother had always had the opportunity to go to the bases to get her medicines and she was in sticker shock, I think, for the very first time to see what the real cost of medicines were for other folks, or for her friends.

But listen to how important this was. Just leaving the pharmacist out of this equation, which is another thing they do in this bill basically, because they do not have to include the pharmacist, our local pharmacies, my pharmacist said to me, You know, Karen, I can give you the full month's prescription on this, and it will cost you X amount of dollars, he said, but when does your mom go back to the doctor to get a checkup? And I said, Well, in about 10 days we will take her back to see how things are going. He said to me, You know what. I will just give you a 10- or 11-day supply. Why should I make you pay for 30 days when they may end up changing her medication because it may not be doing what it is supposed to be doing.

That 10-day supply was something that cost me less, cost my mother less; and more importantly, when she went to the doctor in 10 days, guess what, they in fact did change and prescribe something different. And I just have to say that that kind of a story is so important to why the local pharmacists need to be involved in this issue, because we depend on them.

Ms. BROWN of Florida. Mr. Speaker, if the gentlewoman will yield on that point. I had the Committee on Government Reform do a study in my district, and we compared what the seniors in the Third Congressional District of Florida pay. We pay 131 percent more for a brand-name prescription than other consumers and 98 percent more than consumers in Canada and Mexico.

Mrs. THURMAN. Reclaiming my time, Mr. Speaker, I want to get back to that issue, because I want to talk about an amendment that we offered to try to bring the cost down.

But at this time I would like to take the opportunity to invite the gentlewoman from Texas (Ms. JACKSON-LEE), a valued Member of this body, who has been actively involved in this issue and who I think has some information that we might have skipped over. So I would like to invite her into this discussion.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from Florida (Mrs. THURMAN), and might I acknowledge my other colleagues, the gentlewoman from California and, of course, the gentlewoman from Florida (Ms. BROWN) for their leadership, and particularly the areas of expertise that they all generate.

I thought it would be helpful, as I was listening to my colleagues, to come to the floor and share some of the messages and the concerns that I bring back from Texas, but also the history of the Medicare legislation that many of my colleagues are familiar with.

I would like to, as I show them some very important facts in pictures tonight, I would like to hold up a picture of President Johnson signing this legislation in 1965. If we were to track the aging of America, we would determine that post-1965 our senior citizens have lived longer because of the implementation of Medicare. And what we talk about tonight is the component that will add to the life of seniors today who are losing ground because so many of them now do not have a prescription drug benefit. That is what we are talking about with the Democratic plan, a benefit. That is quite the contrary from a voluntary optional program which an individual can choose to participate in.

Now, many of my friends have said, and as many of my colleagues know, particularly the gentlewoman from Florida (Mrs. THURMAN), we have been on this issue now for at least, I guess in our life, two or three terms, but 6 years or more, and some even longer; and for many times during that time frame, we budgeted very responsibly, meaning Democrats, in preparing ourselves for the expenditure. In fact, I want to cite for the record that last year, March 2001, we had about $5.6 trillion in our surplus. We were prepared for what this might cost.

I listened to the gentlewoman from Florida (Ms. BROWN) discussing her grandmother, and I took a tour of my senior citizen centers and asked couples and singles how many of them are cutting their prescription drugs, and hands went up; and how many of them are not taking the drugs or not taking them in the right amount, and hands went up. There, right in front of my eyes, was the undermining of their health.

In addition, about 2 years or so ago, I was running around my district in a panic because my seniors were in a panic. We were trying to answer concerns, because what had happened in Texas was that HMOs had shut their doors, literally shut their doors. We had seniors in Harris County who had become reliably comfortable with HMOs, between 3 and 4 million people. Many of us, elected persons and others, begged HMOs either to come back or to stay. I remember us getting into negotiations where we asked if they could stay an extra 90 days. My senior citizens know what I am talking about. Their HMOs shut down on them.

My fear with the Republican plan, this plan that is a card or some kind of membership, is that when we get to a point and we find that it is not profitable, and when I say "we" I mean those who are engaged in this plan, when they find it is not profitable, am I to expect that those pharmaceuticals will shut their plan down?

So I wanted to show another picture to say why this can be done and why it is imperative that we do this. Because imagine becoming dependent on this voluntary card, imagine seniors having accepted it, having become comfortable with it, that is, if it even works, and they get a few dollars off from it, and they hold this card in their hand and, all of a sudden there is some analyst locked up in a room somewhere in corporate headquarters that says, you know what, they are not making any money in Jacksonville, they are not making any money near Orlando or Houston, Texas, so shut it down. Then I have got thousands of seniors without the ability to secure their medicine.

I want the American public to understand that this is a well thought-out process; and we believe, many of us, that when we look responsibly at the tax cut, and I know there are many shades to the tax cut, but if we look responsibly, and we are talking about that major one that really just focused in on 1 percent of the population, there were other side-bar tax cuts, but it is that big one, and we believe when we look at that seriously we can find 64 percent of the people that would not be opposed to rolling back the tax cut that Congress passed last year and using that money to provide a prescription drug benefit under Medicare for seniors.

So this dialogue tonight, and I thank the gentlewoman from Florida for it, this dialogue tonight is not reckless, it is not an attempt to use what we do not have. It is, frankly, a recognition of really the concern we all have. And I want to be responsible, but sometimes I visit my seniors and there is panic. And I use that word only because I have seen it, the panic they might face by going one more month, one more day without a real drug benefit.

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Mr. Speaker, I simply say in closing that I know the other body is discussing this issue. We have to recognize the other body. Why pass legislation in the House that has absolutely limited chance in a compromise effort in the other body? We are trying to get legislation that is realistic and will answer the concerns of all seniors.

I am disappointed that we cannot come to a conclusion on something that deals realistically with a guaranteed benefit, and I might say protection of our rural hospitals and urban hospitals, taking care of some of the formula problems that we have, there seems to be no reason why we cannot do this. I thank the gentlewoman from Florida (Mrs. THURMAN) for her leadership.

I smile because lawyers have more than one closing, but this is a closing. Women, I have been hearing this all day long, have a greater use and/or need for Medicare drug benefit, not diminishing the men, but we are finding out that many older women are living longer, and we are going to help with research to help men, living as widows without income, they are really suffering. I think we can do better.

Mrs. THURMAN. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) and her concern for her constituents and the stories that they have told the gentlewoman.

I do want to say one other thing. We are getting phone banked in our offices right now. I had a conversation with my staff this afternoon about this phone banking. I asked what are they saying.

They said, first of all, we get this phone call, and then all of a sudden there is a click and somebody is on the phone. We say, this is the office of Mrs. THURMAN; and they say, I want you to vote for whatever the bill number is on this piece of legislation.

My answer is, I will be glad to vote on a Medicare prescription drug benefit but not one that is privatized. They say, that is exactly what I want you to do.

Just remember, all of us standing here tonight are for a prescription drug benefit that is under Medicare.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON), former ambassador, as well as a State legislator, who has dealt with State health issues in California and I know had some very difficult times after some propositions out there.

Ms. WATSON of California. Mr. Speaker, I thank the gentlewoman from Florida (Mrs. THURMAN). I thank all Members who are making the case for our seniors and particularly those who are women, because they rely more heavily on prescription drugs than the average American. Although they represent just 13 percent of the population, they consume more than one-third of all prescriptions. Not only do seniors use more drugs, they also rely on more costly medications. Drug expenditures for seniors constitute 42 percent of the Nation's total. Seniors with health insurance find themselves without coverage for prescription drugs more often than not.

More than 10 million Medicare beneficiaries lack coverage, and millions more have inadequate and unreliable drug plans. Part of the solution to our current problem is the enactment of a meaningful drug benefit within the Medicare program.

I am from California, and I know some Members did not really understand what our substitute Democratic proposal had in it. They said it will hurt California. The only reason that perception was out there is because California has an excellent MediCal program where we offer about 32 to 35 more benefits than are required under Medicaid. That accrues to the Medicare program as well. This proposal that is a substitute proposal or a supplemental proposal will only benefit our seniors in California, not hurt them.

Republicans have proposed a bill to address the problem that is just plain bogus. The American public must filter out the rhetoric and see the Republican plan and the Democratic substitute for what they really are. The phone calls that the gentlewoman is getting are people who have been deceived and misled. We need to clarify so they will know. I want to spend a second clarifying.

The Republican bill covers less than one-fourth of Medicare drug costs over the next 10 years. The Republican bill does not help with any drug cost between $2,000 and $5,600. The Republican drug benefit is vague. They offer a standard suggestion for what private plans might offer. In addition, their bill does not guarantee that seniors will have affordable, and that is the keyword, affordable drug coverage.

The House Democratic proposal adds a new Part D in Medicare that provides voluntary prescription drug coverage for all Medicare beneficiaries beginning in the year 2005. The Democratic proposal authorizes Medicare contractors to obtain guaranteed reductions in prices.

The Secretary of Health will have the authority to use the collective bargaining power of Medicare's 40 million members to negotiate prices on particular drugs. The basics are: $25 a month premium, $100 a year deductible; and beneficiaries pay 20 percent, Medicare pays 80 percent and a copay; and a $2,000 out-of-pocket limit per member per year. That, Mr. Speaker, is the Democratic plan. That is not a Republican maybe plan.

Yes, it has a price tag. But the Republican $1.6 trillion tax cut would pay for this program several times over. Just do the math.

Members should be able to respect older Americans, and we need to be able to give aid to New Yorkers post 9–11 and fight the terrorist threat at the same time. We can do it all if we were not foolishly led to support a $1.6 trillion give-back to the wealthiest Americans.

Mrs. THURMAN. Mr. Speaker, I thank the gentlewoman.

Mr. Speaker, it is my privilege to introduce the gentlewoman from California (Mrs. DAVIS) who is a freshman, who was one of those out on the campaign trail when everybody was saying we have got to have a prescription drug benefit. We are so pleased that the gentlewoman is here and is such an active voice on this issue.

Mrs. DAVIS of California. Mr. Speaker, it is true when I was out on the campaign trail we talked a lot about health care. That is why it was so interesting to me a few months ago when I was in Costco on the weekend with my husband doing some shopping and I noticed that people were following me around the store. I started getting a little nervous and finally stopped long enough for them to approach me.

Basically what they said is that they know that Congress has got to focus on the war on terrorism, that that is our priority, and I support the President in his efforts. Then they said, we understand that, but when is Congress going to get back to talking about health care? They proceeded to tell me about the difficulty that they are having with their mother and her prescription drug costs.

I know that Members get e-mails and letters daily. I have one here. "Dear Congresswoman Davis: I have only one request. That is to help us, families with members who suffer from Alzheimer's disease. Medicare does not cover my mother's prescriptions, which is very costly, around $140 for 30 tablets that she must take. Taking care of her is really hard. Where are we going to end with medication and treatment for this disease? We need your help soon."

And another letter, "As retired people and getting up in years, my wife and I are spending an increasing share of our income on medicine. I hope you can find a way to help us with that problem."

Well, we are talking about that now, and that is a good thing. The reason we are here tonight is to talk about the impact that this has particularly on women. It is all about our priorities, what is important to us and what do we choose to fund.

We know that in America today over a quarter of women on Medicare, nearly 6 million women, lack any prescription drug coverage at all. The average woman, age 65 and older, lives nearly 7 years longer than the average man, and she is typically widowed, living alone and struggling to make ends meet on an annual income of $15,615, compared to over $29,171 for men. It is nearly half of that for men.

So that is why we come before the House today to talk about how this impacts women. We know that two-thirds of Medicare beneficiaries with annual incomes below the poverty level are women and that a woman spends 20 percent of her income each year on out-of-pocket health care costs.

I am committed, as I know Members here today are committed, to a fair prescription drug plan under Medicare that does not stifle innovation or eliminate choice in coverage. I want to help seniors afford the increasingly expensive prescription drugs that they need to treat or prevent illness.

We know what is going to be before us does not have the access, has geographic inequalities that do not work, and has premium concerns that will not work for our seniors. We need to develop the best comprehensive plan. We need to develop a prescription drug plan that provides our seniors with real benefits. An alternative does exist, and I hope that there will be an opportunity to bring that to the House floor for discussion.

I thank the gentlewoman for bringing these issues before us today.

Ms. BROWN of Florida. Mr. Speaker, I understand the family of the gentleman from Indiana (Mr. KERNS) is visiting with us in Washington here today, and I know that they are very, very proud of you being the Speaker. I want to thank the gentleman for being here tonight as we conduct this very important debate.

Mrs. MALONEY of New York. Mr. Speaker, I thank you, Congresswoman THURMAN for organizing this important special order on the need for prescription drug coverage.

Medicare provides health care coverage to forty million retired and disabled Americans.

For decades, Medicare has worked to provide needed, lifesaving health care to millions, but it is missing a fundamental component: a prescription drug benefit.

If we have courage, this Congress can make history and give our nation's seniors what they desperately need: a real, and meaningful prescription drug plan.

I am proud to joint my Democratic Colleagues, lead by Mr. DINGELL, Mr. RANGEL, Mr. STARK and Mr. BROWN, as an original cosponsor of the "Medicare Prescription Drug Benefit and Discount Act."

I come to the floor this evening to discuss two points:

Number 1: unlike the Republican drug plan, the Democratic plan is simple because it builds upon a proven model—Medicare.

Just like seniors pay a Part B premium today for doctor visits, under our plan, seniors would pay a voluntary Part D premium of $25 per month for drug coverage. For that, Medicare or the government will pay 80 percent of drug costs after a $100 deductible. And NO senior will have to pay more than $2,000 in costs per year.

There is an urgent need for this plan. The most recent data indicates that almost 40 percent of serniors—an estimated 11 million—have no drug coverage. Problems are particularly acute for low income seniors and seniors over the age of 85 (the majority whom are women). Additionally, those older Americans who do have coverage find that their coverage is often inadequate for their needs.

The Democratic plan is a real plan with real numbers, not estimates.

Point 2: the Republican Plan does nothing to bring down the cost of prescription drugs. The Democratic plan is the only plan that provides real Medicare prescription drug coverage for our seniors by stopping soaring drug costs.

Under the buying power of Medicare, through competition and bargaining we can rein in drug costs. Prescription drug costs are too high for our older Americans. They need help now!

For instance, look at Prevacid. Prevacid is an unclear medication, and the second most widely used drug by American seniors. The cost for this prescription is on average $137.54 per month in New York City—cut only $45.02 in the United Kingdom, a price different of 200 percent.

Or look at Celebrex, a popular arthritis medication and a drug needed by many older women, especially, since older women are stricken more often than men by arthritis. According to a Government Reform Committee report released by Mr. WEINER and myself, a monthly supply of this drug costs $86.26 in New York City. In France, a monthly supply of Celebrex costs only $30.60. This is a price differental of 182 percent. Seniors in New York City without drug coverage must pay almost three times as much as purchasers in France.

Prices for prescriptions have risen 10 percent per years for the last several years, leading to over $37 billion in profits last year for the giant drug companies. While these corporations wallow in their spoils, seniors suffer without coverage.

Unfortunately, the brunt of the problem falls squarely on our nation's olderly women, who are nearly sixty percent of our senior citizens. We need to take care of America's older women, we need to help all of our senior citizens.

Mr. Speaker, we must pass the Democratic prescription drug plan without delay. It is built on a proven model medicare. The Republican plan only offers gap-ridden coverage. The Republican bill is about privatization. The Republican plan is all about election year politics.

For the sake of our seniors, we must pass the democratic plan, and we must pass it now.

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GENERAL LEAVE

Mrs. THURMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore (Mr. KERNS). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

NINTH CIRCUIT RULES PLEDGE OF ALLEGIANCE UNCONSTITUTIONAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. COX) is recognized for 60 minutes as the designee of the majority leader.

Mr. COX. Mr. Speaker, I rise this evening to bring to the attention of the House the decision of the Ninth Circuit Court of Appeals in the case of Michael A. Newdow v. United States Congress. This case, Mr. Speaker, even though it was decided by the Ninth Circuit Court of Appeals only a few hours ago, has already attracted considerable national attention. Indeed, it has drawn the comment of the President of the United States.

The reason is rather simple. It is a decision involving something that is well known to all of us in this Chamber, the Pledge of Allegiance. The Ninth Circuit Court of Appeals has ruled that the Pledge of Allegiance, written into statute a half century ago, is unconstitutional. Of course this Chamber is opened each day with a recitation of the Pledge of Allegiance. Public schools across the country begin their day this way. Some Members and some students may, if they choose, listen or absent themselves, indeed, because there is no requirement of Members of Congress as we open our day this way or of students that they recite the Pledge. It is a voluntary act.

Nonetheless, a parent, Michael A. Newdow, of a student in a California public school, brought a lawsuit, one of several that he has brought, urging an injunction against the President of the United States and an injunction against this Congress. In the latter case, he wished us to be ordered by court immediately to rewrite the statute, the statute he wished that we would rewrite so that the words "under God" would be deleted from the Pledge of Allegiance.

I think because the Pledge is so familiar to us, particularly the Pledge has been recited by so many so often in so many public ways, whether it be at sporting events or public gatherings since September 11, that it comes as something of an unexpected surprise that a court would rule this way. I will devote a brief portion of my brief remarks this evening to the substance of the question and, that is, whether or not Congress, which was a defendant in this case, was within its rights to write the law as we did a half century ago; but I would spend most of my time drawing attention to what I consider to be the sloppy jurisprudence in this case.

What is really at issue in what shall become a very well known decision of Newdow v. U.S. Congress is the rule of law. Precious little respect was paid to precedent in this case, because many of the questions, procedural questions indeed, not just the substance here, many of the questions have already been decided. But this court chose to decide the same questions differently, and that lack of respect for precedent raises questions about the rule of law in America, about the predictability of the law, about the ability of any of us to know in advance what are the rules to which we must conform our conduct.

Let me begin by just describing a little bit about the case, a little bit about the facts of the case. Newdow, the fellow who brought the lawsuit, is an atheist whose daughter attends public elementary school in the Elk Grove Unified School District in my State of California. In the public school that she attends, like many public schools, they start the day with the Pledge of Allegiance.

But Newdow, according to the Ninth Circuit, does not allege that his daughter's teacher or school district requires his daughter to participate in reciting the Pledge. Rather, he claims that his daughter is injured when she is compelled to watch and listen. That is what this lawsuit is all about, according to the Ninth Circuit. The gravamen of the complaint is there is injury, that is the word that is used, and it is an important word, as I shall return to in just a moment. There is injury when someone is required to be in the presence of others who are reciting something in which they believe. The United States Supreme Court was asked to decide this question, this very question, in another case, Valley Forge Christian College v. Americans United for Separation of Church and State, Incorporated, 1982. Here is what the Court said in the Valley Forge case:

"The psychological consequence presumably produced by observation of conduct with which one disagrees is not an injury sufficient to confer standing under article 3, even though the disagreement is phrased in constitutional terms."

Let me describe a little bit about what the Court was saying here. The Court said there was no standing under article 3. That is lawyer language which means there was no case. The very jurisdiction of a Federal court requires as a condition for proceeding to hear the facts and apply the law that there be an injury in fact, somebody be injured by the thing about which they are complaining. And so that was a threshold question that the Court had to decide here: Was this man, Mr. Newdow, sufficiently injured personally by what was going on in this case, particularly by the act of Congress, which is what he was suing about? And the Supreme Court said "no" in the case of Valley Forge. They could not have said "no" in plainer terms, because he pleaded in his action that his daughter's teacher and the school district did not require his daughter to participate in reading the Pledge of Allegiance. That was his allegation about this case. Rather, he claims that his daughter is injured when she is compelled to watch and listen.

So now let us go back to that language of the Supreme Court. The Supreme Court said, "The psychological consequence presumably produced by observation of conduct with which one disagrees is not an injury sufficient to confer standing under article 3, even though the disagreement is phrased in constitutional terms."

The Ninth Circuit Court of Appeals was aware of this binding U.S. Supreme Court precedent. And what did they say to deal with that fact? They said, "Valley Forge remains good law." They acknowledge that case has not been overturned. It has not been reversed. It is still there. But what they chose to do is to say essentially that the law is progressing here, we want to take it the next step, because they view the law as an organism, something that is ever evolving and changing and developing. Leave aside whether they are right or wrong in the application of that principle, if one chooses to call it that, in this case. What does it mean if the law is the plastic, malleable instrument of judges? It means that none of us as citizens knows in advance how the case is going to be decided, how it is going to turn out.

Everyone here, in addition perhaps to having said the Pledge of Allegiance in school when they were schoolchildren, probably learned about Hammurabi. Hammurabi is well known for erecting in the town square stone tablets bearing the written law. For the first time, the law was written down. Why was that important? Why was written law important? It was important because, for the first time, the subjects of Hammurabi, the citizens, knew in advance the standard to which they should conform their conduct. And at that moment the law stopped being arbitrary. We have heard it said that we are a government of laws, not men. Yet what does it mean when it is essentially a lottery? We roll the dice. We do not know how these cases are going to turn out in advance because it is up to the judges and their personal view.

One of the contests in constitutional law, in constitutional interpretation, is between those who believe in what is sometimes referred to as original intent, those who believe that what the people who wrote it matters in interpreting the words, versus those who believe in the Constitution as a living document, that the way we choose to interpret those words in our time and place ought to govern.

It is of some great consequence how one answers that question, because the Founders lived some time ago; and whether or not one agrees with them or disagrees with them subsequently, in subsequent ages, at least what was settled at the time becomes an objective standard. And the Founders left us with an article in the Constitution, article 5, that permits us in our time and place to amend the document if we decide that it is too much of a tight collar for us and we cannot live within those strictures in our place and time. So is there anything about the first amendment which is at issue here in the time of its drafting and what was on the mind of the Founders that can help us understand whether they thought that references to God in public places, not references to a particular establishment of religion, were violative of the Constitution?

Let us turn to the first amendment. With respect to religion, it is very concise. It says, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." So the question is, should this clause be interpreted as barring the government from giving preferment to a particular religion? That is one interpretation. Or should it be interpreted as requiring the complete and total elimination of any reference to God in our public institutions? That is a different interpretation.

The Supreme Court considered this very question in an earlier case involving the Pledge of Allegiance. They considered it in a different way, however. Remember that the language that we are talking about, "under God," was added a half century ago. A few years before that language was added, the Supreme Court first considered the Pledge without those words, and it decided that students cannot be required to recite it. Students cannot be required to salute the flag, either. "The action of the local authorities in compelling the flag salute and Pledge transcends constitutional limits on their power." That is what the Supreme Court said in West Virginia State Board of Education against Barnette in 1943. Compelling someone to recite or to do something against their will that affects or represents their beliefs is not within the power of our government. Indeed, it was pointed out in that connection and in other connections that that is what the Pledge of Allegiance is about. If there is liberty for all, that means we have to be free in our minds as well as in our physical actions, and so we cannot be compelled to say we believe something that we do not believe. A very important case.

But they went on. They said that it was unconstitutional because it invades the sphere of intellect and spirit which it is the purpose of the first amendment to our Constitution to reserve from all official control. It was the compulsory aspect of what was going on in that case that bothered the Court. The Court noted that the school district was compelling the students to declare a belief and requiring the individual to communicate by word and sign. Remember, the Pledge was accompanied by a flag salute or a hand over the heart. "The compulsory flag salute and Pledge requires affirmation of a belief and an attitude of mind," those further words from the Court's decision in the Barnette case.

The Court also said, "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox, in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein."

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Note what was going on in the Barnette case.

Listen to this list of things that the government cannot force us to believe in: politics, nationalism, religion, or other matters of opinion. They were dealing with the Pledge of Allegiance even before it had the words "under God," and they said that the government cannot force you to say it. The government cannot force you to believe in a particular religion; the government cannot force you to believe in particular politics either.

So, fast forward to today when we are watching as a court throws out the words "under God" from the Pledge of Allegiance and ask yourselves why the rest of it can remain. If there is some element of compulsion, even though you are not required to recite the Pledge, just in being forced to witness others say it, then is it there to precisely the same degree, that kind of compulsion, to the rest of the Pledge, even if we were to excise the words "under God," and does not the Barnette case say that there can be no such compulsion?

In this Newdow case, that is the name of the Ninth Circuit decision handed down today, the court said, "The Pledge, as currently codified, is an impermissible government endorsement of religion," and it is so common in court opinions these days to cite authority. It is the reason we can call the cases decided by courts case law. It is not supposed to be the mental invention of the judges; it is supposed to be an application of well-known principles of law to the facts at hand.

So having said, "The Pledge, as currently codified, is an impermissible government endorsement of religion," the court cited some authority. What did they cite for authority? They cited Justice O'Connor's words in another case, and they cited Justice Kennedy's words in another case. Here is how they interpreted Justice Kennedy's words: Justice Kennedy agreed with us. That is what they are saying. Justice Kennedy agreed with us that "The Pledge, as currently codified, is an impermissible government endorsement of religion," but Justice Kennedy does not agree with that. There is plenty of case law making it very clear that the language that they are quoting from Justice Kennedy was written for the opposite purpose.

Here is what Justice Kennedy said in his dissent, in his dissent in a case called Allegheny County v. Greater Pittsburgh ACLU. Now that case, by the way, involved holiday displays in the downtown area in Pittsburgh. On some public property they were displaying a menorah and they were displaying a nativity scene; and the ACLU, the American Civil Liberties Union, sued, and by a 5 to 4 majority, the Court said that could not go on because a menorah signified a particular religion, Judaism, and the nativity scene signified a particular set of religions, Christianity. So there were particular sects being promoted by the government, not just sort of general references to God and, for that reason, it was unconstitutional.

Justice Kennedy dissented from that case, and he would have allowed it. He was among the four members who would have allowed it; and yet he is being cited for authority in this case striking down the words "under God" in the Pledge of Allegiance. Why would they do that?

Here is what Justice Kennedy is quoted as having said, quoted by the Ninth Circuit in their decision today as having said: "By statute, the Pledge of Allegiance to the flag describes the United States as 'one Nation under God.' To be sure, no one is obligated to recite this phrase, but it borders on sophistry to suggest that the reasonable atheist would not feel less than a full member of the political community every time his fellow Americans recited, as part of their expression of patriotism and love for country, a phrase he believed to be false." That is what they quote him as saying. And they say, therefore, he agrees with our decision that "The Pledge, as currently codified, is an impermissible government endorsement of religion."

But Justice Kennedy went on to say, in the immediately-following sentence, which the Ninth Circuit fails to quote, "Likewise, our national motto, 'In God We Trust,' which is prominently engraved in the wall above the Speaker's dais in the Chamber of the House of Representatives," and Mr. Speaker, I would observe that you are sitting under the very model that Justice Kennedy is referring to in this decision, it says right over your chair, "In God We Trust." He says it is "prominently engraved in the wall above the Speaker's dais in the Chamber of the House of Representatives and is reproduced in every coin minted and every dollar printed by the Federal Government."

He is saying that these things must have the same effect if the intent of the establishment clause is to protect individuals from mere feelings of exclusion; and it is his opinion that that is not what the establishment clause does. That is what Justice Kennedy was saying. So it stands Justice Kennedy on his head to cite him as authority for the proposition in Newdow that the Pledge, as currently codified, is an impermissible government endorsement of religion.

So I find it interesting that in this tradition of judges citing authority for their rulings, that we have cited the language of Justice Kennedy as well as the language of Justice O'Connor. But Justice O'Connor, likewise, does not support this proposition.

In this case of Allegheny County v. the Greater Pittsburgh ACLU, the majority opinion was written by Justice Blackmun. Justice Blackmun discussed, before he got to his result, a case called Marsh against Chambers in which legislative prayers were challenged. Now, Mr. Speaker, my colleagues may be in memory of what happened at the beginning of the day today and what happens at the beginning of every one of our sessions every day. We begin with our Chaplain saying a prayer here in the House Chamber, standing, more to the point, under the motto, "In God We Trust."

There was a lawsuit challenging legislative prayers; State legislatures do this as well. It went to the U.S. Supreme Court and the case that decided the question is called Marsh against Chambers. Now, we can guess what the result was in that case, because our prayers are still going on. Justice Kennedy, in the case of Allegheny County against the Greater Pittsburgh ACLU, the one that they decided about the nativity scene and the menorah, Justice Kennedy dissented in that case and he cited this Marsh case. And Justice Blackmun did not like his use of the Marsh case, did not like the reference that he made.

So here is what Blackmun said about Marsh and about Justice Kennedy. He said, Justice Kennedy argues that such practices as our national motto, "In God We Trust" and our Pledge of Allegiance with the phrase "under God" added in 1954 are in danger of invalidity if we were to say it is unconstitutional to have a nativity scene or it is unconstitutional to have a holiday menorah. Justice Blackmun said, that is silly. That is not what we mean. That is not what we are saying.

Here is a quote from Justice Blackmun: "Our previous opinions have considered indicative the motto and the Pledge characterizing them as consistent with the proposition that government may not communicate an endorsement of religious belief." And he cites for that proposition the words of two justices in other cases, Justice O'Connor and Justice Brennan.

Now, Justice O'Connor is the other Justice that the Ninth Circuit was relying upon to reach today's result. So we now have on the record both Justice Kennedy and Justice O'Connor for the opposite proposition, and that is that the Pledge and our motto, "In God We Trust," do not raise these establishment clause questions. That is certainly how I read those opinions, Mr. Speaker.

Justice Blackmun goes on to say, we need not return to the subject, because there is an obvious distinction between creche displays, creche meaning the nativity scene, there is an obvious distinction between creche displays and references to God in the motto and in the Pledge. So we have Justice Kennedy raising the specter of: boy, if we go this way and throw out a nativity scene, pretty soon it is going to be the motto and the Pledge, and then Justice Blackmun saying, nonsense. We have already considered those questions, and there is no need to consider them here further.

Justice Blackmun goes on to say: "However history may affect the constitutionality of nonsectarian references to religion by the government, history cannot legitimate practices that demonstrate the government's allegiance to a particular sect or creed."

Why is that so important? Let us go back to the language of the first amendment. It is very short: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Well, the free exercise clause obviously would tend in the opposite direction of this case: "Government shall make no law prohibiting the free exercise of religion." So one should be free to practice religion in America. That is what the Constitution guarantees. But this other portion, the establishment clause says: "Congress shall make no law respecting an establishment of religion." Now, some people like to do a little bait and switch with the specific article, the definite article. They substitute "the" for "an," and "the" is specific and "an" is general. I do not know if we are all grammarians here this evening, but it matters. "A baseball game" is different than "the baseball game."

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." What if it said instead: Congress shall make no law respecting the establishment of religion? Would that matter?

Mr. Speaker, I think it would matter a great deal, because if it is religion that we are concerned about rather than an establishment of religion, an instance, one of many, then I think we have given some ammunition to those who say the real purpose of this clause in the first amendment is to say, no religion can be discussed. But if what the Constitution is enjoining us to do is not to make any law respecting particular religions, particular kinds of religions, then it is something else entirely different.

Mr. Speaker, I do not know that we can this evening, to everyone's satisfaction, resolve this basic question of whether the establishment clause in the first amendment should be better interpreted as barring the government from giving preferment to a particular religion, on the one hand, or rather as requiring the complete and total elimination of any reference to God in our public institutions on the other hand. But I think it is awfully clear that that is what is at stake here, because the court, the Ninth Circuit Court is troubled by the fact that there is the most conceivably abstract reference possible to God, not to even religion or to a specific religion, but simply to God.

I am put in mind, and this will escape almost all of my hearers, of a National Lampoon parity of "Desiderata" called "Deteriorata." This was popular in the 1970s. And they sort of made fun of the well-known, at the time at least, "Desiderata," and in "Deteriorata" they said, "Therefore, make peace with your God, whatever you conceive him to be, Harry Thunderer or Cosmic Muffin." A little bit of humor that illustrates the point that one person's God is not another person's God is not another person's God. In fact, what God is, in the minds of physicists, it could be the entire universe as we know it. For animists, it could be the plants or the animals.

□ 2100

God is as general and as high on the ladder of abstraction as one can be, and it is very different, this reference to God, than a particular religion.

That is important, Mr. Speaker, because I think the court betrays its fundamental error in logic when it says, and I will find the precise language here, but it says essentially that for constitutional purposes there is no distinction between the words "under God" in the Pledge and "under Jesus" or "under Vishnu" or "under Zeus."

That is what the opinion says. And I think there is a world of difference. There is a world of difference, because one is as respectful as possible of the right that is guaranteed in the rest of the first amendment, the free exercise of one's particular religion. It does not give a preferment to any religion, which is what the establishment clause at a minimum is meant to guard against.

Mr. Speaker, here is precisely what the Ninth Circuit Court of Appeals said on this point:

"A profession that we are a nation under God is identical for establishment clause purposes to a profession that we are a nation under Jesus, a nation under Vishnu, a nation under Zeus, or a nation under no God, because none of these professions can be neutral with respect to religion."

Of course, here is the rabbit in a hat. It is interchangeable for the Ninth Circuit in this opinion that we might be dealing with religion as a general noun, a class of things, the dictionary definition of religion, which could be almost anything, on the one hand; or a religion, a specific religion.

And again, that gets us back to the fundamental question of what the first amendment means. Does it mean that government shall make no law respecting an establishment of religion; or, in fact, forget the business about the definite article, but just religion? Maybe "establishment" should be read out of the first amendment: "And government shall make no law respecting a religion." That would certainly be directly to the point made by the Ninth Circuit today.

It is worth drawing attention to what the Ninth Circuit believes here because not all the judges were in agreement. There was a two-person majority and a one-person dissent. And in a three-judge panel, of course, that is all it takes, is two judges.

Judge Fernandez, circuit judge in the Ninth Circuit Court of Appeals, said this: "We are asked to hold that inclusion of the phrase 'under God' in this Nation's Pledge of Allegiance violates the religion clause of the Constitution of the United States. We should do no such thing. We should, instead, recognize that those clauses were not designed to drive religious expression out of public thought; they were written to avoid discrimination.

"We can run through the litany of tests and concepts which have floated to the surface from time to time. Were we to do so, the one that appeals most to me, the one I think to be correct, is the concept that what the religion clauses of the First Amendment require is neutrality; that those clauses are, in effect, an early kind of equal protection provision and assure that government will neither discriminate for nor discriminate against a religion or religions . . . when all is said and done, the danger that 'under God' in our Pledge of Allegiance will tend to bring about a theocracy or suppress somebody's beliefs is so minuscule as to be de minimis. The danger that that phrase presents to our First Amendment freedoms is picayune at most.

"Judges, including Supreme Court Justices, have recognized the lack of danger in that and similar expressions for decades, if not for centuries, as have presidents and members of our Congress."

At this point, Judge Fernandez cites four preceding Supreme Court opinions and goes into some great detail with his authority. He refers to the case of the County of Allegheny, to which I made reference earlier, in which the majority said, "Our previous opinions have considered in dicta the motto and the pledge, characterizing them as consistent with the proposition that government may not communicate an endorsement of religious belief."

Now, the Seventh Circuit Court of Appeals decided a case very similar to this one, and the Seventh Circuit is, of course, a different jurisdiction of equal dignity with the Ninth Circuit Court of Appeals. And because there was no identical case previously decided by any precedent in the Ninth Circuit, the panel in this case was required to at least acknowledge it, and they did.

They said the only other court to consider this was the Seventh Circuit, and even though the Seventh Circuit decided it consistently with the Supreme Court dicta, we are going to go the other way. So they acknowledged they are blazing a new trail out there in the Ninth Circuit.

Again, whatever one feels about the decision, this takes us back to the question of the rule of law and predictability. When precedent does not matter, when we are always trying to move that ratchet one more notch, we are always trying to take the law in new directions and expand it and make sure it is a living organism and reflective of what is new and modern, there is not any predictability, and it becomes the rule of men and not law.

Judge Fernandez went on to say, "such phrases as In God We Trust" or "under God" have no tendency to establish a religion in this country or suppress anyone's exercise or non-exercise of religion, except in the fevered eye of persons who most fervently would like to drive all tincture of religion out of the public life of our polity. Those expressions have not caused any real harm of that sort over the years since 1791 and are not likely to do so in the future. As I see it, that is not because they are drained of meaning. Rather, as I have already indicated, it is because their tendency to establish religion (or affect its exercise) is exiguous. I recognize that some people may not feel good about hearing the phrases recited in their presence, but, then, others might not feel good if they are omitted. At any rate, the Constitution is a practical and balanced charter for the just governance of a free people in a vast territory. Thus, although we do feel good when we contemplate the effects of its inspiring phrasing and majestic promises, it is not primarily a feel-good prescription.

"In West Virginia Board of Education v. Barnette, for instance," and remember, the Barnett case which I discussed earlier is the one involving the Pledge of Allegiance and the flag salute, in which the court held that it is not constitutional to force people to do these things, to say these things, to recite the Pledge. If people do not believe that America is a country that stands for liberty and justice for all, then they do not have to recite the Pledge. That is what the court said there.

"In West Virginia Board of Education v. Barnett . . . " Judge Fernandez says, "the Supreme Court did not say that the Pledge could not be recited in the presence of Jehovah's Witness children; it merely said they did not have to recite it. That fully protected their constitutional rights by precluding the government from trenching upon 'the sphere of intellect and spirit.' As the court pointed out, their religiously based refusal 'to participate in the ceremony [would] not interfere with or deny the rights of others to do so. . . . We should not permit Newdow's feel-good concept to change that balance."

So this is a different judge of the Ninth Circuit giving us a very different point of view from the minority, and citing, I think rather more correctly, the holding in Barnette.

"My reading of the stelliscript suggests that upon Newdow's theory of our Constitution," and Newdow, remember, is the plaintiff in this case, the father whose daughter goes to school and has to watch as others recite the Pledge of Allegiance, "My reading of the stelliscript suggests that upon Newdow's theory of our Constitution, accepted by my colleagues today, we will soon find ourselves prohibited from using our album of patriotic songs in many public settings. 'God bless America' and 'America the Beautiful' will be gone for sure, and while use of the first and second stanzas of the Star-Spangled Banner will still be permissible, we will be precluded from straying into the third. And currency beware! Judges can accept those results if they limit themselves to elements and tests, while failing to look at the good sense and principles that animated those tests in the first place."

So judge Fernandez is now giving us a view of where we might be headed if this decision holds and becomes law, the decision from which he dissented.

He says, "What about God Bless America in a public setting?" What about it? What if it is the Marine Corps band? What if it is on the steps of the Capitol? Is that it? Is it all over for God bless America on the Capitol steps, or performed anywhere by our people, our men and women in uniform?

Perhaps that is the sort of thing designed to scare people away from the results in the case at hand, which is not about God Bless America. But remember the decision in Allegheny, in which we had Justice Kennedy in his opinion dialogue with Justice Blackmon in the majority saying, Mr. Justice, if you go this way, if you say no creche, no menorah, then I think you are going to have to take a look at the Pledge of Allegiance and our motto in God We Trust, and you had the majority in that case say, Oh, pshaw, that is not what we mean. Do not worry about the Pledge or the motto, and here we are today, just as Justice Kennedy predicted, worrying about the Pledge.

So perhaps we ought not to dismiss out of hand what Judge Fernandez is telling us: All right, if we do what the Ninth Circuit wishes us to in the Newdow case today, then we had better be prepared to get rid of God Bless America, we had better be prepared to get rid of that motto In God We Trust, right over the Speaker pro tempore's head, and we had better be prepared to get it off of our currency, because the same principle must apply. That is what Judge Fernandez says.

So he says, "Judges can accept those results," these extensions of the principle in Newdow, "if they limit themselves to elements and tests, while failing to look at good sense and principles that animated those tests in the first place. But they do so", judges would be doing so, "at the price of removing a vestige of the awe we all must feel at the immenseness of the universe and our own small place within it, as well as the wonder we must feel at the good fortune of our country. That will cool the febrile nerves of a few at the cost of removing the healthy glow conferred upon many citizens when the forbidden verses or phrases are uttered, read, or seen.

"In short," he concludes, "I cannot accept the eliding of the simple phrase "under God" from our Pledge of Allegiance, when it is obvious that its tendency to establish religion in this country or to interfere with the free exercise (or non-exercise) of religion is de minimis."

And he drops a footnote at this point, because there are going to be constitutional scholars who are going to say, wait a moment, are you saying there is such a thing as a constitutional violation that is so small we will just ignore it? And he is saying, that is not what I mean at all. "Lest I be misunderstood, I must emphasize that to decide this case it is not necessary to say, and I do not say, that there is such a thing as a de minimis constitutional violation. What I do say is that the de minimis tendency of the Pledge to establish a religion or to interfere with its free exercise is no constitutional violation at all."

Mr. Speaker, I am sure that almost everyone in the country will end up having an opinion about this case, but I think it is very important that everyone in the country, as we enter into this debate, not assume that they know everything about it. They ought to take the time, as we have here this evening, to examine the facts.

We were, of course, defendants in this case. We have a real stake in it. But it matters, for example, that the plaintiff in this case specifically pleaded or specifically alleged that she, or was her father pleading that his daughter was not required to recite the Pledge of Allegiance. So this is not a case about someone being required to say the Pledge, which happens to include the words "under God."

That is an important fact to bear in mind. It may not affect Members' opinions one way or another in the end, but for some people the notion that someone might be coerced is very material, and those people should note that the Supreme Court dealt with that question 60 years ago. That is not an open question. We cannot be forced to say the Pledge in this country.

I pulled up the legislative history because what the court did today is throw out an act of this Congress. I thought it was instructive in reading the court's opinion that they said that the reason that Congress did what it did was very important. Let us take a look at Congress' motive, they said. What was the purpose in enacting the statute? That might tell us whether what Congress was really trying to do this on the sly by inserting those words was to promote religion in violation of the First Amendment.

They said, and I ought to be sure to quote the opinion directly to make sure that I do not mischaracterize it, but they said, in essence, that the legislative history in their mind was clear evidence of an unconstitutional purpose. Then they quoted a very, very small part of it.

The problem, they say, is that when the Congress did this in 1954, and Mr. Speaker, I will have it here in just a moment, that the purpose of the Congress was not establishing a religion.

□ 2115

That is the language that they quote. It rather befuddles one to understand why, therefore, they infer that was the purpose. Here is the legislative history that they quote: "The sponsors of the 1954 act expressly disclaimed a religious purpose." So in those days, in 1954, when political correctness was not at large, they still did not get tripped up by the test that we are applying now in 2002. They said: "This is not an act establishing a religion." The act's affirmation of "a belief in the sovereignty of God and its recognition of 'the guidance of God' are endorsements by the government of religious beliefs," the court says. But the legislature, this Congress at the time that we passed the law, said that there was no such purpose.

The establishment clause they say is not limited to religion as an institution. And so they are again retreating to this abstract notion of all religion being the problem, not just an establishment, even though that is the plain word of the first amendment.

Here is what the legislative history says, Mr. Speaker. I have taken it from our official documents in May 1954. They say: "By the addition of the phrase 'under God' to the Pledge the consciousness of the American people will be more alerted to the true meaning of our country and its form of government." That was their purpose. "The consciousness of the American people will be more alerted to the true meaning of our country and its form of government." That, Mr. Speaker, is a secular purpose. In this full awareness we will, I believe, be strengthened for the conflict now facing us and more determined to preserve our precious heritage. "Fortify our youth in their allegiance to the flag by their dedication to one nation under God."

So the purpose is to fortify our youth in their allegiance to the flag. Is that not a secular purpose? So it is a legislative history as important as the Ninth Circuit says it is, I think it pays to read it. They went on to say, "It should be pointed out that the adoption of this legislation in no way runs contrary to the provisions of the first amendment to the Constitution. It is not an act establishing religion or one interfering with the free exercise of religion."

So what they did in Congress at the time was look to what they thought was the law, the decisions of the Supreme Court interpreting the first amendment. "The Supreme Court has clearly indicated that the references to the Almighty which run through our laws, our public rituals, and our ceremonies in no way flout the provisions of the first amendment." Then they cite the Supreme Court authority of the day.

So what has happened is between then and now, perhaps, the Constitution has changed. The language of the first amendment has not changed. It is the very same language. The Congress did the best it could at the time. They relied on the Supreme Court, which clearly indicated that "the references to the Almighty which run through our laws, our public rituals, and our ceremonies in no way flout the provisions of the first amendment." They went on to say in 1954: "In so construing the first amendment, the Court," referring to the Supreme Court, "pointed out that if this recognition of the Almighty was not so, then an atheist," the plaintiff in this case, "could object to the way in which the Court itself opens each of its sessions, namely, 'God save the United States and this honorable Court.' "

Well, today, across the street at the United States Supreme Court that is how the Court opens its sessions. They still say as they did in 1954, "God save the United States and this honorable Court." So these questions are all of a piece, the motto, Mr. Speaker, over your head; indeed, the fact that the great law givers of all time ring this Chamber, and that the central one who looks directly at you is Moses, all of these things are of a piece; and it is quite clear the slope that we are on.

The legislative history makes it very clear that to the extent that it was possible for human beings to do so in 1954, the drafters and the Members of Congress at the time went out of their way to make sure that they were following the guidance of the United States Supreme Court.

What has happened over the last several decades intervening makes it clear that whatever one's view about whether the law should be a living document on the one hand or whether it should be a text that means from age to age, whatever the society or perhaps the Court thinks it ought to mean, that that question looms very, very large. We may not ever know if that is the rule that we follow what the law is and we will have to wait until the oracles tell us.

Here in Congress as we seek to write laws consistent with the Constitution, we simply do not have sufficient guidance when all we have is the text of the Constitution and all of the Court's decisions interpreting it, because those can be changed and are very mutable, and precedence are only so good as the paper they are written on. But they can be overturned at will.

The fact that the Seventh Circuit has already disagreed with the Ninth Circuit and the Seventh Circuit came first and that that precedent was ignored here; the fact, Mr. Speaker, that the very remedies that the plaintiff were seeking here are all illegitimate remedies and the Ninth Circuit found that that was so, none of that seemed to slow them down. It is worth bringing to the Members' attention that what Newdow was asking for here is that the court should order the President of the United States to alter, modify or repeal the Pledge. So he is drafting the complaint. He has brought a lawsuit, and he wants the court to order the President to alter, modify or repeal the Pledge by removing the words "under God." He asked for one other element of relief. He wanted the court to order the United States Congress immediately to act to remove the words "under God" from the Pledge.

Well, now, in our juris prudence in America you cannot do that. The courts cannot do that. The President is not an appropriate defendant in an action challenging the constitutionality of a Federal statute. Period. And in light of the speech and debate clause just as much part of the Constitution as is the first amendment, article 1, section 6, clause 1: "The Federal courts lack jurisdiction to issue orders directing Congress to enact or amend legislation."

The words that the plaintiff in this case is challenging included the Pledge of Allegiance were enacted into law by statute by this Congress; and therefore, no court may direct this Congress to deleted those words any more than it may order the President to take such action. An injunction against the President is not in order, and an injunction against the Congress is not in order. And that is all that the plaintiff was asking for, so there is nothing left of the case. And yet, even after acknowledging these things, the Ninth Circuit moved on.

The Ninth Circuit also just zipped right past the article 3 standing question even though that is jurisdictional, even though you must address standing in order to have a case to decide at all. And they skipped beyond the article 3 holding of the United States Supreme Court that "the psychological consequence presumably produced by observation of conduct with which one disagrees is not an injury sufficient to confer standing under article 3 even though the disagreement is phrased in constitutional terms."

That is a holding that the Ninth Circuit Court says is still good law, and they just breeze right past that as well.

Now, Mr. Speaker, we may find after an en banc court of the Ninth Circuit takes this case and rewrites it, that these mistakes are corrected. We may find even a different result in the case; but at a minimum I would expect that if the same result is reached, it will be reached in a much more legitimate manner than this.

But what are we to think in the meantime? The Ninth Circuit is a big circuit. It governs a lot of States. My whole State of California, 30 million people, Nevada, Arizona, Washington, Oregon, Montana, Alaska, Hawaii. Public school students in all of these States, what are they to do on the anniversary of September 11 next? Do they say the Pledge at all? Do they say it the old way? The new way? What are their teachers to do and what are their parents to do?

We do not know because we now find when judges make new law that none of us knows really what the law is.

Some of our constituents are already lighting up the phones saying, Congress has got to do something. But the truth is in our system when a court throws out an act of Congress on constitutional grounds there is nothing to be done about it. The Constitution does indeed trump acts of Congress; and the Court, not the Congress is the ultimate arbiter of the constitutionality of statutes. Now, I suppose we could reenact it in precisely the same way, but that would be something of a tedious, if not fatuous, merry-go-round. I do not think that would be serving our constituents well.

I think, rather, we can expect with the leadership of the President of the United States and the Attorney General that there will be a petition for rehearing en banc in this case, and that the Ninth Circuit itself will have a chance to reconsider the enormous impact they are having without perhaps giving just that ounce of good judgment that would have made the difference if they had taken into consideration what the Supreme Court has said about this.

The only things that the Supreme Court has said about the Pledge, albeit in dicta, are exactly the opposite from the result that was achieved in this case. The only thing that the Supreme Court has said about this question of whether observing something that one does not like being the source of injury, runs exactly the opposite way from the decision in this case.

I think if a court normally sets out to avoid constitutional questions and decide cases on other simpler grounds, statutory grounds, procedural grounds and so on, there were ample ways that a court could have handled this Newdow litigation. Newdow was a pro se plaintiff. That means he represented himself without a lawyer although he has had some legal training apparently. He made a lot of mistakes in his pleadings. They were very sloppy. And the court below, even though it was lenient, the district court, the trial court, threw out his case.

The Ninth Circuit Court of Appeals came and resuscitated it. They had to put a lot of Band-aids on it because procedurally it was in bad shape. It took a nearly superhuman effort to put this case up on stilts so that we could get the constitutional question for decision. It was to all appearances, Mr. Speaker, something of a reach, and I think our country deserves better. But we shall see. We shall see how this is accepted by the public, what the court itself may do about it.

But at a time when so many people are working so hard to pay their taxes, at a time when the courts are as busy as they are, and most middle Americans know if they were to bring a lawsuit it might be 3 to 5 years before they could get a decision because of the backlog and the expense, is it not interesting that the people in San Francisco seem to have sufficient time on their hands so to finely perch this question of angels on the head of a pin, so that they can reach a constitutional question that was not procedurally put to them in a way that required its decision?

I think laying out a case in this way, Mr. Speaker, will it better inform the debate? And that while I recognize with 435 Members in the House we might have some diversity of opinion about the case, even here it is bound to occupy the minds of our constituents for some time to come.

I appreciate the indulgence of the Chamber in considering it at first blush because the opinion was just issued today, this evening.

□ 2130

PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, let me say to the gentleman from California that I listened very carefully to what he said in analyzing that Federal court opinion that came down today; and I do agree with him that the opinion does not make any rational sense and that the use of the term "in God we trust" does not in any way violate the Constitution.

I wanted to take to the floor this evening, however, as I have so many times in the last couple of months, and talk about the need to pass a prescription drug benefit and also to give a little status report, if I can, about where I think we are on this, because I am very concerned from some of the statements that I have been hearing today and some of the reports in the media, as well as some of the things I am hearing tonight, leading up possibly to Committee on Rules action or inaction, that there is a real possibility the Republicans will not bring up their prescription drug bill for a vote before we recess for July 4, for the Independence Day celebration.

I say that because for several months now I have been asking that the Republicans bring up this bill because I think that the issue of prescription drugs for seniors and the issue of increasing high drug prices is one of the major issues that the Congress needs to address.

When I go home to New Jersey, to my district in New Jersey, many seniors and even people in general, not just seniors, complain to me constantly about drug prices, about their inability to buy prescription drugs and the consequences that fall to their health because of their inability to buy the prescription drugs, the medicines that they need.

So I was rather happy a couple of months ago when the Republican leadership announced that they would bring a prescription drug bill to the floor before the Memorial Day recess, and I was disappointed when we went home for Memorial Day and that had not happened.

I was once again hopeful when after the Memorial Day recess in early June we heard the Republican leadership once again say they were going to bring a prescription drug bill to the floor before the July 4 recess.

Last week, we actually did have the Republican bill unveiled; and we had a 3-day and all-night marathon in the Committee on Energy and Commerce, where I serve, where the bill was discussed and the Democratic alternative was discussed. Although I think that the Democratic bill is the only really meaningful bill, and I will discuss that in a minute, I was at least happy to see that we did have the opportunity in committee to discuss medicines or prescription drugs for seniors.

So I would be extremely disappointed and very critical of the Republican leadership once again if we find out tonight or tomorrow that they still do not intend to bring this bill up. I am not surprised because I have said many times that the Republican bill is basically a sham. It does not provide any benefit for seniors. It has no real hope of providing any kind of prescription drug benefit for seniors. It does not even try to reduce price, the price of drugs, but at least if we had the opportunity to have this bill on the floor tomorrow or Friday we could then offer our Democratic substitute and see which side gets the most votes.

I am actually here tonight, Mr. Speaker, because I understand that within the next half hour or so we will be hearing from the Committee on Rules as to whether or not they will be considering the Republican bill tonight, either at 10:00 or 10:30 or 12 o'clock or possibly tomorrow morning. If we hear that they are not, then that is a very good indication that the bill will not come to the floor for a vote. So I am waiting here, Mr. Speaker, to see what the Committee on Rules is going to do, hoping that they will allow this bill to come up and we will have a debate on probably one of the most important issues facing this country.

I am still hopeful, although I have less and less reason I suppose to be hopeful, given some of the comments that have been in the media today.

Let me explain why the Republicans may not bring the bill up. The reason they may not be able to bring the bill up is because they do not have the votes. The talk this afternoon around the House of Representatives was that they were shy 20 or 30 votes on the Republican side; and, of course, they are getting practically none, if any, Democratic votes.

Some of the reasons that were articulated today in Congress Daily, in the lead story, says, House GOP still shy of majority to pass prescription bill, and it mentions about three or four reasons why different Members were having problems with the Republican bill, which I think go far to explain why the bill is a bad bill.

So I would like to mention some of these reasons. It says lawmakers, this is the Republicans now, variously want more money for home State hospitals and rural health care, more attention to drug costs rather than coverage and guarantees to protect local pharmacies. The GOP leadership aides conceded that these groups of Republicans, in the face of the very few Democrats expected to cross party lines on a vote for the GOP bill, have left the measure short of the 218 votes needed to pass it.

Let us talk about some of these issues that some of my Republican colleagues, rightfully so, believe are wrong or do not justify their voting for the Republican bill. Maybe before I do that I should say that I am very happy to see that there might be 20 or 30 colleagues on the other side of the aisle, on the Republican side, who would be willing to say to their leadership that they do not want to vote for this bill, because I have said many times, and again, I will give some third party documentation, that this bill is nothing more than a boon to the pharmaceutical drug industry. In other words, the reason why the Republicans have put forth a bad bill and one that will not work is because they are beholden to the brand-name drug industry.

If my colleagues doubt what I say, let me mention that last week when we had a markup in the Committee on Energy and Commerce of the Republican bill, last Wednesday, a week ago today, they actually had to adjourn, the chairman adjourned the markup, the committee markup at 5 o'clock, because the Republicans had to go to a fund-raiser that was primarily being underwritten by the prescription drug industry. So lest there be any doubt about what they were doing, it is all laid out here in the Washington Post.

This is the Washington Post from that day, which says, "Drug Firms Among Big Donors at GOP Event. Pharmaceutical companies are among 21 donors paying $250,000 each for red-carpet treatment at tonight's GOP fund-raising gala starring President Bush, two days after Republicans unveiled a prescription drug bill the industry is backing, according to GOP officials.

"Drug companies, in particular, have made a rich investment in tonight's event. Robert Ingram, GlaxoSmithKline PLC's chief operating officer, is the chief corporate fund-raiser for the gala, and his company gave at least $250,000. Pharmaceutical Research and Manufacturers of America, a trade group funded by the drug companies, kicked in $250,000, too. PhRMA, as it is known inside the Beltway, is also helping underwrite a television ad campaign touting the GOP's prescription drug plan.

> Pfizer Inc. contributed at least $100,000 to the event, enough to earn the company the status of a "vice chairman" for the dinner. Eli Lilly and Co., Bayer AG and Merck & Co. each paid up to $50,000 to "sponsor" a table. Republican officials said other drug companies donated money as part of the fund-raising extravaganza.
>
> Every company giving money to the event has business before Congress. But the juxtaposition of the prescription drug debate on Capitol Hill and drug companies helping underwrite a major fund-raiser highlights the tight relationship lawmakers have with groups seeking to influence the work before them.
>
> A senior House GOP leadership aide said yesterday that Republicans are working hard behind the scenes on behalf of PhRMA to make sure the party's prescription drug plan for the elderly suits drug companies.

I am glad to see that they did not work hard enough, because as of this afternoon and maybe tonight we will see, once the Committee on Rules decides what they are going to do, there were about 20 or 30 Republicans that were not willing to go along with this sham proposal so maybe PhRMA has to work a little harder so that they can make sure that this Republican bill that is basically written by the pharmaceutical companies does come to the floor.

Again, as I say, Mr. Speaker, I am not saying I do not want it to come to the floor. I wish they would bring it up because I think we can defeat it and we can pass a good bill, which is the Democratic substitute.

I see my colleague from Connecticut is here tonight. He has been here before to talk about this bill, and I appreciate his coming, and I would like to yield to him at this time.

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me and again applaud his efforts on behalf of senior citizens all across this country. Clearly, if I might piggyback on some of the things that he said earlier, it has been our hope all along that, and I am so pleased he mentioned the number of valiant Republicans who are holding out, who are holding out on behalf of senior citizens all across this country, who implicitly understand that this specific remedy for prescription drugs belongs rightfully under Medicare, where it should have been placed in 1965 at the bill's inception, and it is because of their great courage that they are willing to go against their leadership, which is a difficult thing to do, and to go against the vested interest of the pharmaceutical industry, as my colleague has pointed out, and stand with those seniors in their district who have become refugees from their own health care system, people who have to get in automobiles or trains or buses and travel to Canada in order to obtain the prescription drugs at an affordable price that their doctors have told them they must have in order for their survival.

These are the same people that, without congressional action, will have to be making the nightly decision between feeding themselves or taking the prescription drugs that their doctors have said they must need in order to sustain themselves or, in our neck of the woods, either heating their homes in the winter or cooling them in the summer.

This is unconscionable. We are a better Nation than that. I commend my colleagues on the other side of the aisle, and I hope they can resist the unbelievable pressure I am sure that will be brought to bear on them over the next several days to conform with the majority party's desire to bring this program forward.

As the gentleman from New Jersey has said, I hope that we bring some benefit forward. My concern, it is one that I have expressed back in my district, is that we have an opportunity to see the plans side by side so that the American public gets to see the opportunity that Congress has presented them as a benefit to deal with the ever-escalating costs of prescription drugs.

We have said before on this floor, and it has been well chronicled, that especially when we talk about our seniors, that they are the greatest generation ever and rightfully so. They have been heralded by Tom Brokaw. They have been talked about on countless TV shows, heralded in the movies, in books, in literature. But what they really want is an end to the platitudes and the realization of policy, policy by way of prescription drug relief that is affordable, that is accessible, that is available.

The Democratic plan offers that kind of a program to seniors. Perhaps the other side believes that their program is more viable; and, hey, this is a great country and we ought to have room for people to disagree and present their programs, but American citizens ought to know the choices that they have and the difference between the programs.

My local paper, the Hartford Current, the other day issued an editorial saying that they thought there was very little difference between the programs.

□ 2145

I could not disagree more with that assertion and that this was not a bad first step, something we have heard on this floor from our colleagues. If the Republican plan were to be initiated, it would be a step in the wrong direction. I believe we have to be pretty practical about this stuff, and the paper brought out that they were concerned about costs and a number of issues that they raised with respect to a comparison between the Democratic plan and the Republican plan. Let us be clear about it. We are unabashedly proud of the fact that we believe this should be included under the Medicare program, and we believe it should be included under Medicare because, at its inception in 1965, prescription drugs were not thought to be the problem that they have become today. But clearly this is a benefit that our elderly not only need but richly deserve, and so it makes ever so much sense for it to be included here.

I hail from the First Congressional District in Hartford, the insurance capital of the world, perhaps, arguably, the HMO capital of the world as well. And I have talked to the CEOs, and I have talked to the people in this business. The proposal that Republicans have put forward, and I have to believe they have done it in good faith, they have many bright and talented people on that side of the aisle, but this is an underwriter's, an actuary's, a risk manager's nightmare. Aside from setting up obvious adverse selection, the pricing involved in trying to come up with the program like this is out of reach for so many of our elderly and so, therefore, from our perspective, a sham.

I commend those on that side of the aisle who have the courage of their conviction to stand up and say this is wrong. It is my sincere hope as a Member that we are going to get to vote on the Republican plan and the Democratic plan. This is what the American public deserves. This is what a democracy is all about. Let the two proposals stand on their respective merits and end all the so-called partisan quibbling by simply and matter of factly putting forward two plans side by each for all of our constituents to examine. Let us not be harried by rules. Let us not have this whole issue cast aside and only one vote that is going to come forward. Let us look at the proposal side by each and then stand up and be counted.

Our colleagues on the other side who have resisted going along with a plan that privatizes prescription drugs should be commended, should be supported. But even if Democrats and valiant Republicans on that side who believe with us fail, we should at least have the opportunity in this body to vote on the plans that we believe in, that we have gone back to our districts and talked about with our constituents who are crying out to us for help.

The Hartford Current concluded that this issue should be taken up. This is a match that cannot be postponed, because of the ongoing daily needs that so many senior citizens have in this country. So I commend the gentleman from New Jersey (Mr. PALLONE) again for his outstanding efforts in this area and again thank our colleagues on the other side for at least now having the temerity to bring the issue forward. I disagree with their privatization attempt. I think it is wrong. I think it is an unworkable situation that people in the insurance and HMO industry understand as well; but I do think it is important that we vote this issue up or down and have an opportunity to examine side by side what the programs will offer.

And one last thing, because the paper concluded that the costs might be too high. We have gone through a horrific time in this Nation since September the 11th. I commend the President of the United States for bringing this Nation together, for having us focus as communities, as a Nation, calling upon Americans to sacrifice as we move forward. But this Greatest Generation lived through the first day of infamy back on December 7, 1941; and now having lived through a second day of infamy on September the 11th, they should not be made to be the only people making sacrifices here. So when we say there is not the money there to assist these people, that is an outrage. Of course there is the money, and if that means freezing the tax cuts that we have put forward 10 years out, then that is what we should do on behalf of these citizens who have given so much to their Nation. Minimally, we owe them the opportunity to live out their final days in the dignity that we would want for each and every one of our parents.

I commend the gentleman from New Jersey.

Mr. PALLONE. I want to thank my colleague from Connecticut, Mr. Speaker, because he raises so many really good issues, and I just want to key in on a couple of them, if I could.

The gentleman mentioned the Hartford paper talking about the cost of the plans. I have said it so many times, and the gentleman basically touched upon it as well tonight, that it is not only that seniors deserve a prescription drug benefit, but it also makes sense from a financial point of view. Think about the fact, as the gentleman said, that, first of all, it could easily be paid for by simply postponing some of these tax cuts that primarily went for the wealthy and for corporate interests. We are not even talking about now. We are talking about in the outyears, 10 or 12 years from now.

Mr. LARSON of Connecticut. Exactly.

Mr. PALLONE. The second thing is what the Republicans have done with these tax cuts, of course, is to drive us back into debt where we are now using the Medicare and Social Security trust funds to pay for daily operating expenses of the Federal Government. I would much rather see the Medicare trust fund used for a Medicare benefit, like prescription drugs, rather than to run the country, because that is not what it is for. It is supposedly for the Medicare program.

The last thing, and in many ways the most important, is the fact that we provide a generous benefit under Medicare, and we are not proposing anything that is out of line. We are just modeling it after part B. Part A of Medicare pays for the hospital bills, and part B pays for the doctor bills. And right now if an individual wants their doctor bills paid for, they pay a premium, I think it is like $45 a month, with a $100 a year deductible, and 80 percent of the cost of the doctor bills are paid for by the Federal Government.

Well, we are doing the same thing with our bill. Our bill says we will create a new part D, where an individual pays only $25 per month for their premium, they have a $100 deductible, and 80 percent of the cost of their drug bills, up to $2,000, is paid for by the Federal Government. After that, it is 100 percent.

This is not rocket science here. This is just the same old, same old Medicare, but now using the same principle used for paying doctors we are now using to pay for prescription drugs.

The problem is, as the gentleman said, and I will go to the second point the gentleman made that I wanted to mention, is that we came up with a simple proposal under Medicare, and Medicare has worked for 35 years; and yet the Republicans say we cannot do that. They do not want to continue and extend Medicare; they want to give money to the private insurance companies in the hopes that somehow they will provide a benefit. But they do not define what that benefit is; they do not say how much is to be paid for the benefit. We do not even know if they will offer the benefit.

And as the gentleman says, most of the insurance companies and the trade associations are saying they do not want to provide it. No one can go out and buy a drug-only policy now, so why should they provide it overnight because the Federal Government gives them a little money? It is not going to happen.

So the biggest concern we have as Democrats, and the main reason we think the Republican bill is a sham, is because these policies are not going to be sold. And if they were to be sold, we calculate that the benefit to the average senior is about 20 percent of the cost of their drug bill. So who would even pay $35, $45, $50, whatever the premium is per month, to get only 20 percent of their drug bill paid for?

So the whole thing really is just a sham. It really is. I yield to the gentleman.

Mr. LARSON of Connecticut. It is not practical. And I do not want to say this, because I hail from a part of the country that has a deep understanding of insurance and a deep understanding of risk management and spreading risk over a large population; but actuarially and from an underwriting perspective, when they take a look at trying to underwrite very narrowly those who would opt in to a voluntary program, by its very nature it sets up an adverse selection.

So, therefore, to price this would be very difficult. If they are further forced to price it artificially, we have all seen what has happened to HMOs across the country when this happens. They pull out of the program and the elderly are left without insurance or, in this case, they would be left without prescription drug coverage. It is intuitively obvious; and I think that people, the elderly out there, understand it.

My dad, God rest his soul, and the gentleman reminded me of something that he would say all the time when he was addressing the fairness of this issue, especially when we look not only here in this country but into our immediate borders, but also when we look all across the industrialized world and see the benefits that they provide for their seniors.

My dad used to give his lectures to the family. He would, on Sunday afternoon dinners, and usually by evoking the holy family's name, but always talking about how great the country was and how we had risen to be the preeminent military, social culture, and economic leader in the world. Then he would turn to my mother and say, But look at the benefits that are offered to the very people we defeated in the Second World War. We defeated the Germans and the Japanese; and then we, as only this country would do, turned around and rebuilt and restored those nations so they are our very economic competitors today. He would turn to my mother and say, And look at the benefits that they have; look what they offer their people. And he would say, "Jesus, Mary, and Joseph, Pauline, who won the war?"

His point was that their countries valued the service of their citizens more than our country. And while we all know how much we value the great service, because clearly we have chronicled it, as I have said earlier, in books and in movies and on talk shows, but the proof ultimately is in the legislation and the policy that we write here.

If we care about those veterans that serve so valiantly, if we care about our aging population, then what we should do is provide them with the benefit that they have richly earned.

□ 2200

This is not an entitlement in the sense that it is something that we are handing out. This is something that has been more than paid for by the sacrifice of a generation who made us what we are today. For us at this point in time, at this historic moment to turn our backs on our elderly in their time of need is just outright wrong.

That is why I have come to the floor so many nights along with the gentleman from New Jersey (Mr. PALLONE) to express our concern. All I am asking is that we get an opportunity to vote on the plan that we believe is in the best interests of senior citizens and the American public. Let them stand side by side, and let them go through the test of being under the bright lights, and then let people across this country decide what truly is the best plan.

Mr. PALLONE. Mr. Speaker, we are supposed to have an idea within the next 5 or 10 minutes about whether or not the Committee on Rules is going to consider the Republican bill and then whether or not they will consider a Democratic alternative. I hope, as the gentleman said, we do have an option to vote on the issue and debate the issue over the next few days, and in the context of that we do have the Democratic alternative or other options, certainly.

Mr. Speaker, if I can spend a little time talking about some of the reasons that we have seen in the media over the last 24 hours why there may be as many as 20 or 30 of our colleagues on the Republican side who are not willing to vote for this Republican bill. I think we sort of articulated already the general reason, which is that this Republican bill is not a Medicare benefit. It is not guaranteed to anyone because it basically operates through private insurance companies, and they may not offer it at all, or in various parts of the country.

But there were other specific things that came up today, and again I am looking at Congress Daily this morning that has an article, "House GOP Still Shy of Majority To Pass Prescription Bill." The Republican bill does not address the issue of cost, does not do anything to reduce prices for prescription drugs. In fact, there was a reference that was pretty clear where one Member specifically said if the bill did not address the price of prescription drugs, what good is it, because how can we ever afford it if there are no price reductions.

I go back to the fact that this bill was largely written by the pharmaceutical industry, and the major issue that we could see when we had the markup in the Committee on Energy and Commerce, not only were Republicans unwilling to vote for the Democratic substitute and make this a Medicare substitute, but,, more than anything else, they were not willing to vote for any amendment or measure proposed by the Democrats that addressed the issue of price reduction. We had a series of amendments which they refused to consider.

Of course, the Democratic substitute, as the gentleman knows, says that because this is a Medicare benefit and all 30 to 40 million seniors are part of the program and get the benefit, that we mandate under the Democratic bill that the Secretary of Health and Human Services negotiate prices for those 30–40 million seniors that would lead to reductions in price and lower cost.

Because there is this huge insurance pool now, we know that he would be able to reduce prices significantly, just as we have with the VA or the Federal Supply Schedule or some of the other Federal programs where they have reduced prices 30–40 percent because of the negotiating power of having so many people.

The one thing that was interesting to me was not only was every amendment on price struck down by the Republicans, but during the markup we realized that they had actually put in a section in the bill that was entitled noninterference. I am not going to read all of it, but this title specifically says, in carrying out the administrator of the prescription drug program's duties, it says that, "The administrator may not require or institute a price structure for the reimbursement of covered outpatient drugs; 2, interfere in any way with negotiations with regard to the prescription drug sponsors or Medicare+Choice organizations, drug manufacturers, wholesalers or other suppliers of covered outpatient drugs."

Not only have they not put something in affirmatively to address price, but the Republican bill does not allow the administrator of the program to do anything to affect price. So they clearly, totally go down the road of what the pharmaceutical companies say and do not deal with the price issue at all.

Mr. Speaker, I yield to the gentleman from Connecticut.

Mr. LARSON of Connecticut. And yet they have a great opportunity. I want to commend those valiant Republicans who have stood up to their leadership. I will not use the Member's name who said, I have to choose between my leadership and the senior citizens that I represent.

We have seen this happen before. We saw it with campaign finance reform. I saw a member of my delegation, the gentleman from Connecticut (Mr. SHAYS), stand up along with many Republicans on that side and do the right thing in terms of campaign finance reform. We saw the same thing in the Patients' Bill of Rights. We saw the gentleman from Iowa (Mr. GANSKE) stand up and do the right thing, and the Patients' Bill of Rights was achieved. We have an opportunity here if we come together and are able to examine these various proposals side by side and then vote on them.

I believe in my heart of hearts, and I have no illusions that many people around the country are listening to the dialogue between the gentleman from New Jersey (Mr. PALLONE) and myself, but for those that are and can still contact and call people in their respective States to tell them just how important this is, to have a vote, to deny people to be able to have an amendment on pricing in the United States Congress just is so contrary to everything that we stand for.

Mr. PALLONE. If the gentleman would yield, I just found the reference. It was the gentleman from Minnesota (Mr. GUTKNECHT) who spoke earlier on the floor tonight. He was the one quoted in this article in Commerce Daily.

It says, "The most problematic revolt is coming from a group of Republicans who want the bill to address price issues rather than coverage." It has a quote by the gentleman from Minnesota (Mr. GUTKNECHT). "The central issue is affordability. As we move down the path towards passage of a drug benefit, that issue has been given short shrift."

He wants to include in the bill an amendment he has pushed through the House before. It would make it easier for Americans to reimport U.S. made drugs from other countries at controlled prices. He said, "I am tired of subsidizing the starving Swiss." He was actually on the floor tonight talking about the reimportation issue, which is one way to bring down price. If we allow drugs to come from Canada or other countries and create competition that way, prices would come down considerably.

But this was an amendment just like his that I offered in the Committee on Energy and Commerce that the Republicans voted against because they did not want to see any reimportation because it would address the issue of price.

Mr. LARSON of Connecticut. Mr. Speaker, we are in the minority. We do not have the numbers to stop whatever the majority will is. Within the Republican caucus reside Members like the gentleman from Minnesota (Mr. GUTKNECHT) who are in my mind true heroes in this body who are willing to go against the tide, who are willing to stand up to their own leadership, who are willing to stand up to the pharmaceutical industry and say, wait a minute, these seniors have waited long enough. They have endured far more than they should. I applaud the gentleman from Minnesota (Mr. GUTKNECHT) and those valiant Republicans.

Mr. PALLONE. Mr. Speaker, this says at the same time the gentlewoman from Missouri (Mrs. EMERSON), who supports the amendment of the gentleman from Minnesota (Mr. GUTKNECHT), and wants to add a measure she is sponsoring to make it more difficult for brand-name drug companies to delay the market entry of generic medications.

Again, that is something that is in the Democratic substitute. As the gentleman knows, if there is a patent exclusivity for a period of time, then of course the company that developed and gets the patent has an exclusive right.

To be honest, something like 50 percent of the brand-name drugs are under patent right now, exclusivity, and therefore we cannot bring a generic to market. That basically inflates the price of the prescription drug.

What happens is when those patents run out, the pharmaceutical companies use all kinds of gimmicks to try to delay the generic coming to market. That is what the gentlewoman is trying to eliminate. I know that the gentleman from Ohio (Mr. BROWN) has a bill, and some of that language is included in our Democratic substitute that would close those loopholes. Again, this is a pricing issue. Because if we bring generics to market, we reduce the cost of prescription drugs.

Mr. LARSON of Connecticut. Mr. Speaker, the gentlewoman from Missouri (Mrs. EMERSON) is absolutely right. I think what is also compelling about the Democratic initiative is the ability, and I think people understand this readily, to be able to leverage the great buying power that the Federal Government would have in terms of initiating a program under Medicare.

Currently, whether you are a large corporation, whether you are the Federal Government itself, or whether you are a large labor union, you have the opportunity to go directly to pharmaceutical companies and leverage deep discounts in order to make prescription drugs more affordable. Medicare is a Federal program. Medicare would provide us with an opportunity to have large numbers that will allow us to leverage and bring down the cost, just like every other western industrialized country in the world is able to do. This makes common sense.

I commend our colleagues on the other side of the aisle who understand at the heart of this issue is price and getting the cost down here and being able to have a program that is affordable, that is accessible, and will be ready available and, most importantly, workable for our seniors. Again, that is why I commend the gentleman from New Jersey (Mr. PALLONE) for his efforts.

Mr. PALLONE. Mr. Speaker, I am going to just mention one more Republican because I cannot praise them too much here. It is interesting to see that some are standing up to their leadership. This one is the gentleman from Pennsylvania (Mr. PETERSON) who said he absolutely would vote against the measure unless more money is included for rural hospitals. He said once pharmacy is a part of Medicare, there will be no extra cash any more.

What he is referencing is the problem for rural areas because, as the gentleman knows, just like with the HMOs that do not offer, do not have benefits, we do not have HMOs in a lot of rural areas, the same problem will exist here because you do not have a guaranteed Medicare benefit. It is unlikely in a lot of rural areas there would be any kind of private drug policy offered, which is what the Republicans are saying. The concern is that rural areas will be left out, and there will be no insurance policies for them to buy.

The other thing is with regard to the pharmacies, particularly in rural areas. What would happen with a private insurance plan, just like with HMOs, they will decide what vehicle to use to dispense the drugs. They may use a large chain or may decide to do it through mail order and not through the local pharmacy. There is a real problem with those in rural areas, our colleagues who are concerned about whether any benefit would be available at all because an insurance company would not sell in those areas. Or, secondly, if there is one, it will operate like an HMO and will exclude any kind of dispensing of medicine from the local pharmacy.

Of course, we in our bill do the opposite. We say this is a Medicare-guaranteed benefit, and you can go to any pharmacy or any outlet to buy the medicine.

Mr. Speaker, I yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, again, I thank the gentleman for pointing out the many Republicans on the other side who understand this.

□ 2215

This is an age-old battle between Democrats and Republicans and why I feel it is so important that we vote side by side on the differences between the proposals and commend those Republicans who have come forward with their own concepts and are focused on pricing, because they are among the few and the brave and the valiant who are willing to go against their own conventional wisdom and ideology.

Roosevelt said it best during the struggles to bring Social Security to the forefront. He was amazed at the time that Republicans seemed to be, as he said, frozen in the ice of their own indifference to what the policies they would perpetrate would do to the American public. Frozen in the ice of their indifference to what their proposals would do to a Nation that is crying out for relief. That is why their Members who are standing up and maybe not in total unison with us but standing up for what they know is right for senior citizens deserve a great deal of credit.

It is my sincere hope that the Rules Committee will provide an opportunity for all of us to have an opportunity to vote on the measures that we believe will best provide relief for those we are sworn to serve in this country.

Mr. PALLONE. I want to thank the gentleman for joining me tonight. We probably can find out as soon as we yield back our time what is the situation with the Rules Committee. But, again, I agree with you. We just want this to be brought up, we want to have a debate, we want to have an opportunity for the Democratic position to be considered side by side with the Republican.

And it is not, at least I do not think for most of us it is really an issue that is partisan or even ideological. I just think the problem is we know that Medicare works. We have seen it work. We know that before the 1960s when Medicare came into being that it was virtually impossible for senior citizens to buy any kind of insurance policy that was affordable, that would pay for their hospitalization or their doctor bills. That is why Medicare started, because the private sector did not provide that opportunity.

This has been a very good government program. It is a government program, so maybe some of our colleagues on the other side of the aisle have a problem with Medicare ideologically. I am sure some of them do. But you have to throw that aside and look at what is practical and what works for the American people. The Democrats are simply saying Medicare works; and the best way to provide this prescription drug benefit, really the only way in the system that we have, is for the government to expand Medicare to include prescription drugs, which is what we are advocating.

Again, I do not know whether it is the ideology or, maybe going back to what I said at the beginning, it is just the money from the prescription drug industry that prevents the Republican leadership from going ahead with a Medicare program and addressing the issue of price because that makes sense. I have to believe it is the money from the drug companies that is really behind the effort to stop a Medicare program.

CORPORATE GREED, THE PLEDGE OF ALLEGIANCE, AND COLORADO FIRES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, I have a number of subjects of which I wish to cover this evening. Of course, having the opportunity to come over and wait for my time allotment to speak to the Members here, you get to listen to the people that preceded you speaking. The gentleman from New Jersey (Mr. PALLONE) is a very capable individual and speaks very well. There is only one point I want to make clear about his conversations.

At the beginning of his remarks, he expressed some dismay that the Republican leadership may not be able to bring up the prescription care bill, the Medicare bill, this week. He was very discouraged by that. He talked about and gave some examples of people that needed prescription assistance and senior citizens and their trials and tribulations that they go through, of which of course we would all agree with.

What he did not point out was the fact that none of the Democrats want to help us. So there is a reason that that bill cannot come to the floor, and that is because we do not have bipartisan cooperation. The Republicans have asked the Democrats on a regular basis, pitch in and help us. Prescription care is a serious problem in this country. We have got to come up with some type of solution. We prefer to come up with a bipartisan solution. Prescription care problems out there in our society do not happen to just Republicans. The ability or lack of ability to pay for prescription services does not just happen to Democrats. It happens to all people in our country. That is why it is necessary for bipartisan support.

But, unfortunately, this is an election year; and with November not very far away and with the Democrats vowing that they will make prescription care services their main issue to try and defeat the Republicans, they find within their own conferences no incentive to cooperate. This thing is being driven by politics, and that is exactly why we get criticism of the Republicans not bringing it up.

The reason is Republicans do not have the numbers. They need some help from the Democrats. But there is no way in an election year that the Democrats are going to help us with prescription care services. One, they do not want the issue resolved before November. They do not want the Republicans to get the credit for having solved the big problem in this country, so they will do whatever they can to resist any kind of cooperation. And while on one hand they will not cooperate, they turn around on the other hand and blame us for not bringing that bill to the floor.

So I would suggest to my good friends over on the Democratic side, come on, let us be a little less partisan about this. Help us. Work with us. That is what we are asking for.

But that is not the intent of my speaking to you this evening. I really want to cover three separate subjects. I want to talk, of course, about the outrageous decision made today by the Ninth Circuit in California about the fact that America now must hang its head in disgrace because our Pledge of Allegiance has been declared unconstitutional, unconstitutional by a Federal appeals court.

That is no low-level court. That is a very high court in our country. It has had the audacity to come out and take the most recognized symbol in the world and the Pledge of Allegiance to that symbol and to that country, in a time of war, in a time when every other country in the world encourages its children in its schools, in its institutions, in its areas of public domain, encourages their civilizations to engage in religious practice, that this court finds it necessary for the United States to see that its Pledge of Allegiance is unconstitutional because it mentions the name God. We will talk a little about that.

I want to talk about the fires in Colorado. In fact, I have got a poster. I want to talk a little about the fire damage in Colorado, the fires and what is going on. During those discussions, I am going to point out, so that you have some proportion of the damage in Colorado, Colorado is not burning as a State. The great majority, 99 and some percent, of Colorado is not on fire. 99.9 percent of the State of Colorado is open for tourism; and if you want the greatest deal of the summer, you go to Colorado, because there are a lot of deals out there. There are a lot of opportunities.

Colorado is a very gorgeous State. Of course, I am very proud of it. My family on my side and on my wife's side, we have multiple generations in Colorado. I could talk about Colorado all evening, but I do want to put it in some proportion, and we will be looking at this map to my left. I will give you a little idea of exactly what we are talking about.

But we are not going to move to that map yet because I want to also talk this evening about corporate greed, this WorldCom stuff, KMart, Global Crossing, Xerox Corporation, Tyco Corporation, and now maybe even our favorite, Martha Stewart. What is going on out there in the corporate world? What is going on with the integrity of these people? What are they doing to our society? What are they doing to that credibility gap which is a foundation of the economic cycle of this country, of the economic principles of this country?

It depends on integrity from people who manage these companies and people who oversee the management of the company, i.e., the board of directors. We are uncovering stone after stone after stone in corporate America, and what are we finding? We are finding corporate self-serving greed, not greed in a healthy capitalistic fashion but greed in a way that it is criminal.

I intend to spend some time on that this evening, too. I intend to talk very specifically about what I think some of the solutions are. When I think of what is going on out there, it makes me think of a four-letter word. That is what I think of when I think of corporate greed. I want to use a four-letter word, J-A-I-L, jail. That is exactly what I am thinking about. That is exactly where some of these corporate executives ought to be, and it is exactly where those corporate boards of directors ought to be. That four letter word, J-A-I-L.

I am not trying to jump into these remarks too early, but let me tell you something. If you were an employee with Kmart Corporation or you were an employee with Enron Corporation or Tyco Corporation, or let us go back to Kmart. Let us say you are just a sales clerk at Kmart, at one of their stores and you stole a candy bar. You stole a candy bar from Kmart, from your employer, you stuck it in your pocket, a candy bar, and walked out of the store with it. Up to this point in time, you would suffer more repercussions for stealing a candy bar as an employee of Kmart Corporation than will those executives of Kmart Corporation who loaned themselves millions and millions and millions of dollars and then took a corporate board action and forgave the loans to themselves and then filed bankruptcy on behalf of the corporation. Think about that. There are people that will get in more trouble stealing a candy bar or a magazine or a tool from one of these retailers than will the CEOs.

Let us take, for example, WorldCom. If you steal long distance services from WorldCom, let us say you steal $100 worth of long distance services from WorldCom Corporation. You are going to get in more trouble than the chief executive, Bernie Evers, got in trouble; and he got a $350 million loan from the board of directors, $350 million of which he will never be able to pay back.

It is unbelievable, and the American economic society is suffering as a result. We have got to bring the hammer down on these executives, and we have got to bring it down hard and heavy. We have got to make it so that every prosecutor in this country, every U.S. attorney in this country when they think of these chief executives, they think of that four letter word, J-A-I-L, jail.

Let me start back and let me talk about in a little more detail some of these subjects. First of all, let me talk about the flag. I, like many millions and millions and millions of Americans today, was stunned, stunned, that a Federal appeals court, that two judges could bring this country to its knees by saying that this country's Pledge of Allegiance, a pledge that every child in this country has said, that every school in this country and every school this country has ever had has been said within its four walls is unconstitutional because it has the words "under God" contained within its four corners.

You think about this decision. What is next? That ought to be the logical question. We have these liberal judges. By the way, you take the most liberal Member of this House Chamber, and these judges make those liberal Members of this House Chamber look like they are right-wing conservatives.

The Ninth Circuit is an island of its own as known in the legal circles. I practiced law. I was an attorney. The Ninth Circuit has always been known as kind of an island of its own, but, nonetheless, it is still a Federal appeals court. So you have to ask yourself, okay, somebody that wants to stir up trouble, what is the next logical thing for this court in California to declare unconstitutional?

☐ 2230

Could it be the crosses at Arlington National Cemetery or the crosses at every military cemetery in this country? Is it unconstitutional because the cross is seen as a symbol of Christianity and we find it on Federal property; we find it on every grave of every military person and their spouses and, in some cases, their children, who have served this Nation? And now these judges, do we think that is logical? Of course it is logical. And of course it is something that now, something that we never imagined any judge would go so far out of bounds of their judicial duties that they would, first of all, declare our Pledge of Allegiance as unconstitutional. Then the next step, logically, would be for them to go to our national cemeteries and start yanking crosses out of our servicemen's graves. What is next?

How interesting. I bet these judges, I bet these judges this week; let us see. July 1, coming next week. I bet on July 1, those judges that made that decision today that the word "God" in the Pledge of Allegiance is unconstitutional, I bet those judges on July 1 put their greedy little hands out and take their paycheck and take that American money that says "In God We Trust" on it. I bet they take that money, and I bet they stuff it in their pockets.

Now, I would say to these judges, if you are true to principle, you should refuse this cash. You should not take American money. It has "In God We Trust" on it. It is unconstitutional. You should uphold the judiciary of this fine land. You, after all, are the ones who made the earth-shattering decision that the Pledge of Allegiance in the United States was unconstitutional. So it should not be you who steps forward for the benefits of American cash, because after all, that has "In God We Trust" and that would be offensive to the decision that you made.

But, of course, they will not hear of that; and of course, they will take their money on July 1 as they snicker about the decision that they handed down to the American people today.

I studied law. I am a lawyer. Granted, since I have been in Congress, I have not practiced law. Granted, I am not a constitutional lawyer, although I studied the Constitution. I would not be considered as a judicial scholar, by any means. But what kind of scholar does one have to be to say to the judicial system in this country, back off? How far, how hard do you want to push this Nation? In a time of war, in a time when this Nation needs to be unified, what do we think are going to be the ramifications to the generation behind us, to the rest of the world that is looking at this country and sees that its own judges, its own judges declare our Pledge of Allegiance unconstitutional? Not only do they declare it unconstitutional, they issue a dictate that says that this Pledge of Allegiance may not be said, may not be said within the walls of our schools.

I mean, I hope that people understand; and I think the millions, the mass of millions of people in the United States of America understand the slap that was just struck across their face. The refusal, the rejection of the American principle of God and liberty, regardless of what one's God is, that God and liberty and freedom and strength were rejected today by some of the people in whom we put our highest confidence. These judges ought to resign in shame.

Now, I know, I know the arguments. Look, I used to be a cop, I heard the defense attorneys, and I know tomorrow the American Civil Liberties Union and some of these other people will stand up and talk about the bravery of these judges, to stand up against popular opinion, as if popular opinion is always wrong; to stand up against popular opinion and say, the Pledge of Allegiance was unconstitutional, and somehow they want a feather in their cap and a badge on their vest.

Mr. Speaker, there comes a time when we ought to consider the circumstances in our Nation. There comes a time when we have to say, why do we need to take this issue on? As if there is nothing more important in this world going on; as if this is the psychological blow that the American people need right now, and that is to tell them that when their children go to school, it is taboo for their children to say the Pledge of Allegiance; to the finest country in the history of the world, the strongest country on the face of the Earth. I do not mean just strong militarily. I mean strong as far as what it does for other countries; strong as far as what it does for the poor people in this world; strong as far as what it does for its contributions of inventions, of mechanical inventions, of medical inventions, of medicine, of prescriptive services. I mean think about this.

Mr. Speaker, do we know what these judges are? They are elitists. They are in an ivory tower out there in California, and they take for granted the fact of the hundreds of thousands of American soldiers who have died throughout the history of our country to keep this country free. I would like my colleagues to show me one soldier tomorrow that is going to say to us that their children, that children should not say the Pledge of Allegiance, that our Pledge of Allegiance is unconstitutional.

Now, I do take some reluctance in criticizing the judges' opinion. I think the judiciary has to have some flexibility. But by God, and I said that word just a minute ago, because I mean it. I hope He is not paying much attention; or He or She or whoever that God is, I hope they are not paying much attention as to what these judges in our country did today. I hope the patriotism that all of these hundreds of thousands of soldiers that are now dead and the patriotic cause for which they gave their lives, or maybe not their lives, but gave their career; or maybe not their career, but gave some time in their lives to go to bat for this country, I wonder what they are thinking today about why these judges did not go to bat for our country, why these judges have to stretch the law so far, so extreme. This is such a liberal interpretation of this that they would have the audacity or maybe the ignorance or maybe the stupidity to come to a Nation as great as this Nation, as a part of this Nation, which has given them everything they have, by the way; those judges have their jobs as a result of these soldiers, as a result of the citizens of this country.

The judiciary has the respect that it does because we do indoctrinate our kids at a young age, like every other country in the history of the world does. We educate them about what a great country it is. We do try and get an allegiance to this country built up early. Is that too much to ask? Is it too much for these judges to swallow that a country says to the citizens of this country, look, we have an allegiance to this country? We have an allegiance to our flag. We have to be willing to fight for the freedom and the principles and the Declaration of Independence. We need these things. Is the next thing they are going to throw out is the Declaration of Independence because it has "God" in it, and that those rights and those thoughts and those philosophies and that idealogy expressed in the Declaration of Independence should no longer be taught in the classroom because it has "God" in it? Give me a break. What is going on here?

Mr. Speaker, we cannot allow this to stand. Those judges, those judges should be isolated; and I will tell my colleagues what else. The other body, the leader of the other body who stood up today and agreed with me, and acknowledged that this decision was just pure nuts, ought to let the President judge and get some of these judicial balanced appointments in, get some people in that are balanced. I mean, this decision is so extreme, so radical, that tomorrow when all of America wakes up, and wait until our Americans overseas take a look at this. What do we think it is going to do to them? We talk about discouraging. I mean, we talk about depressing, that is, that your own court would take one of the things that we grew up with and say it is unconstitutional because they use the word "God" in it.

I am ashamed. As a lawyer, as an officer of the court, as a United States Congressman, and more importantly than any of that, as a father, as a citizen, I am ashamed, I am ashamed at what that court in California did today, a Federal court, Federal judges who found that the Pledge of Allegiance of the greatest country in the history of the world is unconstitutional.

Do not kid ourselves. Remember years and years ago when the court first came out and said we cannot have a Christmas declaration on Federal land, we cannot have a cross up there at Christmastime; remember when they came out and said, you cannot have prayer in school; when they came out and started ignoring the basic principles, started penetrating family. And people said, oh, it is just some crazy decision; it is not going to go anywhere. This decision, it is so crazy. But do we know what happens? These judicial judges, they kind of grow on themselves. Some of these judges have egos and they are elitists like we cannot believe.

In an ivory tower they begin to think more and more and bigger and bigger of themselves, and the next thing we know they give another judgment. So do not be surprised. There will be before too long, I am confident of it, some radical liberal will file in the courts that the crucifix, the cross used in our national cemeteries is unconstitutional because it is a symbol of Christianity or a symbol used related to God. Do not be surprised. Although they will use the money, spend the money for their own needs, but they come out and say every American coin, every American dollar that says "In God We Trust" ought to be declared unconstitutional, that our money is unconstitutional.

Mr. Speaker, back during the Cold War, I think it was Nikita Kruschev that said with America, all we have to do is be patient and give them enough rope, and they will hang themselves. Give them enough rope, and they will hang themselves. We do not have to go to battle with America. Just give me elitists. Give the elitists enough rope, and they will hang themselves. Give these elitists that declare our Pledge of Allegiance as unconstitutional, just give them enough authority and enough jurisprudence, and pretty soon they will divide their own country.

Many countries throughout the world are amused by this. These countries that hate us: Iraq, Iran, North Korea, think of these countries. They are overjoyed. They look and they see within the family, one of the most respected symbols of the family, of the American family, the family is split. They are probably as surprised as we are; but they are smirking, they are elated, they cannot believe their good luck that the American family is being split, not by outside members, but by members within the family itself, these elitist judges. Those judges should be ashamed of themselves.

Mr. Speaker, I did not think when I went to law school, I never thought throughout my time as practicing law, which I practiced for 10 years, I never thought when I represented the fine State of Colorado in the State House of Representatives, nor did I imagine that being on the House floor of the United States Congress, a privilege and an honor for me, that I would be standing in front of my colleagues talking about these judges in the way that I am, about the disgrace they have brought about to our country. I hope that the generations and generations of their families from now, assuming that this country survives over a long period of time, I hope that their families will look back someday upon the words of my record this evening and understand my anger and my disgrace directed towards them for the decision they made today.

Mr. Speaker, this is not emotionally driven. This is driven by my intense love and my intense belief that this country has to have a guiding light, and that guiding light is not only a supreme being that all of us may or may not believe in or the type of supreme being that one believes in, but a guiding light driven by a sense of patriotism, a guiding light driven by a flag, by a symbol, a guiding light driven by a President with integrity, a guiding light driven by a Pledge of Allegiance. What is wrong with singing a National Anthem? Mr. Speaker, that is probably next, for some reason. These are all tools, tools of protection of democracy; tools that make people come together as a team; tools that are used to excite us about our Nation, that are used to encourage us to rededicate time and time and time again our belief in this fine country. And yet tonight, a couple of judges at a Federal court trash it. I am stunned, disappointed, and even disappointed beyond the point of being angry, but I am ashamed of what these judges have done.

Let me move on to an entirely different subject, the subject of fire and the fires in the State of Colorado. First of all, I will tell my colleagues that my district consists primarily of all of the mountains of Colorado. There are a few mountains that are out of it, but most of the mountains in Colorado are in that district and will remain in that district after redistricting. Our district in Colorado, it is the third district, the highest district in elevation, highest place in the country when you take the elevation. I am pointing out a few of these things because we are having pretty serious problems with a drought out in Colorado.

□ 2245

We do have serious fires. We have had a horrible fire in Durango, Colorado. Yesterday we got a second fire in Durango, Colorado, just across the road; and it was from another origin, another cause. It was caused by an entirely different source. We have a terrible fire raging in Arizona. We had a terrible fire near Denver, still in the Third Congressional District, called the Hayman fires.

But these fires, the national press, all the pictures that we see in the national press would lead us to believe that Colorado has been hit by a bomb; that Colorado, somehow all the mountains are on fire, and that Colorado is a dangerous place to visit. I will tell the Members that on its face is inaccurate.

I have to my left, and I would like to go through this map, what this map does is shows Colorado fire damage. The black spots on this map will show Members where there has been fire damage.

Members have heard about the size of these fires. They are huge. We have heard about them. But when we put it in proportion to the entire State of Colorado, these are not the size areas we imagine by seeing all the pictures in the national press.

Here is that massive, massive fire called the Hayman fire near Denver, Colorado. That fire is about 70 percent contained, meaning that we are 70 percent around it. We are going to whip that fire. That fire got the best of us for a few days. But all the publicity Members heard, that is where that fire is. That fire does not have any national park in it. It has part of a national forest. We have closed part of that national forest down.

We have numerous national forests that are still open for the public that are not affected by this fire. We have four national parks that are not affected by this fire that are open for the public. We have thousands and thousands of tours and attractions, tourist attractions, that are not affected by this fire that are open.

If Members wanted to camp in this black spot, of which I would guess, of the people who visit in Colorado, probably less than one ten-thousandth of a percent of the visitors we have every year in our State, less than one ten-thousandth of a percent of the total visitors that come to our State every year would camp or be in these particular areas to visit. Members' visit or vacation to Colorado would not in all likelihood be in any of these black areas of Colorado.

Durango is down here in this black area. It probably is not a very accurate depiction. I am looking for a date. This is 3 days old. This map is 3 days old, so Durango would be down in this area about right over here where this little black mark is right here. That is the Durango fire. That black mark has grown. But Durango, the City of Durango, has not burned down.

In fact, if Members want to go visit a community, right after the New York City disaster what a lot of us in this country said would help New York was to go visit New York. What would help Durango, Colorado, what would help Colorado, is to go visit Colorado, go have a vacation over there.

There are lots of things that can be done, and we can help the State and help Durango. Durango needs our help. Why? Not because the city has burned. It has not burned at all. It needs our help because the perception out there is that we ought to cancel our vacations to Colorado.

In fact, one of our State newspapers ran an article to say, hey, come back next year. That on its face is an absurd statement. As I said, 99 and some percent of this State is unaffected by those black marks, and the majority of those black marks up near Glenwood Springs, for example, in Glenwood Springs, I do not think, and I am from there, I was born and raised there so I know the fire pattern very well, I do not think one campground in Glenwood springs was closed as a result of this fire, or is closed as a result of this fire. I might be off by one. But there is so much area around Glenwood Springs.

This is the flattop region. Look at all this area. There are hundreds and hundreds of thousands of square miles, or, excuse me, hundreds and hundreds, millions of acres and hundreds of thousands of square miles, I guess would be correct, that we can go visit and camp and these attractions that we can go to.

Let me explain what got us to the fire situation that we are in. First of all, keep in mind the dryness and the drought. What we have had is we have had a large accumulation of dead forest material, and we call that material fuel. It drops off the trees, for example, and it accumulates on the forest floor.

Now, nature, frankly, before the Native Americans, before humans occupied, nature used to take care of these forests because they were what we could truly call at that point natural forests, and fire would rage on a consistent basis throughout much of the United States. In fact, to give a little history, in the 1900s, 1910, 1920, and really this is what led to the birth of Smokey, the Bear, we would, on an annual basis, have 50 million acres, up to 50 million acres a year that would burn in this country.

Last year, for example, I think we had 3 million acres burn, because we have become much better at fire suppression. Our acreage, and because we have really educated the public about the dangers of fire, instead of losing 50 million acres a year, we are losing much closer to 3 to 5 million acres a year, which means over a period of time 45 million acres a year is not being cleared out by fire, so we have fuel.

It is like trash in the home. Over time, it accumulates; and, over time, it becomes a hazard. That is what has happened on our forest floors. We have not been able to get in there for a number of reasons, the least of which or the not the least of which is the environmental movements, which have opposed, because they are so emotionally driven against logging.

And, by the way, Colorado is not even a logging State. I am not sure we have a large commercial sawmill left in Colorado.

But they are so emotionally driven by logging and their hatred towards logging that they have used these emotional arguments and their educational efforts to try and stop the thinning of the forests. Now, of course, after the fire they cannot wait to get up there and say, Oh, no, we support thinning of forests, but look at the facts, and they have contributed to it.

I am not saying that these radical organizations, these radical environmental organizations, are the cause of the fire. I am not saying that they are the only contributing factor to the fire. But what I am saying is, do not let them leave the table. Bring them back to the table, because they did contribute. Their actions, instead of allowing our forest service to manage our forests based on science, they have engineered and financed and engaged in a very sophisticated educational effort to have our forests managed by emotion, not by science.

We have to come back to science. We need to let the people who specialize, who are educated, who grow up in it, who work it every day, our Forest Service, our BLM people, these Federal biologists, we need to let them manage these forests. We need to follow their advice, instead of going out to the public as a whole and driving emotional thought and then forcing it back on these agencies. I hope these fires wake some of these people up.

But putting the environmental issue aside, I also want to say to my fellow homeowners out there in the mountains, I have had some of my colleagues who have come up to me and said, look, why do you guys live up there? Why do you live in those mountains? Why do you live out there where there are trees that can burn up?

I said, wait a minute, why do you have trees in your yard in the big cities? That is where we live. It is our home. It has been our home for many, many years; generations in my family's situation and in my wife's family, too. Do not tell us to move from where we lived since the 1860s and where our Native American people have lived for several hundred years. That is our home.

But we do have a responsibility, fellow homeowners out there, and that is to take care of our own properties. Every one of us who lives out there in what we call the urban interface, where the homes start to come into these forests around ponderosa pine or things like that, we need to put some money and put some investment in the protection of our home.

I frankly do not think it is going to take government regulations to force us to do it. What I think is going to force us to do it out there are the homeowners insurance companies. They are going to say, with some justification, we are not going to ensure your home unless we get a check-off that your home has been treated, that the trees around your house have been trimmed back, that you do not have a ponderosa pine tree up against your house, that you have done the proper trimming, treating, and cleaned out the pine needles, and so on, and then we will ensure your home against fire. So that is something we can do for the future.

But what are the dangers we are seeing this year in this fire season? Why is everything so explosive? Not everything, but why, where we have had the fire, do we see fires so intense, so intense they sterilize the soil?

And these people that tell us, well, this fire in Durango or the Hayman fires, these are good for the environment. It is not good for the environment. These are horrible fires. In Durango, it rained dead birds. We had birds falling out of the skies, flying into the gases. We had smoke plumes 50,000 feet in the air. We have soil that is so hot that it has been, as I said, it has been neutralized. It will not be good for planting. It is so hard, the water is just going to run right off it. It will not go in it anymore. It has been scorched to that point. These fires are not good for us.

These fires are burning with an intensity that we have not seen in recorded history. These fires are burning at a rate that is incredible. Yesterday's second fire in Durango burnt 20 acres in 4 minutes, 20 acres. Think of four football fields in 4 minutes burning; starting at one point, not multiple points, but starting in one point and going through 20 football fields, approximately an acre, going through 20 football fields in 4 minutes. There is a reason that is happening.

The other thing that concerns us about the fire season that we are facing this year is that it is so early in the season. We do not usually see these kinds of fires of this intensity this early in the season.

The other concern we have, as I mentioned earlier, the district that I represent, am privileged to represent, is at the highest elevation on the continent. We do not have fires above 9,000 feet this early in the season. Our Nation, for the first time since we have had a level 5, which is the highest level of alert for firefighting that we can go to, for the first time in the history of this alert we have gone to it before July 28.

Now it is not uncommon to go to a level 5 alert system on our fires. We did it in, I think, the fire year 2000. But what is uncommon is to go so early.

So there are a lot of challenges we face out in Colorado, but I will tell the Members, what would really hurt Colorado was for tourists, for people who wanted to come visit what is one of the most beautiful States, one of the most beautiful geographical locations in the world, to cancel their visits this summer and decide to come next year.

I am telling the Members, there are a lot of people that would hurt very, very badly if people just decided not to come to Colorado this year. I would urge my colleagues, in our own little way we have suffered greatly. Some of our families, probably 700 or 800 of our families, have lost their homes. Fortunately, the loss of life has been minimized, although last weekend not far from my house we lost five firefighters in a car accident, which brings me to the point: I want everybody to wear their seatbelts. It was a tragic loss, young people.

In fact, it was interesting, one of the fathers of one of these men said, you know something, these bastards, they will not let us timber these forests, but they expect us to send our young men and women in there to fight these fires. So there is some bitterness out there.

But one way to help ease this pain, it is the same thing that we talked about after September 11 to help New York City ease its pain: Go visit New York City. Go visit Colorado.

Again, I want to refocus on this map to my left. The areas that have burned out, the areas where the fires are, and they were burned out as of 2 days ago, are indicated by the black marks. If we put all of the black marks together, follow my finger here to the left, we probably would have an area about like this, and the rest of the State is green.

So do not think for a moment that all of Colorado is burning, that it looks like a desert of burnt-out ash. It is not that at all. We have our problems, and we have some fires. We are working on them, and we need your help. But the best thing you can do to help us, outside of your prayers, is to come visit us in Colorado. Go ahead with your scheduled vacation. I urge Members to do it, and I am asking people for the help. I am asking for consideration to come out to Colorado and help us this year. Of any year we have needed some help, we are asking for it now.

Let me move on to my final subject of the evening. I will talk about some of the principles of American economics. Now, I am not an economics scholar. I do have a degree in business administration. I have enjoyed business all my life. I read everything I can about business. I think I am pretty studied on it, but I certainly am not a scholastic professor or talented, maybe, necessarily. But I do understand some principles.

□ 2300

And some of the principles that we have in business in this country, really, our capitalistic system works pretty well; but when you really take a look at the capitalistic system, there is one part of the foundation, we have a couple of parts of foundation that are important for the building to stand. One of them is the judiciary, the enforcement of contracts in this country. The other is the freedom to operate. Another foundation pillar would be interstate commerce, the ability to do business from one State to the other.

But in the center of all of this, one of the pillars of the foundation for our capitalistic system is integrity, integrity and credibility from the people that manage these corporations, the chief executive officers; and he can tell you that America has been let down. Not let down by one person here and one person there. But we have now been let down by enough of these chief executive officers, by enough of these boards of directors, that the perception amongst the American people is that a great majority of the business community in our country is corrupt. That is not true. But that is the perception that is out there. And frankly the perception is well deserved. Why? Take a look at what has gone on. And I am going to give you a few examples of why people in this country are sick and tired of what is going on in corporate America.

I want to tell you I am proud. The President promises that we are going to have a WorldCom investigation. And I think the President has mentioned a couple of points I think that are worth repeating right here. President Bush, and I am urging the Democrats to join us in this effort, but President Bush today said, "Let me answer the second question first." Let me repeat that question. The question from the reporter, "Do you believe there is a crisis in confidence amongst American people vis-a-vis the economy, particularly the stock market in view of yet another failure of an American corporation?" The President responds, "Let me answer the second question first. The market is not as strong as it should be for three reasons: one, corporate profits." The President is right. We are having an economic cycle. We have economic cycles, and in the downturn your profits are not good. The President is right on that point. "Second, there are concerns whether or not the United States and our friends can prevent future terrorist attacks."

So you have number one corporate profits; you have number two post-September 11. What is next? How do we protect our assets? Are our nuclear plants at risk? Is the Capitol at risk? How do we protect our assets? That is the second item.

But of interest this evening to my remarks are what the President says is the third factor that is hurting our stock market, that is hurting our national economy. I quote from the President: "Thirdly, there are some concerns with the validity of the balance sheets of corporate America and I can understand why. We have had too many cases of people abusing their responsibilities and people just need to know that the Security and Exchange Commission is on it. Our government is on it. We will pursue within our laws those who are responsible or acting irresponsible."

The President is right. Corporate America, many of your leaders in corporate America have let this country down in many different ways. You can take a look at some of the corporations that are making every effort they can to incorporate in other countries to take their headquarters, even though they have no customers, like Stanley Tool Corporation. Even though Stanley has no sales in Bermuda, no customers, no employees in Bermuda, they have reincorporated their corporation, remember Stanley Tool, the tape measures you buy at the hardware store, in Bermuda to avoid paying taxes like every other American has to make. Despite the fact that we have American soldiers fighting so that corporations and business in this country can have the freedom of commerce, they give their lives, these young men and women, people throughout this country sacrifice whether it is in the judiciary or other means, to provide for free enterprise, to provide for commerce and the free flow of commerce, and yet we have these people that are abusing the privilege that has been granted to them.

Let me give you some other examples. We hear about Enron. Take a look at WorldCom, which today admitted, today admitted a 3 or $4 billion fraud against the stockholders of its corporation. And not only the stockholders of its corporation, it has a ripple effect. It affects all of America. What did they also announce today? That because of this fraud they had to lay off 17,000 people. There are 17,000 people today without jobs because of greed in that corporate board room, because of greed of a few self-serving criminals, in my opinion. And you can find it in WorldCom Corporation.

And WorldCom is not alone, unfortunately. Take a look though what WorldCom did. They are not a bank. WorldCom is not a bank. It is a long distance company. It is a communications company. It is a telecom company. It is not a bank. Banks loan money. Long distance companies do not loan money. They sell you long distance services, but WorldCom was different. It was a bank. It loaned money. But you know who it loaned money to? It did not loan money to any of its employees at the lower level. It loaned money to their chief, to the president. The guy needed five bucks for a sandwich at lunch. That is not what they did. They loaned the chief executive officer, Bernie Ebbers $350 million, $350 million. By the way it did not come out of the board of directors' pockets. It came out of the stockholders'. It came out of the corporate treasury. It came out of the consumers'. It came out of the American buying public to give one person a 350 or $360 million loan, while at the same time this person who is the head of the corporation so he is captain of the ship, a ship which is committing, while this is all going, a 3 or $4 billion fraud just unveiled in the last few days. Why are those people not in jail?

I am telling you I am going to do everything I can within the abilities of the office that I hold to faithfully and diligently prosecute these people who are abusing the privileges in our system of commerce in this country.

Now, was it WorldCom alone? No, take a look at K-Mart Corporation. K-Mart is in bankruptcy. That is a fine corporation, and they drove it into the hole. But before they took it into bankruptcy, what did the executives at K-Mart do? Well, they borrowed money. K-Mart is not a bank. K-Mart does not loan money to its customers. K-Mart sells merchandise. But their executives used K-Mart, their board of directors used K-Mart as a bank. Their executives used it as an ATM machine. Just like Bernie Ebbers pulled 350 million out of the ATM machine at WorldCom that he built and put in place, the ATM machine, so did the executives at K-Mart corporation.

How many people have lost their jobs at K-Mart because of their corporate greed? Those executives not only borrowed the money, but they wanted to make sure right before they have filed for bankruptcy for K-Mart corporation, that they passed a board resolution which forgave the loans, said do not pay us back. You do not have to worry about it. It is a gift.

Enron, we have heard a lot about Enron. What a disgrace. Andrew Fastow, you heard about Andrew Fastow, F-A-S-T-O-W, sets up secret partnerships, pays himself $40 million. And I am telling you today, so far at this point in time, if you stole a candy bar or you stole a magazine at the magazine store up the street here from the Capitol, you would be suffering more consequences than this Andrew Fastow who worked for Enron Corporation is suffering for stealing $35 or $50 million that he paid himself as a salary. He does not call it stealing. He says, look, I earned it. I went out and did a little work for a couple of months and should have got paid $40 million. By the way I did not bother to tell anybody about it because I wanted it to be a secret.

By the way, I was a big art donor and down there in Texas I gave lots to charity and stuff so leave me alone. You know what? Andrew ought to spend a long time in that four letter word I used earlier on, J-A-I-L, jail. He ought to go straight to jail. He ought to be on that Monopoly card when he bets everybody else's money. And he not only bets their money, he takes their money for his own self-serving purposes. He ought to pull that card every time he reaches into that deck, he ought to pull out that card that says you ought to go straight to jail. He ought to go straight to jail. And that is not the only one at Enron. We all know about the Ken Lays and some of the other mismanagement that went on.

Take a look at the bonuses they paid to their executives. They paid some of their executives millions and millions of dollars to stay with the company after the news broke about the corruption of the company. And some of these executive officers took their millions of dollars in bonuses and walked away 30 days later. And how many thousands of employees of Enron now are losing houses because they cannot make payments, have to give up their cars, cannot send their kids to the colleges they all dreamed of? How many of these 17,000 employees that got laid off today at WorldCom lose their dreams because Bernie Ebbers got a $350 million loan from the corporation while they drove the corporation into the ground as a result of a $4 billion fraud.

□ 2310

It does not stop there. Take a look at Xerox Corporation. Who could have ever imagined that Xerox would find itself in this situation? Take a look at Global Crossing. Who today, on a small paragraph in the national media, you will notice Global Crossing also admit they shredded a few documents, that they really are going to try and behave themselves, but how much punishment has been doled out to the Global Crossing executives?

Take a look at the billionaire that runs that, billionaire, flies around. By the way, the executives at WorldCom, the executives at Enron, the executives at Kmart, the executives at Xerox, the executives at Global Crossing and the executives at Tyco, as well as our favorite, Martha Stewart, all fly around in private jets. This has not hurt many of these people. You think Andrew Fastow down there in Texas is flying commercial? No, he is probably flying private commercial jet, living like a king down there, having taken all this money.

How many of those people that work for Enron are flying around like that? They are lucky to go to a garage sale to try and sell some of the things they have.

Let me go on because it does not stop just at Global Crossing.

How interesting that WorldCom today had as its auditor Arthur Andersen. Ever heard that name before, Arthur Andersen? I can tell you, instead of bringing the corporation down, I do not understand why we did not go to those specific auditors that are responsible for the obstruction of justice, that are responsible for the malfeasance in Enron audits and now WorldCom audits and take those auditors and send them to jail, give them that four-letter word, give them that card in the Monopoly game that says you go straight to jail. It is not happening.

I got a little encouragement today when President Bush, and you know how he is when he announces a commitment, when he sets his eyes on something. When he is focused, he goes for it; and I think he is committed.

I would hope the Members of the U.S. House, both Republican and Democrat, come on board and clean the system of the dirt that we have got in there. This dirt is in our filter, and this filter is important for our engine to run. Our economic engine needs clean filters. We have got to take the time to slow the engine down enough, although it has been slowed down because the filter is too dirty. We have got to pull those filters out, and we have got to get the dirt out of the filters.

The dirt means that we go after people like the WorldCom that have taken this money, that have committed these acts of larceny and crime against the people of America and their stockholders, and it does not stop there. Look at Tyco Corporation, look at the lawyer for Tyco Corporation. I used to practice law. This lawyer made an agreement, had their board of directors approve an agreement that if he was convicted of a felony within a year and got fired because he was convicted of a felony, they had to pay him $10 million. This guy got paid $20, $30, $40 million, and he put the payments in such a way that he did not have to go in front of the board of directors or disclose it on their public disclosure statements as an executive salary, and his lawyer stands up for this lawyer and says this is justified when the whole story comes out.

We are anxious to see the whole story, and I will tell you this, if the whole story does not pan out, and it is not going to pan out, by the way, that lawyer ought to go to jail. He ought to be disbarred and every asset that he has that he got through his ill-gained fruits ought to be taken away from him and given back to the people that he took it from.

It is the same thing with the guy at WorldCom. I understand I think his annual retirement is $4 million a year. They ought to take it away from him.

Why do we reward these people who have put dirt in the filter that is so important for our economic engine to run? It does not stop there. How do you restore confidence in the stock market in this country? In the last 5 years, what we experienced in this country was a tremendous participation in one of the neat mechanisms of our economy and that is the stock market. We had people, whether they were driving a taxicab, we had congressmen, myself included, we had people that had never before been in the stock market. They invested in the stock market.

Now we have got an economic downturn, but that is being hidden. The cycle of the economic downturn is being concealed and hidden and distracted, diverted from by fraud in the corporate boardroom and in the corporate chief executive offices.

Once we start this cycle, and we need confidence to get that cycle going back up again, how many of those people driving those cabs or how many of those people that invested in that market are going to have enough confidence that they will get back into the market?

Take a look at some of these people. What is that guy named Henry Blodget or something from Merrill Lynch, and he went out there and on TV and in front of the public he said, this is the greatest stock since sliced bread; and then behind the scenes, he would write something, this stock stinks or what a rotten piece of stock or this breakdown in that funnel of trust is significant, and we need to go after it.

I will tell you, it is amazing to me. Martha Stewart, is that what is next? How many more rocks out there that when we look under them we are going to find problems, we are going to find fraud? I hope not too many are left.

The only way to teach a lesson here is you have to have punishment. You have got to have consequences to their actions. You cannot allow these chief executives, this Andy guy, Andrew down there at Enron or Ken down there at Enron or Bernie Ebbers or the lawyer that worked for Tyco or John Rigas of the cable company, whatever it is out there in California, you cannot allow these people to walk away, rewarded from malfeasance. These people have to pay the consequences, or the credibility of the system is damaged for a long, long time.

Let me summarize my words this evening. I really covered four areas.

First of all, I wanted to stress to my friends on the Democratic aisle, who in their comments this evening started out by criticizing the Republicans, because this week and the remaining 2 days of this week we may not be able to bring a prescription care bill to the floor. My point was the reason we cannot bring it is we are not getting any Democratic support at all. We have had no Democrat over there, especially on the liberal side of the Democratic party, none of them have come across the aisle and been willing to help us. That is why we cannot bring the bill to the floor. All they want to do is kill it for political purposes.

So let us call an ace an ace. That is why we cannot. We want to bring it to the floor. We want bipartisan support. I urge the Democrats to help us.

I talked about the fires in Colorado and the characteristics, some characteristics of the fire, what we are concerned about. We have plenty of resources that we are putting out there in those fires. The Forest Service has done a tremendous job so far, the Bureau of Land Management, our local fire departments, our local volunteer fire departments have saved thousands, thousands of structures in Colorado around these communities that were burned.

I cannot tell you how proud I am of our emergency personnel, whether they are ambulance drivers, whether it is the Red Cross people volunteering their time, whether it is our local sheriffs, our local police chiefs, our policemen, our sheriff's offices, our whole communities have come together in Colorado to put the resources necessary to beat down these fires. And we will win. We will win over time, but in the meantime we have taken a horrible loss to our wildlife, to many people's residents. We lost five firefighters last week.

The other point I wanted to make about the fires in Colorado was Colorado is still open for business. Colorado is open for tourists. And again, I just want to point out in this map to my left, please look to my left, it is the black part on this map here and a few dots throughout the mountains, and that is actually a lake down there. These blackened areas, that is all of Colorado that is burned. The entire State is not on fire. Our State does not look like a wasteland, a desert of ash. It is a State waiting for you to visit. It is a State prepared to give you a time. It is a State that this year more than anyone probably next to New York State needs you to come and spend some of your money. Come to our Rockies baseball games, go see the Air Force Academy, go over to the Western slope, go enjoy the pool in the Glenwood Springs and the Colorado National Monument in Grand Junction or up in Estes Park the Rocky Mountain National Park or the great sand dunes down near Alamosa.

□ 2320

We have a lot of areas open for you to come and enjoy. I hope you do.

And, of course, the final subject that I spoke about this evening was corporate greed. All of us, and I am urging the Democrats to join us, must fight this corporate greed.

RECESS

The SPEAKER pro tempore (Mr. KERNS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0919

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 19 minutes a.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–552) on the resolution (H. Res. 464) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 20 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 0946

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 9 o'clock and 46 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4954, MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT OF 2002

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–553) on the resolution (H. Res. 465) providing for consideration of the bill (H.R. 4954) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize and reform payments and the regulatory structure of the Medicare Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

Mr. SMITH of Michigan (at the request of Mr. ARMEY) for today on account of his wife having surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. MCCARTHY of Missouri, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. JEFF MILLER of Florida, for 5 minutes, today.

Mr. GRUCCI, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SULLIVAN, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2621. An act to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation system; to the Committee on the Judiciary.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 47 minutes a.m.), the House adjourned until today, Thursday, June 27, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7640. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Estonia With Regard to Rinderpest and Foot-and-Mouth Disease [Docket No. 01-041-2] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7641. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report entitled, "Virtual Military Health Institute: Promoting Excellence in Executive Skills for the Military Health System" as a requirement to the. Floyd D. Spence National Defense Authorization Act FY 2001, Section 760; to the Committee on Armed Services.

7642. A letter from the Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Prohibition Against Use of Interstate Branches Primarily for Deposit Production [Regulation H; Docket No. R-1099] (RIN: 3064-AC36) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7643. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Suspension of Community Eligibility [Docket No. FEMA-7783] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7644. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Arizona [AZ-113-0054a; FRL-7233-6] received June 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7645. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Sandpoint, Idaho, Air Quality Implementation Plan [Docket ID-15-6995a; FRL-7232-1] received June 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7646. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Arizona [AZ-109-0051a; FRL-7233-5] received June 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7647. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA261-0344a; FRL-7227-6] received June 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7648. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA261-0343a; FRL-7220-4] received June 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7649. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA247-0352; FRL-7227-2] received June 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7650. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Visible Emissions and Open Fire Amendments; Correction [MD062-3087a; FRL-7236-8] received June 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7651. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7237-2] received June 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7652. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Excess Volatile Organic Compound Emissions Fee Rule [WI104-02-7334; FRL-7226-8] received June 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7653. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Bahrain for defense articles and services (Transmittal No. 02-29), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7654. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Italy [Transmittal No. DTC 147-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7655. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to Pakistan [Transmittal No. DTC 75-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7656. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to Pakistan [Transmittal No. DTC 81-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7657. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to Pakistan [Transmittal No. DTC 61-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7658. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to Pakistan [Transmittal No. DTC 78-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7659. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 03-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7660. A communication from the President of the United States, transmitting a report on the temporary and permanent U.S. military personnel and U.S. civilians retained as contractors in Colombia involved in supporting Plan Colombia; to the Committee on International Relations.

7661. A letter from the Assistant Administration for Human Resources and Education, National Aeronautics and Space Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7662. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7663. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7664. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7665. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Grade Crossing Signal System Safety [FRA Docket No. RSGC-5; Notice No. 9] (RIN: 2130-AA97) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7666. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Signal and Train Control; Miscellaneous Amendments [FRA Docket No. RSSI-1; Notice No. 2] (RIN: 2130-AB06; 2130-AB05) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7667. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Signal and Train Control; Miscellaneous Amendments [FRA Docket No. RSSI-1; Notice No. 2] (RIN: 2130-AB06; 2130-AB05) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7668. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Protection of Naval Vessels [LANT AREA-01-001] (RIN: 2115-AG23) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7669. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD08-01-048] received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7670. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois [CGD08-01-042] (RIN: 2115-AE47) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7671. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Chesapeake Bay near Annapolis, MD [CGD05-02-009] (RIN: 2115-AE46) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7672. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD [CGD05-01-071] (RIN: 2115-AA97) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7673. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Liquid Natural Gas Carrier Transits and Anchorage Operations, Boston, Marine Inspection Zone and Captain of the Port Zone [CGD01-01-214] (RIN: 2115-AA97) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7674. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Items of General Interest (Announcement Number 2002-43) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7675. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Gross Income Defined (Rev. Rul. 2002-22) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7676. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Cafeteria Plans (Rev. Rul. 2002-27) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7677. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2002-36) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7678. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and methods of accounting (Rev. Proc. 2002-36) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7679. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — IRS Announces Regulations will be Issued to Prevent Duplication of Losses within a Consolidated Group on Dispositions of Member Stock (Notice 2002-18) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7680. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Treatment of Community Income for Certain Individuals not Filing Joint Returns [REG-115054-01] (RIN: 1545-AY83) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7681. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and Determination Letters (Rev. Proc. 2002-32) received June 7, 2002, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

7682. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Returns and Return Information by other Agencies [REG-105344-01] (RIN: 1545-AY77) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7683. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2002-30) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7684. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Pre-filing Agreements (Announcement 2002-54) received June 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7685. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2002-7) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7686. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2002-11) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7687. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Methods of Accounting (Announcement 2002-17) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7688. A letter from the General Counsel, Department of Defense, transmitting the Department's proposed legislation to strengthen the management structure of the Office of the Secretary of Defense; jointly to the Committees on Armed Services and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 461. Resolution providing for consideration of the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107-542). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 462. Resolution providing for consideration of the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107-537). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 463 Resolution providing for consideration of motions to suspend the rules (Rept. 107-538). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 4954. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize and reform payments and the regulatory structure of the Medicare Program, and for other purposes; with an amendment (Rept. 107-539 Pt. 1). Ordered to be printed.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4962. A bill to amend title XVIII of the Social Security Act to make rural health care improvements under the Medicare Program (Rept. 107-540 Pt. 1). Ordered to be printed.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4987. A bill to amend title XVIII of the Social Security Act to improve payments for home health services and for direct graduate medical education, and for other purposes (Rept. 107-541 Pt. 1). Ordered to be printed.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4988. A bill to amend title XVIII of the Social Security Act to establish the Medicare Benefits Administration within the Department of Health and Human Services, and for other purposes (Rept. 107-542 Pt. 1). Ordered to be printed.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4013. A bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes (Rept. 107-543). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4961. A bill to establish a National Bipartisan Commission on the Future of Medicaid (Rept. 107-544). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4989. A bill to amend the Public Health Service Act to provide for grants to health care providers to implement electronic prescription drug programs (Rept. 107-545). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4990. A bill to amend the Federal Food Drug, and Cosmetic Act to establish requirements with respect to the sale of, or the offer to sell, prescription drugs through the Internet and for other purposes (Rept. 107-546). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4991. A bill to amend title XIX of the Social Security Act to revise disproportionate share hospital payments under the Medicaid Program (Rept. 107-547). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4992. A bill to amend the Public Health Service Act to establish health professions programs regarding practice of pharmacy (Rept. 107-548). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4986. A bill to amend part B of title XVIII of the Social Security Act to improve payments for physicians' services and other outpatient services furnished under the Medicare Program, and for other purposes (Rept. 107-549 Pt. 1). Ordered to be printed.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4985. A bill to amend title XVIII of the Social Security Act to revitalize the Medicare+Choice Program, establish a Medicare+Choice competition program, and to improve payments to hospitals and other providers under part A of the Medicare Program (Rept. 107-550 Pt. 1). Ordered to be printed.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4984. A bill to amend title XVIII of the Social Security Act to provide for a Medicare prescription drug benefit (Rept. 107-551 Pt. 1). Ordered to be printed.

June 27 (legislative day of June 26), 2002

Mr. LINDER: Committee on Rules. House Resolution 464. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. (Rept. 107-552). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 465. Resolution providing for consideration of the bill (H.R. 4954) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize and reform payments and the regulatory structure of the Medicare Program, and for other purposes (Rept. 107-553). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4984. Referral to the Committee on Ways and Means extended for a period ending not later than June 28, 2002.

H.R. 4985. Referral to the Committee on Ways and Means extended for a period ending not later than June 28, 2002.

H.R. 4986. Referral to the Committee on Ways and Means extended for a period ending not later than June 28, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCINNIS (for himself and Mr. HAYWORTH):

H.R. 5017. A bill to amend the Temporary Emergency Wildfire Suppression Act to facilitate the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires; to the Committee on Agriculture, and in addition to the Committees on Resources, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself and Mr. HOYER):

H.R. 5018. A bill to direct the Capitol Police Board to take steps to promote the retention of current officers and members of the Capitol Police and the recruitment of new officers and members of the Capitol Police, and for other purposes; to the Committee on House Administration. considered and passed.

By Mr. RANGEL (for himself, Mr. DINGELL, Mr. HOLDEN, Mr. MALONEY of Connecticut, Mr. ROSS, Mr. SHOWS, Mr. BROWN of Ohio, Mr. STARK, Mr. WAXMAN, Mr. PALLONE, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Mr. BALDACCI, Ms. BALDWIN, Mr. BARCIA, Mr. BARRETT, Mr. BECERRA, Ms.

BERKLEY, Mr. BERRY, Mr. BLUMENAUER, Mr. BONIOR, Mr. BORSKI, Mr. BOSWELL, Mr. BOUCHER, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. COYNE, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DOYLE, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FILNER, Mr. FRANK, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Mr. HOYER, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mr. LAFALCE, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MASCARA, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MURTHA, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PASTOR, Ms. PELOSI, Mr. PHELPS, Mr. RAHALL, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDLIN, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT, Mr. SERRANO, Ms. SLAUGHTER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. THOMPSON of Mississippi, Mrs. THURMAN, Mrs. JONES of Ohio, Mr. TURNER, Mr. UDALL of New Mexico, Mr. UNDERWOOD, Mr. VISCLOSKY, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WYNN, Mrs. NAPOLITANO, and Ms. MILLENDER-MCDONALD):

H.R. 5019. A bill to amend titles XVIII and XIX of the Social Security Act to provide for a voluntary Medicare prescription medicine benefit, to provide greater access to affordable pharmaceuticals, to revise and improve payments to providers of services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. QUINN, Mr. FERGUSON, Mr. KENNEDY of Minnesota, and Mr. FRELINGHUYSEN):

H.R. 5020. A bill to authorize the Surface Transportation Board to direct the continued operation of certain commuter rail passenger transportation operations in emergency situations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BEREUTER:

H.R. 5021. A bill to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska; to the Committee on Resources.

By Mr. FLAKE (for himself, Mr. DELAHUNT, Mrs. EMERSON, Mr. MCGOVERN, Mr. SHAYS, Ms. BALDWIN, Mr. TOWNS, Mr. OTTER, Mr. PAUL, Mr. STENHOLM, Mr. BERMAN, Mr. LYNCH, Mr. ROEMER, Mr. LAMPSON, Mr. ABERCROMBIE, Mr. DOOLEY of California, Ms. SOLIS, Mr. MORAN of Kansas, Mr. TANNER, Mr. JOHNSON of Illinois, Mr. THOMPSON of California, Mr. FARR of California, Mr. KIND, Mr. BERRY, Mr. NETHERCUTT, Mr. ROSS, Mr. CLAY, Mr. SNYDER, Mr. RANGEL, Mr. KLECZKA, and Mr. BOOZMAN):

H.R. 5022. A bill to allow travel between the United States and Cuba; to the Committee on International Relations.

By Mr. MARKEY:

H.R. 5023. A bill to establish a task force to evaluate and make recommendations with respect to the security of sealed sources of radioactive materials, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. CLEMENT, Ms. BROWN of Florida, Mr. BALDACCI, Mr. CUMMINGS, Ms. NORTON, Mr. PASCRELL, Mr. SANDLIN, Mr. MASCARA, Mr. BAIRD, Mr. BLUMENAUER, Mr. FILNER, Mr. NADLER, Mr. HOLDEN, Mr. DEFAZIO, Mr. LAMPSON, Mr. BORSKI, Mr. HONDA, Mr. COSTELLO, Mr. GREEN of Texas, Mr. HOLT, and Mr. ISRAEL):

H.R. 5024. A bill to direct the Secretary of Transportation to make a loan guarantee available to Amtrak; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 5025. A bill to enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5026. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 5027. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for police officers and professional firefighters, and to exclude from income certain benefits received by public safety volunteers; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 5028. A bill to amend the Small Business Act to prohibit the Small Business Administration from selling loans made by the Administration under the Disaster Loan program; to the Committee on Small Business.

By Mrs. TAUSCHER:

H.R. 5029. A bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. HANSEN):

H.R. 5030. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to clarify the definition of "essential fish habitat", and for other purposes; to the Committee on Resources.

By Mr. PICKERING:

H.J. Res. 102. A joint resolution proposing an amendment to the Constitution of the United States to guarantee the right to recite the Pledge of Allegiance to the Flag; to the Committee on the Judiciary.

By Mr. GILCHREST (for himself, Mr. JONES of North Carolina, and Mr. SAXTON):

H. Con. Res. 427. Concurrent resolution expressing the sense of the Congress regarding the imposition of trade sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic marlin adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries; to the Committee on Resources.

By Mr. HILLEARY:

H. Con. Res. 428. Concurrent resolution expressing the sense of the Congress that recitation of the Pledge of Allegiance in schools is consitutional under the First Amendment to the Constitution, and urging the Supreme Court to uphold the constitutionality of such practices; to the Committee on the Judiciary.

By Ms. KILPATRICK (for herself, Mr. HILLIARD, Mr. BONIOR, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Ms. MCCARTHY of Missouri, Ms. MCKINNEY, Mr. WAXMAN, Mrs. MORELLA, Mr. CONYERS, Mr. LANGEVIN, Mr. OWENS, Ms. KAPTUR, and Mr. BISHOP):

H. Con. Res. 429. Concurrent resolution expressing the sense of the Congress that there should be established a National Sarcoidosis Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RILEY (for himself, Mr. POMBO, Mr. COX, Mr. HILLEARY, Mr. SESSIONS, Mr. JONES of North Carolina, Mr. GRAHAM, Mr. BACHUS, Mr. SCHAFFER, Mr. CHAMBLISS, Mr. ROGERS of Michigan, Mr. OTTER, Mr. HAYWORTH, Mr. DOOLITTLE, Mr. SOUDER, Mr. HAYES, Mr. GREEN of Wisconsin, Mr. AKIN, Mr. COMBEST, Mr. HERGER, Mr. RYUN of Kansas, Mr. WILSON of South Carolina, Mr. BROWN of South Carolina, Mr. CRAMER, Mrs. CUBIN, Mr. CANTOR, Mrs. MYRICK, Mr. STEARNS, Mr. FOLEY, Mr. PITTS, Mr. ISTOOK, Mr. EVERETT, and Mr. THUNE):

H. Con. Res. 430. Concurrent resolution expressing the sense of Congress with respect to the Pledge of Allegiance; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. CARDIN, and Mr. HASTINGS of Florida):

H. Con. Res. 431. Concurrent resolution condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for victims of those practices; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. PICKERING, Mr. POMBO, Mr. HASTERT, Mr. ARMEY, Mr. DELAY, Mr. CHABOT, Mr. GEKAS, Mr. SMITH of Texas, Mr. WATTS of Oklahoma, Mr. CANNON, Mr. PENCE, Mr. BARR of Georgia, Mr. BACHUS, Mr. JEFF MILLER of Florida, Mr. VITTER, Mr. GRAHAM, Mr. HYDE, Mr. KERNS, Mr. HOSTETTLER, Mr. SHOWS, Mr. SCHROCK, Mr. WELDON of Florida, Mr. FOSSELLA, Mr. JOHNSON of Illinois, Mr. DeFazio, Mr. Ross, Mr. Graves, Mr. Pitts, Mr. Gallegly, Mrs. Bono, Mr. Upton, Ms. Dunn, Mrs. Biggert, Mr. Lucas of Kentucky, Mr. Osborne, Mr. Shadegg, Mr. Riley, Mr. Hilleary, Mr. Cox, Mr. Goodlatte, Mr. Green of Wisconsin, Mr. Issa, Mr. Forbes, Ms. Hart, Mr. Keller, Mr. Tom Davis of Virginia, Mr. Costello, Mr. Baker, Mr. Tiberi, Mr. Reynolds, Mr. Taylor of North Carolina, Mrs. Emerson, Mr. Wicker, Mr. Walsh, Mr. Cooksey, Mr. Oxley, Mr. Kingston, Mr. Simpson, Mr. Ramstad, Mr. Calvert, Mr. Hayes, Mr. Ganske, Mr. Lucas of Oklahoma, Mr. Latham, Mr. DeMint, Mr. Tiahrt, Mr. Sessions, Mrs. Myrick, Mr. Linder, Mr. Hastings of Washington, Mr. Dreier, Mr. Goss, Mr. Diaz-Balart, Mr. Shimkus, Mr. Platts, Ms. Pryce of Ohio, Mr. Hulshof, Mr. Flake, Mr. Istook, Mr. Bryant, Mrs. Wilson of New Mexico, Mr. Young of Florida, Mr. Lewis of California, Mr. Rehberg, Mr. Israel, Mr. McCrery, Mr. Peterson of Minnesota, and Mr. Sherwood):

H. Res. 459. A resolution expressing the sense of the House of Representatives that Newdow v. U.S. Congress was erroneously decided, and for other purposes; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. Boehner, Mr. George Miller of California, Mr. Ramstad, and Mr. Langevin):

H. Res. 460. A resolution recognizing and honoring Justin W. Dart, Jr., for his accomplishments on behalf of individuals with disabilities and expressing the condolences of the House of Representatives to his family on his death; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself and Mr. Shows):

H. Res. 466. A resolution expressing the sense of the House of Representatives that reciting the Pledge of Allegiance in schools is constitutional, that the Congress deplores the decision of the 9th Circuit Court of Appeals and that the House of Representatives encourages every American to start their day by reciting the Pledge; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. Pallone, Mr. Fletcher, Mr. Sawyer, Mr. Hilleary, Mr. Wynn, Mr. Boozman, Mr. Gillmor, Mr. Mica, Mr. Graham, Mr. Platts, Mr. Wilson of South Carolina, and Mr. Lucas of Kentucky.

H.R. 168: Mr. Abercrombie, Mrs. Cubin, and Mr. Gibbons.

H.R. 303: Mr. Regula.

H.R. 537: Ms. Brown of Florida.

H.R. 595: Mr. Ballenger, Mr. Blunt, Mr. Boehlert, Mr. Coble, Mr. Coyne, Mr. Gallegly, Mr. Gibbons, Mr. Gilchrest, Mr. Goss, Mr. Hefley, Mr. Hobson, Mr. Hunter, Mr. Kirk, Mr. Dan Miller of Florida, Mr. Smith of New Jersey, Mr. Upton, and Mr. Weldon of Pennsylvania.

H.R. 638: Mr. Becerra.

H.R. 730: Mr. Israel.

H.R. 948: Mr. Sawyer.

H.R. 975: Mr. Thompson of California.

H.R. 1274: Mr. Barcia and Mr. Gibbons.

H.R. 1296: Mr. Thune and Mr. Pallone.

H.R. 1324: Mrs. Thurman.

H.R. 1452: Ms. Roybal-Allard.

H.R. 1460: Mrs. Cubin.

H.R. 1496: Mr. Tom Davis of Virginia.

H.R. 1645: Mr. Graham.

H.R. 2035: Mr. Engel.

H.R. 2074: Ms. DeGette.

H.R. 2098: Mr. Frank.

H.R. 2232: Mr. Hilliard, Mr. Ford, and Mr. Menedez.

H.R. 2347: Mr. Weller.

H.R. 2373: Mr. Oxley.

H.R. 2483: Mr. Barcia, Mr. Hefley, and Mr. Petri.

H.R. 2484: Ms. Velázquez.

H.R. 2534: Mr. Becerra.

H.R. 2570: Mr. Horn.

H.R. 2588: Mr. Kucinich.

H.R. 2789: Mr. Owens, Mr. Towns, and Ms. Norton.

H.R. 2836: Mr. Ackerman.

H.R. 2966: Mr. Green of Texas and Ms. Norton.

H.R. 2987: Mr. Gekas.

H.R. 3320: Mr. Wilson of South Carolina.

H.R. 3382: Mr. Kucinich.

H.R. 3424: Mr. Pence and Mr. Bryant.

H.R. 3430: Mr. Stupak.

H.R. 3584: Mr. Vitter and Mr. Inslee.

H.R. 3834: Mr. Rothman and Mrs. Jo Ann Davis of Virginia.

H.R. 3884: Mr. Phelps.

H.R. 3912: Mr. Davis of Illinois.

H.R. 3930: Mr. King and Mr. Watt of North Carolina.

H.R. 3932: Ms. Harman.

H.R. 3951: Mr. Baca.

H.R. 4063: Mrs. Davis of California.

H.R. 4152: Mr. Wilson of South Carolina.

H.R. 4210: Mr. Moran of Virginia and Mr. Wynn.

H.R. 4548: Mr. Wilson of South Carolina, Mr. Rogers of Michigan, Mr. Green of Wisconsin, Mr. English, Mr. Terry, and Mr. Jenkins.

H.R. 4582: Mr. Inslee and Mr. Lynch.

H.R. 4586: Mr. Owens, Mr. Frost, Mr. Rodriguez, Mr. Kildee, and Ms. Carson of Indiana.

H.R. 4600: Mr. Deal of Georgia and Mrs. Jo Ann Davis of Virginia.

H.R. 4604: Mr. Bonilla.

H.R. 4635: Mr. Barcia.

H.R. 4643: Mr. Udall of New Mexico.

H.R. 4653: Mr. Turner and Mr. Wexler.

H.R. 4655: Mr. Davis of Illinois.

H.R. 4719: Mr. Schaffer.

H.R. 4722: Mr. Gillmor.

H.R. 4757: Mrs. Maloney of New York.

H.R. 4778: Mr. Baca.

H.R. 4793: Mr. Doyle and Mr. Green of Texas.

H.R. 4799: Ms. Solis, Mr. DeFazio, and Mr. Hoeffel.

H.R. 4811: Mr. Ferguson.

H.R. 4837: Mr. Rodriguez.

H.R. 4840: Mr. Simpson.

H.R. 4843: Mr. Ryun of Kansas, Mr. Bereuter, Mr. Terry, and Mr. Ethridge.

H.R. 4872: Mr. Meeks of New York.

H.R. 4888: Mr. Lampson and Mr. Davis of Illinois.

H.R. 4889: Mr. Lewis of Kentucky.

H.R. 4939: Ms. Brown of Florida and Mr. Carson of Oklahoma.

H.R. 4947: Ms. Roybal-Allard.

H.R. 4954: Mr. Gekas, Mr. Shimkus, and Mr. McCrery.

H.R. 4963: Mr. Reynolds, Mrs. Clayton, Mr. Schrock, Mr. Mica, Mr. Grucci, Mr. King, Mr. Dicks, Mr. Fossella, Mr. Jefferson, Mrs. Jo Ann Davis of Virginia, Mr. Hefley, Mr. Bryant, Mr. Sullivan, Mrs. Wilson of New Mexico, Mr. Cantor, Mr. Linder, Mr. McCrery, Mrs. Tauscher, Mr. Manzullo, Mr. Cramer, Mr. Riley, Mrs. Mink of Hawaii, Ms. Jackson-Lee of Texas, Mr. Rogers of Michigan, Mr. Bishop, Mr. Watkins, Mr. Weller, Ms. Carson of Indiana, Mr. Tiberi, Mr. Ryun of Kansas, Mr. Coble, Ms. Brown of Florida, Mr. Camp, Ms. Ros-Lehtinen, Mr. Gutknecht, Mr. Rahall, Mr. Crenshaw, Ms. Eshoo, Mr. Simpson, Mr. Otter, Mr. Bonior, Ms. Kaptur, Mr. Murtha, Mr. Brady of Pennsylvania, Mr. Honda, Mr. Ballenger, Mr. Hobson, Mr. Stump, Mr. Lewis of Kentucky, Mr. Meehan, Mr. Taylor of Mississippi, Mrs. Cubin, Mr. Wamp, Mrs. Napolitano, Mr. Gephardt, Mr. Rothman, Mr. Hulsholf, Mr. Goode, Mr. Peterson of Minnesota, Mr. Hansen, Ms. Pryce of Ohio, and Mr. Lucas of Kentucky.

H.R. 4967: Mr. Green of Texas.

H.R. 4972: Mr. Stupak, Mr. Brady of Pennsylvania, and Mr. Lynch.

H.R. 5001: Mr. McDermott and Ms. Norton.

H.R. 5003: Mr. Reynolds.

H.R. 5012: Ms. Pryce of Ohio.

H.J. Res. 81: Mr. Rogers of Kentucky.

H. Con. Res. 238: Mr. Akin.

H. Con. Res. 252: Mr. Gekas.

H. Con. Res. 349: Mr. Scott, Ms. Eddie Bernice Johnson of Texas, and Mr. Hilliard.

H. Con. Res. 385: Mr. Rangel.

H. Con. Res. 401: Mr. Lynch.

H. Con. Res. 408: Mr. Borski.

H. Res. 87: Mr. McNulty, Ms. Bonilla, and Mr. Wilson of South Carolina.

H. Res. 197: Mr. Gibbons.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5010

Offered By: Mr. DeFazio

Amendment No. 2: Page 2, line 14, insert after the dollar amount the following: "(increased by $73,100,000)".

Page 3, line 2, insert after the dollar amount the following: "(increased by $55,300,000)".

Page 3, line 13, insert after the dollar amount the following: "(increased by $15,000,000)".

Page 3, line 25, insert after the dollar amount the following: "(increased by $80,700,000)".

Page 8, line 22, insert after the dollar amount the following: "(increased by $298,000,000)".

Page 29, line 1, insert after the dollar amount the following: "(reduced by $1,812,000,000) (increased by $275,000,000) (increased by $26,600,000)".

H.R. 5010

Offered By: Mr. DeFazio

Amendment No. 3: Page 2, line 14, insert after the dollar amount the following: "(increased by $73,100,000)".

Page 3, line 2, insert after the dollar amount the following: "(increased by $55,300,000)".

Page 3, line 13, insert after the dollar amount the following: "(increased by $15,000,000)".

Page 3, line 25, insert after the dollar amount the following: "(increased by $80,700,000)".

Page 32, line 24, insert after the dollar amount the following: "(reduced by $224,100,000)".

H.R. 5010

Offered By: Mr. DeFazio

Amendment No. 4: Page 20, line 18, insert after the dollar amount the following: "(increased by $100,000,000)".

Page 22, line 13, insert after the dollar amount the following: "(increased by $100,000,000)".

Page 32, line 24, insert after the dollar amount the following: "(reduced by $200,000,000)".

H.R. 5010

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 5: Page 29, line 1, insert after the dollar amount the following: "(reduced by $1,812,000,000)".

H.R. 5010

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 6: Page 29, line 1, insert after the dollar amount the following: "(reduced by $1,812,000,000) (increased by $1,812,000,000)".

SENATE—*Wednesday, June 26, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we cherish our freedom but remember that freedom is not free. This week, as we prepare for the Fourth of July celebration, we remember that freedom cost the signers of the Declaration of Independence a great deal. On that hallowed document, 56 men placed their names beneath the declaration and pledged their lives, their fortunes, and their sacred honor. And they did, indeed, pay the price for freedom.

Of the 56 men, few were long in service: Five were captured and tortured before they died; twelve had their homes ransacked, looted, occupied by the enemy, or burned; two lost their sons in the Army; one had two sons captured; 9 of the 56 men died during the war from its hardships. They served in Congress without pay and they loaned their money to fight the war and were never reimbursed.

Thank You, Lord, for great leaders in every generation. We are grateful for the men and women of this Senate as they commit their lives and sacred honors for our beloved Nation and the cause of freedom. "Long may our land be bright, with freedom's holy light!" Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 26, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Thank you very much, Mr. President.

MEASURE PLACED ON THE CALENDAR—H.R. 3971

Mr. REID. Mr. President, I understand H.R. 3971 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask that H.R. 3971 be read for a second time, but then I would object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

> A bill (H.R. 3971) to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover.

The ACTING PRESIDENT pro tempore. Objection to further proceeding on the bill having been heard, the bill will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business, which the Chair will announce shortly, with the first 30 minutes under the control of the majority leader, and our first speaker, Senator KENNEDY, will be his designee, and the second 30 minutes under the control of the Republican leader. There will be additional time for morning business—probably 20, 25 minutes—and that will be equally divided in the usual form. At 11 a.m. the Senate will resume the Department of Defense authorization bill.

Last night the majority leader filed a cloture motion. Therefore, all first-degree amendments must be filed prior to 1 p.m. today. Any amendments that have already been filed do not need to be refiled.

The two managers of the bill have a number of amendments they hope to have approved, because they have been cleared on both sides, at or around 11 o'clock. At that time, the two managers will announce how they wish to proceed on the legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Massachusetts.

Mr. KENNEDY. Thank you, Mr. President.

HISPANIC EDUCATION

Mr. KENNEDY. Mr. President, over the period of these past weeks, a number of us have tried to report to our Senate colleagues and to the American people about the state of education in the nation, and of our public school system. We had supported and passed a very important piece of legislation last year called Leave No Child Behind. That was a bipartisan effort.

We take a great deal of pride in working together to achieve what I think is most families' number one concern. Perhaps lurking in their minds are questions about terrorism, but if you go beyond that, if they are young couples, they are concerned about education. Perhaps if they are older, they are concerned about prescription drugs and the issue of health care. But the quality of education is something that is universal in terms of the concerns of families across this country.

Most parents want their children educated. They want their schools to teach. And the actions that were taken last year gave us a great opportunity to achieve this goal.

Over the period of the past weeks, we have tried to point out where we are on this road toward achieving quality education. We have tried to go over the various aspects of the legislation.

Our committee is now focused on implementation, and following the administration's proposal as it is drafting the rules and regulations. We want to make sure they are going to be in accord with the law that passed. There is no reason to doubt that will be the case, but it takes careful review. Our constituents want us to make sure that is the case.

Secondly, as we saw during the course of the debate, money in and of itself is not going to provide reform.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

But reform without resources is no reform at all.

Last year we had education reform, and we had resources. But we are now in a situation, as we are looking forward to this fall—and it is not that far away; many children will go back to school in August; and we are almost to the 1st of July—that at the present time we have to ask ourselves, how did we end up last year, and what can we look forward to this coming year in terms of our public school system?

This morning I would like to talk about what is happening in the public school system to a very special group of children—Hispanic children—that are emerging as an enormously important force. Hispanics are already an important force in every aspect of American life.

Last week our Committee released "Keeping the Promise: Hispanic Education and America's Future." When we talk about the words, "no child left behind," we mean no child left behind. No child in any part of our country being left behind.

This excellent report, which was coauthored by the Congressional Hispanic Caucus, and our Democratic Hispanic Education Task Force, is an excellent report that is available to our colleagues in the Senate and also to the American people, to tell us about what is happening. The news is not good.

We are committed on our side of the aisle, and we hope we will be joined by others, to try and do something about it. Because if we are truly going to be committed to leaving no child left behind, we do not want to see Hispanic children being left behind. But that is what is happening.

We have legislation that has the title, "No Child Left Behind," but it is irresponsible to not live up to our commitment. Look at what is happening in the schools across the country. When you look at the state of education, you'll find that we are leaving Hispanic children behind.

The fact is, we have seen, over the period of the recent years, an important growth in terms of those Hispanic children.

The number of Hispanic school children has grown by 61 percent since 1990—a rate faster than any other community. If we look at the growth in the immigrant student population from 1970 to 1995, that population has grown from 3.5 million to 8.6 million. If we look at the growth in limited English proficient students, we see, again, the dramatic growth by 105 percent and these are children that are attending our public schools. So, we have seen the growth in the numbers.

It is interesting, a great deal of that growth has been in different areas of the country. We have had an over 250 percent growth in the population of Hispanic children in Arkansas, Georgia, North Carolina, and Tennessee; a growth of over 140 percent in Iowa, Kentucky, Nebraska, Minnesota, Nevada, and South Carolina. Many of those school districts have not had the opportunity of developing either bilingual or language support programs to help these children develop their English and other academic skills. They need help and we can't set them adrift.

As a result, we find many of these communities are not serving these population. The results are coming in, and they are enormously distressing. Across the country, Hispanics—Hispanic children in the Nation's largest Hispanic serving school districts—are trailing Anglo students in reading achievement by an average of 30 points. In math, they fall behind by an average of 27 points. We also have the rather startling statistics that on average across the country we are spending $1,000 less per student in economically disadvantaged schools than in schools with large concentrations of high-income students, in terms of investing in those children for education. Again, not that money is everything, but we're finding out that students are being shortchanged, not only in terms of investment, but in terms of qualified teachers instructing Hispanic students in many classrooms.

Those teachers who are working in some of the most difficult circumstances often need training and support to help those students, and may not be qualified in terms of technical training. We want to make sure they are going to get that training. But these are dedicated people working in very difficult circumstances. The fact is, they lack those kinds of professional qualifications. The number of unqualified teachers working with Hispanic students in predominantly minority schools is twice the national average.

We have unqualified teachers, we are not investing in these children, and we are seeing the results.

The fact is, you can say there must be other circumstances contributing to it. Sure, there are circumstances. But the good news is, when you invest in these children, you find that they make progress towards meeting high standards. We have seen examples of that. In Miami, the gap in math between Hispanics and Anglos has been narrowed by 6.7 points—faster than the progress made in the state of Florida. In the most recent years Houston has narrowed their achievement gap in math by 6.5 points over Texas. The gap has been narrowed very significantly in recent years, and that is because we have invested in those programs, have invested in an infrastructure to serve Hispanic kids in those districts, and that has made a difference: extra academic assistance for those children; supplementary services; afterschool programs; upgrading the skills of their teachers; and reducing class size.

As a Nation, we are moving away from that. Instead of moving in the correct direction, we are moving in the wrong direction.

We have a responsibility here. When we look at the budget submitted by the administration in key areas of investment in quality teachers, in recruitment and professional development and retention of teachers, we find there is an empty promise. We had a significant increase that was worked out by the Democrats and Republicans last year, some $742 million. The increase this year is effectively zero.

We have to ask ourselves: Don't we need to invest in quality teachers? The answer is yes. Are there results if we do not? The answer is yes. How is it reflected? By the deterioration in the quality of education that is reaching a major constituency.

We can ask: Does the administration understand what is happening out there in terms of children, in terms of limited English proficient and immigrant children? Last year we had an increase of $219 million in programs to serve those children, empowering local communities to implement proven, effective programs to help in the successful transition of these children into American Society.

What do we have this year? Zero. Don't we take into consideration the results of what is happening across the country? Last year we saw a downpayment. This year "no child left behind" ought to be a priority instead of some of the tax breaks for the wealthiest individuals. That is the result. We have zero. We have zero in terms of the quality of teachers, zero in terms of helping these children move into the education system.

This is one of the most discouraging aspects of the President's budget. Let's look at the dropout rate by ethnic group. What every educator will tell you, if these children are 20 to 30 points behind in terms of a particular grade level and they slip one grade and perhaps two, you can predict, as certain as we are standing here, that child is ready to drop out. One-third of Hispanic high school children are enrolled below grade level.

What has been happening in recent times? We find out we are not investing in these children. We are not giving them the teachers, not getting the smaller class sizes. What is the result? We see a dropout rate by ethnic group. Over four million Hispanic immigrant children—800,000 migrant children. We made a commitment in that bill last year to help States, as many of these children are moving among the States, to assist the States in terms of following records and coordinating their academic efforts. Without that, we see what happens: a 44 percent dropout rate for the children of immigrant students.

Many of these are legitimate immigrants who come here whose children are American citizens. These are American citizens that are going to be a part of the American dream. They are dropping out at 44 percent, Hispanics at 28 percent, which is four times the rate of Anglo students.

Our leader on this issue has been the Senator from New Mexico, JEFF BINGAMAN, who has made the most compelling case about trying to develop a program to identify the dropouts, to figure out what can be done, model programs that can assist school districts.

Last year we had a very modest program. Unfortunately, this is one area where we could not get the administration to agree. We did have inclusion of a dropout prevention program—a very modest program of $10 million. But this year, zero. Here we go, with a 44-percent dropout rate, and now we see how we are going to respond to that. The administration says zero. It is not important; it is not on our national priorities.

This is going to mean, we all ought to understand, when we are out here making statements and speeches about the conditions and what are the tests and what others show, the challenges out there in terms of Hispanic children, they are going to slip and fall further and further behind. Unless we are going to address these issues, this promise about no child left behind is an empty promise.

I want to mention one of the most distressing and disturbing developments we have seen with the cutbacks taking place. This is with regard to Los Angeles County. They are reducing their school year by 17 days because they haven't got the resources to hold classes for 187,000 of the children just in Los Angeles County. We have the facts about different communities that are under a similar situation, and that replicates this.

So, Mr. President, I think this is the result of a really almost indifference by the administration in terms of this commitment. I see my friend from Nevada who is also a key figure in the whole issue on the dropout prevention. He has spoken eloquently about this. I am so grateful for his work. I hope he will continue to take that interest in this issue. We cannot let this continue to fester.

Mr. REID. May I ask a question?

Mr. KENNEDY. Yes.

Mr. REID. The reason the Senator has talked about dropouts is because by keeping a child in school we save our society money, time, and aggravation; is that a fair statement?

Mr. KENNEDY. That is exactly correct, Mr. President. If we have a troubled youth, for example, who is held in Massachusetts inside route 128, it is about $80,000 a year; it is anywhere from $35,000 to $45,000 outside of route 128. We need to make sure we are going to have programs that are going to encourage those children to stay in school, and work with them for supplementary services and develop programs that can be helpful to parents and members of their family to keep them motivated.

Mr. WELLSTONE. May I add 10 seconds to what Senator KENNEDY said. This would have to be confirmed. There was a wonderful judge in Minnesota who said to me there is a higher correlation between high school dropouts and incarceration than cigarette smoking and lung cancer. Just think about that.

Mr. REID. Mr. President, 87 percent of the people in our prison system are high school dropouts. I think that says it all.

We have a number of Senators in the Chamber. It is my understanding the Democrats have approximately 15 minutes.

The ACTING PRESIDENT pro tempore. There is 12 minutes 40 seconds remaining.

Mr. REID. I know the Senator from Minnesota wishes to speak for 5 minutes, and the Senator from Vermont wants 10 minutes. I ask unanimous consent, even though this will go over into the Republican time for a couple minutes, that the Senator from Minnesota be recognized for 5 minutes and the Senator from Vermont be recognized for 12 minutes.

Mr. WELLSTONE. Mr. President, if I am inconveniencing my colleague, I will follow him if that is better.

Mr. JEFFORDS. No, that is fine.

Mr. REID. I ask unanimous consent that be the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

JUSTIN DART—AN INSPIRATION TO US ALL

Mr. WELLSTONE. Mr. President, I thank Senator HARKIN for last night coming to the floor and talking about Justin Dart, probably one of the greatest 10 individuals I have met in my life, for what he has done for people with disabilities. His courage and leadership was quite unbelievable. He has inspired many of us.

I send my love from the Senate floor to his family.

THE PRESIDENT'S MIDDLE EAST PLAN

Mr. WELLSTONE. Mr. President, I think it is important to come to the floor of the Senate today and briefly respond to the President's statement of 2 days ago on the Middle East. I want to say to the President that I think his vision is very important. His statement has a very strong beginning and a very strong end.

There is one gap in his statement that concerns me and about which I wish to discuss. The President, rightfully so, talked about the need for reform and the need for democracy for the Palestinian people. He is quite right to put on this emphasis. Right now, what we also have to focus on is how we change the environment on the ground, so that the elections that our President has called for actually lead to a more responsible leadership. I think this is a gap in what the President outlined on Monday. That is to say, we might not like the result we get from the democratic elections he has called for. It could well be that Chairman Arafat can say right now: Fine, I will be chosen, no question about it. Some have suggested that Hamas might win such elections, or even worse.

From my point of view, one of the things we have to understand is that none of this will work in terms of the vision the President laid out—two states and two peoples living peacefully, side by side with secure borders. None of this will work unless the conditions on the ground are changed so that indeed when there are elections, we see a responsible leadership elected to office.

When I talk about the need for "conditions on the ground" being changed, there are at least three factors, if you will. Factors: One, people have to have hope. The Palestinian people have to have some hope. Two, there has to be a growing economy. Three, people have to be able to move from place to place.

So what I want to emphasize is, yes, when the President says the terror has to stop, we can all agree, and we should be strong and united in making sure we say that on the floor of the Senate and say it in every possible way. I also think it is true that all parties have to be engaged. There is a role for European leadership and a role for Arab leadership.

Certainly, Israel and the United States have to be engaged, also. That is the good part of the President's statement. I think there has to be active support from the U.S., the EU, and the Arab States in strengthening indigenous Palestinian pressure for reform, in advancing the consolidation and control of these competing militias, and insisting on the transparency of government and judicial operations and on more effective leadership. Second, we have to attend to urgent humanitarian needs. Basic public services are breaking down. Power cuts are frequent and there are shortages in a range of products, from school books to critical medical supplies. Ordinary Palestinians are unable to get the medical treatment they need.

The Palestinian economy has to be allowed to develop. We have to rebuild the physical infrastructure and revitalize the economy as the Palestinian

Authority is effectively bankrupt, and any semblance of a modern economy is disappearing. We need to understand that vital social, economic, and security functions have broken down. This is leaving an enormous vacuum. I fear that far more radical and more extremist groups would be eager to fill this vacuum.

I believe this was an important missing piece in what the President said. The conditions on the ground for the Palestinian people have to change if, in fact, the democracy that we call for and the reform we call for will lead to the election of what we would consider to be responsible leadership. We are going to have to be very engaged in this process. Israel is going to have to step up to the plate and be very engaged.

Yes, we need to be clear on the need to end the terror; yes, we need to be clear on the need for reform; but also, yes, we need to be clear in calling for the sustained and vigorous engagement of key actors—the United States, Israel, moderate Arab leadership, the European Union, and we must be clear that the conditions on the ground change.

All you have to do is read the paper every day and look at the conditions on the ground. You see a complete lack of hope among Palestinians. You see people not being able to move. People have no access to jobs or to schools. There is very little hope, and this is not the stuff of social stability. We need to address these issues if, in fact, we are to be able to get this crisis back on the political track, with some sort of political process that truly might lead to an end to this violence.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

HISPANIC EDUCATION

Mr. JEFFORDS. Mr. President, first, I thank the Senator from Massachusetts for raising the issue of problems in our educational system. He referred to Hispanics. What makes that dramatically worse is that, as a whole, in the Nation we are in deep trouble with respect to competition, international competition, and the status of our educational system. When you realize how far behind the Hispanics are from a base that is far behind the rest of the world, it doubly amplifies the need for us to be very deeply concerned about our educational system.

POWERPLANT POLLUTION

Mr. JEFFORDS. Mr. President, I wish to shift the talk now to pollution and spend a few moments talking about homeland security in relationship to that.

The citizens of this Nation have been hearing a lot about the war on terrorism. They read daily in the papers about our troops overseas. I think often of our men and women overseas and pray for their safe return to their homes and families. I have the greatest respect for those who serve in the national armed services. I have fond memories of my time in the service myself. I learned about the world, about commitment, and about service during my years in the Navy. I would not have traded that time for anything.

There is a war on, and we all need to remember that we conduct the business of this Nation in accordance with that reality. This war continues to be a top priority for this administration. The administration indicates that we have the opportunity to protect hundreds of thousands and possibly tens of thousands of people by taking the right steps now to root out terror. In fact, this Congress passed a massive supplemental appropriations bill to assist in those efforts. We are also debating a Defense Department authorization bill that adds to that cause.

Here in the Capitol, we have begun debating the need for increased security at home and the creation of a new homeland security agency. I fully support the President in his efforts to address these great challenges, and I agree with the efforts the President has put forth following the lead of Senator LIEBERMAN.

I think this Congress should move quickly and pass legislation creating the Department of Homeland Security.

Let us all pause for a moment and consider what we are doing.

Over the last few months, we have listened carefully to the administration about their efforts to conduct this war both home and abroad. We can prevent the loss of life in the future, they say, by investing in homeland security and the war on terrorism, and I do not disagree with these efforts.

But if homeland security is about protecting our citizens from harm and even death, I have a suggestion for this administration that they may not like to hear.

I hope they are listening.

It has to do with public health. It will not cost the Federal Treasury a penny. It will save thousands of lives. It will reduce hospital visits. It will save consumers money.

What is my grand idea?

Well, it is not new. And it is something we can do today with long lasting results for every man, woman, and child in this Nation. Here it is. It is simple. Reduce powerplant emissions. Let me repeat that: Reduce powerplant emissions.

Studies show that 30,000 Americans die every year due to powerplant pollution—30,000 deaths from powerplant pollution alone. Incredible.

Let me work slow through a list of real, but depressing, statistics on powerplant pollution.

Powerplant pollution results in 20,000 hospitalizations each year, 600,000 asthma attacks, 5 million days of lost work due to pollution-related illness, and 18,000 cases of bronchitis.

Powerplant pollution has resulted in mercury advisories in 44 of the 50 States. In these 44 States, our citizens are asked not to eat the fish caught in the lakes and streams.

Because of powerplant pollution, 6 million American women and children are exposed to mercury levels well above those considered safe by Federal health authorities.

According to the CDC, the Centers for Disease Control and Prevention, 10 percent of women in the United States have mercury levels above those considered protective of newborns. As a result, as many as 390,000 children are born each year at risk for neurological development problems due to exposure to mercury in the womb.

The March issue of the Journal of the American Medical Association found that millions of people who live in areas polluted by fine particles have about the same increased risk of dying from heart or lung disease or lung cancer as people who live with a cigarette smoker. Here is the problem. You can ask a smoker to go outside or to quit, but you cannot kick a dirty powerplant out of your backyard.

This is simply the beginning of my list regarding the impacts of powerplant pollution.

There is acid rain, smog, lung disease, heart disease, asthma, on and on.

Actually, I would like to touch on asthma for one minute. I have a chart indicating what is happening because of these problems. Many of us know children who have contracted asthma. For asthmatics, like the boy in the picture beside me, it is a frustrating and dangerous condition that disrupts many lives.

Just this year, a respected public health journal published the first study showing a direct connection between the onset of asthma in young, healthy children and their exposure to ozone. The journal found that children exercising outdoors are more likely to contract asthma if they live in areas polluted with high ozone concentrations. This dangerous ozone is created by pollution from old power plants.

Just last week, the General Accounting Office issued this report saying that older power plants are responsible for up to 50 percent of the harmful air emissions released into the air today—50 percent from old power plants.

According to the Energy Information Administration, there has been no change in the average coal-fired power plant efficiency in the last 40 years. Older powerplants emit about twice the amount of harmful pollutants for every increment of electricity generated than newer powerplants.

But even some of these issues pale in comparison to the impact that the release of carbon dioxide from powerplants will have if we do not act soon. Carbon dioxide emissions have been proven to contribute to climate change, and this climate change will have a number of dramatic impacts on our Nation.

Let me list a few. Heat-related deaths will increase 100 percent in cities such as New York, Philadelphia, Cleveland, Los Angeles, and others. In most of New England, the hardwood forest will vanish. In Delaware, a predicted 20-inch rise in sea level will flood 50 percent of Delaware Bay wetlands. Brook trout nationwide may lose 50 percent of their habitat. Drought will be pervasive.

Coastal States, such as Alaska, will see a massive impact, including flooding of coastal villages, storm surges, and extensive infrastructure damage from temperature change, like the melting of the permafrost in northern regions.

Even the administration's recent Climate Action Report recognizes the grave impacts that climate change will have on our health, economy, and the environment.

What are we doing about this air pollution and global warming crisis?

What action is this administration taking to reduce harmful emissions from old polluting powerplants?

What is the Environmental Protection Agency doing to save lives and reduce the health impacts from powerplant—related air pollution?

Let me tell you. Brace yourself. The answer is nothing. This administration is doing absolutely nothing to reduce pollution from old polluting powerplants like this one in the picture.

Why are they doing nothing? I ask that question often, but there does not seem to be an adequate answer.

They are doing something. Let me tell you what they are doing.

The administration just last week announced what could be the biggest roll back in the Clean Air Act in its history. The White House announced a proposal to allow these old polluting powerplants to live on forever, almost unregulated. Remember, these old powerplants are responsible for 50 percent of harmful air pollution.

The White House, along with EPA, has decided to exempt most of these old powerplants from further regulation.

These are the same powerplants causing asthma in our Nation's children. These are the same powerplants causing neurological problems in newborns. These are the same plants killing our forests and lakes. These are the same powerplants adding billions of tons of carbon dioxide to the atmosphere. And they just got a ticket to pollute indefinitely.

What else is the administration doing? They have a policy paper, called Clear Skies, that outlines a proposal to reduce three of the four most harmful pollutants from old powerplants. I commend the President for directing the EPA to develop this policy paper. But what have they done to follow up on the announcement of the Clear Skies Initiative? Nothing.

They have not developed legislation. They have not produced supporting analysis on why their proposal works. They have not begun to negotiate with Members of the Senate or the House. They have been all but silent on the issue.

Why? Why are they letting this massive public health crisis continue? It is a great mystery.

Congress, led by the Senate, isn't going to wait any longer. This week, the Senate Environment and Public Works Committee will pass the Clean Power Act.

The Jeffords-Collins-Lieberman-Snowe Clean Power Act sets real pollution targets. This bill will quickly reduce the harmful air emissions that result in sickness and death. We want to give these old polluting powerplants the tools and guidance to clean up and meet modern standards.

I hope this administration can embrace the Clean Power Act. I am skeptical though, that they will. Why? they argue that it will cost too much.

But let's look at the analysis. According to the Department of Energy, a four pollutant bill could lower Americans' electric bills by $30 billion a year. That's $30 billion each year. The DOE report outlines that the longer we wait to enact real powerplant pollution reductions, the more expensive it will be.

The other reason this administration refuses to embrace real air pollution reductions is carbon. They are scared of regulating carbon.

Even though the President committed to controlling carbon emissions from old powerplant, today this administration can't even discuss the issues. Even though the President finally acknowledged in his own report this month that global warming is a real problem. Even though the entire international community is working to implement the Kyoto Treaty to reduce carbon emissions.

What is this administration doing about carbon? Nothing. This doing nothing seems to be a pattern. I would like to ask the administration, how do we get from nothing to something?

I will make it my full-time job to convince the White House that protecting public health is equally as important as public security. The facts are overwhelming, Homeland Security starts at home. It is about saving lives. The greatest threat are the polluters and we can stop them. That is where we will get the best return on homeland security. And I support it.

We can save thousands of lives, and prevent lots of disease and environmental degradation if we act now to reduce powerplant pollution.

I hope and pray the administration will see the light, if they can, through the smog.

The PRESIDING OFFICER (Ms. STABENOW). Under the previous order, the second 30 minutes shall be under the control of the Republican leader or his designee.

The Senator from Alaska.

NUCLEAR POWER

Mr. MURKOWSKI. Madam President, I have listened carefully to the Senator from Vermont, and I think how ironic it is that we are at this time contemplating the disposition of the nuclear industry in this State, a nuclear industry that does not emit pollution associated with air quality, an industry that supplies us with 20 to 21 percent of the total power generated in this country. We have an obligation to address what to do with the nuclear waste. The House has done its job. The Senate is postured to act.

The proposal will come up when we return from the July 4 recess. It is anticipated that on July 9 there will be a motion to proceed followed by 10 hours of debate. I urge my colleagues to recognize our responsibility. As the Senator from Vermont suggests, the problems associated with hydrocarbon pollution, of burning oil, gas, and coal, we do not have with nuclear.

We have an obligation, though, as to what to do with the waste. As a consequence, a number of sites were selected for consideration on the east coast and the west coast. The reality that nobody wants the waste is evident, but factually it has to go somewhere. The Japanese and the French are proceeding with reprocessing. Unfortunately, we have chosen not to do that. I personally think that was a mistake. We should reprocess, and I think eventually, regardless of the disposition of Yucca Mountain, that Yucca Mountain should be a retrievable depository. At some point in time, we will take the waste and reprocess it and substantially eliminate some of the concerns, whether proliferation or the long-term concerns, over any water that may go in the site.

YUCCA MOUNTAIN

Mr. MURKOWSKI. Madam President, I am going to talk a little this morning on procedures under the Nuclear Waste Policy Act for the pending consideration of the joint resolution on Yucca Mountain. Yesterday, we had some discussion. Following the procedures laid out in the nuclear Waste Act is contrary to some, who criticize that this is a break with Senate tradition or somehow it would set a precedent.

What we are doing is following the law that was established for the disposition of this particular matter, giving the State of Nevada an opportunity for a veto, and also providing procedures for overriding that process by action of both the House and the Senate. As I have indicated, the House has acted.

The expedited procedures under discussion are set forth in the Nuclear Waste Policy Act of 1982. One of the elements of the procedures is a specific provision that states once a resolution is on the Senate calendar, it shall be in order for any Member of the Senate to move to proceed to the consideration of the resolution.

We have heard the majority leader and others suggesting the provision is outside the Senate rules and turns the rules on their head. That is simply not true. It is the law. We are following the law.

I grant that the provision is unusual, but it is neither unique nor contrary to Senate rules. As a matter of fact, it is part of the Senate rules. The entire expedited procedure was adopted as part of the rules, and the Senate reserved its right to change the procedure. I want to quote from the statute because I think it is important every Member understand we are not setting precedent.

The provision enacted is:

> A, as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions of repository siting approval, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with other rules.

I grant you, it sounds as if it was written by a Philadelphia lawyer, and it probably was:

> B, with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

What that means is, obviously, the Senate can change its own rules. It is that simple. I do not know why they did not say it that way. Nevertheless, we have to live with what we have.

So let's be clear. What we are doing on procedure is following the rules of the Senate that were agreed to in 1982 and that have been in place under both Republican and Democratic control of this body since that time. These were not last-minute additions, something that just came up, that was slipped into the legislative conference in the wee hours of the morning. The expedited procedures included, one, the provision for any Member to move to the consideration of the resolution and, two, the provision that the procedures were adopted as an exercise of rulemaking in the Senate, and both were contained in the underlying legislation in 1982.

The provisions were not necessarily novel. In fact, they were almost identical to those considered in the previous Congress and that passed the Senate as part of S. 2189.

For historical information, S. 2189 passed the Senate in the 96th Congress in 1980 under Democrat leadership and was sponsored primarily by Senators Johnston of Louisiana and Jackson of Washington.

When the Senate changed hands in the 97th Congress, the identical provision was included in S. 1662 when it was introduced by the new chairman of the Energy Committee, Senator McClure of Idaho.

That measure was jointly referred to both the Committee on Energy and Natural Resources and the Committee on Environment and Public Works. Both Committees reported the legislation favorably with substitute amendments and both substitutes contained the same expedited procedures as a rulemaking of the Senate.

This was not a surprise. The Senate was well aware of the provisions. The Nuclear Waste Policy Act was debated at length in the Senate in 1982 and no one objected to the expedited procedures on the language providing that "any Member" could make the motion to proceed.

So for those who are reflecting on the generalization somehow this was an arbitrary action and not thought out, I again refer to the history of this matter as it has been presented in this body. Let's put that behind us.

It is fair everyone understood that the language was essential to any concept of a State objection, whether the State had the obligation to carry the argument and obtain an affirmative vote as the authorization committees wanted or if the administration had the burden to obtain a Joint Resolution of approval as proposed by Congressman Moakley—chairman of the House Rules Committee at that time—and eventually contained in the floor legislation.

The language was before the Senate during debate leading to the initial passage in April of 1982, and again a final agreement was reached in December of 1982. All Members understood the heart of the process was that each House would have to vote—the House already voted; now it is our obligation—and further says: and the only way to guarantee that was an expedited process where any Senator could make the motion to proceed.

We will have any Senator make that motion on the 9th or thereabouts but we still have not determined who that is.

Previously, the Senate understood the majority leader or the chairman might make that motion or they may not want to carry out the mandate of the statute, so it provided explicitly in the event the majority leader or the chairman of the committee of jurisdiction did not do so, and any Senator could bring this issue before the Senate. That is obviously what will happen.

We did it, however, with full knowledge of the Senate rules, and the Senate adopted it as an exercise in rulemaking.

Finally, the process is not the usual way, but it is part of the rule. Second, it is not a precedent and by its terms is limited only to this resolution. Senator George Mitchell characterized in 1982 when it was adopted, it was designed to eliminate any "dilatory or obstructionist" provisions.

Therefore, I hope we can end the rhetoric on this that somehow we are not following the Senate rules, that this is some novel provision of which the Senate was not aware. I hope we can focus on the substance of the joint resolution and move to its consideration as the Senate provided in 1982.

The Committee on Energy and Natural Resources, of which I have been a member, former chairman, and now ranking member, has favorably reported the resolution, and we have a good report that I suggest my colleagues read. The report filed by our chairman, Senator BINGAMAN, disposes of every objection raised by the State of Nevada and reflects the committee's considered recommendation. Our committee has discharged its responsibility. Now it is time for the full Senate to discharge its obligation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Madam President, I rise today to speak on the need to move forward with a permanent nuclear waste repository at Yucca Mountain, NV. Doing so is in the best interest of America's national security, economy, energy policy, public safety, and environment.

Special interest groups and activists have capitalized on this issue—using scare tactics and doomsday scenarios to alarm the public. But as a member of the Senate Energy Committee, I have listened to both sides, reviewed the information presented by the experts, and attended the hearings. It makes sense to store our Nation's high-level nuclear waste in a single, scientifically and environmentally sound, secure, and remote location.

Twenty years have passed since Congress called for the creation of an underground repository for the Nation's spent nuclear fuel—under the Nuclear Waste Policy Act of 1982. Senator MURKOWSKI has referred to the history of that act. During that time, about $7 billion from U.S. electric consumers have been invested in finding the most suitable location for this project.

More than 45,000 metric tons of nuclear waste is currently stored at 131 sites in 39 States—including my State of Nebraska, with 650 metric tons of waste stored at its two nuclear power plants.

This nuclear waste is stored above ground in facilities built for temporary storage only. Many of these storage sites are near major cities and waterways.

Yucca Mountain represents two decades of the most comprehensive environmental and technical assessments ever conducted anywhere on the planet. The mountain is located in one of the most isolated and arid locations in the United States. Only 30 miles to the west lies Death Valley; to the north is the Department of Energy's nuclear test site where some 900 nuclear weapons have been tested.

The repository itself would be located about 1,000 feet underground in sold rock to keep its contents safe from significant impacts, including major earthquakes. The mountain's natural geological attributes would be reinforced with man-made barriers.

Some opponents of the repository have centered this debate on the transportation issue. They point out that there are risks involved. Of course there are risks involved—we do not live in a risk-free society. There is risk with everything we do. What is important is that the risk is acceptable in order to accomplish the objective. In this case, the risk is absolutely acceptable—because it is a risk we can control, we can manage, we can deal with.

Shipments of nuclear material have been taking place in the United States for the past three decades and will continue, with or without Yucca Mountain.

About 3,000 shipments of spent nuclear fuel have occurred since 1965—covering 1.7 million miles—with no injuries, no fatalities, and no environmental damage due to radioactive release. In that time, not one spent fuel container has ever been breached.

Spent nuclear fuel, which is nonexplosive and nonflammable, is shipped in specially designed and tested multilayered steel casks. These casks have been designed to withstand extreme heat, prolonged submersion in water, and severe impacts—such as being broadsided by a 120-ton locomotive traveling at 80 miles per hour. If the Yucca Mountain repository becomes a reality, the Nuclear Regulatory Commission must survey and approve all routes, and all shipments would be monitored 24 hours a day through a satellite tracking system—with the coordinated effort of local, State, and federal law enforcement agencies.

A "no" vote on Yucca would be devastating for the future of nuclear power in this country. While that is the objective of the activists, we cannot afford such a catastrophic loss.

Nuclear power accounts for 20 percent of the Nation's electric power. It powers 40 percent of our Navy's combat vessels. Experts in the fuel cell industry say that nuclear power plants are the only way to produce enough hydrogen if America is to ever become a country powered by fuel cells, instead of fossil fuels. This is all directly connected to Yucca Mountain.

We should not forget that there will be a large financial burden if this project is rejected. The Federal Government will be in default of its obligations, and would owe utilities and contract holders as much as $100 billion. This is on top of the billions of dollars already invested in the project. Then we would be forced to begin a new process of looking at other options for a repository. If not Yucca, where? Hanford, WA, is often mentioned as a viable alternative. The fact is, or we must deal with, 45,000 metric tons of nuclear waste—and more on the way.

The bottom line is that this problem is not going to disappear, and the world will not become any safer by deferring this problem. We either deal with this problem today—or we pass it onto future generations. That is not an acceptable option. We do have an acceptable, safe and responsible option.

We must move forward with the Yucca Mountain repository. It is the right and responsible thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Madam President, we will save rebutting the comments of our colleague from Nevada for another time. We do want to talk about the Yucca Mountain project this morning, but I want to talk about the procedure in the Senate on which people have been focusing.

In the modern history of the Senate, nobody other than the majority leader or his designee has successfully offered a motion to proceed. That being said, supporters of Yucca Mountain claim that breaking tradition would be alright because the process outlined in the Nuclear Waste Policy Act is supposedly unique.

The procedure in the Nuclear Waste Policy Act is not unique, nor is it required—it is merely permitted. There are many statutes containing expedited procedures. When the Congress has determined that it is appropriate to override the traditional power of the majority leader to schedule the floor, it has drafted legislation like the War Powers Act which does so.

The War Powers Act (50 U.S.C. 1544 et seq.) states:

> Any joint resolution or bill so reported (from Committee) shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

Unlike this War Powers provision, there is no requirement in the Nuclear Waste Policy Act that Congress take any action with regard to the Nuclear Waste Policy Act resolution. Congress in the past has used a variety of techniques to expedite privileged business, and in the case of the Nuclear Waste Policy Act did not choose to use some of the more time-sensitive techniques. Indeed, the 1982 act anticipates that a vote on the Yucca Mountain resolution might not occur—that it might be blocked. If the deadline passes, then the statute giving the State of Nevada a veto will have been carried out. That was part of the 1982 compromise.

It is true that an expedited procedure was put into law, pursuant to the rulemaking power of the Congress, as Congress has put in law many expedited procedures. But no one other than the majority leader or his designee has ever moved successfully to go to any resolution, or bill, which has expedited procedures written into law. Any successful attempt to do that now would change forever the way that the Senate sets its agenda.

The junior Senator from Alaska stated that he does "not know that it really matters very much" who makes the motion to proceed to the Yucca Mountain resolution.

I say that it does matter. It matters very much. It is the Senate rules that allow any Senator to move to proceed to a matter, or to force a vote on the motion to proceed, but it is now a well-established practice that the Senate will only proceed to a matter the majority leader wishes to call up, and that the Senate has not proceeded to any matter that the majority leader has declined to call up for decades past. It is the proposed change in this practice that is a direct challenge to the role of any majority leader.

The Nuclear Waste Policy Act does not make the resolution the pending business of the Senate, even though some laws—such as the War Powers Resolution—do take away the prerogative of the majority leader by making a resolution the pending business without any motion to proceed being required. Had the Senate wished to do that in this case, it could have followed the language of the War Powers Resolution.

If a Senator other than the majority leader feels he or she has the right to call up privileged matters without deferring to the majority leader, then the Senate will have undergone a dramatic sea change in the way it operates.

The procedures in the Nuclear Waste Policy Act were put in place pursuant to the rulemaking power of the Senate, and they have no higher standing because they are written into law. There is no more fundamental prerogative that attaches to the majority leader than the right to set the Senate agenda.

I hope my colleagues on this side of the aisle will think long and hard before they challenge the historic role of the majority leader. The traditions of this institution deserve to be protected.

Madam President, in the coming days leading up to the vote, we will be laying out some of the things my colleague from Nebraska has asked. What do we do if we do not build Yucca Mountain? There are many alternatives, and we will get into detail, why the alternatives to building Yucca Mountain are better for the United States of America. They are cheaper, they are safer, and they are better for national security. We will lay out in detail, as we have in the past, exactly why our colleagues, we believe, should vote against proceeding with the Yucca Mountain project.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I was unable to listen to the full statements of the Senator from Nebraska and the Senator from Alaska, but I have been told by my staff some of the things they said.

I have to say basically the same thing I have been saying for a long time. The American public has come to the realization that what the proponents of Yucca Mountain are saying is absolutely without foundation. For example, one of the issues they talk about is moving the nuclear waste out of the many sites where it sits now and putting it into one site. Isn't that the best thing to do?

Of course, but we have had articles in papers all across America showing that it is a sham because you can never get rid of the waste where it is being generated. They will have to move 3,000 tons a year. They have 46,000 tons stored now. They generate 2,000 tons. When you take a spent fuel rod out of a nuclear generator, you have to put it in a cooling pond for 5 years because it is so hot and so radioactive. They only use 5 percent of the power and radioactivity in one of those rods. After 5 percent is used, they have to take it out and cool it. They can't move it for 5 years. For anyone to suggest there is going to be one place where all the waste will be; someplace in the western part of the United States is foolishness.

This is not the Senator from Nevada talking. It is in newspapers and scientific journals all over America.

For the first 18 or 20 years, the nuclear waste issue centered on the science of Yucca Mountain. I could lay out a picture to the Chair for the people of Michigan or any other State showing how science at Yucca Mountain is very bad. But that doesn't matter anymore because that is not the question. The question is, How are we going to get the waste to Yucca Mountain? You can do it three ways: highways, railroad, and barges on the water. That is all you can do. Nuclear waste will travel through 43 or 45 different States.

There is a Web site that has been developed, Mapscience.com. Pull it up, and it shows any address in America and how near the nuclear waste will travel to your home, or to your school, or to the playground, or to your business. This site has alerted many people to the dangers of the transportation of nuclear waste. Since that site was put up 2 weeks ago, there have been over 200,000 hits. People want to find out from where the waste will go. What they find out is not good, so these people have been sending letters to their Senators and talking to their neighbors.

The transportation of nuclear waste is wrong. My friend from Nebraska said the risk is acceptable. Acceptable to whom? The Chairman of the Nuclear Regulatory Commission, when asked last week about what would happen if Yucca Mountain didn't go through right now, said "nothing." There is room to store waste onsite at every reactor in America. There are power generators now that are storing nuclear waste onsite in dry-cask storage canisters. That is what a large segment of the scientific community said we should do. It is safer than trying to move it.

To transport this is unacceptable. We are talking about 100,000 truckloads of nuclear waste, 20,000 trainloads, and thousands of barges full of nuclear waste.

Recently, there were editorials in the Denver Post and in the St. Petersburg Times, the largest newspaper in Florida and the largest newspaper in Colorado, criticizing the program—and in places all over the country; places where the nuclear power industry has spent tens of millions of dollars in campaign contributions; there are articles describing the trips sponsored by the nuclear power industry. They take people to Las Vegas and wine and dine them so they can show them Yucca Mountain. They spend 2 hours at Yucca Mountain and several days in one of the fine hotels in Las Vegas. Congressional staff have been taken back out there on numerous occasions. Lobbying activities are intense.

For example, for the first time in the State of Nevada, Governor Guinn said we should hire somebody to help lobby back here. You have no idea how hard it is to find somebody to help us because the nuclear power industry has bought Washington, DC.

So I appreciate the power of the Nuclear Energy Institute. It is powerful, and I understand that. But I also understand the American people, and they now—since September 11—realize every truckload, every trainload, every barge is a target of opportunity for terrorists.

No matter what the problems may be where these nuclear generators are located, the problems are amplified by trying to move nuclear waste. We would have, around the country, the potential not for "a" "dirty" bomb, but hundreds and thousands of "dirty" bombs. How are you going to transport nuclear waste safely? You cannot. We know a shoulder-fired weapon will pierce one of these containers. We know that if you leave them on site and cover them with cement, it will be very safe.

So, Madam President, I try to be as quiet and nonresponsive as I can be when these statements are made. But today I had to respond because I think it just simply was out of line for someone to say the risk is acceptable. It is not acceptable. It is not acceptable at all.

We are going to have, probably, sometime shortly after the Fourth of July recess, an opportunity to vote on the procedure, which violates what we do around here. The majority leader does not want this to come forward. We are going to see how people will vote on that because my friends in the minority have to understand someday they will be in the majority, I am sorry to say, and when they are in the majority, the same rules will apply to them.

You have to be very careful who brings matters to the floor. I have the greatest respect for the junior Senator from Alaska. He is my friend. I have worked with him on many different issues. On this, we have a basic disagreement in philosophy.

My friend, the senior Senator from Nebraska, is a fine man, certainly an American patriot. But for him to come to the floor and say the risk is acceptable is something I cannot let go without a response. It simply is wrong, and I want him to know I believe he is wrong.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Madam President, how much time remains in morning business?

The PRESIDING OFFICER. Four minutes remain.

Mr. CRAIG. Madam President, let me take that 4 minutes because I know my colleagues want to move forward with DOD authorization.

THE TRAGEDY OUT WEST

Mr. CRAIG. Madam President, I come to the floor one more time this week to speak about the tragedies in the West as they play out. While my time is limited this morning, I thought it was important that I talk about the human side of this tragedy.

Let me read this wire story about Jackie Nelson of Globe, AZ, driving her pickup into a makeshift shelter yesterday morning to try to find food for a 7-month-old granddaughter of hers. She left her home on a hillside in Arizona to burn in the wildfires that play out there. She does not know whether she will go home to that home or whether she will literally be adrift and have to seek shelter from public sources.

The article goes on to say:

> That lament resounded across the West today, as 18 large blazes burned in six states, consuming acreage at a pace roughly double the 10-year average.

The reason I want to talk about that very briefly, as I did yesterday morning, is that today in the West over 2.5 million acres of public land have now been charred into a smoldering rubble—homes, beautiful wildlife habitat, timbered acreages—that simply we forgot because the public policy of this country said, over a decade ago: Leave the land to Mother Nature and walk away. And in our walking away, in the pursuit of the environment, Mother Nature took charge.

Today, Mother Nature rules the West, and her mode of operation is a monstrous wildfire consuming the public timber reserves of the West, the wildlife habitat, and the watershed.

To put in context 2.5 million acres having burned currently, on the same date in 2000—a year when we burned over 7.3 million acres, in 2000—at this point in time, we had only burned 1.2 million acres. So today we have already burned double what we burned by this time in 2000. And 2000 was the worst in recorded history of fires on public lands.

Why is this happening? Again, neglect. Again, an irresponsible public policy that took people off the land and did not allow us to manage it in wise and responsible ways for all of the multiple-use values we hold dear to our public lands.

It is a tragedy of nature. It is a tragedy we have made. It is a tragedy we can solve. We well ought to solve it by a much more prudent public policy. But it will take decades now to begin to reverse what we have allowed to happen.

Where there were once 150 trees per acre in the public forests, today there are 400 or 500 trees per acre, oftentimes growing like weeds, and resulting in equivalent Btu's of 10,000 to 15,000 to 20,000 gallons of gasoline per acre. And when the temperature is right, and the humidity is right, and the drought is running rampant across the Southwest, as it is today, we set in motion the "perfect storm," only in this case it is the perfect firestorm that has now consumed nearly 500 homes in Colorado, in Arizona, and in New Mexico. And our summer, our fire summer—the long hot summer in the West—has just begun.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. EDWARDS). Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4007

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I will await the distinguished chairman, but it is my anticipation that we will move to the issue pending; that is, missile defense. I will send to the desk at this time an amendment on my behalf and that of the Senator from Georgia, Mr. MILLER.

I will not ask it to be the pending business, as a courtesy to my chairman, until he arrives. I anticipate upon his arrival that we will work out a procedure by which a second degree will be added. As a courtesy, I will wait until he arrives.

Mr. REID. If the Senator will yield, it is my understanding he will send his amendment to the desk but not call it up.

Mr. WARNER. That is correct. I will call it up, but I would prefer, as a courtesy, to allow Mr. LEVIN to examine it and then hopefully we can agree upon a procedure whereby he would then file a second degree, and then we can have hopefully the Senate address the two issues.

Mr. REID. I think if we want this to be the pending business, what we should do is have the amendment called up. I ask unanimous consent, because we have talked about this for some time, that Senator LEVIN or someone on his behalf would have the right to second degree the amendment.

Mr. WARNER. I am perfectly willing to agree to that at this point and ask that it be the pending business, if that is the guidance you wish.

Mr. REID. I ask unanimous consent then, in keeping with the statement of the Senator from Virginia, that Senator LEVIN or his designee would be allowed to offer a second-degree amendment and no one would have a right to offer one prior to him.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I ask that my amendment be the pending amendment.

The PRESIDING OFFICER. Is the Senator objecting?

Mr. WARNER. No.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Given that the chairman will arrive in a few minutes, I am happy to yield the floor to my colleague for such purposes.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Virginia [Mr. WARNER], for himself, Mr. MILLER, Mr. LOTT, Mr. STEVENS, Mr. COCHRAN, Mr. ALLARD, Mr. KYL, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. THURMOND, Mr. SESSIONS, Mr. ROBERTS, Mr. HUTCHINSON, Mr. BUNNING, Mr. HELMS, Mr. MCCAIN, Mr. NICKLES, and Mr. HAGEL, proposes an amendment numbered 4007.

The amendment is as follows:

(Purpose: To provide an additional amount for ballistic missile defense or combating terrorism in accordance with national security priorities of the President)

On page 217, between lines 13 and 14, insert the following:

SEC. 1010. ADDITIONAL AMOUNT FOR BALLISTIC MISSILE DEFENSE OR COMBATING TERRORISM IN ACCORDANCE WITH NATIONAL SECURITY PRIORITIES OF THE PRESIDENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized to be appropriated by other provisions of this division, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2003, $814,300,000 for whichever of the following purposes the President determines that the additional amount is necessary in the national security interests of the United States:

(1) Research, development, test, and evaluation for ballistic missile defense programs of the Department of Defense.

(2) Activities of the Department of Defense for combating terrorism at home and abroad.

(b) OFFSET.—The total amount authorized to be appropriated under the other provisions of this division is hereby reduced by $814,300,000 to reflect the amounts that the Secretary determines unnecessary by reason of a revision of assumptions regarding inflation that are applied as a result of the midsession review of the budget conducted by the Office of Management and Budget during the spring and early summer of 2002.

(c) PRIORITY FOR ALLOCATING FUNDS.—In the expenditure of additional funds made available by a lower rate of inflation, the top priority shall be the use of such additional funds for Department of Defense activities for combating terrorism and protecting the American people at home and abroad.

AMENDMENT NO. 4009

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, if I could have the attention of Senator WARNER for one moment, it is my understanding the amendment which I will send to the desk very shortly has been approved on both sides. It is cosponsored by Senators BIDEN, LUGAR, LANDRIEU, HAGEL, BINGAMAN, MURKOWSKI, CARNAHAN, LINCOLN, and MIKULSKI.

I send the amendment to the desk and ask for its immediate consideration. I assume I have to ask that the pending amendment be laid aside.

The PRESIDING OFFICER. The Senator is correct.

Is there objection to laying aside the pending amendment?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, I will ask my good friend if he will allow the two managers to have a chance to consult on this. It is my understanding that the amendment is cleared on both sides.

Mr. DOMENICI. I wouldn't have come here unless it had.

Mr. WARNER. I am certain of that. Our attention was diverted by other matters to get started this morning. If you will just forebear for a brief period, we will see if we can't accommodate the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would like to speak for a few moments on the subject they will clear shortly, the amendment to which I referred and listed the cosponsors, to whom I am extremely gratified for their support. Senator BIDEN is my principal cosponsor. We hope that this bill will move along and be known as the Domenici-Biden nonproliferation amendment.

This amendment supports the nonproliferation program proposed in a bipartisan Senate bill, the Nuclear Nonproliferation Act of 2002. Today, Senators BIDEN, LUGAR, LANDRIEU, HAGEL, BINGAMAN, MURKOWSKI, CARNAHAN, LINCOLN, and MIKULSKI are cosponsoring this amendment.

The end of the Soviet Union in 1991 started a chain of events, which in the long term can lead to vastly improved global stability. Concerns about global confrontations were greatly reduced after that event.

But with that event, the Soviet system of guards, guns, and a highly regimented society that had effectively controlled their weapons of mass destruction, along with the materials and expertise to create them, was significantly weakened. Even today, with Russia's economy well on the road to recovery, there's still plenty of room for concerns about the security of these Russian assets.

The tragic events of September 11 brought the United States into the world of international terrorism, a world from which we had been very sheltered. Even with the successes of the subsequent war on terrorism, there's still ample reason for concern that the forces of al-Qaida and other international terrorists are seeking other avenues to disrupt peaceful societies around he world.

In some sense, the events of September 11 set a new gruesome standard against which terrorists may measure their future successes. There should be no question that these groups would use weapons of mass destruction if they could acquire them and deliver them here or to countless other international locations.

One of our strongest allies in the current war on terrorism has been the Russian Federation. Assistance from the Russians and other States of the former Soviet Union has been vital in many aspects of the conflict in Afghanistan.

President Putin and President Bush have forged a strong working relationship, and the summit meeting was another measure of interest in increased cooperation. As this amendment seeks to strengthen our nonproliferation programs, it provides many options for actions to be conducted through joint partnerships between the Russian Federation and the United States that build on this increased cooperative spirit.

The Nunn-Lugar program of 1991 and the Nunn-Lugar-Domenici legislation of 1996 provided vital support for cooperative programs to reduce the risks that weapons of mass destruction might become available to terrorists. They established a framework for cooperative progress that has served our Nation and the world very well. But despite their successes, accomplished in the face of some enormous challenges, there remain actions that should be taken to further reduce these threats.

This amendment would expand the current nonproliferation programs of the Department of Energy, most of which trace their origins to those original Nunn-Lugar and Nunn-Lugar-Domenici bills. Before I discuss this amendment, I would like to review some of our progress to date.

For example, the Nuclear Materials Protection, Control and Accounting program has improved the security of at least one-third of the missile materials in the former Soviet Union. Comprehensive upgrades have been largely completed on the Russian Navy's stocks of weapons usable materials, with work completed at 10 of their 11 storage sites.

Border security is being improved through the Second Line of Defense program. I recall when I participated in the initial ribbon-cutting of this system at Moscow's main airport in 1998. Now this equipment is at over 20 sites in Russia and the Ukraine.

Programs to counter "brain drain" have moved ahead. The Initiatives for Proliferation Prevention of IPP program has shown excellent progress in recent years in the daunting task of creating commercial opportunities for weapons scientists throughout the former Soviet Union. To date, over $50 million of venture capital has been attracted on several major projects and more than 10,000 technical personnel have been engaged since the program began.

Under IPP, about 100 American businesses are working in Russia, and they've contributed over $100 million of their own funds in support of efforts in which our Government has invested about $70 million. About 400 projects are currently in progress with 100 of those in the closed nuclear cities. American businesses are sharing costs on 132 of those projects.

The Nuclear Cities Initiative has one of the most challenging tasks of all the programs—to work cooperatively with the Russians to down-size their vast nuclear weapons complex. The closed nuclear cities that make up this complex have immense technical capabilities, but they have to be, at least in the past, one of the most business-unfriendly places in the world.

In 1998, I visited Sarov, the Russian version of Los Alamos. It was a fascinating place where the hospitality of my hosts was most impressive. I still remember visiting their weapons museum and standing beside a 60-megaton bomb that was once destined for our shores. Despite their history, they displayed significant interest in shifting their weapons focus to commercial interests.

Today, there's been real progress in Sarov. For example, there is a signed agreement with the Russians to terminate all weapons construction work at Sarov by 2003. Many commercial ventures are now underway including an Open Computing Center, which provides employment opportunities for former weapons scientists through software development and computer modeling.

The HEU deal has largely remained on track, although it's required some help from Congress to keep from derailing. That program has the goal of rendering 500 tons of weapons grade highly enriched uranium un-usable for weapons by converting it into ordinary reactor fuel. To date, 146 tons have been converted, enough for about 6,000 warheads.

Despite the successes of the Nunn-Lugar and Nunn-Lugar-Domenici legislation, there remain many actions that should be taken to further reduce these threats. This new amendment expands and strengthens many of the programs established earlier, to further reduce threats to global peace.

It addresses one of the most important realizations from September 11—that the forces of terrorism span the globe. It's now clear that our nuclear nonproliferation programs should extend far beyond the states of the former Soviet Union.

This amendment expands the scope of several programs to world-wide coverage. It focuses on threats of a nuclear or radiological type, which largely fall within the expertise of the National Nuclear Security Administration.

Just today, the National Research Council released their major report on "The Role of Science and Technology in Countering Terrorism." They present a number of critical recommendations to address threats of nuclear and radiological terrorism. I'm very pleased that the legislative basis for most of their suggestions is in this amendment.

This amendment expands programs to include the safety and security of nuclear facilities and radioactive materials around the world, wherever countries are willing to enter into cooperative arrangements for threat reduction. It recognizes that devices that disperse radioactive materials, so-called "dirty bombs," can represent a real threat to modern societies. This is one of the key recommendations of the National Research Council.

Dirty bombs could be used as weapons of mass terror, property contamination, and economic disaster. We need better detection systems for the presence of dirty bombs that are appropriate to the wide range of delivery systems for such a weapon, from trucks to boats to containers. And we need to be far better prepared to deal with the consequences of such an attack.

The new legislation includes provisions to accelerate and expand existing programs for disposition of fissile materials. These materials, of course, represent not only a concern with dirty bombs, but also the even larger threat of use in crude nuclear weapons.

It includes a program to accelerate the conversion of highly enriched uranium into forms un-usable for weapons. It addresses one of the major concerns associated with this material that, many years ago, both the United States and the Soviet Union provided HEU to many countries as fuel for research reactors. That fuel represents a proliferation risk today. This accelerated conversion is another of the prime recommendations of the National Research Council.

It authorizes new programs for global management of nuclear materials, in cooperation with other nations and with the International Atomic Energy Agency. It recognizes that modern societies use radioactive materials as essential tools in many ways, and offers assistance in providing new controls on the most dangerous of these materials.

It suggests that many of the program elements involve international cooperation with the Russian Federation and with other nations. In fact, it recognizes that the global nature of the current threats requires such cooperation, and provides authorizations for the Secretary of Energy to assist the Secretary of State in offering significant help to other nations. We cannot accomplish these programs without such cooperation.

This amendment includes provisions extending the First Responder training programs, originally created under Nunn-Lugar-Domenici. These programs have already made real contributions. In fact, the training provided under this program in New York City helped mitigate the catastrophe there on September 11. That program was authorized for only 5 years in the original legislation, this bill extends that authorization for another 10 years.

The amendment requires annual reports demonstrating that all our nonproliferation programs are well coordinated and integrated. The original call for this coordination was in the Nunn-Lugar-Domenici legislation.

The report must disclose the extent of coordination and integration between federally funded and private activities. That is very important, because of the excellent work being done by private organizations, like the Nuclear Threat Initiative, that are providing critical assistance toward similar nonproliferation goals.

With this amendment, our programs to counter threats of nuclear and radiological terrorism will be significantly strengthened and risks to the United States and our international partners greatly reduced.

The amendment authorizes $15M for a new R&D and demonstration program to address nuclear or radiological ("dirty bombs") terrorism. Includes new responsibilities in First Responders program. Includes a partnership with Russia and extends assistance to any country in dealing with either stray radioactive sources or with a dirty bomb incident. (Section 3156);

Extends the expired authorization for training of First Responders. (Section 3155);

Authorizes $40 million to accelerate the "blend-down" of Highly Enriched Uranium. Authorizes new approaches, in addition to the HEU Deal, to increase the rate at which HEU is modified to render it incapable of weapons use. Extends an option to all nations with HEU to receive compensation in return for providing their stocks of HEU now. (Section 3158);

Authorizes $5 million to extend MPC&A to the international community and develops options, working jointly with Russia, to accelerate conversion of reactors fueled with HEU. (Section 3157);

Encourages the Secretary to finalize an agreement with Russia for plutonium disposition that meets specific criteria. (Section 3159A);

Authorizes $20 million for the Department to work with the international community to develop options for a global program for international safeguards, nuclear safety and proliferation-resistant nuclear technologies. Amount includes $5 million for the Department to increase nuclear safety work related to sabotage protection for nuclear power plants and other nuclear facilities overseas and $10 million, led by DOE/NE, for advanced, proliferation resistant fuel cycles. (Section 3159B);

Authorizes $15 million to expand programs supporting the IAEA in strengthening international nuclear safeguards. (Section 3159B);

Authorizes $5 million for assisting nations develop stronger export controls. (Section 3159C);

Requires development of a comprehensive ten year plan to develop a sustainable approach to MPC&A in the Russian Federation. (Section 3159D);

Requires annual report on coordination and integration of all U.S. nonproliferation activities describing programs, synergies, coordination including with private efforts, opportunities for new joint cooperative programs with foreign countries, and funding requests integrated across all federal agencies. Extends reporting requirement in FY2002 Defense Authorization Act to an annual report. (Section 3159E); and

Streamlines contracting by other agencies with DOE labs for anti-terrorism work. Agencies may elect to follow the new procedures or may use standard Work For Others model. (Section 3159F).

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we simply need a little time on this side to give it consideration. The chairman and I have just commenced a discussion on how we will proceed on the bill today. I would hope in due course we can indicate to the Senator that it will be accepted on both sides.

Mr. DOMENICI. Mr. President, I have already sent the bill to the desk. It obviously will not be referred to committee unless and until it is cleared by the managers pursuant to the conversation we have had.

I would ask that we follow the course I have just indicated.

I yield the floor.

Mr. LEVIN. Mr. President, does the Senator have a copy of the amendment handy?

Mr. DOMENICI. Surely. I will provide it to the Senator.

Mr. LEVIN. We are pretty sure this is the one we already have.

Mr. DOMENICI. Yes, it is.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we support the amendment on this side. We have cleared it. We are willing to see it adopted by voice vote.

Mr. WARNER. Mr. President, we now have clearance on our side. I thank the chairman. We are ready to move forward on the amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the pending amendment be laid aside and the Domenici-Biden amendment be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mrs. CARNAHAN, Mr. MURKOWSKI, Mr. BINGAMAN, Mrs. LINCOLN, and Ms. MIKULSKI, proposes an amendment numbered 4009.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BIDEN. Mr. President, I am pleased to join today my good friend and colleague, Senator DOMENICI, in introducing a vital amendment to the Department of Defense authorization bill to reduce the odds that terrorists or rogue states will acquire the necessary ingredients overseas for nuclear and radiological terrorism. This amendment takes important steps to expand the legal mandate for specific U.S. nuclear nonproliferation programs and lays down a marker on the necessary funding levels.

We have every expectation that, before this bill emerges from conference, the additional money will indeed be made available through both the supplemental fiscal year 2002 appropriations and regular fiscal year 2003 appropriations. Senator DOMENICI is to be both commended and supported for drafting this amendment, and the underlying bill, S. 2545, from which it is derived.

This amendment will lead to greater levels of effort and, I believe, greater levels of achievement in U.S. nuclear nonproliferation programs.

For example, it authorizes $40 million to accelerate and expand current international programs to blend down highly enriched uranium (HEU) needed to make nuclear bombs, making it less likely that terrorists or rogue states will get their hands on lethal nuclear materials.

It authorizes $35 million to develop options for a global program for international safeguards and proliferation-resistant technologies to ensure that civilian nuclear reactors in other nations are not illicitly producing significant quantities of weapons-grade material or are vulnerable to terrorist assault.

This amendment also allocates $30 million in funding for a new research, development, and demonstration program to help respond to nuclear or radiological terrorism. For example, the program would fund expanded research into monitors and gauges capable of detecting nuclear and/or radiological materials, for use at border crossings and ports of entry. It will help identify and account for radioactive sources located abroad. And all of these efforts will be carried out in cooperation with Russia and the rest of the international community.

On May 8 Jose Padilla, an American citizen working with al-Qaida, was arrested on the charge of planning to attack the United States with a Radiological Dispersion Device, more commonly called a "dirty bomb."

Padilla is only the first person associated with a major terrorist group to have been caught plotting an attack using a radiological weapon. It would be folly to think that he will be either the last or the most competent and successful.

The fact that radiological terror is real and a threat to the nation will come as no great surprise to the Senate. On March 6 the Foreign Relations Committee held a public hearing on the twin threats of nuclear and radiological terrorism. On March 5 we held a classified briefing on the same subject, followed a month later by an even more detailed classified session for all Senators.

We assembled the finest scientists from government, the nuclear weapons laboratories, public interest groups and academia to speak of the dangers of dirty bombs. Without exception they told us that there was a real possibility that terrorists could obtain radioactive material and blow it up with a conventional bomb, spreading the material for miles.

But they also agreed on the likely consequences of a radiation attack on an American city.

Despite Attorney General John Ashcroft's statement from Moscow on June 10 that a dirty bomb can "cause mass death and injury," the facts are very different. The Foreign Relations Committee learned that even the worst credible radiological attack will not be catastrophic. Few, if any, Americans will die from the radiation or even experience the symptoms of radiation poisoning. Most, if not all, of the casualties will come from the conventional explosive used to spread the radioactive material.

The bottom line on casualties is: A dirty bomb won't kill very many people.

But a dirty bomb could still be an economic crime of the first magnitude. We do not know how to decontaminate large buildings and large areas to the degree that the Environmental Protection Agency mandates.

The levels EPA uses in the case of accidents within a laboratory are extraordinary: clean-up must be so complete that out of 1,000 people living onsite 24 hours a day for about 40 years, only 1 additional person would die of cancer.

We must begin to examine the radiation protection rules in the light of homeland security in the event of an attack instead of just applying the strict environmental guidelines appropriate to peacetime.

Our witnesses estimated that if a small device, containing only a few curies of cobalt-60 or cesium-137, had been detonated in lower Manhattan on September 10, 2001, and if existing EPA rules were applied to the clean-up, more buildings would have had to be evacuated, razed, and trucked away to low-level radioactive waste dumps than were lost or damaged by the al-Qaida attack of September 11. That is more damage, more financial loss, than was caused when the Twin Towers came down, but with this difference: almost nobody would be killed. At most a few dozen people might get sick.

We must do more to prepare for an attack, and also to prevent one. Fortunately, we can, in fact, make such an attack much harder to pull off and much easier to recover from.

Proper preparation for an attack will make a world of difference; we need to begin putting response plans into place and testing them rigorously, both in the field and in table-top exercises.

First responders need the tools to act. You cannot see or smell radiation; it can only be detected with special instruments.

Small radiation detectors are the size of a pocket pager; larger ones could easily be built into a squad car.

A network of detectors in fixed locations could be erected, a few per square mile, in cities such as Washington or Wilmington at a cost of a few million dollars per city.

Such sensors might provide early warning of smuggled material on the roads and information on affected areas if somebody brings radiological terror to our cities.

Avoiding panic among the American people will be an important goal of responders, and that will require education. Claims of probable mass casualties from a radiological attack do an injustice to the American people. If repeated over and over again this doom-saying will be a self-fulfilling prophecy spreading panic if an attack actually does happen.

Should we be attacked by radiological terrorists, there are very simple things those who have been exposed can do to reduce their chances of being a casualty to nearly zero.

The first is to remain calm.

The next is to stay near the point of exposure long enough for nuclear response crews to check for radioactive contamination.

And the last, the easiest, is to put your clothes in a plastic bag and then take a good shower and shampoo. Radioactive dust washed off the body is radioactive dust no longer available to do harm to you.

We need to look to the radioactive material itself. Radioactive sources must be kept in responsible hands; but that is difficult because they are used throughout industry, for example, to take x-ray pictures of oil pipelines, and even to tell if a can of soda is properly filled.

Radioactive sources are indispensable to modern medicine, where they are used to treat cancer or to perform crucial diagnostic tests. We should not eliminate these sources from our society.

We can, however, provide greater protection for such sources.

Before September 11, the Nuclear Regulatory Commission focused its efforts on safety. It assumed that licensed users were responsible users. Since September 11, the Commission has begun to reevaluate its rules with the added assumption that some folks might seek licenses in order to gain access to the material as part of a plot to attack this country or its allies.

We need tighter rules, and we also need a bigger Federal effort to track down and secure missing radioactive sources. The fact is that sometimes sources just go astray; they are "orphaned," in the jargon of that business. There are very few places where companies can safely dispose of sources they no longer need.

The Department of Energy "Off-Site Source Recovery Program" is supposed to take charge of excess sources. But the administration has cut this vital program from $5.7 million in fiscal year 2001 to a paltry $2.2 million requested for fiscal year 2003. Congress should fix that.

Overseas, the greatest threat is likely to come from the poorly guarded radioactive materials from the former Soviet Union.

Late in 2001, two containers containing enormous amounts of radioactive strontium-90 were found by hunters in the woods of the Republic of Georgia. The sources were so hot that they melted the snow for yards around, leading the three woodsmen to cart them off to warm their tent. By the next morning all were sick with radiation poisoning, including severe burns where they had touched the containers.

Those two radioactive sources were left over from a Soviet program to build compact, powerful, and very portable electrical generators for use in remote areas. Nobody knows where all of the Soviet-produced generators wound up, but wherever they are, they are very dangerous.

Other countries, including Brazil and Mexico, have seen old sources stolen, broken into, melted down to make reinforcing bars and patio furniture, with resulting injuries and deaths to some of their citizens.

The United States must work through the International Atomic Energy Agency to ensure the physical protection and accountability of significant radioactive sources throughout the globe. This will require additional U.S. voluntary contributions to the IAEA and may also require additional non-proliferation assistance to the states of the former Soviet Union. After all, that is where the majority of the unaccounted for hot sources are thought to have been made.

I commend the administration for yesterday's announcement of a new joint United States-Russian program to spend $20 million this year to secure and safeguard radiological materials in the former Soviet Union. The program would focus on the radioactive power generators I mentioned earlier, as well as a dozen poorly guarded storage areas for radiological materials. Of course, the former Soviet Union is not the sole overseas repository of radioactive sources attractive to terrorists. But this program may serve as a model for future efforts.

So there is plenty for us to do to lessen the risk and the impact of radiological terrorism. The United States has begun to contribute to the IAEA's Program Against Nuclear Terrorism. Today's amendment is a good step in increasing U.S. assistance in this area.

But I worry far more about something even worse than radiological terrorism. I worry about terrorists building or stealing a real atomic bomb. Our committee learned in chilling detail, in classified session, just how easy it is to make a bomb, given only a comparatively small amount of highly enriched uranium-235. In those sessions Senators were able to see and handle a full-scale mockup, complete in almost every detail, but using inert material instead of uranium.

I won't reveal the design; I don't want to give away any information that could be used against us. But building that device is easy. It could be done in a machine shop with ordinary lathes and drills and mills without any need for computer-controlled and export-controlled dual-use equipment.

And it would fit in the trunk of a compact car or the back end of a pickup.

Those who attended the briefing also saw a small tactical nuclear weapon, again a full-scale mockup of a real one once in the U.S. inventory. With one of those you don't need a fancy brief-case bomb; you can lift it with one hand.

I am not worried about American nuclear weapons going missing, but I am very worried about the tens of thousands built by the Soviet Union. Their tactical nuclear weapons are no bigger than ours, and unless Russia's security for those weapons is a lot better than for its chemical weapons, our colleagues in the Russian Duma should be as worried as I am.

Terrorists with an improvised nuclear device or a stolen weapon could kill tens or hundreds of thousands of people, not a mere handful. A crude nuclear weapon set off at Metro Center would likely kill people near the Capitol complex. A Hiroshima-sized bomb detonated near the White House would leave the Capitol in ruins.

And, talk about a dirty bomb, a small nuclear blast at ground level would spew out hundreds or thousands of times more radioactive material than the biggest dirty bomb imaginable. That much fallout would kill Americans.

We must invest in new technologies to detect bomb-grade uranium and plutonium. That is not an easy task. Neither material is particularly radioactive, at least not compared to cesium-137, cobalt-60, strontium-90 and iridium-192, the isotopes of choice for a dirty bomb. Frankly, we do not know how to detect most bomb-grade fissile material today; certainly not if the weapon is shielded a bit, concealed in a cargo container being whisked through our ports or stashed in the hold of a freight aircraft.

None of us knows how long we have to prepare for nuclear terrorism, but we know for sure that the terrorists are shaping their own plans. We, this body, must act sooner rather than later: to provide our responders the tools they need; to secure radioactive and fissile material, both here and abroad, to the greatest extent possible; and to secure our borders against smugglers who would literally flatten our cities.

The Baker-Cutler report card on Department of Energy non-proliferation programs with Russia proposed spending about $30 billion over 8 to 10 years to secure Russia's excess plutonium and bomb-grade uranium, improve security controls on its nuclear materials, and downsize its nuclear complex without leaving its weapons scientists prey to offers from rogue states or terrorists.

Senator Baker and Mr. Cutler called this "the most urgent unmet national security threat to the United States today." In my view, they were absolutely right. Indeed, we must build on their recommendations: by adding support for programs to secure radioactive sources; and by securing any weapons-grade material in nuclear reactors around the world.

This amendment Senator DOMENICI, I, and our fellow co-sponsors are introducing today takes some sensible steps toward these goals. For example, the new research, development, and demonstration program I mentioned earlier will help fund efforts to assist other nations in developing means for the safe disposal of radioactive materials and a proper regulatory framework for licensing control of radioactive sources.

But we all must recognize that this amendment is only a first step to address a threat of this urgency and magnitude.

Today we spend $7 or $8 billion a year to guard against the unlikely event of Iran, Iraq, or North Korea putting a nuclear weapon on an intercontinental ballistic missile with a return address, and firing it at us despite the assurance of overwhelming retaliation. We need to show the same sense of urgency in combating the more immediate risk of a more anonymous nuclear weapon without that missile.

In the wake of the World Trade Center attacks, committees of the House and Senate are rightly asking whether more could have been done to detect and prevent that attack and how we can do a better job in the future.

What sort of investigation will we have? How will we rebuild our people's trust in government? And what will we tell our children and grandchildren, if we fail to do everything we can to prevent terrorists from doing a hundred times more harm?

Mrs. CARNAHAN. Mr. President, I am pleased to support amendment No. 4009 to the Defense Authorization Act introduced by my colleague from New Mexico.

This legislation is a significant step forward in the protection of our Nation from weapons of mass destruction.

Since the end of the cold war, the United States has taken considerable steps to reduce the spread of these weapons.

Senators Domenici and Lugar, along with former Senator Nunn, have been true visionaries in this field.

Because of their efforts, we face less of a threat from the Soviet Union's nuclear legacy than we would have otherwise.

The Department of Defense's Cooperative Threat Reduction Program and the related programs at the Department of Energy are truly "defense by other means."

While these far-sighted programs have been very successful, they were not designed to address some of the terrorist threats we now face.

To address these shortcomings, I introduced the Global Nuclear Security Act. This legislation attacks the problem in three ways.

First, it calls on the Departments of Energy, State, and Defense, to develop a plan to encourage countries to adhere to the highest security standards for all nuclear material.

Second, it requires the DOE to develop a systematic approach to secure radiological materials outside the United States that could be used to create a so-called "dirty bomb."

Third, it directs the DOE, in consultation with the Nuclear Regulatory Commission and the International Atomic Energy Agency, to develop plans for reducing the threat of terrorist attacks on nuclear power plants outside the United States.

I was pleased to work with Senators LANDRIEU, ROBERTS, LEVIN, and WARNER to incorporate this legislation into the Defense Authorization bill.

Now, I am pleased to join Senator DOMENICI, and many other colleagues in supporting legislation that will build on the accomplishments of our threat reduction programs and the Global Nuclear Security Act.

This amendment would broaden and extend several existing threat reduction programs.

Among its many provisions, it calls for the National Nuclear Security Administration to increase research efforts to identify technologies directed at protecting us from weapons of mass destruction.

It echoes my call for the NNSA to produce a plan, and to move quickly on that plan, for expanding the nuclear material protection and control program outside of the former Soviet Union, and focusing on protection and control of material that could be used to create "dirty bombs."

This amendment also seeks to accelerate the disposal of highly enriched uranium and plutonium found around the world through a variety of methods.

Senator DOMENICI's amendment greatly complements the Global Nuclear Security Act.

And the combination of these two pieces of legislation makes this Defense Authorization bill stronger. Not only are we authorizing the Administration to develop strategies for curbing the spread of dangerous materials, but we are mandating swift action to implement these plans.

I urge my colleagues to vote in favor of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 4009) was agreed to.

Mr. DOMENICI. Mr. President, I thank the chairman and ranking member. I believe the cross section of Senators cosponsoring the amendment indicates the broad support for it.

There is nothing more important than the United States doing its utmost in this era of nonproliferation, where we do everything we can to make sure that terrorists now, and in the future, have the most difficult time getting their hands on weapons of mass destruction.

There is even a significant American effort in this amendment with reference to "dirty" bombs. The Senators and staff who have reviewed it think it gives America and the world a better chance of finding out where the components are before things happen, and sets up guidelines and criteria so that many different discernment points are available but not just in the United States.

So after a lot of work on this amendment by many, I thank the Senate for adopting it. I yield the floor.

Mr. LEVIN. Mr. President, I commend and congratulate Senator DOMENICI. He has been very active in the fight against proliferation. This gives the DOE important additional capability and authority to help us win the war against proliferation. This is a very important contribution to the nonproliferation effort. I was proud to cosponsor this amendment. Again, I commend the Senator from New Mexico.

Mr. WARNER. Mr. President, I join the chairman in that commendation.

Regarding the Domenici amendment, I move to reconsider the vote at this time.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the Defense authorization bill has been brought to the floor by the chairman and ranking member, two Senators for whom I have high regard—Senator LEVIN and Senator WARNER. They have done a masterful job for many years dealing with defense issues. I applaud them for their work and think they do this country a great service.

Having said all that, I wish to speak about a number of issues related to this Defense authorization bill. This is a time, obviously, when the President has called for and the Congress will respond with an increase in funding for our Nation's defenses. We are at war. We have a war against terrorists, and clearly we are going to need some additional funds to prosecute that war. The President has asked for the funds, and we will provide them.

Following the attack on this country on September 11 of last year, the men and women of our Armed Forces were called on once again to travel far from home and serve in our Armed Forces to defend our country's interests and our liberties.

I have in recent months visited, as some of my colleagues have, our men and women in the Armed Forces who serve in central Asia. I have been to a former Soviet airbase in Uzbekistan. I have been to Baghram airbase in Afghanistan. I have been to see the troops in other of the countries surrounding that area of central Asia.

I have visited many defense installations during my time as a member of the Defense Appropriations Subcommittee, but I have never before seen the kind of pride that I saw in the eyes of the men and women who serve our country post 9/11, serving our country in difficult conditions, in places far from home.

At an old Soviet airbase in Uzbekistan, I saw soldiers living in tents, walking through mud and snow up to their ankles and preparing to be involved in actions and operations in Afghanistan. I could see in their eyes and hear in their voices the pride they have in serving this country in this difficult and important time.

I salute those men and women who are in the Armed Forces today who are doing dangerous work all around the world in prosecuting this war against terrorism.

The question for the Congress is not whether we will increase funding for our defense needs—we will—the question is exactly how do we use that money in a way that represents an effective investment in this country's strength and in this country's defense.

It is the case in this area, just as it is in other areas, that simply throwing money hoping some of it will stick will not necessarily improve this country's defense. So if there are areas where we just cast money about hoping enough of it makes some kind of a difference so we can say we made a difference, I think we do not serve the taxpayers very well in that circumstance. That brings me to the question of national missile defense.

I know there is disagreement about that subject. For some time there has been an appetite in the Senate to dramatically increase funds for national missile defense so we can deploy very quickly a national missile defense system.

Mr. President, from time to time I have shown my colleagues some items that I keep here in my desk. The items are a piece of a backfire bomber wing that was sawed off a Soviet bomber not too many years ago. In addition to that, I have copper wiring from a Soviet submarine. We got this copper wiring from a Soviet submarine, a Russian submarine, by grinding up the wiring under the Pentagon's Nunn-Lugar Cooperative Threat Reduction Program.

The Nunn-Lugar program allows us to destroy our one-time adversary's weapons without firing at them. We reached arms control agreements and the US and the Soviet Union agreed to reduced nuclear warheads and delivery systems. Then we used the Nunn-Lugar program to help countries of the former Soviet Union actually destroy there excess weapons because they could not afford to do so themselves. Because of the Nunn-Lugar program there is not one missile with a nuclear warhead left in the Ukraine, Kazakhstan or Belarus, and there are lots fewer in Russia.

In Russia, and in the old Soviet Union, we have large circular metal saws cutting the wings off Backfire bombers. We did not shoot them down. We just sawed the wings off, and we paid for it because we were destroying the weapons of a former adversary and reducing nuclear weapons and reducing delivery systems.

That is one way to defend this country: Get rid of nuclear weapons and delivery systems around the world, reduce the stockpile of weapons have threatened this country—the missiles with nuclear warheads that used to be targeted on American cities. On one plot in the Ukraine where there existed an SS-20 missile that was aimed at an American city, there now exists sunflowers. I showed a picture of the sunflowers one day. There used to be a missile buried underground with a nuclear warhead aimed at America. It is now simply dirt with sunflowers. The silo is gone. It is destroyed. The missile is gone. It is destroyed. And the nuclear weapon is dismantled. That makes good sense. That is a defense program that has given us enormous rewards.

That is one part of defending our country: working on arms control and arms reduction agreements and on threat reduction programs that help pay for the destruction of delivery systems and nuclear weapons. That has been enormously successful.

Another approach is developing and building new weapon systems, most of which I support. Take the F-22 fighter, for example. We now know with respect to the gulf war a decade ago and with respect to the war in Afghanistan against the Taliban and the al-Qaida terrorists that if you control the skies, you can control virtually everything.

The F-22, for example, is expensive, but it is the next generation of fighters that will allow us to control the skies, and I support it. I think it makes sense. We must develop and fund those advanced systems that allow us anywhere in the world to defend liberty and give our Armed Forces the latest weapons technology in defense of America. That brings me to the question of national missile defense.

Missile defense has been a desire by many for a long while. Would we like to have kind of a catcher's mitt of sorts by which if someone shoots a missile at our country we can catch it before it gets here, stop it, and destroy it? I think everyone in this Chamber believes that would be advantageous. Of course, the technology does not exist at this point. It is the equivalent of hitting a bullet with a bullet. It is a technology we have spent billions of dollars trying to develop, but it does not yet exist.

Some say let's keep throwing money after it as quickly as we can possibly throw money at it. I say, no, let's invest substantial amounts of money in research and development, but let's not spend more than is justified.

The chairman of the committee authorizes $6.8 billion in this authorization bill—that is "billion" with a "b"—to continue the activities on national missile defense. That is roughly $800 million short of what the administration asked for, and that is what the Senate is now debating.

It seems to me, when we take a look at the threats to this country, we should get ourselves a meter. What is the threat meter? With what are we threatened? One threat is that a terrorist, a rogue state, or a terrorist group would get access to an intercontinental ballistic missile, put a nuclear warhead on it, and shoot it at America.

We have had that threat for a long while with respect to other countries. We lived for 40 years with the Soviet Union having literally thousands of missiles with nuclear warheads aimed at America's cities. Why did they not use those missiles? Because they knew if they sent one missile with a nuclear warhead into this country, we would vaporize their country because we had a deterrent capability with so many missiles and so many warheads that anyone who attacked our country would immediately be vaporized.

Nuclear exchange is an exchange no other adversary, under any condition, could win. They knew that. We knew that. It was called mutually assured destruction.

Some say that does not work with terrorists, it does not work with rogue nations. So we must create a national missile defense system.

Now I speak with at least some small amount of authority in this Chamber because I come from the only State in the United States that had an antiballistic missile system built in it.

In the year 1972, following years of funding, this country built one antiballistic missile site. It was built in Nekoma, ND, a very small community in northeastern North Dakota. If one drives there today, they will see a huge concrete pyramid, and they will see other buildings that are now in mothballs.

In 1972, we had the one and only antiballistic missile site in the United States of America. Within 30 days of its activation, it was mothballed. It cost billions, was operational for 30 days, and it was mothballed.

Now, that was a different technology from the one we are discussing now. Back then they decided what we will do is if someone shoots missiles at us we will send up an interceptor missile with a nuclear warhead and we will explode that nuclear warhead up in the heavens somewhere and we will destroy everything that is coming in. It was a very different technology.

The United States decided that nuclear technology really is not something that would be workable. So now the research since 1972 has been on technology to try to find a way to hit a bullet with a bullet. We have spent billions and billions of dollars to do so.

The question today for the Congress is, Do we want to spend another $800 million above that which the authorizing committee has authorized? Some say we need that. Others say, no, that is throwing money around, and it is not an effective investment and can be more effectively used in other areas. I mentioned that one threat on the threat meter is an incoming intercontinental ballistic missile with a nuclear warhead that is sent to us by a terrorist, a terrorist group, or a rogue nation. That is perhaps the least likely threat, if we have a threat meter, that we face.

Perhaps more likely would be a terrorist, a terrorist group, or a rogue nation getting access to a cruise missile, which would be perhaps easier to get access to. It is the size of a couple of 100-pound propane tanks with a nuclear warhead. It flies very low to the ground, not very fast, following the terrain. It is more likely a terrorist might get access to a cruise missile than to an ICBM.

Would the national missile defense system, once we get it built, protect us against a terrorist's or a rogue state's cruise missile? No, it would not.

So we are planning to spend billion and billions on a national missile defense to defend against ICBMs that even if it works, and it is highly suspect whether the technology does exist today, will not help defend us from the more likely threat posed by cruise missiles.

Then what about the rest of the threat meter? Let me describe the threat meter these days since September 11. The threat meter shows that we are much more likely to face a threat that comes in at 2 miles an hour rather than something that comes through at 12,000 miles an hour. Let me describe what that is.

A suspected terrorist in the Middle East about last October or November put himself in a container and had himself loaded onto a container ship. A container ship has all of these containers. They look like the box that an 18-wheel truck hauls behind it. So container ships come into the ports of this country, they have all these containers stacked on board, and a suspected terrorist put himself in a container, got himself nailed in a container.

He had a supply of water on board. He had a GPS. He had a radio. He had a wireless computer. He had a bed. He had a toilet. He put himself in a container and put himself on a container ship to ship himself to Canada.

We have 5.7 million containers come into this country to our ports every single year; 100,000 of them are inspected, which leaves 5.6 million that are not.

I saw a container one day at a port I visited. They had opened up the back of this container, picked one at random out of the ship. I said, what is in that container? They opened the door for me and they said that is frozen broccoli from Poland.

I said, that is interesting. Do you know anything about what is in that frozen broccoli? We see bags in the back. Do we know what is in the middle of this truck or this container?

Well, no.

Do we know the conditions under which it was grown?

No.

Do we know much about it?

No.

That was one container with frozen broccoli from Poland. We get 5.7 million containers coming into this country's ports every year, and 5.6 million are not inspected. When they pull up to the dock of an American port, they are pulling up at 2 to 3 miles an hour with a big ship. That is a much more likely delivery vehicle for a weapon of mass destruction than a terrorist getting ahold of an ICBM and putting a nuclear tip on the top of it.

So what are we doing about that? Is there anyone who suggests we ought to spend the money so we have some satisfaction and some feeling that we are going to protect ourselves against a weapon of mass destruction in a container on a container ship that comes up to a dock in Los Angeles or New Jersey or some other port in this country at 2 miles an hour, and then is loaded on a bank of tires and is pulled by a truck across the country and then sits in a lot somewhere outside a factory or outside a key installation, perhaps a nuclear power plant?

Is anybody going to do anything about that?

How much money are we going to spend on that? We are told we do not have enough money to solve that problem. So now we are debating $800 million on the issue of national missile defense. The authorizing committee says let's spend $6.8 billion, and others, including the President, say no we need to boost that by $800 million.

I look at the threat meter and I say, what are the threats and what are we doing to respond to those threats? Do we have enough to deal with the threat of the 5.7 million containers that come into our ports every year with the prospect that one of those containers might come into one of those ports with a weapon of mass destruction, sent to us by a terrorist? Everyone knows that it is far easier to do that than to find access to an ICBM with a nuclear weapon.

Before I close let me say a few words about the recent nuclear arms agreements with Russia. I give to the President my compliments that he is dealing with the right subject. When you reach an agreement with Russia with respect to nuclear weapons, that is the right subject. But it is not enough to have a new agreement to simply put nuclear weapons in storage nuclear weapons and to allow their delivery systems to be kept intact.

We need to be the world's leader, to try to stop the spread of nuclear weapons. And we need to be the world's leader in trying to achieve meaningful reductions in nuclear weapons and delivery vehicles.

Frankly, agreements just to put weapons in storage do not reduce the threat. There are over 30,000 nuclear weapons in this world, and if one nuclear weapon is missing, just one, we have a very serious problem. If just one nuclear weapon gets in the wrong hands, we have a very serious problem. If just one additional country becomes a country that is part of the club that has nuclear weapons, this country is less safe and this world is less safe. It is our responsibility, this country's responsibility, to lead in the area of arms control and arms reductions.

We need to do two things. I spoke about one today—and I compliment Senator WARNER and Senator LEVIN—we do need to increase our funding for national defense. But we need to do that in the right way that produces muscle and strength for this country. That is one area.

Second, it is just as important we be as aggressive in this country in pursuit of a world leadership role because it is our job and our role to reduce the spread of nuclear weapons, stop the spread of nuclear weapons, and reduce the number of nuclear weapons in this world. If September 11 tells us anything, it ought to tell us that.

Mr. President, the murder of thousands of innocent Americans by terrorists who want to do additional harm to this country should alert everyone once again that we must be a world leader in stopping the spread of nuclear weapons. That means we must be the world leader in not just mothballing or warehousing weapons, but also in reducing the stockpiles of nuclear weapons.

As we work our way through these discussions about defense, national missile defense, arms reductions and arms control treaties, I hope this country understands its special obligation and also its opportunity to be a leader in something that will make a big difference for this country's future and for the future of the world.

I yield the floor.

Mr. WARNER. I inquire of the distinguished majority whip, in the period of time until the chairman and I have a consensus as to how to proceed, could Senators be recognized for the purpose of just debate on the question related to this bill?

Mr. REID. I say to my friend from Virginia, I had a long conversation with the manager of the bill, the chairman of the committee. Probably about 12:30 we would be ready to offer the second-degree amendments. Staff is working as we speak.

It is my understanding that the two managers of the bill have a number of amendments that could be cleared. It would be appropriate to do that if at all possible. The more time that goes by, the more difficult it is.

Mr. DORGAN. I am unable to hear. I would like to understand what the procedure is.

Mr. REID. Senator LEVIN indicated he will offer his amendment about 12:30, a second-degree amendment. That is the next order of business.

In the meantime, the comanagers will clear a number of amendments they and their staffs have worked on the last several hours. And the Senator from Virginia asked when they completed that, prior to the time that Senator LEVIN was available to offer the second-degree amendment, would it be appropriate for others to speak on the bill. Senator LEVIN, I am sure, agrees it is totally appropriate. I want to make sure it is cleared. If he would want to speak, there is nothing wrong with that.

Mr. WARNER. I think that is constructive. We are anxious to proceed to the extent we have amendments which are cleared. Subject to the chairman's desire, we can proceed to clear those. Senators would be free to discuss any portion of the pending bill. I think they so desire.

There would be an understanding, we will put it in unanimous consent form, that no further amendments can be offered until, say, the hour of 12:30.

Mr. REID. I believe the unanimous consent request now in effect covers that.

Mr. WARNER. We will make certain.

Mr. REID. I ask the chairman.

The PRESIDING OFFICER. No amendments are in order to the Warner amendment prior to filing the Levin second-degree amendment.

Mr. WARNER. That is our understanding.

Mr. LEVIN. Mr. President, I ask unanimous consent that in the time between now and when I lay down the second-degree amendment to Senator WARNER's amendment, others be recognized to speak or we clear amendments between now and that time. Is that in order for a unanimous consent request?

The PRESIDING OFFICER. Consent is not required for that.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I rise in support of the Defense Authorization Act. I begin by congratulating and thanking Senators WARNER and LEVIN for their leadership on this important issue to ensure that our military men and women have the resources and tools to get the important job done of protecting America's homeland and our interests abroad.

I would also like to thank a colleague of ours who was called away. That is Senator McCAIN, from Arizona. He bears the scars of battle, having served our Nation in the military. There is no one more dedicated to the defense of America than Senator McCAIN. He was instrumental in the provisions of this bill that will make it possible for more young Americans to serve our Nation in the military. It is ironic that at this time when we face greater national security challenges than at any time in a generation, so few Americans, particularly young Americans, have served our country in uniform.

Senator McCAIN and I would like to change that by opening up greater avenues for Americans to serve in the military to protect this country, to attract America's best and brightest to military service. There are provisions in this bill that will do exactly that.

Specifically, we establish a shorter track for military service: 15 months of active duty following basic training with the balance of the service to be served in other capacities. In exchange for this, we will relieve up to $18,000 of student loans for each man or woman who has served in the military and goes on to higher education or has studied in higher education previously. In addition, we provide full 1-year GI benefits following leaving the military and two-thirds of GI benefits for up to 36 months following leaving active service.

This, colleagues, will serve as a powerful incentive for those in our society who want to get a higher education to first or subsequently serve in the U.S. military and the cause of protecting America.

At a time when a college degree is so important to success in the private sector, we believe it is equally important not only for our society as a whole but for the military particularly to attract more men and women with a background in college and higher education in the defense of our Nation. These provisions will accomplish exactly that.

In addition, I am hopeful we can use the national service provisions included in this bill as an additional motivation and incentive to attract more Americans to serving our country in civilian capacities as well.

The amendment of Senator McCAIN and I will accomplish exactly that. We will extend the AmeriCorps provisions a full fivefold, from 50,000 to 250,000 Americans each and every year, so that every 4-year period 1 million of our citizens, particularly young people, will have served our Nation in capacities that are important, and half of those new AmeriCorps members will be serving America in a homeland defense capacity.

At a time when we need to secure our infrastructure, ports, airways, and railways, at a time when we need to protect our country against biological and other threats, it is important we do so to the extent we can using highly trained and motivated volunteers. It will not only help to instill the ethic of service but protect our country in tangible ways in a manner that is most cost effective.

We seek to reach out and enlist more senior citizens in the cause of putting something back in our society. On the cusp of the baby boom generation beginning their retirement, we will have more Americans living longer, healthier lives than ever before, with more energy and resources to put back into this country. We think senior citizens have a lot to offer America and will seize this opportunity to serve our country if we give it to them, as I believe we must.

We seek to challenge young people involved in our work/study programs to give back to the country that has made their higher education possible. Currently, only 7 percent of those involved in work/study are required to be involved in public service. Senator McCAIN and I seek to expand that to a full 25 percent over the course of the next 9 years, ensuring a corps of young Americans who are not only getting a higher education but, in the process, building and rebuilding the country that has helped to make that higher education possible.

In all these capacities, we seek to harness the good intentions that have arisen from 9–11—the surge in patriotism, the desire to put something back in this country, to harness those intentions and to channel them into concrete action that will improve America for generations to come. This Defense Authorization Act will do that in terms of encouraging more young Americans to serve in uniform in ways that will tangibly protect this country from military aggression.

At the same time, we seek to enact the Call To Service Act, to channel more energy into civil service as well, to help students learn, to help senior citizens lead independent, productive lives out of their homes, and to meet the other challenges that will make our country not only safe militarily but make our Nation more decent, more compassionate, more just; to remember the challenges we face at home and meet them, just as our brave military young men and women are meeting the security challenges we face abroad.

In summary, the call to service, whether in the military or in the civilian sector, is in the finest of American traditions. It was Thomas Jefferson who once said, in reflecting upon the accomplishments of his own life:

> I would much prefer to be remembered for what I have been privileged to do for others than for what others have so kindly done for me.

This spirit of national service could not be more timely, colleagues. The eyes of the world are upon us today, and they are asking: Does this generation of Americans have what it takes to sacrifice, even for a moment, even in part, the ease and comfort to which we have been accustomed, in the cause of championing and protecting the ideals we claim to cherish? I believe we can. I believe we must.

I thank Senators WARNER and LEVIN for including the military components of our service legislation within this authorization act. I think it will do a lot to strengthen the military in years to come and will strengthen the fabric of society as more Americans, and particularly young Americans, will have had the experience of serving in uniform, with all that that means in forming their own citizenship in future years. At the same time, I urge my colleagues to carefully consider and support our Call To Service Act, which would do exactly the same in the civilian sector, strengthening America in ways that are beyond measure.

I thank my colleagues and yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, recently, ABC canceled country music singer Toby Keith from its July Fourth TV special. They did not want him to sing his song about the September 11 attacks. "Courtesy of the Red, White & Blue (The Angry American)."

Earlier, a similar thing happened with PBS and Charlie Daniels.

This is a disgrace and the rankest kind of hypocrisy from these advocates of free speech.

I therefore ask unanimous consent that the lyrics of these two patriotic songs by Toby Keith and Charlie Daniels be entered into the CONGRESSIONAL RECORD. And just for good measure, I also ask to include the lyrics of another great patriotic country song from my generation, "Fightin' Side of Me," by Merle Haggard.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COURTESY OF THE RED, WHITE AND BLUE (ANGRY AMERICAN)

(By Toby Keith)

American girls and Americans guys
Will always stand up and salute
Will always recognize
When we see Old Glory flying
There's a lot of men dead
So we can sleep in peace at night
When we lay down our head

My Daddy served in the army
Where he lost his right eye
But he flew a flag out in our yard
Till the day that he died
He wanted my Mother, my Brother,
My Sister and me
To grow up and live happy
In the land of the free

Now this nation that I love
Is falling under attack
A mighty sucker punch came flying in
From somewhere in the back
As soon as we could see clearly
Through our big black eye
Man we lit up your world
Like the Fourth of July

Chorus:
Hey, Uncle Sam put your name
At the top of his list
And the Statue of Liberty
Started shaking her fist
And the eagle will fly
And it's going to be hell
When you hear Mother Freedom
Start ringing her bell
And it will feel like the whole wide world
Is raining down on you
Brought to you courtesy
Of the Red, White and Blue

Oh, justice will be served
And the battle will rage
This big dog will fight
When you rattle his cage
You'll be sorry that you messed
With the U.S. of A.
Cause we'll put a boot in your ass
It's the American way

Chorus:
Of the Red, White and Blue
Of my Red, White and Blue

THE LAST FALLEN HERO

(By the Charlie Daniels Band)

Oh the cowards came by morning and attacked without a warning
Leaving flames and death and chaos in our streets
In the middle of this fiery hell brave heroes fell

In the skies of Pennsylvania on a plane bound for destruction
With the devil and his angels at the wheel
They never reached their target on the ground
Brave heroes brought it down

Chorus:
This is a righteous cause so without doubt or pause
I will do what my country asks of me
Make any sacrifice
We'll pay whatever price
So the children of tomorrow can be free
Lead on red, white and blue
And we will follow you until we win the final victory
God help us do our best we will not slack or rest
Till the last fallen hero rests in peace

Now the winds of war are blowing and there's no way of knowing
Where this bloody path we're traveling will lead
We must follow till the end
Or face it all again

And make no mistake about it, write it, preach it, talk it, shout it
Across the mountains and the deserts and the seas
The blood of innocence and shame
Will not be shed in vain

Chorus:
This is a righteous cause so without doubt or pause
I will do what my country asks of me
Make any sacrifice
We'll pay whatever price
So the children of tomorrow can be free
Lead on red, white and blue
And we will follow you until we win the final victory
God help us do our best we will not slack or rest
Till the last fallen hero rests in peace
God help us do our best we will not slack nor rest
Till the last fallen hero rests in peace

FIGHTIN' SIDE OF ME: MERLE HAGGARD

(Written by Merle Haggard)

I hear people talkin' bad,
About the way we have to live here in this country,
Harpin' on the wars we fight,
An' gripin' 'bout the way things oughta be.
An' I don't mind 'em switchin' sides,
An' standin' up for things they believe in.
When they're runnin' down my country, man,
They're walkin' on the fightin' side of me.

Yeah, walkin' on the fightin' side of me.
Runnin' down the way of life,
Our fightin' men have fought and died to keep.
If you don't love it, leave it:
Let this song I'm singin' be a warnin'.
If you're runnin' down my country, man,
You're walkin' on the fightin' side of me.

I read about some squirrely guy,
Who claims, he just don't believe in fightin'.
An' I wonder just how long,
The rest of us can count on bein' free.
They love our milk an' honey,
But they preach about some other way of livin'.
When they're runnin' down my country, hoss,
They're walking on the fightin' side of me.

Yeah, walkin' on the fightin' side of me.
Runnin' down the way of life,
Our fightin' men have fought and died to keep.
If you don't love it, leave it:
Let this song I'm singin' be a warnin'.
If you're runnin' down my country, man,
You're walkin' on the fightin' side of me.

Yeah, walkin' on the fightin' side of me.
Runnin' down the way of life,
Our fightin' men have fought and died to keep.
If you don't love it, leave it:
Let this song I'm singin' be a warnin'.
If you're runnin' down my country, man,
You're walkin' on the fightin' side of me.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

AMENDMENT NO. 4046 TO AMENDMENT NO. 4007

Mr. LEVIN. Madam President, I send a second-degree amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 4046 to amendment No. 4007:

On page 3, strike subsection (c) and insert the following:

"(c) PRIORITY FOR ALLOCATING FUNDS.—In the expenditure of additional funds made available by a lower rate of inflation, the top priority shall be the use of such funds for Department of Defense activities for protecting the American people at home and abroad by combating terrorism at home and abroad."

Mr. LEVIN. Madam President, just very briefly—I know the majority leader wants to be recognized if he returns to the floor—the amendment of the Senator from Virginia specifies two purposes for additional funds which would become available as a result of an adjustment to the inflation factor, a recalculation of the inflation factor.

The Senator from Virginia has been assured that at least $814 million will become available. He made that representation to us yesterday. Based on that representation, he has offered an amendment which provides that the money be spent for one of two specified purposes. These are the purposes, I emphasize, that are set forth in the Warner amendment: whichever of the following purposes the President determines the money should be spent for—"(1) Research, development, test, and evaluation for ballistic missile defense programs of the Department of Defense." The second purpose specified in the Warner amendment is: "Activities of the Department of Defense for combating terrorism at home and abroad."

What the second-degree amendment provides is that combating terrorism at home and abroad is the highest priority for allocating these funds. Protecting the American people in this way, under the second-degree amendment, should be the top priority for these funds.

We have all said that over and over again, that combating terrorism is now our No. 1 priority. And these funds, which will be made available as a result of the readjustment of inflation, should be dedicated, in our judgement, to that purpose.

The amendment does not preclude the President from spending additional funds on missile defense should he determine that is a higher priority. This amendment does not preclude the President from reaching that judgment. It expresses our judgment that, of those two specified purposes in the underlying amendment, combating terrorism is the top priority to protect the American people at home and abroad.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I thank the chairman for providing this amendment at this time, precisely at the stroke of 12:30. We will have the opportunity to examine it.

You have basically reached the point where you are saying that the President wants to follow the law. And if this were adopted, it is my understanding it is not the intention of the second-degree amendment, the proposers of it, to in any way abrogate the flexibility to allocate these funds between the two stated purposes in my amendment—namely, missile defense and homeland security—in any way. In other words, he retains full flexibility to do so. Am I correct in that?

When we talked yesterday that was the purport of the amendment the distinguished chairman was proffering yesterday. I presume this amendment continues your representation that the purpose of the amendment was not in any way to abrogate his flexibility to allocate between the two specific purposes as stated in the underlying amendment?

Mr. LEVIN. This second-degree amendment does two things which the amendment I was going to offer yesterday would have done; that is, it states that in our judgment, the top priority for the use of these funds is to combat terrorism at home and abroad. But it does not preclude the President from spending this additional money on missile defense should that be his determination. It does both of those things. It does not preclude the President from spending the money on missile defense should he reach the judgment that is a higher priority than combating terrorism, that those additional funds above the $7.6 billion on missile defense is a higher priority than combating terrorism. This amendment would not preclude him from doing that, but the heart of this amendment remains as it was last night, expressing our judgment—that is, between these two specified purposes in the underlying amendment—that the top priority is combating terrorism at home and abroad.

The majority leader is in the Chamber.

Mr. WARNER. If I could add further, that is the proportions of the allocation—it is implicit in there—he can make the allocation in such proportions to the two accounts as he deems appropriate?

Mr. LEVIN. The President is not precluded by this language from reaching a different conclusion and allocating as he chooses. It is pretty clear what our judgment is as to the top priority. That is the purpose of this amendment.

Mr. WARNER. Madam President, I thank my colleague. We will examine this amendment. Yesterday, at one point we were willing to accept the second degree. Let's see whether or not that can be achieved in the near future.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, let me compliment the distinguished Senator from Michigan for his work in accommodating the dual priorities our two managers have attempted to address over the course of the last couple of days as we consider the issue of missile defense and the need to ensure adequate resources for homeland defense.

We are debating what may be one of the most significant amendments to one of the most important pieces of legislation to come before the Senate this year. I am surprised, frankly, that objections have been raised to the Levin amendment. Both the Warner and Levin amendments agree that if additional resources become available to the Pentagon, only two programs, missile defense and counterterrorism, would be eligible for these resources.

The only difference, as has just been described in the colloquy between our two colleagues on the Armed Services Committee, the only difference is that Senator LEVIN's amendment would put Congress on record that combating terrorism should be our top priority.

After what America and the world witnessed on September 11 and the subsequent actions discussed in reports from intelligence agencies since, I question how anybody could challenge that this should be our top priority.

How could anyone think, in the short term at least, we are more likely to be a target of a ballistic missile attack than another terrorist incident? The heinous terrorist attacks of September 11 did not involve ballistic missiles, and none of the warnings of possible future attacks issued by this administration since September 11 even mentioned the possibility of a ballistic missile attack.

The steady stream of recent warnings from this administration have warned us about crop dusters, gasoline trucks, shoe bombers, "dirty" bombers, attacks on our financial institutions, shopping malls, nuclear powerplants, and large apartment buildings. All of these have been cited as possible attacks. More money for ballistic missile defense would not make any of them more preventable.

This debate is about the best use of our national resources to protect our national security. It is not about whether to proceed with the construction of a missile defense facility at Fort Greeley, AK. Although I have many questions about the merit of and need for this facility, the underlying bill already fully funds the administration's proposal for constructing this test site.

This debate is not about whether to provide missile defense with billions of dollars, although I have concerns that a huge missile defense program could crowd out funding for more important security programs such as counterproliferation and homeland defense. The underlying bill already provides missile defense with $6.8 billion, easily making it the largest acquisition program in the Pentagon's entire budget.

And, if this body adopts both the Warner and Levin amendments, it will be possible for missile defense to receive additional resources if they become available.

Nor is this debate about the proper timetable for deploying missile defense. Although I have strong reservations that the administration's rush to deployment could have some negative ramifications for our security, the underlying bill does nothing that would affect the administration's timetable for deploying missile defense.

In short, this debate is not about who supports missile defense. In fact, where one stands on these amendments bears no relation to how one feels about missile defense. I strongly support a substantial missile defense program and the Levin amendment. Anyone who believes there is something inconsistent about this should read the underlying bill and the amendments before us.

Rather, the pending amendments raise a larger, more fundamental question. In particular, what is the most immediate action we can take to make America more secure? Providing the funds that will help us dismantle al-Qaida and prevent acts of terrorism, or providing funds beyond the $6.8 billion already in this bill to help us deploy a missile defense system at some point in the future? That is the question. Your answer ought to be the former, not the latter.

We should all be able to agree that terrorism is a threat that confronts us here and now. Therefore, I hope my colleagues will make fighting terrorism their first priority.

I support the Levin amendment. I congratulate him on drafting it. I urge our colleagues to support it as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I listened very carefully to the distinguished majority leader's comments. I am not so certain we have any major differences. I assure you, this administration and, indeed, the Senate as a whole is focused, as it should be, on homeland defense and taking those measures to protect the American people here at home and, indeed, abroad. There is no lack of emphasis I can find in the overall framework of legislative proposals now in law and hopefully to be enacted in law, making it very clear this President, under his leadership, is moving on a number of fronts to combat terrorism in the United States and where it affects our citizens abroad.

Yes, I listened carefully, and others have mentioned the warnings we are receiving. They do address the weaponry—the weapons that are known to be in the hands of those who have interests antithetical to our great United States, our people, our freedom, and our way of life.

But in this particular bill, as it relates to missile defense, we are looking into the future. There are many signs that clearly justify actions being taken, hopefully by this legislation, and to begin to take those steps to put in place such defenses as our technology can devise, and promptly, which would enable us to provide a limited system—not some giant umbrella but a limited system of defenses against a limited attack of missiles.

So we are looking to the future. I share with the distinguished leader the fact that we have to forewarn our citizens today with regard to the weaponry available, whether it is biological, chemical, or possibly some mocked-up type of nuclear weapon by a rogue nation or some terrorist organization. I think we are all pulling together in the same direction.

I hope we can address these amendments very promptly. I ask for a reasonable period of time within which to address the second-degree amendment.

I thank the majority leader.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Madam President, I rise to speak about the amendment proposed by the Senator from Virginia and the second-degree amendment proposed by the Senator from Michigan.

As I understand the amendment of the Senator from Virginia, it does several things. First, it assumes there will be approximately $814 million in savings because of the inflation figures. Then it sets up two categories of funding that this extra money, if found, is to be used for: missile defense or counterterrorism activities.

But then at the end of the amendment, it proposes to set the priorities for allocating these scarce resources. As I read the priority, it is everything that the Department of Defense does, because the priority would be activities for combating terrorism and protecting the American people at home and abroad.

I suggest—and I doubt anyone would argue—that the crew of an American nuclear submarine patrolling the depths of the Atlantic or the Pacific are protecting Americans at home and abroad. I argue that Marine guards in embassies throughout the world are protecting Americans. I argue that troops that are training for possible deployments overseas are protecting Americans at home and abroad.

The fact is that this priority is no priority at all. The fact is, this debate is a debate about whether we will use extra resources to fight terrorism or for a national missile defense shield. If you ask any American, their answer would be obvious and automatic: Protect us from terrorism. Why? I don't know if they have read the national intelligence estimate of December 2001. It says:

> In fact, U.S. territory is more likely to be attacked with [weapons of mass destruction] from non-missile delivery means—most likely from terrorists—than by missiles, primarily because non-missile delivery means are less costly, easier to acquire, more reliable and accurate. They can also be used without attribution.

They might not have read in detail the national intelligence estimate, but that is what our intelligence officials are telling us: The most likely and immediate threat is terrorists attacking us, and perhaps with weapons of mass destruction, but not an intercontinental ballistic missile attack on the United States.

On September 23, 2001, a few days after September 11, the Federal Aviation Administration grounded crop duster aircraft nationwide because of concerns that they might be used in chemical or biological terrorist attacks. This marks the third time since the September 11 terrorist attacks that crop duster aircraft have been grounded. The other two groundings were from September 11 through September 14, and from September 16 through September 17.

Again, ask yourself, is that a threat that national missile defense can prepare for? I should add that, as the Senator from Virginia said, we are concerned about the future; but this authorization is for next year. This issue is what funds will be spent next year—the extra funds that will be available. This year and next year, the American people will say unhesitatingly: Protect us from terrorism. That was September 23, 2001.

October 11, 2001: The Federal Bureau of Investigation issues a warning that there may be additional terrorist attacks in the United States and against U.S. interests overseas in the next several days.

I do not suspect that any of those warnings were tied into the use of an intercontinental ballistic missile to attack.

October 29: The Federal Bureau of Investigation issues a warning that there may be additional terrorist attacks in the United States and against U.S. interests overseas in the next several days and that Americans and police should be on the highest alert.

Again, that is not coupled with any specific indication that an intercontinental ballistic missile would be involved.

December 3, 2001: Director of the Office of Homeland Security Tom Ridge at a White House press briefing said: " . . . the quantity and level of threats are above the norm and have reached a threshold where we should once again place the public on general alert, just as we have done on two previous occasions since September 11th."

December 22: Flight attendants and passenger subdue a man reportedly trying to set his shoes on fire on American Airlines Flight 63 from Paris to Miami carrying 185 passengers and 12 crew members. The plane is diverted to Boston's Logan International Airport, escorted by two U.S. Air Force F-15 fighter jets. Boston Airport authorities say the man appears to have been carrying C-4, a powerful plastic explosive, in his shoes. The suspect is identified as Richard C. Reid on his British passport.

Once again, ask yourself, if you are allocating money, do you allocate it to screening passengers better, or to x-ray baggage better, or to doing things for a national missile defense?

January 29, 2001: In his State of the Union Address before Congress, President George W. Bush says U.S. forces in Afghanistan " . . . have found diagrams of American nuclear power plants and public water facilities, detailed instructions for making chemical weapons, surveillance maps of American cities, and thorough descriptions of landmarks in America and throughout the world." Warning that "thousands of dangerous killers . . . often supported by outlaw regimes, are now spread throughout the world . . . " The President promises to continue the war on terrorism at home and abroad.

Were those plans and diagrams used to target an ICBM, or were they used to infiltrate terrorists into the U.S. to attack those facilities?

January 31, 2002: An internal alert warning that Islamic terrorists are planning a major attack against American targets appears in a classified document issued by U.S. intelligence agencies. The alert reportedly specifies several potential methods of attack and targets: a nuclear powerplant, or nuclear facility bombing, bombing a U.S. warship in Bahrain, a suicide airliner attack on a building, and bombing a vehicle in Yemen.

Again, none of those threats raise an ICBM attack, or even a theater missile attack on the United States.

February 11: Federal Bureau of Investigation issues a warning that more terrorist attacks may take place within the United States and against U.S. interests in the country of Yemen on or around February 12, 2000. In its warning, the FBI specifically identifies Yemeni national Fawaz Yahya al-Rabeei and several of his associates as suspects, and Yemen as their possible target based on information gathered an detainee interrogations at Camp X-Ray on the U.S. Navy base at Guantanamo Bay, Cuba, and in Afghanistan. The warning advises Americans and law enforcement agencies to be on the highest alert and requests help in identifying these suspected terrorists.

April 19: Federal Bureau of Investigation issues a terrorist threat alert identifying U.S. financial institutions in the Northeast as possible targets.

April 24: The FBI issues a terrorist threat alert identifying shopping malls and other public places as possible targets, according to news sources.

May 13: U.S. authorities have received reports from different intelligence sources of a threatened July 4, 2002, attack against an undetermined U.S. nuclear powerplant in the Northeast by al-Qaida terrorists.

May 20: FBI Director Robert Mueller tells a gathering of the National District Attorneys Association that walk-in suicide bombings, such as those that have taken place in Israel, are likely to occur in the U.S. The Director says, "We see that in the future. I think it is inevitable."

News sources report that the FBI has issued informal warnings that terrorists might rent apartments at large apartment complexes, pack the apartments with explosives, and detonate them.

Ask yourself: How much will a missile defense system protect us against a suicide bomber walking into a mall or walking in and exploding an apartment building?

May 21: The FBI issues a terrorist threat warning to New York law enforcement agencies that it has received "unsubstantiated and uncorroborated information that terrorists are considering attacks against landmarks in New York City."

May 28: Hans Beth, director of the antiterrorism and organized crime division at Germany's BND foreign intelligence service, says at a conference in Bonn, Germany, that the al-Qaida terrorist network is active, regrouping, and recruiting new members, according to the Associated Press. The director says:

> We believe that bin Laden himself and several of his confidants are still around to give the impulses for attacks.

May 29: Customs Commissioner Robert Bonner, in an Associated Press interview, says that every Customs inspector will be equipped by January 2003 with a pocketsize radiation detector, and that Customs is working with other countries to screen cargo containers before they are shipped to the United States. The Commissioner cautions, however, that "there are no guarantees" that improved border security will prevent a terrorist from smuggling a nuclear weapon into the United States.

Again, this is not something with which a national missile defense system could cope and for which it is not even designed.

May 30: New sources report that the Federal Bureau of Investigation issued an alert on May 22, 2002, to Federal, State, and local law enforcement agencies warning that al-Qaida terrorists may be trying to target commercial aircraft by using shoulder-fired antiaircraft missiles. Reportedly, the warning was issued after U.S. military personnel found a spent portable missile tube outside the Prince Sultan Air Base in Saudi Arabia earlier in May 2002.

May 31: The Washington Times reports that classified U.S. Government intelligence reports indicate that Islamic terrorists may have smuggled portable shoulder-fired Russian SA–7 surface-to-air missiles or U.S. Stinger antiaircraft missiles into the United States.

Again, ask yourself how we should be allocating extra funds to protect the people of the United States if those funds become available.

June 7: Reuters News Service reports that CDR Jim McPherson, a U.S. Coast Guard spokesman, says the Coast Guard issued a warning to all of its units to be on alert during the June 7 through 9 weekend for "possible acts of terrorism targeting the Nation's ports, bays, rivers, and shores."

June 10: Attorney General John Ashcroft announces the disruption of "an unfolding terrorist plot to attack the United States by exploding a radioactive 'dirty bomb.'"

June 12: CBS News reports the Immigration and Naturalization Service issued a June 6, 2002, security alert instructing INS agents at U.S. airports, borders, and ports to do "[a] complete and thorough search of all baggage" carried by Yemeni travelers, except those carrying diplomatic passports, and make "an inventory of all effects." The order was reportedly prompted by the discovery of several thermos bottles—some rigged with batteries and wire—during a raid in the northeastern United States of an apartment that housed several Yemeni nationals. The alert instructed agents to look for "large sums of currency, night vision goggles, or devices." It also warned against agents opening any thermos bottles.

June 14: A suicide bomber drives a car filled with explosives into a guard post outside the U.S. Consulate in Karachi, Pakistan, killing 11 Pakistanis and injuring at least 45 people, including one U.S. marine who was slightly wounded by flying debris.

June 16: The Washington Post reports that three Saudis seized in Morocco told interrogators that they fled Afghanistan and came to Morocco on a mission to use bomb-laden speedboats for suicide attacks on U.S. and British warships in the Strait of Gibraltar. The three Saudi men were captured in May 2002 in a joint Moroccan-Central Intelligence Agency operation.

June 21: The Federal Bureau of Investigation issues a terrorist threat alert warning that terrorists might be plotting to use fuel tankers to attack undetermined Jewish neighborhoods and synagogues, according to the Associated Press.

June 25: The New York Times reports that, according to congressional officials, Capitol Police in Washington, DC, are stockpiling up to 25,000 gas masks to protect tourists, lawmakers, and their staffs in case of a terrorist attack.

If you ask the American people how this money should be prioritized, the answer is clear, overwhelming, and irrefutable. The highest priority should be the war against terrorism, certainly at this moment and certainly in this next fiscal year. As a result, I believe Senator LEVIN's amendment is not only crucial but essential so that the direction, at least the sense of this Congress, is clear. I hope we will support this second degree amendment.

In addition, I should point out again that we are robustly funding missile defense activities. We have done that. Our proposal is $6.8 billion for fiscal year 2003. We expect an additional $4 billion to be available since it was not spent last year. This gives us in the next fiscal year over $10 billion to use on national missile defense—theater missile programs, national missile programs, boost phase, midcourse phase, terminal phase, the latest system which this administration is pursuing. That is adequate and sufficient in our view, but in addition, as Senator LEVIN pointed out, recognizing the top priority of terrorism, the language still would allow, even as amended, some resources to be devoted to additional national missile defense activity, if the President determines that.

Having listened to this litany of warning emanating from the administration itself, it is hard to think that there is a higher priority at this moment and next year than counterterrorism.

We have supported robust activities to test and deploy missile defense systems. There is full support for the Alaskan system. There is full support for research, experimentation, and testing. In fact, we have added money to these categories.

We have added money for the Arrow missile, an important theater missile system we are developing jointly with the Israelis.

We have added money for radars for Navy sea-based systems.

What we have cut are those ill-defined, duplicative programs that are not going to advance, we feel, the development of this missile system, and we are looking to the future.

A $10 billion investment next year, a combination of our authorization and residual funds, is an important downpayment, a substantial, robust downpayment on a future system that will counter future threats.

What we are suggesting in this bill is that when you look closely at the suggestions and recommendations of the Department of Defense with respect to terrorism operations and contingencies, there is a long list of items not funded. Senator LEVIN's priority and my priority would be to fund these counterterrorism activities.

There is, for example, $871 million for improved security on the list of unfunded priorities by the services. The Special Operations Command found an additional shortfall of $42 million in items that they could not provide to protect units fully, from their perspective, against terrorism on their installations.

The second item, for example, on the Air Force list of unfunded items is $149 million for improved physical security at its bases.

The Navy's list included an additional $263 million for improvements to Navy installations.

The Army identified $110 million of unfunded force protection needs.

These funds will be used to protect military installations, naval stations, shipyards, fencing off installations, airfields, and keeping intruders away. All of them are very necessary. But because we were making difficult judgments about priorities—and that is what our job is—we could not fund these compelling needs. I suggest if there are inflation savings, that is where they should go, and that is what the Levin amendment will direct, suggest, at least make as the policy of this Congress: That our highest priority is counterterrorism.

In addition to this $914 million of unfunded force protection requirements, the services and Special Operations Command identified $184 million in unfunded priorities for defending against and managing the consequences of attacks using weapons of mass destruction.

As a national intelligence estimate suggests, if such an attack takes place within the foreseeable future, it will not be as a result of a missile strike, but terrorists detonating some type of weapon of mass destruction in the United States. Our services are asking us for $184 million to respond, to defend against, and manage the consequences of such an attack. The Marine Corps, for example, identified over $27 million in shortfalls for their chemical and biological incident response force. The Air Force had an unfunded priority of $92 million for equipping installation first responders to manage WMD attacks.

The Navy had a $20 million unfunded priority of this same line, the first responders within the services to respond to a weapons of mass destruction attack. The Air Force also had a $33 million unfunded requirement for bolstering the defenses of their personnel against weapons of mass destruction attack, and Special Operations Command had a $12 million shortfall for counterterrorism activities. If we add the $914 million of unfunded priorities related to protecting the Armed Forces by attack from terrorists to the $184 million of unfunded priorities related to defeating and managing WMD attacks, we reach a total of over $1 billion.

So it is clear that the Special Operations Command have urgent, indeed critical, need to combat terrorism.

So when we pass legislation that says there are two categories of spending for additional resources made available through inflation savings, one is missile defense, and one is combating terrorism, I think we need the Levin amendment to say our highest priority is combating terrorism, equipping our military forces to protect themselves and to protect us, at a minimum. But we also understand, even if we are able to provide these resources to our Department of Defense, where are the additional resources for the Department of Commerce to make sure that all of their activities complement and supplement the activities of the Department of Defense? What about the Coast Guard? Do they have enough resources to protect all of our ports? What about the FAA installing additional security measures in airports? All of these priorities are immediate, extraordinarily important, and have to be addressed.

We have the opportunity today to make it clear that if these resources are available, they will be going to the most immediate, the most dire, threat we face, based upon our intelligence estimates, based upon the numerous statements by the administration, and we should do that confident we are providing a robust funding source for national missile defense development in every phase of their multilayered operation.

I hope my colleagues will support enthusiastically the Levin amendment. I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I sometimes think we are like ships in the night as we discuss this issue and what the priorities of this country ought to be. I know Senator REED is an esteemed colleague and a capable advocate, but I would like to talk about a few of the things he said that I think really do not give us the right perspective.

Of course, terrorism is the No. 1 issue. We voted on a $40 billion FY01 supplemental budget. We have an FY02 supplemental in conference. A huge part of what we are spending in defense, transportation, and in all agencies of our Government, from the FBI to the CIA, is focused on securing this homeland. The arguments the Senator from Rhode Island make that suggests any other expenditure is not as valuable as homeland defense and that we can spend on nothing else apparently but homeland defense I do not believe are sound.

In other words, are we going to stop all R&D for missile defense? Are we going to stop developing the future combat system we have been working on down the road that may be a decade in development? Are we just going to stop that because we have an immediate threat? The Navy's DD(X) program or other weapons systems we are developing, the new and superbly efficient precision guided munitions, should we continue to develop them? Well, of course we should.

We cannot stop all that because we are into this war on terrorism. We need to fund every dime that is needed on homeland defense. As a matter of fact, I just left a hearing in Judiciary where we heard from Governor Ridge as he laid out the proposal to completely reorganize our Government, one of the biggest reorganizations in the history of the U.S. Government. The homeland security Cabinet agency that is being proposed by President Bush would be an unprecedented move to focus a host of existing Federal agencies on one thing: Making sure their top priority is defending America.

Back in 1999, a study done by a commission authorized by Congress came back and unanimously concluded we are under a growing threat from nations around the world, that 16 nations now have missile capability—many of them are developing long-range capability—and that by 2005 this Nation will be faced with and vulnerable to a missile attack. That is a reality with which we are faced.

We voted in this Senate 97 to 3—and I quote—to deploy a national missile defense system as soon as technologically feasible. President Clinton signed that and supported it. Vice President Gore supported it during the past campaign. Senator JOE LIEBERMAN, his Vice Presidential candidate, has been a champion of establishing a national missile defense system. President Bush made it a priority in his campaign, and he spoke openly about it. I submit this past election by the American people affirmed that commitment.

So the President proposed a larger budget. Last year, he proposed $7.8 billion for national missile defense, $2.5 billion more than President Clinton had proposed over his $5.3 billion budget.

This year, he is proposing roughly $200 million less for national missile defense, but fundamentally the President has laid out a sophisticated, long-term plan to get us prepared by the rapidly approaching time when we will be vulnerable to a potential missile attack.

I know one of my colleagues quoted from the National Intelligence Estimate by the CIA on foreign missile developments that was issued earlier this year, and some other things in that report that I think are noteworthy. This is what the report says:

> The probability that a missile with a weapon of mass destruction will be used against the United States forces or interests is higher today than during most of the cold war.

That was when we were facing the Russians and their missiles.

> And it will continue to grow as the capabilities of our potential adversaries mature.

Is there anybody in this body who is sorry we invested money in precision guided munitions? Are they sorry we invested money in developing a satellite system that has been the key to our communications and our military capabilities in Afghanistan? Are they sorry we developed bombers capable of delivering those things in the past, recognizing it would be necessary in the future? So that is what we are talking about: How do we get ready for this?

The report adds further comments:

> Some of the states—these are countries—armed with missiles have exhibited a willingness to use chemical weapons with other delivery means. In addition, some non-state entities are seeking chemical, biological, radiological and nuclear materials and would be willing to use them in other ways than employing them simply on a missile. In fact, the U.S. territory is more likely to be attacked on the ground with these materials primarily because a non-missile delivery system is less costly, easier to acquire and more reliable and accurate. They can also be used without attribution. Nevertheless, the missile threat will continue to grow, in part because missiles have become important regional weapons in the arsenals of numerous countries. Moreover, missile systems provide a level of prestige, coercive diplomacy and deterrence that non-missile systems do not.

We are dealing with a threat that is developing and is really here to some degree right now. We need to recognize that.

I point out some of the other testimony we have heard in the Armed Services Committee. In addition to the 1999 Rumsfeld report, we have received a number of other bits of information and important reports in the Armed Services Committee and I am sure in the Intelligence Committee and Foreign Affairs Committee. These are areas I share with Members as we think about the question of the type of threats we face from hostile nations with missiles.

Vice Admiral Wilson, the Director of the Defense Intelligence Agency, in his testimony about Iran, said that they continue "the development and acquisition of longer range missiles and weapons of mass destruction"—that is nuclear, biological, chemical weapons—"to deter the United States and to intimidate Iran's neighbors." Also, he says: Iran is buying and developing longer range missiles.

They are buying these missiles and developing these missiles right now. This is a nation the President referred to as part of the "axis of evil," a nation whose government is not in the hands of its people, and a nation which could veer off into the extreme at any time. Admiral Wilson further notes that Iran already has chemical weapons and is "pursuing biological and nuclear capability."

Admiral Wilson concludes on Iran that it will "likely acquire a full range of weapons of mass destruction capabilities, field substantial numbers of ballistic missiles and cruise missiles, including perhaps an ICBM," capable of reaching this country. That is what they are seeking to do. That is what we need to prepare for today. We do not need to end up in 2005, 2006, or 2007 being totally vulnerable to a missile attack from Iran.

With regard to Iraq, Admiral Wilson said:

> Baghdad continues to work on short-range 150 kilometer missiles and can use this expertise for future long-range missile development.

Is that not a threat to us? It troubles me. He adds:

> Iraq may also have begun to reconstitute a chemical and biological weapons program.

That seems to be clear. He has rejected any inspection that he at one time agreed to.

Admiral Wilson continues:

> It is possible that Iraq could develop and test an ICBM capable of reaching the United States by 2015.

On North Korea, Admiral Wilson said:

> North Korea continues to place heavy emphasis on the improvement of its military capabilities and continues its robust efforts to develop more capable ballistic missiles. They made a good deal of progress, as everyone knows and read in the papers, about the launches they have demonstrated.

Specifically, as to North Korea, Admiral Wilson said:

> It is developing an ICBM capability with its Tapeo Dong 2 missile, judged capable of delivering a several hundred kilogram payload to Alaska or Hawaii and a lighter payload to the western half of the United States.

This is one of the most bizarre nations in the world, or in the history of the world. I was in South Korea in January 2002. I was on the DMZ. I saw what was occurring. It is one of the most dramatic demonstrations anyone could ever see on the difference between a free society and a totalitarian Communist society. The people of North Korea cannot feed themselves. Yet their obsessed leadership is driving the nation to spend more and more money on missiles, technology, and war while their people cannot feed themselves. Go just south of that DMZ in South Korea. I was in Seoul and traveled around that country. We visited our military people. It is a nation of impressive progress. They are producing some of the finest materials and products the world knows. I was pleased this year South Korea announced they would invest $1 billion in my State of Alabama to build an automobile plant. They continue to have greater increases in sales than almost any other automobile country.

This is free South Korea compared to the totalitarian north.

I asked why we could not send messages to the group in North Korea, do a Radio Free Europe-type message, to get our message out and maybe destabilize this regime. I was told the television stations only have two or three channels, and those are all government channels. You cannot even turn to another channel. The same is true with the radio. It is virtually impossible to get an outside message in there. People are afraid that the leadership in North Korea could act in a bizarre and illogical way and even trigger an attack on the United States.

For example, Admiral Wilson noted that North Korea "probably has the capability to field an ICBM within the next couple of years."

That is frightening. When our President gets into a dispute, an argument, a disagreement with the leadership in North Korea or Iraq or Iran, and they end up in the final analysis saying: You do that, and we are going to launch our missiles, and you know we can hit your cities and you have no defense.

It affects our foreign policy and affects deeply the ability of the President to lead and be bold and courageous on behalf of the just interests of the United States and freedom in the world.

He also noted with regard to North Korea that they continue to "proliferate weapons of mass destruction, especially missile technology." So they are selling missile technology around the world to countries, leaving them, although they may not have the development capability, leaving them capable of threatening us.

CIA Director George Tenet, March 19 of this year—and the reports I have been reading from earlier this year—March 19, Director Tenet said this about the Chinese military: They announced a 17.6-percent increase in defense spending replicating last year's increase of 17.7 percent. If this trend continues, China could double its announced defense spending between 2000 and 2005.

Tenet, on China, continues that they are near "toward fielding its first generation of road mobile strategic missiles, the DF-31, a longer range version capable of reaching targets in the United States that will become operational later in the decade."

Those are some of the reasons we made a decision in 1999 to start now to develop a missile defense system. We have a clear threat to our military in the field. They are subject to the shorter range missiles, the 150-kilometer type missiles. Those type threats are also important. The proposal floated earlier that came out of committee, unfortunately, on a party line vote, would have cut our research into THAAD, our theater missile defense system. We cannot put our troops in the battlefield and have them subject to missile attack. We lost more people from missile attack in the gulf war than anything else. It is definitely a threat to us and our allies in the region. We need our allies to know we can deploy missile defense systems in the case of combat in their region that can give them hope of being protected from attack, or how can they support us when they go forward? We need to go forward with this.

I believe if we can give the President the authority to go forward, we will have done a good day's work.

Frankly, I do not want to vote, and I hope we are not required to cast a vote that says this is less important than other defense spending items. I think it is part of the whole defense bill. I think it is critical to our national defense. I think it is an integral part of it.

I would not like to have a vote here to say we think it is not critical, that it is not somehow as important as any other effort to defend America. But I do say it appears we are making some progress. I hope we can reach an agreement on this.

The American people expect us to protect this country. The American people still do not fully understand we have absolutely no defense against incoming missiles. When they are told that, and when this matter is discussed with them, and when they are told that we have an officer such as Lieutenant General Ron Kadish, directing this program providing it extraordinary leadership, professionalism, and production, and that he is moving this national missile defense program forward and will soon be able to deploy a successful missile defense system, they are frustrated some might try and slow down the progress needed to provide the nation the protection it requires. That is where we need to go.

Let's protect our homeland through attacks on terrorism around the globe. Let's harden our defenses here at home in every way possible. Let's also continue this steady development of a national missile defense system that can save the lives of innocent Americans who are now vulnerable to attack.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, as chairman of the Readiness Subcommittee, I rise in support of the Levin second degree to Senator WARNER's amendment restoring $814 million either to the President's missile defense request or to combating terrorism. Senator LEVIN's amendment clarifies what we know to be true, that the need to address the scourge of terrorism is urgent and is the top priority of our Nation.

I want to mention that I do have some concerns about Senator WARNER's amendment. I am not aware of the committee receiving any information from the administration that the suggested savings from inflation might in fact be realized. I sincerely hope that we are not just talking about "funny money," and that we could be sure that the funds are there before we start talking about how to spend them.

The Levin amendment makes clear that, while both missile defense and efforts to defeat terrorism are important, our priorities are obvious. Let me be clear, I do understand the need to defend our country against missile attack. I believe that all of us here in this chamber would do everything in our power to ensure that U.S. citizens are protected against vicious attacks from those who would do us harm, including those who would launch those attacks with missiles. However, I believe that the reductions taken in this bill to the President's fiscal year 03 budget request for the missile defense program are judicious and based on sound reasoning. I support a missile defense effort that is sensible, thoroughly tested, and progresses in a rational manner. I believe that the $6.8 billion included in this bill provides ample funding for reasonable missile defense efforts.

I also believe that there are many immediate threats that we know all too well. The horror of September 11 is seared forever in our minds and shows what these terrorists are capable of. If additional funds become available, I believe we have no choice but to direct them to actions we can take immediately to help us win the war on terror.

As chairman of the Readiness Subcommittee, I am acutely aware of the costs incurred by the Department of Defense as we continue to send our military men and women around the globe to hunt down terrorists. Even beyond the supplemental appropriations which may be provided this year and funds for the war already included in this bill, the military services still have war-related needs that are not being met. When we began consideration of the fiscal year 2003 budget, the Chiefs of Staff of the Army and Air Force, the Chief of Naval Operations, and the Commandant of the Marine Corps provided us with a prioritized list of those needs that remain unfunded.

For those who may not have had a chance to review those lists, let me note just a few examples. Over the last few years, we have suffered repeated attacks on U.S. embassies overseas, on the USS Cole, and on Khobar Towers. These attacks make clear that terrorists will strike U.S. assets all over the world, and that we have been engaged in this war for longer than we realized. September 11 showed us that we can no longer assume we are safe within our own borders, and that they will try to attack us here at home as well. We are a trusting nation, and, after the earlier attacks, had expected to improve the security of our military installations over time. The atrocities of September 11 made it clear that time may be a luxury we no longer have. If in fact these inflation savings are real, one of the key areas where the money could go is for anti-terrorism and force protection improvements to our bases and installations.

The Service Chiefs agree—the Army, Navy and Air Force included $863 million for improved security for our installations in their list of unfunded priorities for fiscal year 2003. The second item on the Air Force's list was $491 million to improve physical security systems at its bases, to enhance its detection capabilities with night vision devices and thermal imagers, to strengthen its facilities to minimize the impact of possible explosions, and to improve security measures at nuclear security storage areas.

The Navy's list included an additional $263 million for improvements to Navy installations. These funds would be spent strengthening the gates at various naval stations and shipyards, fencing off installations and airfields so that intruders would face some obstacle before just walking on to military property, establishing emergency operations centers, and installing better lighting to deter and improve detection of possible incursions.

The remaining $110 million would go to fund the Army's unmet force protection needs, number eight on General Shinseki's list of priorities. This includes installing fencing, more robust gates and barriers, and improving lighting for active, guard and reserve posts.

There are other key war-related needs as well. When the Department developed the budget for the coming fiscal year about 2 years ago, DOD obviously did not know that we would be at war. Therefore, the budget included assumptions about fuel prices that were based on normal training and deployments needs, and about where that fuel would be purchased.

The global war effort has changed the reality underlying those assumptions. For example, the Defense Logistics Agency, which is responsible for providing fuel to all of the military services, has had to deploy its personnel to areas in and around Afghanistan to make fuel purchases. Moving fuel to and from areas that do not have adequate infrastructure and where there is little competition has proven extremely expensive. In its latest estimates, the General Accounting Office, which monitors fuel prices, projects that DOD will face a fuel-related shortfall of $1.5 billion by the end of the next fiscal year. If these funds are not restored, DOD will be forced to reallocate funds from other sources so that the military continues to have adequate fuel supplies. This is an immediate need, made worse by the war, where any potential savings could easily be redirected.

The Service Chiefs included other priorities on their list of unfunded needs that also deserve consideration. For example, the Air Force needs an additional $92 million to purchase protective equipment, chemical senors, medical treatment materials, and training for the teams that respond to nuclear, chemical, or biological weapons attacks. Improving security at the sites where the Army stores chemical weapons would cost an additional $103 million. The Marine Corps needs an additional $39 million for ammunition, and the Army's ammunition shortfalls total over $500 million more. These bullets would be used to support deployed troops and to train the soldiers and Marines who will replace them in future operations. The Navy, whose ships have been out on surge deployments since the September 11 attacks, needs an additional $164 million to maintain the fleet so that it can continue to support future operations.

These are just a few examples of the costs of this war that remain unfunded because of resource constraints. If savings materialize in the mid-session review, I believe they are better spent on programs that our forces need right now. They need better protection on the installations where they live and work. They need more ammunition, and they need enough fuel to chase terrorists down wherever they are hiding.

This budget provides for an adequate missile defense. Senator LEVIN's amendment ensures that funds are used where they are needed most urgently. We know where those needs are, because the Nation's top military leaders have told us. We need these funds to fight the scourge of terrorism. I urge my colleagues to support Senator LEVIN's amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

I rise to respond to some of the arguments made today.

First, my colleague, the Senator from Alabama, at least suggested the Levin amendment somehow would curtail additional spending on future combat systems, on R&D, and on technology. Frankly, if there is any curtailment, as has been suggested, it is the underlying amendment by Senator WARNER. It is very clear. He said, if we have additional savings from inflation adjustments, they will go to two categories of spending: Missile defense, or counterterrorism.

The Levin amendment simply says: Listen, we want to prioritize those expenditures. The President has the right to decide, but it should be the law and the view of Congress—that the most pressing and urgent need of those two is counterterrorism. That is the essence of the Levin amendment.

There is also a suggestion made that somehow this underlying legislation is oblivious to the missile threats we face. That is not at all correct.

Let me go back to the intelligence estimates. I suggested—and, in fact, I read—that U.S. territories are more likely to be attacked using materials from nonmissile delivery means—most likely from terrorists—than by missiles, primarily because nonmissile delivery means are less costly, easier to acquire, more reliable, and accurate.

I suggest if the national intelligence is already telling us the most immediate and the most dire threat we face is a terrorist attack using unconventional munitions, that goes a long way in suggesting the priorities we should adopt in spending the money.

Let me quote further.

> They also can be used without attribution. Nevertheless, the missile threat will continue to grow in part because missiles have become important regional weapons.

Here we are talking about regional missiles, which were referred to in the old parlance as theatre missiles or medium-ranged missiles.

We are funding and supporting robustly the development of a missile defense for the United States.

The PAC-3 system—our most advanced development—is fully funded in this proposal, both R&D and procurement. We propose in fiscal year 2003 to buy 72 of these missiles. The first set of operational tests is scheduled for this year. They will complete the first set of operational tests. Soldiers are already operating these systems. And it is capable of prompt deployment to protect U.S. troops from the types of regional missile threats that have been identified by national intelligence assessments. These regional missile threats are different from the long-range, intercontinental ballistic missiles that are the sum and substance of the rationale for a national missile defense.

So we are fully cognizant of the missile threat we face, and we are robustly funding missile defense systems.

Let me also suggest with respect to THAAD—that is another theater missile defense we are developing—that this legislation fully funds the testing and development program. First flight tests are scheduled for fiscal year 2005. That is fully funded at $985 million—almost $1 billion.

What we don't support in the proposal by the administration that they want to buy 10 extra missiles before the first missile is flight-tested. That is not the way you effectively develop a system that will protect the people of the United States. It makes some sense, I think, to at least have the first test flight before you acquire the additional missile.

We have increased the resources available for the sea-based, midcourse—formerly, Navy theatre-wide.

We have added $40 million for the shipboard radar system, which we believe is important if this is ever to work properly.

We increased the administration's request for the Arrow missile, precisely the type of system that will counter a threat from Iran and from Iraq, because long before those missiles could effectively reach the United States, they would likely be targeted on Israel. The Arrow missile system is an Israeli-United States partnership designed to counter some of those threats. We added $40 million.

No one would suggest—at least I won't suggest—that the administration was oblivious to the real needs of defense in that region of the world when they requested $66 million. But I would suggest that we were more sensitive, in a way, to the regional missile threat. So we added $40 million to that. This legislation fully supports and is consistent with the threat.

One of other things I think we have to understand—again, it goes to the point of why we should, if we have to prioritize, be more sensitive in this year and the next fiscal year to terrorism—is that, frankly, our opponents, much to our dismay, are clever, cunning, calculating, ruthless people. They know where our strengths are. They do not attack us on our strength. They find our weaknesses and our vulnerabilities. They will look for these vulnerabilities. As a result, they will conduct, I think, unconventional means of attack. They will challenge us in a host of different ways.

What we are simply saying is, if there are additional resources, and if the choice, as suggested by the amendment from the Senator from Virginia is between missile defense and counterterrorism, the obvious answer, I believe, is counterterrorism. That is what the Levin amendment does. That is what the American people, I believe, will demand.

I think it is also illustrative that the military professionals, the uniformed officers, the men and women who have sworn their lives to protect this country, have a long list of unfunded needs just to protect the security of DOD installations and to respond to incidents of mass destruction caused by some type of weapon. You could fund those needs upwards of $1 billion with the extra moneys available.

So, again, I rise not only to respond, but to place in perspective the point that before we adopt this Levin amendment as a second-degree amendment we must look very closely at what the Senator from Virginia is proposing. Simply, he is saying if we have extra money through savings, through inflation adjustments, then they will apply to two categories—missile defense or counter-terrorism. Of course, our highest priority is everything the Department of Defense has requested in the President's budget. I think we have to make it clear our highest priority today and for fiscal year 2003 is countering the obvious, immediate, dramatic threat of terrorism here at home and abroad in the context, of course, of robust and full funding for national missile defense, and in particular theater missile defense, that precisely responds to the issues raised by the Intelligence Estimate of the growing regional threat from missiles.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise to discuss a few items. The inflation index is an index that is in all of our budgetary projections. We figure out how our budget is going to be. When that index altered, it did free up some money previously committed to inflationary cost increases. It left that money available.

I point out that in our Armed Services Committee, as we discussed this, we did not hear, when the budget passed, that we had to have more money for homeland defense or any particular item that amendments were offered on and voted down. It was only after this index became altered and funds were freed up. The President said: I will accept what the Senate Democrats offered in the Armed Services Committee for extra spending. He said: The money they took from missile defense—that he requested and was spent on other items that they wanted—I will allow that to go. I suggest we use this extra money so I can complete my projections for national missile defense.

That is where we are today. Hopefully, we will be able to work through this and be happy with it. But I think we will have that inflation index money. I think it will be available.

There is strong bipartisan support in this country for developing a national missile defense program and keeping it on track.

The House passed their Defense authorization bill recently. They increased the President's request for national missile defense by $21 million. The House bill passed by a huge margin, 359 to 58. It is a totally bipartisan bill. Liberals, Conservatives, Democrats, and Republicans supported it. It had more in it for national missile defense than the President is asking for or that Senator WARNER has asked for.

I suggest that before we get real pure about spending money for a critical national need such as national missile defense, and developing this program, that we ask ourselves what we did a few weeks ago when the President asked for a $28 billion fiscal year 2002 emergency supplemental for homeland defense and the war on terrorism. Members of the body have increased that supplemental to $32 billion and it has all kind of pork and special interest items in it. So I do not know where we are going to go on that supplemental, but the President is very concerned about this additional spending and pork that went into that. Those are just some comments I wanted to make.

I believe we are on track to maintain the steady development of national missile defense. It is something I support.

I point out, with regard to the threat, that threats are not exclusive. In our Armed Services Committee, which Senator LEVIN chairs so ably, the Director of CIA, George Tenet, testified that we don't have the luxury of choosing between threats. He noted that missile defense threats have sometimes developed more rapidly than the intelligence community has predicted. And, indeed, the Rumsfeld commission, in 1999, unanimously concluded that missile programs of some of the rogue nations, and some other nations hostile to the United States, were developing far faster than had previously been predicted.

Then there is this question about the money that is building up in to the counter-terrorism account. There is some $10 billion available for missile defense in the year 2003 if the bill is approved as is. But I think to do so would really be creative bookkeeping.

The new budget authority for missile defense in this bill is $6.8 billion. That is $1 billion less than was appropriated last year. And the President proposed a modest reduction this year. There is another $814.3 million by the committee. That is a big cut by any standard.

Senator REED gets his $10 billion figure by mixing apples and oranges or, precisely, old fiscal year 2002 funding and new fiscal year 2003 funding. All funding for the Missile Defense Agency is for research and development. Research and development is what we are funding. R&D funding is available for obligations for 2 years and for expenditures over 5 years. That is the way we do it. We do not give money for research and development and say you have to spend it all this year, ready or not. That is by design because R&D projects, by their nature, require some flexibility in execution and stability in funding and planning.

If Senators disagree with that, we can take away that extended availability of funds. But most Senators, I suspect, would say that the flexibility in execution and stability in funding and planning is a good thing. I think that is the way we need to continue to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Armed Services Committee conducted an exhaustive examination of the proposed missile defense budget request. We held two strategic subcommittee hearings on missile defense under Senator REED's leadership. We reviewed 400 pages of missile defense budget documentation, participated in more than 25 hours of staff briefings by the Department of Defense. Based on that exhaustive review, the committee recommended funding the vast majority of the Department's missile defense request, an amount that is sufficient to aggressively fund all the specific systems that the Department wants to develop.

At the same time, the committee identified roughly $810 million of the missile defense request—about 11 percent—that the Department did not justify, after a detailed review of available documentation and repeated hearings and briefings.

For example, the budget request included $1.1 billion in the ballistic missile defense program element, an increase of $258 million over the current funding level. The major purpose of this program element is to develop integrated architecture ballistic missile defense systems.

While this is an important goal, most of the systems that will comprise the ballistic missile defense architecture are years away from being deployed, making the development and definition of a detailed BMD architecture impossible at this point.

After receiving more than $800 million for this program element in fiscal year 2002, the Missile Defense Agency has yet to provide Congress any indication of what the overall BMD architecture might be. In fact, the committee determined that of the $800 million appropriated for this program element in 2002, only $50 million—5-0—of the $800 million appropriated had been spent halfway through the fiscal year.

Because of that slow execution, the Missile Defense Agency informed us that $400 million of these funds will be available for expenditure in fiscal year 2003. Under these circumstances, it is hard to see why the Department would need a $250 million increase in the program element in 2003.

So we made a choice. We made a choice to make some careful and well-justified reductions in missile defense requests of $7.6 billion. Our bill provides the Missile Defense Agency as much money as can reasonably be executed for the Missile Defense Program in the year 2003 and would ensure that this money is expended in a sound manner.

The Senator from Virginia has assured this body that the midyear review will make sufficient funds available to cover added spending which would be authorized by his amendment. We assume that would be the case, based on what he has been told and based on his statement to this body.

The underlying amendment of Senator WARNER provides that the additional $800 million, approximately, would be spent as the President determines in one of two ways—and they are very specific—one, research, development, test, and evaluation for ballistic missile defense programs, or, two, activities of the Department of Defense for combating terrorism at home and abroad. Those are the two specific programs on which the President could spend this authorized additional money under the underlying Warner amendment.

Under my second-degree amendment, we simply state our view that the highest priority at this time is the war against terrorism. The amendment states that, in the expenditure of additional funds made available by a lower rate of inflation, the top priority shall be the use of such additional funds for combating terrorism at home and abroad.

Our second-degree amendment does not preclude the President from spending some or all of the money for missile defense. It does not preclude him from spending that additional money on missile defense, if the President determines that the additional money on missile defense is more necessary, more vital than combating terrorism at home and abroad.

I believe we should put the money into the fight against terrorism because we have no higher priority than the war against terrorism. Over and over again we are informed and we believe—I think every Member of this body believes—that we are vulnerable to a terrorist attack. We hear warnings of attacks against our cities, our banks, our nuclear powerplants, sporting events. We hear warnings about more attacks by aircraft, about car bombs, about truck bombs, "dirty" bombs. As a member of the Intelligence Committee, a member of the Armed Services Committee, I believe there is a good reason to be concerned about these threats.

The likelihood of these threats is far greater than the likelihood of being attacked by a missile from North Korea when such an attack would lead to the immediate destruction of North Korea, of the attacker. North Korea can attack us with a truck bomb or a car bomb or an envelope full of anthrax, if she chose, with greater accuracy, far cheaper and with a much lesser possibility of our identifying the attacker so as to respond with a massive attack of our own.

These are real threats. The war on terrorism is here and now. We have not adequately funded the war on terrorism. With all the funds we have put in here, there are additional places that we can usefully spend money in the war against terrorism.

To give some specific examples of where the Department of Defense has identified areas where it needs additional funds which could be funded by this $800 million—these are what we call the "unfunded priorities list"; in other words, where there is a priority of the Department of Defense that they have identified but we have not been able to find the funds to put into these priorities so they have given us the unfunded priorities list—$491 million for improved security at Air Force facilities, including the security of nuclear weapons areas; $92 million to help prepare our first responders to help address weapons of mass destruction. These are just two of the items which total about $1 billion in what are the unfunded priorities list of the Department of Defense.

We should be making a choice, at least expressing a preference and a judgment as to where the highest priorities are. That is our responsibility. We serve on these committees. We listen to testimony. We should make a judgment. If $891 million is available for additional spending, which we hope it will be, then the question is, What is the greatest need at this time?

We express that need in the second-degree amendment. We say the war on terrorism; of those two identified, specified items in this underlying amendment, the war on terrorism is the highest priority this country faces. And we have unmet needs in meeting this priority.

The President can make a different choice. We do not preclude that. I emphasize that.

The President, if he determines it is more essential to spend even more money on missile defense than we provide, more than the almost $7 billion we provide, if the President determines that spending additional funds on missile defense is a higher priority than the war on terrorism, we do not preclude him from doing so. But we express our perspective and our point of view that the war on terrorism is the highest priority.

Should we address all threats that face us? Of course, we should address all threats that face us. And we do. But we have to allocate resources. We should allocate resources against the greatest threats that we face. Those greatest threats are the terrorist threats. We have had so much evidence of this that we have all reached that basic conclusion. I hope we express that perspective by adopting the second-degree amendment which has been offered.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Michigan.

Mr. LEVIN. Mr. President, while Senator SESSIONS is still here as comanager of the bill, I ask unanimous consent, in the event Senator BILL NELSON, who I believe is working with Senator SMITH and Senator ROBERTS on an amendment which we support, gets to the floor before we dispose of the Warner amendment and the second-degree amendment, that we set aside the Warner amendment temporarily to allow them to offer their amendment. I ask unanimous consent that we do that, while my comanager is on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we have a number of cleared amendments which Senator ALLARD and I can now offer and hopefully dispose of. We understand Senator NELSON and Senator ROBERTS are on their way to offer an amendment which previously by unanimous consent we have agreed they could offer, and I also believe has been cleared on both sides. So perhaps we can start down the road I described to offer some cleared amendments, get those adopted but then perhaps interrupt if Senator NELSON and Senator ROBERTS come to the floor.

Mr. ALLARD. Mr. President, that is agreeable with me.

AMENDMENT NO. 4087

Mr. LEVIN. Mr. President, I send to the desk an amendment which provides additional funding for the development of solar cell technology for the military, and I believe it has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 4087.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount provided for RDT&E, Air Force, for silicone substrates for flexible solar cells (PE 62601F), and to offset the increase by reducing the amount provided for RDT&E, Army, for countermobility systems (PE 62624A))

On page 23, line 24, increase the amount by $2,000,000.

On page 23, line 22, reduce the amount by $2,000,000.

Mr. LEVIN. Mr. President, this amendment authorizes an additional $2 million for Air Force applied research to develop new substrate materials for solar cells. The Air Force Space Power Generation program is working on novel high-temperature materials in order to develop advanced flexible thin film solar cells for military applications. New materials will enable lighter, cheaper, and more efficient solar arrays that are critical to achieving Air Force technology performance goals. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4087) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4088

Mr. ALLARD. Mr. President, on behalf of Senator WARNER, I offer an amendment that authorizes $2 million for the analysis of emerging threats at the Marine Corps Warfighting Laboratory. I believe this amendment has been cleared on both sides.

Mr. LEVIN. It has been cleared. We have no objection.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for Mr. WARNER, proposes an amendment numbered 4088.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize, with an offset, $2,000,000 for research, development, test, and evaluation for the Navy for the Marine Corps Advanced Technology Demonstration (ATD) (PE0603640M) for analysis of emerging threats)

At the end of subtitle B of title II, add the following:

SEC. 214. ANALYSIS OF EMERGING THREATS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $2,000,000 with the amount of the increase to be allocated to Marine Corps Advanced Technology Demonstration (ATD) (PE0603640M).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $2,000,000 may be available for analysis of emerging threats.

(2) The amount available under paragraph (1) for analysis of emerging threats is in addition to any other amounts available under this Act for analysis of emerging threats.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $2,000,000, with the amount of the reduction allocated as follows:

(1) $1,000,000 may be allocated to Weapons and Munitions Technology (PE0602624A) and available for countermobility systems.

(2) $1,000,000 may be allocated to Warfighter Advanced Technology (PE0603001A) and available for Objective Force Warrior technologies.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agreed to.

The amendment (No. 4088) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4089

Mr. LEVIN. Mr. President, on behalf of Senator KENNEDY and seven other Senators, I send an amendment to the desk which concerns the Department of Defense Medical Free Electron Laser Program.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, for himself, Mr. HELMS, Mr. EDWARDS, Mr. FRIST, Mr. THOMPSON, Mr. KERRY, Mrs. BOXER, and Mrs. FEINSTEIN, proposes an amendment numbered 4089.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the transfer of the Medical Free Electron Laser program (PE0602227D8Z) from the Department of Defense)

At the end of subtitle B of title II, add the following:

SEC. 214. PROHIBITION ON TRANSFER OF MEDICAL FREE ELECTRON LASER PROGRAM.

Notwithstanding any other provision of law the Medical Free Electron Laser Program (PE0602227D8Z) may not be transferred from the Department of Defense to the National Institutes of Health, or to any other department or agency of the Federal Government.

Mr. KENNEDY. I am proposing this amendment, along with Senators KERRY, HELMS, THOMPSON, EDWARDS, FRIST, BOXER and FEINSTEIN, which will retain the Medical Free Electron Laser Program, (MFEL); in the Department of Defense. This program was initiated in 1985 and the benefit to military personnel and all Americans was realized immediately. This successful and visionary program has benefited the military in many ways. For example, new and innovative methods developed in the MFEL program to diagnose and treat burns, the number one combat casualty injury, are now in practical application. Current research involving tissue-welding and tissue-bonding is going to be of great value for treating battlefield injuries by allowing for the immediate repair of soft tissue and vascular wounds.

This technology also has some special applications, such as for pilots with ocular injuries. Of particular interest to me, however, is its potential to help diagnose and deactivate other types of biological contamination and injury. This research has yielded very promising results.

The Office of Management and Budget is attempting to move the program from the Department of Defense to the National Institutes of Health. Moving the program from DoD would be detrimental to the MFEL program and would jeopardize many promising research and development efforts. A proposed transfer of the MFEL program to the NIH is ill-advised since so much of the work centers around combat injury and specifically targets biological injury. The program has a track record of success, and moving it would disrupt, delay and possibly impede this crucial research. The Department of Defense is without question the best place for the MFEL program.

Congressional intent is clear on this subject. This peer-reviewed, competitive MFEL program must remain in DoD, where it was originally included and funded.

I am pleased to offer this amendment, along with my colleagues, on behalf of this most worthy program.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4089) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4090

Mr. ALLARD. Mr. President, on behalf of Senator Warner, I offer an amendment which would authorize the Secretary of the Army to convey property at the engineering proving ground, Fort Belvoir, VA.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. Allard], for Mr. Warner, proposes an amendment numbered 4090.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize land conveyances at the Engineer Proving Ground, Fort Belvoir, Virginia)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCES, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) Conveyance to Fairfax County, Virginia, Authorized.—(1) The Secretary of the Army may convey, without consideration, to Fairfax County, Virginia, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 135 acres, located in the northwest portion of the Engineer Proving Ground (EPG) at Fort Belvoir, Virginia, in order to permit the County to use such property for park and recreational purposes.

(2) The parcel of real property authorized to be conveyed by paragraph (1) is generally described as that portion of the Engineer Proving Ground located west of Accotink Creek, east of the Fairfax County Parkway, and north of Cissna Road to the northern boundary, but excludes a parcel of land consisting of approximately 15 acres located in the southeast corner of such portion of the Engineer Proving Ground.

(3) The land excluded under paragraph (2) from the parcel of real property authorized to be conveyed by paragraph (1) shall be reserved for an access road to be constructed in the future.

(b) Conveyance of Balance of Property Authorized.—The Secretary may convey to any competitively selected grantee all right, title, and interest of the United States in and to the real property, including any improvements thereon, at the Engineering Proving Ground, not conveyed under the authority in subsection (a).

(c) Consideration.—(1) As consideration for the conveyance authorized by subsection (b), the grantee shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by the Secretary, of the property conveyed under that subsection.

(2) In-kind consideration under paragraph (1) may include the maintenance, improvement, alteration, repair, remodeling, restoration (including environmental restoration), or construction of facilities for the Department of the Army at Fort Belvoir or at any other site or sites designated by the Secretary.

(3) If in-kind consideration under paragraph (1) includes the construction of facilities, the grantee shall also convey to the United States—

(A) title to such facilities, free of all liens and other encumbrances; and

(B) if the United States does not have fee simple title to the land underlying such facilities, convey to the United States all right, title, and interest in and to such lands not held by the United States.

(4) The Secretary shall deposit any cash received as consideration under this subsection in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) Repeal of Superseded Authority.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 568), is repealed.

(e) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of each such survey shall be borne by the grantee.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

The PRESIDING OFFICER. Is there further discussion on the amendment?

Mr. ALLARD. The amendment is cleared on this side.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4090) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4091

Mr. LEVIN. Mr. President, on behalf of Senator Inouye, I offer an amendment which would increase the grade of the heads of the Nurse Corps of each of the services to major general or rear admiral, upper half.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. Levin], for Mr. Inouye, proposes an amendment numbered 4091.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to increase the grade provided for the heads of the nurse corps of the Armed Forces)

On page 100, between lines 3 and 4, insert the following:

SEC. 503. INCREASED GRADE FOR HEADS OF NURSE CORPS.

(a) Army.—Section 3069(b) of title 10, United States Code, is amended by striking "brigadier general" in the second sentence and inserting "major general".

(b) Navy.—The first sentence of section 5150(c) of such title is amended—

(1) by inserting "rear admiral (upper half) in the case of an officer in the Nurse Corps or" after "for promotion to the grade of"; and

(2) by inserting "in the case of an officer in the Medical Service Corps" after "rear admiral (lower half)".

(c) Air Force.—Section 8069(b) of such title is amended by striking "brigadier general" in the second sentence and inserting "major general".

Mr. INOUYE. Mr. President, today I propose a timely and important amendment to increase the grade for the Chief Nurses of the Army, the Navy, and the Air Force to that of two stars. The existing law limits the position of Chief Nurse of the three branches of the military to that of brigadier general in the Army and Air Force, and rear admiral, lower half, in the Navy.

Chief Nurses have a tremendous responsibility—their scope of duties include peacetime and wartime health care delivery, plus establishing standards and policy for all nursing personnel within their respective branches. They are responsible for thousands of Army, Navy, and Air Force officers and enlisted nursing personnel in the active, reserve, and guard components of the military. The military medical mission could not be carried out without nursing personnel. They are crucial to the mission in war and peace time, at home and abroad.

Organizations are best served when the leadership is composed of a mix of specialties—of equal rank—who bring their unique perspectives to the table when policies are established and decisions are made. This increased rank would guarantee that the nursing perspective is represented on critical issues that affect the military medical mission, patient care, and nursing practice. I believe it is time to ensure that the military health care system fully recognize and utilize the leadership ability of these outstanding patient care professionals.

The PRESIDING OFFICER. Is there further discussion on the amendment?

Mr. ALLARD. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4091) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4092

Mr. ALLARD. Mr. President, on behalf of myself and Senator REID, I offer an amendment that would require that the chief of the Army Veterinary Corps be appointed as a brigadier general.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. REID, proposes an amendment numbered 4092.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prescribe the composition and leadership of the Veterinary Corps of the Army)

On page 200, between lines 14 and 15, insert the following:

SEC. 905. VETERINARY CORPS OF THE ARMY.

(a) COMPOSITION AND ADMINISTRATION.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3070 the following new section 3071:

"§3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade

"(a) COMPOSITION.—The Veterinary Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

"(b) CHIEF.—The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade may be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

"(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3070 the following new item:

"3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade.".

(b) EFFECTIVE DATE.—Section 3071 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4092) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4093

Mr. LEVIN. Mr. President, on behalf of Senator AKAKA, I offer an amendment which I send to the desk to shift $2.5 million to the demonstration of renewable energy use from the facilities improvement line to the Navy energy program line within the Navy R&D account.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, proposes an amendment numbered 4093.

Mr. LEVIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the amount for the demonstration or renewable energy use of the Navy to be available within the Navy energy program (PE 0604710N) and not within Navy facilities improvement (PE 0603725N))

On page 26, after line 22, and insert the following:

SEC. 214. DEMONSTRATION OF RENEWABLE ENERGY USE.

Of the amount authorized to be appropriated by section 201(2), $2,500,000 shall be available for the demonstration of renewable energy use program within the program element for the Navy energy program and not within the program element for facilities improvement.

Mr. LEVIN. I believe the amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4093) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4094

Mr. ALLARD. Mr. President, on behalf of Senator COLLINS, I offer an amendment which would extend the authority for the Navy to enter into multiyear contracts for DDG–51 destroyers by 2 years until fiscal year 2007.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for Ms. COLLINS, proposes an amendment numbered 4094.

Mr. ALLARD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose To extend multiyear procurement authority for DDG–51 class destroyers)

On page 17, strike line 14 and insert the following:

SEC. 121. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR DDG–51 CLASS DESTROYERS.

Section 112(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122 of Public Law 106–65 (113 Stat. 534) and section 122(a) of the Floyd D. Spence National Defense Authorization act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–24), is further amended by striking "October 1, 2005" in the first sentence and inserting "October 1, 2007".

Mr. ALLARD. The amendment has been cleared.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 4094) was agreed to.

Mr. ALLARD. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4095

Mr. LEVIN. On behalf of Senator LANDRIEU and Senator ROBERTS, I offer an amendment concerning the Defense Experimental Program to Stimulate Competitive Research. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU and Mr. ROBERTS, proposes an amendment numbered 4095.

Mr. LEVIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize additional activities for the Defense Experimental Program to Stimulate Competitive Research, and to require an assessment of the program)

On page 71, between lines 9 and 10, insert the following:

SEC. 246. ACTIVITIES AND ASSESSMENT OF THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) AUTHORIZED ACTIVITIES.—Subsection (c) of section 257 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note), is amended—

(1) in paragraph (1), by striking "research grants" and inserting "grants for research and instrumentation to support such research"; and

(2) by adding at the end the following new paragraph:

"(3) Any other activities that are determined necessary to further the achievement of the objectives of the program.".

(b) COORDINATION.—Subsection (e) of such section is amended by adding at the end the following:

"(4) The Secretary shall contract with the National Research Council to assess the effectiveness of the Defense Experimental Program to Stimulate Competitive Research in achieving the program objectives set forth in subsection (b). The assessment provided to the Secretary shall include the following:

"(A) An assessment of the eligibility requirements of the program and the relationship of such requirements to the overall research base in the States, the stability of research initiatives in the States, and the achievement of the program objectives, together with any recommendations for modification of the eligibility requirements.

"(B) An assessment of the program structure and the effects of that structure on the development of a variety of research activities in the States and the personnel available to carry out such activities, together with any recommendations for modification of program structure, funding levels, and funding strategy.

"(C) An assessment of the past and ongoing activities of the State planning committees in supporting the achievement of the program objectives.

"(D) An assessment of the effects of the various eligibility requirements of the various Federal programs to stimulate competitive research on the ability of States to develop niche research areas of expertise, exploit opportunities for developing interdisciplinary research initiatives, and achieve program objectives.".

Mr. ALLARD. It has been cleared on this side.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 4095) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4096

Mr. ALLARD. Mr. President, on behalf of Senator INHOFE and Senator AKAKA, I offer an amendment which would increase the maximum amount of assistance the Secretary of Defense may provide to a tribal organization to carry out a procurement and technical assistance program. I believe this amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for Mr. INHOFE and Mr. AKAKA, proposes an amendment numbered 4096.

Mr. ALLARD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the maximum amount of assistance that the Secretary of Defense may provide to a tribal organization or economic enterprise to carry out a procurement technical assistance program in two or more Bureau of Indian Affairs service areas)

On page 194, between lines 13 and 14, insert the following:

SEC. 828. INCREASED MAXIMUM AMOUNT OF ASSISTANCE FOR TRIBAL ORGANIZATIONS OR ECONOMIC ENTERPRISES CARRYING OUT PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS IN TWO OR MORE SERVICE AREAS.

Section 2414(a)(4) of title 10, United States Code, is amended by striking "$300,000" and inserting "$600,000".

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 4096) was agreed to.

Mr. ALLARD. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4097

Mr. LEVIN. Mr. President, on behalf of Senators CLELAND and THURMOND, I send an amendment to the desk which will repeal a prohibition on the use of Air Force Reserve AGR personnel for Air Force base security functions.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND and Mr. THURMOND, proposes an amendment numbered 4097.

Mr. LEVIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal a prohibition on use of Air Force Reserve AGR personnel for Air Force base security functions)

On page 101, between the matter following line 14 and line 15, insert the following:

SEC. 513. REPEAL OF PROHIBITION ON USE OF AIR FORCE RESERVE AGR PERSONNEL FOR AIR FORCE BASE SECURITY FUNCTIONS.

(a) REPEAL.—Section 12551 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1215 of such title is amended by striking the item relating to section 12551.

Mr. ALLARD. The amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 4097) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4098

Mr. ALLARD. On behalf of Senators HELMS and CLELAND, I offer an amendment that would require the Secretary of Defense to establish a policy and a risk mitigation plan for testing and certification requirements for telecommunications switches connected to the Defense Switch Network. I believe this amendment has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for Mr. HELMS and Mr. CLELAND, proposes an amendment numbered 4098.

Mr. ALLARD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Defense to establish clear and uniform policy and procedures regarding the installation and connection of telecom switches to the Defense Switch Network)

On page 90, between lines 19 and 20, insert the following:

SEC. 346. INSTALLATION AND CONNECTION POLICY AND PROCEDURES REGARDING DEFENSE SWITCH NETWORK.

(a) ESTABLISHMENT OF POLICY AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish clear and uniform policy and procedures, applicable to the military departments and Defense Agencies, regarding the installation and connection of telecom switches to the Defense Switch Network.

(b) ELEMENTS OF POLICY AND PROCEDURES.—The policy and procedures shall address at a minimum the following:

(1) Clear interoperability and compatibility requirements for procuring, certifying, installing, and connecting telecom switches to the Defense Switch Network.

(2) Current, complete, and enforceable testing, validation, and certification procedures needed to ensure the interoperability and compatibility requirements are satisfied.

(c) EXCEPTIONS.—(1) The Secretary of Defense may specify certain circumstances in which—

(A) the requirements for testing, validation, and certification of telecom switches may be waived; or

(B) interim authority for the installation and connection of telecom switches to the Defense Switch Network may be granted.

(2) Only the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, after consultation with the Chairman of the Joint Chiefs of Staff, may approve a waiver or grant of interim authority under paragraph (1).

(d) INVENTORY OF DEFENSE SWITCH NETWORK.—The Secretary of Defense shall prepare and maintain an inventory of all telecom switches that, as of the date on which the Secretary issues the policy and procedures—

(1) are installed or connected to the Defense Switch Network; but

(2) have not been tested, validated, and certified by the Defense Information Systems Agency (Joint Interoperability Test Center).

(e) INTEROPERABILITY RISKS.—(1) The Secretary of Defense shall, on an ongoing basis—

(A) identify and assess the interoperability risks that are associated with the installation or connection of uncertified switches to the Defense Switch Network and the maintenance of such switches on the Defense Switch Network; and

(B) develop and implement a plan to eliminate or mitigate such risks as identified.

(2) The Secretary shall initiate action under paragraph (1) upon completing the initial inventory of telecom switches required by subsection (d).

(f) TELECOM SWITCH DEFINED.—In this section, the term "telecom switch" means hardware or software designed to send and receive voice, data, or video signals across a network that provides customer voice, data, or video equipment access to the Defense Switch Network or public switched telecommunications networks.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4098) was agreed to.

Mr. ALLARD. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4099

Mr. LEVIN. Mr. President, on behalf of Senators BILL NELSON, MCCAIN, CLELAND, ROBERTS, and DASCHLE, I offer an amendment which would provide for the disclosure to the Department of Veterans Affairs of information on the shipboard hazard and defense project of the Navy.

I ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Florida, for himself, Mr. MCCAIN, Mr. CLELAND, Mr. ROBERTS, and Mr. DASCHLE, proposes an amendment numbered 4099.

The amendment is as follows:

(Purpose: To provide for the disclosure to the Department of Veterans Affairs of information on the Shipboard Hazard and Defense project of the Navy)

At the end of subtitle E of title X, add the following:

SEC. 1065. DISCLOSURE OF INFORMATION ON SHIPBOARD HAZARD AND DEFENSE PROJECT TO DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN FOR DISCLOSURE OF INFORMATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a comprehensive plan for the review, declassification, and submittal to the Department of Veterans Affairs of all medical records and information of the Department of Defense on the Shipboard Hazard and Defense (SHAD) project of the Navy that are relevant to the provision of benefits by the Secretary of Veterans Affairs to members of the Armed Forces who participated in that project.

(b) PLAN REQUIREMENTS.—(1) The records and information covered by the plan under subsection (a) shall be the records and information necessary to permit the identification of members of the Armed Forces who were or may have been exposed to chemical or biological agents as a result of the Shipboard Hazard and Defense project.

(2) The plan shall provide for completion of all activities contemplated by the plan not later than one year after the date of the enactment of this Act.

(c) REPORTS ON IMPLEMENTATION.—(1) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until completion of all activities contemplated by the plan under subsection (a), the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a report on progress in the implementation of the plan during the 90-day period ending on the date of such report.

(2) Each report under paragraph (1) shall include, for the period covered by such report—

(A) the number of records reviewed;

(B) each test, if any, under the Shipboard Hazard and Defense project identified during such review;

(C) for each test so identified—

(i) the test name;

(ii) the test objective;

(iii) the chemical or biological agent or agents involved; and

(iv) the number of members of the Armed Forces, and civilian personnel, potentially affected by such test; and

(D) the extent of submittal of records and information to the Secretary of Veterans Affairs under this section.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agreed to.

The amendment (No. 4099) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4100

Mr. ALLARD. Mr. President, on behalf of Senator WARNER, I offer an amendment which would authorize $5 million to conduct a preliminary engineering study and environmental analysis for an alternate road to Woodlawn Road, which was closed as a force protection measure at Fort Belvoir. The funding would be offset by a reduction to increase in the M-Gator program authorized in this bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for Mr. WARNER, proposes an amendment numbered 4100.

Mr. ALLARD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require an engineering study and environmental analysis of road modifications to address the closure of roads in the vicinity of Fort Belvoir, Virginia, for force protection purposes)

At the end of subtitle D of title III, add the following:

SEC. 346. ENGINEERING STUDY AND ENVIRONMENTAL ANALYSIS OF ROAD MODIFICATIONS IN VICINITY OF FORT BELVOIR, VIRGINIA.

(a) STUDY AND ANALYSIS.—(1) The Secretary of the Army shall conduct a preliminary engineering study and environmental analysis to evaluate the feasibility of establishing a connector road between Richmond Highway (United States Route 1) and Telegraph Road in order to provide an alternative to Beulah Road (State Route 613) and Woodlawn Road (State Route 618) at Fort Belvoir, Virginia, which were closed as a force protection measure.

(2) It is the sense of Congress that the study and analysis should consider as one alternative the extension of Old Mill Road between Richmond Highway and Telegraph Road.

(b) CONSULTATION.—The study required by subsection (a) shall be conducted in consultation with the Department of Transportation of the Commonwealth of Virginia and Fairfax County, Virginia.

(c) REPORT.—The Secretary shall submit to Congress a summary report on the study and analysis required by subsection (a). The summary report shall be submitted together with the budget justification materials in support of the budget of the President for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance, $5,000,000 may be available for the study and analysis required by subsection (a).

Mr. LEVIN. The amendment has been cleared.

Mr. ALLARD. It has been cleared on this side, too.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4100) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I see Senator NELSON of Florida is on the floor with Senator ROBERTS. Under the previous unanimous consent order, it was understood that Senator NELSON would be recognized at this time to offer an amendment, that we would set aside the Warner amendment and the second-degree amendment pending thereto so Senator NELSON could offer his amendment.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 4101

Mr. NELSON of Florida. Mr. President, I send to the desk, amendment No. 3952, and ask for its immediate consideration. My understanding is the clerk will give it another number, so I simply send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. ROBERTS, Mr. DASCHLE, Mr. SMITH of New Hampshire, and Mr. GRAHAM, proposes an amendment numbered 4101.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require reports on efforts to resolve the whereabouts and status of Captain Michael Scott Speicher, United States Navy)

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORTS ON EFFORTS TO RESOLVE WHEREABOUTS AND STATUS OF CAPTAIN MICHAEL SCOTT SPEICHER, UNITED STATES NAVY.

(a) REPORTS.— Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with the Secretary of State and the Director of Central Intelligence, submit to Congress a report on the efforts of the United States Government to determine the whereabouts and status of Captain Michael Scott Speicher, United States Navy.

(b) PERIOD COVERED BY REPORTS.—The first report under subsection (a) shall cover efforts described in that subsection preceding the date of the report, and each subsequent report shall cover efforts described in that subsection during the 90-day period ending on the date of such report.

(c) REPORT ELEMENTS.—Each report under subsection (a) shall describe, for the period covered by such report—

(1) all direct and indirect contacts with the Government of Iraq, or any successor government, regarding the whereabouts and status of Michael Scott Speicher;

(2) any request made to the government of another country, including the intelligence service of such country, for assistance in resolving the whereabouts and status of Michael Scott Speicher, including the response to such request;

(3) each current lead on the whereabouts and status of Michael Scott Speicher, including an assessment of the utility of such lead in resolving the whereabouts and status of Michael Scott Speicher; and

(4) any cooperation with nongovernmental organizations or international organizations in resolving the whereabouts and status of Michael Scott Speicher, including the results of such cooperation.

(d) FORM OF REPORTS.—Each report under subsection (a) shall be submitted in classified form, but may include an unclassified summary.

Mr. NELSON of Florida. Mr. President, Senator ROBERTS and I come to the floor to offer this amendment. I ask unanimous consent that Senator GRAHAM of Florida be added as a cosponsor. I believe Senator BOB SMITH of New Hampshire is already a cosponsor. If he is not, I ask unanimous consent he be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, we walked away from a downed flier. There were a series of mistakes that occurred. Senator ROBERTS can give you the detail of that. But the fact is, CDR Scott Speicher, who, by the way, our Armed Services Committee and this Senate has now promoted to Captain, was the first U.S. serviceman shot down in the gulf war. Then there was a series of incredible mistakes. For example, his buddies flying with him gave the proper coordinates, but when the coordinates were transmitted for our surveillance assets to look, the numbers were transposed so they didn't look in the right place.

Through one thing and another, suddenly a press conference is held in Washington with the then-Secretary of Defense DICK CHENEY, and the then-Chairman of the Joint Chiefs of Staff, GEN Colin Powell. Out of that press conference came the statement that Commander Speicher was dead. In fact, we have since learned that through this series of mistakes we never looked in the right place. Testimony was convoluted. Then, lo and be hold, years later comes forth an eye witness account that someone actually drove him to a hospital. Through several corroborations, that testimony was determined to be true.

So, what we want to do, as Senator ROBERTS has done so eloquently and so courageously over the years, is keep this matter alive and find out what happened and where is CDR Scott Speicher, and is he living? And, if he is not, then to have proof. Because what we have back in Jacksonville, FL, is a family wanting to know what is the fate of their loved one. That is the very least the U.S. Government can do.

So the question now comes up about what we are going to do in Iraq. That is something that Senator ROBERTS and I do not know. But we do know that there is the question of a delegation going to Iraq. Should it be a low level delegation or a high level delegation? What we want are some answers.

I have taken every opportunity—where I have been in a place that I sensed was the right place at the right time—to talk about Commander, now CAPT Scott Speicher and the need of us to press the issue, to find out from Iraq about his status.

I talked to the young President of Syria in Damascus about him and asked him to use his intelligence apparatus to help us. I talked to the King of Jordan. I have talked to the Secretary of Defense and the Assistant Secretary of Defense. I have talked to the Secretary of State and the Deputy Secretary of State.

When there was someone to talk to, I tried to bring the loss and possible abandonment of Navy fighter pilot CAPT Scott Speicher to their attention.

With that introduction, I ask unanimous consent that after Senator ROBERTS has finished his statement, I be allowed to conclude my statement. We would like for him to share with our colleagues what has transpired over the past several years. I ask unanimous consent that I be able to finish my statement after Senator ROBERTS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator from Florida, who has joined what I call the Speicher Team. I thank him for his interest, for his leadership, for his perseverance, and for his very aggressive action with regard to legislation I am cosponsoring as of today in behalf of Scott Speicher.

I rise today in support of the amendment. The amendment simply requires frequent reports by the Department of Defense on their efforts to determine the fate of CAPT, Select, Scott Speicher.

Why on Earth would we have to pass legislation requiring the Department of Defense to report back to Congress with periodic reports?

It is all about Scott Speicher—Scott Speicher—a lieutenant commander who was shot down in his Navy F–18 fighter within the first few hours of the start of the gulf war. He was streaking towards Baghdad on a strike mission. Within 24 hours, he was declared a fatality by the U.S. Navy and the Department of Defense—our first casualty in the Persian Gulf war.

Unfortunately for Scott, as we have learned since that time through a series of mistakes and still very unexplained action—and when I say a "series of mistakes," I am talking about an unbelievable set of circumstances that are so bizarre and so unexplainable that it is difficult to imagine. At any rate, through this series of mistakes, there was no confirmation—no confirmation—that Scott Speicher died in the shootdown. Tragically, there was not 1 minute of search and rescue effort made in behalf of Scott Speicher. He was declared a fatality based solely on the report of a fellow flier who saw a bright fireball in the direction of Scott's plane and determined that nobody could have survived that hit.

That was relayed up the command to the point that the Secretary of Defense—Vice President CHENEY, today—was told that he was a casualty, which he announced on national television.

So Scott was dead. He was killed in action. And he remained dead in the eyes of the Department of Defense and the Department of the Navy until investigations forced upon the DIA—the Defense Intelligence Agency—and the CIA by Congress made it so obvious that the probability was that he survived the shootdown and ended up in the hands of Iraqis, as has been pointed out by the distinguished Senator.

But even with this information, the Department of Defense and the Department of the Navy again had to be pressured to change his status from killed in action—i.e., KIA—to missing in action. Finally, in January of 2001—10 years later—the Secretary of the Navy changed the status of Scott from KIA to missing in action. It took a lot of effort to get that done on the part of some of my colleagues and what I call the Scott Speicher Team.

In February of this year, I wrote to the Secretary of Defense and requested that CAPT, Select, Scott Speicher be designated not as missing in action but as a prisoner of war.

My request was based upon "The Intelligence Community Assessment of the Lieutenant Commander Speicher Case." That is what it is called. That is the title. That assessment actually concluded that "Scott Speicher probably survived the loss of his aircraft, and, if he survived, he was most certainly captured by the Iraqis."

My colleagues, today is the 25th of June, and yet the Department is still delaying on the obvious. CAPT, Select, Scott Speicher was, and is, and should be a prisoner of war.

Let me be clear. I don't know if Scott is alive today. I hope and I pray so. But let me be equally clear. There is no evidence that he is dead either. Either way, colleagues, "prisoner of war" is the appropriate designation for the warrior we left behind.

Today, we are not here to argue the status of Scott Speicher but, rather, whether or not Senator NELSON, I, others who support this bill, and the Senate go on record as requiring the Department of Defense to report frequently on their efforts to resolve his whereabouts and status.

Sadly, my colleagues, my history with the Scott Speicher case says we must keep pressure on the Department if we are to finally determine the fate of an American warrior we left behind in the desert of Iraq.

This Nation prides itself on the commitment to our men and women who sacrifice for our freedom. My colleagues, we saw that commitment in the effort to recover the remains of the victims of the 9/11 terrorist attack. We saw that effort on a hilltop in Afghanistan in our efforts to recover a lost Special Forces member. We saw that commitment in the streets of Mogadishu when a Blackhawk helicopter was shot down. We saw that effort in Kosovo and in Bosnia when downed airmen were heroically rescued.

In each of our wars or conflicts, the American servicemen were told they would never be left behind. We owe no less to Scott Speicher.

If we are to maintain any credibility with the fighting men and women of our military today—that is why it has special pertinence today in the war on terrorism—we must honor our commitment to leave no one behind.

I urge my colleagues to support this amendment to keep the pressure on the Department of Defense to determine the fate of Scott Speicher.

Senator NELSON indicated that I have a story to tell. Actually, Senator SMITH, I, and Senator Grams, who is no longer a Member of the Senate, and others of us became interested in this case by accident.

By the way, it is quite a chronology of trying to piece together what happened to Scott with some cooperation or degree of lack of cooperation from the authorities. Let me go over a short history, if I might.

January 18, 1991: Secretary of Defense CHENEY—as I referred to earlier in my remarks—received word that he was a casualty, and it was announced over national television. He referred to the "death" of Commander Speicher.

January 26, 1991: His status was established as "missing in action," however, by his commanding officer.

May 22, 1991: While the law requires a 1-year interval—let me repeat that. While the law requires a 1-year interval before changing an MIA determination to "killed in action," Commander Speicher's status changed to "killed in action." The Office of Naval Intelligence available evidence did support the KIA status at that particular time—clear back in 1991.

January 13, 1993: We have moved ahead 2 years. The report of the Senate Select Committee on POW-MIA Affairs concludes that the Defense Intelligence Agency's POW-MIA Office—now called DPMO, the acronym we use—has historically—I am not talking about today's operation, I am talking about the operation back in the early 1990s—has historically been, No. 1, guilty of overclassification; No. 2, defensive toward criticism; No. 3, handicapped by poor coordination with other elements of the intelligence community, i.e., not asking for it; and, No. 4, slow to follow up on live-sighting and other reports.

September 30, 1996—another 3 years—May 22, 1991, presumptive finding of death "was determined to have been in error after a thorough analysis of classified information and status review procedures." Chief of Naval Personnel backdated—backdated—the presumptive finding of death. Navy staff states to Senator SMITH, on June 22, 1999, that they did not review the intelligence community's information for this finding—did not review the intelligence community's information for this finding, did not take into consideration the available intelligence.

Let's move to December 7, 1997 and a front page, New York Times article by Tim Weiner, titled "Gulf War's First Casualty Leaves Lasting Trail of Mystery," in which he writes the story about Scott.

When asked by Weiner if Speicher could have survived the crash, he said, "We don't know." That was from ADM Stanley Arthur, Vice Chief of Naval Operations at the time of the loss. He is quoted as believing that "Commander Speicher had ejected successfully and survived."

Arthur also said, "The Warriors believed they had a responsibility . . . You lose one of your own, you go back and get him."

Move ahead to January 5, 1998: Our Committee on Intelligence in the Senate tasked the Director of Central Intelligence for an intelligence community chronology of the Speicher case.

February 19 of 1998: The head of DPMO, the Department of Missing in Action, Mr. Liotta, updates our Senate Committee on Intelligence on the Speicher case and concludes that this loss is the only unresolved U.S. case of Desert Storm.

July 1, 1998: Restatement of Federal regulations—a finding of presumptive death is made by the Secretary of the Navy when a survey of all available sources of information indicates beyond doubt that the presumption of continuance of life has been overcome for the purpose of Naval administration that he is no longer alive, that the person is no longer alive.

That was not done with Scott Speicher. That was a clarification that came back.

It took us until September 9 of 1998: The Senate Committee on Intelligence receives the report of the Director of Central Intelligence in regards to the chronology of the Speicher case.

March 12, 1999: Our staff in the Intelligence Committee receives an update on the Speicher case and requested additional rigor by the Defense Intelligence Agency.

May 13, 1999: The committee letter to the Director of Central Intelligence. We say the September 1998 chronology report does not enable Senator SMITH, Senator Grams, Senator ROBERTS to make informed judgments about the intelligence process nor the analysis. We request additional data.

July 30, 1999: I ask the Intelligence Committee to conduct an inquiry into the Speicher matter, stating that it is my understanding that it is a primary role of U.S. intelligence to assist our military commanders in making informed decisions, and suggest that the assignment of the killed in action status may be in error. Scott's wife, Joanne Speicher Harris, asks the Senate Committee on Intelligence for a full accounting regarding the fate of her former husband. This is some 10 years later.

September 15, 1999: The Senate Intelligence Committee holds a member-level briefing with the head of the Defense Intelligence Agency, Admiral Wilson, the Department of State, and the Secretary of the Navy. Followup questions for the record are sent to the executive branch.

October 28 of 1999: We hold a closed, on-the-record hearing with the same folks, and ask them followup questions for the record, and sent that to the executive branch.

May 4 of 2000: I author legislation to force the Pentagon and the U.S. intelligence community to better handle cases of military personnel missing in action or unaccounted for. It was passed by this body in the intelligence authorization bill.

Then we initiated in the committee to task the Director of Central Intelligence for an assessment.

Finally, after learning there was no intelligence wrapped up in this particular case on the fate of Scott Speicher, we ask the DCI, we ask the head of the CIA: Please, please, come in and make an assessment on the fate of Commander Speicher.

I also had the committee request the CIA and the DOD inspectors general to jointly and expeditiously examine the intelligence to support the Speicher case.

July 25, 2000: The committee holds another on-the-record briefing in regards to the Speicher case. Questions for the record then follow.

September of 2000: Congress receives the Intelligence Committee's first ever assessment of the fate of Commander Speicher. I believe the preponderance of evidence does not support the KIA status.

Since that time he has been changed to MIA. I might point out that just before President Clinton left office, he reported to the country that he may be alive.

Now, since that time, we have followed very closely, in the Intelligence Committee, all of the intelligence assessments that have come in. And let me say the people in charge today are doing that with due diligence. I am not trying to point any fingers of blame. I just do not understand how on Earth this case could have been so badly handled over an 11- or 12-year period. Without really pointing any fingers of blame, we are receiving good cooperation from those people in charge now.

But what this legislation will do, what the Nelson-Roberts-Smith legislation will do is make sure that, on a timely basis, we have these reports.

I ask unanimous consent to have printed in the RECORD my letter to Secretary Rumsfeld, dated February 12, 2002, because I think it is very clear that Scott Speicher should be classified a POW. And I feel in my heart—as I say, again, I do not know whether he is alive or not, but I feel in my heart, with continuing intelligence assessment and open-source assessments that we are receiving on a roller coaster timely basis, and more and more publicity and attention given to this issue, and all of the foreign policy discussion and military mission discussion in regards to Iraq, he may be alive. I say he may be alive. I do not know if Scott is alive. But, my colleagues, we must press ahead in behalf of everybody who wears the uniform to determine his fate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 12, 2002.

Hon. DONALD RUMSFELD,
Secretary of Defense, Department of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I write to request that you designate and use the title Prisoner-of-War (POW) for Captain Michael Scott Speicher. Captain Speicher was the first and only Coalition pilot shot down the first night of the Persian Gulf War in January 1991. He was not returned with all other POWs at the end of the war. After being listed improperly as Killed-in-Action (KIA) in May 1991, and reaffirmed in that status in 1996, Captain Speicher's status was changed to Missing-in-Action (MIA) in January 2001. President Clinton stated on January 11, 2001 that Captain Speicher "might be alive," and "if he is, where he is; and how we can get him out. . . . Because since he was a uniformed service person, he's clearly entitled to be released, and we're going to do everything we can to get him out."

I wrote to Secretary of Defense Cohen on October 2, 2000, requesting that Captain Speicher's status be changed to a category less decisive and final than KIA (see attachment). At the time, I felt that there was considerable evidence that Captain Speicher had not been killed during the crash of his aircraft. This was based on The Intelligence Community Assessment of the Lieutenant Commander Speicher Case, that concluded "LCDR Speicher probably survived the loss of his aircraft, and if he survived, he was almost certainly captured by the Iraqis." This strongly suggested the more appropriate designator or status of POW. However, I find it odd that Title 10, USC 1513(2)(D) does not identify POW as an officially recognized status although it does define a subcategory under "missing" status as "captured." Captain Speicher clearly fits the term "missing, captured." Subparagraph E2.1.20.4 of DOD Instruction 2310.5, the regulation that implements the statute, contains identical language.

Common usage of the status of "missing, captured" is that of POW.

There is a precedent for maintaining the status of an American as POW many years after a war. Long after virtually all Vietnam War MIA's had been given a presumptive finding of death, one American, Colonel Charles Shelton, USAF, remained listed as a POW for symbolic reasons, although U.S. analysts felt that available evidence suggested that Shelton died in captivity. He remained in POW status to indicate that the U.S. Government had not ruled out the possibility that POWs might still be alive in Southeast Asia after the end of the war. Colonel Shelton's status was finally changed to KIA on September 20, 1994.

Mr. Secretary, the Shelton precedent establishes that clear evidence of continued survival is not required for identifying the status of a captured American as a POW. Therefore, I am asking that Captain Speicher's designator or status be that of POW and that the Department use the term "POW" in all future references regarding Speicher.

As often happens on the battlefield, this matter relates very much to what happens in the hearts as well as the minds of those who serve, and those on whose behalf they serve. By stating to the world that we indeed believe that Captain Speicher survived—at least for some period of time—in Iraqi custody, we would acknowledge his unique and honored service as an American Gulf War POW. A change in status and terminology would add credibility and urgency to efforts to secure his release. Finally, if Captain Speicher lives, we must make every effort to attain for him the freedom he has so long been denied. His case reaffirms to our nation, albeit somewhat belatedly, that we will never abandon our soldiers even if some embarrassment befalls to our Government. It would render its service—maybe Captain Speicher's greatest service—in the inevitable next war. If the natural tendency of a bureaucracy is to take the easy way out and to declare an American soldier dead, when in fact it is really not clear what happened to him, then this is not the America our forefathers envisioned, nor one I proudly support.

I believe the status of POW sends a symbolic message not only to the Iraqis, but to other adversaries, current and future—and most importantly, to the men and women of the U.S. Armed Forces and the American people. It would tell the Iraqis what we now believe that they have much more to tell us about his fate and increases our leverage of accountability. It tells our military that we will not stand for anything less than full disclosure.

Sincerely,

PAT ROBERTS.

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized under the previous order.

Mr. NELSON of Florida. Thank you, Mr. President. And thanks to Senator ROBERTS, the distinguished Senator from Kansas, for his perseverance and for his dedication.

I am glad that Senator SMITH has come to the Chamber so we can hear from him and his perspective, as he has been one of the leaders over the years in calling this matter to the attention of the American people.

As I said earlier, I have spoken with a number of world leaders, including the Prime Minister of Lebanon, asking them to task their intelligence apparatus to see if they can get any kind of information about Scott Speicher. And while intelligence is central to the potential for our success in resolving his fate, it is not the only aspect of this situation that certainly merits the congressional attention that we are trying to give it right now.

This amendment that is offered by me, Senator ROBERTS, Senator SMITH, Senator GRAHAM of Florida, as well as the majority leader, Senator DASCHLE—and his name should be on the amendment. If it is not, I ask unanimous consent that he be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. This amendment sets in place a firm schedule of updates on actions taken by the Departments of Defense and State as well as the Central Intelligence Agency. It sets a firm schedule of reports to determine the fate of Captain Speicher; a schedule of accountability, if you will, that puts the department squarely and clearly within the view of Congress and America so that we can take the measure of their efforts and their progress. And they must make progress.

In American military philosophy, no one is left behind on the battlefield. That is particularly the creed among pilots. If a pilot goes down, you know that there is a rescue team coming in to get you.

Our effort today, through this amendment, is to encourage those whose responsibility it is in government to find our missing and to leave no effort unturned in the search for Captain Speicher.

To that end, this amendment requires regular updates to the Congress on contacts with the Government of Iraq, on contacts with foreign governments and intelligence services, and on current leads in the case, and efforts to coordinate with groups such as the United Nations and the International Committee of the Red Cross.

We expect to see action and progress in these reports. We expect to shake loose any bureaucratic inaction that has slowed the search until now.

I spoke as recently as 2 hours ago with the Deputy Secretary of State and the Deputy Secretary of Defense on this matter. As a nation, we have come a long way in living up to our philosophy over the years of not leaving anyone downed behind. There are nearly 79,000 Americans still missing from World War II. There are almost 8,000 missing from Korea. There are fewer than 2,000 still missing from Vietnam. Slowly but surely, we have reduced these numbers as the new information, the new evidence on the remains of those missing is recovered from around the world.

Scott Speicher is the only American missing from the gulf war. Over 11 years after, his fate still remains unknown. The horrors of war and the frailty of the human body make it impossible to guarantee that we know with certainty the fate of every American who may be lost in battle. Nonetheless, Americans must have the confidence that the sons and daughters, the brothers and sisters, the fathers and mothers we send into harm's way will find their way home, even if it is only to their final honored resting place. We owe this to those who go and those they leave behind.

I am confident some day we will know what happened to Scott Speicher. I hope it is soon. I pray that he will return to us safe and sound, alive. In the meantime, we must watch this effort closely and pray that resolution will bring peace to the shipmates and the Navy squadron and the family of CAPT Scott Speicher.

I thank the Senate for what they will do in a few minutes, which is adopt this amendment. I look forward to the comments of the distinguished Senator from New Hampshire.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I compliment my colleagues, Senators NELSON and ROBERTS, for their continued leadership on this issue. I rise in strong support of the amendment.

The case of Scott Speicher is a terrible tragedy that never should have happened. I know my distinguished colleague is not familiar with all of the background I have had on the issue. I began in the mid-1990s to question our Government based on information I was receiving from my own sources within the intelligence community, which, much to their consternation, they have not been able to identify yet, thankfully, that there was something wrong, that there may be information suggesting that Speicher may not, should not have been declared KIA or killed in action.

As has been said, Speicher was shot down on the first night of the gulf war and immediately declared killed in action. The truth is, as I stand here today, that a search and rescue mission for Commander Speicher, now Captain Speicher, was never launched.

At a Department of Defense press conference shortly after the shootdown, it was announced that he was killed in action and that was it.

We told Saddam Hussein and the world that Speicher was dead and, therefore, there would have been absolutely no incentive for Hussein to provide him to us or any information on him to us.

It was a mistake. That announcement, pure and simple, was a mistake. It was based on incomplete information which can happen in wartime. We understand that. But it was passed up the chain of command, and it was a mistake. Mistakes can be rectified. We didn't rectify it. Mrs. Speicher and the children were told that he was killed in action. There is a, big difference between being killed in action and missing in action. Missing in action, there may be some hope, or POW there may be some hope you may be found alive. She made her decisions in life based on that information which was never corrected, never changed until recently.

At the conclusion of the war, the Iraqis returned remains. I don't know if my colleague mentioned this; I was not in the Chamber at the time. They sent remains back that they claimed belonged to a pilot named Michael. When we tested the DNA, it was not Speicher. You have to ask yourself, why would the Iraqis return remains that were not Speicher if they didn't have some ulterior motive.

In spite of that, Speicher was officially declared killed in action in May of 1991, and the status was reaffirmed again in August of 1996.

Supposedly, all of these decisions were based on a comprehensive review of the case. The truth is, there was not a comprehensive review. I can assure you these decisions were a terrible mistake.

When the U.S. Government finally visited the crash site in December of 1995, it was determined that Speicher had ejected from his aircraft. There was no information given to Mrs. Speicher about that. Our investigators were able to determine that, despite the fact that the Iraqis clearly tampered with the crash site to confuse us. We had that information. Navy statistics show that 90 percent of pilots who eject from an F–18 survive the ejection. Speicher was flying an F–18. He ejected. The ejection seat came out of the plane.

In over 7 years that I have been involved in this case, I have never seen—I want to be clear about this—any information remotely suggesting that Scott Speicher was killed in action. I don't say that in any way to encourage anybody or enhance anybody's hopes. I am telling you that there has never been any information I have seen that would suggest that Scott Speicher was killed in action.

Under the laws and rules of the Defense Department and the way we determine the definition of KIA, he should not have been declared killed in action. Yet he was. In spite of the fact that month after month, year after year, more and more information was coming forth, they still left him killed in action.

In March of 1999, I sent a letter to then-Secretary of the Navy Danzig requesting that the "finding of death" determination made by the Navy in May of 1991 be changed because there was no evidence supporting the determination that Speicher was killed in action. In fact, there is information to the contrary—a lot of information to the contrary, which my colleagues have already discussed.

I encourage my colleagues—and I know the Senator from Florida has done this, and I am not suggesting that this could be done prior to the vote. I think this amendment will pass overwhelmingly. I encourage colleagues to read the intelligence on this case. It is a fascinating case. Some of the things we cannot talk about. But I can tell you that there is an overwhelming amount of evidence out there that suggests Speicher could have survived. There is no evidence that suggests he was killed. There is a very important distinction here. Yet he was declared killed, and his wife made decisions in life that people do make, such as getting remarried and so forth, based on that information.

In spite of the fact that I challenged it month after month, year after year, beginning in the mid-1990s, to try to get more information from my own sources who were saying, They are not telling you the truth in the intelligence community or giving you all the information—in spite of that, they would not change the designation.

As a matter of fact, I say to my colleague—because I know this is his constituent—I was trashed by some in the agency to the family directly. The family will tell Senator NELSON that if he talks to them. They said I was a troublemaker, causing undue stress to the family. This was given by bureaucrats in this Government in the DPMO office. They provided information to Mrs. Speicher that I was a troublemaker for getting involved in this because, as one who lost his dad in the Second World War and was raised without a father, I wanted the son and daughter of Mrs. Speicher to know what happened to their father. That is what I was declared a troublemaker for.

After working closely with Danzig for a number of months, the Secretary, to his credit, prior to the Clinton administration leaving office, changed the status of Commander Speicher from KIA to MIA. That is exactly what it should be. It should never have been otherwise.

I think this has been read into the RECORD, but I will give one paragraph of the intelligence community's assessment of the Speicher case. This is unclassified:

> We assess that Iraq can account for Lieutenant Commander Speicher, but that Baghdad is concealing information about his fate. Lieutenant Commander Speicher probably survived the loss of his aircraft, and if he survived, he almost certainly was captured by the Iraqis.

We know, because there is a lot of information to indicate, that he could have survived the ejection from the aircraft and that there is all kinds of intelligence information about what may or may not have happened to him afterwards. We also know that the Iraqis know the answer. They could return Speicher one way or the other, dead or alive, or give us information that would indicate one way or the other.

I don't know if Commander Scott Speicher is alive, but I do know there is no information that he is dead. A lot of information suggests he may be alive. I want to again re-encapsulate this because it is very important. In spite of all the information we had at our disposal up until the last 2 or 3 years, from the early nineties, crossing two administrations, the previous Bush administration and the Clinton administration—in spite of the fact that information was in the DPMO office and in the intelligence office and the Navy, in spite of all of that information that showed an overwhelming amount of evidence that he may have survived, they still declared him KIA and refused to change the status.

When I asked to change the status, I was declared a troublemaker in the secret conversations and documents to which I was not privy. I don't care because the issue is not me. If we can find out that Scott Speicher is alive and could come home to his family, I would like to join my colleague in Jacksonville for that homecoming. But we owe nothing less to the Speicher family than that. All the men and women who serve in uniform in our Nation's military deserve nothing less than that—that the U.S. Government finds out what happens.

We realize we are dealing with a nation and a leader who isn't exactly willing to cooperate and is not the greatest humanitarian the world has ever seen. I don't blame the U.S. Government for that. I do blame the U.S. Government for not sharing this with me. I was not a member of the Intelligence Committee, so I was basically kept from getting the information, frankly, by the chairman of the committee. I wasn't able to get it.

Finally, after raising enough ruckus, I began to challenge the intelligence reports and documents and evidence we were getting, and I was able to get before the committee—even though I am not a member—and ask some questions, and then, subsequently, all this information began to come out. It is amazing.

We know the Iraqis do hold prisoners. They released an Iranian pilot in 1998 who had been held for 18 years. So it is not unprecedented. I hope sincerely that we will move forward. I think the Senator's bill will help. I just caution one thing, which is that we don't turn this thing into a 90-day reporting period and get off focus. The main focus should be, let's find him, or find out what happened to him. And let's do it quickly so that the Senator's legislation will be over with quickly because, hopefully, in the first 90 days we will get the answers. I hope it will not be a series of 90-day reports in succession as we see years and years go by.

If Scott Speicher is alive, the thought of him languishing in some prison cell somewhere in Iraq—God knows what is going on—is a horrible thing to even think about. If he is dead, then Saddam Hussein should tell us what happened to him.

I want to make it clear, before I conclude, that the current intelligence community, starting in the previous administration and then into this one, Admiral Wilson of DIA, and others have been very helpful and very responsive in helping us to get the answers. We have had a number of occasions where we could do that. So I am optimistic and I know the Senator's legislation will help.

NINTH CIRCUIT COURT OF APPEALS RULING

Before I yield the floor, this has an impact here. I want my colleagues to know this because here we are talking now about a missing pilot who was shot down in 1991 in the Persian Gulf war, fighting for his country, for the flag, fighting for this Nation under God, the flag we salute every single day, "one nation under God." I want to announce to my colleagues a decision that just came down from the Ninth Circuit Court—the infamous Ninth Circuit court. Listen to this article on the ruling:

> A federal appeals court ruled Wednesday that the Pledge of Allegiance is an unconstitutional endorsement of religion and cannot be recited in schools.

That is the wording of the Ninth Circuit Court.

> The 9th U.S. Circuit Court of Appeals overturned a 1954 act of Congress inserting the phrase "under God" after the words "one nation" in the pledge. The court said the phrase violates the so-called Establishment Clause in the Constitution that requires a separation of church and state.

I will be very brief in deference to my colleague. But they further said:

> A profession that we are a nation "under God" is identical, for Establishment Clause purposes, to a profession that we are a nation "under Jesus," a nation "under Vishnu," a nation "under Zeus," or a nation "under no god," because none of these professions can be neutral with respect to religion," Judged Alfred T. Goodwin wrote for the three-judge panel.

I wonder what Scott Speicher would have to say about that. Unbelievable.

I sponsored, in 1999, at the request of a constituent of mine, legislation to require the Senate—which ironically was not doing it—to cite the Pledge of Allegiance before convening every day. Until 1999, we never recited the Pledge of Allegiance. A constituent was watching C-SPAN one day and said: What in the world is going on? Why don't you guys salute the flag?

I said: I don't know; let's find out.

We implemented it. The House of Representatives recites the Pledge every day. We had a unanimous resolution that passed the Congress. I wish to recite from the resolution because it shows we ought to be pretty outraged by that judicial decision:

> Whereas the Flag of the United States of America is our Nation's most revered and preeminent symbol. . . .

And it goes on to talk about the flag and it even talks about the Pledge.

Here we are talking about a Naval officer who may or may not be alive in Iraq who is basically not looked for by his own Government for 10 years, and now we get an appeals court decision in the Ninth Circuit that says we have to take "under God" out of the Pledge of Allegiance to the flag of the United States of America.

Frankly, to Judge Goodwin: May God bless us all and pray for us.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, we are going to wind up the debate on our amendment having to do with Scott Speicher, but since the distinguished Senator has told me of two events, I want to comment.

First, the Senator from New Hampshire told me that certain bureaucrats label him a troublemaker. If that is the case, I like that kind of troublemaker.

Second, the Senator from New Hampshire referred to a recent decision by a Federal district court of appeals, of which I was not aware, to take the words "under God" out of the Pledge of Allegiance.

I have faith in our judicial system. Senator BYRD, the distinguished senior Senator from West Virginia, reminds all of us to carry around a copy of the Constitution and a copy of the Declaration of Independence. I remind my colleagues the second paragraph of the Declaration of Independence has these immortal words:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

Whether it be the judicial system that would correct a decision by a court of appeals which absolutely stuns me or whether it would be the checks and balances found in this Constitution of the United States, to which constitutional amendments can be initiated by this body, then I have the confidence to know that the constitutional system will work under this time-tested document.

I thank the Senator from New Hampshire for bringing that to our attention.

Mr. President, I know of no further debate on the Scott Speicher amendment. I ask the Presiding Officer to put the question.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator LEVIN is not here. I cannot allow that to happen.

Mr. NELSON of Florida. If the Senator will yield, Senator LEVIN has just come into the Chamber.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand the pending amendment is the amendment of Senator NELSON of Florida; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Which Senator ROBERTS and Senator SMITH have cosponsored. I commend them on their amendment and their continuing efforts to remind us of the missing hero of whom we can never lose sight. As long as there is hope, we are going to remain targeted on trying to locate our wonderful American who is always on our minds.

I do not know if there is further debate on the amendment. If not, I hope that amendment can be adopted at this time.

The PRESIDING OFFICER. Is there further debate? The Senator from Colorado.

Mr. ALLARD. Mr. President, I believe that amendment has been cleared on this side. I also compliment my colleagues on their tenacity in sticking with this issue. I was on the Intelligence Committee when this was called to our attention. I believe Senator SMITH was one of the first to get involved, as well as Senator ROBERTS and then Senator NELSON from Florida.

We need to get to the bottom of this matter. I think this amendment is something the Senate needs to adopt. There is no objection on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection the amendment is agreed to.

The amendment (No. 4101) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I think we will return to offering amendments which have been approved by both sides.

AMENDMENT NO. 4102

Mr. LEVIN. Mr. President, I start by sending an amendment to the desk on behalf of Senators BIDEN and CARPER which will extend the Work Safety Demonstration Program through the end of fiscal year 2003.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BIDEN, for himself and Mr. CARPER, proposes an amendment numbered 4102.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the work safety demonstration program of the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 346. EXTENSION OF WORK SAFETY DEMONSTRATION PROGRAM.

(a) EXTENSION OF DEMONSTRATION PROGRAM.—Section 1112 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–313) is amended—

(1) in subsection (d), by striking "September 30, 2002" and inserting "September 30, 2003"; and

(2) in subsection (e)(2), by striking "December 1, 2002" and inserting "December 1, 2003".

Mr. LEVIN. I believe the amendment has been cleared by the other side.

Mr. ALLARD. It has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4102) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4103

Mr. ALLARD. Mr. President, on behalf of Senator WARNER, I offer an amendment that would amend the National Defense Authorization Act for fiscal year 2000 to modify the requirement for the Secretary of Defense to submit a master plan on the use of the Navy Annex.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for Mr. WARNER, proposes an amendment numbered 4103.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a master plan for the use of the Navy Annex, Arlington, Virginia)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. MASTER PLAN FOR USE OF NAVY ANNEX, ARLINGTON, VIRGINIA.

(a) REPEAL OF COMMISSION ON NATIONAL MILITARY MUSEUM.—Title XXIX of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 880; 10 U.S.C. 111 note) is repealed.

(b) MODIFICATION OF AUTHORITY FOR TRANSFER FROM NAVY ANNEX.—Section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 879) is amended—

(1) in subsection (b)(2), as amended by section 2863(f) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1332), by striking "as a site—" and all that follows and inserting "as a site for such other memorials or museums that the Secretary considers compatible with Arlington National Cemetery and the Air Force Memorial."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "the recommendation (if any) of the Commission on the National Military Museum to use a portion of the Navy Annex property as the site for the National Military Museum", and inserting "the use of the acres reserved under (b)(2) as a memorial or museum"; and

(B) in paragraph (4), by striking "the date on which the Commission on the National Military Museum submits to Congress its report under section 2903" and inserting "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003".

(c) CONSTRUCTION OF AMENDMENTS.—The amendments made by subsections (a) and (b) may not be construed to delay the establishment of the United States Air Force Memorial authorized by section 2863 of the Military Construction Authorization Act for Fiscal Year 2002 (115 Stat. 1330).

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4103) was agreed to.

Mr. ALLARD. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4104

Mr. LEVIN. Mr. President, on behalf of Senator DURBIN, I offer an amendment which would provide authority for nonprofit organizations to self-certify for treatment as qualified organizations employing the severely disabled for purposes of the DOD Mentor-Protege Program. I send the amendment to the desk. I believe it has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DURBIN, proposes an amendment numbered 4104.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide authority for nonprofit organizations to self-certify eligibility for treatment as qualified organizations employing the severely disabled for purposes of the Mentor-Protege Program)

At the end of subtitle C of title VIII, add the following:

SEC. 828. AUTHORITY FOR NONPROFIT ORGANIZATIONS TO SELF-CERTIFY ELIGIBILITY FOR TREATMENT AS QUALIFIED ORGANIZATIONS EMPLOYING SEVERELY DISABLED UNDER MENTOR-PROTEGE PROGRAM.

Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended by adding at the end the following new subsection:

"(n) SELF-CERTIFICATION OF NONPROFIT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS EMPLOYING THE SEVERELY DISABLED.—(1) The Secretary of Defense may, in accordance with such requirements as the Secretary may establish, permit a business entity operating on a non-profit basis to self-certify its eligibility for treatment as a qualified organization employing the severely disabled under subsection (m)(2)(D).

"(2) The Secretary shall treat any entity described in paragraph (1) that submits a self-certification under that paragraph as a qualified organization employing the severely disabled until the Secretary receives evidence, if any, that such entity is not described by paragraph (1) or does not merit treatment as a qualified organization employing the severely disabled in accordance with applicable provisions of subsection (m).

"(3) Paragraphs (1) and (2) shall cease to be effective on the effective date of regulations prescribed by the Small Business Administration under this section setting forth a process for the certification of business entities as eligible for treatment as a qualified organization employing the severely disabled under subsection (m)(2)(D).".

Mr. ALLARD. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4104) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4105

Mr. ALLARD. Mr. President, on behalf of Senator KYL, I offer an amendment which would authorize the transfer of the DF–9E Panther aircraft to the Women Air Force Service Pilots Museum.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for Mr. KYL, proposes an amendment numbered 4105.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the transfer of a DF–9E Panther aircraft to the Women Airforce Service Pilots Museum)

At the end of subtitle E of title X, add the following:

SEC. 1065. TRANSFER OF HISTORIC DF–9E PANTHER AIRCRAFT TO WOMEN AIRFORCE SERVICE PILOTS MUSEUM.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to the Women Airforce Service Pilots Museum in Quartzsite, Arizona (in this section referred to as the "W.A.S.P. museum"), all right, title, and interest of the United States in and to a DF–9E Panther aircraft (Bureau Number 125316). The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed under subsection (a) in "as is" condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft under subsection (a)—

(1) a condition that the W.A.S.P. museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the W.A.S.P. museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the W.A.S.P. museum.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. LEVIN. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4105) was agreed to.

Mr. ALLARD. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4106

Mr. LEVIN. Mr. President, on behalf of Senator KERRY, I offer an amendment which would require the Army to report to Congress on the impact that a proposed reorganization of contracting authority will have on small business. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KERRY, for himself, Mr. BOND, and Mrs. CARNAHAN, proposes an amendment numbered 4106.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of the Army to submit a report on the effects of the Army Contracting Agency on small business participation in Army procurement)

On page 194, between lines 13 and 14, insert the following:

SEC. 828. REPORT ON EFFECTS OF ARMY CONTRACTING AGENCY.

(a) IN GENERAL.—The Secretary of the Army shall submit a report on the effects of the establishment of an Army Contracting Agency on small business participation in Army procurements during the first year of operation of such an agency to—

(1) the Committee on Armed Services of the House of Representatives;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Small Business of the House of Representatives; and

(4) the Committee on Small Business and Entrepreneurship of the Senate.

(b) CONTENT.—The report required under subsection (a) shall include, in detail—

(1) the justification for the establishment of an Army Contracting Agency;

(2) the impact of the creation of an Army Contracting Agency on—

(A) Army compliance with—

(i) Department of Defense Directive 4205.1;

(ii) section 15(g) of the Small Business Act (15 U.S.C. 644(g)); and

(iii) section 15(k) of the Small Business Act (15 U.S.C. 644(k));

(B) small business participation in Army procurement of products and services for affected Army installations, including—

(i) the impact on small businesses located near Army installations, including—

(I) the increase or decrease in the total value of Army prime contracting with local small businesses; and

(II) the opportunities for small business owners to meet and interact with Army procurement personnel; and

(ii) any change or projected change in the use of consolidated contracts and bundled contracts; and

(3) a description of the Army's plan to address any negative impact on small business

participation in Army procurement, to the extent such impact is identified in the report.

(c) TIME FOR SUBMISSION.—The report under this section shall be due 15 months after the date of the establishment of the Army Contracting Agency.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4106) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4107

Mr. ALLARD. Mr. President, on behalf of Senator SANTORUM, I offer an amendment that would authorize an increase of $1 million for procurement of M821A1 high explosive insensitive munition and would authorize a decrease of $1 million for the procurement of the CH-47 crashworthy seat modification.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for Mr. SANTORUM, proposes an amendment numbered 4107.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add $1,000,000 for the Army for procurement of M821A1 High Explosive (HE) insensitive munition for the 81-millimeter mortar, and to offset the increase by reducing the amount provided for the Army for aircraft procurement for CH-47 cargo helicopter modifications, for the procurement of commercial, off-the-shelf, crashworthy seats by $1,000,000)

On page 13, line 18, increase the amount by **$1,000,000.**

On page 13, line 14, reduce the amount by **$1,000,000.**

Mr. LEVIN. The amendment has been cleared.

Mr. ALLARD. It has been cleared on this side also.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4107) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4108

Mr. LEVIN. On behalf of Senators CLELAND, HUTCHINSON, and KENNEDY, I offer an amendment which would authorize the Secretary of Defense to pay interest on student loans of service members for 3 years during their first term of service.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, for himself, Mr. HUTCHINSON, and Mr. KENNEDY, proposes an amendment numbered 4108.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the payment of interest on student loans of members of the Armed Forces)

On page 148, after line 22, add the following:

SEC. 655. PAYMENT OF INTEREST ON STUDENT LOANS.

(a) AUTHORITY.—(1) Chapter 109 of title 10, United States Code, is amended by adding at the end the following new section:

"§2174. Interest payment program: members on active duty

"(a) AUTHORITY.—(1) The Secretary concerned may pay in accordance with this section the interest and any special allowances that accrue on one or more student loans of an eligible member of the armed forces.

"(2) The Secretary of a military department may exercise the authority under paragraph (1) only if approved by the Secretary of Defense and subject to such requirements, conditions, and restrictions as the Secretary of Defense may prescribe.

"(b) ELIGIBLE PERSONNEL.—A member of the armed forces is eligible for the benefit under subsection (a) while the member—

"(1) is serving on active duty in fulfillment of the member's first enlistment in the armed forces or, in the case of an officer, is serving on active duty and has not completed more than three years of service on active duty;

"(2) is the debtor on one or more unpaid loans described in subsection (c); and

"(3) is not in default on any such loan.

"(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

"(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

"(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

"(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

"(d) MAXIMUM BENEFIT.—The months for which interest and any special allowance may be paid on behalf of a member of the armed forces under this section are any 36 consecutive months during which the member is eligible under subsection (b).

"(e) FUNDS FOR PAYMENTS.—Appropriations available for the pay and allowances of military personnel shall be available for payments under this section.

"(f) COORDINATION.—(1) The Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation shall consult with the Secretary of Education regarding the administration of the authority under this section.

"(2) The Secretary concerned shall transfer to the Secretary of Education the funds necessary—

"(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(a), and 1087dd(j)); and

"(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965.

"(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087-1).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2174. Interest payment program: members on active duty.".

(b) FEDERAL FAMILY EDUCATION LOANS AND DIRECT LOANS.—(1) Subsection (c)(3) of section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078) is amended—

(A) in clause (i) of subparagraph (A)—

(i) by striking "or" at the end of subclause (II);

(ii) by inserting "or" at the end of subclause (III); and

(iii) by adding at the end the following new subclause:

"(IV) is eligible for interest payments to be made on such loan for service in the Armed Forces under section 2174 of title 10, United States Code, and, pursuant to that eligibility, the interest is being paid on such loan under subsection (o);";

(B) in clause (ii)(II) of subparagraph (A), by inserting "or (i)(IV)" after "clause (i)(II)"; and

(C) by striking subparagraph (C) and inserting the following:

"(C) shall contain provisions that specify that—

"(i) the form of forbearance granted by the lender pursuant to this paragraph, other than subparagraph (A)(i)(IV), shall be temporary cessation of payments, unless the borrower selects forbearance in the form of an extension of time for making payments, or smaller payments than were previously scheduled; and

"(ii) the form of forbearance granted by the lender pursuant to subparagraph (A)(i)(IV) shall be the temporary cessation of all payments on the loan other than payments of interest on the loan, and payments of any special allowance payable with respect to the loan under section 438 of this Act, that are made under subsection (o); and".

(2) Section 428 of such Act is further amended by adding at the end the following new subsection:

"(o) ARMED FORCES STUDENT LOAN INTEREST PAYMENT PROGRAM.—

"(1) AUTHORITY.—Using funds received by transfer to the Secretary under section 2174 of title 10, United States Code, for the payment of interest and any special allowance on a loan to a member of the Armed Forces that is made, insured, or guaranteed under this part, the Secretary shall pay the interest and special allowance on such loan as due for a period not in excess of 36 consecutive months. The Secretary may not pay interest or any special allowance on such a loan out of any funds other than funds that have been so transferred.

"(2) FORBEARANCE.—During the period in which the Secretary is making payments on a loan under paragraph (1), the lender shall grant the borrower forbearance in accordance with the guaranty agreement under subsection (c)(3)(A)(i)(IV).

"(3) SPECIAL ALLOWANCE DEFINED.—For the purposes of this subsection, the term 'special allowance', means a special allowance that is payable with respect to a loan under section 438 of this Act.".

(c) FEDERAL PERKINS LOANS.—Section 464 of the Higher Education Act of 1965 (20 U.S.C. 1087dd) is amended—

(1) in subsection (e)—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(3) the borrower is eligible for interest payments to be made on such loan for service in the Armed Forces under section 2174 of title 10, United States Code, and, pursuant to that eligibility, the interest on such loan is being paid under subsection (j), except that the form of a forbearance under this paragraph shall be a temporary cessation of all payments on the loan other than payments of interest on the loan that are made under subsection (j)."; and

(2) by adding at the end the following new subsection:

"(j) ARMED FORCES STUDENT LOAN INTEREST PAYMENT PROGRAM.—

"(1) AUTHORITY.—Using funds received by transfer to the Secretary under section 2174 of title 10, United States Code, for the payment of interest on a loan made under this part to a member of the Armed Forces, the Secretary shall pay the interest on the loan as due for a period not in excess of 36 consecutive months. The Secretary may not pay interest on such a loan out of any funds other than funds that have been so transferred.

"(2) FORBEARANCE.—During the period in which the Secretary is making payments on a loan under paragraph (1), the institution of higher education shall grant the borrower forbearance in accordance with subsection (e)(3).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interest, and any special allowance under section 438 of the Higher Education Act of 1965, that accrue for months beginning on or after October 1, 2003, on student loans described in subsection (c) of section 2174 of title 10, United States Code (as added by subsection (a)), that were made before, on, or after such date to members of the Armed Forces who are on active duty (as defined in section 101(d) of title 10, United States Code) on or after that date.

Mr. ALLARD. The amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4108) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4109

Mr. ALLARD. Mr. President, on behalf of Senator SANTORUM, I offer an amendment which provides key enabling robotics technologies that will support Army, Navy, and Air Force robotics and unmanned military platforms.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. LEVIN. Mr. President, I ask that the clerk withhold the reading of that for one moment.

The PRESIDING OFFICER. The clerk will withhold.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I have an amendment on behalf of Senator SANTORUM, which I believe is at the desk, which authorizes $1 million for the Civil Reserve Space Service, and to offset by a million dollars the CH–47 cargo helicopter commercial, off-the-shelf, crashworthy seats.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for Mr. SANTORUM, proposes an amendment numbered 4109.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add $1,000,000 for the Air Force for RDT&E for space and missile operations, Civil Reserve Space Service (CRSS) initiative (PE 305173F), and to offset the increase by reducing the amount provided for the Army aircraft procurement, CH–47 cargo helicopter COTS crashworthy seats by $1,000,000)

On page 23, line 24, increase the amount by $1,000,000.

On page 13, line 14, reduce the amount by $1,000,000.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4109) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4110

Mr. LEVIN. Mr. President, on behalf Senator REID, I offer an amendment which would revise the language in section 2841 of the bill authorizing transfer of funds from the Air Force to the U.S. Fish and Wildlife Service to carry out the terms of a provision in the National Defense Authorization Act for fiscal year 2000 relative to a land withdrawal at Nellis Air Force Base, NV.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. REID, proposes an amendment numbered 4110.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide alternative authority regarding the transfer of funds for the acquisition of replacement property for National Wildlife Refuge system lands in Nevada)

Strike section 2841, relating to a transfer of funds in lieu of acquisition of replacement property for National Wildlife Refuge system in Nevada, and insert the following:

SEC. 2841. TRANSFER OF FUNDS FOR ACQUISITION OF REPLACEMENT PROPERTY FOR NATIONAL WILDLIFE REFUGE SYSTEM LANDS IN NEVADA.

(a) TRANSFER OF FUNDS AUTHORIZED.—(1) The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2304(a), transfer to the United States Fish and Wildlife Service $15,000,000 to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 889).

(2) Upon receipt by the Service of the funds transferred under paragraph (1), the obligations of the Air Force referred to in that paragraph shall be considered fulfilled.

(b) CONTRIBUTION TO FOUNDATION.—(1) The United States Fish and Wildlife Service may grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999.

(2) Funds received by the Foundation under paragraph (1) shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), other than section 10(a) of that Act (16 U.S.C. 3709(a)).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4110) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll,

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4111

Mr. ALLARD. Mr. President, on behalf of Senator LOTT, I send an amendment to the desk to authorize the Secretary of Defense to waive the time-in-grade requirement for officers in the grades of 0–4 and above as set forth in section 1370 of title 10, United States Code.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for Mr. LOTT, proposes an amendment numbered 4111.

Mr. ALLARD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add restrictions on the proposed authority for reducing the minimum period of service in grades above 0-4 for eligibility to be retired in highest grade held)

On page 2, strike lines 4 through 6, and insert the following:

(a) OFFICERS ON ACTIVE DUTY.—Subsection (a)(2)(A) of section 1370 of title 10, United States Code, is amended—

(1) by striking "may authorize" and all that follows and inserting "may, in the case of retirements effective during the period beginning on September 1, 2002, and ending on December 31, 2004, authorize—"; and

(2) by adding at the end the following:

"(1) the Deputy Under Secretary of Defense for Personnel and Readiness to reduce such 3-year period of required service to a period not less than two years for retirements in grades above colonel or, in the case of the Navy, captain; and

"(2) the Secretary of a military department or the Assistant Secretary of a military department having responsibility for manpower and reserve affairs to reduce such 3-year period to a period of required service not less than two years for retirements in grades of lieutenant colonel and colonel or, in the case of the Navy, commander and captain.".

(b) RESERVE OFFICERS.—Subsection (d)(5) of such section is amended—

(1) in the first sentence—

(A) by striking "may authorize" and all that follows and inserting "may, in the case of retirements effective during the period beginning on September 1, 2002, and ending on December 31, 2004, authorize—"; and

(B) by adding at the end the following:

"(A) the Deputy Under Secretary of Defense for Personnel and Readiness to reduce such 3-year period of required service to a period not less than two years for retirements in grades above colonel or, in the case of the Navy, captain; and

"(B) the Secretary of a military department or the Assistant Secretary of a military department having responsibility for manpower and reserve affairs to reduce such 3-year period of required service to a period not less than two years for retirements in grades of lieutenant colonel and colonel or, in the case of the Navy, commander and captain.";

(2) by designating the second sentence as paragraph (6) and realigning such paragraph, as so redesignated 2 ems from the left margin; and

(3) in paragraph (6), as so redesignated, by striking "this paragraph" and inserting "paragraph (5)".

(c) ADVANCE NOTICE TO THE PRESIDENT AND CONGRESS.—Such section is further amended by adding at the end the following new subsection:

"(e) ADVANCE NOTICE TO CONGRESS.—(1) The Secretary of Defense shall notify the Committees on Armed Services of the Senate and House of Representatives of—

"(A) an exercise of authority under paragraph (2)(A) of subsection (a) to reduce the 3-year minimum period of required service on active duty in a grade in the case of an officer to whom such paragraph applies before the officer is retired in such grade under such subsection without having satisfied that 3-year service requirement; and

"(B) an exercise of authority under paragraph (5) of subsection (d) to reduce the 3-year minimum period of service in grade required under paragraph (3)(A) of such subsection in the case of an officer to whom such paragraph applies before the officer is credited with satisfactory service in such grade under subsection (d) without having satisfied that 3-year service requirement.

"(2) The requirement for a notification under paragraph (1) is satisfied in the case of an officer to whom subsection (c) applies if the notification is included in the certification submitted with respect to such officer under paragraph (1) of such subsection.

"(3) The notification requirement under paragraph (1) does not apply to an officer being retired in the grade of lieutenant colonel or colonel or, in the case of the Navy, commander or captain.".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment (No. 4111) was agreed to.

Mr. ALLARD. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent Senator NELSON be recognized as in morning business and that we then return immediately to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

THE PLEDGE

Mr. NELSON of Florida. Mr. President, a few minutes ago, late-breaking news was called to our attention. As a matter of fact, it was while we were debating the Scott Speicher amendment, which was adopted unanimously on this Defense authorization bill. Sadly, I have confirmed that that news is accurate. A Reuters statement says:

> A Federal appeals court found the U.S. Pledge of Allegiance unconstitutional on Wednesday, saying it was illegal to ask U.S. schoolchildren to vow fealty to one Nation under God.

The Ninth Circuit Court of Appeals in San Francisco overturned a 1954 act of Congress that added "under God" to the pledge, saying the words violated the basic constitutional tenet of separation of church and state.

It is with a heavy heart that I would have to take the floor—I imagine I am just the first of many—to call to the attention of the Senate, and indeed to call to the attention of the courts, that I think there is substantial legal justification. There is a huge difference between separation of church and state—which we all support—and the separation of the state and of God. There is a huge difference.

The opening ceremony of the U.S. Senate each morning that we go into session is a very solemn occasion. Overlooking this Chamber are the words inscribed in gold, above the middle entrance into this Chamber, above the two stately columns—inscribed in gold: "In God We Trust."

The opening ceremony, for those who have not participated in it, is a most solemn occasion about which the historian of this Chamber, one of our own, the distinguished senior Senator from West Virginia—who has been in Congress, if not over a half a century, certainly close to it, Senator BYRD—has taken it upon himself to educate the freshman Senators as to the dignity, the decorum, and the solemnity of the opening ceremony.

When the opening bells ring and those two doors to the left of the rostrum open, in walks the Presiding Officer accompanied by the Senate Chaplain or the especially designated Chaplain for the day.

As the Presiding Officer walks in and starts to mount the rostrum, the Presiding Officer steps up three of the four steps but does not ascend on the fourth step, which is the level of the Presiding Officer's desk and chair. Rather, the Presiding Officer remains on the third step as the Chaplain ascends to the higher level, the level of the rostrum.

This is the symbolic act. It is a symbolic act of raising the dignity of the position of the Chaplain of the Senate, or the designated Chaplain of the Senate for the day, recognizing and elevating the deity, or the representative of divine providence to that position. We do that each day in the Senate.

Mr. JOHNSON. Mr. President, will the Senator yield for a question?

Mr. NELSON of Florida. I am happy to yield to the distinguished Senator from South Dakota.

Mr. JOHNSON. I share the shock and dismay expressed by my colleague, my friend from Florida, over the ruling of the Ninth Circuit Court relative to the Pledge of Allegiance in our schools.

Without having read the decision, other than what has been released within the hour through the media, it would appear that ruling of the three-judge panel of the Ninth Circuit—the Senator will concur that this is only one of our appellate circuits—applies only to the States of that circuit.

Certainly, it would be my hope that this matter would be appealed to the U.S. Supreme Court, and that the Supreme Court would not accept this decision and, hopefully, in my view, overrule the Ninth Circuit Court of Appeals.

Is that the progression of events that my friend and colleague from Florida hopes will be the next step that this particular controversy might take?

Mr. NELSON of Florida. Indeed, under our constitutional system—that is part of what I wanted to point out, and I pointed out to the Senate earlier today—we have a mechanism of checks and balances. The check and balance here is the right of appeal from this court of appeals in San Francisco to the U.S. Supreme Court.

I have the confidence that the Supreme Court's nine Justices representing the entire Nation would understand the difference between separation of church and state as being the difference between the separation of the state and God.

As I was saying, the dignity of this institution is started off each day under the watchful words inscribed in gold above the center door, "In God We Trust," with an opening ceremony in which the position of the Chaplain is actually elevated above the Presiding Officer until the Chaplain delivers the opening prayer which opens the business of the Senate.

Furthermore, I point out to our colleagues that as part of our constitutional heritage—including the Constitution—one of the most important documents in our governmental archives is the Declaration of Independence. I call to the attention of the Senate the words of the second paragraph:

> We hold these truths to be self-evident, that men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

Then I point out that there are similar words at the end of the Declaration:

> And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

I have the confidence to know that when there is a judicial opinion that I think so violates the national understanding and national sense of the proper perspective of a state and divine providence as opposed to the issue that we all support, the separation of church and state so that anyone can worship as they wish if at all, then I think that distinction needs to be clearly made as well as it needs to be reminded of all of the historical significance of our reliance upon divine providence that is a part of the very fabric of this Nation, of this Government, and of the documents upon which this Government was founded.

I see the great Senator from Connecticut standing and I am anxious to hear what he has to say. Should all else fail, even in a judicial interpretation, there is another check and balance given to us by this document; that is, the will of this Nation can be expressed by the amending or an addition to this document, the Constitution. We can start right here in this legislative body by the process of adding to the Constitution, amending the Constitution by the legislative branch's initiative of proposing a constitutional amendment.

I have great confidence in the system—that this judicial decision by the Ninth Circuit Court of Appeals is not going to stand.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Madam President, I rise to join my friend and colleague from Florida, Senator NELSON, in expressing dismay, outrage, and amazement at the news today of the decision by the Ninth Circuit Court declaring the recitation of the Pledge of Allegiance unconstitutional.

I say to my friends from Florida and friends in the Chamber, when my staff members told me this, I, frankly, thought they were joking. This is a decision that offends our national morality, that rejects the most universally shared values of our country, that diminishes our unity, and that attempts to undercut our strength at a time after September 11 when we need the strength, unity, and our shared belief in God which has historically brought the American people together, and does so today.

There may have been a more senseless, ridiculous decision issued by a court somewhere at some time, but I have never heard of it. I find the decision by this court hard to believe.

I remember a day, I say to my friends, a decade or so ago when the Supreme Court issued a ruling saying that it was unconstitutional for a clergymen—in that case, it was a Rabbi—to give an invocation at a high school graduation in Rhode Island. I couldn't believe that decision. In some sense this decision is its progeny. It offends the very basis of our rights as Americans.

My friend from Florida read from the Declaration of Independence. According to their decision of the Ninth Circuit Court, the reading of the Declaration of Independence is unconstitutional.

If that isn't turning logic and morality on its head, I do not know what is, because the paragraph is the first statement by the Founders of our independence and the first declaration of the basis for our rights that have so distinguished our history in the 226 years since.

First paragraph:

> When in the Course of human events . . . and to assume among the powers of Earth, the separate and equal station to which the Laws of Nature and Nature's God entitle them.

Right there is the basis of the assertion of independence—the rights that we have under "the Laws of Nature and Nature's God."

And then the second paragraph, famous to every schoolchild and American citizen:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

So that the premise of the rights that have distinguished America for the 226 years since, that were embraced in the Constitution as an expression of the declaration, all come from God, not from the Framers and the Founders, as gifted as they were, not from the philosophers of the enlightenment who affected their judgments, but were the endowment of our Creator.

And that judgment has framed our history in two ways. It has been the basis of our rights because it is from our shared belief in God, and the foundation place it has in our system of government, as stated right here in the first statement of the first Americans, the Declaration of Independence, that we are all children of the same God. That means we all have the rights.

It also has meant that we feel a deep sense of unity with one another. I remember, after the terrible events of September 11, how struck I was by the classically American reaction that not only at that moment when we were so shaken by the horror of inhumanity of what had happened did we go to our houses of worship to ask for strength and purpose and comfort, we went to each other's houses of worship—that is the American way—and gained strength and purpose from it.

Mr. WARNER. Madam President, will the Senator yield?

We are privileged to serve on the Armed Services Committee.

When I first heard of this, I thought to myself about the hundreds and hundreds and hundreds of thousands of men and women who have worn the uniform of our country and have gone beyond our shores to fight for freedom. All of them were proud to stand in their schoolhouses and on their military bases, or whatever the case may be, and pledge allegiance to the flag of the United States of America.

Madam President, I join my friends in expressing our grave concern over this opinion.

Mr. LIEBERMAN. I thank my friend from Virginia.

I want to say a few words more.

One is that your statement reminds me, my dad served in World War II. My dad passed away 18 years ago. One of the treasured possessions of his that I have is a small Bible that he was given with a written statement in it from President Roosevelt. All who served in defense of our liberty in World War II got similar Bibles—and to carry it with them as a source of strength.

It has been my honor, each time I have been sworn in as a Senator up there, to put my hand on that Bible. It meant a lot to me personally.

But under the twisted logic of this decision, it was unconstitutional for the U.S. military, the Pentagon, to give my dad, and the generations of others since him, a Bible as a source of strength.

Mr. WARNER. Madam President, I have to say to my friend, my father served in World War I as a doctor in the trenches. He was wounded and highly decorated. And he carried, in his tunic, throughout every hour of the day, his prayer book which his mother had given him. And he noted in it every single battle and engagement he was in which he tended to the sick and the wounded and those who died.

Mr. LIEBERMAN. I appreciate my friend from Virginia sharing that moving story.

I will conclude in a moment because I know——

Mr. REID. Will the Senator yield for a question?

Mr. LIEBERMAN. Of course I will yield to my friend from Nevada.

Mr. REID. I know the Senator from Connecticut had a distinguished legal career prior to coming here. I believe the Senator was attorney general of the State of Connecticut; is that right?

Mr. LIEBERMAN. That is correct.

Mr. REID. I practiced law many years prior to coming back here and tried lots and lots of cases. We had a rule that when a judge ruled contrary to the interests of your client, you were not to comment on the judge.

I say to my friend, I am not constrained in this instance. I can say anything I want about the judge who wrote that opinion. And I say to my friend from Connecticut, that judge, who is no youngster, was appointed. He graduated from law school in 1951 and was appointed by President Nixon to be a member of the Ninth Circuit Court of Appeals.

I say to my friend, it is things like that that take away from what I think is a great institution; that is, the people who serve in the bar of the United States, lawyers.

This is just so meaningless, so senseless, so illogical. I cannot imagine that a judge, who has graduated and been a lawyer for 50 years, more than 50 years—does the Senator from Connecticut have any idea how, logically, you could come up with an opinion such as this? I read the highlights of the opinion. It is, for me, illogical, irrational. Can the Senator figure any rationality to this opinion?

Mr. LIEBERMAN. I thank my friend from Nevada.

In my opinion, having seen a precis of the decision, it offends all logic. The facts of the circumstances are that students, by previous court decisions, are allowed, if they are offended by a part of the pledge that says we are "one nation under God," to not say the pledge or, in fact, to leave the room.

Secondly, this decision is the most extreme and ridiculous expression of what I take to be a fundamental misunderstanding of the religion clauses of the Constitution, which, to me, promised—if you will allow me to put it this way—freedom of religion, not freedom from religion. They protect the American people against the establishment of an official religion but have always, in the best of times, acknowledged the reality that our very rights, our very existence comes from an acknowledgment of the authority and goodness of Almighty God, and that people of faith, throughout the 226 years since then, in our history, are the ones who repeatedly have led movements that have made the ideals of the Declaration and the Constitution real—the abolitionists, the suffragettes, all those who worked, beginning in the 19th century, and then in the 20th century, on social welfare, child labor legislation, and, of course, the civil rights movement of the 20th century.

So I do not see any logic. In fact, I think this decision offends logic. It will outrage the public. And if there is anything positive that comes out of it, it will unify this most religious and tolerant of people.

We have found a way in this country, that is unique in world history, to express our shared faith in God, and to do so in a way that has not excluded anyone. I was privileged to benefit from that and feel that in a most personal and validating and inspiring way in the election of 2000.

So I thank the Senator from Nevada and the Senator from Virginia. I thank the Senator from Florida for initiating this discussion. I agree with him, this decision will be appealed. I hope and trust it will be overturned. But if, may I say, God forbid, it is not overturned, then we will join to amend the Constitution to make clear that in this one Nation of ours—because we are one Nation under God—we are one Nation because of our faith in God, that the American people, children, forever forward will be able to stand and recite the pledge.

Mr. NELSON of Florida. Will the Senator yield?

Mr. REID. If my two friends would allow me to propound a unanimous consent request, we waited for 2 days to do this. As soon as I complete this, the Senator from Connecticut will regain the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

AMENDMENTS NOS. 4007 AND 4046

Mr. REED. Madam President, I rise to reiterate my support for Senator LEVIN's second-degree amendment. Senator WARNER's amendment directs that any savings from inflation should be used in one of two ways: for the research and development of missile defense or for combating terrorism. However, Senator WARNER's amendment does not choose which area is more worthy of attention, and therefore it risks compromising both.

Our job in deciding the budget is about making hard choices. Senator LEVIN's amendment simply sets priorities and it states that combating terrorism should be this administration's top priority.

I do not think this is a difficult decision. We must remember that this amendment only authorizes funding for fiscal year 2003. And in the next 18 months, the citizens of the United States are going to be anxious, and even afraid, of a car bomb, an explosion in a harbor, an explosion in a mall, a dirty bomb, a biological attack. I think the way to protect Americans is clear: put resources into counterterrorism.

The senior Senator from Virginia has been assured by the Office of Management and Budget that there will be over $800 million in inflation savings at the midsession review. At that time, the President will have a choice. He can invest $800 million more into a missile defense program that has already been robustly funded at $6.8 billion or the President can invest the funds in the $1 billion of counterterrorism requirements that the military has asked for and not received.

The Levin amendment expresses the views of Congress, and I believe the views of the American people, that resources directed toward the most immediate need, the most immediate threat, fighting terrorism, will best protect the United States and its citizens.

Mr. KERRY. Madam President, I would just like to take a moment to express my thanks to Senator LEVIN and Senator WARNER for working with me to clear this amendment in such a timely fashion. I think special thanks should also go to Senator CARNAHAN, a member of both the Senate Committee on Small Business and Entrepreneurship and the Senate Armed Services Committee for her support of this amendment. Senator CARNAHAN's work was vital to this amendment's acceptance by the Armed Services Committee, and I thank her for her assistance as well as for her continuing interest and advocacy for America's small business Federal contractors. I would also like to thank Senator BOND for his help on the Republican side. Concern for our Nation's Federal contractors remains an important area of bipartisan interest on the Small Business and Entrepreneurship Committee, and I am pleased to have his support on this amendment.

Briefly, our amendment requires the Secretary of the Army to conduct a study on the impact the creation of an Army Contracting Agency will have on small business participation in Army procurement, especially at the local level where many small businesses provide support services to Army installations. When we first received word of

Secretary of the Army Thomas E. White's plan to consolidate army procurement activities into a central location, I was very concerned about its possible affects on small businesses. And despite briefings from Army personnel and assurances that small business participation will not be negatively affected, I remain concerned as do my colleagues. This is a critical time for our armed forces, and I do not wish to cause any confusion in the procurement process that could affect our military preparedness. Therefore, we are taking a "wait and see" approach to the Army's plan.

Our amendment will help monitor the situation at the Army by requiring them to keep track of small business participation in their procurement, especially at the local level. The amendment requires the Army to track any changes in the use of bundled contracts, sometimes called consolidated contracts, as a result of this new procurement agency, as well as track small business access to procurement personnel.

Let me be clear. Removing contracting authority from Army installations and centralizing it will result in less small business participation, but steps can be taken to overcome this. These steps must be proactive and represent a real commitment to maintaining small business access to procurement opportunities. And while I do not believe Congress should dictate every detail of how the Army chooses to structure itself for procurement purposes, Congress must be concerned about the consequences of that structure.

I look forward to working with the Secretary to ensure that an appropriate level of small business participation in Army procurement is maintained.

Once again, I would like to thank Senator BOND and Senator CARNAHAN for their support on this issue, as well as Senator LEVIN and Senator WARNER for accepting this amendment.

Mr. WARNER. Madam President, I am pleased that Chairman LEVIN and I have been able to come to agreement on my amendment to restore $814 million that the President can allocate to ballistic missile defense and to activities of the Department of Defense to counter terrorism and on Chairman LEVIN's second-degree amendment.

Prior to their approval, I would like to offer some clarifying remarks concerning the intent and effect of these two amendments.

The underlying Warner amendment takes advantage of the fact that the Office of Management and Budget is undertaking a midyear reassessment of the inflation assumptions built into the administration's fiscal year 2003 budget. I was informed 2 weeks ago that this reassessment will result in a new estimate that inflation in 2003 will be lower than earlier thought. What this means, in practical terms, is that the Department of Defense budget has an inflation "bonus" built in less funding will be required to purchase the goods and services in the Department's budget. Since these funds are excess to the Department's needs, there is no programmatic impact resulting from the inflation savings being used for other purposes.

Thus the Warner amendment will allow the President to reallocate, as he determines to be in the national interest, $814 million toward two of the highest defense priorities, ballistic missile defense and DOD activities to combat terrorism, with no other programmatic impact.

This amendment will provide the President the option to restore all the missile defense funds that were cut by the Armed Services Committee. In my view, these reductions would impede progress, increase program risk, and undermine the effort to provide for the rapid development and deployment of missile defenses for our Nation, our allies and friends, and our soldiers, sailors, marines, and airmen deployed overseas. I believe that the President would be completely justified in using the authority provided in this amendment for the missile defense effort.

I believe that Senator LEVIN shares this opinion of my amendment, even in light of the effect of his second degree amendment. Our colloquy this afternoon indicates clearly that the chairman's intent is not to restrict the President's options in any way.

Again, I am please that Chairman LEVIN and I were able to come to agreement on this difficult issue.

I would ask unanimous consent to print in the RECORD a letter Chairman LEVIN and I received this afternoon from the Office of Management and Budget stating the view of the Director of OMB that the President retains the options of using the funds provided in my amendment on missile defense.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 26, 2002.

DEAR CHAIRMAN LEVIN AND SENATOR WARNER: It is the understanding of the Office of Management and Budget, based on the Levin-Warner colloquy, that if the Levin 2nd degree amendment is adopted, the funds provided in the underlying Warner amendment, if appropriated, could be expended on missile defense and other activities determined by the President.

Sincerely,

MITCHELL E. DANIELS, JR.

Mr. LEVIN. Madam President, the second degree amendment which I have offered expresses the determination and decision of Congress that the war on terrorism should be "the top priority" for spending the additional funds identified by the pending Warner amendment. The Warner amendment specifies two possible purposes for the expected additional funds following the inflation recalculation in the midsession review. The first specified purpose is ballistic missile defense programs. The second specified purpose is combating terrorism at home and abroad.

My amendment is based on the large number of unmet needs in our war against terrorism, including those identified by the members of the Joint Chiefs of Staff. We should put additional resources where the greatest threats exist, and the terrorist threat is clearly the number one threat that we face.

There have been a number of efforts in the last twenty-four hours to persuade me to weaken my amendment or to dilute its intention away from focusing resources on combatting terrorism. I, along with my colleagues, including Senators HARRY REID and JACK REED, have resisted these efforts. We will soon determine whether my amendment is adopted by voice vote or whether there will be a rollcall on it. But whichever way we decide to proceed, one thing needs to be clear, which is that the express language and intent of my amendment is that Congress speak clearly as to what it views as the top priority for the expenditure of any additional funds from the inflation recalculation. That priority is "combating terrorism at home and abroad."

I urge my colleagues to support my second-degree amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that Senator LEVIN's amendment No. 4046 be agreed to; Senator WARNER's amendment No. 4007, as amended, be agreed to; that the motion to reconsider be laid upon the table; and that the preceding all occur without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, not to object, I just ask unanimous consent that Senator KAY BAILEY HUTCHISON be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the request?

Hearing none, it is so ordered.

The amendment (No. 4046) was agreed to.

The amendment (No. 4007), as amended, was agreed to.

Mr. WARNER. Madam President, I would like to take a few moments to discuss an important issue that is covered in this bill: the need for the Department of Defense, as well as the entire Federal Government, to have the capability to continue essential operations after a direct attack on primary facilities. The importance of ensuring Continuity Of Operations (COOP) is a lesson that we all elevated in priority after September 11, 2001. Many of us in Congress and the Federal Government had begun to recognize the vulnerability of our critical infrastructures—especially our information networks—to disruption or destruction, prior to 9/11. I had even initiated an information assurance scholarship program to begin developing a cadre of professionals in DOD to address this potential problem area.

There were, however, many in private industry that learned this same lesson almost 10 years earlier, and as a result, were far more prepared than the Federal Government when terrorists attacked the World Trade Center.

The financial services industry is one that has historically handled an extraordinary amount of information. They track and record every financial transaction that occurs each day on Wall Street. In addition to an enormous amount of information, the financial services industry deals with information that is extremely critical in nature.

After the terrorist attacks on the World Trade Center in May, 1993 this industry asked the question: "What if the terrorists had been successful in bringing down these buildings?" Their conclusion was sobering. It would have resulted in an extraordinary disruption of the U.S. economy for years.

Accordingly, the New York financial institutions tasked the data storage industry to develop a technology that would allow information to be stored, in a second-by-second identical state, in two geographically separate locations. The goal was for each financial entity to have a primary data center in the city and a secondary "mirrored-site" in another State. If there was ever an outage at the primary location, no financial transaction would be lost, and all of the systems and networks could "fail-over" to the secondary center outside of the city and immediately put to use.

In 1994 this technology was developed, validated and delivered. For the first time, information of all types, coming from computer systems of all makes and models could be replicated between two geographically separate locations. The "mirrored" data center, using sophisticated remote data storage technologies, had been born.

No one ever envisioned that this remote data storage technology would be tested to the degree it was on September 11, 2001. The financial services industry's dedicated focus to protecting Wall Street's financial information resulted in that industry being more prepared than any other to handle an unanticipated natural or manmade disaster. As the World Trade Center towers collapsed, tragically ending the lives of thousands of hard working Americans, numerous data centers containing massive amounts of financial information vanished in an instant. The institutions utilizing this technology, however, did not lose a single piece of information and the financial markets were able to reopen almost immediately. Some could have opened that same afternoon.

On the opposite end of the spectrum of information assurance readiness, unfortunately, is our Federal Government. Many of our key government agencies have their information backed-up only through out-dated tape systems, and with the back-up tapes stored on site, they would also be destroyed in any deliberate attacks. If destroyed, that information could never be recovered or restored.

For years, agencies within the Federal Government have neglected the requirement to make the necessary investments in back-up data centers and remote data storage technology. At the same time, however, every Federal agency has grown extremely dependent on their data centers and the information contained within. The Department of Defense creates, disseminates, and relies more and more on electronic information to execute its mission and manage its organizations and people. The loss of a critical database and the information it contains could be catastrophic for our national security. We must ensure that the U.S. military has the same level of capability that was resident in the data centers of the financial institutions operating in the World Trade Center.

Nothing can diminish the tragedy that occurred on September 11 or erase the pain that so many suffered. The foresight of private industry, however, in developing the capability to "mirror" information between geographically separate locations, resulted in protecting trillions of dollars in financial transactions and other critical records—the loss of which would have crippled the American, as well as the global economy, for years. I commend the exceptional competency of American industry's engineering talent, as well as the commitment of the private sector's leadership to invest the millions of research and development dollars to develop this capability. I also look forward to working with my colleagues in the U.S. Senate to ensure that the "mirror" capability is expeditiously and thoroughly employed within the Department of Defense. The protection of our critical information infrastructure is something we all need to be mindful of, and an area that deserves our best efforts to ensure its security.

Mr. ROBERTS. Madam President, I commend ranking member WARNER for his stewardship of the fiscal year 2003 defense budget process in the Senate. We face many challenges to our national security in this day and age and I am thankful for his leadership.

One of those emerging challenges we face is the terrorist threat to our food supply, specifically U.S. agriculture. On the Federal, State, and local level, we need to establish procedures to detect, deter, and respond to large scale coordinated attacks against livestock and agricultural commodities.

Toward that end, I ask the Senate to support my amendment to authorize, with an offset, $1,000,000 for research, development, test, and evaluation, defense-wide in-house laboratory independent research, PE 0601103D8Z, for research, analysis, and assessment of efforts to counter possible agroterrorist attacks. It is my hope that universities with established expertise in the agricultural sciences can conduct studies and exercises that lead to better coordination between Federal, State, and local authorities as they attempt to detect, deter, and respond to large-scale coordinated attacks on U.S. agriculture.

Most importantly, I envision universities assisting the Department of Defense in determining what role, if any, our military or Defense agencies play in countering agroterrorism. I ask my colleagues to support my amendment.

Mr. HOLLINGS. Madam President, the administration version of the Department of Defense authorization bill included a provision that would modify the Marine Mammal Protection Act, MMPA, with respect to "military readiness activities." While acknowledging the need for a well-trained military, it is my strong view that this provision should not be included in the bill.

The administration proposal on MMPA would alter the current definition of "harassment" for "takings" of marine mammals under the MMPA—a cornerstone of the statute. Action on this provision via the Department of Defense authorization bill is problematic for several reasons.

First, the MMPA is a complex statute. These provisions have not been appropriately examined in a Senate hearing—no testimony is in the record from experts and others who need to consider the validity of the issues raised and the ramifications of the proposed language.

Second, the MMPA has many stakeholders and end users. It would be inappropriate to alter the statute for one set of users and not others. The MMPA needs to be taken as a whole, and not amended piecemeal.

Third, it is not clear that these changes are needed, or that the proposal brought forward by the administration would be the correct way to address concerns.

For these reasons, I want to make it clear that I oppose inclusion of this provision in the Department of Defense authorization bill—whether via floor amendments or via conference with the House. The committee of jurisdiction—the Committee on Commerce, Science and Transportation of which I am chairman—is the appropriate venue for considering the military's concerns and any proposals for change.

NAVY AIRBORNE RADAR TECHNOLOGY CAPABLE OF ALL-WEATHER ATTACK ON TIME CRITICAL TARGETS AND ENEMY MOBILE GROUND FORCES

Mr. LIEBERMAN. Madam President, I come to the floor today to discuss with the distinguished chair of the Emerging Threats Subcommittee, Senator LANDRIEU, and the senior Senator from Connecticut, Mr. DODD, about developing Navy airborne radar technology capable of all-weather attack of time critical targets and of the enemies' mobile ground forces.

Mr. DODD. I thank my good friend for bringing this issue to the attention of the Senate. This research area is important to the Navy and the defense of the United States. Technology being developed to support this capability is currently planned to be ready for transition to Navy aircraft in the fiscal year 2006 time frame, but can be completed sooner with additional funding in fiscal year 2003. The House of Representatives included an additional $9. million for this purpose in its version of the Defense authorization bill.

Ms. LANDRIEU. I am delighted to discuss this important technology area with my good friends from Connecticut.

Mr. LIEBERMAN. Technologies associated with one of the Navy's designated Future Naval Capabilities, "Time Critical Strike," are being implemented through a team effort at the Office of Naval Research in conjunction with the responsible acquisition program management organizations within the Navy. This technology area addressed the documented requirement for reducing the target cycle to below 10 minutes and enhancing the ability to detect, locate and strike these targets under all weather conditions—a current operational deficiency.

Mr. DODD. As I mentioned earlier, the House bill includes $9 million for this purpose. My understanding, however, is that at least $12 million in fiscal year 2003 funding is needed to fully accelerate this program.

Mr. LIEBERMAN. That is my understanding as well. In light of recent hostilities, this technology area is an excellent example of the things the military will need to defeat a highly mobile enemy. We certainly hope that we can work with the distinguished chairman to provide necessary resources for the development of these capabilities when we conference this bill with the House.

Ms. LANDRIEU. I am aware of the value of time critical to strike the war fighter and look forward to working with my good friends from Connecticut on this important issue as we move to a conference with the House.

Mr. DODD. I thank my good friend for her support for this program.

SECTION 241

Ms. MIKULSKI. Madam President, I am pleased to join the chairman of the Armed Services Committee in a colloquy regarding the extending authorization of pilot programs for revitalizing Department of Defense laboratories. I seek to clarify the congressional intent of Section 241 of the bill before the Senate.

Mr. LEVIN. Section 241 is part of the Senate's continuing efforts to improve the Department's labs and test centers. This pilot program expands and authorizes a number of innovative business practice and personnel demonstrations that are very important to developing the technological superiority that our military needs. The legislation will extend the time period for the pilot program authority for three years. This extension is consistent with the Department of Defense's legislative proposals that the Armed Services Committee received. I would like to thank Senator LANDRIEU, chair of the Emerging Threats and Capabilities Subcommittee, for taking the lead in developing this legislation.

Ms. MIKULSKI. The language stipulates that not more than one partnership may be established as a limited liability corporation, or LLC. Has that site been designated?

Mr. LEVIN. If he choose to establish an LLC as part of the program, the Secretary of Defense will designate its location from among the DoD organizations participating in the pilot program.

Ms. MIKUKSKI. I understand that the Aberdeen Test Center in Maryland has invested great effort into pursuing this opportunity. I also note that the Secretary of the Army has approved Aberdeen's LLC program as one of the new initiatives under the Army's Business Initiative Council to improve efficiency in business operations and processes.

Mr. LEVIN. I am familiar with the Aberdeen proposal and this legislation could be used to implement their plans, if the Secretary of Defense designates it.

Ms. MIKULSKI. How will the membership from the private and academic sectors be determined?

Mr. LEVIN. A competitive process will be used to select participants in any of the partnerships established by the legislation.

Ms. MIKULSKI. The legislative language permits the members of the LLC to "contribute funds to the corporation, accept contribution of funds for the corporation, and provide materials, services, and use of facilities for research, technology, and infrastructure of the corporation," if doing so will improve the efficiency of the performance of research, test, and evaluation functions of the Department of Defense.

Mr. LEVIN. Yes, you are correct. The committee believes that innovative partnerships, better business practices, and the continuation and expansion of the innovative personnel demonstrations authorized in this and other programs are all important for the revitalization of the Department's labs and test centers.

Ms. MIKULSKI. I thank the chairman for his support on this important issue.

Mr. SMITH of New Hampshire. Madam President, I support the Hutchison-Bingaman amendment and am pleased to cosponsor it.

The purpose of my addressing the issue is two fold: One, to impress upon my fellow Members that if Congress intends to have input into the BRAC process, the only real time to do this is during the current session. While "BRAC 2005" leads people to believe that we have several years before we have to worry about this, the truth is that the criteria must be published prior to the end of 2003, and hence we should provide our input in 2002; two, this legislation, sponsored by Senator KAY BAILEY HUTCHINSON sets up criteria that must be met before consideration in closing a military facility. We are not eliminating the ability of DoD to run the process, we are pursuing legislation that will clarify the process. To bring the process out into the open allowing us all to see how a decision was derived and these are decisions that affects thousands of people and cost many millions or billions of dollars.

It is time to bring—businesslike competitive accounting into the consideration process when dealing with issues of BRAC. The Hutchison legislation will accomplish that by simply establishing some minimal, measurable, and articulated standards to be used in making major decisions. Some of these issues are: environmental costs, costs of Federal and State environmental compliance laws; costs and effects of relocating critical infrastructure; anticipated savings vs. actual savings; current or potential public or private partnerships in support of Department activities; capacity of State and localities to respond positively to economic, and this bill requires the SecDef to publish the formula to which different criteria will be weighed by the DOD in making its recommendations for closure of realignment of military installations.

Not only do I support this move on its stand alone merit of bringing accountability and transparency to major defense and economic decisions, I also support it as a Senator who has had personal experience with the secretive BRAC process as it affects my own constituents and friends.

The Portsmouth Naval Shipyard is a national asset to the defense industry and naval service. It has a long history of supporting the U.S. Navy, yet despite this long history, it has appeared on the DoD BRAC his list. Having seen the work this facility and its people contribute I will continue to support and work to enhance PNSY's capabilities. Its outstanding work performance, value to the Navy, and value to the America people are critical in ensuring national defense, and continue to examine innovative roles PNSY can perform in addition to its critical job of keeping America's nuclear submarines at sea.

If the Secretary of Defense chooses to examine facilities across the country, he may do so and I encourage his attempts at streamlining DoD and enhancing its financial practices—to make sure the taxpayers get the most for their hard-earned dollars. However, clearly defined standards of accountability, and the decisionmaking process itself, should be open to congressional scrutiny and openness.

NINTH CIRCUIT COURT OF APPEALS DECISION

Mr. LIEBERMAN. Madam President, I yield the floor to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wanted to ask this of my friend from Connecticut, who I think has variously served in so many different role models to the Senate, variously described as the Senator who is the conscience of the Senate, certainly as a former attorney general of his State, someone who understands the legal ramifications of arguments such as this.

In my earlier comments today, I had said that I thought there was in law, and the development of law, and the development of the Constitution, which you and I both quoted from, the Declaration, a clear distinction, as the distinguished Senator has noted, of the freedom of religion. And that part of that body of law that would make up that freedom, that religious freedom, would be a freedom to worship as one would want, if at all, and that that is a right we jealously protect, just as we protect the other freedoms—freedom of speech, freedom of the press, freedom of assembly, and so forth—and that when you look at this freedom, there is a distinct difference, as the case law has developed, of the separation of church and state which would embody that idea that we don't cram religion down anybody's throat, that we leave it up to them individually to express their own beliefs, if they want to at all, and to believe as they want to, if at all. That is the concept of separation of church and state, as distinguished from there not being necessarily a separation of the state and of God.

Quite to the contrary, on these historical documents, as I pointed out in that statement above the center door, in the fact that we elevate the Chaplain in the opening prayer, in the very formal and dignified opening ceremonies of the Senate, that the Chaplain is elevated on the top level and the Presiding Officer, while the Chaplain offers the prayer, is on a lower level, the fact that we have minted in our coins, "In God we trust."

I would ask the distinguished Senator from the great State of Connecticut if he would share with us his commentary about that separation of those two concepts.

Mr. LIEBERMAN. I thank my friend from Florida.

We have worked our way along a jurisprudential path that has taken us in our time to a result that I believe was totally unintended by the Framers of the Constitution, by the writers of the Declaration of Independence, by the drafters of the Bill of Rights particularly. This decision today is the most extreme and senseless expression of it.

We believe in the separation of church and state. We believe in freedom of religion. We believe in every individual's freedom to observe and worship as he or she is moved in his or her heart to do so. We have always respected nonbelievers. But we have asked that the great majority of Americans who may approach the altar from different paths, nonetheless worship the same God, that we not be deprived of our rights to do so, and to do so in a public context that does not diminish the rights of any one of us but enlarges and strengthens the rights of the whole. That has been the gift of this country.

I heard it once described, I read it once described by someone, as America's civic religion, nondenominational, deistic, God centered, inclusive, and tolerant. There is a great book that had a profound effect on me, written by Father Neuhaus, which was called "The Naked Public Square." It commented on some of the earlier generation of decisions that had put the expressions of this civic religion, this shared faith in God, out of our public places and said we would suffer from that because the vacuum doesn't remain for long; other forces, less humane, less moral, less unifying, tend to fill the public square.

I always believed this pledge, with this simple statement that was added under President Eisenhower, that we pledge our loyalty to this one Nation under God, was beyond question, beyond rebuke. It is the baseline, most accessible statement of the source of this country's values and strengths.

To my way of thinking, it obviously in no way compromises the most important freedom of religion, which is the most important aspect of the religion clause—the freedom of religion. It doesn't compromise any single American's ability to worship God or not to worship God as they choose. It certainly does not establish religion in the sense that the Framers clearly intended because they came from a country that had an official religion and discriminated against them because of their religion. In this sense, the American people have not lost their way. I think a lot of our judges have in their decisions. This one is so far out, so offensive, that I hope it draws a reaction that is unifying and constructive.

Again, I say to my friend from Florida, my expectation is that this decision will be appealed. My hope is that the Supreme Court will overturn this decision. If they do not, then we will all join as one, I would guess, to offer a constitutional amendment.

Mr. NELSON of Florida. Will the Senator further yield?

Mr. LIEBERMAN. Yes, I will.

Mr. NELSON of Florida. I would hope also, as he has accurately outlined the legal course of appeal, that there would be a rush to the judicial chambers to stay that ruling, as it applies to the Ninth Circuit, because under existing law that would mean people could not pledge allegiance anywhere in that circuit, which includes the great State of California, and others in the immediate vicinity. I would certainly hope there would be a stay of that ruling until it would come up to the U.S. Supreme Court so that they could render their decision.

Then, as the Senator says, God forbid that they should rule that it were constitutional; then we could start our process here of adding to the Constitution that would allow that.

I just want to associate my thoughts with those articulated so eloquently by the Senator from Connecticut, who comes from a different faith perspective than mine but with whom we are joined in the historical development of this Nation to which, as he pointed out, so many people fled from a country of established religion, and, indeed, even documented in the Mayflower Compact, and then memorialized in the Declaration of Independence, that there was something different about this country. It was not going to have a state-sponsored religion; rather, it was going to be an enclave, an oasis, a place to which people of all faiths could come, and those with no faith, and within the protection of the laws they could believe and express their beliefs as they so chose.

As a result, we have this wonderful, and sometimes messy, experience of democracy. Sometimes we make mistakes, but we have the ability under this document to correct those mistakes, because of all the checks and balances that are inherent within this document.

So I appreciate very much the Senator's comments. They will mean a lot to the rest of us.

Mr. LIEBERMAN. I thank my friend from Florida very much for his leadership and eloquence. I will yield to the Senator from Nevada in a moment.

Mr. WARNER. Before the Senator yields the floor, I would like to associate myself with this colloquy, before we close this extraordinary chapter of Senate history.

I say to my colleagues, let us not wait for the Supreme Court to act. Why don't we go ahead and formulate this amendment, put it together, have it in place, presumably with all 100 U.S. Senators, and they can take judicial cognizance of what is about to happen. I think that might not be a bad idea. The Senators have initiated it, so let us join and we will start the recruiting today.

Mr. LIEBERMAN. I accept the challenge and the opportunity. We will work on that together.

A final thought on Senator NELSON's comments. This decision is so twisted. We both referred to the Declaration of Independence. There it is stated that the rights we enjoy as Americans are the endowment of our Creator or are a gift from God. So this court has interpreted the rights that we have to mean that we cannot join to pledge our allegiance to the one nation under God, whose endowment was the source of the rights. It is just a twisted piece of logic that is offensive to our values and, I believe, also to our minds.

I thank my colleagues. I am delighted to see my friend and colleague from Nevada. I yield the floor to him at this time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, I thank my colleagues for coming to the floor so quickly to respond to what I believe to be an outrageous judicial decision by the Ninth Circuit Court of Appeals.

Let me read from the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights.

The fact that our Founders referred to a Creator means that they understood that we were a Nation founded under God.

In the judicial decision, which I have with me—Mr. Newdow's daughter was the subject of this decision—it says:

> Mr. Newdow does not allege that his daughter's teacher or the school district requires his daughter to participate in reciting the Pledge of Allegiance. Rather, he claims that his daughter is injured when she is compelled to "watch and listen" as her state-employed teacher and her state-run school leads her classmates in a ritual proclaiming that there is a God and that ours is "one nation under God."

It goes on further to say in a footnote that:

> Compelling the students to recite the pledge was held to be a first amendment violation in the West Virginia Board of Education v. Barnette in 1943.

That has been clear. They were not alleging that she was forced to recite the pledge; she was just injured for having to sit there and listen to the Pledge of Allegiance.

I think that our courts are completely out of control. If we study the history of our country, the founding principles of our country, we read about the proceedings of the Continental Congress. We read that our Founders would actually stop in the middle of a session when they would be in a logjam, and that they would get down on their knees right by their desks and pray together—pray for divine guidance for the decisions they were about to make.

Does anybody really believe that our Founders, when they were drafting the Bill of Rights and the first amendment, where it says that "Congress shall make no law," forbidding the establishment of a state-run religion, that this Ninth Circuit Court decision is what they meant? No, our founding fathers explicitly ensured the free exercise of religion. Do we think that the Founders believed that a Pledge of Allegiance saying that our Nation is "under God," or that we see up here "in God we trust," or that we see on our money "in God we trust," that was a State-established religion?

The beautiful thing about our Creator is that he gave us the freedom to worship him or not. In America, we have the freedom to worship or not, according to what our conscience tells us.

But to somehow say that having a child listen to the Pledge of Allegiance is establishing a religion and impeding on an individuals free exercise of religion, is outrageous.

Let me read from part of the dissenting opinion of the circuit, according to Judge Fernandez:

> Such phrases as "in God we trust" or "under God" have no tendency to establish a religion in this country, or to suppress anyone's exercise or non-exercise of religion, except in the fevered eye of persons who most fervently would like to drive all tincture of religion out of public life or our polity. Those expressions have not caused any real harm of that sort over the years since 1791, and are not likely to do so in the future.

I think it is up to this body to take it upon itself to correct what the Ninth Circuit has done. I agree with the senior Senator from Virginia that we need to reestablish in this country what this document—the Constitution of the United States—really says and really was about. Part of that is studying the history of the founding of this country.

What did the Founders intend when they wrote this document? Based on their practices, they did not want the state to say this is how you will practice a religion. The Baptists are not going to be our official religion, nor the Methodists, who came from Europe, where they had an official state religion. They, our Founders, wanted the free exercise to practice their religion, not according to how the state dictated, but to recognize that individuals have rights given by our Creator to worship as they, as individuals, see fit, as they were given by our Creator. To say that these Founders would have somehow said that it would be against the Constitution they were writing to recognize the rights given to an individual by the Creator is outrageous.

So I hope that all Americans will be as outraged as I am by this decision. I think they are going to be. I was on an aircraft carrier this last weekend talking to a lot of the sailors that sacrifice so much for this country. It was during the middle of a training session on the U.S.S. *Constellation* that I was visiting with them. Like we in Congress do, they take an oath to defend the Constitution. I would have liked to have heard what their opinions would have been regarding this judicial decision.

As my father taught me when I was a young man, there are no atheists in foxholes.

Any time our young men and women go in to battle, God is there to comfort them. We have chaplains in our military to counsel people because we recognize that during times of battle and war, people need spiritual guidance, not to establish a religion, but to understand that we have a Creator who has blessed this country and that we need His guidance.

In conclusion, Madam President, I believe this country needs to reestablish that we are one nation under God. Madam President, you experienced that in New York City on September 11. We saw the people of your state and the rest of the people in the United States turn to God for guidance. We saw posters everywhere: "One nation under God," "United we stand, under God."

This country recognizes its history, and because we have been established under God, and remain under God, we have been blessed. If we abandon that now and allow the courts to abandon that, I believe this country will be in trouble. We simply cannot allow that to happen.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I wanted to come to the floor to share with our colleagues my intent to bring a resolution to the floor this afternoon expressing our strong disagreement with the decision the Senator from Nevada has just addressed.

I will soon propound a unanimous consent request to bring the resolution to the floor and to have a rollcall vote and then to allow Senators to express themselves once the vote has been cast. Just as soon as we can get agreement to set the time—I would like to do it within the next 15 or 20 minutes, if we can reach an agreement with the managers of the bill.

Madam President, I have not had the opportunity to hear all of what the Senator from Nevada said, but this decision is nuts. This decision is just nuts. We ought to recognize that there are those who differ with the overwhelming sentiment expressed by Americans of all stripes, of all regions of the country, young and old.

We added the language, "under God" in 1954. Then-President Dwight Eisenhower said:

> In this way, we are reaffirming the transcendence of religious faith in America's heritage and future; in this way, we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war.

I agree with President Eisenhower. I agree with the overwhelming number of people who have already expressed themselves in the hours since this decision.

The resolution we are propounding this afternoon really will state two things: First, our strong disagreement with the decision; and, second, it will authorize the legal counsel of the Senate to intervene on behalf of the Senate in the Supreme Court when the case comes before the Court. This is not unprecedented; we have done it before.

I hope overwhelming support will be demonstrated on both sides of the aisle. I hope we can do this quickly. I think we need to send a clear message that the Congress disagrees, the Congress is going to intervene, the Congress is going to do all it can to live up to the expectations of the American people.

We have been drawn together to face a tremendous tragedy in the last 9 months. In part, that healing process has come by our belief in the Supreme Being and our belief in the faith that comes in the strength that we draw from our faith.

I hope our colleagues will support the resolution. I hope we can address it within the next few minutes. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I commend our distinguished leader, and the Republican leader will soon come to the floor and join him on this matter. We had a marvelous little debate here. The distinguished Senator from Connecticut, the distinguished Senator from Florida, my distinguished colleague from Nevada, and I suggested that this body take action and take it fast. And here we are, ready to act.

I respectfully and humbly ask that my name be added as a cosponsor behind my colleague from Connecticut and my colleague from Florida, wherever they might be on the roster, and those rallying to the cause.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I simply wish to respond to the Senator from Virginia and thank him for his kind words and tell him I will be happy to add his name as a cosponsor to the resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I have listened with some interest to what has been discussed on the floor with respect to the Ninth Circuit Court opinion. I have great respect for courts in this country, but it raises the question: Is there one ounce of common sense left when you hear a decision announced today that suggests that the Pledge of Allegiance somehow is in contravention to the principles of the Constitution of the United States?

I do not understand for a moment how a majority of that court could have made this ruling. Some people need their collective heads examined when we hear opinions such as this.

We had a celebration on the 200th birthday of the writing of the Constitution in that room in Philadelphia. Fifty-five people went back to that celebration. I was selected to be 1 of the 55. Two hundred years before, 55 white men were in that room in the hot summer of Philadelphia, and they wrote the Constitution. Two hundred years later, 55 of us went back—men, women, minorities—and we had a ceremony and a celebration of the 200th birthday of the writing of that wonderful document.

As my colleague from West Virginia, I think the resident scholar on the Constitution, knows, in that room sits the chair where George Washington sat as he presided over the Constitutional Convention, and Ben Franklin sat on one side, and Mason, and Madison. They debated during that summer the provisions of a constitution for this country.

I sat in that room that day and thought to myself: What a remarkable thing it was for a man from a town of 300 people in a farming community in southwestern North Dakota to be able to sit in that room and celebrate with 54 of my colleagues the 200th birthday of the writing of the Constitution.

I do not know the Constitution as my colleague, Senator BYRD, does. I have read it many times and studied it as best I can, but I guarantee you, there is not any way to creatively read that document that allows a court to say that somehow the Pledge of Allegiance abridges that document called the U.S. Constitution.

As my colleague said, that is just plain nuts. I do not for the life of me understand where common sense has gone. Is there not a shred of common sense left when we hear these kinds of decisions coming out of a court, in this case the Ninth Circuit Court of Appeals?

I am very pleased my colleague from South Dakota, the majority leader, will bring a resolution to the floor. I will ask to be a cosponsor and to speak on that resolution. We ought to not waste a minute in saying to that court, in responding to that opinion that says that is not what the Constitution says, it is not the way the Constitution is written, and there is not any creative way for a group of people to make that judgment.

I am very pleased the Senate will this afternoon apparently have a record vote to say: No; absolutely not; there is not any way on Earth we can agree with what this court has determined.

Madam President, I know the Senator from West Virginia is waiting to speak, and I will be anxious to hear his words of wisdom because he, in my judgment, knows more about the Constitution than anybody else in the Senate. He carries it with him every day, all day. He has studied it more than any other Member of the Senate. I know that document is revered by all of us, but perhaps revered by none of us quite as much as it is by the Senator from West Virginia. Let's hope we find ways in this country not to have to turn on the news and discover the next news cycle, the next opinion of a majority of a court that defies all common sense and something that requires us this afternoon to respond to, to restore some faith with the American people that there are some people at least who are able to read that Constitution and read what it says and understand what it says.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, it would be my suggestion that this judge go back and read the Declaration of Independence. I wonder if he can hold that Declaration to be unconstitutional—the Declaration of Independence.

This is what it says:

> When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

Let that judge read further, "We hold these truths to be self-evident, that all men are created equal, that they are endowed,"—by whom?—"by their Creator."

It is in the Declaration of Independence, "by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Let that same judge go a little further and read in this same Declaration of Independence, in case he has not read it lately, and let him declare it unconstitutional, the reference to "the Supreme Judge of the World." Who is this "Supreme Judge of the World?" Certainly, not some atheist. Nor is it a judge who sits on the Ninth Circuit and whose name is Goodwin.

The final words of the Declaration state, "with a firm Reliance on the Protection of divine Providence." Let atheists find something to bring before that judge in this Declaration of Independence. Let that atheist lawyer do that. Let that judge sit in his black robe and address the court and the Constitution and the people of the United States as to whether or not the words I have quoted from the Declaration of Independence are unconstitutional.

Here are these words printed in the Declaration of Independence, "with a firm reliance on the protection of divine Providence." That judge should not be a judge in my opinion—and I can say this: I hope his name never comes before this Senate, while I am a Member of it, for any promotion. He will be remembered. Let him declare this Declaration of Independence unconstitutional. Do the words I have quoted offend the Constitution?

I am the only Member of Congress today, bar none, in either body, who was a Member of the House on June 7, 1954, when the words "under God" were included in the Pledge of Allegiance. Coincidentally, may I say, on that same day, June 7, one year later, 1955, the House of Representatives voted to inscribe the words "in God we trust" on the currency and coin of the United States. Some of the coins already bore the inscription, but on that day, June 7, 1955, the House of Representatives, of which I was a member, voted to make that the national motto and to have it inscribed on the currency and the coin.

Let that judge's name ever come before this Senate while I am a Member, and he will be blackballed—if Senators know what "blackballed" means—fast. I say the sooner we can pass a resolution—and I want my name to be third because I am the only Member of Congress—let him who would challenge that stand—in either body today who was in Congress on the day we voted to include the words "under God" in the Pledge of Allegiance.

That same judge ought to go back and read the Mayflower Compact.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. BYRD. Yes.

Mr. REID. Madam President, I ask unanimous consent that when the resolution is presented, Senator BYRD's name appear third following the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank the distinguished Democratic whip.

That is all I have to say for now. I hope the Senate will waste no time in throwing this back in the face of this stupid judge.

Think of the history of this country, the men and the women who have shed their blood for this country. The men who founded this country, who wrote the Constitution in Philadelphia, George Washington, James Madison, Benjamin Franklin—what would they say if they were living today?

A country that was founded by men and women who believed in a higher power—we do not all have to be Baptists, we do not all have to be Methodists, we do not all have to be Christians. But the people by and large who founded this country, who hewed the forests, who dredged the rivers, who built the bridges and who created a country from sea to shining sea believed in a higher power.

What is this country coming to? What is it coming to? "Blessed is the Nation whose God is the Lord." He can be your Lord. He can be mine. What are we coming to when we cannot speak God's name? Let them put me in jail. I will read that Bible right here on this desk. I have done it before. I will do it again. I have recited the pledge and so has every other Member of this body time and time again. Come, Judge Goodwin of the Ninth Circuit, put us in jail.

I say the people of America are not going to stand for this. I, for one, am not going to stand for this country's being ruled by a bunch of atheists. If they do not like it, let them leave. They do not have to worship my God, but I will worship my God and no atheist and no court is going to tell me I cannot do so whether at a school commencement or anywhere else. I say let's let the people speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend from West Virginia, the distinguished senior Senator, the distinguished Member of this body, I have had the good fortune that two of my sons have been law clerks for the chief judge of the Ninth Circuit. In fact, one of my sons was his administrative assistant. He was a judge from Nevada, served in the very prestigious Ninth Circuit.

I have had calls from my sons today. They are embarrassed about what has taken place in that Ninth Circuit. They said: Dad, don't worry about it because the court will meet en banc and reverse it.

These are the two most liberal members of the court. They come up at random. It was by chance Goodwin and Reinhardt were thrown together, but they have done the mischief they have done to embarrass every lawyer in America, every judge in America except those two, and the people of this country are repulsed.

I have great faith that court will reverse itself when they sit en banc. If they do not, I applaud the majority leader, whom I now understand has the support of the Republican leader, to move forward expeditiously tonight to let the world know the Senate is not going to stand idly by while these people—I had a little dialogue with Senator LIEBERMAN on the floor today, with his experience as attorney general, being the legal scholar that I believe he is, who said without question that what they did was illogical.

I agree with what the Senator from West Virginia said—it is stupid.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, this is, indeed, a shocking culmination of a decade-long trend of liberal activist courts that have been misreading the first amendment of the Constitution. The first amendment protects the free exercise of religion. That is what it says. It says Congress shall make no law respecting the establishment of a religion nor prohibiting the free exercise thereof. There is no word in the Constitution, the document ratified by the people of the United States, about a wall of separation. There is nothing in the Constitution that says we cannot have any reference in public life in America to a higher being.

As the Senator from West Virginia has eloquently stated, our founding documents make multiple references to God.

Indeed, the Declaration says we are created with certain inalienable rights. We did not create ourselves but were, indeed, created by a higher being. That is a strong part of our belief as a nation.

Our courts have been on the wrong track for a long time. They have consistently gotten this thing wrong. Not all the courts, but the Federal courts to a large degree. Particularly the Ninth Circuit is out of the main stream, in my view. This trend has been there for some time. It is not part of the American tradition. In America, we need to respect people's religion. We need to give people a full chance to express their faith wherever they may choose. We should not put down or laugh or demean somebody else's religious belief. That is a cornerstone of our country.

Madison was passionate that no State had the right to mandate somebody's religious faith. However, the entire trend of this country and the whole understanding of what we are about is that we have the free exercise of religion. We are entitled to exercise that faith in a public way. It has been part of our public life since the founding of our country. Somehow, the courts have gotten the idea that they should reverse this.

Some say this is just one court and they are out of step. It is deeper than that. We have been affirming judges who have shared these philosophies without looking into it very closely. We have allowed judges to carry on a more activist view of what they think life is about.

We had a recent decision of the Supreme Court, that is activist, when the author of the opinion declared that evolving standards call us to not execute a retarded person. I am not for executing retarded persons. I am willing to support a law to that effect. What is that saying? This justice and a majority on the Supreme Court were saying that they could change the law if they thought somebody was "evolving" and changing their views about life in general.

Who reflects the American people in the changed views? It is the legislative branch. Federal judges are given lifetime appointments. They hold office for the rest of their life. They are required to discipline themselves. If they love the law, if they love the Constitution, as all in this country must do, they must discipline themselves and simply enforce that law. This trend has been unhealthy. We have allowed it to continue unchallenged. It is afoot in our law schools. They teach you cannot have any reference to faith.

Right on the wall we have "In God We Trust." The anteroom has a picture of a woman on the wall holding a Bible in her hand. There are three words engraved on the sides of the wall: One is "government," one is "philosophy," and one is "religion." That is the nature of the founding of our country. We never doubted that religion played a part in American life. What we did not want was the Government to dictate to someone how they ought to worship. We have never done that. I defend anyone who thinks they are being forced to do anything with which they disagree.

Life is complex. We work together and live together in harmony. If someone does not like the Declaration of Independence, if someone does not like the Constitution, they do not have to read them. If someone does not believe in the Pledge, they do not have to recite it. That is clear constitutional law.

This is a big mistake by the court. I hope this Senate will take action to express the views of the people of the United States. I hope we will not hear talk that this is something that will be dismissed. It is a serious, pernicious, antireligious trend. There is a tendency and a trend in America by the courts to eliminate from public life any reference to a higher being and anybody who reads the newspapers or reads court opinions knows that is true.

The Ninth Circuit is the worst. One year 27 out of 28 cases were reversed. They have consistently been reversed more than any other circuit in America.

The New York Times, in writing about the Ninth Circuit, says a majority of the Supreme Court of the United States considers the Ninth Circuit to be a rogue circuit.

I have been the most outspoken Member of this Senate in the years I have been here, over 5 years, in expressing my concern about some of these trends in the court, particularly in the Ninth Circuit. I have talked about the issues in the Ninth Circuit. We have to do better. I encouraged President Clinton and I encourage President Bush to send nominees to that circuit who will bring it back into the mainstream of American law.

I hope on full rehearing en banc, the court will reverse the opinion. I am not absolutely sure it will, because there are others on that court I have no doubt will join in this opinion. Then it will go to the Supreme Court of the United States. They are going to have to wrestle with this a little bit more. They have not yet fully thought through their position on the free expression of religious faith in American life.

It is a difficult thing. We have to cherish our freedom of religion, our freedom to practice religion, as well as our freedom not to have someone coerce any American into any religious belief. That is so much a part of our life that so much distinguished America from nations that want to have a government founded strictly on their view of faith. That is unhealthy.

I hope we can adopt an expression in this Senate of our disapproval of this decision, but, at the same time, we do not need to treat it lightly. We need to go back to the grassroots, the initial heritage of faith in America. We need to look at some of these decisions of the court that have gone beyond prohibiting the establishment of a religion, to prohibiting any expression of religious faith at all.

I remember Judge Griffin Bell, a great judge on the Fifth Circuit Court of Appeals, President Carter's Attorney General. He was speaking to an Alabama Bar Association meeting when President Reagan was in office, not long after he left as Attorney General. The bar members asked: Judge Bell, what do you think about this litmus test that President Reagan is supposed to be applying to judges? I will never forget, he walked up to the microphone and said: We need a litmus test for judges. We don't need anybody on the Supreme Court who does not believe in prayer at football games.

This is where we are. We have the courts of the United States prepared to send in the 82nd Airborne to some high school that allows a voluntary prayer to be said before the ball game starts—an expression that there is something more important than who is the biggest, meanest, and toughest out on the football field.

I think we have a serious problem with the understanding of the first amendment. I am glad this body is taking it seriously. Hopefully, we can do something about it, but it is going to take a longtime effort.

I yield the floor.

EXPRESSION OF SUPPORT FOR THE PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I indicated a few minutes ago that it was our intention, after consultation with the Republican leader and our colleagues, to offer a resolution immediately on the matter of the Ninth Circuit Court decision. That is our intention at this point.

I will propound a unanimous consent request that allows us to go to a vote. I know a number of other Senators wish to be heard, but I think it would be appropriate for scheduling purposes for us to have the vote and then accommodate other Senators who wish to be heard. We will certainly allow the floor to be available for purposes of additional comment by our colleagues.

Let me ask Senators to vote from their desks on this particular vote. I think it would be appropriate, given the strength of feeling we have on the issue, that we draw a distinction between this and other votes. I ask Senators to vote from their desks.

I also note as we have already announced through our cloakrooms, every Senator will be listed as a cosponsor unless they ask to be removed from that list. So Senators will automatically be listed as a cosponsor. We have had so many requests on both sides of the aisle, it was our view it would be appropriate for us to do that.

I also ask unanimous consent that the resolution be submitted and stated for the record, prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I ask unanimous consent the Senate proceed to the consideration of the resolution at the desk earlier introduced by myself and Senator LOTT regarding the Pledge of Allegiance, that no amendments or motions be in order, the Senate immediately vote on passage of the resolution, that any statements thereon appear in the RECORD as though read.

Mr. LOTT. Reserving the right to object only for parliamentary inquiry, is it the majority leader's intent to put the vote immediately?

If I could, under my reservation, then just make a couple of points.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I certainly support this effort. I have no intent at all of objecting. I am very pleased the Senate is going to act so quickly on this matter.

Senator DASCHLE and I have been talking about it the last few minutes.

We have developed what I think is very good language to address this outrageous decision by the Ninth Circuit Court of Appeals.

Just as the Supreme Court has recognized that elected officials may invoke God's blessing on their work as we do here every day, and as in the House Chamber they have over the Speaker's chair, "In God We Trust," for our children to be allowed to invoke God's blessing on our country in the Pledge of Allegiance is certainly something we want to do.

If there is ever a time when we need this additional blessing, perhaps it is now more than ever in our lifetimes. I have seen that and felt that as I have gone around, not only my own State but this country. So I think it is essential the Senate speak immediately in clarification. I hope the Ninth Circuit will have an en banc panel that will reverse this decision; failing that, that the Supreme Court will act on it expeditiously.

In our resolved clause, we state that we disapprove of the decision by the Ninth Circuit and that we authorize and instruct the Senate legal counsel to seek to intervene in the case to defend the constitutionality of the Pledge of Allegiance.

Beyond that, to further make it clear, the Senate should consider a recodification of the language that was passed in 1954. There was no uncertainty or ambiguity about what was done in 1954. The Congress, in fact the American people, spoke through their Congress. We should make it clear once again.

I commend you, Senator DASCHLE, for moving this matter forward aggressively. For the Senate to have this vote is absolutely the right thing to do. I know the American people agree with that decision.

I withdraw my reservation.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. I compliment the Senator on his remarks. I appreciate very much his cooperation in the last couple of hours.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 292) expressing support for the Pledge of Allegiance.

Whereas, this country was founded on religious freedom by founders, many of whom were deeply religious;

Whereas, the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the government establishing a religion;

Whereas, the Pledge of Allegiance was written by Francis Bellamy, a Baptist Minister, and first published in the September 8, 1892, issue of the Youth's Companion;

Whereas, Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas, the Pledge of Allegiance has for almost 50 years included references to the U.S. flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all;"

Whereas, the Congress in 1954 believed it as acting constitutionally when it revised the Pledge of Allegiance;

Whereas, this Senate of the 107th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas, patriotic songs, engravings on U.S. legal tender, engravings on federal buildings also contain general references to "God";

Whereas, in accordance with decisions of the U.S. Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights;

Whereas, the Congress expects that the U.S. of Appeals for the Ninth Circuit will rehear the case of Newdow v. U.S. Congress, en branc;

Resolved, That the Senate strongly disapproves of the ninth circuit decision in Newdow v. U.S. Congress; and that the Senate authorizes and instructs the Senate Legal Counsel to seek to intervene in the case to defend the constitutionality of the Pledge of Allegiance.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. DASCHLE. Again, I ask Senators to vote from their desks.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—99

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Helms

The resolution (S. Res. 292) was agreed to.

The preamble was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, this was the last vote of the evening.

Under the normal rules of the Senate, of course, it is the custom of the Senate each morning to pledge allegiance to the flag. We will be coming into session tomorrow morning at 9:30. It would be my suggestion—not my original suggestion, I hasten to add—that we as Senators be here at 9:30 to pledge allegiance to the flag. I encourage Senators to be present at their desks at 9:30 to accommodate that suggestion.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I think the distinguished majority leader has made an excellent suggestion. I also wish to express my appreciation to him for bringing up S. Res. 292 and doing so in a bipartisan fashion. I also express my appreciation to the staff of the Senate Judiciary Committee who worked so very hard to move on this resolution as quickly as they did. I appreciate the distinguished majority leader requesting that we have such a resolution. He is absolutely right. I have to assume that the Ninth Circuit will now hear this case en banc, and I have to hope the decision will not be upheld.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I simply want to respond to the distinguished Senator from Vermont and, as always, thank him for his kind words and support for the resolution and, as always, his willingness to be helpful. I am also pleased with the unanimity with which the Senate has expressed itself this afternoon. It was the right thing to do. It was important that we did it in a timely manner.

Again, let me reiterate my thanks to the distinguished Republican leader for the tremendous cooperation he has shown in allowing the Senate to move as quickly as it has. It sends as clear and unequivocal a message as I believe we are capable of sending.

We strongly disagree with the decision made today. We will authorize our Senate legal counsel to intercede on behalf of our position before the court. That is the right thing to do. I am very pleased we were able to say it as strongly as we have on a bipartisan basis that we have today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, over the weekend I had the experience and the pleasure of narrating Aaron Copeland's "Lincoln Portrait" in a presentation by an orchestra back home in Utah. I had not done that before.

Aaron Copeland took some of Abraham Lincoln's most stirring words and accompanied them with music, and it is a great opportunity for those of us who don't have as much musical ability as some others to participate in that kind of a presentation.

I was interested that one of the things in the "Lincoln Portrait" by Aaron Copeland is a quotation from the Gettysburg Address, when Abraham Lincoln prophesied that this Nation, under God, shall have a new birth of freedom, and that government of the people and by the people and for the people shall not perish from the Earth. If the Ninth Circuit Court position is upheld and made universal, that means that Aaron Copeland's tribute to the memory of Abraham Lincoln will have to be censored and that we will no longer allow our schoolchildren to learn the Gettysburg Address.

Indeed, if this position is upheld, we will no longer be able to teach our children the Declaration of Independence because Thomas Jefferson referred to our rights as having been endowed by the Creator.

The Ninth Circuit makes it very clear that they do not believe any public official should speak of the Creator in a way that implies that he exists or, if you prefer, that she exists.

The word "God" is sufficiently universal and nonspecific as to allow those who use it to ascribe any quality, any gender, any doctrine, any position that those people might wish to ascribe to it. It is inconceivable to me that the Ninth Circuit should suggest that the generic term "God" is somehow endorsement of a specific religion.

It is interesting that the vote we have just taken takes place under words carved in marble, literally carved in marble and gilded in gold here in the Senate Chamber, that say: "In God we trust." I would hope that the judges on the Ninth Circuit would not attempt to send U.S. marshals into the Chamber of the Senate with jackhammers in an effort to remove that marble from above our entryway. It has been there since the Chamber was built. I hope it remains there as long as the Chamber remains, the judges on the Ninth Circuit to the contrary notwithstanding.

As I walked over to come to this vote, I came under the flags of the 50 States. They are displayed in the walkway in the tunnel that comes between the Senate Office Building and the Capitol. I noticed that on two of those flags, Florida and Georgia, there are the same words that we have here in the Chamber, "in God we trust."

I wonder if the justices of the Ninth Circuit wish to order the State legislatures of those two States to change the State flags in their effort to see to it that we remove any reference whatsoever to God from our public discourse. Oh, I understand that they do not wish to remove all references to God. It will still clearly be fine for the people in Hollywood and on television to curse people in the name of God. It will only be illegal for someone to bless people in the name of God. The use of the name of deity in oaths of blasphemy are protected under the first amendment. It is just the use of the name of God in expressions of belief that these judges wish to strike down—an inconsistency which I hope will enter into their hearts and make them realize how foolish their decision is.

Finally, my mind goes back to the experience in the Middle Ages when Galileo—who said that the Earth revolves around the Sun rather than the Sun revolving around the Earth—was forced by the legal structure of his time to recant. And in order to save his life he did so. He stood there and proclaimed aloud that the Sun revolved around the Earth, and then as he stepped away from the place where he had made that public recantation, he muttered—speaking of the Earth going around the Sun—"nonetheless, it still revolves."

Regardless of what the courts may say, the American people still trust in God. As long as they do, it will remain our national motto because it is a correct statement of how we feel, and it belongs in the Pledge of Allegiance to our flag.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to say a few words about the resolution. Before I do, I know Senator LANDRIEU would like to speak and perhaps others. Perhaps I could offer a unanimous consent agreement that directly following me—does Senator BURNS wish to speak?

Mr. BURNS. Yes.

Mrs. FEINSTEIN. That Senator BURNS, and then Senator LANDRIEU, and Senator ALLEN have 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Reserving the right to object, was that a unanimous consent request?

The PRESIDING OFFICER. Yes.

Mr. LEVIN. I would like some indication of approximately how long each Senator plans on speaking. I have no desire to limit them, but I would like to get an idea.

Mrs. FEINSTEIN. Not very long for me.

Ms. LANDRIEU. Five minutes.

Mr. LEVIN. If it is 5 minutes each, that is fine.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise as a Senator from California, a member of the Judiciary Committee, and one who has been trying to hold together the Ninth Circuit. I find this decision, at best, very embarrassing—embarrassing because perhaps the court doesn't know, but our coins have contained "in God we trust" for a century and a half. This was put into action by the Congress in 1954, almost 50 years ago. So we have had reference to God on our coins for a century and a half and reference to God in the Pledge of Allegiance for over a half century. In 30 years of public life, I have never had an objection from anyone about either.

When I heard about this decision, knowing how Senator BURNS has felt about the Ninth Circuit, I quickly looked to see who the judges were. I found that one is a Nixon judge, one is a Carter judge, and the dissenting judge was a George Bush, Sr., judge.

I can only say that I would be hopeful that the full Ninth Circuit would take up this matter and straighten it out, and, if they do not, that it goes rapidly on appeal to the Supreme Court of the United States, and that the Supreme Court of the United States straightens it out.

From the beginning of our country, God has always played a role. All you have to do is look at some of the remaining churches in the Thirteen Colonies to know that God has always played a role in the foundation and the continuation of our Nation. For the Ninth Circuit to suddenly say that it is unconstitutional for the Pledge of Allegiance to make reference that we are one nation under God is incomprehensible to many of us. So our remedy must rest with the remainder of the Ninth Circuit.

For me, it is going to be interesting to see whether they will measure up to this challenge or whether they will let a three-judge panel speak for them. I strongly urge that, if they feel as strongly as the Members of this Senate do, they sit en banc and take a look at this matter. If not, it certainly should go to the Supreme Court.

I can only say this Senator is embarrassed.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, words cannot express the outrage I felt when I heard this decision. There will be those of us who will express it in different words than probably lawyers will. A couple of weeks ago we were visited and addressed by the Prime Minister of Australia, John Howard, when he related his feelings because he was in this country on September 11 of last year. He said that, since then, this country has reacted in a way that reestablishes or reconfirms the very values on which this country is based.

Then we have a circuit court that comes down with a decision such as this. It is absolutely unbelievable. Can our children no longer sing "God Bless America," or even "America the Beautiful," or all the stanzas to our National Anthem?

Do you want to take a look at the dollar bill? On the back of it is the symbol of this country, the eagle, and, of course, the eternal eye. This is a value-based society, and to say those who are sheltered from being removed from office, unless the crime is really something, but just for an opinion such as this, I find that unbelievable.

We are a nation founded upon the acknowledgement of a Creator. It has been that way since day one, or even when the flame of freedom was ignited in the men and women way back in the 1700s. Men and women have died, given their lives, on the field of battle to protect it, just as they have another symbol of this country called our flag.

It doesn't make a lot of sense. Of course, there are a lot of things that do not make sense in this world. I always refer to this place as 17 square miles of logic-free environment. Nonetheless, whenever you jump across the street, we find another logic that I fail to understand. So I will stand here and tell America that those values—this being one of them—that those men and women did not die in vain. And it did not take very long for this body, that represents constituencies across the width and breath of our country, to react to it. That has to tell you something about who we are and what we are and how we got here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I thank the Chair. Mr. President, I wish to add my voice to all of those who have risen in the last several hours to express my feelings and the feelings of people from Louisiana about this unfortunate ruling.

It is clear to most of us at least that we believe God is infallible, but clearly these judges are not. This case and this decision are very disappointing to many of us, and I am sure around the Nation it has caused a great deal of anxiety, anguish, disappointment, and anger.

We remember all too well the Dred Scott decision that relegated African Americans to a status as property, and the Plessy v. Ferguson decision that disgracefully upheld the Jim Crow laws of this Nation. In these cases the American judiciary unfortunately demonstrated its ability to be just plain wrong, and today is another one of those occasions.

A wonderful aspect, however, about our democracy is that when we make mistakes, those mistakes can be corrected, and there are a variety of ways that can happen today.

I thank Senator DASCHLE, our leader, and Senator LOTT for so quickly assembling a resolution in which we all have joined as coauthors stating our position in the Senate that reflects, I believe, the overwhelming views of the American people. The force of that resolution will have a very positive impact.

I also understand the entire Circuit Court will hear this case en banc, and I am almost certain, or at least very hopeful, that this decision will be reversed and this wrong righted.

There have been many beautiful things read into the RECORD that remind us of our heritage, that remind us of why this country is so great, is so wonderful, is so unique, and so special; from the eloquent remarks of the Senator from West Virginia to the Senators who have recently spoken.

I thought it might be appropriate at this time to read into the RECORD for this occasion a wonderful quote from Abraham Lincoln—one of our greatest Presidents, if not our greatest on what he had to say about our relationship to God and our Creator as a nation and as a collective people. It was on the occasion of the first Presidential resolution to set aside at least 1 day for a national day of prayer and fasting. This was established many years ago in 1863.

In this statement, Abraham Lincoln calls for our Nation to come together in prayer and to acknowledge God and to acknowledge a Supreme Being and our Creator. He said:

> We have been the recipients of the choicest bounties of Heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth and power, as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us.
>
> It behooves us then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness.

This is just one of the many writings—hundreds, thousands—by Presidents, Senators, Congressmen, Governors, council members, mayors, elected officials, leaders of this great country that we call America acknowledging that we as a nation stand under God, acknowledging His presence, although we worship Him in different ways, we may call Him by different names, and we strongly support the rights of those in our society to not acknowledge His presence. But we collectively as a nation will in no way back down in acknowledging His presence and His divine creation.

Madam President, I wanted to submit my thoughts on this issue for the RECORD and also say that I am introducing a proposed constitutional amendment to address this issue in the event that the court decisions do not unfold the way I suspect they will. I send to the desk a joint resolution.

The PRESIDING OFFICER (Ms. CANTWELL). The measure will be received and appropriately referred.

Ms. LANDRIEU. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I associate myself with the remarks of the Senator from Louisiana, Ms. LANDRIEU, and I commend her for her resolution. With her consent, I would like to add my name to her resolution in the event the Ninth Circuit and the Supreme Court continue this errant miscarriage of justice.

Madam President, we often talk about "miscarriages of justice," but today I talk about an instance in which proper administration of justice was dragged into a dark alley and mugged.

Many of us are outraged to learn today that a divided three-judge panel of the Ninth Circuit Court of Appeals believed it knew better than the properly exercised wisdom of the people and their duly elected representatives in striking down the Pledge of Allegiance and stating that the Pledge of Allegiance is unconstitutional. These judges ignored the very basis of our democracy and representative Government. They have ignored, right before Independence Day, the spirit of our country that Mr. Jefferson, in the Declaration of Independence, proclaimed to the British monarchy, which had an established religion, that our rights are God-given rights.

He stated in the Declaration of Independence that we are endowed by our Creator "with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." All of this came from the Virginia Declaration of Rights which expressed the same sentiments.

Let's understand, if these judges do not understand, with their judicial activist decisions such as this, the judges are to interpret the laws, they are not to write the laws. The laws on the Pledge of Allegiance and the laws for the recitation of the Pledge of Allegiance in our schools are passed by State legislatures all across our country. They are reflecting the will, the desire, and the value of the people in their States and in their communities.

Let's also understand that these activist judges, like the two involved in this majority decision of the Ninth Circuit, often cite the first 10 words of the Establishment Clause, which says:

> Congress shall make no law respecting an establishment of religion . . .

But they too often forget the six words that follow:

> or prohibiting the free exercise thereof.

To understand the history of religious freedom in this country, one must understand that this country, in the very beginning, starting with the Virginia Company, which was a commercial venture—it still was a crown colony, as were all the colonies, and as such it was associated with the Church of England or the Anglican Church. People were compelled to pay taxes to that church whether they wanted to go to that church or not.

The concept of the statute of religious freedom first started in Virginia with Thomas Jefferson. He drafted the Virginia Statute for Religious Freedom. It is on his gravestone as one of his three most proud accomplishments, along with the founding of the University of Virginia, and drafting the Declaration of Independence.

The statute of religious freedom was a novel idea. It was a radical idea because what you had in the 1700s and before then were monarchies, theocracies in effect, where the monarchs were ruling because of bloodlines not because of merit or popular will. They also had a single church and that church was given that exclusive monopoly in that they would then say that those monarchs were ruling by divine guidance and divine right. In all of these monarchies, the idea that people could believe as they saw fit and not be compelled to join a church or be compelled to support a church was a very radical idea and upsetting to the tyrannical monarchs because that upset their whole justification for being in power in the first place.

The Virginia Statute for Religious Freedom actually took 7 years to pass in the Virginia General Assembly. Good ideas still sometimes take a long time. Mr. Jefferson was the Minister to France when James Madison finally got this Statute through the Virginia General Assembly.

The Virginia Statute for Religious Freedom states very clearly, in article I, section 16, of the Virginia Constitution, "That religion, or the duty which we owe our Creator and the manner of discharging it, can be directed by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; . . . " and so forth. It goes on to say that people's rights and individual's rights should not be enhanced nor should they be diminished due to their religious beliefs.

Now the purpose of the Establishment Clause, which was then put into the Federal Constitution in the First Amendment of the Bill of Rights, was not to expunge religion or matters of faith from all aspects of public life. The Pledge of Allegiance should remain in our schools and other public functions, but it should be voluntary. The Commonwealth of Virginia has such a law but it is voluntary. If a student does not want to recite the Pledge of Allegiance, he or she is not compelled to do so. One needs to respect that individual conscience.

The way it is in the law, whether in this case in the Ninth Circuit or elsewhere, is that it allows, in accordance with the founding documents of our Nation, the ability of the majority to express their values and their wisdom. If somebody somehow does not want to recite it, they are not compelled to do so.

So the Establishment Clause, as well as our Bill of Rights, and our Declaration of Independence, are all modeled on the Virginia Statute for Religious Freedom, and the Virginia Declaration of Rights.

The Virginia Statute for Religious Freedom, as drafted by Mr. Jefferson and then carried forward by James Madison and adopted in 1786, counsels against the impious presumption of legislators and rulers, civil as well as ecclesiastical, who being themselves but fallible and uninspired men who have assumed dominion over the faith of others.

The Virginia Declaration of Rights holds that all men are equally entitled to the free exercise of religion according to the dictates of their conscience. Minimal reference is made to a nondenominational creator or natural rights or God and that is consistent with the values and the desires of the people. This is in step, and the laws are, fortunately, in this regard, in step with our society and the views of the people, as they have been throughout our history.

It is my hope, and it is not without basis, that this decision of the Ninth Circuit will be handily reversed by the Supreme Court of the United States.

I remind the Senate that the Ninth Circuit Court of Appeals has by far the most dismal reversal rate in the Supreme Court of any court of appeals in our land. In recent years, the reversal rate has hovered around 80 percent compared to about 50 percent for the next highest circuit, which is the Eighth Circuit. In one recent session of the Supreme Court alone, an astonishing 28 out of 29 decisions of the Ninth Circuit Court were overturned. That is 97 percent. What ruling from the Ninth Circuit will come next? Are they going to white out passages of the Declaration of Independence? Will it be improper to recite on public grounds the Declaration of Independence because it refers to our Creator giving us unalienable rights? Will the Ninth Circuit order currency and our coinage to knock out the insidious message of "In God We Trust"? Will they say that all coins have to be destroyed and melted down? Will they imprison school choirs and have the school directors imprisoned because the children are singing "God Bless America"? Who knows what is next out of the Ninth Circuit.

At some point, though, a proper respect for the rights of the people, their desires, and also common sense and reason must be guiding our courts, especially this particular circuit court, and today's activist, offensive decision.

Today's action by the Ninth Circuit is hit-and-run jurisprudence. It is smug judicial activism at its rankest. It is outrageously out-of-touch with the desires and values of the American people. It is striking down the basic concept that laws made by Congress or by State legislatures, unless they are clearly unconstitutional, ought to be respected.

I am proud today, only days before the 226th anniversary of our Nation's birth, of our Declaration of Independence, where we ceded from the monarchy of Britain, that we are going to stand for what is right. We are going to stand by our flag and the principles of freedom and justice and with our Pledge of Allegiance.

I thank my colleagues for their united, bipartisan stand for what is right about America and what is right for our schools and our youngsters, and that is stating the Pledge of Allegiance to our flag.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Madam President, I rise today to discuss this recent Federal court of appeals ruling on the Pledge of Allegiance and to express with my colleagues the universal outrage of the court's ruling today, and the delight with how we have joined together so quickly, and I express this on behalf of all Americans that we believe "In God We Trust." We believe that this is a nation under God. We believe in what is placed on the mantel above the Senate Chamber, "In God We Trust." Our very Constitution itself signs off using the word, "Lord."

Can we declare the Constitution unconstitutional? I guess it would be a legitimate question to ask the Ninth Circuit Court of Appeals. Is the Constitution unconstitutional? Our Declaration of Independence refers to God multiple times including saying that our certain unalienable rights are endowed by our Creator.

George Washington's Farewell Address, which is read in the House and Senate each year, refers to God and faith and religion. Abraham Lincoln's Gettysburg Address uses the word "God," proclaiming that this Nation under God shall have a new birth of freedom. Booker T. Washington repeatedly referred to God when speaking. Even Elizabeth Cady Stanton and Sojourner Truth referred to God in their writings and speeches. Will it now be unconstitutional to teach American history to our children, to require them to read some of the words of the great men and women of our Nation because they mention God? Will those have to be stricken from all of the speeches of Lincoln and Washington and Martin Luther King? Will it have to be taken out of the Declaration of Independence? According to the Ninth Circuit Court of Appeals, this could indeed be so. After all, if saying the Pledge of Allegiance violates the establishment clause of our Constitution, how can these others not do so as well?

What about our money—I think we are in a real problem here—which has the motto "In God We Trust" on it, or the fact that every day we open Congress with a prayer, maintain full-time Chaplains on each side of the Capitol Building, and in the very Chamber in which we stand today it twice says "God". Do we have to get the putty out and fill them in?

Consider the very founding of our Nation. At that time, the brave men and women trusted in God and believed we owed our success to him. In fact, the first act of the first Continental Congress was a public prayer. As Sam Adams noted then in support of the idea, he was no bigot and could hear a prayer from any gentleman of piety and virtue who at the same time was a friend of his country. And so on September 7, 1774, the first official prayer before the Continental Congress took place when an Episcopal clergyman read aloud Psalm 35 from the Book of Common Prayer—a now unconstitutional act that he performed in 1774, the first Continental Congress.

In 1779, the Congress urged the Nation "humbly to approach the throne of almighty God," to ask "that he would establish the independence of these United States upon the basis of religion and virtue."

Just 2 years later, Congress passed "The Congressional Decree of 1781":

> Whereas, it hath pleased Almighty God, the father of mercies, remarkably to assist and support the United States of America in their important struggle for liberty, against the long continued efforts of a powerful nation: it is the duty of all ranks to observe and thankfully acknowledge the interpositions of his Providence in their behalf. Through the whole of the context, from its first rise to this time, the influence of Divine Providence may be clearly perceived in many signal instances, of which we mention but a few.

An unconstitutional act?

The founders also inscribed on the seal of our nation the Latin phrase, "Annuit Ceoptis"—translated as "God favors our undertakings."

This belief infused those courageous risk-takers then when they faced an unimaginable and seemingly insurmountable undertaking—and it inspires many of us today, especially as we face an unimaginable and seemingly insurmountable undertaking in challenging terrorists around the world.

Indeed, according to the 9th Circuit, it would be illegal to teach children about President Bush's address to Congress following the terrorist attacks.

That's not just sad, it is an injustice to our children, our nation and our government. It cries out for logic and commonsense—but clearly this Court has neither. Although I am not surprised—it turns out that in recent years, more than 80 percent of the rulings by the 9th Circuit have been overturned. Just a few years ago the 9th managed to compile an 1–28 record at the Supreme Court—that is, the Supreme Court reviewed 29 cases from the 9th Circuit Court and reversed a stunning 28 of them.

Although I must admit that I can't just criticize the 9th Circuit, as, interestingly enough, we can make an accurate and strong argument that the Establishment Clause is clearly misinterpreted by the entire legal system today. The concept of a "wall of separation" is actually from a letter Thomas Jefferson wrote in 1802 that was completely unnoticed until a mistaken transcription of the original letter was cited by the Supreme Court in 1879 in Reynolds v. United States. The focus in 1879 was not on "separation" but on the term "legislative powers"—yet the transcriber had written that wrong; The original, in Jefferson's neat handwriting, said "legitimate power." This metaphor again remained unused and virtually unknown until Justice Black drew it from obscurity in 1947—again using the erroneous translation.

So it is clear that our nation, perhaps even from the beginning, needs commonsense, reasonable judges—judges who will defend our principles, ideals and way of life. Judges who understand the risks and sacrifices made both by those who founded our nation and fought for its principles—and by those who continue to do so today.

It is why today I thank Frank Bellamy, who wrote this beautiful poem that our Pledge was based upon in 1892 when he lived in my home state of Kansas in the small town of Cherryvale. And why I thank those sincere leaders who in 1954 sought to reaffirm, as the Declaration of Independence first declared, our "firm Reliance on the Protection of divine Providence."

On a side note, Madam President, we have people every day who seek to emulate the model after the United States, thankfully. It is a great country. It is a country that stood for so much freedom for people around the world, people such as Mi-Hwa Rhyu and Sol-Hee Rhyu, a mother and daughter captured by police in Asia today, North Korean refugees seeking to flee North Korea and get to someplace like the United States, to be free and be able to live in a nation that honors God. They are now being detained and probably sent back to a country that does not honor God—North Korea—that does not believe, to suffer an ill fate there.

Yet people yearn to be free, to come into a place that says, "In God we trust." And they are willing to risk their lives to come into a place such as this. Countries seek to emulate our great land.

Why, why, why will we seek to remove the foundation of all those basic beliefs that we have? I tell our schoolchildren not only is it wrong but unconstitutional to say "under God" or "in God."

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, we have been discussing with some passion this afternoon, the ruling of the Ninth Circuit Court of Appeals on the Pledge of Allegiance, their ruling that the Pledge of Allegiance violates the Constitution of the United States. I think it is important for us to note that this is not a total surprise, although it has been a surprise. It should not have been a total surprise, let me say, because we have had a number of decisions by courts in America that have lost sight of the balance contained in the first amendment and have rendered opinions that go beyond the intent of the Framers of the Constitution.

When we say go beyond the intent of the Framers, that is really not quite strong enough. The Constitution starts off saying:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

We, the people, ordain and establish this Constitution—the one that we have, not one somebody would like it to be, not one that they wish it would be, but the one that we ordained, passed, the one that was ratified by the people of the United States.

Over the years, we have amended that Constitution, as we have chosen to do so, from time to time. That is the way it should be amended. What the

Constitution does not give is the power to judges to amend the Constitution. Some judges say: We will just redefine the Constitution. We are just matching it up with modern, enlightened standards. They may have meant that back then, but we want to reinterpret it today in the light of the standards and values that we have.

And whose standards and values are they? It is the standards and values of the judge.

I was very troubled about this recent ruling, the way it occurred, involving the death penalty law with regard to retarded individuals. The Court seemed to say that they had divined, somehow, that the American people had evolved in their thinking and, therefore, the laws their legislatures had passed were not valid anymore; that they could not execute people who were retarded.

However you feel about that, that is a dangerous philosophy, but it is a philosophy afoot in America today. It is a philosophy, I think, that is dangerous to liberty. If you care about the Constitution, really respect the Constitution, as Professor Van Alstyne, of Duke University, one time said: If you respect the document, you will enforce it, the good and bad parts. You will enforce the parts you do not agree with, if you love, respect, and revere the Constitution.

The way to erode the power of the Constitution to protect our liberties is to start playing around with the meaning of words, just redefining those words, and they come to mean whatever a judge says they do. That is a particularly pernicious thing because, you see, judges are not accountable. Federal judges are not accountable to the public. They are given a lifetime appointment.

The one thing we have is a moment in time to review their record, to make sure they are committed to follow the Constitution. We vote on them in the Senate, they are confirmed or not, and they go on to serve, and then they are there forever.

I think from a point of view of a democracy, our judges must show self-restraint. That is what President Bush has talked about in his judicial nominees—finding judges who follow the law, for the layman. Not make up law, not expand law, not make it say what they think the American people want it to say today—even though they may be correct. They may not be correct. They do not have the power to do that. It is an antidemocratic act when an unelected, lifetime-appointed judge simply takes a political view and imposes that through the reinterpretation of words.

I remember Hodding Carter, President Carter's aide, was on "Meet The Press." He used to be on there regularly. One time he said: We liberals have gotten to the point where we want the courts to do for us that which we can no longer win at the ballot box.

I think that touched a nerve, really. I think that is too close to what I think is a problem in the legal system today.

I don't expect the courts to carry out my political agenda. I want them just to enforce the law. I will be satisfied with that. As one professor testified with regard to the Bush nominees: If you appoint a nominee who says he is going to be faithful and in fact he is consistently faithful to the meaning of the words in the statutes and the Constitution, then what do we have to fear of that? How does that threaten us?

What does threaten us is if a judge goes beyond that. I have been a big critic of the Ninth Circuit. I have spoken in this body more on this subject than any other Senator.

I have been shocked by the rate of reversals they have had.

Senator BROWNBACK from Kansas had something to say about that.

There was a Law Review article published recently that went into even more detail. The University of Oregon Law Review discussed this particularly troublesome trend.

They said:

> Another interesting phenomenon is that the Supreme Court unanimously agrees——

That means the U.S. Supreme Court, across the political spectrum, unanimously agrees that the Ninth Circuit was wrong 17 times during the 1996–1997 term. This is a fairly remarkable record considering that the rest of the circuits combined logged in with only 20 unanimous votes, 7 of which were affirmative.

We have liberals and conservatives on the U.S. Supreme Court, and 13 of these cases were unanimous reversals of the Ninth Circuit.

This article goes on to say that only 13 unanimous reversals were found throughout the rest of the United States but 17 in the Ninth Circuit.

So that is the problem for us. We need to be concerned about it.

I opposed two judges I sincerely believed were good people but who clearly—I had concluded clearly—had activist tendencies. And I was particularly concerned when President Clinton pushed those nominees because they were going to this circuit that has been out of step.

We have to understand why we need to confirm judges who will consistently follow the law, whether they like it or not. That is what President Bush campaigned on; that is what he promised to do. That is what he has been submitting—men and women of the highest possible integrity, and high legal ability. These men and women are clear in their record as being people who just follow the law, whether they like it or not. That is what we expect out of a judge. It is important or it undermines democracy otherwise.

I wanted to mention that.

I also want to discuss just briefly the trouble we are having throughout the court system of America. The U.S. Supreme Court is not blameless in this issue. Somehow they have got it in their heads that virtually any expression of religious faith in a public activity violates the Constitution. We have problems with valedictorians making speeches out of their own hearts. They cannot say certain things because we have gotten to that point, as I mentioned earlier.

That was criticized by Judge Griffin Bell, former Attorney of the United States under President Carter. Judge Bell said we ought to have a litmus test. Nobody ought to serve on the Court who doesn't believe in prayer at football games.

How did we get to this point? How did we get to the point that a voluntary prayer—you don't have to bow your head. There is no requirement that anybody has to do anything before football games. We take a minute, and somebody says a little prayer that acknowledges something more important than who is the toughest football player on the field. I don't think there is anything wrong with that. I don't believe that violates anybody's right.

Just as I believe I should respect somebody who has a different faith than mine, just as I am required to respect the person who believes in no God whatsoever, and to have a decent respect for the opinions of others who would say to me: If we want to have a little prayer and everybody wants to have a little prayer, it is not going to bother me. I don't believe in God anyway. Let them have it.

It is a part of our culture. It is not legitimate, in my view, for the Supreme Court or its subsidiary courts to come in and declare that it is in violation of the Constitution. After all, what does the Constitution say? The first amendment is the only reference to religion.

It says Congress shall make no law respecting the establishment of a religion or prohibit the free exercise thereof. That is what the Constitution says. There is nothing in the Constitution about a law of separation between church and state.

Thomas Jefferson wrote a letter to the Baptist Association not long before he died in which he expressed an opinion that there ought to be a wall of separation. What he meant by that, who knows? But judges have seized on that and rendered these opinions, many of them citing that quote as if it is somehow part of the Constitution. But the American people didn't ratify that. They ratified the Constitution. That is the law of the land. What he wrote in a letter before he died is of no benefit in interpreting the Constitution—or a minuscule benefit, if any.

In fact, Thomas Jefferson wasn't even at the Constitutional Convention when they were drafting the Constitution. He was off in France.

We are off base here. Somehow, under the idea that we have raised the establishment clause higher than all reason dictates that it be raised, we are saying anything that expresses religious faith publicly is somehow an establishment of a religion. But everybody who knows the history of the deal understands that Virginia had an established church, and England had the established Church of England—the Anglican Church, the Episcopal Church. Other countries had the Catholic Church as the established church. We didn't establish a church. No church was going to be given preferential treatment over another one.

That is what the Constitution was all about. That cannot be denied, in my view.

Congress shall pass no law respecting the establishment of a religion.

That is what the Founding Fathers wanted to prohibit. They didn't want to prohibit nor want to go back and strike the language from the Declaration of Independence, for Heaven's sake.

For 150 years, we never had a problem with this. We rolled on—no problem. We have chaplains. We have thanksgiving days. We have all kinds of things occurring that reflect an acknowledgment in general terms of religious beliefs, and of a higher being.

The Supreme Court said some things over the years. In recent years—during the last 50 or 70 years—they have been inconsistent about it. I think that has given some circuits, like the Ninth Circuit, and some judges the opportunity to perhaps run with some liberty to go further than I hope the Supreme Court wants them to go. But the Supreme Court has some fault here. We have had a long period of these kinds of opinions that go beyond reason, in my view.

For example, in Lynch v. Donnelly, the U.S. Supreme Court in 1984 recognized "an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789."

And it adds, "Our history is replete with official references to the value and invocation of Divine guidance in the deliberation and pronouncements of the Founding Fathers and contemporary leaders."

We just have to be relaxed here, and be natural in our understanding of what we mean by not establishing a religion.

We also do not need to forget the free exercise clause of the first amendment that we shall not be denied the free exercise of our religion. That is of equal value with nonestablishment of religion.

Other things are important.

Engraved on the top of the Washington Monument are the words "Praise be to God."

I suppose the judges out there that rendered the opinion are going to have to take a chisel up there and go after it.

The Tomb of the Unknown Soldier: At that tomb are these words engraved: "Here rests in honored glory an American soldier known but to God." Is somebody going to take the chisel to that?

Let me mention this final quote. It shows how, in the middle of this past century, we were not so far out of sync about what the first amendment really means.

Justice William O. Douglas, whom many would recognize as perhaps the most liberal member ever to serve on the Court—certainly one of the most, maybe, radical members of the Court; his background was quite unusual, but he was a brilliant man—he wrote many interesting opinions. This one, writing for the majority on the Court, in 1952, in Zorach v. Clauson, he stated this:

> The First Amendment . . . does not say that in every and all respects there should be a separation of Church and State. . . . Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly. . . . Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; "so help me God" in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment.

If that were the way we were going to interpret it. He is exactly correct.

So my concern is that we would be in error if we simply stood up and said that the Ninth Circuit made a mistake and somehow it is all going to get corrected. There are Members of this body who have advocated aggressively for these kinds of opinions. There are Members of this body who have fought hard to confirm the kind of judges who render these rulings.

In fact, this ruling, I assume, is going to be compatible with the views, probably, of a majority of law professors in America today—maybe not, hopefully not—but a whole lot of them because that is what a lot of the people think.

We have had a radicalized version of the establishment clause that is being taught, that has been adopted, and in significant part adopted by the Supreme Court. So they have a problem now, as I see it. They are going to have to deal with this.

They say a schoolchild cannot say a prayer, cannot express religious faith through a prayer that nobody has to listen to, but we can chisel on a wall of the Senate: "In God we trust."

They are saying we can have paid chaplains in this Senate and in the Armed Forces by the taxpayers of the United States, but nonmandatory, free expressions of faith all over the country they strike down in many different ways.

So I think they have a problem. I hope this Supreme Court will reevaluate what they have done. I hope they will go back to the 1940s and 1950s, and all the century and a half of the founding of this country, and follow that history of jurisprudence. If they do so, they can get us out of this thicket.

What we simply need to do is to respect other people's religion. If a group of kids want to have a little prayer, so be it. Let's let them have it. It does not hurt me. I do not think it hurts anybody else. That is the way I was raised: to respect people's faith, and not to denigrate someone else's faith when they do not agree with you.

I hope that as we go through this whole debate, this resolution will have some impact. I doubt it will have much. But I hope in the course of responding to this opinion, which is, unfortunately, too consistent with some of the rulings of courts in America, that we will once again reattach ourselves to the great historic principles of America that venerate respect and further and nourish religious faith, not attempt to eliminate it from public life, but, at the same time, not allow anybody to impose their will on somebody else.

I think we can reach that balance. I think we can show courtesy to one another. I hope we will be able to do so. If we do, America will be better off for it. It is time for us to get to the bottom of it, confront the issues honestly, and head on, and maybe we can make some improvements.

Mrs. CLINTON. Mr. President, I am surprised and offended by the decision of the Appeals Court of the Ninth Circuit and hope that it will be promptly appealed and overturned. I believe that the Court has misinterpreted the intent of the Framers of the Constitution and has sought to undermine one of the bedrock values of our democracy, that we are indeed "one nation under God," as embodied in the Pledge of Allegiance to the flag of the United States of America.

While our men and women in uniform are battling overseas and defending us here at home to preserve the freedom that we all cherish for our country and its citizens, we should never forget the blessings of Divine Providence that undergird our Nation. That includes the freedom to recite the pledge of allegiance in our Nation's schools. I can only imagine how they will feel about this decision as they risk their lives for our values.

And the children of America, who share a bond with each other and with our Nation by reciting the pledge each day, what effect will a decision like this have on them? It will cause them to wonder about the ways in which our beliefs can be stretched, our heritage can be assaulted. It is the wrong decision, and it is an unfair decision, especially unfair to those who defend our Nation, and to the young people who will inherit our Nation's future.

Ours is a Nation founded by people of faith. People of faith have helped lead some of the most significant movements of social justice throughout our history: to end slavery, to win civil rights for all Americans. No one is required to have faith, and our Government does not impose faith on its citizens. But ours is the most faith-filled nation on Earth, and there is no moral or constitutional argument why our Pledge of Allegiance cannot acknowledge our commonly held belief that ours is one nation, under God, indivisible, with liberty and justice for all.

I am honored to support S. 292, the Pledge of Allegiance resolution, and I hope that the rule of law will be upheld by an ultimate rejection of this wrongheaded decision of the Ninth Circuit Court of Appeals.

Mr. SMITH of New Hampshire. Mr. President, I am outraged with the decision by the 9th U.S. Circuit Court of Appeals that the Pledge of Allegiance is unconstitutional because it contains the words "Under God."

The pledge is part of the fabric of our society, a wonderful tradition that is observed in thousands of schools each day by millions of school children.

For two activist judges to decide for thousands of schools and thousands of parents that their children can't recite the pledge is the height of liberal intolerance and arrogance.

The Declaration of Independence talks about our Creator. Our coins and dollars have "In God We Trust" imprinted on them. Our public officials take their oath on the Bible. The Ten Commandments is posted in the U.S. Supreme Court. The House and Senate start off each day with the Pledge of Allegiance. If it's good enough for Senators to say the pledge each day, it's good enough for America's school children to do the same.

There are countless more examples of religion in American public life. The First Congress enacted the Northwest Ordinance, which provided that "religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." President George Washington offered a prayer at his First Inaugural Address. Many of our nation's Founding Fathers and Framers of our Constitution commented publicly and privately about the values and importance of religion in American public life. Our armed services provide chaplains, priests and rabbis. The U.S. House of Representatives and the U.S. Senate begin each day with an opening prayer. For this court to single out the pledge for including the phrase "One Nation, Under God," is simply incredible.

Nobody's forcing school children to recite the pledge. What we want, and what millions of parents want, is to simply give American children the chance to pledge allegiance to our Flag and to everything that it represents: patriotism, sacrifice, courage, justice, perseverance. The list goes on.

Now, more than ever, we should encourage our young people to learn and respect the patriotic values embodied in our Flag, the symbol of our country, and in the Pledge of Allegiance.

Mr. HOLLINGS. Mr. President, the judges who today declared the Pledge of Allegiance unconstitutional because of the words "under God" threw out reason and common sense and misread the Constitution. What we are left with is an absurd result.

The first amendment of the Constitution allows for not only freedom of religion, but freedom to exercise religion. It is ludicrous that we can't say "under God." Using these judges' twisted logic, "In God We Trust" couldn't be on coins, and we would have to edit the Declaration of Independence because it says that all men are "endowed by their Creator."

When reason, common sense, and the correct interpretation of the Constitution return, this opinion will be reversed.

I thank the Chair and yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 4111, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent the previously agreed to Lott amendment, No. 4111, be modified with the changes that are now at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4111), as modified, is as follows:

On page 100, between lines 3 and 4, insert the following:

SEC. 503. REINSTATEMENT OF AUTHORITY TO REDUCE SERVICE REQUIREMENT FOR RETIREMENT IN GRADES ABOVE O-4

(a) OFFICERS ON ACTIVE DUTY.—Subsection (a)(2)(A) of section 1370 of title 10, United States Code, is amended—

(1) by striking "may authorize" and all that follows and inserting "may, in the case of retirements effective during the period beginning on September 1, 2002, and ending on December 31, 2004, authorize—"; and

(2) by adding at the end the following:

"(1) the Deputy Under Secretary of Defense for Personnel and Readiness to reduce such 3-year period of required service to a period not less than two years for retirements in grades above colonel or, in the case of the Navy, captain; and

"(2) the Secretary of a military department or the Assistant Secretary of a military department having responsibility for manpower and reserve affairs to reduce such 3-year period to a period of required service not less than two years for retirements in grades of lieutenant colonel and colonel or, in the case of the Navy, commander and captain.".

(b) RESERVE OFFICERS.—Subsection (d)(5) of such section is amended—

(1) in the first sentence—

(A) by striking "may authorize" and all that follows and inserting "may, in the case of retirements effective during the period beginning on September 1, 2002, and ending on December 31, 2004, authorize—"; and

(B) by adding at the end the following:

"(A) the Deputy Under Secretary of Defense for Personnel and Readiness to reduce such 3-year period of required service to a period not less than two years for retirements in grades above colonel or, in the case of the Navy, captain; and

"(B) the Secretary of a military department or the Assistant Secretary of a military department having responsibility for manpower and reserve affairs to reduce such 3-year period of required service to a period not less than two years for retirements in grades of lieutenant colonel and colonel or, in the case of the Navy, commander and captain.";

(2) by designating the second sentence as paragraph (6) and realigning such paragraph, as so redesignated 2 ems from the left margin; and

(3) in paragraph (6), as so redesignated, by striking "this paragraph" and inserting "paragraph (5)".

(c) ADVANCE NOTICE TO THE PRESIDENT AND CONGRESS.—Such section is further amended by adding at the end the following new subsection:

"(e) ADVANCE NOTICE TO CONGRESS.—(1) The Secretary of Defense shall notify the Committees on Armed Services of the Senate and House of Representatives of—

"(A) an exercise of authority under paragraph (2)(A) of subsection (a) to reduce the 3-year minimum period of required service on active duty in a grade in the case of an officer to whom such paragraph applies before the officer is retired in such grade under such subsection without having satisfied that 3-year service requirement; and

"(B) an exercise of authority under paragraph (5) of subsection (d) to reduce the 3-year minimum period of service in grade required under paragraph (3)(A) of such subsection in the case of an officer to whom such paragraph applies before the officer is credited with satisfactory service in such grade under subsection (d) without having satisfied that 3-year service requirement.

"(2) The requirement for a notification under paragraph (1) is satisfied in the case of an officer to whom subsection (c) applies if the notification is included in the certification submitted with respect to such officer under paragraph (1) of such subsection.

"(3) The notification requirement under paragraph (1) does not apply to an officer being retired in the grade of lieutenant colonel or colonel or, in the case of the Navy, commander or captain.".

AMENDMENTS NOS. 4117 THROUGH 4163, EN BLOC

Mr. REID. Mr. President, I ask unanimous consent that it be in order for the Senate to consider, en bloc, the amendments that are at the desk; that the amendments be considered and agreed to, en bloc; that the motion to reconsider be laid on the table, en bloc, and that the consideration of these amendments appear separately in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 4117

(Purpose: To provide an amount for lift support for mine warfare ships and other vessels)

On page 90, between lines 19 and 20, insert the following:

SEC. 346. LIFT SUPPORT FOR MINE WARFARE SHIPS AND OTHER VESSELS.

(a) AMOUNT.—Of the amount authorized to be appropriated by section 302(2), $10,000,000 shall be available for implementing the recommendations resulting from the Navy's Non-Self Deployable Watercraft (NDSW) Study and the Joint Chiefs of Staff Focused Logistics Study, which are to determine the requirements of the Navy for providing lift support for mine warfare ships and other vessels.

(b) OFFSETTING REDUCTION.—Of the amount authorized to be appropriated by section 302(2), the amount provided for the procurement of mine countermeasures ships cradles is hereby reduced by $10,000,000.

AMENDMENT NO. 4118

(Purpose: To add an amount for the Navy Data Conversion and Management Laboratory to support data conversion activities for the Navy, and to provide an offset)

On page 90, between lines 19 and 20, insert the following:

SEC. 346. NAVY DATA CONVERSION ACTIVITIES.

(a) AMOUNT FOR ACTIVITIES.—The amount authorized to be appropriated by section 301(a)(2) is hereby increased by $2,000,000. The total amount of such increase may be available for the Navy Data Conversion and Management Laboratory to support data conversion activities for the Navy.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) is hereby reduced by $2,000,000 to reflect a reduction in the utilities privatization efforts previously planned by the Army.

AMENDMENT NO. 4119

(Purpose: To require a report on efforts to ensure the adequacy of fire fighting staffs at military installations)

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORT ON EFFORTS TO ENSURE ADEQUACY OF FIRE FIGHTING STAFFS AT MILITARY INSTALLATIONS.

Not later than Mary 31, 2003, the Secretary of Defense shall submit to Congress a report on the actions being undertaken to ensure that the fire fighting staffs at military installations are adequate under applicable Department of Defense regulations.

ANENDMENT NO. 4120

(Purpose: To set aside $1,500,000 for the Navy Pilot Human Resources Call Center, Cutler, Maine)

At the end of subtitle A of title III, add the following:

SEC. 305. NAVY PILOT HUMAN RESOURCES CALL CENTER, CUTLER, MAINE.

Of the amount authorized to be appropriated by section 301(a)(2) for operation and maintenance for the Navy, $1,500,000 may be available for the Navy Pilot Human Resources Call Center, Cutler, Maine.

AMENDMENT NO. 4121

(Purpose: To authorize, with an offset, $9,000,000 for a military construction project for the Army National Guard for a Reserve Center in Lane County, Oregon)

At the end of title XXVI, add the following:

SEC. 2602. ARMY NATIONAL GUARD RESERVE CENTER, LANE COUNTY, OREGON.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States is hereby increased by $9,000,000.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States, as increased by subsection (a), $9,000,000 may be available for a military construction project for a Reserve Center in Lane County, Oregon.

(2) The amount available under paragraph (1) for the military construction project referred to in that paragraph is in addition to any other amounts available under this Act for that project.

(c) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $2,500,000, with the amount of the reduction to be allocated to Warfighter Sustainment Advanced Technology (PE0603236N).

(2) The amount authorized to be appropriated by section 301(a)(6) for operation and maintenance for the Army Reserve is hereby reduced by $6,000,000, with the amount of the reduction to be allocated to the Enhanced Secure Communications Program.

AMENDMENT NO. 4122

(Purpose: To authorize a military construction project in the amount of $3,580,000 for construction of a National Guard Readiness Center, Kosciusko, Mississippi)

In section 301(a)(1), decrease the amount by $1,100,000.

In section 2601(1)(A), increase the amount by $3,580,000.

In section 2204(a)(5), reduce the amount by $2,000,000.

AMENDMENT NO. 4123

(Purpose: To authorize, with an offset, a military construction project in the amount of $7,500,000 for construction of a new air traffic control facility at Dover Air Force Base, Delaware)

At the end of title XXIII, add the following:

SEC. 2305. ADDITIONAL PROJECT AUTHORIZATION FOR AIR TRAFFIC CONTROL FACILITY AT DOVER AIR FORCE BASE, DELAWARE.

(a) PROJECT AUTHORIZED.—In addition to the projects authorized by section 2301(a), the Secretary of the Air Force may carry out carry out a military construction project, including land acquisition relating thereto, for construction of a new air traffic control facility at Dover Air Force Base, Delaware, in the amount of $7,500,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2304(a), and by paragraph (1) of that section, is hereby increased by $7,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(10) for operation and maintenance for the Army National Guard is hereby reduced by $7,500,000, with the amount of the reduction to be allocated to the Classified Network Program.

AMENDMENT NO. 4124

(Purpose: To authorize, with an offset, $3,000,000 for a planning and design for a new anechoic chamber at White Sands Missile Range, New Mexico (Project No. 56232))

At the end of title XXI, add the following:

SEC. 2109. PLANNING AND DESIGN FOR ANECHOIC CHAMBER AT WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) PLANNING AND DESIGN.—The amount authorized to be appropriated by section 2104(a)(5), for planning and design for military construction for the Army is hereby increased by $3,000,000, with the amount of the increase to be available for planning and design for an anechoic chamber at White Sands Missile Range, New Mexico.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to Base Operations Support (Servicewide Support).

AMENDMENT NO. 4125

(Purpose: To authorize, with an offset, $10,000,000 for the Air National Guard for a military construction project for a Composite Support Facility for the 183rd Fighter Wing of the Illinois Air National Guard)

In title XXVI, add at the end the following:

SEC. 2602. ADDITIONAL PROJECT AUTHORIZATION FOR COMPOSITE SUPPORT FACILITY FOR ILLINOIS AIR NATIONAL GUARD.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard is hereby increased by $10,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard, as increased by subsection (a), $10,000,000 shall be available for a military construction project for a Composite Support Facility for the 183rd Fighter Wing of the Illinois Air National Guard.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance, defense-wide, is hereby reduced by $10,000,000, with the amount of the reduction to be allocated to amounts available for the Information Operations Program.

AMENDMENT NO. 4126

(Purpose: To authorize $8,000,000 for the construction of a parking garage at Walter Reed Army Medical Center, Washington, District of Columbia, and to offset the amount with a reduction in operation and maintenance for the Army in amounts available for Base Operations Support (Servicewide Support))

In section 301(a)(1), strike "$24,195,242,000" and insert "$24,187,242,000".

In the table in section 2101(a), in the item relating to Walter Reed Army Medical Center, District of Columbia, strike "$9,500,000" in the amount column and insert "$17,500,000".

In the table in section 2101(a), strike the amount identified as the total in the amount column and insert "$964,697,000".

In section 2104(a), strike "$2,999,345,000" in the matter preceding paragraph (1) and insert "$3,007,345,000".

In section 2104(a)(1), strike "$750,497,000" and insert "$758,497,000".

AMENDMENT NO. 4127

(Purpose: To authorize a military construction project in the amount of $8,400,000 for the Air National Guard for completion of construction of the Composite Aviation Aircraft Maintenance Complex (PN#BKTZ989063) in Nashville, Tennessee, and to offset the authorization with a reduction of $2,400,000 in operation and maintenance for the Army from amounts available for Base Operations Support (Servicewide Support), a reduction of $3,000,000 in operation and maintenance for the Army from amounts available for Recruiting and Advertising, and a reduction of $3,000,000 in operation and maintenance for the Air Force from amounts available for Recruiting and Advertising)

In section 301(a)(1), decrease the amount indicated by $5,400,000.

In section 301(a)(2), decrease the amount indicated by $3,000,000.

In section 2601(3)(A), add $8,400,000 to the amount indicated.

AMENDMENT NO. 4128

(Purpose: To authorize, with an offset, $15,200,000 for a military construction project for the Air Force for consolidation of the materials computational research facility at Wright-Patterson Air Force Base, Ohio (PNZHTV033301A))

At the end of title XXIII, add the following:

SEC. 2305. AVAILABILITY OF FUNDS FOR CONSOLIDATION OF MATERIALS COMPUTATIONAL RESEARCH FACILITY AT WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) AVAILABILITY.—Of the amount authorized to be appropriated by section 2304(a), and paragraph (1) of that section, for the Air Force and available for military construction projects at Wright-Patterson Air Force Base, Ohio, $15,200,000 may be available for a military construction project for consolidation of the materials computational research facility at Wright-Patterson Air Force Base (PNZHTV033301A).

(b) OFFSET.—(1) The amount authorized to be appropriated by section 301(a)(4) for the Air Force for operation and maintenance is hereby reduced by $2,800,000, with the amount of the reduction to be allocated to Recruiting and Advertising.

(2) Of the amount authorized to be appropriated by section 2304(a), and paragraph (1) of that section, for the Air Force and available for military construction projects at Wright-Patterson Air Force Base—

(A) the amount available for a dormitory is hereby reduced by $10,400,000; and

(B) the amount available for construction of a Fully Contained Small Arms Range Complex is hereby reduced by $2,000,000.

AMENDMENT NO. 4129

(Purpose: To authorize $2,000,000 for reasearch, development, test, and evaluation for the Air Force for Support Systems Development (PE0708611F) for Aging Aircraft and to offset the amount with a reduction in research, development, test, and evaluation for the Navy from amounts available for Warfighting Sustainment Advanced Technology (PE0603236N))

In section 201(2), strike "$12, 929,135,000" and insert "$12,927,135,000".

In section 201(3), strike "$18,603,684,000" and insert "$18,605,684,000".

AMENDMENT NO. 4130

(Purpose: To authorize, with an offset, $4,500,000 for research, development, test, and evaluation for the Army for radar power technology)

At the end of subtitle B of title II, add the following:

SEC. 214. RADAR POWER TECHNOLOGY FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army is hereby increased by $4,500,000, with the amount of the increase to be allocated to Army missile defense systems integration (DEM/VAL) (PE0603308A).

(b) AVAILABILITY FOR RADAR POWER TECHNOLOGY.—(1) Of the amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army, as increased by subsection (a), $4,500,000 shall be available for radar power technology.

(2) The amount available under paragraph (1) for radar power technology is in addition to any other amounts available under this Act for such technology.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $4,500,000, with the amount of the reduction to be allocated to common picture advanced technology (PE0603235N).

AMENDMENT NO. 4131

(Purpose: To increase the amount provided for RDT&E, Defense-wide activities, for critical infrastructure protection (PE 35190D8Z), and to offset the increase by reducing the amount provided for RDT&E, Defense-wide activities, for power projection advanced technology (PE 63114N)).

On page 26, after line 22, insert the following:

SEC. 214. CRITICAL INFRASTRUCTURE PROTECTION.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated in section 201(4), $4,500,000 may be available for critical infrastructure protection (PE 35190D8Z).

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2), the amount for power projection advanced technology (PE 63114N) is hereby reduced by $4,500,000.

AMENDMENT NO. 4132

(Purpose: To increase the amount for the Air Force for RDT&E for wargaming and simulation centers, and to provide an offset)

On page 26, after line 22, insert the following:

SEC. 214. THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY UPGRADES.

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for the Air Force for wargaming and simulation centers (PE 0207605F) is increased by $2,500,000. The total amount of the increase may be available for Theater Aerospace Command and Control Simulation Facility (TACCSF) upgrades.

(2) The amount available under paragraph (1) for Theater Aerospace Command and Control Simulation Facility upgrades is in addition to any other amounts available under this Act for such upgrades.

(b) OFFSET.—The amount authorized to be appropriated by section 201(2) for the Navy for Mine and Expeditionary Warfare Applied Research (PE 0602782N) is reduced by $2,500,000.

AMENDMENT NO. 4133

At the appropriate place insert the following:

SEC. . RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) FINDINGS.—

The Congress makes the following findings:

(1) Al Qaeda and other terrorist organizations, in addition to rogue states, are known to be working to acquire weapons of mass destruction, and particularly nuclear warheads.

(2) The largest and least secure potential source of nuclear warheads for terrorists or rogue states is Russia's arsenal of non-strategic or "tactical" nuclear warheads, which according to unclassified estimates numbers from 7,000 to 12,000 warheads. Security at Russian nuclear weapon storage sites is insufficient, and tactical nuclear warheads are more vulnerable to terrorist or rogue state acquisition due to their smaller size, greater portability, and greater numbers compared to Russian strategic nuclear weapons.

(3) Russia's tactical nuclear warheads were not covered by the START treaties or the recent Moscow Treaty. Russia is not legally bound to reduce its tactical nuclear stockpile and the United States has no inspection rights regarding Russia's tactical nuclear arsenal.

(b) SENSE OF THE SENATE.—

(1) One of the most likely nuclear weapon attack scenarios against the United States would involve detonation of a stolen Russian tactical nuclear warhead smuggled into the country.

(2) It is a top national security priority of the United States to accelerate efforts to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(3) This imminent threat warrants a special non-proliferation initiative.

(c) REPORT.—

Not later than 30 days after enactment of this act, the President shall report to Congress on efforts to reduce the particular threats associated with Russia's tactical nuclear arsenal and the outlines of a special initiative related to reducing the threat from Russia's tactical nuclear stockpile.

AMENDMENT NO. 4134

(Purpose: to authorize, with an offset, $2,500,000 for research, development, test, and evaluation for the Navy for the DDG optimized manning initiative)

At the end of subtitle B of title II, add the following:

SEC. 214. DDG OPTIMIZED MANNING INITIATIVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $2,500,000, with the amount of the increase to be allocated to surface combatant combat system engineering (PE0604307N).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $2,500,000 may be available for the DDG optimized manning initiative.

(2) The amount available under paragraph (1) for the initiative referred to in that paragraph is in addition to any other amounts available under this Act for that initiative.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for Artillery Systems-Dem/Val, PE0603854A, by $2,500,000.

AMENDMENT NO. 4135

(Purpose: To prohibit the use of authorized funds for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system)

On page 34, after line 23, insert the following:

SEC. 226. LIMITATION ON USE OF FUNDS FOR NUCLEAR ARMED INTERCEPTORS.

None of the funds authorized to be appropriated by this or any other Act may be used for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system.

AMENDMENT NO. 4136

(Purpose: To add $1,000,000 for Defense-Wide RDT&E for key enabling robotics technologies for the support of Army, Navy, and Air Force robotic and unmanned military platforms (PE 604709D8Z), and to offset the increase by reducing the amount provided for the Navy for other procurement for gun fire control equipment, SPQ-9B solid state transmitter, by $1,000,000)

On page 24, line 2, increase the first amount by $1,000,000.

On page 14, line 5, reduce the amount by $1,000,000.

AMENDMENT NO. 4137

(Purpose: To prohibit denial of TRICARE services to a covered beneficiary receiving medical care from the Department of Veterans Affairs under certain circumstances)

On page 154, after line 20, insert the following:

SEC. 708. HEALTH CARE UNDER TRICARE FOR TRICARE BENEFICIARIES RECEIVING MEDICAL CARE AS VETERANS FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1097 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) PERSONS RECEIVING MEDICAL CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.—A covered beneficiary who is enrolled in and seeks care under the TRICARE program may not be denied such care on the ground that the covered beneficiary is receiving health care from the Department of Veterans Affairs on an ongoing basis if the Department of Veterans Affairs cannot provide the covered beneficiary with the particular care sought by the covered beneficiary within the maximum period provided in the access to care standards that are applicable to that particular care under TRICARE program policy.".

AMENDMENT NO. 4138

(Purpose: To authorize, with an offset, $1,000,000 for research, development, test, and evaluation, defense-wide, for In-House Laboratory Independent Research (PE0601103D8Z) for research, analysis, and assessment of efforts to counter potential agroterrorist attacks)

At the end of subtitle B of title II, add the following:

SEC. 214. AGROTERRORIST ATTACKS.

(a) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, defense-wide, the amount available for basic research for the Chemical and Biological Defense Program (PE0601384BP) is hereby increased by $1,000,000, with the amount of such increase to be available for research, analysis, and assessment of efforts to counter potential agroterrorist attacks.

(2) The amount available under paragraph (1) for research, analysis, and assessment described in that paragraph is in addition to any other amounts available in this Act for such research, analysis, and assessment.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, the amount available for biological terrorism and agroterrorism risk assessment and prediction in the program element relating to the Chemical and Biological Defense Program (PE0603384BP) is hereby reduced by $1,000,000.

AMENDMENT NO. 4139

(Purpose: To authorize the Secretary of Defense to pay monetary rewards for assistance in combating terrorism)

On page 258, after line 24, insert the following:

SEC. 1065. REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) AUTHORITY.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127a the following new section:

"§ 127b. Rewards for assistance in combating terrorism

"(a) AUTHORITY.—The Secretary of Defense may pay a monetary reward to a person for providing United States personnel with information or nonlethal assistance that is beneficial to—

"(1) an operation of the armed forces conducted outside the United States against international terrorism; or

"(2) force protection of the armed forces.

"(b) MAXIMUM AMOUNT.—The amount of a reward paid to a recipient under this section may not exceed $200,000.

"(c) DELEGATION TO COMMANDER OF COMBATANT COMMAND.—(1) The Secretary of Defense may delegate to the commander of a combatant command authority to pay a reward under this section in an amount not in excess of $50,000.

"(2) A commander to whom authority to pay rewards is delegated under paragraph (1) may further delegate authority to pay a reward under this section in an amount not in excess of $2,500.

"(c) COORDINATION.—(1) The Secretary of Defense, in consultation with the Secretary of State and the Attorney General, shall prescribe policies and procedures for offering and paying rewards under this section, and otherwise for administering the authority under this section, that ensure that the payment of a reward under this section does not duplicate or interfere with the payment of a reward authorized by the Secretary of State or the Attorney General.

"(2) The Secretary of Defense shall coordinate with the Secretary of State regarding any payment of a reward in excess of $100,000 under this section.

"(d) PERSONS NOT ELIGIBLE.—The following persons are not eligible to receive an award under this section:

"(1) A citizen of the United States.

"(2) An employee of the United States.

"(3) An employee of a contractor of the United States.

"(e) ANNUAL REPORT.—(1) Not later than 60 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a report on the administration of the rewards program during that fiscal year.

"(2) The report for a fiscal year shall include information on the total amount expended during that fiscal year to carry out this section, including—

"(A) a specification of the amount, if any, expended to publicize the availability of rewards; and

"(B) with respect to each award paid during that fiscal year—

"(i) the amount of the reward;

"(ii) the recipient of the reward; and

"(iii) a description of the information or assistance for which the reward was paid, together with an assessment of the significance of the information or assistance.

"(3) The Secretary may submit the report in classified form if the Secretary determines that it is necessary to do so.

"(f) DETERMINATIONS BY THE SECRETARY.—A determination by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127a the following new item:

"127b. Rewards for assistance in combating terrorism.".

AMENDMENT NO. 4140

(Purpose: To establish the position of Under Secretary of Defense for Intelligence)

On page 200, between lines 14 and 15, insert the following:

SEC. 905. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

(a) ESTABLISHMENT OF POSITION.—Chapter 4 of title 10, United States Code, is amended—

(1) by transferring section 137 within such chapter to appear following section 138;

(2) by redesignating sections 137 and 139 as sections 139 and 139a, respectively; and

(3) by inserting after section 136a the following new section 137:

"§ 137. Under Secretary of Defense for Intelligence

"(a) There is an Under Secretary of Defense for Intelligence, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.

"(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.".

(b) CONFORMING AMENDMENTS.—(1) Section 131 of such title is amended—

(A) by striking paragraphs (2), (3), (4), and (5), and inserting the following:

"(2) The Under Secretaries of Defense, as follows:

"(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(B) The Under Secretary of Defense for Policy.

"(C) The Under Secretary of Defense (Comptroller).

"(D) The Under Secretary of Defense for Personnel and Readiness.

"(E) The Under Secretary of Defense for Intelligence."; and

(B) by redesignating paragraphs (6), (7), (8), (9), (10), and (11) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(2) The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 137 and inserting the following:

"137. Under Secretary of Defense for Intelligence.";

and

(B) by striking the item relating to section 139 and inserting the following:

"139. Director of Research and Engineering.

"139a. Director of Operational Test and Evaluation.".

(c) EXECUTIVE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after "Under Secretary of Defense for Personnel and Readiness." the following:

"Under Secretary of Defense for Intelligence.".

AMENDMENT NO. 4141

(Purpose: To require a study on the designation of a highway in the State of Louisiana as a defense access road)

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORT ON DESIGNATION OF CERTAIN LOUISIANA HIGHWAY AS DEFENSE ACCESS ROAD.

Not later than March 1, 2003, the Secretary of Army shall submit to the congressional defense committees a report containing the results of a study on the advisability of designating Louisiana Highway 28 between Alexandria, Louisiana, and Leesville, Louisiana, a road providing access to the Joint Readiness Training Center, Louisiana, and to Fort Polk, Louisiana, as a defense access road for purposes of section 210 of title 23, United States Code.

AMENDMENT NO. 4142

(Purpose: To authorize the conveyance of 2,000 acres at the Sunflower Army Ammunition Plant, Kansas)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army or the Administrator of General Services may convey, without consideration, to the Johnson County Park and Recreation District, Kansas (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the State of Kansas consisting of approximately 2,000 acres, a portion of the Sunflower Army Ammunition Plant. The purpose of the conveyance is to permit the District to use the parcel for public recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage, location, and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the official making the conveyance. The cost of such legal description, survey, or both shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The official making the conveyance of real property under subsection (a) may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interests of the United States.

(d) EFFECTIVE DATE.—This section shall take effect on January 31, 2003.

AMENDMENT NO. 4143

(Purpose: To require an annual long-range plan for the construction of ships for the Navy)

On page 221, after line 21, insert the following:

SEC. 1024. ANNUAL LONG-RANGE PLAN FOR THE CONSTRUCTION OF SHIPS FOR THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) Navy ships provide a forward presence for the United States that is a key to the national defense of the United States.

(2) The Navy has demonstrated that its ships contribute significantly to homeland defense.

(3) The Navy's ship recapitalization plan is inadequate to maintain the ship force structure that is described as the current force in the 2001 Quadrennial Defense Review.

(4) The Navy is decommissioning ships as much as 10 years earlier than the projected ship life upon which ship replacement rates are based.

(5) The current force was assessed in the 2001 Quadrennial Defense Review as having moderate to high risk, depending on the scenario considered.

(b) ANNUAL SHIP CONSTRUCTION PLAN.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 231. Annual ship construction plan

"(a) ANNUAL SHIP CONSTRUCTION PLAN.—The Secretary of Defense shall include in the defense budget materials for each fiscal year a plan for the construction of combatant and support ships for the Navy that—

"(1) supports the National Security Strategy; or

"(2) if there is no National Security Strategy in effect, supports the ship force structure called for in the report of the latest Quadrennial Defense Review.

"(b) CONTENT.—The ship construction plan included in the defense budget materials for a fiscal year shall provide in detail for the construction of combatant and support ships for the Navy over the 30 consecutive fiscal years beginning with the fiscal year covered by the defense budget materials and shall include the following matters:

"(1) A description of the necessary ship force structure of the Navy.

"(2) The estimated levels of funding necessary to carry out the plan, together with a discussion of the procurement strategies on which such estimated funding levels are based.

"(3) A certification by the Secretary of Defense that both the budget for the fiscal year covered by the defense budget materials and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding ship construction for the Navy at a level that is sufficient for the procurement of the ships provided for in the plan on schedule.

"(4) If the budget for the fiscal year provides for funding ship construction at a level that is not sufficient for the recapitalization of the force of Navy ships at the annual rate necessary to sustain the force, an assessment (coordinated with the commanders of the combatant commands in advance) that describes and discusses the risks associated with the reduced force structure that will result from funding ship construction at such insufficient level.

"(c) DEFINITIONS.—In this section:

"(1) The term 'budget', with respect to a fiscal year, means the budget for such fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for such fiscal year.

"(3) The term 'Quadrennial Defense Review' means the Quadrennial Defense Review that is carried out under section 118 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"231. Annual ship construction plan.".

AMENDMENT NO. 4144

(Purpose: To provide for the conveyance of a portion of the Bluegrass Army Depot in Richmond, Kentucky, to Madison County, Kentucky)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, BLUEGRASS ARMY DEPOT, RICHMOND, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to Madison County, Kentucky (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10 acres at the Bluegrass Army Depot, Richmond, Kentucky, for the purpose of facilitating the construction of a veterans' center on the parcel by the State of Kentucky.

(2) The Secretary may not make the conveyance authorized by this subsection unless the Secretary determines that the State of Kentucky has appropriated adequate funds for the construction of the veterans' center.

(b) REVERSIONARY INTEREST.—If the Secretary determines that the real property conveyed under subsection (a) ceases to be utilized for the sole purpose of a veterans' center or that reasonable progress is not demonstrated in constructing the center and initiating services to veterans, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—The Secretary shall apply section 2695 of title 10, United States Code, to the conveyance authorized by subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 4145

(Purpose: To extend the authority of the Defense Advanced Research Projects Agency to award prizes for advanced technology achievements)

At the end of subtitle E of title II, add the following:

SEC. 246. FOUR-YEAR EXTENSION OF AUTHORITY OF DARPA TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

(a) EXTENSION.—Section 2374a(f) of title 10, United States Code, is amended by striking "September 30, 2003" and inserting "September 30, 2007".

(b) REPORT ON ADMINISTRATION OF PROGRAM.—(1) Not later than December 31, 2002, the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a report on the proposal of the Director for the administration of the program to award prizes for advanced technology achievements under section 2374a of title 10, United States Code.

(2) The report shall include the following:

(A) A description of the proposed goals of the competition under the program, including the technology areas to be promoted by the competition and the relationship of such area to military missions of the Department of Defense.

(B) The proposed rules of the competition under the program, and a description of the proposed management of the competition.

(C) A description of the manner in which funds for cash prizes under the program will be allocated within the accounts of the Agency if a prize is awarded and claimed.

(D) A statement of the reasons why the competition is a preferable means of promoting basic, advanced, and applied research, technology development, and prototype projects when compared with other means of promotion of such activities, including contracts, grants, cooperative agreements, and other transactions.

AMENDMENT NO. 4146

(Purpose: To authorize the provision of space and services for military welfare societies)

At the end of subtitle E of title X, add the following:

SEC. 1065. PROVISION OF SPACE AND SERVICES TO MILITARY WELFARE SOCIETIES.

(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§2566. Space and services: provision to military welfare societies

"(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—The Secretary of a military department may provide, without charge, space and services under the jurisdiction of that Secretary to a military welfare society.

"(b) DEFINITIONS.—In this section:

"(1) The term 'military welfare society' means the following:

"(A) The Army Emergency Relief Society.

"(B) The Navy-Marine Corps Relief Society.

"(C) The Air Force Aid Society, Inc.

"(2) The term 'services' includes lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone and other information technology services (including installation of lines and equipment, connectivity, and other associated services), and security systems (including installation and other associated expenses).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2566. Space and services: provision to military welfare societies.".

AMENDMENT NO. 4147

(Purpose: To authorize, with an offset, $5,500,000 for research, development, test, and evaluation for the Army for development of a very high speed support vessel for the Army)

At the end of subtitle B of title II, add the following:

SEC. 214. VERY HIGH SPEED SUPPORT VESSEL FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,500,000, with the amount of the increase to be allocated to logistics and engineering equipment–advanced development (PE0603804A).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,500,000 may be available for development of a prototype composite hull design to meet the theater support vessel requirement.

(2) The amount available under paragraph (1) for development of the hull design referred to in that paragraph is in addition to any other amounts available under this Act for development of that hull design.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by $5,500,000, with the amount of the decrease to be allocated to submarine tactical warfare system (PE0604562N) and amounts available under that program element for upgrades of combat control software to commercial architecture.

AMENDMENT NO. 4148

(Purpose: To add $1,000,000 for Other Procurement, Air Force, for the procurement of technical C–E equipment, Mobile Emergency Broadband System, and to offset the increase by reducing the amount provided for the Navy for other procurement for gun fire control equipment, SPQ–9B solid state transmitter, by $1,000,000)

On page 23, between lines 12 and 13, insert the following:

SEC. 135. MOBILE EMERGENCY BROADBAND SYSTEM.

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 103(4), $1,000,000 may be available for the procurement of technical communications-electronics equipment for the Mobile Emergency Broadband System.

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 103(4), the amount available under such section for the Navy for other procurement for gun fire control equipment, SPQ–9B solid state transmitter, is hereby reduced by $1,000,000.

AMENDMENT NO. 4149

(Purpose: To add $1,500,000 for the Air Force for other procurement for base procured equipment for a Combat Arms Training System (CATS) for the Air National Guard, and to offset the increase by reducing the amount provided for the Army for RDT&E for artillery system demonstration and validation (PE 0603854A) by $1,500,000)

On page 14, line 20, increase the amount by $1,500,000.

On page 23, line 22, reduce the amount by $1,500,000.

AMENDMENT NO. 4150

(Purpose: To authorize, with an offset, $100,000 for the Army for activation efforts with respect to the National Army Museum, Fort Belvoir, Virginia)

At the end of subtitle A of title III, add the following:

SEC. 305. NATIONAL ARMY MUSEUM, FORT BELVOIR, VIRGINIA.

(a) ACTIVATION EFFORTS.—The Secretary of the Army may carry out efforts to facilitate the commencement of development for the National Army Museum at Fort Belvoir, Virginia.

(b) FUNDING.—(1) The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby increased by $100,000.

(2) Of the amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army, as increased by paragraph (1), $100,000 shall be available to carry out the efforts authorized by subsection (a).

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $100,000.

AMENDMENT NO. 4151

(Purpose: To authorize, with an offset, $1,000,000 for research, development, test, and evaluation for the Navy for Force Protection Advanced Technology (PE0603123N) for development and demonstration of a full-scale high-speed permanent magnet generator)

At the end of subtitle B of title II, add the following:

SEC. 214. FULL-SCALE HIGH-SPEED PERMANENT MAGNET GENERATOR.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $1,000,000, with the amount of the increase to be allocated to Force Protection Advanced Technology (PE0603123N).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $1,000,000 may be available for development and demonstration of a full-scale high-speed permanent magnet generator.

(2) The amount available under paragraph (1) for development and demonstration of the generator described in that paragraph is in addition to any other amounts available in this Act for development and demonstration of that generator.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to Artillery Systems–Dem/Val (PE0603854A).

AMENDMENT NO. 4152

(Purpose: To modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index)

At the end of subtitle E of title VI, add the following:

SEC. 655. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-170) is amended by adding at the end the following new paragraph:

"(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

AMENDMENT NO. 4153

(Purpose: To require a plan for a five-year program to enhance the measurement and signatures intelligence capabilities of the Federal Government)

At the end of subtitle C of title X, add the following:

SEC. 1035. PLAN FOR FIVE-YEAR PROGRAM FOR ENHANCEMENT OF MEASUREMENT AND SIGNATURES INTELLIGENCE CAPABILITIES

(a) FINDING.—Congress finds that the national interest will be served by the rapid exploitation of basic research on sensors for purposes of enhancing the measurement and signatures intelligence (MASINT) capabilities of the Federal Government.

(b) PLAN FOR PROGRAM.—(1) Not later than March 30, 2003, the Director of the Central Measurement and Signatures Intelligence Office shall submit to Congress a plan for a five-year program of research intended to provide for the incorporation of the results of basic research on sensors into the measurement and signatures intelligence systems fielded by the Federal Government, including the review and assessment of basic research on sensors for that purpose.

(2) Activities under the plan shall be carried out by a consortium consisting of such governmental and non-governmental entities as the Director considers appropriate for purposes of incorporating the broadest practicable range of sensor capabilities into the systems referred to in paragraph (1). The consortium may include national laboratories, universities, and private sector entities.

(3) The plan shall include a proposal for the funding of activities under the plan, including cost-sharing by non-governmental participants in the consortium under paragraph (2).

AMENDMENT NO. 4154

(Purpose: To require a report on volunteer services of members of the reserve components in support of emergency response to the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001)

At the end of subtitle C of title X, insert the following:

SEC. 1035. REPORT ON VOLUNTEER SERVICES OF MEMBERS OF THE RESERVE COMPONENTS IN EMERGENCY RESPONSE TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on volunteer services described in subsection (b) that were provided by members of the National Guard and other reserve components of the Armed Forces, while not in a duty status pursuant to orders, during the period of September 11 through 14, 2001. The report shall include a discussion of any personnel actions that the Secretary considers appropriate for the members regarding the performance of such services.

(b) COVERED SERVICES.—The volunteer services referred to in subsection (a) are as follows:

(1) Volunteer services provided in the vicinity of the site of the World Trade Center, New York, New York, in support of emergency response to the terrorist attack on the World Trade Center on September 11, 2001.

(2) Volunteer services provided in the vicinity of the Pentagon in support of emergency response to the terrorist attack on the Pentagon on September 11, 2001.

AMENDMENT NO. 4155

(Purpose: To authorize use of an amount of the authorization of appropriations for RDT&E for the Navy for the aviation-shipboard information technology initiative)

On page 26, after line 22, insert the following:

SEC. 214. AVIATION-SHIPBOARD INFORMATION TECHNOLOGY INITIATIVE.

Of the amount authorized to be appropriated by section 201(2) for shipboard aviation systems, up to $8,200,000 may be used for the aviation-shipboard information technology initiative.

AMENDMENT NO. 4156

(Purpose: To require the Secretary of the Navy to maintain the scope of the cruiser conversion program for the Ticonderoga class of AEGIS cruisers)

In subtitle C of title I, strike "(reserved)" and insert the following:

SEC. 121. MAINTENANCE OF SCOPE OF CRUISER CONVERSION OF TICONDEROGA CLASS AEGIS CRUISERS.

The Secretary of the Navy should maintain the scope of the cruiser conversion program for the Ticonderoga class of AEGIS cruisers such that the program—

(1) covers all 27 Ticonderoga class AEGIS cruisers; and

(2) modernizes the class of cruisers to include an appropriate mix of upgrades to ships' capabilities for theater missile defense, naval fire support, and air dominance.

AMENDMENT NO. 4157

(Purpose: To require the Secretary of Defense to expand the Department of Defense program of HIV/AIDS prevention educational activities undertaken in connection with the conduct of United States military training, exercises, and humanitarian assistance in sub-Saharan African countries)

On page 281, between lines 5 and 6, insert the following:

SEC. 1215. DEPARTMENT OF DEFENSE HIV/AIDS PREVENTION ASSISTANCE PROGRAM.

(a) EXPANSION OF PROGRAM.—The Secretary of Defense is authorized to expand, in accordance with this section, the Department of Defense program of HIV/AIDS prevention educational activities undertaken in connection with the conduct of United States military training, exercises, and humanitarian assistance in sub-Saharan African countries.

(b) ELIGIBLE COUNTRIES.—The Secretary may carry out the program in all eligible countries. A country shall be eligible for activities under the program if the country—

(1) is a country suffering a public health crisis (as defined in subsection (e)); and

(2) participates in the military-to-military contacts program of the Department of Defense.

(c) PROGRAM ACTIVITIES.—The Secretary shall provide for the activities under the program—

(1) to focus, to the extent possible, on military units that participate in peace keeping operations; and

(2) to include HIV/AIDS-related voluntary counseling and testing and HIV/AIDS-related surveillance.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(a)(22) to the Department of Defense for operation and maintenance of the Defense Health Program, $30,000,000 may be available for carrying out the program described in subsection (a) as expanded pursuant to this section.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(e) COUNTRY SUFFERING A PUBLIC HEALTH CRISIS DEFINED.—In this section, the term "country suffering a public health crisis" means a country that has rapidly rising rates of incidence of HIV/AIDS or in which HIV/AIDS is causing significant family, community, or societal disruption.

AMENDMENT NO. 4158

(Purpose: To set aside $6,000,000 for the Aerospace Relay Mirror System (ARMS) Demonstration)

At the end of subtitle B of title II, add the following:

SEC. 214. AEROSPACE RELAY MIRROR SYSTEM (ARMS) DEMONSTRATION.

Of the amount authorized to be appropriated by section 201(3) for the Department of Defense for research, development, test, and evaluation for the Air Force, $6,000,000 may be available for the Aerospace Relay Mirror System (ARMS) Demonstration.

AMENDMENT NO. 4159

At the appropriate place insert:

AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated by Section 201(2) for research and development, test and evaluation, Navy, $4,000,000 may be available for requirements development of a littoral ship in Ship Concept Advanced Design PE 0603563N.

OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 201(2) for research and development, test and evaluation, Navy, the amount available for FORCENET in Tactical Command System, PE 0604231N is hereby reduced by an additional $4,000,000.

AMENDMENT NO. 4160

(Purpose: To provide for monitoring implementation of the 1979 United States-China Agreement on Cooperation in Science and Technology)

On page 281, between lines 5 and 6, insert the following:

SEC. 1215. MONITORING IMPLEMENTATION OF THE 1979 UNITED STATES-CHINA AGREEMENT ON COOPERATION IN SCIENCE AND TECHNOLOGY.

(a) RESPONSIBILITIES OF THE OFFICE OF SCIENCE AND TECHNOLOGY COOPERATION.—The Office of Science and Technology Cooperation of the Department of State shall monitor the implementation of the 1979 United States-China Agreement on Cooperation in Science and Technology and its protocols (in this section referred to as the "Agreement"), and keep a systematic account of the protocols thereto. The Office shall coordinate the activities of all agencies of the United States Government that carry out cooperative activities under the Agreement.

(b) GUIDELINES.—The Secretary of State shall ensure that all activities conducted under the Agreement and its protocols comply with applicable laws and regulations concerning the transfer of militarily sensitive and dual-use technologies.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than April 1, 2004, and every two years thereafter, the Secretary of State, shall submit a report to Congress, in both classified and unclassified form, on the implementation of the Agreement and activities thereunder.

(2) REPORT ELEMENTS.—Each report under this subsection shall provide an evaluation of the benefits of the Agreement to the Chinese economy, military, and defense industrial base and shall include the following:

(A) An accounting of all activities conducted under the Agreement since the previous report, and a projection of activities to be undertaken in the next two years.

(B) An estimate of the costs to the United States to administer the Agreement within the period covered by the report.

(C) An assessment of how the Agreement has influenced the policies of the People's Republic of China toward scientific and technological cooperation with the United States.

(D) An analysis of the involvement of Chinese nuclear weapons and military missile specialists in the activities of the Joint Commission.

(E) A determination of the extent to which the activities conducted under the Agreement have enhanced the military and industrial base of the People's Republic of China, and an assessment of the impact of projected activities for the next two years, including transfers of technology, on China's economic and military capabilities.

(F) Any recommendations on improving the monitoring of the activities of the Commission by the Secretaries of Defense and State.

(3) CONSULTATION PRIOR TO SUBMISSION OF REPORTS.—The Secretary of State shall prepare the report in consultation with the Secretaries of Commerce, Defense, and Energy, the Directors of the National Science Foundation and the Federal Bureau of Investigation, and the intelligence community.

AMENDMENT NO. 4161

(Purpose: To require biannual reports on foreign persons who contribute to the proliferation of weapons of mass destruction, and their delivery systems, by countries of proliferation concern)

At the end of subtitle C of title X, add the following:

SEC. 1035. BIANNUAL REPORTS ON CONTRIBUTIONS TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND DELIVERY SYSTEMS BY COUNTRIES OF PROLIFERATION CONCERN.

(a) REPORTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President shall submit to Congress a report identifying each foreign person that, during the six-month period ending on the date of such report, made a material contribution to the development by a country of proliferation concern of—

(1) nuclear, biological, or chemical weapons; or

(2) ballistic or cruise missile systems.

(b) FORM OF SUBMITTAL.—(1) A report under subsection (a) may be submitted in classified form, whether in whole or in part, if the President determines that submittal in that form is advisable.

(2) Any portion of a report under subsection (a) that is submitted in classified form shall be accompanied by an unclassified summary of such portion.

(c) DEFINITIONS.—In this section:

(1) The term "foreign person" means—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) The term "country of proliferation concern" means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear, chemical, and biological weapons) and advanced conventional munitions in the most current report under section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104-293; 50 U.S.C. 2366), or any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

AMENDMENT NO. 4162

(Purpose: To commend military chaplains)

On page 258, after line 24, insert the following:

SEC. 1065. COMMENDATION OF MILITARY CHAPLAINS.

(a) FINDINGS.—Congress finds the following:

(1) Military chaplains have served with those who fought for the cause of freedom since the founding of the Nation.

(2) Military chaplains and religious support personnel of the Armed Forces have served with distinction as uniformed members of the Armed Forces in support of the Nation's defense missions during every conflict in the history of the United States.

(3) 400 United States military chaplains have died in combat, some as a result of direct fire while ministering to fallen Americans, while others made the ultimate sacrifice as a prisoner of war.

(4) Military chaplains currently serve in humanitarian operations, rotational deployments, and in the war on terrorism.

(5) Religious organizations make up the very fabric of religious diversity and represent unparalleled levels of freedom of conscience, speech, and worship that set the United States apart from any other nation on Earth.

(6) Religious organizations have richly blessed the uniformed services by sending clergy to comfort and encourage all persons of faith in the Armed Forces.

(7) During the sinking of the USS Dorchester in February 1943 during World War II, four chaplains (Reverend Fox, Reverend Poling, Father Washington, and Rabbi Goode) gave their lives so that others might live.

(8) All military chaplains aid and assist members of the Armed Forces and their family members with the challenging issues of today's world.

(9) The current war against terrorism has brought to the shores of the United States new threats and concerns that strike at the beliefs and emotions of Americans.

(10) Military chaplains must, as never before, deal with the spiritual well-being of the members of the Armed Forces and their families.

(b) COMMENDATION.—Congress, on behalf of the Nation, expresses its appreciation for the outstanding contribution that all military chaplains make to the members of the Armed Forces and their families.

(c) PRESIDENTIAL PROCLAMATION.—The President is authorized and requested to issue a proclamation calling on the people of the United States to recognize the distinguished service of the Nation's military chaplains.

AMENDMENT NO. 4163

(Purpose: To grant a Federal charter to Korean War Veterans Association, Incorporated)

At the end of subtitle E of title X, add the following:

SEC. 1065. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.
"120101. Organization.
"120102. Purposes.
"120103. Membership.
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"§ 120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

"The purposes of the corporation are as provided in its articles of incorporation and include—

"(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

"(2) providing a means of contact and communication among members of the corporation;

"(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

"(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§ 120110. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 120111. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

"1201. Korean War Veterans Association, Incorporated ....120101".

AMENDMENT NO. 4136

Mr. SANTORUM. Mr. President, I would like to note that the Senate authorizes $1.0M for efforts designed to enhance the development of key enabling robotics technologies that will support Army, Navy and Air Force transformational programs. These efforts will leverage and coordinate capabilities that exist in the federal government, industry, academia and not-for-profit entities.

The Department of the Army has embarked on a new and ambitious program to develop a Future Combat System (FCS). Robotic and unmanned systems are expected to play a role in the platforms that are developed to support this Objective Force initiative. In addition to FCS, the Air Force and the Navy are pursuing the development of unmanned aircraft and, in the case of the Navy, underwater unmanned platforms.

These funds are to be used to begin work and continue work on key robotics technologies that are identified by the Department of Defense and military services as essential to achieving transformational or leap ahead capabilities.

Currently, there is no single coordinated service-wide robotics initiative that will support military efforts to transform. The authorized funds would begin the process of advanced product development, prototype development, product testing, demonstration, and validation projects for defense-related unmanned and/or robotic platforms.

AMENDMENT NO. 4138

Mr. ROBERTS. Mr. President, I commend Ranking Member WARNER for his stewardship of the FY 2003 defense budget process in the Senate. We face many challenges to our national security in this day and age and I am thankful for his leadership. One of those emerging challenges we face is the terrorist threat to our food supply, specifically U.S. agriculture. On the federal, state, and local level, we need to establish procedures to detect, deter, and respond to large scale coordinated attacks against livestock and agricultural commodities. Toward that end, I ask the Senate to support my amendment to authorize, with an offset, $1,000,000 for research, development, test, and evaluation, for basic research for the chemical and biological defense program (PE 0601384BP) for research, analysis, and assessment of efforts to counter possible agroterrorist attacks. It is my hope that universities with established expertise in the agricultural sciences can conduct studies and exercises that lead to better coordination between federal, state, and local authorities as they attempt to detect, deter, and respond to large scale coordinated attacks on U.S. agriculture. Most importantly, I envision universities assisting the Department of Defense in determining what role—if any—our military or defense agencies play in countering agroterroism. I ask my colleagues to support my amendment. I thank the chair.

AMENDMENT NO. 4160

Mr. BYRD. Mr. President, the Fiscal Year 2002 Defense Appropriations Act directed the State Department to study and report on the United States-People's Republic of China Science and Technology Agreement of 1979, and its protocols. The Agreement has been the basis for nearly a quarter century of science and technology transfers from the U.S. to China by twelve agencies of our government.

While the Cox Report of 1999 detailed how private companies in the United States have transferred technologies that have aided the development of China's military, up until now there has never been an assessment of the joint scientific activities between the governments of the U.S. and China. As the report on the science and technology agreement states, this report "is the first major analysis of the agreement in nearly 25 years and is intended to provide a comprehensive review of the agreement, its protocols, and their impact on the Chinese economy, military, and defense industrial base."

The report, which was developed in close consultation with the U.S.-China National Security Review Commission, has been delivered to Congress. It is in both an unclassified form, with an executive summary and voluminous annexes, and in classified form, which is available in S-407 in the Capitol for my colleagues to review.

There are several troubling aspects of this report.

It makes clear, for example, that there is no coordinating mechanism to oversee the activities undertaken by the twelve agencies and dozens of offices and bureaus of our government that are carrying out the 1979 Agreement with China. In fact, the report, noting certain changes to the State Department bureaucracy in 1996, "there has been no mechanism within the U.S. Government since then to keep a systematic account of protocols under the U.S.-China Science and Technology Agreement." Furthermore, this report was reportedly the first time that the intelligence community has had an opportunity to evaluate the range of programs that are underway.

According to the State Department, we have spent an average of $5 million in taxpayer funds over each of the last five years to carry out this Agreement and its protocols, yet there is no single office in our government that oversees the spider's web of the technology exchange programs that have spun from it.

The report fails to fully analyze the impact of the science and technology exchange programs on the development of Chinese military power. While it argues that the development of China's industrial and military power has been based primarily on its economic growth and its general efforts to acquire technology from the West, the State Department also states that "the degree to which cooperative science and technology activities conducted under the Agreement may have contributed to China's economic and military growth is difficult to assess." That amounts to, at the very least, a mixed message.

The report also notes that there is no regular reporting requirement to Congress on the range and types of programs that are carried out under the Science and Technology Agreement. This lack of reporting indicates that no one is paying very much attention to what activities we are undertaking with regard to the Agreement. Just who is minding the store? Is anyone in the Executive Branch truly concerned with these technology transfer programs? Or is this Agreement considered just another means to smooth over the inevitable hiccups in relations between our countries?

Finally, to no surprise, the State Department provided no recommendations for improving the monitoring of the Science and Technology Agreement. In essence, the report argues that whatever technology and scientific knowledge China might have gained through cooperative programs with the United States pales in comparison to the knowledge China has gained through other channels. The report points to the number of Chinese students studying in U.S. universities, China's investment policies, and scientific agreements with other countries as other routes for technology transfer.

The State Department's contention is akin to arguing that the Chinese are gorging so heartily on science and technology through universities, private industry, and other countries, that another few morsels from Uncle Sam cannot be very important. Ridiculous!

As a result of this analysis, the State Department's principal recommendation is to "allow the Agreement to operate, as heretofore, without the encumbrance of any special monitoring mechanism, which we," referring to the State Department, "do not believe is either necessary or desirable."

I do not think that it is going out on a limb to suggest that the U.S.-China Science and Technology Agreement has been used as a balm to soothe the sore spots of our bilateral relations. As the State Department report says, "In April 2001, at the height of the EP-3 plane incident, the U.S. and China quietly renewed the Science and Technology Agreement despite the severe chill in political/economic relations resulting from this diplomatic confrontation."

It is astounding to note that in the very same month that a Chinese fighter jet crashed into one of our reconnaissance airplanes in international airspace, and the same month that China detained our military personnel after executing an emergency landing at a Chinese airfield, we "quietly" renewed this significant bilateral agreement. I wonder if the Secretary of Defense was aware of the renewal of this agreement at that time? I wonder if the President knew about it?

Mr. President, I do not think that it is wise to view the transfer of advanced technology and scientific knowledge as simply a diplomatic tool. The amendment I offer today takes very basic steps to improve oversight of the 1979 Science and Technology Agreement. The amendment simply designates the Office of Science and Technology Cooperation in the State Department as responsible for monitoring the Agreement. According to its report, the State Department has not even kept track of the sixty protocols to this Agreement since 1996. This needs to be changed. The amendment also requires the Secretary of State to see that activities carried out under the Agreement are consistent with our laws and regulations that prohibit the transfer of sensitive technology.

Further, the amendment establishes a reporting requirement so that the State Department will inform Congress every two years on what activities have taken place under the Agreement. As I stated earlier, the State Department report released in May 2002 was the first-ever comprehensive assessment of the implementation of the 1979 U.S.-China Science and Technology Agreement. It does not make sense to wait another 23 years for the next assessment.

Mr. President, China is embarking on a substantial military buildup. They are using technologies that have been acquired from a vast number of sources. It is hard to believe that our own government has been cooperating with China in exchanging scientific information that has the potential, in the words of the State Department, to facilitate China's military research programs. My amendment takes very simple steps to make sure that the government-to-government scientific exchanges that take place are focused on peaceful uses of technology. I urge my colleagues to support the amendment.

Mr. REID. Mr. President, let me say that there has been a tremendous amount of work done today. I know we were in long quorum calls and people could not see the work that has been done. But one very important amendment dealing with national missile defense was completed. That was done by voice vote after many hours of work. Then, today and this evening, staff, with Senators Warner and Levin, have approved almost 50 amendments. So this very important bill is on the way toward being completed.

We are going to vote in the morning on cloture. People will have to deal with germane amendments after that. But I just want to spread on the RECORD comments about the work done by the staffs, today and tonight, and the two managers of the bill.

Mr. WARNER. Mr. President, if I might address the Senate, I wish to express my appreciation to the distinguished majority whip. We did succeed on missile defense, but it could not have been done without the cooperation of the majority leader, the Republican leader, yourself, and our distinguished chairman, who departed a few minutes or so ago.

We did achieve a good deal of work. I am confident that tomorrow, with the support of all the Senators, we will achieve a landmark bill on behalf of the men and women in the armed services of this great Nation.

I thank all Members, and particularly the Presiding Officer for his patience and guidance throughout the day, and the Senate staff.

I thank my distinguished colleague and friend.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORPORATE RESPONSIBILITY

Mr. DURBIN. Mr. President, this morning's Wall Street Journal, on the front page, alerts us that WorldCom admits a $3.8 billion error in its accounting. "The Firm Ousts Financial Chief and Struggles for Survival; SEC Probe Likely to Widen."

As I come to the floor of the Senate this afternoon, the news from the stock market is not encouraging. But it hasn't been encouraging for a long period of time. At least since the Enron scandal we have been dealing not just with recession but with what we must term a crisis in corporate responsibility.

It is hard to imagine the ultimate impact this will have on average Americans and their families, let alone other businesses. But it really calls into question the responsibility and role of the Federal Government to respond to this crisis in corporate responsibility.

Very soon, we will be considering legislation reported from the Banking Committee that will seek to address some of the most glaring problems in corporate governance in America today. It is talking about the role of accounting firms that are serving both as consultants and auditors—in a dual and sometimes conflicting capacity—that will establish standards for regulation of accounting firms so there is more credibility in their findings for the American public. It will address a number of other areas, such as strengthening the SEC. I believe all of these things are long overdue.

When we return from the Fourth of July recess, the Senate will be addressing this issue. There will be differences of opinion. There will be some who will come to the floor and you will hear the debate. Some will argue to leave business alone, Government should not meddle. Yet the fact is that unless Government steps in in this situation offering sound advice, counsel, and regulation, we are going to continue to see this crisis in America's confidence in corporate institutions. There was a day when the robber barons ruled in America. Corporations, frankly, cared little or nothing about public opinion. The richest people in America were very powerful here on Capitol Hill. Those days hearken back to the era of Teddy Roosevelt, a Republican who came in and said: We are going to have an antitrust law and we are going to establish the agencies that we need to make certain business is regulated.

About 35 years later, along came a relative, Franklin Roosevelt, facing a recession which led to a depression, which again called into question whether Government was doing enough to regulate business. His decision to create the SEC and other key agencies restored confidence in American business.

I am afraid this year, in this new century, we face a similar challenge. If Congress shirks its responsibility, if the administration does not accept its responsibility, we will continue to see a decline not only in the stock market but in the savings, the pensions, the nest eggs of American families across the board.

We really call on the leaders in the business community to step forward—and there are many honorable, hardworking people who have done such a fine job in creating good business, good enterprises, opportunities for people to work and profits to be made. They need to step forward and make it clear that the good people in the business sector will not tolerate what we are reading day in and day out in the Wall Street Journal about corporate activity.

Recently, we had a hearing before the Governmental Affairs Committee and brought in some of the people from Enron who made the decisions. One of them a person I have admired for many years, who is a medical doctor in the Houston area, was head of the compensation committee for Enron. We asked him during the course of the hearing: How in the world could you justify hundreds of millions of dollars to individual corporate officials at Enron at a time when the company was clearly misleading the public?

He said: We had to do it. We were the seventh largest corporation in America and we had to have the seventh highest salary in America for a CEO.

It turned out the performance of the corporate officers really wasn't the important issue here; the question was, within that click, that fraternity, whether they were being compensated as their peers would expect.

What happened to the old days when an entrepreneur not only engaged in risk but accepted the consequences when it didn't work out? You don't see that these days. People are being compensated hundreds of millions of dollars in stock options and, with that compensation, we look at the corporate records and find companies are losing money.

The board of directors seems oblivious to the obvious. the People leading these corporations are not doing a good job managing. They are not creating the profitability for shareholders, and they are being rewarded with outrageous sums for salaries and stock options.

My colleague, Senator LEVIN of Michigan, who is not in the Chamber, has been a leader in the whole question of stock options and the impact these options have on corporate America. They create incentives for greed, incentives for falsification in terms of companies' profitability. Time and again, we have seen that these incentives have led to a disastrous outcome, such as the situation with WorldCom.

We are also seeing a gross disparity between the amount of money being paid to the average American working for a company and the compensation for officials at the highest levels. It is the greatest disparity in the history of our country. Truly, the rich are getting richer, the middle class is struggling, and the poor are getting poorer.

Kevin Phillips, who has written a book called "Wealth and Democracy" analyzes the disparity of wealth and income in America. Now, it is understood in this country that if you are willing to take a risk and work hard, you should be compensated. That is one of the great parts of America, part of the American dream. But we see at WorldCom and other corporations where they are falsifying their profitability, where the average person, whether buying a mutual fund or a share of this stock, could not have a clue as to the reality and honesty of the corporate books.

I say to President Bush and members of the administration: You cannot ignore this problem. This is a problem that calls for Presidential leadership and congressional leadership on both sides of the aisle. Those who want to take a hands-off, laissez-faire attitude toward this business crisis are inviting, unfortunately, even worse results in terms of our economy and our stock market.

There is a standing joke, I guess, some comedians talk about: My 401(k) has now become a 201(k).

I guess we can laugh a little about that, but the fact is many people I meet in my home State of Illinois talk about postponing retirement. They have to keep working because what they had hoped to rely on just isn't going to be there. Today, at end of the day, when we look at Dow Jones, and NASDAQ, and other reports from financial communities, I am afraid we are seeing that even more wealth in America has evaporated.

It is not because of this one corporation, WorldCom; it is because of this looming crisis in corporate responsibility, which is a specter over the economy of our Nation.

This calls on us to be honest and real in our dealings with corporate America. It is not just a matter of their reporting accurately as to whether they are profitable or losing money; it is a question of corporate conduct. We have to demand corporate responsibility when it comes to treating pensioners from their companies fairly. If a promise is made to someone that they will have health insurance and a pension, that corporation should not be allowed to escape that responsibility or that liability—to leave these poor people alone, after promises of a lifetime, and unprotected and unguarded with the perils of the economy literally at their door.

Secondly, we have to insist that corporations, when it comes to their conduct involving world trade, do the responsible thing for America. When

Stanley Tools recently announced they were going to move their corporate operations to Bermuda to avoid American income taxes, this consumer said I will never buy another one of their products because, as far as I am concerned, if they can go to that Bermuda Triangle where their tax liability and American jobs disappear, they may as well disappear, too, as far as I am concerned.

That is the kind of corporate misconduct that has become rampant and is creating a cynicism among Americans about many corporate leaders, and that has to change.

In addition, when it comes to the whole question of the environment, time and time again, we find corporations that have created a toxic impact on the environment—those that have left behind toxic waste, for example, that are trying to escape liability.

It is an issue being debated over Superfund sites. A Superfund site is a place in America where a corporation has done business and left behind dangerous toxic waste. The question is, Who should pay to clean it up? I think the answer is simple. The polluters should pay it; the person who makes the mess should pay it. That is not what we are hearing from this administration. We are hearing: No, no, you cannot ask the businesses and corporate community to be responsible for their misconduct; the taxpayers in general should pay for the cleanup.

That is wrong, just plain wrong. That is not fair and it is not just.

This issue of corporate responsibility is rising as the Dow Jones falls. People across America are understanding that the great corporations and the great businesses that are truly the backbone and strength of our economy have to stand up and be responsible in their conduct.

As I said earlier, there are good ones. I know many great business leaders. In my State of Illinois and the city of Chicago, I can list dozens of them for you. But there are some who are bringing shame on this sector of the economy and the people who are dedicated to American business.

I hope this WorldCom scandal which has been announced this morning in the Wall Street Journal is a wake-up call not only for the President but for Congress as well.

I yield the floor.

AMERICA CANNOT AFFORD AN AMTRAK SHUTDOWN

Mrs. FEINSTEIN. Mr. President, I rise today to reiterate my steadfast and unwavering support for Amtrak.

I believe that President Bush, Transportation Secretary Norm Mineta, Amtrak President David Gunn, and the Congress need to work together immediately to prevent our passenger rail system from grinding to a halt and stranding millions of commuters coast to coast.

Amtrak's passenger rail service is an essential link in our transportation system and our economy.

Every day Americans use Amtrak and local commuter rail systems that depend on Amtrak to get to and from work. And as we approach the July Fourth holiday, more and more Americans are relying on Amtrak trains for their vacation travel, especially this year because of security changes at our Nation's airports.

I cannot think of a worse time for Amtrak to have run out of money and I find it unconscionable that Members of Congress and the President are not unified to see that our trains continue to run.

What will happen if Amtrak shuts down? You can be sure the roads will jam up even more and air travel will become an even greater headache.

I agree with Secretary Mineta when he said Monday night that the burden is not on President Bush alone to save the rail system from bankruptcy. However, it is important to point out that President Bush alone can keep Amtrak out of bankruptcy by announcing today that he will approve the company's application for a $200 million loan guaranty and support an additional appropriation of $200 million in the supplemental appropriations bill that is now in conference negotiations.

Here is how I believe we must respond to the current situation. First, I believe the $200 million emergency loan guaranty that Amtrak needs to keep the trains running must be approved immediately. This $200 million will allow Amtrak to again find private financing that has dried up over the past several months because of the company's deteriorating financial condition.

Second, the members of the conference committee on the supplemental appropriations bill are trying to include a $200 million emergency appropriation for Amtrak. If this bill can emerge from conference negotiations this week and if the President agrees to sign the legislation, the funds will get to Amtrak before the July Fourth holiday.

Third, I have joined many of my colleagues in a commitment to work for $1.2 billion for Amtrak in fiscal year 2003. This is the amount Amtrak needs and I believe it is the amount Congress should deliver.

I cannot understand why President Bush continues to stand by his paltry budget request of $521 million and threaten to veto the Transportation appropriations bill if more than that amount is provided to Amtrak.

Fourth, I believe the Senate should take up Senator HOLLINGS' legislation to fund Amtrak for the next 5 years. The National Defense Rail Act would authorize $4.6 billion annually from 2003 to 2007 for passenger rail service. The legislation, which passed the Commerce Committee by a vote of 20-3 in April would fund rail security improvements, high speed rail development, and operational costs for existing rail routes.

I believe Congress must take each of these four steps to preserve and improve Amtrak.

I strongly believe that Amtrak is not a failure, it is the government that has failed Amtrak. If we do not properly fund our rail system, how do we expect it to thrive?

Since 1971, when Amtrak was founded, only $25 billion has been spent on passenger rail, compared to over $750 billion that has been invested in highways and aviation. The Federal Government has made a commitment to fund road construction and expand aviation capacity, but we have always come up short to provide fair funding for our rail system.

The Federal Government provided $15 billion in payments and loan guaranties to aid the airlines after the September 11 terrorist attacks. Why can't we provide $200 million to keep our trains running?

Imagine the chaos that will ensue if Amtrak does shutdown this summer. There will be even more traffic on our roads and air travel will slow down if trains are not an option for commuters heading to work or travelers on vacation.

On Monday, Senator BOXER and I wrote President Bush to ask him to approve Amtrak's $200 million loan guaranty. This letter illustrates how important Amtrak is to California and why a shutdown would threaten the State's economy.

As we mention in the letter, last week a transportation think tank declared southern California and the Bay Area as the two urban areas of the country with the longest traffic delays. Californians do not need any more gridlock.

Yet if Amtrak shuts down, thousands of people in California who depend on Amtrak service every day will be stranded. Amtrak trains that travel throughout the State and regional commuter trains could both grid to a halt if the $200 million loan guaranty is not forthcoming.

Since most rail lines in California are run by Amtrak or depend on Amtrak, everything is in jeopardy. These include three Amtrak routes funded by the State and the Federal Government: 1. the Capitol Corridor route between San Jose and Auburn; 2. the San Joaquin route between Oakland and Bakersfield; 3. the Pacific Surfliner route between San Diego and San Luis Obispo.

These are three of the most successful routes in the United States. In fact, all three are among the top five intercity rail corridors and the Pacific

Surfliner is the fastest growing route in the nation. Overall the State of California has added 28 new daily trains since 1995 and over 1.5 million new passengers.

But a shutdown will also threaten some of California's largest regional transportation systems including: 1. Caltrain, the rail service between San Francisco and San Jose 2. Metrolink, Southern California's regional transit system 3. The Coaster, San Diego County's regional train.

In fact, on Monday Metrolink passengers in Southern California found these flyers on their seats. The flyer updates commuters on the imminent Amtrak shutdown and tells them to "explore other commute options."

This week I also received a letter from the North County Transit District on the impact an Amtrak shutdown will have on San Diego County's Coaster Commuter Rail Service.

It is clear to me that a shutdown of Amtrak will be devastating for rail passengers across the Nation. I believe we must act immediately to avoid it. I urge President Bush to provide a $200 million loan guaranty to prevent a shutdown of Amtrak service in California and the rest of the country.

I ask unanimous consent to print additional material in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 24, 2002.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to approve a $200 million federal loan guaranty to allow Amtrak to continue to operate. Amtrak is extremely important to California. After New York, California has the second highest ridership in the country. Without this funding, thousands of people in California who depend on Amtrak service every day will be stranded.

Just last week, a respected analyst rated Los Angeles and San Francisco-Oakland as the two urban areas of the country with the longest annual delays per rush-hour driver. Californians have gridlock. Without Amtrak, the 69,000 daily commuters that use the three Amtrak commuter train systems will not be able to get to work. These services also have financial support from the state of California, which spent $72 million in the state's fiscal year 2002.

Amtrak is important and growing outside the Northeast Corridor. For example, California has the second most traveled line in the country: the "Pacific Surfliner"—from San Diego to Los Angeles. Amtrak West has increased the daily number of trains from 36 intercity trains in 1995 to 64 intercity trains in 2001, which is a 78 percent increase. All but three of these are in California. The number of passengers has increased by 52 percent and passenger related revenues have increased by 49 percent during the same period of time.

We strongly believe that the federal government must continue to support Amtrak and the partnership with the State of California for a viable national intercity passenger rail service. Again, we urge you to provide a $200 million loan guaranty to prevent a shutdown to Amtrak service in California and the rest of the country.

Sincerly,
DIANNE FEINSTEIN,
United States Senator
BARBARA BOXER,
United States Senator

METROLINK COMMUTER
June 24, 2002.

DEAR METROLINK COMMUTERS: Within the last few weeks, the nation learned that Amtrak is facing urgent financial challenges to continue national passenger rail services through the end of the federal fiscal year (October 2002). As of June 19, 2002, Amtrak had not been able to secure a needed $200 million bank loan. David L. Gunn, the newly appointed Amtrak CEO, testified before a U.S. Senate Sub-committee on that day that failure to obtain $200 million in federal loan guarantees or cash by July 1 would leave him no choice but to begin an orderly shutdown of rail passenger service nationwide, to place the company into bankruptcy, and to place the corporation's assets under a court appointed trustee.

You may be aware that Metrolink dispatchers, locomotive engineers and conductors are provided under a contract with Amtrak. Our contract with Amtrak is similar to many other passenger rail operator contracts with Amtrak throughout the country. The Metrolink contract, which expires on June 30, 2004, covers all Amtrak costs of providing the 145 Amtrak employees needed to dispatch trains and to operate Metrolink's 138 weekday trains and 32 weekend trains.

At this time, we have no additional information as to exactly how a shutdown of Amtrak passenger rail service would affect Metrolink. Metrolink sent Amtrak and federal officials a letter on June 10th stating that no federal subsidies are used for the Metrolink contract and that there should be no cash flow concerns for Amtrak by continuing to provide the contract services. To date, Amtrak has not provided a response. We have also begun to explore the limited options we have to try to avoid an interruption in Metrolink services in case Amtrak is unable or unwilling to meet its contractual obligations. In order to ensure uninterrupted safe operation of Metrolink, we need the continued availability of the existing Amtrak certified and qualified employees.

While we encourage you to purchase your July Metrolink fare media as usual, you should also explore other commute options. Should Metrolink services be interrupted we will reconcile any fare payment issues. We also will provide updated information through the media, on our website (www.metrolinktrains.com), and with fax and email updates to the employee transportation coordinator that participate in our Corporate Pass Program. You may also call (800) 371–LINK.

We apologize for any inconvenience or uncertainty that this potential Amtrak action may have. We have hope that Amtrak and the federal government can secure the needed funding to avert the crisis.

DAVID SOLOW, *CEO*

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Building, Room 331, Washington, D.C.

DEAR SENATOR FEINSTEIN: On behalf of the Southern California Regional Rail Authority, operators of Metrolink, I am writing to urge your support for an immediate Amtrak loan guarantee. We contract with Amtrak to provide our commuter rail service throughout six counties of Southern California. If bridge funds are not provided to Amtrak, our service is at risk for shutting down as well.

As you are probably aware, David Gunn, Amtrak's new president recently announced that Amtrak needs a $200 million loan guarantee by June 30th from Congress or the company will have to begin an orderly shutdown of all services. Metrolink dispatchers, locomotive engineers and conductors are provided under a contract with Amtrak. Our contract with Amtrak is similar to many other passenger rail operator contracts with Amtrak throughout the country. The Metrolink contract, which expires on June 30, 2004, covers all Amtrak costs of providing the 145 Amtrak employees needed to dispatch trains and to operate Metrolink's 138 weekday trains and 32 weekend trains.

Our commuter rail services are obtained through cost-reimbursement contracts. This means we are not subsidized by Amtrak. Nonetheless, Amtrak has been unable to ensure continued Metrolink commuter rail service. In order to ensure uninterrupted safe operation of Metrolink, we need the continued availability of the existing Amtrak certified and qualified employees.

Metrolink operates in the nation's most congested region. Shutting down our service will not only impact our ridership—34,000 daily—but also contribute to increased peak hour congestion on the highways. Metrolink removes one lane of traffic during peak hours on the highways we parallel. Without our service, those lanes will be flooded again with frustrated drivers.

Please contact President Bush to request his support for Amtrak's request of $200 million in loan guarantees. We respectfully urge you to work with Congress to ensure continued operation of passenger rail and the contract services upon which Metrolink depends.

Sincerely,
DAVID SOLOW,
Chief Executive Officer.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to you on behalf of the North San Diego County Transit Development Board to request your support for Amtrak and its provision of NCTD's "Coaster" Commuter Rail Service in San Diego County.

David Gunn, Amtrak's new President, has recently announced that unless Amtrak receives a $200 million loan guarantee by the end of this month, the company will have no choice but to shut down all passenger train services nationwide. NCTD, along with three other public agencies in California, contract with Amtrak for the operation of critical commuter rail and inter-city rail services. Our commuter rail services are obtained through cost-reimbursement contracts and do not contribute to the national subsidy requirements for Amtrak's overall network. Nevertheless, Amtrak has been unable to provide assurance of continued commuter rail service operation for the Coaster.

The shutdown of commuter rail service in San Diego County would severely impact 5,000 Coaster passengers per day, add significantly to peak hour freeway congestion, and reduce regional mobility. Due to the complex requirements of railroad operations, Amtrak's services cannot be readily replaced overnight if Amtrak shuts its doors.

Please contact the President to request his support for Amtrak's request for $200 million in loan guarantees, and work with Congressional leaders to ensure continued operation of passenger rail and the contract services upon which Coaster operations depend.

Sincerely,

THOMAS P. WALTERS,
Washington Representative.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 4, 2000 in Casper, WY. A man was arrested on charges of firing shots at a group of people watching a Fourth of July fireworks display in what police described as a hate crime. Johnny Lee Hodge, who is white, was being held on $100,000 bond after firing a shotgun at least three times at several black men and pointing a gun at the head of a teenage Indian girl, authorities said. Hodge made racial slurs before shooting at the group.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

10TH ANNIVERSARY OF THE TOWNSHIP OF PRINCETON, NEW JERSEY AND THEIR SISTER CITY PETTORANELLO, ITALY

• Mr. TORRICELLI. Mr. President, I rise today to recognize the 10th anniversary of the renewed sister city relationship between the Township of Princeton, NJ, and the village of Pettoranello, Italy. Over the past 10 years the township and village have formed a strong bond and benefitted greatly from their relationship.

Guiseppe Perna and Achille Carnevale, sons of the village of Pettoranello, came to Princeton in the 1850s. They, along with the many immigrants who followed, built much of the Princeton community and University that still stands today. The people of Pettoranello had a great influence on the Princeton community that continues to be felt. Those first immigrants from Pettoranello brought not only their families, but also their traditions while maintaining strong ties to their village in Italy.

In 1994, a group of Princeton citizens led by Mayor Phyllis L. Marchand visited Mayor Antonio Camillo Paolino and the village of Pettoranello, renewing the special sister city relationship between the two municipalities. Over the years, the Township of Princeton continues to recognize the ties that bind the Princeton community and the village of Pettoranello, Italy. The two sister cities have gained a great deal from each other through the exchange of music, athletics, medicine and literature.

So, I join with people of the Township of Princeton, NJ, and Pettoranello, Italy, in saluting the 10th anniversary of the renewed sister city relationship between these two municipalities. May their spirit of friendship and continued exchange of ideas and goods be a model for all of us to admire and emulate.•

TRIBUTE TO ROBERT J. SEMLER

• Mr. KENNEDY. Mr. President, I rise today joined by my New England colleagues Senators JEFFORDS, KERRY, SNOWE, REED, DODD, GREGG, LIEBERMAN, CHAFEE, COLLINS, and LEAHY to congratulate Robert J. Semler as he ends an impressive career as the Regional Administrator for the Department of Labor. Since 1985, Bob has been responsible for the administration of the Federal employment and training programs throughout New England. He has ensured that workers and employers in New England understood and took advantage of the opportunities in the Job Training Partnership Act, the School-to-Work Act, the Welfare-to-Work Act, and most recently in the Workforce Investment Act. He has taken federal programs from print to the people and made every program work for the particular needs of New England.

During his 33-year career with the Department of Labor Bob has actively tried to meet the needs of employers and employees, understanding that economic development means investing in people. He has made the six New England States operate as a region, and with that collaboration has come a renewed commitment to the cross-State initiatives that have allowed our region to remain competitive in attracting new industries.

Bob's commitment to people began with his time with the Peace Corps. From 1964 to 1970 he served as the Western Venezuela Regional Director overseeing Peace Corps volunteers and programs that worked with community development, health initiatives and agricultural cooperatives. He took the lessons learned in community building and imbedded those beliefs in the implementation of job training policy over the next 27 years.

Countless New England workers have raised their skills and found better jobs because of the work of Bob Semler, and it is with great pride and genuine affection that we recognize his impressive contributions to our region and wish him all our best as he begins the next phase in his impressive career.•

FREE OVER-THE-AIR BROADCASTING

• Mr. HUTCHINSON. Mr. President, I rise today to recognize the important role that free, over-the-air broadcasting plays in local communities.

Every 2 years, the National Association of Broadcasters conducts an industry-wide census of television and radio broadcasters' public service efforts. The results from the most recent census found that America's radio and television stations contributed a staggering $9.9 billion in service to their local communities throughout 2001.

The President has spoken in recent months of how Americans have rediscovered the value of service. Today, I would like to applaud an industry that consistently demonstrates how small business can weave itself into the fabric of a community and play a vital role in helping others.

In my home State, radio and television stations often assist local charities and non-profits. It is estimated that local Arkansas television and radio stations' community service efforts during 2001 amounted to over 71 million dollars.

During 2001, KPOM–TV in Fort Smith continued its partnership with the Salvation Army to support the charity's year-end Red Kettle Drive. The event netted a quarter of a million dollars to support needy families in the surrounding area. On their end, KPOM ran a schedule of 10 public service announcements per day to support the effort.

Local Arkansas stations have also actively worked to promote health and health awareness in their communities. In Little Rock, radio stations KURB–FM and KLAL–FM were official sponsors and hosts of this year's Arkansas Race for the Cure benefit for the Susan G. Komen Breast Cancer Foundation. Thanks to these stations' promotional activities, more than 34 thousand people participated, bringing in more than 1.6 million dollars to fight cancer. In Mountain Home, AM and FM stations KTLO and KCCT–FM partner every year to put on a Senior Fair and Hospital Expo. The event brings in more than 3,000 senior citizens every year for free health tests, information and referrals. In Jonesboro, KAIT–TV conducted an active Public Service Announcement campaign to promote prostate cancer awareness. The on-air effort included interviews with prostate cancer survivors in the community. The timing of the campaign coincided with a local hospital's program to provide free screenings for area men.

While $9.9 billion is an impressive figure, what is most impressive about broadcasters' community service work is that each station endeavors to meet the community's unique needs. The efforts of broadcasters are as diverse as the different communities they serve. Local broadcast stations serve every community differently.

In this new era, I think it is important that we recognize those among us who have a solid record of service. And so to my local Arkansas broadcasters, I would like to say thank you. We appreciate everything that you do to make our communities and our lives better, and we sincerely hope that you will keep up the good work.●

SALUTING SOUTH CAROLINA CREDIT UNIONS

● Mr. HOLLINGS. Mr. President, as we watch our budget deficits going up, up, and away, I take solace in knowing that today in South Carolina we are teaching our teenagers the real value of money.

The South Carolina Credit Union League, in conjunction with the Clemson Cooperative Extension, is furnishing materials to teachers throughout the State to help build financial literacy among our teenagers. Teenagers spend $155 billion a year nationwide, yet only 10 percent have any financial training in high school. It is imperative that they learn, as early as possible, sound fiscal habits. I thank the credit unions in South Carolina for taking on this initiative, which is part of a nationwide effort, spearheaded by the National Endowment for Financial Education.

To recognize the important role high school teachers play in this effort, the credit unions also recently named Sue Dillon, a teacher at Spring Valley High School in Columbia, SC, as the Financial Literacy Educator of the Year. Her commitment to students' financial knowledge is reaching hundreds of young people in five South Carolina schools. Since today's high school graduates stand to earn more than $1 million as adults, the lessons Ms. Dillon teaches may be some of the most valuable her students ever learn. I congratulate her on receiving this honor.●

TRIBUTE TO RAY UHALDE

● Mr. KENNEDY. Mr. President, I want to pay a special tribute to a great public servant who is retiring later this month after nearly 25 years of tireless and effective service. Raymond J. Uhalde has served as Deputy Assistant Secretary of Labor for Employment and Training for the past 8 years. As the senior career professional in the Employment and Training Administration (ETA), he provided executive direction for its $11 billion annual budget and 1300 employees. Ray also served as acting Assistant Secretary from 1996 to 1998, and held other key policy positions during his tenure at the Department of Labor. As Deputy Assistant Secretary, he led important initiatives that improved the nationwide systems of job training, job placement, and income support that are administered by ETA. These public investments help millions of Americans increase their job skills, make smoother transitions between jobs, and improve their wage levels. They also help employers find the skilled workers they need. As a result, family incomes and our nation's prosperity have both improved.

Ray has received many accolades for his leadership over his years of service, including recognition by President Clinton in awarding him with the rank of Meritorious Executive in the Senior Executive Service, as well as the Department of Labor's most prestigious career award, the Philip Arnow Award for excellence. But what stands above even these awards is Ray's unquestionable integrity and professionalism on a bipartisan basis. Ray enjoys a great deal of respect for his leadership and skill in shaping employment policy from Members of Congress and their staffs on both sides of the aisle, enabling him to be an effective representative for the Department of Labor through several different Administrations.

His work has made a real difference in the lives of millions of Americans. His legislative and administrative skills have played critical roles in the enactment and implementation of many important bills including the Workforce Investment Act, a 5-year effort which fundamentally reformed the Nation's job training system; the Welfare to Work program, which has helped transition welfare recipients to gainful employment; and the reauthorization of the Older Americans Act, which assists low income seniors earn a paycheck while providing important community services. The passage and administration of each of these acts was due in large part to Ray's personal skills and dedicated efforts to assist in the development of consensus bills that would reflect the Administration's priorities and help Americans in need.

I am also grateful for his help and advice over the years on a range of immigration issues facing the Department of Labor. Ray embraced our immigrant heritage, but also understood the importance of strengthening our immigration laws to ensure they would not be misused by those who sought to bring in immigrants to abuse them with substandard wages and working conditions, and to displace U.S. workers.

These efforts represent only a small fraction of the most recent accomplishments that mark Ray's career at the Department of Labor. His fellow workers in the Department of Labor and throughout the administration will sorely miss his wisdom and guidance, as will State and local workforce development leaders in every corner of the Nation. While I am sad to see Ray leave the civil service, I am happy to know that he is going to become Co-Director of the Workforce Program at the National Center on Education and the Economy, where I look forward to continuing to work with him in the years to come on issues involving workforce development—a crucial social policy area in helping all Americans to become full participants in the economic, social and political life of this great country.●

TRIBUTE TO RICHARD PEMBROKE

● Mr. JEFFORDS. Mr. President, I rise today to congratulate Richard "Dick" Pembroke, Chairman of the Vermont House Transportation Committee, on his 16 years of service to Vermonters in the Legislature.

Dick has decided to retire from politics after a career largely devoted to solving Vermont's transportation problems. And to be sure, he understands the importance of a farsighted and diverse plan to meet Vermonter's transportation needs.

But Dick will be remembered for more than just good transportation policies for routes around Vermont. He was a politician in the finest sense. Bipartisan majorities consistently elected him, giving him the largest numbers of votes in his two-seat district. He rightly considered consensus, negotiation, and compromise as the key ingredients of good politics.

His attitude of cooperation in Montpelier spoke to voters so much, that he never had to spend more than a few dollars on his campaigns. He was repeatedly re-elected because of his exceptional spirit to get important things done. He used the legislative process for the benefit of all and the detriment of none.

His daily work in the Legislature was honest, and he served his district and Vermont to the best of his abilities. As a Vermonter, I would like to thank Dick for his years of service in the State House.

I am sure that his retirement from politics will never keep Dick from calling me to discuss the issues that he thinks I should care about. And if an issue is important to Dick, it should be important to all Vermonters.

My congratulations to Dick, and good luck.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4623. An act to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes.

H.R. 4679. An act to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders.

H.R. 4846. An act to amend title 31, United States Code, to clarify the sources of silver for bullion coins, and for other purposes.

H.R. 4858. An act to improve access to physicians in medically underserved areas.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4623. An act to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes; to the Committee on the Judiciary.

H.R. 4679. An act to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders; to the Committee on the Judiciary.

H.R. 4846. An act to amend title 31, United States Code, to clarify the sources of silver for bullion coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4858. An act to improve access to physicians in medically underserved areas; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill read the second time, and placed on the calendar.

H.R. 3971. An act to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3937. An act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1227: A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes. (Rept. No. 107–179).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1325: A bill to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes. (Rept. No. 107–180).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 601: To redesignate certain lands within the Craters of the Moon National Monument, and for other purposes. (Rept. No. 107–181).

H.R. 2440: A bill to rename Wolf Trap Farm Park as "Wolf Trap National Park for the Performing Arts", and for other purposes. (Rept . No. 107–182).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself and Mr. Chafee):

S. 2681. A bill to provide for safe equestrian helmets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMPSON:

S. 2682. A bill to provide for reliquidation and payment of antidumping duties on certain entries of televisions; to the Committee on Finance.

By Mr. HUTCHINSON:

S. 2683. A bill to amend the Internal Revenue Code of 1986 to clarify that church employees are eligible for the exclusion for qualified tuition reduction programs of charitable educational organizations; to the Committee on Finance.

By Mrs. CLINTON:

S. 2684. A bill to amend the Atomic Energy Act of 1954 to establish a task force to identify legislative and administrative action that can be taken to ensure the security of sealed sources of radioactive material, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 2685. A bill to amend the Black Lung Benefits Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. Levin):

S. 2686. A bill to strengthen national security by providing whistleblower protections to certain employees at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI:

S. 2687. A bill to facilitate the extension of the Alaska Railroad for national defense purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself and Mr. Allen):

S.J. Res. 39. A joint resolution proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. Lott, Mr. Byrd, Mr. Leahy, Mr. Warner, Mr. Reid, Mr. Bingaman, Mr. Johnson, Mr. DeWine, Mr. McCain, Mr. Akaka, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Campbell, Ms. Cantwell, Mrs. Carnahan, Mr. Carper, Mr. Chafee, Mr. Cleland, Mrs. Clinton, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Helms, Mr. Hollings, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. McConnell, Ms. Mikulski, Mr. Miller, Mr. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Nickles, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Torricelli, Mr. Voinovich, Mr. Wellstone, and Mr. Wyden):

S. Res. 292. A resolution expressing support for the Pledge of Allegiance; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. Dodd, Mr. Feingold, Mrs. Clinton, and Mr. Wellstone):

S. Con. Res. 124. A concurrent resolution condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for victims of those practices; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 351

At the request of Ms. Collins, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 917

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1132

At the request of Mr. CRAPO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1132, a bill to amend the Federal Food, Drug, and Cosmetic Act relating to the distribution chain of prescription drugs.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the names of the Senator from Nevada (Mr. REID) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2108

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2108, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2268

At the request of Mr. MILLER, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2317

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2317, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 2430

At the request of Mr. BREAUX, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2430, a bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes.

S. 2552

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2552, a bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education.

S. 2611

At the request of Mr. REED, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2625

At the request of Mr. GRAHAM, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2625, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2628

At the request of Mr. CORZINE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2628, a bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the temporary assistance to needy families program and to allow financial education to count as a work activity under that program.

S. 2636

At the request of Mr. TORRICELLI, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2636, a bill to ensure that the Secretary of the Army treats recreation benefits the same as hurricane and storm damage reduction benefits and environmental protection and restoration.

S. 2637

At the request of Mr. CONRAD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2637, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund and 1992 Benefit Plan by providing additional sources of revenue to the Fund and Plan, and for other purposes.

S. 2649

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. REED), the Senator from North Carolina (Mr. EDWARDS), the Senator from Iowa (Mr. HARKIN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2649, a bill to provide assistance to combat the HIV/AIDS pandemic in developing foreign countries.

S. 2667

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

S.RES. 258

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 258, a resolution urging Saudi Arabia to dissolve its "martyrs" fund and to refuse to support terrorism in any way.

S.RES. 266

At the request of Mr. ROBERTS, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S.Res. 266, a resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day."

AMENDMENT NO. 3615

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 3615 proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3986

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3986 intended to be proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. CHAFEE):

S. 2681. A bill to provide for safe equestrian helmets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Mr. President, I rise today with my colleague from Rhode Island, Senator CHAFEE, to introduce legislation to provide greater safety for children and adults who ride horses in the United States. Each year in our country, nearly 15 million people go horseback riding. Whether it be professionally or for pleasure, Americans of all ages and from all walks of life enjoy equestrian sports. And, while everyone acknowledges that horseback riding is a high-risk activity, there are serious safety issues related to equestrian sports that can and should be addressed.

I first became aware of the problem of equestrian helmets when Kemi O'Donnell, a constituent of mine in Connecticut, called my office to relate her family's tragic experience. The story she shared opened my eyes to the danger posed by certain equestrian helmets. In 1998, Kemi's daughter, Christen O'Donnell, was a young 12-year-old resident of Darien, Connecticut, and a 7th-grader at New Canaan Country School. Active and sporty, Christen was a talented intermediate rider who had 5 years of riding experience under her belt when she mounted her horse on the morning of August 11. As always, Christen wore a helmet and was accompanied by her trainer when she began a slow walk through the ring. Suddenly, without warning, the horse she was riding shook its head, and Christen was thrown off into 4 inches of sand. Even though her horse was only at a walk, and Christen was wearing a helmet, that helmet offered her little protection, and she sustained severe head injuries as a result of the fall. She was rushed to Stamford hospital where, despite efforts to save her, she died the next day. The magnitude of their loss has been compounded by the thought that, had Christen been wearing a better constructed helmet, it is possible she could have survived this accident.

My colleagues may be shocked to learn, as Christen's parents were, that there are no government standards in existence for the manufacturing of equestrian helmets. Some helmets are voluntarily constructed to meet strict American Society of Testing and Materials (ASTM) testing requirements, but the vast majority of helmets sold in the U.S. offer little or no real protection and are merely cosmetic hats—a form of apparel. Frequently, parents of young riders like Christen—and even more mature riders—do not know that they are buying an untested and unapproved item when they purchase a riding helmet. Indeed, most riders believe that when they buy a helmet at the store, they are purchasing a product that meets standards designed to provide real and adequate head protection. Bike helmets are built to minimum safety requirements, as are motorcycle helmets.

Apparel helmets, like the one worn by Christen, offer little or no head protection, while ASTM-approved helmets are designed to significantly reduce head injury. The difference in aesthetic design between the two is minimal, but the underlying support structures of these types of helmet are substantial. ASTM-approved helmets offer a high degree of head protection, increase the survivability of equestrian accidents and, in my view, should be the standard for all equestrian helmets.

This lack of adequate safety standards in riding helmets is why USA Equestrian (USAEq), one of the largest equestrian organizations in the country, recently mandated that ASTM-approved helmets must be worn in all USAEq-sanctioned events. While this decision effectively eliminates the danger posed by "apparel helmets" at these events, each day many more students ride in lessons and in private shows that are not USAEq-sanctioned. For their safety, I believe that Congress should establish minimum safety standards for all equestrian helmets sold in the United States, so that all riders can obtain headgear that offers actual protection against head injury. This is not an unprecedented suggestion. As I stated before, Congress has already acted to similarly ensure the safety of bike helmets. The legislation that I and Senator CHAFEE introduce in Christen's memory today is modeled on this successful bike helmet law and would go a long way toward reducing the mortality of equestrian accidents.

The Christen O'Donnell Equestrian Helmet Safety Act would require that the Consumer Product Safety Commission establish minimum requirements, based on the already proven ASTM standard, for all equestrian helmets in the United States. Thus, there would be a uniform standard for all equestrian helmets, and riders could be confident that the helmet they buy offers real head protection. Let me be clear. This modest legislation does not mandate that riders wear helmets. That is a matter better left to individual states. But, it would take a significant step toward improving the survivability of equestrian accidents and would bring the United States in line with other industrialized countries with sizable riding populations. Countries like Australia and New Zealand have enacted similar helmet safety legislation, and the European Union has set standards to make sure that helmets for equestrian activities meet continental standards. It is time for the United States to take similar steps.

This bill is supported by a wide-ranging coalition of equestrian, child safety, and medial groups. This bill has received the endorsement of the National SAFEKIDS coalition, an organization dedicated to preventing accidental injury to children, and the Brian Trauma Foundation, a leading medical group dedicated to preventing and treating brain injury. Additionally, USAEq has passed a rule in support of the concept of the bill, requiring all children to wear ASTM approved helmets and strongly recommending that all adults do so as well. Further, in the "Chronicle of the Horse," the trade publication for the Masters of Foxhounds Association, the U.S. Equestrian Team, the U.S. Pony Clubs,. The National Riding Commission, the Foxhound Club of North America, the National Beagle Club, the U.S. Dressage Foundation, the American Vaulting Association, the North American Riding for the Handicapped Association, and the Intercollegiate House Show Association, an article was published endorsing the ASTM rule. Given the wide range of organizations that endorse this bill or have endorsed the ASTM rule, it is clear that riders, coaches, and medical professionals alike recognize the need for a standard, tested helmet design.

I would like to draw my colleague's attention to some alarming statistics that further demonstrate the importance and expediency of this bill. Emergency rooms all across America have to deal with an influx of horse-related injuries each year. Nationwide in

1999, an estimated 15,000 horse-related emergency department visits were made by youths under 15 years old. Of these injuries, head injuries were by far the most numerous and accounted for around 60 percent of equestrian-related deaths. These injuries occurred, and continue to occur, at all ages and at all levels of riding experience. That an inadequately protected fall from a horse can kill is not surprising when you examine the medical statistics. A human skull can be shattered by an impact of less than 6.2 miles per hour, while horses can gallop at approximately 40 miles per hour. A fall from 2 feet can cause permanent brain damage, and a horse elevates a rider to 8 feet or more above the ground. These statistics make it evident that horseback riding is a high-risk sport. While all riders acknowledge this fact, reducing the risk of serious injury while horseback riding is attainable through the use of appropriate head protection. We should pass this bill, and pass it soon, to ensure that head protection for equestrian events is safe and effective.

Americans consumers deserve to be confident that their protective gear, should they choose to wear it, offers real protection. I urge my colleagues to support this bill, and ask that the full text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Christen O'Donnell Equestrian Helmet Safety Act of 2002".

SEC. 2. STANDARDS FOR EQUESTRIAN HELMETS.

(a) IN GENERAL.—Equestrian helmets manufactured 9 months or more after the date of the enactment of this Act shall conform to—

(1) the interim standard specified in subsection (b), pending the establishment of a final standard pursuant to subsection (c); and

(2) the final standard, once it has been established pursuant to subsection (c).

(b) INTERIM STANDARD.—The interim standard is the American Society for Testing and Materials (ASTM) standard designated as F 1163.

(c) FINAL STANDARD.—

(1) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(A) review the requirements of the interim standard specified in subsection (b) and establish a final standard based on such requirements;

(B) include in the final standard a provision to protect against the risk of helmets coming off the heads of equestrian riders;

(C) include in the final standard provisions that address the risk of injury to children; and

(D) include any additional provisions that the commission considers appropriate.

(2) INAPPLICABILITY OF CERTAIN LAWS.—Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the proceeding under this subsection, and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding.

(3) EFFECTIVE DATE.—The final standard shall take effect 1 year after the date it is issued.

(d) FAILURE TO MEET STANDARDS.—

(1) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, an equestrian helmet that does not conform to the interim standard as required under subsection (a)(1) shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(2) STATUS OF FINAL STANDARD.—The final standard developed under subsection (c) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

9c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Consumer Product Safety Commission to carry out activities under this section, $700,000 for fiscal year 2003, with the amount to remain available until expended.

(f) EQUESTRIAN HELMET DEFINED.—In this section, the term "equestrian helmet" means a heard-shell head covering intended to be worn while participating in an equestrian event or activity.

By Mr. ROCKEFELLER:

S. 2685. A bill to amend the Black Lung Benefits Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, coalminers in this country have risked their lives and limbs, making enormous sacrifices to fuel our nation. We owe them the respect and benefits they have earned. Sadly, these miners' families are being abandoned in their time of greatest need: when they are coping with the devastating loss of a loved one from black lung disease. Current policy arbitrarily forces some widows of black lung victims to wade through bureaucracy to prove and reprove their spouse's illness, and this simply is not right.

The Black Lung Disability Trust Fund was created to assist miners who were terminated prior to 1970, or who worked in mines where no mine operator can be assigned health care liabilities. The Black Lung Benefits Act, BLBA, was amended in 1981 to strengthen the finances of the Trust Fund, but it made it extremely difficult for those suffering from black lung to qualify for benefits.

Currently, there are two very different standards governing entitlement to benefits for the spouses of deceased black lung victims. In the event that a Trust Fund beneficiary died prior to January 1, 1982, benefits rightly continue uninterrupted to the surviving spouse. But if the beneficiary died or dies after January 1, 1982, the surviving spouse must file a new claim to benefits and must prove that the miner was already deemed eligible to receive benefits.

This issue affects more than 11,000 West Virginia retirees and their survivors, as well as another 51,000 black lung families across the country. I have introduced legislation that would begin to rectify the failures of the Black Lung Benefits Act. It is a companion to legislation Representative RAHALL introduced in the House. The Black Lung Benefits Survivors Equity Act of 2002 would give benefits to widows of black lung victims, benefits that these women rightfully deserve.

Linda Chapman, one very strong and courageous woman from Spencer, WV, tragically lost her husband, Carson, to black lung disease last January. On top of this tragedy, she was denied survivor benefits simply because of the BLBA's double standards. But rather than giving up, Linda stood up.

On behalf of the surviving widows of black lung victims, she walked several hundred miles from Charleston, WV, to Washington, DC, to generate public interest and to get the attention of lawmakers as well. I applaud Mrs. Chapman's efforts, and was pleased to meet her when she arrived in Washington.

I hope this Senate will act quickly to remedy this problem for Mrs. Chapman and other black lung widows like her. After all that they have endured, these women should not have to fight against bureaucracy simply to obtain the survivors' benefits due them.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Lung Benefits Survivors Equity Act of 2002".

SEC. 2. EQUITY FOR CERTAIN ELIGIBLE SURVIVORS.

(a) REBUTTABLE PRESUMPTION.—Paragraph (4) of section 411(c) of the Black Lung Benefits Act (30 U.S.C. 921(c)(4)) is amended by striking the last sentence.

(b) CONTINUATION OF BENEFITS.—Section 422(l) of the Black Lung Benefits Act (30 U.S.C. 932(l)) is amended by striking ", except with respect to a claim filed under this part on or after the effective date of the Black Lung Benefits Amendments of 1981".

By Mr. GRASSLEY (for himself and Mr. LEVIN):

S. 2686. A bill to strengthen national security by providing whistleblower protections to certain employees at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. GRASSLEY. Mr. President, I, along with Senator LEVIN, am pleased to introduce a bill, the Airport Employee Whistleblower Protection Act of 2002, that will enhance airport and air travel safety. It will do this by protecting all security screeners at all airports from reprisal for blowing the whistle on security violations, not just the select few who are currently protected. As my colleagues know, I have long believed that a good government is an accountable government, and whistleblower protection laws go a long way toward making government accountable.

This is particularly true when it involves our nation's security. Just recently we saw enlightening disclosures of massive systemic problems at the FBI by a whistleblower, Special Agent Rowley, that will no doubt lead to improvements and better security for Americans. Although Director Mueller has promised Special Agent Rowley that she will not be discriminated against because of her disclosures, whistleblower protection laws do not currently apply to the FBI, a problem that I'm trying to fix. Likewise, whistleblower protection laws do not currently protect many baggage screeners and x-ray technicians who witness security breaches.

In the Spring of 2000, Congress passed a law known as Air 21 that provided whistleblower protection to employees and contract employers to air carriers. At that time, when baggage screening was usually the responsibility of the airlines, screeners with whistleblower protection could alert their bosses or the Federal Aviation Administration about security violations. But that legislation didn't go far enough. That's because only employees of air carriers were protected from retribution under the law.

Under Air 21, security screeners employed by state or municipal governments, or regional airport authorities, had to rely on a patchwork of state whistleblower protection laws, or just the good sense of their employers, when they decided to blow the whistle on security breaches.

Worse still, when Congress passed the Aviation and Transportation Security Act last Fall, it specifically denied whistleblower protection to the new Federal baggage screeners. During the debates, I called for whistleblower protection for airport screeners because the best way to make an effective workforce is by creating an accountable government. But when Congress federalized the baggage screeners, it took Federal screeners out of the Air 21 air carrier whistleblower protections, and created a class of Federal contractors that perform security screening services, but are not covered by any whistleblower protections.

This legislation will fix these problems. First, the bill will ensure that until airport security screener personnel are fully federalized, all airport security screeners are given whistleblower protection, regardless of whether they're employed by air carriers, state or local governments, regional airport authorities, or contractors. Second, the bill will close the loophole in the law so that Federal baggage screeners receive protection under the same Whistleblower Protection Act that protects many other Federal employees, and so that contractors for the Federal government also will get whistleblower protection.

I note that the Secretary of the Department of Transportation has taken a good step toward supplying whistleblower protection to Federal screeners by signing a memorandum of understanding with the Office of Special Counsel, the office that enforces the Whistleblower Protection Act. The idea is that the OSC will agree to investigate cases of alleged whistleblower retaliation by the Transportation Safety Administration. But this agreement is not enough because it does not afford a right of appeal, so the TSA is free to ignore any OSC recommendation. Further, it does not provide whistleblower protection for contract screeners. Finally, unlike legislation, the agreement can be cancelled by either the TSA or the OSC on 90 day's notice. So the administration's agreement to provide whistleblower protection, though an admirable effort, is just not enough. We need statutory whistleblower protection for airport screeners.

In all my years of doing oversight, I have found that it's pretty rare for an agency to identify and fix its own problems, especially security problems. Most of the time, it takes a whistleblower or an Inspector General or a Congressional investigation to expose and fix security problems.

In conclusion, I urge my colleagues to support the Airport Employee Whistleblower Protection Act of 2002 to improve security at our nation's airports. Let's close the loophole and give all security screeners whistleblower protection so that our nation's aviation system is more safe and secure.

By Mr. MURKOWSKI:

S. 2687. A bill to facilitate the extension of the Alaska Railroad for national defense purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MURKOWSKI. Mr. President, I rise to introduce a bill to facilitate the construction of national defense facilities in Alaska.

It is a given that the best way to move very large quantities of bulk goods between points is by sea or by train. This bill will allow the extension of the Alaska Railroad from Eielson Air Force Base, just south of Fairbanks, AK, to a point near the location on Fort Greely, AK that has been chosen for the national missile defense system. This will significantly reduce the cost of shipping construction materials and operational supplies to the site, and incidentally allow a considerable savings in the cost of wear and tear on the highway system that would otherwise be the only possible route for those goods.

The extension will allow materials to be shipped to Alaska by sea to be transferred to the railroad and carried all the way to the vicinity of the defense project by rail. This is preferential to being loaded, unloaded, loaded on long-distance trucks, unloaded, and loaded again when they move to the actual work site.

The bill provides for the Secretary of the Interior, working with other agencies as appropriate and necessary, to identify and acquire all of the lands necessary for this modest rail line extension of approximately 80 miles. Where those lands are held by other entities, there will be a fair exchange for lands held elsewhere. Once the entire route has been acquired, the lands will be transferred to the Alaska Railroad under the same circumstances that have been used previously under the Alaska Railroad Transfer Act.

This is a very important step toward ensuring the most economical possible approach to this major project, and I urge my colleagues support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "National Defense Rail Connection Act of 2002."

SEC. 2. FINDINGS.

(a) A comprehensive rail transportation network is a key element of an integrated transportation system for the North American continent, and federal leadership is required to address the needs of a reliable, safe, and secure rail network, and to connect all areas of the United States for national defense and economic development, as previously done for the interstate highway system, the Federal aviation network, and the transcontinental railroad;

(b) The creation and use of joint use corridors for rail transportation, fiber optics, pipelines, and utilities are an efficient and appropriate approach to optimizing the nation's interconnectivity and national security;

(c) Government assistance and encouragement in the development of the transcontinental rail system successfully led to the growth of economically strong and socially stable communities throughout the western United States;

(d) Government assistance and encouragement in the development of the Alaska Railroad between Seward, Alaska and Fairbanks, Alaska successfully led to the growth of economically strong and socially stable communities along the route, which today provide homes for over 70% of Alaska's total population;

(e) While Alaska and the remainder of the continental United States has been connected by highway and air transportation, no rail connection exists despite the fact that Alaska is accessible by land routes and is a logical destination for the North American rail system:

(f) Rail transportation in otherwise isolated areas is an appropriate means of providing controlled access, reducing overall impacts to environmentally sensitive areas over other methods of land-based access;

(g) Because Congress originally authorized 1,000 miles of rail line to be built in Alaska, and because the system today covers only approximately half that distance, substantially limiting its beneficial effect on the economy of Alaska and the nation, it is appropriate to support the expansion of the Alaska system to ensure the originally planned benefits are achieved;

(h) Alaska has an abundance of natural resources, both material and aesthetic, access to which would significantly increase Alaska's contribution to the national economy;

(i) Alaska contains many key national defense installations, including sites chosen for the construction of the first phase of the National Missile Defense system, the cost of which could be significantly reduced if rail transportation were available for the movement of materials necessary for construction and for the secure movement of launch vehicles, fuel and other operational supplies;

(j) The 106th Congress recognized the potential benefits of establishing a rail connection to Alaska by enacting legislation to authorize a U.S. -Canada bilateral commission to study the feasibility of linking the rail system in Alaska to the nearest appropriate point in Canada of the North American rail network; and

(k) In support of pending bilateral activities between the United States and Canada, it is appropriate for the United States to undertake activities relating to elements within the United States.

SEC. 3. IDENTIFICATION OF NATIONAL DEFENSE RAILROAD-UTILITY CORRIDOR.

(a) Within one year from the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Transportation, the State of Alaska and the Alaska Railroad Corporation, shall identify a proposed national defense railroad-utility corridor linking the existing corridor of the Alaska Railroad to the vicinity of the proposed National Missile Defense facilities at Fort Greely, Alaska. The corridor shall be at least 500 feet wide and shall also identify land for such terminals, stations, maintenance facilities, switching yards, and material sites as are considered necessary.

(b) The identification of the corridor under paragraph (a) shall include information providing a complete legal description for and noting the current ownership of the proposed corridor and associated land.

(c) In identifying the corridor under paragraph (a), the Secretary shall consider, at a minimum, the following factors:

(a) The proximity of national defense installations and national defense considerations;

(2) The location of and access to natural resources that could contribute to economic development of the region;

(3) Grade and alignment standards that are commensurate with rail and utility construction standards and that minimize the prospect of at-grade railroad and highway crossings;

(4) Availability of construction materials;

(5) Safety;

(6) Effects on and service to adjacent communities and potential intermodal transportation connections;

(7) Environmental concerns;

(8) Use of public land to the maximum degree possible;

(9) Minimization of probable construction costs;

(10) An estimate of probable construction costs and methods of financing such costs through a combination of private, state, and federal sources; and

(11) Appropriate utility elements for the corridor, including but not limited to petroleum product pipelines, fiber-optic telecommunication facilities, and electrical power transmission lines, and

(12) Prior and established traditional uses.

(d) the Secretary may, as part of the corridor identification, include issues related to the further extension of such corridor to a connection with the nearest appropriate terminus of the North American rail network in Canada.

SEC. 4. NEGOTIATION AND LAND TRANSFER.

(a) The Secretary of the Interior shall—

(1) upon completion of the corridor identification in Sec. 3, negotiate the acquisition of any lands in the corridor which are not federally owned through an exchange for lands of equal or greater value held by the federal government elsewhere in Alaska; and

(2) upon completion of the acquisition of lands under paragraph (1), the Secretary shall convey to the Alaska Railroad Corporation, subject to valid existing rights, title to the lands identified under Section 3 as necessary to complete the national defense railroad-utility corridor, on condition that the Alaska Railroad Corporation construct in the corridor an extension of the railroad system to the vicinity of the proposed national missile defense installation at Fort Greely, Alaska, together with such other utilities, including but not limited to fiber-optic transmission lines and electrical transmission lines, as it considers necessary and appropriate. The Federal interest in lands conveyed to the Alaska Railroad Corporation under this Act shall be the same as in lands conveyed pursuant to the Alaska Railroad Transfer Act (45 USC 1201 et seq.).

SEC. 5. APPLICABILITY OF OTHER LAWS.

Actions authorized in this Act shall proceed immediately and to conclusion not withstanding the land-use planning provisions of Section 202 of the Federal Land Policy and Management Act of 1976, P.L. 94-579.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 292—EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. DASCHLE (for himself, Mr. Lott, Mr. Byrd, Mr. Leahy, Mr. Warner, Mr. Reid, Mr. Bingaman, Mr. Johnson, Mr. DeWine, Mr. McCain, Mr. Akaka, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Campbell, Ms. Cantwell, Mrs. Carnahan, Mr. Carper, Mr. Chafee, Mr. Cleland, Mrs. Clinton, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Ensign, Mr. Feingold, Mrs. Feinstein Mr. Fitzgerald, Mr. Frist, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Helms, Mr. Hollings, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Levin, Mr. Lieberman, Mrs. Lincoln Mr. Lugar, Mr. McConnell, Ms. Mikulski Mr. Miller, Mr. Murkowski, Mrs. Murray Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Nickles, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Santorium, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Torricelli, Mr. Voinovich, Mr. Wellstone, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. Res. 292

Whereas, this country was founded in religious freedom by founders, many of whom were deeply religious;

Whereas, the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the government establishing a religion;

Whereas, the Pledge of Allegiance was written by Francis Bellamy, a Baptist Minister, and first published in the September 8, 1892, issue of the Youth's Companion;

Whereas, Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas, the Pledge of Allegiance has for almost 50 years included references to the U.S. flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all,"

Whereas, the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas, this Senate of the 107th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas, patriotic songs, engravings on U.S. legal tender, engravings on federal buildings also contain general references to "God";

Whereas, in accordance with decisions of the U.S. Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights;

Whereas, the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will rehear the case of the *Newdow v. U.S. Congress*, en banc;

Resolved, That The Senate Strongly Disapproves of the Ninth Circuit Decision in Newdow v. U.S. Congress; and that the Senate authorizes and instructs the Senate Legal Counsel to seek to intervene in the case to defend the constitutionality of the Pledge of Allegiance.

SENATE CONCURRENT RESOLUTION 124—CONDEMNING THE USE OF TORTURE AND OTHER FORMS OF CRUEL, INHUMANE, OR DEGRADING TREATMENT OR PUNISHMENT IN THE UNITED STATES AND OTHER COUNTRIES, AND EXPRESSING SUPPORT FOR VICTIMS OF THOSE PRACTICES

Mr. CAMPBELL (for himself, Mr. DODD, Mr. FEINGOLD, Mrs. CLINTON, and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 124

Whereas the Eighth Amendment to the United States Constitution prohibits "cruel and unusual punishments" and torture is prohibited by law throughout the United States without exception;

Whereas the prohibition against torture in international agreements is absolute, unqualified, and non-derogable under any circumstance, even during a state of war or national emergency;

Whereas an important component of the concept of comprehensive security in a free society is the fundamental service provided by law enforcement personnel to protect the basic human rights of individuals in society;

Whereas individuals require and deserve protection by law enforcement personnel and need the confidence in knowing that such personnel are not themselves agents of torture or other forms of cruel, inhumane, or degrading treatment or punishment, including extortion or other unlawful acts;

Whereas individuals who are incarcerated should be treated with respect in accordance with the inherent dignity of the human person;

Whereas there is a growing commitment by governments to eradicate torture and other forms of cruel, inhumane, or degrading treatment or punishment, to provide in law and practice procedural and substantive safeguards and remedies to combat such practices, to assist the victims of such practices, and to cooperate with relevant international organizations and nongovernmental organizations with the goal of eradicating such practices;

Whereas torture and other forms of cruel, inhumane, or degrading treatment or punishment continues in many countries despite international commitments to take effective legislative, administrative, judicial and other measures to prevent and punish such practices;

Whereas the rape of prisoners by prison officials or other prisoners, tolerated for the purpose of intimidation and abuse, is a particularly egregious form of torture;

Whereas incommunicado detention facilitates the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment, and may constitute, in and of itself, a form of such practices;

Whereas the use of racial profiling to stop, search, investigate, arrest, or convict an individual who is a minority severely erodes the confidence of a society in law enforcement personnel and may make minorities especially vulnerable to torture and other forms of cruel, inhumane, or degrading treatment or punishment;

Whereas the use of confessions and other evidence obtained through torture or other forms of cruel, inhumane, or degrading treatment or punishment in legal proceedings runs counter to efforts to eradicate such practices;

Whereas more than 500,000 individuals who are survivors of torture live in the United States;

Whereas the victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment and their families often suffer devastating effects and therefore require extensive medical and psychological treatment;

Whereas medical personnel and torture treatment centers play a critical role in the identification, treatment, and rehabilitation of victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment; and

Whereas each year the United Nations designates June 26 as an International Day in Support of Victims of Torture: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries;

(2) recognizes the United Nations International Day in Support of the Victims of Torture and expresses support for all victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment who are struggling to overcome the physical scars and psychological effects of such practices;

(3) encourages the training of law enforcement personnel and others who are involved in the custody, interrogation, or treatment of any individual who is arrested, detained, or imprisoned, in the prevention of torture and other forms of cruel, inhumane, or degrading treatment or punishment, in order to reduce and eradicate such practices; and

(4) encourages the Secretary of State to seek, at relevant international fora, the adoption of a commitment—

(A) to treat confessions and other evidence obtained through torture or other forms of cruel, inhumane, or degrading treatment or punishment, as inadmissible in any legal proceeding; and

(B) to prohibit, in law and in practice, incommunicado detention.

Mr. CAMPBELL. Mr. President, I am joined by Senators DODD, FEINGOLD, CLINTON, and WELLSTONE in introducing today a resolution condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for the victims of torture. An identical version is being introduced by Congressman CHRISTOPHER H. SMITH, who co-chairs the Commission on Security and Cooperation in Europe, which I am privileged to chair.

Torture is prohibited by a raft of international agreements, including documents of the 55-nation Organization for Security and Cooperation in Europe. It remains, however, a serious problem in many countries. In the worst cases, torture occurs not merely from rogue elements in the police or a lack of appropriate training among law enforcement personnel, but is systematically used by the controlling regime to target political opposition members; racial, ethnic, linguistic or religious minorities; and others.

In some countries, medical professionals who treat the victims of torture have become, themselves, victims of torture in government's efforts to document this abuse and to hold perpetrators accountable. The U.S. Congress can continue to play a leadership role by signaling our unwavering condemnation of such egregious practices.

Torture is, in effect, prohibited by several articles of the U.S. Constitution. Nevertheless, some commentators have suggested that torture might be an acceptable tool in the war on terrorism. I believe we should answer that proposition with a resounding "no". To repeat: torture is unconstitutional. Moreover, as many trained law enforcement officials note, it is also a lousy way to get reliable information. People subjected to torture will often say anything to end the torture. Finally, it makes no sense to wage war to defend our great democracy and use methods that denigrate the very values we seek to protect. Torture is unacceptable, period.

The resolution I am introducing today underscores that message. It recognizes the United Nations International Day in Support of the Victims of Torture, marked each June 26th, and encourages the training of law enforcement personnel. Experts estimate that more than 500,000 individuals who are survivors of torture live in the United States. Victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment and their families often suffer devastating effects and therefore require extensive medical and psychological treatment.

I am pleased to note the contribution of the Rocky Mountain Survivors Center, located in Denver, CO, in meeting the needs of torture survivors living in Colorado. The Rocky Mountain Center and similar torture treatment centers located elsewhere in the United States play a critical role in the identification, treatment, and rehabilitation of victims of torture and deserve our continued support.

As we mark the United Nations International Day in Support of the Victims of Torture, I urge my colleagues to declare their opposition to torture and solidarity with torture survivors by lending their support to this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3990. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3991. Mr. DURBIN submitted an amendment intended to be proposed by him to the

bill S. 2514, supra; which was ordered to lie on the table.

SA 3992. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3993. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3994. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3995. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3996. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3997. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3998. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3999. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4000. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4001. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4002. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4003. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4004. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4005. Mr. MILLER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4006. Mr. BINGAMAN (for himself and Mr. Domenici) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4007. Mr. WARNER (for himself, Mr. Miller, Mr. Lott, Mr. Stevens, Mr. Cochran, Mr. Allard, Mr. Kyl, Mr. Smith, of New Hampshire, Mr. Inhofe, Mr. Thurmond, Mr. Sessions, Mr. Roberts, Mr. Hutchinson, Mr. Bunning, Mr. Helms, Mr. McCain, Mr. Nickles, Mr. Hagel, and Mrs. Hutchison) proposed an amendment to the bill S. 2514, supra.

SA 4008. Mr. REID (for himself and Mr. Allard) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4009. Mr. DOMENICI (for himself, Mr. Biden, Mr. Lugar, Ms. Landrieu, Mr. Hagel, Mrs. Carnahan, Mr. Murkowski, Mr. Bingaman, Mrs. Lincoln, and Ms. Mikulski) proposed an amendment to the bill S. 2514, supra.

SA 4010. Mr. KERRY (for himself, Mr. Bond, and Mrs. Carnahan) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4011. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4012. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4013. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4014. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4015. Mr. THURMOND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4016. Mr. THURMOND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4017. Mr. WARNER (for Mr. Helms (for himself and Mr. Cleland)) submitted an amendment intended to be proposed by Mr. Warner to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4018. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4019. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4020. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4021. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4022. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4023. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4024. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4025. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4026. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4027. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4028. Mr. ALLARD (for himself, Mr. Reed, and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4029. Mr. REED (for himself and Mr. Levin) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4030. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4031. Mr. FRIST (for himself and Mr. Thompson) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4032. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4033. Mr. CLELAND (for himself and Mr. McCain) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4034. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4035. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4036. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4037. Mr. COCHRAN (for himself and Mr. Lott) submitted an amendment intended to be proposed by him to the bill S. 2514, supra ; which was ordered to lie on the table.

SA 4038. Mr. COCHRAN (for himself and Mr. Lott) submitted an amendment intended to be proposed by him to the bill S. 2514, supra ; which was ordered to lie on the table.

SA 4039. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4040. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4041. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4042. Mr. BIDEN (for himself and Mr. Carper) submitted an amendment intended to be proposed by him to the bill S. 2514, supra ; which was ordered to lie on the table.

SA 4043. Mr. BIDEN (for himself and Mr. Carper) submitted an amendment intended to be proposed by him to the bill S. 2514, supra ; which was ordered to lie on the table.

SA 4044. Mr. JEFFORDS (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4045. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4046. Mr. LEVIN proposed an amendment to amendment SA 4007 proposed by Mr. Warner (for himself, Mr. Miller, Mr. Lott, Mr. Stevens, Mr. Cochran, Mr. Allard, Mr. Kyl, Mr. Smith of New Hampshire, Mr. Inhofe, Mr. Thurmond, Mr. Sessions, Mr. Roberts, Mr. Hutchinson, Mr. Bunning, Mr. Helms, Mr. McCain, Mr. Nickles, Mr. Hagel, and Mrs. Hutchison) to the bill (S. 2514) supra.

SA 4047. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4048. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4049. Mr. ENZI submitted an amendment intended to be proposed by him to the

bill S. 2514, supra; which was ordered to lie on the table.

SA 4050. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4051. Mr. McCAIN (for himself, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. SCHUMER, Mr. DODD, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4052. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4053. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4054. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4055. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4056. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4057. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4058. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4059. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4060. Mr. WYDEN (for himself and Mr. SMITH, of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4061. Mr. WYDEN (for himself and Mr. SMITH, of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4062. Mr. BINGAMAN (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4063. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4064. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4065. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4066. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mrs. CARNAHAN) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4067. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4068. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4069. Mr. HUTCHINSON (for himself, Ms. MIKULSKI, Mrs. HUTCHISON, Mrs. LINCOLN, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4070. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4071. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4072. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4073. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4074. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4075. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4076. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4077. Mr. MILLER (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4078. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4079. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4080. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4081. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4082. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4083. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4084. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4085. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4086. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4087. Mr. LEVIN proposed an amendment to the bill S. 2514, supra.

SA 4088. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 4089. Mr. LEVIN (for Mr. KENNEDY (for himself, Mr. HELMS, Mr. EDWARDS, Mr. FRIST, Mr. THOMPSON, Mr. KERRY, Mrs. BOXER, and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 2514, supra.

SA 4090. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 4091. Mr. LEVIN (for Mr. INOUYE) proposed an amendment to the bill S. 2514, supra.

SA 4092. Mr. ALLARD (for himself and Mr. REID) proposed an amendment to the bill S. 2514, supra.

SA 4093. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 2514, supra.

SA 4094. Mr. ALLARD (for Ms. COLLINS) proposed an amendment to the bill S. 2514, supra.

SA 4095. Mr. LEVIN (for Ms. LANDRIEU (for himself and Mr. ROBERTS)) proposed an amendment to the bill S. 2514, supra.

SA 4096. Mr. ALLARD (for Mr. INHOFE (for himself and Mr. AKAKA)) proposed an amendment to the bill S. 2514, supra.

SA 4097. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. THURMOND)) proposed an amendment to the bill S. 2514, supra.

SA 4098. Mr. ALLARD (for Mr. HELMS (for himself and Mr. CLELAND)) proposed an amendment to the bill S. 2514, supra.

SA 4099. Mr. LEVIN (for Mr. NELSON, of Florida (for himself, Mr. MCCAIN, Mr. CLELAND, Mr. ROBERTS, and Mr. DASCHLE)) proposed an amendment to the bill S. 2514, supra.

SA 4100. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 4101. Mr. NELSON of Florida (for himself, Mr. ROBERTS, Mr. DASCHLE, Mr. SMITH of New Hampshire, and Mr. GRAHAM) proposed an amendment to the bill S. 2514, supra.

SA 4102. Mr. LEVIN (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill S. 2514, supra.

SA 4103. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 4104. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 2514, supra.

SA 4105. Mr. ALLARD (for Mr. KYL) proposed an amendment to the bill S. 2514, supra.

SA 4106. Mr. LEVIN (for Mr. KERRY (for himself, Mr. BOND, and Mrs. CARNAHAN)) proposed an amendment to the bill S. 2514, supra.

SA 4107. Mr. ALLARD (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, supra.

SA 4108. Mr. LEVIN (for Mr. CLELAND (for himself, Mr. HUTCHINSON, and Mr. KENNEDY)) proposed an amendment to the bill S. 2514, supra.

SA 4109. Mr. ALLARD (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, supra.

SA 4110. Mr. LEVIN (for Mr. REID) proposed an amendment to the bill S. 2514, supra.

SA 4111. Mr. ALLARD (for Mr. LOTT) proposed an amendment to the bill S. 2514, supra.

SA 4112. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4113. Mr. REID (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 2047, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes.

SA 4114. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4002 submitted by Ms. LANDRIEU and intended to be proposed to the bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4115. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2047, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes.

SA 4116. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4117. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill S. 2514, supra.

SA 4118. Mr. WARNER proposed an amendment to the bill S. 2514, supra.

SA 4119. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 4120. Mr. WARNER (for Ms. SNOWE (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 2514, supra.

SA 4121. Mr. REID (for Mr. WYDEN (for himself and Mr. SMITH, of Oregon)) proposed an amendment to the bill S. 2514, supra.

SA 4122. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, supra.

SA 4123. Mr. REID (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill S. 2514, supra.

SA 4124. Mr. WARNER (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2514, supra.

SA 4125. Mr. REID (for Mr. DURBIN) proposed an amendment to the bill S. 2514, supra.

SA 4126. Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 2514, supra.

SA 4127. Mr. WARNER (for Mr. FRIST (for himself and Mr. THOMPSON)) proposed an amendment to the bill S. 2514, supra.

SA 4128. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 2514, supra.

SA 4129. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 4130. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, supra.

SA 4131. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, supra.

SA 4132. Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill S. 2514, supra.

SA 4133. Mr. REID (for Mr. CONRAD) proposed an amendment to the bill S. 2514, supra.

SA 4134. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 2514, supra.

SA 4135. Mr. REID (for Mrs. FEINSTEIN (for himself and Mr. STEVENS)) proposed an amendment to the bill S. 2514, supra.

SA 4136. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, supra.

SA 4137. Mr. REID (for Mr. CLELAND (for himself and Mr. HUTCHINSON)) proposed an amendment to the bill S. 2514, supra.

SA 4138. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 2514, supra.

SA 4139. Mr. REID (for Mr. LEVIN) proposed an amendment to the bill S. 2514, supra.

SA 4140. Mr. WARNER proposed an amendment to the bill S. 2514, supra.

SA 4141. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, supra.

SA 4142. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 2514, supra.

SA 4143. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, supra.

SA 4144. Mr. WARNER (for Mr. BUNNING) proposed an amendment to the bill S. 2514, supra.

SA 4145. Mr. REID (for Mr. BINGAMAN (for himself and Mr. SANTORUM)) proposed an amendment to the bill S. 2514, supra.

SA 4146. Mr. WARNER (for Mr. INHOFE (for himself and Mr. AKAKA)) proposed an amendment to the bill S. 2514, supra.

SA 4147. Mr. REID (for Mr. REED) proposed an amendment to the bill S. 2514, supra.

SA 4148. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, supra.

SA 4149. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 4150. Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 2514, supra.

SA 4151. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2514, supra.

SA 4152. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 2514, supra.

SA 4153. Mr. REID (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 2514, supra.

SA 4154. Mr. WARNER (for Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. SCHUMER, Mr. DODD, Mr. TORRICELLI, Mr. CLELAND, Ms. MIKULSKI, and Mr. SARBANES)) proposed an amendment to the bill S. 2514, supra.

SA 4155. Mr. REID (for Mr. CORZINE (for himself and Mr. TORRICELLI)) proposed an amendment to the bill S. 2514, supra.

SA 4156. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, supra.

SA 4157. Mr. REID (for Mr. KERRY (for himself and Mr. FRIST)) proposed an amendment to the bill S. 2514, supra.

SA 4158. Mr. WARNER (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2514, supra.

SA 4159. Mr. WARNER proposed an amendment to the bill S. 2514, supra.

SA 4160. Mr. REID (for Mr. BYRD) proposed an amendment to the bill S. 2514, supra.

SA 4161. Mr. WARNER (for Mr. THOMPSON) proposed an amendment to the bill S. 2514, supra.

SA 4162. Mr. WARNER (for Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. SANTORUM)) proposed an amendment to the bill S. 2514, supra.

SA 4163. Mr. REID (for Mr. SARBANES) proposed an amendment to the bill S. 2514, supra.

SA 4164. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 4068 submitted by Mr. HUTCHINSON and intended to be proposed to the bill (S. 2514) supra; which was ordered to lie on the table.

SA 4165. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 4068 submitted by Mr. HUTCHINSON and intended to be proposed to the bill (S. 2514) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3990. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In 201(4), strike "$17,542,927,000" and insert "$17,532,927,000".

In section 2601(3)(A), strike "$204,059,000" and insert "$214,059,000".

SA 3991. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 828. AUTHORITY FOR NONPROFIT ORGANIZATIONS TO SELF-CERTIFY ELIGIBILITY FOR TREATMENT AS QUALIFIED ORGANIZATIONS EMPLOYING SEVERELY DISABLED UNDER MENTOR-PROTEGE PROGRAM.

Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended by adding at the end the following new subsection:

"(n) SELF-CERTIFICATION OF NONPROFIT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS EMPLOYING THE SEVERELY DISABLED.—(1) The Secretary of Defense may, in accordance with such requirements as the Secretary may establish, permit a business entity operating on a non-profit basis to self-certify its eligibility for treatment as a qualified organization employing the severely disabled under subsection (m)(2)(D).

"(2) The Secretary shall treat any entity described in paragraph (1) that submits a self-certification under that paragraph as a qualified organization employing the severely disabled until the Secretary receives evidence, if any, that such entity is not described by paragraph (1) or does not merit treatment as a qualified organization employing the severely disabled in accordance with applicable provisions of subsection (m).

"(3) Paragraphs (1) and (2) shall cease to be effective on the effective date of regulations prescribed by the Small Business Administration under this section setting forth a process for the certification of business entities as eligible for treatment as a qualified organization employing the severely disabled under subsection (m)(2)(D).".

SA 3992. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. DESIGNATION OF MEDAL OF HONOR FLAG.

(a) FINDINGS.—Congress finds that—

(1) the Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Forces of the United States;

(2) the Medal of Honor was established by Congress during the Civil War to recognize soldiers who had distinguished themselves by gallantry in action;

(3) the Medal of Honor was conceived by Senator James Grimes of the State of Iowa in 1861; and

(4) the Medal of Honor is the Nation's highest military honor, awarded for acts of personal bravery or self-sacrifice above and beyond the call of duty.

(b) DESIGNATION OF MEDAL OF HONOR FLAG.—(1) Chapter 9 of title 36, United States Code, is amended by adding at the end the following new section:

"§903. Designation of Medal of Honor Flag

"(a) DESIGNATION.—The Secretary of Defense shall design and designate a flag as the Medal of Honor Flag. In selecting the design for the flag, the Secretary shall consider designs submitted by the general public.

"(b) PRESENTATION.—The Medal of Honor Flag shall be presented as specified in sections 3755, 6257, and 8755 of title 10 and section 505 of title 14.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"903. Designation of Medal of Honor Flag.".

(c) PRESENTATION OF FLAG TO MEDAL OF HONOR RECIPIENTS.—(1)(A) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§3755. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 3741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 3741 or 3752(a) of this title.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3755. Medal of honor: presentation of Medal of Honor Flag.".

(2)(A) Chapter 567 of such title is amended by adding at the end the following new section:

"§6257. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 6241 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 6241 or 6250 of this title.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6257. Medal of honor: presentation of Medal of Honor Flag.".

(3)(A) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§8755. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 8741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 8741 or 8752(a) of this title.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8755. Medal of honor: presentation of Medal of Honor Flag.".

(4)(A) Chapter 13 of title 14, United States Code, is amended by inserting after section 504 the following new section:

"§505. Medal of honor: presentation of Medal of Honor Flag

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 491 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 491 or 498 of this title.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 504 the following new item:

"505. Medal of honor: presentation of Medal of Honor Flag.".

(d) PRIOR RECIPIENTS.—The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36, United States Code, as added by subsection (b), to each person awarded the Medal of Honor before the date of enactment of this Act who is living as of that date. Such presentation shall be made as expeditiously as possible after the date of the designation of the Medal of Honor Flag by the Secretary of Defense under such section.

SA 3993. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 655. ELIGIBILITY FOR COMPENSATION FROM SEPTEMBER 11TH VICTIM COMPENSATION FUND OF MEMBERS OF ARMED FORCES AND OTHER OFFICERS AND EMPLOYEES OF THE UNITED STATES GOVERNMENT WHO SUFFER PHYSICAL HARM OR DEATH AS A RESULT OF OPERATIONS AGAINST TERRORISM.

(a) PURPOSE.—Section 403 of the September 11th Victim Compensation Fund of 2001 (title IV of Public Law 107–42; 115 Stat. 237; 49 U.S.C. 40101 note) is amended to read as follows:

"SEC. 403. PURPOSE.

"It is the purpose of this title to provide compensation to the following:

"(1) Any individual (or relatives of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

"(2) Any member of the United States Armed Forces (or relatives of a deceased member of the Armed Forces) who was physically injured or killed as a result of an offensive or defensive military operation relating to the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224) after September 11, 2001.

"(3) Any other member, officer, employee, or contract employee of the United States Government (or relatives of a deceased member, officer, employee, or contract employee of the United States Government) who was physically injured or killed as a result of an offensive or defensive military operation relating to the Authorization for Use of Military Force after September 11, 2001.".

(b) CONTENTS OF CLAIMS.—Subsection (a)(2)(B) of section 405 of that Act (115 Stat. 238; 49 U.S.C. 40101 note) is amended to read as follows:

"(B) CONTENTS.—The form developed under subparagraph (A) shall request—

"(i) in the case of a claimant seeking to establish eligibility for compensation for or on behalf of an individual described in subparagraph (A) or (B) of subsection (c)(2)—

"(I) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent's death, as a result of the terrorist-related aircraft crashes of September 11, 2001;

"(II) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes; and

"(III) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes; or

"(ii) in the case of a claimant seeking to establish eligibility for compensation for or on behalf of an individual described in subparagraph (C) of subsection (c)(2)—

"(I) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent, information confirming the decedent's death, as a result of an offensive or defensive military operation relating to the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224) after September 11, 2001;

"(II) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such operations; and

"(III) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such operations.".

(c) ELIGIBILITY.—Subsection (c)(2) of such section 405 (115 Stat. 239; 49 U.S.C. 40101 note) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) an individual who is a member of the United States Armed Forces, or a member, officer, employee, or contract employee of the United States Government, who suffered physical harm or death as a result of an offensive or defensive military operation relating to the Authorization for Use of Military Force after September 11, 2001; or"; and

(4) in subparagraph (D), as so amended, by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (C)".

(d) REGULATIONS.—(1) Not later than 90 days after the date of the enactment of this Act, the Attorney General shall prescribe regulations to take into account the amendments to the September 11th Victim Compensation Fund of 2001 made by this section.

(2) The Attorney General shall prescribe regulations under this subsection in consultation with the Secretary of Defense and the Special Master appointed under section 404(a) of the September 11th Victim Compensation Fund of 2001 (115 Stat. 237; 49 U.S.C. 40101 note).

SA 3994. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, line 5, strike "March 1" and insert "March 2".

SA 3995. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, line 23, strike "March 15, 2003" and insert "March 16, 2003".

SA 3996. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 12, strike "90 days" and insert "91 days".

SA 3997. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 24, strike "September 1, 2003" and insert "September 2, 2003".

SA 3998. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 12, strike "January 1, 2003" and insert "January 2, 2003".

SA 3999. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 16, strike "March 15, 2003" and insert "March 16, 2003".

SA 4000. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 8, strike "March 30, 2003" and insert "March 31, 2003".

SA 4001. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

One page 18, line 16, strike "March 15, 2003" and insert "March 16, 2003".

SA 4002. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORT ON DESIGNATION OF CERTAIN LOUISIANA HIGHWAY AS DEFENSE ACCESS ROAD.

Not later than December 31, 2002, the Secretary of the Army shall submit to the congressional defense committees a report containing the results of a study on the advisability of designating Louisiana Highway 28 between Alexandria, Louisiana, and Leesville, Louisiana, a road providing access to the Joint Readiness Training Center, Louisiana, and to Fort Polk, Louisiana, as a defense access road for purposes of section 210 of title 23, United States Code.

SA 4003. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 146, between lines 2 and 3, insert the following:

SEC. 644. EQUITABLE AMOUNT OF SURVIVOR ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) FORMULA.—Subsection (b) of section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1448 note) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) An annuity payable under this section for the surviving spouse of a deceased member shall be equal to the higher of $186 per month, as adjusted from time to time under paragraph (3), or the applicable amount as follows:

"(A) In the case of the surviving spouse of a deceased member described in subparagraph (A) of subsection (a)(1) who died before September 21, 1972, the amount computed under the SBP program, from the day after the date of death, as if—

"(i) the SBP program had become effective on the day before the date of the death of the deceased member; and

"(ii) the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under the SBP program.

"(B) In the case of the surviving spouse of a deceased member described in subparagraph (A) of subsection (a)(1) who died after September 20, 1972, the amount computed under the SBP program, from the day after the date of death, as if the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under that program.

"(C) In the case of the surviving spouse of a deceased member described in subparagraph (B) of subsection (a)(1) who died before October 1, 1978, the amount computed under the SBP program, from the day after the date of death, as if—

"(i) the SBP program, as in effect on October 1, 1978, had become effective on the day before the date of the death of the deceased member;

"(ii) the member had been 60 years of age on that day; and

"(iii) the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under the SBP program."; and

(2) in paragraph (3), by inserting after "the annuity that is payable under this section" the following: "in the amount under paragraph (1) that is adjustable under this paragraph".

(b) SBP PROGRAM DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The term 'SBP program' means subchapter II of chapter 73 of title 10, United States Code.".

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b) shall take effect on October 1, 2002.

(2) The Secretary concerned shall recompute under section 644 of Public Law 105–85 (as amended by subsections (a) and (b)) the amounts of the survivor annuities that are payable under such section for months beginning after the effective date under paragraph (1).

(3) No benefit shall be payable for any period before the effective date under paragraph (1) by reason of the amendments made by subsections (a) and (b).

SA 4004. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, FORT ORD, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Seaside, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 105 acres at former Fort Ord, California, and known as lower Hayes Housing.

(b) CONSIDERATION.—(1) As consideration for the conveyance authorized by subsection (a) the City shall convey to the United States all right, title, and interest of the City in and to a parcel of real property, including any improvements thereon, consisting of approximately 102 acres at former Fort Ord and known as Stilwell Kidney.

(2) All payments or charges owed the United States by the City for the lower Hayes Housing pursuant to the agreement between the Army and the City shall be deemed satisfied by the conveyance under paragraph (1).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 4005. Mr. MILLER submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In subtitle C of title I, strike "(reserved)" and insert the following:

SEC. 121. MARINE CORPS LIVE FIRE RANGE IMPROVEMENTS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby increased by $1,900,000, with the amount of the increase to be allocated to Training Devices.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps, as increased by subsection (a), $1,900,000 shall be available as follows:

(A) For upgrading live fire range target movers.

(B) To bring live fire range radio controls into compliance with Federal Communications Commission narrow band requirements.

(2) Amounts available under paragraph (1) for the purposes set forth in that paragraph are in addition to any other amounts available in this Act for such purposes.

SA 4006. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. PLAN FOR FIVE-YEAR PROGRAM FOR ENHANCEMENT OF MEASUREMENT AND SIGNATURES INTELLIGENCE CAPABILITIES.

(a) FINDING.—Congress finds that the national interest will be served by the rapid exploitation of basic research on sensors for purposes of enhancing the measurement and signatures intelligence (MASINT) capabilities of the Federal Government.

(b) PLAN FOR PROGRAM.—(1) Not later than March 30, 2003, the Director of the Central Measurement and Signatures Intelligence Office shall submit to Congress a plan for a five-year program of research intended to provide for the incorporation of the results of basic research on sensors into the measurement and signatures intelligence systems fielded by the Federal Government, including the review and assessment of basic research on sensors for that purpose.

(2) Activities under the plan shall be carried out by a consortium consisting of such governmental and non-governmental entities as the Director considers appropriate for purposes of incorporating the broadest practicable range of sensor capabilities into the systems referred to in paragraph (1). The consortium may include national laboratories, universities, and private sector entities.

(3) The plan shall include a proposal for the funding of activities under the plan, including cost-sharing by non-governmental participants in the consortium under paragraph (2).

SA 4007. Mr. WARNER (for himself, Mr. MILLER, Mr. LOTT, Mr. STEVENS, Mr. COCHRAN, Mr. ALLARD, Mr. KYL, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. THURMOND, Mr. SESSIONS, Mr. ROBERTS, Mr. HUTCHINSON, Mr. BUNNING, Mr. HELMS, Mr. MCCAIN, Mr. NICKLES, Mr. HAGEL, and Mrs. HUTCHISON) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 217, between lines 13 and 14, insert the following:

SEC. 1010. ADDITIONAL AMOUNT FOR BALLISTIC MISSILE DEFENSE OR COMBATING TERRORISM IN ACCORDANCE WITH NATIONAL SECURITY PRIORITIES OF THE PRESIDENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized to be appropriated by other provisions of this division, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2003, $814,300,000 for whichever of the following purposes the President determines that the additional amount is necessary in the national security interests of the United States:

(1) Research, development, test, and evaluation for ballistic missile defense programs of the Department of Defense.

(2) Activities of the Department of Defense for combating terrorism at home and abroad.

(b) OFFSET.—The total amount authorized to be appropriated under the other provisions of this division is hereby reduced by $814,300,000 to reflect the amounts that the Secretary determines unnecessary by reason of a revision of assumptions regarding inflation that are applied as a result of the midsession review of the budget conducted by the Office of Management and Budget during the spring and early summer of 2002.

(c) PRIORITY FOR ALLOCATING FUNDS.—In the expenditure of additional funds made available by a lower rate of inflation, the top priority shall be the use of such additional funds for Department of Defense activities for combating terrorism and protecting the American people at home and abroad.

SA 4008. Mr. REID (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 905. VETERINARY CORPS OF THE ARMY.

(a) COMPOSITION AND ADMINISTRATION.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3070 the following new section 3071:

"§ 3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade

"(a) COMPOSITION.—The Veterinary Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

"(b) CHIEF.—The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

"(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3070 the following new item:

"3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade.".

(b) EFFECTIVE DATE.—Section 3071 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002.

SA 4009. Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mrs. CARNAHAN, Mr. MURKOWSKI, Mr. BINGAMAN, Mrs. LINCOLN, and Ms. MIKULSKI) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 3152.

At the end of subtitle D of title XXXI, add the following:

SEC. 3155. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, OR BIOLOGICAL WEAPONS.

(a) EXTENSION OF TESTING.—Section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2720; 50 U.S.C. 2315) is amended—

(1) in subsection (a)(2), by striking "of five successive fiscal years beginning with fiscal year 1997" and inserting "of fiscal years 1997 through 2013"; and

(2) in subsection (b)(2), by striking "of five successive fiscal years beginning with fiscal year 1997" and inserting "of fiscal years 1997 through 2013".

(b) CONSTRUCTION OF EXTENSION WITH DESIGNATION OF ATTORNEY GENERAL AS LEAD OFFICIAL.—The amendment made by subsection (a) may not be construed as modifying the designation of the President entitled "Designation of the Attorney General as the Lead Official for the Emergency Response Assistance Program Under Sections 1412 and 1415 of the National Defense Authorization Act for Fiscal Year 1997", dated April 6, 2000, designating the Attorney General to assume programmatic and funding responsibilities for the Emergency Response Assistance Program under sections 1412 and 1415 of the Defense Against Weapons of Mass Destruction Act of 1996.

SEC. 3156. PROGRAM ON RESEARCH AND TECHNOLOGY FOR PROTECTION FROM NUCLEAR OR RADIOLOGICAL TERRORISM.

(a) PROGRAM REQUIRED.—(1) The Administrator for Nuclear Security shall carry out a program on research and technology for protection from nuclear or radiological terrorism, including technology for the detection (particularly as border crossings and ports of entry), identification, assessment, control, disposition, consequence management, and consequence mitigation of the dispersal of radiological materials or of nuclear terrorism.

(2) The Administrator shall carry out the program as part of the support of the Administrator for homeland security and counterterrorism within the National Nuclear Security Administration.

(b) PROGRAM ELEMENTS.—In carrying out the program required by subsection (a), the Administrator shall—

(1) provide for the development of technologies to respond to threats or incidents involving nuclear or radiological terrorism in the United States;

(2) demonstrate applications of the technologies developed under paragraph (1), including joint demonstrations with the Office of Homeland Security and other appropriate Federal agencies;

(3) provide, where feasible, for the development in cooperation with the Russian Federation of technologies to respond to nuclear or radiological terrorism in the former states of the Soviet Union, including the demonstration of technologies so developed;

(4) provide, where feasible, assistance to other countries on matters relating to nuclear or radiological terrorism, including—

(A) the provision of technology and assistance on means of addressing nuclear or radiological incidents;

(B) the provision of assistance in developing means for the safe disposal of radioactive materials;

(C) in coordination with the Nuclear Regulatory Commission, the provision of assistance in developing the regulatory framework for licensing and developing programs for the protection and control of radioactive sources; and

(D) the provision of assistance in evaluating the radiological sources identified as not under current accounting programs in the report of the Inspector General of the Department of Energy entitled "Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries", and in identifying and controlling radiological sources that represent significant risks; and

(5) in coordination with the Office of Environment, Safety, and Health of the Department of Energy, the Department of Commerce, and the International Atomic Energy Agency, develop consistent criteria for screening international transfers of radiological materials.

(c) REQUIREMENTS FOR INTERNATIONAL ELEMENTS OF PROGRAM.—(1) In carrying out activities in accordance with paragraphs (3) and (4) of subsection (b), the Administrator shall consult with—

(A) the Secretary of Defense, Secretary of State, and Secretary of Commerce; and

(B) the International Atomic Energy Agency.

(2) The Administrator shall encourage joint leadership between the United States and the Russian Federation of activities on the development of technologies under subsection (b)(4).

(d) INCORPORATION OF RESULTS IN EMERGENCY RESPONSE ASSISTANCE PROGRAM.—To the maximum extent practicable, the technologies and information developed under the program required by subsection (a) shall be incorporated into the program on responses to emergencies involving nuclear and radiological weapons carried out under section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 50 U.S.C. 2315).

(e) AMOUNT FOR ACTIVITIES.—Of the amount authorized to be appropriated by section 3101(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation and available for the development of a new generation of radiation detectors for homeland defense, up to $15,000,000 shall be available for carrying out this section.

SEC. 3157. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES AUTHORIZED.—The Secretary of Energy may expand the International Materials Protection, Control, and Accounting (MPC&A) program of the Department of Energy to encompass countries outside the Russian Federation and the independent states of the former Soviet Union.

(b) NOTICE TO CONGRESS OF USE OF FUNDS FOR ADDITIONAL COUNTRIES.—Not later than 30 days after the Secretary obligates funds for the International Materials Protection, Control, and Accounting program, as expanded under subsection (a), for activities in or with respect to a country outside the Russian Federation and the independent states of the former Soviet Union, the Secretary shall submit to Congress a notice of the obligation of such funds for such activities.

(c) ASSISTANCE TO DEPARTMENT OF STATE FOR NUCLEAR MATERIALS SECURITY PROGRAMS.—(1) As part of the International Materials Protection, Control, and Accounting program, the Secretary of Energy may provide technical assistance to the Secretary of State in the efforts of the Secretary of State to assist other nuclear weapons states to review and improve their nuclear materials security programs.

(2) The technical assistance provided under paragraph (1) may include the sharing of technology or methodologies to the states referred to in that paragraph. Any such sharing shall—

(A) be consistent with the treaty obligations of the United States; and

(B) take into account the sovereignty of the state concerned and its weapons programs, as well the sensitivity of any information involved regarding United States weapons or weapons systems.

(3) The Secretary of Energy may include the Russian Federation in activities under paragraph (1) if the Secretary determines that the experience of the Russian Federation under the International Materials Protection, Control, and Accounting program

with the Russian Federation would make the participation of the Russian Federation in such activities useful in providing technical assistance under that paragraph.

(d) Plan for Accelerated Conversion or Return of Weapons-Usable Nuclear Materials.—(1) The Secretary shall develop a plan to accelerate the conversion or return to the country of origin of all weapons-usable nuclear materials located in research reactors and other facilities outside the country of origin.

(2) The plan under paragraph (1) for nuclear materials of origin in the Soviet Union shall be developed in consultation with the Russian Federation.

(3) As part of the plan under paragraph (1), the Secretary shall identify the funding and schedules required to assist the research reactors and facilities referred to in that paragraph in upgrading their materials protection, control, and accounting procedures until the weapons-usable nuclear materials in such reactors and facilities are converted or returned in accordance with that paragraph.

(4) The provision of assistance under paragraph (3) shall be closely coordinated with ongoing efforts of the International Atomic Energy Agency for the same purpose.

(e) Radiological Dispersal Device Materials Protection, Control, and Accounting.—(1) The Secretary shall establish within the International Materials Protection, Control, and Accounting program a program on the protection, control, and accounting of materials usable in radiological dispersal devices.

(2) The program under paragraph (1) shall include—

(A) an identification of vulnerabilities regarding radiological materials worldwide;

(B) the mitigation of vulnerabilities so identified through appropriate security enhancements; and

(C) an acceleration of efforts to recover and control diffused radiation sources and 'orphaned'' radiological sources that are of sufficient strength to represent a significant risk.

(3) The program under paragraph (1) shall be known as the Radiological Dispersal Device Materials Protection, Control, and Accounting program.

(f) Study of Program To Secure Certain Radiological Materials.—(1) The Secretary, acting through the Administrator for Nuclear Security, shall require the Office of International Materials Protection, Control, and Accounting of the Department of Energy to conduct a study to determine the feasibility and advisability of developing a program to secure radiological materials outside the United States that pose a threat to the national security of the United States.

(2) The study under paragraph (1) shall include the following:

(A) An identification of the categories of radiological materials that are covered by that paragraph, including an order of priority for securing each category of such radiological materials.

(B) An estimate of the number of sites at which such radiological materials are present.

(C) An assessment of the effort required to secure such radiological materials at such sites, including—

(i) a description of the security upgrades, if any, that are required at such sites;

(ii) an assessment of the costs of securing such radiological materials at such sites;

(iii) a description of any cost-sharing arrangements to defray such costs;

(iv) a description of any legal impediments to such effort, including a description of means of overcoming such impediments; and

(v) a description of the coordination required for such effort among appropriate United States Government entities (including the Nuclear Regulatory Commission), participating countries, and international bodies (including the International Atomic Energy Agency).

(D) A description of the pilot project undertaken in Russia.

(3) In identifying categories of radiological materials under paragraph (2)(A), the Secretary shall take into account matters relating to specific activity, half-life, radiation type and energy, attainability, difficulty of handling, and toxicity, and such other matters as the Secretary considers appropriate.

(4) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this subsection. The report shall include the matters specified under paragraph (2) and such other matters, including recommendations, as the Secretary considers appropriate as a result of the study.

(5) In this subsection, the term ''radiological material'' means any radioactive material, other than plutonium (Pu) or uranium enriched above 20 percent uranium-235.

(g) Amendment of Convention on Physical Protection of Nuclear Material.—(1) It is the sense of Congress that the President should encourage amendment of the Convention on the Physical Protection of Nuclear Materials in order to provide that the Convention shall—

(A) apply to both the domestic and international use and transport of nuclear materials;

(B) incorporate fundamental practices for the physical protection of such materials; and

(C) address protection against sabotage involving nuclear materials.

(2) In this subsection, the term ''Convention on the Physical Protection of Nuclear Materials'' means the Convention on the Physical Protection of Nuclear Materials, With Annex, done at Vienna on October 26, 1979.

(h) Amount for Activities.—Of the amount authorized to be appropriated by section 3102(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to $5,000,000 shall be available for carrying out this section.

SEC. 3158. ACCELERATED DISPOSITION OF HIGHLY ENRICHED URANIUM AND PLUTONIUM.

(a) Sense of Congress on Program To Secure Stockpiles of Highly Enriched Uranium and Plutonium.—(1) It is the sense of Congress that the Secretary of Energy, in consultation with the Secretary of State and Secretary of Defense, should develop a comprehensive program of activities to encourage all countries with nuclear materials to adhere to, or to adopt standards equivalent to, the International Atomic Energy Agency standard on The Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Rev.4), relating to the security of stockpiles of highly enriched uranium (HEU) and plutonium (Pu).

(2) To the maximum extent practicable, the program should be developed in consultation with the Russian Federation, other Group of 8 countries, and other allies of the United States.

(3) Activities under the program should include specific, targeted incentives intended to encourage countries that cannot undertake the expense of conforming to the standard referred to in paragraph (1) to relinquish their highly enriched uranium (HEU) or plutonium (Pu), including incentives in which a country, group of countries, or international body—

(A) purchase such materials and provide for their security (including by removal to another location);

(B) undertake the costs of decommissioning facilities that house such materials;

(C) in the case of research reactors, convert such reactors to low-enriched uranium reactors; or

(D) upgrade the security of facilities that house such materials in order to meet stringent security standards that are established for purposes of the program based upon agreed best practices.

(b) Program on Accelerated Disposition of HEU Authorized.—(1) The Secretary of Energy may carry out a program to pursue with the Russian Federation, and any other nation that possesses highly enriched uranium, options for blending such uranium so that the concentration of U–235 in such uranium is below 20 percent.

(2) The options pursued under paragraph (1) shall include expansion of the Material Consolidation and Conversion program of the Department of Energy to include—

(A) additional facilities for the blending of highly enriched uranium; and

(B) additional centralized secure storage facilities for highly enriched uranium designated for blending.

(c) Incentives Regarding Highly Enriched Uranium in Russia.—As part of the options pursued under subsection (b) with the Russian Federation, the Secretary may provide financial and other incentives for the removal of all highly enriched uranium from any particular facility in the Russian Federation if the Secretary determines that such incentives will facilitate the consolidation of highly enriched uranium in the Russian Federation to the best-secured facilities.

(d) Construction With HEU Disposition Agreement.—Nothing in this section may be construed as terminating, modifying, or otherwise effecting requirements for the disposition of highly enriched uranium under the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993.

(e) Priority in Blending Activities.—In pursuing options under this section, the Secretary shall give priority to the blending of highly enriched uranium from weapons, though highly enriched uranium from sources other than weapons may also be blended.

(f) Transfer of Highly Enriched Uranium and Plutonium to United States.—(1) As part of the program under subsection (b), the Secretary may, upon the request of any nation—

(A) purchase highly enriched uranium or weapons grade plutonium from the nation at a price determined by the Secretary;

(B) transport any uranium or plutonium so purchased to the United States; and

(C) store any uranium or plutonium so transported in the United States.

(2) The Secretary is not required to blend any highly enriched uranium purchased under paragraph (1)(A) in order to reduce the concentration of U–235 in such uranium to below 20 percent. Amounts authorized to be

appropriated by subsection (m) may not be used for purposes of blending such uranium.

(g) TRANSFER OF HIGHLY ENRICHED URANIUM TO RUSSIA.—(1) As part of the program under subsection (b), the Secretary may encourage nations with highly enriched uranium to transfer such uranium to the Russian Federation for disposition under this section.

(2) The Secretary may pay any nation that transfers highly enriched uranium to the Russian Federation under this subsection an amount determined appropriate by the Secretary.

(3) The Secretary may bear the cost of any blending and storage of uranium transferred to the Russian Federation under this subsection, including any costs of blending and storage under a contract under subsection (h). Any site selected for such storage shall have undergone complete materials protection, control, and accounting upgrades before the commencement of such storage.

(h) CONTRACTS FOR BLENDING AND STORAGE OF HIGHLY ENRICHED URANIUM IN RUSSIA.—(1) As part of the program under subsection (b), the Secretary may enter into one or more contracts with the Russian Federation—

(A) to blend in the Russian Federation highly enriched uranium of the Russian Federation and highly enriched uranium transferred to the Russian Federation under subsection (g); or

(B) to store in the Russian Federation highly enriched uranium before blending or the blended material.

(2) Any site selected for the storage of uranium or blended material under paragraph (1)(B) shall have undergone complete materials protection, control, and accounting upgrades before the commencement of such storage.

(i) LIMITATION ON RELEASE FOR SALE OF BLENDED URANIUM.—Uranium blended under this section may not be released for sale until the earlier of—

(1) January 1, 2014; or

(2) the date on which the Secretary certifies that such uranium can be absorbed into the global market without undue disruption to the uranium mining industry in the United States.

(j) PROCEEDS OF SALE OF URANIUM BLENDED BY RUSSIA.—Upon the sale by the Russian Federation of uranium blended under this section by the Russian Federation, the Secretary may elect to receive from the proceeds of such sale an amount not to exceed 75 percent of the costs incurred by the Department of Energy under subsections (c), (g), and (h).

(k) REPORT ON STATUS OF PROGRAM.—Not later than July 1, 2003, the Secretary shall submit to Congress a report on the status of the program carried out under the authority in subsection (b). The report shall include—

(1) a description of international interest in the program;

(2) schedules and operational details of the program; and

(3) recommendations for future funding for the program.

(l) HIGHLY ENRICHED URANIUM DEFINED.—In this section, the term "highly enriched uranium" means uranium with a concentration of U-235 of 20 percent or more.

(m) AMOUNT FOR ACTIVITIES.—Of the amount to be appropriated by section 3102(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to $40,000,000 shall be available for carrying out this section.

SEC. 3159A. DISPOSITION OF PLUTONIUM IN RUSSIA.

(a) NEGOTIATIONS WITH RUSSIAN FEDERATION.—(1) The Secretary of Energy is encouraged to continue to support the Secretary of State in negotiations with the Ministry of Atomic Energy of the Russian Federation to finalize the plutonium disposition program of the Russian Federation (as established under the agreement described in subsection (b)).

(2) As part of the negotiations, the Secretary of Energy may consider providing additional funds to the Ministry of Atomic Energy in order to reach a successful agreement.

(3) If such an agreement, meeting the requirements in subsection (c), is reached with the Ministry of Atomic Energy, which requires additional funds for the Russian work, the Secretary shall either seek authority to use funds available for another purpose, or request supplemental appropriations, for such work.

(b) AGREEMENT.—The agreement referred to in subsection (a) is the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated As No Longer Required For Defense Purposes and Related Cooperation, signed August 29, 2000, and September 1, 2000.

(c) REQUIREMENT FOR DISPOSITION PROGRAM.— The plutonium disposition program under subsection (a)—

(1) shall include transparent verifiable steps;

(2) shall proceed at a rate approximately equivalent to the rate of the United States program for the disposition of plutonium;

(3) shall provide for cost-sharing among a variety of countries;

(4) shall provide for contributions by the Russian Federation;

(5) shall include steps over the near term to provide high confidence that the schedules for the disposition of plutonium of the Russian Federation will be achieved; and

(6) may include research on more speculative long-term options for the future disposition of the plutonium of the Russian Federation in addition to the near-term steps under paragraph (5).

SEC. 3159B. STRENGTHENED INTERNATIONAL SECURITY FOR NUCLEAR MATERIALS AND SAFETY AND SECURITY OF NUCLEAR OPERATIONS.

(a) REPORT ON OPTIONS FOR INTERNATIONAL PROGRAM TO STRENGTHEN SECURITY AND SAFETY.—(1) Not later than 270 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on options for an international program to develop strengthened security for all nuclear materials and safety and security for current nuclear operations.

(2) The Secretary shall consult with the Office of Nuclear Energy Science and Technology of the Department of Energy in the development of options for purposes of the report.

(3) In evaluating options for purposes of the report, the Secretary shall consult with the Nuclear Regulatory Commission and the International Atomic Energy Agency on the feasibility and advisability of actions to reduce the risks associated with terrorist attacks on nuclear power plants outside the United States.

(4) Each option for an international program under paragraph (1) may provide that the program is jointly led by the United States, the Russian Federation, and the International Atomic Energy Agency.

(5) The Secretary shall include with the report on options for an international program under paragraph (1) a description and assessment of various management alternatives for the international program. If any option requires Federal funding or legislation to implement, the report shall also include recommendations for such funding or legislation, as the case may be.

(b) JOINT PROGRAMS WITH RUSSIA ON PROLIFERATION RESISTANT NUCLEAR ENERGY TECHNOLOGIES.—The Director of the Office of Nuclear Energy Science and Technology Energy shall, in coordination with the Secretary, pursue with the Ministry of Atomic Energy of the Russian Federation joint programs between the United States and the Russian Federation on the development of proliferation resistant nuclear energy technologies, including advanced fuel cycles.

(c) PARTICIPATION OF INTERNATIONAL TECHNICAL EXPERTS.—In developing options under subsection (a), the Secretary shall, in consultation with the Nuclear Regulatory Commission, the Russian Federation, and the International Atomic Energy Agency, convene and consult with an appropriate group of international technical experts on the development of various options for technologies to provide strengthened security for nuclear materials and safety and security for current nuclear operations, including the implementation of such options.

(d) ASSISTANCE REGARDING HOSTILE INSIDERS AND AIRCRAFT IMPACTS.—(1) The Secretary may, utilizing appropriate expertise of the Department of Energy and the Nuclear Regulatory Commission, provide assistance to nuclear facilities abroad on the interdiction of hostile insiders at such facilities in order to prevent incidents arising from the disablement of the vital systems of such facilities.

(2) The Secretary may carry out a joint program with the Russian Federation and other countries to address and mitigate concerns on the impact of aircraft with nuclear facilities in such countries.

(e) ASSISTANCE TO IAEA IN STRENGTHENING INTERNATIONAL NUCLEAR SAFETY AND SECURITY.—The Secretary may expand and accelerate the programs of the Department of Energy to support the International Atomic Energy Agency in strengthening international nuclear safety and security.

(f) AMOUNT FOR ACTIVITIES.—Of the amount authorized to be appropriated by section 3102(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to $35,000,000 shall be available for carrying out this section as follows:

(1) For activities under subsections (a) through (d), $20,000,000, of which—

(A) $5,000,000 shall be available for sabotage protection for nuclear power plants and other nuclear facilities abroad; and

(B) $10,000,000 shall be available for development of proliferation resistant nuclear energy technologies under subsection (b).

(2) For activities under subsection (e), $15,000,000.

SEC. 3159C. EXPORT CONTROL PROGRAMS.

(a) AUTHORITY TO PURSUE OPTIONS FOR STRENGTHENING EXPORT CONTROL PROGRAMS.—The Secretary of Energy may pursue in the former Soviet Union and other regions of concern, principally in South Asia, the Middle East, and the Far East, options for accelerating programs that assist countries in such regions in improving their domestic export control programs for materials, technologies, and expertise relevant to the construction or use of a nuclear or radiological dispersal device.

(b) Amount for Activities.—Of the amount authorized to be appropriated by section 3102(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to $5,000,000 shall be available for carrying out this section.

SEC. 3159D. IMPROVEMENTS TO NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE RUSSIAN FEDERATION.

(a) Revised Focus for Program.—(1) The Secretary of Energy shall work cooperatively with the Russian Federation to update and improve the Joint Action Plan for the Materials Protection, Control, and Accounting programs of the Department and the Russian Federation Ministry of Atomic Energy.

(2) The updated plan shall shift the focus of the upgrades of the nuclear materials protection, control, and accounting program of the Russian Federation in order to assist the Russian Federation in achieving, as soon as practicable but not later than January 1, 2012, a sustainable nuclear materials protection, control, and accounting system for the nuclear materials of the Russian Federation that is supported solely by the Russian Federation.

(b) Pace of Program.—The Secretary shall work with the Russian Federation, including applicable institutes in Russia, to pursue acceleration of the nuclear materials protection, control, and accounting programs at nuclear defense facilities in the Russian Federation.

(c) Transparency of Program.—The Secretary shall work with the Russian Federation to identify various alternatives to provide the United States adequate transparency in the nuclear materials protection, control, and accounting program of the Russian Federation to assure that such program is meeting applicable goals for nuclear materials protection, control, and accounting.

(d) Sense of Congress.—In furtherance of the activities required under this section, it is the sense of Congress the Secretary should—

(1) enhance the partnership with the Russian Ministry of Atomic Energy in order to increase the pace and effectiveness of nuclear materials accounting and security activities at facilities in the Russian Federation, including serial production enterprises; and

(2) clearly identify the assistance required by the Russian Federation, the contributions anticipated from the Russian Federation, and the transparency milestones that can be used to assess progress in meeting the requirements of this section.

SEC. 3159E. COMPREHENSIVE ANNUAL REPORT TO CONGRESS ON COORDINATION AND INTEGRATION OF ALL UNITED STATES NONPROLIFERATION ACTIVITIES.

Section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1247) is amended by adding at the end the following new subsection:

"(d) Annual Report on Implementation of Plan.—(1) Not later than January 31, 2003, and each year thereafter, the President shall submit to Congress a report on the implementation of the plan required by subsection (a) during the preceding year.

"(2) Each report under paragraph (1) shall include—

"(A) a discussion of progress made during the year covered by such report in the matters of the plan required by subsection (a);

"(B) a discussion of consultations with foreign nations, and in particular the Russian Federation, during such year on joint programs to implement the plan;

"(C) a discussion of cooperation, coordination, and integration during such year in the implementation of the plan among the various departments and agencies of the United States Government, as well as private entities that share objectives similar to the objectives of the plan; and

"(D) any recommendations that the President considers appropriate regarding modifications to law or regulations, or to the administration or organization of any Federal department or agency, in order to improve the effectiveness of any programs carried out during such year in the implementation of the plan.".

SEC. 3159F. UTILIZATION OF DEPARTMENT OF ENERGY NATIONAL LABORATORIES AND SITES IN SUPPORT OF COUNTERTERRORISM AND HOMELAND SECURITY ACTIVITIES.

(a) Agencies as Joint Sponsors of Laboratories for Work on Activities.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on counterterrorism and homeland security activities at a Department of Energy national laboratory may be a joint sponsor, under a multiple agency sponsorship arrangement with the Department, of such laboratory in the performance of such work.

(b) Agencies as Joint Sponsors of Sites for Work on Activities.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on counterterrorism and homeland security activities at a Department of Energy site may be a joint sponsor of such site in the performance of such work as if such site were a federally funded research and development center and such work were performed under a multiple agency sponsorship arrangement with the Department.

(c) Primary Sponsorship.—The Department of Energy shall be the primary sponsor under a multiple agency sponsorship arrangement required under subsection (a) or (b).

(d) Work.—(1) The Administrator for Nuclear Security shall act as the lead agent in coordinating the formation and performance of a joint sponsorship agreement between a requesting agency and a Department of Energy national laboratory or site for work on counterterrorism and homeland security.

(2) A request for work may not be submitted to a national laboratory or site under this section unless approved in advance by the Administrator.

(3) Any work performed by a national laboratory or site under this section shall comply with the policy on the use of federally funded research and development centers under section 35.017(a)(4) of the Federal Acquisition Regulation.

(4) The Administrator shall ensure that the work of a national laboratory or site requested under this section is performed expeditiously and to the satisfaction of the head of the department or agency submitting the request.

(e) Funding.—(1) Subject to paragraph (2), a joint sponsor of a Department of Energy national laboratory or site under this section shall provide funds for work of such national laboratory or site, as the case may be, under this section under the same terms and conditions as apply to the primary sponsor of such national laboratory under section 303(b)(1)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)(1)(C)) or of such site to the extent such section applies to such site as a federally funded research and development center by reason of subsection (b).

(2) The total amount of funds provided a national laboratory or site in a fiscal year under this subsection by joint sponsors other than the Department of Energy shall not exceed an amount equal to 25 percent of the total funds provided such national laboratory or site, as the case may be, in such fiscal year from all sources.

SA 4010. Mr. KERRY (for himself, Mr. Bond, and Mrs. Carnahan) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 13 and 14, insert the following:

SEC. 828. REPORT ON EFFECTS OF ARMY CONTRACTING AGENCY.

(a) In general.—The Secretary of the Army shall submit a report on the effects of the establishment of an Army Contracting Agency on small business participation in Army procurements during the first year of operation of such an agency to—

(1) the Committee on Armed Services of the House of Representatives;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Small Business of the House of Representatives; and

(4) the Committee on Small Business and Entrepreneurship of the Senate.

(b) Content.—The report required under subsection (a) shall include, in detail—

(1) the justification for the establishment of an Army Contracting Agency;

(2) a discussion of how the establishment and operations of an Army Contracting Agency has affected Army compliance with—

(A) Department of Defense Directive 4205.1;

(B) section 15(g) of the Small Business Act; and

(C) section 15(k) of the Small Business Act;

(3) the effect of the establishment and operations of an Army Contracting Agency on small business participation in Army procurement contracts, including—

(A) the impact on small businesses located near Army installations, including—

(i) the increase or decrease in the total value of Army prime contracting with local small businesses; and

(ii) the opportunities for small business owners to meet and interact with Army procurement personnel; and

(B) the increase in consolidated contracts and bundled contracts; and

(4) if there is a negative effect on small business participation in Army procurement contracts, in general or near any Army installation, a description of the Army's plan to increase small business participation where it is negatively affected.

(c) Time for Submission.—The report under this section shall be due 15 months after the date of the establishment of the Army Contracting Agency.

SA 4011. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON INDUSTRIES UNDERREPRESENTED BY WOMEN.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit a report on the results of the study required by section 8(m)(4) of the Small Business Act (15 U.S.C. 637(m)(4)) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

SA 4012. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. AGROTERRORIST ATTACKS.

(a) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, defense-wide, the amount available for basic research for the Chemical and Biological Defense Program (PE0601384BP) is hereby increased by $1,000,000, with the amount of such increase to be available for research, analysis, and assessment of efforts to counter potential agroterrorist attacks.

(2) The amount available under paragraph (1) for research, analysis, and assessment described in that paragraph is in addition to any other amounts available in this Act for such research, analysis, and assessment.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, the amount available for biological terrorism and agroterrorism risk assessment and prediction in the program element relating to the Chemical and Biological Defense Program (PE0603384BP) is hereby reduced by $1,000,000.

SA 4013. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 22, insert the following:

SEC. 214. THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY UPGRADES.

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for the Air Force for wargaming and simulation centers (PE 0207605F) is increased by $2,500,000. The total amount of the increase shall be available for Theater Aerospace Command and Control Simulation Facility (TACCSF) upgrades.

(2) The amount available under paragraph (1) for Theater Aerospace Command and Control Simulation Facility upgrades is in addition to any other amounts available under this Act for such upgrades.

(b) OFFSET.—The amount authorized to be appropriated by section 201(2) for the Navy for Mine and Expeditionary Warfare Applied Research (PE 0602782N) is reduced by $2,500,000.

SA 4014. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. PROVISION OF SPACE AND SERVICES TO THE NAVY-MARINE CORPS RELIEF SOCIETY.

(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—Chapter 649 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7583. Navy-Marine Corps Relief Society: provision of space and services

"(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—The Secretary of the Navy may provide, without charge, space and services under the jurisdiction of the Secretary to the Navy-Marine Corps Relief Society.

"(b) SERVICES DEFINED.—In this section, the term 'services' includes lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone and other information technology services (including installation of lines and equipment, connectivity, and associated services), and security systems (including installation).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7583. Navy-Marine Corps Relief Society: provision of space and services.".

SA 4015. Mr. THURMOND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 305. NATIONAL ARMY MUSEUM, FORT BELVOIR, VIRGINIA.

(a) ACTIVATION EFFORTS.—The Secretary of the Army may carry out efforts to facilitate the commencement of development for the National Army Museum at Fort Belvoir, Virginia. Such efforts may be carried out by any entity, including a not-for profit private entity, designated by the Secretary for that purpose.

(b) FUNDING.—(1) The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby increased by $100,000.

(2) Of the amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army, as increased by paragraph (1), $100,000 shall be available to carry out the efforts authorized by subsection (a).

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $100,000.

SA 4016. Mr. THURMOND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 301(a)(1), strike "$24,195,242,000" and insert "$24,187,242,000".

In the table in section 2101(a), in the item relating to Walter Reed Army Medical Center, District of Columbia, strike "$9,500,000" in the amount column and insert "$17,500,000".

In the table in section 2101(a), strike the amount identified as the total in the amount column and insert "$964,697,000".

In section 2104(a), strike "$2,999,345,000" in the matter preceding paragraph (1) and insert "$3,007,345,000".

In section 2104(a)(1), strike "$750,497,000" and insert "$758,497,000".

SA 4017. Mr. WARNER (for Mr. HELMS (for himself and Mr. CLELAND)) submitted an amendment intended to be proposed by Mr. WARNER to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 19 and 20, insert the following:

SEC. 346. INSTALLATION AND CONNECTION POLICY AND PROCEDURES REGARDING DEFENSE SWITCH NETWORK.

(a) ESTABLISHMENT OF POLICY AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish clear and uniform policy and procedures, applicable to the military departments and Defense Agencies, regarding the installation and connection of telecom switches to the Defense Switch Network.

(b) ELEMENTS OF POLICY AND PROCEDURES.—The policy and procedures shall address at a minimum the following:

(1) Clear interoperability and compatibility requirements for procuring, certifying, installing, and connecting telecom switches to the Defense Switch Network.

(2) Current, complete, and enforceable testing, validation, and certification procedures needed to ensure the interoperability and compatibility requirements are satisfied.

(c) EXCEPTIONS.—(1) The Secretary of Defense may specify certain circumstances in which—

(A) the requirements for testing, validation, and certification of telecom switches may be waived; or

(B) interim authority for the installation and connection of telecom switches to the Defense Switch Network may be granted.

(2) Only the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, after consultation with the Chairman of the Joint Chiefs of Staff, may approve a waiver or grant of interim authority under paragraph (1).

(d) INVENTORY OF DEFENSE SWITCH NETWORK.—The Secretary of Defense shall prepare and maintain an inventory of all telecom switches that, as of the date on which the Secretary issues the policy and procedures—

(1) are installed or connected to the Defense Switch Network; but

(2) have not been tested, validated, and certified by the Defense Information Systems Agency (Joint Interoperability Test Center).

(e) INTEROPERABILITY RISKS.—(1) The Secretary of Defense shall, on an ongoing basis—

(A) identify and assess the interoperability risks that are associated with the installation or connection of uncertified switches to the Defense Switch Network and the maintenance of such switches on the Defense Switch Network; and

(B) develop and implement a plan to eliminate or mitigate such risks as identified.

(2) The Secretary shall initiate action under paragraph (1) upon completing the initial inventory of telecom switches required by subsection (d).

(f) TELECOM SWITCH DEFINED.—In this section, the term "telecom switch" means hardware or software designed to send and receive voice, data, or video signals across a network that provides customer voice, data, or video equipment access to the Defense Switch Network or public switched telecommunications networks.

SA 4018. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, between lines 6 and 7, insert the following:

SEC. 604. TEMPORARY AUTHORITY FOR HIGHER RATES OF PARTIAL BASIC ALLOWANCE FOR HOUSING FOR CERTAIN MEMBERS ASSIGNED TO HOUSING UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) AUTHORITY.—The Secretary of Defense may prescribe and, under section 403(n) of title 37, United States Code, pay for members of the Armed Forces (without dependents) in privatized housing higher rates of partial basic allowance for housing than those that are authorized under paragraph (2) of such section 403(n).

(b) MEMBERS IN PRIVATIZED HOUSING.—For the purposes of this section, a member of the Armed Forces (without dependents) is a member of the Armed Forces (without dependents) in privatized housing while the member is assigned to housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code.

(c) TREATMENT OF HOUSING AS GOVERNMENT QUARTERS.—For purposes of section 403 of title 37, United States Code, a member of the Armed Forces (without dependents) in privatized housing shall be treated as residing in quarters of the United States or a housing facility under the jurisdiction of the Secretary of a military department while a higher rate of partial allowance for housing is paid for the member under this section.

(d) PAYMENT TO PRIVATE SOURCE.—The partial basic allowance for housing paid for a member at a higher rate under this section may be paid directly to the private sector source of the housing to whom the member is obligated to pay rent or other charge for residing in such housing if the private sector source credits the amount so paid against the amount owed by the member for the rent or other charge.

(e) TERMINATION OF AUTHORITY.—Rates prescribed under subsection (a) may not be paid under the authority of this section in connection with contracts that are entered into after December 31, 2007, for the construction or acquisition of housing under the authority of subchapter IV of chapter 169 of title 10, United States Code.

SA 4019. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 305. DISPOSAL OF OBSOLETE VESSELS OF THE NATIONAL DEFENSE RESERVE FLEET.

Of the amount authorized to be appropriated by section 301(a)(2) for operation and maintenance for the Navy, $20,000,000 may be available, without fiscal year limitation if so provided in appropriations Acts, for expenses related to the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet.

SA 4020. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 19 and 20, insert the following:

SEC. 346. NAVY DATA CONVERSION ACTIVITIES.

(a) AMOUNT FOR ACTIVITIES.—The amount authorized to be appropriated by section 301(a)(2) is hereby increased by $1,500,000. The total amount of such increase may be available for the Navy Data Conversion and Management Laboratory to support data conversion activities for the Navy.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) is hereby reduced by $2,000,000 to reflect a reduction in the utilities privatization efforts previously planned by the Army.

SA 4021. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. ANALYSIS OF EMERGING THREATS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $2,000,000 with the amount of the increase to be allocated to Marine Corps Advanced Technology Demonstration (ATD) (PE0603640M).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $2,000,000 shall be available for analysis of emerging threats.

(2) The amount available under paragraph (1) for analysis of emerging threats is in addition to any other amounts available under this Act for analysis of emerging threats.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $2,000,000, with the amount of the reduction allocated as follows:

(1) $1,000,000 shall be allocated to Weapons and Munitions Technology (PE0602624A) and available for countermobility systems.

(2) $1,000,000 shall be allocated to Warfighter Advanced Technology (PE0603001A) and available for Objective Force Warrior technologies.

SA 4022. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCES, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONVEYANCE TO FAIRFAX COUNTY, VIRGINIA, AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to Fairfax County, Virginia, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately

135 acres, located in the northwest portion of the Engineer Proving Ground (EPG) at Fort Belvoir, Virginia, in order to permit the County to use such property for park and recreational purposes.

(2) The parcel of real property authorized to be conveyed by paragraph (1) is generally described as that portion of the Engineer Proving Ground located west of Accotink Creek, east of the Fairfax County Parkway, and north of Cissna Road to the northern boundary, but excludes a parcel of land consisting of approximately 15 acres located in the southeast corner of such portion of the Engineer Proving Ground.

(3) The land excluded under paragraph (2) from the parcel of real property authorized to be conveyed by paragraph (1) shall be reserved for an access road to be constructed in the future.

(b) CONVEYANCE OF BALANCE OF PROPERTY AUTHORIZED.—The Secretary may convey to any competitively selected grantee all right, title, and interest of the United States in and to the real property, including any improvements thereon, at the Engineering Proving Ground, not conveyed under the authority in subsection (a).

(c) CONSIDERATION.—(1) As consideration for the conveyance authorized by subsection (b), the grantee shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by the Secretary, of the property conveyed under that subsection.

(2) In-kind consideration under paragraph (1) may include the maintenance, improvement, alteration, repair, remodeling, restoration (including environmental restoration), or construction of facilities for the Department of the Army at Fort Belvoir or at any other site or sites designated by the Secretary.

(3) If in-kind consideration under paragraph (1) includes the construction of facilities, the grantee shall also convey to the United States—

(A) title to such facilities, free of all liens and other encumbrances; and

(B) if the United States does not have fee simple title to the land underlying such facilities, convey to the United States all right, title, and interest in and to such lands not held by the United States.

(4) The Secretary shall deposit any cash received as consideration under this subsection in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 568), is repealed.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of each such survey shall be borne by the grantee.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SA 4023. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. MASTER PLAN FOR USE OF NAVY ANNEX, ARLINGTON, VIRGINIA.

(a) REPEAL OF COMMISSION ON NATIONAL MILITARY MUSEUM.—Title XXIX of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 880; 10 U.S.C. 111 note) is repealed.

(b) MODIFICATION OF AUTHORITY FOR TRANSFER FROM NAVY ANNEX.—Section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 879) is amended—

(1) in subsection (b)(2), as amended by section 2863(f) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1332), by striking "as a site—" and all that follows and inserting "as a site for such other memorials or museums that the Secretary considers compatible with Arlington National Cemetery and the Air Force Memorial."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "the recommendation (if any) of the Commission on the National Military Museum to use a portion of the Navy Annex property as the site for the National Military Museum", and inserting "the use of the acres reserved under (b)(2) as a memorial or museum"; and

(B) in paragraph (4), by striking "the date on which the Commission on the National Military Museum submits to Congress its report under section 2903" and inserting "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003".

(c) CONSTRUCTION OF AMENDMENTS.—The amendments made by subsections (a) and (b) may not be construed to delay the establishment of the United States Air Force Memorial authorized by section 2863 of the Military Construction Authorization Act for Fiscal Year 2002 (115 Stat. 1330).

SA 4024. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 346. ENGINEERING STUDY AND ENVIRONMENTAL ANALYSIS OF ROAD MODIFICATIONS IN VICINITY OF FORT BELVOIR, VIRGINIA.

(a) STUDY AND ANALYSIS.—(1) The Secretary of the Army shall conduct a preliminary engineering study and environmental analysis to evaluate the feasibility of establishing a connector road between Richmond Highway (United States Route 1) and Telegraph Road in order to provide an alternative to Beulah Road (State Route 613) and Woodlawn Road (State Route 618) at Fort Belvoir, Virginia, which were closed as a force protection measure.

(2) It is the sense of Congress that the study and analysis should consider as one alternative the extension of Old Mill Road between Richmond Highway and Telegraph Road.

(b) CONSULTATION.—The study required by subsection (a) shall be conducted in consultation with the Department of Transportation of the Commonwealth of Virginia and Fairfax County, Virginia.

(c) REPORT.—The Secretary shall submit to Congress a summary report on the study and analysis required by subsection (a). The summary report shall be submitted together with the budget justification materials in support of the budget of the President for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance, $5,000,000 shall be available for the study and analysis required by subsection (a).

SA 4025. Ms. COLLINS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for `such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. DDG OPTIMIZED MANNING INITIATIVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $5,000,000, with the amount of the increase to be allocated to surface combatant combat system engineering (PE0604307N).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $5,000,000 shall be available for the DDG optimized manning initiative.

(2) The amount available under paragraph (1) for the initiative referred to in that paragraph is in addition to any other amounts available under this Act for that initiative.

(c) OFFSET.—The amount authorized to be appropriated by section 104 for procurement for defense-wide activities is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to Global Information Grid.

SA 4026. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, strike line 14 and insert the following:

SEC. 121. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR DDG–51 CLASS DESTROYERS.

Section 122(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122 of Public Law 106–65 (113 Stat. 534) and section 122(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–24), is further amended by striking "October 1, 2005" in the first sentence and inserting "October 1, 2007".

SA 4027. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army or the Administrator of General Services may convey, without consideration, to the Johnson County Park and Recreation District, Kansas (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the State of Kansas consisting of approximately 2,000 acres, a portion of the Sunflower Army Ammunition Plant. The purpose of the conveyance is to permit the District to use the parcel for public recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage, location, and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the official making the conveyance. The cost of such legal description, survey, or both shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The official making the conveyance of real property under subsection (a) may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interests of the United States.

(d) EFFECTIVE DATE.—This section shall take effect on January 31, 2003.

SA 4028. Mr. ALLARD (for himself, Mr. REED, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 905. VETERINARY CORPS OF THE ARMY.

(a) COMPOSITION AND ADMINISTRATION.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3070 the following new section 3071:

"§ 3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade

"(a) COMPOSITION.—The Veterinary Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

"(b) CHIEF.—The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade may be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

"(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3070 the following new item:

"3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade.".

(b) EFFECTIVE DATE.—Section 3071 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002.

SA 4029. Mr. REED (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, after line 23, insert the following:

SEC. 226. REPORTS ON FLIGHT TESTING OF GROUND-BASED MIDCOURSE NATIONAL MISSILE DEFENSE SYSTEM.

(a) REQUIREMENT.—The Director of the United States Missile Defense Agency shall submit to the congressional defense committees a report on each flight test of the Ground-based Midcourse national missile defense system. The report shall be submitted not later than 90 days after the date of the test.

(b) CONTENT.—A report on a flight test under subsection (a) shall include the following matters:

(1) A detailed discussion of the content and objectives of the test.

(2) For each test objective, a statement regarding whether the objective was achieved.

(3) For any test objective not achieved—

(A) a detailed discussion describing the reasons for not achieving the objective; and

(B) a discussion of any plans for future tests to achieve the objective.

(c) FORMAT.—The reports required under subsection (a) shall be submitted in unclassified form, with a classified annex as necessary.

SA 4030. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXXI, add the following:

SEC. 3165. ELIGIBILITY FOR BENEFITS UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000 OF DEPARTMENT OF ENERGY AND CONTRACTOR EMPLOYEES WITH MERCURY POISONING RELATING TO ATOMIC WEAPONS.

(a) ELIGIBILITY.—The Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398; 42 U.S.C. 7384 et seq.), is amended by adding inserting section 3627 the following new section:

"SEC. 3627A. MERCURY POISONING RELATING TO ATOMIC WEAPONS.

"(a) IN GENERAL.—A Department of Energy employee, or Department of Energy contractor employee, who was exposed to mercury in the performance of duty and who experienced mercury poisoning shall be treated as a covered employee with an occupational illness consisting of mercury poisoning for purposes of benefits under this subtitle.

"(b) EXPOSURE TO MERCURY IN THE PERFORMANCE OF DUTY.—An employee referred to in subsection (a) shall, in the absence of substantial evidence to the contrary, be determined to have been exposed to mercury in the performance of duty if, and only if, while employed at Department of Energy facilities associated with the design, production, or testing of atomic weapons, or clean-up operations related thereto, the employee was present in a Department of Energy facility that—

"(1) contained more than 100 kilograms of mercury; and

"(2) did not confine mercury operations to work spaces with effective and dedicated ventilation systems for the removal of airborne toxic substances.

"(c) MERCURY POISONING.—(1) An employee referred to in subsection (a) shall be treated as having experienced mercury poisoning if the employee manifests a physical, psychological, or neurological illness consistent with mercury poisoning.

"(2) The Secretary of Labor shall rely on evaluations, tests, or other medical information obtained pursuant to section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2646; 42 U.S.C. 7274i), or any other mechanism established by the Secretary of Labor, in evaluating whether an illness referred to in paragraph (1) is consistent with mercury poisoning.".

(b) CONFORMING AMENDMENT.—Section 3621(1) of that Act (42 U.S.C. 7384l(1)) is amended by adding at the end the following new subparagraph:

"(D) To the extent provided in section 3627A, a Department of Energy employee, or Department of Energy contractor employee, who was exposed to mercury in the performance of duty and who experienced mercury poisoning.".

SA 4031. Mr. FRIST (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 301(a)(1), decrease the amount indicated by $2,400,000.

In section 301(a)(2), decrease the amount indicated by $3,000,000.

In section 301(a)(4), decrease the amount indicated by $3,000,000.

In section 2601(3)(A), add $8,400,000 to the amount indicated.

SA 4032. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) Registration and Balloting.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) by striking "Each State shall" and inserting "(a) Elections for Federal Offices.—Each State shall"; and

(2) by adding at the end the following:

"(b) Elections for State and Local Offices.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) Conforming Amendment.—The heading for title I of such Act is amended by striking "**FOR FEDERAL OFFICE**".

SA 4033. Mr. CLELAND (for himself and Mr. McCAIN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, strike lines 1 through 4, and insert the following:

(1) The Army, 485,000.
(2) The Navy, 379,200.
(3) The Marine Corps, 175,000.
(4) The Air Force, 362,500.

SA 4034. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 405. SENSE OF CONGRESS FOR FOLLOW-ON FISCAL YEAR END STRENGTHS.

It is the sense of Congress that the authorized end strength for active duty personnel for each of the Army, Navy, and Air Force should increase in each successive fiscal year (over the authorized end strength for the preceding fiscal year) as follows:

(1) For the Army:
(A) For fiscal year 2004, by 5,000.
(B) For fiscal year 2005, by 5,000.
(C) For fiscal year 2006, by 5,000.
(D) For fiscal year 2007, by 5,000.

(2) For the Navy, for fiscal year 2004, by 1,000.

(3) For the Air Force:
(A) For fiscal year 2004, by 2,500.
(B) For fiscal year 2005, by 2,000.

SA 4035. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORT ON EFFORTS TO ENSURE ADEQUACY OF FIRE FIGHTING STAFFS AT MILITARY INSTALLATIONS.

Not later than March 31, 2003, the Secretary of Defense shall submit to Congress a report on the actions being undertaken to ensure that the fire fighting staffs at military installations are adequate under applicable Department of Defense regulations.

SA 4036. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 201(2), strike "$12,929,135,000" and insert "$12,927,135,000".

In section 201(3), strike "$18,603,684,000" and insert "$18,605,684,000".

SA 4037. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. RADAR POWER TECHNOLOGY FOR THE ARMY.

(a) Increase in Authorization of Appropriations.—The amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army is hereby increased by $4,500,000, with the amount of the increase to be allocated to Army missile defense systems integration (DEM/VAL) (PE0603308A).

(b) Availability for Radar Power Technology.—(1) Of the amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army, as increased by subsection (a), $4,500,000 shall be available for radar power technology.

(2) The amount available under paragraph (1) for radar power technology is in addition to any other amounts available under this Act for such technology.

(c) Offset.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $4,500,000, with the amount of the reduction to be allocated to common picture advanced technology (PE0603235N).

SA 4038. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 301(a)(2), decrease the amount by $3,580,000.

In section 2601(1)(A), increase the amount by $3,580,000.

SA 4039. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 22, insert the following:

SEC. 214. THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY UPGRADES.

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for the Air Force for wargaming and simulation centers (PE 0207605F) is increased by $2,500,000. The total amount of the increase shall be available for Theater Aerospace Command and Control Simulation Facility (TACCSF) upgrades.

(2) The amount available under paragraph (1) for Theater Aerospace Command and Control Simulation Facility upgrades is in addition to any other amounts available under this Act for such upgrades.

(b) OFFSET.—The amount authorized to be appropriated by section 201(2) for the Navy for Mine and Expeditionary Warfare Applied Research (PE 0602782N) is reduced by $2,500,000.

SA 4040. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. AEROSPACE RELAY MIRROR SYSTEM (ARMS) DEMONSTRATION.

Of the amount authorized to be appropriated by section 201(3) for the Department of Defense for research, development, test, and evaluation for the Air Force, $6,000,000 may be available for the Aerospace Relay Mirror System (ARMS) Demonstration.

SA 4041. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXI, add the following:

SEC. 2109. PLANNING AND DESIGN FOR ANECHOIC CHAMBER AT WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) PLANNING AND DESIGN.—The amount authorized to be appropriated by section 2104(a)(5), for planning and design for military construction for the Army is hereby increased by $3,000,000, with the amount of the increase to be available for planning and design for an anechoic chamber at White Sands Missile Range, New Mexico.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to Base Operations Support (Serviceable Support).

SA 4042. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 346. EXTENSION OF WORK SAFETY DEMONSTRATION PROGRAM.

Section 1112 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–313) is amended—

(1) in subsection (d), by striking "September 30, 2002" and inserting "September 30, 2003"; and

(2) in subsection (e)(2), by striking "December 1, 2002" and inserting "December 1, 2003".

SA 4043. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIII, add the following:

SEC. 2305. ADDITIONAL PROJECT AUTHORIZATION FOR AIR TRAFFIC CONTROL FACILITY AT DOVER AIR FORCE BASE, DELAWARE.

(a) PROJECT AUTHORIZED.—In addition to the projects authorized by section 2301(a), the Secretary of the Air Force may carry out carry out a military construction project, including land acquisition relating thereto, for construction of a new air traffic control facility at Dover Air Force Base, Delaware, in the amount of $7,500,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2304(a), and by paragraph (1) of that section, is hereby increased by $7,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(10) for operation and maintenance for the Army National Guard is hereby reduced by $7,500,000, with the amount of the reduction to be allocated to the Classified Network Program.

SA 4044. Mr. JEFFORDS (for himself, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 554. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(c) CONDUCT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

"(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

"(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

"(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

"(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).".

(b) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

"(d) AVAILABILITY OF FUNDS.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

"(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

"(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

"(2) Not more than $2,500,000 may be obligated or expended in any fiscal year under subsection (c).

"(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.".

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORIZED ACTIVITIES.—" after "(a)"; and

(2) in subsection (b), by inserting "AUTHORIZED LOCATIONS.—" after "(b)".

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by inserting "and" after the semicolon;

(B) in paragraph (2), by striking "; or" and inserting a period; and

(C) by striking paragraph (3).

(2) The heading of such section is amended to read as follows:

"§ 504. National Guard schools; small arms competitions; athletic competitions".

(3) The item relating to section 504 in the table of sections at the beginning of chapter 5 of title 32, United States Code, is amended to read as follows:

"504. National Guard schools; small arms competitions; athletic competitions.".

SA 4045. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 20, increase the amount by **$1,500,000.**

On page 23, line 22, reduce the amount by **$1,500,000.**

SA. 4046. Mr. LEVIN proposed an amendment to amendment SA 4007 proposed by Mr. WARNER (for himself, Mr. MILLER, Mr. LOTT, Mr. STEVENS, Mr. COCHRAN, Mr. ALLARD, Mr. KYL, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. THURMOND, Mr. SESSIONS, Mr. ROBERTS, Mr. HUTCHINSON, Mr. BUNNING, Mr. HELMS, Mr. MCCAIN, Mr. NICKLES, Mr. HAGEL, and Mrs. HUTCHISON) to the bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 3, strike subsection (c) and insert the following:

"(c) PRIORITY FOR ALLOCATING FUNDS.—In the expenditure of additional funds made available by a lower rate of inflation, the top priority shall be the use of such funds for Department of Defense activities for protecting the American people at home and abroad by combating terrorism at home and abroad."

SA 4047. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 256, before line 3, insert the following:

(c) DEFERRAL OF EXPIRATION DATE.—Section 3536 to title 44, United States Code, is amended by striking "the date that is two years after the date on which this subchapter takes effect" and inserting "December 31, 2004".

SA 4048. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 8, insert the following:

(c) REPORTS ON FISCAL YEAR 2003 FLIGHT TESTING OF GROUND-BASED MIDCOURSE NATIONAL MISSILE DEFENSE SYSTEM.

(1) REQUIREMENT.—The Director of the United States Missile Defense Agency shall submit to the congressional defense committees a report on each flight test of the Ground-based Midcourse national missile defense system (for fiscal year 2003). The report shall be submitted not later than 90 days after the date of the test.

(2) CONTENT.—A report on a flight test under subsection (a) shall include the following matters:

(a) A detailed discussion of the content and objectives of the test.

(b) For each test objective, a statement regarding whether the objective was achieved.

(c) For any test objective not achieved—

(1) a detailed discussion describing the reasons for not achieving the objective; and

(2) a discussion of any plans for future tests to achieve the objective.

(3) FORMAT.—The reports required under subsection (1) shall be submitted in unclassified form, with a classified annex as necessary:

SA 4049. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

For Air Force research and development of the Slender Hypervelocity Aerothermodynamic Research Probes (SHARP) spaceplane, there shall be made available **$100,000** through aerospace materials manufacturing and research by the U.S. Department of the Air Force.

SA 4050. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

For military construction for an Aerial Port Complex for the Wyoming Air National Guard, there shall be made available **$6,000,000** through Section 2601 of title XXVI.

SA 4051. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. SCHUMER, Mr. DODD, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, insert the following:

SEC. 1035. REPORT ON VOLUNTEER SERVICES OF MEMBERS OF THE RESERVE COMPONENTS IN EMERGENCY RESPONSE TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on volunteer services described in subsection (b) that were provided by members of the National Guard and other reserve components of the Armed Forces, while not in a duty status pursuant to orders, during the period of September 11 through 14, 2001. The report shall include a discussion of any personnel actions that the Secretary considers appropriate for the members regarding the performance of such services.

(b) COVERED SERVICES.—The volunteer services referred to in subsection (a) are as follows:

(1) Volunteer services provided in the vicinity of the site of the World Trade Center, New York, New York, in support of emergency response to the terrorist attack on the World Trade Center on September 11, 2001.

(2) Volunteer services provided in the vicinity of the Pentagon in support of emergency response to the terrorist attack on the Pentagon on September 11, 2001.

SA 4052. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 655. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A-170) is amended by adding at the end the following new paragraph:

"(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

SA 4053. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 154, after line 20, insert the following:

SEC. 708. MEDICARE+CHOICE DEMONSTRATION PROJECT FOR MILITARY RETIREES.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"MEDICARE+CHOICE DEMONSTRATION PROJECT FOR MILITARY RETIREES

"SEC. 1897. (a) DEFINITIONS.—In this section:

"(1) ACCRUAL FUND.—The term 'accrual fund' means the Department of Defense Medicare-Eligible Retiree Health Care Fund established under section 1111 of title 10, United States Code.

"(2) ADMINISTERING SECRETARIES.—The term 'administering Secretaries' means the Secretary and the Secretary of Defense acting jointly.

"(3) DEMONSTRATION PROJECT; PROJECT.—The terms 'demonstration project' and 'project' mean the demonstration project carried out under this section.

"(4) MEDICARE-ELIGIBLE MILITARY RETIREE OR DEPENDENT.—The term 'medicare-eligible military retiree or dependent' means an individual described in section 1086(c) of title 10, United States Code, who is a Medicare+Choice eligible individual (as defined in section 1851(a)(3)).

"(5) MEDICARE+CHOICE ORGANIZATION; MEDICARE+CHOICE PLAN.—The terms 'Medicare+Choice organization' and 'Medicare+Choice plan' have the meanings given such terms in subsections (a)(1) and (b)(1), respectively, of section 1859.

"(6) MILITARY TREATMENT FACILITY.—The term 'military treatment facility' means a facility referred to in section 1074(a) of title 10, United States Code.

"(7) TRICARE.—The term 'TRICARE' has the same meaning as the term 'TRICARE program' under section 1072(7) of title 10, United States Code.

"(b) DEMONSTRATION PROJECT.—

"(1) ESTABLISHMENT.—The administering Secretaries are authorized to establish a demonstration project (under an agreement entered into by the administering Secretaries) under which—

"(A) Medicare+Choice organizations may offer Medicare+Choice plans (in an area designated under paragraph (2)) that restrict the enrollment of individuals under this part to medicare-eligible military retirees or dependents residing in the area;

"(B) medicare-eligible military retirees or dependents may voluntarily enroll in such plans; and

"(C) such organizations may enter into an agreement with the Secretary of Defense under which—

"(i) individuals enrolled in such plans may be referred to military treatment facilities in the area in order to obtain items and services from such facilities; and

"(ii) such organizations reimburse the military treatment facilities for the furnishing of such items and services to such individuals.

"(2) AGREEMENT BETWEEN MEDICARE+CHOICE ORGANIZATION AND SECRETARY OF DEFENSE.—An agreement entered into between the Medicare+Choice organization offering the Medicare+Choice plan that is participating in the demonstration project in an area and the Secretary of Defense pursuant to paragraph (1)(B) shall include at a minimum a description of—

"(A) the items and services that military treatment facilities in the area will be available to provide to medicare-eligible military retirees or dependents enrolled in the plan;

"(B) how and at what levels the organization will provided reimbursement to the military treatment facilities for items and services furnished to medicare-eligible military retirees or dependents enrolled in the plan;

"(C) how the organization will determine whether an individual is a medicare-eligible military retiree or dependent; and

"(D) cost-sharing requirements for medicare-eligible military retirees or dependents with respect to items and services furnished by a military treatment facility.

"(3) SITES.—

"(A) IN GENERAL.—The administering Secretaries may designate up to 6 metropolitan areas in which to conduct the demonstration project.

"(B) REQUIREMENT.—The administering Secretaries may not designate an area under subparagraph (A) unless—

"(i) at least 10,000 medicare-eligible military retirees or dependents reside in the area; and

"(ii) a sufficient number of military treatment facilities are located in the area.

"(4) DURATION.—The authority of the administering Secretaries to conduct the demonstration project shall terminate on January 1, 2007.

"(c) CREDITING OF PAYMENTS TO ACCRUAL FUND.—A payment received by a military treatment facility from a Medicare+Choice organization under the demonstration project shall be credited to the accrual fund. Amounts credited to the accrual fund shall be merged with the other sums in such fund and shall be available until expended for the same purposes as such sums are available under section 1113 of title 10, United States Code.

"(d) RULES RELATING TO MAINTENANCE OF EFFORT LEVEL UNDER THE ACCRUAL FUND.—

"(1) MEDICARE+CHOICE PAYMENTS TO BE MADE REGARDLESS OF WHETHER MAINTENANCE OF EFFORT LEVEL REACHED FOR THE YEAR UNDER THE ACCRUAL FUND.—Payments by a Medicare+Choice organization to a military treatment facility pursuant to an agreement under the demonstration project shall be made regardless of whether the facility has reached the maintenance of effort level required of the facility for the year under the accrual fund.

"(2) EXPENSES INCURRED BY MILITARY TREATMENT FACILITY COUNT TOWARD MAINTENANCE OF EFFORT LEVEL FOR THE YEAR AND REIMBURSABLE EXPENSES UNDER THE ACCRUAL FUND.—Expenses incurred by a military treatment facility in providing items and services to medicare-eligible military retirees or dependents shall count toward reaching the maintenance of effort level required of the facility for the year under the accrual fund, and for purposes of determining reimbursable expenses under such fund, regardless of the fact that the facility has been reimbursed by a Medicare+Choice organization for part or all of such expenses pursuant to an agreement under the demonstration project.

"(e) WAIVER AUTHORITY.—The Secretary may waive such requirements of title XI and this title as may be necessary for the purpose of carrying out the demonstration project.

"(f) VOLUNTARY PARTICIPATION.—Participation of Medicare+Choice organizations, military treatment facilities, and medicare-eligible military retirees or dependents in the demonstration project shall be voluntary.

"(g) MODIFICATION OF TRICARE CONTRACTS.—In carrying out the demonstration project, the Secretary of Defense is authorized to amend existing TRICARE contracts (including contracts with designated providers) in order to provide the items and services described in subsection (b)(2)(A) to medicare-eligible military retirees or dependents enrolled in a Medicare+Choice plan participating in the demonstration project.

"(h) ANNUAL REPORTS.—Not later than 30 days after the date on which 1 full year of data is available for analysis of the demonstration project, and annually thereafter until the conclusion of the project, the administering Secretaries shall submit a report on the project to the committees of jurisdiction in the Congress.".

SA 4054. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2514, authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) FINDINGS.—

The Congress makes the following findings:

(1) Al Qaeda and other terrorist organizations, in addition to rogue states, are known to be working to acquire weapons of mass destruction, and particularly nuclear warheads.

(2) The largest and least secure potential source of nuclear warheads for terrorists or rogue states is Russia's arsenal of non-strategic or "tactical" nuclear warheads, which according to unclassified estimates numbers from 7,000 to 12,000 warheads. Security at Russian nuclear weapon storage sites is insufficient, and tactical nuclear warheads are more vulnerable to terrorist or rogue state acquisition due to their smaller size, greater portability, and greater numbers compared to Russian strategic nuclear weapons.

(3) Russia's tactical nuclear warheads were not covered by the START treaties or the recent Moscow Treaty. Russia is not legally bound to reduce its tactical nuclear stockpile and the United States has no inspection rights regarding Russia's tactical nuclear arsenal.

(b) SENSE OF THE SENATE.—

(1) One of the most likely nuclear weapons attack scenarios against the United States would involve detonation of a stolen Russian tactical nuclear warhead smuggled into the country.

(2) It is a top national security priority of the United States to accelerate efforts to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(3) This imminent threat warrants a special non-proliferation initiative.

(c) REPORT.—

Not later than 30 days after enaction of this act, the President shall report to Congress on efforts to reduce the particular threats associated with Russia's tactical nuclear arsenal and the outlines of a special initiative related to reducing the threat from Russia's tactical nuclear stockpile.

SA 4055. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

At the end of division A, add the following:

TITLE XIII—FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY

Subtitle A—Certain Fiscal Year 2003 and 2004 Procurements

SEC. 1301. PROCUREMENTS FOR DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

The authorities provided in this subtitle apply to any fiscal year 2003 or 2004 procurement of property or services by or for an executive agency that, as determined by the head of the executive agency, are to be used to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

SEC. 1302. INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR PROCUREMENTS IN SUPPORT OF HUMANITARIAN OR PEACEKEEPING OPERATIONS OR CONTINGENCY OPERATIONS.

(a) FISCAL YEAR 2003 AND 2004 THRESHOLD AMOUNTS.—For a procurement referred to in section 1301 that is carried out in support of a humanitarian or peacekeeping operation or a contingency operation, the simplified acquisition threshold definitions shall be applied as if the amount determined under the exception provided for such an operation in those definitions were—

(1) in the case of a contract to be awarded and performed, or purchase to be made, inside the United States, $250,000; or

(2) in the case of a contract to be awarded and performed, or purchase to be made, outside the United States, $500,000.

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINITIONS.—In this section, the term "simplified acquisition threshold definitions" means the following:

(1) Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

(2) Section 309(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(d)).

(3) Section 2302(7) of title 10, United States Code.

(c) SMALL BUSINESS RESERVE FOR FISCAL YEAR 2003 AND 2004.—For a procurement carried out pursuant to subsection (a), section 15(j) of the Small Business Act (15 U.S.C. 644(j)) shall be applied as if the maximum anticipated value identified therein is equal to the amounts referred to in subsection (a).

SEC. 1303. INCREASED MICRO-PURCHASE THRESHOLD FOR CERTAIN PROCUREMENTS.

In the administration of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) with respect to a procurement referred to in section 1301, the amount specified in subsections (c), (d), and (f) of such section 32 shall be deemed to be $15,000.

SEC. 1304. APPLICATION OF CERTAIN COMMERCIAL ITEMS AUTHORITIES TO CERTAIN PROCUREMENTS.

(a) AUTHORITY.—

(1) IN GENERAL.—The head of an executive agency may apply the provisions of law listed in paragraph (2) to a procurement referred to in section 1301 without regard to whether the property or services are commercial items.

(2) COMMERCIAL ITEM LAWS.—The provisions of law referred to in paragraph (1) are as follows:

(A) Sections 31 and 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 427, 430).

(B) Section 2304(g) of title 10, United States Code.

(C) Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)).

(b) INAPPLICABILITY OF LIMITATION ON USE OF SIMPLIFIED ACQUISITION PROCEDURES.—

(1) IN GENERAL.—The $5,000,000 limitation provided in section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)), section 2304(g)(1)(B) of title 10, United States Code, and section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)) shall not apply to purchases of property or services to which any of the provisions of law referred to in subsection (a) are applied under the authority of this section.

(2) OMB GUIDANCE.—The Director of the Office of Management and Budget shall issue guidance and procedures for the use of simplified acquisition procedures for a purchase of property or services in excess of $5,000,000 under the authority of this section.

(c) CONTINUATION OF AUTHORITY FOR SIMPLIFIED PURCHASE PROCEDURES.—Authority under a provision of law referred to in subsection (a)(2) that expires under section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 10 U.S.C. 2304 note) shall, notwithstanding such section, continue to apply for use by the head of an executive agency as provided in subsections (a) and (b).

SEC. 1305. USE OF STREAMLINED PROCEDURES.

(a) REQUIRED USE.—The head of an executive agency shall, when appropriate, use streamlined acquisition authorities and procedures authorized by law for a procurement referred to in section 1301, including authorities and procedures that are provided under the following provisions of law:

(1) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—In title III of the Federal Property and Administrative Services Act of 1949:

(A) Paragraphs (1), (2), (6), and (7) of subsection (c) of section 303 (41 U.S.C. 253), relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 303J (41 U.S.C. 253j), relating to orders under task and delivery order contracts.

(2) TITLE 10, UNITED STATES CODE.—In chapter 137 of title 10, United States Code:

(A) Paragraphs (1), (2), (6), and (7) of subsection (c) of section 2304, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 2304c, relating to orders under task and delivery order contracts.

(3) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Paragraphs (1)(B), (1)(D), and (2) of section 18(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)), relating to inapplicability of a requirement for procurement notice.

(b) WAIVER OF CERTAIN SMALL BUSINESS THRESHOLD REQUIREMENTS.—Subclause (II) of section 8(a)(1)(D)(i) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)) and clause (ii) of section 31(b)(2)(A) of such Act (15 U.S.C. 657a(b)(2)(A)) shall not apply in the use of streamlined acquisition authorities and procedures referred to in paragraphs (1)(A) and (2)(A) of subsection (a) for a procurement referred to in section 101.

SEC. 1306. REVIEW AND REPORT BY COMPTROLLER GENERAL.

(a) REQUIREMENTS.—Not later than March 31, 2005, the Comptroller General shall—

(1) complete a review of the extent to which procurements of property and services have been made in accordance with this subtitle; and

(2) submit a report on the results of the review to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(b) CONTENT OF REPORT.—The report under subsection (a)(2) shall include the following matters:

(1) ASSESSMENT.—The Comptroller General's assessment of the extent to which property and services procured in accordance with this title have contributed to the capacity of the workforce of Federal Government employees within each executive agency to carry out the mission of the executive agency, and the extent to which Federal Government employees have been trained on the use of those technologies.

(2) RECOMMENDATIONS.—Any recommendations of the Comptroller General resulting from the assessment described in paragraph (1).

(c) CONSULTATION.—In preparing for the review under subsection (a)(1), the Comptroller General shall consult with the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the specific issues and topics to be reviewed. The extent of coverage needed in areas such as technology integration, employee training, and human capital management, as well as the data requirements of the study, shall be included as part of this consultation.

Subtitle B—Research and Development

SEC. 1321. CERTAIN RESEARCH AND DEVELOPMENT BY CIVILIAN AGENCIES.

(a) AUTHORITY.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

"SEC. 317. RESEARCH AND DEVELOPMENT TO FACILITATE DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The head of an executive agency may engage in basic research, applied research, advanced research, and development projects that—

"(A) are necessary to the responsibilities of such official's executive agency in the field of research and development; and

"(B) have the potential to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

"(2) AUTHORIZED MEANS.—To engage in projects authorized under paragraph (1), the head of an executive agency may exercise the same authority (subject to the same restrictions and conditions) as the Secretary of Defense may exercise under sections 2358 and 2371 of title 10, United States Code, except for subsections (b), (f), and (g) of such section 2371.

"(3) APPLICABILITY TO SELECTED EXECUTIVE AGENCIES.—The head of an executive agency may exercise authority under this subsection only if authorized by the Director of the Office of Management and Budget to do so.

"(b) ANNUAL REPORT.—The annual report of the head of an executive agency that is required under subsection (h) of section 2371 of title 10, United States Code, as applied to the head of an executive agency by subsection (a), shall be submitted to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

"(c) REGULATIONS.—The Director of the Office of Management and Budget shall prescribe regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by inserting after the item relating to section 316 the following new item:

"Sec. 317. Research and development to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.".

SEC. 1322. TEMPORARY AUTHORITY FOR CARRYING OUT CERTAIN PROTOTYPE PROJECTS.

(a) IN GENERAL.—The head of an executive agency designated by the Director of the Office of Management and Budget to do so may, under the authority of section 317 of the Federal Property and Administrative Services Act of 1949 (as added by section 1321), carry out prototype projects that meet the requirements of subparagraphs (A) and (B) of subsection (a)(1) of such section in accordance with the same requirements and conditions as are provided for carrying out prototype projects under section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note).

(b) CONFORMING AUTHORITY.—In the application of the requirements and conditions of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) to the administration of authority under subsection (a)—

(1) subsection (c) of such section shall apply with respect to prototype projects carried out under this subsection; and

(2) the Director of the Office of Management and Budget shall perform the function of the Secretary of Defense under subsection (d) of such section.

Subtitle C—Other matters

SEC. 1331. IDENTIFICATION OF NEW ENTRANTS INTO THE FEDERAL MARKETPLACE.

The head of each executive agency shall conduct market research on an ongoing basis to identify effectively the capabilities, including the capabilities of small businesses and new entrants into Federal contracting, that are available in the marketplace for meeting the requirements of the executive agency in furtherance of defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack. The head of the executive agency shall, to the maximum extent practicable, take advantage of commercially available market research methods, including use of commercial databases, to carry out the research.

SA 4056. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) AUTHORITY.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127a the following new section:

"§ 127b. Rewards for assistance in combating terrorism

"(a) AUTHORITY.—The Secretary of Defense may pay a monetary reward to a person for providing United States personnel with information or nonlethal assistance that is beneficial to—

"(1) an operation of the armed forces conducted outside the United States against international terrorism; or

"(2) force protection of the armed forces.

"(b) MAXIMUM AMOUNT.—The amount of a reward paid to a recipient under this section may not exceed $200,000.

"(c) DELEGATION TO COMMANDER OF COMBATANT COMMAND.—(1) The Secretary of Defense may delegate to the commander of a combatant command authority to pay a reward under this section in an amount not in excess of $50,000.

"(2) A commander to whom authority to pay rewards is delegated under paragraph (1) may further delegate authority to pay a reward under this section in an amount not in excess of $2,500.

"(c) COORDINATION.—(1) The Secretary of Defense, in consultation with the Secretary of State and the Attorney General, shall prescribe policies and procedures for offering and paying rewards under this section, and otherwise for administering the authority under this section, that ensure that the payment of a reward under this section does not duplicate or interfere with the payment of a reward authorized by the Secretary of State or the Attorney General.

"(2) The Secretary of Defense shall coordinate with the Secretary of State regarding any payment of a reward in excess of $100,000 under this section.

"(d) PERSONS NOT ELIGIBLE.—The following persons are not eligible to receive an award under this section:

"(1) A citizen of the United States.

"(2) An employee of the United States.

"(3) An employee of a contractor of the United States.

"(e) ANNUAL REPORT.—(1) Not later than 60 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a report on the administration of the rewards program during that fiscal year.

"(2) The report for a fiscal year shall include information on the total amount expended during that fiscal year to carry out this section, including—

"(A) a specification of the amount, if any, expended to publicize the availability of rewards; and

"(B) with respect to each award paid during that fiscal year—

"(i) the amount of the reward;

"(ii) the recipient of the reward; and

"(iii) a description of the information or assistance for which the reward was paid, together with an assessment of the significance of the information or assistance.

"(3) The Secretary may submit the report in classified form if the Secretary determines that it is necessary to do so.

"(f) DETERMINATIONS BY THE SECRETARY.—A determination by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127a the following new item:

"127b. Rewards for assistance in combating terrorism.".

SA 4057. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table; as follows:

On page 26, after line 22, insert the following:

SEC. 214. AVIATION-SHIPBOARD INFORMATION TECHNOLOGY INITIATIVE.

Of the amount authorized to be appropriated by section 201(2) for shipboard aviation systems, up to $8,200,000 may be used for the aviation-shipboard information technology initiative.

SA 4058. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1035. REPORT ON EFFECT OF CONTRACT AWARD FOR NEXT GENERATION DESTROYER (DD(X)) ON SURFACE COMBATANT INDUSTRIAL BASE.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the impact of the recently-announced contract award for the next generation destroyer (DD(X)) on the technology and industrial base for ship combat systems, including systems integration, radar, electronic warfare, launch systems, and other components.

(b) REPORT REQUIRED.—Not later than March 31, 2003, the Secretary shall submit to the congressional defense committees a report on the review conducted under subsection (a). The report shall include—

(1) an assessment of the impact of the contract award for the next generation destroyer (DD(X)) on the technology and industrial base for ship combat systems; and

(2) a description of the actions required to be undertaken to ensure future competition in the development and production of technologies for the array of combat systems of future surface ships, including the next generation cruiser (CG(X)), the littoral combat ship (LCS), and the joint command ship (JCC(X)).

SA 4059. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. VERY HIGH SPEED, COMPOSITE CONSTRUCTION RIGID CATAMARAN FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,500,000, with the amount of the increase to be allocated to logistics and engineering equipment-advanced development (PE0603804A).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,500,000 shall be available for development of a prototype composite hull design to meet the theater support vessel requirement.

(2) The amount available under paragraph (1) for development of the hull design referred to in that paragraph is in addition to any other amounts available under this Act for development of that hull design.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by $5,500,000, with the amount of the decrease to be allocated to submarine tactical warfare system (PE0604562N) and amounts available under that program element for upgrades of combat control software to commercial architecture.

SA 4060. Mr. WYDEN (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1010. AVAILABILITY OF AMOUNTS FOR OREGON ARMY NATIONAL GUARD FOR SEARCH AND RESCUE AND MEDICAL EVACUATION MISSIONS IN ADVERSE WEATHER CONDITIONS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ARMY PROCUREMENT.—The amount authorized to be appropriated by section 101(1) for procurement for the Army for aircraft is hereby increased by $3,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 101(1) for procurement for the Army for aircraft, as increased by subsection (a), $3,000,000 shall be available for the upgrade of three UH–60L Blackhawk helicopters of the Oregon Army National Guard to the capabilities of UH–60Q Search and Rescue model helicopters, including Star Safire FLIR, Breeze-Eastern External Rescue Hoist, and Air Methods COTS Medical Systems upgrades, in order to improve the utility of such UH–60L Blackhawk helicopters in search and rescue and medical evacuation missions in adverse weather conditions.

(c) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.—The amount authorized to be appropriated by section 421 for military personnel is hereby increased by $1,800,000.

(d) AVAILABILITY.—Of the amount authorized to be appropriated by section 421 for military personnel, as increased by subsection (d), $1,800,000 shall be available for up to 26 additional personnel for the Oregon Army National Guard.

(e) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby reduced by $4,800,000, with the amount of the reduction to be allocated to Base Operations Support (Servicewide Support).

SA 4061. Mr. WYDEN (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVI, add the following:

SEC. 2602. ARMY NATIONAL GUARD RESERVE CENTER, LANE COUNTY, OREGON.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States is hereby increased by $9,000,000.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States, as increased by subsection (a), $9,000,000 shall be available for a military construction project for a Reserve Center in Lane County, Oregon.

(2) The amount available under paragraph (1) for the military construction project referred to in that paragraph is in addition to any other amounts available under this Act for that project.

(c) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to Warfighter Sustainment Advanced Technology (PE0603236N).

(2) The amount authorized to be appropriated by section 301(a)(6) for operation and maintenance for the Army Reserve is hereby reduced by $6,000,000, with the amount of the reduction to be allocated to the Enhanced Secure Communications Program.

SA 4062. Mr. BINGAMAN (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 246. FOUR-YEAR EXTENSION OF AUTHORITY OF DARPA TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

(a) EXTENSION.—Section 2374a(f) of title 10, United States Code, is amended by striking "September 30, 2003" and inserting "September 30, 2007".

(b) REPORT ON ADMINISTRATION OF PROGRAM.—(1) Not later than December 31, 2002, the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a report on the proposal of the Director for the administration of the program to award prizes for advanced technology achievements under section 2374a of title 10, United States Code.

(2) The report shall include the following:

(A) A description of the proposed goals of the competition under the program, including the technology areas to be promoted by the competition and the relationship of such area to military missions of the Department of Defense.

(B) The proposed rules of the competition under the program, and a description of the proposed management of the competition.

(C) A description of the manner in which funds for cash prizes under the program will be allocated within the accounts of the Agency if a prize is awarded and claimed.

(D) A statement of the reasons why the competition is a preferable means of promoting basic, advanced, and applied research, technology development, and prototype projects when compared with other means of promotion of such activities, including contracts, grants, cooperative agreements, and other transactions.

SA 4063. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In title XXVI, add at the end the following:

SEC. 2602. ADDITIONAL PROJECT AUTHORIZATION FOR COMPOSITE SUPPORT FACILITY FOR ILLINOIS AIR NATIONAL GUARD.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard is hereby increased by $10,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard, as increased by subsection (a), $10,000,000 shall be available for a military construction project for a Composite Support Facility for the 183rd Fighter Wing of the Illinois Air National Guard.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance, defense-wide, is hereby reduced by $10,000,000, with the amount of the reduction to be allocated to amounts available for the Information Operations Program.

SA 4064. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 221, after line 21, insert the following:

SEC. 1024. ANNUAL LONG-RANGE PLAN FOR THE CONSTRUCTION OF SHIPS FOR THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) Navy ships provide a forward presence for the United States that is a key to the national defense of the United States.

(2) The Navy has demonstrated that its ships contribute significantly to homeland defense.

(3) The Navy's ship recapitalization plan is inadequate to maintain the ship force structure that is described as the current force in the 2001 Quadrennial Defense Review.

(4) The Navy is decommissioning ships as much as 10 years earlier than the projected ship life upon which ship replacement rates are based.

(5) The current force was assessed in the 2001 Quadrennial Defense Review as having moderate to high risk, depending on the scenario considered.

(b) ANNUAL SHIP CONSTRUCTION PLAN.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§231. Annual ship construction plan

"(a) ANNUAL SHIP CONSTRUCTION PLAN.—The Secretary of Defense shall include in the defense budget materials for each fiscal year a plan for the construction of combatant and support ships for the Navy that—

"(1) supports the National Security Strategy; or

"(2) if there is no National Security Strategy in effect, supports the ship force structure called for in the report of the latest Quadrennial Defense Review.

"(b) CONTENT.—The ship construction plan included in the defense budget materials for a fiscal year shall provide in detail for the construction of combatant and support ships for the Navy over the 30 consecutive fiscal years beginning with the fiscal year covered by the defense budget materials and shall include the following matters:

"(1) A description of the necessary ship force structure of the Navy.

"(2) The estimated levels of funding necessary to carry out the plan, together with a discussion of the procurement strategies on which such estimated funding levels are based.

"(3) A certification by the Secretary of Defense that both the budget for the fiscal year covered by the defense budget materials and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding ship construction for the Navy at a level that is sufficient for the procurement of the ships provided for in the plan on schedule.

"(4) If the budget for the fiscal year provides for funding ship construction at a level that is not sufficient for the recapitalization of the force of Navy ships at the annual rate necessary to sustain the force, an assessment (coordinated with the commanders of the combatant commands in advance) that describes and discusses the risks associated with the reduced force structure that will result from funding ship construction at such insufficient level.

"(c) DEFINITIONS.—In this section:

"(1) The term 'budget', with respect to a fiscal year, means the budget for such fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for such fiscal year.

"(3) The term 'Quadrennial Defense Review' means the Quadrennial Defense Review that is carried out under section 118 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"231. Annual ship construction plan.".

SA 4065. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 13 and 14, insert the following:

SEC. 1010. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF HOMELAND SECURITY.

(a) AMOUNT.—There is authorized to be appropriated for fiscal year 2003 for a Department of Homeland Security to be established within the executive branch, $3,500,000,000 for the programs, projects, and activities of that department.

(b) AVAILABILITY OF AMOUNTS.—The amount authorized to be appropriated by subsection (a) for the Department of Homeland Security shall be allocated in equal proportion among the following:

(1) Border transportation and security.

(2) Emergency preparedness response.

(3) Chemical, radiological, and nuclear countermeasures.

(4) Information analysis and infrastructure protection.

(5) Coordination of activities of State and local governments and the private sector.

(c) REDUCTION OF AMOUNT FOR BALLISTIC MISSILE DEFENSE.—The amount authorized to be appropriated under section 201(4) is reduced by $3,500,000,000, to be derived from the amount provided for ballistic missile defense.

SA 4066. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mrs. CARNAHAN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 14 and 15, insert the following:

SEC. 533. WAIVER OF TIME LIMITATIONS FOR AWARD OF MEDAL OF HONOR.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a Medal of Honor must be submitted or the time within which the award must be made shall not apply to the award of the Medal of Honor to Henry Johnson of Albany, New York, for the service described in section 531(b)(1), if the Secretary of the Army determines such action to be warranted in accordance with section 1130 of title 10, United States Code.

(b) REVIEW BY SECRETARY OF THE ARMY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army—

(1) shall complete a review of the records of the service referred to in subsection (a) of the said Henry Johnson to determine whether the award of the Medal of Honor to Henry Johnson for such service is warranted; and

(2) if the Secretary determines that the award of the Medal of Honor to Henry Johnson is warranted for such service, shall ensure that—

(A) the appropriate recommendation for the award is prepared and is processed in accordance with section 1130 of title 10, United States Code; and

(B) notice of the Secretary's determination under such section is provided to Congress in accordance with such section.

(c) RELATIONSHIP TO ELIGIBILITY FOR DISTINGUISHED-SERVICE CROSS.—The Secretary of the Army shall complete the actions required under this section with respect to the service referred to in subsection (a) before an award of the Distinguished-Service Cross of the Army is made to Henry Johnson for the same service.

SA 4067. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 644. APPLICABILITY OF DISABILITY RETIREMENT AND SEPARATION TO CADETS AND MIDSHIPMEN OF THE SERVICES ACADEMIES.

(a) In General.—(1) Section 1217 of title 10, United States Code, is amended to read as follows:

"§ 1217. Cadets and midshipmen

"(a) Eligibility Based on Service as Academy Cadet or Midshipman.—For the purposes of this chapter, service as a cadet at the United States Military Academy or the United States Air Force Academy under chapter 304 or 903 of this title, respectively, or at the Coast Guard Academy under chapter 9 of title 14, or as a midshipman at the United States Naval Academy under chapter 603 of this title, shall be treated as being service for which the cadet or midshipman is entitled to basic pay.

"(b) Computation of Benefit.—In the case of a person who, during service as a cadet or midshipman described in subsection (a), is retired, placed on the temporary disability retired list, or separated under section 1201, 1202, or 1203, respectively, of this title, the amount paid the person as cadet or midshipman pay under section 203(c) of title 37 shall be treated as being the amount of monthly basic pay to which the person is entitled for the following purposes:

"(1) The computation of monthly retired pay under chapter 71 of this title.

"(2) The computation of severance pay under section 1212 of this title.

(2) The item relating to such section in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

"1217. Cadets and midshipmen.".

(b) Effective Date and Applicability.—Section 1217 of title 10, United States Code, as amended by subsection (a), shall take effect on the date of the enactment of this Act and shall apply in cases of disability incurred on or after that date, including any case of a disability that results from an aggravation, on or after such date, of a disease or injury that was contracted or incurred, respectively, before such date while in service described in subsection (a) of such section.

SA 4068. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title subtitle D of title X, add the following:

SEC. 1046. FACILITY FOR PRODUCTION OF VACCINES FOR AGENTS IN BIOLOGICAL WEAPONS.

(a) Construction of Facility Required.—The Secretary of Defense shall, using amount authorized to be appropriated by this Act, construct a facility for the production of vaccines for agents known or anticipated to be used in biological weapons.

(b) Location.—The facility required by subsection (a) shall be constructed at Pine Bluff Arsenal, Arkansas.

(c) Operation.—The Secretary shall provide for the operation of the facility constructed under subsection (a) as a government-owned, contractor-operated facility.

SA 4069. Mr. HUTCHINSON (for himself, Ms. MIKULSKI, Mrs. HUTCHISON, Mrs. LINCOLN, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. ACQUISITION OF VACCINES NECESSARY FOR THE DEPARTMENT OF DEFENSE.

(a) Requirements To Construct and Operate Production Facility.—Subsection (c)(1) of section 1044 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1220) is amended by striking "the Secretary of Defense may—" and inserting "the Secretary of Defense shall (subject to subsection (g))—".

(b) Contingent Waiver Authority.—Such section is further amended by adding at the end the following new subsection:

"(g) Contingent Waiver Authority for Production Facility Requirements.—(1) Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003, the Chairman of the Joint Chiefs of Staff shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a certification of what military needs exist for material solutions, including increased supplies of effective vaccines, to protect against the use of biological warfare agents against members of the Armed Forces in combat zones or other areas of military operations.

"(2) The Secretary of Defense may waive the requirements of subsection (c) if, within 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003, the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a certification that the Secretary is carrying out a strategy that meets the needs certified under paragraph (1).".

SA 4070. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 905. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

(a) Establishment of Position.—Chapter 4 of title 10, United States Code, is amended—

(1) by transferring section 137 within such chapter to appear following section 138;

(2) by redesignating sections 137 and 139 as sections 139 and 139a, respectively; and

(3) by inserting after section 136a the following new section 137:

"§ 137. Under Secretary of Defense for Intelligence

"(a) There is an Under Secretary of Defense for Intelligence, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.

"(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.".

(b) Conforming Amendments.—(1) Section 131 of such title is amended—

(A) by striking paragraphs (2), (3), (4), and (5), and inserting the following:

"(2) The Under Secretaries of Defense, as follows:

"(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(B) The Under Secretary of Defense for Policy.

"(C) The Under Secretary of Defense (Comptroller).

"(D) The Under Secretary of Defense for Personnel and Readiness.

"(E) The Under Secretary of Defense for Intelligence."; and

(B) by redesignating paragraphs (6), (7), (8), (9), (10), and (11) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(2) The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 137 and inserting the following:

"137. Under Secretary of Defense for Intelligence.";

and

(B) by striking the item relating to section 139 and inserting the following:

"139. Director of Research and Engineering.
"139a. Director of Operational Test and Evaluation.".

(c) Executive Level III.—Section 5314 of title 5, United States Code, is amended by inserting after "Under Secretary of Defense for Personnel and Readiness." the following:

"Under Secretary of Defense for Intelligence.".

SA 4071. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 905. DESIGNATION OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND HOMELAND DEFENSE.

(a) In General.—The position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is hereby redesignated as the Assistant Secretary of Defense for Special Operations and Homeland Defense. Any reference in any law of the United States to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall be deemed to refer to the Assistant Secretary of Defense for Special Operations and Homeland Defense.

(b) CONFORMING AMENDMENTS.—Paragraphs (4) and (6)(C) of section 138(b) of title 10, United States Code, are amended—

(1) by striking "Assistant Secretary of Defense for Special Operations and Low Intensity Conflict" each place it appears and inserting "Assistant Secretary of Defense for Special Operations and Homeland Defense"; and

(2) by striking "his principal duty" in the second sentence and inserting "a principal duty".

SA 4072. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 905. DESIGNATION OF ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE.

(a) IN GENERAL.—The position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is hereby redesignated as the Assistant Secretary of Defense for Homeland Defense. Any reference in any law of the United States to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall be deemed to refer to the Assistant Secretary of Defense for Homeland Defense.

(b) CONFORMING AMENDMENTS.—Paragraphs (4) and (6)(C) of section 138(b) of title 10, United States Code, are amended—

(1) by striking "Assistant Secretary of Defense for Special Operations and Low Intensity Conflict" each place it appears and inserting "Assistant Secretary of Defense for Homeland Defense"; and

(2) by striking "his principal duty" in the second sentence and inserting "a principal duty".

SA 4073. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION.

Section 3631 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384v) is amended—

(1) striking "President" each time that such appears and inserting "Secretary of Labor"; and

(2) by adding at the end the following:

"(d) MEDICAL DOCUMENTATION FOR CLAIMS FOR THOSE EMPLOYED BY BERYLLIUM VENDORS.—

"(1) IN GENERAL.—In order to assist a claimant who was—

"(A) employed by a beryllium vendor (as defined under section 3621(6)); and

"(B) exposed to beryllium as defined under the criteria in section 3623(a);

to establish a claim for a covered beryllium illness under subtitle B, the Secretary of Energy shall provide the claimant a voucher, or shall reimburse the claimant, for the costs of obtaining medical diagnostic tests, including a second opinion, necessary to qualify the claimant for eligibility under subtitle B. The Secretary of Energy shall provide a voucher or reimbursement under this subsection without regard to whether the claimant is likely ultimately to prevail in a claim for compensation.

"(2) NOTICE AND OUTREACH.—The Secretary of Energy, in cooperation with employee representatives, shall notify and conduct outreach to employees who were employed by beryllium vendors. If there may be more than 200 claimants who were employed by a particular beryllium vendor, the Secretary of Energy shall use, when practicable, a Department of Energy former worker medical screening program that is screening workers and former workers at Department of Energy facilities, under section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274i) and under an agreement between the Department of Energy and an employee representative, to provide notification, outreach, and beryllium screening services for employees of that beryllium vendor.

"(3) REGULATIONS.—Not later than 60 days after the date of enactment of this subsection, the Secretary of Energy shall issue regulations to implement this subsection that shall include a list of authorized vendors and specified protocols for use when performing diagnostic tests covered under this subsection.".

SA 4074. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXXI, add the following:

SEC. ___. COORDINATION WITH OTHER RADIATION COMPENSATION LAWS.

(a) COORDINATION.—Section 3651 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385J) is amended to read as follows:

"SEC. 3651. COORDINATION WITH OTHER RADIATION COMPENSATION LAWS.

"(a) RESTRICTION.—Except in accordance with section 3630 or subsection (b) of this section, an individual may not receive compensation or benefits under the compensation program for cancer and also receive compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) or section 1112(c) of title 38, United States Code.

"(b) COORDINATION.—A payment of compensation to an individual, or to the survivor of that individual, under subtitle B for cancer is not prohibited by subsection (a) of this section but shall be offset by the amount of any payment made to any person pursuant to sections 4(a)(1)(A)(I)(III) or 4(a)(2)(C) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) on account of that cancer."

(b) EFFECTIVE DATE.—This section shall take effect upon enactment.

SA 4075. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXXI, add the following:

SEC. 3165. BENEFITS UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000 FOR CERTAIN ADDITIONAL CLAIMANTS COMPENSATED UNDER RADIATION EXPOSURE COMPENSATION ACT.

(a) IN GENERAL.—Section 3630 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398; 42 U.S.C. 7384u) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) COMPENSATION PROVIDED.—An individual who receives, or has received, compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for a claim under paragraph (1)(A)(i)(III) or (2)(C) of section 4(a) of that Act, or section 5 of that Act, or the survivor of such individual if such individual is deceased, shall receive compensation under this section in an amount as follows:

"(1) In the case of an individual described by paragraph (1)(A)(i)(III) or (2)(C) of section 4(a) of that Act, in the amount of $75,000.

"(2) In the case of an individual described by section 5 of that Act, in the amount of $50,000.

"(b) MEDICAL BENEFITS.—An individual described in subsection (a) shall receive medical benefits under section 3629 for the illness for which that individual received compensation or benefits under the Radiation Exposure Compensation Act."; and

(2) in subsection (f)—

(A) by striking "each covered uranium employee" and inserting "each individual described in subsection (a)"; and

(B) by striking "that covered uranium employee if that employee" and inserting "that individual if that individual".

(b) CONFORMING AMENDMENT.—The heading for section 3630 of that Act is amended to read as follows:

"SEC. 3630. TREATMENT OF CERTAIN INDIVIDUALS COMPENSATED UNDER RADIATION EXPOSURE COMPENSATION ACT.".

SA 4076. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, between lines 5 and 6, insert the following:

SEC. 1215. DEPARTMENT OF DEFENSE HIV/AIDS PREVENTION ASSISTANCE PROGRAM.

(a) EXPANSION OF PROGRAM.—The Secretary of Defense is authorized to expand, in accordance with this section, the Department of Defense program of HIV/AIDS prevention educational activities undertaken in connection with the conduct of United States military training, exercises, and humanitarian assistance in sub-Saharan African countries.

(b) ELIGIBLE COUNTRIES.—The Secretary may carry out the program in all eligible countries. A country shall be eligible for activities under the program if the country—

(1) is a country suffering a public health crisis (as defined in subsection (e)); and

(2) participates in the military-to-military contacts program of the Department of Defense.

(c) PROGRAM ACTIVITIES.—The Secretary shall provide for the activities under the program—

(1) to focus, to the extent possible, on military units that participate in peace keeping operations; and

(2) to include HIV/AIDS-related voluntary counseling and testing and HIV/AIDS-related surveillance.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(a)(22) to the Department of Defense for operation and maintenance of the Defense Health Program, $30,000,000 shall be available for carrying out the program described in subsection (a) as expanded pursuant to this section.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(e) COUNTRY SUFFERING A PUBLIC HEALTH CRISIS DEFINED.—In this section, the term "country suffering a public health crisis" means a country that has rapidly rising rates of incidence of HIV/AIDS or in which HIV/AIDS is causing significant family, community, or societal disruption.

SA 4077. Mr. MILLER (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In subtitle C of title I, strike "(reserved)" and insert the following:

SEC. 121. MARINE CORPS LIVE FIRE RANGE IMPROVEMENTS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby increased by $1,900,000, with the amount of the increase to be allocated to Training Devices.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps, as increased by subsection (a), $1,900,000 shall be available as follows:

(A) For upgrading live fire range target movers.

(B) To bring live fire range radio controls into compliance with Federal Communications Commission narrow band requirements.

(2) Amounts available under paragraph (1) for the purposes set forth in that paragraph are in addition to any other amounts available in this Act for such purposes.

SA 4078. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 2601(1)(A), strike "$183,008,000" and insert "$186,588,000".

SA 4079. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 301(a)(2), decrease the amount by $3,580,000.

SA 4080. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 644. APPLICABILITY OF DISABILITY RETIREMENT AND SEPARATION TO CADETS AND MIDSHIPMEN OF THE SERVICES ACADEMIES.

(a) IN GENERAL.—(1) Section 1217 of title 10, United States Code, is amended to read as follows:

"§ 1217. Cadets and midshipmen

"(a) ELIGIBILITY BASED ON SERVICE AS ACADEMY CADET OR MIDSHIPMAN.—For the purposes of this chapter, service as a cadet at the United States Military Academy or the United States Air Force Academy under chapter 304 or 903 of this title, respectively, or at the Coast Guard Academy under chapter 9 of title 14, or as a midshipman at the United States Naval Academy under chapter 603 of this title, shall be treated as being service for which the cadet or midshipman is entitled to basic pay.

"(b) COMPUTATION OF BENEFIT.—In the case of a person who, during service as a cadet or midshipman described in subsection (a), is retired, placed on the temporary disability retired list, or separated under section 1201, 1202, or 1203, respectively, of this title, the amount paid the person as cadet or midshipman pay under section 203(c) of title 37 shall be treated as being the amount of monthly basic pay to which the person is entitled for the following purposes:

"(1) The computation of monthly retired pay under chapter 71 of this title.

"(2) The computation of severance pay under section 1212 of this title.

(2) The item relating to such section in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

"1217. Cadets and midshipmen.".

(b) EFFECTIVE DATE AND APPLICABILITY.—Section 1217 of title 10, United States Code, as amended by subsection (a), shall take effect on the date of the enactment of this Act and shall apply in cases of disability incurred on or after that date, including any case of a disability that results from an aggravation, on or after such date, of a disease or injury that was contracted or incurred, respectively, before such date while in service described in subsection (a) of such section.

SA 4081. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, between lines 5 and 6, insert the following:

SEC. 1215. MONITORING IMPLEMENTATION OF THE 1979 UNITED STATES-CHINA AGREEMENT ON COOPERATION IN SCIENCE AND TECHNOLOGY.

(a) RESPONSIBILITIES OF THE OFFICE OF SCIENCE AND TECHNOLOGY COOPERATION.—The Office of Science and Technology Cooperation of the Department of State shall monitor the implementation of the 1979 United States-China Agreement on Cooperation in Science and Technology and its protocols (in this section referred to as the "Agreement"), and keep a systematic account of the protocols thereto. The Office shall coordinate the activities of all agencies of the United States Government that carry out cooperative activities under the Agreement.

(b) GUIDELINES.—The Office of Science and Technology Cooperation shall ensure that all activities conducted under the Agreement and its protocols comply with applicable laws and regulations concerning the transfer of militarily sensitive and dual-use technologies.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than April 1, 2004, and every two years thereafter, the Secretary of State, shall submit a report to Congress, in both classified and unclassified form, on the implementation of the Agreement and activities thereunder.

(2) REPORT ELEMENTS.—Each report under this subsection shall provide an evaluation of the benefits of the Agreement to the Chinese economy, military, and defense industrial base and shall include the following:

(A) An accounting of all activities conducted under the Agreement since the previous report, and a projection of activities to be undertaken in the next two years.

(B) An estimate of the costs to the United States to administer the Agreement within the period covered by the report.

(C) An assessment of how the Agreement has influenced the policies of the People's Republic of China toward scientific and technological cooperation with the United States.

(D) An analysis of the involvement of Chinese nuclear weapons and military missile specialists in the activities of the Joint Commission.

(E) A determination of the extent to which the activities conducted under the Agreement have enhanced the military and industrial base of the People's Republic of China, and an assessment of the impact of projected activities for the next two years, including transfers of technology, on China's economic and military capabilities.

(F) Any recommendations on improving the monitoring of the activities of the Commission by the Secretaries of Defense and State.

(3) CONSULTATION PRIOR TO SUBMISSION OF REPORTS.—The Secretary of State shall prepare the report in consultation with the Secretaries of Commerce, Defense, and Energy, the Directors of the National Science Foundation and the Federal Bureau of Investigation, and the intelligence community.

SA 4082. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 818. REPEAL OF PARA-ARAMID FIBERS AND YARNS PROVISION.

(a) PARA-ARAMID FIBERS AND YARNS.—Section 807 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) is repealed.

SA 4083. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, line 19, insert after "Code, and" and insert "shall also be available for the purchase of satellite radios for distribution in countries of strategic importance to the United States and for".

SA 4084. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 22, insert the following:

SEC. 214. CRITICAL INFRASTRUCTURE PROTECTION.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated in section 201(4) $4,500,000 shall be available for critical infrastructure protection (PE35190D8Z).

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2), the amount for power projection advanced technology (PE 63114N) is hereby reduced by $4,500,000.

SA 4085. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 3 and 4, insert the following:

SEC. 503. INCREASED GRADE FOR HEADS OF NURSE CORPS.

(a) ARMY.—Section 3069(b) of title 10, United States Code, is amended by inserting after "brigadier general" in the second sentence the following: "or major general, as the President may direct".

(b) NAVY.—Section 5150(c) of such title is amended by inserting before the period at the end of the first sentence the following: "or, as the President may direct in the case of an officer in the Nurse Corps, rear admiral (upper half)".

(c) AIR FORCE.—Section 8069(b) of such title is amended by inserting after "brigadier general" in the second sentence the following: "or major general, as the President may direct."

SA 4086. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 22, and insert the following:

SEC. 214. DEMONSTRATION OF RENEWABLE ENERGY USE.

Of the amount authorized to be appropriated by section 201(2), $2,500,000 shall be available for the demonstration of renewable energy use program within the program element for the Navy energy program and not within the program element for facilities improvement.

SA 4087. Mr. LEVIN proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 23, line 24, increase the amount by $2,000,000.

On page 23, line 22, reduce the amount by $2,000,000.

SA 4088. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. ANALYSIS OF EMERGING THREATS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $2,000,000 with the amount of the increase to be allocated to Marine Corps Advanced Technology Demonstration (ATD) (PE0603640M).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $2,000,000 may be available for analysis of emerging threats.

(2) The amount available under paragraph (1) for analysis of emerging threats is in addition to any other amounts available under this Act for analysis of emerging threats.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $2,000,000, with the amount of the reduction allocated as follows:

(1) $1,000,000 may be allocated to Weapons and Munitions Technology (PE0602624A) and available for countermobility systems.

(2) $1,000,000 may be allocated to Warfighter Advanced Technology (PE0603001A) and available for Objective Force Warrior technologies.

SA 4089. Mr. LEVIN (for Mr. KENNEDY (for himself, Mr. HELMS, Mr. EDWARDS, Mr. FRIST, Mr. THOMPSON, Mr. KERRY, Mrs. BOXER, and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. PROHIBITION ON TRANSFER OF MEDICAL FREE ELECTRON LASER PROGRAM.

Notwithstanding any other provision of law, the Medical Free Electron Laser Program (PE0602227D8Z) may not be transferred from the Department of Defense to the National Institutes of Health, or to any other department or agency of the Federal Government.

SA 4090. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCES, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) Conveyance to Fairfax County, Virginia, Authorized.—(1) The Secretary of the Army may convey, without consideration, to Fairfax County, Virginia, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 135 acres, located in the northwest portion of the Engineer Proving Ground (EPG) at Fort Belvoir, Virginia, in order to permit the County to use such property for park and recreational purposes.

(2) The parcel of real property authorized to be conveyed by paragraph (1) is generally described as that portion of the Engineer Proving Ground located west of Accotink Creek, east of the Fairfax County Parkway, and north of Cissna Road to the northern boundary, but excludes a parcel of land consisting of approximately 15 acres located in the southeast corner of such portion of the Engineer Proving Ground.

(3) The land excluded under paragraph (2) from the parcel of real property authorized to be conveyed by paragraph (1) shall be reserved for an access road to be constructed in the future.

(b) Conveyance of Balance of Property Authorized.—The Secretary may convey to any competitively selected grantee all right, title, and interest of the United States in and to the real property, including any improvements thereon, at the Engineering Proving Ground, not conveyed under the authority in subsection (a).

(c) Consideration.—(1) As consideration for the conveyance authorized by subsection (b), the grantee shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by the Secretary, of the property conveyed under that subsection.

(2) In-kind consideration under paragraph (1) may include the maintenance, improvement, alteration, repair, remodeling, restoration (including environmental restoration), or construction of facilities for the Department of the Army at Fort Belvoir or at any other site or sites designated by the Secretary.

(3) If in-kind consideration under paragraph (1) includes the construction of facilities, the grantee shall also convey to the United States—

(A) title to such facilities, free of all liens and other encumbrances; and

(B) if the United States does not have fee simple title to the land underlying such facilities, convey to the United States all right, title, and interest in and to such lands not held by the United States.

(4) The Secretary shall deposit any cash received as consideration under this subsection in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) Repeal of Superseded Authority.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 568), is repealed.

(e) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of each such survey shall be borne by the grantee.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SA 4091. Mr. LEVIN (for Mr. INOUYE) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 100, between lines 3 and 4, insert the following:

SEC. 503. INCREASED GRADE FOR HEADS OF NURSE CORPS.

(a) Army.—Section 3069(b) of title 10, United States Code, is amended by striking "brigadier general" in the second sentence and inserting "major general".

(b) Navy.—The first sentence of section 5150(c) of such title is amended—

(1) by inserting "rear admiral (upper half) in the case of an officer in the Nurse Corps or" after "for promotion to the grade of"; and

(2) by inserting "in the case of an officer in the Medical Service Corps" after "rear admiral (lower half)".

(c) Air Force.—Section 8069(b) of such title is amended by striking "brigadier general" in the second sentence and inserting "major general".

SA 4092. Mr. ALLARD (for himself and Mr. REID) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 905. VETERINARY CORPS OF THE ARMY.

(a) Composition and Administration.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3070 the following new section 3071:

"§3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade

"(a) Composition.—The Veterinary Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

"(b) Chief.—The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade may be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

"(c) Assistant Chief.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3070 the following new item:

"3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade.".

(b) Effective Date.—Section 3071 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002.

SA 4093. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 26, after line 22, and insert the following:

SEC. 214. DEMONSTRATION OF RENEWABLE ENERGY USE.

Of the amount authorized to be appropriated by section 201(2), $2,500,000 shall be available for the demonstration of renewable energy use program within the program element for the Navy energy program and not within the program element for facilities improvement.

SA 4094. Mr. ALLARD (for Ms. COLLINS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 17, strike line 14 and insert the following:

SEC 121. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR DDG-51 CLASS DESTROYERS.

Section 122(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122 of Public Law 106–65 (113 Stat. 534) and section 122(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–24), is further amended by striking "October 1, 2005" in the first sentence and inserting "October 1, 2007".

SA 4095. Mr. LEVIN (for Ms. LANDRIEU (for herself and Mr. ROBERTS)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 71, between lines 9 and 10, insert the following:

SEC. 246. ACTIVITIES AND ASSESSMENT OF THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) AUTHORIZED ACTIVITIES.—Subsection (c) of section 257 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note), is amended—

(1) in paragraph (1), by striking "research grants" and inserting "grants for research and instrumentation to support such research"; and

(2) by adding at the end the following new paragraph:

"(3) Any other activities that are determined necessary to further the achievement of the objectives of the program.".

(b) COORDINATION.—Subsection (e) of such section is amended by adding at the end the following:

"(4) The Secretary shall contract with the National Research Council to assess the effectiveness of the Defense Experimental Program to Stimulate Competitive Research in achieving the program objectives set forth in subsection (b). The assessment provided to the Secretary shall include the following:

"(A) An assessment of the eligibility requirements of the program and the relationship of such requirements to the overall research base in the States, the stability of research initiatives in the States, and the achievement of the program objectives, together with any recommendations for modification of the eligibility requirements.

"(B) An assessment of the program structure and the effects of that structure on the development of a variety of research activities in the States and the personnel available to carry out such activities, together with any recommendations for modification of program structure, funding levels, and funding strategy.

"(C) An assessment of the past and ongoing activities of the State planning committees in supporting the achievement of the program objectives.

"(D) An assessment of the effects of the various eligibility requirements of the various Federal programs to stimulate competitive research on the ability of States to develop niche research areas of expertise, exploit opportunities for developing interdisciplinary research initiatives, and achieve program objectives.".

SA 4096. Mr. ALLARD (for Mr. INHOFE (for himself and Mr. AKAKA)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 194, between lines 13 and 14, insert the following:

SEC. 828. INCREASED MAXIMUM AMOUNT OF ASSISTANCE FOR TRIBAL ORGANIZATIONS OR ECONOMIC ENTERPRISES CARRYING OUT PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS IN TWO OR MORE SERVICE AREAS.

Section 2414(a)(4) of title 10, United States Code, is amended by striking "$300,000" and inserting "$600,000".

SA 4097. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. THURMOND)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 101. between the matter following line 14 and line 15, insert the following:

SEC. 513. REPEAL OF PROHIBITION ON USE OF AIR FORCE RESERVE AGR PERSONNEL FOR AIR FORCE BASE SECURITY FUNCTIONS.

(a) REPEAL.—Section 12551 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1215 of such title is amended by striking the item relating to section 12551.

SA 4098. Mr. ALLARD (for Mr. HELMS (for himself and Mr. CLELAND)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 90, between lines 19 and 20, insert the following:

SEC. 346. INSTALLATION AND CONNECTION POLICY AND PROCEDURES REGARDING DEFENSE SWITCH NETWORK.

(a) ESTABLISHMENT OF POLICY AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish clear and uniform policy and procedures, applicable to the military departments and Defense Agencies, regarding the installation and connection of telecom switches to the Defense Switch Network.

(b) ELEMENTS OF POLICY AND PROCEDURES.—The policy and procedures shall address at a minimum the following:

(1) Clear interoperability and compatibility requirements for procuring, certifying, installing, and connecting telecom switches to the Defense Switch Network.

(2) Current, complete, and enforceable testing, validation, and certification procedures needed to ensure the interoperability and compatibility requirements are satisfied.

(c) EXCEPTIONS.—(1) The Secretary of Defense may specify certain circumstances in which—

(A) the requirements for testing, validation, and certification of telecom switches may be waived; or

(B) interim authority for the installation and connection of telecom switches to the Defense Switch Network may be granted.

(2) Only the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, after consultation with the Chairman of the Joint Chiefs of Staff, may approve a waiver or grant of interim authority under paragraph (1).

(d) INVENTORY OF DEFENSE SWITCH NETWORK.—The Secretary of Defense shall prepare and maintain an inventory of all telecom switches that, as of the date on which the Secretary issues the policy and procedures—

(1) are installed or connected to the Defense Switch Network; but

(2) have not been tested, validated, and certified by the Defense Information Systems Agency (Joint Interoperability Test Center).

(e) INTEROPERABILITY RISKS.—(1) The Secretary of Defense shall, on an ongoing basis—

(A) identify and assess the interoperability risks that are associated with the installation or connection of uncertified switches to the Defense Switch Network and the maintenance of such switches on the Defense Switch Network; and

(B) develop and implement a plan to eliminate or mitigate such risks as identified.

(2) The Secretary shall initiate action under paragraph (1) upon completing the initial inventory of telecom switches required by subsection (d).

(f) TELECOM SWITCH DEFINED.—In this section, the term "telecom switch" means hardware or software designed to send and receive voice, data, or video signals across a network that provides customer voice, data, or video equipment access to the Defense Switch Network or public switched telecommunications networks.

SA 4099. Mr. LEVIN (for Mr. NELSON of Florida (for himself, Mr. MCCAIN, Mr. CLELAND, Mr. ROBERTS, and Mr. DASCHLE)) proposed and amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. DISCLOSURE OF INFORMATION ON SHIPBOARD HAZARD AND DEFENSE PROJECT TO DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN FOR DISCLOSURE OF INFORMATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a comprehensive plan for the review, declassification, and submittal to the Department of Veterans Affairs of all medical records and information of the Department of Defense on the Shipboard Hazard and Defense (SHAD) project of the Navy that are relevant to the provision of benefits by the Secretary of Veterans Affairs to members of the Armed Forces who participated in that project.

(b) PLAN REQUIREMENTS.—(1) The records and information covered by the plan under subsection (a) shall be the records and information necessary to permit the identification of members of the Armed Forces who were or may have been exposed to chemical or biological agents as a result of the Shipboard Hazard and Defense project.

(2) The plan shall provide for completion of all activities contemplated by the plan not later than one year after the date of the enactment of this Act.

(c) REPORTS ON IMPLEMENTATION.—(1) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until completion of all activities contemplated by the plan under subsection (a), the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a report on progress in the implementation of the plan during the 90-day period ending on the date of such report.

(2) Each report under paragraph (1) shall include, for the period covered by such report—

(A) the number of records reviewed;

(B) each test, if any, under the Shipboard Hazard and Defense project identified during such review;

(C) for each test so identified—

(i) the test name;

(ii) the test objective;

(iii) the chemical or biological agent or agents involved; and

(iv) the number of members of the Armed Forces, and civilian personnel, potentially effected by such test; and

(D) the extent of submittal of records and information to the Secretary of Veterans Affairs under this section.

SA 4100. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 346. ENGINEERING STUDY AND ENVIRONMENTAL ANALYSIS OF ROAD MODIFICATIONS IN VICINITY OF FORT BELVOIR, VIRGINIA.

(a) STUDY AND ANALYSIS.—(1) The Secretary of the Army shall conduct a preliminary engineering study and environmental analysis to evaluate the feasibility of establishing a connector road between Richmond Highway (United States Route 1) and Telegraph Road in order to provide an alternative to Beulah Road (State Route 613) and Woodlawn Road (State Route 618) at Fort Belvoir, Virginia, which were closed as a force protection measure.

(2) It is the sense of Congress that the study and analysis should consider as one alternative the extension of Old Mill Road between Richmond Highway and Telegraph Road.

(b) CONSULTATION.—The study required by subsection (a) shall be conducted in consultation with the Department of Transportation of the Commonwealth of Virginia and Fairfax County, Virginia.

(c) REPORT.—The Secretary shall submit to Congress a summary report on the study and analysis required by subsection (a). The summary report shall be submitted together with the budget justification materials in support of the budget of the President for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance, $5,000,000 may be available for the study and analysis required by subsection (a).

SA 4101. Mr. NELSON of Florida (for himself, Mr. ROBERTS, Mr. DASCHLE, Mr. SMITH of New Hampshire, and Mr. GRAHAM) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORTS ON EFFORTS TO RESOLVE WHEREABOUTS AND STATUS OF CAPTAIN MICHAEL SCOTT SPEICHER, UNITED STATES NAVY.

(a) REPORTS.— Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with the Secretary of State and the Director of Central Intelligence, submit to Congress a report on the efforts of the United States Government to determine the whereabouts and status of Captain Michael Scott Speicher, United States Navy.

(b) PERIOD COVERED BY REPORTS.—The first report under subsection (a) shall cover efforts described in that subsection preceding the date of the report, and each subsequent report shall cover efforts described in that subsection during the 90-day period ending on the date of such report.

(c) REPORT ELEMENTS.—Each report under subsection (a) shall describe, for the period covered by such report—

(1) all direct and indirect contacts with the Government of Iraq, or any successor government, regarding the whereabouts and status of Michael Scott Speicher;

(2) any request made to the government of another country, including the intelligence service of such country, for assistance in resolving the whereabouts and status of Michael Scott Speicher, including the response to such request;

(3) each current lead on the whereabouts and status of Michael Scott Speicher, including an assessment of the utility of such lead in resolving the whereabouts and status of Michael Scott Speicher; and

(4) any cooperation with nongovernmental organizations or international organizations in resolving the whereabouts and status of Michael Scott Speicher, including the results of such cooperation.

(d) FORM OF REPORTS.—Each report under subsection (a) shall be submitted in classified form, but may include an unclassified summary.

SA 4102. Mr. LEVIN (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 346. EXTENSION OF WORK SAFETY DEMONSTRATION PROGRAM.

(a) EXTENSION OF DEMONSTRATION PROGRAM.—Section 1112 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–313) is amended—

(1) in subsection (d), by striking "September 30, 2002" and inserting "September 30, 2003"; and

(2) in subsection (e)(2), by striking "December 1, 2002" and inserting "December 1, 2003".

SA 4103. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. MASTER PLAN FOR USE OF NAVY ANNEX, ARLINGTON, VIRGINIA.

(a) REPEAL OF COMMISSION ON NATIONAL MILITARY MUSEUM.—Title XXIX of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 880; 10 U.S.C. 111 note) is repealed.

(b) MODIFICATION OF AUTHORITY FOR TRANSFER FROM NAVY ANNEX.—Section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 879) is amended—

(1) in subsection (b)(2), as amended by section 2863(f) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1332), by striking "as a site—" and all that follows and inserting "as a site for such other memorials or museums that the Secretary considers compatible with Arlington National Cemetery and the Air Force Memorial."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "the recommendation (if any) of the Commission on the National Military Museum to use a portion of the Navy Annex property as the site for the National Military Museum", and inserting "the use of the acres reserved under (b)(2) as a memorial or museum"; and

(B) in paragraph (4), by striking "the date on which the Commission on the National Military Museum submits to Congress its report under section 2903" and inserting "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003".

(c) CONSTRUCTION OF AMENDMENTS.—The amendments made by subsections (a) and (b) may not be construed to delay the establishment of the United States Air Force Memorial authorized by section 2863 of the Military Construction Authorization Act for Fiscal Year 2002 (115 Stat. 1330).

SA 4104. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 828. AUTHORITY FOR NONPROFIT ORGANIZATIONS TO SELF-CERTIFY ELIGIBILITY FOR TREATMENT AS QUALIFIED ORGANIZATIONS EMPLOYING SEVERELY DISABLED UNDER MENTOR-PROTEGE PROGRAM.

Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10

U.S.C. 2302 note) is amended by adding at the end the following new subsection:

"(n) SELF-CERTIFICATION OF NONPROFIT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS EMPLOYING THE SEVERELY DISABLED.—(1) The Secretary of Defense may, in accordance with such requirements as the Secretary may establish, permit a business entity operating on a non-profit basis to self-certify its eligibility for treatment as a qualified organization employing the severely disabled under subsection (m)(2)(D).

"(2) The Secretary shall treat any entity described in paragraph (1) that submits a self-certification under that paragraph as a qualified organization employing the severely disabled until the Secretary receives evidence, if any, that such entity is not described by paragraph (1) or does not merit treatment as a qualified organization employing the severely disabled in accordance with applicable provisions of subsection (m).

"(3) Paragraphs (1) and (2) shall cease to be effective on the effective date of regulations prescribed by the Small Business Administration under this section setting forth a process for the certification of business entities as eligible for treatment as a qualified organization employing the severely disabled under subsection (m)(2)(D).".

SA 4105. Mr. ALLARD (for Mr. KYL) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. TRANSFER OF HISTORIC DF-9E PANTHER AIRCRAFT TO WOMEN AIRFORCE SERVICE PILOTS MUSEUM.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to the Women Airforce Service Pilots Museum in Quartzsite, Arizona (in this section referred to as the "W.A.S.P. museum"), all right, title, and interest of the United States in and to a DF-9E Panther aircraft (Bureau Number 125316). The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed under subsection (a) in "as is" condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft under subsection (a)—

(1) a condition that the W.A.S.P. museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the W.A.S.P. museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the W.A.S.P. museum.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 4106. Mr. LEVIN (for Mr. KERRY (for himself, Mr. BOND, and Mrs. CARNAHAN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 194, between lines 13 and 14, insert the following:

SEC. 828. REPORT ON EFFECTS OF ARMY CONTRACTING AGENCY.

(a) IN GENERAL.—The Secretary of the Army shall submit a report on the effects of the establishment of an Army Contracting Agency on small business participation in Army procurements during the first year of operation of such an agency to—

(1) the Committee on Armed Services of the House of Representatives;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Small Business of the House of Representatives; and

(4) the Committee on Small Business and Entrepreneurship of the Senate.

(b) CONTENT.—The report required under subsection (a) shall include, in detail—

(1) the justification for the establishment of an Army Contracting Agency;

(2) the impact of the creation of an Army Contracting Agency on—

(A) Army compliance with—

(i) Department of Defense Directive 4205.1;

(ii) section 15(g) of the Small Business Act (15 U.S.C. 644(g)); and

(iii) section 15(k) of the Small Business Act (15 U.S.C. 644(k));

(B) small business participation in Army procurement of products and services for affected Army installations, including—

(i) the impact on small businesses located near Army installations, including—

(I) the increase or decrease in the total value of Army prime contracting with local small businesses; and

(II) the opportunities for small business owners to meet and interact with Army procurement personnel; and

(ii) any change or projected change in the use of consolidated contracts and bundled contracts; and

(3) a description of the Army's plan to address any negative impact on small business participation in Army procurement, to the extent such impact is identified in the report.

(c) TIME FOR SUBMISSION.—The report under this section shall be due 15 months after the date of the establishment of the Army Contracting Agency.

SA 4107. Mr. ALLARD (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 13, line 18, increase the amount by $1,000,000.

SA 4108. Mr. LEVIN (for Mr. CLELAND (for himself, Mr. HUTCHINSON, and Mr. KENNEDY)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 148, after line 22, add the following:

SEC. 655. PAYMENT OF INTEREST ON STUDENT LOANS.

(a) AUTHORITY.—(1) Chapter 109 of title 10, United States Code, is amended by adding at the end the following new section:

"§2174. Interest payment program: members on active duty

"(a) AUTHORITY.—(1) The Secretary concerned may pay in accordance with this section the interest and any special allowances that accrue on one or more student loans of an eligible member of the armed forces.

"(2) The Secretary of a military department may exercise the authority under paragraph (1) only if approved by the Secretary of Defense and subject to such requirements, conditions, and restrictions as the Secretary of Defense may prescribe.

"(b) ELIGIBLE PERSONNEL.—A member of the armed forces is eligible for the benefit under subsection (a) while the member—

"(1) is serving on active duty in fulfillment of the member's first enlistment in the armed forces or, in the case of an officer, is serving on active duty and has not completed more than three years of service on active duty;

"(2) is the debtor on one or more unpaid loans described in subsection (c); and

"(3) is not in default on any such loan.

"(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

"(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

"(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

"(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

"(d) MAXIMUM BENEFIT.—The months for which interest and any special allowance may be paid on behalf of a member of the armed forces under this section are any 36 consecutive months during which the member is eligible under subsection (b).

"(e) FUNDS FOR PAYMENTS.—Appropriations available for the pay and allowances of military personnel shall be available for payments under this section.

"(f) COORDINATION.—(1) The Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation shall consult with the Secretary of Education regarding the administration of the authority under this section.

"(2) The Secretary concerned shall transfer to the Secretary of Education the funds necessary—

"(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(a), and 1087dd(j)); and

"(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965.

"(g) Special Allowance Defined.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2174. Interest payment program: members on active duty.".

(b) Federal Family Education Loans and Direct Loans.—(1) Subsection (c)(3) of section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078) is amended—

(A) in clause (i) of subparagraph (A)—

(i) by striking "or" at the end of subclause (II);

(ii) by inserting "or" at the end of subclause (III); and

(iii) by adding at the end the following new subclause:

"(IV) is eligible for interest payments to be made on such loan for service in the Armed Forces under section 2174 of title 10, United States Code, and, pursuant to that eligibility, the interest is being paid on such loan under subsection (o);";

(B) in clause (ii)(II) of subparagraph (A), by inserting "or (i)(IV)" after "clause (i)(II)"; and

(C) by striking subparagraph (C) and inserting the following:

"(C) shall contain provisions that specify that—

"(i) the form of forbearance granted by the lender pursuant to this paragraph, other than subparagraph (A)(i)(IV), shall be temporary cessation of payments, unless the borrower selects forbearance in the form of an extension of time for making payments, or smaller payments than were previously scheduled; and

"(ii) the form of forbearance granted by the lender pursuant to subparagraph (A)(i)(IV) shall be the temporary cessation of all payments on the loan other than payments of interest on the loan, and payments of any special allowance payable with respect to the loan under section 438 of this Act, that are made under subsection (o); and".

(2) Section 428 of such Act is further amended by adding at the end the following new subsection:

"(o) Armed Forces Student Loan Interest Payment Program.—

"(1) Authority.—Using funds received by transfer to the Secretary under section 2174 of title 10, United States Code, for the payment of interest and any special allowance on a loan to a member of the Armed Forces that is made, insured, or guaranteed under this part, the Secretary shall pay the interest and special allowance on such loan as due for a period not in excess of 36 consecutive months. The Secretary may not pay interest or any special allowance on such a loan out of any funds other than funds that have been so transferred.

"(2) Forbearance.—During the period in which the Secretary is making payments on a loan under paragraph (1), the lender shall grant the borrower forbearance in accordance with the guaranty agreement under subsection (c)(3)(A)(i)(IV).

"(3) Special allowance defined.—For the purposes of this subsection, the term 'special allowance', means a special allowance that is payable with respect to a loan under section 438 of this Act.".

(c) Federal Perkins Loans.—Section 464 of the Higher Education Act of 1965 (20 U.S.C. 1087dd) is amended—

(1) in subsection (e)—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(3) the borrower is eligible for interest payments to be made on such loan for service in the Armed Forces under section 2174 of title 10, United States Code, and, pursuant to that eligibility, the interest on such loan is being paid under subsection (j), except that the form of a forbearance under this paragraph shall be a temporary cessation of all payments on the loan other than payments of interest on the loan that are made under subsection (j)."; and

(2) by adding at the end the following new subsection:

"(j) Armed Forces Student Loan Interest Payment Program.—

"(1) Authority.—Using funds received by transfer to the Secretary under section 2174 of title 10, United States Code, for the payment of interest on a loan made under this part to a member of the Armed Forces, the Secretary shall pay the interest on the loan as due for a period not in excess of 36 consecutive months. The Secretary may not pay interest on such a loan out of any funds other than funds that have been so transferred.

"(2) Forbearance.—During the period in which the Secretary is making payments on a loan under paragraph (1), the institution of higher education shall grant the borrower forbearance in accordance with subsection (e)(3).".

(d) Effective Date.—The amendments made by this section shall apply with respect to interest, and any special allowance under section 438 of the Higher Education Act of 1965, that accrue for months beginning on or after October 1, 2003, on student loans described in subsection (c) of section 2174 of title 10, United States Code (as added by subsection (a)), that were made before, on, or after such date to members of the Armed Forces who are on active duty (as defined in section 101(d) of title 10, United States Code) on or after that date.

SA 4109. Mr. ALLARD (for Mr. Santorum) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 23, line 24, increase the amount by $1,000,000.

On page 13, line 14, reduce the amount by $1,000,000.

SA 4110. Mr. LEVIN (for Mr. Reid) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 2841, relating to a transfer of funds in lieu of acquisition of replacement property for National Wildlife Refuge system in Nevada, and insert the following:

SEC. 2841. TRANSFER OF FUNDS FOR ACQUISITION OF REPLACEMENT PROPERTY FOR NATIONAL WILDLIFE REFUGE SYSTEM LANDS IN NEVADA.

(a) Transfer of Funds Authorized.—(1) The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2304(a), transfer to the United States Fish and Wildlife Service $15,000,000 to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 889).

(2) Upon receipt by the Service of the funds transferred under paragraph (1), the obligations of the Air Force referred to in that paragraph shall be considered fulfilled.

(b) Contribution to Foundation.—(1) The United States Fish and Wildlife Service may grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999.

(2) Funds received by the Foundation under paragraph (1) shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), other than section 10(a) of that Act (16 U.S.C. 3709(a)).

SA 4111. Mr. ALLARD (for Mr. Lott) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 2, strike lines 4 through 6, and insert the following:

(a) Officers on Active Duty.—Subsection (a)(2)(A) of section 1370 of title 10, United States Code, is amended—

(1) by striking "may authorize" and all that follows and inserting "may, in the case of retirements effective during the period beginning on September 1, 2002, and ending on December 31, 2004, authorize—"; and

(2) by adding at the end the following:

"(1) the Deputy Under Secretary of Defense for Personnel and Readiness to reduce such 3-year period of required service to a period not less than two years for retirements in grades above colonel or, in the case of the Navy, captain; and

"(2) the Secretary of a military department or the Assistant Secretary of a military department having responsibility for manpower and reserve affairs to reduce such 3-year period to a period of required service not less than two years for retirements in grades of lieutenant colonel and colonel or, in the case of the Navy, commander and captain.".

(b) RESERVE OFFICERS.—Subsection (d)(5) of such section is amended—

(1) in the first sentence—

(A) by striking "may authorize" and all that follows and inserting "may, in the case of retirements effective during the period beginning on September 1, 2002, and ending on December 31, 2004, authorize—"; and

(B) by adding at the end the following:

"(A) the Deputy Under Secretary of Defense for Personnel and Readiness to reduce such 3-year period of required service to a period not less than two years for retirements in grades above colonel or, in the case of the Navy, captain; and

"(B) the Secretary of a military department or the Assistant Secretary of a military department having responsibility for manpower and reserve affairs to reduce such 3-year period of required service to a period not less than two years for retirements in grades of lieutenant colonel and colonel or, in the case of the Navy, commander and captain.";

(2) by designating the second sentence as paragraph (6) and realigning such paragraph, as so redesignated 2 ems from the left margin; and

(3) in paragraph (6), as so redesignated, by striking "this paragraph" and inserting "paragraph (5)".

(c) ADVANCE NOTICE TO THE PRESIDENT AND CONGRESS.—Such section is further amended by adding at the end the following new subsection:

"(e) ADVANCE NOTICE TO CONGRESS.—(1) The Secretary of Defense shall notify the Committees on Armed Services of the Senate and House of Representatives of—

"(A) an exercise of authority under paragraph (2)(A) of subsection (a) to reduce the 3-year minimum period of required service on active duty in a grade in the case of an officer to whom such paragraph applies before the officer is retired in such grade under such subsection without having satisfied that 3-year service requirement; and

"(B) an exercise of authority under paragraph (5) of subsection (d) to reduce the 3-year minimum period of service in grade required under paragraph (3)(A) of such subsection in the case of an officer to whom such paragraph applies before the officer is credited with satisfactory service in such grade under subsection (d) without having satisfied that 3-year service requirement.

"(2) The requirement for a notification under paragraph (1) is satisfied in the case of an officer to whom subsection (c) applies if the notification is included in the certification submitted with respect to such officer under paragraph (1) of such subsection.

"(3) The notification requirement under paragraph (1) does not apply to an officer being retired in the grade of lieutenant colonel or colonel or, in the case of the Navy, commander or captain.".

SA 4112. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

1024. AUTHORITY TO TRANSFER CERTAIN NAVAL VESSEL TO GOVERNMENT OF MEXICO.

(a) TRANSFER BY SALE.—The President is authorized to transfer to the Government of Mexico on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) the NEWPORT class tank landing ship FREDERICK (LST 1184).

(b) ADDITIONAL CONGRESSIONAL NOTIFICATION NOT REQUIRED.—The following provisions do not apply with respect to the transfer authorized by this section:

(1) Section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)).

(2) Section 524 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2146), and any similar successor provision.

(c) COST OF TRANSFER.—Any expense incurred by the United States in connection with the transfer authorized by this section shall be charged to the Government of Mexico.

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of the vessel referred to in subsection (a), that the Government of Mexico have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of Mexico, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority provided under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SA 4113. Mr. REID (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 2047, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Trademark Office Authorization Act of 2002".

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

(a) IN GENERAL.—There are authorized to be appropriated to the United States Patent and Trademark Office for salaries and necessary expenses for each of the fiscal years 2003 through 2008 an amount equal to the fees estimated by the Secretary of Commerce to be collected in each such fiscal year, respectively, under—

(1) title 35, United States Code; and

(2) the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946).

(b) ESTIMATES.—Not later than February 15, of each fiscal year, the Undersecretary of Commerce for Intellectual Property and the Director of the Patent and Trademark Office (in this Act referred to as the Director) shall submit an estimate of all fees referred to under subsection (a) to be collected in the next fiscal year to the chairman and ranking member of—

(1) the Committees on Appropriations and Judiciary of the Senate; and

(2) the Committees on Appropriations and Judiciary of the House of Representatives.

SEC. 3. ELECTRONIC FILING AND PROCESSING OF PATENT AND TRADEMARK APPLICATIONS.

(a) ELECTRONIC FILING AND PROCESSING.—Not later than December 1, 2004, the Director shall complete the development of an electronic system for the filing and processing of patent and trademark applications, that—

(1) is user friendly; and

(2) includes the necessary infrastructure to—

(A) allow examiners and applicants to send all communications electronically; and

(B) allow the Office to process, maintain, and search electronically the contents and history of each application.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized under section 2, there are authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for each of fiscal years 2003 and 2004. Amounts made available under this subsection shall remain available until expended.

SEC. 4. ANNUAL REPORTS ON STRATEGIC PLAN.

In each of the 5 calendar years following the date of enactment of this Act, the Secretary of Commerce shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on—

(1) the progress made in implementing the 21st Century Strategic Plan issued on June 3, 2002; and

(2) any amendments made to the plan.

SEC. 5. DETERMINATION OF SUBSTANTIAL NEW QUESTION OF PATENTABILITY IN REEXAMINATION PROCEEDINGS.

(a) IN GENERAL.—Sections 303(a) and 312(a) of title 35, United States Code, are each amended by adding at the end the following: "The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any determination of the Director of the United States Patent and Trademark Office that is made under section 303(a) or 312(a) of title 35, United States Code, on or after the date of the enactment of this Act.

SEC. 6. APPEALS IN INTER PARTES REEXAMINATION PROCEEDINGS.

(a) APPEALS BY THIRD-PARTY REQUESTER IN PROCEEDINGS.—Section 315(b) of title 35, United States Code, is amended to read as follows:

"(b) THIRD-PARTY REQUESTER.—A third-party requester—

"(1) may appeal under the provisions of section 134, and may appeal under the provisions of sections 141 through 144, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent; and

"(2) may, subject to subsection (c), be a party to any appeal taken by the patent owner under the provisions of section 134 or sections 141 through 144.".

(b) APPEAL TO BOARD OF PATENT APPEALS AND INTERFERENCES.—Section 134(c) of title 35, United States Code, is amended by striking the last sentence.

(c) APPEAL TO COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 141 of title 35, United States Code, is amended in the third sentence by inserting ", or a third-party requester in an inter partes reexamination proceeding, who is" after "patent owner".

(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to any reexamination proceeding commenced on or after the date of the enactment of this Act.

SA 4114. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4002 submitted by Ms. LANDRIEU and intended to be proposed to the bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, beginning on line 4, strike "December 31, 2002," and insert "March 1, 2003,".

SA 4115. Mr. REID (for Mr. Leahy) proposed an amendment to the bill H.R. 2047, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes; as follows:

Amend the title so as to read: "A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2003 through 2008, and for other purposes."

SA 4116. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 708. HOSPITAL REIMBURSEMENT RATES UNDER CHAMPUS AT RISK PLANS UNDER TRICARE IN STATES EXEMPT FROM MEDICARE PROSPECTIVE PAYMENT SYSTEM.

(a) IN GENERAL.—Notwithstanding any other provision of law, hospital reimbursements rates under CHAMPUS at risk plans under the TRICARE program in any State that is exempt from the Medical Prospective Payment System under section 1814(b)(3) of the Social Security Act (42 U.S.C. 1395f(b)(3)) shall be determined utilizing the hospital reimbursement system in effect in such State.

(b) TRICARE PROGRAM DEFINED.—In this section the term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

SA 4117. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 90, between lines 19 and 20, insert the following:

SEC. 346. LIFT SUPPORT FOR MINE WARFARE SHIPS AND OTHER VESSELS.

(a) AMOUNT.—Of the amount authorized to be appropriated by section 302(2), $10,000,000 shall be available for implementing the recommendations resulting from the Navy's Non-Self . Deployable Watercraft (NDSW) Study and the Joint Chiefs of Staff Focused Logistics Study, which are to determine the requirements of the Navy for providing lift support for mine warfare ships and other vessels.

(b) OFFSETTING REDUCTION.—Of the amount authorized to be appropriated by section 302(2), the amount provided for the procurement of mine countermeasures ships cradles is hereby reduced by $10,000,000.

SA 4118. Mr. WARNER proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 90, between lines 19 and 20, insert the following:

SEC. 346. NAVY DATA CONVERSION ACTIVITIES.

(a) AMOUNT FOR ACTIVITIES.—The amount authorized to be appropriated by section 301(a)(2) is hereby increased by $2,000,000. The total amount of such increase may be available for the Navy Data Conversion and Management Laboratory to support data conversion activities for the Navy.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) is hereby reduced by $2,000,000 to reflect a reduction in the utilities privatization efforts previously planned by the Army.

SA 4119. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORT ON EFFORTS TO ENSURE ADEQUACY OF FIRE FIGHTING STAFFS AT MILITARY INSTALLATIONS.

Not later than Mary 31, 2003, the Secretary of Defense shall submit to Congress a report on the actions being undertaken to ensure that the fire fighting staffs at military installations are adequate under applicable Department of Defense regulations.

SA 4120. Mr. WARNER (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title III, add the following:

SEC. 305. NAVY PILOT HUMAN RESOURCES CALL CENTER, CUTLER, MAINE.

Of the amount authorized to be appropriated by section 301(a)(2) for operation and maintenance for the Navy, $1,500,000 may be available for the Navy Pilot Human Resources Call Center, Cutler, Maine.

SA 4121. Mr. REID (for Mr. WYDEN (for himself and Mr. SMITH of Oregon)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XXVI, add the following:

SEC. 2602. ARMY NATIONAL GUARD RESERVE CENTER, LANE COUNTY, OREGON.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States is hereby increased by $9,000,000.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States, as increased by subsection (a), $9,000,000 may be available for a military construction project for a Reserve Center in Lane County, Oregon.

(2) The amount available under paragraph (1) for the military construction project referred to in that paragraph is in addition to any other amounts available under this Act for that project.

(c) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $2,500,000, with the amount of the reduction to be allocated to Warfighter Sustainment Advanced Technology (PE0603236N).

(2) The amount authorized to be appropriated by section 301(a)(6) for operation and maintenance for the Army Reserve is hereby reduced by $6,000,000, with the amount of the reduction to be allocated to the Enhanced Secure Communications Program.

SA 4122. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 301(a)(1), decrease the amount by $1,100,000.

In section 2601(1)(A), increase the amount by $3,580,000.

In section 2204(a)(5), reduce the amount by $2,000,000.

SA 4123. Mr. REID (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XXIII, add the following:

SEC. 2305. ADDITIONAL PROJECT AUTHORIZATION FOR AIR TRAFFIC CONTROL FACILITY AT DOVER AIR FORCE BASE, DELAWARE.

(a) PROJECT AUTHORIZED.—In addition to the projects authorized by section 2301(a), the Secretary of the Air Force may carry out carry out a military construction project, including land acquisition relating thereto, for construction of a new air traffic control facility at Dover Air Force Base, Delaware, in the amount of $7,500,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2304(a), and by paragraph (1) of that section, is hereby increased by $7,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(10) for operation and maintenance for the Army National Guard is hereby reduced by $7,500,000, with the amount of the reduction to be allocated to the Classified Network Program.

SA 4124. Mr. WARNER (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XXI, add the following:

SEC. 2109. PLANNING AND DESIGN FOR ANECHOIC CHAMBER AT WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) PLANNING AND DESIGN.—The amount authorized to be appropriated by section 2104(a)(5), for planning and design for military construction for the Army is hereby increased by $3,000,000, with the amount of the increase to be available for planning and design for an anechoic chamber at White Sands Missile Range, New Mexico.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to Base Operations Support (Servicewide Support).

SA 4125. Mr. REID (for Mr. DURBIN) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In title XXVI, add at the end the following:

SEC. 2602. ADDITIONAL PROJECT AUTHORIZATION FOR COMPOSITE SUPPORT FACILITY FOR ILLINOIS AIR NATIONAL GUARD.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard is hereby increased by $10,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard, as increased by subsection (a), $10,000,000 may be available for a military construction project for a Composite Support Facility for the 183rd Fighter Wing of the Illinois Air National Guard.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance, defense-wide, is hereby reduced by $10,000,000, with the amount of the reduction to be allocated to amounts available for the Information Operations Program.

SA 4126. Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 301(a)(1), strike "$24,195,242,000" and insert "$24,187,242,000".

In the table in section 2101(a), in the item relating to Walter Reed Army Medical Center, District of Columbia, strike "$9,500,000" in the amount column and insert "$17,500,000".

In the table in section 2101(a), strike the amount identified as the total in the amount column and insert "$964,697,000".

In section 2104(a), strike "$2,999,345,000" in the matter preceding paragraph (1) and insert "$3,007,345,000".

In section 2104(a)(1), strike "$750,497,000" and insert "$758,497,000".

SA 4127. Mr. WARNER (for Mr. FRIST (for himself and Mr. THOMPSON)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 301(a)(1), decrease the amount indicated by $5,400,000.

In section 301(a)(4), decrease the amount indicated by $3,000,000.

In section 2601(3)(A), add $8,400,000 to the amount indicated.

SA 4128. Mr. WARNER (for Mr. DEWINE) an amendment proposed to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XXIII, add the following:

SEC. 2305. AVAILABILITY OF FUNDS FOR CONSOLIDATION OF MATERIALS COMPUTATIONAL RESEARCH FACILITY AT WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) AVAILABILITY.—Of the amount authorized to be appropriated by section 2304(a), and paragraph (1) of that section, for the Air Force and available for military construction projects at Wright-Patterson Air Force Base, Ohio, $15,200,000 may be available for a military construction project for consolidation of the materials computational research facility at Wright-Patterson Air Force Base (PNZHTV033301A).

(b) OFFSET.—(1) The amount authorized to be appropriated by section 301(a)(4) for the Air Force for operation and maintenance is hereby reduced by $2,800,000, with the amount of the reduction to be allocated to Recruiting and Advertising.

(2) Of the amount authorized to be appropriated by section 2304(a), and paragraph (1) of that section, for the Air Force and available for military construction projects at Wright-Patterson Air Force Base—

(A) the amount available for a dormitory is hereby reduced by $10,400,000; and

(B) the amount available for construction of a Fully Contained Small Arms Range Complex is hereby reduced by $2,000,000.

SA 4129. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 201(2), strike "$12,929,135,000" and insert "$12,927,135,000".

In section 201(3), strike $18,603,684,000" and insert "$18,605,684,000".

SA 4130. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. RADAR POWER TECHNOLOGY FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army is hereby increased by $4,500,000, with the amount of the increase to be allocated to Army missile defense systems integration (DEM/VAL) (PE0603308A).

(b) AVAILABILITY FOR RADAR POWER TECHNOLOGY.—(1) Of the amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army, as increased by subsection (a), $4,500,000 shall be available for radar power technology.

(2) The amount available under paragraph (1) for radar power technology is in addition to any other amounts available under this Act for such technology.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $4,500,000, with the amount of the reduction to be allocated to common picture advanced technology (PE0603235N).

SA 4131. Mr. REID (For Ms. LAUNDRIEU) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 26, after line 22, insert the following:

SEC. 214. CRITICAL INFRASTRUCTURE PROTECTION.

(a) Amount for Program.—Of the amount authorized to be appropriated in section 201(4), $4,500,000 may be available for critical infrastructure protection (PE 35190D8Z).

(b) Offset.—Of the amount authorized to be appropriated by section 201 (2), the amount for power projection advanced technology (PE 63114N) is hereby reduced by $4,500,000.

SA 4132. Mr. WARNER (For Ms. Domenici) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 26, after line 22, insert the following:

SEC. 214. THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY UPGRADES.

(a) Availability of Funds.—(1) The amount of authorized to be appropriated by section 201(3) for the Air Force for wargaming and simulation centers; (PE 0207605F) is increased by $2,500,000. The total amount of the increase may be available for Theater Aerospace Command and Control Simulation Facility (TACCSF) upgrades.

(2) The amount available under paragraph (1) for Theater Aerospace Command and Control Simulation Facility upgrades is in addition to any other amounts available under this Act for such upgrades.

(b) Offset.—The amount authorized to be appropriated by section 201(2) for the Navy for Mine and Expeditionary Warfare Applied Research (PE 0602782N) is reduced by $2,500,000.

SA 4133. Mr. REID (for Mr. Conrad) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) Findings.—

The Congress makes the following findings:

(1) Al Qaeda and other terrorist organizations, in addition to rogue states, are known to be working to acquire weapons of mass destruction, and particularly nuclear warheads.

(2) The largest and least secure potential source of nuclear warheads for terrorists or rogue states is Russia's arsenal of non-strategic or "tactical" nuclear warheads, which according to unclassified estimates numbers from 7,000 to 12,000 warheads. Security at Russian nuclear weapon storage sites is insufficient, and tactical nuclear warheads are more vulnerable to terrorist or rogue state acquisition due to their smaller size, greater portability, and greater numbers compared to Russian strategic nuclear weapons.

(3) Russia's tactical nuclear warheads were not covered by the START treaties or the recent Moscow Treaty. Russia is not legally bound to reduce its tactical nuclear stockpile and the United States has no inspection rights regarding Russia's tactical nuclear arsenal.

(b) Sense of the Senate.—

(1) One of the most likely nuclear weapon attack scenarios against the United States would involve detonation of a stolen Russian tactical nuclear warhead smuggled into the country.

(2) It is a top national security priority of the United States to accelerate efforts to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(3) This imminent threat warrants a special non-proliferation initiative.

(c) Report.—

Not later than 30 days after enactment of this act, the President shall report to Congress on efforts to reduce the particular threats associated with Russia's tactical nuclear arsenal and the outlines of a special initiative related to reducing the threat from Russia's tactical nuclear stockpile.

SA 4134. Mr. WARNER (for Ms. Collins) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. DDG OPTIMIZED MANNING INITIATIVE.

(a) Increase in Authorization of Appropriations.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $25,000,000, with the amount of the increase to be allocated to surface combatant combat system engineering (PE0604307N).

(b) Availability.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $25,000,000 may be available for the DDG optimized manning initiative.

(2) The amount available under paragraph (1) for the initiative referred to in that paragraph is in addition to any other amounts available under this Act for that initiative.

(c) Offset.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for artillery systems DEM/VAL, PE0603854A, by $2,500,000.

SA 4135. Mr. REIS (for Mrs. Feinstein (for herself and Mr. Stevens)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 34, after line 23, insert the following:

SEC. 226. LIMITATION ON USE OF FUNDS FOR NUCLEAR ARMED INTERCEPTORS.

None of the funds authorized to be appropriated by this or any other Act may be used for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system.

SA 4136. Mr. WARNER (for Mr. Santorum) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 24, line 2, increase the first amount by $1,000,000.

On page 14, line 5, reduce the amount by $1,000,000.

SA 4137. Mr. REID (for Mr Cleland (for himself and Mr. Hutchinson) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 154, after line 20, insert the following:

SEC. 708. HEALTH CARE UNDER TRICARE FOR TRICARE BENEFICIARIES RECEIVING MEDICAL CARE AS VETERANS FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1097 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) Persons Receiving Medical Care From the Department of Veterans Affairs.—A covered beneficiary who is enrolled in and seeks care under the TRICARE program may not be denied such care on the ground that the covered beneficiary is receiving health care from the Department of Veterans Affairs on an ongoing basis if the Department of Veterans Affairs cannot provide the covered beneficiary with the particular care sought by the covered beneficiary within the maximum period provided in the access to care standards that are applicable to that particular care under TRICARE program policy.".

SA 4138. Mr. WARNER (for Mr. Roberts) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. AGROTERRORIST ATTACKS.

(a) Availability.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, defense-wide, the amount available for basic research for the Chemical and Biological Defense Program (PE0601384BP) is hereby increased by $1,000,000, with the amount of such increase to be available for research, analysis, and assessment of efforts to counter potential agroterrorist attacks.

(2) The amount available under paragraph (1) for research, analysis, and assessment described in that paragraph is in addition to any other amounts available in this Act for such research, analysis, and assessment.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, the amount available for biological terrorism and agroterrorism risk assessment and prediction in the program element relating to the Chemical and Biological Defense Program (PE0603384BP) is hereby reduced by $1,000,000.

SA 4139. Mr. REID (for Mr. LEVIN) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) AUTHORITY.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127a the following new section:

"§ 127b. Rewards for assistance in combating terrorism

"(a) AUTHORITY.—The Secretary of Defense may pay a monetary reward to a person for providing United States personnel with information or nonlethal assistance that is beneficial to—

"(1) an operation of the armed forces conducted outside the United States against international terrorism; or

"(2) force protection of the armed forces.

"(b) MAXIMUM AMOUNT.—The amount of a reward paid to a recipient under this section may not exceed $200,000.

"(c) DELEGATION TO COMMANDER OF COMBATANT COMMAND.—(1) The Secretary of Defense may delegate to the commander of a combatant command authority to pay a reward under this section in an amount not in excess of $50,000.

"(2) A commander to whom authority to pay rewards is delegated under paragraph (1) may further delegate authority to pay a reward under this section in an amount not in excess of $2,500.

"(c) COORDINATION.—(1) The Secretary of Defense, in consultation with the Secretary of State and the Attorney General, shall prescribe policies and procedures for offering and paying rewards under this section, and otherwise for administering the authority under this section, that ensure that the payment of a reward under this section does not duplicate or interfere with the payment of a reward authorized by the Secretary of State or the Attorney General.

"(2) The Secretary of Defense shall coordinate with the Secretary of State regarding any payment of a reward in excess of $100,000 under this section.

"(d) PERSONS NOT ELIGIBLE.—The following persons are not eligible to receive an award under this section:

"(1) A citizen of the United States.

"(2) An employee of the United States.

"(3) An employee of a contractor of the United States.

"(e) ANNUAL REPORT.—(1) Not later than 60 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a report on the administration of the rewards program during that fiscal year.

"(2) The report for a fiscal year shall include information on the total amount expended during that fiscal year to carry out this section, including—

"(A) a specification of the amount, if any, expended to publicize the availability of rewards; and

"(B) with respect to each award paid during that fiscal year—

"(i) the amount of the reward;

"(ii) the recipient of the reward; and

"(iii) a description of the information or assistance for which the reward was paid, together with an assessment of the significance of the information or assistance.

"(3) The Secretary may submit the report in classified form if the Secretary determines that it is necessary to do so.

"(f) DETERMINATIONS BY THE SECRETARY.—A determination by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127a the following new item:

"127b. Rewards for assistance in combating terrorism.".

SA 4140. Mr. WARNER proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 905. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

(a) ESTABLISHMENT OF POSITION.—Chapter 4 of title 10, United States Code, is amended—

(1) by transferring section 137 within such chapter to appear following section 138;

(2) by redesignating sections 137 and 139 as sections 139 and 139a, respectively; and

(3) by inserting after section 136a the following new section 137:

"§ 137. Under Secretary of Defense for Intelligence

"(a) There is an Under Secretary of Defense for Intelligence, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.

"(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.".

(b) CONFORMING AMENDMENTS.—(1) Section 131 of such title is amended—

(A) by striking paragraphs (2), (3), (4), and (5), and inserting the following:

"(2) The Under Secretaries of Defense, as follows:

"(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(B) The Under Secretary of Defense for Policy.

"(C) The Under Secretary of Defense (Comptroller).

"(D) The Under Secretary of Defense for Personnel and Readiness.

"(E) The Under Secretary of Defense for Intelligence."; and

(B) by redesignating paragraphs (6), (7), (8), (9), (10), and (11) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(2) The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 137 and inserting the following:

"137. Under Secretary of Defense for Intelligence.";

and

(B) by striking the item relating to section 139 and inserting the following:

"139. Director of Research and Engineering.
"139a. Director of Operational Test and Evaluation.".

(c) EXECUTIVE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after "Under Secretary of Defense for Personnel and Readiness." the following:

"Under Secretary of Defense for Intelligence.".

SA 4141. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORT ON DESIGNATION OF CERTAIN LOUISIANA HIGHWAY AS DEFENSE ACCESS ROAD.

Not later than March 1, 2003, the Secretary of Army shall submit to the congressional defense committees a report containing the results of a study on the advisability of designating Louisiana Highway 28 between Alexandria, Louisiana, and Leesville, Louisiana, a road providing access to the Joint Readiness Training Center, Louisiana, and to Fort Polk, Louisiana, as a defense access road for purposes of section 210 of title 23, United States Code.

SA 4142. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army or the Administrator of General Services may convey, without consideration, to the Johnson County Park and Recreation District, Kansas (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the State of Kansas consisting of approximately 2,000 acres, a portion of the Sunflower Army Ammunition Plant. The purpose of the conveyance is to permit the District to use the parcel for public recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage, location, and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the official making the conveyance. The cost of such legal description, survey, or both shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The official making the conveyance of real property under subsection (a) may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interests of the United States.

(d) EFFECTIVE DATE.—This section shall take effect on January 31, 2003.

SA 4143. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 221, after line 21, insert the following:

SEC. 1024. ANNUAL LONG-RANGE PLAN FOR THE CONSTRUCTION OF SHIPS FOR THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) Navy ships provide a forward presence for the United States that is a key to the national defense of the United States.

(2) The Navy has demonstrated that its ships contribute significantly to homeland defense.

(3) The Navy's ship recapitalization plan is inadequate to maintain the ship force structure that is described as the current force in the 2001 Quadrennial Defense Review.

(4) The Navy is decommissioning ships as much as 10 years earlier than the projected ship life upon which ship replacement rates are based.

(5) The current force was assessed in the 2001 Quadrennial Defense Review as having moderate to high risk, depending on the scenario considered.

(b) ANNUAL SHIP CONSTRUCTION PLAN.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 231. Annual ship construction plan

“(a) ANNUAL SHIP CONSTRUCTION PLAN.—The Secretary of Defense shall include in the defense budget materials for each fiscal year a plan for the construction of combatant and support ships for the Navy that—

“(1) supports the National Security Strategy; or

“(2) if there is no National Security Strategy in effect, supports the ship force structure called for in the report of the latest Quadrennial Defense Review.

“(b) CONTENT.—The ship construction plan included in the defense budget materials for a fiscal year shall provide in detail for the construction of combatant and support ships for the Navy over the 30 consecutive fiscal years beginning with the fiscal year covered by the defense budget materials and shall include the following matters:

“(1) A description of the necessary ship force structure of the Navy.

“(2) The estimated levels of funding necessary to carry out the plan, together with a discussion of the procurement strategies on which such estimated funding levels are based.

“(3) A certification by the Secretary of Defense that both the budget for the fiscal year covered by the defense budget materials and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding ship construction for the Navy at a level that is sufficient for the procurement of the ships provided for in the plan on schedule.

“(4) If the budget for the fiscal year provides for funding ship construction at a level that is not sufficient for the recapitalization of the force of Navy ships at the annual rate necessary to sustain the force, an assessment (coordinated with the commanders of the combatant commands in advance) that describes and discusses the risks associated with the reduced force structure that will result from funding ship construction at such insufficient level.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘budget’, with respect to a fiscal year, means the budget for such fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

“(2) The term ‘defense budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for such fiscal year.

“(3) The term ‘Quadrennial Defense Review’ means the Quadrennial Defense Review that is carried out under section 118 of this title.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“231. Annual ship construction plan.”

SA 4144. Mr. WARNER (for Mr. BUNNING) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, BLUEGRASS ARMY DEPOT, RICHMOND, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to Madison County, Kentucky (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10 acres at the Bluegrass Army Depot, Richmond, Kentucky, for the purpose of facilitating the construction of a veterans' center on the parcel by the State of Kentucky.

(2) The Secretary may not make the conveyance authorized by this subsection unless the Secretary determines that the State of Kentucky has appropriated adequate funds for the construction of the veterans' center.

(b) REVERSIONARY INTEREST.—If the Secretary determines that the real property conveyed under subsection (a) ceases to be utilized for the sole purpose of a veterans' center or that reasonable progress is not demonstrated in constructing the center and initiating services to veterans, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—The Secretary shall apply section 2695 of title 10, United States Code, to the conveyance authorized by subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 4145. Mr. REID (for Mr. BINGAMAN (for himself and Mr. SANTORUM)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title II, add the following:

SEC. 246. FOUR-YEAR EXTENSION OF AUTHORITY OF DARPA TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

(a) EXTENSION.—Section 2374a(f) of title 10, United States Code, is amended by striking “September 30, 2003” and inserting “September 30, 2007”.

(b) REPORT ON ADMINISTRATION OF PROGRAM.—(1) Not later than December 31, 2002, the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a report on the proposal of the Director for the administration of the program to award prizes for advanced technology achievements under section 2374a of title 10, United States Code.

(2) The report shall include the following:

(A) A description of the proposed goals of the competition under the program, including the technology areas to be promoted by the competition and the relationship of such area to military missions of the Department of Defense.

(E) The proposed rules of the competition under the program, and a description of the proposed management of the competition.

(C) A description of the manner in which funds for cash prizes under the program will be allocated within the accounts of the Agency if a prize is awarded and claimed.

(D) A statement of the reasons why the competition is a preferable means of promoting basic, advanced, and applied research, technology development, and prototype projects when compared with other means of promotion of such activities, including contracts, grants, cooperative agreements, and other transactions.

SA 4146. Mr. WARNER (for Mr. INHOFE (for himself and Mr. AKAKA)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. PROVISION OF SPACE AND SERVICES TO MILITARY WELFARE SOCIETIES.

(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2566. Space and services: provision to military welfare societies

"(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—The Secretary of a military department may provide, without charge, space and services under the jurisdiction of that Secretary to a military welfare society.

"(b) DEFINITIONS.—In this section:

"(1) The term 'military welfare society' means the following:

"(A) The Army Emergency Relief Society.

"(B) The Navy-Marine Corps Relief Society.

"(C) The Air Force Aid Society, Inc.

"(2) The term 'services' includes lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone and other information technology services (including installation of lines and equipment, connectivity, and other associated services), and security systems (including installation and other associated expenses).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2566. Space and services: provision to military welfare societies.".

SA 4147. Mr. REID (for Mr. REED) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. VERY HIGH SPEED SUPPORT VESSEL FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,500,000, with the amount of the increase to be allocated to logistics and engineering equipment–advanced development (PE0603804A).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,500,000 may be available for development of a prototype composite hull design to meet the theater support vessel requirement.

(2) The amount available under paragraph (1) for development of the hull design referred to in that paragraph is in addition to any other amounts available under this Act for development of that hull design.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by $5,500,000, with the amount of the decrease to be allocated to submarine tactical warfare system (PE0604562N) and amounts available under that program element for upgrades of combat control software to commercial architecture.

SA 4148. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 23, between lines 12 and 13, insert the following:

SEC. 135. MOBILE EMERGENCY BROADBAND SYSTEM.

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 103(4), $1,000,000 may be available for the procurement of technical communications-electronics equipment for the Mobile Emergency Broadband System.

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 103(4), the amount available under such section for the Navy for other procurement for gun fire control equipment, SPQ-9B solid state transmitter, is hereby reduced by $1,000,000.

SA 4149. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 14, line 20, increase the amount by $1,500,000.

On page 23, line 22, reduce the amount by $1,500,000.

SA 4150. Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title III, add the following:

SEC. 305. NATIONAL ARMY MUSEUM, FORT BELVOIR, VIRGINIA.

(a) ACTIVATION EFFORTS.—The Secretary of the Army may carry out efforts to facilitate the commencement of development for the National Army Museum at Fort Belvoir, Virginia.

(b) FUNDING.—(1) The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby increased by $100,000.

(2) Of the amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army, as increased by paragraph (1), $100,000 shall be available to carry out the efforts authorized by subsection (a).

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $100,000.

SA 4151. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. FULL-SCALE HIGH-SPEED PERMANENT MAGNET GENERATOR.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $1,000,000, with the amount of the increase to be allocated to Force Protection Advanced Technology (PE0603123N).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $1,000,000 may be available for development and demonstration of a full-scale high-speed permanent magnet generator.

(2) The amount available under paragraph (1) for development and demonstration of the generator described in that paragraph is in addition to any other amounts available in this Act for development and demonstration of that generator.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to Artillery Systems–Dem/Val (PE0603854A).

SA 4152. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 655. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-170) is amended by adding at the end the following new paragraph:

"(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

SA 4153. Mr. REID (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. PLAN FOR FIVE-YEAR PROGRAM FOR ENHANCEMENT OF MEASUREMENT AND SIGNATURES INTELLIGENCE CAPABILITIES

(a) FINDING.—Congress finds that the national interest will be served by the rapid exploitation of basic research on sensors for purposes of enhancing the measurement and signatures intelligence (MASINT) capabilities of the Federal Government.

(b) PLAN FOR PROGRAM.—(1) Not later than March 30, 2003, the Director of the Central Measurement and Signatures Intelligence Office shall submit to Congress a plan for a five-year program of research intended to provide for the incorporation of the results of basic research on sensors into the measurement and signatures intelligence systems fielded by the Federal Government, including the review and assessment of basic research on sensors for that purpose.

(2) Activities under the plan shall be carried out by a consortium consisting of such governmental and non-governmental entities as the Director considers appropriate for purposes of incorporating the broadest practicable range of sensor capabilities into the systems referred to in paragraph (1). The consortium may include national laboratories, universities, and private sector entities.

(3) The plan shall include a proposal for the funding of activities under the plan, including cost-sharing by non-governmental participants in the consortium under paragraph (2).

SA 4154. Mr. WARNER (for Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. SCHUMER, Mr. DODD, Mr. TORRICELLI, Mr. CLELAND, Ms. MIKULSKI, and Mr. SARBANES)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title X, insert the following:

SEC. 1035. REPORT ON VOLUNTEER SERVICES OF MEMBERS OF THE RESERVE COMPONENTS IN EMERGENCY RESPONSE TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on volunteer services described in subsection (b) that were provided by members of the National Guard and other reserve components of the Armed Forces, while not in a duty status pursuant to orders, during the period of September 11 through 14, 2001. The report shall include a discussion of any personnel actions that the Secretary considers appropriate for the members regarding the performance of such services.

(b) COVERED SERVICES.—The volunteer services referred to in subsection (a) are as follows:

(1) Volunteer services provided in the vicinity of the site of the World Trade Center, New York, New York, in support of emergency response to the terrorist attack on the World Trade Center on September 11, 2001.

(2) Volunteer services provided in the vicinity of the Pentagon in support of emergency response to the terrorist attack on the Pentagon on September 11, 2001.

SA 4155. Mr. REID (for Mr. CORZINE (for himself and Mr. TORRICELLI)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 26, after line 22, insert the following:

SEC. 214. AVIATION-SHIPBOARD INFORMATION TECHNOLOGY INITIATIVE.

Of the amount authorized to be appropriated by section 201(2) for shipboard aviation systems, up to $8,200,000 may be used for the aviation-shipboard information technology initiative.

SA 4156. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In subtitle C of title I, strike "(reserved)" and insert the following:

SEC. 121. MAINTENANCE OF SCOPE OF CRUISER CONVERSION OF TICONDEROGA CLASS AEGIS CRUISERS.

The Secretary of the Navy should maintain the scope of the cruiser conversion program for the Ticonderoga class AEGIS cruisers such that the program—

(1) covers all 27 Ticonderoga class AEGIS cruisers; and

(2) modernizes the class of cruisers to include an appropriate mix of upgrades to ships' capabilities for theater missile defense, naval fire support, and air dominance.

SA 4157. Mr. REID (for Mr. KERRY (for himself and Mr. FRIST)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 281, between lines 5 and 6, insert the following:

SEC. 1215. DEPARTMENT OF DEFENSE HIV/AIDS PREVENTION ASSISTANCE PROGRAM.

(a) EXPANSION OF PROGRAM.—The Secretary of Defense is authorized to expand, in accordance with this section, the Department of Defense program of HIV/AIDS prevention educational activities undertaken in connection with the conduct of United States military training, exercises, and humanitarian assistance in sub-Saharan African countries.

(b) ELIGIBLE COUNTRIES.—The Secretary may carry out the program in all eligible countries. A country shall be eligible for activities under the program if the country—

(1) is a country suffering a public health crisis (as defined in subsection (e)); and

(2) participates in the military-to-military contacts program of the Department of Defense.

(c) PROGRAM ACTIVITIES.—The Secretary shall provide for the activities under the program—

(1) to focus, to the extent possible, on military units that participate in peace keeping operations; and

(2) to include HIV/AIDS-related voluntary counseling and testing and HIV/AIDS-related surveillance.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(a)(22) to the Department of Defense for operation and maintenance of the Defense Health Program, $30,000,000 may be available for carrying out the program described in subsection (a) as expanded pursuant to this section.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(e) COUNTRY SUFFERING A PUBLIC HEALTH CRISIS DEFINED.—In this section, the term "country suffering a public health crisis" means a country that has rapidly rising rates of incidence of HIV/AIDS or in which HIV/AIDS is causing significant family, community, or societal disruption.

SA 4158. Mr. WARNER (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. AEROSPACE RELAY MIRROR SYSTEM (ARMS) DEMONSTRATION.

Of the amount authorized to be appropriated by section 201(3) for the Department of Defense for research, development, test, and evaluation for the Air Force, $6,000,000 may be available for the Aerospace Relay Mirror System (ARMS) Demonstration.

SA 4159. Mr. WARNER proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At this appropriate place, insert:

Amount for Program.—Of the amount authorized to be appropriated by Section 201(2) for research and development, test and evaluation, Navy, $4,000,000 may be available for requirements development of a littoral ship in Ship Concept Advanced Design PE0603563N.

Offsetting Reduction.—Of the total amount authorized to be appropriated by section 201(2) for research and development, test and evaluation, Navy, the amount available for FORCENET in Tactical Command System, PE0604231N is hereby reduced by an additional $4,000,000.

SA 4160. Mr. REID (for Mr. BYRD proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 281, between lines 5 and 6, insert the following:

SEC. 1215. MONITORING IMPLEMENTATION OF THE 1979 UNITED STATES-CHINA AGREEMENT ON COOPERATION IN SCIENCE AND TECHNOLOGY.

(a) Responsibilities of the Office of Science and Technology Cooperation.—The Office of Science and Technology Cooperation of the Department of State shall monitor the implementation of the 1979 United States-China Agreement on Cooperation in Science and Technology and its protocols (in this section referred to as the "Agreement"), and keep a systematic account of the protocols thereto. The Office shall coordinate the activities of all agencies of the United States Government that carry out cooperative activities under the Agreement.

(b) Guidelines.—The Secretary of State shall ensure that all activities conducted under the Agreement and its protocols comply with applicable laws and regulations concerning the transfer of militarily sensitive and dual-use technologies.

(c) Reporting Requirement.—

(1) In general.—Not later than April 1, 2004, and every two years thereafter, the Secretary of State, shall submit a report to Congress, in both classified and unclassified form, on the implementation of the Agreement and activities thereunder.

(2) Report elements.—Each report under this subsection shall provide an evaluation of the benefits of the Agreement to the Chinese economy, military, and defense industrial base and shall include the following:

(A) An accounting of all activities conducted under the Agreement since the previous report, and a projection of activities to be undertaken in the next two years.

(B) An estimate of the costs to the United States to administer the Agreement within the period covered by the report.

(C) An assessment of how the Agreement has influenced the policies of the People's Republic of China toward scientific and technological cooperation with the United States.

(D) An analysis of the involvement of Chinese nuclear weapons and military missile specialists in the activities of the Joint Commission.

(E) A determination of the extent to which the activities conducted under the Agreement have enhanced the military and industrial base of the People's Republic of China, and an assessment of the impact of projected activities for the next two years, including transfers of technology, on China's economic and military capabilities.

(F) Any recommendations on improving the monitoring of the activities of the Commission by the Secretaries of Defense and State.

(3) Consultation prior to submission of reports.—The Secretary of State shall prepare the report in consultation with the Secretaries of Commerce, Defense, and Energy, the Directors of the National Science Foundation and the Federal Bureau of Investigation, and the intelligence community.

SA 4161. Mr. WARNER (for Mr. THOMPSON) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. BIANNUAL REPORTS ON CONTRIBUTIONS TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND DELIVERY SYSTEMS BY COUNTRIES OF PROLIFERATION CONCERN.

(a) Reports.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President shall submit to Congress a report identifying each foreign person that, during the six-month period ending on the date of such report, made a material contribution to the development by a country of proliferation concern of—

(1) nuclear, biological, or chemical weapons; or

(2) ballistic or cruise missile systems.

(b) Form of Submittal.—(1) A report under subsection (a) may be submitted in classified form, whether in whole or in part, if the President determines that submittal in that form is advisable.

(2) Any portion of a report under subsection (a) that is submitted in classified form shall be accompanied by an unclassified summary of such portion.

(c) Definitions.—In this section:

(1) The term "foreign person" means—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) The term "country of proliferation concern" means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear, chemical, and biological weapons) and advanced conventional munitions in the most current report under section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104-293; 50 U.S.C. 2366), or any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

SA 4162. Mr. WARNER (for Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. SANTORUM)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. COMMENDATION OF MILITARY CHAPLAINS.

(a) Findings.—Congress finds the following:

(1) Military chaplains have served with those who fought for the cause of freedom since the founding of the Nation.

(2) Military chaplains and religious support personnel of the Armed Forces have served with distinction as uniformed members of the Armed Forces in support of the Nation's defense missions during every conflict in the history of the United States.

(3) 400 United States military chaplains have died in combat, some as a result of direct fire while ministering to fallen Americans, while others made the ultimate sacrifice as a prisoner of war.

(4) Military chaplains currently serve in humanitarian operations, rotational deployments, and in the war on terrorism.

(5) Religious organizations make up the very fabric of religious diversity and represent unparalleled levels of freedom of conscience, speech, and worship that set the United States apart from any other nation on Earth.

(6) Religious organizations have richly blessed the uniformed services by sending clergy to comfort and encourage all persons of faith in the Armed Forces.

(7) During the sinking of the USS Dorchester in February 1943 during World War II, four chaplains (Reverend Fox, Reverend Poling, Father Washington, and Rabbi Goode) gave their lives so that others might live.

(8) All military chaplains aid and assist members of the Armed Forces and their family members with the challenging issues of today's world.

(9) The current war against terrorism has brought to the shores of the United States new threats and concerns that strike at the beliefs and emotions of Americans.

(10) Military chaplains must, as never before, deal with the spiritual well-being of the members of the Armed Forces and their families.

(b) COMMENDATION.—Congress, on behalf of the Nation, expresses its appreciation for the outstanding contribution that all military chaplains make to the members of the Armed Forces and their families.

(c) PRESIDENTIAL PROCLAMATION.—The President is authorized and requested to issue a proclamation calling on the people of the United States to recognize the distinguished service of the Nation's military chaplains.

SA 4163. Mr. REID (for Mr. SARBANES) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.
"120101. Organization.
"120102. Purposes.
"120103. Membership.
"120104. Governing body.
"120105. Powers.
"120106. Restrictions.
"120107. Duty to maintain corporate and tax-exempt status.
"120108. Records and inspection.
"120109. Service of process.
"120110. Liability for acts of officers and agents.
"120111. Annual report.

"§ 120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

"The purposes of the corporation are as provided in its articles of incorporation and include—

"(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

"(2) providing a means of contact and communication among members of the corporation;

"(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

"(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§ 120110. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 120111. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

"1201. Korean War Veterans Association, Incorporated ....120101".

SA 4164. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 4068 submitted by Mr. HUTCHINSON and intended to be proposed to the bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (b) and insert the following:

(b) LOCATION.—The location of the facility required by subsection (a) shall be a site in Maryland selected by the Secretary using competitive procedures.

SA 4165. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 4068 submitted by Mr. HUTCHINSON and intended to be proposed to the bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (b) and insert the following:

(b) LOCATION.—The location of the facility required by subsection (a) shall be selected by the Secretary using competitive procedures.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, July 10, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on water resource management issues on the Missouri River.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to Malini_Sekhar@energy.senate.gov or fax it to 202–224–4340.

For further information, please contact Patty Beneke (202) 224–5451 or Mike Connor (202) 224–5479 of the committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session of the Senate on Wednesday, June 26, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 2002 at 10:45 a.m. to hold a hearing on Afghanistan.

Agenda

Witnesses

Panel 1: The Honorable Richard L. Armitage, Deputy Secretary of State, Washington, DC; and the Honorable Paul Wolfowitz, Deputy Secretary of Defense, Washington, DC.

Panel 2: Brig. Gen. David L. Grange, U.S. Army (ret.), Chicago, IL; and the Honorable Peter Tomsen, Special Envoy to Afghanistan (1989–1992), Former Ambassador to Armenia, Ambassador in Residence, University of Nebraska at Omaha, Omaha, Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 2002 at 2:30 p.m. to hold a nomination hearing.

Agenda

Nominees: Mr. Mark Sullivan, of Maryland, to be United States Director of the European Bank for Reconstruction and Development; and Mr. Paul Speltz, of Texas, to be United States Director of the Asian Development Bank, with the rank of Ambassador

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 26, 2002 at 9:30 a.m. for the purpose of holding a hearing to "Review the Relationship Between a Department of Homeland Security and the Intelligence Community."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 26, 2002 at 3:00 p.m., to hold a hearing to consider the nomination of James E. Boasberg to be an associate judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, June 26, 2002, at 10:00 a.m. in SD–430 during the session of the Senate.

Agenda

S. 2649, Global AIDS.

S. 2059, Alzheimer's Disease Research, Prevention, and Care Act of 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 26, 2002, at 10 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on the status of the dialogue between the U.S. Department of the Interior and American Indian and Alaska Native leaders on various alternatives for the reorganization of the Department of the Interior to improve the Department's management of tribal trust funds.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Protecting the Homeland: The President's Proposal for Reorganizing Our Homeland Defense Infrastructure" on Wednesday, June 26, 2002, in Dirksen Room 106 at 9:30 a.m.

Witness: The Honorable Tom Ridge, Director of the Transition Planning Office for the Office of Homeland Security, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 26, 2002, at 5:45 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs be authorized to meet on Issues and Perspectives in Enforcing Corporate Governance: The Experience of the State of New York, at 9:30 a.m. Wednesday, June 26, 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 26, 2002, at 10 a.m., to conduct an oversight hearing on "TEA-21: Investing in Our Economy and Environment."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on "Immigration Reform and the Reorganization of Homeland Defense" on Wednesday, June 26, 2002, at 2 p.m., in Dirksen 226.

Agenda

Witnesses

Kathleen Campbell Walker, Esq., American Immigration Lawyers Association, El Paso, Texas; Professor Bill Ong Hing, University of California Davis School of Law, National Advisory Council, National Asian Pacific American Legal Consortium, San Francisco, California; Professor David A. Martin, University of Virginia School of Law, Charlottesville, Virginia; and the Honorable Dana Marks Keener, President, National Association of Immigration Judges, San Francisco, California.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2673

Mr. REID. Mr. President, I ask unanimous consent that on Monday, July 8, at 2 p.m. the Senate proceed to the consideration of Calendar No. 442, S. 2673, the Accounting Reform Act; that on Monday there be debate only on this bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, July 8 is a previously announced no-vote day, but there is expectation that there will be a vote prior to the conference luncheons on Tuesday, July 9.

ORDER FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding a recess or adjournment of the Senate, Senate committees may file committee-reported legislative and executive calendar business on Wednesday, July 3, 2002, from 11 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 2609

Mr. REID. Mr. President, I ask unanimous consent that S. 2609 be star printed with the changes that are now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

PORTS-TO-PLAINS CORRIDOR OF THE NATIONAL HIGHWAY SYSTEM

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 424, S. 1646.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1646) to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high-priority corridor on the National Highway System.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD at the appropriate place as if read without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1646) was read the third time and passed, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IDENTIFICATION OF PORTS-TO-PLAINS HIGH PRIORITY CORRIDOR ROUTES.

Section 1105(c)(38) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 114 Stat. 2763A–201) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(2) by redesignating subparagraph (A) as clause (i);

(3) by striking "(38) The" and inserting "(38)(A) The";

(4) in subparagraph (A) (as designated by paragraph (3))—

(A) in clause (i) (as redesignated by paragraph (2))—

(i) in subclause (VII) (as redesignated by paragraph (1)), by striking "and" at the end;

(ii) in subclause (VIII) (as redesignated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(IX) United States Route 287 from Dumas to the border between the States of Texas and Oklahoma, and also United States Route 87 from Dumas to the border between the States of Texas and New Mexico."; and

(B) by adding at the end the following:

"(ii) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the border between the States of Texas and Oklahoma to the border between the States of Oklahoma and Colorado.

"(iii) In the State of Colorado, the Ports-to-Plains Corridor shall generally follow—

"(I) United States Route 287 from the border between the States of Oklahoma and Colorado to Limon; and

"(II) Interstate Route 70 from Limon to Denver.

"(iv) In the State of New Mexico, the Ports-to-Plains Corridor shall generally follow United States Route 87 from the border between the States of Texas and New Mexico to Raton."; and

(5) by striking "(B) The corridor designation contained in paragraph (A)" and inserting the following:

"(B) The corridor designation contained in subclauses (I) through (VIII) of subparagraph (A)(i)".

AUTOMATIC DEFIBRILLATION IN ADAM'S MEMORY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 1041 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1041) to establish a program for an information clearinghouse to increase public access to defibrillation in schools.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and that any statements related to the bill be printed in the RECORD as if given, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1041) was read the third time and passed, as follows:

S. 1041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Automatic Defibrillation in Adam's Memory Act", or the "ADAM Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Heart disease is the leading cause of death in the United States.

(2) 220,000 Americans die each year of sudden cardiac arrest.

(3) The American Heart Association estimates that the lives of 50,000 cardiac arrest victims could be saved each year through initiating a course of action known as the chain of survival.

(4) The chain of survival includes prompt notification of emergency services and early cardiopulmonary resuscitation (referred to in this Act as "CPR"), defibrillation, and advanced cardiac life support.

(5) An important part of United States school children's education is learning healthy behaviors, including proper nutrition and physical activity. This health education should also include basic emergency lifesaving skills.

(6) Incorporating these lifesaving training programs into the health curriculum of elementary and secondary schools will give school children these skills.

(7) Project Automatic Defibrillation in Adam's Memory (ADAM) has been successful in fostering awareness of the potential for cardiac arrest in the childhood and adolescent population, encouraging improvement of screening procedures, and facilitating the training of high school staff and students in CPR and the use of automatic external defibrillators (referred to in this Act as "AED").

SEC. 3. GRANTS FOR ACCESS TO DEFIBRILLATION.

(a) PROGRAM AUTHORIZED.—The Secretary of Health and Human Services shall award a grant to an organization to establish national information clearinghouse that provides information to increase public access to defibrillation in schools.

(b) DUTIES.—The health care organization that receives a grant under this section shall promote public access to defibrillation in schools by—

(1) providing timely information to entities regarding public access defibrillation program implementation and development;

(2) developing and providing comprehensive program materials to establish a public access defibrillation program in schools;

(3) providing support to CPR and AED training programs;

(4) fostering new and existing community partnerships with and among public and private organizations (such as local educational agencies, nonprofit organizations, public health organizations, emergency medical service providers, fire and police departments, and parent-teacher associations) to promote public access to defibrillation in schools;

(5) establishing a data base to gather information in a central location regarding sudden cardiac arrest in the pediatric population and identifying or conducting further research into the problem; and

(6) providing assistance to communities that wish to develop screening programs for at risk youth.

(c) APPLICATION.—A health care organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) REPORT.—Not later than 5 years after receipt of a grant under this section, the health care organization that receives such grant shall prepare and submit to the Secretary of Health and Human Services a report that describes activities carried out with funds received under this section. Not later than 3 months after receipt of such report, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress an evaluation that reviews such report and evaluates the success of such clearinghouse.

(e) AUTHORIZATION OF APPROPRIATIONS.—From funds authorized to be appropriated for fiscal years 2002 through 2006 for activities and programs under the Department of Health and Human Services, $800,000 of such funds may be appropriated to carry out the programs described in this Act for each of the fiscal years 2002 through 2006.

PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2047 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2047) to authorize appropriations for the United States Patent and Trademark Office for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I understand Senators LEAHY and HATCH have a substitute amendment at the desk, and I ask for its immediate consideration; that the amendment be agreed to and the motion to reconsider be laid upon the table; that the bill, as amended, be read three times, passed, the motion to reconsider be laid on the table; that the title amendment be agreed to; that any statements relating thereto be printed in the RECORD at the appropriate place as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4113) was agreed to, as follows:

(Purpose: To authorize appropriations for the United States Patent and Trademark Office for fiscal years 2003 through 2008, and for other purposes)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Trademark Office Authorization Act of 2002".

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

(a) In General.—There are authorized to be appropriated to the United States Patent and Trademark Office for salaries and necessary expenses for each of the fiscal years 2003 through 2008 an amount equal to the fees estimated by the Secretary of Commerce to be collected in each such fiscal year, respectively, under—

(1) title 35, United States Code; and

(2) the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946).

(b) Estimates.—Not later than February 15, of each fiscal year, the Undersecretary of Commerce for Intellectual Property and the Director of the Patent and Trademark Office (in this Act referred to as the Director) shall submit an estimate of all fees referred to under subsection (a) to be collected in the next fiscal year to the chairman and ranking member of—

(1) the Committees on Appropriations and Judiciary of the Senate; and

(2) the Committees on Appropriations and Judiciary of the House of Representatives.

SEC. 3. ELECTRONIC FILING AND PROCESSING OF PATENT AND TRADEMARK APPLICATIONS.

(a) Electronic Filing and Processing.—Not later than December 1, 2004, the Director shall complete the development of an electronic system for the filing and processing of patent and trademark applications, that—

(1) is user friendly; and

(2) includes the necessary infrastructure to—

(A) allow examiners and applicants to send all communications electronically; and

(B) allow the Office to process, maintain, and search electronically the contents and history of each application.

(b) Authorization of Appropriations.—Of amounts authorized under section 2, there are authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for each of fiscal years 2003 and 2004. Amounts made available under this subsection shall remain available until expended.

SEC. 4. ANNUAL REPORTS ON STRATEGIC PLAN.

In each of the 5 calendar years following the date of enactment of this Act, the Secretary of Commerce shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on—

(1) the progress made in implementing the 21st Century Strategic Plan issued on June 3, 2002; and

(2) any amendments made to the plan.

SEC. 5. DETERMINATION OF SUBSTANTIAL NEW QUESTION OF PATENTABILITY IN REEXAMINATION PROCEEDINGS.

(a) In General.—Sections 303(a) and 312(a) of title 35, United States Code, are each amended by adding at the end the following: "The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.".

(b) Effective Date.—The amendments made by this section shall apply with respect to any determination of the Director of the United States Patent and Trademark Office that is made under section 303(a) or 312(a) of title 35, United States Code, on or after the date of the enactment of this Act.

SEC. 6. APPEALS IN INTER PARTES REEXAMINATION PROCEEDINGS.

(a) Appeals by Third-Party Requester in Proceedings.—Section 315(b) of title 35, United States Code, is amended to read as follows:

"(b) Third-Party Requester.—A third-party requester—

"(1) may appeal under the provisions of section 134, and may appeal under the provisions of sections 141 through 144, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent; and

"(2) may, subject to subsection (c), be a party to any appeal taken by the patent owner under the provisions of section 134 or sections 141 through 144.".

(b) Appeal to Board of Patent Appeals and Interferences.—Section 134(c) of title 35, United States Code, is amended by striking the last sentence.

(c) Appeal to Court of Appeals for the Federal Circuit.—Section 141 of title 35, United States Code, is amended in the third sentence by inserting ", or a third-party requester in an inter partes reexamination proceeding, who is" after "patent owner".

(d) Effective Date.—The amendments made by this section apply with respect to any reexamination proceeding commenced on or after the date of the enactment of this Act.

The amendment (No. 4115) was agreed to, as follows:

Amend the title so as to read: "A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2003 through 2008, and for other purposes.".

The bill (H.R. 2047), as amended, was read the third time and passed.

AUTHORIZING APPROPRIATIONS FOR THE U.S. PATENT AND TRADEMARK OFFICE FOR FISCAL YEARS 2002 THROUGH 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 426, S. 1754.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1754) to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on the Judiciary with an amendment in the nature of a substitute, and an amendment to the title.

[Strike the part in black brackets and insert in lieu thereof the part printed in italic.]

S. 1754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Patent and Trademark Office Authorization Act of 2002".

[SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

[(a) In General.—There are authorized to be appropriated to the United States Patent and Trademark Office for salaries and necessary expenses for each of the fiscal years 2002 through 2007 an amount equal to the fees estimated by the Secretary of Commerce to be collected in each such fiscal year, respectively, under—

[(1) title 35, United States Code; and

[(2) the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et.seq.) (commonly referred to as the Trademark Act of 1946).

[(b) Estimates.—Not later than February 15, of each fiscal year, the Undersecretary of Commerce for Intellectual Property and the Director of the Patent and Trademark Office (in this Act referred to as the Director) shall submit an estimate of all fees referred to under subsection (a) to be collected in the next fiscal year to the chairman and ranking member of—

[(1) the Committees on Appropriations and Judiciary of the Senate; and

[(2) the Committees on Appropriations and Judiciary of the House of Representatives.

[SEC. 3. ELECTRONIC FILING AND PROCESSING OF PATENT AND TRADEMARK APPLICATIONS.

[(a) Electronic Filing and Processing.—The Director shall, during the 3-year period beginning December 1, 2001, develop an electronic system for the filing and processing of patent and trademark applications, that—

[(1) is user friendly; and

[(2) includes the necessary infrastructure—

[(A) to allow examiners and applicants to send all communications electronically; and

[(B) to allow the Office to process, maintain, and search electronically the contents and history of each application.

[(b) Authorization of Appropriations.—Of amounts authorized under section 2, there is authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for each of fiscal years 2002 and 2003. Amounts made available pursuant to this subsection shall remain available until expended.

[SEC. 4. STRATEGIC PLAN.

[(a) Development of Plan.—The Director shall, in close consultation with the Patent Public Advisory Committee and the Trademark Public Advisory Committee, develop a strategic plan that sets forth the goals and methods by which the United States Patent and Trademark Office will, during the 5-year period beginning on October 1, 2002—

[(1) enhance patent and trademark quality;

[(2) reduce patent and trademark pendency; and

[(3) develop and implement an effective electronic system for use by the Patent and Trademark Office and the public for all aspects of the patent and trademark processes, including, in addition to the elements set forth in section 3, searching, examining, communicating, publishing, and making publicly available, patents and trademark registrations.

The strategic plan shall include milestones and objective and meaningful criteria for evaluating the progress and successful achievement of the plan. The Director shall consult with the Public Advisory Committees with respect to the development of each aspect of the strategic plan.

[(b) Report to Congressional Committees.—The Director shall, not later than February 15, 2002, or 4 months after the date of the enactment of this Act, whichever is later, submit the plan developed under subsection (a) to the Committees on the Judiciary of the Senate and the House of Representatives.

[SEC. 5. DETERMINATION OF SUBSTANTIAL NEW QUESTION OF PATENTABILITY IN REEXAMINATION PROCEEDINGS.

[(a) In General.—Sections 303(a) and 312(a) of title 35, United States Code, are each amended by adding at the end the following: "The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.".

[(b) Effective Date.—The amendments made by this section shall apply with respect to any determination of the Director of the United States Patent and Trademark Office that is made under section 303(a) or 312(a) of title 35, United States Code, on or after the date of the enactment of this Act.

[SEC. 6. APPEALS IN INTER PARTES REEXAMINATION PROCEEDINGS.

[(a) Appeals by Third-Party Requester in Proceedings.—Section 315(b) of title 35, United States Code, is amended to read as follows:

["(b) Third-Party Requester.—A third-party requester—

["(1) may appeal under the provisions of section 134, and may appeal under the provisions of sections 141 through 144, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent; and

["(2) may, subject to subsection (c), be a party to any appeal taken by the patent owner under the provisions of section 134 or sections 141 through 144.".

[(b) Appeal to Board of Patent Appeals and Interferences.—Section 134(c) of title 35, United-States Code, is amended by striking the last sentence.

[(c) Appeal to Court of Appeals for the Federal Circuit.—Section 141 of title 35, United States Code, is amended in the third sentence by inserting ", or a third-party requester in an inter partes reexamination proceeding, who is" after "patent owner".

[(d) Effective Date.—The amendments made by this section apply with respect to any reexamination proceeding commenced on or after the date of the enactment of this Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Trademark Office Authorization Act of 2002".

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

(a) In General.—There are authorized to be appropriated to the United States Patent and Trademark Office for salaries and necessary expenses for each of the fiscal years 2003 through 2008 an amount equal to the fees estimated by the Secretary of Commerce to be collected in each such fiscal year, respectively, under—

(1) title 35, United States Code; and

(2) the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946).

(b) Estimates.—Not later than February 15, of each fiscal year, the Undersecretary of Commerce for Intellectual Property and the Director of the Patent and Trademark Office (in this Act referred to as the Director) shall submit an estimate of all fees referred to under subsection (a) to be collected in the next fiscal year to the chairman and ranking member of—

(1) the Committees on Appropriations and Judiciary of the Senate; and

(2) the Committees on Appropriations and Judiciary of the House of Representatives.

SEC. 3. ELECTRONIC FILING AND PROCESSING OF PATENT AND TRADEMARK APPLICATIONS.

(a) Electronic Filing and Processing.—Not later than December 1, 2004, the Director shall complete the development of an electronic system for the filing and processing of patent and trademark applications, that—

(1) is user friendly; and

(2) includes the necessary infrastructure to—

(A) allow examiners and applicants to send all communications electronically; and

(B) allow the Office to process, maintain, and search electronically the contents and history of each application.

(b) Authorization of Appropriations.—Of amounts authorized under section 2, there are authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for each of fiscal years 2003 and 2004. Amounts made available under this subsection shall remain available until expended.

SEC. 4. ANNUAL REPORTS ON STRATEGIC PLAN.

In each of the 5 calendar years following the date of enactment of this Act, the Secretary of Commerce shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on—

(1) the progress made in implementing the 21st Century Strategic Plan issued on June 3, 2002; and

(2) any amendments made to the plan.

SEC. 5. DETERMINATION OF SUBSTANTIAL NEW QUESTION OF PATENTABILITY IN REEXAMINATION PROCEEDINGS.

(a) In General.—Sections 303(a) and 312(a) of title 35, United States Code, are each amended by adding at the end the following: "The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.".

(b) Effective Date.—The amendments made by this section shall apply with respect to any determination of the Director of the United States Patent and Trademark Office that is made under section 303(a) or 312(a) of title 35, United States Code, on or after the date of the enactment of this Act.

SEC. 6. APPEALS IN INTER PARTES REEXAMINATION PROCEEDINGS.

(a) Appeals by Third-Party Requester in Proceedings.—Section 315(b) of title 35, United States Code, is amended to read as follows:

"(b) Third-Party Requester.—A third-party requester—

"(1) may appeal under the provisions of section 134, and may appeal under the provisions of sections 141 through 144, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent; and

"(2) may, subject to subsection (c), be a party to any appeal taken by the patent owner under the provisions of section 134 or sections 141 through 144.".

(b) Appeal to Board of Patent Appeals and Interferences.—Section 134(c) of title 35, United States Code, is amended by striking the last sentence.

(c) Appeal to Court of Appeals for the Federal Circuit.—Section 141 of title 35, United States Code, is amended in the third sentence by inserting ", or a third-party requester in an inter partes reexamination proceeding, who is" after "patent owner".

(d) Effective Date.—The amendments made by this section apply with respect to any reexamination proceeding commenced on or after the date of the enactment of this Act.

Amend the title so as to read: "A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2003 through 2008, and for other purposes.".

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the motion to reconsider be laid upon the table; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table; that any title amendment be agreed to, and that any statements relating thereto be printed in the Record at the appropriate place as if given, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The title amendment was agreed to.

The bill (S. 1754), as amended, was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 3937

Mr. REID. Mr. President, it is my understanding that H.R. 3937 was received from the House. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3937) to revoke a Public Land Order with respect to certain lands erroneously included in Cibola National Wildlife Refuge, California.

Mr. REID. Mr. President, I now ask for its second reading and object to that request on behalf of a number of my colleagues.

The PRESIDING OFFICER. The bill will remain at the desk.

ORDERS FOR THURSDAY, JUNE 27, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it adjourn until 9:30 a.m. tomorrow, Thursday, June 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Republican leader or his designee, and the second half of the time under the control of the majority leader or his designee; that at 10:30 a.m. the Senate resume consideration of the Department of Defense authorization bill and vote on cloture on the bill; and, further, Senators have until 10 a.m. tomorrow to file second-degree amendments to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECITATION OF THE PLEDGE OF ALLEGIANCE

Mr. REID. Mr. President, Senators are encouraged by both the majority leader and the Republican leader to be in the Senate Chamber promptly at 9:30 following the prayer that will be given by the Chaplain. They will recite the Pledge of Allegiance, based upon what occurred in the Ninth Circuit today, which has been a disappointment to the entire Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:34 p.m., adjourned until Thursday, June 27, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 2002:

THE JUDICIARY

RICHARD A. GRIFFIN, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAMON J. KEITH, RETIRED.

DANIEL L. HOVLAND, OF NORTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NORTH DAKOTA, VICE PATRICK A. CONMY, RETIRED.

THOMAS W. PHILLIPS, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE JAMES H. JARVIS II, RETIRED.

LINDA R. READE, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF IOWA, VICE MICHAEL J. MELLOY, ELEVATED.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROXIE T. MERRITT, 6309
THOMAS P. VANLEUNEN JR., 4835
JACQUELINE C. YOST, 3025

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TRECI D. DIMAS, 7555
LEYDA J. HILERA, 2823
RITA L. JOHNSTON, 7944
YOUNG O. KIM, 9058
DAVID G. SIMPSON, 8388

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEPHEN W. BARTLETT, 6293
TELFORD G. BOYER II, 3475
THOMAS F. GLASS, 5219
ANTHONY S. HANKINS, 2021
JAMES M. TUNG, 2755

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAVID R. ARNOLD, 4337
ELLEN S. BRISTOW, 3006
MAUREEN M. CAHILL, 1542
MARGARET R. W. REED, 6104
LORI F. TURLEY, 2788

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VICTOR G. ADDISON JR., 7166
JOSE F. H. ATANGAN, 0512
JEFFREY S. BEST, 9459
LAWRENCE J. GORDON, 6547
FREDRICK M. TETTELBACH II, 5746
ZDENKA S. WILLIS, 7071

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT J. FORD, 8895
KIRK N. HARNESS, 0658
WILLIAM E. LEIGHER, 0427
BOB R. NICHOLSON, 8972
SCOTT A. STEPHENSON, 9158
PAUL W. THRASHER, 2201
EDWIN F. WILLIAMSON, 9604

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAVID A. BELTON, 8941
HERBERT R. DUFF, 0303
JOHN G. FAHLING, 5079
MICHAEL L. FAIR, 9248
ROBERT J. FIEGL JR., 5099
FRANK W. NICHOLS, 5300
WILLIAM PAPPAS, 9762
JAMES A. THOMPSON JR., 5830

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JEFFREY A. BENDER, 6645
EDGAR D. BUCLATIN, 6092
CHRISTOPHER A. DOUR, 3043
DONALD A. SEWELL, 4411
JOHN M. WALLACH, 8692
DAVID E. WERNER, 1804

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ALEXANDER P. BUTTERFIELD, 7006
THOMAS R. CROMPTON JR., 4474
MARTIN J. DEWING, 9789
TIMOTHY L. DUVALL, 0926
JAMES V. HARDY, 2680
NORMAN R. HAYES, 0003
THOMAS P. MEEK, 8051
CRAIG W. PRUDEN, 4536
DANIEL J. SMITH, 9000
PETER F. SMITH, 7692
ELIZABETH L. TRAIN, 8546

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TERRY J. BENEDICT, 6933
RICHARD D. BERKEY, 0947
ROBERT E. CONNOLLY, 8463
JOHN C. DAVIDSON, 8711
REID S. DAVIS, 9324
ALBERT J. GRECCO, 8409
JAMES G. GREEN, 9634
JAMES R. HUSS, 1251
DAVID C. JOHNSON, 2667
STEPHEN D. METZ, 4928
THOMAS J. MOORE, 4058
SHEILA A. PATTERSON, 5030
AMY R. SMITH, 2280
GLENN R. SNYDER, 9653
RALPH T. SOULE, 0628
ROBERT M. VERBOS, 2503
FRANK J. WEINGARTNER, 1673
MARK S. WELSH, 4301
EDWARD D. WHITE III, 3154

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

PETER D. BAUMANN, 4846
STEPHEN A. BURRIS, 3711
JAMES M. CLIFTON, 1560
MARK E. CONVERSE, 1050
DAVID A. DUNAWAY, 0499
DOROTHY J. FREER, 6225
MICHAEL K. GLEASON, 5947
MICHAEL D. HUFF, 1891
DANIEL M. LEE, 3742
JEFFREY B. MAURO, 4557
JOHN W. SCANLAN, 1064
RICHARD W. SMITH, 8624
ALLISON D. WEBSTERGIDDINGS, 6682

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RUFUS S. ABERNETHY III, 0630
MARK H. ADAMSHICK, 5454
JOSEPH C. ADAN, 0168
JOHN D. ALEXANDER, 7836
SCOTT D. ALTMAN, 3649
ROBERT S. ANDERSON, 7203
CHRISTOPHER P. ARENDT, 6858
STUART D. BAILEY, 8482
KELLY B. BARAGAR, 8818
ANTHONY P. BARNES, 1988
JOHN W. BARNHILL, 9375
TERESA A. BARRETT, 1501
BRIAN E. BARRINGTON, 8794
JOHN P. BARRON, 4600
SCOTT B. BAWDEN, 1057
DONALD L. BEEM, 3398
ROBERT A. BELLITTO, 8310
CHRISTOPHER R. BERGEY, 2937
GREGORY M. BILLY, 8925
HAROLD F BISHOP, 8468
MCWILLIAM V. BOLLMAN, 0610
EDMOND L. BOULLIANNE, 2448
RANDALL G. BOWDISH, 1248
KEITH P. BOWMAN, 8937
TODD A. BOYERS, 5059
PATRICK H. BRADY, 7370
WILLIAM S. BRINKMAN, 5656
BARRY L. BRUNER, 8298
JOHN E. BRUNS, 0481
JAMES R. BURKE, 7100
BRUCE K. BUTLER, 9574
WILLIAM H. CAMERON, 0943
JOEL M. CANTRELL, 8836
THOMAS S. CARLSON, 8445
THOMAS F. CARNEY JR., 7849
JOSEPH CEREOLA, 4332
MICHAEL B. CHASE, 6416
EDWARD M. CHICOINE, 0680
JAMES B. CLARK, 8161
JOSEPH M. CLARKSON, 4259
GEORGE A. COLEMAN, 3371
WILLIAM L. CONE JR., 7734
BRIAN S. COVAL, 8900
JAMES A. CRABBE, 0958
CARL W. CRAMB, 8624
MICHAEL E. CROSS, 8977
PATRICK K. CROTZER, 5974
WILLIAM P. CUILIK, 3678
BRUCE H. CURRY, 0142
RICHARD W. DANIEL, 0536
STEVEN J. DINOBILE, 6108
DAVID B. DITTMER, 6164
FREDERICK G. DORAN, 2270
WILLIAM M. DRAKE, 8865

RANDY S. DUHRKOPF, 9437
DANIEL C. DUQUETTE, 8164
PETER J. FANTA, 4106
BRUCE W. FECHT, 0511
CHRISTOPHER P. FEDYSCHYN, 5912
SUSAN E. FICKLIN, 8635
JOHN E. FIELD II, 4362
ROBERT C. FIELD, 2705
MICHAEL R. FIERRO, 5456
FREDERIC P. FLIGHT, 7007
KENT V. FLOWERS, 3850
JAMES G. FOGGO III, 7142
MICHAEL T. FRANKEN, 1465
PETER S. FRANO, 9001
JAMES W. GALANIE, 0737
JAY S. GALLAMORE, 8539
CHARLES M. GAOUETTE, 0397
JAMES J. GILLCRIST, 7528
SHAUN GILLILLAND, 1027
MARK S. GINDA, 2596
LEONARD G. GOFF, 6834
RICHARD W. GOODWYN, 7736
BRIAN A. GOULDING, 9969
BENNY G. GREEN, 5423
THOMAS A. GREEN, 4757
JON A. GREENE, 1781
STEPHEN GREENE, 4021
JOEL T. GRINER JR., 8716
RUSSELL J. GROCKI, 9616
JEFFREY K. GRUETZMACHER, 1020
WILLIAM B. HAFLICH, 4036
EARL HAMPTON JR., 2898
STEPHEN W. HAMPTON, 3752
JEFFREY HARBESON, 5227
WILLIAM E. HARDY, 7068
SINCLAIR M. HARRIS, 7176
MICHAEL D. HAWLEY, 2121
JAMES D. HEFFERNAN, 8577
GERALD L. HEHE, 4472
THOMAS J. HENNING, 2534
JEFFREY A. HESTERMAN, 0396
NEIL W. T. HOGG, 8181
HAROLD H. HOWARD III, 3769
ABIGAIL S. HOWELL, 7613
JAMES A. HUBBARD, 5512
DAVID C. HULSE, 8831
KEVIN C. HUTCHESON, 3698
PAUL D. IMS JR., 3055
KERRY D. INGALLS, 8721
RAYMOND C. IVIE, 3762
DAVID W. JACKSON, 6027
WALTER B. JACKSON, 9828
MICHAEL L. JORDAN, 0691
STEPHEN W. JORDON, 9238
JON W. KAUFMANN, 9968
STEPHEN Z. KELETY, 2601
DANIEL P. KELLER, 7077
PATRICK D. KELLER, 9917
DAVID J. KERN, 3581
CHARLES P. KING, 1018
MARGARET D. KLEIN, 2394
ROBERT L. KLOSTERMAN, 0385
MATTHEW L. KLUNDER, 9421
ROBERT G. KOPAS, 5842
JOHN B. KRATOVIL, 1423
JOSEPH W. KUZMICK, 6916
GREGORY F. LABUDA, 7713
RICHARD B. LANDOLT, 1248
RONALD A. LASALVIA, 9539
ERIC J. LINDENBAUM, 1199
KIRK S. LIPPOLD, 5353
DALE E. LITTLE, 9401
PATRICK J. LORGE, 7006
RICHARD W. LOTH, 5967
DANIEL G. LYNCH, 1885
JOSEPH S. LYON JR., 6754
GARRY R. MACE, 9631
TODD W. MALLOY, 6655
THOMAS E. MANGOLD JR., 4208
MARY A. MARGOSIAN, 5195
EDWARD J. MARTIN JR., 3019
PAUL R. MARTINEZ, 1431
JOHN MCCANDLISH, 3427
FRANCIS R. MCCULLOCH, 6539
MICHAEL MCKINNON, 8274
ROBERT P. MCLAUGHLIN JR., 8815
MICHAEL P. MCNELLIS, 7444
PATRICK W. MENAH, 1002
VITO M. MENZELLA, 3313
DEE L. MEWBOURNE, 6477
DEWOLFE H. MILLER, 6613
KEVIN P. MILLER, 2619
SPENCER L. MILLER, 1770
TERRY T. MILLER, 3049
ANTHONY E. MITCHELL, 2120
PAUL O. MONGER, 9671
NORMAN B. MOORE, 2965
EUGENE F. MORAN, 6213
WILLIAM F. MORAN, 0785
PETER W. MORFORD, 1716
JEFFREY L. MORMAN, 4551
PETER D. MURPHY, 5274
JAMES R. NAULT, 7847
JAIME NAVARRO, 8470
BRUCE W. NICHOLS, 4326
JOHN W. NICHOLSON, 1735
STEVEN K. NOCE, 3287
DAVID T. NORRIS, 0130
KENNETH J. NORTON, 9021
GREGORY M. NOSAL, 6900
SEAN E. OCONNOR, 8278
MICHAEL R. OLMSTEAD, 0305
PATRICK E. OROURKE, 5766
DAVID T. OTT, 9121
JOE H. PARKER, 6416
MARK D. PATTON, 3607
MARTIN PAULAITIS, 8979
TILGHMAN D. PAYNE, 8825
KENNETH M. PERRY, 0187
DAVID A. PORTNER, 6049
DANIEL E. PRINCE, 7025
SEAN A. PYBUS, 7161
LOYD E. PYLE JR., 3216
KAREN A. RAYBURN, 7192
JOHN M. RICHARDSON, 1324
ROBERT F. RIEHL, 3762
JAMES R. RIGHTER JR., 7912
DONALD P. ROANE JR., 0092
JOHN E. ROBERTI, 3247
DAVID C. ROBERTSON JR., 5387
SCOTT A. ROBINSON, 3492
CRAIG A. ROLL, 3085
STEPHEN C. RORKE, 9135
KENNETH C. RYAN, 6315
WARREN S. RYDER, 9716
RONALD A. SANDOVAL, 3658
BARBARA L. SCHOLLEY, 4702
ROBERT S. SCHRADER, 9239
PETER J. SCIABARRA, 7258
RICHARD P. SCUDDER, 5785
DANIEL R. SEESHOLTZ, 8906
PATRICK F. SEIDEL, 8033
STEPHEN M. SENTEIO, 3584
ROBERT A. SHAFER, 7342
JAMES J. SHANNON, 8247
WAYNE D. SHARER, 6066
CLIFFORD S. SHARPE, 9397
TROY M. SHOEMAKER, 6108
JAMES R. SICKMIER, 5053
JORGE SIERRA, 8723
MARTIN S. SIMON, 1178
GEORGE S. SMITH, 9703
PATRICK D. SMITH, 5694
JOHN J. SORCE, 6753
KENNETH V. SPIRO JR., 0076
MICHAEL J. STAHL, 9867
RONALD S. STEED, 7793
JAMES C. STEIN, 4724
JAMES T. STEWART, 1018
FREDERICK M. STRAUGHAN, 2759
JAMES R. SULLIVAN, 7320
GENE A. SUMMERLIN II, 4769
KENNETH A. SWAN, 7328
REID S. TANAKA, 8583
JAMES C. TANNER, 2217
ROBERT S. TEUFEL, 7094
ALBERT A. THOMAS, 0179
JONATHAN F. TOBIAS, 3875
BRIAN R. TOON, 9585
KEVIN M. TORCOLINI, 7517
EDMUND L. TURNER, 8806
MICHAEL A. WALLEY, 9400
TERRY L. WASHBURN, 9105
GERALD V. WEERS, 1931
TALA J. WELCH, 7592
ALAN C. WESTPHAL, 0830
CHARLES L. WHEELER, 3772
PETER O. WHEELER, 0520
SCOTT A. WHITE, 4120
DOUGLAS L. WHITENER, 3265
CAROL A. WILDER, 5680
CRAIG B. WILLIAMS, 5651
GARY R. WINDHORST, 0025
ROBERT W. WINSOR, 3555
DAVID B. WOODS, 1091
DAVID K. WRIGHT, 8140
RAYMOND K. WYNNE, 8244
JAMES R. YOHE, 3661
JOAN M. ZITTERKOPF, 8180

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

STEPHEN C. BALLISTER, 3759
GREGG W. BAUMANN, 7892
RICHARD P. BLANK, 5587
DONALD R. BRITTAIN JR., 0521
JEFFREY A. BURCHAM, 2237
LARRY A. CLAWSON JR., 3049
TIMOTHY J. CORRIGAN, 3924
PATRICK COSTELLO, 5199
KURTIS W. CRAKE, 6266
ROBERT A. CROWE, 1705
JAMES P. DOWNEY, 2191
MICHAEL W. GILL, 3385
WILLIAM R. GRAHAM, 4225
THOMAS P. HEKMAN, 5356
ANDREW A. HERNANDEZ, 7125
GLENN D. HOFERT, 4013
CHRISTOPHER D. HOLMES, 6326
ROBERT L. JOHNSON, 3643
PERNELL A. JORDAN, 0239
MARIA A. KINNUNEN, 7012
WILLIAM S. KNOLL, 3884
DIDIER A. LEGOFF, 1364
RODNEY K. LUCK, 4348
BRIAN R. MCGINNIS, 3489
GREGORY L. REED, 2429
ANDREW W. ROWE, 6020
MIGUEL G. SANPEDRO, 8516
RICKY A. SERAIVA, 3562
MICHAEL H. SMITH, 9634
STEVEN L. STANCY, 1500
JAMES E. STEIN, 4926
LEON C. STONE JR., 6905
WILLIAM R. TATE, 1156
FRANK R. THORNGREN JR., 0812
ROBERT T. THORNLOW, 8230
THOMAS TOMAIKO, 9652
GARY A. ULRICH, 6407
CHRISTOPHER L. WARREN, 6792
PAUL R. WYNN, 4622
JEROME ZINNI, 5742

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

VERNON E. BAGLEY, 0090
TINA M. BIGELOW, 9783
STANLEY G. BURLINGAME, 6314
DONNA D. CANNON, 8881
JOHN W. CHANDLER, 7637
EUGENE D. COSTELLO, 8377
MARCIAL B. DUMLAO, 4006
HOWARD J. HIGGINS, 7223
BRIGITTE HORNER, 6837
PATRICK K. LEARY, 5624
KATHERINE A. MAYER, 0572
JOHN D. MCCRORIE II, 5544
LOURDES T. NEILAN, 8652
BOYD T. ZBINDEN, 1711

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

WESTON J. ANDERSON, 2078
NICHOLAS J. CIPRIANO III, 5291
JOHN M. DIMENTO, 6748
ERIC L. GOTTSHALL, 9312
CHRISTOPHER S. T. KENT, 8746
ROY R. LEDESMA, 2793
DOUGLAS C. MARBLE, 7622
JAMES T. MONROE, 7972
JOHN L. MYKYTA, 2873
MICHAEL T. NEITH, 0622
CHARLES L. SCHILLING, 9141
MONTY G. SPEARMAN, 5446
STEPHEN C. WOLL, 2141

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KATHLEEN B. DANIELS, 5216
DAWN H. DRIESBACH, 9751
STEPHANIE GAINER, 9601
BETH J. HANKINS, 7107
KATHLEEN M. JANAC, 4695
DONNA M. JOYAL, 8029
ELIZABETH M. KIKLA, 8416
ANN R. KUBERA, 4817
THOMAS H. MACRAE, 4650
SHARON L. RODDY, 3818
TERIANN SAMMIS, 8696

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DAVID A. BONDURA, 8196
KEITH N. BURGESS, 2860
DANIEL L. CURRIE III, 1183
KEVIN D. FOSTER, 5778
JUSTIN F. KERSHAW, 4578
ALAN F. KUKULIES, 4246
JOHN H. LAMB, 9861
GREGORY E. LAPUT, 2302
ULYSSES V. MACEDA, 3300
GARY R. MELVIN, 7207
JILL M. T. NEWTON, 0171
STEPHEN C. PEARSON, 5394
WILLIAM M. PEYTON JR., 8209
LEE V. PHILLIPS II, 6045
ROBERT P. SHEREDA, 7775
JAMES V. STEVENSON, 9284
WILBURN T. STRICKLAND, 8593

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTIAN D. BECKER, 0461
ROBERT M. BLAKE II, 5010
JEFFREY H. CARLSEN, 3153
ANDREW L. CIBULA, 4939
RICHARD T. GILLIN, 3032
MICHELLE A. GUIDRY, 4493
ROGER W. LIGON, 5171
DOUGLAS A. LUCKA, 8355
JOSEPH R. MCKEE, 8811
MICHAEL W. POSNER, 0178
LUIS M. RAMIREZ, 7554
ELISA A. RANEY, 0773
THOMAS M. RUTHENBERG, 9086
NIGEL J. SUTTON, 0949
ANDREW W. SWENSON, 1267
DONALD R. VARNER, 7699

ANDREW J. WILLIAMS, 4225
SCOTT M. WOLFE, 3952

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JULIENNE E. ALMONTE, 2625
DAVID L. BEATTY, 2358
MARK L. BOWLIN, 9628
WILLIAM R. BRAY, 8893
RODNEY A. BROWER, 0541
ANDREW L. CALDERA, 8476
WILLIAM J. CARR, 3976
RONALD C. COPLEY, 4987
ARTHUR S. DELEON, 9762
JOHN M. DULLUM, 9068
JEANINE L. EHRET, 4479
GREGORY J. FLORENCE, 7748
JOHN D. HARBER, 3736
BRETT C. HEIMBIGNER, 7471
JASON C. HINES, 2449
KATHLEEN M. HOGAN, 1784
WAYNE R. HUGAR, 2654
THOMAS W. JOHNSON, 2394
MARK W. KREIB, 9061
WILLIAM A. KURIYAMA, 6880
ANTHONY LAVECCHIA JR., 5418
CARLOS J. LOFSTROM, 5854
JEFFREY A. MARGRAF, 1360
WILLIAM H. MONDAY, 7484
BRENT A. MORGAN, 0027
CHRISTOPHER PAGE, 0345
RONALD D. PARKER, 5289
JOHN P. PATCH, 2345
MICHAEL C. PERKINSON, 0791
ANDREA POLLARD, 5353
DAVID C. PORCARO, 1175
BECKY A. ROBERTS, 3695
JON A. SKINNER, 5332
JAMES A. STEADMAN, 5605
RICHARD M. STEVENSON, 4623
JOSEPH V. STILLWAGGON, 5269
MICHAEL V. TREAT, 7412
ALFRED R. TURNER, 3363
MICHAEL F. WEBB, 8491

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ALFREDO L. ALMEIDA, 5044
STEPHEN M. ANDERJACK, 3553
CLEMIA ANDERSON JR., 6083
NORMAN C. ASH, 9613
CHARLES E. A. BAKER, 9579
JEFFREY M. BEATY, 8657
WILLIAM BOOZER, 6687
PEGGY R. BURKE, 2799
JOSEPH C. CASTELL, 3113
JOHNNY D. CHRISTENSEN, 1746
DANIEL J. COLE, 0769
SCOTT C. COLTON, 6879
RONALD B. DAVIS, 7027
KENNETH B. DEPEW, 5672
THOMAS W. DILL, 1136
BRETT K. EASLER, 3002
LAURENCE W. FITZPATRICK, 8897
TERRY A. FORD, 4384
RICARDO GARZA, 0957
DARLENE R. GUNTER, 5106
WILLIAM A. HAMMOCK, 7788
LAWRENCE D. HILL, 5349
HERBERT H. HONAKER, 1940
TIMOTHY HOOYER, 0872
HERBERT A. JANSEN, 3301
OREN C. JEFFRIES, 7755
JOHN R. JENSEN JR., 7857
CLIFTON T. JOHNSON, 8926
JAMES H. JONES, 4909
JOHNATHAN L. JONES, 0269
JOHNNY C. KING, 9563
STEPHEN M. KRUEGER, 8023
NANCY D. LAKE, 2136
DAVID J. LAMBERT, 5621
STEVEN C. LARSON, 2646
JEFFREY E. LESSIE, 6223
CURTIS L. LIPSCOMB, 7191
RICKY K. LOVELL, 2205
GREGORY K. MAXEY, 5394
KENNETH R. MINOGUE, 3238
DAVID L. MITCHELL, 5818
MARC R. OUELLET, 9000
DIANN D. PAPE, 6190
DONALD R. PATTERSON, 2371
DAVID W. PEACOTT, 2857
MICHAEL K. PRICE, 3766
HENRY P. ROUX JR., 6133
EMIL J. SALANSKY JR., 6794
LAWRENCE A. SCRUGGS, 7716
STEVEN D. SHARER, 2486
LARRY S. SOUTHERLAND, 0467
DAVID A. SPANGLER, 0192
MICHAEL A. STOCKDALE, 3807
JOHN M. SUTHERLAND, 8153
CLINTON A. VOLLONO, 6798
DAN O. WESSMAN, 8215
MARK A. WISNIEWSKI, 3384

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JON D. ALBRIGHT, 2238
STUART J. ALEXANDER, 5503
BRUCE W. BROSCH, 5812
MARK S. GOODALE, 8350
GRAHAM R. GUILER, 0290
RONALD D. KAELBER, 9392
CHRISTOPHER J. KENNEDY, 5787
CARLOS L. LOPEZ, 1085
MATTHEW B. MULLINS, 6788
ARTHUR P. PRUETT, 7988
JOHN C. SMAJDEK, 5274
NEIL E. WILLIAMS, 2163
MICHAEL W. ZARKOWSKI, 7506

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TODD A. ABLER, 5172
DAVID J. ADAMS, 4320
FRANK S. ALLEN, 8965
CHRISTOPHER P. ANKLAM, 6487
LAYNE M. K. ARAKI, 7908
RONALD J. ARNOLD, 6303
JEFFREY G. AUSTIN, 6358
DANIEL K. BACON JR., 5058
TIMOTHY H. BAKER, 2085
GRADY T. BANISTER III, 9590
DEBORAH K. BARNES, 7833
HAROLD L. BARNES, 7385
JEFFREY B. BARRON, 8588
JOHN T. BEAVER JR., 8356
MICHAEL P. BEAVERS, 8774
MARK A. BECKER, 6754
THOMAS R. BELESIMO III, 9516
JOHN L. BELLAY, 2010
DAVID C. BEMENT, 3367
STEVEN M. BENKE, 9432
MICHAEL D. BERNACCHI JR., 0393
STEVEN G. BETHKE, 7458
PATRICK J. BINDL, 9959
DAVID G. BISAILLON, 0560
SCOTT R. BISCHOFF, 8751
DONALD R. BISHOP, 4719
SHARON M. BITZER, 5708
BRIAN R. BLACK, 3669
PHILLIP A. BLACK, 6756
CHARLES R. BLAIR, 4755
DONOVAN F. BLAKE, 7211
DOUGLAS A. BOERMAN, 1692
JEAN P. BOLAT, 6042
LEONARD H. BORGDORFF, 4669
BRADFORD L. BOTKIN, 1047
JAY D. BOTTELSON, 9760
EARL C. BOWERS, 9071
ALAN L. BOYER, 9921
MICHAEL E. BOYLE, 4787
DANIEL E. BOYLES, 4849
DWIGHT A. BRANDON II, 8726
THOMAS P. BRASEK, 5299
CLARK V. BRIGGER, 1019
GRANT A. BRIGGER, 1008
VOLTAIRE H. BRION, 7732
JEFFREY B. BRITTON, 7014
GARY R. BROOKS, 5746
BRADFORD L. BROWN, 8946
DAVID R. BROWN, 9707
MARSHALL B. BROWN, 7789
WILLIAM D. BROWN III, 3254
STEVEN P. BROWNE, 5345
RICHARD R. BRYANT, 8772
MICHAEL BUCHANAN, 5613
GREGORY R. BUCK, 3420
DELL D. BULL, 7342
BRADLEY C. BURGESS, 0996
DAVID L. BURNHAM JR., 8724
LAURENCE T. BURNS, 2948
RICHARD A. BURR, 7743
BRYAN P. BURT, 9542
BARRY B. BUSS, 9431
WILLIAM S. BUTLER, 5943
ROBERT C. BUZZELL, 4747
JAMES W. BYERLY, 4676
ANTHONY T. CALANDRA, 6422
PETER J. CALLAGHAN, 0046
JOHN S. CALVERT, 1006
WILLIAM R. CAMPBELL, 4130
MICHAEL A. CARAMBAS, 6686
KENNETH W. CARAVEO, 3800
MARK S. CARLTON, 9191
DAVID J. CARRILLO, 3605
MICHAEL CARSLEY, 5943
ANDRE L. CARTER, 0985
JOHN P. CARTER, 0181
DERMOT P. CASHMAN, 9690
EDWARD B. CASHMAN, 0544
CHARLES J. CASSIDY, 5242
CHARLES T. CHASE, 1937
CARL P. CHEBI, 3095
DAVID E. CHELSEA, 1415
MICHAEL F. CHESIRE, 4909
KARL R. CHRISTENSEN, 0037
DANIEL G. CHRISTOFFERSON, 2788
JEFFERY R. CLAPP, 7797
GREGORY S. CLARK, 0017
JAMES P. CODY, 3045
ROBERT E. COLEMAN, 5101
GREGORY V. CONTAOI, 4499
TIMOTHY W. CONWAY IV, 1613
KARL A. COOKE, 3934
DAVID A. COPP, 2864
TIMOTHY J. CORKERY, 3366
JOHN M. COTTINGHAM, 8260
KEVIN M. COYNE, 1080
LAURENCE A. CRAWFORD, 8128
BARRY W. CROSBY JR., 1181
JUAN D. CUESTA, 2170
DAVID A. CULLER JR. , 2839
MICHAEL L. CUNNINGHAM, 5326
PATRICK N. CURTIN III, 1065
DAVID C. CUTTER, 0439
DANIEL M. DABERKOE, 3069
JONATHAN B. DACHOS, 7844
JAMES DALTON, 9021
FREDERICK W. DAU IV, 7869
MICHAEL C. DAVIS, 2092
WILLIAM J. DAVIS, 5831
GREGORY E. DAWSON, 6586
GEOFFREY G. DEBEAUCLAIR, 5553
WILLIAM W. DEBOW, 2957
KEVIN J. DELAMER, 4035
JOSEPH A. DELEON, 5166
STEPHEN W. DENNIS, 2771
ERICH W. DIEHL, 4216
SCOTT M. DIX, 9898
WILLIAM A. DONEY JR., 7887
JAMES F. DOODY, 1268
THOMAS A. DOPP, 4580
CHRISTOPHER S. DREWELLO, 7171
JAMES J. DUKE JR., 3462
DANIEL W. DWYER, 9382
DAVID M. EDGECOMB, 1618
EDWARD W. EIDSON, 2633
JAMES C. EISENZIMMER, 4234
JOHN P. ELSTAD, 2338
SCOTT M. EMISON, 5995
SEAN T. EPPERSON, 8404
RICHARD S. ERIE, 5756
JEFFREY R. ERMERT, 8488
BURT L. ESPE, 5148
JOHN M. ESPOSITO, 6894
PAUL M. ESPOSITO, 3776
THOMAS V. EVANOFF II, 1644
JOSEPH H. EVANS, 3616
JOSEPH S. EVERSOLE, 1300
TIMOTHY C. FALLER, 0854
JOHN P. FEENEY JR., 5508
RANDY A. FERGUSON, 2300
DAVID W. FISCHER, 2341
JAMES J. FISHER, 8026
SCOTT J. FISHER, 8316
PAUL J. FOSTER, 4652
SEAN P. FOX, 0927
DAVID M. FRAVOR, 7758
JON FREDAS, 0319
DANIEL E. FUHRMAN, 8482
MICHAEL B. FULKERSON, 7775
JOHN V. FULLER, 3265
DONALD D. GABRIELSON, 4587
ANTHONY R. GAMBOA, 8572
ARTURO M. GARCIA, 8937
RUBEN M. GARCIA, 7976
JOHN P. GASPERINO, 8815
EMMET S. GATHRIGHT, 6245
ROBERT N. GEIS, 0034
KEVIN J. GISH, 5215
JAMES E. GOEBEL, 8205
HOWARD S. GOLDMAN, 7075
JOHN J. GORDON, 8507
GARY A. GOTHAM, 2516
PIERRE J. GRANGER, 6261
THOMAS C. GRAVES, 0012
JAMES L. GRAY JR., 5717
JAMES R. GREENBURG, 0579
THOMAS G. GRIFFIN JR., 0003
ERIC F. GRIFFITH, 8622
DAVID M. GROFF, 3026
JOSEPH P. GUERRERO, 0304
THOMAS K. GUERRERO, 4190
KENNETH R. GUESS, 8373
MARK B. GUEVARRA, 6177
SCOTT F. GUIMOND, 6556
MICHAEL F. GUYER, 5224
MATTHEW K. HAAG, 2030
CARL A. HAGER, 3951
RICHARD E. HAIDVOGEL, 2423
IAN M. HALL, 8398
DAVID D. HALLISEY, 6291
THOMAS G. HALVORSON, 3241
KENNETH T. HAM, 2437
MICHAEL J. HAMMOND, 3343
ERIC T. HANSON, 5045
CHRISTOPHER L. HARKINS, 1739
ROBERT S. HARRILL, 8346
GREGORY N. HARRIS, 8473
LESLIE H. HARRIS, 5758
JOHN H. HEARNE JR., 5365
ROBERT N. HEIN JR., 3390
FREDDIE P. HENDERSON JR., 1061
ERIC J. HENDRICKSON, 9022
HENRY J. HENDRIX II, 4081
ROBERT T. HENNESSY, 6368
DAMON M. HENRY, 3485
BRYAN E. HERDLICK, 2855
MICHAEL A. HERRERA, 0729
WILLIAM F. HESSE, 3330
WILLIAM A. HESSER JR., 6493
KIRK R. HIBBERT, 3455
ROBERT A. HICKEY, 6440
KARL A. HILBERG, 3425
ANDREW J. HILL, 4724
JAMES R. HITT, 6976

SCOTT M. HOGAN, 6277
DAVID R. HOGSTEN, 3690
JERRY K. HOLDEN, 9800
THOMAS A. HOLE, 4356
PATRICK R. HOLLEN, 9006
ALAN W. HOLT II, 0739
PATRICK T. HOLUB, 7852
DAVID A. HONABACH, 6489
PAUL T. HORAN, 4431
JAMES E. HORTEN, 6273
JAMES D. HOUCK, 0968
DONALD B. HOWARD, 1237
JAMES F. HRUSKA, 2533
SETH F. HUDGINS III, 4109
ROBERT E. HUDSON, 1998
WARREN G. HUELSNITZ, 1045
MICHAEL T. HUFF, 7986
JONATHAN R. HUGGINS, 9343
FRANCIS M. HUGHES III, 1595
JEFFREY W. HUGHES, 8431
BLAKE D. HUGUENIN, 7143
JOHN M. HUNT, 4040
KEVIN D. HUNT, 1629
THEODORE W. HUSKEY, 6080
GEOFFREY T. HUTTON, 3421
RODNEY E. HUTTON, 6026
KENNETH A. INGLESBY, 7424
MARK T. INNES, 1155
DENNIS M. IRWIN, 6370
KENNETH R. IRWIN JR., 1400
THOMAS E. ISHEE, 6845
JEFFREY T. JABLON, 1605
MARY M. JACKSON, 5606
DAVID R. JAZDYK, 1837
WILLIAM D. JOHNS, 7042
ERIK N. JOHNSON, 7403
KURT B. JOHNSON, 6335
LEE M. JOHNSON, 3704
MARK A. JOHNSON, 7330
MARK S. JOHNSON, 8586
TROY A. JOHNSON, 9044
JOHN R. JONES, 1710
KEVIN D. JONES, 2783
MICHAEL C. JONES, 5784
PHILIP A. JORDAN, 3234
VERNON L. JUNKER, 6583
JAY A. KADOWAKI, 2910
ROBERT T. KAY, 4205
JOHN T. KEANE JR., 3965
DOUGLAS F. KELLER, 4700
PATRICK M. KELLY, 6835
STEPHEN J. KENNEDY, 6704
TODD A. KIEFER, 9974
JEFFREY H. KIRBY, 5305
RICHARD R. KIRCHNER, 3914
THOMAS K. KISS, 7429
BRENT R. KLAVON, 2981
DONALD C. KLEIN, 3720
BRIAN D. KOEHR, 4430
CHRISTOPHER A. KORN, 7191
ERIC R. KOSTEN, 9764
TODD D. KOTOUCH, 3935
STEVEN A. KREISER, 4642
MICHAEL H. KRISTY, 5915
JOHN III KROPCHO, 9720
ANDREW R. KUEPPER, 7303
TIMOTHY M. KUNKEL, 8528
ERIC R. KYLE, 8480
PETER C. LACHES, 0304
JAMES P. LAINGEN, 0526
JAMES W. LANDERS, 6038
GEORGE E. LANG JR., 3163
TIMOTHY K. LANGDON, 2137
ROBERT B. LARUE, 6187
FREDERICK LATRASH, 2836
MARK D. LECHNER, 2568
BRADLEY LEE, 5920
DANIEL G. LEE, 1837
ANDREAS LEINZ, 7293
HOWARD F. LENWAY, 8360
LUIS A. LEON JR., 1322
DONALD B. LESH, 5284
DANIEL B. LIMBERG, 6222
RICHARD W. LINDSAY, 2031
FRANK S. LINKOUS, 0885
CHARLES E. LITCHFIELD, 9795
ERIC L. LITTLE, 8525
R E. LIVINGSTON IV, 9137
JOHN E. LOBB, 1855
ANDREW J. LOISELLE, 5195
JOHN A. LONG, 8021
RANDALL L. LOVELL, 6846
RANDALL J. LYNCH, 6751
JOSEPH F. LYONS, 4625
WILLIAM C. MACK, 9854
ALBERT J. MAGNAN, 7092
CHARLES B. MARKS III, 7305
DANIEL P. MARSHALL, 4713
GEOFFREY K. MARSHALL, 2828
MICHAEL R. MARTIN, 9370
JAMES N. MASSELLO, 9248
TODD H. MASSIDDA, 0995
PAUL G. MATHESON, 3595
AUDWIN D. MATTHEWS, 2995
JOHN E. MAWHINNEY, 1596
GARY A. MAYES, 0729
MICHAEL P. MAZZONE, 4764
ANDREW P. MCCARTIN, 7705
SCOTT A. MCCLURE, 3161
MELINDA L. MCGARVEY, 7595
DARREN J. MCGLYNN, 3902
LARRY L. MCGUIRE, 0312
DENNIS J. MCKELVEY, 2096
WILLIAM P. MCKINLEY, 4016
KENNETH J. MCKOWN, 0637
JOHN M. MCLAIN, 4100
PATRICK K. MCNAMARA, 9873
BRADLEY P. MEEKS, 3390
PAUL J. MEISCH, 9863
JOHN E. MEISSEL, 5261
DOMENICK MICILLO JR., 7112
MICHAEL H. MIKLASKI, 3232
STEPHANIE MILLER, 9913
HUGH E. MILLS JR., 3029
RODNEY A. MILLS, 0609
SCOTT A. MINIUM, 8367
JOHN C. MINNERS, 5609
TOMMY E. MOORE JR., 7004
DAVID G. MORETZ, 0004
GARNER D. MORGAN JR., 7730
JAMES M. MORGAN, 4877
STEVEN B. MORIEN, 6273
FRANCIS D. MORLEY, 1814
JEFFREY E. MORSE, 3146
JOHN R. MOSIER JR., 4171
ALBERT F. MUSGROVE II, 2984
CARL D. NEIDHOLD, 6751
WILLIAM L. NELSON, 8955
PETER R. NETTE, 9466
MICHAEL D. NEUMANN, 7068
JAMES P. NICHOLS, 5949
BRAD A. NISSALKE, 3045
HOWARD J. NUDI, 8852
CATHAL S. OCONNOR, 1668
MICHAEL E. OCONNOR, 4554
BRIAN P. ODONNELL, 4815
THOMAS P. ODOWD, 3530
BRADLEY L. OLDS, 1497
JAMES D. OLEARY II, 3643
DARREN M. OLSON, 6252
THOMAS E. ONEILL IV, 4398
VICTOR M. OTT, 4946
RANDALL C. PACKARD, 9505
EDWARD E. PALMER III, 3074
BOBBY J. PANNELL, 8169
SAMUEL J. PAPARO JR., 9109
ANTHONY J. PARISI, 2040
WILLIAM D. PARK, 3745
GARY W. PARKER, 3401
JOSEPH A. PARRILLO, 4838
RONALD L. PARSLOW, 5248
KENNETH M. PASCAL, 1795
MARCO A. PATI, 1760
GLENN W. PENDRICK, 3190
PAUL A. PENSABENE, 3845
MARC B. PEOT, 2902
ALBERT D. PERPUSE, 1718
THOMAS M. PERRON, 6617
CHRISTOPHER T. PHILLIPS, 6580
CHRISTOPHER J. PIECZYNSKI, 1264
JOHN PINCKNEY, 9234
ROGER E. PLASSE JR., 1815
MARTIN L. PLUMLEIGH, 6642
TODD E. POLLARD, 1592
MARTIN L. POMPEO, 6132
TODD A. PORTER, 3033
CHRISTOPHER S. POWELL, 9108
JEFFREY D. PRATER, 0113
EVERETT S. PRATT, 1133
GREGORY B. PRENTISS, 3583
MICHAEL J. QUINN, 3554
TIMOTHY W. QUINN, 7200
TODD W. RADER, 7930
ANDREW G. RANDER, 6279
NICOLAS RANGEL JR., 2796
CHRISTOPHER G. RAPP, 6824
ROBERT E. RASMUSSEN, 3915
RONALD L. RAVELO, 6235
MICHAEL D. RAYFIELD, 1057
SCOTT E. REIN, 2159
LEONARD V. REMIAS, 4753
TIMOTHY D. REYNOLDS, 2619
WILLIAM F. REYNOLDS, 1900
CHRISTOPHER A. RHODEN, 4093
JOHN C. RING, 8213
JOHN F. RINKO, 9623
BRADLEY W. ROBERSON, 1977
JOHN L. ROBEY, 3625
THOMAS L. ROBINSON, 2734
PATRICK G. ROCHE, 3197
KIMBERLY A. RODDY, 5807
SCOTT W. ROGERS, 5378
JAMES A. ROICK, 2484
PETER A. ROLLICK, 3043
CHRISTOPHER A. ROLLINS, 4255
PHILIP H. ROOS, 0394
ERIK M. ROSS, 7130
WILLIAM ROSSI, 0931
DOUGLAS V. RUSSELL, 3488
MICHAEL R. RYAN, 6623
ROBERT D. SALLADE, 6227
ROBERT W. SANDERS, 7781
TERESA S. SANFORD, 7602
MICHAEL J. SANGSTER, 5450
VINCENT P. SAPORITO, 6118
GEORGE B. SAROCH, 6381
PAUL E. SAVAGE, 6297
DANIEL J. SCHEBLER, 8035
CHRISTOPHER R. SCHENCK, 7641
BRETT R. SCHEXNIDER, 2999
JOEL D. SCHUSTER, 4820
STEPHEN M. SCHUTT, 7082
WILLIAM A. SCHWALM, 1649
WILLIAM B. SEAMAN JR., 2544
BRIAN W. SEBENALER, 2526
THOMAS P. SHAW, 4353
PATRICK O. SHEA, 6122
KENNETH M. SHEEHY, 2151
BENJAMIN A. SHEVCHUK, 1430
STEPHEN A. SHINEGO, 1596
EUGENE P. SIEVERS, 7135
DAVID J. SILKEY, 0564
MARK D. SIMMS, 1407
EDWIN L. SIMS, 2978
SEAN G. SKELLY, 0266
DANIEL J. SMITH, 1871
KENDELL O. SMITH, 9346
STEPHAN M. SMITH II, 3354
WADE H. SMITH JR., 5444
DAVID R. SNOW, 9515
DAVID W. SOMERS III, 4441
IAN R. SORENSEN, 5588
ROBERT C. SPARROCK, 0686
PAUL D. SPEAR, 4324
JEFFREY S. SPEARMAN, 7921
PAUL A. SPILSBURY, 3771
JOHN P. SPRINGETT, 6924
TODD J. SQUIRE, 3572
PAUL A. STADER, 1156
JOHN F. STEINBERGER, 4423
MICHAEL S. STEINER, 1090
MICHAEL A. STONE, 0111
GREGORY W. STRAUSER, 7392
THOMAS H. SUGG JR., 9231
WILLIAM H. SUGGS JR., 4370
MARK J. SULLIVAN, 8364
MARK J. SWAYNE, 3874
JAMES S. SZERBA, 9692
BRUCE H. SZYMANSKI, 0928
TERRY R. TAKATS, 4378
MICHAEL J. TAYLOR, 9840
TODD C. TEMPLETON, 1418
CHRISTOPHER K. THOMASSY, 3267
JEREMY S. THOMPSON, 9475
RITCHARD R. THOMPSON, 2459
STEPHEN M. THOMPSON, 5256
JOHN D. THORLEIFSON, 2932
MICHAEL A. TLUCHOWSKI, 3523
REID T. TOKORO, 2786
ROBERT P. TORTORA, 9369
ARTHUR F. TRAHAN JR., 2879
OWEN M. TRAVIS, 8246
KIRK E. TREANOR, 3331
JOHN L. TREFZ JR., 9135
KAREN A. TSIANTAS, 1878
TIMOTHY P. TUMELTY, 1514
ANDREW K. TURNER, 8536
MARK L. TURNER, 4659
PETER N. TURNER, 5208
BENEDICT J. VALECRUZ, 5936
LESLIE B. VANDAM, 6178
KENT S. VANDERGRIFT, 8344
MARK S. VANYE, 0901
GEORGE J. VASSILAKIS, 2428
REBECCA L. VAUTIER, 1900
RENE VELAZQUEZ, 0839
SCOTT D. VERMILYEA, 7418
MARK F. VOLPE, 8377
JEFFREY R. VONHOR, 8337
THADDEUS O. WALKER III, 5869
JOHN T. WALTERS II, 8910
ANDREW D. WANNAMAKER, 8030
CHARLES J. WASHKO, 4172
HOWARD M. WATSON, 7403
MICHAEL P. WATSON, 3026
JOHN M. WEEKS, 2783
ERIC F. WEILENMAN, 3712
EDMOND J. WEISBROD JR., 6581
JOHN J. WELSH, 8112
RANDAL T. WEST, 2753
EDWARD J. WHALEN, 0878
WILLIAM W. WHEELER III, 9647
BRIAN D. WHITTEN, 8089
PAUL M. WILLIAMS, 2412
ERIC W. WON, 9732
RICHARD K. WOOD II, 0162
DAVID L. WOODBURY, 4332
MOODY G. WOOTEN JR., 6094
ERIK C. WRIGHT, 3153
JAMES R. WYATT, 8026
THOMAS M. YAMBRICK, 5503
MONTE L. YARGER, 1609
STEVEN J. YODER, 0798
MARK O. ZAVACK, 2491
JOHN D. ZIMMERMAN, 3157
MATTHEW R. ZOLLA, 8984
THOMAS A. ZWOLFER, 6727

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 27, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

9:30 a.m.

Health, Education, Labor, and Pensions
Children and Families Subcommittee

To hold hearings on S. 2246, to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools.

SD–430

Governmental Affairs

To hold hearings to examine how the proposed Department of Homeland Security should addess weapons of mass destruction, and relevant science and technoloy, research and development, and public health issues.

SD–342

JULY 10

9:30 a.m.

Veterans' Affairs

To hold hearings to examine the continuing challenges of care and compensation due to military exposures.

SR–418

Energy and Natural Resources
Water and Power Subcommittee

To hold oversight hearings to examine water resource management issues on the Missouri River.

SD–366

2 p.m.

Environment and Public Works

To hold hearings to examine the President's proposal to establish the Department of Homeland Security.

SD–406

JULY 11

10 a.m.

Energy and Natural Resources

To hold hearings to examine the Department of Energy's Environmental Management program, focusing on DOE's progress in implementing its accelerated cleanup initiative, and the changes DOE has proposed to the EM science and technology program.

SD–366
